



Roll Call Number

09-1909

Agenda Item Number

12 A

DATE October 26, 2009

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT  
FOR AMERICAN DISCOVERY TRAIL - SEGMENT 4, GRIMES ASPHALT & PAVING CORP.**

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 4, 11-2007-015, in accordance with the contract approved between Grimes Asphalt & Paving Corp., J M Yonker, President, 12021 NW 54th Avenue, Grimes, IA 50111, under Roll Call No. 08-822, of May 5, 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 \$564,415.95 is the total construction cost, of which \$547,483.47 has been paid the Contractor, with a final partial payment of \$0.00 to be paid now, and the remaining balance of \$16,932.48 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 completed, and any monetary penalties resulting from audit deficiencies shall be deducted from said balance of \$16,932.48 before being released to the Contractor.

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.


Moved by Vlassis to adopt.

FORM APPROVED:

Kathleen Vanderpool by AD  
Kathleen Vanderpool  
Deputy City Attorney

FUNDS AVAILABLE

Allen McKinley BB  
Allen McKinley  
Des Moines Finance Director

 Funding Source: 2009-2010 CIP, Page Parks-22, Recreation Trails, PKS045, Being: \$112,883.19 in G. O. Bonds and \$451,532.76 in Federal Surface Transportation Program (SPT) Transportation Enhancement (TE) funds for 80% of eligible construction cost (Maximum \$573,090)

STP-ES-1945(697)--81-77



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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<i>T. M. Franklin Cownie</i>				
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.

*Diane Rauh*

City Clerk