The Deuel County Planning Commission and Board of Adjustment met on Tuesday, October 13, 2026, at 6:30 p.m. in the Deuel County Courtroom of the Courthouse in Clear Lake. Those present included Chairman Mike Dahl, Board Members Jay Grabow, Mike Lammers, Steve Rhody (Alternate), Dennis Kanengieter and Zoning Officer Jodi Theisen, along with members of the public.

Chairman Dahl called the joint meeting to order.

The minutes from the September 14, 2026 meeting were reviewed. Motion by Grabow, seconded by Lammers, to approve the minutes. All voted in favor, and the motion carried unanimously.

Dahl asked if any Board member or staff wished to add items to the agenda; no additions were requested.

Theisen stated due to discussion with legal counsel, Teree A. Nesvold, the South Deuel Wind proposed extension can be stricken from the agenda. An extension is not necessary because the original 2023 CUP remains valid, and ongoing planning and legal work, including PUC compliance, satisfies the requirements. Therefore, no action on an extension is needed.

Item #13 was stricken from the agenda without a motion, per legal counsel direction.

Dahl invited any member of the public wishing to speak on an item not listed on the agenda to do so during the Public Comment Session.

Dahl asked whether any Board member had a potential conflict of interest; none were noted.

Motion by Kanengieter, seconded by Grabow, to approve the October 13, 2026 agenda. All voted in favor, and motion carried unanimously.

Motion by Grabow, seconded by Kanengieter, to recess the Planning Commission and convene only as the Board of Adjustment. All voted in favor, and the motion carried unanimously.

Item #1 – Conditional Use Permit – Flowing Well Wind, LLC

Theisen presented the Conditional Use Permit request submitted by Flowing Well Wind, LLC to install and operate a temporary 60-meter meteorological (MET) tower on the South Half (S½) of Section 2, Township 117 North, Range 48 West, Lowe Township. The proposed MET tower is intended for short-term wind-measurement and data-collection purposes associated with future wind-energy development.

Theisen explained that the tower is intended for short-term wind-measurement and data-collection associated with future wind-energy development, confirmed the tower height of 197 feet, and noted that the structure would remain unlit unless required by the FAA. Aaron Chin, representing Terra-Gen, provided additional project details regarding tower design, height, anticipated duration of use, and installation procedures. During discussion, Joe Blastick asked whether the Board could require aircraft-detection lighting systems instead of constant-flash tower lighting, and he also raised concerns about lighting on future turbines. The Board clarified that MET towers of this height are not required by the FAA to be lighted; therefore, no lighting is proposed. The Board also discussed the potential need for a haul-road agreement should a crane or heavy equipment be used during installation or removal. No public comments were offered.

Motion by Grabow, seconded by Lammers, to approve the Conditional Use Permit allowing installation and operation of the temporary 60-meter meteorological tower on the S½ of Section 2, Township 117N, Range 48W, subject to the Letter of Assurance or as amended by the Board during the meeting to include the requirement for a haul-road agreement if a crane or heavy equipment is utilized. Motion carried unanimously

Item #2 – Conditional Use Permit – SK Investment Trust (Scott D. Stevens)

Theisen presented the Conditional Use Permit request submitted by SK Investment Trust, represented by Shane Dahl, to construct a 60-by-80-foot cold-storage accessory building on Lot 2, Block 1, Moe Addition, across from the principal residence at 1020 Lake Alice Drive. She explained that the applicant owns both parcels, qualifying the request under ordinance provisions permitting accessory structures on lots separated by a public road with CUP approval. The Lake Alice Association previously reviewed the proposal and voted to allow the structure provided it contains no living quarters. Theisen confirmed that the building will be used strictly for storage, with no plumbing, no bathroom, and no signage, and that all district setbacks are met, including more than 30 feet from the road and more than 10 feet from the side lot line.

During discussion, the Board asked about the proposed side-wall height, and the applicant's representative confirmed the structure would have 14-foot sidewalls with steel-frame construction and doors sized to accommodate storage of a camper and other equipment. No public comments were offered.

Motion by Grabow, seconded by Kanengieter, to approve the Conditional Use Permit to allow construction of the accessory storage building on Lot 2, Block 1, Moe Addition, subject to compliance with all applicable provisions of the Deuel County Zoning Ordinance. Motion carried unanimously.

Item #3 – Conditional Use Permit – Rogge Excavating Inc.

Theisen presented the Conditional Use Permit request submitted by Rogge Excavating Inc. to operate a portable asphalt or concrete mixing plant at the permitted gravel pit/mining site located in the SW¼ Less OLS 1–2 & Less Thompson Air Strip, Section 18, Township 113 North, Range 50 West, Grange Township. She noted that the original mining CUP approved in February 2026 expressly excluded asphalt and concrete batch plants, making a new Conditional Use Permit necessary for this request.

Theisen explained that the property lies within Aquifer Protection Zone B (shallow aquifer) and includes a mapped portion of Zone A (wellhead protection area). She stated that, according to the aquifer-protection map, the proposed mixing-plant location is situated in the north half of the quarter section, which lies within Zone B, while the mapped Zone A wellhead-protection area is located in the south half of the quarter section. She confirmed the proposed mixing-plant location is outside Zone A. Soil borings submitted earlier showed 25–35 feet of gravel underlain by clay with no groundwater encountered at the proposed location.

Theisen reviewed operational details provided by the applicant, including temporary fuel storage in a double-wall tank located outside Zone A, no storage of junk or waste materials, hours of operation from 5:00 a.m. to 8:00 p.m. Monday–Saturday, possible storage of asphalt millings for reuse, continued coverage under Stormwater Permit SDR00C299, an active mine license, and use of the existing haul-road agreement with Grange Township. She further explained that a Conditional Use Permit expires after one (1) year if the use has not commenced, consistent with Section 504 of the Deuel County Zoning Ordinance, and that the applicant would be required to reapply if operations do not begin within that timeframe.

Lawrence and Austin Rogge were present and provided further explanation regarding the submitted soil borings and site conditions, describing the depth of the gravel layer, the transition to clay, and that no groundwater was encountered. They also discussed how the boring locations relate to the wellhead-protection boundaries and answered questions from the Board about aquifer separation, operational practices, and fuel-handling procedures. The Rogges further clarified that they do not currently own a portable mixing plant but are seeking CUP approval so the site may be used in the future should a project require it. There were no public comments.

During discussion, Grabow requested that the Letter of Assurance be amended to specify that all oil and hazardous materials associated with the portable mixing plant must be stored either in a double-walled tank or within an appropriate bermed or lined secondary-containment system to ensure aquifer protection. The Board agreed to include this requirement.

Motion by Lammers, seconded by Grabow, to approve the Conditional Use Permit to allow a portable asphalt or concrete mixing plant subject to signing a Letter of Assurance as presented or as amended by

the Board during the meeting, including the standard one-year commencement requirement, aquifer-protection conditions, stormwater compliance, double-walled or bermed secondary containment for all oil and hazardous materials, hours of operation, and prohibition of any permanent batch-plant facilities. Roll call vote: all members present voted yes. Motion carried unanimously.

Motion by Kanengieter, seconded by Rhody, to recess the Board of Adjustment and convene only as the Planning Commission. Motion carried unanimously

Plat – Lunden Addition

The Board reviewed the Plat of Lots 1 and 2, Lunden Addition. Theisen explained that applicants Warren and Holly Lunden propose to plat two agricultural lots—Lot 1 consisting of approximately 51.4 acres and Lot 2 consisting of approximately 101.8 acres—located in the SW¼ of Section 22, Township 113 North, Range 49 West, Blom Township. She stated that the purpose of the plat is to formally establish separate boundaries for estate-planning purposes and confirmed that both lots meet all requirements of the Agricultural District and the County's subdivision regulations. Theisen noted that the applicants have coordinated with the Department of Transportation and the township regarding access locations. No public comments were offered.

Motion by Grabow, seconded by Kanengieter, to approve the Plat of Lots 1 and 2, Lunden Addition, and forward the recommendation to the County Commissioners. Motion carried unanimously

Motion by Grabow, seconded by Kanengieter, to recess the Board of Adjustment and reconvene as the joint Planning Commission and Board of Adjustment. Motion carried unanimously.

Public Comment Session

During the Public Comment Session, several members of the public addressed the Board regarding impacts, concerns, and procedural issues associated with the proposed 765 kV transmission line and related energy-infrastructure development.

- Erik Peterson, a landowner and civil engineer from northern Deuel County, expressed concerns about the size and permanence of the proposed 765 kV transmission line, its effects on land values, health risks associated with electromagnetic fields, induced voltage hazards, impacts to livestock behavior, soil compaction, drainage-system damage, and long-term agricultural productivity. He described a personal experience with induced voltage under an existing transmission line and requested that the County defend its ordinances, seek standing in the PUC docket, require enforceable repair obligations, and protect private airstrips—including his own—from becoming FAA-defined obstructions.
- Steve January spoke regarding his experience with eminent domain and urged landowners to understand their rights during easement negotiation. He raised concerns about impacts to rural acreages, cattle operations, and long-term property values.
- Art Foster, a rancher and retired physics professor, discussed electromagnetic-field exposure, potential effects on sensitive scientific equipment, and urged the County to examine setback distances and cumulative community impacts more thoroughly.
- Val Trooien asked for an update on her previously submitted model ordinance addressing spacing and setbacks between major energy facilities. She reiterated the importance of preventing clustering of industrial-scale power infrastructure and encouraged its inclusion in the County's ongoing moratorium review. In response, Board Member Jay Grabow stated that Trooien's proposed ordinance language remains under consideration as part of the County's moratorium review. He noted that work has been delayed due to State's Attorney transitions, but the Board expects to extend the moratorium and continue its ordinance-development process. He confirmed that her proposal is still on the table and that the County faces a March deadline for completing the first-year review.
- Matt Thomas shared concerns about aggressive land-agent tactics, road impacts during construction, induced voltage near his home, cumulative industrialization of the landscape, and

negative community effects from large energy-infrastructure projects. He also described his personal experiences with wind-project construction and the related disruptions.

- Frank James encouraged the County to consider adopting standards requiring land agents to register with the County and abide by specified conduct requirements. He commented on loose terminology used by developers and highlighted long-term electricity demand from data centers and artificial-intelligence systems.
- Mark Fisher recommended prohibiting nondisclosure agreements in easement negotiations to promote transparency. Board members noted this would require legal review.
- Sam Froehlke urged the County to include township involvement in determining whether large facilities are compatible with existing land uses and discussed the burden-of-proof language in state statutes concerning environmental and social impacts.
- Michelle Oftedahl, Toronto, asked the Board to consider ways to protect unoccupied homesteads and rural residences from being excluded from setback protections, noting housing shortages and the desire of young residents to remain in the area.
- Joe Blastick, Clear Lake, commented on the cumulative effect of energy infrastructure on property desirability, wildlife habitat, and landscape character. He encouraged use of native species in post-construction restoration and expressed concern about loss of grassland habitat.
- Josh Bekaert, Scandinavia Township, voiced concern that continued build-out of industrial energy systems will erode rural quality of life, harm scenic landscapes, and negatively affect neighboring property owners who do not benefit from the projects.
- Mary Nosbush, Gary, emphasized the importance of incorporating state-law criteria into the County's zoning ordinance prior to considering future applications. She expressed concern that major land-use decisions are made by an unelected board and encouraged the County to adopt protections before additional transmission line applications arrive.
- Jill Eilers, Brandt, asked why high-voltage transmission lines are not being routed into Minnesota and questioned whether Minnesota laws provide protections that Deuel County could consider adopting.
- Julie Fisher, rural Deuel County, expressed health concerns for her children related to long-term proximity to high-voltage infrastructure and urged the Board to prioritize protective standards for families.
- No action was taken as the Public Comment Session was for informational purposes only.

Matters for Board Discussion

Chairman Dahl asked whether ordinance-related discussions would wait until after the first of the year until the State's Attorney transition was complete. Board Member Jay Grabow explained that delays were due to transitions in the State's Attorney's office, the current legal workload for Teree with the Sheriff's Office, and time limitations.

Theisen reminded the Board that the next regular meeting was scheduled for Monday, November 9, 2026. Grabow indicated he would not be available on that date. Following discussion, the Board agreed to move the next meeting to Tuesday, November 10, 2026.

Motion by Grabow, seconded by Lammers, to adjourn the meeting at 8:54 p.m. All voted in favor, and the motion carried unanimously.

Jodi Theisen
Zoning Officer

Mike Dahl
Chairman, Zoning Board