



# WHEATON CITY COUNCIL PROCEEDINGS

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MAYOR MICHAEL J. GRESK  
COUNCILMAN MICHAEL BARBIER | COUNCILWOMAN SUZANNE FITCH | COUNCILMAN JOHN PRENDIVILLE  
COUNCILMAN JOHN RUTLEDGE | COUNCILMAN TODD SCALZO | COUNCILMAN PHILIP SUESS

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

March 4, 2019

## 1. Call to Order and Roll Call

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

Physically Present: Mayor Gresk  
Councilman Barbier  
Councilwoman Fitch  
Councilman Prendiville  
Councilman Rutledge  
Councilman Scalzo  
Councilman Suess

Absent: None

City Staff Present: Michael G. Dzugan, City Manager  
John M. Duguay, Assistant City Manager  
James Knippen, City Attorney  
James P. Kozik, Director of Planning and Economic Development  
Paul G. Redman, Director of Engineering  
William Schultz, Fire Chief  
Holly Schulz, Director of Human Resources  
Lauren Bertolini, Human Resources Generalist  
Michael Wakefield, Public Works Street Superintendent  
Sharon Barrett-Hagen, City Clerk

## 2. Fire Department Swearing-In Ceremony

Mayor Gresk presided over a Fire Department swearing-in ceremony for Mike Franzone, promoted to Assistant Fire Chief/Shift Commander, Tim Sellers, promoted to Lieutenant, and new firefighter Bryce McElroy.

## 3. Citizens to Be Heard

None.

## 4. Consent Agenda

Councilman Rutledge moved and Councilman Barbier seconded that the following action be taken on the Consent Agenda items:

1. Approve the February 19, 2019 minutes of the regular Wheaton City Council.
2. Approve Milton Township Location and Bond Waiver and Authorize Issuance of Raffle License to Midwest Dachshund Rescue.

3. Approve Request and Authorize Issuance of Special Event Permit to Wheaton Park District – Fun Run in Color 2019.

**Roll Call on Consent Agenda:**

Ayes: Councilman Rutledge  
Councilman Scalzo  
Councilman Suess  
Councilman Barbier  
Councilwoman Fitch  
Councilman Prendiville  
Mayor Gresk

Nays: None  
Absent: None  
Motion Carried Unanimously

**5. Approve Appointment/Reappointment to City Boards/Commissions**

Mayor Gresk moved and Councilman Suess seconded that Allison Torrence be reappointed to the Environmental Improvement Commission and Alan Herbach be appointed to the Library Board, both for three-year terms.

**Roll Call Vote:**

Ayes: Mayor Gresk  
Councilman Rutledge  
Councilman Scalzo  
Councilman Suess  
Councilman Barbier  
Councilwoman Fitch  
Councilman Prendiville

Nays: None  
Absent: None  
Motion Carried Unanimously

**6. Adopt Resolution R-2019-12, A Resolution Authorizing the Execution of Agreement No. 54 with Webster, McGrath & Ahlbert, Ltd. for Engineering Services for Sidewalk Design in an Amount Not to Exceed \$34,000**

Councilman Prendiville moved and Councilman Barbier seconded that Resolution R-2019-12, A Resolution Authorizing the Execution of Agreement No. 54 with Webster, McGrath & Ahlbert, Ltd. for Engineering Services for Sidewalk Design in an Amount Not to Exceed \$34,000, be adopted.

City Manager Dzugan stated staff has recommended the City enter into an agreement with Webster, McGrath & Ahlbert for the design of new sidewalks along sections of Wakeman, Campbell, Fischer, Jefferson and Prairie. He indicated construction work is anticipated to begin in June or July.

In response to Councilman Suess, Assistant City Manager Duguay stated the scope of the program has not been increased for this year and confirmed there is an annual budget of \$350,000 for this program.

In response to Councilwoman Fitch, Assistant City Manager Duguay stated areas with partial sections of sidewalk are factored into prioritization decisions.

**Roll Call Vote:**  
Ayes: Councilman Prendiville  
Mayor Gresk  
Councilman Rutledge  
Councilman Scalzo  
Councilman Sues  
Councilman Barbier  
Councilwoman Fitch  
  
Nays: None  
Absent: None  
Motion Carried Unanimously

**7. Approve Recommendation to Award Bid for Bituminous Material to Plote Construction, Inc. in the Amount of \$425,050**

Councilman Sues moved and Councilman Rutledge seconded that the Recommendation to Award Bid for Bituminous Material to Plote Construction, Inc. in the Amount of \$425,050, be approved.

City Manager Dzigan stated staff has recommended the City purchase hot mix and binder material from Plote Construction based upon costs of \$52 per ton for hot mix and \$51 per ton for binder. He indicated \$425,050 has been budgeted for this material.

**Roll Call Vote:**  
Ayes: Councilman Sues  
Councilman Barbier  
Councilwoman Fitch  
Councilman Prendiville  
Mayor Gresk  
Councilman Rutledge  
Councilman Scalzo  
  
Nays: None  
Absent: None  
Motion Carried Unanimously

**8. Approve Recommendation to Award Bid for Aggregate Material to Viking Bros., Inc. in an Amount Not to Exceed \$29,450.75**

Councilman Rutledge moved and Councilwoman Fitch seconded that the Recommendation to Award Bid for Aggregate Material to Viking Bros., Inc. in an Amount Not to Exceed \$29,450.75, be approved.

City Manager Dzigan stated staff has recommended the City purchase aggregate material from Viking Bros. in an amount not to exceed \$29,450.75.

**Roll Call Vote:**  
Ayes: Councilman Rutledge

Councilman Scalzo  
Councilman Suess  
Councilman Barbier  
Councilwoman Fitch  
Councilman Prendiville  
Mayor Gresk

Nays: None  
Absent: None  
Motion Carried Unanimously

**9. Approve Recommendation to Purchase a Replacement Parking Enforcement Vehicle from Curie Motors Fleet for a Total Amount of \$27,320**

Councilman Rutledge moved and Councilman Barbier seconded that the Recommendation to Purchase a Replacement Parking Enforcement Vehicle from Curie Motors Fleet for a Total Amount of \$27,230, be approved.

City Manager Dzugan indicated staff has recommended the City purchase a replacement parking enforcement vehicle from Curie Motors Fleet through the Suburban Purchasing Cooperative for a total amount of \$27,320.

In response to Mayor Gresk, City Manager Dzugan stated the new parking software the City is considering can be installed in this vehicle.

**Roll Call Vote:**  
Ayes: Councilman Rutledge  
Councilman Scalzo  
Councilman Suess  
Councilman Barbier  
Councilwoman Fitch  
Councilman Prendiville  
Mayor Gresk  
Nays: None  
Absent: None  
Motion Carried Unanimously

**10. Receive Planning & Zoning Board Report Re Zoning Application #19-02/Rear Yard Setback Variation/222 E. Madison Avenue/R. Lautz Construction, Inc.**

Councilwoman Fitch moved and Councilman Scalzo seconded that the Planning & Zoning Board Report Re Zoning Application #19-02/Rear Yard Setback Variation/222 E. Madison Avenue/R. Lautz Construction, Inc., be received.

City Manager Dzugan stated the Council has before it a report from the Planning & Zoning Board regarding a request by R. Lautz Construction for a rear yard setback variation at 222 E. Madison for a patio with a setback of 7 feet in lieu of the required 25 feet. He indicated the existing structure would be demolished for construction of a new home. City Manager Dzugan advised administrative variations to

the front, corner side and rear yard have already been granted for construction of the new home in its proposed location.

**Roll Call Vote:**

Ayes: Councilwoman Fitch  
Councilman Prendiville  
Mayor Gresk  
Councilman Rutledge  
Councilman Scalzo  
Councilman Suess  
Councilman Barbier

Nays: None  
Absent: None

Motion Carried Unanimously

Councilman Prendiville expressed his support; however, was concerned about setting a precedent by granting this variation request. Councilman Prendiville suggested staff review the zoning ordinance to ensure a patio fireplace or chimney cannot be built that close to the property line.

Councilman Rutledge stated he supports this request but also expressed concerns about approving it and would like staff to review patio setback requirements.

Councilman Barbier stated he would vote against the request reducing the setback from 25 feet to 7 feet. He feels the requirements of the zoning ordinance should be followed and plans should not be submitted that require variances.

Councilman Suess questioned why the request is for a 7 foot setback and not a larger setback. Mr. Roger Lautz, 25W581 Plamondon Road, developer, stated administrative variations were requested to construct the home on a corner lot with large front and side yard setback requirements. He stated they are proposing a minimum size patio for a large family to enjoy, resulting in the 7 foot setback request. He indicated this is not an attempt to construct a large structure close to the property line. Mr. Lautz distributed a photo of a detached two-car garage constructed one block east of this property which is 20 feet in height and is 3-5 feet away from the property line, a much larger structure than the proposed ground level patio.

Councilwoman Fitch advised that variations are granted based on the physical conditions of the property which cannot be created by a developer. She asked if written support from the neighbors was submitted to the City. Director Kozik stated the City received one email supporting the proposed home. Mr. Lautz stated he has other letters of support and would provide them to the Council.

Councilman Prendiville indicated he has spoken with the immediate neighbors who are pleased the existing dilapidated structure will be demolished and replaced.

Councilman Prendiville moved and Councilman Rutledge seconded that the City Attorney be directed to prepare an ordinance approving a rear yard setback variation for 7 feet in lieu of 25 feet at 222 E. Madison Avenue/R. Lautz Construction, Inc.

**Roll Call Vote:**  
Ayes: Councilman Prendiville  
Mayor Gresk  
Councilman Rutledge  
Councilman Scalzo  
Councilman Suess  
Councilwoman Fitch  
  
Nays: Councilman Barbier  
Absent: None  
Motion Carried

**11. Adopt Resolution R-2019-13, A Resolution Approving a Plat of Easement Grant to the Wheaton Sanitary District (Shaffner Road Right-of-Way)**

Councilman Suess moved and Councilman Barbier seconded that Resolution R-2019-13, A Resolution Approving a Plat of Easement Grant to the Wheaton Sanitary District (Shaffner Road Right-of-Way), be adopted.

City Manager Dzugan stated the resolution before the Council would approve an easement grant to the Wheaton Sanitary District along the Shaffner Road right-of-way. He advised the Council will consider vacating the right-of-way to the Wheaton Park District, discussed at a recent public hearing, at their March 18 meeting.

**Roll Call Vote:**  
Ayes: Councilman Suess  
Councilman Barbier  
Councilwoman Fitch  
Councilman Prendiville  
Mayor Gresk  
Councilman Rutledge  
Councilman Scalzo  
  
Nays: None  
Absent: None  
Motion Carried Unanimously

**12. Adopt Resolution R-2019-14, A Resolution Authorizing the Execution of Agreement No. 46 with Copenhaver Construction, Inc. in an Amount of \$6,622,337 for the 2019 Downtown Streetscape Phase 2 Construction**

Councilman Rutledge moved and Councilman Prendiville seconded that Resolution R-2019-14, A Resolution Authorizing the Execution of Agreement No. 46 with Copenhaver Construction, Inc. in an Amount of \$6,622,337 for the 2019 Downtown Streetscape Phase 2 Construction, be adopted.

City Manager Dzugan stated staff has recommended the City enter into an agreement with Copenhaver Construction in the amount of \$6,622,337 for Phase 2 Downtown Streetscape construction. He stated \$5.6MM will be funded through TIF funds and \$1MM from the City's 2018 bond fund.

Assistant City Manager Duguay explained the proposed work will continue on N. Hale Street past Seminary Street and would entail changing that portion of the street to one way, and providing angle parking on the west side of Hale Street instead of parallel parking. Angle parking would be achieved by removing 9 feet of the parkway and the removal of one small tree, resulting in seven additional parking spaces.

Councilman Suess has no problem with converting the street to one-way north of Seminary, but is not in favor of removing green space to provide more parking in front of a residential area. He would like to see the existing parallel parking remain.

Councilman Suess moved and Councilman Rutledge seconded to amend the scope of work to maintain parallel parking on the west side of Hale and delete the proposed angle parking.

Councilman Prendiville stated he is not in favor of the amendment and feels the addition of seven parking spaces would be beneficial as parking now is at a premium.

Councilwoman Fitch indicated she is also in favor of the additional parking. With the downtown streetscape work and the future renovation of Memorial Park, she feels this is a good opportunity to increase parking.

Assistant City Manager Duguay confirmed for Councilman Scalzo that only one tree, which was planted two years ago, would need to be removed for the additional parking.

Councilman Suess stated the Council has had conversations about being green and pedestrian friendly, and does not feel additional parking should be achieved at the expense of green space.

**Roll Call Vote on Amendment:**

Ayes:	Councilman Suess
Nays:	Councilman Barbier Councilwoman Fitch Councilman Prendiville Mayor Gresk Councilman Rutledge Councilman Scalzo
Absent:	None

Motion Failed

In response to Councilman Rutledge, Assistant City Manager Duguay stated work on Hale Street south of the tracks would be shifted to Phase 3 due to work that will need to be first done in the parking lots near the prairie path.

In response to Councilman Suess, Assistant City Manager Duguay stated the only work that will affect Karlskoga Avenue would be the sidewalk bump outs at the intersection with Hale Street.

**Roll Call Vote:**

Ayes:	Councilman Rutledge
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Councilman Scalzo  
Councilman Suess  
Councilman Barbier  
Councilwoman Fitch  
Councilman Prendiville  
Mayor Gresk

Nays: None  
Absent: None

Motion Carried Unanimously

**13. First Reading of An Ordinance Amending Chapter 10, Amusements and Entertainments, and Appendix B, Fee Schedule, of the Wheaton City Code**

City Manager Dzugan stated this item and the follow item relate to amendments to the City Code related to special events. He stated these amendments include eliminating licensing fees for bowling alleys and movie theaters. City Manager Dzugan stated both ordinances appear as first readings with formal action to be taken at the March 18 Council meeting.

**14. First Reading of An Ordinance Amending Chapter 6 (Alcoholic Beverages), Chapter 18 (Annexation), Chapter 30 (Fire Prevention and Protection), Chapter 38 (Law Enforcement), Chapter 42 (Offences and Miscellaneous Provisions) of the Wheaton City Code**

City Manager Dzugan stated this ordinance amends various sections of the City Code impacted by the proposed amendments to Chapter 10.

**15. Council Comment**

Councilman Prendiville stated he attended a dodge ball tournament at Franklin Middle School where the police and fire department personnel participated with proceeds going to the Ronald McDonald House.

Mayor Gresk thanked the members of the Board of Fire & Police Commissioners for their tireless work in interviewing candidates for the City's police and fire departments. He also welcomed his brother-in-law and sister-in-law, Jim and Cindy Brown, to the meeting.

**16. Approval of Warrant**

Councilman Suess moved and Councilman Barbier seconded that Warrant No. 747 in the amount of \$707,682.10, be approved.

Ayes: **Roll Call Vote:**  
Councilman Suess  
Councilman Barbier  
Councilwoman Fitch  
Councilman Prendiville  
Mayor Gresk  
Councilman Rutledge  
Councilman Scalzo

Nays: None  
Absent: None

Motion Carried Unanimously



**17. Adjournment**

Councilman Scalzo moved and Councilman Barbier seconded that the regular Wheaton City Council Meeting be adjourned at 7:45 p.m.

	<b>Roll Call Vote:</b>
Ayes:	Councilman Scalzo Councilman Suess Councilman Barbier Councilwoman Fitch Councilman Prendiville Mayor Gresk Councilman Rutledge
Nays:	None
Absent:	None
	<u>Motion Carried Unanimously</u>

Respectfully submitted,

Sharon Barrett-Hagen  
City Clerk

Submitted for Approval: March 18, 2019