VILLAGE OF DOWNERS GROVE

COUNCIL ACTION SUMMARY

INITIATED: Applicant (Name) **DATE:** February 17, 2004

RECOMMENDATION FROM: N/A (Board or Department) **FILE REF:** _____

NATURE OF ACTION:

__ Ordinance

_X_ Resolution

__ Motion

__ Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "A RESOLUTION AUTHORIZING A LICENSE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ROTARY CLUB OF DOWNERS GROVE FOR THE 2004 ROTARY CLUB OKTOBERFEST", as presented.

SUMMARY OF ITEM:

Adoption of the attached resolution will authorize a license agreement with the Rotary Club of Downers Grove related to the 2004 Oktoberfest. This will approve the use of Village property (commonly known as Forest Lot South) to accommodate the Festival.

RECORD OF ACTION TAKEN:

_____

_____

_____

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RESOLUTION NO. ____

A RESOLUTION AUTHORIZING A LICENSE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ROTARY CLUB OF DOWNERS GROVE FOR THE 2004 ROTARY CLUB OKTOBERFEST

WHEREAS, application has been made to conduct a special event known as the Rotary Club of Downers Grove Oktoberfest; and

WHEREAS, a portion of this special event will be conducted on public property commonly known as the Forest Lot South located at the southeast corner of Forest and Burlington Avenues; and

WHEREAS, application has been made for a license agreement to permit the conduct of the Rotary Club of Downers Grove Oktoberfest on a portion of the parcels subject to conditions and restrictions as imposed by the Village Council.

NOW, THEREFORE BE IT RESOLVED, by the Village Council of the Village of Downers Grove as follows:

SECTION 1. That the license agreement between the Village of Downers Grove and Rotary Club of Downers Grove for the Oktoberfest be and is hereby approved.

SECTION 2. That the Village Manager and staff are authorized to execute the license agreement and to take such actions as may be necessary to carry out the terms thereof.

_____
Mayor

Passed:
Attest: _____
Village Clerk

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LICENSE AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE ROTARY CLUB OF DOWNERS GROVE FOR THE 2004 ROTARY CLUB OKTOBERFEST

THIS LICENSE AGREEMENT, made and entered into this _____ day of _____, 2004, by and between the Village of Downers Grove (the "Licensor") and The Rotary Club of Downers Grove, Downers Grove, IL 60515 (the "Licensee"),

WITNESSETH:

WHEREAS, Licensee has scheduled the 2004 Rotary Club of Downers Grove Oktoberfest (The Rotary Club of Downers Grove Oktoberfest) for October 1st, 2nd & 3rd, 2004;

WHEREAS, Licensee has requested that The Rotary Club of Downers Grove Oktoberfest occupy Licensor's parking lot located at the Southeast corner of Forest and Burlington, commonly known and hereinafter referred to as "Forest Lot South".

WHEREAS, Forest Lot South, is a Village owned parking lot that will have to be closed to local vehicular traffic or local business traffic in order to conduct the Rotary Club of Downers Grove Oktoberfest

WHEREAS, Licensor has determined that closing off Forest Lot South to vehicular traffic during the Rotary Club of Downers Grove Oktoberfest will not impair the health, safety and welfare of the residents of Downers Grove;

WHEREAS, Licensor has determined that it shall be necessary for Licensee to provide access to the US Bank drive-thru via the existing alleyway and/or by converting 2-3 parking spaces along Burlington Avenue to provide a passageway for bank customers.

NOW THEREFORE, in consideration of the mutual covenants, conditions and agreements herein set forth, and other good and valuable consideration, the parties hereto agree as follows:

1. The provisions of the preamble are hereby incorporated into and made a part of this Agreement.

2. Licensor hereby grants unto Licensee a revocable license for the use of Forest Lot South as shown on the attached aerial map, as described above, for the sole purpose of conducting The Rotary Club of Downers Grove Oktoberfest.

3. That Forest Lot South shall be closed from 9:00 p.m., Wednesday, September 29, 2004 through 12:00 noon on Monday, October 4th, 2004.

4. That Licensee shall arrange for an inspection with the Village Code Services Department. Licensee shall be ready for all inspections no later than 3:00 p.m. on Friday, October 1, 2004. Licensee shall be responsible for arranging all necessary DuPage County Health Department inspections to coincide with the Village required inspections.

5. Hours of operation for The Rotary Club of Downers Grove Oktoberfest shall be from 4:00 p.m. until 11:30 p.m. on Friday, October 1, 2004; Noon until 11:30 p.m. Saturday, October 2, 2004; and from Noon until 6:00 p.m. on Sunday, October 3, 2004. Food service shall be available at all times, up until 1 hour before closing. Licensee shall allow oompah/German entertainment to stop at 11:00 p.m. on Friday and Saturday, and adequate time for patrons to depart no later than 11:30 p.m. Live music will end on

Sunday at the close of the Oktoberfest.

6. Licensee shall follow all guidelines and requirements established by the Downers Grove Liquor Commissioner. Licensee further agrees to abide by all Village ordinances and any and all conditions specified in the Special Commercial Event License Permit.

7. All required exits shall be readily identifiable through signage and illumination and maintained free of obstructions. The Fire Department sprinkler connection and fire hydrants hall be maintained free of obstructions, and readily available for Fire Department use.

8. Licensee shall procure and maintain adequate proof of Dram Shop and General Liability Insurance using carriers licensed in the State of Illinois and maintaining a Best rating of at least A-IV. Such Dram Shop Insurance shall include coverage to the statutory limits for the State of Illinois, but not less than Three Million Dollars ($3,000,000). Such General Liability Insurance shall include coverage for the premises, operations, underground, collapse, explosion, products and the event, and shall name as Additional Insureds the Village, and its officers, boards, commissions, elected and appointed officials, agents and employees. Such insurance shall be in the amount of Five Million Dollars ($5,000,000) per occurrence and in the aggregate covering bodily injury, including death, and property damage. If the Licensee employs independent contractors, Licensee shall insure that these contractors maintain appropriate levels of insurance and that the Village is named as an additional insured under each policy. Not less than one week prior to the event Licensee shall furnish to the Village Manager of the Village Certificates of Insurance upon each policy renewal evidencing all of the aforementioned types and limits of insurance to be in effect. The insurance policies required under this Section shall be occurrence based and shall be maintained by Licensee through the event. Each policy of insurance shall provide that it not be canceled nor materially changed without Sixty (60) days written notice to the Village Manager. In addition to the foregoing, any and all vendors participating in The Rotary Club of Downers Grove Oktoberfest shall name the Village of Downers Grove, its officers, agents and employees as additional insured on all policies issued in connection with the event.

9. Licensee shall be responsible for providing the beer/wine/wine coolers/Mike's Hard Lemonade/Non-alcoholic beer/pop/water/coffee, all necessary equipment, accessories, and personnel to handle the sale and service of beer and shall be responsible for providing food vendors and entertainment for The Rotary Club of Downers Grove Oktoberfest.

10. Licensee shall receive all rights and privileges of operating The Rotary Club of Downers Grove Oktoberfest.

11. Licensee shall be noted as the sponsor of The Rotary Club of Downers Grove Oktoberfest in all pre-event publicity, such as posters, advertisements, articles, flyers, etc., and Licensor shall be excluded from all such advertisements.

12. During all hours of operation, police services for The Rotary Club of Downers Grove Oktoberfest shall be provided only by the Downers Grove Police Department. Responsibility for obtaining off-duty officers and all costs for such services shall be borne by the Licensee. Certification that this provision has been met must be provided to the Village no later than one week prior to the event. Downers Grove Police Officers will have the authority to promptly terminate the event and/or entertainment promptly at 11:00 p.m. Friday/Saturday and 6:00 p.m. Sunday. Police manpower will be determined at the sole discretion of the Chief of Police.

13. Kent Ebersold (VM/Cell - 630/363-7746), Mark Baresel (VM/Cell - 630/254-7490), Chris Lavoie (VM/Cell - 630/215-5206), and Mike Davenport (VM/Cell - 630/699-3621),are designated as

the Event Managers and one shall be present and available at all times the event is in progress to handle any questions and generally act as the primary contact person for all issues concerns and questions related to the operation of The Rotary Club of Downers Grove Oktoberfest. A telephone list of Village contacts shall also be available.

14. Licensee shall be responsible for obtaining a liquor license from the Village.

15. Licensee agrees to have all clean-up associated with The Rotary Club of Downers Grove Oktoberfest completed by 12:00 noon on Monday, October 4, 2004, so that Forest Lot South may be re-opened. Licensee further agrees to post a cash deposit in the amount of $1,000.00. Such funds may be used or retained by the Village, in the event clean-up is not completed as scheduled. If the Village incurs any clean-up costs over and above the original cash deposit amount, Licensee shall be responsible for that amount. If all clean-up is completed by 12:00 noon, Monday, October 4, 2004, the bond will be fully refunded to Licensee.

18. Licensee assumes all liability and shall indemnify, defend and hold harmless the Licensor, its officers and employees, for any injuries, suits, liabilities, costs or damages to persons or property, including Licensor's property, officers or employees, occasioned by or arising out of the use or occupancy of the above described license by Licensee. In addition, all vendors participating in The Rotary Club of Downers Grove Oktoberfest shall be required to completely release and hold harmless the Village of Downers Grove, its officers, agents and employees from any loss, claim, occurrence or liability whatsoever arising out of this event. Such vendors shall provide written releases to the Village not less than one week prior to the event.

19. Licensor reserves the right to terminate this license and The Rotary Club of Downers Grove Oktoberfest if it determines that The Rotary Club of Downers Grove Oktoberfest is endangering the health, safety or welfare of the citizens of Downers Grove.

20. Licensee agrees to compensate Licensor in the amount of $_____ for the granting of this license.

Rotary Club of Downers Grove
P.O. Box 256
Downers Grove, IL 60515

By:_____

Date:_____

Village Manager
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

By:_____

Date:_____

PROPOSAL FOR
THE ROTARY CLUB OF DOWNERS GROVE
OKTOBERFEST 2004
IN CONJUNCTION WITH HARVEST DAYS IN DOWNTOWN DOWNERS GROVE

Friday, October 1st – Sunday, October 3rd, 2004

The Rotary Club of Downers Grove is pleased to present the following proposal for the purpose of obtaining permission to operate the Downers Grove Oktoberfest.

The Rotary Club of Downers Grove is registered with the State of Illinois as a not-for-profit organization (file #N5088-520-8). It is an international service organization with the local club having over 50 active male and female members Our members, all of whom either reside or work in Downers Grove, are dedicated to serving the local community. We are honored to make this proposal for Oktoberfest 2004. Since 2001, we take great pride in contributing a local event that has grown in popularity since its inception. To benefit the event, we focused on those who attend Oktoberfest, always keeping in mind that we represent our community of Downers Grove. Our efforts to improve customer service, operations, processes, safety, and product quality have resulted in enhanced customer satisfaction, consistent regulatory compliance, and increasing interest in the Oktoberfest event!

The Village and The Rotary Club of Downers Grove share the goal of better serving the community at large. Our participation as operators of the Downers Grove Oktoberfest enables us to reinvested and accomplish this goal by giving most of the monies raised back to MANY different organizations in the Downers Grove community. Among those programs and organizations that are receiving or have received financial support from the Rotary Club of Downers Grove are:

- Certified car seats for Downers Grove children
- Character Counts
- Three-day Oktoberfest: Food and Entertainment for the D.G. community including "Family Day at Oktoberfest"
- District 58 Education Foundation (Founding Member)
- Diveheart Foundation for Disabled and Blind Children and Adults
- Downers Grove Boy Scouts Troop
- Downers Grove Chamber of Commerce
- Downers Grove Chamber of Commerce Leadership Academy
- Downers Grove Choral Society
- Downers Grove Girls Traveling Softball Program (DOLLS)
- Downers Grove Junior Golf Association
- Downers Grove Piano Festival
- Downers Grove North H.S. Chamber Choir
- Downers Grove South H.S. Madrigal Singers
- Downers Grove South H.S. Boosters Club
- D.G. Fourth of July Parade (provided free bottled water to spectators)
- Downers Grove Based F.I.S.H. Pantry
- Halloween Window Painting Event in downtown Downers Grove
- Illinois Fire Burn Safety Camp

- Indian Boundary YMCA
- Indian Trail Pre-School Program
- Leukemia & Lymphoma Society
- National Marrow Foundation (local bone marrow drive)
- National Multiple Sclerosis
- Walk-In Ministry at Congregational Church
- Paddy Pillow for Hospitalized Children
- Polio Plus Program (Rotary International)
- Rotary District 6450 Youth Leadership Conference
- Six annual scholarships awarded to local H.S. graduates toward college
- Sponsored foreign exchange student from Slovakia (attended D.G. North H.S.)
- Sponsoring new foreign exchange student in Summer 2004
- Van lift for a "Special Ed Child" whose family was in need
- Community Adult Day Care based in Downers Grove
- Sponsor of Santa House in Downtown Downers Grove
- District 58 Camp Edward funding
- And many others in the community area and around the world....

OKTOBERFEST 2004. The Rotary Club of Downers Grove is proposing to operate this the same weekend of "Harvest Days" being put on by the Downers Grove Downtown Management Corporation. We have met with Linda Kunze, and her board is excited about our event coming back to Downtown Downers Grove.

This will enhance the overall excitement for both events and allow for some "Cross-marketing". It will also feed the foot traffic to get people into the downtown to the shops and restaurants in Downers Grove.

The Rotary Club of Downers Grove is presenting Oktoberfest to occupy the village owned parking lot Parcel commonly known as the south Forest Avenue Parking Lot (at the Southeast corner of Forest and Burlington).

The Rotary Club of Downers Grove Oktoberfest is proposing to operate the Oktoberfest in a large "Big Top Tent" with full side enclosures with clear plastic window looking sides to allow light into the tent. Their will be a full food preparation area with catering being done by My Chef Catering owned by Bill and Karen Garlow. There will be a beer garden area as we have had the last three Oktoberfest events. The entire tent will be have fencing around it to secure the area, and double fencing around the beer garden/port a potty area for added security.

The Rotary Club of Downers Grove (hereinafter referred to as "Rotary") shall comply with the following guidelines unless otherwise agreed to by the Village of Downers Grove:

1. Rotary shall be responsible for operating the Downers Grove Oktoberfest in conformance with the standards and conditions set forth herein.

2. OUR GOAL: GIVING BACK TO THE COMMUNITY....FINANCIALLY & WITH A GREAT, FUN, COMMUNITY EVENT FOR ALL AGES.

3. Community entertainment, food, and fun shall be a priority and Oktoberfest shall be operated in a manner that keeps focus to our goals.

4. Live German musical entertainment, along with DJ music and great authentic German Food Prepared by My Chef Catering will be featured throughout the 3 Day Event!

5. Family Day at Oktoberfest will be held on Sunday featuring a time for the kids and their families to come down and enjoy special entertainment.

6. **The Tentative Schedule of Events**

A three-day event celebrating one of the most famous festivals in the world – right in your own back yard! The best of German food, beer, and music in a tent – you'll think you're in Munich!

Friday, October 1st, 4:00 –11:30 p.m.

The Alpiners 5:00 p.m. – 11:00 p.m.

Bid the weary work week a cheery Wiedersehn! Let the infectious rhythms and melodies of one of the great German Oompah bands transport you (mentally) to a lodge nestled in the snowcapped peaks of the Bavarian Alps. Lift a brew, have a brat, and kick up your heels in a spacious, heated tent.

Saturday, October 2nd – Noon –11:30 p.m.

The Alpiners 1:00 p.m. – 7:00 p.m.

The best in German music returns, creating a unique German atmosphere that sets the stage for a total entertainment experience!

The Oompah Band • 7:00 p.m. – 11:00 p.m.

Once The Oompah Band takes the stage, dancing becomes an involuntary function. Sing and dance as this group's unparalleled interpretations of German tunes and other favorites leave you wanting more. Just make sure you leave enough room for the German chocolate cake!

Sunday, October 3rd 12:00 p.m. – 6:00 p.m.

Family Day – Special Entertainment for the whole family!
Live Oompah and other Entertainment provided by local rising stars

7. Das Menu: Catering by My Chef Catering

Entrees

Traditional Bratwurst with bun, sauerkraut
Spicy Bratwurst with bun, sauerkraut
Sliced Pork on Kaiser roll, sautéed onions
Sauerbraten with black bread
Hot Dog with bun and condiments

Uccomponiments

Spaetzle with gravy
German potato Salad
Red Cabbage
Sauerkraut

Desserts & Snacks

Strudel
German Chocolate Cake
Jumbo Pretzels with mustard

Beverages

Coffee
Soft drinks
Spring water
Fresh brewed Root Beer or Cream Soda

Das Bier and other beverages

Haacker Pshorr 16 oz
Miller Lite 16 oz
Possibly a Local Microbrew or two 16 oz
Non-alcohol Sharps 12 oz
Leinenkugel Oktoberfest 16 oz
Miller Genuine Draft 16 oz
Variety of Wine 6-8 oz
Mike's Hard Lemonade 12 oz

8. Alcoholic beverages will be served at Oktoberfest in a plastic cup, and shall be limited to beer, wine/wine coolers, and Mike's Hard Lemonade (Malt Beverage).

9. Rotary will need to have the parking lot commonly known as the Forest Lot South, closed from 9:00 p.m. Wednesday, September29, 2004 through 12:00 noon on Monday, October 4th, 2004. The tent contractor needs to have a full day to set up the large tent, and allow for possible "bad weather". The inside of the tent needs to be set up on Thursday night by all Rotarians. The lot will be back to normal for Monday after noon business.

10. Rotary will check driver's licenses to determine that purchasers of alcohol are age 21 and over. Rotary will place a tyvek bright colored wrist band verifying that he or she is age 21 and over.

11. Rotary will be supplying all tents, fences, tables and chairs, staging, lighting, entertainment, for patrons within the Oktoberfest area.

12. Rotary will have at least 1 off duty uniformed Downers Grove police officer during non peak (before 8:00 pm), and 2 uniformed off duty officers during peak hours 8:00 p.m.-11:30 pm.

13. Rotary shall work with the Liaison to the Liquor Commission to apply for a Downers Grove liquor license for the Beer Garden. Application for such license shall be no later than September 1, 2004. Upon issuance of a Downers Grove liquor license, Rotary shall apply to the Illinois State Liquor Commission for the required State liquor license. Rotary shall obtain dram shop insurance in statutory amounts in a form acceptable to the Village's Risk Manager, naming the Village as additional insured. A copy of the certificate of insurance shall be provided to the Village by Thursday, September 16, 2004. Rotary shall comply with all State of Illinois laws and Village ordinances concerning the sale and service of alcohol.

14. Kent Ebersold (VM/Cell - 630/363-7746), Mark Baresel (VM/Cell - 630/254-7490), Chris Lavoie (VM/Cell - 630/215-5206), and Mike Davenport (VM/Cell - 630/699-3621),are designated as the Event Managers and one shall be present and available at all times the event is in progress to handle any questions and generally act as the primary contact person for all issues concerns and questions related to the operation of The Rotary Club of Downers Grove Oktoberfest. A telephone list of Village contacts shall also be available.

15. No person shall be served alcoholic beverages who does not have a wristband verifying that the individual is twenty-one (21) years of age or older.

16. All persons dispensing alcoholic beverages at Oktoberfest shall be twenty-one (21) years of age or older. Like the first three years, Rotary shall supply sufficient signage and crowd control equipment to ensure efficient and orderly operation of the Oktoberfest.

17. Rotary will supply adequate garbage removal dumpster space for the Oktoberfest.

18. Oktoberfest hours shall be Friday October 1st from 4:00 p.m.-11:30 p.m., Saturday October 2nd, from noon to 11:30 pm, and Sunday October 3rd, from noon to 6:00 pm. All music will cease at 11:00 pm.

Signed on _____ day of _____, 2004

Kent F. Ebersold
Rotary Club of Downers Grove
Oktoberfest Committee