

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

RESOLUTION #11-11-234

RESOLUTION APPROVING THE ISSUANCE OF AN INTERIM USE PERMIT TO ALLOW FOR THE OPERATION OF A CHURCH IN THE B-1 BUSINESS DISTRICT BASED ON FINDINGS OF FACT #0895, AND DECLARING THE TERMS OF SAME.

WHEREAS, Rum River Retail Ventures, LLC has properly applied to the City of Ramsey (the "City") for an interim use permit to operate a church in the B-1 Business District on the property located at 5900 167th Ave NW and legally described as follows:

The north 426.29 feet, as measured along west line of that part of Southwest Quarter of Southeast Quarter of Section 11, Township 32, Range 25 lying westerly of center line of Trunk Highway No. 47, except road, subject to easement of record, Anoka County, Minnesota

(the "Subject Property"); and

WHEREAS, the Planning Commission met on November 3, 2011, conducted a public hearing and recommended that the City Council approve the request to operate a church in the B-1 Business District for a term of nine (9) months including compliance with certain benchmarks as identified in the interim use permit; and

WHEREAS, the City Council met on November 22, 2011 to review the request for an interim use permit to operate a church in the B-1 Business District on the Subject Property.

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) Based on Findings of Fact #0895, an Interim Use Permit ("Permit") to allow the temporary operation of Church and Church Offices on the **Subject Property** is hereby granted to Rum River Retail Ventures, LLC ("Permittee").
- 2) The term of the **Permit** shall commence on January 3, 2012 and shall expire nine (9) months thereafter (October 3, 2012).
- 3) This **Permit** is applicable only to the operation of a Church and Church Offices on the **Subject Property**. The granting of this **Permit** does not allow for any other use that is prohibited in the B-1 Business District.
- 4) That in accordance with MN State Building Code ~~Chapter 1306~~, a fire suppression system is required. This **Permit** is contingent on certain benchmarks being completed as outlined herein:

- Complete Automatic Fire Suppression Permit Application submittal on or before March 1, 2012; and
 - Payment of Automatic Fire Suppression Permit Application fees and issuance of Automatic Fire Suppression Permit on or before July 1, 2012; and
 - Automatic fire suppression system approved by City and operational on or before September 1, 2012.
- 5) This **Permit** is subject to review and revocation/termination if any of the benchmarks identified in Condition #4 are not satisfied.
 - 6) 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.
 - 7) That all costs incurred by the **City** in administering and enforcing this **Permit** shall be the responsibility of the **Permittee**.
 - 8) That the City Administrator or his or her designee shall have the right to inspect the **Subject Property** for compliance, safety measures and quantities and storage of combustibles at any time.
 - 9) 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.
 - 10) 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.
 - 11) 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**.
 - 12) 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 **Permittee** 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 Tossey, and upon vote being taken thereon, the following voted in favor thereof:

Councilmember Elvig
Councilmember Tossey
Councilmember Backous
Councilmember Strommen
Councilmember Wise

and the following voted against the same:

Councilmember McGlone

and the following abstained:

None

and the following were absent:

Mayor Ramsey

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 22nd day of November, 2011.

RUM RIVER RETAIL VENTURES, LLC.

By: _____

Its: _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, _____, before me, a Notary Public, personally appeared _____, the _____ of Rum River Retail Ventures, LLC, a limited liability corporation under the laws of Minnesota, on behalf of the corporation.

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 Dr NW
Ramsey, MN 55303

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