

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

RESOLUTION #11-10-___

RESOLUTION APPROVING THE ISSUANCE OF AN INTERIM USE PERMIT TO ALLOW FOR THE OPERATION OF A CHURCH IN THE H-1 HIGHWAY 10 BUSINESS DISTRICT BASED ON FINDINGS OF FACT #___ AND DECLARING TERMS OF SAME.

WHEREAS, Northern Light Church, hereinafter referred to as "Permittee", has properly applied to the City of Ramsey (the "City") for an interim use permit (the "Permit") to operate a Church in the H-1 Highway 10 Business District on the property located at 6701 Highway 10 NW and legally described as follows:

Lot 3, Block 1, Deal Industrial Park, Anoka County, Minnesota

(the "Subject Property"); and

WHEREAS, the Planning Commission met on September 8, 2011, conducted a public hearing and recommended that the City Council approve the request for an interim use permit to operate a Church in the H-1 Highway 10 Business District;

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

This permit is issued pursuant to Section 117-52 of the Ramsey City Code. The conditions of this Permit are as follows:

- 1) The **Permittee** is herein allowed to operate a Church and Parish Offices on the **Subject Property**.
- 2) This **Permit** shall allow worship services to be offered on Saturday evening and Sunday mornings ("Normal Operating Hours").
- 3) That should the **Permittee** develop educational and/or community outreach programming to be offered on the **Subject Property** outside of Normal Operating Hours, this must be communicated, in writing, to the **City** for review to ensure it would not negatively impact traffic, parking or operations of the other uses on the **Subject Property**. Should it appear to exceed available parking or conflict with existing uses on the **Subject Property**, the programming may need to be adjusted to eliminate potential conflicts.
- 4) The **Permittee** shall be responsible for ensuring all off-street parking related to the Church operation is in accordance with Section 117-356. Parking along Highway 10 shall be prohibited at all times. Any off-street parking violation would be cause to revisit the **Permit** for potential revocation.

- 5) That should the **Permittee's** membership grow such that it exceeds the available on-site parking spaces required under City Code Section 117-356 (one [1] space per every three [3] seats), the **Permit** will be revisited to explore alternative parking options and/or revocation.
- 6) The **Permittee** shall provide two (2) weeks written notification to the other tenants of 6701 Highway 10 NW, the tenant(s) of 6745 Highway 10 NW and the City whenever worship services may be scheduled outside of normal operating hours (such as for Ash Wednesday, Good Friday, Christmas Eve etc).
- 7) The **Permittee** shall be responsible for installation of fire suppression as required by MN State Building Code Chapter 1306 and as negotiated through the lease by and between the **City** and the **Permittee**.
- 8) This **Permit** shall commence on November 1, 2011 of same and shall expire on November 11, 2015 (a term of forty-eight [48] months).
- 9) This **Permit** is applicable only to the operation of a church and parish offices on the **Subject Property**. The granting of this **Permit** does not allow for any other use that is prohibited in the H-1 Highway 10 Business District.
- 10) This **Permit** shall become null and void in the event the use granted under this **Permit** permanently ceases prior to the expiration date or upon the expiration date, whichever occurs first.
- 11) That all costs incurred by the **City** in administering and enforcing this **Permit** shall be the responsibility of the **Permittee**.
- 12) That the City Administrator or his or her designee shall have the right to inspect the **Subject Property** for compliance and safety purposes at any time.
- 13) That the failure of the **City** at any time to require performance by the **Permittee** of any provisions herein shall in no way affect the right of the **City** thereafter to enforce the same. Nor shall waiver by the **City** of any breach of any of the provisions hereof be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself.
- 14) That if any provision of this **Permit** shall be declared void or unenforceable, the other provisions shall not be affected but shall remain in full force and effect.
- 15) That this **Permit** shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the **City** and the **Permittee**.
- 16) That if the **Permittee** or its successors or assigns violates any material term or condition of this **Permit**, it is grounds for suspension or revocation hereof consistent with applicable law. Specifically, but without limiting the foregoing, the **City** may amend, suspend, or revoke this **Permit**, consistent with applicable law, if the City Council reasonably determines that continued operation of the facility places the public health, safety or welfare or the

environment in jeopardy or creates a public nuisance due to odors, litter, debris or other nuisance factors. The change, alteration or amendment of any statute, regulation, ordinance or permit condition by any governmental authority other than the **City**, shall not excuse the **Permitee** from compliance with statutes, regulations, ordinances or **Permit** conditions in effect on the date of the original issuance of this **Permit** unless compliance is waived or excused by the **City**.

The motion for the adoption of the foregoing resolution was 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 25th day of October, 2011.

NORTHERN LIGHT CHURCH

By: _____

As: _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, _____, before me, a Notary Public, personally appeared _____, the _____ of Northern Light Church, a to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public

CITY OF RAMSEY:

By: _____
Mayor

By: _____
City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this ____ day of _____, _____, before me, a Notary Public, personally appeared Bob Ramsey and JoAnn M. Thieling, to me personally known, who, being each by me duly sworn did say that they are respectively the Mayor and City Clerk of the City of Ramsey, the Municipal Corporation named in the foregoing instrument, and seal affixed to said instrument is the corporate seal of said Municipal Corporation, and the said instrument was signed and sealed on behalf of said Municipal Corporation by authority of its City Council and said Bob Ramsey and JoAnn M. Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

This document drafted by:
The City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303

This document reviewed by:
Randall, Dehn and Goodrich
2140 Fourth Avenue
Anoka, MN 55303