



## Legislation Details (With Text)

**File #:** RES 11-838    **Version:** 1  
**Type:** Resolution-Public Hearing    **Status:** Passed  
**In control:** City Council  
**Final action:** 5/18/2011

**Title:** Approving the application of the Minnesota Children's Museum for a sound level variance in order to present amplified speakers, videos, and band music from 6:00 p.m. until 10:30 p.m. on June 25, 2011 in a tent at 10 Seventh Street West. (Public hearing continued from May 4.)

**Sponsors:** Dave Thune

**Indexes:**

**Code sections:**

**Attachments:** 1. SLV Minnesota Childrens Museum Application.pdf, 2. Minnesota Children's Museum SLV ENS Notice.pdf, 3. Applicant Minnesota Children's Museum SLV Notification Letter.pdf, 4. District Council 17 Minnesota Children's Museum Notification Letter.pdf, 5. Property Notification Minnesota Children's Museum Map.pdf, 6. Property Owners Minnesota Children's Museum List.pdf, 7. Property Owners Minnesota Children's Museum Notification Letter Example.pdf

Date	Ver.	Action By	Action	Result
5/25/2011	1	Mayor's Office	Signed	
5/18/2011	1	City Council	Adopted	Pass
5/4/2011	1	City Council	Continue Public Hearing	Pass

Approving the application of the Minnesota Children's Museum for a sound level variance in order to present amplified speakers, videos, and band music from 6:00 p.m. until 10:30 p.m. on June 25, 2011 in a tent at 10 Seventh Street West. (Public hearing continued from May 4.)

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, the Minnesota Children's Museum, represented by Denise Fosse, Vice President, Development, who has been designated as the responsible person on the application, has applied for a variance to present amplified speakers, videos, and band music in a tent at 10 7<sup>th</sup> Street W.; and

WHEREAS, applicant is seeking a variance for the hours of 6:00 p.m. until 10:30 p.m. on June 25, 2011; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified speakers, videos, and band music at 10 7<sup>th</sup> Street W.; 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 the Minnesota Children's Museum, subject to the following conditions:

- 1) The variance shall be for the hours of 6:00 p.m. until 10:30 p.m. on June 25, 2011 in a tent at 10 7<sup>th</sup> Street W.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA, as measured at the tent wall opposite the stage or music source.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at all stages and each sound mix during the hours of the variance, to ensure compliance with Condition #2.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:30 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the June 25, 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.

The Minnesota Children's Museum, represented by Diane Fossey, Vice President, Development, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified speakers, videos, and band music, with limitations, from 6:00 p.m. until 10:30 p.m. on June 25, 2011 in a tent at 10 7<sup>th</sup> Street W. 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