

**SUMMARY**  
**DES MOINES PARK AND RECREATION BOARD**  
**5:00 P.M. Tuesday, May 26, 2009**  
**City Council Chambers, City Hall**

The Des Moines Park and Recreation Board took the following action on items listed in the attached meeting agenda summary. Copies of resolutions may be obtained from the Park and Recreation Office 237-1403. Please refer to the five-digit resolution number when requesting information or copies. Any item requiring a roll call was taken by voice vote. For purposes of condensation, roll calls will only be broken down in the minutes when the actual vote was not unanimous.

**#09-046 ROLL CALL**

**Present:** Galloway, Gelb, Ogle, Noland, George, Koenig-VandeHaar (5:10), Cahill, Scavo, Krumrey, Thornton, Murphy  
**Absent:** Jensen, Modersohn, Feltner, Chen

**#09-047 APPROVAL OF AGENDA AS PRESENTED AND/OR AMENDED**

Galloway requested that the slate of officers item be moved to receive and file item. The dancing resolution is moved to after the Urbandale bike lanes.

**Motion by Ogle to approve agenda as amended**  
**Seconded by Gelb**  
**Motion carried**

**III. DISCUSSION AGENDA**

**MINUTES**

**#09-048** Minutes of April 28, 2009 Park and Recreation Board Meeting

**Motion by Gelb to receive and file April 28, 2009 Park and Recreation Board minutes**  
**Seconded by George**  
**Motion carried**

**IV. REPORT OF PARK AND RECREATION DIRECTOR**

- Pappajohn Sculpture Park  
Art is being moved to site. Dedication in September.
- Council/Board tour June 24  
Ben Page, Assistant Director, advised joint meeting scheduled for June 24 from 2:00 to 6:00 p.m. First part will be tour followed by meeting.
- Saturday morning bike tours with council  
Request from City Manager for council to participate in a trail tour. Working with Manager's Office and will forward dates of the tours.
- Principal Park  
Page advised on Wednesday, a section of decking fell to concourse floor. City was contacted and sent engineers, inspectors and outside consultant. Building is safe with a temporary repair with final repair completed as soon as possible. There are suspicious cracks in other areas. Keep public informed as we proceed.

- **Glendale Cemetery Water Access**  
Doug Romig, Parks Service Manager, a waterline break occurred last fall – repairs were made, but another break occurred. Over the winter looked at other alternatives. During weekend, 120 spigots are available, 100 temporary water stations and water trucks will be used. City will continue with temporary service. Request public input. George asked about color of pond. Romig stated it was dyed for algae control.
- **Security Cameras in parks**  
Des Moines Police Department has used different systems, voice warning and snapshot cameras. Will look at isolated areas with new technology and will rotate around park system. This is a public policy issue and public input is requested. Cahill asked if cameras are monitored 24-7. The cameras will store information for 30 days. The Pappajohn Sculpture Park will be monitored 24-7 by Nationwide.
- **Neal Smith Trail Damage**  
Richard Brown, Park Planner, 30-to-50 foot west and north of Lutheran Hospital the trail collapsed. Working with engineering department to hire a company to look at the soil. Hire an engineer and hopefully get it open the end of summer. It will be a difficult repair due to the soil.

Scavo expressed concern with the south-side park grass especially Ewing – long grass and no trimming. Tripp agreed. Memorial Day weekend is big. Mowing/custodial was contracted. Tripp toured several properties with majority of the zones in good condition with the exception of the south side parks with long grass – some problems with water table. As part of the contract regulation, trimming is to occur when mown. Tripp apologized but intends to make contact with the contractor – will make refunds or credits to people who rented on south side. The City is documenting the problems. Report will be provided next month. The City will not drop quality of service for contractors. Tripp stated outsourcing saved \$200,000. Park restrooms were in great condition.

### **FOR BOARD ACTION**

**#09-049**      Urbandale Avenue Bike Lanes

**Motion by Ogle to approve Urbandale Avenue bike lanes  
Seconded by Murphy**

Koenig-VandeHaar requested clarification if parking would be allowed in the evening. The bike lane would abolish parking. Any special events a permit could be issued.

**Motion carried**

**#09-050**      Dancing Permit Ordinance and other regulatory process  
Ogle provided the background. This was discussed at the last Park Board meeting and at the executive committee meeting. Ogle read the draft resolution.

**Motion by Ogle to approve the resolution  
Seconded by Cahill**

Matthew Mclver, 2906 High Street, artistic director of Des Moines Social Club located at 1406 Locust Street. Spoke strongly in favor of draft resolution. The ordinance unnecessarily singles out dance as a form of expression. At the Des Moines Social Club, it inhibits some economic activity. Since a dance could not

go past 2:00 a.m., the event went to Iowa City. The ordinance is contrary to the image of a world-class city and the image we wish to project. He would hope council review it and overturn it in its entirety. He would like the Board to adopt the draft resolution to exempt park and recreation property/facilities from the ordinance.

Jeff Leo, 605½ 40<sup>th</sup> Street, Des Moines. Jeff loves Des Moines as the City has changed in the past ten years. No dancing after 2:00 a.m. is not forward thinking. Culture of the city makes it attractive for people to come here.

Rachel Glaza, 1512 Park Street, Apt. 6, dance instructor, ridiculous to not be able to dance or requires a permit – supports the resolution.

Thornton suggested that a separate sentence be included for the Council to review the ordinance in its entirety and then include another sentence for the property under jurisdiction of the Parks and Recreation Department. Ogle is making a recommendation that park and recreation property is exempt from the statute. It would also give Council an alternative to repeal or modify the entire ordinance. It is appropriate to be reviewed in its entirety in addition to specifically exempting park and recreation property. Ogle stated the questions are on jurisdiction – the board is just an advisory body. The City Council will determine what will be done. Ogle stated this statute is unconstitutional as it is applied. No one can articulate what is considered a public dance and the definition on when the public is invited. This recommendation differs slightly from staff as they specifically require a permit in city parks. Ogle is comfortable with the wording of the resolution. Ogle requests support of the resolution to at least exempt parks from it but also would like the council to review the whole ordinance.

George asked reasoning for other options. Tripp advised staff was asked for a recommendation statutory to the board. The only statutory connection to this issue is the park system. Dance as a recreational activity is something that we support. We recommended to the board a change in the ordinance. Tripp stated the confusion is to have a special permit to use the park system. Ogle stated that according to Attachment A that it states that if it is not sponsored by park and recreation department, a permit is needed. Tripp stated a special use permit is needed for use of the park – Attachment A. Romig, Park Services Manager, advised we require any type of organized event in the park system to complete a park permit. Romig, stated charity events get a special use permit. Romig stated any organized event hosting a dance, hosting a family reunion, requires a special use permit; this is a management tool so staff is aware of the event and determines if special provisions are needed. Ogle stated the ordinance is vague as there is no definition of an organized dance.

Tripp stated that this ordinance as recommended with changes requires a dance permit, and it does not. DiDonato stated what is required is for the normal facility use permit. Tripp stated there is no fee for a Park Use permit and is a convenience to the public. Tripp stated there are two items, Attachment A and the proposed resolution, that Loyd drafted. In our view as staff, it is our responsibility to show where your responsibilities fit within the current statute. Staff does not have an objection to what is said. Park board can give an opinion to another board or to council. Attachment A is a way to resolve this in the park system. We recommend you to adopt that. If you wish to do something beyond that, the staff has no objection.

Murphy asked how it relates to Des Moines Social Club – what does it have to do with permits in parks. Ogle stated Des Moines Social Club is a gathering for different activities including dances. The connection is at gathering points which has a dampening effect to use the park system as this ordinance is confusing on whether a permit is required.

Cahill stated that the issue with the Des Moines Social Club with dancing after 2:00 a.m. this draft resolution wouldn't affect it – a council issue. The draft resolution is addressing only the park system. This resolution is specifically addressing park property. Tripp stated if ordinance stays as currently stated you would need a dance permit for the park system. The Special Use permit is used as a convenience and communication. Tripp stated that currently a dance permit is required at any time. Ogle would like the whole ordinance repealed.

Galloway stated that the motion on the floor is Ogle's resolution. That is only what the board is looking at unless there is an amendment. Tripp stated that if the board approves the draft resolution the staff will withdraw staff's recommendation. Galloway asked how the resolution would be presented to council. Ogle stated to take the resolution addressed to City Council and have the Chair sign resolution and forward to them.

Galloway summarized that the dance permit would not apply to parks and council would look at entire dance ordinance.

**Motion carried.**

**#09-051** Alcohol sale and consumption at Western Gateway Park for Arts Festival  
(1) Alcohol sale and consumption at Western Gateway Park for 80/35 concert

**Motion by Gelb to approve alcohol sale and consumption at the events  
Seconded by Noland  
Ogle abstained from voting on the 80/35 concert  
Motion carried**

**#09-052** Alcohol sale and consumption at Kiwanis Nature Island  
John Morrissey, 2913 Oxford Street, questioned what agreement they need to fill out. Romig will work with him on the paperwork.

**Motion by Gelb to approve alcohol sale and consumption at Kiwanis Nature Island  
Seconded by Murphy  
Motion carried**

**#09-053** Wine Social at Gray's Lake Terrace

**Motion by Koenig-VandeHaar to approve wine socials at Gray's Lake Terrace  
Seconded by Noland  
Motion carried**

**#09-054** Allowing glass containers and waste materials in the park system for special events

**Motion by Noland to approve glass containers in the park system for special events  
Seconded by Koenig-VandeHaar**

Jessica Hernandez, East Sheridan, questioned if glass containers will be recycled. Don McLaughlin, Parks Manager, advised that Parks and Public Works departments are discussing the best way to recycle in parks system. We will be meeting to put a recycling plan together. Recycling will be done at all events at Amphitheater.

Murphy asked what we are prohibiting. Tripp stated anything that is glass. Romig, Park Services Manager, stated the specific issue is wine bottles would be allowed by special permit either signed by director or by a liquor control license. If by permit, the vendor can pour from wine bottles into plastic glasses. Murphy asked what we are trying to protect as most glass containers won't break. Tripp stated that the glass container rule is included for less risk of injury due to broken glass in the park system. Rules are there to help direct the public. A list of park rules will be provided at a future meeting.

**Motion carried**

- #09-055** Rescind Naming of Park and Recreation Land and Facilities Criteria and Adoption of the new City Council policy for naming of Streets, Facilities and Park Land in the City of Des Moines

**Motion by Scavo to rescind naming of park and recreation land and facilities criteria and to adopt the new City Council policy  
Seconded by Gelb**

Koenig-VandeHaar asked if council can make a recommendation without board or public hearings. Tripp stated council will routinely ask board. Council has adopted the policy.

**Motion carried**

**RECEIVE AND FILE**

- #09-056** Park Restroom Closures  
Presentation was made at a prior meeting; this is receive and file item for public comments. No further presentation.

Koenig-VandeHaar asked if disinfecting hand-washing materials be installed in the restrooms. Tripp will get back with her next month with a cost. McLaughlin, will check – will need to follow-up. City needs to do this in our restrooms.

**Motion by Koenig-VandeHaar to receive and file park restroom closures  
Seconded by George  
Motion carried**

**#09-057** Amending Citizen Golf Committee By-laws

**Motion by Murphy to receive and file amended citizen golf committee by-laws**

**Seconded by Scavo**

David Huston, 1512 48th, past president of Waveland Association requested a copy of the by-laws. Ben Page will provide a copy of the by-laws. Huston thanked Romig for facilitating a meeting between the committee and the neighborhood.

George questioned the officers' terms. Page, Assistant Director, will clarify at the next meeting.

Galloway stated that with the amended by-laws the park board will provide three members - asked if any female members are interested. Staff is fine with a member that is not a golfer.

**Motion carried to receive and file citizen golf committee by-laws at next month's meeting after clarification of officer terms.**

**#09-058** Slate of officers

Scavo, presented the slate of officers. Had many discussions because of change in board rules. All members are invited to attend the executive committee meetings.

**Motion by George to receive and file slate of officers**

**Seconded by Murphy**

**Motion carried**

**Report of Chair of Board and Committees**

Galloway distributed the Drake Observatory schedule. June meeting is at noon.

**#09-059** ADJOURNMENT

**Motion by Koenig-VandeHaar to adjourn**

**Seconded by Scavo**

**Motion carried**