City of Carroll

112 E. 5th Street Carroll, Iowa 51401-2799 (712) 792-1000 FAX: (712) 792-0139

MEMO TO: Honorable Mayor and City Council Members

FROM: Mike Pogge-Weaver, City Manager MJP-W

DATE: August 14, 2018

SUBJECT: Library/City Hall Project
Engagement of Ahlers & Cooney, P.C.

An engagement letter related to a Petition for Declaratory Ruling/Relief and Request for Temporary and Permanent Injunction Relief filed in connection with the Library/City Hall project has been requested and received from Ahlers & Cooney, P.C. The case was filed in the Iowa District Court for Carroll County against Michel J. Pogge-Weaver, City of Carroll, Iowa and City Council of the City of Carroll, Iowa. A copy of the engagement letter is attached.

The engagement letter provides for the following:

1. The City of Carroll agrees to hire Ahlers & Cooney P.C. to defend the City and Mr. Pogge-Weaver again the lawsuit filed by Richard W. Collison.

2. The parties agree that Ahlers & Cooney, P.C. will supply the services of Jim Wainwright and Jason Craig for the purposes of counsel in this matter.

3. Ahlers & Cooney, P.C. will bill monthly for services at the hourly rate of $290.00 per hour for Mr. Wainwright's services, $260.00 per hour for Mr. Craig's services, other associate fees at a rate of $190.00 - $220.00 per hour and legal assistant time at $125.00 per hour plus any out-of-pocket expenses.

RECOMMENDATION: Mayor and City Council consideration and passage and approval of the Resolution Accepting the Engagement Letter from Ahlers & Cooney, P.C. for legal defense services relating to a petition filed in connection with the Library/City Hall Project.

attachments (2)

RESOLUTION NO. _____

RESOLUTION ACCEPTING THE ENGAGEMENT LETTER
WITH AHLERS & COONEY, P.C.

WHEREAS, the City of Carroll has been named a Defendant in a petition filed by Richard W. Collison, DVM regarding a project concerning the Library/City Hall Project, which petition is entitled IN THE IOWA DISTRICT COURT FOR CARROLL COUNTY, *Richard W. Collision, DVM vs. Michel J. Pogge-Weaver, City of Carroll, Iowa and City Council of the City of Carroll, Iowa, Case No. EQCV040006*; and,

WHEREAS, the City is interested in retaining legal counsel for the purpose of defending against the above-described suit and filing any claims against Richard W. Collison, DVM arising from the project; and,

WHEREAS, the City desires to retain the services of Attorneys Jim Wainwright and Jason Craig of Ahlers & Cooney, P.C.; and,

WHEREAS, the Law Firm is interested in representing the City in this matter.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carroll, Iowa, that the Engagement Letter with Ahlers & Cooney, P.C. is approved and the Mayor is authorized and directed to execute the Engagement Letter on behalf of the City.

Passed and approved by the Carroll City Council this 15th day of August, 2018.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

By: _____
Eric P. Jensen, Mayor

ATTEST:

By: _____
Laura A. Schaefer, City Clerk

AHLERS COONEY
ATTORNEYS

Ahlers & Cooney, P.C.
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Des Moines, Iowa 50309-2231
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August 13, 2018

VIA EMAIL ONLY
City Council
City of Carroll
112 E. 5th Street
Carroll, Iowa 51401

RE: Engagement of Ahlers & Cooney, P.C.
Richard W. Collison, DVM v. Michael J. Pogge-Weaver, City of Carroll, Iowa, and City Council of the City of Carroll, Iowa
Case No. EQCV040006

Dear City Council:

This letter is to confirm that the City of Carroll ("the City") has retained Ahlers & Cooney, P.C. with respect to the lawsuit filed by Richard W. Collison, DVM in the Iowa District Court for Carroll County. It is our practice to submit for your review this letter of engagement. This letter defines the scope of work we are undertaking on your behalf and sets out the usual policies and procedures of the firm.

At present, we understand that our responsibilities are to defend the City and Mr. Pogge-Weaver against the lawsuit filed by Mr. Collison. Jim Wainwright and I will be primarily responsible for providing you these legal services. We may be assisted, as appropriate and efficient, by legal assistants and associate attorneys.

The fees charged by the firm for this representation will be based on the current hourly rate of the person performing the service at the time services are performed. Our rates are generally adjusted on an annual basis, beginning January 1 of each year. My current rate is $260.00 per hour. Jim's current rate $290.00 per hour. The current rates of our associates are between $190.00 and $220.00 per hour. Legal assistant time will be billed at the rate of $125.00 per hour. Statements will be sent to your attention on a monthly basis. All out-of-pocket expenses including, but not limited to, photocopies, filing fees, mileage, etc. will also be separately itemized and billed on our monthly statements. We reserve the right to forward significant expenses directly to you for payment, if any such charges should arise.

Although we intend to provide the highest quality legal services, we cannot guarantee any result and we make no such promises or guarantees. Matters are ultimately determined by factors that are beyond our control such as the facts of the case, judicial rulings, jury determinations, and applicable laws. Any comments about possible outcomes of a matter are expressions of opinion only and are not guarantees.

Please carefully review the terms and conditions of this Agreement. If this Agreement accurately reflects the terms of this engagement, please obtain approval by the City Council, and execute, date, and return to me an executed copy of this Agreement. Please retain the original for your file.

If you have questions or would like to discuss this further, please do not hesitate to contact me. We appreciate the opportunity to represent the City of Carroll and look forward to working with you on this matter.

Very truly yours,

AHLERS & COONEY, P.C.

By

Jason M. Craig

JMC:pn

Accepted and approved on behalf of the Carroll City Council*

By: _____ Dated: _____

Title: _____

*Authorized by Resolution \ Motion _____ approved on _____, 2018.