

City Council Regular Meeting Agenda
City Council Chambers
October 7, 2013

Page		5:00 p.m. Personnel Committee Meeting
	1.	5:30 p.m. Call the Meeting to Order at City Hall (Mayor)
	2.	Persons with Unscheduled Business to Come Before the City Council (Mayor)
	3.	Review the Consent Agenda: (Mayor)
2-3		a. Minutes: ▪ 9.23.13 City Council Meeting
4-7		b. Applications: ▪ Conditional Use Permit – 720 Atlantic Avenue ▪ <u>Vacancies on Boards & Commissions</u> : ▪ Park Board – 2 ▪ Benson Area Tourism Board – 1 ▪ Airport – 1 ▪ Planning Commission - 1
8		c. Correspondence
9-17		▪ Susan Johnson Thank-you
18		▪ CenterPoint Energy Request to MPUC
		▪ U.S. Link, Inc. Application to MN Utility Commission
		d. Overnight Travel: ▪
19-24	4.	Upper Minnesota Valley Regional Development Commission Contract for Services
25-26	5.	Minnesota Pollution Control Agency Surface Water Discharge Application
27	6.	Appoint Election Judges
28-29	7.	Prairie 5 “Reach Our for Warmth” Request
30	8.	Consider Fire Service Charges
31	9.	Memo to Residents to Remove Temporary Fabric Structures
32-33	10.	2013 Storm Excavated Stump Bids
	11.	Adjourn: Mayor

Draft

**MINUTES - BENSON CITY COUNCIL - REGULAR MEETING
SEPTEMBER 23, 2013**

The meeting was called to order at 5:30 p.m. by the Mayor. Members present: Mike Fugleberg, Ben Hess, Gary Landmark, Paul Kittelson & Sue Fitz. Members Absent: None. Also present: City Manager Rob Wolfington, Director of Finance Glen Pederson, Public Works Director Elliot Nelson, Barb & Brad Amundson, Stephanie Heinzig, Dennis Laumeyer, Jack Evenson, Mark Anderson, and Don Lenz

It was moved by Hess, seconded by Fugleberg and carried unanimously to approve the following minutes on the consent agenda:

- September 9, 2013 City Council Meeting
- August 5, 2013 Planning Commission Meeting
- August 15, 2013 EDA Meeting
- September 9, 2013 Benson Public Library Meeting

Next there was an application from Bill McGeary for the Park Board. It was moved by Fitz, Seconded by Hess and carried unanimously to appoint Bill McGeary to the Park Board, with his term ending December 31, 2015.

The Mayor acknowledged openings on the Park Board, Airport Commission, Planning Commission and Benson Area Tourism Board.

Superintendent Dennis Laumeyer, from School District #777 presented information on the proposed Operating Levy Referendum for the November 5, 2013 election.

Wolfington discussed a Conflict of Interest Worksheet that needed to be filled out by any Councilmember that has applied for the current Small Cities Grant.

Don Lenz asked the Council if there were any updates on his request to the City to extend sewer and water service out to a building he would like to build on a lot outside of the city limits. Wolfington presented a map of 9 properties in the area that could be served by these extensions. Water could be put in on one side of the road and sewer on the other side. Wolfington estimated the project could be done, but it would cost \$150,00 - \$200,000 for the project itself. Engineering costs would cost at least \$15,000. If the project is to move forward, first the property owners have to agree, an annexation of those properties must take place, and there will then be assessments for the project to each property owner. Wolfington said a forced annexation is not recommended, and suggested a guarantee of the new business building before proceeding. After discussion it was the consensus of the Council, to have a representative of the Council meet with Torning Township Chairman Al Saunders and the City Manager to discuss the matter.

Pederson presented a revised Electric Fund Budget. It was moved by Fitz, seconded by Landmark and carried unanimously to approve the revised Electric Fund Budget as presented.

Pederson then presented the August 2013 Budget Report.

Pederson presented bills and warrants for August 2013. It was moved by Fitz, seconded by Fugleberg and carried unanimously to approve the bills and warrants in the amount of \$800,745.66.

At 6:07 p.m., the Council then moved to the Heartland Express bus, and toured the following projects: The demolition site of the old water treatment plant, power plant, Highway 9 west storm sewer replacement under the railroad tracks, a drainage project in Hawleywood Third Addition, the old Standard Lumber building demolition site, the new parking area by the creamery building and the new clinic. The Council returned to the Council Chambers at 7:14p.m.

There being no other business, a motion was made by Fugleberg, seconded by Hess and carried unanimously to adjourn the meeting at 7:15 p.m.

Mayor

City Clerk

Application for Conditional Use Permit

Planning Commission
City of Benson
Benson, MN 56215

Number: 2013-02
Date of Application: 8/20/2013
Application Fee: \$250.00 pd ch # 96203

NAME OF APPLICANT Glacial Plains Cooperative ZONE _____

ADDRESS 543 Van Norman Ave, Murdock, MN 56271 PARCEL NO. 23-1416-000

PROPERTY AT 720 Atlantic Ave LOT # _____ BLOCK _____

ADDITION (Legal Description - attached)

Pursuant to Minnesota Statute Section 15.99, an application for a conditional use permit shall be approved or denied within sixty (60) days from the date of its official and complete submission unless extended pursuant to Statute or a time waiver is granted by the applicant. If applicable, processing of the application through required state or federal agencies shall extend the review and decision-making period an additional sixty (60) days unless this limitation is waived by the applicant.

1. I am requesting a Conditional Use Permit to: build an unattended Diesel fueling station

2. Special Conditions:

- 3. Attach one Plot Plan to scale showing present and proposed improvements or location.
- 4. ATTACH: Abstractor's Certified Property Certificate showing property owners names and addresses within 350 feet of the outer boundaries of the property in question.
- 5. The Planning Commission will hold a Public Hearing on this case on Monday Sept 16 2013, at 12:00 PM, in the City Council Chambers, 1410 Kansas Avenue, Benson, MN. The applicant is advised to attend this meeting.

CERTIFICATE

I certify that I am the applicant named herein; that I have familiarized myself with the rules and regulations with respect to preparing and filing this application; that the foregoing statements and answers herein contained and the information on the attached maps or plot plans and any other papers submitted herewith are in all respects true and accurate to the best of my knowledge and belief.

SIGNATURE: [Signature] PHONE: 320-875-2811

ADDRESS: 543 Van Norman Ave, Murdock, MN 56271

6. The Benson City Council will receive the report and recommendation from the Planning Commission at their next meeting following the public hearing. The applicant is also advised to attend this meeting.
7. Criteria for Conditional Use Permits. No conditional use permit shall be granted or renewed unless the Planning Commission makes a finding that all of the following criteria are met:
 - a. Compliance with and effect upon the Comprehensive Plan, including public facilities and capital improvement plans.
 - b. The establishment, maintenance or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.
 - c. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - d. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - e. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.
 - f. The conditional use complies with the general and specific performance standards as specified by Section 154.178 of the City of Benson Zoning Ordinance.

8. STAFF COMMENTS: _____ DATE

9. PLANNING COMMISSION: _____ APPROVE _____ DENY _____ DATE

10. CITY COUNCIL: _____ APPROVE _____ DENY _____ DATE

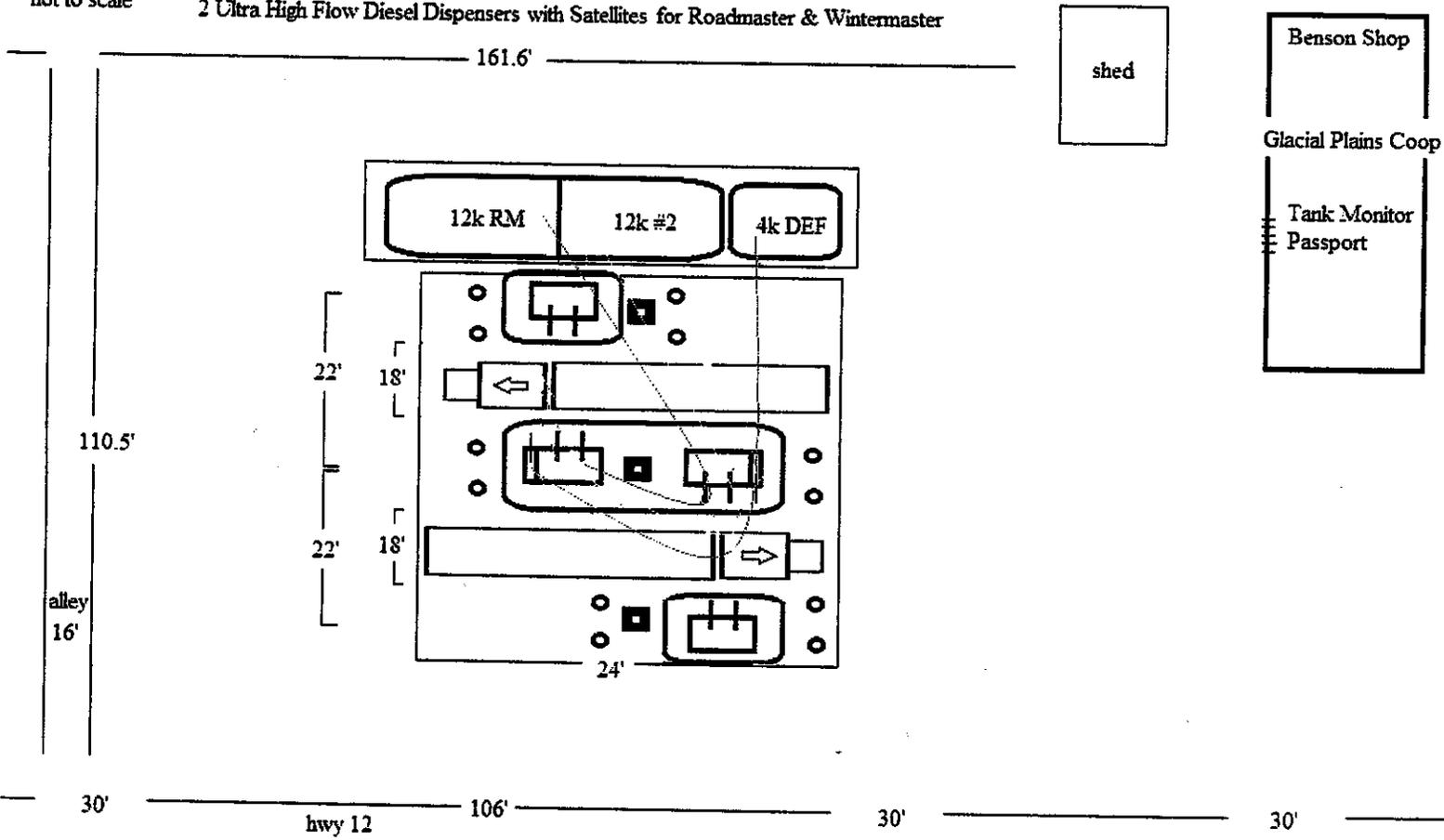
11. A CONDITIONAL USE PERMIT IS (APPROVED) (DISAPPROVED) FOR REQUEST AS FOLLOWS:

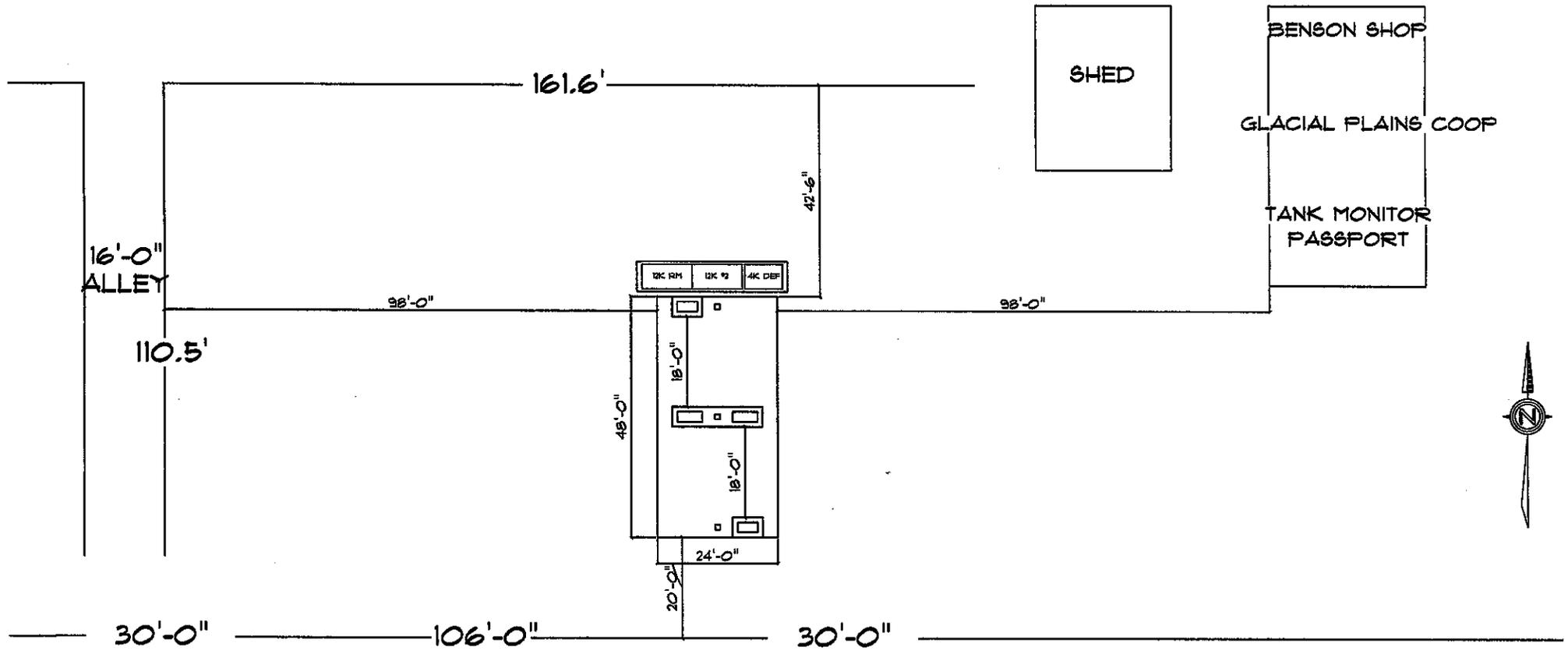
ZONING ADMINISTRATOR

DATE: _____

not to scale

New Unmanned Retail Fueling Site 2 Ultra High Flow Diesel Dispensers with Satellites for Roadmaster & Wintermaster





HIGHWAY 12

<small>THIS DRAWING IS PROPERTY OF WESTMOR INDUSTRIES INC. IT IS NOT TO BE REPRODUCED, COPIED, LAMINATED OR SHED WITHOUT PERMISSION.</small>				<small>P.O. BOX 683 MORRIS MN 56267 815 328-889-2100</small>	
				<small>BENSON, MN</small>	
			<small>DATE:</small> 6/12/2018	<small>PLANNING</small>	
				<small>SCALE:</small>	

Dear Benson City Council,

C
MTC

The purpose of my letter to you is to thank you for your efforts in cleaning up the property at 810 Kansas Avenue.

Many many years ago, that property was owned by my grandfather, Albert Johnson. It was where my mother, Harriet, was born and raised. After my parents were married (my dad was John Kopp), they also lived in that house as did my two sisters and I until my parents built a house next door at 800 Kansas Ave.

Those two houses represent my entire childhood, and even though both of my parents are now gone, I still drive by them every time I come to Benson. It has been so sad and disturbing to see how the property at 810 has deteriorated so much.

Thank you for working towards making that property more presentable.

Sincerely,
Susan Kopp Johnson



*Val -
cc correspondence
v/*

800 LaSalle Avenue
PO Box 59038
Minneapolis, MN 55459-0038

September 23, 2013

Mr. Robert Wolfington
Benson - City Manager
1410 Kansas Ave
Benson, MN 56215

Dear Mr. Wolfington:

On August 2, 2013, CenterPoint Energy filed a request with the Minnesota Public Utilities Commission (MPUC) for an increase in natural gas rates of \$44.3 million annually or 5.0 percent. On September 12, 2013, the Commission accepted our filing as complete and approved an interim (temporary) rate increase of \$42.9 million annually or 4.88 percent. This interim rate increase for CenterPoint Energy customers takes effect October 1, 2013, and continues until the MPUC issues a final order and the company implements new rates in mid 2014.

State law requires us to distribute a Notice of Application for Rate Increase and Notice and Order for Hearing to all counties and municipalities in our service area (enclosed). We will send you the public hearing notices with details of the public hearing dates, times and locations once they are scheduled. That information will also be advertised in the newspapers of record for each county seat in our service area and in the communities where hearings are to be held.

If you have questions or comments, please visit our Web site at www.CenterPointEnergy.com/ratecase.

Sincerely,

Joe Vortherms
Division Vice President
CenterPoint Energy
Regional Gas Operations

Enclosures: Notice of Application for Rate Increase
Notice and Order for Hearing

FOR CENTERPOINT ENERGY CUSTOMERS
 Notice to Counties and Municipalities
 Under Minn. Stat. §216B.16, Subd. 1

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION – STATE OF MINNESOTA

In the Matter of an Application by
 CenterPoint Energy for Authority to
 Increase Natural Gas Rates in Minnesota.

NOTICE OF APPLICATION FOR RATE
 INCREASE
 MPUC Docket No. G-008/GR-13-316

On August 2, 2013, CenterPoint Energy, a division of CenterPoint Energy Resources Corp., (CenterPoint Energy), filed a request with the Minnesota Public Utilities Commission (Commission) for a general rate increase of \$44.3 million or 5.0 percent. At its meeting on September 12, 2013, the Commission accepted CenterPoint Energy’s filing as complete. In accordance with Minn. Stat. § 216B.16, Subd. 3, the Commission has approved a total interim increase of \$42.9 million or 4.88 percent. CenterPoint Energy customers will receive a 4.88 percent increase on their bills.

Below are examples of the affect of the proposed and interim increase on typical bills for CenterPoint Energy customers. Individual changes may be higher or lower depending on actual natural gas usage.

Rate Type (usage in therms)	Average monthly usage in therms	Average monthly bill: current rates	Average monthly bill: interim rates	Average monthly bill: proposed
Residential	73	\$58	\$61	\$61
Commercial/Industrial				
- up to 1,499/year	60	\$52	\$55	\$55
- 1,500 to 4,999/year	226	\$166	\$174	\$167
- 5,000 or more/year	1,136	\$774	\$812	\$788
Small Volume Dual Fuel				
- up to 119,999/year	3,799	\$2,114	\$2,217	\$2,161
- 120,000 or more/year	13,743	\$7,449	\$7,813	\$7,617
Large Volume Dual Fuel	125,750	\$59,200	\$62,089	\$60,737

The Commission will determine the amount of the final rate increase on or before June 2, 2014. If the final approved rates are less than the interim rates, the difference will be refunded to customers, with interest.

To examine the current and proposed rate schedules, visit CenterPoint Energy’s office at 800 LaSalle Avenue, 14th Floor, Minneapolis, Minn., 55402. The Company’s business office hours are 8 a.m. to 5 p.m. Monday through Friday. The filing may also be examined at the Minnesota Department of Commerce, 85 Seventh Place East, Suite 500, St. Paul, Minn., 55101, telephone 651-539-1886 or your preferred Telecommunications Relay Service or at the eDockets Web site at www.edockets.state.mn.us. The current and proposed rate schedules and filing for new rates may also be examined by visiting the Company’s Web site at www.CenterPointEnergy.com/ratecase.

An administrative law judge will schedule public hearings. Public notice of the hearing dates and locations will be published in local newspapers in CenterPoint Energy’s service areas.

Persons who wish to intervene or testify in this case should contact the Administrative Law Judge, the Honorable Laura Sue Schlatter, Office of Administrative Hearings, Post Office Box 64620, St. Paul, MN 55164-0620.

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
David C. Boyd
Nancy Lange
J. Dennis O'Brien
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of an Application by CenterPoint
Energy Resources Corp. d/b/a CenterPoint Energy
Minnesota Gas for Authority to Increase Natural
Gas Rates in Minnesota

ISSUE DATE: September 23, 2013

DOCKET NO. G-008/GR-13-316

NOTICE AND ORDER FOR HEARING

PROCEDURAL HISTORY

On August 2, 2013, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Minnesota Gas (CenterPoint or the Company) filed a general rate case seeking an annual rate increase of some \$44.322 million, or approximately 5 percent. On August 5, 2013, the Commission issued a notice to potentially interested parties requesting comments on whether the Commission should accept the filing as substantially complete and whether it should refer the case to the Office of Administrative Hearings for contested case proceedings.

The only party to file comments was the Minnesota Department of Commerce, Division of Energy Resources (the Department), which filed comments on August 12, 2013, recommending that the Commission accept the filing as complete and refer the case for contested case proceedings. On August 15, 2013, CenterPoint filed a letter agreeing with the Department's recommendation.

On September 12, 2013, the Commission met to consider the matter.

Contemporaneously with this order, the Commission issued two other orders in this case—one finding the rate case filing to be substantially complete, and suspending the proposed rates, and one setting an interim rate schedule for use during the suspension period.

FINDINGS AND CONCLUSIONS

I. Jurisdiction and Referral for Contested Case Proceedings

The Commission has jurisdiction over proposed rate changes under Minn. Stat. § 216B.16. If the Commission is unable to resolve all significant issues regarding the reasonableness of the proposed rates on the basis of the filing itself, the Commission is to refer the matter to the Office of Administrative Hearings for contested case proceedings. Minn. Stat. § 216B.16, subd. 2.

The Commission finds that it cannot satisfactorily resolve all questions regarding the reasonableness of the proposed rates on the basis of the Company's filing. The Commission will therefore refer the matter to the Office of Administrative Hearings for contested case proceedings.

II. Issues to be Addressed

Parties shall specifically and thoroughly address the following issues (e.g., in testimony, at hearing, and, if applicable, in settlement documents) in the course of the contested case proceedings ordered herein:

- (1) Is the test year revenue increase sought by the Company reasonable or will it result in unreasonable and excessive earnings by the Company?
- (2) Is the rate design proposed by the Company reasonable?
- (3) Are the Company's proposed capital structure, cost of capital, and return on equity reasonable?
- (4) What is the appropriate number to be used for 2012 operating income in the rate case -- the number included in Schedule C-2(b) of the Company's rate case filing (\$33,947,000), or the number included in the Company's 2012 Jurisdictional Annual Report (\$36,900,000) filed in Docket No. E,G-999/PR-13-04?
- (5) How much of CenterPoint's aging infrastructure scheduled to be replaced will be abandoned, and how will that comply with current regulations?
- (6) What is the design of the Company's billable hourly rate as it relates to corporate costs? The Commission also asks for an explanation of the billable hourly rate's component parts.
- (7) What additional information does CenterPoint have regarding the Company's rate case expense recovery tracking and the handling of the over-collection of such expenses arising from its last rate case – Docket No. G-008/GR-08-1075?
- (8) What is the financial impact to ratepayers, based upon the Company's actual experience, of CenterPoint's extended or shortened billing periods due to accelerated or delayed meter readings?

In its order accepting the filing and suspending rates, the Commission will also require CenterPoint to file supplemental testimony regarding warning letters and notices of probable violation issued by the Minnesota Office of Pipeline Safety (MNOPS),¹ updated sales forecasts in its per dekatherm demand cost of gas rate, and an analysis of the impact of various decoupling scenarios. The parties may also raise and address other issues relevant to the Company's proposed rate increase.

¹ See, MNOPS Case Number 1299473-1(2011-13 NS and MNOPS Case Number 1307070-2 (2013).

III. Procedural Outline

A. Administrative Law Judge

The Administrative Law Judge assigned to this case is Laura Sue Schlatter. Her address and telephone number are as follows: Office of Administrative Hearing, 600 North Robert Street, St. Paul, Minnesota 55101 and (651) 361-7872. Her mailing address is P.O. Box 64620, St. Paul, Minnesota 55164-0620.

B. Hearing Procedure

- *Controlling Statutes and Rules*

Hearings in this matter will be conducted in accordance with the Administrative Procedure Act, Minn. Stat. §§ 14.57 – 14.62; the rules of the Office of Administrative Hearings, Minn. Rules, parts 1400.5100 to 1400.8400; and, to the extent that they are not superseded by those rules, the Commission's Rules of Practice and Procedure, Minn. Rules, parts 7829.0100 to 7829.3200.

Copies of these rules and statutes may be purchased from the Print Communications Division of the Department of Administration, 660 Olive Street, St. Paul, Minnesota 55155; (651) 297-3000. These rules and statutes also appear on the State of Minnesota's website at www.revisor.mn.gov/pubs.

The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota State Bar Association.

- *Right to Counsel and to Present Evidence*

In these proceedings, parties may be represented by counsel, may appear on their own behalf, or may be represented by another person of their choice, unless otherwise prohibited as the unauthorized practice of law. They have the right to present evidence, conduct cross-examination, and make written and oral argument. Under Minn. Rules, part 1400.7000, they may obtain subpoenas to compel the attendance of witnesses and the production of documents.

Parties should bring to the hearing all documents, records, and witnesses necessary to support their positions.

- *Discovery and Informal Disposition*

Any questions regarding discovery under Minn. Rules, parts 1400.6700 to 1400.6800 or informal disposition under Minn. Rules, part 1400.5900 should be directed to Robert Harding, Financial Analysis Unit Supervisor, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147, (651) 201-2237.

- *Protecting Not-Public Data*

State agencies are required by law to keep some data not public. Parties must advise the Administrative Law Judge if not-public data is offered into the record. They should take note that any not-public data admitted into evidence may become public unless a party objects and requests relief under Minn. Stat. § 14.60, subd. 2.

- *Accommodations for Disabilities; Interpreter Services*

At the request of any individual, this agency will make accommodations to ensure that the hearing in this case is accessible. The agency will appoint a qualified interpreter if necessary. Persons must promptly notify the Administrative Law Judge if an interpreter is needed.

- *Scheduling Issues*

The times, dates, and places of public and evidentiary hearings in this matter will be set by order of the Administrative Law Judge after consultation with the Commission and intervening parties.

- *Notice of Appearance*

Any party intending to appear at the hearing must file a notice of appearance (Attachment A) with the Administrative Law Judge within 20 days of the date of this Notice and Order for Hearing.

- *Sanctions for Non-compliance*

Failure to appear at a prehearing conference, a settlement conference, or the hearing, or failure to comply with any order of the Administrative Law Judge, may result in facts or issues being resolved against the party who fails to appear or comply.

C. Parties and Intervention

The current parties to this case are the Company and the Department of Commerce's Division of Energy Resources. Other persons wishing to become formal parties shall promptly file petitions to intervene with the Administrative Law Judge. They shall serve copies of such petitions on all current parties and on the Commission. Minn. Rules, part 1400.6200.

D. Prehearing Conference

A prehearing conference will be held on Wednesday, October 2, 2013 at 1:30 p.m. in the Small Hearing Room at the offices of the Public Utilities Commission, 121 Seventh Place East, Suite 350, St. Paul, Minnesota 55101-2147.

Persons participating in the prehearing conference should be prepared to discuss time frames, scheduling, discovery procedures, and similar issues. Potential parties are invited to attend the pre-hearing conference and to file their petitions to intervene as soon as possible

E. Time Constraints

The Commission is required to act on substantially complete rate case filings within ten months, although this ten-month period can be extended under certain circumstances. The Commission asks the Office of Administrative Hearings to conduct contested case proceedings in light of these time constraints and requests that the Administrative Law Judge submit her final report on or before April 2, 2014, to permit adequate consideration of the case by the Commission.

If the statutory deadline for the Commission's decision is extended beyond the normal ten months at any point during this proceeding for any reason (e.g., settlement discussions, waiver, etc.), the Commission requests the ALJ's report be submitted at least two months before the extended deadline for the Commission's decision.

IV. Application of Ethics in Government Act

The lobbying provisions of the Ethics in Government Act, Minn. Stat. § 10A.01 et seq., apply to general rate cases. Persons appearing in this proceeding may be subject to registration, reporting, and other requirements set forth in that Act. All persons appearing in this case are urged to refer to the Act and to contact the Campaign Finance and Public Disclosure Board, telephone number (651) 296-5148, with any questions.

V. Ex Parte Communications

Restrictions on *ex parte* communications with Commissioners and reporting requirements regarding such communications with Commission staff apply to this proceeding from the date of this Order. Those restrictions and reporting requirements are set forth at Minn. Rules, parts 7845.7300 – 7845.7400, which all parties are urged to consult.

VI. Notices Required; Delegation of Authority

Finally, the rate case statute and the Commission's rules require comprehensive notice of proposed general rate increases. Those notices are required in the ordering paragraphs below, and to promote administrative efficiency, the Commission will delegate to the Executive Secretary the authority to approve customer notices, bill inserts, and bill format for the duration of this proceeding.

ORDER

1. The Commission hereby refers this case to the Office of Administrative Hearings for contested case proceedings, as set forth above.
2. The Company shall promptly mail copies of this Order to all municipalities, counties, and local governing authorities within its Minnesota service area.
3. Public hearings shall be held in this case at locations within the service area of the company; those locations shall be set by the Administrative Law Judge after consultation with the parties and Commission staff.

4. The Company shall give the following notices of the evidentiary and public hearings:
 - A. Individual written notice to each customer, which may be in the form of a bill insert, and shall be served at least ten days before the first day of hearings.
 - B. Written notice to the governing bodies of all municipalities, counties, and local governing bodies in the area affected and to all parties in the Company's last two rate cases. These notices shall be mailed at least ten days before the first day of hearings.
 - C. Display advertisements in legal newspapers of affected counties and other newspapers of general circulation within the Company's Minnesota service area. These advertisements shall appear at least ten days before the first day of hearings. They shall include the heading **RATE INCREASE NOTICE**, which heading shall appear in bold face type no smaller than 30 points.
5. The Company shall submit proposed notices for Commission approval prior to publication or service.
6. The Commission delegates to the Executive Secretary the authority to approve customer notices, bill inserts, and bill format for the duration of this proceeding.

This Order shall become effective immediately.

BY ORDER OF THE COMMISSION



Burl W. Haar
Executive Secretary



This document can be made available in alternative formats (e.g., large print or audio) by calling 651.296.0406 (voice). Persons with hearing loss or speech disabilities may call us through their preferred Telecommunications Relay Service.

BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS
600 North Robert Street
St. Paul, Minnesota 55101

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION
121 Seventh Place East Suite 350
St. Paul, Minnesota 55101-2147

In the Matter of an Application by CenterPoint
Energy Resources Corp. d/b/a CenterPoint
Energy Minnesota Gas for Authority to Increase
Natural Gas Rates in Minnesota

MPUC DOCKET NO. G-008/GR-13-316

OAH Docket No. 80-2500-30979

NOTICE OF APPEARANCE

Name, Address and Telephone Number of Administrative Law Judge: Laura Sue Schlatter,
Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota 55101 and
(651) 361-7872. Her mailing address is P.O. Box 64620, St. Paul, Minnesota 55164-0620.

TO THE ADMINISTRATIVE LAW JUDGE:

You are advised that the party named below will appear at the above hearing:

NAME OF PARTY:

ADDRESS:

TELEPHONE NUMBER AND E-MAIL ADDRESS:

PARTY'S ATTORNEY OR OTHER REPRESENTATIVE:

OFFICE ADDRESS:

TELEPHONE NUMBER:

SIGNATURE OF PARTY OR ATTORNEY: _____

DATE: _____



Moss & Barnett
A Professional Association

September 26, 2013

City of Benson
1410 Kansas Avenue
Benson, MN 56215-1718

Mayor & CC

*Next Mtg Oct 7, 13
Corrosion Service -*

DL

Re: Notice of Application for Authority to Provide Local Telephone Service

Dear City Clerk:

Pursuant to Minn. Rules, part 7812.0200, subp. 6, please be advised that U.S. Link, Inc., d/b/a TDS Metrocom has requested issuance of a Certificate of Authority from the Minnesota Public Utilities Commission to provide facilities-based and resold local telephone services in certain additional CenturyLink and Frontier exchanges in Minnesota. Our records indicate that your municipality is located within one of these additional exchanges.

Comments or concerns related to that application may be sent to either or both:

Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, MN 55101

Minnesota Department of Commerce
85 Seventh Place East, Suite 500
St. Paul, MN 55101

Very truly yours,

MOSS & BARNETT
A Professional Association

Dan Lipschultz

cc: Jean Pauk

DL/keb
2380919v1

CONTRACT FOR ADMINISTRATIVE SERVICES

City of Benson
and
Upper Minnesota Valley Regional Development Commission
FY14-02

THIS CONTRACT for Administrative Services is between the City of Benson hereinafter referred to as the "City" and the Upper Minnesota Valley Regional Development Commission, hereinafter referred to as "UMVRDC".

WITNESSETH: In consideration of the mutual covenants and agreements contained herein, the City and UMVRDC agree as follows:

I. CONTRACT TERM

The term of this Agreement is from July 17, 2013 through December 31, 2015 contingent upon the availability of funds.

II. ADMINISTRATIVE TERMS

In consideration of financial reimbursement to be more specifically described herein, UMVRDC agrees to act as Overall Administering Agent on behalf of the City for the Minnesota Small Cities Development Program grant entitled, "Benson Comprehensive Grant" for which the City will receive monies from the State of Minnesota.

As the overall Administering Agent of the Benson Rehab Project, the UMVRDC agrees to perform all tasks enumerated below in a manner which will meet or exceed the terms and conditions imposed upon the City in the Small Cities Development Program grant agreement CDAP-12-0076-O-FY13.

UMVRDC agrees to supply all personnel required in performing the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with the City. All of the services hereunder will be performed by UMVRDC personnel who shall be fully qualified and shall be authorized or permitted under state and local law to perform such services.

A. Project Director

UMVRDC will provide the Project Director to supervise the overall administration of the project in accordance with state and federal requirements as stated in the grant agreement. This will include maintenance of all project records and files, preparation of reports required by the state, and submission of a monthly progress report to the City.

B. Environmental Coordinator

UMVRDC will provide the Environmental Coordinator. This person will be responsible for assuring completion of the Environmental Review Record, coordination of gathering of necessary information from engineers, agencies, etc., to maintain the files pursuant to the environmental requirements of the grant agreement and National

Environmental Policy Act of 1969, as amended. The Environmental Coordinator will work with the City and the Engineer to publish notices, solicit citizen input and inform appropriate agencies of the results.

C. Financial Officer

UMVRDC will provide the Financial Officer. This person shall be responsible for establishing and maintaining a financial system that meets all applicable state and federal requirements and the principles set forth in OMB Circular A-87. This will include preparation of suggested list of bills for consideration by the City, preparation of requests for payments, and annual reports to the state, budgets, policies and procedures, etc.

UMVRDC shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to the Contract and such other records as may be deemed necessary by the City to assure proper accounting for all project funds, both federal and non-federal shares. These records will be made available to the City or any authorized representative, and will be retained for three years after the expiration of this Contract unless permission to destroy them is granted by the City. The Grantee shall comply with the requirements of the Single Audit Act Amendments of 1996 (P.L. 104-156).

D. Fair Housing/Equal Opportunity Officer

UMVRDC will provide the Fair Housing/Equal Employment Opportunity Officer. This person shall be responsible for assuring that all Civil Rights requirements have been met. In connection with the carrying out of this Contract, all parties shall comply with Section VI of the Civil Rights Act of 1964 (78 Statute 214), Section 109 of the Housing and Community Development of 1974, and amendments and regulations issued thereto. Specifically, UMVRDC agrees to the following:

1. UMVRDC will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. UMVRDC agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the client setting forth the provisions of the nondiscrimination clause.
2. UMVRDC will, on all solicitations or advertisements for employees placed by or on behalf of UMVRDC, state that all qualified applicants will receive consideration for employment without regard to race, creed, color or national origin.
3. UMVRDC will cause reference to, or the foregoing provisions to be inserted in all subcontracts for work covered by this Contract so that such provisions will be binding upon each subcontractor, provided that the foregoing provisions shall not comply with contracts to subcontracts for standard commercial supplies or raw material.

- E. Labor Standards Officer
UMVRDC will provide the Labor Standards Officer to verify compliance with applicable state and federal requirements to include the Davis Bacon Act, Copeland "Anti-Kickback" Act, and Contract Work Hours and Safety Standards Act. Necessary reports, records and files will be collected from the Engineer.
- F. Records and Files
UMVRDC will maintain a complete file of all records pertaining to the Benson Comprehensive project. Records will be available for review by the City, the state, and auditors. All of the reports, information, data, etc., prepared or assembled by UMVRDC under this Contract are considered confidential, and UMVRDC agrees that they shall not be made available to any individual or organization without prior written approval of the City.
- G. Uniform Act Compliance
UMVRDC will assure compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 in regard to all acquisition undertaken within the Benson Rehab project.

III. COOPERATION BETWEEN CITY AND UMVRDC

It is the intent of this Contract that a close cooperative working relationship be attained between the City and UMVRDC to all levels of management and staff.

Among the City's specific responsibilities under this Contract are:

- A. To make available, at no cost in a timely manner, to UMVRDC any available data, studies, reports, maps and plats in its possession or available to it pertinent to the services to be performed.
- B. To assist UMVRDC in arranging and scheduling meetings and contact with local public officials, private agencies and individuals.
- C. To provide any legal information, guidance, advice and opinion necessary hereunder.
- D. To cooperate and assist in assembling information, checking data and other aid needed to facilitate UMVRDC activities hereunder, including review by appropriate City departments and other governmental agencies.
- E. To provide any property valuations required hereunder.
- F. To work in cooperation with the project Engineer to provide any engineering information, guidance, and advice required hereunder.
- G. To furnish a list of approved expenditures for construction and acquisition activities of this project from the city council.
- H. To provide evidence of approval authorizing execution of this Contract.

IV. COMPENSATION AND PAYMENT

In consideration of the prompt and efficient carrying out of the above, the City agrees to reimburse the UMRDC dollar for dollar, for its administrative and project related costs in carrying out the above activities not to exceed the budgeted amount of \$92,800. Said monies will come from the following:

- \$77,940.00 - Small Cities Development Program
- \$14,860.00 - City of Benson.

The UMRDC will contract with the Swift County HRA for Residential Owner Rehabilitation and Rental Rehabilitation Administration for \$58,000.

Accurate records of administrative costs shall be kept by UMRDC. For the purposes of this Contract, administrative and project related costs are defined as follows:

- A. Salary costs actually incurred by UMRDC for time expended in all phases of the project.
- B. Mileage, supplies and publication costs.
- C. Proportionate share of allowable overhead expenses according to UMRDC's approved direct cost allocation plan.
- D. Costs incurred by the attendance at applicable Small Cities Development conferences within the terms of this Contract, including registration fees and travel expenses. Conference attendance shall be for the purpose of gaining additional information on community development and regulations and program implementation.

V. HOLD HARMLESS

It is further agreed that UMRDC shall defend and save the City harmless of action arising out of any act or admission on the part of UMRDC, its agencies, servants, or employees in performance of, or with relation to, any work or services provided to be performed or furnished by UMRDC under the terms of this Contract.

VI. INTEREST OF MEMBERS OF THE CITY

No member of the governing body of the City and no other officer, employee, or agent of the City, who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in the Contract; and the Contract shall take appropriate steps to assure compliance.

VII. INTEREST OF OTHER LOCAL PUBLIC OFFICIALS

No member of the governing body of the locality and no other public official of such locality, who exercises any functions or responsibilities in connection with the planning and carrying out of the program shall have any personal financial interest, direct or indirect, in this Contract other than those specifically stated in the grant application; and UMRDC shall take appropriate steps to assure compliance.

VIII. INTEREST OF UMVRDC AND EMPLOYEES

UMVRDC covenants that no employees it presently has have an interest in and shall not acquire interest, direct or indirect, in the study area or any manner or degree with the performance of the services hereunder. UMVRDC further covenants that in the performance of this Contract, no persons having any such interest shall be employed.

IX. ANTITRUST

UMVRDC hereby assigns to the State of Minnesota any and all claims for overcharges as to goods and/or services provided in connection with this Contract resulting from antitrust violations which arise under the Antitrust Laws of the United States and the State of Minnesota.

X. AMENDMENT

This Contract may be amended upon mutual consent of both parties.

XI. GENERATED INCOME

The UMVRDC will be responsible for reporting to DEED all Generated Income earned on activities when the grant is open. **After grant closeout**, the City of Benson will be responsible for reporting to DEED all Generated Income and interest earned. After closeout, any Generated Income that is not used within two years from the reporting year received must be returned to the State of Minnesota, Small Cities Development Program. Repayment procedures for Residential Owner Rehabilitation are explained in the Procedural Guidelines adopted by the City of Benson.

XII. TERMINATION

The City reserves the right to terminate this Contract if UMVRDC inexcusably fails to perform any of the provisions thereof. Such termination shall occur thirty (30) days after the receipt by UMVRDC of written notice specifying the grounds thereof, unless prior to the date, UMVRDC has corrected the alleged nonperformance of the provisions of this Contract.

In addition, this Contract may be terminated upon mutual consent of both parties.

SECTION XIII ACCEPTANCE

The UMRDC and CITY hereby accept this Contract. The parties hereto have caused this Contract to be duly executed.



EXECUTIVE DIRECTOR
UMVRDC

BOARD CHAIR
CITY OF BENSON

Date: 9/24/13_____

Date: _____

ATTEST:

ADMINISTRATOR
CITY OF BENSON

Date: _____

Val Alsaker

From: Rob Wolfington
Sent: Tuesday, September 24, 2013 11:20 AM
To: Val Alsaker
Subject: Fwd: Application Complete Enough for Processing MN0020036

Please include in next cc

Rob Wolfington

City Manager

Benson, MN

Direct: 320.843.5448

Cell: 320.808.0884

Begin forwarded message:

From: "Wahl, Ashley \\\(MPCA\)" <ashley.wahl@state.mn.us>
Date: September 24, 2013, 11:12:43 AM CDT
To: <rob.wolfington@co.swift.mn.us>
Cc: <rpeterson@peopleservice.com>, <eric.limbke@stantec.com>
Subject: Application Complete Enough for Processing MN0020036



Minnesota Pollution Control Agency

Marshall Office | 504 Fairgrounds Road | Suite 200 | Marshall, MN 56258-1688 | 507-537-7146
800-657-3861 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

The Honorable Paul Kittleson
Mayor, City of Benson
1410 Kansas Avenue
Benson, MN 56215

RE: Application Complete Enough for Processing Notification
NPDES/SDS Permit Number MN0020036

Dear Mayor Kittleson:

The Minnesota Pollution Control Agency (MPCA) has received your permit application entitled Municipal Surface Water Discharge Application (Application), dated September 19, 2013. Pursuant to Minn. Stat. § 116.03, subd. 2b(d) MPCA staff reviewed your Application for completeness. Your Application has been determined to be complete enough for processing.

The MPCA may still have additional questions during the development of the permit to clarify information contained in the application. Your prompt response to any information requests is necessary to ensure that the 150-day issuance goal can be achieved. These requests will not invalidate the determination of completeness for this application. Thank you for your cooperation.

Additional application fees may be applied to your permit application. These additional fees will be sent to you by invoice at the time the permit is placed on public notice and must be paid before the permit is issued. Information about the additional application fees and their applicability can be found on the Agency's website at: <http://www.pca.state.mn.us/water/permits/index.html>.

You are required to continue operating under the terms and conditions of your existing permit until either your permit is reissued or you are notified that your existing permit has expired and will not be reissued. A person who holds an expired permit and has submitted a timely application for reissuance may continue to conduct the permitted activity until the MPCA takes final action on the permit or the MPCA finds that any of the conditions listed in Minn. R. 7001.0160 are true.

Please use MN002036 in all correspondence with the MPCA pertinent to this permit application. If you have any questions concerning this request, please contact me at 507-476-4264 or by email: ashley.wahl@state.mn.us.

This message shall serve as the only notification of completeness. A paper copy will not be sent.

Sincerely,

Ashley Wahl

Pollution Control Specialist Senior
SSTS Section
Municipal Division

cc: Randy Peterson, Lead Operator, People Service
Rob Wolfington, City Administrator, City of Benson
Eric Lembke, Engineer, Stantec

2013 General Election and Independent School District #777 Election Judges

Phyllis Hartzell
Jo Bronniche
Marge Friedlein
Marge Scheffler
Alta Larson
Jan Baukol
Pam Lawatsch
Karen Wolfington
Darlene Iverson

Gene Doscher
Dianne Doscher
Ardis Ellingson
Karen Nelson
Gail Brehmer
Carol Rohloff
Jan Pagel
Glen Pederson
Val Alsaker

PRAIRIE FIVE COMMUNITY ACTION COUNCIL, INC.

Main Office

719 North 7th Street
Suite 302
P.O. Box 159
Montevideo, MN 56265-0159

Phone: 320/269-6578
FAX: 320/269-6570
TDD: 320/269-6988
www.prairiefive.com
E-mail: prairie5@willmarnet.com

Branch Offices

Benson
Canby
Clinton
Madison



CC
NOT MB

Mission Statement: Working together to strengthen the quality of life in our communities.

September 15th, 2013

To Whom It May Concern,

In our communities we have many families who during the winter that may struggle with a heating emergency due to unexpected circumstances that happen in our daily lives.

The Reach Out For Warmth Program is a community-based fuel program and its success is dependent upon the support of our communities. All funds raised are used to help people in the five counties that Prairie Five serves.

This program was designed to help households supplement their need for oil, propane or have electrical or natural gas disconnect.

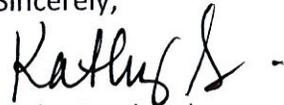
In the previous years there has been a tremendous need in our area for this program, and now with all the state budget cuts to the Energy Assistance program the need has increased. Our families and seniors are running into more emergencies which make this program more important.

I would like to thank each of you for your donations this past heating season. Some of you have donated every year and we really appreciate it. I have enclosed a copy of the donors that helped us last year. Thanking those of you that are considering donating this year in advance.

We would appreciate any donation that you or your company can make. Please send your donation to Prairie Five CAC, Inc. P. O. Box 159, Montevideo, MN 56265. Attention: Kathy and please specify the donation is for the fuel program.

If you have any questions please feel free to contact me at 320-269-6578. Thank you once again.

Sincerely,


Kathy Sundstedt

Reach Out For Warmth Coordinator

ROFW DONATIONS 2013

NAME

AGRALITE ELECTRIC TRUST ACCOUNT
AMERICAN LEGION AUXILIARY MONTEVIDEO
BEARDSLEY TOWN & COUNTRY GALS
BENSON CITY OF,
BENSON MINISTERIAL ASSOC.
BITUMINOUS PAVING INC.
BORDER STATES CO-OP.
CALVARY BAPTIST CHURCH
CHIPPEWA COUNTY FAMILY SERVICES
CLARKFIELD LION'S CLUB
CNH OF AMERICA LLC.
COMMUNITY BIBLE CHURCH
COTTONWOOD CO-OP OIL CO.
DAVID HOLLATZ IN HONOR OF DR. JOE WEBER
DOOLEY'S PETROLEUM INC.
FARMERS CO-OP ASSN. CANBY
FARMERS CO-OP ELEVATOR BELLINGHAM
FIRST BAPTIST CHURCH
FIRST PRESBYTERIAN CHURCH
FIRST ENGLISH LUTHERAN CHURCH
GRACE LUTHERAN CHURCH
GRACEVILLE WOMEN ORGANIZATION
GRANITE FALLS BANK
HOPE LUTHERAN WOMEN OF THE ELCA LAKELAND CONFERENCE
IMPACT INNOVATIONS, INC.
KEITH W. HEIN, CLU
LARRY'S REFRIGERATION & HEATING, INC.
LOUISBURG LUTHERAN CHURCH SUNDAY SCHOOL
LUTHERAN WOMEN'S MISSIONARY LEAGUE
LYON-LINCOLN ELECTRIC TRUST, INC.

MADISON CITY OF,
MADISON BOTTLING COMPANY
MARRIETTA UNITED CHURCH OF CHRIST WOMEN'S FELLOWSHIP
MINNESOTA VALLEY ANTIQUE FARM POWER
MINNESOTA VALLEY CO-OP LIGHT & POWER TRUST
MINNWEST BANK
MONTEVIDEO AREA UNITED WAY
ODELL SCHALLER
ORTONVILLE/BIG STONE MINISTERIAL ASSN.
OTTERTAIL POWER COMPANY
OUR REDEMERS ORW
OUR REDEMERS ORW BENSON
OUR SACIOUR'S LUTHERAN CONGREGATION
PILGRIM CONGREGATIONAL UNITED CHURCH OF CHRIST
PROVIDENCE VALLEY WELCA
ST. MARK'S MEMORIAL FUND
SWIFT COUNTY FAMILY SERVICES
TRI-COUNTY CO-OP
TRINITY WOMEN ELCA
UNITED METHODIST WOMEN-CHURCH OF MONTEVIDEO
UNITED PRAIRIE BANK
UPPER SIOUX COMMUNITY
VETERANS OF FOREGN WARS BENSON POST 1403
WOMEN OF TRINITY LUTHERAN CHURCH
YELLOW MED. COUNTY FAMILY SERVICES
ZETETIC STUDY CLUB
ZION WOMEN OF THE ELCA

**RESOLUTION SETTING ASSESSMENTS FOR FIRE SERVICE CHARGES
BY THE CITY OF BENSON, MINNESOTA FOR 2013 PAYABLE 2014
(RESOLUTION NO. 2013-)**

BE IT RESOLVED, by the Benson City Council that the following assessments for 2013 Fire Service Charges as prepared by the City Manager are hereby approved and made a part thereof; and,

BE IT FURTHER RESOLVED, that the assessments hereinafter noted shall be submitted to the County Auditor on or before October 15, 2013 and placed on the tax roll for collection with the taxes collectable in 2014.

Charges	Name & Mailing Address	Legal Description & Parcel No.	Amount Due
Fire Call	Beth Dietchman 313 – 10 th St. N. Benson, MN 56215	Lots 7 & 8, Block 11 City of Benson Addn. 23-0055-000	\$750.00
Fire Call	Don Peace 409 – 15 th St. N. Benson, MN 56215	Lots 1-4, Block 37 City of Benson 23-0226-000	\$400.00
Fire Call	Matthew McPhail 1942 Wisconsin Ave. Benson, MN 56215	E. 75' Lots 1-6, Block 4 Fairview Addition 23-0801-000	\$350.00
Fire Call	Jeff DeHaan 400 Sanford Road Benson, MN 56215	Lot 1, Block 2 Hawleywood 2 nd Addition 23-1431-430	\$750.00
Fire Call	Robert Boraas 311 – 16 th St. N. Benson, MN 56215	Lots 3 & 4, Block 1 McKinney's 3 rd Addition 23-0504-000	\$750.00
TOTAL			\$3,000.00

Dear Homeowner:

In an effort to improve the condition of our City, the City Council has decided to step up the enforcement of its Zoning Ordinances.

This letter is being sent to make you aware of one of the provisions of the Zoning Ordinance, section 154.025 subdivision G (2), which states, "Accessory buildings constructed primarily of canvas, plastic fabric, or other similar non-permanent building materials shall be prohibited."

The intent of the City is to have buildings which are prohibited by section 154.025 subdivision G (2) removed by May 1, 2014. If you have one or more buildings on your property which are non-permanent and made of cloth or plastic and are therefore prohibited by this ordinance, we request that you make arrangements to remove the building by that date. Any non-complying building remaining on property in the City of Benson after May 1 will make the owner subject to the enforcement provisions of the Benson City Zoning Ordinance.

We appreciate your understanding and cooperation in this matter.

CITY OF _____



MINNESOTA _____

**CITY OF BENSON
QUOTATION FORM
2013 TREE STUMP REMOVAL**

ITEM	UNITS	QTY	UNIT PRICE	TOTAL PRICE
Mobilization	LS	1	\$5,000.00	\$5,000.00
Traffic Control	LS	1	\$1,000.00	\$1,000.00
Stump Removal, 20" and Larger	Ea	23	\$560.00	\$ 12,880.00
Stump Removal, 20" and Smaller	Ea	27	\$505.00	\$ 13,635.00
Select Topsoil Borrow (cv)	Cy	475	\$20.00	\$ 9,500.00
TOTAL QUOTE				\$ 42,015.00

Forty two thousand fifteen dollars and 00/100
Stumps to be hauled to dump site provide by the City 1 mile east on
Hwy 9.

Work to be complete by Freeze-up.

Submit certificate of Insurance along with quote.

Quotations due by 10:00 a.m., Friday, October 4, 2013.

Submit this quotation to:

City of Benson
C/O Rob Wolfington
1410 Kansas Avenue
Benson, MN 56215

SIGNED: _____

A handwritten signature in black ink that reads "Troy J. Kennedy".

Company: T & K Kennedy Excavating

Date: 10/4/2013

1410 KANSAS AVE. • BENSON, MINNESOTA 56215

City Offices: 320-843-4775

City Fax: 320-842-7151

Municipal Utilities: 320-843-3707

WWW.BENSONMN.ORG

E-MAIL: STAFF@BENSONMN.ORG



**CITY OF BENSON
QUOTATION FORM
2013 TREE STUMP REMOVAL**

ITEM	UNITS	QTY	UNIT PRICE	TOTAL PRICE
Mobilization	LS	1	\$ 1500	\$ 1500
Traffic Control	LS	1	\$ 5000	\$ 5000
Stump Removal, 20" and Larger	Ea	23	\$ 750	\$ 17,250
Stump Removal, 20" and Smaller	Ea	27	\$ 500	\$ 13,500
Select Topsoil Borrow (cv)	Cy	475	\$ 40	\$ 19,000
TOTAL QUOTE				\$ 56,250.00

Stumps to be hauled to dump site provide by the City 1 mile east on Hwy 9.

Work to be complete by Freeze-up.

Submit certificate of Insurance along with quote.

Quotations due by 10:00 a.m., Friday, October 4, 2013.

Submit this quotation to:

City of Benson
C/O Rob Wolfington
1410 Kansas Avenue
Benson, MN 56215

SIGNED:

D. L. Lan

Company:

M. A. A. C. Inc

Date:

10-4-13

1410 KANSAS AVE. • BENSON, MINNESOTA 56215

City Offices: 320-843-4775

City Fax: 320-842-7151

Municipal Utilities: 320-843-3707

WWW.BENSONMN.ORG

E-MAIL: STAFF@BENSONMN.ORG