

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RICE

THIRD JUDICIAL DISTRICT

CASE TYPE: Civil Other/Misc

Court File Number: _____

State of Minnesota, ex. rel., Mark Fischer,

Plaintiff,

SUMMONS

vs.

City of Northfield, a home rule charter
city,

Defendant.

THIS SUMMONS IS DIRECTED TO THE CITY OF NORTHFIELD:

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this summons and is on file in the office of the court administrator of the above-named court. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this summons.

2. **YOU MUST REPLY WITHIN 21 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this summons a **written response** called an Answer within 21 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this summons located at:

Carol A. Overland
Legalelectric
1110 West Avenue
Red Wing, MN 55066

(612) 227-8638
overland@legalelectric

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS**

SUMMONS. If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the complaint. If you do not want to contest the claims stated in the complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

November 13, 2020



Carol A. Overland #254617
Attorney for Plaintiff Mark Fischer
Legalelectric
1110 West Avenue
Red Wing, MN 55066
(612) 227-8638
overland@legalelectric.org

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RICE

THIRD JUDICIAL DISTRICT

CASE TYPE: Civil Other/Misc

Court File Number: _____

State of Minnesota, ex. rel., Mark Fischer,

Plaintiff,

COMPLAINT

vs.

City of Northfield, a home rule charter
city,

Defendant.

Plaintiff Mark Fischer, by and through his undersigned Attorney, and on behalf of the State of Minnesota, states and alleges, upon evidence and knowledge as to its own acts and otherwise upon information and belief, as follows:

NATURE OF THE ACTION

1. The Plaintiff, Mark Fischer (hereinafter “Fischer”), a natural person residing within the City of Northfield, State of Minnesota, brings this Action pursuant to the Minnesota Environmental Rights Act (hereinafter “MERA”), Minn. Stat. Chapter 116B, specifically Minn. Stat. §116B.10, which provides a cause of action to challenge a permit issued by “the state,” in this case, the City of Northfield.

2. The City of Northfield is a home rule charter city, an instrumentality of the state.

3. Fischer is seeking declaratory and equitable relief, and to enjoin the City of Northfield from further impairing, polluting, or destroying the City footprint of the full multi-part powerline upgrade and uprate to a 3-phase, including remitter to the City for environmental

review of the phased and connected actions of this multi-part powerline upgrade and uprate, and review and public process by the Planning Commission and City Council.

4. The powerline upgrade and uprate is below the 115 kilovolt and line length thresholds for jurisdiction of the Minnesota Public Utilities Commission, and thus falls within City permitting authority.

5. Fischer brings this action to challenge the permits and draft permits issued by the City staff without City or public process. Because there has been no City or public process, there is no administrative process to exhaust. Fischer requests remitter to the City for environmental review and public process.

6. Judicial review and remitter to the City for environmental review and public process is urgently needed, as the removal of trees marks the beginning of construction of the 2nd Phase of this project, which Xcel Energy wishes to complete by year end. Plaintiff is unaware of the schedule for the remaining length of the line connecting to the 2nd Street substation.

BACKGROUND

7. On or about November 3, 2020, Plaintiff Fischer discovered three Asplundh trucks on the street near his home, and he inquired as to the work they were doing.

8. In a discussion with the Asplundh workers and Xcel Energy's Mike Palmer, Fischer was told that the company was trimming and cutting down trees in preparation for a powerline project to install a 3-phase powerline, at 8 kilovolts per phase, and installing taller poles to accommodate the upgraded and uprated powerline. The technical specifications have not yet been verified. The 35 foot poles along 7th Street will, at 45 feet, be 10 feet higher.

9. Fischer has contacted the City Engineering staff, the Mayor and a City Councilor, and Xcel Energy's Mike Palmer overseeing the project. The Mayor and Councilor were unaware of

this project, did not know of this project until contacted by Fischer.

10. A Data Practices Act Request was made to the City of Northfield, the request and full response to which is attached to this Complaint. Ex. A, Data Request, p. 11-12; Data Request Response, pps. 1-17.

11. The instant powerline project in Northfield from 5th Street and Prairie to 7th Street to Washington, ending in front of City Hall is the 2nd phase of a multi-phase powerline project intended to connect a solar generation facility on Wall Street, east of the City, to a substation located at 2nd Street, on State Highway 3. See Ex. A, email, Palmer to Bennett and Simonson, March 13, 2020. Of the several phased and contiguous projects identified, one is completed, the instant project was permitted on October 21, and the remaining portions to connect to the substation remain unknown.

12. Phase 1 of this powerline project begins at the solar generating facility on Wall Street east of Northfield and extends to 5th Street and Prairie in Northfield.

13. Phase 2 of this powerline project is the one discovered by Mark Fischer, from 5th and Prairie south to 7th Street, west on 7th Street to Washington, and south across 8th Street to a point in front of Northfield's City Hall. Ex. A, p. 6-8, 10 (p. 9 shows a part of a 5th Street route, which is, upon information and belief, not to be utilized).

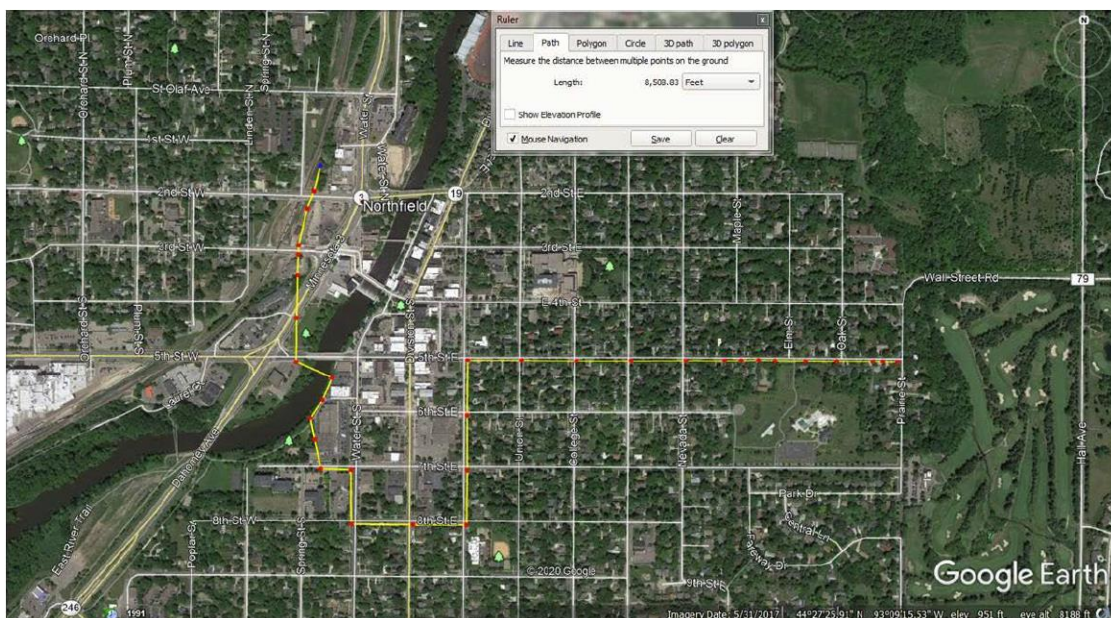
14. Upon information and belief, admitted by Xcel Energy and City Engineering staff, the route and plans for the subsequent phase(s) of this project are unknown. It has not yet been determined what route the powerline will take through town to reach the 2nd Street substation.

15. At this time, the power line, whether Phase I, or Phase I and Phase 2, is a powerline to nowhere, a radial line that does not connect into the electrical grid. The solar project east of Northfield cannot interconnect through this powerline until the multi-phased project is complete.

It is not known whether the solar project to be interconnected is currently operation and interconnected through some other powerline, if it is under construction timed with the powerline upgrade/uprate, or if it is constructed but not yet operational. Wind turbines in the area are interconnected through the local distribution system, and it is possible the existing distribution system is being similarly utilized.

16. The Data Practices Act Request response reveals two emails from Mike Palmer, Xcel Energy, dated March 12, 2020 and May 13, 2020. There were only these two emails from Xcel, and there were **NO** other emails and no emails **FROM** the City to Xcel Energy that were included in the response.

17. The March 12, 2020 email includes a map of the initial 8,508.83 foot proposed route along 5th Street and then a circuitous route south, across the river, through Ames Park, up and across Highway 3, over an office building and the restored historic Depot, completing the circuit at the 2nd Street substation, going beyond the 8th Street and Washington end point of the project as permitted:



Data Practices Act Request response, email and map, p. 13¹.

18. Typically, a generation project is responsible for the cost of powerline upgrades necessary for interconnection of a project.

19. Upon information and belief, there is electrical infrastructure, distribution or transmission, undergrounded below 4th Street. It is unknown whether there is electrical or physical room for additional cables in that installation.

20. Xcel Energy is familiar with undergrounding of electric powerlines, as above underneath Northfield's 4th Street, in newer subdivisions, and of undergrounding higher voltage transmission lines, such as the Hiawatha transmission project on East 26th Street in Phillips, Minneapolis and the Chisago transmission project up and down the bluffs of the St. Croix.

21. Undergrounding a powerline alleviates most, if not all, of the negative impacts of a powerline.

22. Undergrounding a powerline costs significantly more than running it above ground, however, a lower voltage line such as that proposed in this case costs much less to underground than the high voltage Hiawatha and Chisago projects. Undergrounding under a street in a flat area is far less costly than undergrounding up and down river bluffs.

23. The cost allocation for underground is spread throughout the area desiring undergrounding, i.e., if Northfield determined that the powerline should be built underground, the cost would be spread across the rates of the municipality through a "Miscellaneous" docket at the Public Utilities Commission, where the cost allocation is approve essentially as a matter of course following a request by the regulated utility.

¹ See googleearth for street view or to zoom in along proposed route:
<https://www.google.com/maps/place/Northfield,+MN+55057/@44.4572887,-93.1595763,769m/data=!3m1!1e3!4m5!3m4!1s0x87f653c36e566ca1:0x7acc799d75f938af!8m2!3d44.4582983!4d-93.161604>

24. From the Data Practices Act Request response, and the emails of March 12, 2020 and May 13, 2020, regarding a meeting, and upon information and belief, there was at least one meeting between Xcel Energy and City staff.

25. The first page of the pdf provided in response to the Data Practices Act Request appears to be notes from a meeting or discussion between Xcel and City staff. This notes that “Poles would increase 5’ and would be higher” which is different than the verbally reported 10 foot increase. It also notes “No direct communication to residents.” The date of these notes is unknown, as is whether these notes were contemporaneous to a meeting or discussion. Upon information and belief, there was no communication with residents whatsoever until October 28, 2020.

26. The permit application provided in response to the Data Practices Act Request, dated October 19, 2020, was ostensibly filed by Mike Palmer, but it is unsigned. It is unknown what information was provided, but upon information and belief, the plans on pages 6-12 that accompanied the Data Request response were attached to that application. Ex. A, p. 5 and 6-12.

27. Based on the emails provided, the City staff did change the proposed route from 5th Street to 7th Street, and Xcel reviewed that route and compared numbers of trees to be removed. Ex. A, p. 14. There is no information about that route change other than the fact of the change and the numbers of trees that would need to be removed per Xcel Energy.

28. The route put forward in the application stops in front of City Hall. Ex. A, p. 10.

29. The plans attached start at 5th Street and Prairie and end at 8th and Washington, and do not extend beyond that point and do not complete the circuit to the 2nd Street substation.

30. There is no information about the voltage increase, the conductor specifications and capacity, or potential environmental impacts considered and/or mitigated.

31. The permit was signed by Nate Becker, Engineering Technician II, City of Northfield, on October 21, 2020.

32. On November 6, 2020, Nate Becker stated that on October 21, 2020, when he signed the permit, work had already begun on the project, and that he was instructed to sign the permit by Sean Simonson, Engineering Manager, City of Northfield.

33. On October 26, 2020, a document entitled “PRIVATE UTILITIES LARGE 20201465” was issued, together with an invoice to Xcel Energy – Mike Palmer, for \$135.37. Ex. A, p. 2 and 3.

34. Also dated October 26, 2020 was a document from Sean Simonson, Engineering Division, with the following permit conditions:

1. Permittee must inform all affected property owners in writing of the proposed work prior to work commencing. Please forward written notice to the City of Northfield as well. This notice must also include a contact person for all project related questions from affected property owners.
2. No trenches or excavation pits are to be left overnight. Fencing off trenches or excavation pits is not allowed.
3. According to the permit, all work, including restoration is to be completed by 12/31/2020. Please contact myself if an extension is needed.
4. No construction equipment shall be parked on the road or road right-of-way overnight.
5. All BMP's shall be utilized at all times during construction or limit erosion from the work area.
6. Tree removals shall be marked in the field prior to removal, and approved by City personnel before removal.
7. The Contractor MUST inform property owners of impending tree removals, including trees in the ROW.
8. The permittee is responsible for all tree and stump removals off site, and restoration as required by the permit.
9. All hard surface removals will need to be put back to original condition. If weather does n't allow final restoration, temporary hard surface replacement will be necessary until final restorations can be completed.

Ex. A., p. 4 (see also p. 16, unknown whether this accompanied Xcel letter on p. 15).

35. The Data Practices Act Request response contains a letter dated October 28, 2020 on

Xcel letterhead, to unknown recipients, with no service list or affidavit of service attached.

October, 28th 2020

Residents of Northfield
7th Street E (from Prairie St to Washington)
Northfield, MN 55057

RE: Tree trimming involved with upgrading the electrical system:

Dear Residents of Northfield.

Tree trimming and some removal is required along 7th St E from Prairie St to Washington St to upgrade the existing electrical system. The trees marked with red tape (6 trees in total) will be removed with some trimming needed on others. This work is being done to allow additional solar generation on this electrical distribution feeder.

If you have any further questions, please feel free to call me at (507) 334-2970.

Sincerely,

Michael Palmer
Designer
Xcel Energy

Ex. A, p. 4 and 15. There is no mention of pole removal and replacement with taller poles, and no mention of the 3-phase reconfiguration and reconductor for higher capacity, or impacts.

36. The October 28, 2020 notice letter from Xcel Energy was issued after the October 21, 2020 signing of the permit, which upon information and belief based on the statements of Nate Becker was signed after work had begun.

37. To the extent that residents were notified a week or more after work had begun, Xcel Energy is not in compliance with the notice provisions of the permit:

1. Permittee must inform all affected property owners in writing of the proposed work prior to work commencing. Please forward written notice to the City of Northfield as well. This notice must also include a contact person for all project related questions from affected property owners.

7. The Contractor MUST inform property owners of impending tree

removals, including trees in the ROW.

Ex. A, p. 4 and 15.

38. Mark Fischer, who resides on 7th Street, did not receive the October 28, 2020 notice letter from Xcel Energy, nor any other form of notice about this project.

39. As above, upon information and belief, work on this project commenced before the permit was issued on October 21, 2020, one week prior to the October 28, 2020 missive from Xcel Energy.

40. Upon information and belief, poles are beginning to be installed along the Phase 2 right-of-way.

41. This multi-phase and connected powerline upgrade and uprate is to be routed and built in an existing community spreading over a footprint covering several miles², requiring removal of many trees destroying the viewshed, installation of taller poles that extend above the existing tree-line changing the viewshed, affecting aesthetics, removing water control benefits in a low and wet area on East 7th Street, and inflicting residents and passers-by with increased levels of electric and magnetic fields.

42. Property values could be affected. Because several tear downs and new builds have occurred in the neighborhood, marketability as a location could also be negatively affected.

43. Based on the map provided by Xcel Energy in the March 13, 2020 email, the powerline would be traversing cross country, situated very closely between an apartment building on West 7th Street, and a strip mall on West 7th Street and Water; northward along the

² The full phased and connected parts of this project run from the solar project on Wall Street to 5th and Prairie (roughly 2,000 feet); down Prairie to 7th and across 7th to Washington then a block and one half to Northfield City Hall); and from there taking an unknown/undeclared route to the substation at 2nd and Hwy. 3, totalling at least another 8,308.83 feet per map. The route would be roughly 2 miles long through long established residential, commercial, and historic areas.

east bank of the Cannon River, through Ames Park, crossing Highway 3 and then running directly over an office building and the restored Northfield Depot on either side of West 2nd Street. These connected projects have potential for significant environmental effects. See Ex. A, project plan map attached to March 13, 2020 email, and compare with google earth satellite and street views.

COUNT ONE

FAILURE TO CONDUCT ENVIRONMENTAL REVIEW

44. Each of the paragraphs and foregoing allegations above are repeated and realleged as if fully related herein.

45. The Minnesota Environmental Policy Act requires environmental review for any state action that “Where there is potential for significant environmental effects resulting from any major governmental action, the action shall be preceded by a detailed environmental impact statement prepared by the responsible governmental unit.” Minn. Stat. §116D.04, Subd. 2a.

46. As above, this multi-phase and connected powerline upgrade and uprate is to be routed and built in an existing community spreading over a footprint covering over two miles³, requiring removal of many trees and the installation of taller poles that extend above the existing tree-line changing, destroying the viewshed and affecting aesthetics of the neighborhood. The project will remove the trees, and in doing so, remove the water control benefits of large trees in a low and wet area on East 7th Street where most residences require sump pumps. The project would also inflict residents and passers-by with undisclosed increased levels of electric and

³ The full phased and connected parts of this project run from the solar project on Wall Street to 5th and Prairie (roughly 2,000 feet); down Prairie to 7th and across 7th to Washington then a block and one half to Northfield City Hall); and from there taking an unknown/undeclared route to the substation at 2nd and Hwy. 3, totalling at least another 8,308.83 feet per map. The route would be roughly 2 miles long through long established residential, commercial, and historic areas.

magnetic fields. Property values and marketability could also be negatively affected.

47. Based on the map provided by Xcel Energy in the March 13, 2020 email, the powerline would be traversing cross country, situated very closely between an apartment building on West 7th Street, and a strip mall on West 7th Street and Water; northward along the east bank of the Cannon River, through Ames Park, crossing Highway 3 and then running directly over an office building and the restored Northfield Depot on either side of West 2nd Street. These connected projects have potential for significant environmental effects. See Ex. A, project plan map attached to March 13, 2020 email, and compare with google earth satellite and street views.

48. Permitting of this project lacked environmental review. The City must take “a hard look at the salient problems and the decision lacks articulated standards and reflective findings.” See e.g., *In re Claim for Benefits by Meuleners*, 725 N.W. 2d 121, 125 (Minn. Ct. App. 2006).

49. The permit “application” was accepted with no apparent disclosure of the project specifications, the potential human and environmental impacts, and no record or opportunity for the public to participate in building a record for the City’s decision.

50. The permit was issued by City staff, with no environmental review or consideration of the potential significant impacts of this project.

51. There has been no review by City Planning Commission and City Council, and there has been no proffer of evidence, no development of a record supporting issuance of a permit, and no Findings of Fact supporting issuance of the permit.

52. Plaintiff seeks remitter to the City for a more detailed application with project specifications, environmental review and public process where the community and affected landowners may raise their concerns, and that the Planning Commission and City Council review

the project, consider issues raised, and make specific Findings of Fact regarding this project, sufficient to support a decision to grant or deny a permit for this project.

COUNT TWO

FAILURE TO PROVIDE NOTICE AND PUBLIC PARTICIPATION IS VIOLATION OF ENVIRONMENTAL LAW

53. Each of the paragraphs and foregoing allegations above are repeated and realleged as if fully related herein.

54. No notice of this project was provided to affected landowners until October 28, 2020, one week after the permit was granted, and just nine days after the permit was ostensibly applied for on October 19, 2020. Ex. A, p. 15.

55. It is not known which landowners did receive notice, as no service list or affidavit of service was attached to the October 28, 2020 letter. From the Xcel Energy Letter of October 28, 2020, it appears that only the “Residents of Northfield, 7th Street East (from Prairie St to Washington)” received notice, and upon information and belief, residents on the south side of 7th Street received notice, and residents on the north side did not. It also appears that residents along Prairie Street from 5th Street to 7th Street, and along Washington between 7th Street and down 8th Street by City Hall did not receive notice.

56. The October 28, 2020 letter only provided notice of tree trimming in the “RE: Tree trimming involved with upgrading the electrical system” in bold, and removal disclosed in the narrative. There is no notice whatsoever regarding replacement of existing poles with taller poles, 10 feet taller along 7th Street, and reconfiguring and reconductoring of the line.

57. As above, it appears that what notice was provided was not in compliance with the permit conditions, points 1 and 7:

1. Permittee must inform all affected property owners in writing of the proposed work prior to work commencing. Please forward written notice to

the City of Northfield as well. This notice must also include a contact person for all project related questions from affected property owners.

7. The Contractor MUST inform property owners of impending tree removals, including trees in the ROW.

Ex. A, p. 4 and 15.

58. Residents along this route have personal knowledge of the potential impacts that the City should consider in reviewing a project permit.

59. Plaintiff seeks remitter to the City for public process where the community and affected landowners may raise their concerns, and that the Planning Commission and City Council review the project, consider issues raised, and make specific Findings of Fact regarding this project, sufficient to support a decision to grant or deny a permit for this project.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court enter judgment:

1. Declaring that the conduct of the City and its agents in permitting the powerline upgrade and uprate; in failing to conduct environmental review in the form of an Environmental Assessment for all phases of this multi-phased and connected, project; failing to provide notice; improperly granting a permit after work had already begun; granting a permit without Planning Commission and City Council notice and review; granting a permit for a “powerline to nowhere” with no plan to reach the substation to complete the circuit; and failing to provide public process for participation in developing the record for Findings of Fact to support a permitting decision; is in violation of the Minnesota Environmental Rights Act and Minnesota Environmental Policy Act; remmitur as provided by Minn. Stat. §116B.10.
2. Awarding costs and expenses of this action, including reasonable attorneys’ fees to

Plaintiffs; and

3. Granting of such other relief as the Court deems just, equitable, and proper.

November 16, 2020



Carol A. Overland Attorney #254617
for Mark Fischer
Legalelectric
1110 West Avenue
Red Wing, MN 55066 (612)
227-8638
overland@legalelectric.org

ACKNOWLEDGEMENT

The Plaintiff, Mark Fischer, hereby acknowledges by its undersigned attorney, that costs, disbursements, and reasonable attorney and witness fees may be awarded at the court's discretion herein for acts of bad faith, the assertion of a frivolous claim or defense, the assertion of unfounded position solely to delay or harass, or the commission of a fraud upon the court.



November 16, 2020

Carol A. Overland Attorney #254617
for Mark Fischer
Legalelectric
1110 West Avenue
Red Wing, MN 55066 (612)
227-8638
overland@legalelectric.org

Exhibit A

Data Request and Response

City of Northfield – received November 4, 2020

2 sites

336 generally not on alley arms

556 cannot be on alley arms, this would require this upgrade.

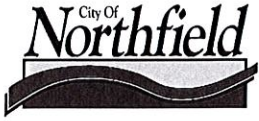
Most poles would have to be 45' poles, existing are majority 40, some are 45.

Poles would increase 5' and would be higher

250 span would be ideal, but need new poles

Clearance required would be 10'

No direct communication to residents



CITY OF NORTHFIELD
801 Washington St Northfield, MN 55057-2565
Phone: (507) 645-8832 FAX: (507) 645-3055

PRIVATE UTILITIES LARGE

20201465

PERMIT #: 20201465

JOB ADDRESS: ALONG PRAIRIE AND 7TH

WORKING ADDRESS:

PARCEL ID#:

Date Issued: 10/26/2020

Date Expires: 4/19/2021

Issued By: barb.neitzel

Classification of Work: PRIVATE UTILITIES SMALL

Classification of Structure:

Parcel No:

Subdivision:

Zoning:

Square Footage: 0

Construction Value: \$ 0.00

Lot:

Block:

Flood Plain:

Historical:

Owner:

Contractor: XCEL - FARIBAULT
2763 1ST AVENUE NW
FARIBAULT MN 55021

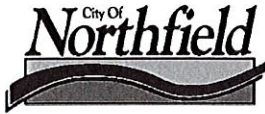
**State Building
Contractor
License #
Phone:
FAX #:**

Notes/Remarks: UPGRADE EXISTING ELECTRIC DISTRIBUTION FEEDER LINE TO SUPPORT NEW SOLAR GENERATION ALONG PRAIRIE AND 7TH STARTING AT PRAIRIE AND 5TH ST E AND ENDING JUST SOUTH OF WASHINGTON ST AND 7TH ST E

FEE CODE	QTY	DESCRIPTION	AMOUNT
ROWPERMIT	3	ROW FEE CODE	\$ 135.97
TOTAL			\$ 135.97

PERMIT EXPIRES 180 DAYS FROM ISSUANCE UNLESS WORK IS STARTED BY THAT TIME. FOR ALL WORK DONE UNDER THIS PERMIT, THE PERMITTEE ACCEPTS FULL RESPONSIBILITY FOR COMPLIANCE WITH THE STATE CONSTRUCTION CODES AND ALL OTHER APPLICABLE LAWS AND ORDINANCES. REQUIRED INSPECTIONS SHALL BE REQUESTED AT LEAST ONE WORKING DAY IN ADVANCE.

TELEPHONE 507-645-3004 BEFORE 4:30 PM



City of Northfield
801 Washington Street
Northfield, MN 55057
ph: 507-645-3020
fax: 507-645-3055

Invoice No. 2020-1465

INVOICE

Customer

Name Xcel Energy - MIKE PALMER
Address 2671 1ST AVENUE NW
City FARIBAULT State MN ZIP 55021
Phone 507-334-2923

Date 10/21/2020
Order No. _____
Rep _____
FOB _____

Qty	Description	Unit Price	TOTAL
1	UPGRADE EXISTING ELECTRIC DISTRIBUTION FEEDER LINE TO SUPPORT NEW SOLAR GENERATION ALONG PRAIRIE AND 7TH STARTING AT PRAIRIE AND 5TH ST E AND ENDING JUST SOUTH OF WASHINGTON ST AND 7TH ST E	\$135.97	\$135.97

Payment Details

☒ Cash
☐ Check
☐ Credit Card
Name _____
CC # _____
Expires _____

SubTotal	\$135.97
Shipping & Handling	
Taxes	State
TOTAL	\$135.97

Office Use Only



Engineering Division

To: Mike Palmer	From: Sean M. Simonson
Fax:	Pages: 1
Phone: 507-334-2970	Date: 10/26/2020
Re: ROW Permit 2020-1465	CC:

Prairie & Seventh Street Electrical Upgrade

1. Permittee must inform all affected property owners in writing of the proposed work prior to work commencing. Please forward written notice to the City of Northfield as well. This notice must also include a contact person for all project related questions from affected property owners.
2. No trenches or excavation pits are to be left overnight. Fencing off trenches or excavation pits is not allowed.
3. According to the permit, all work, including restoration is to be completed by 12/31/2020. Please contact myself if an extension is needed.
4. No construction equipment shall be parked on the road or road right-of-way overnight.
5. All BMP's shall be utilized at all times during construction or limit erosion from the work area.
6. Tree removals shall be marked in the field prior to removal, and approved by City personnel before removal.
7. The Contractor MUST inform property owners of impending tree removals, including trees in the ROW.
8. The permittee is responsible for all tree and stump removals off site, and restoration as required by the permit.
9. All hard surface removals will need to be put back to original condition. If weather doesn't allow final restoration, temporary hard surface replacement will be necessary until final restorations can be completed.

Sincerely,

Sean M. Simonson
City of Northfield
507.645.3049 office
612-328-8615 cell
507-645-3055 fax

City Hall Φ 801 Washington Street Φ Northfield, Minnesota 55057
office 507.645.3049 Φ fax 507.645.3055 Φ cell 612-328-8615
e-mail: Sean.Simonson@ci.northfield.mn.us

CITY OF NORTHFIELD

PERMIT TO WORK WITHIN CITY PROPERTY/RIGHT-OF-WAY/EASEMENTS

OBSTRUCTION _____ EXCAVATION _____

1. Location Along Prairie St and 7th St E, starting at Prairie and 5th St E and ending just south of Washington St and 7th St E.
(Street, property address or legal, or distance and direction from nearest public street intersection)

2. Nature of Work Upgrading existing electric distribution feeder line to support new solar generation.

DESCRIPTION: Please include a detailed description and scaled drawing of the project and project work including identification of obstructions/structures to be placed and size and depth of excavation.

3. Indicate below items to be affected/disturbed and include information on drawing or plan of work to be done.

<u> </u>	Curb & Gutter	<u> </u>	Street Surface
<u> </u>	Trail/Sidewalk	<u> X </u>	Trees
<u> </u>	Pond/Wetlands	<u> </u>	Public utilities (sewer, water)
<u> </u>	Traffic Control Devices/Signs	<u> </u>	Private utilities (elec, gas, etc.)
<u> </u>	Drainage	<u> </u>	Other

4. Method of Installation or Construction Auger or hydrovac pole holes

5. Work to start on or after: 10/30 and shall be completed by: 12/31 unless an extension granted to:
by _____.

- DATE _____ STAFF _____
6. Is lane closures or detouring of traffic necessary? ___ If yes, state duration and suggested route for each instance:
(attach detour map)

DETOURS: All detour plans are required as part of this permit and must be pre-approved in writing by the Public Works Dept. The Assistant City Engineer shall be notified in writing at least 3 working days in advance of any approved detour being established, changed or discontinued.

NAME OF APPLICANT Mike Palmer PHONE 507.334.2970

PLEASE PRINT

ADDRESS 2671 1st Ave NW Faribault MN 55021

STREET	CITY	STATE	ZIP
--------	------	-------	-----

NAME OF PARTY OR ORGANIZATION PERFORMING WORK Xcel Energy

GOPHER ONE-CALL REGISTRATION #	E-MAIL ADDRESS	michael.t.palmer@xcelenergy.com
--------------------------------	----------------	---------------------------------

CONTACT PERSON: Mike Palmer EMERGENCY (24 Hr.) PHONE 651.398.0557

ADDRESS: 2671 1st Ave NW Faribault MN 55021 DAY PHONE 507.334.2970

STREET CITY STATE ZIP FAX

The undersigned herewith accepts the terms and conditions of this permit by the City of Northfield as herein contained and agrees to fully comply therewith with the satisfaction of the City of Northfield. The undersigned also declares that he/she has read, understands, and will comply with all relevant City Ordinances and all Right of Way Regulations as stated in the following pages. **A Certificate of Insurance or Self Insurance verifying coverage has been provided to the City of Northfield. (CITY OF NORTHFIELD TO BE NAMED AS AN ADDITIONAL INSURED)**

Signed: _____ Title: Designer Date: 10/19/20

All legal requirements shown on attached pages and on all "Special Provisions" to be complied with. The date when work is completed must be reported in writing to the Engineering Division Manager.

FOR CITY USE ONLY	AUTHORIZATION OF PERMIT
-------------------	-------------------------

FINANCIAL SECURITY AMOUNT: _____ TYPE: _____

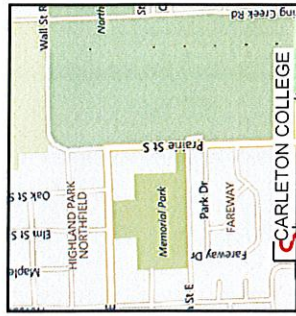
Fee: \$ _____ Receipt No. _____ Permit No. _____

Escrow: \$ _____ Receipt No. _____

In consideration of agreement to comply in all respects with the regulations and codes of the City of Northfield covering such operations, and pursuant to authorization duly given by said City of Northfield, permission is hereby granted for the work to be done as described in the above application with said work to be done in accordance with special provisions as hereby stated:

APPROVED BY: ENGINEERING TECH COORDINATOR

DATE: 10-21-2020



Work Order Information	
Service Request #	00000067525
Design Number	204231
Designer/Planner ID	Palmer, Michael
Designer/Planner Name	(507) 334-2070
Manager Approval	
Joint Utility	

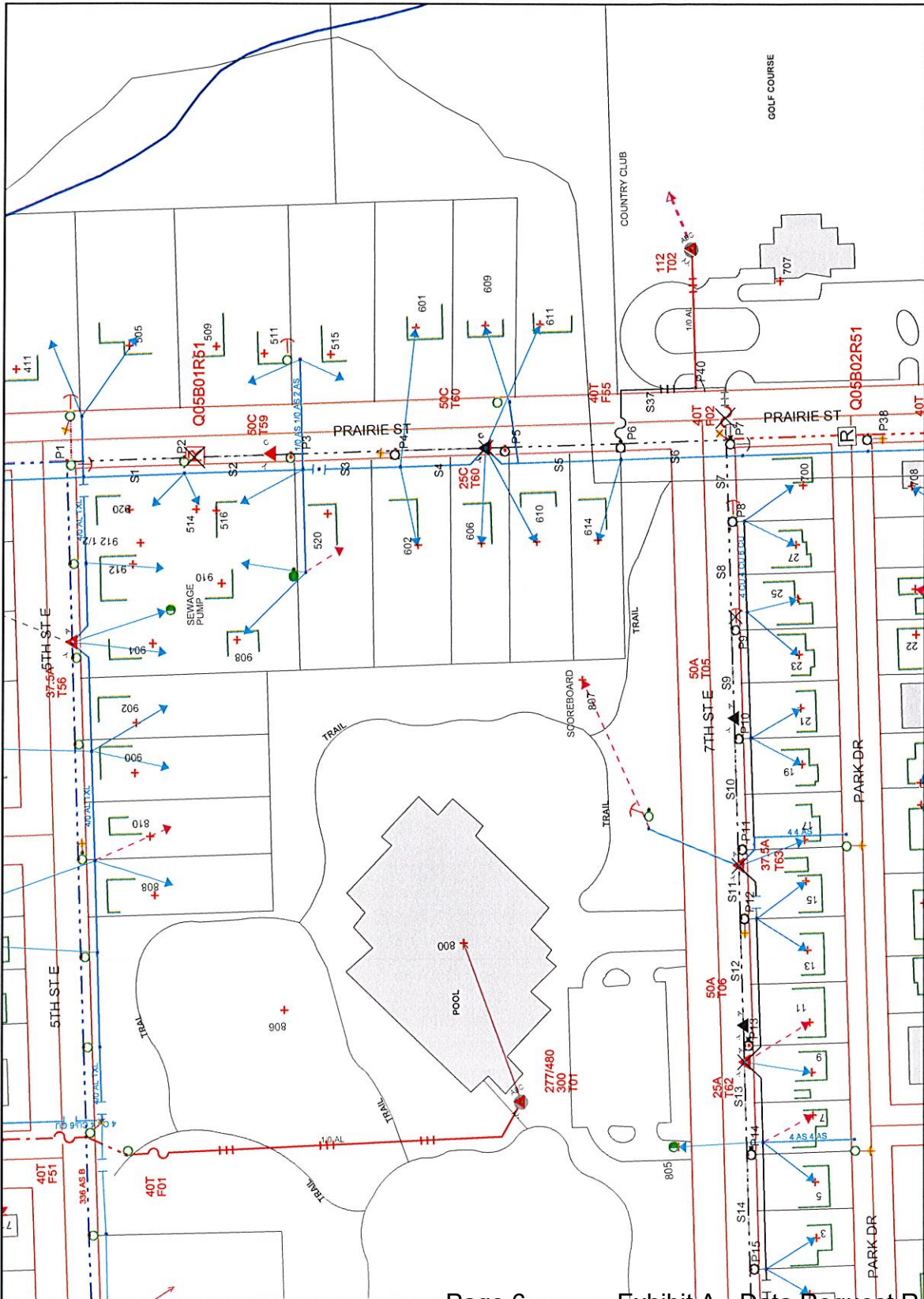
Design Location	
Division	Farmland
County	Rice
City	Northfield
Address	8627 90th St E
T: 11N R: 19W S: 6	
Map #	Q05B01
Permit	

System	
System	Electric
Size	13800
Dead End	
Gas	
System	Pressure
Size	Material
Dead End	

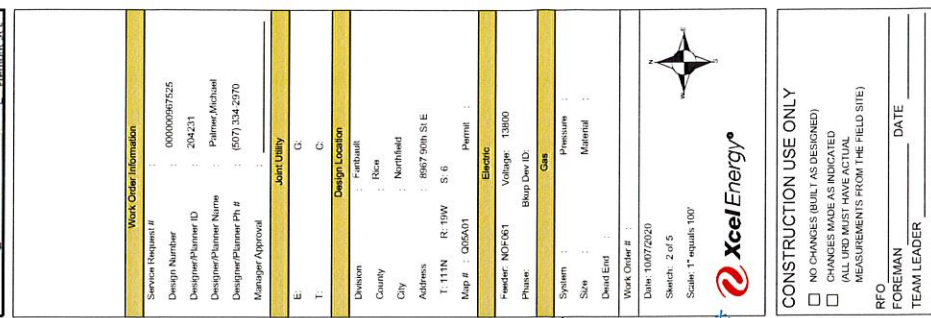
Work Order #	
Date	10/09/2020
Sketch	1 of 5
Scale	1" equals 117'

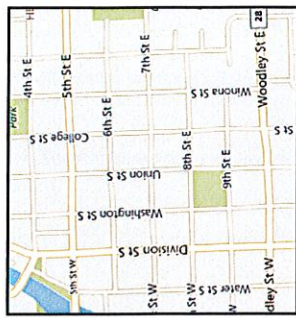
CONSTRUCTION USE ONLY	
<input type="checkbox"/> NO CHANGES (BUILT AS DESIGNED)	
<input type="checkbox"/> CHANGES MADE AS INDICATED	
<input type="checkbox"/> ALL UTD MUST HAVE ACTUAL	
<input type="checkbox"/> MEASUREMENTS FROM THE FIELD SITE	

R/O	DATE
FOREMAN	
TEAM LEADER	



THIS DOCUMENT IS XCEL ENERGY CONFIDENTIALS AND PROPRIETARY INFORMATION AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART, NOR MAY ANY OF THE INFORMATION CONTAINED HEREIN BE DISCLOSED WITHOUT THE CONSENT OF XCEL ENERGY. CONFIDENTIALS AND PROPRIETARY INFORMATION © 2019 XCEL ENERGY INC. | XCEL ENERGY IS REGISTERED TRADEMARK OF XCEL ENERGY INC.





Work Order Information	
Service Request #	00000067525
Design Number	204231
Designer/Planner Name	Palmer Michael
Designer/Planner Ph #	(507) 334-2070
Manager Approval	
Design Location	
Division	Electric
County	Northfield
City	Northfield
Address	887 9th St E
T: 111N R: 19W S: 6	
Map #	Q05A01
Permit	
Handler	NCH-061
Voltage	13800
Phase	3
System	Gas
Pressure	
Size	
Start Date	
End Date	
Work Order #	
Date	10/09/2020
Scale	1" = 100'

CONSTRUCTION USE ONLY

☐ NO CHANGES (BUILT AS DESIGNED)

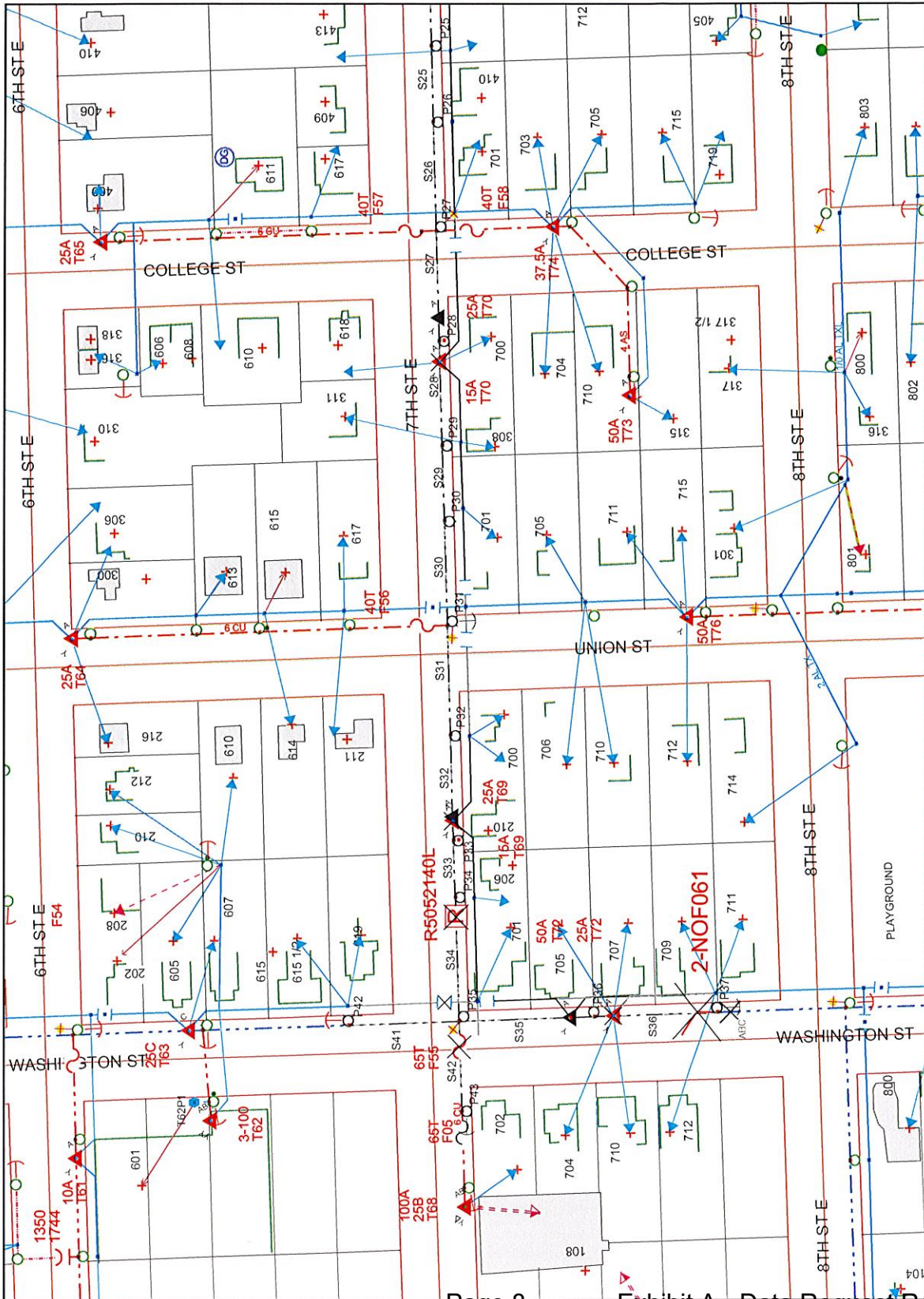
☐ CHANGES MADE AS INDICATED

☐ ALL UTD MUST HAVE ACTUAL MEASUREMENTS FROM THE FIELD SITE

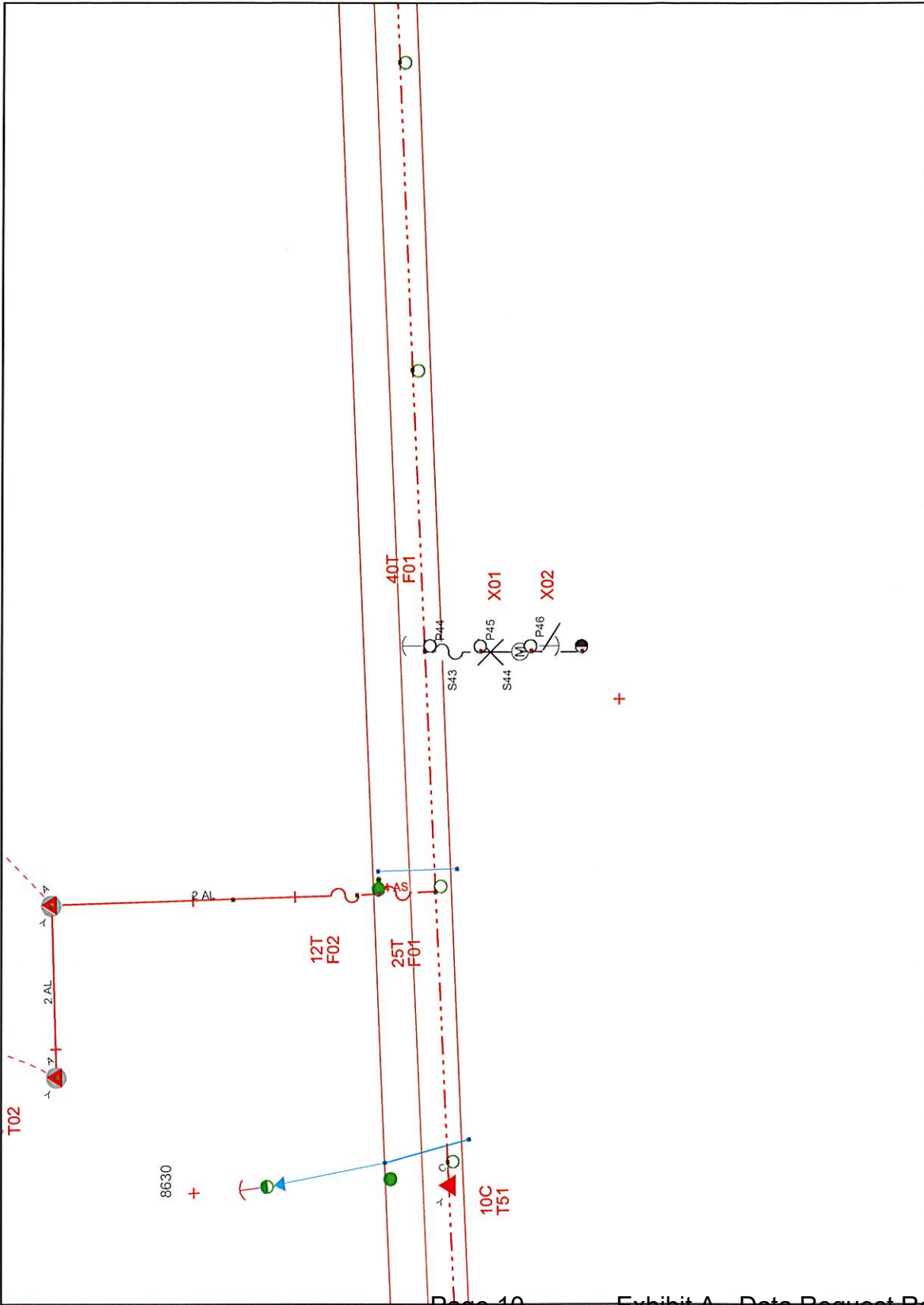
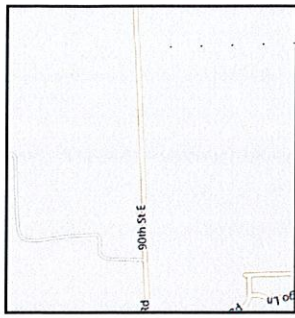
RFO _____ DATE _____

FOREMAN _____

TEAM LEADER _____



THIS DOCUMENT IS XCEL ENERGY CONFIDENTIALS AND PROPRIETARY INFORMATION AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART. NOR MAY ANY OF THE INFORMATION CONTAINED HEREIN BE DISCLOSED WITHOUT THE CONSENT OF XCEL ENERGY. CONFIDENTIALS AND PROPRIETARY INFORMATION © 2019 XCEL ENERGY INC.



Work Order Information	
Service Request #	000000087525
Design Number	204231
Designer/Planner ID	Palmer, Michael
Designer/Planner Name	(507) 334-2070
Manager Approval	
Joint Utility	
E:	G:
T:	C:
Design Location	
Division	Highway
County	Rice
City	Northfield
Address	
T: 111N	R: 19W
S: S	
Map #	000001
Permit	
Electric	
Facility	NOI-951
Voltage	13800
Phase	Blank Over ID
Gas	
System	Pressure
Size	Material
Dead End	
Work Order #	
Date	10/09/2020
Sheet	5 of 5
Scale	1" equals 83'



CONSTRUCTION USE ONLY

- ☐ NO CHANGES (BUILT AS DESIGNED)
- ☐ CHANGES MADE AS INDICATED
- ☐ CHANGES MADE AS NOTED
- ☐ MEASUREMENTS FROM THE FIELD SITE

RFO
FOREMAN _____ DATE _____
TEAM LEADER _____

THIS DRAWING IS THE PROPERTY OF XCEL ENERGY. IT IS TO BE USED FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR IN ANY MANNER USED FOR ANY OTHER PROJECT OR SITE. THE COMPANY AND ITS AFFILIATES ASSUME NO LEGAL RESPONSIBILITY OR LIABILITY FOR THE RECIPIENT'S USE OF THIS PRINT, INCLUDING THE RECIPIENT'S INTENDED PURPOSES. THE RECIPIENT'S INTENDED PURPOSES, RELY ON THIS PRINT AT YOUR OWN RISK. BY ACCEPTING THIS PRINT, THE RECIPIENT & ANY OTHER PARTY RECEIVING A COPY OF THIS PRINT ACKNOWLEDGES AND AGREES TO THIS. XCEL ENERGY IS A REGISTERED TRADEMARK OF XCEL ENERGY INC.



City of Northfield Data Request Form

A. TO BE COMPLETED BY REQUESTER (optional for the sole purpose of facilitating access to data)

Requester Name: Carol A. Overland, Legalectric		Phone Number: 612-227-8638	Fax Number: none
Address: 1110 West Avenue		Email Address: overland@legalelectric.org	
Signature:		Date of Request: 11/4/2020 <b style="color: red; font-weight: bold;">URGENT!!	
Description of the Information Requested (attach additional page if necessary): All information relating to powerline project on 7 th St. in Northfield, including the complete file for Permit # 20201465, for powerline across 7 th street. Requesting all information in the file, including but not limited to application, identification of connection points, name and owner and developer of solar or other generation interconnecting with this powerline, consultant reports, notices to affected and nearby landowners , staff notes, emails, regarding this permit request, and any and all other information regarding this project that is not in the file. URGENT REQUEST – ASPLUND IS GETTING READY TO CUT DOWN TREES!!! I am also forwarding this request directly to Sean Simonson. If you need \$\$ to process request, 612-227-8638 or overland@legalelectric.org			
I am requesting access to data in the following way: <input checked="" type="checkbox"/> Copies via email - COVID prohibits inspection I presume!			
Law Enforcement Data Requests Must Also Include the Following Information:			
Case Number (if known):	Officer (if known):	Date and Time of Incident:	
Location of Incident:	Type of Incident:		
Parties involved in incident- full names and dates of birth (attached additional sheet if necessary):			
First	Middle	Last	Date of Birth
First	Middle	Last	Date of Birth
First	Middle	Last	Date of Birth
Data requested:	Report	DVD	Photos
How would you like to receive the information?	Mail	In Person	E-mail overland@legalelectric.org
			Fax

*NOTE: According to MS § 13.05, subd. 12, persons are not required to identify themselves, or state a reason for, or justify a request for public data. Minn. Stat. § 13.03 and 13.04 authorize the City to charge fees to recover costs to provide copies of data. Prepayment is required. There is no charge for inspection or for separating not public data from public data. The City may charge the actual cost for searching and retrieving data, except for requests made by data subjects. The City will respond within a reasonable time for all requests, except for requests by data subjects, which shall be responded to within 10 days of the date of the request. **Payment must be made in advance.***

B. TO BE COMPLETED BY CITY (For Office Use Only):

Department Name:		Handled by/Sent by:
Requested by:	Subject of Data	Not Subject of Data
Information Classified as: <input type="checkbox"/> Public <input type="checkbox"/> Non-Public <input type="checkbox"/> Private <input type="checkbox"/> Protected Non-Public <input type="checkbox"/> Confidential		Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved in Part (Explain below) <input type="checkbox"/> Denied (Explain below)
Remarks or basis for denial including statute section:		

<p>Copying Charges:</p> <p><input type="checkbox"/> None</p> <p><input type="checkbox"/> Members of the Public (100 or fewer copies):</p> <p style="margin-left: 20px;">_____ Pages x \$.25 per Black/White Page = _____</p> <p style="margin-left: 20px;">_____ Pages x \$1.00 per Color Page = _____</p> <p><input type="checkbox"/> Members of the Public (more than 100 copies) and Data subjects:</p> <p style="margin-left: 20px;">Employee time: \$____/hr x _____ Hours = _____</p> <p style="margin-left: 20px;">_____ Pages x \$____per Black/White Page = _____</p> <p><input type="checkbox"/> Other Charges (e.g. postage): _____ = _____</p> <p style="margin-left: 40px;">Total Charges = _____</p>		<p>Identity Verified for Private Information:</p> <p><input type="checkbox"/> Identification: Driver's License, State Id, Etc.</p> <p><input type="checkbox"/> Comparison with Signature on File</p> <p><input type="checkbox"/> Personal Knowledge</p> <p><input type="checkbox"/> Other: _____</p>		
Data Sent By:	Mail	In Person	E-mail	Fax
<p>By: Signature: _____ Date: _____</p>				

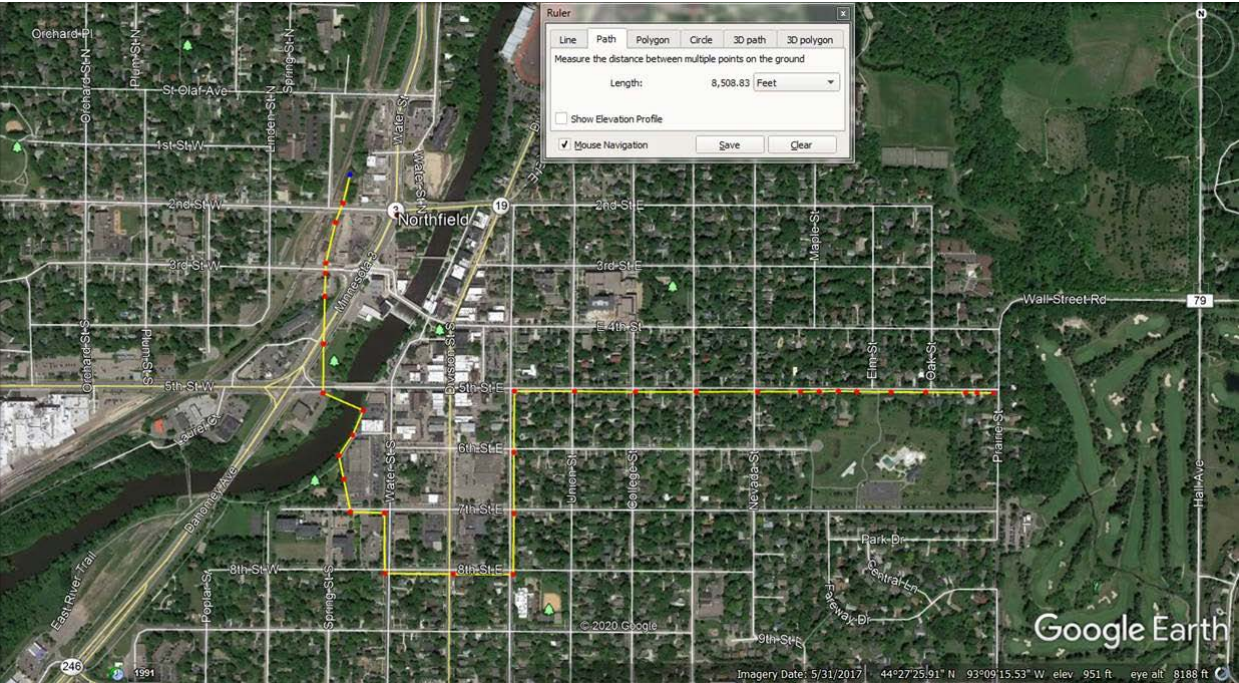
If mailed, return form and fees to: City of Northfield, 801 Washington Street, Northfield, MN 55057, fax 507-645-3055

Revised 12/2014

From: [Palmer, Michael T.](#)
To: [David Bennett](#); [Sean Simpson](#)
Subject: Potential Solar Rebuild Work
Date: Thursday, March 12, 2020 10:05:22 AM

CAUTION: This email originated from outside of the organization.

Dave and Sean, I would like to setup a meeting to go over potential feeder upgrades related to proposed solar gardens in your area. Engineering has identified the needed feeder upgrades along the path shown below if we are to add two new proposed solar sites on the system. I know this specific line has come up in the past so I would like to have a predesign meeting with the city and potentially the solar developers before I start actually designing the rebuild. Please let me know if you guys can make time in the next couple weeks to sit down with me and go over scope and potential issues with the required rebuild.



Mike Palmer
Xcel Energy | Responsible By Nature
Designer - Electrical Distribution
2763 1st Avenue NW, Faribault, MN 55021
P: 507.334.2970 C: 651.398.0557 F: 507.334.2951
E: michael.t.palmer@xcelenergy.com

XCELENERGY.COM
Please consider the environment before printing this email.

From: [Palmer, Michael T](#)
To: [Sean Simonson](#); [David Bennett](#)
Subject: Solar Rebuild Route Update
Date: Wednesday, May 13, 2020 7:15:17 AM

CAUTION: This email originated from outside of the organization.

Dave and Sean, engineering is reviewing the new proposed path along 7th. I counted approx. 14 trees along that route that would have to be removed and about 3 more that would need trimming. The route along 5th would have needed removal of about 26 trees.

Mike Palmer

Xcel Energy | Responsible By Nature

Designer - Electrical Distribution

2763 1st Avenue NW, Faribault, MN 55021

P: 507.334.2970 **C:** 651.398.0557 **F:** 507.334.2951

E: michael.t.palmer@xcelenergy.com

XCELENERGY.COM

Please consider the environment before printing this email.



2763 1st Avenue NW
Faribault, MN 55021

October, 28th 2020

Residents of Northfield
7th Street E (from Prairie St to Washington)
Northfield, MN 55057

RE: Tree trimming involved with upgrading the electrical system:

Dear Residents of Northfield.

Tree trimming and some removal is required along 7th St E from Prairie St to Washington St to upgrade the existing electrical system. The trees marked with red tape (6 trees in total) will be removed with some trimming needed on others. This work is being done to allow additional solar generation on this electrical distribution feeder.

If you have any further questions, please feel free to call me at (507) 334-2970.

Sincerely,

Michael Palmer
Designer
Xcel Energy



Engineering Division

To: Mike Palmer	From: Sean M. Simonson
Fax:	Pages: 1
Phone: 507-334-2970	Date: 10/26/2020
Re: ROW Permit 2020-1465	CC:

Prairie & Seventh Street Electrical Upgrade

1. Permittee must inform all affected property owners in writing of the proposed work prior to work commencing. Please forward written notice to the City of Northfield as well. This notice must also include a contact person for all project related questions from affected property owners.
2. No trenches or excavation pits are to be left overnight. Fencing off trenches or excavation pits is not allowed.
3. According to the permit, all work, including restoration is to be completed by 12/31/2020. Please contact myself if an extension is needed.
4. No construction equipment shall be parked on the road or road right-of-way overnight.
5. All BMP's shall be utilized at all times during construction or limit erosion from the work area.
6. Tree removals shall be marked in the field prior to removal, and approved by City personnel before removal.
7. The Contractor MUST inform property owners of impending tree removals, including trees in the ROW.
8. The permittee is responsible for all tree and stump removals off site, and restoration as required by the permit.
9. All hard surface removals will need to be put back to original condition. If weather doesn't allow final restoration, temporary hard surface replacement will be necessary until final restorations can be completed.

Sincerely,

Sean M. Simonson
City of Northfield
507.645.3049 office
612-328-8615 cell
507-645-3055 fax

City Hall Φ 801 Washington Street Φ Northfield, Minnesota 55057
office 507.645.3049 Φ fax 507.645.3055 Φ cell 612-328-8615
e-mail: Sean.Simonson@ci.northfield.mn.us

