

★ Roll Call Number

18-1154

Agenda Item Number

18

Date July 9, 2018

RESOLUTION AUTHORIZING AND APPROVING RETENTION OF STEVEN PACE AND KELLY CWIERTNY AND THE SHUTTLEWORTH & INGERSOLL LAW FIRM ON ISSUES RELATING TO POSSIBLE ACQUISITION OF THE DICO PROPERTY

WHEREAS, on December 4, 2017 by Roll Call No. 17-2097, the City Council directed the City Manager to cooperate with environmental cleanup efforts and analyze possible acquisition of the DICO property as the future location for the new Police Department building facility; and

WHEREAS, the DICO property located near the intersection of Fleur Drive and Martin Luther King Jr. Parkway has been designated as a Superfund site under the jurisdiction of the United States Environmental Protection Agency and the DICO property contains contaminated buildings, soil and ground water; and

WHEREAS, Steven Pace and Kelly Cwierty and the Shuttleworth & Ingersoll Law Firm have special expertise in environmental matters, including the buying of contaminated property, Superfund cleanups, CERCLA issues and Environmental Protection Agency compliance issues and the City Attorney recommends they be retained to assist the Legal Department and City staff on the possible acquisition of the DICO property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa it authorizes the retention of Steven Pace, Kelly Cwierty and the Shuttleworth & Ingersoll Law Firm to provide legal representation on matters related to the possible acquisition of the DICO property at the hourly rate of \$330 for Steven Pace and \$265 for Kelly Cwierty, and to include costs for such other attorneys, paralegals and other staff at set rates, travel, court, expert and legal research fees and out-of-pocket expenses, and further authorizes and directs the City Attorney to sign an engagement letter for such legal representation.

APPROVED AS TO FORM:

Moved by Gatto to adopt.

Lawrence R. McDowell
Deputy City Attorney

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Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and 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

Diane Rauh City Clerk