

RESOLUTION NO. 93879-0617

**RESOLUTION ACCEPTING COMPLETED WORK PERFORMED UNDER
WEST HILL SEWER SEPARATION PROJECT
PHASE 3A
AND AUTHORIZING FINAL PAYMENT**

WHEREAS, the City of Muscatine approved the Plans, Specifications, and Form of Contract for the West Hill Sewer Separation Project Phase 3A; and

WHEREAS, the City of Muscatine entered into a contract for said project with Hagerty Earthworks LLC for \$1,362,319.30 with 14 change orders, for a total contract amount of \$1,516,906.39; and

WHEREAS, all work under the contract has been completed by Hagerty Earthworks, LLC. and approved and accepted by the City Engineer and appears to meet the requirements of the Plans and Specifications heretofore adopted by this Council, as evidenced by the Project Engineer's Certificate; and

WHEREAS, the amount of \$1,423,687.08 has been previously paid to Hagerty Earthworks, LLC and a balance of \$93,219.31 including 5% retainage remains due and payable;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, that the City of Muscatine make immediate payment of \$-0- to Hagerty Earthworks, LLC for completed and accepted work under the West Hill Sewer Separation Project Phase 3A and thereafter make no other additional payment for retainage until current contract and liquidated damages are resolved.

PASSED, ADOPTED AND APPROVED THIS 1st DAY OF JUNE, 2017.



CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA

BY: Robert C. Bynum
Bob Bynum, Mayor Pro Tem

ATTEST:

Gregg Mandsager
Gregg Mandsager, City Clerk



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Public Works

City Transit
263-8152

MEMORANDUM

Equipment Maintenance
Roadway Maintenance
Collection & Drainage
Building & Grounds
Engineering

To: Brian Stineman Public Works Director
FROM: Jim Edgmond, City Engineer
CC: Nancy Lueck, Finance
DATE: May 25, 2017
RE: Phase 3A and 3B of the West Hill Sewer Separation Projects

INTRODUCTION:

The construction of these two phases of the sewer separation is complete to where the City desires to close the projects out. Some minor work to be done will be transferred to Phase 3C to allow these phases to be closed out. The City Staff has completed final inspection of the project and the project is ready for the close out process.

BACKGROUND:

Due to some contract disputes in Phase 3A and 3B the City Council directed the staff to close these contracts on May 18, 2017. The information below summarizes the cost left in the contract.

Phase	Payments Due to Contractor	Liquidated Damages Due City
Phase 3A	\$93,219.31	\$169,100.00
Phase 3B	\$73,820.05	\$ 61,300.00
TOTAL=	\$167,039.36	\$230,400.00

Due to these amounts showing the contractor would owe the City for Liquidated Damages it is the City Staff's recommendation that the entire amount owed to the contractor including retainage be held until the items in dispute and the Liquidated Damages are resolved. However, the notice should be given to the contractor that City Council has taken action to close these two projects out.

RECOMMENDATION/RATIONALE:

Recommend City Council approves the resolution for acceptance of Phase 3A and 3B as completed projects. This action starts the 30-day waiting period before the retainage can be released to the contractor. However, in this instance the retainage will be held until resolution of Liquidated Damages and other items of dispute. This approval also starts the warranty period for the projects.

BACKUP INFORMATION:

NA.

"I remember Muscatine for its sunsets. I have never seen any on either side of the ocean that equaled them" — Mark Twain



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FINANCE & RECORDS

MEMO

To: Gregg Mandsager, City Administrator

From: Nancy A. Lueck, Finance Director

Date: May 26, 2017

Re: Resolution to Approve the Amended Development Agreement with Riverview Hotel Development

Introduction and Background:

The City Council approved the original Development Agreement with Riverview Hotel Development at their meeting on December 18, 2014. The City and the Developer now propose to amend the original Agreement in order to (1) update the completion date of the Project; (2) update the Employment Requirements with respect to the Project; (3) increase the amount of tax increment financing assistance to be provided to the Company from \$6,000,000 to \$6,150,000; and (4) make other related changes.

A public hearing is required in order to approve the amended Development Agreement and the proposal to increase the incremental property tax payments thereunder, pursuant to Section 403.9 of the Code of Iowa. This hearing is scheduled for the June 1, 2017 meeting. After the hearing City Council will consider the resolution to approve the amended development agreement, authorizing increased annual appropriation tax increment payments, and pledging certain tax increment revenues to the payment of the agreement.

Recommendation:

Please include on the agenda for the June 1, 2017 meeting the attached resolution approving the amended development agreement with Riverview Hotel Development. Please contact City Administrator Gregg Mandsager or me if you have any questions.