



**Roll Call Number**

12-1327

**Agenda Item Number**

7

**Date** August 27, 2012

**RESCIND PREVIOUS PRIVATE CONSTRUCTION CONTRACT APPROVAL  
AND APPROVE NEW PRIVATE CONSTRUCTION CONTRACT**

WHEREAS, on November 7, 2011, by Roll Call No. 11-1850, the City Council approved a Private Construction Contract in the amount of \$183,250, between Henning Construction Co., Inc., (Alan Koch, President, 5800 Merle Hay Road, Suite 14, P.O. Box 394, Johnston, IA, 50131-0394 – as Contractor), and Kum & Go, L.C., (Kyle J. Krause, CEO, 6400 Westown Parkway, West Des Moines, IA, 50266 – as Owner), for construction of Paving Improvements described as the installation of a deceleration lane in southbound S.E. 14<sup>th</sup> Street north of E. Diehl Avenue, Des Moines, Iowa, in accordance with the contract documents including Plan File Nos. 538-036/040, and granted permission to the parties to construct said Paving Improvements, and

WHEREAS, Kum & Go, L.C. desires to extend the deceleration land and relocate a water main to accommodate increased traffic flow due to additional development near the property, and has submitted a new contract for said work to the City Engineer, and

WHEREAS, construction proposed in the previous private construction contract has not initiated, and

WHEREAS, before the City Council can approve the replacement contract it must rescind its previous action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the City Council hereby rescinds its action on November 7, 2011, by Roll Call No. 11-1850, to approve a Private Construction Contract in the amount of \$183,250, between Henning Construction Co., Inc. and Kum & Go, L.C.; and directs the City Engineer to return all original contracts and bonds to Henning Construction Co., Inc.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached contract documents for a Private Construction Contract in the amount of \$233,731, between Henning Construction Co., Inc., (Alan Koch, President, 5800 Merle Hay Road, Suite 14, P.O. Box 394, Johnston, IA, 50131-0394 – as Contractor), and Kum & Go, L.C., (Kyle J. Krause, CEO, 6400 Westown Parkway, West Des Moines, IA, 50266 – as Owner), for construction of Paving Improvements described as the installation of a deceleration lane in southbound S.E. 14<sup>th</sup> Street north of E. Diehl Avenue, Des Moines, Iowa, in accordance with the contract documents including Plan File Nos. 538-036/040, be and the same are hereby approved.

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-2-

BE IT FURTHER RESOLVED: That permission be and is hereby granted to the parties of said contract to construct said Paving Improvements in accordance with said contract documents and subject to inspection and approval of the Des Moines City Engineer.

Moved by Meyer to adopt.

FORM APPROVED:

Kathleen Vanderpool
Deputy City Attorney

FEB Funding Source: All project costs are to be paid by the Owners(s), Kum & Go, L.C.

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL (7 yeas).

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk