

★ Roll Call Number

Agenda Item Number

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Date June 28, 2010

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, by amending Section 118-271, and by adding and enacting new Sections 118-295, 118-296 and 118-297, relating to the establishment of a Stormwater Innovative Practices Rebate Program",

which was considered and voted upon under Roll Call No. 10-952 of June 14, 2010; again presented.

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

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

**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.


MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

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

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 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> June 14, 2010
	<b>Agenda Item No.</b> 60 <b>Roll Call No.</b> [Roll Call] 10-952 <b>Communication No.</b> <u>10-330</u> <b>Submitted by:</b> William G. Stowe, Assistant City Manager—Public Works Director

**AGENDA HEADING:**

Approving Amendments to Chapter 118 of the Municipal Code regarding the establishment of a Storm Water Innovative Practices Rebate Program.

**SYNOPSIS:**

Recommend Council approval of amendments to Chapter 118 of the Municipal Code regarding the Storm Water Management Utility. These amendments of the Municipal Code establish a Storm Water Innovative Practices Rebate Program for customers of the Storm Water Management Utility of the City of Des Moines. Qualifying practices must be installed after July 1, 2010 and completed no later December 31, 2014.

**FISCAL IMPACT:**

Amount: The City will provide a rebate to property owners at rate of \$1 per square foot of the surface area of installed green roof or porous pavement, with a maximum rebate dependant on the Equivalent Residential Unit (ERU) rate of the qualifying property of \$10,000 for properties with 5.1 or more Equivalent Residential Units. The program would be capped at \$250,000 per Fiscal Year.

Funding Source: 2010-2011 Operating Budget, Storm Water Utility Operations, Storm Water Utility Management, EN301, PWK077001, page 271.

**ADDITIONAL INFORMATION:**

The Environmental Protection Agency and the Iowa Department of Natural Resources have mandated that municipalities encourage the use of innovative storm water management practices as an alternative to practices that promote quick release of storm water runoff. The goals of this program are to create a cost effective and sustainable incentive for the construction of innovative storm water practices within a city, to increase public awareness of the need to control storm water runoff and to educate the public about sustainable practices to control storm water runoff.

The Storm Water Innovative Practices Rebate Program will provide a rebate to property owners that have installed qualifying practices with plans designed by a professional engineer and approved by the City Engineer. Qualifying practices include a green roof or permeable pavement.

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With this program the City will make a Storm Water Innovative Practices Rebate reimbursement to the property owners who meet the requirements of the program, as listed below. The rebate will be by direct payment of the qualifying rebate amount to the property owner. Program requirements include:

- (1) Green roof. A green roof designed by a professional engineer, said design has been approved by the City Engineer, installed on a structure that is a qualifying practice and is eligible to apply for a one-time rebate of \$1.00 per square foot of the area of the installed green roof. All applicable building and other permits are required, and the green roof as-builts must be certified by a professional engineer in order to be eligible for the program.
- (2) Permeable Pavement. A driveway, patio, walkway or parking lot using a permeable pavement material designed by a professional engineer, said design has been approved by the City Engineer and is a qualifying practice which is eligible to apply for a one-time rebate of \$1.00 per square foot of the area of the installed permeable pavement. All applicable building and other permits are required and the permeable pavement as-builts must be certified by a professional engineer in order to be eligible for the program.
- (3) The Storm Water Innovative Practices Rebate Program amount shall not exceed \$10,000 per property for qualifying properties of a qualifying practice or a combination of qualifying practices. The maximum rebate amount shall be based on the ERU rate charged to a property based upon the impervious area of the lot or parcel where qualifying practices have been installed, as reflected in the following table:

ERU of the Property	Maximum Rebate Amount
0.5 to 1	\$1,000
1.1 to 2	\$2,000
2.1 to 3	\$4,000
3.1 to 4	\$6,000
4.1 to 5	\$8,000
5.1 or more	\$10,000

A property which has received the maximum rebate amount is not eligible for additional rebates under this program, regardless of a change in ownership or use, until at least 20 years have passed since the date of issuance of the prior rebate.

- (4) The qualifying practice must have been installed after July 1, 2010 and installation completed by no later than December 31, 2014.
- (5) A completed storm water innovative practices rebate program application form and supporting documentation must be submitted to the Department of Public Works by no later than June 30, 2015, in order to be eligible for the rebate.
- (6) The account for the storm water management fee charges on the property must be current at the time of application.
- (7) The amount of funding for this program will be capped on an annual basis by the City Council. The annual funding amount established by the City Council for Fiscal Year 2010-11 shall remain as the annual cap amount until a different amount is established by the City Council. To the extent that program funds are available, rebates shall be provided to qualified applicants in the order in which completed applications are received.
- (8) The City Manager shall make all procedural and administrative determinations necessary to implement this program as to not conflict with the provisions and intent of this division.

**PREVIOUS COUNCIL ACTION(S): NONE**

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Staff review and report to Council on the program effectiveness after June 30, 2015, to determine the ongoing need for the program.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).

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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, by amending Section 118-271, and by adding and enacting new Sections 118-295, 118-296 and 118-297, relating to the establishment of a Stormwater Innovative Practices Rebate 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, is hereby amended by amending Section 118-271, and by adding and enacting new Sections 118-295, 118-296 and 118-297, relating to the establishment of a Stormwater Innovative Practices Rebate Program, as follows:

**Sec. 118-271. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Green roof means a roof surface that is completely, or primarily, composed of vegetation and a growing medium over a water storage layer and waterproofing membrane/surface that encourages water quality treatment and volume reduction through the evapotranspiration of accumulated runoff.

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Permeable Pavement means a permeable paved area that encourages water quality treatment and runoff volume reduction through the movement of water through the surface to an underlying stone reservoir that temporarily stores surface runoff before infiltrating into the subsoil, such as porous asphalt, pervious concrete, or permeable interlocking concrete pavers.

**Sec. 118-295. Establishment of Stormwater Innovative 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

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section 118-273, that a rebate program be established to reimburse contributors for qualifying innovative stormwater management practices, as described in section 118-296, which help to enhance the water quality of stormwater runoff and to decrease the amount of stormwater runoff that enters the stormwater sewer system. The Environmental Protection Agency and Iowa Department of Natural Resources have mandated that municipalities encourage the use of innovative stormwater management practices as an alternative to practices that promote quick release of stormwater runoff. The goals of this program are to create a cost effective and sustainable incentive for the construction of innovative stormwater 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 rebate, 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 innovative practices rebate program rebate shall be as described in section 118-296.

(b) The Public Works Director shall make a stormwater innovative practices rebate 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 rebate payments.**

(a) Green roof. A green roof designed by a professional engineer, which design has been approved by the city engineer, installed on a structure is a qualifying practice which is eligible to apply for a one-time rebate of \$1.00 per square foot of the area of the installed green roof. All applicable building and other permits are required and the green roof as-builts must be certified by a professional engineer in order to be eligible for the program.

(b) Permeable Pavement. A driveway, patio, walkway, or parking lot using a permeable pavement material designed by a professional engineer, which design has been approved by the city engineer, is a qualifying practice which is eligible to apply for a one-time rebate of \$1.00 per square foot of the area of the installed permeable pavement. All applicable building and other permits are required and the permeable pavement as-builts must be certified by a professional engineer in order to be eligible for the program.

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(c) The stormwater innovative practices rebate program rebate amount shall not exceed \$10,000.00 per property for qualifying properties for a qualifying practice or a combination of qualifying practices. The maximum rebate amount shall be based on the ERU rate charged to a property based upon the impervious area of the lot or parcel where qualifying practices have been installed, as reflected in the following table:

<u>ERU of the Property</u>	<u>Maximum Rebate Amount</u>
0.5 to 1	\$1,000
1.1 to 2	\$2,000
2.1 to 3	\$4,000
3.1 to 4	\$6,000
4.1 to 5	\$8,000
5.1 or more	\$10,000

A property which has received the maximum rebate amount is not eligible for additional rebates under this program, regardless of a change in ownership or use, until at least 20 years have passed since the date of issuance of the prior rebate.

(d) The qualifying practice must have been installed after July 1, 2010 and installation completed by no later than December 31, 2014.

(e) A completed stormwater innovative practices rebate program application form and supporting documentation must be submitted to the department of public works by no later than June 30, 2015 in order to be eligible for the rebate.

(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) The amount of funding for this program will be capped on an annual basis by the city council. The annual funding amount established by the city council for fiscal year 10-11 shall remain as the annual cap amount until a different amount is established by the city council. To the extent that program funds are available, rebates 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. False statement, claim or application.**


Any person making a false statement, claim or application for the purpose of obtaining the rebate 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

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another to do so shall be recommended to the county attorney for criminal prosecution.

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

FORM APPROVED:

  
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Ann DiDonato  
Assistant City Attorney