

SAYDEL COMMUNITY SCHOOL DISTRICT
5740 NE 14th STREET
DES MOINES, IA 50313

SPECIAL BOARD MEETING MINUTES

6:00 PM

Saydel District Office Board Room

February 23, 2015

- I. Call the Meeting to Order – Meeting called to order President Brian Bowman at 6:07 PM
- A. Roll Call – Paul Breitbarth, Ray Livingston, Rob Stephenson, Henry Wood, Melissa Sassman, Brian Bowman, present. Kyle Prendergast, absent.
- B. Approve Agenda – Motion to approve by Paul Breitbarth, seconded by Melissa Sassman. Motion carried 6/0.

II. Public Hearing – Internet/Email Use Policy

The President announced that this was the time, place and date to hold a public hearing on Board Policy 605.6-Internet/Email Appropriate Use, published pursuant to the provisions of Iowa Code.

The President inquired whether there were any residents or taxpayers who would like to speak to the topic.

Hearing none, the President declared the time for receiving objections to, or arguments in favor of, any part of the Board Policy closed.

- III. Final Completion – 2014 HS Renovation Project – Motion to approve by Paul Breitbarth, seconded by Melissa Sassman. Motion carried 6/0.

In making contact with representatives from Haila Architecture, they believe that the 2014 High School Renovation Project is complete in accordance with the plans, specifications, and form of the contract. Our discussions with internal staff members lead us to the same conclusion.

As a result, this **RESOLUTION FOR FINAL ACCEPTANCE AND CLOSING FINAL PROJECT COSTS FOR THE PUBLIC IMPROVEMENT CONTRACT WITH WOODRUFF CONSTRUCTION, LLC.** is being brought to the Board for approval.

If approved, the final payment to Woodruff Construction, LLC. can move forward in the process which normally includes:

Retaining the final retainage payment amount (\$92,220.05) for 30 days during which time any unpaid claims on the work may be filed with the District. If claims are filed the

District normally would retain twice the amount of any claim(s) on file before releasing any final payment. We are unaware of any claims at this time and we have no reason to believe that any claims will be made.

However, in this case, in addition to final acceptance, the Contractor has begun the formal process under Iowa Code Section 26.13 to request early release of retainage funds. This request can be made any time by a contractor after Substantial Completion. The initial notice documentation for such request was sent to subcontractors by the Contractor on February 5th, but no formal request for early release can be submitted until February 15th (or 10 days after the notice to the subcontractors was issued).

If and upon receipt of such a request, the Owner must release all applicable retainage monies at the next regularly scheduled Board meeting or within 30 days of the date of the request, whichever is earlier, except that 200% of the value of labor and materials yet to be provided on the Project (in accordance with the plans and specification) at the time the request is made may continue to be withheld.

Woodruff has requested the early release of retainage funds in the amount of \$82,220.05. This amount accounts for a withholding of \$10,000 for defective work that needs to be fixed yet this spring/summer. If a formal, timely claim for release of retainage is received, it will be processed in accordance with Iowa law.

The Superintendent recommends the approval of this resolution as presented.

**RESOLUTION FOR FINAL ACCEPTANCE
AND CLOSING FINAL PROJECT COSTS
FOR THE PUBLIC IMPROVEMENT CONTRACT WITH
WOODRUFF CONSTRUCTION, LLC**

WHEREAS, on March 6th, 2014, Saydel Community School District entered into a construction contract with Woodruff Construction, LLC. of Fort Dodge, Iowa “Contractor” for the construction of certain public improvements generally described as the 2014 High School Renovation Project (“Project”); and

WHEREAS, on August 13th, 2012, Saydel Community School District entered into a contract with Haila Architect (“Architect”) for architectural/engineering design services associated with the above Project; and

WHEREAS, on August 25th, 2014 and October 17th, 2014, the Architect filed a certificate with Saydel Community School District certifying that the contractor had substantially completed the construction of said public improvements in accordance with the terms and conditions of the contract and plans and specifications.

WHEREAS, the Architect has now submitted a subsequent pay application to Saydel Community School District recommending that the project be accepted by the District as finally complete.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors Saydel Community School District:

Section 1: That said reports and documents of the Architect are hereby approved and adopted.

Section 2: That said public improvement is hereby approved and accepted as having been fully completed in accordance with said plans, specifications, and form of contract,

with the exception of a small amount of work to be performed this spring/summer with a doubled value of \$10,000.

Section 3: That the total contract cost of the improvement yet payable under said contract with Communication Innovators, Inc. is hereby determined to be \$92,220.05.

Section 4: That \$92,220.05 of the total contract cost yet paid is retainage.

Section 5: That Contractor has begun the initial notification process to subcontractors of its intent to request early release of retainage funds in accordance with Iowa Code § 26.13 in the amount of \$82,220.05.

Section 6: That in accordance with Iowa law the Contractor's formal request for early release of retainage cannot be completed until February 15th (10 days after notice to subcontractors was provided).

Section 7: Since there is no completed request for early release of retainage funds on file as of the date of this resolution, the current retainage balance of \$92,220.05 shall be retained for a period of thirty (30) days following this Board's action to finally accept this public improvement project, pursuant to the requirements of Iowa Code § 573.14, unless or until an early release of retainage request is formally received by the Contractor in accordance with Iowa Code Section 26.14 and a release of monies under that section would be earlier than the thirty (30) days outlined in of Iowa Code § 573.14. If at the end of the thirty (30) day period or upon early release or retainage, claims are on file as provided by law the Saydel Community School District or there is incomplete work still remaining the District shall continue to retain from the unpaid funds a sum equal to double the total amount of all any work remaining or claims on file or the entire retainage balance if claims exceed the balance. The remaining balance of the unpaid fund, or if no claims are on file or work outstanding, the entire unpaid fund, shall be released and paid to the contractor in accordance with Iowa law.

- IV. Adjourn – Motion to adjourn by Henry Wood, seconded by Paul Breitbarth. Motion carried 6/0. Meeting adjourned at 6:09 PM

Brian Bowman, Board President

Beth Vitiritto, Board Secretary