



## Legislation Details (With Text)

**File #:** RES PH 19- 347 **Version:** 1

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 10/16/2019

**Title:** Approving the application of the Public Works Department for a sound level variance for sanitary tunnel cleaning projects at seven locations (428 Mississippi River Blvd. S.; 356 Mississippi River Blvd. S. located on Jefferson; 270 Mississippi River Blvd. S. located on the Blvd.; 186 Mississippi River Blvd. S. located on Princeton; 2260 Summit Ave. located on the bike path on Mississippi River Blvd S; 2260 Summit Ave. located on the Blvd.; 145 Otis Ave.) beginning November 4, 2019 through April 30, 2020.

**Sponsors:** Chris Tolbert, Mitra Jalali

**Indexes:** Ward - 3, Ward - 4

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Site 1 Map, 4. Site 1 Owners List, 5. Site 1 Notice to Owners, 6. Site 2 Map, 7. Site 2 Owners List, 8. Site 2 Notice to Owners, 9. Site 3 Map, 10. Site 3 Owners List, 11. Site 3 Notice to Owners, 12. Site 4 Map, 13. Site 4 Owners List, 14. Site 4 Notice to Owners, 15. Site 5 Map, 16. Site 5 Owners List, 17. Site 5 Notice to Owners, 18. Site 6 Map, 19. Site 6 Owners List, 20. Site 6 Notice to Owners, 21. Site 7 Map, 22. Site 7 Owners List, 23. Site 7 Notice to Owners, 24. Letter to Applicant

Date	Ver.	Action By	Action	Result
10/18/2019	1	Mayor's Office	Signed	
10/16/2019	1	City Council	Adopted	Pass

Approving the application of the Public Works Department for a sound level variance for sanitary tunnel cleaning projects at seven locations (428 Mississippi River Blvd. S.; 356 Mississippi River Blvd. S. located on Jefferson; 270 Mississippi River Blvd. S. located on the Blvd.; 186 Mississippi River Blvd. S. located on Princeton; 2260 Summit Ave. located on the bike path on Mississippi River Blvd S; 2260 Summit Ave. located on the Blvd.; 145 Otis Ave.) beginning November 4, 2019 through April 30, 2020.

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, Public Works, represented by Aaron Hass, Civil Engineer, who has been designated as the responsible person on the application, has applied for seven (7) sound level variances, at a requested sound level limit of 90 decibels (dBA) at no specified distance, for sanitary tunnel cleaning work, with use of heavy trucks, generators, pumps and other sewer cleaning equipment during the sanitary tunnel cleaning projects beginning November 4, 2019 through April 30, 2020. The project proposes to allow elevated sound levels during cleaning at the seven (7) tunnel sites. Applicant indicates the cleaning would occur from 7:00 a.m. to 7:00 p.m., with use of equipment with back up alarms and hand- held power tools and other equipment.; and

WHEREAS, in order to meet required repair criteria, strict date, temperature and weather requirements as

mandated by the state, project completion and to minimize disruption to traffic on the described project areas, area businesses, the public, adjoining residents and property owners, the applicant is seeking a 7:00 a.m. until 7:00 p.m. variance, at a requested sound level limit of 90 dBA at no specified distance, to occur in duration of one-two days at a time, with work to progress “south to north”, with an anticipated four to six weeks at each work site. Work is to take place during the period of Monday, November 4, 2019 until Thursday, April 30, 2020; and

WHEREAS, if applicant is not granted a variance, Public Works, through the selected Contractor, will not be able to operate general equipment and other cleaning equipment and power tools needed to complete the required sanitary tunnel cleaning projects at: 428 Mississippi River Blvd. S.; 356 Mississippi River Blvd. S. located on Jefferson; 270 Mississippi River Blvd. S. located on the Blvd.; 186 Mississippi River Blvd. S. located on Princeton; 2260 Summit Ave. located on the bike path; 2260 Summit Ave. located on the Blvd.; 145 Otis Ave., beginning November 4, 2019 through April 30, 2020; 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 Public Works subject to the following conditions:

1. The Variances will be for work activities such as use of general equipment and other cleaning equipment and power tools needed to complete the required sanitary tunnel cleaning projects at 428 Mississippi River Blvd. S.; 356 Mississippi River Blvd. S. located on Jefferson; 270 Mississippi River Blvd. S. located on the Blvd.; 186 Mississippi River Blvd. S. located on Princeton; 2260 Summit Ave. located on the bike path; 2260 Summit Ave. located on the Blvd.; 145 Otis Ave., beginning November 4, 2019 through April 30, 2020.
2. The variance will include cleaning work, with duration of one to two days at a time, with work to progress “south to north”, and an anticipated four to six weeks at each work site. Elevated sound levels to occur from 7:00 a.m. until 7:00 p.m. during the period of November 4, 2019 through April 30, 2020 at 90 dBA at 50 feet from the sound source.
3. If the sound level variance is approved, Public Works with selected Contractor, 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, Public Works, or its designee shall notify DSI and make a good faith effort to inform property owners/residents within 400 feet of the work location. Notification to DSI 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.

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.

Saint Paul Public Works Sewer Utility Division, represented by Aaron Hass, Civil Engineer, has requested an exemption from the sound level limitations in Chapter 293.07 for Sanitary Tunnel Cleaning Projects, with use of general equipment, cleaning equipment, power tools and other equipment needed, beginning Monday, November 4, 2019, through Thursday, April 30, 2020.

Was proper notice given? YES - See Attachments