



**Roll Call Number**

21-1400

**Agenda Item Number**

10E

DATE September 13, 2021

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT FOR YEADER CREEK STREAM STABILIZATION IMPROVEMENTS, PHASE 2, RW EXCAVATING SOLUTIONS, LC**

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 Yeader Creek Stream Stabilization Improvements, Phase 2, 082018008, in accordance with the contract approved between RW Excavating Solutions, LC, Dan E. Wilson, Managing Member, 13293 S.88th Avenue W, Prairie City, IA 50228, under Roll Call No. 19-1153, of July 15, 2019, 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 \$2,878,544.40 is the total cost, of which \$2,792,188.07 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 \$86,356.33 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 Director of Finance be and is hereby authorized to release said retainage if suit is not filed as above provided.

Moved by Boesen to adopt.

**FORM APPROVED:**

s/ Kathleen Vanderpool  
Kathleen Vanderpool  
Deputy City Attorney

**FUNDS AVAILABLE**

Nickolas J. Schaul  
Director of Finance

SLN  
PW

Funding Source: 2021-2022 CIP, Page 97, Easter Lake Watershed Improvements, SM061, Being: \$1,150,000 in SRF Sponsored Projects funding through Lower Oak Park and Highland Park Sewer Separation project (SRF# CS1920 781 01); combined \$936,480 in funding from a combination of Lake Restoration and 319 funding; and the remaining \$792,064.40 in Storm Water Utility Funds.

Anticipated Iowa DNR Lake Restoration Funds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
WESTERGAARD				✓
GRAY	✓			
BOESEN	✓			
VOSS	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

J. M. Franklin Cownie  
Mayor

I, P. Kay Cmelik, 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.

P. Kay Cmelik  
City Clerk