

***Proceedings of the Council of the City of Joliet, Illinois
held on the 5th day of January, A.D. 2010***

REGULAR MEETING of the Council of the City of Joliet, Illinois held on Tuesday, January 5, 2010 at 6:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

INVOCATION

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

COUNCILMAN SHETINA asked that a special prayer be given for two long-time Council meeting watchers who recently passed away, Betty Gurnitz and Councilman Turk's aunt, Jane Dalton.

Father Jankowski 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 and DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

ABSENT: DISTRICT 5 COUNCILMAN WARREN C. DORRIS and COUNCILMAN AT LARGE MICHAEL F. TURK.

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

APPROVAL OF MINUTES

COUNCILMAN GIARRANTE moved that the minutes of the Special Meeting of the Council of the City of Joliet, Illinois held on Monday, December 7, 2009 at 4:00 p.m., of the Pre-Council Meeting held on Monday, December 14, 2009 at 3:30 p.m. and of the Regular Meeting held on Tuesday, December 15, 2009 at 6:30 p.m. stand approved as recorded.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE.

COUNCIL COMMITTEE REPORTS AND AGENDA ITEMS

A. Public Service

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

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COUNCILMAN GIARRANTE said the Committee also received a report from Roadways Engineer Mike Eulitz on the snowstorms in December, and between the salt and overtime, it cost \$450,000 to clear the streets.

COUNCILMAN GIARRANTE stated Director of Public Works Jim Trizna gave a report on the quiet zones for the Canadian National Railway (CN). He said they had a meeting with the Federal Railroad Association (FRA) and there are improvements that we're going to have to do to the railroad crossings, but CN has agreed to pay \$400,000 for those improvements so there will be no cost to the City. He also said that this will not eliminate the train whistles totally because if an engineer sees a problem he's going to blow the whistle, plus other railroads use their lines.

Mr. Trizna stated things are progressing well with the quiet zones. He said we had a couple of meetings with FRA in early November and had our diagnostic review meeting December 14th with all of the agencies involved including the different road districts, IDOT, ICC and FRA personnel and we're now at a point where we're waiting to get our comments and minutes from the meeting. He said we've discussed the City's four quiet zones and what we plan on doing. He said generally everyone was in agreement with that plan and our next step, after we get our comments back, is the Notice of Intent which would probably be some time in mid to late February. He said things are progressing properly.

COUNCILWOMAN QUILLMAN said she was supposed to be informed of when those meetings were going to take place and she asked Mr. Trizna for a copy of those minutes when they become available.

COUNCILMAN SHETINA said he thinks it needs to be mentioned that he and Jim Haller, COUNCILMAN TURK and a large group of people involved in the 16th Street area met well over a year ago about quiet zones and CN came on board very early with this. He said CN agreed to pay whatever they had to pay and one of the reasons was because of the way Jim Haller handled it and moved in early knowing that this was going to happen and it was one of the reasons we got the quiet zones so easily, whereas some have had to fight for them.

B. Baseball

COUNCILMAN GIARRANTE said he had a brief conversation with the Corporation Counsel this afternoon and he is ready for the Baseball Committee to meet with the owners of the JackHammers and we'll try to get a date set for next week when all the Committee members can make it.

COUNCILMAN GIARRANTE said he's also been in contact with members of the School Board who want to put the turf in at Silver Cross Field and they would also like to be at the meeting because they're looking to go ahead with this. He said they've already given up on this year so it probably wouldn't be until 2011 if it's done, but they are looking for some kind of decision from the Council on the turf.

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C. Land Use

COUNCILMAN SHETINA said they've been stalling the Land Use Committee meetings because we have such a huge agenda and he's asked Jim Haller to separate what probably is the oldest and has the greatest need and we will probably have two meetings sometime in January.

D. Legislative

COUNCILMAN SHETINA said he wanted to mention the new Sunshine law for FOIA requests, the way City Council handles executive sessions and the like. He said there was a big article on it this week and he's spent some time going through it. He said he thinks that the Council ought to be involved in this either as a Legislative Committee or a Council of the whole. He said a FOIA Officer will have to be appointed to handle the FOIAs but we need to be involved in this. He said we have a fiduciary responsibility and a responsibility as Committee members and as City Council members to know what occurs here. He said there is an opportunity for people to become conversant with it and get licensed or signed on as a result of going to school but he thinks we need to do that as a Council of the whole or the Legislative Committee, whichever the Mayor prefers.

COUNCILMAN SHETINA said if someone accuses a Council member or Council group of meeting illegally, he thinks that ought to be taken right to the Corporation Counsel for an explanation. He said if he has an issue he wants to deal with, does he not have the right to call each Council member on the phone and talk with them individually. He asked if he has that right; that hasn't changed.

The Corporation Counsel said that's correct.

COUNCILMAN SHETINA asked if he's on the same Committee as another person, can he talk to that person individually on the phone to lobby for something.

The Corporation Counsel said the rule has always been that for public business to be discussed by a majority of a quorum of the Council as a whole or any subcommittee of the City Council, that discussion can only occur in a public setting and after a meeting notice has been issued. He said traditionally the City Council has organized its committees into groups of three elected officials and the majority of a quorum would therefore be two, so the advice has always been from all the City Attorneys who have sat in this chair that two members of the same committee cannot discuss committee business except at a duly advertised public meeting of that committee.

COUNCILMAN SHETINA said but that refers to committee business only.

The Corporation Counsel said that's correct, it's committee business only.

COUNCILMAN SHETINA said can he assume then that if he wants to lobby someone on the Council he can call those people individually and lobby them on something which is what he did, can he lobby people not with respect to the committee itself or a meeting of that committee or an issue that would come before that committee, but an issue that he wants to lobby votes on, does he have that right.

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The Corporation Counsel said yes as long as it's not a majority of a quorum.

COUNCILMAN SHETINA said what if he wants to call somebody who is on a committee and there's only three of us on a committee and he wants to call a person who is on a committee with him, can he do that or not.

The Corporation Counsel said if it's a subject that would be within the portfolio of a committee that two or members are part of, he would advise him not to have that discussion privately. He said the lobbying should occur out in the open after a meeting notice has been issued. He said that's probably a good rule across the board.

COUNCILMAN SHETINA asked if he can call somebody on an issue that is not committee related.

The Corporation Counsel said yes.

COUNCILMAN SHETINA said so he can lobby that way.

The Corporation Counsel said he believes he can have that discussion within the requirements of the Open Meetings Act so long as it's not a subject that is typically before that committee.

COUNCILMAN SHETINA said people flippantly say "you lobbied, you had an illegal meeting". He said if it's true that someone is doing something like that then they ought to be punished for it, but his understanding has been for all of these years that if he wants to lobby another Councilperson, he can call that person. He said he particularly didn't call Susie Barber or Warren Dorris because he is on committees with them and he wasn't sure. He said as long as it's not something that would come before Land Use or Legislative per se he can call people and lobby them on issues.

The Corporation Counsel said if it's unrelated to your committee yes you can have a one on one discussion. He said the only risk and the only hesitation is that the portfolio of our committees are not specifically defined by ordinance and there is nothing that would prevent a subject at Land Use from being raised at Legislative or at Finance or at Public Service, so the boundaries of committee business are gray and because of that, he needs to hedge and be careful and say that unless it's necessary, don't have that lobbying because you could cross into an area of discussion that might be the business of more than one committee. He said it's tricky and sometimes it forces people to behave in ways that aren't normal, people tend to have one on one discussions sometimes and if nothing malicious or underhanded is intended, people don't expect to have a natural conversation terminate in mid-sentence because a referee who went to law school throws a penalty flag and says you have an Open Meetings Act issue.

COUNCILMAN BROPHY said we operate a little bit differently; many smaller municipalities don't break into subcommittees like we do. He asked if such a thing has ever been tested and do we have anything to lean on because the definition of these potential agenda items is broad.

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The Corporation Counsel said no it has not been tested to the level of detail we've just discussed. He said what has been tested is that subgroups of the corporate authorities of the City Council are subject to their own set of open meeting restrictions. He said also there are some private groups that become subject to open meeting and FOIA requirements because of the level of involvement with a public agency so that's kind of been tested.

There were no other Committee reports.

CONSENT AGENDA

- A. Approval of the 2010 Roadway Reconstruction Program and the 2010 Community Development Block Grant (CDBG) Public Improvement Program
(Council Memo #1-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve the 2010 Roadway Reconstruction Program and allocate \$1 million of Motor Fuel Tax Funds for the four projects listed in the Council Memo; 2) Approve the 2010 CDBG Public Improvement Project and allocate \$350,000 of CDBG Funds for the project listed in the Council Memo; 3) Authorize the Administration to establish the Special Service Areas for these projects; and 4) Authorize the Administration to pursue the engineering plans and advertisements for these projects.

COUNCILMAN SHETINA asked about the sentence in the memo saying that CDBG funds may only be used in designated locations within the City.

The City Manager said there are two items in this memo, one to expend \$1,000,000 for roadway reconstruction using Motor Fuel Tax Funds which is State of Illinois money that comes to the City based on our population and that has no geographic restriction other than the City limits of Joliet. He said there is a second component of \$350,000 in Community Development Block Grant (CDBG) funding which must be used in a targeted area as defined by HUD that administers the CDBG program. He said in the memo are four projects using the MFT money and then one project using CDBG funding that's on Clement Street from Douglas to Ruby.

COUNCILMAN BROPHY asked if it's necessary to do both halves of this today, can we do the Motor Fuel Tax part and hold onto the CDBG funds. He asked if we have already received the CDBG funds.

The City Manager stated those have been approved for distribution to the City and we have received authority to go ahead and start expending those funds. He said this does not have to be voted on tonight if the Council feels they need some more time on the CDBG part of this. He said this is traditionally the time of year that we bring road projects to the Council so staff can start the engineering part of this and also start the special service areas to generate some private participation in trying to make the money go a little further.

COUNCILMAN BROPHY said he does have a reason for delaying the CDBG portion of it and not for the reason people may think. He said he thinks it's a closed session item so he would like to ask the Council if we could go ahead with the first half but not the CDBG part just for two weeks.

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COUNCILMAN SHETINA asked about the proposed roadway reconstruction projects that were selected, who picked those and who decided they were the most urgent or did it go before committee.

COUNCILMAN GIARRANTE said we just got this report and we had no say in what streets got done.

COUNCILMAN SHETINA asked who said these are the most vital.

The City Manager said he had asked the Engineering staff to look at the road projects that needed the most attention and these were the four that were recommended to him. He said he believes the Public Service Committee saw these this morning.

COUNCILMAN GIARRANTE said we assumed that that's what staff used to decide on the streets, that these are the ones that needed it most.

COUNCILMAN BROPHY asked the City Manager if we plan on an SSA process here in participation.

The City Manager said yes, it would follow the NIP model where there would be public participation in the cost of the streets and all four streets are residential projects.

COUNCILMAN BROPHY said in that case he understands it does take time and we don't have any time to waste. He said we could probably go ahead with both halves and he can ask his question in closed session regarding the other with all due caution. He said he removes the request for tabling and moved the entire item for approval.

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

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

APPROVAL OF REGULAR CURRENT BILLS

- A. Regular Payroll – November 14 – November 27, 2009 - \$2,935,345.28
(Council Memo #3-10)

Biweekly Payroll Summary Reports of the total cost of regular salaries for the period November 14, 2009 through November 27, 2009 including a 2009 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.

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- B. Regular Payroll – November 28 – December 11, 2009 - \$3,006,584.60
(Council Memo #4-10)

Biweekly Payroll Summary Reports of the total cost of regular salaries for the period November 28, 2009 through December 11, 2009 including a 2009 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.

- C. Regular Payroll – December 12 – December 25, 2009 - \$2,980,747.76
(Council Memo #5-10)

Biweekly Payroll Summary Reports of the total cost of regular salaries for the period December 12, 2009 through December 25, 2009 including a 2009 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.

COUNCILWOMAN QUILLMAN moved that the recommendations of the City Manager be concurred in.

Motion seconded by COUNCILWOMAN BARBER.

Motion carried by the following vote:

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

NAYS: NONE.

ORDINANCES AND RESOLUTIONS

A. ORDINANCES

1. AN ORDINANCE Approving the Vacation of a 2.5' x 90' Portion of a Public Utility and Drainage Easement at 747 Big Timber Drive as recommended by the Plan Commission was presented and read. (#V-10-09/Dist. #3)
(Council Memo #6-10)

COUNCILWOMAN QUILLMAN moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16570)

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2. AN ORDINANCE Approving a Special Use Permit to Allow a Car Rental Agency Located at 2221 W. Jefferson Street as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: 1) That a 5' 6" high, decorative cedar shadow box style fence be installed near the north property line within 180 days; 2) That no inoperable or junk vehicles will be allowed at the site; 3) That the business hours will not be expanded from Monday thru Friday 7:30 a.m. – 6:00 p.m. and Saturday 9 a.m. – noon (closed Sunday); 4) That if the above conditions are not completed within the specified time period this matter shall be scheduled for an administrative hearing; 5) That the Special 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 6) Should the property be declared a public nuisance, it shall be subject to a rehearing and a possible revocation of the Special Use.
(#2009-72/Dist. #2)
(Council Memo #7-10)

COUNCILMAN SHETINA moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16571)

3. AN ORDINANCE Approving a Variation of Use to Allow a Business Operation known as Midwest Goldbuyers, Inc. in a B-1 District Located at 1728 W. Jefferson Street as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: 1) That all items purchased shall be held for 30 days prior to reduction to raw form; 2) That the business hours will not be expanded from Monday thru Friday 10 a.m. – 7 p.m.; Saturday 10 a.m. – 5 p.m. and Sunday 11 a.m. – 3 p.m.; 3) That the business be confined to the former tenant space occupied by Hollywood Video at this location; 4) That the Variation 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 5) Should the property be declared a public nuisance, it shall be subject to a rehearing and a possible revocation of the Variation of Use.
(#2009-76/Dist. #3)
(Council Memo #8-10)

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COUNCILMAN BROPHY asked about the 30 day waiting period.

COUNCILMAN SHETINA said with respect to that he talked with Jim Riggs who is on the Zoning Board of Appeals and he had a concern about the fact that if someone came in there and brought in gold that was illicit, then at least they have 30 days to find out if it belongs to somebody before they melt it down and get rid of it. He said he thought that was a smart move on his part and that's what he brought to the committee.

COUNCILWOMAN QUILLMAN said she knows the Police Chief had some concerns about this type of business. She said she was reading the report and it said the Police Chief is more concerned with directing attention towards individuals who frequent the business and taking necessary steps to monitor the operation. She asked if it's going to take more time and more police officers off the street to monitor this operation and she asked the Chief for his thoughts on this.

Police Chief Fred Hayes said he thinks if it's properly managed we should be able to respond to any police related issues that may come up.

COUNCILWOMAN QUILLMAN said isn't the concern stolen goods.

Chief Hayes stated one of their primary concerns is that someone may come in and try to dispose of stolen goods and not properly identify themselves or maybe not identify the items as purported to be stolen. He said they may come forward and try to legitimize it when in fact they were obtained illegally.

COUNCILWOMAN QUILLMAN asked if that isn't kind of difficult to monitor.

Chief Hayes said it is a pretty difficult situation to monitor but if it's properly managed and a legitimate business person is conducting themselves ethically, there shouldn't be any violations.

COUNCILWOMAN QUILLMAN said she knows that when they get pieces of jewelry they have to photograph them and it's 30 days before they melt them down but what happens if after 30 days someone discovers that yes indeed that was their necklace that was stolen and now it's reduced to raw material, how do they track that.

Chief Hayes said once it's destroyed, it's destroyed, there's really no way to track it. He said what happens after 30 days is if there's a photograph of the item we may be able to identify the fact that a person brought that item to that location through the use of the photograph, and with the victim identifying the merchandise we may be able to use that information in trying to establish probable cause against an individual for bringing the item there or illegally obtaining the item.

COUNCILWOMAN QUILLMAN asked if there is any history of this type of business anywhere else.

Chief Hayes said he's not aware of any.

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COUNCILMAN SHETINA said we had this issue with pawn shops years ago which is the same type of business with gold and other things that they turn in. He said we have a method that we use and he asked the Police Chief if he could tell us what that is.

Chief Hayes stated the City has a pawn shop ordinance or a second hand dealers ordinance that oversees someone involved in pawning merchandise and our investigators regularly review the log sheets provided by pawn shops. He said it's a pretty thorough process.

COUNCILMAN SHETINA said he recalls when we did that years ago because it was a concern, there's no difference in the two operations as far as that's concerned. He said there is a method with pawn shops so he would assume the same kind of approach would be used with a gold buyer.

Chief Hayes said we've had some discussions on this new type of business and we feel that it's an appropriate use of the City's ordinance for second hand dealers.

COUNCILMAN GIARRANTE asked if we did any kind of a background check on this individual and if he's been in this business before.

Chief Hayes said they didn't conduct any kind of background check.

The City Manager said the information we have is that Midwest Goldbuyers is the largest gold recycler in the Chicago area and they have 27 store front locations throughout the Chicago area. He said he doesn't believe there is an additional background check that's done. He said there is a representative present this evening if anyone had any questions.

COUNCILMAN GIARRANTE moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: COUNCILMAN UREMOVIC and COUNCILWOMAN QUILLMAN.

Prior to his vote, COUNCILMAN UREMOVIC stated he's really not sure where we're going with the redevelopment of Jefferson Street and he's not sure if this is the right use for that location, and at this time he is going to vote no.

Prior to her vote, COUNCILWOMAN QUILLMAN said she also is going to vote no because she feels we didn't allow another payday loan store in that area and there are already so many on Jefferson Street and we're trying to revitalize the Jefferson Street corridor. She said she just doesn't think this is the type of business we want there and what really bothers her is the difference between this and a pawn shop is pawn shop merchandise isn't melted down so it's gone forever, so she has to vote no as well.

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Prior to his vote, COUNCILMAN SHETINA said he doesn't know if that's a fact or not but he thinks this is a legitimate business. He said they have 27 locations and advertise on television and he thinks the Attorney General of the State of Illinois would have had some issue with them if there was a problem. He said if there is a problem we'll go after them and he then voted aye.

(ORDINANCE NO. 16572)

4. AN ORDINANCE Authorizing the Execution of a Lease Agreement with the Illinois Department of Natural Resources for the Route 6 Force Main was presented and read.
(Council Memo #9-10)

COUNCILMAN GIARRANTE moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16573)

B. RESOLUTIONS

1. A RESOLUTION Authorizing the Acquisition of 109 E. Marion Street for \$11,880.00 was presented and read.
(Council Memo #13-10)

COUNCILMAN SHETINA asked how did we come up with the appraisal price of \$12,000, the lot is worth \$20,000.

Neighborhood Services Director Alfredo Melesio said this was an appraisal done by Jim Smith and he valued it at \$12,000. He said the interior was so bad that they valued it just as land.

COUNCILMAN SHETINA said so they're going to knock it down, that's fine.

COUNCILMAN GIARRANTE moved that said Resolution be adopted.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6333)

2. Resolution re: Authorizing Unity CDC as a Recipient of Community Housing Development Organization (CHDO) Funds
(Council Memo #14-10)

The City Manager stated there has been a request to table this item to the next City Council meeting on January 19th.

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COUNCILMAN BROPHY moved that said item be tabled to the January 19, 2010 City Council meeting.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

3. A RESOLUTION Appropriating Motor Fuel Tax Funds in the amount of \$106,468.97 for the Phase III Engineering Services for Draper Avenue, Washington Street, Theodore Street, Raynor Avenue, Western Avenue and Black Road American Reinvestment and Recovery Act (ARRA) Resurfacing Project was presented and read. (Section No. 09-00418-00-RS)
(Council Memo #15-10)

COUNCILMAN SHETINA moved that said Resolution be adopted.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

ABSTAIN: COUNCILWOMAN QUILLMAN.

Prior to her vote, COUNCILWOMAN QUILLMAN said she is going to abstain from this vote because she lives on Western Avenue; she didn't ask for this to be done as it is a collector street, but she is going to abstain.

Prior to his vote, COUNCILMAN GIARRANTE said we discussed this at the Public Service Committee this morning and we are using an outside source for the engineering because we are reimbursed by IDOT and he asked Mr. Trizna if that was correct.

Mr. Trizna said yes.

(RESOLUTION NO. 6334)

BIDS AND CONTRACTS

A. Award of Contracts

1. Authorization to Approve the Purchase of 2010 DP-1026 Enzyme Chemicals
(Council Memo #19-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to GETUM, Inc. in the amount of \$19,780.00.

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2. Authorization to Approve Purchase and Pay Estimate No. 1 for Anti-Icing/De-Icing Fluids for Snow Removal Operations – Roadways Division
(Council Memo #20-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the purchase of Geomelt S 30/70 in the amount of \$48,840.00 and Pay Estimate No. 1 in the amount of \$7,212.01 on behalf of SNI Solutions, Inc.

3. Award of Contract for HVAC Maintenance – 2010-2012
(Council Memo #21-10)

A report on nine bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and City Council award the contract to Hayes Mechanical in the amount of \$257,688.00.

4. Authorization to Approve Payment of Snow Removal (Storm on December 26, 2009)
(Council Memo #22-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the snow removal payouts totaling \$44,629.20 to the following contractors: Construction by Camco, Inc. (\$4,750.00); Allied Landscaping (\$4,800.00); J. Russ & Co. Inc. (\$7,956.00); G-Three Construction Corp. (\$9,693.00); and P.T. Ferro Construction Co. (\$17,430.20).

5. Authorization to Approve Payment for Emergency Sanitary Sewer Repairs (Route 6 East of Larkin Avenue)
(Council Memo #23-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve the increase to Purchase Order No. 104723 by \$6,768.75; and 2) Approve Payment to P.T. Ferro Construction Co. in the amount of \$7,758.75.

6. Authorization to Approve the Purchase of Professional Services for Sungard Public Sector License and Annual Support
(Council Memo #24-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Sungard Public Sector in the amount of \$35,420.80.

7. Authorization to Award a Professional Services Contract for the Phase III Engineering Services for Draper Avenue, Washington Street, Theodore Street, Raynor Avenue, Western Avenue and Black Road American Recovery and Reinvestment Act (ARRA) Resurfacing Project
(Council Memo #25-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Robert E. Hamilton Consulting Engineers at an hourly rate not to exceed a total amount of \$106,468.97.

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8. Authorization to Pay IWIN User Fees
(Council Memo #26-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the payment of \$1,593.75 per month to the Illinois Department of Central Services for the period January thru December, 2010.

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

Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

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

NAYS: NONE.

ABSTAIN: COUNCILWOMAN QUILLMAN abstained on Council Memo #25-10.

B. Amendments, Change Orders and Payments

1. Approve Change Order No. 2 and Payment Request No. 4 and Final for the Neufairfield Subdivision Public Improvements – 2009 Neighborhood Improvement Program
(Council Memo #30-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2, a deduction in the amount of \$48,885.69 and Payment Request No. 4 and Final in the amount of \$26,867.88 on behalf of P.T. Ferro Construction Co.

2. Approve Change Order No. 1 and Payment Estimate No. 4 for the Holmes Avenue (Woodruff – 500' South) Roadway Improvements Project – 2009 Neighborhood Improvement Program
(Council Memo #31-10)

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 \$11,832.83 and Payment Estimate No. 4 in the amount of \$8,239.91 on behalf of P.T. Ferro Construction Co.

3. Approve Change Order No. 7 and Payment Estimate No. 8 and Final for the Taylor Street (Springfield - Westnedge)/Westnedge Road (Taylor – Douglas) Roadway Improvements Project – 2008 Neighborhood Improvement Program
(Council Memo #32-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 7 in the amount of \$288.73 and Payment Estimate No. 8 and Final in the amount of \$2,882.13 on behalf of P.T. Ferro Construction Co.

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4. Approve Change Order No. 3 and Payment Estimate No. 4 and Final for the Hutchins Street/Oakland Avenue/Russell Street Roadway Improvements Project – 2009 Neighborhood Improvement Program
(Council Memo #33-10)

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 \$1,504.41 and Payment Estimate No. 4 and Final in the amount of \$8,645.95 on behalf of P.T. Ferro Construction Co.

5. Approve Change Order No. 2 and Payment No. 2 and Final for the 2009 Utilities Restoration Phase II Contract
(Council Memo #34-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$34,409.50 and Payment No. 2 and Final in the amount of \$79,222.54 on behalf of P.T. Ferro Construction Co.

6. Approve Change Order No. 1 to the Contract for the Demolition of City and Non-City Owned Property
(Council Memo #35-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$1,561.10 on behalf of Grosshening Inc.

7. Approve Payment No. 1 and Final for Repair of Well 12D (Joliet Mall) Pump and Motor
(Council Memo #36-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve the increase to Purchase Order No. 103717 by \$39,769.00; and 2) Approve Payment No. 1 and Final on behalf of Layne Christensen Co. in the amount of \$40,759.00.

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

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

LICENSES AND PERMIT APPLICATIONS

- A. Transfer of a Class “C” Liquor License at 2787 Black Road
(Council Memo #41-10)

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Deputy Liquor Commissioner Dan Campus explained a communication from the Liquor Commissioner regarding the application of Sameh Kattom d/b/a Black Road Food & Liquors for the transfer of a Class "C" Liquor License at 2787 Black Road recommending that the transfer of this license is in the best interest of the City and recommending its approval.

COUNCILMAN SHETINA 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, SHETINA, UREMOVIC and MAYOR SCHULTZ.

NAYS: COUNCILWOMAN QUILLMAN.

Prior to her vote, COUNCILWOMAN QUILLMAN asked the Police Chief if he has any information on the calls for service yet.

Chief Hayes stated he was told this morning that Will County 9-1-1 was successful in archiving the data to a new server and within a couple of days we should have access to that data and we will then be able to again review calls for services and provide the necessary reports, but we don't have one for this particular location.

COUNCILWOMAN QUILLMAN said she is going to be consistent and until we get those reports she's going to have to vote no.

MAYOR AND COUNCIL COMMENTS

COUNCILMAN UREMOVIC stated he got a call a while back from John Hertko who lives in Timberline and he has tried to call him back but can't get a hold of him. He indicated there was some problem with a neighbor and he was wondering if staff is involved and if there is an on-going conversation.

The City Manager said there's been an on-going conversation for a couple of years. He said John's property is outside the City limits and he has a septic system and there was some problem with the neighbor's septic system and that's being worked on right now and we're getting closer to resolution. He said the Will County Health Department is involved with it too because of the public safety issue.

COUNCILWOMAN QUILLMAN thanked the City staff for keeping the streets clear with all of the snow we've been having and she understands that this weekend we are going to have some more and she also thanked the crew keeping up with the water main breaks as well.

COUNCILWOMAN QUILLMAN said it looks like we're off to a big start here so Happy New Year everyone.

COUNCILWOMAN BARBER wished everyone a Happy New Year.

COUNCILMAN BROPHY thanked the plow crews that have worked some long hours in the last few weeks. He reminded the public to keep cars off the streets if they can so the plows can do a better job and asked them to help their elderly

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neighbors shovel their aprons that may get snow covered from the plows.

COUNCILMAN BROPHY said he would like to have a conversation about a couple of items with regard to liquor licenses and liquor codes. He said one is to extend the beer garden hours to equal the hours inside the operation. He said he thinks in the nice weather when patrons have to leave the well-operated beer gardens and go inside for no reason we may be losing business and tax dollars by those folks going home early because they can't smoke inside or whatever the case may be. He said he would like to have a conversation about that as a committee of the whole and if we could do it today that would be fine.

COUNCILMAN BROPHY said the other item is that he's worried about the Ambrosia type crowd and where that might go now that that closed down. He said he was wondering if we should require those establishments with live DJ's to hire off-duty Joliet Police Officers, because he thinks that seems to be the magnet that draws the bad element and he wondered if we could look at that change as well to the code.

COUNCILMAN BROPHY said he thinks there is some merit to the first matter that decent patrons at a well run establishment who would like to sit outside a little bit longer in the evening in the summers are forced inside or out of the establishment altogether. He said he doesn't know what the thoughts are of the rest of the Council, pro or con, but he would like to have a discussion about that.

COUNCILMAN GIARRANTE said he agrees with COUNCILMAN BROPHY. He said it's tough enough for businesses to make a go now and maybe we should do anything we can do to help them make a little bit more money. He said he agrees we should have a discussion.

COUNCILMAN GIARRANTE said one thing he forgot to mention in his Public Service Committee report is that Mike Eulitz told us this morning that by mixing the beet juice with the salt, he believes he said they're using 10% less salt and so the salt is going farther and that's a savings.

COUNCILMAN BROPHY asked if it would be appropriate to ask the Corporation Counsel to draw up some sort of a change or proposal that we could discuss, put something in hard copy so we could talk about the parameters or how does that work.

The Corporation Counsel said he could prepare a draft Ordinance or a document that outlines the relevant issues and proposed changes. He said it is probably a discussion for a traditional Pre-Council meeting, that seems to be the best place, or perhaps it could go to one of the committees, whoever wants to take jurisdiction of that subject.

COUNCILMAN BROPHY said he likes the Pre-Council meeting idea, we could give notice now and then those folks that would be interested in that conversation could attend if the Mayor would consider that item for the agenda.

The City Manager said the next Pre-Council meeting would be February 1st and we could put it on that agenda and work with the Mayor's office on that and then at that point the Council can give staff direction on how they would like it handled.

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MAYOR SCHULTZ stated this has come up before and we have to be very careful with the hours on that because some people do like to sit outside, but if it is allowed at places like Malnar's and Garnsey III, those are right in somebody's front yard and nobody wants people out there drinking at 1 a.m. or 2 a.m. He said it's a good thought but we have to be careful with this because of the old licenses with a lot of those places in neighborhoods or right next to homes.

COUNCILWOMAN QUILLMAN asked COUNCILMAN BROPHY if there was any particular business he had in mind that someone complained about to him.

COUNCILMAN BROPHY said several operators have approached him. He said he's not sure if we can write an Ordinance that would apply differently to establishments with different distances from residential or proper screening or whatever the case may be. He said that's the kind of stuff he wants to work on, how can we make this fair and equitable and useful if there are some pros to it. He said the ones that are farther out like Heroes and the ones on Essington could certainly benefit from this.

MAYOR SCHULTZ said they all have "O" licenses and they fall under the same ordinance and it's very touchy.

COUNCILMAN BROPHY said it is touchy so he would like to talk about the pros and cons and if we see that there is a general public benefit, then we should consider it.

ADJOURNMENT

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

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk

Recorded on Tape