



Village Board Meeting Minutes

DATE: Tuesday, January 10, 2017
LOCATION: Sherman Village Hall, 401 St. John Drive, Sherman, Illinois 62684
TIME: 6:00 p.m.
TYPE: Regular Meeting of the Sherman Village Board of Trustees

VILLAGE BOARD IN ATTENDANCE

- Trevor J. Clatfelter, President
- Bret Hahn, Trustee
- Brian Long, Trustee
- Kevin Schultz, Trustee
- Krista Sherrock, Trustee
- Jay Timm, Trustee
- Nancy Zibutis, Trustee

OFFICIALS IN ATTENDANCE

John Swinford, Administrator; Mike Moos, Deputy Village Administrator & EMA Director; Angela Fyans-Jimenez, Legal Counsel; Craig Bangert, Chief of Police; Chris Fulshner, Deputy Chief of Police; Sean Newton, Director of Public Works; Bruce Beal, Sewer Department Coordinator and Jeremy Stuenkel, Treasurer.

PUBLIC IN ATTENDANCE

Mark Gordon, Sandy Walden, Byron Painter, John Reynolds, Dennis Shackelford, John Miller, Colleen Olsen and Maria Olsen.

OPENING

President Trevor J. Clatfelter

1. Roll Call: Mr. Moos conducted a Roll Call of Village Board members. Trustee Long had an excused absence. President Clatfelter indicated a quorum was present.
2. Pledge of Allegiance was led by Maria Olsen.
3. Set Agenda: President Clatfelter asked the Board for nonvoting items to be added to the agenda. Nothing was brought to the Chairs attention, President Clatfelter indicated he would entertain a motion. *Motion by Trustee Zibutis to Set the Agenda, seconded by Trustee Hahn. Voice vote with no Nays'. Motion Passed.*

CLERK'S REPORT

1. Presentation of Minutes and Approval of December 20, 2016 Regular Meeting. *Motion to Approve made by Trustee Hahn, seconded by Trustee Schultz. Trustee Timm abstained as he was not present at the meeting. All others voted in favor. Motion passed.*
2. Presentation of Bills for Approval. Treasurer Stuenkel indicated no unusual expenses. He did note that we made a final payment on playground equipment in Waldrop Park. *Motion to Approve made by Trustee Sherrock, seconded by Trustee Zibutis. Roll call vote with the Ayes having it. Motion passed.*

TREASURER'S REPORT

Treasurer Stuenkel provided a summary report of accounts and balances. Seeing no further discussion, the Chair asked for a Motion to Approve the Treasurers Report. *Trustee Schultz made the motion, seconded by Trustee Timm. Roll call vote with the Ayes having it. Motion Passed.*

ENGINEERING REPORT

Engineering was given the meeting night off so there was nothing new to report.

LEGAL REPORT

Legal Counsel Angela Fyans-Jimenez indicated there was nothing new to report.

ZONING OFFICER REPORT

Trustee Zibutis had nothing new for Zoning.

VILLAGE ADMINISTRATOR/ECONOMIC DEVELOPMENT COORDINATOR REPORT

Administrator Swinford indicated there was nothing new to report.

PRESIDENT'S REPORT

- 1. Re-Appointment of Trustee Nancy Zibutis as Zoning Enforcement Officer pursuant to Title 10, Chapter 3, Section 1-1 of Sherman Village Code.** President Clatfelter discussed that this is an annual requirement and would look for a motion for such re-appointment. *Motion was made by Trustee Timm, seconded by Trustee Hahn to Re-Appoint Trustee Nancy Zibutis as Zoning Enforcement Officer pursuant to Title 10, Chapter 3, Section 1-1 of Sherman Village Code.* Trustee Zibutis asked if she should abstain from the vote and President Clatfelter indicated that she can vote if so wish. *Roll-Call Vote, including President Clatfelter, with no Nays'. Motion Passed*
- 2. An Ordinance Amending Chapter 7 of the Village Code of Sherman, Illinois.** President Clatfelter indicated that this should to be passed so the management employees accrue days at the same amount as employees covered under the Collective Bargaining Agreement. Trustee Sherrock discussed two typos that will be corrected. Trustee Schultz stated that employees that accrue sick days that are not used and a person leaves they will not be compensated for the unused days. President Clatfelter indicated that is true but employees can bank days for various situations. *Motion was made by Trustee Zibutis, seconded by Trustee Schultz to Amend Chapter 7 of the Village Code of Sherman, Illinois. Roll-Call Vote with no Nays'. Motion Passed.*
- 3. An Ordinance Authorizing the Village to Borrow Money to Purchase a new John Deere 4052 Tractor and Cab with Attachments.** President Clatfelter explained that this was discussed at budget time and public works was told they were authorized to purchase. The tractor is ready for delivery. We need an authorization to purchase this. President Clatfelter

would look to Trustee Schultz to review the bank bids and make a recommendation at the next Village Board meeting (to be held next week). Discussion on note that was just paid off and possible number of years for the loan. President Clatfelter indicated he would entertain a motion to purchase and whom will finance the purchase will be decided next week. *Motion was made by Trustee Sherrock, seconded by Trustee Hahn to Purchase (not to exceed \$72,000) a new John Deere 4052 Tractor and Cab with Attachments. Roll-Call Vote with no Nays'. Motion Passed*

COMMITTEE / DEPARTMENT REPORTS

Building Permit Update - Trustee Zibutis provided an update of building permits indicating there was one more building permit to add to the CY16 Report. The final report is shown below:

New Residential Permits	Number Issued	Permit Fee
Single Family	23	\$20,210.00
Two Family	4	\$3,790.00
Multi Family	0	\$0
Addition or Alteration		
Residential	7	\$460.00
Commercial	1	\$945.70
Accessory Structures		
Fences, Pools, Unattached Buildings	34	\$1,725.00
Commercial		
New	0	\$0.00
Existing	1	\$220.00
Other		
Demo, Grading, Drainage & Signs	3	\$300.00
TOTAL:	73	\$27,650.70

SHERMAN POLICE DEPARTMENT REPORT

President Clatfelter provided a background that in October Ms. Kendra Hansel represented Teen Court (Executive Director Hoffek was present also) and made a presentation to the Board asking for a donation. President Clatfelter indicated that at that time the Board asked for various pieces of information from them. Since that time there have been numerous letters between Teen Court and the Village.

Chief Bangert provided a follow-up briefing. First, he summarized the time-line of events. In October-November of 2015, after Chief Smith had retired, there were couple of items that were mounted on the training room wall (plaque and poster) that became obvious missing items. Chief Bangert was the Acting Chief at the time and did not know where those items had disappeared to. Chief Bangert took over the Department officially on February 16th. October of this past year it was

divulged by Mrs. Hoffek that there is a box of documents in her garage. We still didn't know, at that time, what had been removed from the police department.

- a) Missing and removed files from Sherman Police Department – We did receive a letter from Teen Court, co-signed by executive board member chiefs and they had reviewed items in this box and that there were no juvenile records in there and those items were the sole property of teen court. Sherman was not invited to this review of material. Because of this action, the lack of involving Sherman and the contentious atmosphere Chief Bangert felt it was prudent to disassociate Sherman Police Department from Teen Court. He did note that these concerns were stated in his letter to Director Hoffek. He has run into the Teen Court Executive Director a couple of times and she had indicated the information requested was forthcoming but Chief Bangert stated nothing has arrived yet. He did deliver mail to her that comes to the police department (they still use Sherman PD's mailing address) with his letter. Today he received correspondence from Mrs. Hoffek (Village Board members were provided copy). That concluded his timeline summary of events.
- b) Audit and budget requested – the police department has still not received any of the requested information. Chief Bangert indicated that we have received correspondence from Teen Court Executive Director Hoffek.
- c) Discontinued participation in Teen Court program – Chief Bangert reiterated that they have not received any information that was requested by the Village Board. He still didn't know what was with Teen Court. We did receive a letter from teen court where they stated there were no Sherman records there. But Sherman was not involved or invited for this review so we do not know what was looked at. The Chief stated he felt at that point it was appropriate that a letter be sent disassociating Sherman Police from teen court. Today he received a letter in the mail with response from the Executive Director of teen court.
- d) Request for Illinois State Police investigation – the issue is that there were records removed without notification or authorization and we do not know what was taken. The Village has a responsibility to ensure juvenile records/information are safeguarded. Teen Court has indicated that any records they have are the sole property of Teen Court.

Trustee Timm indicated he would like to ask our attorney her take on the fact that these files were taken without authorization. Legal Counsel Fyans-Jimenez has a concern and felt it was illegal as this was Village property. The records need to be protected. The other disturbing item is the statement by Teen Court that the documents have been turned over (to another police department) and for destruction. Why has Sherman been excluded when said documents were maintained those documents and then taken from the Village of Sherman? Teen Court did say we can go through them to see what they are but they can't provide us an itemized list. Chief Bangert continued the discussion that he understands that some of the items that were in the box has been collected and are now at

Chief Lawley's office in Riverton. In the letter dated the 8th it was state we are welcome to inspect these files.

Trustee Sherrock found it interesting that the files removed from the box are not being destroyed but being held by Chief Lawley? What is still in her residence?

President Clatfelter stated these are all the questions that are surrounding the ambiguity of this situation. The Dec 6th letter for Mrs. Hoffek stated "the North County Teen Court Records in my garage". There was no official authorization (from Sherman) to have those files removed? Chief Bangert indicated that was true as far as he knew. Mrs. Hoffek's letter stated that both police chiefs are members of the executive board which oversees our teen court, records were inspected and no juvenile records were found. President Clatfelter stated the question comes why only two chiefs reviewed these documents and not the rest of the chiefs (including Sherman). If you have an executive board that oversees the functions but there is only two members there then no official meeting of the Board could happen. Were there motions or a second in running the meetings that would provide authorization for any action? He continued to read the statement all North County Teen Court documents with teen names. If you are a parent I would be concerned that my teens name is on a file in a box in someone's garage. I am concerned that these files are floating around in multiple locations in the county in multiple hands, Chiefs of Police or not. Then it reads all North County Court Dockets which could give serious information on a juvenile's case and situation are sitting in Chiefs Lawley's office for disposition and possible destruction. Why was Sherman Police excluded from the process when we were, at that time, still a member of Teen Court. Why was select group given opportunity to review and authorize destruction. Going further at the October 25th meeting the individual that participates and staffs Teen Court is an attorney and a County Prosecutor (asst. states attorney) was asked to make the presentation to the Board and put in a bad situation, why wasn't she included in the process review and decision for the destruction of these files. They do not have the authority to destroy Village documents and there are laws that direct us in how we dispose of documents. Legal Counsel Fyans-Jimenez indicated that the Village is required to get a Disposal Certificate from the Secretary of State for such action. This is not a small issue that has come before this board and requires us to continue doing due diligence and kick this down the line to a third party for an impartial review. This is listed on the agenda and will come up in a few minutes. President Clatfelter state he has an issue with the fact this Teen Court has taken it upon themselves to seat our Deputy Police Chief on the Executive Board as opposed to our Chief. He stated "We decide who will represent Sherman, not Teen Court". President Clatfelter discussed the letter about the Teen Court meeting held in Mrs. Hoffek's home. Was there an announcement of such a meeting, a posting, was there an agenda, were there minutes? These are all questions President

Clatfelter has and they need to be answered. He found it curious that Sherman PD was excluded from the review of their records. Chiefs Lawley, Hillyer and Phil Brown, who is not part of Sherman Police anymore, were the ones that reviewed the files. They had stated the files were of no value and could be destroyed.

No Teen Court Executive Board has met and nothing has been given to us (Sherman) in the last three months when this was discussed in an open forum at a public meeting (October 25 Village Board meeting) since this was requested. President Clatfelter strongly reiterated that he and the Village Board support the mission of teen court but not these actions.

President Clatfelter indicated several questions have been asked in regards to the status of Teen Court as does it fall under the status of a public body? Does this fall under FOIA standards as delineated by the Attorney General? I am probably going to write the Attorney General for them to weigh in on if they are a public body. Do they have to maintain records just like any other public body? They receive public monies from the member communities, don't they have to maintain a budget, line items for expenditure, check books and records, administrative fees, how are files stored. There was a reason Teen Court was established in it was to keep the individual who has offended and made an error in their juvenile life to not have to go through the system and given a second chance through the decisions of Teen Court. The Village Board was told that all the questions would be answered but it has been three months and without a response and so noted in Chief Bangert's letter to Executive Director Hoffek of which was then read out-loud.

President Clatfelter stated for the record because of misinformation that is going around that this is all Sherman, no we are 110% behind Teen Courts mission. We are not for destruction of files and rules are not being followed. President Clatfelter indicated he wanted to take the time to clarify matters which also leads as an introduction to (d). Which is a request for an Illinois State Police investigation we need to take this avenue.

Trustee Timm asked if other police chiefs question these things on these "flags" that have come up? Chief Bangert indicated that Chief Honea did ask questions similar as ours. He indicated that if Teen Court approached his community for funds that they would be asking the same questions as Sherman did. Trustee Timm then asked that there is at least one other community asking questions and Chief Bangert confirmed that is so. President Clatfelter indicated that department was not part of any review as well. Trustee Timm stated he felt this should be given to an outside agency to ascertain if any wrong-doing has taken place.

Trustee Sherrock asked legal about the letter that these records are being held by Chief Lawley for 60 days. There is no statutory requirement for 60 days is there? Are we going to notify them they cannot destroy the records? Counsel indicated that we should follow-up with three actions.

1. Go to a third party.
2. Letter to ATG to ascertain if they fall under their umbrella and that they are aware of the situation and
3. Either from the Mayor or Legal should send a letter demanding no documents be destroyed and to return the documents. President Clatfelter asked legal counsel to send such letter.

Trustee Timm asked what do we need to do to get third party involved in this. President Clatfelter did not think board action is needed. Chief Bangert can ask for such support. President Clatfelter did suggest we show support for such action.

Motion was made by Trustee Timm that Chief Bangert should ask for an outside investigation from the Illinois State Police regarding Teen Court and the associated issues with that meaning the removal of files from our police department, seconded by Trustee Sherrock. Roll-Call Vote with no Nays'. Motion Passed.

Trustee Zibutis asked question of where teen court had meetings? Chief Bangert indicated that the meetings (teen court hearings) usually were held at the fire department but there have been executive meetings held meetings at the police department. Chief Bangert stated there haven't been any since the time he was appointed Acting Chief.

EMERGENCY MANAGEMENT AGENCY REPORT

Director Moos discussed that the new firewall on the server in the police station will now detect internet outages and automatically switch from the main provider to the backup provider. This is crucial during emergencies as now we do not need to go through a discovery process and reset the system. Director Moos also discussed the latest information he received from the National Weather Service in Lincoln in regards to this weekend's weather. The NWS went to the extra step to remind everyone to listen to official forecasts, not those passed around by social media, unless it is directly from them. It seems that there is a great amount of exaggeration to what may happen weather wise.

DEPARTMENT OF PUBLIC WORKS REPORT

Director Newton indicated the Department just received a supply of salt and ready for the next weather situation.

NEW BUSINESS

No new business to address.

OLD BUSINESS

No old business to address.

CIVIC ORGANIZATION

No civic organizations present.

PUBLIC COMMENT

No persons of the public asked to make comment.

EXECUTIVE SESSION

No Executive Session was held.

ADJOURNMENT

Motion to adjourn was made by Trustee Zibutis, seconded by Trustee Schultz. Voice vote with Ayes only. Motion Passed. Meeting adjourned at 6:50 p.m. The next scheduled meeting of the Village of Sherman Board of Trustees is January 17, 2017. The public is invited and encouraged to attend.

Respectively Submitted by:

Michael P. Moos, Deputy Village Administrator