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# **Le Sueur County, MN**

**Tuesday, July 7, 2015**

**Regular session**

## **Item 1**

### **Draft Minutes**

**Staff Contact: Kathy Brockway or Michelle Mettler**

**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,
- therefore, 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 320<sup>th</sup> 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 320<sup>th</sup> 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 320<sup>th</sup> Street in Sections 20, 21, 22, 23 and along the south side of 320<sup>th</sup> Street in Sections 26 and 28; and along the west side of 265<sup>th</sup> 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 320<sup>th</sup> 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 265<sup>th</sup>, 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*