



Legislation Details (With Text)

File #: RES PH 14- 112 **Version:** 1
Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 5/7/2014

Title: Approving the application of the Metropolitan Council for a sound level variance to allow for a day milling crew and a night paving (overlay) crew for Central Corridor Light Rail related work along University Avenue West from Emerald Street to Rice Street, from May 8, 2014 to May 22, 2014.

Sponsors: Dai Thao, Dave Thune, Russ Stark

Indexes: Ward - 1, Ward - 2, Ward - 4

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map-Emerald to Prior, 4. Map-Prior to Albert, 5. Map-Albert to Victoria, 6. Map-Victoria to Western, 7. Map-Western to Rice, 8. Notice to District Councils 7 and 8, 9. Notice to District Councils 11,12, and 13, 10. Notice to District Council 17, 11. Notice to Property Owners, 12. List of Property Owners, 13. Letter to Applicant

Date	Ver.	Action By	Action	Result
5/13/2014	1	Mayor's Office	Signed	
5/7/2014	1	City Council	Adopted	Pass

Approving the application of the Metropolitan Council for a sound level variance to allow for a day milling crew and a night paving (overlay) crew for Central Corridor Light Rail related work along University Avenue West from Emerald Street to Rice Street, from May 8, 2014 to May 22, 2014.

WHEREAS, Chapter 293 of the 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, Kevin Ryan, Manager of Transitways Construction, Metropolitan Council, who has been designated as the responsible person on the application, has applied for a variance to allow Central Corridor Light Rail related work along University Avenue West from Emerald Street to Rice Street in Saint Paul; and

WHEREAS, in order to minimize disruption to University Avenue West traffic, businesses, the public and adjoining residents/property owners, the applicant is seeking a variance for the ability to work two (2) crews, one between the hours of 7:00 AM to 10:00 PM for pavement milling work and a second crew between 10:00 PM and 7:00 AM for paving (overlay) work from May 8, 2014 to May 22, 2014; and

WHEREAS, if applicant is not granted a variance, they will not be able to complete the milling and paving of University Avenue West within a timeline that would minimize disruption to traffic, businesses, the public and adjoining residents /property owners; 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 the Metropolitan Council, subject to the following conditions:

- 1) The variance will be for the daytime hours of 7:00 AM to 10:00 PM for the primary work of pavement milling and nighttime hours of 10:00 PM to 7:00 AM for the primary work of paving (overlay), along University Avenue West from May 8, 2014 to May 22, 2014.
- 2) The milling and paving operations will begin at the intersection of Emerald Street and University Avenue West and proceed east to the intersection of Rice Street and University Avenue West.
- 3) Milling and paving work will be restricted to Monday through Friday. If there are delays due to weather or other unforeseen conditions and work is required on a Saturday or Sunday, weekend work notifications will be required. Work would be allowed on Saturdays or Sundays only if the Department of Safety and Inspections and property owners/residents within 300 feet of the anticipated work area are given a minimum of 24 hour notice for Saturday work and 48 hour notice for Sunday work.
- 4) Work areas will be divided into two (2) daytime/nighttime segments (48 hour time period). As the milling/paving work progresses to the east along University Avenue, Metropolitan Council will provide a minimum of 24 hour notice to the property owners/residents within 300 feet of each daytime/nighttime work segment. This notification process will be repeated for each daytime/nighttime work segment as the work proceeds along University Avenue.
- 5) The property owner/resident notices required in conditions 3 and 4, will at a minimum, include a description of the work to be done, description of the area along University Avenue where the milling/paving work will occur, the start and finish date and the estimated start and finish time of the work.
- 6) The Contractors working on the project shall use best practicable methods for controlling noise. Activities will be scheduled to minimize noise as much as possible between 10:00 PM and 7:00 AM.
- 7) Copies of the variance must be maintained at the work location and be available for review by the City of Saint Paul Police or inspection personnel during the time period approved. Failure to have a copy of the approved request available at the work location may result in a citation and/or shut down of work activities.

FURTHER RESOLVED, that any violations of the conditions set above may result in denial of future requests for a sound level variance, in addition to any criminal citation which might issue.

The Metropolitan Council, represented by Kevin Ryan, Manager of Transitways Construction, has requested an exemption from the sound level limitations in Chapter 293.07 for Central Corridor Light Rail related work, in order to allow for two crews, one day crew for the milling and another night crew for the paving (overlay) of University Avenue West from Emerald Street to Rice Street from May 8, 2014 to May 22, 2014. 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