

Date March 9, 2009

RESOLUTION CLOSING PUBLIC HEARING ON PROPOSED
TREE PRESERVATION AND MITIGATION ORDINANCE

WHEREAS, on October 22, 2007, by Roll Call No. 07-2023, the City Council received a communication from the City Plan and Zoning Commission expressing the Commission's concerns with the removal of existing mature trees on private and public property within the City of Des Moines and requesting that the Council initiate actions authorizing the Commission and City staff to prepare a Tree Preservation/Management Ordinance; and,

WHEREAS, in response to favorable comments expressed by the City Council for the proposal, the Regulations and Ordinance Committee of the City Plan and Zoning Commission held meetings with representatives of Trees Forever and a developer panel for input to guide the drafting of the proposed ordinance; and,

WHEREAS, on May 19, 2008, by Roll Call No. 08-868, the City Council received a communication from the City Plan and Zoning Commission advising that at hearings held on March 6th, April 3rd and May 1st, 2008, the Commission considered and ultimately voted 11-0 in support of a motion to recommend approval of an ordinance containing the text attached hereto as Exhibit "B"; and,

WHEREAS, on May 19, 2008, by said Roll Call No. 08-868, the City Council referred the proposed ordinance to the City Manager and Park and Recreation Board for review and recommendation, to seek input from a variety of those affected, and to determine the fiscal impact; and,

WHEREAS, after further consideration of the proposal by the City Parks Department and City Staff, the City Manager recommends that the City Council consider for adoption a Tree Preservation and Mitigation Ordinance in the form set forth in Exhibit "A" attached hereto, for the reasons set forth in the accompanying council communication.

WHEREAS, on February 23, 2009, by Roll Call No. 09-287, it was duly resolved by the City Council that the proposal to amend Section 122-58, and to enact a new Article X to Chapter 42 of the City Code, regarding tree preservation and the mitigation of tree removal as more fully described in Exhibit "A" attached hereto, be set down for hearing on March 9, 2009, at 5:00 p.m., in the Council Chambers at City Hall; and

WHEREAS, due notice of the hearing was published in the Des Moines Register as provided by law on Feb. 26, 2009; and

(continued)

★ Roll Call Number

09-411

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WHEREAS, in accordance with the notice, those interested in the proposed Tree Preservation and Mitigation Ordinance, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the public hearing on the proposed Tree Preservation and Mitigation Ordinance is hereby closed.

MOVED by Meyer to continue the hearing to the May 4th Council meeting at 5:00 PM to allow time for additional input and give an opportunity for the M.A.C. (Metro Advisory Council) to review. The City Manager will report back on the following:
FORM APPROVED: 1)Details of the permit process. 2)Fiscal impact. 3)Description of penalties.

(Council Communication No. 09-159)

Roger K Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE		✓		
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY		✓		
MEYER	✓			
VLASSIS		✓		
TOTAL	4	3		

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.

Diane Rauh City Clerk