



City Council Memorandum

To: Mayor Fasbender & City Council Members
From: Ryan Stempki – Public Works Director/City Engineer
Date: January 17, 2023
Item: Approve Final Payment – W 4th Street Water Tower Reconditioning Project

COUNCIL ACTION REQUESTED

Council is requested to adopt the attached resolution approving final payment to G&L Tank Sandblasting and Coatings LLC on City Project 2022-2, the W 4th Street Water Tower Reconditioning Project.

BACKGROUND INFORMATION

All project work was completed in the fall, including punch list items per the Contract Documents. The 2-Year Warranty Period will extend to October 13, 2024.

FINANCIAL IMPACT

There were no change orders on the project. The contract amount was \$726,000 and the final construction cost came in at that amount to be exactly on budget for 2022.

STAFF RECOMMENDATION

Staff is recommending that the City Council adopt the attached resolution approving final payment for the project.

ATTACHMENTS

- Resolution accepting work and ordering final payment for Project 2022-2, the W 4th Street Water Tower Reconditioning Project.

CITY OF HASTINGS

VIII-10

DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. _____

**RESOLUTION ACCEPTING WORK AND ORDERING FINAL PAYMENT
FOR PROJECT 2022-2, THE W 4TH STREET WATER TOWER RECONDITIONING PROJECT**

WHEREAS, pursuant to a written contract signed with the City of Hastings on July 18, 2022, G&L Tank Sandblasting and Coatings LLC, has satisfactorily completed City Project 2022-2, the W 4th Street Water Tower Reconditioning Project.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS AS FOLLOWS; that the Clerk and Mayor are hereby directed to issue a proper order for the final payment of \$52,687.50 on the above said project for such contracts, taking the contractor receipt in full.

ADOPTED BY THE CITY COUNCIL OF HASTINGS, MINNESOTA, THIS 17th DAY OF JANUARY, 2023.

Ayes:

Nays:

ATTEST:

Kelly Murtaugh, City Clerk

Mary D. Fasbender, Mayor

SEAL



**City of Hastings
Pay Voucher**

2022

Vendor #: 2313
 Vendor name: G&L TANK SANDBLASTING & COATINGS LLC
 Remittance Address: 2101 HWY 64 WEST
SHELBYVILLE, TN 37160

Date: 1/10/2022
 Department: ENG
 Ordered by: ENG
 Authorized by: *[Signature]*
 (Signature Required)

Invoice #	Project #	Inv Date	Description (40 Characters)	Invoice Sub Total	Invoice Grand Total	Account #
4	94	12/22	4TH ST TANK RECONDITIONING	52,687.50	52,687.50	600-300-3300-6311
			FINAL PAY EST #4		-	
					-	
					-	
					-	
					-	
					-	
					-	
					-	
					-	
					-	
				Voucher Total:	52,687.50	

Signed: _____
 City Administrator (over \$5,000)

IN BUDGET:	YES <input checked="" type="checkbox"/>
	NO <input type="checkbox"/>

Contractor's Application For Payment No. 4 (Final)

To Owner: City of Hastings 101 East 4th Street Hastings, MN 55033	Application Period: 10/25/2022 - 12/22/2022	Application Date: 12/22/2022
Project: Cleaning, Repairing, & Painting 750,000-Gallon Elevated Reservoir 4th Street Tower	From (Contractor): G & L Tank Sandblasting and Coatings LLC 2101 Highway 64 West Shelbyville, TN 37160	Via (Engineer: KLM Engineering INC 1976 Wooddalle Drive, Ste 4
Owner's Contract No.	Contractor's Project No.:	Engineer's Project No.:

Application for Payment

Change Order Summary		
Approved Change Orders		
Number	Additions	Deductions
TOTALS	\$ -	\$ -
NET CHANGE BY CHANGE ORDERS	\$0.00	

1. ORIGINAL CONTRACT PRICE.....	\$ 726,000.00
2. Net change by Change Orders.....	\$ -
3. CURRENT CONTRACT PRICE (Line 1 ± 2).....	\$ 726,000.00
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate).....	\$ 726,000.00
5. RETAINAGE:	
a. 5 % x \$ 726,000.00 Work Completed.....	\$ -
b. 5 % x \$0.00 Stored Material.....	\$ -
c. Total Retainage (Line 5a + Line 5b).....	\$ -
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....	\$ 726,000.00
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)	\$ 673,312.50
8. AMOUNT DUE THIS APPLICATION.....	\$ 52,687.50
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above).....	\$ -

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(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;

(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

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

By: Isai Gomez Date: **12/22/2022**

Payment of: \$52,687.50
 (Line 8 or other - attach explanation of other amount)

is recommended by: Scott Kriese 12-27-22
 (Engineer) (Date)

is approved by: _____
 (Owner) (Date)

Approved by: _____
 Funding or Financing Entity (if applicable) (Date)

Progress Estimate

Project: Cleaning, Repairing, & Painting					Application Date: 12/22/2022								
Application Period: 10/25/2022 - 12/22/2022													
Bid Item No.	Item	Unit	Bid Quantity	Unit Price	Bid Value	Installed Previously	Installed This Period	Total Quantity Installed	Value	Materials Presently Stored (Not in C)	Total Completed and Stored to Date (D+E)	% (F/B)	Balance To Finish (B-F)
Base Bid													
1	Structure Modifications	LS	1	\$ 115,000.00	\$ 115,000.00	0.850	0.150	1.00	\$ 115,000.00	\$ -	\$ 115,000.00	100.0	\$ -
2	Surface Repairs	Man-Hrs	1	\$ 12,500.00	\$ 12,500.00	1.000	0.000	1.00	\$ 12,500.00	\$ -	\$ 12,500.00	100.0	\$ -
3	Interior Wet Area Abrasive Blast & Coating	LS	1	\$ 105,000.00	\$ 105,000.00	1.000	0.000	1.00	\$ 105,000.00	\$ -	\$ 105,000.00	100.0	\$ -
4	Interior Dry Area Spot Repair & Coating	LS	1	\$ 150,000.00	\$ 150,000.00	1.000	0.000	1.00	\$ 150,000.00	\$ -	\$ 150,000.00	100.0	\$ -
5	Exterior Area Abrasive Blast & Coating & Containment	LS	1	\$ 325,000.00	\$ 325,000.00	1.000	0.000	1.00	\$ 325,000.00	\$ -	\$ 325,000.00	100.0	\$ -
6	Mobilization	LS	1	\$ 15,000.00	\$ 15,000.00	1.000	0.000	1.00	\$ 15,000.00	\$ -	\$ 15,000.00	100.0	\$ -
Additive Alternate Bids													
1	School Logo	LS	1	\$ 3,500.00	\$ 3,500.00	1.000	0.000	1.00	\$ 3,500.00	\$ -	\$ 3,500.00	100.0	\$ -
TOTALS					\$ 726,000.00				\$ 726,000.00	\$ -	\$ 726,000.00	100.0	\$ -

**CONSENT OF SURETY
TO FINAL PAYMENT**
AIA DOCUMENT G707

OWNER
ARCHITECT
CONTRACTOR
SURETY
OTHER

VIII-10
✓

✓
✓

THIS DOCUMENT HAS IMPORTANT LEGAL CONSEQUENCES; CONSULTATION WITH AN ATTORNEY IS ENCOURAGED WITH RESPECT TO ITS COMPLETION OR MODIFICATION. AUTHENTICATION OF THIS ELECTRONICALLY DRAFTED AIA DOCUMENT MAY BE MADE BY USING AIA DOCUMENT D401.

TO OWNER:
(Name and address)
City of Hastings
101 4th Street E
Hastings, MN 55033

ARCHITECT'S PROJECT NO.:
CONTRACT FOR:
Bond Number #2325788

PROJECT:
(Name and address)
Cleaning, Repairing, & Painting of the 750,000
Gallon Elevated Reservoir
4th Street Tower, Hastings, MN

CONTRACT DATED: 2/23/2022

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

Swiss Re Corporate Solutions America Insurance Corporation
1200 Main Street, Suite 800
Kansas City, MO 64105

, SURETY,

on bond of
(Insert name and address of Contractor)

G & L Tank Sandblasting & Coatings, LLC
2101 Highway 64 W
Shelbyville, TN 37160

, 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 Hastings
101 4th Street E
Hastings, MN 55033

OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, THE Surety has hereunto set its hand on this date: November 23rd, 2022
(Insert in writing the month followed by the numeric date and year.)

Swiss Re Corporate Solutions America Insurance Corporation
(Surety)

Attest:





(Signature of authorized representative)

SEAL

Lukas Schroder, Attorney-in-Fact
(Printed name and title)

SWISS RE CORPORATE SOLUTIONS

SWISS RE CORPORATE SOLUTIONS AMERICA INSURANCE CORPORATION ("SRCSAIC")
SWISS RE CORPORATE SOLUTIONS PREMIER INSURANCE CORPORATION ("SRCSPIC")
WESTPORT INSURANCE CORPORATION ("WIC")

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT SRCSAIC, a corporation duly organized and existing under laws of the State of Missouri, and having its principal office in the City of Kansas City, Missouri, and SRCSPIC, a corporation organized and existing under the laws of the State of Missouri and having its principal office in the City of Kansas City, Missouri, and WIC, organized under the laws of the State of Missouri, and having its principal office in the City of Kansas City, Missouri, each does hereby make, constitute and appoint:

ROBERT L. KOLLSMITH, JACQUELINE K. PETERS, SAMANTHA SPILMAN, M. LYNN KIMBLE, TIMOTHY J. FOLEY, JENNIFER LUSE, JASON D. SMITH
JAMES M. SMITH, DAVID M. OWEN, BRAD BENGTON, LUKAS SCHRODER, AARON COLLINS, LAURI MENEOUGH, KURT FELLER, and DORA B. STEVENS

JOINTLY OR SEVERALLY

Its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, bonds or other writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of:

TWO HUNDRED MILLION (\$200,000,000.00) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both SRCSAIC and SRCSPIC at meetings duly called and held on the 18th of November 2021 and WIC by written consent of its Executive Committee dated July 18, 2011.

"RESOLVED, that any two of the President, any Managing Director, any Senior Vice President, any Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is, authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Corporation bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Corporation; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Corporation may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Corporation when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."



By Erik Janssens, Senior Vice President of SRCSAIC & Senior Vice President of SRCSPIC & Senior Vice President of WIC

By Gerald Jagrowski, Vice President of SRCSAIC & Vice President of SRCSPIC & Vice President of WIC



IN WITNESS WHEREOF, SRCSAIC, SRCSPIC, and WIC have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers

this 10 day of NOVEMBER, 20 22

State of Illinois
County of Cook



Swiss Re Corporate Solutions America Insurance Corporation
Swiss Re Corporate Solutions Premier Insurance Corporation
Westport Insurance Corporation

On this 10 day of NOVEMBER, 20 22, before me, a Notary Public personally appeared Erik Janssens, Senior Vice President of SRCSAIC and Senior Vice President of SRCSPIC and Senior Vice President of WIC and Gerald Jagrowski, Vice President of SRCSAIC and Vice President of SRCSPIC and Vice President of WIC, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.



Christina Manisco, Notary

I, Jeffrey Goldberg, the duly elected Senior Vice President and Assistant Secretary of SRCSAIC and SRCSPIC and WIC, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said SRCSAIC and SRCSPIC and WIC, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 23rd day of November, 20 22.

Jeffrey Goldberg, Senior Vice President & Assistant Secretary of SRCSAIC and SRCSPIC and WIC

Contractor Affidavit

This Contractor Affidavit must be certified by the Minnesota Department of Revenue before the state of Minnesota or any of its subdivisions can make final payment to contractors. For more detailed information, see the instructions on the back of this form.

Please type or print clearly. This information will be used for returning the completed form.

Company name G & L Tank Sandblasting and Coatings LLC			Daytime phone 931-735-6600	Minnesota tax ID number 7071369
Address 2101 Highway 64 W			Total contract amount \$ 726,000.00	Month/year work began 7/19/2022
City Shelbyville	State TN	ZIP code 37160	Amount still due \$ 52,687.50	Month/year work ended 10/11/2022

Project number 2022-2	Project location 1800 4th St W, Hastings, MN 55033			
Project owner City of Hastings	Address 101 East 4th Street	City Hastings	State MN	ZIP code 55033

Did you have employees work on this project? Yes No. If no, who did the work?

Check the box that describes your involvement in the project and fill in all information requested.

Sole contractor

Subcontractor
Name of contractor who hired you _____
Address _____

Prime contractor—If you subcontracted out any work on this project, all of your subcontractors must submit their own Contractor Affidavits and have them certified by the Department of Revenue *before* you can submit your Contractor Affidavit. For each subcontractor you had, fill in the information below and attach a copy of each subcontractor's certified Contractor Affidavit. If you need more space, attach a separate sheet.

Business name	Address	Owner/Officer

I declare that all information I have filled in on this form is true and complete to the best of my knowledge and belief. I authorize the Department of Revenue to disclose pertinent information relating to this project, including sending copies of this form, to the prime contractor if I am a subcontractor, and to any subcontractors if I am a prime contractor, and to the contracting agency.

Contractor's signature: Isai Gomez Owner 11/23/2022
 Title Date

Mail to: Minnesota Revenue, Mail Station 6610, St. Paul, MN 55146-6610
Phone: 651-282-9999 or 1-800-657-3594

Certificate of Compliance

Based on records of the Minnesota Department of Revenue, I certify that the contractor who has signed this Contractor Affidavit has fulfilled all the requirements of Minnesota Statutes 290.92 and 270C.66 concerning the withholding of Minnesota income tax from wages paid to employees relating to contract services with the state of Minnesota and/or its subdivisions.

Department of Revenue approval _____ Date _____

WAIVER OF LIEN

Final { } Partial

State of Tennessee, County of Bedford, SS:

Isai Gomez being duly sworn states that he/she is the owner
(Name of Officer) (Title)

of G & L Tank Sandblasting and Coatings LLC having contracted with City of Hastings
(Contractor) (Owner)

to furnish certain materials and/or labor as follows: Labor, Equipment and Material
(Description)

for a project known as Cleaning, Repairing, & Painting 750,000 Gallon Elevated Reservoir 4th Street Tower

located at 1800 4th St W, Hastings, MN 55033 (water tower)

and owned by City of Hastings
(Owner)

and does hereby further state on the behalf of the aforementioned Contractor:

(PARTIAL WAIVER) that there is due from the Owner the sum of

_____ (\$ _____)

{ } receipt of which is hereby acknowledged; or

{ } the payment of which has been promised as the sole consideration for this Affidavit and Partial Waiver of Lien which is given solely with respect to said amount, and which waiver shall be effective only upon receipt of payment thereof by the undersigned;

(FINAL WAIVER) that the final balance due from the Owner is the sum of

Fifty-Two Thousand Six Hundred Eighty-Seven And 50/100 (\$ 52,687.50)

{ } receipt of which is hereby acknowledged; or

the payment of which has been promised as the sole consideration for this Affidavit and Final Waiver of Lien which shall become effective only upon receipt of such payment.

THEREFORE, the undersigned waives and releases unto the Owner of said premises, any and all lien or claim whatsoever on the above-described property and improvements thereon on account of LABOR or material or both, furnished by he undersigned thereto, subject to limitations or conditions expressed herein, if any; and further certifies that no other party has any claim or right to a lien on account of any work performed or material furnished to the undersigned for said project, and within the scope of this affidavit and waiver.

G & L Tank Sandblasting and Coatings LLC By Isai Gomez
(Contractor) Isai Gomez, Owner

WITNESS MY HAND AND NOTORIAL SEAL, this 22 day of Dec, 2022.

My Commission Expires Feb. 15, 2026 Printed Chadwick Webb
(Notary Public)

Residing in Bedford County





Contractor Affidavit Submitted

Thank you, your Contractor Affidavit has been approved.

Confirmation Summary

Confirmation Number:	1-771-534-240
Submitted Date and Time:	22-Dec-2022 3:03:07 PM
Legal Name:	SIMON ELECTRIC CONSTRUCTION CO INC
Federal Employer ID:	39-1830430
User Who Submitted:	Simon Electric
Type of Request Submitted:	Contractor Affidavit

Affidavit Summary

Affidavit Number:	1157861376
Minnesota ID:	2257855
Project Owner:	CITY OF HASTINGS
Project Number:	6554
Project Begin Date:	17-Mar-2022
Project End Date:	12-Oct-2022
Project Location:	HASTINGS, MN
Project Amount:	\$48,780.00
Subcontractors:	No Subcontractors

Important Messages

A copy of this page must be provided to the contractor or government agency that hired you.

Contact Us

If you need further assistance, contact our Withholding Tax Division at 651-282-9999, (toll-free) 800-657-3594, or (email) withholding.tax@state.mn.us. Business hours are 8:00 a.m. - 4:30 p.m. Monday - Friday.

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