

***Proceedings of the Council of the City of Joliet, Illinois
held on the 6th day of October, A.D. 2008***

PRE-COUNCIL MEETING of the Council of the City of Joliet, Illinois held on Monday, October 6, 2008 at 3:30 P.M. in the Theater at the Billie Limacher Bicentennial Park, 201 W. Jefferson at Bluff Street, Joliet, Illinois.

ROLL CALL

PRESENT: MAYOR ARTHUR SCHULTZ and DISTRICT 2 COUNCILMAN TIMOTHY M. BROPHY, DISTRICT 4 COUNCILWOMAN SUSIE A. BARBER, 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.

1. Joliet Junior College Master Plan Presentation Proposal

The City Manager introduced David Agazzi, Vice President of Business Services for Joliet Junior College.

Mr. Agazzi stated their Board of Trustees in April 2006 approved a \$220 million master plan that would increase the size of all of their campuses by approximately one third. He said they think it will be good for the community and obviously good for the college, and one of the direct benefits would be at least 2,000 construction jobs and the opportunity for an additional 6,000 retraining jobs over the next 10 years. He said they have over 45 communities within their district and are talking to all of them. He said they have a campus in the City Center and there is a proposal right now to demolish the high-rise as well as put up a replacement building and modernize the Renaissance Center. He said they would like to totally overhaul the main campus on the west side. A short video outlining their master plan was then shown.

Mr. Agazzi said they have not had a major rehab of the campus since it was built although they have added three small buildings in the last 30 years. He said five years ago they tried to pass a \$251 million referendum and that number was way too big and too expensive for the community, and that's why they have proposed that the finance responsibility be shared. He said the students will be paying approximately one third, they are asking the homeowners to pay approximately one third which would be \$15 per year on a \$200,00 home, and the rest will be paid by partnerships with both the private sector as well as the not-for-profit sector.

COUNCILMAN SHETINA asked what are the next steps in terms of time, etc.

Mr. Agazzi said because of the credit crunch they have made the decision to not sell their bonds right now. He said they are hopeful that within a month there will be something changing, but most of their financial advisors think that people are waiting until after the Presidential election before things start to lighten up. He said it is their hope that the greenhouses will be built starting next spring and a groundbreaking for the campus center will be held in July of 2010.

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2. University of St. Francis – Rialto Square Theatre
Redevelopment Proposal

The City Manager said the University of St. Francis (USF) and Rialto Square Theatre have a proposal to redevelop the third and fourth floors of the Rialto Office Building on Van Buren and Chicago Streets for USF to bring its Performing Arts Department to downtown Joliet. He said the presentation on the proposal was made previously to the Land Use Committee and they are present today to review the matter with the Council. He said Randy Green from the Rialto Square Theatre and several Board Members along with Dr. Michael Vinciguerra and Nancy Pohlman from USF are here today.

The City Manager said there are several major components to this project that will require a major capital investment including HVAC improvements, ADA compliance that needs to be addressed through a new elevator and several other key components to make this project work. He said part of the project involves financing this over a 20 year period and the City of Joliet has been asked to participate. He said they presented to the Land Use Committee a few weeks ago that if this were a private developer it would be eligible for a TIF and since this involves two not-for-profit entities, and most likely will not be a real estate tax consequence, the City of Joliet has been asked to participate on a financial basis. He said the initial contribution would be \$300,000 payable by the end of this year. He said we have money that's in the budget for downtown redevelopment projects that would be available for that and then there would be a contribution of \$240,000 in 2009 which we would build into our 2009 budget as a commitment to this. He said going forward, the University and the Rialto Square Theatre would be looking for the City to continue participating in this with the hopes of giving the Rialto Square Theatre a stream of income from the lease that the USF will be signing. He said it will be a 20 year lease and it will not involve the shorter period with options but it will be a full 20 years at market rate and it will be a good opportunity for the City to see an older building that hasn't seen much attention over the last 30 years or so get a complete remodeling job on the third and fourth floors. He said it will also help bring other income opportunities to the Rialto Square Theatre and that's why were being asked to participate. He said what they're looking for today is an indication that the City Council is willing to participate and we'll continue the process and bring a formal agreement back for a formal approval between the City of Joliet, the Rialto Board and the University of St. Francis.

COUNCILMAN GIARRANTE asked what is the total cost of the renovation.

Dr. Vinciguerra said the total cost will be about \$3.7 million, but after they put in other subsidies and commitments towards the project it will be \$3 million.

The City Manager asked Dr. Vinciguerra what the amount payable is for the rental from the University of St. Francis.

Dr. Vinciguerra said over the 20 years it is a little in excess of \$4.2 million.

The City Manager said there is financing in place and First Community Bank of Joliet has agreed to participate with the University of St. Francis and the Rialto Square Theatre in financing the project. He said he spoke with the banker on Friday and he indicated the loan has been approved subject to City Council

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participation with the \$300,000 contribution this year and the \$240,000 contribution next year.

COUNCILMAN GIARRANTE asked if the \$300,000 is in the budget this year.

The City Manager said yes it is. He said we would have to build the \$240,000 into the 2009 budget as part of our downtown commitment. He said it will bring the entire Performing Arts Department to downtown Joliet including faculty offices and will be a five day a week operation including night classes, so there will be some foot traffic that we would not ordinarily see, especially from younger people. He said David Agazzi mentioned earlier about JJC's commitment to bringing their Culinary Arts Department to downtown Joliet, so we're looking at a considerable change in traffic pattern and at things that will help us with our effort to try to redevelop downtown Joliet.

COUNCILMAN GIARRANTE asked if staff had a recommendation.

The City Manager said staff is recommending that we proceed with supporting the projects.

MAYOR SCHULTZ said he knows we haven't started working on our budget yet but how is our budget looking.

The City Manager said we'll have a budget to present to the City Council within a few weeks. He said we have some challenges coming up and he thinks everybody who has been reading the paper knows that the finances are going to be a little bit more challenged this year because of the downturn in the economy and the drop in riverboat gaming revenue, and we understand that we will have to tighten our belt and make some changes in other areas. He said he thinks this is a matter of trying to prioritize our commitment to downtown Joliet and this is really the first opportunity we've had with somebody stepping forward to help us redevelop this particular building which is a beautiful building that hasn't seen much investment over several decades. He said that's why he is supportive of the City participating in this and he thinks it's important for us to keep moving forward with downtown redevelopment and this is a good step in that direction.

MAYOR SCHULTZ asked if he thinks that we will get to a point where it's possible that we might have to lay people off.

The City Manager said he doesn't want to try to predict that at this point. He said he thinks there are other changes that we can make before we would be in a position to lay off any employees, especially employees in key departments such as the Fire and Police Departments. He said he thinks we're a long way from that and the Mayor and City Council have created a substantial rainy day fund. He said we would not like to dip into that fund but it's there and we could use it before we would have to address layoffs. He said there may be some positions that won't be filled for a while and there may be some positions that are not in the public safety area where we may end up eliminating those, but that's something that he'll be talking to the Council about over the next few weeks. He said he understands that this is a priority issue and sometimes it may appear that on one hand we may be holding back in filling positions and on the other hand we're contributing money to a cause like this, but he thinks we need to keep marching forward on our efforts to redevelop downtown Joliet and this is a key piece to that.

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COUNCILMAN UREMOVIC said we've been getting calls in regards to pension funds and he asked if we are going to have an update on that.

The City Manager said he and the Director of Management and Budget met with the actuarial people on Thursday and a report was submitted to us Friday afternoon and we're ready to give that to you now. He said there is a substantial increase in the City's pension commitment and he doesn't think that's anything that surprises anybody here.

COUNCILMAN GIARRANTE asked if it isn't partially due to the returns on the monies in the pension fund.

The City Manager said a lot of factors have gone into that. He said we spent a long time with the actuarial people on Thursday just trying to understand the number because he and the Director of Management and Budget need to have a good understanding of it before we can explain it to you. He said a key part of that is the lower rate of return. He said the Pension Fund Board is no different than the rest of us, he thinks our 401(k)s and our own personal accounts are hurting a little bit due to the economy. He said so that's one issue and certainly we've added quite a few people to the pension fund. He said there has been legislation from the management of the fund perspective that hasn't really helped them out because it's added to the benefits that are being paid out. He said there are some challenges there and the number that they'll be building into the 2009 budget is substantial and it's a big jump.

COUNCILMAN SHETINA said this is a project that we've been looking forward to for a long time and it involves more than just the downtown which is near and dear to everybody's heart. He said this is a compilation of several entities within the City of Joliet that are trying to do something together and this is very important to us. He said we've had a hard time making the Rialto cash flow, we've had a hard time getting tenants in there and all kinds of efforts have been made and they've been difficult and well thought out. He said the pension fund is another matter and the City's help is another matter. He said rather than just kind of going off the hip here as to whether we'll be able to pay our pension obligations and whether we've got to meet our budget obligations, we have to sit down all together and get the budget process started rapidly and see where we're at, let's see where the money is at. He said you indicate that there is some belt tightening in the offing and we all knew two years ago that this time would be a difficult one for us. He said what's going on right now in the country scares a lot of people and we also know that those are cycles and those cycles change and come and go. He said he thinks this is an opportunity for us to do something important for the City, not just the downtown but the total City, and we need to make every effort to make this work. He said he doesn't think they need an answer today. He said he thinks we need to look at our budget and see if we can make these commitments and still run the City on a regular basis, that's important and we need to know that. He said he would ask that the City Manager and staff and Mr. Mihelich project what's going on and see if we can make this commitment. He said we can't make the commitment if we can't come up with the money, but if you feel we can come up with the money tell us that. He asked how long it would take to do a cash flow report.

The Director of Management and Budget said we'll have one out in a few weeks.

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COUNCILMAN SHETINA said we need it probably quicker than that so we can see what's happening now with all of the assets and he doesn't think we can give them an answer today. He said our intention is we'd like to do this and we'd also like to know where we stand financially.

COUNCILMAN BROPHY said he would echo a little what COUNCILMAN SHETINA said and would like to add that finally we're being asked to invest in an item downtown that will actually yield fruit and will yield returns every year going forward instead of simply being an expense. He said in this case he'd like to encourage his peers to really consider this item because it will put feet on the street downtown that will yield revenue and indirect benefits in many other ways besides just providing a tenant for that space. He said those feet, those parkers and those visitors will yield benefits to us and to the downtown commercial constituents for many years to come.

COUNCILWOMAN QUILLMAN said recently we've spent a lot of money and time with the Quality of Life Taskforce and she knows Dr. Vinciguerra is on the Board and he did a lot of work with the Unity CDC as well, and now this is part of the University's plan to reach out to other parts of the community. She said this is a wonderful project and is a win win for not only the City but the University and the Rialto as well. She said definitely we have to look at our budget but she thinks the returns would be more than we ever expected.

Dr. Vinciguerra said they believe there is a quality of life payback because the students as part of their curriculum also work with the students, schools and centers on the east side and work with those who have artistic talents but need some guidance to free those talents for a good and healthy future.

MAYOR SCHULTZ said he would like to take a look at the budget first.

The City Manager said they would follow up with that and provide the information and work with Dr. Vinciguerra and Mr. Green on getting that information back.

Later in the meeting, COUNCILMAN SHETINA said he would like staff to look at the City's financial situation and make a recommendation on whether we would be able to fund this or not.

The City Manager said we'll give you a memo and go through it in detail tomorrow evening.

The City Manager then explained Council Memo #1209-08 dealing with the Payment of \$328,525.36 to PNI Joliet LLC (Pasquinelli) to reimburse them for the design and construction of oversized gravity sanitary sewer facilities, including a gravity sewer along Route 53, a lift station at Millsdale Road and the Union Pacific Railroad, and a number of oversized sanitary sewer interceptor lines.

The City Manager then explained Council Memo #1169-08 dealing with an Amendment to the Boundary Agreement with the Village of New Lenox exchanging properties in the area of Laraway and Cherry Hill Roads.

Deputy Liquor Commissioner Dan Campus then explained Council Memo #1224-08 dealing with the Issuance of a Class "C" Liquor License at 1115 W. Plainfield Road.

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3. Issuance of a Class "C" Liquor License at 1115 W. Plainfield Road
(Council Memo #1224-08)

A communication from the Liquor Commissioner regarding the application of Alfonso Saucedo, Inc. d/b/a Super Rio Grande Fresh Market for the issuance of a Class "C" Liquor License at 1115 W. Plainfield Road contained his recommendation that the issuance of this license is in the best interest of the City, and therefore, approval is recommended.

COUNCILMAN SHETINA asked what the percentage is of the space to be used for liquor sales versus the total space of the store.

The Deputy Liquor Commissioner said liquor sales would be about 5% of the 7,200 sq. ft. store. He said they are going to have a couple of coolers and there will be some alcohol behind the counter, but it is not going to be a large liquor mart or anything like that.

COUNCILMAN BROPHY asked if there is any restriction on small bottles.

The Deputy Liquor Commissioner said no, not that he knows of.

COUNCILMAN BROPHY said his worry is with several motels being in close proximity and that we have a lot of pedestrian traffic.

The Deputy Liquor Commissioner said there was a City Center issue with the smaller bottles and it doesn't apply at this location.

COUNCILMAN BROPHY asked if there are other outlets in the area for this.

The Deputy Liquor Commissioner said yes, Consumer's Liquors is just across the street.

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

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: COUNCILWOMAN QUILLMAN.

Prior to her vote, COUNCILWOMAN QUILLMAN said basically this is a grocery store.

The Deputy Liquor Commissioner said mainly it's a Mexican grocery store with a lot of different breads, foods, hot meats, fresh meat and he just wanted to have alcohol for his patrons.

COUNCILWOMAN QUILLMAN stated she has no problem with the beer and wine, she just doesn't like the single bottles, so she is going to vote no.

4. Citizens to be Heard

- a. Alex Ledesma re: Tattoo Parlors and Commercial Businesses

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Mr. Ledesma withdrew his request to speak.

b. John Behun re: Clare and Bronk Sewer Problems

The City Manager explained Council Memo #1200-08 dealing with Awarding a Contract for the Clare and Bronk Drainage Improvements to P.T. Ferro Construction in the amount of \$34,958.40. He said John Behun is the property owner and he is present tonight and has suffered through several incidents that have resulted in sewage being deposited on his front lawn. He said he has had a few meetings with Mr. Behun over the last two weeks since the heavy rain a couple of weekends ago. He said we have asked the Utilities Department to try to come up with some short term and long term solutions and he knows Mr. Behun wants to be heard before the City Council made any decisions.

Mr. Behun stated this problem started in 1997 and he has been going through different agencies without very much help at all. He said when we get an inch of rainfall it will force the manhole cover off and throw whatever is in the sewer into his front yard and the street and then it goes into the DuPage River. He said he is not interested in a short term fix because it has affected his property for 11 years now. He said his house has been for sale for over two years, but after people saw the newspaper article and the severity of what that sewer does when we get just a little bit of rain, nobody in their right mind wants to live there. He said his ground is still contaminated as are his neighbor's who are also affected by this. He said he knows he's not the only one that needs help but it's not being done in a timely manner at all and when it is done it's not done properly, and he always ends up doing it himself. He said they have been trying to do something with it but it seems it only makes the problems worse.

COUNCILMAN BROPHY asked the City Manager if he could give a staff summary and tell us where we are now, where we're going and what we assume this \$35,000 will do.

The City Manager said we've already awarded a contract to Clark Dietz to come up with a long term solution and that's absolutely critical. He said he has met with Mr. Behun many times and told him that the long term solution is coming, it's expensive and there is no cheap solution to this problem. He said it could involve things like running a parallel interceptor along the Rock Run Creek at many millions of dollars. He said it could involve reversing some of the flow of getting it out from this pipe and sending it back out to the far west side to the Aux Sable Treatment Plant and we have some capacity issues there to deal with.

The City Manager said there are probably a couple of other solutions. He said the chief problem to this is the infiltration that we have from a lot of the sumps on the far west side being connected to the sanitary system and it's a huge problem and something that we need to tackle house by house. He said there is no easy solution there because we're looking at a \$5,000 cost item for each homeowner that has been connected to our sanitary for a long time. He said he doesn't think we can wait for that process to take its course in order to get some relief to Mr. Behun and his neighbors. He said he was out there the day after the flood and he is 100% right, and if it was his house he'd be screaming a lot louder and would be very upset with the City too. He said he thinks Mr. Behun deserves some kind of a short term solution and he asked the Department of Utilities to come up with one, and lowering the street was really the only thing that they were able to come up with to take care of that problem immediately. He said it

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really is a band-aid approach and it basically corrals the raw sewage and just keeps it on the street for us to clean up. He said it would cost \$35,000 which is the low bid from P.T. Ferro and he doesn't see that as a good solution.

COUNCILMAN BROPHY asked if it comes into his basement as well.

Mr. Behun said yes it does. He said it's more than just his basement. He said the big thing is you're still pushing the sewage into the storm system and it's not a solution.

COUNCILMAN BROPHY said so a long term solution to this would be if we had every home that we've built west of here with a sump connection to the storm sewer. He said we're saying that without the invasion of illegal volumes into the sanitary line this wouldn't be happening.

The City Manager said it would not be happening.

Mr. Behun said he disagrees with Mr. Thanas on that.

COUNCILMAN GIARRANTE said we've had other neighborhoods where people used to get sewage in their basement and we separated the storm sewer from the sanitary sewer and it's alleviated the problems. He said there has to be people pumping rain water into the sanitary sewer otherwise it would happen all the time and not just when it rains.

COUNCILMAN BROPHY asked if any of his neighbors are getting sewage in the basement.

Mr. Behun said yes, they had seepage around the foundation.

COUNCILMAN BROPHY said that's storm seepage, he's talking about sewage through the drain in the basement.

A resident at 4603 Clare Road said he was getting sewage into his shower room in his lower level but the City did come and fix it by putting in an additional ejector pump.

Mr. Behun asked what does that do for the resale of the homes in this area. He said he can't sell his house and two years ago he built another house so he could move out of this house and live a more peaceful lifestyle because he doesn't need a big house anymore. He said four years ago this house could sell in 18 days, that was the turnover in Country Glen Estates, and it was once a nice area to live in. He said with this problem that we have you can't even get into the subdivision without driving through sewage.

COUNCILMAN GIARRANTE said if those sump pumps are illegally going into the sanitary sewer, can't we go after the residents.

The City Manager said we can, yes. He said it's going to be house by house and it's going to be a considerable expense going through that.

COUNCILMAN UREMOVIC said you're saying that a number of houses have their sumps pumping into the sanitary and he asked if that's happening in Country Glen.

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The City Manager said no, he thinks it's throughout the subdivisions on the far west side, this is not a Country Glen problem specifically. He said it is multiple subdivisions.

COUNCILMAN UREMOVIC said we were told about six months ago that it wasn't that, that people were punching holes in their ejector pits. He said he asked for a list of homes that were inspected and there were none.

The Director of Public Utilities said he can provide him with a list of the homes they've been in so far.

COUNCILMAN UREMOVIC asked if they have a list of the homes that are doing this.

The Director of Public Utilities said they do have some confirmed cases and COUNCILMAN UREMOVIC asked for that list.

COUNCILMAN SHETINA asked when Clark Dietz will respond.

The Director of Public Utilities said currently they were scheduled to complete the report by March and he is trying to get them to move that up.

COUNCILMAN SHETINA said there is more than just storm sewer going into the sanitary sewer. He said that area is a basin where it all accumulates. He said it's in addition to just the storm and sanitary infiltrating one another.

The Director of Public Utilities said they've been doing house surveys, looking at construction sites and looking for infiltration into the sanitary system. He said they always find minor problems but no smoking gun as to what the real problem is. He said a year ago they were in a house in Caton Crossing Subdivision where the house was subject to underground water and the sump that was put in the house, in brand new construction, wasn't able to keep up with the water and as the water table came up it got into the ejector pit because the ejector pit wasn't water tight.

COUNCILMAN SHETINA said our ponds were not properly structured either, but we worked on those.

The Director of Public Utilities said and we still see that. He said that was an isolated case for what we saw at one location.

COUNCILMAN SHETINA said it seems to him that Mr. Behun's house needs to be knocked down, and we should buy it and get it out of there. He said water tends to go to that location, it's low and it goes there regardless of the sanitary, regardless of the storm it goes there. He said it seems to him that the house needs to be gone, he doesn't know how else you would do that.

COUNCILMAN UREMOVIC said he agrees with COUNCILMAN SHETINA because we've been going over this year after year, we've expanded the pumping station on Black Road and for some reason that doesn't solve the problem and he doesn't know if the pumps are the right size and we're just not going anywhere with this. He said if this fix is a band aid and you're recommending not to go ahead with this, let's not waste the time.

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The City Manager said it's \$35,000 that we can use for other things to deal with this. He said it's strictly short term and basically gets the sewage out of Mr. Behun's yard and just keeps it in the street which is not a good solution for any of us. He said that's why we wanted to present this as an option but he is not recommending it. He said if we have another rain event like we did a few weeks ago we will most likely have that same problem.

COUNCILMAN SHETINA said he doesn't believe that the engineers are that busy right now, why do they have to wait until March. He asked if somebody local can't do that, we have Ruettiger & Tonelli and other guys here.

The Director of Public Utilities said we're in a data collection and we're going to do flow monitoring and try to pinpoint what subdivisions are contributing the majority of it.

COUNCILMAN SHETINA said so it can be more than just this area that you're dealing with.

The Director of Public Utilities said yes.

COUNCILMAN GIARRANTE asked if that can be done without heavy rain or do we have to wait until another rain.

The Director of Public Utilities said what we've done for the houses that we've been in, we can inspect the ejector pits and the sump pits and make a determination that the ejector pit is taking ground water. He said we've done that but we haven't witnessed it because it's been done during a dry period. He said to really pinpoint and make sure we're identifying all of the areas it needs to be done during wet weather and there's too many locations and too many sources to pinpoint on a house by house basis, so what they're planning to do is set up their flow monitors in the sewer system and identify the different subdivisions that they suspect and confirm where they're coming from. He said the numbers he's looking at is around 500 houses.

COUNCILMAN SHETINA said so it's \$2.5 million minimum if you did it at \$5,000 per house.

The City Manager said yes.

The Director of Public Utilities said those are the numbers we're looking at right now.

The City Manager said the long term solution is at least seven figures.

COUNCILMAN GIARRANTE said in his subdivision they've had people that replaced 3 and 4 sump pumps and ejector pits. He said it turned out what they did is the plumber couldn't get the pit in the hole and they put holes in the bottom of it to alleviate the suction and now they're pumping ground water.

The City Manager said at this point he recommends not proceeding with Council Memo #1200-08. He said we might as well hold on to that \$35,000. He said he'll continue working with Mr. Behun regarding his property. He said Mr. Behun has been very cooperative and patient with him and he had told Mr. Behun that he'd work very hard to find a solution and if we can't solve this problem then we're not very good at what we do. He said he does recommend that the Director of Public

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Utilities talk with Clark Dietz and meet with both of them and see what we can do about expediting the review and then we can start giving the Council information about how we handle the property owners, how we detect who's connected illegally to the sewer system and put an action plan together as far as dealing with them, knowing that there will be some objections.

COUNCILWOMAN QUILLMAN said she remembers about 9 or 10 years ago Mirage Subdivision had the same problem and staff went out and looked at all of the houses and she asked if that was ever resolved.

The Director of Public Utilities said he wasn't involved in that at the time but what he understands is that was attributed to open excavations on homes that were still under construction.

COUNCILWOMAN QUILLMAN said they were also illegal, they were pumping into the sanitary sewer system as well.

The Director of Public Utilities said he believes that's been addressed but since that time, part of the problem was that went through a different lift station where that lift station had overflowed.

COUNCILWOMAN QUILLMAN asked if we've had any problems out there since.

The Director of Public Utilities said no, we've eliminated that lift station and now there is a gravity sewer so that wouldn't show up until it gets down on Bronk Road.

COUNCILMAN SHETINA said he was out there several times and that has been rectified, he has not had a call from them in a long, long time. He said that was something we could fix. He asked if they have a list of the people who also got water or sewage in their basements from this last event.

The Director of Public Utilities said one of the fixes that we tried to do previously is we put down a hold down lid on the manhole at Mr. Behun's front yard, and when we did that that's when we got into the high flow situation and pushed the water further back into the neighborhoods and then found some new houses that we were unaware of. He said he believes they've addressed the majority of those but there may still be a few that we're working on.

COUNCILMAN SHETINA asked what would happen if we took his house out of there.

The Director of Public Utilities said his basement doesn't fill up in the sense that there would be inches of raw sewage. He said he has one small leak that comes in where his sewer leaves the house that trickles across the floor.

COUNCILMAN SHETINA said so most of it's outside.

The Director of Public Utilities said yes, most of it's on the outside and that's really what this project was intended to do for us to be able to minimize the severity and try to contain the flow.

COUNCILWOMAN QUILLMAN said inside or outside raw sewage is a health hazard, this is a quality of life issue for these folks. She said we certainly don't want raw sewage running down the street.

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COUNCILMAN BROPHY said it's more than any family would be asked to deal with. He said he thinks we need to take on this man's problem and then maybe we'll find a fix to it. He said he would suggest we consider buying the house from this gentleman and he asked Mr. Behun how long he has been trying to sell his house.

Mr. Behun said it was on the market for two years and the appraised value when it was first put on the market was \$325,000. He said we were offered \$299,000 from somebody that was very interested and she lived across the street in the townhomes and over the weekend she saw the severity of the sewage and he did make her aware that sometime they do get flooding, but he didn't tell her that she would have flooding 10 foot up in the yard.

COUNCILMAN BROPHY said you have to disclose that now and it's impossible to sell at this point so you really shouldn't sell.

Mr. Behun said that's the point he's trying to make. He said his house is worth nothing.

COUNCILMAN GIARRANTE said COUNCILMAN BROPHY'S suggestion of buying the house is not going to alleviate the problems for his neighbors. He said maybe we need to take that \$300,000 and use that as part of a permanent fix to the problem.

COUNCILMAN BROPHY said this problem should be fixed no matter what.

Mr. Behun said he appreciates everyone listening to him and hopes to hear from Mr. Thanas and the Council in the near future.

The City Manager said we'll follow up and make sure the Council is informed as to what Clark Dietz has found and come up with a good solution.

c. Trista Brown re: Claim for Water Damage

Ms. Brown thanked the City staff for their assistance in solving the water drainage problem at her home at Raynor Avenue and Jefferson Street earlier this year. She said that even though that was solved, she had submitted a claim to the Legal Department in August of 2006 for water damage to her basement and her claim was denied. She said she did not agree with the City's findings.

The Corporation Counsel explained the basis for the Legal Department's denial of Ms. Brown's claim.

COUNCILMAN TURK arrived at the meeting at this point.

The City Manager then explained Council Memo #1166-08 dealing with the Annexation of 5 Acres at 10006 Caton Farm Road which would allow the boarding of animals within an enclosed building as an accessory use to a veterinary clinic on the property.

Mrs. Anita Beri, the applicant, was present on behalf of the petition.

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The City Manager then explained Council Memo #1172-08 dealing with a Special Use Permit to allow a Day Care Center for 35 Children in an Existing Development Center Located at 2423 Glenwood Avenue.

Ms. Shauna Ruzich, property owner and proposed day care director, was present on behalf of the petition.

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

The City Manager advised there was a need to go into closed session to discuss personnel, land acquisition and pending litigation.

COUNCILMAN BROPHY moved that the Council recess to closed session to discuss personnel, land acquisition and pending litigation at 4:55 p.m. after which the meeting will be adjourned.

Motion seconded by COUNCILWOMAN BARBER.

Motion carried by the following vote:

AYES: COUNCILMEN 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