

★ **Roll Call Number**

Agenda Item Number

48A

Date July 14, 2014

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Section 74-97, relating to fishing",

which was considered and voted upon for the first time under Roll Call No. 14-0884 of June 9, 2014, and considered and voted upon for the second time under Roll Call No. 14-0980 of June 23, 2014, again presented.

Moved by _____ that this ordinance do now pass.

ORDINANCE NO. _____

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

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.

City Clerk

14-0980 48A



Council Communication

Office of the City Manager

Date:	June 9, 2014
Agenda Item No.	50A
Roll Call No.	[14-0884]
Communication No.	14-257
Submitted by:	Benjamin R. Page, Park and Recreation Director

AGENDA HEADING:

With regard to amendment of Municipal Code Chapter 74 ARTICLE IV. FACILITIES and Chapter 130 ARTICLE IV. NAVIGATION: 1) approve the Park and Recreation Board's recommendation to amend Sec. 74-97 Lakes and Ponds to prohibit fishing from the Gray's Lake watercraft rental dock, swimming beach, and pedestrian bridge; 2) receive and file Park and Recreation Board's vote on the Principal Riverwalk Fishing Ad Hoc Committee's proposed ordinance change regarding Sec. 130-109 Prohibited Fishing Areas to further specify fishing locations along the Des Moines River in downtown Des Moines; and 3) approve the Park and Recreation Board's recommendation to amend Sec. 130-109 Prohibited Fishing Areas.

SYNOPSIS:

Staff recommends approval of amendment of City Code Sec. 74-97 to prohibit fishing from the Gray's Lake watercraft rental dock, swimming beach, and pedestrian bridge; and the recommendation of the Park and Recreation Board's Principal Riverwalk Fishing Ad Hoc Committee to amend Sec. 130-109 to prohibit fishing from the Principal Riverwalk multi-use trail, the Iowa Women of Achievement Bridge (Center Street), Union Pacific (Red) Bridge, and East Martin Luther King, Jr. Parkway/West Martin Luther King, Jr. Parkway Bridge in downtown Des Moines.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

At the February 25, 2014 Park and Recreation Board (Board) meeting, a proposal for ordinance amendments to Municipal Code Sec. 74-97 Lakes and Ponds and Sec. 130-109 Prohibited Fishing Areas was received and filed. The proposed amendment to Sec. 74-97 Lakes and Ponds, would prohibit fishing from the Gray's Lake watercraft rental dock, swimming beach, and pedestrian bridge. At its May 27, 2014 meeting, the Board voted to recommend City Council's approval of this amendment.

Regarding items (2) and (3) of this agenda item, Sec. 130-109 currently prohibits fishing from any bridge crossing the Des Moines River between Center Street and the north City limits. The amendment proposed additionally covered the recently-constructed Iowa Women of Achievement Bridge (Center Street), Union Pacific (Red) Bridge, and East Martin Luther King, Jr. Parkway/West Martin Luther King, Jr. Parkway Bridge as well as the Grand, Locust, Walnut and Court Avenue bridges in the Principal Riverwalk (Riverwalk) area and the river banks between East Martin Luther King, Jr. Parkway/West Martin Luther King, Jr. Parkway (MLK Jr. Parkway) and University Avenue.

48A

Additionally, with this proposed amendment, fishing was to be prohibited from the Principal Riverwalk multi-use trail.

Board discussion and concerns resulted in revision of the proposed Sec. 130-109 amendment to add only the Center Street, Red, and MLK Jr. Parkway bridges to the list of those where fishing is not allowed; disallowing fishing from the Riverwalk multi-use trail and the river banks was to remain in the proposal. The revised recommendation was presented for action at the March 25, 2014 Board meeting.

Representatives of the fishing community, the Department of Natural Resources, Central Iowa Paddlers, Izaak Walton League, and other interested agencies attended that meeting to indicate their concerns about the proposed amendment. As a result of this input, the Board voted to table the proposed fishing restrictions and create an ad hoc committee which would review and make a recommendation to the Board regarding fishing along the Riverwalk.

Subsequently, an ad hoc committee consisting of Board members Susan Noland, Dick Thornton, Vicki Facto, and Paula Feltner; Park and Recreation Department staff Ben Page, Ron Ward, Mindy Moore, Callie Le'au Courtright and Rebecca Linhart (serving as the group's recorder); Des Moines Police Maj. Dana Wingert; City Legal attorney Ann DiDonato; Trails and Greenways Committee representative Linda Appelgate; Iowa Department of Natural Resources Fisheries biologist Ben Dodd; Izaak Walton League President Rick Cerwick; Central Iowa Paddlers representative Robin Fortney; Central Iowa Anglers representative Darrin Niday; and Operation Downtown Operations Manager Scot Blanchard. The committee met on April 15, 2014, and discussed not only opinions regarding limitation of downtown fishing areas along the Des Moines River but also ideas to solve the issues of litter, discarded fish and fish remnants. The consensus opinion of the voting, non-staff members of the committee was to only prohibit fishing from the Riverwalk multi-use trail, the Center Street and Red pedestrian bridges, and the MLK Jr Parkway vehicular bridge. It was suggested that a volunteer effort be developed to address the current problems involved with litter and trash along the downtown river area. Educational signage promoting "leaving no trace" and the return of rough fish and remnants to the river was also suggested. Committee members were to take these proposed actions back to their memberships to gain input on them.

The ad hoc committee reconvened on April 30, 2014 to finalize its recommendation to the Board. The majority (7-1) voted to recommend amendment of Municipal Code Sec. 130-109 to prohibit fishing from the Riverwalk multi-use trail and the three (3) pedestrian/vehicular bridges indicated above.

In the way of follow-up to the recommendation, Darrin Niday with the Central Iowa Anglers presented this information to that group at its April 30 monthly meeting. They agreed with the proposed Principal Riverwalk Fishing Ad Hoc Committee recommendation.

Department volunteer supervisor Callie Le'au Courtright submitted an outline of suggested volunteer initiatives that could be implemented to assist with litter and sanitation concerns along the river, including clean-up events, River Rangers, and an Adopt-a-River program. Following discussion of these and other ideas, it was decided that a group consisting of Callie Le'au Courtright, Ron Ward, Scot Blanchard, and Rick Cerwick as well as Rhonda O'Connor of Metro Waste Authority and Park's environmental education supervisor Joel VanRoekel would meet to further develop the volunteer component of the recommendation.

That group met on May 7 and May 14, 2014 and developed a plan that includes continuation of the City-coordinated community clean-ups such as the River Run, Garbage Grab, and Earth Day Trash

Bash. In the future, additional volunteer opportunities will be discussed and developed if deemed necessary, perhaps with introduction of River Ranger and/or Adopt-a-River programs. Educational and regulatory signage referenced above will be created by the City and installed at several points along the Riverwalk. Rick Cerwick offered for the Izaak Walton League to provide and maintain fishing line recycling containers at several points along both sides of the river.

At the May 27, 2014 Park and Recreation Board meeting, with a vote of 11-1, the Board members recommended City Council's approval of the Sec. 130-109 ordinance change proposed by the Principal Riverwalk Fishing Ad Hoc Committee, to prohibit fishing from the Riverwalk multi-use trail, the Iowa Women of Achievement Bridge (Center Street), Union Pacific (Red) Bridge, and East Martin Luther King, Jr. Parkway/West Martin Luther King, Jr. Parkway Bridge.

Background

Amendment of Municipal Code Sec. 130-109 Prohibited Fishing Areas was initiated in a Downtown Maintenance Committee meeting of representatives of Parks and Recreation staff, the Downtown Community Alliance (DCA), and Principal Riverwalk Development Authority. As a part of this group's agreement, the DCA is responsible for maintenance and cleanliness of the downtown area, including the recently-completed Principal Riverwalk. DCA's staff encounters unsanitary conditions along the Des Moines River in downtown Des Moines from litter, dead fish and fish remnants left behind by the public. This leads to odor, unsightly conditions, and safety/hygiene concerns for the employees responsible for cleaning and trash removal. The Prohibited Fishing Area amendment was proposed to eliminate these conditions.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S):

Board: Park and Recreation Board

Date: May 27, 2014

Resolution Number: 14-037

Action: Recommend City Council's approval of 1) recommendation from Principal Riverwalk Fishing Ad Hoc Committee to amend Municipal Code Sec. 130-109 Prohibited Fishing Areas to further specify fishing locations along the Des Moines River in downtown Des Moines, and 2) amendment to Sec.74-97 Lakes and Ponds to prohibit fishing from the Gray's Lake watercraft rental dock, swimming beach, and pedestrian bridge. Motion by Thornton. Second by Feltner. Motion carried 11-1.

Board: Park and Recreation Board

Date: March 25, 2014

Resolution Number: 14-020

Action: Table action to approve amendment to Municipal Code Sec. 130-109 Prohibited Fishing Areas limiting fishing along the Principal Riverwalk, and Sec.74-97 to prohibit fishing from the Gray's Lake watercraft rental dock, swimming beach, and pedestrian bridge and create an ad hoc committee to

review and make a recommendation to the Board regarding restricted fishing areas. Motion by Ogle. Second by Facto. Motion carried.

Board: Park and Recreation Board

Date: February 25, 2014

Resolution Number: 14-014

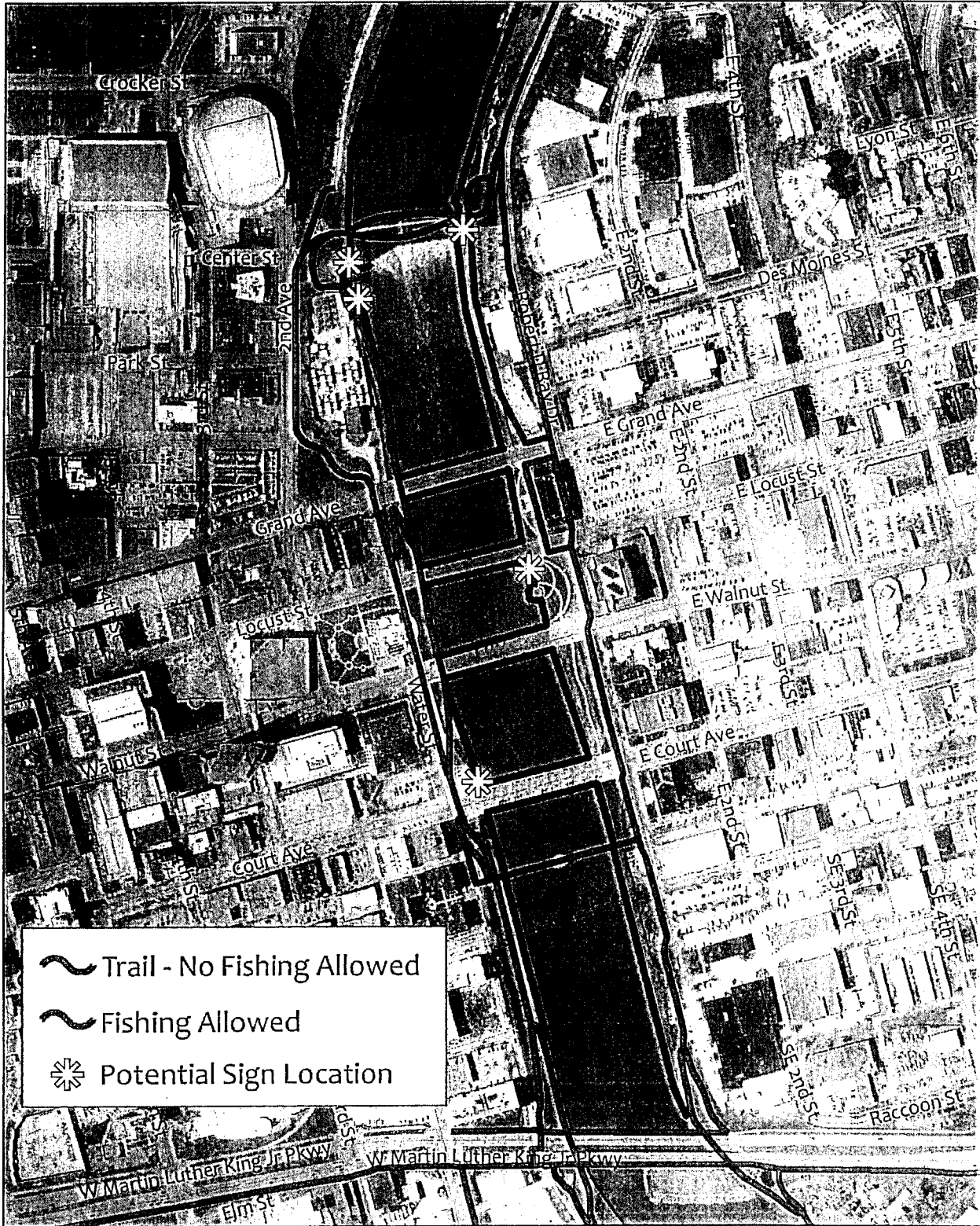
Action: Receive and file 1) proposed Principal Riverwalk park rule regarding skateboards, bicycles, in-line skates or similar recreational equipment restrictions and 2) recommendation to amend Municipal Code Sec. 130-109 to limit fishing along the Principal Riverwalk, and Sec.74-97 to prohibit fishing from the Gray's Lake watercraft rental dock, swimming beach, and pedestrian bridge. Motion by Davis to receive and file. Second by Scavo. Motion carried.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.

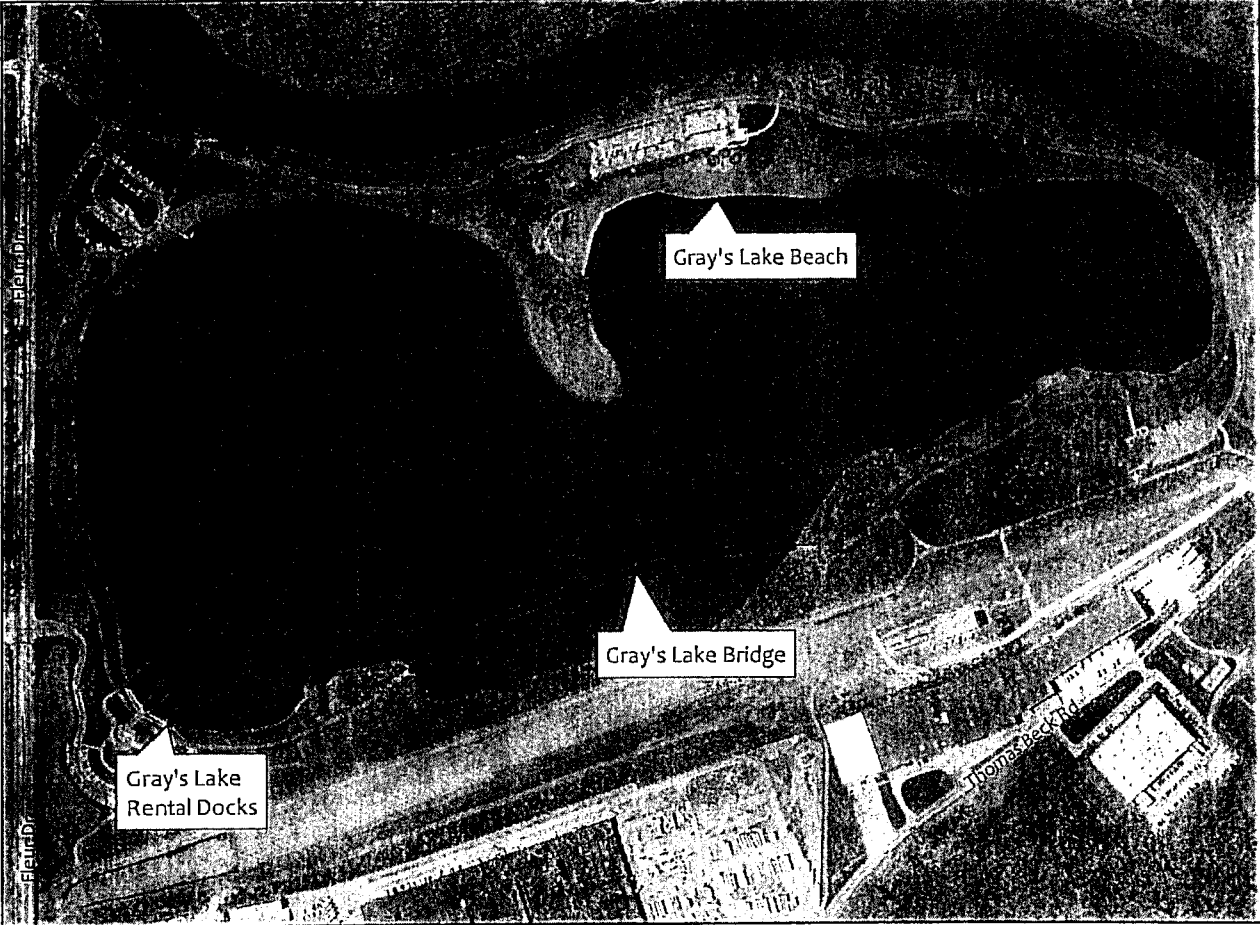
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Principal Riverwalk - Fishing Locations



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Gray's Lake Park - No Fishing Locations



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ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Section 74-97, relating to fishing.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Section 74-97 relating to fishing, as follows:

Sec. 74-97. Lakes and ponds.

No person shall throw or place any foreign or waste substance in any lake, wading pool or ~~bathing~~ swimming beach in any public park. Boats are not permitted in lakes and ponds, with the exception of Gray's Lake, without the permission of the park and recreation director. No person shall fish from or dangle any object from the Gray's Lake watercraft rental dock, the Gray's Lake swimming beach, or the Gray's Lake pedestrian bridge.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Ann DiDonato
Ann DiDonato
Assistant City Attorney