

***Proceedings of the Council of the City of Joliet, Illinois
held on the 19th day of November, A.D. 2007***

PRE-COUNCIL MEETING of the Council of the City of Joliet, Illinois held on Monday, November 19, 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 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 2 COUNCILMAN TIMOTHY M. BROPHY, DISTRICT 5 COUNCILMAN WARREN C. DORRIS and COUNCILMAN AT LARGE MICHAEL F. TURK.

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

The 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 City Manager explained Council Memo #1359-07 dealing with the Final PUD and Recording Plat of Stryker Professional Campus.

COUNCILMEN BROPHY, DORRIS and TURK arrived at the meeting at this point.

COUNCILMAN SHETINA asked if they are going to start construction this year.

Mr. Keith Conroy, one of the petitioners, said they plan on starting this year, weather permitting. He said they just received their engineering estimates a week ago and they are supposed to secure bids about the middle of December.

COUNCILWOMAN QUILLMAN asked if Stryker Avenue is going to remain two lanes or is it going to be widened as well.

The City Manager said it will remain two lanes.

COUNCILWOMAN QUILLMAN asked how much extra traffic will there be.

Mr. Conroy said the entrance is within 200 feet after you turn off of McDonough Street.

The City Manager asked Mr. Conroy if most of their traffic would use McDonough Street.

Mr. Conroy said yes.

COUNCILWOMAN QUILLMAN said Stryker Avenue is a problem right now with heavy traffic as a cut over from Larkin around to Sam's Club.

The City Manager said these are professional offices and the traffic would be minimal.

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COUNCILWOMAN QUILLMAN asked if the neighbors on Stryker Avenue were notified and if they had any objections.

The City Manager said they were notified and they had several public hearings and at first a couple of people showed up, but when they found out it was a professional office building, their concern was non-existent.

COUNCILMAN BROPHY asked Mr. Conroy if they could disclose any tenants.

Mr. Conroy said no but they are working with a very substantial one right now.

It was requested that these items be voted on today.

1. AN ORDINANCE Approving the Final PUD of Stryker Professional Campus as recommended by the Plan Commission was presented and read. (#PUD-7-07/Dist. #3)
(Council Memo #1359-07)
(ORDINANCE NO. 15978)

2. AN ORDINANCE Approving the Recording Plat of Stryker Professional Campus, a PUD as recommended by the Administration subject to receipt of the following fees and documentation within 60 days was presented and read:
1) A Letter of Credit or Performance Bond for public improvements in the amount of \$395,679.50; 2) A 1 ¼% inspection fee in the amount of \$4,945.99; and 3) An Irrevocable Offer of Dedication for public improvements. (#RP-21-07/Dist. #3)
(Council Memo #1359-07)
(ORDINANCE NO. 15979)

COUNCILMAN GIARRANTE moved that said Ordinances be adopted as recommended.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE.

The City Manager then explained Council Memo #1370-07 dealing with Acceptance of the Quality of Life Plan for the 4th and 5th Council Districts. He said staff addressed 55 action items that specifically referenced action by the City of Joliet and they centered on housing, retail, land use and corridor development. He said they do have some recommendations in the budget and there is a copy of the 2008 preliminary budget in the Council's mailboxes. He said in that budget there are some recommendations on some funding that could be used for corridor studies to help us further define where some of these programs might take place and a contribution by the City to the Community Development Corporation.

COUNCILMAN DORRIS said the recommendations that are in the budget will not be accepted until the budget is passed, is that correct.

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The City Manager said that's correct. He said he has met with the staff about many of the different things that involve the City and they believe that we need to do corridor studies so we can identify where the commercial sites need to be, where the façade programs need to be and all of those different things. He said if we do some corridor studies it will further define just exactly where those need to be and what size and to what expense the City needs to get into in those. He said they are also recommending a \$50,000 contribution to the Community Development Corporation. He said they have discussed it with the Task Force with the understanding that the City likes to be a part of whatever happens in the community; to be a 5% or 10% partner. He said he thinks the Community Development Corporation initial funding that they were trying to put together was \$500,000. He said if we were a 10% partner that would be \$50,000, so a preliminary recommendation in the budget is \$200,000 for corridor studies and \$50,000 for a contribution. He said that is just his recommendation and the Council can do whatever they think they need to do at that time.

COUNCILMAN DORRIS asked when he thinks that will be approved.

The City Manager said it could be approved whenever you wanted it to be approved. He said the source of funding for that is in the 2008 budget which technically starts January 1st.

COUNCILMAN DORRIS said that he and COUNCILWOMAN BARBER have had some conversation and as you know they are totally in agreement with the plan. He said they would like to take a look at using some NIP funds to help fund that. He said he knows that COUNCILMAN GIARRANTE had asked for the rules and regulations of the NIP plan. He asked if COUNCILWOMAN BARBER and he were to target some money out of their NIP now and in the future for this plan, would that be in line with our policy.

The City Manager said he believes that they could do that because you have made contributions to other agencies. He said he believes it would be appropriate to do that again. He said it would need the vote of the City Council.

COUNCILMAN DORRIS asked if it would be appropriate for other Council districts to contribute some money to the task force because this is an older part of the City that has not experienced their growth.

The City Manager said yes it would as long as the majority of the Council agreed.

COUNCILMAN DORRIS said he and COUNCILWOMAN BARBER would like to talk to the other Council members about that. He said they fully accept the plan as it is now but it would probably take two weeks for them to put a funding plan together or even a proposal from District 4 and District 5 as they have already allocated most of the money for the 2008 plan. He said they accept the plan as it is so the question is can they vote on the plan today or tomorrow night and then in two weeks come back and suggest a funding mechanism to fund the community development plan.

The City Manager said yes.

COUNCILMAN UREMOVIC said COUNCILMAN DORRIS brings up some good points and he hopes everybody is keen on what he's talking about, but it's about the funding for this. He said it might be fine to have a study for this corridor and

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for that project but when it gets right down to the nuts and bolts it's called dollars and cents, and where's that money going to come from. He said he might add that we're moving forward on the O & S project at I-55 and I-80. He said 50% of that funding is going to be from sales tax dedicated to the developer to pay off the long term 20 year bonds. He said maybe some percentage of that sales tax could be dedicated to District 4 and 5 for improvements instead of raiding other NIP funds. He said that's just food for thought, you might want to think about that seriously.

COUNCILMAN DORRIS said he totally agrees with that. He said there are some things that he'd like to modify in the 2008 NIP and he believes there is an opportunity for us to do some great things. He said he thinks this is a once in a lifetime opportunity to do some things in Districts 4 and 5. He said the MAYOR has talked about this from the beginning and he thanked the MAYOR for allowing this to happen and thanked COUNCILWOMAN QUILLMAN who really helped them. He said he would like to adopt this plan but he would also like to come back two weeks from tomorrow with a plan to fund this so that the CDC can get up and running.

The City Manager said he talked to one of the bankers and they indicated they might set aside \$100,000, so if you go to a few banks you could start to pick up quite a bit of money. He said you might set up a fund that could be accessed by the Quality of Life Task Force with approval of any projects by the Council, and the money would be there and they would know that it's there. He said at least there would be some accountability because you would know how they are going to spend the money because you would all get a chance to vote on each project that they might bring along.

COUNCILMAN DORRIS said he totally agrees with him. He said last night at 7:15 p.m. he was on WJOL and he talked about the Task Force and the things they were doing. He said at 8:00 p.m. his phone rang and the developer was asking when can we get started. He said they are saying for the east side of Joliet, ground zero is Cass and Collins Streets. He said you want to be as close to there as you can. He said he thinks we need to get the funding and get the CDC up and running so we can start addressing some of these issues. He said that's why he wants to come back with a plan to fund it so the CDC can get office space and start working.

COUNCILMAN GIARRANTE said he doesn't want to start picking at the budget. He said we just got the budget tonight and he wants to sit down and look at the whole budget before we start cherry picking, but he doesn't have any problem with what COUNCILMAN DORRIS is saying.

COUNCILMAN DORRIS said he totally agrees with him. He said unfortunately the NIP is not part of the budget process.

COUNCILMAN SHETINA said there has been a lot of good input here. He said he thinks there are some sources of income that we need to talk about that's not necessarily in Districts 4 and 5 that he thinks would be happy willingly to give. He said there ought to be some way of getting some income off some other people too and he thinks they ought to look at all those resources. He said he doesn't have any trouble voting for this document but he thinks there are some dollars out there that we can get our hands on and we need to do that first.

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COUNCILWOMAN QUILLMAN said as part of the Task Force with COUNCILWOMAN BARBER and COUNCILMAN DORRIS, she believes they can come up with some creative financing and she fully supports what they'd like to do because Neighborhood Improvement Funds are for the neighborhoods and it's going to go for neighborhood improvement. She said she has no problem with it and she fully supports what they decide.

COUNCILMAN DORRIS said he would like for us to vote on the study today and the funding two weeks from today.

The City Manager said you might want to ask the Task Force if they would like to appear tomorrow night and talk about it or what is their opinion.

Mr. Charles Jones, Chairman of the Task Force, said he would prefer to have it approved now and he would have people attend the meeting tomorrow just to reaffirm what we've done today.

COUNCILMAN GIARRANTE said this in no way mandates us in the budget.

The City Manager said no it does not. He said this is just the approval of the plan and it's like any other plan, it sets out goals and the Council is basically saying these are good goals that we strive for and encourage the other agencies, whether they be the Park District or the County or whoever else is responsible also to shoot for those goals. He said then little by little, year after year, we'd like to chip away at our share of the goals.

3. A RESOLUTION Authorizing the Acceptance of the Qualify of Life Plan for the 4th and 5th Council Districts was presented and read.
(Council Memo #1370-07)

COUNCILMAN DORRIS moved that said Resolution be adopted.

Motion seconded by COUNCILMAN GIARRANTE

Motion carried by the following vote:

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

NAYS: NONE.

The City Manager acknowledged the work of Director of Neighborhood Services Alfredo Melesio and said he did a very remarkable job of coordinating between the Council, staff, the Task Force, the consultant and the stakeholders. He said he did a superb job and he doesn't know of anyone else on the staff who may have been able to accomplish it the way he did.

Mr. Jones said he would like to echo what the City Manager said about Mr. Melesio and the rest of the staff and he thanked the Council for their affirmative vote. He also thanked the Council people who were on the Task Force who worked diligently to see this through.

(RESOLUTION NO. 5999)

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

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The City Manager explained Council Memo #1355-07 dealing with the Annexation of 22901 W. Mound Road and Classification to I-1 Zoning.

COUNCILMAN UREMOVIC said nothing has changed since this was on the agenda two weeks ago.

The City Manager said no, we answered all the questions that were submitted about recapture fees, the adjacent zoning which is B-3 and I-1 and there were no other outstanding questions that we are aware of.

COUNCILMAN UREMOVIC said staff still wants to give I-1 to this development, not B-3.

The City Manager said yes because everything adjacent to them is I-1.

COUNCILMAN UREMOVIC said USF Holland is zoned B-3 and he can't see giving I-1 industrial because they can't use this 5 acres until it settles. He said if you want to annex the house that's fine.

The City Manager said what was stated last time was the Council elected to zone the property facing I-80 B-3 because we didn't want to see a lot of outdoor storage along I-80. He said everything south of Mound Road has been zoned I-1 and this is currently zoned I-1 in the County, so that is why we are recommending I-1.

COUNCILMAN UREMOVIC said he understands that but do we want outside storage with this. He said he doesn't see any other kind of retention, any engineering, anything with this. He said right now he looks at this and the guy looks like a front to him. He said he'll get this zoning and boom it's gone, he turns right around and sells it. He said from that standpoint until he can get something where he sees an attorney representing him, he can see the engineer documentation, the landscape and berms, until then he can't go along with this and he won't.

COUNCILMAN GIARRANTE said COUNCILMAN SHETINA is Chairman of the Land Use Committee and they have reviewed this.

COUNCILMAN SHETINA said he had no problem with this. He said they looked at it and he understands COUNCILMAN UREMOVIC'S concern. He said the guy has increased the value of the land and increased the looks of the land, he's recaptured floodplain. He said USF Holland came here and asked for some help with respect to recapture and this guy is not asking for anything like that. He said if in fact he was looking at a B-3 versus an I-1 he would rather have an I-1 than a B-3. He said the B-3 allows all kinds of things including taverns and liquor stores and all that stuff. He said I-1 zoning doesn't allow that kind of thing, it allows him to do what he's doing right now. He said he respects COUNCILMAN UREMOVIC, it is his district, but at the same time we just don't see the problem with it.

COUNCILMAN BROPHY said on an unrelated parcel there was a discussion about wetlands being defined as plant material, not necessarily wet visible portions. He said he thought early on one of the benefits of coming into the City was that the proximity of the wetland would be relieved from 75' back to 25'. He asked how did we measure that and do we have any responsibility for how close

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he is to wetland or is that just an edge of his property and we just go from there and trust that it's not any closer.

The Corporation Counsel said wetlands are defined by hydrophilic soil or plants, so if you have vegetation that prefers moist soil or perpetually wet soil that's a wetland and it's measurable in the field by someone trained to measure those things. He said we have adopted an ordinance which has been standard in the Chicago area for years and that's the 25' setback from the wetland, that's the no-build zone and you can't disturb that area.

COUNCILMAN BROPHY asked if the "no-build zone" is his lot line.

The Corporation Counsel said it would be a buffer from wherever the wetland happens to be.

COUNCILMAN BROPHY asked if that gets placed on a survey, such as a line like any other measurement.

The Corporation Counsel said it is surveyable, yes. He said wetland limits can be delineated on a plat.

COUNCILMAN BROPHY asked if we ask them to provide proof of that before they begin to fill or build or whatever.

The Corporation Counsel said that would be part of standard plat review.

COUNCILMAN BROPHY said that is one of those many incidental things that are done in the permitting process and Corporation Counsel said that's correct.

Mr. Scott Beckman, owner of the property, stated that every time that he's come to a meeting, COUNCILMAN UREMOVIC has always said that he's going to flip the property when he gets the I-1 zoning. He said he spent \$675,000 on this property and the proposed concrete and asphalt is \$200,000. He said with the filling in of this land it is going from 5.1 acres to 3 acres of flat space. He said he's going to have \$900,000 invested in these 3 acres and he just doesn't even see an opportunity to flip this property for a great sum of money. He said it's a transportation company and fuel is \$3.50 a gallon right now, and based at \$3.00 a gallon moving his operation 10 miles out would cost him roughly \$5,000 a month in fuel alone. He said he has no intention of flipping this land, and no intention or desire to move further out of town to try to make a buck off this land.

COUNCILMAN UREMOVIC said he appreciates that information and would like some of that information attached to this document so we know about it. He said also if he is really committed there should be a performance bond and a letter of credit attached to this to make sure we know the improvements are really going to take place. He said we ask other businesses to come up with a letter of credit and performance bond to make sure they do what they say and all of a sudden staff says we don't have to do that here. He said it's not the Council making these agreements, it's staff. He said all he is asking is why. He said he thinks we as a Council should be given that answer. He said he just can't see why you do it to one and then not another. He said so these are things that enter his mind and is this thing for real and can they flip it, can that happen, sure it can. He said once you give this zoning and annexation you can say that you have the right and right away, boom, it's gone.

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Mr. Beckman said what to the best of your knowledge can he get for 3 acres of dirt. He said he's not going to get \$2 million for 3 acres of dirt.

COUNCILMAN UREMOVIC said how does he know that. He said he is more comfortable with it in writing with a performance bond and letter of credit and he knows that it's real.

The City Manager said just so everyone knows, whenever anybody puts in a parking lot the City doesn't get a letter of credit. He said we get a letter of credit for our public improvements if there are public improvements. He said for private property and parking lots we don't get a letter of credit for that, and we don't ask anybody for that.

COUNCILMAN UREMOVIC said this is a commercial enterprise and where is the documentation that commits to the improvements. He said we did that with USF.

The City Manager said his annexation is contingent upon that.

COUNCILMAN UREMOVIC said USF did on-site and off-site projects and had a performance bond and letter of credit.

The City Manager said they didn't get a letter of credit for USF's parking lot, we got it for their improvements on City right-away within our jurisdiction. He said he just doesn't want this gentleman to be treated differently, otherwise he has no reason to annex to the City if we're going to ask for things that we don't ask from other people.

COUNCILMAN UREMOVIC said all he knows is that this document is a whole lot less than what you did with USF.

The City Manager said he is not proposing to do any buildings right now.

COUNCILMAN UREMOVIC said all he is asking is to compare this to USF.

The City Manager said USF is completely different, they wanted to build an entire operation there and he is not asking for that now. He said he will later come in and then he will have to have his engineering, building plans and all of that will get submitted to the City. He said he is not in a position to do that now, he's only annexing.

COUNCILMAN UREMOVIC said then tell me what's the urgency, why not wait until that's all done.

The City Manager said he wants to annex to the City and he wants City services.

The City Manager explained Council Memo #1357-07 dealing with Declaring Certain Properties as Public Nuisances, including the property at 704 Western Avenue.

COUNCILWOMAN QUILLMAN said she spoke with the City Manager about 704 Western and if we declare this a public nuisance for demolition, that is what these property owners want.

The City Manager said it would have to be a court-controlled situation. He said it can't be demolished at this point.

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COUNCILWOMAN QUILLMAN said she would like it removed from this ordinance.

The City Manager said we can certainly do that.

COUNCILWOMAN QUILLMAN said the Preservation Committee is working on saving this property and this is exactly what these owners want. She said when she came across this she said no, we need to take that off until things are resolved.

COUNCILMAN GIARRANTE asked what the problem is.

COUNCILMAN BROPHY said doesn't the nuisance designation simply give us a little more clout or control in the courtroom in front of a judge with the disposition of it, we don't have to tear it down, that's not the only option.

The Corporation Counsel said the nuisance declaration gives a little more creditability to the City's case in that the judge knows the City Council in public voted that it wants to see something done with the property. He said it's not legally required to proceed with demolition but that's been the directive of the Council for many years.

The City Manager said he thinks the difficulty here is the property owner that bought this lives on Raynor Avenue. He said there has been some discussion with our staff and maybe neighbors that these people might want to tear this house down. He said this house probably should not be torn down, because structurally it is a very stable home, but it has been left to deteriorate on the interior significantly. He said the neighbors in that block are in a bit of a dilemma, they don't want to see this house taken down. He said they have just submitted petitions to the Historic Preservation Commission to have this block declared a local historic district which would make it very difficult for the owners to tear the building down. He said now that the petition is filed they can't tear it down without this City Council's approval, but COUNCILWOMAN QUILLMAN'S point is that if they went to court and said the City is trying to block them from tearing it down, this nuisance declaration might help them in their bid to tear it down. He said it might be appropriate to wait and let the historic preservation situation come through and come to you and then after that we could pursue this with a little more vigor.

COUNCILMAN GIARRANTE asked if they can tear it down right now.

The City Manager said what staff has told him is that once the petition is filed with the Historic Preservation Commission and it has, that locks them in at that point until it has been reviewed by the Council.

The Corporation Counsel said he thinks it's fine to delete this property from the public nuisance declaration but we control what the content of that public nuisance declaration is, and we could declare that it is a public nuisance in its current state but that the City does not want to see it demolished and wants to see the property restored. He said so there are two different ways to go at it.

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COUNCILWOMAN QUILLMAN said she just doesn't want to give them any extra ammunition at this point because the preservation commission is working diligently to try to save this home and that's what their purpose is, to save these old homes.

The City Manager said they will remove it for tomorrow's meeting.

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

The Director of Community and Economic Development introduced newly hired Planner II Kristen Gundersen.

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

COUNCILMAN GIARRANTE moved that the Council recess to closed session to discuss personnel and land acquisition after which the meeting will be adjourned.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk