



Roll Call Number

21-0205

Agenda Item Number

40



Date February 8, 2020

RESOLUTION APPROVING ACCESS AND INDEMNIFICATION AGREEMENT WITH DICO INC. AND TITAN INTERNATIONAL, INC. TO ALLOW ASBESTOS INSPECTION ON THE DICO PROPERTY

WHEREAS, by Roll Call No. 20-1490 of September 14, 2020, the City Council approved the Consent Decree between the United States of America, the U.S. Environmental Protection Agency, Dico, Inc., Titan Tire Corporation, Titan International, Inc. and the City of Des Moines to settle litigation involving the Des Moines TCE Superfund Site in the vicinity of 200 S.W. 16th Street ("Dico Property"); and

WHEREAS, in accordance with the terms and conditions of the Consent Decree, which is pending judicial approval, the City will accept title to the Dico Property and assume responsibility for performance of certain environmental response actions for the Dico Property; and

WHEREAS, by Roll Call No. 20-1490, the City Manager and 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 and certain asbestos inspection activities are required for preparation of demolition contracts; and

WHEREAS, an Access and Indemnification Agreement between Dico Inc., Titan International, Inc., the City and the City's asbestos inspection contractor has been prepared to allow for the commencement and completion of asbestos inspection activities on the Dico Property.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines, Iowa that the Access and Indemnification Agreement, in such final form approved by the Legal Department, is hereby approved and the City Manager is authorized and directed to sign the Agreement on behalf of the City and the City Manager or his designees are authorized and directed to administer the required inspection activities in accordance with the terms of the Agreement terms.

Moved by Gatto 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 (7 yeas).

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