



## Legislation Details (With Text)

**File #:** RES PH 19- 318      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed

**In control:** City Council

**Final action:** 9/11/2019

**Title:** Approving the revised application of Twin Cities in Motion for nine sound level variances for amplified sound at the State Capitol Complex and eight other locations from Mississippi River Boulevard and Marshall, east along Summit Avenue to Selby Avenue and State Capitol, on October 5 and 6, 2019 during the Medtronic Twin Cities Marathon.

**Sponsors:** Dai Thao, Rebecca Noecker, Mitra Jalali

**Indexes:** Ward - 1, Ward - 2, Ward - 4

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. ENS - State Capital, 4. Map - Mississippi River Blvd - from Eustis St. to Marshall Ave, 5. Map - Summit Ave from Cretin Ave to Cleveland Ave, 6. Map - Summit Ave from Moore St to Howell St, 7. Map - Summit Ave. from Chatsworth St. to Milton St., 8. Map - Summit Ave. from Hamline Ave to Syndicate St., 9. Map - Summit Ave. from Lexington Pkwy to Oxford St., 10. Map - Summit Ave. from Saratoga St. to Pascal St, 11. Map - Summit Ave from Nina St. to Selby Ave., 12. Map - State Capital, 13. Notice to Owners - Mississippi River Blvd - from Eustis St. to Marshall Ave, 14. Notice to Owners - Summit Ave from Cretin Ave to Cleveland Ave, 15. Notice to Owners - Summit Ave from Moore St to Howell St., 16. Notice to Owners - Summit Ave. from Chatsworth St. to Milton St., 17. Notice to Owners - Summit Ave. from Hamline Ave to Syndicate St., 18. Notice to Owners - Summit Ave. from Lexington Pkwy to Oxford St., 19. Notice to Owners - Summit Ave. from Saratoga St. to Pascal St, 20. Notice to Owners - Summit Ave from Nina St. to Selby Ave., 21. Notice to Owners - State Capital, 22. Owners List - Mississippi River Blvd - from Eustis St. to Marshall Ave, 23. Owners List - Summit Ave from Cretin Ave to Cleveland Ave, 24. Owners List - Summit Ave from Moore St to Howell St., 25. Owners List - Summit Ave. from Chatsworth St. to Milton St., 26. Owners List - Summit Ave. from Hamline Ave to Syndicate St., 27. Owners List - Summit Ave. from Lexington Pkwy to Oxford St., 28. Owners List - Summit Ave. from Saratoga St. to Pascal St, 29. Owners List - Summit Ave from Nina St. to Selby Ave., 30. Owners List - State Capital, 31. Letter to Applicant

Date	Ver.	Action By	Action	Result
9/13/2019	1	Mayor's Office	Signed	
9/11/2019	1	City Council	Adopted	Pass

Approving the revised application of Twin Cities in Motion for nine sound level variances for amplified sound at the State Capitol Complex and eight other locations from Mississippi River Boulevard and Marshall, east along Summit Avenue to Selby Avenue and State Capitol, on October 5 and 6, 2019 during the Medtronic Twin Cities Marathon.

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 Colleen Josephs, Sr. Race Operations Coordinator, has submitted a revised application 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; 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. to 12:00 p.m., with a pre-event sound check from 6:30 a.m. until 7:00 a.m. on Saturday, October 5, 2019, and from 7:30 a.m. to 2:30 p.m., with a pre-event sound check from 7:15 a.m. until 7:30 a.m. on Sunday, October 6, 2019 at the State Capitol Complex, 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. at all other locations on Sunday, October 6, 2019 for amplified sound 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 revised 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. to 12:00 p.m., with a pre-event sound check at 7:00 a.m. on Saturday, October 5, and from 7:30 a.m. to 2:30 p.m., with a pre-event sound check from 7:15 a.m. until 7:30 a.m. on Sunday, October 6, 2019; 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. at all other eight locations as well on Sunday, October 6, 2019 for amplified sound 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 5 and 2:30 p.m. on Sunday, October 6, 2019, 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.

Twin Cities in Motion, represented by Colleen Joseph, 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. to 12:00 p.m., with a pre-event sound check from 6:30 a.m. until 7:00 a.m. on Saturday, October 5, 2019 and from 7:30 a.m. to 2:30 p.m., with a pre-event sound check from 7:15 a.m. until 7:30 a.m. on Sunday, October 6, 2019 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. at all other eight locations as well on Sunday, October 6, 2019 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