

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.

FREEBURG REGULAR BOARD MEETING Monday, April 16, 2012 at 7:30 P.M. Board Meeting

CALL TO ORDER: Mayor Ray Danford called the Regular Board Meeting to order at 7:30 p.m., on Monday, April 16, 2012 in the Freeburg Municipal Board Room.

PLEDGE OF ALLEGIANCE: Those present and the Board Members recited the Pledge of Allegiance.

ROLL CALL: Trustee Charlie Mattern - absent; Trustee Steve Smith - here; Trustee Rita Baker - here; Trustee Mike Blaies - here; Trustee Raymond Matchett, Jr. here; Trustee Seth Speiser - here; Mayor Ray Danford - here; (6 present, 1 absent). Mayor Ray Danford announced there is a quorum.

MINUTES OF PREVIOUS MEETING: Mayor Danford said the minutes for the April 2nd meeting are not available for this meeting for approval.

FINANCE: Trustee Smith said we need to schedule a Committee As A Whole to review the budget. Trustee Smith said the Committee As A Whole meeting will be May 2, 2012 at 7:00 p.m.

Treasurer's Report: None

Attorney's Report: None

ESDA Report: Mayor Danford said everyone should have an ESDA report in front from of them Gene. Mayor Danford asked if there any comments on it.

PUBLIC PARTICIPATION: Mayor Danford called for public participation;

1. Jerry Gauch stated that most of us here tonight are here about the ordinance of ball playing in the street. Jerry said he was given a piece of paper from a police officer stating the children can not play ball in the street any more, and was here to let the village board know that this is a bad rule. We live on a cul-de-sac and there is no through traffic. And he has contacted all of the neighbors but one and they said it is ok with them that the children play ball in the street. Mayor Danford called on Jim Yeager and he stated the reason his kids play ball in the street it is easier for them to see a car coming down the street than playing in the driveway and the ball rolls down the driveway the kids are focused on the ball instead looking for a car coming. Mayor Danford asked is there anyone else who would like to speak on this subject. Denise Albers took the floor and commented why didn't the police officer address the parents instead of the kids. Denise said it was Officer Cappello and he did explain why he talked to the kids instead of the parents and she understood his reason for talking to the kids first. Denise said her concern is why was this acted up on so quickly and wasn't brought back to the board to discuss this very outdated ordinance.

Village of Freeburg Board Meeting Minutes
Monday, April 16, 2012
Page 1 of 8

Mayor Danford said he does attend to address this issue if there aren't anymore comments on this. Jamie Blazier took the floor to say she doesn't like taking her kids to the park because she feels like it is not safe and she definitely can't let her kids go by themselves. You have older kids asking if they want to smoke. So she feels her kids are safer at home and now you are telling us they can't play in the street in front of our homes. She thinks this warning should have been addresses better than it was. Mayor Danford called on Tony Miller to take the floor. Tony said he wants to know who brought this forward and why all of a sudden it is being enforced. If that is the case then we need to pull out every ordinance in the book an enforced every word to its final letter. Tony asked is there any answer where this came from. Mayor Danford said he is going to ask the Chief of Police Mel Woodruff to step in and explain a lot of it. Mayor Danford said the complaint did start with a citizen. Chief Woodruff took the floor. Chief Woodruff told the concerned citizens how the enforcement effort came about and why his department has taken such a pro-active approach to this particular problem. Chief Woodruff explained that second-hand complaint about some children playing basketball in the street was forwarded to his agency by St. Clair County Board member Frank Heiligenstein's office. Chief Woodruff stated that this is not the first time in the 12 years he has worked here that the Village has enforced the ordinances against playing basketball on the street. Chief Woodruff stated the Village has an ordinance that prohibits the placement of any item on streets or sidewalks. Chief Woodruff also said that he understood the residents' concerns, but it is the burden of the police department to enforce all sorts of nuisance ordinances that are already on the books. He said all towns have similar ordinances. Mayor Danford said he agreed that the Village Board may need to review these ordinances and consider some modifications. Mayor Danford said the ordinance against playing ball in the street is one of the older laws on the books and it appears to be too vague and the Board needs to clarify the intent of this ordinance or eliminate it. Mayor Danford said that it is unlikely the Board would eliminate this ordinance altogether because it is a safety issue. Mayor Danford said however, the Board is likely to address the vagueness of this ordinance and attempt to better define the issues involved, especially given the level of the concern from the citizens. Mayor Danford said he was sure the Village Board and he will try to balance the needs of the entire community. Mayor Danford stated that the Board members also live in town and they do share the same concerns of those residents in attendance tonight. Mayor Danford said in the meantime this will put the police department in an uncomfortable position of enforcing these ordinances until a change can be acted upon. Mayor Danford said he would like to assure those here tonight that it is not the intention of the Village to cite anyone. Mayor Danford said the Legal and Ordinance Committee will begin the process of reviewing these ordinances at their next committee meeting which is scheduled for Wednesday, May 2nd at 5:00 p.m. and the public is welcome to attend.

2. Tony Miller took the floor on another subject. Tony asked about the pool. Mayor Danford said you may or may not be aware it is a mess, but it is coming along. Tony asked is it going to be ready to open at some time this year. Mayor Danford said he doesn't know. Mayor Danford said Tony we do not know if you knew we had a minor jurisdictional labor issue which did delay the delivery of concrete and now this issue has been resolved and we are moving along.

Mayor Danford said yes we are looking at sometime late in May, however the weather will play the largest role in determining if the completion date can be met. Tony asked has the Village sold any passes. Administrator Herzing said people have been calling asking if the prices are going to change or are they still going to be the same. Our answer here in office that we have been telling people that no price increases are expected for season passes at this time. Administrator Herzing said there are some concerns how the Village will handle pricing if the pool does fail to open on schedule. Tony said he would like to make a suggestion when we get to that point when we open the pool and if it doesn't open up until sometime in June just have a everyday price instead of passes asking for a couple of bucks to get in just to get the people interested in attending and enjoying the new pool.

3. Tony still had the floor to ask another question. Tony asked are we getting tax dollars on the co-op that is town. Mayor Danford said yes, but not in the way you are thinking. Tony asked is it like a corn stand in Collinsville. Mayor Danford said no it is a little different from that. Mayor Danford said from what he has seen and the way that operation is it's an internet sale and the state of Illinois does monitor the licensing and reporting the tax on that and there is a use tax that Illinois charges for that. Mayor Danford said yes we are going to get tax money from the state of Illinois, but we will have to fight for what we think our share should be. Tony said he was concerned because we have dealt with other issues like this before.

REPORTS AND CORRESPONDENCE: Exhibit B

1. EWR Architects Statement: Administrator Herzing stated we made a decision not to pay this company for a while depending on getting the permit and getting the project going. Now everything is fine and moving along.

*Trustee Rita Baker motioned to pay EWR \$7,195 for a portion of the design work and for construction observation at the facility and Trustee Raymond Matchett seconded the motion. **ROLL CALL:** Trustee Rita Baker - aye; Trustee Raymond Matchett, Jr. - aye; Trustee Steve Smith - aye; Trustee Mike Blaies - aye; Trustee Seth Speiser - aye; Trustee Charlie Mattern - absent; (5 ayes, 0 nays, 1 absent). 5 voting aye, motion carried.*

Exhibit C:

2. Davinroy Mechanical Contractor's Pay Request #1:

*Trustee Raymond Matchett Jr. motioned to approve payment for Phase I of the pool construction to Dainroy Mechanical Contraction Company 199,342.71 and Trustee Rita Baker seconded the motion. **ROLL CALL:** Trustee Raymond Matchett, Jr. - aye; Trustee Rita Baker - aye; Trustee Mike Blaies - aye; Trustee Seth Speiser - aye; Trustee Steve Smith - aye; Trustee Charlie Mattern - absent; (5 ayes, 0 nays, 1 absent). 5 voting aye, motion carried.*

RECOMMENDATIONS OF BOARDS AND COMMISSIONS: None

CONTRACTS, RELEASE, AGREEMENTS, ANNEXATIONS: Exhibit D

1. Rhutasel and Associates Proposal for Safe Routes to School Project:

Trustee Raymond Matchett Jr. motioned to hire Rhutasel and Associates to be the engineer for the Safe Routes to School project and Trustee Steve Smith seconded the motion. ROLL CALL: Trustee Raymond Matchett, Jr. - aye; Trustee Steve Smith - aye; Trustee Rita Baker - aye; Trustee Mike Blaies - aye; Trustee Seth Speiser - aye; Trustee Charlie Mattern - absent; (5 ayes, 0 nays, 1 absent). 5 voting aye, motion carried

BIDS: Exhibit E: Mayor Danford stated this is the winning bid for the lawn mowing service contract for the Village.

Trustee Rita Baker motioned to accept KMK Lawns bid to mow the Village's 14 properties at a cost of \$400 per mowing and Trustee Raymond Matchett seconded the motion. ROLL CALL: Trustee Rita Baker - aye; Trustee Steve Smith - aye; Trustee Mike Blaies - aye; Trustee Raymond Matchett, Jr. - aye; Trustee Seth Speiser - aye; Trustee Charlie Mattern - absent; (5 ayes, 0 nays, 1 absent). 5 voting aye, motion carried.

RESOLUTIONS: None
ORDINANCES: None
OLD BUSINESS: None

NEW BUSINESS: Mayor Danford asked for a motion to go into Executive Session.

**REGULAR BOARD MEETING
EXECUTIVE SESSION
9:15 P.M.**

Trustee Rita Baker motioned to go into Executive Session to discuss personnel {5 ILCS, 120/2 (C) (1) } and collective negotiating matters between the public body and its employees or their representatives {5 ILCS, 120/2 - (c) (2) and Trustee Steve Smith seconded the motion. ROLL CALL: Trustee Rita Baker - aye; Trustee Steve Smith - aye; Trustee Seth Speiser - aye; Trustee Raymond Matchett, Jr. - aye; Trustee Mike Blaies - aye; Trustee Charlie Mattern - absent; (5 ayes, 0 nays, 1 absent). 5 voting aye, motion carried.

**EXECUTIVE SESSION ENDED
10:45 P.M.**

Trustee Rita Baker motioned to reconvene the Regular Board Meeting at 10:45 p.m. and Trustee Steve Smith seconded the motion. All voting aye, the motion carried.

APPOINTMENTS: None

COMMITTEE MEETING REPORTS:

Legal and Ordinance Committee Meeting: Trustee Speiser called the Legal and Ordinance Committee meeting to order on Wednesday, April 4, 2012 at 4:30 p.m.

1. Nuisance Abatement: Trustee Speiser said there has been no clean up on Bill Herr property. Trustee Speiser said couple of residents are willing to sign a complaint against Mr. Stumpf.

2. Political Sign Ordinance: Trustee Speiser said Dennis is working this.

3. Class C Liquor License: Trustee Speiser said we discussed the Class C Liquor License and the language in it which needs to be changed. Trustee Smith asked are we going to allow Motto Mart and Casey's to sell liquor 24 hours. Trustee Speiser said no; the ordinance is too vague and we need to reword it.

Personnel/Police Committee Meeting: Trustee Baker called the Personnel/ Police Committee meeting to order on Monday, April 9, 2012 at 7:00 p.m. Trustee Baker said most of the meeting was spent in Executive Session.

1. Matt Moeckel accident: Trustee Baker said we did hear from Chief Woodruff on Officer Moeckel status, and he had successful surgery and is now going through physical therapy, he thinks he should be back at the beginning of summer.

2. Employee Handbook: Trustee Baker said we talked about the employee handbook; Public Works on call status nothing was finalized on that.

3. Non-union employee raises: Trustee Baker said we talked about the non-union employees' raises at this time she would like to make a motion.

*Trustee Rita Baker motioned the non-union employees receive a 2% raise retroactive from April 1, 2011 - March 31, 2012 and a 3% raise effective April 1, 2012 and Trustee Steve Smith seconded the motion. **ROLL CALL:** Trustee Rita Baker - aye; Trustee Steve Smith - aye; Trustee Mike Blaies - aye; Trustee Raymond Matchett, Jr. - aye; Trustee Seth Speiser - aye; Trustee Charlie Mattern - absent (5 ayes, 0 nays, 1 absent). With 5 voting aye, the motion carried.*

Trustee Baker said she would also like to take this opportunity to make another motion.

*Trustee Rita Baker motioned to terminate the employment of probationary police officer Kurt Schmalbach and Trustee Steve Smith seconded the motion. **ROLL CALL:** Trustee Rita Baker - aye; Trustee Steve Smith - aye; Trustee Mike Blaies - aye; Trustee Raymond Matchett, Jr. - aye; Trustee Seth Speiser - aye; Trustee Charlie Mattern - absent (5 ayes, 0 nays, 1 absent). With 5 voting aye, motion carried.*

4. Lineman:

1. Trustee Baker said we talked about hiring another lineman. Dennis said we have a couple of resumes already here in the office; we will most likely start having some interviews.

2. Trustee Baker said we denied Dennis a 1.5 day of vacation because he is short on his vacation this year, but we did agree to grant 1.5 day of unpaid leave.

Electric Committee Meeting: Trustee Blaies called the Electric Committee meeting to order on Wednesday, April 17, 2012 at 5:30 p.m.

1. Fuel Cost Adjustment: Trustee Blaies said John has talked to Coy from HD Supply who has talked to several co-ops and put together spreadsheets of what the charges will be.

2. Arc Flash Study: Trustee Blaies said we are going to be able to rent the coveralls for safety issues without having to buy them. Trustee Blaies said he would like make a motion at this time.

*Trustee Mike Blaies motioned to approve an expenditure of \$92,000 to BHM&G Engineers, of Arnold to upgrade relays and perform testing on the Village's power system and Trustee Raymond Matchett, Jr. seconded the motion. **ROLL CALL:** Trustee Mike Blaies - aye; Trustee Raymond Matchett, Jr. - aye; Trustee Seth Speiser - aye; Trustee Rita Baker - aye; Trustee Steve Smith - aye; Trustee Charlie Mattern - absent (5 ayes, 0 nays, 1 absent). With 5 voting aye, the motion carried.*

3. Spill containment/Wiegmann: Trustee Blaies said we talked a little about Wiegmann expansion and they will come up with a work schedule for us.

4. Charter Agreement: Trustee Blaies said Dennis is working on finalizing the contract with this issue.

5. Shed: Trustee Blaies said Ron has drawn up a couple of different plans for the shed.

6. Electric lineman/Apprentice Lineman: Trustee Blaies said we discussed the apprenticeship applications for the position of lineman.

7. Old Power Plant Roof: Trustee Blaies said we might have to have some work done on the old power plant roof. We have a leak where the noon whistle sits and we will get some bids on this.

Public Property Committee Meeting: Trustee Matchett called the Public Property Committee meeting to order on Wednesday, April 11, 2012 at 6:30 p.m.

1. Pool: Trustee Matchett said Administrator Herzing provided the committee an update on the renovation of the pool. Trustee Matchett said we already took care of Davinroy Mechanical Contractor's pay request this evening.

2. **Safe Routes to School:** Trustee Matchett said we talked about safe routes to school and we hired Rhutasel & Associates as the engineering firm earlier on the agenda to do Safe Routes to School project.
3. **Welcome to Freeburg sign:** Trustee Matchett said we are looking at this project. Trustee Matchett said there are other organizations who are interested in hanging their sign on our Welcome to Freeburg sign.
4. **New Fogger machine:** Trustee Matchett said we have a couple of quotes on a new fogger machine.
5. **Spring Clean Up:** Trustee Matchett said that the Spring Clean Up in April is still scheduled for April 20th - 23rd.
6. **Lawn Bid:** Trustee Matchett said the lawn mowing bid went to KHK Lawns.
7. **Lawn care for Village Hall property:** Trustee Matchett said we have received two quotes for the lawn care here at the Village Hall. Trustee Matchett said we are looking in to see if we can do this project ourselves to save the village some money.
8. **Senior Citizens request:** Trustee Matchett said the Senior Citizens have requested to place their sign on the Village sign.
9. **FFA request to plant flowers:** Trustee Matchett said FFA would like to plant some flowers in the Village Park and the committee agreed to the request.

UP COMING MEETING:

- Water/Sewer Committee Meeting - Wednesday, April 18, 2012 - 5:30 p.m.
- Plan Commission Meeting - Thursday, April 19, 2012 - 7:00 p.m.
- Personnel /Police Committee Meeting - Wednesday, April 23, 2012 - 7:00 p.m.
- Legal/Ordinance Committee Meeting - Wednesday, May 2, 2012 - 5:00 p.m.
- Finance Committee Meeting - Wednesday, May 2, 2012 - 6:00 p.m.
- Committee As A Whole Meeting - Wednesday, May 2, 2012 - 7:00 p.m.
- Economic Development Committee Meeting - Wednesday, May 9, 2012 - 7:30 p.m.
- Board Meeting - Monday, May 7, 2012 - 7:30 p.m.

VILLAGE BOARD AND STAFF COMMENTS:

Trustee Charlie Mattern: absent

Trustee Steve Smith: No thank you

Trustee Rita Baker said she would like to thank for the cooperation of our employees.

Village Clerk Jerry Menard: No thank you

Trustee Mike Blaies: No thank you

Trustee Raymond Matchett: No thank you

Trustee Seth Speiser he would like for Tom to put something in the paper on the basketball issue letting the public know that this issue will be on our agenda at the May 2nd meeting and they are welcome to attend.

Staff Comments: None

ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 11:01 p.m. and Trustee Steve Smith seconded the motion. All voting aye, the motion carried.*



Jerry Lynn Menard
Village Clerk