

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

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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 1, 2013 at 7:30 P.M. Board Meeting Minutes

CALL TO ORDER: Mayor Ray Danford called the Regular Board Meeting to order at 7:30 p.m., on Monday, April 1, 2013 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 - here; Trustee Seth Speiser - here; ; Trustee Steve Smith - here; Trustee Raymond Matchett, Jr. – here Trustee Rita Baker - here; Trustee Mike Blaies – here; Mayor Ray Danford - here; (7 present, 0 absent). Mayor Ray Danford announced there is a quorum.

Trustee Raymond Mathett, Jr. asked to make a motion to amend the agenda to go into Executive Session to discuss personnel {5 ILCS, 120/2 – (c)(1) Mayor Danford said a motion by Trustee Matchett has been made for the good of the Village.

REGULAR BOARD MEETING EXECUTIVE SESSION 7:33 P.M.

*Trustee Raymond Mathett, Jr. motioned to amend the Regular Board Meeting agenda to go into Executive Session to discuss personnel {5 ILCS, 120/2 – (c)(1) and Trustee Rita Baker seconded the motion. **ROLL CALL:** Trustee Raymond Matchett, Jr. - aye; Trustee Rita Baker- aye; Trustee Steve Smith - aye; Trustee Mike Blaies - aye; Trustee Seth Speiser - aye; Trustee Charlie Mattern - aye; (6 ayes, 0 nays, 0 absent). All voting aye, the motion carried.*

EXECUTIVE SESSION ENDED 8:46 P.M.

Trustee Rita Baker motioned to reconvene the Regular Board Meeting at 8:48 p.m. and Trustee Steve Smith seconded the motion. All voting aye, the motion carried.

Mayor Danford stated Executive Session was about personnel, which is not subject to public discussion so there wouldn't be any reference to that at this point. Trustee Matchett asked to make a motion to reprimand an employee for gross misconduct.

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Mayor Danford stated that the motion is denied per the Open Meeting Act, since the item was not listed on the agenda. Attorney Manion says that it is his position that simply making a motion equates to asking the board to act, therefore, it constitutes taking final action. Trustee Speiser asked does this mean we cannot make a motion to vote on anything at the board meeting that is not stated on the agenda. Mayor Danford said correct; the Open Meeting Act has been more specific within the last couple of years in that respect and that is why we have had some changes to our agenda just recently.

MINUTES OF PREVIOUS MEETING:

Exhibit A:

Mayor Danford said we have minutes for approval from Monday, March 18, 2013 Regular Board meeting.

Trustee Rita Baker motioned to approve the minutes of Monday, March 18, 2013 Regular Board meeting and Trustee Steve Smith seconded the motion. All voting aye, the motion carried

FINANCE:

Trustee Smith said the committee reviewed the board list and then we talked about the review of investments once we will not have anything until 2015.

1. Sign for Industrial Park: Trustee Smith said we talked about the sign for the Industrial Park.
2. Local Debt Recovery Program: Trustee Smith stated we talked about the local debt recovery program and Julie is finishing up the application for that.
3. Annual Simapc Contribution: Trustee Smith we talked about the Annual Simapc Contribution. The committee agreed not to pay this because there really isn't any benefit for village.
4. FY2014 Budget: Trustee Smith stated we talked about the 2014 budget; which is later on the agenda.

TREASURER'S REPORT: None

ATTORNEY'S REPORT: None.

ESDA Report: Mayor Danford said everyone should have an ESDA report in front of them from Gene. Mayor Danford asked is there any questions or concerns on it.

PUBLIC PARTICIPATION: Mayor Danford called for Public Participation.

1. Sarah brought back to the board meeting the issue with Pickers on Wheels. She would like to know why nothing has been done about the situation. Phil said he talked to Mr. Morris and the tub will be picked up tomorrow.

Trustee Smith asked can we give them a date to have the fence in place. Phil said yes we can just tell me when on the date. Trustee Smith asked is two weeks enough time to get a permit and have the fence put up. Phil said depends on who you get to put it up. Phil said Mr. Morris said he would put the fence up, but Mr. Sanders would have to buy the material and he doesn't seem to want to do that. Trustee Smith stated he thinks two weeks is reasonable time that would be April 15, if the board agrees with it. Phil said he will send him a letter stating he has until April 15th to have the fence up. Sarah said she has one more question. How can Mr. Morris run a light industrial business out of a B-2 zone district? Mayor Danford asked are you talking about his tractor. No to his business behind the scene what he is running on the alley way next to my property, how he can do a light industrial business in a B-2 zone. Sarah said isn't that contradicting itself. Mayor Danford said if that is what is occurring he is not aware that we are allowing any use that conflict with zone B-2.

2. Scott Weber stated he has a question regarding promoting the Village of Freeburg. He was told the Village Board was approached back in October by a gentleman from Scott Air Force Base representing them and all the new military personnel and engineering contractors who are coming into the base. He was wondering why Freeburg wasn't listed in their book, it seems like we would want to promote the Freeburg community for living and growth. The gentleman said he approached the Village Board to be listed in their book. Scott asked why we didn't take that opportunity. Mayor Danford said we discussed this issue in one of the committee meetings that the advertising rates were not affordable for the village. Scott said he was concerned because all the communities around us were listed, Mascoutah, Columbia, Millstadt, New Baden promoting their village for development and growth. Trustee Smith said it was discussed in Finance Trustee Smith said when it was brought to us it was too late to be published in their book for that year and we said we would have them come back next year so we could consider it. Scott said they came out in October when he placed his ad with them; he met with you the village the week before they met with him. Scott said the gentleman told him this book comes out every five years and this book is not just distributed to new people coming to Scott Air Force Base it goes to everyone that is currently stationed out there. Trustee Smith stated we were not told it comes out every five years, if that is case it wasn't communicated to us in that way.

3. Dave Masters stated he would like to talk about an issue that happen a couple of months back. This involved a police officer who was on duty for about half-an-hour and parked the patrol car out in front and took his personal car and went and put gas in it. There was a motion made to have the village attorney to look into this issue and he felt that this issue was washed away and nothing was done about it. Mayor Danford reminded Mr. Masters that those discussions would not take place in a public forum. Any action that was taken or not taken you would have no knowledge of anyhow. The assumption that nothing was done is just an assumption on your part. We can't really discuss this issue in a public forum which what you are asking him to do and he has explained this to him before. There really nothing you could hope to accomplish at this point with a discussion, it just can't happen.

Mr. Masters along with several citizens in attendance at the meeting expressed frustration over the lack of information being released by the Village on the potential theft. Mayor Danford said he understands their concerns there too, but it is not up for public discussion and there is no point in going into that at this time. Your displeasures or concerns he feels have been misplaced because you can't have all of the facts, the only people who would have all the facts would be the trustees and that wouldn't be conveyed to the public. There is a process for this and that process is not in public forum at this point; you want to talk to a trustee about your concerns that would be the avenue you would take and your trustee would handle it for you. Tony Miller said to the Board that despite all the talk of transparency, there is none. Tony said that this was the case even when he served on the Board, and the Board needs to get beyond this. He feels the Board needs to take care of these types of issues quickly and equally. Mayor Danford told the concerned residents that this issue is not public forum at this point. Mayor Danford said he understands the people's frustration, but the rules are for the benefit of the public and help protect the innocent. Mayor Danford said that any concerns about a cover-up are misplaced, because all the facts are not known. Trustee Speiser and Trustee Mattern both took the floor concerning the issue. Mayor Danford asked at this time would any other trustee like to take the floor. Hearing none Mayor Danford moved on to Exhibit C.

REPORTS AND CORRESPONDENCE:

EXHIBIT C

Mayor Danford said we have Exhibit C Contractor's Pay Request #3 in the amount of \$34,581.95 from Moniger Excavating, Inc.

Trustee Charlie Mattern motioned to approve Contractor's Pay Request #3 in the amount of \$34,581.95 from Moniger Excavating, Inc. and Trustee Seth Speiser seconded the motion. . **ROLL CALL:** Trustee Charlie Mattern - aye; Trustee Seth Speiser - aye; Trustee Steve Smith - aye; Trustee Rita Baker- aye; Trustee Mike Blaies - aye; Trustee Raymond Matchett, Jr. - aye; (6 ayes, 0 nays, 0 absent). All voting aye, the motion carried.

EXHIBIT D

Mayor Danford said next we have Exhibit D Rhutasel & Associate's Pay Request #2 in the amount of \$2,688.47.

Trustee Raymond Matchett, Jr. motioned to approve Rhutasel & Associate's Pay Request #2 in the amount of \$2,688.47 and Trustee Charlie Mattern seconded the motion. **ROLL CALL:** Trustee Raymond Matchett, Jr. - aye; Trustee Charlie Mattern - aye; Trustee Seth Speiser - aye; Trustee Rita Baker- aye; Trustee Steve Smith - aye; Trustee Mike Blaies - aye; (6 ayes, 0 nays, 0 absent). All voting aye, the motion carried.

RECOMMENDATIONS OF BOARDS AND COMMISSIONS: None.

CONTRACTS, RELEASE, AGREEMENTS and ANNEXATIONS: None

BIDS: None.

RESOLUTIONS:

Exhibit E:

Mayor Danford said we have Resolution #13-04. A Resolution Adopting Freeburg's 2013-2014 Operating Budgets. Before adopting the 2013-2014 Operating Budget Trustee Smith asked some questions. After questions were answered by Village Administrator Herzing the resolution was voted upon.

Trustee Rita Baker motioned to adopt Resolution #13-04 by title only 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 - aye (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.

ORDINANCES: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

APPOINTMENTS: None.

COMMITTEE MEETING REPORTS:

Exhibit F:

Public Works Committee Meeting: Trustee Charlie Mattern called the Public Works Committee meeting to order on Wednesday, March 20, 2013 at 5:30 p.m.

OLD BUSINESS:

1. Budget billing: Trustee Mattern said we are continuing to review the opinions of budget billing.

Trustee Smith asked on the budget billing we said we like Waterloo's policy. What is Waterloo's policy? Trustee Mattern said they catch-up twice a year and it balances out and they do not require automatic debit to participate in it. The two big issues were how well you balance out and how payment is made.

2. Trustee Speiser asked Attorney Manion have we heard anything from the fire district on the \$20,000 settlement. Brian said he has had a conversation with their attorney and he is getting their position.

3. Clean Uniform Agreement Renewal: Trustee Smith said the other question he had is for Clean Uniform Agreement. Since they had some language we didn't agree with; have we looked somewhere else? John said he spoke to him today when he brought the uniforms and they have no problem removing paragraph #9 out of the contract. They will redo the contract and give it to him Monday.

EXHIBIT G:

Public Property Committee Meeting: Trustee Raymond Matchett, Jr. called the Public Property Committee Meeting to order on Wednesday, March 20, 2013 at 6:30 p.m.

OLD BUSINESS:

1. Pool: Trustee Matchett said the committee decided with the baby pool opening this year; and not having enough lifeguards we need to post a sign "no lifeguard on duty" when we can't cover the baby pool with a lifeguard. Pool Manager Scott said he would like to have a lifeguard on duty at the baby pool at all times, but we need one more lifeguard to be covered to do this.

STREET: OLD BUSINESS

1. Safe Routes to School: Trustee Matchett said we approved Rhutasel's invoice earlier tonight on the agenda and paid that.

2. Welcome to Freeburg sign: Trustee Matchett said we are still talking to Mark White hoping for him to come up with some less expensive designs.

3. Drainage Problem Areas: Trustee Matchett said we have the plans from Netemeyer and Dennis will get it put together soon and it we can go out for bid.

4. Street banners: Trustee Matchett said we talked about getting new street banners and we should be able to put this in next year's budget.

NEW BUSINESS:

1. Spring Clean Up: Trustee Matchett said the dates have been set for Spring Clean Up and it will take place on Friday, April 26th – Monday, April 29th.

GENERAL CONCERN:

1. Sportsman's Club: Trustee Matchett said we had a request from the Sportsman's Club if they could use our village trucks to lift their dock back into the water.

Trustee Smith asked under the baby pool. We said we were going to post a sign saying "lifeguard not on duty"; why would we want to accept that liability and risk not having lifeguard on duty? John said we talked to Scott the pool manager at the meeting he is ok going with the 12 lifeguards and providing a lifeguard to watch the baby pool while on duty with the big pool and see how well this works out. Dennis said the discussion about the sign was to put it up if we didn't have enough lifeguards to cover the baby pool.

Trustee Smith said why we don't just close it if we don't have a lifeguard on duty. Dennis said we could, but we might still meet state requirements by just putting up the sign. Dennis said that is not the plan, Scott's plan is to have a lifeguard on duty.

Trustee Smith asked about the ditch behind the home at 606 West High Street; what is the issue with that. John said he talked to the home owners the other day; they have some erosion going on. John said he went back over to talk to the guy and he wasn't at home but he left his number with the guy's wife for him to call, but he hasn't heard back from him yet.

EXHIBIT H:

Committee As A Whole Meeting:

Mayor Ray Danford called the Committee As A Whole Meeting to order on Wednesday, March 27, 2013 at 8:00 p.m. Trustee Blaies said he would like to point out there is a mistake on the minutes under Executive Session it ended at 9:37 p.m. not 7:37 p.m. Mayor Danford said the evening was spent mostly in Executive Session.

UPCOMING MEETINGS

Legal/Ordinance Committee Meeting – Wednesday, April 3, 2013 – 4:45 p.m.

Electric Committee Meeting - Wednesday, April 10, 2013 - 5:30 p.m.

Personnel/Police Committee Meeting – Wednesday, April 10, 2013 – 6:30

Street Committee Meeting – Monday, April 15, 2013 - 6:30 p.m.

Board Meeting - Monday, April 15, 2013 – 7:30 p.m.

VILLAGE BOARD AND STAFF COMMENTS:

Trustee Charlie Mattern: No thank you.

Trustee Steve Smith: No thank you.

Trustee Rita Baker: No thank you

Village Clerk Jerry Menard: No thank you.

Trustee Mike Blaies: No thank you.

Trustee Raymond Matchett, Jr.: No thank you

Trustee Seth Speiser: Yes; He doesn't think the situation with the personnel issue was handled the right way. He hopes in the future we can include all the trustees in decision making.

Staff Comments: None

ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 9:36 p.m. and Trustee Steve Smith seconded the motion. All voting aye, the motion carried.*



Jerry Lynn Menard
Village Clerk