

***Proceedings of the Council of the City of Joliet, Illinois
held on the 4th day of August, A.D. 2009***

REGULAR MEETING of the Council of the City of Joliet, Illinois held on Tuesday, August 4, 2009 at 6:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

INVOCATION

An Invocation was delivered by Pastor Karl Hess, St. Peter Lutheran Church, 310 N. Broadway Street, Joliet, Illinois.

Pastor Hess then led the pledge to the flag.

ROLL CALL

PRESENT: MAYOR PRO-TEM MICHAEL F. TURK 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 and DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

ABSENT: MAYOR ARTHUR SCHULTZ and DISTRICT 5 COUNCILMAN WARREN C. DORRIS.

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

APPROVAL OF MINUTES

COUNCILMAN SHETINA moved that the minutes of the Pre-Council Meeting of the Council of the City of Joliet, Illinois held on Monday, July 20, 2009 at 3:30 p.m. and of the Regular Meeting held on Tuesday, July 21, 2009 at 6:30 p.m. stand approved as recorded.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

COUNCIL COMMITTEE REPORTS AND AGENDA ITEMS

A. Public Service

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

MAYOR PRO-TEM TURK said Council Memo #663-09 dealing with the Modification to the 2009 District 4 Neighborhood Improvement Program came out of the Committee with no recommendation to the full Council.

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B. Finance

COUNCILMAN UREMOVIC asked the Director of Management and Budget to give an update on the work they are doing on scofflaws. He said they are going to bring to the next Finance Committee meeting a list of unpaid parking tickets and also fines that have been issued but waived by the City and violations in regards to handicapped parking.

Mr. Mihelich said they are working vigorously on preparing a list in relation to the collection of tickets.

There were no other Committee reports.

CONSENT AGENDA

- A. Approve 2009 Neighborhood Improvement Program (NIP)
Modification No. 7 – Modification to the 2009 District 4
Neighborhood Improvement Program
(Council Memo #663-09)

A communication from the City Manager contained a request by Councilwoman Barber that the Mayor and Council approve a modification to the District 4 2009 Neighborhood Improvement Program by authorizing a \$1,000.00 grant to the Improved Benevolent Protective Order of Elks of the World National Youth Council Region #3 IL/WISC for back-to-school supplies which will be donated at a picnic to be held on August 15, 2009 at Dellwood Park in Lockport, Illinois.

COUNCILWOMAN BARBER moved that said modification donating \$1,000.00 to the above-named organization for back-to-school supplies be approved.

Motion seconded by COUNCILMAN BROPHY.

COUNCILMAN GIARRANTE said this was discussed this morning at the Public Service Committee meeting. He said personally he has a problem in that we discontinued donating money to schools, etc. and he thinks we're going to open up a can of worms here. He said we'll have everybody knocking at our door and this picnic is not in Joliet, it's in Lockport, and there is no way of knowing how many of these children are going to be from the City of Joliet and that's the reason why it came out of Committee with no recommendation.

COUNCILMAN SHETINA asked what the request is specifically.

COUNCILWOMAN BARBER said the request is for \$1,000.00 for school supplies and a back-to-school party. She said when you have a group of people that are coming together to do something for any organization you have people from all over, so just because it's going to be in Lockport doesn't mean everyone will be from Lockport; the people will be from her district and from all over Joliet. She said she just thinks it is the proper thing to do for children going back to school, especially for disadvantaged children.

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Motion carried by the following vote:

AYES: COUNCILMEN BROPHY, SHETINA, UREMOVIC and
COUNCILWOMAN BARBER.

NAYS: COUNCILMAN GIARRANTE, COUNCILWOMAN QUILLMAN and
MAYOR PRO-TEM TURK.

Prior to his vote, COUNCILMAN BROPHY said it's been our practice lately to acknowledge the specific needs of various districts with respect to the District Councilman that recommends such expenses of Neighborhood Improvement funds. He said obviously going forward the Neighborhood Improvement Program isn't entirely in jeopardy and certainly it is going to be up for scrutiny, but we haven't yet passed any policy that says we should change course from past practices, so while he certainly understands the hesitation of the Committee, we have as a practice especially for small grants like this talked about the importance of the closeness of each District Council person to the needs of their district. He said his vote today is in support of the Councilperson's request knowing that it is a relatively small amount of money to help a large amount of children and for that reason he votes aye tonight.

Prior to his vote, COUNCILMAN GIARRANTE said he is not debating the cause, he is just debating past practice. He said we eliminated donating to charities and schools, etc. and he thinks we're opening up a can of worms here and we're going to have everybody knocking on our door for money and there is no way of knowing how much of this money is going to go for children that actually live in the City of Joliet, so therefore he has to vote no.

Prior to her vote, COUNCILWOMAN QUILLMAN said she has to agree there is no way of knowing if it's going to go for Joliet children and we would be opening up the door for other organizations as well. She said there are many back-to-school fairs going on in town including Silver Cross Hospital that is putting one on for children that need backpacks, etc. and others and they haven't come and asked us for money, so she too is going to have to vote no with no guarantee that this is going to Joliet children.

Prior to his vote, COUNCILMAN SHETINA said he understands and respects the opinions of the Council but we have some big organizations that house themselves in Joliet and we don't know where the people come from or even if they're from Illinois, and they do worthy things for a lot of people every day. He said the money certainly is not the consideration because it is not a huge amount of money if the Neighborhood Improvement Program represents \$1.5 million as it did in the past. He said if we were to scrutinize every agency that we give money to we would say no to everyone and he thinks in this case he would go with the Councilperson and bow to her wishes and he voted aye.

Prior to his vote, MAYOR PRO-TEM TURK said while he respects COUNCILWOMAN BARBER'S desire to do this, the fact that it's being held in Lockport and we can't single out who is from Joliet and who isn't causes him to have to respectfully vote no.

PUBLIC HEARINGS

- A. Public Hearing re: Annexation of 75.63 Acres at the Southwest
Corner of Millsdale and Vetter Roads

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1. Resolution re: Approving an Annexation Agreement for 75.63 Acres at the Southwest Corner of Millsdale and Vetter Roads (#A-4-09/Dist. #4)
(Council Memo #665-09)
2. Ordinance re: Approving the Annexation of 75.63 Acres at the Southwest Corner of Millsdale and Vetter Roads (#A-4-09/Dist. #4)
(Council Memo #665-09)
3. Ordinance re: Approving the Classification of 75.63 Acres at the Southwest Corner of Millsdale and Vetter Roads to I-2 Zoning (#A-4-09/Dist. #4)
(Council Memo #665-09)
4. Ordinance re: Approving the Preliminary Plat of Stepan Industrial Park (#P-3-09/Dist. #4)
(Council Memo #665-09)

The City Clerk advised that the petitioner has requested that these items be tabled to the City Council meeting to be held on August 18, 2009.

COUNCILMAN GIARRANTE moved that said items be tabled to the August 18, 2009 City Council meeting.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

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

NAYS: NONE.

APPROVAL OF REGULAR CURRENT BILLS

- A. Regular Payroll – June 27 – July 10, 2009 - \$3,132,255.59
(Council Memo #666-09)

Biweekly Payroll Summary Reports of the total cost of regular salaries for the period June 27, 2009 through July 10, 2009 including a 2009 Overtime Budget Status Report and a Biweekly Summary of Overtime and Temporary Assignments were accompanied by a recommendation from the City Manager that said Regular Payroll be allowed.

- B. Regular Payroll – July 11 – July 24, 2009 - \$3,494,496.57
(Council Memo #667-09)

Biweekly Payroll Summary Reports of the total cost of regular salaries for the period July 11, 2009 through July 24, 2009 including a 2009 Overtime Budget Status Report and a Biweekly Summary of Overtime and Temporary Assignments were accompanied by a recommendation from the City Manager that said Regular Payroll be allowed.

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COUNCILMAN BROPHY asked the City Manager if Council Memo #667-09 includes some separation payments. He said he's been watching the payroll at around \$3.1 million and through our layoffs he was expecting to see that reduced a little bit and now this big bump has to include some separation checks.

The Director of Management and Budget said to the best of his knowledge it has to do with the large amounts of racetrack overtime.

COUNCILMAN BROPHY said and that is paid by the track but funneled through us.

The Director of Management and Budget said there is a portion paid and reimbursed and a portion paid by us.

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

Motion seconded by COUNCILWOMAN BARBER.

Motion carried by the following vote:

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

NAYS: NONE.

ORDINANCES AND RESOLUTIONS

A. ORDINANCES

1. AN ORDINANCE Approving the Recording Plat of Lots 282, 283 and 284 in Sherwood Plains Subdivision, to be known as Pucel's Resubdivision, as recommended by the Administration subject to receipt of the following fees and documentation within 60 days was presented and read: 1) A Letter of Credit or Performance Bond for public improvements in the amount of \$11,175.00; 2) A 1 ¼% Inspection Fee in the amount of \$139.68; and 3) An Irrevocable Offer of Dedication. (#RP-9-09/Dist. #2)
(Council Memo #668-09)

COUNCILMAN BROPHY moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16505)

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2. AN ORDINANCE Approving the Preliminary Plat of Resubdivision of Lot 1 of Sugar Creek Plaza as recommended by the Plan Commission was presented and read. (#P-8-09/Dist. #3)
(Council Memo #669-09)
(ORDINANCE NO. 16506)

3. AN ORDINANCE Approving the Final Plat of Resubdivision of Lot 1 of Sugar Creek Plaza as recommended by the Plan Commission was presented and read. (#FP-7-09/Dist. #3)
(Council Memo #669-09)
(ORDINANCE NO. 16507)

4. AN ORDINANCE Approving the Recording Plat of Resubdivision of Lot 1 of Sugar Creek Plaza as recommended by the Administration subject to receipt of the following fees and documentation within 60 days was presented and read: 1) A Letter of Credit or Performance Bond for public improvements in the amount of \$54,372.00; 2) A 1 ¼% Inspection Fee in the amount of \$679.65; and 3) An Irrevocable Offer of Dedication. (#RP-7-09/Dist. #3)
(Council Memo #669-09)
(ORDINANCE NO. 16508)

COUNCILMAN SHETINA moved that said Ordinances be adopted as recommended.

Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

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

NAYS: NONE.

5. AN ORDINANCE Accepting an Easement from CenterPoint Joliet Terminal Railroad LLC Along the East Side of the Patterson Road Easement North of Millsdale Road (Lot 6) was presented and read.
(Council Memo #670-09)
(ORDINANCE NO. 16509)

6. AN ORDINANCE Accepting an Easement from CenterPoint Joliet Terminal Railroad LLC Along the East Side of the Patterson Road Easement North of Millsdale Road (Lot 7) was presented and read.
(Council Memo #670-09)
(ORDINANCE NO. 16510)

COUNCILMAN SHETINA moved that said Ordinances be adopted.

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Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

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

NAYS: NONE.

B. RESOLUTIONS

1. A RESOLUTION Authorizing the Purchase of Properties for the Neighborhood Stabilization Program (NSP) was presented and read. (207 Henderson Avenue, 205-207 S. Joliet Street, 2117 Dartmoor Drive, 3800 Flowermeadow Court)

(Council Memo #673-09)

COUNCILMAN BROPHY moved that said Resolution be adopted.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6286)

2. A RESOLUTION Declaring Certain City of Joliet Property as Surplus and Allowing Vintage Tech Recyclers to Pick up and Dispose of said Property was presented and read. (Computer Equipment)

(Council Memo #674-09)

COUNCILMAN SHETINA moved that said Resolution be adopted.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6287)

3. A RESOLUTION Supporting the Chicago Metropolitan Agency for Planning's Use of American Recovery and Reinvestment Act Funds for Hickory Creek Watershed Planning was presented and read.

(Council Memo #675-09)

COUNCILMAN GIARRANTE asked for a brief explanation.

The City Manager said the Chicago Metropolitan Agency for Planning (CMAP) has received a grant using Recovery Act Funds for Hickory Creek Watershed Planning. He said several governmental agencies that have Hickory Creek travelling through them are participating in the process and we've been invited to

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participate. He said the grant is for \$209,000 and we are participating at no cost to the City, and it's certainly worth our while to be involved with the planning process of trying to improve the water quality in Hickory Creek.

COUNCILWOMAN QUILLMAN moved that said Resolution be adopted.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: COUNCILMAN SHETINA.

Prior to his vote, COUNCILMAN SHETINA said CMAP has some other issues and we've been looking at them for the last few months. He said the CMAP organization is trying to intervene with respect to development in the collar counties and beyond. He said they have some legislative teeth given to them by the House and Senate and Governor and in that process CMAP would have a major say in how acreage that becomes ripe for development becomes developed and whether it becomes developed. He said they also worry in that process about the decentralization of the City of Chicago and Cook County. He said they're having a meeting here shortly and he thinks we need to watch them. He said the CED has discussed it at length and other cities and villages also have expressed concerns including Bolingbrook. He said Bolingbrook Mayor Roger Claar sits on that committee and has been very good about representing Joliet and others. He said he doesn't think CMAP has the right to say no but they do have the right to cause enough interference with respect to the State and others to effectively stop any kind of development that goes on in a major city in a major way. He said he thinks the acreage now that they would be reviewing is up to around 500 acres and that would blow CenterPoint out and some other pretty viable projects that we've had. He said it bears watching and anything that CMAP has anything to do with we need to watch closely, even something like this. He then voted no.

Prior to his vote, COUNCILMAN BROPHY said he certainly understands COUNCILMAN SHETINA'S caution and warning but he thinks we would be remiss if we don't participate to protect and defend our position that we may have and understand and learn versus avoid it. He said he thinks we should be there and he supports the Resolution but COUNCILMAN SHETINA'S caution and warning is certainly valid.

(RESOLUTION NO. 6288)

4. A RESOLUTION Approving an Agreement with the Illinois Department of Transportation for the Draper Avenue/Theodore Street/Black Road/Washington Street/Raynor Avenue and Western Avenue Resurfacing Project was presented and read.
(Council Memo #676-09)

COUNCILWOMAN QUILLMAN asked why did we stop at William Street and not just go all the way to Reed Street since that is a collector street and it does carry a lot of traffic because the 500 and 600 blocks have been done several times. She said also since we get the bus traffic and semi's that get lost, why not just make it all even.

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The City Manager said this is the City of Joliet's allocation of the Recovery Act Funding that was received through the stimulus package bill that the President signed in February of 2009. He said we were allocated just under \$2 million. He said the limitations on the use of the funding through the stimulus package restricted us as to where we could spend the money. He said it must be an FAU route in the City of Joliet so he had staff identify the five routes that needed the attention the most and try to stretch that \$2 million allocation as far as we could. He said we could work with the Public Works Department about extending it one more block, but we'd have to identify another source of funding to cover that extra block.

The Director of Public Works said as far as the limits, they looked at what streets are in the worst shape and the section on Western is nowhere near as bad a shape to the west. He said we're trying to allocate funds across the City as best we could; we didn't want to just concentrate on one area and we have a limited amount of funding. He said we worked with the Will County Governmental League for our share and it worked out real well. He said they based the funding on population and fortunately for Joliet, we got the largest share.

COUNCILMAN BROPHY asked if competitive bidding brings in good numbers, can we extend any part of it.

The Director of Public Works said we'll work with the State on that. He said under this agreement we're entering into with the State, they're going to pay 100% of the share of the construction costs and we're not paying a dime of the construction as long as it's at or under this amount. He said we've been very fortunate this year getting really good bids. He said we'll get our plans to IDOT in about a month and a half and we're not planning on having a letting until January. He said it should be out early enough to get ahead of a lot of the other competition but the State's been putting out a lot of projects and they're going to continue to put out projects throughout the fall and winter. He said he will definitely ask about extending this if the bids come in under estimate.

COUNCILMAN BROPHY asked if we can designate an alternate or an additional section should funding become available.

The Director of Public Works said he'll check with IDOT about that.

COUNCILWOMAN QUILLMAN asked when will this project take place.

The Director of Public Works said most likely next spring. He said the State will have the bid opening; it will not be a local opening. He said they usually take 30 days to award their contracts so it will probably be late March or April.

COUNCILMAN GIARRANTE moved that said Resolution be adopted.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE.

ABSTAIN: COUNCILWOMAN QUILLMAN.

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Prior to her vote, COUNCILWOMAN QUILLMAN said she is not sure if she should vote on this because she lives on that street. She said she did not request this and she asked the Corporation Counsel if she should abstain.

The Corporation Counsel said there is not a legal conflict of interest but if she wants to abstain so the record is clear that is fine. He said the project is not controversial and has enough support to proceed.

COUNCILWOMAN QUILLMAN then abstained from voting.
(RESOLUTION NO. 6289)

5. A RESOLUTION Accepting the Dedication of 50 Feet of Right-of-Way at the Southeast Corner of IL-Route 53 and Millsdale Road was presented and read.
(Council Memo #677-09)
(RESOLUTION NO. 6290)

6. A RESOLUTION Accepting the Dedication of a Public Utility and Drainage Easement at the Southeast Corner of IL-Route 53 and Millsdale Road was presented and read.
(Council Memo #677-09)
(RESOLUTION NO. 6291)

COUNCILMAN BROPHY moved that said Resolutions be adopted.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

BIDS AND CONTRACTS

A. Award of Contracts

1. Award of Contract for the Purchase of a Replacement Pump at Cherry Hill Lift Station
(Council Memo #681-09)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve the increase of \$9,000.00 to Purchase Order No. 102117; and 2) Approve Payment No. 1 and Final in the amount of \$9,990.00 to Gasvoda and Associates.

2. Award of Contract for the Repair of the No. 2 Pump at the Eco Lab Lift Station
(Council Memo #682-09)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve the increase of \$5,266.00 to Purchase Order No. 102468; and 2) Approve Payment No. 1 and Final in the amount of \$6,256.00 to Gasvoda and Associates.

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3. Request for Authorization to Purchase Additional UPM Cold Patch Material – Roadways Division
(Council Memo #683-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the increase of \$5,229.36 to Purchase Order No. 98982 on behalf of Gallagher Asphalt/Materials.

4. Award of Contract for the Arbeiter Road Public Works Facility Landscaping
(Council Memo #684-09)

A report on eleven bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Seasons Landscaping in the amount of \$22,514.00.

5. Award of Contract for the 2009-2010 Landscape Restoration Program
(Council Memo #685-09)

A report on seven bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to K & D Enterprises in the amount of \$36,845.80.

MAYOR PRO-TEM TURK said there was some discussion as to whether the low bidder was paying prevailing wage.

The City Manager said we received an inquiry from the Laborer's District Council questioning whether K & D Enterprises met our Responsible Bidders Ordinance with specific focus on whether the contractor has an apprentice program in place to train the landscapers who work on this project. He said that ordinance is designed to cover construction projects and it's not really intended to apply to a contract like this that deals basically in landscape restoration work, so it is our recommendation that we proceed with the award of the contract and that this bidder would not be required to have that apprentice program in place. He said the contractor will still be required to pay his employees prevailing wage, and that's not in dispute and is factored in the bid.

COUNCILMAN BROPHY asked the Director of Public Works if he could get a list of the locations for District 2. He said he has some that he's watching for and he wants to see that they're included and if they're not he will forward them to him for inclusion.

The City Manager said there is some public utilities restoration work that gets done under a contract managed by the Utilities Department so there may also be some on that and he'll have Jim Eggen look at that list also.

6. Authorization to Award a Contract and Approve Payment No. 1 and Final for the Installation of Streetlights on Joyce Road – 2009 Neighborhood Improvement Program
(Council Memo #686-09)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Commonwealth Edison and that Payment No. 1 and Final in the amount of \$14,702.12 be approved.

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COUNCILWOMAN BARBER moved that the recommendations of the City Manager be concurred in.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

B. Change Orders and Payments:

1. Approve Change Order No. 2 and Payment Request No. 2 and Final for the Arbeiter Road Salt Storage Facility
(Council Memo #689-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2, a deduction in the amount of \$4,377.00 and Payment Request No. 2 and Final in the amount of \$119,638.25 on behalf of Bulk Storage Inc.

2. Approve Change Order No. 11 for the System-Wide SCADA System Construction Project
(Council Memo #690-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 11 in the amount of \$69,653.00 on behalf of Wunderlich-Malec Environmental.

3. Approve Change Order No. 2 for the Hutchins Street/Oakland Avenue/Russell Street Roadway Improvements Project – 2009 Neighborhood Improvement Program
(Council Memo #691-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$2,256.64 on behalf of P.T. Ferro Construction Co.

4. Approve Change Order No. 1 and Payment Request No. 3 and Final for the Campbell Street (Clement – Center) Decorative Streetlighting Project – 2008 Neighborhood Improvement Program
(Council Memo #692-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1, a deduction in the amount of \$4,130.00 and Payment Request No. 3 and Final in the amount of \$15,041.61 on behalf of Utility Dynamics.

5. Approve Change Order No. 1 and Payment Request No. 3 and Final for the Mayfield Avenue Streetlighting Project
(Council Memo #693-09)

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A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$948.00 and Payment Request No. 3 and Final in the amount of \$5,622.41 on behalf of Utility Dynamics.

6. Approve Change Order No. 1 and Payment Request No. 1 and Final for the Mason Avenue/Meadow Wood Drive/Westport Drive Conduit Installation for Streetlight Improvements – 2009 Neighborhood Improvement Program
(Council Memo #694-09)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1, a deduction in the amount of \$1,391.52 and Payment Request No. 1 and Final in the amount of \$8,588.48 on behalf of Utility Dynamics.

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

Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

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

NAYS: NONE.

LICENSES AND PERMIT APPLICATIONS

- A. Request for Permission to hold a Circus at the Westfield Shoppingtown Louis Joliet Mall on August 5-6, 2009
(Council Memo #696-09)

An application by Nancy Gaone on behalf of Carson & Barnes for permission to hold a Circus at the Westfield Shoppingtown Louis Joliet Mall, 3340 Mall Loop Drive, on August 5 and 6, 2009 was accompanied by a recommendation from the City Manager that permission be granted subject to Chapter 5, Article V of the Code of Ordinances which regulates circuses.

COUNCILWOMAN QUILLMAN asked why we received this request for the circus so late because she has seen posters and free tickets for this before it came to Council. She said she had also asked the City Manager about the treatment of the animals.

The City Manager said he didn't receive her concern about the treatment of the animals but he will find out about that. He said the application came in without payment of the fee and we don't process applications for carnivals or circuses unless the fee is pre-paid because we don't want to deal with them after the event. He said the fee didn't arrive until a week ago and at that point staff processed the paper work and the Council Memo was provided to the Council on Friday. He said no doubt this circus operator anticipated a favorable response and went ahead and did advertising and we are informing all carnival and circus operators not to assume approval and that they need to come in well in advance of the event to get authority to do the event before they start advertising.

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COUNCILWOMAN QUILLMAN said if they were not to get a permit they would not be allowed to operate, is that correct.

The City Manager said that's correct. He said our ordinance requires a permit to be approved by the Mayor and City Council before a circus or carnival is allowed to operate.

COUNCILMAN UREMOVIC asked if staff is reviewing this operation with regard to safety, making sure that there will be no liability with the City involved and it will be a clean run operation.

The City Manager said yes. He said he asked Building Services Director Dave Mackley to provide him with a list of things that they do when we receive an application for a carnival or a circus and he is confident that Mr. Mackley and his staff do a thorough investigation of the carnival and circus operations. He said this particular event does not have rides associated with it, it's strictly a circus. He said there will be pony rides and possibly an elephant ride but no tilt-a-whirl type rides at this event. He said he hasn't had a chance to look into the ethical treatment of the animals but he thinks we would have heard from an agency like PETA if there was a serious concern about the way these animals are treated because this is a circus that travels from town to town.

COUNCILWOMAN QUILLMAN asked if we've done a history on them.

The City Manager said this is the same company that has come in the last three years to the Westfield Shopping Center. He said he did check with Police Chief Hayes yesterday to see if we've had any kind of police history with this particular circus or carnivals and circuses in general and he said no, there's nothing remarkable or out of the ordinary. He said he's sure they've had some kind of occasional call for service but nothing that would warrant his recommendation against this type of activity. He said sometimes the circuses or carnivals come in as a fundraiser for local charities or churches which we've been supportive of in the past. He said this particular event is being sponsored by Westfield Shoppingtown so they can generate some foot traffic at a time when they need some help.

COUNCILMAN BROPHY said this outfit according to their website has been doing this since 1937 but he was concerned if they missed a simple matter like a permit what else might they neglect like safety maintenance, but if staff looked at it that's fine. He said he doesn't like the idea of carnivals and circuses here but that's just a personal issue. He said as far as the Administration's comfort level with the operator he's glad staff did the diligence they did.

The City Manager said we did our standard due diligence in reviewing this application as we do the others. He said obviously the key concern is the insurance and that is part of the packet that's before the Council. He said knowing that Westfield Shopping Center is behind this particular event he doesn't think they would put themselves in a position of liability in dealing with somebody who is not reputable. He said the decision as to whether we have circuses and carnivals in town is a general policy decision and we'll take our lead from the Council on that. He said if the Council decides not to have those we can certainly execute on that directive but it has been the practice for many, many years to allow those to occur as long as they go through the process. He said we will ask all of the circus and carnival operators to start working with us a lot earlier in the process.

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

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to his vote, COUNCILMAN SHETINA said thanks for bringing the circus to Joliet. He said we have people shooting people in the streets and shooting at cars and we're worried about a circus on a private piece of property where the mall is trying to bring some people in during a real tough economic time and he thinks we have our priorities in the wrong order, and he voted aye.

Prior to his vote, COUNCILMAN BROPHY said part of the City Manager's comments in reply to his concerns was the fact that the host is also a well respected corporate citizen, that being the Westfield Shopping Mall, so in respect for both operations he will vote aye.

MAYOR AND COUNCIL COMMENTS

COUNCILWOMAN BARBER congratulated the Joliet Housing Authority for a job well done. She said they were the recipients of a \$2.5 million grant from Congresswoman Debbie Halvorson who presented the check to the Housing Authority today.

COUNCILMAN GIARRANTE congratulated Empress Casino General Manager Frank Quigley on his promotion as General Manager of the Hollywood Casino at Penn National Race Course. He said he did a great job at the Empress and he wished him good luck.

COUNCILWOMAN QUILLMAN said we have a rodeo operating in town on private property and without permits and she asked why are we allowing this to continue.

The City Manager said we are not.

COUNCILWOMAN QUILLMAN said it went on again Sunday.

The City Manager said he understands that and he understands arrests were made and tickets issued. He said he spoke with the proprietor today and he is coming in to see him Thursday morning and we told him he is operating without a permit and we'll take the next steps with arrests. He said we already have one case in court against him and some people he's affiliated with and we have made it crystal clear that we did not permit it this year and that we'll continue to make arrests as necessary.

COUNCILWOMAN QUILLMAN asked where are we with the EPA lawsuit.

The City Manager said he is not sure what the EPA is doing on the landfill. He said he doesn't believe the EPA has any type of enforcement action against the rodeo operation. He said he thinks the EPA's concern is making sure that the

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cap on the landfill is not penetrated in any way. He said based on the conversations he's had with the County's Land Use Department, the attorney for the CDT Landfill and seeing some correspondence from the EPA, he doesn't believe we have a problem with the EPA and the rodeo. He said the rodeo appears to have gotten authority from the IEPA to do its thing on top of the landfill as long as they meet certain conditions, but one of those conditions was local approval and that hasn't happened yet. He said he has been steadfast in refusing to issue the permits from the beginning of April until they were in full compliance with everything we told them they would have to do. He said he's having another meeting with the proprietor on Thursday and he will tell him the same thing that he told him in April.

COUNCILWOMAN QUILLMAN said it seems to her that they just keep operating and they just don't care and they're going to do what they want to do without doing what we've asked them to. She said it went on all last summer and again this summer and she doesn't think its right.

The City Manager said he agrees.

COUNCILWOMAN QUILLMAN said Mr. Joe Fabbre was here in April about the "Keep it Made in America" campaign and he's received no response from us and she asked if there is a reason we didn't respond.

The City Manager said he guesses it would be the press of business and we've been fairly busy doing some other things. He said he spoke with Mr. Fabbre on the way up to the meeting today and he sent a note around that we will more than likely have it on the next agenda. He said he believes the Recovery Act already has a "Buy American" provision in it so if we receive Recovery Act funding he believes we already have an obligation to go through a "Buy American" process as far as letting contracts using Recovery Act money, but we will verify that and bring the Resolution back to the City Council. He said he would hope to do it at the next meeting, if not then the first meeting in September.

Later in the meeting, Mr. Fabbre said he is glad to see that the Council is moving forward with the resolution of the steel workers to help put America back to work.

COUNCILWOMAN QUILLMAN congratulated the City Center Partnership on the KidzFest which was well attended. She also said the Autobahn's Inaugural event was well attended and they had four times the people they had expected.

COUNCILMAN SHETINA said he thought we were told that we had nothing to say about the expansion of gaming with respect to the slots they're going to put in neighborhood taverns and other establishments in town. He said the City of Joliet has spent millions of dollars on the facilitation of the two riverboats. He said it appears as though several cities including Rosemont are asking to be able to opt out of this and he didn't know we had that provision. He said he would like staff to take a look at that opt out option and whether it's a good or bad idea to opt out if we can. He said we have to try to keep our dollars in our own pocket and he said that 1/6th of the dollars taken in this venue would go to the City and the rest would go to the State and the organization that houses the gaming equipment. He said it seems to him that it would be in our interest to take a position if we have an opt out provision and take a look at opting out. He asked the City Manager if we have that provision.

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The City Manager said we do; the legislation provides that any entity that has a liquor license in the State of Illinois will be eligible to have video poker machines and he believes the limit is either 4 or 5 machines. He said of the proceeds from that, 30% will be subject to a state tax and of that 30% the City does receive 1/6th or 5%. He said it's set up similarly to the local share for the host community in the Riverboat Gaming Act. He said cities and counties have an opt out position and can pass an ordinance or resolution that would declare the city not to be willing to accept video poker in the liquor license establishments. He said it's an issue we can discuss and it's a policy call on the part of the City Council. He said we'll probably want to hear from the bars and restaurants and other liquor licensees who are probably looking for this type of additional amenity to add to their facilities to help generate some revenue, because obviously they'll be keeping 70% of the proceeds, and he's sure half of that or possibly more will go to the vendor that will actually put the machines in the facilities.

The City Manager said the other thing he heard from the legislative debate on the Capital Bill and how to fund it using video poker is that these machines are already in our towns. He said he's not saying he has knowledge of these machines being in our towns, but in talking to the Senators and State Representatives who voted yes on this Bill, they said the machines are already here and are already generating a lot of revenue for the owners of the machines and the host bar or facility that has them and this is a way of trying to legitimize the activity and tax and regulate it properly. He said we also have the Illinois Gaming Board weighing in and he's surprised that the legislature told them they have to have rules promulgated within 60 days and have this operation going. He said it will take them a lot longer than 60 days to create the regulatory scheme to take care of these. He said if the Council is looking for a recommendation from us he will contact the Empress and Harrah's and find out their position. He said it is his understanding that all of the gaming companies in Illinois were neutral on this legislation or were willing to support it because they didn't want to be perceived as fighting the Capital Bill. He said he is guessing that we're probably going to hear from the fraternal lodges and bars and some of the restaurants that have liquor licenses that they would like to have this. He said we could set up that type of meeting if the Council would like.

COUNCILMAN SHETINA said if there are 4 or 5 potential gaming positions in each establishment and we have 130 licenses, that's 650 potential machines. He asked what the average riverboat has.

The City Manager said they have 1,200 positions and of that they have about 1,100 slot machines.

COUNCILMAN SHETINA said so that's like putting another half a boat into the City and virtually legalizing it with our potential earnings at 1/6th. He said the gaming industry is being strong armed on this and they have to do whatever the Governor and Senate and House tell them because their license is controlled by them, not us. He said he doesn't think it's healthy for the City of Joliet; we're spending millions of dollars in acquisition and constant policing and fire and all of the things that occur. He said we have a huge investment in Harrah's and the Empress and it's to our benefit to have proper accounting. He said we need to look at that real hard and if the Council says no then we say no and the majority rules. but we need to look at that opt out position real hard.

The City Manager said we have a legal process we could follow to opt out and that's certainly a policy decision for the Council to make.

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COUNCILMAN GIARRANTE said his only concern is if we do opt out and we do not allow the taverns in the City of Joliet to have the machines, they're going to go to Rockdale or Shorewood or wherever so it is going to cost them business. He said he had a conversation with Frank Quigley and he alluded to what the City Manager said that a lot of them already have them and all this is going to do is make them legal and he didn't seem to be too concerned about it.

COUNCILMAN BROPHY said we have to be concerned about making the playing field level and if we handicap our local institutions versus our neighbors they're going to be at a disadvantage again and the casinos are already at a disadvantage when it comes to smoking. He said he understands what COUNCILMAN SHETINA is saying about our investment, but with this we're simply reaching in and taking 30% off a table on action that's already occurring and this action actually requires a machine so they can actually do it. He said if they could get in on fantasy football and every other type of gaming that goes on in our local drinking establishments they'd get that too but they can't because there's nothing to record it, so this is the only one they can get a hold of because there's a machine involved and they can actually license and regulate the machine. He said he doesn't think we want to proceed on opting out at all.

MAYOR PRO-TEM TURK said back when they talked about expansion of gaming on the riverboats there was some discussion that if they wanted 10 more positions it would cost them \$60,000 a position and they would have to pay the State for each position they got. He asked if the proprietor of the tavern will have to pay for each position also.

The City Manager said there is a license fee but it's not of that magnitude. He said it started off at \$25,000 and at one point it got to \$100,000 per position and it made it non-competitive and at that point that fell off the table. He said there will be a license fee but he doesn't know what it will be and if it will be set by statute or whether the Gaming Board will be setting it. He said we'll follow up on that and get the details and if the Council would like to raise the issue again we'll bring it forward and put it on the agenda.

COUNCILMAN UREMOVIC said a brief economic summary would help at least from a finance standpoint about what the plusses and minuses are.

COUNCILMAN UREMOVIC asked Director of Neighborhood Services Alfredo Melesio for an update on 111 Stryker Avenue.

Mr. Melesio said basically it's some kind of business operating informally maybe once a month or every two months. He said they talked to the individual and took down all the license plate numbers and VIN numbers and said once we got there with the Police Department by Saturday morning all of the vehicles were gone. He said we're going to be giving them proper notice that that type of business cannot operate in the City and we're also going to issue a compliance ticket for what he saw as evidence of a business on Friday.

Mr. Melesio said on 117 Stryker Avenue that was an eviction of a tenant.

COUNCILMAN UREMOVIC said he would like a full report to all Councilmembers in regards to the status of this property, the compliance tickets and if the compliance tickets are waived because this does happen more than once a month. He said we want to keep this property under surveillance as

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much as possible and this operation is totally illegal; these cars are moving across borders.

COUNCILMAN UREMOVIC then wished Frank Quigley the best and said he did a great job at the Empress and we appreciate all of his hard work. He then congratulated the Autobahn and Mark Basso and his staff who did a fabulous job July 24 – 26th. He said those are positive events that make Joliet look good and like the great City it is and we thank them.

MAYOR PRO-TEM TURK asked if anyone in the audience would like to speak.

Mr. Craig Cade stated he is a resident of Joliet and said he heard the Council was going to remove the senior credit and riverboat credit from the water bills and he asked if that was true.

The City Manager said he has made a recommendation to the Council that they consider a water and sewer rate increase and also have the three abatements that appear on the bill removed. He said those abatements were created at a time when gaming revenue was available to help reduce the impact of water and sewer rates and unfortunately with the gaming industry not doing as well as they were doing a couple of years ago, it is his recommendation that those three items be removed. He said that will be a decision the Council will make and he believes we will be considering that at the August 17th meeting but no decisions have been made yet.

ADJOURNMENT

COUNCILMAN BROPHY moved that the Council recess to closed session at 7:30 p.m. to discuss personnel, land acquisition, anticipated and pending litigation and collective bargaining after which the meeting will be adjourned.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

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

NAYS: NONE.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk