



Le Sueur County, MN

Thursday, August 13, 2015

Regular session

Item 1

July 7, 2015 Draft Minutes

Staff Contact: Kathy Brockway or Michelle Mettler

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, Rohlffing

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