City of Carroll

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

MEMO TO: Mike Pogge-Weaver, City Manager MJPW

FROM: Randall M. Krauel, Director of Public Works RMK

DATE: May 7, 2018

SUBJECT: Water Transmission Main
Contract for Services

A Contract for Services related to the lawsuit filed in connection with the Water Transmission Main project has been requested and received from Neu, Minnich, Comito, Neu & Badding, P.C. A copy is attached. The Contract provides for the following:

1. The City of Carroll agrees to hire Neu, Minnich, Comito, Neu & Badding, P.C. for the purpose of carrying out the legal measures necessary to defend any claims against it and pursuing any claims the City may have arising from the above-described project and lawsuit.

2. The parties agree that Neu, Minnich, Comito, Neu & Badding, P.C. will supply the services of Jeff Minnich and Gina Badding for the purposes of counsel in this matter.

3. Neu, Minnich, Comito, Neu & Badding, P.C. will bill at the hourly rate of $250.00 per hour for services plus any out-of-pocket expenses and will bill not less than quarterly for services rendered.

RECOMMENDATION: Mayor and City Council consideration and passage and approval of the Resolution Approving the Contract for Services with Neu, Minnich, Comito, Neu & Badding, P.C.

RMK:ds

attachments (2)

RESOLUTION NO. _____

RESOLUTION APPROVING THE CONTRACT FOR SERVICES WITH NEU, MINNICH, COMITO, NEU & BADDING, P.C.

WHEREAS, the City of Carroll has been named a Defendant in a lawsuit filed by Drake Construction, LLC regarding a project concerning the City's water supply well transmission main, which lawsuit is entitled IN THE IOWA DISTRICT COURT FOR CARROLL COUNTY, *Drake Construction, LLC v. City of Carroll, Iowa,* LACV039950; and,

WHEREAS, the City's underlying insurance has denied coverage; 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 Drake Construction, LLC arising from the project; and,

WHEREAS, the City desires to retain the services of Attorneys Jeff Minnich and Gina Badding of Neu, Minnich, Comito, Neu & Badding, 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 Contract for Services with Neu, Minnich, Comito, Neu & Badding, P.C. is approved and the Mayor is authorized and directed to execute the Contract on behalf of the City.

Passed and approved by the Carroll City Council this 14th day of May, 2018.

CITY COUNCIL OF THE
CITY OF CARROLL, IOWA

By: _____
Eric P. Jensen, Mayor

ATTEST:

By: _____
Laura A. Schaefer, City Clerk

CONTRACT FOR SERVICES

This Contract is entered into this 14th day of May, 2018, by and between The City of Carroll, Iowa and with Neu, Minnich, Comito, Neu & Badding, P.C., a law firm doing business in Carroll, Carroll County, Iowa.

WHEREAS City of Carroll has been named a Defendant in a lawsuit filed by Drake Construction, LLC regarding a project concerning the City's water supply well transmission main, which lawsuit is entitled IN THE IOWA DISTRICT COURT FOR CARROLL COUNTY, *Drake Construction, LLC v. City of Carroll, Iowa*, LACV039950; and,

WHEREAS the City's underlying insurance has denied coverage, 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 Drake Construction arising from the project; and,

WHEREAS the Commission desires to retain the services of Attorney Jeff Minnich and Gina Badding of Neu, Minnich, Comito, Neu & Badding, P.C.

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

It is agreed as follows:

1. The City of Carroll agrees to hire Neu, Minnich, Comito, Neu & Badding, P.C., for the purpose of carrying out the legal measures necessary to defend any claims against it and pursuing any claims the City may have arising from the above described project and lawsuit.

2. The parties agree that Neu, Minnich, Comito, Neu & Badding, P.C, will supply the services of Jeff Minnich and Gina Badding for the purposes of counsel in this matter.

3. Neu, Minnich, Comito and Neu, P.C. will bill at the hourly rate of $250.00 per hour for services plus any out of pocket expenses and will bill not less than quarterly for services rendered.

Eric P.Jensen, Mayor City of Carroll	Jeff Minnich, for Neu, Minnich, Comito, Neu & Badding, P.C