

MEETING OF THE LEXINGTON CITY COUNCIL

June 13, 2014

The meeting of the Lexington City Council was called to order at 5:02 p.m. by Mayor John Mohr in the City Council Chambers at Lexington City Hall.

Roll call was taken to find the following physically present: Mayor Mohr, Alderman Cole, Alderman Miller, Alderman Johansen, Alderman Revelle, Alderman Phelps and Alderman Fosen. Members of the staff and public present were: Melanie Kunkel, Mike Richard, Vernin Miller, Brittany Engelman, Mark Brown, Steve Whaley, Brad Fraher, Marshall Ryan, Marti Ryan, Stephanie Stover, Dave Glacinski, Josh Dingle, Aliyah Dingle, Heather Newkirk, Samantha Miller, Mackenzie Kaiser, Austin Peden, Mel Fowler, Nichole Harms, Don Peden, Dan Kemp, Ted Cox, Jeannie M. Cox, Tom Kinsella, Paul Craddock, Margaret Johansen, Taylor Schneider, Nathan Miller and Jessica Miller.

Mayor started the meeting addressing the council regarding a letter from the city attorney's on how to handle discussions regarding the police department and whether or not it is the council's preference to discuss the items in public or in closed session. Mayor also circulated the City attorney's response to the complaint raised by ICOPS about canceling part-time police hours while the department is unsupervised.

He thanked the public for taking some interest in what's going on in the city and asked that everyone take a moment to sign in on the sheet being circulated. Mayor noted that public participation is allowed and asked that each person state their name and be courteous in their comments.

Public Input: Ted Cox- Asked what type of police coverage the city will have? Mayor noted that the decision is on the agenda to be discussed by council members later in the meeting. Mayor also noted that his preference is to not keep county coverage permanently but to find a new police chief as soon as is possible. **Jeannie Cox-**Is nervous about losing a small town police officer like Dave. She noted that small town police provide courtesies to residents by allowing them to roll through stop signs and not issuing tickets for it. She felt Alderman Johansen was a terrific police chief and asked his opinion on what type of police chief Dave was? **Brittany Engelman-**Works for the fire department and ambulance service. She noted that Dave, Josh and Mike have been an important part of their calls as some of their calls require police response before the fire and ambulance can respond. She noted that they have always been there to help the fire department when needed. **Jessica Miller-**Noted that this is not the first time this type of thing has happened to a police chief in Lexington and noted that her dad, Dave Schneider, was really not given a choice in resigning. She noted that, if given the chance, her dad would never come back and work for the city and the people sitting on the council. **Stephanie Stover-** Noted she is disappointed in her Alderman and Mayor and specifically asked them how many years of their terms were left and how the public goes about replacing them? Mayor and Alderman Phelps noted that they have 3 years left on their terms and, when the election comes around anyone can run for either of those spots. **Dan Kemp-**Feels if a town vote was taken right now everyone would vote to reinstate Dave because he is a great guy. **Dave Glacinski-**Heard rumors within the city and wanted to know from the council why Dave Schneider resigned? Mayor recounted what was recorded in the April 14th council minutes regarding performance. Mr. Glacinski pointed out that he can see the council is clearly divided on this issue and asked if Dave's resignation was due to lack of ticket issuing or because

ordinance violations pertaining to garbage cans were not upheld? Alderman Johansen noted he had not been given enough time to review the packet of letters from the city attorney prior to the meeting to give his opinion on that question. Alderman Phelps and the Mayor noted that they really are not at liberty to discuss specifics regarding the situation as there is currently an investigation. **Brad Fraher**-Asked the Mayor why he made the decision to suspend the part time officers. Mayor noted that his decision was made due to the fact that it was not a good practice to keep the part-time officer's schedules when they did not have full time supervision. **Mel Fowler**-Was under the impression that Dave was given no choice but to resign. He has lived here for 15-20 years and feels Dave did his job well. He noted that his personal experience was many years ago he was speeding down Orange Street and as he passed Dave, Dave motioned for him to slow down with his hand. Mr. Fowler noted that he has never sped down Orange Street again and that Dave effectively did his job with a hand motion rather than a ticket. **Marty Ryan**-Feels Dave was understaffed and overworked and feels it is not the police officer's job to enforce the city's code. Mayor noted that the Police Chief's job is clearly described in the City code and code enforcement has always been part of the chief's duties. **Steve Whaley**-Asked who he can contact regarding the items that Dave took from him regarding his open cases. Mayor noted that the county officers will take over those investigations. **Austin Peden**-Noted that he just graduated with a degree in criminal justice and asked if that was enough to apply for the chief's job? Mayor noted that the City will be accepting applications from individuals who meet the qualifications determined by the Police Committee and Council. **Mike Richard**-Had heard Dave's performance related issues were relative to the amount of tickets written. Asked if it is the Mayor's recommendation to do away with the police department all together. **Tom Kinsella**-Does not live in the city limits but has lived here his whole life and feels the city police officers have done a really good job. **Paul Cradock**-Has a business in town and is from Carlock. Feels Dave did a good job and hates to see the city go to very limited coverage as it is important to him that his business is protected. He wants to make sure the city does not go without coverage and likens this small town to Mayberry.

Alderman Johansen noted that he is not happy with the way Dave Schneider's situation was handled and noted that he feels Dave was a terrific police chief. He noted that he was completely unaware that the Mayor was going to suspend the part-time officers and feels it is an injustice to not have them continue working in the city as they know the city well and have the city's best interests in mind. He would like to see a part-time officer appointed as the interim acting chief. Motion by Alderman Johansen and second by Alderman Cole to reinstate the part time police officers back to their hourly duties during the week. Alderman Miller would agree with Alderman Johansen but would rather hold off on voting on this item until the council has had a chance to discuss it later on in the meeting. Alderman Cole asked that the council vote right now so if the motion is shot down, then the public will see who is in favor of the current police department and who is not. Alderman Johansen asked that the motion be amended to appoint an acting or interim police chief from the part time officers, Lay, Dingle or Hinshaw. Alderman Miller seconded the motion to amend with the stipulation that the council be certain there are no legal problems doing so. Alderman Miller again reiterated that this item should wait until further discussion can be had later in the meeting. Alderman Revelle asked if there was another option available. Mayor noted that options were to be discussed later in the meeting via contracts with the county until an acting police chief could be appointed. Alderman Miller further noted that he would hate to lose the part time police officers who may seek other employment in the interim as well as he feels it would look good to the community if the part time employees who know this town and its residents remained employed. Alderman Revelle feels the city should consult the city attorney first. During the meeting Mayor phoned the city's

attorney, Mike Tibbs, about reinstating the part time officers but also appointing one of the officers as an interim acting police chief. Mike noted that the Mayor has the power to appoint an interim police chief. He noted that Mayor could appoint one of the part timer officers as the interim police chief. Tibbs noted there are no special qualifications to be the police chief other than needing the proper training to be a police officer. Alderman Johansen noted that there is an additional 30-40 hours' worth of training the officer would have to have, and obtain within a year, to be the chief. The amendment passed with a vote of 5 yes and 1 no. The main motion as amended passed unanimously.

New Business:

Authorize Contract with McLean County Sherriff's Department for Part-Time Police Protection: Mayor recommends that the county cover Dave's 40 hour shift. Alderman Johansen feels it is a waste of taxpayer money to pay the county \$1800 for 40 hours when the part time officers could provide coverage for half the amount. Motion by Alderman Fosen and second by Alderman Johansen that this item be tabled until the next scheduled council meeting on June 23rd. Motion carries unanimously.

Authorize Candidate Search for Open Police Chief Position: Alderman Phelps recommends that the police committee take the next 30 days to outline the criteria needed for a new chief before it is opened up for applications. Alderman Miller recommends that the search for a new police chief involve as many members of the council as possible. Motion by Alderman Phelps and second by Alderman Miller to authorize the candidate search for police chief, creating a job description and bringing those things back to the council for consideration. Alderman Johansen added that he would like the entire council to be involved in the creating the job description. Alderman Fosen noted that it is his opinion to have a structure for a full time police chief and part time supporting staff. Motion carries unanimously.

Dave Schneider Severance Discussion: Mayor asks that this item be withdrawn from the agenda for tonight pending a full report from the Sherriff's office. Motion by Alderman Phelps and second by Alderman Fosen to withdraw this item pending the Sherriff's report. Alderman Johansen feels the packet presented to the council prior to the meeting was not given to him with enough time for review. Motion carries unanimously.

There being no further business, it was moved by Alderman Miller and seconded by Alderman Phelps to adjourn at 6:15 p.m. Motion carried by unanimous voice vote.

Respectfully submitted,

Melanie Kunkel, City Clerk

Approved: 6/23/2014