



12 South Center Street
Bensenville, IL 60106

Office: 630.350.3404
Fax: 630.350.3438
www.bensenville.il.us

VILLAGE BOARD

President

Frank DeSimone

Board of Trustees

Rosa Carmona

Ann Franz

Maurel J. Frey

McLane Lomax

Nicholas Panicola Jr.

Armando Perez

Village Clerk

Nancy Quinn

Village Manager

Evan K. Summers

April 27, 2023

Mr. Paul De Michele
17W275 Rodeck Lane
Bensenville, Illinois 60106

Re: April 24, 2023 FOIA Request

Dear Mr. De Michele:

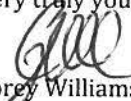
I am pleased to help you with your April 24, 2023 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on April 26, 2023. You requested copies of the items indicated below:

"Pursuant to the Freedom of Information Act I am requesting: a copy of the current and proposed surcharge ordinance for White Pines with any rate tables (VI C 1 Agenda Item)."

Your FOIA Request is hereby granted in full with the enclosed records. No redactions have been made.

Do not hesitate to contact me if you have any questions or concerns in connection with this response.

Very truly yours,


Corey Williamsen
Freedom of Information Officer
Village of Bensenville

COREY WILLIAMSEN
DEPUTY CLERK

13226

APRIL 24, 2023

PURSUANT TO THE FREEDOM OF INFORMATION
ACT I AM REQUESTING:

A COPY OF THE CURRENT AND
PROPOSED SURCHARGE ORDINANCES
FOR WHITE PINES WITH ANY
RATE TABLES (VI C A AGENDA ITEM),

SEND TO:
THANK'S

Rad

PAUL DE MICHELE
17W275 RODECK LN.
BENSENVILLE, IL 60106
PH 630-279-6528
FAX 630-334-7535

RECEIVED

APR 26 2023

Village of Bensenville
Village Clerk's Office

Village Board

Village President
Frank DeSimone

Trustees
Rosa Carmona
Ann Franz
Marie T. Frey
McLane Lomax
Nicholas Panicola Jr.
Armando Perez

Village Clerk
Nancy Quinn

Village Manager
Evan K. Summers



BENSENVILLE
GATEWAY TO OPPORTUNITY

Village of Bensenville, Illinois VILLAGE BOARD COMMITTEE OF THE WHOLE AGENDA 6:30 PM April 18, 2023

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PUBLIC COMMENT (3 minutes per person with a 30 minute meeting limitation)
- V. APPROVAL OF MINUTES
 - 1. March 21, 2023 Committee of the Whole Meeting Minutes
- VI. **REPORTS OF VILLAGE DEPARTMENTS**
 - A. Administration
 - 1. Consideration of a Resolution that Authorizes and Directs the Appointment of the Village Manager as the Authorized Agent to the Illinois Municipal Retirement Fund (IMRF) for the Village of Bensenville
 - B. Community and Economic Development
 - 1. Consideration of an Ordinance Approving a Preliminary and Final Plat of Subdivision at 1180 W Irving Park Road, Bensenville, Illinois
 - 2. Consideration of an Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois, Amending Title 10 (Zoning Ordinance), Chapter 7 (Uses), Chapter 9 (Landscape Standards), and Title 11 (Subdivision Regulations) Chapter 3 (Subdivision Procedures)
 - C. Finance
 - 1. Consideration of an Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois Amending Section 8-7-7 of Chapter Seven of Title Eight of the Bensenville Village Code to Amend the Surcharge for Water Services in the White Pines Subdivision Area
 - D. Police Department – No Report
 - E. Public Works



**VILLAGE OF BENSENVILLE
12 S. CENTER STREET
BENSENVILLE, ILLINOIS 60106**

Ordinance No. 41-2021

**An Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois Amending
Section 8-7-7 of Chapter Seven of Title Eight of the Bensenville Village Code to Establish a
Surcharge for Water Services in the White Pines Subdivision Area**

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 26th DAY OF OCTOBER 2021**

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Bensenville, DuPage and Cook Counties, Illinois this 27th day of October, 2021

STATE OF ILLINOIS)
COUNTIES OF COOK)
SS AND DUPAGE)

I, Corey Williamsen, do hereby certify that I am the duly appointed Deputy Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois, and as such officer, I am the keeper of the records and files of said Village; I do further certify that the foregoing constitutes a full, true and correct copy of Ordinance No. 41-2021 entitled An Ordinance of the Village of Bensenville, DuPage and Cook Counties, Illinois Amending Section 8-7-7 of Chapter Seven of Title Eight of the Bensenville Village Code to Establish a Surcharge for Water Services in the White Pines Subdivision Area.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal on this
27h day of October, 2021.





Corey Williamsen
Deputy Village Clerk

ORDINANCE NUMBER 41-2021

AN ORDINANCE OF THE VILLAGE OF BENSENVILLE, DUPAGE AND COOK COUNTIES, ILLINOIS AMENDING SECTION 8-7-7 OF CHAPTER SEVEN OF TITLE EIGHT OF THE BENSENVILLE VILLAGE CODE TO ESTABLISH A SURCHARGE FOR WATER SERVICES IN THE WHITE PINES SUBDIVISION AREA

WHEREAS, the Village of Bensenville, DuPage and Cook Counties, Illinois (the "*Village*") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, the Village owns and operates a combined waterworks and sewerage system within and outside of the corporate limits of the Village; and

WHEREAS, the water main installed in the 1940's to serve the White Pines Subdivision Area was no longer capable of operating in a reliable and safe manner and needed immediate repairs to ensure the health, safety and welfare of the users of the system; and

WHEREAS, the Village introduced a water main replacement project on July 24, 2018 (the "*Project*") and authorized a contract to construct a new water main on August 25, 2020; and

WHEREAS, the Village received IEPA loan funding approval for the Project on September 14, 2020, and construction on the Project began shortly thereafter; and

WHEREAS, debt payments on the IEPA loan are expected to be paid by the Village starting in 2022; and

WHEREAS, as owner and operator of a combined waterworks and sewerage system, the Village is authorized to improve and extend that system and to impose and collect charges or rates for the use of that system; and

WHEREAS, the President and Board of Trustees of the Village of Bensenville (the “*Corporate Authorities*”) are authorized to establish charges for water service in areas outside the corporate limits; and

WHEREAS, the Corporate Authorities have the power and authority to amend the Bensenville Village Code as deemed necessary and advisable to protect the health, safety, and welfare of the residents of the Village; and

WHEREAS, the users of the water service in the White Pines Subdivision Area specifically benefit from the construction of the Project; and

WHEREAS, the Corporate Authorities find that it is in the best interest of the health, safety, and welfare of the residents of the Village to establish a surcharge on users of the water service located in the area benefited by the Project to ensure the payment of the principal of and interest upon the IEPA loan approved for the Project; and

WHEREAS, the Corporate Authorities find that the surcharges herein imposed are reasonable and fair and related to the use and service of the system and repayment of the debt incurred by the Village to undertake the Project.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, as follows:

Section 1. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. The Corporate Authorities find and determine that it is necessary and desirable to amend the Bensenville Village Code for the purpose set forth herein and that the adoption of this Ordinance is in the best interests of the Village.

Section 3. Section 8-7-7 (“Rates”) of Chapter 7 (“Water and Sewer Service Regulations”) of Title 8 (“Public Ways and Property”) of the Bensenville Village Code is hereby amended by deleting the following stricken language and adding the underlined language to read, as follows:

8-7-7: RATES:

...

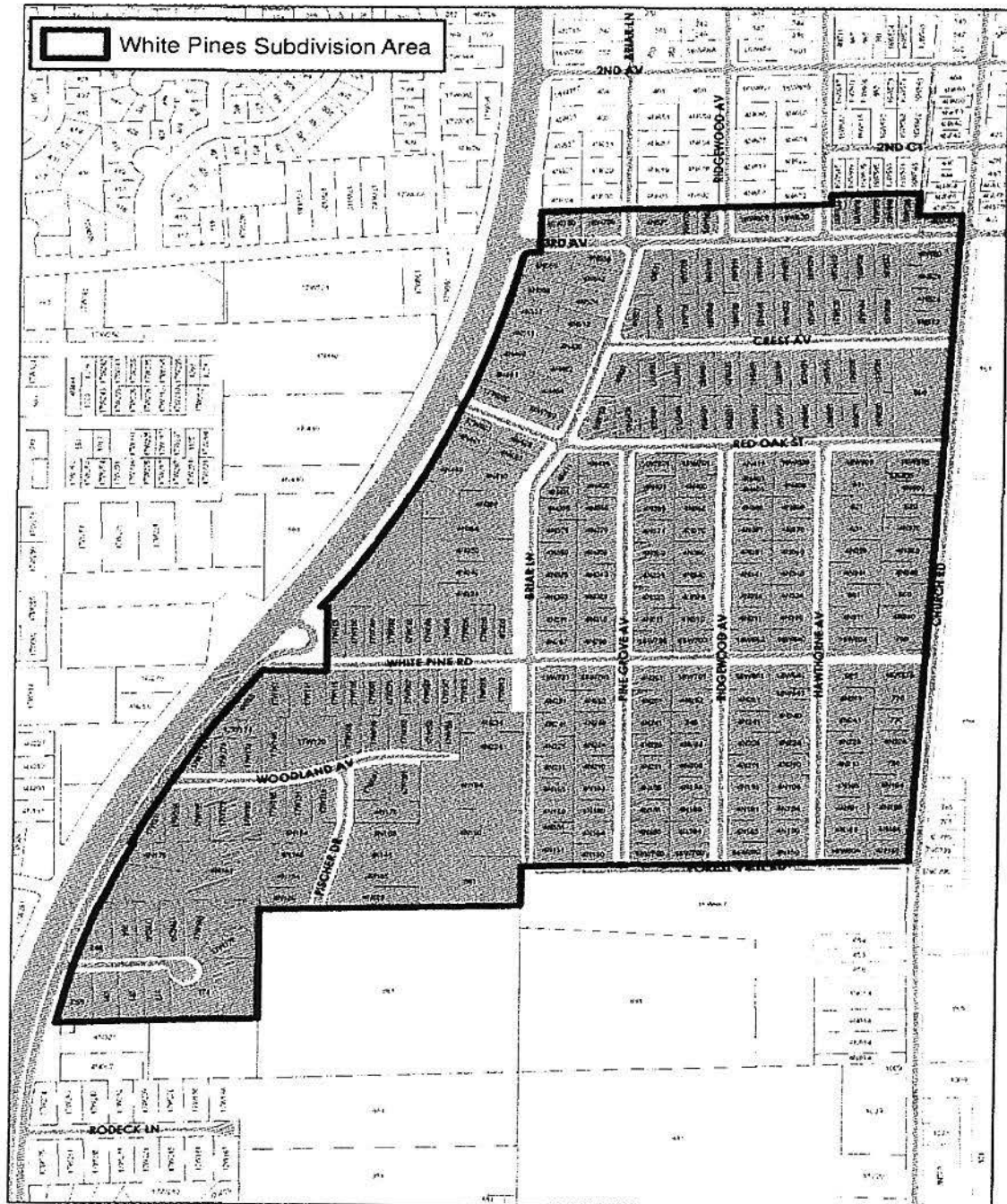
C. White Pines Subdivision Area Surcharges: The surcharges described in this subsection shall be applicable to all users benefitting from the water service located in or abutting the White Pines Subdivision Area:

1. Within The Corporate Limits: A surcharge of \$50.00 per month shall be imposed on water service users located within the corporate limits for a period of five (5) years effective November 1, 2021. A water service user that annexes the user’s property to the Village within said five (5) year period shall pay the surcharge commencing the month following annexation to the Village. Water service users that have applied for and been accepted for the Village’s senior discount program shall be eligible for a fifty percent (50%) discount on said surcharge.

2. Outside The Corporate Limits: A surcharge of \$23.72 per 1,000 gallons per month shall be imposed on water service users located outside the corporate limits effective November 1, 2021.

3. For purposes of this subsection, the term White Pines Subdivision Area shall mean the parcels delineated and depicted on the below map:

(Intentionally Left Blank)



Date: 10/13/2021

CD. Rate Application: The rates described in this section shall be applicable to each single-family or multiple-family residential user and for each commercial, industrial or institutional user of the water service. A "multiple use account" is defined as any additional number of residential or commercial units located on the same premises, or being served through a single water meter such as apartment buildings, trailer courts or commercial or residential units located within the same building.

DE. Deposit: In addition to the foregoing charges, each applicant for the use of Village water, who is not the owner of the property to be serviced by the water from the Village waterworks system, shall deposit with the Village Collector fifty dollars (\$50.00) for residential property and one hundred dollars (\$100.00) for business property to guarantee the payment of any water charges, which deposit, when all water charges accruing to the Village from such consumer shall have been paid, at the end of the term of his tenancy shall be returned to such consumer. If approved charges remain unpaid, those charges shall be deducted from the deposit and the balance returned to the consumer. A user of both the water and wastewater system shall pay only one deposit fee.

Notwithstanding anything herein to the contrary, service shall not be reconnected to the premises following a second disconnection of service for nonpayment by the same account holder unless such account holder first pays in full any and all applicable back charges, late fees, reconnection fees and an increased deposit in the amount of one hundred fifty dollars (\$150.00) for residential property and three hundred dollars (\$300.00) for business property.

EF. Special Permit: For purposes not hereinabove specified and for peculiar and extraordinary purposes, the rates and conditions for the use of water and sewerage shall be subject to special permit and contract with the Board of Trustees.

Section 4. The amendments set forth in Section 3 of this Ordinance shall be used to calculate water and sewer usage for the billing cycle, effective November 1, 2021, and thereafter, as shown by the water meter and to be billed and paid as required by the Bensenville Village Code.

Section 5. This Ordinance, and its parts, are declared to be severable and any section, paragraph, clause, provision, or portion of this Ordinance that is declared invalid shall not affect the validity of any other provision of this Ordinance, which shall remain in full force and effect.

Section 6. The findings and recitals herein are declared to be prima facie evidence of the law of the Village and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

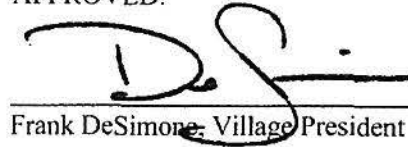
Section 7. All ordinances, resolutions, motions, or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

(Intentionally Left Blank)

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, this 26th day of October 2021, pursuant to a roll call vote, as follows:

APPROVED:



Frank DeSimone, Village President

ATTEST:



Nancy Quinn, Village Clerk

AYES: Carmona, Frey, Lomax, Panicola, Perez

NAYES: None

ABSENT: Franz

ORDINANCE NUMBER _____

AN ORDINANCE OF THE VILLAGE OF BENSENVILLE, DUPAGE AND COOK COUNTIES, ILLINOIS AMENDING SECTION 8-7-7 OF CHAPTER SEVEN OF TITLE EIGHT OF THE BENSENVILLE VILLAGE CODE TO AMEND THE SURCHARGE FOR WATER SERVICES IN THE WHITE PINES SUBDIVISION AREA

WHEREAS, the Village of Bensenville, DuPage and Cook Counties, Illinois (the “*Village*”) is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

WHEREAS, the Village owns and operates a combined waterworks and sewerage system within and outside of the corporate limits of the Village; and

WHEREAS, the water main installed in the 1940’s to serve the White Pines Subdivision Area was no longer capable of operating in a reliable and safe manner and needed immediate repairs to ensure the health, safety and welfare of the users of the system; and

WHEREAS, the Village introduced a water main replacement project on July 24, 2018 (the “*Project*”) and authorized a contract to construct a new water main on August 25, 2020; and

WHEREAS, the Village received IEPA loan funding approval for the Project on September 14, 2020, and construction on the Project began shortly thereafter; and

WHEREAS, debt payments on the IEPA loan started to be paid by the Village in 2022; and

WHEREAS, as owner and operator of a combined waterworks and sewerage system, the Village is authorized to improve and extend that system and to impose and collect charges or rates for the use of that system; and

WHEREAS, the President and Board of Trustees of the Village of Bensenville (the “*Corporate Authorities*”) are authorized to establish charges for water service in areas outside the corporate limits; and

WHEREAS, the Corporate Authorities have the power and authority to amend the Bensenville Village Code as deemed necessary and advisable to protect the health, safety, and welfare of the residents of the Village; and

WHEREAS, the users of the water service in the White Pines Subdivision Area specifically benefit from the construction of the Project; and

WHEREAS, the Corporate Authorities find that it is in the best interest of the health, safety, and welfare of the residents of the Village to establish a surcharge on users of the water service located in the area benefited by the Project to ensure the payment of the principal of and interest upon the IEPA loan approved for the Project; and

WHEREAS, the initial rate established for the purpose of supporting the project debt was authorized by Ordinance O-41-2021 at a rate of \$23.72 per 1,000 gallons; and

WHEREAS, the initial surcharge rate falls short of accumulating sufficient revenue to offset debt requirements as a result of a reduction of water usage of 9.9% since the inception of the initial rate; and

WHEREAS, the Corporate Authorities find that the amended surcharges herein imposed herein are reasonable and fair and related to the use and service of the system and repayment of the debt incurred by the Village to undertake the Project moving forward.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, as follows:

Section 1. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. The Corporate Authorities find and determine that it is necessary and desirable to amend the Bensenville Village Code for the purpose set forth herein and that the adoption of this Ordinance is in the best interests of the Village.

Section 3. Section 8-7-7 ("*Rates*") of Chapter 7 ("*Water and Sewer Service Regulations*") of Title 8 ("*Public Ways and Property*") of the Bensenville Village Code is hereby amended by deleting the following stricken language and adding the underlined language to read, as follows:

8-7-7: RATES:

...

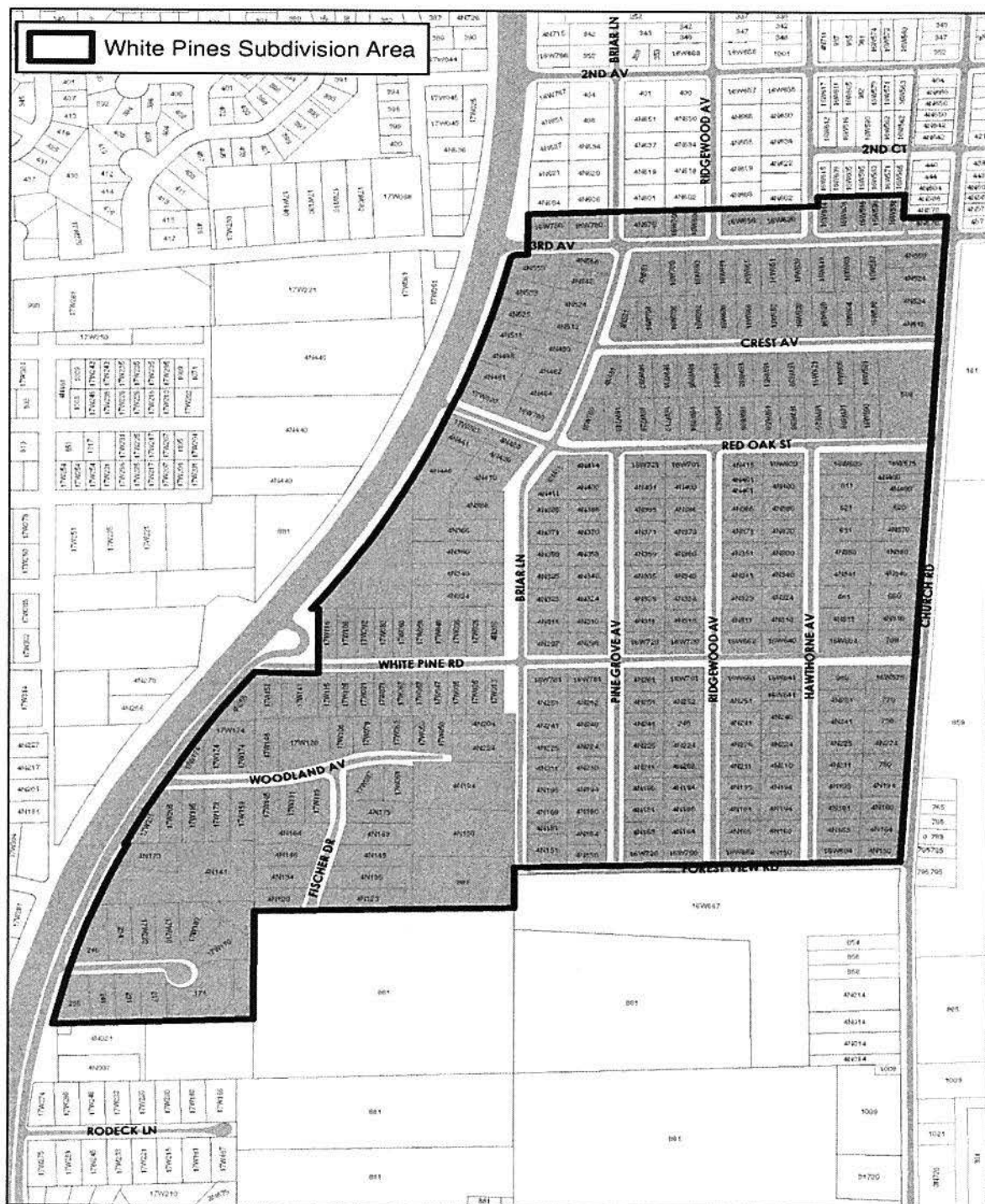
C. White Pines Subdivision Area Surcharges: The surcharges described in this subsection shall be applicable to all users benefitting from the water service located in or abutting the White Pines Subdivision Area:

1. Within The Corporate Limits: A surcharge of \$50.00 per month shall be imposed on water service users located within the corporate limits for a period of five (5) years effective November 1, 2021. A water service user that annexes the user's property to the Village within said five (5) year period shall pay the surcharge commencing the month following annexation to the Village. Water service users that have applied for and been accepted for the Village's senior discount program shall be eligible for a fifty percent (50%) discount on said surcharge.

2. Outside The Corporate Limits: A surcharge of ~~\$23.72~~ \$25.96 per 1,000 gallons per month shall be imposed on water service users located outside the corporate limits effective ~~November 1, 2021~~ May 1, 2023.

3. For purposes of this subsection, the term White Pines Subdivision Area shall mean the parcels delineated and depicted on the below map:

(Intentionally Left Blank)



Date: 10/13/2021

D. **Rate Application:** The rates described in this section shall be applicable to each single-family or multiple-family residential user and for each commercial, industrial or institutional user of the water service. A "multiple use account" is defined as any additional number of residential or commercial units located on the same premises, or being served through a single water meter such as apartment buildings, trailer courts or commercial or residential units located within the same building.

E. **Deposit:** In addition to the foregoing charges, each applicant for the use of Village water, who is not the owner of the property to be serviced by the water from the Village waterworks system, shall deposit with the Village Collector fifty dollars (\$50.00) for residential property and one hundred dollars (\$100.00) for business property to guarantee the payment of any water charges, which deposit, when all water charges accruing to the Village from such consumer shall have been paid, at the end of the term of his tenancy shall be returned to such consumer. If approved charges remain unpaid, those charges shall be deducted from the deposit and the balance returned to the consumer. A user of both the water and wastewater system shall pay only one deposit fee.

Notwithstanding anything herein to the contrary, service shall not be reconnected to the premises following a second disconnection of service for nonpayment by the same account holder unless such account holder first pays in full any and all applicable back charges, late fees, reconnection fees and an increased deposit in the amount of one hundred fifty dollars (\$150.00) for residential property and three hundred dollars (\$300.00) for business property.

E. **Special Permit:** For purposes not hereinabove specified and for peculiar and extraordinary purposes, the rates and conditions for the use of water and sewerage shall be subject to special permit and contract with the Board of Trustees.

Section 4. The amendments set forth in Section 3 of this Ordinance shall be used to calculate water and sewer usage for the billing cycle, effective May 1, 2023, and thereafter, as shown by the water meter and to be billed and paid as required by the Bensenville Village Code.

Section 5. This Ordinance, and its parts, are declared to be severable and any section, paragraph, clause, provision, or portion of this Ordinance that is declared invalid shall not affect the validity of any other provision of this Ordinance, which shall remain in full force and effect.

Section 6. The findings and recitals herein are declared to be prima facie evidence of the law of the Village and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Section 7. All ordinances, resolutions, motions, or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

(Intentionally Left Blank)

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, this 25th day of April 2023, pursuant to a roll call vote, as follows:

APPROVED:

Frank DeSimone, Village President

ATTEST:

Nancy Quinn, Village Clerk

AYES: _____

NAYES: _____

ABSENT: _____