



**Roll Call Number**

**Agenda Item Number**

10-2050

7A

DATE December 20, 2010

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR 2201 FOREST AVENUE CONTAMINATED SOIL REMOVAL, ELDER 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 2201 Forest Avenue Contaminated Soil Removal, 04-2010-013, in accordance with the contract approved between Elder Corporation, Jared R. Elder II, President, 5088 E. University Avenue, Des Moines, IA 50327, under Roll Call No. 10-694, of May 10, 2010, 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 \$52,499.35 is the total cost, of which \$48,050.38 has been paid the Contractor, and \$1,824.00 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$2,624.97 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:

FUNDS AVAILABLE

Kathleen Vanderpool

Allen McKinley

Kathleen Vanderpool  
Deputy City Attorney

Allen McKinley  
Des Moines Finance Director

FB Funding Source: Operating Budget, Page 70, CDD-Forest Avenue Redevelopment, CDBG2004034, Being: CDBG funds for payment of 100% of the contract cleanup cost.

HUD CDBG Funding

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GREISS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

**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.

MOTION CARRIED APPROVED  
T. M. Franklin  
Mayor

Diane Rauh  
City Clerk