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Date June 8, 2020

**RESOLUTION APPROVING THE CONCEPT FOR ‘DINE OUT DES MOINES’
PERMIT PROGRAM FOR TEMPORARY RESTAURANT OCCUPANCY
LIMITATION RELIEF DURING THE PENDENCY OF THE COVID- 19 PANDEMIC**

WHEREAS, the Governor of the State of Iowa, acting in conformance with Presidential Proclamation that the COVID-19 outbreak in the United States constitutes a national emergency, and upon recommendation from the Iowa Department of Public Health, issued multiple proclamations which closed or restricted many business operations, including food service establishments, to limit the risk of transmission this virus; and

WHEREAS, the Governor has since lifted many of the limitations, which include those on restaurants, in order that that such businesses might resume dine-in food serving operations on a limited and restricted basis; and

WHEREAS, among the remaining Gubernatorial limitations intended to reduce the risk of transmission of the COVID-19 causing virus are restrictions that significantly limit occupancy and require physical separation of patrons for dine-in food service establishments; and

WHEREAS, these occupancy and physical separation limitations create a hardship for food service establishment operators as fewer customers can be served in establishments where dining in is the primary service mechanism; and

WHEREAS, there is a public benefit realized when food service establishments are able to operate so as to resume employment of furloughed staff, and increase commerce as they increase purchases from their vendors, whereby these businesses and the employees can generate economic activity to add to the tax base that supports public services while providing another means for families to get food, a life necessity; and

WHEREAS, the City of Des Moines has an established sidewalk café permit program in operation that allow sidewalks to be utilized as part of the premises of food service establishments; and

WHEREAS, the City Council of the City of Des Moines desires to exercise the authority granted to it by temporarily suspending the operation of the sidewalk café permit program, and creating a temporary program known as “Dine Out Des Moines” to allow use of physical space in the open private and public areas, including sidewalks, alleys, and streets, adjacent to food service establishments for outdoor service, upon temporary closure of such by areas by City Council resolution; and

WHEREAS, food service establishments desiring to serve alcoholic beverages in the expanded outdoor dining area pursuant to the “Dine Out Des Moines” program will need relief from the City Code sections that regulate normal outdoor services areas where alcoholic beverages are sold.



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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the above referenced “Dine Out Des Moines” program is hereby approved as outlined in Exhibit “A”, which is attached hereto and incorporated herein by this reference; and

BE IT FURTHER RESOLVED as follows:

1. That the application and permit fees for sidewalk cafes as set out in Chapter 102 of the Municipal Code of the City of Des Moines are temporarily waived for this program; and
2. That sections 10-3 and 10-4 of the City Code pertaining to outdoor service areas for alcoholic beverages are temporarily waived and suspended for the food service establishments participating in the program, for the duration of program; and
3. That in conjunction with this program, temporary closure of parts of City public rights- of way, consisting of designated portions of sidewalk, street, or parking areas, adjacent to, or in front of, a food service establishment that has applied for and obtained a permit for use of such part of the public right-of-way and which otherwise complies with all other requirements of this program, are hereby granted, for the duration of the program; and
4. That the sections of Chapter 134 and 135 of the City Code pertaining to requirements to provide parking spaces for food service establishments in prescribed amounts, and to limit those for vehicular parking, are temporarily waived and suspended for the food service establishments participating in the program, for the duration of program; and
5. That the Community Development Department, Engineering – Traffic Division, City Clerk and other departments, as deemed necessary, are authorized to review applications and site plans, and take further ministerial actions to implement the program; and
6. The program will extend until 30 days after the state and local officials lift COVID-19 restrictions for food service establishments.

(Council Communication No. 20-_____)

MOVED BY _____ **TO APPROVE.**



Roll Call Number

Agenda Item Number

58

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Date June 8, 2020

APPROVED AS TO FORM:

/s/ Judy K. Parks-Kruse
Judy K. Parks-Kruse, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| BOESEN | | | | |
| GATTO | | | | |
| GRAY | | | | |
| MANDELBAUM | | | | |
| VOSS | | | | |
| WESTERGAARD | | | | |
| TOTAL | | | | |

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, P. Kay Cmelik, 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.

City Clerk