

Village of Cordova  
Journal of Proceedings  
Thursday, December 15, 2011

The December Board meeting was **called to order** in the Conference Room at the Village Hall on Thursday, December 15, 2011 at 6:30PM. Village President Bob VanHooreweghe presiding.

**Roll call-** Trustees in attendance were Larry Dhooge, Dean Moyer, John Myers, Patsy Fidler, John Haan and Bruce Wood.

Also in attendance- Clerk Sharon Peterson, Treasurer Michele Chavez and Attorney Clayton Lee.

Citizens and guest: Steve Elliott (Dispatch), Jim Hines, Shelley Strombach, Laurie Knight, Jim Boone, George Kerr, Mary Ann Saathoff, Ken McCool, Lyle Ernst (Review/Dispatch), Bill Somers, Perry Barber and Del Moyer.

### **Pledge of Allegiance**

An announcement was made stating that per the Fire Chief the capacity of the meeting room is 50 and no one can be standing in the hallway.

**Journal of Proceedings-** *A motion was made by Larry Dhooge and 2<sup>nd</sup> by John Haan to approve the minutes of the November 17 Board Meeting, TIF Meeting November 30 and the December 8 Committee meeting.* The motion was passed with a 6 aye voice vote.

### **Public Comments-**

Bill Somers turned in several petitions and requested that the question be put on the ballot for the March 12, 2012 election to change the Clerk to an elected position effective April 2013, from the current appointed position. These need to be taken to Rock Island by the Clerk, they will not accept them from us. Pat, we have over 70 signatures.

Jim Hines, I have a question for Mr. Wood-according to the newspaper, if they are to be trusted, you changed a suspension. I have done some research and found there is nothing that gives you the authority to do so. What gives you the authority to override a decision made by the Board?

Bruce: I did not override anything. The chart in the Police Policy and Procedures Manual was followed. My responsibility is to manage the Police Department and knowing full well of the disbanding I want to make sure all investigations and pending matter are completed for a smooth transition and to perturb justice of the Community.

Jim: I understand that and kind of agree. The Board did say what they wanted done and you made the change.

Bruce: I am not trying to insult you, nor would I do so but I think I have answered the question.

Jim: did you offer Ryan Gaines a chance to stay on? Bruce: Ryan came to me and stated there were some items and paperwork that needed to be completed. I offered to let

him perform administrative work in the office and not out patrolling. He was also told no interaction with anyone. Ryan changed his mind and refused the offer. Jim: you overrode the suspension then! Bob: Ryan did not return to work so this is a mute point.

Jim: I researched and I can't find what authority the Police Chairman has and I would like to know that. The Mayor can veto but not a Board member. I am just trying to get educated.

Bruce: we have been over the logic and legal authority.

Bob: according to the interpretation of the Police Policy and Procedures Manual he had the authority. Jim: that is your interpretation!

Ken McCool: did the Mayor authorize the change? Bob: no. Ken: the Mayor is the CEO and Bruce didn't come to him? Bruce: when I, and everyone else at this table, took the oath of office we have a job to do. If investigations are not completed those cases of those who have done wrong are done. Logic sense is justice needs to be done. Ken: bring in another employee-it doesn't need to by Ryan.

Bruce: the officer needs to complete their own report. If the case goes to court in front of a judge the officer needs to swear to what occurred and/ or what they witnessed. My intention is to serve justice in accordance to the State laws.

Ken questioned if the files had been tainted? Bruce: some items are dead. Bob: we have some items that have hearing set and they are iffy with the status of our Police Department.

**Treasurer's Report-** the November 30, 2011 Treasurer's Report was recapped by Treasurer Michele Chavez. The balance November 30<sup>th</sup> was \$885,320.73 with a cash available in the amount of \$133,720.29 ***A motion was made by Bruce Wood and 2<sup>nd</sup> by Larry Dhooge to approve the Treasurer's Report as recapped.*** Bruce noted the Police Department debt will not be eliminated by disbanding the Police Department.

Ken McCool: as you all know that is not a true statement.

Bob: it is an absolute true statement-the debt has been incurred and the funds must come from somewhere else to clear the debt.

Ken: take it from General.

The Treasurer's Report was approved with a 6 aye roll call vote.

**Accounts Payable/ Bill approval-** The expenses were recapped by Clerk Sharon Peterson. ***A motion was made by John Haan and 2<sup>nd</sup> by Bruce Wood to authorize the expenditures as listed on the Agenda.*** Pat questioned who Andrews Construction is? Jetting service for the sewer lines. John Myers questioned CWSTP- annual water testing requirement dues. The expenditures were approved with a 6 aye roll call vote.

**Attorney Clayton Lee-**

Clay noted he had prepared Ordinances for the disbanding of the Police Department and the selling of Village owned land. I did not know the zoning and that will need to be filled in.

Bruce: we need to pass the Ordinance before we list the property? Clay: I am not sure but will let Sharon know. We do need to pass the Ordinance. John Haan questioned if there had been any offers.

*A motion was made by Larry Dhooge and 2<sup>nd</sup> by John Myers to adopt Ordinance 2011-05 An Ordinance authorizing the sale of certain real estate property owned by the Village of Cordova.* The motion was passed with a 6 aye roll call vote.

### **Committee Reports-**

#### **Streets & Alley-Larry Dhooge**

I seen in the minutes where they say I was to check on an excavator with thumb and I am reflecting that to Park & Recreation. John Haan: this is probably a January project. Bob: are we going to rent the equipment and do ourselves or hire someone? Bruce: if we hire the project we will have qualified, experienced equipment operators. John Haan: it doesn't hurt to inquire. John Haan will have more information for the Committee meeting. We need to meet with everyone interested so they are bidding the same project. Larry: I will walk the area with John so we are together.

Bill Somers: Wainwright is \$135 per hour operator and equipment and having a good operator is better than an amateur.

Larry: we had a problem with the strobe beacon on the truck. Jim Boone: I got it fixed.

#### **Park & Recreation- John Haan**

John Haan noted that Jim Boone had found the Christmas decoration brackets and they would be looking at a different way to store the decorations.

Bruce questioned when the Christmas lights would be judged? John Haan: I don't know who the judges will be yet. Bob: according to the newspaper we have 5 categories and they will be judged tomorrow night- the 16<sup>th</sup>. John Haan: I said the 24<sup>th</sup>. Sharon: we usually announce the winner before Christmas so they can have their checks and the people know who won if they want to see the displays.

Bob: are we putting rock down at the exercise equipment? John Haan: we don't need to do that right now. Bruce: does the Village plow that area? Yes. Bob: I don't think they maintain the porta potty in the winter. Sharon: they do not maintain it after November.

#### **Waste- Patsy Fidler**

Pat: there is a meeting at the Scott County Recycle Center if anyone is interested on December 20<sup>th</sup>. This is the monthly meeting.

Bob questioned if the Village can take over E-waste? Pat, I don't think there is any problem but we need to mark where the items came from. Bruce: where did the items come from? Bob: they were just dumped off here. Pat: there will be a charge if they are not marked.

Jim Hines: I have a TV I sat out and they won't pick it up –can I bring it up here? Bob: in the past the Village had an e-waste day scheduled and we collected items at that time only but I am not to sure that one of them out there now wasn't picked up by our maintenance crew on 84.

Jim Boone: I think we have 13 items and it would be worth the trip to get them out of the way. Bruce: if we are going to take items in do we want the people to know? Jim Boone: we have the plows and spreaders on the large trucks so all we have is the small truck and we can make one trip and get rid of what we have in the way.

Bill Somers questioned why the items were not stored outside. Jim Hines: people would be breaking the items and making a mess.

**Water & Sewer-** Dean Moyer

Dean: last week we found the lines at Richard Vincent's. Alvin Barber voluntarily assisted us. Alvin and Jim found Smith's and dug down to it. It is not positive but it looks like Vincent's is under the asphalt in his driveway.

Bob: Mr. Vincent came to my house and said if it is all the same to you I would rather wait until spring when my driveway can be repaired properly.

Dean: the other option is to change the line and install a new shut-off but I think we can only remove a small piece of his driveway and have the problem taken care of in the spring as he requested. Bob: he did say that waiting till spring would satisfy his complaint.

Larry: how deep is it? Jim: the one I dug down to is 26 inches and we put a riser on it so we can insert the tool and shut it off if we need to.

George Kerr: when that addition was built they built a home then filled and built another one. They used a lot of fill so some of them may be pretty deep. It is a hodge podge!

Sharon questioned Dean if he had reviewed the MSA Professional Service change order. Sarah is going on vacation and we need to return the change order. Dean: I will get it to you tomorrow.

**Finance-** John Myers

John Myers: I would like to move the annual insurance premium to the end of the meeting.

***John Myers, we need to pass the Tax Levy Ordinance in the amount of \$66,702.***  
Lyle questioned last years levy? \$63,532, The motion to pass the tax levy was 2<sup>nd</sup> by Dean Moyer.

Bruce questioned if there was any possibility of no increase and live with where we are at? Bob: this is only \$3,000 and does not even cover the increase in the cost of the Audit. We did not have any increase at all last year. Bruce: this is the first increase in 2 years. We will need to watch the budgets.

The motion to pass Ordinance 2011-06 Tax Levy was approved with a 6 aye vote.

We still need to resolve the issues with the due to and due from's and we need to raise the utility rates. I don't know of any other way. This is Dean's department but I am making my suggestion.

**Police-** Bruce Wood

We have 1 officer who may be working 10-10 ½ hours per week doing administration work to bring the Police Department into compliance with the State regulation to prepare for the termination of the department.

Ryan's suspension is up today.

Goossen's is still off on medical leave.

We have a Freedom of Information request from Jessica and we are gathering the information. Clay was questioned if he wanted to review the items. Clay: Sharon and Bruce can do it.

We have entered into some discussions with Port Byron and the Rock Island County Sheriff's Department and they will be continued at a future date.

Bob: Tim emailed me to ask about making him acting Chief so he can get the paperwork completed that must be completed by the Chief. Bruce: do we need a motion to do that? Bob: I have the power to do so and will do that unless someone has a problem with it. The Chief is the only one to remove past employees from the State data base.

Bob: we need to add a closed session at the end of the meeting.

### **Old Business-**

Cordova Pioneer Village- Diana Muir is also still working with the possibility of a potential partner.

Village Hall survey will be moved to January.

Bob: I sent Dean Moyer written request for the tape which has been requested by Ray Goossens on a Freedom of Information Request and he has said no. Dean: I need something from the Attorney General's Office. Sharon: I will give you the contact information-name and phone number. Bob: we are going by what we were told at the Attorney General's office. Dean: I need an order from a judge or the Attorney Generals office. Dean: that is what it is going to take to get it!

Bill: what is the difference between the Village tape and Dean's? Bob: that is not what he requested. Bill Somers: there is a copy of the meeting.

Bob: the reason we sent the written request to Dean was at the advice of the Attorney General's office. He is just saying he wants Dean's copy and that is what needs to be obtained.

Bill Somers questioned if the State's Attorneys office is aware that the Village has a recording of the meeting. Bob: the request says he wants Dean Moyer's audio/video. We can argue forever and that is why we contacted the States Attorneys Office and involved them. We have done what we were told to do. Dean can call and talk to the same guy we talked to tomorrow.

### **New Business-**

Bruce: Bob and I met with Scott Sidor and Mayor Willson of Port Byron and in principle we all agree but what is needed is a 3-party agreement and the next step is to involve Rock Island County. We did go down to Rock Island with our village attorney and Port Byron was not there as they felt we still have some issues to work out first. Rock Island will be recalculating the rate due to additional expenses for the change in distance between Port Byron and Cordova and other vehicle related expenses. Timeframe-we are more likely looking at January instead of the end of December.

Dean: is there anything in writing we can look at? Bob: we have no agreement and they have not came up with the numbers yet. Port Byron is on a 3-year contract and it

would affect their current contract also to add Cordova. Bruce: the Port Byron contract is 2 shifts and f7 days a week. The rates vary by year. We will make an office available but they will not have office hours here. They are not interested in our vehicles. Dean: we need something we can read as to what is going on and give our guidance.

Bruce: the information they have been given is that which we were told to give them- 27 hours per week and they made it clear that we could not dictate to them what to do. They will verify when they did their patrols here and they will do random patrols to be the most effective. Dean: it is all up to them and we pay for 27 hours- no oversight from us. Bob: the officer will determine when he wants to come up here. Everyone in town can verify they have already been making their presence known. Bruce: I requested that with the current status of our Police Department.

Clay: I think Rock Island wanted to talk to Port Byron before they put together any numbers. It will take another meeting to iron out the details.

Bob: eventually it will be up to this Board when we have the numbers to determine the number of hours and how much they want to spend.

Dean: it puzzles me that there isn't an hourly rate for no matter where they go. The expenses are the same if they drive Port Byron or Cordova-same fuel and vehicle expenses. Bob: we all got the same indication that the hourly rate would change with a 3-party agreement. Clay: that is what they said. Dean: they need to rationalize the what, where and when for the additional costs. Bob: they did also indicate that they were not out to hold anyone up. We need a special meeting to review an agreement.

Employee pay raise- after closed session.

Holiday ad for the review- We usually run a holiday ad and the cost this year will be the same as in the past \$50. ***John Haan made to motion to run the annual holiday ad in the Review as in the past. The motion was 2<sup>nd</sup> by John Myers and passed with a 5 aye vote.*** Pat abstained.

Office hour survey- Larry: 29 people have a different opinion and 7 like the new hours. Bob: we need to move this to Committee. Bruce read the comments that had been received.

***A motion was made by Bruce Wood and 2<sup>nd</sup> by Larry Dhooge to enter a closed session for personnel.*** Roll call. Closed session was entered at 7:47PM.

## **CLOSED SESSION**

***The meeting was reopened to the public at 8:38PM on a motion made by Dean Moyer and 2<sup>nd</sup> by Bruce Wood.*** 6 aye votes per roll call.

Bob: no action taken in closed session

Bruce: as a result of the pending disbanding of the Police Department we have made Tim Saathoff acting Chief. ***I am also making a motion to increase Tim's rate of pay by***

**\$2 per hour effective December 1.** The motion was 2<sup>nd</sup> by Larry Dhooge and passed with a 6 aye roll call vote.

**Bruce made a motion to disband the Cordova Police Department effective January 31, 2012-Ordinance 2011-07.** The motion passed with a 5 aye vote. Patsy Fidler voted nay.

**John Haan made a motion to permit the Police Chairman to orderly disband the Police Department by January 31, 2012.** The motion was 2<sup>nd</sup> by Dean Moyer and passed with a 5 aye roll call vote. Patsy Fidler abstained.

**Bruce proposed a resolution against violence or the threat of violence against Village officials and employees.** I had a citizen threaten me and my wife's tire was cut. This type of behavior is reprehensive. John Haan: it is against the law anyhow. If you can't handle a phone call from a constituent with a complaint you don't belong on the Board. Bruce: this Board is going on record to accept this behavior?

Pat: it was not important but now that it is you- why weren't the threats of violence and the harassment of the Police Department not taken care of? Bill Somers: I agree.

Bruce: it is widely known that wife's tire was cut. John Haan: I have spoke of it

Dean: Bruce has implied the Trustees are condoning violence solely because we did not support his resolution. We are guilty because we don't accept his motion. I don't think anyone in this room condones violence.

Ken McCool: I have had a complaint in for 9 months and nothing has been done.

Bruce: I ask for an order of protection and you can show up at the hearing. John Haan; if you don't have big shoulders you don't need to be on the Board. Bruce: my wife is a witness and I had the threatening phone call on a speaker phone.

Bob: the motion fails due to a lack of a 2<sup>nd</sup>.

Dean: I don't consider the lack of a 2<sup>nd</sup> to your motion that we condone said behavior and I told you that at the court house.

Shelley: that is his problem.

Bruce: I have turned the tire incident into the Sheriff and they think it was not just coincidence but suspicious in nature. Pat: was the car in your garage or where?

Dean: it is unfair to attempt to push us when there is no proof and your wife as a witness. Bruce: this Board had created this environment.

Jim Hines: you extended the Police Department until January 31, 2012 and Ryan's suspension is up-now what? Bob: that is a personnel issue and will be dealt with as such. Jim Hines: as citizens we have the right to know.

Ken McCool: if I am approached by Mr. Gaines do I address him as an officer? I have had a complaint for 9 months and all I hear is it is under investigation. I need to know.

Bruce: if he is in uniform and has the badge treat him accordingly. Ken: there is a misconception- you gave him a 4 week suspension for actions uncoming to an officer.

Bruce: at this moment he is an employee. Ken: we need a yes or no answer.

Dean: I don't understand why we can't divulge information. Clay: it is personnel and not to be discussed openly and that is what the Sheriff has said also.

Bruce: technically the suspension is over and it was not the purpose as stated in the newspapers. He is not on the work schedule at this time.

Bill Somers: we only have 1 very part-time officer for the next 45 days when there are threats on lives and tire slashing! Bob: the police chairman has been instructed to orderly dissolve the Police Department by January 31, 2012. The police schedule never has been made public information.

John Haan: the people need to feel comfortable and we owe them answers.

Bob: we have a lawyer here to give us advice and he has also inquired with the Rock Island County Sheriff and this is a personnel matter and not to be discussed in a public meeting-closed session only.

***A motion was made to adjourn the meeting at 8:54PM by Larry Dhooge and 2<sup>nd</sup> by Bruce Wood.*** The motion was passed with a 6 aye roll call vote. Meeting adjourned.