

**VILLAGE PRESIDENT**  
Ray Danford

**VILLAGE CLERK**  
Jerry Menard

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

# **VILLAGE OF FREEBURG**

**FREEBURG MUNICIPAL CENTER**  
14 SOUTHGATE CENTER, FREEBURG, IL 62243  
PHONE: (618) 539-5545 • FAX: (618) 539-5590  
Web Site: www.freeburg.com

**VILLAGE ADMINISTRATOR**  
Dennis Herzing

**VILLAGE TREASURER**  
Bryan A. Vogel

**PUBLIC WORKS DIRECTOR**  
Ronald Dintelmann

**POLICE CHIEF**  
Melvin E. Woodruff, Jr.

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

October 3, 2011

## **NOTICE**

### **MEETING OF LEGAL AND ORDINANCE COMMITTEES Annexation; Building; Zoning; Subdivision (Speiser/Baker/Mattern)**

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, October 5, 2011, at 4:30 p.m.**

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

I. Items to be Discussed:

A. Old Business

1. Approval of September 7, 2011 Minutes
2. Status of Public Hazard Homes
3. Unionization
4. Update Code Book
5. Nuisance Abatement Code

B. New Business

C. General Concerns

D. Public Participation

E. Adjourn

At said Legal and Ordinance Meeting, the Village Trustees may vote on whether or not to hold an Executive Session to discuss the selection of a person to fill a public office [5 ILCS, 120/2 – (c)(3)], litigation [5 ILCS, 120/2 - (c)(11)] personnel [5 ILCS, 120/2 – (c) (1) a.]; collective negotiating matters between the public body and its employees or their representatives [5 ILCS 120/2 (C)(2).  
or real estate transactions [5 ILCS, 120/2 - (c)(5)].

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Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Speiser/Baker/Mattern)  
Wednesday, October 5, 2011 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:30 p.m. by Chairman Seth Speiser on Wednesday, October 5, 2011, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern, Village Administrator Dennis Herzing and Office Manager Julie Polson.

## A. OLD BUSINESS:

1. Approval of September 7, 2011 Minutes: Trustee Rita Baker motioned to approve the September 7, 2011 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

2. Status of Public Hazard Homes: Dennis advised Phil gave him an update on the Kinzinger home. Mrs. Kinzinger has finally received a court order to proceed with the house on N. Main St. Dennis thinks Leon Furtak is interested in buying it. With regard to the Furtak rezoning, Dennis passed out the memo received from Frank Heiligenstein regarding Leon's attempts to have the property at 113 E. Apple rezoned. Leon has had two Plan Commission hearings, the first was to rezone the property from SR-1 to MR-2 and the second hearing was to rezone it from SR-1 to MR-1. The Plan Commission only recommended the second request to the Board. The Village Board denied both requests. The options he has available are to ask for a zoning amendment to change the zoning (which has been done twice) or ask for an amendment to the zoning code which would make a duplex an allowable special use in the SR-1 district. If the Plan Commission and the Village Board agreed to that change, he would then have to go before the Board of Appeals to request a special use permit for that. Dennis said with the second option, the Village Board is taken out of the decision making process on future requests since the Board of Appeals is a ruling body. Each case requesting a duplex in a SR-1 zoned property would have to go before the Board of Appeals for a decision.

3. Unionization: Dennis said we met with the public works union on Monday. Attorney Manion prepared the ordinance revising the section in the code addressing health insurance. Dennis explained the last page of the ordinance is the current policy in effect. The public works union representatives seem to be pretty much in agreement with the proposed ordinance.

Trustee Charlie Mattern motioned to recommend the proposed Ordinance Enacting Section 33.70-33 and Amending Section 32.08 of the Code of Ordinances of the Village Freeburg to the full Board for approval and Trustee Rita Baker seconded the motion. All voting aye, the motion carried.

Legal and Ordinance Committee Meeting

Wednesday, October 5, 2011

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

4. Update Code Book: This is on old for now. Dennis needs to review Frank's proposed sample chapter.

5. Nuisance Abatement Code: Nothing new.

**B. NEW BUSINESS:** Dennis advised the committee that our contract with our auditing firm, C. J. Schlosser & Company, has expired. He provided copies of their proposal to enter into a new 3-year contract at a cost of \$9,050; \$9,300 and \$9,550 for the years ending March 31, 2011, 2012 and 2013. It represents a 2.5% increase per year. This will be included in the October 17th board packet.

**C. GENERAL CONCERNS:** None.

**D. PUBLIC PARTICIPATION:** None.

**E. ADJOURN:** *Trustee Rita Baker motioned to adjourn at 4:46 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson  
Office Manager

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Ray Danford

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Legal and Ordinance Committee Meeting  
(Annexation; Building; Zoning; Subdivision)  
(Speiser/Baker/Mattern)

Wednesday, September 7, 2011 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:38 p.m. by Chairman Seth Speiser on Wednesday, September 7, 2011, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern, Village Clerk Jerry Menard and Village Administrator Dennis Herzing. Guest present: Frank Heiligenstein.

## A. OLD BUSINESS:

1. Approval of August 3, 2011 Minutes: Trustee Rita Baker motioned to approve the August 3, 2011 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

2. Status of Public Hazard Homes: Seth has not heard anything on these issues. Frank said behind Wolf's Tavern, Jimmy Stout has 4 cars parked on the right of way that need to be checked out. Dennis said Sheets has another lawyer and thinks we may have to start foreclosure procedures to take the property.

3. Unionization:

### EXECUTIVE SESSION

5:10 P.M.

Trustee Rita Baker motioned to enter Executive Session at 5:10 p.m. to discuss collective negotiating matters between the public body and its employees or their representatives, 5 ILCS 120/2 (C)(2) and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

### EXECUTIVE SESSION ENDED

5:21 P.M.

4. Update Code Book: Frank was present to advise the committee on what could be done to make our code book better organized. The updates needed, should be done in a reasonable manner. Frank passed out a sample chapter which combines our current chapters of the code, #10, 11, 30 and 31 into one chapter and said this is how the book was originally organized. Frank went through the chapter pointing out several new sections and updates. He said we have areas in the code that are contradictory to other areas in the code. Frank also has the code on a flash drive for easy access and could also be placed on the website. If the Village decides to do this, we would readopt the entire code and all the changes at one time. Frank said if we do this, he would spread the cost of it over a couple of years at no interest. Frank thinks the zoning code needs to be revisited sometime down the road. Frank summarized by stating the whole code would be alphabetized into 40 chapters of which 10 we wouldn't use yet. The committee felt this needed to be done. It would cost

Legal and Ordinance Committee Meeting

Wednesday, September 7, 2011

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

approximately \$9300 to do this. Dennis is concerned our complete drug and alcohol program was not included in his proposal. The committee asked for copies to be provided to the other trustees and the Mayor. Frank left the meeting at 5:00 p.m.

5. Nuisance Abatement Code: Not discussed.

**B. NEW BUSINESS:** None discussed.

**C. GENERAL CONCERNS:** None.

**D. PUBLIC PARTICIPATION:** See Old Business, #4.

**E. ADJOURN:** *No motion made.* End of Executive Session 5:12 p.m.



Transcribed from tape by  
Julie Polson  
Office Manager

ORDINANCE NO. 2011-\_\_\_\_\_

**AN ORDINANCE ENACTING SECTION 33.70-33, AND AMENDING SECTION 32.08 OF THE CODE OF ORDINANCES OF THE VILLAGE OF FREEBURG, COUNTY OF ST. CLAIR, STATE OF ILLINOIS, TO ESTABLISH THE HEALTH INSURANCE ADVISORY COMMITTEE**

WHEREAS, the corporate authorities of the Village of Freeburg, Illinois, (the "Village") believe it is in the best interest of the citizens of Freeburg to establish a Health Insurance Advisory Committee to assist the Village in providing full-time Village employees with quality health insurance, dental and vision plans, while containing increasing costs;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, as follows:

Section 1: The recitals set forth above are true and correct and are hereby incorporated herein.

Section 2: Chapter 32: PERSONNEL POLICIES, Section 32.08 Insurance, is amended as follows:

**§ 32.08 INSURANCE.**

The Village shall provide a health benefits plan to full-time Village employees. The Village shall provide all full-time employees with the terms and conditions of the health benefits plan in writing when the plan is amended from time to time.

(A) — ~~The Village will pay one hundred percent (100%) of the premium per month for each participating full-time employee and dependents in the Medical Insurance Plan in effect.~~

(B) — ~~All full-time employees are eligible to participate in the Medical Insurance Plan. Application forms for participation in the Medical Insurance Plan are available from the Village Administrator's office.~~

(C) — ~~All full-time employees are eligible for the Excess Reimbursement Plan. Only those employees and dependents of employees who are enrolled for benefits under the Medical Insurance Plan are eligible for these additional benefits under the Excess Reimbursement Plan. The term "dependent" shall include all persons coming within the definition provided by Section 152 of the Internal Revenue Code of 1954, as amended from time to time, or any successor thereto. Under the Excess Reimbursement Plan the Village shall reimburse up to Two Thousand Five Hundred Dollars (\$2,500.00) per person and/or Five Thousand Dollars (\$5,000.00) per family per calendar year.~~

~~Eligible cost are as follows:~~

- ~~(1) The deductible, co-pays, or co-insurance not paid under the Medical Insurance Plan.~~
- ~~(2) Vision care.~~
- ~~(3) Dental care.~~

~~An additional One Hundred Twenty Dollars (\$120.00) is reimbursable for each person and/or family per calendar year for vision and/or dental care. (Ord. No. 1309; 02-02-09)~~

~~(D) — Suitable proof of expenses incurred shall be submitted by the employee to the Village Administrator's office for reimbursement. New employees with an effective date other than January 1 will have their benefit pro-rated by the number of months employed during the plan year. Reimbursement of eligible cost submitted to the Village Administrator's office will be paid by the Village within their normal payment cycle after the Village Administrator has determined the suitability of proof and eligibility under the plan.~~

~~If a claim is wholly or partially denied, the matter shall be referred to the Village Board for review. Notice of a final decision by the Village Board shall be furnished to the employee within thirty (30) days of referral. The effective date of this Ordinance is January 1, 2003.~~

Section 3: The following sections are enacted under Chapter 33: BOARDS AND COMMISSIONS, as follows:

### *Health Insurance Advisory Committee*

- 33.70 Established
- 33.71 Purpose
- 33.72 Membership
- 33.73 Term
- 33.74 Meetings
- 33.75 Compensation
- 33.76 Powers and Duties
- 33.77 Reports Required

#### **33.70 Established.**

The Village of Freeburg Health Insurance Advisory Committee (hereinafter referred to as the Committee) is hereby established.

#### **33.71 Purpose.**

The purpose of the Committee shall be to identify innovative strategies that will allow the Village to continue to maintain quality health insurance, dental and vision plans, while containing future growth in health plan costs. The committee shall periodically review the ongoing operation of the health insurance, dental and vision plans, investigate ways to improve the health care program, evaluate any proposed cost increases and make effective recommendations for changes to the health care program to the Village Board of Trustees.

#### **33.72 Membership.**

The committee shall be comprised as follows:

- (A) Voting Members.

- (1) Two (2) members selected from each participating collective bargaining unit by their membership.
- (2) Two (2) members selected from other non-union Village employees (including supervisory employees) by secret ballot.

Each member of the committee shall have equal voice and vote regardless of their position with the Village.

(B) Non-Voting Members.

The employer shall be represented by two (2) members of the Village Board of Trustees and the Mayor or designee. The employer representatives shall serve as *ex officio* (non-voting) members of the committee.

**33.73 Term.**

Members of the Committee shall be selected as soon as practical following the passage and approval of this ordinance. Thereafter, members shall serve a one (1) year term, commencing on May 1<sup>st</sup> each year.

**33.74 Election of Chairman.**

The Committee shall elect one of the voting members as Chairman to preside at meetings of the Committee.

**33.75 Meetings and Compensation.**

The Committee shall meet at least once annually but may hold other meetings as may be desired or required by the Committee. Employee members shall be compensated at their regular rate of pay (straight time) for attendance of up to four (4) meetings per calendar year. If the Committee wishes to meet more than four (4) times per calendar year, it must request and receive pre-approval of the Village Board for employee members to be compensated for meeting attendance.

**33.76 Powers and Duties.**

The Committee shall only act in an advisory capacity and its actions and recommendation are not binding upon the Mayor and Village Board. The Committee is not authorized to expend municipal funds.

**33.77 Reports Required.**

The Committee shall make an annual report with its recommendations to the Mayor and Board of Trustees on a date fixed by the Board of Trustees. If the annual report does not receive the unanimous approval of the voting members of the Committee, a minority report with alternative recommendations may be submitted in addition to the majority report.

Section 3: The current health benefits plan for full time employees is attached as Exhibit A.

Section 4: This Ordinance shall be effective upon its passage, execution by the Mayor and Village Clerk and publication as required by law.

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG,  
ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2011.

Vote Recorded:

Ayes \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Nays \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Absent \_\_\_\_\_  
\_\_\_\_\_

Abstain \_\_\_\_\_  
\_\_\_\_\_

Vote Recorded by:

\_\_\_\_\_  
Jerry Menard, Village Clerk

Approved by the Village President of the Village of Freeburg, St. Clair County, Illinois,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Raymond S. Danford, Village President

ATTEST:

\_\_\_\_\_  
Jerry Menard, Village Clerk

Approval as to Legal Form: \_\_\_\_\_  
J. Brian Manion, Village Attorney

**VILLAGE OF FREEBURG, ILLINOIS**  
**FULL TIME EMPLOYEE HEALTH BENEFIT PLAN**  
(effective \_\_\_\_\_)

(A) The Village will pay one hundred percent (100%) of the premium per month for each participating full-time employee and dependents in the Medical Insurance Plan in effect.

(B) All full-time employees are eligible to participate in the Medical Insurance Plan. Application forms for participation in the Medical Insurance Plan are available from the Village Administrator's office.

(C) All full-time employees are eligible for the Excess Reimbursement Plan. Only those employees and dependents of employees who are enrolled for benefits under the Medical Insurance Plan are eligible for these additional benefits under the Excess Reimbursement Plan. The term "dependent" shall include all persons coming within the definition provided by Section 152 of the Internal Revenue Code of 1954, as amended from time to time, or any successor thereto. Under the Excess Reimbursement Plan the Village shall reimburse up to Five Thousand Dollars (\$5,000.00) per person and/or Ten Thousand Dollars (\$10,000.00) per family per calendar year.

Eligible costs are as follows:

- (1) The deductible, co-pays, or co-insurance not paid under the Medical Insurance Plan.
- (2) Vision care.
- (3) Dental care.

An additional One Hundred Twenty Dollars (\$120.00) is reimbursable for each person and/or family per calendar year for vision and/or dental care.

(D) Suitable proof of expenses incurred shall be submitted by the employee to the Village Administrator's office for reimbursement. New employees with an effective date other than January 1 will have their benefit pro-rated by the number of months employed during the plan year. Reimbursement of eligible cost submitted to the Village Administrator's office will be paid by the Village within their normal payment cycle after the Village Administrator has determined the suitability of proof and eligibility under the plan.

If a claim is wholly or partially denied, the matter shall be referred to the Village Board for review. Notice of a final decision by the Village Board shall be furnished to the employee within thirty (30) days of referral.

**TO: Village of Freeburg**

**IN RE: Leon Furtak - East Apple St.  
SR-1 District**

**DATE: October 3, 2011**

1. Generally
  - o We have many structures zoned for SR-1 zoning, yet there is more than one family living in the building.
  - o The old Wiegmann Building was rezoned even though it did not meet the area-bulk or parking requirements. It was in effect a use variance.
  - o The apartments at Railroad St. and West Washington St. have similar land mass and were rezoned even though it constituted spot zoning in most municipal jurisdictions. One will remember how many years it took to get the structural mess cleaned up.
  - o A house was constructed on East Emily St. on a lot that did not meet the square footage (SR-1 District) requirement. Dave Pierpoint then built a house on that lot that was originally a part of the neighboring house on the adjacent lot. The Village did not have to supply utilities or issue a building permit, but someone did, even though the county split the property.
  - o An auto body business has been in violation of zoning and nuisance regulations and only recently started to be in partial compliance. This is in an SR-1 District! The Zoning Board or the Plan Commission could have corrected the problem when an application for an area-bulk variance arrived several years ago to move Clarence Jerome's house.

At this time the powers to be, should consider granting a use-variance for this property or rezoning it to MR-1 so the property can be utilized. The Village was an accessory in allowing a village tavern to be built on these lots to begin with, as the applicant was also a village employee. If the property is rezoned, then in two years or so, rezone it a SR-2 district.

Remember there are a ton of undesirable uses that could occupy this site.

(3) By certified mail to the applicant. (See ILCS Ch. 65, Act 5, § 11-13-12)  
(Former Code, § 40-10-14)

### § 155.364 DECISION BY BOARD OF APPEALS.

The Zoning Board of Appeals shall render a decision on the appeal within a reasonable time after the hearing. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from, the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the powers of the Administrator.

(Former Code, § 40-10-15)

***Editor's note:***

*The Board of Appeals is delegated the task of hearing appeals from the decisions of the Zoning Administrator charged with enforcement of an ordinance passed pursuant to the Zoning Enabling Act. This may, for example, entail determining whether there has been a discontinuance of a nonconforming use. It is important for the applicant to note the appeal process because of the requirement of exhaustion of administrative remedies before suit is filed as well as the more obvious reason of using a less expensive administrative process for correcting a mistake or error which may have been made by the zoning administrator. (See ILCS Ch. 65, Act 5, § 11-13-3(d))*

## VARIANCES

### § 155.375 VARIANCES.

A variance is a relaxation of the requirements of this chapter that are applicable to a particular lot, structure, or use. A so-called "use variance" (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment, and may be granted only as provided for in § 155.405. (See ILCS Ch. 65, Act 5, § 11-13-5)  
(Former Code, § 40-10-18)

### § 155.376 APPLICATION.

(A) Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application shall also be filed with the Soil and Water Conservation District as per state law. The Administrator shall promptly transmit said application, together with any device he or she might wish to offer, to the Zoning Board of Appeals.

(B) The application shall contain sufficient information to allow the Zoning Board of Appeals to make an informed decision and shall include, at a minimum, the following:

- (1) Name and address of the applicant;