

NOTICE

TO THE CITIZENS OF PRAIRIE CITY, JASPER COUNTY, IOWA:

Notice is hereby given that on the 10th day of August, 2022 at six o'clock, a public hearing will be held before the City Council of Prairie City, Iowa, in the Council Chambers of City Hall of Prairie City, Iowa, with reference to adding to the Prairie City Code of Ordinances a new provision as it pertains to UTV Operations.

If you are unable to attend, written notice may be sent to Prairie City, City Hall, at 203 E Jefferson St, Prairie City, IA 50228 no later than 4:30 P.M. on August 10th, 2022, or you can contact City Hall for the Zoom Link.

This Notice is given in accordance with the requirements of Sections 364.7 and 362.3 of the 2017 Code of Iowa and amendments thereto.

2022 STATE OF IOWA ATV/UTV BILL HF2130

The (ATV/UTV) bill was proposed to the State Government in response to a 2020 survey asking avid ATV and UTV riders what they would like to see changed in Iowa law to support their sport better. Over 4600 people responded with the following key items:(1) Be able to ride on more County and State roadways. (2) Be able to ride in all 99 counties with a State wide uniform law.

Below is the easy to understand version of new HF2130 ATV/UTV bill

By the new State Law any registered (ATV/UTV) vehicle may be operated in all 99 counties of Iowa as long as you **OBEY** the following laws:

Maximum Speed will be 35 MPH

You must be at least 18 years old (No one below 18) and have a **VALID** driver's license and carry **VALID** proof of insurance.

You must have an **OPERATIONAL** Headlight at all times, Tail and Brake light, Horn and Rear View Mirror. You will be allowed to ride Day or Night

A registered (ATV/UTV) vehicle may only be operated on a State (primary) highway that is **NOT** a divided highway (4 lane) or Interstate road system.

You can **ONLY** drive on State two lane highways over the most direct and accessible route to and from an all-terrain vehicle park or trail, to the nearest County (secondary) road, or a authorized city street or your residence.

You can (cross) a State divided highway (4 lane) at an intersection from an authorized road as long as it is **NOT** an Interstate Highway.

A registered (ATV/UTV) vehicle may be operated on any County (secondary) unpaved (gravel) road.

You can only drive on County (secondary) paved (highways) providing that you take the most direct and accessible route to and from an all-terrain vehicle park or trail, to the nearest County (secondary) gravel road, an authorized city street or your residence.

A registered (ATV/UTV) **CAN NOT** drive on any County (secondary) gravel or paved roadway that is marked (under construction) (closed) or a (detour) for normal vehicle traffic

A (ATV/UTV) can be restricted from a County (secondary) roadway during special events, Example RAGBRAI for not more than seven consecutive days or a max of 30 days per year.

All Iowa Cities may regulate the operation of (ATV/UTV) traffic within their city limits this includes (primary) and (secondary) road extensions.

A City **CAN NOT** charge a fee to (ATV/UTV) for use of their streets.

By Iowa State Law HF2130 all of the above (laws) override the (current) County ordinances in place.

If you have any questions about forming a (ATV/UTV) Club or questions about HF2130 regulation itself, please feel to contact our dedicated group of advisors at ia.stateobvadvitory@gmail.com

Please remember that we worked hard to get this bill. So please work hard to help us keep it. Always work together with your local County Officials.



HF 2130 OHV FAQ

1. Can a fee be charged or a pass/sticker be required for off-highway vehicles to be ridden on roadways/highways on public property by any government or nongovernment entity?

No, cities may not charge a fee to operate an off-highway vehicle (OHV) within the city but counties may be able to depending on the designation of county roads. Refer questions to counties as to whether a pass is required in their jurisdiction. Nonresidents must still obtain a sticker to operate OHVs on public land (not including public roadways), a designated riding area, a designated riding trail, or ice of this state.

2. Can a dealer allow a customer to test drive an off-highway vehicle on roadways/highways if the vehicle has the appropriate dealer decal placed on the vehicle?

Yes, OHVs are motor vehicles so the dealer decal registration exemption applies the same to them as to other motor vehicles as long as they are on authorized roads.

3. Can off-highway vehicles be ridden in state parks?

Yes, they can operate on "through roads", meaning a road that starts and ends outside of park boundaries to pass from one authorized destination to another. They may not operate them on side roads wholly contained within park boundaries. This also applies to wildlife/game management areas.

4. Does this law include all off-highway vehicles that are registered with the DNR? Off highway motorcycles, utility vehicles and ATVs? Can a mini bike be ridden on roadways?

Yes, according to Iowa Code 321I.1(b), off-road motorcycles are all-terrain vehicles (ATVs) for the purpose of registration, titling if a title has not previously been issued, and operators are subject to operating provisions governing ATVs. Off-road utility vehicles are also subject to ATV operation requirements.

5. What equipment is required by the D.O.T for an off-highway vehicle to legally be driven on roads/highways?

The minimum requirements to drive on streets listed in the new law are operational headlights (at all times), tail lights, brake lights, horn, and rearview mirror. Iowa Code 321I requires a muffler and brakes on ATVs. However, refer these questions to the DOT as motor vehicles on roadways are within their scope of administration and rulemaking authority.

6. Does the DNR charge a fee to operate an OHV on roadways?

No, but the OHV needs to be registered with the DNR through county recorders.

HF 2130 OHV FAQ

7. Can farmers that are exempt for registration still travel from one farm to another?

Yes, Iowa Code 321.1.9(3) exempting ATVs used exclusively as farm implements from registration was not changed by the new law. Nor was Iowa Code 321.234A(1)(a) allowing for ATV operation on a highway between sunrise and sunset and incidental to the vehicle's use for agricultural purposes (including stopping in the course of agricultural use to obtain fuel for the all-terrain vehicle or to obtain food or a nonalcoholic beverage for the operator). The new law's language regarding age and insurance also does not apply to ATVs used for agricultural purposes under Iowa Code section 321.234A(1)(a).

8. Where can OHVs be ridden on roadways?

- Undivided two-lane primary highway (not interstate) on the most direct route between an ATV park/trail, secondary road where authorized, city street where authorized, and the operator's residence.
- Any secondary road that is unpaved.
- Any secondary road that is paved and undivided on the most direct route between an ATV park/trail, secondary road where authorized, city street where authorized, and the operator's residence.
- A paved, undivided secondary road as authorized by the county board of supervisors.
- Directly across a highway that is not an interstate at an unobstructed intersection after stopping and yielding to oncoming traffic.
- Counties may prohibit operation on a secondary road closed for construction/reconstruction/maintenance/natural disaster, a secondary road designated as a detour route during construction/reconstruction/maintenance/natural disaster, and any secondary road by ordinance for short periods of time.

9. If a customer is unsure that their type of vehicle is acceptable to be ridden on a roadway should they contact the D.O.T?

Yes, motor vehicles on roadways are within the DOT's scope of administration and rulemaking authority.

10. How does this law affect nonresidents?

Nonresident OHVs must be registered to operate on Iowa roadways. Nonresidents must still purchase a user permit from the DNR to operate OHVs on public land (not including public roadways), a designated riding area, a designated riding trail, or ice of this state.

ORDINANCE NO. 394

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
PRAIRIE CITY, IOWA, BY ADDING PROVISIONS PERTAINING TO
UTV OPERATIONS**

BE IT ENACTED by the City Council of the City of Prairie City, Iowa:

SECTION 1. SECTION ADDED. Chapter 171 of the Code of Ordinances of the City of Prairie City, Iowa, is to be added as follows:

171.01 PURPOSE. The purpose of this chapter is to permit the operation of UTVs on streets within the City, as authorized by Section 321.247 of the Code of Iowa, as amended. This chapter applies whenever an UTV is operated on any street or alley, subject to those exceptions stated herein.

171.02 MANNER OF OPERATION – GENERAL REQUIREMENTS. No person shall operate an UTV in the City except as hereinafter provided.

1. Observance of Traffic Regulations Mandatory. UTV operators shall observe all State and local traffic control regulations and devices.
2. Permit Required. (See also subsection 16) No UTV shall be operated in the City unless a permit has been issued to the owner of the said UTV by City staff member. The permit received from the City must be with the UTV whenever it is operated within the City. The permit is good for the calendar year within which it is issued and shall be renewed annually. There shall be no permits issued if in the previous year the applicant was cited and convicted of any violations of this chapter.
3. Proof of Liability Insurance. As part of the permit process, the owner of the UTV must provide proof of liability insurance with minimum limits of \$100,000 each person, \$300,000 each accident before a permit will be issued. The proof of insurance must be with the UTV whenever said UTV is in operation.
4. Standard Equipment Regulations. All UTV shall be equipped with the following:
 - A. Brakes.
 - B. Slow moving vehicle sign.
 - C. Bicycle safety flag on the staff holder to put such flag at least five feet above the surface of the street.
 - D. Any other safety equipment which may be required for UTV by Chapter 321 of the Code of Iowa.
5. Operation Regulations. The following regulations apply to the operation of a UTV within the City:
 - A. Any operator of an UTV must have a valid driver's license.

- B. Any operator must be at least eighteen (18) years of age.
- C. All riders in the UTV must remain seated at all times.
- D. Seat belts are to be utilized at all times during operation when normal equipment exists.
- E. No more than two adult people may ride in the front seat of an UTV and no more than two adult people may ride in the back seat of an UTV, if said seat exists. While operating, any rider must be seated on the seat and no part of the body of any rider will extend beyond the sides of the UTV. Children must be accompanied by an adult driver and must follow all requirements of this subsection except the capacity limits as long as all children are seated on the seat and no part of the body of the child extends beyond the sides of the UTV.

6. Times of Operation Limited. UTVs may be operated after official sunrise and must cease before official sunset, during the time of year when daylight savings time is in effect. UTVs are prohibited on streets during inclement weather when visibility is reduced or impaired by weather, smoke, fog or other conditions or at any other time there is insufficient light clearly to see a person or vehicle on a roadway at a distance of 500 feet.

7. Sidewalks and Adjacent Areas. No UTVs shall be operated upon a public sidewalk, nor shall they be operated upon that portion of the street located between the curb line and the sidewalk or property line, referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is allowed by this chapter.

8. Trails and Parks. No UTVs shall be operated upon the bike or walking trails, nor shall they be operated within any city or private park.

9. Parking. Two UTVs may use one parking space provided they both park within the parking space lines.

10. Streets upon Which UTVs May Not Be Operated. UTVs are prohibited from being operated on any portion of:

- a. North and South State St.
- b. East and West 2nd St.
- c. East and West North St.
- d. Poplar Ave.
- e. Prairie Ave.
- f. Pacific St.
- g. Hwy 117.
- h. Hwy S6G.
- i. Hwy 163.

If someone is required to travel on a prohibited roadway, the person may only do so for a reasonable distance. In order to determine whether a particular distance of travel on a prohibited roadways is reasonable, the following factors may be considered: a) the operator's starting location; b) any planned course of travel by the operator and/or any

individuals the operator is riding with; c) the operator's destination; d) the operator's place of residence; e) any other pertinent factors.

11. Careless Operation Unlawful. No person shall operate an UTV in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

12. Operating Under the Influence. No person shall operate an UTV while under the influence of intoxicating liquor or narcotics or habit forming drugs.

13. Towing. No item shall be towed by an UTV.

14. Trespassing on Private Property. No UTV shall be operated upon private property without the express consent of the owner thereof.

15. Community Events – Exception. The Prairie City Police Department may grant exceptions and allow any type of UTV to be used on any City street by community and civic organizations for community events.

16. Permits/Application and Renewal. No person shall operate an UTV on any public street or alley for any purpose unless the operator possesses a City of Prairie City permit to operate an UTV on City streets, issued by a City staff member. UTV owners may apply for a permit from a City staff member on forms provided by the City. The City staff member shall not issue a permit until the owner/operator has provided the following:

A. Evidence the operator is eighteen (18) years of age, and possesses a valid Iowa driver's license.

B. Proof owner/operator has required liability insurance covering operation of an UTV on City streets.

C. Passes all other requirements set forth on application form.

The owner of an UTV shall display the permit sticker prominently on a rear fender or similar component. All permits issued shall uniquely identify the name and address of the owner/operator. The fee for such permits shall be twenty-five (\$25.00).

171.03 ACCIDENT REPORTS. Whenever an UTV is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred dollars (\$200.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours, in accordance with State law.

(Code of Iowa, Sec. 321G.10)

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Passed by the Council on the 10th day of August 2022, and approved this 10th day of August 2022.

Eric Imerman, Mayor

ATTEST:

Jodie Wyman,
City Administrator/City Clerk

First Reading:
Second Reading:
Third Reading:

I certify that the foregoing was published as Ordinance No. 394 on the ____ day of August, 2022.

Jodie Wyman, City Administrator/City Clerk

RESOLUTION NO. 8-10-22-3

RESOLUTION WAIVING THE SECOND AND THIRD READINGS OF ORDINANCE NO.
394

WHEREAS, IOWA CODE 380.3 requires two considerations before final passage, unless this requirement is suspended by a recorded vote of not less than three-fourths of all of the members of the council, and

WHEREAS, The Council of the City of Prairie City, Iowa, has the ability to suspend the two considerations to approve Ordinance 394,

THEREFORE BE IT RESOLVED that the Council of the City of Prairie City, Iowa is suspending the requirement of Iowa Code 380.3 by approving a resolution waiving the second and third readings of Ordinance 394

This resolution has been approved and adopted this 10th Day of August, 2022.

Eric Imerman,
Mayor

ATTEST:

Jodie Wyman,
City Administrator/City Clerk



City of Prairie City, IA

CLIENT LIAISON:

Andrew Inhelder, PE
Phone: 515-635-3403
ainhelder@msa-ps.com

DATE:

July 6, 2022

2022 GENERAL ENGINEERING SERVICES

Based on discussions with the City, there is a desire to have MSA provide general engineering services on a time and expense basis with a not to exceed number. This agreement would be for any minor engineering related services that come in front of the City that MSA would assist with. Such as, but not limited to, site plan reviews, cost estimating, utility mapping, engineering reviews, and other general engineering services that are authorized through written communication with the City. Any larger projects that come to light would be approached with a separate task order as done in the past.

IN PROGRESS

Prairie Point Plat 1 – Townhomes & Apartments along State Street

- Developer reached out on April 6, 2022 and submitted sketch plans for the development and requested meeting with the City to discuss steps moving forward.
- Received plat from developer on May 20, 2022. MSA is currently reviewing and will send comments back to developer.

Sacred Willow Farms Site Review – Site along Poplar Ave West of Dollar General

- Developer still needs approval for site signage but otherwise site plan was approved by Council.

TASK ORDER #10 – STORMWATER STUDY

It is our understanding that the City would like to make improvements to the stormwater flow in the northern portion of town. MSA Professional Services, Inc. shall provide the following services in accordance with the completion of the above project: MSA will create an overall stormwater model based on 10-year storm flow to identify potential problem areas within the northern part of town. After creation of the overall exhibit, we will walk the area with City Staff to identify additional/problematic areas. MSA will then fine tune the stormwater model to better represent on the ground conditions in several problem areas, such as identifying blocked culverts & intakes which will lead to recommendations for possible improvements.

ONGOING TASKS

- Flush targeted storm lines to identify connectivity. This work will be completed pending City Staff availability during dry warm weather.

NEXT STEPS

- Identify possible improvement projects along with phasing
- Revise improvement projects as necessary.
- Present to City Council.

PROJECT UPDATE

PHASE 1 WATER SYSTEM IMPROVEMENTS, CONSTRUCTION RELATED SERVICES

This is for construction related services regarding the Phase 1 Water system improvement project including bidding, construction staking, construction administration, and construction observation.

RECENTLY COMPLETED STEPS

- Construction start date: 08/23/2021
- Substantial completion walkthrough was completed May 24, 2022 and punch list of remaining items to be corrected was sent to Contractor.
- Final completion date is June 30, 2022
- Contractor was onsite multiple times to complete the punch list items listed including individual properties where complaints were made due to poor surface preparation.
- Contractor has signed supplemental seeding agreement, they will be required to come back in the fall to reseed as needed along with any finishing touches on topsoil that has settled or needs to be fine graded again in the fall.

NEXT STEPS

- City approve final completion of project and release retainage. The contractor carries a maintenance bond on all work completed for 4 years. Meaning any defect issues due to construction will be repaired by contractor at no additional cost to the City. This will run through 05/23/2026.
- After final completion and release of retainage is complete. MSA will submit final documentation to SRF for final reimbursement request.

RECORD OF CHANGE ORDERS (CO) & REQUESTS FOR PRICING (RFP)

- CO #1 – **Approved: +\$6,000.00**
 - Remove and backfill unknown underground storage tank in path of water main.
 - Currently working with Iowa DNR for approval. Iowa DNR is requiring additional ground soil and ground water sampling to determine if there are contaminants in the soil.
 - Ground water sampling has been completed in early January by Terracon.
 - Currently waiting on test results to determine next steps.
 - Tests came back with contamination below the required mitigation levels. No further action is necessary.

PROJECT UPDATE

TASK ORDER #15 – MARSHALL STREET RECONSTRUCTION, CONSTRUCTION RELATED SERVICES

This is for construction related services regarding the Marshall Street reconstruction project including construction staking, construction administration, and construction observation.

RECENTLY COMPLETED STEPS

- Construction began July 19th, 2021
- Substantial Completion target date: October 20, 2021
 - Substantial completion actual date: October 22, 2021.
- Letter suspending calendar dates for the winter was issued December 16, 2021.
- Calendar dates will resume no later than May 1, 2022 for seeding and final completion.
- Contractor has completed all punch list items.

NEXT STEPS

- Will schedule final walkthrough with City to review project for final acceptance after downspout connection is installed on north side of future library building. Contractor has conveyed "early August" to complete the downspout connection.

RECORD OF CHANGE ORDERS (CO) & REQUESTS FOR PRICING (RFP)

- CO #1 – **Approved:** +\$7,106.00
 - Water service addition/revisions
 - Storm manhole modifications necessary due to site conditions.
- CO #2 – **Approved:** -\$483.50
 - Removal of 2 trees and removal of planned retaining wall in front of residence.
- CO #3 – **Approved:** +\$22,291.76
 - Remove and replace concrete curb and section that is settling along north side of Jefferson from Main St. to Marshall St. (North side of square)
- CO #4 – **Approved:** -1,570.50
 - Adjusting quantities to final used in project. Add downspout connection for future library building. This work will be completed in the next few weeks.

PROJECT UPDATE

TASK ORDER #19 – COMPREHENSIVE PLANNING UPDATE

MSA is working with the City to establish a Comprehensive Plan update Steering Committee and will look to schedule a project kickoff meeting in August.

TASK ORDER #20 – PUBLIC WORKS BUILDING CIVIL SCHEMATIC DESIGN

MSA has completed survey of the site east of the water treatment plant and has conceptually laid out the building placement based on City Staff review and feedback. MSA is working closely with Martin Gardner Architecture on building related schematic design.

RECENTLY COMPLETED STEPS

- Survey of site
- Conceptual layout of building and site characteristics.

NEXT STEPS

- Opinion of probable cost for construction.
- Present to City Staff and Council Schematic Design

TASK ORDER #21 – FIRE/EMS BUILDING CIVIL SCHEMATIC DESIGN

MSA has completed survey of the site east of City Hall. MSA is working closely with Martin Gardner Architecture on building related schematic design.

RECENTLY COMPLETED STEPS

- Survey of site

NEXT STEPS

- Conceptual layout of building and site characteristics.
- Opinion of probable cost for construction.
- Present to City Staff and Council Schematic Design



June 30, 2022

Eric Imerman, Mayor
City of Prairie City
203 E. Jefferson Street
Prairie City, IA 50228

Re: Water System Improvements – Phase 1

Dear Mayor Imerman:

Please find the following necessary Project Close Out documents enclosed:

- One (1) copy of *Updated List of Items to be Corrected or Completed* (Punch List)
- Three (3) copies of *Final Completion and Owner's Acceptance of the Work*
 - Retain one copy for your records and return the rest to MSA
- Three (3) copies of *Release of Claims*
 - Retain one copy for your records and return the rest to MSA
- Three (3) copies of *Pay Application #10* reflecting Contractor's Payment of Retainage
 - Retain one copy for your records and return the rest to MSA

Please review these documents which are recommended by the Engineer for approval at the next Council Meeting. If you have any questions regarding the information in this submittal please don't hesitate to contact me directly.

Sincerely,

MSA Professional Services, Inc.

A handwritten signature in black ink, appearing to read "A. Inhelder", written over a horizontal line.

Andrew Inhelder, PE
Project Manager

1555 SE Delaware Ave
Suite F
Ankeny, IA 50021

P (515) 964-1920
TF (800) 844-4122
F (515) 964-4003

www.msa-ps.com

AJI

Enc.
Cc:

STATEMENT OF FINAL COMPLETION
AND
OWNER'S ACCEPTANCE OF THE WORK

PROJECT: <u>Water System Improvements --</u> <u>Phase 1</u> _____ _____ OWNER: <u>City of Prairie City</u> _____ _____ _____	ENGINEER: <u>MSA Professional Services, Inc.</u> <u>1555 SE Delaware Ave, Suite F</u> <u>Ankeny, IA 50021</u> _____ CONTRACTOR: <u>MB Construction, LLC</u> <u>22614 State Hwy. 16</u> <u>Monticello, MO 63457</u> _____
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I, the undersigned Engineer / Architect of the above designated project, do hereby state that:


1. The construction provided for pursuant to CONTRACT DOCUMENTS including all approved amendments and Change Orders, hereafter called the WORK between the OWNER and CONTRACTOR has been completed and to the best of my knowledge and belief, is in substantial compliance with the provisions of the CONTRACT DOCUMENTS.

2. The final payment authorized hereto and made a part hereof is a complete and accurate summary of the WORK performed in accordance with the CONTRACT DOCUMENTS.

3. The total cost of the WORK as completed is \$954,901.00.

I recommend, under the provisions of the CONTRACT DOCUMENTS, that the WORK be accepted and that the final payment be made.

Engineer / Architect

By  Date 06/30/2022

The CONTRACTOR shall guarantee materials and equipment furnished and construction performed by providing a PERFORMANCE BOND which shall remain in full force and effect for a period of four year from date of acceptance by OWNER.

(Note if Statement of Substantial Completion was issued then effective date of Bond is as approved by the OWNER on Statement of Substantial Completion)

Accepted By CONTRACTOR

By 

Title Managing Member

Date 07/01/2022

Accepted BY OWNER

By _____

Title _____

Date _____

RELEASE OF CLAIMS

CONTRACTOR, on behalf of itself, its subsidiaries, its affiliated entities, and each of their partners, respective shareholders, directors, officers, employees, agents, and attorneys and their predecessors, successors, and assigns (collectively "CONTRACTOR") hereby waives, releases and discharges OWNER, its officers, directors, employees and agents from and all actions, causes of action, claims and liabilities of any kind which in any manner arise from, relate to or are involved by CONTRACTOR's WORK on the PROJECT as defined by the CONTRACT DOCUMENTS. The waived, released and discharged actions, causes of action, claims and liabilities shall be forever barred once CONTRACTOR accepts final payment.

CONTRACTOR

By: Name: Brian J. Murphy
PRINTTitle: Managing MemberDate: 07/01/2022

OWNER

By: _____

Name: _____
PRINT


Title: _____


Date: _____

ASAC

<u>Change Order Summary</u>		
<u>Approved Change Orders</u>	<u>Additions</u>	<u>Deductions</u>
<u>Number</u>		
1	\$ 6,000.00	
TOTALS	\$ 6,000.00	\$ -
NET CHANGE BY CHANGE ORDERS \$ 6,000.00		

- | | | | |
|--|---|--------------|-----------------|
| 1. ORIGINAL CONTRACT PRICE | | \$ | \$1,035,816.00 |
| 2. Net change by Change Orders | | \$ | \$6,000.00 |
| 3. Current Contract Price (Line 1 ± 2) | | \$ | \$1,041,816.00 |
| 4. TOTAL COMPLETED AND STORED TO DATE
(Column F or I total on Progress Estimates) | | \$ | \$954,901.00 |
| 5. RETAINAGE: | | | |
| a. 5% | X | \$954,901.00 | Work Completed |
| b. 5% | X | \$0.00 | Stored Material |
| c. Total Retainage (Line 5.a + Line 5.b) | | \$ | |
| 6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c) | | \$ | \$954,901.00 |
| 7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application) | | \$ | \$904,297.02 |
| 8. AMOUNT DUE THIS APPLICATION | | \$ | \$50,594.58 |
| 9. BALANCE TO FINISH, PLUS RETAINAGE
(Column (G for LSI) or (J for UPI) total on Progress Estimates + Line 5.c above) | | \$ | \$85,415.00 |

Contractor's Certification	
The undersigned Contractor certifies, to the best of its knowledge, the following:	
<p>(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment.</p> <p>(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and</p> <p>(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.</p>	
Contractor Signature	Date
	06/17/2022

Payment of:	\$50,594.58		
is recommended by:		06/30/2022	
	(Engineer)	(Date)	
Payment of:	\$50,594.58		
is approved by:			
	(Owner)	(Date)	
Approved by:			
	Funding or Finance Entity (if applicable)	(Date)	

Progress Estimate - Unit Price Work

Contractor's Application

For (Contract):		City of Prairie City - Water System Improvements - Phase 1													
Application Period:		May 16th, 2022 - June 17th, 2022													
Application Number:		19													
Application Date:		June 17th, 2022													
			A												
			Contract Information												
Bid Item No.	Spec. Item No.	Item Description	Item Quantity	Units	Unit Price	Total Value of Item (\$)	Quantities from Existing Pay Applications	Estimated Quantities Installed this Pay Period	Value of Work Installed this Pay Period	Total Completed to Date	Total Completed and Stored to Date (G + H)	% (I/B)	Balance to Finish (B - I)		
5.23		Valve RW, 10 inch	1	EA	\$2,685.00	\$2,685.00			\$0.00	\$0.00	\$0.00	0.0%	\$2,685.00		
5.24		Fire Hydrant Assembly	16	EA	\$4,610.00	\$73,760.00	15		\$0.00	\$69,150.00	\$69,150.00	93.8%	\$4,610.00		
5.25		Fire Hydrant Removal	1	EA	\$365.00	\$365.00	2		\$0.00	\$730.00	\$730.00	206.0%	-\$365.00		
5.26		Valve Box Removal	9	EA	\$50.00	\$450.00	10		\$0.00	\$500.00	\$500.00	111.1%	-\$50.00		
6.01		Remove Inlet	1	EA	\$400.00	\$400.00			\$0.00	\$0.00	\$0.00	0.0%	\$400.00		
6.02		Storm Inlet, SW-412	2	EA	\$2,400.00	\$4,800.00			\$0.00	\$0.00	\$0.00	0.0%	\$4,800.00		
7.01		Removal of Sidewalk, Shared Use Path, or Driveway	705	SY	\$8.00	\$5,640.00	521		\$0.00	\$4,168.00	\$4,168.00	71.1%	\$1,472.00		
7.02		Sidewalk, PCC, 4 inch Thickness	290	SY	\$108.00	\$31,320.00	214		\$0.00	\$23,112.00	\$23,112.00	73.8%	\$8,208.00		
7.03		Sidewalk, PCC, 6 inch Thickness	127	SY	\$126.00	\$16,002.00	44		\$0.00	\$5,280.00	\$5,280.00	34.6%	\$10,722.00		
7.04		Driveway, PCC, 6 inch Thickness	258	SY	\$125.00	\$32,250.00	340		\$0.00	\$42,500.00	\$42,500.00	131.8%	-\$10,250.00		
7.05		Driveway, Removal, Salvage, Reinstall, Granular	361	SY	\$5.00	\$1,805.00	340		\$0.00	\$2,730.00	\$2,730.00	94.2%	-\$925.00		
7.06		Driveway, Asphalt, 6 inch Thickness	19	SY	\$130.00	\$2,470.00			\$0.00	\$0.00	\$0.00	0.0%	\$2,470.00		
7.07		Full Depth Patch, RMA, Match Existing Thickness	898	SY	\$110.00	\$98,780.00	625		\$0.00	\$68,750.00	\$68,750.00	69.6%	\$30,030.00		
7.08		Full Depth Patch, PCC, Match Existing Thickness	42	SY	\$120.00	\$5,040.00			\$0.00	\$0.00	\$0.00	0.0%	\$5,040.00		
7.09		Detachable Warnings	112	SR	\$34.00	\$3,808.00	96		\$0.00	\$3,264.00	\$3,264.00	85.7%	\$544.00		
8.02		Flags	20	EA	\$750.00	\$15,000.00	26		\$0.00	\$19,500.00	\$19,500.00	130.0%	-\$4,500.00		
9.01		Hydraulic Seeding, Fertilizing, and Mulching (BFA), Type 4	2	AC	\$9,000.00	\$18,000.00	2		\$0.00	\$18,000.00	\$18,000.00	100.0%	\$0.00		
9.02		Conventional Seeding, Temporary Seeding, Type 4	2	AC	\$6,000.00	\$12,000.00	1.5	0.50	\$2,000.00	\$12,000.00	\$12,000.00	100.0%	\$0.00		
9.03		Inlet Protection Device, Installation	32	EA	\$125.00	\$4,000.00	27		\$0.00	\$3,375.00	\$3,375.00	84.4%	\$625.00		
9.04		Inlet Protection Device, Maintenance	32	EA	\$40.00	\$1,280.00	63		\$0.00	\$2,520.00	\$2,520.00	196.9%	-\$1,240.00		
9.05		White, Installation	2,750	LF	\$6.00	\$16,500.00	996		\$0.00	\$5,976.00	\$5,976.00	36.2%	\$10,524.00		
9.06		White, Removal	2,750	LF	\$1.00	\$2,750.00	996		\$0.00	\$996.00	\$996.00	36.2%	\$1,754.00		
9.09		Remove & Salvage Fence to Owner	95	LF	\$15.00	\$1,425.00	95		\$0.00	\$1,425.00	\$1,425.00	100.0%	\$0.00		
11.03		Removal & Reinstallation of Sign	9	EA	\$150.00	\$1,350.00	8		\$0.00	\$1,200.00	\$1,200.00	88.9%	\$150.00		
11.04		Wood Posts	90	LF	\$20.00	\$1,800.00			\$0.00	\$0.00	\$0.00	0.0%	\$1,800.00		
Contract Totals									\$3,002.00	\$999,991.00	\$999,991.00	91.8%	\$81,115.00		

Stored Material Summary

Contractor's Application

City of Prairie City - Water System Improvements - Phase 1											
Application Number: 10											
Application Period: May 16th, 2022 - June 17th, 2022											
Application Date: June 17th, 2022											
A		B	C		D		E	F		G	
Bid Item No.	Supplier Invoice No.	Submittal No. (with Specification Section No.)	Storage Location	Description of Materials or Equipment Stored	Stored Previously		Amount Stored this Month (\$)	Subtotal Amount Completed and Stored to Date (D + E)	Incorporated in Work		Materials Remaining in Storage (\$) (D + E - F)
					Date Placed into Storage (Month/Year)	Amount (\$)			Date (Month/Year)	Amount (\$)	
5.02	P124650		LOT	8" PVC C900 DR18 PIPE	7/2021	\$82,080.00		\$82,080.00	7/2022	\$82,080.00	\$0.00
5.02	P124650		LOT	8" EBAA MEGALUG C900	7/2021	\$10,285.00		\$10,285.00	11/2021	\$10,285.00	\$0.00
5.22	P124650		LOT	VALVE BOX W/ LID	7/2021	\$12,090.00		\$12,090.00	3/2022	\$12,090.00	\$0.00
5.22	P124650		LOT	8" MI RW GATE VALVE	7/2021	\$39,560.00		\$39,560.00	3/2022	\$39,560.00	\$0.00
5.24	P124650		LOT	HYDRANT	7/2021	\$27,300.00		\$27,300.00	11/2021	\$27,300.00	\$0.00
5.24	P124650		LOT	6" MI RW GATE VALVE	7/2021	\$9,520.00		\$9,520.00	11/2021	\$9,520.00	\$0.00
5.17	P123921		LOT	3/4 FLR SERVICE CPLG NL NO LEAD	9/2021	\$400.00		\$400.00	12/2021	\$400.00	\$0.00
5.17	P123921		LOT	8x3/4 CC SADDLE	9/2021	\$6,752.50		\$6,752.50	12/2021	\$6,752.50	\$0.00
5.17	P123921		LOT	3/4 BALL CURB FLRXL NO LEAD	9/2021	\$5,920.00		\$5,920.00	12/2021	\$5,920.00	\$0.00
5.17	P123921		LOT	56" 5601 AP CURB BOX	9/2021	\$2,590.00		\$2,590.00	12/2021	\$2,590.00	\$0.00
5.17	P123921		LOT	3/4 SOFT K COPPER TUBE 100' (1/3 of price - \$13,650)	9/2021	\$4,550.00		\$4,550.00	12/2021	\$4,550.00	\$0.00
5.18	P123921		LOT	3/4 BALL CORP STOP NL CCXFLR NO LEAD	9/2021	\$3,910.00		\$3,910.00	12/2021	\$3,910.00	\$0.00
5.18	P123921		LOT	42" STAINLESS STEEL ROD	9/2021	\$2,250.00		\$2,250.00	12/2021	\$2,250.00	\$0.00
5.18	P123921		LOT	3/4 SOFT K COPPER TUBE 100' (1/3 of price - \$13,650)	9/2021	\$4,550.00		\$4,550.00	12/2021	\$4,550.00	\$0.00
5.19	P123921		LOT	3/4 SOFT K COPPER TUBE 100' (1/3 of price - \$13,650)	9/2021	\$4,550.00		\$4,550.00	12/2021	\$4,550.00	\$0.00
5.20	P123921		LOT	2 SOFT K COPPER TUBE 20"	9/2021	\$395.00		\$395.00	12/2021	\$395.00	\$0.00
5.20	P123921		LOT	2 FLR X MP CPLF NO LEAD	9/2021	\$270.00		\$270.00	12/2021	\$270.00	\$0.00
5.20	P123921		LOT	2 FLR SERVICE CPLG NL NO LEAD	9/2021	\$230.00		\$230.00	12/2021	\$230.00	\$0.00
5.20	P123921		LOT	1-1/2 SOFT K COPPER TUBE 60"	9/2021	\$735.00		\$735.00	12/2021	\$735.00	\$0.00
5.20	P123921		LOT	1-1/2 BALL CORP STOP NL	9/2021	\$175.00		\$175.00	12/2021	\$175.00	\$0.00
5.20	P123921		LOT	1-1/2 BALL CURB FLRXL NO LEAD	9/2021	\$275.00		\$275.00	12/2021	\$275.00	\$0.00
5.20	P123921		LOT	56" 5603 AP CURB BOX	9/2021	\$65.00		\$65.00	12/2021	\$65.00	\$0.00
							Totals				\$0.00
							\$218,452.50		\$218,452.50		\$0.00

CONTRACTOR AGREEMENT

THIS AGREEMENT made this 22nd day of June 2022, by and between MB Construction, LLC, hereinafter called the Contractor, and City of Prairie City, Iowa, hereinafter called the Owner.

WITNESSETH, that the Contractor and the Owner for the consideration named herein agree as follows:

ARTICLE 1. SCOPE OF THE WORK

The Contractor shall furnish all the materials and perform all work for permanent reseeding of project limits from the MSA Project #08994029: Water System Improvements – Phase 1 project as necessary by all of the work shown on the drawings and/or described in the specifications within said project documents, as annexed hereto as it pertains to work to be performed on property located at: Prairie City, Iowa.

ARTICLE 2. TIME OF COMPLETION

The work to be performed under this Contract shall be commenced on or before June 22, 2022, and shall be completed on or before September 30th, 2022. If work is not completed and accepted, Owner will seek restitution of claims as authorized by the **Performance, Payment, and Maintenance Bond** which was agreed upon by the Contractor on July 14, 2021.

ARTICLE 3. THE CONTRACT PRICE

The Owner has previously agreed to pay the Contractor for the material and labor performed under the Contract for Bid Item # 9.01 the sum of \$18,900.00 Dollars (\$) on Pay Request #9 signed June 8, 2022. This work, having been inadequately completed per Contract Documents is to be reseeded as agreed at no additional cost to the Owner.

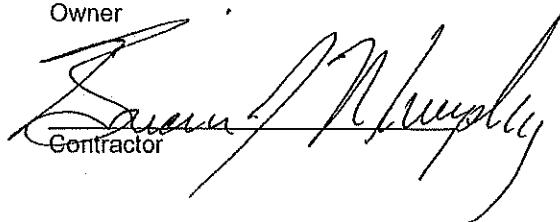
ARTICLE 4. GENERAL PROVISIONS

1. All work shall be completed in a workmanship like manner and in compliance with all applicable laws.
2. To the extent required by law all work shall be performed by individuals duly licensed and authorized by law to perform said work.
3. Contractor may at its discretion engage subcontractors to perform work hereunder, provided Contractor shall fully pay said subcontractor and in all instances remain responsible for the proper completion of this Contract.
4. Contractor warrants it is adequately insured for injury to its employees and others incurring loss or injury as a result of the acts of Contractor or its employees and subcontractors.
5. Contractor agrees to remove all debris and leave the premises in broom clean condition.
6. All disputes hereunder shall be resolved by binding arbitration in accordance with the rules of the American Arbitration Association.
7. Contractor shall not be liable for any delay due to circumstances beyond its control including strikes, casualty or general unavailability of materials.
8. All work of Contractor shall be warranted under the previously signed **Performance, Payment, and Maintenance Bond**.

Signed this 22nd day of June, 2022.

Owner

Contractor

A handwritten signature in black ink, appearing to read "Brian Murphy", is written over a horizontal line. The signature is cursive and stylized.



LIST OF ITEMS TO BE CORRECTED OR COMPLETED

Project: Water System Improvements – Phase 1
Prairie City, Iowa
Project Number: 08994029

Contractor: MB Construction LLC
22614 State Hwy 16
Monticello, MO 63457

Project Visit Date: 05/24/2022
06/16/2022
06/22/2022
06/30/2022

Issue Date: 05/24/2022
Revised 06/06/2022
Revised 06/16/2022
Revised 06/22/2022
Revised 06/30/2022

This list of items to be completed or corrected itemizes observed portions of the installation of workmanship and/or material items that fail to meet the intent of the contract documents. The work shall be considered finally complete only when all of the noted items have been corrected and/or completed. This list of items to be completed or corrected shall not be construed as having any other purpose but to notify the contractor of visible deviations from the contract documents that were observed on the date noted. Omissions or unnoted items do not relieve the contractor from his or her responsibility to complete all work in accordance with the contract documents.

LIST OF ITEMS TO BE CORRECTED OR COMPLETED

Water System Improvements – Phase 1

Project Number: 08994029

Issue Date: 05/24/2022

ITEM	SHEET NO.	NEAREST INTERSECTION	APPROX. STATION	DESCRIPTION	DATE APPROVED
1				All warranties as required by the specifications shall be submitted and submit all AIS certifications.	06/16/2022
2	ALL	ALL	ALL	Seeding – work will be considered acceptable after a 2-inch uniform stand of grass is attained and gullies, rivulets and washouts have been repaired to the satisfaction of the engineer and Owner.	Supplemental Seeding Agreement Signed 06/22/2022
3				Lien waivers from all subcontractors and suppliers shall be submitted	Pending release of retainage
4	ALL	ALL	ALL	Remove all silt fences and construction debris after seeding has been established.	Supplemental Seeding Agreement Signed 06/22/2022
5	ALL	ALL	ALL	Adjust all curb stop boxes to grade.	06/16/2022
6	A1-M.07	6th & Dewey	30+25	VALVE BOX- Straighten mainline valve box on SW corner of intersection at dead end. Add dirt around valve box.	06/30/2022
7	A1-M.07	6th & Dewey	13+20	VALVE BOX - Clean out mainline valve box north of hydrant on SW corner of intersection.	6/22/22
8	A1-M.07	6th & Dewey	31+30	VALVE BOX (2) – Lower two valve boxes to grade on east side of intersection. Add dirt around valve boxes, lower slightly below grade.	06/30/2022
9	A2-M.01	North & Park	100+03	HYDRANT – Rotate hydrant to face street.	06/16/2022
10	A2-M.02	North & Orchard	103+75 to 104+75	EARTHWORK – Fill this general area with earth to remove low points and grade to drain to the East.	06/16/2022
11	A2-M.02	North & Orchard	103+99	VALVE BOX – Straighten hydrant valve box.	6/22/2022
12	A2-M.03	North & Main	107+70 to 107+85	EARTHWORK – Fill this general area with 8"-12" of earth to remove low point. Grade to drain to the south. Adjust valve boxes to grade. Hydrant tracer lines shall not be exposed at bottom.	06/16/2022
13	A2-M.05	205 E North St	112+25 & 112+40	TREES (2) – Clear & grub 2 trees at this property. (205 E North St). Remove mulch piles and backfill holes.	Trees completed on 06/22/2022 06/30/2022
14	A2-M.06	North & State	114+00	VALVE BOX (3) – At the SW corner of the intersection, straighten western most mainline valve. Raise two valves close to	06/22/2022

LIST OF ITEMS TO BE CORRECTED OR COMPLETED

Water System Improvements – Phase 1

Project Number: 08994029

Issue Date: 05/24/2022

				curb to curb height and fill area with earth and grade to drain.	
15	A2-M.07	North & Park	150+40	INTAKE – Adjust area intake as needed to drain area. Grade out small PVC pipe to drain just north of intake. Grade area to drain.	06/16/2022
16	A2-M.08	North & East	121+18	VALVE BOX – Clean out and straighten existing valve box adjacent to new valve box.	06/22/2022
17	A3-M.02	8th & Orchard	302+50	EARTHWORK – Add 6" of earth around Hydrant at SW corner of intersection, raise valve boxes to grade.	06/16/2022
18	A3-M.02	8th & Orchard	400+50	VALVE BOX (2) – Straighten both valve boxes at the NW corner of the intersection.	06/22/2022
19	A3-M.03	8th & Main	307+00	VALVE BOX – Straighten/adjust valve box on NW side of intersection.	06/22/2022
20	A3-M.03	8th & Main	307+70	VALVE BOX – Straighten/adjust valve box on NE side of intersection.	06/22/2022
21	A3-M.05	8th & Marshall	311+10	VALVE BOX (2) – Straighten mainline and hydrant valve box on SE side of intersection.	06/22/2022
22	A3-M.06	8th & State	313+60	VALVE BOX (2) – Adjust to grade and straighten valve boxes on SW side of intersection.	06/22/2022
23	A3-M.06	8th & State	313+50	EARTHWORK – Grade/smooth out area.	06/16/2022
24	A3-M.07	8th & Sherman	317+30	VALVE BOX – Straighten hydrant valve box and shift/angle it north to gain distance between valve box and hydrant. Valve needs to be accessible, but valve is very close to hydrant leading to difficulty closing hydrant valve.	06/22/2022
25	A3-M.08	8th St & East End	320+30	HYDRANT – Rotate hydrant to face west	06/16/2022
26	A3-M.08	8th St & East End	320+30	VALVE BOX (2) – Locate valve box for hydrant valve. We found 1 valve in this location which we believe is the main valve. There should be 2 valves in this location, a main valve and a hydrant valve. Straighten valve box that is exposed at this location and raise missing one to grade. Valve was found ~1ft north of hydrant, raise box to grade.	06/30/2022
27		402 E 5th		Fill in low spot in front yard grading (Not a part of this project)	N/A
28		501 E 5th		Cleanup on corner of lot	06/16/2022
29		502 E 5th		Grading & reseeding	06/16/2022
30		503 E 5th		Grading ditch, rock/concrete & reseeding	06/16/2022

LIST OF ITEMS TO BE CORRECTED OR COMPLETED

Water System Improvements – Phase 1

Project Number: 08994029

Issue Date: 05/24/2022

31		505 E 5 th		Grading & reseeding, backfill along sidewalk and driveway	06/16/2022
32		506 E 5 th		Grading, reseeding & ADA panel	06/16/2022
33		507 E 5 th		Grading, grading around tree, ditch and inlet cleanout, rock pile near road, backfill along sidewalk	06/16/2022
34		101 W 8 th		Grading, seeding, repair crushed culvert	06/16/2022
35		104 W 8 th		Grading, seeding, concerns about street?	06/16/2022
36		100 E 8 th		Grading, seeding	06/16/2022
37		204 E 8 th		Grading, seeding, backfill ditch where low. Property owner also owns empty lot west of 204 E 8 th . Need to smooth out ditch line and break up clods.	06/16/2022
38		208 E 8 th		Grading, add earthwork, seeding around east side of property where water service was installed around culvert.	06/30/2022
39		304 E 8 th		Grading, seeding	06/16/2022
40		409 N Park		Grading, seeding	06/16/2022