



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, April 20, 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:

Physically Present: Mayor Suess
Councilman Zaruba

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

Absent: None

City Staff Present: Michael G. Dzugan, City Manager
John M. Duguay, Assistant City Manager
Susan Bishel, Public Information Officer
Robert Lehnhardt, Finance Director
Sharon Barrett-Hagen, City Clerk

City Staff Electronically Present: James Knippen, City Attorney
James P. Kozik, Director of Planning & Economic Development
Chad Michaelis, Director of I.T.
Joseph Tebrugge, Director of Engineering

2. Report of City Manager

City Manager Dzugan stated the City has not seen a decrease in service requests and City staff continues to meet the service needs of Wheaton residents. He thanked all City employees who are coming in to work every day and expressed his appreciation for their efforts.

3. Citizens to Be Heard

City Clerk Barrett-Hagen read into the record public comments submitted prior to 5 p.m. on April 20 for reading at the City Council meeting:

Comment submitted by Ronny Parayno describing an incident he had on April 14 where discriminatory and racist comments were directed at him due to his physical appearance. He asked that Wheaton residents demonstrate responsible non-biased judgment, good order and discipline.

Comment submitted by Rich Neri, 500 W. Evergreen Street, asking when businesses in Wheaton will be reopened.

Comment submitted by Jacob Cynamon-Murphy asking for a revision of City ordinances to allow backyard hens so residents can take personal responsibility for improving food security.

Comment submitted by Andrew Van Gorp expressing his support for a local ordinance allowing backyard hen keeping.

Comment submitted by Leslie Cummings, 26W447 Grand Avenue, supporting an ordinance to allow responsible hen keeping in unincorporated and incorporated DuPage County.

Comment submitted by Mary Fantozzi expressing her support for an ordinance allowing the keeping of chickens longer than the 90 days currently allowed and listing the benefits of raising chickens.

Comment submitted by Claudia Seversen, 1733 Harrow Ct., asking when certain non-essential businesses in Wheaton can be reopened with social distancing and proper sanitizing.

Comment submitted by Rella Grubek, 32 Danada Square West, questioning why so many businesses were completely shut down due to COVID-19. She asked that the Mayor speak to the Governor about opening local businesses.

Comment submitted by Tony Majszak, indicating he is pro-backyard chickens and feels they should be allowed in the City.

Karen Doran, 1005 S. Wheaton Avenue, called to express her support for backyard chicken keeping.

4. Consent Agenda

Councilman Zaruba moved and Councilwoman Robbins seconded that the following action be taken on the Consent Agenda items:

1. Approve the minutes of the March 16, 2020 regular Wheaton City Council meeting and March 23, 2020 Special Wheaton City Council meeting, as submitted.
2. Adopt Resolution R-2020-32, A Resolution Authorizing the Execution of a Certain Construction, Use, and Indemnification Agreement (1811 Knollwood Drive)

Roll Call Vote on Consent Agenda:

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

Nays: None

Absent: None

Motion Carried Unanimously

5. Approve Appointment/Reappointments to City Boards and Commissions

Mayor Suess moved and Councilman Rutledge seconded that Elle Withall be appointed to the Downtown Wheaton Design Review Board, Michael Rybinski be reappointed to the Housing Commission and Mark Taylor and Robert Wolgemuth be reappointed to the Liquor Control Commission, each for a three-year term. Mayor Suess thanked these individuals for volunteering their time and in particular thanked Mark Taylor who has chaired the Liquor Control Commission since its creation about 25 years ago.

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. Pass Ordinance No. O-2020-14, An Ordinance Amending City of Wheaton Ordinance No. E-3704, “An Ordinance Amending the Wheaton Zoning Ordinance Map and Granting a Special Use Permit for a Planned Unit Development on a Certain Piece of Property Commonly Located Southeast of the Intersection of County Farm and Manchester Roads, Between Manchester Road and Fapp Circle – Wyndemere Retirement Community/Central DuPage Health System” (“Original Ordinance”) and Ordinance Nos. E-3729, E-4007, F-0060, F-0164, F-1515, F-1801 and O-2019-19 Which Amended the Original Ordinance – Wyndemere LLC

Councilman Barbier moved and Councilwoman Bray-Parker seconded that Ordinance No. O-2020-14, An Ordinance Amending City of Wheaton Ordinance No. E-3704, “An Ordinance Amending the Wheaton Zoning Ordinance Map and Granting a Special Use Permit for a Planned Unit Development on a Certain Piece of Property Commonly Located Southeast of the Intersection of County Farm and Manchester Roads, Between Manchester Road and Fapp Circle – Wyndemere Retirement Community/Central DuPage Health System” (“Original Ordinance”) and Ordinance Nos. E-3729, E-4007, F-0060, F-0164, F-1515, F-1801 and O-2019-19 Which Amended the Original Ordinance – Wyndemere LLC, be passed.

City Manager Dzugan stated the City received a request for a PUD amendment for the construction of a 65-space parking lot on the property at 200 Wyndemere. He stated the proposed ordinance approves the parking lot with two conditions for lighting and landscaping.

In response to Councilwoman Bray-Parker, Director Kozik stated the City does not require the use of LED lighting, but the fixtures require shielding to prevent light spillage onto adjacent properties.

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

Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba

Nays: None
Absent: None
Motion Carried Unanimously

7. Approve Issuance of Outdoor Special Event Liquor License to Wheaton Park District for the Taste of Wheaton

Councilwoman Fitch moved and Councilman Rutledge seconded to approve Issuance of Outdoor Special Event Liquor License to Wheaton Park District for the Taste of Wheaton.

City Manager Dzugan stated the Taste of Wheaton is currently scheduled for June 4 through June 7. He indicated recent discussions with the Executive Director of the Wheaton Park District suggest a high probability that the event will not go forward but the Park District desired to keep it open at this time.

Councilman Zaruba questioned if the event were rescheduled, would a new approval be necessary. Mayor Suess suggested the license be approved for a general time period up to essentially the day after Labor Day.

Both Councilwoman Fitch and Councilman Rutledge agreed to that amendment.

Roll Call Vote as Amended:
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 Issuance of Class B Liquor License to Sushi Ukai/281 Rice Lake Square

Councilman Rutledge moved and Councilwoman Bray-Parker seconded to approve Issuance of Class B Liquor License to Sushi Ukai/281 Rice Lake Square.

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

9. Pass Ordinance No. O-2020-15, An Ordinance Ratifying Certain Mayoral Executive Orders During the Declaration of Local State of Emergency

Councilwoman Robbins moved and Councilman Rutledge seconded that Ordinance No. O-2019-15, An Ordinance Ratifying Certain Mayoral Executive Orders During the Declaration of Local State of Emergency, be passed.

City Manager Dzugan advised the Mayor has signed five executive orders under the Declaration of Local Emergency authority and the proposed ordinance would ratify those five orders.

Councilwoman Bray-Parker asked for more detail on the Executive Order 002. City Manager Dzugan responded that the Families First legislation would allow certain employees to use FMLA to care for children and also allow municipalities to exempt certain employees from using the expanded Family and Medical Leave. He stated the City opted to exempt sworn personnel in the Police and Fire Departments because of concerns there would not be sufficient staffing. He indicated no employees are exempted from taking Emergency Paid Sick Leave.

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

Nays: None
Absent: None
Motion Carried Unanimously

10. Pass Ordinance O-2020-16, An Ordinance Extending a Declaration of Local Emergency Entered March 23, 2020 to May 18, 2020

Councilman Barbier moved and Councilman Zaruba seconded that Ordinance O-2020-16, An Ordinance Extending a Declaration of Local Emergency Entered March 23, 2020 to May 18, 2020, be passed.

City Manager Dzugan advised the proposed ordinance extends the local emergency declaration to May 18, 2020. He stated the Council can determine at their meeting on May 18 whether or not to further extend the local emergency declaration.

Councilwoman Fitch asked how the May 18 date was determined as it seems to be beyond what the Governor has directed. City Manager Dzugan believes Governor Pritzker will extend his stay at home into May.

Councilwoman Fitch feels at this point, there does not appear to be a need for more executive orders since the Council can conduct its meetings remotely with the Mayor using his power for emergencies only.

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

Nays: None
Absent: None
Motion Carried Unanimously

11. Adopt Resolution R-2020-33, A Resolution Authorizing the Purchase of Replacement HVAC Equipment for City Hall Through the U.S. Communities Joint Purchasing Program with Trane U.S., Inc. for a Total Amount Not to Exceed \$39,668

Councilwoman Bray-Parker moved and Councilwoman Robbins seconded that Resolution R-2020-33, A Resolution Authorizing the Purchase of Replacement HVAC Equipment for City Hall Through the U.S. Communities Joint Purchasing Program with Trane U.S., Inc. for a Total Amount Not to Exceed \$39,668, be adopted.

City Manager Dzugan stated the proposed resolution would authorize the purchase of two new condensing units for City Hall to replace current units that are over 26 years old. He indicated staff evaluated the purchase and determined this was an essential purchase.

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

Nays: None
Absent: None
Motion Carried Unanimously

12. Adopt Resolution R-2020-34, A Resolution Authorizing the Execution of Addendum No. 1 to Agreement No. C37063 with Total Mechanical Solutions for the Installation of Replacement HVAC Equipment at City Hall and Fire Station No. 38 for a Total Amount Not to Exceed \$67,611

Councilwoman Fitch moved and Councilman Rutledge seconded that Resolution R-2020-34, A Resolution Authorizing the Execution of Addendum No. 1 to Agreement No. C37063 with Total Mechanical

Solutions for the Installation of Replacement HVAC Equipment at City Hall and Fire Station No. 38 for a Total Amount Not to Exceed \$67,611, be adopted.

City Manager Dzugan advised the proposed resolution would approve the installation of condensing units at Fire Station 38 and City Hall by Total Mechanical Solutions, the City's current maintenance contractor. He stated the cost for Total Mechanical Solutions to do the installation work was less than the bidded installation costs for a turnkey installation solution using Total Mechanical Solutions as the installer.

In response to Councilman Barbier, City Manager Dzugan stated the installation was for units at both Fire Station #38 and City Hall.

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

13. Adopt Resolution R-2020-35, A Resolution Authorizing the Execution of Agreement No. 120 with Comcast Business for Telephone Primary Rate Interface (PRI) Services for a Three (3) Year Term and a Total Amount Not to Exceed \$40,100 (\$13,366.66 Annually)

Councilman Rutledge moved and Councilman Zaruba seconded that Resolution R-2020-35, A Resolution Authorizing the Execution of Agreement No. 120 with Comcast Business for Telephone Primary Rate Interface (PRI) Services for a Three (3) Year Term and a Total Amount Not to Exceed \$40,100 (\$13,366.66 Annually), be adopted.

City Manager Dzugan stated the agreement is for trunk lines for the City's phone system which has also been determined by staff to be essential.

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. Adopt Resolution R-2020-36, A Resolution Authorizing the Purchase of Bulk Rock Salt Through the DuPage County Joint Purchasing Program with Compass Minerals America, Inc. for a Total Amount of \$267,729

Councilman Barbier moved and Councilwoman Bray-Parker seconded that Resolution R-2020-36, A Resolution Authorizing the Purchase of Bulk Rock Salt Through the DuPage County Joint Purchasing Program with Compass Minerals America, Inc. for a Total Amount of \$267,729, be adopted

City Manager Dzugan advised the product is needed for the City's snow and ice operations and it reflects a 2.2% decrease from the previous year.

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

15. Council Comment

Councilwoman Bray-Parker thanked staff for all their hard work. She encouraged everyone in the community to check on their neighbors and thanked everyone for stepping up during this challenging time.

Councilwoman Fitch expressed her appreciation to Wheaton residents who are doing their part to slow the spread of the coronavirus. She expressed concerns about the economic toll on the community and is looking forward to the time when some of the restrictions are lifted, in particular to allow local retail businesses to provide curbside pickup. Councilwoman Fitch would like to see a property tax rebate for the time the library is closed. She also expressed her gratitude to those residents who donated their stimulus checks to charity.

Mayor Suess thanked the residents who are complying with social distancing and who are avoiding large gatherings. He stated he was on a call with the DuPage County Health Department who indicated COVID-19 cases in DuPage County continue to increase so there is a need to continue maintain diligence with respect to social distancing and large gatherings. Mayor Suess gave a shout out to employees for the job they are doing and expressed his appreciation for their service and the work they are doing for the citizens of Wheaton.

16. Approval of Warrant

Councilman Rutledge moved and Councilwoman Fitch seconded that Warrant No. 774 in the amount of \$1,885,873.48, 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

17. Adjournment

Councilman Zaruba moved and Councilwoman Bray-Parker seconded that the regular Wheaton City Council Meeting be adjourned at 7:48 p.m.

Roll Call Vote:

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

Nays: None
Absent: None
Motion Carried Unanimously

Respectfully submitted,

Sharon Barrett-Hagen
City Clerk

Submitted for Approval: May 4, 2020