

Committee-of-the-Whole Minutes

Tuesday, June 6, 2017

- PRESENT:** Mayor Stephanie Acri (*Chair*)
Alderman Quentin Rodriguez (*Ward 1*)
Alderman David Parker, Jr. (*Ward 2*)
Alderman Mike Wendt (*Ward 3*)
Alderman Richard “Dick” Potter (*Ward 4*)
Alderman Lori Turner (*Ward 5*)
Alderman Kevin Schoonmaker (*Ward 6*)
Alderman Mike Waldron (*Ward 7*)
- ABSENT:** Alderman Sonia Berg (*Alderman At-Large*)
- STAFF:** J.D. Schulte, Public Works Director/Interim City Administrator
Maureen Riggs, City Attorney
Amy Saunders, Deputy City Clerk
Ray Forsythe, Planning & Development Director
Lori Wilson, Parks Recreation Director
Nate Scott, Information Technology Manager
Bryon Lear, Library Director
Kim Hankins, Public Safety Director
Todd Allen, Battalion Chief
Jeff Snyder, Battalion Chief
Scott Hinton, City Engineer
Kathy Carr, Finance Director
Jeff Anderson, City Planner
Amy Keys, Deputy City Attorney
Tony Loete, Utilities General Manager
Shawn Christ, Land Development Manager
Rhonda Bartz, Public Works Executive Assistant
Anamaria Vera, Planning & Development Administrative Secretary
Cole Neder, Planning & Development Intern
- OTHERS:** Susannah Baney, Baker Tilly Virchow Krause, LLP
John VanDeVoorde, Resident
Gerold Shelton, The Dispatch

Mayor Acri called the meeting to order at 6:30 p.m. in Council Chambers.

Questions on the Agenda

Mayor Acri indicated that Item #1 on the Committee-of-the-Whole Agenda and Council Bill #1098-2017 (Item #7) on the Council Agenda were pulled due to Alderman Berg’s inability to attend tonight’s meetings electronically.

Agenda Items

1. A Resolution approving the remote electronic attendance of Alderman-at-Large Sonia Berg, at the Committee-of-the-Whole and City Council meetings of June 6, 2017, due to her travel out of town as part of her current employment. Maureen Riggs, City Attorney, indicated that Section 2-2200(e) of the Moline Code of Ordinances provides that any member of the City Council may attend and participate in any open or closed meeting of the City via electronic attendance provided that such attendance is in compliance with the rules set forth within said section and any other applicable laws. Alderman-at-Large Sonia Berg, (“Berg”) will be traveling out of town for purposes of her employment on June 6, 2017. Pursuant to Section 2-2200(e), absence due to employment purposes meets one of the prerequisites under which electronic attendance is allowed. A quorum must also be established and physically present at the meeting site following the roll call for each meeting to allow the electronic attendance to proceed at the meeting. During Berg’s remote electronic attendance, she shall be allowed to participate in the same capacity as those City Council members physically present at the meetings. This item was pulled from the agenda by Mayor Acri due to Alderman Berg’s inability to attend tonight’s meetings electronically.

2. A Resolution declaring the following Article 36 seized and forfeited vehicles as surplus property: 2006 Toyota Scion XB VIN# JTLKT324264103461 and 2001 Ford F150, VIN# 3FTPF18L61CA70906. Kim Hankins, Chief of Police/Public Safety Director, explained that the Illinois State statute provides that law enforcement agencies may seize vehicles used during the attempt or commission of specific crimes and subsequently initiate forfeiture proceedings on those vehicles. The above vehicles have been forfeited to the police department, and City staff is requesting that they be declared as surplus property and disposed of by the Chief of Police/Public Safety Director through the legal disposal process that is most advantageous to the City, whether sealed bid, auction, negotiation, or otherwise. However, Chief Hankins stated that there is an issue with the VIN number concerning the 2001 Ford F150, so he is not requesting that it be declared as surplus property at this time. A motion was made by Alderman Parker to approve this item as to the 2006 Toyota Scion XB vehicle only. Seconded by Alderman Wendt. Motion passed unanimously.

3. A Resolution authorizing the Chief of Police/Public Safety Director to execute an Intergovernmental Training Use Agreement allowing the police tactical unit to conduct training drills at the Marseilles Training Center in Marseilles, Illinois, on August 9, 2017, and indemnifying the Illinois Department of Military Affairs from any loss or liability that might occur during the training. Kim Hankins, Chief of Police/Public Safety Director, shared that the police department has asked to conduct Crisis Containment Unit tactical training at the Marseilles Training Center on August 9, 2017. The Illinois Department of Military Affairs has agreed to allow the training only upon receipt of an executed Intergovernmental Training Use Agreement stipulating the terms for the use of the center and indemnifying them from any loss or liability that might occur during the training. The estimated cost for use of the facility and assigned range personnel is \$258.00. A motion was made by Alderman Schoonmaker to approve. Seconded by Alderman Turner. Motion passed unanimously.

4. A Resolution authorizing the Mayor and City Clerk to execute a Revenue Reciprocal Agreement on Exchange of Information between the City of Moline and the Illinois Department of Revenue. Kathy Carr, Finance Director, shared that this Resolution amends the current Reciprocal Agreement on Exchange of Information to add the City Administrator, Mayor, and replace the IT position. The Agreement must be approved to allow the City to continue receiving confidential sales tax information by its authorized personnel from the Illinois Department of Revenue. A motion was made by Alderman Schoonmaker to approve. Seconded by Alderman Wendt. Motion passed unanimously.

5. A Resolution accepting the Comprehensive Annual Financial Report prepared by Baker Tilly Virchow Krause, LLP for the Fiscal Year January 1, 2016 through December 31, 2016 for all municipal funds. Kathy Carr, Finance Director, indicated that the Comprehensive Annual Financial Report for the City of Moline for the fiscal year ended December 31, 2016, is submitted for City Council acceptance. The primary objectives of a financial audit are: (1) to express an opinion on the fairness of the financial statements in conformity with

generally accepted accounting principles; and (2) to determine whether the City has complied with applicable legal requirements in obtaining and expending public funds. The audit for Fiscal Year 2016 was performed in accordance with generally accepted auditing standards by the accounting firm of Baker Tilly Virchow Krause, LLP. These standards are required to obtain reasonable assurances that the general purpose financial statements are free from material misstatements. The opinion given in the Report on the Independent Auditors states that the general purpose financial statements present fairly, in all material respects, the financial portion of the City of Moline at December 31, 2016, and the results of the City's operations are in accordance with generally accepted accounting principles. The City of Moline has received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers' Association for 23 consecutive years and will be submitting the 2016 report for award consideration. Copies of the CAFR will be made available to the public for reference at the Moline Library, Moline Finance Department, and via the City's website. Susannah Baney from Baker Tilly Virchow Krause, LLP, presented a brief overview of the Comprehensive Annual Financial Report. A motion was made by Alderman Potter to approve. Seconded by Alderman Turner. Motion passed unanimously.

6. A Resolution accepting Quit Claim Deed from the United States of America. Ray Forsythe, Planning and Development Director, and Amy Keys, Deputy City Attorney, explained that the City of Moline and the United States of America ("USA"), acting by and through the Department of the Army, U.S. Army Engineer District, Louisville, have been working for many years to complete an exchange of land. The City executed an Exchange Agreement in 2003, agreeing to convey vacated right of way, located under the entrance/exit ramp to the Rock Island Arsenal at River Drive to the USA. In exchange, the USA agreed to convey two parcels of land, which are located on a portion of the Bass Street Landing area to the City. The City previously approved the execution of a Warranty Deed conveying the City owned property to the USA in Special Ordinance 4010-2016. This completed the City's portion of the Agreement. The USA has now completed its Quit Claim Deed to the City, which contains restrictions that are similar to the No Further Remediation Letter previously recorded on the property. The USA asks the City to accept the Quit Claim Deed as drafted. Accepting this deed will complete the agreement between the parties. A motion was made by Alderman Parker to approve. Seconded by Alderman Wendt. Motion passed unanimously.

7. A Resolution authorizing the Utilities General Manager to purchase two polymer feed systems for the South Slope Wastewater Treatment Plant, in the amount of \$31,870. Tony Loete, Utilities General Manager, stated that the Water Pollution Control Division needs to replace two (2) polymer feed systems for the filter press at the South Slope Wastewater Treatment Plant. Each system consists of a polymer pump, mix chamber, piping, valves, instrumentation, and controls to make a complete and functional system. The North Slope WWTP improvement project was designed with these units. Staff would like to standardize both WWTP's on the Polyblend polymer feed systems because of their displayed performance, durability and reliability. After considerable investigation for the best technology available, Energenecs has been determined to be the only supplier of Polyblend Polymer Feed Systems meeting the requirements for the present and future needs of the City. These units replace existing ones that have exceeded their useful life. A motion was made by Alderman Waldron to approve. Seconded by Alderman Potter. Motion passed unanimously.

8. A Resolution authorizing the Utilities General Manager to approve Change Order #6 with Williams Brothers Construction, Inc., for the North Slope Wastewater Plant Improvements Project, in the amount of \$120,615. Tony Loete, Utilities General Manager, shared that Change Order #6 consists of eighteen individual changes to the North Slope Wastewater Plant Improvements Project. Said change order reflects adjustments to meet field conditions encountered during construction or enhancements to the efficiency, functionality or longevity of the completed project that are summarized in the attached documentation. Change Order #6 increases the current contract amount of \$37,912,942 to \$38,033,557, and adds 35 working days. A motion was made by Alderman Parker to approve. Seconded by Alderman Wendt. Motion passed unanimously.

9. A Special Ordinance granting a variance to Chapter 34, “WATER AND SEWERS,” of the Moline Code of Ordinances, Section 34-3300, to permit John VanDeVoorde to replace a private septic tank in lieu of extending the public sanitary sewer main. Tony Loete, Utilities General Manager, explained that John VanDeVoorde owns the property located at 1626 26th Avenue, which is situated in the corporate limits of the City. This property is currently served by a septic tank. Rock Island County Health Department has determined that the septic tank is failing. Because of the property’s proximity to an existing publicly owned sewer main, City Ordinance does not permit replacement of the septic tank. The Moline and Rock Island County Health Departments have worked together in the past to minimize the use of septic tanks in favor of connection to publicly owned treatment systems for environmental and health reasons. Mr. VanDeVoorde is requesting permission to replace the private septic tank and is seeking a variance from Section 34-3300, which requires connection. Alderman Parker made a motion to grant Mr. VanDeVoorde’s request until such time as sanitary sewer is installed adjacent to his property; and in such case, said property shall be required to connect to the sanitary sewer within three (3) years or when the septic system fails, whichever occurs first. Seconded by Alderman Rodriguez. Motion carried on roll call with the following vote: ayes: Aldermen Rodriguez, Parker, Turner and Schoonmaker; nays: Aldermen Potter and Waldron. Alderman Wendt abstained for business reasons.

10. A Resolution authorizing the Mayor and City Clerk to approve a Water and Sewer Extension Agreement with Wolff Washes, LLC, for water and sanitary sewer mains installed along 61st Street Drive, north of 44th Avenue. Tony Loete, Utilities General Manager, indicated that according to Sections 34-2118 and 34-3310 of the Moline Code of Ordinances, a developer or citizen who extends a public main across the frontage of an adjacent property not connected to City water or sewer can collect a tap-on fee if said connection occurs. The tap-on fee allows the developer to recover a prorated share of his expenses if the adjacent property connects within ten (10) years. Wolff Washes, LLC, extended public water and sewer mains to serve their property. This extension will allow adjacent properties on 61st Street Drive to connect when they develop. Wolff’s related costs are \$33,594.26 for water and \$134,377.06 for sanitary sewer. These costs translate to \$134.38 per foot and \$537.51 per foot, respectively. Related tap-on fees to adjacent properties would be \$67.19 per foot for water and \$268.75 per foot for sewer. A motion was made by Alderman Wendt to approve. Seconded by Alderman Turner. Motion passed unanimously.

11. A Resolution authorizing the Mayor and City Clerk to execute a Review and Purchase Agreement with Hawkeye Land Company of Illinois related to the I-74 Utility Relocation Project. Scott Hinton, City Engineer, stated that the I-74 Utility Relocation Project includes the installation of a new sanitary sewer main under property owned by the Iowa Interstate Railroad north of 4th Avenue. Hawkeye Land Company of Illinois (HLCI) owns the utility rights at this location and, as such, an Agreement with HLCI is necessary to allow the installation of the new sanitary sewer main. This Agreement sets the terms and conditions through which HLCI will allow the City of Moline to install the new main. HLCI will provide the City of Moline with an Easement after receiving the signed Agreement and payment. A motion was made by Alderman Wendt to approve. Seconded by Alderman Parker. Motion passed unanimously.

12. A Resolution authorizing the Mayor and City Clerk to execute a Contract with Fischer Excavating, Inc., for Project #1269, 9th Avenue, 27th to 29th Street, in the amount of \$990,761.00. Scott Hinton, City Engineer, shared that bids were opened and publicly read on May 26, 2017, for Project #1269 with the following results:

\$990,761.00	Fischer Excavating
\$1,040,054.80	Needham Excavating
\$1,216,769.00	Miller Trucking & Excavating

Fischer Excavating, Inc., submitted the lowest responsible and responsive bid. A motion was made by Alderman Turner to approve. Seconded by Alderman Parker. Upon discussion, Alderman Wendt made a motion to amend the current motion directing City staff to put this item back out for bid. Seconded by Alderman Parker. Motion failed with Aldermen Rodriguez, Parker, Potter, Turner, Schoonmaker and Waldron voting nay. A vote on the

original motion was taken. The original motion carried with Alderman Wendt voting nay.

13. A Resolution authorizing the Mayor and City Clerk to execute a Review and Purchase Agreement with Hawkeye Land Company of Illinois related to the Illinois Department of Transportation's I-74 Bridge Project. Scott Hinton, City Engineer, stated that two storm sewers owned by the City of Moline will be replaced and relocated by the Illinois Department of Transportation (IDOT) as part of the I-74 Bridge Project. The City of Moline will assume ownership of the storm sewers upon completion of the project. Both new storm sewers will be installed under property owned by the Iowa Interstate Railroad north of 4th Avenue. Hawkeye Land Company of Illinois (HLCI) owns the utility rights at this location and, as such, an Agreement with HLCI is necessary to allow the installation of the new storm sewers. IDOT is unable to enter into such an Agreement and has asked the City of Moline to do so on their behalf. This Agreement sets the terms and conditions through which the HLCI will allow the IDOT to install the new storm sewers. HLCI will provide the City of Moline with Easements after receiving the signed Agreement and payment. A motion was made by Alderman Schoonmaker to approve. Seconded by Alderman Wendt. Motion passed unanimously.

14. A Resolution authorizing the Mayor and City Clerk to execute a Joint Agreement with the Illinois Department of Transportation Related to the Storm Sewers on the I-74 Bridge Project. Scott Hinton, City Engineer, shared that the City of Moline incurred costs on behalf of the Illinois Department of Transportation (IDOT) related to the installation of two storm sewers on property owned by the Iowa Interstate Railroad (IAIS) and the Burlington Northern Sante Fe Railroad (BNSF). The costs also include an easement from the Hawkeye Land Company of Illinois. This Joint Agreement allows the City of Moline to be reimbursed for all costs incurred on IDOT's behalf. A motion was made by Alderman Parker to approve. Seconded by Alderman Wendt. Motion passed unanimously.

15. A Special Ordinance authorizing the Mayor and City Clerk to execute a Quit Claim Deed between the City of Moline and Moline Forge, Inc. Scott Hinton, City Engineer, explained that as part of Project No. 1270, Alley North of 4th Avenue, West of 43rd Street, the City needs to convey previously vacated property to proceed. The City is quit claiming and conveying any and all interest in vacated right-of-way at that part of previously vacated Railroad Avenue (which would now be called 2nd Avenue), 40 feet in width, located between the west line of vacated 42nd Street and east line of 41st Street in Hunt's 4th Addition to Midway, City of Moline, Rock Island County, Illinois, to Moline Forge, Inc. A motion was made by Alderman Potter to approve. Seconded by Alderman Parker. Motion passed unanimously.

16. Other – Off Duty Jobs/Special Events Committee. Maureen Riggs, City Attorney, shared that it has been determined that most special events pay the actual police overtime rate instead of the FOP rate, and the Special Events Committee recommends continuing that charge for all events until such time as the City has negotiated something with the union. This will not change any of the upcoming special events. It will only change the carnival. The City is in the process of scheduling a labor management meeting with the FOP. Per Mayor Acri, Ms. Riggs added that off duty officers are not required at previously worked FOP duty jobs, and the City has forwarded to other communities the sign up for the John Deere Classic. A motion was made by Alderman Parker to approve. Seconded by Alderman Potter. Motion passed unanimously. A second motion was made by Alderman Wendt directing City staff to bring back to the Council, as an informational item, a review of the charges and fees relating to overtime to police officers for special events and all other coordinated events. This information item should be brought back to the Council within the next two (2) Council meetings. Seconded by Alderman Parker. Motion carried with Alderman Turner voting nay. Mayor Acri requested that Ms. Riggs provide clarification to the John Deere Classic organizers regarding the City of Moline's position. Since City staff and the Council have not come to a decision concerning costs, City staff's thought was to pass on this event for now, let the other entities sign up, and if the Classic wants to bring the list back to the City after the other entities have signed it, then a decision at that time. Hopefully, the City will have reached some sort of decision concerning costs by that time. Chief Hankins added that the Classic will not ask for police assistance from outside Rock Island County. Upon questions raised by the Council, J.D. Schulte, Public Works Director/Interim

City Administrator, said that he would be happy to reach out to the Convention and Visitors Bureau to see if they may be able to share costs due to the economic impact the John Deere Classic has in this area.

Informational

Wildwood Wall. Scott Hinton, City Engineer, provided information to the Committee-of-the-Whole concerning the Wildwood Wall. Mr. Hinton explained that back in the late 1970s, when the Wildwood subdivision was proposed, it was located in unincorporated Rock Island County. Today, the Wildwood subdivision is located partly in Moline and partly in Rock Island. The City of Moline owns the decorative walls near the entrance to the Wildwood subdivision on 7th Street. The Wildwood Homeowner's Association wants the City to fix the walls, because they are deteriorating, which Mr. Hinton confirmed. The City has a previous estimate of \$50,000 to hire an outside company to make the repairs, which was previously discussed with Council. However, the City has staff members that could help the City with this project. One staff member has a background in structural concrete, and a second staff member is a brick mason. Rather than add new brick, the homeowner's association would like the City to put a thin, stone veneer on the front of the walls and put concrete on the top of the walls to keep moisture out. The City can do this in-house for approximately \$15,000. Maureen Riggs, City Attorney, added that the City entered into an annexation agreement in 1978. Part of the annexation agreement says that the walls are a public improvement, and the City shall provide for repairs and maintenance thereto.

Alderman Turner made a motion to approve the Wildwood wall repair, to be completed in-house, and that funding come from the general contingency fund as suggested by Mr. Hinton. Alderman Turner also would like to give staff direction to talk to the Wildwood Homeowners' Association about transferring ownership of the wall to them. Seconded by Alderman Parker. Upon discussion, Alderman Rodriguez made a motion to amend the current motion to fund the Wildwood wall repair from the patching program instead of the general contingency fund. Seconded by Alderman Wendt. Upon further discussion, Alderman Wendt made a motion to table this item to the next Council meeting, so that City staff has an opportunity to speak with the Wildwood Homeowners' Association to see if they would be agreeable to the City transferring ownership of the wall to them. Seconded by Alderman Rodriguez. Motion carried on roll call with the following vote: ayes: Aldermen Rodriguez, Parker, Wendt and Waldron; nays: Aldermen Potter, Turner and Schoonmaker.

Marketing Plan. Ray Forsythe, Planning & Development Director, and Anamaria Vera, Planning & Development Administrative Secretary, provided information to the Committee-of-the-Whole concerning the new marketing plan for the City of Moline. Mr. Forsythe and Ms. Vera shared that the marketing plan brand is "Why Moline," and the goal is to set Moline apart from other destinations. A marketing committee was formed to execute this goal. The marketing committee is working closely with the City's website committee on a webpage redesign and also to create a City mobile app to make it more convenient to access personalized City services. The goal is to increase Moline's social media presence and create a campaign that highlights the benefits of living, working and playing in Moline. The branding includes a new, standardized City logo. Individual logos will be created for each department within the City.

The City will also launch the "Take time to" campaign. This campaign will utilize social media marketing, Snapchat filters and promotional videos. The committee, through a contest, has solicited photos from the public for the campaign and received almost 200 photographs from Moline residents and professional photographers.

Motorized Food Vehicle Presentation. Ray Forsythe, Planning & Development Director, and Cole Neder, Planning & Development Intern, provided information to the Committee-of-the-Whole concerning motorized food vendors (MFV). Mr. Forsythe and Mr. Neder researched other communities' food truck policies and the way MFV's are currently handled in the City of Moline. City staff will standardize the City's policy with Council's direction. The attached handout contains the suggested rules and regulations for MFVs in the City of Moline. Alderman Parker asked City staff to look into whether ice cream trucks, and similar vendors, are currently paying food and beverage taxes. Mayor Acri requested that clarification concerning proximity be

included in the policy. Mr. Forsythe and Mr. Neder will continue to work with Lori Wilson, Parks Recreation Director, and the Park Board, and come back to the Council with the policy and any necessary Code of Ordinance amendments. Per Mr. Forsythe, the next step will be presenting the application form, checklist and finalized policy to the Council.

Public Comment

There was no public comment.

The meeting adjourned at 8:29 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Amy J. Saunders".

Amy J. Saunders
Deputy City Clerk

3) Noise and Behavior Constraints

- A. The vendor shall not annoy, harass, or call out to patrons in any way that calls attention to the sale of any goods that are being sold from the MFV.
- B. Any form of intimidation or disorderly behavior towards patrons and/or other vendors will not be tolerated.
- C. A MFV shall not play any sort of music or make any announcements that are amplified.

4) Food Inspections and Licensing

- A. A MFV is prohibited from selling any beer or alcoholic beverages. Beverages may not be served in glass cups and containers.
- B. Any food that is provided by a MFV may not be stored or prepared in a residential home.
- C. All food must be kept under the conditions and at the temperatures required for food in restaurants.
- D. The Illinois Food Service and Sanitation Code set forth rules and regulations for a MFV. A MFV shall comply with all health department regulations regarding food handling, food preparation, and food service and shall have a valid inspection certification from the City of Moline Health Inspector.
- E. Permission must be granted by the City of Moline Park Board in order to conduct business in a City park.

5) Sanitation and Disposal

- A. A MFV shall abide by all rules and regulations regarding food safety and disposal set forth by the City of Moline Health Department.
- B. A MFV, at the end of each business day operation, shall remove all items, containers, and debris from the area of operation. The vendor shall collect all litter and garbage incidental to the operation of the MFV.
- C. Vendors shall not place said refuse in any public trash container or any drain along the streets or sidewalks.
- D. A MFV shall have a non-absorbent washable receptacle for refuse that is adjacent to the MFV.

6) Service Limits and Hours of Operation

- A. A MFV shall not operate between the hours of 1:00 am and 6:00 am.
- B. A MFV must operate in one (1) location for a minimum of thirty (30) minutes, and a maximum of six (6) consecutive hours, unless there are parking regulations that state otherwise.
- C. A MFV must wait two (2) hours before returning to the same location.
- D. A MFV shall not, under any circumstance, violate any parking regulations and limitations set forth by the City of Moline.

7) Insurance

- A. All vendors shall indemnify and hold harmless the City from and against any and all loss, cost, damages, or expenses to persons or property, including property of the City, arising out of or claimed to have arisen out of the operation of a MFV.
- B. The licensee shall obtain an updated comprehensive liability and property damage insurance, covering any personal injury or property damage arising out of the permitted use, with liability limits of \$1,000,000.
- C. The licensee shall obtain a current Certificate of Insurance naming the City of Moline is an Additional Insured on the Commercial General Liability, Auto Liability and Excess Liability when required by written contract or agreement regarding activities by or on behalf of the Named Insured. This insurance is primary insurance and any other insurance maintained by the Additional Insured shall be excess only and non-contributing with this insurance. A waiver of subrogation applies to the Commercial General Liability, Auto Liability, Excess Liability and Workers' Compensation/Employers Liability in favor of the Additional Insured. A copy of the thirty (30) days notification of cancellation endorsement needs to be included with the Certificate of Insurance naming the City of Moline.
- D. No MFV is exempt from any law set forth by the City of Moline.