

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
February 24, 2015

CALL TO ORDER: 1. President Soto called the meeting to order at 6:32 p.m.

ROLL CALL: 2. Upon roll call by Village Clerk, Ilsa Rivera-Trujillo, the following Board Members were present:

Janowiak, Jarecki, O'Connell, Ridder, Wesseler

Absent: Bartlett

A quorum was present.

Staff Present: Village Attorney, Mary Dickson, Cassady, Caracci, DiSanto, Finner, Flood, F. Kosman, Martella, Rysavy, Sloth, Thakkar, Viger, Williamsen

PUBLIC COMMENT: **Steven A. Migala – 501 West Colfax Street, Palatine, Illinois**

Mr. Migala stated he was presented representing the ownership of La Chiquita Market and addressed the Village Board with concerns pertaining to the proposed Economic Development Agreement between the Village of Bensenville and La Chiquita Market.

Garry Gardner – 17W131 Woodland

Mr. Gardner addressed the Village Board regarding the establishment of the “Save White Pines Committee”. Mr. Gardner asked that the Committee be notified of all meetings and discussions regarding the proposed annexation of the White Pines Sub Division.

Gina Mellenthin – 4N150 Pine Grove Avenue

Ms. Mellenthin addressed the Village Board regarding the establishment of the “Save White Pines Committee”. Ms. Mellenthin asked that the Committee be notified of all meetings and discussions regarding the proposed annexation of the White Pines Sub Division.

Frank DeSimone – 1006 Twin Oaks Street

Mr. DeSimone addressed the Village Board regarding the recent approval of a redevelopment agreement with Green Street Tap & Grill, LLC for the property known as 120 West Green Street.

Cira Grana – Mamma Maria's – 438 South York Road

Ms. Grana addressed the Village Board regarding the recent approval of a redevelopment agreement with Green Street Tap & Grill, LLC for

the property known as 120 West Green Street.

Tom Lindelof – 380 Crestwood Road, Wood Dale, Illinois

Mr. Lindelof addressed the Village Board regarding the recent approval of a redevelopment agreement with Green Street Tap & Grill, LLC for the property known as 120 West Green Street.

Bob Tercall – Two Chefs – 3 South Center Street

Mr. Tercall addressed the Village Board with his disappointment of not being able to reach an agreement with the Village of Bensenville to assist in the rebranding of Two Chefs and also addressed the Village Board regarding the recent approval of a redevelopment agreement with Green Street Tap & Grill, LLC for the property known as 120 West Green Street.

Peter J. Weiss – Two Chefs – 3 South Center Street

Mr. Weiss addressed the Village Board regarding their recent purchase of 120 West Green Street and the effect he believes it has on his address.

Evel Kapsoaris – DeCampana – 229 West Grand Avenue

Mr. Kapsoaris addressed the Village Board regarding the recent approval of a redevelopment agreement with Green Street Tap & Grill, LLC for the property known as 120 West Green Street.

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

**PRESIDENT'S
REMARKS:**

President Soto addressed the concerns of the Public regarding the recent redevelopment agreement with Green Street Tap & Grill, LLC for the property known as 120 West Green Street.

**APPROVAL OF
MINUTES:**

3. The February 10, 2014 Village Board Meeting minutes were presented.

Motion:

Trustee Wesseler made a motion to approve the minutes as presented. Trustee Ridder seconded the motion.

All were in favor. Motion carried.

**WARRANT NO.
15/04:**

4. President Soto presented Warrant No. 15/04 in the amount of \$1,310,728.19.

Minutes of the Village Board Meeting
February 24, 2015 Page 3

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

ROLL CALL: AYES: Janowiak, Jarecki, O'Connell, Ridder, Wesseler

NAYS: None

All were in favor. Motion carries.

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

All were in favor. Motion carried.

Resolution No.
R-12-2015:

Resolution Authorizing the Execution of a Membership Agreement for a Geographic Information System Consortium and GIS Consortium Service Provider Contract in the Not-to-Exceed amount of \$64,749.40. (Consent Agenda)

Resolution No.
R-13-2015:

Resolution Authorizing the Execution of a Merchant Service Contract with US Bank Payment Solution, Evalon, Inc. (Consent Agenda)

Ordinance No.
12-2015:

Ordinance Granting Approval of a Rezoning from RM-3 High Density Multiple Family to C-2 Highway Commercial Zoning District and a Variance to Reduce the Building Setback from Five Feet to Zero Feet for the Property Commonly Identified as 115-119 East Green Street, Creative Properties, Inc. (Consent Agenda)

Resolution No.
R-14-2015:

Resolution Authorizing the Approval of a Contract Extension to Green Horizon, Inc. for Lawn Maintenance Services in the Not-to-Exceed amount of \$80,445.10. (Consent Agenda)

Ordinance No.
13-2015:

Ordinance Granting Approval of a Conditional Use Permit Amendment to Allow the Addition of Three Antennas to an

Existing Telecommunications Tower for the Property Commonly Identified as 1250 Ellis Street, Verizon Wireless. (Consent Agenda)

Ordinance No.
14-2015:

Ordinance Granting Approval of Conditional Use Permits to Allow Motor Vehicle Repair (Major & Minor), Outdoor Sales and Display up to 25% and a Car Wash at the Property Commonly Identified as 877 Supreme Drive, Law Auto Group. (Consent Agenda)

Resolution No.
R-15-2015:

Resolution Approving an Economic Incentive Agreement with Law Auto Group, Inc., for the Sharing of Municipal Retailer's Occupation Tax Revenues, Subject to Attorney Review. (Consent Agenda)

Resolution No.
R-16-2015:

Resolution Authorizing the Approval of a Contract Extension to ASE-Illini Scapes, Inc. for Turf Chemical Maintenance in the not-to-exceed amount of \$10,379.58. (Consent Agenda)

Ordinance No.
15-2015:

Ordinance Granting Approval of Conditional Use Permits to Allow Outdoor Storage Up to 50 Percent and Motor Vehicle Repair (Major & Minor) with Variances to Allow Outdoor Storage and a Fence in the Front Yard for the Property Commonly Identified as 143 Beeline Drive, M&A Truck & Trailer Services Corporation. (Consent Agenda)

Resolution No.
R-17-2015:

Resolution Authorizing the Execution of a Contract with Insituform Technologies USA, LLC for the Installation of Sanitary Sewer Cured In-Place Pipe at the Wastewater Treatment Plant in Not-to-exceed Amount of \$15,653.10. (Consent Agenda)

Resolution No.
R-18-2015:

Resolution Adopting Amendments to the Official Zoning District Map for the Village of Bensenville. (Consent Agenda)

Resolution No.

R-19-2015:

Resolution Authorizing Installation of LED Street Name Signs with Home Towne Electric, Inc. along IL-83 as Part of the IDOT Traffic Signal Modernization Project (Contract #60X35) in the Amount of \$30,650.00. (Consent Agenda)

Resolution No.

R-20-2015:

Resolution Authorizing the Village of Bensenville to Execute an Addendum Agreement with State of Illinois Department of Transportation (IDOT) Concerning Road Improvements to Illinois Route 83 (IDOT contract 60N49). (Consent Agenda)

Resolution No.

R-21-2015:

Resolution Authorizing the Village of Bensenville to Execute an Addendum Agreement with the State of Illinois Department of Transportation (IDOT) Concerning Road Improvements to Illinois Route 83 (IDOT contract 60V54). (Consent Agenda)

Resolution No.

R-22-2015:

Resolution Authorizing the Execution of an IDOT Resolution Appropriating the Use of MFT Funds to Pay for Village's Local Match as well as Phase III Expenditures for the Foster Ave LAFO Project in the Amount of \$250,000. (Consent Agenda)

Resolution No.

R-23-2015:

Resolution Authorizing the Execution of an IDOT Resolution Appropriating the Use of MFT Funds to Pay for Village's Local Match as well as Phase III Expenditures for the Jefferson St LAFO Project in the Amount of \$315,000. (Consent Agenda)

Resolution No.

R-24-2015:

Resolution Authorizing the Execution of an Intergovernmental Agreement Between the Village of Bensenville and the City of Chicago for Exchange of Certain Lands and Interests Therein. (Consent Agenda)

Resolution No.

R-25-2015:

Resolution Authorizing the Execution of a Purchase Order to AVI Midwest for the Purchase of AMX Multimedia Interaction Panel System in the Amount of \$25,834. (Consent Agenda)

Resolution No.

R-26-2015:

Resolution Approving Purchase Order of \$16,225.00 with American Mobile Staging for Staging Equipment for Performance of All Music in the Park Shows in 2015. (Consent Agenda)

Resolution No.

R-27-2015:

**Resolution Approving a Purchase Order of \$17,875.00 with
Diversified Audio Group for Sound and Lighting Equipment for
Performance of All Music in the Park Shows in 2015. (Consent
Agenda)**

Motion:

Trustee Wesseler made a motion to approve the Consent Agenda as presented. Trustee Janowiak seconded the motion.

ROLL CALL:

AYES: Janowiak, Jarecki, O'Connell, Ridder, Wesseler

NAYS: None

All were in favor. Motion carried.

Motion:

Trustee Ridder made a motion to recess the meeting. Trustee O'Connell seconded the motion.

All were in favor.

President Soto recessed the meeting at 7:23 p.m.

President Soto called the meeting back to order at 7:37 p.m.

ROLL CALL:

Upon roll call by Village Clerk, Ilsa Rivera-Trujillo, the following Board Members were present:

Janowiak, Jarecki, O'Connell, Ridder, Wesseler

Absent: Bartlett

A quorum was present.

Resolution No.

R-28-2015:

6. Village President, Frank Soto, gave the summarization of the action contemplated in **Resolution No. R-28-2015 entitled A Resolution Authorizing Execution of an Economic Incentive Agreement Between the Village of Bensenville and La Chiquita Food Market.**

Minutes of the Village Board Meeting
February 24, 2015 Page 7

Village Manager, Michael Cassady, stated a redevelopment proposal has been submitted by La Chiquita Food Market Bensenville, Inc., to rebrand Edmar as a Chiquita Food Market. Mr. Cassady stated to transform the center exterior and build out the new grocery store requires an upfront investment of approximately \$2.70M. Mr. Cassady stated there is a financial gap of approximately \$675,000. Mr. Cassady stated to ensure the Village continues to benefit from a grocery anchor in the Downtown District, an Economic Incentive Agreement is necessary. Mr. Cassady stated the proposed sales tax sharing structure would only apply to sales tax receipts over the base amount of \$60,000, capped at \$660,000 or fifteen years. Mr. Cassady stated on February 17, 2015, the CEDC unanimously recommended approval of the Agreement (vote 6-0). Mr. Cassady stated this item appears on the Standing Committee agenda because since that time the Agreement was changed so that the \$60,000 base sales tax number remains flat for the duration of the Agreement and no longer increases annually as originally presented. Mr. Cassady stated this change is made at the request of the petitioner in order to meet the terms of their financial pro forma. Mr. Cassady stated the \$60,000 was based on Edmar's recent sales tax history, which was in decline and would not increase annually; therefore staff supports the modification to the contract.

Mr. Migala, Attorney representing the ownership of La Chiquita Food Market stated La Chiquita Food Market objects to the 2% annual increase of inflation.

Consensus from the Village Board was to amend Exhibit A of the proposed agreement to allow for a 1% annual increase of inflation. Mr. Migala stated he would have to converse with his clients regarding the proposed amendment but stated he does not foresee an issue with the proposal.

Motion:

Trustee Ridder made a motion to approve the resolution as amended to allow for a 1% annual increase of inflation. Trustee Janowiak seconded the motion.

ROLL CALL:

AYES: Janowiak, Jarecki, O'Connell, Ridder, Wesseler

NAYS: None

All were in favor. Motion carried.

**PRESIDENT'S
REMARKS
(Continued):**

Trustee Ridder stated she would not be attending the March 8, 2015 N.O.I.S.E. Legislative Summit therefor did not have a presentation for the Village Board.

**MANAGERS
REPORT:**

**Resolution No.
R-29-2015:**

7. Village Manager, Michael Cassady, gave the summarization of the action contemplated in **Resolution No. R-29-2015** entitled **A Resolution Authorizing the Execution of a Contract for Services and Scope of Work with True North Consultants, Inc. for a Limited Phase II Environmental Site Assessment for TIF 4 in the Not-to-Exceed Amount of \$34,121.**

Mr. Cassady stated Staff is working with a developer to redevelop a portion of the TIF 4 site at the northwest corner of Grand Avenue and County Line Road as a hospitality campus with hotels and dining. Mr. Cassady stated due to the site's previous use as an IDOT construction borrow pit, the bank financing the proposed deal requires limited environmental site assessment activities prior to financing the transaction. Mr. Cassady stated True North Consultants, Inc. is the Village's environmental engineer that is intimately familiar with the TIF 4 site. Mr. Cassady stated True North proposes a Phase II environmental site assessment limited to six soil borings to meet the bank's request. Mr. Cassady stated the cost for these borings and the associated report is \$34,121. Mr. Cassady stated this item appears directly on the Standing Committee agenda in order to keep this project moving forward since the bank is waiting for the results.

There were no questions from the Village Board.

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

ROLL CALL: AYES: Janowiak, Jarecki, O'Connell, Ridder, Wesseler

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-30-2015:

8. Village Manager, Michael Cassady, gave the summarization of the action contemplated in **Resolution No. R-30-2015** entitled **A Resolution Approving Purchase of Refrigeration Equipment at the Edge Ice Arena for a Not-to-Exceed Amount of \$18,645.**

Mr. Cassady stated the NH3 to brine heat exchanger used at the Edge on Jefferson Street is not operable and needs to be replaced. Mr. Cassady stated the heat exchanger is used to transfer heat to the brine solution for the under-floor warming system as well as the snow pit melting coil. Mr. Cassady stated the under-floor system on the West rink is not currently flowing. Mr. Cassady stated the Village has been told by the manufacturer as well as several refrigeration contractors that the system is either frozen or that there is a blockage. Mr. Cassady stated a full functioning heat exchanger will be required to provide heat to the system in an attempt to unthaw the frozen under-floor system as well as prevent future perma-frost buildup. Mr. Cassady stated Staff solicited bids for the replacement exchanger and recommends contracting with the lowest bidder, Depue Mechanical, Inc. for \$18,645. Mr. Cassady stated this item appears directly on the Manager's Report due to the emergency nature of the purchase.

There were no questions from the Village Board

Motion:

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

ROLL CALL:

AYES: Janowiak, Jarecki, O'Connell, Ridder, Wesseler

NAYS: None

All were in favor. Motion carried.

**VILLAGE ATTORNEY
REPORT:**

Village Attorney, Mary Dickson, has no report.

**UNFINISHED
BUSINESS:**

There was no unfinished business.

NEW BUSINESS:

Trustee Ridder reminded all of the Honor Flight Hockey game taking place at the Edge Ice Arena on February 28, 2015.

Trustee Ridder announced the Illinois Food Bank will be hosting an event at Tioga Elementary School on February 28, 2015 from 10:00 a.m. until 12:00 p.m. The event is first come, first serve.

EXECUTIVE

SESSION:

Village Attorney, Mary Dickson, stated there was not a need for Executive Session.

ADJOURNMENT:

Trustee Wesseler made a motion to adjourn the meeting. Trustee Janowiak seconded the motion.

All were in favor. Motion carried.

President Soto adjourned the meeting at 7:54 p.m.

Ilsa Rivera-Trujillo

Village Clerk

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville this 10th day, March 2015