

**TO: Mayor and City Council**

**FROM: City Administrator Ron Johnson**

**SUBJECT: Approve Pay Request #2 (Final) for 318<sup>th</sup> St Project**

**DATE: January 28, 2015**

**BACKGROUND**

Hardrives Inc has submitted their second and final pay request for the 318<sup>th</sup> St Improvement Project. SEH recommends approval of this pay request, which represents 100% of the work being completed.

**REQUESTED COUNCIL ACTION**

Motion to approve pay request #2 for the 318th St Improvement Project to Hardrives for \$8,036.05.

Attachment(s): SEH letter



Building a Better World  
for All of Us®

January 27, 2015

RE: 318th Street Paving  
City of Cannon Falls  
SEH No. CANNO 127981

City of Cannon Falls  
918 River Road  
Cannon Falls, MN 55009-1447

Dear Ron Johnson:

Please find enclosed Application for Payment No. 2 (Final) for the above-referenced project, together with the following documentation:

- Consent of the surety to final payment
- Lien waivers
- Withholding Affidavit for Contractors and Subcontractors (IC 134 form)

We have reviewed the Application for Payment, and recommend payment to Hardrives, Inc. in the amount of \$8,036.05. This represents 100% completion of the work.

The 1-year warranty period will commence with the final payment for this project. To ensure that any needed corrections are addressed during this warranty period, a final inspection of the project will be made prior to warranty expiration and the findings reported to the City.

Please don't hesitate to contact me with any questions or comments. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg F. Anderson'.

Greg F. Anderson, PE  
Project Manager

ah

Enclosure

c: Hardrives, Inc.

s:\aelc\canno127981\7-const-svcs\afp\final ltr to city.docx



**Application for Payment**  
(Unit Price Contract)  
No. 2-Final

Eng. Project No.: CANNO 127981

Location: City of Cannon Falls

Contractor <u>Hardrives, Inc.</u>	Contract Date <u>June 3, 2014</u>
<u>14475 Quiram Dr.</u>	
<u>Rogers, MN 55374</u>	Contract Amount <u>\$ 118,000.05</u>

Contract for <u>318th Street Paving</u>	For Period Ending <u>10/17/14</u>
Application Date <u>10/17/14</u>	

Item No.	Item	Unit	Est. Quantity	Quantity to Date	Unit Price	Total Price
1	MOBILIZATION	LS	1	<u>1</u>	\$5,200.00	<u>\$5,200.00</u>
2	SAWCUT BITUMINOUS, FULL DEPTH	LF	160	<u>65</u>	\$2.23	<u>\$144.95</u>
3	COMMON EXCAVATION	CY	100	<u>100</u>	\$9.24	<u>\$924.00</u>
4	SUBGRADE PREPARATION	RD STA	17	<u>17</u>	\$161.20	<u>\$2,740.40</u>
5	SELECT TOPSOIL BORROW (CV)	CY	50	<u>0</u>	\$17.08	
6	AGGREGATE BASE, CLASS 5 (CV)	CY	250	<u>77.36</u>	\$25.06	<u>\$1,938.64</u>
7	AGGREGATE BASE, CLASS 2 (SHOULDERING) (CV)	CY	115	<u>103</u>	\$35.33	<u>\$3,638.99</u>
8	B618 CONCRETE CURB AND GUTTER	LF	220	<u>495</u>	\$31.43	<u>\$15,557.85</u>
9	BITUMINOUS WEAR TYPE SPWEB440B	TON	925	<u>821.71</u>	\$61.14	<u>\$50,239.35</u>
10	BITUMINOUS NONWEAR TYPE SPNWB340B	TON	400	<u>354.54</u>	\$56.12	<u>\$19,896.78</u>
11	ADJUST FRAME AND RING CASTING	EA	4	<u>3</u>	\$439.40	<u>\$1,318.20</u>
12	ADJUST VALVE BOX	EA	4	<u>2</u>	\$330.05	<u>\$660.10</u>
13	SALVAGE AND REINSTALL MAILBOX	EA	3	<u>3</u>	\$154.64	<u>\$463.92</u>
14	4" SKIP LINE YELLOW	EA	330	<u>330</u>	\$3.74	<u>\$1,234.20</u>
15	TRAFFIC CONTROL	LS	1	<u>1</u>	\$1,627.47	<u>\$1,627.47</u>
16	BIOROLL	LF	100	<u>0</u>	\$7.30	
17	EROSION CONTROL BLANKET - CATEGORY 3	SY	50	<u>300</u>	\$4.49	<u>\$1,347.00</u>
18	SEEDING (INCLUDES SEED, FERTILIZER AND MULCH)	AC	0.5	<u>0.6</u>	\$7,183.82	<u>\$4,310.29</u>
19	SILT FENCE, TYPE PREASSEMBLED	LF	100	<u>0</u>	\$7.30	
<b>Total Contract Amount</b>						<b><u>\$111,242.15</u></b>

**Application for Payment (continued)**

Total Contract Amount	\$ <u>118,000.05</u>	Total Amount Earned	\$ <u>111,242.15</u>
Contract Change Order No. _____		Material Suitably Stored on Site, Not Incorporated into Work	_____
Contract Change Order No. _____		Percent Complete	_____
Contract Change Order No. _____		Percent Complete	_____
Less Previous Applications:		GROSS AMOUNT DUE	\$ <u>111,242.15</u>
1: <u>103,206.10</u>	6: _____	LESS <u>0</u> % RETAINAGE	\$ _____
2: _____	7: _____	AMOUNT DUE TO DATE	\$ <u>111,242.15</u>
3: _____	8: _____	LESS PREVIOUS APPLICATIONS	\$ <u>103,206.10</u>
4: _____	9: _____	AMOUNT DUE THIS APPLICATION	\$ <u>8,036.05</u>
5: _____			

**CONTRACTOR'S AFFIDAVIT**

The undersigned Contractor hereby swears under penalty of perjury that (1) all previous progress payments received from the Owner on account of work performed under the Contract referred to above have been applied by the undersigned to discharge in full all obligations of the undersigned incurred in connection with work covered by prior Applications for Payment under said contract, 318th Street Paving, City of Cannon Falls, and (2) all material and equipment incorporated in said Project or otherwise listed in or covered by this Application for Payment and free and clear of all liens, claims, security interests and encumbrances.

Date January 15, 2015 \_\_\_\_\_ Hardrives, Inc.  
(Contractor)

COUNTY OF Hennepin )  
STATE OF Minnesota ) SS By [Signature] V.P.  
(Name and Title)

Before me on this 15th day of January, 2015, personally appeared \_\_\_\_\_  
Tim Crennen known to be, who being duly sworn did depose and say that he is the Vice President (office) of the Contractor above mentioned that he executed the above Application for Payment and Affidavit on behalf of said Contractor; and that all of the statements contained therein

My Commission expires \_\_\_\_\_  
\_\_\_\_\_ (Notary Public)



The undersigned has checked the Contractor's Application for Payment shown above. A part of this Application is the Contractor's Affidavit stating that all previous payments to him under this contract have been applied by him to discharge in full all of his obligations in connecting with the work by all prior Applications for Payment.

In accordance with the Contract, the undersigned recommends approval of payment to the Contractor for the Amount due.

\_\_\_\_\_ By Grey Anderson  
Date 1/27/15  
City of Cannon Falls

By \_\_\_\_\_  
Date \_\_\_\_\_

**CONSENT OF SURETY  
TO FINAL PAYMENT**

*AIA Document G707*

- OWNER
- ARCHITECT
- CONTRACTOR
- SURETY
- OTHER

Bond No. 929596282

**TO OWNER:**

*(Name and address)*

City of Cannon Falls  
918 River Road  
Cannon Falls, MN 55009

**PROJECT:**

*(Name and address)*

318th Street Paving, Cannon Falls, Minnesota

ARCHITECT'S PROJECT NO.:

CONTRACT FOR: Paving

CONTRACT DATED: June 3, 2014

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the  
*(Insert name and address of Surety)*

Western Surety Company  
333 S. Wabash Ave.  
Chicago, IL 60604

, SURETY,

on bond of

*(Insert name and address of Contractor)*

Hardrives, Inc.  
14475 Quiram Drive  
Rogers, MN 55374

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety of any of its obligations to

*(Insert name and address of Owner)*

City of Cannon Falls  
918 River Road  
Cannon Falls, MN 55009

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: November 5, 2014

*(Insert in writing the month followed by the numeric date and year.)*

Western Surety Company

*(Surety)*

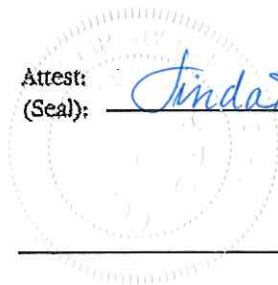
*(Signature of authorized representative)*

Lin Ulven

Attorney-in-Fact

*(Printed name and title)*

Attest:  
(Seal):



# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Bruce N Telander, Donald R Olson, R Scott Egginton, John E Tauer, Linda K French, D R Dougherty, Jack Cedarleaf II, Kurt C Lundblad, Craig Remick, Jerome T Ouimet, Roger W Frank, Nicole Stillings, Rachel Thomas, Joshua R Loftis, Brian J Oestreich, Melinda C Blodgett, Sandra M Doze, Lin Ulven, Individually**

of Minneapolis, MN, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

### - In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 23rd day of May, 2014.



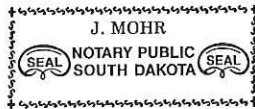
WESTERN SURETY COMPANY

*Paul T. Bruflat*  
Paul T. Bruflat, Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 23rd day of May, 2014, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires  
June 23, 2015



*J. Mohr*

J. Mohr, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 5th day of November, 2014



WESTERN SURETY COMPANY

*L. Nelson*  
L. Nelson, Assistant Secretary

**Authorizing By-Law**

**ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY**

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.