

Grantor reserves the right to cultivate, use and occupy the Easement Area in a manner that is not inconsistent with Grantee's rights granted herein. Grantor also reserves the right to dedicate and have or permit to be improved, maintained, graded and used for the purposes of streets, curbs and gutters, sewers, water and underground utilities (hereinafter called "Improvements"), the portion of said Easement Area not occupied by the structures supporting Grantee's Facilities, provided that said Improvements do not in the opinion of Grantee impair the structural or electrical integrity of or ability to maintain said electric Facilities. Grantor further agrees to not materially alter the existing ground elevations in a manner that could interfere with Grantee's construction, operation, maintenance, relocation, or removal of its Facilities; or to result in a ground or other clearance of less than the minimum requirements specified by the National Electrical Safety Code and any other applicable laws or regulations or other codes in effect. Grantor, its agents or assigns must submit plans of Improvements or other installations within the Easement Area for review and written determination of compatibility by Grantee prior to installation of the Improvements.

After installation of the Facilities or after the exercise of any of the rights granted herein, Grantee agrees to restore the Property and the Easement Area to as near their original condition as is reasonably possible and remove therefrom all debris and spoils resulting from the use of the Property and Easement Area. Grantee shall pay for all actual damages to crops directly caused by the construction or maintenance of said lines. Claims on account of such damages may be referred to Grantee's nearest office.

Grantor covenants for the benefit of Grantee, its successors and assigns, that Grantor is the owner of the Premises and has the right to convey easements as set forth herein. The easements and covenants contained in this instrument shall run with and against the Premises. It is mutually understood and agreed that this instrument covers all the agreements and stipulations between the parties and that the terms herein may only be modified in writing. This instrument shall be governed by the laws of Minnesota.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be duly executed as of the _____ day of _____, 20__.

The remainder of this page is intentionally blank.

**SIGNATURE PAGE TO
EASEMENT**

**GRANTOR
THE ECONOMIC DEVELOPMENT
AUTHORITY IN AND FOR THE CITY OF
FREEPORT, MINNESOTA**

By: _____

Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF STEARNS)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by _____, its _____ as an authorized agent for The Economic Development Authority in and for the City of Freeport, Minnesota.

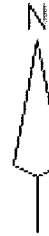
Notary Public, State of _____
My commission expires: _____

This Instrument was drafted by: SWL
Northern States Power Company d/b/a Xcel Energy
414 Nicollet Mall
Minneapolis, MN 55401



NORTHERN STATES POWER
MINNESOTA

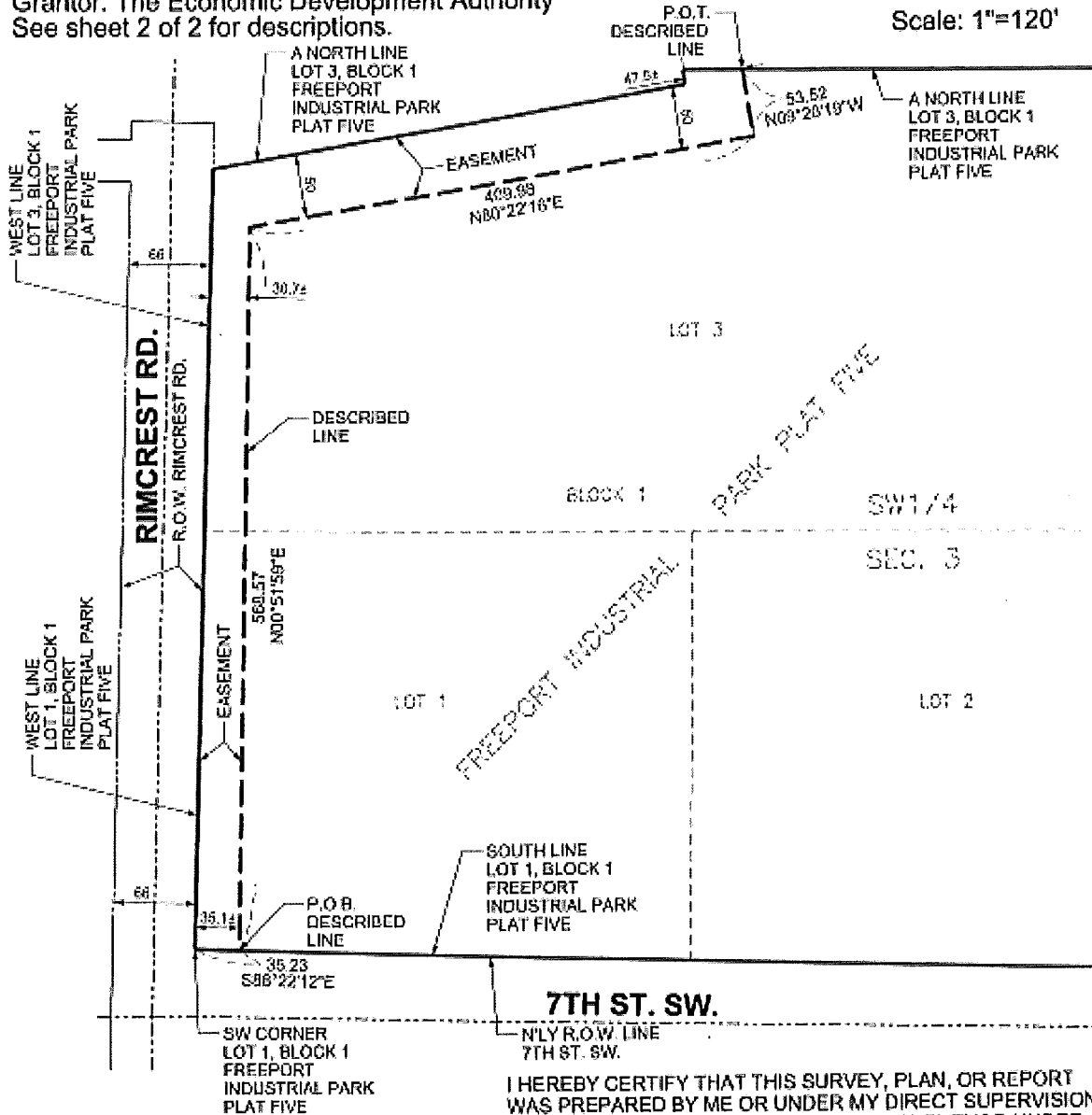
EXHIBIT A SHEET 1 OF 2 SHEETS



Scale: 1"=120'

Certificate of Survey

Location: City of Freeport, Stearns County, Minnesota
Grantor: The Economic Development Authority
See sheet 2 of 2 for descriptions.



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION
AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER
THE LAWS OF THE STATE OF MINNESOTA.

Michael E. Cannon
MICHAEL E. CANNON LIC. NO. 40035

LINE: 0795
PARCEL: ECONOMIC DEVELOPMENT
SEC. 3, T.125N., R.32W., 5TH P.M.
CO.: STEARNS

DATE 5-11-18



NORTHERN STATES POWER
MINNESOTA

EXHIBIT A SHEET 2 OF 2 SHEETS

Certificate of Survey

Location: City of Freeport, Stearns County, Minnesota

Grantor: The Economic Development Authority

"Property":

Lots 1, 2 and 3, Block 1, FREEPORT INDUSTRIAL PARK PLAT FIVE, according to the plat and survey thereof, on file and of record in the office of the County Recorder, in and for Stearns County, Minnesota.

"Easement Area":

An easement over, under and across that part of the herein before described "Property" which lies westerly and northerly of the following described line:

Commencing at the southwest corner of Lot 1, Block 1, FREEPORT INDUSTRIAL PARK PLAT FIVE, Stearns County, Minnesota; thence South 88 degrees 22 minutes 12 seconds East 35.23 feet along the south line of said Lot 1, Block 1, FREEPORT INDUSTRIAL PARK PLAT FIVE to the point of beginning of the line to be described; thence North 00 degrees 51 minutes 59 seconds East 568.57 feet; thence North 80 degrees 22 minutes 16 seconds East 409.98 feet; thence North 09 degrees 20 minutes 19 seconds West 53.52 feet to a north line of Lot 3, Block 1, FREEPORT INDUSTRIAL PARK PLAT FIVE and said line there terminating.

Containing 0.93 acres, more or less.

LINE: 0795
PARCEL: ECONOMIC DEVELOPMENT
SEC. 3, T.125N., R.32W., 5TH P.M.
CO.: STEARNS

May 11th, 2018

City of Freeport
Attn: Adrianna Hennen
125 Main Street East
Freeport, MN 56331

Re: Xcel Energy's 69kV Transmission Line 0795 Riverview Tap Project

Dear Ms. Hennen,

Northern States Power Company d/b/a Xcel Energy is proposing to construct a 69kV transmission line to improve the regional transmission system in the Freeport area to ensure ongoing reliability of electric service. As part of this project, please find the enclosed application, materials and documents for the City of Freeport's review and consideration.

1. Variance Request Form
2. Application Fee of \$150
3. Supplement to Variance Request
4. Project Overview Sheet
5. Structure Photo Example
6. Property Owner List and Contact Information
7. Project Map

The project is to construct a double circuit 69kV transmission line between Xcel Energy's existing East Melrose–Wobegon Trail Transmission Line 0795 and Great River Energy's new Riverview Substation. The transmission line will be built substantially adjacent to and along existing roadways and property lines. Single pole steel structures (poles) capable of carrying 8 wires (6 conductors and 2 lightning protection shield wires) will be installed.

Xcel Energy completed an extensive routing process over several months, working closely with affected property owners. At time of this application, agreements for easement have been reached with all landowners located within the City of Freeport. This includes a pending agreement for easement by and between the City of Freeport and Xcel Energy, contingent upon the granting of the variance requested herein.

Xcel Energy makes this application in compliance with the City of Freeport's statutory zoning authority, which allows for review of this facility so that it meets the applicable zoning requirements. However, by making this application, Xcel Energy does not waive or subordinate its utility authority to develop and construct the proposed project in order to meet its obligation to provide electrical service.

I look forward to working with the City of Freeport during this permit application process. Please feel free to contact me with any comments or questions.

Sincerely,



Sean Lawler
Xcel Energy
(612) 330-1956
sean.w.lawler@xcelenergy.com



CITY OF FREEPORT

125 Main Street E – PO Box 301 – Freeport, MN 56331 – 320-836-2112 – FAX 320-836-2116
For TTY/TDD Users 1-800-627-3529 or 711 Minnesota Relay Service www.freeportmn.org

Variance Request Form (\$150.00)

FOR OFFICE USE ONLY	
DATE FEE PAID	
DATE REQUEST SUBMITTED	
DATE OF HEARING <i>**Location is City Hall at 7pm unless otherwise noted</i>	
COUNCIL ACTION	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED

Applicant Northern States Power Company d/b/a Xcel Energy Phone 612-330-1956

Owner (if different from above) _____ Phone _____

Address of Property N/A

Mailing Address 414 Nicollet Mall, Minneapolis, MN 55401

Present Zoning (verify with city staff) I-1

Proposed Zoning I-1

Existing Use of the Property Industrial/Vacant

Describe the Reason for this Request See enclosed.

Have you previously been denied for rezoning, a variance, or a conditional use permit Yes No

Applicant Signature  Date 5/11/2018

Supplement to Variance Request

69kV Transmission Line 0795 Riverview Tap Project

City of Freeport, Minnesota

Variance Request

Section 500.06, Subdivision 2 of the Freeport City Code defines “Essential Services” as the “Erection, construction, alteration, or maintenance by a public utility of overhead electrical transmission systems, including poles wires and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities for the public health, safety, or general welfare.”

Freeport City Code specifically permits “Essential Services” in the A, R-1, and R-2 Districts. “Essential Services” are not included as either permitted uses or conditional uses in the C-1, C-2, C-3, and I-1 Districts. Therefore, Xcel Energy is applying for a variance to authorize the construction of the proposed 69kV transmission line in the I-1 District.

The project is to construct a new double circuit 69kV transmission line between Xcel Energy’s existing East Melrose–Wobegon Trail Transmission Line 0795 and Great River Energy’s new Riverview Substation. Under certain conditions, the existing transmission system in Freeport, MN area experiences low voltages and system overloads. Great River Energy’s new substation and Xcel Energy’s proposed transmission line will correct these issues by introducing a strong electric source directly to the area 69kV transmission system. The added electrical source will improve electric service reliability in the City of Freeport and directly benefit the residents and businesses of Freeport, both current and future.

Xcel Energy completed an extensive routing process over several months, working closely with affected property owners. At time of this application, agreements for easement have been reached with all landowners located within the City of Freeport. This includes a pending agreement for easement by and between the City of Freeport and Xcel Energy, contingent upon the granting of the variance requested herein.

The enclosed Project Map depicts the proposed transmission line route. The transmission line will be built substantially adjacent to and along existing roadways and property lines. Established setbacks encumber a significant portion of the proposed easement areas along the proposed transmission line route within the City of Freeport, minimizing impact to buildable areas.

Single pole steel structures (poles) capable of carrying 8 wires (6 conductors and 2 lightning protection shield wires) will be installed. The installed structures will range from 70ft to 100ft in height. Construction is planned to begin in late fall or early winter 2018.

In the opinion of Xcel Energy, constructing the proposed transmission line satisfies the intent and purpose of the Freeport City Code by promoting and protecting the health, safety and general welfare of Freeport businesses and residents through improved electric service reliability



Double Circuit 69kV Transmission Line to Riverview Substation

- Xcel Energy is planning to construct a double circuit 69kV transmission line between its existing East Melrose–Wobegon Trail Transmission Line 0795 and Great River Energy’s proposed Riverview Substation.
- The proposed transmission line is necessary to connect Great River Energy’s proposed Riverview Substation to surrounding transmission infrastructure.
- The Riverview Substation is needed to improve the regional transmission system in the SFreeport, MN area by resolving equipment overload, transmission line overload, low voltage concerns and problematic maintenance outages.

Project Information

- The entire length of the new transmission line will be approximately 1 mile.
- The majority of the line will be built along existing roadways and property lines.
- Transmission poles will be steel mono-poles set on drilled pier concrete foundations or directly embedded into a culvert foundation, eliminating the need for guy wires and anchors.
- The new transmission line will be a double circuit 69 kilovolt line consisting of 8 wires (6 conductors and 2 lightning protection shield wires).
- Pole heights will range from 70ft to 100ft in height.
- Before the project is built, Xcel Energy will obtain approvals from all local governments in the project area and work with impacted landowners to acquire easement rights necessary to construct the project.
- Targeted in-service date is February 2019.

Enclosed Project Map

- The proposed transmission line route is indicated on the enclosed map.

Contact Us for Questions and Information

- Sean Lawler, Land Rights Agent: 612-330-1956
- Brendan Cohen, Project Manager: 612-330-6112



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Xcel Energy's 69kV Transmission Line 0795 Riverview Tap Project

City of Freeport Underlying Landowners

Name	Address	City	State	Zip
CITY OF FREEPORT ECONOMIC DEVELOPMENT AUTHORITY	125 MAIN STREET EAST	FREEPORT	MN	56331
WHIRLWIND STEEL BUILDING INC	8234 HANSEN ROAD	HOUSTAN	TX	77075

Oak Township Underlying Landowners

Name	Address	City	State	Zip
CODY SCHERPING	37138 RIMCREST ROAD	FREEPORT	MN	56331
EVERETT SCHERPING TRUST	37267 RIMCREST ROAD	FREEPORT	MN	56331
GREAT RIVER ENERGY	12300 ELM CREEK BLVD	MAPLE GROVE	MN	55369
CLARENCE BORGERDING	28256 COUNTY ROAD 157	FREEPORT	MN	56331
BARBARA BEUNING	PO BOX 344	FREEPORT	MN	56331

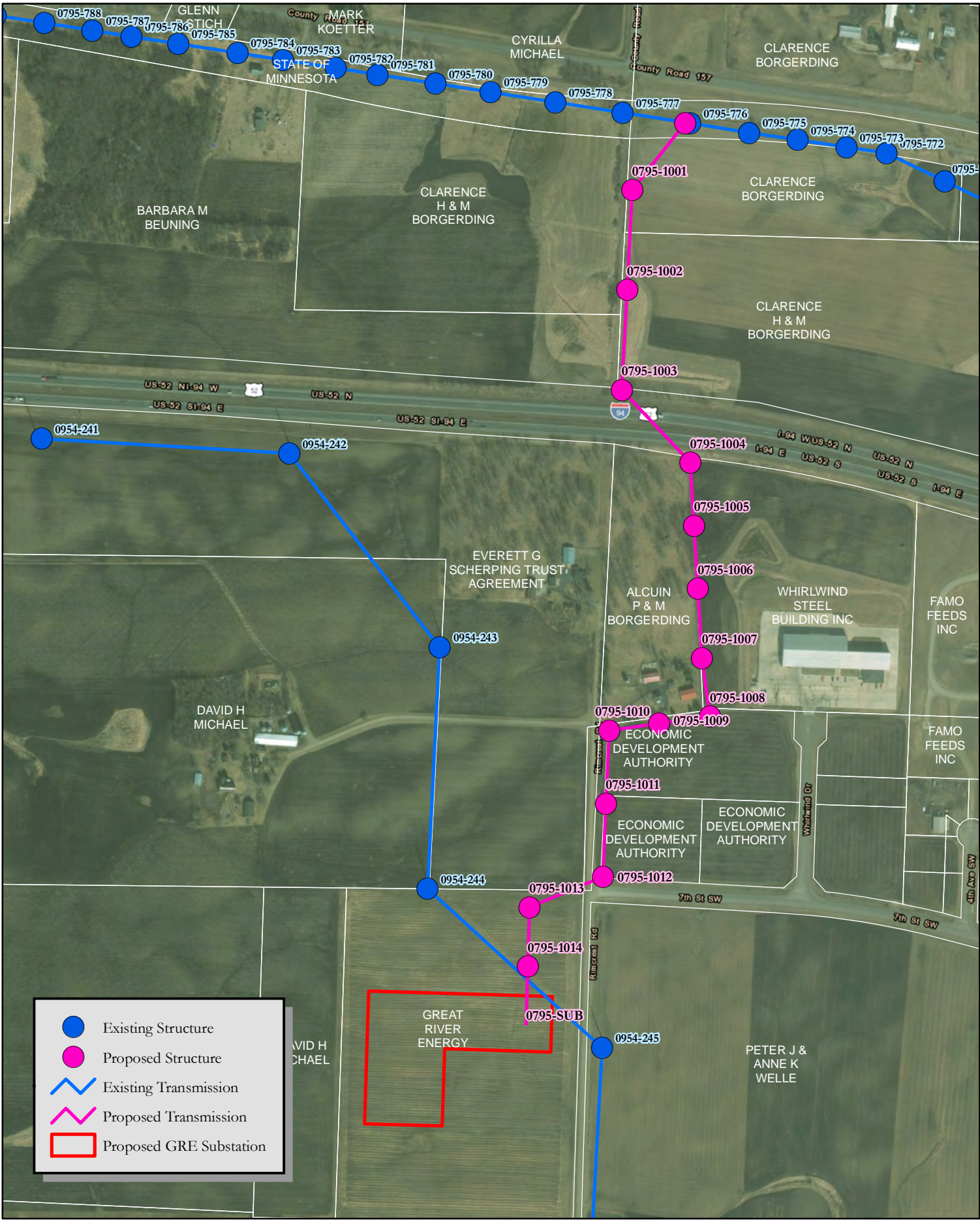
Xcel Energy's 69kV Transmission Line 0795 Riverview Tap Project

City of Freeport Adjacent Landowners

Name	Address	City	State	Zip
FAMO FEEDS INC	PO BOX 7	FREEPORT	MN	56331
MARVIN ENTERPRISES LLC	31600 MAHOGANY ROAD	ALBANY	MN	56307
CARR'S TREE SERVICE	PO BOX 250	OTTERTAIL	MN	56571

Oak Township Adjacent Landowners

Name	Address	City	State	Zip
PETER AND ANNE WELLE	28093 7TH STREET SW	FREEPORT	MN	56331
DAVID MICHAEL	37177 RIMCREST ROAD	FREEPORT	MN	56331



- Existing Structure
- Proposed Structure
- Existing Transmission
- Proposed Transmission
- Proposed GRE Substation

0 250 500 1,000 Feet
 1:6,000
 1 inch equals 500 feet

Line 0795 Proposed Route to GRE Substation



Memo

From: Adrianna Hennen, Clerk-Treasurer

To: Freeport City Council

Date: 5/21/18

Re: Nuisance Properties

At the April council meeting, council requested that notices be sent to Buddy Loehrer (208 2nd Ave NW), Scherer Family (203 3rd Ave SE), and Jennifer Beach (415 Main St E) regarding their properties.

1. Buddy Loehrer – Numerous vehicles and recreational vehicles parked in the street and all over the yard. Working on vehicles in the roadway. Painting vehicles in the roadway. Junk and garbage lying all over the yard.
 - a. This property has actually gotten worse since notice was sent to them.

2. Scherer rental home – Vehicles being worked on in the roadway. Garbage lying in the yard.
 - a. They did clean up around the property since receiving the notice.

3. Jennifer Beach – The drawn out process of taking down the home.
 - a. Were notified that they had until July 1st to complete the removal of the home. Removed more of the home once they received the notice, but no progress in the last couple of weeks.

Memo

From: Adrianna Hennen, Clerk-Treasurer

To: Freeport City Council

Date: 5/21/18

Re: Ross Klaphake Shed

Back in Novemeber 2017 we allowed Ross Klaphake until May 15, 2018 to finish making the improvements to the shed that he brought onto his property to meet Freeport City Code. As of May 21, 2108, he has yet to complete the improvements, which include fixing windows and doors, replacing rotting boards, and updating it to match the house.

Memo

From: Adrianna Hennen, Clerk-Treasurer

To: Freeport City Council

Date: 5/22/18

Re: Solar Gardens

Following this memo is a copy of the existing zoning ordinance regulating solar energy systems. Then will be a copy of the proposed changes. Below Dymoke explains the changes he is proposing:

“Attached for the Council’s consideration are proposed changes to the zoning ordinance to regulate solar energy systems.

The first attachment is an extract showing all of the references to solar energy currently in the ordinance.

The second attachment is an extract showing proposed changes to regulate solar energy.

My goal was to allow building and roof mounted systems anywhere as an accessory use, allow ground mounted systems in the industrial and agricultural districts as an accessory use, and allow solar gardens in the agricultural district with a CUP.

I also added some performance standards to limit the instances where the solar energy system becomes a nuisance to neighboring property owners.

With these changes, a solar panel could be added to any home or business with a building permit. In the industrial park, Whirlwind or Famo could add a ground mounted solar panel with a building permit.”

SOLAR ENERGY PROVISIONS - EXISTING ZONING ORDINANCE

500.01 Intent, purpose and application.

Subd.1 Intent

This Section is enacted pursuant to the authority conferred by the State of Minnesota in Sections 462.351 to 462.364 for the purpose of:

1. Promoting and protecting the public health, safety, and general welfare of the residents of this incorporated area of the city,
2. Protecting and preserving the physical character, social and economic stability of residential, commercial, industrial and other use areas,
3. Securing the most appropriate use of land,
4. Preventing the overcrowding of the land and undue congestion of population,
5. Providing adequate light, air and reasonable access,
6. Facilitating adequate and economical provision of transportation, water supply and sewage disposal,
7. Planning for location of schools, recreation facilities and other public requirements, and,
8. **Providing for the protection of access to direct sunlight for solar energy systems.**

500.25 R-1, Single and Two-Family Residence District

Subd.2 Permitted Uses

1. Single and two-family dwellings.
2. Attached single family dwellings, not exceeding four units per structure.
3. State licensed residential facility or a housing with services establishment registered under chapter 144D serving six or fewer persons; licensed day care facility serving twelve (12) or fewer persons; group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve fourteen (14) or fewer children, except that residential facilities whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be permitted.
4. Essential services.
5. **Solar energy.**
6. Existing farming operations.
7. Limit to two (2) cords of exposed wood.
8. Manufactured homes, if such manufactured houses comply with the following conditions:

- a. The house may not have ground floor space of less than 800 square feet or a width of less than 20 feet at its narrowest point.
- b. The house must be placed on a permanent foundation which complies with the State Building Code and which are solid for the complete circumference of the house.
 - i. The house must have exterior siding of conventional exterior dwelling-type materials. Metal siding must have horizontal edges and overlap in sections no wider than 12 inches. Sheet metal siding is not permitted.
 - ii. The house must be built in compliance with Minnesota State Building Code.
 - iii. Manufactured houses which vary from these requirements may be permitted in this zone when authorized by the Board of Adjustment. Before a variance is granted, the Board, must find that the value of the adjacent property will not be diminished by the placement of the manufactured house. The variance must state any conditions which may be set by the Board in granting the variance.

500.51 Height and yard exceptions

Subd.1 Structures

Chimneys, cooling towers, elevator bulk head, fire towers, drive-in movie theater screens, grain elevators, silos, penthouses, stacks, tanks, water towers, pumping towers, radio, or television towers, monuments, cupolas, steeples, and mechanical appurtenances pertaining to and necessary to the permitted use of district in which they are located, must not be included in calculating the height of the principal structure. Solar collectors will be considered on an individual basis as a variance as set forth in Subsection 500.55, subdivision 2.

500.64 Board of zoning appeal/adjustment; variances

Subd.2 Powers

The Board of Zoning Adjustment shall have power to grant adjustments in and exceptions to any of the provisions of this Ordinance to the extent of the following and no further:

1. To vary or modify the strict application of any of the regulations or provisions contained in this Ordinance in cases in which there are practical difficulties of unnecessary hardships in the way of such strict application.
2. To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of passage of this Ordinance, but such extension of any district shall not exceed one hundred (100) feet.
3. A variance shall not be granted by the Council acting as the Board of Zoning Appeals unless the Board first considers the following standards. At the hearing the applicant shall present a statement and evidence in such form as the Board of Zoning Adjustment may require, showing these facts:
 - a. The variance is consistent with the Comprehensive Plan or Land Use Plan, if adopted.

- b. The variance is in harmony with the general purposes and intent of the Ordinance.
- c. The Applicant establishes that there are ‘practical difficulties’ in complying with the Zoning Ordinance. Practical difficulties as used in connection with the granting of a variance, means that:
 - i. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance;
 - ii. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - iii. The variance, if granted, will not alter the essential character of the locality.
 - iv. Economic considerations alone shall not constitute practical difficulties.
 - v. Practical difficulties shall include, but is not limited to, inadequate access to direct sunlight for solar energy systems.
 - vi. Variances shall be granted for earth sheltered construction as defined in MN. Stat. 216C.06, Subd.14 as may be amended, when in harmony with the Zoning Ordinance.

500.03 Short Title

This Section or Chapter of the City Code is the Zoning Code of Freeport, Minnesota and will be referred to herein as “this Section”, “this Code”, “the Zoning Ordinance”, and/or “the/this Ordinance”. A particular subpart of this Section shall be referred to as a “Subsection”.

500.07 General Provisions

Subd.1 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.

Subd.4 Conformance to Ordinance

No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered nor shall any building or land be used except for the purpose permitted in the district in which the building or land is located.

Subd.6 Uses Not Provided For Within Zoning Districts

Whenever in any zoning district a use is neither specifically permitted nor denied, the use shall be considered prohibited. The City Council or property owner, may, if appropriate, initiate an amendment to the Zoning Ordinance to provide for the particular use under consideration or may find that the use is not compatible for development within the City.

Subd.9 Building Permits

As required, no person shall erect, alter, or move any building or part thereof without first securing a building permit.

500.06 Rules and definitions

Subd.1 Rules

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; the word "lot" shall include the word "plot" and the word "shall" is mandatory and not discretionary.

Subd.2 Definitions

For the purpose of this Code, the terms defined in this Section have the meanings given them.

Accessory Use or Structure. A subordinate detached building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such main building or use.

Agriculture. The growing of soil crops in the customary manner on open tracts of land, the raising of animals or poultry, including incidental retail selling by the producer of the product raised on the premises, providing customer parking space is furnished off the public right-of-way.

Alley. A public thoroughfare less than thirty (30) feet in width which provides secondary access to the abutting property.

Amendment. Any modification of the Ordinance text or map. A map amendment shall be known as a rezoning.

Apartment. A part of the building consisting of a room or suite of rooms which is designed for, intended for or used as a residence for one family or an individual and is equipped with cooking facilities.

Apartment Building. Three (3) or more apartments grouped in one building sharing common hallways and building entry.

Appeal. An action brought by an applicant where it is alleged that there is an error in any order, request, decision or determination by the City Administrator in the enforcement of the Zoning Ordinance.

Automobile repair, major. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, frame work and major painting service.

Automobile repair, minor. Incidental repairs, replacement of parts and motor service to automobiles, but not including any operation specified under Automobile repair, major.

Automobile service station. Any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries or minor automobile accessories. Services offered may include the installation of tires, batteries or minor accessories; minor automobile repairs; and greasing or washing of individual automobiles. When sales, services and repairs as detailed here are offered to the public, the premises will be classified as a public garage. Automobile service stations shall not include the sale or storage of vehicles; shall not include premises offering major automobile repairs, automobile wrecking or detached car washes.

Bed and Breakfast. An owner-occupied single-family dwelling where lodging, in up to four guest rooms, and breakfast are provided to the traveling public by the resident owner for compensation.

Building. Any structure for the shelter, support or enclosure of persons, animals, or property of any kind.

Building Height. The vertical distance from the average of the highest and lowest point of that portion of a lot covered by a building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line. An imaginary line on a development site corresponding with the series of points where an exterior building wall meets the grade of the Earth.

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries.

City Council. The City Council of Freeport.

Commercial Recreational Uses. Uses including, miniature golf, waterslides, amusement centers, bowling alley, pool hall, dance hall, skating and similar uses