



**Roll Call Number**

**Agenda Item Number**

14

**Date** June 3, 2024

**APPROVING UPDATES TO THE HISTORIC PRESERVATION COMMISSION BY-LAWS**

WHEREAS, section 58-30 of the Municipal Code sets forth authority of the Historic Preservation Commission (“HPC”); and

WHEREAS, staff wishes to amend the existing bylaws to reflect current practices and include electronic communication methods; and

WHEREAS, the proposed edits are consistent with the Historic Preservation Ordinance.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. The proposed amended Historic Preservation Commission By-Laws are hereby approved.

MOVED by \_\_\_\_\_ to adopt.

SECOND by \_\_\_\_\_.

(Council Communication No. 24-238)

FORM APPROVED:

/s/ Lisa A. Wieland

Lisa A. Wieland

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, LAURA BAUMGARTNER, 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.

\_\_\_\_\_  
City Clerk

# HISTORIC PRESERVATION COMMISSION

## BY-LAWS

Des Moines, Iowa

\* \* \*

### ARTICLE I

#### Meetings

1. Regular meetings of the Historic Preservation Commission shall be held monthly on the third Wednesday of the month at 5:30 P.M.
2. Special meetings may be called by the Chairperson, or at the request of three members, of which notice shall be emailed or mailed to each member at least 4824 hours before the time set, except that announcement of a special meeting, at any meeting at which all members are present, shall be sufficient notice of such meeting.
3. Quorum of the Commission shall consist of a majority of the members.
4. The agenda and all documents associated with the agenda shall be emailed or mailed to Commission members at least five (5) ~~seven (7)~~ days in advance of any regularly scheduled Commission meeting.

### ARTICLE II

#### Cases Before the Commission

1. The following requests for a "Certificate of Appropriateness" shall be made before the Historic Preservation Commission on forms provided therefore by the Commission:
  - a. Application for alteration of an exterior feature of a structure located within a designated historic district or alteration of an exterior feature of a designated landmark.
  - b. Application for new construction within a designated historic district or on property or site on which a locally designated landmark is located ~~property or site~~.
  - c. Application for demolition of a structure within a historic district or on a locally designated landmark property or site ~~for demolition of any portion of a property or site on which a locally designated landmark is located~~.
2. All information required to be set forth in the forms referred to above shall be furnished by the applicant in the manner therein prescribed and all required notices shall be secured on forms provided by the Commission, ~~and whenever notice to or consents from adjoining property owners are required, such notice shall be given and consents secured on forms provided by the Commission.~~



- 3. The ~~Community Development~~Development Services Department shall reject such applications referred to above unless same are made on the prescribed forms, properly filled out, with all required data attached.

ARTICLE III

The Docket and Calendar

- 1. Each application for new construction or alteration shall be filed in proper form with the required data, shall be numbered serially, docketed, and shall be placed upon the calendar of the Commission by the ~~Community Development~~Services ~~Staff~~. ~~The~~A docket number ~~shall begin anew on July 1st of each year, and shall be hyphenated with the number of the year in which the said appeal or application is filed.~~ system shall be developed and maintained by the Development Services Department.
- 2. All cases docketed more than 15 calendar days (10 working days) prior to a regular meeting day, may be automatically set for hearing on that regular meeting day. Cases docketed within 15 calendar days (10 working days) or less of the regular meeting day shall be set for hearing on the next available regular meeting day ~~on the second regular meeting day after the docketing of the application for new construction or alteration.~~ Only the ~~Community Development~~Services Director or ~~his~~their designee may approve adding an item to the agenda after the closing date.
- 3. Applications for a "Certificate of Appropriateness" shall be heard in the order in which they appear on the calendar, except that an application may be advanced for hearing by order of the Commission or Development Services Director upon good cause shown. Where all applications cannot be disposed of on the day set, the Commission may adjourn from day to day, or until the next regular meeting, as it may order.
- 4. The calendar of cases to be heard shall be posted on the City of Des Moines website and a publicly accessible bulletin board at the Development Services Department in accordance with open meeting requirements established by State Code. ~~in the office of the Historic Preservation Commission three days before each regular meeting.~~ Three days notice of hearing of an application shall be given to the applicant by emailing or mailing notice thereof to the email address or mailing address stated in the application. ~~appeal.~~

ARTICLE IV

Hearings

- 1. Hearings shall be held by the Historic Preservation Commission in the Board Room, Municipal Service Center, 1551 East Martin Luther King, Jr. Parkway City Council Chamber, City Hall, 400 Robert D. Ray Drive or in the Plan and Zoning Department Conference Room, East First and Des Moines Streets. The Commission may also choose to hold hearings at the site ~~in the Sherman Hill or Owl's Head districts~~ of location listed in an application.

2. A quorum for hearing by the Commission shall consist of a majority of the members.
3. Hearings shall be open to the public.
4. The applicant may appear ~~in-on~~ his-their own behalf or be represented by agent at said hearing. In the absence of any personal appearance on behalf of the applicant, the Commission will proceed to dispose of the matter on the record before it ~~or continue the hearing to the next regularly scheduled meeting-, as it may order if additional information is necessary.~~

- 5. At a hearing or meeting, the order shall be as follows:
  - a. Staff presentation and recommendation ~~(description of request, background information, etc.)~~.
  - b.   —Applicant presentation (if appropriate).
  - c. Neighborhood Public comments ~~(if appropriate)~~.
  - d. Chairperson may ~~want to~~ read verbatim or excerpts from any written comments received prior to or during the meeting.
  - e. Staff ~~makes formal recommendation~~ clarifications.
  - f. Chairperson closes the period for outside comment and the Commission discusses the item and votes.

ARTICLE V

Final Disposition of Application

1. The final disposition of any application for a “Certificate of Appropriateness” shall be in the form of a resolution which shall approve, approve with modification or refuse the request for a “Certificate of Appropriateness.” The resolution shall set forth that the application is denied or that it is granted with or without conditions, and said resolution shall specifically set forth what alterations or new construction, or demolitions are permitted and what conditions, if any, shall be complied with.

2. ~~Commissioners may use the following format to make a motion for disposition of an application:~~

~~I move to approve/disapprove/approve with modification the Certificate of Appropriateness as requested by (name of applicant) strictly in accordance with the application submitted, and~~

~~a. for the reasons outlined in the findings and conclusions as contained in the staff recommendation.~~

~~or~~

~~b. for the following reasons:~~

~~Commissioner may entirely reject the staff recommendation or modify it as appropriate, but in any case clearly state the findings (pertinent facts about the case) and the reasons (cite adopted guidelines) for the action.~~

~~or~~

~~c. Furthermore, this approval is subject to:~~

~~Commissioner should clearly state any modifications to the Certificate.~~

Commissioners may use the following format to make a motion for disposition of an application:

**Part 1: Action**



“I move to (approve/disapprove/approve with conditions) the Certificate of Appropriateness as requested by (name of applicant) in accordance with the submitted application...”

**Part 2: Rational**

“...for the reasons outlined in the                    staff recommendation...”

or

“...for the following reasons...”

**Part 3: Conditions of Approval, if necessary**

“...subject to the following conditions...”

- 3. Every application for alteration or new construction shall be disallowed unless the concurring vote of a majority of the Commission present at the hearing shall favor the application. Every application for demolition shall be disallowed unless a majority of the membership of the full Commission shall favor the demolition. The vote of each member present on each resolution shall be recorded with the resolution.
- 4. Any applicant may withdraw his application at any time prior to the decision by the Historic Preservation Commission.

ARTICLE VI

Re-hearings

- 1. No rehearing of any decision by the Historic Preservation Commission shall be held except on motion by a member of the Commission to reconsider the vote, and carried by a majority of the full Commission. No motion for a rehearing shall be entertained unless new evidence is submitted which could not reasonably have been presented at the original hearing.
- 2. If a rehearing is granted, the rehearing shall be scheduled on the calendar for a date no earlier than 45 days after the date of the original hearing. In addition, no rehearing may be held until proper public notice has been provided.

ARTICLE VII

Officers

- 1. The Commission at its first meeting shall elect a Chairperson and Vice-Chairperson, and annually thereafter at the ~~first~~-last regular meeting of the year.
- 2. The Chairperson shall preside at all meetings and hearings of the Commission. In the event of the absence or disability of the Chairperson, the Vice-Chairperson shall preside.
- 3. The Chairperson, subject to these rules, shall decide all points of procedure unless otherwise directed by a majority of the Commission in session at the time.

4. The Chairperson may designate members of the Commission to make personal inspections when necessary from time to time, and, unless otherwise directed by a majority of the Commission, shall appoint such committees as may be found necessary.
5. The Chairperson shall report at each meeting on all official transactions that have not otherwise come to the attention of the Commission.
6. —The Chairperson shall, subject to these rules and further instructions from the Commission, transact the office business of the Commission.

ARTICLE VIII

~~Community~~ Development Services Department

1. The ~~Community~~ Development Services Department, subject to the provisions of the Historical District Preservation Ordinance, these rules, the direction of the Commission and its Chairperson shall conduct all correspondence of the Commission; send out all notices required by these rules and the order of the Commission; shall attend all meetings of the commission and all hearings; shall scrutinize all applications for variations to see that these are complied with; shall keep the dockets and minutes of the Commission’s proceedings; shall compile all required records; shall maintain the necessary files and indexes and generally supervise all the clerical work of the Commission.
- ~~2. The Community Development Department shall, upon docketing any application for a “Certificate of Appropriateness” for new construction or demolition, notify any adjoining (excluding public rights-of-way) property owners (both contract buyers and title owners) of a hearing on the application. Three (3) days notice of a hearing shall be given to adjoining property owners by mailing notice of the hearing addressed to the property owner’s last known place of residence.~~
32. The ~~Community~~ Development Services Department shall demand from the applicant such additional information and data as may be required to fully advise the Commission with reference to the application, whether such information and data are called for by the official forms or not. Any failure or refusal on the part of the applicant to furnish some additional information or data shall be grounds for the dismissal of the appeal or application by the Commission.

~~ARTICLE VIII~~

~~Docket and Minute Book~~

- ~~1. The Community Development Department shall be provided with a docket and minute book which shall be kept posted to date. The docket shall be a well-bound book, in which the Community Development Department shall enter the number of the application, the name of the applicant, short description, by street number or otherwise, of the premises, the nature of the application and the final disposition, after the case has been disposed of. All continuances, postponements, dates of sending notices and other steps taken and acts done shall be noted on the docket.~~

ARTICLE IXVIII

Amendments

1. These rules may be amended or modified by an affirmative vote by a majority of the full Commission membership. Each amendment must be presented to the Commission in writing.



ARTICLE IX

Resolutions

- 1. Every resolution not otherwise provided for shall require a majority vote of the members present at a legally constituted meeting.

ARTICLE XI

Advice

- 1. The Commission may give advice on informal requests related to historic preservation.

ARTICLE XII

Order of business at Regular Meetings

- 1. The order of business at all regular meetings of the Commission shall be as follows:
  - a. Roll Call
  - b. Reading of minutes of previous meeting
  - c. Communications
  - d. Unfinished business Report of Committees
  - e. New business Unfinished business
  - f. New business Report of Committees

ARTICLE XIII

Conflict of Interest of Members

- 1. No member of the Historic Preservation Commission shall participate in any Commission proceedings involving an application for a Certificate of Appropriateness in which the member has a direct financial interest.

Approved by City Council August 24, 1992 ~ Roll Call  
 Number- 92-334324-