



**Roll Call Number**

**Agenda Item Number**

56

**Date** June 12, 2023

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 118-295, 118-296, and 118-297, relating to stormwater best management practices program",

**(Council Communication No. 23-277)**

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage. Second by \_\_\_\_\_.

FORM APPROVED:

(First of three required readings)

/s/ Glenna K. Frank  
Glenna K. Frank  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
SHEUMAKER				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED			APPROVED	

**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.

\_\_\_\_\_  
Mayor

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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 118-295, 118-296, and 118-297, relating to stormwater best management practices program.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended, by amending Sections 118-295, 118-296, and 118-297, as follows:

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**Sec. 118-295. Establishment of stormwater best management practices ~~rebate~~ program.**

- (a) The city council finds, determines, and declares it to be conducive to the health, welfare, safety and convenience of the city and its residents, and in compliance with the requirements of section 118-273, that a ~~rebatesubsidy~~ program be established to reimburse contributors for qualifying stormwater best management practices, as described in section 118-296, which help to enhance the water quality of stormwater runoff and/or to decrease the amount of stormwater runoff that enters the stormwater drainage system. The Environmental Protection Agency and Iowa Department of Natural Resources have mandated that municipalities promote the use of stormwater best management practices to address water quality and quantity issues. The goals of this program are to create a cost effective and sustainable incentive for the construction of stormwater best management practices within the city, to increase public awareness of the need to control stormwater runoff and to educate the public about sustainable practices to control stormwater runoff. The city has allocated from the stormwater sewer user fee revenues a sum sufficient to provide a ~~rebatesubsidy~~, as described in section 118-296, to contributors who elect to make qualifying improvements to their property within the corporate boundaries of Des Moines as described in section 118-296. The amount of the stormwater best management practices ~~rebate~~ program ~~rebatesubsidy~~ shall be as described in section 118-296.
- (b) The director or the director's designee shall make a stormwater best management practices ~~rebatesubsidy~~ provided in this division to contributors who meet the requirements of this division.
- (c) The city shall have the right to suspend or terminate this program if the city council determines that continuation of such program is likely to have an adverse effect on sewer service collections so that the applicable bond rate covenants will not be met.

**Sec. 118-296. Qualifying practices and method of making ~~rebatesubsidy~~ payments.**

- (a) Qualifying stormwater best management practices, or qualifying practices, which shall be considered eligible for ~~rebatesubsidy~~ include bio-retention cells, rain gardens, permeable

pavingment systems, rain barrels, streambank stabilization, soil quality restoration, native landscaping or other similar practices approved by the director. Stormwater best management practices shall meet design criteria in the Iowa Storm Water Management Manual or other applicable design guidance approved by the director. Stormwater best management practices which are required by Chapter 42, Article XI Section 106-136 of this Code or those for which the property owner seeks reimbursement from other sources of city funding, shall not be eligible for rebatesubsidy.

- (b) The stormwater best management practices rebate program will provide a maximum of a \$2,000.00 rebatesubsidy as a reimbursement for 50% of the reasonable total out of pocket cost of materials and labor per property for a qualifying practice or a combination of qualifying practices.

A property which has received the maximum rebatesubsidy amount is not eligible for additional rebatesubsidiess under this program, regardless of a change in ownership or use, until at least 10 years have passed since the date of issuance of the prior rebatesubsidy.

- (c) Within priority watersheds, the stormwater best management practices rebate program will provide a maximum of a \$4,000.00 rebatesubsidy as a reimbursement for 100% of the reasonable total out of pocket cost of materials and labor per property for a qualifying practice or a combination of qualifying practices.
- (d) The qualifying practice must have been installed after January 1, 2017 and installation completed by no later than June 30, 20232028.
- (e) A completed stormwater best management practices rebate-program application form and supporting documentation must be submitted to the department of public works by no later than April-June 1, 2023-2028 and prior to commencement of the work in order to be eligible for the rebatesubsidy. The application must be approved before work is begun in order to be eligible for reimbursement.
- (f) The account for the stormwater management fee charges on the property must be current as to the payments at the time of application.
- (g) Upon completion of the work and no later than August 31, 20232028, the applicant must submit to the department of public works the documentation of the actual cost of the qualifying practice, which must include an itemized invoice that identifies the materials and labor and a copy of the full payment. The amount of funding for this program will be capped on an annual basis at an amount recommended by the director in the public works department operating budget as approved by the city council. To the extent that program funds are available, rebatesubsidies shall be provided to qualified applicants in the order in which completed applications are received.
- (h) The city manager shall make all procedural and administrative determinations necessary to implement this program not in conflict with the provisions and intent of this division.

**Sec. 118-297. LimitationsFalse statement, claim or application.**

(a) In no case shall the city's stormwater best management practices program subsidy reimbursement pursuant to this division exceed the amount of the eligible costs paid or to be paid by the property owner for the qualifying improvements.

(b) — Any person making a false statement, claim or application for the purpose of obtaining the rebatesubsidy provided for in this division for any two or more persons who conspire and confederate together to make such false statement, claim or affidavit or to assist another to do so shall be recommended to the county attorney for criminal prosecution.

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Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

/s/ Glenna K. Frank

Glenna K. Frank

Assistant City Attorney