

Minutes of the Dodge County
PLANNING COMMISSION MEETING
February 4, 2009

The regular meeting of the Planning Commission was called to order by John Allen at 1:00 PM on Wednesday, February 4, 2009. Present were Planning Commission members Jon Balzum, John Allen, Larry Schmeling, Walt Wyttenbach, and Richard Wolf. Also present were County Commissioner Dave Erickson, Lyle Tjosaas, Klaus Alberts, County Administrator, David McKnight and Planning Director, Duane Johnson.

John Allen welcomed new Planning Commission member; Walt Wyttenbach from Milton Township.

Motion by Richard Wolf, seconded by Larry Schmeling, to approve the agenda and the January 2009 minutes. Motion passed unanimously.

People's Cooperative Services – CUP #09-01

The public hearing is to consider a request to allow the relocation of a 69 kV transmission line in the Agricultural District. The transmission line will run along the north side of 700th St or County Road K of Sections 33, 34, 35, and 36 in Canisteo Township. Peoples Cooperative Services are the applicant and the utility easement holder.

Tim Clawson, manager for the economic development in key accounts for Peoples Cooperative and Russell Halgerson, Peoples Cooperative representative were present to explain the proposal. Tim Clawson presented a power point on the proposed project. Mr. Clawson explained the type of line and poles that will be used in this project. They became aware of the need for a CUP back in November for the transmission line. By that time the project was already under way with poles lying in the ditch and after reviewing the situation with the county it was determined that it would be safer if the poles were put up but not to string the transmission line. The transmission line is the only portion that is being relocated there is already a distribution line in place. Peoples Cooperative Service is a member owned cooperative based in Rochester. In Dodge County they have 816 serviced members. The distribution line will benefit most if not all of these members.

Russell Halgerson gave a project overview; the current transmission line is located on the half section line that runs through cropland. There is already a distribution line along the north side of County Road K at which they are planning to add a transmission line. This existing transmission line is extremely hard to service because of the crops that are planted and due to not wanting to damage the crop. The existing transmission line is 54 years old and the insulators and line are very

fragile. The present line has no static line and is prone to lightning strikes. With the new poles there will be a static line on top. The plan is to combine the transmission line with the distribution line and have fewer poles in the area. This plan would give them better access to the line. Peoples have obtained the easement rights for this transmission/distribution line.

Dave Erickson inquired on what will happen to the old transmission line; would it be removed.

Russell Halgerson stated the old transmission lines will no longer be used and will be removed.

Dave Erickson inquired if the pole will be removed.

Russell Halgerson stated they plan to remove them but the time line has not been determined.

Duane Johnson inquired if they planned to maintain the prescriptive easement where the current line is.

Russell Halgerson stated yes they are and they may maintain it for a period of time. Because of all the growth in wind energy they may need the corridor down the future.

Don Ness had a concern about wind mills possibly being located along the existing line. Would that stop wind mills? How long does Peoples intend to keep the easement?

Russell Halgerson stated that is undetermined as there is great potential for wind generation in the area. That's why they want to keep the easement.

Jon Balzum inquired if that would stop wind mills along the ridge.

Russell Halgerson indicated it could.

Jon Balzum had a concern that there could be a potential for a wind mill on the easement line.

Russell Halgerson stated that is why they are keeping the easement in case there is a wind turbine in the area. Whoever would install a transmission line; they would need the easement.

Tim Clawson explained that Peoples Cooperative Service is an electric coop and don't generate power. They get their power from Dairyland Power out of La Crosse.

Tim Clawson stated that they did meet with Canisteo Township and they had no concern about the project.

Motion by Larry Schmeling, seconded by Jon Balzum, to close the public hearing. Motion passed unanimously.

John Allen inquired if the old distribution line will be coming down along with the poles.

Russell Halgerson indicated it will be removed.

John Allen had a concern that if a wind turbine was put up they would have to be so far away from the easement.

Duane Johnson stated that is correct. When the development write an option agreement for wind right it's a blanket agreement. Other developers are having a hard time finding a corridor for the transmission lines. The problem is; how do they get from point A to point B because the land is tired up by competition with option agreements.

John Allen inquired how many years is the easement good for.

Tim Clawson stated it's a prescriptive easement; so as long as there is some use in the area. If they could maintain it for a period of time maybe it would help the county. They have not had contact from any company wishing to use the old corridor.

Duane Johnson inquired how wide the easement is.

Tim Clawson stated it's as wide as they have been maintaining it while the structures have been there. About 40 feet wide; this would make it about 20 feet on each side of the poles.

Duane Johnson inquired if they really do maintain the easement.

Russell Halgerson stated yes; they go in a cut trees down to maintain it.

Walt Wyttenbach stated the placement of the tower shouldn't be an issue because the setback is there already.

Duane Johnson indicated that is correct.

John Allen had a concern that the easement would stop the landowner from a second turbine placement.

Duane Johnson stated the only thing this easement is going to deter is a wind turbine directly on it.

Jon Balzum stated the easement belongs to Peoples and the landowner would have to negotiate with Peoples to be able to use the corridor.

Duane Johnson stated that would be true with the new corridor too. They would have to meet setback requirements and understand that a 69 kV transmission line runs next to them.

Richard Wolf inquired if the easement could be transferred to another company.

Tim Clawson stated it's possible they could.

Richard Wolf inquired if they could do that without the owners okay.

Tim Clawson stated it's possible they could, but the landowner is a member of the Coop so they would want to work with their members. He sees the corridor being a benefit to them because this area is good for wind. Presently Peoples have no long term or short term plans for that corridor.

John Allen inquired if they quit using it would it go back to the property owner.

Tim Clawson indicated that is correct.

Duane Johnson inquired if this is a prescriptive easement based on use and now the new line is in and if the poles are not standing. How are you going to maintain the status of the prescriptive easement?

Tim Clawson stated that is something that they will have to look into and get some illegal advice. Right now their plan to remove everything for sure but once they remove the line the pole will still has some value.

Russell Halgerson commented when the poles are removed they will go to the landowner if they wish.

Duane Johnson addressed the issue of why the poles are up. It was for a safety reason because the poles were lying in the ditch. With the snow fall the county didn't want someone being hurt by running into them with a snowmobile or car.

John Allen had a concern that there is no time line on the removal of the poles from the old easement.

Duane Johnson commented that it could be part of the condition if the commission what's it to be.

Tim Clawson stated that they are looking for a conditional use permit for a new transmission line. Once they transfer the power from the old there wouldn't be a need to have any strings attached to the permit. If they would ever put a

transmission line back in the old easement; it would require a conditional use permit.

John Allen stated if that's the case then the day they switch is over it's no longer in use and they could pull poles. It would be better if they come back in a year's time and have the permit reviewed then.

Tim Clawson stated Peoples would be fine with that and will get clarification on the legality of prescriptive easement and get back to us.

Richard Wolf inquired if they hit a tile line; how long would the landowner have to call Peoples and get it repaired.

Russell Halgerson stated if it was apparent that they caused the breakage there is not time line. They would repair it.

Motion by Jon Balzum, seconded by Richard Wolf, to recommend approval of the Findings of Facts and Recommendations of the agenda report with the following conditions:

1. People's Cooperative Service shall provide a copy of the Insurance Certificate for Contractors General Liability and Property Damage (as per section 17.1709) to Dodge County Planning staff prior to the installation of the transmission line.
2. People's Cooperative Service shall obtain a Dodge County Highway Department ROW permit and provide a copy of the permit to Dodge County Planning staff prior to the installation of the transmission line.
3. Construction activities shall be conducted in such a manner as to minimize impacts on livestock movements and access to agricultural fields.
4. All tile lines or other drainage systems which are cut or disturbed by People's Cooperative Services (or contractor's acting on its behalf) in the exercise of any rights acquired through easement shall be restored and repaired to the previous condition and operable state without cost to the landowner.
5. Soil disturbed during the installation of the power poles shall be restored to preconstruction productivity.
6. The overhead power and distribution lines shall be no less than 20 feet above the grade of the agricultural land on which it is installed.
7. As the project was started without permits in place, an After-The-Fact fee of \$300 shall be submitted to Dodge County Planning before installation of the transmission line.
8. Review CUP in one year from the date of February 10, 2009.

The motion was passed unanimously.

Other Business

Duane Johnson reminded the Planning Commission about the upcoming training on February 19th deadline is this Friday. Jon Balzum would like to be sign up for the training.

Adjourn

Motion by Jon Balzum, seconded by Larry Schmeling, to adjourn. Motion passed unanimously. The meeting was adjourned at 1:52 P.M.