

★ Roll Call Number

Agenda Item Number

11-0087

10 B

DATE January 24, 2011

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT  
FOR JOHN & MARY PAPPAJOHN SCULPTURE PARK, PINNACLE CONSTRUCTION GROUP, LLC**

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 John & Mary Pappajohn Sculpture Park, 11-2008-011, in accordance with the contract approved between Pinnacle Construction Group, LLC, Shane E. Madison, President, 12951 University Avenue, Suite D, Clive, IA 50325, under Roll Call No. 08-1698, of September 22, 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 \$2,411,025.78 is the total cost, of which \$2,290,474.45 has been paid the Contractor, and \$0.00 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$120,551.33 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.

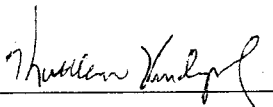
BE IT FURTHER RESOLVED: That the City Manager be and is hereby authorized and directed to certify the Pollution Prevention Plan Inspection Summary and the NPDES Stormwater General Permit Notice of Discontinuation for the above referenced project on behalf of the City of Des Moines and submit said documents to the Iowa Department of Natural Resources.

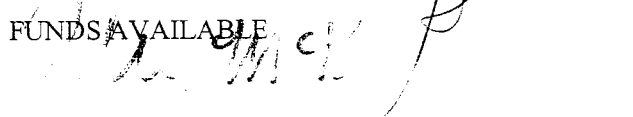
BE IT FURTHER RESOLVED: That the Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

Moved by Hendley to adopt.

FORM APPROVED:

FUNDS AVAILABLE





Kathleen Vanderpool  
Deputy City Attorney

Allen McKinley  
Des Moines Finance Director

Funding Source: 2010-2011 CIP, Page Parks-15, Pappajohn Sculpture Garden, PKS169, Being:

- \$991,500 grant approved May 14, 2008 by the Vision Iowa Board (Vision Iowa No. 08-VI-002),
- \$100,000 contribution from Polk County,
- \$300,000 Prairie Meadows Legacy Grant,
- \$100,000 Dahls Trust,
- \$500,000 Public Art Foundation, and
- the remainder being privately funded with collection and disbursement of the private funds by the Greater Des Moines Community Foundation.



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