

**Minutes of Springfield City  
Council Meeting  
Tuesday, July 6, 2010  
City Council Chambers**

**PRE-COUNCIL SESSION**

City Clerk Cecilia Tumulty called the Pre Council Session of the Springfield City Council to Order at 5:00 p.m., Tuesday, June 1, 2010, in the Council Chambers of the Municipal Center West. Clerk Tumulty Read the following **Ordinances and Resolutions on Emergency Passage** into the Record of the Meeting:

**2010-255** An Ordinance Authorizing A Re-Appropriation Of Fy10 Lapsed Funds In The Amount Of \$11,678.00 Into An Fy11 Expenditure Account For The Office Of The City Clerk, **For Emergency Passage (Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-256** An Ordinance Accepting A Quotation With Flowserve Us Inc. In An Amount Not To Exceed \$120,000.00 For Repair Of The Dallman Power Plant Unit 33 South Boiler Feed Pump For The Electric Division Generation Department **For Emergency Passage (Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-257** An Ordinance Authorizing The Rental Of A Tg9000 Tub Grinder From Vermeer Sales & Service Of Central Illinois, Inc. In An Amount Not To Exceed \$180,000.00, For The Office Of Public Works, **For Emergency Passage (Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

Clerk Tumulty read the following Ordinances and Resolutions to be considered at the next regularly scheduled City Council meeting and assigned the Ordinances to the Committee of the Whole.

**2010-258** An Ordinance Ascertaining The Prevailing Rates Of Wages For Sangamon County As Required By The Illinois Prevailing Wage Act **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-259** An Ordinance Approving And Authorizing Execution Of Agreement Amendment No. 1 To The Original Engineering Services Agreement With Black & Veatch Corporation And Authorizing An Additional Expenditure In An Amount Not To Exceed \$1,057,500.00 With Said Company For Dallman Power Plant Unit No. 33 Flue Gas Desulphurization System Upgrades For The Electric Division **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-260** An Ordinance Accepting Bids And Authorizing The Execution Of Contract UW11-05-27 – Factory Street Tank-Surface Preparation And Coating With Tecorp, Inc. In The Total Amount Of \$348,570.00 For The Water Division **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-261** An Ordinance Accepting Bids And Authorizing The Execution Of Contract UE11-05-24 – Street Sweeper For Dallman Power Plant With Key Equipment & Supply Co. In The Total Amount Of \$193,805.00 **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-262** An Ordinance Approving And Authorizing Execution Of A Residential Lease Agreement With Richard Meier And Patricia Meier For A One-Year Term For The Administrative Services Division For The City Of Springfield **(Requested By Mayor Timothy J. Davlin)** **(Committee Of The Whole)**

**2010-263** An Ordinance Execution Of An Annexation Agreement With Charles R. Martin, Mary Rose Martin And John R. Martin For Real Property Located On Woodhaven Road **(Requested By Mayor Timothy J. Davlin)** **(Committee Of The Whole)**

**2010-264** An Ordinance Annexing Certain Described Real Property Located On Woodhaven Road (Martin, Et Al.) **(Requested By Mayor Timothy J. Davlin)** **(Committee Of The Whole)**

**2010-265** An Ordinance Annexing Certain Described Real Property With No Assigned Address Located In Palisades Subdivision **(Requested By Mayor Timothy J. Davlin)** **(Committee Of The Whole)**

**2010-266** An Ordinance Amending Section 90.34.3(A)(4), Of The 1988 City Of Springfield Code Of Ordinances, As Amended, To Extend The Hours Of Operation For Sidewalk Café Permits From 9:00 P.M. Until 11:00 P.M. **(Requested By Mayor Timothy J. Davlin)** **(Committee Of The Whole)**

**2010-267** An Ordinance To Increase The Number Of Class “D” Liquor Licenses By One For Cancun III, Inc., 3028 Stanford Avenue **(Requested By Mayor Timothy J. Davlin)** **(Committee Of The Whole)**

**2010-268** An Ordinance Authorizing An Increase In The Number Of Class “B” Liquor Licenses By One For Café Andiamo LLC, 206 S. 6<sup>th</sup> Street **(Requested By Mayor Timothy J. Davlin)** **(Committee Of The Whole)**

Clerk Tumulty Read the **Consent Agenda** into the record of this Council meeting.

**2010-237** An Ordinance Authorizing An Extension Of A Contract With, And Additional Payment Of \$420,000.00 To, HCH Administration, Inc. To Serve As Third Party Administrator For The City’s Health Care Claims And To Manage The City’s Preferred Providers Physician’s Network Program From March 1, 2010, Through February 28, 2011, For The Office Of Budget And Management. **(Requested By Mayor Timothy J. Davlin)** **(Committee Of The Whole)**

**2010-238** An Ordinance Authorizing Payment To CGI Technologies And Solutions, Inc. For Annual Maintenance Of The City’s Local Government Financial System And The City’s Payroll And Human Resource System From March 1, 2010, Through February 28, 2011, In The Amount Of \$464,251.00, For The Office Of Budget And Management. **(Requested By Mayor Timothy J. Davlin)** **(Committee Of The Whole)**

**2010-239** An Ordinance Authorizing A One-Year Extension Of Contract CS10-05-28 With, And Additional Payment Of \$20,000.00 For A Total Amount Not To Exceed \$125,000.00 Under Contract CS10-05-28 To, Triad Industrial Supply Corp, Masco Packaging & Industrial Supply Inc., Black & Company And H.P. Products Corporation For The Purchase Of Janitorial Supplies From July 1, 2010,

Through June 30, 2011, For The Office Of Budget And Management. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-240** An Ordinance Authorizing The Execution Of An Agreement With AXA Equitable To Provide Investment Vehicles For Employees Participating In The City's Deferred Compensation Plan. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-241** An Ordinance Authorizing Payments To James Wangard, A Springfield Police Officer And Albert Eden, A Springfield Fire Department Employee, For Settlement Of Workers' Compensation Claims, **As Amended. (Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-242** An Ordinance Approving The Appointments Of John W. Moyer And Charles C. Ludwig To The Police Community Review Commission. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-243** An Ordinance Accepting And Authorizing The Execution Of Proposal No. Ue11-01 With Oros & Busch Application Technologies, Inc. For A Three-Year Term In Amount Not To Exceed \$4,750,000.00 For The Removal And Beneficial Use Of Up To 150,000 Tons Of Filter Plant Lime Material Produced By The Water Purification Plant. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-244** An Ordinance Authorizing Payment To Ascend Performance Materials LLC In An Amount Not To Exceed \$609,860.00 For The Purchase Of Adipic And Dibasic Acid For The Dallman Power Plant Scrubbers. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-245** An Ordinance Approving And Authorizing The Execution Of A Proposal With Ceram Environmental, Inc. In The Amount Of \$393,500.00 For The Regeneration Of A Catalyst From The Dallman Power Plant Unit No. 33 Selective Catalytic Reduction (SCR) System For The Electric Generation Department. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-246** An Ordinance Authorizing Payment Of Annual Bank Service Fees In An Amount Not To Exceed \$70,000.00 To Illinois National Bank For Banking Services Through August 31, 2011, For The Finance Division. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-247** An Ordinance Approving And Authorizing The Execution Of A Telecommunications Contract Service Agreement Between The City Of Springfield And The Catholic Diocese Of Springfield, Illinois. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-248** An Ordinance Waiving The Standard Application For Water Service Outside The City And Approving Water Service Outside The City For Five Properties On Chinchilla Lane/Sandhill Road. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-249** An Ordinance Authorizing Execution Of Fiscal Year 2011 Transportation Planning Agreement With The Springfield-Sangamon County Regional Planning Commission For The Performance Of Transportation Work Under The Technical Work Program From July 1, 2010, Through June 30, 2011, In An Amount Not To Exceed \$32,423.00 (Mft Section No. 10-00300-00-Es)

For The Office Of Public Works. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-250** A Resolution Notifying The State Of Illinois That The City May Spend \$32,423.00 Of Its Allotment Of Motor Fuel Tax Funds To Pay The Cost Of Planning Work As Outlined In The Technical Work Program As Required By The 1962 Federal Aid Highway Act (SATS – Springfield Area Transportation Study) MFT Section 10-00300-00-Es, As Amended, For The Office Of Public Works. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-251** A Resolution Notifying The State Of Illinois Department Of Transportation That Motor Fuel Tax Funds In The Amount Of \$224,206.18 Have Been Used For Traffic Signal Modernization At Prairie Crossing And Conestoga Drive (Mft Section No. 06-00449-00-TI) For The Office Of Public Works. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-252** An Ordinance Authorizing Additional Payment Of \$21,803.44 For A Total Not To Exceed \$224,226.18 To Bodine Electric Of Decatur For Traffic Signal Installation At Prairie Crossing And Conestoga Drive Under Contract No. Pw 08-04-19 For The Office Of Public Works. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-253** An Ordinance Approving The Final Plat Of The Resubdivision Of Lot 200 In Kreston Place, Plat 2, For The Office Of Public Works. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

**2010-254** An Ordinance Amending Chapter 152 By Adding Section 152.03 Pertaining To Political Campaign Signs On Residential Properties And Referring A Petition To The Springfield Planning And Zoning Commission For Public Hearing And Consideration Proposing An Amendment To Chapter 155, Section 155.300, Regarding Political Campaign Signs On Residential Properties. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

The Pre Council Session Concluded at 5:10 p.m.

### **CITY COUNCIL SESSION**

Mayor Pro Tem Frank Kunz called the Meeting to Order at 5:30 p.m. All were invited to rise for the Pledge of Allegiance.

Clerk Tumulty called the roll of City Council members.

PRESENT: Ald. Edwards , Ald. Simpson , Kunz , Lesko , Cahnman , Mahoney , Cimarossa , Theilen , Ald. Dove , Griffin

ABSENT: Mayor Timothy J. Davlin

### **REGULAR BUSINESS**

Ald. Simpson moved, Ald. Cimarossa seconded, to dispense with the reading of the minutes and to approve the minutes of the June 22, 2010 City Council meeting. The motion carried 10/0 via voice

vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted yes.

Ald. Simpson moved, Ald. Cimarossa seconded, to dispense with the reading of the minutes and to approve the minutes of the June 25, 2010 Special City Council meeting. The motion carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted yes.

Ald. Lesko moved, Ald. Dove 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 & Griffin voted yes.

The next matter on the agenda was the Consent Agenda. Ald. Lesko 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 & Griffin voted yes.

Ald. Cahnman moved to remove Agenda No. 2010-254 from the consent Agenda for purposes of Amendment. Ald. Dove seconded. The motion carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted yes.

Ald. Simpson moved to place the Consent Agenda, with the exception of Agenda No. 2010-254, on Final Passage. Ald. Cimarossa seconded. The Consent Agenda passed by a vote of 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted yes.

Agenda Numbers 2008-337, 2009-387, 2009-582, 2010-001, 2010-048, 2010-131, 2010-143, 2010-144, 2010-158 Remain Tabled or In Committee.

The first item on the Agenda was Agenda No. 2010-254, An Ordinance Amending Chapter 152 By Adding Section 152.03 Pertaining To Political Campaign Signs On Residential Properties And Referring A Petition To The Springfield Planning And Zoning Commission For Public Hearing And Consideration Proposing An Amendment To Chapter 155, Section 155.300, Regarding Political Campaign Signs On Residential Properties. Ald. Cahnman moved to place 2010-254 on final passage. Ald. Simpson seconded. Ald. Cahnman moved to amend Agenda No. 2010-254 to change the effective date of the ordinance to January 1, 2011. Ald. Mahoney seconded.

Ald. Cahnman stated that he wished to amend the ordinance as the state law governing political signs does not become effective until January 1, 2011. He stated most people like the current law. The only reason we are being forced to change is that the legislature has taken away the City's ability to have it differently. He encouraged the council members to vote in favor of the amendment. The motion to amend carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted yes

Ald. Edwards stated that he thought if the City had the ability to make our ordinance more strict than the State law, we could pass it. Under this, however, it is his understanding that we cannot do that. CC Johnson stated that is correct, however, we can regulate size and visibility. Other than that, the State law pre-empts home rule municipalities from legislating otherwise. Ald. Edwards disagreed with this. He thinks politicians have been excluded from all the rules. He stated we should hold ourselves

to the same standard as the public. He doesn't think it's right. We (the politicians) should play by same rules as everyone else.

The motion, as amended, carried 8/2. Ald. Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen & Griffin voted yes. Ald. Edwards and Dove voted no.

The next item on the Agenda was Agenda No. 2010-255, An Ordinance Authorizing a Re-Appropriation of FY10 Lapsed Funds in the Amount Of \$11,678.00 Into a FY11 Expenditure Account for the Office of the City Clerk, For Emergency Passage. Ald. Simpson moved to place Agenda No. 2010-255 on Emergency Passage. Ald. Cimarossa seconded. The motion carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted yes.

The next item on the Agenda was Agenda No. 2010-256, An Ordinance Accepting A Quotation With Flowserve Us Inc., in An Amount Not To Exceed \$120,000.00 For Repair Of The Dallman Power Plant Unit 33 South Boiler Feed Pump For The Electric Division Generation Department For Emergency Passage. Ald. Simpson moved to place Agenda No. 2010-256 on Emergency Passage. Ald. Cimarossa seconded. The motion carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted yes.

The last item on the Agenda was Agenda No. 2010-257, An Ordinance Authorizing The Rental Of A TG9000 Tub Grinder From Vermeer Sales & Service Of Central Illinois, Inc., In An Amount Not To Exceed \$180,000.00, For The Office Of Public Works, For Emergency Passage. Ald. Simpson moved to place Agenda No. 2010-257 on Emergency Passage. Ald. Cimarossa seconded. Ald. Cahnman asked how much it would cost to purchase one of these machines. Dir. Mike Norris stated it would cost around \$600,000. We can rent this machine for \$48,000 a month. We've only had to use it once a year for a month to 6 weeks. The motion carried 10/0. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted yes.

One item was presented under New Business. The purchasing agent determined that there was a tie for low bidder in the "per hour short dumps" category in reference to contract number UE-11-06-31. Pursuant to Section 38.05(d) of the City Code, a drawing of lots was held to determine the priority between Evans Cartage and Norris Lime Service for short dump hauls. The name drawn will be considered low bidder and get first priority.

Clerk Tumulty drew Norris Lime Service.

Ald Edwards asked about the Sportsman's Club lease at the gravel pit. CC Johnson stated it is almost done. The club is awaiting a permit from Sangamon County on the septic issue.

Mark Norris from Norris Lime Service, Farmersville, Il., addressed the Council. Mr. Norris provided the aldermen with a prepared statement. That statement is incorporated into these minutes by reference. Mr. Norris questioned the recent RFP and the results of that proposal which was sent out by CWLP for disposal and hauling of lime. Oros & Busch Application Technologies, Inc., was awarded the contract. That contract and ordinance was on the Consent Agenda.

John Davis, Superintendent at CWLP, addressed the Council. He stated the utility received 5 total bids on this project. The contract awarded tonight was for re-use and trucking costs associated with lime byproduct. He stated Norris only quoted the costs for removing the material – not the reuse of the

material. The bid from Oros & Busch included the trucking costs. The bid from Norris Lime Service did not include the trucking costs. In addition, Oros & Busch were taking the lime byproduct to one location and could also handle removing gypsum and fly ash from the plant. It is a year round contract as opposed to a seasonal contract like that of Norris Lime Service. CWLP will get more from the Oros contract than Norris because the disposal can take place each week of the year. This is ultimately cheaper for CWLP.

Ald. Edwards stated there has to be some impact to the farm community. John Davis stated that we (CWLP) was paying for their lime. Ald. Kunz stated that he did not believe the ratepayers of Springfield should subsidize the farming community. Ald. Edwards stated he thought we should sell the lime to the farmers, help them out and it's beneficial to us and the rate payers. At least it's being used. Mr. Davis stated the lime is being used in the coal mine for mine reclamation. There is a beneficial re-use. Ald. Edwards asked if the farmers would pay us for the lime since the coal mine doesn't pay us either. Mr. Davis stated that's why we went out for bid.

Mayor Pro Tem Kunz stated that if the aldermen believe this should be reconsidered, it should be returned to the Committee of the Whole for further consideration.

Ald. Edwards moved to Reconsider Agenda No. 2010-243, An Ordinance Accepting and Authorizing the Execution of Proposal No. UE11-01 with Oros & Busch Application Technologies, Inc. For A Three-Year Term In Amount Not To Exceed \$4,750,000.00 For The Removal And Beneficial Use Of Up To 150,000 Tons Of Filter Plant Lime Material Produced By The Water Purification Plant. Ald. Lesko Seconded. Ald. Cimarossa stated that she would like to see more information included in the ordinance. The motion carried 9/1. Ald. Edwards, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted yes. Ald. Simpson voted no.

Ald. Edwards moved to return Agenda No. 2010-243 to the Committee of the Whole. Ald. Theilen seconded. The motion carried 9/1. Ald. Edwards, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted yes. Ald. Simpson voted no.

Ald. Simpson moved to adjourn the meeting at 6:02 p.m. Ald. Griffin Seconded. The motion carried 10/0 via voice vote. Ald. Edwards, Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, Theilen, Dove & Griffin voted yes.

*Cecilia K. Tumulty*

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Cecilia K. Tumulty, C.M.C  
City Clerk