

(Subject to Approval)
CITY OF LISBON
REGULAR COUNCIL MEETING MINUTES
June 8, 2020

CALL TO ORDER: The City Council of Lisbon, Iowa, met in regular session on June 8th, 2020, at 7:07 p.m. with Mayor Doug O'Connor presiding. The following City Council members were present: John Bardsley, Travis Jubeck, Stephanie Kamberling, Sara Nost and Nate Smith. Absent: None.

OTHERS PRESENT: Rick Scott, Nathan Countryman, Bill Stewart, Becky Hess, Russ Rasmussen, Todd and Sue Nelson, Thad Nevitt and Dave Schechinger.

CONSENT AGENDA: Smith motioned, seconded by Bardsley to approve the Consent Agenda, consisting of the Agenda, Minutes of May 26, 2020, and Approval of Utility Deposit Refunds. All Ayes. Motion carried 5-0.

The following statement was read by the Mayor.

As the City Council and Mayor, we believe that it is only fair to make it public and express the timeline of how the situation with the K-9 Unit and Chief Police Rick Scott evolved. There have been many posts on social media and many comments throughout the public that we feel need to be addressed and with us making a statement we hope that our community can be brought back together as one.

On April 7th, the Mayor became aware of the Rick Scott being bite by Rico. At this time, it was brought to Council's attention that another individual had been bitten by Rico. With Rico being in the year for retirement it was in the City's best interest to retire Ricco from the City. Chief Rick purchased Ricco from the City for \$1 on April 13th.

Shortly after the retirement of the K9 Unit, Chief Scott brought to our attention that he felt the City owed him care fees. With further investigation by our City Attorney we the City did in fact owe him reimbursement that is protected by the Fair Labor Standards Act. The statute of limitations for this was 2 years so the City did in fact go back 2 years and paid him the full amount of what was recommended in the amount of \$15,241.53.

During the investigation process some other issues did in fact come up and that was the question of Rico the K9 Unit being certified for the past few years. The Mayor requested information and proof from Chief Scott regarding this matter. During this time, several meetings had been held with Police Department Liaisons, Mayor, Chief Scott, and the City Attorney. Chief Scott did provide the documentation that was asked for and through this we did find out that Rico was not Federally Certified and had not been since 2017. Certification was not completed in 2018 or 2019. To be Federally compliant Certification must be completed each year. The State of Iowa does not recognize the Certification, it only recognizes 16 hours of training per month which was completed. However, a Federal case would require the K9 unit to be certified for any case to be creditable. With further investigation into this matter it was clear that the City had no Federal Cases active with the use of Rico that could potentially be dismissed. During this time and questioning Chief Scott indicated that Ricco had not been used for 2 years knowing it he had not been certified.

Since our investigation we were made aware from the State that a K9 Unit must be certified to execute any search warrants.

Chief Scott has taken full responsibility for his actions, and his disciplinary action of a written reprimand along with a 5-day suspension that he is has fulfilled.

We as the Mayor and Council feel it is only right to express and for everyone to understand that we do not take these things lightly, it is the responsibility of the a Department Head in any given situation to make sure policy and procedures that are set in place be abided. It is also a Department heads responsibility to communicate with the Mayor and or City Council when issues may arise such as this that could put the City of Lisbon at risk. And as the Mayor and City Council it is our civil duty to oversee performance of the local public employees and to have the City's best interest in mind. We respect the concern that the public had, when it comes to personnel issues just like in any business those type of issues must remain confidential to protect the employee if that employee in fact wants to keep it confidential. We respect the employees right to do so and, in the future, we hope you respect that in return.

The following statement was read by Chief Scott.

I would like to thank my family and the citizens of Lisbon for the support that I had during the last month. My K-9 partner Rico was taken out of service for because of certification issues. Rico was my partner since 2015. In that time, he has caught a burglary in progress and used several times at the local college in the dorm rooms. Rico found a walk away from a senior living home and was my back-up when no other officers were around. Rico had bitten 3 people while I was his handler: 1. Escapee form Centerville while being taking into custody, 2. While

protecting his home. 3. While feeding him. Rico was a very hyper dog when it came to me and his car and food. While Rico was in service, I have kept up the required 16 hours/month training but failed to take him back to the trainer in 2018 & 19 to be certified so that he could be used in federal cases. Although Rico was state certified, he was not certified to allow evidence obtained by him to be used in federal matters. I had training set up in Wisconsin for this year but was cancelled due to the Covid-19.

After Rico's most recent biting incident, the city took Rico out of service. Most K-9 units work for their departments between 5 and 7 years and on occasion longer. The City Council decided to retire Rico in April and I bought Rico from the City for a \$1.00.

I was responsible for Rico's certification. I received a 5-day suspension for the certification issues. Although I am of the opinion the 5-day suspension was excessive, I accept the suspension and would like to move from this issue. I love serving the citizens of Lisbon and want our community to support one another and move on from this issue and continue to make Lisbon the best it can be. If we have issues on how things are running within the City or any of its departments including the Police Department, come to a council meeting and ask questions. Everyone's voice should be heard. I would like to see more people attend the City Council meetings and get involved with the City. If you ever have questions please ask, if I don't know the answer, I will find it for you. Work Hard and Stay Positive. Sincere, Chief Rick Scott Lisbon Police Department

The Mayor asked for public input. It was found that there were issues with the Zoom application the city was using to allow residents to participate in the meeting; council could see and hear the public but the public could not hear the council. Kamberling was able to fix the issue and she read both statements over again for those who were not able to hear. Once she was finished Mayor O'Connor again asked for public input. Todd Nelson asked that he be able to address the council regarding their statement but wanted to do it in person. Mayor O'Connor stated he would make sure he gets on the agenda for the next council meeting.

Discussion was held on opening or keeping the Splash pad closed for the Summer of 2020. Motion by Kamberling, seconded by Jubeck that due to the impossible task of monitoring social distancing and continued maintenance of the pool, to keep the splash pad closed for the 2020 season. All Ayes. Motion carried 5-0.

Discussion was held on a date to reopen the city hall to the public. Motion by Bardsley, seconded by Smith to open the city hall for the next regular council meeting on June 22, 2020, but table the issue of permanently opening city hall until it can be discussed at the June 22nd meeting. All Ayes. Motion carried 5-0.

Motion by Kamberling, seconded by Jubeck to approve the BE Lisbon Grant Reimbursement for Luke and Casey Krall in the amount of \$5,000. All Ayes. Motion carried 5-0.

Motion by Nost, seconded by Jubeck to approve the closing of one-half block of North Jackson between Market Street and the alley for Lisbon United Methodist Church to hold outdoor services for the rest of June. All Ayes. Motion carried 5-0.

Motion by Kamberling, seconded by Bardsley to approve proceeding to court with action for failure to correct rental inspection violations at 215 W. Main Street and 307 N. Jackson Street. All Ayes. Motion carried 5-0.

Motion by Jubeck, seconded by Bardsley to approve Resolution 28-2020 Setting the date for public hearing on proposal to enter into a General Obligation Corporate Purpose Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$5,250,000 for June 22, 2020 at 7:00 p.m. Roll Call Vote: Ayes: Bardsley, Jubeck, Kamberling, Nost and Smith. Nays: None. Motion carried 5-0.

Motion by Kamberling, seconded by Smith to open the public hearing at 7:48 p.m. for Gillette Lane Trail Improvements Project. All Ayes. Motion carried 5-0. No comments were heard from the public. Motion by Kamberling, seconded by Nost to close the public hearing at 7:49 p.m. Roll Call Vote: Ayes: Bardsley, Jubeck, Kamberling, Nost and Smith. Nays: None. Motion carried 5-0.

Motion by Jubeck, seconded by Bardsley to approve Resolution 29-2020 Approving Plat of Survey #2427 for 315 N. Washington Street. Roll Call Vote: Ayes: Bardsley, Jubeck, Kamberling, Nost and Smith. Nays: None. Motion carried 5-0.

Motion by Kamberling, seconded by Nost to approve Resolution 30-2020 Waiving the Preliminary and Final Plat and Approving Recommendation for Boundary Adjustments of South Lake Subdivision, Lisbon, IA. Roll Call Vote: Ayes: Bardsley, Jubeck, Kamberling, Nost and Smith. Nays: None. Motion carried 5-0.

Meier reported that Bulky Item Day was set for June 27, 2020, 7 a.m. to 11 a.m. Currently the Linn County Landfill is not open on Saturdays. If it does not open on Saturdays before the 27th, the event will have to be postponed. She asked residents to watch for information on the city website or Facebook.

Bagby reported that they have been removing stumps from trees that were previously taken down and will be working on cleaning streets.

O'Connor asked Meier to place an invoice received for dog food for Rico on the agenda for the next council meeting.

Bardsley noted vacancies on Planning and Zoning and the Library Board. He also reported that SE Linn is looking for volunteers to deliver food and the library is doing curbside checkout for books and library material.

Kamberling reported that some people were having trouble navigating the city website so she asked that the council agendas be placed on Facebook. Meier stated they are already doing this.

Jubeck asked if there was any new information on a light at the intersection of Business 30 and Lisbon Blvd. and also asked people to be careful with all the kids now out and playing.

Kamberling and Nost talked about the possibility of a third council meeting per month to be used as a workshop to update city policies. Meier was asked to place it on the agenda for discussion at the next regular council meeting.

Mayor O'Connor adjourned the meeting at 8:08 p.m.

Connie Meier, City Administrator

Doug O'Connor, Mayor