



Legislation Details (With Text)

File #: RES PH 17- 332 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 12/6/2017

Title: Approving the application of Lametti & Sons Inc. for a sound level variance from 10:00 p.m. to 3:00 a.m., weeknights, from December 1, 2017 through March 30, 2018 for the Phalen Creek Storm Tunnel Rehab Project - Phase 2.

Sponsors: Rebecca Noecker

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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
12/8/2017	1	Mayor's Office	Signed	
12/6/2017	1	City Council	Adopted	Pass

Approving the application of Lametti & Sons Inc. for a sound level variance from 10:00 p.m. to 3:00 a.m., weeknights, from December 1, 2017 through March 30, 2018 for the Phalen Creek Storm Tunnel Rehab Project - Phase 2.

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, Lametti & Sons, Inc. represented by Steve Meyenburg, Project Manager, who has been designated as the responsible person on the application, has applied for a variance, at no specified sound level limit or distance, for sewer construction work related a storm sewer tunnel rehabilitation project. The project proposes to allow elevated sound levels during night hours, with use of small construction equipment and potential to run a skid steer or loader for construction activities; with the proposal indicating that Lametti & Sons is not intending to run equipment at night, only to be utilized if necessary; and

WHEREAS, in order to meet required City of Saint Paul project completion and to minimize disruption to traffic, area businesses, the public, adjoining residents and property owners, the applicant is seeking a variance weekdays, Monday through Friday, 10:00 p.m. to 3:00 a.m., from Friday, December 1, 2017 through Friday, March 30, 2018; and

WHEREAS, if applicant is not granted a variance, Lametti & Sons, Inc. will not be able to complete the storm sewer tunnel rehab project below ground at the intersection of 4th street East and Commercial Street; 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 Lametti & Sons, Inc., subject to the following conditions:

The variance will be for operating general construction/demolition equipment and other repair and installation equipment for constructing a reinforced concrete liner for the storm sewer tunnel floor and tunnel roof. Rehabilitation and replacement of the deteriorated tunnel liner damage to the storm sewer tunnel floor and tunnel roof is required. Construction equipment, such as a skid loader would be proposed to be the loudest equipment, generating sound level limits at 85 dBA at 50 feet. Lametti & Sons would utilize plywood to block sound surrounding area and/or noise dampening blankets. Work is to take place underground in the storm sewer tunnel at the intersection of 4th Street East and Commercial Street. The variance would include work Monday through Friday, 10:00 p.m. to 3:00 a.m., from Thursday, December 7, 2017 through Friday, March 30, 2018; and

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.

Lametti and Son's Inc., represented by Steve Meyenburg, Project Manager, has requested an exemption from the sound level limitations in Chapter 293.07 for operating general construction/ demolition equipment and other repair and installation equipment for constructing a reinforced concrete liner for the storm sewer tunnel floor and tunnel roof. Rehabilitation and replacement of the deteriorated tunnel liner damage to the storm sewer pipe is required. Construction equipment, such as a skid loader would be proposed to be the loudest equipment, generating sound level limits at 85 dBA at 50 feet. Work is proposed to take place underground in the storm sewer tunnel at the intersection of 4th Street East and Commercial Street, Monday through Friday, 10:00 p.m. to 3:00 a.m., from Friday, December 1, 2017 through Friday, March 30, 2018; and

Was proper notice given? YES - See Attachments