

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Ray Matchett, Jr.
Steve Smith
Mike Blaies
Mathew Trout
Dean Pruett
Elizabeth Niebruegge

VILLAGE OF FREEBURG

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

VILLAGE ADMINISTRATOR
Tony Funderburg

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Stanley Donald

VILLAGE ATTORNEY
Weilmuenster Law Group, P.C

January 27, 2014

NOTICE

MEETING OF LEGAL AND ORDINANCE COMMITTEES **Annexation; Building; Zoning; Subdivision** **(Trout/Matchett/Pruett)**

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, January 29, 2014, at 4:45 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Approval of December 18, 2013 Minutes
2. Status of Public Hazard Homes/101 E. Hill
3. Update Code Book
4. Nuisance Abatement Code
5. Zoning Reports
6. Use of golf carts on streets
7. ECode 360

B. New Business

1. Request county to perform occupancy inspections
2. Executive Session to discuss Litigation, 5 ILCS, 120/2-(c)(11)

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)]; 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)
(Trout/Matchett/Pruett)

Wednesday, January 29, 2014 at 4:45 p.m.

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The meeting of the Legal and Ordinance Committee was called to order at 4:45 p.m. by Chairman Matt Trout on Wednesday, January 29, 2014, in the Freeburg Municipal Center. Members attending were Chairman Matt Trout, Trustee Ray Matchett, Trustee Dean Pruett, Mayor Seth Speiser, Village Clerk Jerry Menard, Village Administrator Tony Funderburg, Zoning Administrator Gary Henning and Office Manager Julie Polson. Guest present: Janet Baechle.

EXECUTIVE SESSION

4:46 P.M.

Trustee Dean Pruett motioned to amend the agenda in order to hear New Business first and also to enter into Executive Session at 4:53 p.m. citing litigation, 5 ILCS, 120/2-(c)(11) and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.

EXECUTIVE SESSION ENDED

4:53 P.M.

Trustee Matt Trout reconvened the regular session of the Legal/Ordinance Committee meeting at 4:53 p.m.

Administrator Funderburg stated we have an email from Attorney Manion with respect to confidential information being leaked out of executive session. Brian thought we should put this into our code. Trustee Trout would like to see an ordinance where the person leaking information can be charged with an ordinance violation and fined and the committee agreed.

Trustee Dean Pruett motioned to have Attorney Manion draw up the ordinance that would amend our code to allow an ordinance violation with fines imposed if confidential information is leaked out of executive session and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.

A. OLD BUSINESS:

1. Approval of December 18, 2013 Minutes: Trustee Ray Matchett motioned to approve the December 18, 2013 minutes and Trustee Dean Pruett seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Zoning Administrator Henning advised the Ernst property was ready to be torn down on January 22nd. Right before demolition, we received a call from EPA. Administrator Funderburg stated anything less than four apartments can be torn down without a permit. Any building that had a business requires an asbestos permit. Tony said the owners are working to get the buildings

Legal and Ordinance Committee Meeting

Wednesday, January 29, 2014

torn down as quickly as possible. Since we did not condemn the building, they have the time allowed under the wrecking permit to get that done. We cannot impose a shorter deadline.

3. Update Code Book: Gary scheduled a Plan Commission meeting to review the subdivision and zoning code sections of the proposed revised code. Julie will send copies to them to review prior to that meeting. Tony would like to divide up the rest of the code and give it to the appropriate people to go through them. Julie also passed out the first Committee as a Whole meeting minutes for review.
4. Nuisance Abatement Code: Gary stated the trailer has been moved. He also reported on a complaint received about a broken down car on N. Main and he found out that it is a home in foreclosure. He is working with the contact company and the bank that bought it to have it cleaned up in two weeks.
5. Zoning reports: Gary passed his zoning report out. He advised the committee anyone coming in for a permit has to fill out a questionnaire regarding their ethnicity. It is also posted in the lobby that the Village does not discriminate. The Foundry is up for sale at \$102,000 as is.
6. Use of golf carts on streets: Seth does not have anything new and Trustee Pruett asked for this to be taken off the agenda. Jerry stated she was asked about this for Halloween. Trustee Trout stated Chief Donald was adamantly opposed to this suggestion.
7. ECode 360: Julie received some information from the company. The initial cost would be from \$1500 - \$2000 with an annual fee around \$500. She said Tony believes Frank said our code will be in searchable format when he is done with the revision. Julie said if we go with ECode 360, they take over the revisions and Frank would no longer be involved. She will check to see if Frank's revised code will be a searchable document.

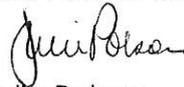
B. NEW BUSINESS:

1. Request County to perform occupancy inspections: Gary believes it would cost \$50 for the County to perform the occupancy inspection. Mayor Spesier said we will have a lot of upset landlords. He suggested having Attorney Manion write something up to say we aren't liable and only visually inspected the outside of the property. It should be the landlord's responsibility to inspect the inside. Seth said the County isn't liable for their inspections.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Dean Pruett motioned to adjourn at 5:09 p.m. and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.*


Julie Polson
Office Manager

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(Annexation; Building; Zoning; Subdivision)
(Trout/Matchett/Pruett)
Wednesday, December 18, 2013 at 4:45 p.m.

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A. OLD BUSINESS:

1. Approval of November 25, 2013 Minutes: Trustee Dean Pruett motioned to approve the November 25, 2013 minutes and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Gary advised the Ernst property will be torn down by January 31st or we will start fining them.
3. Update Code Book: The committee agreed to schedule a Committee as a Whole meeting on Wednesday, January 8, 2014 at 5:30 p.m. to review the first chapter of the proposed revisions to the code.
4. Nuisance Abatement Code: Gary stated we have a home with a building permit outstanding from 2006. They have not obtained their final inspections or occupancy permit. Gary said our code states if the owner does not extend the building permit each year, we can charge half of the permit fee. He calculated the amount due to be approximately \$9,900. The committee directed Gary to contact the County and have them handle the matter. Gary also advised the committee the old G&S Foundry building has been abandoned for several years and is in a dangerous state. He is going to start the process to get that building demolished.
5. Zoning reports: Tony said we are holding a Plan Commission meeting in January to discuss changing the code to allow a multi-family as a special use in a single-family zoning area. Tony has asked that Attorney Manion be present to advise the Plan Commission what needs to be done.
6. Use of golf carts on streets: Seth needs to check with Millstadt and New Athens to see how they handle the use of golf carts on the street.
7. ECode 360: Julie has emailed the company contact twice with no response.

Legal and Ordinance Committee Meeting
Wednesday, December 18, 2013

B. NEW BUSINESS: None.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Dean Pruett motioned to adjourn at 5:05 p.m. and Trustee Ray Matchett seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

Julie Polson

From: Marcia Clifford <mclifford@generalcode.com>
Sent: Thursday, December 19, 2013 1:06 PM
To: jpolson@freeburg.com
Subject: General Code eCode pricing CRM:00201128

Julie:

I spoke with our Vice President of Sales and the charge for putting your code online after your recodification project would most likely cost between \$1500-2000. This would be a one-time charge. Annual maintenance would be either \$495 or \$995/annually, depending on whether you use our Standard or Premium eCode (this charge would not be assessed until you had been online a year). However, once you decide to use our services for your online code, we would of necessity be your codifier for updates. Because we have a relationship with your current codifier, Frank Heiligenstein, it would be our hope that this could be a mutually agreed-upon decision.

Please let me know if you have any questions. Here is a link to one of our online codes so you can see what they look like: <http://www.ecode360.com/MO3122> .

Marcia Clifford
General Code
262-859-3163

Tony Funderburg

From: J. Brian Manion <jbm@weilmuensterlaw.com>
Sent: Friday, January 10, 2014 1:10 PM
To: Tony Funderburg
Subject: FW: [ILGLA-LIST] Executive Session Confidentiality

Tony:

Here is some interesting listserv discussion on leaking executive session info. I like the idea of making an ordinance prohibiting disclosure. That way, if any individual discloses info, they could be charged with an ordinance violation and fined.

J. Brian Manion
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From: ILGL Mailing List [mailto:ILGL-LIST@LISTSERV.MUNICODE.COM] **On Behalf Of** James A. Rhodes
Sent: Friday, January 10, 2014 12:34 PM
To: ILGL-LIST@LISTSERV.MUNICODE.COM
Subject: Re: [ILGLA-LIST] Executive Session Confidentiality

One of my municipalities has the following provision in its rules of procedure which have been adopted by village ordinance:

Any subject matter committed to executive session shall be confidential. No public disclosure of the corporate authority's discussions held or any decisions made in executive session shall be made until the matter is made public by announcement, publication or official action by or at the direction of the corporate authorities or the manager.

I have advised the board members and staff that a violation of the above provision would constitute a violation of the ordinance. I have not had any problem in that municipality with disclosures to date.

James A. Rhodes
Klein, Thorpe & Jenkins, Ltd.
20 North Wacker Drive, Suite 1660
Chicago, Illinois 60606

(312) 984-6400

From: ILGL Mailing List [<mailto:ILGL-LIST@LISTSERV.MUNICODE.COM>] **On Behalf Of** Tom Kelty
Sent: Friday, January 10, 2014 12:02 PM
To: ILGL-LIST@LISTSERV.MUNICODE.COM
Subject: Re: [ILGLA-LIST] Executive Session Confidentiality

While I think there is little legal basis for it, the Jersey County States Attorney filed suit on January 6 in the name of the county as plaintiff v. all members of the County Board in order to bar them from discussing the contents of a confidential written report (analysis) of a liability claim filed against the County. The basis of the motion (not complaint) is that discussion of the document by any of the Board members or the Chairman would be a violation of OMA. He is seeking a TRO barring discussion of the report during an open meeting.

I see nothing in the act which supports his claim. At its January 14 County Board meeting a resolution of "no confidence" in the states attorney will be presented for consideration based in part upon the contents of the report. The report has been circulated publicly and reported on in the local press.

From: ILGL Mailing List [<mailto:ILGL-LIST@LISTSERV.MUNICODE.COM>] **On Behalf Of** Charles Hervas
Sent: Friday, January 10, 2014 10:39 AM
To: ILGL-LIST@LISTSERV.MUNICODE.COM
Subject: [ILGLA-LIST] Executive Session Confidentiality

Almost every year we see a controversy over a breach of executive session confidentiality on a local government board. My impression is that little can be done to enforce confidentiality among public officials, except for a censure motion. I'm curious if anyone has seen some creative ways to put some teeth to executive session confidentiality among those that serve on a Village Board or City Council.

Charles E. Hervas
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Main Line: 630.773.4774 ext. 4340
Direct Line: 630.860.4340

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ZONING REPORT
LEGAL/ORDINANCE MEETING

January 29, 2014

Gary Henning Zoning Administrator

A public hearing was held Thursday, January 9th, 2014 at 6:00 pm at Village Hall—Brian Manion, Village Attorney was present to answer questions. The Plan Commission by a vote of 5-1 passed the proposed amendment to allow MR-1 (two-family residence) under special usage in SR-1 zoning districts. The Plan Commission's recommendation for MR-1 was voted on by the Village Board and passed (vote 5-1).

Occupancy Permits issued in January—13

Building Permits issued in January—5

- 1-Wrecking permit to remove house on property.
- 1-Wrecking permit to remove trailer.
- 1-House Addition--screened porch, cedar siding & roof.
- 1-Accessory building—storage shed
- 1-Electrical—burial of conductors

Nuisance Corrected in January: 2

Nuisance Complaints with action to be taken to correct:

1. Met with owner of 924 Promatory Pines, he retired as of January 1, 2014 and will have final inspection by May 31, 2014.
2. RW Ernest Building behind Gary's. The owner has obtained a wrecking permit. All utilities have been shut off. I talked with owner and Company will be taking down the building. Demolition work contracted to Larry Eitzenhefer Excavating. Mr. Eitzenhefer called on January 15th concerning gas meters and gas not yet shut off to the three-story building and I informed him it was their responsibility to get it shut off—The Village had completed their shut offs months ago and the building demolitions must be completed by January 0.31, 2014. Tony received call from EPA January 21st (date both building were to be demolished)

stating owners needed an EPA inspection for asbestos before building could be demolished. Notified Wrecking Company not to tear down. Tony is working with owner and EPA to work out a solution.

3. Received written complaint about 600 N. Main-zoned SR-1-where Tractor-Trailer Bed is parked in back-side yard. Mr. Fischer brought letter into Village Hall explaining situation and said he had secured a place to park the Semi-but ground at present is too damp without causing to get stuck and big ruts -Mayor approved to wait until ground is frozen. Talked with on January 2nd-it will be moved when ground is frozen. Talked again with Mr. Fischer on January 22 and he informed me he had hired truck driver to move the trailer and as soon as he felt the ground was frozen enough and would not leave ruts in neighbors yard it will be moved hopefully by end of month. **DONE**-Trailer has been moved!
4. Received some complaints about old G&S Foundry. I am in process of gathering information and plan on contacting the owner to set up a meeting at his convenience to see what his intentions are for the building that has been vacant since 1998. It is now listed for sale on internet by owner. I believe asking price is \$102,000 as is.
5. Yesterday received complaint 408 N. Main-Old Junk car outback, along with sofa and mattress outside of house. Went into foreclosure no one lives there presently. I called number posted on door which was LS Field Services out of Denver-they will get back with me in next few days after contacting bank they represent to make sure problem is cleaned up in next two weeks.

New Businesses Working:

O'Reilly Auto Parts-everything is up to code including free standing sign requirement (amended to read 13 feet instead of 12)-waiting on O'Reillys to pick up permit and begin building.