

11-0222

48

Date February 14, 2011

RESOLUTION APPROVING RETENTION OF HUSCH BLACKWELL LLP TO PROVIDE ADVICE AND REPRESENTATION ON LEVEE SYSTEM ISSUES

WHEREAS, the United States Corps of Engineers recently released a Des Moines River Regulated Flow Frequency Study that indentifies an increased risk of flooding over previous Corps estimates; and

WHEREAS, it is recommended that the City retain outside counsel with expertise in levee system issues; and

WHEREAS, on February 15, 2011, the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) will be asked to retain Husch Blackwell LLP in a joint representation with the City to provide advice and representation with regard to the levee system with the fees for such services to be allocated between the City of Des Moines and the WRA as set forth herein; and

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

1. That it hereby consents to joint representation with the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) on levee system issues and authorizes retention of Husch Blackwell, LLP in a joint representation with the WRA for representation and advice on levees system issues at hourly rates for lawyers and staff as follows:

David R. Human	\$382.50
G. Kimberley Diamond	\$324.00
Brennan Soval	\$238.50
Phil Gehab	\$184.50
John Katelman	\$351.00
Harry Wilson	\$418.50
JoAnn Sandifer	\$369.00
David D. Richardson, AICP	\$360.00
Leslie J. Wiensroer	\$166.50

and such other staff as necessary at lesser rates as set forth above, including out of pocket expenses.

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2. That the City Attorney and Public Works Director are hereby authorized and directed to allocate costs of the services between the City and the WRA with the City paying 75% and the WRA paying 25%, except for any matter that is unique to either entity, then that entity shall pay such costs related to that matter.

3. That it authorizes and directs the City Attorney to sign an Agreement for Legal Services with Husch Blackwell LLP and or other agreement as is necessary to secure such representation and authorizes payments in accordance with any agreement or engagement letter and this roll call.

Moved by Hensley to adopt.

APPROVED AS TO FORM:

Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		

T. M. Franklin
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.

Diane Rauh

City Clerk