

★ Roll Call Number

13.2014

Agenda Item Number

52A

Date December 23, 2013

APPROVING COMPLETION AND ACCEPTANCE OF 2012 RIVERWALK
IMPROVEMENTS SUBJECT TO RECEIPT OF DOCUMENTATION

WHEREAS, on April 9, 2012, under Roll Call No. 12-0512, the City Council approved an agreement between Principal Life Insurance Company (Mary O'Keefe, Chief Marketing Officer and Senior Vice President, 711 High, Des Moines, Iowa) (Principal) and the City of Des Moines (City) for the construction and funding of the 2012 Riverwalk Improvements, which includes: promenade adjacent to YMCA, floodwall and walkway between Court Avenue and the Red Bridge along Water Street and E. 1st Street (east and west), lighting between the Red Bridge and Walnut Street (east) and pedestrian crossings at Court Avenue and Walnut Street (east). In accordance with the Agreement, upon acceptance of the improvements by the City Council, the City shall be the owner of the improvements; and

WHEREAS, Principal entered into an agreement with Jensen Construction Company (Kurt Rasmussen, President and CEO, 5550 NE 22nd Street, Des Moines, Iowa) (Jensen) for construction of the improvements; and

WHEREAS, said Agreement between Principal and the City for construction and funding of 2012 Riverwalk Improvements pursuant to Roll Call No. 12-0512, dated April 9, 2012, stated that the City shall by resolution of the City Council accept ownership and control of the project improvements upon completion of the improvements provided that Principal submit certain documentation to the City Engineer as detailed in the City Engineer's Certification of Completion; and

WHEREAS, as of December 18, 2013, Principal has not provided the required documentation, as referenced in the City Engineer's Certification of Completion. The City Engineer recommends acceptance of the project in accordance with the Agreement approved by the City Council subject to and contingent upon the acceptance of the City Engineer of the required documentation. However, Principal has assured staff that the required certification and documentation will be provided as soon as possible and the City Engineer recommends acknowledging the completion and the acceptance of the construction of said 2012 Riverwalk Improvements subject to receipt of certification and documentation and payment for professional design and construction phase services.

NOW, THEREFORE, BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Des Moines City Engineer acknowledging the completion of said 2012 Riverwalk Improvements in the amount of \$3,428,087.05 which has been constructed in substantial compliance with the plans and specifications approved on April

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27, 2012 all in accordance with the Agreement, design documents and contract documents including Plan File Nos. 544-67/195, Activity ID 11-2012-001, be received and filed; and

BE IT FURTHER RESOLVED: That the City Engineer recommends to the City Council the 2012 Riverwalk Improvements be accepted by the City of Des Moines subject to and contingent upon the acceptance of the City Engineer of the required documentation not yet submitted by Principal. The City Engineer is hereby directed to notify the City Manager and City Clerk of the date when the required certification and documentation submitted by Principal have been accepted by the City Engineer.

BE IT FURTHER RESOLVED: That the City Council hereby acknowledges completion of and accepts construction of the 2012 Riverwalk Improvements subject to and contingent upon the acceptance of the City Engineer of the required documentation. The effective date of the acceptance shall be the date that the City Engineer notifies the City Manager and City Clerk that the required documentation as referenced in the City Engineer's certificate of completion has been accepted.

Activity ID 11-2012-001

Moved by Hensley to adopt.

FORM APPROVED:

Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

JB

Funding Source: No Cost to the City of Des Moines; all costs are to be paid by Principal Life Insurance Company

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
VOSS	✓			
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