

## Committee-of-the-Whole Minutes

Tuesday, June 20, 2017

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- PRESENT:** Mayor Stephanie Acri (*Chair*)  
Alderman David Parker, Jr. (*Ward 2*)  
Alderman Mike Wendt (*Ward 3*)  
Alderman Richard “Dick” Potter (*Ward 4*)  
Alderman Lori Turner (*Ward 5*)  
Alderman Mike Waldron (*Ward 7*)  
Alderman Sonia Berg (*Alderman At-Large*)
- ABSENT:** Alderman Quentin Rodriguez (*Ward 1*)  
Alderman Kevin Schoonmaker (*Ward 6*)
- STAFF:** Doug Maxeiner, City Administrator  
Maureen Riggs, City Attorney  
Amy Saunders, Deputy City Clerk  
Ray Forsythe, Planning & Development Director  
Alison Fleming, Human Resources Manager  
Lori Wilson, Parks Recreation Director  
Bryon Lear, Library Director  
Kim Hankins, Public Safety Director  
Jeff Snyder, Battalion Chief  
Scott Hinton, City Engineer  
Kathy Carr, Finance Director  
Jeff Anderson, City Planner  
J.D. Schulte, Public Works Director  
Amy Keys, Deputy City Attorney  
Tony Loete, Utilities General Manager  
Bob Bohannon, Laboratory Chemist  
Randy Moritz, Distribution Manager  
Don Goff, Network/Database Administrator  
Stephanie Hancks, Benefits Coordinator  
Will Tolmie, Accounts Receivable Technician
- OTHERS:** Ron Miller, Resident  
Ray Eddleman & Boy Scout Troop #119  
Jim Gale, President of the Wildwood Homeowners’ Association  
Various Members of the Press

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

### Mayor’s Board Appointments

Mayor’s appointment of Diane Fox to the Moline Housing Authority to fill the unexpired term of Comlan Houanvoegbe to expire July 31, 2020. A motion to approve was made by Alderman Parker. Seconded by Alderman Berg. Motion passed unanimously.

**Questions on the Agenda**

There were no questions.

**Agenda Items**

**1. A Resolution authorizing the Utilities General Manager to approve Change Order #2 with Strand Associates, Inc., for the South Slope Wastewater Plant Waste Activated Sludge Gravity Thickener and Control Building Roof Improvements Project, in the credit amount of \$5,000.** Tony Loete, Utilities General Manager, explained that the South Slope WWTP Waste Activated Sludge Gravity Thickener Tank Improvement contract included an allowance for disposal of abrasive blast material disposal. Field conditions did not require as much blasting as expected, minimizing the need to use the full allowance. Change Order #2 consists of a \$5,000 deduction of the blast waste disposal allowance. This Change Order decreases the current contract amount of \$753,729.68 to \$748,729.68 and will allow for final payment after punch list items are completed. A motion was made by Alderman Parker to approve. Seconded by Alderman Turner. Motion passed unanimously.

**2. A Special Ordinance repealing Special Ordinance No. 4031-2016 which declared the prevailing rate of wages to be paid workers on public works projects, and ascertaining and declaring the prevailing rate of wages to be paid to certain laborers, mechanics and other workers performing public works for the City of Moline within Rock Island County.** Scott Hinton, City Engineer, indicated that state statute requires the City annually adopt an ordinance setting prevailing wage to be paid on City projects. This Special Ordinance repeals Special Ordinance No. 4031-2016 which declared the prevailing wages for 2016. This item also appeared on the City Council Agenda on June 20, 2017, under "Items Not on Consent" for first reading. A motion was made by Alderman Parker to approve. Seconded by Alderman Potter. Motion passed unanimously.

**3. A Resolution authorizing the Mayor and City Clerk to execute an Assignment Pledge and Security Agreement of Property Tax and Sales Tax Rebate Payments of Development and Economic Incentive Agreement for the Dolan Commons development project.** Ray Forsythe, Planning & Development Director, shared that the City of Moline entered into a Development Agreement with Dolan Commons, LLC (Developer), to facilitate the redevelopment of property located at 2701, 2715, and 2727 Avenue of the Cities, Moline, on September 13, 2016, granting property tax and business district sales tax assistance to the Developer. Developer's lender, Northwest Bank & Trust Company, has agreed to make a loan to Developer, the proceeds of which have been used by Developer for the acquisition of the property and will be used for the redevelopment and construction of the project. As further security for the loans to Developer, Developer seeks to assign all payment rights from Lot 3 of the development agreement, consisting of redevelopment of the existing Aldi building site, to the Bank until such time as all obligations of Developer to the Bank with respect to the loans have been satisfied. This item also appeared on the City Council Agenda on June 20, 2017, under "Items Not on Consent." A motion was made by Alderman Turner to approve. Seconded by Alderman Parker. Motion passed unanimously.

**4. A Special Ordinance authorizing the Mayor and City Clerk to execute an Extension Agreement between Financial District Properties HQO, L.L.C., and the City of Moline.** Maureen Riggs, City Attorney, explained that in September 2016, Financial District Properties HQO, L.L.C. ("Borrower") was given an extension to make the final payment of their loan to the City to June 30, 2017. The current balance of the loan that is due and owing is \$3,398,631.40. The Borrower proposes paying the remaining balance of the loan from the sale of property by it or of Unit 100 of the Kone Centre Condominiums, owned by Financial District Properties, KP, L.L.C. There is a signed purchase agreement for the sale of such property. However, the closing will not occur before June 30, 2017. The Borrower has requested an extension to August 22, 2017. This would give adequate time for the closing to occur. To grant this extension, the City is requiring that payment of its loan be listed on the closing or settlement statement for the closing of the property. Further, the City would not assign the current property tax rebates until its loan is paid in full. Additionally, if payment in full is not made on or before August 22, 2017, then by agreement of the parties, the City will add an additional \$200,000.00 to the balance of the loan then due and payable. Further, Borrower agrees to pay any direct costs incurred by the City due to this extension. All other terms of all loan documents would remain in full force and effect. This item also

appeared on the City Council Agenda on June 20, 2017, under “Items Not on Consent” for first reading. A motion was made by Alderman Parker to approve. Seconded by Alderman Turner. Motion passed unanimously. Ms. Riggs requested a motion to consider this item during tonight’s City Council meeting.

**5. Other – River Drive Overlay Project.** Scott Hinton, City Engineer, shared that this year’s Capital Improvement Program (CIP) includes three overlays/resurfacings. One is on River Drive by Western Illinois University, one is on 16<sup>th</sup> Street by SouthPark Mall, and one is on 12<sup>th</sup> Avenue by Wilson Middle School. Mr. Hinton intended to have all three of these projects completed as part of one large project on the IDOT April letting. However, the City is having some issues with obtaining the temporary easements from some of the property owners. So, Mr. Hinton separated the River Drive project from the group, because he wants to complete this project before the I-74 Bridge work commences. As such, a bid was opened last Friday morning in Springfield for IDOT solely for the River Drive project. Once the City has obtained all necessary easements, Mr. Hinton will come back to the Committee-of-the-Whole concerning the other two projects. Brandt Construction was the low bidder at \$915,423.00, and IDOT is requesting the City’s concurrence before it awards the contract to Brandt Construction. Mr. Hinton recommended approval, so that the River Drive overlay project may commence. IDOT indicated that it will fast track the contract, so that this project will be complete before the I-74 Bridge work commences. A motion was made by Alderman Parker to approve. Seconded by Alderman Wendt. Motion carried with Alderman Potter voting nay.

**6. Other – Wildwood Wall Update.** Scott Hinton, City Engineer, presented an update on the Wildwood Wall. The Committee-of-the-Whole previously directed staff to discuss ownership of the wall with the Wildwood Homeowners’ Association. Mr. Hinton spoke with the president of the association, Jim Gale, who was in attendance this evening. While there is a homeowners’ association, Mr. Gale indicated that it is more of a voluntary association. Roughly 60 of 150 residents are members. The only dues collected are \$50.00 for matching mailboxes and tree lights. As such, Mr. Gale indicated that the association would not have the ability to maintain the wall. The recent proposal was for the City to maintain the wall in-house at a cost of approximately \$15,000 for materials only. A motion was made by Alderman Parker to move forward with the in-house plan to be funded by the General Contingency Fund. Seconded by Alderman Berg. Motion carried with Aldermen Potter and Waldron voting nay.

### **Informational**

**Per Mar Parking Update.** Kathy Carr, Finance Director, and Will Tolmie, Accounts Receivable Technician, presented a Per Mar parking enforcement update. Will Tolmie oversees leased parking and parking fine revenue. Per Mar has been handling the downtown City parking enforcement since August 1, 2016. Parking enforcement hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. Customers with delinquent parking tickets in the amount of \$50.00 or more are subject to having their vehicles booted. Online payment and protest services are available to customers. Mr. Tolmie shared a 10-month parking ticket comparison from August 2016 through May 2017. In this 10-month period, Per Mar wrote 2,982 tickets totaling \$63,600 in fines issued. During a similar 10-month period, City staff wrote 1,028 tickets totaling \$21,960 in fines issued. Ms. Carr explained that Per Mar works every day, whereas our former AFSCME employee was subject to vacation days and other job duties in addition to parking enforcement. The Per Mar officer rate is \$16.97 per hour, and the vehicle rate is \$335.00 per month. The 10-month cost for service was \$31,393. The City’s current Agreement automatically renews each year unless terminated by either party at any time during the year and at least 30 days prior to the renewal date. Ms. Carr requested approval of the Per Mar Agreement. A motion was made by Alderman Parker to approve. Seconded by Alderman Turner. Motion passed unanimously. Ms. Carr will bring this item before the Council at the July 11, 2017 City Council meeting.

**Update on City Council Goals and Priorities.** J.D. Schulte, Public Works Director, reminded the Committee-of-the-Whole that staff presented a City Council goals and priorities update in January 2017. Staff has made some progress on these goals and several City staff presented updates as follows:

1. Jeff Anderson - Avenue of the Cities Redevelopment;
2. Kathy Carr - Pension Liability;
3. Lori Wilson - Prospect Park Pavilion;
4. Ray Forsythe - Residential Development; and
5. Tony Loete - Red Water Solution.

See the attached City Council Goals and Priorities handout for more detailed information.

**CIP Updates.** Scott Hinton, City Engineer, shared that City staff are in the process of generating cost estimates for the potential Capital Improvement Program (CIP) for 2018. At Council's direction, the Library and Parks Departments were to be included in this presentation. Mr. Hinton spoke with Bryon Lear, Library Director, who indicated that the Library does not have any projects planned for 2018. The Library has already decided which projects they would like to complete.

Lori Wilson, Parks Recreation Director, gave a presentation concerning the Moline Parks and Recreation Department's five-year CIP plan. In 2018, they would like to focus on the Prospect Park Pavilion, Riverside Pool (paint), Moline Memorial Cemetery Niche Cabinet, Riverside Warming Shelter Roof, Prospect North Playground Replacement and Prospect Warming Shelter.

J.D. Schulte, Public Works Director, clarified that the Library is one of the structures that was put in the facilities management plan. As such, the Library's CIP emphasis is being taken care of by facilities management. In 2017, items identified for future replacement are the asphalt parking lots, the roof, the security system and the boilers. At Mayor Acri's request, Mr. Schulte and Kathy Carr, Finance Director, will calculate the City's debt service payments for the library and police facilities.

Scott Hinton, City Engineer, demonstrated how City staff determines which projects to choose for the CIP program each year using GIS map technology. He also explained the different types of projects the City completes with CIP funds and the associated costs.

Mr. Hinton recommended (1) continuing to coordinate utility replacements and street reconstructions; (2) continuing the red water research; (3) expanding the use of asphalt pavement; (4) getting City staff involved in residential patching work; and (5) using motor fuel tax (MFT) funds for certain traffic signal, street lights and staff costs. Alderman Potter suggested doing residential sidewalk repairs at the same time as residential street repairs. Mr. Hinton shared that CIP reserves are nearly depleted. CIP currently has a \$40,000 balance, and Mr. Hinton feels that it is good to have reserves. Mr. Hinton asked if the Committee-of-the-Whole would like to direct a transfer to CIP reserves, and if so, for what amount, because CIP reserves are normally in the \$800,000 range. CIP reserves aide cash flow, unforeseen changes orders, and revenues that come in under the budgeted amount. Alderman Wendt would like City staff to present a list of projects that are not less than the City's revenues. Mayor Acri clarified that Mr. Hinton has given us a general sense of what the City needs to do each year to keep up with the quality of roads we have today. Mayor Acri would like to see at least that amount come forward (approximately 6 miles worth of road work each year). She would like to know what we need to invest annually to keep the roads in quality condition. Mayor Acri also asked Mr. Hinton to present to the Council the historic budget. Alderman Wendt stated that he wants the figures before a decision is made concerning the CIP budget.

### **Public Comment**

Frank Sykes, resident, 4510 River Drive, presented his concerns with a potential liquor license at 4530 River Drive, which is the former Doug's Heating & Air building. Please see the attached handout from Mr. Sykes. Mr. Sykes believes the zoning at this location should be R-6 and not industrial as a non-conforming use. Maureen Riggs, City Attorney, addressed Mr. Sykes' concerns and stated that she has spoken with Mr. Sykes

on several occasions. Ms. Riggs explained that a new liquor license location has to be zoning eligible, and the potential applicant has to obtain consent forms from surrounding property owners prior to making an application. She also shared that the non-conforming use has been actively marketed even though it has been over 12 months. The proper remedy is to have the matter go before the zoning hearing officer on appeal. Ms. Riggs previously instructed Mr. Sykes concerning the zoning hearing process. Ms. Riggs believes that the potential applicant wants to have a brew pub on the property, but the exact end use remains unclear. That being said, there would be some conditions imposed, because the location is in a residential neighborhood. The potential applicant has received the required number of property consents. However, the City has not received a completed liquor license application as of today's date. So, the City does not have any specific information concerning Mr. Sykes' questions at this time. The City Code sets out the parameters for liquor licenses. The City's plan is to proceed with the liquor license application pursuant to the City's Code of Ordinances.

The meeting adjourned at 8:46 p.m.

Respectfully submitted,



Amy J. Saunders  
Deputy City Clerk



















## ZONING AND LAND DEVELOPMENT

- c. The change will not endanger the health, safety, morals, or general welfare of the district in which it is located;
  - d. The amount of land devoted to the nonconforming use shall not be increased;
  - e. The zoning administrator may require whatever conditions and safeguards deemed necessary in granting the change; and
  - f. Any part of a building, structure or land occupied by a nonconforming use which is changed to or replaced by a use conforming to the provisions of this Code shall not thereafter be used or occupied by a nonconforming use.
- (4) **Abandonment.** A nonconforming use that has been discontinued for a continuous period of 12 months, for whatever reason, shall be considered to be abandoned and shall not be re-established. Any further use on the property shall be in conformance with all applicable provisions of this Code. Evidence of intent to abandon the nonconforming use is not required.
- (5) **Destruction.** A nonconforming use damaged to less than 50% of its fair market value, based on the valuation of the township assessor or a market appraisal performed by a certified appraiser, may be restored provided that: all portions of the structure being restored are not and were not on or over a property line; all construction is in compliance with current construction codes, such as the Fire and Building Codes; a building permit is obtained within six months from the date of the damage; and the Certificate of Occupancy (or other final inspection) is issued within one year of the issuance of the building permit. If damage exceeds 50% or more of the fair market value, restoration or improvement shall not be permitted unless the restoration results in a use conforming to all applicable provisions of this Code.
- (d) **RESIDENTIAL USES.** Nonconforming residential uses shall be regulated in accordance with the following provisions. As used in this paragraph, nonconforming residential uses are those uses which are nonconforming due to the number of dwelling units they contain or their location in a zoning district that does not permit residential uses.
- (1) **Maintenance.** The normal maintenance of a structure or land containing or related to a nonconforming use is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Code.
  - (2) **Expansion.** In all zoning districts, nonconforming single family homes may expand by the greater of either 20% of the existing gross floor area or 20% of the value of the existing structure, based on the valuation of the township assessor or a market appraisal performed by a certified appraiser, in any continuous five year period provided that: an addition of up to 150 square feet shall be permitted regardless of existing size or value of the structure; no additional dwelling units are created; and all other provisions of this Code are met. Expansion of residential structures other than single family homes shall be strictly limited to common areas only and limited to 300 square feet in any continuous five year period.
  - (3) **Abandonment.** A nonconforming residential use, other than a single family home, that has not been occupied for a continuous period of 12 months, for whatever reason, shall be considered to be abandoned and shall not be re-occupied. Any further use on the property shall be in conformance with all applicable provisions of this Code. Evidence of intent to abandon the nonconforming use is not required.
    - a. A nonconforming single family home that has not been occupied for a continuous period 12 months or longer shall not be considered to be abandoned and may be re-occupied at any time provided the structure has not been changed, legally or illegally, to a non-residential use or multiple-unit residential use.
    - b. Removal of a nonconforming mobile home or manufactured home not in a mobile home park, from its foundation or pad for a continuous period of 12 months shall constitute abandonment of the use and placement of a new unit must comply with the provisions of