

★ **Roll Call Number**

08-2122

**Agenda Item Number**

15

**Date** December 8, 2008

**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 AUTHORIZING AND APPROVING HALL & ASSOCIATES TO DO ADDITIONAL WORK ON  
PROPOSED RULES BY IDNR**

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;

WHEREAS, IDNR has proposed rules that appear to impose significant new wet weather treatment and compliance burdens on communities throughout the state; and

WHEREAS, city staff, the Iowa League of Cities and three other cities requested that Hall & Associates review the proposed rules and provide assistance in addressing such concerns with IDNR; and

WHEREAS, the fees for the proposed rule review and associated work will be divided between Des Moines and the three other cities and will not be shared by the WRA; and

WHEREAS, Hall & Associates has submitted a billing dated October 23, 2008 in the total amount of \$7,138.79, and a billing dated November 21, 2008 in the total amount of \$4,807.93; and



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

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

- Hall & Associates is hereby authorized to provide engineering and legal services to the City with regard to the proposed IDNR rules requiring wet weather treatment and compliance burdens on communities throughout the state at the hourly rate of not to exceed \$250, which amount shall be treated separately from the existing authorization for Hall & Associates on the Combined Sewer Overflows and NPDES Permit; and
- That the payment of \$3,150.86 is hereby authorized to be paid by the City for work on the Combined Sewer Overflows and NPDES Permit and the payment of \$5,645.00 is hereby authorized to be paid by the City for work on the proposed rules by IDNR and that the amount of \$3,150.86 shall be paid by the WRA, and has been authorized by the WRA Director.
3. That the total 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 \$11,946.72 to Hall & Associates.

APPROVED AS TO FORM:

Moved by Vlassis to adopt.

Kathleen Vanderpool  
Kathleen Vanderpool, Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

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.

T. M. Franklin  
Mayor

Diane Rauh  
City Clerk