

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Rita Baker
Charlie Mattern
Kevin Groth
Corby Valentine
Steve Smith
Tony Miller

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
14 SOUTHGATE CENTER, FREEBURG, IL 62243
PHONE: (618) 539-5545 • FAX: (618) 539-5590
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR
Dennis Herzing

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
Ronald Dintelmann

POLICE CHIEF
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY
Stephen R. Wigginton

February 2, 2009

NOTICE

MEETING OF LEGAL AND ORDINANCE COMMITTEES (Annexation; Building; Zoning; Subdivision) Groth/Baker/Mattern

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, February 4, 2009, at 5:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

*Reset to
Thursday
2/5/09 at
5:00pm*

I. Items To Be Discussed

- A. Old Business
 - 1. Approval of January 7, 2009 Minutes
 - 2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code
 - 3. Status of Public Hazard Homes
 - 4. TIF Litigation
 - 5. Stumpf lawnmower repair business
 - 6. Drainage easement grades
 - 7. Bill's Autobody
 - 8. Dusk to Dawn Lighting
 - 9. Updating our code
- B. New Business
 - 1. Building permit for old Tom's Supermarket
- C. General Concerns
- D. Public Participation
- E. Adjourn

At said Legal and Ordinance Meeting, the Village Trustees may vote on whether or not to hold an Executive Session to discuss the selection of a person to fill a public office [5 ILCS, 120/2 - (c)(3)], litigation [5 ILCS, 120/2 - (c)(11)] personnel [5 ILCS, 120/2 - (c) (1) a.]; or real estate transactions [5 ILCS, 120/2 - (c)(5)].

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Groth/Baker/Mattern)
Thursday, February 5, 2009 at 5:00 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 5:09 p.m. by Chairman Kevin Groth on Thursday, February 5, 2009, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Village Administrator Dennis Herzing, Zoning Administrator Phil Borger and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of January 7, 2009 Minutes: Trustee Rita Baker motioned to approve the January 7, 2009 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, motion carried.
2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Minutes from the last meeting were provided to the trustees. Rita said they have started looking through the Nuisance Abatement Code that Dennis received from Maryville. The next meeting is Monday, February 9, 2009 at 7:00 p.m.
3. Status of Public Hazard Homes: Dennis advised Attorney Wigginton responded to Attorney Ysursa's latest letter advising him the wells need to be fixed. We are waiting to hear back from them. Dennis explained the larger open well is the dangerous one. It needs to be filled in and Sheets would have to apply for an EPA permit to do that. Kevin asked if we have enough in our code to cover this problem and Dennis advised yes.
4. TIF litigation: Dennis provided Attorney Wigginton's email advising Koppeis has rejected our offer. We need to make a decision to either offer something different or go to court. Dennis will invite Attorney Wigginton to the next board meeting to discuss this issue.
5. Stumpf lawnmower repair: Dennis advised the case went to trial and Mr. Stumpf was charged with an ordinance violation for operating a home occupation without a special use permit. He agreed to plead guilty, pay a \$100 fine and also agreed to cease selling lawnmowers and repairing mowers for money or personal gain on his property. Phil said Mr. Stumpf told him he is going to continue to cut his neighbor's lawns. Item can be taken off the agenda.

Legal and Ordinance Committee Meeting
Thursday, February 5, 2009
Page 1 of 3

6. Drainage easement grades: Nothing new on this. Charlie will talk to Columbia to see what they have. The Community Improvement Board is discussing this issue.

7. Bill's Autobody: The committee reviewed Attorney's Manion's opinion with regard to Bill's Autobody. He believes if he strips a car for parts, he is operating a junk yard and that can be addressed by our code. Charlie asked what had been done in the past and Rita said when we have requested he clear up the area, he complies but only for a while. The committee agreed to have Dennis send him a letter using the information provided in Manion's letter.

8. Dusk to Dawn Lighting: Kevin will discuss this topic at the next committee meeting.

9. Updating our code: The approximate cost to update our code per page will be \$837.00. Depending upon how the ordinance fits into the book, it could take up more pages than the actual length of the ordinance. The committee agreed they would like to keep the business local.

Trustee Rita Baker motioned to recommend to the full Board our code books be updated by Illinois Codification Services at \$13.50 per page not to exceed 100 pages and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

B. NEW BUSINESS:

1. Building permit for old Tom's Supermarket: Kevin was questioned by someone wanting to know why the purchaser of the old Tom's Supermarket did not get a building permit. Kevin talked to Dennis who told him it would be a change of use in the zoning code, whether it fits into B1 or not. Kevin told the committee we did adopt the International Building Code that the County uses. He said this is a building issue not a zoning issue. He said the code talks about who and who does not need a permit on page 3, "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit." Kevin said we need to require building permits when there is a change in use. Kevin said part of the IMAP mentions concerns that we do not enforce building codes consistently. Kevin said we need to start going by the code we adopted. Charlie asked how that affects Tom's and Kevin said he thinks they need to get a building permit. Rita said we need to either call or send him a letter. Phil said he and Dennis talked about it and he said the question came in with change of use. Kevin said that applies to the zoning code. The policy has been if the work is inside the building, no permit is needed. Phil said in his conversation with new owner of the Tom's Building if the Village gets too stringent with him he would sell the building. Kevin thinks a major policy change is needed. Charlie said he is willing to open up a discussion of what

constitutes a change in use. Phil said when he talked to the owner, he had done research on the fire requirements. Charlie said by not requiring building permits in this instance we are opening ourselves up to a huge risk. The committee agreed to send him a letter to get the process moving and also invite him to the next Legal & Ordinance Committee meeting. Charlie said if he can't wait that long to hold a special meeting and to make it clear to him we will schedule a special meeting. Kevin said for future events, we need to change the policy and have it progress along with our growth and require permits for commercial customers. He wants the Community Improvement Board to look at the International Residence Code.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 5:57 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Groth/Baker/Mattern)
Wednesday, January 7, 2009 at 5:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 5:43 p.m. by Chairman Kevin Groth on Wednesday, January 7, 2009, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Mayor Ray Danford, Village Administrator Dennis Herzing and Zoning Administrator Phil Borger.

A. OLD BUSINESS:

1. Approval of December 3, 2008 Minutes: *Trustee Rita Baker motioned to approve the December 3, 2008 minutes and Trustee Charlie Mattern seconded the motion.* All voting aye, motion carried.

2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Minutes from the last meeting were passed around. Kevin said one thing pretty well agreed on is that we want our community to look nice but the opinions differs on ways to do that. He asked the committee to take the minutes home and read through them.

3. Status of Public Hazard Homes: Dennis said Sheets is basically trying to make a case that when SAVE was annexed, there was language in that agreement that they didn't have to bring their buildings up to code and Sheets feels that somehow affects his case with the Comptom home. He is also trying to use the fact that this house falls into the protected corridor with the Gateway Protector. Dennis said the statute excludes normal maintenance and repairs. Sheets would need IDOT's approval to remodel or remove the home. In order to take the case further, we would need to have a structural engineer look at the building at an approximate cost of \$2,000. There is an open, abandoned well that is not safe and is illegal under EPA rules. Dennis would like to tell Sheets' attorney we won't hook utilities up to the house in its current condition and that the wells need to be sealed up. Dennis will review with Steve Wigginton and get his opinion on what he thinks we should do. Work has started at 409 W. Washington.

4. TIF litigation: There is no new information.

5. Stumpf lawnmower repair: Dennis advised the case is still scheduled for trial on January 20th. He asked Brian what happens since Stumpf's attorney withdrew his representation. Brian advised Stumpf could show up and represent himself or he could not show up and the judge would most likely say he's guilty. Dennis said when Ken Stumpf came in with his attorney, they asked what Ken could do to

Legal and Ordinance Committee Meeting
Wednesday, January 7, 2009
Page 1 of 2

continue his hobby without upsetting the neighbors. Dennis advised them to put together detailed requests of what they wanted. We have never heard back from them. The committee agreed they don't really want to fine him other than to recoup the attorney fees and also don't want him to run a business out of his home. Kevin reminded the committee that in 2006 we changed our definition of a business taking out the part that said "for financial gain," further saying what matters is the intent to make a profit. By our definition, he is running a business.

6. Drainage easement grades: Dennis talked to Kaufman at EPA who thinks Columbia has some stiff ordinances regarding this. Dennis did not find anything online to support this.

7. Bill's Autobody: Dennis advised Brian thinks we have enough in our code to pursue it if we want to. Kevin would like to review Brian's letter more in depth.

8. Identity Theft Program: Dennis put this into ordinance form.

Trustee Rita Baker motioned to recommend to the full Board the Ordinance Adopting an Identity Theft Prevention Policy and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

9. Dusk to Dawn Lighting: Kevin asked Charlie about his comment of 300 feet, and Charlie advised it was just a way to try and limit our risk/exposure. Kevin would like to discuss this more at next month's meeting.

B. NEW BUSINESS:

1. Village of Freeburg v. Angela Ham: The case is over but was provided to the committee for their information. This was an ordinance violation for barking dogs. She agreed to the \$100 fine.

2. Tom Watts v. Village of Freeburg: This is a copy of his suit that was provided to the committee so they knew we were served. We don't have anything new to report.

C. GENERAL CONCERNS: Kevin received a letter from F.X. on updating our code. He also sent a contract with what his services would include. The cost would be \$13.50 per page. Kevin asked Dennis to have Julie figure out about how much it would cost to update the code.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 6:23 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*


Julie Polson
Office Manager

Illinois Codification Services

ESTABLISHED IN 1970

P.O. BOX 69, FREEBURG, ILLINOIS 62243-0069
Telephone: 618/539-5771 — Facsimile: 618-539-9890

December 8, 2008

Hon. Kevin Groth, Village Trustee
Village of Freeburg
2 S State St
Freeburg, IL 62243

RE: Revised Code of Ordinances

Dear Kevin:

Pursuant to our conversation regarding the recodification of the ordinances, I would like to offer the following proposal for the Village Board's consideration:

- (1) **UPDATING THE CODE:** My firm would follow the attached list of activities and prepare 10 complete Village Code updates. We would need a list of ordinances since the last Code was supplemented.
- (2) **SUPPLEMENT:** I would review all of the ordinances passed since #1247 and prepare new pages for the existing Village Codes at a cost of \$13.50 per page. It is our understanding that there are at least 15 code binders in the Village.
- (3) **CD ROM.** The complete code will be available on a CD-ROM.

Therefore, if the Village wishes to proceed, I would need the following:

1. A signed contract.
2. A check for Part "A" of the contract - update.
3. A list of ordinances since the last supplement in 2007.

We would like to extend our thanks to you for inviting us to submit proposal for the recodification of the Municipal ordinances. It is our hope that we may be able to work together on this project in the near future.

Sincerely,



Frank X. Heiligenstein

FXH:kmg
Enclosures

Update & Supplement – No Binders

RESOLUTION NO. _____

WHEREAS, the Illinois Codification Services, hereinafter referred to as the "**Service**", hereby offers to **update and supplement** the ordinances and publish new pages for the existing Code of Ordinances for the **Village of Freeburg, Illinois** a municipal corporation duly organized and existing under the laws of the State of Illinois, hereinafter referred to as the "**Municipality**";

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, ILLINOIS THAT THE FOLLOWING TERMS AND CONDITIONS SHALL APPLY, NAMELY:

A. MECHANICAL SPECIFICATIONS.

- (1) **PRINTING.** The text of the Code will be in ten-point type unless otherwise specified. Upon completion of the editorial research and codification work, the Code will be reproduced to match the existing Code. The pages will be printed on both sides in order to reduce the size of the Code.
- (2) **PAPER.** The specified number of copies of the Code will be set out on 24 pound bond paper or better.
- (3) **PAGE SIZE.** The page size shall be 11" x 8 1/2" in size.
- (4) **LABOR AND MATERIALS.** All labor and materials for the completed Code will be furnished by the **Service**.

B. COMPOSITION WORK. The **Service** will, under the review and supervision of the Attorney for the **Municipality**:

- (1) Classify, edit and codify the ordinances of general and permanent nature passed in final form by the **Municipality** as of the date of this contract; provided, however, that the **Municipality** may forward to our offices, all ordinances passed subsequent to said date for inclusion in the new Code, up to the time of the final preparation of the Code.
- (2) Edit the ordinances referred to in paragraph (1) above so that the provisions of the new Code will be expressed in concise, modern, and proper phraseology, without conflicts, ambiguities and repetitious provisions. Material changes resulting thereby shall be submitted to the Attorney for the **Municipality** for consideration and approval.

- (3) Each chapter of the new Code shall be all inclusive and shall embrace all ordinances dealing with the subject matter of that chapter, and within the chapter itself the ordinances shall be arranged in an orderly and logical fashion.
- (4) Technical codes which have been adopted by reference--e.g., building, plumbing, electrical, and similar technical codes--will be excluded from the Code unless the municipal representative directs the **Service** to include such technical codes in toto. Ordinances adopting such technical codes by reference shall be included and classified in appropriate sections of the Code.
- (5) Only the substantive provisions of each ordinance will be codified; provisions such as the title, ordaining clause and attestation clause of each ordinance being omitted to the extent permitted by law.
- (6) Inform the Attorney for the **Municipality** or the municipal representative of all outmoded or obsolete ordinances and of all apparently conflicting provisions of ordinances where amendment, repeal or new legislation is deemed necessary or advisable or which he, in turn, may recommend to be repealed by the corporate authorities.
- (7) Prepare ordinance and date history for each section of the Code wherever this is possible.
- (8) During the course of the editorial work, the **Service** will make recommendations for new provisions where, in its opinion, there is an obvious need for legislation on specific subjects. However, since the need for new provisions is of a local nature and varies from municipal to municipal, the **Service** will rely primarily upon the **Municipality** to request specific recommendations as to new provisions.
- (9) The Attorney for the **Municipality** or the municipal representative shall accept or reject any or all of the recommendations submitted by the **Service**. The Attorney or municipal representative shall make all legal decisions and determine all legal questions and shall be responsible to the corporate authorities for such determination.
- (10) All editorial work will be performed in the offices of the **Service** in Freeburg, Illinois. Upon completion of the basic editorial research, the **Service** will conduct, if necessary, an editorial conference with the municipal authorities. The **Service** shall supply three (3) draft copies of the Code for review prior to the conference.

- (11) Upon completion of the post conference work, the **Service** will notify the **Municipality** in writing that the Code is ready for printing. No ordinances will be included in the Code enacted subsequent to such notice.
- (12) When the printing is complete, the **Service** will submit three (3) or more copies bound for adoption along with a form of a suggested adopting ordinance.

C. THE MUNICIPALITY WILL:

- (1) **Working Copy of Ordinances.** The **Municipality** will supply to the **Service** one (1) legible working copy of each ordinance which is printed on one (1) side of the paper. If a working copy is not available, the **Municipality** will make the ordinance books available to the **Service** for duplicating. The **Service** will make duplicate copies of the ordinances necessary to the Code and will charge the **Municipality** the **Service's** cost in having the ordinances duplicated.
- (2) **Review of Recommendations.** The **Municipality** will immediately, after receipt of the draft copies of the code and the ordinance report, begin to review the report and recommendations.

D. BASIC COST AND PAYMENT SCHEDULE. The basic cost for the work of updating, editing, and printing of the Code as herein provided to be paid for by the **Municipality**, shall be as follows:

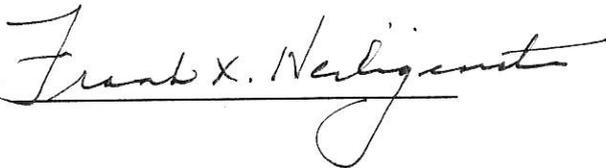
- (1) Money due hereunder shall be due and payable by the **Municipality** as follows:
 - (a) Upon signing this agreement: \$ 500.00
 - (b) 50% of the cost of new pages billed upon submission of final draft @ \$13.50 per page \$ _____
 - (c) Upon final delivery remaining 50%: \$ _____
- (2) 25 Sets of supplement pages on 24 lb. paper and duplexed.
- (3) Any meetings required to review the Code revisions will be at the rate of \$75.00 per hour plus mileage.
- (4) The costs as provided above are based on a page containing type for ordinary composition. In the event the Code should contain tables, drawings, designs, algebraic formulae and the like, the cost of such engravings or tabular matter will be additional to the costs as provided in paragraph (1) above.

- (5) **TIME FOR COMPLETION.** Time is of the essence. It is the intention of the **Service** to deliver the completed code volumes to the **Municipality** within **one (1) year** of the signing of this contract. Should delivery be delayed because of the **Municipality's** delay in performing its duties according to this contract, the **Service** shall have the right to increase the final cost of the Code to compensate for any increase in labor, materials or overhead cost. This cost shall not exceed **two percent (2%)** per month of the basic cost after the anniversary of this contract.

This contract is a valid proposal for the **Municipality** until **April 15, 2008**.

BY: **Frank X. Heiligenstein, D/B/A**
ILLINOIS CODIFICATION SERVICES
FREEBURG, ILLINOIS 62243

DATE: December 9, 2008

SIGNED: 

This resolution is accepted and approved this _____ day of _____,
20____.

SIGNED:

MAYOR _____

VILLAGE CLERK _____

(SEAL)