

**CITY OF STORM LAKE
REGULAR COUNCIL SESSION MEETING
CITY HALL - COUNCIL CHAMBERS
FEBRUARY 17, 2025
5:00 PM**



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

AGENDA

Access to the official meeting can also be done through the following ways:

BY TELEPHONE

Dial: 1-312-626-6799 or toll-free 1-888 475-4499

Zoom Meeting ID: 933 2006 3301

BY COMPUTER:

<https://zoom.us/j/93320063301>

Open the Meeting

- **Call to Order**
- **Pledge of Allegiance**
- **Proclamation**

A. Consideration of Changes in Agenda and Setting the Agenda

B. Disclosure by City Council Members

C. Hear the Public

D. Consent Agenda

1. [Consent Agenda](#)
2. [Buy Local Information](#)
3. [SLPD City Code Enforcement Summary](#)

E. Unfinished Business

F. New Business

1. [Motion Setting Public Hearing for the Fiscal Year 2026-2030 Proposed Capital Improvement Plan](#)
2. [Motion to Approve a Professional Service Agreement with Botlon & Menk for a Documented CATEx on the Airport Apron Expansion Project](#)
3. [City Council Requested Items / City Council Updates](#)
4. [Fiscal Year 2025-2026 Budget Work Session](#)
5. [Work Session Discussion of Post Construction Control Ordinance Updates](#)

G. Adjourn

Meeting Protocol

If you wish to speak today, please:

1. To speak on an agenda item, please approach the podium when that agenda item is called, and upon recognition by the Mayor, identify yourself by stating your name and address.
2. If your issue is not a topic on the agenda, please approach the podium under the "Hear the Public" agenda item, and upon recognition by the Mayor, identify yourself by stating your name and address.

3. Please keep your remarks to three (3) minutes or less.

4. If you require accommodation for this meeting, including but not limited to translation services, hearing assistance, or accessibility, please contact the City Clerk at least four (4) hours prior to the start of the meeting.

*If you have concerns about any of the items on the consent agenda, they may be separated from the consent agenda and voted on individually.

**Ordinances may be read at three consecutive meetings or readings may be waived and ordinances may be passed at only one or two meetings.

Find us on Facebook <https://www.facebook.com/cityofstormlake> Follow us on Twitter [@Storm_Lake](https://twitter.com/Storm_Lake) Find us on the Web at <http://www.stormlake.org>.

Staff Summary

2/17/2025

Agenda Item # D.1.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council

FROM: Mayra Martinez, City Clerk

SUBJECT: **Consent Agenda**

BACKGROUND: The Consent Agenda Includes:

- List of Bills
- King's Pointe & Sunrise Pointe Disbursements
- Approve January 20, 2025, City Council Minutes
- Approve Garbage Collection Annual Contract For Carrol Refuse Services
- Approve Buy Local Information
- Approve Storm Lake Police Department City Code Enforcement Update

FISCAL IMPACT: City Will Pay The Following Expenditures:

- List of Bills: \$ 784,355.34
- King's Pointe & Sunrise Pointe Golf Course Bills: \$ 91,864.99

RECOMMENDATION:

ATTACHMENTS:

1. 2/17/2025 City Claims Expense Report
2. 2/17/2025 King's Pointe Claims 1.30.2025 to 2.13.2025
3. 02/03/2025 City Council Minutes

4. Carroll Refuse Garbage Collection Application - 2025



Storm Lake, IA

Buy Local_v1

Payment Date Range: 02/06/2025 - 02/19/2025

Vendor Name	Vendor Number	Payable Description	Total Payments
BVC			
Buena Vista County Attorney	001144	Forfeiture of Boutte- 23-052536	2,265.50
Buena Vista County Recorder	001549	Kwik Star	22.00
Buena Vista County Solid Waste	001035	Commercial Waste	392.60
M & S HVAC Services, LLC	002493	1-21 MUA Unit	600.00
Power Solutions, Inc	001465	Alarm Monitoring	716.28
		BVC Total:	3,996.38
Contract/Agreement			
Bolton & Menk, Inc	001024	Construction Service- DOT Participating	23,114.85
Landmark Structures I, LP	002489	Pay #9 of Tower 5 Construction	279,870.00
SCE, LLC	001344	200 Grand - Water Leak	4,034.50
		Contract/Agreement Total:	307,019.35
Local			
Alliant Energy	001173	Gas Services	13,274.44
Central Bank	001025	Services	1,895.93
Culligan Water Storm Lake	001071	Water - 5 Gallon	17.50
Edwards Storm Lake	001114	2024 Chevy Tahoe - oil/lube	77.83
Fareway Stores, Inc	001535	Supplies - Break Room	68.01
Graffix Inc	001187	Campground Promo Gifts	1,506.47
Graham Tire	001093	Volvo Loader - Tire Repair	917.28
Growmark Inc New Century FS	001016	Fuel	9,274.02
Iowa Office Supply Inc	001037	Chair	430.26
Jim Bartholomew	001069	February 2025 Airport Contract	6,136.21
Lake Animal Hospital	001029	Stray Animals	285.00
Larson Oil & Distributing Co, Inc	001178	Fuel / Oil	1,216.80
Leo's Kitchens, Inc	002007	Countertops	1,936.00
Long Lines	001077	Fax Line & Emergency Line Service	1,418.89
North Lake Truck Repair	001177	Engine 72 - Test and Replace Batteries	2,329.92
Plumbing & Heating Wholesale, Inc	001126	Supplies - Large Thermostat Guard	43.18
Qwest Corporation	001070	Phone Service	90.97
Rebnord Technologies, Inc	001091	Monthly Recurring Services	14,078.36
Storm City Auto Parts, Inc	001501	Floor Dry	773.63
Storm Lake Ace Hardware	001216	Supplies	1,944.32
Storm Lake Hydraulics Co, Inc	001089	Hose/Pipe	124.94
The Storm Lake Times	001214	Publications	972.81
Verizon Wireless Services LLC	001075	Cell Phone Service	3,705.08
Vetter Equipment	001098	Chainsaw Parts	168.08
Visual Edge Inc	001063	Copier Maintenance Agreement	486.11
Wiese Plumbing & Heating, Inc	001302	HVAC Replacement	12,407.45
		Local Total:	75,579.49
Non-Local			
Ahlers & Cooney, P.C.	001023	2025 General Obligation Capital Loan	13,401.89
ATCO Manufacturing Company	002172	For Sewer Pipes	3,580.00
Badges Ex Cetera	002254	Badges	4,058.25
Baker & Taylor, Inc	001957	Books	220.96
Barnes & Noble Booksellers, USA Inc	001274	Books	66.39
Bend Mailing Services, LLC	002013	Bill Printing Services	3,392.50
Blue to Gold, LLC	001931	Bulletproof Report Writing - Fritz, Salinas	450.00
Brodart Co.	001009	Books	522.23
Builders Sharpening & Service LLC	001011	Antifreeze	52.74
Cavendish Square Publishing LLC	002138	Youth Books	186.03

Buy Local_v1

Vendor Name	Vendor Number	Payable Description	Total Payments
Central Iowa Distributing, Inc	001026	Supplies	1,342.00
Central Iowa Televising LLC	002049	FY 2025 Maintenance Contract	18,661.74
Cimpress USA Incorporated	002212	Gel Pens	132.75
City of Sioux City	002581	Incident Drone Reimbursement	661.26
Civic Plus	001706	On-Demand Video Closed Captioning	75.18
Core & Main LP	002000	Supplies	1,695.99
Dale Vitito	001061	Large Police ID Velcro Patches	6,412.47
Ed M. Feld Equipment Company, Inc	001031	1/4 ly Alarm Monitoring-1234 630th St - Mir	120.00
Electric Pump Inc	001032	RAS Pump #2	1,504.50
Electronic Engineering	001290	Programming 2-Way Radios	442.10
Fisher Scientific Company, LLC	001638	Hardness Indicator	175.95
Foundation Analytical Laboratory, Inc	001100	Testing	2,599.25
General Traffic Controls	001128	Traffic Light Bulbs	4,985.00
Hawkins, Inc	001112	Replacement Platform	1,541.15
HD Supply, Inc	001336	Supplies	283.25
Ingram Library Services, Inc	001268	Standing Order Books	154.12
International Association of Chiefs of Poli	001532	Active Dues 01/01/2025-12/31/2025 - Cole,	220.00
Iowa Association of Professional Fire Chie	002583	2025 Membership - Schlessner	100.00
Iowa Dept of Justice	001350	Forfeiture of Boutte- 23-052536	1,190.00
Joshua Beeck	002472	Window Cleaning Services	45.00
Kasperbauer Cleaners, Inc	002435	Entrance Mat SVC	42.36
Language Line Services, Inc	001624	Interpretation Services	21.45
Laurens House of Print Ltd	002161	Lab Books - 2025	534.86
Linde Inc	001111	Chemicals	2,776.82
Maxfield LLC	002544	Housing Needs Assessment	6,675.00
MGM Plumbing, Heating & A/C	002580	Replace Heaters in Lime Storage Building	11,403.62
Midwest Tape, LLC	001275	DVDs	58.47
Mississippi Lime Company	001095	Chemicals - Quicklime	32,454.99
MRA Custom Applications, LLC	001553	Lime Hauling Concrete	11,625.26
National Tactical Officers Association	001930	SWAT Team Leader Development - Munden	779.00
P.F. Pettibone & Co	002081	"Minutes" Books / Paper	1,360.85
Power Plan	001491	Brush Blade	426.15
Response Graphics & Embroidery, LLC	002346	Chief Class A	114.65
Schumacher Elevator Company	001200	Full Maintenance	244.46
Sirchie Acquisition Company, LLC	001437	Specimen Bags, Kits	121.25
SmartSights Technologies, LLC	002440	WIN-911 Pro Subscription - 1 Year	4,000.00
Sta-Mel Enterprises, Inc	001183	Road Salt	4,363.80
State Industrial Products Corporation	002309	Chemicals	3,285.24
Toyne, Inc	001277	Mileage - Mobile Unit Service	285.00
UPS	001121	Postage / Shipping	146.91
W. W. Grainger, Inc	001085	Supplies - Coupling, Valves	1,062.30
Werner Sewer & Septic, LLC	001572	1301 E 7th - Repair Water Leak	3,200.00
Winona Controls, Inc	002449	Building Heat & Software Readings	138.49
Non-Local Total:			153,393.63
Payroll/Refunds			
Beth Ann Dawson McPherran	001434	Homebound Mileage	12.06
Custodian of Petty Cash	001272	January 2025 Postage	4.40
Elizabeth Huff	001737	Void - Reimb. Huff	70.46
Payroll/Refunds Total:			86.92
Grand Total:			540,075.77

King's Pointe Resort

Claims Publication

From 1/30 to 2/13/2025

Vendor	Description	Amount
Frigitech Inc	Supplies	\$ 979.78
Alliant Energy	Utilities	\$ 982.17
King's Pointe Resort Payroll-	Payroll	\$ 89,903.04
		<u>\$ 91,864.99</u>

#REF!

REGULAR COUNCIL MEETING, CITY OF STORM LAKE, CITY HALL COUNCIL CHAMBERS, FEBRUARY 3, 2025, 5:00 PM

CITY OF STORM LAKE, REGULAR COUNCIL MEETING, CITY HALL COUNCIL CHAMBERS, FEBRUARY 3, 2025, 5:00 PM

Present: Mayor Michael Porsch, Council Members Meg McKeon, Maggie Martinez, Matt Ricklefs and Kevin McKinney (via Zoom). Absent: Council Member Maria Ramos.

Staff Present: City Manager Keri Navratil, Assistant City Manager David Derragon, Police Chief Chris Cole, King's Pointe Manager Amy VonBank, Library Director Elizabeth Huff, Communications Coordinator Dana Larsen, Public Services Superintendent Brandon Ripke, Public Works Director Matt Beckman, Development Services Specialist Lee Dutfield, City Treasurer Tyler Gibbins, and City Clerk Mayra Martinez.

Media Present: Ryan Thompson with KAYL Radio.

Mayor Porsch called the meeting to order at 5:00 pm.

Pledge of Allegiance

Agenda - Moved by Council Member McKeon to approve setting the agenda as presented. Seconded by Council Member Ricklefs. Vote: All ayes with Council Member Ramos absent. Motion carried.

Disclosure by City Council Members - None at this time.

Hear the Public – No comments at this time.

Consent Agenda - Moved by Council Member Martinez to approve the Consent Agenda which includes list of bills Check #'s 82457 through 82506, EFT #'s 1548, and 6083 through 6126, DFT #'s 2508 through 2536, approve January 20, 2025, Regular City Council Minutes, approve new tobacco retailer device license for Storm Lake Vape & Smoke, approve Buy Local Information, and approve Police Department City Code Enforcement Update. Seconded by Council Member McKinney. Vote: All ayes with Council Member Ramos absent. Motion carried.

Unfinished Business – No items at this time.

New Business

Fiscal Year 2025-2026 Outside Agency - Representatives from the following outside agencies presented their funding requests and answered questions from Council members regarding their proposals. Agencies present: Imagine the Possibilities, SALUD, BV Historical Society, Ready-Set-Grow, Witter Gallery, Upper Des Moines Opportunity, and Storm Lake United.

Fiscal Year 2024-2025 Budget Amendment - Mayor Porsch opened the public hearing for the Fiscal Year 2024-2025 Budget amendment stating this was the time and place for any comments. Hearing no comments and no objections received prior to this public hearing from the Public or City Council, Mayor Porsch closed the public hearing.

REGULAR COUNCIL MEETING, CITY OF STORM LAKE, CITY HALL COUNCIL CHAMBERS, FEBRUARY 3, 2025, 5:00 PM

Moved by Council Member McKeon to adopt Resolution No. 52-R-2024-2025 amending the Fiscal Year 2024-2025 Budget. Seconded by Council Member Martinez. Roll call vote: All ayes with Council Member Ramos absent. Motion carried.

Fiscal Year 2026-2030 Proposed Capital Improvement Plan - Moved by Council Member Ricklefs to approve a motion setting a Public Hearing for February 17, 2025 at 5:00 pm at City Council Chambers for the Fiscal Year 2026-2030 Proposed Capital Improvement Plan. Seconded by Council Member Martinez. Vote: All ayes with Council Member Ramos absent. Motion carried.

New Production Well No. 22 Project - Moved by Council Member Martinez to adopt Resolution No. 53-R-2024-2025 approving Change Order No.2 for the New Production Well No. 22 Project. Seconded by Council Member Ricklefs. Roll call vote: All ayes with Council Member Ramos absent. Motion carried.

RESOLUTION NO. 53-R-2024-2025

RESOLUTION APPROVING CHANGE ORDER NO. 2 FOR THE CITY OF STORM LAKE PRODUCTION WELL NO. 22

WHEREAS, the plans, specifications, form of contract, estimate of cost, and award bid were filed with the CITY for the construction of certain public improvements described in general as the City of Storm Lake Production well No. 22; and

WHEREAS, the plans, specifications, form of contract and estimate of cost for said public improvements were published as required by law and approved by the City Council on August 5, 2024; and

WHEREAS, a contract in the amount of \$2,380,915.00 was awarded to King Construction for the project; and

WHEREAS, Change Order No. 1 for the City of Storm Lake Production Well No.22 was hereby approved in the amount of \$59,793.00, increasing the total contract price to \$2,440,708.10.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA;

Section 1. That Change Order No. 2 for the City of Storm Lake Production Well No.22 is hereby approved in the amount of \$1,000.00 decreasing the total contract price to \$2,439,708.10.

PASSED AND APPROVED this 3rd day of February, 2025.

REGULAR COUNCIL MEETING, CITY OF STORM LAKE, CITY HALL COUNCIL CHAMBERS, FEBRUARY 3, 2025, 5:00 PM

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

New Production Well No. 21 Project - Moved by Council Member Ricklefs to adopt Resolution NO. 54-R-2024-2025 approving Change Order No. 3 for the New Production Well No. 21 Project. Seconded by Council Member McKinney. Roll call vote: All ayes with Council Member Ramos absent. Motion carried.

RESOLUTION NO. 54-R-2024-2025

**RESOLUTION APPROVING CHANGE ORDER NO. 3 FOR THE
NEW PRODUCTION WELL NO. 21 PROJECT**

WHEREAS, the plans, specifications, form of contract, estimate of cost, and award bid were filed with the CITY for the construction of certain public improvements described in general as the New Production Well No. 21; and

WHEREAS, the plans, specifications, form of contract and estimate of cost for said public improvements were published as required by law and approved by the City Council on May 1, 2023; and

WHEREAS, the bid for the construction of certain public improvements described in general as the New Production Well No. 21 project, is hereby accepted, the same being the lowest responsible bid received for said work, as follows:

Contractor: Sargent Drilling
Amount of bid: \$1,569,449.00
Portion of bid: All

WHEREAS, Change Order No. 1 for the New Production Well No. 21 Project was hereby approved in the amount of \$1,452 increasing the total contract price to \$1,570,901.00.

WHEREAS, Change Order No.2 approved on May 20, 2024, increased the project cost in the amount of \$5,077.50 to the contract for a total contact amount of \$1,575,978.50.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA;

Section 1. That Change Order No. 3 for the New Production Well No. 21 Project is hereby

REGULAR COUNCIL MEETING, CITY OF STORM LAKE, CITY HALL COUNCIL CHAMBERS, FEBRUARY 3, 2025, 5:00 PM

approved extending the substantial completion to June 1, 2025, to allow the contractor time to finish the project.

Section 2. The Mayor and City Clerk are hereby directed to execute this Change Order No. 3.

PASSED AND APPROVED this 3rd day of February 2025.

Michael Porsch, Mayor

ATTEST:

Mayra Martinez, City Clerk

City Council Requested Items / City Council Updates – No requests at this time.

Work Session Discussion of No Parking Requests- Public Services Superintendent Brandon Ripke reviewed staff requests submitted to the Traffic Committee in November for no parking on the east side of Northwestern Street from November 1st through April 1st each season for snow removal, and for no parking at any time on Memorial Road. Council members discussed the requests.

Adjourn - Moved by Council Member McKeon to adjourn at 6:03 pm. Seconded by Council Member McKinney. Vote: All ayes with Council Member Ramos absent. Motion carried.

Michael Porsch, Mayor

ATTEST:

Mayra A. Martinez, City Clerk

Calendar Year: 2025



**CITY OF STORM LAKE
APPLICATION FOR GARBAGE COLLECTION SERVICE**

Applicant's Name Carroll Refuse Service Date of Birth _____

DBA SGS LLC
(Legal Name of Business – Legal Description of Business)

Address 326 N. Carroll St. Carroll, IA 51401
(Street Name Mailing/ PO Box City, State, Zip Code)

Phone: 712-792-0101 E-mail carrollrefuseSERVICE@gmail.com
(Business / Cell Number)

Address of Business or Base Operation Listed Above

For each Vehicle to be used under this permit provide the following:

7 Vehicles - Information Included Separately

Make / Model / VIN # Owner

Make / Model / VIN # Owner

Make / Model / VIN# Owner

Proof of proper Vehicle (as described in Section 3-1-11).

☒ _____
Proof of Registration and Licensed Vehicle

☒ _____
Proof of General Liability Insurance **naming the City of Storm Lake, Iowa as an additional insured.** Combined Single Limit for Bodily Injury and Property Damage Liability, Automobile Liability Insurance, plus Worker's Compensation Insurance (as described in Section 3-1-5)

☒ _____
License Fee: \$100.00

Garbage and yard waste collected shall be bagged in plastic bags; shredded paper collected as recyclable materials must be placed in clear or color transparent plastic bags for readily identification, and all other recyclable materials shall not be bagged. All garbage or recyclable materials stored out of doors or placed out of doors for collection, shall be stored or placed in covered cans that have a capacity of at least thirty-two (32) gallons and will be picked up every 7 days. (as described in Section 3-1-3)

All persons collecting garbage, recyclable materials and yard waste by contract or under permit shall utilize the Sanitary Disposal Project for Buena Vista County, which is the transfer station and recycling center of the Buena Vista County Solid Waste Commission, for the deposit of such collected garbage, recyclable materials and yard waste. (as described in Section 3-1-13) All persons collecting garbage, recyclable materials and yard waste must establish a collection fee to assess the persons utilizing this collection service.

[Signature]
Signature of Applicant

01/10/25
Date

Calendar Year: _____

City Clerk

Date

Staff Summary

2/17/2025

Agenda Item # D.2.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council

FROM: Mayra Martinez, City Clerk

SUBJECT: Buy Local Information

BACKGROUND: In 2011 during a Study Session discussion Council asked staff to look at putting together some analysis information regarding the amount of purchases made locally. We have pulled that information together and a provided a summary of purchases identified in the current list of bills to be approved that are purchased locally (within the City of Storm Lake), within Buena Vista County, and outside of Buena Vista County are presented here for Council's review. This information is presented for both the City & King's Pointes' bills. As the reader reviews the information they should note the following key notes: Costs associated with any major capital project (those bid under the State of Iowa Bid Law) are excluded from the calculation Costs associated with travel is excluded from the calculation and % Costs associated with payroll is excluded from the calculation and % In some cases there is only one vendor or an item is only available from vendors outside of the City limits and/or Buena Vista County – we have not identified these some departments have fairly minor budgets and a major purchase can skew the % and or amount for a given review period (For Example: the Airport may have normally \$4,000 - \$6,000 in expenses until they purchase Jet Fuel or Av Gas which can be \$10,000 + and as a vendor who is not local this can skew the information for that review period) Local has been determined to be has an office front in the area and based on where the office front is located for local vs. BV County (For Example: Wal-Mart is considered local since they have a store in Storm Lake even though their headquarters is not located here) As with all analytical data it is possible to interpret the numbers in a variety of ways and as we move forward we would be happy to provide further detail and or revise the way in which we show the data. Likewise if you have any questions or

concerns please don't hesitate to contact city staff.

FISCAL IMPACT:	<u>BREAKOUT</u>	<u>CALCULATED EXPENSES</u>
	Buena Vista County Contract Agreement Local	3,996.38 307,019.35 75,579.49
	Non-Local	153,393.63
	Payroll/Refunds	244,366.49
	TOTAL EXPENSES:	\$784,355.34

RECOMMENDATION:

ATTACHMENTS:

1. [2/17/2025 Project Report](#)

Summary

Project Summary							
Project Number	Project Name	Total Budget	Date Range Budget	Beginning Balance	Total Activity	Ending Balance	Budget Remaining
OP1.122814	Richland Street, Phase 2 Improvem...	174,107.75	0.00	174,095.25	0.00	174,095.25	12.50
OP1.126252	Comprehansive Plan & Zoning Code U...	125,880.00	0.00	125,824.50	0.00	125,824.50	55.50
OP1.131538	Memorial Road Street & Utility Impro...	4,126,579.75	4,126,579.75	4,194,561.90	5,341.00	4,199,902.90	-73,323.15
OT5.128791	Runway 17/35 Lighting Replacement	403,870.58	403,870.58	384,811.23	4,135.50	388,946.73	14,923.85
19-22797	Memorial Lift Station Improvements	2,533,320.00	0.00	2,554,600.96	0.00	2,554,600.96	-21,280.96
20-HSG-022	2021 Housing Sustainability Project	224,994.00	0.00	181,283.12	0.00	181,283.12	43,710.88
21-26215	Downtown Master Plan	113,000.00	0.00	103,650.00	0.00	103,650.00	9,350.00
22-26698	Storm Lake WTP- Well No. 21	1,795,006.50	1,795,006.50	1,356,658.88	0.00	1,356,658.88	438,347.62
22-26815	W 6th Street Utilities Extension	314,241.49	0.00	318,517.58	0.00	318,517.58	-4,276.09
22-27926	Storm Lake WTP- Well #22	2,601,908.10	2,601,908.10	1,175,117.82	0.00	1,175,117.82	1,426,790.28
23-092	King's Pointe Remodel/Refresh	446,537.52	446,537.52	426,545.09	0.00	426,545.09	19,992.43
23-29446	WWTP UV Disinfection Building	275,138.00	0.00	191,768.00	0.00	191,768.00	83,370.00
23-29447	College & 3rd St Lift Station Replacem...	185,000.00	0.00	132,435.00	0.00	132,435.00	52,565.00
24-31153	WWTP Blower Project (EECBG)	129,600.00	129,600.00	66,445.00	0.00	66,445.00	63,155.00
24-31751	Storm Lake WTP- Well #23	74,000.00	74,000.00	34,330.00	0.00	34,330.00	39,670.00
24-31828	WTP Prelim Engineering Report	83,000.00	83,000.00	2,600.00	0.00	2,600.00	80,400.00
FEMA HMGP (HMA) 4483	FEMA HMGP (HMA) 4483	4,589,528.00	4,589,528.00	239,550.00	6,003.50	245,553.50	4,343,974.50
HTG322020	T-Mobile Hometown Grant Q-3-22	0.00	0.00	45,619.48	0.00	45,619.48	-45,619.48
IA0091	SL Elevated Water Storage- Tower #5	7,384,100.15	7,384,100.15	5,090,751.43	279,870.00	5,370,621.43	2,013,478.72
New	Lead Service Line Replacement Prelim...	15,500.00	0.00	0.00	0.00	0.00	15,500.00
OP1.125106	BRIC	212,709.99	212,709.99	212,709.99	0.00	212,709.99	0.00
OP1.125220	4th Street Watermain Improvement P...	553,406.16	0.00	581,342.16	0.00	581,342.16	-27,936.00
P11.118940	Oneida Street Reconstruction from RR...	2,526,433.98	0.00	2,513,334.28	0.00	2,513,334.28	13,099.70
P11.120411	Highway 7/110 Traffic Lane/Signalizat...	4,776,040.38	1,491.46	5,098,981.39	6,109.50	5,105,090.89	-329,050.51
SP21122	SL Library CDBG- COVID (CV) Grant	634,285.27	0.00	634,285.27	0.00	634,285.27	0.00
Report Total:		34,298,187.62	21,848,332.05	25,839,818.33	301,459.50	26,141,277.83	8,156,909.79

Group Summary						
Group	Total Budget	Date Range Budget	Beginning Balance	Total Activity	Ending Balance	Budget Remaining
Airport Projects	403,870.58	403,870.58	384,811.23	4,135.50	388,946.73	14,923.85
ARPA Project	1,795,006.50	1,795,006.50	1,356,658.88	0.00	1,356,658.88	438,347.62
Building Resilient Infrastructure and C...	212,709.99	212,709.99	212,709.99	0.00	212,709.99	0.00
Economic Development	778,115.49	0.00	774,894.68	0.00	774,894.68	3,220.81
King's Pointe Resort Projects	446,537.52	446,537.52	426,545.09	0.00	426,545.09	19,992.43
Library Project	634,285.27	0.00	634,285.27	0.00	634,285.27	0.00
Sanitary Sewer Projects	7,712,586.00	4,719,128.00	3,184,798.96	6,003.50	3,190,802.46	4,521,783.54
Street Construction	11,603,161.86	4,128,071.21	11,980,972.82	11,450.50	11,992,423.32	-389,261.46
Water Project	10,711,914.41	10,143,008.25	6,884,141.41	279,870.00	7,164,011.41	3,547,903.00
Report Total:	34,298,187.62	21,848,332.05	25,839,818.33	301,459.50	26,141,277.83	8,156,909.79

Staff Summary

2/17/2025

Agenda Item # D.3.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council
FROM: Chris Cole, Police Chief
SUBJECT: SLPD City Code Enforcement Summary
BACKGROUND: 1/15/2025 to 2/12/2025

Accumulate Junk: 43
Accumulate Trash: 16
Junk Vehicles: 5
Bags of Leaves: 3
Total: 67

Citations: 0

White Summons: 68

FISCAL IMPACT:

RECOMMENDATION:

ATTACHMENTS:

None

Staff Summary

2/17/2025

Agenda Item # F.1.



REPORT TO: Honorable Mayor & Council

FROM: Tyler Gibbins, City Treasurer

SUBJECT: **Motion Setting Public Hearing for the Fiscal Year 2026-2030
Proposed Capital Improvement Plan**

BACKGROUND: Staff recommends setting a Public Hearing for March 3rd, 2025 at 5:00pm in the City Council Chambers prior to approving the Capital Improvement Plan for Fiscal Years 2026-2030.

FISCAL IMPACT: The cost of the publication.

RECOMMENDATION: Set a Public Hearing for March 3rd, 2025 at 5:00pm in the City Council Chambers to be held prior to action on the Capital Improvement Plan for Fiscal Years 2026-2030.

ATTACHMENTS:

1. Public Hearing Notice - FY 2026-2030 Capital Improvement Plan

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Storm Lake, Iowa will hold a public hearing to adopt the Fiscal Year 2026-2030 Capital Improvement Plan.

This public hearing will be held by the City Council at City Hall on March 3rd, 2025 at 5:00 pm. At said time and place, any person(s) interested is invited to appear to present their objections to or arguments for the proposed plan.

/s/ Mayra A. Martinez

Mayra Martinez, City Clerk
City of Storm Lake, Iowa

Staff Summary

2/17/2025

Agenda Item # F.2.



REPORT TO: Honorable Mayor & Council

FROM: Tyler Gibbins, City Treasurer

SUBJECT: **Motion to Approve a Professional Service Agreement with Bolton & Menk for a Documented CATEX on the Airport Apron Expansion Project**

BACKGROUND: The FAA has requested that a Documented CATEX should be completed for the Apron Expansion improvements. The CATEX document will cover a full environmental review but will concentrate on any potential impacts to the Biotic Resources, Wetlands and Cultural Resources.

A Categorical Exclusion (CATEX) level of National Environmental Policy Act (NEPA) review is applicable for an established list of actions that do not, individually or cumulatively, have a significant impact on the environment.

City of Storm Lake and Storm Lake Airport Commission is operating under a 5 year professional service contract for the airport with Bolton & Menk of which, the Apron Expansion project is outlined. This work order, as an extension of the 5 year professional service agreement, for the environmental review will not to exceed \$20,900.

FISCAL IMPACT: This project is funded 90% by the FAA with a 10% local match not to exceed \$20,900.

RECOMMENDATION: Review and approve the Professional Service Agreement with Bolton & Menk for a Documented CATEX on the Airport Apron Expansion Project

ATTACHMENTS:

1. Storm Lake CATEx for Apron Expansion Letter Proposal 1-24-25

January 24, 2025

Tyler Gibbins
Staff Accountant
620 Erie Street
PO Box 1086
Storm Lake, IA 50588

RE: Proposal for Professional Engineering Services
CATEX for Apron Expansion
Storm Lake Municipal Airport
BMI Project No. 24X.136745

Dear Mr. Tyler Gibbins,

Bolton & Menk, Inc., is pleased to present this proposal for professional engineering services for the proposed Documented CATEX for the Apron Expansion improvements at the Storm Lake Municipal Airport. This proposal will define our scope of work and provide you with an estimate of the cost for these services. This is Work Order No. 4 to the Professional Services Contract, between City and Bolton & Menk, Inc. The Professional Master Services Contract effective November 22, 2022, is referred to herein as the “**Master Agreement**”.

Project Information:

The FAA has requested that a Documented CATEX should be completed for the Apron Expansion improvements. The documented CATEX document will cover all of the areas listed below but will concentrate on any potential impacts to the Biotic Resources, Wetlands and Cultural Resources.

This CATEX scope is intended to be a desktop level review with no anticipated field work.

Scope of Services:

3. Environmental Review, CATEX

3.1 Project Scoping

Consultant shall confer with the Sponsor on, and ascertain, project requirements, finances, schedules, and other pertinent matters and shall meet with FAA if needed and other concerned agencies and parties on matters affecting the project and shall arrive at a mutual understanding of such matters with the Sponsor.

3.2 Topographical Surveying

This work is not required for this task. It will be completed under Task 1 Design of a future engineering design work order.

3.3 Preliminary Design and Exhibits

Previous airport planning documents as well as site topography information collected from previous projects, will be used to develop preliminary project layout that meets the goals of the project including apron geometry and layout. There is no topographic information available for the project area, therefore no conceptual/schematic level grading will be performed. Also, there is not intent to perform survey as part of the scope of services of this documented CATEX. As the area is relatively flat and the apron must sheet drain to the south. As the existing field that the apron is draining into is relatively flat and works off sheet draining, the limits of disturbance included as part of the documented CATEX will be assumed. Future grading plans and actual grades will be determined as part of a future engineering design work order. Preliminary exhibits will be delivered in PDF format.

3.4 Analysis and Report

CONSULTANT will prepare a Documented Categorical Exclusion (CATEX) Checklist Form based upon FAA Orders 1050.1E and 5050.4B for the Project. Documented CATEX template utilized will be per FAA ARP SOP No. 5.1, Appendix A Documented CATEX, effective June 2, 2017. The prepared documented CATEX will be prepared along with supporting research, analysis and documentation as required by the Federal Aviation Administration (FAA) for proposed Federal action. The following environmental impact categories will be evaluated during development of the CATEX:

- 5-2.b (1) National Historic Preservation Act (NHPA) resources
- 5-2.b (2) Department of Transportation Act Section 4(f) and 6(f) resources
- 5-2.b (3) Threatened or Endangered Species
- 5-2.b (4) Other Resources
 - a. Fish and Wildlife Coordination Act
 - b. Wetlands and Other Waters of the U.S.
 - c. Floodplains
 - d. Coastal Resources
 - e. National Marine Sanctuaries
 - f. Wilderness Areas
 - g. Farmland
 - h. Energy Supply and Natural Resources
 - i. Wild and Scenic Rivers
 - j. Solid Waste Management

- 5-2.b (5) Disruption of an Established Community
- 5-2.b (6) Environmental Justice
- 5-2.b (7) Surface Transportation
- 5-2.b (8) Noise
- 5-2.b (9) Air Quality
- 5-2.b (10) Water Quality
- 5-2.b (11) Highly Controversial on Environmental Grounds
- 5-2.b (12) Inconsistent with Federal, State, Tribal or Local Law
- 5-2.b (13) Light Emission, Visual Effects and Hazardous Materials
 - a. Light Emissions
 - b. Hazardous Materials
- a. 5-2.b (14) Public Involvement (no public involvement anticipated)

Other Required Environmental Considerations:

- b. 5-2.b (15) Indirect/Secondary/Induced Impacts
- c. Permits (no permitting anticipated)
- d. Environmental Commitments

Completion of the CATEX research, analysis, and documentation outlined in this agreement does not guarantee FAA environmental approval of the proposed project. Any additional environmental work requested (i.e. additional field reviews, consultation, preparation of EA) will be considered additional work beyond the scope of this agreement.

This CATEX will focus discussion or consideration for scoping on the following three areas. A more highlighted SOW is provided for these three areas.

A. Wetlands

Bolton & Menk, Inc. will investigate the available background information needed prior to visiting the site. This includes compiling information as follows:

1. Available Aerial Photographs.
2. Buena Vista County LiDAR Maps.
3. National Wetlands Inventory Maps.
4. Buena Vista County Soil Survey Maps.

This proposal does not include field delineation of any wetland boundaries within the project area of impact. If this work is needed, then an additional scope of work and fee will be required.

Review at this time will only include reviewing any historical imagery and the National Wetlands Inventory Maps.

B. Biotic Resources

The biotic resources will be evaluated using existing on-line data search only.

- Perform a preliminary review of trees, wetlands, streams, and other biotic resources that could potentially be impacted.
- Complete an on-line review of USFW IPAC for any possible endangered species, wildlife, or migratory birds and their potential for habitat. The IPAC report will be included in the appendix.
- Using aerial photography and GIS-based information, provide a preliminary evaluation of the potential for the project alternatives to impact biotic resources.
- Reference applicable information from other NEPA categories digitally available online, including Federally Listed Rare and Endangered Species.

This proposal does not include field investigations of biotic resources within the project area of impact. If this work is needed, then an additional scope of work and fee will be required.

A discussion of stormwater management requirements for the project site will be incorporated in the CATEX report document.

Iowa does not contain any Wild and Scenic Rivers and the CATEX will document no impacts to this resource area.

C. Cultural Resources

A review will be conducted of the ISites Public Data Web Map for nearby cultural resources previously studied. Due to the scope of the project, it is not anticipated that a Phase IA archaeological reconnaissance will be recommended for the project area. The project site is relatively close to the existing airport apron.

If phase IA archaeological reconnaissance work is needed, then an additional scope of work and fee will be required.

Resources not anticipated to be impacted; therefore, no detailed analysis or discussion will be provided in the documented CATEX on the following resources:

- | | |
|--|--|
| a. Air Quality | l. Migratory Bird Treaty Act |
| c. Biotic Communities | m. Floodplains |
| d. Coastal Resources | n. Hazardous Materials |
| e. Compatible Land Use | o. Historic |
| f. Construction Impacts | p. Light Emissions |
| g. Endangered Species | q. Natural Resources |
| h. Energy Supply and Natural Resources | r. Noise Levels |
| i. Environmental Justice | s. Parks, Public Lands, Refuges and Recreational Resources |
| j. Essential Fish Habitat | t. Surface Transportation |
| k. Farmland | u. Water Quality |

3.5 Grant Administration

Services related to grant administration are not included in the scope of this work order as this work will be included with a future engineering design work order.

Assumptions:

This scope of work is based on the assumption that there are three key areas for detailed scoping or scoping clarity, that being Wetlands, Biotic Resources and Cultural Resources. This scope of services is considered desktop review only with no field investigations. If the conclusion of the CATEX are that additional study or field work is needed above what is scoped at this time or if the conclusions of the CATEX is additional study as an Environmental Assessment, then this would be considered additional work. An additional scope of work and associated fees would be provided for approval before beginning the additional work. This scope of work does not include the following:

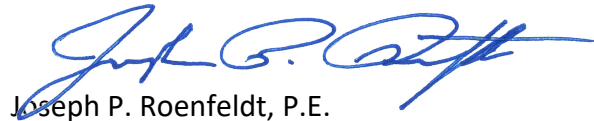
1. Field verification or documentation of biotic resources.
2. Field delineation of wetlands.
3. Field investigation performed as part of a Phase IA archaeological reconnaissance.
4. No public involvement or notification is required.
5. Grant administration including grant request or closeout.

Fees:

The Fees for completing the documented CATEX is \$20,900.00 (Lump Sum)

Bolton & Menk, Inc. puts a high priority on ensuring that our company's efforts are consistent with our clients' needs. Please review this document, the fee schedule and the attached terms and conditions. Contact me at (515) 240-4329 if you have any questions. If you find this proposal acceptable, please fax me a signed and dated copy of this document.

Sincerely,
BOLTON & MENK, INC.



Joseph P. Roenfeldt, P.E.
Aviation Project Manager
Bolton & Menk, Inc

Attachments:

Project Fee Estimate

FAA ARP SOP No. 5.1, Appendix A, Template for Documented CATEx

I hereby accept the terms defined in this proposal letter and on the attached pages.

Signature

Date



APPENDIX A. DOCUMENTED CATEX

Airport sponsors may use this form for projects eligible for a categorical exclusion (CATEX) that have greater potential for extraordinary circumstances or that otherwise require additional documentation, as described in the Environmental Orders (FAA Order 1050.1F and FAA Order 5050.4B).

To request a CATEX determination from the FAA, the sponsor should review potentially affected environmental resources, review the requirements of the applicable special purpose laws, and consult with the Airports District Office or Regional Airports Division Office staff about the type of information needed. The form and supporting documentation should be completed in accordance with the provisions of FAA Order 5050.4B, paragraph 302b, and submitted to the appropriate FAA Airports District/Division Office. The CATEX cannot be approved until all information/documentation is received and all requirements have been fulfilled.

Name of Airport, LOC ID, and location

Project Title

Give a brief, but complete description of the proposed project, including all project components, justification, estimated start date, and duration of the project. Include connected actions necessary to implement the proposed project (including but not limited to moving NAVAIDs, change in flight procedures, haul routes, new material or expanded material sources, staging or disposal areas). Attach a sketch or plan of the proposed project. Photos can also be helpful.

Give a brief, but complete, description of the proposed project area. Include any unique or natural features within or surrounding airport property.

Identify the appropriate CATEX paragraph(s) from Order 1050.1F (paragraph 5-6.1 through 5-6.6) or 5050.4B (Tables 6-1 and 6-2) that apply to the project. Describe if the project differs in any way from the specific language of the CATEX or examples given as described in the Order.

The circumstances one must consider when documenting a CATEX are listed below along with each of the impact categories related to the circumstance. Use FAA Environmental Orders 1050.1F, 5050.4B, and the Desk Reference for Airports Actions, as well as other guidance documents to assist you in determining what information needs to be provided about these resource topics to address potential impacts. Keep in mind that both construction and operational impacts must be included. Indicate whether or not there would be any effects under the particular resource topic and, **if needed**, cite available references to support these conclusions. Additional analyses and inventories can be attached or cited as needed.

5-2.b(1) National Historic Preservation Act (NHPA) resources

	YES	NO
Are there historic/cultural resources listed (or eligible for listing) on the National Register of Historic Places located in the Area of Potential Effect? If yes, provide a record of the historic and/or cultural resources located therein and check with your local Airports Division/District Office to determine if a Section 106 finding is required.	☐	☐
Does the project have the potential to cause effects? If yes, describe the nature and extent of the effects.	☐	☐
Is the project area undisturbed? If not, provide information on the prior disturbance (including type and depth of disturbance, if available)	☐	☐
Will the project impact tribal land or land of interest to tribes? If yes, describe the nature and extent of the effects and provide information on the tribe affected. Consultation with their THPO or a tribal representative along with the SHPO may be required.	☐	☐

5-2.b(2) Department of Transportation Act Section 4(f) and 6(f) resources

	YES	NO
Are there any properties protected under Section 4(f) (as defined by FAA Order 1050.1F) in or near the project area? This includes publicly owned parks, recreation areas, and wildlife or waterfowl refuges of national, state or local significance or land from a historic site of national, state or local significance.	☐	☐
Will project construction or operation physically or constructively “use” any Section 4(f) resource? If yes, describe the nature and extent of the use and/or impacts, and why there are no prudent and feasible alternatives. See 5050.4B Desk Reference Chapter 7.	☐	☐

YES NO

Will the project affect any recreational or park land purchased with Section 6(f) Land and Water Conservation Funds? If so, please explain, if there will be impacts to those properties.	☐	☐
---	--------------------------	--------------------------

5-2.b(3) Threatened or Endangered Species

YES NO

Are there any federal or state listed endangered, threatened, or candidate species or designated critical habitat in or near the project area? This includes species protected by individual statute, such as the Bald Eagle.	☐	☐
Does the project affect or have the potential to affect, directly or indirectly, any federal or state-listed, threatened, endangered or candidate species, or designated habitat under the Endangered Species Act? If yes, Section 7 consultation between the FAA and the US Fish & Wildlife Service, National Marine Fisheries Service, and/or the appropriate state agency will be necessary. Provide a description of the impacts and how impacts will be avoided, minimized, or mitigated. Provide the Biological Assessment and Biological Opinion, if required.	☐	☐
Does the project have the potential to take birds protected by the Migratory Bird Treaty Act? Describe steps to avoid, minimize, or mitigate impacts (such as timing windows determined in consultation with the US Fish & Wildlife Service).	☐	☐

5-2.b (4) Other Resources

Items to consider include:

a. Fish and Wildlife Coordination Act	YES	NO
Does the project area contain resources protected by the Fish and Wildlife Coordination Act? If yes, describe any impacts and steps taken to avoid, minimize or mitigate impacts.	☐	☐
b. Wetlands and Other Waters of the U.S.	YES	NO
Are there any wetlands or other waters of the U.S. in or near the project area?	☐	☐
Has wetland delineation been completed within the proposed project area? If yes, please provide U.S. Army Corps of Engineers (USACE) correspondence and jurisdictional determination. If delineation was not completed, was a field check done to confirm the presence/absence of wetlands or other waters of the U.S.? If no to both, please explain what methods were used to determine the presence/absence of wetlands.	☐	☐
If wetlands are present, will the project result in impacts, directly or indirectly (including tree clearing)? Describe any steps taken to avoid, minimize or mitigate the impact.	☐	☐
Is a USACE Clean Water Act Section 404 permit required? If yes, does the project fall within the parameters of a general permit? If so, which general permit?	☐	☐
c. Floodplains	YES	NO
Will the project be located in, encroach upon or otherwise impact a floodplain? If yes, describe impacts and any agency coordination or public review completed including coordination with the local floodplain administrator. Attach the FEMA map if applicable and any documentation.	☐	☐

d. Coastal Resources	YES	NO
Will the project occur in or impact a coastal zone as defined by the State's Coastal Zone Management Plan? If yes, discuss the project's consistency with the State's CZMP. Attach the consistency determination if applicable.	☐	☐
Will the project occur in or impact the Coastal Barrier Resource System as defined by the US Fish and Wildlife Service?	☐	☐
e. National Marine Sanctuaries	YES	NO
Is a National Marine Sanctuary located in the project area? If yes, discuss the potential for the project to impact that resource.	☐	☐
f. Wilderness Areas	YES	NO
Is a Wilderness Area located in the project area? If yes, discuss the potential for the project to impact that resource.	☐	☐
g. Farmland	YES	NO
Is there prime, unique, state or locally important farmland in/near the project area? Describe any significant impacts from the project.	☐	☐
Does the project include the acquisition and conversion of farmland? If farmland will be converted, describe coordination with the US Natural Resources Conservation and attach the completed Form AD-1006.	☐	☐
h. Energy Supply and Natural Resources	YES	NO
Will the project change energy requirements or use consumable natural resources either during construction or operations?	☐	☐

Will the project change aircraft/vehicle traffic patterns that could alter fuel usage either during construction or operations?	☐	☐
i. Wild and Scenic Rivers	YES	NO
Is there a river on the Nationwide Rivers Inventory, a designated river in the National System, or river under State jurisdiction (including study or eligible segments) near the project?	☐	☐
Will the project directly or indirectly affect the river or an area within ¼ mile of its ordinary high water mark?	☐	☐
j. Solid Waste Management	YES	NO
Does the project (either the construction activity or the completed, operational facility) have the potential to generate significant levels of solid waste? If so, discuss how these will be managed.	☐	☐

5-2.b(5) Disruption of an Established Community

	YES	NO
Will the project disrupt a community, planned development or be inconsistent with plans or goals of the community?	☐	☐
Are residents or businesses being relocated as part of the project?	☐	☐

5-2.b(6) Environmental Justice

	YES	NO
Are there minority and/or low-income populations in/near the project area?	☐	☐

Will the project cause any disproportionately high and adverse impacts to minority and/or low-income populations? Attach census data if warranted.	☐	☐
--	--------------------------	--------------------------

5-2.b(7) Surface Transportation**YES NO**

Will the project cause a significant increase in surface traffic congestion or cause a degradation of level of service provided?	☐	☐
Will the project require a permanent road relocation or closure? If yes, describe the nature and extent of the relocation or closure and indicate if coordination with the agency responsible for the road and emergency services has occurred.	☐	☐

5-2.b(8) Noise**YES NO**

Will the project result in an increase in aircraft operations, nighttime operations, or change aircraft fleet mix?	☐	☐
Will the project cause a change in airfield configuration, runway use, or flight patterns either during construction or after the project is implemented?	☐	☐
Does the forecast exceed 90,000 annual propeller operations, 700 annual jet operations or 10 daily helicopter operations or a combination of the above? If yes, a noise analysis may be required if the project would result in a change in operations.	☐	☐
Has a noise analysis been conducted, including but not limited to generated noise contours, a specific point analysis, area equivalent method analysis, or other screening method. If yes, provide that documentation.	☐	☐
Could the project have a significant impact (DNL 1.5 dB or greater increase) on noise levels over noise sensitive areas within the 65+ DNL noise contour?	☐	☐

5-2.b(9) Air Quality

	YES	NO
Is the project located in a Clean Air Act non-attainment or maintenance area?	☐	☐
If yes, is it listed as exempt, presumed to conform or will emissions (including construction emissions) from the project be below <i>de minimis</i> levels (provide the paragraph citation for the exemption or presumed to conform list below, if applicable) Is the project accounted for in the State Implementation Plan or specifically exempted? Attach documentation.	☐	☐
Does the project have the potential to increase landside or airside capacity, including an increase of surface vehicles?	☐	☐
Could the project impact air quality or violate local, State, Tribal or Federal air quality standards under the Clean Air Act Amendments of 1990 either during construction or operations?	☐	☐

5-2.b (10) Water Quality

	YES	NO
Are there water resources within or near the project area? These include groundwater, surface water (lakes, rivers, etc.), sole source aquifers and public water supply. If yes, provide a description of the resource, including the location (distance from project site, etc.).	☐	☐
Will the project impact any of the identified water resources either during construction or operations? Describe any steps that will be taken to protect water resources during and after construction.	☐	☐
Will the project increase the amount or rate of stormwater runoff either during construction or operations? Describe any steps that will be taken to ensure it will not impact water quality.	☐	☐

Does the project have the potential to violate federal, state, tribal or local water quality standards established under the Clean Water and Safe Drinking Water Acts?	☐	☐
Are any water quality related permits required? If yes, list the appropriate permits.	☐	☐

5-2.b(11) Highly Controversial on Environmental Grounds

	YES	NO
Is the project highly controversial? The term “highly controversial” means a substantial dispute exists as to the size, nature, or effect of a proposed federal action. The effects of an action are considered highly controversial when reasonable disagreement exists over the project’s risks of causing environmental harm. Mere opposition to a project is not sufficient to be considered highly controversial on environmental grounds. Opposition on environmental grounds by a federal, state, or local government agency or by a tribe or a substantial number of the persons affected by the action should be considered in determining whether or not reasonable disagreement exists regarding the effects of a proposed action.	☐	☐

5-2.b(12) Inconsistent with Federal, State, Tribal or Local Law

	YES	NO
Will the project be inconsistent with plans, goals, policy, zoning, or local controls that have been adopted for the area in which the airport is located?	☐	☐
Is the project incompatible with surrounding land uses?	☐	☐

5-2 .b (13) Light Emissions, Visual Effects, and Hazardous Materials

a. Light Emissions and Visual Effects	YES	NO
Will the proposed project produce light emission impacts?	☐	☐
Will there be visual or aesthetic impacts as a result of the proposed project and/or have there been concerns expressed about visual/aesthetic impacts?	☐	☐
b. Hazardous Materials	YES	NO
Does the project involve or affect hazardous materials?	☐	☐
Will construction take place in an area that contains or previously contained hazardous materials?	☐	☐
If the project involves land acquisition, is there a potential for this land to contain hazardous materials or contaminants?	☐	☐
Will the proposed project produce hazardous and/or solid waste either during construction or after? If yes, how will the additional waste be handled?	☐	☐

5-2 .b (14) Public Involvement

	YES	NO
Was there any public notification or involvement? If yes, provide documentation.	☐	☐

5-2 .b (15) Indirect/Secondary/Induced Impacts

	YES	NO
Will the project result in indirect/secondary/induced impacts?	☐	☐
When considered with other past, present, and reasonably foreseeable future projects, on or off airport property and regardless of funding source, would the proposed project result in a significant cumulative impact?	☐	☐

Permits

List any permits required for the proposed project which have not been previously discussed. Provide details on the status of permits.

Environmental Commitments

List all measures and commitments made to avoid, minimize, mitigate, and compensate for impacts on the environment, which are needed for this project to qualify for a CATEX.

Preparer Information

Point of Contact					
Address					
City		State		Zip Code	
Phone			Email Address		

Signature _____

Date _____

Airport Sponsor Information and Certification (may not be delegated to consultant)

Provide contact information for the designated sponsor point of contact and any other individuals requiring notification of the FAA decision.

Point of Contact					
Address					
City		State		Zip Code	
Phone Number			Email Address		
Additional Name(s)			Additional Email Address(es)		

I certify that the information I have provided above is, to the best of my knowledge, correct. I also recognize and agree that no construction activity, including but not limited to site preparation, demolition, or land disturbance, shall proceed for the above proposed project(s) until FAA issues a final environmental decision for the proposed project(s) and until compliance with all other applicable FAA approval actions (e.g., ALP approval, airspace approval, grant approval) has occurred.

Signature _____

Date _____

FAA Decision

Having reviewed the above information, it is the FAA's decision that the proposed project (s) or development warrants environmental processing as indicated below.

Name of Airport, LOC ID, and location

Project Title

____ No further NEPA review required. Project is categorically excluded per (cite applicable 1050.1.F CATEX that applies _____)

____ An Environmental Assessment (EA) is required.

____ An Environmental Impact Statement (EIS) is required.

____ The following additional documentation is necessary for FAA to perform a complete environmental evaluation of the proposed project.

Name: _____

Title _____

Responsible FAA Official

Signature _____

Date _____

Staff Summary

2/17/2025

Agenda Item # F.3.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council

FROM:

SUBJECT: City Council Requested Items / City Council Updates

BACKGROUND: E-Bike discussions will be moved to a meeting date after the budget process - date to be determined at a later date.

FISCAL IMPACT:

RECOMMENDATION:

ATTACHMENTS:

None

Staff Summary

2/17/2025

Agenda Item # F.4.



City of Storm Lake
PO Box 1086
Storm Lake, IA 50588
p (712) 732-8000
f (712) 732-4114

REPORT TO: Honorable Mayor & Council

FROM: Keri Navratil, City Manager

SUBJECT: Fiscal Year 2025-2026 Budget Work Session

BACKGROUND: Fiscal Year 2025-2026 Operations and Maintenance Budgets will be presented to City Council.

- Water Fund
- Sewer Fund
- Storm Water Fund
- Landfill Fund
- Proposed Property Tax Levy Rate

FISCAL IMPACT:

RECOMMENDATION: Review budgets and make recommendations.

ATTACHMENTS:

1. WATER FUND
2. SEWER FUND
3. STORM WATER FUND
4. LANDFILL FUND
5. FY2026 Proposed Tax Levy
6. Tax Levy Visuals
7. Fee Resolution

WATER FUND

The Water Fund is one of the City's enterprise funds. Enterprise funds are self-supporting used to account for goods and services for which user fees and charges are paid in exchange for services provided. The Water Fund includes the following divisions: Administration, Water Plant, Distribution, and Water Meters.

Number of Water Accounts- 4,035
Average Water Daily Flow- 4.0 MGD
Highest Peak Flow- 5.5 MGD
Number of Wells- 11 (Only 9 are in service)
Number of Water Towers- 3
Number of Clear Wells- 2
Miles of Water Pipe- 90.7
 Water Mains: 82.4 mi
 Irrigation: 4.19 mi
 Raw Water Line: 4.11 mi
Number of Hydrants- 540

FACTORS AFFECTING THIS BUDGET YEAR

Inflation is making everything, from parts to services, more expensive. We're also seeing a significant rise in demand for water, which puts additional pressure on resources. On top of that, we have seen an increase number of issues with the software and hardware on our operating systems, SCADA. These challenges are affecting everything from our daily routines to the services we rely on.

There were a few one-time expenditures this fiscal year for the fees associated with 4 water revenue bond issuances. An unexpected cost to replace the HVAC system in the lime storage building was \$11,404.

Completion of Well 22 may carry over into FY2026.

REVENUES

The Water Fund is operating in good financial health maintaining the Council desired 40% fund balance. Anticipated ending fund balance for fiscal year 2024-2025 will be \$3,356,591. The fund balance includes balances earmarked for project carry overs.

Estimated operating revenues are projected to be \$6,707,960, which includes a 10% increase to our water rates as recommended by project costs and discussion with the City's financial advisor. This will result in an increase of water service charges by roughly \$3.31 per month for residential users using 600 cubic feet.

On average, 30.5% of Water revenues are generated by residential users. The remaining comes from commercial and industrial users.

According to the City of Ames, Iowa 2023 annual Water & Sewer Rate Study, the City of Storm Lake is at \$30.94 for bill amounts at 600 cubic feet of use. This ranks the City of Storm Lake in the bottom 3rd of cities with 10,000+ population. The current median bill is \$35.41, \$4.47 more than the City's current rate and \$1.16 less than the proposed user rate increases of 10% (prior to increases by any other entities for FY2026).

PROPOSED FEE CHANGES:

We raised the water shutoff/turn-on fees to \$30 last year. We also included an elective shut-off cost and a bulk water sales fee. No more price increases are suggested by the staff for the FY2026 fee resolution.

FISCAL YEAR 2025-2026 BUDGET ADJUSTMENTS

Consistent throughout the Water Fund budget, Insurance rates are expected to increase by 10.2% for general property insurance, worker's comp insurance, and liability insurance. The proposed budget includes a 2.5% increase for full-time employees and the 9.03% increase in employee insurance. Adjustments have been appropriately made for chemicals, telecommunication, electric service, gas services, and software subscription costs.

BUDGET OVERVIEW

Total Revenues- \$6,707,960

Expenses- \$6,705,865

Personnel- \$1,320,622	20% of the total expenses
Operations/Maintenance- \$2,876,609	43%
Debt Service- \$1,014,334	15%
Capital Expenditures- \$1,494,300	22%

SEWER FUND

The Sewer Fund is one of the City's enterprise funds. Enterprise funds are self-supporting used to account for goods and services for which user fees and charges are paid in exchange for services provided. The Sewer Fund includes the following divisions: Administration, Wastewater Plant, and Collection

Average Influent Daily Flow- 2.347 MGD

24.20% of the flow comes from residential users

75.80% of the flow comes from commercial and industrial users

Average Effluent Daily Flow- 2.211 MGD

Rain Events Daily Flow- We have seen up to 5 MGD

Sludge Hauled- 233.7 Dry Metric Tons in 2024

Miles of Sewer Pipe- 62.85

Force Main: 12.73 mi

Gravity Main: 50.12 mi

Lift Stations- 16

REVENUES

The Sewer Fund has a projected ending fund balance of \$3,573,434 and is operating at the Council desired 40%. The fund balance includes balances earmarked for future projects.

Revenues are projected to be \$5,220,927, which includes a 7% increase to our sewer rates. A 7% increase would result in an average residential bill increasing by \$3.56 per month.

According to the City of Ames, Iowa 2023 annual Water & Sewer Rate Study, the City of Storm Lake is at \$47.58 for bill amounts at 600 cubic feet of use. This ranks the City of Storm Lake in the middle of the pack of cities with 10,000+ population at 600 cubic feet. The median rate according to the study is \$43.03.

PROPOSED FEE CHANGES:

We increased the industrial FOG (fats, oils, and grease) and sanitary sewer fees last year. The staff does not suggest making any modifications to the fee resolution this year.

FISCAL YEAR 2024-2025 BUDGET ADJUSTMENTS

Consistent throughout the Sewer Fund budget, Insurance rates are expected to increase by 10.2% for general property insurance, worker's comp insurance, and liability insurance. The proposed budget includes a 2.5% increase for full-time employees and the 9.03% increase in employee insurance. Adjustments have been appropriately made for chemicals, telecommunication, electric service, gas services, and software subscription costs.

BUDGET OVERVIEW

Total Revenues- \$5,220,927

Expenses- \$5,210,635

Personnel- \$1,107,288

21% of the total expenses

Operations/Maintenance- \$1,706,600

33%

Debt Service- \$578,857

11%

Capital Expenditures- \$1,817,890

35%

STORM WATER FUND

The Storm Water Fund is one of the City's enterprise funds. Enterprise funds are self-supporting used to account for goods and services for which user fees and charges are paid in exchange for services provided. The Storm Water Fund includes the following divisions: Administration and Collection.

Lane miles of Streets to be Swept- 96

-All streets were swept 6 times in 2024 (3 times in spring and 3 times in the fall)

-Central Business District was swept as needed- 10 total times in 2024

Number of Storm Intakes-745

Storm Water Quality Controls-64

REVENUES

The Storm Water Fund operates just over the Council's 40% fund balance at \$278,325. The last increase to storm water fees was in May of 2013 which increased rates for Equivalent Residential Unit (ERU) to \$4.00 per ERU.

As a self-supporting fund, it is recommended Council consider increasing the ERU rate to \$5.00 per ERU for FY2025-2026. With the proposed ERU rate increase, revenues are estimated to increase by \$104,545 to \$530,545 total for FY2025-2026.

FISCAL YEAR 2025-2026 BUDGET ADJUSTMENTS

Consistent throughout the Storm Water Fund budget, Insurance rates are expected to increase by 10.2% for general property insurance, worker's comp insurance, and liability insurance. The proposed budget includes a 2.5% increase for full-time employees and the 9.03% increase in employee insurance. Adjustments have been appropriately made for chemicals, telecommunication, electric service, gas services, and software subscription costs.

BUDGET OVERVIEW

Total Revenues- \$530,545

Expenses- \$585,356

Personnel- \$351,483

60% of the total expenses

Operations/Maintenance- \$132,760

23%

Debt Service- \$101,113

17%

LANDFILL FUND

The Landfill Fund is one of the City's enterprise funds. Enterprise funds are self-supporting used to account for goods and services for which user fees and charges are paid in exchange for services provided.

REVENUES

The Landfill Fund is operating in good financial health and maintains the Council desired 40% fund balance of \$278,325.

Estimated revenues are projected to be \$503,500, slightly higher than in the last few years due to an increased number of housing developments.

FISCAL YEAR 2025-2026 BUDGET ADJUSTMENTS

Landfill assessment remains \$34 per capita. This assessment rate is determined by the Solid Waste Commission.

BUDGET OVERVIEW

Total Revenues- \$503,500

Expenses- \$543,636

Personnel- \$93,630

17% of the total expenses

Operations/Maintenance- \$66,860

12%

Landfill Assessment- \$383,146

70%

FY2026 PROPOSED TAX LEVIES

Tax Levy

Revenues for the General Fund are based on taxable valuations determined by the County Assessor. Below is the past and proposed levy rate for City of Storm Lake:

FY2023	\$13.60595
FY2024	\$13.40670
FY2025	\$13.60000
FY2026 Proposed	\$15.17441

Consolidated General Fund Levy

During the 2023 legislative session, State Legislators passed house file 718 which combined multiple levies, including the General Fund and Emergency Levy fund, which the City previously used.

FY2023	\$8.37000
FY2024	\$8.37000
FY2025	\$8.12621 – Year 1 of HF718
FY2026 Proposed	\$8.04575 – Year 2 of HF718

The goal of HF718 was to bring all levies back under or to the \$8.10 max rate over time. The new consolidated general fund levy reduces the newly combined levy rate of non TIF taxable growth triggers are met or exceeded, or fiscal years 2025-2028. For FY2025-2026 those limitations are:

- 0-2.74% growth –no change in rate from current year
- 2.75-3.99% growth –1% limitation factor applied
- 4.00 –5.99% growth –2% limitation factor applied
- 6.00% or more growth –3% limitation factor applied

For fiscal year 2025-2026, Storm Lake grew at 2.79% which triggered the 1% limitation on the City CGFL from \$8.12621 to \$8.04575, a reduction of \$30,128 in general fund tax revenue.

Insurance Levy

The Insurance Levy is a levy on property valuation to cover the cost of insurance.

Proposed Levy Rate:

FY2023	\$0.50438
FY2024	\$0.38237
FY2025	\$0.31647
FY2026 Proposed	\$0.68110

Insurance rates are expected to increase by 10.2% for general property insurance and liability insurance.

Employee Benefits Levy

The Employee Benefit Levy is a levy on property valuation to cover the cost of benefits offered to City Employees. This benefit levy includes the employers portion of FICA, IPERS, MFPRSI, life, disability, health, dental, and vision insurance.

Proposed Levy Rate:

FY2023	\$2.81807
FY2024	\$2.93173
FY2025	\$4.43099
FY2026 Proposed	\$5.13906

Employee health benefits increased 9.03% and 3.01% for life, disability, dental, and vision insurance. IPERS and MFPRSI maintained a 9.44% and 22.98% respectively. There was a slight increase in the employee portion of insurance this year and considered in the proposed levy.

Debt Service/Bond Payments

The Debt Levy is a levy imposed on local property owners for public improvements which are covered by bonds.

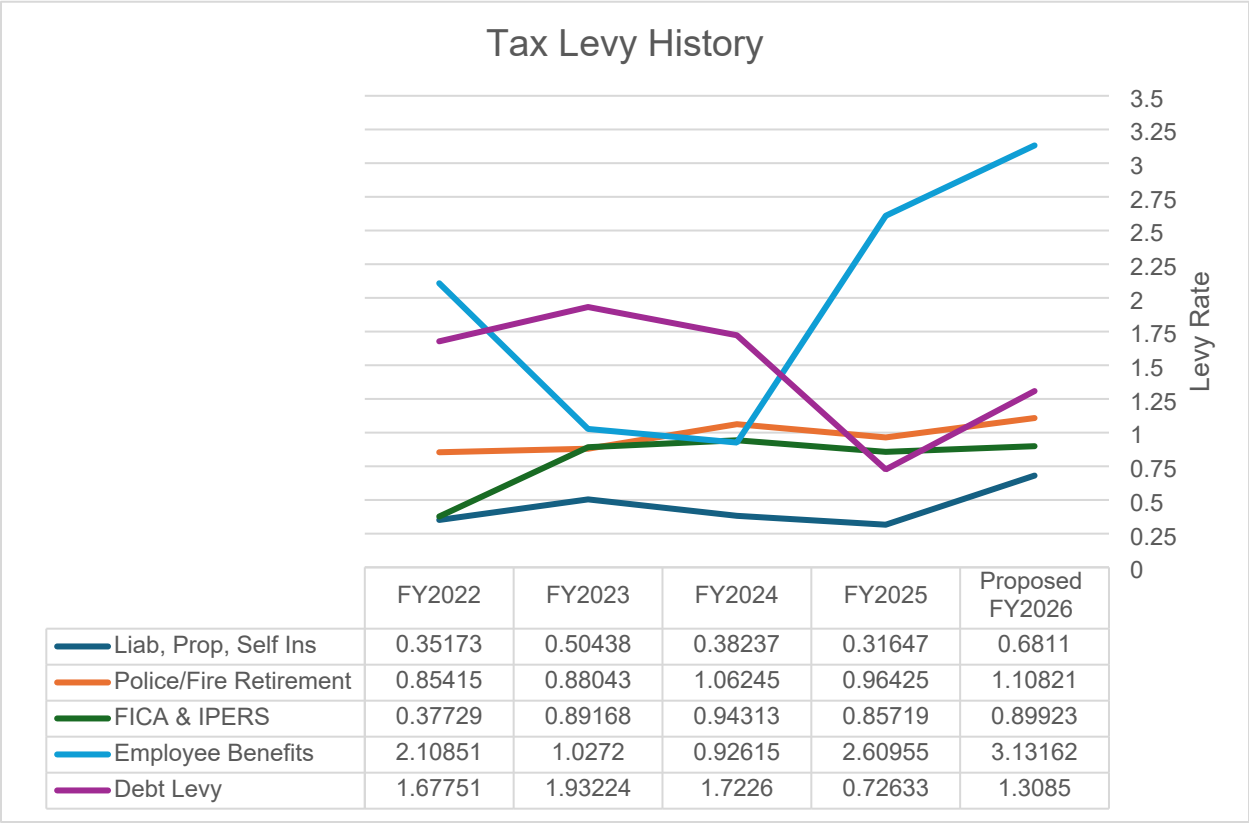
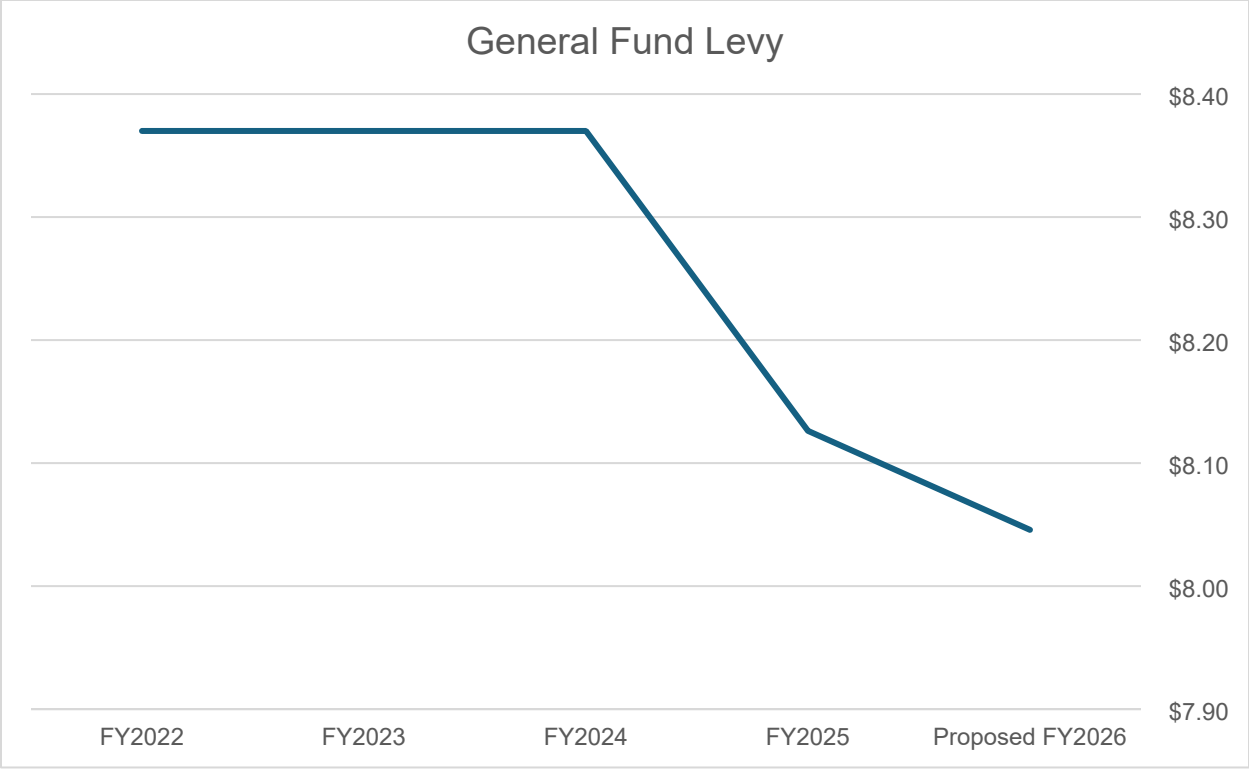
Previous/Proposed Levy Rates:

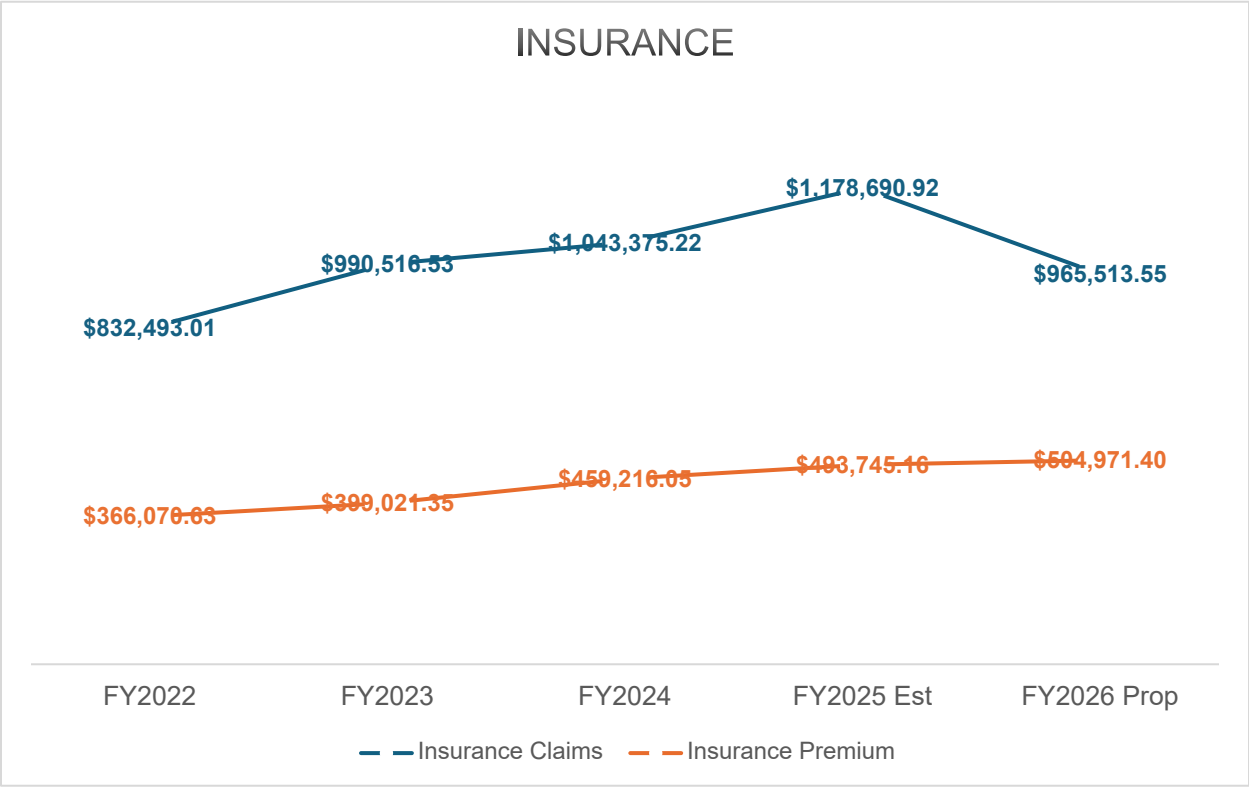
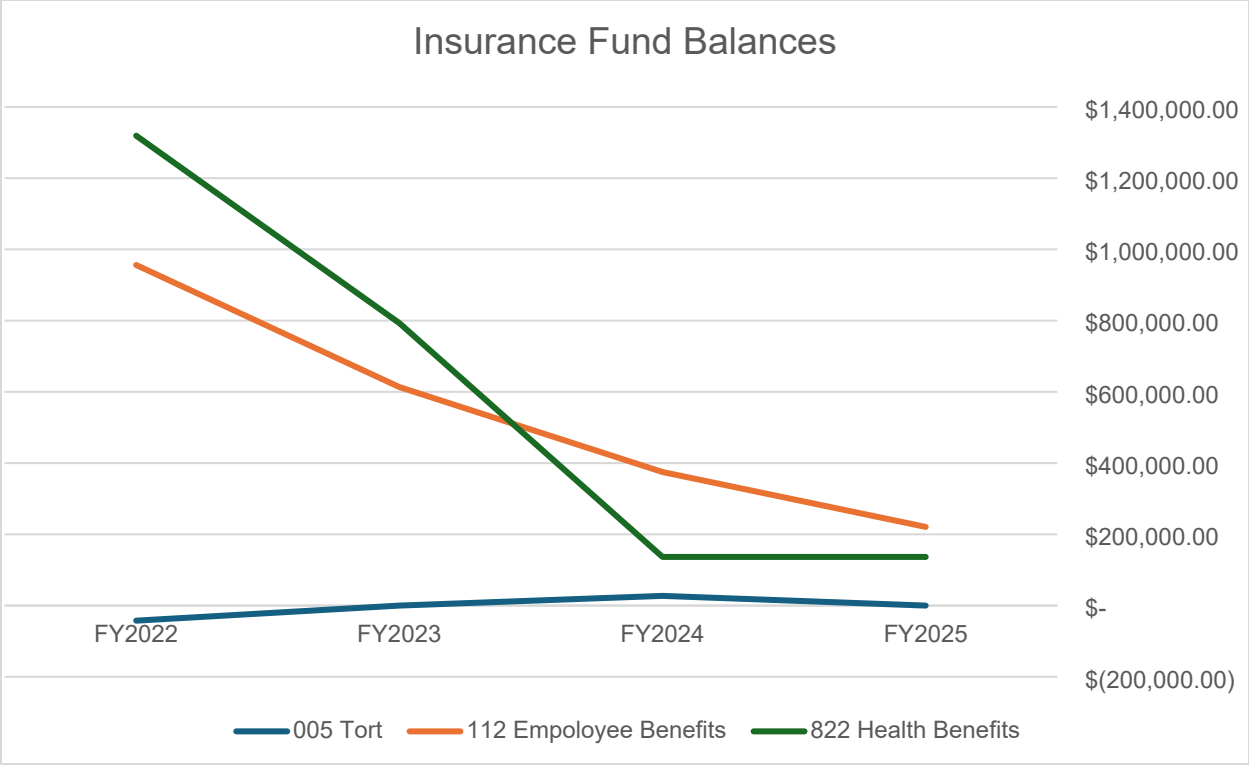
FY2023	\$1.93224
FY2024	\$1.72260
FY2025	\$0.72633
FY2026 Proposed	\$1.30850

Total Debt (Principal General Obligation, rounded to the nearest thousand) as reported:

FY2022	\$17,389,000
FY2023	\$15,520,000
FY2024	\$13,559,000
FY2025 (est.)	\$14,306,000

Levied Bonds include the Fire Truck and partial coverage of the Outdoor Water Park and Awaysis Bonds. The new fire truck bond is the result of the \$0.58217 increase for FY2026, below the estimated \$0.64.





FRESOLUTION NO.

RESOLUTION SETTING FINES AND FEES

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA that the following schedule of fees are approved and effective as of July 1st, 2024.

<u>Administration</u>	<u>Fee</u>	<u>Code Section</u>
Administrative Fee	\$30.00	
Dock Fee	\$25.00	
Dock Per Hoist	\$10.00	
Garbage Truck Permits (per business)	\$100.00	3-1-5
Insufficient Check Fee	\$30.00	
Mobile Food & Beverage, Peddlers, Solicitor Or Transient Merchant Permit (1 Day)	\$25.00	4-3-4, 4-3-6, 4-10-4
Mobile Food & Beverage, Peddlers, Solicitor or Transient Merchant Permit (7 Day)	\$75.00	
Mobile Food & Beverage, Peddlers, Solicitor or Transient Merchant Permit (28 Day)	\$150.00	
Investigation Fee (main contact)	\$25.00	
Investigation Fee (each additional Person)	\$5.00	
Taxi Permit (Business)	\$100.00	4-5-3
Taxi Permit (per vehicle)	\$10.00	4-5-3
Cancel Permit Fee	\$25.00	
Freedom of Information Requests (FOIA Request)		
Single Sided Copy 8.5x11	\$.30/page	
Duplex copy 8.5x11	\$.40/page	
Single Sided Legal	\$.35/page	
Duplex Legal copy	\$.45/page	
Single Sided Ledger (11x17)	\$.70/page	
Single Sided Ledger with Color Print	\$.90/page	
Duplex Ledger (11x17)	\$.80/page	
Duplex Ledger with Color Print	\$1.00/page	
Large Format Prints (one side only and in color)	\$8.00/page	
USB Storage Device	\$15/64gb storage	
Research Hourly Rate – per hour/per person	\$25.00	
Mailing Costs – 3 pages	\$2.00 Plus Current Postage Cost	
Mailing Costs – 50 pages	\$6.00 Plus Current Postage Cost	
Mailing Costs – 100 pages	\$11.00 Plus Current Postage Cost	
Special City Council Meeting	\$250.00	

Airport Hangar Rent (monthly fees)

Hangar A	\$75.00
12 Month Lease Discount Rate	\$65.00
Hangar B	\$75.00
12 Month Lease Discount Rate	\$65.00
Hangar C (VT)	\$400.00

Hangar D	\$92.00
12 Month Lease Discount Rate	\$80.00
Hangar E	\$110.00
12 Month Lease Discount Rate	\$95.00
Hangar F	\$156.00
12 Month Lease Discount Rate	\$135.00
FBO Stall	\$173.00
12 Month Lease Discount Rate	\$150.00
Daily Inside Storage/per night	\$30.00

Building Official

Public sidewalk right away cafés, retail sales, or benches	\$0	
Driveway (Curb) Cut, Inspection & Marking Residential	\$150.00	
Driveway (Curb) Cut, Inspection & Marking Commercial	\$200.00	
ROW Temp Closure Permit	\$25.00	
Building Moving Permit (Per Bldg)	\$100.00	5-1-1
Demolition Permit	\$50.00	
Pool Inspection	\$20.00	8-8-11
Re-inspection Fee (after 1 per inspection)	\$35.00	
No Show Fee (per event)	\$50.00	
Rental Registration Fee – Yearly (July 1st – June 30th)		
Base Registration Fee (per parcel and 1 unit)	\$10.00	5-8-9
Additional unit in excess of 1 (per unit)	\$5.00	5-8-9
Late Registration Fee - Per Landlord License	\$50.00	5-8-9
Additional unit in excess of 1 (up to 6 units)	\$50.00	
Property Maintenance Ordinance Appeal	\$150.00	Zoning Ord.
Variance Request	\$150.00	Zoning Ord.
Zoning Request	\$200.00	Zoning Ord.
Conditional Use	\$300.00	Zoning Ord.
Sub-Division Application Fee	\$300.00	
Sidewalk Repair Permit Fee	\$0	
Pigeons Permit Fee (Per Unit)	\$100.00	8-1-1(A)(18)
New Construction Incentive		
Single Family Attached and Single Family Detached Dwelling Building Permit		
100% Water Meter Current Cost		
\$300 for homes that have construction costs under \$199,999		
\$600 for homes that have construction costs for \$200,000 and above		

Incentive

Rebate all the permit fee with the exception of the water meter if 50% of all costs related to construction, including flooring and appliances if purchased within City limits of Storm Lake. Itemized proof of receipts would be required to be submitted to City Hall.

Building & Sign Permit Fees

Building & Sign Permit <\$1,200	\$22.02	5-2-2
Building & Sign Permit \$1,200-2,000		5-2-2
\$22.02 + \$2.88 for each additional \$100.00 over \$1,200		

Building & Sign Permit \$2,001-25,000		5-2-2
\$45.06+ \$9.16 for each additional \$1,000.00 over \$2,000		
Building & Sign Permit \$25,001-50,000		5-2-2
\$255.74 + \$6.22 for each additional \$1,000.00 over \$25,000		
Building & Sign Permit \$50,001-100,000		5-2-2
\$411.24+ \$4.15 for each additional \$1,000.00 over \$50,000		
Building & Sign Permit \$100,001 or more		5-2-2
\$618.74+ \$3.61 for each additional \$1,000.00 over \$100,000		
Portable Sign Permit (14 days)	\$30.00	Zoning Ord.

Electrical Fees

For New Residences		5-4-9
Single Dwelling	\$38.00	
Duplex Dwelling	\$56.75	
Triplex Dwelling	\$75.50	
4-Plex Dwelling	\$113.00	
Multi Units Between 5 and 12	\$156.75	
Over 12 Units	\$156.75 plus \$38.00 each over 12	
For New Commercial or Industrial Buildings		
First \$5,000.00 at \$8.00 per/\$1,000.00 of cost		
Second \$5,000.00 at \$6.75 per /\$1,000.00 of cost		
Third \$5,000.00 at \$5.50 per/\$1,000.00 of cost		
Fourth \$5,000.00 at \$4.25 per/\$1,000.00 of cost		
Fifth \$5,000.00 at \$3.00 per/\$1,000.00 of cost		
All over \$25,000.00 at \$1.50 per/\$1,000.00 of cost		

For Rewiring, Repairs or Alterations on Residence, Commercial and Industrial Buildings	
\$100.00 to \$150.00 electric contract \$6.75	
\$151.00 to \$200.00 electric contract \$8.00	
\$201.00 to \$250.00 electric contract \$9.25	
\$251.00 to \$300.00 electric contract \$10.50	
\$301.00 to \$350.00 electric contract \$11.75	
\$351.00 to \$400.00 electric contract \$13.00	
\$401.00 to \$450.00 electric contract \$14.25	
\$451.00 to \$500.00 electric contract \$15.50	
\$501.00 to \$1,000.00 electric contract \$23.00	
\$1,001.00 to \$2,000.00 electric contract \$28.00	
All over \$2,001.00 \$28.00 plus \$1.50 per \$100.00	

Plumbing Fees

For New Residences		5-3-10
Single Dwelling	\$38.00	
Duplex Dwelling	\$56.75	
Triplex Dwelling	\$75.50	
4-Plex Dwelling	\$113.00	
Multi Units Between 5 and 12	\$156.75	

Over 12 Units

\$156.75 plus
\$38.00 each over 12

For New Commercial or Industrial Buildings

First \$5,000.00 at \$8.00 per/\$1,000.00 of cost
Second \$5,000.00 at \$6.75 per /\$1,000.00 of cost
Third \$5,000.00 at \$5.50 per/\$1,000.00 of cost
Fourth \$5,000.00 at \$4.25 per/\$1,000.00 of cost
Fifth \$5,000.00 at \$3.00 per/\$1,000.00 of cost
All over \$25,000.00 at \$1.75 per/\$1,000.00 of cost

For Repairs or Alterations on Residence, Commercial and Industrial Buildings

\$100.00 to \$150.00 plumbing contract \$6.75
\$151.00 to \$200.00 plumbing contract \$8.00
\$201.00 to \$250.00 plumbing contract \$9.25
\$251.00 to \$300.00 plumbing contract \$10.50
\$301.00 to \$350.00 plumbing contract \$11.75
\$351.00 to \$400.00 plumbing contract \$13.00
\$401.00 to \$450.00 plumbing contract \$14.25
\$451.00 to \$500.00 plumbing contract \$15.50
\$501.00 to \$1,000.00 plumbing contract \$23.00
\$1,001.00 to \$2,000.00 plumbing contract \$28.00
All over \$2,001.00 \$28.00 plus \$1.50 per \$100.00

Campground

Class A Site (Lake View, Patio, Water, Sewer, Electric, Cable TV, Fire Pit)	\$30.00
Class C Site (Lake View, Patio, Water, Sewer, Electric, Fire Pit)	\$28.00
Class E Site (Water, Sewer, Electric)	\$25.00
Class F Site (Electric)	\$20.00
Glass G Site (Tent)	\$12.00
Extra Vehicle Parking (if space available)	\$5.00
Non-Campers Dump Station (per event)	\$5.00
Non-Camper Shower (per shower)	\$5.00
Early check in prior to noon	\$20.00
Early check in after 12pm prior to 3pm	\$10.00
Late check out after 1pm per hour charge	\$10.00

Fire Department

Liquor License Inspection Fee	\$50.00
Fireworks Display (Mortar sizes from 1-3 inches)	\$150.00
Fireworks Display (Mortar size larger than 3 inches)	\$300.00
Emergency Response and/or Cleanup of Material	See Chart
Rate set by the Iowa Fire Service Annual Hazardous material response fee structure for the current calendar year.	
Safety Trailer Use Fee	

Buena Vista County	\$150.00
Non Buena Vista County	\$150.00 plus \$6 A Mile One Way

Golf Course

Single Season Pass	\$325.00
Family Season Pass - Family: Two or more persons (one of whom is the householder) related by birth, marriage, or adoption, living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit as defined by the Storm Lake Zoning Code.)	\$600.00
Junior Season Pass (17 and Under)	\$50.00
Electric Cart Storage	\$300.00
Gas Cart Storage	\$285.00
Locker Rent/yr	\$20.00
Golf Club Rental	\$10.00
Trail Fee (per day)	\$10.00
Pull Cart Rental	\$3.00
Pull Cart (year)	\$65.00
Trail Fee (year)	\$170.00
10 Round Punch Card	\$125.00
Discount Tickets – per 9 holes (sold in advance with minimum quantity of 50)	\$10.00
Weekday 9 Holes	\$15.00
Weekday 18 Holes	\$20.00
Weekend 9 Holes	\$20.00
Weekend 18 Holes	\$25.00
Cart Rental 9 Holes	\$16.00
Cart Rental 18 Holes	\$26.00
Yearly Cart Rental	\$350.00
Hall Rental	\$250.00
Hall Rental - Friday Setup Fee (Valid only after 5:00 pm Friday with following Sat. rental)	\$100.00
Hall Rental (weekday 4hrs or less)	\$100.00
Bar Setup Fee (Event Center Only)	\$100.00
9-Hole Course Rental Fee (Minimum 25 participants)	\$250.00
18-Hole Course Rental Fee (Minimum 25 participants)	\$400.00
*Course Rental Fees are due at the time of booking.	
*Cancellations require a 72 hour advanced notice.	
*If cancelled inside the 72 hour period, only 50% of the rental Fee will be refunded.	
Group Cart Rental Fee (25 Carts)	\$350.00

Police

Administrative Fee	\$30.00	
Alarm Business Permit Application	\$75.00	4-7-6
Alarm Business Permit Renewal	\$75.00	4-7-9
False Alarm Equip Malfunction (after 3)	\$75.00	4-7-16
False Alarm	\$75.00	4-7-16

Building Escorts (per car)	\$75.00	5-1-3
Cat License – Not Neutered/Spayed (per year)	\$20.00	8-4-2
Neutered/Spayed (per year)	\$10.00	
Dog License – Not Neutered/Spayed (per year)	\$20.00	8-3-2
Neutered/Spayed (per year)	\$10.00	
Animal License Handling Fee	Current USPS Cost	
Fingerprinting	\$10.00	
Impound/Storage Fee (per day)	\$30.00	8-6-5
Impound Storage Fee – felony related (per day)	\$50.00	
Parking Fine	\$15.00	9-11-4
Report Copies	\$5.00	
Police Escort Fee – per hour, per unit	\$75.00	5-1-3
Emergency Response and/or Cleanup of Material (per hour)		
Police Vehicle (per vehicle)	\$75.00	

King's Pointe Outdoor Aquatic Center

Family Season Pass	\$350.00
(up to 6 family members can be included on Pass, Children 4 and under need not be on pass, as they are free.)	
Up to 4 additions of children 5-12 years old @ \$55 each	
Adult BV Resident Daily Pass (Age 12+)	\$8.00
Child BV Resident Daily Pass (Age 5-11)	\$5.00
Children (Age 5-11) Standard Pricing	\$12.00
Adults (Age 12+) Standard Pricing	\$15.00
4 and under	free
Twilight Pricing (after 3:00)	
Age 12+	\$7.50
Age 5-11	\$6.00
Age 0-4	free
Land Lovers	\$5.00
Daily Pass Punch Cards:	
10 Punches	\$100.00
20 Punches	\$180.00
30 Punches	\$250.00
50 Punches	\$400.00
Swim Lessons	\$40.00
Lap Swimming (per time)	\$4.00
Lap Swimming Punch Card:	
10 Punches	\$35.00
20 Punches	\$60.00
30 Punches	\$80.00

Roadway Maintenance

Street Cuts & Replacement - Half Street	\$800.00
Street Cuts & Replacement Full Street	\$1600.00

Sewer

Sewer Svc Permit & Connection Fee	\$150.00	3-2-4
Private Wastewater System Permit	\$50.00	3-2-3
Sanitary Sewer Dump Fee (Per Load)	\$75.00	
Industrial FOG (Fat, Oil, Grease) Per Load	\$300.00	

Shelter House

Rental Fee - per side	\$110.00
Damage Deposit – per side	\$200.00
AWAYSIS Pavilions – per time slot (3 times available)	\$25.00
Frank Starr Park Open Shelter – per time slot (2 times available)	\$50.00
Campground Open Shelter – per time slot (2 time slots available)	\$50.00
AWAYSIS Great Lawn – per day	\$200.00
Band Shell – per day	\$50.00

Water

Door Tag Fee	\$20.00	3-5-3
Meter Testing Fee (within 2%)	\$50.00	3-4-20
Shut Off Fee	\$30.00	3-5-3
Turn On Fee	\$30.00	3-5-3
Water Svc Permit & Connect Fee	\$150.00	3-4-5
Water Tapping Fee (per inch)	\$65.00	3-4-5
Outside City Limits Hook-up Fee	\$1,500.00	3-4-6
Combined Utility Deposit	\$160.00	
Bulk Water Sales (Minimum)	\$15.00	
Bulk Water Sales per 1,000 Gallons	Commercial Rate	3-5-1
Urgent/Elective Shut Off Fee	\$500.00	

PASSED AND APPROVED this 20th Day of May, 2024.

Michael Porsch, Mayor

ATTEST:

Nelda Kirkholm, Deputy City Clerk

Staff Summary

2/17/2025

Agenda Item # F.5.



REPORT TO: Honorable Mayor & Council

FROM: Scott Olesen, Building Official

SUBJECT: **Work Session Discussion of Post Construction Control Ordinance Updates**

BACKGROUND: The State of Iowa has made changes to the regulations that cities enforce for stormwater runoff created by new building construction and hard surfaces such as parking lots. The changes are in reference to the amount of rainfall, the preservation of topsoil, and the pre-existing conditions utilized in the engineering process to control stormwater runoff. We are required to revise and update our Ordinance to be in compliance with the new regulations. Staff has also reviewed the rest of this Ordinance and has made proposed editorial changes to make the document easier to understand and enforce.

The attachments include the existing Ordinance, the Ordinance showing strikethroughs and inserted text, and a "clean" version showing how the document would look with the proposed changes in the text.

The documents are currently under review by the City Attorney and the City Stormwater Engineer. Any comments they have will be provided at the time of the review of the Ordinance for adoption.

FISCAL IMPACT: The cost of Engineering and Legal review estimated at \$1,000.00.

RECOMMENDATION: Review the attached documents and provide input for the staff.

ATTACHMENTS:

1. Original Ordinance
2. Proposed Ordinance - Showing Edits
3. Proposed Ordinance - Clean version

Chapter 3-13

POST-CONSTRUCTION STORMWATER CONTROL

3-13-1	Findings of Fact
3-13-2	Purpose
3-13-3	Applicability
3-13-4	Compatibility with Other Requirements
3-13-5	Permit Procedures and Requirements
3-13-6	Stormwater Standards
3-13-7	Waivers
3-13-8	Approval of Stormwater Management Concept Plan
3-13-9	Approval of Stormwater Management Final Plan
3-13-10	Performance Security or Bond
3-13-11	Construction Inspection
3-13-12	Maintenance and Repair of Stormwater BMPS
3-13-13	Enforcement and Penalties
3-13-14	Appeal
3-13-15	Definitions

Section 3-13-1 Findings of Fact

1. The U.S. EPA's National Pollutant Discharge Eliminations System ("NPDES") permit program ("Program") administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of stormwater from a Municipal Separate Storm Sewer System ("MS4") ("MS4 Permit"). The City of Storm Lake is subject to the Program and is required to obtain, and has obtained, an MS4 Permit; the City's MS4 permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.

2. As a condition of the City's MS4 Permit, the City is obliged to adopt and enforce a POST-CONSTRUCTION STORMWATER CONTROL ordinance.

3. No state or Federal funds have been made available to assist the City in administering and enforcing the Program. Accordingly, the City shall fund its operations under this chapter entirely by charges imposed on the owners or developers of properties which are made subject to the Program by virtue of State and Federal law, and/or other sources of funding established by a separate ordinance.

4. Land development and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition; this stormwater runoff contributes to increased quantities of water-borne pollutants; and stormwater runoff, soil erosion, and non-point source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.

5. Therefore, the City of Storm Lake establishes this set of City stormwater requirements to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and non-point source pollution

associated with stormwater runoff is in the public interest and will prevent threats to public health, safety, and property damage.

6. The "Iowa Stormwater Management Manual" published collaboratively by the Iowa Department of Natural Resources and The Center for Transportation Research and Education at Iowa State University establishes guidelines consisting of unified sizing criteria, stormwater management designs and specifications and Best Management Practices (BMP). City hereby finds and declares that the guidelines provided for in the Iowa Stormwater Management Manual, and in future editions thereof, should be and are hereby adopted as the stormwater management standards of the City. Any BMP installation that complies with the provisions of the Iowa Stormwater Management Manual, or future editions thereof, at the time of installation shall be deemed to have been installed in accordance with this ordinance. (Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-2 Purpose

The purpose of this chapter is to adopt as the City's standards and sizing criteria and BMPs to address said standards the Guidelines, Sizing Criteria, and BMPs proposed by the Iowa Stormwater Management Manual and as specifically identified above (hereinafter collectively "City stormwater requirements") in order to protect and safeguard the general health, safety, and welfare of the public within this jurisdiction. This chapter seeks to meet that purpose through the following objectives:

1. Minimize increases in stormwater runoff from development within the City limits and fringe area in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
2. Minimize increases in non-point source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
3. Minimize the total annual volume of surface water runoff which flows from any specific development project site after completion to not exceed the pre-development hydrologic regime to the maximum extent practicable; and
4. Reduce stormwater runoff rates and volumes, soil erosion, and non-point source pollution, wherever possible, through establishment of appropriate minimum stormwater management standards and BMPs and to ensure that BMPs are properly maintained and pose no threat to public safety.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-3 Applicability

1. This chapter is applicable to all subdivision or site plan applications meeting the Minimum square foot applicability criteria of item 2 of this section, unless eligible for an exemption or granted a waiver by the City under Section 3-13-7 of this chapter. This chapter also applies to land disturbance activities that are smaller than the minimum square foot applicability criteria specified in subsection 2 if such activities are part of a larger common plan of development that meets the minimum square foot applicability criteria specified in subsection 2, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by City of Storm Lake officials to ensure that established water quality standards will be maintained during and after development of the site and that post-construction runoff levels are consistent with any local and regional watershed plans.

Agree

2. City stormwater requirements must be met for development to be approved. City stormwater requirements apply to any development ~~disturbing one acre (43,560 square feet) or more of land, and to any development disturbing less than one acre if the amount of impervious cover created exceeds 5,000 square feet.~~ ^{which creates more than 10,000 ft² of new impervious surface.} The following activities are exempt from this chapter: ~~10,000~~

A. Any logging and agricultural activity which is consistent with an approved soil conservation plan or a timber management plan prepared or approved by the appropriate agency, as applicable.

B. Additions or modifications to existing single-family structures.

C. Developments that do not ~~disturb more than one acre of land~~ ^{create more than 10,000 ft² of new impervious surface} provided they are not part of a larger common development plan.

D. Repairs to any stormwater BMPs deemed necessary by City.

3. When a site development plan is submitted that qualifies as a development, as defined in this chapter, decisions on permitting any appropriate on-site BMPs shall be guided by the Iowa Stormwater Management Manual. Issuance of a Construction Site Runoff Permit (CSR Permit) will be granted to development or redevelopment projects after review and approval of the site development plan by the City.

4. The site shall be designed using the Better Site Design process. Better Site Design involves techniques applied early in the design process to preserve natural areas, reduce impervious cover, distribute runoff and use pervious areas to more effectively treat stormwater runoff. Site design should address open space protection, impervious cover minimization, and runoff distribution and minimization, and runoff utilization through considerations such as:

A. Open space protection and restoration

- (1) Conservation of existing natural areas (upland and wetland)
- (2) Reforestation
- (3) Re-establishment of prairies
- (4) Restoration of wetlands
- (5) Establishment or protection of stream, shoreline and wetland buffers
- (6) Re-establishment of native vegetation into the landscape

B. Reduction of impervious cover

(1) Reduce new impervious through redevelopment of existing sites and use of existing roadways, trails etc.

(2) Minimize street width, parking space size, driveway length, sidewalk width

(3) Reduce impervious surface footprint (e.g. two story buildings, parking ramp)

C. Distribution and minimization of runoff

- (1) Utilize vegetated areas for stormwater treatment (e.g. parking lot islands, vegetated areas along property boundaries, front and rear yards, building landscaping)
- (2) Direct impervious surface runoff to vegetated areas or to designed treatment areas (roofs, parking, driveways drain to pervious areas, not directly to stormsewer or other conveyances)
- (3) Encourage infiltration and soil storage of runoff through grass channels, soil compost amendment, vegetated swales, raingardens, etc.
- (4) Plant vegetation that does not require irrigation beyond natural rainfall and runoff from the site

D. Runoff utilization

- (1) Capture and store runoff for use for irrigation in areas where irrigation is necessary

Information on the Better Site Design Process is available at www.cwp.org.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-4 Compatibility with Other Requirements

1. It is intended that this chapter be construed to be consistent with existing City Code.
2. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other chapter, rule or regulations, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-5 Permit Procedures and Requirements

1. Permit Required. No landowner or developer shall receive any of the building, grading, or other land development permits required for land disturbance activities without first meeting the requirements of this chapter prior to commencing the proposed activity.

2. Pre-application Meeting

A. Prior to the development of plans, the applicant shall request a pre-application meeting which will be facilitated by the City between the applicant, City staff, and staff of partner agencies as applicable. The meeting shall be mandatory prior to submission of a permit application. The purposes of the meeting are: to understand the general parameters of the proposed project; and to convey the requirement of meeting the provisions of this and other applicable ordinances.

3. Application Requirements.

- A. Unless specifically exempted by this chapter, any landowner or developer desiring a permit

for a land disturbance activity shall submit to the City a permit application on a form provided for that purpose.

B. Unless otherwise exempted by this chapter, a permit application must be accompanied by the following in order that the permit application be considered:

- (1) A copy of the stormwater management concept plan;
- (2) A copy of the maintenance agreement; and
- (3) A non-refundable permit review fee.

Materials shall be submitted in pdf format for ease of distribution and review.

C. The stormwater management concept plan and maintenance agreement shall be prepared to meet the requirement of this chapter, and fees shall be those established by the City by separate resolution.

4. Application Procedure.

A. Applications for land disturbance activity permits must be filed for review with the office of the Building and Planning Department on any regular business day.

B. The City shall make a determination regarding the completeness of a permit application within ten (10) business days of the receipt of the application and notify the applicant in writing if the application is not complete include the reasons the application was deemed incomplete.

C. Within fifteen (15) business days of the receipt of a complete permit application, including all documents as required by this chapter, City shall inform the applicant whether the application, plan, and maintenance agreement are approved or disapproved by the enforcement officer.

D. If the permit application, stormwater management concept plan, or maintenance agreement are disapproved, the applicant may revise the stormwater management concept plan or agreement. If additional information is submitted, the City shall have 15 business days from the date the additional information is received to inform the applicant that the stormwater management concept plan and maintenance agreement are either approved or disapproved.

E. If the permit application, stormwater management final plan, and maintenance agreement are approved by City, all appropriate land disturbance activity permits shall be issued.

5. Permit Duration. Permits issued under this section shall be valid from the date of issuance through the date City notifies the permit holder that all stormwater BMPs have passed the final inspection required under permit conditions.

6. Application Review Fees. The fee for review of any land development application shall be based on the amount of land to be disturbed at the site; the fee structure shall be established by City, and said fees shall be paid prior to the issuance of any applicable City permits. All such revenue shall be credited to a City budgetary category to support the administration of this chapter.
(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-6 Stormwater Standards

1. The following general criteria shall be incorporated into the site design for stormwater runoff to protect surface and ground water and other natural resources and other private and public property:

- A. Reduce impacts on water
- B. Decrease runoff volume
- C. Increase infiltration (groundwater recharge)
- D. Decrease flow frequency, duration, and peak runoff rates
- E. Reduce time to peak flows by increasing the time of concentration to and through storm sewers
- F. Store stormwater runoff on-site
- G. Maintain existing flow patterns
- H. Avoid natural channel and steep slope erosion as well as protect in stream habitats and channels
- I. Decrease erosion and sedimentation
- J. Preserve vegetation
- K. Preserve and replace existing topsoil in an uncompacted manner

This conflicts with Item 7 on the next page. I recommend deleting this and using #7.

2. ~~The site design shall provide on-site treatment during construction and post-construction to ensure no increase in offsite peak discharge for the 1-year, 24-hour storm event (2.61 inches), the 5-year, 24-hour storm event (7.81 inches).~~ *100-year,*

3. The site design shall provide on-site water quality treatment for the runoff resulting from a rainfall depth of 1.25 inches over the post-construction site area in order to reduce average annual post-development total suspended solids loadings by at least 80%.

4. The site design shall retain on-site for recharge, a portion of the water quality treatment volume calculated as a soil specific recharge factor multiplied by the volumetric runoff coefficient multiplied by the area and all divided by 12. The soil specific recharge factor is given as 0.51 for Hydrologic Soil Group (HSG) A soils, 0.34 for HSG B soils, 0.17 for HSG C soils, and 0.08 for HSG D Soils. The volumetric runoff coefficient is calculated as $0.05 + 0.009$ multiplied by the site impervious percentage. See the Iowa Stormwater Management Manual for additional clarification on the calculation.

← send appeals to City Storm Water Advisory Board?

5. Applicant shall fully attempt to comply with the standards in one through three above. For areas of the site where there is no feasible way to achieve the recharge requirement, other options may be considered by the City. Options considered and presented shall examine the merits of relocating project elements to address varying soil conditions and other constraints across the site. If full compliance is not possible, the following flexible treatment options shall be used:

- A. Applicant shall document the flexible treatment options sequence starting with Alternative #1. If Alternative #1 cannot be met, then Alternative #2 shall be analyzed. If Alternative #2

cannot be met than Alternative #3 shall be met. When all of the conditions are fulfilled within an alternative, this sequence is completed.

B. Recharge techniques considered shall include infiltration, reuse & rainwater harvesting, and canopy interception & evapotranspiration and/or additional techniques included in the Iowa Stormwater Management Manual.

C. Higher priority shall be given to BMPs that include volume reduction. Secondary preference is to employ filtration techniques, followed by rate control BMPs.

D. Factors to be considered for each alternative will include:

- (1) Shallow bedrock
- (2) High groundwater
- (3) Hotspots or contaminated soils
- (4) Poor soils (infiltration rates that are too low or too high, problematic urban soils)
- (5) Excessive cost

E. Alternative #1: Applicant attempts to comply with the following conditions:

- (1) Achieve at least 0.625" volume reduction, and
- (2) Remove 75% of the annual TP (Total Phosphorous) load, and
- (3) Options considered and presented shall examine the merits of relocating project elements to address, varying soil conditions and other constraints across the site.

F. Alternative #2: Applicant attempts to comply with the following conditions:

- (1) Achieve volume reduction to the maximum extent practicable, and
- (2) Remove 60% of the annual TP load, and
- (3) Options considered and presented shall examine the merits of relocating project elements to address, varying soil conditions and other constraints across the site.

G. Alternative #3: Off-site Treatment. Off-site mitigation, as outlined in Section 3-13-7 Waivers, of the required treatment volume that cannot be provided onsite can be used to protect receiving waters.

6. To protect channels, the site shall be designed to infiltrate or provide 24 hour extended detention of the channel protection volume, defined as the 1 year, 24 hour storm per NOAA Atlas 14. ✓

7. The site shall be designed to prevent the post development rate of runoff from exceeding the pre-development rate of runoff for a five year to 100 year storm, 24 hour storm to not exceed runoff rates equivalent to the five year predevelopment storm event per NOAA Atlas 14. ✓

8. The site shall be designed to provide an emergency spillway and designated overflow route for the 100 year, 24 hour storm as defined by the Iowa Stormwater Management Manual. The spillway and overflow route must be able to safely pass overflows through the structure without creating damaging conditions downstream of the facility.

9. Existing topsoil must be preserved on site to be uniformly applied in an uncompacted manner to a minimum depth of four inches.

10. The site shall be designed to provide vegetated buffers for water quality protection adjacent to receiving channels and waters. Buffers shall commence at the "ordinary high water mark", or at the delineated boundary of the waterbody. Buffer widths are based on a 0-10% slope* between the activity and the water body as determined by land use and are as follows;

Residential	35 feet
Industrial	50 feet
Mid/High Density Residential & Commercial	50 feet

*Buffer width shall increase 2 feet for each percent increase in slope above 10%.

A. Access shall be provided on each side of the buffer for maintenance.

B. The applicant shall maintain the buffer for the first year after completion of the project.

C. Impervious surfaces shall not be allowed in the buffer area. *except for sidewalks and/or stairs to access the adjacent water body. Sidewalks and/or stairs shall be no more than 4 feet wide.*

D. Fences and structures shall not be allowed in the buffer area. *stairs shall be no more than 4 feet wide.*

E. Where land disturbing construction activity occurs within a buffer area, and where no impervious surface is present, adequate approved native vegetative cover of 70% shall be established and maintained. The native vegetative cover shall be sufficient to provide for bank stability from upslope overland flow areas under sheet flow conditions. Non-vegetative materials such as rock riprap, may be employed on the bank as necessary to prevent erosion. Such as on steep slopes of where high velocity flows occur.

F. BMP's such as filter strips, swales, or wet detention basins may be located in the buffer area.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-7 Waivers

Every applicant shall provide for stormwater management as required by this chapter, unless a written request is filed to waive implementation of BMPs, in whole or in part, and such waiver is granted. Requests to waive implementation of BMPs in whole or in part shall be submitted to City for approval.

1. A waiver of BMPs required by this chapter may be granted provided that at least one of the following conditions is established by the applicant based on authoritative written evidence satisfactory to City:

A. The proposed development is not likely to impair attainment of the objectives of this chapter.

B. Alternative minimum requirements for on-site management of stormwater have been

established in a stormwater management final plan that has been approved by City and fully implemented.

C. Provisions are made to manage stormwater by an off-site facility within the same watershed. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices, and there is, in the City's sole judgment, a responsible entity legally obligated to monitor the performance of and maintain the efficiency of stormwater BMPs in accordance with a written and recorded maintenance agreement.

D. In instances where one of the above conditions is established, the applicant must further establish by authoritative written evidence satisfactory to City that the partial waiver will not result in any of the following impacts to downstream waterways:

- (1) Deterioration of existing culverts, bridges, dams, and other structures; or
- (2) Degradation of biological functions or habitat; or
- (3) Accelerated stream bank or streambed erosion or siltation; or
- (4) Increased threat of flood damage to public health, life, property.

2. If the City finds that a waiver is appropriate because implementation of on-site stormwater BMPs is not feasible due to the natural or existing physical characteristics of a site, or that one of the conditions specified in subsection 1 above cannot be established to a certainty, or that any averted, the applicant shall execute a binding written agreement to accomplish one or more of the following mitigation measures selected by City:

A. The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reconstruction of native ecosystems of lands strategically located in the watershed consistent with the purposes of this chapter, of a sufficient quantity to enable City or others to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated number of cubic feet of annual stormwater that will not achieve City stormwater requirements as a consequence of the waiver.

B. The creation of one or more stormwater BMPs on previously developed properties, public or private, that currently lack stormwater BMPs, having a capacity to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated number of cubic feet of annual stormwater that will not achieve City stormwater requirements as a consequence of the waiver.

C. Monetary contributions (fee in lieu) to fund stormwater management activities as identified in the City of Storm Lake's Comprehensive Stormwater Management Plan such as research and studies (e.g., regional wetland delineation studies, stream monitoring studies for water quality and macroinvertebrates, stream flow monitoring, threatened and endangered species studies, hydrologic studies, monitoring of stormwater BMPs, and stream corridor stabilization practices). The monetary contribution required shall be in accordance with a fee schedule (unless the developer and the City agree on a greater alternate contribution) established by City, based on the estimated cost savings to the developer resulting from the waiver and the estimated future costs to City to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated number of cubic feet of annual stormwater that will not achieve City stormwater requirements as a consequence of the waiver. All of the monetary contributions shall be credited to an appropriate capital

improvements program project, and shall be made by the developer prior to the issuance of any building permit for the development.

D. Dedication of land or granting of an easement by the applicant of a value equivalent to the cost to City of the construction of an off-site stormwater management facility sufficient to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated number of cubic feet of annual stormwater that will not achieve City stormwater requirements as a consequence of the waiver. The agreement shall be entered into by the applicant and City prior to the recording of plats or, if no record plat is required, prior to the issuance of the building permit.

E. Factors that may generate waivers:

- (1) Shallow Bedrock
- (2) High Groundwater
- (3) Hotspots or contaminated soils
- (4) Excessive Cost

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-8 Approval of Stormwater Management Concept Plan

No application for development will be accepted unless it includes a stormwater management concept plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. The stormwater management concept plan shall:

1. Be prepared by a licensed professional engineer or landscape architect or individual credentialed in a manner satisfactory to the City.
2. Indicate whether stormwater will be managed on site or off site and, if on site, the general location and type of practices, with clear citations to the Iowa Stormwater Management Manual. *OK*
3. Include a signed and dated certification ~~under penalty of perjury~~ by the preparer of the stormwater management concept plan that it complies with all requirements of this chapter, meets the design requirements outlined in the Iowa Stormwater Management Manual and is designed to achieve City stormwater requirements, and that the City is entitled to rely upon the certification as due diligence on the part of City.
4. Include sufficient information (e.g., maps, hydrologic calculations, etc.) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the stormwater BMPs proposed for managing stormwater generated at the project site. The intent of this conceptual planning process is to determine the type of stormwater BMPs necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future development. To accomplish this goal, the following information shall also be included in the stormwater management concept plan.

A. A USDA soils map identifying soil types, hydrologic soil groups and hydric soils. Soil

borings will be required where infiltration practices are proposed.

B. A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural stormwater management and sediment and erosion BMPs. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads, and easements; and the limits of clearing and grading. A written description of the site plan and justification of proposed changes in natural conditions may also be required. A copy of the current SWPPP may satisfy this requirement.

C. Sufficient engineering analysis to show that the proposed BMPs are capable of achieving City stormwater requirements for the site in compliance with this chapter.

D. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive areas that provide particular opportunities or constraints for development.

E. A written description of the required maintenance burden for any proposed BMPs.

F. The City may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.

G. For development occurring on a previously developed site, an applicant shall be required to include within the stormwater management concept plan BMPs for controlling existing stormwater runoff discharges from the site in accordance with this chapter.

5. The stormwater management concept plan shall be referred for comment to all other interested agencies, and any comments must be addressed in a stormwater management final plan.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-9 Approval of Stormwater Management Final Plan

No building, grading, or sediment control permit shall be issued until a satisfactory stormwater management final plan (or a waiver thereof) shall have undergone a review and been approved by the City after determining that the plan or waiver is consistent with the requirements of this chapter. After review of the stormwater management concept plan, and modifications to that plan as deemed necessary by City, a stormwater management final plan must be submitted to the City for approval. The stormwater management final plan, in addition to the information included in the stormwater management concept plan, shall:

1. Be prepared by a licensed professional engineer or landscape architect or individual credentialed in a manner satisfactory to the City.

2. Indicate whether stormwater will be managed on site or off site and, if on site, the general location and type of practices, with clear citations to the Iowa Stormwater Management Manual.

3. Include a signed and dated certification ~~under penalty of perjury~~ by the preparer of the



stormwater management final plan that it complies with all requirements of this chapter and the Iowa Stormwater Management Manual, meets the submittal requirements outlined in the Iowa Stormwater Management Manual designed to achieve City stormwater requirements, and that City is entitled to rely upon the certification as due diligence on the part of City.

4. The stormwater management final plan shall also include:

A. A detailed summary of how and why the stormwater management final plan differs, if at all, from the stormwater management concept plan previously submitted.

B. Contact information, including but not limited to the name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.

C. Topographic base map, consisting of a 1"= 200' topographic base map, of the site which extends a minimum of ~~300~~¹⁰⁰ feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown. *al*

D. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the Iowa Stormwater Management Manual. Such calculations shall include:

- (1) description of the design storm frequency, intensity and duration;
- (2) time of concentration;
- (3) soil curve numbers or runoff coefficients;
- (4) peak runoff rates and total runoff volumes for each watershed area;
- (5) infiltration rates, where applicable;
- (6) culvert capacities;
- (7) flow velocities;
- (8) data on the increase in rate and volume of runoff for the design storms referenced as referenced in the NOAA Atlas 14, Volumes 8 and 9 (April 2013); and
- (9) documentation of sources for all computation methods and field test results.

E. If a stormwater BMP depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil sites shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the BMP. Borings shall be a minimum of 5' below the subgrade of the practice for small practices and 20' below the subgrade of large infiltration basins.

F. A maintenance and repair plan for all stormwater BMPs including detailed maintenance and

repair procedures to ensure their continued efficient function. These plans will identify the parts or components of a stormwater BMP that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

~~G. A detailed landscaping plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect, landscape designer, or by an individual credentialed in a manner satisfactory to the City.~~ ✓

~~H. Proof of permanent recorded maintenance easements that will ensure access to all stormwater BMPs at the site for the purpose of inspection and repair. These easements will be recorded with the stormwater management final plan and will remain in effect even with transfer of title to the property.~~ ✓

~~I. Proof of a recorded maintenance agreement binding on all subsequent owners of land served by stormwater BMPs to ensure maintenance and repair in accordance with the specifications of this chapter.~~ ✓

J. Copies of all existing Stormwater Pollution Prevention Plans (SWPPP's) current as of the date of submission of the stormwater management final plan for all construction activities related to implementing any on-site stormwater BMPs.

K. Proof that the applicant has acquired all other applicable environmental permits for the site, or that no other such permits are required, prior to submission of the stormwater management final plan to the City.

(Ord. 13-O-2013-2014, Add, 07/21/2014)



~~Section 3-13-10 Performance Security or Bond~~

~~1. The City shall require the submittal of an installation performance security or bond prior to issuance of a permit in order to ensure that the stormwater BMPs are installed by the permit holder as required by the approved stormwater management final plan.~~

~~2. The amount of the installation performance security or bond shall be the total estimated construction cost of the stormwater BMPs approved under the permit, plus 25%. The installation performance security or bond shall contain forfeiture provisions for failure to complete work specified in the stormwater management final plan.~~

~~3. The installation performance security or bond shall be released in full only upon submission of "as-built plans" of all stormwater BMPs specified in the stormwater management final plan and written certification by a professional engineer that the stormwater BMPs have been installed in accordance with the approved stormwater management final plan and other applicable provisions of this chapter. The City will make a final inspection of stormwater BMPs to ensure compliance with the approved stormwater management final plan and the provisions of this chapter. Provisions for a partial pro rata release of the installation performance security or bond based on the completion of various development stages can be made at the discretion of City.~~

~~4. The installation performance security or bond shall inure only to the benefit of the City for purposes of completing, modifying, or correcting the stormwater BMPs to comply with this chapter.~~
(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-11 Construction Inspection

1. The applicant must notify the City in advance before the commencement of construction. Regular inspections of construction of the stormwater BMPs shall be conducted by City of City's designated representative. Inspections will be conducted before any land disturbing activity begins, at the time of footing inspections, at the completion of the project; and prior to the release of financial securities. All inspections shall be documented and written reports prepared that contain the following information:

- A. The date and location of the inspection; and
 - B. Whether construction is in compliance with the approved stormwater management concept plan; and
 - C. Variations, if any, from the approved stormwater management concept plan.
2. If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions. No additional work shall proceed until any violations are corrected and all work previously completed has received approval by City.
3. After construction is completed, applicants are required to submit actual "as-built" drawings satisfactory to City for any stormwater BMPs located on site. The drawings must show the final design specifications for all stormwater BMPs and must be certified by a professional engineer. A final inspection by City is required before the release of the installation performance security or bond can occur.
4. Landscaping and stabilization shall be accomplished to prevent violation of City stormwater requirements or impairment of BMPs. In addition, a landscaping plan must be submitted with the final as-built drawings describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect, landscape designer, or by an individual credentialed in a manner acceptable to the City.
(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-12 Maintenance and Repair of Stormwater BMPS

The applicant or owner of every site or an assignee qualified pursuant to Section 3-13-11 shall be responsible for providing as built drawings at the completion of the project and maintaining as-built stormwater BMPs in an effective state as determined in the sole judgment of City for 10 years from and after completion of construction.

- ~~1. Maintenance and Repair Easement. Prior to the issuance of any permit for development involving any stormwater BMP, the applicant or owner of the site must execute a maintenance and repair easement agreement that shall be binding on all subsequent owners of land served by the stormwater BMP. The agreement shall provide for access to the BMP and the land it served at reasonable times for periodic inspection by City or City's designee and for regular or special assessments of property owners to ensure that the BMP is maintained in proper working condition to meet City stormwater requirements.~~

The easement agreement shall be recorded by City at the expense of the permit holder or property owners.

2. Maintenance Covenants.

A. Maintenance of all stormwater BMPs shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded prior to the stormwater management final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater BMPs. The covenant shall also include plans for periodic inspections to ensure proper performance of the BMPs between scheduled cleanouts.

B. The City, in lieu of a maintenance covenant, may at its discretion, accept dedication of any existing or future stormwater BMP to include City responsibility for maintenance and repair, provided that: the maintenance and repair of such element will not impose an undue burden on other City taxpayers who enjoy little if any benefit from the BMP; the BMP meets all the requirements of this chapter; and the dedication includes adequate and perpetual access and sufficient area, by easement or otherwise, of inspection and regular maintenance.

3. Requirements for Maintenance Covenants. All stormwater BMPs must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this chapter and accomplishment of its purposes. These needs may include (but are not limited to) removal of sediment build up, litter, and other debris from all stormwater treatment and conveyance facilities including ponds, infiltration basins, rain gardens, catch basins, inlets, and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance or repair needs detected must be corrected by the developer or entity responsible under a written maintenance agreement in a timely manner, as determined by City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater BMPs.

4. Inspection of Stormwater BMPs. Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants, inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or Federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater BMPs, and evaluating the condition of stormwater BMPs.

5. Right of Entry for Inspection. When any new stormwater BMP is installed on private property, or when any new connection is made between private property and a public stormwater management facility, sanitary sewer or combined sewer, the property owner shall grant to City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when City has a reasonable basis to believe that a violation of this chapter is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this chapter.

6. Records of Installation and Maintenance and Repair Activities. Parties responsible for the operation and maintenance of stormwater BMPs shall submit to the City Engineer an annual maintenance and inspection report including all records of the installation and of all maintenance and repairs

~~conducted. At the completion of the 5th year, an updated as built drawing will be required. The responsible parties shall retain the records for at least five (5) years or longer if the City Inspector deems it necessary. These records shall be made available to City during inspection of the facility and at other reasonable times upon request.~~

7. Failure to Maintain Stormwater BMPs. If a responsible party fails or refuses to meet the requirements of the maintenance covenant or any provision of this chapter, the City, after reasonable notice, may correct a violation by performing all necessary work to place the BMP in proper working condition. In the event that the stormwater BMP becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the stormwater BMP in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the stormwater BMP in an approved manner. After proper notice, the City may assess, jointly and severally, the owners of the stormwater BMP or the property owners or the parties responsible for maintenance under any applicable written agreement for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes.

The applicant or owner of every site or an assignee qualified pursuant to Section 3-13-12 shall be responsible for providing as built drawings at the completion of the project and maintaining as-built stormwater BMPs in an effective state as determined in the sole judgment of City for 10 years from and after completion of construction.

1. Maintenance and Repair Easement. Prior to the issuance of any permit for development involving ~~any~~ stormwater BMP, the applicant or owner of the site must execute a maintenance and repair easement agreement that shall be ~~binding on all subsequent owners of land served by the stormwater BMP~~. The agreement shall provide for access to the BMP and the land it served at reasonable times for periodic inspection by City or City's designee and for regular or special assessments of property owners to ensure that the BMP is maintained in proper working condition to meet City stormwater requirements. The easement agreement shall be recorded by City at the expense of the permit holder or property owners.

2. Maintenance Covenants.

A. ~~Maintenance of all stormwater BMPs shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded prior to the stormwater management final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater BMPs. The covenant shall also include plans for periodic inspections to ensure proper performance of the BMPs between scheduled cleanouts.~~

B. The City, in lieu of a maintenance covenant, may at its discretion, accept dedication of ~~any existing or future stormwater BMP to include City responsibility for maintenance and repair, provided that: the maintenance and repair of such element will not impose an undue burden on other City taxpayers who enjoy little if any benefit from the BMP; the BMP meets all the requirements of this chapter; and the dedication includes adequate and perpetual access and sufficient area, by easement or otherwise, of inspection and regular maintenance.~~

3. Requirements for Maintenance Covenants. All stormwater BMPs must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this chapter and accomplishment of its purposes. These needs may include (but are not limited to) removal of sediment build up, litter, and other debris from all stormwater treatment and conveyance facilities including ponds, infiltration basins, raingardens, catch basins, inlets, and drainage

~~pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance or repair needs detected must be corrected by the developer or entity responsible under a written maintenance agreement in a timely manner, as determined by City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater BMPs.~~

4. Inspection of Stormwater BMPs. Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants, inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or Federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater BMPs, and evaluating the condition of stormwater BMPs.

5. Right of Entry for Inspection. When any new stormwater BMP is installed on private property, or when any new connection is made between private property and a public stormwater management facility, sanitary sewer or combined sewer, the property owner shall grant to City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when City has a reasonable basis to believe that a violation of this chapter is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this chapter.

6. Records of Installation and Maintenance and Repair Activities. Parties responsible for the operation and maintenance of stormwater BMPs shall submit to the City Engineer an annual maintenance and inspection report including all records of the installation and of all maintenance and repairs conducted. At the completion of the 5th year, an updated as built drawing will be required. The responsible parties shall retain the records for at least five (5) years or longer if the City Inspector deems it necessary. ~~These records shall be made available to City during inspection of the facility and at other reasonable times upon request.~~

7. Failure to Maintain Stormwater BMPs. If a responsible party fails or refuses to meet the requirements of the maintenance covenant or any provision of this chapter, the City, after reasonable notice, may correct a violation by performing all necessary work to place the BMP in proper working condition. In the event that the stormwater BMP becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the stormwater BMP in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the stormwater BMP in an approved manner. After proper notice, the City may assess, jointly and severally, the owners of the stormwater BMP or the property owners or the parties responsible for maintenance under any applicable written agreement for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-13 Enforcement and Penalties

1. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction

to have violated this chapter.

2. The City may issue a stop work order for violation of any provision of this chapter. The stop work order shall remain in effect until the violation is corrected and a subsequent inspection completed.
3. Violation of any provision of this chapter may also be enforced as a municipal infraction within the meaning of Section 364.22 of the Code of Iowa, pursuant to Chapter 4 of this Code of Ordinances.
4. Enforcement pursuant to this section shall be undertaken by City upon the advice and consent of the City Attorney or other counsel employed by City.
5. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which shall become a lien upon the property until paid.
6. Occupancy permits shall not be granted until all stormwater BMPs have been inspected and approved by City.
(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-14 Appeal

Administrative decisions by City staff and enforcement actions may be appealed by the developer or property owner to the City Council pursuant to the following rules:

1. The appeal must be filed in writing with the City Clerk within five (5) business days of the decision or enforcement action.
2. The written appeal shall specify in detail the action appealed from, the errors allegedly made by the enforcement officer giving rise to the appeal, a written summary of all oral and written testimony the applicant intends to introduce at the hearing, including the names and addresses of all witnesses the applicant intends to call, copies of all documents the applicant intends to introduce at the hearing, and the relief requested.
3. The enforcement officer shall specify in writing the reasons for the enforcement action, a written summary of all oral and written testimony the enforcement officer intends to introduce at the hearing, including the names and addresses of all witnesses the enforcement officer intends to call, and copies of all documents the enforcement officer intends to introduce at the hearing.
4. The City Clerk shall notify the applicant and the enforcement officer by ordinary mail and shall give public notice, in accordance with Chapter 21 of the Code of Iowa, of the date, time, and place for the regular or special meeting of the City Council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four (4) or more than twenty (20) days after the filing of the appeal. The rules of evidence and procedure and the standard of proof to be applied shall be the same as provided by Chapter 17A, Code of Iowa. The applicant may be represented by counsel at the applicant's expense. The enforcement officer may be represented by the City Attorney or by an attorney designated by the City Council at City expense.
5. The decision of the City Council shall be rendered in writing and may be appealed to the Iowa District Court.
(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-15 Definitions

Terms in this chapter, other than those defined below, shall have the meanings set out in the Iowa Stormwater Management manual.

1. "Applicant" means a property owner or agent of a property owner who has filed an application for a stormwater management permit.
2. "Best Management Practice (BMP)" is a technique, measure, or structural control that is used for a given set of conditions to manage the quantity and improve the quality of stormwater runoff in the most cost-effective manner. BMPs can be either Non Structural (planning, watershed management, practice design, etc.) or Structural (Engineered and constructed) systems that are used to treat the stormwater.
3. "Buffer" is a vegetative area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir area. Alteration of the natural area is strictly limited.
4. "Building" means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.
5. "City stormwater requirements" means the standards, sizing criteria, BMPs and other requirements established in this chapter.
6. "Dedication" means the deliberate appropriation of property by its owner for general public use.
7. "Developer" means a person, persons, or entity who undertakes land disturbance activities.
8. "Development or "Redevelopment means either:
 - A. Land disturbance activity exceeding one acre (43,560 square feet) on land previously vacant of buildings or largely free of previous land disturbance activity other than traditional agricultural activities; or
 - B. Land disturbance activity exceeding one acre (43,560 square feet) in areas where existing land use is high density commercial, industrial, institutional or multi-family residential (a.k.a. "redevelopment").
9. "Drainage easement" means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes. Public easements shall be maintained by the City of Storm Lake. Private easements shall be maintained by the private owners of the project.
10. "Enforcement officer" means that person designated by the City having responsibility for administration and enforcement of this chapter.
11. "Excessive Cost" means Practice cost greater than an amount as set by resolution of the City Council per impervious acre.
12. "Fee in lieu" means a payment of money in place of achieving or exceeding all or part of City stormwater requirements.

13. "Infiltration Based Practices" means that at a minimum the water quality volume moves through the soil media to provide filtration.

14. "Iowa Stormwater Management manual" means the current Iowa Stormwater Management Manual publication, by whatever name, as amended from time to time by Iowa Department of Natural Resources in collaboration with Iowa Stormwater Education Program and other partners that recommends Stormwater Management Guidelines and Uniform Sizing Criteria and BMPs designed to address said Guidelines.

15. "Land disturbance activity" means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

16. "Landowner" means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

17. "Maintenance agreement" means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater BMPs.

18. "Native Vegetation" refers to vegetation originating naturally in this region of the state. Native vegetation is not to be confused with all existing vegetation.

19. "Predevelopment Condition" shall be ~~considered the greater of the rainfall at which direct runoff begins using the curve number for a meadow in good condition, or the 1-year, 24-hour storm event per the Iowa Stormwater Management Manual.~~ *the current state of the property at the time of the permit application.*

20. "Stormwater management" means the use of BMPs that are designed in accordance with City stormwater requirements to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates, and detrimental changes in stream temperature that affect water quality and habitat.

21. "Stormwater Pollution Prevention Plan" (SWPPP) means a plan that is designed to minimize the accelerated erosion, sediment, and other pollutant runoff at a site during construction activities.

22. "TP (Total Phosphorous)" means the total concentration of all forms of phosphorus found in a water sample.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Title 3

PUBLIC HEALTH AND SANITATION

Chapters:

3-1	GARBAGE STORAGE AND COLLECTION
3-2	SANITARY SEWERS
3-3	SEWER RATES
3-4	WATERWORKS
3-5	WATER RATES
3-6	SOLID WASTE DISPOSAL
3-7	EXTENSIONS OF SEWER AND WATER LINES WITHIN THE CITY LIMITS
3-8	HAZARDOUS SUBSTANCES
3-9	COMBINED UTILITY DEPOSIT
3-10	STORM WATER DRAINAGE UTILITY
3-11	ILLICIT DISCHARGE TO STORM SEWER SYSTEM
3-12	PRIVATE WELLS
3-13	POST-CONSTRUCTION STORMWATER CONTROL

Chapter 3-13

POST-CONSTRUCTION STORMWATER CONTROL

Sections:

3-13-1	Findings of Fact
3-13-2	Purpose
3-13-3	Applicability
3-13-4	Compatibility with Other Requirements
3-13-5	Permit Procedures and Requirements
3-13-6	Stormwater Standards
3-13-7	Waivers
3-13-8	Approval of Stormwater Management Concept Plan
3-13-9	Approval of Stormwater Management Final Plan
3-13-10 (9)	Performance Security or Bond
3-13-11 (10)	Construction Inspection
3-13-12 (11)	Maintenance and Repair of Stormwater BMPS
3-13-13 (12)	Enforcement and Penalties
3-13-14 (13)	Appeal
3-13-15 (14)	Definitions

Section 3-13-1 Findings of Fact

1. The U.S. EPA's National Pollutant Discharge Eliminations System ("NPDES") permit program ("Program") administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of stormwater from a Municipal Separate Storm Sewer System ("MS4") ("MS4 Permit"). The City of Storm Lake is subject to the Program and is required to obtain, and has obtained, an MS4 Permit; the City's MS4 permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.
2. As a condition of the City's MS4 Permit, the City is obliged to adopt and enforce a POST-CONSTRUCTION STORMWATER CONTROL ordinance.
3. No state or Federal funds have been made available to assist the City in administering and enforcing the Program. Accordingly, the City shall fund its operations under this chapter entirely by charges imposed on the owners or developers of properties which are made subject to the Program by virtue of State and Federal law, and/or other sources of funding established by a separate ordinance.
4. Land development and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition; this stormwater runoff contributes to increased quantities of water-borne pollutants; and stormwater runoff, soil erosion, and non-point source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.
5. Therefore, the City of Storm Lake establishes this set of City stormwater requirements to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water

resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and non-point source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health, safety, and property damage.

6. The "Iowa Stormwater Management Manual" published collaboratively by the Iowa Department of Natural Resources and The Center for Transportation Research and Education at Iowa State University establishes guidelines consisting of unified sizing criteria, stormwater management designs and specifications and Best Management Practices (BMP). City hereby finds and declares that the guidelines provided for in the Iowa Stormwater Management Manual, and in future editions thereof, should be and are hereby adopted as the stormwater management standards of the City. Any BMP installation that complies with the provisions of the Iowa Stormwater Management Manual, or future editions thereof, at the time of installation shall be deemed to have been installed in accordance with this ordinance.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-2 Purpose

The purpose of this chapter is to adopt as the City's standards and sizing criteria and BMPs to address said standards the Guidelines, Sizing Criteria, and BMPs proposed by the Iowa Stormwater Management Manual and as specifically identified above (hereinafter collectively "City stormwater requirements") in order to protect and safeguard the general health, safety, and welfare of the public within this jurisdiction. This chapter seeks to meet that purpose through the following objectives:

1. Minimize increases in stormwater runoff from development within the City limits and fringe area in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
2. Minimize increases in non-point source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
3. Minimize the total annual volume of surface water runoff which flows from any specific development project site after completion to not exceed the pre-development hydrologic regime to the maximum extent practicable; and
4. Reduce stormwater runoff rates and volumes, soil erosion, and non-point source pollution, wherever possible, through establishment of appropriate minimum stormwater management standards and BMPs and to ensure that BMPs are properly maintained and pose no threat to public safety.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-3 Applicability

1. This chapter is applicable to all subdivision or site plan applications meeting the Minimum square foot applicability criteria of item 2 of this section, unless eligible for an exemption or granted a waiver by the City under Section 3-13-7 of this chapter. This chapter also applies to land disturbance activities that are smaller than the minimum square foot applicability criteria specified in subsection 2 if such activities are part of a larger common plan of development that meets the minimum square foot applicability criteria specified in subsection 2, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by City of Storm Lake officials to ensure that established water quality standards will be maintained during

Storm Lake Municipal Code

and after development of the site and that post-construction runoff levels are consistent with any local and regional watershed plans.

2. City stormwater requirements must be met for development to be approved. City stormwater requirements apply to any development disturbing one acre (43,560 square feet) or more of land, and to any development disturbing less than one acre if the amount of impervious cover created exceeds 5,000 square feet. The following activities are exempt from this chapter:

A. Any logging and agricultural activity which is consistent with an approved soil conservation plan, or a timber management plan prepared or approved by the appropriate agency, as applicable.

B. Additions or modifications to existing single-family structures.

C. Developments that do not ~~disturb more than one acre of land~~ **Insert: "create more than 5,000 square feet of new impervious surface,"** provided they are not part of a larger common development plan.

D. Repairs to any stormwater BMPs deemed necessary by the City.

3. When a site development plan is submitted that qualifies as a development, as defined in this chapter, decisions on permitting any appropriate on-site BMPs shall be guided by the Iowa Stormwater Management Manual. Issuance of a Construction Site Runoff Permit (CSR Permit) will be granted to development or redevelopment projects after review and approval of the site development plan by the City.

4. The site shall be designed using the Better Site Design process. Better Site Design involves techniques applied early in the design process to preserve natural areas, reduce impervious cover, distribute runoff and use pervious areas to more effectively treat stormwater runoff. Site design should address open space protection, impervious cover minimization, and runoff distribution and minimization, and runoff utilization through considerations such as:

A. Open space protection and restoration

- (1) Conservation of existing natural areas (upland and wetland)
- (2) Reforestation
- (3) Re-establishment of prairies
- (4) Restoration of wetlands
- (5) Establishment or protection of stream, shoreline and wetland buffers
- (6) Re-establishment of native vegetation into the landscape

B. Reduction of impervious cover

(1) Reduce new impervious through redevelopment of existing sites and use of existing roadways, trails etc.

Storm Lake Municipal Code

- (2) Minimize street width, parking space size, driveway length, sidewalk width
- (3) Reduce impervious surface footprint (e.g. two-story buildings, parking ramp)

C. Distribution and minimization of runoff

- (1) Utilize vegetated areas for stormwater treatment (e.g. parking lot islands, vegetated areas along property boundaries, front and rear yards, building landscaping)
- (2) Direct impervious surface runoff to vegetated areas or to designed treatment areas (roofs, parking, driveways drain to pervious areas, not directly to storm sewer or other conveyances)
- (3) Encourage infiltration and soil storage of runoff through grass channels, soil compost amendment, vegetated swales, raingardens, etc.
- (4) Plant vegetation that does not require irrigation beyond natural rainfall and runoff from the site

D. Runoff utilization

- (1) Capture and store runoff for use for irrigation in areas where irrigation is necessary

Information on the Better Site Design Process is available at www.cwp.org.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-4 Compatibility with Other Requirements

1. It is intended that this chapter be construed to be consistent with existing City Code.
2. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other chapter, rule or regulations, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-5 Permit Procedures and Requirements

1. Permit Required. No landowner or developer shall receive any of the building, grading, or other land development permits required for land disturbance activities without first meeting the requirements of this chapter prior to commencing the proposed activity.
2. Pre-application Meeting

A. Prior to the development of plans, the applicant ~~shall~~ **Insert: "may"** request a pre-application meeting which will be facilitated by the City between the applicant, City staff, and staff of partner agencies as applicable. The meeting shall be **mandatory** prior to submission of a permit application. The purposes of the meeting are to understand the general parameters of the proposed project; and to convey the requirement of meeting the provisions of this and other applicable ordinances.

Storm Lake Municipal Code

3. Application Requirements.

A. Unless specifically exempted by this chapter, any landowner or developer desiring a permit for a land disturbance activity shall submit to the City a permit application on a form provided for that purpose.

B. Unless otherwise exempted by this chapter, a permit application must be accompanied by the following in order that the permit application be considered:

- (1) A copy of the stormwater management ~~concept~~ plan;
- (2) A copy of the maintenance agreement; and
- (3) A non-refundable permit review fee.

Materials shall be submitted in pdf ~~Insert:"and paper"~~ format for ease of distribution and review.

C. The stormwater management ~~concept~~ plan and maintenance agreement shall be prepared to meet the requirement ~~Add:"s"~~ of this chapter, and fees shall be those established by the City by separate resolution.

4. Application Procedure.

A. Applications for land disturbance activity permits must be filed for review with the office of the Building and Planning Department on any regular business day.

B. The City shall make a determination regarding the completeness of a permit application within ten (10) business days of the receipt of the application and notify the applicant in writing if the application is not complete, include the reasons the application was deemed incomplete.

C. Within fifteen (15) business days of the receipt of a complete permit application, including all documents as required by this chapter, the City shall inform the applicant whether the application, plan, and maintenance agreement are approved or disapproved by the enforcement officer.

D. If the permit application, stormwater management ~~concept~~ plan, or maintenance agreement are disapproved, the applicant may revise the stormwater management ~~concept~~ plan or agreement. If additional information is submitted, the City shall have 15 business days from the date the additional information is received to inform the applicant that the stormwater management ~~concept~~ plan and maintenance agreement are either approved or disapproved.

E. If the permit application, stormwater management ~~final~~ plan, and maintenance agreement are approved by City, all appropriate land disturbance activity permits shall be issued.

5. Permit Duration. Permits issued under this section shall be valid from the date of issuance through the date City notifies the permit holder that all stormwater BMPs have passed the final inspection required under permit conditions.

6. Application Review Fees. The fee for review of any land development application shall be based on the amount of land to be disturbed at the site; the fee structure shall be established by the City, and said fees shall be paid prior to the issuance of any applicable City permits. All such revenue shall be

Storm Lake Municipal Code

credited to a City budgetary category to support the administration of this chapter.
(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-6 Stormwater Standards

1. The following general criteria shall be incorporated into the site design for stormwater runoff to protect surface and ground water and other natural resources and other private and public property:

- A. Reduce impacts on water
- B. Decrease runoff volume
- C. Increase infiltration (groundwater recharge) add: “where possible”
- D. Decrease flow frequency, duration, and peak runoff rates
- E. Reduce time to peak flows by increasing the time of concentration to and through storm sewers.
- F. Store stormwater runoff on-site
- G. Maintain existing flow patterns
- H. Avoid natural channel and steep slope erosion as well as protect in stream habitats and channels
- I. Decrease erosion and sedimentation
- J. Preserve vegetation
- K. Preserve and replace existing topsoil in an uncompacted manner

2. ~~The site design shall provide on-site treatment during construction and post-construction to ensure no increase in offsite peak discharge for the 1-year, 24-hour storm event (2.61 inches),~~ Add: “and” ~~the 5-year, 24-hour storm event (7.81 inches).~~ Insert “3.75 inches”

3.(2) The site design shall provide on-site water quality treatment for the runoff resulting from a rainfall depth of 1.25 inches over the post-construction site area. ~~in order to reduce average annual post-development total suspended solids loadings by at least 80%.~~

4. ~~The site design shall retain on-site for recharge, a portion of the water quality treatment volume calculated as a soil-specific recharge factor multiplied by the volumetric runoff coefficient multiplied by the area and all divided by 12. The soil-specific recharge factor is given as 0.51 for Hydrologic Soil Group (HSG) A soils, 0.34 for HSG B soils, 0.17 for HSG C soils, and 0.08 for HSG D Soils. The volumetric runoff coefficient is calculated as 0.05+0.009 multiplied by the site impervious percentage. See the Iowa Stormwater Management Manual for additional clarification on the calculation.~~

5. ~~Applicant shall fully attempt to comply with the standards in one through three above. For areas of the site where there is no feasible way to achieve the recharge requirement, other options may be considered by the City. Options considered and presented shall examine the merits of relocating project elements to address varying soil conditions and other constraints across the site. If full compliance is~~

Storm Lake Municipal Code

not possible, the following flexible treatment options shall be used:

~~_____ A. _____ Applicant shall document the flexible treatment options sequence starting with Alternative #1. If Alternative #1 cannot be met, then Alternative #2 shall be analyzed. If Alternative #2 cannot be met then Alternative #3 shall be met. When all of the conditions are fulfilled within an alternative, this sequence is completed.~~

~~_____ B. _____ Recharge techniques considered shall include infiltration, reuse & rainwater harvesting, and canopy interception & evapotranspiration and/or additional techniques included in the Iowa Stormwater Management Manual.~~

~~_____ C. _____ Higher priority shall be given to BMPs that include volume reduction. Secondary preference is to employ filtration techniques, followed by rate control BMPs.~~

~~_____ D. _____ Factors to be considered for each alternative will include:~~

- ~~_____ (1) _____ Shallow bedrock~~
- ~~_____ (2) _____ High groundwater~~
- ~~_____ (3) _____ Hotspots or contaminated soils~~
- ~~_____ (4) _____ Poor soils (infiltration rates that are too low or too high, problematic urban soils)~~
- ~~_____ (5) _____ Excessive cost~~

~~_____ E. _____ Alternative #1: Applicant attempts to comply with the following conditions:~~

- ~~_____ (1) _____ Achieve at least 0.625" volume reduction, and~~
- ~~_____ (2) _____ Remove 75% of the annual TP (Total Phosphorous) load, and~~
- ~~_____ (3) _____ Options considered and presented shall examine the merits of relocating project elements to address, varying soil conditions and other _____ constraints across the site.~~

~~_____ F. _____ Alternative #2: Applicant attempts to comply with the following conditions:~~

- ~~_____ (1) _____ Achieve volume reduction to the maximum extent practicable, and~~
- ~~_____ (2) _____ Remove 60% of the annual TP load, and~~
- ~~_____ (3) _____ Options considered and presented shall examine the merits of relocating project elements to address, varying soil conditions and other _____ constraints across the site.~~

~~_____ G. _____ Alternative #3: Off-site Treatment. Off-site mitigation, as outlined in Section 3-13-7 Waivers, of the required treatment volume that cannot be provided onsite can be used to protect receiving waters.~~

6(3). To protect channels, the site shall be designed to infiltrate or provide 24 hour extended detention of the channel protection volume, defined as the 1 year, 24 hour storm per NOAA Atlas 14.

Storm Lake Municipal Code

7(4). The site shall be designed to prevent the post development rate of runoff from exceeding the pre-development rate of runoff for a five year to 100-year storm, 24 hour storm to not exceed runoff rates equivalent to the five year predevelopment storm event per NOAA Atlas 14.

8(5). The site shall be designed to provide an emergency spillway and designated overflow route for the 100-year, 24 hour storm as defined by the Iowa Stormwater Management Manual. The spillway and overflow route must be able to safely pass overflows through the structure without creating damaging conditions downstream of the facility.

9(6). Existing topsoil ~~must be preserved on site to be uniformly applied in an uncompacted manner to a minimum depth of four inches.~~ Add: "from on-site must be preserved within areas that will remain pervious. The preserved topsoil shall be uniformly applied in an uncompacted manner. The applicant shall provide pre-construction borings to verify depths of topsoil prior to construction."

10(7). The site shall be designed to provide vegetated buffers for water quality protection adjacent to receiving channels and waters. Buffers shall commence at the "ordinary high-water mark", or at the delineated boundary of the waterbody. ~~Buffer widths are based on a 0-10% slope* between the activity and the water body as determined by land use and are as follows;~~

Residential	35 Insert "30" feet
Industrial	50 feet
Mid/High Density Residential & Commercial	50 feet

~~*Buffer width shall increase 2 feet for each percent increase in slope above 10%.~~

- A. Access shall be provided on each side of the buffer for maintenance.
- B. The applicant shall maintain the buffer for the first year after completion of the project.
- C. Impervious surfaces shall not be allowed in the buffer area. Add: "As an exception, stairs or sidewalks used to access the adjacent waterbody. Stairs and sidewalks shall be no more than 4 feet wide."
- D. Fences and structures shall not be allowed in the buffer area.
- E. Where land disturbing construction activity occurs within a buffer area, and where no impervious surface is present, adequate approved native vegetative cover of 70% shall be established and maintained. The native vegetative cover shall be sufficient to provide for bank stability from upslope overland flow areas under sheet flow conditions. Non-vegetative materials such as rock riprap, may be employed on the bank as necessary to prevent erosion. Such as on steep slopes of where high velocity flows occur.
- F. BMP's such as filter strips, swales, or wet detention basins may be located in the buffer area.

Add: "G. Redevelopment of infill parcels that are surrounded by existing development shall be considered on a case by case basis. The intent of this section is not to make existing lots undevelopable."

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-7 Waivers

Every applicant shall provide for stormwater management as required by this chapter, unless a written request is filed to waive implementation of BMPs, in whole or in part, and such waiver is granted. Requests to waive implementation of BMPs in whole or in part shall be submitted to City for approval.

1. A waiver of BMPs required by this chapter may be granted provided that at least one of the following conditions is established by the applicant based on authoritative written evidence satisfactory to City:

A. The proposed development is not likely to impair attainment of the objectives of this chapter.

B. Alternative minimum requirements for on-site management of stormwater have been established in a stormwater management ~~final~~ plan that has been approved by City and fully implemented.

C. Provisions are made to manage stormwater by an off-site facility within the same watershed. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices, and there is, in the City's sole judgment, a responsible entity legally obligated to monitor the performance of and maintain the efficiency of stormwater BMPs in accordance with a written and recorded maintenance agreement.

D. In instances where one of the above conditions is established, the applicant must further establish by authoritative written evidence satisfactory to City that the partial waiver will not result in any of the following impacts to downstream waterways:

- (1) Deterioration of existing culverts, bridges, dams, and other structures; or
- (2) Degradation of biological functions or habitat; or
- (3) Accelerated stream bank or streambed erosion or siltation; or
- (4) Increased threat of flood damage to public health, life, property.

2. If the City finds that a waiver is appropriate because implementation of on-site stormwater BMPs is not feasible due to the natural or existing physical characteristics of a site, or that one of the conditions specified in subsection 1 above cannot be established to a certainty, or that any averted, the applicant shall execute a binding written agreement to accomplish one or more of the following mitigation measures selected by City:

A. The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reconstruction of native ecosystems of lands strategically located in the watershed consistent with the purposes of this chapter, of a sufficient quantity to enable City or others to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated number of cubic feet of annual stormwater that will not achieve City stormwater requirements as a consequence of the waiver.

B. The creation of one or more stormwater BMPs on previously developed properties,

Storm Lake Municipal Code

public or private, that currently lack stormwater BMPs, having a capacity to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated number of cubic feet of annual stormwater that will not achieve City stormwater requirements as a consequence of the waiver.

C. Monetary contributions (fee in lieu) to fund stormwater management activities as identified in the City of Storm Lake's Comprehensive Stormwater Management Plan such as research and studies (e.g., regional wetland delineation studies, stream monitoring studies for water quality and macroinvertebrates, stream flow monitoring, threatened and endangered species studies, hydrologic studies, monitoring of stormwater BMPs, and stream corridor stabilization practices). The monetary contribution required shall be in accordance with a fee schedule (unless the developer and the City agree on a greater alternate contribution) established by City, based on the estimated cost savings to the developer resulting from the waiver and the estimated future costs to City to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated number of cubic feet of annual stormwater that will not achieve City stormwater requirements as a consequence of the waiver. All of the monetary contributions shall be credited to an appropriate capital improvements program project, and shall be made by the developer prior to the issuance of any building permit for the development.

D. Dedication of land or granting of an easement by the applicant of a value equivalent to the cost to City of the construction of an off-site stormwater management facility sufficient to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated number of cubic feet of annual stormwater that will not achieve City stormwater requirements as a consequence of the waiver. The agreement shall be entered into by the applicant and City prior to the recording of plats or, if no record plat is required, prior to the issuance of the building permit.

E. Factors that may generate waivers:

- (1) Shallow Bedrock
- (2) High Groundwater
- (3) Hotspots or contaminated soils
- (4) Excessive Cost

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-8 Approval of Stormwater Management Concept Plan

~~No application for development will be accepted unless it includes a stormwater management concept plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. The stormwater management concept plan shall:~~ **Insert:**

“No building, grading, or sediment control permit shall be issued until a satisfactory stormwater management plan detailing how runoff and associated water quality impacts resulting from the development will be controlled or managed (or a request for waiver thereof) shall have undergone a

review and been approved by the City after determining that the plan or waiver is consistent with the requirements of this chapter.

After review of the stormwater management plan, and modifications to that plan as deemed necessary by City, an approved final stormwater management plan must be submitted to the City. The stormwater management plan shall:”

1. Be prepared by a licensed professional engineer or landscape architect or individual credentialed in a manner satisfactory to the City.
2. Indicate whether stormwater will be managed on site or off site and, if on site, the general location and type of practices, with clear citations to the Iowa Stormwater Management Manual.
3. Include a signed and dated certification ~~under penalty of perjury~~ by the preparer of the stormwater management concept plan that it complies with all requirements of this chapter, meets the design requirements outlined in the Iowa Stormwater Management Manual and is designed to achieve City stormwater requirements, and that the City is entitled to rely upon the certification as due diligence on the part of City.
4. Include sufficient information (e.g., maps, hydrologic calculations, etc.) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, ~~both present and future~~, on the water resources, and the effectiveness and acceptability of the stormwater BMPs proposed for managing stormwater generated at the project site. ~~The intent of this conceptual planning process is to determine the type of stormwater BMPs necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future development. To accomplish this goal, (T)he following information shall also be included in the stormwater management concept plan.~~
 - A. A USDA soils map identifying soil types, hydrologic soil groups and hydric soils. Soil borings will be required where infiltration practices are proposed.
 - B. A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural stormwater management and sediment and erosion BMPs. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads, and easements; and the limits of clearing and grading. A written description of the site plan and justification of proposed changes in natural conditions may also be required. A copy of the current SWPPP may satisfy this requirement.
 - C. Sufficient engineering analysis to show that the proposed BMPs are capable of achieving City stormwater requirements for the site in compliance with this chapter.
 - D. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive areas that provide particular opportunities or constraints for development.
 - E. ~~A written description of the required maintenance burden for any proposed BMPs.~~
 - F. ~~The City may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop~~

~~the site to its maximum potential.~~

~~G. — For development occurring on a previously developed site, an applicant shall be required to include within the stormwater management concept plan BMPs for controlling existing stormwater runoff discharges from the site in accordance with this chapter.~~

~~5. — The stormwater management concept plan shall be referred for comment to all other interested agencies, and any comments must be addressed in a stormwater management final plan.~~

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-9 Approval of Stormwater Management Final Plan

~~No building, grading, or sediment control permit shall be issued until a satisfactory stormwater management final plan (or a waiver thereof) shall have undergone a review and been approved by the City after determining that the plan or waiver is consistent with the requirements of this chapter. After review of the stormwater management concept plan, and modifications to that plan as deemed necessary by City, a stormwater management final plan must be submitted to the City for approval. The stormwater management final plan, in addition to the information included in the stormwater management concept plan, shall:~~

~~1. — Be prepared by a licensed professional engineer or landscape architect or individual credentialed in a manner satisfactory to the City.~~

~~2. — Indicate whether stormwater will be managed on site or off site and, if on site, the general location and type of practices, with clear citations to the Iowa Stormwater Management Manual.~~

~~3. — Include a signed and dated certification under penalty of perjury by the preparer of the stormwater management final plan that it complies with all requirements of this chapter and the Iowa Stormwater Management Manual, meets the submittal requirements outlined in the Iowa Stormwater Management Manual designed to achieve City stormwater requirements, and that City is entitled to rely upon the certification as due diligence on the part of City.~~

4(5). **Insert: "Additionally,"** tThe stormwater management final plan shall also include:

A. ~~A detailed summary of how and why the stormwater management final plan differs, if at all, from the stormwater management concept plan previously submitted.~~

B(A). Contact information, including but not limited to the name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.

C(B). Topographic base map, consisting of a 1"= 200' topographic base map the site which extends a minimum of **Insert: "100"** 300 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown.

D(C). Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the Iowa Stormwater Management

Storm Lake Municipal Code

Manual. Such calculations shall include:

- (1) description of the design storm frequency, intensity and duration;
- (2) time of concentration;
- (3) soil curve numbers or runoff coefficients;
- (4) peak runoff rates and total runoff volumes for each watershed area;
- (5) infiltration rates, where applicable;
- (6) culvert capacities;
- (7) flow velocities;
- (8) data on the increase in rate and volume of runoff for the design storms referenced as referenced in the NOAA Atlas 14, Volumes 8 and 9 (April 2013); and
- (9) documentation of sources for all computation methods and field test results.

~~E(D).~~ If a stormwater BMP depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil sites shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the BMP. Borings shall be a minimum of 5' below the subgrade of the practice for small practices and 20' below the subgrade of large infiltration basins.

~~F(E).~~ A maintenance and repair plan for all stormwater BMPs including detailed maintenance and repair procedures to ensure their continued efficient function. These plans will identify the parts or components of a stormwater BMP that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

~~G.~~ A detailed landscaping plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect, landscape designer, or by an individual credentialed in a manner satisfactory to the City.

~~H.~~ Proof of permanent recorded maintenance easements that will ensure access to all stormwater BMPs at the site for the purpose of inspection and repair. These easements will be recorded with the stormwater management final plan and will remain in effect even with transfer of title to the property.

~~I(F).~~ **Add: "Provide"** Proof of a recorded maintenance agreement binding on all subsequent owners of land served by stormwater BMPs to ensure maintenance and repair in accordance with the specifications of this chapter.

~~J.~~ Copies of all existing Stormwater Pollution Prevention Plans (SWPPP's) current as of the date of submission of the stormwater management final plan for all construction activities related to implementing any on-site stormwater BMPs.

~~K. ——— Proof that the applicant has acquired all other applicable environmental permits for the site, or that no other such permits are required, prior to submission of the stormwater management final plan to the City.~~

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-10(9) Performance Security or Bond

1. The City shall require the submittal of an installation performance security or bond prior to issuance of a permit in order to ensure that the stormwater BMPs are installed by the permit holder as required by the approved stormwater management final plan.
2. The amount of the installation performance security or bond shall be the total estimated construction cost of the stormwater BMPs approved under the permit, plus 25%. The installation performance security or bond shall contain forfeiture provisions for failure to complete work specified in the stormwater management final plan.
3. The installation performance security or bond shall be released in full only upon submission of "as-built plans" of all stormwater BMPs specified in the stormwater management final plan and written certification by a professional engineer that the stormwater BMPs have been installed in accordance with the approved stormwater management final plan and other applicable provisions of this chapter. The City will make a final inspection of stormwater BMPs to ensure compliance with the approved stormwater management final plan and the provisions of this chapter. Provisions for a partial pro rata release of the installation performance security or bond based on the completion of various development stages can be made at the discretion of City.
4. The installation performance security or bond shall inure only to the benefit of the City for purposes of completing, modifying, or correcting the stormwater BMPs to comply with this chapter.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-11(10) Construction Inspection

1. The applicant must notify the City in advance before the commencement of construction. Regular inspections of construction of the stormwater BMPs shall be conducted by ~~Insert:"the"~~City ~~of~~~~Insert:"or the"~~ City's designated representative. Inspections will be conducted before any land disturbing activity begins ~~Insert:"and "~~, ~~at the time of footing inspections,~~ at the completion of the project, and prior to the release of financial securities. ~~—All inspections shall be documented and written reports prepared that contain the following information:~~

~~———— A. ——— The date and location of the inspection; and~~

~~———— B. ——— Whether construction is in compliance with the approved stormwater management concept plan; and~~

~~———— C. ——— Variations, if any, from the approved stormwater management concept plan.~~

~~2. ——— If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions. — No additional work shall proceed until any violations are corrected and all work previously completed has received approval by City.~~

3. After construction is completed, applicants are required to submit actual "as-built" drawings satisfactory to City for any stormwater BMPs located on site. The drawings must show the final design specifications for all stormwater BMPs and must be certified by a professional engineer. ~~A final inspection by the City is required before the release of the installation performance security or bond can occur.~~

4. Landscaping and stabilization shall be accomplished to prevent violation of City stormwater requirements or impairment of BMPs. In addition, a landscaping plan must be submitted with the final as-built drawings describing the vegetative stabilization and management techniques to be used at a site after construction is completed. ~~This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.~~ This plan must be prepared by a registered landscape architect, landscape designer, or by an individual credentialed in a manner acceptable to the City.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-12(11) Maintenance and Repair of Stormwater BMPS

The applicant or owner of every site or an assignee qualified pursuant to Section 3-13-11(10) shall be responsible for ~~providing as-built drawings at the completion of the project and~~ maintaining as-built stormwater BMPs in an effective state as determined in the sole judgment of City ~~for 10 years from and after completion of construction.~~

1. Maintenance and Repair Easement. Prior to the issuance of any permit for development involving any stormwater BMP, the applicant or owner of the site must execute a maintenance and repair ~~easement~~ agreement that shall be binding on all subsequent owners of land served by the stormwater BMP. ~~The agreement shall provide for access to the BMP and the land it served at reasonable times for periodic inspection by City or City's designee and for regular or special assessments of property owners to ensure that the BMP is maintained in proper working condition to meet City stormwater requirements.~~ The easement agreement shall be recorded by ~~Insert: "the "~~City at the expense of the permit holder or property owners.

~~2. ——— Maintenance Covenants.~~

~~———— A. ——— Maintenance of all stormwater BMPs shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded prior to the stormwater management final plan approval. — As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater BMPs. — The covenant shall also include plans for periodic inspections to ensure proper performance of the BMPs between scheduled cleanouts.~~

~~———— B. ——— The City, in lieu of a maintenance covenant, may at its discretion, accept dedication of any existing or future stormwater BMP to include City responsibility for maintenance and repair, provided that: — the maintenance and repair of such element will not impose an undue burden on other~~

~~City taxpayers who enjoy little if any benefit from the BMP; the BMP meets all the requirements of this chapter; and the dedication includes adequate and perpetual access and sufficient area, by easement or otherwise, of inspection and regular maintenance.~~

~~3. — Requirements for Maintenance Covenants. — All stormwater BMPs must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this chapter and accomplishment of its purposes. — These needs may include (but are not limited to) removal of sediment build up, litter, and other debris from all stormwater treatment and conveyance facilities including ponds, infiltration basins, raingardens, catch basins, inlets, and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. — Any maintenance or repair needs detected must be corrected by the developer or entity responsible under a written maintenance agreement in a timely manner, as determined by the City, and the inspection and maintenance requirements may be increased as deemed necessary to ensure proper functioning of the stormwater BMPs.~~

4. Inspection of Stormwater BMPs. Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants, inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or Federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater BMPs, and evaluating the condition of stormwater BMPs.

~~5. — Right of Entry for Inspection. — When any new stormwater BMP is installed on private property, or when any new connection is made between private property and a public stormwater management facility, sanitary sewer or combined sewer, the property owner shall grant to City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. — This includes the right to enter a property when City has a reasonable basis to believe that a violation of this chapter is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this chapter.~~

~~6. — Records of Installation and Maintenance and Repair Activities. — Parties responsible for the operation and maintenance of stormwater BMPs shall submit to the City Engineer an annual maintenance and inspection report including all records of the installation and of all maintenance and repairs conducted. — At the completion of the 5th year, an updated as built drawing will be required. — The responsible parties shall retain the records for at least five (5) years or longer if the City Inspector deems it necessary. — These records shall be made available to City during inspection of the facility and at other reasonable times upon request.~~

7. Failure to Maintain Stormwater BMPs. If a responsible party fails or refuses to meet the requirements of the maintenance covenant or any provision of this chapter, the City, after reasonable notice, may correct a violation by performing all necessary work to place the BMP in proper working condition. In the event that the stormwater BMP becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the stormwater BMP in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the stormwater BMP in an approved manner. After proper notice, the City may assess, jointly and severally, the owners of the stormwater BMP or the property owners or the parties responsible for maintenance under any applicable written agreement for the cost of repair work and any penalties; and the cost of the

Storm Lake Municipal Code

work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes.

The applicant or owner of every site or an assignee qualified pursuant to Section 3-13-12 shall be responsible for providing as-built drawings at the completion of the project and maintaining as-built stormwater BMPs in an effective state as determined in the sole judgment of City for 10 years from and after completion of construction.

1. ~~—— Maintenance and Repair Easement.—— Prior to the issuance of any permit for development involving any stormwater BMP, the applicant or owner of the site must execute a maintenance and repair easement agreement that shall be binding on all subsequent owners of land served by the stormwater BMP.—— The agreement shall provide for access to the BMP and the land it served at reasonable times for periodic inspection by City or City's designee and for regular or special assessments of property owners to ensure that the BMP is maintained in proper working condition to meet City stormwater requirements.—— The easement agreement shall be recorded by City at the expense of the permit holder or property owners.~~

2. ~~—— Maintenance Covenants.~~

~~—— A.—— Maintenance of all stormwater BMPs shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded prior to the stormwater management final plan approval.—— As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater BMPs.—— The covenant shall also include plans for periodic inspections to ensure proper performance of the BMPs between-scheduled cleanouts.~~

~~—— B.—— The City, in lieu of a maintenance covenant, may at its discretion, accept dedication of any existing or future stormwater BMP to include City responsibility for maintenance and repair, provided that:—— the maintenance and repair of such element will not impose an undue burden on other City taxpayers who enjoy little if any benefit from the BMP; the BMP meets all the requirements of this chapter; and the dedication includes adequate and perpetual access and sufficient area, by easement or otherwise, of inspection and regular maintenance.~~

3. ~~—— Requirements for Maintenance Covenants.—— All stormwater BMPs must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this chapter and accomplishment of its purposes.—— These needs may include (but are not limited to) removal of sediment build-up, litter, and other debris from all stormwater treatment and conveyance facilities including ponds, infiltration basins, raingardens, catch basins, inlets, and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation.—— Any maintenance or repair needs detected must be corrected by the developer or entity responsible under a written maintenance agreement in a timely manner, as determined by City, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater BMPs.~~

4. ~~—— Inspection of Stormwater BMPs.—— Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants, inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or Federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws.—— Inspections may include but are not~~

limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater BMPs, and evaluating the condition of stormwater BMPs.

5. ~~Right of Entry for Inspection. When any new stormwater BMP is installed on private property, or when any new connection is made between private property and a public stormwater management facility, sanitary sewer or combined sewer, the property owner shall grant to City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when City has a reasonable basis to believe that a violation of this chapter is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this chapter.~~

6. ~~Records of Installation and Maintenance and Repair Activities. Parties responsible for the operation and maintenance of stormwater BMPs shall submit to the City Engineer an annual maintenance and inspection report including all records of the installation and of all maintenance and repairs conducted. At the completion of the 5th year, an updated as built drawing will be required. The responsible parties shall retain the records for at least five (5) years or longer if the City Inspector deems it necessary. These records shall be made available to City during inspection of the facility and at other reasonable times upon request.~~

7. ~~Failure to Maintain Stormwater BMPs. If a responsible party fails or refuses to meet the requirements of the maintenance covenant or any provision of this chapter, the City, after reasonable notice, may correct a violation by performing all necessary work to place the BMP in proper working condition. In the event that the stormwater BMP becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the stormwater BMP in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the stormwater BMP in an approved manner. After proper notice, the City may assess, jointly and severally, the owners of the stormwater BMP or the property owners or the parties responsible for maintenance under any applicable written agreement for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes.~~
(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-13(12) Enforcement and Penalties

1. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.

2. The City may issue a stop work order for violation of any provision of this chapter. The stop work order shall remain in effect until the violation is corrected and a subsequent inspection completed.

3. Violation of any provision of this chapter may also be enforced as a municipal infraction within the meaning of Section 364.22 of the Code of Iowa, pursuant to Chapter 4 of this Code of Ordinances.

4. Enforcement pursuant to this section shall be undertaken by the City upon the advice and consent of the City Attorney or other counsel employed by the City.

5. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

6. Occupancy permits shall not be granted until all stormwater BMPs have been inspected and approved by the City.
(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-14(13) Appeal

Administrative decisions by City staff and enforcement actions may be appealed by the developer or property owner to the City Council pursuant to the following rules:

1. The appeal must be filed in writing with the City Clerk within five (5) business days of the decision or enforcement action.
2. The written appeal shall specify in detail the action appealed from, the errors allegedly made by the enforcement officer giving rise to the appeal, a written summary of all oral and written testimony the applicant intends to introduce at the hearing, including the names and addresses of all witnesses the applicant intends to call, copies of all documents the applicant intends to introduce at the hearing, and the relief requested.
3. The enforcement officer shall specify in writing the reasons for the enforcement action, a written summary of all oral and written testimony the enforcement officer intends to introduce at the hearing, including the names and addresses of all witnesses the enforcement officer intends to call, and copies of all documents the enforcement officer intends to introduce at the hearing.
4. The City Clerk shall notify the applicant and the enforcement officer by ordinary mail and shall give public notice, in accordance with Chapter 21 of the Code of Iowa, of the date, time, and place for the regular or special meeting of the City Council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four (4) or more than twenty (20) days after the filing of the appeal. The rules of evidence and procedure and the standard of proof to be applied shall be the same as provided by Chapter 17A, Code of Iowa. The applicant may be represented by counsel at the applicant's expense. The enforcement officer may be represented by the City Attorney or by an attorney designated by the City Council at City expense.
5. The decision of the City Council shall be rendered in writing and may be appealed to the Iowa District Court.
(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-15(14) Definitions

Terms in this chapter, other than those defined below, shall have the meanings set out in the Iowa Stormwater Management manual.

1. "Applicant" means a property owner or agent of a property owner who has filed an application for a stormwater management permit.
2. "Best Management Practice (BMP)" is a technique, measure, or structural control that is used for a given set of conditions to manage the quantity and improve the quality of stormwater runoff in the most cost-effective manner. BMPs can be either Non Structural (planning, watershed management, practice design, etc.) or Structural (Engineered and constructed) systems that are used to treat the stormwater.
3. "Buffer" is a vegetative area, including trees, shrubs, and herbaceous vegetation, which exists or

Storm Lake Municipal Code

is established to protect a stream system, lake, or reservoir area. Alteration of the natural area is strictly limited.

4. "Building" means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

5. "City stormwater requirements" means the standards, sizing criteria, BMPs and other requirements established in this chapter.

6. "Dedication" means the deliberate appropriation of property by its owner for general public use.

7. "Developer" means a person, persons, or entity who undertakes land disturbance activities.

8. "Development" or "Redevelopment" means either:

A. Land disturbance activity exceeding one acre (43,560 square feet) on land previously vacant of buildings or largely free of previous land disturbance activity other than traditional agricultural activities; or

B. Land disturbance activity exceeding one acre (43,560 square feet) in areas where existing land use is high density commercial, industrial, institutional or multi-family residential (a.k.a. "redevelopment").

9. "Drainage easement" means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes. Public easements shall be maintained by the City of Storm Lake. Private easements shall be maintained by the private owners of the project.

10. "Enforcement officer" means that person designated by the City having responsibility for administration and enforcement of this chapter.

11. "Excessive Cost" means Practice cost greater than an amount as set by resolution of the City Council per impervious acre.

12. "Fee in lieu" means a payment of money in place of achieving or exceeding all or part of City stormwater requirements.

13. Infiltration Based Practices means that at a minimum the water quality volume moves through the soil media to provide filtration.

14. "Iowa Stormwater Management manual" means the current Iowa Stormwater Management Manual publication, by whatever name, as amended from time to time by Iowa Department of Natural Resources in collaboration with Iowa Stormwater Education Program and other partners that recommends Stormwater Management Guidelines and Uniform Sizing Criteria and BMPs designed to address said Guidelines.

15. "Land disturbance activity" means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

Storm Lake Municipal Code

16. "Landowner" means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.
17. "Maintenance agreement" means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater BMPs.
18. "Native Vegetation" refers to vegetation originating naturally in this region of the state. Native vegetation is not to be confused with all existing vegetation.
19. "Predevelopment Condition" shall be considered the ~~Insert:” actual existing condition of the site prior to any construction, demolition, or earthwork commencing. Removal of any structures or impervious surfaces prior to construction will not affect the “predevelopment” status if construction is undertaken within 12 months of the removal of structures or impervious surfaces. If construction is not undertaken within 12 months, then the “predevelopment” condition of the site shall be as it exists at that time.”~~ greater of the rainfall at which direct runoff begins using the curve number for a meadow in good condition, or the 1-year, 24-hour storm event per the Iowa Stormwater Management Manual.
20. "Stormwater management" means the use of BMPs that are designed in accordance with City stormwater requirements to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates, and detrimental changes in stream temperature that affect water quality and habitat.
21. "Stormwater Pollution Prevention Plan" (SWPPP) means a plan that is designed to minimize the accelerated erosion, sediment, and other pollutant runoff at a site during construction activities.
22. "TP (Total Phosphorous) means the total concentration of all forms of phosphorus found in a water sample.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Title 3

PUBLIC HEALTH AND SANITATION

Chapters:

3-1	GARBAGE STORAGE AND COLLECTION
3-2	SANITARY SEWERS
3-3	SEWER RATES
3-4	WATERWORKS
3-5	WATER RATES
3-6	SOLID WASTE DISPOSAL
3-7	EXTENSIONS OF SEWER AND WATER LINES WITHIN THE CITY LIMITS
3-8	HAZARDOUS SUBSTANCES
3-9	COMBINED UTILITY DEPOSIT
3-10	STORM WATER DRAINAGE UTILITY
3-11	ILLICIT DISCHARGE TO STORM SEWER SYSTEM
3-12	PRIVATE WELLS
3-13	POST-CONSTRUCTION STORMWATER CONTROL

Chapter 3-13

POST-CONSTRUCTION STORMWATER CONTROL

Sections:

3-13-1	Findings of Fact
3-13-2	Purpose
3-13-3	Applicability
3-13-4	Compatibility with Other Requirements
3-13-5	Permit Procedures and Requirements
3-13-6	Stormwater Standards
3-13-7	Waivers
3-13-8	Approval of Stormwater Management Plan
3-13-9	Performance Security or Bond
3-13-10	Construction Inspection
3-13-11	Maintenance and Repair of Stormwater BMPS
3-13-12	Enforcement and Penalties
3-13-13	Appeal
3-13-14	Definitions

Section 3-13-1 Findings of Fact

1. The U.S. EPA's National Pollutant Discharge Eliminations System ("NPDES") permit program ("Program") administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of stormwater from a Municipal Separate Storm Sewer System ("MS4") ("MS4 Permit"). The City of Storm Lake is subject to the Program and is required to obtain, and has obtained, an MS4 Permit; the City's MS4 permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.
2. As a condition of the City's MS4 Permit, the City is obliged to adopt and enforce a POST-CONSTRUCTION STORMWATER CONTROL ordinance.
3. No state or Federal funds have been made available to assist the City in administering and enforcing the Program. Accordingly, the City shall fund its operations under this chapter entirely by charges imposed on the owners or developers of properties which are made subject to the Program by virtue of State and Federal law, and/or other sources of funding established by a separate ordinance.
4. Land development and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition; this stormwater runoff contributes to increased quantities of water-borne pollutants; and stormwater runoff, soil erosion, and non-point source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.
5. Therefore, the City of Storm Lake establishes this set of City stormwater requirements to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water

resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and non-point source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health, safety, and property damage.

6. The "Iowa Stormwater Management Manual" published collaboratively by the Iowa Department of Natural Resources and The Center for Transportation Research and Education at Iowa State University establishes guidelines consisting of unified sizing criteria, stormwater management designs and specifications and Best Management Practices (BMP). City hereby finds and declares that the guidelines provided for in the Iowa Stormwater Management Manual, and in future editions thereof, should be and are hereby adopted as the stormwater management standards of the City. Any BMP installation that complies with the provisions of the Iowa Stormwater Management Manual, or future editions thereof, at the time of installation shall be deemed to have been installed in accordance with this ordinance.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-2 Purpose

The purpose of this chapter is to adopt as the City's standards and sizing criteria and BMPs to address said standards the Guidelines, Sizing Criteria, and BMPs proposed by the Iowa Stormwater Management Manual and as specifically identified above (hereinafter collectively "City stormwater requirements") in order to protect and safeguard the general health, safety, and welfare of the public within this jurisdiction. This chapter seeks to meet that purpose through the following objectives:

1. Minimize increases in stormwater runoff from development within the City limits and fringe area in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
2. Minimize increases in non-point source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
3. Minimize the total annual volume of surface water runoff which flows from any specific development project site after completion to not exceed the pre-development hydrologic regime to the maximum extent practicable; and
4. Reduce stormwater runoff rates and volumes, soil erosion, and non-point source pollution, wherever possible, through establishment of appropriate minimum stormwater management standards and BMPs and to ensure that BMPs are properly maintained and pose no threat to public safety.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-3 Applicability

1. This chapter is applicable to all subdivision or site plan applications meeting the Minimum square foot applicability criteria of item 2 of this section, unless eligible for an exemption or granted a waiver by the City under Section 3-13-7 of this chapter. This chapter also applies to land disturbance activities that are smaller than the minimum square foot applicability criteria specified in subsection 2 if such activities are part of a larger common plan of development that meets the minimum square foot applicability criteria specified in subsection 2, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by City of Storm Lake officials to ensure that established water quality standards will be maintained during and after

Storm Lake Municipal Code

development of the site and that post-construction runoff levels are consistent with any local and regional watershed plans.

2. City stormwater requirements must be met for development to be approved. City stormwater requirements apply to any development disturbing one acre (43,560 square feet) or more of land, and to any development disturbing less than one acre if the amount of impervious cover created exceeds 5,000 square feet. The following activities are exempt from this chapter:

A. Any logging and agricultural activity which is consistent with an approved soil conservation plan, or a timber management plan prepared or approved by the appropriate agency, as applicable.

B. Additions or modifications to existing single-family structures.

C. Developments that do not create more than 5,000 square feet of new impervious surface, provided they are not part of a larger common development plan.

D. Repairs to any stormwater BMPs deemed necessary by the City.

3. When a site development plan is submitted that qualifies as a development, as defined in this chapter, decisions on permitting any appropriate on-site BMPs shall be guided by the Iowa Stormwater Management Manual. Issuance of a Construction Site Runoff Permit (CSR Permit) will be granted to development or redevelopment projects after review and approval of the site development plan by the City.

4. The site shall be designed using the Better Site Design process. Better Site Design involves techniques applied early in the design process to preserve natural areas, reduce impervious cover, distribute runoff and use pervious areas to more effectively treat stormwater runoff. Site design should address open space protection, impervious cover minimization, and runoff distribution and minimization, and runoff utilization through considerations such as:

A. Open space protection and restoration

(1) Conservation of existing natural areas (upland and wetland)

(2) Reforestation

(3) Re-establishment of prairies

(4) Restoration of wetlands

(5) Establishment or protection of stream, shoreline and wetland buffers

(6) Re-establishment of native vegetation into the landscape

B. Reduction of impervious cover

(1) Reduce new impervious through redevelopment of existing sites and use of existing roadways, trails etc.

(2) Minimize street width, parking space size, driveway length, sidewalk width

Storm Lake Municipal Code

- (3) Reduce impervious surface footprint (e.g. two-story buildings, parking ramp)

C. Distribution and minimization of runoff

- (1) Utilize vegetated areas for stormwater treatment (e.g. parking lot islands, vegetated areas along property boundaries, front and rear yards, building landscaping)

- (2) Direct impervious surface runoff to vegetated areas or to designed treatment areas (roofs, parking, driveways drain to pervious areas, not directly to storm sewer or other conveyances)

- (3) Encourage infiltration and soil storage of runoff through grass channels, soil compost amendment, vegetated swales, raingardens, etc.

- (4) Plant vegetation that does not require irrigation beyond natural rainfall and runoff from the site

D. Runoff utilization

- (1) Capture and store runoff for use for irrigation in areas where irrigation is necessary

Information on the Better Site Design Process is available at www.cwp.org.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-4 Compatibility with Other Requirements

1. It is intended that this chapter be construed to be consistent with existing City Code.

2. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other chapter, rule or regulations, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-5 Permit Procedures and Requirements

1. Permit Required. No landowner or developer shall receive any of the building, grading, or other land development permits required for land disturbance activities without first meeting the requirements of this chapter prior to commencing the proposed activity.

2. Pre-application Meeting

- A. Prior to the development of plans, the applicant may request a pre-application meeting which will be facilitated by the City between the applicant, City staff, and staff of partner agencies as applicable. The meeting shall be prior to the submission of a permit application. The purposes of the meeting are to understand the general parameters of the proposed project and to convey the requirement of meeting the provisions of this and other applicable ordinances.

3. Application Requirements.

Storm Lake Municipal Code

A. Unless specifically exempted by this chapter, any landowner or developer desiring a permit for a land disturbance activity shall submit to the City a permit application on a form provided for that purpose.

B. Unless otherwise exempted by this chapter, a permit application must be accompanied by the following in order that the permit application be considered:

(1) A copy of the stormwater management plan;

(2) A copy of the maintenance agreement; and

(3) A non-refundable permit review fee.

Materials shall be submitted in pdf and paper format for ease of distribution and review.

C. The stormwater management plan and maintenance agreement shall be prepared to meet the requirements of this chapter, and fees shall be those established by the City by separate resolution.

4. Application Procedure.

A. Applications for land disturbance activity permits must be filed for review with the office of the Building and Planning Department on any regular business day.

B. The City shall make a determination regarding the completeness of a permit application within ten (10) business days of the receipt of the application and notify the applicant in writing if the application is not complete, include the reasons the application was deemed incomplete.

C. Within fifteen (15) business days of the receipt of a complete permit application, including all documents as required by this chapter, the City shall inform the applicant whether the application, plan, and maintenance agreement are approved or disapproved by the enforcement officer.

D. If the permit application, stormwater management plan, or maintenance agreement are disapproved, the applicant may revise the stormwater management plan or agreement. If additional information is submitted, the City shall have 15 business days from the date the additional information is received to inform the applicant that the stormwater management plan and maintenance agreement are either approved or disapproved.

E. If the permit application, stormwater management plan, and maintenance agreement are approved by City, all appropriate land disturbance activity permits shall be issued.

5. **Permit Duration.** Permits issued under this section shall be valid from the date of issuance through the date City notifies the permit holder that all stormwater BMPs have passed the final inspection required under permit conditions.

6. **Application Review Fees.** The fee for review of any land development application shall be based on the amount of land to be disturbed at the site; the fee structure shall be established by the City, and said fees shall be paid prior to the issuance of any applicable City permits. All such revenue shall be credited to a City budgetary category to support the administration of this chapter.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-6 Stormwater Standards

1. The following general criteria shall be incorporated into the site design for stormwater runoff to protect surface and ground water and other natural resources and other private and public property:

- A. Reduce impacts on water
- B. Decrease runoff volume
- C. Increase infiltration (groundwater recharge) where possible
- D. Decrease flow frequency, duration, and peak runoff rates
- E. Reduce time to peak flows by increasing the time of concentration to and through storm sewers.
- F. Store stormwater runoff on-site
- G. Maintain existing flow patterns
- H. Avoid natural channel and steep slope erosion as well as protect in stream habitats and channels
- I. Decrease erosion and sedimentation
- J. Preserve vegetation
- K. Preserve and replace existing topsoil in an uncompacted manner

2. The site design shall provide on-site water quality treatment for the runoff resulting from a rainfall depth of 1.25 inches over the post-construction site area.

3. To protect channels, the site shall be designed to infiltrate or provide 24 hour extended detention of the channel protection volume, defined as the 1 year, 24 hour storm per NOAA Atlas 14.

4. The site shall be designed to prevent the post development rate of runoff from exceeding the pre-development rate of runoff for a five year to 100-year storm, 24 hour storm to not exceed runoff rates equivalent to the five year predevelopment storm event per NOAA Atlas 14.

5. The site shall be designed to provide an emergency spillway and designated overflow route for the 100-year, 24 hour storm as defined by the Iowa Stormwater Management Manual. The spillway and overflow route must be able to safely pass overflows through the structure without creating damaging conditions downstream of the facility.

6. Existing topsoil from on-site must be preserved within areas that will remain pervious. The preserved topsoil shall be uniformly applied in an uncompacted manner. The applicant shall provide pre-construction borings to verify depths of topsoil prior to construction.

7. The site shall be designed to provide vegetated buffers for water quality protection adjacent to

Storm Lake Municipal Code

receiving channels and waters. Buffers shall commence at the "ordinary high-water mark", or at the delineated boundary of the waterbody and are as follows;

Residential	30 feet
Industrial	50 feet
Mid/High Density Residential & Commercial	50 feet

- A. Access shall be provided on each side of the buffer for maintenance.
- B. The applicant shall maintain the buffer after completion of the project.
- C. Impervious surfaces shall not be allowed in the buffer area. As an exception, stairs or sidewalks used to access the adjacent waterbody. Stairs and sidewalks shall be no more than 4 feet wide.
- D. Fences and structures shall not be allowed in the buffer area.
- E. Where land disturbing construction activity occurs within a buffer area, and where no impervious surface is present, adequate approved native vegetative cover of 70% shall be established and maintained. The native vegetative cover shall be sufficient to provide for bank stability from upslope overland flow areas under sheet flow conditions. Non-vegetative materials such as rock riprap, may be employed on the bank as necessary to prevent erosion. Such as on steep slopes of where high velocity flows occur.
- F. BMP's such as filter strips, swales, or wet detention basins may be located in the buffer area.
- G. Redevelopment of infill parcels that are surrounded by existing development shall be considered on a case by case basis. The intent of this section is not to make existing lots undevelopable.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-7 Waivers

Every applicant shall provide for stormwater management as required by this chapter, unless a written request is filed to waive implementation of BMPs, in whole or in part, and such waiver is granted. Requests to waive implementation of BMPs in whole or in part shall be submitted to City for approval.

1. A waiver of BMPs required by this chapter may be granted provided that at least one of the following conditions is established by the applicant based on authoritative written evidence satisfactory to City:

- A. The proposed development is not likely to impair attainment of the objectives of this chapter.
- B. Alternative minimum requirements for on-site management of stormwater have been established in a stormwater management ~~final~~ plan that has been approved by City and fully implemented.
- C. Provisions are made to manage stormwater by an off-site facility within the same

Storm Lake Municipal Code

watershed. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices, and there is, in the City's sole judgment, a responsible entity legally obligated to monitor the performance of and maintain the efficiency of stormwater BMPs in accordance with a written and recorded maintenance agreement.

D. In instances where one of the above conditions is established, the applicant must further establish by authoritative written evidence satisfactory to City that the partial waiver will not result in any of the following impacts to downstream waterways:

- (1) Deterioration of existing culverts, bridges, dams, and other structures; or
- (2) Degradation of biological functions or habitat; or
- (3) Accelerated stream bank or streambed erosion or siltation; or
- (4) Increased threat of flood damage to public health, life, property.

2. If the City finds that a waiver is appropriate because implementation of on-site stormwater BMPs is not feasible due to the natural or existing physical characteristics of a site, or that one of the conditions specified in subsection 1 above cannot be established to a certainty, or that any averted, the applicant shall execute a binding written agreement to accomplish one or more of the following mitigation measures selected by City:

A. The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reconstruction of native ecosystems of lands strategically located in the watershed consistent with the purposes of this chapter, of a sufficient quantity to enable City or others to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated number of cubic feet of annual stormwater that will not achieve City stormwater requirements as a consequence of the waiver.

B. The creation of one or more stormwater BMPs on previously developed properties, public or private, that currently lack stormwater BMPs, having a capacity to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated number of cubic feet of annual stormwater that will not achieve City stormwater requirements as a consequence of the waiver.

C. Monetary contributions (fee in lieu) to fund stormwater management activities as identified in the City of Storm Lake's Comprehensive Stormwater Management Plan such as research and studies (e.g., regional wetland delineation studies, stream monitoring studies for water quality and macroinvertebrates, stream flow monitoring, threatened and endangered species studies, hydrologic studies, monitoring of stormwater BMPs, and stream corridor stabilization practices). The monetary contribution required shall be in accordance with a fee schedule (unless the developer and the City agree on a greater alternate contribution) established by City, based on the estimated cost savings to the developer resulting from the waiver and the estimated future costs to City to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated number of cubic feet of annual stormwater that will not achieve City stormwater requirements as a consequence of the waiver. All of the monetary contributions shall be credited to an appropriate capital improvements program project, and shall be made by the developer prior to the issuance of any building permit for the development.

Storm Lake Municipal Code

D. Dedication of land or granting of an easement by the applicant of a value equivalent to the cost to City of the construction of an off-site stormwater management facility sufficient to achieve City stormwater requirements with respect to a number of cubic feet of annual stormwater equivalent to the estimated number of cubic feet of annual stormwater that will not achieve City stormwater requirements as a consequence of the waiver. The agreement shall be entered into by the applicant and City prior to the recording of plats or, if no record plat is required, prior to the issuance of the building permit.

E. Factors that may generate waivers:

- (1) Shallow Bedrock
- (2) High Groundwater
- (3) Hotspots or contaminated soils
- (4) Excessive Cost

(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-8 Approval of Stormwater Management Plan

No building, grading, or sediment control permit shall be issued until a satisfactory stormwater management plan detailing how runoff and associated water quality impacts resulting from the development will be controlled or managed (or a request for waiver thereof) shall have undergone a review and been approved by the City after determining that the plan or waiver is consistent with the requirements of this chapter.

After review of the stormwater management plan, and modifications to that plan as deemed necessary by City, an approved final stormwater management plan must be submitted to the City. The stormwater management plan shall:

1. Be prepared by a licensed professional engineer or landscape architect or individual credentialed in a manner satisfactory to the City.
2. Indicate whether stormwater will be managed on site or off site and, if on site, the general location and type of practices, with clear citations to the Iowa Stormwater Management Manual.
3. Include a signed and dated certification by the preparer of the stormwater management concept plan that it complies with all requirements of this chapter, meets the design requirements outlined in the Iowa Stormwater Management Manual and is designed to achieve City stormwater requirements, and that the City is entitled to rely upon the certification as due diligence on the part of City.
4. Include sufficient information (e.g., maps, hydrologic calculations, etc.) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, on the water resources, and the effectiveness and acceptability of the stormwater BMPs proposed for

Storm Lake Municipal Code

managing stormwater generated at the project site. The following information shall also be included in the stormwater management plan.

A. A USDA soils map identifying soil types, hydrologic soil groups and hydric soils. Soil borings will be required where infiltration practices are proposed.

B. A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural stormwater management and sediment and erosion BMPs. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads, and easements; and the limits of clearing and grading. A written description of the site plan and justification of proposed changes in natural conditions may also be required. A copy of the current SWPPP may satisfy this requirement.

C. Sufficient engineering analysis to show that the proposed BMPs are capable of achieving City stormwater requirements for the site in compliance with this chapter.

D. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive areas that provide particular opportunities or constraints for development.

(Ord. 13-O-2013-2014, Add, 07/21/2014)

5. Additionally, the stormwater management plan shall also include:

A. Contact information, including but not limited to the name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.

B. Topographic base map, consisting of a 1"= 200' topographic base map the site which extends a minimum of 100 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown.

C. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the Iowa Stormwater Management Manual. Such calculations shall include:

- (1) description of the design storm frequency, intensity and duration;
- (2) time of concentration;
- (3) soil curve numbers or runoff coefficients;
- (4) peak runoff rates and total runoff volumes for each watershed area;
- (5) infiltration rates, where applicable;

Storm Lake Municipal Code

- (6) culvert capacities;
- (7) flow velocities;
- (8) data on the increase in rate and volume of runoff for the design storms referenced as referenced in the NOAA Atlas 14, Volumes 8 and 9 (April 2013); and
- (9) documentation of sources for all computation methods and field test results.

D. If a stormwater BMP depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil sites shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the BMP.

E. A maintenance and repair plan for all stormwater BMPs including detailed maintenance and repair procedures to ensure their continued efficient function. These plans will identify the parts or components of a stormwater BMP that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

F. Provide a recorded maintenance agreement binding on all subsequent owners of land served by stormwater BMPs to ensure maintenance and repair in accordance with the specifications of this chapter.

Section 3-13-9 Performance Security or Bond

1. The City shall require the submittal of an installation performance security or bond prior to issuance of a permit in order to ensure that the stormwater BMPs are installed by the permit holder as required by the approved stormwater management final plan.
2. The amount of the installation performance security or bond shall be the total estimated construction cost of the stormwater BMPs approved under the permit, plus 25%. The installation performance security or bond shall contain forfeiture provisions for failure to complete work specified in the stormwater management final plan.
3. The installation performance security or bond shall be released in full only upon submission of "as-built plans" of all stormwater BMPs specified in the stormwater management final plan and written certification by a professional engineer that the stormwater BMPs have been installed in accordance with the approved stormwater management final plan and other applicable provisions of this chapter. The City will make a final inspection of stormwater BMPs to ensure compliance with the approved stormwater management final plan and the provisions of this chapter. Provisions for a partial pro rata release of the installation performance security or bond based on the completion of various development stages can be made at the discretion of City.
4. The installation performance security or bond shall inure only to the benefit of the City for purposes of completing, modifying, or correcting the stormwater BMPs to comply with this chapter. (Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-10 Construction Inspection

Storm Lake Municipal Code

1. The applicant must notify the City in advance before the commencement of construction. Regular inspections of construction of the stormwater BMPs shall be conducted by the City or the City's designated representative. Inspections will be conducted before any land disturbing activity begins and at the completion of the project, and prior to the release of financial securities.
3. After construction is completed, applicants are required to submit actual "as-built" drawings satisfactory to City for any stormwater BMPs located on site. The drawings must show the final design specifications for all stormwater BMPs and must be certified by a professional engineer.
4. Landscaping and stabilization shall be accomplished to prevent violation of City stormwater requirements or impairment of BMPs. In addition, a landscaping plan must be submitted with the final as-built drawings describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan must be prepared by a registered landscape architect, landscape designer, or by an individual credentialed in a manner acceptable to the City.
(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-11 Maintenance and Repair of Stormwater BMPS

The applicant or owner of every site or an assignee qualified pursuant to Section 3-13-10 shall be responsible for maintaining as-built stormwater BMPs in an effective state as determined in the sole judgment of City from and after completion of construction.

1. **Maintenance and Repair Easement.** Prior to the issuance of any permit for development involving any stormwater BMP, the applicant or owner of the site must execute a maintenance and repair agreement that shall be binding on all subsequent owners of land served by the stormwater BMP. The easement agreement shall be recorded by the City at the expense of the permit holder or property owners.
4. **Inspection of Stormwater BMPs.** Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants, inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of State or Federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater BMPs, and evaluating the condition of stormwater BMPs.
7. **Failure to Maintain Stormwater BMPs.** If a responsible party fails or refuses to meet the requirements of the maintenance covenant or any provision of this chapter, the City, after reasonable notice, may correct a violation by performing all necessary work to place the BMP in proper working condition. In the event that the stormwater BMP becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the stormwater BMP in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the stormwater BMP in an approved manner. After proper notice, the City may assess, jointly and severally, the owners of the stormwater BMP or the property owners or the parties responsible for maintenance under any applicable written agreement for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes.

Section 3-13-12 Enforcement and Penalties

1. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.
2. The City may issue a stop work order for violation of any provision of this chapter. The stop work order shall remain in effect until the violation is corrected and a subsequent inspection completed.
3. Violation of any provision of this chapter may also be enforced as a municipal infraction within the meaning of Section 364.22 of the Code of Iowa, pursuant to Chapter 4 of this Code of Ordinances.
4. Enforcement pursuant to this section shall be undertaken by the City upon the advice and consent of the City Attorney or other counsel employed by the City.
5. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which shall become a lien upon the property until paid.
6. Occupancy permits shall not be granted until all stormwater BMPs have been inspected and approved by the City.
(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-13 Appeal

Administrative decisions by City staff and enforcement actions may be appealed by the developer or property owner to the City Council pursuant to the following rules:

1. The appeal must be filed in writing with the City Clerk within five (5) business days of the decision or enforcement action.
2. The written appeal shall specify in detail the action appealed from, the errors allegedly made by the enforcement officer giving rise to the appeal, a written summary of all oral and written testimony the applicant intends to introduce at the hearing, including the names and addresses of all witnesses the applicant intends to call, copies of all documents the applicant intends to introduce at the hearing, and the relief requested.
3. The enforcement officer shall specify in writing the reasons for the enforcement action, a written summary of all oral and written testimony the enforcement officer intends to introduce at the hearing, including the names and addresses of all witnesses the enforcement officer intends to call, and copies of all documents the enforcement officer intends to introduce at the hearing.
4. The City Clerk shall notify the applicant and the enforcement officer by ordinary mail and shall give public notice, in accordance with Chapter 21 of the Code of Iowa, of the date, time, and place for the regular or special meeting of the City Council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four (4) or more than twenty (20) days after the filing of the appeal. The rules of evidence and procedure and the standard of proof to be applied shall be the same as provided by Chapter 17A, Code of Iowa. The applicant may be represented by counsel at the applicant's expense. The enforcement officer may be represented by the City Attorney or by an attorney designated by the City Council at City expense.

5. The decision of the City Council shall be rendered in writing and may be appealed to the Iowa District Court.
(Ord. 13-O-2013-2014, Add, 07/21/2014)

Section 3-13-14 Definitions

Terms in this chapter, other than those defined below, shall have the meanings set out in the Iowa Stormwater Management manual.

1. "Applicant" means a property owner or agent of a property owner who has filed an application for a stormwater management permit.
2. "Best Management Practice (BMP)" is a technique, measure, or structural control that is used for a given set of conditions to manage the quantity and improve the quality of stormwater runoff in the most cost-effective manner. BMPs can be either Non-Structural (planning, watershed management, practice design, etc.) or Structural (Engineered and constructed) systems that are used to treat the stormwater.
3. "Buffer" is a vegetative area, including trees, shrubs, and herbaceous vegetation, which exists or is established to protect a stream system, lake, or reservoir area. Alteration of the natural area is strictly limited.
4. "Building" means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.
5. "City stormwater requirements" means the standards, sizing criteria, BMPs and other requirements established in this chapter.
6. "Dedication" means the deliberate appropriation of property by its owner for general public use.
7. "Developer" means a person, persons, or entity who undertakes land disturbance activities.
8. "Development" or "Redevelopment" means either:
 - A. Land disturbance activity exceeding one acre (43,560 square feet) on land previously vacant of buildings or largely free of previous land disturbance activity other than traditional agricultural activities; or
 - B. Land disturbance activity exceeding one acre (43,560 square feet) in areas where existing land use is high density commercial, industrial, institutional or multi-family residential (a.k.a. "redevelopment").
9. "Drainage easement" means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes. Public easements shall be maintained by the City of Storm Lake. Private easements shall be maintained by the private owners of the project.
10. "Enforcement officer" means that person designated by the City having responsibility for administration and enforcement of this chapter.
11. "Excessive Cost" means Practice cost greater than an amount as set by resolution of the City Council per impervious acre.

Storm Lake Municipal Code

12. "Fee in lieu" means a payment of money in place of achieving or exceeding all or part of City stormwater requirements.
13. Infiltration Based Practices means that at a minimum the water quality volume moves through the soil media to provide filtration.
14. "Iowa Stormwater Management manual" means the current Iowa Stormwater Management Manual publication, by whatever name, as amended from time to time by Iowa Department of Natural Resources in collaboration with Iowa Stormwater Education Program and other partners that recommends Stormwater Management Guidelines and Uniform Sizing Criteria and BMPs designed to address said Guidelines.
15. "Land disturbance activity" means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.
16. "Landowner" means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.
17. "Maintenance agreement" means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater BMPs.
18. "Native Vegetation" refers to vegetation originating naturally in this region of the state. Native vegetation is not to be confused with all existing vegetation.
19. "Predevelopment Condition" shall be considered the actual existing condition of the site prior to any construction, demolition, or earthwork commencing. Removal of any structures or impervious surfaces prior to construction will not affect the "predevelopment" status if construction is undertaken within 12 months of the removal of structures or impervious surfaces. If construction is not undertaken within 12 months, then the "predevelopment" condition of the site shall be as it exists at that time.
20. "Stormwater management" means the use of BMPs that are designed in accordance with City stormwater requirements to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates, and detrimental changes in stream temperature that affect water quality and habitat.
21. "Stormwater Pollution Prevention Plan" (SWPPP) means a plan that is designed to minimize the accelerated erosion, sediment, and other pollutant runoff at a site during construction activities.
22. "TP (Total Phosphorous) means the total concentration of all forms of phosphorus found in a water sample.
(Ord. 13-O-2013-2014, Add, 07/21/2014)