

December 4, 2006

Date

APPROVING PAYMENT OF BILLING FROM AHLERS & COONEY, P.C.  
FOR SERVICES RELATED TO ENVIRONMENTAL REMEDIATION OF THE  
PITTS-DES MOINES SITE AND OTHER ENVIRONMENTAL ISSUES

WHEREAS, on May 17, 2006, pursuant to Roll Call No. 06-962, this City Council authorized the retention of Jane McAllister and Elizabeth Grob from the law firm of Ahlers & Cooney, P.C. to provide legal services to assist the City in demonstrating compliance with the applicable federal requirements for obtaining release of the proceeds of an EPA Brownfields grant for the cleanup and remediation of the hazardous environmental condition of the Pitts-Des Moines site, and Hubbell Realty Company agreed to reimburse the City for one-half of the cost of their legal services; and,

WHEREAS, on December 5, 1994, pursuant to Roll Call No. 94-4645, the City Council of the City of Des Moines authorized the Legal Department to seek proposals for the provision of professional services of outside counsel specializing in the field of environmental law to assist the City in resolution of various issues associated with the acquisition of environmental contaminated properties; and

WHEREAS, Ahlers & Cooney, P.C. has submitted a billing dated September 30, 2006, in the amount of \$7,395.75 for assistance in environmental matters, of which \$4,689.27 is for assistance with regard the EPA Brownfields grant for cleanup and remediation of the hazardous environmental condition of the Pitts-Des Moines site and \$2,706.48 is for various issues associated with acquisition of environmental contaminated properties; and,

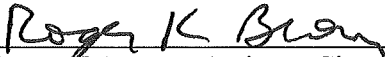
WHEREAS, the City Legal Department has audited said billing and has verified the bill to be correct and recommends payment;

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

1. The Finance Director be and is hereby authorized and directed to issue a check in the amount of \$7,395.75 to Ahlers & Cooney, P.C., in payment of the legal services identified above.
2. The Finance Director is further authorized and directed to seek reimbursement from Hubbell Realty Company of one-half of the \$4,689.27 charged for legal services with regard the EPA Brownfields grant for cleanup and remediation of the Pitts-Des Moines site

FORM APPROVED:

MOVED by \_\_\_\_\_ to adopt.

  
Roger K. Brown, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
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.

\_\_\_\_\_  
City Clerk

# AHLERS & COONEY, P.C.

ATTORNEYS AT LAW  
100 COURT AVENUE • SUITE 600  
DES MOINES, IOWA 50309-2231  
PHONE 515-243-7611  
FEDERAL ID 42-1323559

CITY OF DES MOINES, IOWA  
MERRILL R. STANLEY, FINANCE DIR./TREAS.  
CITY HALL, 400 ROBERT D. RAY DRIVE  
DES MOINES, IA 50309

ATTORNEY - WJN

INVOICE # 513507

SEPTEMBER 30, 2006

CLIENT NUMBER - 10387

FOR PROFESSIONAL SERVICES RENDERED  
THROUGH SEPTEMBER 19, 2006

RE: ENVIRONMENTAL ISSUES

MATTER NUMBER - 200

3/21/06	JBM	.10	RETURN TELEPHONE CALL TO MS. VANDERPOOL; REVIEW UNION PACIFIC RAILROAD ENVIRONMENTAL DOCUMENTS
3/22/06	JBM	.50	REVIEW LICENSE FOR GRAY'S LAKE ENVIRONMENTAL
3/24/06	JBM	.50	REVISE ACCESS AGREEMENT
3/27/06	JBM	.50	FINALIZE COMMENTS ON ACCESS AGREEMENT ON GRAYS LAKE
5/01/06	JBM	.30	RECEIVE AND REVIEW INFORMATION FROM MR. BROWN RE BROWNFIELDS PROJECTS
5/01/06	JBM	.10	RETURN TELEPHONE CALL TO MR. BROWN RE BROWNFIELDS PROJECT ISSUE
5/01/06	JBM	.10	TELEPHONE CALL TO MR. BROWN
5/02/06	EAG	1.30	REVIEW BROWNFIELD LOAN EMAILS AND DOCUMENTS; TELEPHONE CALL TO BROWN (LEFT MESSAGE)
5/02/06	JBM	.20	CONFER WITH ATTORNEY GROB RE ENVIRONMENTAL ISSUES ON BROWNFIELDS LOAN AGREEMENT
5/08/06	EAG	.50	REVIEW CERTIFICATION AND INDEMNIFICATION REQUIREMENTS FOR BROWNFIELDS LOAN
5/08/06	JBM	.10	RETURN TELEPHONE CALL TO MR. BROWN RE MEETING AT HUBBELL
5/09/06	EAG	1.00	LEGAL RESEARCH RE RLF LOANS AND PREPARE FOR 5/10 MEETING
5/09/06	JBM	.50	REVIEW HUBBELL DOCUMENTS AND FEDERAL GRANT RULES
5/10/06	EAG	1.80	PREPARE FOR, TRAVEL TO/FROM MEETING WITH HUBBELL REALTY RE RLF
5/10/06	JBM	1.80	MEETING WITH HUBBELL AND FOLLOW UP
5/15/06	JBM	.10	RETURN TELEPHONE CALL TO MR. BROWN RE EPA BROWNFIELDS ISSUE
5/15/06	JBM	.10	TELEPHONE CALL FROM MR. BROWN RE BROWNFIELDS
5/16/06	JBM	.30	TELEPHONE CALL TO MR. BROWN RE HUBBELL REPRESENTATION
5/17/06	JBM	.20	TELEPHONE CALL TO MR. BROWN RE HUBBELL MATTER
5/18/06	JBM	.20	TELEPHONE CALL TO MS. WALKOWIAK RE GRANT REQUIREMENTS

CITY OF DES MOINES, IOWA  
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5/18/06	JBM	.20	CONFER WITH MS. WALKOWIAK RE EPA GRANT CONDITIONS
5/19/06	JBM	2.00	MEETING WITH MS. WALKOWIAK; REVIEW REGULATIONS AND GRANT DOCUMENTS
5/22/06	JBM	1.50	E-MAIL TO MR. HAYES REQUESTING DOCUMENTS; REVIEW FEDERAL REGULATIONS ON GRANT PROGRAMS
5/22/06	FG	3.00	REVIEW FILE AND APPLICABLE REGULATIONS
5/23/06	FG	3.00	RESEARCH REGULATORY REQUIREMENTS, DEVELOPE LIST OF REQUIRED REGULATIONS, RESEARCH ISSUE OF COMPETITIVE BIDDING PROCESS, DEVELOPE NOTES REGARDING NECESSARY INQUIRIES OF CLIENT AND CLIENT'S ASSOCIATES
5/25/06	JBM	2.00	REVIEW DOCUMENTS AND RESEARCH
5/30/06	FG	1.80	PRODUCE DOCUMENT DISCUSSING APPLICABLE REGULATIONS, STANDARDS FOR COMPETITIVE BIDDING PROCESS, AND LIST OF ADDITIONAL INQUIRIES TO CLIENT AND ASSOCIATES
5/31/06	JBM	.20	E-MAIL FROM MR. HAYES AND RESPONSE; E-MAIL TO MR. PORT RE NEEDED INFORMATION
6/07/06	JBM	.80	RESEARCH ON HUBBELL ISSUE
6/09/06	JBM	.20	WORK ON EVALUATION OF ISSUES
6/12/06	JBM	2.00	INITIAL DRAFT OF SUBMITTAL TO EPA; E-MAIL TO HUBBELL
6/12/06	JBM	.10	RETURN TELEPHONE CALL TO MR. HAYES
6/12/06	FG	.70	DRAFT CHECKLIST OF REGULATORY REQUIREMENTS
6/13/06	JBM	.50	E-MAIL FROM MR. HAYES; TELEPHONE CALL TO MR. HAYES RE ADDITIONAL INFORMATION FOR EPA SUBMITTAL
6/13/06	JBM	.60	E-MAIL FROM MS. VANDERPOOL RE PURCHASE AGREEMENT WITH UP; REVIEW DOCUMENTS; E-MAIL TO MS. VANDERPOOL REGARDING REAL ESTATE TAKING QUESTION
6/13/06	ITW	.20	E-MAIL FROM MS. VANDERPOOL RE USE
6/14/06	JBM	.10	COMMENT ON UP ENVIRONMENTAL LANGUAGE
6/15/06	JBM	.20	REVIEW ENVIRONMENTAL REPORT; REVISE UP "INTENT TO SELL" DOCUMENT; FORWARD COMMENTS TO MS. VANDERPOOL
6/20/06	JBM	2.00	REVISE UP AGREEMENT
6/21/06	JBM	.30	MEETING WITH CLIENT
6/21/06	JBM	1.50	E-MAIL FROM MS. VANDERPOOL; RESPOND; REVISE UP AGREEMENT; E-MAIL TO MS. VANDERPOOL
6/23/06	JBM	1.50	FURTHER RESEARCH; REVISE REPORT TO EPA; RESPOND TO MR. HAYES
6/27/06	JBM	2.00	MEETING WITH CLIENT RE REVISIONS
6/27/06	JBM	1.00	RETURN TELEPHONE CALL TO MS. VANDERPOOL RE UNION PACIFIC AGREEMENT
6/27/06	JBM	.10	RECEIVE MESSAGES AND INFORMATION FROM MR. PORT RE BIDDING PROCESS; E-MAIL TO MR. BROWN RE SAME
6/28/06	JBM	.30	DRAFT LETTER TO EPA; REVIEW DOCUMENTS
6/29/06	JBM	.80	TELEPHONE CALL TO MR. RICHARDS; E-MAIL TO CLIENT
7/20/06	JBM	.20	TELEPHONE CALL TO MR. RICHARDS; TELEPHONE CALL TO MR. RICHARDS; E-MAIL TO CLIENT REQUESTING ADDITIONAL INFORMATION; DRAFT LETTER
7/21/06	JBM	1.80	

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CITY OF DES MOINES, IOWA  
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7/24/06	JBM	.10	E-MAILS RE PUBLICATION NOTICE FROM CITY AND HUBBELL
7/25/06	JBM	.10	ATTENTION TO MEETING ARRANGEMENTS
7/26/06	JBM	.10	EMAIL FROM AND TO MS. VANDERPOOL RE UP RESPONSE
7/26/06	JBM	.10	EMAIL TO AND FROM MR. BROWN RE PROCUREMENT POLICIES
7/31/06	JBM	1.00	MEET WITH CITY AND HUBBELL REPRESENTATIVES AT CITY HALL
7/31/06	JBM	.20	TELEPHONE CALL FROM ELLY WALKOWIAK; EMAIL FROM EPA AND MR. BROWN
8/01/06	JBM	1.00	REVIEW UP DOCUMENT REVISIONS; EMAIL TO MS. VANDERPOOL AND RESPONEE; EVALUATE OPTIONS
8/01/06	JBM	.80	MEETING WITH CLIENT; EMAIL TO MS. VANDERPOOL
8/01/06	ITW	1.00	REVIEW DOCUMENTS; MEET WITH CITY STAFF REGARDING EMINENT DOMAIN QUESTIONS
8/02/06	JBM	5.00	DRAFT LETTER TO EPA; E-MAIL TO CLIENT; TELEPHONE CALL TO TERRACON; REVIEW TERRACON DOCUMENTS
8/02/06	JBM	.10	E-MAIL TO MS. VANDERPOOL
8/03/06	JBM	1.60	COMMENTS ON LETTER FROM MR. BROWN, MR. HAYES AND MR. PORT; E-MAIL FROM AND TO MS. WALKOWIAK; REVISE AND FINALIZE LETTER
8/03/06	JBM	.80	REVIEW FILE FOR TOXIC TORT ISSUES
8/03/06	JBM	1.20	MEETING WITH CLIENT AND CALL TO UNION PACIFIC AND FOLLOW UP
8/04/06	JBM	.30	CONSIDER OPTIONS ON UNION PACIFIC PROPERTY
8/07/06	JBM	.10	E-MAIL FROM MS. VANDERPOOL WITH STATUS REPORT FROM UNION PACIFIC
8/16/06	JBM	.40	RECEIVE DOCUMENTS FROM MS. VANDERPOOL ON UNION PACIFIC ISSUES; RESPOND; TELEPHONE CALL TO MS. VANDERPOOL
8/17/06	JBM	.50	TELEPHONE CALL FROM MS. VANDERPOOL RE PROPOSAL TO UNION PACIFIC; REVIEW DOCUMENTS TO DETERMINE TRIGGER; FORWARD INFORMATION TO MS. VANDERPOOL ON TRIGGER MECHANISM
8/18/06	JBM	.60	RECEIVE AND REVIEW NEW MAP OF PROPERTY; TELEPHONE CALL TO MS. VANDERPOOL RE PROPOSAL TO UNION PACIFIC; TELEPHONE CALL TO DNR RE CLEAN UP STANDARDS; TELEPHONE CALL TO MS. VANDERPOOL; COMPARE STANDARDS
8/20/06	JBM	.30	REVIEW SOIL ANALYSIS FOR PROPOSAL TO RAILROAD
8/22/06	JBM	.30	RECEIVE AND REVIEW CORRESPONDENCE FROM MS. VANDERPOOL RE LETTER TO UNION PACIFIC; PROVIDE COMMENTS; E-MAIL FROM MS. VANDERPOOL
9/05/06	JBM	.20	E-MAILS TO MS. VANDERPOOL RE UNION PACIFIC AGREEMENT
9/11/06	JBM	2.00	TELEPHONE CALL TO MS. VANDERPOOL; REVISE DOCUMENTS FOR UNION PACIFIC TRANSACTION; FORWARD TO CLIENT FOR COMMENT
9/13/06	JBM	.30	TELEPHONE CALL FROM MS. VANDERPOOL
9/14/06	JBM	.80	REVISE DOCUMENT; E-MAIL TO MS. VANDERPOOL
9/15/06	JBM	.30	RETURN TELEPHONE CALL TO MS. VANDERPOOL; REVIEW REVISED DOCUMENT; E-MAIL MS. VANDERPOOL RE SAME

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INVOICE # 513507  
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PROFESSIONAL SERVICES

7,203.00

SUMMARY OF PROFESSIONAL SERVICES

	HOURS
EAG	4.60
JBM	45.70
ITW	1.20
FG	8.50
	60.00

COSTS ADVANCED

5/31/06	PHOTOCOPIES	112.80
7/20/06	TOLL CALLS	.28
7/21/06	TOLL CALLS	2.98
8/03/06	TOLL CALLS	6.08
8/05/06	UPS OVERNIGHT CHARGES	20.51
8/19/06	PHOTOCOPIES	50.10
	TOTAL COSTS ADVANCED	192.75

INVOICE TOTAL

7,395.75