



Roll Call Number

Agenda Item Number

12-1406

11 B

DATE September 10, 2012

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT  
FOR PRINCIPAL RIVERWALK - WALNUT STREET TO GRAND AVENUE, WEST SIDE, ELDER  
CORPORATION**

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 Principal Riverwalk - Walnut Street to Grand Avenue, West Side, 11-2009-011, 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. 09-1709, of September 14, 2009, 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 \$2,916,653.70 is the total construction cost of which \$2,829,357.57 has been paid to the Contractor, with a final partial payment of \$57,296.13 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.

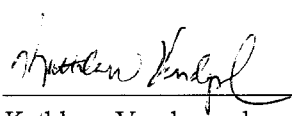
BE IT FURTHER RESOLVED: That the City Manager be and is hereby authorized and directed to certify the Pollution Prevention Plan Inspection Summary and the NPDES Stormwater General Permit Notice of Discontinuation for the above referenced project on behalf of the City of Des Moines and submit said documents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

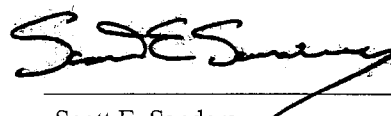
Moved by Wensley to adopt.

FORM APPROVED:

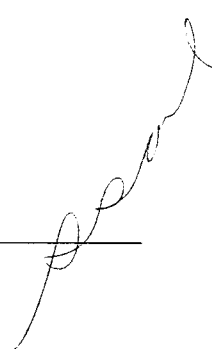
FUNDS AVAILABLE




Kathleen Vanderpool  
Deputy City Attorney



Scott E. Sanders  
Des Moines Finance Director



 Funding Source: 2012-2013 CIP, Page Park - 17, Principal Riverwalk, PKS162, Being: \$2,849,000 (\$2,856,610 previous maximum) in Federal Stimulus Funds under the American Recovery and Reinvestment Act of 2009 (ARRA) for construction costs only, with the remaining \$67,653.70 from PKS162

ESL-1945(759)—7S-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*  
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