



**Roll Call Number**

\_\_\_\_\_

**Agenda Item Number**

42

**Date** November 5, 2018

Request from Marti Payseur and Brett Niederhauser with the Des Moines Arts Center to speak regarding sound permits.

Moved by \_\_\_\_\_ to

| COUNCIL ACTION | YEAS | NAYS | PASS     | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE         |      |      |          |        |
| BOESEN         |      |      |          |        |
| COLEMAN        |      |      |          |        |
| GATTO          |      |      |          |        |
| GRAY           |      |      |          |        |
| MANDELBAUM     |      |      |          |        |
| WESTERGAARD    |      |      |          |        |
| <b>TOTAL</b>   |      |      |          |        |
| MOTION CARRIED |      |      | APPROVED |        |

**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.

\_\_\_\_\_  
Mayor

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

**Baumgartner, Laura L.**

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**From:** Jeff Fleming <JFleming@desmoinesartcenter.org>  
**Sent:** Monday, October 29, 2018 8:58 AM  
**To:** Mandelbaum, Josh T.; Rauh, Diane I.; Baumgartner, Laura L.  
**Cc:** Donovan, SuAnn M.; Delafield, Phillip M.; Sanders, Scott E.; Cheryl Tuttle  
**Subject:** RE: Sound permit issue

**Follow Up Flag:** FollowUp  
**Flag Status:** Flagged

Thank you Josh. Marti Payseur and Brett Niederhauser will present for the Art Center. Jeff

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**From:** Mandelbaum, Josh T. [mailto:JoshMandelbaum@dmgov.org]  
**Sent:** Saturday, October 27, 2018 12:09 PM  
**To:** Rauh, Diane I.; Baumgartner, Laura L.  
**Cc:** Donovan, SuAnn M.; Delafield, Phillip M.; Sanders, Scott E.; Jeff Fleming; Cheryl Tuttle  
**Subject:** FW: Sound permit issue

Diane,  
Could you put the Art Center on the November 5<sup>th</sup> Council agenda? They would like to address changes to our noise ordinance that it only recently came to their attention as needed. Thanks.

Josh

Josh Mandelbaum  
Des Moines City Council Member  
Phone: 515-240-7750 (cell)  
[joshmandelbaum@dmgov.org](mailto:joshmandelbaum@dmgov.org)



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**From:** Jeff Fleming [mailto:JFleming@desmoinesartcenter.org]  
**Sent:** Thursday, October 25, 2018 9:48 AM  
**To:** Mandelbaum, Josh T. <JoshMandelbaum@dmgov.org>  
**Cc:** Cheryl Tuttle <ctuttle@desmoinesartcenter.org>  
**Subject:** RE: Sound permit issue

Thanks so much Josh,  
Yes, we would welcome the opportunity to speak at the November 5 council meeting. Our director of finance, Cheryl Tuttle, who is copied above, can make the presentation. Jeff

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**From:** Mandelbaum, Josh T. [mailto:JoshMandelbaum@dmgov.org]  
**Sent:** Monday, October 22, 2018 11:57 PM  
**To:** Jeff Fleming  
**Subject:** RE: Sound permit issue

Thanks Jeff. I checked with staff. The process is to have you or someone from the Art Center come to speak at a Council meeting about the issue and then we can direct staff to respond. The next Council meeting is November 5<sup>th</sup>. Do you want me to ask the City Clerk to put you on the agenda?

Josh

Josh Mandelbaum  
Des Moines City Council Member  
Phone: 515-240-7750 (cell)  
[joshmandelbaum@dmgov.org](mailto:joshmandelbaum@dmgov.org)



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**From:** Jeff Fleming [<mailto:JFleming@desmoinesartcenter.org>]  
**Sent:** Monday, October 22, 2018 8:57 AM  
**To:** Mandelbaum, Josh T. <[JoshMandelbaum@dmgov.org](mailto:JoshMandelbaum@dmgov.org)>  
**Subject:** RE: Sound permit issue

Thanks Josh,  
Apparently, after all these years, the Art Center currently has no ability to get a sound permit for any event. We have been told there is a city code in our area that prevents us from playing music past 10pm **even** with a sound permit. Surprisingly, a sound permit requires you to close a street. This is not needed here. A Class E designation is apparently needed.

Ideally, the Art Center would like to be able to host a first Friday type of event in our courtyard with music, as we have done for years, and to host rentals for wedding receptions that might include a band. These often may go to midnight, but I understand that might be a problem, so 11pm would work as well. Thanks for your help, Jeff

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**From:** Mandelbaum, Josh T. [<mailto:JoshMandelbaum@dmgov.org>]  
**Sent:** Sunday, October 21, 2018 4:17 PM  
**To:** Jeff Fleming  
**Subject:** RE: Sound permit issue

I'm happy to talk to city staff about this. Do you have parameters for what will cover your events so that we can make the right change? I might have SuAnn Donovan with neighborhood inspections reach out directly.

Josh

Josh Mandelbaum  
Des Moines City Council Member  
Phone: 515-240-7750 (cell)  
[joshmandelbaum@dmgov.org](mailto:joshmandelbaum@dmgov.org)



**From:** Jeff Fleming [mailto:JFleming@desmoinesartcenter.org]  
**Sent:** Friday, October 19, 2018 10:11 AM  
**To:** Mandelbaum, Josh T. <JoshMandelbaum@dmgov.org>  
**Subject:** FW: Sound permit issue

Hi Josh,  
Please see the email below. It sums up an issue that has arisen regarding the Art Center's zoning for sound. We have been doing outside events for years, so it is surprising that this has now become an issue. Do you have any suggestions on how to make it possible to have events with sound after 10pm? Otherwise, it would have a negative impact our income from rentals? Any help would be appreciated. Best, Jeff

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**From:** Cheryl Tuttle  
**Sent:** Thursday, October 11, 2018 4:24 PM  
**To:** Jeff Fleming  
**Subject:** Sound permit issue

Jeff,  
At a recent wedding, we had police stop by the Art Center because of a neighbor's complaint about the noise. It turns out we are not in a zone that allows us to have outdoor music. The police officer informed Marti that she would have to obtain a sound permit for future events.

Earlier this week, Marti stopped in to the city permit office to obtain a sound permit for the weekend and was told that there is a city code in our area that prevents us from playing music past 10pm even with a sound permit. It would require a code change in order for us to have amplified sound even with a class E (up to 8 events per month, \$200 each month) or a regular sound (\$40 per time) past 10pm.

As we are now on the sound map with our neighbors I think we should push for this code change- as it will affect our revenue/ future bookings to only be able to have music outside AT ALL.

It is shocking to me that this has never before been an issue. Jeff, would you be willing to speak with Josh Mandelbaum about this? We are not sure where or how to even start and as our city council member, I would think he could put us in the right direction.

Thank you!

Cheryl Tuttle  
Director of Finance and Operations  
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Des Moines, IA 50312  
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[www.desmoinesartcenter.org](http://www.desmoinesartcenter.org)  
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