

***Proceedings of the Council of the City of Joliet, Illinois
held on the 1st day of October, A.D. 2007***

PRE-COUNCIL MEETING of the Council of the City of Joliet, Illinois held on Monday, October 1, 2007 at 3:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

ROLL CALL

PRESENT: MAYOR ARTHUR SCHULTZ and DISTRICT 2 COUNCILMAN TIMOTHY M. BROPHY, DISTRICT 5 COUNCILMAN WARREN C. DORRIS, COUNCILMAN AT LARGE THOMAS C. GIARRANTE, COUNCILWOMAN AT LARGE JAN QUILLMAN, DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA and DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

ABSENT: DISTRICT 4 COUNCILWOMAN SUSIE A. BARBER and COUNCILMAN AT LARGE MICHAEL F. TURK.

ALSO PRESENT: DEPUTY CITY MANAGER JAMES P. SHAPARD and CORPORATION COUNSEL JEFFREY S. PLYMAN.

The Deputy City Manager asked the Mayor and Council's indulgence in moving several items up on the agenda due to the presence of interested individuals.

The Deputy City Manager first explained Council Memo #1137-07 dealing with the Annexation of 10 Acres at 24025 Route 53 located North of Breen Road.

Attorney Mike Martin was present on behalf of the petitioner.

COUNCILWOMAN BARBER arrived at the meeting at this point.

COUNCILMAN GIARRANTE questioned the address of this property as this is on the east side of the street.

The Director of Community and Economic Development stated with development of the property, they will go under our four-digit system and it will be given an even number when the time comes.

COUNCILMAN SHETINA asked Mr. Martin why they are going with I-1 zoning instead of B-3 or commercial zoning.

Mr. Mike Martin said this is just a 10 acre parcel that is part of the 300 acres that's Route 53 Industrial Park. He said a lot of this area will contain a drainage pond from the industrial. He said it is on Route 53 but it's not at a place where there would be a traffic signal. He said it is located about dead center between Millsdale Road and Breen Road and is surrounded by the rest of the development. He said it's a narrow, long parcel, and if we bypassed it and didn't acquire it, it probably would just sit there and be surrounded by large industrial buildings and never really develop.

The Deputy City Manager then explained Council Memo #1140-07 dealing with the Preliminary Plat of Route 53 Industrial Park Subdivision which includes this 10 acre parcel. He stated that there will be a traffic signal at Millsdale Road and Route 53, and the full width of Millsdale Road will be built as part of this development from Route 53 to the proposed cul-de-sac entryway for Lot 3.

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COUNCILMAN SHETINA asked if it were extended across, is that where Sharp Road comes in.

Mr. Martin said Sharp Road is farther north; this is Millsdale Road which now basically dead-ends and goes west of Route 53, but there is no Millsdale Road east. He said Millsdale is projected to go all the way to Cherry Hill Road from Route 53 and to be a four-lane boulevard.

COUNCILMAN SHETINA said that's "to be".

Mr. Martin said yes, but we're the start of it.

COUNCILMAN SHETINA asked why can't we leave an option for something commercial there instead of all industrial.

Mr. Martin said we do have commercial zoning for possibly a gas station and car wash on the northwest corner of Breen and one at Millsdale at the southeast corner which they believe will probably be the better site.

COUNCILWOMAN QUILLMAN said in the Plan Commission minutes it states that the Director of Community and Economic Development said that IDOT responded that they control Route 53 and the City has no control, but he also said the facility will probably not be close to the road, and she asked how close it will be.

Mr. Martin said the set-back from Route 53 is 150 feet.

The Department of Community and Economic Development said he thinks everything will be back off of the IDOT controlled right-of-way.

COUNCILMAN SHETINA asked Mr. Martin what his current understanding is of what's going to happen regarding the completion of Route 53.

Mr. Martin said they worked with IDOT to identify where the intersections would be that would be improved with traffic signals and so they pretty much have those at Breen and Millsdale. He said as far as the improvements, they thought it would be better if the City took the lead to work with IDOT, so they are giving the City their share of the money and the City will go forward at some point in time to improve the intersections when they are warranted.

The Deputy City Manager then explained Council Memo #1141-07 dealing with the Final PUD of Bronk's Corners Subdivision and Proposing the Establishment of the Bronk's Corners Special Service Area.

Attorney Gary Davidson and Mr. Chris Johnson of ACP Development were present to respond to questions.

COUNCILMAN GIARRANTE said this is the final PUD, so what we're looking at is what we're going to get.

The Corporation Counsel said that is correct, although if there are any changes as tenants come on line they would come back.

COUNCILMAN GIARRANTE asked if this just changed hands recently, not that it makes any difference, because he is glad this thing is going forward.

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Mr. Davidson said no, not that he is aware of.

COUNCILMAN BROPHY said with regard to the ownership, it isn't attached to the memo. He said he thought the applicant is Bronk's Town Center 2005, LLC and he asked for a breakdown of who owns what.

The Director of Community and Economic Development said usually it is in the packet and he will get it for him.

COUNCILMAN SHETINA asked for an explanation of the recapture and Special Service Area and it falling only to the commercial tenants of the area. He asked what recourse there is to the City on that, if any.

The Director of Community and Economic Development said there really isn't any recourse. He said what they did for the Target Development, which would be very similar to this one, was that they had a specific, extraordinary requirement in that they had to relocate a creek and we made them build Hennepin Drive from U.S. Route 30 all the way back to Division Street, so both of those were extraordinary expenses that they needed to do the development. He said in this case they have to do a lot of extraordinary things like lane widenings on Route 59, turn lanes, curb cuts and storm water work. He said in both cases what the theory is, you pass those costs along to the tenants. He said what they found through the Target development was that a lot of times the tenants wanted to nickel and dime the square foot rental costs and naturally get them as low as they can, and they don't really seem to care too much about the tax structure. He said the folks in that development will pay that tax. He said if there are vacancies then the owner will continue to pay that higher tax until he leases out the additional space and can pass the tax onto the user. He said the intent of the tax in the Special Service Area is that it will be only on that small geographic plot of ground, and it's not going to hurt anybody outside of that plot of ground. He said it's really to cover their costs, and if there's nobody there to pay the tax then the developer will foot the bill on it.

COUNCILMAN SHETINA asked if they picked up another 40 acres for a total of 80 acres now.

The Director of Community and Economic Development said their intent was to pick up the 40 across the street and he believes they declined to proceed with that at this time.

COUNCILMAN SHETINA said so that's not in the picture at all at this time.

Mr. Davidson said that's correct.

COUNCILMAN BROPHY said with regard to the financing, why didn't you bring the Special Service Area to us initially.

Mr. Davidson said one of the problems that occurred is that IDOT changes their mind on how they're going to proceed on things, so unfortunately IDOT did not require Wal-Mart to make a lot of the necessary improvements to Route 59 that we are now being called upon to make. He said in working with IDOT, the cost of the off-site improvements got much, much bigger as we went along. He said the developer and City staff have all been very sensitive to the issue of creating a Special Service Area and making sure that it is exclusive to extraordinary off-site

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improvements, because it certainly wouldn't be a precedent that you want to necessarily set for every development, and in this particular case it's a result of the extraordinary off-site improvements that IDOT has required.

COUNCILMAN BROPHY said its always been on Route 59 but something changed and IDOT said do it this way and later they said no, do it that way.

Mr. Davidson said yes, and what they're now looking at is about 2,600 linear feet of site frontage that is requiring improvements and 4,700 linear feet of roadwork including the tapers, which is pretty substantial for a project of this size.

COUNCILMAN BROPHY asked if IDOT has not required this anywhere else along Route 59 in Joliet.

The Director of Community and Economic Development said not to the best of his knowledge, and they really have to go back and change what IDOT did in front of Wal-Mart because IDOT didn't require anything back then, so they've got to go back and play catch up. He said it is pretty hard for us to figure out what IDOT is going to require because it constantly changes.

COUNCILMAN UREMOVIC said the off-site cost will be borne by the developer with this Special Service Area over a twenty year period. He asked if there is a give back on sales tax or anything.

The Director of Community and Economic Development said no, we are not asking for any of that.

COUNCILWOMAN QUILLMAN asked when do you plan on starting if this project is approved.

Mr. Davidson said he knows they are planning on starting to move earth as soon as possible. He said as far as the construction, there have been discussions about next spring on a couple of the portions. He said one thing that was not mentioned is that this is currently divided into two phases. He said Phase 1 consists of this portion of the development and Phase 2 consists of the southern portion of the development. He said they are planning on starting construction as soon as permitting is approved on these buildings up here.

COUNCILWOMAN QUILLMAN said it will start in the spring of 2008, so in the meantime this property is just going to sit there and be a mud hole.

Mr. Davidson said there is a substantial bit of earth work that still has not been completed that they will start on and have some frequency of visit to the site after this approval.

COUNCILWOMAN QUILLMAN asked if there were any commitments on the types of restaurants or stores that are going to go in there.

Mr. Davidson said he is really not at liberty to say who they have agreements with or not at this time.

COUNCILWOMAN QUILLMAN asked if there are any agreements.

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Mr. Johnson said there are some commitments, but the end users are really looking to see what happens with the PUD before they're willing to commit to actually going forward on putting together a contract, so up until getting this PUD passed they have been a little bit slow on the level of interest. He said there are a number of end users that his client tells him are waiting to see what happens in the coming days with respect to this PUD to move forward, but they do have a couple of end users.

COUNCILWOMAN QUILLMAN asked if passing on this tax would make them back out.

Mr. Johnson said the passing of this tax is going to be part of any contract that is in place. He said it would not be a deal breaker. He said it would be incredibly difficult for his client to do the project in its current format without having the ability to recapture these costs.

COUNCILMAN UREMOVIC asked if we did any analysis for their anticipated tax revenue because we have the square footage by use.

The Director of Community and Economic Development said the staff did not. He said the problem they have with a lot of these commercial properties is there will be office, retail and restaurant components, and they don't know nor do we know what that mix is going to be. He said we could do some hypotheticals off of that, and all of that is subject to change, but we could get that for you.

Mr. Davidson said we are certain about the square footage uses and what we're going to have, but we think this portion of the entire development is actually set in concrete. He said this may change shape a little but we'll be confined to the outline that you see here; we're just not sure about the breakup and the division of the square footage in this area.

COUNCILMAN BROPHY said in the first pictures we received of this there were several restaurants surrounding a lake and he asked if those went away or what.

The Director of Community and Economic Development said they are still there. He said there are still pads that would be privately owned by the restaurants.

COUNCILMAN BROPHY said so they would not be included in the Special Service Area.

Mr. Davidson said yes, but they will have to come in and get approval on their independent sites as the users are found.

COUNCILMAN BROPHY asked how big is a given restaurant.

Mr. Davidson said in his experience you could typically find something between 5,000 and 10,000 sq. ft., and he estimated most of these to be between 7,000 and 9,000 sq. ft.

COUNCILMAN GIARRANTE moved to approve and said this is a project we have all been watching and waiting for and he's glad it's here.

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1. AN ORDINANCE Approving the Final PUD of Bronk's Corners Subdivision as recommended by the Plan Commission was presented and read. (PUD-11-06/Dist. #1)
(Council Memo #1141-07)
(ORDINANCE NO. 15953)

2. AN ORDINANCE Proposing the Establishment of the 2007 Joliet Special Service Area No. 5 (Bronk's Corners) was presented and read.
(Council Memo #1141-07)
(ORDINANCE NO. 15954)

COUNCILMAN GIARRANTE moved that said Ordinances be adopted.

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to his vote, COUNCILMAN BROPHY said he doesn't think we need to exchange quality for speed, and if we have to wait for the market to come around he wants to make sure these things are developed the way they were promised in the first glance when they were annexed and approved and with the amenities we reviewed the first time. He said as far as he's concerned staff wise he doesn't like the regression that is done sometimes when things don't come off the way we had planned, and then we back up off of these nice pictures that we're shown of first class stuff. He said so if we have to wait for the market to come around, he'd prefer to do that rather than shove in third class and he's not saying this stuff is third class, but he just wants to be careful and he voted aye.

Prior to his vote, COUNCILMAN GIARRANTE said with all due respect to COUNCILMAN BROPHY he doesn't think they can change, and what we have here is what we're going to get and if they want to change it they have to come back to us.

COUNCILMAN BROPHY said he's not sure it looks like the very first one we saw the first time Bronk's was drawn up.

Prior to her vote, COUNCILWOMAN QUILLMAN said she just wants to see more restaurants and she voted aye.

Prior to his vote, MAYOR SCHULTZ wished them good luck and he voted aye.

The Deputy City Manager then went to the beginning of the agenda to explain the remaining items.

The Deputy City Manager explained Council Memo #1139-07 dealing with an Intergovernmental Cooperative Planning and Boundary Agreement Between the City of Joliet and the Village of Oswego.

COUNCILMAN SHETINA asked what precipitated this boundary agreement.

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The Director of Community and Economic Development said that he and the City Manager usually attend the Mayor's and Manager's meeting at Kendall County with all the municipalities in Kendall County every other month, and back in June the City Manager sat with the Mayor of Oswego who said as they plan their boundaries they would like to see if we can't come up with some mutual agreement on where the boundary line shall be. He said they came up with the proposed boundary line of Wheeler Road which is a drainage divide and would make sewer service efficient for both municipalities.

COUNCILMAN BROPHY asked if Oswego has an agreement with Plainfield.

The Director of Community and Economic Development said they do.

COUNCILMAN SHETINA said Schlapp Road is still the boundary end of Plainfield.

The Director of Community and Economic Development said that's correct, and we've got this long running boundary agreement with Plainfield that is in place. He said as a result of the Mayor's and Manager's meeting, the City Manager also talked to the folks at Yorkville and Minooka about respective boundary agreements with those municipalities as well, and so he thinks in the next month or so you are going to see something on that.

COUNCILMAN SHETINA asked if Minooka has been involved in conversations here too.

The Director of Community and Economic Development said the City Manager had a discussion with their Village Manager at the same meeting about these things. He said it's always good for us to have mutual boundary agreements with all of our neighbors and a lot of times, like the Minooka one, we've got a pre-existing boundary agreement with Shorewood that cuts out some of their territory, but as we get farther west past Brisbon Road there is the ability for us to go further south, so again it bears some discussion.

COUNCILMAN SHETINA said the east side of Brisbon Road is still our intended end of Joliet.

The Director of Community and Economic Development said that is the intended end of the line, correct.

The Deputy City Manager then explained the remaining items on the agenda.

COUNCILMAN TURK arrived during the explanation of Council Memo #1143-07 dealing with a Local Agency Agreement for a Jurisdictional Transfer of Laraway Road (Brandon Road – Illinois 53).

COUNCILMAN DORRIS left before the end of the meeting.

The Deputy City Manager advised that there was a need to go into closed session to discuss pending litigation.

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COUNCILMAN GIARRANTE moved that the Council recess to closed session to discuss pending litigation after which the meeting will be adjourned.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk

Recorded on Tape