

★ Roll Call Number

10-1924

Agenda Item Number

11D

DATE November 22, 2010

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT  
FOR S.E. 25TH COURT SOUTH OF E. RAILROAD AVENUE EMERGENCY SANITARY SEWER REPAIR,  
VAN HAUEN & ASSOCIATES, INC.**

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 S.E. 25th Court south of E. Railroad Avenue Emergency Sanitary Sewer Repair, 07-2011-004, in accordance with the emergency contract approved between Van Hauen & Associates, Inc., Brian Tancos, President, 1205 SW 37th Street, Grimes, IA 50111, and the City of Des Moines, which was executed by the City Manager on August 18, 2010, pursuant to Iowa Code Section 384.102(2) and recommending the acceptance thereof, be and the same is hereby approved, and

BE IT FURTHER RESOLVED: That \$81,899.66 is the total cost, of which \$41,325.00 has been paid the Contractor, and \$36,479.68 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$4,094.98 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.

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 Hensley to adopt.

FORM APPROVED:

Kathleen Vanderpool

Kathleen Vanderpool  
Deputy City Attorney

FUNDS AVAILABLE

Allen McKinley

Allen McKinley  
Des Moines Finance Director

FB Funding Source: 2010-2011 CIP, Page Sanitary-5, City-wide Sanitary Sewers, SAE054, Sanitary Sewer Funds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GREISS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	6			1

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