



Roll Call Number

18-0523

Agenda Item Number

Ex 1

March 19, 2018

Date

RESOLUTION TO ADDRESS ISSUES CONCERNING THE LIQUOR LICENSE HELD BY CELAND ENTERPRISES LLC D/B/A TRIPLE DOUBLE AT 910 HULL AVENUE

WHEREAS, on March 16, 2018 at 1:28 a.m. the police officers were dispatched to the Triple Double at 910 Hull Ave responding to a call of shots fired at that location; and

WHEREAS, police have previously been dispatched to the Triple Double at 910 Hull Avenue at least 40 times since July of 2017 for various crime issues including other shots fired trips; and

WHEREAS, 910 Hull Avenue is located in a C1 zoned district which allows for restaurant use and the owner of Triple Double, Donald Celand, has signed an agreement with the city zoning division that the licensed premises will be used as a restaurant and that at least 50% of the gross receipts will be derived from the sale of prepared food and food-related services; and

WHEREAS, proof of restaurant use may be required by the city by requesting of an audit of the business records of the Triple Double; and

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

- 1. The police department is directed to continue its investigation into the shooting event of March 16, 2018 and other police calls for possible factual and legal basis for an emergency suspension of the Triple Double's liquor license, and to report its findings to the City Manager and City Attorney for evaluation and determination on how best to proceed based on the investigation; and
2. The police department is directed to issue a notice of nuisance to the owner of the Triple Double based upon the 40 calls for police service since July of 2017; and
3. The city zoning enforcement division request an audit of the Triple Double's records to determine if it is meeting the 50% food sales requirement to operate as a restaurant.

MOVED BY Westergaard TO ADOPT.

FORM APPROVED:

Douglas P. Philip Assistant City Attorney

SPONSOR: Council Member Westergaard

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.

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL (7).

MOTION CARRIED

APPROVED

Handwritten signature of Mayor Y. M. Franklin

Handwritten signature of Diane Rauh, City Clerk