



## Legislation Text

---

**File #:** RES PH 15-201, **Version:** 1

---

Approving the application of Xcel Energy for a sound level variance for construction work related to the 2015 East Metro Pipeline Replacement Project, with the sound source at the intersection of St. Albans Street and Central Avenue, Monday through Saturday only, from July 31, 2015 to August 22, 2015.

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, Xcel Energy, represented by Tony Wendland, Project Manager, who has been designated as the responsible person on the application, has applied for a variance, with a sound level request at 88 dB at 7 meters, for construction work related to the 2015 East Metro Pipeline Replacement Project, with the sound source at the intersection of St. Albans Street and Central Avenue, Monday through Saturday only, from July 31, 2015 to August 22, 2015; and

WHEREAS, in order to meet required completion dates and to minimize disruption to businesses, the public and adjoining property owners, the applicant is seeking a variance from July 31, 2015 to August 22, 2015, Monday through Saturday only; and

WHEREAS, if applicant is not granted a variance, applicant will not be able to operate general construction/demolition equipment, including a Horizontal Directional Drilling Guide (HDD) bore rig and support equipment, such as an excavator and mud machine to do the needed pipeline replacement project, to bore a section of pipeline under Hwy 94, and sound source at the intersection of St. Albans Street and Central Avenue; and

WHEREAS, the Department of Safety and Inspections (DSI) 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 Xcel Energy, subject to the following conditions:

- 1) The variance shall be from July 31, 2015 to August 22, 2015, Monday through Saturday only.
- 2) Work periods are Monday through Saturday, beginning at 7:00 a.m. and ending at 7:00 p.m.
- 3) 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 early morning and evening hours. Xcel Energy shall take all practical steps available to minimize the noise levels during this period which do not otherwise unduly hinder the project or unreasonably increase the costs of the project. To minimize the noise levels, Xcel Energy will be installing a temporary sound wall in this area.

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

Xcel Energy, represented by Tony Wendland, Project Manager, has requested an exemption from the sound level limitations in Chapter 293.07 for construction work related to the 2015 East Metro Pipeline Replacement Project, with the sound source at the intersection of St. Albans Street and Central Avenue, Monday through Saturday only, from July 31, 2015, 7:00 a.m. until 7:00 p.m.. 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