

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #11-05-___

A RESOLUTION APPROVING AN INTERIM USE PERMIT TO ALLOW FOR COMMERCIAL OUTDOOR RECREATION FOR THE OPERATION OF A GO CART TRACK, BASED UPON FINDINGS OF FACT #___ AND DECLARING TERMS OF SAME.

WHEREAS, Karl Janzen, hereinafter referred to as "**PERMITTEE**", has properly applied for an Interim Use Permit to allow the operation of a go cart track on the subject property generally known as 14550 Armstrong Blvd NW, legally described as:

Lots 1 and 3, Block 1, Hauser Addition, Anoka County, Minnesota.

(the "Subject Property"); and

WHEREAS, the City Council has adopted findings of fact related to the **PERMITTEE**'s application by its Resolution #11-05-___, which are hereby incorporated as reference.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

That based on the foregoing findings of fact, the City Council concludes that an Interim Use Permit ("IUP") may be granted to the **PERMITTEE** conditioned upon the following:

- 1) The **PERMITTEE** may operate go-cart racing track on the Subject Property as indicated on the site plan prepared by Hakanson Anderson, dated April 12, 2011 (the "Site Plan"), herein attached as Exhibit A.
- 2) These IUP uses are for a five year term commencing on the date of approval of this permit. This IUP is defined in Section 117-52 of City Code. City Staff will monitor the events for any problems related to traffic, crowd control, noise, and other issues related to public safety.
- 3) The **PERMITTEE** may operate no more than twice per week.
- 4) The **PERMITTEE** shall acquire permission from any and all persons, organizations, or companies with rights to any and all drainage and utility easements to perform any work within any drainage and utility easement and shall be subject to approval of the City Attorney as to legal form.
- 5) The **PERMITTEE** shall provide the City's City Engineer with final civil engineering plans to ensure compliance with Stormwater management and erosion control prior to commencing any construction.

- 6) The **PERMITTEE** shall be responsible for any environmental cleanup on the Subject Property as a result of any hazardous material spill.
- 7) The **PERMITTEE** shall comply with City Code Section 30-3 (Public nuisances) including, but not limited to, noise levels and dust control.
- 8) The **PERMITTEE** shall be responsible for obtaining all applicable permits, licenses, etc. including, but not limited to, a Zoning Permit for fence construction, a permanent sign permit, a grading permit, and a license from Anoka County for all food vendors.
- 9) The **PERMITTEE** shall be allowed to expand the existing parking lot consistent with the Site Plan. The **PERMITTEE** shall be responsible for securing an additional thirty (30) proof of parking spaces in addition to the twenty-one (21) shown on the Site Plan. The **PERMITTEE** shall secure shared parking easements, subject to review and approval of the City as to form prior to executing such agreement, for all proof of parking for spaces not on the Subject Property.
- 10) The **PERMITTEE** shall be allowed to utilize tires along the inside of the chain-link fence stacked no more than two (2) tires high.
- 11) The **PERMITTEE** shall be allowed to park vehicles on a grass surface for those vehicles necessary for the operation of the go carts.
- 12) The **PERMITTEE** shall be allowed to utilize bleacher sections in accordance with applicable building regulations. The **PERMITTEE** shall notify the City prior to placing any bleacher on the Subject Property to ensure compliance with applicable regulations.
- 13) The **PERMITTEE** shall be required to maintain six (6) portable restroom facilities in clean and sanitary conditions at all times of operation.
- 14) Any improvements, including financial investment, the **PERMITTEE** may make in reliance on this IUP SHALL NOT be considered as factors by the City in the event the **PERMITTEE** applies for an extension of the IUP.
- 15) The **PERMITTEE** shall be required to provide appropriate safety barriers surrounding the electrical service to prevent damage and injury to racers and spectators, subject to approval of the City's Police Chief and Fire Chief.
- 16) If any provision of this IUP shall be declared void or unenforceable, the other provisions shall not be affected but shall remain in full force and effect.
- 17) This IUP shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the City and the **PERMITTEE**.
- 18) The violation of any of the material terms of this IUP is grounds for suspension or revocation hereof, consistent with applicable law. Furthermore, the City specifically reserves the right to amend, suspend or revoke this IUP consistent with applicable law as reasonably required to protect the public health, safety and welfare and the environment. Specifically, but without limiting the foregoing, the City may amend, suspend or revoke this IUP consistent with applicable law if the City Council reasonably determines that

continued operation of the one-day events places the public health, safety, or welfare, or the environment in jeopardy or creates a public nuisance due to noise or other nuisance factors.

- 19) The City reserves the right to enter the Subject Property for the purposes of conducting inspections and obtaining necessary information pertaining to the construction and operational effect of the IUP or any related event.
- 20) All costs incurred by the City in administering and enforcing this permit shall be the responsibility of the Permittee and shall be paid within thirty (30) days of billing by the City.
- 21) The **PERMITTEE** shall be responsible for removal of all outdoor storage and debris within 48 hours of conclusion of event.
- 22) That the IUP shall abide by all lease terms between the PERMITTEE and the City, including termination of the IUP in the event the Subject Property is needed for another public purpose including, but not limited to, construction of Armstrong Boulevard.

The motion for the adoption of the foregoing resolution as duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council, this the 31st day of May, 2011.

