

DATE May 22, 2006

ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR EASTER LAKE RETENTION BASINS - BASIN 9, PETERSON CONTRACTORS INC.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Jurisdictional Engineer, showing the cost of the construction of the Easter Lake Retention Basins - Basin 9, 08-2004-003, in accordance with the contract approved between Peterson Contractors Inc., Cordell Peterson, President, 104 Blackhawk Street, Reinbeck, IA 50669, under Roll Call No. 04-2191, of October 11, 2004, 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 \$698,582.30 is the total cost, of which \$663,653.18 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 \$34,929.12 is to be paid at the end of thirty days, provided no claims or liens have been filed against said contract. In the event that at the end of said thirty (30) day period, claims are on file as herein provided, the City of Des Moines shall continue to retain from said unpaid funds, a sum not less than double the total amount of all claims on file, or the full Chapter 573 Code of Iowa retainage amount, whichever is lesser.

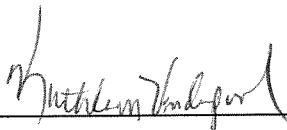
BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such acceptance within which to initiate suit to collect on their claims, and that if suit is not commenced within that time, the City of Des Moines will be required to release the retainage which it is now holding.

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 Assistant City Manager/Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

Moved by _____ to adopt.

FORM APPROVED:



Kathleen Vanderpool
Deputy City Attorney

FUNDS AVAILABLE



Merrill R. Stanley
Assistant City Manager/Finance

Funding Source: 2006-2007 CIP, Page Storm-10, Easter Lake Watershed Improvements, STE061, Storm Water Utility Funds

★ Roll Call Number

Agenda Item Number

12A

DATE May 22, 2006

DR

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

I, Diane Rauh, City Clerk of said City Council, hereby certify that at a meeting of the City Council, 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.

City Clerk

12A

May 22, 2006

CERTIFICATION OF COMPLETION

AGENDA HEADING:

Accepting completed construction and approving final payment for the Easter Lake Retention Basins - Basin 9, Peterson Contractors Inc..

SYNOPSIS:

Approve the Jurisdictional Engineer's Certification of Completion, accept construction of said improvement, and authorize final payment to the contractor.

FISCAL IMPACT:

Amount: \$698,582.30 As-Built Contract Cost

Funding Source: 2006-2007 CIP, Page Storm-10, Easter Lake Watershed Improvements, STE061, Storm Water Utility Funds

CERTIFICATION OF COMPLETION:

On October 11, 2004, under Roll Call No. 04-2191, the City Council awarded a contract to Peterson Contractors Inc., Cordell Peterson, President, 104 Blackhawk Street, Reinbeck, IA 50669 for the construction of the following improvement:

Easter Lake Retention Basins - Basin 9, 08-2004-003

Construction of a retention basin with earthfill dam including all labor, material, and equipment necessary for clearing, grading, compaction, construction of outfall pipe and culvert, construction of drop inlet and drawdown structures, rip rap, and miscellaneous associated work including site restoration and erosion protection; in accordance with the contract documents including Plan File Nos. 447-073/091, located at 3009 E. Payton Avenue, Des Moines, Iowa

I hereby certify that the construction of said Easter Lake Retention Basins - Basin 9, Activity ID 08-2004-003, has been completed in substantial compliance with the terms of said contract, and I hereby recommend that the work be accepted. The work commenced on October 20, 2004, and was completed on May 15, 2006.



ENGINEERING DEPARTMENT
CITY HALL
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4920
FAX (515) 283-4112

ALL-AMERICA CITY
1949, 1976, 1981
2003

12A

I further certify that \$698,582.30 is the total cost of said improvement, of which \$663,653.18 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 \$34,929.12 is to be paid at the end of thirty days, provided no claims or liens have been filed against said contract. In the event that at the end of said thirty (30) day period, claims are on file as herein provided, the City of Des Moines shall continue to retain from said unpaid funds, a sum not less than double the total amount of all claims on file, or the full Chapter 573 Code of Iowa retainage amount, whichever is lesser. The amount of completed work is shown on the attached Estimate of Construction Completed.

A handwritten signature in black ink, appearing to read "Jeb E. Brewer". The signature is fluid and cursive, with a small flourish at the end.

Jeb E. Brewer, P.E.
Des Moines City Engineer