

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

RESOLUTION #15-03-068

A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION AND OPERATION OF A 199-FOOT TELECOMMUNICATIONS TOWER AT 14601 RAMSEY BLVD NW AND DECLARING TERMS OF SAME

WHEREAS, Connexus Energy has properly applied for a conditional use permit to construct and operate a 199-foot communications tower at their headquarters located at 14601 Ramsey Blvd. NW and legally described as follows:

Lot 1, Block 1, AEC Energy Park, Anoka County, Minnesota

WHEREAS, the Planning Commission met on March 5, 2015 and conducted a public hearing; and

WHEREAS, the CITY Council reviewed the request on _____, 2015.

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

1. Based on Findings of Fact #0943, a conditional use permit for a telecommunications monopole tower and related equipment building (the "Tower") is hereby granted to Connexus Energy ("PERMITTEE"),
2. The development of the Site shall be in accordance with the approved site plan prepared by Connexus Energy, dated _____, (the "Site Plan"), as shown on Exhibit A, attached hereto.
3. The Tower will not exceed 199 feet in height, and will maintain minimum setbacks as shown on the Site Plan. The setback shall be measured between the base of the tower located nearest the property line and the actual property line.
4. The Tower and associated antennas shall be designed to blend into the surrounding environment through the use of color and design, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration. Tower architectural standards are subject to final CITY approval.
5. The Tower shall be of a monopole design.
6. No part of the Tower, equipment, guyed wires, or braces shall at any time extend across or over any part of the public right-of-way, public street, highway, sidewalk, or recreation trail.
7. The Tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower, or if required by the CITY for safety reasons.
8. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable

vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood, as determined by the City Council.

9. The Tower shall be designed to accommodate at least two (2) additional users.
10. If the Tower is abandoned, it and its associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the CITY.
11. Unused portions of the Tower above a manufactured connection shall be removed within twelve (12) months of the time of antenna relocation. The replacement of portions of the Tower previously removed requires the issuance of a new conditional use permit.
12. The Tower shall not interfere with public safety telecommunications, in accordance with the rules and regulations of the Federal Communications Commission (FCC). The PERMITTEE shall notify the CITY at least ten (10) calendar days in advance of such changes and allow the CITY to monitor interference levels during the testing process.
13. This permit does not constitute issuance of a Building Permit. The PERMITTEE is responsible for obtaining all required permits and licenses.
14. No signs will be posted on the Tower, equipment building or fencing except applicable warning or equipment information signs.
15. The Tower shall be maintained and kept in good condition. The pole shall remain free of wear or paint deterioration and shall be painted upon the CITY's request.
16. In the event the Tower is not removed within twelve (12) months of the cessation of operations at the site, the tower and associated facilities may be removed by the CITY and the costs of removal assessed against the PERMITTEE. In the event the PERMITTEE fails to remove the tower and associated facilities as required herein, the CITY shall provide notice to the PERMITTEE of the default condition and establish a thirty (30) day time frame in which the PERMITTEE may remedy the default condition. If the PERMITTEE fails to do so within the 30 day time frame, the City Administrator or his/her designee may order the removal with CITY day labor and/or by letting contracts for said removal. Only the City Administrator or his/her designee shall have the authority to direct the removal and assess the costs to the PERMITTEE.
17. The PERMITTEE shall be responsible for all CITY costs incurred in administering and enforcing this conditional use permit. Said expenses shall be paid within 15 days of billing by the CITY and failure to pay the CITY's expenses within the 15 day billing period will permit the CITY to draw upon any of the escrows required by this agreement for payment.
18. The City Administrator and/or his/her designee shall have the right to inspect the premises for compliance and safety purposes annually or at any time upon reasonable request.
19. The PERMITTEE is responsible for obtaining all required permits or licenses from any other regulatory agencies.
20. This Permit is perpetual in its duration so long as the terms imposed herein are complied with.

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

and the following voted against:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly adopted by the Ramsey CITY Council this the ____ day of _____, 2015.

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 Sarah Strommen 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 by authority of its City Council and said Sarah Strommen 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
Ramsey, MN 55303

This document reviewed by:
Ratwick, Roszak & Maloney P.A.
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Minneapolis, MN 55402