

The Barnes County Commission met in regular session Tuesday, March 18, 2008, with all members present.

Jennifer Feist, Development Director, and George Gaukler of the VC-BC Development Corporation met with the Commission to present financial projections for a proposed correctional center. The information will be presented to the Consortium at a later date.

Commissioner Berntson made a motion, seconded by Weber, to approve the correctional center project as presented by the Development Corporation, contingent upon agreement and participation by all partners in the consortium. Upon a roll call vote with all members voting "yes," motion carried.

Chairwoman Schwehr closed the meeting and opened the hearing for the zoning variance and conditional use permit for Ashtabula Wind, LLC, a wholly owned subsidiary of Florida Power and Light (FPL), the company seeking to construct a wind farm in Barnes County. State's Attorney Brad Cruff clarified the issues of variance and conditional use permit and outlined the hearing procedures.

Scott Scovill, FPL project manager, provided an update on the project, stating that the FPL Board of Directors has approved the project and equipment has been acquired. He urged approval of the variance and conditional use permit so that construction may begin June 1 and be completed by year's end.

Tom Factor, FPL energy consultant, showed mapping of the changes made to the plans previously presented, in an effort to move some of the turbines further from property lines. He stated Ashtabula Wind is offering compensation agreements in the case of 12 turbines they determined cannot be moved.

Brett Brudvik, Peak Wind legal counsel, addressed the Commission on adjacent landowners' rights and the laws regarding conditional use permit approval. He stated that when the Planning and Zoning Commission approved the permit, they acted under the incorrect legal advice that they were unable to place conditions on a conditional use permit. He requested that the County Commission either send the matter back to Planning and Zoning for another public hearing, or to place the 3-5 setback rule on the permit they approve.

Jay Hayle, consulting mechanical engineer and wind energy expert, testified on behalf of Peak Wind and in favor of the 3-5 setback rule, citing increased efficiency.

Brian Bjella, Ashtabula Wind legal counsel, contended that the setback limits used would not result in the taking of anybody's wind, that it would be a large leap to a lawsuit over property owners' rights and reminded the Commission that the conditional use permit pertains to the transmission line and the substation, and that the variance applies to the turbines. He stated Ashtabula Wind has complied with all Barnes County zoning regulations.

Bill Noeske, Barnes County landowner and Peak Wind project participant, defended the 3-5 setback rule, stating that the rule would not affect anything within the Peak project and said that any taking of property rights would be dealt with.

Arvid Winkler, Barnes County landowner not involved with either wind company, requested that information about possible problems with development around Area C near Pilot's Knob be outlined by Ashtabula Wind, and asked if the change in the number of turbines in the current plan would require another hearing process.

Jack Bruns, Barnes County landowner, expressed concern about the future and urged the Commissioners to take their time in decision-making.

After all comments, the Commission discussed the findings of fact for the variance.

Brad Cruff outlined the process in the zoning code for approving the variance and called for discussion of the Standards set forth in Section 11.2.5 of the Barnes County Planning and Zoning code.

All members agreed with the standards set forth.

Mr. Cruff then called for discussion of Justification in Section 11.3.6 of the code for approving the variance.

Commissioner Berntson outlined the benefits to local entities, stating he fails to see an imposition on adjoining landowners with the present setbacks.

Chairwoman Schwehr said she is not sure of the necessity of the Minnesota setbacks, which are only in place there and in one other state. Also, she said she is comfortable that all turbines but 12 fit into what the one particular group of people were asking for, and that she is more comfortable that the Commission can go forward with two wind farms side by side.

Commissioner Berntson stated that the deadline for federal tax credits didn't impact his decision, which he looked at it in terms of the County and the good of the people.

Chairwoman Schwehr also agreed that the tax deadline did not affect her decision.

Commissioner Opdahl noted that FPL has an excellent record, that it's a win-win situation for the County, and that anything that will create more energy and more benefits for Barnes County and its residents should go forward.

Commissioner Weber stated that the County is on the right track, and expressed his hope not to create any hard feelings.

Chairwoman Schwehr called for a motion on the variance.

Commissioner Opdahl moved, seconded by Commissioner Triebold, to approve the application for the variance as presented, that it is in harmony with the general purpose of the planning and zoning code of Barnes County and also that it is not contrary to the comprehensive plan of Barnes County planning and zoning code. Upon a roll call vote with all members voting "yes," motion carried.

The Commission then discussed the findings of fact for a conditional use permit for the substation and transmission line.

Commissioner Berntson noted the turbine project requires the transmission line to move the power to be generated out of the area.

Chairwoman Schwehr expressed her opinion that with the power lines from the turbines to the substation being buried she doesn't anticipate any problems with the roads.

All members stated they have no problems with the Purpose (Section 11.2.1); the Standards (Section 11.2.6), and the Conditions and Guarantees (Section 11.2.7).

Commissioner Berntson moved, seconded by Weber, to approve the conditional use permit as presented, finding it will have a minimal impact on neighboring properties, and as approved by the Barnes County Planning and Zoning Board. Upon a roll call vote with all members voting "yes," motion carried.

Chairwoman Schwehr closed the hearing and re-opened the Commission meeting.

Wanda Auka, Clerk of Court, discussed the state contract and requested that, due to office reorganization, all Clerk of Court employees receive a grade and salary increase effective as of the April, 2008 payroll.

Commissioner Berntson expressed concern about the increases in regards to the compensation committee and other employees.

Commissioner Opdahl made a motion, seconded by Triebold, to enter into a funding agreement with the State for the 2009-2011 biennium to receive reimbursement for providing clerk services. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Triebold made a motion, seconded by Opdahl, to increase the grades and salaries of the Clerk of Court employees as follows: Clerk of Court Wanda Auka, from Grade 9 to 12, and from \$14.91 to 18.00 per hour; and Deputies, from Grade 7 to 9, Jenny Mueller, from \$12.01 to 14.00; and Lori Marshall, from \$11.58 to \$13.36. The total is \$125,174.40, with state contract reimbursement of \$115,668.00. Upon a roll call vote with all members voting "yes," motion carried.

Darwin Sorenson and Keith Colville addressed a Courthouse heating proposal by Martin Mechanical. Mr. Colville presented his own proposal with a purpose of saving money. The Commission took no action on the matter at this time.

Gene Bjerke, Sheriff, met with the Commission to discuss defibrillator kits for each car and stated he is working on funding for the project. He also discussed turning holidays into vacation time for the Sheriff's Office.

Commissioner Opdahl made a motion, seconded by Weber, to allow the Sheriff to hire a part-time position as needed. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Weber made a motion, seconded by Opdahl, to approve two grants; one each for night vision equipment and for tactical vests. Upon a roll call vote with all members voting "yes," motion carried.

Chairman Schwehr recessed the Commission meeting, and Dale Maasjo, Park Board Chairman, opened the Park Board meeting. Those attending besides the Commissioners were Kerry Johnson, Bev Anderson, and Brad Cruff.

Discussion was held on grant applications for the floating dock and showers. It was the consensus of the Board to proceed with these and all possible grants.

Mr. Johnson discussed some sign replacement needed for Little Yellowstone Park.

Commissioner Schwehr made a motion, seconded by Opdahl, to replace the two signs needed. Upon a roll call vote with all members voting "yes," motion carried.

Discussion was held concerning a request for equestrian camping at one of the County parks.

There being no further business to come before the Park Board, Commissioner Schwehr made a motion, seconded by Triebold, to adjourn the Park Board meeting.

Chairman Schwehr reconvened the Commission meeting.

Jerome Kettleon and Bob Krava of Otter Tail Power were present to discuss a conditional use permit. A hearing was approved for April 1 at 11 a.m.

Kerry Johnson, Highway Superintendent, informed the Commission that road restrictions will take effect March 24.

Mr. Johnson discussed a \$500.00 grant he obtained for high-intensity road signs.

Johnson also informed the Commission that his township billings have been sent out.

Commissioner Opdahl made a motion, seconded by Triebold, to approve the minutes of March 4 as presented. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Weber made a motion, seconded by Opdahl, to approve the inclusion of Brad Cruff, States Attorney, on the ballot for Griggs County States Attorney. Upon a roll call vote with all members voting "yes," motion carried.

County Auditor Ed McGough discussed using an intern in records retention from the ND Association of Counties for several days this summer.

Commissioner Opdahl made a motion, seconded by Weber, to allow hiring the records retention intern from the North Dakota Association of Counties. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Weber made a motion, seconded by Berntson, to appoint Liz Johnson to the Senior Citizens Board. Upon a roll call vote with all members voting "yes," motion carried.

Commissioner Opdahl made a motion, seconded by Weber, to allow approval of Chairman Schwehr's signature to support of a three-block extension to the Valley City Renaissance Zone. Upon a roll call vote with all members voting "yes," motion carried.

There being no further business to come before the Board, Commissioner Weber made a motion, seconded by Triebold, to adjourn. Motion carried.

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Edward R. McGough  
Barnes County Auditor

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Cindy Schwehr, Chairman  
Barnes County Commission