From: Moermond, Marcia (CI-StPaul)
To: Zimny, Joanna (CI-StPaul)
Cc: Vang, Mai (CI-StPaul)
Subject: FW: 2233 Energy Park Drive Boulder Appeal - Information Regarding Context
Date: Wednesday, June 2, 2021 9:26:21 AM
Attachments: 2233 Energy Park Drive Packet.pdf
2233 Energy Park Drive - Letter to City Council 5.25.2021.pdf
2233 Energy Park Drive- Minutes.pdf
RE 2233 Energy Park Dr.Olsen Ltr.4-16-21.msg
RLH SAO 20-40 Appeal for Property at 2233 Energy Park Drive.msg
image002.png
image006.png

Good Moring Joanna,

This email is to be attached to Council packet. I believe all the attachments were generated from the record already in front of Council and, therefore, don't need to be attached. Please confirm.

Please forward my email to Ms. Farraher and her response to the appellant.

Thank you, Marcia

From: Farraher, Beverly (CI-StPaul) <Beverly.Farraher@ci.stpaul.mn.us>
Sent: Wednesday, June 2, 2021 7:58 AM
To: Moermond, Marcia (CI-StPaul) <marcia.moermond@ci.stpaul.mn.us>
Cc: Kershaw, Sean (CI-StPaul) <Sean.Kershaw@ci.stpaul.mn.us>; Brendmoen, Amy (CI-StPaul) <amy.brendmoen@ci.stpaul.mn.us>; Jalali, Mitra (CI-StPaul) <Mitra.Jalali@ci.stpaul.mn.us>; Estochen, Bradley M <Bradley.Estochen@CO.RAMSEY.MN.US>
Subject: RE: 2233 Energy Park Drive Boulder Appeal - Information Regarding Context

Thank you for the opportunity to give some context to what Wellington Management (Parks Crossing and Wellington Management) is presenting in their letter of May 25, 2021 regarding 2233 Energy Park Drive.

Key Points:

- There are inappropriate boulders installed by the adjacent property owner (managed by Wellington Property Management) in the boulevard in the NW quadrant of Energy Park Drive and Raymond west of the intersection as well as at either side of one of their property driveways. The email attachment **RE: 2233 Energy Park Dr. Olsen Ltr 4-16-21** contains photographs showing the boulders. The boulders are a hazard and must be removed by the adjacent property owner through an obstruction permit that they must request from Public Works Right of Way Management. No permit has been issued to date. A Wellington Management representative was fully clear about this required action during a field meeting on April 13, 2021 and has been provided contact information to obtain the necessary permit.
- Wellington Management believes that there is a safety problem at the intersection associated with the left turn from northbound Raymond to westbound Energy Park Drive which they believe the placement of boulders addresses. The Department of Public Works does not concur. The Department of Public Works does not support the approach to install hazards in the right of way to address that belief. The boulders placed at the sides of the property

driveway have no relation to intersection operations, are a hazard, and the argument that they were placed for public safety is not substantive.

- The concerns expressed by Wellington Management regarding public safety are commendable. Their concerns have been received by the City. In my field review with the Wellington Management representative, I presented various potential options that I committed I would bring forward for discussion – those are included as the first action request from Wellington Management in their May 25 letter. These options have been discussed with Ramsey County staff, and have been passed along to Ramsey County staff for review and action since this is a county intersection. Bradley Estochen, Ramsey County Traffic Engineer (651-266-7120, bradley.estochen@co.ramsey.mn.us), may be willing to tweak some characteristics of the intersection pavement markings upon further review. At no time was any commitment made to Wellington Management that potential work within the intersection would happen or would be tied or concurrent with removal of the hazardous boulders nor was any time line discussed or committed to.
- I did not recommend that Wellington Management widen the driveway entrance as presented in their second action request. I indicated that if they still felt that they had a significant operational problem (indicated by their placement of the boulders on either side of the driveway), they seemed to have the space/ability to widen the driveway and they could consider that investment/solution if they wished. The City is not directing Wellington Management regarding any site improvements they may wish to consider or pursue. Such work is completely separate from any intersection operations and will also require a permit to accomplish.
- Wellington Management's new request to alter the geometrics of the intersection will be passed along, through this email, to Ramsey County staff for consideration.

Additional Information:

1. I did not see any wheel tracking on the boulevard sidewalk at the intersection when I reviewed this intersection in the field. I did not witness any problems with truck turning traffic and I did witness several large trucks making the northbound to westbound turn. Professional commercial motor vehicle operators do need to approach skewed intersections such as this with care and attention to ensure that they enter the turn appropriately. It does happen that inexperienced drivers may climb a curb when opposing traffic (eastbound stopped traffic) is obstructing part of the turn but that is a slow maneuver of short length and duration.
2. The inappropriately installed boulders in the median have tumbled into portions of the sidewalk (visible in the **RE: 2233 Energy Park Dr. Olsen Ltr. 4-16-21** email attachment) and I witnessed a bicyclist miss hitting one of the boulders by about 4 inches. If she had hit it, she would have been thrown from her bicycle. The boulders are a constant hazard.
3. The boulders do not deter truck traffic from driving up on the additional concrete panels already installed in the boulevard between the curb and sidewalk.
4. Neither the City Traffic Engineer nor the County Traffic Engineer have identified any history of complaints at this intersection regarding this left turn movement or public safety beyond Wellington Management's contacts.
5. Wellington Management has not been directed to obtain an encroachment permit (stated in

their letter). They have been told that they would not be given an encroachment permit which would have, by definition, allowed their placed boulders to remain as obstructions in the boulevard. They are not being allowed to leave the boulders in the boulevard. They must pursue an obstruction permit (obtained by contacting the permit desk at 651-266-6151 or PW-ROWpermits@ci.stpaul.mn.us) to remove the boulders from the boulevard.

6. James Cowles's email of this morning sharing his thoughts on the situations at this location is also attached.

Please feel free to contact me if you have any questions or would like additional information,
Bev

Beverly Ann B. Farraher, P.E.
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SAINT PAUL
MINNESOTA

For Reference:

Content of Wellington Management's Appeal of May 25, 2021 for Park Crossings, Inc.

We will address two issues in this letter. First, we would like to clarify that Park Crossings is not challenging compliance with the City of Saint Paul's summary abatement order. Rather, Park Crossings will be filing a request for an encroachment permit that will allow removal of the boulders from the boulevard on the Property. However, second, and more importantly, we would like to address the significant public safety and traffic concerns that exist at the intersection of Energy Park Drive and Raymond Avenue ("the Intersection"). We urge the City of Saint Paul, the Public Works Division, and Ramsey County to take action to fix the Intersection to resolve the safety risks and traffic concerns as soon as possible.

I. Compliance with Summary Abatement Order.

Park Crossings and Wellington are not challenging the summary abatement order and will take prompt action to remove the alleged nuisance. We intend to apply for an encroachment permit to remove the boulders. However, since we do not anticipate that the

1625 Energy Park Drive, Suite 100 | St. Paul, MN 55108 | OFFICE (651) 292-9844 | FAX (651) 292-0072 | wellingtonmgt.com
work will obstruct the flow of traffic, we do not believe there is a need to apply for a traffic permit.

Provided that there are no delays in the Saint Paul Public Works Division approving the encroachment permit application, Park Crossings believes that it will be able to remove the boulders by the proposed compliance deadline of June 30, 2021.

II. Pedestrian Safety Risks and Traffic Issues at the Intersection.

It is important for the City Council to understand that the removal of the boulders does not remedy the serious safety and traffic concerns that exist at the Intersection. Indeed, the very reason that Park Crossings installed the boulders on the sidewalk was to prevent and deter semi-trucks from driving onto the sidewalk, a situation that causes great danger to pedestrians and bicyclists. Since the installation of the boulders, fewer trucks have driven on the sidewalk since they need to avoid the boulders. Removing the boulders – without any other changes to the Intersection – will not make the Intersection any safer and will simply encourage semi-trucks to continue to drive on the sidewalk when making left-hand turns from Raymond Avenue to Energy Park Drive. Below is a summary of the traffic issues at the Intersection and several proposed improvements that can easily improve the situation and make the Intersection safer for pedestrians, bicyclists, and motorists.

As the City Council may be aware, there are a significant number of semi-trucks and other heavy vehicles that regularly drive through the Intersection. The trucks typically drive north on Raymond Avenue and take a left turn onto Energy Park Drive so that

they can access Highway 280. When trucks turn left onto Energy Park Drive there is simply not enough space on the road to make the turn.[1] In order to avoid hitting vehicles driving east on Energy Park Drive,[2] the trucks are forced to drive onto the sidewalk in front of the Property.[3] At the same time, vehicles traveling east on Energy Park Drive that are waiting at the Intersection frequently have to drive backwards to accommodate the trucks turning left. Numerous Wellington employees, including myself, have witnessed this scenario repeatedly unfold as they drive to and from our office located at 1625 Energy Park Drive. Ultimately, the traffic pattern at the Intersection creates a dangerous situation where trucks could easily strike a pedestrian walking or a bicyclist riding on the sidewalk of Energy Park Drive, and the trucks turning left cause a significant disruption to the flow of vehicle traffic through the Intersection. Further, semi-trucks and heavy vehicles repeatedly driving onto the sidewalk will undoubtedly cause damage over time and require early repair or replacement of the sidewalk.

Park Crossings and Wellington have identified three improvements that should be made to the Intersection, which will improve pedestrian and motorist safety, and improve the flow of traffic.

First, we ask for the City's assistance to restripe the traffic lines and put in a stop bar on the west side of the Intersection on Energy Park Drive. The traffic lines should be moved to the south by a few feet and the stop bar should be painted further west to encourage vehicles to stop at a location that would allow trucks sufficient room to make the left turn onto Energy Park Drive. The Public Works Division has already stated that restriping the traffic lines is a feasible request that can be completed by June 30th. The City should ultimately bear these costs.

Second, at the Division of Public Work's recommendation, we plan to widen the driveway where vehicles enter the gas station at the Property. This change will provide additional room for the vehicles entering the Property's parking lot.

Finally, we request that the City of Saint Paul work with Ramsey County to widen Energy Park Drive (County Road 32) at the Intersection. For example, the sidewalk on the northwest side of the Intersection is wider than necessary (it is the width of a normal sidewalk plus the width of the boulevard). Making that portion of the sidewalk more narrow, and thereby widening the traffic lane, would provide trucks sufficient room to make the left turn onto Energy Park Drive without having to drive onto the sidewalk. This solution would accomplish what should be the City's primary goal – ensuring pedestrian and bicyclist safety on the sidewalk while at the same time ensuring smooth traffic patterns.

Park Crossings and Wellington are committed to City of Saint Paul and have a long history of working with the City to develop and manage commercial and residential properties. We hope that the City will address our concerns and work to improve the issues at the Intersection. While we are committed to removing the boulders at the Intersection, we also firmly believe that it is necessary for the City to address the serious safety and traffic issues present at the Intersection and which precipitated our decision to install the boulders in the first place.

From: Moermond, Marcia (CI-StPaul) <marcia.moermond@ci.stpaul.mn.us>
Sent: Wednesday, May 26, 2021 3:54 PM
To: Farraher, Beverly (CI-StPaul) <Beverly.Farraher@ci.stpaul.mn.us>
Cc: Kershaw, Sean (CI-StPaul) <Sean.Kershaw@ci.stpaul.mn.us>; Brendmoen, Amy (CI-StPaul) <amy.brendmoen@ci.stpaul.mn.us>; Jalali, Mitra (CI-StPaul) <Mitra.Jalali@ci.stpaul.mn.us>
Subject: 2233 Energy Park Drive Boulder Appeal

Good Afternoon Beverly,

Thank you for your assistance in this matter over the last 8 months. This afternoon I received a formal objection to my recommended finding and recommendation for Council action this afternoon. The current resolution in front of the City Council makes a finding that the nuisance condition presented by the boulders in the right-of-way at this property has not been abated and it authorizes the Department of Safety & Inspections to abate the nuisance and assess the costs. All related documents are attached to this email, as the live link will go down after Council meeting today while minutes are prepared.

Given the technical nature of the objection and your history of working with the owners and management of the property, I am asking that you review the submission received today and provide comments for Council to contextualize statements and representations contained therein.

Thank you in advance for your time in looking at this situation, Marcia

Original Appeal, Council Decision 1/13/21 – Link to file
https://stpaul.legistar.com/LegislationDetail.aspx?ID=4677752&GUID=1CCFCF3B-6B94-4B1B-AB2A-0405A842BEEE

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