

## MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

SEPTEMBER 3, 2024

The Special Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on the 3<sup>rd</sup> day of September, 2024, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Gloria Betcher, and Anita Rollins. Council Member Rachel Junck and *ex officio* Emily Boland were absent.

**PUBLIC FORUM:** Mayor Haila noted that this item had been omitted from the agenda. He opened and closed the Public Forum when no one came forward to speak.

Council Member Amber Corrieri entered the meeting at 6:01 p.m.

**CONSENT AGENDA:** Moved by Betcher, seconded by Rollins, to approve the consent agenda.

1. RESOLUTION NO. 24-472 approving contract and bond for the Water Pollution Control Facility Nutrient Reduction Modifications Phase 1 with Woodruff Construction, Inc., of Ames, Iowa
2. RESOLUTION NO. 24-473 authorizing submission of sites for a regional joint application for funding from the Federal Highway Administration's Charging and Fueling Infrastructure Discretionary Grant Program (CFI) for the site at 1910 Green Hills Drive

Roll Call Vote: 4-0. Resolutions declared carried unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Council Member Tim Gartin entered the meeting at 6:02 p.m.

**STEVEN L. SCHAIKER PLAZA STATUS REPORT:** Parks and Recreation Director Keith Abraham reviewed that on July 9<sup>th</sup>, the City Council directed staff to hire a concrete expert to evaluate the initial proposal from Henkel Construction Company (Henkel) for remedying the defects identified by City staff in the ice skating ribbon at the Steven L. Schainker Plaza. The summary of the expert's findings, including the unacceptability of the proposed solution, was captured in a letter from City Attorney Mark Lambert that was sent to Henkel on August 15<sup>th</sup>. The letter from City Attorney Lambert offered Henkel the option to hire a licensed engineer to provide a report with options for remedying the unacceptable surface short of removing and replacing the ice skating ribbon by August 31<sup>st</sup>. On August 30<sup>th</sup>, Henkel provided the City with a report from a licensed engineer proposing four options for remedying unacceptable surface. The decision before the City Council was to select one of three alternatives presented in the Council Action Form: 1) select one of the four options proposed by Henkel without further review; 2) reject all of the options proposed by Henkel without further review, directing Henkel to remove and replace the ribbon; or 3) refer Henkel's report to the City's concrete expert for review and to provide a recommendation to the City Council on how to proceed. Director Abraham noted that the City Manager's recommendation was the third alternative.

Fleet and Facilities Director Corey Mellies, City Attorney Mark Lambert, and Assistant City Manager Pa Vang Goldbeck joined Director Abraham in answering questions from the City Council.

Several Council Members expressed initial concerns about the four options proposed in the report from Henkel's engineer, which included: 1) grind the slab for uniformity; 2) grind the slab, restore voids with color matched mortar, and regrind; 3) remove a total shallow void, place bonding agent, and install concrete overlay; and 4) grind away ridges, patch voids with polymer mortar, and restore the entire surface with polymer modified mortar. Director Abraham clarified for Council Member Gartin that Henkel believed the bulk of the concrete was sound and only the surface was unacceptable, hence the focus on correcting surface deficiencies in Henkel's report. He indicated that staff would need to rely on the judgment of the City's concrete expert to determine whether any of the four options would be acceptable to address the deficiencies. Council Member Gartin also inquired about the aesthetics of the four options proposed by Henkel. Director Mellies stated that grinding to address the surface would expose the aggregate below. Mayor Haila noted that the third and fourth options involved applying a cementitious product post-grinding, but color matching could be a challenge. There was consensus among the Council Members that evaluation of the technical merits of the four options was beyond the expertise of the Council Members.

Discussion arose regarding the timeline of the different options for remedying the unacceptable surface of the ice skating ribbon. Director Abraham noted that Henkel's August 30<sup>th</sup> report included a request to meet with City staff and the City's concrete expert to review the four options on Friday, September 6<sup>th</sup>. Henkel also requested that the City deliver a decision on the four options by September 13<sup>th</sup>, indicating that if the City selected one of the four options by that date, Henkel believed the repairs to the ice skating ribbon could be accomplished by November 1<sup>st</sup>. Staff was not certain that such a short timeline would allow sufficient time for the City's concrete expert to review the options. Mayor Haila noted that the soonest it would be possible for the City Council to provide an answer would be September 17<sup>th</sup>, two weeks from the current meeting. Council Member Gartin inquired about the anticipated timeline if the City's concrete expert recommended rejecting all four of the options proposed by Henkel and instead directing Henkel to remove and replace the ribbon at no cost to the City. Director Mellies estimated that the process would take an additional 18 months to three years, given the legal processes involved. Council Member Gartin asked whether Henkel had materially or immaterially breached its contract. City Attorney Lambert shared his opinion that Henkel had breached its contract, as the product the City paid for had not been delivered and Henkel did not meet the specifications. Mayor Haila emphasized that the contractual completion date was June 30, 2023.

Council Member Betcher inquired about the timeline for completing the remainder of the project aside from the ice skating ribbon. Director Abraham explained that, on July 17<sup>th</sup>, Henkel provided staff with an anticipated project completion date of October 1<sup>st</sup>. City Attorney Lambert's letter to Henkel expressed concern that sufficient progress toward that completion date was not being made. On September 3<sup>rd</sup>, Henkel provided staff with an updated completion schedule that listed October 18<sup>th</sup> as the date of completion, including landscaping. Staff expressed concerns about the timing of landscaping installation later into fall. The specifications allowed for planting of evergreen trees through October 15<sup>th</sup> and deciduous trees through November 15<sup>th</sup>. Statewide Urban Design and Specifications (SUDAS) recommend September 30<sup>th</sup> as the last day for seeding turf grass. Mayor Haila inquired whether using sod instead of seeding grass could extend the window for installation. Director Abraham noted that sod could be installed well into October with conducive weather; however, the type of grass in the specifications was only available as seed.

Council Member Betcher inquired whether Henkel would be responsible for replacing any landscaping that may be damaged in ice skating ribbon repairs or replacement, to which Director Mellies replied in the affirmative. Council Member Rollins inquired whether landscaping was being installed in areas that would be impacted by ongoing work on the ice skating ribbon. Director Mellies shared that the site supervisor indicated that ongoing work may impact some grass, but no landscaping was being installed in areas that were expected to be impacted by ongoing work.

Moved by Gartin, seconded by Betcher, to approve Alternative 3: direct staff to share Henkel's engineer's investigation and evaluation report with the City's concrete consultant in order for him to review the report and provide comments regarding the findings of the report as well as a recommendation regarding how to proceed.

Vote on Motion: 5-0. Motion declared carried unanimously.

**COUNCIL COMMENTS:** The Mayor and City Council Members reported on various events attended, upcoming meetings, community events, and items of interest.

Moved by Rollins, seconded by Betcher, to request that staff share a map of electric vehicle (EV) charging stations sponsored by the City to illustrate the breadth and distribution of those facilities.

Vote on Motion: 5-0. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Corrieri, seconded by Rollins, to adjourn the meeting at 6:45 p.m.

Vote on Motion: 5-0. Motion declared carried unanimously.

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Jeramy Neefus, Principal Clerk

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John A. Haila, Mayor

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Renee Hall, City Clerk