

RESOLUTION NO. 974

RESOLUTION APPROVING AN AGREEMENT WITH GARLING CONSTRUCTION, INC.
IN CONNECTION WITH THE WEST BRANCH FIRE STATION PROJECT

THIS AGREEMENT entered into by and between Garling Construction, Inc., 1120 11th Street, Belle Plaine, Iowa 52208 (hereafter "Garling"); and the City of West Branch, 110 Poplar Street, West Branch, Iowa 52358 (hereafter "City").

WHEREAS, the City Council of West Branch awarded the construction contract for the West Branch Fire Station Addition (the "Project") to Garling; and

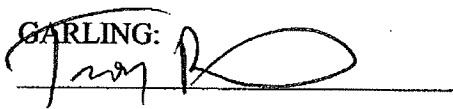
WHEREAS, Garling has completed most of the required work for the Project and desires for the City to accept the Project as substantially completed; and


WHEREAS, to ensure that Garling finishes the Project in a timely manner, the City agrees to accept the Project as substantially completed at its February 6, 2012 City Council meeting in exchange for the execution of this Agreement.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Both parties agree that the following work needs to be completed:
 - a. Replacement of two walk-in doors
 - b. Painting of four walk-in doors
 - c. Lettering of five walk-in doors
2. Garling agrees that the City shall hold the sum of \$3,250 from the retainage to be paid to Garling in accordance with Chapter 573 of the Code of Iowa until the work identified in paragraph 1 above has been completed in accordance with the Project plans and specifications.
3. Garling specifically agrees that if Garling does not complete this work prior to March 9, 2012, that the City can use the withheld \$3,250 and complete the work itself. In the event that the City has any monies remaining after said work is completed, it will refund said monies to Garling.
4. In the event that additional claims are filed pursuant to Chapter 573 for the retainage prior to the ending of the required 30-day period, the City will withhold double the amount of those claims, in addition to the \$3,250 contemplated under this Agreement.

Dated this 6th day of February, 2012.

GARLING:


CITY:

Don Kessler, Mayor