

REGULAR BOARD MEETING AGENDA – AUGUST 19, 2013 - 7:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Minutes of Previous Meeting
 - 4 – 1. July 15, 2013 – Regular Board Minutes – **Exhibit A**
 - 4 – 2. August 5, 2013 – Regular Board Minutes – **Exhibit A.1**
5. Finance – None.
6. Treasurer’s Report
7. Attorney’s Report
8. ESDA Report
9. Public Participation
10. Reports and Correspondence – None.
11. Recommendations of Boards and Commissions – None.
12. Contracts, Releases, Agreements and Annexations – None.
13. Bids –
 - 13 – 1. Bids for Shed Concrete Floor – See Ordinances
14. Resolutions – None.
15. Ordinances –
 - 15 – 1. Ordinance #1470 – An Ordinance of the Board of Trustees of the Village of Freeburg Authorizing the Village to Enter into and the Mayor to Execute an Agreement between the Village and Charter Communications – **Exhibit B**
 - 15 – 2. Ordinance #1471: An Ordinance Authorizing Waiver of Bidding Process and Accepting AKA Concrete’s Bid for Electric Shed Floor – **Exhibit C**
16. Old Business –
17. New Business –
18. Appointments – None.
19. Committee Meeting Minutes/Recommendations
 - 19 - 1. Electric Committee Meeting – Wednesday, August 14, 2013 – 5:30 p.m. – **Exhibit D**
 - 19-1a. Recommend Waiver of Bidding Process on AKA Concrete Shed Floor – see Item #15-2
 - 19 – 2. Personnel/Police Committee Meeting – Wednesday, August 14, 2013 – 6:30 p.m. – **Exhibit E**
 - 19-3a. Recommend Hire of Full-time Crew Worker
 - 19-3b. Recommend Adoption of Time Clock Policy – **Exhibit F**
20. Upcoming Meetings
 - 20 – 1. Water/Sewer Committee Meeting – Wednesday, August 21, 2013 – 5:30 p.m.
 - 20 – 2. Streets Committee Meeting – Wednesday, August 21, 2013 – 6:30 p.m.
 - 20 – 3. Plan Commission Meeting – Thursday, August 22, 2013 – 6:00 p.m.
 - 20 – 4. Legal/Ordinance Committee Meeting – Wednesday, August 28, 2013 – 4:45 p.m.
 - 20 – 5. Finance Committee Meeting – Wednesday, August 28, 2013 – 5:30 p.m.
 - 20 – 6. CLOSED IN OBSERVANCE OF LABOR DAY – Monday, September 2, 2013
 - 20 – 7. Board Meeting – Tuesday, September 3, 2013 – 7:30 p.m.
21. Village President’s and Trustees’ Comments
22. Staff Comments
23. Adjournment

At said Board Meeting, the Village Board of 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)]; personnel [5 ILCS, 120/2 - (c)(1)]; litigation [5 ILCS, 120/2 - (c)(11)]; real estate transactions [5 ILCS, 120/2 - (c)(5)]; collective negotiating matters between the public body and its employees or their representatives [5 ILCS 120/2 (C)(2)].

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

EXHIBIT A
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

FREEBURG REGULAR BOARD MEETING Monday, July 15, 2013 at 7:30 P.M. Board Meeting Minutes

CALL TO ORDER: Mayor Seth Speiser called the Regular Board Meeting to order at 7:32 p.m., on Monday, July 15, 2013 in the Freeburg Municipal Board Room.

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

ROLL CALL: Trustee Dean Pruett – here; Trustee Raymond Matchett, Jr. – here; Trustee Mike Blaies – here; Trustee Matt Trout – here; Trustee Steve Smith - here; Trustee Elizabeth Niebruegge - here; Mayor Seth Speiser - here; (7 present, 0 absent). Mayor Seth Speiser announced there is a quorum.

EXHIBIT A: MINUTES OF PREVIOUS MEETING:

Trustee Raymond Matchett, Jr. motioned to approve the Regular Board Minutes of Monday, July 1, 2013 and Trustee Elizabeth Niebruegge seconded the motion. All voting aye, the motion carried

FINANCE: Trustee Smith stated he has nothing tonight.

TREASURER'S REPORT: Treasurer Bryan Vogel presented three months of Treasurer's Reports for January, February and March 2013 to be reviewed and hopefully to have an approval at the next board meeting.

ATTORNEY'S REPORT: None.

ESDA REPORT: None.

PUBLIC PARTICIPATION: Mayor Speiser called for Public Participation:

1. Kevin Groth took the floor. Kevin said he had a water leak in his basement and he called the village and talked to Debbie. He asked Debbie if they could have someone come out and read his meter because he has no idea where he stands. Kevin stated Debbie was real nice on the phone and said she would get it taken care of right away and asked for my phone number. He said a day or so later Jane called him back and said we read your meter and this is what you got and this is what your average is and here is where you stand, call me if you have any questions.

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Kevin stated he just came here tonight to say thank you and how nice they were on the phone to him. Kevin stated what a great job you guys do and thank you. Mayor Speiser thanked Kevin for appreciating what we do because we don't hear that too often.

2. Tony Miller said he has a couple of things. (1) He is glad to see the pool is fully functioning. He would like to have another name for the baby pool, something like splash pool. (2) Tony said he saw on the agenda the village has an agreement with Freeburg Fire Protection District. He hopes we live up to our end of it because in the past we haven't. Mayor Speiser said he is sure we have worked everything out with them. Mayor Speiser said the Fire District gave us payment for one of the two years that we questioned them about. Mayor Speiser stated John and Tony did meet with the Fire District and they did get everything worked out, and everybody is happy and we will stay on top of it from here on in.

3. Dave Self stated a friend of his who lives in Fairview Heights held a pool party at our Village Park pool. Dave said his friend and his wife were very much impressed on all the work the village has done out there and he would like to say thank you. Mayor Speiser thanked Dave for his compliment.

4. Dave said he and his wife are here to talk about the 111 S. Walnut house. She said while she was gone that house was to be torn down, she came back and it is still standing there. Zoning Administrator Henning said he talked to the owners and they do have the bids in for who will be tearing it down. Gary said he will find out how long it will take them to get it down and as soon as he gets an answer he will contact them. Mayor Speiser informed Dave and his wife it will be taken care of and Zoning Administrator Henning is on it.

REPORTS AND CORRESPONDENCE: None.

RECOMMENDATIONS OF BOARDS AND COMMISSIONS: None.

CONTRACTS, RELEASE, AGREEMENTS and ANNEXATIONS: None.

EXHIBIT B:

BIDS:

Mayor Speiser stated we have the bids for the shed concrete floor over at the maintenance building, they came in Friday. Mayor Speiser said the gentleman that had lowest bid did not supply the bid bond which is required. Mayor Speiser asked the board would you like to have him contacted and see if he is going to supply the bid bond or move on to the next lowest bid? Trustee Trout said he thinks we should give him until Friday to have the bid bond and then if he doesn't move on. Mayor Speiser asked Public Works Director John Tolan to get in touch with the contractor and see if he can supply the bid bond. John said he will and he will bring back information and if we should move on to the next lowest bid. Mayor Speiser said we will put Exhibit B on hold for the Shed Concrete Floor until next board meeting.

EXHIBIT C:

RESOLUTIONS: Mayor Speiser stated we have Resolution #13-09 A Resolution Authorizing the Village to Enter into and the Mayor to Execute an Agreement with Metropolitan Enforcement Group of Southwestern Illinois.

Trustee Raymond Matchett, Jr. motioned to adopt Resolution #13-09 by title only and Trustee Mike Blaies seconded the motion. ROLL CALL: Trustee Raymond Matchett - aye; Trustee Mike Blaies - aye; Trustee Matt Trout - aye; Trustee Elizabeth Niebruegge - aye; Trustee Steve Smith - aye; Trustee Dean Pruett - aye; (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.

EXHIBIT D:

RESOLUTIONS: Mayor Speiser stated we have Resolution #13-10 A Resolution of the Board of Trustees of the Village of Freeburg, Illinois, Authorizing the Village to Enter into and the Mayor to Execute an Agreement between the Village of Freeburg and Freeburg Fire Protection District for an Intergovernmental Agreement for the purpose of installing Antenna on the Save Water Stand Pipe.

Trustee Smith asked before we vote on this, what the settlement on the issue? Trustee Blaies said this is just to put the Antenna on the Save Water Stand Pipe; this hasn't anything to do with the settlement. Trustee Smith said he thought we settled the dispute. Village Administrator Funderburg explained the situation to Trustee Smith. Village Public Works Director John Tolan said we had several issues and they had issues and finally we have come together and straightened out the issues. John said it is the same agreement; we are just clarifying everything for both sides. Trustee Blaies asked is this a three year or five year agreement? John said no, just a yearly agreement. Mayor Speiser asked are there any more questions before we vote?

Trustee Raymond Matchett, Jr. motioned to adopt Resolution #13-10 by title only and Trustee Mike Blaies seconded the motion. ROLL CALL: Trustee Raymond Matchett - aye; Trustee Mike Blaies - aye; Trustee Matt Trout - aye; Trustee Dean Pruett - aye; Trustee Elizabeth Niebruegge - aye; Trustee Steve Smith - aye; (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.

Exhibit E:

ORDINANCES:

Mayor Speiser stated we have Ordinance #1466 An Ordinance Repealing Ordinance #1379 Regarding Residency and Commercial Legacy Electric Rates, Exhibit E. Mayor Speiser said there were 8 customers who annexed into the Village Freeburg. When they were annexed in there was not an annexation agreement that they would receive a special rate, they were receiving a special rate from Ameren they claim at that time. Mayor Speiser said Tony checked into it 1997, the state law prohibits giving special rates to one customer and not another. He thinks it is time everyone in the village pays the same electric rates.

This is way this ordinance was drawn up. Trustee Smith asked have the 8 customers been notified. Mayor Speiser replied we have not. Trustee Smith asked when we will notify them. Mayor Speiser said once we pass this ordinance.

Trustee Matt Trout motioned to adopt Ordinance No. 1466 by title only and Trustee Dean Pruett seconded the motion. ROLL CALL: Trustee Matt Trout - aye; Trustee Dean Pruett- aye; Trustee Mike Blaies - aye; Trustee Elizabeth Niebruegge – aye; Trustee Steve Smith - aye; Trustee Raymond Matchett, Jr. - aye; (6 ayes, 0 nays). 6 voting aye, the motion carried.

OLD BUSINESS: None.

NEW BUSINESS: None.

APPOINTMENTS: Mayor Speiser stated we have a Mayoral appointment of John Tolan to FSH Water Commission. Mayor Speiser said it was brought to his attention in November of 2010, the Village had an obligation to appoint someone to the FSH Water Commission and it was never done; that is why he would like to appoint John Tolan.

Trustee Matt Trout motioned to approve the Mayoral appointment of John Tolan to the FSH Water Commission and Trustee Elizabeth Niebruegge seconded the motion. ROLL CALL: Trustee Matt Trout - aye; Trustee Elizabeth Niebruegge – aye; Trustee Steve Smith - aye; Trustee Mike Blaies - aye; Trustee Raymond Matchett, Jr. - aye; Trustee Dean Pruett - aye; (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.

COMMITTEE MEETING REPORTS:

EXHIBIT F:

Committee As A Whole Meeting: Mayor Seth Speiser called the Committee As A Whole Meeting to order on Monday, July 1, 2013 at 6:30 p.m.

1. Review of Village of Freeburg Code of Ordinances: Mayor Speiser stated the purpose of this meeting was for Frank to provide an overview of our code.
2. Rentchler Road water Line Project: Mayor Speiser said we talked about the Rentchler Road water project.

EXHIBIT G:

Electric Committee Meeting: Trustee Blaies called the Electric Committee meeting to order on Wednesday, July 10, 2013 at 5:30 p.m.

OLD BUSINESS:

1. Portable Generator Replacement Trustee Blaies said the generators are still being worked on at Burr Oak and they should be ready to go by next meeting.

2. Charter Agreement: Trustee Blaies said we are negotiating with Charter on the streets and dedicated easements.
3. Wiegmann's project/Grade School project: Trustee Blaies said we are about to start phase #2. Trustee Blaies said the grade school project is complete and everything went very smoothly.
4. Shed: Trustee Blaies said we talked about re-bidding the concrete floor to the contractors who submitted the bids the first time, which we already talked about it earlier on the agenda.
5. Prairie State Tour: Trustee Blaies said the Prairie State Tour is coming up on August 22nd.
6. LED Lighting: Trustee Blaies said we have a grant for lighting which will provide LED lights to the new shed and the Village Hall

NEW BUSINESS:

1. Proposals for Repairs to 412 West High Street: Trustee Blaies said we talked about repairing the roof at the old power plant. Trustee Blaies stated we will put money in the budget to replace it next year.

EXHIBIT H:

Personnel/Police Committee Meeting: Trustee Matchett called the Personnel/Police Committee meeting to order on Wednesday, July 10, 2013 at 6:30 p.m.

POLICE:

OLD BUSINESS: None.

NEW BUSINESS:

1. Policy on taking cars home: Trustee Matchett said we discussed the policy on the police officers taking Village police cars home. Trustee Matchett said he feels like some of the trustees liked seeing the patrol cars around town and also like the fact they are sitting at the police officers' residence. Trustee Matchett said the police officer has to live in town to be able to take the police car home. Trustee Matchett stated the committee felt the community likes having the police presence in the neighborhoods.
2. Towing issue: Trustee Matchett said we had a little towing issue. The committee directed Stan to call Casey and voice his concerns to him.
3. Stop sign at Emily/Vine and Emily/Cherry: Trustee Matchett said we talked about the stop signs and Chief Donald would like to add another one at Mill/Cherry
4. Part-time officer to be hired: Trustee Matchett said we talked and discussed hiring two part-time officers. Trustee Elizabeth Niebruegge said before we vote she would like to make a motion to go into Executive Session.

**REGULAR BOARD MEETING
EXECUTIVE SESSION
7: 55 P.M.**

*Trustee Elizabeth Niebruegge motioned to go into Executive Session to discuss Personnel 5 ILCS, 120/2 – (C)(1) and Trustee Mike Blaies seconded the motion. **ROLL CALL:** Trustee Elizabeth Niebruegge – aye; Trustee Mike Blaies – aye; Trustee Steve Smith – aye; Trustee Matt Trout – aye; Trustee Raymond Matchett, Jr. - aye; Trustee Dean Pruett - aye; (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.*

**EXECUTIVE SESSION ENDED
8:05 P.M.**

Trustee Matt Trout motioned to reconvene the Regular Board Meeting at 8:07 P.M. and Trustee Mike Blaies seconded the motion. All voting aye, the motion carried.

*Trustee Matchett, Jr. motioned to hire part-time Police Officer Joe Berry and Police Officer Christopher Flynn upon passing their drug test and Trustee Matt Trout seconded the motion. **ROLL CALL:** Trustee Raymond Matchett, Jr. - aye; Trustee Matt Trout – aye; Trustee Elizabeth Niebruegge – aye; Trustee Steve Smith – aye; Trustee Dean Pruett - aye; Trustee Mike Blaies – aye; (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.*

5. Megsi renewal: Trustee Matchett said we took care of the St. Clair County's enforcement group earlier on the agenda.

PERSONNEL:

OLD BUSINESS:

1. Employee handbook: Trustee Matchett said a copy of the handbook was provided to the committee and we talked about it.
2. Time Clock Policies: Trustee Matchett said Tony has a meeting with Greg and Jim on July 16th to talk about time clock policies.
3. Office Cleaning: Trustee Matchett said we have the proposal ad in this week's Tribune paper for the office cleaning job.
4. Police Chief and Village Administrator: Trustee Matchett stated we also put the ads in this week's Tribune paper for Chief of Police and Village Administrator positions.

NEW BUSINESS:

1. Request to carry over vacation: Trustee Matchett said Public Works Director John Tolan requested that his vacation be extended to the fall. Trustee Matchett said the committee agreed and extended it to December 31, 2013.

UPCOMING MEETINGS

Water/Sewer Committee Meeting – Wednesday, July 17, 2013 – 5:30 p.m.
Street Committee Meeting – Wednesday, July 17, 2013 - 6:30 p.m.
Board of Appeals Meeting – Thursday, July 25, 2013 – 7:00 p.m.
Legal/Ordinance Committee Meeting – Wednesday, July 31, 2013 – 4:45 p.m.
Finance Committee Meeting – Wednesday, July 31, 2013 – 5:30 p.m.
Plan Commission Meeting – Wednesday, July 31, 2013 – 7:00 p.m.
Board Meeting - Monday, August 5, 2013 – 7:30 p.m.

VILLAGE BOARD AND STAFF COMMENTS:

Trustee Elizabeth Niebruegge: No thank you.

Trustee Steve Smith: He is glad to see finally the sidewalk is being laid going down Main Street. We have waited five years for this.

Trustee Matt Trout: No thank you.

Village Clerk Jerry Menard: No thank you.

Trustee Mike Blaies: No thank you.

Trustee Raymond Matchett: No thank you.

Trustee Dean Pruett: No thank you.

Village Administrator Tony Fundberger: No thank you.

Village Public Works John Tolan: – No thank you.

Zoning Administrator Gary Henning: He will make sure he takes care of the property on South Walnut Street.

Chief of Police Stan Donald: No thank you.

Mayor Speiser: He informed everyone that Zoning Administrator Henning did put a zoning report in everyone's mail box.

ADJOURN: *Trustee Raymond Matchett motioned to adjourn the meeting at 8:12 p.m. and Trustee Matt Trout seconded the motion. All voting aye, the motion carried.*



Jerry Lynn Menard
Village Clerk

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

Exhibit A.1
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

FREEBURG REGULAR BOARD MEETING Monday, August 5, 2013 at 7:30 P.M. Board Meeting Minutes

CALL TO ORDER: Mayor Seth Speiser called the Regular Board Meeting to order at 7:32 p.m., on Monday, August 5, 2013 in the Freeburg Municipal Board Room.

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

ROLL CALL: Trustee Dean Pruett – here; Trustee Raymond Matchett, Jr. – here; Trustee Mike Blaies – here; Trustee Matt Trout – here; Trustee Steve Smith - here; Trustee Elizabeth Niebruegge - here; Mayor Seth Speiser - here; (7 present, 0 absent). Mayor Seth Speiser announced there is a quorum.

EXHIBIT A:

MINUTES OF PREVIOUS MEETING:

Minutes from July 15, 2013 Regular Board meeting, June 3, 2013 and July 15, 2013 Executive Session minutes were tabled for approval until the next Regular Board meeting.

EXHIBIT B:

FINANCE:

OLD BUSINESS:

1. Sign at Industrial Park: Trustee Smith said the committee would like to get additional quotes to the on the signs. Tony will rework the design and we will present it to the Streets committee and come back to the board for approval.
2. Local Debt Recovery Program: Trustee Smith stated we are waiting to hear from Attorney Manion.
3. TIF: Trustee Smith said we talked about the TIF and Joe Koppies wants additional information which Tony is looking into.
4. Video gaming: Trustee Smith stated on the video gaming we received a check for \$700 for July. We will be putting this check in the account until we decide what we want to do with it.
5. Auditor contract: Trustee Smith said we have to rebid. Our contract with C.J. Schlosser has expired.

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NEW BUSINESS:

1. Netemeyer Engineering Invoice: Trustee Smith said we talked about Netemeyer's invoice of \$12,000 which originally was to be \$5,000. The committee directed Tony to pay the \$5,000 and get an itemized statement from the company.
2. Website: Trustee Smith said the committee was provided with two quotes for the website. We will probably have to wait until next year and put the cost of the website in the budget.
3. Safe Routes to School: Trustee Smith said the Safe Routes to School sidewalk project in front of Village Hall will go over by approximately \$11,000 if we include all the culvert work, concrete over the sidewalk. The committee would like to have the job completed with that work done and we will budget the money for this next year.

Trustee Blaies asked Steve if this was a second check from the video gaming. Trustee Smith replied, yes.

Trustee Smith said he would like to make a motion.

*Trustee Smith motioned to pay Netemeyer Engineering in the amount of \$5,000 for the storm water drainage project and Trustee Elizabeth Niebruegge seconded the motion. **ROLL CALL:** Trustee Steve Smith – aye; Trustee Elizabeth Niebruegge – aye; Trustee Mike Blaies – aye; Trustee Matt Trout – aye; Trustee Dean Pruett - aye; Trustee Raymond Matchett, Jr. - aye; (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.*

EXHIBIT C:

TREASURER'S REPORT: Treasurer Bryan Vogel stated he passed out Treasurer Report's for January, February and March of 2013 at the last board meeting to be approved tonight.

Trustee Steve Smith motioned to approve the Treasurer's Report for January, February and March of 2013 and Trustee Matt Trout seconded the motion. All voting aye, motion carried.

ATTORNEY'S REPORT: Attorney Manion said he got the decision back on the case of Burrows and Blomenkamp from the Board of Review from the Illinois Department of Employment Security in our favor. Attorney Manion said he just wanted to give us an update.

EXHIBIT D:

ESDA REPORT: Coordinator Gene Kramer gave an update on the memo he provided the board with. Gene also gave us good news on the weather for the Homecoming weekend.

PUBLIC PARTICIPATION: Mayor Speiser called for Public Participation:

1. Janet asked about the bidding of the concrete floor for the new shed. Mayor Speiser explained to her the footing was not deep enough and that is why we are getting it rebid.

2. Tony Miller asked about Safe Routes to School where will the sidewalks finish up at. Trustee Smith said we are going along Richland and hoping to finish at Mobile Trails.

**EXHIBIT E:
REPORTS AND CORRESPONDENCE:**

1. Mayor Speiser said next we have Pay Request No. 5 from Contractor Moniger Excavating Inc. in the amount of \$26,088.50.

Trustee Dean Pruett motioned to approve Payment No. 5 to Contractor Moniger Excavating Inc. in the amount of \$26,088.50 and Trustee Raymond Matchett, Jr. seconded the motion. ROLL CALL: Trustee Dean Pruett - aye; Trustee Raymond Matchett - aye; Trustee Mike Blaies - aye; Trustee Matt Trout - aye; Trustee Steve Smith - aye; Trustee Elizabeth Niebruegge - aye; (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.

EXHIBIT F:

2. Mayor Speiser said we have Rhutasel & Associates' Pay Request No. 5 in the amount of \$3,662.77.

Trustee Elizabeth Niebruegge motioned to approve Payment No. 5 to Rhutasel & Associates' in the amount of \$3,662.77 and Trustee Dean Pruett seconded the motion. ROLL CALL: Trustee Elizabeth Niebruegge - aye; Trustee Dean Pruett - aye; Trustee Steve Smith - aye; Trustee Matt Trout - aye; Trustee Mike Blaies - aye; Trustee Raymond Matchett - aye; (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.

**EXHIBIT G:
RECOMMENDATIONS OF BOARDS AND COMMISSIONS:**

1. Mayor Speiser said next on the agenda we have the Plan Commission's recommendation to Amend Sign Regulations. Mayor Speiser stated they extended it from 12 feet to 13 feet. Attorney Manion gave his advice on amending the revised code before voting up on it.

Trustee Matt Trout motioned to adopt amended Ordinance No. 1469 by title only and Trustee Mike Blaies seconded the motion. ROLL CALL: Trustee Matt Trout - aye; Trustee Mike Blaies - aye; Trustee Elizabeth Niebruegge - aye; Trustee Raymond Matchett - aye; Trustee Dean Pruett - aye; Trustee Steve Smith - aye; (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.

CONTRACTS, RELEASE, AGREEMENTS and ANNEXATIONS:

BIDS: Mayor Speiser stated we are going to table the bid for the new shed concrete floor until the resolution is worked out.

EXHIBIT H:

RESOLUTIONS: Mayor Speiser said we have Resolution #13-11. This is a Resolution for Homecoming Parade.

Trustee Elizabeth Niebruegge motioned to adopt Resolution #13-11 by title only and Trustee Steve Smith seconded the motion. ROLL CALL: Trustee Elizabeth Niebruegge - aye; Trustee Steve Smith - aye; Trustee Raymond Matchett - aye; Trustee Mike Blaies - aye; Trustee Matt Trout - aye; Trustee Dean Pruett - aye; (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.

EXHIBIT I:

RESOLUTIONS: Mayor Speiser said we have Resolution #13-12. A Resolution for complete Streets.

Trustee Elizabeth Niebruegge motioned to adopt Resolution #13-12 by title only and Trustee Matt Trout seconded the motion. ROLL CALL: Trustee Elizabeth Niebruegge - aye; Trustee Matt Trout - aye; Trustee Steve Smith - aye; Trustee Raymond Matchett - aye; Trustee Mike Blaies - aye; Trustee Dean Pruett - aye; (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.

EXHIBIT J:

RESOLUTIONS: Mayor Speiser said next we have Resolution #13-13, A Resolution for ITEP Grant.

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

EXHIBIT K:

ORDINANCES:

Mayor Speiser stated we are going to table Ordinance # 1467 until we get the right documents.

EXHIBIT L:

ORDINANCES:

Mayor Speiser said we have Ordinance #1468, An Ordinance Amending Title VII, Chapter 73 of the Revised Code of the Village of Freeburg, St. Clair County, Illinois (Traffic Schedules)

Trustee Elizabeth Niebruegge motioned to adopt Ordinance No. 1468 by title only and Trustee Matt Trout seconded the motion. ROLL CALL: Trustee Elizabeth Niebruegge - aye; Trustee Matt Trout - aye; Trustee Steve Smith - aye; Trustee Mike Blaies - aye; Trustee Raymond Matchett, Jr. - aye; Trustee Dean Pruett - aye; (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.

OLD BUSINESS: Mayor Speiser stated we have extended the Appointments of Village Administrator Tony Funderburg for the remaining term of this year and Chief of Police Stan Donald for the remaining term of this year.

Trustee Raymond Matchett, Jr. motioned to approve the Extended Appointments of Village Administrator Tony Funderburg and Chief of Police Stan Donald for the remaining term of this year and Trustee Elizabeth Niebruegge seconded the motion. ROLL CALL: Trustee Raymond Matchett, Jr. - aye; Trustee Elizabeth Niebruegge – aye; Trustee Steve Smith - aye; Trustee Mike Blaies - aye; Trustee Dean Pruett- aye; Trustee Matt Trout - aye; (6 ayes, 0 nays, 0 absent). All voting aye, the motion carried.

Mayor Speiser said next on the agenda is Executive Session to Discuss Personnel, 5 ILCS 120/2 (c)(11).

**REGULAR BOARD MEETING
EXECUTIVE SESSION
7: 50 P.M.**

Trustee Matt Trout motioned to go into Executive Session to discuss Personnel 5 ILCS, 120/2 – (C)(11) and Trustee Raymond Matchett, Jr. seconded the motion. ROLL CALL: Trustee Matt Trout – aye; Trustee Raymond Matchett, Jr. - aye; Trustee Elizabeth Niebruegge – aye; Trustee Mike Blaies – aye; Trustee Steve Smith – aye; Trustee Dean Pruett - aye; (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.

**EXECUTIVE SESSION ENDED
8:23 P.M.**

Trustee Matt Trout motioned to reconvene the Regular Board Meeting at 8:25 P.M. and Trustee Mike Blaies seconded the motion. All voting aye, the motion carried.

Mayor Speiser said there will be action taken from the Executive Session. Mayor Speiser asked to have a motion made to hire a Head Lineman.

Trustee Mike Blaies motioned to hire Shane Krauss as Head Lineman for the Village of Freeburg in the Public Works Department and Trustee Elizabeth Niebruegge seconded the motion. ROLL CALL: Trustee Mike Blaies – aye; Trustee Elizabeth Niebruegge – aye Trustee Matt Trout – aye; Trustee Steve Smith – aye; Trustee Raymond Matchett, Jr. - aye; Trustee Dean Pruett - aye; (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.

Mayor Speiser stated we will table hiring the full time Crew Worker until Personnel has a chance to go over the rest of the interviews.

Mayor Speiser called for anymore old business to be discussed. Trustee Smith said he has something. Out in front of the Village Hall we have no parking can we change that to a Handicap Parking? A discussion took place and the decision was to paint the curve blue. This way, people know to pull forward.

NEW BUSINESS: None.

APPOINTMENTS: None.

COMMITTEE MEETING REPORTS:

EXHIBIT M:

Public Works Committee Meeting: (Trash/Water/Sewer) Trustee Dean Pruett called the Public Property Committee Meeting to order on Wednesday, July 17, 2013 at 5:30 p.m.

OLD BUSINESS:

1. Sewer Project: Trustee Pruett stated we already took care of payment request #5 from Moniger earlier on the agenda. Trustee Pruett said the committees, discussed having the \$40,404 in design engineering costs be included in the IEPA loan. Trustee Pruett said at this time he would like to make a motion to the full board.

*Trustee Dean Pruett motioned to have the \$40,404 in design engineering costs be included in the IEPA loan and Trustee Raymond Matchett, Jr. seconded the motion. **ROLL CALL:** Trustee Dean Pruett - aye; Trustee Raymond Matchett, Jr. - aye; Trustee Mike Blaies – aye; Trustee Matt Trout – aye; Trustee Steve Smith – aye; Trustee Elizabeth Niebruegge – aye; (6 ayes, 0 nays, 0 absent). All voting aye, motion carried.*

2. Sewer problem areas: Trustee Pruett said we televised E. Mill to Pitts and Cedar Lane. Trustee Pruett said that John found a huge root ball on Cedar Lane next to the Gauch residence.

3. Water main extension along Renchler Road: Trustee Pruett said we discussed the Renchler Road project and we pushed back the second meeting August 1st.

4. Fire Department Hydrant Payment: Trustee Pruett said we received our payment from the Fire District. Trustee Pruett said John met with Hans to review the list of inadequate hydrants and see what needs to be repaired or switched out. Trustee Pruett said the cost will be approximately \$2500 for the hydrant and fittings. Trustee Pruett said we are going to try and add a few each year into the budget.

NEW BUSINESS:

1. FSH Water Increase: Trustee Pruett said SLM has increased their rates effective with the September use. Trustee Pruett stated the current rate is \$2.50/1000 gallons and the new rate will be \$2.65/1000 gallons. Trustee Pruett said a typical customer use 5,000 gallons per month the increase should be under a \$1.00. Mayor Spieser said we haven't made a decision if we are going to increase the water rates. John said we need to also hold off and wait to see what FSH is going do. Mayor Speiser did comment that Smithton absorbed the increase.

EXHIBIT N:

Public Property Committee Meeting: (Streets/Municipal Center/Pool/Parks & Recreation) Trustee Elizabeth Niebruegge called the Public Property Committee Meeting to order on Wednesday, July 17, 2013 at 6:30 p.m.

POOL OLD BUSINESS:

1. Pool: Trustee Niebruegge said we talked about the Caregiver pass and we will decide what to do about this before next season.

NEW BUSINESS:

1 Health Department Inspection Report: Trustee Niebruegge said we passed the Health Department inspection for the concession stand and we passed without any violations.

2. Chairs for Pool: Trustee Niebruegge said we purchased 18 chairs with the first revenue check from video gaming.

STREET:

OLD BUSINESS:

1. Safe Routes to School: Trustee Niebruegge said she is sure everyone has noticed the Safe Routes to School project all the work being done on Main Street. Trustee Niebruegge said we need to check if the Main Street grant includes replacing the sidewalk from Main St. to Richland on West St. Clair. Trustee Niebruegge stated we will table TWM's Invoice 49828 in the amount of \$4,820.11 for the SFTS project being no one has it in their packet for tonight.

2. MFT: Trustee Niebruegge said oiling and chipping will take place August 21st and 22nd on Westview, Koesterer, Turkey Hill Lane, four alleys and also West High and Cherry Tree Lane

3. Crew Worker Position: Trustee Niebruegge said we discussed this issue earlier on the agenda.

4. Sidewalk repairs: Trustee Niebruegge stated we need to create a priority list of the sidewalks that need repair.

NEW BUSINESS:

1. Resolution for Homecoming: Trustee Niebruegge stated we took care of this issue earlier on the agenda.
2. Stop Signs at Emily/S. Vine, S. Cherry/Emily, N. Cherry/E. Mill, N. Belleville/W. St.Clair: Trustee Niebruegge said we also took care of this issue under ordinances.

Legal/Ordinance Committee Meeting: Trustee Matt Trout called the Legal/Ordinance Committee meeting to order on Wednesday, July 31, 2013 at 4:45 p.m.

OLD BUSINESS:

1. Status of Public Hazard Homes: Trustee Trout said the hazard home at 111 South Walnut Street has been sold and the new owner will tear down the home and erect a new building.
2. Website: Trustee Trout stated the website has been moved to Finance committee.
3. Furtak – 113 East Apple Street: Trustee Trout said Mr. Furtak has applied for a special permit and this issue will be going to Plan Commission and we will hold off on this until we hear from the Plan Commission.
4. Increase in fees: Trustee Trout said Tony will be monitoring our fees to insure we are charging a reasonable amount to cover our costs.

NEW BUSINESS:

1. Swimming pool regulations: Trustee Trout said Zoning Administrator Gary Henning found around 20 to 25 homes with swimming pools that do not comply with our current code. Trustee Trout said most of them are smaller pools that you purchase from Wal-Mart they do need a fence around them and we will work on this in getting a letter out to those who need to comply with the code.

GENERAL CONCERNS:

Trustee Trout said we are looking into creating a checklist when a new business owner comes into Village Hall on everything that is needed for the business to pass code. The checklist will tie in with our new website and this will help new business owners to let them know what they have to do.

UPCOMING MEETINGS

Electric Committee Meeting – Wednesday, August 14, 2013 – 5:30 p.m.
Personnel/Police Committee Meeting – Wednesday, August 14, 2013 - 6:30 p.m.
Board Meeting - Monday, August 19, 2013 – 7:30 p.m.

VILLAGE BOARD AND STAFF COMMENTS:

Trustee Elizabeth Niebruegge: She would like to congratulate Tony and Stan on their appointments.

Trustee Steve Smith: He said he seconded Trustee Niebruegge's comment. Steve asked Tony if he would have Julie add EDC to the next Finance meeting agenda so we can discuss it. He would like to start this up again. Mayor Speiser told Steve that Shelly Wolf from Paper Moon would like to serve on that committee. Steve asked Tony did Chris give you back my Safe Routes to School application back. Tony replied with no, but he will look into it.

Trustee Matt Trout: He would like to congratulate the Chief and Tony on their appointments and Shane as well on the new Head Lineman position.

Village Clerk Jerry Menard: She would like to congratulate Stan on his position as Chief of Police, glad to have you for the remaining year. And am not too sure about Tony yet (just kidding) congratulation on your position. She also told John to tell Shane congratulation on his new position as Head Lineman.

Trustee Mike Blaies: He would like to congratulate those three gentlemen on their positions.

Trustee Raymond Matchett: Same here congratulation gentlemen

Trustee Dean Pruett: Same here.

Village Administrator Tony Fundenburg: Thank you all.

Village Attorney: Ditto to all the comments.

Village Public Works John Tolan: – Is this calendar year or fiscal year. Mayor Speiser said they are good until May.

Chief of Police: Stan thanked everyone for their comments.

Zoning Administrator Gary Henning: None.

ADJOURN: *Trustee Matt Trout motioned to adjourn the meeting at 8:39 p.m. and Trustee Steve Smith seconded the motion. All voting aye, the motion carried.*



Jerry Lynn Menard
Village Clerk

ORDINANCE NO. 1470

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, ILLINOIS, AUTHORIZING THE VILLAGE TO ENTER INTO AND THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE VILLAGE OF FREEBURG, ILLINOIS AND CHARTER COMMUNICATIONS ENTERTAINMENT I

WHEREAS, the Board of Trustees of the Village of Freeburg, Illinois believes it is in the best interest of the Village to enter into an Agreement with Charter Communications Entertainment I as described in the attached Local Agency Agreement for Federal Participation, and

WHEREAS, the Section 11-42-11 of the Illinois Municipal Code, 65 ILCS 5/11-42-11, grants municipalities authority to license, franchise and tax cable operators;

WHEREAS, pursuant to the Illinois Municipal Code, the Village is authorized to enter into the Agreement attached hereto and made apart hereof.

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

SECTION 1. The recitals set forth above are hereby adopted, found true and correct and are incorporated by reference as if fully set forth herein.

SECTION 2. The Board of Trustees hereby determines that it is advisable, necessary and in the public interest that the Municipality enter into the Agreement attached hereto and made a part hereof.

SECTION 3. The Mayor of the Village of Freeburg, Illinois is hereby authorized and directed to execute the Agreement attached hereto as "Exhibit A" and made a part hereof, and to do all other things necessary and essential, including the execution of any documents and certificates necessary to carry out the provisions of said Agreement.

SECTION 4. This Ordinance shall be in full force and effect after its passage and approval as provided by law.

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG, ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT THIS 5th DAY OF AUGUST, 2013.

AYES _____	NAYS _____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ORDINANCE NO. 1470 cont.

ABSENT _____

ABSTAIN _____

Approved this 5th day of August, 2013.

Seth Speiser, Village President

ATTEST:

Jerry Menard, Village Clerk

Approval as to Legal Form:

Village Attorney

FRANCHISE AGREEMENT

This Franchise Agreement (“Franchise”) is between the Village of Freeburg, Illinois, hereinafter referred to as the “Grantor” and Charter Communications Entertainment I, LLC locally known as Charter Communications, hereinafter referred to as the “Grantee.”

“WHEREAS the Grantor hereby acknowledges that the Grantee has substantially complied with the material terms of the current Franchise under applicable law, and that the financial, legal, and technical ability of the Grantee is reasonably sufficient to provide services, facilities, and equipment necessary to meet the future cable-related needs of the community, and having afforded the public adequate notice and opportunity for comment, desires to enter into this Franchise with the Grantee for the construction and operation of a cable system on the terms set forth herein.”

“WHEREAS the parties have determined that any previously adopted Cable Regulatory Code is no longer applicable to this renewed franchise.”

1. Definitions:

- a. “Cable Act” means the Cable Communications Policy Act of 1984, P.L. 98-549, 47 U.S.C. §521 Supp., as it may be amended or superseded.
- b. “Cable System,” “Cable Service,” and “Basic Cable Service” shall be defined as set forth in the Cable Act.
- c. “Franchise” means the authorization granted hereunder of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a Cable System within the Service Area.
- d. “Gross Revenues” means all revenues, as determined in accordance with generally accepted accounting principles, actually received by Grantee from Subscribers residing within the Service Area for Cable Services purchased by such Subscribers on a regular, recurring monthly basis. Gross Revenues shall not include (1) any taxes, fees or assessments collected by the Grantee from Subscribers for pass-through to a government agency, including the franchise fee and the FCC user fee; (2) bad debt; (3) credits, refunds and deposits paid to Subscribers; and (4) any exclusion available under applicable state law.
- e. “Service Area” shall mean the geographic boundaries of the Grantor.
- f. “Streets” means the public streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, alleys, all other rights-of-way and easements, and the public grounds, places or water within the geographic boundaries of Grantor.

- g. "Subscriber" means any person lawfully receiving any Cable Service from the Grantee.
2. **Granting of Franchise.** The Grantor hereby grants to Grantee a non-exclusive Franchise for the use of the Streets and dedicated easements within the Service Area for the construction, operation and maintenance of the Cable System, upon the terms and conditions set forth herein. Nothing in this Franchise shall be construed to prohibit the Grantee from offering any service over its Cable System that is not prohibited by federal or state law.
3. **Term.** The Franchise shall be for a term of five (5) years, commencing on the Effective Date of this Franchise as set forth in Section 16. This Franchise will be automatically extended for an additional term of five (5) years from such effective date, unless either party notifies the other in writing of its desire to not exercise this automatic extension (and enter renewal negotiations under the Cable Act) at least three (3) years before the expiration of this Franchise. If such a notice is given, the parties will then proceed under the federal Cable Act renewal procedures.
4. **Franchise Transfer.** The Franchise granted hereunder shall not be assigned, other than to an entity controlling, controlled by, or under common control with the Grantee, without the prior consent of the Grantor, such consent not to be unreasonably withheld or delayed. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of the Grantee in the Franchise or Cable System to secure indebtedness. Within thirty (30) days of receiving a request for transfer, the Grantor shall notify the Grantee in writing of any additional information it reasonably requires to determine the legal, financial and technical qualifications of the transferee. If the Grantor has not taken action on the Grantee's request for transfer within one hundred twenty (120) days after receiving such request, consent by the Grantor shall be deemed given.
5. **Use of the Streets and Dedicated Easements.**
- a. Grantee shall have the right to use the Streets of the Grantor for the construction, operation and maintenance of the Cable System, including the right to repair, replace and enlarge and extend the Cable System, provided that Grantee shall utilize the facilities of utilities whenever practicable.
- b. The facilities of the Grantee shall be installed underground in those Service Areas where existing telephone and electric services are both underground at the time of system construction. In areas where either telephone or electric utility facilities are installed aerially at the time of system construction, the Grantee may install its facilities aerially with the understanding that at such time as the existing aerial facilities are required to be placed underground by the Grantor, the Grantee shall likewise place its facilities underground.
- c. Grantee shall have the right to remove, trim, cut and keep clear of the Cable System, the trees in and along the Streets of the Grantor.

- d. Grantee in the exercise of any right granted to it by the Franchise shall, at no cost to the Grantor, promptly repair or replace any facility or service of the Grantor which Grantee damages, including but not limited to any Street or sewer, electric facility, water main, fire alarm, police communication or traffic control.
- e. All construction, installation, restoration and maintenance work shall be subject to pertinent ordinances, regulations or policies of the Grantor applicable to all occupants of its right-of-way.

6. Maintenance of the System.

- a. Grantee shall at all times employ ordinary care in the maintenance and operation of the Cable System so as not to endanger the life, health or property of any citizen of the Grantor or the property of the Grantor
- b. All construction practices and installation of equipment shall be done in accordance with all applicable sections of the National Electric Safety Code.
- c. The Cable System shall be designed, constructed and operated so as to meet those technical standards adopted by the FCC relating to Cable Systems contained in part 76 of the FCC's rules and regulations as may, from time to time, be amended.

7. Service.

- a. The Grantee shall make Cable Service distributed over the Cable System available to every residence within the Service Area where there is a minimum density of at least forty (40) residences per linear strand mile of cable (excluding any home subscribing to any satellite service) as measured from Grantee's closest trunk line or distribution cable that is actively delivering Cable Service as of the date of such request for service. If such residence is located within 125 feet of Grantee's feeder cable, the Cable Service will be provided at Grantee's published rates for standard installation. Notwithstanding the foregoing, the Grantee shall have the right, but not the obligation, to extend the Cable System into any portion of the Service Area where another operator is providing Cable Service, or into any annexed area which is not contiguous to the present Service Area of the Grantee. Grantee shall not be obligated to provide Cable Service into any area which is financially or technically infeasible.
- b. The Grantor shall provide prior notice to the Grantee of its annexation of any contiguous territory which is being provided Cable Service by the Grantee or its affiliates. Such annexed area will be subject to the provisions of the franchise which previously covered that area throughout the term of this Franchise, although the Grantor will replace the previous franchise authority. Grantee shall pay the Grantor franchise fees on revenue received from the operation of the Cable System to provide Cable Services in the Service Area and in any area annexed by the Grantor if the Grantor has provided written notice to the Grantee prior to the date of such annexation

c. Grantee shall provide Basic Cable Service and one free outlet to each of the following public facilities located within two hundred (200) feet of existing service lines of the Grantee and within the jurisdictional limits of the Grantor: Village Hall, Fire Department, Police Department and public schools. No monthly service fee shall be charged for such outlet. Grantee shall provide Basic Cable Service to new construction hereafter for similar public facilities; provided they are within two hundred (200) feet of the existing service lines of Grantee.

8. **Consumer Protection.** Grantee shall comply with the customer service and privacy protection provisions pursuant to 220 ILCS 5/22-501 (Article XXII of the Illinois Public Utilities Act).

9. **Insurance/Indemnity.**

a. The Grantee shall maintain throughout the term of the Franchise insurance in amounts at least as follows:

Workers' Compensation	Statutory Limits
Commercial General Liability	[\$1,000,000] per occurrence, Combined Single Liability (C.S.L.) [\$2,000,000] General Aggregate
Auto Liability including coverage on all owned, non-owned hired autos Umbrella Liability	[\$1,000,000] per occurrence C.S.L.
Umbrella Liability	[\$1,000,000] per occurrence C.S.L.

b. The Grantor shall be added as an additional insured, arising out of work performed by Charter, to the above Commercial General Liability, Auto Liability and Umbrella Liability insurance coverage.

c. The Grantee shall furnish the Grantor with current certificates of insurance evidencing such coverage upon request.

d. Grantee hereby agrees to indemnify and hold the Grantor, including its agents and employees, harmless from any claims or damages resulting from the actions of Grantee in constructing, operating or maintaining the Cable System. Grantor agrees to give the Grantee written notice of its obligation to indemnify Grantor within ten (10) days of receipt of a claim or action pursuant to this section. Notwithstanding the foregoing, the Grantee shall not be obligated to indemnify Grantor for any damages, liability or claims resulting from the willful misconduct or negligence of Grantor or for the Grantor's use of the Cable System.

10. Revocation.

- a. Prior to revocation or termination of the Franchise, the Grantor shall give written notice to the Grantee of its intent to revoke the Franchise on the basis of a pattern of noncompliance by the Grantee, including one or more instances of substantial noncompliance with a material provision of the Franchise. The notice shall set forth the exact nature of the noncompliance. The Grantee shall have sixty (60) days from such notice to either object in writing and to state its reasons for such objection and provide any explanation or to cure the alleged noncompliance. If Grantee has not cured the breach within such sixty (60) day time period or if the Grantor has not otherwise received a satisfactory response from Grantee, the Grantor may then seek to revoke the Franchise at a public hearing. The Grantee shall be given at least thirty (30) days prior written notice of such public hearing, specifying the time and place of such hearing and stating its intent to revoke the Franchise.
- b. At the hearing, the Grantor shall give the Grantee an opportunity to state its position on the matter, present evidence and question witnesses, after which it shall determine whether or not the Franchise shall be revoked. The public hearing shall be on the record and a written transcript and a certified copy of the findings shall be made available to the Grantee within ten (10) business days. The Grantee may appeal such determination to an appropriate court, which shall have the power to review the decision of the Grantor *de novo*.
- c. Upon revocation of the Franchise, Grantee may remove the Cable System from the Streets of the Grantor, or abandon the Cable System in place.

11. Equal Protection. If any other provider of cable services or video services (without regard to the technology used to deliver such services) is lawfully authorized by the Grantor or by any other state or federal governmental entity to provide such services using facilities located wholly or partly in the public rights-of-way of the Grantor, the Grantor shall, within thirty (30) days of a written request from Grantee, modify this Franchise to insure that the obligations applicable to Grantee are no more burdensome than those imposed on the new competing provider. If the Grantor fails to make modifications consistent with this requirement, Grantee's Franchise shall be deemed so modified thirty (30) days after the Grantee's initial written notice. As an alternative to the Franchise modification request, the Grantee shall have the right and may choose to have this Franchise with the Grantor be deemed expired thirty (30) days after written notice to the Grantor. Nothing in this Franchise shall impair the right of the Grantee to terminate this Franchise and, at Grantee's option, negotiate a renewal or replacement franchise, license, consent, certificate or other authorization with any appropriate government entity.

12. Confidentiality. If Grantee provides any books and records to the Grantor, the Grantor agrees to treat as confidential such books, records or maps that constitute proprietary or confidential information. Until otherwise ordered by a court or agency of competent jurisdiction, the Grantor agrees that, to the extent permitted by state and federal law, it

shall deny access to any of Grantee's books and records marked confidential to any person.

13. Notices, Miscellaneous.

- a. Every notice served upon the Grantor shall be delivered or sent by certified mail, return receipt requested, to:

Mayor
Village of Freeburg
14 Southgate Center
Freeburg, IL 62243

and every notice served upon Grantee shall be delivered or sent by certified mail, return receipt requested, to:

Attention: Vice President/GM
Charter Communications
941 Charter Commons Drive
Town & Country, MO 63107

With a copy to: Charter Communications
12405 Powerscourt Drive
St. Louis, MO 63131
Attention: Vice President of Government Affairs

- b. All provisions of this Franchise shall apply to the respective parties, their lawful successors, transferees and assigns.
- c. In the event of any conflict between this Franchise and any Grantor ordinance or regulation, this Franchise will prevail.

- 14. Force Majeure.** The Grantee shall not be held in default under, or in noncompliance with the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes work delays caused by waiting for utility providers to service or monitor their utility poles to which Grantee's Cable System is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary.

15. Franchise Fee.

- a. Grantee shall pay to the Grantor, on a quarterly basis, an amount equal to three percent (3%) of the Grantee's Gross Revenues.

- b. The Payment of franchise fees by the Grantee shall be made on a quarterly basis and shall be due no later than forty-five (45) days after the close of each calander quarter. Each payment shall be accompanied by a report prepared by a representative of the Grantee showing the basis for the computation.
- c. The Grantor and Grantee shall comply with the auditing provisions established pursuant to 65 ILCS 5/11-42-11.05.

- 16. **Effective Date.** The Franchise granted herein will take effect and be in full force from such date of acceptance by Grantee recorded on the signature page of this Franchise. This Franchise shall expire on _____, _____ unless extended in accordance with Section 3 of this Franchise or by the mutual agreement of the parties.
- 17. **Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Franchise is, for any reason, held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Franchise.
- 18. **Acceptance and Entire Agreement.** The Grantor and the Grantee, by virtue of the signatures set forth below, agree to be legally bound by all provisions and conditions set forth in this Franchise. The Franchise constitutes the entire agreement between the Grantor and the Grantee. No modifications to this Franchise may be made without an appropriate written amendment signed by both parties

Considered and approved this ___ day of _____, 2013

Village of Freeburg

Signature: _____

Name/Title _____

Accepted this ___ day of _____, 2013, subject to applicable federal, state and local law.

Charter Communications Entertainment I, LLC d/b/a Charter Communication

Signature: _____

Name/Title: _____

Date: _____

ORDINANCE NO. 1471**AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF FREEBURG, ILLINOIS,
WAIVING COMPETITIVE BIDDING AND ACCEPTING BID PROPOSAL OF AKA
CONCRETE FOR THE INSTALLATION OF A CONCRETE SLAB SHED FLOOR**

WHEREAS, AKA Concrete has submitted a bid proposal to supply materials and construct a concrete slab shed floor for a price of \$34,000.00 with the following specifications:

Six-Inch thick 6400 ft.² concrete floor, 10 mil polyethylene vapor barrier, associated excavation & grading, (crushed stone granular subgrade to be furnished by the Village), 1.5 feet wide by 2 inch thick Styrofoam insulation along perimeter along with 2x8 inch wolmanized perimeter around the bottom of the building, 8 inch wide by 32 inch deep perimeter frost wall & 6 x 6 wire mesh for an 80' x 80' existing building.

A copy of the AKA Concrete bid proposal is attached hereto as Exhibit A.

WHEREAS, at least two-thirds of the Board of Trustees holding office in the Village of Freeburg, Illinois believe it is in the best interest of the citizens of Freeburg and in the interest of public health and safety to waive any applicable competitive bidding requirements and to accept and approve the above-referenced bid proposal of AKA Concrete.

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

SECTION 1. The recitals set forth above are true and correct and are incorporated by reference as if fully set forth herein.

SECTION 2. At least two-thirds of the members of the Board of Trustees now holding office hereby approve the waiver of the bidding requirements of 65 ILCS 5/8-9-1 and any applicable bidding requirements of the Village of Freeburg Code of Ordinances and hereby accept and approve the bid proposal for the purchase and installation of the concrete slab shed floor of AKA Concrete attached as Exhibit A and as set forth above in the amount of **\$34,000.00** to be paid upon completion and approval of the work performed. The Mayor of the Village of Freeburg, Illinois is hereby authorized to execute, and the Clerk to attest, any documents consistent with this ordinance which may be necessary to complete this transaction.

SECTION 3. This Ordinance shall be in full force and effect after its passage and approval as provided by law.

ORDINANCE NO. 1471

PASSED by the Board of Trustees and approved by the Mayor this 19th day of August, 2013.

AYES _____

NAYS _____

ABSENT _____

ABSTAIN _____

Jerry Menard, Village Clerk

Approved this _____ day of _____, 2013.

VILLAGE OF FREEBURG, ILLINOIS

Seth Speiser, Village President

ATTEST:

Jerry Menard, Village Clerk

Approval as to Legal Form:

Village Attorney

Bid Form Begins

BID TO: Village of Freeburg
14 Southgate Ctr.
Freeburg, IL 62243

BID FROM: AKA Concrete, Inc.
6995 Ammons Rd. , Bartelso, IL 62218
(Bidder's Address)

BID FOR : GENERAL WORK

Date : 7/11/13

THE UNDERSIGNED

1. Acknowledges receipt of :
 - A. PROJECT SPECIFICATIONS
PROPOSED STORAGE BUILDING FLOOR SLAB for
Village of Freeburg
14 Southgate Ctr.
Freeburg, IL 62243
 - B. Drawings : NONE
 - C. Addenda :
2. Has examined the site and all bidding documents and he shall be responsible for performing all work specifically required of him by all parts of the bidding documents, including all drawings and specifications for the entire project even though such work may be included as related requirements specified in other divisions or sections.
3. Agrees:
 - A. To hold this Bid open until 60 calendar days after Bid opening date or as otherwise noted.
 - B. To accept the provisions of the Instructions to Bidders (AIA A701) regarding disposition of bid security.

Bid Form (continued)

- C. To enter into and execute a contract with the Owner, if awarded on the basis of this Bid, and in connection therewith to :
1. Furnish all insurance required by the bidding documents.
 2. Accomplish the work in accordance with the Contract.
 3. Complete the work within the contract time herein specified.
- D. In submitting this Bid it is understood that the right is reserved by the Owner to reject any or all Bids.

CONTRACT TIME: The slab contractor shall complete all the work required 45 calendar days after the contract signing date; provided the under slab plumbing and under slab heating contractors do not impede slab contractor's progress.

REPRESENTATIONS AND CERTIFICATIONS : The Bidder by the execution of this Bid Form makes the following representations and certifications as a part of this Bid on the project identified on the Bid Form. In the case of a joint venture Bid, each party represents and certifies as to his / her own organization.

1. **AVAILABILITY:** The number and amount of other contracts and awards pending which I am or will become obligated to perform, now and during the course of my work on this project, will not interfere with or hinder the timely prosecution of the work.
2. **INDEPENDENT PRICE DETERMINATION:** The contract sum in this Bid has been arrived at independently, without any consultation, communication, or agreement for the purpose of restricting competition.
3. **OPEN COMPETITION:** I have not offered any money or other valuable things to any person to induce him not to Bid on this project, or recompense for his not Bid on this project, and therefore have not violated the prevention of competition provisions in preparing my Bid.
4. **TAX EXEMPT STATUS:** I understand that the Owner is exempt from Sales Tax (Tax Exempt # **E9993-6100-06**) on products permanently incorporated in the work. Therefore, this Bid does not include sales tax on these products.
5. **BID-RIGGING OR BID ROTATING :** The contractor / vendor certifies that the contractor is not barred from bidding on the contract as a result of a conviction for either bid-rigging or bid rotating under Article 33E of the Illinois Criminal Code of 1961.
6. **PREVAILING WAGE:** I will pay and require each subcontractor to pay not less than the general prevailing rate of hourly wages for work of a similar character in the locality in which the work is performed, and not less than general prevailing rate of hourly wages for legal holidays and overtime work, as determined by the Illinois Department of Labor.

I hereby certify that all the statements herein are made on behalf of :

AKA Concrete, Inc.

(Name of Corporation, Partnership, or Individual submitting Bid)

BIDDING AND CONTRACT DOCUMENTS

Bid Form (continued)

CONCRETE SLAB:

Furnish All Work and materials with all necessary equipment and concrete forms for the interior concrete slab (six-inch thick by 6400ft.² (80' x 80') trowel finish, 5000 psi 28 day compressive strength concrete) with all appurtenances including 10 mil polyethylene vapor barrier, 6 x 6 x 10 gauge in panels reinforcing mesh, with an 8" x 32" deep frost wall around the exterior perimeter & 8" x 32" deep frost wall at each exterior door, a 2 inch thick by 1.5 foot deep Styrofoam subgrade insulation barrier inside and a 2" x 8" wolmanized perimeter along the bottom of the as constructed storage building located at the intersection a white Street and Main Street. The Owner will bring site to within 2" of grade. This "concrete" bid is to include all perimeter frost wall trench excavation, leveling of concrete slab to slope toward doorways, trench drains or floor drains and leveling subgrade with granular fill. All granular fill (crushed stone) to be furnished by the Village. Concrete slab contractor to backfill all trenches created by the plumber or the in slab heating contractor. Rough and finish grading perimeter of building with local soils to drain away from building will be completed by the Village. Bidder also agrees to coordinate rough-in plumbing and in-slab heat placement. This bidder shall carefully install concrete to ensure that the rough-in plumbing and in-slab heat piping materials are not damaged in any way and that they remain in the location required by the plumbing or in slab heating contractors. The in slab heating contractor will furnish & install bubble-wrap insulating foil above the subgrade prior to installation of the steel reinforcing mesh. After the concrete steel mesh is furnished and installed by the concrete slab contractor, the in-slab heating contractor shall fasten heating tubes to steel mesh.

CONCRETE SLAB LUMP SUM \$ 34,000.00

BIDDER'S NAME AKA Concrete, Inc.
Address 6995 Ammons Rd, Bartleso. IL
Phone and Fax 618-523-7045/618-523-7045 62218

Bidder certifies he has examined and carefully prepared this Bid Form and Specifications and has checked the same in detail before submitting this Proposal; that has been fully authorized to make such statements and submit this Proposal on his companies behalf; and that the statements are true and correct.

RESPECTFULLY SUBMITTED, signed and sealed this 11 day of July
2012. 2013

[Signature]
Contractor's signature

president (SEAL)
Title

ATTEST :


Secretary

6995 Ammons Rd. Bartleso, IL 62218
Official Address

SIGNATURE REQUIRED

This bid shall be personally delivered to the proper authority, along with all required paperwork to the Bid Opening, at the time and location as listed in the Advertisement for Bids; or may be mailed to :

Village of Freeburg
14 Southgate Ctr.
Freeburg, IL 62243

Mark the envelope clearly : SEALED BID
PROPOSED STORAGE BUILDING FLOOR SLAB
For the VILLAGE OF FREEBURG

Bids shall be placed in a second envelope for mailing purposes. The Bid Documents shall be sealed in another envelope inside the mailing envelope.

Bid Form Ends

DIV. 1 - GENERAL REQUIREMENTS

Summary of Work

Bidding and Contract Documents and Division 1, General Requirements are hereby made a part of each division and section of the project specifications.

1. GENERAL

1.01. WORK COVERED BY CONTRACT DOCUMENTS :

A. Work included in the contract documents outlined as follows :

- i. Excavation
- ii. 10 mil polyethylene vapor barrier (6400 ft.²)
- iii. Concrete Slab (6 inches thick by 6400 ft.²)
- iv. Frost Wall (320 lf x 32" deep with 32" deep at ext. doorways)
- v. Wire Mesh (6 x 6 x 10 gauge— 6400 ft.² panels (not rolled))
- vi. 2" x 1.5' Styrofoam perimeter insulation (320 lf)
- vii. 2" x 8" Wolmanized perimeter along the bottom of the building (320 lf)

The work is not limited to these items. All work necessary to complete the PROPOSED STORAGE BUILDING FLOOR SLAB as described herein and as specified is required. The Concrete Contractor, in-Slab Heat Contractor and Rough-in Plumbing Contractor are to furnish all the materials for their portions of the contract. All concrete work shall be completed in accordance with the applicable guidelines and standards of the American Concrete Institute. Concrete shall have a 28 day compressive strength of 5000 psi. All abutting concrete members shall be doweled together, unless poured monolithically. Dowels shall be #5 smooth bars 30 inches long place 2 feet on center. Contraction joints shall be cut to a one third depth of the slab in a maximum 15' x 15' grid. Except at drains, slab must be flat (3/16 inch per 10 foot per ACI 302.1 R-89 Section 7.1 5.1.2) and troweled smooth. Where floor or trench drains are shown in slabs on grade, provision shall be made to slope slabs to grates or drains @ 0.8% minimum slope. Depress slab at all overhead doors 3/8 inch and slope toward exterior to reduce rainwater infiltration. Taper slab at walk doors at 1/8 inch per foot toward the exterior to reduce rainwater infiltration.

1.02. CONTRACTORS USE OF PREMISES

A. Confine operations at site to areas permitted by law, permits, and contracts. Protect the general public and Village personnel from being endangered by construction work. The existing Storage Building is to remain open during construction. Restroom facilities will be available for use by all trades during construction. All temporary barriers are to be furnished and installed by the Village. Each contractor shall be responsible for cleaning the site and premises as work progresses to ensure that the site remains safe at all times. Do not unreasonably encumber site with materials or equipment. Assume full responsibility for protection and safekeeping of products stored on premises.

INSURANCE REQUIREMENTS

GENERAL

The contractor shall not commence work under the Contract until all the insurance required herein has been obtained. Certificates of Insurance showing coverage as required to be in effect will be filed with the Owner at the time of entering into the Contract. Certificates of Insurance will be on Insurance Service Organization's form and shall provide 30 days notice of cancellation. The certificates will be signed by the insurance companies or their authorized agents. The insurance companies must be authorized to do business in the State of Illinois.

The Contractor shall maintain in force the coverages required herein for the term of the Contract. Also, the contractor shall not allow any subcontractors to commence work on any portion of the project without evidence that the subcontractor has insurance coverage equal to the coverages required in this section.

The minimum amounts of insurance shall be as follows:

- A. Comprehensive Automobile Liability
 1. \$500,000 Bodily Injury per Person
 2. \$1,000,000 Bodily Injury per Occurrence
 3. \$500,000 Property Damage per Occurrence

- B. Workers' Compensation-Statutory Limits
Employer's Liability: \$500,000 Bodily Injury per Person

- C. Comprehensive General Liability
Policy shall include coverage for Premises and Operations, Contractors Protective Liability, Completed Operations, Broad Form Blanket Contractual Liability, Broad Form Property Damage including Completed Operations and Personal Injury Liability. Where the hazard exists, the coverage shall protect against claims of explosive, collapse, or underground damage.
 1. \$1,000,000 Bodily Injury per Person
 2. \$1,000,000 Bodily Injury Aggregate Limit
 3. \$500,000 Property Damage per Occurrence
 4. \$1,000,000 Property Damage Aggregate Limit

- D. Umbrella Coverage
Umbrella Coverage policy shall include \$1,000,000 for any one occurrence and be subject to the same aggregate over the Comprehensive General Liability and Automotive Liability.

- E. Owners Protective Insurance
 1. \$1,000,000 Bodily Injury per Person
 2. \$1,000,000 Bodily Injury per Occurrence
 3. \$500,000 Property Damage per Occurrence Aggregate LimitOwner's Protective Insurance shall be purchased and maintained by the contractor and shall name the Owner and its Engineer as named insureds.

- F. Builders Risk Insurance
Builders Risk Insurance is not provided by the Owner. The Contractor is responsible for any loss that would be insured by such coverage. On contracts for construction of buildings, bridges, or other structures All Risk Builders Risk coverage is required. Such coverage shall name the Owner, contractors, subcontractors, and suppliers as their interest may appear as named insureds.

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

ELECTRIC COMMITTEE MEETING
Wednesday, August 14, 2013 at 5:30 p.m.

EXHIBIT D

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 Electric Committee was called to order at 5:30 p.m. on Wednesday, August 14, 2013 by Chairman Mike Blaies. Committee members present were Chairman Mike Blaies, Trustee Steve Smith, Trustee Elizabeth Niebruegge, Mayor Seth Speiser, Village Clerk Jerry Menard (5:50 p.m.), Public Works Director John Tolan via telephone, Head Lineman Shane Krauss, Village Administrator Tony Funderburg and Office Manager Julie Polson. Guest present: Janet Baechle.

A. OLD BUSINESS:

1. Approval of July 10, 2013 Minutes: Trustee Elizabeth Niebruegge motioned to approve the July 10, 2013 minutes and Trustee Mike Blaies seconded the motion. All voting aye, the motion carried. Trustee Elizabeth Niebruegge motioned to approve the July 10, 2013 Exexutive Session minutes with correction and Trustee Mike Blaies seconded the motion. All voting aye, the motion carried.
2. Acquiring Ameren customers: Shane needs to go through the list more closely to see if there are other customers that might want our power. He would like to look at their specific situation and see how close our facilities are. We would have a better idea of how much money it would cost to get power to them.
3. HAPS/High sulfur fuel: We are waiting on the permit. Shane provided all the records to LaDonna Driver and she is working to logistically prove the high sulfur fuel was diluted.
4. Portable Generator Replacement: Shane talked to Craig and he had to send the fuel pump back that he was trying to replace on the portable generator. He should have a new one in a couple of weeks. He will then rig up a portable tank in the shop to make sure the generator works. We still need to figure out how we are going to feed the fuel tank. Shane said the portable generator won't have enough power to run the west plant but will be able to provide enough power to manage some of the essential tasks.
5. Arc Flash Study: John said we still need to paint the doors and order new motors on the exhaust fans.
6. Safety Training: John has training sessions scheduled for September, October and November.
7. Charter Agreement: Tony will have the complete agreement presented at the next board meeting.

8. Wiegmann's project/Grade School project: Shane said we are looking at the 1st of October for the transformer transfer. We will have to kill the power, take our transformers out and then Wiegmanns' crew does the work. He will set up a meeting towards the end of September to make sure everything is ready to go. The high school bus garage needs power for the radios and Shane said we put a meter can up for that. Shane asked how much do we bill them for the materials since we don't sell meter cans anymore. It also took about a half day to do the work. The committee discussed and agreed to bill them only for materials.
9. Shed: Tony said we need a resolution or ordinance to waive the bidding process and have the concrete floor bid accepted with a 2/3's vote at the board meeting. Tony will prepare the ordinance and have it ready for Monday's board packet. Shane is trying to contact Toennies to coordinate the radiant heat installation with the concrete floor. We will insure the contractor is paying the prevailing rate of wages on this project. Shane said the doors for the plants and shed don't use the same key. He would like to get a quote on getting the old power plant and shed on the same key.

Trustee Elizabeth Niebruegge motioned to recommend to the full Board to waive the bidding process for AKA Concrete's bid on the shed floor by a 2/3's vote of the Village Board and Trustee Steve Smith seconded the motion. All voting aye, the motion carried.

10. Spreadsheet of agreements: Julie added the intergovernmental agreement for the Fire Department. She said the CellNet contract goes year to year once the original term expires.
11. Risk assessment conducted by insurance company: John said Shane will start working on this in the next month or so.
12. Doors at old power plant: John will call them again to try and get them out to take care of this.
13. Transformer bids/Surplus Transformers: John gave Shane the information on this. He will have the guys go through everything and see what we can surplus bid out. Some of the guys have been out checking the power poles and so far, we have about 12 in bad shape. Three of them were replaced. This will be an ongoing project. Shane likes the idea of inspecting the poles and said by replacing them, it saves a future callout. Julie will add pole condition/replacement to the agenda. Shane also is working on getting the area cleaned out on the old railroad right-of-way at the north plant for the pole storage.
14. Prairie State Tour: Everything is set for the tour on the 22nd. Shane would like to see Bob Elden go on the power plant tour. Several people offered to give up their spot for Bob. Jerry also would like to attend. Julie will check with Tammy and see if we can get them added.

15. LED Lighting: The lighting will be funded by a grant and will provide LED lights to Village Hall and the new shed. The application is in process for the grant.
16. Head lineman position: Item can be taken off the agenda.
17. Cold storage units: Elizabeth talked to Ron and was able to find out why we had units in cold storage. The cooling towers for units 1, 2 3, 4 and 7 are shot. The cost to get these units up and running as well as maintaining would be astronomical.

B. NEW BUSINESS: John said we need to review our costs for wire and labor for installations. We only charge \$3/ft. for wire and he believes we are not charging enough money. Seth said Ameren does not charge anymore to install a service for new construction. We will look at other IMEA communities to see what they charge. Shane would like to stop the policy of our personnel installing the temporary electric poles. He asked Seth how it is done in other communities. Seth said he is building a home in Glen Carbon and they require the contractor to take care of that.

Shane brought up the recreation park and the electric service out there. He and John think the park should take over the maintenance of their electric service. We would help them with projects like replacing a light bulb since we have the equipment to handle that and the committee agreed.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Steve Smith motioned to adjourn at 6:29 p.m. and Trustee Elizabeth Niebruegge seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

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PERSONNEL AND PUBLIC SAFETY COMMITTEE MEETING Wednesday, August 14, 2013 at 6:30 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

Chairperson Ray Matchett called the meeting of the Personnel and Public Safety Committee to order on Wednesday, August 14, 2013 at 6:30 p.m. Those present were Chairperson Ray Matchett, Trustee Matt Trout, Trustee Mike Blaies, Mayor Seth Speiser (left at 7:05 p.m.), Trustee Dean Pruett, Trustee Elizabeth Niebruegge, Chief Stan Donald (absent), Village Clerk Jerry Menard, Village Administrator Tony Funderburg and Office Manager Julie Polson. Guest present: Janet Baechle.

POLICE: OLD BUSINESS:

1. Towing Issue: Tony said Chief Donald is handling this.
2. Transmission repair on 2009 car: Tony said the repair cost about \$4,000 but that some other needed repairs were taken care of as well.

Tony advised the due date for the reply brief has been reset to August 28th.

B. NEW BUSINESS: Tony said we received a request from one of the officers who said that Motomart is asking if the Village would prepare an ordinance stating that they need two employees working after midnight. Seth said we can't run their business for them. Tony wanted to bring it here before he takes it to Legal/Ordinance committee. He also brought up the no parking requests for in front of Lighthouse Learning Center and on Richland by the high school. Trustee Trout will talk to Lighthouse Learning to confirm the location and the committee tabled this request. The committee was fine with the no parking signs on Richland by the high school and Tony will take it to the Streets committee. Janet Baechle had a petition signed by the residents to take down two stop signs, one on Silverthorne and the other on Red Cliff. Tony will have Stan review the requests and also take these to Streets.

Village Clerk Menard asked if we have a curfew and then asked if it is enforced? The curfew is 10:00 p.m. on weeknights and 11:00 p.m. on weekends. Seth advised the committee of an incident that happened with our Chief of Police being threatened by a resident. That resident also threatened our police officers and Chief is having this investigated. Seth will call the resident and advise him it was discussed at the police committee meeting. Seth also advised the committee he has a request from Lucky Joes to extend his liquor license until 2:00 a.m. Friday and Saturday night. He will let Stan know about it.

PERSONNEL:

A. OLD BUSINESS:

1. Approval of July 10, 2013 Minutes: Trustee Matt Trout motioned to approve the July 10, 2013 minutes and Trustee Mike Blaies seconded the motion. All voting aye, the motion carried. Trustee Matt Trout motioned to approve the April 22, 2013, June 12,

Personnel/Police Committee Meeting
Wednesday, August 14, 2013
Page 1 of 3

2013 #1 & #2; and July 10, 2013 Executive Session minutes and Trustee Mike Blaies seconded the motion. All voting aye, the motion carried.

2. Employee handbook: Tony said Attorney Manion is recommending we don't approve the employee handbook or job descriptions until the code book revisions have been completed.
3. Job descriptions: On hold for now.
4. Plaques for Gene, Ron and Sam: Julie said it will be difficult to get pictures of Ron. She asked the committee for direction on what kind of plaque they want. They liked the idea of displaying the Chief of Police pictures in the lobby.
5. Full-time hire of Crew Worker:

**EXECUTIVE SESSION
7:05 P.M.**

Trustee Matt Trout motioned to enter into Executive Session citing personnel, 5 ILCS, 120/2-(c)(1) and Trustee Mike Blaies seconded the motion. All voting aye, the motion carried.

**EXECUTIVE SESSION ENDED
7:24 P.M.**

Trustee Matchett reconvened the meeting at 7:25 p.m.

Trustee Mike Blaies motioned to recommend to the full board the hire of a full-time crew worker and Trustee Matt Trout seconded the motion. All voting aye, the motion carried.

6. Time Clock Policies: Tony advised Attorney Manion has reviewed the revised time clock policy and is fine with it. he said we have great employees and the policy protects us in the future.

Trustee Matt Trout motioned to recommend to the full Board to adopt the time clock policy and Trustee Mike Blaies seconded the motion. All voting aye, the motion carried.

7. Office Cleaning: Tony said we did not receive any additional bids. We have the two original bids from Jodie Main and Triple A Janitorial. He advised the committee even though we appropriated the funds, we didn't budget any money for it. The cost is about \$3500 per year to clean. The committee tabled the topic since Mayor Speiser was not present to discuss the matter.

B. NEW BUSINESS:

1. IML Conference: Tony advised that Seth recently met with the mayors of Smithton and Millstadt. Smithton pays for the conference and gives each attendee \$500 for hotel and travel. We don't have any money budgeted for the IML conference but Tony believes it is very important for someone from Freeburg to go. Elizabeth, Matt and Mike would like to attend. Tony will review the budget to see if we can find any money to send some people up there. Seth plans on attending. Julie said we could

use some of the money from video gaming. Jerry said Steve wanted that to be earmarked for community projects.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Matt Trout motioned to adjourn at 7:55 p.m. and Trustee Mike Blaiies seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

Village of Freeburg Time Clock Policies

- All union, part-time and seasonal (non-exempt, non-appointed) employees are required to “punch” a daily time card using a designated time clock at the start and end of each workday.
- Employees must punch in prior to the start of their work shift and be ready to begin work at their work assignment at the starting time of the shift. Employees must punch out at the end of their work shift. Employees are not required to punch out for regular breaks and/or meal time allowed during their shift.
- Employees who leave during the middle of their shift for approved leave and then return to work must punch out when they leave and then punch in again when they return to work.
- For the purpose of computing compensation, time clock punches will be rounded forward or backward, according to a seven minute time period.
 - Use the following as a guide when determining the round:
 - 7:53 a.m. to 8:07 a.m. = 8:00 a.m.
 - 8:08 a.m. to 8:22 a.m. = 8:15 a.m.
 - 8:23 a.m. to 8:37 a.m. = 8:30 a.m.
 - 8:38 a.m. to 8:52 a.m. = 8:45 a.m.
 - This time allowance does not excuse tardiness or leaving early; employees are expected to be ready to work at the beginning of their scheduled shift and remain on the job until the end of their shift.
- A pattern of time clock policy violations, such as late punch ins, early punch outs, or missed punches, will subject an employee to disciplinary procedures set forth on the following schedule:

OCCURRENCES	DISCIPLINE	DURATION OF CORRECTIVE DISCIPLINARY ACTION	OCCURRENCES DURING CORRECTIVE DISCIPLINARY ACTION
(In any 12-month period)			
1 - 3	No Formal Discipline		
4	Verbal Warning		
5	Written Warning		
6	Written Reprimand	90 Days	Any two occurrences within 90 days will result in a 1 day suspension
7	One Day Suspension	90 Days	Any two occurrences within 90 days will result in termination
8	Termination		

- No one may possess or punch the time card of another employee under any circumstance. Falsifying any time card records is strictly prohibited. Such actions shall be grounds for disciplinary action, up to and including immediate dismissal.
- If an employee fails to punch his or her card, he or she must notify the appropriate supervisor. Failure to punch in and out appropriately shall be grounds for disciplinary action.
- Only the appropriate supervisor may alter any information on a time card. Any alterations must be initialed and dated by the supervisor. On rare occasions, such as an employee being unavoidably detained or unable to punch in or out due to an emergency, supervisors may make alterations or excuse a late punch in or punch out, as the case may be. All such requests for alterations or to be excused shall be within the sole discretion of the supervisor.
- The appropriate supervisor must authorize any overtime. Employees must punch the time clock when reporting for a callout or overtime.
- Any time clock malfunctions must be reported immediately to appropriate supervisor.

