

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

PRE-COUNCIL MEETING of the Council of the City of Joliet, Illinois held on Monday, March 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 2 COUNCILMAN TIMOTHY M. BROPHY, COUNCILMAN AT LARGE THOMAS C. GIARRANTE, DISTRICT 4 COUNCILMAN ALEX LEDESMA, 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: 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 explained Council Memo #295-07 dealing with the Preliminary and Final Plats of Millennium Square Subdivision located on 21 acres on the north side of Plainfield Road, between Garden and Kellogg Street. He said the developer proposes a high end commercial/retail use at this location.

Mr. Derek Brenczewski and Mr. Tim Bossy of NEG Properties were present on behalf of the petition.

COUNCILMAN SHETINA asked for a synopsis of the project.

The Director of Community and Economic Development stated they've been working with the developer for some time on their architecture. He said the problem that they've had with this one is the lot configuration, the location and that the actual uses continue to change. He said they have some prospects and we expect before this is finished it might change a little bit more but this would be the standard that they will set and the type of architecture that will be built there.

COUNCILMAN GIARRANTE asked if construction would start this spring.

The Director of Community and Economic Development said he thinks their idea is that they will work with prospects now and they would like to get something in the ground as soon as they can. He said we expect that they will go through the platting process and as soon as that's finished they'll start construction maybe the mid part of the year or late summer.

COUNCILWOMAN QUILLMAN said she was under the impression that there was supposed to be an Olive Garden Restaurant going in there. She also asked if Arby's Restaurant was a done deal or is that just preliminary as well.

Mr. Brenczewski said he would like to see an Olive Garden there too but they can not come to an agreement. He said Arby's is not going to happen at this point.

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COUNCILWOMAN QUILLMAN asked who will replace the decorative wooden fence in the back if it needs to be replaced.

Mr. Bossy said it would be part of the arrangement with the governing body of the shopping center. He said they will maintain the fence and replace it if needed.

It was requested that these items be voted on today.

1. AN ORDINANCE Approving the Preliminary Plat of Millennium Square Subdivision, a PUD as recommended by the Plan Commission subject to the development being constructed in substantial conformance to the plans as submitted was presented and read. (#P-22-06/Dist. #1)
(Council Memo #295-07)
(ORDINANCE NO. 15821)

2. AN ORDINANCE Approving the Final Plat of Millennium Square Subdivision, a PUD as recommended by the Plan Commission subject to the development being constructed in substantial conformance to the plans as submitted was presented and read. (#FP-2-07/Dist. #1)
(Council Memo #295-07)
(ORDINANCE NO. 15822)

COUNCILMAN GIARRANTE moved that said Ordinances be adopted as recommended.

Motion seconded by COUNCILMAN LEDESMA.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 15797)

The Deputy City Manager then explained Council Memo #296-07 dealing with the Recording Plat of Caton Farm and Ridge Road Commercial Subdivision Unit 1A, a Resubdivision.

Mr. Tim Bossy of Midco CFR-Joliet was present on behalf of the petition.

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

COUNCILMEN TURK arrived at the meeting at this point.

The Deputy City Manager explained Council Memo #290-07 dealing with the Far West Annexations in Kendall County. He said staff is recommending that three of the petitions be approved and the remaining petitions be tabled to the April 17, 2007 Council meeting.

Mr. Jeremy Sentman of Neumann Homes was present on behalf of the petitions.

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COUNCILMAN UREMOVIC said his question is in regards to the Kendall County Comprehensive Plan. He said there is an item in there where we're supposed to be getting a certain amount of money per acre for infrastructure expansion.

The Corporation Counsel said there's a number of ways you can finance the infrastructure that was identified in the Comprehensive Plan which primarily relates to bridges and creek work. He said for example the way that DuPage County does it is a road improvement impact fee. He said he thinks that's what our planners had in mind and there is a statutory process that we're obligated to follow if we want to impose that type of impact fee. He said if we do a regional impact fee and make it applicable to all the properties that would benefit from the new creek crossings, that would be the way that would be recommended to the Council.

COUNCILMAN UREMOVIC said but it's not a prerequisite before this.

The Corporation Counsel said no, but nothing in this annexation agreement will take away from our ability to do that regional road improvement impact fee. He said what this agreement says is that all the perimeter roads will be the responsibility of Neumann Homes and if part of their perimeter is on Aux Sable Creek or if they need a bridge crossing across the creek, it is their responsibility at this point.

COUNCILMAN SHETINA said this is too complicated and there are too many different parts to this puzzle and he would like to see it referred back to the Land Use Committee for a hearing to see how all these pieces fit in. He said he thinks it's not a good idea to take these on separately. He said we had an agreement on all the acres, and this may be perfectly fine but we have not had any time at all to talk about how each of these pieces affects the other. He said he doesn't want to see us taking in 400 or 500 acres of this and not knowing how it affects the rest of the acreage. He said he would rather see it tabled.

The Corporation Counsel said if we need to have a Land Use Committee meeting there is no problem with doing that. He said this is an annexation that's been advertised so a table should be voted on tomorrow night.

COUNCILMAN SHETINA said that's fine if it's OK with the Council.

The Corporation Counsel said the map on the last page of the memo is probably the most instructive. He said it explains what the original proposal was south of Caton Farm Road and what Neumann Homes is requesting approval to do at this time. He said a couple of years ago, Joliet annexed the Kaco Farm which is at the southwest corner of Caton Farm Road and Arbeiter Road, five acres of which Neumann Homes has agreed to sell to the City for the new maintenance facility. He said the property Neumann Homes would like to annex now is immediately west and contiguous to the Kaco Farm. He said this is the next farm to the west and so it is just a natural extension of what they're doing with the Kaco property, and then they're also asking permission to annex the property immediately south of the new annexation today. He said even though this was a large project initially, because of market conditions they've decided to scale that back a little bit and they only want to annex the next three properties contiguous to what they already own on Arbeiter Road.

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COUNCILMAN SHETINA said he wants to take a look at it anyway. He said he thinks it's too complicated to do this. He said he gets a regular call from a homeowner on Arbeiter Road wanting to know what's going to happen to his property. He said they've had dealings with Neumann Homes that have failed and if they can't reach an agreement that's fine, but he wants to see how this whole thing affects the other pieces. He said he is not satisfied with doing this on a piecemeal basis. He asked if the golf course and all that other stuff is out.

The Director of Community and Economic Development said yes, a lot of that stuff is out. He said he thinks it's a reflection of the market conditions. He said one of the things he would point out is that the zoning requests that are being requested here are in concert with the Comprehensive Plan so they are not asking for anything differently than what we've already shown in the Comprehensive Plan.

COUNCILMAN GIARRANTE asked Mr. Jeremy Sentman from Neumann Homes if this tabling would negatively affect their plans.

Mr. Sentman said the negative impact it would have is that there are ten different contracts, each with different requirements. He said by tabling it and not bringing it forward for a vote, there is a potential that some of the landowners can fall out of the assemblage. He said without an annexation tomorrow evening there is the potential that like some that have already fallen out of the existing plan, the additional properties that are under contract may fall out as well.

The Director of Community and Economic Development said we have farmers out there that originally were part of the big annexation with Neumann Homes and their intentions are that they may annex on their own and then sit on the property annexed into the City. He said they are weighing those options available to them. He said so you might get a landowner who has been very favorable to Joliet who says please annex my land and give me the zoning according to the Comprehensive Plan. He said the Council will see PUDs, Preliminary, Final and Recording Plats on all of this as it comes through, but he wanted to let the Council know that there are landowners out there who might come knocking on our door even if these guys don't buy their property.

COUNCILMAN SHETINA said this is one of the biggest annexations we've done in terms of single-family or mixed use and we have other people involved here besides the City of Joliet. He said we always planned to be good neighbors out there and we want to make sure we're good neighbors. He said he's seen deals fall apart and has seen them come back and he's sorry if that happens, but he wouldn't vote for this. He said if he's voting tomorrow night he's voting no or else we get a table.

COUNCILMAN BROPHY asked what our density target is and what's the density in this.

The Director of Community and Economic Development said with the multi-family component, the duplex component and single-family, we're going to be in the neighborhood of 3 units to the acre total.

Mr. Sentman said it is 2.6 and the Comprehensive Plan called for 3.0, so we are actually less than the Comprehensive Plan.

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COUNCILMAN BROPHY said so what you're saying is you can market the homes on these parcels without those other amenities exactly the way you were going to market them before. He asked if they've changed the floor plans and reduced the home sizes.

Mr. Sentman said we have identified roughly 7 different product lines that we were going to use and that now has been scaled back. He said there were two different community types that were going to be marketed and that has been pulled back.

COUNCILMAN BROPHY said so this is the smaller community.

Mr. Sentman said that's correct.

COUNCILMAN BROPHY asked how many models are available here.

Mr. Sentman said they have not determined that yet.

COUNCILMAN BROPHY said there are 340 acres of four models and that's it.

Mr. Sentman said not models, 4 or 5 different product lines. He said as we move forward and come back before the Council with the Preliminary Plat and the Planned Unit Development, at that time we'll show you exactly what we're going to build and what we're proposing. He said those are some of the details that with the existing market we don't have figured out.

COUNCILMAN BROPHY asked the Corporation Counsel if there is any benefit whatsoever from our perspective with these long tablings or is it just simply an administrative thing.

The Corporation Counsel said it's administrative. He said tabling allows previous public hearings to satisfy statutory requirements whereas if we table it indefinitely and a project reemerges, then you have to start all over with Plan Commission notices, hearings and then City Council proceedings.

COUNCILMAN BROPHY said if these that are recommended to be tabled have changed substantially, hasn't it reached that threshold of redisclosure and rehearing.

The Corporation Counsel said no. He said what was initially proposed for the properties being tabled south of Caton Farm Road was basically single family with Neumann Homes as the tentative developer. He said what the Planning Department is recommending is that we still proceed with the single-family. He said we no longer have Neumann Homes but the property owners want to be in the City and they're asking us to go forward. He said what Neumann Homes is asking today is that for the properties they know they're going to develop, which would be the 3 farms immediately next to what they already own on Arbeiter Road, that they be allowed to go ahead and build the development as they initially proposed. He said the golf course is no longer included in the annexation agreement because Neumann Homes doesn't control the property it would have taken to build the golf course. He said that project may come back as other developers acquire the rights to these other properties. He said what we've done in this agreement is set aside the Aux Sable Corridor for future public recreational uses. He said that may be a forest preserve product or a park district/golf course product, and we're keeping our options open. He said at this

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time we know Neumann Homes is not going to acquire all the property needed so we thought it would be unfair to hold them up because of how the other properties may develop in the future.

COUNCILMAN GIARRANTE asked what parcel the golf course was supposed to be built on and if it is part of these other ones that we're tabling.

The Corporation Counsel said yes. He explained the map included with the Council Memo showing where the golf course would have been. He said the Kaco Farm would have been part of it along with A-43-06 which is the Cryder Farm that contained a large part of the golf course, A-47-06 which is just south of Cryder that would contain part of it and the land to the east of A-47-06. He said Neumann Homes is not proceeding with the acquisition at this time of that property, but that property would be needed for the golf course. He said we're now in a situation where we can't get our hands around the golf course property because Neumann Homes only controls part of it. He said in this agreement we set aside the original golf course property as a preservation corridor under our protection ordinance.

MAYOR SCHULTZ said we're just voting on the annexation and nothing else.

The Corporation Counsel said what's before you is the annexation of the 3 farms and the zoning which is primarily single family, but there is also some townhome and commercial zoning on Cryder North near Caton Farm Road and where Schlapp Road will intersect Caton Farm Road. He said that was proposed for a town center type of commercial area in our Comprehensive Plan. He said the zoning that is being proposed here would match what was approved in the Comprehensive Plan. He said the annexation agreements also provide that before they can build any product they have to prepare a Planned Unit Development and that comes back to the Council. He said you'll see the concept plan, the PUD, the house styles and architecture and all the normal things before they can develop.

Mr. Sentman said their plan is to be back in front of the Council in a few months with a detailed plan with product showing the different neighborhoods for your review as they move forward. He said we are currently just looking for the annexation and zoning on these farms adjacent to the property that we own.

The Deputy City Manager explained Council Memo #292-07 dealing with the Annexation of 2610 Commonwealth Avenue. He said the owners are requesting a waiver on the requirement to connect to the water service because their existing well is functioning properly and finances prevent them from connecting to both utilities. He said connection to water will be required if the existing well fails.

COUNCILMAN BROPHY asked about the requirement for hooking up the water. He asked if it is up to the petitioner and when it's enforced.

The Director of Community and Economic Development said the old rules and regulations were that when they annexed, they had to hook up to the sewer and water if the water was within 300 ft. He said what we've been doing lately with a couple of these is that when the wells have been in relatively good shape, as soon as their well goes bad they have to hook up. He said what they've found is that one thing that causes many of the annexations is the desire to get sewer or water when one of those two functions fail.

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COUNCILMAN BROPHY asked how that is enforced.

The Director of Public Utilities said any permit for a well repair is going to be required either through the Health Department or the City Building Department. He said they won't be able to drill a new well if water is available so they would be required at that time to hook up to City water.

COUNCILWOMAN QUILLMAN said this is a quality of life issue. She said she is pretty familiar with these folks and it was her understanding that it was a hardship case because of the failed septic and it became a sanitary problem and they are unable to afford both at this time.

The Director of Public Utilities said that's correct. He said the homeowners aren't happy with the quality of the water. He said it is very hard and they've got a lot of iron but at this time they just can't afford to do both.

COUNCILWOMAN QUILLMAN said as soon as they could afford it they would.

The Director of Public Utilities said that's what they've indicated.

COUNCILWOMAN QUILLMAN asked if we've done this before with other homeowners on a case by case basis.

The Director of Public Utilities said yes.

The Deputy City Manager explained Council Memos #297-07, #298-07, #299-07 and #300-07 dealing with Special Use Permits to allow the Installation by T-Mobile of Wireless Telecommunication Facilities at four different locations, including City Water Tanks at Plainfield South High School and Rock Run Business Park.

COUNCILMAN DORRIS arrived at the meeting during the discussion.

COUNCILMAN UREMOVIC asked if this would affect the Wi-Fi system that we're working on.

Mr. Ray Shinkle of T-Mobile said there shouldn't be any effect, but we have interference language in the agreement covering that so if we cause any interference, we have to fix it immediately.

COUNCILMAN UREMOVIC asked if fees are generated from this to the City.

The Deputy City Manager said they're paying us \$1,850 a month for the two water tanks.

COUNCILMAN SHETINA asked what they used for comparables.

The Deputy City Manager said we don't have that comparison right now but we will get it for you for tomorrow's meeting.

COUNCILMAN UREMOVIC said in regards to liability if they have one of these towers on one of our facilities and lightning hits it and damages our tower, who is responsible.

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The Corporation Counsel said they're obligated to indemnify us for their negligence. He said an act of God would be no one's fault so in that particular example they would not be liable for a lighting strike on a tower.

Mr. Shinkle said they have insurance for that. He said there is indemnity language in the agreements and we have insurance for those reasons too. He said the rental rate is above average. He said it's very expensive to locate on a water tank versus building your own tower. He said that rental rate is above average on the competitive market.

The Deputy City Manager explained Council Memo #307-07 dealing with an Agreement with Metra for Commuter Parking Facilities west of York Avenue between Washington and Marion Streets.

COUNCILMAN SHETINA said he was contacted by an attorney today that said he heard another title company is talking about leaving downtown because of lack of parking. He said at the Land Use Committee meeting the other day they talked about what the actual shortfall is with respect to the number of parking places we need versus what we're going to put on line. He said we also talked about people going out to New Lenox to park.

The Director of Community and Economic Development said we're doing our parking study now and we elaborated a little bit at the Land Use Committee meeting the other day but he thinks the number was 90 people a day use the decks and get on a commuter train. He said what we're hoping to do is reach out to those folks when we open up the new lot because right now for commuter parking we're at the max, and we're hoping to free up the spaces in the deck and request those folks to consider coming over to one of these remote lots that are closer to the train station. He said then we would hopefully have turnover parking for the folks that come down to the title companies or the restaurants or whatever business they are doing downtown as opposed to those folks that get there at 7 a.m. and stay till 6 p.m.

COUNCILMAN SHETINA said he knows we're getting complaints on the parking garages all the time that people come down and can't get a spot so they go somewhere else. He asked if we had any idea of how many people are turning around and going elsewhere.

The Director of Community and Economic Development said we don't. He said Parking Superintendent Steve Jenco has done an analysis and we have found that the crunch time usually is around the 9 a.m. to 10:30 a.m. timeframe. He said after 10:30 a.m. there are plenty of spaces available in the decks and we have to work on how we can convey that to the motoring public. He said the critical thing is when the jurors show up and usually from 8:30 a.m. to 10:30 a.m. is when it gets critical and they're turning people away from the decks.

MAYOR SCHULTZ asked if that would be people going to court.

The Director of Community and Economic Development said it would be people going to court, jurors, people going to title companies and a lot of different reasons.

MAYOR SCHULTZ said a lot of people don't realize there are vacancies after those hours.

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The Director of Community and Economic Development said it is very easy to get a parking space in the afternoon hours, but a little bit critical in the morning.

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

The Deputy City Manager advised there was no need to go into closed session.

COUNCILMAN GIARRANTE moved that the meeting adjourn.

Motion seconded by COUNCILMAN LEDESMA.

Motion carried by the following vote:

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

NAYS: NONE.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk