



**Roll Call Number**

**Agenda Item Number**

12

**Date** May 9, 2022

**RESCIND ACTION APPROVING PRIVATE CONSTRUCTION CONTRACT BETWEEN THE UNDERGROUND COMPANY, LTD. AND PINNACLE ON FLEUR, L.L.C. FOR SANITARY SEWER IMPROVEMENTS IN 2710 FLEUR DRIVE**

WHEREAS, on September 14, 2020, by Roll Call No. 20-1420, the City Council approved a Private Construction Contract in the amount of \$73,814.00 between The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA, 50047 - as Contractor, and Pinnacle on Fleur, L.L.C., Bill Kimberley, President - as Owner, for construction of Sanitary Sewer Improvements described as Sanitary sewer improvements to serve the proposed Pinnacle on Fleur located at 2710 Fleur Drive as shown on Plan File Numbers 619-165/169, Activity ID 07-2021-102, and granted permission to the parties to construct said Sanitary Sewer Improvements; and

WHEREAS, Pinnacle on Fleur, L.L.C. desires to change the contractor for said improvements from The Underground Company, Ltd. (Duane Burkhardt, President, 12245 Dakota Street, Carlisle, Iowa — as Contractor), to a contractor to be determined at a later date, due to changes in the City’s plumbing regulations and the increase in the cost of materials; and

WHEREAS, The Underground Company, Ltd and Pinnacle on Fleur, L.L.C has requested that the City’s approval of the agreement be rescinded.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the City Council hereby rescinds its approval on September 14, 2020, by Roll Call No. 20-1420, to approve a Private Construction Contract in the amount \$73,814.00 between The Underground Company, Ltd., Duane Burkhardt, President, 12245 Dakota Street, Carlisle, IA, 50047 - as Contractor, and Pinnacle on Fleur, L.L.C., Bill Kimberley, President - as Owner; and directs the City Engineer to return all original contracts and bonds to Pinnacle on Fleur, LLC.

Activity ID 072021102

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

FORM APPROVED: s/Kathleen Vanderpool

Kathleen Vanderpool  
Deputy City Attorney

Funding Source: All project costs are to be paid by the Owner(s), Pinnacle on Fleur L.L.C.



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**SLN**<sub>pw</sub>

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

**CERTIFICATE**

I, P. Kay Cmelik, 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.

\_\_\_\_\_  
Mayor

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