



Roll Call Number

24-0131

Agenda Item Number

15A

Date May 20, 2024

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR STONE PARK COMMUNITY GARDEN, BURKETT CONSTRUCTION, LLC**

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 Stone Park Community Garden, Activity ID 042022019, in accordance with the contract approved between Burkett Construction, LLC, Andrew Burkett, Owner, 25 Ellefson Drive, De Soto, IA, 50069, under Roll Call No. 23-0070, of January 09, 2023, and the City of Des Moines, and recommending the acceptance thereof, be and the same is hereby approved, and accepted.

BE IT FURTHER RESOLVED: That \$489,294.49 is the total cost, of which \$474,615.66 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 \$14,678.83 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 Director of Finance be and is hereby authorized to release said retainage if suit is not filed as above provided.

Moved by Gatto to adopt. Second by Voss

FORM APPROVED:

FUNDS AVAILABLE:

s/Kathleen Vanderpool

Nickolas J. Schaul

Kathleen Vanderpool  
Deputy City Attorney

Nickolas J. Schaul  
Director of Finance

SLN<sup>pw</sup>

Funding Source: 2024-25 CIP, Page 75, Flood Mitigation Improvements, SM087, Being: \$300,000 American Rescue Plan Act (ARPA) Funding, \$84,448.99 in G.O. Bonds transferred from PK137, and the remaining \$104,846 to be transferred from the Storm Water Utility Fund, SM087

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
MANDELBAUM	✓			
SIMONSON	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Connie Brewer Mayor

**CERTIFICATE**

I, Laura Baumgartner, 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.

Laura Baumgartner City Clerk