



Roll Call Number

Agenda Item Number

12

Date April 6, 2026

APPROVING UPDATES TO THE HISTORIC PRESERVATION COMMISSION BY-LAWS

WHEREAS, pursuant to section 58-30 of the Municipal Code of the City of Des Moines, Iowa, the Historic Preservation Commission ("HPC") shall adopt rules and regulations to carry out its powers, duties and responsibilities, which may be amended from time to time; and,

WHEREAS, at its March 25, 2026 meeting, the HPC adopted amendments to the Bylaws in the form on file in the City's Development Services Department and as attached hereto related primarily to the location of meetings following relocation to the T.M. Franklin Cownie City Administration Building; and,

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the HPC's Bylaws amendments as attached hereto are hereby approved and the City's Development Services Department is hereby directed to maintain a copy of the Bylaws as amended on file for public review and inspection.

Moved by \_\_\_\_\_ to adopt. Second by \_\_\_\_\_.

APPROVED AS TO FORM:

/s/ Emily A. Duffy
Emily A. Duffy
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include BOESEN, SIMONSON, VOSS, BARRON, WESTERGAARD, MANDELBAUM, GATTO, TOTAL, and MOTION CARRIED.

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

\_\_\_\_\_  
Mayor

# HISTORIC PRESERVATION COMMISSION

## BY-LAWS

Des Moines, Iowa

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### 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 48 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) 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.
  - c. Application for demolition of a structure within a historic district or 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.

3. The 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 Development Services staff. A docket number 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. Only the Development Services Director or 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. 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.

### 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~~ in the City Council Chambers, T.M. Franklin Cownie City Administration Building, 1200 Locust Street. The Commission may also choose to hold hearings at the site 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 on 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.

- 5. At a hearing or meeting, the order shall be as follows:
  - a. Staff presentation and recommendation.
  - b. Applicant presentation (if appropriate).
  - c. Public comments.
  - d. Chairperson may read verbatim or excerpts from any written comments received prior to or during the meeting.
  - e. Staff 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:

**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 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 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

Development Services Department

1. The Development Services Department, subject to the provisions of the Historical 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 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 IX

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 X

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
- e. New business
- f. 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 \_\_\_\_\_ ~ Roll Call Number 26-\_\_\_\_\_