

February 28, 2017
Special Meeting

The Deuel County Commissioners met in special session on Tuesday February 28 at 1:30 p.m. at the Clear Lake Community Center with Chairman Jaeger presiding. Those present were Commissioners Dumke, Jaeger, DeJong, Rhody and Pederson. Also present was Auditor Pam Lynde and State's Attorney John Knight. 1) Pederson moved, seconded by Rhody to approve the agenda as presented. A roll call vote was had: Rhody-yes; Dumke-yes; Pederson-yes; DeJong-yes; Jaeger-yes. Motion carried.

The purpose of the meeting was to conduct the public hearing on the proposed recommended changes by the Deuel County Planning & Zoning Board to Section 1215 Wind Energy System (WES) requirements of the Deuel County Zoning Ordinance #B2004-01. The Commissioners may return the proposed ordinance to the Planning & Zoning commission for further review; make amendments and schedule another public hearing on the proposed amendments or conduct the first reading of the proposed ordinance change and schedule a second reading date.

Chairman Jaeger asked for a motion of consideration on the recommended changes by the Deuel County Planning & Zoning Board to Section 1215 Wind Energy System (WES) of the Deuel County Zoning Ordinance #B2004-01.

2) DeJong moved, seconded by Dumke to consider the recommended changes by the Planning Commission. A roll call vote was had: Rhody-yes; Dumke-yes; Pederson – yes; DeJong-yes; Jaeger-yes. Motion carried.

The public was then given the opportunity to speak at the hearing.

The following persons spoke at the hearing:

1. Attorney Jared Gass for Duane Thompson: Gass spoke on behalf of Duane Thompson; current ordinance is ill-prepared to handle wind development; zoning for purpose of health, safety welfare of Deuel County; should have reasonable & defensible zoning regulations specifically trespass zoning; current setback to the residence of a property not the neighboring property line that grants wind developer trespass privileges related to noise, flicker and nuisance; viewed as taking of property without consent and that is recipe for litigation
2. Jim Nichols-defer to Mark Schmidt; member of Deuel County Ag Development Inc. if making an effort to improve economic development in Deuel County; Invenergy looking to build a 910 megawatt wind farm in county creating 55-60 new local jobs; large economic impact for the county; vote no on the proposed zoning changes
3. Attorney Jared Gass for Brenda Taylor: increase setback with a waiver; should be each landowners decision; put this in hands of property owners; look out for the health and safety of Deuel County; deny current recommended changes
4. Doyle Thompson-defer to Jim Nichols; Nichols said he is a county commissioner in Lincoln Co. MN; wind development has kept taxes down and created jobs; great economic impact to the area; what has done for school districts is incredible; Lincoln county has 1500 ft. setback; has a wind turbine on his farm

5. Ron Ruud –Lake Park setbacks: Lake Park district on Bullhead lake recommended one mile setback; Lake Alice is 1016 acres with three Lake Park Districts setback of two miles; Lake Cochrane is spring fed lake with state park, several businesses; entire lake is Lake Park Dist. Recommends three mile setback
6. Jim Nichols: Nichols said you have four years to build them; don't lose this opportunity; in MN has been tremendous success for county and schools; wind companies will go elsewhere if too restrictive setbacks
7. Craig Magedanz-landowner: county tax dollars were spent resurfacing of road past his place and near Lake Alice; look at getting towers in our county with additional funding could be used for road maintenance; need to change development and make it fair for everyone with same setback for all lakes and towns; vote no on recommended changes to ordinance
8. John Pantzke-Deuel County Ag Development-defer to Gary Williamson Lake Benton business man; business model supports local communities, four wind tower companies in Lincoln County MN; they support the community; help with state aid to schools and students; these are globally approved; don't let this opportunity slip away for Deuel County
9. George Holborn-not siting wind turbines too close to people: talked about Dr. Olson that testified at previous zoning hearing said everybody near towers could get a good night's sleep; 45% of residents can hear turbines three miles away; 50 dBA is fine according to Invenergy; talked about ambient noise of 35 or greater
10. Mike Gibson-landowner defer to Jim Nichols; tower at his farm is 750' from his house; noise is not an issue; cannot hear the turbine; no one has a problem with it
11. Will Stone-landowner: talked about the health risk, noise, shadow flicker from turbines; turbines have no warning labels; one mile buffer zone and impose one mile setback, wants non participating property owners compensated for the taking of their property rights
12. Cody Kenyon-landowner: lives northeast of Clear Lake; large opportunity for our county; we can farm around the wind towers; decreasing population and isn't much opportunity for young persons in county; tax dollars are a very big deal; pros and cons to everything
13. Susan Norgaard-new home Lake Cochrane: from Arlington SD and building new home on Lake Cochrane; zoning board told us we need to keep natural beauty of landscape; by time we heard about wind turbines in area too late; asking the Commissioners to protect people of Deuel County; remember what residents near towers by Toronto have to say, would not have built new home if she know about wind towers coming
14. Calvin Musch-landowner defer to Jim Nichols; beautiful lake at Lake Benton; no one thinks turbines are ugly at Lake Benton; cattle are healthy with wind turbines on farms; wind is as good as oil and cheapest power in America
15. Ruby Holborn-not siting industrial wind turbines too close to people: lives by Gary; talked about a letter from attorney Thomas Burns concerning proposed

leases by companies including Invenergy; company given itself the right to assign lease and relieves itself of liability under the lease; Warren Buffet only reason to build is tax credit

16. Dave Pederson-local farmer, business owner defer to Jim Nichols: three new projects in Lincoln County MN; people love wind turbines in Lincoln County; think about the future of Deuel County
17. Fay Stone-from Gary: not against wind energy but against the proposed setbacks; why are the wind companies making all the rules; can't expand their hunting business and who will compensate them when have loss; also concerned about flicker; are couple wind turbines more important than their business
18. Dennis Evenson-landowner: base decision on good facts; aesthetic reasons opposed to wind, shadow flicker-no health problems; spacing national setbacks 1.5 times what they are required 1500'; liability with wind company and they are going to cover it so we all win; vote no on proposed ordinance changes to support Cap X 2020, to support wind industry; vote no to support schools and county
19. Dan Litchfield-Invenergy: said they are being open about their plan for turbines; believe the current ordinance is working; hundreds of landowners want to harvest the wind, a lot have joined; Deuel Harvest Wind Farm is the name of the project; great access to wind in Deuel County; request a no vote on the proposed changes to section of zoning ordinance as current ordinance is working; changes will add cost to project and it is affordable now
20. Dale Roth-Farmer by Astoria 41 years: he opposes any changes to the current wind portion of the zoning ordinance; 111 landowners owned at least 100 acres of those 37 are operators and live there; take 50 towers eliminated \$12000 per tower per year-\$1000 a month-guaranteed \$12000 year for 20 years or more
21. John Henslin-property owner Lake Alice: lives in Lake Park Dist. Of Lake Alice; setback should be two miles for Lake Alice and has heard talk of moving it to one mile setback; closer towers get to his property the value of his property will be less and what will home be worth; loves the beautiful area but not that beautiful if turbines come in;
22. Russ Olson-property owner: Deuel County property has been in his family for 90 years; if approve changes will restrict development and wind developers will go somewhere else; now have an opportunity of taxes from outside source rather than property taxes; everyone will benefit from wind energy dollars; leave ordinance as it is
23. Tyler Wilhelm-Nextera Energy Resources-defer time to Dr. Chris Olson: Dr. Olson was at the zoning hearing on January 9; protective-1500 ft. is fine or current 1000 ft. setback is fine; 45dBA is reasonable; shadow flicker 30 hours is in line; most of proposed changes to the present zoning ordinance are reasonable;

Commissioners then asked several questions of speakers: questions concerning size of towers in Lincoln County; tax structure for wind towers; trespass zone; residents at Lake Cochrane; aerial spraying.

A short break was then taken and the meeting reconvened at 3:25 p.m.

Commissioner DeJong then talked to all in attendance and said he had measured the distances of 1000 ft. and 1500 ft.; will be looking at and living with towers 24 hours a day, seven days a week; would like to see regulations all can live with compromising was stressed by DeJong.

Commissioners then discussed proposed change number 1:

1. Increase the setbacks from participating and non-participating residences to not less than 1500 feet.

3) DeJong moved, seconded by Rhody to amend recommendation as follows: increase the setbacks from participating and non-participating property line to 2640 ft. and if participating may be within 1000 ft. of property line. Discussion followed about all property lines or property lines around residences that are non-participating.

4) Pederson moved, seconded by Rhody to amend original motion 3) as follows: increase the setbacks from participating and non-participating ~~property line~~ **residences** to 2640 ft. and if participating may be within 1000 ft. of ~~property line~~ **own residence**. Discussion followed.

5) Dumke moved, to table discussion on motion 3) and amendment 4) to the motion until another meeting is scheduled, seconded by Pederson. A roll call vote was had: Rhody-yes; Dumke-yes; Pederson –yes; DeJong-yes; Jaeger-yes. Motion carried.

6) DeJong moved to adjourn the meeting at 4:30 p.m., seconded by Dumke. All voted yes and motion carried.

Gary Jaeger, Chairman
Deuel County Commission

ATTEST:

Pam L. Lynde, Auditor

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