

★ Roll Call Number

Agenda Item Number

41

Date April 11, 2011

Communication from Zachary Mannheimer, 647 36<sup>th</sup> Street, to speak regarding Reimbursement of Sidewalk Lease at 1408 Locust Street.

Moved by \_\_\_\_\_ to

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

Rauh, Diane I.

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41

**From:** WebSite  
**Sent:** Tuesday, March 29, 2011 2:58 PM  
**To:** CouncilSpeak  
**Cc:** CityClerk  
**Subject:** Request to Speak Before the City Council - form submission

Full Name: Zachary Mannheimer  
Address: 647 36th St.  
City: Des Moines  
State: IA  
Zip: 50312  
Phone: 515-333-3994  
Email: [zmannheimer@gmail.com](mailto:zmannheimer@gmail.com)  
Speaker(s): Zachary Mannheimer  
Meeting Date: Monday, April 11, 2011  
Regarding: Reimbursement of Sidewalk Lease at 1408 Locust St.

April 8, 2011



The Honorable Mayor  
and  
Members of the City Council  
City of Des Moines

Re: April 11, 2011 Council Agenda, Item #41

Dear Mayor and City Council Members:

Mr. Zachary Mannheimer, 647 36<sup>th</sup> Street, represents the Des Moines Social Club which was housed in a leased building at 1408 Locust Street. The Social Club leased public right-of-way (ROW) for a sidewalk café pursuant to the City's sidewalk café program; their lease was terminated, and Mr. Mannheimer is requesting a refund for the unused term of the ROW lease.

The City leases ROW under this program for a three year period, with fees based on administrative costs and a yearly lease fee; the Social Club used almost a year. The lease agreement and the ordinance are silent on refunds, where most other permits and licenses make provision for refund under specific circumstances. It seems appropriate that a similar contingency be developed here. While several options exist, staff recommends refunding a prorated portion of the lease period and retaining the administrative fees. This arrangement could be incorporated in the terms of future leases, as well as renewals.

City Council could receive and file Mr. Mannheimer's communication, direct the City Manager to develop an administrative refund process, and issue an appropriate refund.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick", written over a large, stylized initial "R".

Richard A. Clark  
City Manager

cc: Community Development Director