



**Roll Call Number**

20-1490

**Agenda Item Number**

73-I

**Date** September 14, 2020

**RESOLUTION APPROVING CONSENT DECREE REGARDING THE DES MOINES TCE SUPERFUND SITE TO ACCEPT TITLE TO THE DICO PROPERTY AND ASSUME RESPONSIBILITY FOR PERFORMANCE OF CERTAIN RESPONSE ACTIONS**

WHEREAS, United States of America, the U.S. Environmental Protection Agency (EPA), Dico, Inc., Titan Tire Corporation and Titan International, Inc. have entered into a Consent Decree to settle litigation involving the Des Moines TCE Superfund Site; and

WHEREAS, the City of Des Moines is included as a party to the Consent Decree because it includes terms for the City to accept title to the property owned by Dico, Inc. (“Dico Property”) and to assume responsibility for certain environmental response actions for the Dico Property; and

WHEREAS, approval of the Consent Decree, acceptance of title to the Dico Property and assumption of responsibility for performance of certain environmental response actions for the Dico Property in accordance with the terms and conditions of the Consent Decree is in the best interests of the City.

NOW, THEREFORE BE IT RESOLVED by the City council of the City of Des Moines, Iowa that the Consent Decree, on file in Office of the City Clerk, is hereby approved and the Mayor is authorized and directed to sign the Consent Decree on behalf of the City and the City Clerk is directed to complete the authorized agent information.

BE IT FURTHER RESOLVED that the City Manager or his designees are authorized and directed to take all necessary actions to administer, complete and comply with all terms, conditions and the assumed performance of environmental response actions set out in the of the Consent Decree including, but not limited to, the acceptance of title to the Dico Property, operation and maintenance of groundwater treatment systems including sampling and reporting, operation and maintenance of the existing asphalt cap including inspections and reporting, preparation of operation and maintenance plans and other required plans for EPA approval, and execution and recording of required environmental covenants.



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BE IT FURTHER RESOLVED that the City Manager or his designees are authorized and directed to prepare necessary plans and actions and coordinate with the EPA for the demolition and removal of the production and office buildings on the Dico Property.

(Council Communication No. 20.389)

Moved by Mendelbaum to adopt.

APPROVED AS TO FORM:

/s/ Lawrence R. McDowell
Lawrence R. McDowell
Deputy City Attorney

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

CERTIFICATE

I, P. Kay Cmelik, 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

Handwritten signature of J. M. Franklin Cownie, Mayor

Handwritten signature of P. Kay Cmelik, City Clerk

City Clerk