

MINUTES
SPECIAL CALLED MEETING OF THE NEWTON CITY COUNCIL

April 7, 2014 – 11:00 A.M.

A special called meeting of the Newton City Council was held on Monday, April 7 at 11:00 a.m. in the Gantt Room at City Hall.

PRESENT: Mayor Pro Tem Mary Bess Lawing, Council Members Robert C. Abernethy, Jr., Tom Rowe, John Stiver, Wayne Dellinger and Wes Weaver. Mayor Anne P. Stedman was present via speaker phone.

STAFF: City Manager Todd Clark, Assistant City Manager Sean Hovis, City Attorney John Cilley, Public Information Officer Julie Chang, City Department Heads and members of the management team

ITEM 1: CALL TO ORDER – Mayor Pro Tem Mary Bess Lawing

Mayor Pro Tem Mary Bess Lawing welcomed every one and called the meeting to order. She asked City Attorney John Cilley to speak on the proceedings of the meeting.

Mr. Cilley stated Mayor Pro Tem Lawing was presiding because Mayor Anne Stedman was not physically present but had joined the meeting by phone to hear the information that would be presented. The mayor may participate in the discussion, but she cannot vote on any action item. Mr. Cilley further explained Mayor Pro Tem Lawing would retain the right to vote and fully participate in the discussion.

ITEM 2: Update on Fire Department Headquarters Project

City Manager Todd Clark provided an update on the status of the Fire Department Headquarters project. The City received information the prior week regarding grading on the site on South Brady Avenue. Mr. Clark stated he and Fire Chief Kevin Yoder met on site with architect Stan Winstead and Denver Construction to discuss soil issues and the poor quality of the soil. Mr. Clark stated the city's geotechnical engineer found problems with the soil that would likely cause problems later if it is not dealt with now.

Mr. Clark stated the grading contractor excavated the site to determine the extent of the problem, and the contractor provided the results to the City on Friday, April 4, 2014. Mr. Clark invited the geotechnical engineer, David LeGrand, to come forward and speak about soil conditions. Mr. LeGrand stated the buildings that previously stood on the site were demolished and while grading and moving dirt, he found that about 6 to 12 inches under those buildings was deleterious material (such as saw dust and fragments). He said you never want to place a structure on that type of material.

Mr. LeGrand stated the moisture content of the soil was high and about 8 to 10 percent over where it was supposed to be. He said he had more than 29 test pits and found 3- to 3.5-feet of unsuitable material because it is so wet. Mr. LeGrand stated you cannot place fill on it and be stable over the long term. He stated he would be happy to advise the City Council on options.

Council Member Wayne Dellinger asked how big of an area was affected. Mr. LeGrand stated about 1.5 acres. He stated he tested throughout the full site and 3-feet of unsuitable material is found throughout the site. Council Member Dellinger asked if it would mean removing dirt that hasn't been moved at all. Mr. LeGrand said some of it would as the northern portion of the site also has unsuitable soil. Council Member Robert Abernethy Jr. asked if the unsuitable material was over the entire area. Mr. LeGrand stated yes, roughly.

Council Member Abernethy asked how many truck loads are on the site. Mr. LeGrand responded 8,500 cubic yards. Council Member Wes Weaver asked if removing it would get the City on solid ground and asked why

the soil was like that. Mr. LeGrand stated it was due to the structural make-up of the soil. There are two types of fill: granular and fine grain. The first is not easy to find, has a high affinity for water and doesn't drain which is unstable.

Council Member Dellinger asked if he dug all the way out to the sidewalk. Mr. LeGrand stated during the excavation he recommended a 5-foot envelope around the building and two sloped areas. Anything outside that area can be worked around.

Council Member Abernethy stated Newton is a small town and this would be a lot of money to us. He asked if Mr. LeGrand would be confident to say that coming back with the recommended fill, the fire department is something the City can be proud of for the next 30 to 40 to 50 years. Mr. LeGrand said if the City addresses the problems yes it would be. Council Member Abernethy asked with normal wear and tear for that many years? He further asked if the problem is not addressed, if the building would stand for 10 years. Mr. LeGrand stated he would not give the building that long.

City Manager Todd Clark stated he does not have the authority to authorize the additional expense. He explained it would be up to the City council to authorize the contractor to move forward and to authorize the City Manager to mitigate the cost. Mr. Clark invited representatives from Denver Construction to speak about the shrinkage and the potential additional costs.

Denver Construction Vice President Tracy Reitzel reviewed a list of work related to the soils that has been completed and also what needs to be done. He stated the first item is removal of the unsuitable soil if the City could provide six trucks. Mr. Reitzel said his crews could load the trucks at a discounted \$19 per load. The second line item is to replace the soil. The third line item shows soil that has already been removed and replaced. Mr. Reitzel stated the costs in the third line item are reduced rates. He stated they initially tried to remove, dry and replace the soil, but came to the conclusion that that would not work.

Mr. Reitzel stated they will need to remove a minimum of 6,500 cubic yards up to a maximum of 8,500 cubic yards. Mr. Reitzel said Denver ran costs for both ends of the spectrum; resulting in costs ranging from \$223,079 to \$266,579.

Mr. Reitzel also stated there is a shrinkage factor, with 25 percent shrinkage in the worst case scenario. That potential shrinkage could come into play, and could cost \$80,750. Council Member Abernethy asked if shrinkage meant the soil below dries out. Mr. LeGrand stated shrinkage is primarily due to compaction.

Council Member Dellinger suggested lowering the building to save money. Mr. Reitzel stated the storm drains are already in place. Architect Stan Winstead stated common sense says you could just lower the building, but at the moment the building will sit where it is ADA compliant and fire trucks could get in and out. Mr. Winstead stated lowering the building would result in steeper entrances to the building and bays. It would take a major redesign to move the building.

Mr. Clark stated redesigning the site plan would result in a cost, and there may be issues with storm water. Mr. Winstead concurred and said there have already been three change orders. The first site plan change was strictly for cost savings and the second was due to a DOT regulation. Mr. Clark stated the third change was due to a storm drain at the southeast corner. Mr. Winstead stated we could make some minor changes, but there is not a lot of adjustment that can be done.

Council Member Tom Rowe asked where they would get the new dirt from. Mr. Winstead stated the dirt would be coming from a site approved by DENR, and the dirt is suitable. Council Member Rowe asked if the site is close by. Mr. Reitzel stated the site was 15 to 20 miles away. Mr. Clark stated staff hasn't talked to Denver yet about potentially using a site the city has, if the soil is suitable. Mr. Clark further stated the site conditions don't fall on anyone; it's just how they exist. He asked the City Council to authorize adding soil and grading work and authorize the City Manager to mitigate the cost.

Council Member Abernethy asked Mr. Reitzel if he felt the contract was still beneficial to Denver. Mr. Reitzel stated yes. Council Member Abernethy stated based on city trucks and workers, how many are needed, how much time and how far would they be hauling the dirt. Mr. Clark said the logistics have not been enumerated, but the city has the resources. City staff has started discussions with DOT and Denver Construction.

Mayor Pro Tem Lawing asked if Mayor Stedman (via speaker phone) had any questions. Mayor Stedman stated she was confused about where on the site the problem is located. There were buildings on the site previously, and is this the result of removing the buildings? Mr. Clark stated this is how the soil exists uniformly over the site.

Mr. LeGrand stated the buildings that had been on the property were single story buildings with basements. They were light load buildings, whereas the fire department would be ten times the load of what was on the property before.

Council Member Weaver stated if the property is still unstable after removing three feet of soil, it would be a good idea to explore options for changing sites as there are too many red flags. Council Member Abernethy asked if the contract was specific to the parcel of land. Mr. Clark stated the contract is specific to that location. He further stated to change the location of the building would start the entire process over again.

Mr. Ken Tucker of Denver Construction stated the company's subcontractors have a lot of materials purchased and open purchase orders. Those subcontractors are holding those materials and moving locations would result in a delay and would open the city up to additional costs. Mr. Tucker stated Denver wants to be the City's contractor and does not want the job to stop.

Mayor Pro Tem Lawing expressed her thanks to the gentlemen for answering the Council's questions, and stated she would like to see the Council proceed. She asked for someone to make a motion.

Upon motion duly made by Council Member Tom Rowe, seconded by Council Member John Stiver, with Mayor Pro Tem Mary Bess Lawing and Council Members Tom Rowe, John Stiver and Wayne Dellinger voting in favor of; and Council Members Robert Abernethy, Jr. and Wes Weaver voting in opposition to, it was RESOLVED:

That the City Manager authorize the additional work that needs to be done regarding removing and replacing soil and for the City Manager to mitigate the cost as much as possible.

ITEM 3: Adjournment

Upon motion duly made by Council Member Wes Weaver, seconded by Council Member Robert C. Abernethy, Jr., it was unanimously RESOLVED:

That the Meeting be – ADJOURNED.

Anne P. Stedman, Mayor

Amy S. Falowski, City Clerk

