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# Pioneer Weekender

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Saturday, November 23, 2019

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## SEARCHING FOR SOLUTIONS

Six months later, Nymore residents still looking for answers after construction accident damages homes

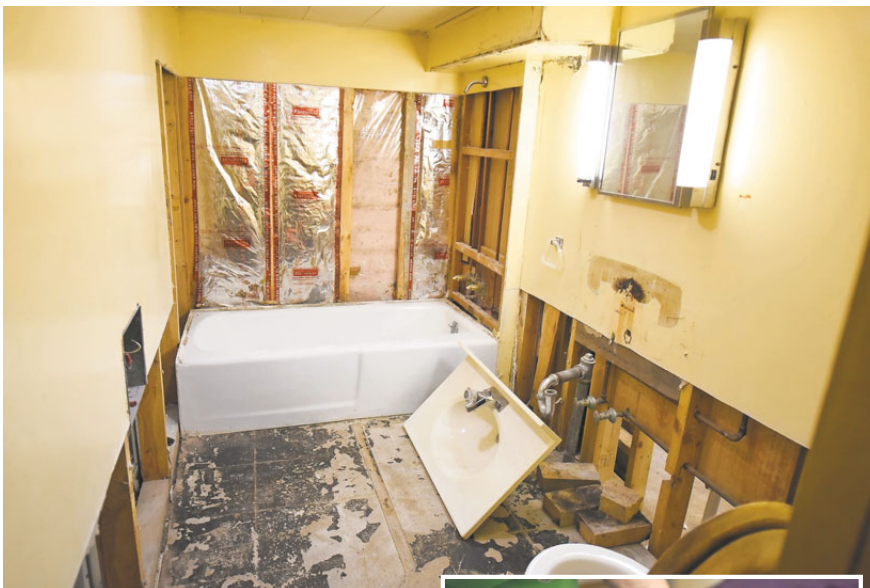
By Jordan Shearer  
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Janet Dreyer has a binder of notes documenting the recent damage to the house she has called home for six decades. The binder has photos, legal letters, cost listings — everything. At a glance, it's thick enough to rival a phone book. That binder has been six months in the making.

Dreyer was one of more than a dozen residents in the Nymore neighborhood of Bemidji impacted by a construction accident May 16. In Dreyer's case, as with many others, sewer water rushed in and flooded the basement, resulting in tens of thousands of dollars in damage.

It took five days before workers could dry out her basement enough to even remove the carpet. It took two months before they finished cleaning. But it's still not the way it was before. Lower sections of the paneling are cut out. The carpet is gone. The cement needs to be sealed. She's basically at a standstill as far as what she can do without additional funding.

While she might be one of the more severe cases, her story isn't unique to the residents living near the intersection of Second Street and Pershing Avenue. Half a year after the accident, Dreyer and some of her neighbors are still wondering who will take responsibility for the damage.



Photos by Jillian Gandsey | Bemidji Pioneer  
The bathroom in Janet Dreyer's basement is torn apart while she waits for answers regarding a water main break that caused a sewage backup in May.

**What happened**

That damage occurred when a crew from Reierson Construction was working at the intersection of Second Street and Pershing Avenue. The project included replacing old sanitary sewer and water main infrastructure underneath the roadway.

They dug a hole in the street to access the infrastructure. While the construction crew was excavating the area around the pipes, a section of the piping broke. Water rapidly started filling the hole in the street

where the construction crew was working. Pam Gamble, one of the residents from the area, was on the phone with her grandson at the time.

"I told my grandson, 'Oh my god, we've got Old Faithful going on Second and Pershing,'" Gamble remembers saying, referring to the geyser from Yellowstone National Park.

The damaged water main visible to the random passerby was only the beginning of the

**DAMAGE:** Page A7



Janet Dreyer flips through a binder of files she has related to the water main break that happened in May and caused sewage backup in her basement.

## Charges: Clearwater County deputy had sex with student

By Jordan Shearer  
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BAGLEY — A Clearwater County Deputy Sheriff was charged on Thursday, Nov. 21, with two counts of sexual misconduct after he allegedly assaulted a 15-year-old student in Bagley High School in 2017.

The charges against the deputy, Neil Dolan, 31, of Bagley, include one count of first-degree criminal sexual conduct and one count of third-degree criminal sexual conduct. Dolan is scheduled to appear in court in Clearwater County on Friday. He was booked into the Clearwater County Jail on Wednesday afternoon.

Bagley Chief of Police Renee Benson reported the incident to the Minnesota Bureau of Criminal Apprehension on Tuesday, Nov. 19, the complaint said. The BCA is investigating the case because Dolan is a Clearwater County employee.



Dolan

The assault allegedly happened the last day of school in early June of 2017, the complaint said. Dolan was a school resource officer at Bagley High School for the past eight years. The complaint does not identify the victim by name or gender, however, it said the victim was in the ninth grade.

Dolan was 29 years old at the time. The complaint said the assault included "sexual penetration" of the victim in his high school office. It also referenced that he was in a position of authority over the victim and that, as a resource officer, he wore a uniform and carried a service revolver.

Clearwater County Sheriff Darin Halverson said Dolan has a clean personnel file in his near-decade of service. He added that there were no signs of misconduct on the part of

**DEPUTY:** Page A8

## County service center remodel to enter next phase

Building houses several high-profile departments

By Matthew Liedke  
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BEMIDJI — Beltrami County officials authorized another phase of a project to build a better community services center this week.

The nearly 20-year-old building, located at 616 America Ave. NW, has undergone office relocation and remodel work since 2017. Previous phases of the project included remodeling the second floor to have a more welcoming and comfortable reception area for clients who're meeting with staff.

The Community Services Center is home to the county's Health and Human Services Department, Veterans Services Office and

the employment program Workforce Impact. It also houses the Early Childhood Family Education program, among other organizations.

On the third floor, the project is focusing on work space, with staff relocating to the floor. Additionally, the third floor will have a new conference room, supervised visitation space, new investigation offices and a new mailroom/copy room.

During its review of the project, county commissioners learned the main portion of the work came to \$316,722, while extra work such as carpeting, painting and cable work would be near \$200,000. According to county staff, commissioners had the option of doing the latter in house or through a contractor.


With a contractor, the alternates would come to \$213,900, with the total coming to \$530,622, while the price from doing the work in house would come to \$192,357 with a total of \$509,079.

To fund the project, County Administrator Kay Mack said the costs will be covered by the capital improvement fund. Mack said the fund has \$1.05 million currently and will have about \$1.327 million in 2020.



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**CENTER:** Page A8

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## DAMAGE

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problem. Essentially, the water from the broken piping started flooding into the sanitary sewer line. That caused it to back up in people's homes. It came up through bathtub drains. It came up through toilet bowls.

Dreyer took a picture of her basement, showing everything standing in brown fluid.

Another local resident, Crystal Hegg, just returned home when the sewer water started flooding the lower level of her house.

"This giant brown geyser was rushing and gushing out of the downstairs bathroom," Hegg said. "It was a horrible sight to see."

### Cleanup & costs

The bedrooms of Hegg's two children were in the lower level of their split-level home where the sewer water flooded into. The family lived in a camper outside their home for the first three weeks after the flooding. Their insurance had a \$12,000 policy for sewer-related claims, but that was not nearly enough to cover the damage.

Dealing with the result of their flooded basement came to define much of the family's summer. It wasn't how her son planned to spend his senior year of high school. Not was it how Crystal and her husband Kevin planned to spend their 20th wedding anniversary this past August. Her son slept on an air mattress for 100 days.

The costs have reached into the tens of thousands of dollars. Dreyer received an estimate saying it would cost \$50,000 to \$75,000 to restore her basement. Workers already have poured thousands of dollars into the cleaning process alone. Hegg had a spreadsheet to keep track of the possessions they'd lost; it totaled upward of \$20,000. The estimate for the repair was about \$38,000.

But they also lost possessions on which they can't place a dollar amount. Dreyer lost yearbooks. Gamble lost a 100-year-old quilt from her great-grandmother. Hegg also lost antique quilts.

"You can't replace these things and money can't either," Gamble said.

For Dreyer, the damage has gone beyond the soiled carpet and lost memorabilia. She doesn't like to feel sorry for herself, but she doesn't deny the fact that the whole ordeal has created so much stress that it's affected her health.



Jillian Gandsey | Bemidji Pioneer  
Janet Dreyer walk down the stairs into her basement on Wednesday where a water main break caused a sewage backup in May.

### Response

While it was a municipal project that resulted in the flooded basements, the city of Bemidji denied responsibility. Mark Nygaard is a claims adjuster for the League of Minnesota Cities. He said since the contractor is the entity whose actions resulted in the damage, the city of Bemidji isn't responsible.

Alan Felix, the attorney for the city of Bemidji, reiterated that. Felix said it was part of the city's contract with Reinson that the company would be responsible for the "method and means" of the work. He said the agreement also specified that the construction company should provide insurance for its work.

The contractor, however, does not share the belief that it was at fault. The legal representation for the contractor sent a letter to Dreyer and Gamble. It said that after completing an initial investigation, they determined Reinson Construction "does not have any legal liability."

It is not clear how they reached that conclusion. Nicholas Klehr, the attorney who wrote the letter, said he could not comment on the situation when reached by the Pioneer.

Hegg said her family didn't receive a copy of that letter. In fact, she initially couldn't get in touch with the company at all. Her insurance representative finally got a number for Hegg to call, but it was an attorney.

"No one is communicating with us. And if they are, they're not telling us the same story," Hegg said. "The only thing we know for sure is we didn't cause any of it; we're not at fault just because our house happened to be there... someone has to be responsible."

### Moving forward

Even though both the city and the contractor deny responsibility, the neighbors want someone to stand up.

Michelle Gamble, daughter of Pam Gamble, wrote a letter to the editor in the Pioneer on Nov. 9, calling out the city for neglecting the residents who were impacted by the city's road project.

Some of the residents are looking into potential litigation. That isn't the easiest process either. Gamble said she hasn't been able to find an attorney in Bemidji who will take her case. She spoke with an attorney from International Falls, but he essentially said her case wasn't substantial enough for him to represent her.

Although the city maintains it isn't responsible, Felix said they do not consider the situation closed. The city has received notices of claim from at least a handful of the impacted residents. Even though the city denies responsibility, those claims could be the first step in potential litigation.

"This matter is still pending from our perspective at the city," Felix said. "We're working on it; this is not something that we've moved on from."

Regardless of who's ultimately responsible, the damage has essentially stripped Dreyer of the confidence she had in her home of 60 years. She's come to the point where the only solution may be to pack up and leave.

"I just want it fixed up because I'm going to sell it then and move because I'm scared of death of it happening again," Dreyer said.



Matthew Liedke | Bemidji Pioneer  
State Auditor Julie Blaha meets with Assistant Bemidji Fire Chief Bruce Hemstad Thursday to discuss the volunteer fire relief association.

## MN auditor visits Bemidji, region on fact-finding mission

By Matthew Liedke  
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BEMIDJI — The health of volunteer firefighter pensions and county finances across the region was checked on by Minnesota State Auditor Julie Blaha this week.

A visit to Bemidji for Blaha was one of several made to area cities where she talked about financial statuses and policies. Locally, Blaha met with Beltrami County Auditor/Treasurer JoDee Treat and Assistant Bemidji Fire Chief Bruce Hemstad.

Blaha said her meeting with Hemstad was to gather information on the local volunteer relief fire association pension. Pension coverage for paid firefighters is provided by the Public Employment Retirement Association. To attract and retain volunteer firefighters, though, volunteer fire associations were established.

"We have a fire relief association working group with the auditor's office," Blaha said. "It pulls people together to make sure the FRA has the policies it needs to do their work well. Our job is

to find out how to make things work better."

According to Blaha, work on FRAs need to have a balance between local control and state-wide policy.

"Visiting in person is educational for me, to let me know I have good context for what we do. There's no better way to get the context than to show up," Blaha said. "Basically, we need to know how we're going to keep people safe as trends change and as where people live and work change. As that happens, it can affect public safety, and we need to have systems that can accommodate that."

In meeting with the county auditor, Blaha said she wanted to have an understanding of the strains counties are dealing with.

"One of our goals is knowing what happens at the local level, because we have the chance to share that at a larger stage," Blaha said. "They're doing really interesting things to make sure their finances are solid, comfortable and effective."

Readers can reach Pioneer reporter Matthew Liedke at (218) 333-9791.



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