

November 7, 2023

A Special meeting of the McCook County Commission was called to order in their Meeting Room by Chairman Marc Dick.

Members present: Dean Koch, Steve Gordon, Chuck Mehlbrech, and Charles Liesinger.

Chairman Dick led the Pledge of Allegiance.

Chairman Dick called for approval of the agenda. Motion Koch to approve the agenda as posted. Second Gordon. Motion carried.

The minutes from the October 24<sup>th</sup> meeting were sent to Board members for review prior to publication. Motion Gordon to approve these minutes for publication. Second Koch. Motion carried.

Auditor Sherman noted that she was informed that she had Kiera Leddy with the wrong law firm in the September 19<sup>th</sup> meeting. Ms. Leddy is with Siegel, Barnett & Schutz LLP not Davenport, Evans, Hurwitz & Smith LLP.

Commissioner reports: Koch- gave a report on Food Pantry meeting held yesterday, noting the funds provided from The Hofer Trust since 1991.

Conflict of Interest: none.

Public comment: Roger Hofer- Commission shouldn't allow manure spreading on a holiday and should ask Stockwell to place 90 degree angle on pipe on the hog barn located along SD42 so smell goes up.

Motion by Gordon to convene as Planning Commission. Second Koch. Motion carried.

Cori Kaufmann, Zoning Administrator, Sean Hegyi, Secog Planner, Anna Flogstad, Dir of Equalization Staff Appraiser, and other interested parties were present. Discussion was held regarding amendment of the 2014 Revised Zoning Regulations for McCook County. Specifically, the County Commission will be considering adoption of amendments to Chapter 3, Ag: Agricultural District, Section 3.02, Special Permitted Uses; Chapter 3, Ag: Agricultural District, Section 3.03 Conditional Uses; Chapter 11, Additional Use Regulations, Section 11.08, Concentrated Animal Feeding Operations (CAFO's); and Chapter 19, Definitions, Section 19.02, Definitions. Hegyi and Kaufmann reviewed newly proposed additions and changes to the existing ordinance regarding concentrated animal feeding operations noting setback regulations specific to dwellings, municipalities, existing swine feeding operations, and public water supplies, Class A proposal (last time), Class C setbacks, what kind of permit should be issued (special permitted use (less public input) or conditional use (with public hearing)). Hegyi explained setbacks in Class A proposal, additional animal units, and increased distances. Rural residential & lake residential setbacks were reviewed. Class C setbacks, showing comparisons with other counties, were explained. Hegyi read the definition of concentrated animal feeding operations. Hegyi told the Board that they may be holding lots of public hearings with requests for conditional use permits. Zoning Administrator Kaufmann stated that she feels the conditional use process informs neighbors of what's going on and is a good thing. Comm Dick noted that he likes the idea of the conditional use process. Kaufmann reminded the Board that setbacks are between producers; need to be good neighbors. Drew Peterson-remember there are other species of livestock, like cattle. Comm Koch-no setback regulation for Class C swine feeding operations. Do we leave public water supplies, as is, at 1000' setback. And what about manure management and individual setbacks for manure application? No further comments from Commission members. Chairman Dick opened the meeting for public comments. Mitch Peterson, Davenport, Evans, Hurwitz & Smith-need to consider setback in Class C, definition of common ownership, 1 ½ mile radius is critical when considering animal units, how big should the circle be for total animal units, homeowners' consent should not have the ability to be waived, agree with Ms. Kaufmann in using the conditional use permit process. Kiera Leddy, Siegel, Barnett & Schutz LLP, representing colonies-need to remember what brought us here, what are the problems, let the Court handle complaints. Manure management enforcement difficult. Drew Peterson-believe ½ mile setback works, ¾ mile setback is detrimental and will stifle growth. Raise revenue by growing the base, don't limit growth. Class C equals a big mess, consider the average head of livestock. Matthew Bogue, SD Farm Bureau- concerns with feasibility of having Class C regulations. Tanya

Runyan, Executive Director, SD Cattlemen's Assn- urge caution due to impact of future livestock production. Glenn Muller, SD Pork Producers Council- cautioned being too restrictive in livestock expansion in McCook County adding that some producers will circumvent the zoning regulations. Sheldon Hofer- suggest not adding Class C and keep ½ mile setback. Arnold Tappin- the setback for Grant Solar is only 200', a moratorium was voted down by this Board, don't know why changes haven't been made to the solar portion of the ordinance, nothing changes. DJ Buseman-first meeting held on August 15<sup>th</sup> with a 2<sup>nd</sup> meeting scheduled for November 16<sup>th</sup> for Grant Solar, this can change the look of our county, and Class C CAFO regulations aren't necessary. Brian Waldner, Golden View Colony- ½ mile setback is sufficient, who manages manure management, over regulation stops some family farms, one bad player hurts what works. Ferlyn Hofer- does Right to Farm Statement still exist? Zoning Dir Kaufmann- no. This statement was added to the Purpose Statement of the Zoning Regulations. Ferlyn Hofer- lots of good players, keep regulations for Class A & B and forget Class C. Comm Koch- so feeling is to eliminate Class C and change structure of Class B? Kris Tott- is Board thinking about growth of lake residential area? Comm Liesinger- change to Class C? Drew Peterson- manure management? Comm Liesinger- increase to 180 days instead of 90 days. Mitch Peterson, Davenport, Evans, Hurwitz & Smith- drop Class B down to 400 animal units, get rid of Class C, and expand radius. Zoning Administrator Kaufmann- 1 ½ mile for common ownership? Kiera Leddy, Siegel, Barnett & Schutz LLP- don't understand going over 1 mile for radius. Sheldon Hofer- no one is going to build in the center of a Quarter. Comm Dick- get rid of Class C and go with lower number of head in Class B? Glenn Muller, SD Pork Producers Council- there is convenience of large CAFO's vs smaller units, manure management complaints are non-existent for most part, and biosecurity will be taken care of by the industry. In overview, Zoning Administrator Kaufmann noted that Class B animal units would be lowered to 400-999, common ownership, 1 ½ mile radius, and take out setback for Lake Residential & Rural Residential. Ben Roling- I've been in operation for 25 years and have Rural Residential ½ mile from an existing barn so am I grandfathered in? Kiera Leddy, Siegel, Barnett & Schutz LLP- under G what does "other unique reasons" mean? Planner Hegyi- this allows Board discretion in making individual decision in the conditional use process. Attorney Leddy- change this wording. Ferlyn Hofer- what makes an area Rural Residential? Zoning Administrator Kaufmann explained the process and requirements of SD Codified Law for notification on rezone process and noted that any time four parcels are platted in the same quarter that the Subdivision Ordinance will be followed. Barney Roling-appreciate the time and effort that's been put in by everyone. Motion Mehlbrech to hold 1<sup>st</sup> reading of proposed Ordinance 2023-04 an Ordinance amending Ordinance 2014-01, on November 28<sup>th</sup> at 1:00 p.m. Second Liesinger. Motion carried.

Auditor Sherman presented information explaining that Operation Green Light for Veterans is a gesture of support and appreciation for the public service of our veterans and by shining a green light, we let our veterans know that they are seen, appreciated, and supported. Sherman provided a resolution for the Board to approve and adopt. Motion Koch to authorize Chairman Dick to sign the following resolution supporting Operation Green Light for Veterans. Second Gordon. Motion carried.

### **Supporting Operation Green Light for Veterans Resolution 2023-11**

WHEREAS the residents of McCook County have great respect, admiration, and the utmost gratitude for all the men and women who have selflessly served our country and this community in the Armed Forces; and

WHEREAS the contributions and sacrifices of those who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS McCook County seeks to honor individuals who have made countless sacrifices for freedom by placing themselves in harm's way for the good of all; and

WHEREAS Veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veterans Service Officers in 29 states to help fellow former service members access more than \$50 billion in federal health, disability and compensation benefits each year; and

WHEREAS the National Association of Counties encourages all counties, parishes, and boroughs to recognize Operation Green Light for Veterans; and

WHEREAS McCook County appreciates the sacrifices of our United States military personnel and believes specific recognition should be granted; therefore be it

RESOLVED, with designation as a Green Light for Veterans County, McCook County hereby declares from November 6 through Veterans Day, November 11, 2023, a time to honor the service and sacrifices of our men and women in uniform transitioning from active service; therefore, be it further

RESOLVED, that in observance of Operation Green Light, McCook County encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying green lights in a window of their place of business or residence from November 6th through the 11th, 2023.

Adopted this 7<sup>th</sup> day of November 2023.

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Marc Dick, Commission Chairman

ATTEST:

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Geraldyn Sherman, County Auditor

The meeting adjourned subject to call.

Dated this 7<sup>th</sup> day of November 2023.

Marc Dick\_\_\_\_\_  
Chairman, McCook County Commission

ATTEST:

Geraldyn Sherman\_\_\_\_\_  
Auditor, McCook County