

★ Roll Call Number

19-1705

Agenda Item Number

14B

DATE November 4, 2019

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR EMC OVERLOOK AT MACRAE PARK, KOESTER CONSTRUCTION COMPANY, 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 EMC Overlook at MacRae Park, 11-2017-010, in accordance with the contract approved between Koester Construction Company, Inc., Paul Koester, President, 3050 SE Enterprise Drive, Suite A, Grimes, IA 50111, under Roll Call No. 18-0941, of May 21, 2018, 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 \$759,324.79 is the total cost, of which \$733,917.80 has been paid the Contractor, and \$2,627.25 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$22,779.74 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 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:

*Kathleen Vanderpool*

Kathleen Vanderpool  
Deputy City Attorney

FUNDS AVAILABLE

*Robert L. Fagen*

Robert L. Fagen  
Des Moines Finance Director

SLN Funding Source: 2019-2020 CIP, Page Park - 12, MacRae Park Improvements, PK179, Being: \$700,000 in private donations, and the remaining \$59,324.79 in G.O. Bonds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

**CERTIFICATE**

I, P. Kay Cmelik, 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  
*J. M. Franklin Cownie* Mayor

*P. Kay Cmelik* City Clerk