
PRE-COUNCIL WORK SESSION — 7:00 P.M.

Agenda of the Regular Meeting

of the City Council of the

CITY OF DARIEN

November 3, 2014

7:30 P.M.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Declaration of Quorum
5. Questions, Comments and Announcements — General (This is an opportunity for the public to make comments or ask questions on any issue – **3 Minute Limit Per Person, Additional Public Comment Period - Agenda Item 18**).
6. Approval of Minutes — [October 20, 2014](#)
7. Receiving of Communications
8. Mayor's Report
 - A. Consideration of a Motion to Approve the [Reappointment of Members to the Citizen of the Year Committee](#): Barbara Boyer, Bonnie Kucera, Carol Mallers and Linda Zeman
 - B. Consideration of a Motion to Approve the [Appointment of John L. Laratta to the Planning and Zoning Commission](#)
9. City Clerk's Report
10. City Administrator's Report
11. Department Head Information/Questions
12. Treasurer's Report
 - A. Warrant Number — [14-15-12](#)
13. Standing Committee Reports

14. Questions and Comments — Agenda Related (This is an opportunity for the public to make comments or ask questions on any item on the Council's Agenda.)
15. Old Business
16. Consent Agenda
 - A. Consideration of a Motion to Approve [an Ordinance Authorizing the Sale of Personal Property Owned by the City of Darien](#) (Fax Machine; Wireless Router; Charger and Cables; Misc. Items)
 - B. Consideration of a Motion to Approve the [Purchase of Twenty \(20\) Police Department Replacement Rifles and Accessories from Ray O'Herron](#) in the Amount of \$32,579.00
 - C. Consideration of a Motion to Approve the [Purchase and Installation of a Storage/Shelving System in the Police Department's Evidence and Property Room from Ellis Systems Corporation](#) in the Amount of \$26,436.31
 - D. Consideration of a Motion to Approve [the Purchase of the BEAST Evidence Management – Porter Lee Corporation](#) in the Amount of \$13,974.50 for an Evidence Tracking/Bar Coding System for the Police Department Evidence Room
 - E. Consideration of a Motion to Approve [an Ordinance Amending Title 5A, Chapter 9, Section 5A-9-3-4, "Special Uses", to add "Brewing Facility" Thereto](#) (PZC 2014-08: 1000 N. Frontage Road, Unit C, Miskatonic Brewing)
 - F. Consideration of a Motion to Approve [an Ordinance Approving a Special Use for a Brewing Facility, a Variation to the Zoning Ordinance and a Variation to the Sign Code](#) (PZC 2014-08: 1000 N. Frontage Road, Unit C, Miskatonic Brewing)
 - G. Consideration of a Motion to Approve [an Ordinance Amending Title 3, Chapter 3, Section 3-3-7, "Classification of Licenses and Fees", of the Darien City Code](#)
17. New Business
 - A. Consideration of a Motion to Approve [an Ordinance Amending Section 6C-5-3 of the Darien City Code, "Use of Groundwater as a Potable Water Supply Prohibited"](#)
 - B. Consideration of a Motion to DENY the [Variation Petition to Reduce the Required Corner Side Yard Setback from 50 Feet to Zero Feet for a Patio for Outdoor Dining](#) (PZC 2014-07: 2601 75th Street, Mi Hacienda)
18. Questions, Comments and Announcements — General (This is an opportunity for the public to make comments or ask questions on any issue.)
19. Adjournment

A WORK SESSION WAS CALLED TO ORDER AT 7:07 P.M. BY MAYOR WEAVER FOR THE PURPOSE OF REVIEWING ITEMS ON THE OCTOBER 20, 2014 AGENDA WITH THE CITY COUNCIL. THE WORK SESSION ADJOURNED AT 7:18 P.M.

Minutes of the Regular Meeting

of the City Council of the

CITY OF DARIEN

OCTOBER 20, 2014

1. **CALL TO ORDER**

The regular meeting of the City Council of the City of Darien was called to order at 7:30 P.M. by Mayor Weaver.

2. **PLEDGE OF ALLEGIANCE**

Mayor Weaver led the Council and audience in the Pledge of Allegiance.

3. **ROLL CALL** — The Roll Call of Aldermen by Clerk Ragona was as follows:

Present:	Tina Beilke	Sylvia McIvor
	Thomas J. Belczak	Ted V. Schauer
	Joseph A. Kenny	Joerg Seifert
	Joseph A. Marchese	

Absent: None

Also in Attendance: Kathleen Moesle Weaver, Mayor
JoAnne E. Ragona, City Clerk
Michael J. Coren, City Treasurer
Bryon D. Vana, City Administrator
Paul Nosek, Assistant City Administrator
Daniel Gombac, Director of Municipal Service
Ernest Brown, Police Chief
Gregory Cheaure, Police Sergeant

4. **DECLARATION OF A QUORUM** — There being seven aldermen present, Mayor Weaver declared a quorum.

5. **QUESTIONS, COMMENTS AND ANNOUNCEMENTS - GENERAL**

There were none.

6. **APPROVAL OF MINUTES**

A. City Council Meeting, October 6, 2014

It was moved by Alderman Beilke and seconded by Alderman Seifert to approve the minutes of the City Council Meeting of October 6, 2014 as presented.

Roll Call:	Ayes:	Beilke, Belczak, Kenny, Marchese, Schauer, Seifert
	Abstain:	McIvor
	Nays:	None
	Absent:	None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

7. **RECEIVING OF COMMUNICATIONS**

Mayor Weaver thanked Crazy Burrito for the ribbon cutting ceremony.

8. **MAYOR'S REPORT**

A. CONSIDERATION OF A MOTION TO APPROVE THE REAPPOINTMENT OF MEMBERS TO THE HOLIDAY HOME DECORATING COMMITTEE: ELIZABETH HAYES, JIM KISER, AND GERRY LEGANSKI

It was moved by Alderman Marchese and seconded by Alderman Belczak to approve the reappointment of members to the Holiday Home Decorating Committee: Elizabeth Hayes, Jim Kiser, and Gerry Leganski.

Roll Call: Ayes: Beilke, Belczak, Kenny, Marchese, McIvor, Schauer, Seifert

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

Clerk Ragona administered the Oath of Office to Elizabeth Hayes, Jim Kiser and Gerry Leganski.

B. DARIEN CHAMBER OF COMMERCE UPDATE

Clare Bongiovanni provided an update as follows:

- Shop Local Shop Darien Cards are available at City Hall for \$5.
- The following businesses have Shop Local offers: B&R Dentists, Caldwell, Coren & Sceggel, Carriage Greens Country Club, Chuck's Southern Comforts Café, Culver's, Edward Jones – James Burke, First Merchants Bank, Goddard School, Home Run Inn, Jet's Pizza, La Notte Due, Mi Hacienda, Oakridge Hobbies & Toys, Patio Restaurant, Q Bar & Grill, Shirin's Barefoot Books, Crazy Burrito, Fruitful Yield, Wild Orchid Salon, Wilton Store, and Zazzo's Pizza & Catering.
- Invited all to attend Darien Immediate Care Ribbon Cutting Ceremony on October 21, 2014 at 5:00 P.M.
- Darien Chamber Women in Business is hosting a Cheer Up Networking Event on October 22, 2014 at Fred Astaire Dance Studio.
- Darien Chamber Women in Business is celebrating Paint the Town Pink in October; they are providing meals to women in the area going through breast cancer treatment.
- The Indian Prairie Public Library is hosting Lunch and Learn with Reference USA on October 28, 2014 at 1:00 P.M.
- Dancing with the Chamber Starz Fundraiser will be held on November 14, 2014 at Ashton Place.
- Thanked Chamber Starz Fundraiser Grand Sponsor Chuck's Southern Comforts Café, Foxtrot Sponsor Wild Orchid Salon, the table sponsors, and all who contributed donations for the silent auction.
- Celebrity dancers include Chuck Pine of Chuck's Southern Comforts Café, Gail Sablick of Wild Orchid Salon, Michael Overmann of Michael Overmann, Ltd, Tom Papais of Rose Landscape Design, Karyn McCarthy of Power Forward

DuPage, LaVonne Czech of Carriage Greens Country Club, Dr. Bryan of Laneville Family Chiropractic, Debbie Kalebick of Foundations for Learning, Paul Guagenti of Republic Bank, Anne Brennan of Darien Woman's Club, Desiree Shehata of Darien Chamber of Commerce, and Mayor Kathleen Weaver.

- Events at Carriage Greens Country Club include:
 - Thanksgiving Buffet on November 27, 2014; reservations must be made by November 24, 2014.
 - A Winter Carnival on February 7 & 8, 2015 with ice skating, sleigh and pony rides, toboggans, cross country skiing, snow sculpture contest, and more.
 - A Bridal Extravaganza on February 22, 2015.

Clare introduced Darien Fruitful Yield Store Manager, Laura Clark and Nutritionist Sandy Martina.

Sandy Martina provided a history of Fruitful Yield and provided information on the family owned business, which includes NOW Health Group. She noted that Fruitful Yield strives to maintain a knowledgeable staff, quality products, and excellent customer service. Ms. Martina reviewed the various supplements and products sold. Clare Bongiovanni added that Fruitful Yield is a Shop Local Shop Darien participant.

9. **CITY CLERK'S REPORT**

Clerk Ragona...

...provided a brief history of the Darien Identification Vehicle Sticker Program which began in 1992. She read the list of non-profit organizations who were offered the opportunity to participate. The eligible Darien community organizations that expressed an interest in participating were The Darien Historical Society and The Darien Rotary Club. Clerk Ragona conducted the 2015 Vehicle Sticker Lottery; and the winner was The Darien Rotary Club. Clerk Ragona advised that the winner will be notified and the stickers should be available January 1, 2015.

...announced that Early Voting began October 20, 2014; the last day for early voting is November 1, 2014. The nearest location to Darien is Downers Grove Village Hall with hours Monday through Friday from 8:30 a.m. to 7:30 p.m. and Saturday from 9:00 a.m. to 5:00 p.m. She invited residents to contact City Hall for additional locations and hours.

...advised the Goal Setting Session is scheduled for Wednesday, October 29, 2014 at 6:30 p.m. at the Police Department.

10. **CITY ADMINISTRATOR'S REPORT**

Administrator Vana...

...advised the Goal Setting Session packet will be available on Friday.

...provided an update on the City's Electric Aggregation Program. He noted that ComEd's rate has become more competitive. Residents may opt out of the City's program at anytime but cautioned that Verde's rates are fixed while ComEd's are adjustable. Residents with questions may call the City's consultant, NIMEC, at 800-727-3820. Information on the Electric Aggregation Program will be sent out on the next Direct Connect.

...advised the City's Website upgrades are in process with an anticipated completion date of December 8, 2014.

...advised Jim's Quality Meats is seeking a grant from the City in the amount of \$235,000 to assist with build out and new equipment. A lengthy discussion ensued. The request will be reviewed by the Municipal Services Committee at their meeting on October 27, 2014.

11. **DEPARTMENT HEAD INFORMATION/QUESTIONS**

A. & B. POLICE DEPARTMENT MONTHLY REPORTS - AUGUST & SEPTEMBER 2014

Chief Brown reviewed the 8th and 9th Police Period Reports for July 28, 2014 through August 24, 2014, and August 25 through September 21, 2014. Topics included Department Highlights and Statistics:

- Darien Police Department
- Detective Unit
- Canine
- Citizen Tips
- School Starts
- DarienFest
- 911 Call Three Year Trend 8th Period
- Police Department Expense for DarienFest by Year
- Motor Vehicle Crime Pattern
- Telephone Scams
- Policy Change on Recovered Animals
- Police Personnel & Activity
- Offense and Incident Report

- Key Statistics
- Arrest
- Actual 911 Calls by Shift
- Officer Statistics

Alderman Seifert mentioned the unsafe construction practices which took place this past Saturday on Plainfield Road. Director Gombac spoke of the work DuPage County performed on that day, and advised that the dangerous conditions will be brought to the attention of DuPage County at the next construction meeting. Director Gombac provided an update on the clock tower construction; the Chase Bank sign, which will be located on Plainfield Road immediately west of the driveway; and the parking lot.

Alderman McIvor commented that ComEd crews are working in the Farmingdale Village area and asked what residents should do if they are uncomfortable about opening their doors to ComEd representatives. Assistant Administrator Nosek responded that residents should call 911 when in doubt. Alderman McIvor requested the information on ComEd's current project be sent out on Direct Connect.

12. **TREASURER'S REPORT**

A. WARRANT NUMBER 14-15-11

It was moved by Alderman Schauer and seconded by Alderman Kenny to approve payment of Warrant Number 14-15-11 in the amount of \$774,793.55 from the enumerated funds; and \$494,954.85 from payroll funds for the period ending 10/02/14 & 10/16/14; for a total to be approved of \$1,269,784.40.

Roll Call: Ayes: Beilke, Belczak, Kenny, Marchese, McIvor, Schauer, Seifert

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0

MOTION DULY CARRIED

B. TREASURER'S REPORT – SEPTEMBER 2014

Treasurer Coren reviewed year-to-date sources of revenue, expenditures, and fund balances through the month of September 2014:

<u>General Fund:</u>	Revenue \$6,809,553; Expenditures \$5,078,862; Current Balance \$3,080,881
<u>Water Fund:</u>	Revenue \$2,239,887; Expenditures \$2,214,080; Current Balance \$1,045,139
<u>Motor Fuel Tax Fund:</u>	Revenue \$427,990; Expenditures \$149,030; Current Balance \$431,416
<u>Water Depreciation Fund:</u>	Revenue \$1,367; Expenditures \$28,351; Current Balance \$279,450
<u>Capital Improvement Fund:</u>	Revenue \$4,002,980; Expenditures \$2,580,838; Current Balance \$6,651,071
<u>Capital Projects Debt Service Fund:</u>	Revenue \$471,555; Expenditures \$36,750; Current Balance of \$448,218

13. **STANDING COMMITTEE REPORTS**

Police Committee – Chairman McIvor submitted the minutes of the August 18, 2014 Police Committee Meeting to the City Clerk. She advised the next meeting is scheduled for November 17, 2014 at 6:00 P.M.

Municipal Services Committee — Chairman Marchese announced the next meeting of the Municipal Services Committee is scheduled for October 27, 2014 at 6:30 P.M.

Administrative/Finance Committee – Chairman Schauer announced the next meeting of the Administrative/Finance is scheduled for November 3, 2014 at 6:00 P.M.

Police Pension Board – Liaison Coren announced the next meeting of the Police Pension Board was rescheduled to November 19, 2014 at 7:00 P.M.

14. **QUESTIONS AND COMMENTS – AGENDA RELATED**

There were none.

15. **OLD BUSINESS**

There was no old business.

16. **CONSENT AGENDA**

Mayor Weaver reviewed the items on the Consent Agenda for the benefit of the viewing audience.

It was moved by Alderman Seifert and seconded by Alderman Schauer to approve by Omnibus Vote the following items on the Consent Agenda:

- A. A MOTION TO GRANT A WAIVER OF THE RAFFLE LICENSE BOND REQUIREMENT FOR THE DARIEN LIONS CLUB
- B. A MOTION TO APPROVE THE TAX LEVY DETERMINATION FOR GENERAL AND SPECIAL PURPOSES FOR FISCAL YEAR 2014-2015
- C. A MOTION TO APPROVE A TRANSFER FROM THE GENERAL FUND TO THE CAPITAL PROJECTS FUND IN AN AMOUNT OF \$445,437.00

Roll Call: Ayes: Beilke, Belczak, Kenny, Marchese, McIvor, Schauer, Seifert

Nays: None

Absent: None

Results: Ayes 7, Nays 0, Absent 0
MOTION DULY CARRIED

17. **NEW BUSINESS**

There was none.

18. **QUESTIONS, COMMENTS AND ANNOUNCEMENTS – GENERAL**

There were none.

19. **ADJOURNMENT**

There being no further business to come before the City Council, it was moved by Alderman McIvor and seconded by Alderman Beilke to adjourn the City Council meeting.

VIA VOICE VOTE – MOTION DULY CARRIED

The City Council meeting adjourned at 8:56 P.M.

Mayor

City Clerk

All supporting documentation and report originals of these minutes are on file in the Office of the City Clerk under File Number 10-20-14. Minutes of 10-20-14 CCM.

DRAFT

CITY OF DARIEN

MEMO

TO: City Council

FROM: Kathleen Moesle Weaver

DATE: October 30, 2014

SUBJECT: REAPPOINTMENT TO CITIZEN OF THE YEAR COMMITTEE

This is written to request your advice and consent to the reappointment of Barbara Boyer, Bonnie Kucera, Carol Mallers and Linda Zeman to the Citizen of the Year Committee. They have expressed an interest in continuing to serve the City in this capacity.

As always, if you have any questions, please contact me.

mg

CITY OF DARIEN

APPLICATION FOR SERVICE ON CITY COMMISSION

Are you interested in serving on a City Commission? If so, please fill in this application and return it to the Darien City Hall, 1702 Plainfield Road, Darien, Illinois 60561.

Name JOHN L. LARATTA

Address 8006 BARRYMORE DRIVE (Phone) 630-985-2256

How long have you lived in Darien? 14 YEARS

Where did you live prior to coming to Darien? BURBANK, IL.

If Married, Spouse's Name TERRY Children (include ages) 1 - 46

Education: 14 YEARS If you attended college, what was your major? BUSINESS

Present Employer RETIRED (Phone) —

Address — (Fax) —

Nature of Occupation INTERNATIONAL BUSINESS

Other Employment Experience POSTAL SERVICE - INTERNATIONAL BUSINESS

Interests and Hobbies? METAL DETECTING - TRAVEL - COIN COLLECTING

Of what local organizations have you been a member? (Please include offices held, if any) VFW AS

MARKING DIRECTOR - PRESIDENT OF BAILEY PARK HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS

Have you served the community in any other way? —

DARIEN COMMUNICATIONS COMMITTEE - VIDEO BROADCAST VOLUNTEER

Time you would have available to serve the City WHEN NEEDED

In which of the following areas would you like to serve? (Please feel free to check more than one.)

Cable Communications Commission

Citizen Of The Year Committee

Environmental Committee

Fire And Police Commission

Planning And Zoning Commission

Other (Please specify) —

See Other Side →

What are your qualifications for this position(s)?

President of the Baily Park Homeowners Association
Board of Directors.
Marketing Director of the Darien Memorial VFW Post 2838
Wanting to keep Darien a nice place to live

Why are you interested in this position(s)?

By being on the Planning and Zoning Commission, I hope
to continue the progress and direction needed to keep
Darien a nice place to live.

What can you contribute to this board(s) or commissions(s)?

Experience working with committees and groups of
people for a common interest.
Successful workings with both government and private
corporations for Baily Park Homeowners Association and
the Darien VFW.

CITY OF DARIEN

**EXPENDITURE APPROVAL LIST
FOR CITY COUNCIL MEETING ON
November 3, 2014**

Approval is hereby given to have the City Treasurer of Darien, Illinois pay to the officers, employees, independent contractors, vendors, and other providers of goods and services in the indicated amounts as set forth.

A summary indicating the source of funds used to pay the above is as follows:

General Fund		\$37,126.76
Water Fund		\$211,299.09
Motor Fuel Tax Fund		\$13,360.04
Water Depreciation Fund		
Debt Service Fund		\$461,000.00
Capital Improvement Fund		\$210,990.26
Special Service Area Tax Fund		
Drug Seizures Fund		
	Subtotal:	\$ 933,776.15
General Fund Payroll	10/30/14	\$ 215,356.23
Water Fund Payroll	10/30/14	\$ 19,972.88
	Subtotal:	\$ 235,329.11
Total to be Approved by City Council:		\$ 1,169,105.26

Approvals:

Kathleen Moesle Weaver, Mayor

JoAnne E. Ragona, City Clerk

Michael J. Coren, Treasurer

Bryon D. Vana, City Administrator

CITY OF DARIEN
Expenditure Journal
General Fund
Administration
From 10/21/2014 Through 11/3/2014

Vendor Name	Invoice Description	Acct Code	Acct Title	Dept Amount
CHRISTOPHER B. BURKE ENG, LTD	TOPOGRAPHIC SURVEY OF ALABAMA AVENUE	4330	Contingency	3,000.00
ILLINOIS PAPER COMPANY	KONICA KMBS C654 TONER	4253	Supplies - Office	106.62
KENDALL COUNTY CLERK	KIM WRIGHT NOTARY COMMISSION CERTIFICATE	4213	Dues and Subscriptions	10.00
MUNICIPAL WEB SERVICES	SEPTEMBER 2014 WEBSITE MAINTENANCE & UPDATES	4325	Consulting/Professional	474.50
MUNICIPAL WEB SERVICES	SEPTEMBER 2014 WEBSITE MAINTENANCE & UPDATES	4325	Consulting/Professional	4,220.00
OFFICE DEPOT	SUPPLIES	4253	Supplies - Office	16.32
OFFICE DEPOT	SUPPLIES	4253	Supplies - Office	8.99
OFFICE DEPOT	SUPPLIES	4253	Supplies - Office	37.55
OFFICE DEPOT	SUPPLIES	4253	Supplies - Office	97.95
OFFICE DEPOT	SUPPLIES	4253	Supplies - Office	43.29
OFFICE DEPOT	SUPPLIES	4253	Supplies - Office	35.08
OFFICE DEPOT	SUPPLIES	4253	Supplies - Office	10.94
OFFICE DEPOT	SUPPLIES	4253	Supplies - Office	36.30
PITNEY BOWES, INC.	POSTAGE MACHINE SUPPLIES	4253	Supplies - Office	133.57
PM PRINTING INC.	BUSINESS CARDS - PAUL NOSEK	4235	Printing and Forms	51.50
SAM'S CLUB	BRYON VANA MEMBERSHIP FEE	4213	Dues and Subscriptions	45.00
SAM'S CLUB	ANNUAL SERVICE FEE	4213	Dues and Subscriptions	<u>50.00</u>
			Total Administration	8,377.61

CITY OF DARIEN
Expenditure Journal
General Fund
Community Development
From 10/21/2014 Through 11/3/2014

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Acct Code</u>	<u>Acct Title</u>	<u>Dept Amount</u>
CHRISTOPHER B. BURKE ENG, LTD	TOPOGRAPHIC SURVEY - SOUTH GROVE PARK	4325	Consulting/Professional	2,500.00
CHRISTOPHER B. BURKE ENG, LTD	TOPOGRAPHIC SURVEY - SOUTH GROVE PARK	4328	Const/Prof Reimbursable	2,500.00
CHRISTOPHER B. BURKE ENG, LTD	PLAN REVIEW - GARDNER PROPERTY - MANNING ROAD	4328	Const/Prof Reimbursable	1,059.00
CHRISTOPHER B. BURKE ENG, LTD	PARKING LOT EXPANSION - PARK DISTRICT	4328	Const/Prof Reimbursable	1,276.08
CHRISTOPHER B. BURKE ENG, LTD	PARKING LOT EXPANSION REVIEW - 8419 BAILEY	4328	Const/Prof Reimbursable	474.50
			Total Community Development	7,809.58

CITY OF DARIEN
Expenditure Journal
General Fund
Public Works, Streets
From 10/21/2014 Through 11/3/2014

Vendor Name	Invoice Description	Acct Code	Acct Title	Dept Amount
A.BLOCK MARKETING, INC.	WOOD CHIPS/BRUSH DUMPING	4243	Rent - Equipment	210.00
A.BLOCK MARKETING, INC.	WOOD CHIP DISPOSAL	4243	Rent - Equipment	555.00
A.BLOCK MARKETING, INC.	WOOD CHIP DISPOSAL	4243	Rent - Equipment	180.00
ALL-STAR MAINTENANCE	GILBERT & DROVER REAR YARD PROJECT	4374	Drainage Projects	3,796.25
AUTOMATED LOGIC	HVAC SERVICE CONTRACT	4223	Maintenance - Building	388.36
BRANIFF COMMUNICATIONS, INC.	MANNING ROAD TORNADO SIREN REPAIR	4225	Maintenance - Equipment	(776.30)
BRANIFF COMMUNICATIONS, INC.	MANNING ROAD TORNADO SIREN REPAIR	4225	Maintenance - Equipment	776.30
CHRISTOPHER B. BURKE ENG, LTD	NPDES PERMIT ASSISTANCE	4325	Consulting/Professional	495.00
CHRISTOPHER B. BURKE ENG, LTD	DRAINAGE CONCERNS	4325	Consulting/Professional	801.02
COM ED	1041 S. FRONTAGE ROAD - ACCT 0788310001	4271	Utilities (Elec,Gas,Wtr,Sewer)	28.05
CONSTELLATION NEW ENERGY, INC.	STREET LIGHTS - ACCT 2343005070	4359	Street Light Oper & Maint.	8.48
DAS ENTERPRISES, INC.	OLDFIELD ROAD DITCH & 77TH REAR YARD PROJECTS	4374	Drainage Projects	479.94
E.F. HEIL LLC	OLDFIELD ROAD DITCH/77 REAR YARD PROJECTS	4374	Drainage Projects	162.00
FIRE & SECURITY SYSTEMS, INC.	FIRE RADIO LEASE & MONITORING	4223	Maintenance - Building	124.50
GRAINGER	EAR PLUGS	4219	Liability Insurance	33.53
GRAINGER	EXPANSION TANK FOR BOILER AT POLICE DEPT	4223	Maintenance - Building	64.94
GRAINGER	PARTS FOR TRUCK 106	4229	Maintenance - Vehicles	191.20

CITY OF DARIEN
Expenditure Journal
General Fund
Public Works, Streets
From 10/21/2014 Through 11/3/2014

Vendor Name	Invoice Description	Acct Code	Acct Title	Dept Amount
I.R.M.A.	CREDIT - SEPTEMBER DEDUCTIBLE	4219	Liability Insurance	(901.05)
ISA MEMBERSHIP	JOHN CARR - 23525 - 2015 ARBORIST CERTIFICATION DUES	4263	Training and Education	260.00
JOHN DEERE LANDSCAPES	TREE WATERING BAGS	4350	Forestry	1,429.60
KARA COMPANY, INC.	CAUTION TAPE	4257	Supplies - Other	16.80
KIEFT BROS., INC.	BAILEY ROAD MANHOLE INSTALL	4257	Supplies - Other	111.49
LAWSON PRODUCTS INCORPORATED	MECHANIC SUPPLIES	4225	Maintenance - Equipment	85.87
LAWSON PRODUCTS INCORPORATED	MECHANIC SUPPLIES	4225	Maintenance - Equipment	384.82
LEE JENSEN SALES, CO., INC.	CHAINS FOR CHAIN SAW	4259	Small Tools & Equipment	487.50
McMASTER-CARR SUPPLY CO.	TOILET REPAIR - POLICE DEPARTMENT	4223	Maintenance - Building	446.11
NICOR GAS	1041 S. FRONTAGE ROAD - ACCT 90-84-11-1000 1	4271	Utilities (Elec,Gas,Wtr,Sewer)	223.72
NORWALK TANK	IRONWOOD	4374	Drainage Projects	608.91
NORWALK TANK	EVERGREEN	4374	Drainage Projects	899.91
NORWALK TANK	GILBERT	4374	Drainage Projects	608.91
NORWALK TANK	GOLFVIEW	4374	Drainage Projects	434.31
OFFICE DEPOT	SUPPLIES	4253	Supplies - Office	170.98
PATRIOT SECURITY GROUP	LABOR FOR CAMERA/ACCESS CONTROL	4223	Maintenance - Building	390.00
PATTEN INDUSTRIES, INC.	LATCHES FOR 205 & 406	4225	Maintenance - Equipment	91.20
RAGS ELECTRIC	STREET LIGHT REPAIR - TWO LOCATIONS	4359	Street Light Oper & Maint.	(201.00)
RAGS ELECTRIC	STREET LIGHT REPAIR - TWO LOCATIONS	4359	Street Light Oper & Maint.	(201.00)
RAGS ELECTRIC	STREET LIGHT REPAIR - REDONDO & REDONDO COURT	4359	Street Light Oper & Maint.	(201.00)

CITY OF DARIEN
Expenditure Journal
General Fund
Public Works, Streets
From 10/21/2014 Through 11/3/2014

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Acct Code</u>	<u>Acct Title</u>	<u>Dept Amount</u>
RAGS ELECTRIC	STREET LIGHT REPAIR - THREE LOCATIONS	4359	Street Light Oper & Maint.	(301.50)
RAGS ELECTRIC	STREET LIGHT REPAIR	4359	Street Light Oper & Maint.	495.00
TRUGREEN	CITY HALL WEED & FEED & WATER PLANTS	4223	Maintenance - Building	510.00
TRUGREEN	WEED & FEED PROGRAM AND WATER PLANTS AT CITY HALL	4223	Maintenance - Building	420.00
UNIQUE PRODUCTS & SERVICE CORP	JANITORIAL SUPPLIES	4223	Maintenance - Building	29.06
UNIQUE PRODUCTS & SERVICE CORP	JANITORIAL SUPPLIES	4223	Maintenance - Building	106.63
WILLOWBROOK FORD, INC.	SQUAD 603 REPAIRS	4273	Vehicle (Gas and Oil)	<u>618.46</u>
			Total Public Works, Streets	14,542.00

CITY OF DARIEN
Expenditure Journal
General Fund
Police Department
From 10/21/2014 Through 11/3/2014

Vendor Name	Invoice Description	Acct Code	Acct Title	Dept Amount
ANDY FRAIN SERVICES	DARIENFEST SECURITY	4030	Overtime	225.15
ASR - DEPT 40306	RENTKA UNIFORM ALLOWANCE	4269	Uniforms	169.67
ASR - DEPT 40306	LISS UNIFORM ALLOWANCE	4269	Uniforms	136.50
ASR - DEPT 40306	MURPHY UNIFORM ALLOWANCE	4269	Uniforms	35.50
CARQUEST AUTO PARTS STORES	REPAIR PARTS FOR SHOP	4229	Maintenance - Vehicles	121.30
COMCAST CABLE	CABLE BOXES	4267	Telephone	8.45
HARALDSEN'S GARAGE & BODY	REPAIR BUMPER COVER & FENDER - SQUAD 4	4229	Maintenance - Vehicles	1,852.20
HARALDSEN'S GARAGE & BODY	D4 - REPLACE RIGHT FRONT HEADLIGHT	4229	Maintenance - Vehicles	(386.00)
I.A.P.E.M.	2015 ACTIVE MEMBERSHIP AGENCY DUES	4213	Dues and Subscriptions	125.00
I.R.M.A.	NAPD - POLICE REFRESHER - CHEAURE, NORTON	4219	Liability Insurance	210.00
I.R.M.A.	ANTON HRUBY-NAPD LAW SUV	4219	Liability Insurance	200.00
I.R.M.A.	DAVID MILAZZO-NAPD LAW SUV	4219	Liability Insurance	200.00
I.R.M.A.	EDWARD RENTKA-NAPD LAW SUV	4219	Liability Insurance	200.00
I.R.M.A.	KEVIN YEO-NAPD LAW SUV	4219	Liability Insurance	200.00
ILLINOIS ASSC CHIEFS OF POLICE	CHIEF BROWN/DEPUTY CHIEF COOPER 2015 RENEWAL	4213	Dues and Subscriptions	440.00

CITY OF DARIEN
Expenditure Journal
General Fund
Police Department
From 10/21/2014 Through 11/3/2014

Vendor Name	Invoice Description	Acct Code	Acct Title	Dept Amount
ILLINOIS ATTORNEY GENERAL	JOHN HIGGINS - SEX OFFENDER AWARENESS, TRAINING & EDUCATION	4217	Investigation and Equipment	30.00
ILLINOIS STATE POLICE	JOHN HIGGINS - SEX OFFENDER REGISTRATION	4217	Investigation and Equipment	30.00
MARK A. BOZEK	UNIFORM ALLOWANCE	4269	Uniforms	62.92
PRO-TECH SECURITY SALES	SRO ACTIVE SHOOTER KIT	4815	Equipment	608.00
PUBLIC SAFETY DIRECT	GUN STORAGE VAULT REPAIRS TO D1	4229	Maintenance - Vehicles	47.50
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - WHITESIDES	4269	Uniforms	6.00
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - BELMONTE	4269	Uniforms	32.95
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - NORTON	4269	Uniforms	93.20
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - HELLMANN	4269	Uniforms	124.99
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - STUTTE	4269	Uniforms	33.99
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - SYLEJMANI	4269	Uniforms	75.90
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - PASTICK	4269	Uniforms	20.00
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - HELLMANN	4269	Uniforms	126.95
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - COOPER	4269	Uniforms	54.95
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - SKWERES	4269	Uniforms	91.98
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - SARAT	4269	Uniforms	142.99

CITY OF DARIEN
Expenditure Journal
General Fund
Police Department
From 10/21/2014 Through 11/3/2014

Vendor Name	Invoice Description	Acct Code	Acct Title	Dept Amount
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - NORTON	4269	Uniforms	184.28
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - MURPHY	4269	Uniforms	336.98
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - SCHNEIDER	4269	Uniforms	91.80
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - BUCHOLZ	4269	Uniforms	43.95
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - GUGLIELMO	4269	Uniforms	78.00
RAY O'HERRON CO. INC.	UNIFORM ALLOWANCE - GUGLIELMO	4269	Uniforms	7.99
SAM'S CLUB	NORTON PROMOTION/NEW RECRUIT	4265	Travel/Meetings	21.48
STREICHER'S	UNIFORM ALLOWANCE - LOREK - SWAT	4269	Uniforms	167.98
STREICHER'S	CREDIT FOR RETURN ON INVOICE I1116725	4269	Uniforms	(159.98)
TREASURER, STATE OF ILLINOIS	JOHN HIGGINS SEX OFFENDER MANAGEMENT BOARD	4217	Investigation and Equipment	5.00
VILLAGE OF LEMONT	RANGE FEES - JUL 16 - AUG 6, 13, 27 -SEPT 3, 6, 2014	4243	Rent - Equipment	300.00
			Total Police Department	6,397.57
			Total General Fund	37,126.76

CITY OF DARIEN
Expenditure Journal
Water Fund
Public Works, Water
From 10/21/2014 Through 11/3/2014

Vendor Name	Invoice Description	Acct Code	Acct Title	Dept Amount
ASSOCIATED TECHNICAL SERVICES	LEAK DETECTION - WILLOWBROOK APARTMENTS	4326	Leak Detection	645.50
BARRICADE LITES, INC.	TRAFFIC PROTECTION - 63RD/CASS MAIN BREAK & ASPHALT REPAIRS	4231	Maintenance - Water System	2,574.00
CHEMICAL PUMP SALES & SERVICE	PLANT #2 CHLORINE BOOSTER PUMP REPAIR	4223	Maintenance - Building	478.75
COM ED	1041 S. FRONTAGE ROAD - ACCT 0788310001	4271	Utilities (Elec,Gas,Wtr,Sewer)	28.04
CONSTELLATION NEW ENERGY, INC.	LAKEVIEW & OAKLEY - ACCT #1389036061	4271	Utilities (Elec,Gas,Wtr,Sewer)	299.35
CONSTELLATION NEW ENERGY, INC.	87 & RIDGE - ACCT 6149050015	4271	Utilities (Elec,Gas,Wtr,Sewer)	44.65
CONSTELLATION NEW ENERGY, INC.	9S720 LEMONT ROAD - ACCT 4105091007	4271	Utilities (Elec,Gas,Wtr,Sewer)	96.18
CONSTELLATION NEW ENERGY, INC.	18W736 MANNING - ACCT 0171115094	4271	Utilities (Elec,Gas,Wtr,Sewer)	68.14
CONSTELLATION NEW ENERGY, INC.	1220 PLAINFIELD ROAD - ACCT 0185101035	4271	Utilities (Elec,Gas,Wtr,Sewer)	1,379.89
DUPAGE TOPSOIL, INC.	WATER REPAIR RESTORATIONS	4231	Maintenance - Water System	250.00
FIRE & SECURITY SYSTEMS, INC.	FIRE RADIO LEASE & MONITORING	4223	Maintenance - Building	124.50
GRAINGER	EAR PLUGS	4219	Liability Insurance	33.53
GRAINGER	ASPHALT CRACK FILLER FOR MAIN BREAK PATCHES	4230	Maintenance - Laundromat ...	24.64
HCI TRANSPORTATION	PARTS FOR FLEET VEHICLES	4225	Maintenance - Equipment	112.30
HD SUPPLY WATERWORKS	REPAIR CLAMPS & FITTINGS	4231	Maintenance - Water System	1,990.02

CITY OF DARIEN
Expenditure Journal
Water Fund
Public Works, Water
From 10/21/2014 Through 11/3/2014

Vendor Name	Invoice Description	Acct Code	Acct Title	Dept Amount
HD SUPPLY WATERWORKS	REPAIR CLAMPS, FITTINGS, MARKING FLAGS	4231	Maintenance - Water System	1,917.34
JAKE THE STRIPER	GRAPHICS REPAIR ON 402	4225	Maintenance - Equipment	175.00
LEE JENSEN SALES, CO., INC.	CHAINS FOR CHAIN SAW	4231	Maintenance - Water System	487.50
NICOR GAS	1897 MANNING - ACCT 12-34-41-1000 7	4271	Utilities (Elec,Gas,Wtr,Sewer)	32.87
NICOR GAS	1930 MANNING - ACCT 05-00-21-1000 4	4271	Utilities (Elec,Gas,Wtr,Sewer)	68.70
NICOR GAS	8600 LEMONT ROAD - ACCT 23-64-41-1000 1	4271	Utilities (Elec,Gas,Wtr,Sewer)	58.72
PATTEN INDUSTRIES, INC.	LATCHES FOR 205 & 406	4225	Maintenance - Equipment	91.20
RED WING SHOES	KEVIN CASSIDY	4219	Liability Insurance	389.08
RED WING SHOES	KEITH SCHUSTER	4219	Liability Insurance	125.39
RED WING SHOES	KEVIN CASSIDY	4219	Liability Insurance	198.00
RED WING SHOES	KEITH SCHUSTER	4219	Liability Insurance	220.00
RED WING SHOES	KEITH SCHUSTER	4219	Liability Insurance	68.00
STANDARD EQUIPMENT COMPANY	VACTOR TRUCK RENTAL - 63RD/CASS MAIN BREAK	4231	Maintenance - Water System	850.00
SUBURBAN CONCRETE, INC.	WATER DEPARTMENT CONCRETE REPAIRS	4231	Maintenance - Water System	4,281.64
SUBURBAN CONCRETE, INC.	WATER DEPARTMENT REPAIRS	4231	Maintenance - Water System	4,961.60
THE BANK OF NEW YORK MELLON	DARIEN GO WATER SERIES 2006 BOND PAYMENT	4950	Debt Retire-Water Refunding	188,815.63
ZIEBELL WATER SERVICE PRODUCTS	1-INCH COMPRESSION ROUNDWAYS	4231	Maintenance - Water System	408.93
			Total Public Works, Water	211,299.09

CITY OF DARIEN
Expenditure Journal
Water Fund
Public Works, Water
From 10/21/2014 Through 11/3/2014

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Acct Code</u>	<u>Acct Title</u>	<u>Dept Amount</u>
			Total Water Fund	211,299.09

CITY OF DARIEN
Expenditure Journal
Motor Fuel Tax
MFT Expenses
From 10/21/2014 Through 11/3/2014

<u>Vendor Name</u>	<u>Invoice Description</u>	<u>Acct Code</u>	<u>Acct Title</u>	<u>Dept Amount</u>
ELMHURST CHICAGO STONE COMPANY	STONE FOR VARIOUS STREET JOBS	4245	Road Material	1,010.03
MORTON SALT, INC.	MFT SALT	4249	Salt	11,121.77
QUARRY MATERIALS	ROAD PATCHES FROM CONCRETE PROGRAM	4245	Road Material	104.00
QUARRY MATERIALS	63RD STREET MAIN BREAKS	4245	Road Material	596.44
QUARRY MATERIALS	PLAINFIELD ROAD PATCH	4245	Road Material	527.80
			Total MFT Expenses	13,360.04
			Total Motor Fuel Tax	13,360.04

CITY OF DARIEN
Expenditure Journal
Capital Improvement Fund
Capital Fund Expenditures
From 10/21/2014 Through 11/3/2014

Vendor Name	Invoice Description	Acct Code	Acct Title	Dept Amount
CHRISTOPHER B. BURKE ENG, LTD	KENTWOOD COURT CULVERT REPLACEMENT	4376	Ditch Projects	13,553.79
DAS ENTERPRISES, INC.	OLDFIELD ROAD DITCH PROJECT	4376	Ditch Projects	1,659.79
DAS ENTERPRISES, INC.	OLDFIELD ROAD DITCH PROJECT	4376	Ditch Projects	899.89
DAS ENTERPRISES, INC.	OLDFIELD ROAD DITCH PROJECT	4376	Ditch Projects	879.89
DAS ENTERPRISES, INC.	OLDFIELD ROAD DITCH PROJECT	4376	Ditch Projects	1,719.79
DAS ENTERPRISES, INC.	OLDFIELD ROAD DITCH PROJECT	4376	Ditch Projects	1,659.79
DAS ENTERPRISES, INC.	OLDFIELD ROAD DITCH PROJECT	4376	Ditch Projects	1,679.79
DAS ENTERPRISES, INC.	OLDFIELD ROAD DITCH PROJECT	4376	Ditch Projects	1,619.80
DAS ENTERPRISES, INC.	OLDFIELD ROAD DITCH PROJECT	4376	Ditch Projects	1,639.80
DAS ENTERPRISES, INC.	OLDFIELD ROAD DITCH PROJECT	4376	Ditch Projects	1,139.86
E.F. HEIL LLC	OLDFIELD ROAD DITCH/77 REAR YARD PROJECTS	4376	Ditch Projects	2,862.00
ELMHURST CHICAGO STONE COMPANY	OLDFIELD ROAD DITCH PROJECT	4376	Ditch Projects	830.14
H & R CONSTRUCTION, INC.	PUBLIC WORKS SHOP SERVICE LINE AUGER	4810	Capital Improvements	4,950.00
NORWALK TANK	OLDFIELD ROAD	4376	Ditch Projects	116.12
NORWALK TANK	IRIS ROAD	4376	Ditch Projects	176.64
NORWALK TANK	HOLLY PARK	4376	Ditch Projects	466.00
NORWALK TANK	BAILEY ROAD	4376	Ditch Projects	407.47
SCORPIO CONSTRUCTION GROUP	OLDFIELD ROAD DITCH PROJECT & EMERGENCY REPAIR	4376	Ditch Projects	38,140.00

CITY OF DARIEN
Expenditure Journal
Capital Improvement Fund
Capital Fund Expenditures
From 10/21/2014 Through 11/3/2014

Vendor Name	Invoice Description	Acct Code	Acct Title	Dept Amount
SCORPIO CONSTRUCTION GROUP	OLDFIELD ROAD DITCH PROJECT & EMERGENCY REPAIR	4376	Ditch Projects	3,520.00
SCORPIO CONSTRUCTION GROUP	OLDFIELD ROAD & 8801 ROYAL SWAN DRIVEWAY PATCHES	4376	Ditch Projects	39,812.00
SUBURBAN CONCRETE, INC.	OLDFIELD ROAD	4376	Ditch Projects	11,485.36
SUBURBAN CONCRETE, INC.	SIDEWALK REPAIR	4380	Sidewalk Replacement Progr...	896.04
SUBURBAN CONCRETE, INC.	RESIDENT REIMBURSEMENT	4380	Sidewalk Replacement Progr...	1,603.24
SUBURBAN CONCRETE, INC.	BAILEY ROAD SIDEWALK PROJECT	4380	Sidewalk Replacement Progr...	15,912.00
SUBURBAN CONCRETE, INC.	CURB REPAIR	4383	Curb & Gutter Replacement ...	990.59
THE BANK OF NEW YORK MELLON	GOB REFUNDING BONDS SERIES 2012 BOND PAYMENT	4945	Debt Retire - Property	62,062.50
VULCAN CONSTRUCTION MATERIALS	RIP RAP OLDFIELD ROAD DITCH PROJECT	4376	Ditch Projects	307.97
			Total Capital Fund Expenditures	210,990.26
			Total Capital Improvement Fund	210,990.26

CITY OF DARIEN
Expenditure Journal
Debt Service Fund
Debt Service Fund Expenditures
From 10/21/2014 Through 11/3/2014

Vendor Name	Invoice Description	Acct Code	Acct Title	Dept Amount
THE BANK OF NEW YORK MELLON	GOB SERIES 2007B BOND PAYMENT	4951	Debt Service - Series 2007B	461,000.00
			Total Debt Service Fund Expenditures	461,000.00
			Total Debt Service Fund	461,000.00
Report Total				933,776.15

AGENDA MEMO
City Council
November 3, 2014

ISSUE STATEMENT

Approval of an ordinance authorizing the disposal of surplus property.

ORDINANCE

BACKGROUND/HISTORY

Staff is requesting that the following property be declared as surplus property and auctioned using an on-line auction service, Public Surplus, or disposed of:

ITEM	EXPLANATION
1 Car organizer from squad	No longer useful to City
2 Brother Fax575 personal plain paper fax	No longer useful to City
3 Box of misc. headsets from 9-1-1 Center	No longer useful to City
4 Small camera case	No longer useful to City
5 U.S. Robotics Wireless Maxg Access Point wireless router	No longer useful to City
6 (4) Walz Truck Scales, PAT SAW 10C wheel load weighers, charger and cables	No longer useful to City

STAFF/COMMITTEE RECOMMENDATION

At their October 20, 2014 meeting, the Police Committee unanimously approved of the listed items above to be declared surplus property and be auctioned using Public Surplus or be disposed of.

ALTERNATE CONSIDERATION

Not approving this ordinance at this time would be an alternate consideration.

DECISION MODE

This item will be placed on the November 3, 2014, City Council Agenda for formal approval.

CITY OF DARIEN

DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE SALE
OF PERSONAL PROPERTY
OWNED BY THE CITY OF DARIEN**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL**

OF THE

CITY OF DARIEN

THIS 3rd DAY OF NOVEMBER, 2014

**Published in pamphlet form by authority of the
Mayor and City Council of the City of Darien,
DuPage County, Illinois, this _____ day of
November, 2014.**

**AN ORDINANCE AUTHORIZING THE SALE
OF PERSONAL PROPERTY
OWNED BY THE CITY OF DARIEN**

WHEREAS, in the opinion of at least three fourths of the corporate authorities of the City of Darien, it is no longer necessary or useful, or for the best interests of the City of Darien, to retain ownership of the personal property hereinafter described; and

WHEREAS, it has been determined by the Mayor and City Council of the City of Darien to sell said personal property at a Public Auction or dispose of said property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: The Mayor and City Council of the City of Darien find that the following described personal property, now owned by the City of Darien, is no longer necessary or useful to the City of Darien and the best interests of the City of Darien will be served by auctioning it using Public Surplus or disposing of said property.

ITEM	EXPLANATION
1 Car organizer from squad	No longer useful to City
2 Brother Fax575 personal plain paper fax	No longer useful to City
3 Box of misc. headsets from 9-1-1 Center	No longer useful to City
4 Small camera case	No longer useful to City
5 U.S. Robotics Wireless Maxg Access Pointwireless router	No longer useful to City
6 (4) Walz Truck Scales, PAT SAW 10C wheel load weighers, charger and cables	No longer useful to City

SECTION 2: The City Administrator is hereby authorized and directed to sell the aforementioned personal property, now owned by the City of Darien. Items will be auctioned using Public Surplus or disposing of said property.

SECTION 3: This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of

Darien that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 3rd day of November, 2014.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 3rd day of November, 2014.

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

AGENDA MEMO

City Council
November 3, 2014

ISSUE STATEMENT

Motion approving the purchase of twenty (20) Police Department replacement rifles and accessories from Ray O'Herron in the amount of \$32,579.00.

BACKUP

BACKGROUND/HISTORY

The Police Department currently has seventeen AR-15 rifles, which have been in service for eleven years. These rifles are used to balance the firepower that officers could face with an active shooter or someone else who is similarly armed. When deployed, they are kept in the squad car in a rifle lock, otherwise they are kept in the armory. There have been some technology upgrades to the AR-15 which cannot be accomplished with our current rifles. This includes adding a Red-Dot optical site for quick and accurate sighting on the target and shorter barrel lengths that will make it easier to remove from the squad.

The department is proposing the following expenditure:

20 Rifles	\$19,000.00
20 Aimpoint Pro Rifle Optics	\$ 7,580.00
20 Light System Kits	\$ 5,999.00
TOTAL EXPENDITURE	\$32,579.00

The staff received the following proposals for this purchase.

Ray O'Herron	\$32,579.00
Kiesler's Police Supply	\$32,700.00
Rock River Arms	\$35,479.60

Funds for this purchase will come from the Seized Funds Account which currently has a cash balance of approximately \$99,000. In accordance with the Federal Seized Fund Guidelines, this purchase is not included in the FYE 4-30-15 budget.

STAFF/COMMITTEE RECOMMENDATION

At their October 20, 2014 meeting, the Police Committee unanimously approved the purchase of twenty (20) replacement rifles and accessories from the Seized Funds Account in the amount of \$31,979.00.

ALTERNATE CONSIDERATION

The alternate consideration would be to not approve purchasing the rifles at this time.

DECISION MODE

This item will be placed on the November 3, 2014 agenda for formal Council consideration and approval.

VENDOR PROPOSAL

DATE: 11/3/2014

REQUEST TYPE: NEW REPLACEMENT OTHER

ITEM: 20-Replacement Rifles & Accessories ANTICIPATED FUNDING SOURCE: Seized Fund Account

HISTORY OF REQUEST:

The PD currently has 17 AR-14 rifles which have been in service for 11 years. There have been some technology upgrades to the AR-15 which cannot be accomplished with our current rifles. This includes adding a Red-Dot optical site for quick and accurate sighting on the target and shorter barrel lengths that will make it easier to remove from the squad.

	#1	#2	#3
VENDOR	Ray O'Herron	Kiesler's Police Supply	Rock River Arms
ITEM	Rifle - \$950.00 Each	Rifle - \$955.00 Each	*Streichers
	Rifle Optic - \$379.00 Each	Rifle Optic - \$380.00 Each	Rifle - \$1,034.00 Each
	Light System - \$299.95 Each	Light System - \$300.00 Each	*Rifle Optic - \$419.99 Each
SPECIFICATIONS			Light System - \$319.99 Each
WARRANTY			
EXTENDED WARR.			
MAINT. COSTS			
LIFE EXPECT.			
PRICE	\$32,579.00	\$32,700.00	\$35,479.60

REVISED FOR
20 RIFLES

Quotation/Order Form Ray O'Herron Co.

Date: 08/04/2014

Quotation #0814(A)

Darien Police

ATTN: DC John Cooper & Steve Liss

Phone# 630-353-8359

Fax#

Order Information;

PO #

Name / Badge #

Ray O'Herron is pleased to submit the following proposal:

Terms: Net 30 Days

ITEM#	QTY	DESCRIPTION	PRICE	TOTAL
		RockRiver Rifle		
LE2020	17	Rifle #LE2020 With 14.5" Barrel Sub RRA Free Float Quad Rail Sub H-2 Buffer AR3812 / ARMS Rear Flip Sight Includes A2 Front Sight, 6-Position Stock & (1) 30Rd. Mag.	\$950.00	\$16,150.00
		Price includes shipping		
				\$16,150.00

We look forward to your order.

Prepared By: Dan Yara

Sales Representative

Office #708-532-5712

Fax #708-532-5714

20 RIFLES @ 950.00 = \$19,000.00

REVISED FOR
20 RIFLES

Quotation / Order Form

Ray O'Herron Co.

1600 75th. St.
Downers Grove, IL 60516
630-629-2677

Date: 6/26/2014

Quotation #0614

Darien Police Dept.

1710 Plainfield Rd.

Darien, IL 60561

Attn: Sgt. Steven Liss

Phone# 630-971-3999

Fax#

Price effective through: March 1, 2014

Order Information;

PO #

Name / Badge #

sliss@darienil.gov

Ray O'Herron is pleased to submit the following proposal:

Terms: Net 30 Days

ITEM#	QTY	DESCRIPTION	PRICE	TOTAL
Equipment Quote				
12841	17	Aimpoint Pro Rifle Optic	\$379.00	\$6,443.00
Price includes shipping				
			\$379.00	\$6,443.00

We look forward to your order

Prepared By: Dan Yara

Sales Representative
Email: dpyara@comcast.net
Office #708-532-5712
Fax #708-532-5714
Cell #708-710-3396

20 RIFLE OPTICS @ 379.00 = \$7,580.00

REVISED FOR
20 RIFLES

Quotation/Order Form
Ray O'Herron Co.

Date: 08/22/2014

Quotation #0814

Darien Police

ATTN: DC John Cooper & Sreve Liss

Phone# 630-353-8359

Fax#

Order Information;

FO #

Name / Badge #

Ray O'Herron is pleased to submit the following proposal:

Terms: Net 30 Days

ITEM#	QTY	DESCRIPTION	PRICE	TOTAL
		SureFire Quote		
M951-KIT02	17	Universal Weapon Light System Kit with IR Infrared	\$299.95	\$5,099.15
		Price includes shipping		
				\$5,099.15

We look forward to your order

Prepared By: Dan Yara

Sales Representative

Office #708-532-5712

Fax #708-532-5714

20 LIGHT KITS @ \$299.95 = \$ 5,999.00

REVISED FOR
20 RIFLES



KIESLER'S POLICE SUPPLY, INC.

2802 SABLE MILL RD - JEFFERSONVILLE, IN 47130
EIN # 35-1361847

Orders: (800)444-2950
Information: (812)288-5740
Fax: (812)288-7560

QUOTE

Sold To: 0703762	DARIEN POLICE DEPARTMENT 1710 PLAINFIELD ROAD ATTN: CAROL KOPTA 630-971-3999 DARIEN, IL 60561 (630)971-3999	Ship To:	DARIEN POLICE DEPARTMENT 1710 PLAINFIELD ROAD ATTN: JIM TOPEL DARIEN, IL 60561
DEPT QUOTE			

Order #	Date	Rep ID	Order No	Ord Date	Ship Via	Terms	Inv No
00734191	07/30/14	IL/LKI	*****	07/30/14	NET 30/DRP SHIP	NET 30 DAYS	
DEPT QUOTE							

Item/Description	Ordered	Shipped	Quantities	Units	Price	Amount
PRICE INCLUDES NFA TRANSFER FEE AND SHIPPING & HANDLING	1.0000	.0000			.000	.00
ROCKLE2020** ROCK RIVER LE .223 CAR A4 14.5" SBR W/A2 CH SUB: 14.5" CL LW BBL (AR0197ASY) SUB: RRA FREE FLOAT QUAD RAIL SUB: H-2 BUFFER ADD: ARMS REAR FLIP SIGHT (AR3812) OTCAE	17.0000	.0000		EACH	955.000	16235.00
FORMAT LORI QUOTED BY LORI LEEK KIESLER POLICE SUPPLY 2802 SABLE MILL ROAD JEFFERSONVILLE, IN 47130 THIS QUOTE IS VALID FOR 30 DAYS.	1.0000	.0000		EACH	.000	.00

20 RIFLES @ \$955.00 EA = \$ 19,100.00

Subtotal : 16235.00

Non-Taxable	Taxable	Sales Tax	Freight	Misc	Invoice Total
16235.00	.00	.00	.00	.00	16235.00

RETURNED GOODS POLICY
No returned goods will be accepted without prior consent. Any packages returned without properly displaying a return authorization number will be refused. All returned goods will be subject to a restocking fee.

DEFECTIVE MERCHANDISE POLICY
We are not a warranty repair station for any manufacturer. Returns of defective merchandise must be made directly to the manufacturer for repair or replacement.

DAMAGED GOODS POLICY
Claims of shortages or damaged shipments must be made immediately upon receipt of shipment.



KIESLER'S POLICE SUPPLY, INC.

2802 SABLE MILL RD - JEFFERSONVILLE, IN 47130

EIN # 35-1361847

Orders: (800)444-2950
 Information: (812)288-5740
 Fax: (812)288-7560

REVISED FOR
 20 RIFLES

QUOTE

Page 1

Sold To 103762	DARIEN POLICE DEPARTMENT 1710 PLAINFIELD ATTN: CAROL KOPTA 630-971-3999 DARIEN, IL 60561 (630)971-3999	Ship To	DARIEN POLICE DEPARTMENT 1710 PLAINFIELD ROAD ATTN: STEVEN LISS DARIEN, IL 60561
DEPT QUOTE			

Our Order #	Date	Rep ID	Order No	Ord Date	Ship Via	Terms	Inv No
00732041	06/26/14	IL /TKB	*****	06/26/14	NET 30/DRP SHIP	NET 30 DAYS	
DEPT QUOTE							

Item Description	Quantities	Units	Price	Amount
AIMPI2841	Ordered 17.0000			
AIMPOINT "PRO" PATROL RIFLE OPTIC	Shipped .0000	EACH	380.000	6460.00
AKLEE				
FORMAT TERESA	Ordered 1.0000			
QUOTED BY TERESA BULLARD	Shipped .0000	EACH	.000	.00
KIESLER POLICE SUPPLY				
2802 SABLE MILL ROAD				
JEFFERSONVILLE, IN 47130				
THIS QUOTE IS VALID FOR 30 DAYS.				

20 RIFLE OPTICS @ 380.00 = \$ 7,600.00

Subtotal: 6460.00

Non-taxable	Taxable	Sales Tax	Freight	Misc	Invoice Total
6460.00	.00	.00	.00	.00	6460.00

RETURNED GOODS POLICY

No returned goods will be accepted without prior consent. Any packages returned without properly displaying a return authorization number will be refused. All returned goods will be subject to a restocking fee.

DEFECTIVE MERCHANDISE POLICY

We are not a warranty repair station for any manufacturer. Returns of defective merchandise must be made directly to the manufacturer for repair or replacement.

DAMAGED GOODS POLICY

Claims of shortages or damaged shipments must be made immediately upon receipt of shipment.

REVISED FOR
20 RIFLES



KIESLER'S POLICE SUPPLY, INC.

2802 SABLE MILL RD - JEFFERSONVILLE, IN 47130

EIN # 35-1361847

Orders: (800)444-2950

Information: (812)288-5740

Fax: (812)288-7560

QUOTE

Page 1

5918 10 103762	DARIEN POLICE DEPARTMENT 1710 PLAINFIELD ROAD ATTN: CAROL KOPTA 630-971-3999 DARIEN, IL 60561 (630)971-3999	Ship @	DARIEN POLICE DEPARTMENT 1710 PLAINFIELD ROAD ATTN: STEVEN LISS DARIEN, IL 60561
DEPT QUOTE			

Quo/Ord/Est No	Date	Rep ID	Order No	Ord Date	Ship Via	Terms	Inv No
00735609	08/20/14	IL /TKB	*****	08/20/14	NET 30/DRP SHIP	NET 30 DAYS	
DEPT QUOTE							

Item Description	Ordered	Shipped	Quantities	Units	Price	Amount
S&H INCLUDED IN PRICE FOR THIS QUOTED QUANTITY. THANK YOU!	Ordered	Shipped	1.0000			.00
SUREM951-KIT02 SUREFIRE MILLENIUM UNIVERSAL WEAPONLIGHT WITH FILTER LTARK	Ordered	Shipped	17.0000	EACH	300.000	5100.00
FORMAT TERESA QUOTED BY TERESA BULLARD KIESLER POLICE SUPPLY 2802 SABLE MILL ROAD JEFFERSONVILLE, IN 47130 THIS QUOTE IS VALID FOR 30 DAYS.	Ordered	Shipped	1.0000	EACH	.000	.00

20 LIGHT KITS @ 300.00 = \$6,000.00

Subtotal : 5100.00

Non-Taxable	Taxable	Sales Tax	Freight	Misc	Invoice Total
5100.00	.00	.00	.00	.00	5100.00

RETURNED GOODS POLICY

No returned goods will be accepted without prior consent. Any packages returned without properly displaying a return authorization number will be refused. All returned goods will be subject to a restocking fee.

DEFECTIVE MERCHANDISE POLICY

We are not a warranty repair station for any manufacturer. Returns of defective merchandise must be made directly to the manufacturer for repair or replacement.

DAMAGED GOODS POLICY

Claims of shortages or damaged shipments must be made immediately upon receipt of shipment.



REVISED FOR
20 RIFLES

1042 Cleveland Road • Colona, IL 61241 • Phone: 309.792.5780 • Fax: 309.792.5781
Toll Free Order Line: 866-980-ROCK (7625) • Email: info@rockriverarms.com • www.rockriverarms.com

Steven Liss

Darien Police Department

June 25, 2014

Quote for rifles: RRA MODEL # LE2020 16" CL BBL / .223 / 5.56 NATO

SUB 14.5" CL LW BARREL (AR0197ASY)

SUB RRA FREE FLOAT QUAD RAIL

SUB H-2 BUFFER

AR3812 / ARMS REAR FLIP SIGHT

(INCLUDES A2 FRONT SIGHT / 6-POS STOCK / 1 30 RD MAGAZINE)

Price per unit assuming the department will claim exemption from Federal Excise Tax will be \$1034.00, this price includes shipping. There will also be a \$35.00 NFA fee added per order, not per unit. Includes full RRA limited lifetime warranty.

Total price for (17) units shipped including NFA will be \$17,613.00

E-MAIL: SLISS@DARIENIL.GOV

20 RIFLES @ 1034.00 = \$ 20,680.00

Thank you.

Randy Hansen

RRA / LE SALES DEPT.

866-980-7625 EXT 120

309-792-5780 EXT 120

309-792-5781 FAX

RANDYH@ROCKRIVERARMS.COM

REVISED FOR
20 RIFLES



www.PoliceHQ.com

SALES QUOTE

Streicher's - Milwaukee
4777 N 124th St
Butler, WI 53007
Phone: 262-781-2552
Fax: 262-781-0444

Sales Quote Number: Q306408
Sales Quote Date: 06/25/14
Page: 1

Sell: 44343
To: DARIEN POLICE DEPT.
1710 PLAINFIELD RD
ATN: CHIEF BROWN
DARIEN, IL 60561-

Ship
To: DARIEN POLICE DEPT.
1710 PLAINFIELD RD
ATN: CHIEF BROWN
DARIEN, IL 60561-

Phone: (630) 971-3999
Fax: (630) 971-4326

Ship Via
Terms Net 15

SalesPerson: Jim Rund
Phone: 630-715-3822
E-mail: jimr@PoliceHQ.com

m No.	Description	Unit	Quantity	Unit Price	Total Price
E-EXPS2.O	EoTech Sight: EXPS2-0, (1) CR123, Side Buttons, NV, 65/1 MOA	EA	17	510.00	8,670.00
A-PRO	SCOPE: Patrol Rifle Optic (PRO), 2 MOA, Includes mounts/cove	EA	17	419.99	7,139.83
T	Shipping, Handling & Insurance	EA	1	49.00	49.00

Includes INSURANCE on freight

20 RIFLE OPTICS @ 419.00 = \$ 8,399.80

Quoted prices do not include Sales Tax. All quoted prices are valid for 60 days from the date of the quote.

Total: 15,858.83

Steven Liss

From: Neal Lueders <neal.gatguns@sbcglobal.net>
Sent: Tuesday, August 19, 2014 6:50 PM
To: Steven Liss
Subject: Re: Sure Fire rifle lights

Price is \$319.99 each and Surefire said about 30 days. Let me know if you'd like me to order them! Thanks for checking with us, if there is anything else I can do for you, let me know!

Thanks,
Neal Lueders
G.A.T. Guns inc.
970 Dundee Ave. Dundee IL 60118
neal@gatguns.com
1-847-428-4867
si vis pacem, para bellum

On Friday, August 15, 2014 3:36 AM, Steven Liss <sliss@darienil.gov> wrote:

Neal,

I'm not sure if you sell weapon mounted lighting systems but I just got the approval to replace all of our rifle lights. I would like a quote for 17 Sure Fire rifle lights model # M951-kit02. Thank you for your assistance.

Steve

-----Original Message-----

From: Neal Lueders [mailto:neal.gatguns@sbcglobal.net]
Sent: Monday, June 30, 2014 2:09 PM
To: Steven Liss
Subject: Rock Rivers

I heard back from Rock River today, the LE2020 in 5.56, in 14.5", free float quad, ARMS rear flips, 6 pos stock, A2 fronts would be \$970.00 each for 17 of them. If you would like to proceed please let me know. I appreciate the opportunity to help you. If there's anything else I can do please don't hesitate.

Thanks,
Neal Lueders
G.A.T. Guns inc.
970 Dundee Ave. Dundee IL 60118
neal@gatguns.com
1-847-428-4867
si vis pacem, para bellum

AGENDA MEMO

**City Council
November 3, 2014**

ISSUE STATEMENT

Approval to purchase and install a storage/shelving system in the Police Department's Evidence and Property Room from Ellis Systems Corporation in the amount of \$26,436.31.

BACKUP

BACKGROUND/HISTORY

The FYE 4-40-15 budget includes funds for critical improvements to the Police Department's Evidence and Property Room. In summary, the Evidence Room will be fit with an improved storage system allowing significantly more room to hold physical pieces of evidence as required. Staff has met with Ellis Systems Corporation to review their system. Their product is used by other police agencies and is well known for their quality and effective use. The FYE 4-30-15 budget includes \$30,000 for the purchase and installation of this storage system. The final price from Ellis Systems is \$26,436.31. **Ellis Systems is a sole source for this custom project.**

STAFF/COMMITTEE RECOMMENDATION

The Police Committee recommended approval of the purchase of a storage/shelving system from Ellis Systems Corporation in the amount of \$26,436.31 for the police department's Evidence and Property Room.

ALTERNATE CONSIDERATION

As directed.

DECISION MODE

This item will be placed on the November 3, 2014, City Council agenda for formal consideration.



Ellis Systems Corporation

Tel: 847-371-0200 28457 N. Ballard Drive
Fax: 847-371-0202 Lake Forest, Illinois 60045

Date: 5/2/14
Quotation No: KP050214-3
Page 1 of 4

To: Darien Police Department
1710 Plainfield Road
Darien, IL 60561

Requested By: John Cooper

Dept.: Evidence Vault

Phone: 630-971-3999
Fax:

ITEM	QTY.	CAT. NO.	DESCRIPTION	UNIT	PER	PRICE
Evidence Vault Components						
	3		Gun Storage Unit 48" w x 18" d x 85" h One row of storage for long guns standing up in boxes or cases. Two rows of storage for hand-guns/ammo. Capacity assumes uniformly boxed guns, oversize cases may occupy more space.	\$438.15	per	\$1,314.45
				GSA Disc 46.7%	-	\$ 613.85
				Net Equip		\$ 700.60
				Install		+\$ 245.00
				<u>Line Item Total \$ 945.60</u>		
	2		File Storage Unit 36" w x 15" d x 85" h 6 rows of shelves with 3 adjustable dividers per shelf to hold up files/envelopes. Some items may need labeling added to the side for easier location.	\$483.25	per	\$ 966.50
				GSA Disc 46.7%	-	\$ 451.35
				Net Equip		\$ 515.15
				Install		+\$ 200.00
				<u>Line Item Total \$715.15</u>		
	1		Oversize Storage Unit 96" w x 48" d x 84" h 3 wood shelves for storage of oversize furniture, TV's, boxes, etc.	\$460.00	per	\$ 460.00
				Non-GSA Component		
				<u>Line Item Total \$ 460.00</u>		

TERMS: Net 30 Days

F.O.B.: Factory

Transportation
Or Delivery Via: Best Way

Accepted By: _____

Submitted By: Ken Pahlke
Ellis Systems

Date: _____

To order the item listed, merely sign and return one copy signifying your acceptance.

Orders resulting from this quotation are subject to the conditions printed on the reverse side of this sheet.



Ellis Systems Corporation

Tel: 847-371-0200 28457 N. Ballard Drive
Fax: 847-371-0202 Lake Forest, Illinois 60045

Date: 5/2/14
Quotation No: KP050214-3
Page 2 of 4

To: Darien Police Department
1710 Plainfield Road
Darien, IL 60561

Requested By: John Cooper

Dept.: Evidence Vault

Phone: 630-971-3999
Fax:

ITEM	QTY.	CAT. NO.	DESCRIPTION	UNIT	PER	PRICE
Evidence Vault Components						
	2		Drug Storage Unit Style A. 48" w x 24" d x 85" h (2) Openings for bulk storage (4) Pullout Drawers for storage of smaller packets/envelopes in and organized space efficient manner.			\$2,384.90 per \$4,769.80 GSA Disc 46.7% - \$2,227.50 Net Equip \$2,542.30 Install + \$ 570.00 Line Item Total \$3,112.30
	2		Drug Storage Unit Style B. 48" w x 24" d x 85" h (5) Openings for bulk storage			\$585.05 per \$1,170.10 GSA Disc 46.7% - \$ 546.43 Net Equip \$ 623.67 Install + \$ 180.00 Line Item Total \$ 803.67
	1		General Evidence Storage Track, Ramp Components. Deck, Grout, Fasteners			\$3,575.60 GSA Disc 48.2% - \$1,723.44 Net GSA Equip \$1,852.16 Non GSA Comps + \$1,480.00 Install + \$2,670.00 Line Item Total \$6,002.16

TERMS: Net 30 Days

F.O.B.: Factory

Transportation
Or Delivery Via: Best Way

Accepted By: _____

Submitted By: Ken Pahlke
Ellis Systems

Date: _____

To order the item listed, merely sign and return one copy signifying your acceptance.

Orders resulting from this quotation are subject to the conditions printed on the reverse side of this sheet.



Ellis Systems Corporation

Tel: 847-371-0200 28457 N. Ballard Drive
Fax: 847-371-0202 Lake Forest, Illinois 60045

Date: 5/2/14
Quotation No: KP050214-3
Page 3 of 4

To: Darien Police Department
1710 Plainfield Road
Darien, IL 60561

Requested By: John Cooper

Dept.: Evidence Vault

Phone: 630-971-3999
Fax:

ITEM	QTY.	CAT. NO.	DESCRIPTION	UNIT	PER	PRICE
Evidence Vault Components						
	3		Carriages - mobile	\$3,463.00	per	\$10,389.00
				GSA Disc 48.2%	-	\$ 5,007.50
				Net Equip		\$ 5,381.50
				Install		\$ 1,400.00
				Line Item Total		\$6,781.50
	24		Shelving Components	\$444.10	per	\$10,658.40
				GSA Disc 46.7%	-	\$ 4,977.47
				Net Equip		\$ 5,680.93
				Install		+ \$ 2,015.00
				Line Item Total		\$7,615.93

*Prices above include equipment, non-union install during normal business hours, elevator access for delivery, freight to site.

*Client responsible for emptying vault of all contents and equipment prior to arrival of installer.

*Staging area will be needed for 3 days during installation

*Packing Materials to Client Dumpster

Total Project (GSA Pricing Applied) \$26,436.31

TERMS: Net 30 Days

F.O.B.: Factory

Transportation
Or Delivery Via: Best Way

Accepted By: _____

Submitted By: Ken Pahlke
Ellis Systems

Date: _____

To order the item listed, merely sign and return one copy signifying your acceptance.

Orders resulting from this quotation are subject to the conditions printed on the reverse side of this sheet.

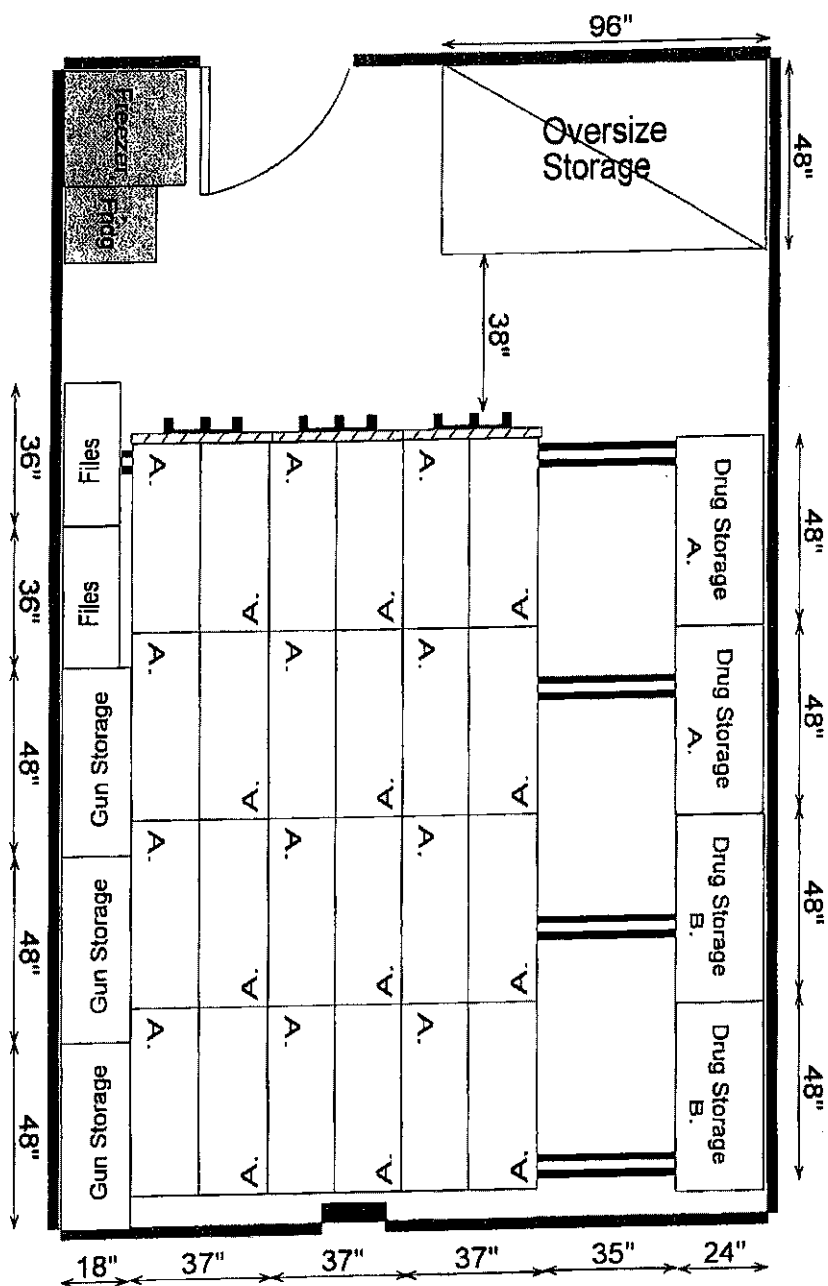
TERMS AND CONDITIONS OF CONTRACT

- 1) **ACCEPTANCE.** Subject to the approval of seller's credit department, this quotation and contract is for buyer's immediate acceptance and thereafter is not subject to cancellation or to any verbal agreement or condition not stipulated in writing on it. Seller shall not be bound by any terms of buyer's purchase order conditions additional to or different from the terms hereof.
- 2) **SECURITY INTEREST.** Title to the goods described on the face hereof shall not pass until the purchase price is paid in full and purchaser hereby grants a security interest in said goods to secure payment and performance to seller. It is mutually agreed that the billing of such goods is for convenience only; and does not carry title with it. Buyer agrees to sign and deliver to seller any additional security agreement or UCC financing statement required by seller.
- 3) **DEFAULT.** In case of default of payment, or in case of removal of said goods or any part thereof without the consent of the seller, or in the event the purchaser shall mortgage or part with the possession of said property, voluntarily or involuntarily, without the consent of the seller, the latter shall have the right to resume immediate possession of same wherever it may be found, and remove it with or without process of law, and may declare this agreement terminated and may retain all money paid hereunder as liquidated damages and rental for said goods. In the event a claim is placed in an attorney's hands for collection or in the event of litigation, whether as to a sale or rental, buyer agrees to reimburse seller for reasonable attorney's fees in connection therewith. In the event payment is not made within 30 days after invoice date, whether sale or rental, a delinquency charge of 1 1/2% per month (annual percentage rate of 18%) shall be payable by buyer, but not in excess of any legal limit.
- 4) **TAXES.** In the event that sale, use or rental of merchandise herein is subject to any Federal, State, Municipal or other tax, now or hereafter enacted, the amount of any such tax shall be added to the purchase or rental price.
- 5) **LIABILITY OF SELLER.** The seller shall not be liable for any delay in shipment or for failure to deliver the goods covered hereunder because of fire, strikes, war or other emergency, whether national or state, or any political sub-division thereof, or other causes beyond its control. IN NO EVENT SHALL THE SELLER BE LIABLE FOR INDIRECT OR CONSEQUENTIAL DAMAGES SUCH AS BUT NOT LIMITED TO LOSS OF ANTICIPATED PROFITS OR OTHER ECONOMIC LOSS IN CONNECTION WITH OR ARISING OUT OF THE EXISTENCE, FURNISHING, FAILURE TO FURNISH, FUNCTIONING OR CUSTOMER'S USE OF GOODS.
- 6) **SHORTAGES.** All claims for shortage must be made within five (5) days from receipt of goods. If buyer has ordered specially printed products, it agrees to accept overruns, or underruns not exceeding 10% of quantity ordered.
- 7) **RENTAL AGREEMENT.** (Applicable if this order covers rental equipment only.) I, (we) agree to rent the said machine(s) for the period specified on the face hereof, if said machine(s) is (are) not returned to seller at the expiration of such stipulated period. I, (we) agree that the rental shall continue, on the same terms and conditions until said machines(s) has (have) been returned to the seller and I (we) further agree to pay promptly any rental accruing for such additional rental period. I, (we) also agree to be responsible for the machine(s) covered by this order and to indemnify the seller for the loss, damage or destruction of said machines(s) due to any cause whatsoever.
- 8) **LIMITED WARRANTY.** Any equipment sold hereunder is warranted to be in satisfactory operating condition when delivered. Should any part prove defective in material or workmanship during the warranty period, replacement of same will be made without charge. Mechanical adjustments will be provided without charge during the warranty period. Buyer shall permit full and free access to perform these services when equipment is not portable; otherwise buyer shall at its expense return equipment for service. This warranty does not include replacement for parts due to misuse, neglect, damage, burned-out motors or fuses.
- 9) **LABOR.** All labor installing and/or servicing equipment is quoted non-union unless otherwise stated.

THE FOREGOING WARRANTY AND LIMITATION ARE EXCLUSIVE REMEDIES AND ARE IN LIEU OF ALL OTHER WARRANTIES EXPRESSED OR IMPLIED INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR PARTICULAR PURCHASE.

Darien Police Department

Evidence Vault



Room Capacity

	Current	Future
Hand Guns	15	90
Long Guns	15	45
Drugs	115 cu. ft.	226 cu. ft.
Files	200 LFI	408 LFI
Gen Stor.	438 cu. ft.	912 cu. ft.
Oversize	24 cu. ft.	224 cu. ft.

This document and the data disclosed is property of Ellis Systems Corporation. The data is not to be reproduced, disclosed in whole or part without written consent of Ellis Systems Corporation.

Ellis Systems Corporation

28457 N. Ballard Drive
 Lake Forest, IL 60045
 847-371-0200
 847-371-0202 fax
 www.ellisfiling.com

Project Designer:	
Ken Pahlke	
Client:	
Darien Police Department	
Project	
Evidence Vault	
Date:	Scale
7/9/14	nts



Ellis Systems Corporation

847-371-0200
Fax 847-371-0202

28457 N. Ballard Drive
Lake Forest, Illinois 60045

May 2, 2014

Deputy Chief John Cooper
Darien Police Department
1710 Plainfield Road
Darien, IL 60561

RE: Sole Source Contract for Evidence Vault Storage System

Dear Deputy Chief Cooper,

Ellis Systems Corporation is a company that specializes in designing customized space efficient storage systems for law enforcement. The evidence vault of a Police Department is an area where customized storage solutions are the rule. Each department has unique storage needs based on population, crime statistics, size of police force, physical space and evidence retention/purging policies and procedures.

No two evidence vault projects have ever been the same. To develop the proposed space efficient evidence storage system for the Darien Police Department, components from multiple suppliers have to be integrated into one complete and custom designed system. No other company could bring together components from the same sources and integrate them together as we do to create the same system.

To provide the most cost efficient solution for Darien, we have applied GSA discounts to all components coming from sources that have GSA pricing. GSA pricing is Federal Government Pricing, which is the best pricing available in the marketplace. It is for this and the reasons listed above that we request a sole source contract with the Darien Police Department for the procurement of a custom storage system in the evidence vault.

Respectfully Submitted,

Ken Pahlke
Project Manager

AGENDA MEMO

City Council

November 3, 2014

ISSUE STATEMENT

Approval for the purchase of the BEAST Evidence Management – Porter Lee Corporation in the amount of \$13,974.50 for an evidence tracking/bar coding system for the police department Evidence Room.

QUOTE SUMMARY SHEET

BACKGROUND/HISTORY

The FYE 4-40-15 budget includes funds for critical improvements to the police department's Evidence and Property Room. One of the improvements includes the installation of a computerized bar-code system to improve recording and tracking of evidence kept in the evidence room. Darien has been tracking evidence on paper for many years. This is not an efficient use of time and makes it difficult to find evidence and audit the storage room. Staff reviewed the following products for tracking evidence with a bar coding system:

1. **VIZBEE** – uses RFID tags in addition to barcoding. Staff went thru an on-line demo with the product. VIZBEE has no law enforcement customers and has never implemented their system in a police evidence room. They did not appear to have a grasp on what the operation of an evidence room was. **The cost for the new system would be \$23,215.50. There would be an annual maintenance contract of \$4180.00 in years 2-5.**
2. **EvidenceOnO** – received a quote from them. No Illinois customers. Their product was similar to the BEAST. **They had a price of \$15,591.00 with a discount. The annual maintenance was \$2660.00.**
3. **BEAST Evidence Management** – **Porter Lee Corporation** is based in Schaumburg, Illinois. This system uses barcoding and is used by numerous police agencies throughout Illinois and other states. Staff did an on-line demo and made sense. Currently DuPage County is looking to replace the Records Management System that is shared by the majority of DuPage police departments and used by Darien. The BEAST will be part of the integration of this new system. This system would cost **\$13,974.50**. Darien would supply a computer and tablet for the system for an additional **\$2000**. The total price for this purchase is **\$15,974.50**. The annual maintenance contract will be \$1075 after the first year of owning the system.

The FYE 4-30-15 budget includes \$24,000 for the purchase and installation of this bar coding system and ancillary computer expenses.

STAFF/COMMITTEE RECOMMENDATION

The Police Committee approved the purchase from BEAST Evidence Management – Porter Lee Corporation in the amount of \$13,974.50 for the purchase of an evidence tracking/bar coding system for the Police Department Evidence Room.

ALTERNATE CONSIDERATION

As directed.

DECISION MODE

This item will be placed on the November 3, 2014, City Council agenda for formal consideration and approval.

VENDOR PROPOSAL

DATE: 11/3/2014

REQUEST TYPE: NEW X REPLACEMENT _____ OTHER _____

ITEM: Evidence Management System ANTICIPATED FUNDING SOURCE: Capital Purchases

HISTORY OF REQUEST:

Budget includes funds for critical improvements to the police department's Evidence and Property Room. One includes the installation of a computerized bar-code system to improve recording and tracking of evidence. Darien has been tracking evidence on paper for many years and this is not an efficient use of time and makes it difficult to find evidence and audit the storage room.

	#1	#2	#3
VENDOR	Vizbee	EvidenceOnQ	Porter Lee Corp.
ITEM			BEAST
SPECIFICATIONS			Need to purchase \$2,000 Computer & Tablet
WARRANTY			
EXTENDED WARR.			
MAINT. COSTS	\$4,180.00 Annual Maint. Contract	\$2,660.00 Annual Maint. Contract	\$1,075.00 Annual Maint. Contract
LIFE EXPECT.			
PRICE	\$23,215.50	\$15,592.00	\$13,974.50



VIZBEE
RFID SOLUTIONS

COST -
\$23,215.50

July 5, 2013

Chief Ernest Brown
Darien Police Department
1710 Plainfield Road
Darien, IL 60561

Dear Chief Brown:

Thank you for the opportunity to present the Darien Police Department with an automated evidence room management solution.

Our rules-based intelligent system will provide the PD with a way to electronically log evidence as it arrives, keep track of the location of items within the evidence room, log its movement within and when it leaves the room. Additionally, to preserve the chain of custody, it will record the person responsible for moving it, who has taken custody of it when it leaves the room and its destination. You will be able to search for and locate logged evidence in case bins or bags on the shelves.

As part of commissioning the solution, a range of rules will be created in close consultation with you as part of the system. Some examples of possible rules are:

1. Evidence to be moved by authorized person.
2. Special evidence (e.g. narcotics, cash) to be moved by two authorized persons.
3. Movement or removal of evidence outside of designated hours of day/day of week.

Violations of pre-defined rules will generate immediate alerts for serious infractions; log violations in weekly e-mailed reports for minor ones; and produce instant emails and SMS texts for exceptions that fall in between. Alerts may be sent by SMS text, or email to one or more individuals, and can also optionally trigger visual and/or audio alarms. Less critical exceptions can trigger emails or reports for later action.

We are proud to submit this proposal for implementation of a Vizbee evidence room solution to the Darien Police Department.

90 East Halsey Road
Troy Hills, NJ 07054, USA
Toll-free: 877 490 0778
Main: +1 862 261 9111
sales_us@vizbee-rfid.com
www.vizbee-rfid.com

OBJECTIVES

To increase process integrity by greatly reducing the possibility for human error, Vizbee will provide the Darien PD with the tools to document all inventory item movements and locate evidence items swiftly in an automated fashion. To increase security, the Vizbee solution will alert the appropriate person(s) to security rule violations in real time.

DEPLOYMENT

We are proposing V-LOC Premium™, Vizbee's comprehensive solution for expert RFID asset tracking and control. V-LOC™ is completely wireless and does not require the installation of power or data cabling or drilling of any kind. It is a rules-based system that generates automatic alerts when an item is missing, misplaced, or in violation of the pre-set rules.

We are providing the Darien PD with two options to consider. The first provides a high degree of asset tracking, and the second provides maximal asset tracking plus an added layer of security.

The high degree deployment utilizes passive RFID asset tags to record evidence items arrival and their location from the time when it is first collected and bagged, and enters the vault. Tagged items in evidence bags or case boxes are scanned by a handheld device. Each item description and its storage location are recorded into the evidence database by its unique identification number ("UID"). Pictures of the items can be added to the database to verify that the proper items are present in the evidence bag on retrieval or return. Inventory and location are made easy using the Vizbee handheld device. When tagged evidence enters or leaves the vault, the items are scanned by the handheld reader, or alternatively automatically read by a UHF reader installed at the vault entrance, logging the entry/exit date and time. If the proper individuals are issued personal passive RFID tags the system will automatically note who and when removed a piece of evidence when scanned. Prompts for notes documenting chain of custody transfer are automatically triggered. Scheduled or on-demand reports can be generated to show which items are currently logged in the vault and which have been logged out, along with their current custodian.

The maximal deployment utilizes a blend of passive and active RFID tags. The bagged contents of case boxes would be tagged with passive tags as above. The case boxes themselves would be tagged with active tags that send out a beacon every 15 seconds indicating their presence in real-time within the vault. All persons with authority to move evidence are issued active ID tags. All active tags are continuously read by redundant small wireless receivers placed within the vault. The active tags contain an accelerometer that alerts the system whenever motion of the box is detected

and whether an authorized person(s) is present. This allows for an implementation of a powerful array of rules-based security.

FUNCTIONALITY OVERVIEW

High Degree Implementation

When evidence is collected and bagged, a passive RFID tag is attached to the evidence or evidence bag. Every tag has a UID. When placed on the shelf, the device is used to first read the shelf's permanently affixed location tag, then the tag on each evidence bag or case box for rapid location identification. The evidence bag/case box and its location are added to the inventory database. Every item can thereafter be located in the vault with only one click.

A UHF tag reader will be installed at the evidence room door. The tag reader will register and log the precise date and time that evidence bags leave the vault. PD personnel are issued individual RFID cards so that the system will note who removed the evidence. If no authorized ID card is detected, or the ID card is not authorized for this specific asset, an alert is generated.

Maximal Implementation

In the maximal configuration, active RFID asset tags will be attached to case master boxes. This will afford additional asset tracking accountability as well as tighter asset tracking for security purposes.

Active asset tags generate a signal identifying their presence and sensor status every 15 seconds allowing for continuous assurance of the box's presence and its integrity (due to tamper alerting features).

Active tags contain accelerometers that detect any movement. Police officers who are to have access to the room will be equipped with an active RFID badge that transmits a UID identifying each officer. As evidence is moved, the system will log which officer(s) were present. If no authorized officers are present an alert will be immediately generated.

This implementation also detects when someone opens evidence boxes within the room. When the case box opens, the system checks whether an authorized badge is present. If no badge is found, a high level alert is generated. When the system does detect an authorized badge at an opening, that person must use the handheld scanner to check-in/check-out an item or complete an inventory of the contents. Once the system detects that the task is complete it will simply log the event. If a

box is opened and the expected actions are not completed an exception is logged and the appropriate person notified.

With this system optional sensors can be added to monitor temperature, humidity, light levels, moisture and many other available variables. The solution will generate an alert if any of these go out of the acceptable ranges. It will also keep a log of the environmental history of the room. Knowing all of the environmental variables can be a factor in forensics. Light levels can also provide a second level of intrusion detection. If room lights are supposed to be off during the night and someone either turns them on or uses a flashlight this can generate an alert.

Alerts are SMS texts, email or text to voice messages sent to the front desk, Command Center or individuals. Alerts can also turn on audio or visual stimuli such as sirens, strobe lights, and can be integrated with the PD CCTV system.

Solution Components

Handheld Readers

Vizbee Handheld™ includes a sophisticated software module for handheld readers, allowing full traceability on all activities.

A unique set of interfaces, specially designed for handheld devices, ensures intuitive user-friendly operation. At any point in time, Vizbee Handheld™ can send all evidence tracking system data stored in its local memory to the Vizbee server via WiFi, Bluetooth or USB connection.

Server Computer

A server computer pre-loaded with Vizbee and accessory programs continuously monitors all receiver inputs and compares them against the implemented rules.

Solution Procedures

Receiving evidence

Evidence may be tagged at the scene or upon entry to the evidence room. It is then logged into the system using the Vizbee Handheld™. The passive RFID tag can be applied and logged one at a time, or in groups by case using the bulk tagging function selecting the item description from a list or by reading the tag's barcode. Pictures of the items can be added for additional verification of what is in the evidence bag. Tagging evidence automatically confirms its receipt and registers it in the PD's evidence database.

Placement in the evidence room

Evidence is moved to its designated area in the evidence room. Using the Place function and reading the location tag followed by the evidence tag indicates to the RFID inventory management system that the evidence has been stored at that location and what box it is in if applicable.

Recording inventory

To accurately inventory evidence, scan with the Vizbee Handheld™ throughout the room and use the update function to transmit the information to the V-LOC™ RFID asset tracking system. The UID prevents double counting of products.

Actual vs. recorded evidence inventory by shelf or item

Evidence can be located by shelf or item. To locate evidence, select "locations" on the handheld device and swipe the evidence with the Vizbee Handheld™. If there is evidence missing from the expected inventory, is immediately highlighted on the Vizbee Handheld™ display. The Vizbee Handheld™ update function is used to send this information to the V-LOC™ asset tracking system.

Identify misplaced products

To identify misplaced products, swipe location tags and items on a shelf. An audio alert is sounded when items belonging on another shelf are detected.

Search

Choose an item from a dropdown menu and browse a specific shelf or the entire evidence room. When the reader is directed at the item being searched for, a tone is sounded. Variation in the audio intensity as you get closer to the item greatly facilitates searching specific for items.

Alert response

The V-LOC™ solution includes a robust software component with a user-friendly interface to manage the rules-based alert process.

1. ALERT - When the server determines an alert situation exists, the software logs the alert and executes the response that the Darien Police Department and Vizbee commissioning team have determined best for the particular alert type.

2. REACTION - Reactions can include text messages and emails to evidence room staff, senior police management and/or a list of individuals. A strobe light can be triggered at the front desk, a window showing the real time view from a CCTV camera covering the area of the alert (if available) will appear, as well as virtual controls for that camera.
3. ACKNOWLEDGEMENT – Acknowledgment occurs when an individual receiving the alert takes ownership and responsibility for responding to the incident. If already logged in at either the front desk or command center, it is a matter of a simple click. Logging into Invent V-LOC™ via any web-access capable device such as a smartphone or tablet allows for acknowledgement from any location. The system then sends a text or email to the rest of the notification list specifying who has acknowledged the alert, freeing them to return to their duties.
4. CLOSEOUT - When the alert has been resolved, the incident owner or evidence room captain documents what happened, what the resolution was and confirms the incident is closed.

SCOPE OF SERVICES

1. Procedures and Deliverables

- (1) High Degree Implementation
 - (a) One doorway passive RFID reader
 - (b) Two V-LOC™ handheld units.
 - (c) 20 passive personnel ID tags
 - (d) 100 passive shelf tags
 - (e) 1000 passive evidence tags
 - (f) Vizbee will supply, install and configure the V-LOC™ & other required software.
- (2) Maximal Implementation
 - (a) Two Firefly™ active RFID readers
 - (b) 40 Firefly™ active RFID tags for case boxes
 - (c) One doorway passive RFID reader
 - (d) Two V-LOC™ handheld units.
 - (e) 20 active/passive hybrid personnel ID tags
 - (f) 100 passive shelf tags
 - (g) 1000 passive evidence tags

- (h) Vizbee will supply, install and configure the V-LOC™ & other required software.
- (i) One Firefly™ terminal receiver at the server

2. Testing

Upon completion, test system & document to confirm:

- a. Read functionality with all provided ID Badges
- b. Coverage of entire evidence room (Maximal Solution)
- c. Functionality of lost signal and motion alerts (Maximal Solution)

3. Commissioning and Training

- a. Assist in planning and assembling data for the commissioning of V-LOC™, as required
- b. Work with supervisors to enter initial data, values and settings in the V-LOC™ User Interface
- c. Work with you and your staff during installation and implementation to help you gain a working understanding of the system
- d. Train the appropriate personnel in the areas of proper alert responses, personnel and evidence registration and logging, adjustment of alert rules, setting of operational rules and procedures for generating reports
- e. Train all personnel in the aspects of the V-LOC™ System that pertain to their function at Darien Police Department

4. Post – Commissioning Support

- 1. Year 1 following date of commissioning:
 - a. Provide free telephone and support
 - b. Free incremental upgrades of V-LOC™ will be incorporated as they are released
 - c. Provide free remote maintenance of Darien Police Department server and Vizbee furnished hardware
 - d. Defective hardware will be replaced at no cost to Darien Police Department through swapping with pre-positioned spares or next business day delivery at Vizbee's option

2. Years 2 through 5 following date of commissioning, with payment of optional quarterly or yearly service & support fees:
 - a. Provide telephone & remote access technical support
 - b. Provide incremental upgrades of V-LOC™ as they are released
 - c. Provide remote maintenance of Darien Police Department's server and Vizbee furnished hardware
 - d. Replace any failed hardware through swapping by Darien Police Department with pre-positioned spares or next business day delivery at Vizbee's option

DARIEN POLICE DEPARTMENT RESPONSIBILITIES

This project requires involvement by your personnel. To help achieve a smooth and successful implementation, it will be your responsibility to:

1. Provide an employee to assist in access to the evidence room and server location.
2. Have Darien Police Department provided personnel mount the passive UHF readers and the Firefly™ units (Optional maximal deployment). Vizbee will advise as to positioning. Screws with or without anchors to be supplied by Darien Police Department.
3. Allow access to Vizbee 8:30am to 5:00pm on regular business days during installation and any future on-site servicing.
4. Allow usage of existing and available electrical outlets or the provision of outlets for the standalone server and monitor as well as the passive UHF reader at the evidence room door.
5. Have all personnel working at Darien Police Department in evidence room related capacities available for a half-hour joint training session at a PD provided location. Up to 3 sessions will be held to accommodate shifts.
6. Make available for a half-hour each command/supervisory member of Darien Police Department for individualized instruction and practice with the system.
7. At the end of each month, the return shipment to Vizbee via United Parcel Service of any defective hardware swapped out for pre-positioned spares as needed.

BENEFITS

When commissioned, Darien Police Department personnel will have at hand a seamless evidence accountability system including full chain of custody tracking. The system will be coupled with department specified rules to alert the appropriate people should a violation occur. Each piece of evidence can be associated with a picture for additional verification. With the maximal deployment

any tampering with evidence will result in an alert specifying who was in the room and can be coupled with CCTV for live monitoring or visual forensics.

COSTS

Special Note: In consideration of the Darien Police Department's agreement to act swiftly in becoming one of the first police department installations of V-LOC™, Vizbee is granting a one time special discount of 25% on all costs of Vizbee provided hardware, software and commissioning.

If the Darien Police Department management is completely satisfied with V-LOC™, Darien Police Department will provide a brief letter of recommendation which Vizbee may then reproduce for marketing purposes.

The cost for the high degree deployment as described above after discount is \$21,592.50.

The cost for the maximal deployment as described above after discount is \$23,215.50.

The above discounts are subject to acceptance by the Darien Police Department and receipt of a 25% deposit (\$5398.12/\$5803.87) no later than September 9, 2013. The balances of \$16194.38/\$17411.62 will be due on commissioning (defined as the date when the system is fully installed, configured and operational). Optional service & support fees for years 2 - 5 will be fixed at 18% annually of the initial discounted cost payable in advance quarterly. The first of these payments will be due on the 1st anniversary of the commissioning date of the system.



CLOSING

We appreciate the opportunity to enhance accountability and security in the Darien Police Department evidence room. To accept this proposal, please sign one copy and email the scanned .pdf, then return the original with a signed purchase order to:

Vizbee North America, 90 E. Halsey Rd., Parsippany NJ 07054

Sincerely,

Vice President
Vizbee North America, Inc.

RESPONSE

This letter correctly sets forth the understanding of Vizbee North America Inc. and the Darien IL Police Department.

Signature / Date

Printed Name / Title

Proposal for

Darien Police Department

REF #: DarienPD06-13-14



Prepared by Russell Carrell

Evidence Specialist

800-603-6802 x134

russc@fileonq.com

6/13/2014

Friday, June 06, 2014

Deputy Chief John Cooper
Darien Police Department
1710 Plainfield Road
Darien, IL 60561

Deputy Chief Cooper,

Thank you for the opportunity to submit this proposal for an EvidenceOnQ property and evidence management software solution for the Darien Police Department. The investment requirement for a complete package (including software, hardware peripherals, installation and training) tailored to your department's unique needs is **\$15,591.00 after a small department discount.**

I have also included pricing for optional modules that are available with your initial implementation or as future "upgrades" to provide advanced levels of functionality.

Our first priority is to provide solutions that effectively meet the unique needs of our customers today, while providing them with a strategy and a path to meet their changing needs of tomorrow. Another priority of equal importance is to provide these solutions with the greatest possible economy. ***We will do all we can to make sure that price is not the reason someone would choose not to buy EvidenceOnQ.***

Please read and consider our proposal and bring to our attention any ways in which you feel we can more adequately satisfy your needs. Finally, when you are prepared to allow us to implement the solutions proposed, we are committed to do everything necessary to ensure your complete satisfaction both now and long into the future.

Thank you again for your further consideration of FileOnQ and the property and evidence management solutions we represent. We look forward to and seek the opportunity of serving the Darien Police Department.

Sincerely,

Russell Carrell

SYSTEM BENEFITS AND PAYBACKS

An EvidenceOnQ solution is more than just a way to "track property and evidence with barcodes". An EvidenceOnQ solution brings **great benefit to an entire department**, and potentially even to other departments and agencies that your departments cooperates with on a regular basis. Listed below are just a few of the benefits and paybacks that departments experience.

For Officers:

- Entering property and evidence is fast and accurate
- No need for repetitive filling out of property forms and property tags
- Print labels and property reports at the touch of a button
- Officers can do their own search for items and then communicate disposition or check-out requests to evidence personnel
- If the optional eDocs Module is utilized, viewing of or listening to images and video/audio clips can be done on-line – many times eliminating the need travel to evidence room and have physical items located, retrieved, checked-out, resealed, checked back in, and re-shelved

Evidence Technicians:

- Entering property and evidence is fast and accurate
- Processing new property and evidence takes minutes rather than hours
- Property and evidence disposition is greatly improved – from identifying items ready for disposition, sending out property letters to owners, disposition reports to officers or judges, and finally disposing of items and adequately documenting the disposition of those items
- For departments using PropertyRoom.com for their auctions, a PropertyRoom.com Auction Manifest can be printed out with the touch of a button rather than having to fill it out by hand

The City of Darien and the Darien Police Department:

- Complete and unalterable auditing of an item's chain of custody and all data edits/changes protects from internal theft and mistakes or over-sights that lead to newspaper headlines, scandal, and loss of credibility
- Achieving or keeping CALEA accreditation will also be greatly simplified by utilizing EvidenceOnQ.
- Improved disposition process means more items being auctioned, and therefore, increased auction revenues

District Attorney and Prosecutors:

- If the optional WebView module is utilized, DA's and prosecutors can do their own search for items and then communicate disposition or check-out requests to evidence personnel
- If the optional eDocs Module is utilized, viewing images and video/audio clips can be done on-line – many times eliminating the need to travel to the evidence room and have physical items located, retrieved, checked-out, resealed, checked back in, and re-shelved

PROPOSED SOLUTION

Your new system will include not only software and peripherals, but also all of the services and expertise necessary to guarantee a satisfactory solution to your needs. The components of this package include:

1. Analysis: Our over **18 years of expertise and experience** in providing property and evidence management solutions is an invaluable tool in helping us determine the most cost effective and efficient solutions for our customer's unique needs and requirements.

2. Software: The flexibility of the proposed EvidenceOnQ property and evidence management software system allows us to effectively and economically meet the needs of our customers. The software's open-architecture and ***tailorable Graphical User Interface (GUI)*** enables the system to be designed to work intuitively around the work-process requirements and procedures of managing your property and evidences and documents.

The FileOnQ ProFiler™ (patent-pending) not only allows us to quickly tailor an EvidenceOnQ solution for each of our clients, but it is installed as an integral part of each client site installation. With the ProFiler™ our clients can ***make changes or upgrade their EvidenceOnQ application without having to pay large professional service fees*** that are typical within the industry. The bottom-line: because of FileOnQ innovations like the ProFiler™, our customer's experience the ***lowest Total Cost of Ownership (TCO)***.

Even further, EvidenceOnQ provides the perfect fit for your unique property and evidence management needs not by writing new, "custom" code, but by using ***a code-base that has been used and proven hundreds of times.***

3. Technology: EvidenceOnQ is built on the Microsoft Operating System platform, utilizing proven methods and technologies. The solution's ***multi-tier*** nature allows for single server implementations in smaller environments, hence reducing cost and administrative effort. However, it also provides the ability to distribute its components onto several servers that share the load for ***improved performance in larger environments.*** This architecture provides a solution that can scale to different environments.

EvidenceOnQ utilizes Microsoft SQL Server 2000, 2005, or 2008 as its back end database. Therefore, all of the data stored within the EvidenceOnQ application can be backed-up, restored, or extracted using standard SQL tools and routines. This ensures that your data can be backed up for disaster recovery or archival purposes. ***It also ensures that your data is just that – "your data"; not held hostage in some proprietary database format.***

4. Peripherals: Barcodes allow items and boxes to be tracked quickly and accurately. Input error rates for keyboard entries are 1 in 20, while input error rates for bar code scanning are 1 in a million. The ability to print bar codes on-demand and in batches is essential. EvidenceOnQ can print barcode labels to virtually any printer with a Windows® driver.

For scanning bar codes we are proposing the Symbol LS4278 wireless barcode scanner. The Symbol LS2208 attached barcode scanner is also an available option as is the Motorola MC65 for remote and/or disconnected barcode scanning.

5. Training: Upon completion of your system installation, our evidence experts will conduct daylong training sessions to familiarize your personnel (both property and evidence room staff and system administrators) with the correct operating procedures for your system. We are also available to **conduct subsequent training sessions, on-site or via the Web, for new employees** when necessary. This ensures trouble free operation of the system both now and long into the future.

6. Completed Project Evaluation: After the system installation and training is complete, Russ Carrell, will schedule a meeting to ensure all your needs and requirements have been met to your satisfaction.

7. Maintenance & Support: Occasionally, a support need arises with a software system. On these rare occasions, you will appreciate the support available directly from FileOnQ via our 800 number, email, and our GoToSupport™ enabled website.

An Annual Maintenance & Support Contract not only provides you with unlimited amount of product support, but it also includes software upgrades and bug fixes during the term of the contract.

One year of Maintenance & Support is included with every EvidenceOnQ solution. At the end of the first year, your Annual Maintenance & Support contract can be renewed for \$2,660.00.

Whether your future needs are upgrades, additional features, or maintenance, our on-going support is part of our team commitment to your satisfaction.

COST CONSIDERATIONS

The following pricing is for an EvidenceOnQ property & evidence management solution designed to meet the unique needs of the Darien Police Department.

Software:

1 EvidenceOnQ Server Licenses and Modules

Includes:

- EvidenceOnQ Server Database
- Box Module
- Retention Module
- Inventory Module
- Eight (8) Customizable Crystal Reports

To Include: Property Report, Notification Letter, Chain of Custody, Transfer Receipt, Auction Manifest, Officer Dispo Review, and Disposal Report

1 EvidenceOnQ Concurrent Client Seat Licenses

Software Subtotal: \$ 17,440.00

Professional Services:

1 Application Profiling and Design

1 day Remote Software & Hardware Installation

2 days On-site Training

2 days Travel and Per diem

Professional Services Subtotal: \$ 5,730.00

Hardware and Peripheral:

1 Symbol LS 4278 Wireless Scanner

1 Topaz Signature Pad

1 Zebra GX430T Thermal Transfer Barcode Label Network Printer

Includes: One (1) roll 4"x2" labels and one (1) roll thermal transfer ribbon

Hardware & Peripherals Subtotal: \$ 2,431.00

TOTAL LIST PRICE: \$ 25,601.00

SMALL DEPARTMENT DISCOUNT: (\$ 10,010.00)

TOTAL INVESTMENT REQUIREMENT: \$ 15,591.00

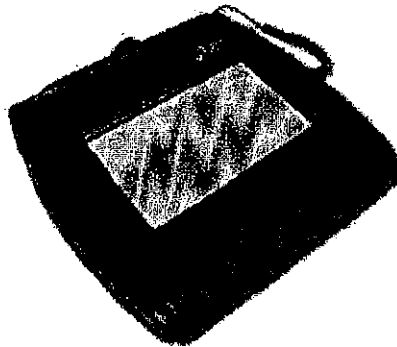
Note: This quote does not include sales tax and is valid until December 31, 2014. A 50% down payment is required at the time of order. The remaining 50% is due upon completion of the software installation. Training is provided with your Annual Maintenance and Support Agreement and can be scheduled after installation at any time during the first year. 1st year included with the system; the 2nd year can be renewed at a price of \$2,660.00

Optional Software Pricing (available now or as future "upgrade"):

- eDocs & Imaging Module **\$5,995.00**
- MobileOnQ Module (includes Motorola MC65 device) **\$2,995.00**
- WebView **\$4,995.00**

PROPOSED PERIPHERAL HARDWARE

Topaz Signature Pad



Model T-L755

Sensor Type

Active electromagnetic

Pen Type

Active energized

Dimensions

7.25" x 6.1" x 1.56"
184 x 155 x 40mm

Signing Area

4.4" x 2.5"
112 x 64 mm

Data Conversion Rate

377 points per second

Resolution

410 true points per inch

Support

Updates are provided free of charge

Authentication Capability

Forensic-quality .SIG data capable of examination and authentication with Topaz SigAnalyzeTM software (US Patent 6,307,955)

Symbol LS 4278 Wireless Scanner



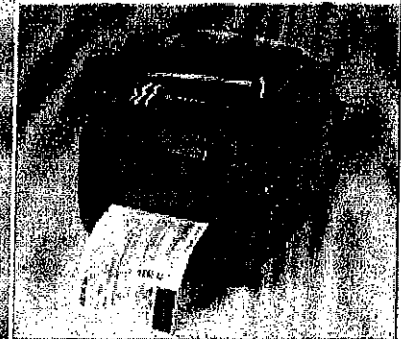
FEATURES

- Integrated USB 2.0 interface (Optional FireWire interface)
- Method for scanning scan patterns
- Remote scanner management (RSMB ready)
- Real-time operational changing controls
- Power saving mode
- Barcode width range
- Barcode version tolerance
- Wireless LAN 802.11g or wired Ethernet
- Powered barcode host cable
- Print and play universal cable
- Barcode resolution
- Barcode resolution
- Barcode resolution

BENEFITS

- Compact size, high throughput, wireless LAN or wired Ethernet
- High speed, high resolution, color resolution for accurate printing accuracy
- Simple and easy to use, easy to manage and integrate into existing IT environment
- Ability to scan a wide range of barcode formats
- Ability to scan a wide range of barcode formats
- Ability to scan a wide range of barcode formats
- Ability to scan a wide range of barcode formats
- Ability to scan a wide range of barcode formats
- Ability to scan a wide range of barcode formats
- Ability to scan a wide range of barcode formats
- Ability to scan a wide range of barcode formats
- Ability to scan a wide range of barcode formats
- Ability to scan a wide range of barcode formats

Zebra GX430T Barcode Label Printer



GX430TTM

This direct thermal/thermal transfer desktop printer includes a 300-dpi printhead to ensure high-quality, crisp, clear printing of 2-D bar codes, fine text and complex graphics—ideal for high-density data on small labels. Like the GX420t, it has the widest range of features and the easiest ribbon-loading system of any desktop printer on the market. It prints up to 4 inches per second.

PRINT SPEED

Maximum print speed 4"/102 mm per second

RESOLUTION

300 dpi/12 dots per mm

MEMORY

8 MB SDRAM
4 MB Flash
8 MB (12 MB total) Flash with RTC (optional)

CONNECTIVITY

Serial RS-232
USB V1.1
Parallel
ZebraNet 10/100 Ethernet (optional)
802.11b/g wireless (optional)
Bluetooth wireless (optional)
Wireless options include LCD for visual communication

PROGRAMMING LANGUAGES

EPL and ZPL co-resident

MAXIMUM PRINT AREA

Width: 4.09"/104 mm
Length: 39.991 mm

MEDIA SPECIFICATIONS

Label and liner width: 0.75"/19 mm
to 4.25"/108 mm
Ribbon width: 1.33"/33.8 mm
to 4.37"/109.2 mm
Ribbon length: 244/74 m

OPTIONAL PERIPHERAL HARDWARE



MC65

Rugged software configurable dual 3.5G WAN
Enterprise Digital Assistant (EDA)



The following is a PARTIAL list of EvidenceOnQ users representing law enforcement agencies of various sizes and locations around the country. Additional references will be supplied upon request. All agencies listed use the EvidenceOnQ system to manage their property and evidence.

Covina Police Department

Covina, California
Sgt. Dave Foster
626-858-4402

dfoster@ci.covina.ca.us
User since April 2004

NYS Dept. of Taxation and Finance

Albany, New York
Margo Gershberg
518-591-5633

Margo.Gershberg@tax.ny.gov
User since October 2012

Hanover County Sheriff's Department

Hanover, Virginia
Joyce Lamb
804-365-6819

jmlamb@co.hanover.va.us
User since November 2005

Burbank Police Department

Burbank, California
Sgt. Eddie Ruiz
818-238-3210

eruiz@ci.burbank.ca.us
User since October 2003

Waukesha Police Department

Waukesha, Wisconsin
Captain Chris Connolly
262-524-3763

cconnel@ci.waukesha.wi.us
User since October 2005

San Antonio Police Department

San Antonio, Texas
Darrell Allen, Supervisor
210-207-7113

dallen2@sanantonio.gov
User since June 2007

Rochester Police Department

Rochester, Minnesota
Captain Rick Krueger
507-328-6911

rkrueger@rochestermn.gov
User since January 2008

Killeen Police Department

Killeen, Texas
Sgt. Danny Barfield
254-501-8903

ebarfield@ci.killeen.tx.us
User since April 2008

Grand Rapids Police Department

Grand Rapids, MI
Officer Doug DeVries
616-456-3461

ddevries@grand-rapids.mi.us
User since January 2012

Portland Police Bureau

Portland, OR
Dave Benson
503-793-9320

Dave.Benson@portlandoregon.gov
User since October 2012



Porter Lee Corporation
 1901 S. Wright Blvd
 Schaumburg, IL 60193
 (847) 985-2060

Date: June 12, 2014

Prepared For

Agency Name and State: IL - Darien Police Department
 Contact Name: Greg Cheaure
 Phone/Email: (630) 353-8358
 Date Quoted: 6/12/2014
 Quoted By: Uzma Lauritzen

Valid For: 90 Days

Description	Part #	Qty	Unit Cost	Price
Software License for 1 PLC - EMS workstation and server side software	PLC-EMS	1	\$1,000.00	\$1,000.00
Software License for 1 PLC - EMS workstation	PLC-EMS	1	\$1,000.00	\$1,000.00
Symbol Desktop Label Printer - Model: DS6878 (Standard)	DS6878-TRBU0100ZWR	2	\$1,031.00	\$2,062.00
Symbol USB Cordless Barcode Scanner - Model: DS6878 (2D)	DS6878-TRBU0100ZWR	2	\$1,031.00	\$2,062.00
Signature Gem 4x5 LCB	5095BK11007	3	\$12.50	\$37.50
Ribbon for Desktop Printer	5095BK11007	3	\$12.50	\$37.50
Barcode Labels - Size: 4" x 5" / Qty: 500 per roll	PLC-LBL-WHT-500	4	\$43.00	\$172.00
Barcode Labels - Size: 4" x 5" / Qty: 500 per roll	PLC-LBL-WHT-500	4	\$43.00	\$172.00
Installation / Training	PLC-INSTALL	1	\$2,700.00	\$2,700.00
Flat Rate Travel Charge	PLC-TRAVEL	1	\$600.00	\$600.00
Annual Support and Maintenance Contract (Term 1yr. PLC will auto renew)	PLC-SUPPORT	1	\$875.00	\$875.00
Total >>>>				\$12,274.50

Accessory Package 1

Description	Parts Needed From PLC	Qty	Unit Cost	Price
Installed on a Windows 7 Home Premium PC with WiFi, Internet and 16GB memory. A user will be able to use the online inventory, capture signatures and run all of the reports in the BEA system. Note: Printer to be provided by Agency	DS6878-TRBU0100ZWR	1	\$500.00	\$500.00
Software License for 1 PLC - EMS workstation	PLC-EMS	1	\$1,000.00	\$1,000.00
Additional Annual Support and Maintenance Contract (Term 1yr. PLC will auto renew)	PLC-SUPPORT	1	\$200.00	\$200.00
Total				\$1,700.00

Please contact Customer Support at (847) 985-2060 with any questions or concerns.

Thank you for your business!

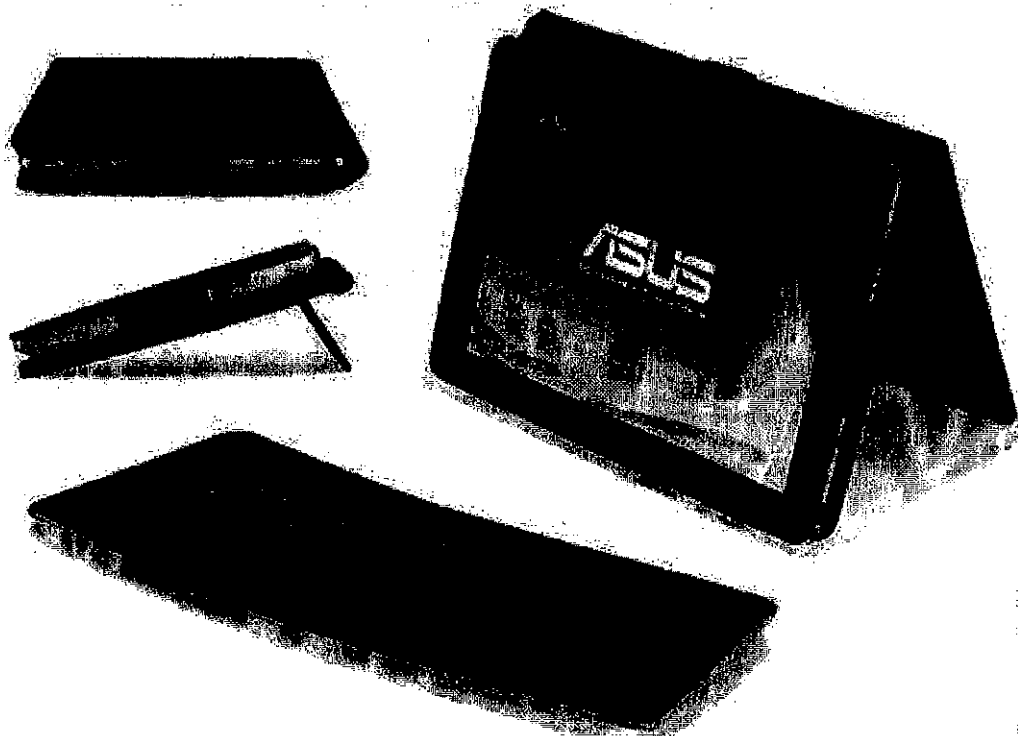
BEAST Evidence Management

Are you tired of being chained to your desk. Wish you could enter evidence from your warehouse, or in the field at a crime scene. Now with the BEAST you can install our fully functional desktop application on your windows tablet PC.

Sever those cables forever and get mobile!

Collect data in the field utilizing WiFi, Cellular or local data storage. Run audits and maintain your warehouse with this state of the art system. The BEAST system is capable of utilizing most windows based tablets and tablet PC's.

Ask our sales department for more information about tablet PC compatibility and support.



By utilizing barcode technology and the latest in software development the BEAST is able to effectively maintain custody of every item of evidence from Collection thru Analysis, Investigation, Prosecution and final Disposal/Return.

For more information on how the BEAST can help your agency please contact us at:

Porter Lee Corporation
www.porterlee.com
1901 Wright Blvd.
Schaumburg IL. 60193
(847) 985-2060



Use your smart phone QR reader app to reach us online.

<http://www.porterlee.com/contactus.html>



Tablet Specs:

- **Hardware Requirements**
 - 8 GB of available hard-disk space
 - Super-VGA Display (1024x768) or Higher Resolution
 - 802.11 (b/g/n) Wifi Network access
 - Bluetooth 2.0 or Higher
 - 1 GB Memory or Higher
 - 1.3 GHZ Processor or Higher
 - Pentium III or Faster Processor
 - Touch Screen
- **Software Requirements**
 - .NET 3.5 SP1
 - PowerShell 2.0
 - MS SQL Server 2005 or Higher
 - BEAST EMS 13.7.12u or Higher



PLC Products

- EMS Software License (PLC Price \$1,200.00)
- Bluetooth Barcode Label Printer
Model: GX420t (PLC Price \$944.00)
- Bluetooth Barcode Scanner
Model: LI4278 (PLC Price \$500.00)

Third Party Products

- Tablet PC*
- Bluetooth Keyboard/Mouse*
- Bluetooth Laser Keyboard*
- Tablet Case*
- Additional Stylus*

** Pricing unavailable for Third Party Products*

Tablet Key Features:

- Full EMS Product installed on a portable device
 - Evidence Entry
 - Chain of Custody
 - Reporting
 - Letters
 - Audit
 - Inventory
- Portability
 - Utilize full feature application well on agency network
 - Crime Scene Evidence Entry well off the agency network
 - Inventory your entire evidence room on or off the agency network
 - Transfer evidence & capture digital signatures on or off the agency network (coming soon)

Recommended Tablet:

- ASUS EP121**
- Optional tablets used by customers
 - HP Slate 2 **
 - Lenovo Thinkpad **
 - Lenovo X320 **
 - Samsung Slate **



** Porter Lee is not a reseller of Tablet PC's. Sales and Support of Tablet PC's is provided by Third Party Vendors

Special Use Application for 1000 N. Frontage Rd

We request a special use allowance for our production brewery to have a public taproom on the premises.

The interior taproom area will comprise of around 1200 square feet of interior public space out of the total 9660 square feet of our two units, with a half-wall separation between the production area and public area for patrons to view the Brewhouse. We plan on having our regular hours noon to 9 PM on weekdays and noon to midnight on weekends. We will give tours on the weekend as well. There will be no food prepared on-site, but carry-out menus from surrounding area restaurants will be available, and we would like to allow food trucks on weekends in our parking lot. We will have sealed growler-fills available to-go, and eventually packaged bottles and cans to-go once we begin packaging beyond kegs. We plan on 10% or less of our volume being sold on-site in the taproom, the rest wholesale to distributors. There will be three exits in the taproom including the main entrance.

We are also requesting a 512 square foot fenced patio area with emergency exit on the Frontage Road side of the building. The patio would be set more than 20 feet back from Frontage Road.

As a part of our process in the production of oak-aged specialty beers, we will be using spirits and wine barrels to age beer for months at a time. These barrels are placed on racks along the wall and stay put for the long periods of time. The atmosphere of our barrel cellar leads us to believe it would be a nice group tasting area with which to allow people to have their group meetings or events. We would like to use this space, free of any production equipment and inventory, and connected directly to the taproom, as public space which people may reserve for their own group and possibly have the option to cater food in. We would not ourselves be catering the food, and would only work with those who have the proper licenses for catering. This would not be used as taproom space on a daily basis.

RE-PART, LLC

PHONE
(630) 434-7000

P.O. BOX 794
WESTMONT, ILLINOIS 60559



MEMO OF UNDERSTANDING

TO: Mr. Doug Jones

FROM: RE-PART, LLC
1000 No. Frontage Rd.
Darien, IL

DATED: October 21, 2014

RE: Overflow Parking

This memo is to confirm our verbal discussion and agreement for use of your parking lot in the event of overflow parking.

Per our discussion, from time to time the need may arise to park cars, in your lot to the North of our property. Our tenant will be responsible for all clean-up related to their operation and proper use of your property. If you have any questions, you may use our office as the contact point.



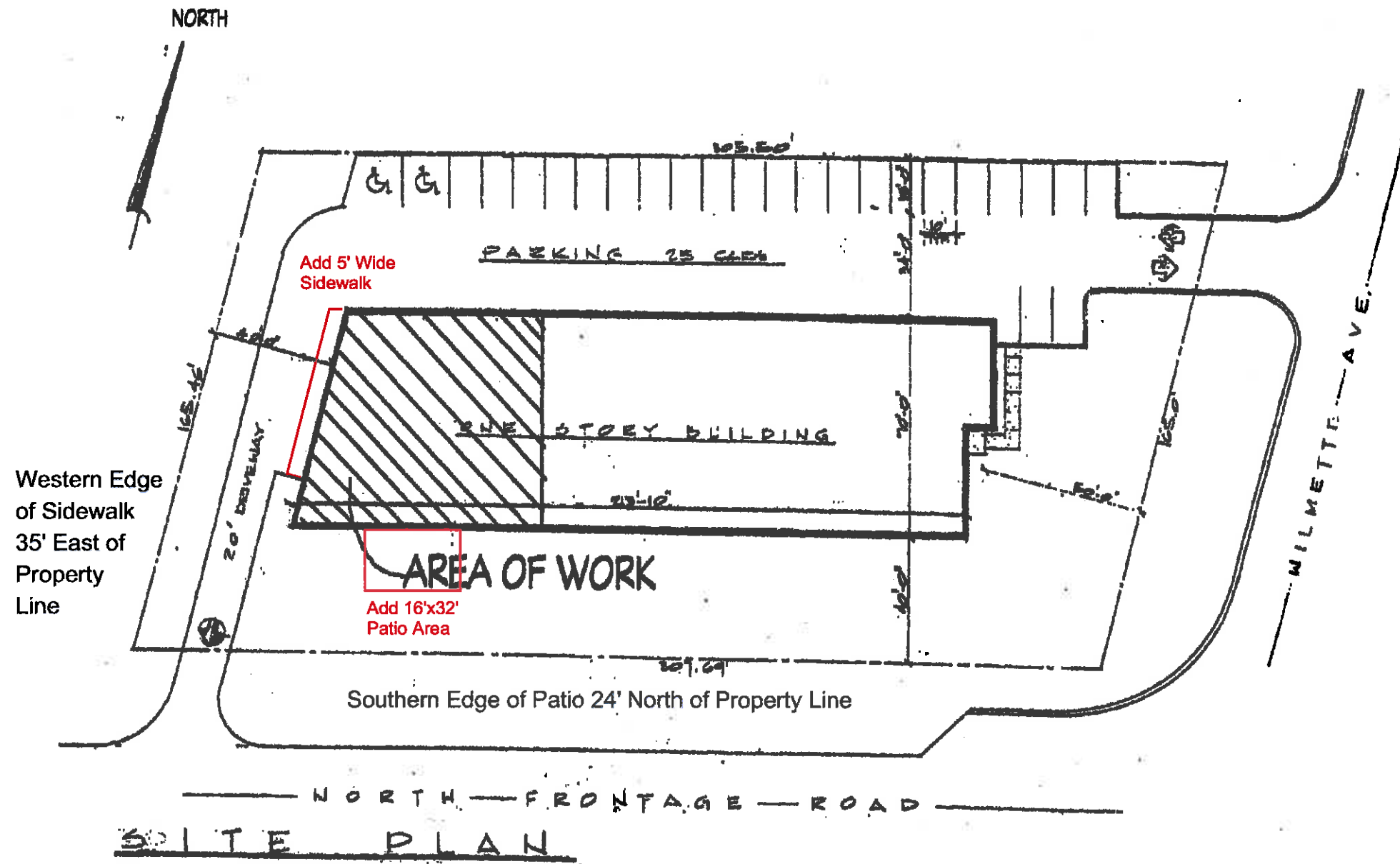
Paul Schoenbeck, Manager



Doug Jones



1000 N. Frontage Rd. Variance Request - Plat of Survey with Proposed Sidewalk and Patio



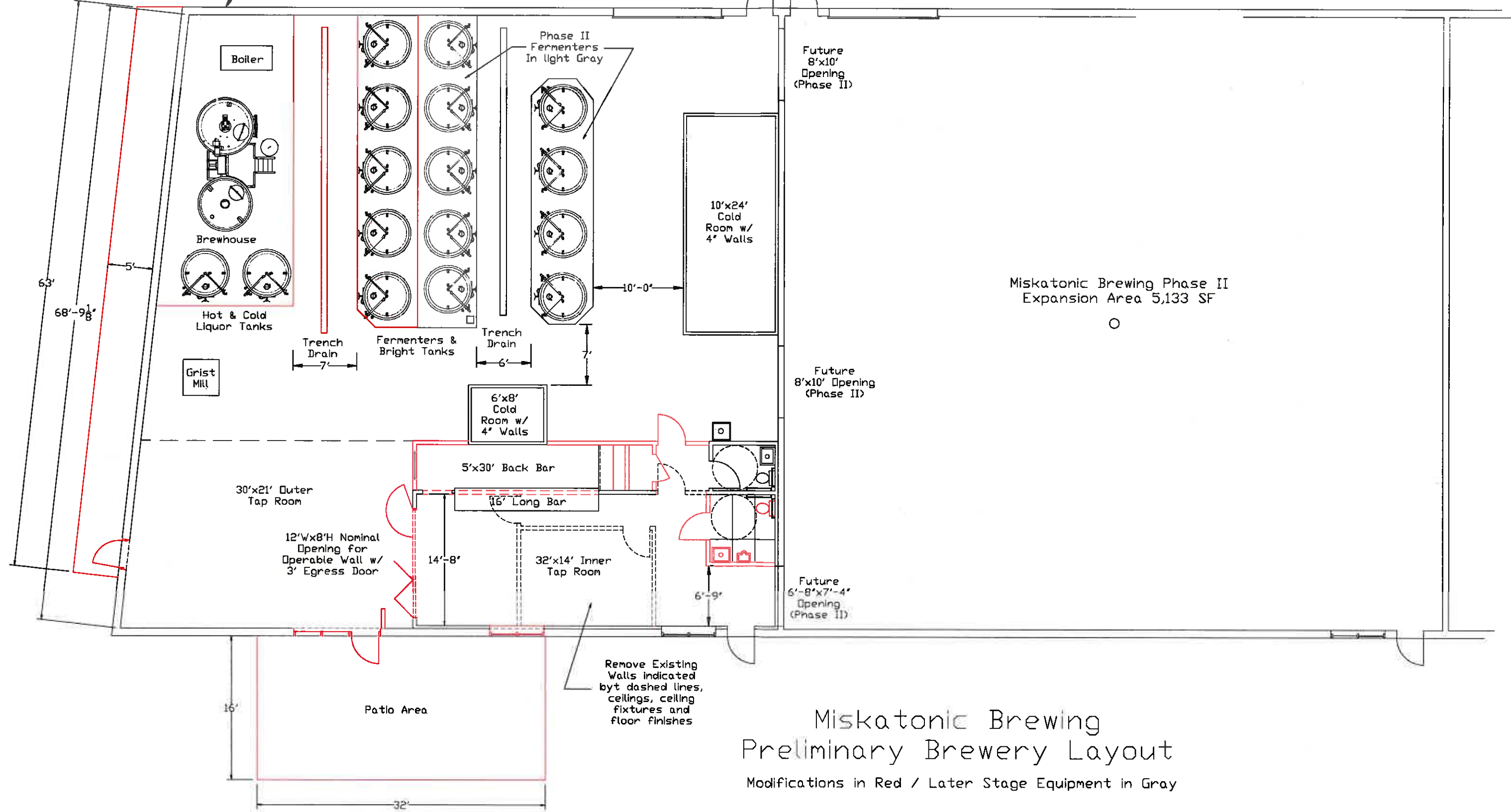
Driveway and Parking Area
(30 Spaces)

5' Sidewalk
to Entrance

Graphic on
Building Wall

12 HP
Chiller

Graphic on
Sectional Door

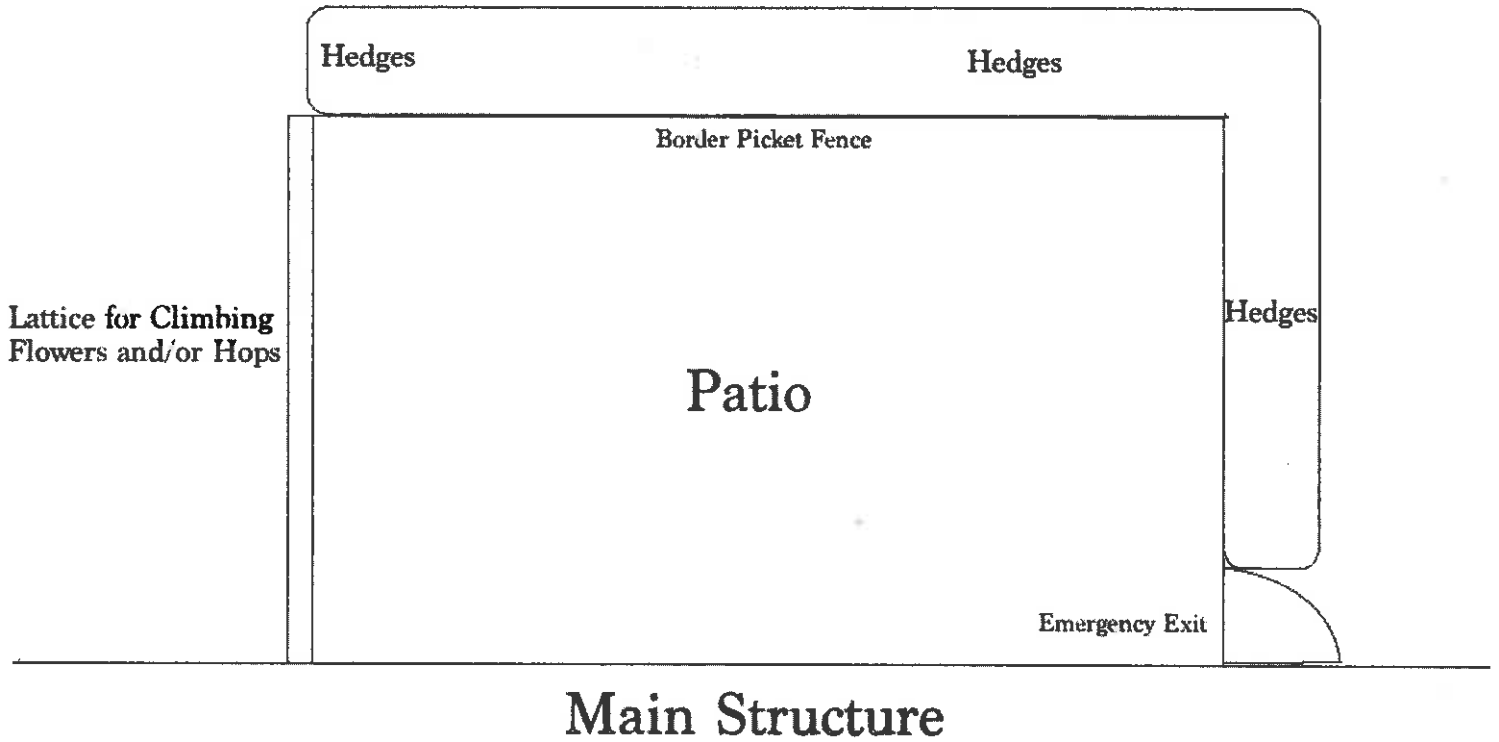


Miskatonic Brewing Phase II
Expansion Area 5,133 SF

Miskatonic Brewing Preliminary Brewery Layout

Modifications in Red / Later Stage Equipment in Gray

1000 N. Frontage Rd. Variance Request Preliminary Landscaping Plan



1000 N. Frontage Rd. Variance Request

Fencing for Patio

French Pine Gothic-Style Picket

Height: 42 inches

Emergency exit gate will be present.



1000 N. Frontage Rd. Variance Request Identification Sign Graphic for Overhead Door

Approximate Size: 10' x 10'



AGENDA MEMO
CITY COUNCIL
MEETING DATE: November 3, 2014

Issue Statement

PZC 2014-08: 1000 N. Frontage Road, Unit C, Miskatonic Brewing: Petitioner seeks approval of the following:

1. Text amendment to the Zoning Ordinance listing a brewery with taproom as a special use within the OR&I Office, Research and Light Industrial District.
2. Special use for a brewery with taproom in the OR&I Office, Research and Light Industrial District.
3. A variation from the Zoning Ordinance to reduce the required corner side yard setback from 50 feet to 24 feet in order to construct a patio.
4. A variation from the Sign Code to permit a 100 square foot identification sign on the overhead door where 16 square feet is otherwise permitted.

[BACKUP](#)

Discussion/Overview

Both the Planning and Zoning Commission and the Municipal Services Committee have considered this matter, both bodies recommend approval of the petitions as presented. The Commission held the required public hearing on October 20, 2014.

This item is related to amending the Liquor Code creating the appropriate liquor license.

Three ordinances have been drafted:

1. Text amendment: Amending the Zoning Ordinance as noted above. **[ORDINANCE](#)**
2. Special use and variations: Approving the special use for a brewing facility as well as the requested variations. **[ORDINANCE](#)**
3. Liquor Code amendment: Creating a liquor license for a brewing facility.

The full discussion follows as “Additional Information.”

Decision Mode

Planning and Zoning Commission:	October 20, 2014
Municipal Services Committee:	October 27, 2014
City Council:	November 3, 2014

Additional Information

Issue Statement

PZC 2014-08: 1000 N. Frontage Road, Unit C, Miskatonic Brewing: Petitioner seeks approval of the following:

1. Text amendment to the Zoning Ordinance listing a brewery with taproom as a special use within

- the OR&I Office, Research and Light Industrial District.
2. Special use for a brewery with taproom in the OR&I Office, Research and Light Industrial District.
 3. A variation from the Zoning Ordinance to reduce the required corner side yard setback from 50 feet to 24 feet in order to construct a patio.
 4. A variation from the Sign Code to permit a 100 square foot identification sign on the overhead door where 16 square feet is otherwise permitted.

Applicable Regulations: Zoning Ordinance: Section 5A-9-3-4: Special Uses
 District Zoning Ordinance: Section 5A-9-3-8: Yard Requirements, OR&I
 Required Yards Zoning Ordinance: Section 5A-5-7-3: Permitted Obstruction In
 The O and OR&I Districts Sign Code: 4-3-10(C)(1): Permitted Signs In Zoning District, Signs In

General Information

Petitioner: RE-PART, LLC
 Kevin and Paul Schoenbeck
 1000 N. Frontage Road
 Darien, IL 60561

Property Owner: Kevin and Paul Schoenbeck
 1000 N. Frontage Road
 Darien, IL 60561

Property Location: 1000 N. Frontage Road

PIN: 09-34-300-022

Existing Zoning: OR&I Office, Research and Light Industrial

Existing Land Use: Light industrial

Comprehensive Plan Update: Office

Surrounding Zoning and Land Use:
 North: OR&I Office, Research and Light Industrial – light industrial
 East: R-3 Multi-Family Residence – multi-family, daycare
 South: OR&I Office, Research and Light Industrial – mini warehouse; R-1 Single-Family Residence – single-family home
 West: OR&I Office, Research and Light Industrial – kennel

Size of Property: 46,626 square feet

Floodplain: None.

Natural Features: None.

Transportation: Property has frontage and access on N. Frontage Road and Wilmette Avenue.

History: None.

Documents Submitted

This report is based on the following information submitted to the Community Development Department by the Petitioner:

1. Site Plan, 1 sheet, prepared by petitioner.
2. Floor plan, 1 sheet, prepared by petitioner.
3. Patio site plan, 1 sheet, prepared by petitioner.
4. Patio fence detail, 1 sheet.
5. Identification sign detail, 1 sheet.
6. Special Use description

Planning Overview/Discussion

The subject property is located on the northwest corner of N. Frontage Road and Wilmette Avenue.

The petitioner proposes occupying the western portion of the building and establishing a brewery with a public taproom. The use is summarized as follows:

- a. Brewery, brewing specialty beers.
- b. Public taproom where patrons can purchase beer for on-site consumption as well as growler-fills to-go, less than 10% or less of volume being sold on-site, remainder sold wholesale to distributors. No on-site food preparation or service, but carry-out menus from area restaurants made available.
- c. Patio.
- d. Tours on weekends.
- e. The petitioner would also like the ability to allow groups to use the space for meetings and events.

The OR&I district permits light industrial activities. A brewery would seem to be a light industrial activity. However, the public taproom, tours and event space adds a unique character to the use beyond strictly industrial. Staff recommends amending the Zoning Ordinance to list a brewery with an accessory taproom as a special use. Staff finds the use a good addition to the community.

The area surrounding the proposed use is a mix of light industrial activities to the north, mini-warehouse storage to the south, a kennel to the west, with a daycare center and residence to the east and west across streets.

Once distribution has been established, they plan to provide local businesses with craft beer.

The petitioner proposes constructing a 16' x 32' patio on the south side of the building, along N. Frontage Road. The Zoning Ordinance requires a 50-foot corner side yard setback, the building is located 40 feet from the lot line. The patio will extend 16 feet out from the building, resulting in a 24-foot setback from the lot line.

The patio will be enclosed by a wood fence with an emergency exit, 42 inches tall, and landscaping. There will be a door between the patio and the taproom. For outdoor liquor service and consumption, the Liquor Code requires the outdoor area is to be enclosed, the fence meets this requirement. Furthermore, the Code requires the outdoor area to close at 11:00 PM on Sunday through Thursday and at 12:00 midnight on Friday and Saturday.

There is a single-family home to the south across the street from the patio. The petitioner should address how they will mitigate any impacts the patio may have on the resident.

The petitioner proposes a 100 square foot identification sign on their overhead door. The Sign Code permits identification signs up to 16 square feet. These signs are defined as a wall sign used to display and identify the name of the individual, business, profession, organization or institution occupying the premises. The overhead door faces the parking lot on the north side of the building and not onto a street.

The site plan shows 25 parking stalls, 2 are handicapped accessible. The petitioner should comment on the time of day they expect their parking demands to peak versus the other businesses on the property.

The City Council will need to amend the Liquor Code to create a liquor license to fit the proposed use. The Code requires establishments serving liquor be at least 100 feet from a church, school, hospital or home for the aged or indigent persons. No such uses are near the subject property.

The special use request is to address the following criteria for approval:

1. That the special use is deemed necessary for the public convenience at the location specified.
2. That the establishment, maintenance, or operation of the special use will not be detrimental to, or endanger the public health, safety, or general welfare.
3. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
4. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. That the exterior architectural design, landscape treatment, and functional plan of any proposed structure will not be a variation with either the exterior architectural design, landscape treatment, and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
6. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
7. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
8. That the special use shall, in all other respects, conform to the applicable regulations of the

district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendations of the planning and Zoning Commission and the Planning and Development Committee

The variation request is to address the following criteria for approval:

1. Whether the general character of the property will be adversely altered.
2. Whether the overall value of the property will be improved and there will not be any potential adverse effects on the neighboring properties.
3. Whether the alleged need for the variation has been created by any person presently having a proprietary interest in the premises.
4. Whether the proposed variation will impair an adequate supply of light and air in adjacent property, substantially increase congestion in the public streets, increase the danger of fire or endanger the public safety.
5. Whether the proposed variation will adversely alter the essential character of the neighborhood.

When considering a sign variation, the Commission shall consider the following:

1. The available locations for adequate signage on the property.
2. The effect of the proposed sign on pedestrian and motor traffic.
3. The cost to the applicant in complying with the Sign Code as opposed to the detriment, if any, to the public from granting of the variance.
4. If undue hardships and practical difficulties result in complying with the Sign Code and if these hardships are a result of previous actions of the applicant.
5. The general intent of the Sign Code.

The general intent of the Sign Code:

1. To promote and protect the public health, safety, comfort, morals, convenience and general welfare of the residents of the City.
2. To enhance the physical appearance of the City by preserving the scenic and natural beauty of the area.
3. To promote the safety and recreational value of public travel.
4. To protect the public investment in streets and highways by reducing sign or advertising distractions that may increase traffic accidents.
5. To ensure compatibility of signs with surrounding land uses.
6. To enhance the economy of the City by promoting the reasonable, orderly and effective display of outdoor advertising.
7. To protect the pedestrians and motorists within the City from damage or injury caused by distractions, obstructions and hazards created by a proliferation of off-site advertising signs.
8. To prevent the proliferation of off-site advertising signs which distract from the development of the City in an aesthetically pleasing manner.
9. To preserve the character of the City which is a single-family residential community by assuring the compatibility of signs with the surrounding land uses.

Staff Findings/Recommendations

Staff does not object to the proposed use, to the variations related to the patio or identification sign. Staff finds the use will be a good, unique addition to the community. The proposed use is located in a mostly light industrial area of Darien, away from predominantly commercial or residential areas.

The proposed variation for the patio will not adversely alter the general character of the property or essential character of the neighborhood, nor will it impair the adequate supply of light and air in adjacent properties.

The proposed sign variation will not negatively affect pedestrian or motor vehicle traffic since the sign does not face a public street.

Therefore, staff recommends the Commission make the following motion recommending approval of the variation petition:

Based upon the submitted petition and the information presented, the request associated with PZC 2014-08 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Zoning Commission approve the petition as presented.

Planning and Zoning Commission Review – October 20, 2014

The Planning and Zoning Commission considered this matter at its meeting on October 20, 2014. The following members were present: Beverly Meyer – Chairperson, Ronald Kiefer, John Lind, Louis Mallers, Raymond Mielkus, Susan Vonder Heide, Michael Griffith – Senior Planner and Elizabeth Lahey – Secretary.

Members absent: Pauline Oberland, Ken Ritzert

Michael Griffith, Senior Planner, reviewed the agenda memo, described the proposed use, location, the zoning requests being made, noting the petitioner needed to address parking and potential impacts to nearby residences regarding the proposed patio.

Josh Mowery, Miskantonic Brewing, stated they plan to open a craft brewery with a taproom. He stated the retail outlet of the taproom helps to market their beer, noting they plan to sell growlers which are re-sealable glass bottles people purchase and can be refilled with beer. He stated eventually they would like to sell cases of beer. He stated the majority of sales will be to bars and restaurants. He stated the taproom is not a full service bar, but a place for people to taste their beer and gather in a coffee-house type atmosphere. He stated it will not be a brew pub, they will not provide food service. He stated they would also offer tours of the brewery and rent out the space for groups to hold events or meetings.

Art Cano, 8431 Wilmette Avenue, stated he reviewed the petition and plans at City Hall, he noted the plans show an expansion area and asked if that area would be for retail. He asked if there was adequate parking on the property. He stated his concern with parties causing traffic and overflow parking onto streets. He asked if the patio area was enclosed.

Mr. Mowery stated the expansion area will be for barrel storage and production. He stated the expansion area could be used for events. He stated there are 25 parking spots and they have permission from the property

owner to the north to allow people to use their parking lot. He stated the patio will be enclosed, is located 24 feet from the property line. He stated they expect there to be at most 50 people in the taproom.

John Wyzkiewicz, Miskantonic Brewing, stated the patio would hold 4-5 tables, 15-20 people. He stated their business would be busy when the other businesses on the property are not.

There was more discussion about parking, whether the site can accommodate the proposed use. Mr. Mowery stated similarly sized breweries with a taproom have similar amounts of parking without problems.

Judy Monaco, Ready Set Grow, said she owns and operates a daycare across the street and asked if a liquor establishment could be located so close to a daycare.

Mr. Griffith stated the Liquor Code requires a separation between churches and schools but does not mention daycare centers. He said he would confirm with the City Attorney.

Paul Schoenbeck, said he owns the building with his brother. He stated they have been at this location for many years, with previous tenants that generated a lot of traffic and they never had complaints related to traffic or parking. He stated they are on-site owners. He stated they have cameras on the building which they use to monitor the property, the cameras cover activity on the nearby streets. He stated they have arrangements with the property owner to the north to allow people to park on the neighbor's property.

Kate Cratze, Dawn Lane, stated her concern with overflow traffic and noise. She stated the police do not patrol the area, she has to call every time there is a problem. She stated she is concerned if the business takes off there will be problems. She stated her concern having a brew pub there.

Mr. Mowery stated it will not be a brew pub where food is served, but a taproom for people to taste and purchase their beer. He stated the taproom is not designed to entice people to stay for long periods of time and get pickled.

Mr. Cano stated the request includes food trucks and said that sounded like a brew pub to him, it will draw people.

Mr. Mowery stated they would like to have a food truck in their parking lot, but a food truck is not the same as a restaurant, does not have the same capacity to prepare and serve food as a restaurant with a kitchen. He noted 90% of their sales will be wholesale.

Richard Vena, Dawn Lane, stated his concern with truck traffic, noting trucks routinely come down Mystic Trace.

There was a discussion concerning live entertainment such as music. The petitioner stated they would like to have live music inside the taproom but not on the patio.

Commissioner Kiefer stated he has been to a few breweries where it seemed tours drew more people than the taproom. He stated the proposal for events seems to be geared towards group meetings and not parties.

Commissioner Lind wanted confirmation on the parking count as the items submitted by the petitioner note different parking counts. He asked what signage would be in place for people trying to find the location, and asked where the public entrance would be located.

Mr. Mowery stated there are 25 parking spaces. He said they will have a wall sign on the south side of the building. He stated the public entrance is on the west side of the building.

Commissioner Vonder Heide asked if they have looked at similar establishments of the same size to determine parking needs.

Mr. Mowery said yes, similar sized establishments in the western suburbs have roughly the same amount of parking. He stated the taproom will be 1,200 square feet.

Commissioner Mielkus asked about the number of employees.

Mr. Mowery stated there will be 3 employees at the beginning, potentially 2 additional ones for the taproom.

Chairperson Meyer stated she confirmed with Dan Gombac, Director, the patio will not cause a drainage problem.

Without further discussion, Commissioner Kiefer made the following motion seconded by Commissioner Mallers:

Based upon the submitted petition and the information presented, the request associated with PZC 2014-08 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Zoning Commission approve the petition as presented.

**Upon a voice vote, THE MOTION CARRIED by a vote of 6-0.
(Commissioners Oberland and Ritzert were absent)**

Municipal Services Committee – October 27, 2014

The petitioner has confirmed the following to address concerns/questions raised at the Commission meeting:

1. Parking: The petitioner has provided written approval from the adjacent property providing permission for overflow parking to occur on the neighbor's property.
2. Hours for the taproom:
Thursday: Noon to 9 PM
Friday and Saturday: Noon to 11 PM
Sunday: Noon to 7 PM
3. Taproom: Anticipated peak of 50 people. Patio can accommodate 16-20 people.
4. Events: They plan to hold 2-4 brewery related events yearly, anticipate no more than 50 people at the event. For private events (space rented out), year-round availability, anticipate no more than 50 people.

The City Attorney confirmed there is not a separation requirement between the proposed establishment and a daycare center.

The petitioner provided the following breweries with similar production scale with taprooms that do not provide food service:

Pollyanna Brewing Co., Lemont, IL
Buckledown Brewing Co., Lyons, IL
Solemn Oath Brewing Co., Naperville, IL
Penrose Brewing Co., Geneva, IL
Hailstorm Brewing Co., Tinley Park, IL
350 Brewing, Tinley Park, IL

Staff will contact those communities above to see what issues, if any, they have had.

Based on the Commission's recommendation and the additional information provided by the petitioner, staff recommends the Committee make the following recommendation approving the petition as presented:

Based upon the submitted petition and the information presented, the request associated with PZC 2014-08 is in conformance with the standards of the Darien City Code and, therefore, I move the Municipal Services Committee approve the petition as presented.

Municipal Services Committee Review – October 27, 2014

The Municipal Services Committee considered this matter at their meeting on October 27, 2014. The following members were present: Alderman Joseph Marchese – Chairman, Alderman Tina Beilke, Alderman Joerg Seifert, Dan Gombac – Director, Michael Griffith – Senior Planner and Elizabeth Lahey – Secretary.

Michael Griffith, Senior Planner, noted the public hearing, concerns raised at the public hearing and the Commission's recommendation. He described the proposed use.

Mr. Griffith noted the petitioner would like the ability to have the taproom open on Wednesdays with the same hours as Thursdays:

Hours for the taproom:

Wednesdays and Thursday: Noon to 9 PM
Friday and Saturday: Noon to 11 PM
Sunday: Noon to 7 PM

Dan Gombac, Director, noted they will not provide food service but allow food to be brought into the establishment.

Alderman Seifert asked to confirm how many people would be there and what type events would be held.

Josh Mowery, Miskantonic Brewing, stated their peak would be 50 people in the taproom and for events. He stated events would be local groups looking for a space to hold a private meeting or event, such as the Darien VFW or Chamber, stating events would be capped at 50 people.

Alderman Seifert stated the use would be a good addition to the community.

Alderman Beilke asked if the brewery will occupy the whole building, about parking and if there would be video gaming.

Mr. Mower stated they will occupy 1/3 of the building with an option to expand in the adjacent unit. He stated they an arrangement with the property to the north to allow overflow parking on the neighbor's property. He stated the taproom is not intended for people to hang out for hours and drink, stating there will not be TVs or video gaming.

There was no one from the public to offer comments.

Without further discussion, Alderman Seifert made a motion to recommend approval of the petitions, seconded by Alderman Beilke.

Upon a voice vote, THE MOTION CARRIED by a vote of 3-0.

Special Use Application for 1000 N. Frontage Rd

We request a special use allowance for our production brewery to have a public taproom on the premises.

The interior taproom area will comprise of around 1200 square feet of interior public space out of the total 9660 square feet of our two units, with a half-wall separation between the production area and public area for patrons to view the Brewhouse. We plan on having our regular hours noon to 9 PM on weekdays and noon to midnight on weekends. We will give tours on the weekend as well. There will be no food prepared on-site, but carry-out menus from surrounding area restaurants will be available, and we would like to allow food trucks on weekends in our parking lot. We will have sealed growler-fills available to-go, and eventually packaged bottles and cans to-go once we begin packaging beyond kegs. We plan on 10% or less of our volume being sold on-site in the taproom, the rest wholesale to distributors. There will be three exits in the taproom including the main entrance.

We are also requesting a 512 square foot fenced patio area with emergency exit on the Frontage Road side of the building. The patio would be set more than 20 feet back from Frontage Road.

As a part of our process in the production of oak-aged specialty beers, we will be using spirits and wine barrels to age beer for months at a time. These barrels are placed on racks along the wall and stay put for the long periods of time. The atmosphere of our barrel cellar leads us to believe it would be a nice group tasting area with which to allow people to have their group meetings or events. We would like to use this space, free of any production equipment and inventory, and connected directly to the taproom, as public space which people may reserve for their own group and possibly have the option to cater food in. We would not ourselves be catering the food, and would only work with those who have the proper licenses for catering. This would not be used as taproom space on a daily basis.

RE-PART, LLC

PHONE
(630) 434-7000

P.O. BOX 794
WESTMONT, ILLINOIS 60559



MEMO OF UNDERSTANDING

TO: Mr. Doug Jones

FROM: RE-PART, LLC
1000 No. Frontage Rd.
Darien, IL

DATED: October 21, 2014

RE: Overflow Parking

This memo is to confirm our verbal discussion and agreement for use of your parking lot in the event of overflow parking.

Per our discussion, from time to time the need may arise to park cars, in your lot to the North of our property. Our tenant will be responsible for all clean-up related to their operation and proper use of your property. If you have any questions, you may use our office as the contact point.



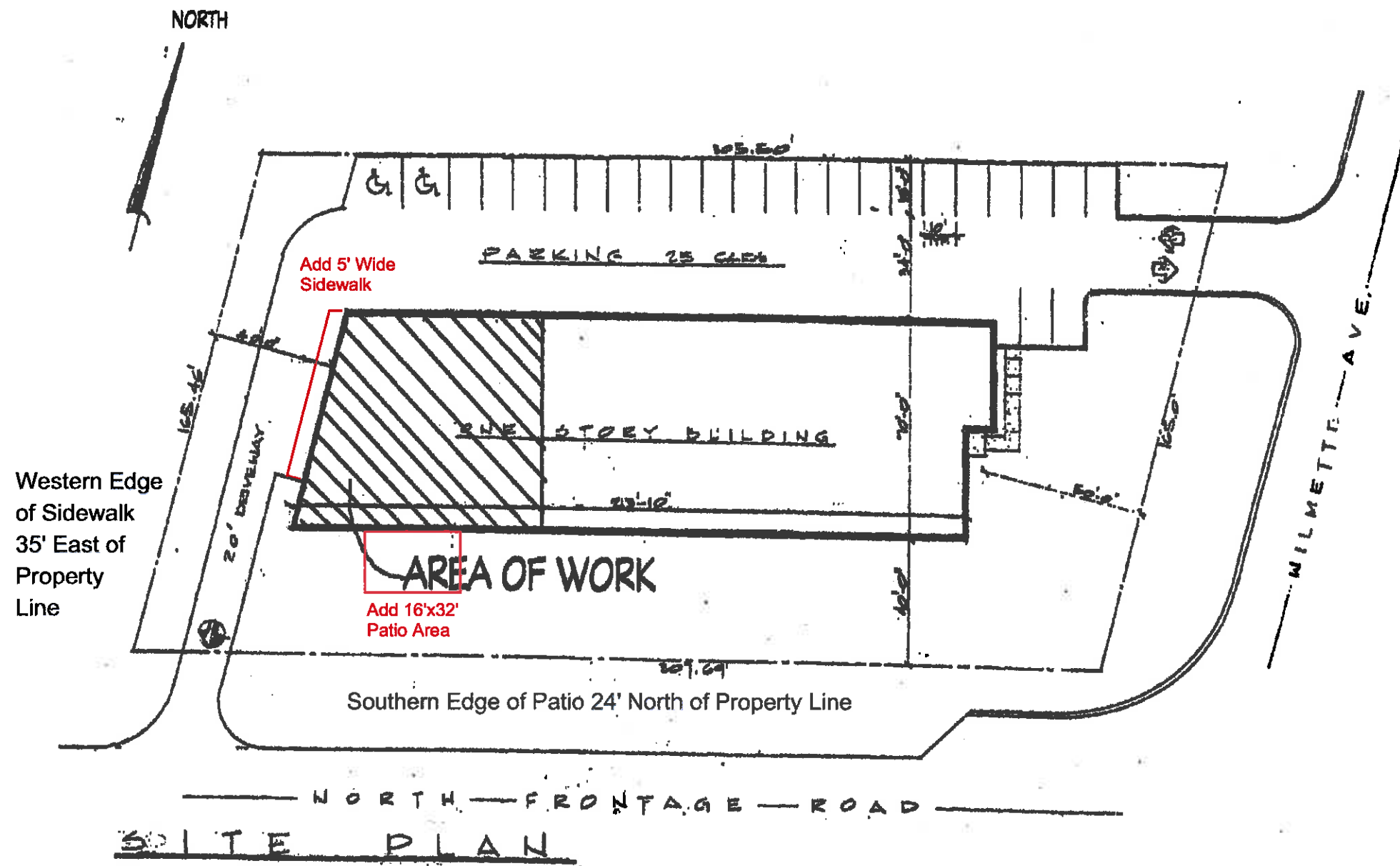
Paul Schoenbeck, Manager



Doug Jones



1000 N. Frontage Rd. Variance Request - Plat of Survey with Proposed Sidewalk and Patio



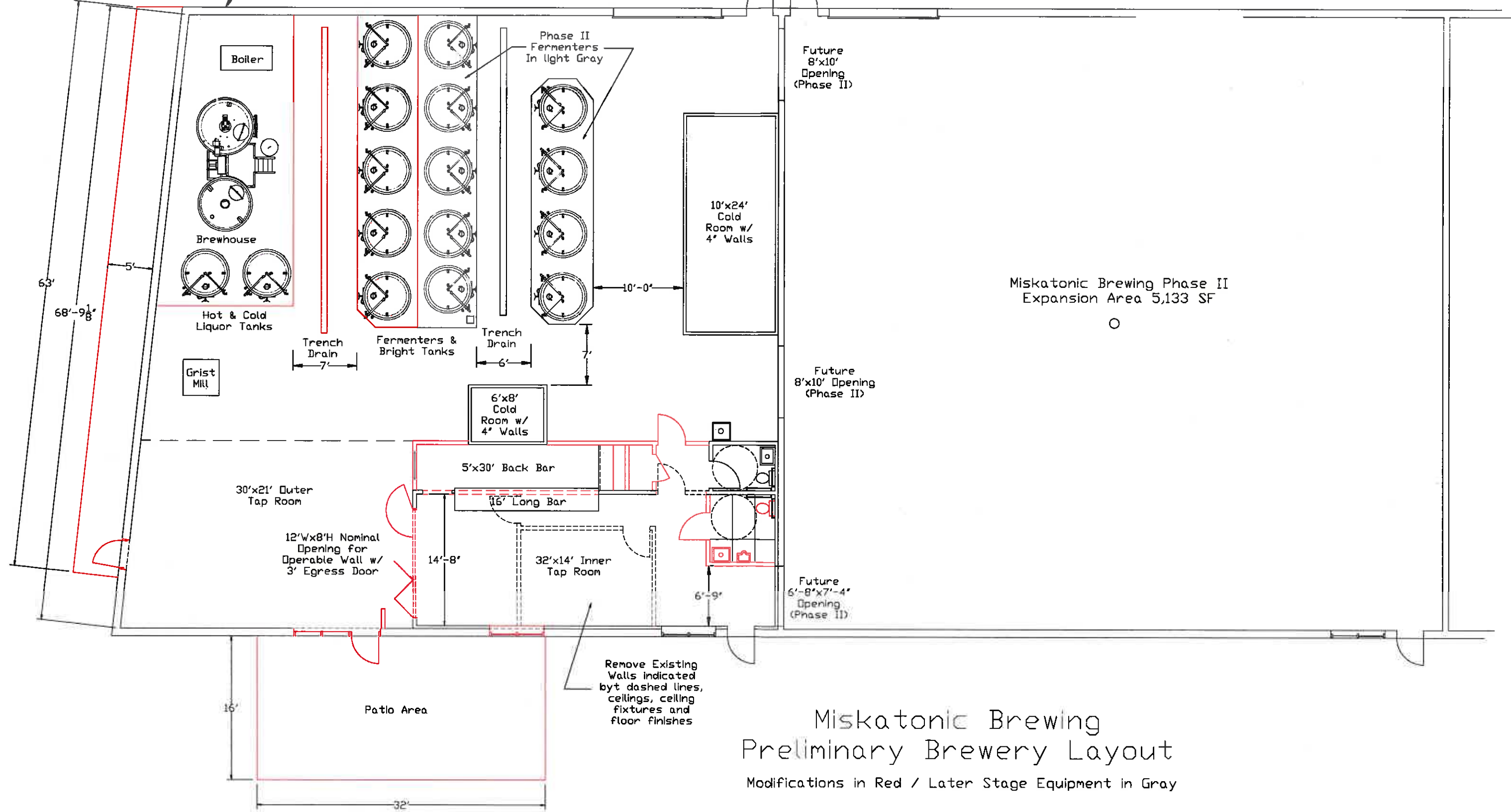
Driveway and Parking Area
(30 Spaces)

5' Sidewalk
to Entrance

Graphic on
Building Wall

12 HP
Chiller

Graphic on
Sectional Door

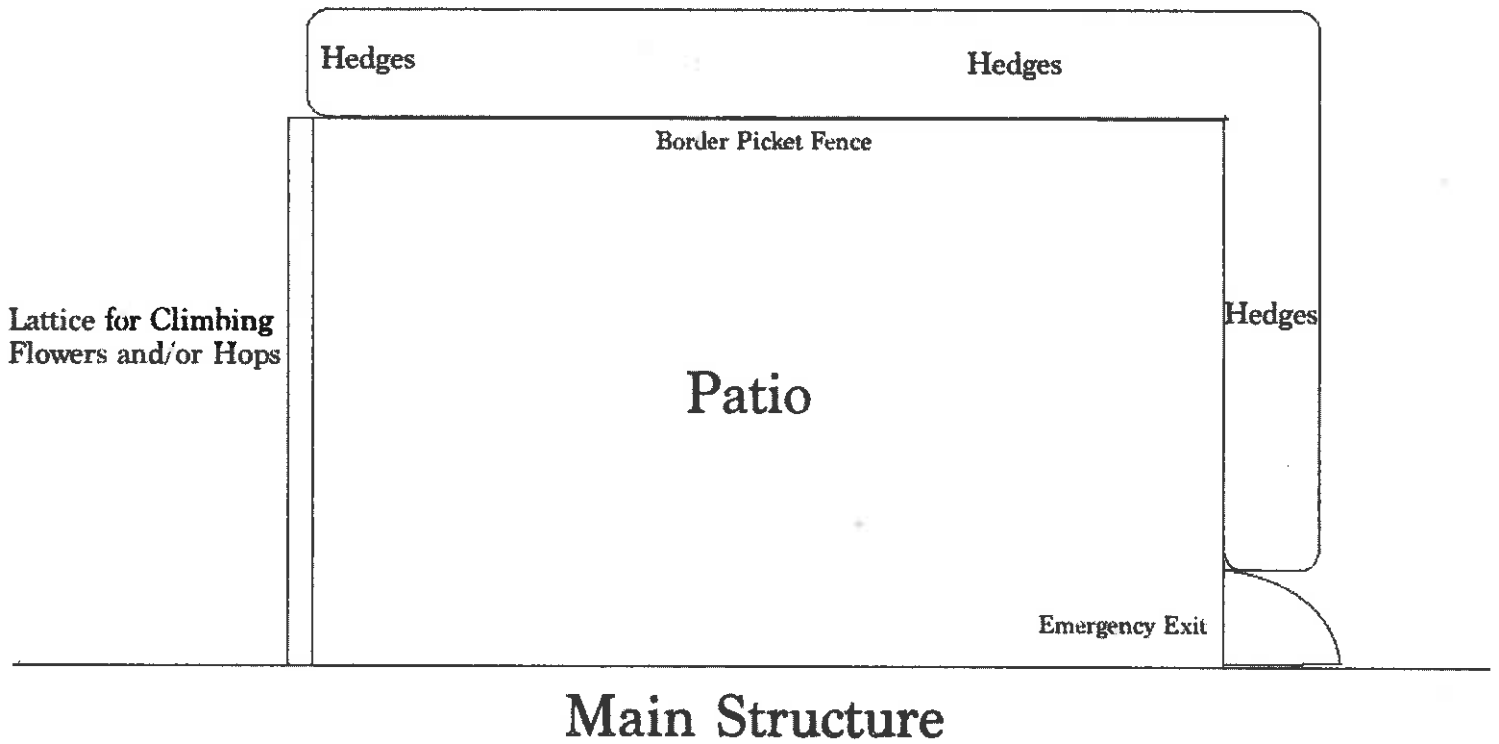


Miskatonic Brewing Phase II
Expansion Area 5,133 SF

Miskatonic Brewing Preliminary Brewery Layout

Modifications in Red / Later Stage Equipment in Gray

1000 N. Frontage Rd. Variance Request Preliminary Landscaping Plan



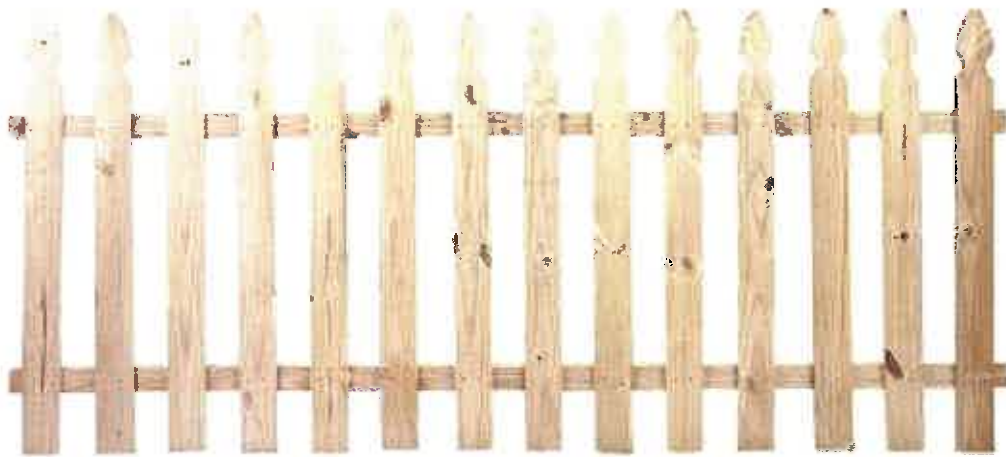
1000 N. Frontage Rd. Variance Request

Fencing for Patio

French Pine Gothic-Style Picket

Height: 42 inches

Emergency exit gate will be present.



1000 N. Frontage Rd. Variance Request Identification Sign Graphic for Overhead Door

Approximate Size: 10' x 10'



CITY OF DARIEN
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A SPECIAL USE FOR A BREWING FACILITY,
A VARIATION TO THE ZONING ORDINANCE AND
A VARIATION TO THE SIGN CODE**

(PZC 2014-08: 1000 N. Frontage Road, Unit C, Miskatonic Brewing)

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF DARIEN**

THIS 3rd DAY OF NOVEMBER , 2014

**Published in pamphlet form by authority of the
Mayor and City Council of the City of Darien,
DuPage County, Illinois, this__day of November,
2014.**

**AN ORDINANCE APPROVING A SPECIAL USE FOR A BREWING FACILITY,
A VARIATION TO THE ZONING ORDINANCE AND
A VARIATION TO THE SIGN CODE**

(PZC 2014-08: 1000 N. Frontage Road, Unit C, Miskatonic Brewing)

WHEREAS, the City of Darien is a home rule unit of government pursuant to the provisions of

Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

WHEREAS, the property legally described in Section 1 ("Subject Property"), is zoned OR & I Office, Research and Light Industrial District pursuant to the Darien Zoning Ordinance; and

WHEREAS, petitioner has submitted a petition for a special use to allow for a "brewing facility" as a special use in the OR & I Office, Research and Light Industrial District; and

WHEREAS, petitioner has also submitted a petition for variations to the City's Zoning Ordinance and Sign Code; and

WHEREAS, pursuant to proper legal notice, a Public Hearing was held before the Planning and Zoning Commission on October 20, 2014 regarding the petitions; and

WHEREAS, the Planning and Zoning Commission at its regular meeting of October 20, 2014, forwarded its findings and recommendation of approval of the petitions to the City Council; and

WHEREAS, on October 27, 2014, the Municipal Services Committee of the City Council reviewed the petitions and forwarded its recommendation of approval of the petitions to the City Council; and

WHEREAS, the City Council has reviewed the findings and recommendations described above and has determined that it is in the best interests of the City to grant the petitions subject to the terms, conditions and limitations described below.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: Subject Property. This Ordinance is limited and restricted to the property generally located at 1000 N. Frontage Road, Unit C, Darien, Illinois and legally described as follows:

LOT 1 IN GASAWAY'S SUBDIVISION BEING A SUBDIVISION OF PART OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 23, 1987 AS DOCUMENT R87-140401 IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-34-300-022-0000

SECTION 2: Special Use Granted. Pursuant to Section 5A-9-3-4: Special Uses, of the Darien

Zoning Ordinance, a special use is hereby granted to allow for the operation of a "brewing facility" as a special use on the Subject Property.

SECTION 3: Variations Granted. The following variations to the Darien Zoning Ordinance and Darien Sign Code are hereby granted:

- A. Section 5A-9-3-8: Yard Requirements, OR & I District: To allow a reduction in the corner side yard setback from 50 feet to 24 feet in order to construct a patio.
- B. Section 4-3-10(C)(1): Permitted Signs in Zoning District, Signs in the O and OR & I Districts: To permit a 100 square foot identification sign on the overhead door where 16 square feet is otherwise permitted.

SECTION 4: Conditions of Approval. The special use and variations herein granted are subject to the following conditions:

- A. There shall be no on-site food preparation or service; however, food trucks and carry-out menus from area restaurants may be made available.
- B. Petitioner shall address and mitigate any impact of the patio on the residence located to the east and west of the Subject Property.

SECTION 5: Site Plan Documents. The approval of the special use and variations is based upon the site plan documents submitted by Petitioner as set forth below. The Subject Property shall be developed in substantial compliance with following submitted plans:

- A. Site Plan, 1 sheet, prepared by Re-Part, LLC.
- B. Floor plan, 1 sheet, prepared by Re-Part, LLC.
- C. Patio site plan, 1 sheet, prepared by Re-Part, LLC.
- D. Patio fence detail, 1 sheet.
- E. Identification sign detail, 1 sheet.
- F. Special Use description.

SECTION 6: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage and approval, and shall subsequently be published in pamphlet form as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY,

ILLINOIS, this 3rd day of November, 2014.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY,

ILLINOIS, this 3rd day of November, 2014.

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF DARIEN
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 5A, CHAPTER 9, SECTION 5A-9-3-4,
“SPECIAL USES”, TO ADD “BREWING FACILITY” THERETO**

(PZC 2014-08: 1000 N. Frontage Road, Unit C, Miskatonic Brewing)

ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF DARIEN

THIS 3rd DAY OF NOVEMBER, 2014

**Published in pamphlet form by authority of the
Mayor and City Council of the City of Darien,
DuPage County, Illinois, this__day of November,
2014.**

**AN ORDINANCE AMENDING TITLE 5A, CHAPTER 9, SECTION 5A-9-3-4,
“SPECIAL USES”, TO ADD “BREWING FACILITY” THERETO**

(PZC 2014-08: 1000 N. Frontage Road, Unit C, Miskatonic Brewing)

**WHEREAS, the City of Darien is a home rule unit of government pursuant to the provisions of
Article VII, Section 6 of the Illinois Constitution of 1970; and**

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

WHEREAS, petitioner, Re-Part, LLC, submitted a petition for a text amendment to the Zoning Ordinance to allow a "brewing facility" as a special use in the OR & I Office, research and Light Industrial District; and

WHEREAS, pursuant to proper legal notice, a public hearing was held before the Planning and Zoning Commission on October 20, 2014, regarding this petition; and

WHEREAS, the Planning and Zoning Commission filed its findings and recommendations with the City Council recommending approval of the text amendment described herein; and

WHEREAS, the Municipal Services Committee met on October 27, 2014, and has filed its findings and recommendations with the City Council recommending approval of the text amendment described herein; and

WHEREAS, the City Council approves and adopts the findings and recommendations of the of the Planning and Zoning Commission and the Municipal Services Committee and incorporates such findings and recommendations herein by reference as if they were full set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: Title 5A, Chapter 9, "Office and Industrial Districts", of the City Code of Darien, as amended, is hereby further to add brewing facilities to Special Uses (5A-9-3-4) in the OR & I Office, Research and Light Industry District to read as follows:

5A-9-4-4: SPECIAL USES:

Brewing facilities, as defined in Section 3-3-7-14, "Class N License", of the City Code.

SECTION 2: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive

state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage and approval, and shall subsequently be published in pamphlet form as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY,

ILLINOIS, this 3rd day of November , 2014.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY,

ILLINOIS, this 3rd day of November , 2014.

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

AGENDA MEMO
CITY COUNCIL
MEETING DATE: November 3, 2014

Issue Statement

Class N Liquor License: Consideration to amend the Liquor Control Regulations, Section 3-3 of the City Code, to create a new liquor license, a Class N License.

ORDINANCE

Discussion/Overview

The Municipal Services Committee considered this matter and recommends approval, subject to amending the draft ordinance as follows:

1. Public taproom hours:
Wednesdays and Thursdays: Noon to 9 PM
Friday and Saturday: Noon to 11 PM
Sunday: Noon to 7 PM
2. Private events are not restricted to the public taproom hours.
3. Reduce the annual license fee from \$2,500 to \$2,000.

The draft ordinance reflects the above changes.

Decision Mode

Municipal Services Committee: October 27, 2014
City Council: November 3, 2014

Additional Information

Issue Statement

Class N Liquor License: Consideration to amend the Liquor Control Regulations, Section 3-3 of the City Code, to create a new liquor license, a Class N License.

Overview/Discussion

Miskantonic Brewing is proposing to locate at 1000 N. Frontage Road. The brewery will include the following activities:

- a. Brewery, brewing specialty beers.
- b. Public taproom where patrons can purchase beer for on-site consumption as well as growler-fills to-go, less than 10% or less of volume being sold on-site, remainder sold wholesale to

distributers. No on-site food preparation or service, but carry-out menus from area restaurants made available.

- c. Patio.
- d. Tours on weekends.
- e. The petitioner would also like the ability to allow groups to use the space for meetings and events.

Currently, there is not a liquor license that meets their needs. Creating a new liquor license requires amending the City Code. Draft license language is attached.

Staff Findings/Recommendations

Staff recommends the Committee make a recommendation to approve the attached draft license language for a Class N liquor license.

Municipal Services Committee Review – October 27, 2014

The Municipal Services Committee considered this matter at their meeting on October 27, 2014. The following members were present: Alderman Joseph Marchese – Chairman, Alderman Tina Beilke, Alderman Joerg Seifert, Dan Gombac – Director, Michael Griffith – Senior Planner and Elizabeth Lahey – Secretary.

Michael Griffith, Senior Planner, stated the petitioner would like the Committee to consider changes to the draft ordinance:

- 1. Public taproom hours:
 - Wednesdays and Thursdays: Noon to 9 PM
 - Friday and Saturday: Noon to 11 PM
 - Sunday: Noon to 7 PM
- 2. Private events are not restricted to the public taproom hours.
- 3. Reduce the annual license fee from \$2,500 to \$2,000.

Alderman Seifert stated he did not object to reducing the license fee.

The Committee did not object to the proposed changes to the license.

There was a discussion if BYOB (Bring Your Own Bottle) would be allowed.

Josh Mowery, Miskantonic Brewing, stated that within the craft brew culture, people like to bring bottles of beer from other breweries to share and he would like to allow it as well.

It was noted the City does not have regulations on BYOB.

Without further discussion, Alderman Seifert made a motion to recommend approval of the proposed liquor license as amended, seconded by Alderman Beilke.

Upon a voice vote, THE MOTION CARRIED by a vote of 3-0.

CITY OF DARIEN
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, SECTION 3-3-7,
"CLASSIFICATION OF LICENSES AND FEES", OF THE DARIEN CITY CODE**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF DARIEN**

THIS 3rd DAY OF NOVEMBER, 2014

-

**Published in pamphlet form by authority of the
Mayor and City Council of the City of Darien,
DuPage County, Illinois, this ____ day of November,
2014.**

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, SECTION 3-3-7,
"CLASSIFICATION OF LICENSES AND FEES", OF THE DARIEN CITY CODE**

WHEREAS, the City of Darien is a home rule unit of government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

WHEREAS, Title 3, Chapter 3, of the Darien City Code regulates alcoholic liquor sales in the City; and

WHEREAS, Section 3-3-7 of the Darien City Code provides for various classes of liquor licenses; and

WHEREAS, the City Council has determined that it is in the best interests of the City to amend Section 3-3-7 of the Darien City Code to provide for a Class N license to regulate the manufacture, packaging, distribution, storage and retail sale and serving of alcoholic liquor for "brewing facilities".

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: Title 3, Chapter 3, Section 3-3-7, "Classification of Licenses and Fees", of the Darien City Code, as amended, is hereby further amended by adding new Subsection 3-3-7-14, "Class N License", to read as follows:

3-3-7-14: **CLASS N LICENSE:**

A. A class N license shall authorize the on-premise consumption and retail sale of craft beer where the premises is that of a brewing facility. For the purposes of this subsection, "brewing facility" is defined as a place in which the primary business is the manufacturing, packaging, distribution, sale and storage of craft beer produced on the premises in compliance with federal and state laws. The following regulations shall apply to the class N license:

1. No more than a total of 50,000 gallons of beer shall be sold at retail in growlers, cans and/or bottles for off-premises consumption per year.
2. All growlers, cans and beers sold at retail for off-premises consumption must be properly sealed.
3. Retail sales for off-premises consumption and on-premises consumption shall be limited to the retail portion of the licensed premises; except, however, on-premises consumption may be allowed in other areas of the licensed premises during supervised tours and private events. The retail portion of the licensed premises shall not exceed 3,000 square feet.
4. Product sampling shall be permitted in accordance with state law, at no charge.
5. Patrons under twenty-one (21) years of age shall be allowed on the premises when accompanied by a person twenty-one (21) years of age or older; except, however, classes and seminars on alcoholic related subjects shall only be open to patrons twenty-one (21) years and older.
6. Live entertainment is restricted to the indoor retail portion of the premises; except, however, live entertainment may be permitted in other indoor areas of the licensed premises during private events.

B. It shall only be lawful to sell at retail or offer for sale at retail craft beer in conjunction with a class N liquor license for off-premises and/or on-premises consumption Wednesdays and Thursdays between twelve o'clock (12:00) P.M. and nine o'clock (9:00) P.M., Fridays and Saturdays between twelve o'clock (12:00) P.M. and eleven o'clock (11:00) P.M. and Sundays between twelve o'clock (12:00) P.M. and seven o'clock (7:00) P.M. It shall be unlawful to sell at retail or offer for sale at retail craft beer in conjunction with a class N liquor license for off-premises or on-premises consumption on Mondays and Tuesdays. Except, however, private events shall not be restricted to the above hours. For private events it shall be unlawful to sell or serve craft beer between the hours of one o'clock (1:00) A.M. and eleven o'clock (11:00) A.M., except on Saturdays and Sundays when it shall be unlawful for anyone to sell or serve craft beer between the hours of two o'clock (2:00) A.M. and ten o'clock (10:00) A.M. The commissioner may extend the hours of lawful sale or service of craft beer on special occasions such as New Year's Eve.

C. The annual fee for a class N license shall be two thousand dollars (\$2,000.00).

D. The number of class N licenses shall be one (1).

SECTION 2: The existing Subsection 3-3-7-14, "Payment of Fees, Expiration Date", is hereby renumbered as Subsection 3-3-7-15.

SECTION 3: Section 3-3-23 of the Darien City Code, "Copy of Ordinance to Be Provided Licensees", as amended, is hereby further amended to read as follows:

3-3-23: COPY OF ORDINANCE TO BE PROVIDED LICENSEES: A licensee to whom a class A, B, C, D, E, F, G, H, I, K, M and N license is issued hereunder shall annually be provided with a copy of this chapter, and shall sign a certificate stating that said copy has been provided and that the licensee agrees to comply with all provisions hereof as a condition of said license.

SECTION 4: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval, and shall subsequently be published in pamphlet form as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 3rd day of, November, 2014.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY,

ILLINOIS, this 3rd day of November, 2014.

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

AGENDA MEMO
City Council
November 3, 2014

ISSUE STATEMENT

An ordinance amending section 6C-5-3 of the Darien City Code, Use of Groundwater as a Potable Water Supply Prohibited.

ORDINANCE

BACKGROUND/HISTORY

The City of Darien passed an Ordinance on August 4, 2014 prohibiting the use of groundwater as a potable water supply for the former BP property located at 7450 South Kingery Highway, Willowbrook, Illinois. Recently, the IEPA has modified the language to be included in the ordinance thereby rejecting the previous ordinance, see attached [email](#).

The IEPA is mandating that the following excerpt be removed from Ordinance No. O-28-14:

The use or attempt to use as a potable water supply groundwater from within the corporate limits of the City of Darien, in that area of the City as depicted and narrated on [Exhibit C](#), ~~and all Exhibits previously approved by ordinance~~ by the installation or drilling of wells or by any other method is hereby prohibited, as identified by the IEPA. This prohibition expressly includes the City of Darien and any other unit of local government.

The Ordinance has been modified to reflect the amended language.

STAFF RECOMMENDATION

The Staff recommends approving the ordinance.

ALTERNATE CONSIDERATION

Not approving the ordinance is an alternate consideration.

**CITY OF DARIEN
DU PAGE COUNTY, ILLINOIS**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 6C-5-3 OF THE DARIEN CITY CODE, USE OF
GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF DARIEN**

THIS 3rd DAY OF NOVEMBER, 2014

**Published in pamphlet form by authority of the
Mayor and City Council of the City of Darien,
DuPage County, Illinois, this 3rd day of November,
2014.**

**AN ORDINANCE AMENDING SECTION 6C-5-3 OF THE DARIEN CITY CODE, USE OF
GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE

COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: Section 6C-5-3 of the Darien City Code is hereby amended to provide as follows:

6C-5-3: USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED: The use or attempt to use as a potable water supply groundwater from within the corporate limits of the City of Darien, in that area of the City as depicted and narrated on [Exhibit C](#), ~~and all Exhibits previously approved by ordinance~~ by the installation or drilling of wells or by any other method is hereby prohibited, as identified by the IEPA. This prohibition expressly includes the City of Darien and any other unit of local government.

SECTION 2: This ordinance and each of its terms shall be effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, that this Ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 3: This Ordinance shall be in full force and effect immediately after the date of this Ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 3rd day of November, 2014.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, this 3rd day of November, 2014.

KATHLEEN MOESLE WEAVER, MAYOR

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Ashley Prueter

From: Savin, Daniela [Daniela.Savin@parsons.com]
Sent: Wednesday, October 22, 2014 2:57 PM
To: Ashley Prueter; Dan Gombac
Subject: RE: Marion Hills South Subdivision - Limited GWO
Attachments: Groundwater Ordinance - BP Amoco.pdf; IL 05872 2014-1010 IEPA Rej GWO.pdf

Hi,

Never an easy task – BP received the IEPA letter that rejected the Ordinance for the following reason:

- Page#2 (Section 6C-5-3) of the attached Ordinance had an “extra” element added that does not apply to the Limited Ordinances. I was not aware of a modification to the Ordinance from what I originally sent.

I made a call to IEPA and they will approve the Ordinance if the highlighted item on Page# is removed.

See attached the IEPA pages that refers to the rejection of the Ordinance. Please let me know if this can be modified.

Thank you,

Daniela Savin, CISEC
Principal Geologist
10 South Riverside Plaza, Ste. 400 ♦ Chicago, Illinois 60606
Phone – 312.930.5185 ♦ Mobile – 312.618.7573
daniela.savin@parsons.com ♦ www.parsons.com

PARSONS



From: Ashley Prueter [<mailto:aprueter@darienil.gov>]
Sent: Friday, August 29, 2014 10:15 AM
To: Savin, Daniela
Cc: Dan Gombac
Subject: RE: Marion Hills South Subdivision - Limited GWO

Attached is the approved Ordinance.

-----Original Message-----

From: Dan Gombac [<mailto:dgombac@darienil.gov>]
Sent: Thursday, August 28, 2014 3:44 PM
To: Savin, Daniela; Ashley Prueter
Subject: Re: Marion Hills South Subdivision - Limited GWO

It was passed
Ashley did we forward res
Sent from my Verizon Wireless 4G LTE DROID

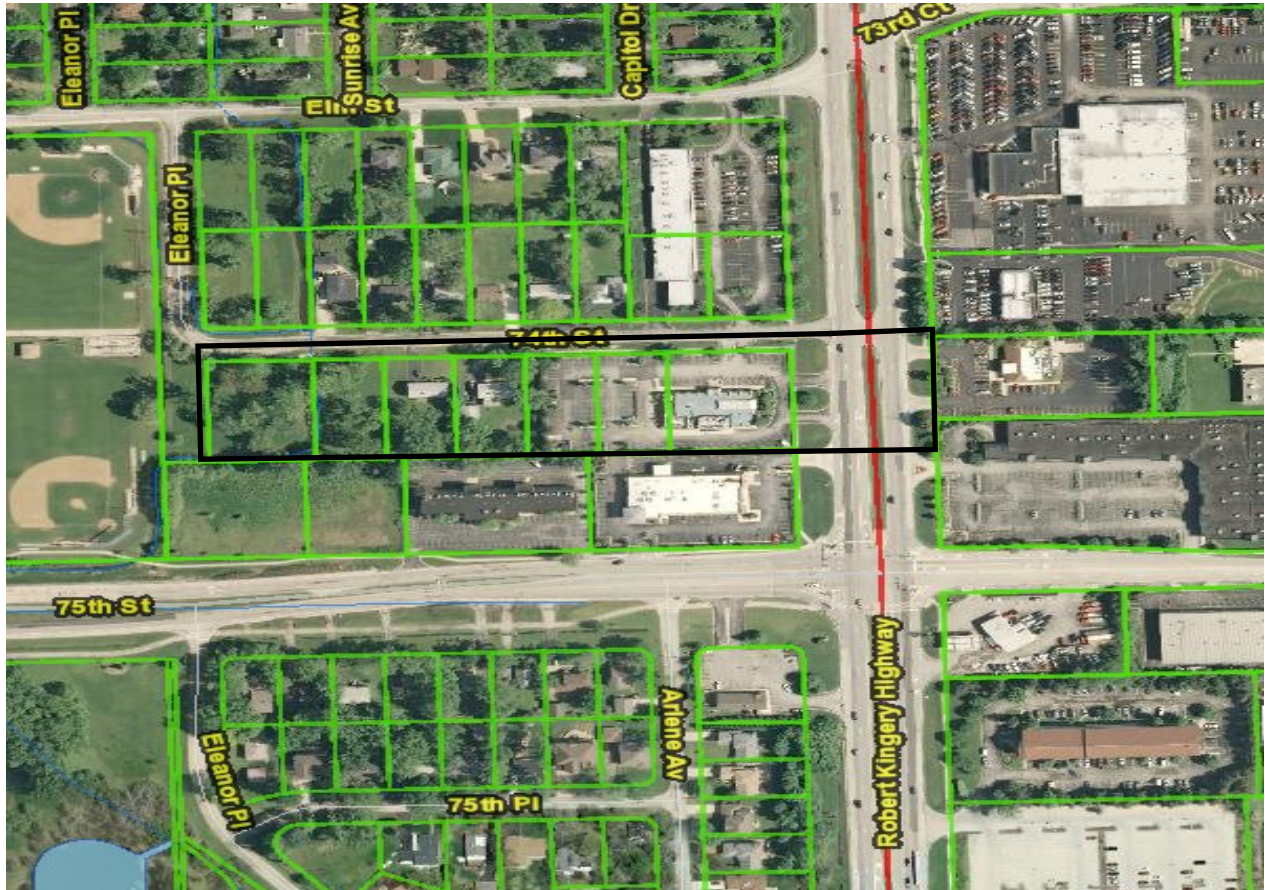
"Savin, Daniela" <Daniela.Savin@parsons.com> wrote:

Dan,

Do you have any update on the Limited Groundwater Ordinance (GWO) that was to be addressed in the Counsel meeting in August.

Below is a long string of emails (related and not re

Exhibit C: Narrative of Area Covered by Groundwater Ordinance
City of Darien



Area of prohibition is described as follows:

Starting at the Point of Beginning located at the southwestern corner of Kingery Highway and 74th Street, thence to a point located 889.3 feet west to the corner of 74th Street and Eleanor Place, thence to a point located 235.4 feet southerly to the Darien-Willowbrook City boundary, thence to a point 1031.6 feet easterly along the southern Darien-Willowbrook City boundary across Kingery Highway, thence to a point located 238.4 feet northerly along north-bound Kingery Highway, thence to a point located 136.6 feet westerly across Kingery Highway to the Point of Beginning.

**CHAPTERS
REGULATION OF POTABLE WATER
SUPPLY WELLS IN A
DESIGNATED AREA**

SECTION:

6C-5-1: Title

6C-5-2: Definitions

6C-5-3: Use of Groundwater As A Potable Water Supply Prohibited

6C-5-4: Penalty

6C-5-1: **TITLE:** This Chapter shall be known as *REGULATION OF POTABLE WATER SUPPLY WELLS IN A DESIGNATED AREA*.

6C-5-2: **DEFINITIONS:** As used herein, the following terms shall have the meanings hereinafter ascribed to each term:

PERSON: Any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

POTABLE WATER: Any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

6C-5-3: **USE OF GROUND WATER AS A POTABLE WATER SUPPLY PROHIBITED:** The use or attempt to use as a potable water supply groundwater from within the corporate limits of the City of Darien, in that area of the City as depicted and narrated on Exhibit C, and all Exhibits previously approved by ordinance by the installation or drilling of wells or by any other method is hereby prohibited, as identified by the IEPA. This prohibition expressly includes the City of Darien and any other unit of local Government.

6C-5-4: **PENALTY:** Any person violating the provisions of this Chapter shall be subject to a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each such violation. A separate violation shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 2: Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this Ordinance is hereby repealed insofar as it is in conflict with this Ordinance.

SECTION 3: Severability. If any provision of this Ordinance or its application to any person or under any circumstances is adjudicated invalid of a court having competent jurisdiction, such adjudication shall not affect the validity of the Ordinance as a whole or any portion not adjudicated invalid.

SECTION 4: This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent that the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval, and shall subsequently be published in pamphlet form as provided by law.

The CAP proposes to install one soil gas boring near impacted well MW-6A. Two soil gas samples will be collected from that boring at two feet and four feet below ground surface. However, the results of investigation of the release and the site characterization for the above-referenced incident indicate there is an interval of at least five feet of uncontaminated soil between contaminated groundwater and the lowest point of an overlying receptor (or ground surface if there is no overlying receptor) in this area. Therefore, an evaluation of the indoor inhalation exposure route in accordance with 35 Ill. Adm. Code 742 is not required in the proposed area near MW-6A.

However, former soil sample P-5, which was collected from a depth of three to four feet below ground surface and within the groundwater plume, does not have an interval of at least five feet of uncontaminated soil between contaminated groundwater and the lowest point of an overlying receptor (or ground surface if there is no overlying receptor). Therefore, the proposed soil gas sample must be collected adjacent to P-5 instead of MW-6A.

In addition, all costs associated with the second soil gas sample and the ambient air sampling are in excess of those necessary to meet the minimum requirements of the Act and regulations. While it is technically acceptable that these activities be performed, payment from the Fund is not approved.

2. **In addition, the City of Darien Ordinance has been denied for the following reasons:**

The City of Darien ordinance may not be used as an institutional control because the limited area to which it applies is not “easily identifiable and clearly defined by the ordinance.” 35 Ill. Adm. Code 742.1015(a)(3).

Section 6C-5-3 of the Ordinance describes the area to which it applies as “that area of the City as depicted and narrated on Exhibit C, and all Exhibits previously approved by the ordinance.” Exhibit C describes an area of Darien using metes and bounds and is accompanied by a map that appears to match the description. It appears that Exhibit C describes as easily identifiable and clearly defined area that is subject to the Ordinance.

The language of Section 6C-5-3 presents two issues, each of which prevents the Ordinance from serving as an institutional control. First, the area to which the Ordinance applies is not clearly defined. It is not clear from the Ordinance or the City of Darien’s website what area or areas are subject to the other “Exhibits previously approved by ordinance.” Because the text of the Ordinance indicates that it applies to the area described in all other previously approved Exhibits, it is necessary to have a complete understanding of the entire scope of those areas. Indeed, those other “Exhibits previously approved by ordinance” may not apply to easily identifiable and clearly defined areas, which would prevent the Ordinance from serving as an institutional control. Without an adequate description of the entire area subject to the Ordinance, it is not possible to conclude that the Ordinance applies to an easily identifiable and clearly defined area.

Second, even if the area subject to other “Exhibits previously approved by ordinance” were easily identifiable and clearly defined in some other ordinance, the Ordinance under review would not satisfy the requirements of Section 1015(a)(3), as currently constituted. The area to which the ordinance applies be “easily identifiable and clearly defined by *the* ordinance.” 35 Ill. Adm. Code 742.1015(a)(3). The use of the word “the” rather than “an” in Section 1015(a)(3) indicates that the area subject to the ordinance must be described in the ordinance under review and not some other ordinance. Because the Ordinance, on its face, does not describe an easily identifiable and clearly defined area to which it applies, it may not be used as an institutional control.

Any questions regarding the City of Darien Ordinance (No. O-28-14) should be directed to James Jennings of the Illinois EPA Division of Legal at (217) 524-1852.

jmd:jab\050739-cap#3&bud#3.A.dotx

AGENDA MEMO
CITY COUNCIL
MEETING DATE: November 3, 2014

Issue Statement

PZC 2014-07: **2601 75th Street, Mi Hacienda:** Consideration of a motion to DENY the variation petition to reduce the required corner side yard setback from 50 feet to zero feet for a patio for outdoor dining.

Discussion/Overview

The Municipal Services reconsidered this petition at their October 27, 2014, meeting. The Committee recommended denial.

The Planning and Zoning Commission recommended denial at their August 20, 2014, meeting.

An ordinance is not being presented to the Council given the Commission and Committee recommendations. If the Council decides to grant the variation, an ordinance will be drafted for consideration at the November 17, 2014, meeting. Since the Commission recommended denial, *a 2/3 vote approving the ordinance is required to grant the variation* per Section 5A-2-2-3(F)(2) of the Zoning Ordinance.

The full discussion follows as “Additional Information.”

Decision Mode

Planning and Zoning Commission:	August 20, 2014
Municipal Services Committee:	September 22, 2014
City Council:	October 6, 2014
Municipal Services Committee:	October 27, 2014
City Council:	November 3, 2014

Additional Information

Issue Statement

PZC 2014-07: **2601 75th Street, Mi Hacienda:** Consideration of a motion to DENY the variation petition to reduce the required corner side yard setback from 50 feet to zero feet for a patio for outdoor dining.

Applicable Regulations: Zoning Ordinance: 5A-5-7-3: Permitted Obstructions in Required Yards.
 Zoning Ordinance: 5A-8-3-8: Yard Requirements.

General Information

Petitioner/Owner: Andrius Presniakouas

14144 131st Street
Lemont, IL 60439

Property Location: 2601 75th Street

PIN: 09-29-300-009

Existing Zoning: B-2 Community Shopping Center Business District

Existing Land Use: Restaurant, café, gift store

Comprehensive Plan Update: Commercial

Surrounding Zoning and Land Use:

North: B2 General Retail Business (Downers Grove): commercial/retail

South: R-2 Single-Family Residence District: single-family home, landscape business

East: B-1 Neighborhood Convenience Shopping District: commercial/retail, vacant, former Wolf Camera shop

West: B-3 General Business District: commercial/retail, Chestnut Court Shopping Center

Size of Property: 0.598 acres

Floodplain: None.

Natural Features: None.

Transportation: Property has frontage on 75th Street and Main Street with access from Main Street only.

History: In 2003, the City Council granted a variation, Ordinance O-02-03, to reduce the required parking setback along the front lot line and to increase the permitted lot coverage. In 2012, the City Council granted a special use for an eating establishment, Grand Dukes.

Documents Submitted

This report is based on the following information submitted to the Community Development Department by the Petitioner:

1. Plat of Survey, 1 sheet, prepared by Ruettiger, Tonelli & Associates, Inc., dated April 2, 2012. Patio details indicated by petitioner.

Planning Overview/Discussion

The subject property is located at the southwest corner of 75th Street and Main Street, just east of the Chestnut Court shopping center. The property contains one, 2-tenant retail building. The east half of the building is

occupied by a restaurant, Mi Hacienda. The west half of the building is occupied by a restaurant and gift store, Grand Dukes.

The petitioner constructed a patio on the east side of the building for outdoor dining. The patio was constructed without a permit. Per the Zoning Ordinance, patios are required to meet the required corner side yard requirement. Currently, the Zoning Ordinance requires a 50-foot corner side yard setback in the B-2 zoning district. The building is approximately 25 feet from the lot line, therefore, any patio within this yard would also encroach. The patio extends from the building to the east lot line.

Mi Hacienda holds a liquor license. For alcohol to be served outside on the patio, the following items are required per the Liquor Code:

1. The perimeter of the outdoor area shall be enclosed.
2. The outdoor area shall be owned or leased by the licensee. (Ord. 0-31-08, 7-7-2008)
3. The outdoor area may be open only at times when food service is available in the restaurant. The restaurant must offer, and have available during all times that alcoholic liquor is available, a full menu and not the limited menu of a bar. This section shall not be deemed to permit activities such as outdoor beer gardens, large scale celebrations, or similar festivities within the outdoor seating area. (Ord. 0-32-08, 7-21-2008)
4. Access to the outdoor area shall be limited to entrances from within the licensed establishment only and not from a sidewalk or parking lot.
5. Seating in the outdoor area shall not be included to meet the required maximum capacity or occupancy restrictions for any license classification as established by this title.
6. Sale of alcoholic liquor shall be for consumption on the licensed premises only.
7. The outdoor area shall be closed at eleven o'clock (11:00) P.M. on Sunday through Thursday, and at twelve o'clock (12:00) midnight on Friday and Saturday.
8. A revised plat of survey must be submitted showing the location of the outdoor area, along with the enclosure details.
9. The licensee shall be required to take all necessary measures to prevent the level of noise and music from the outdoor area from causing any unreasonable disturbance to any nearby residentially zoned area.
10. Live entertainment is not permitted in the outdoor area.
11. An annual permit is required to serve alcoholic liquor at an outdoor area. The liquor commissioner may impose such terms and conditions on the licensee as shall be necessary to cause the fulfillment of these standards to be met. Because of the potential for the disturbance of the public health and safety when alcoholic liquor is sold outdoors or in a not fully enclosed structure, service of liquor in an outdoor area may be canceled, suspended or not renewed by the liquor commissioner. (Ord. 0-31-08, 7-7-2008)

The plat of survey shows 36 parking stalls. The Zoning Ordinance requires 4 parking stalls/1,000 gross square foot of building area for multi-tenant buildings, or 24 parking stalls in this case. There are 2 handicapped accessible parking stalls, which complies.

The variation request must address the following criteria for approval:

1. Whether the general character of the property will be adversely altered.
2. Whether the overall value of the property will be improved and there will not be any potential adverse effects on the neighboring properties.
3. Whether the alleged need for the variation has been created by any person presently having a proprietary interest in the premises.
4. Whether the proposed variation will impair an adequate supply of light and air in adjacent property, substantially increase congestion in the public streets, increase the danger of fire or endanger the public safety.
5. Whether the proposed variation will adversely alter the essential character of the neighborhood.

Staff Findings/Recommendations

While Staff does not object to the patio, there are residences directly to the south of the proposed patio. Consideration shall be taken regarding the carrying of voices to the adjacent neighbors. The petitioner will need to apply to serve alcohol outdoors and comply with the applicable regulations.

The proposed variation will not adversely alter the essential character of the property, the variation will not impair an adequate supply of light and air in adjacent property, substantially increase congestion in the public streets, increase the danger of fire or endanger the public safety.

Therefore, staff recommends the Planning and Zoning Commission make the following recommendation granting the variation petition:

Based upon the submitted petition and the information presented, the request associated with PZC 2014-07 is in conformance with the standards of the Darien City Code and, therefore, I move the Planning and Zoning Commission approve the petition, subject to the following:

1. **Compliance with the Liquor Code regarding outdoor alcohol service and consumption, Section 3-3-24 of the City Code.**

Planning and Zoning Commission Review – August 20, 2014

The Planning and Zoning Commission considered this matter at their meeting on August 20, 2014. The following members were present: Beverly Meyer – Chairperson, Ronald Kiefer, John Lind, Louis Mallers, Raymond Mielkus, Pauline Oberland, Kenneth Ritzert and Michael Griffith – Senior Planner.

Absent: Susan Vonder Heide and Elizabeth Lahey – Secretary.

Andrius Presniakouas, the petitioner, was present.

Michael Griffith, Senior Planner, reviewed the agenda memo describing the requested variation, he noted the patio is for outdoor dining.

He noted the required corner side yard setback of 50 feet, that the existing building currently encroaches 25 feet into the setback and therefore, any patio within this yard would also encroach. He noted the patio extends to the property line. He noted the patio was constructed without a permit, that the petitioner is seeking to bring the matter into compliance.

Mr. Griffith noted the petitioner plans to serve alcohol outdoors, he noted the applicable regulations related to serving and consuming alcohol outdoors per City Code.

Commissioners Oberland and Mallers stated they were bothered by the petitioner not obtaining a building permit before constructing the patio.

Commissioner Oberland asked what was south of the property.

Mr. Griffith stated there is a home to the south, but that a landscape business is operated from the home so it is not exclusively a residential property. He noted the home is not up next to the subject property.

Chairperson Meyer questioned the fence enclosure.

Mr. Griffith stated the Liquor Code does not require a certain type or fence height, the Code requires the area is to be enclosed.

Mr. Presniakouas stated he owns the building. He stated Enrique Rodriguez, who runs Mi Hacienda, approached him about business being slow and suggested a patio would help. He said he did not have a problem with the patio and thought Mr. Ridriguez was obtaining the permit. He stated Mr. Rodriguez owns the first two homes across the street on Main Street.

Commissioner Oberland asked when the petitioner bought the property and if he owned other property.

Mr. Presniakouas stated he bought this property in 2011 and owns other commercial property.

Commissioner Oberland stated he should have known a building permit is required.

There was a discussion of the proposed enclosure. Mr. Presniakous stated it was 42 inches tall. It was noted the enclosure is intended to route customers into the restaurant for service and to prevent customers from wandering off the patio.

Luanne Spiros, 7521 Main Street, stated she opposed the variation. She stated the variation will adversely impact the quality of life. She stated congestion on Main Street will increase, noting that vehicles are currently parked on both sides of Main Street, that it is difficult to see when exiting Main Street. She stated allowing the patio without a permit sends a mixed message.

Joe Weber, 7521 Main Street, stated he opposed the variation. He stated the site does not have enough parking and the patio will increase the capacity making parking more of a problem. He stated the parking standards for a stand-alone restaurant, based on seating, should be applied instead of the standard for a multi-tenant building.

Commissioner Oberland asked the petitioner how many tables would be on the patio.

Mr. Presniakouas stated 4 tables, 4 seats per table.

Paul Jopa, 7518 Cambridge Drive, stated his concern with the fence up against the sidewalk. He stated there is an overhead power line and questioned the safety of it being over a patio. He stated the street is a residential street.

Chairperson Meyer asked if there would be live entertainment on the patio, noting the property borders a residential area.

Mr. Presniakouas stated no.

Mr. Griffith stated the Liquor Code does not permit live entertainment outdoors.

Commissioners Kiefer and Oberland stated their concern with the patio encroaching all the way to the sidewalk.

Commissioner Ritzert stated his concern with noise bothering the residents to the south.

Chairperson Meyer noted the Lithuanian restaurant has a small seating area and is mostly carry-out.

Commissioner Oberland asked when Mi Hacienda was busy. She stated her concern with the patio being so close to the sidewalk with people walking on the sidewalk next to the patio with people eating.

Mr. Presniakouas stated the main business nights are Fridays.

Commissioner Lind stated the parking situation is on-going and it should not be aggravated. He stated one vehicle on the street is too many.

Commissioner Kiefer and Chairperson Meyer stated their concerns with the patio activity in a residential area.

Without further discussion, Commissioner Mellers made a motion to recommend denial of the variation petition, seconded by Commissioner Oberland.

**Upon a roll call vote, THE MOTION CARRIED by a vote of 7-0.
(Commissioner Vonder Heide was absent.)**

Municipal Services Committee – September 22, 2014

Based on the Planning and Zoning Commission's recommendation, staff recommends the Committee make the following recommendation to deny the variation petition:

Based upon the submitted petition and the information presented, the request associated with PZC 2014-07 IS NOT IN CONFORMANCE with the standards of the Darien City Code and, therefore, I move the Municipal Services recommend denial of the petition.

Municipal Services Committee Review – September 22, 2014

The Municipal Services Committee considered this matter at their meeting on September 22, 2014. The following members were present: Alderman Joseph Marchese – Chairman, Alderman Tina Beilke, Alderman

Joerg Seifert, Dan Gombac – Director, Michael Griffith – Senior Planner and Elizabeth Lahey – Secretary.

Michael Griffith, Senior Planner, reviewed the agenda memo briefly and noted the Commission's recommendation to deny the variation petition. He noted the concerns raised by the Commission in making their decision.

Chairman Marchese and Alderman Seifert stated they had a problem with the patio being constructed without a permit.

Alderman Beilke asked if the patio could be minimized in terms of the distance to the sidewalk and still be acceptable to the residents. She asked if the parking would change due to the patio.

Andrius Presniakouas, the petitioner, stated the closest homes are owned by the ones who run the restaurant. He stated the parking stays the same. Mr. Presniakouas provided the Committee with photos of the patio.

Alderman Seifert stated he is concerned this changes the character of the area. He stated it was the same concern when the sports bar was proposed for the former Wolf Camera shop, the bar and this patio changes the character of these properties abutting residential area.

Chairman Marchese asked if the petition is denied does that mean the patio is required to be removed.

Dan Gombac, Director, stated yes.

The Committee discussed other uses for the patio other than eating and drinking, a way to allow the property owner to maintain his investment in the patio but still avoid the negative impacts of using the patio as intended.

Joe Weber, 7521 Main Street, stated the patio and fence encroach into the street right-of-way.

Art Donner, Cambridge Drive, stated parking will remain a problem if the patio remains. He stated if the patio remains it will encourage people to use it, to congregate on it and will force the residents to monitor it. He stated the fence next to the sidewalk creates a safety concern with children on bikes possibly running into the fence.

The Committee discussed cutting the patio in half in terms of the distance between the building and lot line, not approving the use of the patio for eating and drinking and requiring the fence to be removed.

Enrique Rodriguez, 7505 Main Street, stated his sisters run the restaurant. He stated no one uses that sidewalk, the sidewalk does not extend past the property on that side of Main Street.

Mr. Donner objected to the smaller patio, stating the concerns remain.

Without further discussion, the Chairman Marchese made a motion to recommend denial of the variation subject to the following conditions, seconded by Alderman Beilke:

- 1. The patio, constructed without a permit, shall be allowed to extend a maximum of 12 feet from the existing east wall of the building.**

2. The yard is to be restored with sod or other landscaping.
3. The fence is to be removed.
4. The patio is not to be used for eating, drinking or a smoking area.
5. The patio is to be a landscape feature only.

Upon a voice vote, **THE MOTION CARRIED** by a vote of 3-0.

City Council Review – October 6, 2014

Item removed from the agenda, item to be reconsidered by the Municipal Services Committee.

Municipal Services Committee – October 27, 2014

The following item was removed from the October 6, 2014, City Council Agenda. The item is being revisited for language clarification. At the October 6, 2014, City Council Meeting, Mr. Rodriguez forwarded a signature page supporting the Mi Hacienda patio. The signatures were from patrons of the restaurant and not the residents. Staff had met with Mr. Rodriguez on Tuesday, October 7, and he was informed that the signatures must be from all of the residents on Main Street indicating support or opposition along with signatures and addresses.

Attached and dated October 14, 2014, is a memo from Attorney Murphey regarding an opinion for the use.

In summary, The Planning and Zoning Commission and the Municipal Services Committee considered this matter. The Commission held the required public hearing on August 20, 2014 and recommended denial of the petition. The MS Committee considered this item on September 22, 2014, and recommended denial with conditions as noted below:

1. The improved landscape area, constructed without a permit, shall be allowed to extend a maximum of 12 feet from the existing east wall of the building.
2. The remainder of the yard is to be restored with sod or other landscaping.
3. The fence is to be removed.
4. The patio is not to be used for eating, or drinking.

The Committee has the option of recommending removal of the entire patio and returning the area to a turf area.

Municipal Services Committee Review – October 27, 2014

The Municipal Services Committee considered this matter at their meeting on October 27, 2014. The following members were present: Alderman Joseph Marchese – Chairman, Alderman Tina Beilke, Alderman Joerg Seifert, Dan Gombac – Director, Michael Griffith – Senior Planner and Elizabeth Lahey – Secretary.

Dan Gombac, Director, updated the Commission on the status of the petition. He noted the petitions submitted for and against the patio/variation. He noted the petition submitted by Enrique Rodriguez supporting the petition includes comments from residents about posting residential parking only signs along Main Street. He noted no right turn sign from the property is also an option.

Alderman Seifert stated allowing a patio creates a vague situation and is not in favor of granting the variation, nothing has been submitted supporting the variation given the resident concerns. He stated the patio was

constructed without a patio and if a permit had been sought, it was not likely to have been granted in the first place. He stated the setback is still an issue.

Chairperson Marchese stated he agreed with Alderman Seifert. He stated the memo from the City Attorney convinced him allowing half a patio creates a vague situation, creates problems. He stated he is not in favor of granting the variation.

Alderman Beilke stated she is okay with either full removal of the patio or allowing half the patio but not the use.

Enrique Rodriguez, 7505 Main Street, Mi Hacienda, apologized to residents for constructing the patio without a patio. He stated he opened his restaurant 11 years ago and has not had problems. He stated the intent of the patio was related to creating a breakfast menu. He stated the patio is not intended to be a bar, stating the patio would close at 7:00 PM.

Art Conner, 7548 Cambridge Drive, stated parking is an issue. He stated if Main Street is posted no parking for the restaurant then people would park on Cambridge, which would decrease property values and real estate tax revenue to the City.

Alderman Seifert asked how many parking spaces there are.

Michael Griffith, Senior Planner, stated the plat of survey shows 36 spaces, 24 required based on the size of the two-tenant building.

Luanne Spiros, 7521 Main Street, stated the whole patio should be removed, it impacts their property value. She stated parking is an issue.

Alderman Beilke stated the patio extended to the sidewalk is an issue.

Without further discussion, Alderman Seifert made a motion to recommend denial of the petition, seconded by Alderman Beilke.

Upon a voice vote, THE MOTION CARRIED by a vote of 3-0.