

★ Roll Call Number

18-1997

Agenda Item Number

29

Date December 3, 2018

**WAIVER AND CONSENT TO CONFLICT OF INTEREST IN REPRESENTATION BY  
AHLERS & COONEY, P.C. OF THE DES MOINES AIRPORT AUTHORITY IN A JOINT  
PUBLIC IMPROVEMENT AGREEMENT WITH THE CITY OF DES MOINES**

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 a Joint Public Improvement 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 Authority would like the City to apply for RISE funding for a roadway portion of the Airport Entrance Improvements; 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 and construction of the improvements; and

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

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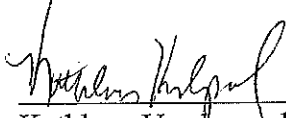
Date December 3, 2018

**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 the Joint Public Improvement 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 Joint Public Improvement Agreement become adversarial between the City and the Authority

Moved by Gatto to adopt.

APPROVED AS TO FORM:

  
 Kathleen Vanderpool  
 Deputy City Attorney

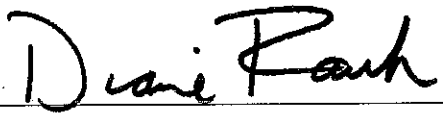
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED				

  
 J. M. Franklin Cownie 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