

**Minutes of Springfield City  
Council Meeting  
Tuesday, December 21, 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., December 21, 2010, in the Council Chambers of the Municipal Center West.

Clerk Tumulty read the following **Ordinances and/or Resolutions on Emergency Passage** into the record of the Council meeting.

**2010-484** An Ordinance Authorizing The Purchase Of A Letter Of Credit And Execution Of A Note As Security For The Period Of No More Than One Year To Finance The Court Order In The Maulding Development Case, **For Emergency Passage (Requested By Ald. Kunz) (Committee Of The Whole)**

**2010-485** An Ordinance Authorizing The Execution Of A Three-Year Agreement With Ascend Performance Materials LLC, For The Purchase And Delivery Of Dibasic Acid And Adipic Acid In An Amount Not To Exceed \$2,848,800.00 **For Emergency Passage (Requested By Ald. Kunz) (Committee Of The Whole)**

**2010-486** An Ordinance Approving The Plat Of Vacation Of Lots 5 And 2000 Of Hilltop Place, For The Office Of Public Works, **For Emergency Passage (Requested By Ald. Edwards) (Committee Of The Whole)**

**2010-487** An Ordinance Approving The Final Plat Of The Redivision Of Lots 5 And 2000 Of Hilltop Place, For The Office Of Public Works, **For Emergency Passage (Requested By Ald. Edwards) (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.

**2010-488** An Ordinance Approving A Supplemental Appropriation In The Amount Of \$23,385.40 From The Looking For Lincoln Heritage Coalition, For The Convention & Visitors Bureau **(Requested By Ald. Kunz) (Committee Of The Whole)**

**2010-489** An Ordinance Authorizing The Execution Of An Agreement With The International Union Of Operating Engineers, Local 399, From November 1, 2009, Through September 30, 2011 **(Requested By Ald. Kunz) (Committee Of The Whole)**

**2010-490** An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$25,094.95 For The Springfield Fire Department **(Requested By Ald. Kunz) (Committee Of The Whole)**

- 2010-491** An Ordinance Authorizing A Supplemental Appropriation In An Amount Not To Exceed \$1,100,00.00 For The Sidewalk And Street Overlay Projects For The Office Of Budget And Management **(Requested By Ald. Kunz) (Committee Of The Whole)**
- 2010-492** An Ordinance Authorizing Execution Of An Agreement With St. John's Hospital Of The Hospital Sisters Of The Third Order Of St. Francis In Regard To A Lease Of Air Space Along A Portion Of Seventh Street **(Requested By Ald. Kunz) (Committee Of The Whole)**
- 2010-493** An Ordinance Approving The Plat Of Easement Vacation On Part Of Lots 2 And 3 Of Shymansky Acres, For The Office Of Public Works **(Requested By Ald. Kunz) (Committee Of The Whole)**
- 2010-494** An Ordinance Approving And Authorizing The Execution Of A New Water Purchase Contract Between The City Of Springfield And The Round Prairie Water Coop For A 40-Year Term And Rescinding Ordinance No. 163-04-10 Which Authorized A Prior Contract With Said Company For The Water Division **(Requested By Ald. Kunz) (Committee Of The Whole)**
- 2010-495** An Ordinance Authorizing Payment To The Central Illinois Light Company D/B/A Amerencilco Under An Existing Rate Schedule In An Amount Not To Exceed \$200,000.00 For Natural Gas Transportation Charges For The Electric Division Dallman Power Plant Unit No. 4 **(Requested By Ald. Kunz) (Committee Of The Whole)**
- 2010-496** An Ordinance Approving And Authorizing Execution Of A Non-Retail Telecommunications Carrier Franchise Agreement Between The City Of Springfield And Illinois Network Alliance, LLC **(Requested By Ald. Kunz) (Committee Of The Whole)**
- 2010-497** An Ordinance Approving And Authorizing Execution Of A Telecommunications Pole Rental Agreement Between The City Of Springfield Illinois Network Alliance, LLC **(Requested By Ald. Kunz) (Committee Of The Whole)**
- 2010-498** An Ordinance Approving And Authorizing The Execution Of A Telecommunications Fiber Capacity License Agreement Between The City Of Springfield And The Horace Mann Companies **(Requested By Ald. Kunz) (Committee Of The Whole)**
- 2010-499** An Ordinance Approving And Authorizing The Execution Of A Telecommunications Contract Service Agreement Between The City Of Springfield And Springfield Clinic LLP **(Requested By Ald. Kunz) (Committee Of The Whole)**
- 2010-500** An Ordinance Declaring Certain Fire Apparatus As Surplus Property, Authorizing Execution Of An Agreement With Fire Apparatus & Supply Team, Inc. For The Sale Of Said Surplus Property, And Approving A Supplemental Appropriation In The Amount Of \$13,500.00, For The Springfield Fire Department **(Requested By Ald. Kunz) (Committee Of The Whole)**
- 2010-501** An Ordinance Declaring A Retired Springfield Police Department Canine Known As "Dago" As Surplus Property And Authorizing Execution Of An Agreement For The Purchase Of Said Canine With Officer James Wangard, A Former Canine Handler **(Requested By Ald. Kunz) (Committee Of The Whole)**

**The Committee of the Whole did not meet on December 14, 2010. As such, all items for consideration on the Committee Agenda dated December 14, 2010, Agenda Nos. 2010-463 through and including 2010-483, Remain in Committee.**

The Pre Council Session Concluded at 5:05 p.m.

### **CITY COUNCIL MEETING**

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 , Ald. Kunz  Ald. Lesko, Ald. Cahnman , Ald. Mahoney , Ald. Cimarossa , Ald. Theilen , Ald. Dove , and Ald. Griffin

ABSENT: None

Mayor Pro Tem Kunz asked for a moment of silence in memory and recognition of Mayor Timothy J. Davlin who passed away on Tuesday, December 14, 2010.

### **ZONING PETITIONS**

The first item on the Zoning Agenda was docket number 2010-055 for the property located at 717 Rickard Road.

PETITIONER(S): Nils and Angela Westholm.

PRESENT ZONING CLASSIFICATION: R-1, Single Family Residence District.

REQUESTED ZONING RELIEF, AS AMENDED: Variance of Section 155.114(b), Regulations for the location of off-street parking facilities to allow parking in some areas of the front yard and for approval of a new parking plan.

STAFF RECOMMENDATION: Denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval of the petition as amended.

Ald. Theilen moved to accept the Staff Recommendation. Ald. Cimarossa seconded. The motion carried 10/0. Ald. Edwards , Ald. Simpson , Ald. Kunz  Ald. Lesko, Ald. Cahnman , Ald. Mahoney , Ald. Cimarossa , Ald. Theilen , Ald. Dove , and Ald. Griffin

The next item on the Zoning Agenda was docket number 2010-061 for the property located at 1528-1530 South Grand East. Mayor Pro Tem Kunz stated that the Petition had been withdrawn. A copy of a statement from Jennifer W. Hammer, attorney for the petitioner, is attached to these minutes and incorporated herein by reference.

The next item on the Zoning Agenda was docket number 2010-074 for the property located at 2720 Montavista Point.

PETITIONER(S): JRS Trust

PRESENT ZONING CLASSIFICATION: R-5(b), General Residence and Office District (Old Ordinance).

REQUESTED ZONING RELIEF: Reclassification to OFF, Office District, with a Conditional Permitted Use pursuant to Section 155.183, Accessory off-street parking not on the same zoning lot as use served.

STAFF RECOMMENDATION: Approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval of the petition as submitted.

Ald. Cimarossa moved to accept the Planning and Zoning Commission's Recommendation. Ald. Griffin seconded. The motion carried 10/0. Ald. Edwards , Ald. Simpson , Ald. Kunz , Ald. Lesko , Ald. Cahnman , Ald. Mahoney , Ald. Cimarossa , Ald. Theilen , Ald. Dove , and Ald. Griffin .

The next item on the Zoning Agenda was docket number 2010-075 for the property located at 816 and 836 South Dirksen Parkway.

PETITIONER(S): Carole Grigiski

PRESENT ZONING CLASSIFICATION: I-1, Light Industrial District.

REQUESTED ZONING RELIEF: Variance of Section 155.112, Surfacing, to allow a two year variance of the surfacing requirements of the parking lot.

STAFF RECOMMENDATION: Denial.

HISTORIC SITES COMMISSION RECOMMENDATION: Approval of the petition as submitted, provided that the ingress/egress is paved, satisfactory to the City Engineer, within six months, weather permitting.

Ald. Mahoney moved to accept the Historic Sites Commission's Recommendation. Ald. Cimarossa seconded. The motion carried 10/0. Ald. Edwards , Ald. Simpson , Ald. Kunz  Ald. Lesko  Ald. Cahnman , Ald. Mahoney , Ald. Cimarossa , Ald. Theilen , Ald. Dove , and Ald. Griffin

The last item on the Zoning Agenda was docket number 2010-076 for the property located at 716 East Enos Avenue.

PETITIONER(S): Karen and Owen Anderson, Jr.

PRESENT ZONING CLASSIFICATION: R-5(b), General Residence and Office District (Old Ordinance).

REQUESTED ZONING RELIEF: Variance of Section 155.157, Discontinuance of use, to permit a legal non-conforming use to continue operation after being closed two years, rather than six months as in the ordinance.

STAFF RECOMMENDATION: Approval.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval of the petition as submitted.

Ald. Cahnman moved to accept the Planning and Zoning Commission's Recommendation. Ald. Lesko seconded. The motion carried 10/0. Ald. Edwards , Ald. Simpson , Ald. Kunz  Ald. Lesko  Ald. Cahnman , Ald. Mahoney , Ald. Cimarossa , Ald. Theilen , Ald. Dove , and Ald. Griffin

### **REGULAR MEETING**

Treasurer Langfelder was recognized for the Monthly Treasurer's Report. He indicated the Corporate Fund balance at the end of November, 2010, was -\$5,325,022.00. A copy of the Corporate Fund Monthly Cash Report is attached to these minutes and incorporated herein by reference. Ald. Simpson Moved to Approve the Treasurer's Report. Ald. Cimarossa Seconded. The Motion Carried 10/0 via voice vote.

Ald. Simpson moved, Ald. Cimarossa seconded, to dispense with the reading of the minutes and to approve the minutes of the December 7, 2010, City Council meeting. The motion carried 10/0 via voice vote.

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.

Agenda Numbers 2008-337, 2009-387, 2009-582, 2010-001, 2010-048, 2010-131, 2010-158, 2010-284, 2010-328, 2010-380, 2010-404, and 2010-463 through and including 2010-483 Remain Tabled or In Committee.

Ald. Cahnman moved to Remove Agenda Nos. 2010-463 through 2010-483 from Committee and place them on the Debate Agenda. Ald. Griffin seconded. The motion carried 10/0 via voice vote.

Ald. Simpson moved for an omnibus vote on Agenda Nos. 2010-463 through 2010 480. Ald. Dove seconded. The motion carried 10/0 via voice vote.

Clerk Tumulty read Agenda Nos. 2010-463 through 2010-480 into the record of the Council proceedings:

**2010-463** An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$3,500.00 For The Office Of The Mayor

**2010-464** An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$27,400.00 For The Office Of Public Works

**2010-465** An Ordinance Approving The Location And Sketch Map Of Salem Estates West For The Office Of Public Works

**2010-466** An Ordinance Authorizing Payment To Calvin Mills, A Former Office Of Public Works Employee, For Settlement Of A Workers' Compensation Claim For Case Number 09-WC-28176

**2010-467** An Ordinance Levying And Assessing Taxes For Corporate Expenditures Of The City Of Springfield, Illinois, For The Fiscal Year Ending February 28, 2011, And To Meet The Annual Actuarial Requirement Of The Police And Fire Pension Funds

**2010-468** A Resolution Authorizing The City Of Springfield To Transfer Its 2010 Private Activity Bond Cap In The Amount Of \$10,561,680.00 To The City Of Aurora For Issuance During Calendar Year 2011 In Connection With The Assist 2011 Bonds

**2010-469** An Ordinance Annexing Certain Described Real Property Located At 10 West Hazel Dell Lane (Jane Camille West)

**2010-470** An Ordinance Approving And Authorizing Execution Of A First Amendment To The Coal Combustion Disposal Agreement With ICG Illinois, LLC And Authorizing An Additional Expenditure In An Amount Not To Exceed \$180,000.00 For The Sale Of Up To 100,000 Tons Of Electric Division Generation Department Gypsum By-Product To ICG For Beneficial Use At Its Viper Mine

**2010-471** An Ordinance Authorizing Additional Funding In The Amount Of \$96,304.21 For The Purchase Of Natural Gas For The Electric Generation Department Dallman Power Plant Unit No. 4 With The Central Illinois Light Company D/B/A AmerenCILCO Under An Existing Rate Schedule For A Total Amount Payable Of \$1,843,804.21 To Said Vendor

**2010-472** An Ordinance Amending Ordinance No. 365-10-10 "An Ordinance Accepting Bids And Authorizing The Execution Of Contract UW11-08-45-Fluorosilicic Acid With Lucier Chemical Industries, Ltd. In The Amount Of \$112,545.00 For The Water Purification Plant" By Approving A Vendor Name Change To Mosaic Crop Nutrition, LLC And Approving And Authorizing Execution Of A Consent To Assignment For Said Contract

**2010-473** An Ordinance Accepting Bids And Authorizing The Execution Of Contract UW11-10-68 – Quicklime For The Water Purification Plant For A Two (2) Year Term With Mississippi Lime Company In The Amount Of \$1,302,120.00

**2010-474** An Ordinance Accepting Bids And Authorizing The Execution Of Contract Uw11-10-69 – Ferric Sulfate With General Chemical Performance Products LLC In The Amount Of \$329,000.00 For The Water Purification Plant

**2010-475** An Ordinance Authorizing The Transfer Of Funds In The Total Amount Of \$100,000.00 From The City Of Springfield Office Of Public Utilities’ Electric Fund Engineering Fees Line For Electric Projects Account Into Three Separate Electric Fund Accounts

**2010-476** An Ordinance Approving The Final Plat Of Legacy Pointe Town Center, Phase 3, For The Office Of Public Works

**2010-477** An Ordinance Approving The Partial Plat Of Vacation Of Lot 1000 Of Buckley Ridge Estates, First Addition, For The Office Of Public Works

**2010-478** An Ordinance Approving The Final Plat Of The Redivision Of Lot 1000 Of Buckley Ridge Estates, First Addition, For The Office Of Public Works

**2010-479** An Ordinance To Decrease The Number Of Class “F” Liquor Licenses By One Due To Closure Of Business By ATMG, Inc. D/B/A Broadway Nites, 210 Broadway

**2010-480** An Ordinance To Decrease The Number Of Class “D” Liquor Licenses By One Due To Closure Of Business By Maya Fusion Inc., 1640 W. Jefferson Street

Ald. Simpson moved to place Agenda Nos. 2010-463 through 2010-480 on Final Passage. Ald. Mahoney seconded. The motion carried 10/0. Ald. Edwards , Ald. Simpson , Ald. Kunz , Ald. Lesko , Ald. Cahnman , Ald. Mahoney , Ald. Cimarossa , Ald. Theilen , Ald. Dove , and Ald. Griffin  voted yes.

The next item on the Agenda was Agenda No. 2010-481, An Ordinance Authorizing Execution Of A Redevelopment Agreement With Lewis House, L.L.C., For Use Of Central Area Tax Increment Finance Funds In An Amount Not To Exceed \$151,300.00 For The Project Located At 503 S. Seventh Street, For The Office Of Planning And Economic Development. Ald. Cahnman moved to place Agenda No. 2010-481 on final passage. Ald. Cimarossa seconded. The motion carried 7/3. Ald. Simpson, Kunz, Lesko, Cahnman, Mahoney, Cimarossa, and Dove voted Yes. Ald. Edwards, Theilen and Griffin voted No.

The next item on the Agenda was Agenda No. 2010-482, An Ordinance Authorizing the Execution of an Annexation Agreement for the Property Located at Hazel Dell Road (Calvary Temple Of Springfield). Ald. Simpson moved recess the regular meeting of the City Council for the purpose of holding a Public Hearing. Ald. Dove seconded. The motion carried 10/0 via voice vote.

A Public Hearing was held. No testimony was offered.

Ald. Mahoney moved to adjourn the Public Hearing and reconvene the regular meeting of the City Council. Ald. Cimarossa seconded. The motion carried 10/0 via voice vote.

Ald. Simpson moved to place Agenda No. 2010-482 on Final Passage. Ald. Lesko 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. 2010-483, An Ordinance Annexing Certain Described Real Property Located At Hazel Dell Road (Calvary Temple Of Springfield). Ald. Simpson moved to place Agenda No. 2010-483 on Final Passage. Ald. Cimarossa seconded. The motion carried 10/0. Ald. Edwards , Ald. Simpson , Ald. Kunz , Ald. Lesko , Ald. Cahnman , Ald. Mahoney , Ald. Cimarossa , Ald. Theilen , Ald. Dove , and Ald. Griffin  voted yes.

The next item on the Agenda was Agenda No. 2010-484, An Ordinance Authorizing The Purchase Of A Letter Of Credit And Execution Of A Note As Security For The Period Of No More Than One Year To Finance The Court Order In The Maulding Development Case, For Emergency Passage. Ald. Simpson moved to place Agenda No. 2010-484 on Emergency Passage. Ald. Cimarossa Seconded. ACC Tracy Pederson confirmed the fees involved with this ordinance would be \$7,777.77. 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. 2010-485, An Ordinance Authorizing the Execution of a Three-Year Agreement with Ascend Performance Materials LLC, For the Purchase and Delivery of Dibasic Acid and Adipic Acid in an Amount Not to exceed \$2,848,800.00 For Emergency Passage. Ald. Simpson moved to place Agenda No. 2010-485 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. 2010-486, An Ordinance Approving The Plat Of Vacation Of Lots 5 And 2000 Of Hilltop Place, For The Office Of Public Works, For Emergency Passage. Ald. Simpson moved to place Agenda No. 2010-486 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 2010-487, An Ordinance Approving the Final Plat of the Redivision of Lots 5 And 2000 Of Hilltop Place, For The Office Of Public Works, For Emergency Passage. Ald. Lesko moved to place Agenda No. 2010-484 on Emergency Passage. Ald. Simpson Seconded. The motion carried 10/0. Ald. Edwards , Simpson , Kunz , Lesko , Cahnman , Mahoney , Cimarossa , Theilen , Dove , Griffin  voted yes.

Ald. Dove moved to suspend the Rules and Place on First Reading Agenda No. 2010-502, “An Ordinance to Increase the Number of Class D Liquor Licenses by One for El Nopal, Inc., d/b/a La Loma, 2433 So. MacArthur Boulevard.” Ald. Griffin Seconded. The motion carried 10/0 via voice vote.

Mayor Pro Tem Kunz stated that all of the Aldermen should have received a copy of his Veto Letter for Agenda No. 2009-387. He asked if there was any further discussion on the issue. There was no further discussion offered.

Ald. Simpson moved to adjourn the meeting at 5:50 p.m. Ald. Mahoney Griffin Seconded. The Motion Carried 10/0 via voice vote.

*Cecilia K. Tumulty*

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Cecilia K. Tumulty  
City Clerk