★ **Roll Call Number**

08-2184

**Agenda Item Number**

10C

DATE December 22, 2008

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR 2007 DESIGNATED NEIGHBORHOOD SIDEWALK REPLACEMENT - CONTRACT 2, CASTLE CONCRETE SERVICES 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 2007 Designated Neighborhood Sidewalk Replacement - Contract 2, 09-2007-007, in accordance with the contract approved between Castle Concrete Services Inc., Anthony Castellano, President, P. O. Box 993, Johnston, IA 50131, under Roll Call No. 07-1347, of July 9, 2007, 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 $119,171.27 is the total cost, of which $113,205.87 has been paid the Contractor, and $6.84 is now due and is hereby approved as final partial payment for the above project, the remaining balance of $5,958.56 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 Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

Moved by Klassis to adopt.

FORM APPROVED:

Kathleen Vanderpool
Deputy City Attorney

FUNDS AVAILABLE

Allen McKinley
Des Moines Finance Director

Funding Source: 2008-2009 CIP, Page Street-27, Neighborhood Infrastructure Rehabilitation Program, STR205, G. O. Bonds

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| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|---|---|---|---|---|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| HENSLEY | ✓ | | | |
| KIERNAN | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MEYER | ✓ | | | |
| VLASSIS | ✓ | | | |
| 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