



# WHEATON CITY COUNCIL PLANNING SESSION MINUTES

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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, March 22, 2021

## 1. Call to Order

The Wheaton City Council Planning Session was called to order at 7:00 p.m. by Mayor Suess. The following were:

### Physically Present:

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

### City Staff Physically Present:

Michael Dzugan, City Manager  
John Duguay, Assistant City Manager  
Susan Bishel, Public Information Officer  
William Schultz, Fire Chief / Director of Building and Code  
William Murphy, Chief of Police  
Greg Klos, Police Sergeant  
Ted Fanning, Code Compliance Officer  
Joseph Tebrugge, Director of Engineering

## 2. Approval of March 8, 2021 Minutes

The Council approved the March 8, 2021 City Council Planning Session minutes.

## 3. Public Comment

Katrina Burlet, 1030 College Ave., stated that she has been in discussion with Sergeant Klos of the Wheaton Police Department, with regards to the implementation of an administrative adjudications process for municipal code violations. She stated that she has worked with people who have been incarcerated with long sentences within the Department of Corrections in Illinois and requested that the City consider integrating a restorative justice model within the adjudication process. Ms. Burlet thanked the City Council for their willingness to work on this process for the City.

## 4. System of Administrative Adjudications

City Manager Dzugan stated that this was a continuation of the discussion of the potential implementation of a system of administrative adjudications for municipal code violations within the City of Wheaton. He stated that members of the Police Department and the Building and Code Department had created a draft ordinance for Council review and approval.

Sergeant Klos provided an overview of the draft ordinance for administrative adjudications and reviewed the listing of municipal ordinances subject to adjudication.

Sergeant Klos stated that administrative adjudication hearings would be set on the second Wednesday of each month at 6 p.m. at the Wheaton City Hall Council Chambers, and the Wheaton Police Department would provide one police officer in addition to the system administrator at each administrative hearing.

Sergeant Klos stated that a review of the City's fine structure was also conducted, and he stated that the City's fine schedule was similar to a majority of comparable communities. He stated that the fines associated with violations are provided in Section 1-8 of the Wheaton Municipal Code of Ordinances.

Sergeant Klos stated that once the ordinance has been approved by the Council, the City would search for a hearing officer and software vendor. He stated that the goal is to have the City's first administrative adjudications hearing on or before the fourth quarter of 2021.

In response to questions from Council, Sergeant Klos stated that there would be no limit on continuances for offenders, and defendants can provide witnesses to violations if they choose.

In response to questions from Council, Code Compliance Officer Fanning stated that if an issue is resolved by the violator prior to a hearing, then the City could determine that the violator would not need to attend a hearing.

In response to questions from Council, Sergeant Klos stated that everything kept on record from the hearings would be applicable to the Freedom of Information Act. He stated that any violations addressed by administrative adjudication would not become a criminal record.

In response to questions from Council, Director of Building & Code Enforcement Schultz stated that if a violation is a Code violation that is a life safety-related issue, then, based on the severity of the issue, the case may need to be expedited to the circuit court to be addressed as opposed to waiting for an administrative adjudication hearing.

In response to questions from Council, Sergeant Klos stated that the cost for the adjudication software is approximately \$60,000 per year.

In response to questions from Council, Sergeant Klos stated that moving violations cannot be addressed by administrative adjudication, and only ordinance violations that involve parking and vehicle equipment violations can be addressed by administrative adjudication.

In response to questions from Council, Sergeant Klos stated that a violator would be able to appeal the administrative adjudication process, and their case would subsequently be heard on a judiciary level.

The Council requested more information about the appeal process.

In response to questions from Council, Sergeant Klos stated that if a violator wished to contest a violation, they could do so by filling out a form with the Wheaton Police Department, where it would be evaluated. He stated that process would still be available with the implementation of administrative adjudication.

City Manager Dzugan stated City staff would find further information on the Council's questions and would present it to the Council at a future Planning Session before they formally consider a proposed ordinance adopting administrative adjudication.

## 5. Lakeshore Recycling Systems (LRS) Contract Extension

City Manager Dzugan stated that the City's residential solid waste and recycling collection contract is set to expire on September 30, 2021 and City staff is seeking Council direction on the option of extending the City's agreement with Lakeshore Recycling Systems (LRS) with a proposed collection fee rate increase or going out to bid for a new contract.

Assistant City Manager Duguay introduced Josh Connell and Bill Kenney of LRS.

Assistant City Manager Duguay provided background information on the City's current agreement with (LRS). He stated the current program uses a Radio Frequency Identification (RFID) based pay-as-you-throw model for the City's fee structure for residences. This fee structure charges residences a collection fee based on the amount of times that their collection carts are set out to be emptied.

Assistant City Manager Duguay stated that two significant factors are the reason for (LRS') proposed collection fee rate increase for a contract extension: 1) Lower-than-expected collection cart set-out rates and 2) Market drop-off for recyclables. He stated that Lakeshore anticipated Wheaton's average collection cart set-out rate would be 75% or greater, but the actual average set-out rate for the City was generally less than 55%.

Assistant City Manager Duguay reviewed the two proposed contract extension options (LRS) proposed. Option 1 would impose a monthly \$5 flat fee for each residence in addition to pay-as-you-throw charges, but with no increases in rate for the first year and small increases in the following years; and Option 2 would continue the pay-as-you-throw model with more substantially increased rates for collection but no flat fee.

Assistant City Manager Duguay stated that the City's Environmental Improvement Commission was strongly opposed to Option 1 (adding a monthly flat fee) and supported the pay-as-you-throw model.

Assistant City Manager Duguay provided an analysis of a monthly collection comparison of other communities. He stated that the average cost of all comparable communities is approximately \$20 per month, while City of Wheaton residences average approximately \$10 per month.

In response to questions from Council, Assistant City Manager Duguay stated that no analysis could be provided for the set-out rates of other communities because all other communities used for comparison have monthly subscription-based fee structure models, and they do not collect pickup data like (LRS) tracks for Wheaton.

Assistant City Manager Duguay provided an overview of different residential living scenarios that included a single senior, empty nesters, family with young children, and family with teenagers. He provided an analysis for each scenario of the current pay-as-you-throw fee structure model compared to the new LRS proposed pay-as-you-throw fee structure model and other nearby communities. Based on the different residential living scenarios, Assistant City Manager Duguay stated that a single senior currently paying \$3.31 per month would pay approximately \$5.89 per month; empty nesters currently paying \$8.39 per month would pay approximately \$14.57 per month; families with children currently paying \$24.81 per month would pay approximately \$32.56 per month; and families with teens currently paying \$17.70 per month would pay approximately \$25.90 per month.

Assistant City Manager Duguay stated that in the scenarios presented, there was a significant savings for the single senior and empty nesters when compared to other communities. On the other hand, the family scenarios would generally pay more when compared to other communities. He stated that this is expected when using a pay-as-you-throw system. Residences with a higher use of the collection service will pay more.

In response to questions from Council, Mr. Connell stated that the City would need to select one of the two options for a fee structure model as opposed to developing a hybrid model allowing residents to select between either option because LRS would prefer to keep the fee structure even for all, as a hybrid option would be too difficult for them to administer.

In response to questions from Council, Mr. Connell stated that Option 2's pay-as-you-throw proposed increased collection cart set-out rate fees could be adjusted for each cart size in a way that the City chooses, providing Lakeshore Recycling Systems can potentially achieve their monthly rate fee goal.

In response to questions from Council, Mr. Connell stated that there would be no cost if residents chose to change the size of their collection carts during a transition time at the beginning of the contract extension.

The Council requested City staff proceed with establishing an extension agreement with Lakeshore Recycling Systems utilizing Option 2's pay-as-you-throw model with increased collection fees.

#### **6. City Council/City Staff Comments**

Councilwoman Bray-Parker encouraged the community to support the Wheaton Public Library's diversity, equity, and inclusion programs; and encouraged residents to save the date for the Wheaton Environmental Improvement Commission's Recycling Extravaganza event on April 10.

Mayor Suess mentioned he had attended the ribbon cutting ceremony for Extract Juicery located at 114 North Main Street. He welcomed the new business and thanked them for choosing a location in the City of Wheaton.

#### **7. Adjournment**

The meeting was adjourned at 8:51 p.m.

Respectfully submitted,

Daniel J. Peck