

***Proceedings of the Council of the City of Joliet, Illinois
held on the 18th day of April, A.D. 2006***

REGULAR MEETING of the Council of the City of Joliet, Illinois held on Tuesday, April 18, 2006 at 6:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

An Invocation was delivered by Pastor Kathryn White, St. Edward & Christ Episcopal Church, 206 N. Midland Avenue, Joliet, Illinois.

Pastor White then led the pledge to the flag.

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, DISTRICT 4 COUNCILMAN ALEX LEDESMA, DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA, COUNCILMAN AT LARGE MICHAEL F. TURK and DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

ABSENT: COUNCILWOMAN AT LARGE JAN QUILLMAN.

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

It was requested that a couple of items be moved up on the agenda at this time.

1. AN ORDINANCE Approving the Preliminary Planned Unit Development of Central Park Subdivision accompanied by a recommendation for denial from the Plan Commission and a recommendation for approval by the Administration was presented and read. (#PUD-5-06/Dist. #1)
(Council Memo #410-06)
(ORDINANCE NO. 15508)
2. AN ORDINANCE Approving and Authorizing the Execution of a Development Agreement and Authorizing the Conveyance of Certain Real Property to Colony Real Estate Development LLC was presented and read.
(Council Memo #410-06)
(ORDINANCE NO. 15509)

Mr. Len Legler, 3127 Tyler Drive, stated that he has been a resident of Fiday View for over 20 years and he is proud to say that he is in favor of this development. He stated that he and his wife have talked to many of their neighbors and they think this development is a good project. He said that he also met with the developer and the engineer for this project and walked the property. He stated that their elevation is not very good and in 1997 they did have 57 inches of water on the property so their concerns are great. He said that they looked at the plans and they feel that this is very good for the community. He stated that a park district will be added right across the street from them and that will benefit everyone in the subdivision. He stated that it will increase property value and enhance the area. He said that the storage of

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water will be 20% greater than it needs to be and that is above and beyond and they are grateful for that commitment. He stated that he understands that the conveyance of water will be better and it could possibly lower the water table for the property, which is a concern to many of the residents because in times of rainfall they get quite a back up. He stated that it looks like this project is a good thing and they will benefit from it in more ways than one. He said that development is going to happen, it is just a question of time and this looks like a good project.

Mr. Bruce Zumstein, attorney for the Faith United Pentecostal Church located at 3400 Caton Farm Road, stated that he had a petition signed by 103 parishioners and members of the church. He stated that he understood the Plan Commission was not in favor of this and they supported that. He said that they are extremely concerned about the storm water in the area. He passed around some pictures of flooding in the area.

Ms. Marlene Vershay, 3019 Tyler Drive, stated that she is against this totally on Tyler Drive. She said that this area floods and she doesn't believe the project will help the area. She asked if the subdivision has been downsized since the first proposal.

The City Manager stated that there has been no change to the size of the subdivision.

Ms. Vershay stated that this is not conducive to the area. She also commented about the traffic on Caton Farm Road, which will increase. She asked if they can be guaranteed that there will be a traffic light installed. She stated she has lived there for 43 years and this is a floodplain. She said that she also has a petition from residents in the area opposing this project.

Mr. Octavius Ryan, 3106 Tyler Drive, stated that he has looked at the plans and he is in favor of this development. He said he thinks it would be good for the community. He stated that he understands that they are in a floodplain and from his understanding this development is going to make it some percent better and at this point he believes that would be a good thing. He said that the concerns he has would have to do with the office building that is on the southwest side of the property. He stated that particular area does flood a lot. He said that he does have a concern about that. He stated that he thinks the townhomes and condos are a great idea. He asked if the flooding is worse on Tyler Drive will the City be accountable for that. He stated that he understands in the past the City has done things if there is an issue like in the Wexford subdivision where the City stepped in to make the flooding better. He said that he thinks it is fair to ask that they make it no worse and they are offering to make it a little better. He asked if the City is going to stand behind this and require the developer to do everything they promise to do since Fiday View is not part of the City. He stated that he believes the City has done that in the past so he is in favor of this with a slight concern about the office building. He said that everyone is in fear of change.

COUNCILMAN GIARRANTE stated that there was someone who was affected when Wexford was built with an increase in water and a drain was installed to help alleviate the problem.

The City Manager stated that it was a small problem and a rear yard drain was installed.

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COUNCILMAN SHETINA moved that said Ordinances be adopted.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN DORRIS, GIARRANTE, LEDESMA SHETINA, TURK
and MAYOR SCHULTZ.

NAYS: COUNCILMEN BROPHY and UREMOVIC.

Prior to his vote, COUNCILMAN BROPHY stated that he believes the flooding situation will be improved. He stated that he is more concerned about the type of product that is offered here and he believes the Plan Commission was trying to send a signal to the Council as well as the community at large and they decided that there was too much of this product in town and they wanted to somehow improve it. He said that it is his opinion that the engineer is correct that this will probably improve the flooding situation, but he is not convinced that the product will improve the greater good of the City of Joliet and at this point he is voting no on this item.

Prior to his vote, COUNCILMAN DORRIS stated that the major issue to him is the flooding and he believes the flooding will be improved and he is voting aye.

Prior to his vote, COUNCILMAN GIARRANTE stated that he agrees with COUNCILMAN DORRIS' remarks and he thinks the flooding will be improved and he believes it is a good project so he is voting aye.

MAYOR SCHULTZ asked the Corporation Counsel how many votes are needed for approval.

The Corporation Counsel stated that there are six yes votes are required to approved the Preliminary PUD and if six votes are cast in favor of that then the second item would be approved as well. He stated that if there are not six yes votes on the PUD then it would be a rejection of both items.

Prior to his vote, COUNCILMAN LEDESMA asked if the engineer looked very closely to make sure the church will not get any flooding. He asked who will be responsible if there is flooding in the surrounding area.

The City Manager stated that you have to be careful because there is no one in this room that has the ability to guarantee anybody in the City of Joliet or unincorporated area that they will never get flooded. He stated that if there is a 500 year rainfall and your floor elevation is below the 500 year elevation, you will get flooded. He stated that if there is a 100 year storm and you are in the floodplain, you will get flooded. He stated that this project will increase by about 10% the amount of storage that is on the property. He said that actually it will increase it by 20%, but it is 10% more than what the requirement is. He stated that right now there is 40 million gallons of storage on the property and after this property is developed there will be 48 million gallons of storage on the property so there will be a larger capacity to hold water on the property before any water goes off onto to the neighbor's property and that is important.

COUNCILMAN LEDESMA stated that as long as the flooding areas are protected, he will vote aye on this. He stated that this is a good project.

Prior to his vote, COUNCILMAN SHETINA stated he was involved in the neighborhood meetings that they had and went to the Plan Commission meeting

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and several hearings where everybody had a chance to talk about their concerns. He stated that Fiday View has had this problem for a long time and it is not going to change, but in the 1996 flood he got more water at his house than the church got. He stated that there will be about 48 million gallons of capacity versus 40 million gallons capacity currently. He said that if you get a 1996 rain everyone will get flooded again no matter where you live even though the City has done a lot of sewer work and storm sewer work. He stated that the City should not give any impression that they are giving any guarantees about anything whatsoever. He said at the last meeting, where all these folks were, the engineer talked about the Raymond Street property and berming and buffering and things of that nature. He stated that the things that the City is doing will be guaranteed with respect to the engineering and the contractor. He said he doesn't want anyone to get the impression that if a flood comes like 1996, the City is guaranteeing anything. He stated that the City is guaranteeing that the project that the City is doing will be good and that 48 million gallons of water will be withheld. He said they looked at all of the aspects from the Sunnyland drain into the 40 acres lake at the mall, which does work very well, and the rate at which it lets water out into the area. He stated that the engineers and the City staff have assured him that the City will not precipitate any greater amount than what they have there. He stated that in terms of the product itself, it is 100% masonry and it is a matter of opinion of what you prefer in terms of what you want to live around. He said this is a nice project and very upscale. He stated that the highrises will probably mirror what was done at Woodlawn Terrace years ago. He stated that there are probably about 244 units in about 10 to 12 acres at Woodlawn Terrace. He stated that density is based upon the gross land and this will have 50 acres of open space and parkland that you have never seen before. He said that the Plainfield Park District is taking over the 10 acre lake and they will take care of that. He stated that everything will get cleaned out including the creek, which has never happened before. He stated that Fiday View is in a floodplain and will continue to be in a floodplain. He said that the City is looking at the fact that they will not precipitate anything greater than what was already there and it is a nice development. He stated that the City owns about 30 acres and about 4 acres of that will be built on and it will be sold to the developer. He stated that there will be a nice walking path and park that will be taken care of. He listened to everything everyone has said and he is voting aye for this.

Prior to his vote, COUNCILMAN TURK stated that he has listened to everyone talking about this project and he firmly believes there is going to be better water management on this property than there is currently. He said that also if you look at the track record of the developer, like the Citadel and the Preserve, you see high quality products. He stated that the developer lives in Joliet so he has a vested interest in how this development is going to be. He said that the City of Joliet has the reputation of being a good neighbor and he knows when the racetrack was built there were a lot of concerns about it and what was going to happen in the area. He stated that the City of Joliet met with neighbors out there who didn't live in the City almost on a weekly basis to alleviate a lot of their concerns. He stated that a majority of them were all worked out so Joliet has been a good neighbor along with the track being a good neighbor. He said that he sees this project being the same way. He stated that he is voting aye.

Prior to his vote, COUNCILMAN UREMOVIC stated that at the Pre-Council meeting yesterday he made some comments and asked some questions and he hopes it wasn't taken in the form of criticism because he was not criticizing anyone. He stated that he does trust Rogina Engineering and the City staff.

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He said that he was only indicating his feeling and thoughts of where the City is going. He stated that he has a little problem with the direction the City is going and he has been indicating this over the last two years. He said that too much focus has been put on quantity and not quality. He stated that has been a sore spot for him and that is the point he was trying to drive home yesterday. He said that this development is high density and it has to be to go ahead and medicate the water problem if it can so you have to have more of that space for water retention. He stated that the density is just too much. He stated that he needs more specifics when it comes to the quality. He said when you are talking about the townhomes it says 100% masonry, but if you go by the City's standards on brick, there is next to no brick on the townhomes so he doesn't feel the quality was there. He stated that this property has been vacant since the City has owned it since 1990. He asked if this has to be developed and the answer is no, absolutely not. He asked what can be done with this property. He stated that over the last 15 years the City has grown by 35,000 people and most of that is west of Essington. He stated that there is no open space there, just house after house and traffic congestion. He said that he feels the City needs to maintain some open space and that is why he is not really favoring this project. He stated that at this time it is not really a necessity. He stated that he thinks the builder does a good job, but again too much density and surely not enough quality. He asked what else can be done with this property. He stated when you look at the developments that the City does and there is park space that is for very young kids and not for kids 15 years and over. He said that this property should be maintained open and maybe it could be used for a City cultural area or City open space area for a baseball or football field. He stated that minds should be put together whether it be the Chamber of Commerce, Jacob, or the High School and maybe they could take this property and really make it something special for the future of Joliet. He stated that is what the Council is supposed to be doing and be creative showing some real vision. He said with that said, he would like to compliment the Plan Commission and applaud their commitment to low density and quality and at this time he respectfully votes no.

Prior to his vote, MAYOR SCHULTZ stated that he studied this real well and he is not going to take a lot of time. He stated that he trusts the engineers and they have done good work since he has been here. He said he votes aye.

COUNCILMAN GIARRANTE stated that one of the speakers said something about a traffic light on Caton Farm Road.

The City Manager stated that there is a traffic signal that is part of the project that will be at Caton Farm and Helmar.

A. Public Hearing re: Establishing the 2006 Joliet Special Service Area No. 6 – Ardith/Commonwealth

1. AN ORDINANCE Establishing the 2006 Joliet Special Service Area No. 6 – Ardith/Commonwealth was presented and read.
(Council Memo #406-06)

The Deputy City Clerk noted that this is a public hearing, so any comments would be in order at this time.

Ms. Teri Rutan stated that they are building a new home on the corner of

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Commonwealth and Glasgow and she asked if she has to install a sidewalk on her property. She said that they would be the only house in the subdivision that would have a sidewalk. She stated that she doesn't mind the curbs and sewer, but she doesn't want to tear out the trees to put in a sidewalk.

The City Manager stated that this project does not have a sidewalk component, it is just a roadway, storm sewer, curb and gutter project. He stated that the sidewalk is a requirement of the building permit and it will have to be done if it is a new home.

Ms. Rutan stated that none of the other homes have sidewalks.

He stated that eventually all the other homes will have them also.

COUNCLMAN SHETINA asked if the City would impose sidewalks on the neighborhood at some point and time.

The City Manager stated that not in the unincorporated area. He said that the City would like to have sidewalks in those areas for the safety. He stated that it usually takes one or two to get started and then the rest of the people follow.

Ms. Rutan asked if they could wait until the entire neighborhood does it.

The City Manager stated that generally with a new home it is required. He asked Ms. Rutan to meet with the Public Works Director to talk about the sidewalk so there is no problem with the trees.

COUNCILMAN GIARRANTE asked if it is a fact that new homes have a requirement for sidewalks and old homes that are in the City it is optional and if they do put on in it is 50/50.

The City Manager stated that it right.

MAYOR SCHULTZ asked if there were any further comments, and being none, he closed the public hearing.

COUNCILMAN TURK moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 15510)

3. AN ORDINANCE Eliminating the Position of Fire Division Chief through Attrition and Creating Three Additional Battalion Chief Positions was presented and read.

COUNCILMAN GIARRANTE stated that this is pretty clear and he would like to compliment the Corporation Counsel for making it simple.

COUNCILMAN GIARRANTE moved that said Ordinance be adopted.

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Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 15511)

MAYOR SCHULTZ left the meeting at this time.

APPROVAL OF MINUTES

COUNCILMAN BROPHY moved that the minutes of the Pre-Council Meeting of the Council of the City of Joliet held on Monday, April 3, 2006 at 3:30 p.m. and the Regular Meeting held on Tuesday, April 4, 2006 at 6:30 p.m. stand approved as recorded.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

AYES: COUNCILMEN LEDESMA, SHETINA, TURK, UREMOVIC, BROPHY,
GIARRANTE and MAYOR PRO-TEM DORRIS.

NAYS: NONE.

COUNCIL COMMITTEE REPORTS and AGENDA ITEMS

A. Baseball

COUNCILMAN GIARRANTE reported that the Baseball Committee has a tentative date set for April 26th.

B. Finance

COUNCILMAN UREMOVIC stated that the Finance Committee met and discussed the usual items on the agenda including a request from the Joliet Region Chamber of Commerce to purchase a Monopoly Board Sponsorship space for "Joliet On Board". He stated that the Committee recommended a sponsorship space be purchased in the amount of \$5,000 to be taken out of General Corporate Contingency.

COUNCILMAN GIARRANTE moved that the City purchase a sponsorship space for "Joliet On Board" monopoly type game sponsored by the Joliet Region Chamber of Commerce in the amount of \$5,000.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN SHETINA, TURK, UREMOVIC, BROPHY, GIARRANTE,
LEDESMA and MAYOR PRO-TEM DORRIS.

NAYS: NONE.

C. Land Use

COUNCILMAN SHETINA reported that the Land Use Committee met and discussed several issues including a concern about the notification of people within a 300 feet or so distance from a proposed annexation, zoning change or whatever it might be. He stated that recently on a Drauden Road project one of the major subdivisions was not notified inadvertently so there was a vote at the

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Plan Commission, but no one showed up because they didn't know about it. He stated that the City has had several meetings with the people from Brookside as well as Aspen Meadows and they are greatly concerned about changing that from a single family residential to a commercial development. He stated that he has asked the staff to use some discretion with respect to notification and if there is a 300 foot buffer and you don't have another house for 500 feet or a so, then they should be notified about a proposed project. He stated that it doesn't matter if they are in the City limits or unincorporated. He said they also talked about inspection procedures. He stated that COUNCILMAN UREMOVIC brought up a concern about inspections with regards to new homes being built and what is actually looked at. He said that the Inspections Director gave an extensive report and there are about 11 inspections that are done before they go to a final inspection. He stated that COUNCILMAN BROPHY reviewed the disclosure form process trying to finesse those so everyone knows what is going on in an area all around them.

COUNCILMAN BROPHY stated that he noticed in the Land Use Committee minutes something was left out in regards to the recapture concept where the first developer in pays for the pipe to come down past the property that later when the property is built it would be paid back by whoever is responsible for funding the water and sewer pipes down there. He stated that the City is doing a Southeast Plan and an engineer has been hired to help plan this area. He stated that he suggested the City look at a general recapture for those monies because the City is laying the groundwork and doing some of the work that the developer would otherwise do in an area.

COUNCILMAN SHETINA stated that he believes they said they would take that into consideration and they thought it was a good idea to try and recover the soft costs as well as the hard costs. He said he believes it is in the works at this time. He asked the City Manager to follow thru on this.

COUNCILMAN BROPHY asked the Corporation Counsel if it is legal.

The Corporation Counsel stated that some municipalities have a fee for planning review that is done and Joliet has always characterized that as a cost of doing business.

The City Manager stated that it would probably be a good idea to take a look at the standard fees that the City applies for annexations and all those kinds of things and work this into what the standard costs are and just raise the fees a little bit to cover these as opposed to implementing a new comprehensive plan fee or something like that.

D. Public Service

COUNCILMAN TURK reported that the Public Service Committee met and discussed the contracts, change orders, pay estimates and final payments and found them all to be in order and recommended their approval. He stated that they also discussed the modification of the Neighborhood Improvement Program regarding vacant lots and there was an inter-office memo distributed to everyone about it. He stated that it is a discussion on implementing a recapture fee for improvements to vacant lots and the Committee is interested in getting the District Councilman's input as far as if it should be a difference between commercial and residential and what kind of split it should be. He said then it

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will be discussed at the next Public Service Committee meeting and bring it back to the full Council.

The City Manager stated that there was one other item that was added to the agenda as Council Memo #453-06, which was a change order for the Well 24-D Construction. He stated that it had been submitted by the contractor that is working on the well. He said that the Council asked that the City not continue with the 24 hour operation on that particular well so there was additional compensation and equipment rentals had to go on for an extra five weeks, which was about \$64,000 and there was additional time that it took to keep the manpower there for not doing the 24 hour operation, which was about \$66,000 and then there was some additional expenses that were incurred that were around \$49,000, so the total is about \$180,859 and he is recommending approval of that.

COUNCILMAN SHETINA stated and he and COUNCILMAN UREMOVIC were both concerned about water pressure and capacity of water as time goes on. He stated that when they talked with the Public Works Director and the staff it was never predicated on a 24 hour around the clock drilling schedule. He asked what in terms of time will this cut the City back.

The City Manager stated that the City is still doing 24 hour a day on all of their projects unless there is a concern in a specific neighborhood and it is brought to the attention of the Council and the Council wants to do something about it. He stated that it is was felt if this one is delayed by five weeks would not represent a significant problem for the City to produce water this summer because the City started early.

COUNCILMAN DORRIS left the meeting at this time.

CONSENT AGENDA

A. Treasurer's Report – February, 2006

A communication from the City Manager contained his recommendation that the Treasurer's Report be received and placed on file.

**B. Position Vacancies
(Council Memo #398-06)**

A communication from the City Manager contained his recommendation that he be authorized to fill one Police Officer position, two Maintenance Foreman II positions and an Equipment Operator I position and any subsequent vacancies directly related to these positions.

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

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMAN TURK, UREMOVIC, GIARRANTE, LEDESMA,
SHETINA and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

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PUBLIC HEARINGS

A. Public Hearing re: Annexation of 138 Acres Located at the Southwest Corner of Route 53 and Breen Road

1. Resolution re: Approving the Annexation Agreement for 138 Acres Located at the Southwest Corner of Route 53 and Breen Road (#A-55-05/Dist. #5)
(Council Memo #403-06)
2. Ordinance re: Approving the Annexation of 138 Acres Located at the Southwest Corner of Route 53 and Breen Road (#A-55-05/Dist. #5)
(Council Memo #403-06)
3. Ordinance re: Approving the Classification of 138 Acres Located at the Southwest Corner of Route 53 and Breen Road to R-1B and R-3 Zoning (#A-55-05/Dist. #5)
(Council Memo #403-06)
4. Ordinance re: Approving the Preliminary Plat of Primrose Subdivision (#P-3-05Dist. #5)
(Council Memo #40306)

COUNCILMAN GIARRANTE moved that said items be tabled to the May 2nd Council meeting.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN UREMOVIC, GIARRANTE, LEDESMA, SHETINA, TURK and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

B. Public Hearing re: Annexation of .96 Acres at the Southwest Corner of Route 30 and Kellogg Street

1. Resolution re: Approving the Annexation Agreement for .96 Acres at the Southwest Corner of Route 30 and Kellogg Street (#A-20-06/Dist. #2)
(Council Memo #404-06)
2. Ordinance re: Approving the Annexation of .96 Acres at the Southwest Corner of Route 30 and Kellogg Street (#A-20-06/Dist. #2)
(Council Memo #404-06)
3. Ordinance re: Approving the Classification of .96 Acres at the Southwest Corner of Route 30 and Kellogg Street to B-3 Zoning (#A-20-06/Dist. #2)
(Council Memo #404-06)

COUNCILMAN GIARRANTE moved that said items tabled indefinitely.

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Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN GIARRANTE, LEDESMA, SHETINA, TURK,
UREMOVIC and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

C. Public Hearing re: Annexation of Prairie View Estates Subdivision
(1687 Spencer Road)

1. A RESOLUTON Approving the Annexation Agreement for Prairie View Estates Subdivision (1687 Spencer Road) was presented and read. (#A-22-06/Dist. #5)
(Council Memo #405-06)
(RESOLUTION NO. 5767)
2. AN ORDINANCE Approving the Annexation of Prairie View Estates Subdivision (1687 Spencer Road) as recommended by the Plan Commission was presented and read. (#A-22-06/Dist. #5)
(Council Memo #405-06)
(ORDINANCE NO. 15512)
3. AN ORDINANCE Approving the Classification of Prairie View Estates Subdivision (1687 Spencer Road) to R-1B Zoning as recommended by the Plan Commission was presented and read. (#A-22-06/Dist. #5)
(Council Memo #405-06)
(ORDINANCE NO. 15513)
4. AN ORDINANCE Approving the Preliminary Plat of Prairie View Estates Subdivision as recommended by the Plan Commission was presented and read. (#P-5-06/Dist. #5)
(Council Memo #405-06)
(ORDINANCE NO. 15514)

The City Clerk noted that this is a public hearing, so any comments would be in order at this time.

COUNCILMAN BROPHY informed the developer that a document be recorded that gives the covenants. He stated that the disclosure should be talk individually to each home buyer so it is specific for each lot.

MAYOR SCHULTZ asked if there were any further comments, and being none, he closed the public hearing.

COUNCILMAN TURK moved that said Resolution and Ordinances be adopted.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

AYES: COUNCILMEN LEDESMA, SHETINA, TURK, UREMOVIC,
GIARRANTE, and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

D. Public Hearing re: Establishing the 2006 Joliet Special Service Area
No. 6 - Ardith/Commonwealth

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1. Ordinance re: Establishing the 2006 Joliet Special Service Area No. 6 – Ardith/Commonwealth
(Council Memo No. 406-06)

The Deputy City Clerk advised that this was voted on earlier in the meeting.

APPROVAL OF REGULAR CURRENT BILLS

- A. Treasurer's Disbursements – March 2006 - \$42,912,309.78

It is recommended that the report be received and placed on file.

- B. Regular Claims – March 2006 - \$3,894,089.75

It is recommended that the report be received and placed on file.

- C. Regular Payroll – March 11 – March 24, 2006 - \$2,723,763.87
(Council Memo #407-06)

Biweekly Payroll Summary Reports of the total cost of regular salaries for the period March 11, 2006 through March 24, 2006 and additions to regular salaries for the period March 3, 2006 through March 16, 2006 including a 2006 Overtime Budget Status Report and a Biweekly Summary of Overtime and Temporary Assignments were accompanied by a recommendation from the City Manager that said Regular Payrolls be allowed.

- D. Regular Payroll – March 25 – April 7, 2006 - \$2,696,424.18
(Council Memo #408-06)

Biweekly Payroll Summary Reports of the total cost of regular salaries for the period March 25, 2006 through April 7, 2006 and additions to regular salaries for the period March 17, 2006 through March 30, 2006 including a 2006 Overtime Budget Status Report and a Biweekly Summary of Overtime and Temporary Assignments were accompanied by a recommendation from the City Manager that said Regular Payrolls be allowed.

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

Motion seconded by COUNCILWOMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN SHETINA, TURK, UREMOVIC, GIARRANTE,
LEDESMA and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

ORDINANCES AND RESOLUTIONS

A. **ORDINANCES**

1. Preliminary Plats and PUD's

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- a. Ordinance re: Approving the Preliminary PUD of Campus Center Subdivision Phase IV (#PUD-2-06/Dist. #2)
(Council Memo #409-06)

COUNCILMAN SHETINA moved that this item be tabled to the May 16th Council meeting.

Motion seconded by COUNCILWOMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN TURK, UREMOVIC, GIARRANTE, LEDESMA, SHETINA and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

- b. Ordinance re: Approving the Preliminary PUD of Central Park Subdivision (#PUD-5-06/Dist. #1)
(Council Memo #410-06)

- c. Ordinance re: Approving and Authorizing the Execution of a Development Agreement and Authorizing the Conveyance of Certain Real Property to Colony Real Estate Development LLC
(Council Memo #410-06)

The Deputy City Clerk noted that this was voted on earlier in the meeting.

2. AN ORDINANCE Approving the Preliminary Plat of Raynor Park Homes Subdivision as recommended by the Plan Commission was presented and read. (#P-4-06/Dist. #2)
(Council Memo #411-06)

COUNCILMAN GIARRANTE moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILMEN UREMOVIC, GIARRANTE, LEDESMA, SHETINA, TURK and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

(ORDINANCE NO. 15515)

3. AN ORDINANCE Declaring Certain Properties as Public Nuisances was presented and read. (316 Franklin, 506 Buell, 506 S Joliet)
(Council Memo #412-06)

COUNCILMAN GIARRANTE moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILMEN GIARRANTE, LEDESMA, SHETINA, TURK, UREMOVIC and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

(ORDINANCE NO. 15516)

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4. Ordinance re: Eliminating the Position of Fire Division Chief through Attrition and Creating Three Additional Battalion Chief Positions
(Council Memo #413-06)

The Deputy City Clerk noted that this was voted on earlier in the meeting.

B. RESOLUTIONS

1. A RESOLUTION Accepting the Dedication of a Public Utility, Landscape and Drainage Easement and Right-of-Way for a Portion of Arbeiter Road South of Theodore Street was presented and read.
(Council Memo #417-06)

COUNCILMAN BROPHY moved that said Resolution be adopted.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN LEDESMA, SHETINA, TURK, UREMOVIC, GIARRANTE
and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

(RESOLUTION NO. 5768)

2. A RESOLUTION Appropriating Motor Fuel Tax Funds in the amount of \$72,073.56 for the Phase 2 Engineering Services for the Essington Road Traffic Signal Interconnect Project was presented and read. (Section No. 05-00395-00-TL)
(Council Memo #419-06)

COUNCILMAN TURK moved that said Resolution be adopted.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILMEN SHETINA, TURK, UREMOVIC, GIARRANTE,
LEDESMA and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

(RESOLUTION NO. 5769)

BIDS AND CONTRACTS

A. Award of Contracts

1. Request to Purchase New Personal Computers for the Communications Center
(Council Memo #424-06)

A report on three bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the purchase of 12 computers to Dell, Inc. in the amount of \$13,150.56.

2. Request Authorization to Purchase Radio/Intercom System for Fire Station 10
(Council Memo #425-06)

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A report on two bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council approve the purchase of \$20,109.00 to Miner Electronics Group.

3. Request Authorization to Paint the Interior Living Quarters for Fire Station 4
(Council Memo #426-06)

A report on one bid received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Ireland Decorating in the amount of \$6,256.00.

4. Request Authorization to Purchase Two Self Contained Breathing Apparatuses for Ambulance 10
(Council Memo #427-06)

A report on two bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council approve the purchase of two Scott Air-Pak Fifty 4.5 Self Contained Breathing Apparatuses from Municipal Emergency Services in the amount of \$6,363.94.

5. Request Authorization to Purchase one Thermal Imager and Ancillary Equipment for the Fire Department
(Council Memo #428-06)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the purchase of one thermal Imager and Ancillary Equipment from Environmental Safety Group in the amount of \$10,587.00.

6. Request Authorization to Purchase a Compressor, Fill Station and Breathing Air System for Fire Station 10
(Council Memo #429-06)

A report on two bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council take the following actions: 1) Reject the bid of Municipal Emergency Services as being non-compliant and 2) Award the purchase of a compressor, fill station and breathing ATR refill system from Air One Equipment in the amount of \$45,995.00.

7. Award of Contract for Weed Cutting and Cleanup of City Owned Properties
(Council Memo #430-06)

A report on four bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Francisco Guzman in the amount of \$45,995.00.

8. Award of Contract for the Glenwood Avenue (Larkin – Raynor) Decorative Street Lighting Project – 2006 NIP
(Council Memo #431-06)

A report on five bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Utility Dynamics Corporation in the amount of \$616,639.40.

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9. Award a Professional Services Contract for the Phase 2 Engineering Services for the Essington Road Traffic Signal Interconnect Project
(Council Memo #432-06)

A communication from the City Manager contained his recommendation that the Mayor and Council award the professional services agreement to Gewalt Hamilton Associates, Inc. in the amount not to exceed \$72,073.56.

10. Approve Repair to Well 9-D 400 HP Pump Motor
(Council Memo #433-06)

A communication from the City Manager contained his recommendation that the Mayor and Council award the repair of Well 9-D submersible deep well pump motor to Layne Western Division, Layne Christensen in the amount of \$38,029.00.

11. Award of Contract for the 2006 Utilities Restoration Program – Phase 1
(Council Memo #434-06)

A report on five bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Anderson Concrete in the amount of \$137,485.00.

12. Approve Purchase of Replacement Trucks for the Public Works and Utilities Department - 2006
(Council Memo #435-06)

A report on two quotes received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council: 1) Approve the purchase of three ¾ ton four wheel drive pickup trucks from Green Chevrolet for the Roadways Division in the amount of \$58,495.79 and 2) Approve the purchase of two 4 x 4 pick up trucks from Bob Ridings Inc. for the Sewer Division in the amount of \$31,255.00.

13. Approve Caton Farm Road Fire Hydrant Relocations
(Council Memo #436-06)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Len Cox and Sons in the amount of \$29,610.00.

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

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN TURK, UREMOVIC, GIARRANTE, LEDESMA, SHETINA
and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

B. Amendments, Change Orders, Payments and Finals:

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1. Approve Change Order No. 1 and Pay Estimate No. 1 and Final for the No. 5 Vehicle Lift Replacement
(Council Memo #442-06)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$801.00 and Payment Estimate No. 1 and Final in the amount of \$11,154.00 on behalf of P. R. Streich and Sons.

2. Approve Amendment No. 4 to the Engineering Services Agreement for Radium Compliance
(Council Memo #444-06)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Amendment No. 4 in the amount of \$8,800.00 on behalf of Strand Associates, Inc.

3. Approve Pay Estimate No. 1 and Final for the Essington/Oakwood Decorative Pillars Project
(Council Memo #445-06)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Pay Estimate No. 1 and Final in the amount of \$26,032.75 on behalf of P T Ferro Construction Company.

4. Approve Change Order No. 4 and Payment Request No. 6 for the 2005 Electrical Maintenance Assistance Contract
(Council Memo #446-06)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 4 in the amount of \$21,074.63 and Payment Request No. 6 in the amount of \$21,074.63 on behalf of Van Mack Electric.

5. Approve Pay Estimate No. 1 and Final for Disposal of Spoil Materials from the Water Division Service Center
(Council Memo #447-06)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Payment Estimate No. 1 and Final in the amount of \$36,794.41 on behalf of P T Ferro Construction Company.

6. Approve Payment for Emergency Sanitary Sewer Main Repairs at Reed and Morgan Street
(Council Memo #448-06)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the Payment in the amount of \$20,285.00 on behalf of Construction by Camco.

7. Approve Change Order No. 2 and Pay Estimate No. 4 and Final for the 2005 Utilities Restoration Program
(Council Memo #449-06)

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A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2, a deduction in the amount of \$31,437.00 and Payment Estimate No. 4 and Final in the amount of \$14,229.10 on behalf of R & W Clark Construction.

8. Approve Change Order No. 3 and Payment Estimate No. 8 for the Catalpa/Harwood/Parks Roadway Project – 2005 Neighborhood Improvement Program
(Council Memo #451-06)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 3 in the amount of \$3,580.00 and Payment Estimate No. 8 in the amount of \$18,477.50 on behalf of Len Cox and Sons.

9. Approve Change Order No. 1 for the Woodruff Course Well, Rock 2 Rehabilitation Project
(Council Memo #452-06)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$16,440.00 on behalf of Layne Western.

10. Approve Change Order No. 2 and Pay Estimate No. 6 for the Well 24-D Construction, Pitless Adapter and Submersible Pump Project
(Council Memo #453-06)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$180,589.00 and Pay Estimate No. 6 in the amount of \$162,773.10 on behalf of Water Well Solutions.

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

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN UREMOVIC, GIARRANTE, LEDESMA, SHETINA, TURK
and MAYOR PRO TEM BROPHY.

NAYS: NONE.

LICENSES AND PERMIT APPLICATIONS

- A. Request on Behalf of Darrel Shepley for Permission to Hold a Carnival at Louis Joliet Shoppingtown
(Council Memo #457-06)

An application on behalf of Astro Amusement Company for permission to hold a Carnival at Louis Joliet Shoppingtown at 3349 Mall Loop Drive on May 10 thru May 14, 2006 was accompanied by a recommendation from the City Manager that permission be granted subject to compliance with the regulations of Chapter 5, Article V of the Code of Ordinances which regulates carnivals.

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

Motion seconded by COUNCILMAN LEDESMA.

Motion carried by the following vote:

AYES: COUNCILMAN GIARRANTE, SHETINA and UREMOVIC.

NAYS: COUNCILMEN TURK and MAYOR PRO-TEM BROPHY.

COUNCILMAN TURK asked if there was any mention made when the last carnival was approved that some of the profits would go to charity because there was an advertisement in the Herald News stating that. He stated that would have affected his vote.

The City Manager stated that it was not mentioned at the time it was approved.

B. Issuance of a Class "B" Liquor License at 1101 N. Hickory Street
(Council Memo #458-06)

This item was approved at the Pre-Council meeting yesterday.

MAYOR

A. Proclamation re: Proclaiming April 2006 as Sexual Violence Awareness Month

COUNCILMAN TURK read a Proclamation issued by MAYOR SCHULTZ proclaiming April 2006 as Sexual Violence Awareness Month in recognition of the importance of the creating an atmosphere wherein the community agrees that there is no shame in being a victim of sexual violence, but to perpetrate these crimes is completely unacceptable. He also urged that the City come together with the advocates, counselors, prevention educators, volunteers and other staff of the Sexual Assault Service of the Guardian Angel Community Services to support survivors through words and actions. He stated that the Sexual Assault Service Center of Guardian Angel Community Services has served more than 1,950 victims and significant others of sexual violence throughout Will and Grundy Counties over the past 8 years.

Ms. Donna Plyer thanked the Mayor and Council for their recognition.

B. Proclamation re: Proclaiming April 28, 2006 as Arbor Day

COUNCILMAN UREMOVIC read a Proclamation issued by MAYOR SCHULTZ proclaiming April 28, 2006 as Arbor Day in the City of Joliet and urged all citizens to support the efforts to care for the tree and woodlands and to support the community's forestry program. He stated that Joliet has been recognized as a "Tree City USA" for the fifteenth consecutive year by the National Arbor Day Foundation and Joliet desires to continue its tree planting ways.

Ms. Cynthia Wright, a member of the Tree Advisory Board, thanked the Mayor and Council for their recognition.

MAYOR AND COUNCIL COMMENTS:

COUNCILMAN LEDESMA stated that he attend a meeting this morning at a west side school and somebody brought up that there were 50 acres available and

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there were people inquiring about storage containers. He asked if the City sent a letter to the County reference to opposing this.

The City Manager stated that there is a group that has been put together to try and make some change occur with the County ordinances and in the municipalities create some awareness. He stated that the Director of Community and Economic Development and the Planning Director are both going to that meeting. He stated that the Director of Community and Economic Development is on the Board and that is one of the topics they will be working on.

COUNCILMAN LEDESMA stated that on April 24th at St. Mary's Nativity Church at 6:30 p.m. there will be a neighborhood meeting and he is asking everyone from District 4 and the surrounding area to please attend that meeting so your concerns can be heard. He stated that many staff members will be there to answer any questions.

COUNCILMAN BROPHY asked the Corporation Counsel to provide a brief legal update on the legal battle with Evergreen Terrace.

The Corporation Counsel stated that the case is still operating at both the Federal and State levels and the City received some pretty good news a week or so ago from the State level. He stated that the City had originally sued the owners of Evergreen Terrace for approximately \$300,000 in unpaid special police bills and they filed a motion to dismiss that case. He said that Judge Haas denied that motion and Evergreen Terrace appealed it and the City won the appeal so the case will not return to State court to Judge Haas and it will proceed from there. He stated that there are also two other cases pending in State court that deal with the terrible conditions at the property and those are also moving forward at about the same track as the police security bill. He stated that back in October the Council voted to acquire Evergreen Terrace by negotiation if possible and condemnation if necessary. He said that a motion was filed by the U. S. Attorney's office to bring that condemnation case from the Will County Court to the Federal Court and that motion was granted because there was a federal party that was included in the original condemnation case, which was Ginnie Mae, which is a branch of HUD. He stated that was subsequently dismissed from the case because it turned out that they had no interest in the property any longer so the case should have come back to the Will County Circuit Court, but the Judge declined to do that on the grounds that HUD may have a potential legal interest in the property, even though that was not part of the condemnation case. He stated that the City has appealed that ruling to the Seventh Circuit Court and that appeal is pending. He stated that meanwhile there is a second federal case that involves the City's legal authority to bring condemnation proceedings against the property because of the long history of federal subsidies. He stated that case is still pending in the U. S. District Court.

COUNCILMAN BROPHY asked if he wanted to talk publicly about the casino purchase issue.

The City Manager stated that he doesn't think there was an opportunity to do that because it was a matter of Executive Session and if the Council wishes to have that discussion, that is something that the Council should probably vote on before he would speak about that in public.

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COUNCILMAN BROPHY stated that Senator Durbin will be in town tomorrow at the University of St. Francis and former President of Ireland Mary Robinson will be at the University on Friday. He asked the Police Chief to contact the University and ask if they any additional help for either of these.

ADJOURNMENT

COUNCILMAN GIARRANTE moved that the Council adjourn.

Motion seconded by COUNCILMAN LEDESMA..

Motion carried by the following vote:

AYES: COUNCILMEN SHETINA, TURK, UREMOVIC, GIARRANTE, LEDESMA
and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk

Recorded on Tape