



# MOLINE CITY COUNCIL AGENDA

Tuesday, January 21, 2020

6:00 p.m.

(Immediately following the Committee-of-the-Whole meeting)

City Hall

Council Chambers – 2<sup>nd</sup> Floor

619 16th Street

Moline, IL

## Call to Order

## Pledge of Allegiance

## Invocation – Alderman Potter

## Roll Call

## Consent Agenda

All items under the consent agenda will be enacted by one motion. There will be no separate discussions of these items unless a Council Member so requests, in which case, the item will be moved from the Consent Agenda and considered as the first item after the Omnibus Vote.

| COUNCIL MEMBER | PRESENT | ABSENT |
|----------------|---------|--------|
| Williams       |         |        |
| Parker         |         |        |
| Wendt          |         |        |
| Potter         |         |        |
| Moyer          |         |        |
| Schoonmaker    |         |        |
| Waldron        |         |        |
| Berg           |         |        |
| Mayor Acri     |         |        |

## Approval of Minutes & Appointments Made

Committee-of-the-Whole and Council meeting minutes of January 14, 2020, and appointments made during Committee-of-the-Whole on January 21, 2020.

## Second Reading Ordinances

### 1. Council Bill/General Ordinance 3002-2020

**An Ordinance amending Chapter 4, “ALCOHOLIC LIQUOR,” of the Moline Code of Ordinances, by amending Sections 4-3302 to 4-3307, 4-3309, 4-3310 and 4-3315, regarding the retail sale of single serving containers of certain alcoholic liquors.**

**Explanation:** The City adopted Council Bill/General Ordinance No. 3028-2019 on November 19, 2019, to enact a new section, Section 4-4110, to regulate the retail sale of single serving containers of certain alcoholic liquors in their original packaging. The restricted sales apply to any holder of a City of Moline Class A, AA, B, C, CC, CCC, D, E, F, FF, G, H or K liquor license. The ordinance language regarding minimum quantities has resulted in questions from liquor licensees, and Corporation Counsel has determined that certain language regarding minimum quantities in the above-referenced sections should be removed to avoid confusion. This ordinance will remove all specific references of “fifty-one milliliters or larger” from those sections to align with the new Section 4-4110.

**Fiscal Impact:** N/A

**Public Notice/Recording:** N/A

### 2. Council Bill/Special Ordinance 4001-2020

**A Special Ordinance authorizing the Mayor and City Clerk to execute and attest to a Consent Agreement between the City of Moline and USCOC of Greater Iowa, LLC, a Delaware limited liability company, to permit a modification of equipment on City-owned property located at 1531 17<sup>th</sup> Avenue, Moline.**

**Explanation:** The City of Moline has a Water Tank Lease Agreement with USCOC of Greater Iowa, LLC (hereinafter “USCOC”) to allow antennae facilities on City premises located at 1531 17<sup>th</sup> Avenue. USCOC has notified the City that it would like to modify the existing equipment at the site. USCOC is proposing to remove three (3) antennas and three (3) radio units and replace them with six (6) new antennas and nine (9) new radio units at the same mount height. Corporation Counsel has reviewed this request and determined that the Lessee is exercising its rights in the Water Tank Lease Agreement and that an amendment of the existing lease is not required. Additional documentation attached.

**Fiscal Impact:** N/A  
**Public Notice/Recording:** N/A

**Omnibus Vote**

**Miscellaneous Business (if necessary)**

**Public Comment**

Members of the Public are permitted to speak after coming to the podium and stating their names.

**Executive Session (if necessary)**

| OMNIBUS VOTE   |     |     |
|----------------|-----|-----|
| Council Member | Aye | Nay |
| Potter         |     |     |
| Moyer          |     |     |
| Schoonmaker    |     |     |
| Waldron        |     |     |
| Berg           |     |     |
| Williams       |     |     |
| Parker         |     |     |
| Wendt          |     |     |
| Mayor Acri     |     |     |

Council Bill/General Ordinance No. 3002-2020

Sponsor: \_\_\_\_\_

AN ORDINANCE

AMENDING Chapter 4, "ALCOHOLIC LIQUOR," of the Moline Code of Ordinances, by amending Sections 4-3302 to 4-3307, 4-3309, 4-3310 and 4-3315, regarding the retail sale of single serving containers of certain alcoholic liquors.

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WHEREAS, the City of Moline is a home rule unit of government and has the authority to adopt ordinances, to promulgate rules and regulations that pertain to its government and affairs, including the permitting and regulation of the sale of alcoholic liquors within its boundaries, and the authority to protect the public health, safety, and welfare of its residents; and

WHEREAS, in Chapter 4 of the Moline Code of Ordinances, the City has adopted ordinances and promulgated rules and regulations concerning the sale and possession of alcoholic liquors; and

WHEREAS, the City adopted Council Bill/General Ordinance No. 3028-2019 on November 19, 2019, to enact a new section, Section 4-4110, to regulate the retail sale of single serving containers of certain alcoholic liquors in their original packaging; the restricted sales apply to any holder of a City of Moline Class A, AA, B, C, CC, CCC, D, E, F, FF, G, H or K liquor license; and

WHEREAS, the ordinance language regarding minimum quantities has resulted in questions from liquor licensees, and Corporation Counsel has determined that certain language regarding minimum quantities in the above-referenced sections should be removed to align with the new Section 4-4110 and to avoid confusion.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

**Section 1** – That the facts and statements contained in the preambles to this ordinance are found to be true and correct and are hereby adopted as part of this ordinance.

**Section 2** – That Chapter 4, "ALCOHOLIC LIQUOR," of the Moline Code of Ordinances, Section 4-3302, "CLASS A RESTAURANT LICENSE AND CLASS AA RESTAURANT-BEER & WINE ONLY LICENSE," subsection (b)(2), pertaining to packaged sales of alcoholic liquor in sealed packages for off-premises consumption, is hereby amended, which shall read as follows:

"(2) Package sales of alcoholic liquor in sealed packages in compliance with Section 4-4410 for off-premises consumption."

**Section 3** – That Chapter 4, “ALCOHOLIC LIQUOR,” of the Moline Code of Ordinances, Section 4-3303, “CLASS B TAVERN LICENSE,” subsection (b)(2), pertaining to packaged sales of alcoholic liquor in sealed packages for off-premises consumption, is hereby amended, which shall read as follows:

“(2) Package sales of alcoholic liquor in sealed packages in compliance with Section 4-4410 for off-premises consumption.”

**Section 4** – That Chapter 4, “ALCOHOLIC LIQUOR,” of the Moline Code of Ordinances, Section 4-3304, “CLASS C PACKAGED SALES ONLY- PRIMARY LICENSE; CLASS CC PACKAGED SALES ONLY- SECONDARY LICENSE AND CLASS CCC PACKAGED SALES BEER AND WINE ONLY- SECONDARY,” subsection (a)(1), pertaining to packaged sales of alcoholic liquor in sealed packages for off-premises consumption, is hereby amended, which shall read as follows:

“(1) Package sales of alcoholic liquor in sealed packages in compliance with Section 4-4410 for off-premises consumption.”

**Section 5** – That Chapter 4, “ALCOHOLIC LIQUOR,” of the Moline Code of Ordinances, Section 4-3305, “CLASS D CLUBS/FRATERNAL OR VETERANS ORGANIZATION LICENSE,” subsection (b)(2), pertaining to packaged sales of alcoholic liquor in sealed packages for off-premises consumption, is hereby amended, which shall read as follows:

“(2) Package sales of alcoholic liquor in sealed packages in compliance with Section 4-4410 for off-premises consumption.”

**Section 6** – That Chapter 4, “ALCOHOLIC LIQUOR,” of the Moline Code of Ordinances, Section 4-3306, “CLASS E RENTAL HALL,” subsection (b)(2), pertaining to packaged sales of alcoholic liquor in sealed packages for off-premises consumption, is hereby amended, which shall read as follows:

“(2) Package sales of alcoholic liquor in sealed packages in compliance with Section 4-4410 for off-premises consumption.”

**Section 7** – That Chapter 4, “ALCOHOLIC LIQUOR,” of the Moline Code of Ordinances, Section 4-3307, “CLASS F HOTEL/MOTEL LICENSE,” subsection (a)(2), pertaining to packaged sales of alcoholic liquor in sealed packages for off-premises consumption, is hereby amended, which shall read as follows:

“(2) Package sales of alcoholic liquor in sealed packages in compliance with Section 4-4410 for off-premises consumption.”

**Section 8** – That Chapter 4, “ALCOHOLIC LIQUOR,” of the Moline Code of Ordinances, Section 4-3309, “CLASS G ENTERTAINMENT/RECREATIONAL/SERVICE FACILITY LICENSE,” subsection (b)(2), pertaining to packaged sales of alcoholic liquor in sealed packages for off-premises consumption, is hereby amended, which shall read as follows:

“(2) Package sales of alcoholic liquor in sealed packages in compliance with Section 4-4410 for off-premises consumption.”

**Section 9** – That Chapter 4, “ALCOHOLIC LIQUOR,” of the Moline Code of Ordinances, Section 4-3310, “CLASS H CIVIC CENTER LICENSE,” subsection (a)(2), pertaining to packaged sales of alcoholic liquor in sealed packages for off-premises consumption, is hereby amended, which shall read as follows:

“(2) Package sales of alcoholic liquor in sealed packages in compliance with Section 4-4410 for off-premises consumption.”

**Section 10** – That Chapter 4, “ALCOHOLIC LIQUOR,” of the Moline Code of Ordinances, Section 4-3315, “CLASS K VIDEO GAMING ESTABLISHMENT LICENSE,” subsection (c)(2), pertaining to packaged sales of alcoholic liquor in sealed packages for off-premises consumption, is hereby amended, which shall read as follows:

“(2) Package sales of alcoholic liquor in sealed packages in compliance with Section 4-4410 for off-premises consumption.”

**Section 11** – That if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 12** – That all prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**Section 13** – That this ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law.

CITY OF MOLINE, ILLINOIS

\_\_\_\_\_  
Mayor

January 14, 2020

\_\_\_\_\_  
Date

Passed: January 14, 2020

Approved: January 21, 2020

Attest: \_\_\_\_\_

City Clerk

Council Bill/Special Ordinance No. 4001-2020

Sponsor: \_\_\_\_\_

A SPECIAL ORDINANCE

AUTHORIZING the Mayor and City Clerk to execute and attest to a Consent Agreement between the City of Moline and USCOC of Greater Iowa, LLC, a Delaware limited liability company, to permit a modification of equipment on City-owned property located at 1531 17<sup>th</sup> Avenue, Moline.

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WHEREAS, on September 2, 2003, the City of Moline (hereinafter "City") executed a Water Tank Lease Agreement with Davenport Cellular Telephone Company, a Delaware corporation, d/b/a U.S. Cellular Corporation (hereinafter "Davenport Cellular"), for its placement of antennae facilities on City premises located at 1531 17<sup>th</sup> Avenue, Moline, Illinois; and

WHEREAS, pursuant to said Lease, the City leased certain exterior space to Davenport Cellular for the attachment of up to twelve (12) antennae for cellular telephone service at this location; and

WHEREAS, USCOC of Greater Iowa, LLC, a Delaware limited liability company (hereinafter "USCOC"), is the successor in interest to Davenport Cellular; and

WHEREAS, USCOC has requested to modify its equipment, and City staff is agreeable to this request; and

WHEREAS, USCOC is proposing to remove three (3) antennas and three (3) radio units and replace them with six (6) new antennas and nine (9) new radio units at the same mount height; and

WHEREAS, City staff has received and reviewed the plans for the USCOC modification and finds them acceptable.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

**Section 1** –That the Mayor and City Clerk are hereby authorized to execute and attest to a Consent Agreement between the City of Moline and USCOC to permit a modification of equipment for USCOC on City-owned property located at 1531 17<sup>th</sup> Avenue, Moline; provided, however, that said agreement is in substantially similar form and content to that attached hereto and incorporated herein by this reference thereto as Exhibit A.

**Section 2** – That this ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law.

CITY OF MOLINE, ILLINOIS

\_\_\_\_\_  
Mayor

January 14, 2020  
\_\_\_\_\_  
Date

Passed: January 14, 2020

Approved: January 21, 2020

Attest: \_\_\_\_\_  
City Clerk

The City of Moline, Illinois  
619 16<sup>th</sup> Street  
Moline, IL 61265

Re: Consent Request – Site name/number: I74 Moline WT/276358

To Whom It May Concern:

USCOC of Greater Iowa, LLC, a Delaware limited liability company (“USCOC”) is planning on installing equipment upgrades at their mobile cellular telecommunications facility located at 1531 17<sup>th</sup> Avenue, Moline, IL. The work is slated to be started in the near future. Please be advised that USCOC will contact you prior to starting work at your site as to minimize disruptions to operations on your property. USCOC is committed to working with you to make maximum use of existing infrastructure and minimize the impact on your property.

Your consent is needed for the proposed work. Please find enclosed a copy of construction plans detailing the proposed work and consent form. Please sign the enclosed form and return to our attention.

Scan/email – [wendi@siteacq.com](mailto:wendi@siteacq.com)  
Fax 866-884-0227

If you have any questions please feel to contact me at 402-250-2527. Thank you.

Sincerely,

Mike Balistreri  
Project Manager

Enclosure:



**Landlord Consent**

Landlord consents to USCOC's proposed upgrade work detailed in the enclosed "Modernization-Wave 1 drawings" dated November 8, 2019 drafted by PBM Wireless Services.

LANDLORD:  
City of Moline

Attest:

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: Stephanie Acri

Name: \_\_\_\_\_

Its: Mayor

Its: \_\_\_\_\_

Dated: \_\_\_\_\_