

**Minutes of Springfield City  
Council Meeting  
Tuesday, January 6, 2009, 6:00 p.m.  
City Council Chambers**

City Clerk, Cecilia Tumulty, called the Pre Council Session of the Springfield City Council to Order at 5:30 p.m., Tuesday, January 6, 2009, in the Council Chambers of the Municipal Center West. Clerk Tumulty Read the Ordinances and Resolutions to be considered at the Next Regularly Scheduled Meeting into the Record of the Meeting and Assigned the Ordinances to their Proper Committees. The Pre Council Session Concluded at 5:40 p.m.

Mayor Davlin called the Meeting to Order at 6:00 p.m. All were invited to rise for the Pledge of Allegiance.

City Clerk Cecilia Tumulty called the roll of City Council members.

PRESENT: Alderman Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, Griffin & Mayor Davlin.

ABSENT: None

Ald. Simpson moved, Ald. Cimarossa seconded, To Dispense with the Reading of the Minutes of the December 16, 2008, City Council Meeting and Approve the Minutes. The Motion carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

Ald. Simpson moved, Ald. Cimarossa Seconded, To Incorporate the Pre-Council First Reading of Ordinances into the Record of This Council Meeting. The Motion carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

The Next Matter On The Agenda Was The Consent Agenda. Ald. Simpson moved, Ald. Cimarossa seconded, To Incorporate the Pre-Council Reading of the Consent Agenda into the Record of This Council Meeting. The Motion carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

Ald. Edwards Moved To Place The Consent Agenda On Final Passage. Ald. Cimarossa Seconded. The Motion carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

Agenda Numbers 2008-337, 2008-478, 2008-479, 2008-508, 2008-625, 2008-921 Remain Tabled Or In Committee

The Next Item On The Agenda Was 2008-675, "An Ordinance Authorizing Execution Of A Purchase Contract With Patrick J. Londrigan And Alice R. Londrigan For The Property Located At 6500 Oakcrest Road, Sangamon County, Illinois, In An Amount Not To Exceed \$875,000.00, As Amended." Ald. Simpson Moved To Place Agenda No. 2008-675 On Final Passage. Ald.

Dove Seconded. Mayor Davlin stated numerous individuals had signed up to speak. Ed Mahoney stated he would wait to speak until the end of the discussion. Joe Bartley and Rich Boteer, Trustees of the Village of Riverton, spoke to the Council. They voiced their concerns about the impact this will have on the Village's own water issues. Riverton uses water from four (4) wells to supply water to the Village. There are 2000 homes & businesses in Riverton and Spaulding that get water from the pit and from these wells. Mr. Bartley stated that he believes purchasing this ground prior to any testing or completed studies by the City. He believes the City is putting the cart before the horse. There are many scenarios being played out in the media. He stated that he has been told that if the City does purchase the gravel pit, part of the plan will be emergency damming of the South Fork River allowing the river to back up. He believes this will negatively affect Riverton's water access. Ald. Edwards asked if this was true. Mayor Davlin stated it is possible. Ald. Kunz stated that Tom Skelly should explain it. Mr. Bartley asked if you have to purchase the pit to dam the river in an emergency?

Mr. Bartley stated that Riverton needs 500,000 gallons a day. Between Riverton and Springfield, that is 1.7 million gallons a day. He reiterated that a study needs to be completed. Mr. Boteer introduced himself and provided pictures of the lake in the 1988 drought. Mr. Bartley stated another concern is Riverton's discharge from their water treatment plant just down river. He asked that a study be completed prior to the purchase of the property and allow further discussion in committee. He asked to meet with representatives from Springfield to get these questions answered and concerns addressed. Mr. Boteer stated that there are other communities as well along the river that have these same concerns. Mr. Bartley asked for an agreement in writing prior to the purchase taking place. Something they can take back to the residents of Riverton.

Ald. Cahnman asked where Riverton discharges the effluents they spoke about. Mr. Bartley stated that the emergency dam will be near the water pits. It would be downstream from there.

Davlin stated that Riverton is a good neighbor. If we don't purchase this, all of this we're talking about is for naught. We have to answer to our citizens, too. The worst thing we can do is to purchase this property, never use it and sell it. We will never have this opportunity again. We don't know who might purchase it and for what purpose. Some one might build an ethanol plant there and soak it dry. Some sportsman's club might buy it. He stated that we will never have this opportunity again. Of course, there will be written agreements. Those will come back to the City Council for approval. We're not putting the cart before the horse. If we don't make the purchase now, it might not be there in the future.

Mr. Bartley stated they are concerned about the new owner, too. The lake in the picture is within Riverton's water supply protection district. He wants to make sure that the village's water supply is protected. Mayor Davlin stated that we would be a better neighbor than most.

Ald. Cahnman stated that the City has already acknowledged and put in writing in the City's 1998 Water Supply feasibility study that there would have to be some consideration to Riverton.

Prof. Clark Bullard, Champaign, Il., stated that he has been asked many times about the engineering aspects of the gravel pits. He stated that he sees this gravel mining operations as Lake II already under construction. He stated that the pits could produce 7.4 million gallons a day out of the stated need of 9.1 mgd. He stated that if all of the engineering reports are accurate, the surrounding pits would not be affected. However, if they are wrong, the water

would come from the surrounding aquifer. The pits would have to be dug deeper. And, if that is the case, you'll get more water than the 7.4 mgd. But, in order to get the information, a pump test will have to be done.

Prof. Bullard stated the City has 3 options. You can do nothing; you can try to negotiate an easement or you can buy it and keep your options open. Do a pump test and then decide if you want to use it. The property could be sold and the City could retain an easement so there is a way to get to the water. The City could buy other property with wells as it became available. He encouraged the City to use the next six months to learn more about the pits. He stated there won't be a decision by EPA on Hunter Lake for at least that long. He encouraged the City to purchase the property.

Ald. Cahnman asked when the ultimate time for a pump test is and what Prof. Bullard's qualifications are.

Prof. Bullard stated he is a mechanical engineer. He wrote his PhD in fluid mechanics. He stated that he has read all of the reports and is confident in his statements. He stated the best time to perform a test would be in the winter when gravel mining operations are shut down. In a test, you would pump the water down about 2 feet and then monitor how long it takes for the water to return and the water levels in surrounding wells. He referred to Champaign and the well field study and testing done there to Ald. Lesko. In the worst case here in Springfield, the report that Ald. Cahnman referred to (1998 CMT Report) indicated that if Riverton wells were affected, about \$750,000 should be set aside in reserve for remuneration. Again, in the worst case scenario, it may cost Riverton about \$750,000 to \$1,000,000 to hook up to the City's system. Prof. Bullard stated that is all factored into the cost estimates you've been looking at for the last 10 to 15 years.

Ald. Griffin stated that he does not believe the City wants to get in the sand and gravel business. He asked how fast we would have to get a tenant in there to continue operations before the pits begin to silt back. Prof. Bullard explained that there is no silting process. He agreed that there would be no adverse affect to discontinue mining of the pits. If we did, according to Prof. Bullard it's gravy for the City. It provides revenue and grows the potential water supply.

Ald. Simpson asked if that is what we're planning to do. Are we going to get a tenant. Mayor Davlin stated anything is possible, but we don't own the property yet. It's an option we have. But it's not today's discussion.

Ald. Edwards asked how long these pits could produce at 7.4mgd. Prof. Bullard stated you pump 7.4 mgd for 18 months. Ald. Kunz asked from one pit? Prof. Bullard stated no – all six pits.

Ald. Theilen asked about what, if any, conservation efforts would impact the numbers? Prof. Bullard agreed that water conservation efforts would bring the numbers down.

Ald. Edwards asked Prof. Bullard if, in his educated opinion, this was a good deal. Prof. Bullard stated that he would recommend purchasing the pit because of the low risks. It provided an emergency water source for the City.

Don Hanrahan, Springfield, Il., addressed the Council. He supported the purchase of the gravel pits and encouraged the Council to vote in favor of the ordinance. There is down side to this purchase. He stated that a pump test should have been done a long time ago. He stated that determining how quickly the pits refill after water is pumped out is the most important issue. He stated he believes this is a no-brainer. If and when we need a water alternative, we own the property.

Ald. Kunz asked Tom Skelly, CWLP, how much water is between the dam we have right now and the temporary dam? Skelly stated it is around 680 million gallons. Kunz stated the emergency dam was the one Riverton is concerned about. We're putting a temporary dam on the Main Fork to back it up in the South Fork where we have a pump station. Mr. Skelly agreed. The temporary dams are our emergency water supply plan. He further stated that if we stop the permitting process for Hunter Lake or an alternative, the ability to temporarily dam the river on an emergency basis goes away. It is a temporary measure. It is only there while we are exploring a permanent alternative water supply.

Skelly stated that we need to be asking these types of questions to experts in the field. Skelly suggested the State Water Survey or the engineers we hire. We need to study the affects of the river and pits and what impact there may be on Riverton. He stated there is probably a million dollars worth of studies that need to be done to implement the program.

Ald. Simpson asked if we had any plan to purchase other pits? Skelly stated at this time, we are pursuing Hunter Lake based on the 1988 ordinance.

Ald. Edwards asked what we do if EPA tells us we don't get the permit. Does the ordinance stay in effect? Skelly stated if the permit is not issued, Hunter Lake is not an option. We will need to find another option.

Ald. Kunz asked if this pit was fed by the aquifer that was produced by the glaciers of the Ice Age. Skelly stated there is a lot of misinformation. The gravel pit was the aquifer. It's like a bath tub that is filled with sand and gravel and water. It is not the steel tub as Prof. Bullard suggested. The State water survey does not know the recharge rate of the gravel pit. He stated the gentlemen from Riverton are right – we don't know what the impact would be on Riverton if Springfield pumps the pit. All of that can be evaluated. He stated the wells in Riverton probably go to the bedrock of the gravel pit. Skelly stated it is the City's intention to see what the impact would be on Riverton if we did pump the gravel pit either to the River or via pipeline to the water treatment plant. He approximated it is 10 miles from the property to the water treatment plant.

Ald. Lesko asked if we have taken into account the easements the City would need to run a pipeline. Skelly stated no. Lesko asked if we have access to the gravel pit from this property. CC Johnson stated that access issues would be addressed after a title search. Any easements on the record would be reviewed prior to closing. Skelly stated he believed the Drennans (the original owners) had access.

Ed Mahoney, Remax Realtors, Springfield, IL., addressed the council. He stated there is an access easement going across someone else's property to get to the temporary dam. The

easement comes with the land. He stated it is approximately 200 yards from the gravel pit to the river.

Ald. Lesko asked if Mahoney knew if the sand and gravel had been depleted from the pit. Mahoney stated there is 384 acres for sale. 146 is a lake and 5 acres per year has been mined for the past 5 years – since the 1920's. There is more land that can be mined for sand and gravel but primarily sand.

Ald. Cahnman asked if there was land available within the purchase for a pipeline. Mahoney stated yes – the land includes the land for the temporary dam and a pipeline. Cahnman asked about an easement on the property? Mahoney stated there is access, not an easement.

Cahnman asked Tom Skelly if we decide not to pursue Hunter Lake and no alternative water source is identified, our permit for the emergency dam is revoked? Skelly stated basically yes. When asked if we could ask EPA for an emergency permit for an emergency dam in a drought situation, Skelly stated we can always ask.

Skelly stated if we purchase the ground, we don't own the entire pit. We would have to negotiate with the County and other private owners on water rights.

Mahoney stated that the County does own some property next to the lake, but it has been filled in. Cahnman asked Mahoney about the appraisal one 2008. Since we are purchasing the property for less than the appraisal, does this affect the fair market value of other pits in the area? Mahoney stated yes – and it sets a comparable. Ald. Theilen stated all real estate prices are down right now.

Ald. Simpson asked Dir. Norris about the value of the sand and gravel to the City. Norris stated his office purchases \$1000 per year. He stated CWLP uses more. He is more interested in the CA6 used for backfill on streets. Tom Skelly stated CWLP sets aside \$200,000 a year for the City which includes Public Works. He does not know the breakdown of the \$200,000, but the City purchases mostly sand. Theilen stated in theory, it could pay for itself in 7 years. Kunz disagreed and said he (Skelly) doesn't know the break down.

Ald. Edwards if we have a drought right now, and we don't have Hunter Lake for another 5-10 years, what do we do? Skelly stated part of the emergency water supply plan is mandatory water conservation. If the lake is 3 feet below full pool at the end of June, we build the emergency dams on the River. He stated that the City had "a verbal understanding" with the original owners to access the area to build the emergency dams. Right now, we have no understanding or agreement with the owners to access the property and build the dam. However, if we purchase the property, we own it and can build the emergency dams. This would give us 3 of the 4 sides of the river to access to build the dam now. If we get the permit for Hunter Lake, we can then decide what to do.

Ald. Mahoney stated he felt there were a lot of questions unanswered that concerned him. He agreed that the City is putting the cart before the horse. He doesn't see why we cannot slow down and get the answers to the questions asked. He stated he will be voting against the ordinance.

Ald. Cimarossa stated that she agreed in part with Ald. Mahoney. She read the appraisal but stated there were no comps (comparables) on gravel pits. She questioned the real estate transfer declaration and why we were paying so much more than the \$650,000 set forth on the declaration. Ed Mahoney stated that was not a market transaction, but a personal transaction. Mayor Davlin stated the declaration pointed to a personal transaction not the value of the property. Mahoney further stated that the purchase of this property seemed to solve many of the problems the City faced regarding emergency water issues.

Ald. Theilen asked Tom Skelly about conservation estimates and what usage would be with mandatory water conservation. Skelly stated there would be no reduction from the 9.4 mgd. Theilen stated that many of those who were for the gravel pits were against Hunter Lake and vice versa. He then asked how much water would it take to fill Hunter Lake and where are we going to get all the water? Are we going to tap it off the river and pump it in?

Skelly stated no. Just like Lake Springfield, Hunter Lake is a reservoir. The normal flow from Brush Creek and Horse Creek would fill Hunter Lake. He anticipates Hunter Lake could hold 15 billion gallons of water. Skelly stated the 100 year drought yield is 21 mg day. Theilen asked what percentage of the lake Skelly considers being recreational. He said 100%.

Theilen asked Skelly what the total price tag might be to make the gravel pit useful. Skelly stated around \$65 million to yield 12 mg day from all of the gravel pits and wells. One pit is not a permanent solution to meet the needs of the City.

Ald. Dove stated the CMT study indicated that the total fro that study was approximately \$47.5 million dollars. Dove further stated, to answer Kunz about the breakdown of sand used by all departments in the City, it's all set forth in the CMT study. Ald. Dove stated the savings by the City should recognized by the Council. According to the updated CMT study, Dove stated there is 870 mg storage capacity available at the site which he calculates is 95 days worth of water for the City. He stated this gravel pit is a good buy for the City at this price and it provides an alternative water source at any given time. The permits need for this site is minimal and do not provide the significant roadblocks that Hunter Lake has identified.

Ald. Mahoney asked Tom Skelly to confirm that he had said it would cost approximately \$1,000,000.00 in studies before we could take one drop of water from the gravel pits. Skelly said he did not say that. He said no and that you would have to study the affects on the surrounding area before you could pump from the pits. What the impact on their wells would be, a pump test, etc. Skelly said it would have to modeled, pump tested, etc. He stated Riverton has questions, too. The recharge rate, the impact on the wells in Riverton, etc.

Ald. Griffin stated he feels the same way as Ald. Mahoney. We should have pump test this pit. We would have had some definite answers. But, he said this is a pretty cheap insurance policy at \$2,000.00 an acre. He stated if you turn the lights on and there is no electricity, you can buy power from the grid. If you turn the faucet on and there is no water, then we're in trouble. We should go forward with Riverton. They are good neighbors to us and we should be good neighbors to them.

Ald. Cahnman commented that the city of Decatur is doing something similar. The lake in question is about half the size of this gravel pit. Many cities are taking similar action and facing the same problems. It makes sense to purchase the gravel pit at this time.

Ald. Kunz stated that there are three here that were here when the Council raised water rates. That rate increase was for infrastructure. The money being used here, \$850,000, was from money they didn't spend on infrastructure. We have no way to fund any other study or purchase another pit. We're doing what councils did 40 years ago when they started Lake 2. We have no plan and no form of action to finish the job. We're spending \$850,000 for a big storage tank in the ground. He thinks it is wrong without a plan to finish the job and called it a debacle.

The Motion Carried 6/4. Ald. Edwards, Simpson, Cahnman, Theilen, Dove and Griffin Voted Yes. Ald. Kunz, Lesko, Mahoney and Cimarossa Voted No.

The Next Item On The Agenda Was No. 2008-924, "An Ordinance Authorizing Implementation And Payment Of An Incentive Bonus To KBV Springfield Power Partners Based On Energy Produced From The Dallman Power Plant Unit 4 From May 1, 2009, Through September 18, 2009." Ald. Simpson Moved to Place Agenda No. 2008-924 on Final Passage. Ald. Cimarossa Seconded. The Motion Carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

The Next Item On The Agenda Was No. 2008-928, "An Ordinance Authorizing Payment Of An Award In The Amount Of \$73,971.25 To Terry Byrd, An Office Of Public Utilities Employee, For Workers' Compensation Case Number 05-WC-18877, For Emergency Passage." Ald. Simpson Moved to Place Agenda No. 2008-928 On Emergency Passage. Ald. Cimarossa Seconded. The Motion Carried 11/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, Griffin and Mayor Davlin voted yes

The Next Item On The Agenda Is No. 2008-929, "An Ordinance To Increase The Number Of Class "D" Liquor Licenses By One For Kiku Japanese Steak & Seafood House Ltd. For The Business Located At 3325 Robbins Road, For Emergency Passage." Ald. Simpson Moved to Place Agenda No. 2008-929 On Emergency Passage. Ald. Cimarossa Seconded. The Motion Carried 11/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, Griffin and Mayor Davlin voted yes

Ald. Simpson Moved to Suspend the Rules, Assign to Finance Committee and Place on First Reading, Agenda No. 2009-002, "An Ordinance Amending Chapter 37, Section 37.81 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, By Increasing The City's Simplified Municipal Telecommunications Tax From 1% To 6%." Ald. Cimarossa Seconded. The Motion Carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

Ald. Simpson Moved To Suspend The Rules, Assign To Public Utilities Committee And Place On First Reading, Agenda No. 2009-003, "An Ordinance Further Amending Ordinance No. 628-11-04, 'An Ordinance To Define And Limit The Contributions / Payments Made From The Office Of Public Utilities Funds And Define Other Inter-Fund Financial Policies, As Amended,' To Restructure And Increase Electric Wholesale Payments To The Corporate Fund." Ald.

Cimarossa Seconded. The Motion Carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

Ald. Simpson Moved to Adjourn the Meeting at 7:26 p.m. Ald. Kunz Seconded. The Motion Carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove, and Griffin voted yes.

*Cecilia K. Tumulty*

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Cecilia K. Tumulty, C.M.C.