

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 1<sup>st</sup> day of June, A.D. 2010***

REGULAR MEETING of the Council of the City of Joliet, Illinois held on Tuesday, June 1, 2010 at 6:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

INVOCATION

An Invocation was delivered by Father Chris Groh, St. Mary Nativity Church, 710 N. Broadway Street, Joliet, Illinois.

Father Groh then led the pledge to the flag.

ROLL CALL

PRESENT: MAYOR PRO-TEM TIMOTHY M. BROPHY and DISTRICT 5 COUNCILMAN WARREN C. DORRIS, COUNCILWOMAN AT LARGE JAN QUILLMAN, DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA, COUNCILMAN AT LARGE MICHAEL F. TURK and DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

ABSENT: MAYOR ARTHUR SCHULTZ, DISTRICT 4 COUNCILWOMAN SUSIE A. BARBER and COUNCILMAN AT LARGE THOMAS C. GIARRANTE.

ALSO PRESENT: CITY MANAGER THOMAS A. THANAS and CORPORATION COUNSEL JEFFREY S. PLYMAN.

APPROVAL OF MINUTES

COUNCILMAN DORRIS moved that the minutes of the Special Meeting of the Council of the City of Joliet, Illinois held on Wednesday, May 12, 2010 at 5:00 p.m., of the Pre-Council Meeting held on Monday, May 17, 2010 at 3:30 p.m. and of the Regular Meeting held on Tuesday, May 18, 2010 at 6:30 p.m. stand approved as recorded.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

AYES: COUNCILMAN DORRIS, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, UREMOVIC and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

COUNCIL COMMITTEE REPORTS AND AGENDA ITEMS

A. Public Service

COUNCILMAN TURK said the Public Service Committee did not have a quorum at their meeting this morning, but he met with staff and reviewed the contracts, change orders, pay estimates and final payments. He said Council Memo #395-10 dealing with the purchase of AutoCAD software subscription renewals is being pulled from the agenda because some new technology is going to be coming out in the near future, and staff would like to hold off on this to see what will be available.

COUNCILMAN TURK stated that Modification No. 15 to the 2009 Districts 1, 3 and 5 Neighborhood Improvement Program and the change in the ordinance for demolition contracts were also reviewed.

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B. Communication, Technology and Information Systems

MAYOR PRO-TEM BROPHY stated he met with Media and Communications Manager Rebecca Barker and discussed a draft program she has prepared for the City's communications, public relations, internet, website and so forth. He said he had asked Mrs. Barker to provide the Council with information from websites of other towns, municipalities and other units of government just to see how ours might work better. He said at some point she will bring this comprehensive program back to the Committee for review and then to the full Council for some sort of approval so staff knows how to move forward.

There were no other Committee reports.

MAYOR PRO-TEM BROPHY stated that he wanted to try something new tonight and he welcomed the viewers at home to send him a text message with their questions or comments regarding something that is on the agenda or being discussed tonight. He said at the end of the meeting he will share those with the Councilperson that it is directed to or get a group answer.

**AGENDA ITEMS AND REPORTS:**

A. Modifications to the 2009 Districts 1, 3 and 5 Neighborhood Improvement Programs  
(Council Memo #385-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve modifications to the 2009 Districts 1, 3 and 5 Neighborhood Improvement Programs by adding the following projects:

- 1) District 1 – Stonehaven Drive at Pebble Beach Drive (2 locations) Resurfacing Project (\$5,103.00)
- 2) District 3 – Woodlawn Terrace Condo Association Aerator Replacement Project (\$13,000.00)
- 3) District 5 – Resurfacing of the Raynor/Blackman Alley from Marion Street to Washington Street (\$27,200.00)

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

Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, UREMOVIC, DORRIS and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

**APPROVAL OF REGULAR CURRENT BILLS**

A. Regular Payroll – April 23 – May 6, 2010 - \$3,004,950.74  
(Council Memo #386-10)

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Biweekly Payroll Summary Reports of the total cost of regular salaries for the period April 23, 2010 through May 6, 2010 including a Summary of Overtime and an Overtime Budget Status Report were accompanied by a recommendation from the City Manager that said Regular Payroll be allowed.

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

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN SHETINA, TURK, UREMOVIC, DORRIS,  
COUNCILWOMAN QUILLMAN and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

ORDINANCES AND RESOLUTIONS

A. ORDINANCES

1. AN ORDINANCE Repealing a Variation of Use (Ordinance No. 12185) to Allow the Continuation of Two Units in an R-2 District Located at 1116 Elgin Avenue as recommended by the Zoning Board of Appeals was presented and read.  
(#1998-135/Dist. #4)  
(Council Memo #387-10)

COUNCILMAN SHETINA asked what benefit the City has, other than a punitive measure, from repealing the Variation of Use. He said assuming that it is habitable, the property is a legitimate two-unit.

The City Manager said that the recommendation coming from staff and the Zoning Board of Appeals is based on the belief that by reducing this down to a single-unit it will help reduce the density in this particular neighborhood. He said the house appears to have been constructed originally as a single-family and through a process that was approved in January 1999, it was allowed to continue as a two-unit residential structure. He said the house has fallen into disrepair, it has been acquired by HUD and at this point it is our recommendation that it be used for a single-family. He said if there is an intent to come back and use it for two units, we would require the buyer to go through the same process that was gone through in 1999 and show the City adequate proof for the ability to convert, maintain and comply with all of the codes.

COUNCILMAN SHETINA stated that there are more homes there that are not in the City than there are in. He said he is assuming that at some point we're talking to the County about being more consistent and getting them to look at downzoning there also where maybe only one-third of the total area is in the City.

The City Manager stated that Director of Community and Economic Development Jim Haller will follow up with that.

COUNCILWOMAN QUILLMAN stated she was on the Zoning Board of Appeals in 1999 when this was approved and it had been an illegal two-unit and was being sold. She said conditions were put on and the structure was inspected before they would allow the two-unit and it was in very good condition. She asked if this building was remodeled in the past ten years because on the list of

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violations it states that there is insufficient emergency egress between the bedrooms upstairs and downstairs. She said just from looking at the pencil layout, it doesn't appear to have been remodeled. She said if the same zoning laws were in effect ten years ago, why was it OK then but not now.

The City Manager stated he is not sure what the history of the property is and what happened ten years ago, but it is clear now that anyone wanting to use this property as a two-unit would have a very long list of assignments as far as trying to bring it into compliance.

COUNCILWOMAN QUILLMAN asked if the property was included in the rental inspection program.

The City Manager said that he believes the property had been owner occupied so it would not have been part of the systematic rental inspection program.

COUNCILWOMAN QUILLMAN stated that she knew who had sold it and it was owner occupied and it was in immaculate condition at that point.

The City Manager stated that it had a fairly rapid deterioration and it is clear right now that it needs attention. He said it is back in the hands of HUD and we agree that it shouldn't continue as a two-unit. He said it could come back some day to the Council as a two-unit but someone would have to put a lot of money into it and comply with the code.

MAYOR PRO-TEM BROPHY asked if HUD agrees to the downzoning of the property.

The City Manager responded that HUD has been notified of it.

COUNCILWOMAN QUILLMAN moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILMEN TURK, UREMOVIC, DORRIS, COUNCILWOMAN QUILLMAN, COUNCILMAN SHETINA and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

(ORDINANCE NO. 16647)

2. Ordinances re: Levy and Assessment of Taxes for 2008 Special Service Areas (Neighborhood Improvement Program)

- a. AN ORDINANCE For the Levy and Assessment of Taxes in and for the 2008 Joliet Special Service Area No. 2 – Campbell (Prairie-Raynor) was presented and read.

(Council Memo #388-10)

(ORDINANCE NO. 16648)

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- b. AN ORDINANCE For the Levy and Assessment of Taxes in and for the 2008 Joliet Special Service Area No. 3 – Elizabeth (Hutchins-Moran) was presented and read.  
(Council Memo #388-10)  
(ORDINANCE NO. 16649)
- c. AN ORDINANCE For the Levy and Assessment of Taxes in and for the 2008 Joliet Special Service Area No. 4 – Irving (Franklin-Eastern) was presented and read.  
(Council Memo #388-10)  
(ORDINANCE NO. 16650)
- d. AN ORDINANCE For the Levy and Assessment of Taxes in and for the 2008 Joliet Special Service Area No. 5 – Douglas/Wilcox was presented and read.  
(Council Memo #388-10)  
(ORDINANCE NO. 16651)
- e. AN ORDINANCE For the Levy and Assessment of Taxes in and for the 2008 Joliet Special Service Area No. 6 – Doris (Gardner-Retta) was presented and read.  
(Council Memo #388-10)  
(ORDINANCE NO. 16652)
- f. AN ORDINANCE For the Levy and Assessment of Taxes in and for the 2008 Joliet Special Service Area No. 7 – Nicholson (Campbell-Western) was presented and read.  
(Council Memo #388-10)  
(ORDINANCE NO. 16653)
- g. AN ORDINANCE For the Levy and Assessment of Taxes in and for the 2008 Joliet Special Service Area No. 8 – Allen (Hunter-Seeser) was presented and read.  
(Council Memo #388-10)  
(ORDINANCE NO. 16654)
- h. AN ORDINANCE For the Levy and Assessment of Taxes in and for the 2008 Joliet Special Service Area No. 9 – Helles (Willow-East End) was presented and read.  
(Council Memo #388-10)  
(ORDINANCE NO. 16655)
- i. AN ORDINANCE For the Levy and Assessment of Taxes in and for the 2008 Joliet Special Service Area No. 10 – William (Jefferson-Marion) was presented and read.  
(Council Memo #388-10)  
(ORDINANCE NO. 16656)

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- j. AN ORDINANCE For the Levy and Assessment of Taxes in and for the 2008 Joliet Special Service Area No. 11 – Wilcox (Mason-Ruby) was presented and read.

(Council Memo #388-10)  
(ORDINANCE NO. 16657)

- k. AN ORDINANCE For the Levy and Assessment of Taxes in and for the 2008 Joliet Special Service Area No. 12 – Ivy/Margaret/Morris was presented and read.

(Council Memo #388-10)  
(ORDINANCE NO. 16658)

COUNCILMAN UREMOVIC moved that said Ordinances be adopted.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILMEN UREMOVIC, DORRIS, COUNCILWOMAN QUILLMAN,  
COUNCILMEN SHETINA, TURK and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

3. AN ORDINANCE Declaring the following properties as Public Nuisances and authorizing application to the Circuit Court for demolition, injunction or other relief was presented and read:  
1006 Arthur Avenue and 601 Meeker Avenue.

(Council Memo #389-10)

COUNCILMAN DORRIS moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

AYES: COUNCILMAN DORRIS, COUNCILWOMAN QUILLMAN,  
COUNCILMEN SHETINA, TURK, UREMOVIC and MAYOR PRO-TEM  
BROPHY.

NAYS: NONE.

(ORDINANCE NO. 16659)

4. AN ORDINANCE Amending the Responsible Bidder Ordinance to Include Demolition Contracts was presented and read.

(Council Memo #390-10)

COUNCILMAN SHETINA asked for a brief explanation.

The City Manager stated that this ordinance is an expansion of the Responsible Bidders Ordinance which the City Council passed a few years ago. He said that ordinance requires that for any new construction that is done under a City contract greater than \$25,000.00, the bidders must meet certain minimum qualifications such as having a proper business organization and registration, paying prevailing wages to its workers, maintaining proper insurance and having an apprentice program. He said the proposal before the Council now is an expansion of that ordinance to include demolition contracts that come before the City Council. He said the only time that demolition contracts were subject to the Responsible Bidders Ordinance in the past was if they involved new construction

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where we demolished something and replaced it. He said this will help with contracts over \$25,000.00 where there is just a demolition planned.

COUNCILMAN TURK moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, UREMOVIC, DORRIS and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

(ORDINANCE NO. 16660)

**B. RESOLUTIONS**

1. A RESOLUTION Authorizing the Execution of an Agreement with the University of Illinois Extension for Publication of the Neighborhood Newsletter was presented and read.  
(Council Memo #392-10)

MAYOR PRO-TEM BROPHY asked if the newsletter is mailed out.

The City Manager stated this is an issue that has been discussed internally because we are moving to more electronic transmission of messages through email, texts and other types of electronic communication. He said this is targeted to Block Grant areas and considering that not everyone in a Block Grant area may have access to a computer, there is still a recommendation coming from the U of I Extension and from the City staff that we continue the program. He said this is a matching grant program with the State of Illinois to fund a little over \$27,000, and the City's share of about \$15,000 for publication of the report to be funded through the City's annual allocation of CDBG funds. He said the newsletter is a six page format and the targeted area is bounded by Theodore Street, Interstate 80, Briggs Street and Raynor Avenue. He said whoever has received it in the past will continue to receive it. He said the newsletter is bilingual and does provide a lot of information for people who want to access certain services in the community.

COUNCILMAN SHETINA asked if there is any way to gauge what kind of response we get.

The City Manager stated that he is sure there is a way of measuring how many houses are getting it and what kind of response we receive.

Director of Neighborhood Services Alfredo Melesio stated that most of the community organizations make sure they meet the deadline to put their meeting dates in the newsletter. He said the biggest rave reviews are from Will County about their smoking cessation program; they have always said they get a lot of calls from people that want to quit smoking that say they saw it in the neighborhood newsletter and it's one of their best referrals. He said that is one of the biggest endorsements we get that people do read the newsletter.

MAYOR PRO-TEM BROPHY asked if the Will County Extension is going to remain in existence.

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The City Manager said that the Extension is still alive and kicking and obviously, like other creditors of the State, they will wait for payment. He said there were some adjustments made in the State budget that will allow the cooperative to continue.

MAYOR PRO-TEM BROPHY asked if the City is party to the contract with the supplier of the newsletter, D & B Graphics, should they not be able to follow through with the project.

The Corporation Counsel responded that the agreement is with the Extension, not with the Extension's vendors.

COUNCILMAN DORRIS moved that said Resolution be adopted.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

COUNCILWOMAN QUILLMAN was out of the room when the vote was taken.  
(RESOLUTION NO. 6385)

BIDS AND CONTRACTS

A. Award of Contracts

COUNCILMAN SHETINA asked that Council Memo #396-10 be discussed and voted on separately.

1. Award of Contract for the Legacy Pointe Subdivision Unit 1  
Punch List Improvements – 2010  
(Council Memo #394-10)

A report on eight bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Stip Bros. Excavating, Inc. in the amount of \$12,627.00.

2. Purchase of the AutoCAD Software Subscription Renewals  
for the Engineering Division  
(Council Memo #395-10)

The City Clerk advised that this item was withdrawn from the agenda.

3. Authorization to Approve Payment for the Asset  
Management/Work Order System Annual Maintenance for  
the Public Utilities Department - 2010 (Enc.)  
(Council Memo #397-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the payment of \$28,125.00 to Trimble Navigation for the maintenance of the Fieldport Software for the Public Utilities Department.

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4. Authorization to Repair Roadways Vehicle – Unit ST082  
(Council Memo #398-10)

A report on two quotes received for the repair of a 1994 Pelican Three-Wheel Mechanical Sweeper (Unit ST082) was accompanied by a recommendation from the City Manager that the contract be awarded to Standard Equipment in the amount of \$6,600.00.

5. Authorization to Purchase Services, Hardware, Software and Miscellaneous Items for Server and Storage Area Network (SAN) Upgrades  
(Council Memo #399-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Award a contract for the purchase of three servers from Dell in the amount of \$19,124.00; 2) Award a contract for the purchase of SAN upgrades, licenses and professional services to Sentinel Technologies in the amount of \$28,173.00; and 3) Award a contract for the purchase of 9 disk drives to DIVC (Diversified Consulting) in the amount of \$8,550.00.

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

Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

AYES: COUNCILMEN TURK, UREMOVIC, DORRIS, COUNCILWOMAN QUILLMAN, COUNCILMAN SHETINA and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

6. Award of Contract for the Division Street/Essington Road Quiet Zone Improvements Project  
(Council Memo #396-10)

A report on two bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Construction by Camco in the amount of \$20,586.55.

COUNCILMAN SHETINA stated he would like Public Works Administrator Greg Ruddy to give a little history on the train horn free Quiet Zones. He said there is more than just this one area, and COUNCILWOMAN QUILLMAN is getting calls and he is getting calls and emails regarding this.

COUNCILMAN DORRIS stated that they are starting to hear a lot around the Rowell Avenue area now. He said Rowell Avenue, Sugar Creek and all of that area is getting bombarded.

Mr. Ruddy stated that the item on the agenda tonight is for the Essington/Division Quiet Zone and they are currently working towards establishing four different Quiet Zones.

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COUNCILMAN SHETINA asked what the basis is for establishing Quiet Zones, who is paying for it and what the City's relationship is with Canadian National (CN).

Mr. Ruddy stated that Canadian National is going to be reimbursing the City for improvements being made to establish the Quiet Zones, and the improvements include numerous different supplemental safety measures as established by the Federal Railroad Administration (FRA).

Mr. Ruddy explained the process in establishing a Quiet Zone including having a diagnostic meeting with people from the FRA, the Illinois Commerce Commission, the Illinois Department of Transportation and any other affected municipalities, townships, counties and other communities. He said once that is completed, there is a public comment period and then there is either the installation of supplemental safety improvements or the issuance of a notice for a Quiet Zone establishment.

COUNCILMAN SHETINA asked what constitutes a Quiet Zone. He said let's assume we're getting requests from several different areas, does there need to be a diagnostic meeting in each of the areas.

Mr. Ruddy stated there has to be a meeting for each Quiet Zone which could be one crossing or multiple crossings. He said we have them set up on multiple crossings wherever possible and are working towards four different Quiet Zones right now. He said the one generating the most phone calls is the Black and Theodore Quiet Zone and today we were able to issue the Notice of Intent and we have twenty-one days before we can officially have the Quiet Zone. He said that there should be no train horns blowing there after June 22<sup>nd</sup>. He said that process was started last year. He said the next crossing north of there would be Caton Farm Road which is not included in this Quiet Zone. He said we will come back and do a separate Quiet Zone there and it can't be done right now because there are no gates at that crossing. He said the gates will be installed when the County reconstructs Caton Farm Road and the current time frame we have from them is probably 2011 before that road is reconstructed.

COUNCILMAN SHETINA asked if the County has to apply for the Quiet Zone or will the City.

Mr. Ruddy stated that the City will apply for it but it can't be done until the gates are in place and what is called "constant warning time circuitry" is installed.

COUNCILMAN SHETINA asked what subdivisions are affected in the Caton Farm Road Quiet Zone.

The City Manager stated that would include Mayfair, Brookside and Aspen Meadows Subdivisions.

COUNCILMAN SHETINA asked if we can move ahead without the road being reconstructed.

Mr. Ruddy stated no, it would not meet any of the safety requirements because there are no gates there. He said we would have to install gates immediately in order to get that Quiet Zone established and then they would have to be taken down and reinstalled next year.

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The City Manager stated that he believes the reconstruction has been delayed because of right-of-way acquisition at the corner of County Line and Caton Farm Road. He said there are a couple of property owners that have not reached agreement with the County on conveying the necessary right-of-way so it can be expanded like it is east of the tracks where there is a five lane configuration, and that is the plan going all the way out to County Line Road.

COUNCILMAN SHETINA asked if there was a way to get quick take on that.

The City Manager said there isn't quick take, they are going to have to go through condemnation.

COUNCILMAN SHETINA asked if the City can intervene.

The Corporation Counsel stated a number of years ago the City transferred some of its condemnation power to the County because part of the right-of-way that is needed for the project is in Kendall County and Will County didn't have condemnation power in Kendall County. He said we've coordinated and consulted with the County and they have filed the condemnation suits in Will County even though some of the property is in Kendall County, and those suits were eventually transferred to Kendall County and the process is ongoing. He said it doesn't happen overnight but the process is underway.

COUNCILMAN SHETINA asked about other Quiet Zones.

Mr. Ruddy stated that another Quiet Zone they are looking at establishing would include Woodruff, Washington, North Rowell, Mills Road, South Rowell and Spencer Road. He said currently the EJ&E is working to install a second track through those locations and they also have to install some safety measures. He said they have told us that they will be doing the crossing improvements in the early part of 2011, and once those are in place, we will be able to move forward with the Quiet Zone.

COUNCILMAN SHETINA asked if there is a way to talk to Canadian National or whomever to go into a phase now where they apply some Quiet Zone concepts without an official Quiet Zone in place.

The City Manager said he doesn't think so. He said we're talking about a freight train probably going 20-25 miles per hour and humans wanting to cross the tracks before the train comes. He said unless the gates and the yellow delineators that keep us from trying to cross are in place, no one in the Federal or State government and no one at CN will allow Quiet Zones to happen. He said they want the horns blaring as loud as possible until those gates are there to keep people from crossing the tracks.

COUNCILMAN SHETINA stated he would like to see information on the criteria, the timeframe and why it can't be done earlier in writing so when we have a request or question we can send people that information

The City Manager stated that a media release can be done as early as next week. He said he understands that it is frustrating; CN has increased its traffic and it is causing people to notice it more. He stated we will get the information out next week with a website link where people can get more information if they would like.

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COUNCILMAN SHETINA asked for hard copies to be placed in the Council mailboxes.

Mr. Ruddy continued that the fourth Quiet Zone they are looking at establishing is at Essington Road and Division Street and that is the one we're talking about tonight. He said we're asking for authorization to award a contract to put in the delineators and a small curb down the center of the road. He said we're looking at probably a September or October timeframe. He said Black and Theodore will take effect toward the end of June.

COUNCILMAN SHETINA asked if Heritage Lakes will be included in the October timeframe.

Mr. Ruddy said yes.

COUNCILMAN SHETINA moved that the recommendation of the City Manager pertaining to Council Memo #396-10 be concurred in.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN UREMOVIC, DORRIS, COUNCILWOMAN QUILLMAN,  
COUNCILMEN SHETINA, TURK and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

**B. Amendments, Change Orders and Payments:**

1. Authorization to Approve Change Order No. 1 and Payment No. 5 for the Westside Wastewater Treatment Plant Screen Replacement Construction Project  
(Council Memo #401-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$12,117.86 and Payment No. 5 in the amount of \$37,045.31 on behalf of Bowen Engineering Corporation.

2. Authorization to Approve Amendment No. 2 to the Professional Services Contract for the Structural Review and Construction Phase Engineering for the CenterPoint Intermodal Center North Bridges/Structures  
(Council Memo #402-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Amendment No. 2 to the contract with Rempe-Sharpe Consulting Engineers in the amount of \$9,650.00.

3. Authorization to Approve Change Order No. 2 and Payment Request No. 2 and Final for the Henderson Avenue Stormwater Lift Station Replacement Project  
(Council Memo #403-10)

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A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$851.40 and Payment Request No. 2 and Final in the amount of \$4,006.65 on behalf of P.T. Ferro Construction Co.

4. Authorization to Approve Final Payment for the Rehabilitation of Neighborhood Stabilization Program (NSP) Property at 2117 Dartmoor Drive  
(Council Memo #404-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Final Payment in the amount of \$6,814.97 on behalf of Paul Gabriel Construction, Inc.

5. Authorization to Approve Change Order No. 2 to the Contract for Weed Cutting and Clean Up of City Owned Properties  
(Council Memo #405-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2, a decrease in the amount of \$306.00 to the contract with From The Ground Up. (Deletion of 1013 Cypress Lane and 837 Mulford Lane)

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

Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

AYES: COUNCILMAN DORRIS, COUNCILWOMAN QUILLMAN,  
COUNCILMEN SHETINA, TURK, UREMOVIC and MAYOR PRO-TEM  
BROPHY.

NAYS: NONE.

LICENSE AND PERMIT APPLICATIONS

Deputy Liquor Commissioner Dan Campus explained Council Memo #407-10 dealing with the Issuance of a Class "I" Liquor License at 500 E. Cass Street.

- A. Issuance of a Class "I" Liquor License at 500 E. Cass Street  
(Council Memo #407-10)

A communication from the Liquor Commissioner regarding the application of SOM Munoz, Inc. d/b/a Taqueria Atotonilco for the issuance of a Class "I" Liquor License at 500 E. Cass Street contained his recommendation that the issuance of this license is in the best interest of the City, and therefore, approval is recommended.

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

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Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK,  
UREMOVIC and MAYOR PRO-TEM BROPHY.

NAYS: COUNCILMAN DORRIS.

Prior to his vote, COUNCILMAN DORRIS stated that he respects the Mayor's recommendation, but according to the Council Memo there are forty-two liquor licenses within a mile of this location. He said he stands by what he said earlier this year that it's over-saturation, and also, in this particular location, it is next door to where he goes every day. He said he would like for the owner to try to increase parking there; there is an issue with parking where they are sometimes blocking the gate for them to get into the church. He said he believes that it is just an over-saturation of the area and he votes no.

MAYOR

A. Proclamation re: Proclaiming the Week of June 6, 2010 as Cancer Prevention Week

MAYOR PRO-TEM BROPHY read a Proclamation issued by Mayor Schultz proclaiming the week of June 6, 2010 to be Cancer Prevention Week in Joliet and encouraging citizens to participate in the Cancer Prevention Study-3 by enrolling in the study at the Relay for Life of Joliet to be held at Joliet West High School on June 12, 2010.

Ms. Rita Rossi-Gunther thanked the Council for their recognition and introduced Ms. Stacy Peters of the American Cancer Society who is the Chairperson for the Cancer Prevention Study enrollment in Joliet.

B. Presentation by the Will-Joliet Bicentennial Park, Inc. re: New Lighting for the Billie Limacher Bicentennial Park

Mr. Ken Stromsland, Treasurer of the Will-Joliet Bicentennial Park Board, stated that in 1976 the original theatrical lighting control system was installed at Bicentennial Park. He said over the years, gradual deterioration occurred and the Board of Directors decided to initiate replacement of the system with a digital, computer-operated, state of the art lighting system which will go a long way in enhancing the mini-presentations and events at the park. He said they are pleased to fund the replacement of the system which cost around \$53,000.00.

Mr. Stromsland continued that the purchase is on their books as depreciated expense and they would like a letter from the City confirming the donation.

COUNCILMAN SHETINA stated that the City Manager will handle that part of it. He said the City appreciates what the Board has done and it's nice to see someone come forward and donate a lot of money like that.

MAYOR PRO-TEM BROPHY asked Mr. Stromsland who the other members of the Board are so they may thank them also.

Mr. Stromsland stated that the Board also consists of Bruce Zumstein, George Comerford, Jeffrey Barnes, Bob Stephen, Billie Limacher and John Simpson.

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CITIZENS TO BE HEARD:

A. Ed Rachel and Charlie Hanus re: Joliet Stagehands Union Issue

Mr. Rachel withdrew this item from the agenda.

B. George Kallens re: Liquor License at 831 N. Larkin Avenue

Mr. Kallens stated he owns the property at 831 N. Larkin Avenue (formerly Pittsburgh Paints) and said it is currently vacant and they have a buyer who wants to put a package liquor store there, but he has been turned down for the liquor license. He stated this area is a commercial area on both sides of the street. He said so far he has been paying the mortgage but not for too much longer; at \$9,000.00 a month, it is a lot of money and eventually the property is going to be in foreclosure. He said he has a buyer with experience with other businesses in Joliet.

Deputy Liquor Commissioner Dan Campus stated they never accepted an application for the location due to covenants involved that restrict the use of this building with one of them being no alcohol sales. He said it would be against the rules even to take an application.

MAYOR PRO-TEM BROPHY asked when the covenants were placed on the property.

The City Manager stated that it was when the original development was approved because of the residential nature of the development on the east side of Larkin Avenue. He said covenants were negotiated with the developer at that point and one of the covenants that restricted the use prohibited the sale of alcohol from the property.

MAYOR PRO-TEM BROPHY asked if this information was available when Mr. Kallens purchased the property.

The City Manager stated that it would have been a recorded covenant, would have been reported in a title commitment and it does run with the land. He said it would continue to apply to any subsequent purchasers as long as there is no repeal of it.

Ms. Mary Parks of 609 E. Palladium Drive stated this is a very important subject to their neighborhood because they feel this directly affects them and their quality of life. She said the covenants were put in place in September 1996 and those state there's to be no sale of liquor or packaged liquor, they restrict the business hours and there's to be no convenience store, mini-mart or drive-thru restaurant. She said the neighborhood is tremendously against this. She said this potential liquor store is on the same block as very high density apartments which are one of the higher crime areas in the City, and as we know from experience with other areas in the City, mixing a liquor outlet that close to a high-crime area is not a smart thing to do. She said she has done extensive research and has not found one study that says adding liquor outlets in this situation is a good idea, and every study has shown an increase in gun violence, drugs and any kind of crime. She said a lot of people that live in this high-density area are good people trying to get by, make a living and live in a decent, cheap place, and putting a liquor store just adds fuel to the fire of the problem that is already there. She said they have petitions opposing this with 45 plus signatures right now. She said she

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doesn't think there is a shortage of liquor stores in Joliet and this location is not a good idea under any circumstances.

Mr. Asmir Patel of 1850 Ashbury Drive, the prospective buyer, stated he has worked up a business proposal that was sent to the Mayor and Council last week. He stated he is proposing to spend close to \$1.5 million dollars on this property. He said what they are trying to do is to open a store where his sister and mother wouldn't be afraid to shop. He said they have also gone into the neighborhood on short notice and had petitions signed in favor of it. He said they have been in business for six to seven years with locations in Lombard, Crest Hill and Morton, Illinois. He said they are not going to let people hang out in their store or sell drugs and will not sell single cigarettes or individual beers or drinks where they can drink in the parking lot. He said the hours would be minimum, from 9 a.m. to 9 p.m.

Mr. Patel asked the Council to reconsider his application. He stated they are going to do a lot of great things to the property and will refurbish the whole property; it will be a family liquor store.

Mr. Kallens stated that with today's economy, a lot of places are closed and people are losing their houses, and we're very lucky to find people like Mr. Patel who are willing to spend a lot of money. He said Mr. Patel is a very responsible man with business experience, and having the place vacant or in foreclosure is not benefiting anyone.

MAYOR PRO-TEM BROPHY asked the Corporation Counsel what the process is for someone to get a new liquor license.

The Corporation Counsel stated the process originates with the Liquor Commissioner who is the Mayor of the City of Joliet. He said part of that process requires the applicant to establish a proper right to use the property for the sale of alcoholic liquor, and in this case, the property has a unique history. He said it was residentially zoned and it was proposed for commercial development, but the neighborhood and City Council at the time had a concern that granting full commercial zoning may not be in the best interest of the neighborhood, so a compromise was struck that limited commercial zoning would be granted but that the property would be limited with covenants to prohibit certain potentially objectionable land uses including a package liquor store. He said that was a specific, deliberate decision at that time. He said at this point, the applicant or the property owner really doesn't have the right to request that the sale of liquor be allowed either by the Liquor Commissioner or eventually by the Council.

MAYOR PRO-TEM BROPHY stated that the power at the City Council level is to establish licenses and types of licenses. He said we've already established the type that is available for a store like this and the next step in the process is to apply through the Liquor Commissioner.

The Corporation Counsel stated that this is a property subject to a package liquor store prohibition that is imposed by way of covenant, not by an ordinance that originates at City Hall. He said title to the property is limited and until that is cleaned up which needs to happen through the consent of all of the property owners first, the City would not be involved. He stated the City does have the right of enforcement of the covenants so once that is done on the private side, the City could consider it and then move on to the factors that Ms. Parks raised. He said he has tried to emphasize to Mr. Patel that given the history of how the

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commercial zoning was given, it would be next to impossible to rezone the property to allow this type of use without public support for it.

MAYOR PRO-TEM BROPHY said so if they got over the hurdle of the covenants and rezoning and if he got through the liquor application process successfully, then it still would come back to the Council for final approval.

The Corporation Counsel stated that it would come here after a public hearing that the neighborhood would be notified of and have the right to comment at.

C. Anthony Culyat re: Water Main Replacement

Mr. Anthony Culyat of 909 Fisk Avenue suggested that the water main be replaced while the roadway improvement project is being done on Fisk Avenue due to the frequency of the pipes breaking in that neighborhood. He said yesterday the Water Department dug up the pipe on Fisk and replaced 2 to 2 ½ feet of it. He said he is coming before the Council to ask to have the whole line replaced. He said if it is replaced now, it would save the City money since the street is also going to be redone.

COUNCILMAN DORRIS asked if the water mains are inspected when street projects are being done and what the policy is.

The City Manager stated that we have come back to the Council with either a change order or a new contract to seek authorization to install a new line if it looks like the line is beyond repair, and that is a fairly common problem. He said Director of Public Utilities Jim Eggen met with Mr. Culyat this morning to discuss how we handle these things, and we will follow the same process we've used for the past 30 years since we've had the NIP program. He said that does not mean we guarantee a water main replacement for this particular project; and we'll have to wait and see the condition of the lines.

COUNCILMAN DORRIS asked if the water line is bad, do we replace it with a change order.

The City Manager stated yes and he asked Mr. Eggen to comment.

Mr. Eggen stated the past history in the 900 block of Fisk indicates that the breaks don't occur within the section where the road is going to be under reconstruction. He said he explained to Mr. Culyat this morning that there are a lot of streets where the water main is in a lot worse shape and on a higher priority. He said one section of water main that is high on the list is Raynor Avenue, just north of McDonough Street, and when that line breaks, which it breaks numerous times in any given year, the shut down includes Fisk Avenue. He said the failures that are occurring are not specifically on that street. He said looking at the section of water main that was taken out yesterday, he agrees with Mr. Culyat that there was severe deterioration on the bottom of it. He said we are looking at installing a valve near West Park to decrease the size of the shut down area, and when we do that, we will re-evaluate the condition of that line and if it needs to be replaced, he agrees that now would be the best time to do it. He said that based on the number of failures, we've seen three repairs on that line in the last 25 years and there are a lot of other sections of water main that are in more dire need of repair.

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MAYOR AND COUNCIL COMMENTS

COUNCILMAN SHETINA stated that the Miracle League was in full swing at Silver Cross Field this past Saturday and there were 174 kids and 174 buddies working with them. He said if anyone gets the chance to get down there, it's on Saturdays from about 7:30 a.m. to about 5 p.m. and it's a treat and a pleasure to watch the kids enjoy themselves and they would never get the chance to do this if it weren't for this installation. He said it was also a fantastic season opener for the JackHammers on Friday night, they put on a great show and they won the game. He said they also won the next night so it looks like we have a serious JackHammers team and he encourages everybody to go to the games and enjoy the entertainment that goes along with them. He said the Bicentennial Park season starts Thursday night and on June 11<sup>th</sup> the Wizard of Oz starts and will be performing the last three weekends of June. He said he encourages anyone that has the time to go see it.

MAYOR PRO-TEM BROPHY stated he received a couple of comments during the meeting but no questions by text message. He said he assumes that some day we'll be able to have more interaction with the residents watching at home.

MAYOR PRO-TEM BROPHY stated the Joliet Area Historical Museum will be opening a special exhibit dedicated to the Sisters of St. Francis on Sunday, June 6<sup>th</sup> at 2 p.m. He said the Sisters have done a ton for the community and some of their stories will be told.

MAYOR PRO-TEM BROPHY stated he has a special connection to the half-way house at 812 Moran Street. He said Joliet as the County Seat has done more than its fair share of shouldering its responsibilities, and some of those responsibilities include direct and indirect costs and burdens on our social service structure and providers, but he thinks in return with our governmental partners, we should expect a minimal amount of return service. He said in this case, this home is not being kept right, it has high weeds and trees invading neighboring properties, there is a dog on the property and as a half-way house he thinks there should be a restriction. He said the list goes on and on of the things happening here, and a little more diligence on the part of the landlord would be in order. He said if someone could look into it and report back to him, he would appreciate it and believes the neighbors would too.

COUNCILMAN DORRIS stated that yesterday MAYOR PRO-TEM BROPHY and COUNCILWOMAN QUILLMAN attended the kick-off of the 30 Day Crusade involving 46 churches at Chicago Street and Fourth Avenue along with Senator A.J. Wilhelmi and County Executive Larry Walsh. He said it was really tremendous and he invited everyone to attend the event which runs from 7 a.m. to 9 p.m. every day until July 3, 2010.

ADJOURNMENT

COUNCILMAN TURK moved that the Council adjourn at 7:45 p.m.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILMEN SHETINA, TURK, UREMOVIC, DORRIS,  
COUNCILWOMAN QUILLMAN and MAYOR PRO-TEM BROPHY.

NAYS: NONE.

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ARTHUR SCHULTZ  
Mayor

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JANET K. TRAVEN  
City Clerk

Recorded on Tape