

★ **Roll Call Number**
..... 09-1586

Agenda Item Number
..... 58

Date..... August 24, 2009

RESOLUTION CLOSING PUBLIC HEARING ON PROPOSED ORDINANCES
TO ESTABLISH A COMPREHENSIVE SYSTEM FOR THE CONSIDERATION
OF TREE REMOVAL AND THE PLANTING OF REPLACEMENT TREES IN
THE REVIEW AND APPROVAL OF APPLICATIONS FOR GRADING PERMITS,
SITE PLANS, SUBDIVISION PLATS AND PLATS OF SURVEY

WHEREAS, on February 23, 2009, by Roll Call No. 09-287, it was duly resolved by the City Council that a proposal to amend Section 122-58, and to enact a new Article X to Chapter 42 of the City Code, to establish a permitting process for tree removal and to require the planting of replacement trees in mitigation of tree removal above certain thresholds 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. 09-441, and on May 4, 2009, by Roll Call No. 09-793, the City Council continued the public hearing until July 13, 2009; and,

WHEREAS, on July 13, 2009, by Roll Call No. 09-1268, the City Council continued the public hearing until August 24, 2009, and adopted a recommendation from the City Manager to revise the ordinance then under consideration to eliminate the requirement to obtain tree removal permits and to instead establish a comprehensive system for the consideration of tree removal and the planting of replacement trees in the review and approval of applications for grading permits, site plans, subdivision plats and plats of survey; and,

WHEREAS, the revised proposal has been developed into two related ordinances which are now proposed for adoption; and,

WHEREAS, due notice of the revised proposal and of this hearing was published in the Des Moines Register on August 20, 2009; and,

WHEREAS, in accordance with the notices, those interested in the proposal, 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,

(continued)

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BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the public hearing on the proposal to create a comprehensive system for the consideration of tree removal and the planting of replacement trees in the review and approval of applications for grading permits, site plans, subdivision plats and plats of survey is hereby closed.

(Council Communication No. 09- 616)

MOVED by Coleman to adopt, subject to the appropriate ordinance being amended to use the mitigation ratios initially proposed on July 13, 2009; to direct the City Manager to respond to the issues raised in the communications received by the City Council at the hearing including, but not limited to, the application of the mitigation requirements to the airport; and, to direct the Legal Department to respond to the issue regarding off-site mitigation.

FORM APPROVED:

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	6	1		

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
Mayor