



## Legislation Details (With Text)

**File #:** RES PH 17- 349 **Version:** 1

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 12/20/2017

**Title:** Approving the application of Tom Keller, Saint Paul Festival & Heritage Foundation, for a sound level variance in order to construct an ice palace in Rice Park for the 2018 Saint Paul Winter Carnival, beginning Thursday, January 4 through Saturday, January 27, 2018.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to Owners, 5. List of Owners, 6. Letter to Applicant

Date	Ver.	Action By	Action	Result
12/22/2017	1	Mayor's Office	Signed	
12/20/2017	1	City Council	Adopted	Pass

Approving the application of Tom Keller, Saint Paul Festival & Heritage Foundation, for a sound level variance in order to construct an ice palace in Rice Park for the 2018 Saint Paul Winter Carnival, beginning Thursday, January 4 through Saturday, January 27, 2018.

Saint Paul Legislative Code was enacted to regulate the subject of noise in the City of Saint Paul; and

WHEREAS, §293.09 provides for the granting of variances from the sound level limitations contained in §293.07, upon a finding by the City Council that full compliance with Chapter 293 would constitute an unreasonable hardship on the applicant, other persons or on the community; and

WHEREAS, Tom Keller, Saint Paul Festival & Heritage Foundation, who has been designated as the responsible person on the application, has applied for a variance with a revised requested sound level limit of 80 dBA in order to construct an ice palace in Rice Park for the Saint Paul Winter Carnival ; and

WHEREAS, applicant is seeking a variance for a 24/7 operation beginning Thursday, January 4 through Saturday, January 27, 2018; and

WHEREAS, if applicant is not granted a variance, applicant will not be able to construct the ice palace for the Winter Carnival in Rice Park; and

WHEREAS, the Department of Safety and Inspections has reviewed the application and has made recommendations regarding conditions for the variance; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to Tom Keller, St. Paul Festival & Heritage Foundation, subject to the following conditions:

1. The Variance shall be for Tom Keller, Saint Paul Winter Carnival, for a 24/7 hour construction operation beginning Thursday, January 4 through Saturday, January 27, 2018.

2. All equipment used in the construction of the ice palace shall not exceed 80 dBA, as measured fifty (50) feet from the sound source.
3. The applicant shall provide personnel and equipment to conduct continuous sound level monitoring during the event. The contractors working on the project will use best practicable methods for controlling noise such as, but not limited to, noise blankets, shields or portable sound barriers. Construction activities will be scheduled to minimize noise as much as possible in the late night and early morning hours. Jackhammers, pavement breakers, pile drivers, compactors, cranes and excavators and any similar type of equipment should be fitted with manufacturer's approved exhaust mufflers. Vehicles operating between 10:00 p.m. and 7:00 a.m. should be equipped with ambient sensitive back-up warning devices or similar devices. Back-up observers, in lieu of back-up warning devices, should be considered if allowed by Federal or State regulations. When practical, loud activities will be performed during the day. The applicant indicates that overnight noise will be for trucks, cranes and skid steers use.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of the grant of a variance for the subsequent date(s), in addition to any criminal citation which might issue.

Tom Keller, Saint Paul Festival & Heritage Foundation, has requested an exemption from the sound level limitations in Chapter 293.07 in order to operate heavy equipment in order to construct an ice palace, as part of the Saint Paul Winter Carnival, beginning Thursday, January 4 through Saturday, January 27, 2018. Chapter 293.09 provides for the granting of variances from the sound level limitations contained in Chapter 293.07.

Was proper notice given? YES - See Attachments