



**Roll Call Number**

**Agenda Item Number**

27

.....  
**Date** May 18, 2020

**WAIVER AND CONSENT TO CONFLICT OF INTEREST IN REPRESENTATION BY  
AHLERS & COONEY, P.C. OF THE DES MOINES AIRPORT AUTHORITY IN AN  
AGREEMENT WITH THE CITY OF DES MOINES REGARDING RISE GRANT  
IMPROVEMENTS FOR COWLES DRIVE**

WHEREAS, Ahlers & Cooney, P.C. represents the Des Moines Airport Authority (Authority) general counsel and the City of Des Moines in various matters, including economic development matters and as bond counsel; and

WHEREAS, the Authority and the City are considering entering into an agreement for the financing and construction of certain public improvements that the Authority would like funded, in part, by the Iowa Department of Transportation Revitalize Iowa's Sound Economy (RISE) grant; and

WHEREAS, the City, at the request of the Authority, applied for RISE funding for reconstruction of Cowles Drive to facilitate better access to the Airport terminal; and

WHEREAS, it is proposed that the City and County enter into an Agreement addressing the responsibilities of the Authority and the City with respect to the grant, financing and construction of the improvements which will be done in six phases; and

WHEREAS, the Authority would like to use Ahlers & Cooney, P.C. for representation in the negotiation and drafting of the Agreement which requires a consent and waiver as to the conflict from the Authority and the City.



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**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF DES MOINES, IOWA:**

1. That it hereby authorizes and directs the Mayor to execute the waiver and consent to an actual, potential or perceived conflict of interest associated with Ahlers & Cooney, P.C.'s representation of the Des Moines Airport Authority in an Agreement between the Des Moines Airport Authority and the City of Des Moines for RISE grant purposes.
2. That the City Attorney is authorized to withdraw and terminate such waiver and consent if the City Attorney determines that negotiations or any issues related to the Agreement become adversarial between the City and the Authority

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

s/Kathleen Vanderpool  
 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