



Legislation Details (With Text)

File #: RES PH 16- 65 **Version:** 1
Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 3/16/2016
Title: Approving the application of Michels Corporation for a sound level variance for a 30-hour construction project for sewer lining work, on Jackson Street from the intersection of Fifth Street South to Kellogg Boulevard, continuously from Monday, April 11, 2016 through Tuesday, April 12, 2016.

Sponsors: Rebecca Noecker

Indexes:

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Notice to District Council, 5. Notice to Property Owners, 6. List of Property Owners, 7. Letter to Applicant, 8. Buss opposition to Michels noise variance request

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------|---------|--------|
| 3/18/2016 | 1 | Mayor's Office | Signed | |
| 3/16/2016 | 1 | City Council | Adopted | Pass |

Approving the application of Michels Corporation for a sound level variance for a 30-hour construction project for sewer lining work, on Jackson Street from the intersection of Fifth Street South to Kellogg Boulevard, continuously from Monday, April 11, 2016 through Tuesday, April 12, 2016.

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, Michels Corporation, represented by Willie Grams, Project Manager, who has been designated as the responsible person on the application, has applied for a variance for construction work related to the installation of the sewer liner on Jackson Street from the intersection of 5th Street to Kellogg Boulevard for the 30 hour continuous project, and to allow elevated sound levels 24-hours per day along Jackson Street for activities such as asphalt removal, concrete curb and gutter cutting and replacement, manhole coning, setting up a cured in place pipe inversion tower, stage boiler trucks with silenced pump running, hand power tools, back up beeping and operation of boiler truck; and

WHEREAS, in order to meet required Public Works project completion and to minimize disruption to traffic on Jackson Street, area businesses, the public, adjoining residents and property owners, the applicant is seeking a variance from Monday, April 11, 2016 to Tuesday, April 12, 2016; and the applicant is requesting night work sound levels from 10:00 p.m. on April 11, 2016 until 7:00 a.m. on April 12, 2016 to be at 70 dBA at 50 feet from the sound source; and

WHEREAS, if applicant is not granted a variance, Michels Corporation will not be able to operate general construction/demolition equipment and other repair and installation equipment and power tools needed to complete the required continuous repair and installation of a cured in place sewer liner on Jackson Street

between 5th Street and Kellogg Boulevard ; 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 Michels Corporation, subject to the following conditions:

1. The variance will be for asphalt, concrete curb and gutter cutting and replacement, set up and installation of a cured in place sewer pipe inversion tower, installation with boiler trucks, critically silenced pumps and refrigerated semi-trailer and construction replacement on Jackson Street between 5th Street and Kellogg Boulevard beginning Monday, April 11, 2016, through Tuesday, April 12, 2016.
2. The variance will include a 30 hour continuous project from 7:00 a.m. on April 11, 2016 for 30 hours through April 12, 2016. The project will also include night time work, with sound levels from 10:00 p.m. on April 11, 2016 through 7:00 a.m. on April 12, 2016 to be at 70 dBA at 50 feet from the sound source.
3. If the Sound Level Variance is approved, Michels Corporation will notify in writing, all property owners/residents within 400 feet of the proposed work location. Notification shall be a minimum of forty-eight (48) hours prior to the start of the work.
4. If there is an emergency, where immediate work is necessary to restore property to a safe condition or to protect persons or property from an imminent exposure to danger, Michels Corporation or its designee shall notify the Department of Safety and Inspections and make a good faith effort to inform property owners/residents within 400 feet of the work location. Notification of the Department of Safety and Inspections and property owners may be done after the work has begun or if possible before the work has started.
5. 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 and any similar type of equipment should be fitted with manufacturer's approved exhaust mufflers. Vehicles operating between 10:00 PM and 7:00 AM 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.

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 granting of a sound level variance, in addition to any criminal citation which may be issued.

Michels Corporation, represented by Willie Grams, Project Manager, has requested an exemption from the sound level limitations in Chapter 293.07 for asphalt, concrete curb and gutter removal and replacement, set up and installation of a cured in place sewer pipe inversion tower, installation with boiler trucks, critically silenced pumps and refrigerated semi-trailer and construction replacement on Jackson Street between 5th Street and Kellogg Boulevard beginning Monday, April 11, 2016, through Tuesday, April 12, 2016.

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

