

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

RESOLUTION #99-09-184

A RESOLUTION ADOPTING FINDINGS OF FACT #0505 RELATING TO A REQUEST FROM ANOKA ELECTRIC COOPERATIVE (dba CONNEXUS ENERGY) FOR A CONDITIONAL USE PERMIT FOR AN ELECTRICAL SUBSTATION

WHEREAS, the City of Ramsey received an application from Connexus Energy for a conditional use permit to construct and operate an electrical substation on the property legally described as follows:

Lot 1, Block 2, A.E.C. ENERGY PARK FOURTH ADDITION, Anoka County, Minnesota

("Subject Property")

NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA that the findings of fact relating to the request are determined to be as follows:

1. That on August 4, 1999, Connexus Energy, hereinafter referred to as "Applicant," properly applied for a conditional use permit to construct and operate an electrical substation to facilitate provision of electrical service to Ramsey's commercial/industrial district.
2. That the Applicant appeared before the Ramsey Planning Commission for a public hearing pursuant to Section 9.03.04 of the City Code on September 7, 1999, and that said public hearing was properly advertised, and that the minutes of said public hearing are hereby incorporated as a part of these findings by reference.
3. That the Subject Property is approximately 1 acre in size.
4. That the Subject Property and the surrounding properties are zoned Business Warehouse.
5. That electrical substations are not a permitted use in the Business Warehouse or any other zoning districts in the City.
6. That the Applicant's submittal includes the following sheets prepared by United Power Association: Conduit and Cable Layout, Sheet 1, dated 6/1/99; Foundation Reinforcement Detail, Sheet 2, dated 6/1/99; Grading Plan, Sheet 1, dated 5/28/99; Landscaping Plan, Sheet 1, dated 7/28/99; Fence and Foundation Layout and Details, Sheets 1 and 2, dated 5/28/99; Electrical Layout & Details, Sheets 1, 2 and 3; Architectural Plans for a 12'x14' Control Building, Sheet 1, dated 6/1/99; and Grounding Details for Structures, Equipment & Fence, Sheet 2, dated 6/1/99.

7. That the Applicant's submittal shows that the facility will be encompassed by a chain link fence, includes a 12'x14'x13' control building with walls consisting of decorative block and a metal roof, and the perimeter of the site will be established with a total of 24 Norway Spruce and Russian Olive trees.
8. That access is proposed from unimproved 143rd Avenue N.W. which is under 3 separate ownerships.
9. That the Applicant is proposing to pave and curb the access from 143rd Avenue N.W. and off-street parking area concurrent with the City's improvement project for 143rd Avenue N.W. scheduled for 2001.
10. That if granted, the conditional use permit will not grant the Applicant special privileges that are denied by the City Code to other properties in the commercial/industrial area.
11. That the proposed use will be designed so as to be harmonious and appropriate in appearance with the existing or intended character of the vicinity and will not change the essential character of the area.
12. That the proposed use will not adversely impact traffic in the area.
13. That the proposed use will not be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or to the public welfare.
14. That the proposed use will not substantially adversely impair the use, enjoyment, or market value of any surrounding property.
15. That the proposed use will not be hazardous or disturbing to existing or future neighboring uses.
16. That the proposed use will not create excessive additional requirements at public cost for public facilities and services, and it will not be detrimental to the economic welfare of the community.
17. That the proposed use will not involve activities and uses that will be detrimental to any persons, property, or the general welfare by reason of excessive production of glare.

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

Mayor Gamec
Councilmember Connolly
Councilmember Zimmerman
Councilmember Anderson
Councilmember Hendriksen

RESOLUTION #99-09-184

Page 2 of 3

and the following voted against the same:

None

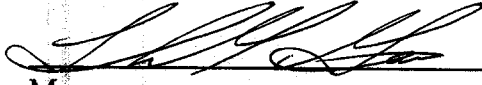
and the following abstained:

None

and the following were absent:

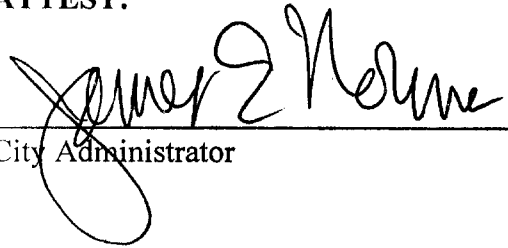
None

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 28th day of September, 1999.



Mayor

ATTEST:



City Administrator

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

RESOLUTION #99-09-185

A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT BASED ON FINDINGS OF FACT #0505 AND DECLARING TERMS OF PERMIT TO CONSTRUCT AND OPERATE AN ELECTRICAL SUBSTATION

WHEREAS, the Ramsey City Council adopted Resolution #99-09-185 adopting Findings of Fact #0505 for this use and herein approves the Conditional Use Permit.

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

That on September 28, 1999, a Conditional Use Permit ("CUP") was issued by the City of Ramsey ("City") to Anoka Electric Cooperation, dba Connexus Energy, ("Permittee") to construct and operate an electrical substation on the property legally described as follows:

Lot 2, Block 1, A.E.C. ENERGY PARK FOURTH ADDITION, Anoka County, Minnesota

(Subject Property).

This CUP is issued pursuant to Section 9.03.04 of the Ramsey City Code. The conditions of this CUP are as follows:

1. The Permittee is herein granted permission to construct and operate an electrical substation on the Subject Property.
2. The substation shall be developed in accordance with plans prepared by United Power Association as follows: Fence and Foundation Layout and Details, Sheets 1 and 2, dated 5/28/99; Grading Plan, Sheet 1, dated 5/28/99; Landscaping Plan, Sheet 1, dated 7/28/99, revision approved by City Staff on 9/22/99.
3. The Permittee herein agrees to pave and curb the access and off-street parking area within 90 days of the completion of public improvements to 143rd Avenue N.W. The completion date for public improvements to 143rd Avenue N.W. shall be determined by the City Administrator or his/her designee. The Permittee shall also provide the City with confirmation that proper access easements are in place to allow legal access until such time as 143rd Avenue is dedicated and improved to City Standards.
4. The Permittee herein agrees to complete the installation of the landscaping by September 1, 2000. In order to ensure the installation of the landscaping in a timely manner, the Permittee shall be required to deposit an escrow, approved as to form by the City, in the amount of Five Thousand Dollars and no cents (\$5,000.00), which is 150% of the City's estimated cost of the landscaping improvements. Prior to the issuance of the building permit, this financial guarantee must be provided as required herein. Upon completion of the required

landscaping, the financial guarantee shall be returned to the Permittee and the Permittee shall be required to provide the landscaping maintenance guarantee described in Item #5 of this CUP. The determination of completion of the required landscaping shall be made by the City Engineer or his/her designee. In the event the Permittee fails to construct and install the required landscaping as required herein, the City Council may order the completion of the required landscaping with City day labor and/or by letting contracts for said completion and draw upon the escrow for payment. Only the City Council shall have the authority to direct completion of the required landscaping and withdraw from the escrow account. The Permittee hereby grants permission and a license to the City and/or its contractors and assigns to enter upon the Subject Property for the purpose of completing the installation of the required landscaping in the event of the Permittee's default.

5. The Permittee shall provide a maintenance guarantee to ensure the survival of the plantings. The maintenance guarantee shall be in the amount of One Thousand Five Hundred Dollars and no cents (\$1,500.00) and the form of said guarantee shall be subject to the approval of the City. The guarantee shall be in effect for a two year period commencing on the date of the City's acceptance of said plantings. At the end of the two year period, the maintenance guarantee shall be returned to the Permittee. The determination that all plantings have either survived or have been replaced shall be made by the City Engineer or his/her designee. In the event the Permittee fails to maintain the required plantings for a two year period, the City Council may order the replacement of plantings with City day labor and/or by letting contracts and draw upon the escrow for payment. Only the City Council shall have the authority to direct replacement of the plantings and withdraw from the escrow account. The Permittee hereby grants permission and a license to the City and/or its contractors and assigns to enter upon the Subject Property for the purpose of replacing plantings in the event of the Permittee's default.
6. The Permittee agrees that this CUP shall be binding upon their successors and assigns.
7. That the Permittee shall be responsible for all City costs incurred in administering and enforcing this CUP.
8. That the City Administrator, or his/her designee, shall have the right to inspect the Subject Property for compliance and safety purposes annually or at any time, upon reasonable request.

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

Mayor Gamec
Councilmember Anderson
Councilmember Hendriksen
Councilmember Connolly
Councilmember Zimmerman

and the following voted against the same:

None

and the following abstained:

None

and the following were absent:

None

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 28th day of September, 1999.

Anoka Electric Cooperative (dba Connexus Energy) hereby acknowledges receipt of this permit and that they have reviewed the conditions of this permit and have agreed that they will comply with the terms of this permit.

ANOKA ELECTRIC COOPERATIVE
(dba Connexus Energy)

By: *Richard Newland*

As: *President & CEO*

STATE OF MINNESOTA)
)ss.
COUNTY OF *Anoka*)

On this *18* day of *February*, 2000, before me a Notary Public, personally appeared *Richard Newland*, the *President: CEO* of Anoka Electric Cooperative (dba Connexus Energy), a Cooperative Corporation under the Laws of the State of Minnesota, who signed said instrument as a free act on behalf of the Corporation.



Goodlyn Kay Vokovan
Notary Public

