

**VILLAGE PRESIDENT**  
Seth Speiser

**VILLAGE CLERK**  
Jerry Menard

**VILLAGE TRUSTEES**  
Ray Matchett, Jr.  
Steve Smith  
Mike Blaies  
Mathew Trout  
Dean Pruett  
Elizabeth Niebruegge

# 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**  
Tony Funderburg

**VILLAGE TREASURER**  
Bryan A. Vogel

**PUBLIC WORKS DIRECTOR**  
John Tolan

**POLICE CHIEF**  
Stanley Donald

**VILLAGE ATTORNEY**  
Weilmuenster Law Group, P.C

June 24, 2013

## NOTICE

### **MEETING OF LEGAL AND ORDINANCE COMMITTEES** **Annexation; Building; Zoning; Subdivision** **(Trout/Matchett/Pruett)**

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, June 26, 2013, at 4:45 p.m.**

### **LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA**

#### I. Items to be Discussed:

##### A. Old Business

1. Approval of June 5, 2013 Minutes
2. Status of Public Hazard Homes
3. Update Code Book
4. Nuisance Abatement Code
5. 101 E. Hill
6. Complaints regarding Pickers on Wheels
7. Website

##### B. New Business

1. Furtak – 113 E. Apple Street
2. Increase in fees

##### 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)]; collective negotiating matters between the public body and its employees or their representatives [5 ILCS 120/2 (C)(2)] or real estate transactions [5 ILCS, 120/2 - (c)(5)].

VILLAGE BOARD OF TRUSTEES MEETINGS ARE HELD ON THE FIRST AND THIRD MONDAY OF EVERY MONTH

VILLAGE PRESIDENT  
Seth Speiser

VILLAGE CLERK  
Jerry Menard

VILLAGE TRUSTEES  
Ray Matchett, Jr.  
Steve Smith  
Mike Blaies  
Mathew Trout  
Dean Pruett  
Elizabeth Niebruegge

# 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](http://www.freeburg.com)

Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Trout/Matchett/Pruett)

Wednesday, June 26, 2013 at 4:45 p.m.

VILLAGE ADMINISTRATOR  
Tony Funderburg

VILLAGE TREASURER  
Bryan A. Vogel

PUBLIC WORKS DIRECTOR  
John Tolan

POLICE CHIEF  
Stanley Donald

VILLAGE ATTORNEY  
Weilmuenster Law Group, P.C

The meeting of the Legal and Ordinance Committee was called to order at 4:50 p.m. by Chairman Matt Trout on Wednesday, June 26, 2013, in the Freeburg Municipal Center. Members attending were Chairman Matt Trout, Trustee Ray Matchett, Trustee Dean Pruett, Mayor Seth Speiser, Village Administrator Tony Funderburg, Zoning Administrator Gary Henning, Trustee Elizabeth Niebruegge and Office Manager Julie Polson. Guests present: Gary Mordis, Ann Mordis and Janet Baechle.

### A. OLD BUSINESS:

1. Approval of June 5, 2013 Minutes: Trustee Dean Pruett motioned to approve the June 5, 2013 minutes and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Gary advised the owners of the property located at 111 S. Walnut are having the work bid out to level the home. They plan on selling the property. At the present time, they plan to keep the basement in case someone wants to build on that lot. The demolition should be done within the next couple weeks. Gary has left a message with the person handling the sale of 101 E. Hill to see if that property can be demolished. He has not heard back from her.
3. Update Code Book: We have a Committee as a Whole meeting set for Monday, July 1<sup>st</sup> at 6:30 p.m. Julie advised Frank is not feeling well at the moment and that portion of the meeting could be delayed.
4. Nuisance Abatement Code: Julie checked the court records after the last committee meeting and Stumpf had not paid his fine. Julie said he has until the court date in September to do that.
5. 101 E. Hill: See above.
6. Complaints regarding Pickers on Wheels: Gary and Ann Mordis were present to discuss their purchase of 707 N. State Street for the new location of Pickers on Wheels. The committee voiced their concerns over not having enough room to store the recycling dumpsters and also whether the truck would have enough room to go back behind the business to empty the dumpsters. They also don't want to have a bunch of stuff sitting outside along the highway. Gary said he will use smaller storage bins for the recyclable materials. Zoning Administrator Henning said that storage area must be screened from the adjoining neighbors. He agreed to go out and talk to them to see who owns the fence in between the properties. Gary said that material will not be seen. He will have the bins spread out along the back of his property. Zoning Administrator Henning also brought up the issues that the previous owner, Village Bank, was supposed to take care of. Julie will get a copy of that

Legal and Ordinance Committee Meeting  
Wednesday, June 26, 2013

letter so we can pass those along to Gary Mordis. Administrator Funderburg brought up the parking concerns from the surrounding businesses. Mr. Mordis said he is willing to work with the businesses to make sure there are no problems. Mr. Mordis has requested to have auctions every Wednesday and Gary Henning said as long as they are held inside. Mayor Speiser said as long as they follow the rules, he doesn't see a problem.

7. Website: Julie said it is on our list of things to do but haven't had a chance to work on it.

**B. NEW BUSINESS:**

1. Furtak – 113 E. Apple: Seth gave the history of this property and Furtak's attempts to have it rezoned and when those were unsuccessful, he tried to obtain a special use permit to operate a multi-family dwelling in an SR-1 district which was also unsuccessful. The committee agreed to have Leon go back to the Plan Commission to see if we can rezone the property to allow multi-family use for that lot.
2. Increase in fees: Administrator Funderburg brought up some fees that he would like to see adjusted. Currently our police report fee is \$5, he would like that increased to \$10; the tow release fee is \$0.00 and he would like to start charging \$25 and the business registration fee is \$10 and we would like to increase that to \$25. Julie said it states in the code that she has to prorate the business registration fee and would like to have that language deleted and the committee agreed. Julie said we don't charge for the video gaming machines and she is going to check the state website to see if that is something we should be doing. We currently charge \$20 per machine annually for other coin operated machines.

*Trustee Dean Pruett motioned to recommend to the full Board the police report fee be increased from \$5 to \$10; the tow release fee be increased from \$0.00 to \$25; the business registration fee be increased from \$10 to \$25 and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.*

**C. GENERAL CONCERNS:** Zoning Administrator Henning would like some direction on whether or not he can charge a flat fee for asphalt since it's an improvement. We have not charged a fee to asphalt a driveway in the past. Gary would also like to see a flat fee for commercial remodels. The committee agreed not to charge the current requests but that we would look at a flat fee for that in the upcoming committee meeting with Frank.

**D. PUBLIC PARTICIPATION:** Janet voiced her displeasure over a request to have the food co-op obtain a business registration. She said they are a not-for-profit organization and shouldn't have to get one. The committee discussed whether the distributor should obtain a license for the event.

**E. ADJOURN:** *Trustee Dean Pruett motioned to adjourn at 5:40 p.m. and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.*

Julie Polson  
Office Manager



VILLAGE PRESIDENT  
Seth Speiser

VILLAGE CLERK  
Jerry Menard

VILLAGE TRUSTEES  
Ray Matchett, Jr.  
Steve Smith  
Mike Blaies  
Mathew Trout  
Dean Pruett  
Elizabeth Niebruegge

# 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  
Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Trout/Matchett/Pruett)  
Wednesday, June 5, 2013 at 4:45 p.m.

VILLAGE ADMINISTRATOR  
Tony Funderburg

VILLAGE TREASURER  
Bryan A. Vogel

PUBLIC WORKS DIRECTOR  
John Tolan

POLICE CHIEF  
Stanley Donald

VILLAGE ATTORNEY  
Weilmuenster Law Group, P.C

The meeting of the Legal and Ordinance Committee was called to order at 4:53 p.m. by Chairman Matt Trout on Wednesday, June 5, 2013, in the Freeburg Municipal Center. Members attending were Chairman Matt Trout, Trustee Ray Matchett, Trustee Dean Pruett, Mayor Seth Speiser, Village Clerk Jerry Menard, Village Administrator Tony Funderburg (5:17 p.m.), Zoning Administrator Gary Henning and Trustee Elizabeth Niebruegge.

## A. OLD BUSINESS:

1. Approval of May 1, 2013 Minutes: Trustee Dean Pruett motioned to approve the May 1, 2013 minutes and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Gary was concerned with the property located at 111 S. Walnut. There is a house and barn that needs to be knocked down and is completely covered up by trees/brush. He said the owners hired a firm to come in and gutted the place. The dumpster will be removed sometime this week. Gary also talked to Bill Herr who told him he is still working on getting the trailer base out. Gary gave him 90 days and believes that to be done around July or August 14<sup>th</sup>. Gary provided everyone with a zoning report summarizing what he has worked on. Gary believes he will solve a lot of issues by talking to the people and asking them how much time they need to correct different zoning situations. Mayor Speiser said we are going to go to Personnel and increase Gary's hours to 20 hours per week.
3. Update Code Book: Matt said Frank would like to hold a Committee as a Whole meeting to review his proposals. Tony believes we need the discussion. We will work to get that scheduled.
4. Nuisance Abatement Code: Seth said this was where the Stumpf matter was discussed.
5. 101 E. Hill: Gary does not have a file on this. Seth said this property being sold as an apartment building. Seth said whoever buys it will have to bulldoze it down because it is a derelict building. When they build on that property, they will have to conform to the setbacks on the property. Gary will contact the realtor on Friday and he asked the committee if we could request the building be demolished. Seth said we can demolish it but they would have to pay for that service.
6. Complaints regarding Pickers on Wheels: Gary stated he reached an agreement with Sanders this afternoon. Sanders let Pickers out of their contract and Pickers is leaving. Gary received an email from Sanders and Gary told him he would get it to

Legal and Ordinance Committee Meeting  
Wednesday, June 5, 2013

our attorney and have the case dismissed. Seth said he wouldn't dismiss the case until after July 31<sup>st</sup>. Sanders said he will have everything cleaned up by that date.

Elizabeth asked about a house on Belleville Street that has every single window blocked out. The committee thought it was the old Classen house. Elizabeth saw people living in the home. She will get the address for that house and give it to Gary.

**B. NEW BUSINESS:**

1. Ordinance #1463 – Prevailing Wage: This is an ordinance for prevailing wages set by the State.

*Trustee Ray Matchett motioned to recommend to the full Board Ordinance #1463 – Prevailing Wage Ordinance for approval, there was no second, and ordinance was tabled.*

2. Ordinance #1464 – Amendment of FOIA Ordinance: Tony said this ordinance cleaned up the original FOIA ordinance with new Village officials.

*Trustee Ray Matchett motioned to recommend to the full Board Ordinance #1464 – Amendment of the FOIA Ordinance be approved and Trustee Dean Pruett seconded the motion. All voting aye, the motion carried.*

Tony would like to revise the website and the trustees agreed and said it looks like a mess. Jerry asked if the trustees' salaries are in the budget and Tony said yes. She then asked if raises are included. We can't give a raise if we don't have the money budgeted/appropriated. Tony said we can amend the appropriation ordinance. The budget is more realistic and the appropriation ordinance is a 40% increase of the budget. Tony said he would like to only have to change the budget one time.

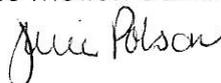
Gary said he needs to talk about posts being placed in the wrong place and set in concrete. He and Seth looked at a home on Mary Ann Court yesterday and says the situation is resolved. Tony talked to Attorney Manion regarding the prevailing wage ordinance and Attorney Manion confirmed this is for people contracted to work on our jobs.

*Trustee Ray Matchett motioned to recommend to the full Board Ordinance #1463 – Prevailing Wage Ordinance for approval and Trustee Dean Pruett seconded the motion. All voting aye, the motion carried.*

**C. GENERAL CONCERNS:** None.

**D. PUBLIC PARTICIPATION:** None.

**E. ADJOURN:** *Trustee Dean Pruett motioned to adjourn at 5:33 p.m. and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.*



Transcribed from tape by  
Julie Polson  
Office Manager

VILLAGE PRESIDENT  
Ray Danford

VILLAGE CLERK  
Jerry Menard

VILLAGE TRUSTEES  
Mike Blaies  
Steve Smith  
Tony Miller  
Rita Baker  
Seth Speiser  
Charlie Mattern

# 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  
Weilmuenster Law Group, P.C.

## MEMORANDUM

DT: April 27, 2011

TO: The Honorable Raymond Danford  
Village Trustees

FR: Mr. Dennis Herzing, Administrator

RE: **PLAN COMMISSION HEARING**

The Plan Commission met on Thursday, April 21, 2011, to consider a request from Leon Furtak to amend the Zoning Code to rezone the property at 113 E. Apple St. from SR-1 to MR-2.

Several residents of the neighborhood were in attendance and there were comments for and against the proposed rezoning. After some discussion, a motion was made by Bill Schwartz and seconded by Sam Nold to recommend approval of the rezoning.

On roll call vote, Schwartz and Nold voted no and Steve Woodward and Dale Klohr voted yes. Bryan Vogel abstained. The motion was not approved.

Minutes of the Plan Commission hearing are attached.

If you have any questions, please feel free to contact me.

*Board motioned to take to L/O committee, committee decided  
more discussion was needed and scheduled a C.A.A.W. meeting  
on 5/16/11.*

*Committee voted to recommend the rezoning request from SR-1  
to MR-2 be denied - went to 5/16/11 board meeting where motion  
to rezone failed.*

VILLAGE PRESIDENT  
Ray Danford

VILLAGE CLERK  
Jerry Menard

VILLAGE TRUSTEES  
Rita Baker  
Seth Speiser  
Charlie Mattern  
Ray Matchett, Jr.  
Steve Smith  
Mike Blaies

# 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  
Weilmuenster Law Group, P.C

## MEMORANDUM

Date: July 1, 2011  
To: The Honorable Raymond Danford  
Village Trustees  
From: Phil Borger *PB*  
Zoning Administrator  
Re: Plan Commission Hearing 6/30/11

---

The Plan Commission met on Thursday, June 30, 2011, to consider a request from Leon Furtak to amend the Zoning Code to rezone the property at 113 E. Apple Street from SR-1 to MR-1.

Several of the residents of the neighborhood were in attendance and there were comments for and against the proposed rezoning. After some discussion, a motion was made by Dale Klohr and seconded by Mary Krieg to recommend approval of the rezoning.

On roll call vote, Schwartz voted no and Mary Krieg, Steve Woodward, Sam Nold and Dale Klohr voted yes. The motion was approved.

If you have any questions, please feel free to contact me.

/jp

*No action taken by board at 7/1/11 meeting*

## VILLAGE OF FREEBURG

MEMORANDUM

Date: May 3, 2012  
To: The Honorable Raymond Danford  
Village Trustees  
From: Phil Borger  
Zoning Administrator  
Re: Plan Commission Hearing 4/19/12

---

The Plan Commission met on Thursday, April 19, 2012, to consider another request from Leon Furtak to amend the Zoning Code to rezone the property at 113 E. Apple Street from SR-1 to MR-1.

Mr. Furtak presented additional information since the last hearing advising there are several single-family districts which contain duplexes. Mr. Matusak was present to voice his concerns over future problems if the property is rezoned. After some discussion, a motion was made by Mary Krieg and seconded by Bill Schwartz to recommend approval of the rezoning.

On roll call vote, Mary Krieg, Bill Schwartz, Steve Woodward, Sam Nold and Dale Klohr voted yes, Bryan Vogel was absent. The motion was approved.

If you have any questions, please feel free to contact me.

/jp

May 7, 2012 board denied the motion to rezone the property

Board motioned to request Plan Comm. to consider recommendation to zoning code to authorize 2 family units a special use in the SR-1 district

VILLAGE PRESIDENT  
Ray Danford

VILLAGE CLERK  
Jerry Menard

VILLAGE TRUSTEES  
Rita Baker  
Seth Speiser  
Charlie Mattern  
Ray Matchett, Jr.  
Steve Smith  
Mike Blaies

# 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  
Weilmuenster Law Group, P.C

## MEMORANDUM

DT: July 13, 2012

TO: Village Board

FR: Dennis Herzing, Village Administrator

RE: Proposed Amendment to the Zoning Code

The Plan Commission met on Thursday, July 12, 2012, to consider a request from the Village Board to amend the Zoning Code to list two family dwellings as a Special Use in the SR-1 zoning district. Mr. Leon Furtak and Mr. Peter Matusak were in attendance and both testified in favor of the proposed amendment.

Much of the discussion centered on Mr. Furtak's property at 113 E. Apple St. The Plan Commission had previously voted to recommend rezoning of that property from SR-1 to MR-1. It was the general consensus of the members that the proposed amendment would lead to numerous requests for special use permits and result in many more two family dwellings in single family neighborhoods.

A motion was made by Bill Schwartz and seconded by Mary Krieg to recommend approval of the proposed amendment.

On roll call vote, Schwartz, Nold and Steve Woodward voted no and Mary Krieg voted yes. The motion was not approved.

Minutes of the Plan Commission hearing will be submitted as soon as they are available.

If you have any questions, please feel free to contact me.

7/16/12 - Board accepted Plan Comm recommendation nSL  
to allow 2-family dwelling units as a Special  
Use in the SR-1 district

hearing. The Mayor, Village Clerk, or designee of the Mayor shall make a final determination as to the rights of the consumer and the village based on the information received at the hearing.

(4) The consumer shall be notified within five working days of the decision rendered by the hearing officer. If the service is to be discontinued, a date and time will be set out in the notice to terminate the service or services of the consumer. Notice of the hearing officer's decision shall be made by first-class mail.

(5) If the hearing officer decides in favor of the village, the village shall have the right to discontinue the consumer's utility services. Should the consumer fail to appear at the hearing or should the notice be returned nonaccepted, then the village shall also have the right to terminate the consumer's utility services without further proceedings.

(6) If utility services are going to be terminated under this code for a person renting, leasing, or occupying a structure, the property owner may sign the prescribed release form in the Village Clerk's office specifying that he or she waives the utility cut-off provisions of this code and assumes responsibility for all utility fees, charges, and late charges for the person renting, leasing, or occupying his or her property. The Village Board reserves the right to terminate the utility services if the terms and conditions of the waiver are not followed.

\* (7) Once utility services have been disconnected [terminated], the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of \$20 for each connection of such utility services, plus expenses incurred in the reconnecting of the utility services.

(I) *Lien notice.*

(1) Whenever a bill for utility services remains unpaid for 45 days after it has been rendered, the Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the municipality claims a lien for this amount as well as for all charges for utility services served subsequent to the period covered by the bill.

(2) If the consumer of utility services whose bill is unpaid is not the owner of the premises, and the Clerk has notice of this, then notice shall be mailed to the owner of the premises if his or her address is known to the Clerk, whenever such bill remains unpaid for a period of 45 days after it has been rendered.

(3) The failure of the Clerk to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid utility bills as mentioned herein.