

★ Roll Call Number

Agenda Item Number

12-0443

11 B

DATE March 26, 2012

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT  
FOR FLEUR DRIVE VIADUCT OVER AMERICAN DISCOVERY TRAIL REHABILITATION,  
HERBERGER CONSTRUCTION CO., INC.**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Des Moines City Engineer, showing the cost of the construction of the Fleur Drive Viaduct over American Discovery Trail Rehabilitation, 12-2009-003, in accordance with the contract approved between Herberger Construction Co., Inc., Dean Herberger, President, 2508 West 2nd Avenue, P.O. Box 326, Indianola, IA 50125, under Roll Call No. 11-0475, of March 14, 2011, and the City of Des Moines, and recommending the acceptance thereof, be and the same is hereby approved, and accepted, and

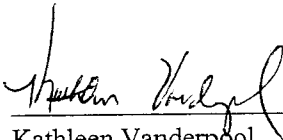
BE IT FURTHER RESOLVED: That \$1,205,101.48 is the total construction cost of which \$1,171,558.13 has been paid to the Contractor, with a final partial payment of \$3,543.35 to be paid now, and the remaining balance of \$30,000.00 be paid at the end of thirty days, provided no claims or liens have been 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 \$30,000.00 before being released to the Contractor.

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.

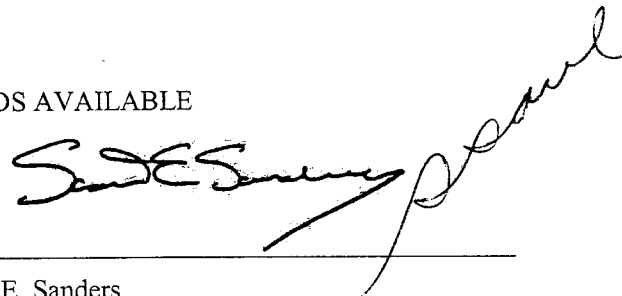
Moved by Wensley to adopt.

FORM APPROVED:


FUNDS AVAILABLE



Kathleen Vanderpool  
Deputy City Attorney



Scott E. Sanders  
Des Moines Finance Director

 Funding Source: 2012-2013 CIP, Page Bridge -17, Structural Repair - Corrosion Protection, BRV039, Being: \$300,000 in Federal Surface Transportation Program (STP) funds being 80% eligible construction costs only (Max \$300,000), with the remaining \$905,101.48 in Gaming Monies

STP-U-1945(778)--27-77



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| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         | ✓    |      |      |        |
| COLEMAN        | ✓    |      |      |        |
| GRIESS         | ✓    |      |      |        |
| HENSLEY        | ✓    |      |      |        |
| MAHAFFEY       | ✓    |      |      |        |
| MEYER          | ✓    |      |      |        |
| MOORE          | ✓    |      |      |        |
| TOTAL          | 7    |      |      |        |

MOTION CARRIED

APPROVED

*T. M. Franklin-Cowme*  
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