

★ Roll Call Number
08-024

Agenda Item Number
9D

DATE January 7, 2008

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT
FOR UPPER UNION PARK SEWER SEPARATION PHASE II, ROGNES CORPORATION**

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 Upper Union Park Sewer Separation Phase II, 08-2003-002, in accordance with the contract approved between Rognes Corporation, Warren Rognes, President, 2005 S. Ankeny Blvd., Suite 400, Ankeny, IA 50021, under Roll Call No. 04-1275, of June 21, 2004, 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 \$4,462,886.21 is the total cost, of which \$4,231,829.18 has been paid to Rognes Corporation, the Contractor, and \$7,912.72 is now due and is hereby approved as final partial payment for the above project which shall be made payable to United Fire & Casualty Company and shall be released after thirty days with the Chapter 573 retainage (Attention: Mr. David A. Lange, Secretary Fidelity and Surety, United Fire & Casualty Company, 118 Second Avenue SE, PO Box 73909, Cedar Rapids, Iowa, 52407-3909) or as directed by the Legal Department, the remaining balance of \$223,144.31 is to be paid to United Fire & Casualty Company at the end of thirty days, provided no claims or liens have been filed against said contract. The City of Des Moines shall make payment to United Fire & Casualty Company not to exceed \$231,057.03 only upon documentation acceptable to the Des Moines Legal Department that United Fire & Casualty Company has paid Chapter 573 claims filed against the project with the City of Des Moines that equal or exceed the remaining balance of \$231,057.03. 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 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 Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

Moved by Vlassis to adopt.

FORM APPROVED:

Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

FUNDS AVAILABLE

Allen McKinley 368

Allen McKinley
Des Moines Finance Director

Funding Source: Upper Union Park Sewer Separation Phase II, SAE086, Various Funding, Being: \$4,430,619 in State Revolving Loan Funds and \$32,267.21 in Sanitary Sewer Funds

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin
Mayor

CERTIFICATE

I, DIANE RAUH, 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.

Diane Rauh

City Clerk