



MOLINE CITY COUNCIL AGENDA

Tuesday, August 7, 2012

6:30 p.m.

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

City Hall

Council Chambers – 2nd Floor

619 16th Street

Moline, IL

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

All items under the consent agenda are considered to be routine in nature and will be enacted by one motion. There will be no separate discussions of these items unless a council member so requests, in which event the item will be removed from the consent agenda and considered as the first item after approval of the consent agenda.

| COUNCIL MEMBER | PRESENT | ABSENT |
|----------------|---------|--------|
| Knaack | | |
| Meredith | | |
| Raes | | |
| Ronk | | |
| Turner | | |
| Schoonmaker | | |
| Liddell | | |
| Acri | | |
| Mayor Welvaert | | |

APPROVAL OF MINUTES

Committee-of-the-Whole and Council meeting minutes of July 24, 2012.

RESOLUTIONS

1. Council Bill/Resolution 1215-2012

A Resolution authorizing application for a highway permit and execute the necessary forms for the proposed Quad Cities Marathon & Races scheduled for Sunday, September 23, 2012.

EXPLANATION: This is an annual event. The marathon includes a state route; therefore local approval of usage is necessary before permission can be sought from the Illinois Department of Transportation.

FISCAL IMPACT: N/A

PUBLIC NOTICE/RECORDING: N/A

2. Council Bill/Resolution 1216-2012

A Resolution authorizing the Mayor and City Clerk to execute a Consent to Collateral Assignment of TIF Development Agreement for the Berglund Flats redevelopment project.

EXPLANATION: In March 2012, the City executed a development agreement with Berglund Flats, LLC (“Developer”) to facilitate redevelopment of property located at 1317-1321 5th Avenue, Moline, into commercial space and 28 loft apartments. Under the agreement, the City granted TIF assistance to Developer in the form of an incremental property tax rebate of up to 15% of the eligible redevelopment project costs incurred by Developer in connection with the project. The estimated eligible costs are \$2,500,000. Developer’s bank, Walcott Trust and Savings Bank (“Bank”), has agreed to make a loan to the Developer in the principal amount of \$2,360,000, the proceeds of which shall be used by Developer for the acquisition, development and construction of the project. As further security for the loans to Developer, Developer seeks to assign all payment rights under the development agreement to the Bank until such time as all obligations of the Developer to the Bank with respect to the loans have been satisfied. The City agrees to execute a Consent to Collateral Assignment acknowledging the right of the Bank to receive payments pursuant to the authority allowing assignment under the development agreement, and acknowledging that nothing contained therein shall affect the rights and obligations of the City under the development agreement.

FISCAL IMPACT: N/A
PUBLIC NOTICE/RECORDING: N/A

OMNIBUS VOTE

ITEMS NOT ON CONSENT

FIRST READING ORDINANCES

| OMNIBUS VOTE | | |
|----------------|-----|-----|
| Council Member | Aye | Nay |
| Ronk | | |
| Turner | | |
| Schoonmaker | | |
| Liddell | | |
| Acri | | |
| Knaack | | |
| Meredith | | |
| Raes | | |
| Mayor Welvaert | | |

3. Council Bill/General Ordinance 3020-2012

An Ordinance amending Chapter 11, "FIRE PREVENTION AND PROTECTION," of the Moline Code of Ordinances, Sec. 11-1101, "LOCAL AMENDMENTS TO FIRE CODE," subsections (i), (l), (r) and (s); and Sec. 11-1104, "PENALTY," by repealing said section in its entirety and enacting in lieu thereof one new Sec. 11-1104.

EXPLANATION: Pursuant to recent inquiries regarding the fireworks provisions contained in Chapter 11 of the Code of Ordinances, Law Department staff reviewed the chapter and determined that amendments thereto would better clarify the fireworks and prohibited burning sections and their penalty provisions and add consistencies to the chapter. Staff therefore recommends adoption of this ordinance amending Sections 11-1101, "Local Amendments to Fire Code," and 11-1104, "Penalty."

FISCAL IMPACT: N/A

PUBLIC NOTICE/RECORDING: Pamphlet publication required

4. Council Bill/General Ordinance 3021-2012

An Ordinance amending Chapter 2, "ADMINISTRATION," of the Moline Code of Ordinances, Article IV, "BOARDS AND COMMISSIONS," Division 8, "MOLINE CENTRE MAIN STREET COMMISSION," by deleting Section 2-4801 "COMMISSION COMPOSITION/TERMS," in its entirety and replacing it with a new Section 2-4801 entitled "COMMISSION COMPOSITION/TERMS,"

EXPLANATION: Due to increased interest in serving on the Moline Centre Main Street Commission, staff requests the existing ordinance be amended to allow for more flexibility in the number of Main Street Commission members that can be appointed. Currently the number allowed to be appointed is at seven and staff recommends amending that number to no fewer than seven and not more than fifteen.

FISCAL IMPACT: N/A

PUBLIC NOTICE/RECORDING: N/A

5. Council Bill/General Ordinance 3022-2012

An Ordinance amending the Zoning and Land Development Code of the City of Moline, Illinois, by enacting thereto an amendment of the Zoning Map, incorporated therein as Section 35-3103 (*Todd Verbeckmoes, Quad City Tech Inc., 2800 46th Avenue*)

EXPLANATION: This ordinance will rezone a 1.98-acre tract from "B-3" (Community Business District) to "B-4" (Highway/Intensive Business District).

FISCAL IMPACT: N/A

PUBLIC NOTICE/RECORDING: N/A

6. Council Bill/Special Ordinance 4029-2012

A Special Ordinance closing certain streets more particularly described herein to vehicular traffic and authorizing the use of public right-of-way in conjunction with the QCA Heritage Tractor Parade and Show scheduled for Saturday, September 8, 2012.

EXPLANATION: This is a yearly event.

FISCAL IMPACT: N/A

PUBLIC NOTICE/RECORDING: N/A

7. Council Bill/Special Ordinance 4030-2012

A Special Ordinance closing certain streets more particularly described herein to vehicular traffic and authorizing the use of public right-of-way in conjunction with the Moline High School Homecoming Parade scheduled for Friday, September 14, 2012.

EXPLANATION: This is a yearly event.

FISCAL IMPACT: N/A

PUBLIC NOTICE/RECORDING: N/A

8. Council Bill/Special Ordinance 4031-2012

A Special Ordinance closing certain streets more particularly described herein to vehicular traffic and authorizing the use of public right-of-way in conjunction with the Walk & Run for Wishes scheduled for Saturday, September 15, 2012.

EXPLANATION: This is a yearly event.

FISCAL IMPACT: N/A

PUBLIC NOTICE/RECORDING: N/A

MISCELLANEOUS BUSINESS

PUBLIC COMMENT

Members of the public are permitted to speak after first stating their name and address.

EXECUTIVE SESSION

Council Bill/Resolution No.: 1215-2012

Sponsor: _____

A RESOLUTION

AUTHORIZING the Mayor and City Clerk to apply for a highway permit and execute the necessary forms for the proposed “Quad Cities Marathon & Races” scheduled for Sunday, September 23, 2012.

WHEREAS, the Quad Cities Running Club is sponsoring a Running/Walking Race in the City of Moline for a public purpose; and

WHEREAS, this event will require the temporary lane closure of Interstate 74 West Bridge (I-74 westbound) and the entrance and exit ramp to 3rd Avenue; and

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

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

That permission to close off portions of one lane of Interstate 74 West Bridge (I-74 westbound) and the entrance and exit ramp to 3rd Avenue be requested of the Illinois Department of Transportation.

BE IT FURTHER RESOLVED that this closure shall occur during the approximate time period between Sunday, September 23, 2012, from 6:00 a.m. to 9:00 a.m.

BE IT FURTHER RESOLVED that this closure is for the public purpose of a Quad Cities Marathon & Races “Running/Walking” Race.

BE IT FURTHER RESOLVED that temporary lane closure of Interstate 74 West Bridge (I-74 westbound) and the entrance and exit ramp to 3rd Avenue will be closed with traffic diverted to adjacent lanes.

BE IT FURTHER RESOLVED that the City assumes full responsibility for the direction, protection and regulation of the traffic during the time one lane of Interstate 74 Bridge West (I-74 westbound) and the entrance and exit ramp to 3rd Avenue is closed.

BE IT FURTHER RESOLVED that police officers or authorized flaggers shall, at the expense of the City, be positioned at the end of the closed sections and at other points as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED that police officers, flaggers, and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED that all debris shall be removed by the City of Moline prior to re-opening the State Highway.

BE IT FURTHER RESOLVED that such signs, flags, barricades, etc. shall be used by the City of Moline as may be approved by the Illinois Department of Transportation. These items shall be provided by the City of Moline.

BE IT FURTHER RESOLVED that the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED that the City of Moline hereby agrees to assume all liabilities and pay claims for any damage which shall be occasioned by the closing described above.

BE IT FURTHER RESOLVED that the City of Moline shall provide a comprehensive general liability insurance policy or an additional insured endorsement in the amount of \$100,000 per person and \$500,000 aggregate which names the Illinois Department of Transportation and its officials, employees, and agents as insured and which protects them from all claims arising from the requested road closing.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Illinois Department of Transportation to serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

CITY OF MOLINE, ILLINOIS

Mayor

August 7, 2012

Date

Passed: August 7, 2012

Approved: August 14, 2012

Attest: _____
City Clerk

Approved as to form:

City Attorney

Council Bill/Resolution No. 1216-2012

Sponsor: _____

A RESOLUTION

AUTHORIZING the Mayor and City Clerk to execute a Consent to Collateral Assignment of TIF Development Agreement for the Berglund Flats redevelopment project.

WHEREAS, in March 2012, the City executed a development agreement with Berglund Flats, LLC (“Developer”) to facilitate redevelopment of property located at 1317-1321 5th Avenue, Moline; and

WHEREAS, the City granted TIF assistance to Developer in the form of an incremental property tax rebate; and

WHEREAS, Developer’s lender, Walcott Trust and Savings Bank (“Bank”) has agreed to make a loan to Developer in the amount of \$2,360,000, the proceeds of which shall be used by Developer for the acquisition of the property and development and construction of the project; and

WHEREAS, as further security for the loans to Developer, Developer seeks to assign all payment rights under the development agreement to the Bank until such time as all obligations of Developer to the Bank with respect to the loans have been satisfied; and

WHEREAS, the City acknowledges that the Collateral Assignment between Developer and the Bank is a material inducement to the Bank to enter into the loan transaction; and

WHEREAS, the City agrees to execute the Consent to Collateral Assignment which shall acknowledge the right of the Bank to receive payments pursuant to the development agreement’s assignment authority and acknowledge that nothing contained in the Consent shall affect the City’s rights and obligations under the development agreement.

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

That the Mayor and City Clerk are hereby authorized to execute a Consent to Collateral Assignment of TIF Development Agreement for the Berglund Flats redevelopment project; provided, however, that said Consent is substantially similar in form to that attached hereto as Exhibit “A” and has been approved as to form by the City Attorney.

CITY OF MOLINE, ILLINOIS

Mayor
August 7, 2012
Date

Passed: August 7, 2012

Approved: August 14, 2012

Attest: _____

City Clerk

Approved as to Form:

City Attorney

COLLATERAL ASSIGNMENT OF TIF DEVELOPMENT AGREEMENT

THIS COLLATERAL ASSIGNMENT, effective as of this 18th day of July, 2012, is made by BERGLUND FLATS, LLC, an Illinois limited liability company (hereafter referred to as the "Developer"), to WALCOTT TRUST AND SAVINGS BANK, an Iowa banking corporation (hereafter referred to as the "Bank").

WHEREAS, on March 7, 2012 the Developer and THE CITY OF MOLINE, ILLINOIS, an Illinois municipal corporation (the "City") entered into a Development Agreement (hereinafter referred to as the "Redevelopment Agreement"), relating to the redevelopment of the real estate commonly known as 1317-1321 5th Avenue, Moline, Illinois, and legally described on Exhibit A, attached hereto and incorporated herein (the "Real Estate"), with benefits available under the Illinois Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 et seq. (the "TIF Act"); and

WHEREAS, the Developer desires to rehabilitate the existing building on the Real Estate into approximately 6000 square feet of commercial space and 28 loft apartment units, all in accordance with the plans and specifications reviewed and approved by the City (the "Project"); and

WHEREAS, the Redevelopment Agreement provides, in part, that the City shall reimburse the Developer up to fifteen percent (15.00%) of the eligible redevelopment project costs incurred by the Developer in connection with the construction of the Project pursuant to the terms of the Redevelopment Agreement and the TIF Act; and

WHEREAS, the estimated eligible redevelopment project costs to be incurred by the Developer for the Project are \$2,500,000.00; and

WHEREAS, the Bank has agreed to make one loan to the Developer in the principal amount of \$2,360,000.00 (hereafter referred to as the "Loan"), the proceeds of which shall be used by the Developer for the acquisition of the Real Estate, development and construction of the Project; and

WHEREAS, as security and a source of repayment for the Loan and pursuant to Paragraph IX of the Redevelopment Agreement, the Developer may assign its right to payments under the Redevelopment Agreement to the Bank until such time as the Loan is paid, at which point this Collateral Assignment is deemed void.

NOW, THEREFORE, for and in consideration of the recitals set forth above, to secure the Loan and all other amounts due or to become due under the instruments evidencing the Loan, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Developer hereby unconditionally assigns and sets over to the Bank any and all of its interest in the payment or reimbursement amount from the City under the Redevelopment Agreement until such time as the Loan is paid, at which point this Collateral Assignment is deemed void, together with all amendments, addenda, supplements, modifications

and extensions thereto, whether made now or hereafter, subject to the terms and conditions hereafter set forth.

1. The recitals set forth in the preambles to this Collateral Assignment are hereby incorporated into this paragraph 1 as if fully set forth herein.

2. The Developer hereby authorizes and directs that until such time as the Loan is paid, at which point this Collateral Assignment is deemed void, the City shall pay directly to the Bank any and all amounts due and owing to the Developer pursuant to the Redevelopment Agreement. The City and Bank shall notify the Developer once payments have been made. In connection therewith, the Developer hereby irrevocably appoints the Bank as the Developer's power of attorney to exercise any or all of the Developer's right in, to and under the Redevelopment Agreement, including but not limited to the right to receive payments from the City, and to do any or all other acts, in the Developer's name or in the Bank's own name, that the Developer could do under such agreement with the same force and effect as if this Collateral Assignment had not been made.

3. This Collateral Assignment shall not be deemed to be an assignment of the Developer's obligations under the Redevelopment Agreement, it being the explicit understanding and agreement between the Developer and Bank that the Developer shall remain bound by the Redevelopment Agreement obligations to the City, and any other parties interested in any matter whatsoever related to the development of the Real Estate or the Project, for the Developer's non-performance or default under said Redevelopment Agreement. In connection therewith, the Developer agrees to take all steps necessary to comply with and satisfy the terms of the Redevelopment Agreement and to indemnify and hold the Bank harmless from any judgments, claims, demands, costs and expenses, including reasonable attorney's fees, in connection with the Developer's non-performance or default of the Redevelopment Agreement.

4. The Developer shall file, in a timely manner and pursuant to the terms of the Redevelopment Agreement, all requests for reimbursement from the City to receive approval for the reimbursement of redevelopment project costs incurred by the Developer in connection with the Project from the City.

5. The Developer represents and warrants to the Bank as follows:

(a) The Redevelopment Agreement is in full force and effect, there are no defaults thereunder or known matters which may give rise to an event of default upon the giving of notice or passage of time.

(b) There are no defenses, rights to setoff or counterclaims with respect to any matters contained in the Redevelopment Agreement. The Developer, upon the construction of the Project in accordance with the plans and specifications approved by the City, will be entitled to the reimbursement of fifteen percent (15%) of the total eligible redevelopment project costs expended in the Project.

(c) Upon the execution of this Collateral Assignment, the Bank will be entitled to receive all payments to which the Developer is entitled pursuant to the Redevelopment Agreement.

6. The Developer agrees to execute and deliver to Bank other documents or instruments necessary to satisfy the intent and purposes of this Collateral Assignment expressed herein to perfect the assignment.

7. The Developer shall not further assign the Redevelopment Agreement, or cause any amendment or modification of such agreement, without the prior written consent of the Bank, which may be withheld in the Bank's sole and absolute discretion.

8. All payments to be made to the Bank pursuant to this Collateral Assignment shall be made to the following address:

Walcott Trust and Savings Bank
Attn: Tim Perkins
101 West Bryant Street
PO Box 100
Walcott, IA 52773-0100

With a copy going to the Developer at the following address:

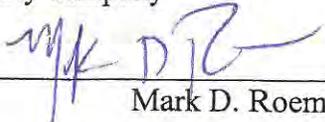
Mark Roemer
2550 Middle Road
Suite 300
Bettendorf, IA 52722

The Bank agrees to provide the Developer with a full accounting of payments made each quarter.

9. This Collateral Assignment shall be binding upon and inure to the benefit of the successors, assigns, legal and personal representatives, executors, administrators, heirs and other transferees of the parties hereto. Notwithstanding the foregoing, the Developer shall not assign this Collateral Assignment without the prior written consent of the Bank.

IN WITNESS WHEREOF, the parties have executed this Collateral Assignment by their duly authorized representatives, dated and effective as the date first written above.

BERGLUND FLATS, LLC, an Illinois limited liability company

By 
Mark D. Roemer, Member

WALCOTT TRUST AND SAVINGS BANK, an Iowa banking corporation

By 
Its Senior Vice President

This is intended as an addition to the “Collateral Assignment of TIF Development Agreement” between Berglund and Walcott Bank, and is designed as the City of Moline’s consent.

CITY OF MOLINE, ILLINOIS’ CONSENT TO COLLATERAL ASSIGNMENT
OF TIF DEVELOPMENT AGREEMENT AS SET FORTH IN THE PRECEDING
DOCUMENT BETWEEN BERGLUND FLATS, LLC AND THE WALCOTT
TRUST & SAVINGS BANK

This document is being executed on behalf of the City of Moline by the Mayor, acting under the authority granted by the City Council, and attested by the City Clerk, and approved as to form by the City Attorney.

The City of Moline, Illinois, hereby agrees and acknowledges as follows:

1. The City of Moline, Illinois, gives its consent for Berglund Flats, LLC to execute the foregoing Collateral Assignment of TIF Development Agreement to Walcott Trust and Savings Bank.

2. The City of Moline, Illinois, hereby acknowledges the rights of Walcott Trust and Savings Bank to receive the TIF payments contemplated by the Development Agreement, but only as such rights to payments accrue and they become due and payable. Nothing in this Assignment shall affect the rights and obligations of the City under the Development Agreement. The City of Moline, Illinois, further agrees that any payments due to Berglund Flats, LLC pursuant to the Development Agreement be sent and made payable directly to Walcott Trust and Savings Bank, until further written notice otherwise from Walcott Trust and Savings Bank and Berglund Flats, LLC.

3. The City of Moline states and acknowledges that as of the date of this Consent and Acknowledgment, Berglund Flats, LLC is not in default on the Development Agreement with the City of Moline dated March 7, 2012, covering the property described in Exhibit A of this Assignment document.

Signed by the City of Moline, Illinois, this ____ day of July, 2012.

Donald Welvaert, Mayor

ATTEST: _____
Tracy Koranda, City Clerk

APPROVED AS TO FORM:

Maureen E. Riggs, City Attorney

Exhibit A

Lot 7 in Block 27 in that part of the City of Moline known as and called the Old or Original Town of Moline, Illinois.

Council Bill/General Ordinance No. 3020-2012
Sponsor _____

AN ORDINANCE

AMENDING Chapter 11, "FIRE PREVENTION AND PROTECTION," of the Moline Code of Ordinances, Sec. 11-1101, "LOCAL AMENDMENTS TO FIRE CODE," subsections (i), (l), (r) and (s); and Sec. 11-1104, "PENALTY," by repealing said section in its entirety and enacting in lieu thereof one new Sec. 11-1104.

WHEREAS, this ordinance will amend and clarify certain provisions of the City's Fire Code pertaining to fireworks and prohibited burning and the penalty provisions for same.

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

Section 1. That Chapter 11, "FIRE PREVENTION AND PROTECTION," of the Moline Code of Ordinances, Sec. 11-1101, "LOCAL AMENDMENTS TO FIRE CODE," is hereby amended by repealing subsection (i) in its entirety and enacting in lieu thereof one new subsection (i), which shall read as follows:

"SEC. 11-1101. LOCAL AMENDMENTS TO FIRE CODE.

The Moline Fire Code adopted in this article by reference is specifically amended as follows:

* * * * *

(i) **109.3 Violation Penalties.**

Replace entire section with:

"109.3 Violation Penalties. Any person violating any provision of the Moline Fire Code or any order issued thereunder shall be guilty of an offense subject to and punishable by the penalty provisions of Sec. 11-1104, "Penalty."

Section 2. That Chapter 11, "FIRE PREVENTION AND PROTECTION," of the Moline Code of Ordinances, Sec. 11-1101, "LOCAL AMENDMENTS TO FIRE CODE," is hereby amended by repealing subsection (l) in its entirety and enacting in lieu thereof one new subsection (l), which shall read as follows:

"SEC. 11-1101. LOCAL AMENDMENTS TO FIRE CODE.

The Moline Fire Code adopted in this article by reference is specifically amended as follows:

* * * * *

(l) **307.2 Permit required.**

Replace entire section with:

“307.2 Permits and authority.

307.2.1 Permit required. A permit shall be obtained from the fire chief or his designee in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits shall only be issued to the owner of the land upon which the fire is to be kindled.

307.2.2 Prohibited burning.

1. **Leaves and lawn and landscape waste.** The burning of leaves and lawn and landscape, including, without limitation, shrubs, bushes and brush, is expressly prohibited within the jurisdiction of the City of Moline with the exception of controlled burns performed by governmental entities upon the approval of the fire chief or his designee. Said governmental entities shall hold a valid State of Illinois or federal EPA permit to burn materials within the City of Moline in accordance with the provisions set forth in Section 307.2.5, “State or federal permits,” below.

2. **Other waste.** The burning of waste matter other than leaves and lawn and landscape waste shall be prohibited unless the person, corporation or other entity, which proposes to burn, holds a valid State of Illinois or federal EPA permit to burn materials within the City of Moline in accordance with the provisions set forth in Section 307.2.5, “State or federal permits,” below.

307.2.3 Permits not required. Recreational fires are allowed without permit, but safety precautions as herein set forth shall apply. Recreational fires shall be made of dry wood only, excluding building material. Wood or logs shall not exceed twelve (12) inches in diameter. Fires shall not exceed five (5) feet in diameter and shall be no more than three (3) feet in height. Recreational fires shall be allowed between the hours of 12:00 p.m. (noon) and 12:00 a.m. (midnight). All recreational fires shall be fully and properly extinguished no later than 12:00 a.m. (midnight).

307.2.4 Extinguishment authority. The fire chief or his designee may order the immediate suspension and extinguishment of any burning which may be permitted, when due to atmospheric or other objectionable conditions, such burning contributes substantially to a hazard to the health and welfare of the public and/or to a fire hazard, and suspension and extinguishment is reasonably necessary for the protection of persons or property. The fire chief or his designee is authorized to order that any such burning be extinguished by either the permit holder, another person responsible, or the fire department.

307.2.5 State or federal permits. The provisions of this Sec. 307.2 as hereby amended shall not apply to any person, corporation, City department or other entity which holds a valid State of Illinois or federal EPA permit to burn materials within the City of Moline for the production of energy or for the training of municipal employees in areas of public safety, so long as the materials prohibited from burning by this Code are not also prohibited from burning under such state or federal EPA permit.

307.2.6 Violations. Any person violating any provision or any order issued hereunder shall be guilty of an offense subject to and punishable by the penalty provisions of Sec. 11-1104(b) and (c) below.”

Section 3. That Chapter 11, “FIRE PREVENTION AND PROTECTION,” of the Moline Code of Ordinances, Sec. 11-1101, “LOCAL AMENDMENTS TO FIRE CODE,” is hereby amended by enacting new subsections (r) and (s), which shall read as follows, and consecutively renaming the remaining subsections of Sec. 11-1101:

“SEC. 11-1101. LOCAL AMENDMENTS TO FIRE CODE.

The Moline Fire Code adopted in this article by reference is specifically amended as follows:

* * * * *

(r) **3301.1.3 Fireworks.**

Replace entire section with:

“3301.1.3 Fireworks – Unlawful Possession.

Fireworks are defined in Sec. 11-1101(k), “202 General Definitions,” above. Pursuant to said definition, any person who unlawfully possesses, manufactures, stores, sells, handles or uses any such substance(s) or device(s) within the City in contradiction thereof shall be guilty of an offense subject to the penalty provisions of Sec. 11-1104(b) and (c) below.

(s) **3302.1 Definitions.**

Replace the “FIREWORKS” definition contained therein:

“3302.1 Definitions. The following words and terms shall, for the purpose of this chapter and as used elsewhere in this code, have the meaning shown herein.

* * * * *

FIREWORKS shall be as defined in 11-1101(k), “202 General Definitions,” above.

* * * * *

Section 4. That Chapter 11, “FIRE PREVENTION AND PROTECTION,” of the Moline Code of Ordinances, Sec. 11-1104, “PENALTY,” is hereby amended by repealing said section in its entirety and enacting in lieu thereof one new Sec. 11-1104, which shall read as follows:

“SEC. 11-1104. PENALTY.

(a) Except for violations of Sections 11-1101(l) and (r) (Prohibited Burning and Fireworks-Unlawful Possession, respectively), and except as otherwise provided herein, any person violating any provision of the Moline Fire Code or any order issued thereunder shall be guilty of an offense punishable by a fine of not less than ten dollars (\$10.00) plus court costs nor more than seven hundred fifty dollars (\$750.00) plus court costs. The imposition of a penalty for any such violation shall not excuse the violation or permit it to continue, and any such person shall be required to correct or remedy such violations or defects within a reasonable time not to exceed thirty (30) days. When not otherwise specified, each day that such violation exists or is maintained shall constitute a separate offense.

(b) Any person violating Sections 11-1101(l) or (r) (Prohibited Burning and Fireworks-Unlawful Possession, respectively), as a first offense, shall be subject to a citation, which citation shall be paid at the City of Moline accounts and finance office in the amount of fifty dollars (\$50.00), or if paid within seven (7) calendar days, twenty-five dollars (\$25.00). Any person violating Section 11-1101(l) or (r), as a second or subsequent offense, shall be subject to a citation, which citation shall be paid at the City of Moline accounts and finance office in the amount of one hundred dollars (\$100.00), or if paid within seven (7) calendar days, fifty dollars (\$50.00). Any person who fails to make payment as outlined above within thirty (30) days shall thereafter be subject to an action in Circuit Court which may be commenced in accordance with the requirements of the Illinois Municipal Code, 65

ILCS 5/1-1-1 et seq., and any person found to have violated Section 11-1101(l) or (r) shall be subject to a fine of not less than one hundred dollars (\$100.00) plus court costs, nor more than seven hundred fifty dollars (\$750.00) plus court costs, plus reimbursement to the City for the costs the City incurred in serving the person with process. Each day during which or on which any person violates Section 11-1101(l) or (r) shall be deemed a separate offense.

(c) The application of the above penalty shall not be construed as a bar to the enforced removal of prohibited conditions under any section of the Moline Fire Code or any other Code or ordinance provision of the City of Moline.”

Section 5. 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

Date

Passed: _____

Approved: _____

Attest: _____
City Clerk

Approved as to Form:

City Attorney

Sponsor: _____

AN ORDINANCE

AMENDING Chapter 2, "ADMINISTRATION," of the Moline Code of Ordinances, Article IV, "BOARDS AND COMMISSIONS," Division 8, "MOLINE CENTRE MAIN STREET COMMISSION, by deleting Section 2-4801 "COMMISSION COMPOSITION/TERMS," in its entirety and replacing it with a new Section 2-4801 entitled "COMMISSION COMPOSITION/TERMS."

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

Section 1 – That Chapter 2, "ADMINISTRATION," of the Moline Code of Ordinances, Article IV, "BOARDS AND COMMISSIONS," Division 8, "MOLINE CENTRE MAIN STREET COMMISSION," is hereby deleting Section 2-4801 "COMMISSION COMPOSITION/TERMS," in its entirety and replacing it with a new Section 2-4801 which shall read as follows:

"SEC. 2-4801. COMMISSION COMPOSITION/TERMS

- a) The Commission, as appointed by the Mayor, shall consist of one (1) representative of the City Council, one (1) member of the Downtown Special Service Area board of directors, four (4) citizen representatives, and one (1) city employee representative. The Main Street Program Coordinator shall be a non-voting Commission member and shall be present at all meetings of the Commission. The number of members may be decreased to not fewer than seven (7) and not more than fifteen (15) members from time to time. The number of members shall always consist of a whole, odd number. No decrease shall have the effect of shortening the term of an incumbent member. Members shall not hold more than two (2) consecutive terms. Members may rejoin the Commission after a one (1) year hiatus."

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

Date

Passed: _____

Approved: _____

Attest: _____
City Clerk

APPROVED AS TO FORM:

City Attorney

AN ORDINANCE

AMENDING the Zoning and Land Development Code of the City of Moline, Illinois, by enacting thereto an amendment of the Zoning Map, incorporated therein as Section 35-3103 (*Todd Verbeckmoes, Quad City Tech Inc., 2800 46th Avenue*)

WHEREAS, the Plan Commission has received a request for rezoning sufficient in form and content; and

WHEREAS, the Plan Commission, after public hearing upon proper notice, has made its recommendation; and

WHEREAS, this Council finds and declares that a change from “B-3” (Community Business District) to “B-4” (Highway/Intensive Business District) zoning will more accurately reflect the Comprehensive Plan for the City of Moline and will be more consistent in relation to the comprehensive zoning plan embodied in the Moline Zoning and Land Development Code.

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

Section 1 - That the following described territory shall be, and the same is, hereby changed from zoning classification “B-3” (Community Business District), as provided in Section 35-3310 of said Zoning and Land Development Code, to zoning classification “B-4” (Highway/Intensive Business District), as provided in Section 35-3311 of said Zoning and Land Development Code.

A tract of land in the North Forty-five (45) rods of the Southwest Quarter of the Northeast Quarter of Section Number Sixteen (16), Township Number Seventeen (17) North, Range One (1) West of the Fourth Principal Meridian, described as follows: Commencing at the Northeast Corner of the Southwest Quarter of the Northeast Quarter of said Section Number Sixteen (16); thence West along the North line of the Southwest Quarter of the Northeast Quarter of said Section Number Sixteen (16), 719 feet for a place of beginning; thence South parallel with the East line of the Southwest Quarter of the Northeast Quarter of said Section Number Sixteen (16), 420 feet; thence West parallel with the North line of the Southwest Quarter of the Northeast Quarter of said Section Number Sixteen (16), 210 feet; thence North parallel with the East line of the Southwest Quarter of the Northeast Quarter of said Section Number Sixteen (16), 420 feet to the North line of the Southwest Quarter of the Northeast Quarter of said Section Number Sixteen (16), thence East on said North line 210 feet to the place of beginning. Excepting Twenty-five (25) feet designated for road purposes. Situated in the County of Rock Island and State of Illinois.

Section 2 - That the Zoning Administrator is hereby directed to amend the Official Zoning Map as provided in Section 35-1303 of the Moline Zoning and Land Development Code, so as to show that the above-described area is established as above set forth and shall hereinafter be included in the “B-4” (Highway/Intensive Business) zoning district.

Section 3 - That the foregoing amendment to the Moline Zoning and Land Development Code was made after public hearing, of which due notice by publication was given, held before the Moline Plan Commission under said Moline Zoning and Land Development Code, and at the report of said Moline Plan Commission to this Council, all as required by ordinance and law.

Section 4 - 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 by law.

CITY OF MOLINE, ILLINOIS

Mayor

Date

Passed: _____

Approved: _____

Attest: _____
City Clerk

Approved as to Form:

City Attorney

Council Bill/General Ordinance No.: 4029-2012

Sponsor: _____

A SPECIAL ORDINANCE

CLOSING certain streets more particularly described herein to vehicular traffic; and

AUTHORIZING the use of public right-of-way in conjunction with the QCA Heritage Tractor Parade and Show scheduled for Saturday, September 8, 2012.

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

Section 1 – That this Council hereby authorizes and directs the Mayor, Director of Public Works and Police Chief to erect barricades and post temporary signs, if necessary, for the purpose of closing the following designated roadways to vehicular traffic during the specified times mentioned herein:

Saturday, September 8, 2012, from 7:00 a.m. to 6:00 p.m.

All lanes of River Drive from the westernmost side of 12th Street to the easternmost side of 19th Street and 19th Street from the northernmost side of River Drive to the southernmost side of 4th Avenue A and 18th Street from the northernmost side of 4th Avenue A to the southernmost side of 5th Avenue and 5th Avenue from the easternmost side of 18th Street to the westernmost side of 12th Street

It shall be an offense to use said roadway for vehicular purposes during such time specified herein.

Section 2 – That this Council declares the intent of this ordinance to be a temporary variance from other ordinances that may be in conflict herewith and shall authorize the activities described hereinabove only during such times specified for the street closings and shall not constitute a repeal of other ordinances of the City of Moline which are in conflict herewith.

Section 3 – 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

Date

Passed: _____

Approved: _____

Attest: _____
City Clerk

Approved as to form:

City Attorney

Council Bill/Ordinance No.: 4030-2012

Sponsor: _____

A SPECIAL ORDINANCE

CLOSING certain streets more particularly described herein to vehicular traffic; and

AUTHORIZING the use of public right-of-way in conjunction with the Moline High School Homecoming Parade scheduled for Friday, September 14, 2012.

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

Section 1 – That this Council hereby authorizes and directs the Mayor, Director of Public Works and Police Chief to erect barricades and post temporary signs, if necessary, for the purpose of closing the following designated roadways to vehicular traffic during the specified times mentioned herein:

Friday, September 14, 2012, from 1:45 p.m. to 3:15 p.m.

All lanes of Avenue of the Cities from 3600 Avenue of the Cities to Wharton Field House.

It shall be an offense to use said roadways for vehicular purposes during the times herein specified.

Section 2 – That this Council declares the intent of this ordinance to be a temporary variance from other ordinances that may be in conflict herewith and shall authorize the activities described hereinabove only during such times specified for the street closings and shall not constitute a repeal of other ordinances of the City of Moline which are in conflict herewith.

Section 3 – 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

Date

Passed: _____

Approved: _____

Attest: _____
City Clerk

Approved as to form:

City Attorney

Council Bill/General Ordinance No.: 4031-2012

Sponsor: _____

A SPECIAL ORDINANCE

CLOSING certain streets more particularly described herein to vehicular traffic; and

AUTHORIZING the use of public right-of-way in conjunction with the Walk & Run for Wishes scheduled for Saturday, September 15, 2012.

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

Section 1 – That this Council hereby authorizes and directs the Mayor, Director of Public Works and Police Chief to erect barricades and post temporary signs, if necessary, for the purpose of closing the following designated roadways to vehicular traffic during the specified times mentioned herein:

Saturday, September 15, 2012, from 6:00 a.m. to 12:00 p.m.

All lanes of 60th Street from the southernmost side of the parking lot entrance of Green Valley to the southernmost side of 56th Avenue and all lanes of 56th Avenue from the easternmost side of 60th Street to the westernmost side of 48th Street

It shall be an offense to use said roadway for vehicular purposes during such time specified herein.

Section 2 – That this Council declares the intent of this ordinance to be a temporary variance from other ordinances that may be in conflict herewith and shall authorize the activities described hereinabove only during such times specified for the street closings and shall not constitute a repeal of other ordinances of the City of Moline which are in conflict herewith.

Section 3 – 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

Date

Passed: _____

Approved: _____

Attest: _____
City Clerk

Approved as to form:

City Attorney