



Roll Call Number

09-793

Agenda Item Number

55

Date May 4, 2009

RESOLUTION TO CONTINUE 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 test 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 February 26, 2009; and

( continued )



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WHEREAS, on March 9, 2009 by Roll Call No. 09-411, the City Council duly resolved to continue the public hearing until May 4, 2009 at 5:00 p.m. in the Council Chambers at City Hall to allow time for additional input and give an opportunity for the Metro Advisory Council ("M.A.C.") to review the proposed ordinance, with the City Manager to report to the Council regarding details of the permitting process, fiscal impact of the proposed ordinance, and a description of penalties authorized under the proposed ordinance.

WHEREAS, M.A.C. has not yet reviewed the proposed ordinance and other parties with an interest in the ordinance have requested further opportunity to evaluate the ordinance and present 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 opened, and the hearing is CONTINUED.

MOVED by Kiernan to continue the hearing to July 13, 2009 at 5:00PM

FORM APPROVED:

Michael F. Kelley  
Michael F. Kelley  
Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
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.

Diane Rauh City Clerk

MOTION CARRIED

APPROVED

T. M. Franklin  
T. M. Franklin  
Mayor