

***Proceedings of the Council of the City of Joliet, Illinois
held on the 1st day of July, A.D. 2008***

REGULAR MEETING of the Council of the City of Joliet, Illinois held on Tuesday, July 1, 2008 at 6:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

An Invocation was delivered by Sister Faith Szambelanczyk, Joliet Catholic Academy, 1200 N. Larkin Avenue, Joliet, Illinois.

Sister Faith then led the pledge to the flag.

ROLL CALL

PRESENT: MAYOR ARTHUR SCHULTZ and DISTRICT 4 COUNCILWOMAN SUSIE A. BARBER, DISTRICT 2 COUNCILMAN TIMOTHY M. BROPHY, DISTRICT 5 COUNCILMAN WARREN C. DORRIS, COUNCILMAN AT LARGE THOMAS C. GIARRANTE, COUNCILWOMAN AT LARGE JAN QUILLMAN, DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA and COUNCILMAN AT LARGE MICHAEL F. TURK.

ABSENT: DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

ALSO PRESENT: CITY MANAGER THOMAS A. THANAS and ASSISTANT CORPORATION COUNSEL MARY KUCHARZ.

APPROVAL OF MINUTES

COUNCILMAN SHETINA moved that the minutes of the Pre-Council Meeting of the Council of the City of Joliet, Illinois held on Monday, June 16, 2008 at 3:30 p.m. and of the Regular Meeting held on Tuesday, June 17, 2008 at 6:30 p.m. stand approved as recorded.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

COUNCIL COMMITTEE REPORTS AND AGENDA ITEMS

A. City-County Advisory

COUNCILMAN SHETINA said they have a tentative meeting set pending some things that need to be worked out between the parties. He said they attended the County Board meeting with the City Manager and staff and the City Manager made a speech to the County Board along with himself. He said he received some good feedback on it. He said they talked about the common problems that they have and the things we'd like to share with them and how we'd like to keep them downtown in the City of Joliet. He said they only had one Board member who was kind of efferous about looking elsewhere and who said that we're in a competitive state. He said he told him that we're not afraid to compete. He said he thinks we had a very good reception from the Board and he got feedback from Board members afterwards that we went in there about 80% against us and walked out about 90% for us. He said it was a good meeting and they look forward to doing it again.

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The City Manager said he believes the next meeting will be within the next three weeks.

B. Communication, Technology and Information Systems

COUNCILMAN BROPHY said the next Committee meeting is scheduled for August 4th.

C. Land Use

COUNCILMAN SHETINA said they have a tentative meeting scheduled and he asked the City Manager for the details.

The City Manager stated the meeting is scheduled for July 16th at 4:00 p.m. He said the only item on the agenda will be the proposal from CenterPoint for the intermodal facility.

COUNCILMAN SHETINA said in that process we are going to have a meeting and let the people have their say and see where they're at with respect to the appraisals that have been done by the CenterPoint people and see what kind of response they've had from the homeowners. He said after that we're going to take a bus trip to the site and look at the current Elwood facility and the projected Joliet facility to see how those roads lie and see some houses that have been knocked down and those kinds of things.

The City Manager said it will then go to the Plan Commission for a public hearing on July 17th at 4:00 p.m. and then we have scheduled a tentative City Council meeting for July 29th at 6:00 p.m.

COUNCILMAN BROPHY said he wanted to highlight the Lincoln sculpture project. He said the 200th Anniversary of Lincoln's birthday is in 2009 and we found some history that Abraham Lincoln made a speech at the corner of Center Street and Western Avenue. He said we did recommend that the City pledge \$32,800 so we can get that marker installed and that historical site dedicated. He said the Friends of Community Public Art received a grant from the State in the amount of \$40,000. He asked the City Manager if the full Council has approved that.

The City Manager said that is on the agenda this evening in Council Memo #818-08 under Bids and Contracts.

COUNCILMAN BROPHY said that's fine, he just wanted to highlight it.

D. Legislative

COUNCILWOMAN QUILLMAN said she would like COUNCILMAN SHETINA to have a Legislative Committee meeting. She said she brought this to Public Safety today that it occurred to her that with all of these compliance tickets that we have, that the compliance ticket fees have not been raised since 1993. She said they are \$75 to \$100 and she would like the Council to maybe entertain increasing that compliance fee.

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COUNCILMAN SHETINA asked the City Manager to direct the Corporation Counsel to do any kind of clearing out of some of the ordinances of that nature and put it all together and we'll highlight this request for COUNCILWOMAN QUILLMAN and put anything up for clean-up that we have to do. He said we haven't done that in a long time.

The City Manager said that he'll work with the Committee to set up a meeting and we also have a need for another Land Use Committee meeting for a lot of other projects that are coming forward. He said we have quite a few really good projects and they would like to run some of these by the Land Use Committee for initial review before we get into the projects in full detail.

COUNCILMAN SHETINA said we'll set something the following week both for Legislative and Land Use and maybe we can have them the same day.

E. Public Safety

COUNCILMAN GIARRANTE said the Public Safety Committee met this afternoon. He said they did discuss the raising of the compliance tickets and the whole Committee was in favor of the Legislative Committee looking at that. He said they also discussed amending the Ordinance pertaining to the humane treatment of animals. He said we did have one on the books but this Ordinance will clarify it and puts a little bit more bite into the Ordinance and allows the police to write compliance tickets. He said they also discussed illegal possession of fireworks and we have an Ordinance on the books for that too, but Police Chief Hayes said the police officer pretty much has to watch the person light it and watch it go off. He said with this Ordinance they will be able to write a ticket if they have them on their premises. He said it will spell out what's legal and what's illegal and they can write a compliance ticket of \$75.00. He said if they are booked it could go up to \$750.00 if it goes to court. He said they also discussed the purchase of a SWAT vehicle which is \$90,000.00 He said we have the schematics for it and what's going to be on it and it will go to the next Council meeting. He said there is no cost to the taxpayers and the money will come from Asset Forfeiture money which comes from when they raid for drugs and so forth.

F. Public Service

COUNCILMAN TURK said the Public Service Committee met this morning and reviewed the contracts, change orders, pay estimates and final payments and found them all to be in order and recommended their approval.

COUNCILMAN TURK said they also reviewed the modifications to the Districts 2, 4 and 5 NIP program. He said in that was a review of the contributions to the CDC and like any other donation that the City does, they were asked to provide the necessary documentation to how the money is being spent and accounted for.

There were no other Committee reports.

INTRODUCTION AND OATH OF OFFICE OF NEW FIRE CHIEF

The City Manager introduced Fire Chief Joe Formhals and stated he knows Joe will do a wonderful job leading the Fire Department which is one of the finest in

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the country.

The City Clerk then administered the Oath of Office to new Fire Chief Joe Formhals.

Fire Chief Formhals thanked the Mayor and City Council for allowing him to serve the citizens of Joliet and said he looks forward to working with the members of the Joliet Fire Department, the City staff and Mayor and Council to ensure that the citizens of Joliet receive the best fire and emergency medical services available.

CONSENT AGENDA

**A. Position Vacancies
(Council Memo #788-08)**

A communication from the City Manager contained his recommendation that he be authorized to fill two Police Commander positions and any subsequent vacancies directly related to these positions.

**B. Authorization to Commit Funds to the Joliet City Center Partnership LLC for the City of Joliet Match Funding of the Illinois Bureau of Tourism 2008 Attraction Development Grant Application to Renovate the Collins Street Prison Parking Lot Area
(Council Memo #789-08)**

A communication from the City Manager contained his recommendation that the Mayor and Council approve and authorize a funding commitment in the amount of \$49,597.41 for the City of Joliet match funding for the grant application.

COUNCILMAN SHETINA asked how we got involved in the Collins Street Prison renovation and how are we a party to the grant.

The City Manager stated this is a grant that has been sought by our Visitors and Tourism Bureau. He said it is an application to seek a matching grant in which the State will provide almost \$50,000 and the matching grant from the City of Joliet would be about \$50,000. He said the intent is to apply for a Tourism Attraction Development Grant to renovate the parking lot area of the Collins Street Prison Facility and to create a tourist attraction there. He said the Tourism Bureau gets a lot of inquiries for either tours or at least viewing the Collins Street Prison, partly because of the Blues Brothers movie, and also from others that have an interest in the history of the prisons in the Joliet area. He said this has nothing to do with anything inside the building or inside the walls, this would be an application for a grant that will help us with the parking lot where we would be able to put signage on Collins Street and in the parking lot, landscaping, a picnic area and eight large outdoor informational kiosks that would provide information to visitors about the history of the prison. He said our commitment would be administered through the City Center Partnership through the CED if the grant is approved. He said they are asking permission this evening from the City Council to apply for that grant and we will have that grant in tomorrow if the Council approves this tonight.

COUNCILMAN SHETINA stated we don't own the land, so how does that work.

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The City Manager said we would do it through an agreement with the State as it is currently owned by the State. He said there is a task force that has been created by Senator Wilhelmi and State Representative McGuire to look at the reuse of the old prison on both sides of Collins Street. He said it is an exciting project and there are some great opportunities that could come our way. He said this is strictly more of a cosmetic fix because right now it is just basically a run-down parking lot and with this grant money we'll have an opportunity to help dress that up.

COUNCILMAN SHETINA said we don't pick up any responsibility beyond the fact that we're participating in the grant, it's being repaved and that's the extent of it.

The City Manager said the existing pavement is adequate to handle it, we'll restripe it and fix it up a little bit. He said we'll dress the landscaping up so we don't have the unsightliness that is there now, but it will also give us the chance to do what we've done with the Broadway Greenway with some information kiosks. He said this will have nothing to do with the inside, that is still in the State's hands, but we'll work out an agreement with the State for being able to use the parking lot for informational purposes.

- C. Approve 2008 Neighborhood Improvement Program
Modification No. 9 – Modification to the Districts 2, 4 and 5
Neighborhood Improvement Programs
(Council Memo #790-08)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the following:

DISTRICT 2 MODIFICATION

- Addition of 1211 Caton Avenue Rear Yard Drainage Project (\$17,977.00)

DISTRICT 4 MODIFICATIONS

- Addition of a \$50,000.00 contribution to the Unity Community Development Corporation (CDC)
- Addition of a \$25,000.00 contribution to the Collins Street Prison Parking Lot/Visitor Information Kiosks project

DISTRICT 5 MODIFICATION

- Addition of a \$50,000.00 contribution to the Unity Community Development Corporation (CDC)

- D. Request for City of Joliet Funding from the Unity Community Development Corporation (CDC)
(Council Memo #791-08)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the request from the Unity CDC for \$50,000.00 from the City of Joliet General Fund and \$50,000.00 each from the Neighborhood Improvement Program Funds of Districts 4 and 5, for a total of \$150,000.00.

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

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Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to his vote, COUNCILMAN GIARRANTE stated he has a concern with the funding for the Unity CDC. He said he has some questions about their proposal and whether they have satisfied all of our requirements on where the money that we are giving them out of the NIP program is going to be used.

The City Manager said we received two submittals from Unity CDC, one that's attached to the Council Memo and it is actually a very detailed analysis of starting up an office for Unity CDC. He said he spoke with Mr. Dave Evans of the CDC and asked him to provide additional information about programming which was provided to the Council this morning. He said it lists several programs that Unity CDC is proposing to engage in and develop for the promotion for the Quality of Life plan that the Council approved last year. He said that proposal addresses several areas of educational concern, other economic development opportunities and things like that along with land acquisition, beautification of gateways into the City in Districts 4 and 5 and several other things. He said if the Council were to approve the allocation of the \$150,000, staff would work with Unity CDC's board and make sure that we know where that \$150,000 would be going. He said he did mention to Mr. Evans that he would envision the City Council preferring to see City money going to the grants for programming, certainly not for salaries because that has been the policy of the Council on other grants, and as far as outfitting a new office, that's probably not a priority for the City Council.

COUNCILMAN GIARRANTE asked who drew up this budget and has the Board acted on this budget.

The City Manager said the budget was submitted by Unity CDC and he's assuming that the Board has approved it.

COUNCILMAN GIARRANTE asked Mr. Evans if his Board has seen and approved it.

Mr. Evans said at the Board meeting they had on June 9th this budget was shown to them. He said they did not have a formal vote on it but it was talked about and the people were in agreement that that's what they were going to do.

COUNCILMAN GIARRANTE said they are aware of it.

Mr. Evans said yes.

COUNCILMAN GIARRANTE said once staff meets with them he would like to see where the money is going.

COUNCILMAN DORRIS said it was agreed when we talked to them that we will get details on where all the money from the City was allocated. He said as a matter of fact they had an issue a few years ago where we did some things in a neighborhood center and it didn't happen and we did not fund them anymore. He said that would be the same situation here because if the public comes in and

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has a Freedom of Information Act form, we've got to be able to show where all of this money went. He said that's what we expect and he thinks that's what we're going to get. He said he thinks the City Manager made that very clear to Unity that that's what we have to have.

The City Manager said he has had several conversations with Mr. Evans and they are on the same page.

COUNCILMAN BROPHY said his two concerns are in ethics and an accounting policy that the Board would actually visit, review and approve in written minutes that we can rely on. He said he hopes that those two things would be on an agenda soon and he asked if we can confirm that somehow with them.

The City Manager said yes, we'll ask for written confirmation of how the City allocation will be spent. He said he knows there will be other sources for funding coming in and the Board will decide where that money goes, but for the City money he needs to be able to report back to you where each dollar is going and that will be a continuous process that we'll engage in with the Unity Board.

COUNCILMAN BROPHY said he wanted to go a little further with the ethics policy of the CDC itself. He said when you're talking about development and property development it's important to understand who is involved in anything that is going on there and they should be policing themselves with the suggested ethics and of course an accounting finance policy.

Mr. Evans said definitely they will do that. He said presently the minutes of their Board meetings are on their website.

COUNCILWOMAN QUILLMAN said she has been involved with this since the inception and she saw the one-year proposed programs, and she asked if this is written in stone or not.

Mr. Evans said it is not written in stone.

COUNCILWOMAN QUILLMAN said OK because her suggestion is some of these things that are on here are offered for free and some things there are grants available, and she would hope that you would take advantage of some of the folks here at the City that could help you apply for those grants. She said personally she would like to see in the beginning programs about getting people to work and how they're going to do that, because we are talking quality of life here. She said for example, day care for mothers so they can go to work, something like that, and some after school programs. She said maybe you could partner with the high schools and have high school students maybe tutor children if they're struggling in school. She said she's looking at more programs like that and she didn't see that here but she's sure you could add that later on.

Mr. Evans said they can add that later on but these things that they have on the list are the things that the community told them that they wanted them to do initially. He said these were the priorities that were set with the 800 people that they talked to.

COUNCILWOMAN QUILLMAN said what she heard over and over was that they can't go to work if they don't have daycare for their children, and their kids are dropping out of school because there is no one to mentor or to help them and keep them off the streets with some kind of afterschool program.

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Mr. Evans said he understands that and these reflect the priorities that were established at those meetings, but they will look at those kinds of things as well.

COUNCILWOMAN QUILLMAN asked Mr. Evans to please take advantage of our grant writers and see what we can get for free so we can get the biggest bang for our buck.

Mr. Evans said there is nothing better than free.

COUNCILMAN SHETINA asked if they have anybody on board yet to operate it.

Mr. Evans said no, they are in the process of negotiating with a CEO at the present time.

COUNCILMAN SHETINA asked with respect to the City's involvement, what is the protocol with respect to their budget, their operation and the City's involvement and to what extent is the City to be involved.

The City Manager said we have two City staff members who are fully engaged in the process with Unity CDC, Neighborhood Services Director Alfredo Melesio and Pete Saunders from our Planning staff. He said he has had a lot of contact with Mr. Evans and his team regarding what the City Council's expectations are as far as the expenditure of this money. He said we'll stay in touch with them. He said obviously this is a program that the City had the initiative to start and we want to see it succeed. He said he thinks he can communicate to Unity CDC what the City Council's priorities are and hopefully make sure that the two groups agree. He said he thinks on the programming issues such as COUNCILWOMAN QUILLMAN has brought up, those will be issues that he'll work on with the Board and make sure that we get information back to you as we go forward and have a full accountability on the expenditures, but also see those items in the Quality of Life program and have those items identified and achieve the goals that are set by the plan.

COUNCILMAN SHETINA said he's assuming that our role will not be day to day operations and that we don't have any complete control at any point in time.

The City Manager said he told Mr. Evans that he envisions Unity CDC functioning some day like the Will County CED functions where it is truly focused on economic development. He said the mission of Unity CDC is much broader because it deals with economic development and education and other quality of life issues, and he sees their Board operating independent of us, but we certainly have a seat at the table and we give a lot of input and with the financing that comes from the City we need accountability in making sure that money is being spent where the Council would like it spent.

Mr. Evans said the monies that they are getting from the City is a small portion of the total amount of grants that we have to get in order to fund this project, but it is very helpful.

APPROVAL OF REGULAR CURRENT BILLS

- A. Regular Payroll – May 17 – May 30, 2008 - \$3,094,165.47
(Council Memo #793-08)

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Biweekly Payroll Summary Reports of the total cost of regular salaries for the period May 17, 2008 through May 30, 2008 and additions to regular salaries for the period May 9, 2008 through May 22, 2008 including a 2008 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 Payroll be allowed.

B. Regular Payroll – May 31 – June 13, 2008 - \$3,177,180.56
(Council Memo #794-08)

Biweekly Payroll Summary Reports of the total cost of regular salaries for the period May 31, 2008 through June 13, 2008 and additions to regular salaries for the period May 23, 2008 through June 5, 2008 including a 2008 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 Payroll be allowed.

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

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

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

NAYS: NONE.

ORDINANCES AND RESOLUTIONS

A. ORDINANCES

1. Ordinance re: Approving the Preliminary Plat of Spencer Road Industrial Park Subdivision, Phase 2 (#P-3-08/Dist. #5)
(Council Memo #795-08)
2. Ordinance re: Approving the Final Plat of Spencer Road Industrial Park Subdivision, Phase 2 (#FP-7-08/Dist. #5)
(Council Memo #795-08)
3. Ordinance re: Approving the Recording Plat of Spencer Road Industrial Park Subdivision, Phase 2 (#RP-11-08/Dist. #5)
(Council Memo #795-08)
4. Ordinance re: Approving a Special Use Permit to Allow the Construction of an Over-the-Road Semi-Truck Maintenance Facility at the Spencer Road Industrial Park Located on the South Side of Spencer Road, West of Manhattan Road (#2008-29/Dist. #5)
(Council Memo #796-08)

A communication from the City Manager contained a request by the petitioner, Highway Transport, to table these items to the July 15, 2008 City Council Meeting to allow additional time to meet with City staff, the Will County Department of Highways, and project engineer Ruettiger & Tonelli regarding Briggs Street/Spencer Road intersection design issues and a traffic impact study.

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COUNCILWOMAN QUILLMAN moved that said items be tabled to the July 15, 2008 City Council meeting.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

5. AN ORDINANCE Amending the Rental Inspection Fee Schedule was presented and read.
(Council Memo #797-08)

COUNCILMAN SHETINA moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to his vote, COUNCILMAN BROPHY asked the City Manager for an explanation.

The City Manager stated in 1986 the Systematic Inspection of the Rental Housing Program, basically a licensing program for people that want to be apartment building owners, was established. He said any two-unit and above is subject to the inspection program and along with that, a schedule of fees was established for initial inspections and re-inspections. He said the fees have not been raised since 1986 and obviously the cost of enforcing the program and administering the program have gone up over the last 22 years. He said this is the first increase that we are asking for and the fee schedule is set forth in the Council Memo.

(ORDINANCE NO. 16157)

6. AN ORDINANCE Prohibiting the Possession, Use or Sale of Fireworks was presented and read.
(Council Memo #798-08)

COUNCILMAN GIARRANTE moved that said Ordinance be adopted.

Motion seconded by COUNCILWOMAN BARBER.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to her vote, COUNCILWOMAN QUILLMAN asked if Police Chief Hayes could explain this so people that are watching will understand what this entails. She said she knows this has been out there but people have been kind of lax.

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The Police Chief stated the Police Department has asked that a City Ordinance that prohibits the possession, use or sale of fireworks be adopted. He said presently it is against State law and is a State Class "A" Misdemeanor which directs the Police Department to make arrests for possession, and in those types of situations they have to make custodial arrests and actually have to bring the offender down to the Police station and have the offender booked and processed, and it takes a lot of resources to do those kinds of arrests. He said with this proposed Ordinance the Police Department would have the ability to issue compliance citations and they feel it would make them much more efficient. He said presently they have to write compliance citations for loud and unnecessary noises, so the officer actually has to observe and hear the detonation of the firework and then he can take action, but with this they will be able to actually cite someone just for the mere possession.

(ORDINANCE NO. 16158)

7. Ordinance re: Approving a Special Use Permit to Allow an Automotive Tire and Battery Installation Shop with a Dispatch Office for Roadside Services in an Existing Commercial Structure Located at 935 W. Jefferson Street (#2008-26/Dist. #2)
(Council Memo #799-08)

A communication from the City Manager stated there was no recommendation by the Zoning Board of Appeals due to a 3-3 tie vote, and a recommendation by the Administration that the petition be denied.

COUNCILMAN GIARRANTE moved that said petition be denied.

Motion seconded by COUNCILWOMAN QUILLMAN.

The City Manager stated Attorney Dan Kallan who represents the applicant is present this evening and has additional information to present to the Mayor and City Council.

Mr. Kallan stated he was present on behalf of the petitioner, Khalil Ahmad, who is also present. He stated he has had a number of discussions with the Corporation Counsel and the City Manager and also with Mr. Bob Nachtrieb from CAPA. He said Mr. Ahmad has a towing service and is proposing to dispatch his tow truck from 935 W. Jefferson Street. He said when the tow truck is there during the day it would be parked in the back of the building; it will not be there at night at all. He said there will be no wrecked cars towed to the site or disabled vehicles on the site at all. He said the property will be landscaped. He said Mr. Ahmad previously had a building in Crest Hill that he bought and fixed up on his own without any requirement by the City of Crest Hill and has sold the property for roughly three times what he paid for it, so what he is suggesting is that Mr. Ahmad is a good owner of property and will take care of the property and would like to pursue his business interest as he's proposed. He said Mr. Jeff Karges, who is the realtor that listed the property, can address the Council on some of the concerns about this building and that it has been vacant for quite some time. He said Mr. Karges would be able to advise the Council as to the problems of trying to sell this property because most of the people were looking for an automotive type of use on this property.

COUNCILMAN GIARRANTE asked if it specifies that he is not allowed to have a tow truck at night.

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The City Manager said he doesn't believe it does and some of the things that we heard this evening, if the Council is so inclined to approve this, we need to make sure that those are conditions that are specified in the Ordinance and if it is approved we will add those items as conditions of the Special Use.

Mr. Jim Karges of Karges Realty stated he wanted to address a few concerns he heard at the Zoning meeting in early May. He said when he had this property for sale it was vacant a little over a year and a half and there was concern from the gentleman who spoke on behalf of CAPA that they didn't want a vacant property in the neighborhood. He said if we're too specific about what can go in this building, then you are going to have a vacant property for quite some time and it is starting to go down hill. He said 90% of the calls he received on the building were for auto related businesses. He said with this type of business, he certainly doesn't see that it's going to affect any property values in the area, but what may affect property values is if the property is vacant and deteriorates.

COUNCILMAN SHETINA asked Mr. Karges to reiterate his conversation with former Planner Jan Vitali.

Mr. Karges said that conversation took place on May 2, 2006, the day before he listed the property. He said Jan said it was B-1 zoning and they talked about the number of parking spaces needed per square foot and about it being for auto related or restaurant related and she said auto related is perfect zoning for it. He said there was no mention of any Special Use Permit that came up, just that it would be great for auto related business.

COUNCILWOMAN QUILLMAN said she has read all of the minutes and she knows that Mr. Nachtrieb is very concerned about this and he must not have known about this meeting tonight. She said the President of St. Pat's Neighborhood Organization Carol Anne Hinemann said they are also against this. She said having said all of that we discussed here at several meetings and the zoning board meeting and at the last Council meeting that no trucks would be on that property. She said she has been past that property personally several times and as recently as Saturday. She said two flatbed tow trucks were parked in the alley with several cars to repair and there were other cars parked in the front. She said on another occasion there was one tow truck and another occasion there were two trucks with cars and you couldn't even get down the alley. She said we've discussed this and have been told and told that he will not park any tow trucks there and time after time since this has been discussed they are parked there. She said if we were to pass this and allow it it's only going to get worse.

Mr. Kallan said he did speak with Mr. Nachtrieb and he did know about this meeting tonight and they spoke about this issue. He said Mr. Nachtrieb's concern is it's a rock and a hard place, if you have a vacant building or you have a business, which is better. He said Mr. Nachtrieb doesn't have any problem with the business as such, he has a problem with the tow trucks. He said it is his understanding that the tow trucks will be there during the day and parked in the back but will not be there at night.

COUNCILWOMAN QUILLMAN said well they are.

Mr. Kallan asked if it was at night.

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COUNCILWOMAN QUILLMAN said yes, they are there all of the time, they are always there. She asked the Director of Community and Economic Development if he wasn't doing a survey on the tow trucks and things being parked there and weren't you working with Lonnie Greenburg from St. Pat's.

The Director of Community and Economic Development stated he was and he did get an e-mail from Mr. Nachtrieb. He said whoever did the survey said they went by there every night for a little more than a week and they said on every single night there was a tow truck there and on some occasions there were two tow trucks there in the evening.

COUNCILWOMAN QUILLMAN said she witnessed that herself.

COUNCILMAN GIARRANTE said he just wanted to make a point. He said that is not an alley; that is their property in the back. He said the alley is vacated and ends at the east side of their property. He said that is their own property but he still has a problem with tow trucks parked there. He said he is concerned about inoperable vehicles and asked if there was anything about that included in this ordinance.

Mr. Kallan said they are not going to do that and they would certainly agree to that.

COUNCILMAN GIARRANTE said the only way he could support this is if that's in there and that there are no tow trucks allowed, day or night.

COUNCILWOMAN QUILLMAN said but there always there. She said you said it's not an alley but it is a thoroughfare to the other businesses.

COUNCILMAN GIARRANTE said but it's their private property.

COUNCILWOMAN QUILLMAN said there has to be some kind of an agreement because the garbage trucks go down there to pick up the thing at the other end.

COUNCILMAN GIARRANTE said he lived right across the alley from this and it's their private property. He said he knows because he vacated the alley too towards the rear.

COUNCILWOMAN QUILLMAN said ok, then she stands corrected.

Mr. Kallan said there will be cars coming in to do business but there shouldn't be any disabled or wrecked vehicles there.

COUNCILWOMAN QUILLMAN said her whole thing is that we've discussed this and discussed this and yet it continues to happen and she doesn't see that anything's going to change and she just can't support this. She said the neighbors are against it and she can't support it.

COUNCILMAN SHETINA said tell me the nuance that exists here with the tow trucks and the building, when did it happen that you can't have tow trucks on Jefferson Street.

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The City Manager said it's been an interpretation of the Zoning Ordinance regarding the use for tow truck businesses and that is the part that requires the Special Use Permit through the interpretation of the Zoning Ordinance by past practice.

COUNCILMAN SHETINA said and that's specific to tow trucks.

The City Manager said that type of business, yes, tow truck businesses. He said he thinks the intent is to make sure there are not tow trucks being parked there overnight and not having disabled vehicles parked there considering the location close to a neighborhood and also being on a major, commercial artery such as Jefferson Street.

COUNCILMAN SHETINA said what concerns him then is that Jan Vitali was probably one of our best Planners and most knowledgeable Planner. He said if a realtor goes in and asks what can I do on this property and there's going to be one classification, it concerns him that we now have some new people in the Planning Department and if a realtor goes in and wants to list and sell a property that they can't get information that says you have to have a Special Use Permit. He said the fact is that is something very important when you go to list a property, you end up getting sued because you took information that you thought was good. He said he doesn't know all of the circumstance behind this but he knows Jim Karges and his family and they are one of the premier realtors in Joliet and they would not mislead somebody to sell them a property. He said so he has to assume that they thought they had that zoning and that's what concerns him in terms of our own house if it's not in order with respect to that kind of information, we need to do something about that asap. He said he wasn't aware that there was a Special Use Permit required under this circumstance for that particular building with respect to tow trucks.

The City Manager said it's an interpretation of the Zoning Ordinance and it's something that the Corporation Counsel went through with him because he had the same discomfort that you have. He said he worked with Jan Vitali for 18 years and she was one of our finest planners who was about 100% accurate, if anybody on the staff can be 100% she was one of them. He said that's why it gave him some concern when he heard Mr. Karges' story. He said he doesn't have any reason to doubt him either because he has had the same experience with Karges Realty that you have had. He said this one does give him some concern and if the City Council is inclined to consider approval of this what he would recommend is letting us have another chance to revise the Ordinance and take all of the conditions that have been discussed tonight, put those in the Ordinance and bring it back to you at the Pre-Council Meeting on July 14th.

COUNCILMAN SHETINA said the word "interpretation" is what bothers him. He said this is an interpretation of the Ordinance and if it said you can't have tow trucks parked there that's not interpretation, that's a fact. He said when we say interpretation that's either your interpretation, Jeff's interpretation or Jan's interpretation or whoever but it's an interpretation and it needs to be a lot stronger than an interpretation. He said correct me if I'm wrong.

The City Manager said you are 100% correct accurate, it is an interpretation, it is not in black and white printed on the page in the Zoning Ordinance saying that you must have a Special Use Permit for this particular operation. He said usually we have clear direction in our Zoning Ordinance and after this is over we need to

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clarify this and make a policy decision as to what type of uses that we want on streets like Jefferson Street. He said he doesn't want to be battling this out for the next year in court either, it's not a good use of resources for the owner or the City. He said we need to make a decision either tonight or within two weeks on this and his recommendation would be if you're so inclined to consider approval let us have one more chance of revising the Ordinance to add all of the conditions.

COUNCILMAN BROPHY said it's a good idea to take the time because this highlights a couple of holes in our process that we really need to fill. He said for example if the staff is going to make an analysis of this like they did and recommend denial like you have, what you ought to do and what it doesn't do is make a recommendation of what could or should be there and then provide the development help to find what might go there. He said he thinks Mr. Karges made good points in saying the market spoke here and said those that want this typically are some use like this. He said so we either have to say from a policy point of view that we're going to change some part of the property somehow and then help develop some other business there, or consider real tight handcuffs like you're talking about for a cleaner operation of what does want to go there. He said he is very much in favor of the two week hiatus to do that study and figure out that very thing.

COUNCILWOMAN QUILLMAN said there is already a motion on the table to deny and a second.

COUNCILMAN GIARRANTE said a table is always appropriate. He said is it possible that if there's a question that that is their property, could they fence it and soften it for the neighbors so if they want to park a tow truck back there, nobody can see it. He said he would suggest that this be tabled and let the City Manager sit down with the respective people and bring us back something different.

Mr. Kallan said the tow trucks that they are talking about are not junky old grease buckets, they are \$50,000 - \$60,000 flat-bed vehicles that are nice looking vehicles, he has seen them. He said if you went over to Louie's Restaurant for breakfast you'd park your tow truck right in that parking lot and there is nothing wrong with that and absolutely nothing wrong with parking a tow truck to have breakfast. He said he understands the tow truck not being there at night, that's good but it's not illegal to park a tow truck in the parking lot.

COUNCILMAN BROPHY said he thinks it's a great idea to take this kind of a thing up with reasonable conditions but also applying standard commercial property development measures to it and then come back with what works.

The City Manager said we will do that. He said Jefferson Street obviously was once the main commercial thoroughfare of Joliet and it still is; there's still a lot of great businesses on Jefferson Street. He said he knows the Director of Community and Economic Development had some proposed uses that people were calling him about that were less than desirable by our standards, but we're not ready to give up on West Jefferson Street. He said you see Walgreen's putting a major investment there and we think other businesses will be doing the same and with our Planning staff we need to go door to door and start working on a lot of those uses that need help so we don't end up in a situation where we have nothing but this type of a use that's left for Jefferson Street. He said we don't want it to be wall to wall automotive services, some are good but not wall to

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wall, and that's where we need to start working on a long-range plan. He said in the short-term we need to work with Mr. Kallan and his client to come up with reasonable conditions and if those look good to the Council they can vote in favor of it and if not, then we'll deal with that situation.

COUNCILMAN GIARRANTE moved that this petition be tabled to the July 14, 2008 Pre-Council meeting.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to his vote, COUNCILMAN TURK stated he would vote aye for the table but also whatever is worked out and put in the Ordinance he would appreciate if that could be shared with the neighbors in the area so they're also aware of it.

Prior to his vote, COUNCILMAN BROPHY stated before he votes on the table he wanted to suggest to the staff that we take a look at the Land Use agenda for items like what happens when staff recommends denial of something. He said we really need to take some lead there and if we've got a difficult transitional piece like this what we're going to do with it. He then voted aye on the table.

Prior to her vote, COUNCILWOMAN QUILLMAN said she would vote aye on the table but you have to come up with something really good to change her mind because staff has recommended denial, the neighbors don't want it and she has seen time and time again violations and noise there. She said we have been trying to revitalize Jefferson Street and she doesn't feel that we need one more towing operation on Jefferson Street.

Mr. Kallan said he knows Mr. Ahmad wants to be a good neighbor and he is going to work with staff to come in with some reasonable restrictions on the Ordinance to be a good neighbor.

COUNCILWOMAN QUILLMAN asked Mr. Kallan to also meet with the St. Pat's and the Cathedral Area.

Mr. Kallan said he has not met with St. Pat's but he has met with Mr. Nachtrieb a couple of times on this matter.

COUNCILWOMAN QUILLMAN said St. Pat's are big opposers to this.

The City Manager said we will give Mr. Kallan the contact information.

Mr. Kallan said St. Pat's is a little further away.

COUNCILWOMAN QUILLMAN said they are just across the street and Jefferson Street affects them too and she would appreciate if he would do that.

Prior to his vote, COUNCILMAN SHETINA said you're talking about putting together some kind of language that addresses this problem but is this going back and responding to an action that has already been taken 6 or 8 months ago, is that what's going to happen.

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The City Manager said no, actually we'll have two things. He said one will deal with this particular piece of property specifically in an Ordinance trying to impose restrictions that will give you some comfort level and allowing this business to open if that's your direction. He said part two of this conversation will be with the Planning staff to look at the Zoning Ordinance and get the gray area that's in there fixed so we don't have this on a continuing basis with Jefferson Street or Ruby Street or other areas where we have some older businesses that can fall into either disrepair or be vacant for a long period of time and then have uses like this come up and not really know whether this should go through the Special Use Permit process or not. He said we need a definitive answer and we'll work with the Land Use Committee in coming up with that. He said that's a little longer term project and he said he doesn't think we have anything else pending right now where this would be involved, but we'll certainly try to address it so we don't have this gray area to deal with in the future.

COUNCILMAN SHETINA then voted aye on the table.

8. Ordinance re: Approving a Special Use Permit to Allow the Construction of an 8-Unit Apartment Building for Individuals with Disabilities in a B-3 Zoning District Located at 3110 Thomas Hickey Avenue
(Council Memo #800-08)

A communication from the City Manager contained a request by the petitioner, Cornerstone Services, Inc., to table this item indefinitely as they would like to examine the feasibility of a similar development on other sites within the City after considering the feedback from residents near the proposed site.

COUNCILMAN BROPHY moved that said item be tabled indefinitely.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

9. AN ORDINANCE Approving a Special Use Permit to Allow the Co-Location of a Wireless Communication Antennae Located at 311 N. Ottawa Street subject to the following condition was presented and read: 1) That the petitioner shall post a bond in the amount of \$5,000.00 prior to the issuance of the building permit for the proposed installation. The bond will be utilized for dismantling the antenna and associated equipment in the event of future abandonment. (#2008-35/Dist. #5)
(Council Memo #801-08)

COUNCILMAN SHETINA asked how many antennas do we have to have in Joliet; we're the antenna capital of the world.

The City Manager said if we keep adding cell phones and Blackberries he thinks we're going to keep going.

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COUNCILMAN BROPHY moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to his vote, COUNCILMAN SHETINA said he would like to have the Planning staff take a look at this. He said every week we have two or three antennae.

(ORDINANCE NO. 16159)

10. AN ORDINANCE Approving a Special Use Permit to Allow the Installation of a 118 ft.-tall Microwave Telecommunications Cell Tower and Related Equipment Shelter Located at 1300 N. Kelly Avenue subject to the following condition was presented and read: 1) That the petitioner shall post a bond in the amount of \$35,000.00 prior to the issuance of the building permit for the proposed installation. The bond will be utilized for dismantling the tower and associated equipment in the event of future abandonment. (#2008-37/Dist. #2)
(Council Memo #802-08)

COUNCILMAN BROPHY said before we allow this one he wondered if they have had a conversation with the Park District about the light repairs that they need there and is there any cooperation that might occur.

The City Manager said we have a representative from T-Mobile here to answer any questions.

Mr. Steve Hedges of T-Mobile said they have had some discussions and apparently when Sprint did their installation at this park the Sprint contractors did not properly align the lights and the Park District did have that addressed and had that fixed. He said we are doing a mirror image of what they have done.

COUNCILMAN BROPHY said he is talking about the lights around the ball field; the lights that they need to operate.

Mr. Hedges said that's correct, they have a lease agreement with the Park District and they have basically said that construction can't start until after the baseball season has ended.

COUNCILMAN BROPHY asked if the Park District looked to us for some help with repair of broken lights and the fact that they really couldn't operate Little Leagues there at night.

The Director of Community and Economic Development said they did and he thinks what they're going to do is use the revenues from these cell towers to improve that. He said he knows when we did the one at Whiteford Field we actually made that provider there realign all of the lights and he thinks that that was one of the things the Park District was going to work on. He said this was

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one of the rare ones where we did have a neighbor who spoke in favor of it.

COUNCILMAN BROPHY moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16160)

B. RESOLUTIONS

1. A RESOLUTION Declaring Certain City of Joliet Property as Surplus was presented and read. (Computer Equipment)
(Council Memo #807-08)

A communication from the City Manager contained his recommendation that said Resolution be adopted and that he be authorized to dispose of said property by giving it to Vintage Tech Recyclers, Inc.

COUNCILMAN DORRIS moved that said Resolution be adopted as recommended.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6083)

2. A RESOLUTION Accepting a Public Watermain Easement Located at 1163 W. Jefferson Street was presented and read.
(Council Memo #808-08)

COUNCILMAN GIARRANTE moved that said Resolution be adopted.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6084)

3. A RESOLUTION Pertaining to City Work on State Highways was presented and read.
(Council Memo #810-08)

COUNCILMAN TURK moved that said Resolution be adopted.

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Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6085)

4. A RESOLUTION Accepting the Dedication of a Public Utility Easement in the Laraway Distribution Center Subdivision was presented and read.

(Council Memo #811-08)

(RESOLUTION NO. 6086)

5. A RESOLUTION Accepting the Dedication of a Stormwater Management Easement in the Laraway Distribution Center Subdivision was presented and read.

(Council Memo #811-08)

(RESOLUTION NO. 6087)

COUNCILWOMAN QUILLMAN moved that said Resolutions be adopted.

Motion seconded by COUNCILWOMAN BARBER.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to his vote, COUNCILMAN BROPHY asked if this means we pick up more mowing; is this dry. He asked what happens when they dedicate that to us.

The City Manager said he doesn't think we're doing too many dry bottom detention facilities any more.

The Director of Public Works said this should be wet bottom but also in either case, this just gives us the right to go in there and maintain the outfall pipe if they don't maintain it. He said the City does not maintain any detention basins except for the one on Infantry Drive. He said the majority of these are all maintained by the developer. He said in this situation it's kind of an industrial owners association.

BIDS AND CONTRACTS

A. Award of Contracts

1. Authorization to Obtain a Preventative Maintenance Agreement for Six Emergency Generators
(Council Memo #815-08)

A report on three quotes received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Powertron in the amount of \$7,420.00.

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2. Purchase of Vehicle Tracker for the Police Department
(Council Memo #816-08)

A communication from the City Manager contained his recommendation that the Mayor and Council award the purchase of this equipment/software from Pro-Tech in the amount of \$5,100.00.

3. Request Authorization to Renew Master Discount Agreement
with AT&T
(Council Memo #817-08)

A communication from the City Manager contained his recommendation that he be authorized to enter into a two year contract with AT&T from July 15, 2008 to July 15, 2010 for local and local toll usage.

4. Authorization for the City Manager to Execute Contracts for the
2008 Public Art Projects
(Council Memo #818-08)

A communication from the City Manager contained his recommendation that he be authorized to execute the specific contracts with the Friends of Community Public Art for the three projects described in the Council Memo totaling \$50,294.00.

5. Authorization to Award Contract for the Dr. Rao Subdivision
Bike Path Project – 2008
(Council Memo #819-08)

A report on five bids quotes received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to D Construction in the amount of \$61,938.70.

COUNCILMAN BROPHY asked why the lowest bid was so much lower than the engineer's estimate, and the City Manager said the estimate was 4 years old and it was never updated.

6. Authorization for Emergency Repair to the No. 3 Final Clarifier
at the Westside Treatment Plant
(Council Memo #820-08)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve the increase to Purchase Order No. 95797 by \$7,069.36; and 2) Approve Payment No. 1 and Final to C & T Construction in the amount of \$8,059.36

7. Purchase of a Wheel Loader – Roadways Division – 2008
(Council Memo #821-08)

A report on five 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 low bid from Roland Machinery to supply the Komatsu 250PZ-6 for being non-compliant with the specifications; and 2) Award the purchase of a Case Model 621 E Wheel Loader to McCann Industries in the amount of \$130,499.00.

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8. Authorization to Award a Contract for the 910 Gael Drive Storm Sewer Repair Project
(Council Memo #822-08)

A report on three quotes 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 \$5,166.15.

9. Authorization to Award a Professional Services Contract to Perform Evaluation of Pressure Vessel Filter Media
(Council Memo #823-08)

A report on three proposals received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Roberts Services, Inc. in the amount of \$42,767.00.

10. Award of Contract for the Essington Road/Jeffrey Drive Decorative Pillars Project
(Council Memo #824-08)

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 contract to G-Three Construction in the amount of \$37,835.90.

11. Purchase of Computers and Software for the Neighborhood Services Division
(Council Memo #825-08)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the purchase of 17 computers from Dell Corporation in the amount of \$15,589.00 and the purchase of Microsoft Software Licenses from CDWG in the amount of \$5,055.46.

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

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to his vote, COUNCILMAN SHETINA asked if the Public Service Committee has reviewed all of these items.

COUNCILMAN GIARRANTE said no, not all of them, Council Memo #815-08 wasn't on our agenda. He said if it doesn't say in the memo that it will be reviewed by the Public Service Committee, it doesn't come before us.

COUNCILMAN SHETINA asked the City Manager if he was satisfied with these.

The City Manager said yes and he explained Council Memo #815-08 and said he is recommending approval.

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The City Manager said he doesn't believe the Committee reviewed Council Memo #816-08 either. He said that's for the purchase of a vehicle tracker, it's a GPS system and is a replacement of one that has old technology and we are requesting an upgrade for them to have the latest in tools so he is recommending approval.

The City Manager said regarding Council Memo #818-08, that is the request for the execution of three contracts with FCPA. He said the first one was mentioned earlier, that's for the Lincoln sculpture. He said 2009 will be the bicentennial of the birth of Abraham Lincoln, and FCPA has been able to procure a grant from the State of Illinois that will authorize the commission of a sculpture of Abraham Lincoln. He said there's a requirement for matching funding from the City of Joliet and the write-up talks about Lincoln giving a speech in Joliet at the corner of Center and Western where he first used the words "A house divided against itself can not stand", which obviously is a very important part of our history. He said we're requesting authorization to execute that contract and we also have a maintenance agreement before you with FCPA in the amount of \$13,160.00 for the repair of 11 murals and other pieces of art that was commissioned by the Council previously. He said the third contract is for \$4,300.00 and would include 5 plaques on existing art work where those plaques are lacking now, explaining what the art work is and who did what. He said we have money in the 2008 budget and we will be requesting part of that to come out of the 2009 budget, with a total expenditure of \$50,294.00, and he is recommending approval of all three contracts.

COUNCILMAN GIARRANTE said he hates to say I told you so, but this was one of my concerns when we were doing all of this public art, when it was going to come back to us and when we have to clean it up or re-do it, and it's back.

B. Change Orders and Payments:

1. Approve Payment No. 4 for the Construction of Five Single Family Homes at Second and Mississippi Avenues
(Council Memo #829-08)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Payment No. 4 in the amount of \$160,000.00 on behalf of Peter Gabriel Construction.

2. Approve Change Order No. 2 to the Contract for Weed Cutting and Cleanup of City Owned Properties
(Council Memo #830-08)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$1,950.00 on behalf of Latino's Landscaping.

3. Approve Change Order No. 2 and No. 3 and Payment No. 2, No. 3 and Final for 170 Planted Hanging Baskets and 50 Lamp Post Brackets for the City Center Streetscape Beautification Program
(Council Memo #831-08)

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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 \$1,510.84 and Payment No. 2 in the amount of \$10,890.84 on behalf of Lamp Post Brackets, and Change Order No. 3 in the amount of \$365.50 and Payment No. 3 and Final in the amount of \$13,115.50 on behalf of Granby's Greenhouse.

COUNCILMAN TURK asked if the price of the hanging flower baskets downtown is only \$75.00, and if it is, it's a great price.

The City Manager said yes it is. He said they're a great addition that beats some of the other things you see in other communities, and it takes a lot of care and we have to water them frequently, but it's a great addition to downtown. He said we get nothing but good compliments from the downtown businesses that benefit from it.

4. Approve Payment of the 2008 Wastewater Discharge NPDES Permit Fees
(Council Memo #833-08)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the Payment of \$137,500.00 to the Illinois EPA Fiscal Services Section.

5. Approve Change Order No. 1 and Payment No. 1 and Final for the Printing of the 2008 Annual Water Quality Report
(Council Memo #834-08)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$583.37 and Payment No. 1 and Final in the amount of \$8,943.37 on behalf of E & D Web.

6. Approve Change Order No. 3 and Payment No. 14 for the 2006 Automatic Meter Reading Installation Contract
(Council Memo #835-08)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 3 in the amount of \$55,125.00 and Payment No. 14 in the amount of \$43,062.30 on behalf of United Meters, Inc.

7. Approve Payment No. 1 and Final for Conduit Installation at the Washington Street Maintenance Facility
(Council Memo #836-08)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Payment No. 1 and Final in the amount of \$6,935.00 on behalf of Construction by Camco.

8. Approve Change Order No. 1 and Payment No. 1 and Final for the Purchase of Shirts for the Public Works and Public Utilities Department – 2008
(Council Memo #839-08)

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A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1, a deduction in the amount of \$1,151.54 and Payment No. 1 and Final in the amount of \$6,166.03 on behalf of JJ Sport.

COUNCILMAN TURK said he would so move, however, Council Memos #830-08 and #831-08 were not on the Public Service Committee agenda this morning. He said most of the change orders and payments and contracts are on our agenda, but there's always a couple that aren't, so maybe in the future we just need to have them all on there so there are no questions.

The City Manager said we'll make sure that happens, and he explained Council Memos #830-08 and #831-08.

COUNCILMAN SHETINA asked about private property and whether the City can go on private property without a court order and cut the weeds and put a lien on his property.

The City Manager said yes, a court order is not required, but we are required to go through a notice process and the Neighborhood Services division is well trained in this. He said quite a few of the notices are complied with, but those that aren't, once the grass or weeds hit 8 inches, then we're authorized, after notice, to go on the property, cut the weeds and then lien the property if they fail to pay the bill within the time period we specify.

COUNCILMAN SHETINA asked what is the typical time frame for the notices.

Director of Neighborhood Services Alfredo Melesio said we usually provide about a 5 day, 10 day notice to cut weeds. He said we have to wait until it's 8 inches, and by the time they get the letter it's a lot higher than that. He said we also have been doing follow up phone calls and different things like that to try and get the property owner to act more quickly.

COUNCILMAN SHETINA said so within a 10 day period, if the City felt it was a bad enough situation, you could go on the property and cut the grass.

Mr. Melesio said yes, we have a weed list that goes out every week.

COUNCILMAN SHETINA said I'm not talking about vacant lots, I'm talking about private property.

Mr. Melesio said even for that. He said we are very careful when it's a person's home and they live there. He said if it's rental property we're a little more aggressive because if it's a property owner that lives who knows where and they need to come down with a mower on Saturday and do it, we give them proper notice and then we go on the property and cut. He said but you can understand how difficult it is if I was out Saturday mowing your lawn, you might come out and give me the business, so we try to be very careful about those kinds of things and make sure that we're doing everything properly because we know how sensitive that is.

COUNCILMAN SHETINA said if the owner resists, do you bring police out to enforce it.

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Mr. Melesio said we do call the police for assistance if we have to.

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

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

CITIZENS TO BE HEARD:

COUNCILMAN BROPHY moved that Denice Bausano be allowed to address the Mayor and Council at this time regarding issues in her neighborhood.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

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

NAYS: NONE.

Ms. Denice Bausano of 2311 Francine in Marycrest Subdivision said they have had it with their neighbors in their backyard, Ms. Camille's on Jefferson Street. She said it is unsafe for her children. She said there was a shooting two weeks ago and a gun was found in one of the neighbor's yards where her children play. She said their bedrooms are in the back of their house. She said they as neighbors are trying to fight to close them down because it is unsafe. She said the noise is from Wednesday night to Sunday night. She said their kids have to sleep with the TV on at night to drown out the music and they can't sleep with their windows open because of the noise. She said she has lived at this address for 42 years and prior to this they never had any problems. She said there was never any problems with Secret's or Red Lobster. She said they call the police and have fought with the police to sign complaints and some of the officers refuse to do it. She asked what the Council can do to help them stop this.

COUNCILWOMAN QUILLMAN said this seems to be affecting your quality of life and your neighbors. She asked Chief Hayes if he knows off hand the calls for service for Ms. Camille's.

The Police Chief said he doesn't know it off hand but he does know that it is quite a bit.

Ms. Bausano said she and her neighbors call three or four times a weekend. She said they leave their doors open and the music comes out. She said they are disturbing her peace.

COUNCILMAN GIARRANTE asked the City Manager what can we do to stop this.

The City Manager said we need to have Chief Hayes address this issue with his officers who respond. He said we want to make sure that we respect the rights of the businesses that are on Jefferson Street and other locations in the City but

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not when it's at the expense of the neighbors. He said this is a classic case where single-family homes bump right up against commercial and these will occur and we need to be able to respond to it. He said he would ask Chief Hayes to work with his staff to address it.

COUNCILMAN GIARRANTE asked what kind of fencing is there to separate them.

Ms. Bausano said there is a privacy fence that gets knocked down, a stockade fence. She said there are bottles all over the easement.

COUNCILMAN BROPHY said besides our enforcement efforts for what it's worth whether by recommendation if not Resolution, he would propose to the Mayor that he would support her in any and all restrictions, enforcements, and limitations to that liquor license that you may deem reasonable and proper, whether it be reducing hours, reducing late hours and reducing weekend hours if not revocation of the license completely. He said he will support you in that action but of course with your review and proper process of course.

MAYOR SCHULTZ said we just had a hearing and we closed them for seven days. He said that's the most we can do. He said we had the hearing, we are looking it over and then we're going to make a decision on her place. He said we also have another place on Jefferson Street where we already had the hearing and we had them closed for seven days and he's open one night and he was caught after hours and we have to have another hearing on him. He said as you know working with the Liquor Commissioner there is only a certain amount we can do.

The City Manager said he thinks the Mayor's point is that the Mayor has seven day authority, you can shut places down up to seven days in the case of an emergency and he believes he exercised his discretion with Ms. Camille's, but there is revocation authority after a hearing and he believes that's what the Mayor is in the process of reviewing now.

COUNCILMAN BROPHY asked if that hearing is public, can we attend or can neighbors attend.

The City Manager said he believes it is public.

COUNCILMAN GIARRANTE said he thinks she made her point very well and we have to look into what we can do to correct the problem.

MAYOR SCHULTZ said one other thing is those folks have to realize that the owner can appeal that to the Illinois State Liquor Commission and they could leave the place open.

The City Manager said if the Mayor enters an order revoking a liquor license and that establishment files an appeal with the Illinois Liquor Control Commission, by rules of the State of Illinois the facility can remain open while that appeal is pending. He said that usually means it could be a six or eight month process. He said it doesn't happen quickly unfortunately so we still have that issue to deal with. He said we have been through a few revocation proceedings going back to the 1980's and it's something that in the right circumstance we need to pursue it. He said he doesn't know if this is a revocation case or not, we'll find out when the evidence is presented and if it is the Mayor will do what he needs to do and we'll

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try to enforce his order the best we can.

MAYOR AND COUNCIL COMMENTS:

COUNCILWOMAN QUILLMAN said it was brought to her attention when we were talking about Public Safety that we recommended to the Council about the amendment to the dog ordinance but we didn't vote on it, so she would so make a motion to approve the amendment to the dog ordinance that you don't leave your dogs in a hot car or a cold car.

COUNCILMAN BROPHY asked if we have seen the ordinance.

COUNCILMAN GIARRANTE said everyone got a copy about a week or so ago.

1. AN ORDINANCE Amending the Code of Ordinances
Pertaining to the Humane Treatment of Animals

COUNCILWOMAN QUILLMAN moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16161)

COUNCILMAN TURK said lately its been in the press that the City has been getting bashed about the longevity of Fire Chiefs. He said four or five years ago when we needed a Fire Chief, Chief Bill O'Hara made it no secret that his intention was to retire and he thinks the City not only asked but had a very persuasive argument to ask Chief O'Hara to stay and he chose Chief Larry Mores as his Deputy and we all knew it was his intention that he would retire. He said both gentleman stabilized the department and moved it forward and both were excellent Chiefs and now we have an opportunity again to move the department forward again with Chief Formhals. He said it was no surprise to any of us that Chief O'Hara and Chief Mores did not serve a long time as Chiefs.

COUNCILMAN TURK then thanked former City Manager John Mezera, City Manager Tom Thanas, Corporation Counsel Jeff Plyman and Neighborhood Services Director Alfredo Melesio and all of the other people who worked so hard on the Silver Cross plan to persuade the Board in Springfield to get them to stay here in the City of Joliet. He said unfortunately it wasn't the outcome that we wanted it to be but they've made their decision. He said he also wanted to commend COUNCILMAN SHETINA who has been here a long time and was very active in keeping this issue on the front burner and not letting people forget about it and he thinks we've all been approached by a lot of people who had the same sentiments as the majority of the City Council. He said he wanted to thank COUNCILMAN SHETINA for all of his efforts, he was very passionate about it and unfortunately the State ruled against us this afternoon but we'll see what the future holds.

COUNCILMAN SHETINA said he would have comments at a later time.

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COUNCILWOMAN QUILLMAN said 11 year-old Molly Basovich who was a student at Eisenhower Academy is one of three finalists out of 30 people who tried out for the Chicago Rush Football Team to sing the National Anthem at one of their quarterfinals. She asked people to give her a vote and go on-line to www.chicagorush.com and vote for Molly and listen to her sing. She said it is amazing when you hear her sing.

COUNCILWOMAN BARBER said she was very disturbed about the outcome of the Silver Cross Hospital situation. She said it was in her District and she worked very hard to do what she could do to keep it in her District.

COUNCILMAN BROPHY asked staff for an estimate for a set of pillars at Glenwood Manor. He said the association got together and they have ten entrances and they've decided where they would like to start and they have a contact person and he would like Public Works to help him put those two people together.

The Director of Public Works said it would be Russ Lubash and they are actually about \$40,000 a pair.

COUNCILMAN BROPHY then asked if he could get a report on the house at Brentwood and Black Roads. He asked what inspections our staff have made as he has progressed through the rehabilitation of that house. He said in his opinion after seeing it in the condition it was in, it was really a demolition case, the highest and best use of that land was vacant. He said he was afraid that someone would not do it right. He said would like our staff to report specifically that they have seen the repairs and that the remedies were proper and life safety issues are taken care of.

COUNCILMAN GIARRANTE said he received a thank you note from the Commander of the Abraham Lincoln National Cemetery thanking us for our \$1,500.00 donation that went towards their uniforms for the Honor Guard.

COUNCILMAN GIARRANTE said he received a call from a resident at 909 Draper who has had some electrical wires down and he has been calling ComEd and they won't send anybody out there and he is concerned about the safety of the children in the neighborhood. He asked if we could get somebody out there and get a hold of ComEd and see if there is a safety issue out there.

The City Manager said we should have somebody go out there tonight and take a look at it and he would ask Chief Hayes to have a squad go out there and if there is a safety issue we'll address it right away, otherwise we'll call ComEd in the morning.

COUNCILMAN GIARRANTE said lastly he has a question about rear yard drains and sump pump drains. He asked when the sump pump runs out to the storm sewer, do the developers connect it in or do they just come up next to the storm sewer.

The Director of Public Works said they connect them in more times than not. He said in our newer subdivisions we have a catch basin at every other lot corner so we are set up so every individual house has an opportunity to discharge their sump in their backyard next to the inlet or they can tie it in, either way.

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COUNCILMAN GIARRANTE said we have no conditions for the developer to do that.

The Director of Public Works said actually we started pushing to tie them in and we had some resistance in Kendall County. He said there's another issue going on there, they're trying to pursue the City to require infiltration so we did not require them in Kendall County to tie them in directly.

COUNCILMAN GIARRANTE said the problems he's seeing is the sump pumps are coming up next to the storm sewer and you end up with a swamp around the storm sewer drain.

The Director of Public Works said we have been pushing the developers to tie them in even though we don't officially require them to tie them in, like he said in Kendall County they had a lot of resistance with our Comprehensive Plan and not doing that so we've been kind of pushy but we have to tread a little lightly on that issue.

COUNCILMAN TURK apologized that he left COUNCILWOMAN BARBER out of his comments, but COUNCILWOMAN BARBER'S District encompasses Silver Cross Hospital and he knows she travelled over the District and all over the City and went as far as Chicago to try and champion the cause and unfortunately it fell on deaf ears and he commends her and everybody else here who did what they could.

MAYOR SCHULTZ was surprised by his family and friends to celebrate his 75th birthday.

ADJOURNMENT

The meeting adjourned at 8:05 p.m.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk

Recorded on Tape