



Le Sueur County, MN

Tuesday, July 28, 2015

Board Meeting

Item 2

9:05 am Kathy Brockway (5 minutes)

Request for Action 4-CUPs

Staff Contact: Kathy Brockway - Environmental and P & Z Director

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
July 28, 2015

TO: LE SUEUR COUNTY BOARD OF COMMISSIONERS
FROM: LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
SUBJECT: "REQUEST FOR ACTION"

The Planning Commission recommends your action on the following items:

ITEM #1: HUGH VALIANT, WATERVILLE, MN, (APPLICANT); MARTY & CHRISTINA SIMONETTE, ST PETER, MN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 71 cubic yards of material for a shoreline restoration project within the shore impact zone in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Washington. Property is located at Lot 5, Block 1, Connors Point Subdivision, Section 7, Washington Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:

Therefore, the Planning Commission recommends approval of the application with the condition that the applicants work with the Washington Township Board at their next regular meeting to address the Township concerns.

ITEM #2: BERNARD & HELEN BAUMANN, SHAKOPEE, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct a 26 x 30 detached garage that does meet the Regulatory Flood Protection Elevation "RFPE" to allow flood-proofing in a Recreational Residential "RR" District and a Flood Plain, Flood Fringe "FF" Overlay District on a Recreational Development "RD" lake, Lake Tetonka. Property is located at Lots 32, 33 & 34, Tetonka Beach Subdivision, Section 24, Elysian Township.

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:

Therefore, the Planning Commission recommends approval of the application with the condition that the applicant abides by FEMA regulations and Section 6 of the LSC Ordinance.

ITEM #3: MINNESOTA VALLEY ELECTRIC COOP, (APPLICANT) JORDAN MN; GARY & SUSAN WITT, (OWNER) LE SUEUR, MN: Request that the County grant a Conditional Use Permit to allow the applicant to establish an Electric Substation in an Agriculture "A" District. Property is located in the S1/2 SW1/4, Section 20, Tyrone Township. ***TABLED FROM THE JUNE 11, 2015 MEETING***

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:

Therefore, the Planning Commission recommends approval of the application with the following conditions:

- 1. MVEC shall maintain the area around the substation to CRP standards;***
- 2. Investigate/install a permeable base material around substation if feasible;***
- 3. Operating procedures at the substation shall be utilized to control dust and noise so as not to be in conflict with adjoining property and shall meet the Agency standards;***
- 4. Obtain state and federal permits as required.***

ITEM #4: GREAT RIVER ENERGY, (APPLICANT) MAPLE GROVE, MN: Request that the County grant a Conditional Use Permit to allow the applicants to construct a 69kv electric transmission line consisting of approximately 4.25 miles within the road right of way, along the north side of 320th Street in Sections 20,21,22,23 and along the south side of 320th Street in Sections 26 and 28; and along the west side of 265th Ave in Section 26, Tyrone Township. ***TABLED FROM THE JUNE 11, 2015 MEETING .***

Based on the information submitted by the applicant, as required by the Le Sueur County Zoning Ordinance, the Planning Commission developed the following findings for this request:

Therefore, the Planning Commission recommends approval of the application with the following conditions:

- 1. Ductile iron poles shall be placed adjacent to the Pollack property;*
- 2. Testing of the water from the shallow well at the Pollack site in order to establish a baseline, follow up annually, and submit the reports to the County Health Department and Environmental Services Department. The water testing is done at the applicant's expense;*
- 3. Phase 1 Archeological Study shall be conducted and reviewed by the consultant;*
- 4. Utilize Best Management Practices when installation takes place over Forrest Prairie Creek;*
- 5. Work with DNR and US Fish and Wildlife to install the most effective measures for avian migration;*
- 6. Obtain necessary State and Federal Permits;*
- 7. Utilize Best Management Practices to minimize erosion control;*
- 8. Applicants shall work with the landowners in regards to the feasible placement of the poles.*

ACTION: ITEM #1: _____

ITEM #2: _____

ITEM #3: _____

ITEM #4: _____

DATE: _____

COUNTY ADMINISTRATOR'S SIGNATURE: _____

FINDINGS OF FACT

WHEREAS, HUGH VALIANT, WATERVILLE, MN, (APPLICANT); MARTY & CHRISTINA SIMONETTE, ST PETER, MN (OWNER): has applied for a Conditional Use Permit to allow grading, excavating and filling of approximately 71 cubic yards of material for a shoreline restoration project within the shore impact zone in a Recreational Residential “RR” District on a Recreational Development “RD” lake, Lake Washington. Property is located at Lot 5, Block 1, Connors Point Subdivision, Section 7, Washington Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on **July 9, 2015**, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application due to the following findings:

1. *With the imposition of appropriate conditions as stated, 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 diminishes and impairs property values within the immediate vicinity.*
2. *With the imposition of appropriate conditions as stated, the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *With the imposition of appropriate conditions as stated, adequate utilities, access roads, drainage and other facilities are being provided.*
4. *With the imposition of appropriate conditions as stated, adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

WHEREAS, On July 28, 2015 at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by HUGH VALIANT, WATERVILLE, MN, (APPLICANT); MARTY & CHRISTINA SIMONETTE, ST PETER, MN (OWNER).

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the July 28, 2015, Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

1. *With the imposition of appropriate conditions as stated, 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 diminishes and impairs property values within the immediate vicinity.*
2. *With the imposition of appropriate conditions as stated, the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
3. *With the imposition of appropriate conditions as stated, adequate utilities, access roads, drainage and other facilities are being provided.*
4. *With the imposition of appropriate conditions as stated, adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow grading, excavating and filling of approximately 71

cubic yards of material for a shoreline restoration project within the shore impact zone in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Washington. Property is located at Lot 5, Block 1, Connors Point Subdivision, Section 7, Washington Township is APPROVED/DENIED.

ATTEST:

Lance Wetzel, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

FINDINGS OF FACT

WHEREAS, BERNARD & HELEN BAUMANN, SHAKOPEE, MN, (APPLICANT\OWNER): has applied for a Conditional Use Permit to allow the applicant to construct a 26 x 36 detached garage that does meet the Regulatory Flood Protection Elevation “RFPE” to allow flood-proofing in a Recreational Residential “RR” District and a Flood Plain, Flood Fringe “FF” Overlay District on a Recreational Development “RD” lake, Lake Tetonka. Property is located at Lots 32, 33 & 34, Tetonka Beach Subdivision, Section 24, Elysian Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held on public hearing on **July 09, 2015**, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application due to the following findings:

- 1. With the imposition of appropriate conditions as stated, 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 diminishes and impairs property values within the immediate vicinity.*
- 2. With the imposition of appropriate conditions as stated, the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. With the imposition of appropriate conditions as stated, adequate utilities, access roads, drainage and other facilities are being provided.*
- 4. With the imposition of appropriate conditions as stated, adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

WHEREAS, On July 28, 2015, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by **BERNARD & HELEN BAUMANN, SHAKOPEE, MN.**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the July 28, 2015, Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

- 1. With the imposition of appropriate conditions as stated, 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 diminishes and impairs property values within the immediate vicinity.*
- 2. With the imposition of appropriate conditions as stated, the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.*
- 3. With the imposition of appropriate conditions as stated, adequate utilities, access roads, drainage and other facilities have been or are being provided.*
- 4. With the imposition of appropriate conditions as stated, adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
- 5. With the imposition of appropriate conditions as stated, adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow the applicant to construct a 26 x 36 detached garage that does meet the Regulatory Flood Protection Elevation “RFPE” to allow flood-proofing in a Recreational Residential “RR” District and a Flood Plain, Flood Fringe “FF” Overlay District on a Recreational Development “RD” lake, Lake Tetonka. Property is located at Lots 32, 33 & 34, Tetonka Beach Subdivision, Section 24, Elysian Township is APPROVED/DENIED.

ATTEST:

Lance Wetzel, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le
Sueur County Administrator

DATE: _____

FINDINGS OF FACT

WHEREAS, MINNESOTA VALLEY ELECTRIC COOP, (APPLICANT) JORDAN MN; GARY & SUSAN WITT, (OWNER) LE SUEUR, MN;has applied for a Conditional Use Permit to allow the applicant to establish an Electric Substation in an Agriculture “A” District. Property is located in the S1/2 SW1/4, Section 20, Tyrone Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held public hearings on **June 11 and July 7, 2015**, in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application due to the following findings:

1. *With the imposition of appropriate conditions as stated, 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 diminishes and impairs property values within the immediate vicinity. Agreed 7-2*
Nay reasons: Impact on the big woods. Property in the immediate vicinity of the proposal is not Ag in nature and will negatively impact property values in the area.
2. *With the imposition of appropriate conditions as stated, the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Agreed 7-2.*
Nay reasons: Priority is to preserve Ag land, will affect the orderly development in the area. Geographic's of the area, change will impede the normal and orderly development of the area.
3. *With the imposition of appropriate conditions as stated, adequate utilities, access roads, drainage and other facilities are being provided. Agreed 7-2*
Nay reasons: Other routes feasible out of St. Thomas. Blanket statement parts of the proposal are in question.
4. *With the imposition of appropriate conditions as stated, adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed 7-2*
Nay reasons: Do not believe #4 applies
5. *With the imposition of appropriate conditions as stated, adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Agreed 7-2*
Nay reasons: Lighting concerns, offensive odors, dust will affect surrounding properties.

WHEREAS, On July 28, 2015, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APRPROVED/DENIED the Conditional Use Permit application as requested by the MINNESOTA VALLEY ELECTRIC CO-OP.

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the July 28, 2015, Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

1. *With the imposition of appropriate conditions as stated, 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 diminishes and impairs property values within the immediate vicinity.*
2. *With the imposition of appropriate conditions as stated, the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant*

property for uses predominant in the area.

3. *With the imposition of appropriate conditions as stated, adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *With the imposition of appropriate conditions as stated, adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *With the imposition of appropriate conditions as stated, adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow the applicant to establish an Electric Substation in an Agriculture "A" District. Property is located in the S1/2 SW1/4, Section 20, Tyrone Township, is APPROVED/DENIED.

Lance Wetzal, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le Sueur County Administrator

DATE: _____

FINDINGS OF FACT

WHEREAS, GREAT RIVER ENERGY, (APPLICANT) MAPLE GROVE, MN: has applied for a Conditional Use Permit to allow the applicants to construct a 69kv electric transmission line consisting of approximately 4.25 miles within the road right of way, along the north side of 320th Street in Sections 20,21,22,23 and along the south side of 320th Street in Sections 26 and 28; and along the west side of 265th Ave in Section 26, Tyrone Township.

WHEREAS, the Le Sueur County Planning and Zoning Commission held public hearings on June 11 and July 7, 2015 in order to hear public testimony from the applicants as well as interested parties pertaining to and as provided by the Zoning Ordinance of Le Sueur County.

WHEREAS, the Le Sueur County Planning and Zoning Commission, acting as an advisory board to the Le Sueur County Board of Commissioners recommends approval of the application due to the following findings:

1. *With the imposition of appropriate conditions as stated, 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 diminishes and impairs property values within the immediate vicinity. Agreed 8-2
Nay reasons: through the testimony provided it will affect the health and safety of the residents of Tyrone Township. Concur with Commission Member Katzenmeyer, also will affect the wildlife in the area and create a disruption to this pristine area of the County.*
2. *With the imposition of appropriate conditions as stated, the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Agreed 7-3.
Nay reasons: the poles will diminish the affected properties, property values will be decreased, visual effects and health concerns.*
3. *With the imposition of appropriate conditions as stated, adequate utilities, access roads, drainage and other facilities are being provided. Agreed 8-2
Nay reasons: blanket statement, parts of the proposal are still in question.*
4. *With the imposition of appropriate conditions as stated, adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed 8-2
Nay reasons: Does not apply. The use of large trucks for the installation and repair of the poles will affect the area.*
5. *With the imposition of appropriate conditions as stated, adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Agreed 8-2
Nay reasons: Winter months in this area are serene, this application will create a nuisance for the property owners, concur with statement and the application will affect the health, safety and welfare of the citizens of Tyrone Township. Agree, but can be addressed with the proper conditions.*

WHEREAS, On July 28, 2015, at their regularly scheduled meeting, the Le Sueur County Board of Commissioners APPROVED/DENIED the Conditional Use Permit application as requested by the **GREAT RIVER ENERGY, (APPLICANT) MAPLE GROVE, MN:**

NOW, THEREFORE, IT IS HEREBY RESOLVED, the following Findings of Fact were adopted at the July 28, 2015 Le Sueur County Board meeting in order to protect the public health, safety and general welfare of the citizens of Le Sueur County.

1. *With the imposition of appropriate conditions as stated, 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 diminishes and impairs property values within the immediate vicinity.*
2. *With the imposition of appropriate conditions as stated, the establishment of the conditional use will not*

impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

3. *With the imposition of appropriate conditions as stated, adequate utilities, access roads, drainage and other facilities have been or are being provided.*
4. *With the imposition of appropriate conditions as stated, adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.*
5. *With the imposition of appropriate conditions as stated, adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.*

BE IT FURTHER RESOLVED, by the Le Sueur County Board of Commissioners that based on the above Findings of Fact, a Conditional Use Permit to allow the applicants to construct a 69kv electric transmission line consisting of approximately 4.25 miles within the road right of way, along the north side of 320th Street in Sections 20,21,22,23 and along the south side of 320th Street in Sections 26 and 28; and along the west side of 265th Ave in Section 26, Tyrone Township, is APPROVED/DENIED.

ATTEST:

Lance Wetzel, Chairman, Le Sueur County Board of Commissioners.

Darrell Pettis, Le
Sueur County Administrator

DATE: _____

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
June 11, 2015

MEMBERS PRESENT: DonReak, Jeanne Doheny, Don Rynda, Chuck Retka, Shirley Katzenmeyer, Steve Olson, Doug Krenik, Al Gehrke, Betty Bruzek, Pam Tietz

OTHERS PRESENT: Kathy Brockway, Amy Beatty, Commissioners Connolly, King, Rohlfing

The meeting was called to order at 7:00 PM by Chairperson, Jeanne Doheny

ITEM #1: MARK PERKINS, (APPLICANT/OWNER) CLEVELAND, MN: Request that the County grant a Conditional Use Permit to allow the applicant to expand an existing feedlot from 340 animal units (AU) to 600 AU in an Agriculture "A" District. Property is located in the SE 1/4 NW 1/4, Section 28, Cleveland Township.

Kathy Brockway presented power point presentation. Mark Perkins was present for application.

TOWNSHIP: Township Board notified through the application process by the applicant. **DNR:** N/A
LETTERS: none

PUBLIC COMMENT: No comments.

Discussion was held regarding: history of site, construction time frame, stormwater plan, no complaints on file.

Findings by majority roll call vote:

1. *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 diminishes and impairs property values within the immediate vicinity. Agreed.*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Agreed.*
3. *Adequate utilities, access roads, drainage and other facilities are being provided. Agreed.*
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed.*
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Agreed.*

Motion was made by Doug Krenik to approve the application as written. Seconded by Al Gehrke. Motion approved. Motion carried.

ITEM #2: TRAXLER CONSTRUCTION, PAT TRAXLER, (APPLICANT) LE CENTER, MN; BETTY ANN MOLLENHAUER C/O RALPH & EVA FIX, (OWNER) EDINA, MN: Request that the County grant a Conditional Use Permit to allow mineral extraction of 50 acres of a 76.63 acre parcel in an Agriculture "A" District, in the Mineral Resources "MR" Overlay District and the Airport Zoning "AZ" Overlay District. Property is located in the S half of the SE1/4 and the E half of the SE1/4, Section 11, Ottawa Township.

Due to a mandatory Environmental Review, no discussion on the application.

Motion was made by Don Reak to table the application until such time that an Environmental Review is complete. Seconded by Betty Bruzek. Motion approved. Motion carried.

ITEM #3: MINNESOTA VALLEY ELECTRIC COOP, (APPLICANT) JORDAN MN; GARY & SUSAN WITT, (OWNER) LE SUEUR, MN: Request that the County grant a Conditional Use

Permit to allow the applicant to establish an Electric Substation in an Agriculture "A" District. Property is located in the S1/2 SW1/4, Section 20, Tyrone Township.

Chuck Retka requested to remove himself from the table due to a conflict of interest.

Kathy Brockway presented power point presentation. Ron Jabbs and Marvin Denzer representatives of MVEC were present for application.

TOWNSHIP: Notified through the application process. DNR: N/A LETTERS: Fred Harris (DNR) to Tyrone Township Landowners (see file).

Discussion was held regarding: explained the critical need in the area for the expansion, reasons not to expand at the St. Thomas substation, St. Thomas substation is 55 years old, new substation will be modern, low profile, mandated by the MN Public Utility Commission to provide quality electricity in the area, plan for future growth, backup for the St. Thomas substation, overloading, Shea's Lake substation does not serve the needs, maybe providing energy to Alliant Energy, stormwater pond to be constructed on site to control runoff, fenced area, small signage.

COMMENTS: Jeanne Doheny: questioned the applicant as to the reasons not to update and expand at the St. Thomas site other than economical.

Ron Jabs: does not solve the backup problems, more expensive feeders, more economical to build at a new site and new route, maintenance or emergency backup for the area.

Don Reak: asked to explain why they choose this area and not construct within the City of Le Sueur?

Ron Jabs: looked at several locations, this site is centrally located, looked at number of homes, environment, feeder size required, willing landowners.

Jeanne Doheny: reliability factor, important information, St. Thomas and Shea's Lake substation locations.

Ron Jabs: did not have that information on hand, could provide it from the engineers. Industrial Park in Le Sueur is not at capacity. MVEC will need to provide energy for future growth. Access off Highway 169, Number of substations within 3.5 miles. Shea's Lake is not with MVEC.

Doug Krenik: questioned the capacity and overloading of the current substation.

Marvin Denzer: if running with fans run at 100%+. Matter of economics, sized overtime for growth, larger transformers, does not change the footprint of the site, only the capacity if needed, voltage does not change.

Shirley Katzenmeyer: Shea's Lake substation supplies to St. Thomas.

Marvin Denzer: Shea's is transmission site, St. Thomas is distribution. Shea's transmits to St. Thomas to distribute through the 69kV line.

Don Reak: questioned the buried line into the City of Le Sueur.

Marvin Denzer: 500 conductor lines are direct buried.

Shirley Katzenmeyer: people were told at the meetings in January and March that the buried line on 28 was the backup, questioned documents for support.

Marvin Denzer: we can provide documents for current and future loads, work plans. We have projection plans going out 3-5 years, 20 year work plans.

Shirley Katzenmeyer: questioned the alternate sites that were looked at and why this site was chosen. Wants the locations and reasons as to why they were not chosen.

Ron Jabs: spoke on criteria in choosing the sites, based on size of parcel, willing landowners, not sure, if all sites were documented, but will provide what they have.

Shirley Katzenmeyer: would like an idea of where they were, why this area was targeted, map, parcel id's.

Ron Jabs: looked at aerial photos, field visits.

Keith Lammers: questioned the wires from substation.

Jeanne Doheny: Are you representing the township, if so do they have comments?

Keith Lammers: No discussion other than the driveway access.

Pam Tietz: what are the standard criteria when choosing a location?

Ron Jabs: there is a standard guidebook, we can provide the document.

Kathy Brockway explained the letter of intervention that was filed by Emily Pollack. Therefore, before opening the meeting to the public Emily Pollack will be heard.

Emily Pollack: Points discussed: lives in Bloomington, has close ties to the area,

- concerned with her dad's property as he has a shallow well, approximately 12 feet deep,
- what effect the poles will have on groundwater,
- filed a petition with the Environmental Quality Board with over 200 signatures requesting an Environmental Assessment Worksheet(EAW)however, a transmission line of 69kV is exempt from the environmental review process,
- filed a notice of intervention, to ensure that the County looks at the environment, pollutants, sensitive area,
- she utilized sources and researched documents from the EPA, Historical Society, USDS,
- the substation is proposed in a sensitive area, ravine and bluff areas,
- Big Woods area is the only one left in the County,
- use of oil on site, oil may leave the site via seasonal waterway,
- area of moderate biodiversity that is not on a river or lake, big woods,
- noise and lights, disturb animals not humans, Katzenmeyer property is a migratory bird area,
- 175 ft. within the biodiversity forest, possibility to grow and expand in the future,
- Crossing line to substation is proposed in the seasonal waterway,
- Historic and Archeological significant: close to the substation, 100+ century Katzenmeyer farm, President Bush visit to Katzenmeyer farm,
- Impacts are more than just this area,
- Site upgrades in the future without notifications.
- Study on the biodiversity area and rare species provided in the CAPX 2020 study.

Pam Tietz: asked about the statute 116B. Reference? (116B.09) in regards to the intervention filed. Moderate biodiversity forests are the species found in other areas.

Don Reak: CAPX 2020 is the biodiversity area the reason why they did not go through Le Sueur County.

Emily Pollack: did not know why they choose another route. A document from HDR consulting was submitted as an exhibit in the EIS document provided by CAPX.

Kathy Brockway read a letter into the record from Fred Harris (see file).

Jeanne Doheny opened the meeting for public comment.

Mark Katzenmeyer, concerned with the biodiversity area, not many of these in the county. concerned about 1500 gallons of oil on site that has the potential to be released, questioned the St. Thomas site that it could be expanded for less money, and re-build the line along 28, questioned the use of power to the west and the industrial park in Le Sueur, health and safety issues.

Don Reak: Exploring transformers, loss of oil.

Marvin Denzer: Different types of transformers, not likely to happen, not likely to blow-up, they can leak oil, MPCA regulations.

Nick Pollack: questioned the energy use, when people are encouraged to use CFL bulbs, efficient appliances, off peak programs to lighten the load, what incentives/programs are offered to customers, use of fans at the St. Thomas substation to increase capacity, Excel line runs into the City of LeSueur, unsuitable sites, location of substations in the County.

Marvin Denzer: MVEC provides energy programs, rebates to both residential and commercial customers, commercial users are encouraged to install generators, MVEC is a growing cooperative.

Don Reak: Is this the same line from the North?

Marvin Denzer: that is a transmission question not a distribution.

Ron Jabs: again discussed the reasons the site was chosen, size of parcel, using fans at St. Thomas, locations of current substations, oil in transformers on site, not PCB; it is mineral oil, oil is brought on site by trucks.

Pam Tietz: Is the oil in self-contained units, talked about reserved capacity.

Ron Jabs: self-contained units on-site.

Greg Plonsky: Why 320th St, will see poles out his door, will not see the substation.

Dr. Karen Katzenmeyer: why didn't you provide the alternate locations for the substation site.

Ron Jabs: The proposed site was the best site and met the needs of MVEC criteria. Another property was looked at, but did not have a willing landowner.

Beth Pollack: lives in Bloomington, concerned friends and neighbors, indicated that the growth rate for Le Sueur County is less than the rest of the state, growth is minimal in rural areas per Census and DEED, 0.8% electricity growth, devices are more efficient and acknowledge using power efficiently.

Tim Reinhardt: (Mays Ravine) questioned the need based on growth by residents or is it one large customer in the City of Le Sueur. County zoning only allows for 1 house per 40 acres. Underground wires to Cambria are used instead of overhead.

Ron Jabs: Located the substation in the center of the area.

Marvin Denzer: underground feeders serve Cambria, western side of service area will serve the Industrial Park; will provide growth projections.

Don Reak: western side just serves Cambria?

Marvin Denzer: No, additional entities and future growth areas. Time frame 26 weeks to 1 year.

Shirley Katzenmeyer: questioned when growth comes, the north area has been vacant since 2005.

Marvin Denzer: will check with the City of Le Sueur as to the growth projections for the Industrial area.

Ron Jabs: access allowed off 169 corridors, then growth/commercial will be brought in.

Shirley Katzenmeyer: working with the entities we need concrete data regarding growth in the area, not maybe's. Mayor of Le Sueur hopes to have businesses out there that impact people's lives.

Ron Jabs: Area is zoned industrial not residential.

Ron Jabs: St. Thomas substation needs a partner in case of overloading.

Don Reak: Assumed the plant south of the City of Le Sueur was to provide energy for the entire city.

Marvin Denzer: cannot answer that, as that is not part of their project.

Shirley Katzenmeyer: lot of expectations.

PamTietz: asked about transmission line and where it would go underground.

Ron Jabs: discussed the line, different property owners on the east and west line; better supporter of line and willing landowner.

Pat Tietz: what is the relationship between MVEC and Great River Energy?

Ron Jabs: MVEC is distribution, Great River Energy is the transmission connection.

Irene Casey: lives on 320th St, years ago MVEC put an underground line within this site without telling anyone, now they want to go overhead. Opposes the route, wants to preserve this area for her children and grandchildren. Have 2 potential building sites.

Ron Weyl: Economic factors discussed, Cambria the main user, 169 lines from the north, 12 possible sites, did you look at the area owned by Cambria.

Ron Jabs: size and steep slopes, Cambria has plans for the site.

Greg Plonske: Our lawns are spoken for too.

Rosie Goggins: agrees with Tim Reinhardt, doing the right thing may not be the cheapest.

Paul Kotasek: no one wants a power line in front of them, back-up for east side on west side, update somewhere else, power from Rush River area maybe the backup on the proposed site.

Jeanne Doheny: Findings of Fact options: PZ can do one of the four: Approval, Denial, Send to the County Board with no recommendation or table the application for further information.

Don Reak motioned to table/continue the meeting to allow the applicants and Emily Pollack time to submit requested information until 7:00 PM, Tuesday, July 7, 2015. Seconded by Steve Olson.

ITEM #4: GREAT RIVER ENERGY, (APPLICANT) MAPLE GROVE, MN: Request that the County grant a Conditional Use Permit to allow the applicants to construct a 69kv electric transmission line consisting of approximately 4.25 miles within the road right of way, along the north side of 320th Street in Sections 20, 21, 22, 23 and along the south side of 320th Street in Sections 26 and 28; and along the west side of 265th Ave in Section 26, Tyrone Township.

Chuck Retka requested to remove himself from the table due to a conflict of interest.

Kathy Brockway presented power point presentation. Peter Schaub and Mark Schofest were present for the application.

TOWNSHIP: Applicants notified through the application process. **LETTERS:** Fred Harris (DNR) to Tyrone Township Landowners (see file).

Discussion was held regarding: transmission lines parrot substation, visual impacts, steel poles that are similar in height to the Excel line that they are tapping into at the angles, tunnel/picket fence, Great River Energy supplies the power to the substation, in Minnesota interconnected grids with other entities, more spacing between Great River Energy and Alliant, poles will look similar to the Alliant poles, cross the ravine quickly/less harm, H frame in concrete, approximately 1400 span across the ravine, Historic and Archeological concerns, did hire consultant, report of literature, similar project (CAPX) State found nothing of great concern at this time, when poles are placed they do reconnaissance survey for historic and archeological features, they will work with the State Historical Society, landowners, and county as to the placement of the poles, all poles will be located within the road right of ways, next to ag land which has been dug/tilled/disturbed, concerns will be mitigated, biodiversity and CRP ground, neither project touches the Katzenmeyer property, cross ravine but not part of the biodiversity areas, there are current erosion

issues in the ravine area, placement of the poles will be on the south side, none in the ravine or river, 700 ft. each side, working with engineers with experience, stumps and vegetation will remain undisturbed when tree removal takes place. MVEC is the retailer, Great River Energy is the wholesaler.

Jeanne Doheny: questioned whether Peter Schaub physically looked at the ravine. Peter Schaub answered yes.

Mark Schofest, Great River Energy (the Environmental lead for the project): 69kV transmission lines are exempt from the Environmental Review Process, reason for being exempt that over the years they looked at many Environmental Assessment Worksheets and the analysis was that the State did not feel a 69kV line warrant a formal review. Le Sueur County is unique in requiring an internal environmental review. The County is more restrictive, therefore they looked at potential environmental impacts, and what mitigated measures would be necessary. Discussion on water tables and PCF's pento-chloro-fluonoll- risk to health, 60 million poles in the US with/preservatives (refer to page 16 of the EIS), hired HDR (a consulting firm) on SHIPO, conducted a paper search, if the line is approved they go out and do a field study, it is not unusual to find items of historic significance, the risk is minimal, if bones are found it may cause a stop in the project.

Shirley Katzenmeyer: cites moderate biodiversity connection to substation as stated in information submitted by Great River Energy in the CAPX project.

Don Reak: even though the transmission line is placed within the road right of way, a 35 ft. easement is required and all trees will be cut within the easement.

Mark Schofest: the transmission line will cross Forest Prairie Creek and will require a permit from the DNR, retain low growing vegetation per the DNR, and will follow the DNR requirements per license bird diverters, horizontal rather than vertical planes.

Pam Tietz: questioned the pole distances of 1400 ft. apart over the creek, why not that distance along the proposed route.

Mark Schofest: Due to elevation over the creek and overheating.

Doug Krenik: double pole clearing question.

Mark Schofest: 35ft. clearing due to blow-out from 70+ miles per hour winds-touch trees, span length allows slack, single poles until H frame at the ravine, Stormwater permit from the MCPA is required. State has a list of criteria as to where you can construct transmission lines.

Member: Why on 320th street.

Mark Schofest: we went through the list of criteria when building lines, use existing corridors, roads are where transmission lines are built.

Emily Pollack: Substation and power line are linked as one with the Environmental Quality Board. EQB stated to take to the County for review of the projects.

- Groundwater concerns- Discussed the depth of the poles,
- 12ft. well at father's property,
- PCB's use, infused into the wood pole that will be released into the air, gravity, or water;
- poles not placed into the holes with standing water,
- can migrate into water aquifer, absorbed easily into the body,
- touching poles or into water use for bathing, washing.
- EPA list of carcinogen, nervous system.
- Poles are placed 9-11 ft. into the ground, in water table probability,
- PCB, should not be near gardens, wells, landscaping,
- 36 hours to get out of your system,
- also water along the line other than Forest Prairie Creek,
- no documented wetlands along the route,
- drain tiles,

- concerned with the river crossing,
- steel poles with cement may contain coal ash,
- biodiversity area,
- Katzenmeyer property,
- buffer land is very important, high potential for restoration
- do not have to touch something to impact it, bluff, restoration, Big Woods area needs protection,
- wildlife concerns, bird diverters needed,
- historical/archeological concerns, road right of way and ag land considered undisturbed,
- tunnel effect will occur on 265th, pole height along 265 is 70 ft., along 320 is 90ft.
- No way to minimize the visual effects,
- Ravine stability,
- Environmental Review in her opinion is generalized.

Pam Tietz: PCB studies on the poles.

Mark Schofest: yes, Minnesota allows this for poles.

Shirley Katzenmeyer: Le Sueur County Environmental Review is not as strict as the MEPA.

Emily Pollack: Take into consideration the depth of her father's well, it is not on the County Well Index.

Pam Tietz: questioned the 4.25 acre vs. 15 acres.

Mark Schofest: transmission line is 4.25 miles vs. the substation location.

Public Comment:

Tim Reinhart: Is this being proposed for one customer or truly looking at growth. Lost all but one tree when culvert was replaced, wildlife on property, CRP being affected.

Bill Krenik: Tyrone Township, would like a copy of the material submitted to the Department.

John May: concerned with erosion, clear cutting.

Paul Kotasek, concerned with pole locations, fall on houses.

Dennis Simonette: What is known about EMF? 90 ft. pole in his garden, blow-out concerns being the pole is 50 ft. from his house, evergreens will need to be removed, and property values.

Emily Pollack: Simonette's property is next to the property with the shallow well, keep in mind the height of the poles vs. the depth of the well.

Don Reak: keep off property vs. road right of way, and placement of poles along the route.

Peter Schaub: meet on-site with the property owners and discuss the placement of the poles. Again all poles will be located within the road right of way.

Doug Krenik: vegetation under the line.

Peter Schaub: can plant, meet certain height, in order for maintenance of poles.

Mark Katzenmeyer: questioned the placement of the poles, sag in lines, blowouts.

Chuck Retka: procedures for payments to property owners for crop damages, or property damages.

Peter Schaub: Great River Energy works with the landowners regarding payments for easement, try to stay within the road right of way, payments for damages if incurred.

Nick Pollack: Stipulation in the easement agreements for only 69kV line only, otherwise they can go larger without your knowledge, line going into Cambria is underground why isn't it underground for

residential customers, Big Woods is important, garden is ok to plant by poles, easements one-time payment only, across the road is ok or fair game, payment for trees that are murdered, added costs for heating and cooling, well head protection setback, eligible building site, look at power line placement, what is the compensation for destroying trees.

Doug Krenik: height of wire.

Peter Schaub: 23 ft. , Electric Safety Code is 20 ft. Subline Safety Code is 18 ft.

Gregory Pollack: What happens if bones are found when digging?

Mark Schofest: required to stop digging, contact the Sheriff's Department, Native American Consultant will be notified. Artifacts are given to the property owner.

Beth Pollack: concerned with the protection of groundwater, wetland restoration, county water plan goals, PCB effects on groundwater, decreasing property values, public health, safety and values of properties, request that the board do what is right.

Emily Pollack: quoted 7850- rule citation.

Martha May: what is the existing corridors?

Peter Schaub: either transportation or power or road right of ways.

Shirley Katzenmeyer: preserving green state.

Ron Weyl: end of MVEC transmission line is E of the line, tapping line coming out of the City of Le Sueur.

Keith Lammers: Tyrone Township Board, discussed setting up an escrow account should any road damages occur if this is approved.

Peter Schaub: is okay with setting up either an escrow account or performance bond.

Jeanne Doheny: In regards to Nick Pollack's concern regarding easements.

Emily Pollack: questioned height of poles.

Peter Schaub: yes, we work with the individual property owners, one-time payment for the easement, work with pole placement with the farmers due to equipment height, etc. We need to meet safety standards therefore, we cannot give a blanket answer to the height of the poles, the requests need to be reasonable.

Steve Olson motioned to table/continue the meeting to allow the applicants and Emily Pollack time to submit requested information until 7:00 PM, Tuesday, July 7, 2015. Seconded by Betty Bruzek.

Meeting
Respectfully submitted,
Kathy Brockway
Acting Secretary for
Shirley Katzenmeyer

*Tape of meeting is on file in the
Le Sueur County Environmental Services Office*

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
July 7, 2015

MEMBERS PRESENT: Don Reak, Jeanne Doheny, Don Rynda, Chuck Retka, Shirley Katzenmeyer, Steve Olson, Doug Krenik, Al Gehrke, Betty Bruzek, Pam Tietz

OTHERS PRESENT: Kathy Brockway, Michelle Mettler, Commissioners King, Connolly, Glizinski, Rohlfing

The meeting was reconvened at 7:00PM by Chairperson, Jeanne Doheny.

ITEM #1: MINNESOTA VALLEY ELECTRIC COOP, (APPLICANT) JORDAN MN; GARY & SUSAN WITT, (OWNER) LE SUEUR, MN: Request that the County grant a Conditional Use Permit to allow the applicant to establish an Electric Substation in an Agriculture "A" District. Property is located in the S1/2 SW1/4, Section 20, Tyrone Township. ***TABLED FROM THE JUNE 11, 2015 MEETING***

Commission member Chuck Retka, requested to remove himself from the table due to a conflict of interest.

Ron Jabs was present for application.

Discussion was held regarding:

Ron Jabs, representing MVEC; MVEC is co-op owned by the customers, approximately 37,000 members; started the discussion with the 4 points that were requested of MVEC from the June 11, 2015 meeting; Costs of the proposed substation vs. adding onto the St. Thomas substation; reliability, optional sites/criteria; work plan/future growth.

Location of 12 sites that were reviewed and the criteria used when reviewing each site, map included in presentation(file).

Jeanne Doheny: Questioned the St. Thomas substation, received lots of data, lots of statistics as to reasons why MVEC feels it is not feasible to add on to St. Thomas. What reasons other than costs?

Ron Jabs: Referred to Exhibit H in the file regarding costs, carrying distribution load, long distances have greater line loss, "wasted electricity" Enlarging conductors very expensive. Costs are passed on to the consumers. Tyrone Substation costs approximately \$3,452,050, St. Thomas expansion roughly \$6,457,900. St. Thomas substation additional land would need to be purchased, willing landowner needed, feeder upgrade, volt regulators, temporary substation, no back up close enough to handle.

Jeanne Doheny: clarify the Sheas Lake site?

Steve Lawler: Great River Energy, the Sheas Lake Site owned by Xcel Energy, Existing 345kV line, transforms to 115kV then to 69kV. St. Thomas is a 69kV level.

Ron Jabs: discussed additional line loss, no safety net of the 2nd substation location, reasonably close for backup, reliability, overloading of system, presently close to not being able to provide backup, closest substations Montgomery and New Prague. St. Thomas does not solve the issue of reliability, environmentally much more responsible to construct a new facility.

Don Reak: Questioned whether a new location was looked at since the last meeting and if there is the possibility of relocating the proposed substation to the Industrial Park in Le Sueur.

Ron Jabs: MVEC thoroughly exhausted that at the beginning of the project. Need to tie into the existing feeder station, and provide backup to the St. Thomas site. Out of the 12 sites 4 sites were suitable, again needed a willing landowner.

Shirley Katzenmeyer: Isn't it unusual to have a substation located at the end of a service district?

Ron Jabs: mandated by the Public Utility Commission to serve the industrial park as well as the residents, regional needs, MVEC is not totally focused on the Industrial Park.

Shirley Katzenmeyer: Main reason for this location is the Industrial Park.

Ron Jabs: Substations work together for reliability.

PUBLIC COMMENT: **Carol Overland**, Atty. Representing Emily Pollack as an intervener. Questioned the line losses, charge a commission for losses.

Ron Jabs: 10 different substations, line costs for line losses, \$46,763 annual line loss, \$271,115 annual line loss, those that request special services pay such as underground premium rate.

Emily Pollack: questioned the substation locations, costs per member vs. usage, residential use is stable, industrial usage is growing, why pay per member cost for residential when usage is for industrial.

Ron Jabs: Location distances between substations, not unique circumstances, transformers go down can back feed into substation to power up quickly, lots of different factors. Members owned, reserves goes back to members.

Ron Weyl: Where is the St. Thomas back up located now?

Ron Jabs: Montgomery or New Prague locations. Increase in electric services, due to electronics, cell phones etc.

Mark Katzenmeyer: the substations that were previously discussed were in high draw areas, we are in the rural areas with an industrial park that is not growing.

Jim Connelly: serves on the Board of Directors for MVEC, we need to provide adequate services to the customers in this area, should not matter who we are serving whether it is residential, Cambria, or Genesis. (Could not hear the rest of his presentation).

Mark Katzenmeyer: Genesis is not part of MVEC.

Beth Pollack: just because the costs of the substation and line are cheaper to build new does not make it right.

Jeanne Doheny: Upgrade at the St. Thomas substation won't solve the problem of the backup.

Beth Pollack: Is cost and reliability the only factors? What other factors taken into account?

Ron Jabs: Design guide for rural substations from USDA, follow, extensive manual, discussed previously A-X all different factors. Site manual for location and siting, take into consideration, road right of way, setbacks, environmental concerns, highway access.

Doug Krenik: Outage times, calculate causes, higher outage rate at St. Thomas than other areas.

Ron Jabs: weather, wear and tear on the lines, loading heavier, upgrades, regulators, increased land, cars hitting poles, first call logged as outage, can determine if more calls come in with the same, number of customers on the feeders, different methods of tracking them.

Kurt Kourt, MVEC: most are feeder based.

Jeanne Doheny: Calculate for outage consistent?

Marvin Denzer, MVEC: If St. Thomas outage no other site to switch to if feeder is out.

Irene Casey: Is the St. Thomas substation in jeopardy? Why not hook onto St. Thomas site and send directly to Cambria via the existing 69kV line.

Ron Jabs: MVEC does not run any 69kV line, load was much less than was practical at the time to run off that substation, engineering and costs. Feeders will be re-utilized to back feed to St. Thomas if Tyrone Substation is approved.

Kurt Kourt: Engineers looked at the substation in 1999, projections were 4-6 years out, instead of investing the feeder from St. Thomas to Cambria, idea was to have a second substation.

Ron Weyl: Cambria needs to have a special line to St. Thomas Substation. Part of St. Thomas if from that line.

Kurt Kourt: Initially yes, nowhere near what Cambria was seeing.

Marvin Denzer: Customer needs is customer needs, regardless of industrial, business or residential.

Ron Weyl: Because of a business, this is putting a burden on the rest of the members.

Carol Overland: provided with information showing feeder lines from St. Thomas substation, peak loads. Is the buried Cambria line in these reports for the St. Thomas substation?

Ron Jabs: any existing feeder line is included in the record and study.

Paul Kotasek: Alliant Energy-taking over their substations.

Marvin Denzer: Alliant, different system voltage than MVEC, 2 different distribution systems at different voltages.

John May: Alliant Energy would be left out as stated at the last meeting. (Transmission line question).

Decision delayed until such time that Great River Energy presents as well as the Intervener.

ITEM #2: GREAT RIVER ENERGY, (APPLICANT) MAPLE GROVE, MN: Request that the County grant a Conditional Use Permit to allow the applicants to construct a 69kv electric transmission line consisting of approximately 4.25 miles within the road right of way, along the north side of 320th Street in Sections 20,21,22,23 and along the south side of 320th Street in Sections 26 and 28; and along the west side of 265th Ave in Section 26, Tyrone Township. **TABLED FROM THE JUNE 11, 2015 MEETING.**

Commission member Chuck Retka, requested to remove himself from the table due to a conflict of interest.

Peter Schoeb was present for application. Discussed the email sent to Emily Pollack from the DNR, DNR sent back their response, "The DNR appreciates your concern for wildlife in the area of the proposed Tyrone Transmission Upgrade. The Minnesota Biological Survey has identified a Moderate Site of Biodiversity near the proposed transmission line (light green on the attached map). However, the proposed line does not impact the Site of Biodiversity. Great River Energy will need to obtain a DNR Utility License to cross the public watercourse that flows through the ravine. The DNR does recommend avian flight diverters for the length of the wooded portion of the ravine." If needed additional permitting from the DNR which is a standard for all projects.

Discussion was held regarding:

Peter Schoeb: GRE will install bird diverters per DNR regulations if necessary. CRP land, the line doesn't go into CRP land, will need overhang easements, won't cause issues with erosion, wildlife habitat, ravine stabilization, poles in the ravine area will be approximately 90' in height to avoid extensive vegetation removal, going to try a longer span across the ravine, 700 ft. on either side of the creek, Erosion not caused by the line, there is an on-going issue with the road, we will be sensitive to the erosion issue.

Jeanne Doheny: Will you take over the current erosion problem?

Peter Schoeb: Along the route will prevent/repair or correct any erosion that might occur when placing the poles, County/DNR corrected the ravine erosion problem, new culvert installed. If erosion occurs, will contact and work with the proper agency.

Jeanne Doheny: Discussed the shallow well at the Pollack's and type of pole placement near their home.

Peter Schoeb: Doesn't agree with Pollack's interpretation but if the Board requires ductile adjacent to the Pollack's property, they will agree to it. Ductile iron poles safe for drinking water.

Rick Jeanson, GRE: ductile poles are new- more for lines, drinking water lines.

Jeanne Doheny: depending on the placement of the poles, questioned water testing at the Pollack site in order to get a base line and continue testing possibly twice a year for a period of time.

Rick Jeanson, felt there should be some perimeters set up and an end point to testing water.

Peter Schoeb: Not a problem with water testing at the Pollack site, but agrees needs to set perimeters, as they have a shallow well, are in the middle of an agricultural district, would remedy the issues from the poles itself, not going to be responsible for other factors. Timeline would establish the base points.

Jeanne Doheny: Company knows what the coating and what could leach out, have an initial test for baseline.

Steve Lawler GRE: Ductile Iron poles at this site vs. wood pole with the PCB coating.

Jeanne Doheny: Baseline test regardless of what type of poles, assurance measure.

Doug Krenik: Timeframe of project, time of year for construction, restoration of road, ditches, funding responsibilities.

Jeanne Doheny: Funding for road repair, right of way, if necessary would be set by the County Board.

Steve Lawler: Timeframe is estimated at 2 months weather permitting, traffic will not be impacted by construction.

Peter Schoeb: If approved, applied for permits from the road authority, send out letters to the property owners to notify that construction is starting, send cards out that work is completed, if anyone notices that something is not done right, they go back out to the site and correct the problem if necessary. No major road closings.

Don Reak: Talked about the power line route, is this the best route to take? At the May Hill where bio-diversity is at can you stretch it out to 1700 feet?

Peter Schoeb: Several routes looked at, this would be the best route line to tap in to and where the proposed substation is located.

Steve Lawler: rough engineering for the river crossing, need to look at horizontal as well as vertical spacing 1700' would need to expand the arms, would hang towards the road, maximum is a 1400' span.

Doug Krenik: Longer lines, weather conditions, horizontal spacing.

Jeanne Doheny: PCP treated cross arms on poles.

Rick Jeanson: Only at river crossing and will be steel poles.

Pam Tietz: concerns at the last meeting were in regards to making upgrades to the system.

Peter Schoeb: Can put in the permit/easements for 69kV line only. If they need to upgrade they would have to amend the conditional use permit, voltage, topography drives the size of poles. Next step would be 115kV and would most likely go directly to the Public Utility Commission.

Shirley Katzenmeyer: Clarify Mr. Schoeb's statement in regards to CRP, not a correct statement. Substation is located on CRP land. Ravine is already eroding, who is responsible.

Peter Schoeb: reason land is put into CRP is because it is not prime farmland, it is typically not the top-yield property. MVEC purchased the 8 acres, 3 acres will be used for the substation, and the surrounding area will be left in CRP. No poles will be installed in CRP. Vegetation will be allowed.

Marsha Pawlow, GRE: Environmental Permitting Specialist for GRE, put together the environmental review document, discussed the erosion, public waters, will need the necessary permitting from the DNR, working with the MCPA in regards to the stormwater permit, best management practices are used at all sites.

Jeanne Doheny: possible condition that the remaining property at the substation is maintained to CRP standards.

Ron Jabs: has been talking with Gary Kunz from the FSA department. MVEC does not qualify for credits. Intent is to leave the undisturbed areas in the present cover.

PUBLIC COMMENT:

Ron Weyl: stated that the original culvert failed due to the erosion in the area. At the previous meeting, it was stated that Alliant customers are on both sides and that MVEC customers going to get lines buried.

Peter Schoeb: 2 systems, GRE overtaking MVEC lines and would be buried. Alliant different system and different characteristics.

Steve Lawler: Project manager, route submitted portion of MVEC distribution and transmission on the same side of the road.

Jim Connelly, Board of Directors MVEC 4-5 year plan, engineering looking at the Alliant system, cannot make commitment at this time.

Shirley Katzenmeyer: question whether he was qualified to make that statement, would rather hear from an engineer than a board member.

Marsha Pawlow: discussed environmental issues, biodiversity area, clearance issues, Hwy 169 was not a good option.

Ron Weyl: questioned costs, we heard from MVEC as to the substation costs, what are the line costs, distance for power pole.

Steve Lawler: transmission line is 4.25 to 4.5 miles, 69kV into the City of Le Sueur. Approximately \$1.5 million.

Mark Katzenmeyer: better idea to use the money for the line and run it to St. Thomas.

Steve Lawler: Better investment in transmission system, need for distribution, need to supply transmission substation.

Beth Pollack: Peter Schoeb made the comment that they will do what they are told to do, work with the land owner, follow DNR recommendations, what assurances are given to the citizens that they will follow their plan, 5 year plan, locations of the other substations.

Jeanne Doheny: concerns will be addressed in the conditional use permit.

Rick Jeanson: agreements with landowners, transmission level sharing doesn't address the distribution. Sheas Lake.

John May: questioned clear cutting in ravine area, cheaper to bury that 1700 feet.

Peter Schoeb: Not cheaper to buy the transmission line, generates more heat, lose vegetation in the area.

Marsha Pawlow: leave vegetation in road right of way, DNR has conditions for herbicides, some tree trimming.

Shirley Katzenmeyer: Did you view the site, drive the route?

Marsha Pawlow: yes, several times, also viewed aerials.

Mark Katzenmeyer: Clear cutting near the substation?

Peter Schoeb: any vegetation 15-18' will need to be cut, will leave the stumps.

Mark Katzenmeyer: biodiversity area, any tree cutting.

Marsha Pawlow: trees on the opposite side of the road will be cut.

John May: concerned with steep slopes.

Doug Krenik: river crossing, DNR permits required, all poles located in the road right of way.

Decision delayed until such time that the intervener presents.

Intervener:

Carol Overland, intervener representing Emily Pollack. Passed out power point presentation.

3 areas of concern:

Environmental

Immediate proximity to MCBS Biological Site
Intrusion on Big Woods remnant near Forest Prairie Creek
Potential for damage to surface and groundwater
Public safety and human and animal health impacts

Property values

Decreased value and decreased tax revenue

Use existing infrastructure – Sheas Lake

Large new substation built to tap into Wilmarth 345 kv transmission line to serve Le Sueur load – why build new when infrastructure already present for that purpose

Many questions have come up during the conditional use permit process but feels the applicants have not provided the answers.

Property values could decrease, number of poles, shallow wells, public and animal health, Sheas Lake, CapX 2020 route was looked at earlier, preferred route was through Le Sueur County, but it didn't go through, refer to maps in packet, many false statements by the applicants, Xcel came to Le Sueur County a few years ago, built at Sheas Lake, but CapX project failed through Le Sueur County.

Neither applicant has provided the need, why not tap into Sheas Lake, record does not support the approval.

Doug Krenik: Did you read the Ordinance? Where in the Ordinance does it state that the applicant is required to show us costs and how much it costs to operate, business plans.

Pam Tietz: questioned the property values, evidence and by how much?

Carol Overland: 7-30% roughly, affects the adjacent properties.

Kathy Brockway, talked with the County Assessor's office, nothing on file indicates that a transmission line or substation affect property values, property values are based on sales in the area.

Shirley Katzenmeyer: it does affect property values, go on line.

Carol Overland: you can go on line tomorrow and I will post them on my website.

Betty Bruzek: knows that there is a lot of opposition, but if this keeps getting refused, the state can come in and do the regulating.

Carol Overland: legitimate, but they would have to file a Certificate of Need to the PUC.

Don Reak: GRE- Carol said a 9kV coming out of a 69kV only using 7MW.

Steve Lawler: GRE-confusion need, transmission vs. distribution. 7 related to St. Thomas distribution substation, substation is overloaded. Sheas Lake is transmission substation, lot of investment.

Emily Pollack: Concerned about the environmental well-being of the area. Any project will have environmental concerns, county has to decide what is right. State could not address the environmental concerns due to the project not meeting the requirements for an environmental review.

Kathy Brockway read the findings of fact.

Findings by majority roll call vote MVEC:

1. ***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 diminishes and impairs property values within the immediate vicinity. Agreed 7-2***
Nay reasons: Impact on the big woods. Property in the immediate vicinity of the proposal is not Ag in nature and will negatively impact property values in the area.
2. ***The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Agreed 7-2.***
Nay reasons: Priority is to preserve Ag land, will affect the orderly development in the area. Geographic's of the area, change will impede the normal and orderly development of the area.
3. ***Adequate utilities, access roads, drainage and other facilities are being provided. Agreed 7-2***
Nay reasons: Other routes feasible out of St. Thomas. Blanket statement parts of the proposal are in question.
4. ***Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed 7-2***
Nay reasons: Do not believe #4 applies
5. ***Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Agreed 7-2***
Nay reasons: Lighting concerns, offensive odors, dust will affect surrounding properties.

Motion was made by Don Reak to approve the application and is open to any and all conditions.

Conditions:

- 1. MVEC shall maintain the area around the substation to CRP standards;***
- 2. Investigate/install a permeable base material around substation if feasible;***
- 3. Operating procedures at the substation shall be utilized to control dust and noise so as not to be in conflict with adjoining property and shall meet the Agency standards;***
- 4. Obtain state and federal permits as required.***

Seconded by Doug Krenik. 7-2. Reasons for Nay votes; lighting will affect the wildlife, proposal will affect the health, safety and general welfare of the citizens of Tyrone Township. Motion approved. Motion carried.

If application warrants additional conditions, may be set by the County Board not staff.

Shirley Katzenmeyer questioned the enforcement of conditions to ensure the surrounding property remains in CRP.

Kathy Brockway, Planning and Zoning Department enforces conditions on all applications. We will work with the SWCD office in regards to the standards of CRP land. If complaints are brought to the attention of the Department, they are investigated.

Kathy Brockway read the findings of fact for Item #2:
Findings by majority roll call vote Great River Energy (GRE):

1. *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 diminishes and impairs property values within the immediate vicinity. Agreed 8-2*
Nay reasons: through the testimony provided it will affect the health and safety of the residents of Tyrone Township. Concur with Commission Member Katzenmeyer, also will affect the wildlife in the area and create a disruption to this pristine area of the County.
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. Agreed 7-3.*
Nay reasons: the poles will diminish the affected properties, property values will be decreased, visual effects and health concerns.
3. *Adequate utilities, access roads, drainage and other facilities are being provided. Agreed 8-2*
Nay reasons: blanket statement, parts of the proposal are still in question.
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. Agreed 8-2*
Nay reasons: Does not apply. The use of large trucks for the installation and repair of the poles will affect the area.
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Agreed 8-2*
Nay reasons: Winter months in this area are serene, this application will create a nuisance for the property owners, concur with statement and the application will affect the health, safety and welfare of the citizens of Tyrone Township. Agree, but can be addressed with the proper conditions.

Motion was made by Doug Krenik to approve the application and is open to any and all conditions.

1. *Ductile iron poles shall be placed adjacent to the Pollack property;*
2. *Testing of the water from the shallow well at the Pollack site in order to establish a baseline, follow up annually and submit the reports to the County Health Department and Environmental Services Department. The water testing is done at the applicant's expense;*
3. *Phase 1 Archeological Study shall be conducted and reviewed by the consultant;*
4. *Utilize Best Management Practices when installation takes place over Forrest Prairie Creek;*
5. *Work with DNR and US Fish and Wildlife to install the most effective measures for avian migration;*
6. *Obtain necessary State and Federal Permits;*
7. *Utilize Best Management Practices to minimize erosion control;*
8. *Applicants shall work with the landowners in regards to the feasible placement of the poles.*

Seconded by Betty Bruzek. Motion approved. 8-2 Nay reasons: Preservation of the Ag land, disruption to the wildlife in the area, through public testimony the proposal will affect the health, safety and general welfare of the citizens of Tyrone Township. Motion carried.

Motion to adjourn meeting by Don Reak. Seconded by Steve Olson. Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,
Kathy Brockway for
Shirley Katzenmeyer.

*Tape of meeting is on file in the
Le Sueur County Environmental Services Office*

DRAFT

LE SUEUR COUNTY PLANNING AND ZONING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MINNESOTA 56057
July 09, 2015

MEMBERS PRESENT: Don Rynda, Chuck Retka, Shirley Katzenmeyer, Steve Olson, Doug Krenik, Al Gehrke, Betty Bruzek, Pam Tietz

MEMBERS ABSENT: Jeanne Doheny, Don Reak

OTHERS PRESENT: Kathy Brockway, Commissioner Connolly,

The meeting was called to order at 7:00PM by Vice-Chairman, Steve Olson.

ITEM #1: HUGH VALIANT, WATERVILLE, MN, (APPLICANT); MARTY & CHRISTINA SIMONETTE, ST PETER, MN (OWNER): Request that the County grant a Conditional Use Permit to allow grading, excavating and filling of approximately 71 cubic yards of material for a shoreline restoration project within the shore impact zone in a Recreational Residential "RR" District on a Recreational Development "RD" lake, Lake Washington. Property is located at Lot 5, Block 1, Connors Point Subdivision, Section 7, Washington Township.

Kathy Brockway presented power point presentation. Curt Kloss, Engineer representing the applicant was present for application.

TOWNSHIP: Notified through the application process. Greg Davis, Washington Township, Township has some concerns and would like to address them with the applicants at their next meeting on Monday, July 13, 2015. DNR: no comments LETTERS: none

PUBLIC COMMENT: none

Discussion was held regarding: Erosion problem along the shoreline, entire project is above the Ordinary High Water Level, no DNR permits required, but will place rip rap along shoreline per the DNR standards, pickup trucks will be used for hauling of material, timeframe of the project; mid-August, several weeks to complete the project, depends on weather, sand blanket area is a play area.

Findings by majority roll call vote:

1. *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 diminishes and impairs property values within the immediate vicinity. agreed*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. agreed*
3. *Adequate utilities, access roads, drainage and other facilities are being provided. agreed*
4. *Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use. N/A*
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. Agreed*

Motion was made by Doug Krenik to approve the application with the condition that the applicants work with the township to address the township concerns. Seconded by Chuck Retka. Motion approved. Motion carried.

ITEM #2: BERNARD & HELEN BAUMANN, SHAKOPEE, MN, (APPLICANT\OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to construct a 26 x 36 detached garage that does meet the Regulatory Flood Protection Elevation "RFPE" to allow flood-proofing in a Recreational Residential "RR" District and a Flood Plain, Flood Fringe "FF" Overlay District on a Recreational Development "RD" lake, Lake Tetonka. Property is located at Lots 32, 33 & 34, Tetonka Beach Subdivision, Section 24, Elysian Township.

Kathy Brockway presented power point presentation. Sam Brockhaus, I & S Engineering, representing the applicant was present for application.

TOWNSHIP: Notified through the application process DNR: no comments LETTERS: none

PUBLIC COMMENT: none

Discussion was held regarding: FEMA standards, garage is only to be used for parking of vehicles and storage; utilities must be elevated above the RFPE; Flood Damage-resistant materials must be used below the RFPE; A minimum of 2 openings on the exterior walls below the RFPE, there will be 5; Openings will be located on 3 of the 4 exterior walls of the garage; sensors are used to open the vents; storage of hazardous material; ordinance regulations; Seasonal use dwelling on site.

Findings by majority roll call vote:

1. *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 diminishes and impairs property values within the immediate vicinity. agreed*
2. *The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area. agreed*
3. *Adequate utilities, access roads, drainage and other facilities have been or are being provided. agreed*
4. *Adequate measures will be taken to provide sufficient off-street parking and loading space to serve the proposed use. N/A*
5. *Adequate measures will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. agreed*

Motion was made by Al Gehrke to approve the application as presented with the condition that the applicant abides by FEMA regulations and Section 6 of the LSC Ordinance. Seconded by Don Rynda. Motion approved. Motion carried.

Motion was made by Betty Bruzek to approve the minutes from the May 14, 2015 meeting by Seconded by Pam Tietz. Motion approved. Motion carried.

Discussion: Election of Officers at the August 2015 meeting.

Motion was made by Chuck Retka to approve the minutes from the June 11, 2015 meeting by Seconded by Al Gehrke with the change as stated on page 3. Motion approved. Motion carried.

Motion to adjourn meeting by Shirley Katzenmeyer. Seconded by Pam Tietz Motion approved. Motion carried.

Meeting Adjourned.

Respectfully submitted,

Shirley Katzenmeyer
By Kathy Brockway

*Tape of meeting is on file in the
Le Sueur County Environmental Services Office*