

RESOLUTION NO. 93798-0417

**RESOLUTION ACCEPTING COMPLETED WORK PERFORMED FOR THE  
HARBOR RIP-RAP MAINTENANCE PROJECT AND AUTHORIZING FINAL  
PAYMENT**

**WHEREAS**, The City of Muscatine approved a contract for said project with Legacy Corporation of Illinois for \$98,880.00; and

**WHEREAS**, one contract quantity deduction resulted in a deduct of (\$-2,245.09) and a final contract price of \$96,634.91; and

**WHEREAS**, all work under this contract has been completed by the contractor and approved and accepted, as having met the requirements of the plans and specifications heretofore adopted; and

**WHEREAS**, a payment of \$91,803.17 is scheduled for April 7, 2017 and a retainage of \$4,831.74 remains due and payable;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MUSCATINE, IOWA**, that the City of Muscatine hereby accepts work performed and authorizes payment of \$4,831.74, which represents the required retainage, thirty (30) days from the date of the adoption of this Resolution pursuant to Iowa Code Chapter 573.

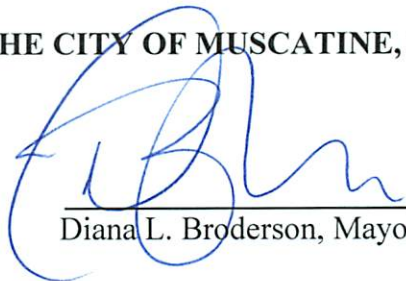
**PASSED AND APPROVED** this 6<sup>th</sup> day of April, 2017.

**CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA**



ATTEST:

  
\_\_\_\_\_  
Gregg Mandsager, City Administrator

  
\_\_\_\_\_  
Diana L. Broderson, Mayor



**LEGACY CORPORATION OF IL**  
 16322 Barstow Road  
 East Moline, IL 61244

# INVOICE

Invoice 5253  
 Invoice Date: Feb 22, 2017

Voice: 309-203-1094  
 Fax: 309-423-2048

**Bill To:**  
 City of Muscatine  
 215 Sycamore  
 Muscatine, IA 52761

**Work Performed At:**  
 City of Muscatine  
 Harbor Wall - Harbor Drive  
 Muscatine, IA 52761

Purchase Order No.

Due Date	Payment Terms
3/9/17	Net 15 Days

Quantity	U/M	Description	Rate	Amount
Delivery and placement of rip rap per contract dated April 21, 2016 for the "Harbor Wall Rip Rap Maintenance" project.				
1.00	<Each>	Mobilization	1,399.36	1,399.36
1,315.78	CY	Rip Rap Delivery	53.68	70,631.07
1,315.78	CY	Rip Rap Placement	16.00	21,052.48
222.00	CY	Rip Rap Placement	16.00	3,552.00

Total Invoice Amount	96,634.91
Payment/Credit Applied	
<b>TOTAL</b>	<b>96,634.91</b>

Thank you for your business. If you have any questions, please contact Blake at 309-314-4588.

FINAL WAIVER OF LIEN

State of Iowa

County of Clinton

TO WHOM IT MAY CONCERN:

Whereas the undersigned has been employed by LEGACY CORPORATION to furnish materials for the premises known as MUSCATINE HARBOR, Harbor Drive, Muscatine, Iowa of which the CITY OF MUSCATINE is the owner.

NOW THEREFORE, the undersigned, for and in consideration of the sum of FORTY FIVE THOUSAND TWENTY THREE DOLLARS AND THIRTY EIGHT CENTS (\$45,023.38), and other good and valuable considerations, the receipt whereof is hereby acknowledged does hereby waive and release any and all lien or claim or right of lien under the statutes of the State of Iowa relating to mechanics' or material liens on the above described premises and improvements thereon, and on the monies or other considerations due or that may become due from the owner on account of labor or services, material, fixtures, apparatus, or machinery heretofore furnished or that may be furnished at any time hereafter by the undersigned, to or on account of said owner, for the above described premises without prejudice to assert any right of lien as to any labor, services, material, fixtures, apparatus, or machinery hereafter furnished by the undersigned.

Given under my/our hand this 17<sup>th</sup> day of March, 2017.

COMPANY NAME: Wendling Quarries, Inc.

Signature and seal: Kathy Tague

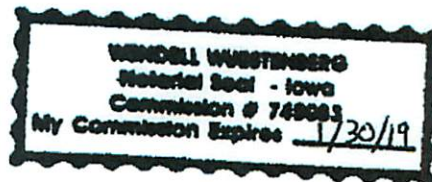
Printed Name: Kathy Tague

Title: Credit Asst.

All waivers must be for the total amount paid.

State of Iowa

County of Clinton



On this 17 day of March, 2017, before me, a Notary Public in and for said State, personally appeared the above named person, known to me to be the identical person named in and who executed the foregoing instrument, and acknowledge that they executed the same as their voluntary act and deed.

Wendell Wuestenberg NOTARY PUBLIC, STATE OF Iowa

## MEMORANDUM

TO: Gregg Mandsager, City Administrator  
FROM: Richard Klimes, Director of Parks and Recreation  
DATE: March 29, 2017  
RE: Resolution Accepting Completed Work and Authorizing Final Payment for the Muscatine Harbor Rip-Rap Maintenance Project

### INTRODUCTION:

Please accept this memo and the attached Resolution Accepting Completed Work and Authorizing Final Payment for the Muscatine Harbor Rip-Rap Maintenance Project.

### BACKGROUND:

The Muscatine City Council awarded the contract for the Muscatine Harbor Rip-Rap Maintenance Project to Legacy Corporation of Illinois in the amount of \$98,880.00. There was a reduction in project cost of \$2,245.09 due to 32.22 CY less quantity of rip-rap needed to complete the project which resulted in a final contract cost of \$96,634.91. The bid unit price was used to calculate the cost reduction. This project is part of the R.E.A.P. Grant for harbor improvements.

### RECOMMENDATION:

As the General Contractor, Legacy Corporation has satisfied the requirements of the contract. It is staff's recommendation for the City Council to approve the proposed resolution accepting completed work and authorizing the immediate payment for the Muscatine Harbor Rip-Rap Project in the amount of \$91,803.17. Additionally, as required by Iowa Code, the 5% retainage of \$4,831.74 will be held for an additional 30 days.

### BACKUP INFORMATION:

1. Resolution Accepting Completed Work
2. Final Invoice
3. Final Waiver of Lien

Thank you for your time and attention to this matter. Please contact me if you have any questions or concerns.

C. Nick Gow, Superintendent of Parks  
Nancy Lueck, City Finance Director