

**MINUTES OF THE MEETING OF THE MAYOR  
AND THE COMMITTEE-OF-THE-WHOLE OF  
THE CITY OF EAST MOLINE, ILLINOIS  
MONDAY, MAY 17, 2021**

**ROLL CALL**

Mayor Freeman called the meeting to order and directed City Clerk Wanda Roberts to call the roll. The following Aldermen were present: Larry Toppert, Gary Almblade, Nancy Mulcahey, Jayne O'Brien, Rhea Oakes, Maria Tapia and Jose Rico. **6:52 p.m.**

**ADDITIONS/CORRECTIONS TO AGENDA**

None.

**RETIREE LIFE INSURANCE – 115 TRUST (Annaka Whiting, Finance Director)**

Per our union contracts, the City insures retirees for \$4,000. These policies were a part of our overall health insurance that we have bundled through IPBC membership. We were recently notified that the cost of the premiums would increase by over \$18,000 for 2021 and continue to increase by 20-25% each year thereafter. IPBC attempted to issue an **RFP** on our behalf to see if we could get lower costs, but due to the number of retirees we have, no one would submit a proposal. The City began researching alternative ways to fund this benefit. We looked at a self-funded option but had concerns over issuing 1099s and the tax burden that places on beneficiaries. We reached out to our auditors and they recommended exploring an option through the Illinois Public Pension Fund Association, after further discussions the City can fund the \$4,000 life insurance benefit through a Section 115 Trust that is managed by a third party at no cost to us, and allows the City to fulfill its obligation to our retirees. The trust would manage the distribution of funds, after notification by the City, to the designated beneficiary. Since the Section 115 trust falls under the IRS code, the threshold for issuing a 1099 is \$5,000 or more, since we are under this amount, a 1099 would not be required and no additional tax burden applied to the beneficiary.

**FINANCIAL:**

**This is a budgeted item.**

**Funding Sources:** IPBC Reserves

**Department:** Finance

**This is not a CIP.**

Staff recommends approval to establish a 115 Trust with IPPFA for retiree life insurance.

A motion was made by Alderman Almblade, seconded by Alderman Oakes to concur with the recommendation as presented. Upon roll call the following voted in favor: Almblade, Mulcahey, O'Brien, Oakes, Tapia, Rico and Toppert. Motion carried.

**457 DEFERRED COMPENSATION PLAN (Annaka Whiting, Finance Director)**

The city offers our employees various programs and options for retirement planning purposes. These programs are at no cost to the City, but require us to act as the facilitator between the employee and benefit coordinator for obtaining proper documentation and payroll deductions. The most popular program is the 457 Deferred Compensation Plan as it allows to save and invest money for retirement with pre-tax contributions and accumulated earnings are not taxed until they are withdrawn. Currently, the City allows employees to choose from one of three companies: ICMA-RC

Nationwide Retirement  
Services Valic

The City would like to add the Illinois Public Pension Fund Association (IPPPFA) as an additional option for employees.

**RECOMMENDATION:**

Staff recommends approval to authorize IPPFA deferred compensation plan as an employee benefit.

A motion was made by Alderman Almlade, seconded by Alderman Oakes to concur with the recommendation as presented. Upon roll call the following voted in favor: Almlade, Mulcahey, O’Brien, Oakes, Tapia, Rico and Toppert. Motion carried.

**MITCHELL PARK PICKLEBALL COURTS (Mayor Freeman/Mr. Kammler, Director of Engineering)**

Earlier this year, the Park Board discussed the possibility of re-purposing a portion of one of the two existing Mitchell Park Tennis Courts for the use of two (2) pickleball courts. As Park Board Chair, Alderman Almlade requested city staff put together a plan and cost estimate for these improvements. This information is attached for review and consideration.

The Park Board voted to forward a recommendation to the City Council for staff to obtain formal bids for construction of these courts; the preliminary cost estimate was approximately \$21,000. Pending COW approval, a bid letting will be scheduled after which a complete tabulation of bids and formal recommendation of contract will be provided to the City Council for consideration and award. A bid letting would likely result in contracts awarded in late July or early August.

An alternative process would be to waive the bid process (requires 2/3 majority vote of the City Council or five affirmative votes) following by awarding the contract to the lowest quoted prices shown on the attached. This alternative process could result in the contracts awarded at the June 7th City Council meeting.

Funding for the improvements would come out of the Park Capital Fund

**FINANCIAL:**

**Line Item #** 505-4800-743.0

**Title:** Park Capital Improvements

**Actual Cost:** T.B.D.

**Funding Sources:** Park Capital

**Departments:** Parks

**RECOMMENDATION:**

Approve Mitchell Park Pickleball Project and determine if the City should bid the project or waive the bidding process and award contracts based on the lowest obtained quotes.

A motion was made by Alderman Mulcahey, seconded by Alderman Almblade to concur with the recommendation as presented. Upon roll call the following voted in favor: Almblade, Mulcahey, O'Brien, Oakes, Tapia and Toppert. Opposed: Rico. Motion carried. **6 - 1**

A motion was made by Alderman O'Brien, seconded by Alderman Almblade to waive the bid process award the lowest quoted with the recommendation as presented. (Requires 2/3 majority vote of the City Council and the Mayor votes). Upon roll call the following voted in favor: Almblade, Mulcahey, O'Brien, Oakes, Tapia, Toppert and Mayor Freeman. Opposed: Rico. Motion carried. **7 - 1**

**FIRST AMENDMENT TO IGA WITH MOLINE FOR SEWER SERVICE**

**(Mr. Maxeiner, City Administrator)**

In 2016, the City of East Moline and Moline entered into an intergovernmental agreement to allow East Moline to provide sewer service to 5320 22nd Avenue in Moline due to the proximity of the property to the East Moline sanitary sewer and the ease of extending service to accommodate the request. At the time, the IGA did not address several unserved adjoining properties in this vicinity.

Moline has now asked if the City of East Moline would be interested in amending the IGA to include 2040 53rd Avenue, 5325 Avenue of the Cities, and 5330 and 5340 22nd Avenue (see attached parcel map). A draft amendment prepared by the City of Moline is attached.

Staff is supportive of the request as long as any sanitary sewer extension costs are paid by the connecting properties or the City of Moline. Capacity is sufficient to accommodate the additional connections and the system will see additional revenue if the properties connect.

**FINANCIAL:**

**This is not a budgeted item.**

**Actual Cost: \$0**

**This is not a CIP.**

**RECOMMENDATION:**

Staff recommends consideration of the request.

A motion was made by Alderman Almlade, seconded by Alderman O'Brien to concur with the recommendation as presented. Upon roll call the following voted in favor: Almlade, Mulcahey, O'Brien, Oakes, Tapia, Rico and Toppert. Motion carried.

**DRAFT NOISE ORDINANCE (Mr. Maxeiner, City Administrator)**

Staff have received several complaints about noise generated from bars and taverns over the past several years. With more food and beverage businesses wanting to operate outside during Covid-19 (and beyond), these complaints have the potential to grow. Currently, there is little in the Municipal Code to address these issues.

Attached is a first draft of a noise ordinance attempting to provide the Police Department with some leverage to address these complaints. In general, the draft ordinance prohibits the electronic amplification of sound outdoors after 10:00 PM and before 6:00 AM Sunday through Thursday or after midnight on Friday, Saturday, and holidays (evenings prior to holidays). Liquor license holders with outdoor service provisions may operate beyond these limits as long as the sound level does not exceed 50 decibels on the A weighting scale (dBA) at the property lines of the licensed premises.

The ordinance also restricts noise volume to 75 dBA during daytime hours as measured at or outside the property line. Certain exemptions are included in the draft including construction activity and activity permitted by the City.

**FINANCIAL:**

**This is not a budgeted item.**

**This is not a CIP.**

**RECOMMENDATION:**

Staff request feedback on the draft noise ordinance prior to moving this to the consideration stage.

A motion was made by Alderman Oakes, seconded by Alderman O'Brien to concur with the recommendation as presented. Upon roll call the following voted in favor: Mulcahey, O'Brien, Oakes, Tapia, Rico and Toppert. Opposed: Almlade. Motion carried. **6-1**

**POLICY ON DISPLAYING NON-GOVERNMENTAL FLAGSONCITYPROPERTIES**

**(Mr. Maxeiner, City Administrator)**

Last June, the City was presented LGBTQ flags along with a request to fly them at City facilities during Pride month. Alderman Rico brought a draft policy to the City Council at the last meeting and requested that the item be added to the May 3, 2021 Committee of the Whole agenda which was supported by the City Council.

Attached, please find a draft resolution and policy prepared by Alderman Rico. Modifications to the draft policy have been made to comply with the established protocol for consideration of items at the City Council.

In a survey of our neighbors last summer, most (Moline, Silvis, Scott County) have not received a request to fly another flag (including the LGBTQ flag) and do not have a policy in place to address such requests. Rock Island City received a request to fly the LGBTQ flag and they have done so in 2019 and 2020 along with reading proclamations of support. Davenport has a policy of displaying only governmental flags (federal, state, and local) at public facilities. They also allow the POW-MIA flag to be flown on specific recognized holidays given the flags status recognized by Congress.

Staff are supportive of developing a policy to address this and future requests. The policy could be to require approval of the City Council before flying a non-governmental flag. However, further guidance should be prepared to keep political, religious, and hate group flags off flag poles of city facilities. Potential litigation may result from approval of flying the flag of one group and not another. A second option is to mirror the policy after Davenport's decision to only fly governmental flags which could be a straightforward way to address this matter.

This item was tabled at the last meeting.

**FINANCIAL:**

**This is not a budgeted item.**

**Actual Cost: \$0**

**This is not a CIP.**

**RECOMMENDATION:**

Staff recommend establishing a policy on displaying non-governmental flags at City facilities.

After a lengthy discussion regarding the various aspects of this issue.

**Motion Died for a Lack of a First or a Second Motion.**

**ADJOURMENT:**

A motion was made by Alderman Oakes, seconded by Alderman Almblade to adjourn the Committee-of-the-Whole meeting. Upon roll call the following voted in favor: Almblade, Mulcahey, O'Brien, Oakes, Tapia, Rico and Toppert. Motion carried. **7:22 p.m.**

**Minutes taken and submitted**

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**Wanda Roberts, City Clerk**