



MOLINE COW/COUNCIL MINUTES

Tuesday, July 26, 2022

6:00 PM

City Hall

Council Chambers - 2nd Floor

619 16th Street

Moline, IL 61265

Committee-of-the- Whole Call to Order

PRESENT: Mayor Sangeetha Rayapati (*Chair*)
Alderman Scott Williams (*Ward 1*)
Alderman Alvaro Macias (*Ward 2*)
Alderman Mike Wendt (*Ward 3*)
Alderman Matt Timion (*Ward 4*)
Alderman Sam Moyer (*Ward 5*)
Alderman Pat O'Brien (*Ward 6*) ~*electronically*
Alderman Mike Waldron (*Ward 7*)
Alderman James Patrick Schmidt (*Alderman At-Large*)

ABSENT: None.

STAFF: Bob Vitas, City Administrator
Janine Hollembaek Parr, City Clerk
Carol Barnes, Finance Director
Mike Doi, Director of Public Works
David Dryer, Director of Engineering
Todd Noe, Deputy Chief of Police
Eric Griffith, Parks Recreation Director ~*electronically*
Ryan Hvitlök, Director of Community and Economic Development
Tony Loete, Director of Utilities
Leah Miller, Human Resources Director
David Rowatt, Information Technology Manager
Jeff Snyder, Fire Chief
Steve Regenwether, Deputy Fire Chief
K.J. Whitley, Community Development Program Manager

OTHERS: Margaret Kostopulos, Corporation Counsel
Deb Thornburg, Thornburg Reporting
Destiney Gleason, Illinois-Iowa Center for Independent Living
Petitioners of Public Hearing
Caleb Rogers, Streamline Architects
Grace Kinnicutt, Dispatch Argus

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

Approval of Remote Electronic Attendance

Alderman Moyer, seconded by Alderman Wendt, moved to approve the remote electronic attendance of Alderman Patrick O'Brien. Motion passed on roll call with the following vote: ayes: Aldermen Macias, Wendt, Timion, Moyer, O'Brien, Waldron, Schmidt and Williams; nays: none.

Board Appointments

Mayor's appointment of Brett Carter to the CACUP Board for a full 3-year term to expire July 31, 2025

Mayor's reappointment of Mark Evans to the CACUP Board for a full 3-year term to expire July 31, 2025

Mayor's appointment of Krisann Bergo (mistakenly listed on the Agenda as Krisann Brown) to the Youth Commission to fill the unexpired term of Jacob Montague expiring March 31, 2024

Mayor's appointment of Kate Benson to the Public Art Commission to fill the un-expired term of Sean Moeller expiring September 30, 2023

Proclamation

A Proclamation from the Illinois-Iowa Center for Independent Living to declare July 26, 2022, as Americans with Disabilities Act (ADA) Awareness Day.

Mayor Rayapati recessed the Committee-of-the-Whole meeting and called the Council meeting to order at 6:05 p.m. for a public hearing for an appeal of a denial of a variance decision regarding setback at 5409 19th Avenue, Moline.

The Committee-of-the-Whole meeting resumed at 6:40 p.m.

Public Comment

None.

Questions on the Agenda

None.

Agenda Items

8.1 A Resolution authorizing the Mayor and City Clerk to execute and attest to a Memorandum of Understanding between the City of Moline and County of Rock Island setting forth the terms for submitting a joint application for funding and authorizing staff to do all things necessary to submit the subsequent grant application currently available through the U.S. Department of Justice 2022 Edward Byrne Memorial Justice Assistance Grant Program. Staff seeks approval to enter into the Memorandum of Understanding between the City of Moline and the County of Rock Island, in regard to the joint application for funding available from the U.S. Department of Justice and submit the subsequent grant application. The Moline Police Department has received the JAG grant for the past 10+ years. The City of Moline has been allocated \$17,917 for fiscal year 2022 of which the County of Rock Island is entitled to 10% as a disparate jurisdiction. The funds for this grant must be utilized for criminal justice purposes. Moline will utilize its portion of \$16,125.30 for its Less Lethal Weapon Deployment Project. Serving as fiscal agent, upon receipt of grant funds, Moline will pay Rock Island County the sum of \$1,791.70 for their portion. Less lethal weapons are not budgeted; therefore, without approval these items would not be purchased. A motion was made by Alderman Schmidt to approve. Seconded by Alderman Wendt. Motion passed on roll call with the following vote: ayes: Aldermen Macias, Wendt, Timion, Moyer, O'Brien, Waldron, Schmidt and Williams; nays: none.

8.2 A Resolution authorizing the Chief of Police, on behalf of the City of Moline, to execute the Intergovernmental Operating Agreement between the Moline Police Department and the Illinois State Police. The Illinois State Police has 2 million dollars to award from September 1, 2022 through June 30, 2023 with the application period ending on July 31, 2022. In order to apply, the agency must complete the Intergovernmental Agency Agreement to create the Violent Crime Intelligence Task Force pursuant to 20 ILCS 2605/2605-605 setting forth the conditions for participation by July 31st. During August, ISP will use a predetermined formula to calculate how much each requesting agency will receive with funds to be disbursed in September. The grant is for salary reimbursements to conduct FOID

enforcement details. There was discussion. Alderman Williams asked whether an individual will be tasked with this, to which Todd Noe, Deputy Chief of Police, responded that the Police Department will work jointly with the State Police, and no officers will be pulled from other work. A motion was made by Alderman Moyer to approve. Seconded by Alderman Wendt. Motion passed on roll call with the following vote: ayes: Aldermen Macias, Wendt, Timion, Moyer, O'Brien, Waldron and Schmidt; nays: Alderman Williams.

Informational

9.1 Review of ARPA funding. Carol Barnes, Director of Finance shared that the City has spent about \$2.6 million or 12.5 percent of its ARPA allocation. Staff is following the plan that Council adopted earlier in 2021. An updated ARPA plan was provided and reviewed. Staff will be bringing an amended 2022 budget forward next month, which will include ARPA allocations.

9.2 2022-2024 Action Plan Dashboard, FY22, Q2 Report. Bob Vitas, City Administrator, explained that the Dashboard shows the status of projects within the Strategic Plan. Vitas indicated that the Bikeways Plan is a top priority as part of the Multi-Model Plan, which is included in the Comprehensive Plan update. Mayor Rayapati shared that she recently toured Springbrook Courts and Springbrook Valley, noting that Moline Housing Authority's waiting list has increased from 4-5 months to 6-9 months. She expressed concern regarding affordable housing options in the City, and asked for refocus on that, if it is a priority of the Council. Bob Vitas, City Administrator, indicated that the Rental Housing Coordinator position will be posted. Mayor Rayapati asked for a status on drop-off recycling efforts, now that Midland Davis has been added as a drop-off site. Alderman Waldron explained that RICWMA just approved its budget and there still is no budget to restart drop-off recycling. It will continue to offer SWAG grants and has budgeted \$80,000 for a partner recycling drop-off site; however, no one has stepped forward. It was suggested that the City may need to reach out to multi-unit housing properties within the City to determine if there is interest in such a partnership.

9.3 Township Fire Service Agreement. Margaret Kostopulos, Corporation Counsel, stated that at Council's direction, staff reviewed the agreement or understanding with the Township to provide fire services. The funds that the City receives from the Township goes toward fire services. This understanding or agreement has been in place for about 16 years. According to notes found, there have been two previous unsuccessful attempts for renegotiation. In 2019, for instance, the City received about \$44,000 for payment of services. The cost of providing fire services can be analyzed two different ways. Jeff Snyder, Fire Chief, explained those calculations based on a 3-year range. Alderman Wendt stated that a gross inequity exists, and to be fair to Moline residents and taxpayers, it needs to be corrected. Staff sought direction from Council regarding possible renegotiation of an agreement. The affected, unincorporated population is approximately 1,255, and the City is staffed to provide service. Vitas explained that a study is usually done before entering into an intergovernmental agreement, and different funding models and approaches are then considered to spread those costs equitably and rationally. Staff would need time to do that. Wendt moved to send termination letter and Staff will investigate approaches for

Public Comment

There was no additional public comment.

Adjournment of the Committee-of-the-Whole and Council Call to Order

Pledge of Allegiance

Public Hearing

Appeal of a denial of a variance decision regarding setback at 5409 19th Avenue, Moline. At 6:05, Mayor Rayapati called to order the public hearing for the appeal of a denial of a variance decision made by the Zoning Hearing Officer. Alderman Wendt abstained from discussion and voting due to his relationship with the petitioner.

Background: The property owner of a residence, located at 5409 19th Avenue, Moline, applied for a variance to encroach into the front yard setback in order to build an addition to the west side of the dwelling. Because the structure is situated at an angle with respect to the front property line parallel to 19th Avenue, a triangular corner of the proposed addition would encroach approximately four feet at its maximum extent. A public hearing was scheduled for Thursday, April 21st, 2022 before the Zoning Hearing Officer and duly publically noticed. The applicant, their architect and City staff were also present at the hearing. A staff report was authored by the City's zoning consultants, Shive-Hattery. For a variance to be approved, the applicant must meet all eight criteria for approval. The staff report indicated that the request met none of the eight criteria. City staff also presented a slide show with summary information, such as maps, photos and plan excerpts for the hearing. The Zoning Hearing Officer took testimony and asked a few clarifying questions that placed the burden of proof in meeting the eight criteria for approval on the applicant. Following the testimony, the Hearing Officer explained he would render his decision by mail within two weeks. The order issued by the Zoning Hearing Officer, dated May 5th, 2022, indicated that the applicant only had met three of the eight criteria for approval, and therefore the variance was denied. The property owners indicated to staff via email their intent to appeal the decision of the Zoning Hearing Officer. The property owners' agent and architect filed a formal letter, dated June 14th, 2022 requesting an appeal hearing. After some review of process and procedure by the City's corporation counsel and City staff, a public hearing was set to come before the City Council this evening. The property owner requests that the denial decision made by the Zoning Hearing Officer be overruled and that the variance be granted.

The Petitioner addressed the Council, explaining that he wishes to add a bedroom and porch to his home, as well as a pool. Expansion is needed to meet the needs of his family. He explained that the addition will be only about 4 feet into the setback line, 1 ½ feet when 10 percent wiggle room is applied. It will not be possible to build onto the house without the variance. The Petitioner's partner echoed the family's need to expand and their desire to remain in Moline and in their home. Caleb Rogers, Streamline Architects, offered to answer any technical questions that the Council might have. There was no further testimony from the public. Margaret Kostopulos, Corporation Counsel, explained that this is the opportunity for cross examination and questions from Council. She reminded that this is not a new fact-finding hearing, rather an opportunity to review the decision of the Zoning Hearing Officer. There were no questions for the witnesses. Ryan Hvitøk, Community and Economic Development Director, explained that variances tend to be incredibly rare and only granted in unique situations. Staff feels that the petitioner does not meet the test. Alderman O'Brien expressed appreciation for staff's work, and inquired if granting of the variance would create a hardship for neighbors. Hvitøk explained that this is not considered when deciding if the criteria are met. Referencing the eight criteria for approval, Alderman Schmidt asked what the test is when determining if the lot is unusually shaped. Hvitøk explained that the assumption is that the property owner is aware of the shape of the lot when purchasing it. Alderman Schmidt queried how strictly the Council must be held to the 8-point test. Kostopulos read from the ordinance, sharing the 5 criteria that the Zoning Hearing Officer found to be unmet. Kostopulos recommended closing the hearing and moving to deliberation, in open session. Alderman Waldron, seconded by Alderman Schmidt, moved to close the hearing and enter into deliberation. Motion passed on roll call with the following vote: ayes: Aldermen Macias, Timion, Moyer, O'Brien, Waldron, Schmidt and Williams; nays: none. There was discussion. Alderman O'Brien moved to reverse the decision of the Zoning Hearing Officer and grant a

variance on the basis that the Zoning Hearing Officer did not fully consider mitigating measures. Discussion had. At the advice of Kostopulos, Alderman O'Brien withdrew his motion. Alderman Timion, seconded by Alderman O'Brien, moved to reverse the decision of the hearing officer based on the findings that the hearing officer has made erroneous findings of fact based on the evidence and testimony on the record and that the hearing officer has failed to fully consider mitigating measures. Motion passed on roll call with the following vote: ayes: Aldermen Macias, Timion, Moyer, O'Brien, Waldron, Schmidt and Williams; nays: none. Alderman Timion thanked the petitioners for getting feedback from their neighbors.

Invocation

There was no invocation.

Roll Call

Roll call was taken with Mayor Rayapati, Aldermen Williams, Macias, Wendt, Timion, Moyer, O'Brien, Waldron and Schmidt present. Absent: None.

Consent Agenda

Approval of Minutes

Committee-of-the-Whole, Council and Executive Session minutes of July 12, 2022, Council minutes of July 19, 2022, and appointments made at Committee-of-the-Whole on July 26, 2022.

Second Reading Ordinances

15.1 3017-2022 An Ordinance amending Chapter 23, "PARKS AND RECREATION," of the Moline Code of Ordinances, by repealing Chapter 23 in its entirety and enacting in lieu thereof one new Chapter 23 dealing with the same subject matter.

15.2 3018-2022 An Ordinance amending Chapter 16, "LIBRARIES," of the Moline Code of Ordinances, by repealing Chapter 16 in its entirety and enacting in lieu thereof one new Chapter 16 dealing with the same subject matter.

Resolutions

16.1 1123-2022 A Resolution authorizing the Mayor and City Clerk to execute and attest to a contract with Five Cities Construction Company for Project #1375, 50th Street Place Reconstruction, in the amount of \$345,834.

16.2 1124-2022 A Resolution authorizing the Mayor and City Clerk to execute and attest to a contract with Legacy Corporation of IL, for Project #1406, 13th Street and 26th Avenue Sanitary Sewer Extension, in the amount of \$159,591.50.

16.3 1125-2022 A Resolution authorizing the Mayor to make application, to enter into an agreement, and to execute all necessary assurances and certifications to the U.S. Department of Housing and Urban Development for CDBG entitlement funding under the Housing and Community Development Act of 1974, as amended, of certain projects and programs for fiscal year 2022; and approving projects & program recommendations of the Citizens Advisory Council on Urban Policy (CACUP) for the use of 2022 Community Development Block Grant (CDBG) funds and the 2022 Annual Action Plan, which contains said projects and programs; and authorizing the Mayor to implement those approved projects and programs upon the approval of the City of Moline 2022 Annual Action Plan by the U.S. Department of Housing and Urban Development and to exercise any and all powers required to obtain such funding and to implement those approved projects.

16.4 1126-2022 A Resolution declaring the property at 5124 6th Avenue, Moline, Illinois, previously acquired by the City as abandoned residential property, to be surplus; and authorizing the Mayor and City Clerk to execute and attest to an Agreement for Transfer of Real Estate and do all things necessary to convey the property at 5124 6th Avenue to Moline Community Development Corporation, an Illinois Not-For-Profit Corporation.

16.5 1127-2022 A Resolution authorizing the Mayor and City Clerk to execute and attest to a Fifth Amendment to an Intergovernmental Agreement between the City of Moline, Illinois, and the Rock Island County Metropolitan Mass Transit District (MetroLINK).

16.6 1128-2022 A Resolution authorizing the Mayor and City Clerk to execute and attest to an Intergovernmental Agreement by and between the City of Moline, Illinois and Rock Island County Metropolitan Mass Transit District (MetroLINK) for a joint project to address drainage and pavement distress issues on 39th Avenue.

16.7 1129-2022 A Resolution authorizing the Fleet and Facilities Manager to purchase a Ford one-ton cab and chassis from Sexton Ford in Moline, Illinois for the amount of \$42,660.

16.8 1132-2022 A Resolution authorizing the Mayor and City Clerk to execute and attest to a contract with Fischer Excavating, Inc., for Project #22-00285-00-RP, 36th Street and 8th Avenue Reconstructions for the amount of \$395,856.50.

Omnibus Vote

Alderman Wendt, seconded by Alderman Timion, moved to approve and adopt, by omnibus vote, these items. Motion carried on roll call with the following vote: ayes: Aldermen Williams, Macias, Wendt, Timion, Moyer, O'Brien, Waldron and Schmidt; nays: none.

Non-Consent Agenda

Resolutions

18.1 1130-2022 A Resolution authorizing the Chief of Police, on behalf of the City of Moline, to execute an Intergovernmental Operating Agreement between the Moline Police Department and the Illinois State Police.

Approved. Alderman Wendt, seconded by Alderman Waldron, moved to approve Council Bill 1130-2022. Motion carried on roll call with the following vote: ayes: Aldermen Macias, Timion, Wendt, Moyer, O'Brien, Waldron and Schmidt; nays: Alderman Williams.

18.2 1131-2022 A Resolution authorizing the Fleet and Facilities Manager to purchase touchless plumbing fixtures from WW Grainger, Incorporated, in Janesville, Wisconsin in the amount of \$92,069.55, utilizing pricing on Sourcewell contract #121218-WWG.

Approved. Alderman Timion, seconded by Alderman Wendt, moved to approve Council Bill 1131-2022. Motion carried on roll call with the following vote: ayes: Aldermen Macias, Timion, Wendt, Moyer, O'Brien, Waldron, Schmidt and Williams; nays: none.

Miscellaneous Business

Mayor Rayapati shared that the Moline Housing Authority will hold a resource fair at Kathy York Park. The Fair is open to the public. The Mayor also shared that Assistant City Administrator Barry Dykhuizen joins the staff on Monday, August 1st.

Alderman Wendt observed from comments made during this evening's public hearing that Council may want an ordinance that gives staff more flexibility to make sensible decisions. Alderman Wendt moved to direct staff to review the zoning ordinance and bring back amendments that will allow more flexibility. Seconded by Alderman Moyer. Discussion had. Bob Vitas, City Administrator, indicated that an updated Comprehensive Plan will get us to that point; however, in the interim, staff will look for problematic aspects, and amendments will be brought back to Council. Ryan Hvitok, Director of Community and Economic Development, expressed his commitment to looking for conflicts and ways to improve efficiencies within the Zoning Code. Hvitok plans to conduct a review annually, in January, and bring proposed amendments forward. Motion passed on roll call with the following vote: ayes: Aldermen Macias, Wendt, Timion, Moyer, Waldron, Schmidt and Williams; nays: Alderman O'Brien.

Alderman Wendt acknowledged National ADA Day and the importance of accessibility. Alderman Wendt made a motion to direct staff to come back with ways to improve accountability of those working in the right-of-way and ensure proper restoration. Discussion had. Motion passed on roll call with the following vote: ayes: Aldermen Macias, Wendt, Timion, Moyer, Waldron, Schmidt and Williams; nays: Alderman O'Brien.

Alderman Wendt moved to direct staff to ensure that certain things are addressed within negotiations with Metronet: 1) clear definition of poles and double poles (time allowable for double poles, distance between poles, etc.); 2) separation required between lines on the pole; and teeth/penalties for disruption of service. Seconded by Alderman Moyer. Motion passed on roll call with the following vote: ayes: Aldermen Macias, Wendt, Timion, Moyer, O'Brien, Waldron, Schmidt and Williams; nays: none.

Alderman Moyer shared plans for the opening of Kick Serve Coffee tomorrow. The owners have raised a potential traffic flow problem. If you are eastbound on Avenue of the Cities, there is a signaled small turn lane at 36th Street where traffic can back up under normal traffic conditions. They are asking if the City would consider changing the signal to a flashing light or something. Bob confirmed that a traffic study is underway. Staff will look into this.

Alderman Schmidt indicated that the Library Board is in the study-phase of integrating the new outdoor space.

Alderman Waldron acknowledged good work by Public Works staff in taking the house down and clearing the library property.

Bob Vitas, City Administrator, reminded that the Moline 150 Sesquicentennial celebration is just a month away and much good work has been done by staff in preparation. He also reported that initial discussions with Metronet kicked off today.

Carol Barnes, Finance Director, shared news that the actuarial report on Police and Fire pensions reflects \$150,000 less than expected on the operating side, reaping the benefit of bond issuance.

Public Comment

There was no additional public comment.

Executive Session:

Alderman Williams, seconded by Alderman Wendt, moved for Executive Session, for the purpose of discussion of Pending, Probable or Imminent Litigation-5 ILCS 120/2(C)(11); and Review of Executive Session Minutes-5 ILCS 120/2(C)(21). Motion carried on roll call with the following vote: ayes: Aldermen Macias, Wendt, Timion, Moyer, O'Brien, Waldron, Schmidt and Williams; nays: none.

City Council convened in Executive Session at 8:10 p.m.

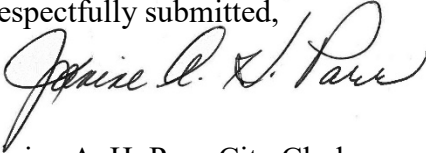
Council reconvened in open session at 8:59 p.m.

Adjournment of City Council

On motion of Alderman Timion, seconded by Alderman Wendt, Council adjourned at 8:59 p.m.

The next regularly scheduled City Council meeting is on August 2, 2022. View recorded meetings at <http://www.moline.il.us/CivicMedia?CID=9>

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Janine A. H. Parr".

Janine A. H. Parr, City Clerk