



Roll Call Number

20.0909

Agenda Item Number

28

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



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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=anVsSXlHMfdZcXBkeUxvTGZMVFVWUT09>
- 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.



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Activity ID 07-2020-002

Moved by Gatto to adopt.

FORM APPROVED: /s/ Kathleen Vanderpool Deputy City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| BOESEN | ✓ | | | |
| GATTO | ✓ | | | |
| GRAY | ✓ | | | |
| MANDELBAUM | ✓ | | | |
| VOSS | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| TOTAL | 7 | | | |

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

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.

P. Kay Cmelik

City Clerk