

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 17th day of July, A.D. 2007***

REGULAR MEETING of the Council of the City of Joliet, Illinois held on Tuesday, July 17, 2007 at 6:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

An Invocation was delivered by Father Raymond Lescher, Sacred Heart Church, 337 S. Ottawa Street, Joliet, Illinois.

Father Lescher 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, COUNCILMAN AT LARGE THOMAS C. GIARRANTE, COUNCILWOMAN AT LARGE JAN QUILLMAN, DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA, COUNCILMAN AT LARGE MICHAEL F. TURK and DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

ABSENT: DISTRICT 5 COUNCILMAN WARREN C. DORRIS.

ALSO PRESENT: DEPUTY CITY MANAGER JAMES P. SHAPARD and CORPORATION COUNSEL JEFFREY S. PLYMAN.

APPROVAL OF MINUTES

COUNCILMAN SHETINA moved that the minutes of the Regular Meeting of the Council of the City of Joliet, Illinois held on Monday, July 2, 2007 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, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, UREMOVIC and MAYOR SCHULTZ.

NAYS: NONE.

COUNCIL COMMITTEE REPORTS

A. Finance

COUNCILMAN UREMOVIC reported the Finance Committee met and reviewed the usual items on the agenda including approval of the minutes of the previous meeting held on June 18, 2007. He said the Committee also discussed a funding request reconfirming the action of the previous meeting for \$5,000 for the Accessible Cities Alliance and no further action is necessary.

COUNCILMAN UREMOVIC said the Committee also discussed a funding request in the amount of \$2,439.00 for the Southwest Coalition for Substance Abuse Issues – Will County Rally Round Recovery event.

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COUNCILMAN BROPHY moved that a donation of \$2,439.00 be made to the Southwest Coalition for Substance Abuse Issues – Will County Rally Round Recovery event from the General Corporate Contingency Fund.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

COUNCILMAN UREMOVIC said the Committee also reviewed and discussed the status of the Far West Side Annexation of Neumann Homes property, and staff gave an updated report of where they are at with the developer. He said there is no change in the status at this time.

COUNCILMAN UREMOVIC said there was a review on the Public Road Access Development at the Northeast Quadrant of I-80 and I-55 and an update by the Director of Public Works. He said no financial information was given at this time although they are looking for that at the next meeting or sooner.

COUNCILMAN UREMOVIC said the Director of Risk Management and the Human Resources Director reviewed the Property and Casualty Coverage with the Committee. He said there is considerable savings in our casualty coverages due to the bidding process.

COUNCILMAN UREMOVIC said there was also review and discussion of the Neighborhood Improvement Program for the month of June and the cash flow report. He said in looking at the cash flow report, it was also brought up that we are going to call for a mid-term budget review in the next two weeks. He said when we go over the Treasurer's Disbursements report and approve that we'll have all the 6 months numbers in place until the end of June. He said this meeting is important because the budget has made a critical turn. He said at this time more gaming revenue is being used for operations than for capital expenditures so we have to look at this very closely. He said expenses are still increasing at a significant rate where revenues have slowed down significantly, so it is a good time to review and address this as soon as possible.

COUNCILMAN UREMOVIC said there was also a discussion of the Personnel Summary, the June Conference, Travel and Seminar Expense Report and a review of the Treasurer's Disbursements and Regular Claims.

**B. Public Safety**

COUNCILMAN GIARRANTE stated the Public Safety Committee met on July 11<sup>th</sup> and discussed the purchase of a new fire engine and the Fire Chief explained that they want the new engine to be an E-One because all the spare parts that we have are for an E-One and they have had good luck with them. He said there is money in the budget for this and also two ambulances are budgeted for, and we need a third ambulance due to an accident that was not our fault. He said hopefully the third ambulance will be covered by insurance and if not, we will have to come up with the cost.

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COUNCILMAN GIARRANTE said they also discussed the truck engine concept as opposed to the quint concept. He said the Fire Chief gave some background on the events that led to the truck engine purchase and said in October 2006 the Fire Chief came to the Committee with a request to purchase a new quint to replace the quint at Station No. 8 and at that time there was a discussion whether that would be done or not. He said multiple meetings have been held since then between Fire Department management, the Public Safety Committee, chief officers of the department and both bargaining units. He said during the nine months of discussion four plans were considered and all parties have agreed on one option the following: In April 2008 eight firefighters would be hired to implement the plan; in July 2008 training would be completed, the engine would be delivered, three lieutenants and apparatus operators would be promoted and there would be building modifications for Stations No. 6 and No. 9 (funds are appropriated); in August 2008 EMT-B training would begin for the eight new firefighters; in April 2009 paramedic school would begin for the eight new firefighters; and in 2011 projected Station No. 11 would be needed with a fourth ladder truck, which would be susceptible to change. He said there was total agreement that the quint concept does not work and everyone on board wants to go back to the truck engines. He said staff is going to look at the money and one of the options would be a 1% increase in the telecommunications tax; right now the City charges 1% below the maximum. He said the Finance Director is looking further for a revenue source and would report back to the Committee.

C. 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. He said the City Manager was in attendance to discuss the award of a professional services contract for the proposed interchange at I-55 and Rt. 59 which is a major hurdle for the development at I-55 and I-80. He said that was approved and is on the agenda for approval this evening.

COUNCILMAN GIARRANTE said some questions have arose and he asked if this is a new award or is this a continuation of the old award. He said he thought they had hired Teng and Associates to do a study and they are being taken out of their contract and these people are going to take over for less money.

COUNCILMAN TURK said that is correct.

There were no other Committee reports.

MAYOR SCHULTZ then asked if Director of Neighborhood Services Bob Listner was in attendance and the Deputy City Manager said he was ill.

The Deputy City Manager said he would like to say a few things to acknowledge Mr. Listner's retirement. He said Mr. Listner has been Director of Neighborhood Services since February 8, 1988 and will retire on July 27, 2007. He said Neighborhood Services is one of the more challenging divisions in the City of Joliet organization and also a division that has made a dramatic difference in the quality of life for our citizens. He thanked Bob for his service to the people of the City of Joliet and congratulated him on his retirement.

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MAYOR SCHULTZ then moved up the Proclamation at this time.

- A. Proclamation re: "Recognizing Provena Saint Joseph Medical Center's 125<sup>th</sup> Anniversary

COUNCILWOMAN QUILLMAN read a Proclamation issued by MAYOR SCHULTZ recognizing Provena Saint Joseph Medical Center's 125<sup>th</sup> Anniversary and congratulating them on their contributions and achievements that have benefited the communities they have served for the past 125 years.

Mr. Jeff Brickman, President and CEO of Saint Joseph Medical Center, thanked the Mayor and City Council on behalf of their Board, medical staff and over 2,700 employees who have really worked hard over these 125 years to bring the very best of health care and the spirit of their mission and their founding congregation, the Franciscan Sisters of the Sacred Heart. He said he speaks for all of them in thanking you for this gracious recognition tonight.

CONSENT AGENDA

- A. Treasurer's Report – May, 2007

A communication from the City Manager contained his recommendation that the report be received and placed on file.

- B. Approve 2007 Neighborhood Improvement Program Modification No. 8 – Modification to the 2007 Districts 1 and 5 Neighborhood Improvement Programs  
(Council Memo #759-07)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve modifications to the District 1 NIP by adding the following projects: 6108-6114 Carmel Drive Rear Yard Drain in the amount of \$26,500.00; 3822 Brenton Rear Yard Drain in the amount of \$16,260.00; 2232 Stonehaven Drive in the amount of \$20,809.00; School Zone Flashers for Grand Prairie School in the amount of \$19,000.00; and Cumberland Subdivision Caton Farm Road fence gates in the amount of \$3,500.00; and 2) Approve modifications to the District 5 NIP by adding the City of Joliet's portion of the Noel Road (Illinois 52-Bush Road) Resurfacing Project in the amount of \$5,208.00.

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

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to his vote, COUNCILMAN BROPHY said regarding the back yard drains that are being added in fairly new subdivisions, he asked for some commentary about how in our development guidelines something could be done so these drains aren't needed. He said especially with the science we have now in the last few years of development, these things shouldn't be burdening us as much

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as they are, drainage should be done right on the part of the developer so that 2, 3 or 5 years into a neighborhood we're not going in and spending this kind of money to fix their problems. He said he has argued for larger lot sizes because of things like this and he asked the Director of Public Utilities and Director of Public Works if they have any comments because he'd like to hear them. He said this kind of money in fairly new neighborhoods is disappointing so recommendations are certainly welcome, and he voted aye.

**PUBLIC HEARINGS**

**A. Public Hearing re: Annexation of 142.5 Acres Located at the Southeast Corner of Chicago and McKanna Roads**

1. Resolution re: Approving the Annexation Agreement for 142.5 Acres Located at the Southeast Corner of Chicago and McKanna Roads (#A-49-06/Dist. #3)  
(Council Memo #762-07)
2. Ordinance re: Approving the Annexation of 142.5 Acres Located at the Southeast Corner of Chicago and McKanna Roads (#A-49-06/Dist. #3)  
(Council Memo #762-07)
3. Ordinance re: Approving the Classification of 142.5 Acres Located at the Southeast Corner of Chicago and McKanna Roads to R-1B Zoning (#A-49-06/Dist. #3)  
(Council Memo #762-07)

A communication from the City Manager contained a request by the petitioner that these items be tabled to the City Council meeting to be held on August 7, 2007 to allow additional time to finalize details regarding the annexation agreement.

**B. Public Hearing re: Annexation of 1504 Sterling Avenue**

1. Resolution re: Approving the Annexation Agreement for 1504 Sterling Avenue (#A-5-07/Dist. #4)  
(Council Memo #763-07)
2. Ordinance re: Approving the Annexation of 1504 Sterling Avenue (#A-5-07/Dist. #4)  
(Council Memo #763-07)
3. Ordinance re: Approving the Classification of 1504 Sterling Avenue to R-2 Zoning (#A-5-07/Dist. #4)  
(Council Memo #763-07)

A communication from the City Manager contained a request by the petitioner that these items be tabled to the City Council meeting to be held on September 18, 2007 to allow her additional time to accumulate the financial resources to connect to City water and sewer.

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C. Public Hearing re: Amendment to the Annexation Agreement for Laraway Crossings Business Park

1. Resolution re: Approving an Amendment to the Annexation Agreement for Laraway Crossings Business Park (#A-6-07/Dist. #5)  
(Council Memo #764-07)
2. Ordinance re: Approving the Revised Preliminary Plat of Laraway Crossings Business Park Subdivision (#P-3-07/Dist. #5)  
(Council Memo #764-07)
3. Ordinance re: Approving the Preliminary and Final PUD for IKEA Distribution Center in Laraway Crossings Business Park Subdivision (#PUD-2-07/Dist. #5)  
(Council Memo #764-07)
4. Ordinance re: Approving the Final Plat of Laraway Crossings Business Park, Unit 13, Subdivision (#FP-4-07/Dist. #5)  
(Council Memo #764-07)
5. Ordinance re: Approving the Vacation of Public Utility Easements and Grant of Public Utility Easements in Laraway Crossings Business Park (#V-5-07/Dist. #5)  
(Council Memo #764-07)
6. Ordinance re: Approving a Plat of Dedication for Emerald Drive and Cashel Road in Laraway Crossings Business Park Subdivision (#PD-1-07/Dist. #5)  
(Council Memo #764-07)
7. Ordinance re: Approving the Recording Plat of Laraway Crossings Business Park, Unit 13, Subdivision (#RP-9-07/Dist. #5)  
(Council Memo #764-07)

A communication from the City Manager contained a request by the petitioner that these items be tabled to the City Council meeting to be held on August 7, 2007 to allow additional time for the review of the annexation agreement amendment and resolution of public improvements related to Laraway Road.

COUNCILMAN BROPHY moved that said items be tabled to the Council meeting dates as requested.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

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

NAYS: NONE.

D. Public Hearing re: Amendment to the Annexation Agreement for the Southwest Corner of Drauden and Caton Farm Road and the Annexation of 1.421 Acres at 17552 Drauden Road

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1. A RESOLUTION Approving an Amendment to the Annexation Agreement for the Southwest Corner of Drauden and Caton Farm Road as recommended by the Plan Commission was presented and read. (#A-52-06/Dist. #1)  
(Council Memo #765-07)  
(RESOLUTION NO. 5940)
2. A RESOLUTION Approving the Annexation Agreement of 1.421 Acres at 17552 Drauden Road as recommended by the Plan Commission was presented and read. (#A-10-07/Dist. #1)  
(Council Memo #765-07)  
(RESOLUTION NO. 5941)
3. AN ORDINANCE Approving the Annexation of 1.421 Acres at 17552 Drauden Road as recommended by the Plan Commission was presented and read. (#A-10-07/Dist. #1)  
(Council Memo #765-07)  
(ORDINANCE NO. 15895)
4. AN ORDINANCE Approving the Classification of 1.421 Acres at 17552 Drauden Road to B-1 Zoning as recommended by the Plan Commission was presented and read. (#A-10-07/Dist. #1)  
(Council Memo #765-07)  
(ORDINANCE NO. 15896)
5. AN ORDINANCE Approving the Reclassification of 6.10 Acres at the Southwest Corner of Caton Farm and Drauden Road to B-1 Zoning as recommended by the Plan Commission was presented and read. (#Z-6-07/Dist. #1)  
(Council Memo #765-07)  
(ORDINANCE NO. 15897)

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

COUNCILMAN SHETINA asked for an explanation of the addendum.

The Corporation Counsel said there was discussion at yesterday's Pre-Council meeting about a proposed covenant that would be established on the property located at the northwest corner of Caton Farm and Drauden Road which would be directly to the north and across Caton Farm Road from the subject site. He said the purpose of that covenant would be to guarantee to the residential property owners in the area, and especially the Brookside Subdivision, that the northwest corner which is currently slated for development as a church would not be rezoned in the future for commercial purposes. He said the point of the discussion yesterday was whether or not the City would have the right to enforce that covenant, and today we were able to work that issue out and he said he has a draft of the proposed covenant which would give the City the right to enforce the covenant which would prohibit commercial development of the church property.

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COUNCILMAN SHETINA said the Brookside homeowners would have that right also.

The Corporation Counsel said the Brookside Subdivision lot owners each in their own individual right would be able to enforce that covenant as well.

Attorney Mike Hansen, representing the developer, Drauden Road Investment LLC stated as you are all aware this matter has been winding around here for a little more than a year and during that time and especially in the last month they have taken great efforts to work with the church, the homeowners association and the neighboring owners to try and allay any of their fears and address all of their concerns. He said as the staff report indicates they have provided for screening, the necessary fencing and the upscale design of buildings and have worked out the covenant terms with the church and the homeowners association who will also be able to enforce this covenant as well as the residents. He said they have also worked out the berm issues with the property owners.

Reverend Peter Homer, Pastor of St. John's Lutheran Church, stated they are located right across the street from the proposed development and they believe it will be an asset to their community and they want to be good neighbors and in cooperation with the developer, they are going to put up a berm.

Attorney James Arrigo, representing the Brookside Homeowners Association, stated they do have a set of covenants for the church property that is prepared to be signed and it has been modified to include the City's ability to enforce those covenants with respect to the property that the church has at the northwest corner of Drauden and Caton Farm Road. He said he believes that all of the issues between the parties have been adequately addressed in that document.

Ms. Sara Hickman, President of the Brookside Homeowner's Association, stated the association has reviewed the document with their attorney and is in agreement as it stands and is willing to sign and finish this matter.

Mr. Dennis Havilcek, 2408 Monterey Drive, said he is speaking in representation of the people that are opposed to the subdivision taking place. He said he is very concerned with the future traffic situation coming in and out of the mall; it's going to be a problem. He said there is also the problem of light pollution; people don't want their property all lit up. He said stores are going to be lit up between 6 a.m. and 11:00 p.m. and you've got a problem. He said the people in Brookside, the people in Fon Du Lac and the people in Caton Ridge are all going to be impacted by this. He said people are also concerned with the extra trash in the neighborhood. He said it will also be in very close proximity to their lakes and he doesn't think people want to see garbage floating in them. He said he's been circulating a petition and has over 100 names that are in opposition of having a commercial property in their neighborhood. He said he spoke with a woman and the only reason she would entertain the possibility of being in favor of this was because of the blight on the corner with the half torn town buildings that kids are starting to play in that is dangerous. He said the weeds are obnoxious and he doesn't know when the last time they cut them. He said they were told that the buildings would not be torn down unless GNS got the approval to build their mall and people are afraid they are going to have to live with this.

COUNCILWOMAN QUILLMAN asked who told him that the buildings would not be tore down unless this development went up.

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Mr. Havilcek said the person that lives right behind the development.

COUNCILWOMAN QUILLMAN said no one from the City told you that.

Mr. Havilcek said no. He said he's not saying the City is at fault, he believes they would enforce the ordinances but he thinks this is one of the tactics that is supposed to win people over.

Mr. Phil Vacco of 2510 Monterey Drive said he was recently made a member of the Homeowner's Association and he also wants to on behalf of his wife who could not be here express that she is not in favor of the development because of many of the issues that Mr. Havilcek just raised regarding traffic, light pollution, etc. He said from day one his major concern has been its impact on the northwest corner which is the church's property. He said GNS has been working with us and the church in order to get some covenants that have some teeth to them and as homeowners we can enforce them. He said they have committed themselves obviously for their own benefit but they have spent some money and time in order to see that those interests are addressed. He said he wanted to remind the Council that if they do decide to pass this it is not the end of the discussion. He said there may be other issues that come up over signage which will impact the lighting and there may be issues over where parking lots will eventually be located. He said he would hope that the City Council would work with their subdivision to ensure that the residential nature that has been there remains intact as much as possible. He said when they bought their homes in Brookside it was clear that all four of these corners were scheduled to be residentially developed and as things occur that's not going to necessarily remain static and he understands that things do change, but please keep our interests in mind so we are protected.

Mr. Ron Vandyke of 2507 Monterey Drive said all the residents are not opposed to this development. He said he thinks that GNS Development has addressed as well as they can all of the issues that people have had, and he thinks it's a very positive thing for their subdivision and for the City and they are excited for the City to support it.

Attorney Mike Hansen said he wanted to echo what Mr. Vacco said and we still have to come before the Council with respect to our plans, etc. later on. He said he believes that you have heard that we have fully addressed all the concerns, issues and situations and you have his word, promise and commitment that we are going to make good on what we are promising to deliver. He said he believes it's a development that the City and the residents will be proud of.

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

COUNCILMAN UREMOVIC moved that said Resolutions and Ordinances be adopted.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

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Prior to his vote, COUNCILMAN SHETINA said he has led the charge against this many, many times and went to a lot of meetings and remained mute at most of the meetings because we wanted them to have a dialogue. He said he never did like the fact that we were going with a single-family residential; it was not a smart thing. He said we did have some provisions but he couldn't find anything in writing about not doing single-family there, obviously it's not in the City and at this point will become a member of City, but he would like to say that with all of the give and take and meeting after meeting he thinks that GNS Development worked very hard to satisfy the needs of all four of the affected homeowners associations and subdivisions. He congratulated them on their hard work and said he wished everybody worked that way and he is going to vote to support it tonight and after all the things that you did to satisfy the neighbor's needs, he thinks they deserve to go ahead and do your project and he wishes them well with it.

Prior to his vote, COUNCILMAN TURK thanked Mr. Hansen for working with the church and homeowners to work this situation out. He said he gave his word to us and the members that are here and we all know that your word is good and good luck and he voted aye.

Prior to his vote, COUNCILMAN BROPHY said with regard to the entrances and exits, the right in-right out, he still doesn't think those are designed well enough to provide safety unless there is a center curb. He said in this case you are going to have a raised center curb on the Caton Farm Road section, and you are going to have unsafe efforts of drivers to turn west onto Caton Farm out of this. He asked if staff or our engineers can come up with any other design that is working in any other areas. He said he would welcome that change in design because he thinks we have a very unsafe system right now of right-in right-out entrances that we allow and he voted aye on the project.

Prior to his vote, COUNCILMAN GIARRANTE stated he understands that there are a lot of residents against this development and unfortunately we get very few developments or projects that everybody's in favor 100%. He said he was handed a poll and according to this poll although they didn't get all 173 residents, they did get 121, which is almost 70% that agreed to sign this petition and by a margin of 2-1 they support this development. He said if he has been misled he wishes someone would let him know. He said unfortunately there are people against it and he thinks a lot of changes and a lot of give and take went on and he's sure he and this Council will make sure that they live up to everything including the lighting, etc. and he voted aye.

Prior to her vote, COUNCILWOMAN QUILLMAN said she would like to echo those sentiments as well and she is very happy that everybody has been working together. She said every project we do is a give and take and it's much better when the neighbors are included. She said having said that, she knows there are people that don't want it and people that do want it and we're always going to have that no matter what, but in this case the majority of the people are in favor of it and we will as COUNCILMAN GIARRANTE said work with the neighbors as far as lighting and enforcing those covenants and she voted aye.

MAYOR SCHULTZ said he would like to thank everybody for working together and said he is not going to say much more about it because we've been talking about it for about a year and he said he supports it and it is going to work.

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E. Public Hearing re: Amendment to the Annexation Agreement for Vacant Property East of Route 53 and North of Breen Road

1. A RESOLUTION Approving an Amendment to the Annexation Agreement for the Vacant Property East of Route 53 and North of Breen Road was presented and read. (PIN #10-11-03-300-001/Dist. #5)  
(Council Memo #766-07)  
(RESOLUTION NO. 5942)
2. A RESOLUTION Approving an Amendment to the Annexation Agreement for the Vacant Property East of Route 53 and North of Breen Road was presented and read. (PIN #10-11-10-100-005/Dist. #5)  
(Council Memo #766-07)  
(RESOLUTION NO. 5943)
3. A RESOLUTION Approving an Amendment to the Annexation Agreement for the Vacant Property East of Route 53 and North of Breen Road was presented and read. (PIN #10-11-03-300-006/Dist. #5)  
(Council Memo #766-07)  
(RESOLUTION NO. 5944)
4. A RESOLUTION Approving an Amendment to the Annexation Agreement for the Vacant Property East of Route 53 and North of Breen Road was presented and read. (PIN #10-11-10-100-007/Dist. #5)  
(Council Memo #766-07)  
(RESOLUTION NO. 5945)
5. AN ORDINANCE Approving the Reclassification of 101.32 Acres at Route 53 and Millsdale Road from R-4 and R-1B to I-1 Zoning was presented and read. (#Z-7-07/Dist. #5)  
(Council Memo #766-07)  
(ORDINANCE NO. 15898)
6. AN ORDINANCE Approving the Reclassification of 39.33 Acres at Route 53 and Millsdale Road from R-4 to I-1 Zoning was presented and read. (#Z-8-07/Dist. #5)  
(Council Memo #766-07)  
(ORDINANCE NO. 15899)
7. AN ORDINANCE Approving the Reclassification of 70.90 Acres at Route 53 and Breen Road from R-4 and R-1B to I-1 Zoning was presented and read. (#Z-9-07/Dist. #5)  
(Council Memo #766-07)  
(ORDINANCE NO. 15900)

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

Attorney Mike Martin stated he has worked on this project a long time before filing it and has made an extra effort to talk with all the neighbors who would be impacted and sent notice to all the governmental entities. He said the rezoning

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of these properties from residential to industrial for the approximately 280 acres will add significantly to the City's tax base, bring jobs to the community and obviously help out the school districts. He urged the Council's support on this project.

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

COUNCILMAN TURK moved that said Resolutions and Ordinances be adopted.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

F. Public Hearing re: Amendment to the Annexation Agreement for Millennium Square Subdivision Located at the Northwest Corner of Kellogg Street and Plainfield Road

1. A RESOLUTION Approving an Amendment to the Annexation Agreement for Millennium Square Subdivision Located at the Northwest Corner of Kellogg Street and Plainfield Road was presented and read. There was a tie vote at the Plan Commission resulting in a non-recommendation. (#A-12-07/ Dist. #1)

(Council Memo #767-07)

(RESOLUTION NO. 5946)

2. AN ORDINANCE Approving a Special Use Permit to Allow an Auto Service Facility Located at the Northwest Corner of Kellogg Street and Illinois Route 30 as recommended by the Zoning Board of Appeals subject to the 11 conditions listed in the Council Memo was presented and read. (#2007-42/Dist. #1)

(Council Memo #767-07)

(ORDINANCE NO. 15901)

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

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

COUNCILMAN GIARRANTE moved that said Resolution and Ordinance be adopted.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: COUNCILWOMAN QUILLMAN.

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Prior to her vote, COUNCILWOMAN QUILLMAN stated she was going through some minutes and notes of these meetings and at the Plan Commission meeting on June 21<sup>st</sup> Commissioner Kella had asked Mr. Brenzewski if they had met again with the neighbors to discuss the new development of the tire store going in. She said from her minutes they said they had not met with the neighbors and she said that the Director of Community and Economic Development said it wasn't specifically noted to the neighbors and that he was going to check on this for her and she asked him for his results.

The Director of Community and Economic Development said when they filed for the amendment to the annexation agreement we sent notice out to 98 property owners within 300 ft. and that notice was non-specific - it just said that the Plan Commission has been asked to consider a change to the annexation agreement and that it would be discussed at the Plan Commission meeting in May. He said they did not have a quorum so it was tabled until the June meeting when action was taken. He said most of the neighbors did not know exactly what was being proposed by the notice that we sent out. He said staff did receive some phone calls from people who asked what was going on. He said he personally got a phone call from one of the property owners to the north and he told them what was going on but it was not specific and unless they came to the meeting they would not know it was going to be changed.

COUNCILWOMAN QUILLMAN said basically the neighbors do not know that a tire store could be going in there and she asked if that is correct.

The Director of Community and Economic Development said some of them might not know but like he said before the father of the outspoken critic to the first go round came to the Zoning Board of Appeals meeting so he did know what the discussion was about. He said he believed he did know about it because his father was there.

COUNCILWOMAN QUILLMAN said that's just one person.

The Director of Community and Economic Development said that's correct and COUNCILWOMAN QUILLMAN asked how many notices were sent out.

The Director of Community and Economic Development said we sent 98 of them out with 5 returned as undeliverable.

COUNCILWOMAN QUILLMAN said she feels that we need to be a good neighbor and we need to make sure all the neighbors are on board with this before we proceed with it. She said she is not necessarily saying this is a bad project but again we need to be good neighbors and she would ask COUNCILMAN GIARRANTE to rescind his motion to approve until we can meet with those folks just like we did with Brookside Subdivision; it was a give and take back and forth.

Prior to his vote, COUNCILMAN GIARRANTE said he thinks a lot of concessions were made and the building was designed to lessen the impact greatly on the neighbors the way the garage doors and entrance and exits are and so forth. He said he will not rescind his motion.

Prior to his vote, COUNCILMAN SHETINA said he has listened to the dialogue for several years with respect to the Kellogg Street and Route 30 project and we certainly have responded and most of the people who were against it ended up

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selling the property they had to the developer. He said he doesn't think a Firestone store is a bad thing in almost any neighborhood and he doesn't think it's going to deflect anybody from the location. He said the Tuffy Muffler has done that on Route 59 and they've got nice projects right next to it and he certainly understands what COUNCILWOMAN QUILLMAN is saying, but there has been a lot of dialogue and there is no one surprised about the development occurring and he understands her concern. He said he agrees with COUNCILMAN GIARRANTE, however, we've got a lot of dialogue there and he thinks we got very little response back after they found out that it was going to be developed.

Prior to his vote, COUNCILMAN UREMOVIC asked if you feel that legally we've met our obligation. He said he agrees with COUNCILWOMAN QUILLMAN that maybe you should have made sure that everybody was notified. He asked if legally did we meet those criteria and is staff comfortable with that. He said she does bring up a tremendous point that we want to make sure we are being good neighbors and that we've met our responsibility.

The Corporation Counsel said in terms of notice what the law requires isn't very much. He said the law requires that the City publish a legal ad regarding the proposed amendment to the annexation agreement and he might add that there was a legal ad that referred to the proposed Special Use Permit for an auto service facility. He said so what the law requires we've met and we've gone way beyond that. He said we've done a mail notice giving the neighbors within 300 ft. notice of these agenda items.

COUNCILMAN UREMOVIC said in principle and in spirit we've done it.

The Corporation Counsel said yes, he believes so. He said plus we put a big sign along Route 30 indicating that there is a proposed land use change for the property. He said the law talks about publication notice, but people see the sign and that's really what generates the calls to the Planning Department. He said your question dealt with have we met the legal requirements and my answer is yes, and then some.

COUNCILMAN UREMOVIC said from the aesthetic standpoint is this going to be acceptable because this is a different use now.

The Corporation Counsel said the annexation agreement did allow for general commercial zoning which usually would allow for an automotive service facility like the proposed facility, but there was a restriction on automotive service facilities which really was not generated from a request by the neighborhood, it was a staff request which the developers at the time agreed to. He said since that time market conditions have brought this project forward. He said he doesn't recall any conversation or requests from the neighbors dealing with this type of proposed use, it was an internal request and staff now has looked at this proposed development, the proposed building quality and architecture and staff has recommended that the annexation agreement be changed. He said as we discussed yesterday he thinks the primary reason for the staff's initial position had to deal with a muffler shop and not with a tire facility. He said muffler shops are inherently noisy because they deal with vehicles that have broken exhaust systems.

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COUNCILMAN UREMOVIC said and again I do agree with COUNCILWOMAN QUILLMAN that there has to be proper notification, and we have met the requirements of the law and I'm comfortable with that, but also we talked earlier about possibly extending that distance when we send out notifications and not just 300 ft. He said he would hope in the future that we could probably go 600 ft. to 900 ft. to make sure the neighborhood definitely supports this and that there isn't some type of a conflict and he voted aye.

Prior to her vote, COUNCILWOMAN BARBER said she agrees with COUNCILMAN UREMOVIC that as long as we have met all the requirements she would vote aye.

COUNCILMAN GIARRANTE said he doesn't mean to speak for staff but he thinks in cases like this where there is an impact on the neighbors, he thinks they go overboard to make sure that they meet with them all and get their input and he thinks they've done that with this and he votes aye.

COUNCILWOMAN QUILLMAN said again she wants to say she is not necessarily opposed to this project but in good conscience she has to make sure that the neighbors are satisfied and in this case she doesn't know if they are or not, so therefore she is going to have to vote no.

G. Public Hearing re: Annexation of 54.9 Acres Located at the Southwest Corner of New Lenox Road and Cherry Hill Road

1. Resolution re: Approving the Annexation Agreement of 54.9 Acres Located at the Southwest Corner of New Lenox Road and Cherry Hill Road (#A-7-07/Dist. #5)  
(Council Memo #768-07)
2. Ordinance re: Approving the Annexation of 54.9 Acres Located at the Southwest Corner of New Lenox Road and Cherry Hill Road (#A-7-07/Dist. #5)  
(Council Memo #768-07)
3. Ordinance re: Approving the Classification of 54.9 Acres Located at the Southwest Corner of New Lenox Road and Cherry Hill Road to I-1 Zoning (#A-7-07/Dist. #5)  
(Council Memo #768-07)

A communication from the City Manager contained a request by the petitioner that these items be tabled to the City Council meeting to be held on August 7, 2007 in order to provide them time to address concerns of the neighboring residential subdivision.

H. Public Hearing re: Annexation of 1404 S. Briggs Street

1. Resolution re: Approving the Annexation Agreement of 1404 S. Briggs Street (#A-8-07/Dist. #5)  
(Council Memo #769-07)
2. Ordinance re: Approving the Annexation of 1404 S. Briggs Street (#A-8-07/Dist. #5)  
(Council Memo #769-07)

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3. Ordinance re: Approving the Classification of 1404 S. Briggs Street to R-2 Zoning (#A-8-07/Dist. #5)  
(Council Memo #769-07)

A communication from the City Manager contained a request by the petitioner that these items be tabled to the City Council meeting to be held on August 7, 2007 to allow additional time for the review of an Annexation Agreement.

COUNCILMAN BROPHY moved that said items be tabled to the August 7, 2007 City Council meeting.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

APPROVAL OF REGULAR CURRENT BILLS

- A. Treasurer's Disbursements – June, 2007 - \$40,590,688.37

A communication from the City Manager contained his recommendation that the report be received and placed on file.

- B. Regular Claims – June, 2007 - \$5,608,087.55

A communication from the City Manager contained his recommendation that the report be received and placed on file.

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

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE. (COUNCILWOMAN QUILLMAN abstained from voting on any items dealing with Silver Cross Hospital)

ORDINANCES AND RESOLUTIONS

A. ORDINANCES

1. AN ORDINANCE Approving a Special Use Permit to Allow the Construction of a Basketball Complex in a Commercial Subdivision known as City's Edge Commercial Park as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: 1) That paved off-street parking for 132 vehicles (plus 5 accessible parking stalls) be installed prior to opening the facility for use by the general public; 2) That parking lot and building lighting is directed down and away from adjoining neighbors; 3) That the appropriate photometrics for security lighting in the

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parking lot and on the building are included; 4) That hours of operation not start before 7:00 a.m. and continue beyond 10:00 p.m. daily; 5) That there be no event parking on streets; 6) That no concerts will be allowed at the facility; 7) That no outdoor events will be allowed at the facility; 8) That the parking lot must be gated and secured after hours; 9) That a Security Management Plan must be submitted to the City prior to opening for operation; 10) That no liquor be allowed at the facility; 11) Should the facility come under new ownership/management, the new ownership/management will be required to reapply for the Special Use Permit; and 12) Should the property become a public nuisance, it shall be subject to rehearing and a possible revocation of the Special Use Permit. (#2007-28/Dist. #3)  
(Council Memo #771-07)

The Deputy City Manager stated COUNCILMAN UREMOVIC had requested a copy of the original plat and that has been provided to the Council.

MAYOR SCHULTZ asked if anyone would like to speak on the proposed Special Use Permit.

Ms. Jean Hansen of 23055 W. Karl Avenue, Channahon stated she is not within 300 ft. of this complex. She said they learned yesterday that the builder of this complex has no experience with such a complex. She said no one is opposed to basketball but 137 cars going in and out of the subdivision from 7 a.m. to 10 p.m. is really imposing on a very quiet neighborhood. She said there has been very little communication with the neighborhood and they are asking that the City table this item until a meeting is held with the community. She said they are opposed to this facility.

COUNCILWOMAN QUILLMAN said she would like to make a motion to table this item because there was a lot of miscommunication on this facility and she would like to work together and be good neighbors and be sure everybody is on board.

COUNCILWOMAN QUILLMAN moved that said item be tabled to the August 7, 2007 City Council meeting.

Motion seconded by COUNCILMAN UREMOVIC.

Motion failed by the following vote:

AYES: COUNCILWOMAN QUILLMAN and COUNCILMAN UREMOVIC.

NAYS: COUNCILMEN GIARRANTE, SHETINA, TURK, COUNCILWOMAN BARBER, COUNCILMAN BROPHY and MAYOR SCHULTZ.

COUNCILMAN BROPHY asked what are we to surmise from the Resolution from the Village of Channahon in support of this. He said the Resolution doesn't urge us to deny the project; it urges us to include these conditions.

Mr. Bill Fleming of 23044 W. McClintock Road, Channahon, stated in conversation with Channahon President Cook today, he told him that the reason he went this direction and did not oppose it is that Channahon and Joliet have a reciprocal intergovernmental border agreement which basically says we don't tell you what to do on your side of the fence and you don't tell us what to do on our side, and he felt that agreement would be in jeopardy if they passed a Resolution opposing the facility and it would affect past and future projects. Mr. Fleming

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said he told President Cook he was disappointed they went that direction.

COUNCILWOMAN QUILLMAN said didn't you also say that the neighbors did not know about that meeting so that you could make your feelings known at that Village Board meeting.

Mr. Fleming said no, he didn't have any idea. He said as Jean Hansen stated, there has been one miscommunication after another in this whole thing. He said the signs that were posted were nowhere near a thru street and of the people that apparently were sent the 300 ft. notification, only one really received it.

COUNCILMAN BROPHY said you talked to President Cook prior to their meeting yet he didn't extend an invitation to any of you to attend the meeting or inform you that the item would be on their agenda.

Mr. Fleming said no, perhaps it was an oversight.

COUNCILMAN GIARRANTE said on the reciprocal have there been instances that the County was going to do something and it wasn't in the City and we notified them of our opposition.

The Corporation Counsel said yes, we have done that several times.

COUNCILMAN GIARRANTE said so it is possible and there is nothing in the agreement that stops an adjoining city from opposing something that city is going to do because we have done it many times.

The Corporation Counsel said his statement doesn't go to Mr. Cook's explanation but yes.

Mr. Fleming said that's a general agreement and it's not specific for each community.

The Corporation Counsel said the City of Joliet for many years has had a boundary agreement with the Village of Channahon where for annexation purposes we have agreed on a boundary line and that boundary line has two sides. He said on the Joliet side Joliet annexes and zones and on the Channahon side Channahon will annex and zone. He said nothing in the agreement prohibits a board from discussing what occurs on the other side. He said legally Channahon can't stop what Joliet does on its side but nothing prohibits the board from discussing it.

COUNCILMAN GIARRANTE said and also opposing it.

The Corporation Counsel said they can adopt a Resolution opposing it but that's the extent of it.

COUNCILMAN GIARRANTE said exactly, that's his point. He said we've done it and they could have too.

Mr. Fleming said he wanted to clarify that yesterday he said given certain restrictions he would be in favor of this, but as he went home he thought about that and even with significant restrictions after hearing the developers explanation about how it came to be adjacent to our community, there are some things there that he doesn't think are in their best interest even beyond what he

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said yesterday. He said they weren't too crazy about the target market of 18 – 35 year old males before, but the fact that they're not concentrating on educating youth and there's not going to be tournaments for youth and they're concentrating on a bunch of guys coming out and playing ball makes it less palatable to them. He said also their lack of experience is a concern.

MAYOR SCHULTZ asked the Corporation Counsel if Mr. Bill Leach of Premier Hoops understands all the changes.

The Corporation Counsel said yes he does, they have been discussed by staff with him and he indicated yesterday he accepts them all.

MAYOR SCHULTZ asked Mr. Leach if he had any problems with that.

Mr. Bill Leach said he has tried to meet every single request that has been given to us to try to make this place as community friendly as possible.

MAYOR SCHULTZ said he doesn't like the word "try".

Mr. Leach said they "will". He said he does not feel like he has been given an opportunity to explain exactly what it is they're trying to do. He said he believes the residents of Channahon who are here trying to defend their property have a lot of misinformation about what we're trying to do. He said he would welcome an opportunity to sit down with these people to discuss what we're trying to do but as he stated yesterday they would just like a chance.

COUNCILMAN TURK asked if all of the activities would be indoors and if there will be any outside courts at all.

Mr. Leach said there will be no outside courts or outside activities.

COUNCILMAN GIARRANTE said there has been enough attention brought to this by both sides. He said this Council has concerns and the residents have concerns. He said we will stay on top of this and we are taking you for your word that there is not going to be any problems out there, and if there is then you are going to hear from the City of Joliet.

COUNCILMAN BROPHY moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: COUNCILWOMAN QUILLMAN and COUNCILMAN UREMOVIC.

Prior to her vote, COUNCILWOMAN QUILLMAN stated again she is not saying this is a bad project, she thinks it's a great project but the neighbors haven't been satisfied so therefore I have to vote no.

Prior to his vote, COUNCILMAN SHETINA said our job here as judge and jury on these things is very difficult at times, but he has looked at the City of Joliet's track record and he thinks we represent the City of Joliet first and foremost, but with that in mind we have always have had the concern for the people that surround this as COUNCILWOMAN QUILLMAN does. He said he's going back to the

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1970's when the Charlie Club went in on Black Road and Murphy Acres and Rooney Heights and Glenwood Manor and Fairlane Drive all were up in arms about the Charlie Club and all the people it would bring and the traffic. He said they even asked for a liquor license which we refused. He said the Charlie Club brought no adverse effect to those neighbors or that neighborhood in any way, shape or form. He said they finally got a liquor license after a while when they set up a buffet and then they dropped it because it didn't work out for them. He said in addition to that he looks at the Powerhouse Gym on Hennepin Drive with the Lake Forest Subdivision and the subdivision around Hennepin Drive that has numerous homes in there. He said the traffic generated from the Powerhouse Gym is going to overwhelm that traffic by leaps and bounds, but he does hope Mr. Leach does well. He said if today we were going to be voting on the YMCA on Houbolt Road we probably wouldn't have put it in because of College Park with the concerns about traffic and the kids going into the YMCA. He said the City of Joliet has made every attempt and was not unaware of the neighbors' concerns. He said he did talk to Mayor Cook today and the Mayor of Rockdale because somebody from your subdivision called him and asked him to call me on his behalf. He said he thinks the City has always taken the position that particularly with a Special Use classification which we have here, if the property doesn't run right and doesn't run according to the rules we've set for it, then we will possibly revoke it. He said speaking for himself if in fact the property becomes a nuisance, he is in the book and you can call him anytime, he doesn't refuse a call and an accommodation. He said he doesn't think Mayor Cook had any ill intent when he did what he did; he thinks he was in earnest about how he did it. He doesn't think he succumbed to Joliet. He said we have a mile and a half boundary agreement and they can file a complaint and say they don't like it the same as we can do if they do something. He said maybe he felt the strength of Joliet was overwhelming for him but that's never stopped any other city. He said Mayor Cook has had a good relationship with the Mayor and the City of Joliet. He said if we have a problem with this and it doesn't work out he is in the book, but he hopes it does work out great for him and he voted aye.

Prior to his vote, COUNCILMAN TURK said it's pretty hard to add anything to what COUNCILMAN SHETINA already said, but it's true Joliet has proven itself to be a good neighbor many times over and he thinks the most recent case was the raceway where there were a lot of concerns of the neighbors out there that did not reside in the City and we worked with them and alleviated all their concerns. He said he thinks in this document the safeguards are built in and that's the reason why he will vote aye.

Prior to his vote, COUNCILMAN UREMOVIC stated he doesn't have any problem with this project whatsoever, it's a good project but when we annexed this property and gave it zoning the zoning was for light commercial and residential. He said when you look at this project you see 14 conditions and restrictions on this project, with one of them being the parking lot must be gated and secured after hours. He said he's really not sure that that's conducive for the neighborhood and the purpose of this zoning so at this time he is going to vote no.

Prior to her vote, COUNCILWOMAN BARBER said she thinks sometimes we are not accustomed to change and sometimes change makes a big difference and she thinks that if things don't work out, then we can go a different direction, but she thinks that he should have an opportunity to show what he can do and work with the community and hopefully things will work out fine and she voted aye.

(ORDINANCE NO. 15902)

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2. Preliminary, Final, Recording Plats, PUD's and Vacations
- a. Ordinance re: Approving the Vacation of a 20' Wide Ingress and Egress Easement and a 10' Wide Landscape Easement for Lots 2 and 4 in Menard's Joliet Subdivision (#V-7-07/Dist. #3)  
(Council Memo #772-07)
  - b. Resolution re: Accepting a 10' Wide Landscape Easement (#V-7-07/Dist. #3)  
(Council Memo #772-07)
  - c. Ordinance re: Approving the Preliminary PUD of The Boulevard (#PUD-4-07/Dist. #1))  
(Council Memo #774-07)

The City Clerk noted these items were approved at the Pre-Council meeting yesterday.

- d. AN ORDINANCE Approving the Vacation of Outlot A, a Storm Water Management Easement in Mound Road Commercial Park, Unit 1 as recommended by the Plan Commission was presented and read. (#V-9-07/Dist. #3)  
(Council Memo #775-07)  
(ORDINANCE NO. 15903)
- e. AN ORDINANCE Approving the Revised Final Plat of Mound Road Commercial Park, Unit 3 as recommended by the Plan Commission was presented and read. (#FP-5-07/Dist. #3)  
(Council Memo #775-07)  
(ORDINANCE NO. 15904)
- f. AN ORDINANCE Approving the Recording Plat of Mound Road Commercial Park, Unit 2 as recommended by the Administration subject to receipt of the following fees and documentation within 60 days was presented and read: a) A Letter of Credit or Performance Bond for public improvements in the amount of \$53,668; b) A 1 ¼% Inspection Fee for public improvements in the amount of \$670.00; and c) An Irrevocable Offer of Dedication for public improvements. (#RP-12-07/Dist. #3)  
(Council Memo #775-07)  
(ORDINANCE NO. 15905)

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COUNCILMAN SHETINA moved that said Ordinances be adopted as recommended.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

- g. Ordinance re: Approving the Preliminary PUD of Stryker Professional Campus (#PUD-6-07/Dist. #3)  
(Council Memo #776-07)

The City Clerk noted that this item was approved at the Pre-Council meeting yesterday.

- h. AN ORDINANCE Approving the Vacation of 5' of a Public Utility and Drainage Easement Located at 2020 St. Andrew Drive as recommended by the Plan Commission was presented and read. (#V-10-07/Dist. #1)  
(Council Memo #777-07)  
(ORDINANCE NO. 15906)
- i. AN ORDINANCE Approving the Vacation of 10' of a Public Utility Easement Located at 3608 Timber Lake Drive as recommended by the Plan Commission was presented and read. (#V-11-07/Dist. #1)  
(Council Memo #778-07)  
(ORDINANCE NO. 15907)

COUNCILWOMAN QUILLMAN moved that said Ordinances be adopted.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

ABSTAIN: COUNCILMAN BROPHY abstained on Council Memo #777-07.

- 3. Ordinance re: Approving an Amendment to the Zoning Ordinance Regarding Quorum Rules of the Plan Commission and the Zoning Board of Appeals  
(Council Memo #779-07)

The City Clerk noted that this item was tabled to the Legislative Committee at the Pre-Council meeting yesterday.

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4. Reclassifications

- a. AN ORDINANCE Approving the Reclassification of 127 Mississippi Avenue from R-3 to R-2 Zoning as recommended by the Plan Commission was presented and read. (#Z-3-07/Dist. #5)  
(Council Memo #780-07)  
(ORDINANCE NO. 15908)
- b. AN ORDINANCE Approving the Reclassification of 121 Mississippi Avenue from R-3 to R-2 Zoning as recommended by the Plan Commission was presented and read. (#Z-4-07/Dist. #5)  
(Council Memo #780-07)  
(ORDINANCE NO. 15909)
- c. AN ORDINANCE Approving the Reclassification of 359 Second Avenue from R-3 to R-2 Zoning as recommended by the Plan Commission was presented and read. (#Z-5-07/Dist. #5)  
(Council Memo #780-07)  
(ORDINANCE NO. 15910)
- d. AN ORDINANCE Approving the Reclassification of 659 North Hickory Street from R-3 and R-5 to R-2 Zoning as recommended by the Plan Commission was presented and read. (#Z-10-07/Dist. #4)  
(Council Memo #780-07)  
(ORDINANCE NO. 15911)

COUNCILMAN BROPHY moved that said Ordinances be adopted.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

5. Variations of Use

- a. AN ORDINANCE Approving a Variation of Use to Allow the Continuation of Two Single-Family Residences on One Lot in an R-2 District Located at 421 - 423 Columbia Street as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: a) That all violations identified by inspection be corrected; b) That the structure not be expanded in the future; and c) Should the property be declared a public nuisance, it shall be subject to a rehearing and a possible revocation of the Variation of Use. (#2007-43/Dist. #4)  
(Council Memo #781-07)

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COUNCILMAN GIARRANTE moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILMAN TURK.

COUNCILWOMAN QUILLMAN said it states in the staff report that the residence was inspected on June 12th and it was going to be reinspected on July 19<sup>th</sup> which is tomorrow and there was a relative living in the basement. She asked if that relative was still down there because we're going to pass this without a reinspection.

Mr. Arcadio Gutierrez translated for the petitioner, Mr. Francisco Valadez, who does not speak English. He said Mr. Valadez' brother was in the basement and he is out now. He said the reinspection was done this morning.

COUNCILWOMAN QUILLMAN said so there is no one living in the basement.

Mr. Gutierrez said no, there is no one living in the basement.

COUNCILMAN BROPHY said more importantly, there will be no one in the basement in the future is that correct.

Mr. Gutierrez said that's correct.

COUNCILMAN GIARRANTE asked if this is contingent on all the violations being corrected.

The Corporation Counsel said if you vote today you will grant the Variation. He said if there is non-compliance with the conditions it will be brought back to you for revocation.

COUNCILWOMAN QUILLMAN asked if these are going to be single-family rental properties or owner-occupied.

Mr. Gutierrez said there are two buildings which were built at about the same time around 1890 on one lot. He said it is a single-family plus another addition on the same lot which is rented. He said there are three rooms with one bathroom but both buildings were on the same lot.

COUNCILWOMAN QUILLMAN said so the one would be subject to rental inspection but the owner-occupied residence would not be, is that correct.

The Corporation Counsel said he believes Neighborhood Services policy in cases like this where you have two dwelling units on a single lot is to treat them as a two-unit and include them within the program. He said he doesn't know if the Director of Community and Economic Development has more specific information but generally that's the rule and we can certainly make that a condition of this Variation if that's the Council's preference.

The Director of Community and Economic Development said ordinarily we do not inspect owner-occupied two-units, so if the owner is living in one of the houses and renting out the other one it would not automatically be inspected. He said it was this time because they are coming up for permanent zoning and we do inspect every single time when they're coming for permanent zoning. He said unless there were violations or a cause for them to be thrown into the rental

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inspection program, it would not be inspected.

COUNCILWOMAN QUILLMAN said so now would be the time to make it a condition.

Mr. Gutierrez said they were both inspected and the inspector told Mr. Valadez that they would eventually be inspected in the future.

COUNCILMAN BROPHY stated Mr. Valadez doesn't live there.

Mr. Gutierrez said he lives in one and rents out the other one.

COUNCILWOMAN QUILLMAN said she would like to make it a condition that both houses be inspected and be on the Rental Inspection Program in the future.

The Deputy City Manager said the one house is owner-occupied.

COUNCILWOMAN QUILLMAN said right, but the Director of Community and Economic Development just stated if it's treated as two single-family homes and it's treated as a two-unit it could be subject to inspection.

The Director of Community and Economic Development said it would be inspected if there were violations in the future. He said the single-family rental could go into the Rental Inspection Program if there were just cause to do so.

The Deputy City Manager said but the owner-occupied residence where the owner lives we don't normally inspect.

The Director of Community and Economic Development said we normally do not.

COUNCILMAN TURK asked the Director of Community and Economic Development if he is saying that we could treat it like another two-unit unless down the road there is a problem, then we could go in and inspect.

The Director of Community and Economic Development said on the rental one we could.

Mr. Gutierrez said if it was owner-occupied the owner-occupied building will not be subject to a reinspection.

The Director of Community and Economic Development said that's normally the way it would go, but what the Council is talking about is having you voluntarily agree that both of them would be in the Rental Inspection Program.

Mr. Gutierrez explained the situation to Mr. Valadez in Spanish and he said Mr. Valadez voluntarily agrees to that.

COUNCILWOMAN QUILLMAN asked COUNCILMAN GIARRANTE if he would agree to that condition in his motion and COUNCILMAN GIARRANTE said yes.

MAYOR SCHULTZ asked Mr. Gutierrez if the owner, Mr. Valadez, understands what we're saying.

Mr. Gutierrez asked Mr. Valadez in Spanish if he understood and Mr. Valadez said yes, he understands.

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- a. AN ORDINANCE Approving a Variation of Use to Allow the Continuation of Two Single-Family Residences on One Lot in an R-2 District Located at 421 - 423 Columbia Street as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: a) That all violations identified by inspection be corrected; b) That the structure not be expanded in the future; c) That the owner participate in the City's landlord training program and tenant screening program; and d) Should the property be declared a public nuisance, it shall be subject to a rehearing and a possible revocation of the Variation of Use. (#2007-43/Dist. #4)  
(Council Memo #781-07)

COUNCILMAN GIARRANTE moved that said Ordinance be adopted as recommended with the addition of a condition (c) that both residences on this property be added to the Rental Inspection Program.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 15912)

- b. Ordinance re: Approving a Variation of Use to Allow the Continuation of a Two-Unit Residence in an R-2 District Located at 1520 Nicholson Street (#2007-45/Dist. #4)  
(Council Memo #782-07)

The City Clerk noted this was approved at the Pre-Council meeting yesterday.

**B. RESOLUTIONS**

1. A RESOLUTION Authorizing the Sale of Property Located at 221 N. Broadway Street was presented and read.  
(Council Memo #787-07)

COUNCILMAN BROPHY moved that said Resolution be adopted.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 5947)

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2. A RESOLUTION Approving and Authorizing the Execution of an Intergovernmental Agreement Between the City of Joliet and the State of Illinois for the 2007 Great River Ride was presented and read.  
(Council Memo #788-07)

COUNCILMAN TURK moved that said Resolution be adopted.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 5948)

3. A RESOLUTION Approving a Revised Agreement with the County of Will for the Black Road and Bronk Road Traffic Signal and Roadway Widening Improvements Project was presented and read.  
(Council Memo #789-07)

COUNCILWOMAN QUILLMAN moved that said Resolution be adopted.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to his vote, COUNCILMAN SHETINA asked for a time frame on this project.

The Director of Public Works stated the Will County Department of Highways plans on having a bid opening the beginning of August with construction to begin most likely in early September. He said the majority of the work would be completed by Thanksgiving and landscape restoration in the spring.

COUNCILMAN SHETINA said so it will be done in 2008.

The Director of Public Works said totally completed, but he would think their intent is to have the traffic signal operational by the holidays.

(RESOLUTION NO. 5949)

4. A RESOLUTION Appropriating Motor Fuel Tax Funds in the amount of \$185,886.90 for the 2007 Plant Mix Contract was presented and read. (Section No. 07-00402-00-RS)  
(Council Memo #790-07)

COUNCILMAN TURK moved that said Resolution be adopted.

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Motion seconded by COUNCILWOMAN BARBER.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 5950)

BIDS AND CONTRACTS

A. Award of Contracts

1. Request Authorization to Purchase a 1500 GPM Fire Engine for  
the Fire Department  
(Council Memo #795-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the purchase of a 1500 GPM Fire Engine from E-ONE Emergency Response Apparatus Co. in the amount of \$418,421.00.

2. Proposed Renewal of Property and Casualty Coverages  
(Council Memo #796-07)

A communication from the City Manager contained his recommendation that he be authorized to execute a contract with Arthur J. Gallagher Risk Management Services, Inc. for the provision of coverages and services for the City's Consolidated Property and Casualty Insurance Program for the policy year beginning August 1, 2007, in an amount not to exceed \$640,377.00.

3. Award of Contract for the Municipal Building Phase II  
Remodeling  
(Council Memo #797-07)

A report on four bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to R.L. Sohol in the amount of \$3,645,100.00.

4. Award of Contract for the Repair of the Reservoir Roof at  
Prairie Avenue  
(Council Memo #799-07)

A report on four proposals received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Austin Tyler Construction in the amount of \$9,100.00.

5. Award of Contract for the 2007 Hickory – Spring Creek  
Cleaning Project  
(Council Memo #800-07)

A report on four bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Gregg Dobczyk Excavating in the amount of \$39,500.00.

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6. Award of Contract for the Campbell Street (Raynor – Clement) Decorative Street Lighting Project – 2007 Neighborhood Improvement Program  
(Council Memo #801-07)

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 Utility Dynamics in the amount of \$182,524.00.

7. Award of Contract for the Caton Farm Road and Pebble Beach Drive Pedestrian Signal Improvements Project – 2007 Neighborhood Improvement Program  
(Council Memo #802-07)

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 Van Mack Electric in the amount of \$5,810.80.

8. Approve the Purchase of Laboratory Test Equipment for the Water Treatment Facilities  
(Council Memo #803-07)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Hach Corporation in the amount of \$11,661.50.

9. Award of Professional Services Contract for an Access Justification Report and Environmental Assessment for the Proposed Interchange at I-55 and IL-59  
(Council Memo #804-07)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Civiltech Engineering Inc. in an amount not to exceed \$457,689.00.

COUNCILMAN UREMOVIC asked for an explanation on this item.

The Director of Public Works said we've had two consultants working on two possible access modifications to the interchange of I-55 and Route 59. He said we have approached IDOT and the FHWA (Federal Highway Administration) and they like the look of Alternate C which is by Civiltech, a consultant we do not officially have a contract with. He said we have done some preliminary work on a different contract. He said so essentially this agreement is to hire Civiltech to complete an Access Justification Report (AJR) and an Environmental Assessment (EA) for the new full interchange at Route 59 and I-55.

COUNCILMAN UREMOVIC asked why isn't the developer paying for this and why are we asking the citizens of Joliet to pay for this study. He said secondly we talked about the actual bonding that staff is going to ask us to do and he asked what would be the estimate of this project.

The Director of Public Works said some preliminary estimates to do this interchange would be somewhere in the realm of \$60 to \$65 million to modify this. He said as far as funding, some of that may be City of Joliet funding and we're going to try to get some IDOT funding and possibly Federal funding.

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COUNCILMAN UREMOVIC said there is no State funding right now.

The Director of Public Works said there is actually no funding identified for the construction at this point.

COUNCILMAN UREMOVIC said when you add in the actual road going from Houbolt to wherever this project is going to be, that will be an additional cost.

The Director of Public Works said that's correct.

COUNCILMAN UREMOVIC said we might be talking about \$90 million.

The Director of Public Works said we're not sure if it's going to be that high at this point yet. He said we don't have a good estimate on that yet, but on this one we have a preliminary estimate of about \$60 to \$65 million.

COUNCILMAN UREMOVIC moved to table this item for further review by the Finance Committee. He said he suggests that we look at this before we do this because we are looking at making a substantial commitment on a bond and servicing of that bond and we don't know where that's going to come from at this time. He said he thinks it would be very appropriate to wait at least two weeks to a month to go over this.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

AYES: COUNCILMAN UREMOVIC, COUNCILWOMAN BARBER, COUNCILMAN BROPHY, COUNCILWOMAN QUILLMAN and MAYOR SCHULTZ.

NAYS: COUNCILMEN TURK, GIARRANTE and SHETINA.

The question was raised as to when the item would return to the Council for a vote.

The Corporation Counsel said the motion as he heard it was to table this item which would take it off the Council agenda and refer it to the Finance Committee. He said he didn't hear any other follow-up as far as what would be done with this item, so any member of the Council would be free to move it back off the table at the next meeting if Finance Committee wasn't done with it. He said he's sure the Finance Committee should they take it up will free it up and it could be presented to the Council at a later date. He said the motion itself did not specify a return date for this item.

Prior to his vote, COUNCILMAN SHETINA said he thinks this is a very crucial study that should be made, it's a crucial project and he voted no on the table.

COUNCILMAN TURK asked the Director of Public Works how long Teng has been working on this project; they've been working on this for a while.

The Director of Public Works said Teng started working on this project in December of 2005.

COUNCILMAN TURK said we approved this and the Director of Public Works said yes, we have Teng under contract at this point still.

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COUNCILMAN TURK said so it's nothing new to us and by the next Finance meeting you're not going to have any cost figures.

The Director of Public Works said we probably won't have any cost figures for the access road across Joliet Junior College or the Rock Run Business Park.

COUNCILMAN TURK said he just wanted to point out that this is nothing new and we've been working on this since 2005.

COUNCILMAN GIARRANTE asked how much money have we paid Teng since 2005.

The Director of Public Works said we entered into a contract with Teng for about \$230,000 to start out with and we had one amendment to their contract to increase it to about \$255,000, and we've probably expended approximately \$160,000.

The Deputy City Manager said he believes there was money set aside in the 2007 budget for this in the neighborhood of \$1 million.

COUNCILMAN BROPHY asked if we budgeted for the AJR and the EA or are these surprises to us.

The Director of Public Works said we have \$1 million in the budget as seed money for this type of project.

COUNCILMAN UREMOVIC said in regards to us knowing about this, we talked preliminarily about doing some type of project for I-80 and I-55 but actually tonight is the first time we're hearing what we're going to look at in the form of a bond and that's what the real point of this is, the type of bond and what the City might be spending to bring this project here. He said he hopes he's not throwing cold water on this because he doesn't want to do that, what he's asking though is to make sure all the financials are in front of us before we make a decision. He said we just got the \$60 million figure tonight and it could possibly be more. He said he doesn't want to kill this but he does want more information so we can make a logical decision. He asked how much is the developer going to come up with and how much is the City going to be expected to come up with because this is important. He asked if taxpayer's money is being used for this and are there other alternatives also. He said we want to make sure we get a great return if we're going to make this kind of expenditure.

COUNCILMAN SHETINA said we're voting on a study to determine the feasibility of the access, that's all, and nothing to do with \$25 million or \$90 million.

The Director of Public Works said this was just strictly for an engineering contract.

COUNCILMAN BROPHY said with all due respect COUNCILMAN SHETINA, the Finance Committee Chairman is just doing his job. He said when expenditures and studies like this lead us toward a significant public outlay or significant borrowing, he thinks it's quite prudent to take it to the Finance Committee and go over the details. He said this is not just a study, this is a \$450,000 study and added to this other one now it gets it up to about \$750,000. He said he thinks it's perfectly OK that we take it through the Finance Committee to look at these

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bigger items that are going to lead us into a larger bond issue.

COUNCILMAN GIARRANTE said point well taken, but we already awarded a contract to Teng for the same thing and now we're looking at a different aspect of this cloverleaf. He said maybe at that time we should have said wait a minute before we awarded this contract with Teng. He said he's sure at that time staff could have give us a ballpark figure on what this cloverleaf was going to cost us at that time. He said all he sees this doing is slowing down the process. He said he thinks this is a great project for the City of Joliet and you're talking \$60 million. He said a few years ago we spent \$55 million and put in the ballpark, a water park, the new library and we did some NIP and he thinks this has the ability of bringing in much more sales tax and revenue to the City, so he can't see stalling this even if it is only for two weeks.

10. Authorization to Rescind Contract for the Asbestos Abatement of the South End of the Municipal Building and Re-Award of Contract  
(Council Memo #805-07)

A communication from the City Manager contained his recommendation that the Mayor and Council rescind the award of contract to EHC Industries and award the contract to Arc Environmental in the amount of \$84,215.00.

11. Authorization to Purchase 50 Printers for Mobile Capture and Reporting – Police Department  
(Council Memo #806-07)

A communication from the City Manager contained his recommendation that the Mayor and Council award the purchase of 50 Pentax PocketJet Three-Kit printers and car adapters from CDS Office Technologies in the amount of \$16,050.00.

COUNCILMAN BROPHY moved that the recommendations of the City Manager with the exception of Council Memo #804-07 be concurred in.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

AYES: COUNCILMAN UREMOVIC, COUNCILWOMAN BARBER,  
COUNCILMEN BROPHY, GIARRANTE, COUNCILWOMAN  
QUILLMAN, COUNCILMEN SHETINA, TURK and MAYOR SCHULTZ.  
NAYS: NONE.

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

1. Approve Change Order No. 1 to the Contract for the Construction of the Joliet Area Sports Hall of Fame - Carpet  
(Council Memo #809-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$5,835.35 on behalf of R.R. Lestrel Corporation.

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2. Approve Change Order No. 2 for the IWIN Compatible Mobile Data Computers Users Fees  
(Council Memo #810-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$4,707.00 on behalf of Central Management Services.

3. Approve Change Order No. 6 for the Cofiltration HMO Water Treatment Equipment – Procurement Project  
(Council Memo #811-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 6 in the amount of \$31,136.25 on behalf of Layne-Western.

4. Approve Change Order No. 4 for the Fairmont and Garvin Water Treatment Plant Project  
(Council Memo #812-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 4 in the amount of \$66,098.00 on behalf of Vissering Construction Company.

5. Approve Change Order No. 5 for the Black Road Water Treatment Plant Project  
(Council Memo #813-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 5 in the amount of \$61,192.00 on behalf of Vissering Construction Company.

6. Approve Change Order No. 7 for the 10D and 11D Water Treatment Plants and Booster Station and Reservoir Modifications Project  
(Council Memo #814-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 7 in the amount of \$27,938.00 on behalf of Allan Mack and Sons, Inc.

7. Approve Change Order No. 2 for the 9D and 12D Water Treatment Plants Project  
(Council Memo #815-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$48,489.00 on behalf of Williams Brothers Construction.

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8. Approve Change Order No. 1 for the 15D and 16D Water Treatment Plants Project  
(Council Memo #816-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$66,723.00 on behalf of Williams Brothers Construction.

9. Approve Payment No. 9 and Final for the Booster Station Upgrades Project  
(Council Memo #817-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Payment No. 9 and Final in the amount of \$185,279.55 on behalf of Williams Brothers Construction.

10. Approve Change Order No. 1 and Final for the Contract for Professional Services for Materials Testing and Construction Inspection for the Southeast Joliet Water and Sewer Extensions and Lift Station/Forcemain Projects  
(Council Memo #818-07)

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 \$1,878.31 on behalf of ECM Testing Services Inc.

11. Approve Change Order No. 2 and Payment Estimate No. 2 and Final for the Reed Street (West Park – Cottage) Watermain Project - 2007  
(Council Memo #819-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2, a deduction in the amount of \$5,485.00 and Pay Estimate No. 2 and Final in the amount of \$8,542.20 on behalf of C. Thompson & Sons, Inc.

12. Approve Change Order No. 2 and Pay Request No. 3 for the Garnsey Avenue (Spring Creek – Ward) Roadway Improvement Project  
(Council Memo #820-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$10,096.83 and Pay Estimate No. 3 in the amount of \$9,591.98 on behalf of Construction by Camco.

13. Approve Change Order No. 1 and Pay Estimate No. 1 and Final for the Purchase of Aerators for the Fairway Estates, Pheasant Landing and Timber Estates Subdivisions – Neighborhood Improvement Program  
(Council Memo #821-07)

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A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$418.50 and Pay Estimate No. 1 and Final in the amount of \$28,282.50 on behalf of John Deere Landscapes.

14. Approve Pay Estimate No. 1 and Final for the Purchase of an Aerator for the Caton Crossing Subdivision – 2007 Neighborhood Improvement Program  
(Council Memo #822-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Pay Estimate No. 1 and Final in the amount of \$6,210.00 on behalf of John Deere Landscapes.

15. Approve Amendment No. 8 and Payment for the Radium Compliance and Water Supply Improvement Project Engineering Service Agreement  
(Council Memo #823-07)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve Amendment No. 8, an increase of \$302,262.00 on behalf of Strand Associates; 2) Authorize increase of the base contract value in the amount of \$112,979.28; and 3) Approve payment of invoices totaling \$255,950.17 in favor of Strand Associates.

16. Approve Change Order No. 2 and Payment Estimate No. 3 for the Cassie Drive and Edgerton Drive Roadway Improvement Project – 2007 Neighborhood Improvement Program  
(Council Memo #824-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$28,297.33 and Pay Estimate No. 3 in the amount of \$208,816.54 on behalf of P.T. Ferro Construction Company.

17. Approve Change Order No. 1 and Payment Estimate No. 2 for the Washington Street Storm Sewer Improvement Project – 2007 Capital Improvement Program  
(Council Memo #825-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1, a decrease in the amount of \$16,649.50 and Pay Estimate No. 2 in the amount of \$82,967.47 on behalf of J.S. Alberico Construction.

18. Approve Change Order No. 1 and Payment Estimate No. 1 for the Lois Place (Black – Vernon) Roadway Improvement Project – 2007 Neighborhood Improvement Program  
(Council Memo #826-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1, a decrease in the amount of \$827.00 and Pay Estimate No. 1 in the amount of \$140,371.47 on behalf of Austin Tyler Construction.

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19. Approve Payment for Emergency Sanitary Sewer Repairs  
(Oneida Street at Center Street)  
(Council Memo #827-07)

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 #89164 by \$9,460.66; and 2) Approve payment to Austin Tyler Construction in the amount of \$10,459.66.

20. Approve Change Order No. 1 and Payout No. 3 and Final for  
the I-55 West Frontage/Division at Gaylord Roadway  
Improvements – 2007 Neighborhood Improvement Program  
(Council Memo #828-07)

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 \$8,017.70 and Pay Estimate No. 3 and Final in the amount of \$50,677.16 on behalf of “D” Construction.

21. Approve Change Order No. 2 for the 2007 Plant Mix Contract  
(Council Memo #829-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$185,886.90 on behalf of P.T. Ferro Construction Company.

22. Approve Amendment No. 1 to the Professional Services  
Agreement for the Design of the Arbeiter Road Facility and  
Expansion of the Gael Drive Facility – Roadways Division  
(Council Memo #830-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Amendment No. 1 in the amount of \$2,200.00 on behalf of Jacob & Hefner Associates.

23. Approve Payment No. 1 and Final to the Stryker Avenue  
School Zone Flashers Project – 2007 Neighborhood  
Improvement Program  
(Council Memo #831-07)

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 \$364.00 and Pay Estimate No. 1 and Final in the amount of \$16,851.00 on behalf of Fox Electric.

24. Approve Change Order No. 2 and Payment Request No. 8 for  
the Taylor Street Boulevard Phase II Roadway Improvement  
Project – 2006 Neighborhood Improvement Program  
(Council Memo #832-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$7,693.50 and Pay Estimate No. 8 in the amount of \$16,511.95 on behalf of Len Cox & Sons.

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25. Approve Change Order No. 4 and Payment Estimate No. 7 for the Aux Sable Creek Basin Conveyance Project – Phase IV  
(Council Memo #833-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 4 in the amount of \$79,448.52 and Pay Estimate No. 7 in the amount of \$222,496.67 on behalf of Len Cox & Sons.

26. Approve Payment for the Professional Services Agreement for the Design and Construction Observation of the Combined Sewer Overflow Elimination Agreement  
(Council Memo #834-07)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the payment of \$17,650.00 to Strand Associates.

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, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, UREMOVIC and MAYOR SCHULTZ.

NAYS: NONE.

LICENSES AND PERMIT APPLICATIONS

- A. Denial of a Class "1" Liquor License at 200 East Cass Street  
(Council Memo #838-07)

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

MAYOR

- A. Resolution re: Supporting House Resolution 648 Improving the "No Child Left Behind Act"

The City Clerk noted that this item would be presented at a future City Council meeting.

- B. Proclamation re: Recognizing Provena Saint Joseph Medical Center's 125<sup>th</sup> Anniversary

This item was presented earlier in the meeting.

MAYOR AND COUNCIL COMMENTS:

- A. Mayor Schultz - Appointments

MAYOR SCHULTZ placed in nomination the appointment of Frederick "Rick" Moore to the Plan Commission replacing Martin Pasteris.

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COUNCILMAN TURK moved that the appointment of Frederick "Rick" Moore to the Plan Commission be confirmed.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

MAYOR SCHULTZ placed in nomination the appointment of Leah Kapsimalis to the Historic Preservation Commission as a non-voting member.

COUNCILWOMAN QUILLMAN moved that the appointment of Leah Kapsimalis to the Historic Preservation Commission be confirmed.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

MAYOR SCHULTZ placed in nomination the re-appointment of Esther Grachan to the Historic Preservation Commission as a voting member.

COUNCILWOMAN QUILLMAN moved that the re-appointment of Esther Grachan to the Historic Preservation Commission be confirmed.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

COUNCILMAN UREMOVIC stated about three months ago we received a letter in regards to the passage of U.S. Congress House Resolution 569, the Water Quality Investment Act for 2007 which indicates there is \$1.8 billion available in funds for sewer overflow. He said he asked about three months ago that we have a meeting with Senator Durbin, Senator Obama and Congressman Weller's offices. He asked if staff has set up anything yet and are we in motion to make an application for this funding.

The Director of Public Utilities said that meeting has not been set up yet.

COUNCILMAN UREMOVIC asked if we are going to and said he would like to move on this as quickly as we can so we don't miss that window of opportunity. He said it's indicated that we might be able to get \$20 million to \$50 million for our sewer and water system. He said we need to make every effort we can and not waste any time getting a meeting established right now.

The Director of Public Utilities said they have been in contact with the different offices with acquisition of certain properties along the river but we can directly relate it to funding sources and we will give you an update on that.

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COUNCILMAN UREMOVIC said we can save taxpayers a lot of money if we can secure some of this funding. He said he would appreciate a response and a meeting set up over the next two weeks.

COUNCILMAN TURK asked the Director of Public Works whether on west bound Black Road when you approach Larkin Avenue to go north, it is a no turn on red, and whether that's a State route and they would restrict that.

The Director of Public Works said Larkin Avenue is Illinois 7 which is under the State's jurisdiction.

COUNCILMAN TURK said he thinks 7 out of 10 people turn right on red. He asked if we need to increase the signage there or do something.

The Director of Public Works said we can do that. He said we'll see if we think there is proper visibility there and if so, we'll petition the State to change it to allow the right on red. He said they have the final say because it's their intersection.

COUNCILMAN TURK said right. He said it seems like there is enough visibility there.

COUNCILMAN SHETINA said in all of the years he's been here this is the greatest number of non-unanimous votes he thinks he's ever been involved with and he wanted to say that you can disagree without being disagreeable, and I think we showed that tonight.

COUNCILWOMAN QUILLMAN congratulated Lonnie Greenberg who is a volunteer for the "Spotters Program". She asked Chief Hayes to explain the program.

The Police Chief stated the Police Department received an award from Secretary of State Jesse White acknowledging the department's aggressive enforcement program on handicap violations within the City. He said they particularly acknowledged our Handicap Spotters program which is a group of 27 volunteers who go out into the community and look at shopping centers and different public parking locations and when they spot violations, they radio to a traffic unit who then comes to that location and issues a \$250.00 citation. He said this year alone they have already written over 450 citations; last year that was the total for the year. He said Lonnie has been a pioneer to the program along with Tony Arellano for many, many years and they do a fantastic job and they commit a lot of volunteer hours. He said they are very grateful for their participation in the program. He said Jesse White said they would like to make our program a model program and roll it out across the state and meet with other municipalities.

COUNCILMAN BROPHY stated he wanted to read an update into the record on the situation at Evergreen Terrace because now that they've succeeded in refinancing their mortgages over there, we should expect to see improvements since we were not able to change the entire character of the neighborhood and he thinks we need to hold their feet to the fire. He said as per a conversation with Peggy, the property manager, on July 9<sup>th</sup> there are no details available for the room rehabilitation going for Broadway Street units. She indicated that this may be on the longer term project. He said he doesn't know what that means. She said the schedule for repairs is rather tentative and is as follows:

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Tuckpointing of the building is being worked on now and this is only being done to HUD requirements. He asked if HUD's requirements for tuckpointing are any different than BOCA codes or our expectations.

The Deputy City Manager said he doesn't believe so. He said permits have been issued for tuckpointing on Buildings 358, 362, 363 and 366. He said those are the ones that are a primary concern. He said we have had no permits issued for the storm water detention for the parking lot and that was something that really needed to be done and addressed right away.

COUNCLMAN BROPHY said the report continues that the "Community room and office windows should be replaced by August 31<sup>st</sup>". He asked if any permit was pulled for that.

The Deputy City Manager said no.

COUNCILMAN BROPHY said "Parking lot resurfacing and storm detention should be completed by October 31<sup>st</sup> and the new security system should be up and working by October 31<sup>st</sup>." He said these are all for 2007. He continued "What was included in this year's plan on Broadway Street was including the above fencing repairs, concrete repairs to the sidewalks and steps and replacement of the entry doors. The closing next year will include the rehab of Bluff Street units." COUNCILMAN BROPHY asked the Corporation Counsel if they have yet to close one of the refinancing packages.

The Corporation Counsel said Mark to Market refinancing has been approved for both phases of Evergreen Terrace, the Bluff Street phase and the Broadway Street phase. He said closing number one, and again that communication refers to multiple closings, closing number one is when HUD in a very unusual step decided to directly lend the funds to the owner to make the renovations. He said there has been a closing, the funds are theoretically under the control of Burnham Management and should be available to Burnham Management, but since the beginning there has been discussion of a second closing where a private lender would come in and replace HUD funding. He said it seems to him that if closing number one might not be intended to really renovate the property, it's intended for a fictional legal advantage and it really isn't intended to change the facts on the ground.

COUNCILMAN BROPHY said it's intended to get our condemnation suit out of the way. He asked if our condemnation suit is still pending.

The Corporation Counsel said it is.

COUNCILMAN BROPHY asked if that would stay on title then and impede a second closing.

The Corporation Counsel said that would be a decision of the lenders and lenders could always make a business decision to take a risk on the success of the condemnation, but HUD would not have closed and funded the project with their own funding unless the marketplace refused to finance the project which is what happened. He said it was a private decision, not made by us but made by the marketplace that private lenders did not want to fund the project apparently with this condemnation underway. He said he can report a little bit of mixed news on the condemnation. He said the good news is there was oral argument before the Seventh Circuit Court of Appeals on our condemnation case, in part.

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He said the issue did come up. He said as you know the Seventh Circuit Court of Appeals is the Federal Appellate Court immediately below the U.S. Supreme Court and it is a very powerful and significant court. He said the presiding judge was Judge Easterbrook who is the Chief Judge for the Seventh Circuit and at the oral argument Judge Easterbrook went out of his way, in his opinion, to indicate that he saw few difficulties in allowing the City's condemnation case to proceed and that is a very positive sign for the City. He said that was a comment by the Judge and not the issue that was under consideration, and that issue remains to be fully litigated. He said there are many facets to the case and it's working its way through the courts, but that was a very favorable comment and more favorable than he expected to hear on an oral argument on another issue. He said he sees that as a very favorable sign that the Federal courts will allow the condemnation to proceed. He said what that means for us in terms of how much you'd have to pay to acquire and operate the property are other questions, but at least we get our foot in the courthouse door and we're allowed to make the case that the property is blighted and beyond the reasonable control of this owner and needs to be acquired by the City of Joliet.

COUNCILMAN BROPHY said in the interim we've always argued we're trying to do what's in the best interest of the tenants there. He said there are 23 emergency violations here as of an inspection done recently. He said those are scheduled to be reviewed today and he asked if anybody had a report.

The Director of Community and Economic Development said nobody reported back yet and he will find out in the morning.

COUNCILMAN BROPHY said so they have 23 emergency violations going as well as multiple other violations for cleanliness, lack of smoke detectors, unable to enter buildings and so forth. He said during this process we need to continually put this kind of information into the public record so when we need it come time for hearings we have things to point to to show they're not acting in good faith.

The Corporation Counsel said the next step is for litigation to occur on the condemnation case itself. He said we filed a motion asking that that case be scheduled for an expedited hearing based on the comments made at the Appellate Court. He said the threshold issue is can a city condemn a private property which has a contract with HUD and that is the issue we're asking the court to consider first before we get into all the intricacies of a condemnation.

COUNCILWOMAN BARBER asked do you think that's because the Housing Authority is just getting ready to open the assisted living by Evergreen that that would have a bearing on what HUD is doing right now.

The Corporation Counsel said no he doesn't. He said he thinks HUD will look at those as two separate projects. He said it's hard to understand HUD's thinking with some of its decisions on Evergreen Terrace because they have not always been consistent compared to other projects that are publicly funded. He said he doesn't believe anything the Housing Authority is doing there will have an affect on how HUD or the courts will decide the Evergreen Terrace matter.

COUNCILMAN GIARRANTE said the Fanfest on Thursday night was great and he congratulated the police. He said he was at the racetrack on Saturday and Sunday and they did a great job getting the traffic in and out of there.

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COUNCILMAN BROPHY reminded everyone of Waterway Daze this weekend.

MAYOR SCHULTZ thanked the Council and the staff for their patience the last couple of days. He said he thinks we accomplished a lot of good things for the City and he thanks them.

ADJOURNMENT

COUNCILWOMAN QUILLMAN moved that the Council adjourn.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE.

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ARTHUR SCHULTZ  
Mayor

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JANET K. TRAVEN  
City Clerk

Recorded on Tape