

**From:** [Hessler, Edward](#)  
**To:** [\\*CI-StPaul](#); [Contact-Council](#); [CouncilHearing \(CI-StPaul\)](#)  
**Subject:** Public Hearing Sound Level Variance K/A Company & Ramsey Company (2383 University Avenue W)  
**Date:** Friday, February 5, 2021 9:56:54 AM

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I am a resident of the Security Building which is directly across the street of the construction site--the corner of Raymond Avenue and University. Since COVID-19 it now also serves as my office. Peter Brown notified me about the hearing and also posted it in a commons area in the building.

When I read the proposal the first thing that jumped out is that K/A &R has very likely **not** been in compliance from the beginning of the project for we have endured a few weeks of pure unabated noise (sheet pile driving). I assumed that this had been approved by the City Council and met noise ordinance rules upon approval of this contract. I should have known better. However, If K/A&R has been in compliance I dread what's next.

Additionally, I can't help but be suspicious. Since the announcement from Mr. Brown it has been strangely quiet which suggests that they are waiting for what they consider an inevitable approval.. Maybe that is a fluke of construction schedules.

It is not as though K/A were a new kid on the construction block. This is an old construction business that dresses itself in "family-owned" with all of the good feelings and intentions we are supposed to conjure up. That the company didn't know this was going to be a problem seems not possible and surely they have faced this issue before. In the original proposal why wasn't this question addressed--this is the part that is maddening. It almost seems playful and one can easily imagine a chit-chat around a sleek conference table on dodging this issue and then discussing what will be done, once preparation is under way, if the question is raised. I can almost hear the snickers at the word "variance. You gotta' be kidding. It is a way of doing business." This doesn't let the City Council off the hook and those whose job it is to advise and raise these kinds of questions. What happened there?

IF it was raised and then passed, I think it should have been made very clear to local business owners and residents that this was what to expect (set period of time) and these are the abatements, including notification of residents and owners on especially bad days.

Of all the various constructions that have occurred nearby (5 or 6), from below ground up to restorations and in one case a combination of old and new, this one has been the noisiest and seems the only one to have used this particular construction technique. I understand that it is an old and a fairly standard practice, all the more reason to know that it was going to be noisy and exceed the standard noise level. I walked/biked by all of them almost daily, including week-ends for the various years they were under construction--the boundary I;m describing is Raymond, Territorial, Hampdon, Wabash.

They were "good" construction neighbors; K/A could not in most senses be described this way not only because of the noise but also in the lack of communication to the owners, residents and employees of local businesses, i.e., they are not at all proactive in telling us what is going when and what to expect, for how long--the sort of thing you'd expect a family business to do. I overheard a K/A employee responding to a comment by an owner of a small business directly across the street who commented about the noise say "It is even worse in the construction trailer," as though this was "you think you got it bad, well let me tell you about me/us." I came close to smacking my forehead and saying "Duh, now I understand, wanting to cry out in sympathy "Poor thing."

I can't imagine the "best practicable" noise abatements doing much and I write thinking that this effort is futile. Big trumps small every time. However, how about a sanction of some kind--a fine if the acceptable noise level has been exceeded so far. The proceeds could go to a food shelf. And for Council Members and staff who missed this, if they did, the standard letter in their file and to us a formal apology.

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