

Date June 8, 2020

SETTING DATE OF PUBLIC HEARING AND APPROVING PUBLICATION OF NOTICE OF HEARING TO REVIEW THE ANTICIPATED ENVIRONMENTAL IMPACT OF NEAR WEST SIDE SEWER SEPARATION PHASE 4 PROJECT

WHEREAS, the City of Des Moines developed a Long Term Control Plan (hereinafter “Plan”) to eliminate combined sewer overflows as submitted to the Iowa Department of Natural Resources (IDNR) in compliance with the current National Pollutant Discharge Elimination System (NPDES) permit for the operation of Wastewater Collection System and the Consent Decree with the IDNR dated April 28, 2010; and

WHEREAS, the Near West Side Sewer Separation Phase 4 Project (hereinafter “Project”) was developed as part of said Plan and includes the removal of storm water inlets from the combined sewer system tributary to the 22nd and High Street Combined Sewer Overflow and other flows into the combined sewer system within the project area; and

WHEREAS, the Project area is located west of downtown Des Moines and is bounded on the east by Martin Luther King Jr. Parkway (MLK), on the south by Grand Avenue, on the west by 31st Street, and multiple local streets to the north with Clark Street as the northern most street; and

WHEREAS, the City has received funding with the State of Iowa Clean Water State Revolving Fund loan program to fund the Project in part; and

WHEREAS, a public hearing was held on February 6, 2017, for the Project which did not include area 3A within the Woodland Cemetery, so a second public hearing is required to include this location; and

WHEREAS, pursuant to the requirements of the State of Iowa Clean Water State Revolving Fund loan program, before the City can proceed with the Project, the City must hold a public hearing to inform area residents of changes to the Project, to discuss the potential environmental impact of changes for work to the community as determined by the State’s Department of Natural Resources (DNR) Environmental Review, to discuss the City’s changes for the Project, and to address area residents’ concerns, if any, with the Project changes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that:

1. A public hearing shall be held on July 13, 2020, at 5:00 p.m. in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa. Given Mayor Cownie’s March 17, 2020 Proclamation Amendment prohibiting gatherings of ten or more persons on public property and Section One of the Governor’s May 26, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and further given Section One Thirty Nine of the Governor’s May 26, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other

Date June 8, 2020

statute imposing a requirement to hold a public meeting or hearing, the meeting will be conducted either electronically with no public access to the meeting location or conducted electronically with public access to the meeting location. For an update on whether public access to the meeting location will be permitted, you may contact the City Clerk at (515) 283-4209 or check the meeting agenda on the City's website (www.dsm.city). To participate in the electronic meeting, access is available via the internet or telephonically as follows:

- To join the Zoom Meeting via the internet, access:
 - <https://zoom.us/j/94116598764?pwd=anVsSXlHMfdZcXBkeUxvTGZNMVFWUT09>
- To join telephonically toll free, dial:
 - (833) 548-0276 or (888) 475-4499
 - Meeting ID: 941 1659 8764
 - Password: 798755

Residents and taxpayers of the City will be given the opportunity to express their views, comments, objections and arguments in favor at that hearing. The City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. July 9, 2020 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email: cityclerk@dmgov.org).

2. The City Clerk is hereby authorized and directed to publish notice of said hearing twice: once before June 12, 2020, and again during the week of June 29, 2020. The publication by the City Clerk of the time and place of this public hearing, as required by the State of Iowa under its Clean Water State Revolving Fund loan program, is hereby approved.
3. The City Clerk is hereby instructed to place the City's facility plan for the Project and the preliminary Environmental Information Document(s) for the Project, upon receipt of said document(s) from the DNR, on file for public inspection in the City Clerk's office during the notice period until the public hearing is held.

★ Roll Call Number

Agenda Item Number

28

Date June 8, 2020

Activity ID 07-2020-002

Moved by _____ to adopt.

FORM APPROVED: /s/ _____
Kathleen Vanderpool
Deputy City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | | | | |
| BOESEN | | | | |
| GATTO | | | | |
| GRAY | | | | |
| MANDELBAUM | | | | |
| VOSS | | | | |
| WESTERGAARD | | | | |
| TOTAL | | | | |

CERTIFICATE

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

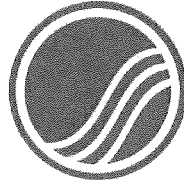
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk

Why You Should Read This: The document below reviews the environmental impact likely from a project. This project is planned to be federally funded through your tax dollars; therefore, you are entitled to take part in its review. If you have concerns about the environmental impact of this project, raise them now. We encourage public input in this decision making process.



IOWA STATE REVOLVING FUND

ENVIRONMENTAL INFORMATION DOCUMENT

PROJECT IDENTIFICATION

Applicant: City of Des Moines

County: Polk

State: Iowa

SRF Number: CS1920795 01

IDNR Project Number: S2016-0194

Project: Near West Side Sewer Separation
Project 3A

COMMUNITY DESCRIPTION

Location: The City of Des Moines is located in Polk County, Iowa.

Population: The population of Des Moines according to the 2010 US Census was 203,433.

System Background: The City of Des Moines has developed a Long Term Control Plan to eliminate combined sewer overflows. As part of this plan, the City proposed to separate its combined (storm water and sanitary) sewers in a phased approach throughout the city. During heavy rainfall events, the increased flow of storm water often exceeds the capacity of the combined sewer systems. Separating the storm water and sanitary sewers will minimize hydraulic overloading of the combined sewer system caused by excessive storm water flows.

Combined sewer overflows (CSOs) are locations where a combined sewer discharges into a water body when flows exceed capacity and overload the system. When this occurs, raw sewage and storm water from the system is directly discharged to the environment. This can pose not only a health and safety hazard to people, but also could be harmful to amphibians, fish, birds, and other wildlife. Des Moines has several CSOs located on the Des Moines River.

In addition, basement backups of raw sewage can also occur when the combined sewer system is overloaded as a result of a rainfall event. Basement backups are a human health and safety hazard.

Project 3A is a part of this larger system separation. However, due to topography, geology, adjacent structures, existing utilities, and other complicating factors, the original location for project 3A, i.e. to the south of Woodland Cemetery, was deemed potentially hazardous to both construction personnel and to the stability of existing sewer structures themselves. The current re-design of this sewer separation requires a new section of pipe to be installed within Woodland Cemetery. The area to be affected is currently a road within the cemetery, but all appropriate caution will be taken to avoid impacts to any burials.

PROJECT DESCRIPTION

Purpose: The purpose of this project is to prevent raw sewage from being released to the environment, prevent basement backups, and reduce the influence of storm water on the sewer system to safely and reliably operate this portion of the City of Des Moines' wastewater collection system for at least the next 20 years.

Proposed Improvements: The Near West Side sewer separation project includes removing storm water inlets from the combined sewer system and constructing approximately 25,500 feet of new storm sewer pipes in various locations within the Drake and Woodland Heights neighborhoods. The existing combined sewer system will be left in place to continue to collect and convey wastewater. The new storm sewer pipes will be constructed by open cut excavation within the existing road rights-of-way. A new storm water detention basin is also planned for construction. In addition, a new wastewater pump station and approximately 880 feet of new force main and 200 feet of sanitary sewer will be constructed. Project 3A will be located within Woodland Cemetery.

Receiving Stream: Untreated wastewater from the CSOs discharge to the Des Moines River. The Des Moines River has a stream designation of A1, B(WW1), HH.

Class A1 waters are primary contact recreational use waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risks of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.

Waters designated Class B(WW1) are those in which temperature, flow and other habitat characteristics are suitable to maintain warm water game fish populations along with a resident aquatic community that includes a variety of native nongame fish and invertebrates species. These waters generally include border rivers, large interior rivers, and the lower segments of medium-size tributary streams.

Waters designated Class HH are those in which fish are routinely harvested for human consumption or waters both designated as a drinking water supply and in which fish are routinely harvested for human consumption.

ALTERNATIVES CONSIDERED

Alternatives Considered: Other than physically separating storm water and sanitary sewers, increasing the size of the combined sewers to handle the total flow including rainfall and adding treatment at all of the CSO points were evaluated. Installation of green infrastructure (practices that collect storm water to be infiltrated into the ground or filtered before being slowly released into a storm water pipe) was also considered. For Project 3A, locations for the new pipe were very restricted due to multiple factors.

Reasons for Selection of Proposed Alternative: The No-Action alternative is not viable due the human and environmental health and safety hazards posed by CSOs and basement backups. The construction of a larger capacity sewer was eliminated as an option due to its exceedingly high cost and its difficulty to construct. Construction of treatment at all CSO points would result in several treatment plants, which would be expensive and difficult to operate. Space limitations in the urban residential and commercial areas prevented suitable opportunities to install cost-efficient green infrastructure practices.

The Project 3A location was selected for engineering criteria, accessibility, safety, cost effectiveness, and in order to maintain the stability of existing structures as well as minimization of the impact to the environment.

MEASURES TAKEN TO ASSESS IMPACT

Coordination and Documentation with Other Agencies and Special Interest Groups: The following Federal, state and local agencies were asked to comment on the proposed project to better assess the potential impact to the environment:

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- State Historical Society of Iowa (State Historical Preservation Office)
- Iowa DNR Conservation and Recreation Division
- Iowa DNR Water Resources Section
- Citizen Band Potawatomi Indian Tribe
- Delaware Tribe of Indians
- Flandreau Santee Sioux
- Ho-Chunk Nation
- Iowa Tribe of Kansas and Nebraska
- Iowa Tribe of Oklahoma
- Kickapoo Tribe in Kansas
- Kickapoo Tribe of Oklahoma
- Lower Sioux Indian Community Council

Miami Tribe of Oklahoma
Omaha Tribal Council
Osage Tribal Council
Otoe-Missouria Tribe
Pawnee Nation of Oklahoma
Peoria Tribe of Indians of Oklahoma
Ponca Tribe of Indians of Oklahoma
Ponca Tribe of Nebraska
Prairie Band Potawatomi Nation
Prairie Island Indian Community
Sac & Fox Nation of Mississippi in Iowa
Sac & Fox Nation of Missouri
Sac & Fox Nation of Oklahoma
Santee Sioux Nation
Shakopee Mdewakanton Sioux Community
Sisseton-Wahpeton Oyate
Spirit Lake Tribal Council
Three Affiliated Tribes Mandan, Hidatsa & Arikara Nations
Upper Sioux Tribe
Winnebago Tribal Council
Yankton Sioux Tribal Business and Claims Committee
Des Moines Historic Preservation Commission
Drake Neighborhood Association
Woodland Heights Neighborhood Association

To date, no adverse comments have been received from any agencies or general public. Conditions placed on the applicant by the above agencies in order to assure no significant impact are included in the Summary of Reasons for Concluding No Significant Impact section.

ENVIRONMENTAL IMPACT SUMMARY

Construction: Traffic patterns within the community may be disrupted and above normal noise levels in the vicinity of the construction equipment can be anticipated during construction and should be a temporary problem. Adverse environmental impacts on noise quality will be handled by limited hours of contractor work time during the day. Other adverse environmental effects from construction activities will be minimized by proper construction practices, inspection, prompt cleanup, and other appropriate measures. Areas temporarily disturbed by the construction will be restored. Solid wastes resulting from the construction project will be regularly cleared away with substantial efforts made to minimize inconvenience to area residents.

Care will be taken to maintain dirt to avoid erosion and runoff. The overall proposed project will disturb soils over an area greater than one acre; therefore, the applicant is required to obtain an NPDES General Permit Number 2 (for storm water

discharge associated with construction activities) and abide by its terms. Therefore, no significant impact to surface water quality, fish, shellfish, wildlife, or their natural habitats is expected.

Temporary air quality degradation may occur due to dust and fumes from construction equipment. The applicant shall take reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property during the proposed project (567 Iowa Administrative Code IAC 23.3(2)“c”).

Historical/Archaeological: The State Historical Preservation Office (SHPO), Certified Local Governments (city), and various Native American tribes with an interest in the area were provided information regarding the project. A Programmatic Agreement (PA) for the project has been negotiated in order to avoid and/or minimize impacts to historic properties. The terms of the PA to avoid and/or minimize impacts to the historic properties include additional documentation and/or restoration of historic sites eligible for listing on the National Register of Historic Places, as needed. Additional stipulations for work within Woodland Cemetery include additional archeological observation during excavation work and provisions for appropriate action should any burials be affected. The Advisory Council on Historic Preservation (ACHP) was provided notification and supporting documentation regarding the adverse effects of the undertaking on properties listed and/or eligible for listing on the National Register of Historic Places, and determined that ACHP participation in the consultation to resolve adverse effects is not required. The terms of the PA have been agreed upon and executed by all signatory parties, and the final executed PA has been filed with the ACHP.

Environmental: According to the Iowa DNR Conservation and Recreation Division, the proposed project will not interfere with any State-owned parks, recreational areas or open spaces. The U.S. Army Corps of Engineers concurs that the project will not impact wetlands or waters of the United States. The project will not impact any wild and scenic rivers as none exist within the State of Iowa.

The U.S. Fish & Wildlife Service Section 7 Technical Assistance website consultation determined, and Iowa DNR Conservation and Recreation Division agree, that the project will not impact threatened or endangered species or their habitats. However, if any State- or Federally-listed threatened or endangered species or communities are found during the planning or construction phases, additional studies and/or mitigation may be required. According to the Iowa DNR Water Resources Section, the project will not impact the 100-year floodplain. No adverse impacts are expected to result from this project, such as those to surface water quantity, or groundwater quality or quantity.

Land Use and Trends: The project will not displace population nor will it alter the character of existing residential areas. The proposed project is within the present corporate limits of Des Moines in areas zoned residential, commercial, or industrial.

No significant farmlands will be impacted. This project should not impact population trends as the presence or absence of existing sewer infrastructure is unlikely to induce significant alterations in the population growth or distribution given the myriad of factors that influence development in this region. Similarly, this project is unlikely to induce significant alterations in the pattern and type of land use.

Irreversible and Irretrievable Commitment of Resources: Fuels, materials, and various forms of energy will be utilized during construction.

POSITIVE ENVIRONMENTAL EFFECTS TO BE REALIZED FROM THE PROPOSED PROJECT

Positive environmental effects will be improved water quality in the Des Moines River which has previously received untreated wastewater through CSOs. The local citizens will also benefit by a significant reduction in the frequency of basement backups, which pose a human health and safety hazard.

SUMMARY OF REASONS FOR CONCLUDING NO SIGNIFICANT IMPACT

- The project will not significantly affect the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population.
- The project will not conflict with local, regional or State land use plans or policies.
- The project will not impact wetlands or waters of the United States.
- The project will not affect threatened and endangered species or their habitats. If any State- or Federally-listed threatened or endangered species or communities are found during the planning or construction phases, additional studies and/or mitigation may be required.
- The project will not displace population, alter the character of existing residential areas, or convert significant farmlands to non-agricultural purposes.
- The project will not affect the 100-year flood plain.
- The project will not have effect on parklands, preserves, other public lands, or areas of recognized scenic or recreational value.
- A Programmatic Agreement to avoid and/or minimize impacts to historic or cultural resources has been agreed upon and executed by all signatory parties.

- The project will not have a significant adverse effect upon local ambient air quality provided the applicant takes reasonable precautions to prevent the discharge of visible emissions of fugitive dusts beyond the lot line of the property during the proposed project (567 IAC 23.3(2)“c”).
- The project will not have a significant adverse effect upon local ambient noise levels, surface water quantity, groundwater quality or quantity, or water supply.
- No significant impact to surface water quality, fish, shellfish, wildlife, or their natural habitats is expected provided that an NPDES General Permit Number 2 (for storm water discharge associated with construction activities) is obtained and the terms of which are abided by.

The project description, scope, and anticipated environmental impacts detailed above are accurate and complete to the best to my knowledge.

Signature of the Mayor, City of Des Moines

Date

T.M. Franklin Cownie
Printed Name of the Mayor, City of Des Moines

NOTICE OF PROPOSAL TO REVIEW ANTICIPATED ENVIRONMENTAL IMPACT

NOTICE IS HEREBY GIVEN that the City Council of the City of Des Moines, Iowa, shall consider the anticipated environmental impact resulting from proposed changes to the Near West Side Sewer Separation Project by adding a portion of Woodland Cemetery to the project area, which project area is bounded on the east by Martin Luther King Jr. Parkway (MLK), on the south by Grand Avenue, on the west by 31st Street, and multiple local streets to the north with Clark Street as the northern most street.

NOTICE IS FURTHER GIVEN that the City Council of the City of Des Moines, Iowa, will review said anticipated environmental impact after a public hearing to be held at 5:00 p.m., in the City Council Chamber, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, Iowa, on July 13, 2020. Given Mayor Cownie's March 17, 2020 Proclamation Amendment prohibiting gatherings of ten or more persons on public property and Section One of the Governor's May 26, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and further given Section One Thirty Nine of the Governor's May 26, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, the meeting will be conducted either electronically with no public access to the meeting location or conducted electronically with public access to the meeting location. For an update on whether public access to the meeting location will be permitted, you may contact the City Clerk at (515) 283-4209 or check the meeting agenda on the City's website (www.dsm.city). To participate in the electronic meeting, access is available via the internet or telephonically as follows:

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 - (833) 548-0276 or (888) 475-4499
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 - Password: 798755

Said public hearing will inform area residents of changes to the Project, discuss the potential environmental impact of changes for work to the community as determined by the State's Department of Natural Resources (DNR) Environmental Review, discuss the City's changes for the project, and address area residents' concerns, if any, with the project changes. Residents and taxpayers of the City will be given the opportunity to express their views, comments, objections and arguments in favor at that hearing. The City Council shall receive written views, comments, objections and arguments from any resident or taxpayer of the City that are received by the City Clerk prior to 5:00 p.m. July 9, 2020 (City Clerk's Office, Des Moines City Hall, 400 Robert D. Ray Drive, 1st Floor, Des Moines, IA 50309; Email: cityclerk@dmgov.org).

Published in the Des Moines Register on _____.