



Roll Call Number

23-0033

Agenda Item Number

26

Date January 9, 2023

WAIVER AND CONSENT TO CONFLICT OF INTEREST IN REPRESENTATION BY AHLERS & COONEY, P.C. OF THE DES MOINES AIRPORT AUTHORITY AS TO AN AGREEMENT BETWEEN THE DES MOINES AIRPORT AUTHORITY AND THE CITY OF DES MOINES FOR TRANSFER OF IRRIGATION SYSTEM

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 Agreement regarding transfer of Airport Irrigation System needed for the Fleur Drive planters on property leased to the Authority by the City in exchange for the City removing landscaping served by the Irrigation System; and

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

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 Airport Irrigation System Agreement between the Des Moines Airport Authority and the City of Des Moines.
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 Airport Irrigation System Agreement become adversarial between the City and the Authority.

Moved by Boesen to adopt. Second by Gatto

APPROVED AS TO FORM:
s/Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, MANDELBAUM, SHEUMAKER, VOSS, WESTERGAARD, and TOTAL (7 yeas).

CERTIFICATE
I, LAURA BAUMGARTNER, 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. Franklin Cownie Mayor

Laura Baumgartner Acting City Clerk