



City of East Moline Committee of the Whole

Park Vista Senior Living Center
1451 20th Avenue
East Moline, IL 61244

DATE: **February 2, 2009**

TIME: **7:15 P.M.**

| | | |
|----------|---|--|
| 1 | Budget Presentation per adoption schedule | City Staff |
| 2 | CORA Ordinance | Chief Moreno |
| 3 | Cardiac Monitors | John Wietting Training Officer EMFD |
| 4 | 2009 Pavement Marking Program | Tim Kammler |
| 5 | 3rd Ave. Roadway & Utility Improvements | Tim Kammler |
| 6 | 2009 Street Resurfacing Program | Tim Kammler |

AGENDA
FYE 2010 BUDGET WORKSHOP
February 2, 2009

7:15 P.M. INTRODUCTION AND OVERVIEW (RICH KEEHNER)

7:25 P.M. REVENUE FORECAST (JIM HUGHES)

PARK, LIBRARY, POOL

7:35 P.M. PARK OPERATIONS & CIP (DAVE LAMBRECHT)

7:50 P.M. LIBRARY (CYNTHIA COE)

8:00 P.M. POOL (DAVE BUSCH)

GENERAL OPERATIONS

8:10 P.M. GENERAL FUNDS (RICH KEEHNER/STAFF)

8:30 P.M. GARBAGE DEPARTMENT (DAVE LAMBRECHT)

8:40 P.M. STREET DEPARTMENT (DAVE LAMBRECHT)

8:50 P.M. RECREATION & CULTURE (JIM HUGHES)

8:55 P.M. FIRE DEPARTMENT (ROB DEFRANCE)

9:05 P.M. ESDA (ROB DEFRANCE)

9:25 P.M. POLICE DEPARTMENT (VICTOR MORENO)

AN ORDINANCE AMENDING TITLE 6, ENTITLED, "POLICE REGULATIONS", CHAPTER 13, ENTITLED, "CAR OWNER RESPONSIBILITY ASSIGNMENT," SECTIONS 6-13-1 THROUGH 6-13-10, OF THE CITY CODE OF THE CITY OF EAST MOLINE, ILLINOIS OF 1974 AS AMENDED.

BE IT ORDAINED by the City Council of the City of East Moline, Illinois, as

follows:

SECTION 1. Title 6, entitled, "Police Regulations", of the City Code of the City of East Moline, Illinois, of

1974, as amended, is hereby amended by adding and adopting the following language:

"6-13-1 Car Owner Responsibility Assignment:

This chapter is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the city, and is intended to address a public nuisance created by individuals operating motor vehicles upon the streets and highways of this city.

6-13-2 Public Nuisance:

(a) A motor vehicle that is used in the violation of any of the offenses contained in this section, and as set forth below, shall be declared a public nuisance and the owner of record shall be subject to having said vehicle impounded for lengths of impoundment described in section 6-13-3 of this article and shall also be liable to the city for the penalties indicated in section 6-13-3 of this article to include the fees for the towing and storage of the vehicle and fines. The owner of record of such vehicle shall also be liable to the City for an administrative fee of One hundred dollars (\$100).

(1) The driver or any other person in possession of a motor vehicle who is in violation of section 6-3-53 of this article.

(2) The driver or any other person in possession of a motor vehicle where the windows of the motor vehicle are obstructed in violation of the Illinois vehicle code 625 Illinois Compiled Statutes 5/12-503(a) and (b).

(3) The driver of a motor vehicle who is in violation of the Illinois vehicle code 625 Illinois Compiled statutes 5/6-101 entitled "Drivers must have licenses and permits" and the violator has an invalid driver's license or the violator's driver's license has been expired for more than six (6) months.

(4) The driver, or any other person in possession of a motor vehicle, who is truant from school and has previously been charged with truancy while driving or in possession of said vehicle.

(5) The driver or any other person in possession of a motor vehicle is in violation of 720 Illinois Compiled Statutes 555/1 - child curfew act and/or section 6-6-1 of this code, entitled "Curfew."

(6) The driver or any other person in possession of a motor vehicle is in violation of subsection 6-3-38 or 6-3-34 of this code, entitled "Possession Of Cannabis" and "possession of Drug Paraphernalia" or the Illinois Cannabis Control Act 720 Illinois Compiled Statutes 550/4 (a), (b), or (c).

(7) The driver or any other person in possession of a motor vehicle is wanted as evidenced by the arrest on a valid arrest warrant issued by a court.

(8) The driver or any other person in possession of a motor vehicle while being twenty (20) years of age or younger is in possession of alcohol in violation of subsection 3-7-26 of this code.

(9) The driver of a motor vehicle who is in violation of the Illinois vehicle code 625 Illinois Compiled Statutes 5/6-303 entitled "Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked".

(10) A driver who is in violation of Illinois Vehicle Code 625 Illinois Compiled Statutes 11-204, fleeing or attempting to elude officers or 11-204.1, aggravated fleeing or attempting to elude officer.

(11) The driver of a motor vehicle who is in violation of the Illinois cannabis control act 720 Illinois Compiled Statutes 550/4 (d) or (e), entitled "Possession of cannabis" and/or Illinois cannabis control act 720 Illinois Compiled Statutes 550/5 (a), (b), (c), (d) and (e), entitled "Manufacture or delivery of cannabis".

(12) The driver or any other person in possession of a motor vehicle who is in violation of the Illinois vehicle code 625 Illinois Compiled Statutes 5/11-501 entitled "Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof".

(13) The driver or any other person in possession of a motor vehicle is in violation of the Illinois criminal code 720 Illinois Compiled Statutes 5/24-1(a)(4), entitled "Unlawful use of weapons".

(14) The motor vehicle is used in the commission of, or attempt to commit a violation of Illinois criminal code 720 Illinois Compiled Statutes 5/24-1.2, entitled "Aggravated discharge of a firearm" and/or Illinois criminal code 720 Illinois Compiled Statutes 5/24-1.5, entitled "Reckless discharge of a firearm".

(15) The driver or any other person in possession of a motor vehicle is in violation of the Illinois controlled substances act 720 Illinois Compiled Statutes 570/402, entitled "Possession unauthorized by this Act".

(b) The driver or other person in possession of the motor vehicle shall be arrested or cited for the violations of the state statute(s) or city ordinance(s) as indicated in subsections (a)(1) through (a)(15) of this section.

6-13-3 Length Of Impoundment And Fines:

(a) Whenever a vehicle is used in violation of subsections 6-13-2 (a)(1) through (a)(15) of this article the registered owner's vehicle shall be impounded for the following lengths of time and a penalty imposed against the registered vehicle owner as indicated herein:

(1) Violation of subsection 6-13-2(a)(1) through(a)(7) of this article, motor vehicle impounded for three (3) days and a fine of one hundred dollars (\$100.00). **Vehicles in violation of these sections shall only be eligible for impoundment upon the second violation within five years.**

(2) Violation of subsection 6-13-2(a)(8) or (a)(9) of this article, motor vehicle impounded for seven (7) days and a fine of three hundred dollars (\$300).

(3) Violation of subsection 6-13-2(a)(10), (a)(11) or (a)(12) of this article, motor vehicle impounded for ten (10) days and a fine of four hundred dollars (\$400.00).

(4) Violation of subsection 6-13-2(a)(13), (a)(14) or (a)(15) of this article, motor vehicle impounded for thirty (30) days and a fine of five hundred dollars (\$500.00).

6-13-4 Fines and Subsequent Violations:

All lengths of impoundment, bonds, and fines imposed shall double upon any subsequent violation of this article **within five years of the first offense.**

6-13-5 Impoundment With Respect To Sound Amplification Systems Violations:

Notwithstanding any other provisions of this or other ordinances, there shall be no impoundment of an owner's vehicle for the vehicle's operation as a public nuisance in violation of subsection 6-13-2(a)(1) of this article when that vehicle has not been so operated as a public nuisance in violation of subsection 6-13-2(a)(1) of this article for a period of two (2) or more years. However, the owner of a vehicle that is not impounded because of the preceding sentence shall pay a fine of one hundred dollars (\$100) if the vehicle is found to have been operated as a public nuisance in violation of subsection 6-13-2(a)(1) of this article. For second and subsequent operations of a given owner's vehicle as a public nuisance in violation of subsection 6-13-2(a)(1) of this article that occur within two (2) years of the most recent violation of that section, all other provisions of sections 6-13-1 through 6-13-10 of this article shall be fully operable.

6-13-6 Seizure, Impoundment And Hearings Request:

Whenever a police officer has reasonable suspicion to believe that a vehicle is subject to seizure and impoundment pursuant to this article, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, and the owner of said vehicle of the fact of the seizure and the vehicle owner's right to post a cash bond as indicated in subsections 6-13-7(a)(1) through (a)(4) of this article to retrieve possession of their vehicle pending a hearing to be held by the city's code hearing officer. This notice shall be given at the time of impoundment or as soon as reasonably possible. When the vehicle is not impounded for a first offense pursuant to section 6-13-5 of this article, the police officer shall notify the vehicle's owner that second and subsequent uses of the vehicle as a public nuisance in violation of subsection 6-13-2(a)(1) of this article that occur within two (2) years of the most recent use as a public nuisance shall result in the impoundment of the vehicle pursuant to this section. The notification shall also explain the vehicle owner's right to a hearing with respect to the alleged violation. When a vehicle is impounded, the officer shall also notify the owner and person in control of the vehicle of the owner's right to a probable cause hearing as set forth in subsection 6-13-8(i) of this article.

6-13-7 Bonding Procedure:

(a) Whenever the owner, or an authorized agent of the owner, of a vehicle seized pursuant to this article wishes to retrieve their vehicle prior to the evidentiary hearing they may do so by posting a cash bond at police headquarters in the amount indicated herein. Once the bond has been posted, the vehicle shall be released without charge until an evidentiary hearing is held by the city code hearing officer.

(1) Violation of subsection 6-13-2(a)(1) through (a)(7) of this article, bond of four hundred dollars (\$400.00).

(2) Violation of subsection 6-13-2(a)(8) or (a)(9) of this article, bond of seven hundred dollars (\$700.00).

(3) Violation of subsection 6-13-2(a)(10), (a)(11) or (a)(12) of this article, bond of eight hundred dollars (\$800.00).

(4) Violation of subsection 6-13-2(a)(13), (a)(14) or (a)(15) of this article, bond of twelve hundred dollars (\$1200.00).

6-13-8 Hearing And Notification:

- (a) Within ten (10) days after a vehicle is seized and impounded pursuant to this article, or not impounded by operation of section 6-13-5 of this article, the city shall notify by certified mail, return receipt requested, the owner of record of the date, time and location of a hearing that will be conducted pursuant to this section.
- (b) A hearing shall be scheduled and held, unless continued by order of the city code hearing officer, not more than thirty days, or less than seven days after the vehicle was seized. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing and hearsay evidence shall be admissible. The hearing shall be open to the public and shall be recorded. If the City of East Moline shall enter into an intergovernmental agreement providing for the shared use of the code enforcement hearing officer, the notice and hearing date rules established pursuant to the intergovernmental agreement shall apply to this subsection.
- (c) If, after the hearing, the city code hearing officer determines by a preponderance of the evidence that the vehicle had been stolen prior to the alleged violation, he shall enter an order dismissing the procedure. If, however, he determines by a preponderance of the evidence that the vehicle was not stolen prior to the violation, he shall enter an order requiring the vehicle to continue to be impounded for the applicable length of time provided for in this section and until the owner pays the fees imposed under sections 6-13-3 and 6-13-4 of this article if the vehicle is still in the custody of the city. If the vehicle is not in the city's custody then subsection (d) of this section shall apply.
- (d) If a bond had been posted and the owner has possession of the vehicle, the city code hearing officer shall enter an order deducting the fees imposed under sections 6-13-3 and 6-13-4 of this article as if the vehicle was actually held for the time period specified from the cash bond that was posted.
- (e) In the event the defendant wishes to appeal the decision of the city code hearing officer under the provisions of the administrative review act, said defendant shall pay the cost of the preparation and transcription of the record of the hearing and shall appeal to the circuit court.
- (f) If the city code hearing officer determines that there is no such probable cause, the vehicle will be returned without penalty or other fees.
- (g) The penalty and fees shall be a debt due and owed to the city. However, if a cash bond has been posted the bond shall be applied to the fine. If the city code hearing officer determines that the vehicle was not used with the permission, express or implied, of the owner, he or she shall order the return of the vehicle or cash bond. In the event it shall become necessary for the city to collect the debt by filing an action in the circuit court, they shall be entitled to recover, in addition to the amount due, court costs and reasonable attorney fees.
- (h) Notwithstanding any other provisions of this section, whenever a person with a lien of record against a vehicle impounded under this article has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he or she agrees in writing to refund to the city the net proceeds of any foreclosure sale, less any amounts necessary to pay all lienholders of record, up to the total amount of penalties and fees imposed under sections 6-13-3 and 6-13-4 of this article.
- (i) In addition to the hearing procedures set forth in the preceding subsections of this section, every owner who has his or her car impounded pursuant to this chapter shall be entitled to a probable cause hearing before the city's code hearing officer, or if he or she is not available, before an impartial Illinois licensed attorney at law, on the question of whether or not the vehicle has been operated as a public nuisance in violation of section 6-13-2(a) of this article. This hearing, if requested, shall occur no later than two (2) business days from the time of the owner's request for such a hearing. The owner's request for a probable cause hearing must be made in writing to the city of East Moline police department within three (3) days of receiving notice of the right to such a probable cause hearing.

6-13-9 Unclaimed Vehicles:

Any motor vehicle that is not reclaimed within thirty (30) days after the expiration of the time during which the owner of record may seek judicial review of the city's action under this article, or the time at which a final judgment is rendered in favor of the city, or the time a final administrative decision is rendered against an owner of record who is in default may be disposed of as an unclaimed vehicle as provided by law. As used in this article, the "owner of record" of a vehicle means the record title holder.

6-13-10 Fees And Storage:

Fees for towing and storage of a vehicle under this article shall be the same as those charged per the contract for towing service with the city in effect at the time of same violation."

SECTION 2. All ordinances or parts of ordinances in conflict herewith are expressly repealed, insofar as they do so conflict.

SECTION 3. This ordinance shall be in full force and effect from and after its passage, approval and publication thereof, as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF EAST MOLINE, ILLINOIS, this 17th day of February, 2009, and APPROVED BY THE MAYOR OF SAID CITY this 17th day of February, 2009.

Mayor of the City of
East Moline, Illinois

ATTEST:

City Clerk of the City of
East Moline, Illinois

6-3-53 Sound Amplification Systems:

(a) *Prohibited:* No driver of any motor vehicle within the city of East Moline shall operate or permit the operation of any sound amplification system which can be heard outside the vehicle from seventy five feet (75') or more, when the vehicle is present upon a highway, unless such system is being operated to request assistance or warn of a hazardous situation. This section does not apply to authorized emergency vehicles.

(b) *Penalty:* Any person violating the provisions of this section shall be subject to a fine of not less than seventy five dollars (\$75.00) and not more than three hundred dollars (\$300.00). In the event a person accused with a violation of this section does not wish to contest the allegation, said person may pay to the City of East Moline police headquarters, within seven (7) days of the issuance of the notice of violation, a penalty in the sum of one hundred dollars (\$100.00), which payment shall be in full satisfaction of the violation.

6-14-1 Authority To Impound Fleeing Vehicles:

- (a) A motor vehicle involved in an unlawful attempt to flee or elude police officers shall be subject to impoundment under the procedures of this section.
- (b) A police officer shall, if possible, record the vehicle make and color and the issuing state and number of the license plate of a vehicle that the officer has attempted to stop through use of the emergency signal equipment on the officer's vehicle. If the operator of the other vehicle fails or refuses to stop, and if the police officer forgoes or abandons pursuit of the other vehicle for reasons of public safety, the officer shall report the recorded information as directed by the chief of police for delivery to appropriate sections of the police department.
- (c) The police department shall send a notice of intent to impound the vehicle described in the police officer's report to the owner of record of the vehicle. The notice shall be sent either by first-class mail or by messenger to the address of the owner of record as indicated in state registration records. The notice shall include the following: a statement that the operator of the vehicle failed or refused to stop when ordered to do so by East Moline police officer; the date, approximate time and approximate location of the event; the description of the vehicle as contained in the officer's report; and notice of an opportunity to contest eligibility for impoundment. A copy of the notice shall be forwarded to the city code hearing officer. A notice is presumed delivered upon being deposited with the United States postal service with proper postage affixed.
- (d) An owner of record who receives a notice pursuant to subsection (c) of this section may contest eligibility for impoundment by written request delivered to the city code hearing officer, postmarked within fourteen (14) days after the delivery of the notice. The city code hearing officer shall set a date for a hearing on the eligibility of the vehicle for impoundment, and shall notify the owner of the date, time and place of hearing. The hearing date must be no more than thirty (30) days after the request for a hearing has been filed. At the hearing, the police officer's report shall be considered prima facie correct. In order to disprove the vehicle's eligibility for impoundment, the owner of record must prove that: 1) at the time and date of the attempted stop as described in the police officer's report, the described vehicle was not operated within the city of East Moline; or 2) at the time and date of the attempted stop, the vehicle had been reported stolen; or 3) the license information described in the report does not match the listed make of the described vehicle. If the owner of record prevails, the notice of intent to impound the owner's vehicle shall be withdrawn and the vehicle shall not be eligible for impoundment under this section.
- (e) If the vehicle owner receives a notice pursuant to subsection (c) of this section and: 1) fails to contest eligibility under subsection (d) of this section, or 2) does not prevail in the contest of eligibility, the vehicle described in the notice shall be eligible for impoundment if found on the public way or within a parking lot under city ordinance control or parking lot open to the general public or in a parking lot or on the public way of another city with whom the city has an intergovernmental agreement to provide assistance in conjunction with an incident involving multi-jurisdictional problems within twelve (12) months following the conclusion of the contest, if a contest was requested, or following the last date to request a contest if none was requested.
- (f) The owner of a vehicle impounded under this section shall be subject to an administrative penalty of five hundred dollars (\$500.00) plus the cost of towing and storage of the vehicle.
- (g) A vehicle impounded under this section shall be held until the investigation into the offense has been completed. Once the investigation is completed the owner of the vehicle shall be notified of the eligibility of the vehicle for release. If the vehicle is not claimed the vehicle will be disposed of as an unclaimed vehicle pursuant to law.

9-11-5 (b) (14)

The owner of any vehicle towed pursuant to 9-11-5 or 9-11-2 shall be responsible for all reasonable costs incurred by the towing agent who towed the vehicle. In addition to these costs, the owner will also pay an abandoned vehicle processing fee of one hundred dollars (\$100) if the vehicle is claimed within 30 days of the towing of the vehicle. If the vehicle is not claimed within 30 days the administrative fee will be two hundred dollars (\$200). This fee will be paid to the East Moline Police Department prior to the vehicle being released by the towing agent. The processing fee will be \$200 for any subsequent time that a vehicle is towed pursuant to this section. The City may also petition the Circuit Court pursuant to section 625 ILCS 5/4-214.1 of the Illinois Compiled Statutes.

Price Listing for Monitors From Buffalo Ambulance Service
With Upgrades

| | |
|---|-------------|
| 1 life pack 12, 12 lead, biphasic, pacing, SPO2 | \$ 5,000.00 |
| 1 life pack 12, biphasic, pacing | \$ 1,800.00 |
| 1 life pack 12, biphasic, SPO2 | \$ 1,800.00 |
| 1 life pack 12, biphasic | \$ 1,800.00 |
| SPO2 upgrade x2 | \$ 3,500.00 |
| Pacing upgrade x2 | \$ 3,600.00 |
| 1 life pack battery charging station | \$ 800.00 |
| 2 life pack battery charging stations | \$ 3,213.00 |
| 2 cases | \$ 450.00 |
| <hr/> | |
| TOTAL | \$21,963.00 |



**Illinois Department
of Transportation**

**Resolution for Maintenance of
Streets and Highways by
Municipality
Under the Illinois Highway Code**

BE IT RESOLVED, by the _____ Council _____ of the

(Council or President and Board of Trustees)

City _____ of _____ East Moline _____, Illinois, that there is hereby
(City, Town or Village) (Name)

appropriated the sum of \$300,000.00 of Motor Fuel Tax funds for the purpose of maintaining

streets and highways under the applicable provisions of the Illinois Highway Code from January 1, 2009

(Date)

to December 31, 2009
(Date)

BE IT FURTHER RESOLVED, that only those streets, highways, and operations as listed and described on the approved Municipal Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that the Clerk shall, as soon a practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures from and balances remaining in the account(s) for this period; and

BE IT FURTHER RESOLVED, that the Clerk shall immediately transmit two certified copies of this resolution to the district office of the Department of Transportation, at _____ Dixon _____, Illinois.

I, Arletta D. Holmes Clerk in and for the City _____
(City, Town or Village)

of East Moline _____, County of Rock Island _____

hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by

the Council _____ at a meeting on _____
(Council or President and Board of Trustees) Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ day of _____.

(SEAL) _____ City _____ Clerk
(City, Town or Village)

Approved

Date
Department of Transportation

Regional Engineer

\$300,000 estimated expenditure from MFT funds.