



WHEATON CITY COUNCIL PROCEEDINGS

MAYOR PHILIP J. SUESS

COUNCILMAN MICHAEL BARBIER | COUNCILWOMAN ERICA BRAY-PARKER | COUNCILWOMAN SUZANNE FITCH

COUNCILWOMAN LYNN ROBBINS | COUNCILMAN JOHN RUTLEDGE | COUNCILMAN CHRISTOPHER ZARUBA

WHEATON CITY HALL, COUNCIL CHAMBERS, 303 W WESLEY STREET, WHEATON, ILLINOIS 60187

Monday, May 18, 2020

1. Call to Order and Roll Call

The regular Wheaton City Council Meeting was called to order at 7:00 p.m. by Mayor Philip J. Suess. Upon roll call, the following were:

Electronically Present: Mayor Suess
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba

Absent: None

City Staff Electronically Present:

Michael G. Dzugan, City Manager
John M. Duguay, Assistant City Manager
James Knippen, City Attorney
James P. Kozik, Director of Planning & Economic Development
Joseph Tebrugge, Director of Engineering
Robert Lehnhardt, Finance Director
Chad Michaelis, IT Director
Susan Wallace, Public Works Administrative Superintendent
Susan Bishel, Public Information Officer
Sharon Barrett-Hagen, City Clerk

2. Presentation

Mayor Suess read a proclamation honoring the Wheaton Class of 2020 graduates.

3. Citizens to Be Heard

City Clerk Barrett-Hagen read into the record public comments submitted prior to 5 p.m. on May 18 for reading at the City Council meeting:

Comment submitted by Ms. Susan Schaffler asking the City to step up and lead in re-opening Illinois and let the citizens of Wheaton get back to work.

Two comments submitted by Mr. Matt Churchill, 908 Ranch Road, expressing his frustration and anger over flooding he experienced in his home during Sunday's rain due to construction debris control devices in storm sewers along President Street.

Comment submitted by Ms. Lucy Rose, 1212 Manchester Road, asking the Council to reconsider and allow Wheaton residents to keep a small number of backyard chickens.

Mr. Matt Churchill, 908 Ranch Road, called and stated it was inconceivable that the storm sewer inlets were clogged with construction debris due to the work on President Street.

City Manager Dzugan stated he will work with him on filing a claim for damages with the City. He stated the debris control devices are required by the State as part of the construction work on President Street.

Director Tebrugge confirmed the erosion control devices in the inlets are required by the State during street construction projects. He stated they contain an overflow device that allows water to run into the storm sewer.

Mayor Suess encouraged Mr. Churchill to work with the City Manager and file a claim.

4. Consent Agenda

Councilwoman Robbins moved and Councilwoman Bray-Parker seconded that the following action be taken on the Consent Agenda items:

1. Approve the minutes of the May 4, 2020 regular Wheaton City Council meeting as submitted.
2. Adopt Resolution R-2020-40, A Resolution for the Improvement Under the Illinois Highway Code (2020 Road, Sewer, and Water Rehabilitation Program).
3. Adopt Resolution R-2020-41, A Resolution Accepting the As-Constructed Underground Public Improvements for Loretto Club Subdivision.
4. Pass Ordinance No. O-2020-20, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6, Article III – Decrease in Class I (Restaurants) Liquor License/Houlihan's/321 Rice Lake Square.
5. Adopt Resolution R-2020-42, A Resolution Authorizing the Disposal of Certain Surplus Property (PW).

Roll Call Vote on Consent Agenda:

Ayes: Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess

Nays: None
Absent: None

Motion Carried Unanimously

5. Approve Reappointments to City Boards and Commissions

Mayor Suess moved and Councilman Rutledge seconded that Nancy Flannery and Robert Purdy be reappointed to the Historic Commission, each for a term of three years, and Brett Mathieson be reappointed to the Board of Trustees Police Pension Fund for a term of two years.

Roll Call Vote:
Ayes: Mayor Suess
Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch

Nays: None
Absent: None
Motion Carried Unanimously

6. Adopt Resolution R02020-43, A Resolution Authorizing the Execution of Agreement No. 122 with R. W. Dunteman Company for the 2020 Road, Sewer, and Water Rehabilitation Program for a Total Amount Not to Exceed \$4,079,000

Councilman Rutledge moved and Councilman Barbier seconded that Resolution R02020-43, A Resolution Authorizing the Execution of Agreement No. 122 with R. W. Dunteman Company for the 2020 Road, Sewer, and Water Rehabilitation Program for a Total Amount Not to Exceed \$4,079,000, be passed.

City Manager Dzugan advised the City received two competitive bids for the 2020 Road Program with R. W. Dunteman coming in as the low bidder. He stated the bid came in approximately \$320,000 under budget with \$1.8MM coming from the Motor Fuel Tax Fund and \$1.7MM coming from the Capital Projects Fund.

Roll Call Vote:
Ayes: Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess
Councilwoman Robbins

Nays: None
Absent: None
Motion Carried Unanimously

7. Adopt Resolution R-2020-44, A Resolution Authorizing the Execution of Agreement No. 124 with e. Norman Security Systems, Inc. for a Door Security System Upgrade for a Total Amount Not to Exceed \$47,326.76

Councilwoman Fitch moved and Councilman Zaruba seconded that Resolution R-2020-44, A Resolution Authorizing the Execution of Agreement No. 124 with e. Norman Security Systems, Inc. for a Door Security System Upgrade for a Total Amount Not to Exceed \$47,326.76, be adopted.

City Manager Dzugan stated the City received three bids to upgrade the City's centralized access control system in all City facilities. He indicated the current system is no longer supported by the manufacturer and an upgrade is needed to continue security for City facilities.

Councilman Rutledge stated once again we have a system that is not being supported by the vendor. He asked if there would be long-term support for this upgrade.

Director Michaelis stated the existing system was very well known at the time the City purchased it; however, it was acquired by another company which wanted existing customers to switch to their platform. He indicated switching to the new platform would have required new wiring and other work for an additional cost of around \$25,000. Director Michaelis stated he would have a better sense of continuity in five years.

Roll Call Vote:
Ayes: Councilwoman Fitch
Mayor Suess
Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Nays: None
Absent: None
Motion Carried Unanimously

8. Approve Downtown Streetscape Change Orders – Phase 4 to Phase 3

Councilman Barbier moved and Councilman Rutledge seconded that the Downtown Streetscape Change Orders from Phase 4 to Phase 3 be approved.

City Manager Dzugan stated the Assistant City Manager prepared a memorandum recommending \$402,000 in change orders which would move some work currently scheduled for next summer during Phase 4 to this summer's Phase 3 work.

Assistant City Manager Duguay stated the change orders would involve reconstructing some alleys and a transition area. He advised the current situation with less pedestrian and vehicle traffic in the downtown area has resulted in expedited work on the part of the contractor, and staff felt the City should take advantage and reschedule some of the work. Assistant City Manager Duguay described the three alleys that would be reconstructed and the work on Karlskoga, which is considered a transition area.

Councilman Barbier supports rescheduling the work but expressed his belief that the alleys should be reconstructed with asphalt rather than concrete. He felt more information should have been provided regarding this work and stated that even though the initial cost for the concrete is slightly less than the cost for asphalt, the City might not receive that reduced price when it is time to replace the concrete panels.

Councilman Barbier moved and Councilwoman Robbins seconded to amend the change orders for use of asphalt rather than concrete for the three alleys.

Assistant City Manager Duguay advised the alleys currently are concrete alleys.

Councilman Zaruba feels he does not have enough information now to understand the change from concrete to asphalt.

City Manager Dzugan stated factors other than cost were considered in staff's recommendation to use concrete for the alleys.

Assistant City Manager Duguay stated asphalt would be approximately \$6,000 more than concrete. He stated the alleys are constructed in a concave fashion to channel water to the center of the alley directing the flow to the storm structure which would be difficult to do with asphalt.

Director Tebrugge stated the general overview of concrete versus asphalt is that asphalt costs less to install but needs more maintenance while concrete costs more to install but requires less maintenance as it has a longer life. He indicated two main reasons to use concrete for the alley work: (1) the alleys are one lane with heavy truck traffic which could result in rutting on an asphalt surface from repetitive use in one location, and (2) the manner in which asphalt is applied typically results in a crown in the center to allow water to flow outward to the gutter rather than the concrete concave application which would allow water to flow down the center of the alley to the storm structure.

Councilman Rutledge stated problems with some concrete streets is due to bad soil beneath the surface. Director Tebrugge confirmed that and indicated that is a reason the City is not currently building concrete streets.

In response to Mayor Suess, Director Tebrugge stated the soil beneath the alleys would be inspected once the existing material is removed.

Roll Call Vote on Amendment:

Ayes:	Councilman Barbier Councilwoman Robbins
Nays:	Councilwoman Bray-Parker Councilwoman Fitch Mayor Suess Councilman Rutledge Councilman Zaruba
Absent:	None <u>Motion Failed</u>

Councilwoman Fitch questioned if the work on Karlskoga could be completed earlier in the schedule. Assistant City Manager Duguay stated the sidewalks could be completed rather quickly, but the street cannot be resurfaced until ComEd completes the work they need to do in the area.

Councilwoman Bray-Parker asked when this work would get started. Assistant City Manager Duguay stated work would start as soon as possible, but there are several dumpsters in the alleys that need to be relocated and accommodations made for trash collection before work in the alleys could begin.

Councilman Zaruba expressed concern that this work would be taking place at about the time businesses and restaurants may be reopening. Assistant City Manager Duguay stated the City reached out to the DWA whose Board voted in favor of proceeding.

Roll Call Vote to Approve Change Orders:

Ayes: Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess
Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba

Nays: None

Absent: None

Motion Carried Unanimously

9. Adopt Resolution R-2020-45, A Resolution Authorizing the Execution of Agreement No. 123 with CSR Roofing Contractors, Inc. for Flat Roof Replacements for the Water Division Garage (\$57,647), Water Division Storage Building (\$16,652), and Fire Station #1 (\$157,358) for a Total Amount Not to Exceed \$231,657

Councilman Rutledge moved and Councilwoman Bray-Parker seconded that Resolution R-2020-45, A Resolution Authorizing the Execution of Agreement No. 123 with CSR Roofing Contractors, Inc. for Flat Roof Replacements for the Water Division Garage (\$57,647), Water Division Storage Building (\$16,652), and Fire Station #1 (\$157,358) for a Total Amount Not to Exceed \$231,657, be adopted.

City Manager Dzugan reported the flat roofs were initially replaced in the spring/summer of 2019; however, it was determined that the roofs were not installed in accordance with their specifications resulting in leaks. He advised a claim has been initiated against the original contractor's performance bond and the City is holding an unpaid invoice for the initial work.

Roll Call Vote:

Ayes: Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess
Councilwoman Robbins

Nays: None

Absent: None

Motion Carried Unanimously

10. Pass Ordinance No. O-2020-21, An Ordinance Extending a Declaration of Local Emergency Entered March 23, 2020 to June 15, 2020

Councilman Rutledge moved and Councilwoman Robbins seconded that Ordinance No. O-2020-21, An Ordinance Extending a Declaration of Local Emergency Entered March 23, 2020 to June 15, 2020, be passed.

City Manager Dzugan advised the City's Crisis Management Team recommended the local emergency declaration be extended to June 15, 2020.

Councilwoman Fitch stated she would vote no on the proposed ordinance as the City does not need to extend the local emergency declaration to be eligible for federal or state funding, and she does not feel the Mayor needs to act unilaterally because the Council is able to meet remotely to take care of business. She sees no reason at this point to give power to the Mayor to make decisions without consulting the entire Council and feels there is no reason for this ordinance.

In response to Councilman Rutledge, City Attorney Knippen confirmed that the Mayor has the authority to declare an emergency for a period of seven days. He stated the proposed ordinance extends the Council's ability to continue to meet remotely and if an extension is not passed, the Council would be required to meet in person.

Councilwoman Fitch and Councilwoman Bray-Parker expressed their understanding that the Governor's executive orders allows the Council to meet remotely. City Attorney Knippen stated it is up to the Mayor to provide direction to follow the Governor's orders.

Councilman Rutledge suggested the motion be amended to not extend the emergency declaration but provide the Mayor with the authority to continue remote Council meetings in accordance with the Governor's order.

Councilwoman Fitch moved and Councilman Barbier seconded to amend the motion to not extend the declaration of emergency but provide the Mayor with the authority to allow the City Council to meet remotely until such time as it is determined there is no longer a need for remote meetings.

City Attorney Knippen stated emergency powers can be over when either the Mayor or a majority of the Council decide the emergency is over. He stated local emergency declarations provide some power to local municipalities to administer and enforce the Governor's executive orders, but not the power to set aside those orders.

Mayor Suess questioned the rationalization behind the extension. City Manager Dzugan stated he could not provide specific examples, but stated the Crisis Management Team felt it was important to have an extension in case an immediate decision was needed and the Council was unable to meet.

Councilman Zaruba asked if there were any concerns about obtaining funding if the extension was not approved. City Manager Dzugan indicated he was not aware of any.

Mayor Suess stated as mayor, he currently has the authority to declare an emergency for seven days in case an emergency situation arises.

Roll Call Vote on Amendment:

Ayes: Councilwoman Fitch
Councilwoman Robbins

Councilman Rutledge
Councilman Barbier
Councilwoman Bray-Parker

Nays: Mayor Suess
Councilman Zaruba

Absent: None
Motion Carried

Roll Call Vote as Amended:

Ayes: Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess
Councilwoman Robbins

Nays: None
Absent: None
Motion Carried Unanimously

11. First Reading of An Ordinance Repealing and Amending Certain Sections of Chapter 10, "Special Events, Amusements and Entertainments," and Appendix B "Fee Schedule" of the Wheaton City Code
City Manager Dzugan stated this chapter of the City Code was amended in March 2019 and after a year of working with those amendments, staff has proposed revisions to the ordinance. He advised the School District and the Park District have reviewed the ordinance and the proposed revisions have incorporated some of their comments. City Manager Dzugan stated this item appears as a first reading with final action to be taken at the June 1 Council meeting.

12. Council Comment

Councilwoman Bray-Parker stated the Council's first concern is the health and safety of Wheaton residents. She expressed her appreciation for the work City and Library employees are doing to provide services for residents. While it is a tricky balance between safety and the economy, Councilwoman Bray-Parker feels it is time to shift focus onto the economy and work with the State in a collaborative fashion. She is happy the DWA has established a task force and looks forward to hearing from them. Councilwoman Bray-Parker says no one wants to see businesses close and feels people are doing their best to deal with this crisis.

Councilwoman Fitch is looking forward to finding some solutions to help businesses and restaurants. She supports continuation of financial assistance and suggested a review of the zoning ordinance to see if there are any provisions that could be exempted during this crisis. She stated the DWA has put together a plan for what the City can do to help businesses. Councilwoman Fitch feels the City needs to be transparent with residents about the economic impact on the community and share information with residents, including information on any proposed developments that are postponed or cancelled.

Mayor Suess stated he and the Council have been receiving a lot of emails regarding opening Wheaton. He reiterated the City does not have the discretion to make those decisions and must follow the limits of

the Governor's orders, whether we agree or disagree with them. He stated the City is in compliance with the Governor's orders and he expects the City to remain in compliance. Mayor Suess stated the City is working with the DuPage Mayors and Managers Conference to work with the Governor to see if there could be some exceptions, such as businesses opening with limited customers, and he will continue to work to achieve changes to the Governor's orders. Mayor Suess stated he is appreciative of people reaching out and stated it is unfortunate there are constraints as to what the City can do.

13. Approval of Warrant

Councilman Rutledge moved and Councilwoman Fitch seconded that Warrant No. 776 in the amount of \$2,301,210.93, be approved.

Roll Call Vote:
Ayes: Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess
Councilwoman Robbins
Nays: None
Absent: None
Motion Carried Unanimously

14. Adjournment

Councilwoman Fitch moved and Councilman Barbier seconded that the regular Wheaton City Council Meeting be adjourned at 8:14 p.m.

Roll Call Vote:
Ayes: Councilwoman Fitch
Mayor Suess
Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Nays: None
Absent: None
Motion Carried Unanimously

Respectfully submitted,

Sharon Barrett-Hagen
City Clerk

Submitted for Approval: June 1, 2020