

★ Roll Call Number
08-838

Agenda Item Number
55

Date May 5, 2008

WHEREAS, a variance to the Type B sound permit in the current noise ordinance is necessary for concerts to continue in Water Works Park; and

WHEREAS, staff has met with concerned business owners who promote concerts at Water Works Park to determine the parameters of the variance that would allow Lazerfest, the first concert, to go on as scheduled on May 21, 2008.

WHEREAS, it is recommended that a variance to Chapter 42, Article IV of the Municipal Code for Lazerfest be issued with the following requirements included in the Type B permit:

- A decibel level limit of 85 measured at the property line of the nearest residence,
- ~~The stage and sound equipment shall be set up facing the northeast directing the sound~~ through the park and away from residential areas.

WHEREAS, this variance is intended to serve as a test so that an amendment may be adopted with appropriate sound levels for concerts in Water Works Park.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

It is recommended that the Community Development Department issue a variance to Chapter 42, Article IV of the Municipal Code concerning a Type B sound permit for the Lazerfest concert to be held on May 21, 2008 in Water Works Park with the following requirements included:

1. A decibel level limit of 85 measured at the property line of the nearest residence, and
2. The stage and sound equipment shall be facing the northeast directing the sound through the park and away from residential areas.

(Council Communication 08- 251)

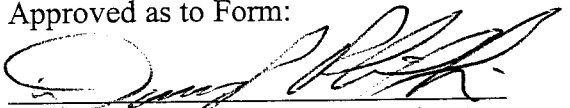
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Moved by Kiernan to adopt.

Approved as to Form:


Douglas P. Philip, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY				✓
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED


T. M. Franklin, Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.


Diane Rauh, City Clerk