

★ **Roll Call Number**

Agenda Item Number

14-1758

7

DATE November 17, 2014

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR DES MOINES RIVER REGIONAL TRAIL - PHASE 1, ELDER CORPORATION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Des Moines Interim City Engineer, showing the cost of the construction of the Des Moines River Regional Trail - Phase 1, 11-2009-012, 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. 12-0244, of February 13, 2012, 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 \$1,592,390.72 is the total cost, of which \$1,562,390.72 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 \$30,000.00 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 Interim Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

Moved by Gatto to adopt.

FORM APPROVED:

FUNDS AVAILABLE

Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

D. Ritter

Daniel E. Ritter
Interim Des Moines Finance Director

Funding Source: 2014-2015 CIP, Page Parks - 9, Multi-Use Trails, PK045, Being: \$426,526 maximum in Federal funds from Iowa Clean Air Attainment Program (ICAAP) for 80% eligible construction costs only under IDOT Project No. STP-A-1945(773)--86-77; \$73,474 in Iowa Department of Transportation (IDOT) State Recreational Trails funding, Agreement 2010-SRT-004; \$300,000 Iowa DNR REAP Grant, Agreement 08-R4-QV; \$163,400 from 165 individual, business, and foundation pledges; \$25,000 Polk County Community Development Grant award; and the remaining \$603,990.72 from Multi-Use Trails, PK045, G.O. Bonds

08-R4-QV, RECAT, SRT-1945(761)--9H-77, STP-A-1945(773)--86-77



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COUNCIL ACTION	YEAS	NAYS	Pass	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Cownie

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