

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

RESOLUTION #19-082

RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR THE OPERATION OF A TRANSFER STATION FOR MIXED SOLID WASTE AND RECYCLABLE MATERIALS AND DECLARING TERMS OF SAME

RECITALS

1. Ace Solid Waste, Inc. (the "Permittee") has properly applied to the City of Ramsey (the "City") for a conditional use permit (the "Permit") on the property legally described as follows:

Lot 1 and 1A, Block 1, Ace Addition, Anoka County, Minnesota

(the "Subject Property").
2. That the Permittee has also applied for a Site Plan and Variance to accommodate an expansion of their existing transfer station (the "Transfer Station").
3. That the Subject Property was subdivided in 2018 to combine two parcels into one and eliminate a common boundary line to facilitate this expansion.
4. That the Subject Property is zoned E-2 Employment District and is approximately 10.3 acres in size.
5. That the surrounding parcels are zoned E-2 Employment District, E-1 Employment District, and PUD (Planned Unit Development).
6. That the Permittee successfully obtained a Conditional Use Permit in 2000 for the construction and operation of a 17,100 square foot mixed solid waste (MSW) and recycling Transfer Station.
7. That the existing Transfer Station is 8,071 square feet in size and the proposed expansion is 8,066 square feet, for a total size of 16,137 square feet.
8. That trucks will access the Transfer Station from 141st Ave NW, travel south through the facility, and will exit the Subject Property onto McKinley Street.
9. That the addition to the Transfer Station will include one depressed loading dock and two overhead doors on the north elevation and two overhead doors on the east elevation.
10. That the exterior finish of the addition to the Transfer Station will consist of raked, precast panels with a smooth painted band to match the existing finish.

11. That the Permittee has stated the expansion of the Transfer Station is needed after the closing of the Great River Energy Processing Facility.
12. That Section 117-427 (Solid Waste) of the Ramsey City Code requires a conditional use permit for the operation of a mixed solid waste and recycling transfer station.
13. That the Transfer Station is at least 350 feet from any residentially zoned property or any property used for residential or park purposes.
14. That all transfer activities presently occurring and that will occur with the Transfer Station addition will be within an enclosed building.
15. That the Permittee is responsible for complying with all local, state, and federal rules and regulations pertaining to the operation of a transfer station.
16. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-51 of the Ramsey City Code on April 4, 2019, and that the public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
17. That the Planning Commission met on April 4, 2019, conducted a public hearing and recommended City Council approval/denial of the request.

FINDINGS OF FACT

1. That the Transfer Station will not be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use, or to the public welfare.
2. That the Transfer Station will not substantially adversely impair the use, enjoyment, or market value of any surrounding property.
3. That the Transfer Station will be harmonious with and in accordance with the specific objectives of the comprehensive plan.
4. That the Transfer Station will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
5. That the Transfer Station will not be hazardous or disturbing to existing or future neighboring uses.
6. That the Transfer Station will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, and drainage structures.

7. That the Transfer Station will not create excessive additional requirements at the public's cost for public facilities and services and it will not be detrimental to the economic welfare of the community.
8. That the Transfer Station will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
9. That the Transfer Station will be consistent with the intent and purposes of Chapter 117 of the Ramsey City Code.

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

That the Ramsey City Council hereby grants approval of a Conditional Use Permit (the "**Permit**") to the **Permittee** for the expansion of an existing transfer station for mixed solid waste and recyclable materials on the **Subject Property** contingent upon the following conditions:

CONDITIONS

1. This **Permit** shall replace the original Conditional Use Permit approved by Resolution #00-04-104 on April 25, 2000, and recorded with Anoka County as Document Number 1517499.
2. This **Permit** shall be perpetual in its duration so long as the terms imposed herein are complied with.
3. The **Permittee** shall provide the **City** with copies of all applicable government permits and permit renewals as they are granted. The **Permittee** shall also copy the **City** on all notices of violations, fines or permit revocations received relating to these permits.
4. The addition to the **Transfer Station** on the **Subject Property** shall be in accordance with the eighteen (18) page plan set prepared by Wenck and dated March 7, 2019, revised _____ and as shown on Exhibit 1 herein attached.
5. All building plans must be approved by the City of Ramsey Building Official to make this **Permit** effective.
6. Fire lanes shall be maintained on the **Subject Property**. The exact location of these items on the **Subject Property** and any required signing shall be as directed by the City's Fire Chief.
7. The hours of operation shall not exceed 7:00 a.m. to 5:00 p.m. Monday through Friday. Any deviation from these hours of operation shall require prior special approval by the City Administrator or his/her designee. The City Council shall be notified of the temporary change in hours.

8. There shall be no on-site, exposed or contained, exterior overnight storage of solid waste from the tipping floor. Any overnight storage of mixed solid wastes is restricted to semi-trailers parked inside the **Transfer Station**. Inside storage of mixed solid wastes shall be prohibited for periods in excess of 24 hours. No mixed solid wastes shall be stored on the tipping floor overnight. No additional exterior storage shall be allowed on the **Subject Property**.
9. On-site storage or handling of hazardous waste materials is prohibited as a planned mode of operation. Hazardous waste materials inadvertently delivered to the **Transfer Station** shall be promptly removed from the **Subject Property** in accordance with County and State requirements.
10. No loading or unloading by reason of tipping or use of other equipment shall occur outside a fully enclosed structure. Cleaning of equipment or containers used as a part of the **Transfer Station** operation or the cleaning of the interior of vehicles shall occur inside a fully enclosed structure. All run-offs, wastewater, greywater or other effluent shall be managed in full compliance with all applicable local, state and federal regulations.
11. All stacking of trucks and other equipment shall occur on the **Subject Property** and off of public right-of-way.
12. Run-off shall be contained on the **Subject Property** and shall be in accordance with the approved grading and drainage plans.
13. Any lighting installed on the **Transfer Station** or within the **Subject Property** is subject to the prior approval of the City Engineer and shall be designed so as to deflect light away from public roads. Bulbs emitting in excess of 3,000 lumens (150 watts) shall be so directed that the bulb is not visible from off of the **Subject Property** where such light source is located.
14. The **Permittee** shall provide the **City** with a plan for rodent control that shall include, but not be limited to, a contract with a licensed pest control operator for regular service.
15. The **Permittee** shall be responsible for removing debris beyond the site boundaries determined to be caused by vehicles using the transfer station and wind blown debris. Debris removal activities shall be instituted promptly following information of such accumulation. In the event the **Permittee** fails to remove debris within 24 hours of notice of accumulation by the **City**, the **City** may cause such debris to be removed. The **City** shall bill the cost of such removal to the **Permittee** and payment shall be remitted within 30 days of the date of such billing. The **Permittee** shall conduct visual checks for debris accumulation at least once daily.
16. That the operation of the **Transfer Station** and the emission of noise, odors, dust, or other particulate matter from the **Subject Property** and operation shall be in compliance with and regulated by Minnesota Pollution Control Agency (MPCA) standards. The **Permittee** shall annually, or more frequently as determined by the **City**, submit noise analysis reports and air quality reports to the **City**.

17. The emission of noxious matter shall be controlled so that no concentration of such matter, at or beyond the lot line of the **Subject Property**, will be detrimental to or endanger the public health, safety, comfort, or general welfare or cause damage to property. Noxious matter means any solid, liquid or gaseous material including but not limited to gases, vapors, odor, dusts, fumes, mists, or combinations thereof, the emission of which is detrimental to or endangers the public health, safety, comfort or general welfare or causes damage to property.
18. All parking areas, driveways, circulation and stacking lanes shall be designed, surfaced and curbed in accordance with City Code.
19. All trucks and equipment destined to or away from the site, except for personal vehicles, shall be restricted to designated routes established by the **City**. The **Permittee** shall be responsible for notifying truck operators of the route designation by the **City**. The **City** will not revoke this **Permit** for off-site violations beyond the control of the **Permittee**.
20. That all costs incurred by the **City** in administering and enforcing this **Permit** shall be the responsibility of the **Permittee**.
21. That the City Administrator or his designee shall have the right to inspect the **Subject Property** for compliance and safety purposes annually or at any time upon reasonable request.
22. That the failure of the **City** at any time to require a 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.
23. All applicable **City** ordinances not specifically covered herein shall become a part of this **Permit**.
24. That if any provision of this **Permit** shall be declared void or unenforceable, the other provisions shall not be affected and shall remain in full force and effect.
25. 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**.
26. That the violation of any of the material terms of this **Permit** is grounds for suspension or revocation hereof consistent with applicable law. Furthermore, the **City** specifically reserves the right to amend, suspend, or revoke this **Permit** 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 **Permit**, consistent with applicable law, if the City Council reasonably determines that continued operation of the **Transfer Station** 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.
27. That if the **Permittee** or its successors or assigns violates any material term or condition imposed by this **Permit**, it may be revoked and terminated consistent with applicable law.

Without limiting the foregoing, the violation of any statute, regulation, ordinance or **Permit** condition imposed by lawful governmental authority and governing operations on the **Subject Property** is grounds for revocation and termination of this **Permit**, consistent with applicable law. The change, alteration or amendment of any such 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**.

28. The **Permittee** shall be responsible for all **City** costs incurred in administering and enforcing this **Permit**. Said expenses shall be paid within fifteen (15) days of billing by the **City** and failure to pay the **City's** expenses within the fifteen (15) day billing period will permit the **City** to draw upon any of the escrows required by this agreement for payment.
29. The **Permittee** agrees that this **Permit** shall be recorded in the office of the Anoka County Recorder and agrees that the terms and provisions of this **Permit** shall be a covenant on any and all deeds relative to the **Subject Property**.

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 14th day of May, 2019.

CITY OF RAMSEY:

By: _____
Mayor

By: _____
City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this ____ day of _____, 2019, before me, a Notary Public, personally appeared John LeTourneau and Kurtis G. Ulrich, to me personally known, who, being each by me duly sworn did say that they are respectively the Mayor and City Administrator 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 John LeTourneau and Kurtis G. Ulrich 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

Exhibit 1 Site Plan

