

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mathew Trout
Dean Pruett
Lisa Meehling
Ray Matchett, Jr.
Mike Blaies
Denise Albers

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 & Keck, P.C.

July 25, 2016

NOTICE

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

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Wednesday, July 27, 2016, at 5:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

- A. Old Business
 - 1. Approval of June 29, 2016 Minutes
 - 2. Zoning Report/Nuisance Properties
 - 3. Combination of Plan Commission and Board of Appeals
 - 4. Golf carts or side by side vehicles
 - 5. Noise Ordinance
- B. New Business
 - 1. Executive Session to Discuss Potential 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), real estate transactions [5 ILCS, 120/2 - (c)(5)] or discussion of executive session minutes, [5 ILCS-120/2-(c)(21)

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Meehling/Blaies/Pruett/Trout)
Wednesday, June 29, 2016 at 5:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 5:30 p.m. by Chairperson Lisa Meehling on Wednesday, June 29, 2016, in the Freeburg Municipal Center. Members attending were Chairperson Lisa Meehling, Trustee Mike Blaies, Trustee Dean Pruett (absent), Trustee Matt Trout, Mayor Seth Speiser, Village Clerk Jerry Menard, Trustee Denise Albers, Trustee Ray Matchett, Zoning Administrator Gary Henning, Public Works Director John Tolan, Village Administrator Tony Funderburg, Village Attorney Brian Manion and Office Manager Julie Polson. Guests present: Janet Baechle and Stan Koerber.

A. OLD BUSINESS:

1. Approval of May 25, 2016 Minutes: Trustee Matt Trout motioned to approve the May 25, 2016 minutes and Trustee Mike Blaies seconded the motion. All voting yea, the motion carried.
2. Zoning Report/Nuisance Properties: Zoning Administrator Gary Henning said the Board of Appeals held two special use permit hearings last Thursday. One was withdrawn and the other was referred to the Plan Commission. Attorney Manion drew up a memo with suggestions on what to do to include storage materials as a special use in an agriculture district. This will be sent to the Plan Commission as a possible zoning code amendment. Gary said the grass was cut at 3 Lake Dr., last Friday, and he will stay on top of it. They are still working on the inside.
3. Combination of Plan Commission and Board of Appeals: Administrator Funderburg advised we still need to meet with Mayor Speiser, Frank Heiligenstein and Attorney Manion.
4. Golf Cars or Side by Side Vehicles: The revised draft ordinance was presented. Trustee Trout asked about the age requirement, and the committee agreed on 21. Trustee Albers thinks the fees for the inspection and permit should be stated. Attorney Manion will get both revisions made. Attorney Manion said we need to have some sort of agreement with inspection firm. They need to show proof of liability insurance. Once they have completed an inspection, they need to send the inspection report directly to us instead of it coming from the applicant. Mayor Speiser felt we should have a RFP to open up the inspections to other businesses. The inspections will run on a calendar basis with a sticker change each year. Attorney Manion will look at other programs to see what their requirements are for the RFP. Administrator Funderburg asked if we could require a letter from their insurance company or list us as an additional insured on their policy for the inspections. Attorney Manion and Administrator Funderburg will work on getting the RFP ready. We need to make sure we have a complete list of qualifications before we advertise for the RFP.

Legal and Ordinance Committee Meeting
Wednesday, June 29, 2016

5. Noise Ordinance: Administrator Funderburg advised he has not had time to work on this. We have not heard about any additional complaints.

Trustee Matt Trout motioned to amend the agenda in order to hear Public Participation before the Executive Session and Trustee Mike Blaies seconded the motion. All voting aye, the motion carried. See comments under Public Participation.

B. NEW BUSINESS:

Executive Session to Discuss Litigation, 5 ILCS 120/2-(c)(11) and Real Estate, 5 ILCS 120/2 - (c)(5):

**EXECUTIVE SESSION
6:10 P.M.**

Trustee Matt Trout motioned to enter into Executive Session at 6:10 p.m. citing litigation, 5 ILCS, 120/2-(c)(11), and Trustee Mike Blaies seconded the motion. All voting aye, the motion carried.

**EXECUTIVE SESSION ENDED
6:36 P.M.**

The Legal/Ordinance Committee meeting reconvened at 6:36 p.m.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: Stan Koerber said most of his questions were answered in the proposed ordinance. Janet Baechle asked why do we have to have a mechanic perform the inspection. Administrator Funderburg advised we are doing everything we can to protect the village and its residents. Our insurance company has said they won't allow the village to inspect the golf carts and also that we can't have the program unless there is an inspection procedure.

E. ADJOURN: *Trustee Matt Trout motioned to adjourn at 6:37 p.m. and Trustee Mike Blaies seconded the motion. All voting yea, the motion carried.*



Julie Polson
Office Manager

LEGAL/ORDINANCE

JULY 27, 2016

Gary Henning Zoning Administrator

As of July 27, 2016 there are no Board of Appeals Meeting Scheduled.

14--Occupancy Permits issued to date in July 2016

11--Building Permits issued to date in July 2016

- 1- Sign
- 1-Portable Building 20' X 14'
- 1-Addition of Solar Panels to Roof and Yard
- 1-New Deck
- 1-Inground Pool
- 1-Service Upgrade
- 1-Pre-engineered Steel Building Addition
- 1- Asphalt Parking Lot
- 1-Patio
- 2-Fences

Nuisances Corrected to date in July - 11

LOGISTICS INC: Permit has been issued.

Julie Polson

From: Jessica Govic <Jessica_Govic@ajg.com>
Sent: Friday, July 22, 2016 8:53 AM
To: Julie Polson
Subject: RE: Golf Cart Inspections
Attachments: Certificates of Insurance.pdf

I would ask for at least a \$1M in liability coverage. You might want the outside inspector to sign a hold harmless to. See attached on page 10 for a sample. This document is also a good one to keep around for limit requests!

Jessica

Jessica E. Govic, CLCS
Area Senior Vice President – Public Sector



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Ranked "Highest in Customer Satisfaction among Brokers for Large Commercial Insurance"[™]
For J.D. Power award information, visit jdpower.com.
Arthur J. Gallagher & Co. named one of the World's Most Ethical Companies[®] for 2016. Ethisphere Institute, March 2016.

From: Julie Polson [mailto:jpolson@freeburg.com]
Sent: Thursday, July 21, 2016 2:19 PM
To: Jessica Govic
Subject: Golf Cart Inspections

Jessica – hi there! If this thing does pass, what kind of limits would our insurance company like to see the outside inspector that we use carry. We will not do any inspections ourselves, we would direct the applicant to whatever firm is going to conduct them. Thanks.

Office Manager
Village of Freeburg
14 Southgate Center

TITLE

**SAMPLE INDEMNITY CLAUSE
Hold Harmless Agreement**

There are hundreds of formats for Hold Harmless Clauses. Shown below is a brief, simple format that could be used in small short-term contracts.

“To the fullest extent permitted by law, (_____) agrees to
Name of Contractor/Vendor/Facility User
defend, pay on behalf of, indemnify, and hold harmless the (_____),
Name of Client
its elected and appointed officials, its agents, employees and volunteers and others
working on behalf of the (_____) against any and all
Name of Client
claims, demands, suits, or loss, including all costs connected therewith, and for any
damages which may be asserted, claimed or recovered against or from the
(_____), its elected and appointed officials, its agents,
Name of Client
employees, volunteers or others working on behalf of the (_____),
Name of Client
by reason of personal injury, including bodily injury or death and/or property damage,
including loss of use thereof, which arises out of or is in any way connected or
associated with this contract.”

By:

For the Contractor

For the Client

Notary

Notary

We urge you to submit any forms to your Attorney for review and approval before incorporating them into any contract. On large projects, submit your proposed wording prior to bid letting, so that your college is protected to the fullest possible extent.

VILLAGE OF FREEBURG

NON-HIGHWAY VEHICLE PERMIT APPLICATION

This application is for a permit to operate a Golf Cart, Neighborhood Vehicle, or Recreational Off-highway Vehicle on within the Village of Freeburg in accordance with Village of Freeburg Revised Code of Ordinances CHAPTER 33: STREET REGULATIONS, ARTICLE X – NON-HIGHWAY VEHICLES.

APPLICANT INFORMATION

Name _____ Date of Birth _____

Address _____ Phone Number _____

Driver's License Number _____ Expiration Date _____

Liability Insurance Carrier _____

Policy Number _____

NON-HIGHWAY VEHICLE INFORMATION

Type of Vehicle: _____

Make _____ Model _____ Color _____

Serial Number or VIN _____ Number of seats _____

Description of the vehicle _____

Authorized Operators: _____

I _____ hereby acknowledge receipt of a copy of the Village of Freeburg Revised Code of Ordinances CHAPTER 33: STREET REGULATIONS, ARTICLE X – NON-HIGHWAY VEHICLES and affirm that all information provided above to be true and factual.

Signature of Applicant

Date

***Provide a copy of a valid Illinois driver's license for each authorized operator.**

**UNCONDITIONAL AND FULL GENERAL RELEASE OF LIABILITY, WAIVER,
DISCHARGE, AND COVENANT NOT TO SUE**

_____ This is a legally-binding unconditional and full general release of liability, waiver discharge and covenant not to sue made by me _____ (hereafter referred to as owner/operator) to the Village of Freeburg, its employees, agents and officials (hereafter referred to as the Village).

_____ I fully understand and recognize that there are DANGERS AND RISKS to which I may exposed by operating a golf cart, neighborhood vehicle, or recreational off-highway vehicle on the Village Streets; to include but not limited to injury to myself or others, damage to my property or that of others, DEATH of MYSELF or OTHERS.

_____ In no event shall the Village be liable for direct, indirect, special, incidental or consequential damages, whether arising in tort, contract or other legal theory, in connection with or arising out of operator/owner's use of a golf cart, neighborhood vehicle, or recreational off-highway vehicle within the Village.

_____ The owner/operator, as of the date below, shall hereinafter save, hold harmless, and indemnify the Village against any and all liability, claims, cause of action, and cost of whatsoever kind of nature including, without being limited to injury, damage, loss including death, resulting from, arising out of, or occurring in connection with the use of this golf cart, neighborhood vehicle, or recreational off-highway vehicle within the Village.

_____ I understand that the Village has an Ordinance governing the use of golf carts on the Village Streets. I have had the opportunity to read said Ordinance and my signature below acknowledges that I will comply with this Ordinance and all of the applicable traffic laws of the State of Illinois at all times when operating this golf cart, neighborhood vehicle, or recreational off-highway vehicle within the Village.

_____ I understand that although the golf cart, neighborhood vehicle, or recreational off-highway vehicle has been inspected; the Village accepts no responsibilities for the mechanical functions of the golf cart, neighborhood vehicle, or recreational off-highway vehicle. The inspection is only to insure required equipment is on and operating on the golf cart, neighborhood vehicle, or recreational off-highway vehicle. The owner/operator assumes all mechanical and electrical responsibilities of the golf cart, neighborhood vehicle, or recreational off-highway vehicle.

_____ If the owner/operator allows another person to operate the golf cart, neighborhood vehicle, or recreational off-highway vehicle, the owner/operator assumes all the same responsibilities, including holding the Village harmless and indemnifying the Village for any and all damages described above loss of property or life.

_____ I understand that this Release means I am giving up, among other things, rights to sue the Village, its Board of Trustees, employees, and/or agents for injuries (including death), damages, or losses I may incur or cause. I also understand that this Release binds my heirs, executors, administrators, and assigns, as well as myself.

I HAVE READ THIS ENTIRE RELEASE, I FULLY UNDERSTAND IT, AND I AGREE TO BE LEGALLY BOUND BY IT.

Owner/Operator

Date

I, the undersigned, a Notary Public in the State of Illinois, DO HEREBY CERTIFY THAT _____, personally known to me to be the same person whose name is subscribed to the foregoing instrument, as having executed the same, appeared before me this day in person and acknowledged that he/she signed, seal and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth, including the unconditional and full general release of liability, waiver, discharge and covenant not to sue.

Given under my hand and Notarial Seal this _____ day of _____, 20__.

NOTARY PUBLIC

Village of Freeburg Non-Highway Vehicle Permit Application Equipment Checklist

Registration # _____ Applicant Name: _____

Documents:

<input type="checkbox"/>	Valid Driver's License
<input type="checkbox"/>	Valid Proof of Insurance to operate the vehicle on public streets
<input type="checkbox"/>	Bill of Sale / Proof of Ownership or Statement of Ownership
<input type="checkbox"/>	Equipment
<input type="checkbox"/>	Brakes
<input type="checkbox"/>	Seatbelts
<input type="checkbox"/>	Steering apparatus
<input type="checkbox"/>	Tires
<input type="checkbox"/>	Rearview mirror
<input type="checkbox"/>	Red reflectors front and rear
<input type="checkbox"/>	Slow moving vehicle emblem (as required of other vehicles in section 12-709 of the Illinois Vehicle Code) on the rear of the vehicle
<input type="checkbox"/>	Headlight visible up to 500 feet
<input type="checkbox"/>	Tail light visible up to 100 feet
<input type="checkbox"/>	Brake Lights
<input type="checkbox"/>	Turn Signals Warning/Caution flag not less than 5' above the frame.
<input type="checkbox"/>	Recreational Off-Highway Vehicles are required to have a non-straddle seat.
<input type="checkbox"/>	Recreational Off Highway Vehicle Height and Weight Compliance – Less than 64" wide and less than 2000 lbs.

[] APPROVED [] DECLINED

Authorized Official Signature: _____ Date: _____