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**Date** October 24, 2011

WHEREAS on September 12, 2011 by Roll Call No. 11- 1602, the City Council approved Ordinance No, 15046 which contains a series of amendments to the Zoning Code, Municipal Code Chapter 134, designed to regulate the sale of alcohol in Des Moines in response to a recent amendment to Chapter 123 of the Code of Iowa which eliminated the statutory prohibition against issuance of a class E liquor license to any premises at which gasoline is sold; and

WHEREAS, after further review by staff concerning the provisions enacted by Ordinance No, 15046, it was determined that amendments to that ordinance should be made to clear up certain ambiguities which might arise concerning the sale of alcoholic liquor in the C-1, C-2 and more restrictive zoning districts; and

WHEREAS, on October 10, 2011 by Roll Call No. 11-1707, the City Council duly resolved that a public hearing on the proposed text amendments be held on October 24, 2011 in Council Chambers, City Hall in Des Moines, Iowa, at which time those persons both in favor of and opposed to the proposed amendments would be heard; and

WHEREAS, notice of the public hearing was published in the Des Moines Register on October 13, 2011 pursuant to Iowa Code Section 362.3; and

WHEREAS, in accordance with the published notice, those interested in the proposed text amendments to Chapter 134 of the Municipal Code of the City of Des Moines, both for and against, have been given the opportunity to be heard with respect thereto and have presented their views to the City Council.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed text amendments to Chapter 134 are hereby overruled and the hearing is closed.
2. The amendments to Chapter 134 of the Municipal Code of the City of Des Moines as set forth in the attached ordinance are hereby APPROVED.

(Council Communication No. 11- 664 Attached)

Moved by \_\_\_\_\_ to adopt and approve the amendments to Chapter 134 of the Municipal Code of the City of Des Moines.

APPROVED AS TO FORM:

  
Michael F. Kelley  
Assistant City Attorney

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

**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.

\_\_\_\_\_ Mayor

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