

★ Roll Call Number

Agenda Item Number

40

Date..... November 10, 2008

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 adding and enacting a new Division 8, Private Property Protection Program to Article II, Sewers and Sewage Disposal of Chapter 118, Utilities, Sections 118-300 through 118-304",

which was considered and voted upon under Roll Call No. 08-1876 of October 27, 2008; again presented.

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

(Second of three required readings)

**(Council Communication No. 08-691 )**

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....  
Mayor

**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.

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

★ Roll Call Number

D8-1876

Agenda Item Number

47C

Date October 27, 2008

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 adding and enacting a new Division 8, Private Property Protection Program to Article II, Sewers and Sewage Disposal of Chapter 118, Utilities, Sections 118-300 through 118-304",

presented.

Moved by Hensley that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney

(Council Communication No. 08-662)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

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.

Diane Rauh City Clerk

MOTION CARRIED

APPROVED

T. M. Franklin  
Mayor

 <p style="text-align: center;"><b>Council</b> <b>Communication</b> Office of the City Manager</p>	<b>Date</b>	October 27, 2008
	<b>Agenda Item No.</b> 47C <b>Roll Call No.</b> <u>08-</u> 1876 <b>Communication No.</b> <u>08-662</u> <b>Submitted by:</b> William G. Stowe, Assistant City Manager/Public Works/Engineering	

**AGENDA HEADING:**

Approving Amendments to the Municipal Code regarding the establishment of a Personal Property Protection Program and a subsidy for qualifying plumbing work.

**SYNOPSIS:**

Recommend approval of amendments to Chapter 118 of the Municipal Code regarding Charges for Wastewater Collection and Treatment Services. These amendments of the Municipal Code establish a Personal Property Protection Program and a subsidy for customers of the Wastewater Collection System of the City of Des Moines.

**FISCAL IMPACT:**

*Private*

Amount: The City will subsidize ~~Personal~~ property owners one time only in an amount up to \$1,000 maximum per property through the ~~Personal~~ Property Protection Program. An estimated 350 customers are anticipated to participate in this program per year. This estimate includes funding for the fiscal year of 2008-09 retroactive to qualifying work performed after June 1, 2008.

Funding Source: 2008-09 Operating Budget, Page 294, Sanitary Sewer Operations Fund EN101-Sanitary Sewer Debt, Capital, and ROI, PWK074013.

**ADDITIONAL INFORMATION:**

The spring of 2008 was very wet with frequent and heavy rainfall that caused elevated flow conditions in the wastewater collection system of the City of Des Moines. These elevated flow conditions caused basement backups in some lower lying areas and can be attributed to, at least in part, excessive infiltration and inflow into portions of the wastewater collection system. A significant amount of this excess flow is entering the sewer system through portions of the private plumbing system within homes and businesses. The major sources of the excess flow include roof and area drains that catch rainwater and direct the flow to the private sewer service, and footing or foundation drains that intercept ground water from around the outside of the buildings and directs the flow to the private service lines.

Many of these connections were allowed at the time of the original building construction and are "grandfathered" under the current plumbing codes. The goals of this program are to provide an incentive for the property owners to remove the sources of infiltration and inflow from the private sewer system and to assist in the cost of protecting the properties that are adversely affected by the excessive flows in the sanitary sewer collection system.

The Private Property Protection Program will provide a subsidy to property owners only that have a Des Moines Water Works account for the property for which a subsidy is requested and that contract with a licensed plumber to redirect one or more of the eligible sources of infiltration and inflow to an outlet other than the sanitary sewer system or to install a backwater valve on their private sewer service to protect against surcharges on the public sewer system.

With this program, the City will make a Private Property Protection Program subsidy reimbursement to the property owners who meet the requirements of the program as listed in the key elements below. The reimbursement will be by direct payment of the qualifying subsidy to the property owner. The key elements of the Private Property Protection Program include:

- (a) The Private Property Protection Program will provide a maximum of a \$1,000 subsidy for the cost of any materials and labor for the improvements listed in Section c below to existing structures on private property.
- (b) The work must have been performed between the dates of June 1, 2008 and June 30, 2011.
- (c) The property improvements deemed qualifying for subsidy from the Personal Property Protection Program are limited to the installation of backwater valve, the disconnection of roof leaders from the sanitary sewer service, the installation or redirection of a sump pump to discharge flows from foundation drains and area drains to a non-sanitary sewer outlet such as a rain garden, storm sewer, or the ground surface.
- (d) The work must be performed by a licensed plumber.
- (e) The documentation of cost of the qualifying improvements shall include a copy of an itemized invoice from a licensed plumber or plumbing firm that details the work performed and a copy of the full payment.
- (f) A completed private property protection program subsidy application form and supporting documentation must be submitted to the Des Moines Department of Public Works by no later than August 30, 2011. The account for the sanitary sewer fee charges on the property must be current as to payments at the time of application.

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

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

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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 adding and enacting a new Division 8, Private Property Protection Program to Article II, Sewers and Sewage Disposal of Chapter 118, Utilities, Sections 118-300 through 118-304.

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 adding and enacting a new Division 8, Private Property Protection Program to Article II, Sewers and Sewage Disposal of Chapter 118, Utilities, Sections 118-300 through 118-304, as follows:

DIVISION 8. PRIVATE PROPERTY PROTECTION PROGRAM

Sec. 118-300. Established.

Sec. 118-301. Method of making subsidy reimbursement.

Sec. 118-302. Qualifying improvements.

Sec. 118-303. Administration.

Sec. 118-304. Limitations.

Secs. 305-315. Reserved.

DIVISION 8. PRIVATE PROPERTY PROTECTION PROGRAM

Sec. 118-300. Established.

- (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 that a subsidy program be established to reimburse property owners for qualifying plumbing work which removes sources of infiltration and inflow from the private sewer system and which protects properties adversely affected by excessive flows in the sanitary sewer collection system. The city has allocated from the sanitary sewer user fee revenues a sum sufficient to provide a subsidy, as described in section 118-301, to property owners who elect to make qualifying improvements to their property as described in section 118-302. The amount of the private property protection program subsidy shall be equal to the cost of the qualifying improvements performed by a licensed plumber and shall not exceed \$1,000 per property.
- (b) For purposes of this article, the term "property owner" or "owner" shall mean the owner of record of a property or the

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party in possession thereof under lease or contract who paid the eligible costs for the qualifying improvements applicable to the property, and who is responsible for payment of municipal utility charges against the property, including water service charges, sanitary sewer service charges, solid waste collection service charges, and stormwater management charges.

- (c) For purposes of this division, the term "property" shall mean those properties within the corporate boundaries of the city of Des Moines for which there is an account with the Des Moines Water Works that is currently being billed for sanitary sewer service fees.
- (d) For purposes of this division, the term "licensed plumber" shall mean those persons who are certified or licensed plumbers in conformance with chapter 26 of this Code.

**Sec. 118-301. Method of making subsidy reimbursement.**

- (a) The Public Works Director shall make a private property protection program subsidy reimbursement provided in this division to property owners who meet the requirements of this division.
- (b) The city shall have the right to suspend or terminate this private property protection 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. 118-302. Qualifying improvements.**

- (a) The private property protection program will provide a maximum of a \$1,000 subsidy as a reimbursement for the cost of any materials and labor for the qualifying improvements to existing structures on private property.
- (b) The work must have been performed and completed between the dates of June 1, 2008 and June 30, 2011.
- (c) The property improvements deemed qualifying for subsidy from the private property protection program are limited to the installation of backwater valves, the disconnection of roof leaders from the sanitary sewer service, the installation or redirection of a sump pump to discharge flows from foundation drains and area drains to a non-sanitary sewer outlet such as a rain garden, storm sewer, or the ground surface.
- (d) The work must be performed by a licensed plumber.
- (e) The documentation of the cost of the qualifying improvements shall include a copy of an itemized invoice from a licensed plumber or plumbing firm that identifies the work performed and a copy of the full payment.
- (f) A completed private property protection program subsidy application form and supporting documentation must be

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submitted to the department of public works by no later than August 30, 2011. The account for the sanitary sewer fee charges on the property must be current as to payments at the time of application.

Sec. 118-303. Administration.

The city manager shall make all procedural and administrative determinations necessary to implement this division not in conflict with the provisions and intent of this division.

Sec. 118-304. Limitations.

- (a) In no case shall the city's private property protection 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 affidavit for the purpose of obtaining the subsidy reimbursement 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.

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

FORM APPROVED:

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney