

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 20th day of January, A.D. 2009***

REGULAR MEETING of the Council of the City of Joliet, Illinois held on Tuesday, January 20, 2009 at 6:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

An Invocation was delivered by Rabbi Charles Rubovits, Joliet Jewish Congregation, 250 N. Midland Avenue, Joliet, Illinois.

Rabbi Rubovits then led the pledge to the flag.

**ROLL CALL**

PRESENT: MAYOR ARTHUR SCHULTZ and DISTRICT 4 COUNCILWOMAN SUSIE A. BARBER, DISTRICT 2 COUNCILMAN TIMOTHY M. BROPHY, COUNCILMAN AT LARGE THOMAS C. GIARRANTE, COUNCILWOMAN AT LARGE JAN QUILLMAN, DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA, COUNCILMAN AT LARGE MICHAEL F. TURK and DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

ABSENT: DISTRICT 5 COUNCILMAN WARREN C. DORRIS.

ALSO PRESENT: CITY MANAGER THOMAS A. THANAS and CORPORATION COUNSEL JEFFREY S. PLYMAN.

**APPROVAL OF MINUTES**

COUNCILMAN BROPHY moved that the minutes of the Pre-Council Meeting of the Council of the City of Joliet, Illinois held on Monday, January 5, 2009 at 3:30 p.m. and of the Regular Meeting held on Tuesday, January 6, 2009 stand approved as recorded.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

AYES: COUNCILWOMAN BARBER, COUNCILMEN BROPHY, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, UREMOVIC and MAYOR SCHULTZ.

NAYS: NONE.

**COUNCIL COMMITTEE REPORTS AND AGENDA ITEMS**

**A. Baseball**

COUNCILWOMAN QUILLMAN said there is a misconception that the City of Joliet has given the baseball team money. She said we have not done that and she just wants to clear that up because she keeps reading in the newspaper that we have given them money and we have not done that.

**B. City-County Advisory**

COUNCILMAN SHETINA said both staffs are meeting and there is an indication of a study being performed but there is nothing to report at this time.

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C. Finance

COUNCILMAN UREMOVIC said they conducted their regular monthly meeting today. He said they reviewed and discussed the approval of the minutes of December 15<sup>th</sup> and the authorization to retain consultants to perform actuarial analysis for the Firefighters and Police Officers pension funds. He said there was also a discussion to retain a consultant to perform an actuarial analysis for the Retiree Health Care and Life Insurance Benefits programs. He said they also discussed the award of a contract for auditing services for a 3 year period with Wermer, Rogers and all will be voted on tonight.

COUNCILMAN UREMOVIC stated they also discussed the Neighborhood Improvement Program for the month of December and a review of the Cash Flow Report and he asked the Director of Management and Budget to give a brief overview of the report.

Director of Management and Budget Ken Mihelich stated when we look at the cash flows we look at them from two points of view, one being the taxing funds and the other being the water and sewer funds. He said the taxing funds include Police and Fire operations, City Hall and Public Works, and on that side of the equation for the year we had shortages in the area of housing related revenues and with the housing market decreasing that was clearly evident. He said we also saw sales taxes decrease a little bit, but on the other hand we did make up a little bit on the income tax side. He said the manner in which we basically made the budget for this past year was that we cancelled projects or we made other adjustments such as not spending our revenue reserve funds accordingly, so we did really come in according to how we had planned the year originally.

Mr. Mihelich said on the water and sewer side it was a similar situation and we saw decreases in housing related connection fees as well as in the commercial side. He said also in the sales of water and sewer side we saw a little bit less than budgeted and that appeared to be part of the enjoyable summer we had; it wasn't quite as hot and it was a little bit more wet than we've had in some of the past years so the sales decreased. He said the manner in which we handled that was Director of Public Utilities Jim Eggen and his staff picked out projects that could either be deferred or delayed and so essentially that got us through this year.

COUNCILMAN UREMOVIC said there was also a review of the Personnel Summary, December Conference, Travel and Seminar Expense Report and it was placed on file. He said there was also a review of the Treasurer's Disbursements and Regular Claims for the month of December and those were also placed on file.

D. Land Use

COUNCILMAN SHETINA said the Land Use Committee is going to meet next Monday, January 26<sup>th</sup>. He said they have several items on the agenda. He said he and the City Manager attended a CED meeting the other day and one of the things he wanted to put on the Land Use Committee agenda is business retention. He said he thinks we need to look at that very hard and put together a creative effort by the Planning Department and other departments and of course the Mayor and Council themselves. He said one of the things that stood out was there was a report given that 75% to 80% of all new jobs in the area are created

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by existing businesses so he thinks it's incumbent upon us to try to find out what businesses might be in some trouble that we may be able to help with. He said he's not talking about infusing money in anybody's pocket but he thinks we need to see what kinds of problems our existing businesses have that maybe we can deal with. He said business retention is probably more important now than ever and we need to come up with ideas on ways to increase capacity in terms of employment. He said one of the good things, if it's true, is that they did indicate that Joliet's unemployment rate is 6.2% and we were at 26% in 1982 and we have a lot more people now. He said if that is true it shows what the diversity in our economy has brought for us since 1982 and that it has helped us retain jobs and we need to help that along by having a business retention plan.

**E. PUBLIC SAFETY**

COUNCILMAN GIARRANTE stated the Committee met this evening and discussed a request to use pedicabs in downtown Joliet. He said it's the feeling of the Corporation Counsel and the Police Chief that there is no license involved. He said they must use the street like any other bicycle and they do have lights and turn signals, etc. and we're just going to leave it at that.

COUNCILMAN GIARRANTE said they also discussed a siren project that would be a potential savings. He said Fire Chief Formhals is going to get us the numbers and that will be on the agenda for the first meeting in February.

COUNCILMAN GIARRANTE said the Police Department requested the purchase of forensic evidence drying cabinets for the preservation and storage of DNA evidence. He said the cost is \$10,695.00 and there will be no cost to the taxpayers; it will come out of the Drug Asset Forfeiture Funds. He said they are also going to purchase seven desktop computers for their Narcotics Unit at a total cost of \$8,563.00 and that money will also come out of the Drug Asset Forfeiture Funds.

**E. PUBLIC SERVICE**

COUNCILMAN TURK stated the Committee met this morning and reviewed the contracts, change orders, pay estimates and final payments and found them all to be in order and recommended their approval. He said they also reviewed the 2009 Neighborhood Improvement Program list and recommended that for approval.

COUNCILMAN TURK said they had some discussion on the rock salt order for the streets and our current supplier is unable to supply us with the amounts we contracted for so it has forced staff to go out and make some emergency purchases at a higher rate just to get us through the last couple of storms. He said the Legal Department is looking into that to see if we have any legal remedies against our current supplier. He said hopefully more shipments will be coming in the next week or so to help with future storms.

COUNCILMAN GIARRANTE said they also discussed the new facility where we'll be able to store up to 6,000 tons of salt inside and we'll at least have that for the start of winter. He said that should go online pretty quick.

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COUNCILMAN SHETINA said he travelled throughout the district to see what had occurred with respect to cul-de-sac plowing. He said in some areas it probably wasn't as good as it should have been but people keep their cars and trucks in the streets and you have to plow around them and it misses a house because the neighbor left their car on the street so there are some issues with that. He asked the City Manager if he could explain how we do the plowing, where we do it and when we do it. He said we've talked about it before but we do get calls on it and we need to talk about the issue again.

The City Manager said we have a policy as far as how the City tackles snow events or ice storms or whatever it may be. He said that policy is posted on our website and he encouraged citizens to take a look at that and if they don't have access they can call our office and we'll get them a copy of the policy. He said it's a common sense policy; if you see snow that will be accumulating a significant amount we ask residents to try to find a place for their vehicle off the street so when our plow is going down the street we can actually handle that without having to dodge the cars that are there. He said the added problem is that when we do go around them we create a barrier around that car and that person probably ends up doing a lot more work than they would have done had they put their car in a driveway.

The City Manager said as far as the cul-de-sacs they have been a challenge. He said it is very difficult to move the snow around in cul-de-sacs. He said what we've done recently as we have done in past winters is we've contracted with private contractors to come in and help us with snow removal in the cul-de-sacs. He said that was done last week and some residents have probably seen the cul-de-sacs get treated a lot better than what they were for the first few snow events that we had. He said so we will call out for assistance when we have a heavy snow like we did last week. He said as far as the complaints from this last one we did have a few and most of them came from the far west side, Kendall Ridge and Kendall County residents. He said he and Roadways Engineer Mike Eulitz exchanged information today and he made some calls to the property owners and we're trying to handle that on a case by case basis. He said generally speaking we received fairly good reports as far as the way the snow event was handled last week and he thinks we're getting better at it. He said what we try to do is rotate where we start because we would all like to have our street done first and the reality is we have 40 some trucks go out when we have a full snow event and they have to start someplace and they are now on a rotation basis after we take care of the main areas around the hospitals, fire stations, schools and any place that needs particular attention. He said after that when we get to the neighborhoods Mr. Eulitz is trying to rotate that so everybody gets a chance at being first.

COUNCILWOMAN QUILLMAN asked if we could institute a City Ordinance that when there is so much snow on the ground you have to get your car off the street because all of those folks have driveways.

The City Manager said he thinks we do have that Ordinance. He said COUNCILMAN SHETINA called him last week about a problem on Overlook Drive and he went out there about ten minutes later and one of our Police Officers was there ticketing the vehicle that had been parked there for a long time so we do have that legal authority right now.

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COUNCILWOMAN QUILLMAN asked if the Homeowner Associations know about this Ordinance to pass it on to their neighbors.

The City Manager said he thinks we can do a better job of communicating with the Homeowners Associations and said he thinks the Planning Department has the list and he'll ask them to communicate the rules to the Homeowners Associations.

COUNCILMAN TURK said he thinks that's an excellent idea because one of the problems is some of these subdivisions have public streets but they have management companies do their driveways and walks. He said he thinks they're telling them not to park in their driveways so they can clean them and we're telling them to park in the driveways so we can clean the streets, so we have to work with those companies and try to work something out.

The City Manager said he thinks it's a matter of timing and the homeowners have to be cooperative in those situations.

COUNCILMAN SHETINA said people have generally been very patient and understanding because they realize the event we had was above the norm so we have been lucky with that. He said he would like to have a general meeting at one of the schools in the western subdivisions and invite Cumberland and Mayfair and Kendall Ridge and some of those on the Kendall County side for the purpose of discussing this issue and make sure everybody is aware to get their cars off the street. He said one home had seven cars and they are always a problem even when you try to pick up the trash and if you have a police or fire call it's almost impossible to get to the end of the street so we need to work with some of those things. He said he'll look at everybody's calendars and try to do something in February.

There were no other Committee reports.

CONSENT AGENDA

A. Approval of the 2009 Neighborhood Improvement Program  
(Council Memo #29-09)

A communication from the City Manager contained his recommendation that the Mayor and City Council take the following actions: 1) Approve the 2009 Neighborhood Improvement Program; 2) Authorized the Administration to proceed with the engineering plans and advertisements for bids; and 3) Authorize the Administration to contact the Neighborhood Organizations and individual property owners participating in the program.

B. Treasurer's Report – November, 2008

A communication from the City Manager contained his recommendation that the report be received and placed on file.

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

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN BROPHY, GIARRANTE, COUNCILWOMAN  
QUILLMAN, COUNCILMEN SHETINA, TURK, UREMOVIC,  
COUNCILWOMAN BARBER and MAYOR SCHULTZ.

NAYS: NONE.

PUBLIC HEARINGS

A. Public Hearing re: Annexation of 69.3 Acres for Bronk's Landing Subdivision

1. Resolution re: Approving an Annexation Agreement for 69.3 Acres - Bronk's Landing Subdivision (#A-111-08/Dist. #1)  
(Council Memo #32-09)
2. Ordinance re: Approving the Annexation of 69.3 Acres - Bronk's Landing Subdivision (#A-111-08/Dist. #1)  
(Council Memo #32-09)
3. Ordinance re: Approving the Classification of 69.3 Acres - Bronk's Landing Subdivision to B-3 Zoning (#A-111-08/Dist. #1)  
(Council Memo #32-09)
4. Ordinance re: Approving the Preliminary Plat of Bronk's Landing Subdivision (#P-5-08/Dist. #1)  
(Council Memo #32-09)

A communication from the City Manager contained a request by the petitioner that said items be tabled to the City Council meeting to be held on February 17, 2009 in order to finalize outstanding issues with IDOT and the subdivision proposal.

COUNCILWOMAN QUILLMAN moved that said items be tabled to the February 17, 2009 City Council meeting.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMAN GIARRANTE, COUNCILWOMAN QUILLMAN,  
COUNCILMEN SHETINA, TURK, UREMOVIC, COUNCILWOMAN  
BARBER, COUNCILMAN BROPHY and MAYOR SCHULTZ.

NAYS: NONE.

APPROVAL OF REGULAR CURRENT BILLS

A. Treasurer's Disbursements – December, 2008 - \$30,024,125.72

A communication from the City Manager contained his recommendation that the report be received and placed on file.

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B. Regular Claims – December, 2008 - \$2,848,442.18

A communication from the City Manager contained his recommendation that the report be received and placed on file.

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

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, UREMOVIC, COUNCILWOMAN BARBER, COUNCILMEN BROPHY, GIARRANTE and MAYOR SCHULTZ.

NAYS: NONE. (COUNCILWOMAN QUILLMAN abstained from voting on any items dealing with Silver Cross Hospital)

ORDINANCES AND RESOLUTIONS

A. ORDINANCES

1. AN ORDINANCE Approving the Final Plat of Liberty Meadow Estates Subdivision Unit 2, a PUD as recommended by the Plan Commission was presented and read. (#FP-12-08/Dist. #4)  
(Council Memo #33-09)  
(ORDINANCE NO. 16414)
  
2. AN ORDINANCE Approving the Recording Plat of Liberty Meadow Estates Subdivision Unit 2, a PUD as recommended by the Administration subject to receipt of the following fees and documentation within 60 days was presented and read:  
1) A Letter of Credit or Performance Bond for public improvements in the amount of \$1,275,723.00; 2) A 1 ¼% Inspection Fee for public improvements in the amount of \$15,946.53; 3) An Irrevocable Offer of Dedication for public improvements; and 4) Payment of the water main recapture in the amount of \$76,268.75. (#RP-17-08/Dist. #4)  
(Council Memo #33-09)  
(ORDINANCE NO. 16415)

The City Manager explained the addendum which added the payment of the water main recapture as a condition for approval. He said this has been a great project that we have been working on with the Housing Authority and staff recommends its approval.

COUNCILMAN GIARRANTE moved that said Ordinances be adopted as recommended.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN SHETINA, TURK, UREMOVIC, COUNCILMEN BROPHY, GIARRANTE, COUNCILWOMAN QUILLMAN and MAYOR SCHULTZ.

NAYS: NONE.

ABSTAIN: COUNCILWOMAN BARBER.

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Prior to his vote, COUNCILMAN BROPHY stated the Director of the Housing Authority did a real nice summary for us about a week ago which detailed where they are status wise and he appreciates the work and he votes aye on this project and hopes it continues to move along successfully.

3. AN ORDINANCE Approving a Variation of Use to Allow the Operation of a Billiard Hall in a B-1 Zoning District Located at 2773-2775 Black Road as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: 1) That the hours of the operation be 12 p.m. to 11 p.m. Sunday through Thursday and 12 p.m. to 12 a.m. Friday and Saturday; 2) That any patron under 18 years of age be accompanied by an adult; 3) That no alcohol shall be sold or consumed on the premises; 4) That the Variation of Use is subject to review 1 year after approval by the City Council; 5) That the Variation of Use is subject to renewal after a period of 5 years; 6) That the Variation of Use granted shall herein terminate and lapse unless a Building Permit or Certificate of Occupancy is obtained not later than 180 days of the effective date of this Ordinance and the erection or alteration of a building is started or the use is commenced within such period; and 7) Should the property be declared a Public Nuisance, it shall be subject to a rehearing and a possible revocation of the Variation of Use.  
(Council Memo #34-09)

The City Manager explained the addendum which changed the business hours and stated this is a proposed billiard hall for the corner of Infantry Drive and Black Road. He said this is a request to operate a B-3 Business in a B-1 Zoning District. He said the ZBA and staff are recommending approval.

COUNCILWOMAN QUILLMAN said she noticed that the hours were changed from 12 a.m. to 11 p.m. on Sunday and from 1 a.m. to 12 a.m. on Friday and Saturday. She said she was going to question that in the beginning because if there is no alcohol there, who is going to play billiards until 1 a.m. She said she's glad we recommended to change that to midnight. She asked if there were any other complaints from homeowners.

The City Manager said no, there were no complaints. He said it's an existing shopping center and it has a lot of traffic right now.

COUNCILWOMAN QUILLMAN said but no alcohol. She said she finds that amazing because usually when people play pool they drink beer. She asked if they will be coming in later for a liquor license after they're established.

Mr. Joel Mueller, the petitioner, stated he does plan on coming in to get a license. He said he just needs to find out exactly how many vending machines, pop machines and snack machines he is going to need first because he knows that is part of the whole package so once he figures all of that out he'll be coming to get the license.

COUNCILWOMAN QUILLMAN asked him if he was OK with the new hours.

Mr. Mueller said he's fine with that, yes.

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COUNCILMAN BROPHY said the information conflicts on who the owner of the property is and he asked the Corporation Counsel if he could help him figure that out. He said the ZBA petition lists Montana Investments as the owner and on the disclosure form it's listed as Sharp Homes and he asked what the status is of the ownership.

Mr. Mueller said Montana Investments is Sharp Homes.

COUNCILMAN BROPHY said OK, he was not aware of that.

The City Manager said Mr. Mueller will be leasing the store front and Montana is the LLC where Charles Sharp is one of the principals.

Mr. Sharp was present and stated that's correct.

COUNCILMAN TURK stated the residents of the northern section of Glenwood Manor were notified and nobody objected.

The City Manager said that's correct.

COUNCILMAN TURK asked if they also be notified if they come back for a liquor license.

The City Manager said yes.

COUNCILMAN TURK said just a word of caution, he gets calls from the northern end of Glenwood Manor about the current liquor license that is there and they're not real happy when they close with the noise and everything else in the summer. He said he doesn't know if there will be opposition when you try for a liquor license or not.

Mr. Mueller said he's a homeowner and doesn't blame them but he is going to try to keep loitering down to a minimum so there is no noise outside.

COUNCILMAN UREMOVIC asked if there was any opposition by any of the other commercial businesses in this strip mall area.

The City Manager said there was no one at the public hearing or any written communications objecting to it.

Mr. Sharp said there were no objections.

COUNCILMAN TURK asked Mr. Mueller if he felt he would be able to survive if he applies for a liquor license and it is not granted.

Mr. Mueller said he believes so.

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COUNCILMAN GIARRANTE moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILMEN TURK, UREMOVIC, COUNCILWOMAN BARBER,  
COUNCILMAN GIARRANTE, COUNCILWOMAN QUILLMAN,  
COUNCILMAN SHETINA and MAYOR SCHULTZ.

NAYS: COUNCILMAN BROPHY.

(ORDINANCE NO. 16416)

4. AN ORDINANCE Declaring the following properties as Public Nuisances and authorizing application to the Circuit Court for demolition, injunction or other relief was presented and read: 233 Collins Street, 525 Harwood Street, 622 Norton Avenue and 464 E Washington Street  
(Council Memo #35-09)

COUNCILMAN GIARRANTE moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILMAN UREMOVIC, COUNCILWOMAN BARBER,  
COUNCILMEN BROPHY, GIARRANTE, COUNCILWOMAN QUILLMAN,  
COUNCILMEN SHETINA, TURK and MAYOR SCHULTZ.

NAYS: NONE.

(ORDINANCE NO. 16417)

5. AN ORDINANCE Amending the Floodplain Management Regulations was presented and read.  
(Council Memo #36-09)

COUNCILMAN TURK moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILWOMAN BARBER, COUNCILMEN BROPHY, GIARRANTE,  
COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK,  
UREMOVIC and MAYOR SCHULTZ.

NAYS: NONE.

Prior to his vote, COUNCILMAN SHETINA asked Director of Community and Economic Development Jim Haller how this affects us with the current regulations that FEMA sets out or anything that we have in our files that shows floodplain, wetlands, etc.

Mr. Haller said it probably won't affect us because under the National Flood Insurance Program we need to follow the rules that they put in place for us, and they actually make us adopt those rules and recognize or adopt the maps. He said they made changes to the floodplain maps in that portion of Joliet that is in Kendall County only and so we have to go through and recognize the new maps and then they made some minor modifications to the existing language for the model ordinances that are part of our Ordinance. He said we've done this 3 or 4 times and the Public Works staff reviewed all of this and instituted the changes.

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He said every time there is a change to the maps we go through this process.

COUNCILMAN SHETINA asked if the changes are based upon recent experience with respect to flooding or what triggers the change or can someone come in and trigger it.

Mr. Haller said they did some computerized modelings and inherently made them better, got better data and instituted the better data with the new maps. He said it's a computer modeling change that probably makes the floodplain increase in some areas and less in others.

COUNCILMAN SHETINA asked if there is any indication at all of precluding Joliet from doing some of the things we want to do in areas that we have our FAP set up in or is this nothing more than looking at floodplain and looking at historical data. He asked does it preclude anyone from hiring an engineering firm to go out and check the levels to see if somebody should or shouldn't be in.

Mr. Haller stated not at all. He said with computer modeling you can still get better local available data if somebody wants to go out and spend the money to do that, and they can in essence possibly get themselves out of the floodplain. He said in many of these areas the developers that purchase those properties may in fact do that and they could shrink the size of the floodplain from what's depicted on the maps that are referenced here before you now. He said so it really doesn't stop anybody. He said it's a recognized set of guidelines and they do tell us that if we don't adopt these guidelines and changes that we run the risk of being thrown out of the National Flood Insurance Program which is kind of ironic because out in the far west side of the area we have not allowed any construction in the floodplain areas so there is probably not a whole lot of people out there that buy flood insurance. He said where it would impact us is on the old historic east side of Joliet where there are many, many houses in the floodplain and we rely upon this flood insurance program to offer flood insurance to those people that need it.

(ORDINANCE NO. 16418)

**B. RESOLUTIONS**

1. A RESOLUTION Approving an Agreement Between the City of Joliet and the Regional Transportation Authority (RTA) for the Joliet Intermodal Transportation Center Feasibility Study Grant was presented and read.

(Council Memo #40-09)

COUNCILMAN BROPHY moved that said Resolution be adopted.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

AYES: COUNCILMEN BROPHY, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, UREMOVIC, COUNCILWOMAN BARBER and MAYOR SCHULTZ.

NAYS: NONE.

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Prior to his vote, COUNCILMAN SHETINA stated there is a current study being done for the Federal and State government and this area as you all know is going to be the largest intermodal site in the world apparently from what they're talking about. He said there are going to be a lot of jobs and we've already experienced impact fees that were beautiful off that particular area. He then voted aye.

(RESOLUTION NO. 6232)

2. A RESOLUTION Adopting an Intergovernmental Agreement with Will County to Maintain a Recycle Drop Off Site at 818 East Cass Street was presented and read.  
(Council Memo #41-09)

COUNCILWOMAN QUILLMAN moved that said Resolution be adopted.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMAN GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, UREMOVIC, COUNCILWOMAN BARBER, COUNCILMAN BROPHY and MAYOR SCHULTZ.

NAYS: NONE.

(RESOLUTION NO. 6233)

BIDS AND CONTRACTS

A. Award of Contracts

1. Authorization to Repair Damaged Fire Vehicle – Unit FD685  
(Council Memo #44-09)

A report on two estimates received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to J. Merle Jones in the amount of \$9,984.05.

2. Purchase of Professional Services for AS/400 Hardware and Software Maintenance  
(Council Memo #45-09)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Genisys Group in the amount of \$7,871.17.

3. Authorization to Retain Consultant to Perform Actuarial Analysis for the Firefighters and Police Officers Pension Funds  
(Council Memo #46-09)

A communication from the City Manager contained his recommendation that the Mayor and Council retain GRS for a base fee not to exceed \$15,600.00 to perform a valuation of each plan for the period ended January 1, 2008.

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4. Authorization to Retain Consultant to Perform Actuarial Analysis for the Retiree Health Care and Life Insurance Benefit Programs  
(Council Memo #47-09)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to GRS in an amount not to exceed \$7,000.00.

5. Award of Contract for Auditing Services for a Three Year Period  
(Council Memo #48-09)

A communication from the City Manager contained his recommendation that the Mayor and Council award a three year contract for the fiscal years 2008, 2009 and 2010 to Wermer, Rogers, Doran and Ruzan for an annual fee of \$88,500.00, \$92,000.00 and \$95,800.00 respectively.

6. Purchase of Bulletproof Body Armor for Police Officers  
(Council Memo #49-09)

A communication from the City Manager contained his recommendation that the Mayor and Council authorize the sole source status of the Joliet Clothing Mart and Ray O'Herron Company for the purchase of body armor for police officers.

7. Purchase of Uniforms and Equipment for Police Officers  
(Council Memo #50-09)

A communication from the City Manager contained his recommendation that the Mayor and Council authorize the sole source status of the Joliet Clothing Mart for the purchase of uniforms and equipment for police officers.

8. Purchase of Forensic Evidence Drying Cabinet  
(Council Memo #51-09)

A report on two bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Air Science USA in the amount of \$10,695.00.

9. Award of Contract for the Blended Phosphate Solution Purchase - 2009  
(Council Memo #52-09)

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 Pristine Water Solutions, Inc. for the value not to exceed \$90,120.00 at the contract price of \$7.51 per gallon.

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10. Authorization to Approve Emergency Salt Purchase –  
Roadways Division  
(Council Memo #53-09)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve the emergency purchase of 1,012.54 tons of road salt on Purchase Order No. 99550 in the amount of \$151,881.00 from Material Distribution Inc; 2) Approve the emergency purchase of 498.42 tons of road salt on Purchase Order No. 99629 in the amount of \$74,763.00 from Material Distribution Inc; and 3) Approve payment in the amount of \$226,644.00 to Material Distribution Inc.

11. Award of Contracts for the 2009 Biosolids Disposal Program  
(Council Memo #54-09)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Authorize the award of a contract for the 2009 Biosolids Disposal Program to Stewart Spreading in the amount of \$798,000.00; 2) Authorize the award of a professional services contract to Land Treatment Alternatives in an amount not to exceed \$56,000.00; and 3) Approve the continuing policy of providing payments to growers for making land available for the application of sludge.

12. Award a Professional Services Contract for the Hickory Creek  
Letter of Map Revision  
(Council Memo #55-09)

A report on three proposals received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Jacob & Hefner Associates in an amount not to exceed \$5,900.00.

13. Award of Contract for the Purchase of Polymer – East Side  
Sewage Treatment Plant  
(Council Memo #56-09)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Aqua Ben in the amount of \$61,710.00.

14. Award of Contract for the Professional Services for Radiological  
Sampling  
(Council Memo #57-09)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract for the quarterly radium testing of the water for the first, second, third and fourth quarters of 2009 to Environmental Inc. – Midwest Lab in the amount of \$32,230.00.

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15. Award of Contract for the Purchase of Hydrogen Sulfide Control/Odor Control Solution (VX-456) – East Side Sewage Treatment Plant - 2009  
(Council Memo #58-09)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Siemens Water Technologies Corp. in the amount of \$100,320.00.

16. Authorization to Approve Emergency Replacement of the Boiler Feed Pump at 818 E. Cass Street Facility – Roadways Division  
(Council Memo #59-09)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Poehner, Dillman and Mahalik in the amount of \$7,613.00.

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

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, UREMOVIC, COUNCILWOMAN BARBER, COUNCILMEN BROPHY, GIARRANTE and MAYOR SCHULTZ.

NAYS: NONE.

B. Amendments, Change Orders and Payments:

1. Authorization to Pay IWIN User Fee Overage  
(Council Memo #65-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the payment in the amount of \$4,142.20 on behalf of Illinois Department of Central Management

2. Approve Progress Payment No. 12 for the Arbeiter Road Public Works Facility and the Gael Drive Fire Maintenance Facility  
(Council Memo #66-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Progress Payment No. 12 in the amount of \$219,471.30 on behalf of Tri-State Enterprises, Inc.

3. Approve Change Order No. 1 and Payment No. 11 for the 2008 Polyphosphate Purchase  
(Council Memo #67-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$19,112.50 and Payment No. 11 in the amount of \$15,290.00 on behalf of Pristine Water Solutions, Inc..

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4. Approve Change Order No. 2 and Payment Estimate No. 5 and Final for the Theodore Street at EJ&E Crossing Roadway Improvements Project  
(Council Memo #68-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$7,803.30 and Payment Estimate No. 5 and Final in the amount of \$17,680.44 on behalf of P.T. Ferro Construction Co.

5. Approve Change Order No. 1 and Payment No. 2 for the Deer Run Estates Culvert Installation – 2008 Neighborhood Improvement Program  
(Council Memo #69-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$11,611.30 and Payment No. 2 in the amount of \$11,495.00 on behalf of Austin Tyler Construction.

6. Approve Change Order No. 1 and Payment No. 5 and Final for the Doris Avenue (Gardner-Retta) and Nicholson Street (Campbell-Western) Roadway Improvements – 2008 Neighborhood Improvement Program  
(Council Memo #70-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$3,001.51 and Payment No. 5 and Final in the amount of \$41,646.86 on behalf of Austin Tyler Construction.

7. Approve Change Order No. 2 and Payment Request No. 3 and Final to the Village of Rockdale for the City's Share of the Belleview Avenue Roadway Improvements Project - 2008  
(Council Memo #71-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$12,837.11 and Payment Request No. 3 and Final in the amount of \$30,549.18 on behalf of the Village of Rockdale.

8. Approve Payment Request No. 2 and Final for the Essington Road and Jeffrey Drive Decorative Pillar Project  
(Council Memo #72-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Payment Request No. 2 and Final in the amount of \$9,788.67 on behalf of G-Three Construction Corporation.

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9. Approve Change Order No. 4 and Payment Request No. 11 for the 2007 Electrical Maintenance Assistance Contract  
(Council Memo #73-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 4 in the amount of \$6,681.98 and Payment Request No. 11 in the amount of \$18,788.79 on behalf of Van Mack Electric Inc.

10. Approve Change Order No. 4 and Pay Estimate No. 6 and Final for the Cassie Drive and Edgerton Drive Roadway Improvement Project – 2007 Neighborhood Improvement Program  
(Council Memo #74-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 4, a deduction in the amount of \$31,697.86 and Pay Estimate No. 6 and Final in the amount of \$11,235.96 on behalf of P.T. Ferro Construction Co.

11. Approve Change Order No. 5 and Pay Estimate No. 8 for the Belmont/Elizabeth/Irving Roadway Improvements Project – 2008 Neighborhood Improvement Program  
(Council Memo #75-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 5, a deduction in the amount of \$20,766.35 and Pay Estimate No. 8 in the amount of \$11,654.71 on behalf of P.T. Ferro Construction Co.

12. Approve Change Order No. 3 for the Douglas/Wilcox Roadway Improvement Project – 2008 Neighborhood Improvement Program  
(Council Memo #76-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 3, a deduction in the amount of \$28,685.00 on behalf of P.T. Ferro Construction Co.

13. Approve Change Order No. 1 and Payment Estimate No. 3 for the Rock Well No. 1 Emergency Repair Project - 2008  
(Council Memo #77-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$49,889.00 and Payment Estimate No. 3 in the amount of \$120,014.10 on behalf of Water Well Solutions.

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14. Approve Change Order No. 16 for the Municipal Center Phase  
2 Remodeling Project  
(Council Memo #78-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 16 in the amount of \$8,230.00 on behalf of R.L. Sohol.

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

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILMEN SHETINA, TURK, UREMOVIC, COUNCILWOMAN BARBER, COUNCILMEN BROPHY, GIARRANTE, COUNCILWOMAN QUILLMAN and MAYOR SCHULTZ.

NAYS: NONE.

LICENSES AND PERMIT APPLICATIONS:

- A. Issuance of a Class "C-D" Liquor License at 3080 Hennepin Drive  
(Council Memo #83-09)

A communication from the Liquor Commissioner regarding the application of Aldi, Inc. #45 for the issuance of a Class "C-D" Liquor License at 3080 Hennepin Drive 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 TURK.

Motion carried by the following vote:

AYES: COUNCILMEN TURK, UREMOVIC, COUNCILWOMAN BARBER, COUNCILMEN BROPHY, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMAN SHETINA and MAYOR SCHULTZ.

NAYS: NONE.

- B. Transfer of a Class "C" Liquor License at 2405 Essington Road  
(Council Memo #84-09)

A communication from the Liquor Commissioner regarding the application of RAAV Enterprise, Inc. d/b/a 7-Eleven #3390-5H for the transfer of a Class "C" Liquor License at 2405 Essington Road contained his recommendation that the transfer of this license is in the best interest of the City, and therefore, approval is recommended.

COUNCILMAN TURK asked if this is for beer and wine only.

The Deputy Liquor Commissioner stated no, they have a full license. He said they have always had one there since it was a White Hen.

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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 UREMOVIC, COUNCILWOMAN BARBER,  
COUNCILMEN BROPHY, GIARRANTE, COUNCILWOMAN  
QUILLMAN, COUNCILMEN SHETINA, TURK and MAYOR SCHULTZ.

NAYS: NONE.

C. Transfer of a Class "A" Liquor License at 692 Theodore Street  
(Council Memo #85-09)

A communication from the Liquor Commissioner regarding the application of Michalene Liquors, Inc. d/b/a Michalene Liquors for the transfer of a Class "A" Liquor License at 692 Theodore Street contained his recommendation that the transfer of this license is in the best interest of the City, and therefore, approval is recommended.

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

Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

AYES: COUNCILWOMAN BARBER, COUNCILMEN BROPHY, GIARRANTE,  
COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK,  
UREMOVIC and MAYOR SCHULTZ.

NAYS: NONE.

MAYOR AND COUNCIL COMMENTS:

COUNCILMAN TURK said the Cass Street bridge is still up and today is January 20<sup>th</sup> and nothing has happened. He asked if there is another revised date for the repairs to be done.

The City Manager said in anticipation of your question we contacted IDOT and the new completion date is February 1<sup>st</sup>. He said we're not in a position to apologize because we really have no control over it but it's a very big hardship on downtown businesses and a big hardship on public safety. He said he knows Harrah's is suffering through a lot of other things and this really creates a bigger problem. He said we keep impressing upon IDOT that we really need the bridge fixed. He said the parts are in and he guesses work has started but they have pushed the date back 11 days.

COUNCILWOMAN QUILLMAN wished everyone a Happy Valentine's Day.

COUNCILMAN BROPHY said all the public employees are doing a heck of a job out there with some real tough conditions starting with the bridge. He said the Joliet Police Department has been doing extra efforts there trying to keep traffic moving to the other bridges so thanks to them. He said our Public Works employees are doing their jobs in difficult conditions and out in the elements and we thank them and winter isn't over by far. He said we have all those trucks and only so many drivers and they have to spend a lot of hours in those cabs and we appreciate that. He said also the ambulance crews are out in the elements.

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COUNCILMAN BROPHY said he saw the State out on Larkin Avenue patching potholes and we obviously need it. He thanked the Director of Public Works if he is coordinating with IDOT and he said to keep the whip out if he's using it.

COUNCILMAN BROPHY stated he had mentioned at a prior meeting about "Build Joliet", the name of an effort to ready projects as much as we can to participate in the stimulus package that's coming out of D.C. He asked the City Manager if he could tell him what we've done toward that end.

The City Manager said each department has put together a list of projects including Public Works, Utilities, Planning and anybody that has any kind of good project that we think we can get "shovel ready" within a short period of time. He said we have finalized that list and he thinks it will be coming to the Council for review and he would like the Council's endorsement so when we meet with Federal legislators we can let them know that this is the Mayor and City Council's plan and that it has the full endorsement of the Council. He said you'll see a lot of projects on there that are absolute necessities but we don't have ways of funding them and some are truly "shovel ready" where we can basically tell engineering firms to dig in and have plans to us within 2 or 3 months. He said if the stimulus package goes the way we hope it goes those funds will be available for us to be able to share in the proceeds that will be sent to Illinois and to Joliet specifically.

COUNCILMAN BROPHY said what he'd like to suggest with your recommendation is that you encourage the staff to cooperate with other entities like Joliet Junior College if they have a list ready and the library or whomever. He said also the purpose of the stimulus package is to put people back to work so we might want to get a little bit more creative in what "shovel ready" means. He said if it means putting people back to work it doesn't have to be air hammers and backhoes, it may be something a little less defined but either it puts people back to work or allows us to hire folks that we haven't been able to hire. He said whether it's us or the private sector let's think about those things too. He said until they approve the package we don't know exactly what date will be defined as "shovel ready" so let's keep getting things ready in the event that we can successfully and legitimately apply for those funds when they're ready.

COUNCILMAN BROPHY said he thinks a court date went by on Evergreen Terrace this past week and he asked the Corporation Counsel if he has the status on that.

The Corporation Counsel said the City appeared before the 7<sup>th</sup> Circuit Court of Appeals which is a Federal Court one layer below the U.S. Supreme Court for the purpose of an oral argument. He said he believes it's the key part of the case right now and will dictate whether we win or lose. He said he thought the argument went very well for the City. He said the panel that heard the case included Chief Judge Easterbrook who made statements basically indicating he thought that the City's position was sound and that our condemnation of Evergreen Terrace should be allowed to proceed through a trial. He said he took that as excellent news but we don't know exactly what the final decision will be. He said there were two other judges that sat on the panel and there were some tough questions for both sides but he viewed it as very favorable for the City. He said he thinks we should have an opinion within a month. He said he thinks this panel is very interested in the Constitutional elements of this case and we're going to hear from them shortly and hopefully it's good news. He said if it is good

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news there will be an opportunity for the case at that point to be further litigated in the Appellate Court so it could go to the U.S. Supreme Court. He said he thinks this case eventually will be allowed to prevail; the case has that many important Constitutional issues.

COUNCILMAN BROPHY asked if he could tell him what “shortly” means in legal terms in his experience in the court system.

The Corporation Counsel said he believes we will have a decision from the 7<sup>th</sup> Circuit before the opening day of baseball and he is very, very hopeful that we’ll prevail, but obviously we can’t make a guarantee. He said if we are successful it’s pretty likely that the case would then resume at the local level and we would have a trial on the value of the property and whether or not the condemnation could proceed. He said there is a chance that if we’re successful, instead of returning to the trial court for a trial it may actually go up to the U.S. Supreme Court or it may be reheard by all of the justices sitting on the 7<sup>th</sup> Circuit. He said he would say it’s very likely we’ll have our news by opening day and things look very good but there is a chance that the case could get tied up a little bit still at the Federal level.

COUNCILMAN GIARRANTE said there are still a lot of rumors floating around about layoffs and not filling positions. He said the last he knows the City Manager was going to come to the Council with this before any of those decisions were made and he assumes that hasn’t changed.

The City Manager said that has not changed. He said the policy has been for any positions that open through retirement or resignation it will be our recommendation to keep those positions vacant. He said there will be some that will need to be filled and as those come up we’ll let you know that and give you the reason why and proceed with filling them assuming the Council is supportive. He said as far as layoffs it is the absolute last resort that we would seek in the case of dealing with the budget shortfall that we have. He said as you know we’re going through the same thing that most municipalities are going through where there has been a substantial decrease in revenues and a substantial increase in expenses and we saw one tonight with the rock salt. He said we have some challenges in front of us but we’ll continue working with the staff and the union presidents and we’ll try to do our best to work through this stretch that is challenging and we hope that we’ll be able to come up with some creative ways of keeping our current complement of employees busy and keeping them as City employees.

COUNCILMAN GIARRANTE asked if we will be advised of the non-filling of positions also.

The City Manager said absolutely.

COUNCILMAN GIARRANTE said regarding these transmitting towers that we’re putting up throughout the City, what kind of monies do we get from them or do we just get building permit fees.

The City Manager said for the ones that are put on City owned property there is a lease arrangement and it’s fairly lucrative. He said for the ones that go on privately owned property he thinks it’s just the application fee.

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COUNCILMAN GIARRANTE said he understands that the City of Chicago, because one of those towers may have 3 or 4 different vendors, is trying to pass an Ordinance to get them to pay some kind of tax to the City and he asked if we can look into that and see if it's feasible.

The City Manager said yes, actually that was on Jim Haller's list of potential revenue sources. He said as we look at trying to get ourselves through the budget shortfall we're trying to be very cautious not to lean on revenue increases but that was one area where Jim said it's worth looking at. He said your suggestion is a great one and we will follow up on that.

MAYOR SCHULTZ said as you know we got a new President today, No. 44, and he wishes him all the luck in the world.

ADJOURNMENT

COUNCILMAN SHETINA moved that the Council recess at 7:20 p.m. to closed session to discuss personnel, pending litigation and land acquisition after which the meeting will be adjourned.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

AYES: COUNCILMEN BROPHY, GIARRANTE, COUNCILWOMAN  
QUILLMAN, COUNCILMEN SHETINA, TURK, UREMOVIC,  
COUNCILWOMAN BARBER and MAYOR SCHULTZ.

NAYS: NONE.

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ARTHUR SCHULTZ  
Mayor

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JANET K. TRAVEN  
City Clerk

Recorded on Tape