



MOLINE CITY COUNCIL AGENDA

Tuesday, October 23, 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

ROLL CALL

PUBLIC HEARING 6:45 P.M.

Proposed Tax Increment Financing Districts-Minutes from
Joint Review Boards Attached:

- **SouthPark Mall Redevelopment Project Area**
- **Route 6/150 Redevelopment Project Area**
- **41st Street Redevelopment Project Area**

COUNCIL MEMBER	PRESENT	ABSENT
Knaack		
Parker		
Raes		
Ronk		
Turner		
Schoonmaker		
Liddell		
Acri		
Mayor Welvaert		

PLEDGE OF ALLEGIANCE

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.

APPROVAL OF MINUTES

Committee-of-the-Whole and Council meeting minutes of October 16, 2012.

SECOND READING ORDINANCES

1. Council Bill/Special Ordinance 4051-2012

A Special Ordinance granting a variance to Section 28-3200(a) of the Moline Code of Ordinances to delay installation of a sidewalk for property located at 1203 7th Avenue.

EXPLANATION: This ordinance will grant a variance to the sidewalk installation requirement for the 12th Street Place property frontage at this location. This is a Neighborhood Stabilization Program 2 (NSP2) property, owned by the City.

FISCAL IMPACT: N/A

PUBLIC NOTICE/RECORDING: Record by Planning Department

RESOLUTIONS

2. Council Bill/Resolution 1252-2012

Resolution adopting a policy protecting individuals engaged in nonviolent civil rights demonstration.

EXPLANATION: As per Section 104 (1) to the Title I of the Housing and Community Development Act, this item implements a policy prohibiting the use of excessive force by local law enforcement agencies against individuals engaged in nonviolent civil rights demonstrations and requires the enforcement of state and local laws against physically barring entrance to or exist from a facility or location of such an activity.

FISCAL IMPACT: N/A

PUBLIC NOTICE/RECORDING: N/A

3. Council Bill/Resolution 1253-2012

A Resolution approving a Residential Antidisplacement and Relocation Assistance Plan for the City of Moline, Illinois.

EXPLANATION: This item states that the City will minimize displacement of persons from their residence as result of grant-related activities; however, should such displacement take place (temporary or permanent), the City will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

FISCAL IMPACT: N/A

PUBLIC NOTICE/RECORDING: N/A

4. Council Bill/Resolution 1254-2012

A Resolution approving a Notice of Nondiscrimination on the Basis of Disability for the City of Moline, Illinois.

EXPLANATION: This item states that the City has adopted a policy of nondiscrimination as required by Section 504 of the Rehabilitation Act, as amended, and that said policy has been adopted by resolution.

FISCAL IMPACT: N/A

PUBLIC NOTICE/RECORDING: N/A

5. Council Bill/Resolution 1255-2012

A Resolution approving a Code of Conduct for the City of Moline, Illinois.

EXPLANATION: The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 24 CFR; Part 85 (85.36(b.)(3)) and other applicable federal and state standards, regulations, and laws. This Code of Conduct applies to all officers, employees, or agents of the City of Moline engaged in the award or administration of contracts supported by federal grant funds.

FISCAL IMPACT: N/A

PUBLIC NOTICE/RECORDING: N/A

OMNIBUS VOTE

OMNIBUS VOTE		
Council Member	Aye	Nay
Schoonmaker		
Liddell		
Acri		
Knaack		
Parker		
Raes		
Ronk		
Turner		
Mayor Welvaert		

ITEMS NOT ON CONSENT

SECOND READING ORDINANCES

6. Council Bill/Special Ordinance 4052-2012

A Special Ordinance granting a variance to Section 28-3200(a) of the Moline Code of Ordinances to delay installation of a sidewalk for property located at 302 5th Avenue.

EXPLANATION: This ordinance will grant a variance to the sidewalk installation requirement for the 3rd Street property frontage at this location. This is a Neighborhood Stabilization Program 2 (NSP2) house constructed by the City.

FISCAL IMPACT: N/A

PUBLIC NOTICE/RECORDING: Record by Planning Department

4052-2012		
Council Member	Aye	Nay
Schoonmaker		
Liddell		
Acri		
Knaack		
Parker		
Raes		
Ronk		
Turner		
Mayor Welvaert		

RESOLUTIONS

7. Council Bill/Resolution 1256-2012

A Resolution authorizing the Mayor and City Clerk to execute a contract with Bulk Storage, Inc. for Project 1167, Salt Storage Building, in the amount of \$259,082.58.

EXPLANATION: One of the “Management Items” established by City Council in May of this year was for Public Works Staff to bring back to Council an evaluation and cost analysis of the benefit of constructing a second salt dome in the southern portion of the City. Staff was directed on June 19, 2012 to solicit bids for the construction of a 72 foot, 2,400 ton capacity salt dome. The dome would be constructed on the southeast

corner of 39th Street and 48th Avenue. This additional storage will allow the City to take advantage of volume discounted purchasing, thereby creating an estimated annual savings of \$24,000, and providing further operational efficiencies in projected man-hour and equipment savings which are estimated at an additional \$37,000 annually. Staff recommends awarding the contract for the dome construction to Bulk Storage Inc. in the amount of \$259,082.58.

FISCAL IMPACT: Funds are budgeted for this project in the amount of \$200,000 in the 2013 CIP, with the balance of \$59,082.58 available in CIP reserves.

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

1256-2012 Council Member	Aye	Nay
Schoonmaker		
Liddell		
Acri		
Knaack		
Parker		
Raes		
Ronk		
Turner		
Mayor Welvaert		

Joint Review Board Meeting
Tax Increment Financing Redevelopment Plan & Project
SouthPark Mall Redevelopment Project Area
September 25, 2012 12:06 p.m.

Minutes

Present:

Virgil Dueysen, Rock Island County
Mike Crotty, Public Member
Don Welvaert, Mayor
Lew Steinbrecher, City Administrator
Ray Forsythe, Planning & Development Director
Mike Weber, Peckham Guyton Albers & Viets
Fran Frutiger, Executive Assistant, Planning & Development

Absent:

South Moline Township, Connie Mohr-Wright
Moline School District #40, Dave McDermott
Black Hawk College, Leslie Anderson
Metro Airport Authority, Bruce Carter
MetroLink, Jeff Nelson

1. Appointment for Chairperson

Motion by Mike Crotty, seconded by Virgil Dueysen, to nominate Mayor Welvaert as Chair. Mayor Welvaert accepted the nomination. Motion carried.

2. Appointment to take Minutes

Mayor Welvaert appointed Fran Frutiger, Executive Assistant, to take the official minutes of the meeting.

3. Recognition of Public Member

Mayor Welvaert appointed Mike Crotty as the Public Member to serve on the Joint Review Board.

4. Review Responsibilities of Joint Review Board

Mike Weber from Peckham Guyton Albers & Viets (PGAV) reviewed the responsibilities of the Joint Review Board for all members present.

5. Presentation regarding proposed TIF area and the Redevelopment Plan

Mike Weber reviewed the Tax Increment Redevelopment Plan with the Joint Review Board in regards to the boundaries and size of area, eligibility of area and findings, findings of need for TIF & other findings, financial impact, and review of TIF Ordinances. He then advised that the proposed Redevelopment Plan and Project for SouthPark Mall qualified based on the following:

- a) The project area qualifies as a combination “conservation area” pursuant to the definition of the term in Section 11-74.4-3 of the Act. As documented in the Plan, over one-half of the buildings are over 35 years old and there are 3 or more qualifying factors that exist with respect to the improved land within the Area;

- b) The Plan sets forth in writing the program to be undertaken including the appropriate documentation on estimated redevelopment project costs, satisfactory evidence that the Project Area, as a whole, has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without adoption of the Redevelopment Plan;
- c) The implementation of the Plan will satisfy the objectives of the Act by removing the conditions that may lead to blight through the implementation of the redevelopment plan, and thereby enhance the tax bases of the taxing districts that extend into SouthPark Mall Redevelopment Project Area.

6. Discussion and Recommendation of the Board to City Council

After a brief discussion, a motion was made by Virgil Dueysen, seconded by Mike Crotty to recommend approval of the TIF Redevelopment Plan and Project for SouthPark Mall Redevelopment Project Area to the City Council. Motion carried unanimously.

7. Adjournment

There being no further business, the meeting adjourned at 12:27 p.m.

Respectfully submitted,

Fran Frutiger

Recording Secretary

Joint Review Board Meeting
Tax Increment Financing Redevelopment Plan & Project
Route 6/150 Redevelopment Project Area
September 25, 2012 11:00 a.m.

Minutes

Present:

Virgil Dueysen, Rock Island County
Mike Crotty, Public Member
Don Welvaert, Mayor
Lew Steinbrecher, City Administrator
Ray Forsythe, Planning & Development Director
Mike Weber, Peckham Guyton Albers & Viets
Fran Frutiger, Executive Assistant, Planning & Development

Absent:

Coal Valley Township, Dick Wiles
Moline School District #40, Dave McDermott
Black Hawk College, Leslie Anderson
Metro Airport Authority, Bruce Carter
MetroLink, Jeff Nelson

1. Appointment for Chairperson

Motion by Mike Crotty, seconded by Virgil Dueysen, to nominate Mayor Welvaert as Chair. Mayor Welvaert accepted the nomination. Motion carried.

2. Appointment to take Minutes

Mayor Welvaert appointed Fran Frutiger, Executive Assistant, to take the official minutes of the meeting.

3. Recognition of Public Member

Mayor Welvaert appointed Mike Crotty as the Public Member to serve on the Joint Review Board.

4. Review Responsibilities of Joint Review Board

Mike Weber from Peckham Guyton Albers & Viets (PGAV) reviewed the responsibilities of the Joint Review Board for all members present.

5. Presentation regarding proposed TIF area and the Redevelopment Plan

Mike Weber reviewed the Tax Increment Redevelopment Plan with the Joint Review Board in regards to the boundaries and size of area, eligibility of area and findings, findings of need for TIF & other findings, financial impact, and review of TIF Ordinances. He then advised that the proposed Redevelopment Plan and Project for Route 6/150 qualified based on the following:

- a) The project area qualifies as a combination “conservation area” and “blighted area” pursuant to the definitions of these terms in Section 11-74.4-3 of the Act. As documented in the Plan, there are 3 or more qualifying factors that exist with respect to the improved land within the Area. Also, the vacant tracts located in the Area qualify under the “vacant land” criteria provided for under the definition of a blighted area;

- b) The Plan sets forth in writing the program to be undertaken including the appropriate documentation on estimated redevelopment project costs, satisfactory evidence that the Project Area, as a whole, has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without adoption of the Redevelopment Plan;
- c) The implementation of the Plan will satisfy the objectives of the Act by removing the conditions that may lead to blight through the implementation of the redevelopment plan, and thereby enhance the tax bases of the taxing districts that extend into Route 6/150 Redevelopment Project Area.

6. Discussion and Recommendation of the Board to City Council

After a brief discussion, a motion was made by Virgil Dueysen, seconded by Mike Crotty, to recommend approval of the TIF Redevelopment Plan and Project for Route 6 & 150 Redevelopment Project Area to the City Council. Motion carried unanimously.

7. Adjournment

There being no further business, the meeting adjourned at 11:35 a.m.

Respectfully submitted,

Fran Frutiger
Recording Secretary

Joint Review Board Meeting
Tax Increment Financing Redevelopment Plan & Project
41st Street Redevelopment Project Area
September 25, 2012 11:36 a.m.

Minutes

Present:

Virgil Dueysen, Rock Island County
Mike Crotty, Public Member
Don Welvaert, Mayor
Lew Steinbrecher, City Administrator
Ray Forsythe, Planning & Development Director
Mike Weber, Peckham Guyton Albers & Viets
Fran Frutiger, Executive Assistant, Planning & Development

Absent:

South Moline Township, Connie Mohr-Wright
Moline School District #40, Dave McDermott (*joined meeting at 12:28 p.m.*)
Black Hawk College, Leslie Anderson
Metro Airport Authority, Bruce Carter
MetroLink, Jeff Nelson

1. Appointment for Chairperson

Motion by Mike Crotty, seconded by Virgil Dueysen, to nominate Mayor Welvaert as Chair. Mayor Welvaert accepted the nomination. Motion carried.

2. Appointment to take Minutes

Mayor Welvaert appointed Fran Frutiger, Executive Assistant, to take the official minutes of the meeting.

3. Recognition of Public Member

Mayor Welvaert appointed Mike Crotty as the Public Member to serve on the Joint Review Board.

4. Review Responsibilities of Joint Review Board

Mike Weber from Peckham Guyton Albers & Viets (PGAV) reviewed the responsibilities of the Joint Review Board for all members present.

5. Presentation regarding proposed TIF area and the Redevelopment Plan

Mike Weber reviewed the Tax Increment Redevelopment Plan with the Joint Review Board in regards to the boundaries and size of area, eligibility of area and findings, findings of need for TIF & other findings, financial impact, and review of TIF Ordinances. He then advised that the proposed Redevelopment Plan and Project for 41st Street qualified based on the following:

- a) The project area qualifies as a combination “conservation area” and “blighted area” pursuant to the definitions of these terms in Section 11-74.4-3 of the Act. As documented in the Plan, there are 3 or more qualifying factors that exist with respect to the improved land within the Area. Also, the vacant tracts located in the Area qualify under the “vacant land” criteria provided for under the definition of a blighted area;

- b) The Plan sets forth in writing the program to be undertaken including the appropriate documentation on estimated redevelopment project costs, satisfactory evidence that the Project Area, as a whole, has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without adoption of the Redevelopment Plan;
- c) The implementation of the Plan will satisfy the objectives of the Act by removing the conditions that may lead to blight through the implementation of the redevelopment plan, and thereby enhance the tax bases of the taxing districts that extend into 41st Street Redevelopment Project Area.

6. Discussion and Recommendation of the Board to City Council

After a brief discussion, a motion was made by Mike Crotty to recommend approval of the TIF Redevelopment Plan and Project for 41st Street Redevelopment Project Area to the City Council. Motion **failed** for lack of a second.

7. Adjournment

There being no further business, the meeting adjourned at 12:05 p.m.

Mayor Welvaert reconvened the meeting at 12:28 p.m. with Dave McDermott from the Moline School District #40 attending the meeting.

A motion was made by Mike Crotty, seconded by Dave McDermott, to recommend approval of the TIF Redevelopment Plan and Project for 41st Street Redevelopment Project Area to the City Council. Motion carried 2-1 with Virgil Dueysen from Rock Island County voting nay.

There being no further business, the meeting adjourned at 12:33 p.m.

Respectfully submitted,

Fran Frutiger
Recording Secretary

Council Bill No./Special Ordinance No. 4051-2012

Sponsor: _____

A SPECIAL ORDINANCE

GRANTING a variance to Section 28-3200(a) of the Moline Code of Ordinances to delay installation of a sidewalk for property located at 1203 7th Avenue.

WHEREAS, the owner of the property addressed as 1203 7th Avenue has requested a variance from installing sidewalk along its 12th Street Place frontage; and

WHEREAS, City standards require sidewalk installation along all streets at the time a lot is developed; and

WHEREAS, the City Council has identified a physical hardship on the above-mentioned property, more particularly a substantial slope which would require a challenging and costly retaining wall, and has also determined this is a dead-end street and a sidewalk placed at this location would serve this lot alone and no others.

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

Section 1 - That this Council hereby finds and declares upon the recommendation of its Committee-of-the-Whole on October 9, 2012, that it is in the best interest of the City of Moline, Illinois, to grant a variance to Sec. 28-3200(a) of the Moline Code of Ordinances for the following described territory to allow the owner of 1203 7th Avenue to delay installation of sidewalk along its 12th Street Place frontage until such time that it is deemed necessary by the City to place sidewalk at this location.

Lot 1, Block L, Moline Water Power Co's Addition to Moline, Rock Island County, Illinois.

Section 2 – That sidewalks shall be installed in accordance with City standards along the entire 7th Avenue frontage and the entire 12th Street frontage at such time that this property is developed.

Section 3 - That this ordinance shall not constitute a repeal of any or all ordinances or resolutions in conflict herewith but shall be construed as a one-time variance with regard to such conflicting ordinances or resolutions.

Section 4 - That this ordinance is an exercise of the City's home rule powers granted to it by virtue of Article VII, Section 6 of the 1970 Illinois Constitution and shall therefore take precedence over any conflicting State Statutes or rules.

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

Council Bill/Resolution No. 1252-2012

Sponsor: _____

A RESOLUTION

ADOPTING a policy protecting individuals engaged in nonviolent civil rights demonstration.

WHEREAS, the Congress of the United States has passed Section 104 (l) to the Title I of the Housing and Community Development Act stating that no CDBG funds may be obligated or expended by any unit of local government that fails to adopt and enforce a policy of prohibiting the use of excessive force by local law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; or fails to adopt and enforce a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstrations within its jurisdiction; and

WHEREAS, the City of Moline, Illinois has received a Community Development Block Grant and is required to comply with Title I of the Housing and Community Development Act; and

WHEREAS, the failure to enforce such policies may cause the City of Moline, Illinois to lose its grant or eligibility for future grants.

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

That the City Council hereby adopts a policy protecting individuals engaged in nonviolent civil rights demonstration.

CITY OF MOLINE, ILLINOIS

Mayor

October 23, 2012

Date

Passed: October 23, 2012

Approved: November 6, 2012

Attest: _____

City Clerk

Approved as to Form:

City Attorney

Council Bill/Resolution No. 1253-2012

Sponsor: _____

A RESOLUTION

APPROVING a Residential Antidisplacement and Relocation Assistance Plan for the City of Moline, Illinois.

WHEREAS, the City of Moline, Illinois will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended; and

WHEREAS, every effort will be made to minimize temporary or permanent displacement of persons due to a CDBG project undertaken by the community; and

WHEREAS; the City of Moline intends to comply with its Residential Antidisplacement and Relocation Assistance Plan.

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

That the City Council hereby approve a Residential Antidisplacement and Relocation Assistance Plan for the City of Moline, Illinois; provided said Agreement is substantially similar in form and content to that attached hereto and incorporated herein by this reference thereto as Exhibit "A" and has been approved as to form by the City Attorney.

CITY OF MOLINE, ILLINOIS

Mayor

October 23, 2012
Date

Passed: October 23, 2012

Approved: November 6, 2012

Attest: _____
City Clerk

APPROVED AS TO FORM:

City Attorney

RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR THE CITY OF MOLINE, ILLINOIS

Every effort will be made to minimize temporary or permanent displacement of persons due to a CDBG project undertaken by the municipality.

However, in the event of displacement as a result of a federally funded award, the City of Moline, Illinois will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, to any household, regardless of income which is involuntarily and permanently displaced.

If the property is acquired, but will not be used for low/moderate income housing under 104(d) of the Housing and Community Development Act of 1974, as amended, the displacement and relocation plan shall provide that before obligating and spending funds that will directly result in such demolition or conversion the municipality will make public and submit to the Illinois Department of Commerce and Economic Opportunity (DCEO) the following information:

- a. Comparable replacement housing in the community within three (3) years of the commencement date of the demolition or rehabilitation;
- b. A description of the proposed activity;
- c. The general location on a map and appropriate number of dwelling units by number of bedrooms that will be demolished or converted to a use other than as low and moderate income dwelling units as a direct result of the assisted activity;
- d. A time schedule for the commencement and completion date of the demolition or conversion;
- e. The general location on a map and appropriate number of dwelling units by number of bedrooms that will be provided as replacement dwelling units;
- f. The source of funding and a time schedule for the provision of replacement dwelling units;
- g. The basis for concluding that each replacement dwelling unit will remain a low and moderate income dwelling unit for at least ten (10) years from the date of initial occupancy;
- h. Relocation benefits for all low or moderate income persons shall be provided, including reimbursement for moving expenses, security deposits, credit checks, temporary housing, and other related expenses and either:
 1. Sufficient compensation to ensure that, at least for five (5) years after being relocated, any displaced low/moderate income household shall not bear a ratio of shelter costs to income that exceeds thirty (30) percent, or:
 2. If elected by a family, a lump-sum payment equal to the capitalized value of the compensation available under subparagraph 1. above to permit the household to secure participation in a housing cooperative or mutual housing association, or a Section 8 certificate of voucher for rental assistance.

- i. Persons displaced shall be relocated into comparable replacement housing that is decent, safe, and sanitary, adequate in size to accommodate the occupants, functionally equivalent, and in an area not subject to unreasonably adverse environmental conditions;
- j. Provide that persons displaced have the right to elect, as an alternative to the benefits in subparagraph 2. above, to received benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 if such persons determine that it is in their best interest to do so; and
- k. The right of appeal to the executive director of DCEO where a claim for assistance under subparagraph 2. above, is denied by the grantee. The executive director's decision shall be final unless a court determines the decision was arbitrary and capricious.
- l. Paragraphs a. through k. above shall not apply where the HUD Field Office objectively finds that there is an adequate supply of decent, affordable low/moderate income housing in the area.
- m. Consistent with the goals and objectives of activities assisted under the Act, the City of Moline, Illinois will take the following steps to minimize the displacement of persons from their homes:
 - 1. All public facilities projects (water, sewer, gas, etc.) will be designed so that there will be not displacement of any residences or business;
 - 2. No homes will be demolished that can be reasonably rehabilitated; and
 - 3. There will be no displacement of any residential or business occupants on CDBG projects.

CERTIFICATION OF COMPLIANCE

The City of Moline, Illinois anticipates no displacement or relocation activities will be necessitated due to a CDBG project undertaken by the City. Should some unforeseen need arise, the town certifies that it will comply with the Uniform Relocation Act and Section 104 (d) of the Housing and Community Development Act of 1974, as amended.

Printed Municipal/County Official Name: _____

Title: _____

Signature: _____

Date of Adoption: _____

Council Bill/Resolution No. 1254-2012

Sponsor: _____

A RESOLUTION

APPROVING a Notice of Nondiscrimination on the Basis of Disability for the City of Moline, Illinois.

WHEREAS, the City of Moline, Illinois will comply with Section 504 of the Rehabilitation Act, as amended; and

WHEREAS, the City of Moline does not discriminate on the basis of disability in the admission to, access to, or operations of programs, services or activities; and

WHEREAS; an internal grievance procedure is available to resolve complaints related to the foregoing.

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

That the City Council hereby approve a Notice of Nondiscrimination on the Basis of Disability for the City of Moline, Illinois; provided said Agreement is substantially similar in form and content to that attached hereto and incorporated herein by this reference thereto as Exhibit "A" and has been approved as to form by the City Attorney.

CITY OF MOLINE, ILLINOIS

Mayor

October 23, 2012

Date

Passed: October 23, 2012

Approved: November 6, 2012

Attest: _____

City Clerk

Approved as to Form:

City Attorney

NOTICE OF NONDISCRIMINATION ON THE BASIS OF DISABILITY

As required by Section 504 of the Rehabilitation Act (as amended), the City of Moline, Illinois has adopted by resolution a policy regarding “Nondiscrimination on the Basis of Disability.”

The City of Moline, Illinois does not discriminate on the basis of disability in the admission to, access to, or operations of programs, services or activities.

Qualified individuals who need accessible communication aids and services or other accommodations to participate in programs and activities are invited to make your needs and preferences known to the Section 504 coordinator. Please give us at least three to five day’s advance notice so we can adequately meet your needs.

An internal grievance procedure is available to resolve complaints. Questions, concerns, or requests for additional information regarding Section 504 should be forwarded to:

Section 504 Coordinator Name _____

Title _____

Address _____

Phone Number _____

TDD _____

Days and Hours Available _____

Upon request, this notice and other materials may be made available in alternative formats (for example, large print or audio tape) from the Section 504 coordinator.

Council Bill/Resolution No. 1255-2012

Sponsor: _____

A RESOLUTION

APPROVING a Code of Conduct for the City of Moline, Illinois.

WHEREAS, the purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 24 CFR; Part 85 (85.36(b.)(3)) and other applicable federal and standards, regulations, and laws; and

WHEREAS, this Code of Conduct applies to all officers, employees, or agents of the City of Moline engaged in the award or administration of contracts supported by federal grant funds; and

WHEREAS; this Code of Conduct provides for and prescribes certain requirements and remedies relating to the above-mentioned grant administration matters.

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

That the City Council hereby approve a Code of Conduct for the City of Moline, Illinois; provided said Agreement is substantially similar in form and content to that attached hereto and incorporated herein by this reference thereto as Exhibit "A" and has been approved as to form by the City Attorney.

CITY OF MOLINE, ILLINOIS

Mayor

October 23, 2012
Date

Passed: October 23, 2012

Approved: November 6, 2012

Attest: _____
City Clerk

APPROVED AS TO FORM:

City Attorney

**CITY OF MOLINE, ILLINOIS
CODE OF CONDUCT**

PURPOSE

The purpose of this Code of Conduct is to ensure the efficient, fair, and professional administration of federal grant funds in compliance with 24 CFR; Part 85 (85.36(b.)(3)) and other applicable federal and state standards, regulations, and laws.

APPLICATION

This Code of Conduct applies to all officers, employees, or agents of the City of Moline engaged in the award or administration of contracts supported by federal grant funds.

REQUIREMENTS

No officer, employee, or agent of City of Moline shall participate in the selection, award, or administration of a contract supported by federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- a. The employee, officer, or agent;
- b. Any member of his/her immediate family;
- c. His/her partner; or
- d. An organization which employs, or is about to employ any of the above;

has a financial or other interest in the firm selected for award.

The City of Moline's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors.

REMEDIES

To the extent permitted by federal, state, or local laws or regulations, violation of these standards may cause penalties, sanctions, or other disciplinary actions to be taken against the City of Moline's officers, employees, or agents, or the contractors, potential contractors, subcontractors, or their agents.

Passed and adopted this _____ day of _____, _____.

(signature)

(typed name) , title

ATTEST:

(signature)

(typed name), title

Council Bill No./Special Ordinance No. 4052-2012

Sponsor: _____

A SPECIAL ORDINANCE

GRANTING a variance to Section 28-3200(a) of the Moline Code of Ordinances to delay installation of a sidewalk for property located at 302 5th Avenue.

WHEREAS, the owner of the property addressed as 302 5th Avenue has requested a variance from installing sidewalk along the property's 3rd Street frontage; and

WHEREAS, City standards require sidewalk installation along all streets at the time a lot is developed; and

WHEREAS, the City Council has identified physical hardships on the above-mentioned property, including a severe slope on the adjoining property and a lack of state right-of-way to install an ADA-accessible ramp at the street corner.

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

Section 1 - That this Council hereby finds and declares upon the recommendation of its Committee-of-the-Whole on October 9, 2012, that it is in the best interest of the City of Moline, Illinois, to grant a variance to Sec. 28-3200(a) of the Moline Code of Ordinances for the following described territory to allow the owner of 302 5th Avenue to delay installation of sidewalk along its 3rd Street frontage until such time that adjacent lots develop and/or it is deemed necessary by the City to place sidewalk at this location.

Outlot 1, Outlots to Alday's Second Addition to East Rock Island (now the City of Moline), Rock Island County, Illinois.

Section 2 - That this ordinance shall not constitute a repeal of any or all ordinances or resolutions in conflict herewith but shall be construed as a one-time variance with regard to such conflicting ordinances or resolutions.

Section 3 - That this ordinance is an exercise of the City's home rule powers granted to it by virtue of Article VII, Section 6 of the 1970 Illinois Constitution and shall therefore take precedence over any conflicting State Statutes or rules.

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 for by law.

CITY OF MOLINE, ILLINOIS

Mayor

Date

Passed: _____

Approved: _____

Attest: _____
City Clerk

Approved as to Form:

City Attorney

Council Bill/Resolution No.: 1256-2012

Sponsor: _____

A RESOLUTION

AUTHORIZING the Mayor and City Clerk to execute a contract with Bulk Storage, Inc. for Project 1167, Salt Storage Building, in the amount of \$259,082.58.

WHEREAS, bids were publicly read on October 2, 2012; and

WHEREAS, bids were solicited with Bulk Storage, Inc. submitting the lowest responsible and responsive bid; and

WHEREAS, sufficient funds are available.

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 contract with Bulk Storage, Inc. for Project 1167, Salt Storage Building, in the amount of \$259,082.58; provided, however, that said contract is substantially similar in form and content to that attached hereto and incorporated herein by this reference thereto as Exhibit "A" and has been approved as to form by the City Attorney.

CITY OF MOLINE, ILLINOIS

Mayor

October 23, 2012

Date

Passed: October 23, 2012

Approved: November 6, 2012

Attest: _____
City Clerk

Approved as to form:

City Attorney

CITY OF MOLINE CONTRACT

THIS AGREEMENT, made and concluded this _____ day of _____, A.D., 2012, between **BULK STORAGE, INC. of 28101 S. YATES AVENUE, BEECHER, IL 60401**, hereinafter referred to as the “CONTRACTOR,” and the CITY OF MOLINE, ILLINOIS, hereinafter referred to as the “CITY;”

WITNESSETH, that the CONTRACTOR for and in consideration of the payments to be made to it by the CITY in the amount of **TWO HUNDRED FIFTY NINE THOUSAND EIGHTY TWO AND 58/100 (\$259,082.58) DOLLARS**, hereby covenants and agrees, to and with the CITY, that it shall and will in good and workmanlike manner, furnish all the labor and material for **PROJECT NO. 1167 – SALT STORAGE BUILDING** as set out in the plans and specifications.

Such work to be under the direction and to the satisfaction of the City Engineer, and in accordance with the plans and specifications, which are a part of this contract. The work to be commenced not later than 10 days after the execution of this contract; to progress regularly and uninterruptedly after it shall have been begun excepting as shall otherwise be ordered by the City Council of the City of Moline (hereinafter referred to as the “City Council”), or its authorized representative, and shall be finished and fully completed within the timeframe set forth in the specifications; the time of commencement, rate of progress and time of completion being essential conditions of this contract; PROVIDED, however that if the time of the performance of the contract herein be for any reason either expressly or by implication extended, such extension shall not affect the validity of this contract.

The Contractor further agrees that the unit prices submitted are for the purpose of obtaining a gross sum, and for use in computing the value of extras and deductions; that if there is a discrepancy between the gross sum bid and that resulting from the summation of the quantities multiplied by their respective unit prices, the latter shall apply. When this contract shall be wholly carried out and

completed on the part of the Contractor, and when said work has been accepted by the City, a sum of money shall be computed by multiplying the following unit prices by the quantity of items completed, it being understood that the following total sum of money listed is for the purpose of determining the amount of the performance, labor, material and maintenance bond only. Such payment shall be made as provided for in the said specifications.

This Contract calls for the construction of a “public work” within the meaning of the Illinois Prevailing Wage Act, 820 ILCS 130/.01 et seq. (“the Act”). The Act requires contractors, subcontractors, and truckers to pay laborers, workers, and mechanics performing services on public works projects not less than the “prevailing rate of wages” (hourly cash wages plus fringe benefits) in the county where the work is performed. The prevailing wage rates for projects for the City of Moline required by Moline Special Ordinance 4004-2012 are updated monthly by the Illinois Department of Labor and may be found at:

http://www.state.il.us/agency/idol/rates/ODDMO/ROCK_ISL.htm.

All contractors, subcontractors, and truckers rendering services under this contract must comply with all requirements of the Act, including but not limited to, all wage, notice and record keeping duties. All contractors, subcontractors, and truckers shall keep an accurate record showing the names and occupations of all laborers, workers, and mechanics employed by them on this contract, and also showing the actual hourly wages paid to each of such persons and shall preserve their weekly payroll records for a period of three (3) years from the date of completion of the contract. Weekly certified payrolls shall be sent to the City Engineer.

For further information, please refer to the Illinois Department of Labor’s website at:
<http://www.state.il.us/agency/idol>.

It is further provided that the CONTRACTOR shall upon the sealing of this contract, file with the CITY a good and sufficient bond in the penal sum of **TWO HUNDRED FIFTY NINE**

THOUSAND EIGHTY TWO AND 58/100 (\$259,082.58) DOLLARS conditioned upon the faithful performance and execution of the work covered by this contract according to the complete and detailed specifications and full and complete drawings, profiles and models therefore, and according to the terms and conditions of this contract, and conditioned also that the CONTRACTOR shall pay all debts incurred by said CONTRACTOR in the prosecution of such work, including those for labor and materials furnished. The CONTRACTOR further agrees to pay liquidated damages as set forth in the specifications for failure to complete the Project by the date specified.

IN WITNESS WHEREOF, the said Parties have executed these presents on the date above mentioned.

CONTRACTOR:

CITY:

CITY OF MOLINE, ILLINOIS

By: _____

By: _____

Mayor

Attest: _____

City Clerk

Approved as to form:

City Attorney

Date: _____

Date: _____

Performance Bond Attached

Certificate of Insurance Attached