

SPECIAL COUNCIL MEETING
CITY OF CROSSLAKE
FRIDAY, SEPTEMBER 2, 2022
9:00 A.M. – CITY HALL

The Council for the City of Crosslake met in a Special Session on Friday, September 2, 2022. The following Council Members were present: Mayor Dave Nevin, Aaron Herzog, Marcia Seibert-Volz, John Andrews and Dave Schrupp. Also present were Police Chief Erik Lee, Public Works Director Pat Wehner, Park Director TJ Graumann, Zoning Administrator Pete Gansen, Fire Chief Chip Lohmiller, City Engineer Phil Martin, and Echo Publishing Report Nancy Vogt. There were approximately 70 people in the audience in City Hall and on Zoom.

Dave Nevin called the meeting to order at 9:00 A.M. and stated that the purpose of the meeting was to update the Council on the delay of the sewer extension project and see if there was anything the Council could do to open the road. Mr. Nevin stated that the approximate completion date is September 21st and that there appears to be an unwillingness to do anything to open the road earlier than that, such as by using flagmen or a pilot car. Mr. Nevin asked if the Council would be willing to pay for flagmen or a pilot car and stated that the businesses are suffering from the road closure.

Phil Martin stated that paving of the road is scheduled for September 15th and that temporary striping could be done immediately after that. Dave Nevin asked if temporary striping could be done on the base coat and then covered with the final pavement or if flagmen or pilot car could be used now until the road is finished. Phil Martin replied that it is the contractor's site and they determine whether it is safe to allow traffic through or not.

Cindy Myogeto of the Chamber stated that the City's website does not have accurate information about the project and that it should be updated every day. Ms. Myogeto stated that the delays were unacceptable and that Crosslake can do better. Ms. Myogeto suggested spending the money that the City received from the contractor for penalties on a pilot car to get traffic through the construction zone.

Larry Geschwill of Simonson Lumber stated that they have been affected financially but they are mostly concerned about safety. Their vendors drive semitrucks that backup and turn around in their parking lot, and there are people are taking a shortcut through their parking lot on bikes, motorcycles, and cars and it is very dangerous. Mr. Geschwill stated that the project has taken too long.

Doug Oster of 13600 County Road 16 stated that he has been taking photographs of the construction since it began and there were very little staff working at the beginning of the project. Mr. Oster worked for a pipeline company for 10 years in Minneapolis and they always kept one lane open for traffic.

Richard Eide of Moonlite Bay stated that the sewer extension is a benefit to them but it has been brutal to deal with the construction. Mr. Eide stated that the schedule of the project has been off since the beginning and is taking too long. Mr. Eide stated that he thinks the road is safe and passible now because there is no one working in holes or doing excavation work. Mr. Eide stated that the businesses already gave up two major holidays this summer and asked what can be done to get the road opened for Labor Day weekend.

Dave Nevin stated that he has been on the construction site everyday so that he can have firsthand knowledge and let people know what is going on. Mr. Nevin stated that he feels everyone's pain and suggested that temporary striping be put on the road, at City's expense, and that the road be opened.

Pat Netko of 36084 County Road 66 stated that the businesses need the road to be open for at least Labor Day weekend which will help them through the winter.

Dave Schrupp stated that he understood that there was a lot of frustration but the only way to solve the issue was to talk with Casper Construction and see if they would be willing to open one lane, so that the road could be used for the weekend.

Tom Alverson of Casper Construction stated that he was not invited to the meeting, but wanted to represent his company when he heard about it. Mr. Alverson stated that there were major changes added to the project which caused delays. Dave Nevin stated that there would be time to talk about those issues but wanted to discuss what could be done to open the road. Mr. Alverson stated that unless there was a striping contractor in town it would be nearly impossible to get a contractor here to stripe the road. John Andrews asked if the road could be used without striping. Mr. Alverson replied that if the City and County took all liability, the road could be opened with no striping or signage.

Aaron Herzog stated that the City does not have liability insurance to cover it, the City does not own the road, and the County is paying for the construction of the road. County Engineer Tim Bray stated that the County would require the City to take full liability because the City has the contract with Casper Construction.

Phil Martin explained how the contract worked regarding timing of the project and completion times. Tim Bray stated that he was just on site and some manholes are sticking up a couple inches and the workers are filling some holes, so there is some danger for an accident to happen. Dave Nevin stated that people use the road on weekends anyway, so its not more dangerous than any other time. Mr. Nevin suggested that striping, signage and extra law enforcement in the area could control issues in the construction zone.

Police Chief Erik Lee stated that people, including City officials, have been moving the "Road Closed" signs and going through the construction. He had an officer that pulled someone over in the construction zone and 10-20 other cars drove by them. A business owner call Chief Lee to complain that a police officer pulled someone over in that area that was trying to get to his business. Chief Lee stated that he has 5 officers and if he put 4 of them at that site, it would not be enough. Chief Lee stated that the department has had 3 of the busiest months ever. Richard Eide stated that is why it is necessary to get the road opened, because everyone knows they are breaking the law when they move the signs and drive through there. Mr. Eide stated that the City needs to open the road and get people through the area safely. Chief Lee stated that when he has gone out to businesses on the north side of town, he drove around through the detour and that he is embarrassed that people in this town think they should be able to go through the construction zone when it is closed or through private property.

Phil Martin stated that right now, the contractor holds all the liability for the road and asked the Council, contingent on contractor approval, if they want to take liability for the weekend or

beyond. Mr. Martin stated that nothing may happen, no one knows. Dave Schrupp stated that he does not want to take more liability and asked Mr. Alverson if there was a solution that would work with Casper Construction. Mr. Alverson replied that the owners of the company would not allow him to open the road and assume all liability. Dave Nevin asked what the liability was, if it was for an accident or negligence. Mr. Alverson stated that it is his construction site right now and if a car runs into one of his backhoes, he assumes all liability for that accident because it is his responsibility to control the site. Mr. Alverson stated that if the City wanted to take liability for the weekend, he would try to help coordinate that, but he would not accept the liability. Richard Eide stated that the only portion of road that needed to be temporarily striped and opened was from County Road 16 to Daggett Pine Road because people could use the detour roads to get around from there. Aaron Herzog stated that the City does not have insurance to cover the liability to open the road.

Mr. Alverson stated that the original contract did not have language regarding holidays or for having the road opened on certain days. Dave Nevin asked if the engineer could write a change order to temporarily open the road. Mr. Alverson stated that the owners of the company would not accept liability to open the road and safety is their main concern.

John Andrews stated that he is not in favor of the City taking liability for opening the road. Dave Nevin asked the audience for a show of hands of who wants the City to take on the liability. Aaron Herzog stated that it's a legal issue and the City did not have insurance coverage.

Cindy Myogeto stated that people will use the road over the weekend whether it is open or not and the contractor is liable either way, so she suggested that they open it with safety measures in place. Mr. Alverson stated that if someone moves signage to use the road, the liability is no longer Casper Construction's.

Tim Bray stated that the County drafted a resolution to indemnify the County incase the issue got this far and also announced that a striper is available to stripe the road this afternoon if needed. Marcia Seibert-Volz stated that Casper Construction would need to decide if they wanted to stripe and open the road. Tom Alverson stated that the road is an active construction site with hazards and would only be opened if Casper Construction is indemnified and the City takes on all liability. MOTION 09SP1-01-22 WAS MADE BY DAVE NEVIN TO RELEASE CASPER CONSTRUCTION OF ALL LIABILITY FOR SEWER EXTENSION PROJECT FOR LABOR DAY WEEKEND AND TO HAVE CITY STRIPE AND OPEN ROAD FOR TRAFFIC. Motion died for lack of a second.

Dave Nevin apologized to the audience and adjourned the meeting at 10:01 A.M.

Respectfully Submitted,



Charlene Nelson
City Clerk