

**CITY OF MAROA MEETING MINUTES**  
**JULY 23, 2018**  
**CITY HALL**  
**7:00 PM**

Meeting called to order by Clerk Edwards at 7:01 pm. Roll call taken by Clerk Edwards. Aldermen Edwards, Peart, Wilkey, Kissinger, Alderwomen Estep & Bogle, Administrator Ted Agee and Mayor Meador are present. Clerk Edwards and Treasurer Modro-Peters are also present.

Clerk Edwards leads the meeting in the Pledge of Allegiance.

**Previous Meeting Minutes**

Clerk Edwards presents the June meeting minutes to the council. Mayor Meador asks if everyone had a chance to look at the minutes. Alderwoman Bogle makes a motion to accept the June meeting minutes and closed minutes, seconded by Alderman Peart. All council members present vote aye, motion passed.

**Police Report**

Chief Gaddy is present. Chief Gaddy presents his activity report to the council. Chief Gaddy states that they have been steady this month. Chief Gaddy states that this past week has been busy.

Chief Gaddy questions the golf carts and the driving of them on Wood Street where the speed limit is 40 mph. Chief Gaddy states that he was told by one of the golf cart riders that a councilman or couple of councilmen told them they could ride them there, but the ordinance states that they may not be driven on the southern end of Wood Street. Alderman Wilkey states that is something that will address tonight. Alderman Wilkey asked who it was but Chief states that the person did not leave a name, Alderman Wilkey states that there was no permission given but he has been asked to speak on behalf of Pat Hall tonight as he could not be at the meeting tonight.

Mayor Meador asks if the Chief would like to talk about the body cameras that is under old business. Chief Gaddy states that he received a letter today and the body camera grant is ready, but it does not appear that we got the squad car camera grant, Chief is going to check on that. Comptroller emailed for a W9 and Treasurer Modro-Peters was going to send to them.

Alderman Edwards asks if Chief would like to address the council regarding the training classes that are under new business now, Chief Gaddy discusses the training in Chicago for himself and Sgt. Koonce. Police Committee recommends that they be allowed to each have their own room and Sgt. Koonce will drive squad car up to meeting. Council gives consent to attend and each officer will have their own room and Sgt. Koonce may drive the squad car to the meeting.

### **Attorney Report**

Attorney Jankowicz states that he is familiarizing himself with the City. Mr. Jankowicz and his wife drove around the city over the weekend. Mr. Jankowicz checked out the trailer parks that have been discussed in prior meetings. Discussed what steps are being taken to get the records from the previous attorney's estate.

### **Engineer's Report**

Steve Bainbridge, Engineer, is not present.

### **Administrator Report**

Ted Agee, Administrator is present, and he will wait until new business to discuss his report. Ted states that he is going to meet with Steve or his replacement, on a regular basis. Mayor Meador states that he would like to know what the status is regarding grants for the new pump stations.

Alderman Wilkey suggests talking about golf carts now. Ted discusses the ordinance pertaining to golf carts and that they are not allowed on Wood Street starting at Lincoln Street south. Ted suggests dropping the speed limit to 35 mph, Chief Gaddy states that he has suggested that. Alderman Wilkey states that lower speed would take care of it but since we did not get the ITEP grant, that is on hold. Alderman Wilkey suggest that since there is a shoulder out there that the golf carts cross Wood Street at Jefferson and go to the right shoulder going south and on the left shoulder to Jefferson Street going north. He suggests that is a solution without dropping the speed limits. Mayor Meador does not want to see them going down Wood Street at night, they are not visible, Chief Gaddy states that the golf carts have the same illumination as a car. Mayor Meador likes the shoulder idea. Ted states that the way it was presented to him by Pat Hall is that a bicycle may go down there, a kid on a skate board may go down there, and you may walk down there right now but a gold cart can't, and they pay a permit fee and inspection each year. Mayor Meador states the ordinance is preventing that. Alderman Wilkey asks if we can give them permission to ride the shoulder for this month, and then get an ordinance. The state statues still stand. Attorney Jankowicz suggests that looking the other way is not the way to go with this ordinance. Attorney Jankowicz suggests following the ordinance now as it is. Mayor Meador asks what to do in the meantime, Alderman Wilkey suggests that to go to south businesses, cross at Jefferson Street and ride the shoulder to the businesses. Council gives consent to have Attorney Jankowicz bring a new ordinance next month that from Jefferson to the last business entrance may be on the shoulder.

Ted discusses the elevator approach. The bid for the elevator approach was presented to the council in the amount of \$24,800. Ted will check with Chris to see what his portion will be eliminated by doing it this way. Mike Hoffman, Superintendent wants to do something there about the drainage and the catch basins. Alderman Wilkey states that it would have to be bid since it is \$24 thousand. Alderman Wilkey asks what Mike would like to do, he would like to have it done this way. If council would like to proceed this way, then Ted will do a change order for Chris and will proceed with bid process. Council gives consent to proceed this way.

### **Zoning/Public Works**

Mike Hoffman, Superintendent, is not present.

### **Old Business**

### **New Business**

Attorney Jankowicz states that the City Clerk was kind enough to prepare the ordinance and send to office for review. Attorney Jankowicz presented the Prevailing wage ordinance. Mr. Jankowicz states that the state is behind on the rates, the last were September of last year. Mr. Jankowicz states that when he called the state they stated that they may have the new rates available in August of this year. Alderman Wilkey makes a motion to accept ordinance 2018/07/23-1, seconded by Alderman Edwards. All council members present vote aye, motion passed. Clerk Edwards will mail to Department of Labor and Secretary of State.

Treasurer Modro-Peters asks for clarification on the wage for Officer Hickey. Treasurer Modro-Peters asks if this was done last month, council states yes. Clerk Edwards states that the clarification that was needed was the \$.50 per hour he was due back in January because he got the regular pay increase. Chief Gaddy states that he should get the \$.50 pay increase after 6 months. Michele states that he would get retro pay back to January. Ted states that he made a template so that things like these would not be missed in the future.

Michele states that the auditors have told her that anytime there is a pay increase, she needs it in writing. Michele asks about the mower pay that was increased to \$12 per hour. Ted states that no it did not need to be discussed in council that the department head wants to pay him the \$12 per hour and not \$10 like the other part time help gets paid. Alderman Wilkey asks who we are talking about, Michele states it is Jeff Sautlet. Michele needs it in writing and the council approve this. Alderman Wilkey states that the direction we have headed is that it comes from the department head and not the council. Michele states that she will just get it in writing from them. Ted states that from now on it will be the template that will be signed.

Mayor Meador asks for consent for \$.50 per hour with back pay to his six-month date for Chad Hickey, council gives its consent for that.

Clerk Edwards asks what hours the council would like for Halloween this year. It was 4 pm – 8 pm last year. Council gives consent to trick or treat on Wednesday, October 31, 2018, 4 pm – 8 pm.

Clerk Edwards discusses the possible need for added internet at City Hall for the police department. Ted asked me to call for upgrade on our side and Frontier suggested that we add another service and that would increase our speed as we are already at the maximum speed now. That would help the police department with their speeds and for their cameras upload and download. Chief states that it takes 7 – 8 hours to download their cameras. DCI even recommended that the police have their own dedicated line to help them. Ted discussed the upload and download speeds. Ted states that he may be able to speed them up but ultimately, we will most likely need to add the additional service. Ted states that he will explore it a little more, but we may need to update what we have and add service for the police department.

Ted Agee, Administrator, discusses the bid for security cameras for the park, there will be security cameras at City Hall as well. Base will be in the evidence room in the police department so there will not be a need for internet service at the park. Alderman Wilkey states that the line item for gaming tax is going towards the park. Ted states that the expense is business district eligible too. Attorney Jankowicz states that there are homeland security issues with the water treatment plant. Chief Gaddy states that we did buy a camera system and could install that at the water plant. Mayor Meador states that we could just lock the gates at the water plant, Clerk Edwards states that there are bulk water sales and they need to be able to get their water, Mayor Meador states that we could just make it not accessible during certain hours, nothing before 7 am and after 9 pm. Ted states that he has always felt that was an issue that he did not like it being accessible the way that it is. Mr. Jankowicz state he is not trying to take away from the park but if you are adding cameras that is something that should be addressed as well. Chief Gaddy states that even if the gates are locked, we should still put the cameras up at the water plant. Discussion continued about the cameras at the park and city hall. Mayor Meador asks about the recycling bin always being full, he would like it picked up more than once a week, Michele states that it is a free service and they are only able to pick up one time a week. Mayor Meador asks if the council would consider adding a bin for just cardboard. Michele states that the addition of another dumpster is not the issue, it is the fact they do not have the staff to pick it up. Alderman Edwards makes a motion to accept bid for \$9820 from Total Home & Farm Video Solutions, Inc. and no service agreement, seconded by Alderman Peart. All council members present vote aye, motion passed. Alderman Wilkey states to pay \$8000 from 01-11-552, city hall and remainder from 01-00-325, video gaming tax.

Ted Agee, Administrator, discusses when we would need a resolution for TIF fund usage.

Ted Agee, Administrator, recommends doing away with the time clock after discussion with the auditors. If the city were audited by the Department of Labor, there would be a question as to why the hours clocked in are not being paid for and could create a problem for the city.

Alderman Wilkey asks when we will see his report, Michele states that she may be able to come in August. Clerk Edwards will put it on the agenda for August and if they are able to come they will be on there. Alderman Wilkey states he wants to wait until we get the auditor's report before we do that. Michele states that we should be writing our hours on the time sheets like the guys do now, All the guys do that, and the time clock shows us coming in and out and work more time than we are paid for.

Ted Agee, Administrator, discussed the park equipment and the parts have come in for the broken swing bracket. Ted will get that to Kevin to see if he can get it in tomorrow. Alderman Edwards states that we got the equipment in but there was one piece missing. It was thought that it was one piece, but it was 2 pieces. The sales rep, Steve Casada, did not realize it was not one piece either. The company gave a discount and it is \$11,972.55 instead of \$24 thousand. It will take four weeks to make and then ship it. Wayne will return to install it. Clerk Edwards will get the agreements to Attorney Jankowicz so he may review to see if it is something the company should pay for since it was represented that it was one piece not two.

Ted Agee, Administrator, discussed the WIFI for the downtown area and the location of the project. Frontier thought that it was going on the Township building. Ted talked with George Campbell and he agreed to let it go on his building.

Ted Agee, Administrator, presents Ordinance 2018/07/23-2 and discussed the antennae tower ordinance that he discussed last month. He left the wording the way that the IML had it presented. Ted discussed the fees that will be applied. Alderman Edwards makes a motion to accept ordinance 2018/07/23-2, seconded by Alderman Kissinger. All council members present vote aye, motion passed.

### **Citizen Comments**

Mayor Meador states that he had a complaint by Toni Stoutenborough and he would like for her to read her complaint. Discussion will follow. Toni Stoutenborough read a letter complaining about Clerk Edwards handling of accounts when a person is deceased. Clerk Edwards states that she handles the accounts the way that Attorney Antoline instructed her to do and that she has never had a conversation with any other council member or mayor regarding the handling. Toni wants a resolution or ordinance to fix this. Mayor Meador asks Attorney Jankowicz if it is true that the account may not be changed. Clerk Edwards states that she never called Toni to come and change anything, Clerk Edwards states she has nothing to say to Toni unless it is business related and Toni changed the account on her own accord. Clerk Edwards states that the account that was opened in Tom's name alone and the deposit check was sent to the Estate of Tom Stoutenborough. Ted states that 3 years ago Mike was sent to turn off the water of a person who

did not pay a deposit and change the name after the spouse died. Mike told Ted that he knew the person was always current with their bill. The person was upset that they had to do this. Clerk Edwards states that it would not have been herself who sent them to do that as she was not the collector 3 years ago, it was Toni. Mayor Meador states that there has not been a policy, so no policy has been violated. Ted has made a recommendation for this policy. Alderman Wilkey states that he recalls discussing this 6 or 7 years ago, but it did not go any further. Attorney Jankowicz asks what names the bills are in, Ted states that it is the tenant or property owner. Clerk Edwards states that it is always in the property owner, but the tenant may vary. Attorney Jankowicz states that if the council is comfortable with the administrator's policy then make a motion to adopt it and incorporate it into the minutes if not will put on agenda for next month.

#### Maroa City Administrator – Procedural Recommendation 07232018

This procedural recommendation involves the process by which the City of Maroa closes accounts due to the death of a water service customer. Currently, the City proactively closes the account of the deceased individual and requires survivors to open a new account under their own name without request from the survivor or estate in question. After careful research, I have found not only is the current practice improper, it could subject the City to potential legal ramifications.

To elaborate, while living in a small community allows the City, as an entity, to be privy to a great deal of personal information about our customers and their families, thereby giving us opportunity to proactively handle situations such as this, the practice of altering accounts in this case is erroneous.

Water accounts and the information contained, including the formal name, ect. should remain UNCHANGED and OPEN following death until such time a representative of the deceased or executor of the estate produces a certificate of death and formally closes the account. During probate, utility bills are categorized as administrative expenses and are ongoing liabilities under the responsibility of the estate. Probate in many cases can proceed for quite some time.

In the event of the passing of a customer, the proper action to immediately take is no action at all. Only when a representative or executor of the estate produces a death certificate can we then close or alter the account; Until such time, it must remain unchanged. If the estate falls into default on payment, the same procedures (shut-off, reinstatement, etc.) apply as would an account of a non-deceased customer.

Here is an excerpt from a recent publication on the matter:

(Garber, 2018)

1. *“Liabilities that will be ongoing during probate -- these will be administrative expenses*
2. *Liabilities that can be paid off in full after the probate estate is opened -- these are the decedent's final bills*

*Administrative expenses include the mortgage, condominium fees, property taxes, storage fees and utility bills. These must be kept current until the estate closes. To the extent possible, the estate beneficiaries should pay these bills until the probate estate is opened."*

Alderman Wilkey makes a motion to adopt Procedural Policy 2018/07/23-1 as recommended by the City Administrator to change policy for water billing, seconded by Alderman Kissinger. All council members present vote aye, motion passed.

Alderman Wilkey asks if the deposit was refunded. Clerk Edwards states that there was a refund check issued. Toni states that there was not a deposit refund, she received a check for \$29 but it was not applied to her account and she does not know why. Clerk Edwards states that when an account is closed if there is a credit on the closed account then that amount is refunded by a check and sent to the person who is owed the refund. That is what that check is for. Toni wants the refund check applied to her account and not be sent a check. Clerk Edwards states that she must sign the check over, pay to the order of the City of Maroa and then sign it and I can apply it to her open account. Mayor Meador instructs her to do that.

Mark Behrends thanks Diane Edwards and Jason Edwards for the work on getting the playground equipment, it looks great. Mr. Behrends asks how we paid for the equipment, he notes that a \$69 thousand-dollar loan was taken out but there is no discussion. Mr. Behrends asks how that decision was made. Mr. Behrends asks Mr. Jankowicz if there should be an ordinance to take out the loan, Mr. Jankowicz states that there should be an ordinance or resolution. Mr. Behrends states that it is disappointing that it was not discussed. Alderman Wilkey states that TIF will reimburse the loan proceeds, it was a deadline that had to be met. Alderman Edwards states that the deadline was May 1 and took the money in the park budget of \$25 thousand. Alderman Wilkey states that it was an oversight. Alderman Wilkey asks for Clerk Edwards to put it on the August agenda. Mr. Behrends asks if it was a private meeting but Alderman Wilkey states no it was a one on one meeting and there were no open meetings act violation. Mayor Meador states that we will make amends in the August meeting.

Ted Agee, Administrator, thanks Kevin and Mike for their work installing the playground equipment.

Mayor Meador also states that the windmill money was going to be used to pay for the park equipment and also gaming monies would be used. Mr. Behrends states that it was not stated windmill monies. Clerk Edwards states that it was windmill monies and not gaming monies. Mr. Behrends states that tonight you said that the gaming funds would be used for cameras. Mr. Behrends states that come appropriation time, you are going to raise our taxes 5% because you

can, Mayor Meador states that we may not this year, we will evaluate it. Mr. Behrends states that the reality is that every municipality does it so it will be done again because you can.

### **Committee reports**

Alderman Edwards thanks Kevin, Mike and Chris Doak for all their work, and Ted for his help and the committee who helped to get it up and running, the kids are enjoying it, and everyone behind the scenes who had a hand in it. Alderman Edwards would like to have a \$500 fine implemented to any damage done to the park equipment.

### **Bills**

Clerk Edwards presents the council with the accounts payables. Mayor Meador asks if everyone had a chance to look at the bills. Alderman Kissinger makes a motion to pay the July bills, seconded by Alderman Edwards. All council members present vote aye, motion passed.

There was a short break before motion made to go into closed session.

### **Closed Session**

Alderman Bogle makes a motion to move to closed session at 8:40 pm for Closed Session under 5 I LCS 120/2 (c) (1): The appointment, employment, compensation, discipline, performance, or dismissal of specific employees or appointees of the public body. Exception under 5 I LCS 120/(c) (1): Litigation, when a public my finds that an action is probable or imminent, seconded by Alderman Peart. All council members present vote aye, motion passed. Move to closed session at 8:40 pm.

Alderman Edwards makes a motion to go back to open session at 9:01 pm, seconded by Alderman Estep. All council members present vote aye, motion passed. Moved back to open session at 9:01 pm.

Clerk Edwards announces that at 9:01 pm we are back in open session.

Alderman Peart makes a motion to approve the hire of Nichole Morgan as part time officer, seconded by Alderman Edwards. All council members present vote aye, motion passed.

### **Adjourn**

Mayor Meador asks if there is a motion to adjourn, Alderman Bogle makes a motion to adjourn at 9:02 pm, seconded by Alderman Peart. All council members present vote aye, motion passed. Meeting adjourned at 9:02 pm.



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Diane L. Edwards, City Clerk