



decibels (dBA) at no specified distance at multiple locations: 75 Rev Dr. Martin Luther King Jr Boulevard, of the State Capitol Complex for Saturday, October 2, 2021 and Sunday, October 3, 2021; other Non-State Capitol sites for Sunday, October 3, 2021, including Mississippi River Boulevard and Eustis Street-Marshall Avenue; Summit Avenue and Cretin-Cleveland Avenues; Summit Avenue and Moore Street-Howell Street; Summit Avenue and Saratoga Street North-Pascal Street; Summit Avenue and Hamline Avenue-Syndicate Street; Summit Avenue and Lexington Avenue-Oxford Street; Summit Avenue and Chatsworth Street-Milton Street; and Summit Avenue and Nina Street-Selby Avenue; and

WHEREAS, applicant is seeking a variance for the hours of 7:00 a.m. until 12:00 p.m. on Saturday, October 2, 2021, and 7:00 a.m. until 2:30 p.m. on Sunday, October 3, 2021 at the State Capitol Complex, with pre-event sound checks from 6:30 a.m. to 7:00 a.m.; for the other eight locations for amplified sound on Sunday, October 3, 2021, from 7:30 a.m. until 2:30 p.m., with a pre-event sound check from 7:15 a.m. until 7:30 a.m. for announcements, speakers and music during the Medtronic Twin Cities Marathon; and

WHEREAS, if applicant is not granted variances applicant will not be able to present announcements, speakers and music at the nine (9) specified locations; and

WHEREAS, the Department of Safety and Inspections 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 Twin Cities in Motion, subject to the following conditions:

- 1) The Variances will be for the Twin Cities in Motion, Medtronic Twin Cities Marathon at 75 Rev Doctor Martin Luther King Jr Boulevard, State Capitol Complex for the hours of 7:00 a.m. until 12:00 p.m. on Saturday, October 2, 2021 and 7:00 a.m. until 2:30 p.m. on Sunday, October 3, 2021, with pre-event sound checks from 7:00 a.m. until 7:15 a.m.; and from 7:30 until 2:30 p.m. with a pre-event sound check from 7:15 a.m. until 7:30 a.m. for the other eight amplified sound locations on Sunday, October 3, 2021 for announcements, speakers and music.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the event must not exceed 85 dBA at 50 feet at the State Capitol Complex and must not exceed 80 dBA as measured 50 feet from the sound source at all other eight locations.
- 3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 12:00 p.m. on Saturday, October 2, 2021 and no later than 2:30 p.m. on Sunday, October 3, 2021, the dates of the event.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 2, 2021 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Twin Cities in Motion, represented by Eli Asch, has requested an exemption from the sound level limitations in

Chapter 293.07 in order to present amplified sound for announcements, speakers and music, from 7:00 a.m. until 12:00 p.m. on Saturday, October 2, 2021 and from 7:00 a.m. until 2:30 p.m., with pre-event sound checks from 6:30 a.m. until 7:00 a.m. on Saturday, October 2, 2021 and Sunday, October 3, 2021 at the State Capitol Complex, 75 Rev Doctor Martin Luther King Jr Boulevard; and from 7:30 a.m. until 2:30 p.m., with a pre-event sound check from 7:15 a.m. until 7:30 a.m. on Sunday, October 3, 2021 at all other eight locations during the Medtronic Twin Cities Marathon. Chapter 293.09 provides for the granting of variances from the sound level limitation contained in Chapter 293.07.

Was proper notice given? YES - See Attachments