

October 22, 2021

ALLIANCE CITY COUNCIL

SPECIAL MEETING, FRIDAY, October 22, 2021

STATE OF NEBRASKA)
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COUNTY OF BOX BUTTE) §
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CITY OF ALLIANCE)

The Alliance City Council met in a Special Meeting, October 22, 2021 at 9:00 a.m in the Conference Room of the Alliance Municipal Building, 324 Laramie Avenue Alliance, Nebraska. A notice of meeting was published in the Alliance Times Herald on October 20, 2021. The notice stated the date, hour and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection at the office of the City Clerk in City Hall; provided the Council could modify the agenda at the meeting if it determined an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each of the City Council Members. An agenda, kept continuously current, was available for public inspection at the office of the City Clerk during regular business hours from the publication of the notice to the time of the meeting.

Mayor Dafney opened the October 22, 2021 Special Meeting of the Alliance, Nebraska City Council at 9:00 a.m. Present were Council Members Dafney, Mischnick, Jones, McGhehey, and Bentley. Also present were, City Manager Sorenson, Finance Director Waggener, City Clerk Johnson and City Attorney Hoelsing.

- The only item on the agenda was Resolution No. 21-112 which will approve Change Order No. 1 to the Alliance Tennis Courts Rehabilitation Project by removing the additional court surfacing option and moving forward with the concrete court surface. The following information was provided:

[The surfacing product that was included in the bid document specifications was the only material the engineer identified that was designed for application to an existing surface rather than to new construction. For that reason, it was specifically identified in the bid documents. The surfacing submitted by Peltz Companies, Inc. was proposed as a comparable alternate to the surfacing that was included in the bid specifications.

Peltz Companies, Inc. submitted the only bid for the tennis court project, and it included the proposed Pro Track and Tennis court surfacing. At the time the bid was submitted, the contractor provided no indication that they had concerns with application to an existing surface. Because of previous failures of tennis

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surfacing, the engineers discussed the surfacing with the supplier and contacted references. When the bid was awarded, no concerns had been expressed, but staff further assured council that we would continue to question providers to ensure the long term durability of the surfacing.

At the pre-construction meeting, the engineer and staff further questioned Pro Track and Tennis regarding the durability of the surfacing product. At this meeting, for the first time, the Pro Track and Tennis representative seemed less confident about the long term durability of the surfacing on this site. The longer we discussed this with him the more concerns were raised about applying it to existing concrete, which had not been raised as a concern previously. Because of his comments, staff requested that the representative who attended the pre-construction meeting send a letter summarizing his concerns and the unknowns when moving forward on this project. Working through Peltz Companies, Inc. (at their request), the letter dated August 30, 2021 was received from Pro Track and Tennis and is attached for your consideration. After receiving the attached letter, detailing concerns regarding application of the surfacing, I passed my concerns on to the City Manager. At that time, the decision was made to issue the notice to proceed for the base price minus the surfacing to keep the project moving forward.

Attached is a copy of the Pro Track and Tennis warranty information for the proposed surfacing. The product does come with a warranty, but my concern is that in paragraph 2 the policy reads, "Lack of a vapor barrier can cause moisture to be retained under the coating, which will eventually result in lack of adhesion to the surface. Pro Track and Tennis, Inc. does not warrant separation of the coating or bubbling of the coating when moisture is present due to passing from below an asphalt or concrete base." Because of the age of this concrete, we know that there is not a vapor present, so this would void any warranty that would otherwise be available.

A tennis court facility that includes new surfacing would be the best outcome for tennis players in the community. While this site has historically been more stable, I have concerns that the proposed surfacing could provide a long term limited maintenance tennis surfacing when applied to existing concrete. Based on my experience with the other courts, and the language in the warranty policy, if we move forward with this alternate surfacing we need to be prepared to continually budget for resurfacing the courts as necessary. The cost of a complete resurfacing would be approximately \$10,000.00 if no concrete repairs were necessary and depending on how much work is necessary to repair or remove the previously applied surfacing.]

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City Manager Sorensen reviewed the narrative provided to Council and discussed staff's recommendation to move forward without the additional surfacing and to replace concrete in order to provide a safe and flat court for users. City Manager Sorensen also discussed the additional options if Council desires to move forward in a different direction then recommended:

1. Move forward with the additional surface knowing the product and work will not come with warranty with the likelihood of the surface not be longstanding;
2. Move forward with repairing the current concrete surface and adding additional resurface at a later date;
3. Consider court carpet that resembles grass;
4. Tile surfacing.

Councilman Jones would like the concrete evaluated as he believes the existing concrete on the tennis court side is in good condition.

Councilman Mischnick agreed with Councilman Jones as he isn't in favor of tearing out concrete for the sake of pouring new concrete if it is not needed. Council Mischnick also suggested Council pay Peltz for their bond and let them finish the concrete that does need replaced and then Council relook at the whole project prior to a decision being made.

Mayor Dafney stated the cracks in the court do affect play and believes the concrete surface does need to be repaired. He reviewed the Resolution before Council will only approve Change Order No. 1, which removes the alternate surface option. He stated Peltz has been directed to stop all work until they receive further direction from Council and Manager Sorensen. Mayor Dafney suggested a walk through with the contractors and engineer, with Councilman Jones, Councilman McGhehey and City Manager Sorensen also present prior to moving forward.

Councilman Bentley noted the \$5.00 increase on Change Order No. 1 that is not reflected in the Resolution. City Manager Sorensen stated it will be addressed with the contractor to honor the original contract price of \$286,600.

Mayor Dafney stated if there is no further discussion, a motion be made on Resolution No. 21-112 that approves the Change Order to remove the additional surfacing option from the Tennis Court Rehabilitation Project.

A motion was made by Councilman Mischnick seconded by Councilman Bentley to approve Resolution No. 21-112 which follows in its entirety:

RESOLUTION NO. 21-112

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WHEREAS, The City of Alliance has included in the 2020-21 Capital Improvements Program the rehabilitation of the tennis courts located at 8th Street & Sweetwater Avenue; and

WHEREAS, The City issued a Request for Qualification and Bid Invitation which included the plans and specifications for the Alliance Tennis Court Rehabilitation Project; and

WHEREAS, The Bid Invitation for the Alliance Tennis Court Rehabilitation Project included a Base Bid to include a concrete court surface in the total contract amount of Two Hundred Nineteen Thousand Six Hundred Dollars and no/100th (\$219,600) and an Alternative Bid option for additional court surfacing in the amount of Two Hundred Ninety-eight Thousand Six Hundred Dollars and no/100th (\$298,600); and

WHEREAS, Peltz Companies, Inc. of Alliance, NE was the lowest, responsible and responsive bid; and

WHEREAS, Council at their July 20, 2021 meeting awarded the Alliance Tennis Court Rehabilitation Project to Peltz Companies, Inc. in the amount of Two Hundred Ninety-eight Thousand Six Hundred Dollars and no/100th (\$298,600) which included the additional court surfacing option; and

WHEREAS, Change Order No. 1 documents the change from Peltz Companies, Inc. for the removal of the additional court surfacing option and moving forward with the concrete court surface work; and

WHEREAS, Change Order No. 1 does not affect the original approved contract amount of Two Hundred Ninety-eight Thousand Six Hundred Dollars and no/100th (\$298,600).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Alliance, Nebraska, that Change Order No. 1 to the Alliance Tennis Court Rehabilitation Project with Peltz Companies, Inc. be approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign Change Order No. 1.

Roll call vote with the following results:

Voting Aye: Dafney, Mischnick, Jones, Bentley and McGhehey.

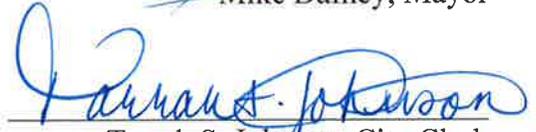
Voting Nay: None.

Motion carried.

- Mayor Dafney stated, "There being no further business to come before the Alliance City Council, the meeting is adjourned at 9:37 a.m."

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Mike Dafney, Mayor


Tarrah S. Johnson, City Clerk

(SEAL)

