



## Legislation Details (With Text)

**File #:** RES PH 21- 249 **Version:** 1

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 9/15/2021

**Title:** Approving the application of Twin Cities in Motion for nine sound level variances in order to present amplified sound for announcements, speakers and music on October 2 and 3, 2021 during the Medtronic Twin Cities Marathon at the State Capitol Complex, and on Sunday October 3, 2021 for eight locations from Mississippi River Boulevard and Marshall east along Summit Avenue to Selby Avenue and State Capitol.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application (Summit Ave), 2. Application (State Capitol), 3. ENS, 4. ENS, 5. Map - Hamline Ave N. to Syndicate St., 6. Map Chatsworth St N. to N. Milton St., 7. Map Cretin to Wilder Ave, 8. Map Lexington Pkwy to Oxford St. N, 9. Map Mississippi River Blvd - Eustis to Marshall Ave., 10. Map Moore St. to Howell St. N., 11. Map Nina St. to Selby Ave, 12. Map State Capitol finish line, 13. Owners list Chatsworth to N Milton St, 14. Owners list Cretin Ave to Wilder St, 15. Owners list Hamline Ave to Syndicate St, 16. Owners list Howell and Moore, 17. Owners list Lexington Pkwy to Oxford St. N, 18. Owners list Mississippi Blvd to Marshall Ave, 19. Owners list Nina St. to Selby Ave, 20. Owners list Saratoga St. to Pascal St., 21. Owners list State Capitol, 22. 1 - On Mississippi River Blvd - from Eustis St to Marshall Ave. Notice to Owners, 23. 2 - On Summit Ave from Cretin Ave to Cleveland Ave. Notice to Owners, 24. 3 - On Summit Ave from Moore St to Howell St. Notice to Owners, 25. 4 - On Summit Ave. from Chatsworth St. to Milton St. Notice to Owners, 26. 5 - On Summit Ave. from Hamline Ave to Syndicate St. Notice to Owners, 27. 6 - On Summit Ave. from Lexington Pkwy to Oxford St. Notice to Owners, 28. 7 - On Summit Ave. from Saratoga St. to Pascal St. Notice to Owners, 29. 8 - On Summit Ave from Nina St. to Selby Ave. Notice to Owners, 30. State Capitol Area. Notice to Owners, 31. Letter to Applicant, 32. Jim Kennelly email in opposition.pdf, 33. Susan Rose email in support.pdf, 34. RLh PH 21-249 - Susan Rose, 35. RES PH 21-249 - Jim Kennelly

Date	Ver.	Action By	Action	Result
9/17/2021	1	Mayor's Office	Signed	
9/15/2021	1	City Council	Adopted	Pass

Approving the application of Twin Cities in Motion for nine sound level variances in order to present amplified sound for announcements, speakers and music on October 2 and 3, 2021 during the Medtronic Twin Cities Marathon at the State Capitol Complex, and on Sunday October 3, 2021 for eight locations from Mississippi River Boulevard and Marshall east along Summit Avenue to Selby Avenue and State Capitol.

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, Twin Cities in Motion, represented by Eli Asch, Race Director, has applied for nine (9) variances to present amplified sound for announcements, speakers and music at a requested sound level of up to 85

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