

DATE October 12, 2009

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT  
FOR AMERICAN DISCOVERY TRAIL SEGMENT 3 FROM NORTH VALLEY DRIVE TO BILL RILEY  
TRAIL ALONG WALNUT CREEK, SHEETS EXCAVATING, LTD.**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Jurisdictional Engineer, showing the cost of the construction of the American Discovery Trail Segment 3 from North Valley Drive to Bill Riley Trail along Walnut Creek, 11-2004-017, in accordance with the contract approved between Sheets Excavating, Ltd., Charles Sheets, President, 122 Hillcrest Ridge, Montezuma, IA 50171-3760, under Roll Call No. 08-257, of February 11, 2008, and the City of Des Moines, and recommending the acceptance thereof, be and the same is hereby approved, and accepted, and

BE IT FURTHER RESOLVED: That \$372,482.64 is the total cost, of which \$360,858.35 has been paid the Contractor, and \$449.81 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$11,174.48 is to be paid at the end of thirty days, provided no claims or liens have been filed against said project and provided that a release of this payment has been approved by the Iowa Department of Transportation through the Department of Engineering for the City of Des Moines, Iowa. Said Engineering Department shall not release this payment until all project audits have been complete, and any monetary penalties resulting from audit deficiencies shall be deducted from said balance of \$11,174.48 before being released to the Contractor. In the event that at the end of said thirty (30) day period, claims are on file as herein provided, the City of Des Moines shall continue to retain from said unpaid funds, a sum not less than double the total amount of all claims on file, or the full Chapter 573 Code of Iowa retainage amount, whichever is lesser.

BE IT FURTHER RESOLVED: That the Mayor and is hereby authorized and directed to sign the Iowa Department of Transportation Certificate of Completion and Final Acceptance of Agreement Work.

BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such acceptance within which to initiate suit to collect on their claims, and that if suit is not commenced within that time, the City of Des Moines will be required to release the retainage which it is now holding.

BE IT FURTHER RESOLVED: That the City Manager be and is hereby authorized and directed to certify the Pollution Prevention Plan Inspection Summary and the NPDES Stormwater General Permit Notice of Discontinuation for the above referenced project on behalf of the City of Des Moines and submit said documents to the Iowa Department of Natural Resources.

BE IT FURTHER RESOLVED: That the Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.



Roll Call Number

Agenda Item Number

11 A

DATE October 12, 2009

STP-ES-1945(705)--81-77

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:

FUNDS AVAILABLE

Kathleen Vanderpool  
Deputy City Attorney

Allen McKinley  
Des Moines Finance Director

Funding Source: 2009-2010 CIP, Page Park-22, Recreation Trails, PKS045, Various Funding, Being:  
\$286,405.31 - 80% of Division 1 construction cost of \$358,006.64 from Federal STP Grant (Roll Call No. 01-2113 -  
\$773,000 max total for trail Segments 1, 3, and 4); and \$86,077.33 - City G.O. Bonds for 20% of Division 1  
construction cost and 100% of Division 2 construction cost.

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

MOTION CARRIED

APPROVED

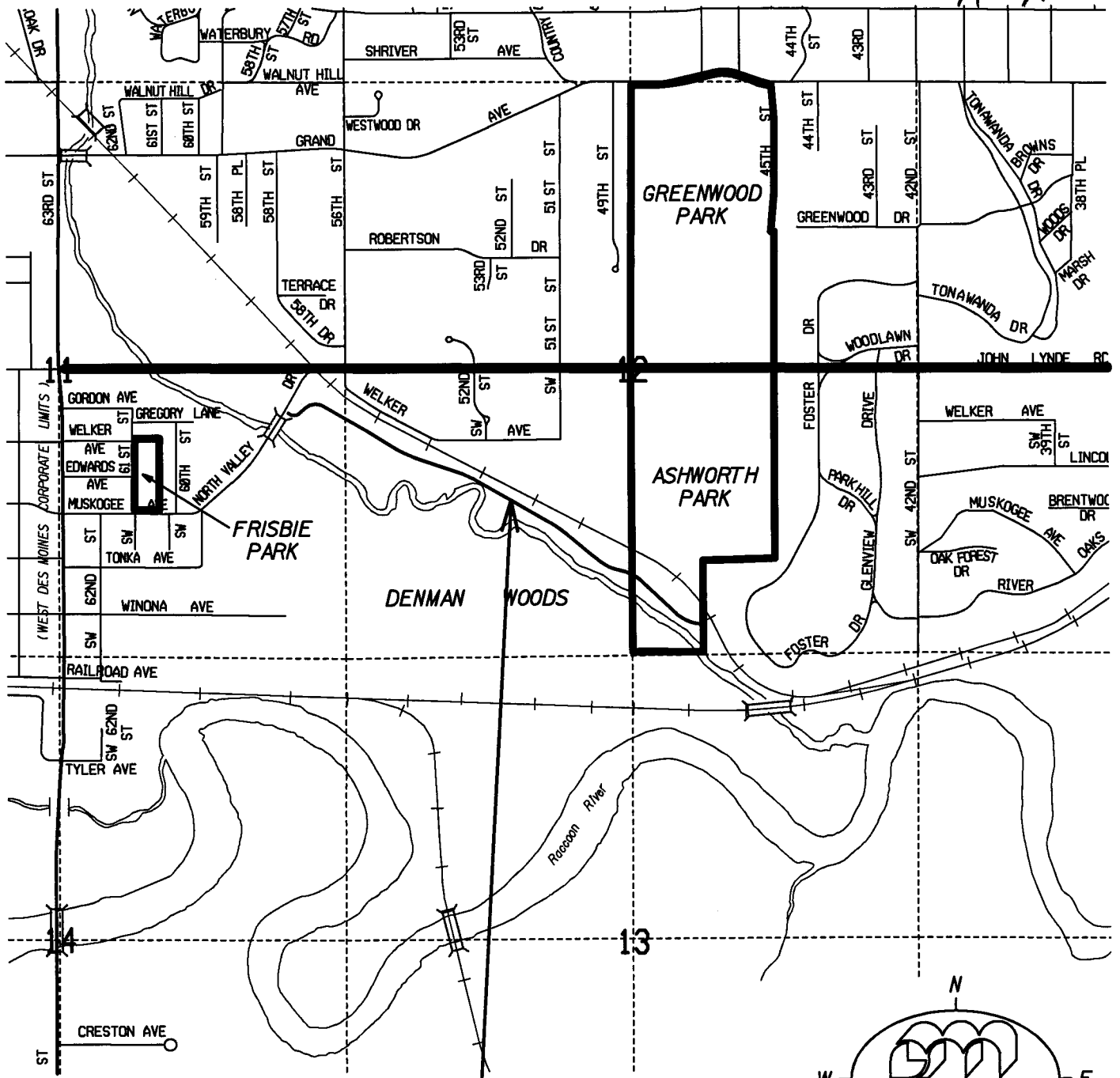
Mayor

I, Diane Rauh, City Clerk of said City Council, hereby certify that at a meeting of the City Council, 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

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**PROJECT  
LOCATION**

**AMERICAN DISCOVERY TRAIL  
SEGMENT 3**

**DOT PN STP-ES-1945(705)--8I-77**

**ACTIVITY I.D. 11-2004-017**

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# PROJECT SUMMARY

## American Discovery Trail Segment 3

### Activity ID 11-2004-017

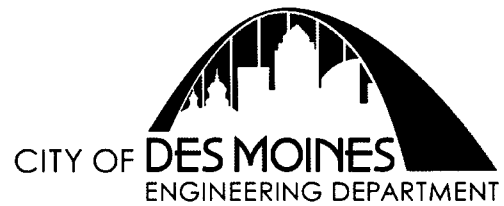
On February 11, 2008 under Roll Call No. 08-256, the City Council awarded the contract for the American Discovery Trail Segment 3 from North Valley Drive to Bill Riley Trail Along Walnut Creek to Sheets Excavating Ltd. The project includes a HMA trail, drainage culverts, surface restoration, and other incidental items.

Tabulated below is a history of project change orders.

<u>Change Order No.</u>	<u>Description</u>	<u>Initiated By</u>	<u>Amount</u>
1	12/8/2008 Additional measures required to dry and stabilize wet and unstable subbase for the trail construction. Delete HMA samples bid item.	Engineering	\$17,545.00
2	2/9/2009 Remove log jam in Walnut Creek that caused erosion of the creek bank adjacent to the American Discovery Trail.	Engineering	\$5,725.00
3	7/21/2009 Adjust contract quantities to match as-built quantities.	Engineering	(\$7,762.20)
<b>Original Contract Amount</b>			\$356,974.84
<b>Total Change Orders</b>			\$15,507.80
<b>Percent of Change Orders to Original Contract</b>			4.34%
<b>Final Contract Amount</b>			\$372,482.64

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October 12, 2009



**CERTIFICATION OF COMPLETION**

**AGENDA HEADING:**

Accepting completed construction and approving final payment for the American Discovery Trail Segment 3 from North Valley Drive to Bill Riley Trail along Walnut Creek, Sheets Excavating, Ltd..

**SYNOPSIS:**

Approve the Jurisdictional Engineer's Certification of Completion, accept construction of said improvement, and authorize final payment to the contractor.

**FISCAL IMPACT:**

Amount: \$372,482.64 As-Built Contract Cost

Funding Source: 2009-2010 CIP, Page Park-22, Recreation Trails, PKS045, Various Funding, Being: \$286,405.31 - 80% of Division 1 construction cost of \$358,006.64 from Federal STP Grant (Roll Call No. 01-2113 - \$773,000 max total for trail Segments 1 and 3); and \$86,077.33 - City G.O. Bonds for 20% of Division 1 construction cost and 100% of Division 2 construction cost.

**CERTIFICATION OF COMPLETION:**

On February 11, 2008, under Roll Call No. 08-257, the City Council awarded a contract to Sheets Excavating, Ltd., Charles Sheets, President, 122 Hillcrest Ridge, Montezuma, IA 50171-3760 for the construction of the following improvement:

American Discovery Trail Segment 3 from North Valley Drive to Bill Riley Trail along Walnut Creek, 11-2004-017

The improvement includes construction of a 10 foot wide hot mix asphalt trail 6.0 inches thick, earthwork, clearing and grubbing, culverts, and other incidental items; in accordance with the contract documents, including Plan File Nos. 479-097/130, on the American Discovery Trail from the existing American Discovery Trail at North Valley Drive north of Walnut Creek to the Bill Riley Trail south of the existing railroad crossing

I hereby certify that the construction of said American Discovery Trail Segment 3 from North Valley Drive to Bill Riley Trail along Walnut Creek, Activity ID 11-2004-017, has been completed in substantial compliance with the terms of said contract, and I hereby recommend that the work be accepted. The work commenced on May 15, 2008, and was completed on August 5, 2009.

I further certify that \$372,482.64 is the total cost of said improvement, of which \$360,858.35 has been paid the Contractor and \$449.81 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$11,174.48 is to be paid at the end of thirty days, with funds retained for unresolved claims on file in accordance with Iowa Code chapter 573. The amount of completed work is shown on the attached Estimate of Construction Completed.



Jeb E. Brewer, P.E.  
Des Moines City Engineer

**ESTIMATE OF CONSTRUCTION COMPLETED**  
FOR WORK DONE FROM 1/01/09 TO 06/01/09  
**FINAL PAYMENT (PAYMENT NO. 8)**

DATE: 7/28/09

**PROJECT: American Discovery Trail Segment 3**  
**CONTRACTOR: Sheets Excavating, Ltd.**

FINAL PAYMENT (PAYMENT NO. 8)

LINE NO.	DESCRIPTION	UNIT	UNITS			TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE	
<b>DIVISION 1: IDOT eligible Items under STP-ES-1945(705)--81-77</b>						
0010	CLEARING AND GRUBBING	ACRE	2.500	2.600	2.600	\$5,000.00
0020	EXCAVATION, CLASS 10 ROADWAY AND BORROW	CY	1990.000	1990.000	1990.000	\$21,890.00
0030	MODIFIED SUBBASE	CY	635.000	679.480	679.480	\$33,974.00
0040	ADJUSTMENT OF FIXTURES	EACH	2.000	1.000	1.000	\$500.00
0050	HOT MIX ASPHALT PAVEMENT SAMPLES	LS	1.000	0.000	0.000	\$0.00
0060	APRON, CONC, 24"	EACH	2.000	2.000	2.000	\$1,100.00
0070	APRON, CONC, 36"	EACH	4.000	4.000	4.000	\$3,200.00
0080	APRON, CONC, 60"	EACH	2.000	2.000	2.000	\$3,500.00
0090	APRON, CONC ARCH, 73"X45"	EACH	6.000	6.000	6.000	\$14,400.00
0100	CULV, CONC RDWY PIPE, 24"	LF	51.600	51.600	51.600	\$2,580.00
0110	CULV, CONC RDWY PIPE, 36"	LF	68.400	68.400	68.400	\$5,130.00
0120	CULV, CONC RDWY PIPE, 60"	LF	25.300	25.300	25.300	\$2,530.00
0130	CULV, CONC ARCH ENT PIPE, 73"X45"	LF	118.500	118.500	118.500	\$29,625.00
0140	APRON, METAL, 15"	EACH	4.000	4.000	4.000	\$1,000.00
0150	GATE, OUTLET CONTROL, FLAP, 24"	EACH	0.000	0.000	0.000	\$0.00
0160	SEWER PIPE, CORRUGATED METAL STORM, 15 IN.	LF	66.800	66.800	66.800	\$2,338.00
0170	SEWER PIPE, CORRUGATED METAL STORM, 24 IN.	LF	8.000	8.000	8.000	\$560.00
0180	ENGINEERING FABRIC	SY	440.000	721.440	721.440	\$1,551.10
0190	REVTMENT, CLASS D	TON	525.000	475.070	475.070	\$19,002.80
0200	REMOVAL OF RECREATIONAL TRAIL	SY	106.000	106.000	106.000	\$1,590.00
0210	RECREATION TRAIL, HMA 6"	SY	5215.000	5163.240	5163.240	\$139,407.48
0220	SPECIAL COMPACTION OF SUBGRADE FOR RECREATIONAL TRAIL	STA	46.000	46.000	46.000	\$5,750.00
0230	FENCE, FIELD, TYPE 47	LF	525.000	525.000	525.000	\$2,362.50
0240	GATE, FIELD FENCE, 12'	EACH	1.000	1.000	1.000	\$450.00
0250	WOOD POSTS FOR TYPE A OR B SIGNS, 4 IN. X 4 IN.	LF	48.000	48.000	48.000	\$384.00
0260	TYPE A SIGNS, SHEET ALUMINUM	SF	17.240	26.240	26.240	\$419.84
0270	TRAFFIC CONTROL	LS	1.000	1.000	1.000	\$1,400.00
0280	MOBILIZATION	LS	1.000	1.000	1.000	\$21,000.00
0290	STEEL POSTS	EACH	0.000	0.000	0.000	\$0.00

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**PROJECT: American Discovery Trail Segment 3**  
**CONTRACTOR: Sheets Excavating, Ltd.**

FINAL PAYMENT (PAYMENT NO. 8)

LINE NO.	DESCRIPTION	UNIT	UNITS			UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE		
0300	3-INCH PVC PIPE	LF	21.000	21.000	21.000	\$20.00	\$420.00
0310	CEDAR SPLIT RAIL FENCE	LF	0.000	0.000	0.000	\$20.00	\$0.00
0320	COMPOST FILTER TUBE SOCK	LF	1025.000	0.000	0.000	\$2.50	\$0.00
0330	REMOVAL OF COMPOST FILTER TUBE SOCK	LF	1025.000	0.000	0.000	\$1.00	\$0.00
0340	CLEAN OUT STORM SEWER PIPE	LS	0.000	0.000	0.000	\$2,000.00	\$0.00
0350	HEADWALL	EACH	0.000	0.000	0.000	\$4,750.00	\$0.00
0360	MULCHING	ACRE	1.500	1.500	1.500	\$350.00	\$525.00
0370	COMPOST	ACRE	0.030	0.000	0.000	\$20,000.00	\$0.00
0380	SEEDING AND FERTILIZING (URBAN)	ACRE	1.500	1.500	1.500	\$1,200.00	\$1,800.00
0390	TURF REINFORCED MAT	SQ	13.500	0.000	0.000	\$120.00	\$0.00
1.01	FLY ASH STABILIZATION	LS	0	115.000	115.000	\$183.00	\$21,045.00
2.01	EMBANKMENT-IN-PLACE	CY	0	100.000	100.000	\$5.00	\$500.00
2.02	REVTMENT, SPECIAL	TON	0	91.440	91.440	\$43.00	\$3,931.92
2.03	SAFETY CLOSURE	EACH	0	2.000	2.000	\$180.00	\$360.00
2.04	REMOVAL OF LOG JAM	DAY	0	3.000	3.000	\$260.00	\$780.00
SUBTOTAL DIVISION 1: IDOT eligible items under STP-ES-1945(705)--81-77							\$358,006.64
<b>DIVISION 2: IDOT ineligible Items under STP-ES-1945(705)--81-77</b>							
0010	CLEARING AND GRUBBING	ACRE	0.000	0.000	0.000	\$5,000.00	\$0.00
0020	EXCAVATION, CLASS 10 ROADWAY AND BORROW	CY	0.000	0.000	0.000	\$11.00	\$0.00
0030	MODIFIED SUBBASE	CY	0.000	0.000	0.000	\$50.00	\$0.00
0040	ADJUSTMENT OF FIXTURES	EACH	0.000	0.000	0.000	\$500.00	\$0.00
0050	HOT MIX ASPHALT PAVEMENT SAMPLES	LS	0.000	0.000	0.000	\$3,500.00	\$0.00
0060	APRON, CONC, 24"	EACH	0.000	0.000	0.000	\$550.00	\$0.00
0070	APRON, CONC, 36"	EACH	0.000	0.000	0.000	\$800.00	\$0.00
0080	APRON, CONC, 60"	EACH	0.000	0.000	0.000	\$1,750.00	\$0.00
0090	APRON, CONC ARCH, 73"X45"	EACH	0.000	0.000	0.000	\$2,400.00	\$0.00
0100	CULV, CONC RDWY PIPE, 24"	LF	0.000	0.000	0.000	\$50.00	\$0.00
0110	CULV, CONC RDWY PIPE, 36"	LF	0.000	0.000	0.000	\$75.00	\$0.00
0120	CULV, CONC RDWY PIPE, 60"	LF	0.000	0.000	0.000	\$100.00	\$0.00
0130	CULV, CONC ARCH ENT PIPE, 73"X45"	LF	0.000	0.000	0.000	\$250.00	\$0.00
0140	APRON, METAL, 15"	EACH	0.000	0.000	0.000	\$250.00	\$0.00
0150	GATE, OUTLET CONTROL, FLAP, 24"	EACH	1.000	1.000	1.000	\$5,000.00	\$5,000.00
0160	SEWER PIPE, CORRUGATED METAL STORM, 15 IN.	LF	0.000	0.000	0.000	\$35.00	\$0.00
0170	SEWER PIPE, CORRUGATED METAL STORM, 24 IN.	LF	0.000	0.000	0.000	\$70.00	\$0.00
0180	ENGINEERING FABRIC	SY	0.000	0.000	0.000	\$2.15	\$0.00
0190	REVTMENT, CLASS D	TON	0.000	0.000	0.000	\$40.00	\$0.00
0200	REMOVAL OF RECREATIONAL TRAIL	SY	0.000	0.000	0.000	\$15.00	\$0.00





PROJECT: American Discovery Trail Segment 3  
 CONTRACTOR: Sheets Excavating, Ltd.

FINAL PAYMENT (PAYMENT NO. 8)

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LINE NO.	DESCRIPTION	UNIT	UNITS			UNIT PRICE	TOTAL AMOUNT
			ESTIMATED	AUTHORIZED	CONSTRUCTED TO DATE		
0210	RECREATION TRAIL, HMA 6"	SY	0.000	0.000	0.000	\$27.00	\$0.00
0220	SPECIAL COMPACTION OF SUBGRADE FOR RECREATIONAL TRAIL	STA	0.000	0.000	0.000	\$125.00	\$0.00
0230	FENCE, FIELD, TYPE 47	LF	0.000	0.000	0.000	\$4.50	\$0.00
0240	GATE, FIELD FENCE, 12'	EACH	0.000	0.000	0.000	\$450.00	\$0.00
0250	WOOD POSTS FOR TYPE A OR B SIGNS, 4 IN. X 4 IN.	LF	0.000	0.000	0.000	\$8.00	\$0.00
0260	TYPE A SIGNS, SHEET ALUMINUM	SF	0.000	0.000	0.000	\$16.00	\$0.00
0270	TRAFFIC CONTROL	LS	0.000	0.000	0.000	\$1,400.00	\$0.00
0280	MOBILIZATION	LS	0.000	0.000	0.000	\$21,000.00	\$0.00
0290	STEEL POSTS	EACH	18.000	18.000	18.000	\$145.00	\$2,610.00
0300	3-INCH PVC PIPE	LF	0.000	0.000	0.000	\$20.00	\$0.00
0310	CEDAR SPLIT RAIL FENCE	LF	176.000	176.000	176.000	\$8.50	\$1,496.00
0320	COMPOST FILTER TUBE SOCK	LF	0.000	0.000	0.000	\$8.50	\$0.00
0330	REMOVAL OF COMPOST FILTER TUBE SOCK	LF	0.000	0.000	0.000	\$2.50	\$0.00
0340	CLEAN OUT STORM SEWER PIPE	LS	1.000	1.000	1.000	\$2,000.00	\$2,000.00
0350	HEADWALL	EACH	1.000	1.000	1.000	\$4,750.00	\$4,750.00
0360	MULCHING	ACRE	0.000	0.000	0.000	\$350.00	\$0.00
0370	COMPOST	ACRE	0.000	0.000	0.000	\$20,000.00	\$0.00
0380	SEEDING AND FERTILIZING (URBAN)	ACRE	0.000	0.000	0.000	\$1,200.00	\$0.00
0390	TURF REINFORCED MAT	SQ	0.000	0.000	0.000	\$120.00	\$0.00
3.01	WOODPOSTS	LS	0.000	1.000	1.000	\$620.00	\$620.00
	SUBTOTAL DIVISION 2: IDOT ineligible items under STP-ES-1945(705)--81-77					\$14,476.00	
	TOTAL DIVISION 1 AND 2					\$372,482.64	
	TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS		\$372,482.64				
	PARTIAL PAYMENT NO. 1		\$32,650.20				
	PARTIAL PAYMENT NO. 2		\$53,403.35				
	PARTIAL PAYMENT NO. 3		\$81,919.41				
	PARTIAL PAYMENT NO. 4		\$156,108.87				
	PARTIAL PAYMENT NO. 5		\$20,413.65				
	PARTIAL PAYMENT NO. 6		\$5,145.85				
	PARTIAL PAYMENT NO. 7		\$11,217.02				
	THIS PARTIAL PAYMENT		\$449.81				
	TOTAL PARTIAL PAYMENTS		\$361,308.16				
	TOTAL					\$372,482.64	
	RETAINAGE					\$11,174.48	
	TOTAL LESS RETAINAGE					\$361,308.16	
	LESS PREVIOUS PAYMENT					\$360,858.35	
	AMOUNT DUE					\$449.81	

FINAL PAYMENT (PAYMENT NO. 8)

PREPARED BY:   
 CHECKED BY:   
 CONTRACTOR: 