

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

PRE-COUNCIL MEETING of the Council of the City of Joliet, Illinois held on Monday, July 19, 2010 at 3:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

ROLL CALL

PRESENT: MAYOR PRO-TEM WARREN C. DORRIS 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: MAYOR ARTHUR SCHULTZ.

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

The City Manager asked for the Mayor and Council's indulgence in moving several items up on the agenda due to the presence of interested individuals.

The City Manager explained Council Memo #503-10 dealing with the Annexation of 2800 Grove Road and Classification to R-1B Zoning for an existing church retreat property and possible construction of a new church in the future.

Attorney George Stuhr was present on behalf of the petitioner, St. Edwards and Christ Episcopal Church.

The City Manager then explained Council Memo #518-10 dealing with Awarding a Contract for the Section 125 Flexible Benefit Plan to Flexible Benefit Service Corporation (Flex) and a Contract for the Voluntary Benefits Plan to Allstate Voluntary Workplace Benefit Plan.

Mr. Phil Algozino of ProSource Financial LLC, Mr. Mark Lam of Flex and Mr. Ed White of Allstate were present to respond to questions.

The City Manager stated that staff asked ProSource, the City's insurance advisor, to analyze the City's current contracts for the Section 125 Flexible Benefit and Voluntary Benefits Plans and make a recommendation. He said their analysis resulted in a recommendation to replace AFLAC and change the Section 125 Flexible Benefit Plan vendor to Flex, and to change the Voluntary Benefit Plan vendor to Allstate. He said these plans are strictly voluntary and provide additional coverage that City employees can purchase. He said the City also met with representatives of the collective bargaining units to review the proposals and they seemed to be supportive of the change to both companies.

COUNCILMAN SHETINA stated that ProSource's recommendations have been very good for the City and he puts a lot of credibility in them.

COUNCILWOMAN QUILLMAN asked what the difference is between these plans and AFLAC.

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

Mr. Algozino stated that the core plans are very similar as far as the types of offerings to the employees. He said their goal was to provide an enhanced benefit schedule for the employees at favorable pricing with a favorable underwriting process as well. He said for the Flex Spending Account they wanted to provide an enhanced service platform to a more specialized organization to provide quicker benefits and more informed benefit services for all of the employees.

COUNCILWOMAN QUILLMAN asked if there will be more options available to the employees or is it the same as AFLAC.

Mr. Algozino stated that Flex will still follow the flexible spending rules and guidelines but as far as claim procedures, processes, turnaround and education, they believe that this platform is more enhanced than what is being currently provided to the employees, especially from the service side.

COUNCILWOMAN QUILLMAN asked if that means it will be easier to use.

Mr. Algozino said yes, it will be more user-friendly and also more educational for the employees.

The City Manager then explained Council Memo #519-10 dealing with the Proposed Renewal of Property and Casualty Coverages with Arthur J. Gallagher Risk Management Services. He also explained the selection process which led to Gallagher being the only firm to submit a complete proposal at a decrease of 8.31% from the City's prior year renewal costs.

Mr. Richard Stokluska of Arthur J. Gallagher Risk Management Services was present to respond to questions.

COUNCILMAN SHETINA stated that the City has been in this position before where the same company keeps getting the work year after year. He asked how the City protects itself from getting into a position where we are not being billed properly or our services are not being done. He said Arthur J. Gallagher has done a good job and he has no complaints about that, but he does not like the fact that we are getting into a position where there is no alternative and no one else was able to bid the work. He said no one can compete with Gallagher and that is great for them to have that advantage, but how does the City protect itself from losing coverage or service when we have a company that basically has us captive.

The City Manager stated that is why staff sent out proposals asking firms to participate in the process that started in February. He said the City was surprised that there wasn't a better response from the firms the proposals were sent to, but staff is confident that Gallagher is able to provide the services. He said the City will go through this process every three years or so and Gallagher knows that the company will need to compete with the rest of the marketplace.

COUNCILMAN SHETINA asked who on staff has the expertise to go through this and determine that it is good for the City and we're getting the best deal.

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

The City Manager stated that in this case, the process was started by Risk Management Director Vicki Kehl-Gans before she retired and she supervised the process all the way through. He said Vicki has been doing this for the City for over 20 years and he is confident that we were able get a very favorable proposal from Gallagher at less cost than last year. He said as far as the other firms not being responsive, he can not address that. He said there were a few local firms he spoke to directly and encouraged them to participate, not that he was trying to take business away from Gallagher, but we thought it would be appropriate to reach out to them to participate.

The City Manager then explained Council Memo #506-10 dealing with a Special Use Permit to Allow the Operation of a Metal Recycling Facility at 2851 Mound Road.

Mr. Frank Sapyta, the petitioner, was present to respond to questions.

COUNCILMAN BROPHY asked if they would be adding any buildings.

Mr. Sapyta stated that the company's plan right now is not to add any buildings as the site is big enough for what they want to do in their process right now.

COUNCILMAN BROPHY asked if the City's recommendations conflict with that because it states the Special Use Permit is no good if they do not apply for a permit within six months.

Mr. Sapyta stated that they will have to get a permit for a fence and for the paved parking lot.

COUNCILMAN SHETINA asked how much of the parking lot will be paved.

Mr. Sapyta said approximately 10,000 sq. ft. He said the whole front width of the building out to the front entryway that is currently there will be paved.

COUNCILMAN SHETINA asked what the nature is of the metals.

Mr. Sapyta stated that they are looking to bring in small scrap into the facility, separate it and when they get a certain amount of tonnage they would immediately disperse the material off of the site to their wholesale people.

COUNCILMAN SHETINA asked how they will keep the ground clean from any leakage or contamination.

Mr. Sapyta stated that there will be bins outside of the building but most of the recycling will be inside. He said with the small amount of traffic they are expecting to come in with the scrap, they don't foresee any problems with working outside, and anything that is outside will be put in bins on a daily basis.

The City Manager then explained Council Memo #507-10 dealing with a Special Use Permit to allow the Installation of a 70' Tall Monopole Wireless Communications Tower at 4000 W. Jefferson Street (Joliet Regional Airport) subject to flight path clearance approval from the Federal Aviation Administration.

Mr. Jeff Risby of Accurate Sites LLC, representing Verizon Wireless, was present on behalf of the petition.

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

COUNCILMAN SHETINA asked with respect to piggybacking the pole, how many other receptors can be put up.

Mr. Risby stated that this particular site was not designed as a very high structure so there would be two additional elevations for co-location; usually there are four. He said because they designed this structure only to be as high as the existing tower on top of the hanger building which is 70 feet, they will only be able to accommodate two other carriers other than Verizon Wireless.

COUNCILMAN SHETINA asked if staff has looked at the structure with regards to its strength.

The City Manager stated that staff does look at the strength and they try to promote co-locations so there are not a lot of towers going up, and if there is an opportunity for two more companies to attach, they will.

Mr. Risby said that their structures are definitely designed for co-location.

COUNCILWOMAN QUILLMAN asked how high the surrounding fence would be.

Mr. Risby said that it is a six foot fence.

COUNCILWOMAN QUILLMAN stated that they wouldn't be screening the whole thing, it would just be screened on the bottom of the tower.

Mr. Risby said that the fencing would screen the shelter which houses the equipment and the base of the tower.

COUNCILMAN BROPHY stated that the applicant is also the owner of the airport so they own the ground on which the pole will sit.

The City Manager said that the owner of the land will continue to be the Park District and the Park District will lease the land to the company. He said the company will be responsible for the cost of erecting the pole, the support building and maintenance.

COUNCILMAN BROPHY stated that the Park District has no opposition due to the proximity of the airport.

The City Manager said that the Park District has to consent to this happening and there will be some lease payments for the use of the land.

Mr. Risby stated that they are in the final phases of negotiating the licensing agreement with the Park District.

COUNCILMAN BROPHY asked if the pole would be higher with room for more co-locations if it were not so close to the airport.

Mr. Risby said yes if it were not for the proximity to the airport property.

COUNCILMAN BROPHY asked why do we want to add something else to complicate the air space there.

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

The City Manager said that if it were anyone else besides the Park District making the request, staff would certainly look at it and see if there is a better location, but because it is the Park District and in the interest of trying to cooperate, provide a revenue source and add some benefit for another governmental entity, we decided to be cooperative.

COUNCILWOMAN QUILLMAN stated that she knows we want to be cooperative with the Park District and she knows it needs to be approved by the FAA, but there are a lot of structures there now. She said the gas station is already a hazard. She asked how many other piggyback poles does the company have in the surrounding area.

Mr. Risby said that all of their structures are designed for co-location. He said they have towers that are relatively close to airports and they do have some located on airport property in other towns, and during their due diligence the company does FAA studies to determine whether or not their structures are flight hazards. He said the structure for this particular site was designed to match the height of the existing structure that is already on the airport property.

COUNCILWOMAN QUILLMAN asked if this is the best location or is there another area in the City where this could be located.

Mr. Risby said there isn't another location to cover the area they desire to cover which would be at the corridor of I-55 and Jefferson Street. He said they could go across the street to unincorporated Will County but they are looking at also providing a revenue source for the Park District.

COUNCILMAN GIARRANTE stated that questions are being raised about the proximity to the airport but in the Council Memo it states that even if the Council approves it, if the FAA does not, it will not be built. He said he thinks this is a case where the City can help the Joliet Park District and they need the help so he doesn't see any problem with it.

The City Manager explained Council Memo #517-10 dealing with retaining Gabriel, Roeder, Smith & Company to Perform the Actuarial Analysis for the Retiree Healthcare and Life Insurance Benefits Programs. He said this deals with the City's obligation to report post employment benefits other than pension obligations including healthcare for the retirees and their dependents and also a small life insurance benefit that is extended to certain retirees who meet certain qualifications.

Mr. Wayne Horne of 604 Western Avenue stated that he raised this issue about two years ago and this should have been accomplished many years before that. He said as a community we paid an insurance broker \$500,000 in one year for this kind of advice and we didn't get it. He said he thinks that reflects on the Council also. He said he does this for a living, the Section 125 for instance, he has been consulting on this for at least ten years. He said there are resources in this community and he is but one. He said he is curious as to why the City does not call on local residents who have expertise in these areas and can help. He said certainly they should be compensated for their work but just because

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

they work out of their basement doesn't lessen their ability to provide expertise. He said in this case, he doesn't know what took the City so long and why it wasn't brought to their attention earlier. He said changing the group retiree program to a Medicare program will save money and eliminates the liability associated with it. He said he just wanted to bring it to the Council's attention but it happens fairly consistently.

The City Manager stated that he believes there is a misunderstanding on Mr. Horne's part. He said this is an actuarial study, it has nothing to do with providing healthcare insurance or life insurance to retirees or any decisions on whether Medicare does that or who administers that. He said all we are doing is asking for actuarials. He said these are the people who come in and look at numbers and say this is how much you would owe if everybody dies today and we have to cash out all of the health insurance that would be paid over a period of time. He said in all of his conversations with Mr. Horne over the last two and a half years, he has never mentioned that he has expertise in actuarial analysis. He said he does not believe there are any firms in Joliet that do this kind of work. He said the predecessor to Gabriel, Roeder, Smith & Company was the Wyatt Company and they were doing the work in 1981. He said all the City is asking them to do is the same thing that was asked of them in 2006 which is to do the actuarial study to tell us how much our obligation is. He said this is something the City is obligated to do under the GASB regulations the City adopted a few years ago.

Mr. Horne thanked the City Manager for his explanation but stated that he wasn't misunderstanding it at all. He said what he is merely bringing to the table is that this actuarial study, which is required, points out that there are other solutions that are available. He said certainly now with the financial crisis facing the City, some of those options should be explored. He said he is sure with ProSource being the quality outfit that it is, it will be exploring that much like they have with the Section 125 which has also been pointed out wasn't being done properly. He said that he is merely saying that there is expertise available in the community for solutions for some of the complex problems the City has without having to pay consultants or go outside of the community.

#### 1. Presentation by Unity CDC and Funding Request

Unity CDC President Mac Willis noted that Rebecca Darley, Bettye Gavin and John King of Unity were also present.

Mr. Willis stated that Unity's mission is to improve the quality of life of the residents of the 4<sup>th</sup> and 5<sup>th</sup> District of Joliet by holistically addressing their needs in the areas of human services and employment, education and recreation, housing and commercial development, neighborhood organizing, small business development and transportation.

Mr. Willis stated Unity has realigned its resources and significantly reduced its utility and administrative cost by 50% by moving from their small office on Clinton Street into the St. Mary Magdalene School at 201 S. Briggs Street. He said they have established a professional volunteer and intern staff for day to day activities. He explained several of the programs they offer including a new

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

home buying program volunteer team consisting of one broker and three agents, and these people volunteer their time to help with home buying education seminars. He said they will also soon be offering a food pantry and soup kitchen out of the Briggs Street location. He said this past year they also had an after school tutoring program which ended in June and offered kids tutoring, a snack when they arrive and a full meal before they go home. He said that program will be resuming in August with the school year.

Mr. Willis continued that Unity's Board of Directors is moving forward with their mission and is committed to the oversight and governance of the organization. He said Unity has enhanced the communication between the Board and the volunteer staff and is planning a retreat to discuss their new short and long range strategies. He said Unity CDC needs more resources and support in order to implement more programs and provide effective resolutions to the 75 plus proposals included in the Quality of Life plan.

COUNCILMAN SHETINA asked how Unity funds the meals and snacks for the after school program.

Mr. Willis stated that the meals are funded by individual donations they receive and also each parent pays \$1.20 per day.

MAYOR PRO-TEM DORRIS stated that there is money in the budget in District 4 and District 5 for Unity CDC and he asked how much is available. He said what Unity is really looking for is money and if there is a request for some of that money today, the City needs to know what that request is. He said some of that money has been released to Unity already and it was his understanding that Unity was going to request funds today that had been budgeted.

The City Manager stated that the 2010 budget allocates \$50,000 for Unity CDC and there has been a drawn down of \$2,000 or \$3,000 already, so there is a balance of about \$47,000 allocated for Unity.

Mr. Willis stated that their request today is for \$20,000 to increase the programming that is going on.

COUNCILMAN UREMOVIC stated that there should be a proposal submitted to the Finance Committee and it needs to be reviewed. He said he would like to see that before a decision is made. He said he understands that the funding is available but before funds can be released a proposal has to be brought to the Finance Committee.

COUNCILMAN GIARRANTE stated that is the way it has always been and the Committee receives a budget on what the money is going to be used for. He said the proposal goes to the Finance Committee and the Committee then makes a recommendation.

The City Manager stated that was the practice that was followed when there was funding available from the gaming fund that was allocated for some of the service organizations and charitable organizations in town. He said obviously the City has not had those requests in the last two years due to the budget situation. He said because the City created Unity CDC in 2007, there was a three year commitment made and this is the third year of that commitment. He said that \$50,000 allocation was included but it is at the Council's discretion as to how those payments are made available.

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

MAYOR PRO-TEM DORRIS asked Mr. Willis how soon he could get the presentation done. He said he knows that Unity has a lot of different programs but the Council wants to see specifically where the money is going to be used.

Mr. Willis stated that he will do that as soon as possible.

COUNCILMAN GIARRANTE stated that included with that should be a budget with what they are spending now on salaries and so forth.

MAYOR PRO-TEM DORRIS said that there are no salaries, everyone is a volunteer.

COUNCILWOMAN QUILLMAN asked if Unity CDC does any type of fundraising.

Mr. Willis said yes, they just had a fundraiser where they raffled off a 42" TV and they are in the process of getting the Board more active in the fundraising.

COUNCILWOMAN QUILLMAN stated that she knows a lot of the people on the Board and was wondering how many people actually attend the Board meetings.

Mr. Willis said that on average there are probably 12 that attend the meetings, however, since he has taken over in June, he has had one on ones with nearly all of the Board members and they are communicated to and aware of what is going on day to day with the volunteers.

COUNCILWOMAN QUILLMAN asked if the department heads on the Board have offered to come up with any funding for Unity.

Mr. Willis said not specifically, however he is very optimistic that the Board members will step up and improve the fundraising efforts.

Deputy Liquor Commissioner Dan Campus then explained Council Memo #559-10 dealing with the Issuance of a Class "I" Liquor License to Hacienda De las Americas (Juan Jaime) at 24 Ohio Street.

Mr. Juan Jaime was present on behalf of the application.

MAYOR PRO-TEM DORRIS stated that the Council received a letter from the Mayor that states that Police Chief Hayes has changed his position on this license and he would like for the Chief to explain that.

Police Chief Hayes stated that he did have a law enforcement concern in reference to this license request about three months ago, but after that, he met with Juan Jaime, the applicant for this license, and he resolved the issues that he had concerns about. He said there was a police report in reference to an incident that occurred at his location and that police report was discussed with Mr. Jaime and they resolved all the issues. He said he no longer feels that there is a law enforcement concern about a liquor license at this particular location.

Deputy Liquor Commissioner Dan Campus read a note from MAYOR SCHULTZ stating as follows: "Chief Hayes changed his decision from six months ago when he recommended against issuance of this liquor license and he now has no problem with a liquor license being issued to Mr. Jaime. Two weeks ago the Pre-Council meeting some Council members said they received numerous complaints about a liquor license being issued at 24 Ohio Street and Pastor Starks stated he was concerned about another liquor license being issued, so

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

the Liquor Commissioner is leaving the decision regarding the liquor license up to the Council. When the liquor hearing was held on June 18, 2010 no one appeared in opposition to the issuance of this liquor license.”

MAYOR PRO-TEM DORRIS asked if he was saying that this was coming to the Council with no recommendation from the Liquor Commissioner.

Mr. Campus said we are recommending the issuance of the “1” Liquor License for 24 Ohio Street.

COUNCILMAN GIARRANTE stated that one of the questions that came up at the last meeting was the paving of the parking lot and he asked if that has been resolved.

Mr. Campus said that he has not been able to get in contact with St. Joe’s Church but he has left several messages indicating that there was an issue with the paving and he needed to clarify it with the parish for the Council. He said he has talked to Mr. Jaime and Mr. Jaime is willing to pave the portion that he would be using as long as the church would go along with it and if he didn’t have to do a lot of the piping that would normally be required. He said he and Mr. Jaime have met with the architect and he has met with City staff. He said there is enough parking with that little area. He said the Liquor Commission is recommending that they be allowed to use it for a year and find out even if it will be used much. He said there are several units in the complex that are not being used and those numbers should probably be subtracted from the total that is required.

COUNCILMAN BROPHY stated that on the formal site plan that was provided, there are notes stating that the required parking for the plaza was 77 stalls and 2 stalls for a total of 79 and the actual parking provided was 59, and he asked if that is accurate.

Director of Community and Economic Development Jim Haller stated that it is based on use and when the commercial applications are submitted, and they change over time, the City does not necessarily know who is going to be in there. He said he has not seen the site plan or had a chance to do any review on it to see what would be provided over at St. Joe’s.

COUNCILMAN BROPHY stated that the handwritten notes are saying that only 45 spaces are needed for a 225 person banquet hall.

Mr. Campus said one parking space is required for every five persons in the occupancy.

COUNCILMAN TURK asked what the restrictions are for storm retention.

Mr. Haller stated that storm retention would have to be provided unless they had a variance for that. He said the St. Joe’s lot was a playground at one time and the church received a donation many years ago to get gravel from Vulcan and at Vulcan’s expense, they top dressed the whole area for temporary parking. He said if the church wanted to make this a formal parking lot they would have to follow the storm retention rules and there really is not a variance process for that.

COUNCILMAN BROPHY asked where the storm retention is at the existing strip mall.

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

Director of Public Works Jim Trizna responded that he believes they did an underground storm sewer.

COUNCILWOMAN QUILLMAN asked if there would be any sort of payment to St. Joe's Church or is this more of a good neighbor policy.

Mr. Campus said that he is not sure, the only information he has is the same letter the Council received from Father Roger allowing Mr. Jaime to use their lot as long as he obtains insurance coverage.

COUNCILMAN BROPHY stated that the City is going to have to deal with this when the parking lot starts being used for commercial purposes and then it is going to have to be dealt with after the fact. He said it would be better to deal with it prior to the fact if they are going to need the spots. He said if the occupancy only needs 45 spaces, there are more than 45 on his property so he doesn't need the church lot. He said he would like staff to answer if the strip mall is ready for a banquet hall with its parking and ingress/egress and fire safety with doors on both sides. He said he doesn't like the idea of late night patrons crossing a busy street to get to their cars.

COUNCILMAN BROPHY said his other concern is that the City has legitimate, planned development guideline following businesses in town who have built banquet halls with the proper construction and parking. He said the guidelines were done for a reason; other problems direct and indirect arise from shoehorning things into where they don't belong. He said the City has to look at this as would we let them build a banquet hall here if it was empty land and how would it be done. He said it is simply a commercial development guideline and the question is whether the City going to hold them to it.

Former Councilman Alex Ledesma of 422 Columbia Street stated that he has known Juan Jaime for 18 years. He said Mr. Jaime has started from the ground up as have most business people, and when he first had intentions of building on the east side, he started with purchasing the Burton Carroll Used Refrigerator and Appliances building, gutted it out and rebuilt it. He said he put over \$1 million if not \$2 million in there and brought the building up when it should have been demolished by the City in its condition. He said we should all be very proud that he put nearly \$3 million into that corner when no one else wanted to build on the east side. He said Mr. Jaime had trouble getting tenants in the plaza and had three or four empty spaces. He said he offered that corner for a statue of the late Police Officer Jonathan Walsh and worked with the Police Department on that. He said Mr. Jaime had a meeting with Father Roger and St. Joe's OK'd everything and they are very pleased with the plaza there and told him to go ahead and use the parking lot temporarily as long as he kept it clean and maintained the lot.

Mr. Ledesma said Mr. Jaime needs the liquor license because he has no other choice. He said it is a good area and he will work with the Police Department in hiring police officers for security. He stated that banquet halls are not used every day and he will be lucky if he gets two or three every week so he can recoup some money. He said let's help him out, he made a great investment in that area, he could have gone to the west side and probably have been more

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

successful. He said COUNCILMAN BROPHY mentioned people crossing the street at night, but there are a lot of people crossing the street at the night spots downtown and there haven't been any problems with that and it was not brought up about the danger. He said the City supported them and they are in business and are successful, and the City should help Mr. Jaime be successful too. He suggested the City work with him, give him one year and see what happens.

COUNCILMAN SHETINA asked how many tenants are in the plaza right now.

Mr. Jaime stated that there are currently six tenants, the plaza is half empty.

COUNCILMAN SHETINA asked how many square feet the current tenants occupy.

Mr. Jaime said about 8,000 sq. ft.

COUNCILMAN SHETINA asked how big the total building is.

Mr. Jaime said it is 17,000 sq. ft., including the upstairs. He said this is not the best place for a banquet hall but with the economy being bad, he is looking for something. He asked the Council to give him one year and if there is a problem or he doesn't follow the rules, the City can pull out.

COUNCILMAN BROPHY asked if there are two stories in the banquet area.

Mr. Jaime said the banquet hall is one level, the shopping center has two stories.

COUNCILMAN BROPHY stated that he is trying to determine if it meets the commercial development guidelines. He said if they had built this today, there would be a different review process, not just the Liquor Commissioner's review. He said he hasn't said that he has made a decision whether he is for or against, he just wants to know from the staff's point of view if this meets the guidelines for a banquet hall. He said when you put 200 people in a space for a long period of time, we need to worry about fire code, ingress/egress, exits and does it need a sprinkler system.

Mr. Jaime stated that he has a sprinkler system and the Fire Department has come out and he has a letter from them.

COUNCILMAN BROPHY said if a strip mall owner came to the Planning Department and said he is going to take these three units and turn it into a banquet hall, would we have designed it this way.

Mr. Haller responded that all of these things are adaptable when you take them on a case by case basis. He said the first thing he thinks of is at the end unit at Infantry and Black Road is a church and he believes they took up three of those units. He said it is 1 parking space for every 5 parishioners that come into that space, it is a mathematical thing.

COUNCILMAN BROPHY stated that if the life safety issues are covered, he is still concerned that if the church lot is going to be used for commercial purposes, it should meet commercial standards.

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

Pastor Jim Starks from New Testament Fellowship Church located at Scott and Ohio Streets stated that they have had a lot of issues with drunk drivers in that intersection and the whole area. He said their insurance company will no longer insure the fence because it is hit so often. He said this area is very congested, especially when there is a JackHammers game. He said he lives right by there and there are several bars within walking distance of Scott and Ohio Street. He said there is enough alcohol flowing through this area already. He presented a petition with 100 signatures of people that are concerned about how crowded it is and the drunk driving in the area. He said the church is strongly against the issuance of the license and they feel that the facility could be used for something else to generate revenue.

COUNCILMAN SHETINA asked Mr. Jaime what his understanding is of the amount of the parking lot that he will pave.

Mr. Jaime said that he was thinking about spending about \$40,000 but it is not his property.

COUNCILMAN SHETINA asked what he projects in terms of income.

Mr. Jaime said that he is not sure, it will depend on the usage and liquor sales, but he is figuring about \$10,000 per month.

COUNCILMAN SHETINA asked how much it will be to lease the hall.

Mr. Jaime stated that he wants to make it really classy and nice and will probably charge \$2500 for the hall. He said he did the plaza and wants to do the same thing with the banquet hall. He said when he does something, he wants to do the best he can.

MAYOR PRO-TEM DORRIS stated that he thinks that it is very important when someone comes in with a plan to spend \$2 to \$3 million, there needs to be a needs assessment or some study done to make sure they are going to be able to reap the benefits of the money they spend. He said he has nothing against Mr. Jaime but it seems to him that there is no plan. He said Mr. Jaime would commit to spend \$40,000 on a parking lot that is not his, but he doesn't know what the income is going to be or if he would generate any revenue to pay for it. He said it seems to him that there is really not a plan and he has concerns issuing a license. He stated he would encourage the owner to do a detailed financial plan to see if it would be worth spending another \$40,000 on top of what he has already spent. He said when people come into the City and are going to spend that much money, the City needs to make sure they have done a business plan and that is only fair to them. He said the City doesn't want to put people in the position this gentleman is in.

COUNCILMAN BROPHY stated that he thinks MAYOR PRO-TEM DORRIS' comments are very valid. He said this one is already constructed and up and running, but we've talked before about the accountability of the staff, and that before a planner would recommend a project, the planner, along with his banker, would both agree that there is viability in a project. He said this was planned during the craze and the economy has since changed significantly. He said if Mr. Jaime needs the other parking spaces which he hopes he does, he thinks Mr. Jaime and his lessor should be held to the conditions that the City holds every other commercial entity to. He said if the City wants to give him time to do

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

so that is a different story, but we've asked every commercial entity in town to pave their parking lots and to exclude this lot is not fair.

2. Issuance of a Class "I" Liquor License at 24 Ohio Street  
(Council Memo #559-10)

COUNCILMAN UREMOVIC moved that the application of Hacienda De las Americas, Inc. (Juan Jaime) d/b/a Hacienda De las Americas for the issuance of a Class "I" Liquor License at 24 Ohio Street be denied.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

PASS: COUNCILWOMAN BARBER. (After the completion of the roll call vote, she changed her vote to aye).

Prior to his vote, COUNCILMAN BROPHY stated that he doesn't like the fact that the business owner is left with very few other choices and there are a lot of people in the same boat trying to find remedies for decreased revenue but we can't turn every vacant structure into a bar, tavern or banquet hall. He said at this point, seeing that he is unprepared and the Council has insufficient information, he is going to vote aye.

Prior to his vote, COUNCILMAN UREMOVIC stated that he made this motion for a reason. He said we would have to bend every rule in the book to accommodate this license and that is just not what we're supposed to do.

Prior to his vote, MAYOR PRO-TEM DORRIS stated that normally they would follow the lead of the District Councilperson and he thinks that they really need that. He said there is a day where you have to stand up and say where you're at, and he votes aye.

The City Manager then explained Council Memos #541-10 and #542-10 dealing with Change Orders to the Contract with VOA Associates for the Joliet City Center Development Plan.

Senior Vice President Michael Emerson of VOA Associates was present to respond to questions.

The City Manager stated that both of these items were reviewed by the Land Use Committee two weeks ago and they both deal with the development of the multi-modal transportation center just south of the existing Union Station. He said the City has been working with VOA Associates for about a year and a half in developing plans and seeking funding for the development of the multi-modal transportation center. He said there is another round of TIGER (Transportation Investment Generating Economic Recovery) Grant money that is being made available by the U.S. Department of Transportation. He said it is very competitive and is less money than what was allocated the first round, but the City has met with decision makers in the U.S. Department of Transportation and they have seen that our proposal seems to fit the types of projects that they are looking for as far as funding for the TIGER II Grant process.

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

The City Manager said that there are two amendments to the VOA contract asking them to do additional work for the City and one of the conditions of the grant is for the applicant to do an environmental assessment. He said that this is not an environmental impact study as we know it for real estate acquisitions where it is a Phase I or Phase II, this takes into account several environmental issues dealing with noise, sound, air quality, impact on historic structures and several other things. He said that proposal is before the Council for the City to ask VOA to get that process going. He said that process needs to be underway when the City files the application in August of this year and needs to be completed sometime in the September or October time frame.

The City Manager continued that the second proposal deals with additional TIGER II Grant proposal requests, getting the application on file and also looking at developing a memorandum of understanding with all of the stakeholders with whom the City has been meeting with for the last year and a half, that being the County, the State through the Illinois Department of Transportation, Metra, PACE, Amtrak and other interested stakeholders and beginning the design work for parking relocation and getting letters of support.

The City Manager said one bit of good news is that they have been working very closely with the Governor's Office and with IDOT looking for their support. He said it appears that IDOT will be signing on as a joint applicant with the City for the TIGER II application which is a big benefit for the City because IDOT was going to have other applications in and this seems to be one that they find to be very attractive, much like what was approved in Normal, Illinois which received a \$22 million grant. He said having IDOT on board with the application is a great start and hopefully they will find success when this is reviewed in Washington, D.C.

COUNCILMAN GIARRANTE stated that bottom line, this is absolutely necessary if the City is going to apply for and try to get the federal funds to do the transportation center.

The City Manager said yes and if we do not have an environmental assessment underway and the other parts the City will be disqualified right away. He said Normal did their environmental assessment in 2003 which was 6 1/2 years before they eventually received their grant so it is something that even if the City is not successful in this round of the TIGER grant application, there will be other funds that will be used by the federal government to try to fund projects like this. He said he remains confident that this is a game changer for downtown Joliet. He stated that the City has gotten a lot of support from agencies outside of the City that see that the City is doing the right thing and they really do think it is an important project.

COUNCILMAN BROPHY stated that the Normal, Illinois study had quite a long shelf life, does this work stale at any point or is there something like a 10 year life on it.

The City Manager said that most of it will remain current and the impact on historic structures, storm water issues, engineering issues and those kinds of things will remain constant. He said if the City is not successful they will be able to continue to use this report. He said the last time the U.S. Department of Transportation was inundated with applications for a relatively modest amount of money and instead of going through that again, they wanted to separate those that are serious from those that were applying just in case. He said that there is

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

enough groundwork done already that it merits going forward with this important step.

COUNCILMAN SHETINA asked where the funding is coming from.

The City Manager said over the last two years intermodal funds have accumulated from funds that the City charged CenterPoint in the annexation process in 2008. He said currently that fund is at about \$5 million and it is growing because there are additional payments that will be made by CenterPoint. He said that fund was set up to help the City with the impact of trains in the Joliet area. He said the private rail companies have a big interest in this project, those that have been out there have seen the BNSF and UP trains come to a stop to allow the commuter trains to come through especially on the Rock Island line and just that stop alone cost them thousands of dollars per stop so they have great interest in this project. He said there is obviously going to be some contribution that will have to be made locally so they are putting together a package with all of the stakeholders and they will be leaning on the two rail companies to contribute substantially because they are going to have some track relocation work to do right at Union Station so people who want to ride Amtrak or the commuter line will not have to cross two or three sets of track to get to their train. He said he reads about pedestrian accidents frequently in the Chicago area and this will eliminate the opportunity for any crossing of the train tracks by riders of Metra or Amtrak so that is why the UP and BNSF are very supportive of what the City is doing.

COUNCILMAN SHETINA said with respect to the environmental study, he has had contacts from people in town that feel they have the expertise to do this and he doesn't know if they do or not, but he would like him to show the scope of the study and publish the scope so it shows exactly what the City is doing here. He said he has nothing but good responses from VOA and they've been a great partner with the City and they have done a lot more work than what the City had contracted them for, but he would like to see that.

The City Manager stated that they will break down each piece and there is a report that will show exactly what work will be done and if there are parts of that work that can be done by local firms, the City will invite those firms to participate and submit bids.

COUNCILMAN BROPHY asked what the deadline is on the TIGER II grant application.

The City Manager stated that the pre-application is due next week and the final application is due August 23<sup>rd</sup>.

COUNCILMAN BROPHY asked who on the staff is accountable as the City gets deliverables. He asked if the City owns the work and without criticism to VOA, and just doing diligence to protect the City, is there any penalty for not meeting that due date.

The City Manager stated that he is ultimately responsible but Planning Director Kendall Jackson continues to serve as the project manager and Jim Haller is extensively involved especially because of his knowledge of the rail industry in Joliet. He said as far as the environmental assessment work, it does not have to be completed by the August 23<sup>rd</sup> deadline, we just have to show that we have contracted for it and it is underway. He said we will make sure that those dates are met and the work is done on time.

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

It was requested that these items be voted on today.

3. Request for Authorization to Approve Change Order No. 3 for the Joliet City Center Development Plan  
(Council Memo #541-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 3 in the amount of \$119,375.00 for the Joliet City Center Development Plan and authorize the execution of an Architectural/Engineering Services (Environmental Assessment Report) Agreement between VOA Associates, Inc. and the City of Joliet for professional services related to the Joliet Regional Multimodal Transportation Center.

4. Request for Authorization to Approve Change Order No. 4 for the Joliet City Center Development Plan  
(Council Memo #542-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 4 in the amount of \$80,530.00 for the Joliet City Center Development Plan and authorize the execution of an Architectural/Engineering Services (Pre-Design Services) Agreement between VOA Associates, Inc. and the City of Joliet for professional services related to the Joliet Regional Multimodal Transportation Center.

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

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

5. Colleen Percy re: Railroad Property - Mayfair Subdivision

The City Manager stated that there was an item that was discussed at the last Pre-Council meeting dealing with an issue that was raised by Mrs. Percy from the Mayfair Subdivision. He said COUNCILWOMAN QUILLMAN met with Mrs. Percy along with Jim Haller and representatives from the CN and he met with Mrs. Percy at her house on Thursday evening and they looked at the situation raised at the last meeting. He said the staff recommendation is to have the Public Works Department continue working with the neighborhood. He stated there are a couple of stub streets that are currently being used by some of the young people to take their ATVs and dirt bikes into the back yards and along the tracks, and Director of Public Works Jim Trizna is looking at some ways of trying to make it more difficult for the kids to get in, and they can't guarantee complete success as some will find a way around it, but it will make it more difficult. He said Police Chief Hayes through Sergeant Perona, Officer Knowski and Officer English has been working with the neighbors for quite some time on issues dealing with the kids and some of the problems that have been caused and it seems like they have a good handle on the problem and have been working on it for awhile so the second recommendation is to continue with that.

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

The City Manager said the third recommendation is the brush and some of the scrub trees that are actually on railroad property that Mrs. Percy and her neighbors would like cut down. He said that is outside the City limits so the City doesn't really have direct control over it but if the neighbors want it cut down the City will try to find someone that can help with that, and the City has been in contact with the Plainfield Township Road Commissioner to see if he may be able to help. He said this might go a long way to help prevent some of the activity that is going on and there is a visual barrier where some of the kids get behind and cause problems. He said those are his three recommendations. He said there is also a fence issue and Mrs. Percy and her neighbors have asked if the City would pay for a fence that would screen their backyards, but he doesn't really have a source of funding for that. He said his recommendation is to work on these three items and defer a decision on the fence until another day when we see if these other things help the cause.

Mrs. Colleen Percy stated that her concern right now is if they don't get the fencing and the weeds, trees and bushes get cut down, the area would be wide open for more vehicles and it's just going to make the problem worse. She said her other concern is that for seven years they have been dealing with the Joliet Police Department and she had spoken to COUNCILMAN SHETINA several years ago regarding this and the City of Joliet had told her and her neighbors that they could not put their fences back to where they were after the sewer project was completed. She said if this property is not in the jurisdiction of the City of Joliet, who gave them the right to tell the residents that they could not put their fences back when the project was done because when the sewer project started the residents all had fences back there and they took care of the property. She said they didn't have all of the issues that they have now because of the fences being so far back. She said the City came in and did the sewers and said nobody could put their fences back and her question is, if this is not City property, who gave the City the right to tell them that their fences couldn't be put back.

COUNCILMAN QUILLMAN asked if they had figured out what had happened in 2002 when the sewer project was done.

The City Manager stated Mayfair was one of the first subdivisions to be build along Caton Farm Road and a lift station had to be put in to pump the sewage to treat it. He said a sanitary line was installed in 1999 which eliminated the need for the lift station and that sanitary line went in an easement that was obtained from the railroad. He said there were some fences that were in the area of the sanitary line and that is why the fences had to be removed. He said he does not know what happened in 2002 and what Mrs. Percy was told by the staff at that point, and what we would tell people today is that the City does not have the authority to allow the residents to put a fence on somebody else's property. He said he understands that the residents took that more as an order.

Mrs. Percy stated that a neighbor tried to put the fence back where it was and he was told by a City of Joliet employee, who had received a compliant, that he could not put the fence where he was putting it. She said that the City employee told the residents that there would be no more fencing on that property.

COUNCILMAN BROPHY asked Mrs. Percy if she knows where her lot ends.

Mrs. Percy stated yes.

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

COUNCILMAN BROPHY stated that when someone comes in for a fence permit, the City can only give them a permit for a fence on the property they own.

Mrs. Percy stated that she understands that and she had a letter from the railroad giving her permission for the fence, but unfortunately when they had a flood she lost everything that was in her filing cabinet in her basement. She said she was not going to put a fence on something that was not hers because she didn't know whose property it was. She said she found out from the City that it belongs to the railroad.

COUNCILMAN BROPHY asked if she received a letter once from the railroad would she be able to get it again.

Mrs. Percy said yes, the representatives from the railroad were at her home and they gave her waivers to sign allowing them to use the property. She said however her request for fencing is because the City told the residents that they couldn't put the fences back. She said they lost hundreds of feet of fencing and she is now finding out that the City of Joliet didn't have the authority to tell the residents that they couldn't put their fences back.

COUNCILMAN BROPHY asked what is the issue now with the fence since the City can give them a permit for the fence to their property line and she could obtain a permit from the railroad to install a fence as far back as she wants.

Mrs. Percy said that she wants the City to replace the fencing that she was told she couldn't put back when it was originally removed.

MAYOR PRO-TEM DORRIS asked Mrs. Percy if she was under the impression that the City was going to pay to put the fence back or was she going to pay to put it back, because what her comments have been is that the City told her that she couldn't put the fence back which leads him to believe that she was going to pay for it.

Mrs. Percy stated that they already had the fencing but they removed it so the City could do their sewer project and they were going to put the fencing back when the project was completed. She said they didn't put the fence back because the City told them they couldn't so they got rid of all of the fencing that they had.

COUNCILMAN GIARRANTE asked when the City told her she could not put her fence back up, did she ever contact the railroad to ask if she could put the fence up.

Mrs. Percy said that she did not contact the railroad because she was told that the City had an easement and we were not allowed to put our fence back. She said that's what all of the residents were told.

COUNCILMAN BROPHY asked Mrs. Percy what relief she is seeking.

Mrs. Percy said that she would like the fencing put back.

COUNCILMAN BROPHY asked if they have any fence now.

Mrs. Percy said that they do have a fence on their lot line where the City told them they had to put it when the project was completed.

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

COUNCILWOMAN QUILLMAN stated that also there is a public safety issue because there is a gas line sticking out of the ground as well and Mrs. Percy has called NICOR who verified that it is a live gas line. She said in the wintertime when it snows there are a lot of snowmobiles and you can't see the line. She said on Wednesday it was suggested by Officer Knowski to put delineators up as opposed to putting up a fence. She stated when she left the meeting on Wednesday, she thought at best Mrs. Percy wanted that graded because it is so uneven right now. She said her question to Mrs. Percy is because the Council can not afford to give them the fence and the delineators go into effect, does she want the area cut down because there would still be people hiding back there.

Mrs. Percy stated that if you just cut down the weeds and trees and do nothing else, it will just cause a bigger problem if nothing is done as a deterrent.

COUNCILMAN SHETINA stated that the residents of Mayfair used to get water in their basements so the City put in the sanitary sewer line and the residents were charged nothing for that. He said all of the rest of the properties are cut and maintained. He said he talked to the neighbors again on Saturday afternoon and asked those that have fences how they got to put the fence in and their response was that the railroad let them put them in and charges them about \$65 a year. He said the City Manager has asked Plainfield Township to get rid of some of the overgrowth and this is the only area that is not cut and maintained. He stated there has to be \$10,000 worth of tree removal so if Plainfield Township is willing to do that and level it he believes that would be a good adjudication. He said he talked to the neighbors to the north of Mrs. Percy and asked who is cutting the grass behind their property and they said they are cutting the grass. He said he asked the neighbors about the ATVs and they are complaining the same way about the kids on the ATVs. He said if the trees are removed and the land is leveled, they can put their fences up if they get permission from the railroad. He said the first question was to the railroad and if they would pay for the fence and the railroad said no, and then they came to the City and now they want the City to pay for the fence.

Mrs. Percy stated that she is asking who gave the City permission to tell them that they don't have the right to put their fencing back. She said the City overstepped their bounds by telling residents they couldn't put their fences back.

COUNCILMAN SHETINA stated that the City is protecting their easement and that does not give her the right to come and say pay for her fence. He said the City is willing to help with all of the other things but she would need to put the fence up.

Mrs. Percy asked who would be responsible as far as the Police Department when they have issues.

The City Manager stated that the property paralleling her property is owned by the railroad company and that was not annexed when all of the farms on Caton Farm Road were annexed in the early nineties. He said that strip of land is in unincorporated Will County and if there was a criminal act there, there would obviously be a jurisdictional issue. He said the City's Police Department has remained involved in this because the residents that go there with their ATVs and dirt bikes are from the Mayfair Subdivision.

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

COUNCILMAN SHETINA stated that not all of the kids back there are from Mayfair, there is another subdivision that is unincorporated. He said we've policed that area like with the sewer and paid for it and accommodated the residents. He said if it is based on the rationale that the kids are from Joliet, he has no problem with the City doing that as long as there is the manpower and it does some good. He said apparently there is still sporadic use of the property by people that shouldn't be there. He said he thinks that it is a good adjudication for the City to remove the trees and level the property and the City will do that if we can but they need to put their fence up. He said that is his position, the rest of the Council can say it will be paid for out of At Large money or find it in the budget but he is not going to support that and he is not going to pay for it out of Neighborhood Improvement money.

MAYOR PRO-TEM DORRIS asked that the City Manager continue to pursue with Plainfield to get the trees cut and the City of Joliet is going to continue to police that area, even though it falls under the Will County Sheriff. He said after hearing no motion to pay for the fence then there will be no payment of the fence from the City of Joliet.

COUNCILMAN UREMOVIC asked if there is a liability issue if this is not City property and our police go in there.

The City Manager stated that we have taken on additional responsibility that we would not ordinarily take on but in the interest of community policing, Chief Hayes has had his officers involved with residents of the subdivision because of some of the criminal activity and it's a risk but it's a risk that the City has assumed and can manage. He said at this point, there is some exposure for liability but that shouldn't hold the City back from trying to solve the problem.

COUNCILWOMAN QUILLMAN asked if the estimate to clear out the area would include installing the posts or would that be separate.

The City Manager said that they would estimate the cost on that also. He said he doesn't want anyone to think that these barriers are going to solve the problem because it's not, kids are resourceful and will find ways around them, but at least it will make it more difficult.

COUNCILWOMAN QUILLMAN stated that she asked that because if it is cost effective and they are placed so many feet apart, the cost of the posts may be the same as putting a fence up.

The City Manager responded that the posts are a fairly nominal expense, it will be much cheaper than installing a fence, but it is not going to stop the traffic because there will be other ways to get in there. He said it will at least eliminate a couple of access points though.

COUNCILMAN SHETINA stated that if in fact the City is going to take the trees out and grade the land but the fence doesn't get done and it is going to cause more of a problem if we clear the land, maybe nothing should be done.

The City Manager said that first the City will see if the Plainfield Township Road Commissioner is in a position to help, and if he is, before it starts, he will follow up with Mrs. Percy and if she and her neighbors don't want it done because the City won't pay for the fence, at that point he would recommend to leave everything.

## COUNCIL- MANAGER FORM

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 19<sup>th</sup> day of July, A.D. 2010***

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

COUNCILMAN BROPHY said regarding Council Memo #525-10 dealing with the payment for the lease of a tower site at 750 Fox Street, what would it cost to relocate the tower to a property that the City owns or that the City has an agreement to co-locate on.

The City Manager stated that this contract goes way back and he isn't sure when it started with Chicago Tower Leasing Corporation but the City is spending almost \$18,000 per year so it would certainly make sense for the long term to put up our own tower. He said he is sure that may be a bit more cost effective.

Police Chief Hayes said that this is a location that the City has looked at in the past and to locate a tower for the City's radio system alone in that area would cost well over \$500,000.

COUNCILMAN BROPHY asked if we could co-locate on a tower.

Chief Hayes responded that they have looked at some other locations in that area and so far haven't been able to find one that is cheaper than what the City is currently paying in rental fees now. He said they will certainly continue to explore that option if it comes up in the future.

The City Manager advised there was a need for a closed session to discuss personnel, collective bargaining, land acquisition or conveyance, and pending or threatened litigation.

COUNCILMAN BROPHY moved that the Council recess to closed session at 5:40 p.m. to discuss personnel, collective bargaining, land acquisition and pending or threatened litigation after which the meeting will be adjourned.

Motion seconded by COUNCILMAN GIARRANTE.

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

NAYS: NONE.

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ARTHUR SCHULTZ  
Mayor

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JANET K. TRAVEN  
City Clerk

Recorded on Tape