



Council Communication

Office of the City Manager

Date

May 21, 2007

Agenda Item No. 47

Roll Call No. 07-

Communication No. 07-286

Submitted by: Larry Hulse, Community
Development Director

AGENDA HEADING:

Public hearing on approval of sidewalk vacation and lease for a sidewalk cafe serving alcohol for Bistro Montage, located at 2716 Ingersoll Avenue.

SYNOPSIS:

Recommend approval of sidewalk vacation and lease for a sidewalk cafe serving alcohol for Bistro Montage, located at 2716 Ingersoll Avenue. The applicant is EK Foods Inc. d/b/a Bistro Montage (Enosk Kelley, 2724 Ingersoll Avenue, Des Moines, IA 50312).

FISCAL IMPACT:

Amount: The lease is expected to generate revenues of \$991 from the application fee (\$100) and the three-year lease rate (\$891).

Funding Source: Proceeds from the application fee will be deposited in the Fiscal Year 2007-08 Operating Budget, Permit and Development Center, GE001 CDD130100, page 97. Proceeds from the lease agreement will be deposited in the Property Maintenance Endowment Fund, SP767 PKS161625, page 259. The first \$175,000 of annual proceeds to the Property Maintenance Endowment Fund will be returned to the General Fund (GE001 PKS161600) to offset the operating budget of the Property Management Division.

ADDITIONAL INFORMATION:

In order for a sidewalk cafe to serve alcohol on a portion of a public sidewalk, the sidewalk must be vacated, leased to the proprietor, and certain specific requirements must be met for screening, separation, and allowance for clear passage on the remaining portion of the sidewalk. In addition, the owner must provide insurance. City staff must approve the insurance amounts.

At this time, City staff has reviewed the application and found it in order, except for meeting the insurance requirements. Staff recommends approval of sidewalk vacation and lease for a sidewalk cafe serving alcohol for Bistro Montage, located at 2716 Ingersoll Avenue, subject to compliance with the insurance requirements.

PREVIOUS COUNCIL ACTION(S):

Date: May 7, 2007

Roll Call: 07-861

Action: Setting date of hearing [on](#) vacation and lease of a portion of the sidewalk adjoining Bistro Montage at 2716 Ingersoll, for a Sidewalk Café, (5-21-07). Moved by Vlassis to adopt. Motion Carried 7-0.

Date: July 10, 2006

Roll Call: 06-1360

Action: [Amending](#) Chapter 10 of the Municipal Code regarding issuance of liquor licenses for outdoor areas and amending Chapter 102 regarding process for vacation and conveyance of public streets and alleys, and licenses for sidewalk cafes, all to expedite process for review and approval of sidewalk cafes. Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

Date: July 10, 2006

Roll Call: 06-1361

Action: [Final](#) consideration of ordinance above (waiver requested by City Manager), requires 6 votes. Moved by Vlassis that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,574](#). Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE