

SPECIAL SESSION OF THE MOWER COUNTY
BOARD OF COMMISSIONERS

November 3, 2009

The Mower County Board of Commissioners in and for the County of Mower, Minnesota, met in Special Session November 3, 2009 at 1:00 p.m. at the Courthouse in Austin, Minnesota.

Members present, viz: Raymond Tucker, Vice-Chair
 David Hillier
 Dick Lang
 Tim Gabrielson
 Craig Oscarson, County Coordinator
Member absent: Dave Tollefson, Chair

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to authorize the Human Resource Director to fill two full-time Financial Worker positions in Human Services according to union contract and personnel policies. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to allow a Phased Retirement Option in Human Services for Linda Unverzagt for up to 520 hours and enter into a Letter of Understanding with AFSCME. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Gabrielson to amend the 2010 Community Health Services budget by reducing one full-time public health nurse which is currently a vacant position. Motion carried.

Motion made by Commissioner Hillier, seconded by Commissioner Lang to accept the resignation of a dispatcher and authorize the Human Resource Director to fill the full-time position according to union contract and personnel policies. Motion carried.

The Board discussed the possibility of reducing the courthouse service hours and employee lunch breaks by one-half hour each business day. The courthouse hours would change from 8:00 a.m. to 5:00 p.m. to 8:00 a.m. to 4:30 p.m. There are 59 out of the 87 counties in Minnesota that open at 8:00 a.m. and close at 4:30 p.m. This matter will be reviewed further.

A Public Hearing was held in regard to CUP #753 of Private Energy Systems to install a 1.65 MW wind turbine for electrical power generation on property in Section 8 of Marshall Township.

Angie Knish, Environment Services Director, reviewed the permit and Planning Commission recommendations.

A representative for the petitioner was present and spoke in favor of CUP #753. Six persons spoke against CUP #753 and a signed petition against CUP # 753 was presented with 17 signatures.

Date: November 3, 2009

Res. #54-09

RESOLUTION

On motion of Commissioner Hillier, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 3, 2009 at the Courthouse, Austin, Minnesota.

The Mower County Planning Commission having presented to the Mower County Board of Commissioners, CUP #753 of Private Energy Systems, Petitioner, and to be issued pursuant to the Mower County Zoning Regulations for:

To install a 1.65 MW wind turbine for electrical power generation on the property

Location: W ½ NW ¼ and E ½ NW ¼ Exc. N 1361 ft. E 320 ft., Section 8
Marshall Township, T102N R16W, Mower County, Minnesota.

Notice having been duly given and a hearing held November 3, 2009, on said petition.

NOW, THEREFORE, BE IT RESOLVED, that the Mower County Board has reviewed, accepts and adopts the findings of fact of the Mower County Planning Commission in the five required areas; and

BE IT FURTHER RESOLVED, that said petition is hereby approved, as recommended by the Mower County Planning Commission with conditions as follows:

1. A Zoning Permit must be obtained prior to construction from the Environmental Services Office.
2. All wind power towers, turbines and apparatuses shall be in compliance with all other applicable State and Federal Regulatory Standards. Proof/Documentation shall be provided to the Mower County Environmental Services Office:
 - a) Uniform Building Code as adopted by the State of Minnesota.
 - b) The National Electrical Code as adopted by the State of Minnesota.
 - c) Comply with FAA Requirements – Form 7460-1 (submit recommendations from FAA to Mower County and the MN Environmental Quality Board)
 - d) MPCA/EPA Regulations.
3. Complete and submit to Mower County Environmental Services an Acoustic Analysis to assure compliance with the Minnesota Noise Rules as defined in Minnesota Rules Chapter 7030. (*completed 10.19.2009 – contained in staff report packet*)

4. All turbine towers shall be marked with a visible identification number and petitioner will be required to provide the latitude and longitude of each tower and the elevation of the ground and tower height to the Environmental Services Office.
5. All turbine towers must be of tubular construction.
6. The Petitioner shall be responsible for obtaining 9-1-1 rural address from the Mower County Engineer and for obtaining proper signage for the property. Any and all costs associated with 9-1-1 addressing and signage is the responsibility of the Petitioner. The 911 address shall be obtained before construction of the wind tower begins.
7. The Permittee shall prepare a fire protection plan in consultation with the fire department having jurisdiction over the area prior to construction. Proof/Documentation that this plan has been accepted or approved by the governing jurisdiction shall be provided to the Environmental Services office.
8. Wind turbines and all associated facilities, including foundations, access roads, underground cable, and transformers, shall not be placed in public waters or wetlands, as defined in Minnesota Statutes section 103G.005 subp. 15a. (*completed 10.19.2009 – contained in staff report packet*)
9. Project developer is responsible for remediation of damaged roads upon completion of project or maintenance of turbines.
10. All solid waste and hazardous waste shall be removed from the site and managed in a manner consistent with all appropriate rules and regulations.
11. The Permittee shall not operate a turbine so as to cause microwave, television, radio, telecommunications or navigation interference contrary to Federal Communications Commission (FCC) regulations or other law. In the event the turbine and its associated facilities or its operations cause such interference, the Permittee shall take timely measures necessary to correct the problem. A survey shall be provided by the applicant showing that the wind tower construction location is outside of the microwave beam path and that setbacks as required in the zoning ordinance are met or exceeded.
12. The Permittee shall conduct an assessment of television signal reception prior to construction and an assessment of television reception degradation after construction of the turbines, to determine if the television signal is affected by the presence of the wind turbine and associated facilities. The Permittee shall provide the Environmental Services Office a copy of these studies.
13. A professional engineer registered in the State of Minnesota shall certify that the tower and foundation are compatible with and appropriate for the turbine to be installed and that the specific soils at the site can support the apparatus.
14. Decommissioning. Provisions shall ensure that facilities are properly decommissioned upon end of project life or facility abandonment. Decommissioning shall include: removal of all structures and debris to a depth of 3 feet, restoration of the soil; and restoration of vegetation (consistent and compatible with surrounding vegetation) shall also be required. The decommissioning plan shall include a \$3,000 non-refundable fee per turbine to be held in escrow by Mower County. This money would be held in escrow by the County and could only be withdrawn with accumulated interest upon a successful implementation of a decommissioning plan.

Should the implementation of decommissioning plan fail to meet the goals and objectives of said plan, then the County can use all or a portion of the money in escrow to implement or finish said plan. If the cost of the decommissioning exceeds the escrow amount, the County has the right to collect or assess the cost to the property owner through property taxes or a special assessment. The \$3,000 non-refundable fee per turbine shall be submitted into escrow before construction begins.

15. The owner or operator must inform Mower County in writing if a wind turbine(s) has been idle for one year. The County shall send a certified letter to property owner or turbine owner. The letter shall ask for details of implementation of a decommissioning plan and allow property owner or turbine owner 60 days to respond. Should the owner not respond or respond but not fulfill the decommissioning plan the County, upon County Board approval can use the money in escrow to pay for the removal of the structures.
16. Signage. Signs shall be regulated as set forth in Article V of this ordinance.
17. A Conditional Use Permit shall become void two (2) years after being granted by the County Board unless used or if discontinued for a period of three-hundred and sixty-five (365) days.
18. This permit is based upon representation given by the applicant during the hearing process and any misrepresentation presented in this process may be grounds for revoking the permit.

This permit is in accordance with Section 14-18.6 (b) of the Mower County Zoning Ordinance.

Passed and approved this 3rd day of November, 2009. The Commissioners voted as follows: Commissioner Gabrielson aye, Commissioner Lang nay, Commissioner Hillier aye, Commissioner Tucker aye.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Vice-Chairperson

By: _____
Clerk/Coordinator

Jim Connolly, Field Specialist, Root River Energy, LLC presented to the Board a request for support for Community-Based Energy Development (C-BED) for Root River Energy and High Country Energy. State statute requires that resolutions be passed by respective counties in order for the entities to proceed with the potential wind farm projects.

Date: November 3, 2009

Res. #55-09

**COMMUNITY BASED ENERGY DEVELOPMENT (C-BED)
STATUS FOR ROOT RIVER ENERGY, LLC
RESOLUTION**

On motion of Commissioner Hillier, seconded by Commissioner Lang, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 3, 2009 at the Courthouse, Austin, Minnesota.

WHEREAS, it is the policy of the State of Minnesota to foster Community-Based Energy Development (C-BED) projects, and;

WHEREAS, the State C-Bed statute calls for County Board approval of CBED projects – Minn. Stat. 216B.1612, subd. 2(f)(3); and

WHEREAS, the development of (CBED) wind projects in Mower County provides economic opportunity for residents of the county; and

WHEREAS, the Root River Energy, LLC project which is proposed for development in Mower County and will be owned by a Minnesota limited liability company, Root River Energy, LLC organized by Minnesota residents; and

WHEREAS, the Minnesota limited liability company that will be developing wind turbines is Root River Energy, LLC; and

WHEREAS, the developers understand and accept responsibility for securing all necessary permits for the development of wind turbines and towers; and

WHEREAS, this project calls for the development of up to 300 megawatts of wind energy to be produced by as many as 200 turbines; and

WHEREAS, the projects are structured to ensure that a majority of the financial benefit of the project accrues to the local owners of the project.

BE IT RESOLVED, that the Mower County Board of Commissioners hereby indicates its support for the development of the Root River Energy project as a CBED project, subject to authority of said County Board, to grant or deny any application for permits or licenses for said project as may be provided by state statute or local ordinances, rules or regulations.

Passed and approved this 3rd day of November, 2009.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Vice-Chairperson

By: _____
Clerk/Coordinator

Date: November 3, 2009

Res. #56-09

**COMMUNITY BASED ENERGY DEVELOPMENT (C-BED)
STATUS FOR HIGH COUNTRY ENERGY, LLC
RESOLUTION**

On motion of Commissioner Lang, seconded by Commissioner Gabrielson, the following Resolution was passed and adopted by the Mower County Board of Commissioners at a meeting held November 3, 2009 at the Courthouse, Austin, Minnesota.

WHEREAS, it is the policy of the State of Minnesota to foster Community-Based Energy Development (C-BED) projects, and;

WHEREAS, the State C-Bed statute calls for County Board approval of CBED projects – Minn. Stat. 216B.1612, subd. 2(f)(3); and

WHEREAS, the development of (CBED) wind projects in Mower County provides economic opportunity for residents of the county; and

WHEREAS, the High Country Energy, LLC project which is proposed for development in Mower County and will be owned by a Minnesota limited liability company, High Country Energy, LLC organized by Minnesota residents; and

WHEREAS, the Minnesota limited liability company that will be developing wind turbines is High Country Energy, LLC; and

WHEREAS, the developers understand and accept responsibility for securing all necessary permits for the development of wind turbines and towers; and

WHEREAS, this project calls for the development of up to 300 megawatts of wind energy to be produced by as many as 200 turbines; and

WHEREAS, the projects are structured to ensure that a majority of the financial benefit of the project accrues to the local owners of the project.

BE IT RESOLVED, that the Mower County Board of Commissioners hereby indicates its support for the development of the High Country Energy project as a CBED project, subject to authority of said County Board, to grant or deny any application for permits or licenses for said project as may be provided by state statute or local ordinances, rules or regulations.

Passed and approved this 3rd day of November, 2009. Commissioner Tucker abstained.

THE MOWER COUNTY BOARD OF COMMISSIONERS

By: _____
Vice-Chairperson

By: _____
Clerk/Coordinator

Motion made by Commissioner Hillier, seconded by Commissioner Lang to approve a Justice Center change order for generator metering in the approximate amount of \$7,637. The Commissioners voted as follows: Commissioner Gabrielson ay, Commissioner Lang aye, Commissioner Hillier aye, Commissioner Tucker aye. Motion carried 3 – 1.

Motion made by Commissioner Gabrielson, seconded by Commissioner Lang to approve the minutes of October 27, 2009. Motion carried.

Motion made by Commissioner Gabrielson, seconded by Commissioner Lang to approve the following additional Commissioners' warrants for immediate payment:

SE MN Regional Radio Board	\$ 500.00
Davis Construction	5,325.00

Motion carried.

Motion by Commissioner Lang, seconded by Commissioner Gabrielson to adjourn the meeting at 2:34 p.m. until November 10, 2009 at 8:30 a.m. Motion carried.

THE MOWER COUNTY BOARD OF COMMISSIONERS

BY: _____
Chairperson

Attest:

By: _____
Clerk/Coordinator

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