



Osseo City Council

AGENDA

WORK SESSION
Monday, May 23, 2022
6:00 p.m., Council Chambers

MAYOR DUANE POPPE COUNCILMEMBERS: JULIANA HULTSTROM, HAROLD E. JOHNSON, LARRY STELMACH, ALICIA VICKERMAN

1. **Call to Order**
2. **Roll Call** (quorum is 3)
3. **Approval of Agenda** (requires unanimous additions)
4. **Discussion Items**
 - A. **Discuss 2020 Street Project – Lee Gustafson, WSB & Associates**
5. **Adjournment**



Agenda Item: 2020 Street Reconstruction Project Update

Meeting Date: May 23, 2022

Prepared By: Lee Gustafson, City Engineer

Attachments: None

The 2020 Street Reconstruction Project consists of reconstructing portions of 2nd Avenue NE and 3rd Avenue NE, from 4th Street NE to CR 30 including repairing or minimal reconstruction of the storm and sanitary sewer, adding sidewalk to the east side of both streets, and full replacement of curb and gutter.

The construction contract amount for this project is \$707,487.22. The amount paid to date is \$672,786.14 and includes a one percent retainage. WSB anticipates that after making final payment and releasing the retainage to the contractor the project will come in approximately \$25,000.00 under budget.

The contractor is currently completing punch list items. Retaining wall repairs and manhole and catch basin cleaning were recently completed. His subcontractor is planning to replace a few pieces of sidewalk and curbing next week. This work will be followed up with sod repair around the concrete work and sod replacement at a few areas that did not meet MnDOT specifications for sod establishment. After the sod is placed, all punch list items will be complete.

The contractor intended to do the punch list items last June but held off due the high heat in June and extended drought conditions. The decision to hold off doing this work was primarily based on the inability to lay sod in the extreme conditions last year. Council will note that some of the sod that met MnDOT specifications for sod establishment did not fare well last year if it was not watered and maintained properly by the property owners.

A few Council members recently had questions with regards to the status of this project. Those questions are listed below with staff's response.

- *Paying for punch list items.*
Punch list items are those items that essentially weren't completed correctly by the contractor. They many times include cracked sidewalks, dirt in catch basins, poorly laid sod, etc. Since punch list items were not done correctly, the contractor is required to correct these deficiencies at their own cost. The city does not pay any extra for correcting punch list items.
- *Sidewalk replaced many times.*
Some sidewalk panels will be replaced as a punch list item. There were a few instances where panels were damaged by the contractor and were replaced as

part of other concrete work. If the contractor damaged them, he is required to replace them at no cost to the city.

- Contractor said they weren't coming back to finish.
The 2020 Street Reconstruction Contractor, AZTECH, never once said they were not going to come back and finish this project. Early in the beginning of this project, they did indicate a willingness to replace the sidewalk in front of Steeple Pointe. However, after the project started and they began to receive many comments from project residents, they felt a need to install additional video security to protect their employees and equipment. It's our understanding that this led them to just concentrate on finishing up the 2020 project and not take on any additional work at that time.
- Contractor employee hurt and not disclosed to Council.
Road contractor employees unfortunately get hurt all the time. There was a serious contractor injury as a part of this project. The contractor does however carry insurance if an injury does occur. The City of Osseo is not responsible for contractor employees getting hurt if not caused by a city employee, and in this case, it wasn't. Since we don't know how things will end up from a liability perspective, it's best not to openly discuss and possibly say something that could bring liability to the city.