

DATE December 17, 2007

APPROVING PRIVATE CONSTRUCTION CONTRACT BETWEEN  
GATOR EXCAVATING, INC. AND  
KOESTER CONSTRUCTION CO., INC.  
FOR SANITARY SEWER IMPROVEMENTS IN 1815 HIGH STREET  
\$4,500.00

WHEREAS, on Monday, December 3, 2007, Engineering Department Staff received phone calls from the staff of Gator Excavating, Inc., Kevin Henter, President, 5640 Miehe Drive, Grimes, IA, 50111, and Koester Construction Co., Inc., Paul Koester, President, 5604 Enterprise Drive, Suite A, Grimes, IA, 50111, regarding the scheduling of construction activities for the Type F sanitary sewer manhole at 1815 High Street to service Stockbridge Apartments, and

WHEREAS, Upon investigation, Engineering Staff determined that a private construction contract for this work had not yet been submitted by Koester Construction Co., Inc. to the Engineering Department for presentation to the City Council for consideration, and

WHEREAS, Staff from Koester Construction Co., Inc. were very concerned that due to December weather, and its effect on construction activities, the delay to the December 17, 2007 City Council meeting for City Council consideration of the private construction contract would be fatal to their efforts to get the sanitary sewer completed before winter and delay the overall project schedule. In addition, on December 4, 2007, the City Engineer received a telephone call from the owner of the Stockbridge Apartments, requesting any consideration that could be granted to allow the sanitary sewer to be constructed the week ending December 7th, and

Whereas, after consideration of the weather conditions and its effect on the sanitary sewer service construction schedule for the Stockbridge Apartments, the City Engineer allowed Gator Excavating, Inc. and Koester Construction Co., Inc. to begin construction of the sanitary sewer service upon receipt of the fully executed private construction contract, insurance certificate, and performance, payment, and maintenance bond, and the issuance of the necessary permits from the Permit and Development Center for the water and sanitary sewer services.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the City Council hereby ratifies and confirms the actions of the City Engineer regarding authorization to construct the sanitary sewer service for the Stockbridge Apartments the week ending December 7, 2007.

BE IT FURTHER RESOLVED: That the attached contract documents for a Private Construction Contract in the amount of \$4,500.00 between Gator Excavating, Inc., Kevin Henter, President, 5640 Miehe Drive, Grimes, IA, 50111 - as Contractor, and Koester Construction Co., Inc., Paul Koester, President, 5604 Enterprise Drive, Suite A, Grimes, IA, 50111 - as Owner, for construction of Sanitary Sewer Improvements described as construction of a Type F sanitary sewer manhole at 1815 High Street to service Stockbridge Apartments all in accordance with Plan File Numbers 474-146/148, be and the same are hereby approved.

BE IT FURTHER RESOLVED: That permission be and is hereby granted to the parties of said contract to construct said Sanitary Sewer Improvements in accordance with said contract documents and subject to inspection and approval of the Des Moines City Engineer.

★ **Roll Call Number**

**Agenda Item Number**

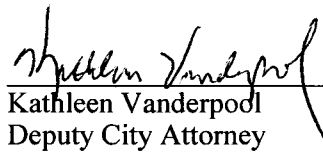
8

DATE December 17, 2007

Activity ID: 07-2008-104

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

FORM APPROVED:

  
Kathleen Vanderpool  
Deputy City Attorney

*2-2-8*

Funding Source: All project costs are to be paid by the Owner(s), Koester Construction Co., Inc.

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

MOTION CARRIED

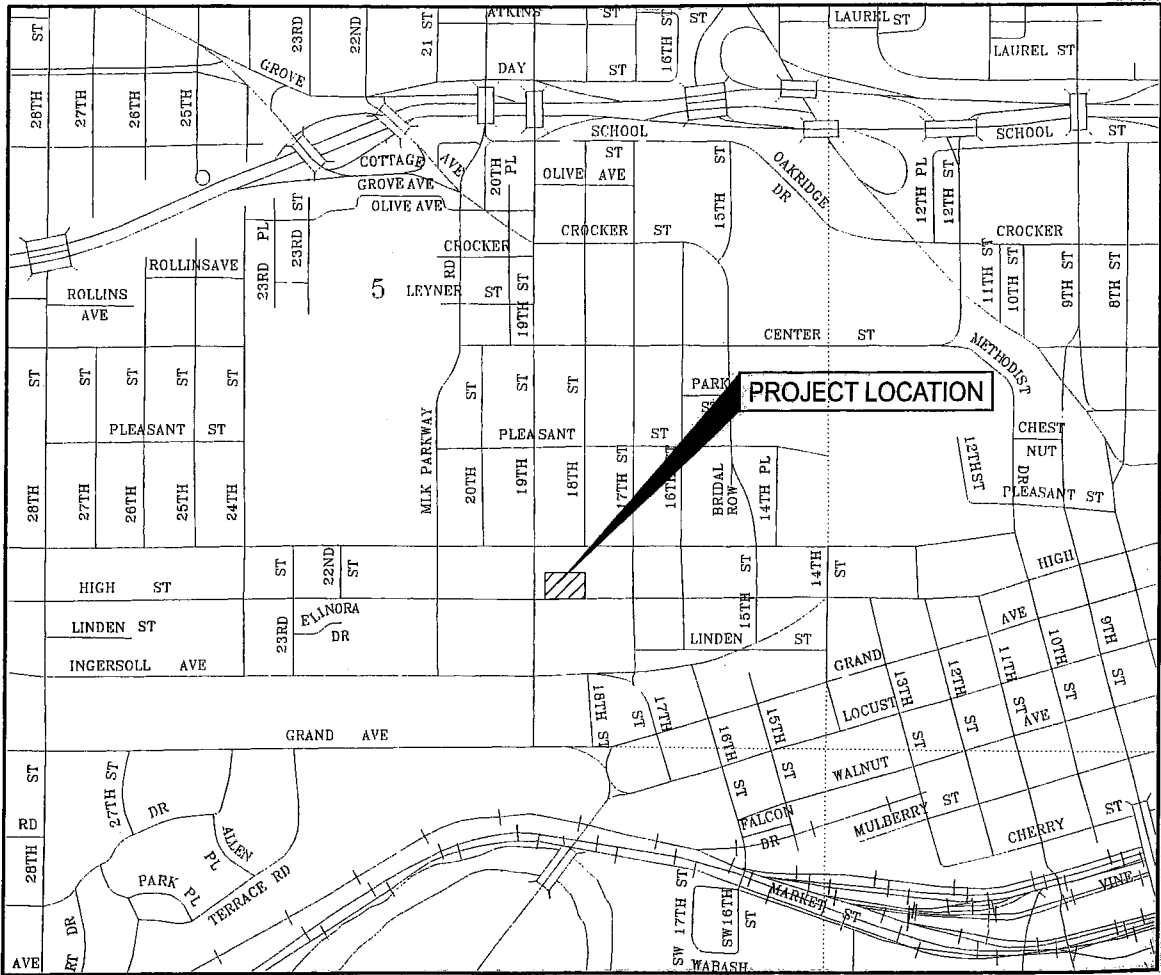
APPROVED

\_\_\_\_\_  
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



VICINITY MAP



NOT TO SCALE

**SANITARY MANHOLE FOR 1815 HIGH STREET  
TO SERVE STOCKBRIDGE APARTMENTS  
ACTIVITY ID 07-2008-104**