

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 8, 2015

CALL TO ORDER: 1. President Soto called the meeting to order at 6:30 p.m.

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

Carmona, Jaworska, Janowiak, O'Connell, Wesseler

Absent: DeSimone

A quorum was present.

Staff Present: Village Attorney, Pat Bond, V. Benham, J. Caracci, G. Ferguson, T. Finner, K. Katz, F. Kosman, M. Martell, , M. Rysavy, A. Thakkar, S. Viger, C. Williamsen

PUBLIC COMMENT: *There was no Public Comment.*

APPROVAL OF

MINUTES:

3. The November 24, 2015 Village Board Meeting minutes were presented.

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

All were in favor. Motion carried.

WARRANT NO.

15/22:

4. President Soto presented **Warrant No. 15/22** in the amount of \$3,746,621.11.

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

There were no questions from the Village Board.

ROLL CALL: AYES: Carmona, Jaworska, Janowiak, O'Connell, Wesseler

NAYS: None.

All were in favor. The motion carried.

**Ordinance No.
76-2015:**

5. President Soto gave the summarization of the action contemplated in **Ordinance No. 76-2015** entitled **An Ordinance Requested by Doyle Signs, Inc. for a Planned Unit Development Amendment to Ordinances #20-2001 and #62-2009 and a Master Sign Plan Amendment with Code Deviations to Allow an Increase in Monument Sign Height from 12 Feet to 15 Feet, an Increase in Sign Area from 60 Feet to 107 Feet and an Increase in Tenant Panels from 4 to 6 at the property located at 1145 South York Road.**

Director of Community and Economic Development, Scott Viger, stated the applicant, Doyle Signs, Inc. submitted a proposal on behalf of the property owners to update the existing monument signs at Brentwood Shopping Center with the Jewel Osco logo as their new tenant and also to include two additional tenant panels. Mr. Viger stated the proposed changes include an increase in height from the existing 12 feet to 15 feet in height, increase the sign area from 60 square feet to approximately 107 square feet and to increase the number of tenant panels from 4 to 6. Mr. Viger stated these updates require both a Planned Unit Development Amendment and Master Sign Plan Amendment to allow such an update that were previously granted in Ordinances #20-2001 and #62-2009. Mr. Viger stated the subject property is located on the northeast corner of Grand Avenue and York Road within an existing C-2 Highway Commercial Zoning District. Mr. Viger stated the approximately 9.89 acre site has been developed with monument signs near the driveways on the western frontage as well as on the southern frontage. Mr. Viger stated this matter appeared in front of the Community Development Commission on December 7, 2015 and it was unanimously approved for recommendation to the Village Board. Mr. Viger stated Staff recommends approval as well.

There were no questions from the Village Board.

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

ROLL CALL: AYES: Carmona, Jaworska, Janowiak, O'Connell, Wesseler

NAYS: None

All were in favor. Motion carries.

Resolution No.

R-143-2015:

6. President Soto gave the summarization of the action contemplated in **Resolution No. R-143-2015** entitled **A Resolution authorizing a design engineering services agreement with Robinson Engineering Ltd. for the 2016 Village MFT Street Program (Addison St) in the not-to-exceed amount of \$52,975.00.**

Director of Public Works, Joe Caracci, stated based on the Pavement Condition Index (PCI) report conducted in 2014, Addison St through downtown Bensenville has been identified as one of the streets needing to be reconstructed. Mr. Caracci stated the PCI rating for this segment between Green St and Roosevelt Rd is 28. Mr. Caracci stated one of the strategic goals of the Village Board is to also improve the aesthetics of the downtown Bensenville. Mr. Caracci stated the scope of work includes reconstructing Addison St from Green St to Roosevelt Rd (excluding Railroad ROW and Main St intersection) with a new Hot-Mix Asphalt pavement, stamped sidewalk, C&G, driveway aprons, watermain replacement with a new 12-inch watermain from Main St to Roosevelt Rd, new copper services up to the b-box, striping and landscape restoration. Mr. Caracci stated in 2011, the Village advertised for and selected through a Qualification Based System (QBS) approach a list of engineering firms to provide design as well as construction engineering services for the upcoming years. Mr. Caracci stated Robinson Engineering, Ltd (REL) is one of the short listed firms to provide design engineering services. REL performed similar services for the Village on the Quiet zone Project. Mr. Caracci stated that Village staff feels very confident of hiring REL for the upcoming project due to their excellent professional skills, knowledge, and familiarity of the project area. Mr. Caracci stated the project team of REL and Village staff has worked well together in the past. Mr. Caracci stated staff recommends continuing with this team.

There were no questions from the Village Board.

Motion:

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

Minutes of the Village Board Meeting
December 8, 2015 Page 4

ROLL CALL: AYES: Carmona, Jaworska, Janowiak, O'Connell, Wesseler

NAYS: None

All were in favor. Motion carries.

Resolution No.

R-144-2015:

7. President Soto gave the summarization of the action contemplated in **Resolution No. R-144-2015 entitled A Resolution authorizing resident engineering services agreement for the Church Rd LAFO-CMAQ Project (Grand to Jefferson) to Bollinger, Lach & Associates, Inc. in the not-to-exceed amount of \$150,849.19.**

Director of Public Works, Joe Caracci, stated the Village applied and was awarded Federal Surface Transportation Program (STP) funding for a Local Agency Functional Overlay (LAFO) project in the amount of \$489,900 (70% of estimated \$699,800 project) to resurface Church Road from Grand Ave to Jefferson St. Mr. Caracci stated the Village has also secured a Congestion Mitigation Air Quality (CMAQ) grant in the amount of \$789,600 (80% of estimated \$987,000 project) from Grand Ave to Jefferson St to construct off street bicycle and pedestrian facility. Mr. Caracci stated total funding for the CMAQ grant includes \$88,000 (80% of estimated \$110,000) for the Phase III engineering services. Mr. Caracci stated the local agency is responsible to pay for the Phase III engineering costs which are reimbursed after the project is completed. Mr. Caracci stated Bollinger, Lach & Associates (BLA) is one of the short listed firms. Mr. Caracci stated BLA performed construction engineering services on the Green St LAFO project. The Village staff was very pleased with professional services provided by BLA during this project as the project ran into multiple construction related issues. Mr. Caracci stated Village staff feels very confident of hiring BLA for the upcoming project due to their excellent professional skills, knowledge, and familiarity of Federal/IDOT guidelines. Mr. Caracci stated the project team of BLA and Village staff has worked well together in the past. Mr. Caracci stated staff recommends continuing with this team.

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: Carmona, Jaworska, Janowiak, O'Connell, Wesseler

NAYS: None

All were in favor. Motion carries.

Resolution No.

R-145-2015:

8. President Soto gave the summarization of the action contemplated in **Resolution No. R-145-2015 entitled A Resolution authorizing a design engineering services agreement with Trotter & Associates Inc. for the 2016 Watermain Replacement Project (River Forest Dr. & River Forest Ct) in the not-to-exceed amount of \$26,972.00.**

Director of Public Works, Joe Carracci, stated in recent years, as the Village moves towards adopting a complete street policy, the Village staff has focused on improving the infrastructure as a whole for any street project including but not limited to pavement, C&G, sidewalk, underground utilities, aesthetics, bicycle accommodations, etc. Mr. Carracci stated based on the age of the watermain (1960s) and break history, Village staff has identified River Forest Dr. (from Brentwood Dr. to John St) and River Forest Ct as a candidate for a watermain replacement project. Mr. Carracci stated the pavement condition index (PCI) rating for River Forest Dr. and River Forest Court is of thirty-six (36) and forty-two (42), respectively. Mr. Carracci stated the recommended pavement repair method for such rating is full-depth resurfacing. Mr. Carracci stated the scope of work includes replacing the existing watermain with a new 8-inch watermain, new copper services up to the b-box, spot C&G repairs, spot sidewalk repairs, pavement resurfacing and landscape restoration. Mr. Carracci stated in 2011, the Village advertised for and selected through a Qualification Based System (QBS) approach a list of engineering firms to provide design as well as construction engineering services for the upcoming years. Mr. Carracci stated Trotter & Associates, Inc. (TAI) is one of the short listed firms to provide design engineering services. Mr. Carracci stated TAI performed similar services for the Village on the Jefferson St Corridor Watermain Replacement Project Phase I, II, & III. Mr. Carracci stated Village staff feels very confident of hiring TAI for the upcoming project due to their excellent professional skills, knowledge, and familiarity with similar projects. Mr. Carracci stated the project team of TAI and Village staff has worked well together in the past. Mr. Carracci stated staff recommends continuing with this team.

There were no questions from the Village Board.

Minutes of the Village Board Meeting
December 8, 2015 Page 6

Motion: Trustee Wesseler made a motion to approve the resolution as presented. Trustee Janowiak seconded the motion.

ROLL CALL: AYES: Carmona, Jaworska, Janowiak, O'Connell, Wesseler

NAYS: None

All were in favor. Motion carries.

Resolution No.

R-146-2015:

9. President Soto gave the summarization of the action contemplated in **Resolution No. R-146-2015 entitled A Resolution authorizing a design engineering services agreement with Civiltech Engineering Inc. for the Church Road H-Recon-TCM Project from Jefferson St to Grove Ave in the not-to-exceed amount of \$349,995.62.**

Director of Public Works, Joe Caracci, stated the Village applied and was awarded Federal Surface Transportation Program (STP) funding for a Highway Reconstruction (H-Recon) project in the amount of \$1,624,210.00 (70% of estimated \$2,320,300.00 project) to reconstruct Church Road from Jefferson St to Grove Ave. Mr. Caracci stated the Village also applied for and received an additional grant along Church Rd for a Transportation Control Measure (TCM) project in the amount of \$1,064,100 (75% of estimated \$1,418,800 project) from Grand Ave to Grove Ave to construct off street bike lanes. Mr. Caracci stated all of the TCM funding has now been allocated to the Jefferson St to Grove Ave segment since the Village recently received a Congestion Mitigation Air Quality (CMAQ) grant to construct an off-street bike path along Church Rd from Grand Ave to Jefferson St. Mr. Caracci stated in 2011, the Village advertised for and selected through a Qualification Based System (QBS) approach a list of engineering firms to provide design as well as construction engineering services for the upcoming years. Mr. Caracci stated Civiltech Engineering, Inc. (Civiltech) is one of the short listed firms to provide design engineering services. Mr. Caracci stated Civiltech assisted the Village successfully in applying for grant monies for the STP and TCM project. Mr. Caracci stated Civiltech is providing similar design engineering services for the Church Rd project from Grand Ave to Jefferson St. Mr. Caracci stated Village staff feels very confident of hiring Civiltech for the upcoming project due to their excellent professional skills, knowledge, and familiarity of the project area. Mr. Caracci stated the project team of Civiltech and Village staff has worked well together in the past. Mr. Caracci stated staff recommends continuing with this team.

Minutes of the Village Board Meeting
December 8, 2015 Page 7

Trustee Wesseler asked if curbs will be installed to home by Blackhawk Middle School as part of the proposed project.

Mr. Caracci stated the current plans allow for curbs to be installed within the area of Trustee Wesseler's questions.

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

ROLL CALL: AYES: Carmona, Jaworska, Janowiak, O'Connell, Wesseler

NAYS: None

All were in favor. Motion carries.

Resolution No.
R-147-2015:

10. President Soto gave the summarization of the action contemplated in **Resolution No. R-147-2015 entitled A Resolution Approving an Agreement with Lockridge Grindal Nauen, P.L.L.P. For Consulting and Advisory Services.**

President Soto stated as a local governmental entity, the Village does not have the staff resources or professional services to enable it to effectively address federal legislative and administrative matters. President Soto stated having expert advice and services for such matters would greatly enhance the Village's ability to pursue regulatory issues with the FAA and other federal agencies related to O'Hare noise control and mitigation and to develop and promote possible appropriate federal legislation in this regard. President Soto stated Lockridge Grindal Nauen, P.L.L.P., of Minneapolis, Minnesota (hereinafter the "LGN"), is a consulting services firm specializing in monitoring, lobbying, and local governmental representation and advocacy relative to federal legislative and administrative matters. President Soto stated LGN provided these services to the Suburban O'Hare Commission in regard to advancing its agenda for O'Hare noise control and mitigation. President Soto stated The term of the proposed LGN consulting services agreement with the Village is through September 30, 2016.

Trustee Wesseler asked if costs from the proposed contract would be offset by S.O.C.

President Soto indicated S.O.C. was assisting with the cost, however LGN's services have been completed and they will no longer be working for S.O.C.

Minutes of the Village Board Meeting
December 8, 2015 Page 8

Trustee Wesseler asked that a monthly report be submitted to the Village Board from LGN.

Village Attorney, Pat Bond, indicated that proposed agreement requires a monthly report from LGN.

Trustee Jaworska asked what LGN has done in the past for the Village.

President Soto stated LGN has the professional services to enable the Village to effectively address federal legislative and administrative matters. President Soto stated LGN greatly enhances the Village's ability to pursue regulatory issues with the FAA and other federal agencies related to O'Hare noise control and mitigation and to develop and promote possible appropriate federal legislation in this regard.

Trustee Wesseler asked if there is a termination clause in the proposed contract if the Village is unsatisfied with LGN.

Mr. Bond indicated there is a 30 day termination clause for both LGN and the Village.

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

ROLL CALL: AYES: Carmona, Jaworska, Janowiak, O'Connell, Wesseler

NAYS: None

All were in favor. Motion carries.

Resolution No.
R-148-2015:

11. President Soto gave the summarization of the action contemplated in **Resolution No. R-148-2015** entitled **A Resolution Approving and Providing for Amendment to the Village of Bensenville's Electric Power Aggregation Plan of Operation and Governance.**

Interim Village Manager, Frank Kosman, stated in 2012, the Village Board adopted Ordinance No. 81-2012, enacting the Village's Electric Power Aggregation Plan of Operation and Governance, pursuant to Public Act 96-1076 which amended the Illinois Power Agreement Act by adding Section 1- 92 to Chapter 20, Act 3855 of the Illinois Compiled Statutes ("the Act"). Mr. Kosman stated this allowed the Corporate Authorities of a municipality to adopt an ordinance in accordance with the Act to aggregate electrical loads for

residential and small commercial retail customers within the corporate limits of the municipality on an opt-out or opt-in program.

Mr. Kosman stated the Act further authorized a municipality to select suppliers of retail electric supply, solicit bids and enter into service agreements to facilitate the sale and purchase of electricity and related services. Mr. Kosman stated since adoption of the Plan, two amendments have been recommended to the Plan to ensure compliance with the Act, and to reconcile the plan with changes in the electrical supply market. Mr. Kosman stated these changes are highlighted in the attached Plan in modification to paragraph h, and the deletion of paragraph j.

There were no questions from the Village Board.

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

ROLL CALL: AYES: Carmona, Jaworska, Janowiak, O'Connell, Wesseler

NAYS: None

All were in favor. Motion carries.

**Resolution No.
R-149-2015:**

12. President Soto gave the summarization of the action contemplated in **Resolution No. R-149-2015** entitled **A Resolution Authorizing The Northern Illinois Municipal Cooperative (NIMEC) To Serve As The Broker For The Village In Regard To Obtaining Bids From Electricity Providers And To Authorize the Interim Village Manager to Execute a Contract with the Lowest Cost Electricity Provider for a Period Up to 24 Months.**

Interim Village Manager, Frank Kosman, stated In 2012, the Village Board adopted Ordinance No. 81-2012, enacting the Village's Electric Power Aggregation Plan of Operation and Governance, pursuant to Public Act 96-1076 which amended the Illinois Power Agreement Act by adding Section 1- 92 to Chapter 20, Act 3855 of the Illinois Compiled Statutes ("the Act"). Mr. Kosman stated this allowed the Corporate Authorities of a municipality to adopt an ordinance in accordance with the Act to aggregate electrical loads for residential and small commercial retail customers within the corporate limits of the municipality on an opt-out or opt-in program. Mr. Kosman the Act further authorized a municipality to select suppliers of retail electric supply, solicit bids and enter into service agreements to facilitate the sale and purchase of electricity and

Minutes of the Village Board Meeting
December 8, 2015 Page 10

related services. Mr. Kosman at the same time, the Village bid for its electrical supply, and entered into a contract with a supply company, which is set to expire in 2016.

Mr. Kosman to ensure competitive bidding on the Village's electrical load in the coming contract year, Village Staff is recommending that the Village Board engage NIMEC as its broker and consultant to assist in the bid, contractor selection and program notification process. Mr. Kosman there is no cost to the Village in engaging NIMEC for this project. Mr. Kosman given the timing of the electrical aggregation bid process, the Resolution also authorizes the Interim Village Manager to negotiate electric rates, and execute on behalf of the Village, a contract with the selected supplier on rate terms acceptable to the Village. Mr. Kosman the contract would then come before the Village Board for ratification.

There were no questions from the Village Board.

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

ROLL CALL: AYES: Carmona, Jaworska, Janowiak, O'Connell, Wesseler

NAYS: None

All were in favor. Motion carries.

**PRESIDENT'S
REMARKS:** President Soto announced the 1st annual Bensenville Holiday home and business decorating contest will be held this season. President Soto stated additional information is available on the Village's website.

President Soto wished all a Happy Holiday on behalf of the Village Board.

**MANAGERS
REPORT:**

**Resolution No.
R-150-2015:**

13. Interim Village Manager, Frank Kosman, gave the summarization of the action contemplated in **Resolution No. R-150-2015** entitled **A Resolution Authorizing the Execution of an Intergovernmental Agreement for the Village's Participation In the O'Hare Noise Compatibility Commission Through December 31, 2020.**

Minutes of the Village Board Meeting
December 8, 2015 Page 11

Mr. Kosman stated the O'Hare Noise Compatibility Commission ("ONCC") is made up of representatives of the City of Chicago ("Chicago") and of suburban municipalities and school districts west and northwest of the Chicago O'Hare International Airport ("Airport"). Mr. Kosman stated it provides a common forum for interested parties to have a voice in raising and resolving noise issues related to the Airport. Mr. Kosman stated the Village is a member of the ONCC under the current Intergovernmental Agreement, which expires December 31, 2015. Mr. Kosman stated the proposed Intergovernmental Agreement ("IGA") would extend the ONCC through December 31, 2020. Mr. Kosman stated the proposed IGA makes no substantive changes in the current Intergovernmental Agreement.

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: Carmona, Jaworska, Janowiak, O'Connell, Wesseler

NAYS: None

All were in favor. Motion carries.

**VILLAGE ATTORNEY
REPORT:**

Resolution No.

R-151-2015:

14. Village Attorney, Pat Bond, gave the summarization of the action contemplated in **Resolution No. R-151-2015** entitled **A Resolution of the Village of Bensenville of DuPage and Cook Counties, Illinois Authorizing the Transfer of Municipally Owned Real Estate.**

Mr. Bond stated in 2004, the Village entered into a Redevelopment Agreement with a Developer for the Towne Centre project, located at 146-152 S. Center Street. Mr. Bond stated the Village owned property was to be transferred and conveyed to the Developer in order to build the townhome development. Mr. Bond stated the conveyance was to be done in two (2) phases. Mr. Bond stated the first phase of the conveyance was for the construction of the Townhomes themselves. Mr. Bond stated the second phase of the conveyance was to be for the common areas to serve the Townhomes. Mr. Bond stated this conveyance was to be done at the time of the conclusion of the Development.

Minutes of the Village Board Meeting
December 8, 2015 Page 12

Mr. Bond stated in accordance with the Redevelopment Agreement, the Village previously conveyed the parcels necessary for the Townhomes themselves. Mr. Bond stated apparently, back in 2005 the previous Administration never transferred the common area parcel to the Developer which was ultimately to be transferred for the benefit of the Townhome property owners in the Development.

There were no questions from the Village Board.

Trustee Jaworska recused herself from the vote.

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

ROLL CALL: AYES: Carmona, Janowiak, O'Connell, Wesseler

NAYS: None

RECUSED: Jaworska

All were in favor. Motion carries.

UNFINISHED BUSINESS: There was no unfinished business.

NEW BUSINESS: Trustee Wesseler asked for an O'Hare Impact Committee Meeting in January 2016 to update Residents on Village actions.

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 Wesseler made a motion to adjourn the meeting and go into Executive Session. Trustee Janowiak seconded the motion.

All were in favor. Motion carried.

President Soto adjourned the meeting at 7:42 p.m.

Ilsa Rivera-Trujillo
Village Clerk

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville this 12th day, January 2016