

Public Works Committee

5. 2.

Meeting Date: 05/17/2022

By: Bruce Westby, Engineering/Public Works

Title:

Receive Updates on Sound Wall East of State Highway 47, North of Xkimo Street

Purpose/Background:

As discussed at the Public Works Committee meeting on October 19, 2021, the sound wall constructed with the three (3) single-family residential unit development called Ramsey Villas North, located in the northeast quadrant of State Highway 47 and Xkimo Street, was not constructed such that it will serve it's intended purpose as a noise barrier.

Though plans for this development, including the noise wall, were approved by the City, the wall was designed and constructed to extend downwards into a low area such that the top of the wall is lower than Highway 47, which prevents the wall from being effective at reducing traffic noise.

During the project approval process, residents from Xkimo Court contacted City staff to ask what could be done to reduce traffic noise from Highway 47. Staff ultimately responded by conveying that the developer would be constructing a sound wall similar to the existing wall east of Highway 47 roughly 1,000 feet to the north, and that the wall would extend along the west edge of the Ramsey Villas North plat. Attached is a copy of an email submitted by a resident of Xkimo Court showing they were informed that the sound wall would extend along the entire west edge of the plat.

Also attached is a copy of an email received by the City Engineer from residents along Xkimo Court NW, east of State Highway 47 and north of Xkimo Court, following a meeting between the City Engineer and the residents on site on Monday, September 27, 2021. The email requests that the City consider the following items:

- Partner with MNDOT to determine if building an appropriate, effective noise wall would be their responsibility or the City's
- If MNDOT has the responsibility, then to partner and advocate for them to seek funding to build an effective noise wall on par with the height above street level of, and extending to, the existing noise wall further north along ctty 47
- If the City has the responsibility, pursue approval and prioritize allocating funding to build an effective noise wall on par with the height above street level of, and extending to, the existing noise wall further north along ctty 47
- Establish a noise ordinance to discourage vehicles from excessive acceleration or jake-breaking at the 47/5 intersection
- Seek partnership with Ramsey PD and/or the Anoka County Sheriff, to establish a presence in the area [even if simply parking in-between calls or completing paperwork] to discourage the above behavior
- Post signs on Hwy 47 to notify drivers of the noise ordinance and that it is enforced by the City of Ramsey
- Provide a plan timeline, along with regular communication on progress, regarding the above to the residents of Xkimo Ct. Nw.

The Public Works Committee reviewed and discussed the resident's requests with them on October 19, 2021, and afterwards the committee directed Staff to contact the developer and their engineer to determine if either or both would be willing to partner with the City to redesign, reconstruct and/or extend the noise wall to serve its intended purpose. The Committee also directed Staff to contact MnDOT to discuss the option of relocating the wall onto their right-of-way, and to present estimated costs to reconstruct and/or extend the sound wall to the end of the plat and/or to connect to the existing wall to the north during a future meeting.

Staff then contacted the developer, Riverside Development Company, and received three response letters from their attorney informing Staff that the developer is willing to assist the City in resolving this matter by providing a history of past discussions and to offer its opinion on any potential changes to the wall, but that they are not agreeable to assuming any financial liability associated with such changes. Their attorney also noted that the City cannot retain any of their client's financial securities outside of what is allowed by the Development Agreement, namely their one-year warranty and landscaping warranty. Staff therefore returned all securities outside of the warranty securities outlined within the Development Agreement.

Staff also contacted the design engineer, Bogart-Pederson, to discuss their willingness to assist the City in resolving this matter. Bogart-Pederson said they informed City Staff that a wall constructed on their client's property would not be able to serve as a noise wall due to the low elevations on site, and that constructing a wall within Highway 47 right-of-way would not likely be economically feasible due to the need to relocate existing buried utilities and overhead power lines, but that Staff instructed them to construct the wall per the plans, which was done. Bogart-Pederson said they would share their topo survey so the City could explore relocating the wall within Highway 47 right-of-way.

Staff also contacted MnDOT and was informed that their preference would be for the wall to be constructed on private property but MnDOT did confirm that they would be willing to discuss construction of a wall in MnDOT right-of-way, though they do not have funds to pay for such work. Also, the City would need to execute a Limited Use Permit to define the responsibilities of the City related to maintenance and removal of the wall, if necessary in the future.

On January 18, 2022, the Public Works Committee discussed this information, along with the estimated costs developed by Staff, and directed Staff to obtain the opinion of the new City Attorney as to the responsibilities of the developer and their engineer in this matter, to speak with the engineer to ask if they would at a minimum provide the required design services, to contact MnDOT to determine whether they would allow the wall to be relocated, reconstructed and/or extended within MnDOT right-of-way and whether any other funds may be available, to discuss available funding sources with the Finance Director, to review the site conditions, and to determine who the property owners are.

On February 15, 2022, the Public Works Committee received updates from Staff including responses received from the developer and their engineer, and estimated costs for the options previously discussed. After discussions, Staff noted that they would look at the grades to see if an opportunity might exist to cost-effectively add fill outside of MnDOT right-of-way while avoiding impacts to utilities, which could then be discussed in more detail at a future meeting.

Since February, Staff has confirmed that the developer's engineer will provide their topographic survey data and utility as-built data to allow City Staff to further explore options for relocating, constructing, or extending sound walls within MnDOT's Highway 47 right-of-way. Staff anticipates receiving this data very soon. However, additional topo survey will be needed to determine where a sound wall could effectively be constructed along the Highway 47 corridor, especially if the wall is to be connected to the existing 6-foot tall sound wall approximately 900-feet to the north. Attached is the figure showing how long the sound wall would need to extend to the north of the Ramsey Villas North plat to connect to the existing sound wall.

As previously discussed, Staff estimates construction costs for a similar sound wall to be approximately \$210 per linear foot at today's construction costs. This would equate to a minimum construction cost of \$50,000 to salvage and reinstall the existing wall within the Highway 47 right-of-way. To extend the wall past the north end of the

Ramsey Villas North plat and through the undeveloped parcel to the north to connect to the existing wall would require a minimum construction cost of \$125,000. These are construction cost estimates only and do not include indirect costs or costs required to enter into a Limited Use Permit with MnDOT if the wall can indeed be constructed within their right-of-way.

Four pictures of the existing sound wall are attached to this case. Staff anticipates bringing more detailed information to the Committee for discussion on June 21st.

Timeframe:

Staff estimates up to 15 minutes will be needed to present this case and respond to questions.

Observations/Alternatives:

Observations:

Staff informed the Xkimo Court residents that this case would be presented this evening so one or more residents may be in attendance, either physically or remotely.

Alternatives:

The purpose of this case is to provide new updates, with the intent of providing a more significant update on June 21st and to seek further direction from the Committee as to next steps at that time.

Funding Source:

Funding amounts and sources will be discussed in more detail on June 21st.

Recommendation:

Staff does not have a recommendation to offer at this time.

Action:

No action is requested at this time. Staff will provide more information and will seek further direction from the Public Works Committee on June 21st.

Attachments

[Sound Wall Gap Diagram](#)

[Xkimo Ct resident email](#)

[Picture 1](#)

[Picture 2](#)

[Picture 3](#)

[Picture 4](#)

Form Review

Inbox

Grant Riemer

Brian Hagen

Form Started By: Bruce Westby

Final Approval Date: 05/12/2022

Reviewed By

Grant Riemer

Brian Hagen

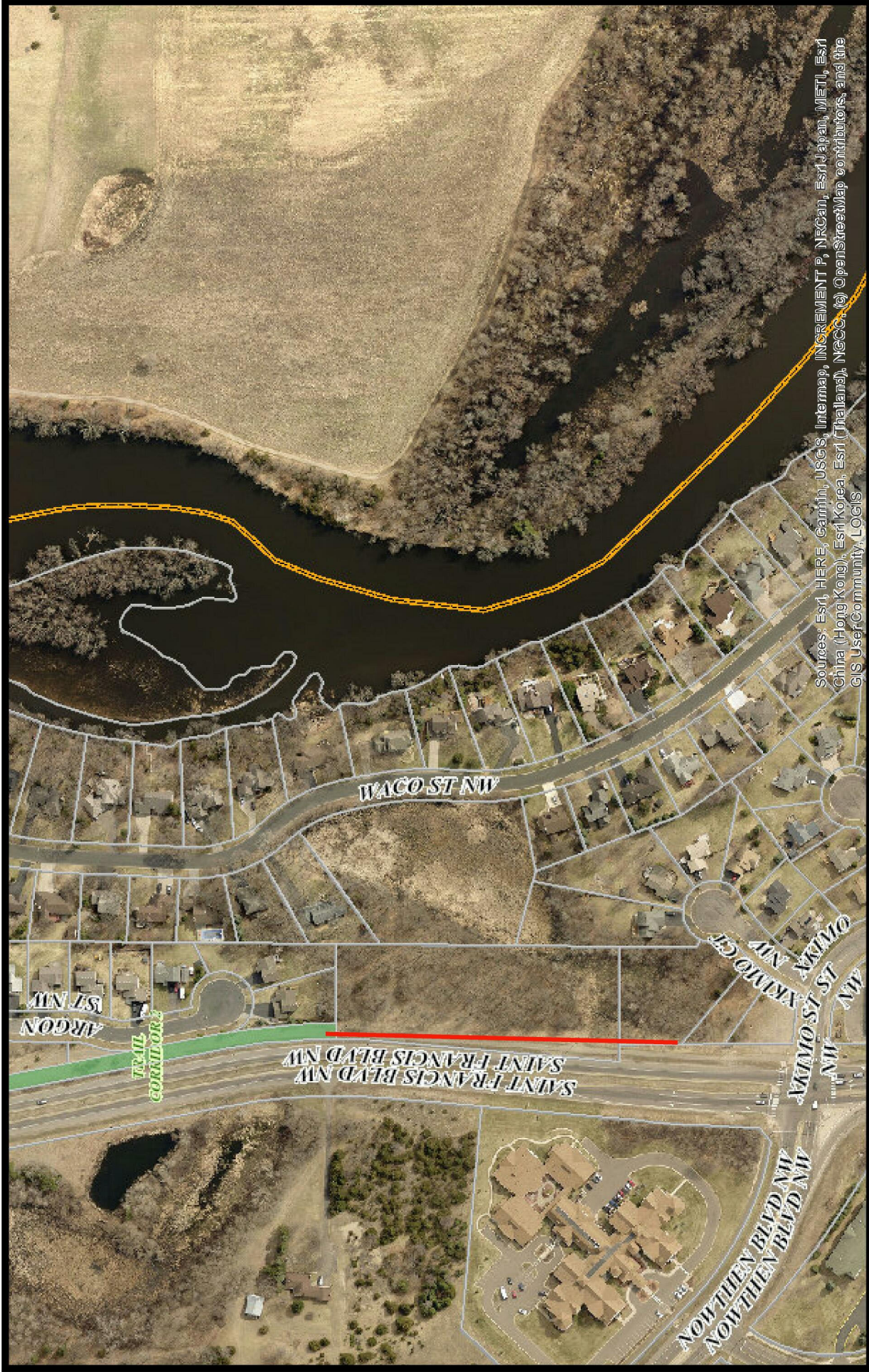
Date

05/12/2022 01:48 PM

05/12/2022 03:25 PM

Started On: 05/11/2022 10:50 AM

TH 47 Sound Wall Gap



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC (c) OpenStreetMap contributors, and the GIS User Community, LOGIS

7/12/2021, 3:59:38 PM



From: [Richard Bailey](#)
To: [Bruce Wesley](#)
Cc: [Ted Bailey](#); [Megan Bailey](#); [angel.hughes129@gmail.com](#); [Bertin Chabene](#); [Richard Bailey](#)
Subject: Xkimo Ct Nw Noise Wall Follow up and letter
Date: Friday, October 8, 2021 4:41:41 PM
Attachments: RE: EXTERNAL: RE: Project 20-117.msg
[Noise Wall 4.jpg](#)
[Noise Wall 1.jpg](#)
[Noise Wall 2.jpg](#)
[Noise Wall 3.jpg](#)

Hi Bruce,

Thanks again for stopping out last week to discuss the ongoing noise issues we've been experiencing and for offering to take forward a letter highlighting our concerns, to help move towards resolution. Please find this letter below. Attached you'll find the email we referred to during our discussion regarding the originally communicated noise wall length as well as photos of what was built.

Please let us know if you have any questions...

Hello,

First off, thank you for taking the time to review the below concern and related requests from us, the residents of Xkimo Court Nw.

The chief concern, which we have raised before, is the increased noise levels in our cul-de-sac, which directly affects the 20+ people that call Xkimo Ct Nw 'home'.

We first began noticing the increased traffic noise when the city approved the construction of Stoney River directly across, and elevated above, Highway 47 from us; as there exists no noise barrier on our side of 47, we feel the effects of traffic noise deflected from Stoney River directly into our neighborhood.

Last year we were notified of the approved sale of the land on the west side of the cul-de-sac to a third party home builder. Since this meant the removal of what little natural noise protection [mature trees/growth] we had on those lots, we raised our concerns regarding the noise impact we anticipated and, unfortunately, have since realized. The cumulative traffic noise level is so high at times that it can be heard clearly inside homes and even requires pausing conversations when outside.

Prior to the development being approved, we had inquired regarding having a noise wall included with the construction on the site, and were subsequently provided a plat drawing/photo [see attached email] which indicated a noise wall *would* be built and *would* extend for a considerable length of the property as well as mirror the size the noise wall farther north along 47. Since we were advised this was the plan, we were satisfied with the accommodations to protect the interests of our families.

Unfortunately this accommodation was not followed through upon, to the detriment of our neighborhood and directly affects our quality of life. We were advised after the sale was approved, that a 'mistake' was made and the drawing shared wasn't actually correct; the noise wall would not equal the length we were told it would, but instead be less than 1/2 as long. In addition the "noise wall" that was constructed by the builder is completely ineffective and quite frankly, unacceptable. As shown by the photographs attached, the wall was not built using the street level as the baseline, but instead followed the undulating topography of the land itself; this resulted in an inferior "noise wall" who's top, in places, is below street level and can be described, at best, as an exercise in futility and who's appearance doesn't do any favors for the aesthetics or reputation of the city.

To rectify the above we respectfully request the following items be pursued by the City of Ramsey:

- Partner with MNDOT to determine if building an appropriate, effective noise wall would be their responsibility or the City's
 - If MNDOT has the responsibility, then to partner and advocate for them to seek funding to build an effective noise wall on par with the height above street level of, and extending to, the existing noise wall further north along city 47
 - If the City has the responsibility, pursue approval and prioritize allocating funding to build an effective noise wall on par with the height above street level of, and extending to, the existing noise wall further north along city 47
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Thank you in advance for your review and partnership on this matter that is of high importance to us; please let us know how we can support you in this pursuit.







