

★ **Roll Call Number**

Agenda Item Number

5

Date April 9, 2012

Be it resolved by the City Council of the City of Des Moines, Iowa.

That the following application is hereby submitted for consideration to the Iowa Alcoholic Beverages Division of the Iowa Department of Commerce:

Fast Mart, 1401 Buchanan Ave, Class E Liquor License.

Moved by _____ **to adopt.**

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
GRIESS				
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

Roll Call Number

F.U. 4-9-12

Agenda Item Number



★ 12-0434

4 5

Date March 26, 2012

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the following Beer/Liquor applications are hereby submitted for approval to the Alcoholic Beverage Division of the Iowa Department of Commerce:

NEW APPLICATIONS

(A)	BEST FOOD MART	4028 E 14TH ST	C Native Wine
(B)	BIG DOG BILLIARDS	4510 E 14TH ST	C Liquor
(C)	DAVIS CONCESSIONS	2601 HUBBELL AVE	B Beer
(D)	DAVIS CONCESSIONS DSM SOFTBALL	4980 E 46TH ST	B Beer
(E)	FLANAGANS	2120 INGERSOLL AVE	C Liquor
(F)	GRANDSTAND & PITS	3000 E GRAND AVE	B Beer
(G)	STRANDED AT JJ	1922 HUBBELL AVE	C Liquor
(H)	TRIANGLE PARK	3000 E GRAND AVE	B Beer

RENEWAL APPLICATIONS

(I)	4TH DOWN SPORTS BAR	215 4TH ST	C Liquor
(J)	CAPITAL CITY BREW PUB	5800 FLEUR DR	C Liquor
(K)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(L)	DAHLS FOODS	3425 INGERSOLL AV	E Liquor
* (M)	FAST MART	1401 BUCHANAN ST	E Liquor
(N)	GAS LAMP	1501 GRAND AVE	C Liquor
(O)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(P)	GREAT MIDWESTERN CAFE	909 ROBERT D. RAY DR	C Liquor
(Q)	HIGHLAND PARK COUNTRY CLUB	518 EUCLID AVENUE	C Liquor
(R)	HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor
(S)	JOHNNYS ITALIAN STEAKHOUSE	6800 FLEUR DR	B Liquor
(T)	KUNG FU TAP & TACO	210 INDIANOLA AVE	C Liquor
(U)	LDS CORNER	344 E JACKSON AVE	C Liquor
(V)	MANNINGS	2102 INDIANOLA AVE	C Liquor
(W)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(X)	NUT POB RESTAURANT	3322 INDIANOLA AVE	C Beer/Wine
(Y)	OVATIONS FOOD SERVICES	233 CENTER ST	C Liquor
(Z)	SELECT SERVICE PARTNER	5800 FLEUR DR	C Liquor
(AA)	SOUTHRIDGE AMOCO	6300 SE 14TH ST	C Beer

SPECIAL EVENTS APPLICATIONS

(BB) WATLAC BUDDHAVAS OF IA 3000 E GRAND AVE Five (5) Day License
FORM APPROVED: CLASS B BEER LICENSE FOR AN EVENT ON APRIL 7, 2012.

Douglas P. Philiph
 Assistant City Attorney

Moved by Mahaffey to adopt; defer item M, Fast Mart, to April 9th, to allow time for the licensee to work with the Police Department on an operation plan.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
MOORE	✓			
MAHAFFEY	✓			
MEYER	✓			
GRIESS	✓			
TOTAL	7			

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

 T. M. Franklin
 Mayor

Diane Rauh
 City Clerk

Item 5

The following is a report on the Fast Mart, formerly The Oasis, 1401 Buchanan, and was requested by the City Council.

On Wednesday, March 28, 2012, Lt. Jeff Edwards, commander of the Vice/Narcotics Control Section, Officer Bjornson, Vice Unit Compliance Officer, met with Khalid Khan, owner of the Fast Mart located at 1401 Buchanan. They discussed the outcome of the City Council meeting on March 26, 2012 and the impact this will have on his business. Mr. Khan has already discussed this with his attorney, Alfredo Parish, and is planning on an appeal with the Alcoholic Beverages Division to allow sales between April 7 and April 9, 2012.

The following is a list of things that the Fast Mart is currently doing to become a responsible business in the neighborhood:

- The liquor aisle is roped off during school hours and no students are allowed down the aisle.
- A sign is posted on the front door that does not allow more than five students in the business at a time. This is enforced by an employee that is currently working from 10-2 everyday specifically assigned as security.
- No tobacco sales to any students or friends of students regardless of age during school hours. Mr. Khan does not sell to young people even if they are legal to purchase if he believes they are buying for the purpose of giving tobacco products to minors.
- Mr. Khan has "no trespassing/loitering" signs on all sides of his property, and assured us that he and his employees will monitor the area surrounding his store to ensure students and others are not loitering.
- Mr. Khan has signed a current trespass letter giving us authorization for enforcement on the property when they contact us.
- Mr. Khan's security employee makes regular checks on the sides and behind the business to eliminate loitering smoking (he states he does not allow smoking on his property).

Additionally, Mr. Khan has agreed to:

- Eliminate the mobile taco vendor from his property.
- Extend the hours of his security person to 10-2 Monday through Friday.
- Add additional staff to allow 2 employees from 2pm until close every day.

Mr. Khan has hired police officers in the past to deal with complaints/problems but indicated that he cannot afford the expense of hiring a private security company or officers at this time. Mr. Khan was very cooperative and indicated that he would welcome and support any enforcement action on his property including using officers inside his business for undercover operations. He has cooperated in the past by volunteering to remove and discontinue sales of all synthetic substances at our request and has passed numerous compliance checks in the past year.

NCS will conduct a tobacco enforcement operation next week targeting illegal possession of tobacco next week on the Fast Mart property as well as the general area. Violators will be issued citations.

By eliminating the taco vendor from the property, we believe students will be less likely to order and eat food on the property, giving the appearance of large groups of loitering individuals. Smoking enforcement will also have an impact on underage smoking around the school. Both actions should provide relief to the appearance of these large groups of students.