

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

**MINUTES OF THE COMMITTEE OF THE WHOLE**  
**August 20, 2024**

**CALL TO ORDER:** Village President, Frank DeSimone, called the meeting to order at 6:36 p.m.

**PRESENT:** Upon roll call by Village Clerk, Nancy Quinn, the following Board Members were present:

Carmona, Franz, Frey, Lomax, Panicola

Absent: Perez

A quorum was present.

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

**Public Comment:** Irina Aristakessian – 673 Redmond Ct. Bensenville, IL 60106

Ms. Aristakessian addressed the Committee with concerns of limited parking on her property. President DeSimone stated he would review her situation and will contact her soon.

**Approval of Minutes:**

The April 16, 2024 Committee of the Whole Meeting minutes were presented.

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

All were in favor. Motion carried.

**1225 Devon Ave.:** Village Manager, Evan Summer, presented an **Ordinance Granting Variations, Monument Sign Location, Monument Sign Size, and Wall Sign Quantity for 1225 Devon Avenue.**

Director of Community and Economic Development, Kurtis Pozsgay stated the Petitioner, Casey's Retail Company, is seeking approval of three variances.

Mr. Pozsgay stated the first variation is to allow a monument sign to be located less than 5 feet from the front and corner side lot lines.

Mr. Pozsgay stated the second variation is to allow their proposed 14-foot monument sign to exceed the maximum height of 8 feet.

Mr. Pozsgay stated their third variation request is to allow more than one wall sign per street frontage.

Mr. Pozsgay stated the two properties are in a C-2 Commercial District.

Mr. Pozsgay stated the Petitioner may be including a "Welcome to Bensenville" sign on the lower portion of the monument sign.

Mr. Pozsgay stated the proposed monument sign will take the place of an existing pole sign.

**Motion:** Trustee Lomax made a motion to approve this item for placement on a future Village Board Meeting Agenda for action. Trustee Panicola seconded the motion.

All were in favor. Motion Carried.

**201 Rose St.:** Village Manager, Evan Summer, presented an **Ordinance Granting a Variation, Fence in the Corner Side Yard at 201 Rose Street.**

Mr. Pozsgay stated the Petitioners, Kate Conneely & Erik Tiefenthal, are seeking approval of a variance in order to construct a fence in the corner side yard of their property.

Mr. Pozsgay stated the proposed fence would be a 6-foot white vinyl fence. It would be 5 feet of solid white vinyl with an additional foot of white lattice on top.

Mr. Pozsgay stated it will be set back 1.5 feet from the sidewalk.

Mr. Pozsgay stated the proposed fence location does not impact the east adjacent property's driveway sight vision triangle.

Mr. Pozsgay stated this replaces an existing, smaller fence in the same location.

Mr. Pozsgay stated variations for fences in the corner side yard are a common request.

Mr. Pozsgay stated the applicant has agreed to Village design standards with 5 feet of solid fence with 1 foot of lattice on top.

Mr. Pozsgay stated the applicant has agreed to not violate the sight vision triangle.

**Motion:** Trustee Lomax made a motion to approve this item for placement on a future Village Board Meeting Agenda for action. Trustee Franz seconded the motion.

All were in favor. Motion Carried.

### **303 E. Washington**

**St.:** Village Manager, Evan Summer, presented an **Ordinance Denying a Variance, Fence Height at 303 E Washington St.**

Mr. Pozsgay stated the Petitioner, Bridgeway of Bensenville, is seeking approval of a variance to build an 8-foot fence in the interior of their property.

Mr. Pozsgay stated the Municipal Code limits the height of fences in residential districts to 6 feet.

Mr. Pozsgay stated the property is within an R-6 Multiple-Unit Dwelling District.

Mr. Pozsgay stated the purpose of this fence is to enclose the outdoor patio portion of the dementia care unit.

Mr. Pozsgay stated the proposed fence is in the rear of the property.

Mr. Pozsgay stated there are no 8-foot fences in any residential districts in Bensenville.

Mr. Pozsgay stated the CDC did not recommend approval of the request for a Variance, Fence Height.

The Applicant was present and explained his reasoning for requesting an 8-foot fence; he stated a google search will explain an adult can easily escape from a 6-foot fence.

**Motion:** Trustee Panicola made a motion to approve this item for placement on a future Village Board Meeting Agenda for action. Trustee Lomax seconded the motion.

All were in favor. Motion Carried.

**141 Foley Street:** Village Manager, Evan Summer, presented an **Ordinance Granting a Variation, Fence in the Corner Side Yard at 141 Foley Street.**

Mr. Pozsgay stated the Petitioners, Jonathan & Claudia Leclercq, are seeking approval of a variance in order to construct a fence in the corner side yard of their property.

Mr. Pozsgay stated the proposed fence would be a 6-foot white vinyl fence. Mr. Pozsgay stated it would be 5 feet of solid white vinyl with an additional foot of white lattice on top.

Mr. Pozsgay stated the proposed fence would run 8 feet south of the house before turning east and running 81 feet parallel to Grove Ave. Mr. Pozsgay stated after doing so, it would turn 1 foot north.

Mr. Pozsgay stated the applicants have been informed that the area they are proposing to construct their fence in contains a utility easement.

Mr. Pozsgay stated the proposed fence location does not impact the north adjacent property's driveway sight vision triangle.

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Mr. Pozsgay stated variations for fences in the corner side yard are a common request.

Mr. Pozsgay stated the applicant has agreed to Village design standards with 5 feet of solid fence with 1 foot of lattice on top.

**Motion:** Trustee Lomax made a motion to approve this item for placement on a future Village Board Meeting Agenda for action. Trustee Panicola seconded the motion.

All were in favor. Motion Carried.

**Home Kitchen Regulations:** Village Manager, Evan Summer, presented an **Ordinance Regulating Home Kitchen and Cottage Food Preparation and Distribution Within the Village of Bensenville.**

Mr. Pozsgay stated the Petitioner, Northside Automotive, is seeking approval of a special use permit for motor vehicle repair and/or service.

Police Chief Schulze stated residents have recently set up "Cottage Kitchens" in their homes and have begun selling food without oversight or regulation. Chief Schulze stated this ordinance will set guidelines and parameters for safe preparation and distribution of food being sold from a private residence.

**Motion:** Trustee Lomax made a motion to approve this item for placement on a future Village Board Meeting Agenda for action. Trustee Franz seconded the motion.

All were in favor. Motion Carried.

**Camping In Public Places:** Village Manager, Evan Summer, presented an **Ordinance Regulating Camping in Public Places within the Village of Bensenville.**

Chief Schulze stated The United States Supreme Court acknowledged that homelessness is a “complex and serious social issue” whose “causes are many” and which “cries out for effective responses” to combat it.

Chief Schulze stated the Village of Bensenville believe that it is appropriate, necessary and in the best interests of the Village and its residents, that the Village implement a Public Camping Prohibition and related enforcement mechanisms, to address the myriad public concerns that public camping creates.

**Motion:** Trustee Panicola made a motion to approve this item for placement on a future Village Board Meeting Agenda for action. Trustee Franz seconded the motion.

All were in favor. Motion Carried.

**DUMEG:** Village Manager, Evan Summer, presented a **Resolution Authorizing The Execution of a Police Service Agreement With the DuPage Metropolitan Enforcement Group (DUMEG) as a Financial Contributor.**

Chief Schulze stated this is an annual program used by the Village for assistance from the force rather than having to hire an officer full-time.

**Motion:** Trustee Lomax made a motion to approve this item for placement on a future Village Board Meeting Agenda for action. Trustee Frey seconded the motion.

All were in favor. Motion Carried.

**Northeast DuPage Family Services:** Village Manager, Evan Summer, presented a **Resolution Approving Payment of Invoice to Northeast DuPage Family and Youth Services for FY 2025.**

Chief Schulze stated this is an annual payment for services that provide families in need that do not have insurance.

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**Motion:** Trustee Lomax made a motion to approve this item for placement on a future Village Board Meeting Agenda for action. Trustee Franz seconded the motion.

All were in favor. Motion Carried.

**BSD2 IGA  
Police Resource  
Officer:**

Village Manager, Evan Summer, presented a **Resolution Approving an Intergovernmental Agreement Between the Village of Bensenville and Bensenville School District 2 to Provide a School Resource Officer for the 2024-2025 School Year.**

Chief Schulze stated this is an annual agreement that provides a Police Resource Officer to Bensenville School District No. 2.

**Motion:** Trustee Lomax made a motion to approve this item for placement on a future Village Board Meeting Agenda for action. Trustee Frey seconded the motion.

All were in favor. Motion Carried.

**Schroeder  
Asphalt:**

Village Manager, Evan Summer, presented a **Resolution Authorizing the Award of a Construction Contract to Schroeder Asphalt Services, Inc. of Huntley, IL for the 2024 MFT Pavement Patching Program in the Not-to-Exceed Amount of \$189,486.50.**

Director of Public Works, Joe Caracci stated the 2024 MFT Pavement Patching Program is an annual roadway maintenance operation that helps extend the life of Village roadways that are nearing the end of their life-cycles. Mr. Caracci stated this annual maintenance is done in conjunction with the Village's yearly road resurfacing and pavement rejuvenation programs. Mr. Caracci stated the focus of this year's patching locations have been chosen based on pavement condition, future resurfacing plans, field assessments and reported roadway condition complaints.

Mr. Caracci stated the Village will again utilize MFT funds for this project, having appropriated the required MFT funds back in February with Resolution R-33-2024.

Mr. Caracci stated Due to the use of MFT funds, the 2024 MFT Pavement Patching Program was advertised locally on our website, in the newspaper, as well as on the IDOT Contractor's bulletin on July 25 and August 1, 2024. Mr. Caracci stated the bid opening was on August 6, 2024 and seven (7) bidders submitted proposals for the project.

**Motion:** Trustee Lomax made a motion to approve this item for placement on a future Village Board Meeting Agenda for action. Trustee Panicola seconded the motion.

All were in favor. Motion Carried.

**Strada Construction:** Village Manager, Evan Summer, presented a **Resolution Authorizing the Award of a Construction Contract to Strada Construction, Inc. of Addison, IL for the 2024 MFT Sidewalk Removal & Replacement Program in the Not-to-Exceed Amount of \$100,000.**

Mr. Caracci stated the 2024 MFT Sidewalk Removal & Replacement Program continues to maintain Village's pedestrian accommodations by removal and replacement of sidewalk squares that have been found to be deficient due to extreme deterioration or a severe trip hazard, defined as deflection of 1.25" or greater. Mr. Caracci stated removal and replacement of sidewalk squares is one of two ways the Village can address trip hazards. Mr. Caracci stated earlier this year the Village performed sidewalk cutting under a separate program. Mr. Caracci stated sidewalks that could not be remedied by cutting are included in this removal and replacement program. Mr. Caracci stated most of the locations were chosen based on field assessments, and some are based on resident reports of deteriorated conditions. Mr. Caracci stated the Village continues funding this program out of our annual Motor Fuel Tax (MFT) funds. Mr. Caracci stated the Village appropriated the required MFT funds back in February of 2024.

Mr. Caracci stated due to the use of MFT funds, the 2024 MFT Sidewalk Removal and Replacement Program was advertised locally on our website, in the newspaper, as well as on the IDOT Contractor's bulletin on July 25 and August 1, 2024. Mr. Caracci stated the bid opening was on August 6, 2024 and six (6) bidders submitted proposals for the project.

Mr. Caracci stated in February of 2024, the Village appropriated \$100,000 of Motor Fuel Tax funds for this general maintenance section, 24-00000-01-GM, via resolution R-33-2024. Mr. Caracci stated village staff is seeking approval to take advantage of the full allotment of planned MFT funds for this project and will adjust the planned areas of replacement to keep the overall project at or below the appropriated funding amount of \$100,000.00. Mr. Caracci stated the contractor has agreed to extend the bid pricing for additional concrete replacement locations. Staff has identified additional work to include in this year's program.

**Motion:** Trustee Lomax made a motion to approve this item for placement on a future Village Board Meeting Agenda for action. Trustee Frey seconded the motion.

All were in favor. Motion Carried.

**HighStar Traffic:** Village Manager, Evan Summer, presented a **Resolution Authorizing the Award of a Construction Contract to HighStar Traffic of Bartlett, IL for the 2024 Pavement Striping Program in the not-to-exceed amount of \$15,755.20.**

Mr. Caracci stated the Village, in an effort to maintain safe and beautiful roadways for all those who pass through the Village, performs routine maintenance to achieve these goals. Mr. Caracci stated for the safety of the motoring public, the Village conducts a roadway striping program on an annual basis. Mr. Caracci stated this year's striping program will target some of the more major Village owned roadways, including Foster Avenue, York Road, and Wood Avenue.

Mr. Caracci stated in past years, the Village has taken advantage of competitive bid pricing through both the Suburban Purchasing Cooperative by Northwest Municipal Conference (NWMC) and the DuPage County Department of Transportation (DuDOT) countywide bid. staff has evaluated the 2024 prices from both the NWMC and DuDOT contracts. Mr. Caracci stated HighStar Traffic of Bartlett, IL was the lowest bidder for both the NWMC and DuDOT contracts, but the pricing obtained through the 2024 NWMC Suburban Purchasing Cooperative is most cost effective for the proposed quantities in Bensenville. Mr. Caracci stated HighStar Traffic has agreed to extend the unit prices provided in the NWMC contract to municipalities in the NWMC area as part of their 2024 bid.

Mr. Caracci stated the Village obtained a proposal from HighStar Traffic for the proposed 2024 Pavement Striping Program. Mr. Caracci stated based on the quantities initially identified by Staff, HighStar has provided a cost proposal in the not-to-exceed amount of \$ 15,755.20.

Mr. Caracci stated as of note: High Star Traffic and Superior Road Striping Inc. recently merged companies.

Motion: Trustee Lomax made a motion to approve this item for placement on a future Village Board Meeting Agenda for action. Trustee Frey seconded the motion.

All were in favor. Motion Carried.

**Hey and Associates:** Village Manager, Evan Summer, presented a **Resolution Authorizing the Execution of a Design Engineering Services Agreement with Hey and Associates, Inc. for the Addison Creek Stabilization Tree Clearing Project in the not-to-exceed amount of \$27,000.**

Mr. Caracci stated three tributaries to Addison Creek run through the southern part of Bensenville and all lead into the main branch of Addison Creek at Redmond. Mr. Caracci stated from Redmond, the creek runs south, through a portion of River Forest Country Club, then through the old Legends property, continuing south of Grand Avenue.

Mr. Caracci stated the length of the main branch through Bensenville (George to Grand) is approximately 2,900 feet.

Mr. Caracci stated over the years, the creek bed has been reduced due to sedimentation, reducing its effectiveness to carry storm water; the creek banks are showing evidence of deterioration; and vegetation along the banks and upper ledges of the creek is overgrown and no longer navigable at some locations. Mr. Caracci stated the Village would like to make storm water improvements to the creek and possibly transform the area to a destination feature within Bensenville.

Mr. Caracci stated Hey and Associates, Inc. (Hey) provided a Phase I planning and design study of Addison Creek at the end of 2023. Mr. Caracci stated Hey has developed a high-level concept plan for streambank widening/stabilization, two-stage detention, and pedestrian paths/boardwalks. Mr. Caracci stated Hey has also helped the Village apply for an IEPA 319 Grant, with the outcome of that application still pending. Mr. Caracci stated in order to be more project ready, the Village is looking to begin detailed design of the streambank improvements. Mr. Caracci stated the first step of this design will be clear the overgrown brush and invasive trees to allow for a detailed survey of the creek and its banks.

Mr. Caracci stated in 2022, the Village advertised for and selected through a Qualification Based System (QBS) approach a list of engineering firms to provide design engineering services for the upcoming years. Mr. Caracci stated Hey and Associates (Hey) is one of the shortlisted firms to provide design-engineering services.

Mr. Caracci stated this proposal from HEY is to document the trees that exist and are in good condition, work with DuPage County to receive a letter of permission to clear cut the corridor and put together the required bid documents for the clearing contract for bidding. Mr. Caracci stated work tasks for this project include:

- Tree Inventory
- Plans, Specifications, Estimates
- DuPage County Letter of Permission (LOP)
- Bid Coordination / Assistance
- Construction Phase Assistance
- Project Management and Meetings

Mr. Caracci stated after a scoping meeting and negotiations with Village staff, Hey's proposed work effort and fee total \$27,000.00 for this project. Mr. Caracci stated once this tree clearing contract is completed, a more accurate and detailed design contract can be scoped to complete the detailed streambank stabilization and accompanying path designs. Staff anticipates a future contract to come fourth to the Board for consideration.

**Motion:** Trustee Panicola made a motion to approve this item for placement on a future Village Board Meeting Agenda for action. Trustee Franz seconded the motion.

All were in favor. Motion Carried.

**PremiStar Mechanical:** Village Manager, Evan Summer, presented a **Resolution Authorizing the Execution of Change Order No. 1 with PremiStar Mechanical Services for the John Street Edge Evaporator Isolation Project for an Increase of \$12,500 for a Revised and Contract Cost of \$25,000.**

Mr. Caracci stated the Village is responsible for maintaining the John Street Ice Rink and all equipment to run the facility, including the equipment that makes the ice for the ice rink.

Mr. Caracci stated the Village Board approved Resolution R-116-2024 authorizing a contract with PremiStar Mechanical Services for the John Street Evaporator Isolation Project in the amount of \$12,500.

Mr. Caracci stated as part of any construction project, changes occur that were unforeseen that are necessary to complete the project as originally intended. Mr. Caracci stated changes also arise when the owner asks the contractor to perform work that may not have been included in the original scope of work. These changes are documented in the form of Change Orders.

Mr. Caracci stated during the installation of the isolation valves and removal of the insulation around the piping, the contractor identified the need to replace additional components in order to effectively put the system back together. Mr. Caracci stated staff authorized the replacement of a ten-foot section of horizontal pipe that had corroded due to leaking brine. Mr. Caracci stated the contractor also replaced elbows, valves, and flanges necessary to put the system back together. Mr. Caracci stated we finished by re-insulating all the pipework.

Mr. Caracci stated the cost of the additional work was also \$12,500 for a grand total of \$25,000.

Mr. Caracci stated based on the complete job, we are optimistic that we have identified and have minimized the original leak within the system to a point that we believe it will last another year.

Mr. Caracci stated staff is recommending the approval of an amended Resolution in the amount of \$25,000.

**Motion:** Trustee Lomax made a motion to approve this item for placement on a future Village Board Meeting Agenda for action. Trustee Frey seconded the motion.

All were in favor. Motion Carried.

**FH Paschen FINAL Change Order:** Village Manager, Evan Summer, presented a **Resolution Authorizing the Execution of Change Order No. 2 (FINAL) with FH Paschen, S.N. Nielsen & Associates, LLC for the Senior and Community Center Project for a Decrease of \$36,232.32 for a Revised and Final Contract Cost of \$993,298.11.**

Mr. Caracci stated FH Paschen took over the construction of the Senior and Community Center as part of the tender agreement with the Surety. Mr. Caracci stated the contract included all previously approved changes to the Empire contract as well as all necessary work necessary to carry out the intent of the original contract documents. Mr. Caracci stated the value of the FH Paschen contract was \$817,146.50.

Mr. Caracci stated as part of any construction project, changes occur that were unforeseen that are necessary to complete the project as originally intended. Mr. Caracci stated changes also arise when the owner asks the contractor to perform work that may not have been included in the original scope of work. Mr. Caracci stated these changes are documented in the form of Change Orders.

Mr. Caracci stated on March 26, 2024, the Village Board approved Resolution R-24-2024 authorizing the execution of Change Order No. 1 to the contract for an addition of \$212,383.93 for a revised contract cost of \$1,029,530.43.

Mr. Caracci stated the project has been completed. Mr. Caracci stated Staff has come to agreement with the architects and contractor on final quantities for the project. Mr. Caracci stated we are in a position to recommend approval of Change Order No. 2 (FINAL) for the project.

Mr. Caracci stated change Order No. 2 (FINAL) includes fifteen (15) items of additional work and credit to the project that results in an overall reduction of \$36,232.32 for a Revised and Final Contract Cost of \$993,298.11. Mr. Caracci stated upon approval of the Change Order, we can finalize all payments and request all final reimbursements from the State of Illinois through DCEO.

Mr. Caracci stated based on the original contractor (Empire Construction) payments (\$276,434.50) and the final amount to the completion contractor (FH Paschen) payments (\$993,298.11), the final payout to contractors to perform the construction of the Senior Center was \$1,269,7322.61. Our DCEO grant was in the amount of \$1,180,000.

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**Motion:** Trustee Lomax made a motion to approve this item for placement on a future Village Board Meeting Agenda for action. Trustee Carmona seconded the motion.

All were in favor. Motion Carried.

**Informational Items:** There were no informational items.

**Unfinished Business:** There was no unfinished business.

**Executive Session:** Village Manager, Evan Summers, stated there was not a need for executive session.

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

All were in favor. Motion carried.

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

Corey Williamsen  
Deputy Village Clerk

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Bensenville this 17th day, September 2024