



Roll Call Number

15-1025

Agenda Item Number

24

Date June 22, 2015

**APPROVING EMPLOYMENT OF HALL & ASSOCIATES TO PROVIDE
PROFESSIONAL EVALUATION AND COMMENTS ON REGULATORY PROPOSALS
BY IOWA DEPARTMENT OF NATURAL RESOURCES**

WHEREAS, Hall & Associates was retained by the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) on April 18, 2006, by Resolution No. 06-39 and by the City of Des Moines on April 10, 2006 by Resolution No. 06-651 to provide professional consultation and representation services to the WRA regarding an alleged IDNR violation, the negotiation of the a consent decree for 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; and

WHEREAS, the WRA's current NPDES Permit was negotiated and included as part of the Consent Decree which was approved by the WRA on March 16, 2010 by Resolution No. 10-48; and

WHEREAS, the WRA's NPDES Permit includes "Special Conditions – Combined Sewer Overflows" that apply to the City of Des Moines as the sole entity that is responsible and liable for the operations and control of the overflows identified in the special conditions as City owned outfalls; and

WHEREAS, the WRA retained Hall & Associates on February 17, 2015 to provide consultation and representation services to the WRA regarding negotiation of its NPDES Permit and the City Council approved retaining Hall & Associates on February 23, 2015 for the "Special Conditions – Combined Sewer Overflow" included as a part of the WRA's NPDES Permit; and

WHEREAS, there are regulatory proposals by the Iowa Department of Natural Resources (IDNR) that require evaluation as to how they may impact the WRF and the City of Des Moines' MS4 Permit; and

WHEREAS, the WRA has also determined it advisable to retain Hall & Associates for the evaluation and comment on the proposed IDNR regulations as a joint submission with the City's comments and authorized the fees be allocated between the WRA and City as determined appropriate by the WRA Director and City of Des Moines Public Works Director; and

WHEREAS, it is the recommendation of staff that Hall & Associates be retained by the City to provide evaluation and comment on the proposed IDNR regulations jointly with the WRA; and



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

1. That it authorizes employment of Hall & Associates for evaluation and providing written comments on the proposed IDNR regulations be provided at the fees set forth below:

John Hall	\$385.00
Gary Cohen	\$325.00
Bill Hall	\$275.00
Philip Rosenman	\$225.00
Associate Attorney	\$190.00
Research Associates	\$135.00
Research Engineer	\$135.00
Law Clerk	\$ 95.00

and as such fees may be updated annually and such other staff as necessary, including legal research fees and out of pocket expenses with such authorization not to exceed \$5,000 without further authorization.

2. That it hereby consents to joint representation of the City of Des Moines and the WRA and hereby consents to any conflict of interest with the joint representation in this matter.
3. That the Public Works Director is authorized and directed to allocate the billings with the WRA Director between the City and the WRA as appropriate.



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- 4. That the City Attorney is authorized and directed to sign a Terms of Retainer or other such agreement as may be necessary.

Moved by Gatto to adopt.

APPROVED AS TO FORM:

Moved by _____ to adopt.

Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
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.

MOTION CARRIED

APPROVED

T. M. Franklin
Mayor

Diane Rauh

City Clerk