



Legislation Details (With Text)

File #: RES PH 17- 226 **Version:** 1
Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 9/6/2017

Title: Approving the application of Leon Dulak, Midwest Renewable Energy Association, for a sound level variance in order to provide amplified music and the use of a sound system on Friday, September 8; Saturday, September 9; and Sunday, September 10, 2017 during the Energy Fair MN at Harriet Island.

Sponsors: Rebecca Noecker

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Code sections:

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

Date	Ver.	Action By	Action	Result
9/8/2017	1	Mayor's Office	Signed	
9/6/2017	1	City Council	Adopted	Pass

Approving the application of Leon Dulak, Midwest Renewable Energy Association, for a sound level variance in order to provide amplified music and the use of a sound system on Friday, September 8; Saturday, September 9; and Sunday, September 10, 2017 during the Energy Fair MN 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, Midwest Renewable Energy Association, represented by Leon Dulak, Site Manager, who has been designated as the responsible person on the application, has applied for a variance, for 90 dBA at no specified distance, to provide amplified music and the use of a sound system for announcements, and musical performances at Harriet Island; and

WHEREAS, applicant is seeking a variance from 5:00 p.m. to 9:00 p.m. on Friday, September 8, from 1:00 p.m. until 2:00 p.m. and from 6:00 p.m. until 11:00 p.m. on Saturday, September 9, and from 12:00 p.m. until 2:00 p.m. on Sunday, September 10, 2017, with a pre-event sound check at 10:00 a.m. each day during the Energy Fair MN at Harriet Island; and

WHEREAS, if applicant is not granted a variance they will not be able to provide the use of a sound system and amplified music 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 Leon Dulak, Site Manager

for the Energy Fair MN at Harriet Island subject to the following conditions:

- 1) The variance shall be for the hours of 5:00 p.m. to 9:00 p.m. on Friday, September 8, from 1:00 p.m. to 2:00 p.m. and from 6:00 p.m. until 11:00 p.m. on Saturday, September 9, and from 12:00 p.m. until 2:00 p.m. on Sunday, September 10, 2017, with a pre-event sound check at 10:00 a.m. each day.
- 2) All electronically powered equipment, PA systems, loudspeakers, or similar devices will only be located at the locations indicated on the venue diagram submitted as part of the sound level variance application:
 - a. Small Venue Sound System inside Main Stage Tent and Pavilion on Friday, September 8, 2017
 - b. Music and Keynotes on Medium Venue Sound System inside Main Stage Tent and Pavilion on Saturday, September 9, 2017
 - c. Music and Keynotes on Small Venue Sound System inside the Main Stage Tent and Pavilion on Sunday, September 10, 2017
- 3) All electronically powered equipment, PA systems, loudspeakers, or similar devices will be aimed or located so they are facing down river, away from residential use areas such as those across the river or the bluff area to the south.
- 4) All electronically powered equipment, PA systems, loudspeakers, or similar devices used in conjunction with the event must not exceed 90 dBA at 50 feet from the sound source for areas used in conjunction with the Main Stage Tent and Pavilion.
- 5) The applicant will provide personnel and equipment to provide continuous sound level monitoring to ensure compliance with the sound level variance conditions.
- 6) All electronically powered equipment, PA systems, loudspeakers, or similar devices must be turned off no later than 9:00 p.m. on September 8, 2017, no later than 11:00 p.m. on Saturday, September 9, 2017 and no later than 2:00 p.m. on Sunday, September 10, 2017.
- 7) The Midwest Renewable Energy Association must maintain a copy of the approved sound level variance at the event location and have it available for review by the City of Saint Paul Police or inspection personnel.

FURTHER RESOLVED, that any violation of the conditions set forth above may result in revocation of the sound level variance, in denial of future requests for a sound level variance, in addition to any criminal citation which might issue.