

★ Roll Call Number  
09-1268

✓  
Agenda Item Number  
62

Date July 13, 2009

RESOLUTION DIRECTING CITY MANAGER TO PREPARE  
ORDINANCES AND POLICY REGARDING A TREE PRESERVATION AND  
MITIGATION ORDINANCE AND TO CONTINUE THE PUBLIC HEARING

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 a proposed ordinance; and,

WHEREAS, on May 19, 2008, by 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 proposed ordinance by the City Parks Department and City Staff, the City Manager recommended that the City Council consider for adoption a Tree Preservation and Mitigation Ordinance; and

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 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

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 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, on May 4, 2009 by Roll Call No. 09-793, the City Council duly resolved to continue the public hearing until July 13, 2009 at 5:00 p.m. in the City Council Chambers at City Hall to allow time for a Council work session regarding the topic; and

WHEREAS, on June 22, 2009 the City Council held a work session at 7:30 a.m. in the City Council Chambers at City Hall; and

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WHEREAS, due to current budgetary constraints the City is unable to implement a permitting process for tree removals as had been proposed at the March 9 and May 4, 2009 public hearings. As a practical alternative to the permitting process, the City Manager proposes to revise the proposed tree management ordinance and other development related ordinances to formalize requirements for tree protection and mitigation as set forth in the accompanying Council communication. The City Manager also proposes to: (1) prepare a written policy for City operations and CIP projects to incorporate tree preservation, protection and mitigation principles consistent with future revisions to City ordinances; and (2) enhance the City's on-going effort toward planning for the urban forest as noted in the Council communication; and

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. The City Council directs the City Manager to present at the August 24, 2009 Council meeting a revised tree management ordinance and other development related ordinances to formalize requirements for tree protection and mitigation as set forth in the accompanying Council communication, and to present a written policy for City operations and CIP projects to incorporate tree preservation, protection and mitigation principles consistent with future revisions to the subdivision and site plan ordinances. The City Council also directs the City Manager to enhance the City's on-going effort toward planning for the urban forest as noted in the Council communication and the hearing is CONTINUED.

MOVED by Hensley to adopt the directives and continue the public hearing to August 24, 2009, and to also include consideration of Tree Protection and Mitigation Standards.

FORM APPROVED:

(Council Communication No. 09-462)

Michael F. Kelley
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL.

MOTION CARRIED

APPROVED

Handwritten signature of Mayor T. M. Franklin

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.

Handwritten signature of Diane Rauh

City Clerk