

City of Columbus
Neighborhood Meeting
Alternative Meeting Format
MN Statute, Section 13D.021
06.23.2022

The 06.23.22 meeting of the City of Columbus City Council was called to order at 6 p.m. by Mayor Jesse Preiner at City Hall. Present were Councilmembers Robert Busch, Janet Hegland and Sue Wagamon; City Administrator Elizabeth Mursko, City Engineer Kevin Bittner, Public Communication Coordinator Connor Keith and Public Works Director Jim Windingstad.

Also in attendance: Kyle Bangerter (7809 170th Ave. NE), Rod Besch (17104 DePaul St. NE), Larry Haessly (7453 170th Ave. NE), Lee (via teleconference) and Gordon Spencer (7559 170th Ave. NE)

Not in attendance: Councilmember Shelly Logren

1. **CITY COUNCIL REGULAR MEETING**
 1. **Call to Order – Neighborhood Meeting – 6 p.m.**
 2. **Pledge of Allegiance**
2. **PRESENTATION & DISCUSSION**

Keith provided a history of 170th Avenue, detailing average traffic counts and speed studies going back to 2014 when an average of 186 cars entered and exited the then dead-end road. On May 26, 2020, 14 residents of 170th Avenue submitted a petition to have their road returned to its original configuration as a dead-end road, as it had been continued into the Thurnbeck development and connected to DePaul Street. This initiated a second traffic count of the road, which yielded an average of 92.7 cars per day in November 2020. On November 23, 2020, at the City Council meeting following the conclusion of the traffic count, the Council made a motion to reduce the speed limit of the road from 55 mph to 35 mph. In August 2021, a third traffic count was conducted, this time showing an average of 104.18 vehicles per day. Finally, a call to City Hall by Haessly prompted the most-recent study, which counted an average of 51.5 cars per day traveling westbound, achieving an average speed between 22.7 mph and 30 mph. Bittner further detailed the most recent traffic and speed study, sharing that it was a radar sign facing eastward that collected the data.

Bittner continued, explaining how speed limits are set by the 85th percentile of the average speed of vehicles traveling a road over a particular time. While this was not an official study to establish a new speed limit, the data collected supports the 35-mph speed limit. Based on this study, 11 percent of the vehicles recorded were found to be speeding.

Haessly argued that the speed sign doesn't yield accurate information as people are going to adjust their speed to get under the posted speed limit. Windingstad shared that the radar sign was posted for two weeks, but the sign only displayed drivers' speeds the second week. However, it recorded data for the entire duration it had been posted. The intention of this design was to get the initial data of drivers not impacted by the sign, followed by a week of drivers influencing driving decisions based on the dynamic speed sign.

Hegland asked how fast the recorded speeders were traveling. Bittner said during Week 1 when the sign didn't display vehicles' speeds, three cars reached speeds between 46-50 mph, two cars reached 41-45 mph and 22 in the 36-40 mph range.

Besch asked what the cost would be for severing the road. Keith said that Windingstad had made a casual estimate of \$40,000 to \$60,000 back in 2020. Windingstad said that estimate was made on the fly and did not include the likely necessary purchases of easements and right-of-ways for the City to create enough space for turnarounds. With all of those additional costs and inflation, Windingstad said the project, if approved, could reach up to \$100,000, but an official estimate would require studies and an official plan. Besch said that he notices residents of 170th Avenue speeding down DePaul Street on their way to Furman Street, so speeding happens in both directions and he would appreciate a break between the two roads to diminish it. Preiner asked what time of day Besch noticed the speeding. Besch said it consistently happens around 4:05 p.m. when one person speeds on his motorcycle to pick up his daughter from school. Spencer said this particular motorcycle operator is a renter and not a property owner. Preiner asked Mursko if it was possible to tip Anoka County Sheriff's Office. Mursko said it was, but Besch said he'd already confronted the motorcycle owner when he cut through Besch's yard on a snowmobile.

Hegland asked Bittner about the status of the City's ongoing speed study. Bittner said a draft should be made available soon, as he'd already reviewed the first draft that week. Bittner also shared that roads in Thurnbeck don't have posted speed limits, meaning it is considered a 55 mph zone. The City was able to change the speed limit on 170th Avenue because it had been fully developed, but since Thurnbeck wasn't fully developed the last time this topic had been discussed, the City couldn't influence those speed limits. Gordon said the speed limit signs that had been posted aren't easily visible. Windingstad said that since the signs were installed at the beginning of winter, Public Works had to find ground that wasn't frozen to plant the posts and hadn't heard any complaints since about their placement. Busch asked if the Thurnbeck neighborhood was included in this overall speed study. Bittner said it wasn't included because at the time the study was started, Thurnbeck was not eligible for study, but he felt the upcoming speed policy should provide the City leverage to make changes based on results from other parts of the City.

Spencer indicated his disappointment that the decision to leave the roads connected or separate them was dependent on a study, that only the four properties at the end of 170th Avenue that attach to DePaul Street received notification to the original public hearing where it was discussed that DePaul Street would connect to 170th Avenue, instead of the entire neighborhood, and that this petition had taken two years to reach a resolution. Hegland defended the notice, as the City followed state law for notifying property owners within range of the development about the development meeting. Hegland also said the COVID-19 pandemic played a large role in inhibiting progress on this petition, but acknowledged the speeding problem in this neighborhood and across the City.

Haessly said the Council had indicated funds were available to close the road and redo the cul-de-sac at the first neighborhood meeting about this petition. Windingstad said the money to generally improve or maintain cul-de-sacs is in the budget, but it is not earmarked for specific roads. Additionally, Windingstad said this project would be different as the City would need to purchase easements to build both turnarounds.

For the City's next steps, Hegland indicated she didn't think one should be made until a cost is determined and if it would be assessed to the property owners or the City. Mursko said, if this petition is handled like one requesting a road be blacktopped, then the City Council directs the City Administrator, City Engineer and Public Works Director to organize a neighborhood meeting at which the Engineer offers their generated cost estimate, which is followed by a secret informal vote to determine if a feasibility study is necessary. It is at the ensuing Public Hearing after the feasibility study that the Council determines if the City will go forward with the project or not. With that framework, the City Council can accept or reject the petition, or request more information from City Staff before making that decision. Hegland asked if Mursko knew how the costs of this project would be assessed. Mursko said that there are very few situations when the City has borne the costs of a road improvement that is not maintenance or repair – paving a gravel road has usually been assessed to property owners. Mursko continued, saying there is a difference between cul-de-sacs and turnarounds in the City – cul-de-sacs are constructed when the road is not planned to be continued to further development, while turnarounds are built temporarily before development continues. Mursko says it is difficult to know if 170th Avenue was built as a temporary or permanent turnaround.

Wagamon agreed with the residents of 170th Avenue that two years was too long to reach a resolution on this petition and could empathize with them about wanting to keep their neighborhood as it had been. She felt the City needs to get a cost estimate, determine who would pay for the project if approved and if it's feasible before making a decision.

Mursko said that when developers build roads, they are deeded to the City at no cost. She asked if the residents of 170th Avenue would be willing to donate the easements to the City to keep costs down. Gordon said he felt there should be no costs out of the residents' pockets, but that the developer should bear the cost.

Gordon asked if DePaul Street could be made a private road. Bangerter said he'd spoken to Thurnbeck residents who also expressed interest in severing the roads, but asked if the road were to be severed if it would be where the blacktop and gravel meet or where 170th Avenue and DePaul Street intersect. Hegland said the City Attorney and Staff would need to look at any and all legal descriptions before making that determination.

[170TH AVENUE AND DEPAUL STREET RESIDENTS DEPART]

Motion by Busch to adjourn. Failed with a lack of second.

Wagamon asked if a motion needed to be made to instruct City Staff to perform more research. Mursko confirmed that this was an official City Council meeting, so motions can be made.

Windingstad said that many residents of 170th Avenue use DePaul Street to access Furman Street and wondered how many signers of the original petition still want to sever the roads and how many people in Thurnbeck were truly interested in separating the roads. Mursko said if the Council officially accepts the petition, then the City can conduct an official petition of the neighborhood to get a better gauge of interest. Hegland asked if Mursko knew if this type of project could be assessable to the property owners. Mursko said the City would have to prove a benefit to the property owners for it to be assessable. If a benefit cannot be proven, then it cannot be assessed to the properties because their

values don't increase. With that information, Hegland said the City needs to know the legal process it needs to follow and the estimated cost of the project.

Windingstad felt the next steps for the Staff to determine a price estimate for this project and the Council has to decide if the City is going to pay for it. Hegland said she's not in favor of the City paying for the project, but is o.k. with the residents sharing the cost amongst themselves. Wagon asked if the property owners had a leg to stand on when they didn't know the road could be continued when they purchased land on a then dead-end road. Hegland felt they didn't because the City did its due diligence when arranging a public hearing for the Thurnbeck development.

Preiner recapped the studies, sharing that traffic on 170th Avenue had overall decreased since 2014, but that the primary concern seems to now be speeding and the residents have concluded the way to solve this problem is to re-close the road. Windingstad felt the issue could be solved by police. Hegland felt the residents had changed their reasoning for closing the road, as they had originally complained about construction and contractor trucks going down the road, but she felt the true reason is that they simply want their road back to the way it was and if the property owners are willing to pay for it, she'd approve the project as emergency services and public works didn't have a problem with separating the streets.

Bittner felt this project was about more than cost, as he felt multiple neighbors may not be on board, especially those whose properties would be impacted to supply the easements. Bittner also felt the City should be cautious about setting a precedent for similar situations.

Busch asked which party wanted to connect Thurnbeck to 170th Avenue. Mursko said she felt 170th Avenue was always intended to be a through-road, but she didn't know why the developers of Thurnbeck chose to connect to 170th Avenue instead of 172nd Avenue.

Preiner felt this was simply a case of people wanting things to remain as they were, which is not what is happening or possible anymore. Hegland agreed, feeling the City should go through the process and let the money make the decision so the property owners can feel their voices were heard. Busch agreed with Hegland.

Preiner pointed out that the only way to make these property owners happy is to sever the roads. Busch asked why the City had to build cul-de-sacs when the end of Camp 3 Road is a dead-end that doesn't end in a cul-de-sac and only has a fence. Windingstad said it was a City-owned road at one point, but that property has since become DNR land, at which point the DNR installed the fence.

Preiner asked what the City's next step is. Mursko said her understanding was that the City Engineer and Public Works Director were to perform a preliminary cost analysis of what it would to build two cul-de-sacs, including cost estimates of land values for easement purchases, as well as deciding how to handle the current petition. Windingstad felt the City Engineer should be asked to conduct a true feasibility study for the project to potentially happen, if approved, no sooner than 2023. Mursko asked Bittner what feasibility study would cost. Bittner said he would prefer to do a study more detailed than what was done on 182nd Avenue, which could cost approximately \$10,000.

Preiner repeated that the only thing that will make the petitioners that attended the evening's meeting happy is closing the road, but that he is not excited about the prospect of spending \$10,000 of City money for the residents to choose to walk away from the project, but he liked the overall idea of letting the residents be the ones to decide if the project was to go forward or not. Bittner reminded the Council

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assessments are determined by benefits, and the primary property owners being benefitted by this potential project are those on 170th Avenue since the residents of Thurnbeck don't seem to travel down 170th Avenue very often. Mursko agreed that determining benefit could be difficult in this situation. Hegland asked if the City should consult with the City Attorney about determining benefits and possibility for assessing costs to property owners before authorizing the City Engineer to commence a study. Preiner, Busch and Wagamon agreed to that plan.

3. ADJOURNMENT

Motion by Preiner to adjourn. Seconded by Busch. Roll call vote: Wagamon – aye; Hegland – aye; Busch – aye; Priner – aye. Motion carries.

Meeting adjourned at 8:02 p.m.

Respectively submitted:

Connor Keith, Public Communications Coordinator