

**COUNCIL QUESTIONS/COMMENTS AND STAFF RESPONSES
RECEIVED AS OF OCTOBER 11, 2010 AT 7:17 AM
REGARDING OCTOBER 11, 2010 COUNCIL AGENDA ITEMS**

Councilperson: Bernie Anderson:

Item 6C-Amendment to the 2009 Contract with Calgon Carbon Corporation

Question/Comment: Great work and looking at ways to reducing cost. Thanks

Staff Response: Thank you for your comment. The success is the result of the work of our Superintendent of Purification who has been working with the vendor (Calgon Carbon), for some time, to bring this program to reality.

Councilperson: Judy Stearns

Item 6C-Amendment to the 2009 Contract with Calgon Carbon Corporation

Question/Comment: The financial impact at the end says \$150,000.00 is budgeted, yet this does not account for the \$5,393.00 we will be saving each month. Please clarify what we budgeted vs. what we will not be saving?

Staff Response: The \$150,000 that is budgeted in the FY2010-11 budget is for the Granular Activated Carbon (GAC) lease that we are currently operating under and any other minor lease items that may occur during the year. That amount is expected to be fully spent under the current situation. If the City elects to move to the direct regeneration of the GAC, the savings would amount to approximately \$5,400 per month which will reduce the overall annual cost of the GAC. Any savings will stay in the Water Fund and will be used to cover over-expenditures in other line items in the FY2010-11 budget or will be transferred to Water Fund Reserves at the end of the fiscal year, if there is a surplus in the budget.

Councilpersons: Jim Fruin and Bernie Anderson

Item: 6D-Technical Service Support Agreement for LifePak 12 Equipment for the Fire Department

Question/Comment: Was this nearly \$40K planned and budgeted for the 2010-2011 year? What fund will it be paid from? Will it be paid with Foreign Fire Tax dollars, and what is the balance of that account now? It was previously reported that there was a balance of \$103,021 as of April 30, 2009. Other related questions of the Foreign Tax Fund asked on the June 28, 2010 Agenda, remain outstanding with Chief Kimmerling.

Staff Response: The Service Contracts that are currently budgeted under line item #70540 "Repair and Maintenance of Non Office Equipment. The Department did not budget for the consolidation of the Contracts, but did budget for the Contracts that are expiring. This Contract however will reduce the spending in this line item over the next five (5) years at approximately \$7,250.00 a year and will make it easier to manage one contract, instead of eight (8) separate Contracts. The money will not be taken out

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of the Foreign Fire Tax Account. The balance of the Foreign Fire Tax Account as of August of 2010 is \$79,861.55. The Council was emailed the information as requested by Councilman Fruin on October 7, 2010.

Councilperson: Judy Stearns

Item 6D: Technical Service Support Agreement for LifePak 12 Equipment for the Fire Department

Question/Comment: Please help me to understand how we came to the conclusion that a service agreement was less expensive than other options? Do other Departments (Normal, for instance) have one? Have we done an analysis of all our needs for service over the last few years? Finally, from a legal perspective, there seems to be many disclaimers in the contract, so I am wondering what the difference is from paying as we do for service or using another vendor for some of our needs?

Staff Response: All of the LifePak 12 units came with a five (5) year warranty. These units cost in the neighborhood of \$17,000 each and need to have an annual check as well as upgrades to keep the unit in service. The service contract provides an extension beyond the (5) year warrant and to the Fire Department provides the continuity of service as well as twenty-four (24) hour support. If the service contract is not in place, an additional unit will need to be purchased to replace one that is being repaired and/or upgraded. Physio-Control has provided this service to the Fire Department since the City has had the LifePak Units. They provide a loaner while the unit is being repaired, they come out yearly to do all of the checks instead of having to ship the units to them and they have always provided prompt service and back their service 100%. Staff has not been able to talk with the Normal Fire Chief at this time to find out what they do for maintenance of their Defibrillators. This is a highly critical unit and presents a unique service problem. Service of any medical equipment is not inexpensive and must be maintained to higher standards than any of our other equipment. The department has no other equipment that has to be maintained at this level. If the City pays as it goes, it would take a few years to budget the correct amount of dollars in the maintenance budget. If two (2) or more units went out, the City would have to take an ambulance out of service until the LifePak unit was repaired/replaced. At the advanced level of care that the equipment in the ambulance, it can not operate with out a defibrillator of this caliber. Staff can not take a unit that you see in most airports and public places and put it in the ambulance. Staff does not know of any other Vendor that proves this service. All of the Vendors that Staff researched refer back to Physio-Control (Medtronics) for technical support and maintenance. Staff did a search of "Field Service Technicians" for these units and the only one returned was the Technician that the City currently uses. The exclusions in the LifePak 12 equipment contract are standard exclusions. There is a difference in Illinois (as there are in other jurisdictions) between contract law and tort (personal injury) law. Business Contracts for the sale or service of products routinely recite that the remedy for Breach of the Contract is a refund of the cost of the Contract.

Councilperson: Jim Fruin

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Items 6G and 6H: Obviously raise the issue of a Level Playing Field and the much debated issue of Single Serve. I am not a fan of making decisions by individual locations as it becomes very subjective and can lose some consistency as Commissioners and Council Members change chairs year after year. It brings to light that we do not have “philosophies” written down. I believe a better approach is a consistent city-wide policy, so that all businesses have the same guidelines. All Convenience License Holders would clearly be considered a “Community Groups/Interested Persons Contacted”. Taking action on individual sites without consistent and well understood guidelines does not allow a Level Playing Field. Finally, am I reading the notes correction correctly that the person making the Motions of Approval, voted against their own Motion? Maybe there is some protocol I am not aware of?

Staff Response: The Liquor Hearing lasted over 90 minutes. Commissioner Rich Buchanan chaired the meeting in the Mayor’s absence. The Commission agreed to blend Mac’s two (2) requests into one (1) Hearing. They needed to be separated for Council’s Meeting Agenda/Action. The Commission considers Chapter 6. Alcoholic Beverages, Section 4B. Creation and Section 4C. Conditions. Section 4B lists 14 criteria to be considered. Item (5) addresses location and the impact of the Liquor License on the surrounding neighborhood. Section 4C lists 8 potential conditions which may be placed upon a Liquor License. The Council placed these conditions upon these Liquor Licenses based upon neighborhood feedback. The neighbors made presentations at the Commission’s Hearing. Although there is an assumption that the one who makes a motion will vote in favor of same. It is not a requirement to do so.

Councilperson: Judy Stearns

Question: Is there a Downtown Resolution we will be considering tonight? I have seen references to it, but do not see it in the Council Agenda.

Staff Response: On Tuesday, October 5, 2010, Staff emailed the Downtown Business Association (DBA), Main Street Association and the Elected Officials a copy of the latest draft on the “Downtown Resolution” for review. The information in the email did not indicate that the resolution would be on the October 11th Council Agenda the email referenced that the resolution would come before the City Council at a later date.