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Date September 28, 2009

APPROVING PAYMENT OF BILLINGS FROM HALL & ASSOCIATES
FOR SERVICES RELATED TO THE COMBINED SEWER SYSTEM
AND COMBINED SEWER OVERFLOWS RELATED TO THE NPDES PERMIT
AND ASSISTANCE WITH ENVIRONMENTAL CLEARANCE
AS IT RELATES TO THE NATIONAL HISTORIC PRESERVATION ACT

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 and on November 19, 2007, pursuant to Roll Call No. 07-2205, the City Council increased the amount of authorization by an additional \$25,000, and on April 21, 2008, pursuant to Roll Call No. 08-671, the City Council increased the amount of authorization by an additional \$25,000, and on July 14, 2008, pursuant to Roll Call No. 08-1211, the City Council increased the amount of authorization by an additional \$50,000; and

WHEREAS, on April 18, 2006, by WRA Board Resolution No. 06-39, the WRA approved retention of Hall & Associates to encompass professional consultation and representation services to the WRA regarding an alleged 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 NPDES Permit; and

WHEREAS, on January 16, 2007 by WRA Board Resolution No. 07-10, on November 20, 2007, by WRA Board Resolution No. 07-161, and on April 15, 2008 by WRA Board Resolution No. 08-76, the WRA approved increasing the amount of authorization for employment of Hall & Associates by an additional \$25,000, and on July 15, 2008, by WRA Board Resolution No. 08-112, the WRA Board approved increasing the amount of authorization for employment of Hall & Associates by an additional \$50,000; and

WHEREAS, the fees for such services are being divided equally between the WRA and the City and Hall & Associates has submitted billings dated July 22, August 20 and September 18, 2009 for such services in the amount of \$8,897.52; and

WHEREAS, on December 8, 2008 by Roll Call No. 08-2122, the City Council authorized retaining Hall & Associates to do additional work on proposed rules by IDNR that would impose significant new wet weather treatment and compliance burdens on communities throughout the state with such fees to be shared between Des Moines and three other cities; and

WHEREAS, on July 27, 2009 by Roll Call No. 09-1303, the City Council authorized retaining Hall & Associates to assist with environmental clearance as it relates to the National Historic Preservation Act with such fees being divided as appropriate between the WRA and the City; and

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WHEREAS, a billing dated August 20, 2009 in the total amount of \$327.72 has been submitted; and

WHEREAS, the billing received for \$327.72 was for the review of the Letter of Agreement between the City, SHPO and EPA, which should be paid by the City; and

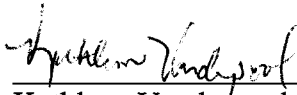
WHEREAS, the City Legal Department and the WRA Director have reviewed said billings and verified them to be correct and recommend payment.

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

1. That the payment of \$4,448.76 is hereby authorized to be paid by the City for work on the Combined Sewer Overflows and NPDES Permit and the payment of \$327.72 is hereby authorized to be paid by the City for work on the environmental clearance and that the amount of \$4,448.76 shall be paid by the WRA, and has been authorized by the WRA Director.
2. That the total billings 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 \$9,225.24 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				
VLUSSIS				
TOTAL				

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.

MOTION CARRIED APPROVED

Mayor

City Clerk