



# VILLAGE OF BENSENVILLE

## Village Board

President

Frank Soto

## Trustees

Morris Bartlett

Robert "Bob" Jarecki

Martin O'Connell

Oronzo Peconio

JoEllen Ridder

Henry Wesseler

## Village Manager

Michael Cassidy

## Village of Bensenville, Illinois

### BOARD OF TRUSTEES

### MEETING AGENDA

**6:30 P.M. Tuesday, July 19, 2011**

**Bensenville Village Hall, 12 S. Center Street, Bensenville IL 60106**

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PUBLIC COMMENT (3 minutes per person with a 30 minute meeting limitation)
- V. APPROVAL OF MINUTES  

June 28, 2011 – Village Board of Trustees
- VI. WARRANT – July 19, 2011 #11/14 - \$1,355,724.26
- VII. **CONSENT AGENDA – CONSIDERATION OF AN “OMNIBUS VOTE”**
- VIII. **REPORTS OF STANDING COMMITTEES**
  - A. Community and Economic Development Committee
    1. *Ordinance Granting Approval of a Variance to Allow a Shed Abutting a Garage on the Property Commonly Identified as 185 South Church Road, Bensenville, Illinois*
  - B. Infrastructure and Environment Committee
    1. *Resolution Waiving Competitive Bidding and Authorizing the Execution of a Purchase Order and Contract to A-Lamp Concrete Contractors, Inc., for the Construction of an Asphalt Pad for the Salt Dome*
    2. *Resolution Authorizing the Execution of a Purchase Order to Cargill Incorporated Salt Division for Bulk Road Salt*
  - C. Administration, Finance and Legislation Committee
    1. *Resolution Approving the Execution of a Master Warranty Agreement with CCSi Communications*

2. *Resolution Receiving and Placing on File the Audited Comprehensive Annual Financial Report, Single Audit Report and Management Letter for Fiscal Year End December 31, 2010*

D. Public Safety Committee

1. *Resolution Authorizing the Payment for the Annual DuPage Metropolitan Enforcement Group Fair Share Contribution for Amended Fiscal Year 2011*
2. *Ordinance Amending Village Code Title 4, Chapter 8, Section 13, Automated Traffic Law Enforcement System (Red Light Enforcement)*

E. Recreation and Community Building Committee – No Report

F. Technology Committee – No Report

IX. INFORMATION ITEMS

- A. PRESIDENT'S REMARKS
- B. VILLAGE MANAGER'S REPORT
- C. VILLAGE ATTORNEY'S REPORT

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

XII. EXECUTIVE SESSION

- A. Review of Executive Session Minutes [5 ILCS 120/2 (C)(21)]
- B. Personnel [5 ILCS 120/2(C)(1)]
- C. Collective Bargaining [5 ILCS 120/2 (C)(2)]
- D. Property Acquisition [5 ILCS 120/2(C)(5)]
- E. Litigation [5 ILCS 120/2(C)(11)]

XIII. MATTERS REFERRED FROM EXECUTIVE SESSION

XIV. ADJOURNMENT

**Village of Bensenville**  
**Board Room**  
**12 South Center Street**  
**Bensenville, Illinois 60106**  
**Counties of DuPage and Cook**

**MINUTES OF THE VILLAGE BOARD OF TRUSTEES MEETING**

**June 28, 2011**

**CALL TO ORDER:** 1. President Soto called the meeting to order at 6:37 p.m.

**ROLL CALL:** 2. Upon roll call by Acting Village Clerk, Corey Williamsen, the following Board Members were present:

Bartlett, Jarecki, Peconio, Ridder, Wesseler

Absent: O'Connell

A quorum was present.

**PUBLIC  
COMMENT:**

**Lisa Carroccio – 345 George Street**

Ms. Carroccio addressed the Village Board in regards to the status of the house at 307 George Street and commented on the Water Quality Report. Staff was directed to meet with Ms. Carroccio regarding her concerns.

**APPROVAL OF  
MINUTES:**

3. The June 14, 2011 Village Board Meeting Minutes were presented.

Motion: Trustee Peconio made a motion to approve the minutes as presented. Trustee Bartlett seconded the motion.

All were in favor. Motion carried.

**WARRANT NO.  
11/13:**

4. President Soto presented **Warrant No. 11/13** in the amount of \$1,217,721.10.

Motion: Trustee Wesseler made a motion to approve the warrant as presented. Trustee Bartlett seconded the motion.

**ROLL CALL:** AYES: Bartlett, Jarecki, Peconio, Ridder, Wessler

NAYS: None

All were in favor. Motion carried.

Motion: 5. Trustee Peconio made a motion to set the Consent Agenda as presented. Trustee Ridder seconded the motion.

All were in favor. Motion carried.

**Resolution No.  
R-69-2010:**

**A Resolution Authorizing the Execution of a Contingent Fee Professional Service Agreement with Azavar Audit Solutions, Inc. for Professional Computer, Data Audit, Compliance Management and Management Consulting Services. (Consent Agenda)**

**Resolution No.  
R-70-2010:**

**A Resolution Authorizing an Intergovernmental Agreement Between the Village of Bensenville and Bensenville Elementary School District No. 2. (Consent Agenda)**

**Resolution No.  
R-71-2010:**

**A Resolution Authorizing the Execution of a Contract Between the Village of Bensenville and Chad Norris for Video Production Services. (Consent Agenda)**

**Resolution No.  
R-72-2010:**

**A Resolution Authorizing the Annual Membership Dues Payment to DuPage Mayors and Managers Conference Association. (Consent Agenda)**

**Ordinance No.  
42-2010:**

**An Ordinance Amending Articles XXIII and XXIV of the Zoning Code of the Village of Bensenville for the C-4 Zoning District. (Consent Agenda)**

**Ordinance No.  
43-2010:**

**An Ordinance Granting a Planned Unit Development to Roesch Ford at 333 West Grand Avenue, Bensenville, Illinois. (Consent Agenda)**

**Resolution No.**

**R-73-2010:**

**A Resolution Authorizing the Execution of an Economic Incentive Agreement Between the Village of Bensenville and BCR Automotive Group, LLC. (Consent Agenda)**

Motion:

Trustee Bartlett made a motion to approve the Consent Agenda as presented. Trustee Wessler seconded the motion.

**ROLL CALL:**

AYES: Bartlett, Jarecki, Peconio, Ridder, Wessler

NAYS: None

All were in favor. Motion carried.

**Resolution No.**

**R-74-2011:**

6. President Soto gave the summarization of the action contemplated in **Resolution No. R-74-2011** entitled **A Resolution Authorizing the Execution of a Purchase Order and Contract for Vehicle Purchases to Roesch Ford.**

Motion:

Trustee Peconio made a motion to approve the resolution as presented. Trustee Bartlett seconded the motion.

**ROLL CALL:**

AYES: Bartlett, Peconio, Ridder, Wessler

NAYS: Jarecki

Motion carried.

**Resolution No.**

**R-75-2011:**

7. President Soto gave the summarization of the action contemplated in **Resolution No. R-75-2011** entitled **A Resolution Authorizing the Execution of Amendment #2 to the Design Engineering Contract with Christopher B. Burke Engineering Ltd. for Engineering Services Related to the Northern Business District Reconstruction Project.**

Motion:

Trustee Ridder made a motion to approve the resolution as presented. Trustee Bartlett seconded the motion.

**ROLL CALL:**

AYES: Bartlett, Jarecki, Peconio, Ridder, Wessler

NAYS: None

All were in favor. Motion carried.

**Resolution No.  
R-76-2011:**

8. President Soto gave the summarization of the action contemplated in **Resolution No. R-76-2011** entitled **A Resolution Authorizing the Execution of a Purchase Order and Contract for Salt Dome Construction to Bulk Storage, Inc.**

**Motion:**

Trustee Ridder made a motion to approve the resolution as presented. Trustee Bartlett seconded the motion.

**ROLL CALL:**

AYES: Bartlett, Jarecki, Ridder, Wessler

NAYS: Peconio

Motion carried.

**PRESIDENT'S  
REMARKS:**

President Soto thanked Public Works, The Police Department, The Fire Department, Village Staff and ESDA for their quick responses during the storm events that took place on June 21, 2011.

President Soto reminded all Residents about Liberty Fest taking Place at Redmond Park on July 1<sup>st</sup> through July 4<sup>th</sup>. President Soto encourages all Residents, Friends, and Family to attend the event.

**MANAGERS  
REPORT:**

Village Manager, Michael Cassady, had no report.

**NEW BUSINESS:**

Trustee Bartlett announced that on July 13, 2011 at Music in the Park, the Wounded Heroes Foundation will bring two buses of Veterans from the Paraplegic Ward and the Blind Unit to the event.

Trustee Wessler read a letter into the record from Bridgeway in regards to raising money for a stained glass window in their multi-purpose room to promote peace in the world. Trustee Wessler encourages his fellow Trustees to donate. For anyone who is interested, they can contact Keary Dye, Executive Director of Bridgeway.

**ADJOURNMENT:** Trustee Ridder made a motion to adjourn the meeting. Trustee Jarecki seconded the motion

All were in favor. Motion carried.

President Soto adjourned the meeting at 7:10 p.m.

Corey Williamsen  
Acting Village Clerk

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville this \_\_\_\_ day, July 2011

TYPE: Ordinance SUBMITTED BY: S. Viger DATE: 07.19.11

**DESCRIPTION:**

1. The property in question is a detached single family residence, zoned RS – 5 High Density Single Family Residential.
2. The Zoning Ordinance requires a separation of at least 10' between an accessory structure and another structure, the Petitioners' shed abuts their detached garage.
3. Staff contacted the petitioners after receiving a citizen complaint regarding the shed's location.

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

<input type="checkbox"/>	<i>Financially Sound Village</i>	<input checked="" type="checkbox"/>	<i>Enrich the lives of Residents</i>
<input type="checkbox"/>	<i>Quality Customer Oriented Services</i>	<input type="checkbox"/>	<i>Major Business/Corporate Center</i>
<input checked="" type="checkbox"/>	<i>Safe and Beautiful Village</i>	<input type="checkbox"/>	<i>Vibrant Major Corridors</i>

**COMMITTEE ACTION:** Community & Economic Development

**DATE:** 07.19.11

**BACKGROUND:**

1. The Medina family has resided at 185 S. Church since 1969.
2. The property is very well maintained with various gardens throughout the rear yard. The detached garage is located as to create a hidden and shady spot in the northeast corner of the property where the shed is located.
3. The Medinas testified that the area where the shed is located is not well suited for plant growth due to poor soils and the extensive shade.
4. The Medina's submitted a petition with approximately 60 signatures in support of their request.
5. No objectors spoke at the Public Hearing.

**KEY ISSUES:**

1. Are the "Approval Criteria" found in the Zoning Ordinance supported by the applicants' testimony and staff report?

**ALTERNATIVES:**

1. Approve the Ordinance.
2. Deny the Ordinance.
3. Remand the request back to the Community Development Commission.

**RECOMMENDATION:**

Staff respectfully recommends approval of the variance.

At their 07.11.11 Public Hearing the Community Development Commission voted (5 - 0) to recommend approval of the variance.

This item is on the Community & Economic Development Committee agenda on 07.19.11 immediately prior to the Village Board meeting.

**BUDGET IMPACT:**

N/A

**ACTION REQUIRED:**

Approval of the attached Ordinance.





## Village of Bensenville

185 S. Church Rd.



## Village of Bensenville

2010 Zoning Map



Granting of the requested variance will be in harmony with the general purpose and intent of the Village of Bensenville's plans.

9. Minimum Variance Needed: The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

The variance sought is the minimum required.

The applicants have also submitted written responses to the required Approval Criteria as part of their request.

### **RECOMMENDATIONS:**

Staff recommends the approval of the requested the above Findings of Fact for the variance(s), subject to the following conditions:

1. The site be maintained as depicted on the Plat of Survey submitted with this application.

Respectfully Submitted,

Department of Community & Economic Development

ORDINANCE # \_\_\_\_\_

**AN ORDINANCE GRANTING APPROVAL OF A VARIANCE  
TO ALLOW A SHED ABUTTING A GARAGE ON THE PROPERTY COMMONLY  
IDENTIFIED AS 185 SOUTH CHURCH ROAD, BENSENVILLE, ILLINOIS**

**WHEREAS**, Jesse and MaryAnn Medina ("Owner/Applicant"), filed an application for approval of a variance to allow a shed to abut a detached garage at the property located at 141 S. Foley Street, Bensenville, as legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Property"), a copy of said application being contained in the files for this property in the Community and Economic Development Department; and

**WHEREAS**, Notice of Public Hearing with respect to the requested variance was published in a newspaper having general circulation within the Village of Bensenville (the "Village") in the time and manner all as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing on July 11, 2011, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, the Community Development Commission voted to recommend approval of the request for the variance to allow a shed to abut a detached a garage as requested, with a condition that the shed be maintained in compliance with the plans submitted to the Commission on July 11, 2011, and forwarded its recommendations, including Staff Report and findings relative to the variation to the Village Board's Community and Economic Development Committee, which concurred in the findings of fact made therein, as are attached hereto as Exhibit "B" and incorporated herein by reference; and

**WHEREAS**, the President and Board of Village Trustees have reviewed the matter herein and have determined that approval of the requested variance to allow a shed to abut a detached garage on the conditions required is consistent with the *Bensenville Village Code*.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

**SECTION ONE:** That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.



**SECTION TWO:** That the Subject Property is currently zoned under the Zoning Ordinance as an existing RS -5 High Density Single Family District which zoning classification shall remain in effect subject to the variance granted herein.

**SECTION THREE:** That the Staff Report and Recommendation to approve the variance sought, as allowed by the *Benseville Zoning Ordinance*, Code Section 10 – 3 – 3 is attached to the recommendations of the Community Development Commission in Exhibit “B” and was adopted by the Community Development Commission as its finding of facts, and said findings are adopted by the President and Board of Trustees, the Board of Trustees finding that said variance is proper and necessary.

**SECTION FOUR:** That, the variance sought by the Applicant to allow a shed to abut a detached garage is hereby approved.

**SECTION FIVE:** That all requirements of the Zoning Ordinance shall be applicable except as varied by the variance granted herein.

**SECTION SIX:** The terms and conditions set forth in this Ordinance are deemed to be a fundamental element of the relief granted herein, and are intended by the Village and the Applicant to run with the Subject Property and be binding upon any and all successors in interest to the Applicant.

**SECTION SEVEN:** That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

**SECTION EIGHT:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Frank Soto, Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**Ordinance # \_\_\_\_\_**

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**185 s. Church Road**

LOT 9 IN BLOCK 5 IN VOLK BROTHERS' FIRST ADDITION TO BRENTWOOD ESTATES, BEING A SUBDIVISION IN THE SOUTH HALF OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO A PLAT THEREOF RECORDED MAY 7, 1927, AS DOCUMENT NUMBER 235106, IN DUPAGE COUNTY, ILLINOIS



## COMMUNITY DEVELOPMENT COMMISSION

### STAFF REPORT

**HEARING DATE:** July 11, 2011  
**CASE #:** 2011-06  
**PROPERTY:** 185 S. Church Road  
**PROPERTY OWNER:** Jesse and Mary Ann Medina  
**APPLICANT:** Jesse and Mary Ann Medina  
**ACREAGE:** Approximately (7,500) sq ft.  
**PIN NUMBERS:** 03-14-316-003  
**REQUEST:** Variance to allow a shed to be located next to a detached garage.

#### SURROUNDING LAND USE:

	Zoning	Land Use	Jurisdiction
<b>Site</b>	RS-5	High Density Single Family	Village of Bensenville
<b>North</b>	RS-5	High Density Single Family	Village of Bensenville
<b>South</b>	RS-5	High Density Single Family	Village of Bensenville
<b>East</b>	RS-5	High Density Single Family	Village of Bensenville
<b>West</b>	RS-5	High Density Single Family	Village of Bensenville

#### SUMMARY:

The property in question is a single family residence on the east side of Church Road. There is an existing garden shed behind the detached garage that violates the minimum 10' separation requirement. The non-compliance was brought to the Village's attention by another homeowner who had a request for a similar shed denied. The zoning ordinance states, "Detached structures must be set back a minimum of

ten feet (10') from any other structure on the site," (10-14-12, B). The argument has been made that in 2009 a Village inspector allowed it to be in its current location.

## **DEPARTMENT COMMENTS:**

### Public Works:

1. There is nothing in the way of underground utilities in the area of the shed.

### Finance:

1. No outstanding water bills.

### Police:

1. No comments at this time.

### Engineering:

1. No comments at this time.

### Community & Economic Development:

#### Economic Development

1. No comments or concerns.

#### Inspectional Services

1. Is the shed capable of structural independence?
2. Moving the shed might result in unsafe conditions.
3. We see no fire safety concerns. The equipment in the shed would normally be in the garage, so fire load is separated from any cars in the garage.

#### Building

1. No comment at this time.

#### Community Development

1. The property in question is improved with a single family detached residence, a detached two car garage and the garden shed.
2. The property and gardens are very well maintained.
3. The non-compliance of the existing shed was brought to the staff attention through a telephone complaint from a citizen.
4. The shed is abutting the detached garage.
5. The Zoning Ordinance Section 10 – 14 – 13 requires that there be a ten foot separation between the accessory structures.
6. The detached garage is approximately 15.4' from the rear property line.
7. The shed is 10' x 8' leaving 5.4' to the rear property line.



8. The distance between the shed and the property line is well maintained and improved with paving stones. A chain link fence is 1.4' off the property line.

### **APPROVAL CRITERIA FOR VARIANCES:**

The Community Development Commission shall not recommend nor shall the Village Board grant a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

1. Special Circumstances: Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.

The proximity of the detached garage to the rear property line prohibits the required ten foot separation. The balance of the rear yard/garden is well maintained and is planed with a raised vegetable garden and various flower beds. Relocation of the garden shed away from the service area of the yard would impact the family's gardens.

2. Hardship Or Practical Difficulties: For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.

The physical layout of the rear yard and detached garage make it a practical hardship to meet the separation requirement.

3. Circumstances Relate To Property: The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.

While other properties in the Village have detached garages, the rear yard of the Medina home is substantially improved with a raised garden. Relocation of the raised garden is not practical.

4. Not Resulting From Applicant Action: The special circumstances and practical difficulties or hardship that are the basis for the variance have

not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

The special circumstances of this property are not believed to be caused through the actions of the current owners.

5. Preserve Rights Conferred By District: A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

Approval of the relief sought by the applicant would not confer any special privilege to this property that is ordinarily denied other properties in the RS – 5 High Density Single Family District.

6. Necessary For Use Of Property: The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

The property-owners are avid gardeners elimination of a sizeable portion of their rear garden for the relocation of the shed would in fact diminish their use and enjoyment of their property.

7. Not Alter Local Character: The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.

Approval of the relief sought will not alter the essential character of the neighborhood. The shed at its current location is all but hidden except from the most proximate neighbors.

8. Consistent With Title And Plan: The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

## VILLAGE OF BENSENVILLE

**TYPE:** Resolution **SUBMITTED BY:** Joe Caracci **DATE:** 07/12/2011

**DESCRIPTION:** Resolution to Approve a Contract for Salt Dome Asphalt Pad Construction

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

<input checked="" type="checkbox"/>	<i>Financially Sound Village</i>	<input type="checkbox"/>	<i>Enrich the lives of Residents</i>
<input checked="" type="checkbox"/>	<i>Quality Customer Oriented Services</i>	<input type="checkbox"/>	<i>Major Business/Corporate Center</i>
<input type="checkbox"/>	<i>Safe and Beautiful Village</i>	<input type="checkbox"/>	<i>Vibrant Major Corridors</i>

**ASSIGNED COMMITTEE: I&E**

**DATE: 07/19/2011**

**BACKGROUND:** At the June 28, 2011 Village Board Meeting, the Board approved the construction of a new 1,800 ton capacity salt dome. As part of that presentation, I had mentioned the need to construct an asphalt pad for the dome to sit upon that would be the responsibility of the Village. In order to expedite the construction of the pad, I asked A-Lamp Concrete Contractors if they would be willing to extend their unit prices from the Northern Business District Reconstruction Project (NBDRP) to cover the items necessary to construct the pad. I feel that since these items were formally bid as part of a competitive bidding process, they satisfy our obligation to get the best price available for our residents. A-Lamp has formally extended their willingness to honor my request.

The need to move forward expeditiously is important in order to construct the dome prior to this winter season. The manufacturer and installer of the dome has indicated that it would take approximately eight (8) weeks to construct the dome once the pad has been placed. Public Works plans to demolish and remove the old salt facility in-house.

**KEY ISSUES:** The scope of the work will include the installation of a 75' x 75' asphalt pad on an aggregate (stone) base. Since the proposed salt dome will go back at the same location as our existing facility, and is located immediately adjacent to the Addison Creek Tributary 1 Creek, I plan to provide added protection in the form of concrete curb and gutter that will keep salt run-off from flowing into the creek. Work items include pavement removal, aggregate base, asphalt binder, asphalt surface, concrete curb and gutter, and an allocation for the removal and replacement of any unsuitable soil encountered. The estimated cost (with a 10% contingency) is \$50,000. The FY2011 budget included \$300,000 for the project. The construction contract for the dome (approved on 6/28/2011) was \$226,000.

**ALTERNATIVES:** 1. Motion to approve the Resolution  
2. Discretion of the Board

**RECOMMENDATION:** Staff recommends a contract to be awarded to A-Lamp Concrete Contractors, Inc. of Schaumburg, IL.

**BUDGET IMPACT:** This item has been budgeted for in FY 2011 as part of the Salt Dome Project.

**ACTION REQUIRED:** As this project will not be formally bid, the Village Board must formally waive competitive bidding and approve the Resolution on a super majority vote.

**Resolution No.**

**Waiving Competitive Bidding and Authorizing the Execution of a Purchase Order  
and Contract to A-Lamp Concrete Contractors, Inc., for the Construction of an  
Asphalt Pad for the Salt Dome**

BE IT RESOLVED by the President and Board of Trustees of the Village of  
Bensenville, Counties of DuPage and Cook, Illinois as follows:

THAT the Village Board authorizes the Village Manager to execute a purchase  
order and other associated documents to a-Lamp Concrete Contractors, Inc. of  
Schaumburg, IL to construct an asphalt pad for the salt dome at the Public Works Facility  
for a not-to-exceed amount of \$50,000.00

PASSED AND APPROVED by the President and Board of Trustees of the  
Village of Bensenville, Illinois, \_\_\_\_\_, 2011.

APPROVED:

\_\_\_\_\_  
Frank Soto  
Village President

ATTEST:

\_\_\_\_\_  
Corey Williamsen  
Acting Village Clerk

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**TYPE:** Resolution **SUBMITTED BY:** Joe Caracci **DATE:** 7/12/2011

**DESCRIPTION:** Resolution to Approve a purchase of Bulk Rock Salt

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

<input checked="" type="checkbox"/>	<i>Financially Sound Village</i>	<input checked="" type="checkbox"/>	<i>Enrich the lives of Residents</i>
<input checked="" type="checkbox"/>	<i>Quality Customer Oriented Services</i>	<input type="checkbox"/>	<i>Major Business/Corporate Center</i>
<input type="checkbox"/>	<i>Safe and Beautiful Village</i>	<input type="checkbox"/>	<i>Vibrant Major Corridors</i>

**ASSIGNED COMMITTEE:** I&E

**DATE:** 7/19/2011

**BACKGROUND:** The Village of Bensenville has historically purchased our annual supply of bulk rock salt through the State of Illinois Department of Management Services (CMS). Over the past several years, Bensenville has had one of the highest unit prices as part of the program. Average salt prices as part of the CMS were approximately \$62.00 per ton. The Village of Bensenville has paid \$69.64 per ton in each of the last two years. With this in mind, we decided to bypass the State bid process this year and take a shot at bidding the salt on the open market. Due to the uncertainty of having a new salt storage facility, we split the bid into a number of different options:

Option	Description	Purchase guarantee
Option 1	1,800 tons bulk delivery	1,800 ton
Option 2	475 ton bulk delivery by 10/01/11, remaining 1,325 tons as needed	1,800 ton
Option 3	1,800 tons as needed, 500 tons available by 11/01/11	1,425 ton
Option 4	Additional 500 tons guaranteed, if needed	0 tons
Option 5	Up to 300 tons of "treated salt"	0 tons

**KEY ISSUES:** Bids were advertised in the local paper and sent directly to five (5) salt suppliers. Bids were opened on May 31, 2011. Three bidders responded to the advertisement. Cargill was the lowest bidder on Options 1-4. North American Salt provided the lowest bid on the treated salt (Option 5). The costs came in higher than last year's prices through CMS. We recently received the results of this year's CMS bid and it saw most entities costs were at or slightly above last year's unit prices.

**ALTERNATIVES:** 1. Motion to approve the Resolution  
2. Discretion of the Board

**RECOMMENDATION:** As there is no difference in cost associated with Options 1-4 from Cargill, I recommend moving forward with a purchase order utilizing Option 3 and 5. The total cost of the contract would be \$160,119 (1,800 tons at \$74.89 + 300 tons at \$84.39). We would hope to get by with the 475 tons of salt in the current fiscal year and purchase the remaining salt from the FY2012 budget. All purchases will be on an "as needed" basis, so the recommendation is based on the quantities listed.

**BUDGET IMPACT:** \$34,164 remains in the FY11 salt budget, the remaining balance will be requested in the FY12 budget.

**ACTION REQUIRED:** Motion to approve a Resolution authorizing the Village Manager to execute a purchase order and other associated documents to Cargill Incorporated Salt Division of North Olmstead, Ohio for \$160,119.00

**Resolution No.**

**Authorizing the Execution of a Purchase Order  
to Cargill Incorporated Salt Division**

BE IT RESOLVED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois as follows:

THAT the Village Board authorizes the Village Manager to execute a purchase order and other associated documents to Cargill Incorporated Salt Division of North Olmstead, Ohio for the purchase of road salt for an amount not to exceed \$160,119.00

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, Illinois, \_\_\_\_\_, 2011.

APPROVED:

\_\_\_\_\_  
Frank Soto  
Village President

ATTEST:

\_\_\_\_\_  
Corey Williamsen  
Acting Village Clerk

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_



**TYPE:** Resolution **SUBMITTED BY:** Andrew Schaeffer **DATE:** 07-19-2011

**DESCRIPTION:** CCSi telephone systems master warranty arrangement renewal.

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

<input checked="" type="checkbox"/>	<i>Financially Sound Village</i>	<input type="checkbox"/>	<i>Enrich the lives of Residents</i>
<input checked="" type="checkbox"/>	<i>Quality Customer Oriented Services</i>	<input type="checkbox"/>	<i>Major Business/Corporate Center</i>
<input type="checkbox"/>	<i>Safe and Beautiful Village</i>	<input type="checkbox"/>	<i>Vibrant Major Corridors</i>

**COMMITTEE ACTION:** AF&L

**DATE:** 07/13/11

**BACKGROUND:** CCSi (Custom Communication Systems, Inc.) has been servicing the Village's landline Tadiran telephone system since July of 2009. The Board approved a one (1) year master warranty agreement in August of 2009 and again in 2010. CCSi has been a great asset to the Village and is very responsive whenever an outage has occurred. They have saved the Village a lot of downtime due to the age and obsolescence of our phone equipment. Under the agreement they have replaced and upgraded much of the hardware and software.

**KEY ISSUES:** The Village's phone system requires extensive maintenance and ongoing support to remain operational for residents and employees.

**ALTERNATIVES:** Pay time of material only. Risks of doing this include downtime, expensive parts replacement and non-priority service support.

**RECOMMENDATION:** Resolution approving a one year master warranty arrangement between CCSi and the Village.

**BUDGET IMPACT:** \$19,500

**ACTION REQUIRED:** Committee recommendation to the board to proceed with approval.



June 15, 2011

Village of Bensenville  
12 South Center Street  
Bensenville, IL 60106

Dear Ladies and Gentlemen:

Please find enclosed with this letter:

A proposed "Master Warranty Agreement" Twelve-Months of coverage – Includes:

- All repair labor used during CCSi Normal Business Hours defined as:
  - 8 am to 4:30 pm; Monday through Friday
- Advance Parts Replacement on all Covered Equipment & Software
- Excludes Weekends & Holidays
- Includes reasonable Wide Area Network and Carrier Problem Trouble Shooting.
- A maximum of 2 (two) service calls to be performed on weekends/nights (holidays excluded) for up to a total of 5 labor hours.

If you should have any questions or concerns, please feel free to call me.

Thanks again for you business, we appreciate your continued confidence in our service offering.

Best regards,  
Klaus Germann



June 15, 2011

**Master Warranty Agreement**

STARTING: 08 / 31 / 2011

ENDING: 08 / 30 / 2012

**WARRANTY TERMS / CONDITIONS**

1. CCSi shall provide repair and maintenance service to Village of Bensenville, which shall include all material and labor on equipment and software listed in Exhibit A - "Covered Equipment & Software". All services shall be provided within CCSi normal business hours. Normal business hours shall be defined as Monday through Friday (excluding holidays); 8 am to 4:30 pm.  
The Village of Bensenville will also be entitled to request up to 2 service calls outside of CCSi normal business hours. The total number hours of labor coverage for both calls combined shall not exceed 5 hours. Additional labor hours provided outside of CCSi's normal business hours will be billed at \$180 per hour.
2. In case of a major malfunction, CCSi shall, within CCSi normal business hours, immediately assign a certified technician to repair the problem as soon as reasonably possible during CCSi normal business hours. A major malfunction is defined as (1) loss of use of a console (2) loss of 50% or more of incoming or outgoing telephone service (3) loss of station-to-station service within the customer's system (4) loss of any station crucial to the customer's operation.
3. In case of a minor malfunction, CCSi shall respond within 48 hours. Repairs shall be completed as soon as reasonably possible during CCSi normal business hours. A minor malfunction is defined as any problem with the system and/or equipment other than major malfunction.  
All parts replacement is included
4. This Agreement shall be void, if the equipment is damaged or otherwise rendered defective or inoperable as a result of the negligence, tampering or other acts of customer, its agents, employees, or any other party, or acts of GOD.
5. Exclusions: See attached Exhibit B - "Equipment & Software Excluded from Coverage"
6. Payment in the amount of \$19,500.00 is due in full and in advance upon execution of this Master Warranty Agreement

ACCEPTED:

\_\_\_\_\_  
PRINTED NAME & TITLE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE VILLAGE OF BENSENVILLE

ACCEPTED

  
\_\_\_\_\_  
PRINTED NAME & TITLE

6-15-11  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
SIGNATURE CCSi

June 15, 2011

**Exhibit A - "Covered Equipment & Software"**

**Village Hall**

CPS	
4GC	
MEX-IP2 V 16	
RPS	
PPS	
0 / 4	PRI23
0 / 5	PRI23
0 / 8	PRI23
0 / 9	24SFT
0 /10	24SDT
0 /11	16SKD
0 /12	8S/S
0 /13	24SLS
0 /14	8T
0 /15	8DTR/S
0 /16	CONF
0 /17	NO_CARD
0 /18	RMI/S RMI
RPS	
PPS	
2 / 4	PRI23
2 / 6	PRI23
2 / 7	4VS
2 / 8	PRI23
2 /17	UGW
2 /18	C3WAY

Peripherals & Other Covered Items

4 PRI CSU's; 1 WiCMC; All telephone instruments connected to the system;

June 15, 2011

## Police

RPS RPS  
PPS PPS  
CS MEX-IP2 V 16  
HDC  
0 / 2 PRI23  
0 / 3 PRI23  
0 / 5 16SKD  
0 / 6 16SKD  
0 / 7 16SDT  
0 / 8 16SDT  
0 / 9 16SDT  
0 / 10 16S/S  
0 / 11 16SH/S  
0 / 12 8T  
0 / 16 8DRCM

### Peripherals & Other Covered Items

2 PRI CSU's; All telephone instruments connected to the system

## Water Treatment

APSsl  
CNSsl  
MCPsl V 14  
0 / 1 8T/PFsl  
0 / 4 16SFTsl  
0 / 5 8F/8Ssl  
RNGslx  
1 / 2 PRI23  
1 / 3 PRI23

### Peripherals & Other Covered Items

1 PRI CSU; 1 Fiber Modem; All telephone instruments connected to the system

## Public-Works

APSsl  
CNSsl  
MCPsl V 14  
0 / 1 4T/PFsl  
0 / 2 PRI23sl  
0 / 3 PRI23sl  
0 / 4 16SFTsl  
0 / 5 8D8Ssl  
1 / 1 24SDT  
1 / 3 PRI23

### Peripherals & Other Covered Items

3 Fiber Modem  
All telephone instruments connected to the system

June 15, 2011

## Edge I

APSsl  
CNSsl  
MCPsl V 14.10.18  
0 / 1 4T/PFsl  
0 / 5 8D8Ssl  
RNGslx  
1 / 3 PRI23

### Peripherals & Other Covered Items

1 Fiber Modem; All telephone instruments connected to the system

## Edge II      Equipment Room needs light

APSsl  
CNSsl  
MCPsl V 14.66.24  
0 / 1 4TPFsl  
0 / 4 16SDTsl  
0 / 5 8D8Ssl  
RNGslx  
1 / 1 24SDT  
1 / 2 24SFT  
1 / 3 PRI23  
RNGslx  
1 / 5 16SH/S  
1 / 7 PRI23

### Peripherals & Other Covered Items

1 Fiber Modem; 1 CSU; All telephone instruments connected to the system

June 15, 2011

## Exhibit B - "Equipment & Software Excluded from Coverage"

Village Hall	0 / 3	RSIM 3	to be removed from system
Village Hall	2 / 3	RSIM 3	to be removed from system
Village Hall	2 / 7	4 VSN	manufacturer discontinued
Public Works	Battery Back-up		Batteries are excluded
Edge 1	Battery Back-up		Main cabinet Batteries are excluded
Edge 1	Battery Back-up		Expansion cabinet Batteries are excluded
Edge 1	0/3		2SKW MSL (to be removed from system)
Edge 1	Coral Air		manufacturer discontinued
Edge 2	Battery Back-up		Main cabinet Batteries are excluded
Edge 2	Battery Back-up		Expansion cabinet Batteries are excluded
Edge 2	Battery Back-up		2nd Expansion cabinet Batteries are excluded
Edge 2	0 / 2 4skw/Psl		to be removed from system
Edge 2	0 / 3 4skw/Pmsl		to be removed from system
Edge 2	Coral Air		manufacturer discontinued



**RESOLUTION NO. R-\_\_\_\_\_**

**A RESOLUTION APPROVING THE EXECUTION OF A  
MASTER WARRANTY ARRANGEMENT WITH CCSi COMMUNICATIONS**

WHEREAS, the VILLAGE OF BENSENVILLE (hereinafter "VILLAGE") is a municipal corporation established and existing under the laws of the State of Illinois pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the VILLAGE is empowered to make all agreements and contracts and to undertake other acts as necessary in the exercise of its statutory powers; and

WHEREAS, it is sometimes necessary, in furtherance of its statutory functions, for the VILLAGE to contract for various services required by the VILLAGE; and

WHEREAS, CCSi Communications has provided the VILLAGE a Master Warranty Agreement to cover parts and labor to ensure the proper functioning of the VILLAGE'S telephone system for a period of twelve months; and

WHEREAS, such assistance is necessary to the proper maintenance and function of the telephone system; and

WHEREAS, for this purpose, the VILLAGE has determined that it is reasonable, necessary, and desirable to enter into the Master Warranty Agreement with CCSi Communications, which Agreement is attached hereto and incorporated herein by reference as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, as follows:

**SECTION ONE:**      The recitals set forth above are incorporated herein and made a part hereof.

SECTION TWO: The Village President is hereby authorized and directed to execute on behalf of the Village of Bensenville, and the Village Clerk is hereby authorized to attest thereto, the Agreement attached hereto and incorporated herein by reference as Exhibit "A".

SECTION THREE: This Resolution shall take effect immediately upon its passage and approval as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

APPROVED:

\_\_\_\_\_  
Frank Soto, Village President

ATTEST:

\_\_\_\_\_  
Corey Williamsen, Acting Village Clerk

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

## VILLAGE OF BENSENVILLE

**TYPE:** Resolution **SUBMITTED BY:** Tim Sloth **DATE:** July 19, 2011

**DESCRIPTION:** Resolution receiving and placing on file the audited Comprehensive Annual Financial Report, Single Audit Report and Management Letter for Fiscal Year End December 31, 2010.

### **SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

<input checked="checked" type="checkbox"/>	<i>Financially Sound Village</i>
<input type="checkbox"/>	<i>Quality Customer Oriented Services</i>
<input type="checkbox"/>	<i>Safe and Beautiful Village</i>

<input type="checkbox"/>	<i>Enrich the lives of Residents</i>
<input type="checkbox"/>	<i>Major Business/Corporate Center</i>
<input type="checkbox"/>	<i>Vibrant Major Corridors</i>

---

**ASSIGNED COMMITTEE:** Administration, Finance & Legislation

**DATE:** 7/19/2011

---

**BACKGROUND:** The Village of Bensenville is required by the State of Illinois to cause an audit of its financial statements to be made by an independent auditor following the close of each fiscal year. This year's independent audit was completed by Crowe Horwath LLP. Included with the Board packet is a current draft of the financial statements and single audit report. The Village was required to have a "single audit" performed as it received more than \$500,000 in Federal grants during the fiscal year. The final CAFR will be made available at the Administration, Finance and Legislation Committee. Crowe Horwath will be making a presentation on the CAFR.

The CAFR is basically summarized in the four parts described below:

**Transmittal Letter:** This letter serves as the official transmittal of the report to the Village Board and its citizens. Its purpose is to provide a broader and more subjective overview of factors impacting the community, supporting but not reproducing the information included in the Management's Discussion and Analysis addressed below.

**Independent Auditor's Report:** This is the report from the independent auditors who have been charged with the responsibility to review the municipality's financial data which identifies the scope of their review and their findings as to whether the municipality's financial data is fairly presented.

**Management's Discussion and Analysis (MD&A):** The purpose of the MD&A is to introduce users to basic financial statements with a narrative, introduction, overview and analysis of those statements. The MD&A is required supplemental information and as such may address only the specific topics identified by GAAP (Generally Accepted Accounting Principles). The Transmittal Letter is used to address topics not identified by GAAP for inclusion within the MD&A.

**Basic Financial Statements:** This section includes both the Government-Wide and Fund Financial Statements and the accompanying notes.

**The draft of the CAFR is saved in the "Audit 2010" folder on the "T" Drive.**

**KEY ISSUES:** At this time reports are still being finalized. As such reports saved on the "T" drive are still in draft form.

**ALTERNATIVES:** N/A

**RECOMMENDATION:** Staff recommends approval of a Resolution accepting and placing on file the Comprehensive Annual Financial Report for Year End December 31, 2010.

**BUDGET IMPACT:** N/A

**ACTION REQUIRED:** Approve the resolution receiving and placing on file the audited financial statements and management letter for Fiscal Year 2010.



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION RECEIVING AND PLACING ON FILE THE  
VILLAGE OF BENSENVILLE COMPREHENSIVE  
ANNUAL FINANCIAL REPORT, SINGLE AUDIT REPORT  
AND MANAGEMENT LETTER  
FOR FISCAL YEAR END DECEMBER 31, 2010.**

WHEREAS, the VILLAGE OF BENSENVILLE (hereinafter "VILLAGE") is a municipal corporation established and existing under the laws of the State of Illinois pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the VILLAGE is required under the Illinois Municipal Auditing Law (65 ILCS 5/8-8-1 *et seq.*) to cause an audit of the funds and accounts of the municipality to be made by an accountant; and

WHEREAS, the Village received more than \$500,000 in Federal grant funding necessitating a Single Audit; and

WHEREAS, the accounting firm of Crowe Horwath, LLP has been retained by the Village to conduct this audit of the financial statements for the Village for the year ended December 31, 2010; and

WHEREAS, Crowe Horwath LLP has completed this audit of the financial statements for the Village for the year ended December 31, 2010 and has submitted to the Village its Independent Auditor's Report.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, as follows:

**SECTION ONE:** The recitals set forth above are incorporated herein and made a part hereof.

SECTION TWO: That the Comprehensive Annual Financial Report and Management Letter for Fiscal Year Ended December 31, 2010 is hereby received and placed on file.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, Illinois, this 19th day of July, 2011.

APPROVED:

\_\_\_\_\_  
Frank Soto, Village President

ATTEST:

\_\_\_\_\_  
Corey Williamsen, Acting Village Clerk

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

**TYPE:** Resolution    **SUBMITTED BY:** Chief Frank Kosman    **DATE:** 7-11-11

**DESCRIPTION:** Resolution to Authorize the 2011 Annual DUMEG Contribution Payment

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

<input checked="" type="checkbox"/>	<i>Financially Sound Village</i>	<input type="checkbox"/>	<i>Enrich the lives of Residents</i>
<input type="checkbox"/>	<i>Quality Customer Oriented Services</i>	<input type="checkbox"/>	<i>Major Business/Corporate Center</i>
<input checked="" type="checkbox"/>	<i>Safe and Beautiful Village</i>	<input type="checkbox"/>	<i>Vibrant Major Corridors</i>

---

**COMMITTEE ACTION:** Public Safety

**DATE:** 07/19/11

---

**BACKGROUND:**

The Village through its police department has been a member of the DuPage Metropolitan Enforcement Group (DUMEG), a drug enforcement task force, for over 20 years. The Village can either participate by assigning an officer to the task force or by contributing financially. For at least the last 10 years, the Village has been a financially contributing member. The financial contribution is determined by the DUMEG Policy Board and has been set at \$520 per officer. Therefore, the contribution is \$17,160.

**KEY ISSUES:**

The task force is able to address the drug problem that we experience locally in the context of a larger and more comprehensive countywide response. The task force provides our department with valuable resources such as manpower, technical equipment, and expertise that are required to successfully complete narcotic investigations.

The task force has worked often with our investigators during this past year. During 2009, the task force was involved in seventeen (17) incidents in Bensenville. Of that number, twelve (12) cases were initiated in Bensenville. Bensenville officers referred four (4) cases to the task force. Based on the incidents, a total of nine (9) people were arrested. The task force arrested six (6) Bensenville residents in and outside of Bensenville.

**ALTERNATIVES:**

1. Approve a Resolution to Pay the Fair Share Contribution.
2. Discretion of the Board.

**RECOMMENDATION:**

Staff recommends approval of the Resolution. This involvement in the task force is an efficient use of resources in this labor intensive and highly specialized area of law enforcement.

**BUDGET IMPACT:**

The expense is within the budgeted amount for FY11, 11040360-571010, Intergovernmental Program/Contribution of \$17,160.

**ACTION REQUIRED:**

Motion to approve a Resolution authorizing the Village Manager to execute a purchase order for the fair share contribution to the DuPage Metropolitan Enforcement Group.

**Resolution No. R- -2011**

**Authorizing the Payment for the Annual Du Page Metropolitan Enforcement  
Group Fair Share Contribution for Amended Fiscal Year 2011**

BE IT RESOLVED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, as follows:

That the Village Manager is authorized to execute a purchase order for the Fair Share contribution to the Du Page Metropolitan Enforcement Group in the not to exceed amount of \$17,160.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, Illinois, this \_\_\_\_\_ day of July, 2011.

APPROVED:

\_\_\_\_\_  
Frank Soto  
Village President

ATTEST

\_\_\_\_\_  
Corey Williamsen  
Acting Village Clerk

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**TYPE:** Ordinance Amendment **SUBMITTED BY:** Chief Frank Kosman **DATE:** 7-13-11

**DESCRIPTION:** An Ordinance Amendment to the Village Ordinance Governing the Automatic Red Light Traffic Enforcement

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

<input type="checkbox"/>	<i>Financially Sound Village</i>	<input type="checkbox"/>	<i>Enrich the lives of Residents</i>
<input type="checkbox"/>	<i>Quality Customer Oriented Services</i>	<input type="checkbox"/>	<i>Major Business/Corporate Center</i>
<input checked="" type="checkbox"/>	<i>Safe and Beautiful Village</i>	<input type="checkbox"/>	<i>Vibrant Major Corridors</i>

---

**COMMITTEE ACTION:** Motion to Recommend Passage of the Ordinance to the Village Board

---

**DATE:** 7-19-11

**BACKGROUND**

The Village passed the ordinance allowing and governing the Automatic Traffic Law Enforcement System for red light cameras in 2008, Title 4, Chapter 8, Section 4-8-13, as authorized under the Illinois Vehicle Code, 625 ILCS 5/11-208.3 and 625 ILCS 5/11-208.6. In 2010, the Illinois Vehicle Code was amended by SB0935 that became effective on 1-1-2011. The process now complies with the amended state requirements; however, it is recommended by RedSpeed Illinois, the company that the Village contracted to provide the service, that the ordinance be changed to reflect the amended governing state statutes and the current practice. The ordinance amendment would eliminate the conflicts between both the state laws and the current practice and the Village's ordinance.

**KEY ISSUES:**

The first two changes modify the time that a violator has to respond to the first notice and either pay or request a hearing from 21 to 14 days. The third change modifies the time that a violator has to pay for the violation from 21 to 35 days before the notice will be sent that a late charge will be assessed if the fine is not paid within the next 14 days. The last change modifies the ordinance so that it requires the Traffic Compliance Administrator to request that the Secretary of State's Office suspend the driver's license of the owner of any vehicle with 5 or more unpaid violations.

**ALTERNATIVES:**

1. Pass the ordinance amendment.
2. Discretion of the Committee and Board

**RECOMMENDATION:**

Staff recommends that the ordinance be amended to reflect the changes in the State law and the current practice..

**BUDGET IMPACT:**

None.

**ACTION REQUIRED:**

The passage of a motion recommending that the ordinance amendment be approved by the Village Board.

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE AMENDING VILLAGE CODE TITLE 4, CHAPTER 8, SECTION 13,  
AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM**

**WHEREAS**, the Village of Bensenville (hereinafter the “Village”) is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

**WHEREAS**, the Village is authorized and empowered, under the Municipal Code and the Code of Ordinances of the Village, to implement and enforce laws in promotion of the health, safety, welfare and good order of its citizens; and

**WHEREAS**, the Village is authorized and empowered, under the Illinois Vehicle Code, 625 ILCS 5/20-204, to adopt any portion of the Illinois Vehicle Code by Reference; and

**WHEREAS**, the Village is authorized and empowered, under the Illinois Vehicle Code, 625 ILCS 5/11-208.3, to adopt a system of Administrative Adjudication to enforce traffic regulations concerning automated traffic law violations; and

**WHEREAS**, the Village, in an effort to reduce the number of traffic accidents, injuries and fatalities resultant from red light violations, has previously adopted Title 4, Chapter 8, Section 13, entitled “Automated Traffic Law Enforcement System”; and

**WHEREAS**, the Illinois Vehicle Code, 625 ILCS 5/11-208.3, has been amended by the Illinois State Legislature; and

**WHEREAS**, the Village therefore finds and determines that it is proper and necessary that the Village Code, Title 4, Chapter 8, Section 13, entitled “Automated Traffic Law Enforcement System” be amended to comport with the amended Illinois Vehicle Code, 625 ILCS 5/11-208.3; and

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, as follows:

**SECTION ONE:** The recitals set forth above are incorporated herein and made a part hereof.

**SECTION TWO:** Title 4, Chapter 8, Section 13(C)(7), entitled “Notice of Violations”, of the Village Code of the Village of Bensenville is amended as follows:

The amount of the civil penalty and the date by which the penalty should be paid (14 days from the date of issuance), if a hearing is not requested, and a statement that the payment of the fine shall operate as a final disposition of the violation;

**SECTION THREE:** Title 4, Chapter 8, Section 13(D), entitled “Hearing”, of the Village Code of the Village of Bensenville is amended as follows:

The owner of a vehicle being operated in violation of Section 4-8-13A may request a hearing by the “respond –by” date on the Notice of Violation (14 days from the date of the issuance), to challenge the evidence or set forth an applicable defense.

**SECTION FOUR:** Title 4, Chapter 8, Section 13(G), entitled “Notice of Determination of Liability”, of the Village Code of the Village of Bensenville is amended as follows:

If the registered owner fails to pay or contest the Notice of Violation within 14 days, a Notice of Determination of Liability will be sent to the owner indicating that a fine in the amount of \$100 is due to the Village. The notice will also state that the owner can petition the Village to set aside the determination of liability before it becomes final. If the owner does not pay the \$100 as specified in the notice or petition the Village to set aside the determination within 35 days, a Notice of Final Determination will be sent to the owner indicating that the owner has exhausted all challenge options and the \$100 fine is a debt due and owing to the Village and must be paid within 14 days. The owner will also be notified that the failure to pay the \$100 fine within 14 days will result in a late fee of \$100 added to the original fine.

**SECTION FIVE:** Title 4, Chapter 8, Section 13(K), entitled “Drivers License Suspension”, of the Village Code of the Village of Bensenville is amended as follows:

Driver's License Suspension: The traffic compliance administrator, by certified report, shall request that the secretary of state suspend the driving privileges of an owner of a registered vehicle who has failed to pay any fine or penalty due and owing as a result of five (5) automated traffic violations. The report shall be certified and contain the following:

**SECTION SIX:** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

**SECTION SEVEN:** That this Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville, this 19<sup>th</sup> day of July, 2011.

APPROVED:

---

Frank Soto, Village President

ATTEST:

\_\_\_\_\_  
Corey Williamsen, Deputy Village Clerk

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

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