



## Legislation Text

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**File #:** RES PH 11-1014, **Version:** 1

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Approving the application of Metropolitan Council for a sound level variance in order to allow Central Corridor Light Rail and Skyway construction between 10:00 PM and 1:30 AM, Monday through Saturday, from September 1, 2011 to November 1, 2011, at the Bremer Bank site (between 4<sup>th</sup> and 5<sup>th</sup> Streets, and East Cedar Street and Minnesota Street).

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 and Skyway construction at the Bremer Bank site (between 4<sup>th</sup> and 5<sup>th</sup> Streets, and East Cedar Street and Minnesota Street); 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 to allow a second shift that would include the hours of 10:00 PM to 1:30 AM; and

WHEREAS, if applicant is not granted a variance, it will not be able to complete construction within the required timeline or be able to minimize disruption to businesses, the public and adjoining property owners; 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 the Metropolitan Council, subject to the following conditions:

- 1) The variance shall be for the period September 1, 2011 to November 1, 2011, Monday through Saturday for the time period 10:00 PM to 1:30 AM
- 2) The Contractors and Utility Companies working on the project shall use best practicable methods for controlling noise. Construction activities shall be scheduled to minimize noise as much as possible, such as, but not limited to, the limiting of deliveries to daytime hours, limiting equipment usage, and requiring no idling of equipment or vehicles at the location. Activities such as but not limited to jackhammering and saw cutting will be performed during the day.
- 3) If the City receives significant complaints and DSI verifies that the contractors are not using best practices and equipment or that they are not utilizing appropriate scheduling of work, then DSI will bring this sound level variance back before the City Council for further modifications.

FURTHER RESOLVED, that any violations of the conditions set above may result in denial of future requests

for the grant of 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 in order to allow Central Corridor Light Rail and Skyway construction between 10:00 PM and 1:30 AM, for a second shift, Monday through Saturday, from September 1, 2011 to November 1, 2011, at 50 5<sup>th</sup> Street East (5<sup>th</sup> Street East between Cedar Street and Minnesota Street). 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