

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

March 5, 2012

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, March 7, 2012, at 4:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

- A. Old Business
 - 1. Approval of January 31, 2012 Minutes
 - 2. Status of Public Hazard Homes
 - 3. Unionization
 - 4. Update Code Book
 - 5. Nuisance Abatement Code
 - 6. Resident complaint about dust from high school parking lot
 - 7. Noise Ordinance
 - 8. Sign permit for Breadeaux
 - 9. Kaiser purchase of lot at Industrial Park
 - 10. Political sign ordinance
- 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, March 7, 2012 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, March 7, 2012, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Rita Baker, Trustee Charlie Mattern, Mayor Ray Danford, Village Clerk Jerry Menard, Village Administrator Dennis Herzing and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of January 31, 2012 Minutes: Trustee Rita Baker motioned to approve the January 31, 2012 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.
2. Status of Public Hazard Homes: Dennis said with respect to the Sheets' case where we had been awarded over \$20,000 in attorneys' fees, Attorney Manion is working on foreclosing all of Sheets' properties in St. Clair County to try and recoup those fees. Dennis also said Leon Furtak is doing a great job on the house on Main Street.
3. Unionization: Dennis said he has the public works counterproposal regarding the call out procedure and will get a copy to all of the trustees well before the next board meeting. Dennis said he recently participated in an IMEA survey and will be able to compare the results to see how other municipalities handle situations like call outs.
4. Update Code Book: This is on old for now. Dennis needs to review Frank's proposed sample chapter.
5. Nuisance Abatement Code: Dennis confirmed the letter was sent to Bill Herr regarding the clean up of his property and trailer. The deadline for Bill Herr to take care of everything is 5/16/12. Seth asked what happens if Bill doesn't comply, and Dennis said we would take him back to court. The Village is now issuing occupancy permits for residential customers purchasing or renting in Freeburg. Seth said Nick told him the County may be adopting the 2012 building code later this summer. Mayor Danford asked if there has been any movement on the Ernst property and Dennis is not sure of the status.

Rita brought up the Stumpf situation and asked if there is anything we can do about it. The committee discussed the options we have available to us since Stumpf is repairing lawn mowers one at a time out of his garage and then taking them to his grandson's to switch it out with another one. Ray said maybe this could be addressed under our noise ordinance. We could go after it as a nuisance rather than operating a business. Dennis will talk to Attorney Manion to see the best way to handle this. We will probably start with directing Phil to issue Stumpf a citation for noise. We need to check our code to see if our officers have the ability to issue monetary tickets.

Legal and Ordinance Committee Meeting
Wednesday, March 7, 2012

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

6. Resident complaint about dust from high school parking lot: The committee would like Phil to call the high school to see if they have plans to asphalt the parking lot since we have received complaints.
7. Noise Ordinance: Julie contacted approximately 15 municipalities and only a few responded. Red Bud handles noise issues as a nuisance complaint and cites the offender under that portion of their code. If we treat it as a nuisance, someone would still have to sign a complaint. The committee agreed to not revise our code regarding noise issues since our code has not been proven ineffective. Item can be taken off the agenda.
8. Sign permit for Breadeaux: Seth talked to Clayton who told him he will contact Joe Koppeis if he wants to pursue this further. Item can be taken off the agenda.
9. Kaiser purchase of lot at Industrial Park: Item can be taken off the agenda.
10. Political sign ordinance: The suggested ordinance Dennis wrote concerning temporary signs was discussed at length. Rules have to be content neutral meaning the rules would apply to all signs. No temporary signs could be placed on the right-of-way and doesn't allow for portable marquee signs. We can place reasonable size limits as long as that limit applies to all signs and he suggested 16 square feet. Ray said it is pretty hard to enforce a sign ordinance and asked if charging a fee would help do that.

The temporary signs at the Market Place were also discussed. It was noted Reifschneiders has a temporary sign and Garys has a daily sign out. Seth felt temporary signs should be permitted in a business district. With respect to the Market Place, Dennis said we might want to look at the total sign limit as a way to measure if individual business signs can be put out. The committee agreed to have all temporary signs in the right-of-way pulled and Ray said Phil could the majority of them with the police officers helping out. The committee also asked that Dennis put an article in the paper to advise temporary signs are not permitted in the right-of-way.

B. NEW BUSINESS: None.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn at 5:51 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

VILLAGE PRESIDENT

Ray Danford

VILLAGE CLERK

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

Tuesday, January 31, 2012 at 4:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 4:32 p.m. by Chairman Seth Speiser on Tuesday, January 31, 2012, 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 January 4, 2012 minutes and Executive Session minutes: Trustee Rita Baker motioned to approve the January 4, 2012 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried. Trustee Rita Baker motioned to approve the August 6, 2008 Executive Session minutes and Trustee Charlie Mattern seconded the motion. With two aye votes, the motion carried.

2. Status of Public Hazard Homes: Dennis doesn't have anything new on Sheets. He said the Kinzinger home is moving along, cleanup work has been done on the Clossen home and it looks okay, and the trailer on W. Apple Street is gone. Seth said there is a house behind Bill's Autobody that is about ready to fall down.

3. Unionization: Dennis said the police contract should be done. The final contract has been sent to the police union for ratification. We are still working on some outstanding issues with the public works contract, the major one being the on-call status.

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

5. Nuisance Abatement Code: Seth passed out a list of items that need to be addressed. Julie will get a copy to Phil. We need to talk to Phil about the nuisance checklist.

6. Resident complaint about dust from high school parking lot: Seth talked to Ron about this and Ron told him there is a contact at the Department of Education and Dennis should know who that is. Our zoning code says that parking lot should be blacktopped.

7. Noise Ordinance: Julie is gathering information from other municipalities on their noise ordinance.

8. Sign permit for Bredeaux: Seth will call Clayton and invite him to the next committee meeting.

9. Kaiser purchase of lot at Industrial Park: Dennis spoke with Dennis Kaiser today and said he is ready to buy the lot. He would like specific language in the contract that would allow him to

Legal and Ordinance Committee Meeting

Tuesday, January 31, 2012

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

develop the lot but that the development may not necessarily be a building. Dennis Kaiser may want to expand his lay down yard first. Dennis said he did not see a problem with the request and the committee agreed. Dennis will revise the contract.

B. NEW BUSINESS:

1. Political sign ordinance: Dennis said Ray had asked him to bring this issue to Legal/Ordinance committee a while back. He provided copies of our current code as well as the proposed change to the code with respect to temporary signs. Also provided was a copy of the IML legal brief concerning the limitations on local regulations of political signs. Dennis said the U.S. constitution guarantees free speech and we don't have too much control over political signs. We can limit the size and total square feet of the sign. Dennis said all temporary signs need to have the same controls. Temporary signs cannot be on public property but can be on private property. He also wrote into the suggested ordinance that only permanent signs will require a permit. He would like the committee to review all of the information provided and discuss at the next committee meeting.

2. Ordinance Regarding Electronic Attendance at Meetings: The committee reviewed the ordinance. Dennis said Attorney Manion sent three ordinances from other municipalities. He had Brian review the attached ordinance and he had no problems with it. Dennis said the language in the ordinance came straight out of the statute.

Trustee Rita Baker motioned to recommend the Ordinance Regarding Electronic Attendance at Meetings to the full Board for approval and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

C. GENERAL CONCERNS: The committee discussed the pool renovation. Dennis said the pool plans have been resubmitted and it will take another 2 - 3 weeks before we get a review of the submittal.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn at 5:09 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

Julie Polson

From: Dan Brotz [dan@cityofredbud.org]
Sent: Tuesday, February 07, 2012 2:34 PM
To: jpolson@freeburg.com
Subject: noise ordinances

Red Bud has all it ordinances on the web page. www.cityofredbud.org but we do not have a specific ordinance that covers noise. For enforcement purposes I use the nuisance code in chapter 40, it's a zoning code but the fines can go as high as \$700.00. So it carries quite a bite if needed.

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Dan Brotz, Police Chief

618 282 6118-p

618 282 4344-f

309 696 6644-c

Maintenance: The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep a structure in sound condition.

Mini-Warehouses: A building, or part of one, for the storage of goods, merchandise, etc. for rent to individuals for a monthly fee.

Mobile Home: A movable or portable unit which is **eight (8) body feet** or more in width and **thirty-two (32) body feet** or more in length, constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations and designed to be used without a permanent foundation but connected to utilities for year-round occupancy. All mobile homes must be built to the **"National Manufactured Home Construction and Safety Standards"**.

Mobile Home Park: A parcel not less than **two (2) acres** in area in a single ownership/control, developed with facilities for accommodating occupied mobile homes in accordance with the requirements of this Code.

Mobile Home Stand: The part of a mobile home space beneath the mobile home that includes the concrete slab or runners on which the home is placed.

Modular Home: A building assembly or system of building sub-assemblies, designed for habitation as a dwelling for **one (1)** or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer on or off the building site, for installation, or assembly and installation on the building site with a permanent foundation. No building assembly or system of building assemblies shall be considered a modular home or part thereof if it or they is or are transported on its or their own chassis and/or is or are erected on its or their own chassis at the building site. The perimeter of the building assembly must rest on and be attached to its own permanent foundation and may not rest on interior piers. **(Ord. No. 1006; 01-07-02)**

Motel: A building containing lodging rooms having adjoining individual bathrooms, and where each lodging room has a doorway opening directly to the outdoors, and where the lodging rooms are for rent to transient tourists for a continuous period of less than **thirty (30) days**.

Nonconforming: As applied to a lot, structure, or use, "nonconforming" means: (1) lawfully existing on the effective date of this Code, but (2) not in compliance with the applicable provisions thereof.

Nuisance: Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

Nursery: A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.