



Date June 12, 2023

**CLARIFICATION AND APPROVAL OF ROLL CALL 23-0565 FROM APRIL 24, 2023
CITY COUNCIL AGENDA ITEM 5**

WHEREAS, on April 24, 2023, the Council approved Items 3-48 of its Consent Agenda;
and

WHEREAS, such action included Item 5, Roll Call 23-0565 regarding the liquor license application of Nightingale Cocktail, 435 E. Grand Avenue.; and

WHEREAS, while the roll call indicated that the City Manager recommended the denial of the application and also indicated that the Council motion and second was to deny, the roll call has now been challenged as an approval of the license because the Council’s minutes showed the motion as a motion to adopt even though Council voted 6-0 to deny the liquor license application; and

WHEREAS the Council's intent in approving the motion on Roll Call 23-0565 on April 24, 2023, was to deny the Class “C” Liquor License application of Nightingale Cocktail, 435 E. Grand Avenue and Council wishes to reconfirm that intent and clarify the record.

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

That on April 24, 2023 for Roll Call 23-0565, the City Council of the City of Des Moines did intend to deny and did in fact vote to deny the Class “C” Liquor License application of Nightingale Cocktail, 435 E. Grand Avenue.

Moved by _____ to adopt.

Second by _____.

Approved as to Form:

/s/John O. Haraldson

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, LAURA BAUMGARTNER, 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



Roll Call Number

23-0565

Agenda Item Number

5

Date April 24, 2023

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:

Nightingale Cocktail, 435 E. Grand Avenue, new Class C Liquor License. **City Manager recommends denial.**

FORM APPROVED:

Moved by Gatto to deny.

Second by Boesen

/s/ Megan Norberg

Megan Norberg, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
SHEUMAKER				✓
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

J. M. Frankin Cownie
Mayor

CERTIFICATE

I, Laura Baumgartner, 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.

Laura Baumgartner

City Clerk