

WAUKEE CITY COUNCIL MINUTES
SPECIAL MEETING
March 23, 2026

- A. Call to Order** – The special meeting of the Waukeee City Council was called to order by Mayor Clarke at 5:31 p.m. at Waukeee City Hall, 230 W. Hickman Rd. and electronically via Zoom.
- B. Roll Call** – The following members were present: Mayor Courtney Clarke; Council Members Kala Anderson (electronically), Chris Crone (electronically), Rob Grove, Anna Bergman Pierce (electronically). Absent: Council Member Lori Lyon. (Council Member Pierce left the meeting at 5:55 p.m.)

Also in attendance: City Administrator Brad Deets, Assistant City Administrator Nick Osborne, Police Chief Chad McCluskey, Marketing & Communications Director Heather Behrens (electronically), City Clerk Rebecca D. Schuett, City Attorney Steve Brick.

- C. Agenda Approval** – Council Member Crone moved to approve the agenda; seconded by Council Member Grove. Results of vote: Ayes: Anderson, Crone, Grove, Pierce. Nays: None. Absent: Lyon. Motion carried 4 – 0 – 1.
- D. Action Items:**

- 1) Resolution: Consideration of approval of a resolution awarding contract [Waukeee City Building Project (410 6th Street)], deferred during the March 16, 2026, regular city council meeting** – Council Member Grove moved to approve the resolution; seconded by Council Member Crone. City Administrator Deets briefly reviewed the project for the demolition of an existing building and construction of a new facility. He discussed several consequences if the project is not completed in a timely manner or to specifications, as well as financial and liability concerns. He presented the project bid tabulation, noting Graphite Construction Group as the low bidder (\$1,430,000.00) and Ball Team, LLC, as the second lowest bidder (\$1,435,000.00). Mr. Deets then reviewed State Code regulating award of contracts and the opening and consideration of bids, discussed what determines a “responsible bidder,” and noted specific language within the project Notice to Bidders. Assistant City Administrator Osborne then presented specific instances within the last five years wherein other entities found Graphite to be a non-responsible bidder, noting a record of litigation, delays and other issues. He reviewed a summary of relevant court pleadings. Mr. Osborne then noted that the City was not aware of any such issues with second lowest bidder Ball Team, reviewing a list of projects completed in a timely manner and only one lawsuit identified. He presented the City staff recommendation to award contract to Ball Team, LLC. (Council Member Pierce left the meeting at 5:55 p.m.)

Mayor Clarke opened up the meeting for public comment on the matter. Shannon Cece, project manager with Graphite Construction, addressed some of the issues noted by City staff. To demonstrate financial capacity, she noted that one of the documents provided to the City upon request was a letter from their insurance carrier which was issued based on Graphite’s integrity and past performance. She also noted 214 company projects with just 17 of those projects ending in disputes, which she stated was well below the national average. Ms. Cece agreed that in 2021-2023, Graphite made mistakes and that disputes do arise during construction projects. Finally, she stated that Graphite would be backed by a surety bond that would protect the City.

City Attorney Brick reviewed relevant state law, noting a lack of a definition for “responsible bidder”; however, he added that case law shows cities have a certain discretion in making that determination. The presentation made by City staff outlines a basis for Graphite as a non-responsible bidder; council must therefore deliberate and decide if Graphite or Ball Team is the lowest responsive, responsible bidder. Mayor Clarke stated that due to the timing and nature of this project, she recommended moving forward with City staff’s recommendation of award; Council Members Grove, Anderson and Crone voiced their agreement with Mayor Clarke’s statement.

Council Member Grove amended the motion to approve the resolution, awarding contract to Ball Team; Council Member Crone amended the second. Results of vote: Ayes: Anderson, Crone, Grove. Nays: None. Absent: Lyon, Pierce. Motion carried 3 – 0 – 2. (Resolution #2026-117)

E. Comments

Council Member Grove moved to adjourn; seconded by Council Member Crone. Ayes: All. Nays: None. Motion carried 3 – 0.

Meeting Adjourned at 6:05 p.m.

Courtney Clarke, Mayor

Attest:

Rebecca D. Schuett, City Clerk