

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

MINUTES OF THE VILLAGE BOARD MEETING

March 7, 2006

CALL TO ORDER: 1. President Geils called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE: 2. The meeting opened with the Pledge of Allegiance to the American Flag.

ROLL CALL: 3. Upon roll call by Village Clerk, Patricia Johnson, the following Board Members were present:

Geils, Adamowski, Basso, Tralewski, Walberg, Williams

Absent: Mandziara

A quorum was present.

HEARING OF DELEGATIONS: 4. President Geils asked if any members of the audience wished to address the Village Board.
5. Michael Nardello, Chicago resident and Democratic candidate for the Illinois State Senate in the 39th District, addressed the Village Board advising of his candidacy and requesting the Village's support.
6. Bill Baird of 43 Dierks, requested an update on the City of Chicago's acquisition and demolition of Bensenville properties. Mr. Baird lives in the acquisition area and does not want to sell his home.

Attorney Joseph Karaganis provided an update on the two litigation cases which are pending before the D. C. Circuit and the 7th Circuit Courts. The City of Chicago is reported to be offering property owners fair market value for their homes. Homeowners are finding it difficult to find equivalent housing at the same price elsewhere. Attorney Karaganis advised that in December, 2005, Village staff

Village Board Meeting Minutes
March 7, 2006 - Page 2

and counsel met with representatives from the City of Chicago to discuss a cooperative demolition program in the event the City of Chicago prevails in court. At that time, the City's representatives advised that information would be provided to the Village of Bensenville so that demolition of homes and businesses could be conducted in a safe, orderly, and protected manner. Since that meeting, the City of Chicago has declined to provide any information to the Village. Due to the large scale of demolition work to be performed, it is imperative that the Village develop a plan which will address numerous concerns such as transportation routes, debris hauling, dust and toxic emissions, and toxic run off. Staff and counsel believe that a 180 day moratorium to develop a comprehensive plan for demolition is warranted in order to be assured that the demolitions will be conducted in a safe and protected manner.

Mr. Baird questioned who determines the home value. What procedure should be followed?

Attorney Karaganis recommended that interested parties retain a competent eminent domain attorney. Generally, the attorney's fees are based on any funds awarded to the client in excess of the base offer made by the buyer. The attorney would make sure that the client receives the full market value.

Attorney Gerry Gorski added that the process begins when a good faith offer is made by the City of Chicago. That offer creates the baseline.

Attorney Karaganis stressed that fair market value is far less than equivalent housing in surrounding areas.

7. Louis DePalma of Woodridge, New Jersey advised that he has relatives who will be adversely affected by O'Hare Expansion. Mr. DePalma stated that what the State of Illinois needs is a third airport, not expansion of O'Hare. Mr. DePalma urged all who are listening that it is possible to fight city hall, and that people need to stand up for what they believe is right. Expansion of O'Hare airport and the taking of people's homes and businesses is not right.

**JOURNAL OF
PROCEEDINGS:**

8. The minutes of the Village Board Meeting of February 21, 2006 were presented.

Village Board Meeting Minutes
March 7, 2006 - Page 3

Motion Trustee Adamowski made a motion to approve the minutes as presented. Trustee Williams seconded the motion.

All were in favor. Motion carried.

9. The minutes of the Special Village Board Meeting of February 28, 2006 were presented.

Motion Trustee Tralewski made a motion to approve the minutes as presented. Trustee Williams seconded the motion.

All were in favor. Motion carried.

ORDINANCE NO.

6-2006:

10. Village Attorney, Peter Ostling, gave the second summarization of the action contemplated in **Ordinance No. 6-2006**, entitled **An Ordinance Concerning Local Election Practices, Prohibitions and Penalties, and Related Matters (Amending Bensenville Village Code, Title 4, Chapter 3, to Add a New Section 4-3-26)**.

Motion Trustee Tralewski made a motion to adopt the ordinance as presented. Trustee Adamowski seconded the motion.

ROLL CALL: AYES: Adamowski, Basso, Tralewski, Walberg, Williams

NAYS: None

Motion carried.

ORDINANCE NO.

7-2006:

11. Village Manager, James Johnson, gave the second summarization of the action contemplated in **Ordinance No. 7-2006**, entitled **Amending Reimbursement Charges for Emergency Services Rendered**.

Motion Trustee Walberg made a motion to adopt the ordinance as presented. Trustee Basso seconded the motion.

ROLL CALL: AYES: Adamowski, Basso, Tralewski, Walberg, Williams

NAYS: None

Motion carried.

Village Board Meeting Minutes
March 7, 2006 - Page 4

ORDINANCE NO.

8-2006:

12. Assistant Village Manager for Community Development, Steven Marshall, gave the second summarization of the action contemplated in **Ordinance No. 8-2006**, entitled **Authorizing Bensenville Townhouses, 501 S. York Road, Bensenville, Conditional Use - Planned Unit Development (Preliminary/Final)**, (CDC Case No. 021405-05).

Discussion

Mr. Marshall advised that the petitioner will incorporate the changes Trustee Basso requested during this evening's Committee of the Whole Meeting.

Motion

Trustee Walberg made a motion to adopt the ordinance as presented. Trustee Basso seconded the motion.

ROLL CALL:

AYES: Adamowski, Basso, Tralewski, Walberg, Williams

NAYS: None

Motion carried.

ORDINANCE NO.

_____:

13. Village President, John Geils, gave the first summarization of the action contemplated in **Ordinance No. _____**, entitled **An Ordinance Changing Regular Meeting Dates of the President and Board of Trustees of the Village of Bensenville, Counties of Cook and DuPage, Illinois**. This ordinance will be effective on April 17, 2006.

Motion

Trustee Adamowski made a motion to hold the ordinance for public review. Trustee Williams seconded the motion.

All were in favor. Motion carried.

ORDINANCE NO.

_____:

14. Assistant Village Manager for Community Development, Steven Marshall, gave the first summarization of the action contemplated in **Ordinance No. _____**, entitled **An Ordinance Adopting the Official Zoning Map for the Village of Bensenville, Illinois**.

Motion

Trustee Tralewski made a motion to hold the ordinance for public review. Trustee Adamowski seconded the motion.

Village Board Meeting Minutes
March 7, 2006 - Page 5

All were in favor. Motion carried.

ORDINANCE NO.

9-2006:

15. Village Manager, James Johnson, and Attorney Joseph Karaganis, gave the first summarization of the action contemplated in and read **Ordinance No. 9-2006**, entitled **An Ordinance Amending the Bensenville Village Code, Chapter 6 - Building Moving and Demolition - Imposing a Moratorium on the Issuance of Building Demolition Permits Pending Development of a Comprehensive Demolition Regulation Plan and the Development of an Occupation Tax on the Occupation of Demolition Contractors.**

Motion

Trustee Basso made a motion to Waive Rule 6. Trustee Tralewski seconded the motion.

All were in favor. Motion carried.

Motion

Trustee Basso made a motion to adopt the ordinance as read. Trustee Tralewski seconded the motion.

ROLL CALL:

AYES: Adamowski, Basso, Tralewski, Walberg, Williams

NAYS: None

Motion carried.

ORDINANCE NO.

 :

16. Village President, John Geils, gave the first summarization of the action contemplated in **Ordinance No. _____**, entitled **An Ordinance Abating the Tax Heretofore Levied for the Year 2005 to Pay Debt Service on \$3,000,000 Series 1998 General Obligation Bonds (Alternate Revenue Source) of the Village of Bensenville, Counties of Cook and DuPage, Illinois, as well as in agenda items 17 through 30 next following.**

Motion

Trustee Adamowski made a motion to hold the ordinance for public review. Trustee Williams seconded the motion.

All were in favor. Motion carried.

Village Board Meeting Minutes
March 7, 2006 - Page 6

ORDINANCE NO.

_____ : 17. Village President, John Geils, recognized **Ordinance No. _____**, entitled **An Ordinance Abating the Tax Heretofore Levied for the Year 2005 to Pay Debt Service on \$2,925,000 Series 1998A General Obligation Bonds (Alternate Revenue Source) of the Village of Bensenville, Counties of Cook and DuPage, Illinois.**

Motion

Trustee Adamowski made a motion to hold the ordinance for public review. Trustee Williams seconded the motion.

All were in favor. Motion carried.

ORDINANCE NO.

_____ : 18. Village President, John Geils, recognized **Ordinance No. _____**, entitled **An Ordinance Abating the Tax Heretofore Levied for the Year 2005 to Pay Debt Service on \$1,000,000 Series 2001A General Obligation Bonds (Alternate Revenue Source) of the Village of Bensenville, Counties of Cook and DuPage, Illinois.**

Motion

Trustee Adamowski made a motion to hold the ordinance for public review. Trustee Williams seconded the motion.

All were in favor. Motion carried.

ORDINANCE NO.

_____ : 19. Village President, John Geils, recognized **Ordinance No. _____**, entitled **An Ordinance Abating the Tax Heretofore Levied for the Year 2005 to Pay Debt Service on \$1,500,000 Series 2001B General Obligation Bonds (Alternate Revenue Source) of the Village of Bensenville, Counties of Cook and DuPage, Illinois.**

Motion

Trustee Adamowski made a motion to hold the ordinance for public review. Trustee Williams seconded the motion.

All were in favor. Motion carried.

ORDINANCE NO.

_____ : 20. Village President, John Geils, recognized **Ordinance No. _____**, entitled **An Ordinance Abating the Tax Heretofore Levied for the Year 2005 to Pay Debt Service on \$2,870,000 Series 2001C General Obligation Bonds (Alternate Revenue Source) of the Village of Bensenville, Counties of Cook and DuPage, Illinois.**

Village Board Meeting Minutes
March 7, 2006 - Page 7

Motion Trustee Adamowski made a motion to hold the ordinance for public review. Trustee Williams seconded the motion.

All were in favor. Motion carried.

ORDINANCE NO.

_____ : 21. Village President, John Geils, recognized **Ordinance No. _____**, entitled **An Ordinance Abating the Tax Heretofore Levied for the Year 2005 to Pay Debt Service on \$1,615,000 Series 2001D General Obligation Bonds (Alternate Revenue Source) of the Village of Bensenville, Counties of Cook and DuPage, Illinois.**

Motion Trustee Adamowski made a motion to hold the ordinance for public review. Trustee Williams seconded the motion.

All were in favor. Motion carried.

ORDINANCE NO.

_____ : 22. Village President, John Geils, recognized **Ordinance No. _____**, entitled **An Ordinance Abating the Tax Heretofore Levied for the Year 2005 to Pay Debt Service on \$1,875,000 Series 2001E General Obligation Bonds (Alternate Revenue Source) of the Village of Bensenville, Counties of Cook and DuPage, Illinois.**

Motion Trustee Adamowski made a motion to hold the ordinance for public review. Trustee Williams seconded the motion.

All were in favor. Motion carried.

ORDINANCE NO.

_____ : 23. Village President, John Geils, recognized **Ordinance No. _____**, entitled **An Ordinance Abating the Tax Heretofore Levied for the Year 2005 to Pay Debt Service on \$3,000,000 Series 2002A General Obligation Bonds (Alternate Revenue Source) of the Village of Bensenville, Counties of Cook and DuPage, Illinois.**

Motion Trustee Adamowski made a motion to hold the ordinance for public review. Trustee Williams seconded the motion.

All were in favor. Motion carried.

Village Board Meeting Minutes
March 7, 2006 - Page 8

ORDINANCE NO.

_____ :

24. Village President, John Geils, recognized Ordinance No. _____, entitled **An Ordinance Abating the Tax Heretofore Levied for the Year 2005 to Pay Debt Service on \$1,365,000 Series 2002B General Obligation Bonds (Alternate Revenue Source) of the Village of Bensenville, Counties of Cook and DuPage, Illinois.**

Motion

Trustee Adamowski made a motion to hold the ordinance for public review. Trustee Williams seconded the motion.

All were in favor. Motion carried.

ORDINANCE NO.

_____ :

25. Village President, John Geils, recognized Ordinance No. _____, entitled **An Ordinance Abating the Tax Heretofore Levied for the Year 2005 to Pay Debt Service on \$1,122,070.55 Series 2003A General Obligation Capital Appreciation Bonds (Alternate Revenue Source) of the Village of Bensenville, Counties of Cook and DuPage, Illinois.**

Motion

Trustee Adamowski made a motion to hold the ordinance for public review. Trustee Williams seconded the motion.

All were in favor. Motion carried.

ORDINANCE NO.

_____ :

26. Village President, John Geils, recognized Ordinance No. _____, entitled **An Ordinance Abating the Tax Heretofore Levied for the Year 2005 to Pay Debt Service on \$2,200,000 Series 2003G General Obligation Bonds (Waterworks and Sewerage Alternate Revenue Source) of the Village of Bensenville, Counties of Cook and DuPage, Illinois.**

Motion

Trustee Adamowski made a motion to hold the ordinance for public review. Trustee Williams seconded the motion.

All were in favor. Motion carried.

ORDINANCE NO.

_____ :

27. Village President, John Geils, recognized Ordinance No. _____, entitled **An Ordinance Abating the Tax Heretofore Levied for the Year 2005 to Pay Debt Service on \$4,000,000 Series 2004D General Obligation Bonds (Alternate Revenue Source) of the Village of Bensenville, Counties of Cook and DuPage, Illinois.**

Village Board Meeting Minutes
March 7, 2006 - Page 9

Motion Trustee Adamowski made a motion to hold the ordinance for public review. Trustee Williams seconded the motion.

All were in favor. Motion carried.

ORDINANCE NO.

_____ : 28. Village President, John Geils, recognized **Ordinance No. _____**, entitled **An Ordinance Abating the Tax Heretofore Levied for the Year 2005 to Pay Debt Service on \$3,500,000 Series 2004E General Obligation Bonds (Alternate Revenue Source) of the Village of Bensenville, Counties of Cook and DuPage, Illinois.**

Motion Trustee Adamowski made a motion to hold the ordinance for public review. Trustee Williams seconded the motion.

All were in favor. Motion carried.

ORDINANCE NO.

_____ : 29. Village President, John Geils, gave the first summarization of the action contemplated in **Ordinance No. _____**, entitled **An Ordinance Abating the Tax Heretofore Levied for the Year 2005 to Pay Debt Service on \$650,000 Series 2000, Special Service Area Number Two, Unlimited Ad Valorem Tax Bonds, Village of Bensenville, Counties of Cook and DuPage, Illinois.**

Motion Trustee Adamowski made a motion to hold the ordinance for public review. Trustee Williams seconded the motion.

All were in favor. Motion carried.

RESOLUTION NO.

R-12-2006: 30. Village Manager, James Johnson, summarized the action contemplated in **Resolution No. R-12-2006**, entitled **A Resolution Authorizing Attendance and Participation in a Meeting of Charter Customers to Commence Section 12(C) Procedures Scheduled by the DuPage Water Commission for March 15, 2006.**

Motion Trustee Walberg made a motion to approve the resolution as presented. Trustee Basso seconded the motion.

ROLL CALL: AYES: Adamowski, Basso, Tralewski, Walberg, Williams

NAYS: None

Village Board Meeting Minutes
March 7, 2006 - Page 10

Motion carried.

RESOLUTION NO.

R-13-2006:

31. Director of Community Development, Russ Adams, summarized the action contemplated in **Resolution No. R-13-2006**, entitled **Authorizing Memorandum of Understanding, Access to DuPage County GIS Capability.**

Motion

Trustee Basso made a motion to approve the resolution as presented. Trustee Tralewski seconded the motion.

ROLL CALL:

AYES: Adamowski, Basso, Tralewski, Walberg, Williams

NAYS: None

Motion carried.

RESOLUTION NO.

R-14-2006:

32. Village President, John Geils, and Village Manager, James Johnson, summarized the action contemplated in **Resolution No. R-14-2006**, entitled **Designating Signatories of the Village of Bensenville (Banco Popular).**

Motion

Trustee Walberg made a motion to adopt the resolution as presented. Trustee Tralewski seconded the motion.

ROLL CALL:

AYES: Adamowski, Basso, Tralewski, Walberg, Williams

NAYS: None

Motion carried.

RESOLUTION NO.

R-15-2006:

33. Assistant Village Manager for Community Development, Steven Marshall, summarized the action contemplated in **Resolution No. R-15-2006**, entitled **Authorizing Lease of Real Estate, 53 Garden.**

Motion

Trustee Adamowski made a motion to approve the resolution as presented. Trustee Tralewski seconded the motion.

ROLL CALL:

AYES: Adamowski, Basso, Tralewski, Walberg, Williams

NAYS: None

Village Board Meeting Minutes
March 7, 2006 - Page 11

Motion carried.

RESOLUTION NO.

R-16-2006:

34. Assistant Village Manager for Community Development, Steven Marshall, summarized the action contemplated in **Resolution No. R-16-2006**, entitled **Authorizing Ice Time Usage Rates for the Edge I and II Ice Arenas**.

Motion

Trustee Walberg made a motion to approve the resolution as presented. Trustee Tralewski seconded the motion.

ROLL CALL:

AYES: Adamowski, Basso, Tralewski, Walberg, Williams

NAYS: None

Motion carried.

RESOLUTION NO.

R-17-2006:

35. Assistant Village Manager for Community Development, Steven Marshall, summarized the action contemplated in **Resolution No. R-17-2006**, entitled **Authorizing Agreement with Sysco Foodservice**.

Motion

Trustee Basso made a motion to approve the resolution as presented. Trustee Williams seconded the motion.

ROLL CALL:

AYES: Adamowski, Basso, Tralewski, Walberg, Williams

NAYS: None

Motion carried.

INFORMATION

ITEMS:

36. The Committee of the Whole Meeting Minutes of February 21, 2006 were presented.

37. Village Manager, James Johnson, advised that the DuPage County Board of Election Commission has changed the number of polling places. The Village of Bensenville was unaware that these polling place changes were being made and did not participate in this decision. The Village Board has directed that a letter registering a formal complaint be sent to the DuPage County Board of Election Commission and the State Board of Elections. Village Manager Johnson advised that Precinct 9 has been moved from Tioga School to White Pines Golf Course, and Precinct 21 has been moved from Castle Towers to White Pines Golf Course, and

Village Board Meeting Minutes
March 7, 2006 - Page 12

Precinct 33 has been moved from York Brook Apartment Clubhouse to White Pines Golf Course. Precinct 10 has been moved from Veterans Park Building to Mohawk School. Precinct 28 has been moved from Village Hall to Peace Church. Precinct 45 Grace Lutheran Church has been moved to St. Charles Borromeo Church. Precinct 29 has been moved from Johnson School to the Deer Grove Leisure Center. Precinct 14 has been moved from St. John's Church to Wood Dale Public Library. Precinct 31 has been moved from St. John's Church to Mohawk School.

Village President, John Geils, encouraged the citizens of Bensenville to contact the DuPage County Election Commission Attorney, Patrick Bond, to lodge their complaints.

Trustee Williams stated that Lifelink is attempting to get the polling place situation resolved. If this cannot be done, Lifelink will be making arrangements to provide bus transportation from Castle Towers to White Pines Golf Course for all residents in that precinct to vote and return to Castle Towers.

President Geils added that White Pines Golf Course and Wood Dale Public Library have never been polling places for the Village of Bensenville. Staff has been directed to send out a flyer to all residents identifying the polling places.

Park District Board Commissioners, Henry Wesseler and Rich Johnson both advised that they were not notified and had no knowledge of the polling place changes.

38. President Geils advised that the Hamilton Townhouse Association received notice two weeks ago, through State's Attorney and candidate for Lieutenant Governor, Joseph Birkett, that DuPage County is alleging that the terms of a CDBG grant agreement awarded to Hamilton Townhomes is in default since properties are being sold to the City of Chicago and will no longer be used to provide low to moderate income housing. The Village of Bensenville is a guarantor on this loan agreement. Counsel will be reviewing the County's claim and a press release will be issued. The Village will support the collateral agreement.

WARRANT NO.

006-21:

39. Trustee Walberg presented **Warrant No. 006-021** in the amount of **\$628,364.73.**

Motion

Trustee Walberg made a motion to approve the warrant as

**Village Board Meeting Minutes
March 7, 2006 - Page 13**

presented. Trustee Adamowski seconded the motion.

ROLL CALL: AYES: Adamowski, Basso, Tralewski, Walberg, Williams

 NAYS: None

 Motion carried.

**EXECUTIVE
SESSION:** 40. President Geils called for an Executive Session for the purpose of discussing personnel, pending, probable or imminent litigation, acquisition of real property, collective negotiation matters, and security procedures. No action will take place as a result of these discussions.

Motion Trustee Basso made a motion to go into Executive Session.
 Trustee Tralewski seconded the motion.

ROLL CALL: AYES: Adamowski, Basso, Tralewski, Walberg, Williams

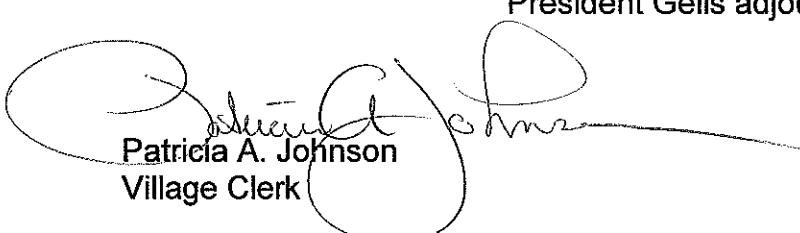
 NAYS: None

 Motion carried.

ADJOURNMENT: 41. Trustee Basso made a motion to adjourn the meeting. Trustee Tralewski seconded the motion.

 All were in favor. Motion carried.

President Geils adjourned the meeting at 8:35 p.m.


Patricia A. Johnson
Village Clerk

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville this 21st day of March, 2006.