



## Legislation Details (With Text)

**File #:** RES PH 11- 979 **Version:** 2

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 7/20/2011

**Title:** Approving the application of OptumHealth Performance for a sound level variance in order to provide use of P. A. amplified sound from 6:00 a.m. until 12:00 noon. on July 24, 2011 during the Twin Cities Triathlon at Harriet Island.

**Sponsors:** Kathy Lantry

**Indexes:**

**Code sections:**

**Attachments:** 1. SLV OptumHealth Performance Application.pdf, 2. SLV OptumHealth Performance ENS notification.pdf, 3. Applicant OptumHealth Notification Letter.pdf, 4. District Councils 3, 9, & 17 Notification Letter.pdf, 5. Property Notification OptumHealth Performance map.pdf, 6. Property Owners OptumHealth Performance Notification List.pdf, 7. Property Owners OptumHealth Performance Notification Letter Example.pdf

| Date      | Ver. | Action By      | Action  | Result |
|-----------|------|----------------|---------|--------|
| 7/22/2011 | 2    | Mayor's Office | Signed  |        |
| 7/20/2011 | 2    | City Council   | Adopted | Pass   |

Approving the application of OptumHealth Performance for a sound level variance in order to provide use of P. A. amplified sound from 6:00 a.m. until 12:00 noon. on July 24, 2011 during the Twin Cities Triathlon at Harriet Island.

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, OptumHealth Performance, represented by Kris Swarthout, Race Director, who has been designated as the responsible person on the application, has applied for a variance to provide use of P. A. amplified sound at Harriet Island; and

WHEREAS, applicant is seeking a variance for the hours of 6:00 a.m. until 12:00 noon on July 24, 2011 during the Twin Cities Triathlon at Harriet Island; and

WHEREAS, if applicant is not granted a variance it will not be able to provide the use of P.A. amplified sound at Harriet Island; 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 OptumHealth Performance, subject to the following conditions:

- 1) The variance shall be for the hours of 6:00 a.m. until 12:00 noon on July 24, 2011.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 65 dBA from 6:00 a.m. to 7:00 a.m., 70 dBA from 7:00 a.m. to 10:00 a.m., and 80 dBA from 10:00 a.m. to 12:00 noon, as measured at 100 feet from the sound source.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound mix during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 12:00 noon on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the July 24, 2011 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

OptumHealth Performance, represented by Kris Swarthout, Race Director, has requested an exemption from the sound level limitations in Chapter 293.07 in order to provide the use of an amplified P. A. system, with limitations, from 6:00 a.m. to 12:00 noon. on July 24, 2011 during the Twin Cities Triathlon. 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