



## STAFF REPORT

DATE: January 19, 2021

**REGULAR**

**AGENDA ITEM:** Noise Ordinance Waiver for TH36/Manning Interchange

**SUBMITTED BY:** Kristina Handt, City Administrator

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### **BACKGROUND:**

City Code 130.47 limits construction activity and noise levels related to the use of heavy equipment.

#### **§ 130.47 CONSTRUCTION EQUIPMENT.**

(A) *Purpose.* The city understands that exceeding decibels above the ambient noise level is necessary from time to time in order to perform construction and make necessary improvements within the city. The following exemptions from ambient noise levels outlines specific times during which such activity may take place.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**HEAVY EQUIPMENT.** Compactors/rollers, cranes, dozers, dump trucks, excavators, forklifts, graders, jackhammers, loaders, pavement breakers, pile drivers, portable crushers, tractors, trenchers, or other pieces of equipment that generate similar levels of noise.

**OPERATED.** Includes engine start-up or warm-up, or any activity involving heavy equipment that exceeds ambient noise levels.

(C) Heavy equipment operated the purpose of construction exceeding ambient noise levels may be operated between the hours of 7:00 a.m. to 7:00 p.m. on weekdays and on Saturdays from 8:00 a.m. to 6:00 p.m. No heavy equipment exceeding ambient noise levels at the property line may be operated on Sundays or state and federal holidays. No equipment shall be operated at any time if the sound level from the operation exceeds 100 decibels measured along any property line.

(D) An exemption for activities which the City Administrator find are of urgent necessity and in the interest of public health and safety may be granted by written permission for the operation during any hour of any day for a period not to exceed 3 days or less while the emergency continues. Written permission may be renewed for periods of 3 days or less while the emergency continues.

(E) Construction activity involving operation of equipment producing a sound level of up to 95 decibels that takes place no less than 1,200 feet in any direction from any dwelling may be allowed, through written permission granted by the City Administrator, for operation during any hour of any day. Ambient noise levels must be maintained at the property line.

### **ISSUE BEFORE COUNCIL:**

Should the Council approve different construction hours for the TH36/Manning Interchange project?

### **PROPOSAL:**

Washington County plans to begin construction on the new interchange at TH 36 and Manning Ave this summer. The project may last into 2022. In order to complete the project most

expeditiously, the County is asking the City for a waiver from the construction hours for heavy equipment as outlined in City Code Section 130.47. Since the request exceeds the authority granted the city administrator in code, the request is being brought to Council for consideration. Specifically, the county is asking for overnight work to be allowed for no more than 8 nights between May 2021 and August 2022. In addition, they are asking for Saturday hours to be approved from 7am to 7pm for the duration of the project. A resolution is included in your packet granting these approvals.

**OPTIONS:**

- 1) Approve Resolution No. 2021-014, Extending Construction Hours for the TH 36 and Manning Interchange Project
- 2) Amend and then Approve Resolution No. 2021-014, Extending Construction Hours for the TH36 and Manning Interchange Project
- 3) Do not approve extended hours for the TH36 and Manning Interchange Project

**RECOMMENDATION:**

While the hours are outside of the normal construction hours staff would recommend approval of the resolution in order to complete the project sooner which will reduce the time of disruption to the area.

***Motion to approve Resolution No. 2021-014, Extending Construction Hours for the TH36 and Manning Interchange Project.***

**ATTACHMENTS:**

- Resolution No. 2021-014, Extending Construction Hours for the TH 36 and Manning Interchange Project

**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**RESOLUTION 2021-014  
A RESOLUTION TO EXTEND CONSTRUCTION HOURS FOR THE TH36 AND  
MANNING INTERCHANGE PROJECT**

**WHEREAS**, Section 130.47 of the City Code provides for construction hours between 7am and 7pm, Monday – Friday and 8am – 6pm on Saturdays.

**WHEREAS**, Washington County in partnership with the Cities of Grant, Lake Elmo, and Stillwater is in the process of constructing a grade separated interchange at Highway 36 and Manning Avenue; and

**WHEREAS**, Washington County will hire a contractor to complete this work; and

**WHEREAS**, Washington County has requested a waiver to the City’s noise ordinance to allow work from 7pm to 7am for no more than eight (8) nights to more safely and efficiently complete bridge construction; and

**WHEREAS**, Washington County has requested a waiver to the City’s noise ordinance to allow work from 7am to 7pm on Saturdays for the duration of the construction to more safely and efficiently complete interchange construction; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Lake Elmo hereby approves a waiver to Section 130.47 of the Noise Ordinance to allow:

1. The contractor to work from 7pm to 7am no more than eight (8) nights from May 1, 2021 to August 15, 2022, subject to the condition that the following activities may not be performed after 7pm or before 7am:
  - Pile driving/removal
  - Concrete pavement demolition
  - Sawing for pavement removal
  - Crushing operations
  - Jack-hammering
2. The contractor to work from 7am to 7pm on Saturdays from May 1, 2021 to August 15, 2022.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO THIS 19<sup>th</sup> DAY  
OF JANUARY 2021.**

By: \_\_\_\_\_  
Charles Cadenhead  
Mayor

ATTEST:

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Julie Johnson  
City Clerk