

***Proceedings of the Council of the City of Joliet, Illinois
held on the 2nd day of January, A.D. 2008***

REGULAR MEETING of the Council of the City of Joliet, Illinois held on Wednesday, January 2, 2008 at 6:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

An Invocation was delivered by Father Peter Jankowski, St. Patrick's Church, 710 W. Marion Street, Joliet, Illinois.

Father Jankowski then led the pledge to the flag.

ROLL CALL

PRESENT: MAYOR PRO-TEM SUSIE A. BARBER, DISTRICT 2
COUNCILMAN TIMOTHY M. BROPHY, DISTRICT 5
COUNCILMAN WARREN C. DORRIS, COUNCILMAN AT LARGE
THOMAS C. GIARRANTE, COUNCILWOMAN AT LARGE JAN
QUILLMAN, DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA
and COUNCILMAN AT LARGE MICHAEL F. TURK.

ABSENT: MAYOR ARTHUR SCHULTZ and DISTRICT 3 COUNCILMAN
ANTHONY UREMOVIC.

ALSO PRESENT: CITY MANAGER JOHN M. MEZERA and CORPORATION
COUNSEL JEFFREY S. PLYMAN.

APPROVAL OF MINUTES

COUNCILMAN BROPHY moved that the minutes of the Special Meeting of the Council of the City of Joliet, Illinois held on Wednesday, December 12, 2007 at 4:00 p.m., of the Pre-Council Meeting held on Monday, December 17, 2007 at 3:30 p.m. and of the Regular Meeting held on Tuesday, December 18, 2007 at 6:30 p.m. stand approved as recorded.

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

AYES: COUNCILMEN BROPHY, DORRIS, GIARRANTE, COUNCILWOMAN
QUILLMAN, COUNCILMEN SHETINA, TURK and MAYOR PRO-TEM
BARBER.

NAYS: NONE.

COUNCIL COMMITTEE REPORTS

A. Land Use

COUNCILMAN SHETINA stated the Land Use Committee met on December 19th and discussed the Preliminary Plat of Firstpark Joliet Subdivision, the proposed industrial project which is next to the Empress. He said it consists of 260 acres of a series of parcels and they're talking about putting about 2.8 million sq. ft. of buildings on the acreage. He said Empress Drive would dead end into that proposed subdivision and folks from the Empress were at the meeting. He said they didn't have much to say but later on at a Plan Commission meeting the Empress showed some concern about the truck traffic that would ensue as a result of this project. He said the Plan Commission decided to hold off until January on voting on the project. He said it looks like a fairly decent project, but on the other hand we have a major company that requires a nice amenity around it which it currently has, and this could have some deleterious effect on the

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Empress.

The Director of Community and Economic Development said the Committee also talked about the reservation of a right-of-way for a future high level bridge over the river that would connect with Laraway Road on the south side of the river. He said as a result of this project, two things would happen, one being they will extend the sewer line west to the West Side Sewage Treatment Plant. He said right now there is no sewer capacity that heads west; most of the capacity for that area heads eastbound. He said the other major thing is he has had discussions about the donation of all of the wetlands that would be on this site to the Will County Forest Preserve. He said they own property immediately west of the Rock Run Creek, and the developer doesn't really want to care for the wetlands that would be on their property, so they are very interested in donating it to the Forest Preserve and the Forest Preserve is very interested in receiving that donation. He said if this park goes forward hopefully that will happen.

COUNCILMAN SHETINA asked if there was any kind of environmental impact.

The Director of Community and Economic Development said they did a full environmental review of the project and the Illinois Department of Natural Resources talked about some fish downstream that could be affected, but they have since dropped that concern. He said he thinks the Empress would like to have a traffic report done to see what type of truck traffic would be generated and how it would affect their customers that come down that stretch of road. He said there would be a "T" intersection there and they would end up putting a new leg into the subdivision. He said they would do some widening of the intersection so there would be direct left turn lanes, a right turn lane and a center lane, so there would be some major improvements if this project were to proceed.

COUNCILMAN GIARRANTE asked about the bridge that he mentioned and asked if this developer is talking about doing that.

The Director of Community and Economic Development said they are not. He said in our comprehensive plan for the area and also in the Will County Transportation Plan, it always called for Laraway Road to be extended and curve through the Empress Drive. He said because we had that in both of the plans, we mandated that this developer preserve a future right-of-way should that ever happen. He said the developer has no designs or desires to do it and he is only responding to our request or requirement that he preserve a right-of-way.

COUNCILMAN SHETINA said they also talked about construction and placement of smoking shelters on commercial properties and basically what is going to happen with the riverboats. He said it looks like Empress did some permanent construction. He said Harrah's has put up an outdoor tent.

The Director of Community and Economic Development said Harrah's has a temporary one and they are working on a permanent one that has a very upscale design to it.

COUNCILMAN SHETINA said Empress did a nice job and he's assuming the same will be done with Harrah's.

COUNCILMAN SHETINA said the Committee also had a brief discussion on the proposed Centerpoint rail yard. He said they discussed all the land that is being purchased by Centerpoint without any annexation or zoning. He said it is real

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apparent that the Autobahn will be adversely affected by this, and we're trying to get across to these folks that we would like to see a mixed use project. He said he thinks we ought to get our Land Use Committee and the County's Land Use Committee or the Council as a whole together and we need to impress upon the County the urgency of not ruining the Southside Plan that we put together. He said at best we would like a mixed use development and encourage them to have commercial as well as some residential. He said Pasquinelli has 1,000 acres which is also going to be adversely affected and they have already sold some of that to Centerpoint. He said Centerpoint has been buying up all kinds of property and homes and basically they are surrounding us.

B. Legislative

COUNCILMAN SHETINA said the Legislative Committee also met on December 19th. He said Senator A.J. Wilhelmi was there and we wanted to talk to him about some things that are occurring in the Legislature in Springfield right now that have a direct effect on the City and what we ought to be concerned about. He said Senator Wilhelmi said they are all frustrated because they can't seem to get everyone together down there. He said the Senator understands our concern about what they are doing with the additional three riverboat licenses and us wanting more positions for our riverboats.

COUNCILMAN SHETINA said the Committee also discussed the concerns about the EJ& E sale to the Canadian National Railway.

The Director of Community and Economic Development said we've joined forces with the Will County Governmental League and the County of Will who seem to have taken the lead and we've reserved the right to comment. He said the whole process of the CN taking over the EJ&E has been elevated and they now need to do an environmental impact statement that probably will take 18 months to complete. He said they're going to hold public hearings through the month of January. He said what's at risk for us or what will change for us is under CN ownership and control will be the rail line that runs through our north side, and crossings will all be affected by the amount of traffic. He said it will go from about 18 trains a day to about 45 trains a day. He said the concern everyone has is the inconvenience to the motorists. He said some of the communities to the north and east think it's going to be a horrible nightmare of congestion but he doesn't know that we share that same concern. He said we know there's going to be change and so what we're going to do is monitor the process and see how it goes and join forces with the other communities in Will County and see how it affects us. He said the one question we all had at the meeting was regarding our far west residential line, the river line that goes down to Morris, and there is no projected change.

COUNCILMAN SHETINA said it doesn't look as though they have any hope of going south right away from their current terminus of the property.

The Director of Community and Economic Development said in the railroad business anybody could merge or join forces with any other railroad at any time and things could change, but right now that is not in discussion. He said he thinks all the effect will be on the line that comes in from the north and goes out to the east, and those would be the only lines that will be materially affected if this were to take place.

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COUNCILMAN SHETINA said in the event of some kind of merger they physically could go south.

The Director of Community and Economic Development said they could if they merged with another railroad or worked out trackage agreements with other railroads, but he doesn't see that happening right now.

COUNCILMAN GIARRANTE asked if the Police Chief and Fire Chief have checked to see if this is going to have an impact on police and fire protection.

The Police Chief said they have looked at it and he thinks they are OK right now.

The Director of Community and Economic Development said with this sale there will be some substantial improvements closer to the inner city in Chicago, so no matter how much we yell and squawk down here, there is a good side to it that folks in other areas will realize if this acquisition would take place, so we have to temper our opinions on this too.

C. Public Service

COUNCILMAN TURK stated the Public Service Committee met this morning and reviewed the contracts, change orders, pay estimates and final payments and found them to be in order and recommended their approval.

There were no other Committee reports.

MAYOR PRO-TEM BARBER moved up the liquor licenses on the agenda at this time.

LICENSES AND PERMIT APPLICATIONS

A. Issuance of a Class "C" Liquor License at 2424 W. Jefferson Street
(Council Memo #32-08)

A communication from the Liquor Commissioner regarding the application of Wal-Mart Stores Inc. d/b/a Wal-Mart Supercenter #1256 for the issuance of a Class "C" Liquor License at 2424 W. Jefferson Street contained his recommendation that the issuance of this license is in the best interest of the City, and therefore, approval is recommended.

COUNCILMAN SHETINA moved that the recommendation of the Liquor Commissioner be concurred in.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILMAN GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, BROPHY, and MAYOR PRO-TEM BARBER.

NAYS: COUNCILMAN DORRIS.

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- B. Issuance of a Class "E" Liquor License at 3000 W.
Jefferson Street
(Council Memo #33-08)

A communication from the Liquor Commissioner regarding the application of Irish 10, LLC d/b/a Traditions for the issuance of a Class "E" Liquor License at 3000 W. Jefferson Street contained his recommendation that the issuance of this license is in the best interest of the City, and therefore, approval is recommended.

COUNCILMAN GIARRANTE moved that the recommendation of the Liquor Commissioner be concurred in.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILMAN GIARRANTE, COUNCILWOMAN QUILLMAN,
COUNCILMEN SHETINA, TURK, BROPHY, and MAYOR PRO-TEM
BARBER.

NAYS: COUNCILMAN DORRIS.

Prior to her vote, COUNCILWOMAN QUILLMAN asked if the Park District is OK with this.

Deputy Liquor Commissioner Dan Campus said yes, they have entered into a lease agreement for several five-year leases.

COUNCILWOMAN QUILLMAN said OK, because she knows there were some questions.

Mr. Campus said there was some question about the zoning and the Legal Department has determined that it is OK to proceed with this and if they want to change the zoning at a later date, they are able to do so.

Prior to his vote, COUNCILMAN TURK asked if the restaurant is in the same spot as the restaurant before it was.

Mr. Campus said yes.

Prior to his vote, COUNCILMAN GIARRANTE wished them good luck and voted aye.

- C. Transfer of a Class "A" Liquor License at 1107 Plainfield
Road
(Council Memo #34-08)

A communication from the Liquor Commissioner regarding the application of CAM Entertainment, Inc. d/b/a/ Bobby's Tap for the transfer of a Class "A" Liquor License at 1107 Plainfield Road contained his recommendation that the transfer of this license is in the best interest of the City, and therefore, approval is recommended.

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COUNCILWOMAN QUILLMAN stated she noticed that the Police Chief had some issues with this. She said the Council Memo says there have been several calls for service under the old ownership and if monitored the Police Chief would not object. She asked the Police Chief if we are prepared to monitor this place.

The Police Chief said he feels that there has been a significant amount of calls for service at this location and they would like the new owner to be notified that we consider this a special problem and they should watch this location and closely monitor it. He said it would be the new owner's responsibility to do that.

COUNCILWOMAN QUILLMAN said the new owners would have to monitor it. She said so it would probably attract the same clientele that goes there now.

The Police Chief said it's an old, established neighborhood tavern that has an established clientele so they will have to do a much better job than the previous owners have done.

Mr. Campus said he thinks the close proximity to the motel next door has been a detriment as well for the calls for service. He said he has talked to the new owners about it and they understand that they need to police it a little better. He said taverns are required to call the police any time there is a problem, and we tend not to hold that against them because we're asking them to call for service all of the time. He said we're going to work with them and see if we can fix this up a little bit, and they are very aware of it.

COUNCILMAN BROPHY said when you don't make mention of a manager in a Council Memo, should he assume the applicant will be the on-site manager.

Mr. Campus said yes.

COUNCILMAN BROPHY asked if they live in town and Mr. Campus said yes.

COUNCILMAN SHETINA asked what is the right of the City Council with respect to issuing new licenses. He asked if there is some vote needed to increase or decrease the number of licenses.

The Corporation Counsel said what you're talking about is commonly referred to as a "quota system" on licenses. He said many towns have a numerical limit on the number of liquor licenses that are issued in the municipality, but Joliet does not operate under that system. He said we have no numerical limit so each application is taken on its own merits. He said as far as a transfer versus a new request for a license, even though a transfer is technically a new license for that particular licensee, one of the differences that the Mayor looks at in a new application is whether or not the location is suitable for a liquor license, and with a transfer there is less emphasis on that point because you already have an existing business there. He said in the end it comes down to the fitness of the proposed licensee, whether it be a transfer or a new license, and under our current ordinance essentially the analysis is the same for either type of application.

COUNCILMAN SHETINA asked what is the total number of licenses assuming these are issued in the City.

Mr. Campus said the total would be 179.

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COUNCILMAN SHETINA said we have a prohibition for new licenses east of Raynor Avenue.

The Corporation Counsel said in 1990 the Mayor and Council recognized that two thirds of all of the licenses in Joliet were physically located east of Raynor Avenue, even though much less than two thirds of the population of the City resided east of Raynor Avenue. He said there was also some concern for new licenses in the City Center, so in 1990 we adopted a new ordinance that created a new license class called a Class "I" that is for new liquor licenses east of Raynor Avenue. He said basically it establishes a moratorium on new taverns and new package liquor stores but allows things like restaurants, banquet halls, hotels and things where the sale of liquor is not the primary purpose of the business.

COUNCILWOMAN QUILLMAN asked the applicants if they have a plan as to how they are going to minimize the calls for service to this new establishment.

Mr. Charles Mantz said their plan is to monitor the clientele coming into the business and keep the carding at a high rate to keep underage drinkers out. He said they are going to try to move up to a higher class of clientele and maybe increase their liquor prices a little bit to bring a higher class of clients into the place.

COUNCILWOMAN QUILLMAN asked if they are going to change the name of the establishment.

Mr. Mantz said they are going to change the name eventually.

COUNCILMAN GIARRANTE moved that the recommendation of the Liquor Commissioner be concurred in.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, BROPHY, GIARRANTE and MAYOR PRO-TEM BARBER.

NAYS: COUNCILMAN DORRIS.

Prior to her vote, COUNCILWOMAN QUILLMAN said she will be monitoring this also but she will give them a chance and she votes aye.

D. Transfer of a Class "B" Liquor License at 1100 N.E.
Frontage Road
(Council Memo #35-08)

A communication from the Liquor Commissioner regarding the application of 176 West Banquets, Inc. d/b/a 176 West for the transfer of a Class "B" Liquor License at 1100 NE Frontage Road contained his recommendation that the transfer of this license is in the best interest of the City, and therefore, approval is recommended.

COUNCILMAN GIARRANTE moved that the recommendation of the Liquor Commissioner be concurred in.

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Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN SHETINA, TURK, BROPHY, GIARRANTE,
COUNCILWOMAN QUILLMAN and MAYOR PRO-TEM BARBER.

NAYS: COUNCILMAN DORRIS.

Prior to his vote, COUNCILMAN BROPHY asked which of the owners live in town.

Ms. Laura Piazza was present and stated they live in Joliet.

Prior to her vote, MAYOR PRO-TEM BARBER voted aye and stated she would like to commend the Deputy Liquor Commissioner for a job well done as far as keeping up with the licenses and going from place to place and taking care of any problems.

CONSENT AGENDA

A. Position Vacancy
(Council Memo #1-08)

A communication from the City Manager contained his recommendation that he be authorized to fill one Meter Reader II position and any subsequent vacancies directly related to this position.

COUNCILMAN DORRIS moved that the recommendation of the City Manager be concurred in.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

AYES: COUNCILMEN TURK, BROPHY, DORRIS, GIARRANTE,
COUNCILWOMAN QUILLMAN, COUNCILMAN SHETINA and MAYOR
PRO-TEM BARBER.

NAYS: NONE.

PUBLIC HEARINGS

A. Public Hearing re: Annexation of 1404 S. Briggs Street

1. Resolution re: Approving the Annexation Agreement for 1404 S. Briggs Street (#A-8-07/Dist. #5)
(Council Memo #3-08)
2. Ordinance re: Approving the Annexation of 1404 S. Briggs Street (#A-8-07/Dist. #5)
(Council Memo #3-08)
3. Ordinance re: Approving the Classification of 1404 S. Briggs Street to R-2 Zoning (#A-8-07/Dist. #5)
(Council Memo #3-08)

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A communication from the City Manager contained a request by the petitioner, St. Paul M.B. Church, to table these items to the City Council meeting to be held on January 15th, 2008 to allow additional time for the review of the annexation agreement.

COUNCILMAN BROPHY moved that said items be tabled to the January 15, 2008 City Council meeting.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN BROPHY, DORRIS, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK and MAYOR PRO-TEM BARBER.

NAYS: NONE.

B. Public Hearing re: Annexation of 290 Acres at the Northwest Corner of Arbeiter and Van Dyke Roads

1. Resolution re: Approving the Annexation Agreement for 290 Acres Located at the Northwest Corner of Arbeiter and Van Dyke Roads (#A-9-07/Dist. #3)
(Council Memo #4-08)
2. Ordinance re: Approving the Annexation of 290 Acres Located at the Northwest Corner of Arbeiter and Van Dyke Roads (#A-9-07/Dist. #3)
(Council Memo #4-08)
3. Ordinance re: Approving the Classification of 290 Acres Located at the Northwest Corner of Arbeiter and Van Dyke Roads to R-1B, R-4, R-B and B-1 Zoning (#A-9-07/Dist. #3)
(Council Memo #4-08)
4. Ordinance re: Approving the Preliminary Planned Unit Development of Hiller Farm Subdivision (#PUD-5-07/Dist. #3)
(Council Memo #4-08)

A communication from the City Manager contained a request by the petitioners to table these items to the City Council meeting to be held on February 5, 2008 due to scheduling conflicts.

COUNCILMAN DORRIS moved that said items be tabled to the February 5, 2008 City Council Meeting.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILMEN DORRIS, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, BROPHY and MAYOR PRO-TEM BARBER.

NAYS: NONE.

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APPROVAL OF REGULAR CURRENT BILLS

- A. Regular Payroll – December 1 – December 14, 2007 -
\$3,011,569.01
(Council Memo #5-08)

Biweekly Payroll Summary Reports of the total cost of regular salaries for the period December 1, 2007 through December 14, 2007 and additions to regular salaries for the period November 23, 2007 through December 6, 2007 including a 2007 Overtime Budget Status Report and a Biweekly Summary of Overtime and Temporary Assignments were accompanied by a recommendation from the City Manager that said Regular Payroll be allowed.

COUNCILMAN BROPHY moved that the recommendation of the City Manager be concurred in.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

AYES: COUNCILMAN GIARRANTE, COUNCILWOMAN QUILLMAN,
COUNCILMEN SHETINA, TURK, BROPHY, DORRIS and MAYOR
PRO-TEM BARBER.

NAYS: NONE.

ORDINANCES AND RESOLUTIONS

A. ORDINANCES

1. AN ORDINANCE Dissolving the Rock Run TIF District was presented and read.
(Council Memo #6-08)

COUNCILMAN BROPHY asked for a brief explanation.

The City Manager stated this TIF District was formed in 1990 to pay the developer back for a portion of the expenses for building the I-80/Houbolt Road interchange. He said the developer has been fully paid back and this is the last year the money would go into the TIF fund and we would distribute it to all the other taxing bodies. He said there is really no need for that step any more, and if we dissolve the TIF district the money would just go naturally back to the taxing districts.

COUNCILMAN BROPHY moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK,
BROPHY, DORRIS, GIARRANTE and MAYOR PRO-TEM BARBER.

NAYS: NONE.

Prior to his vote, COUNCILMAN BROPHY commented that it was a good success story in financing and he voted aye.

(ORDINANCE NO. 16008)

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2. AN ORDINANCE Approving a Special Use Permit to Allow a Dance Studio and Related Offices in an Existing Structure at Joliet Airport Industrial Park Located at 351 – 353 Airport Road subject to the following conditions was presented and read: 1) That adequate off-street parking be maintained in the future; and 2) Should the property become a public nuisance, it shall be subject to rehearing and a possible revocation of the Special Use. (#2007-93/Dist. #3)
(Council Memo #7-08)

COUNCILMAN BROPHY asked if this kind of thing would be communicated amongst the other industrial users there just for purposes of notification. He said there will probably be a high volume of traffic and usually it would be the trucks that would be bothering the cars, and in this case it's going to be the cars that might be impeding the trucks coming and going.

The City Manager said they do have sufficient parking to handle that both on their lot and on lot 8 which is just to the north of this building. He said they suspect they will have a little larger crowds in the evening and in the evening the adjacent businesses in the industrial park are closed. He said their recitals are going to be held at the Rialto.

COUNCILMAN GIARRANTE said a few years ago we OK'd a gas station out there and then we found out later that maybe we shouldn't have because of the FAA and the Park District. He asked if this has been approved by the Park District and the FAA.

The City Manager said this building already exists and has been there for quite some time. He said he doesn't believe the FAA has a problem with this building. He said their concerns were with lots 1, 2 and 3 and the dance studio is on lot 9.

COUNCILMAN SHETINA moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

AYES: COUNCILMEN SHETINA, TURK, BROPHY, DORRIS, GIARRANTE,
COUNCILWOMAN QUILLMAN and MAYOR PRO-TEM BARBER.

NAYS: NONE.

(ORDINANCE NO. 16009)

B. RESOLUTIONS

1. A RESOLUTION Approving the Conditional Commitment Letter for the City of Joliet Home Modification Program with the Illinois Housing Development Authority Trust Fund was presented and read.
(Council Memo #10-08)

COUNCILMAN BROPHY said the language talks about use of the funds for landlords. He asked if we have any experience with this and what percentage goes to homeowners versus landlords.

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The City Manager said this is the first time that we've applied for this. He said if you do approve it for a landlord, then the landlord has to commit to renting only to the disabled or elderly for a five-year period in that unit. He said we suspect that most of this is probably going to go to owner occupants.

COUNCILMAN BROPHY asked if we have any opportunity to monitor this.

The City Manager said we have complete approval authority over it. He said we will get recommendations from the Center for Independent Living, Senior Services Center and the Will County Center for Community Concerns, but we have final approval authority.

COUNCILMAN BROPHY said he will talk to the Director of Neighborhood Services later to get a definition of disabled and elderly.

COUNCILMAN GIARRANTE moved that said Resolution be adopted.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILMEN TURK, BROPHY, DORRIS, GIARRANTE,
COUNCILWOMAN QUILLMAN, COUNCILMAN SHETINA and MAYOR
PRO-TEM BARBER.

NAYS: NONE.

Prior to his vote, COUNCILMAN BROPHY said his concern is simply that the landlords might be a little quicker on the draw. He said if this is intended for owner occupants, we may actually want to make sure we reserve some for those who want to do their own house so that it ends up where we target it, because if you get a grant for a bathroom remodel you could throw a grab bar in and you would still have the cost of the bathroom remodel granted to you by the taxpayers. He said he wants to make sure that those who are less professional and might not be so quick on the draw to apply have a chance before it's all gobbled up by investors, and he voted aye.

(RESOLUTION NO. 6009)

2. A RESOLUTION Authorizing Certain Employees of the City of Joliet to Sign Checks, Vouchers and Warrants on Behalf of the City of Joliet, Designating Financial Institutions to be Used as Depositories for City Funds was presented and read. (Promotion of Director of Management and Budget Kenneth Mihelich and Addition of Finance Director Hugh Brennan)

(Council Memo #11-08)

COUNCILMAN TURK moved that said Resolution be adopted.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

AYES: COUNCILMEN BROPHY, DORRIS, GIARRANTE, COUNCILWOMAN
QUILLMAN, COUNCILMEN SHETINA, TURK and MAYOR PRO-TEM
BARBER.

NAYS: NONE.

(RESOLUTION NO. 6010)

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BIDS AND CONTRACTS

A. Award of Contracts

1. Request Approval for AS400 Upgrade
(Council Memo #15-08)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve the purchase of an IBM 3570-L2U tape drive and associated features from Genisys Group in the amount of \$9,995.36; 2) Approve a three year maintenance contract with IBM in the amount of \$1,000.00; and 3) Approve the purchase of tape cartridges from IBM for an amount not to exceed \$500.00.

2. Authorization to Purchase Two Tandem Axle Dump Trucks for the Water Utilities Department
(Council Memo #16-08)

A report on one bid received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Chicago International Trucks, LLC in the amount of \$225,856.28.

COUNCILMAN SHETINA asked why we only received one bid for these trucks.

The City Manager said we sent it out to all of the usual people which is a considerable list, and there was no indication from the others why they did not bid.

COUNCILMAN SHETINA said so the specifications weren't drawn for this particular group.

The City Manager said no, they are wide open and are the same specs we always use.

3. Award of Contract for the 2008 First and Second Round Pavement Cores and Rock Borings
(Council Memo #17-08)

A report on two proposals received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to K & S Engineers, Inc. in the amount of \$5,055.00.

4. Authorization to Purchase Software for Building Services
(Council Memo #18-08)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve the purchase of Building Permit Software from Sungard HTE in the amount of \$123,633.00; and 2) Approve the purchase of a disk drive IBM iSeries Model520 from Genisys Group in the amount of \$3,397.00.

COUNCILMAN BROPHY asked if the training will be on-site or off-site.

The City Manager said he thinks it will be on-site and the Director of Inspections confirmed that.

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COUNCILMAN BROPHY asked where they found the software and how long was the process to find this software.

The City Manager said we've been working on it for about two years.

COUNCILMAN BROPHY asked why it wasn't budgeted then and why we're taking money out of revenue reserve. He said if this was anticipated, why didn't we have this budgeted in Inspections.

The City Manager said we had it in revenue reserve for over a year. He said we allocated it from previous surplus rather than budgeting it. He said last year we had it in revenue reserve from the previous year, so we didn't need to rebudget it.

COUNCILMAN BROPHY said he understands we have enough there, but since it was a hundred thousand dollar plus purchase and we spent a couple of years working on it, why didn't it show up somewhere in a department budget.

The City Manager said because we already had the funding allocated for it in revenue reserve. He said they had requested it in the budget about a year ago and it was not in the budget at that time, so we said funding would be set aside for it whenever it occurred.

COUNCILMAN DORRIS moved that the recommendations of the City Manager be concurred in.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN DORRIS, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILMAN BROPHY and MAYOR PRO-TEM BARBER.

NAYS: NONE.

B. Change Orders and Payments:

1. Approve Payment Request No. 2 for the City Hall Roof Rehabilitation Project
(Council Memo #22-08)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Pay Estimate No. 2 in the amount of \$255,780.00 on behalf of Elens & Maichin Roofing and Sheet Metal.

COUNCILMAN GIARRANTE asked what percent of the payout is this and what percent work do they have left on the roof.

The City Manager said it's about a third of the total contract in this payout. He said he thinks they have \$378,000 so far earned and that would be a little over half.

COUNCILMAN GIARRANTE asked what percent of the work is done.

The City Manager said about half.

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2. Approve Change Order No. 1 and Payment No. 1 and Final for the December 2007 City Hall, Far West Municipal Center and Police Department Snow Plowing and Salting
(Council Memo #23-08)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve Change Order No. 1, an increase to Purchase Order #91656 by \$8,351.00 on behalf of Trizzino Construction; and 2) Approve Payment No. 1 and Final in the amount of \$13,350.00 on behalf of Trizzino Construction.

COUNCILMAN BROPHY asked if we bid this contract out.

The City Manager said they've been our contractor for 10 years or so. He said the lots are kind of unusual lots and there are a lot of small ones and they've been really good with us. He said we could look at bidding it out if you want us to do that.

COUNCILMAN BROPHY said he knows it varies from year to year, but there is a significant value in having a known vendor and counting on them.

3. Approve Amendment No. 1 for the Professional Services Agreement for the Parkview Subdivision Flood Study
(Council Memo #24-08)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Amendment No. 1 in the amount of \$500.00 on behalf of Ruettiger, Tonelli & Associates.

COUNCILMAN SHETINA asked what this study is going to do.

The Director of Public Works said we hired a consultant to go in and do elevation determinations and verify if these properties are truly above the floodplain. He said a portion of their backyards may be in the floodplain, but what we typically found out was their structure was not in the floodplain, so they don't have to pay anywhere near as high of flood insurance. He said there was a new bridge put in in the mid 1980's at Fairlane and when that was put in, it actually lowered the floodplain a little bit in that area.

COUNCILMAN SHEITNA said this will not allow them to exclude it from the floodplain from the FEMA map, or will it.

The City Manager said this is the first step. He said after you get the elevations, then you'd have to make an application to modify the map if they were to show that these properties were no longer in the floodplain.

COUNCILMAN SHETINA said then they'd have to do a survey and all of that.

The Director of Public Works said the survey is being done as part of this project.

4. Approve Payment Estimate No. 1 for the Hartman Field Sidewalk Project – 2007 Neighborhood Improvement Program
(Council Memo #25-08)

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A communication from the City Manager contained his recommendation that the Mayor and Council approve Payment Estimate No. 1 in the amount of \$30,744.85 on behalf of J & J Newell Concrete Contractors.

5. Approve Change Order No. 1 and Payment Estimate No. 2 for the Sanctuary Subdivision Driveway Improvements Project – 2007 Neighborhood Improvement Program
(Council Memo #26-08)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$784.39 and Payment Estimate No. 2 in the amount of \$4,921.58 on behalf of J & J Newell Concrete Contractors.

COUNCILMAN SHETINA questioned how old the streets and sidewalks are in this subdivision.

The Director of Public Works said there was rolled curb and gutter for all of the driveways and a lot of the residents requested the 50/50 program to go in and remove the rolled curb and gutter and put in depressed curb and gutter. He said when you do that you have to reconstruct the apron and in some cases the sidewalk behind it so it slopes up properly.

6. Approve Change Order No. 1 and Payment Estimate No. 1 and Final for the 2007 Sanitary Sewer Chemical Root Control Program
(Council Memo #27-08)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1, a deduction in the amount of \$3,244.26 and Payment Estimate No. 1 and Final in the amount of \$49,032.13 on behalf of Duke's Root Control, Inc.

7. Approve Payment Estimate No. 1 and Final for the Fence and Retaining Wall Restoration at Houbolt Road South of Longford Drive
(Council Memo #28-08)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Payment Estimate No. 1 and Final in the amount of \$5,493.00 on behalf of George's Landscaping.

COUNCILMAN TURK moved that the recommendations of the City Manager be concurred in.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

AYES: COUNCILMAN GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, BROPHY, DORRIS and MAYOR PRO-TEM BARBER.

NAYS: NONE.

COUNCILMAN SHETINA moved that Mr. Matthew Brauer be allowed to address the Council regarding some concerns in his subdivision.

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Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, BROPHY, DORRIS, GIARRANTE and MAYOR PRO-TEM BARBER.

NAYS: NONE.

Mr. Matthew Brauer of 3712 Squire's Mill Road said he is a homeowner in the Squire's Mill Subdivision. He stated he is here with a few other homeowners and they would like to inform the Council of the unjust actions being faced by the homeowners from their current association's board of directors. He said they have created unreasonable rules not agreed to by the homeowners and then they penalize the homeowners for not following these rules. He said they have singled out certain homeowners also and penalized them with fines and threatened them with liens on their homes. He said they have also charged homeowners with assessments to pay for legal costs that the board has incurred. He said they have banded together and decided it is time for a change of the current board of directors. He said they will be conducting a meeting on January 23rd. He said they are looking for the support of the City Council to ensure that the rules set forth in their current covenants and by-laws be upheld. He said they do understand that the City of Joliet does not typically get involved with homeowners associations, however there are 168 homes in this subdivision and many feel they have been victimized by this association and they feel intervention by the City may be necessary in order to regain control of their association.

COUNCILMAN GIARRANTE asked if they're changing rules without a homeowner's association meeting and Mr. Brauer said yes.

COUNCILMAN GIARRANTE said they should have some legal ramifications to go after the board.

Mr. Brauer said they do have an association attorney and he has specifically stated that he does not represent the homeowners, he represents the board of directors.

The Corporation Counsel explained the number of people who need to be present at a meeting to change the covenants, and he said it depends on the wording of the covenants as it does vary.

Mr. Brauer said they're here to ask someone from the City to be at the meeting in the event that they need some sort of mediation between the current board members and the will of the homeowners.

COUNCILMAN SHETINA asked the Corporation Counsel to explain what the City Council's rights or responsibilities are in this matter.

The Corporation Counsel said the City has very few rights when it comes to a dispute under the covenants between homeowners and their association. He said Mr. Brauer did have a situation earlier this year involving the construction of a fence on his property but the City has a little more jurisdiction in that area because we issue fence permits. He said as far as the City is concerned, that matter was resolved in November. He said he has told Mr. Brauer that the City has never intervened in a dispute between an association and its residents where we're asked to observe or mediate the outcome of homeowner votes. He said we really have no legal standing to do that. He said we try to assist

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associations with City problems and we do attend meetings where City policies or programs or decisions are being discussed, but we've never served as a referee for this type of dispute. He said the Council really has no authority to resolve it either.

COUNCILMAN GIARRANTE asked what rights the homeowners have if the board changed their covenants illegally.

The Corporation Counsel said the rights of the board of directors, the directors individually and the homeowners are all contractual in nature and are spelled out in the covenants. He said really the place to go to get disputes resolved under the covenants is a court of law. He said the problem with that is it's expensive to involve attorneys and a court to resolve fights over smaller amounts of money or smaller disputes, and he thinks that's why Matt is organizing the meeting and perhaps that is where this needs to be resolved. He said after the meeting they'll know if they still have a dispute about some of the policies.

The City Manager said Squire's Mill Subdivision has gone through about four builders. He said there is a group of people that are trying to operate the board at this point and they have worked very closely with the City, especially with the Public Works Department. He said there is a rill or a drainage system that pumps water around the backyards of almost all of the owners and it was not originally constructed properly. He said we have worked with the developer and it has been about a \$400,000 project to get a concrete bottom placed in it. He said it has been a very difficult situation because the board has had to work with a contractor and with the City and with everybody's backyard getting that worked out. He said that work is now done. He said the board has a lot of credibility with us as a staff and we have worked with them and they have helped us out tremendously. He said as a part of that, the board is thinking about how to maintain that rill in the future because you need to get behind everybody's house in order to clean the rill. He said originally there was a covenant that said no fences are to be built in the subdivision. He said the board through a voting process has allowed fences. He said some of the first fences that were installed were put in on the property line and the board has said there is no way to get access to the rill behind the home, so the board with good intent required that there be a 5 foot setback along the utility easements between the houses and that's what sort of created this dispute between Matt and the board initially, and the fence eventually got put in. He said he thinks there is a reaction to that now and Matt is leading this reaction and he probably has the support of some of the other property owners, but it is not something that the City needs to get involved in at this point.

The City Manager said we would have somebody at the meeting to monitor it and see what happens and answer any questions that pertain to the City or any of our involvement including the fences and the rill. He said this is something that needs to be worked out. He said he doesn't want the Council to say just based on what one person has said that this board has done anything illegal, so he thinks that needs to be sorted out yet. He said he doesn't think he or Jeff are in a position to sort that out at this point. He said we shouldn't get involved. He said they should have their meeting and have the board come and they need to work things out and we'll assist in any way we can.

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MAYOR AND COUNCIL COMMENTS:

COUNCILMAN BROPHY asked if somebody from Neighborhood Services could look at 1517 Burry Avenue because he received a complaint about overcrowding.

COUNCILMAN BROPHY said the Historical Museum is beginning their search for a new director next week. He said if any of the Council has any input or applicants, they certainly would like to hear about it. He said he is serving on the ad hoc committee to find a new director.

COUNCILMAN BROPHY said Bob Dow of Joliet has being appointed a U.S. District Court trial judge. He said his swearing-in ceremony will be held on January 11th at 4 p.m. in Chicago. He said this is a very high honor and he invited everyone that can to join him and/or congratulate him.

COUNCILMAN GIARRANTE said that we voted tonight to fill a Meter Reader II position and he asked the Corporation Counsel to look at the legalities of having City of Joliet residents have precedence over getting these jobs and bring that back to the Public Service and Legislative Committees. He said whether it be points on their application or whatever, times are getting tough and we have 145,000 people in the City. He asked him to check the legalities of giving City of Joliet residents a priority and if it is legal, maybe we could bring it the full Council.

COUNCILWOMAN QUILLMAN asked if we could get some trees trimmed on Larkin Avenue in front of Steak and Shake. She said she has gotten a lot of complaints from pedestrians and bike riders having to go around the sidewalk because of the low branches.

COUNCILWOMAN QUILLMAN wished everyone a Happy New Year.

COUNCILMAN SHETINA said he would echo COUNCILMAN GIARRANTE'S sentiments regarding the resident issue. He said he knows we recently went out of town to fill a higher administrative level position and he's sure that individual is imminently qualified. He said with 145,000 people in the City, he doesn't think any job should go outside of the City of Joliet. He said he understands in the area of the police that we've tried to get the police from inside the City of Joliet and we just can't do it. He said we have a rule whereby if you're going to apply to be a fireman in Joliet you have to live in Joliet. He said he thinks the same rule could be true for residents of the City of Joliet for any job that's open in the City. He said we seem to get about 300 applicants for most of the jobs and he doesn't know why we can't do some sort of ordinance that says you have to live in the City of Joliet. He said he can't believe there is any job in the City outside of maybe City Manager that could not be filled by a Joliet resident.

COUNCILWOMAN QUILLMAN said we've talked about this before with the Fire Department hiring within the City of Joliet but the Police Department hires outside the City. She said she doesn't believe it's a legal thing and she asked the Corporation Counsel if she is incorrect in making that statement.

The Corporation Counsel said that's what COUNCILMAN GIARRANTE wants him to look into. He said what you're talking about is not a residency requirement for employees; that's currently permitted by the U.S. Supreme Court and it is legal for the City to have that requirement. He said what COUNCILMAN GIARRANTE is suggesting is a pre-employment residency preference, not

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necessarily a requirement but a preference. He said that is a much more narrow question. He said he looked at it about 2 or 3 years ago and there were cases pending at the time that dealt with pre-employment preferences that involved the State of Hawaii and that involved people on the mainland applying for jobs in Hawaii, and the last time he checked that case had not been resolved. He said there may be some maneuvering room within the law. He said the courts have been very strict in scrutinizing pre-employment residency requirements and the technical rules that apply to that. He said it is very difficult to find that maneuvering room, but we will look at the issue again and present it to whatever Committee the Council would prefer.

COUNCILMAN GIARRANTE said when he served on the Fire and Police Board and he was secretary he used to get litigation cases. He said there were cities that did in fact lose when they made residency a prerequisite to applying for the Fire and Police departments. He said it is his understanding they lost because they were using that not to hire minorities. He said the courts ruled they were using that so they wouldn't have to hire minorities and that's when they lost, but we have a good field to draw from.

The Corporation Counsel said the main body of cases deal with constitutional problems with the pre-employment residency requirement and the First Amendment has been interpreted by the U.S. Supreme Court as prohibiting pre-employment residency requirements that are durational in nature. He said what COUNCILMAN GIARRANTE is talking about is a statutory problem in addition to a constitutional problem. He said so even if the courts allow some room under the constitution for that type of preference, if it has a disproportionate effect on a minority group, then there is a statutory reason why that preference can't be granted.

COUNCILMAN TURK asked the City Manager for an update on any potential leases that may be going on at Union Station.

The City Manager said he knows we do have a restaurant that's going to be coming in and it will be coming to the Council probably next month. He said it's a high class restaurant that's in a couple of other cities in Illinois.

ADJOURNMENT

COUNCILMAN TURK moved that the Council recess at 7:45 p.m. to closed session to discuss pending litigation, after which the meeting will be adjourned.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILMEN SHETINA, TURK, COUNCILMEN BROPHY, DORRIS, GIARRANTE, COUNCILWOMAN QUILLMAN and MAYOR PRO-TEM BARBER.

NAYS: NONE.

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ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk

Recorded on Tape