

**Minutes of Springfield City  
Council Meeting  
Tuesday, November 15, 2011  
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, November 15, 2011, in the Council Chambers of the Municipal Center West.

Clerk Tumulty read the following **Ordinances and/or Resolutions on First Reading** and assigned to the Committee of the Whole into the record of this Council meeting.

**2011-452** An Ordinance Authorizing Payment To Keith Groesch, An Office Of Public Utilities Employee, For Settlement Of A Workers Compensation Claim For Case Number 10-Wc-7791 **(Requested By Mayor J. Michael Houston)**

**2011-453** An Ordinance Amending Chapter 30, Sections 340.14.7(4) And 30.14.11, Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Pertaining To Identity Protection Exceptions **(Requested By Mayor J. Michael Houston)**

**2011-454** An Ordinance Levying And Assessing Taxes For Corporate Expenditures Of The City Of Springfield, Illinois, For The Fiscal Year Ending February 29, 2012, And To Meet The Annual Actuarial Requirement Of The Police And Fire Pension Funds **(Requested By Mayor J. Michael Houston)**

**2011-455** An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$1,300.00 For The Office Of The Mayor Springfield Municipal Band **(Requested By Mayor J. Michael Houston)**

**2011-456** An Ordinance Authorizing The Execution Of A Letter Offer For Extension, Approving A One-Year Contract Extension And Authorizing Additional Funding In The Amount Of \$1,425,000.00 Under Contract No. UE08-03-07 With Bodine Services Of Decatur Inc. For Electric Generating Facilities Cleaning Services For A Total Amount Payable Of \$5,770,000.00 Under Said Contract **(Requested By Mayor J. Michael Houston)**

**2011-457** An Ordinance Accepting The Bid And Authorizing The Execution Of Contract UE12-09-64 – Limestone For The Flue Gas Desulfurization Systems At The Dallman Power Plant For A One-Year Term With Central Stone Company In An Amount Not To Exceed \$3,670,500.00 For The Electric Division **(Requested By Mayor J. Michael Houston)**

**2011-458** An Ordinance Approving And Authorizing The Execution Of A Telecommunications Contract Service Agreement Between The City Of Springfield And Memorial Health System (3225 Hedley Road) For The Electric Division **(Requested By Mayor J. Michael Houston)**

**2011-459** An Ordinance Approving And Authorizing The Execution Of A Telecommunications Contract Service Agreement Between The City Of Springfield And Memorial Health System (4550 West Iles Avenue) For The Electric Division **(Requested By Mayor J. Michael Houston)**

**2011-460** An Ordinance Approving The Appointments Of Judge Stuart Shiffman And Davida Fanniel To The Lincoln Library Board Of Trustees (**Requested By Mayor J. Michael Houston**)

**2011-461** An Ordinance To Decrease The Number Of Class “E” Liquor Licenses By One And Increase The Number Of Class “D” Liquor Licenses By One For Stugots, Inc. D/B/A Di Piero’s Of Springfield, 2690 S. Dirksen Parkway (**Requested By Mayor J. Michael Houston**)

**2011-462** An Ordinance To Decrease The Number Of Class “A” Liquor Licenses By One For Four Dogs, LLC D/B/A Wally’s Tavern, 411 E. Washington Street (**Requested By Mayor J. Michael Houston**)

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

**CITY COUNCIL MEETING**

Mayor Houston 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 , Simpson , Turner , Lesko , Cahnman , Jobe , McMenamin , Theilen , Dove , Griffin  and Mayor Houston .

Mayor Houston and the City Council observed a moment of silence in honor of former Alderman Tom Shanahan.

The first item on the agenda was docket number 2011-015 for the property located at 2012 Republic.

PETITIONER(S): Chronister Oil Company.

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

REQUESTED ZONING RELIEF: Variance of Section 155.112, Surfacing and Section 155.114(b), Regulations for the location of off-street parking facilities.

STAFF RECOMMENDATION IS: Approval .

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

Alderman Lesko made a motion to pass his petition. His motion was seconded by Alderman Edwards. The motion carried with a vote of 10-0. Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , McMenamin , Theilen , Dove , Griffin  all voted yes.

The next item on the zoning agenda was docket number 2011-042 for the property located at 837 North Walnut Street.

PETITIONER(S): Inga Bowle.

PRESENT ZONING CLASSIFICATION: R-2, Single-family and Duplex Residence District.

REQUESTED ZONING RELIEF: Variance of Section 155.061, Basic yard requirements, to allow construction of an attached carport within fourteen inches of the side yard and to have a combined side yard of five feet ten inches.

STAFF RECOMMENDATION IS: Approval.

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

Alderman Cahnman made a motion to approve the petition with the amendment that a gutter be placed on the west end of the carport with a downspout on the northwest side of the carport to go into the back yard of the property and for metal poles to be placed in the current concrete driveway and that the roof be no higher than seven feet. His motion was seconded by Alderman Turner.

Alderman Griffin asked if Alderman Cahnman had cleared his proposed amendment with Ms. Bowle. Alderman Cahnman stated that he had met with her, her contract and the objector and they are all in agreement.

The motion carried with a vote of 10-0. Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , McMenamin , Theilen , Dove , Griffin  all voted yes.

The next item on the zoning agenda was docket number 2011-046 for the property located at 842 North Ninth Street.

PETITIONER(S): Frank W. McNeil.

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

REQUESTED ZONING RELIEF: Variance of Section 155.112, Surfacing and Section 155.480, Landscape, screening and lighting, to allow ground milling in lieu of paving and without paving and any landscaping, screening or lighting requirements. Petitioner was granted some zoning relief in zoning case 2009-042, which gave petitioner 18 months to pave.

STAFF RECOMMENDATION IS: Denial.

PLANNING AND ZONING COMMISSION RECOMMENDATION IS:  
Denial of the petition as submitted, but recommend approval of a nine month extension for the asphalt paving. Required under Section 155.112, Surfacing.

Alderman Cahman made a motion to accept the recommendation of the Planning and Zoning Commission. Alderman Simpson seconded his motion. The motion carried with a vote of 10-0. Ald.

Edwards ☒, Simpson ☒, Turner ☒, Lesko ☒, Cahnman ☒, Jobe ☒, McMenamin ☒, Theilen ☒, Dove ☒, Griffin ☒ all voted yes.

The next item on the zoning agenda was docket number 2011-045 for the property located at 3409 Lumber Lane.

PETITIONER(S): Transportation Realty, Inc.

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

REQUESTED ZONING RELIEF: Variance of Section 155.112, Surfacing, to allow the use of asphalt millings as a wearing surface of asphaltic concrete or comparable hard surfaced, dustless material. The off street parking and vehicle storage area has a crushed stone base of ten to twelve inches. This base is covered with asphalt millings with a thickness ranging from four to six inches. The asphalt milling's has been compacted with a vibrating roller creating a hard surfaced, all weather dustless material not less than 2 inches thick. Surface will be treated with liquid calcium chloride, an environmentally friendly dust control agent.

STAFF RECOMMENDATION IS: Denial.

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

Alderman Lesko made a motion to grant the petition as filed. Alderman Edwards seconded his motion. The motion passed with a vote of 10-0. Ald. Edwards ☒, Simpson ☒, Turner ☒, Lesko ☒, Cahnman ☒, Jobe ☒, McMenamin ☒, Theilen ☒, Dove ☒, Griffin ☒ all voted yes.

The next item on the zoning agenda was docket number 2011-048 for the property located at 1413 Bates Avenue.

PETITIONER(S): Tim and Ann Healy

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

REQUESTED ZONING RELIEF: Variance of Section 155.068, Garages or accessory buildings or structures, to allow petitioner to build a new two car garage with a one foot set back from the West property line instead of the three feet per code.

STAFF RECOMMENDATION IS: Approval.

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

Alderman McMenamin made a motion to accept the recommendation of the Planning and Zoning Commission's recommendation. His motion was seconded by Alderman Theilen. The motion carried with a vote of 10-0. Ald. Edwards ☒, Simpson ☒, Turner ☒, Lesko ☒, Cahnman ☒, Jobe ☒, McMenamin ☒, Theilen ☒, Dove ☒, Griffin ☒ all voted yes.

The final item on the zoning agenda was docket number 2011-050 for the property located at 1119 Woodland Avenue.

PETITIONER(S): Farmers State Bank and Trust #30-796-7

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

REQUESTED ZONING RELIEF: Variance of Section 155.061, Basic Yard Requirements, to allow the structure to be two feet off the West (side) property line instead of the five feet required by ordinance and to allow the structure to be five feet from the (rear) property line instead of the twenty feet required per ordinance.

STAFF RECOMMENDATION IS: Denial.

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

Mayor Houston stated that Docket Number 2011-050 was withdrawn.

Mayor Houston presented a plaque and read a proclamation honoring the Human Resources Department for their contributions to the Employee Giving Program, which was the highest percentage in the City. A copy of the proclamation is included with these minutes.

Treasurer Langfelder presented the Treasurer's Report. The monthly Corporate Fund Cash Report for the month of October had a beginning balance of \$5,536,055.00. Receipts for the month totaled \$7,254,694.00. Disbursements totaled \$6,348,876.00. The ending cash balance in the Corporate Fund for the month of October was \$6,441,871.00. A motion was made by Alderman Simpson to accept the Treasurer's report. Her motion was seconded by Alderman Griffin. The motion carried with a voice vote of 10-0.

Alderman Simpson made a motion to dispense with and approve the minutes from the November 1, 2011 City Council Meeting. Her motion was seconded by Alderman Griffin. The motion carried with a voice vote of 10-0.

Alderman Simpson made a motion to incorporate the pre-council first reading of ordinances in the record of the Council meeting. Her motion was seconded by Alderman Griffin. The motion carried with a voice vote of 10-0.

Alderman Simpson made a motion to incorporate the pre-council reading of the consent agenda into the record of the council meeting. Her motion was seconded by Alderman Griffin and passed with a voice vote of 10-0.

Alderman Simpson made a motion to place the consent agenda on final passage. Her motion was seconded by Alderman Lesko. The Consent Agenda passed with a vote of 10-0. Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , McMEnamin , Theilen , Dove , Griffin  all voted yes.

Alderman Theilen made a motion to place Agenda Item 2011-428 onto the debate agenda. His motion was seconded by Alderman Jobe. The motion carried with a voice vote of 10-0.

The next item on the agenda was Agenda Item 2011-437, An Ordinance Amending Chapter 110 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Regarding Itinerant Merchant's, Peddler's And Solicitor's Licenses. A motion was made by Alderman Simpson to place Agenda Item 2011-437 on final passage. Her motion was seconded by Alderman Edwards.

Alderman McMenemy asked if there were any amendments to the ordinance. Corporation Counsel Mark Cullen stated that he had not received any amendments. Alderman Theilen pointed out that there were some questions that had been brought up at the Committee of the Whole meeting due to the change in the language and how it would effect people that were protected from the provisions in the current ordinance.

Alderman Edwards withdrew his second of the motion.

Agenda Item 2011-437 died for lack of a second.

The next item on the agenda was Agenda Item 2011-438, An Ordinance Approving And Authorizing Execution Of A Professional Services Agreement With Layne Christensen Company In The Amount Of \$287,500.00 For A Pump Test And Hydrologic Modeling Of The Sangamon River Aquifer At The Clear Lake Gravel Pit For The Water Division, And Further Authorizing A Supplemental Appropriation In The Same Amount To Fund Said Project. A motion was made by Alderman Simpson made a motion to place the item on final passage. Her motion was seconded by Alderman Dove.

Alderman Edwards asked if State Water Survey personnel were going to be on the scene during the test. Tom Skelly of City Water Light and Power stated that they would not be on site, but they are being kept informed as to its progress and any issues that might arise.

Alderman Turner expressed concern that large contracts are not being put out for bid. Mr. Skelly responded that the City does not bid for professional services but he does not disagree with the alderman.

The motion to pass Agenda Item 2011-438 passed with a vote of 10-0. Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , McMenemy , Theilen , Dove , Griffin  all voted yes.

The next item on the agenda was Agenda Item 2011-449, An Ordinance Amending Chapter 100, Section 100.30(B) Of The 1988 Springfield City Code Of Ordinances As Amended Pertaining To That Portion Of The City's Hotel/Motel Tax Dedicated To The Springfield Metropolitan Exposition And Auditorium Authority (SMEAA) And Authorizing Execution Of Amendment No. 2 To The Intergovernmental Agreement Between The City Of Springfield And SMEAA, As Amended. Alderman Simpson made a motion to place Agenda Item 2011-449 on final passage. Her motion was seconded by Alderman Griffin.

Alderman Cahnman made a motion to accept Amendment 1 to Agenda Item 2011-449. Alderman McMenemy seconded his motion.

Alderman Cahnman explained that Amendment 1 is an attempt at compromise between the City and SMEAA. The Amendment states that the City would no longer be obligated to give \$100,000.00 in motel/hotel tax funds to SMEAA once they refinance their current bonds. The City would continue to give the \$100,000.00 during the course of the current 2005 bonds, which would be for an additional seven years.

Alderman Edwards expressed concern that the Amendment is being brought forward without prior notice to the Council and the sponsors of the ordinance.

Alderman Cahnman stated that he did notify the Aldermen, but agreed that in the future there should be more consultation with the other Aldermen.

Alderman Simpson asked CC Cullen if the Amendment is necessary. CC Cullen responded that the Amendment and the original draft of the ordinance are legally sufficient, but it is up to the Council to determine if it is necessary.

Alderman Jobe urged a no vote on the amendment.

Alderman Dove expressed concern about the proposal tying the Convention Center Board from being able to refinance their bonds a lower rate and saving them money. Alderman Cahnman stated that the Amendment would obligate the City to continue their contribution, but only for the life of the 2005 bonds.

Alderman Theilen stated that the relationship between the City and the Convention Center is a symbiotic one and that the more that they are able to do, the more revenue that the City receives.

Alderman McMenamin expressed support for the Amendment and pointed out that it is consistent with discussions that took place during the last Committee of the Whole meeting.

The motion to accept Amendment 1 failed with a voice vote.

Alderman McMenamin stated that the City has scarce resources and it would be better to allocate those resources more wisely. He also suggested building a visitor's center on the gateway into the City on South Grand Avenue, South 6<sup>th</sup> Street or Clear Lake Avenue. He also expressed concern about further obligating the City to this long term commitment to the Convention Center, when there are many other things that demand the City's attention.

Alderman Simpson stated that Ward 2 does not need a visitor's center, it needs other services such as a grocery store.

Alderman Jobe pointed out that the Convention Center is a major economic engine for the City and it is an asset for the City. He encouraged the Council to vote in favor of the proposed ordinance.

Alderman Griffin also stated his support for the ordinance and he called for the previous question. The motion for the previous question was seconded by Alderman Jobe. The motion carried with a voice vote.

Agenda Item 2011-449 passed with a vote of 9-1. Ald. Edwards ☒, Simpson ☒, Turner ☒, Lesko ☒, Cahnman ☒, Jobe ☒, Theilen ☒, Dove ☒, Griffin ☒ all voted yes. Ald. McMenamain ☒ voted no.

Alderman Simpson made a motion to suspend the rules and place on first reading Agenda Items 2011-463, 2011-464, 2011-465 and 2011-466. Her motion was seconded by Alderman Griffin.

The next item on the agenda was Agenda Item 2011-428, An Ordinance Declaring Various Types Of City Of Springfield Computer And Computer-Related Electronic Equipment As Surplus Property, And Approving And Authorizing Execution Of An Agreement With BLH Enterprises, Inc. For Disposal Of Said Surplus Equipment For A Three-Year Term.

Alderman Theilen a motion to accept Floor Amendment Number 1. Floor Amendment Number 1 states that for the year 2012, BLH Enterprises will be the primary contractor with Computer Bank as a secondary if BLH Enterprises is unable to perform. In year 2013, Computer Bank will be the primary contractor and BLH Enterprises will be the secondary if Computer Bank is unable to perform. The contract will end at the end of calendar year 2013. Alderman Jobe seconded his motion to accept Floor Amendment 1. Floor Amendment Number 1 was accepted with a voice vote of 10-0.

Agenda Item 2011-428, As Amended passed with a vote of 10-0. Ald. Edwards ☒, Simpson ☒, Turner ☒, Lesko ☒, Cahnman ☒, Jobe ☒, McMenamain ☒, Theilen ☒, Dove ☒, Griffin ☒ all voted yes.

Next, Mayor Houston read into the record the ordinances that were added to the order of first reading.

**2011-463** An Ordinance Amending Chapter 33 And Chapter 171 Of The 1988 City Of Springfield, Code Of Ordinances, As Amended, By Abolishing The Plumbing Commissions, The Department Of Motor Vehicle Parking And The Capital Improvement Advisory Committee (**Requested by Mayor J. Michael Houston**)

**2011-464** An Ordinance Authorizing Execution Of An Agreement With Niemann Holdings, LLC For Redevelopment Assistance For The Property Located At 204 E. Carpenter Street Utilizing Central Area Tax Increment Finance Funds In An Amount Not To Exceed \$2,000,000.00 For The Office Of Planning And Economic Development (**Requested by Mayor J. Michael Houston**)

**2011-465** An Ordinance Accepting And Authorizing The Execution Of An Agreement With Mississippi Lime Company In An Amount Not To Exceed \$525,000.00 For The Purchase Of Hydrated Lime For The Dallman Power Plant Unit No. 4 For A Two-Year Term For The Electric Division (**Requested by Mayor J. Michael Houston**)

**2011-466** An Ordinance Accepting And Authorizing The Execution Of An Oil And Grease Agreement With USA Hoist Company, Inc. In An Amount Not To Exceed \$146,400.00 For Maintenance Services For the Dallman Power Plant Complex Stack Elevators For The Electric Division (**Requested by Mayor J. Michael Houston**)

The next item on the Agenda was the 2011 Audit Presentation by David Farmer McGladrey and Pullen, LLP. A copy of their presentation is included with these minutes.

Alderman Cahnman asked a question about slide number four in his presentation about public health and safety. He wanted to know if it only referred to police and fire. Mr. Farmer stated that it is mainly police and fire, but everything within the public safety. Mayor Houston clarified that the expenditures refer to the police and fire expenditures.

Alderman Cahnman also asked about the revenues mentioned on slide 6 of his presentation about the decrease in the sewer revenue from \$1.1 million to \$1.0 million. Mr. Farmer said that he could not answer that question without further review of the financial statements. Office of Budget and Management Director Bill McCarty added that there could be several factors that would have contributed to the decrease.

Alderman Turner recognized Jim Dixon and the Occupy Springfield Movement and welcomed to the City Council. Alderman Cahnman also welcomed the visitors.

Alderman Cahnman asked Public Works Director Mark Mahoney the status of the water main break that occurred on 5<sup>th</sup> Street. Director Mahoney stated that the break is fixed and all lanes of traffic are open.

Alderman Griffin asked CC Cullen for more information on the local preference that is given to contractors awarded business with the City. He would like to specifically look at how the City determines if a group is local or not. He stated that he would like to look at tightening the provisions to ensure that local businesses with local employees are being used on City projects. He also stated that he would like to move the local preference to 5% from the current 2%.

Alderman Griffin also asked about the people whose jobs were recently eliminated if they are being looked at for jobs that are currently being posted. He encouraged City directors to look to those individuals and encourage them to apply to any vacant positions for which they might be qualified.

Alderman Cahnman stated that he also is working on an ordinance that would strengthen the hiring and contracting preference for people that live within the City. He suggested that he and Alderman Griffin work together.

Alderman Griffin stated that he would like to keep the issues separate.

Alderman McMenamin stated that he would like to see an infrastructure fund to improve the gateways into the City and buy out and tear down boarded properties.

OBM Director McCarty asked that in the future that the Council keep the OBM Purchasing office informed as to changes in vendor contracts in order to ensure adherence to City purchasing codes.

Alderman Griffin stated that there will be no meeting next week.

Alderman Edwards moved to adjourn the meeting. His motion was seconded by Alderman Simpson. The motion to adjourn was approved by a voice vote of 10-0. The meeting was adjourned at 6:27pm.

*Cecilia K. Tumulty*

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Cecilia K. Tumulty  
City Clerk