

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

September 27, 2013

NOTICE

A SPECIAL MEETING OF THE BOARD OF TRUSTEES

A **Special Meeting** of the Board of Trustees of the Village of Freeburg will be held at the Municipal Center, 14 Southgate Center, Freeburg, Illinois, on **Monday, September 30, 2013, at 9:00 a.m.**

SPECIAL MEETING OF THE BOARD OF TRUSTEES' AGENDA

A. Items To Be Discussed

1. **A RESOLUTION OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, ILLINOIS TO ESTABLISH REVIEW OF LIQUOR HEARINGS ON THE RECORD**

2. **Adjourn**

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SPECIAL MEETING OF THE BOARD OF TRUSTEE MONDAY, SEPTEMBER 30, 2013 MINUTES

CALL TO ORDER: Mayor Speiser call Special Meeting of the Board of Trustees to order at 9:00 a.m. Monday, September 30, 2013, in the Freeburg Municipal Board Room.

PLEDGE OF ALLEGINANCE: Those present and the Board Members recited the Pledge of Allegiance,

ROLL CALL: Trustee Ramon Matchett, Jr. – here; Trustee Dean Pruett – here; Trustee Elizabeth Niebruegge – here; Trustee Steve Smith – here (by conference call); Trustee Mike Blaies here (by conference call); Trustee Matt Trout – here (by conference call); Mayor Seth Speiser – here; (7 present, 0 absent).

Mayor Speiser stated a Resolution of the President and Board of Trustee of the Village of Freeburg, Illinois to establish review of Liquor Hearings on the Record.

Mayor Speiser asked Attorney Brian Manion to take the floor.

Brian said he asked to have this Special meeting to be called for we are going to have a hearing to consider action on the liquor license on Burgards Tavern this afternoon. Brian said we had trouble last week getting some direction from the State Liquor Control Commission, finally at the end of the day Thursday we were able to speak to an attorney up there. This Resolution is something that is required under the Liquor Control Act. Basically it has to do with the Appeal Rights once the decision is made by the local Liquor Commissioner. Without this Resolution and if there was to be an appeal the State Liquor Commission than would have no board review. Brian said what that means they will conduct brand new hearing and both sides would have the opportunity to present evidence on what they want. With the passing of this Resolution what will happen; if there is an appeal the State Liquor Commissioner will only look at the transcript of what evidence that was present at the hearing that day, here at the local level, and basically give deference of finding of the facts made by the Liquor Commissioner. This is the purpose of this Resolution. Attorney Manion asked if there are any questions.

Trustee Smith asked why they were allowed to open back up for business. Attorney Manion said they were only suspended for 7 days on an emergency bases. That emergency basis ran out on Friday.

Mayor Speiser asked does everyone understanding this Resolution.

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Mayor Speiser asked is there anymore discussion or questions on this Special Meeting regarding the Resolution. Hearing none, could we have a motion on the floor to adopt Resolution 13-14?

Trustee Ramon Matchett, Jr. motioned to adopt Resolution 13-14 by title only and Trustee Dean Pruett seconded the motion. ROLL CALL: Trustee Ramon Matchett, Jr.- aye; Trustee Dean Pruett – aye; Trustee Elizabeth Niebruegge – aye; Trustee Steve Smith – aye; Trustee Mike Blaies – aye; Trustee Matt Trout – aye. (6 ayes, 0 nays, 0 absent) 3 ayes by conference call, 3 ayes present. All voting aye, motion carried.

Mayor Speiser called for Public Participation:

Mr. James Andrews took the floor to address his concern over the issue on Burgards Tavern. Mr. Andrews said he is here also to speak for the people of his church Faith Baptist. Mr. Andrew expressed why he does not want to see the tavern reopen under any conditions. He spoke about the problems that the church had to deal with over the years with different things going on at the tavern and the employees that work there and the owner Rod Kapp. Mr. Andrew expresses his appreciation to the board for listening to him and thanked them. Mr. Andrews asked if the public can attend the hearing today. Attorney Manion replied yes, but it is nothing like a like court, the only ones who will be allowed to speak at this hearing is the Liquor Commissioner, attorneys, and witness's who will be called upon, there is no public participation.

Mayor Speiser asked for a motion to adjourn the meeting.

Trustee Ramon Matchett, Jr. motioned to adjourn the meeting at 10:20 a.m. and Trustee Elizabeth Niebruegge seconded the motion. All voting aye, the motion carried.


Jerry Lynn Menard
Village Clerk

RESOLUTION NO. [REDACTED] _____

**A RESOLUTION OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF FREEBURG, ILLINOIS TO ESTABLISH REVIEW OF LIQUOR
HEARINGS ON THE RECORD**

WHEREAS, the Village of Freeburg, Illinois, is a municipal corporation of the State of Illinois;
and

WHEREAS, Illinois Compiled Statutes, Chapter 235, Section 5/7-9, provides that:

Any appeal to the Illinois Liquor Control Commission shall be limited to a review of the official record of the proceedings of such local liquor control commissioner if the city council or board of trustees or county board, as the case may be, has adopted a resolution requiring that such review be on the record.

NOW, THEREFORE, be it resolved by the President and Board of Trustees of the Village of Freeburg, St. Clair County, Illinois as follows:

that effective upon the passage of this resolution, all review or appeal of the actions or orders of the local liquor control commissioner of the Village of Freeburg, Illinois, shall be made by the Illinois Liquor Control Commission on the official record made before the local liquor control commissioner.

All resolutions or parts thereof in conflict with the provisions of this resolution are hereby repealed.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG,
ILLINOIS, THIS ____ DAY OF _____, 2013.

AYES: _____

NAYES: _____

ABSENT: _____

APPROVED BY THE PRESIDENT OF THE VILLAGE OF FREEBURG, ILLINOIS,
THIS ____ DAY OF _____, 2013.

SETH SPEISER
President, Board of Trustees
Village of Freeburg, Illinois

ATTEST:

Village Clerk

(SEAL)