

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
November 14, 2023

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

ROLL CALL: 2. Upon roll call by Village Clerk, Nancy Quinn, the following Board Members were present:

President DeSimone, Carmona, Franz, Frey, Lomax, Panicola

Absent: Perez

A quorum was present.

Staff Present: E. Summers, J. Caracci, S. Flynn, K. Pozsgay, D. Schulze, C. Williamsen

PUBLIC COMMENT: **Bruno Bellissimo 6773 N. Ionia, Skokie, Illinois 60646**
Mr. Bellissimo addressed the Village Board regarding internal controls.

Nurran Sengulla-Sayici – 329 South York Road, Bensenville, IL 60106

Mr. Sayici requested a meeting with Village Staff regarding signage on his property.

APPROVAL OF MINUTES: 4. The October 24, 2023 Village Board Meeting minutes were presented.

Motion: Trustee Frey made a motion to approve the minutes as presented. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

WARRANT NO.

23/18: 5. President DeSimone presented **Warrant No. 23/18** in the amount of \$1,809,692.71.

Motion: Trustee Panicola made a motion to approve the warrant as presented. Trustee Frey the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Ordinance No.
48-2023:**

6. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 48-2023** entitled an **Ordinance Amending Title 3, Chapter 3, Section 5 of the Bensenville Village Code to Reduce the Number of Class A Liquor Licenses Outstanding at Any One Time From Four (4) to Three (3).**

Village Manager, Evan Summers, stated Section 3-3-5 A.3 of the Bensenville Village Code limits the number of Class A liquor licenses issued and outstanding to 4. Mr. Summers stated Class A licenses authorize the retail sale of liquor for consumption on the premises Consistent with Village policy, the number of allowable liquor licenses should reflect the number of licenses in use at any given time. Mr. Summers stated therefore the attached Ordinance amends Section 3-3-5-A of the Village Code to reduce the number of Class A liquor licenses from 4 to 3.

Motion: Trustee Lomax made a motion to adopt the ordinance as presented. Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**Ordinance No.
49-2023:**

7. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 49-2023** entitled an **Ordinance Approving Variations for a new Electronic Message Sign within the existing Monument Sign at 400 W Wood Avenue.**

Director of Community and Economic Development, Kutis Pozsgay stated the Petitioner, Olympik Signs Inc., is requesting variations in order to alter an existing monument sign at 400 W Wood Avenue for St. Alexis Church to include a portion of electronic message signage within the existing monument sign.

Mr. Pozsgay stated the petitioner is proposing to remove the existing manually changeable copy sign within the framing and replace it with an electronic message sign.

Mr. Pozsgay stated the applicant has noted that the parish closes at 9:00 PM. Mr. Pozsgay stated Staff is recommending that the stricter schedule of 30 minutes after close of business is followed, as this sign is located within a residential area on neighborhood streets and is surrounded on three sides by single-family

Mr. Pozsgay stated the total area of the existing manually changeable copy sign is approximately 20 SF. Mr. Pozsgay stated the proposed new sign, at 4' high and 5' wide, is a total of 20 SF. Mr. Pozsgay stated approximately 5 SF of that sign area is a standard illuminated header cabinet, and the electronic message sign is 15 SF total. Based on sign measurement standards, this area is 75% of the total sign area (sign area does not include framework), and code allows for a total of 50% of sign area.

Mr. Pozsgay stated the existing monument sign also falls within 4' of the existing front and corner side property line, which does not meet the required 5' setback. Mr. Pozsgay stated the monument sign does not currently greatly impede pedestrian or vehicle traffic, and has not historically provided consistent issues.

Mr. Pozsgay stated the proposed monument sign also falls within one mile of the electronic message sign located at 200 S Church Road, which requires a variation request.

Motion: Trustee Franz made a motion to adopt the ordinance as presented. Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

Ordinance No.

50-2023:

8. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 50-2023** entitled an **Ordinance Approving Variations for New Above Ground Accessory Gas Product Storage Tanks at 1151 N Ellis Street.**

Mr. Pozsgay stated the Petitioner, Helget Gas Products, Inc., is requesting variations in order to allow five large tanks (four vertical tanks and one horizontal) to be moved to the exterior of a prospective tenant space for their operations at a unit in the northeast corner of 1141-1161 N Ellis (Tenant space is 1151 N Ellis).

Mr. Pozsgay stated Helget Gas Products fills and distributes compressed gas cylinders and liquid bulk CO₂, Oxygen, Helium, and Nitrogen to medical customers, as well as food and beverage customers in the Illinois, Wisconsin, Michigan, and Indiana areas.

Mr. Pozsgay stated the unit is located at the northeast corner of the property, and the proposed tanks are located along the far east side of the existing north parking lot. Mr. Pozsgay stated there are no tenant spaces east of the unit in question.

Mr. Pozsgay stated the tanks are adjacent to the rear of the industrial property to the north, and are separated by the existing creek from the rear of the properties to the east.

Mr. Pozsgay stated the petitioner is seeking variations for Mechanical Equipment Height, Location, and Screening Requirements. Mr. Pozsgay stated mechanical equipment is required to be within the rear yard of the property, and the proposed is within the interior side yard. Mr. Pozsgay stated opaque fence or wall screening is required for the equipment, and the applicant is proposing chain link fencing to allow for proper ventilation around the structures. Mr. Pozsgay stated accessory structures are subject to a maximum height of 12', and the four vertical proposed tank heights are 37'6" (2), 35', and 33'.

Motion: Trustee Lomax made a motion to adopt the ordinance as presented. Trustee Frey seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-130-2023:

9. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-130-2023** entitled a **Resolution Determining an Estimate of Real Property Taxes to be Levied by the Village of Bensenville, DuPage and Cook Counties, Illinois for that Portion of the Fiscal Year Commencing January 1, 2203 and Ending December 3, 2023.**

Mr. Summers stated The Truth in Taxation Act provides that not less than 20 days before any taxing body approves the property tax levy, it must prepare an estimate (also referred to as the “determination”) as to how many dollars in aggregate property tax extensions may be necessary. Mr. Summers stated if this estimate (determination) was more than 5% greater than the previous year’s extensions, an additional notice published in the newspaper and a public hearing is required before the levy can be adopted. Mr. Summers stated we have prepared a Levy Estimate with a 0% increase that does not trigger a Truth in Taxation hearing per state statute.

Mr. Summers stated since the levy is calculated at 0% higher than the prior year, the amounts actually levied will increase, but will not be subject to the PTELL limits since the CPI is expected to be 4%. Mr. Summers stated since the Village has been seeing some potential EAV growth due to industrial development, the levy provides room for growth in the EAV over the 2022 level, while remaining much lower than the maximum rate increase of 4%.

Mr. Summers stated the proposed levy is \$5,762,355, which does not require a Truth in Taxation Hearing. Mr. Summers stated the Ordinance approving the Levy will be presented to the Board on November 14, 2023.

Motion:

Trustee Panicola made a motion to approve the resolution as presented. Trustee Franz seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-131-2023:

10. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-131-2023** entitled a **Resolution Receiving and Placing on File the Village of Bensenville Annual Comprehensive Financial Report (ACFR) and Management Letter for Fiscal Year Ending December 31, 2022.**

John Wysocki of GW & Associates, P.C. provided a brief overview of the Transmittal Letter, Independent Auditor's Report and Management Discussion and Analysis with the Village Board.

Motion:

Trustee Lomax made a motion to approve the resolution as presented. Trustee Franz seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

Ordinance No.

51-2023:

11. President DeSimone gave the summarization of the action contemplated in **Ordinance No. 51-2023** entitled an **Ordinance Approving Easement NO. 5129901 Granting a Permanent Easement to the Village of Bensenville, DuPage and Cook Counties, Illinois for Traffic Signal Equipment at the Intersection of Green Street/Franklin Avenue and County Line Road.**

Director of Public Works, Joe Caracci stated as part of the Elgin O'Hare Western Access (EOWA) programs, the Tollway will be making improvements to Green Street/Franklin Avenue on behalf of the Village. Mr. Caracci stated an additional lane of pavement will be construct on the north side of Green Street/Franklin Avenue from just east of the Police Station to the eastern Village limits. Mr. Caracci stated also included in the work will be intersection improvements to the Green Street/Franklin Avenue and County Line Road intersection. Mr. Caracci stated the Soo Line Railroad Company property along the north side of Green Street/Franklin Avenue will be creating a new entrance to the Canadian Pacific facilities at this intersection. Mr. Caracci stated an entirely new traffic signal, including poles, controllers, signal heads, pedestrian accommodations, etc. will be built as part of this improvement to accommodate the wider and reconfigure intersection.

Mr. Caracci stated this project is being administered through Illinois Tollway. Mr. Caracci stated Soo Line Railroad Company is the Grantor of the property on the north side of Green Street/Franklin Avenue. Mr. Caracci stated the Village is seeking a permanent easement from the owner to install, construct, maintain, repair, replace, and use a traffic signal, emergency vehicle preemption system, and related infrastructure and utilities necessary for the continued use of the traffic signal infrastructure on, over, under, and through the area of the permanent easement. Mr. Caracci stated Staff has worked with the Tollway design teams to ensure this easement meets the needs of the Village with regards to size and shape of the easement, and Staff has determined that it is in the best interest of the Village to obtain the needed Easement.

Motion: Trustee Panicola made a motion to adopt the ordinance as presented. Trustee Carmona seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-132-2023:

12. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-132-2023** entitled a **Resolution Authorizing Execution of Amendment No. 1 to the Existing Design Engineering Services Agreement with Baxter & Woodman, Inc. for the South Industrial Business District Improvements Project for an Increase of \$23,850, Resulting in a Revised Not-to-Exceed Amount of \$255,850.**

Mr. Caracci stated the South Industrial Business District (SIBD) is located between Grand Avenue and the White Pines Golf Course and includes the streets of Entry Drive, Bernice Drive, James Street, Judson Street, and Williams Street. Mr. Caracci stated these industrial streets are approximately 4,000 linear feet in length and are in need of a complete reconstruction including new concrete roadways, water main replacement, storm sewer improvements, and the addition of pedestrian accommodations.

Mr. Caracci stated the Village has received an approximately \$3 Million Grant from DCEO and has earmarked them for this improvement. Mr. Caracci stated the scope of work being evaluated will include a new Portland Cement Concrete (PCC) pavement, new curb and gutter, driveway aprons, the addition of sidewalks, ADA sidewalk ramps, new 12-inch watermain with associated services, drainage improvements that have been identified in prior Village-wide drainage studies, landscaping and other miscellaneous items necessary to complete the work. Mr. Caracci stated the end result will match previous improvements constructed as part of the Northern Industrial Business District (NIBD) Projects, leaving a long-lasting roadway with new utilities below for the businesses in the project area.

Mr. Caracci stated on September 20, 2022, the Village Board approved R-103-2022, entering into an engineering services agreement with Baxter & Woodman, Inc. for the South Industrial Business District Improvements Project. Mr. Caracci stated the project is currently in design with an anticipated letting in late 2024 with construction beginning in Spring of 2025. During design, staff was working through preliminary cost estimates and is establishing a Special Service Area to fund the project above and beyond the DCEO Grant award of \$3 Million. Mr. Caracci stated during these preliminary conversations with the designer, it was concluded that Arthur Court, which is also in poor condition and requires a similar scope of improvements, should be included in this South Industrial Business Park Project. Mr. Caracci stated this is especially true with the plan to establish an SSA to fund these improvements.

Mr. Caracci stated Staff requested this proposal of amendment from B&W to the original design engineering services agreement to provide the required additional design engineering needed for Arthur Court. Mr. Caracci stated the scope of this amendment includes additional data collection, survey, geotechnical investigation, CCDD testing and documentation, road and watermain design, and incorporation of all this into the larger overall plans and specifications. Mr. Caracci stated the additional design work is proposed at a not-to-exceed value of \$23,850, which is an additional 10% increase in design fee. Staff feels this fee is appropriate and germane to the original proposal costs.

Motion: Trustee Lomax made a motion to approve the resolution as presented. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-133-2023:

13. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-133-2023** entitled a **Resolution Authorizing the Execution of a Final Balancing Change Order #1 with Builders Paving LLC for the 2023 MFT Residential Street Improvements Project for a Decrease of \$67,862.36, for a Revised Final Contract Amount of \$1,193,136.64.**

Mr. Caracci stated the 2023 MFT Residential Street Improvements Project was substantially completed prior to the June 30, 2023 deadline. Mr. Caracci stated final inspection of restoration occurred in September and landscape corrections were completed October 3, 2023. Mr. Caracci stated pavement Marking inspections will occur in April 2024 with no further corrections anticipated.

Mr. Caracci stated the original contract with Builders Paving, LLC was in the amount of \$1,260,999.00 was approved on March 14, 2023, with resolution R-27-2023. Mr. Caracci stated the scope of work included pavement removal and replacement, full depth pavement patching, spot C&G improvements, spot driveway apron replacement, spot sidewalk replacement including ADA ramps, storm sewer repairs, restoration of turf and pavement markings.

Mr. Caracci stated the project is now complete, and the final contract value is \$1,193,136.64, which is a decrease of \$67,862.36 to the original approved contract value. Mr. Caracci stated the reductions in costs are attributed to field conditions of the existing pavement being better than expected, requiring less pavement patching after milling of the existing roadway surface. Mr. Caracci stated the amount of patching required is estimated at the time of bidding based on the pavement condition index, and fortunately the existing HMA binder course did not require the estimated repairs.

Motion:

Trustee Lomax made a motion to approve the resolution as presented. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-134-2023:

14. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-134-2023** entitled a **Resolution Authorizing the Award of a Construction Contract to Utility Dynamics, Inc. of Oswego, IL for 2022 CDBG Annual Residential Streetlight Project in the Not-to-Exceed Amount of \$509,791.00.**

Mr. Caracci stated the 2011 Citizen Survey identified Residential Street Lighting as a desire of the community. Residential streetlights are designed to be decorative and provide ambient lighting to our neighborhoods to provide a sense of safety and aesthetics. Mr. Caracci stated these streetlights are intended to provide a dimming effect to our sidewalks. Mr. Caracci stated our goal is to provide residential lighting within all our neighborhoods. Mr. Caracci stated the spacing of lights is anticipated to be around 150 feet and alternating sides of the street.

Mr. Caracci stated the Village has successfully completed Annual Residential Streetlight projects in 2015, 2016, 2017, 2018, 2019, and 2021. Mr. Caracci stated in 2015, the Village installed 27 lights for approximately \$237,000 while in 2016, the Village installed 22 lights for approximately \$200,000. Both of these projects were kind-of on-site design-build projects. Mr. Caracci stated in 2017, the Village applied for and received CDBG funds in the amount of \$199,135 for a similar project and installed 39 lights for a cost of \$318,000 including engineering. Mr. Caracci stated in 2018, the Village applied for and received CDBG funds in the amount of \$200,000 for a similar project and installed 47 lights for a cost of \$355,000 including engineering. Mr. Caracci stated in 2019-20, the project involved installation of 34 residential streetlights for a total of \$228,000 of which \$114,000 was again funded through CDBG grant. In 2021-22, the project involved installation of 125 residential streetlights for a total of \$805,000 of which \$400,000 was funded through CDBG grant.

Mr. Caracci stated the Village has again applied for and received a not-to-exceed \$481,425 in CDBG funding for an approximately \$510,000 project for 2023. Mr. Caracci stated this project includes installation of approximately 47 residential streetlights.

Motion: Trustee Panicola made a motion to approve the resolution as presented. Trustee Lomax seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-135-2023:

15. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-135-2023** entitled a **Resolution Authorizing the Execution of a 2024-2027 Contract with Winkler Services LCC for Tree Pruning Services in the Not-to-Exceed Amount of \$183,000.**

Mr. Caracci stated in March 2012, the Village Board adopted a Comprehensive Forestry Management Program (Ordinance O-17-2012) to protect and maintain our Urban Forest. Mr. Caracci stated within the Ordinance were Village Code amendments that incorporated standards for tree care both on public and private property. Mr. Caracci stated identified in the Management Program is an annual Tree Pruning Program (Village Code Section 8-9-9). Mr. Caracci stated the Pruning Program cycles through the Village every 4 years.

Mr. Caracci stated 2023 marks the conclusion of the complete pruning cycle of all our trees.

Mr. Caracci stated trees are pruned in the winter months because the trees are dormant and sap is not flowing. Mr. Caracci stated the pruning program is performed both by contractors (>15" DBH) and in-house (<15" DBH).

Mr. Caracci stated Winkler's Tree Service Inc. is recommended for the contract as the low bidder. Mr. Caracci stated they have done excellent work for us in the past in terms of service, clean up and residential satisfaction.

Motion: Trustee Panicola made a motion to approve the resolution as presented. Trustee Franz seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-136-2023:

16. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-136-2023** entitled a **Resolution Authorizing Purchase Order to Climate by Design International, Inc. for Purchase of One Desiccant Wheel for Edge 2 in the not-to-exceed amount of \$57,288.**

Mr. Caracci stated a desiccant wheel is a vital component of a dehumidification system. Its basic function is to transfer energy between fresh air and exhaust air in the system. Mr. Caracci stated we have already replaced two of the wheels via **Resolution # R-143-2022** but now the third unit is requiring replacement.

Mr. Caracci stated Climate by Design International (Climate by Design) is the original equipment manufacturer (OEM) for the dehumidification system. Other vendors are not able to provide proposals for this unit as the unit is an (OEM) proprietary piece of equipment. Mr. Caracci stated the installation price from the vendor does **not** include a crane rental which we will need to provide for the install. Mr. Caracci stated crane costs are an additional cost based on what the cost was for the last two installed (\$4,000) For those quote(s) without a crane, the Village would contract a crane separately. Mr. Caracci stated the proposal from Climate by Design (OEM) manufacturer. \$57,288. Lead time on the parts are 12-16 weeks out. Once secured, CDI will send technicians to Bensenville to install the wheel.

Mr. Caracci stated proposed price of the wheel with installation is \$57,288.

Mr. Caracci stated cost for the crane rental will be approximately \$4,000. Mr. Caracci stated this Purchase Order will be made at a later date to for the crane.

Motion:

Trustee Lomax made a motion to approve the resolution as presented. Trustee Panicola seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

Resolution No.

R-137-2023:

17. President DeSimone gave the summarization of the action contemplated in **Resolution No. R-137-2023** entitled a **Resolution Authorizing the Execution of a Purchase Order with Backes Commercial Auctioneers for the Purchase of Movie Theater Seats for the Bensenville Theater in the Amount of \$14,701.35.**

Mr. Summers stated the movie theater is currently under renovation. It has been several years since the theater was renovated and updated. Mr. Summer stated an opportunity to bid on theater seating became available. Mr. Summer stated the chairs were in excellent condition and are needed to replace seating in both theaters.

Mr. Summer stated due to the time sensitivity of the auction, bidding is to take place during the allotted time. Mr. Summers stated a winning bid came from the Village of Bensenville in the amount of \$14,701.35.

Motion: Trustee Franz made a motion to approve the resolution as presented. Trustee Carmona seconded the motion.

ROLL CALL: AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

**PRESIDENT'S
REMARKS:**

President DeSimone announced Victory Auto Wreckers have decided to close to allow for retirement. President DeSimone thanked the family for their service in Bensenville and announced he will be sitting down with the owner of the business in the near future for an episode of Spotlight on Bensenville.

President DeSimone announced Holiday Magic is being held on November 19th; full details can be found on the Village's website.

President DeSimone announced the CPK Holiday Train will be back in Bensenville on November 25th; full details can be found on the Village's website.

President DeSimone announced the Senior Holiday Party is scheduled for December 15th full details can be found on the Village's website.

President DeSimone announced Holiday Ice Show is scheduled for December 17th; full details can be found on the Village's website.

**MANAGERS
REPORT:**

Village Manager, Evan Summers, announced vehicle stickers are currently on sale; full details can be found on the Village's website. Mr. Summers stated trunk or treat will take place on October 31st; full details can be found on the Village's website.

Mr. Summers announced Village Hall will be closed November 23rd – 26th in observation of Thanksgiving.

**VILLAGE ATTORNEY
REPORT:**

Village Attorney, P. Joseph Montana, stated he had no Village Attorney Report.

**UNFINISHED
BUSINESS:**

There was no unfinished business.

NEW BUSINESS:

There was no new business.

**EXECUTIVE
SESSION:**

Village Attorney, Joseph Montana, stated there was not a need for Executive Session.

ADJOURNMENT:

Trustee Lomax made a motion to adjourn the meeting. Trustee Frey seconded the motion.

ROLL CALL:

AYES: Carmona, Franz, Frey, Lomax, Panicola

NAYS: None

All were in favor. Motion carried.

President DeSimone adjourned the meeting at 7:09 p.m.

Nancy Quinn
Village Clerk

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville this 12th day, December 2023