

**RESOLUTION NO. \_\_\_\_\_**

**AMENDED RESOLUTION ACCEPTING  
COMPLETED WORK PERFORMED UNDER  
WEED PARK TO WILDCAT DEN TRAIL  
AND AUTHORIZING FINAL PAYMENT**

WHEREAS, the City of Muscatine approved the Plans, Specifications, and Form of Contract for the Weed Park to Wildcat Den Trail Project; and

WHEREAS, the City of Muscatine entered into a contract for said project with Sulzberger Excavating, Inc. for \$448,578.90 with one change order and other quantity adjustments, for a total contract amount of \$453,206.75; and

WHEREAS, all work under the contract has been completed by Sulzberger Excavating, Inc. 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 \$437,415.21 has been previously paid to Sulzberger Excavating, Inc. and a balance of \$15,791.54 including 3% 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 \$15,791.54 to Sulzberger Excavating, Inc. for completed and accepted work under the Weed Park to Wildcat Den Trail Project.

PASSED, APPROVED, ADOPTED THIS 17th DAY OF NOVEMBER, 2011.

CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA

BY: \_\_\_\_\_  
Richard W. O'Brien, Mayor

ATTEST:

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Gregg Mandsager, City Administrator

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## MEMORANDUM

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**TO:** RANDY HILL, PUBLIC WORKS DIRECTOR

**FROM:** JON LUTZ, CITY ENGINEER

**SUBJECT:** WEED PARK TO WILDCAT DEN TRAIL PROJECT  
AMMENDED ACCEPTANCE RESOLUTION

**DATE:** NOVEMBER 15<sup>TH</sup>, 2011

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**Introduction:**

City Council accepted the completed work and authorized final payment at the October 20, 2011 council meeting. An error was discovered on the final payment form.

**Background Information:**

The cost to date listed for Item 5 was \$14,234.97 and should be \$14,173.20, a decrease of \$61.77. The cost to date listed for Item 27 was \$6,975.00 and should be \$9,300.00, an increase of \$2,325.00. This adjustment of \$2,263.23 increases the contract amount from \$450,943.52 to \$453,206.75. Retainage of 3% in the amount of \$13,528.31 was withheld. The total amount due to the contractor including the retainage and adjustment is \$15,791.54.

**Project Costs & Payment:**

Construction costs are \$453,206.75 with \$439,566.75 in eligible items for 80% federal funding of \$351,653.40 and 20% local share of \$87,913.35. Radar speed signs were not eligible and cost \$13,640.00. Therefore local funds required are \$101,553.35. Private contributions of \$75,000.00 will be supplemented with \$26,553.35 from collection and drainage for the local share. Part of the trail follows a sanitary sewer alignment and will serve as a sewer maintenance access road.

The trail is open for public use.

**Recommendation:**

I recommend City Council approve an amended resolution adjusting total project cost from \$450,943.52 to \$453,206.75 and authorizing final payment of \$15,791.54.

**BACKUP INFORMATION:**

1. Pay Application #5