

Date May 7, 2007

APPROVING PAYMENT OF BILLING FROM HALL & ASSOCIATES
FOR SERVICES RELATED TO THE COMBINED SEWER SYSTEM
AND COMBINED SEWER OVERFLOWS RELATED TO THE NPDES PERMIT

WHEREAS, on April 10, 2006, pursuant to Roll Call No. 06-651, this City Council authorized the retention of Hall & Associates to provide consultation and representation services regarding an alleged Iowa Department of Natural Resources (IDNR) violation, the negotiation of a consent decree for the implementation of a Long Term Control Plan for the combined sewer system and combined sewer overflows required by the WRF National Pollution Discharge Elimination System (NPDES) Permit;

WHEREAS, on January 22, 2007, pursuant to Roll Call No. 07-124, the City Council increased the amount of authorization for employment of Hall & Associates by an additional \$25,000;

WHEREAS, the fees for such services will be allocated between the WRA and the City, as appropriate;

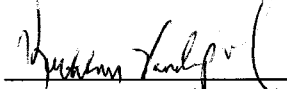
WHEREAS, Hall & Associates has submitted a billing dated March 16, 2007 in the total amount of \$10,064.13;

WHEREAS, the City Legal Department has audited said billing and has verified the bill to be correct and recommends payment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the billing be forwarded to the Finance Department, and that the Finance Director be and is hereby authorized and directed to issue a check in the amount of \$10,064.13 to Hall & Associates.

APPROVED AS TO FORM:

Moved by _____ to adopt.


Kathleen Vanderpool
Deputy City Attorney

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

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

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

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

City Clerk

Hall & Associates
1101 Fifteenth Street, N.W.
Suite 203
Washington, DC 20005

Invoice submitted to:
City of Des Moines
Public Works Department
Sewer Enterprise Division
3000 Vandalia Road
Des Moines IA 50317-1346
William Stowe, Public Works Director

March 16, 2007
In Reference To: Consent Decree Negotiation / LTCP
Invoice #5506

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
2/1/2007	GBC Review EPA guidance for response.	1.00 250.00/hr	250.00
2/5/2007	GBC Review EPA guidance; Draft response.	1.75 250.00/hr	437.50
2/6/2007	GBC Draft response to state.	3.75 250.00/hr	937.50
2/7/2007	GBC Telephone conference with D. Miller re background information; Review documents; Draft response to state; Telephone conference with R. Hammitt.	3.00 250.00/hr	750.00
2/13/2007	GBC Review information from D. Miller; Revise response.	0.50 250.00/hr	125.00
2/15/2007	GBC Research EPA guidance re descriptions of NMCs.	0.50 250.00/hr	125.00
2/20/2007	PR Research "coming to the nuisance defense" and whether a statute of limitations exists.	2.00 160.00/hr	320.00
	GBC Telephone conference with R. Hammitt re background information; Telephone conference with B. Veenstra re same; Draft response to state questions; Research NMC guidances; Discussions with P. Rosenman.	6.25 250.00/hr	1,562.50

		<u>Hrs/Rate</u>	<u>Amount</u>
2/21/2007	PR Research general statutes of limitation, regulations and public interest; Research case law re expansion of nuisance even though property owners remained the same.	3.00 160.00/hr	480.00
	GBC Research issues and draft response to the state; Telephone conference with R. Hammitt re background information; Telephone conference with K. Vanderpool re nuisance issue.	7.50 250.00/hr	1,875.00
2/22/2007	PR Continue research; Meet with G. Cohen to discuss follow up research.	5.00 160.00/hr	800.00
	GBC Revise analysis; Telephone conference with K. Vanderpool re nuisance; Telephone conference with D. Miller re sludge facility location issue, distance of basins to residences and flow information; Discuss statute of limitation with P. Rosenman.	2.25 250.00/hr	562.50
2/23/2007	GBC Redraft response; Meet with P. Rosenman re statute of limitations issue.	2.00 250.00/hr	500.00
	PR Research federal permit penalty statute of limitations and Iowa definition of ordinance; Draft memo re same; Discuss same with G. Cohen.	2.00 160.00/hr	320.00
2/27/2007	GBC Revise and finalize draft memo to D. Sheridan.	3.50 250.00/hr	875.00

For professional services rendered

44.00 \$9,920.00

Additional Charges :

2/28/2007 Photocopies/Document Processing - February 2007. 13.86

Postage Charges - February 2007. 0.43

Local/Long Distance Telephone Charges - February 2007. 129.84

Total costs \$144.13

Total amount of this bill \$10,064.13

Previous balance \$9,004.39

Balance due \$19,068.52

approved

Kurtis/K2 com day

3/2/07