



**Roll Call Number**

20-1997

**Agenda Item Number**

9 A

Date December 7, 2020

APPROVING PRIVATE CONSTRUCTION CONTRACT BETWEEN  
RYAN COMPANIES US, INC. AND  
DES MOINES INDUSTRIAL, LLC  
FOR STORM SEWER IMPROVEMENTS IN 200 E.15TH STREET  
\$416,278.25

WHEREAS, the City of Des Moines by Roll Call No. 20-1556 on October 5, 2020 approved a Private Construction Contract between Ryan Companies US, Inc. and Des Moines Industrial, LLC *subject and contingent upon the following conditions being met:*

1. Owner obtaining all permanent property interests in all real property by December 1, 2020, to the satisfaction of the City Legal Department, needed to construct, operate, maintain and repair the Storm Sewer Improvements shown in plan File Numbers 603-111/136 and thereafter convey them to the City.
2. Owner's Contractor obtaining a Grading Permit from the City of Des Moines, which issuance does not authorize work to begin under the Private Construction Contract until all conditions of this Roll Call are met.
3. Receipt of contract and bond approved as to form by the Legal Department, and certificate of insurance acceptable to the Engineering Department, subject to inspection and approval of the Des Moines City Engineer.

WHEREAS, Condition No. 1 was not met by the required date of December 1, 2020 and no Grading Permit has been obtained as required in Condition No. 2; and

WHEREAS, the City has been asked to approve a new Private Construction Contract subject to and contingent upon the conditions first being met in No. 2 below.

NOW, THEREFORE, BE IT RESOLVED that the Des Moines City Council:

1. It hereby rescinds any and all approval given and/or granted by the October 5, 2020, Roll Call No. 20-1556 for the Private Construction Contract.
2. The Private Construction Contract a copy of which is on file in the office of the Engineer, in the amount of \$416,278.25 between Ryan Companies US, Inc., Patrick Ryan, President/CEO, 533 South Third Street, Minneapolis, MN, 55415 - as Contractor, and Des Moines Industrial, LLC, Gabe Claypool, President & COO, 512 1/2 E. Grand Avenue, Des Moines, IA, 50309 - as Owner, for construction of storm sewer Improvements Work described as Des Moines Industrial Transload Facility - Storm Sewer improvements located at 200 E. 15th Street, as shown on Plan File Numbers 603-111/136 as documented to the

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reasonable satisfaction of the City Engineer is hereby approved, ***subject and contingent upon all of the following conditions first being met:***

A. Owner obtaining all permanent property interests in all real property, to the satisfaction of the City Legal Department, needed to construct operate, maintain and repair the Storm Sewer Improvements shown in plan File Numbers 603-111/136 and thereafter convey them to the City.

B. Owner's Contractor obtaining a Grading Permit from the City of Des Moines, which issuance does not authorize work to begin under the Private Construction Contract until all conditions of this Roll Call are met.

C. Receipt of contract and bond approved as to form by the Legal Department, and certificate of insurance acceptable to the Engineering Department.

***The approval of the Private Construction Contract, which is only granted if all of the above conditions are met, expires on March 1, 2021 if all of the above conditions are not met.***

3. That the City Engineer is hereby authorized to grant written permission to the parties of said contract to construct said improvements in accordance with said contract documents, ***contingent upon and subject to all of the above conditions set forth in paragraph 2 being met.***
4. That said Improvement shall be subject to inspection and approval of the Des Moines City Engineer.

Activity ID: 082021102

Moved by Gatto to adopt.

FORM APPROVED: s/Kathleen Vanderpool

Kathleen Vanderpool  
Deputy City Attorney

SLN

Funding Source: All project costs are to be paid by the Owner(s), Des Moines Industrial, LLC

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| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         | ✓    |      |      |        |
| BOESEN         | ✓    |      |      |        |
| GATTO          | ✓    |      |      |        |
| GRAY           | ✓    |      |      |        |
| MANDELBAUM     | ✓    |      |      |        |
| VOSS           | ✓    |      |      |        |
| 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