

***Proceedings of the Council of the City of Joliet, Illinois  
held on the 20<sup>th</sup> day of July, A.D. 2009***

PRE-COUNCIL MEETING of the Council of the City of Joliet, Illinois held on Monday, July 20, 2009 at 3:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

ROLL CALL

PRESENT: MAYOR ARTHUR SCHULTZ and DISTRICT 4 COUNCILWOMAN SUSIE A. BARBER, DISTRICT 5 COUNCILMAN WARREN C. DORRIS, COUNCILMAN AT LARGE THOMAS C. GIARRANTE, COUNCILWOMAN AT LARGE JAN QUILLMAN, DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA and DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

ABSENT: DISTRICT 2 COUNCILMAN TIMOTHY M. BROPHY and COUNCILMAN AT LARGE MICHAEL F. TURK.

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 first explained Council Memo #615-09 dealing with the Annexation of 75.63 acres at the Southwest Corner of Millsdale and Vetter Roads and the Preliminary Plat of Stepan Industrial Park.

Attorney David Silverman and Mr. Jim Beaulieu of Stepan Company were present on behalf of the petition.

COUNCILMAN BROPHY arrived at the meeting during the discussion.

COUNCILMAN SHETINA asked why there are monitoring wells in the larger of the two lots in the preliminary plat.

Mr. Beaulieu said the wells are used to monitor the soil because we do have application of wastewater treatment and sludge that's applied to those fields and the wells provide the ability to test it.

COUNCILMAN SHETINA said there are at least two monitoring wells. He said it's in a wetland area and wetland is a soil type. He said he's just wondering why they are there.

The City Manager said it looks like there are two located along what will be Baseline Road extended and that road will be constructed by CenterPoint as soon as it has all of the final approvals that it needs from the State and Federal agencies. He said we could get an answer for you by tomorrow.

COUNCILMAN SHETINA said he would like to know the reasoning for them being there. He said he doesn't have any problem with the project and the annexation but he wants to know what that's about.

The City Manager said we'll follow-up up on that and have an answer before tomorrow night's meeting.

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COUNCILMAN SHETINA asked who is working on this from staff with respect to the engineering.

The City Manager said Public Works and Public Utilities. He said there are utility issues dealing with a well site. He said it's a well that is part of the CenterPoint project and there has been an agreement with Stepan, CenterPoint and the City of Joliet regarding the location of that well site. He said that took a little bit of extra time and that's why this was tabled a couple of times because we weren't certain which of 3 locations would be the best and this was agreed upon by all 3 parties last week.

COUNCILMAN SHETINA said he just doesn't want to get into a problem on that later.

The City Manager said he thinks we're in great shape.

The City Manager explained Council Memo #620-09 dealing with an Amendment to a Development Agreement for Central Park Subdivision in order to develop 30 acres of City owned property at the southeast corner of I-55 and Caton Farm Road with a high end condominium and townhome development. He said the purchase price remains at the original agreed to amount of \$675,000.

Mr. Fred Hintze of Colony Builders was present on behalf of the developer.

COUNCILMAN GIARRANTE asked if this is the pond or do they already own the pond.

The City Manager said the pond is on the 30 acres owned by the City. He said there was some litigation when we were doing our annexation work in 1991 and the agreement that was struck at that time required that the pond be offered to a public agency for park purposes. He said this agreement renews that obligation and at the time of development there will be an offer that will be made most likely to the Plainfield Park District since it is in their jurisdiction for that to become a public park area.

COUNCILMAN GIARRANTE said in the very northwest corner every time it rains it's a lake; they won't be able to build on that and he asked what are they going to do with that. He asked if that is part of this deal.

The City Manager said it's part of the deal and that is most likely going to be a stormwater area.

The Corporation Counsel said there is a series of lakes that would hold all of the low land including the floodplain at the corner. He said the original PUD had a nice drawing that showed where the condominiums and townhomes would be and there is a ton of open space in this project and that area would be part of a lake system.

COUNCILMAN GIARRANTE said so we'll keep on top of that to make sure that it's big enough to retain the water.

The Corporation Counsel said yes.

COUNCILMAN UREMOVIC said so absolutely nothing changes in the PUD except the timetable for this purchase from the City of Joliet.

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The City Manager said that's correct.

COUNCILMAN UREMOVIC asked what is the timetable.

Mr. Hintze said we intend to close as soon as all of the paper work can be completed; probably within the next 30 days.

COUNCILMAN UREMOVIC asked at that point what happens.

The City Manager said there will be a development entitlement on the entire 70 acre parcel. He said currently Colony owns pieces on both sides and this is the gap that needs to be closed. He said their lender is saying buy it so the lender has the security that all of the entitlements are in place for this development. He said the closing will take place fairly soon but that doesn't necessarily mean the development will start right away.

Mr. Hintze said that's correct; we're waiting for the economy on that.

COUNCILMAN UREMOVIC said his question is whether there is a timetable for them to execute the purchase from the City of Joliet.

The Corporation Counsel said the agreement calls for the City to close on the sale to Colony Builders within 90 days of a finance commitment being finalized with Colony's lender. He said he doesn't know when that's going to happen, but it sounds like they're able to proceed right away. He said we would then have 90 days to close but it won't take us that long as this is a very simple transaction. He said we would be able to close according to Mr. Hintze's schedule.

COUNCILMAN BROPHY said the Land Use Committee is in favor of this because unlike some developers coming to us and asking for breaks from previous deals, here we have a developer who's not asking for a change or a break, in fact he's going to honor the commitment that he made on a purchase price and with values obviously lower today than they were then, it is a very healthy sign that this is a good parcel for possible development and he's willing to execute based on the original price. He said they were happy to approve it and recommend it.

It was requested that this item be voted on today.

1. AN ORDINANCE Approving an Amendment to a Development Agreement for Central Park Subdivision, a PUD was presented and read.  
(Council Memo #620-09)

COUNCILMAN SHETINA moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

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Prior to her vote, COUNCILWOMAN QUILLMAN said she voted no on this back in October of 2006 but it's going to pass anyway and she would have to agree with the Land Use Committee on their commitments, so she's going to vote aye this time.

(ORDINANCE NO. 16501)

The City Manager then explained Council Memo #635-09 dealing with renewing coverages and services for the City's Consolidated Property and Casualty Insurance Program with Arthur J. Gallagher Risk Management Services for the policy year beginning August 1, 2009 in an amount not to exceed \$642,911.00.

COUNCILMAN SHETINA asked about the decrease in cost and if that is based on our experience ratio or is that just the competition in the market or what other factor might have been involved to lower costs.

Mr. Richard Stokluska of Arthur J. Gallagher said it's a combination of going back to the underwriters and our relationship with them and negotiating the costs as it seems to be fitting in with the rest of the marketplace. He said what we've seen is basically the rates have been flat so any of the increase might have been something that was a little bit unusual. He said the increase in the storage tanks was a result of the age of the tanks. He said there were some increases in property values, payrolls and expenditures.

COUNCILMAN SHETINA said essentially our experience ratio has been pretty good.

Mr. Stokluska said it has.

The City Manager then explained Council Memo #633-09 dealing with Awarding a Contract for the Neufairfield Future Park Site Renovation Contract to ASA Illini-Scapes in the amount of \$38,500.00. He said once the initial work is acceptable, the new park site will be released to the New Lenox Park District for ongoing maintenance.

COUNCILMAN TURK arrived at the meeting at this time.

The City Manager then explained Council Memo #618-09 dealing with a Special Use Permit to Allow the Conversion of a Restaurant into a Community Banquet Hall at 1030 N. Hickory Street. He said a revised Council memo was distributed to change the hours of operation on Sundays to make sure it closes at midnight rather than 1 a.m. so it's consistent with the liquor licensing limitations that are currently in place for this facility. He said there were some property maintenance issues that were a condition of the ZBA's approval and those conditions have been satisfied and are no longer an issue.

Mr. Willie Cervantes was present on behalf of the petition.

COUNCILMAN UREMOVIC asked if there is enough parking.

The City Manager said not really, it's the same parking that was there when the Croatian Cultural Club operated for decades. He said there are 11 on-site parking places and about 20 on-street, off-site parking spaces that could be used, so there are right around 30 spaces. He said our ordinance requires one space for every five people who would go to this facility, so the ordinance itself would require 20 parking places and this facility has 11. He said he went out

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there last week and there really is no room for expansion. He said it has been this way for many years and it appears not to be a problem and we had no objectors from the neighborhood. He said it's been operating as a restaurant for many years and there is another commercial establishment on the northwest corner. He said it appears to be a situation where there is very limited parking but it seems to work.

Mr. Cervantes said there are 15 parking spots; they had it repaved and relined.

COUNCILMAN TURK said in general he has noticed that at a lot of weddings there is a uniformed officer providing security and he asked what triggers security. He asked if it is the number of people at the event or is it just any kind of facility has to have it.

The City Manager said he doesn't think it's mandatory to have security; he thinks it's just a matter of choice for either the establishment or the family that may book the event.

Mr. Cervantes said someone really wouldn't hold a wedding here, it's mainly for small birthday parties and small gatherings. He said right now with the economy being so bad they had to get rid of the restaurant. He said this is just available on a rental basis and it's not open every day. He said if there is no one renting it there is no money being made.

COUNCILWOMAN QUILLMAN said if these are just small birthday parties and things of that nature, why do you need the extended hours to 1 a.m.

Mr. Cervantes said a lot of the customers that do rent it out ask to have it open a little while longer and we have to tell them they can't and they in turn tell their families it was a nice place, a lot of room, but they're not open real late.

COUNCILWOMAN QUILLMAN said the previously approved hours were to 10 p.m. and the new proposed hours are until 1 a.m. and being a residential area and these are just small parties, she has an issue with the 1 a.m. in a residential area. She said she understands it's a business and Mr. Cervantes needs hours, but her question is would he be opposed to kicking it back to 11:30 p.m. or 12 a.m.

Mr. Cervantes said it's a residential area but on Hickory Street there are probably already 4 or 5 bars that are open until 2 a.m. on those nights as well. He said they aren't trying to cater to in-house drinking, it's mostly confined to invited guests.

COUNCILWOMAN QUILLMAN asked the Police Chief if we've had a lot of issues with the other bars in that neighborhood.

The Police Chief said no we have not, it's been very quiet.

COUNCILWOMAN QUILLMAN asked if they are all open at this time.

The Police Chief said not all until 1 a.m. He said some have licenses to stay open until 1 a.m. but it just depends on how business is going. He said he's seen some recently closing a little bit earlier based on business that day but they could stay open until 1 a.m.

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COUNCILMAN BROPHY asked the Corporation Counsel if he recalls the hours of operation for the Croatian Club.

The Corporation Counsel said he doesn't remember. He said we brought a lot of these near west businesses in through ZBA because in 1988 a lot of these businesses lost their zoning and the process back then was just to ask the business operator what their current hours were and then that became the restriction on the variation so there wasn't always a lot of discussion on what would be the best set of hours and what do nearby businesses have for hours. He said we get a lot of repeat business as these businesses sell and the buyers want a little more flexibility.

It was requested that this item be voted on today.

2. AN ORDINANCE Approving a Special Use Permit to Allow a Banquet Hall in an Existing Structure Located at 1030 N. Hickory Street as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: 1) Off-street parking for 11 cars shall remain in the future; 2) The structure shall not be expanded in the future; 3) The hours of operation shall not exceed 10 a.m. to 12 a.m. Sunday thru Thursday, and 8 a.m. to 1 a.m. on Friday and Saturday; 4) The owner shall participate in the City landlord training/tenant screening program related to the upper level apartment; 5) If the conditions are not completed within the specified time period or adhered to, this matter shall be scheduled for an administrative hearing; and 6) Should the property be declared a public nuisance, this matter shall be scheduled for an administrative hearing and possible revocation of the special use permit.

(Council Memo #618-09)

COUNCILMAN TURK moved to approve, seconded by COUNCILWOMAN QUILLMAN.

COUNCILWOMAN QUILLMAN said she would second the motion but she would like to see it up for review in a year and she asked if the motion could be amended.

COUNCILMAN TURK asked if that is what we typically do.

COUNCILWOMAN QUILLMAN said she didn't see that as a condition.

The Corporation Counsel said we do have the standard provision in there that if at any time the property is not managed properly, we can declare it a public nuisance, begin the administrative process and have it brought before the Council if a repeal seems to be in order, so we have that and we don't have to wait a year. He said it's the standard language.

COUNCILWOMAN QUILLMAN said it could be a year or less.

The Corporation Counsel said yes, as long as there are reported problems.

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COUNCILMAN TURK moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16502)

Deputy Liquor Commissioner Dan Campus explained Council Memo #662-09 dealing with the Issuance of a Class "C" Liquor License at 120 S. Larkin Avenue which was tabled at the last Council meeting in order for additional information to be provided.

Mr. Ahmed Alkilani was present on behalf of the application.

Mr. Campus said regarding the parking issue, he was given a memo from staff that indicates that 26 parking spaces are required for the size of this building, and there are 36 spots there currently. He said there are five apartments behind the businesses and four of those are currently occupied by persons that work at Bellagio's and don't have cars, so that's not an issue. He said regarding the church on Allen and Morris Streets, the distance from this property and the church is 508 feet, well above the restriction of 100 feet.

COUNCILMAN BROPHY asked if the apartments are on the first or second floors.

Mr. Campus said he didn't go inside, he thinks they are on both levels.

Mr. Alkilani said there is only one apartment downstairs on the north side and four upstairs.

COUNCILMAN BROPHY asked if this falls under our inspection program and the City Manager said they will check into it.

COUNCILMAN BROPHY asked if we know how long ago that was added on and asked if it was before Mr. Alkilani bought it.

Mr. Alkilani said no, when he rented this place the building wasn't there. He said he is not the owner of the building, he rents the tobacco shop.

COUNCILMAN UREMOVIC said at the previous Council meeting the Mayor had asked him if he had talked with Dan and he did talk with Dan about 3 weeks ago. He said the Mayor asked him if he had a problem with it and he said no because the letters were sent to the neighbors, but he's getting some mixed signals here. He said the letters were sent to the 100 block so that would be north of the property in question and Bellagio's, but the 200 block didn't get any letters and some people weren't aware of this and that's why he had a question. He said he doesn't know if there was support for it there and he asked if we can get some feedback from the people in the 200 block because that is important to him.

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Mr. Campus said we could go back and send them a letter and see if there are any problems.

COUNCILMAN SHETINA said he thought there were four apartments and apparently there are five and he didn't like it then and he doesn't like it now. He said regardless of the parking or anything, he just doesn't like it.

COUNCILMAN BROPHY said he understands it's an odd use to add one in there but given the uses up and down Larkin Avenue he wants to be careful because we've approved some new stuff down the road that was fairly tight with limited parking, and he doesn't think we put any liquor licenses in there, but it's a relatively new thing and on a square footage deal that has less parking than this place does here. He said so he's not sure that parking is the issue and he wants to be fair to this gentleman. He said the question should be whether or not we want to add another liquor license and not relate it to anything else. He said we haven't talked much policy wise about putting a finite cap on liquor licenses in town. He said we've been entertaining the Mayor's suggestions and usually approving those so he has a hard time picking on this guy if we don't talk about a policy in a general manner.

Mr. Campus said in that regard he did prepare a document for the Council. He said COUNCILMAN DORRIS asked him at the last Pre-Council meeting for the number of licenses per capita in the City over a couple of years. He said for 2009 there is 185 liquor licenses which is one per 826 residents. He said he went as far back as 1993 and we had 146 licenses for the population of 80,000 which would be one for every 548 residents so it's not as if we're doing an excessive amount of licenses. He said more often than not these are turnovers and with the east of Raynor rule in force a lot of those licenses are just transferred back and forth. He said any new construction is usually out west.

COUNCILMAN DORRIS asked how it compares with neighboring cities our size.

Mr. Campus said he didn't check that, he doesn't know if that's a count that they use to maintain their liquor licenses. He said he could ask some of them.

COUNCILMAN DORRIS said if we do set a policy he would like to see that information.

COUNCILMAN TURK said this is just package liquor, correct.

Mr. Campus said yes.

COUNCILMAN BROPHY said if approved does he have freezer space and refrigeration space set up. He said he hopes we're not going to be adding lean-tos out the side of the building.

Mr. Campus said no. He said he currently has one of the four units as a tobacco shop and he's taking the empty unit next to his so he can do all of that in there. He said it's not going to be a big package store.

COUNCILMAN BROPHY said it sounds like the Council wants to talk about a policy change but to be fair to this business person here, we have to be careful and not pick on one guy. He said we need to announce it, give some notice, play

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fair and with those thoughts in mind he moves to approve the license as recommended.

COUNCILMAN GIARRANTE seconded the motion.

COUNCILWOMAN QUILLMAN asked the Corporation Counsel how many package liquor licenses we revoked in the past, if any, and does the license go with the property or does it go with the owner.

The Corporation Counsel said the license does not go with the property, when a liquor license is issued we have to make sure that the facility is appropriate for the sale of liquor but also that the operator is suitable. He said if this business were to be sold it would have to come back to Council for a reapproval.

COUNCILWOMAN QUILLMAN said if we chose not to reapprove it would there be a problem with a lawsuit.

The Corporation Counsel said the Council does have the right to turn down liquor license requests. He said there needs to be just cause, some basis that the Council points to that's fairly related to the sale or consumption of alcohol so the Council would need to make some determination that this facility would not comply with the ordinances or would cause harm to the neighborhood. He said this gentleman would also have the right to seek an administrative appeal of that decision with the State of Illinois. He said we have had a few of those cases over the years and the State tends to be somewhat more favorable to liquor licensees than cities, but we have won our fair share at the State as well. He said as far as revocations, we have had a few package liquor stores revoked for cause over the years and that requires a full blown hearing with evidence and some of those decisions have been appealed to the State as well and we basically win those because there you have a pretty solid track record of licensee misconduct.

COUNCILMAN SHETINA said is there a need for another liquor license, he doesn't think there is. He said is there a need or a benefit to the City as a result of the license and he says no. He said you have a tobacco shop that's not working out too well, you've got another package liquor license that would become a competitor of those who have spent a whole lot of money to do a package liquor store in a location where there are not 5 apartments sitting in your building. He said do we need another liquor license and he says no; is it good for the area and he says no; are there enough in the area and he says yes. He said most of the liquor stores and neighborhood taverns are not doing well. He said he's not trying to be vindictive but he doesn't like it and if he was living in one of those five apartments he would not want a liquor store in his building.

Mr. Alkilani says he has hired one person and has 3 more applications from people in the City of Joliet to work if they get the license. He said it will create more jobs and if he doesn't get his license it's going to be another lost job.

It was requested that this item be voted on today.

3. Issuance of a Class "C" Liquor License at 120 S. Larkin Avenue  
(Council Memo #662-09)

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A communication from the Liquor Commissioner regarding the application of Larkin Tobacco & Liquor Inc. (Mohammed Zayyad) d/b/a United Liquors for the issuance of a Class "C" Liquor License at 120 S. Larkin Avenue contained his recommendation that the issuance of this license is in the best interest of the City, and therefore, approval is recommended.

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

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: COUNCILMEN DORRIS, SHETINA and UREMOVIC.

Prior to her vote, COUNCILWOMAN QUILLMAN asked the Police Chief if he had a problem with this liquor license.

The Police Chief said he did not.

COUNCILWOMAN QUILLMAN said there are no neighbors here to complain about it and she then voted aye and said she hopes it works out.

Prior to his vote, COUNCILMAN UREMOVIC said he doesn't really have a comfortable feeling without full input from the neighborhood at this time so he votes no.

Prior to her vote, COUNCILWOMAN BARBER said she feels it's a package liquor store and customers will take their beer and wine with them and go so she votes aye.

4. Citizens to be Heard

- a. Lou Leone re: Thanking the Fire Department for Saving House in Clublands Subdivision and Opposing Funding Cuts for Fire and Police Departments

Mr. Lou Leone of 1902 Springside Drive said on June 29<sup>th</sup> they had a lightening strike and Fire Station #10 responded very rapidly and managed to help the residents out. He said they not only put the fire out but took the time to care for two of the residents and actually go back into the place to retrieve some teddy bears for the little girl who also was in the home. He said he just wanted to come and say thank you to them. He said he knows there is a budget issue going on with the Fire and Police Departments and he hates to see more good firemen lose their jobs and he asked the Council to do whatever they can and cut somewhere else where it's not important and help these people to continue to do a good job and save homes and people's lives. He also thanked Mr. Thanas for doing everything he has for them since Neumann Homes went bankrupt.

The City Manager said a lot of staff have been involved in it including Public Works, Public Utilities, the Corporation Counsel and Jim Haller. He said the Neumann Home projects have been a real challenge for staff and it's taken hundreds of hours to get to where we are. He said we're seeing the light at the

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end of the tunnel and money is starting to get freed up so we can get the subdivisions finished.

Ms. Camille Robinson of 820 Brentwood Drive requested permission to address the Mayor and Council at this time regarding the removal of a fence at George Street.

COUNCILMAN GIARRANTE moved that Ms. Robinson be allowed to speak.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

Ms. Robinson said the Joliet Junction Trail goes right alongside her neighborhood and people can get on it if they ride along Black Road where it is very dangerous because the sidewalk is right next to the street or they can go on Ingalls. She said George Street in her subdivision ends right at the bike path and there is a large fence that is there and they would like to have access to the bike path from George Street.

COUNCILMAN GIARRANTE asked who owns the fence and Ms. Robinson said she was told the City owns it.

COUNCILMAN SHETINA said he helped get that closed years ago and he would still like it to stay closed, but it is not in the City's venue to do that and Ms. Robinson has to talk to her County Board members. He said we have no right to open that, the County owns that right of way. He said at the time George Street was abused when kids were going to school and it was not pleasant for the people living on either corner so that's why they did it originally. He said it's up to the Forest Preserve District, it's not our call.

The City Manager said Planning staff has been in contact with the Forest Preserve District of Will County and they have indicated that they will defer to the City Council's decision on this. He said he understands that it is a nice access point. He said right now we don't have the resources to handle it and his recommendation is going to be to remove the fence after there's been a hearing so we can get everybody's input, but he doubts that that would happen until the spring of 2010 for the next biking season.

COUNCILMAN BROPHY said as he understands it the Forest Preserve was willing to build out a complete entrance but they have out of mutual respect deferred to the fence that went up at the City's request and paid for by the City and they're just waiting for us to say what we want to do with the fence. He said they're willing to put a full access point there with the restrictions of a post so it's pedestrian and bicycle traffic only with landscaping but they don't want to move until the fence comes down. He said obviously the immediate neighbors have security fears, but if this neighborhood were developed today that spot would be open to the entire neighborhood for access to the park.

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COUNCILMAN GIARRANTE said instead of taking it all down would it be possible to put a gate up and people could still get on the trail. He said if the neighbors are concerned about vehicles, they can put no parking signs up on the street so they have to ride their bikes to get onto the path.

The City Manager said he thinks we could handle it through some signage solutions.

COUNCILMAN GIARRANTE suggested that this be deferred to the Land Use Committee and the neighbors can come and give their input and recommendation to the Council.

COUNCILMAN UREMOVIC said we should make a quick decision so they can have access one way or the other.

The City Manager said he thinks there's a policy decision that needs to be made on whether we're going to open this up or not. He said COUNCILMAN SHETINA has the history on it as to why the fence is there and we have all seen that access to bike trails is an amenity that developers have been selling for the last 20 years in our area. He said we have an unusual circumstance with one of the neighbors who lives on one of the corners and out of respect we wanted to take this a little slower so we don't cause any heartache. He said we'll see what it will take to put up whatever fencing we can so cars don't go back there and if we need to put signage up for no parking we can help out there. He said we'll make a report to the Land Use Committee and bring it back to the Council.

COUNCILWOMAN QUILLMAN said she knows the neighbor in question and she is gravely ill at this time and this is a security issue for her. She said if the fence were to come down if we could take part of that fence and put it around her property to make her feel secure her family thought that might be a good solution to the problem to make her feel safe.

COUNCILMAN GIARRANTE said he still sees no reason to take the whole fence down. He said all they're looking for is access they would have if you put a gate there.

COUNCILWOMAN QUILLMAN said it was her understanding that they wanted the fence down, this is the first she is hearing about the gate.

COUNCILMAN GIARRANTE said all they need is an opening to get a bike through.

COUNCILMAN SHETINA said one of the reasons he mentioned a gate was because it doesn't prohibit snowmobiles. He said he doesn't think anybody's going to like snowmobiles going on the trail. He said we need to know if there is a prohibition on them.

The City Manager said motorized vehicles are prohibited on the path.

COUNCILMAN SHETINA said that's right but they use them all of the time.

COUNCILMAN BROPHY asked if the City Manager is going to handle this on staff level instead of the Land Use Committee.

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The City Manager said from staff's perspective our recommendation from the beginning has been to open it up, but we have slowed it down because of the sensitive nature with the condition of the resident that is right next to the path and we'd like to work with her and her family. He said there is some possibility of some compromise but that's really the only thing that keeps us from moving this forward and that's why we had our conversation with the Forest Preserve District to find out their position on it. He said we can do it within the next 30 to 60 days or we can just wait until the 2010 biking season in April.

Ms. Robinson said the Forest Preserve District told her they were willing to do it and would rather have it open and they could do it right away.

MAYOR SCHULTZ asked the City Manager to take care of it.

The City Manager said it sounds like the decision has been made to defer to the staff and allow us to make the decision and move forward and we will do that.

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

The City Manager explained Council Memo #621-09 dealing with the Acquisition of Right-of-Way for Improvements to the Intersection of Essington Road and Hennepin Drive and Council Memo #626-09 dealing with an Agreement with IDOT for the Intersection Improvements and Traffic Signal Modernization.

The City Manager said this project will result in the closing of this intersection for a period of time next year. He said we will certainly coordinate that; it will be a very challenging re-routing but we'll do our best to get that project done as quickly as possible.

Director of Public Works Jim Trizna said at this point we're scheduled for a September 2009 bid letting by IDOT. He said our goal would be to have the majority of the construction next year. He said the closure of the intersection would mainly be when we replace the existing corrugated metal culvert pipes that are underneath Essington to put in concrete box culverts.

COUNCILWOMAN QUILLMAN asked if this would affect the Christmas shopping season.

Mr. Trizna said it shouldn't affect that. He said we'll close the intersection for about six weeks when we do the box culvert work, and that will be done in April or May of next year. He said the majority of the work should be done by the big Christmas shopping season in 2010.

COUNCILWOMAN QUILLMAN asked if the restriction of no left turns onto Von Esch Road from Caton Farm Road will be lifted when this work is being done.

Mr. Trizna said we don't want to do that because we've had a lot of people using that as a cut-through, but we'll play that by ear. He said right now the intent would be to use Caton Farm Road and then Route 30; that would be the detour route to get people out to the mall and to I-55.

The City Manager then explained the remaining items on the agenda.

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5. Presentation of Water and Sewer Rate Proposal

The City Manager said we are presenting a proposal in an effort to try and treat the water and sewer fund as a true enterprise fund. He said in the past we've been subsidizing water and sewer rates using gaming revenue and water and sewer tap-on fees, and we all know those are drastically lower now than what they were three years ago.

PUBLIC UTILITIES STRUCTURE

Finance Director Hugh Brennan began the PowerPoint presentation with a brief overview of the four main points of the 2009 Water and Sewer Business Plan which included the public utilities business description focusing on the enterprise fund, the current status and future requirements in both the operations and the financial aspect, the business plan outline including rate/fee change proposals, and staff recommendation.

Mr. Brennan said the emphasis is on running public utilities like a business, and that means that the operations are sustained by the revenues that they receive from the water and sewer customers. He said the general taxes do not pay for the water and sewer. He said the City has 33 water facility sites, 38 pumping stations, and 3 wastewater treatment plants. He said just to give everyone an idea of how large Joliet's water and sewer operations are, the City also has 450 miles of watermains, 11,000 watermain valves, 7,000 fire hydrants, 45,000 service connections and 430 miles of sanitary pipe.

Mr. Brennan outlined the primary revenue sources which include water and sewer sales which is where the bulk of revenues are going to be coming from now and in the future. He said the service fees and tap-on fees are other sources, but the tap-on fees have evaporated very quickly over the past few years. He also outlined the expenses which include operations like water and wastewater treatment, system maintenance and repair and reimbursement to the general fund for the pension and the insurance that is paid for out of the general fund for the people who are employed by public utilities. He said there is also the capital investment with the emphasis being the EPA regulation compliances, improving system efficiencies and system extensions to promote growth.

CURRENT STATUS & FUTURE REQUIREMENTS

Mr. Brennan explained the major changes in public utilities operations which included an increase in the number of customers by 42% in 10 years, the construction of 5 new wells, the operation of 5 lift stations, the construction of a new wastewater treatment plant and 10 new water treatment plants. He explained the subsequent increases in operational costs due to these changes.

Mr. Brennan outlined the capital investments necessary to comply with EPA mandates including \$92.5 million of future projects including the Black Road Force Main and Lift Station, Combined Sewer Overflow Program and major capital replacements. He said revenues from sales and issuing bonds can be used for paying for these EPA projects. He said the City also has to repair and replace the existing infrastructure, some of which are over 100 years old, with funding determining the level of work.

Mr. Brennan explained the actual and projected water and sewer sales revenue, tap-on fees and miscellaneous revenue from 2005 to 2012.

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Director of Management and Budget Ken Mihelich said another thing that comes into play is that in 2006 and 2007, there was a lot of building going on, and when that happens a lot of lawns are being put in and a lot of watering is being done, so in the years 2009 thru 2012, we thought that our projections should come down a little bit because we don't anticipate that amount of watering. He said we should be getting about the same amount of revenues every year, and we're starting to see that flatten out because people generally use about the same amount of water from year to year, and there's a little bit less this year because we've had a nice rainy season and the lawns are green.

COUNCILMAN UREMOVIC asked about the sewer and water audit.

Mr. Mihelich said that is part of the regular audit.

COUNCILMAN UREMOVIC said over the last 10 years we've had rate increases built into this, so he thinks the Council should be given the rate increases that were passed in the last 10 years.

Mr. Mihelich said there was a series of increases and in fact there was a 2% increase this year that was originally factored in and the offset in the water usage has more than offset any increases in rate.

COUNCILMAN UREMOVIC said he would like a complementary document showing the rate increases and the increases in revenues.

Mr. Mihelich said we'll get a listing of all the rate increases for the last 10 years. He said a larger factor than the rate increase was actually the additional homes in 2005-2007.

Mr. Mihelich said back in 1996, we had a gaming subsidy of about \$1.1 million a year to the water and sewer fund and that money was used to subsidize water bills, and unfortunately, the gaming funds are down quite substantially from the levels that we saw a few years ago and so in this year's budget, those gaming transfers were not budgeted in and they're really not expected to be budgeted in future years.

COUNCILMAN UREMOVIC said this should be clarified a little bit. He said when the subsidies started in 1996, that was taking off that water charge and then the first part was put on there to pay off bonds. He said the bonds were then paid off after we reduced the debt so it now becomes an accounting function that doesn't actually transfer funds. He said all the way to 2007 there was a surplus fund in the water and sewer and he brought that to the Mayor a number of times and money was going out of water and sewer into the general fund until recently.

Mr. Mihelich said that money though was not a transfer without a purpose. He said the purpose of that transfer was to cover the workers who worked in water and sewer and their portion of their health insurance as well as other items.

COUNCILMAN UREMOVIC said but there was a surplus all the way up to 2006, and of that surplus, a lot of it went right into the general fund.

Mr. Mihelich said he hasn't seen that.

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COUNCILMAN UREMOVIC said he has and we went over that the last 3 years in the cash flow report.

Mr. Mihelich said he can only speak to the last 2 or 3 years, but everything he's always seen and recorded previously in his position had to do with a year-end adjustment that covered administrative overhead that had to go back to the general fund to reimburse them for those costs that were paid out of the general fund directly.

The City Manager asked COUNCILMAN UREMOVIC if he is saying that there was water and sewer revenue being used for purposes other than reimbursing the general fund for expenses it incurred for operating the water and sewer fund.

COUNCILMAN UREMOVIC said not currently, but previously there were fund transfers back and forth.

The City Manager said we can get a history of that, but right now there is none of that going on.

COUNCILMAN UREMOVIC said and so now you want to do a restructuring of the fund itself and make sure of what's going in and what's coming out.

The City Manager said there will be no restructuring of the fund, what we want to do is have it operate as an enterprise fund and operate on its own without subsidies from the outside and expect that the revenues would equal expenses just like any business would.

COUNCILMAN GIARRANTE asked if we can use water and sewer funds for things other than water and sewer related expenses.

Mr. Mihelich said we really shouldn't be doing that and the main reason is because we do still have bonds outstanding within this fund. He said in the next 7 or 8 years we still owe money on those bonds, so the bond holders really would require that we keep the money in that fund to pay those off.

COUNCILMAN GIARRANTE asked Mr. Mihelich if to his knowledge we have ever done that.

Mr. Mihelich said he's not aware of doing that just for general purposes, he knows there have been transfers.

COUNCILMAN GIARRANTE said but it's always been related to water and sewer.

Mr. Mihelich said there were two or three transfers and the biggest transfer went back to the general corporate fund to cover the administrative overhead. He said there was one transfer to the Neighborhood Improvement Fund for about \$400,000 and then there was a transfer coming in from gaming to subsidize the water and sewer fund. He said those are the three that come to mind.

Mr. Mihelich continued explaining the expenses including payroll and overtime, debt service costs, pension/insurance/administrative charges and operations including chemicals and electric.

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COUNCILMAN BROPHY asked what the total debt is right now on the water and sewer side.

Mr. Mihelich said the total debt on the principal side is about \$61 million.

COUNCILMAN BROPHY asked what the average interest rate of that is.

Mr. Mihelich said he would have to look that up, but he thinks it's around 5%.

Mr. Mihelich then explained pie charts of the 2009 revenue and expense budgets.

Mr. Brennan summarized this section and said the biggest future requirement we have is doing the EPA mandates. He said City growth has slowed substantially, sales are expected to be very flat, we're eliminating the gaming subsidy that we've had over the years, operational expenses are expected to grow and capital investments need to continue. He said something has to give so we have to start looking at the rates, and that's what the business plan really is starting to look at.

COUNCILMAN UREMOVIC said there's two ways of planning for revenue, and one is putting it on the backs of the customers which is what staff is asking Council to do. He said three years ago he asked staff to go out and aggressively try to get some of the \$1.8 billion available in the 2005 Clean Water Act. He said he spoke with Congressman Weller at that time and he said he never got one phone call, not a letter, nothing, zero. He said we've got a stimulus package now for water and sewer with funds available and he asked how many letters or contacts have been made. He said we can either go and look for resources in those areas or try and put it all on the backs of the taxpayers. He said he doesn't see that in this plan.

The City Manager said as far as the stimulus, he can't speak to what went on three years ago, but what he can speak to is the last year and a half and that is since the discussion started with the Obama administration about making federal dollars available for projects, we have been aggressively pursuing every single dollar that we possibly can. He said we have received or will be receiving in excess of \$10 or \$12 million. He said we have had meetings in Springfield on the utilities side and what they're telling us is that it's very unlikely that any town, especially a town like Joliet, will get any kind of federal or state subsidy to cover the cost of operating the system. He said if we want to build new projects, then we can get in line with the other towns that are competing for those dollars and make our case, but as far as something like this where we're looking at having to basically catch up on a rate increase from what probably should have happened a few years ago, he doesn't think we will ever find stimulus package dollars that will pay for that.

COUNCILMAN UREMOVIC asked if he could get some documentation on this, letters, who was contacted, what the parameters are for getting monies, where do they then put the money, etc.

The City Manager said he can give detailed records, letters, meeting dates, he'll give all of that, but he doesn't think there is any source out there that would allow us to take federal or state dollars and use them in lieu of a rate increase without having those dollars specifically earmarked for a project.

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COUNCILMAN UREMOVIC said what you're asking for are dollars to do projects, to fix certain lines and do meet EPA required guidelines.

The City Manager said we have submitted those applications to the EPA and again, it is a very competitive process. He said when we had our meeting with the IEPA they were very clear to say that most applications will be rejected because even though it sounds like there's billions of dollars out there, there really aren't.

COUNCILMAN UREMOVIC said it's a competitive process, but three years ago everybody made an effort; there's no competition on our part.

The City Manager said he can assure the Council that the effort that has been made in 2008 and 2009 has been vigorous. He said he has spent many hours talking to local legislators; he has travelled to Washington to pitch projects and that includes meetings in Springfield also to pitch utility projects, so if the concern is that your staff is not fulfilling it's obligation to make an effort to obtain federal and state money, we'll challenge you on that assertion.

COUNCILMAN BROPHY asked if the CSO (Combined Sewer Overflow) or any other separation projects that we're doing qualify as a project.

Mr. Eggen said one of the first phase projects, which is relocating the outfall at the Eastside treatment plant that is under design with Strand Consultants right now, is in line for federal money under the stimulus program.

COUNCILMAN BROPHY said so those that qualify are being applied for or are in line or suggested for funding.

Mr. Eggen said yes, and this is a multi-phase project expected to take 10 years to complete.

The City Manager said we also received a \$150,000 allocation in the capital bill that the Governor signed last week for the outfall project at the east side sewage treatment plant; that's far from enough to make the project happen, but it is something that when he was asked by our local legislators what our priorities are, that was a priority because it will give us the opportunity to meet the compliance and make it a lot easier than our current situation.

**RATE REVIEW**

Mr. Brennan explained what is currently on the water bill excluding the garbage part. He also explained the 70% rebate on the daily water and sewer charges that most residents receive, and the 100% rebate that senior citizens receive. He said there is no rebate for commercial or industrial customers. He said we also have a sewer separation fee and all customers receive a 100% rebate on that fee. He also explained how the water and sewer volume rates are established with different rates for residents, senior citizens and commercial.

COUNCILMAN BROPHY asked if all these rebates come from gaming funds.

Mr. Mihelich said in the mid-1990's, a portion of that probably tied somewhat closely into the gaming subsidy, but that gaming subsidy remained flat and our customer base shot through the roof, so he can say for certain that it's nowhere near the percentage that it would have been originally about 15 years ago. He

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said it came from money coming in from all these tap-on fees and excess interest, and that was really masking a problem that we're seeing today.

COUNCILMAN BROPHY said so new development helped keep my water bill down.

Mr. Mihelich said there's no doubt about it.

Mr. Brennan showed charts comparing the City's monthly water and sewer bill with about 15 surrounding communities showing senior and regular residential rates by usage.

COUNCILMAN SHETINA asked if the municipalities with the higher bills like Bolingbrook and Homer Glen receive Lake Michigan water.

The City Manager said those are private water companies that are regulated by the ICC so they have to go through them to get those rates. He said a lot of the towns on the charts are doing rate increases right now because they're going through the same thing we're going through.

Mr. Eggen said the towns we included in the comparison are the surrounding communities, ones that are of comparable size and older towns that have an older system with higher maintenance costs like Elgin and Aurora.

COUNCILMAN GIARRANTE asked if any towns are below us.

Mr. Brennan said not in the study we did.

Mr. Brennan explained the proposed changes to the water bill which included the removal of the 70% rebate on the daily rates for both sewer and water and removal of the 100% rebate for senior citizens on both sewer and water. He said they are also recommending removing the 100% rebate on the sewer separation fee. He showed charts showing what effect the removal of these rebates would have on the water bill as compared to water bills of various municipalities.

Mr. Brennan said a resident's bill using 300 cubic feet of water would increase by about \$10.67 from where it is currently with the removal of the rebates. He said for a senior, it would go from \$8.40 to \$20.50 a month for 300 cubic feet.

Mr. Brennan explained the recommended 35% increase in volume charges across the board. He showed charts showing what effect the removal of the rebates and the 35% increase in water rates would have in comparison to other municipalities.

Mr. Brennan said for senior citizens, when the rate increase is added, their bill would go up from \$8.40 to \$23.44. He said for the Joliet resident at 300 cubic feet, they would go from \$12.12 to \$26.25.

COUNCILMAN SHETINA asked what that would do for the shortfall if that occurs.

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Mr. Mihelich said essentially what it allows us to do is continue to operate. He said the combination of the rebates being rolled back and the increases allow us to do two things – one is it allows us to operate, because without both of them we're not going to be able to, and then secondly, it allows a small amount for capital improvements.

COUNCILMAN SHETINA asked if it would reduce the bonded indebtedness.

Mr. Mihelich said yes, it would also allow for the repayment of the bonds.

COUNCILMAN SHETINA asked what a typical user is and how many households do we have.

Mr. Mihelich said we have about 45,000 end user accounts and the typical user is around 700 cubic feet.

Mr. Brennan said for 600 cubic feet users, currently the bill for a resident is around \$25.00 and it would go up to \$43.60, for a senior it would go up to \$37.49 and for a commercial user it would go up to about \$45.19. He said the average bill for all the municipalities is \$46.77. He said the rate for 1200 cubic feet would be \$78.29 and the average is \$81.38.

Mr. Mihelich said what we're trying to show you is that in spite of these increases, in all of these charts we're pretty much below the average and certainly within the average of other municipalities.

**CITY MANAGER RECOMMENDATION**

Mr. Brennan summarized the recommendation as follows:

- Eliminate Daily Rebates and Sewer Separation Rebates effective 10/1/09
- 35% Rate Increase for Water and Sewer effective 10/1/09
- Increase Fees and Penalties to Cover Costs
- 5% Annual Rate Increase Effective 1/1/11 and 1/1/12

Mr. Brennan said formal documents approving these measures will be brought to the Council for consideration at their August 4, 2009 meeting.

MAYOR SCHULTZ asked when the next garbage increase is.

The City Manager said it's an annual increase that goes up in proportion with our garbage contract. He said we are currently in negotiations with Waste Management to see if we can take the increase that is scheduled to go into effect in 2010 and pull it back. He said the challenge will be the level of service and what changes will have to be made in what services they provide in order for us to try to freeze the contract. He said he has asked Waste Management to come back with a proposal that would take \$1 million out of the 2010 contract and let us know what changes we would have to make in the level of service. He said the goal there is to try to freeze that rate too.

The City Manager said he knows we're hitting the citizens with some very large increases, but it's a situation where those revenue sources that we have relied upon to make us have the lowest water and sewer rates in the area are gone.

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He said now is the time to take the measures that he's proposing in order for us to stay in good standing with our bond holders and try to keep our bond rating up where it is to do some major projects in the future where we're going to need some financing.

MAYOR SCHULTZ asked when staff will be meeting with Waste Management.

The City Manager said probably within the next two or three weeks. He said we've got a garbage contract now that provides services far in excess of what any other community provides as far as pickup and the cost of it and the extent of it. He said they are going to come back with some recommendations on how to trim some of those costs. He said it will be an education process with our consumers. He said with the \$1.3 million energy grant that we will be receiving through the stimulus package, we are recommending that we include \$600,000 for some recycling projects that will help reduce some of our costs, so it's another case of using some of the stimulus package money to help limit our exposure to expenses that are going up. He said we should have an answer in about 30 days on that. He said we don't see the garbage contract linked with water and sewer rates even though they appear on the same piece of paper. He said that's done for convenience so we're not sending out two separate bills, but we need to keep the garbage contract operating as an enterprise fund, we need to keep the water and sewer rates operating like an enterprise fund, and that's why our recommendation today is to keep those two separate.

MAYOR SCHULTZ said but the garbage rate will go up.

The City Manager said it is scheduled to go up already by action of the City Council previously, but we might be in a position to come back and ask to freeze the garbage rates depending upon whether we're willing to take a reduction in the level of service that Waste Management currently provides to the residents.

COUNCILMAN GIARRANTE said he would suggest that if anyone has questions concerning the water and sewer presentation, to meet with staff to be prepared on August 4 to vote either yes or no on this issue.

COUNCILWOMAN QUILLMAN asked what types of levels of garbage service would be gone.

The City Manager said one area that they came to us on was some very difficult and challenging alley services, and if we could move service to the front yard it would reduce a lot of their exposure to claims that get filed against them for damage. He said another area we looked at is if we were able to provide the 96 gallon container for recycling and see what kind of cost reduction we would see if we went to an every other week schedule for pickup for recycling only, not garbage. He said right now we have unlimited pickup for white goods, yard waste, a lot of things that are not environmentally sound practices and they will come back with some recommendations to promote recycling and reduce what gets landfilled.

COUNCILWOMAN QUILLMAN asked for a copy of what those reductions would be after staff meets with them.

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The City Manager said absolutely; that will be a Council decision. He said he knows it will be controversial, probably as controversial as this proposal is because people are used to a certain level of service, and to change that behavior pattern is always very difficult. He said taking something away that they've always had is a big challenge, but the trade-off is can we freeze the rates for a year, and if we can, we think that's a worthwhile endeavor.

COUNCILMAN TURK moved that the Council adjourn at 6:00 p.m.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

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ARTHUR SCHULTZ  
Mayor

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JANET K. TRAVEN  
City Clerk

Recorded on Tape