



## Legislation Details (With Text)

**File #:** RES PH 14- 258 **Version:** 1

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 9/17/2014

**Title:** Approving the application of the Minnesota Opera for a sound level variance in order to present a live simulcast of a Minnesota Opera and Ordway Collaboration Performance at Rice Park on Saturday, September 20, 2014 from 8:00 p.m. to 11:00 p.m.

**Sponsors:** Dave Thune

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to District Council, 5. Notice to Property Owners, 6. List of Property Owners, 7. Letter to Applicant

| Date      | Ver. | Action By      | Action  | Result |
|-----------|------|----------------|---------|--------|
| 9/22/2014 | 1    | Mayor's Office | Signed  |        |
| 9/17/2014 | 1    | City Council   | Adopted | Pass   |

Approving the application of the Minnesota Opera for a sound level variance in order to present a live simulcast of a Minnesota Opera and Ordway Collaboration Performance at Rice Park on Saturday, September 20, 2014 from 8:00 p.m. to 11:00 p.m.

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 Opera, represented by Karen Quisenberry, Production Director, and Kalsey Beach, Event Planner, who have been designated as the responsible persons on the application, have applied for a variance to present a live simulcast of a Minnesota Opera and Ordway Collaboration Performance, with the Simulcast Event at Rice Park with speakers and other equipment on Saturday, September 20, 2014; and

WHEREAS, if applicant is not granted a variance it will not be able to present the live simulcast of amplified music and/or announcements at the Rice Park Simulcast Event site; 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 sound level variance to the Minnesota Opera, subject to the following conditions:

1. The variance will be for the Minnesota Opera and Ordway Collaboration Performance for a live Ordway simulcast at Rice Park on September 20, 2014 with show performance from 8:00 p.m. to 11:00 p.m.

2. All electronically powered equipment, PA system, loudspeaker or any similar device used in conjunction with the event, will not exceed 85 dBA, as measured 50 feet from any stage or sound source used for music and/or announcements between the hours of 8:00 p.m. and 11:00 p.m.
3. The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
4. All electronically powered equipment, PA systems, loudspeakers or similar devices will be turned off by 11:00 p.m. on September 20, 2014.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of the grant of a variance for the subsequent date(s), in addition to any criminal citation which might issue.

Minnesota Opera, represented by Karen Quisenberry, Production Director and Kalsey Beach, Event Planner, have requested an exemption from the sound level limitations in Chapter 293.07 in order to present a live simulcast of a September 20, 2014 Minnesota Opera and Ordway Collaboration Performance occurring at the Ordway, with the simulcast at Rice Park for the Minnesota Opera and Ordway Collaboration Event with show performance from 8:00 p.m. to 11:00 p.m. 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