

★ Roll Call Number

19-0809

Agenda Item Number

35

Date May 20, 2019

WAIVER AND CONSENT TO CONFLICT OF INTEREST IN REPRESENTATION BY AHLERS & COONEY, P.C. OF THE DES MOINES AIRPORT AUTHORITY IN ZONING AND LAND USE MATTERS

WHEREAS, Ahlers & Cooney, P.C. represents the Des Moines Airport Authority ("Authority") as general counsel and the City of Des Moines in various matters, including economic development matters, real estate matters, and as bond counsel; and

WHEREAS, the Authority and the City are coordinating requirements for two separate proposed development projects, the Knapp development and the Southwoods Estates development, located in close proximity to the Des Moines International Airport's runway protection zones and the Authority has requested that the owners of the proposed developments provide noise and avigation easements and that the owner(s) of the Knapp development parcel agree to related conditions of property rezoning; and

WHEREAS, the Authority would like to use Ahlers & Cooney, P.C. for representation in the negotiation and drafting of the noise and avigation easements and review of the proposed rezoning conditions, which requires a consent and waiver as to the conflict from the Authority and the City; and

WHEREAS, the City's legal representation in said matters will be provided by an Assistant City Attorney.

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

- 1. That the Mayor is hereby authorized and directed 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 above-described zoning and land use matters.
2. That the City Attorney is authorized to withdraw and terminate such waiver and consent for any reason, in his sole discretion, should he determine that termination of the waiver and consent is required.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

MOVED BY Gatto TO ADOPT.

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL. Total yeas is 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.

J. M. Frankh, Mayor

Diane Rauh, City Clerk