



# VILLAGE OF BENSENVILLE

## Village Board

President  
Frank Soto

## Trustees

Morris Bartlett  
Robert "Bob" Jarecki  
Martin O'Connell III  
Oronzo Peconio  
JoEllen Ridder  
Henry Wesseler

## Village Clerk

Susan Janowik

## Village Manager

Michael Cassady

## Village of Bensenville, Illinois BOARD OF TRUSTEES MEETING AGENDA

**6:30 P.M. Tuesday, January 15, 2013**

**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  
December 11, 2012
- VI. WARRANT – January 15, 2013 #13/01 \$1,337,655.36

VII. **CONSENT AGENDA – CONSIDERATION OF AN “OMNIBUS VOTE”**

VIII. **REPORTS OF STANDING COMMITTEES**

- A. Community and Economic Development Committee – No Report
- B. Infrastructure and Environment Committee – No Report
- C. Administration, Finance and Legislation Committee – No Report
- D. Public Safety Committee – No Report
- E. Recreation and Community Building Committee – No Report
- F. Technology Committee – No Report

IX. **REPORTS OF VILLAGE OFFICERS:**

- A. PRESIDENT'S REMARKS:

**B. VILLAGE MANAGER'S REPORT:**

1. Ordinance Submitting the Public Question on the April 9, 2013 Ballot Whether Video Gaming Should Be Prohibited in the Village of Bensenville

**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**  
December 11, 2012

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

**ROLL CALL:** 2. Upon roll call by Village Clerk, Susan Janowiak, the following Board Members were present:

Bartlett, Jarecki, O'Connell, Peconio, Ridder, Wesseler

Absent: None

A quorum was present.

*President Soto requested to move Presidential Reports to this portion of the meeting. There were no objections from the Village Board.*

**PRESIDENT'S  
REMARKS:** President Soto read a proclamation into the record honoring the Bensenville Wood Dale Bandits Pop Warner Division 3 Regional Champions.

President Soto read a proclamation into the record declaring Bensenville's intent to become a "City of Service".

Police Chief, Frank Kosman, introduced newly hired Police Officer, Aaron Cha to the Village.

**PUBLIC COMMENT:** There was no public comment.

**APPROVAL OF  
MINUTES:** 3. The December 4, 2012 Village Board Meeting minutes were presented.

Motion: Trustee Bartlett made a motion to approve the minutes as presented. Trustee O'Connell seconded the motion.

All were in favor. Motion carried.

**WARRANT NO.**

**12/23:** 4. President Soto presented **Warrant No. 12/23** in the amount of \$2,626,969.84.

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

**ROLL CALL:** AYES: Bartlett, Jarecki, O'Connell, Peconio, Ridder, Wesseler

NAYS: None

All were in favor. Motion carried.

Motion: 5. Trustee Wesseler made a motion to set the Consent Agenda as presented. Trustee O'Connell seconded the motion.

All were in favor. Motion carried.

**Ordinance No.  
82-2012:**

**Ordinance Approving a Cable Television Franchise Agreement Between the Village of Bensenville and Comcast of Illinois VI, LLC. (Consent Agenda)**

**Resolution No.  
R-105-2012:**

**A Resolution Waiving Competitive Bidding and Executing a Retail Sales Agreement with AVI Systems of Bensenville, IL for Studio Equipment in the amount of \$22,784. (Consent Agenda)**

**Resolution No.  
R-106-2012:**

**A Resolution Authorizing the Execution of Costs/Construction Invoice with Comcast Cable Communications, Inc. for the Installation of Fiber Optics in the Amount of \$12,145.11. (Consent Agenda)**

**Resolution No.  
R-107-2012:**

**A Resolution Authorizing the 2013 Paratransit Service Agreement with PACE Suburban Bus Division. (Consent Agenda)**

**Resolution No.  
R-108-2012:**

**A Resolution Authorizing the Execution of a Purchase Order and a 12 – Month Contract Extension for Dial-A-Bus Transportation Service from First Transit, Inc. (Consent Agenda)**

**Ordinance No.**

**83-2012:**

**Ordinance Granting a Conditional Use Permit Amendment to  
Ordinance #65-2007 to Allow for the Installation of an Additional  
Antenna at 602 York Road, American Tower Corporation.  
(Consent Agenda)**

**Ordinance No.**

**84-2012:**

**Ordinance Amending the Bensenville Village Code, Title 3 –  
Chapter 1 – Business Licenses – Fee Schedules. (Consent  
Agenda)**

**Resolution No.**

**R-109-2012:**

**A Resolution Authorizing the Modification to the Village of  
Bensenville Cost Reimbursement Program for the Installation of  
Overhead Sewers or Backflow Prevention Devices. (Consent  
Agenda)**

**Resolution No.**

**R-110-2012:**

**A Resolution Adopting a Revised Meeting Schedule for the  
Village Board Meeting for the 2013 Calendar Year. (Consent  
Agenda)**

**Motion:**

Trustee O'Connell made a motion to approve the Consent Agenda as presented and approve Consent Agenda Item #1 under Attorney Review. Trustee Ridder seconded the motion.

**ROLL CALL:**

AYES: Bartlett, Jarecki, O'Connell, Peconio, Ridder, Wesseler

NAYS: None

All were in favor. Motion carried.

**Resolution No**

**R-111-2012:**

6. President Soto gave the summarization of the action contemplated in **Resolution No. R-111-2012 entitled A Resolution Authorizing Waiving Competitive Bidding and Executing a Contract to Vermeer Midwest for the Purchase of the Vermeer Chipper in the Amount of \$49,399.**

**Motion:**

Trustee O'Connell made a motion to approve the resolution as presented. Trustee Wesseler seconded the motion.

Trustee Peconio shared information he found regarding the proposed chipper for purchase.

**ROLL CALL:** AYES: Bartlett, Jarecki, O'Connell, Ridder, Wesseler

NAYS: Peconio

Motion carried.

**Resolution No  
R-112-2012:**

7. President Soto gave the summarization of the action contemplated in **Resolution No. R-112-2012 entitled A Resolution Authorizing the Execution of a Master Power Supply Agreement with an Alternate Retail Electric Supplier for Electricity Supply and Related Services for the Village of Bensenville Electric Aggregation Program.**

**Motion:** Trustee O'Connell made a motion to approve the resolution as presented. Trustee Wesseler seconded the motion.

**ROLL CALL:** AYES: Bartlett, Jarecki, O'Connell, Peconio, Ridder, Wesseler

NAYS: None

All were in favor. Motion carried.

**MANAGERS  
REPORT:**

Village Manager, Michael Cassady, had no report.

**VILLAGE ATTORNEY  
REPORT:**

**Resolution No  
R-113-2012:**

8. Village Attorney, Pat Bond, gave the summarization of the action contemplated in **Resolution No. R-113-2012 entitled A Resolution Authorizing the Amendment of a Highway Authority Agreement Affecting 600 N. Route 83, Passed and Approved under Resolution R-3-2001 to Designate a New Power Owner.**

**Motion:** Trustee O'Connell made a motion to approve the resolution as presented. Trustee Wesseler seconded the motion.

**ROLL CALL:** AYES: Bartlett, Jarecki, O'Connell, Peconio, Ridder, Wesseler

NAYS: None

All were in favor. Motion carried.

Minutes of the Village Board Meeting  
December 11, 2012 Page 5

**UNFINISHED**

**BUSINESS:** There was no unfinished business.

**NEW BUSINESS:**

Trustee Wesseler provided an update regarding the Elgin O'Hare bypass project.

Trustee Bartlett announced the Village of Bensenville will have the traveling Vietnam Memorial Wall on display in June 2013. More information will be available soon.

**EXECUTIVE  
SESSION:**

Village Attorney, Pat Bond, called for an Executive Session for the purpose of discussing pending, probable, or imminent litigation, acquisition of real estate property, personnel, and collective negotiating matters. No action will take place as a result of the discussions.

**ADJOURNMENT:**

Trustee Ridder made a motion to adjourn the meeting and go into executive session. Trustee Bartlett seconded the motion.

All were in favor. Motion carried.

President Soto adjourned the meeting at 7:41 p.m.

Susan Janowiak  
Village Clerk

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville this \_\_\_\_\_ day, January, 2013

**TYPE:** Ordinance

**SUBMITTED BY:** Dan Di Santo

**DATE:** January 10, 2013

**DESCRIPTION:** Pass the Ordinance submitting the public question on the April 9, 2013 ballot asking whether Video Gaming should be prohibited in the Village of Bensenville.

**SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:**

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

**COMMITTEE ACTION:** Public Safety Standing Committee

**DATE:** January 15, 2013

**BACKGROUND:**

The State of Illinois passed The Video Gaming Act as Public Act 96-34, which became effective on July 13, 2009 as a means of funding the State Capital Bill. On September 11, 2012, the Village of Bensenville exercised its right in The Video Gaming Act and passed Ordinance 45-2012 amending Section 4-3-23 of the Bensenville Village Code to prohibit video gaming within the Village. At the January 8, 2013 Strategic Planning Session, the Village Board indicated support for placing a referendum question on the April 9 ballot asking residents to consider the prohibition of video gaming.

**KEY ISSUES:**

In Illinois, many municipalities have prohibited video gaming and others have allowed it. Some, like Wood Dale and Winfield, have placed public questions on the ballot asking residents to provide input on the decision. The results of such a referendum are advisory and for informational purposes only, they are not binding in that the results alone do not create a law. If the Village wants to pursue the referendum question, an ordinance must be passed prior to January 22 and the Ordinance must be filed with the County prior to January 31, 2013.

The following is a summary of provisions included in The Video Gaming Act:

- Gaming machines are allowed in any bar, restaurant, fraternal organization or veteran's organization possessing a valid liquor license to serve alcohol for consumption on the premises;
- Authorized establishments cannot be located within 100 feet of a school or place of worship;
- No more than five video gaming machines are allowed per authorized establishment;
- Video gaming terminals must be located in an area restricted to persons over 21 years of age and in the view of an employee;
- Video gaming is only permitted during the hours when alcohol can be consumed; and
- The Illinois Gaming Board regulates and enforces video gaming.

At the January 22, 2013 Board Meeting, staff will prepare a more thorough analysis of the Video Gaming issue including a survey of other municipalities that allow or prohibit video gaming and their experiences.

**ALTERNATIVES:**

- Discretion of the Board

**RECOMMENDATION:**

Staff recommends the Village Board consider the Ordinance.

**BUDGET IMPACT:**

The state receives a 25% tax on video gaming operating revenues, and municipalities receive a 5% tax on gaming revenues within their corporate limits. In addition, the Village can impose a \$25 fee on video gaming terminals. Some projections show that an establishment can earn up to \$30,000/year per machine for a total of \$150,000 in revenue per year. Revenues for the Village under that scenario could be approximately \$2,000/year per machine, or about \$10,000/year per establishment with the maximum of 5 machines.

**ACTION REQUIRED:**

Consider the Ordinance.

**ORDINANCE NO.**

**AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE  
ELECTORS OF THE VILLAGE OF BENSENVILLE, DUPAGE AND COOK COUNTIES,  
THE QUESTION WHETHER VIDEO GAMING SHOULD BE  
PROHIBITED IN THE VILLAGE OF BENSENVILLE**

WHEREAS, the State of Illinois Video Gaming Act (230 ILCS 40/1 *et seq.*; PA96-0034) became law July 13, 2009, and allows certain licensed establishments to conduct video gaming; and

WHEREAS, the Village Board is desirous of asking the residents of Bensenville through an advisory public question on the April 9, 2013 ballot for their opinion of whether or not video gaming should be allowed within the Village.

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

**SECTION ONE:** The foregoing recitals are found as fact and made a part hereof.

**SECTION TWO:** The Village Clerk is directed to immediately certify and submit the following question to the DuPage County Clerk and Cook County Clerk to be placed on the ballot for the general election to be held on April 9, 2013, in the following form:

Shall Video Gaming be prohibited in the Village of Bensenville?	YES NO
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**SECTION THREE:** This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, Illinois, this 15<sup>th</sup> day of January, 2013.

APPROVED:

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Frank Soto, Village President

ATTEST:

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Susan Janowiak, Village Clerk

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

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

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