

Committee-of-the-Whole Minutes

Tuesday, July 2, 2019

- PRESENT:** Mayor Stephanie Acri (*Chair*)
Alderman Scott Williams (*Ward 1*)
Alderman David Parker, Jr. (*Ward 2*)
Alderman Mike Wendt (*Ward 3*)
Alderman Richard “Dick” Potter (*Ward 4*)
Alderman Sam Moyer (*Ward 5*)
Alderman Kevin Schoonmaker (*Ward 6*)
Alderman Mike Waldron (*Ward 7*)
Alderman Sonia Berg (*Alderman At-Large*) ~ joined the meeting at 6:29 p.m.
- ABSENT:** None.
- STAFF:** Lisa Kotter, City Administrator
Janine Hollembaek Parr, City Clerk
Tony Loete, Utilities General Manager
Alison Fleming, Human Resources Manager
Lori Wilson, Parks Recreation Director
Don Goff, Information Technology Manager
Bryon Lear, Library Director
R.T. Finney, Interim Chief of Police
Jeff Snyder, Fire Chief
Scott Hinton, City Engineer
Randi Haley, Interim Finance Director
Jeff Anderson, City Planner
Brian Johnson, Police Captain
Josh McManus, Police Officer
Macy McManus, Executive Coordinator
- OTHERS:** Derke Price, Ancel Glink
Gerold Shelton, The Dispatch
Police personnel, friends and family

Mayor Acri called the meeting to order at 6:00 p.m. in Council Chambers.

Oath of Office

Oath of office for regular commissioned appointment as Police Officer to Joshua McManus effective July 2, 2019 (hire date January 2, 2018).

Questions on the Agenda

There were no questions on the Agenda.

Agenda Items

1. A Resolution authorizing approval of Change Order #1 with Tri-City Electric Company of Iowa for Project #1314, River Drive and University Drive Traffic Signals, in the amount of \$16,131. Scott Hinton, City Engineer, explained that the Development Agreement with the IH Mississippi Valley Credit Union (IHMCU) includes language through which the City shall use the proceeds from the sale of the property to IHMCU to fund certain TIF-eligible improvements. IHMCU shall then be rebated the actual cost of the improvements as increment becomes available. Among the improvements is the installation of traffic signals at the intersection of River Drive and University Drive for a maximum amount of \$225,000 and the installation of a pedestrian crossing across River Drive for a maximum amount of \$25,000. The City engaged a local engineering consultant to provide design services for the traffic signals and pedestrian crossing, purchased certain items such as the mast arms and control cabinets for the project, and entered into a contract with Tri-City Electric to install the items as Project #1314. The plans and specifications omitted necessary items such as a hand hole and wire for the electrical service, installation of City-provided pedestrian push buttons and signal heads, and a foundation for the control cabinets. Also, a previously unknown underground foundation was encountered when attempting to drill a mast arm foundation. In order to pay the contractor for additional costs which are not included in the contract, a change order in the amount of \$16,131 is necessary. This increases the original contract value of \$101,429.58 by 15.9% to \$117,560.58. A motion was made by Alderman Wendt to approve. Seconded by Alderman Parker. Motion passed unanimously.

2. A Resolution authorizing the IT Manager to execute an agreement with from RingCentral for a new NextGen Cloud-Based VoIP phone system and authorizing City staff to do all things necessary to implement said system. Don Goff, IT Manager, stated that the City’s current phone system is 10 years old and is in need of replacement on multiple fronts; the City has experienced phone outages due to the current carrier and has also experienced intermittent call degradation. Current costs for this phone system are approximately \$130,000 annually. In order to bring this phone system up to date and fix the current call issues, it would take a minimum of \$50,000 in new CISCO hardware (servers, gateways, and phones), \$50,000 in new licensing costs, and another \$12,000-15,000 in implementation costs (PRI vs SIP = primary rate interface vs. session initiation protocol). Moving to a cloud-based VoIP system will alleviate many unnecessary expenses, save resources, improve customer service, improve communication between staff and residents, and save the City money over the next five years.

Carrier	Upfront Cost	Monthly Fee
RingCentral	\$38k Hardware/Implementation/Training	\$6163/month/60 mos/1 free month
8x8	\$58k Hardware/implantation/Training	\$7155/month/36 mos/1 free month
MarcoNet	\$74k Hardware/Implementation/Training	\$6200/month/60 mos/1 free month
CallOne*	chose not to submit bid	“more than what we pay now”

*CallOne chose not to submit a bid as it was substantially higher and did not offer an immediate solution to some of the City’s carrier issues.

This was originally going to be a 2020 budgeted item, but given the issues with the current phone system and the expense it would take to get this phone system through 2019, staff has concluded that it would be more cost-effective to complete this project now, take the savings from not having to update and maintain the current phone system (annual maintenance costs, as well as proprietary hardware purchases), and apply it toward implementation of the new phone system. A motion was made by Alderman Wendt to approve. Seconded by Alderman Schoonmaker. Alderman Schoonmaker moved to amend and add that the current equipment be disposed of by the IT Manager through whatever means most advantageous to the City. Seconded by Alderman Wendt. Motion to amend passed unanimously. The amended motion passed unanimously.

3. Other. Alderman Wendt stated that as of July 1, 2019, state law prohibits the sale of tobacco products, e-cigarettes and other nicotine delivery systems to persons under twenty-one years of age. Alderman Wendt, seconded by Alderman Parker, moved to direct staff to return with the proper Code Amendments to mirror state law, and also include the prohibition of the possession of tobacco products, e-cigarettes and other nicotine delivery systems by persons under the age of twenty-one. Motion carried with Alderman Potter voting nay.

4. Other. Corporate Counsel Derke Price presented a general overview of House Bill 1438, attached, and asked Council to consider decisions that must be made at the local level in regard to the state recreational cannabis bill. There was discussion. Price explained that there are many layers to the regulation. The subject will be scheduled as a topic for discussion at a future Committee-of-the-Whole meeting.

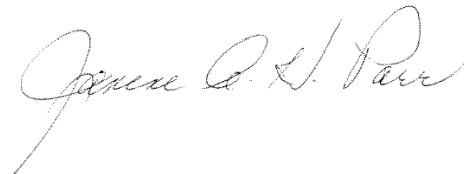
5. Other. Price explained that there is a need to consider a Second Amendment to the Intergovernmental Agreement with MetroLINK for the Moline Multimodal Facility Project. The attached draft was distributed to Council, and concerns the construction of a pedestrian skywalk from Centre Station to the Element Hotel. Price indicated that approximately \$962,732 remains of an award from the Illinois Department of Transportation (IDOT) Capital Assistance Program and requires project completion or the funds must be forfeited. MetroLINK has agreed to contribute \$493,681 to complete construction. In exchange, the City agrees to sole ownership, operation and maintenance of the skywalk after its construction. There was discussion. This item will appear on both the July 16, 2019, Committee-of-the-Whole and Council Agendas, so that the project may proceed as planned on July 18, 2019. Alderman Parker stated that this will be added to the DBMT Agenda as well.

Public Comment

There was no public comment.

The meeting adjourned at 6:34 p.m.

Respectfully submitted,



Janine A. H. Parr
City Clerk



Ancel Glink

Client Alert

To: Local Government Clients

From: Ancel Glink

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Is Your Community Ready for Recreational Cannabis?

On May 31, 2019, both chambers of the Illinois General Assembly passed House Bill 1438, which means that when Governor J.B. Pritzker signs the bill as expected, the Cannabis Regulation and Tax Act will be effective immediately, beginning preparation for the lawful use and sale of recreational cannabis by adults after January 1, 2020.

The new law would allow state residents over the age of 21 to possess up to 30 grams of cannabis beginning January 1, 2020. The Act would allow personal cannabis use in most private residences, but not in prohibited areas including any public place or in close physical proximity to underage persons. An earlier proposal allowed households to grow up to five cannabis plants, but this new law would limit home cultivation to medical cannabis patients.

The Act includes several changes since it was first publicly introduced last month, but it does not change the important questions local governments will consider while preparing to manage cannabis in their communities.

Will your Community Allow Cannabis Businesses?

The proposed law allows local governments to "opt-out" by prohibiting or significantly limiting cannabis businesses in their jurisdiction, including dispensaries, cultivation centers, craft growers, processing organizations, and transportation organizations. However, unlike in earlier proposals, the new law would not impose a time limit or require a referendum for local governments to prohibit or significantly limit cannabis business locations.

How will your Community Regulate any Allowed Cannabis Businesses?

The new law would allow local governments to adopt (1) reasonable zoning ordinances that do not conflict with the Act; and (2) ordinances and rules governing the time, place, manner, and number of cannabis businesses consistent with the Act. Possible regulations include requiring conditional or special use permits, distance restrictions between cannabis businesses and other sensitive places, hours of operation, or caps on the number of cannabis businesses allowed within the jurisdiction. However, home rule and non-home rule units alike would be unable to regulate these activities in a manner more restrictive than provided in the Act. For example, two cannabis business establishments cannot be closer than 1,500 feet apart and cannot locate closer than 1,000 feet from the perimeter of school grounds, a playground, a public park or a public library.

Will your Community Allow Cannabis Lounges?

provided that the policy is applied in a nondiscriminatory manner. In addition, employers will have the power to discipline or terminate an employee for violating an employer's employment policies or workplace drug policy. The Act also stipulates that an employer may consider an employee to be impaired or under the influence of cannabis if the employer has good faith belief that the employee manifests specific, articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks. However, the law requires employers to offer employees an opportunity to contest the basis for any discipline arising from alleged cannabis impairment. Additionally, the law prohibits discrimination against employees for use of "lawful products" like cannabis during nonworking and non-call hours.

Contact Ancel Glink

Ancel Glink is prepared to help you navigate these questions and the many others that will arise as you prepare for recreational cannabis in your community. Please contact Daniel J. Bolin (dbolin@ancelglink.com) or your regular Ancel Glink attorney. For more on the new recreational cannabis law, listen to the latest episode of Ancel Glink's [Quorum Forum](#) podcast.

This bulletin is provided as a service to our public sector clients and friends. It is intended to provide timely general information of interest, but should not be considered a substitute for legal advice. Be sure to consult with an attorney before taking action based on the contents. We welcome comments and questions. This may constitute advertising material as defined under the Illinois Rules of Professional Conduct. Prior results do not guarantee a similar outcome.

Ancel Glink, 140 S Dearborn St, #600, Chicago, IL 60603

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Ancel Glink Info
Ext.

SECOND AMENDMENT TO
INTERGOVERNMENTAL AGREEMENT

This Second Amendment to Intergovernmental Agreement is made as of the day of
, 2019, by and between the:

CITY OF MOLINE, ILLINOIS,
an Illinois municipal corporation,
("CITY"),

and

ROCK ISLAND COUNTY METROPOLITAN MASS TRANSIT DISTRICT,
an Illinois municipal corporation,
("METROLINK"),

and in consideration of the mutual promises and covenants set forth herein, the parties
state and agree as follows:

WHEREAS, MetroLINK and the City executed an Intergovernmental Agreement on October 4, 2011 ("Agreement"), which set forth the general terms of cooperation between the parties in furtherance of the Moline Multimodal Facility Project ("Project"); and

WHEREAS, in June 2012, the Rock Island County Metropolitan Mass Transit District (MetroLINK) was awarded \$4,943,250 in Illinois Department of Transportation Capital Assistance Program funding for a Multi-Modal Station to support future passenger rail service in Moline, IL (State Grant #CAP-12-1008-FED) (including A&E design services, \$2,500,000 in matching construction funds for a \$10,000,000 USDOT TIGER II Grant, and overmatch funds for construction and professional services; and

WHEREAS, in 2015, the Parties amended the Agreement to provide alternative funding to the State of Illinois 20% match to the TIGER II federal grant monies; and

WHEREAS, MetroLINK has completed construction of the Multi-Modal Station, including site demolition, environmental remediation, building renovation, new building construction, rail passenger parking, and streetscaping/landscaping for the Project; and

WHEREAS, to complete the Multi-Modal Station construction and to prevent future removal of USDOT-funded work, MetroLINK reconstructed 12th Street in Moline between 4th Avenue and the future passenger rail line (including concrete replacement, utility relocation, and raising the grade of the current street to meet 30% design specifications of the future rail corridor) at a total cost of \$1,147,474; and

WHEREAS, IDOT has delayed its rail corridor project and consequently this delayed the development of construction plans and specifications for the rail passenger platform and canopy; and

WHEREAS, approximately \$962,732 remains of the IDOT Capital Assistance Grant; and

WHEREAS, as a further consequence of the delay in the rail corridor project, MetroLINK and the City sought to amend the Project by seeking IDOT concurrence to construct a pedestrian skywalk to connect the future rail passenger station to MetroLINK's Centre Station bus terminal; and

WHEREAS, the City and MetroLINK anticipate that all of the remaining funds, in addition to the available local match funds, will be needed to design and construct the pedestrian skywalk; and

WHEREAS, IDOT has concurred in the use of the remaining IDOT Capital Assistance Grant for the pedestrian skywalk component; and

WHEREAS, the anticipated cost of the pedestrian skywalk will exceed the available remaining IDOT Capital Assistance Grant funds and the remaining available matching funds by \$493,681; and

WHEREAS, MetroLINK is willing to contribute the additional \$493,681 of funds for the design and construction of the pedestrian skywalk in exchange for the City accepting 100% of the cost of operating and maintaining the pedestrian skywalk after construction; and

WHEREAS the City will at all times be the owner of the skywalk and is willing to formally accept the obligation of operating and maintaining the pedestrian skywalk after construction in exchange for MetroLINK contributing an additional \$493,681 to complete the construction of the pedestrian skywalk.

NOW, THEREFORE, pursuant to the appropriate constitutional and statutory provisions granting intergovernmental cooperation between units of local government, and in the exercise of the City's home rule power, the City and MetroLINK hereby agree to amend the Intergovernmental Agreement of October 4, 2011, as follows:

1. Delete and replace paragraph 5 as follows:

“The City shall be responsible for any and all sewer, water, gas and electricity charges incurred in the operation of the Project, except those incurred by commercial tenants of the City, and the City shall be responsible for the snow removal and routine and ongoing cleaning of the Project.”

2. Paragraph 6 is amended as follows:

“6. The City and MetroLINK agree to share shall bear the cost of operating and maintaining the Project other than those costs listed in the prior paragraph.”

3. Add a new paragraph 6b, which shall read as follows:

"6b. The Parties agree that MetroLINK shall contribute--in addition to all other contributions provided for herein and under all applicable grant terms--\$493,681 to be used together with the remaining funds of the IDOT Capital Assistance Grant and the remaining matching funds to construct the pedestrian skywalk for the City. The Parties further agree that at all times the City will be the Owner of the skywalk and, following construction, the City shall bear 100% of the costs of operating and maintaining the pedestrian skywalk."

All other provisions of the Intergovernmental Agreement of October 4, 2011, and the first Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have caused this Second Amendment to Intergovernmental Agreement to be executed as of the date set forth above.

CITY OF MOLINE, ILLINOIS
An Illinois home rule unit of government
And Illinois municipal corporation

ROCK ISLAND COUNTY
METROPOLITAN MASS TRANSIT
DISTRICT,
an Illinois municipal corporation

By: _____
Mayor

By: _____
Board Chairman

Attest: _____
City Clerk

Attest: _____
Secretary/Treasurer

Approved as to form:

Approved as to form:
