

## Public Works Committee

5. 1.

**Meeting Date:** 11/15/2022

**Submitted For:** Bruce Westby, Engineering/Public Works

**By:** Bruce Westby, Engineering/Public Works

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### **Title:**

Consider Recommendation to City Council to Approve Plans and Authorize Bids for City Improvement Project #22-17, Ramsey Villas North Sound Wall Improvements

### **Purpose/Background:**

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

The plans for this development, including the sound wall plan, were approved by the City. However, the wall was designed and constructed such that it extends down into a low area where 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, 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 cty 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 cty 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 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. According to Bogart-Pederson, they had 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. Bogart-Pederson said Staff instructed them to construct the wall per the plans anyway, which was done. Bogart-Pederson then said they would share their topo survey so the City could explore relocating the wall within Highway 47 right-of-way as a City Improvement Project.

Staff then contacted MnDOT and was informed that their preference would be for the wall to be constructed on private property, but MnDOT did confirm 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 the current property owners.

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.

Staff has since received topographic survey data and utility as-built data from the developer's engineer, Bogart Pederson, allowing Staff to further explore options for relocating, constructing, or extending sound walls within Highway 47 right-of-way.

Staff also enlisted Bolton & Menk to collect additional topo survey to help determine if a sound wall could effectively be constructed within Highway 47 right-of-way, and whether the wall could eventually connect to the

south end of the existing 6-foot tall sound wall approximately 900-feet to the north.

Staff has not yet contacted the new property owners at 5065 and 5075 Xkimo Court to discuss the option of salvaging and reinstalling the existing sound wall constructed on their properties during development of Ramsey Villas North to the Highway 47 right-of-way per the attached plans. If the Public Works Committee would like Staff to explore the option of relocating this fence to the Highway 47 right-of-way per the attached plan and extending new sound wall fence to the north end of the plat, which could be bid as an alternate bid, Alternative #2 should be approved. Staff will then contact the property owners to see if they are open to this option and if so, will add this as an alternate bid. If the property owners are not open to this option, Staff will move forward with bidding the project using all new fence and leaving the existing fence in place.

Staff did not explore costs further 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 per previous discussions with the Public Works Committee.

The construction cost estimates above also do not include any costs required to enter into a Limited Use Permit (LUP) with MnDOT, which would typically be limited to staff time and recording costs for the LUP. If the Public Works Committee approves Alternative #1 or #2, Staff will work with MnDOT to develop a LUP for City Council approval at the time bids are accepted and a construction contract is awarded.

**Timeframe:**

Staff estimates 20 minutes will be needed to present this case and respond to questions.

**Observations/Alternatives:**

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:**

Alternative #1 – Motion recommending City Council approval of plans and authorization to advertise bids for City Improvement Project #22-17, Ramsey Villas North Sound Wall Improvements.

Alternative #2 – Motion recommending City Council approval of plans and authorization to advertise bids for City Improvement Project #22-17, Ramsey Villas North Sound Wall Improvements, including an alternate bid to salvage and install the existing fence on private properties to Highway 47 right-of-way and extending new sound wall fence to the north end of the Ramsey Villas North plat.

Alternative #3 – Motion of other.

**Funding Source:**

Staff's current cost estimate for constructing a new 265-foot long sound wall per the attached plans at \$230 per linear foot is \$61,000.

The construction cost estimate above does not include indirect project costs, which would include Staff time for preparing plans and administering and inspecting construction, and consultant fees required to stake construction.

City Improvement Project #22-17 can be funded using the PIR Fund.

**Recommendation:**

Staff recommends Alternative #1 if the Public Works Committee supports constructing a sound wall along the west edge of the Ramsey Villas North residential development.

Staff recommends Alternative #2 if the Public Works Committee supports constructing a sound wall along the west edge of the Ramsey Villas North residential development, including salvaging and installing the existing fence to the Highway 47 right-of-way.

**Action:**

Dependent on discussions.

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**Attachments**

Plan

Cross Sections

Ramsey Villas North Fence Plan

Residents email

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**Form Review**

**Inbox**

Brian Hagen

Form Started By: Bruce Westby

Final Approval Date: 11/10/2022

**Reviewed By**

Brian Hagen

**Date**

11/10/2022 02:03 PM

Started On: 11/09/2022 11:17 AM