



**BUSINESS OF THE CITY COUNCIL
AGENDA STATEMENT**

I

tem No.09
For Meeting of 09.01.2016

ITEM TITLE: Resolution for Consideration Accepting Public Infrastructure Known as 2014 Norwalk NCIS Improvements Project

CONTACT PERSON: Tim Hoskins, Public Works Director

SUMMARY EXPLANATION: At the December 18, 2014 City Council meeting, the contracts for the Wakonda Drive Resurfacing was awarded to TK Concrete, Inc. in the amount of \$1,785,985.00. The Holly Drive Reconstruction was awarded to MPS Engineers, P.C. in the amount of \$1,135,659.00. McClure Engineering, the project design engineer has provided the necessary Certificates of Completion for both projects. The final pay estimates are on this abstract of bills, and with the acceptance of these projects the 4 year bond will start.

The final contract amount for the 2014 NCIS Improvement Project \$2,891,284.94

Project Restoration: It was discussed at the August 18 council meeting that funds were withheld on each of the projects to be applied towards re-doing the topsoil and seeding to meet the project requirements. McClure Engineering Company provided an estimate to be considered for the use of a manufactured soil to be used in this process. This issue is somewhat of a policy issue to be selected by the Council. Staff offers these options for consideration:

Option 1: Direct the contractors to return and perform the restoration work as stipulated in the plans and specifications. This option would not involve additional costs however we have not had a good experience with the process used.

Option 2: Withhold the funds identified in the unit prices of the contract and select an independent contractor to perform the restoration work as specified in the project plans and specifications. This would be replacing the top soil/or amending the top soil and then re-seeding. This option may involve some additional costs due to the need of removing soil. The additional costs could be withheld from retainage which may be contested by the contractors.

Option 3: Withhold the funds identified in the unit prices of the contract and select an independent contractor to perform the restoration work using an alternate method using a modified "engineered soil" with compost and impregnated with the seed. This option would involve additional costs. The additional costs could be withheld from retainage which may be contested by the contractors.

Recommendation: Staff recommends Option 2 which could see some additional costs above the awarded unit prices but the financial impact would be minimal and the fall seeding dates are coming up and should provide good results.

| |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Resolution _____ <input type="checkbox"/> Ordinance _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Other (Specify) _____ |
| Funding Source: _____ Bonds and assessments _____ |
| APPROVED FOR SUBMITTAL _____ Luke Nelson, City Manager |

STAFF RECOMMENDATION: Approval of the resolution including selected option for restoration.

RESOLUTION NO

Resolution Accepting Work Covering the 2014 Norwalk NCIS Improvements Project

WHEREAS, the Project Engineers for the 2014 Norwalk NCIS Improvements Project (the "Project) in the City of Norwalk, Iowa, have duly filed a certificate in accordance with Section 384.58 of the Code of Iowa showing that they have inspected completed work for the Project and that the same has been performed in compliance with the terms of the contract and showing the total cost thereof;

NOW, THEREFORE, It is resolved by the City Council of the City of Norwalk, Iowa, as follows:

Section 1. It is hereby found and determined that the work of constructing the Project has been duly and fully completed by the contractor in accordance with the terms of the contract, and the same is hereby accepted and approved.

Section 2. It is hereby found and determined that the total cost of said Project is in the total amount of \$2,891,284.94, of which the sum of \$_____ shall be assessed against private property within the assessable district.

Section 3. Except for the amount being retained by the City pursuant to Chapter 573 of the Code of Iowa, which shall be paid to the contractor not less than 30 days after the acceptance of the work, the amount due the contractor is hereby ordered paid from available funds from which payment for the work may be made.

Section 4. The Project Engineers are hereby instructed to prepare the final schedule of assessments, as provided in Section 384.59 of the Code of Iowa.

Section 5. All resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict.

Section 6. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved September 1, 2016.

Tom Phillips, Mayor

ATTEST:
Jodi Eddleman, City Clerk

| ROLL CALL VOTE: | Aye | Nay | Abstain | Absent |
|------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Isley | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kuhl | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lester | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Livingston | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Riva | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The City Clerk reported that the Project Engineers had filed the final schedule of assessments covering the 2014 Norwalk NCIS Improvements Project, as directed by resolution of the City Council previously adopted.

Thereupon, Council Member _____ proposed and moved the adoption of the resolution confirming and levying the special assessments, directing that the same be certified to the County Treasurer and directing publication and mailing of the notice, all as required by Section 384.60 of the Code of Iowa.

The motion was seconded by Council Member _____ and after due consideration thereof by the Council, the Mayor put the question upon the motion and the roll being called, the following named Council Members voted:

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared said motion duly carried and said resolution adopted, as follows: