

### ***Unapproved Minutes of June 3, 2025***

The Miner County Board of Commissioners met in regular session on June 3, 2025, in the Miner County Courthouse Commission Room. Members present: Joe Bechen, Kathy Faber, Tim Neises, Kari Jo Carlson and Mike Clary. Members absent: none.

Chairman Bechen called the meeting to order. The Pledge of Allegiance was recited. Motion by Faber, second by Neises and carried to approve the agenda, with corrections. The minutes of the May 20th meeting were approved, with the following clerical corrections: for the motion to approve the closure of 244<sup>th</sup> St. in Epiphany on 6/14/25, the motion was made by Clary, not Bechen; for the motion to recess as the Board of Commissioners and convene as the Board of Adjustment, the was made by Faber, not Bechen, and the second was made by Carlson, not Faber.

No one appeared for public comment.

Motion by Carlson, second by Clary and carried to pay the following claims: Road & Bridge \$33,929.60, MERP Fund \$61,707.72, Reliance Standard \$3,060.86, Delta Dental \$1,474.80, Retirement \$15,246.76, SD Supplemental Retirement \$100.00, Legal Shield \$29.90, East River FCU \$300.00, AFLAC \$2,336.65, Rustland Funeral Home \$100.00, Accounts Management Inc. \$200.00, Miner County \$200.00, OASI \$32,888.70, Commissioners \$3,613.78, Auditor \$5,931.55, Treasurer \$5,704.73, States Attorney \$5,078.09, Govt Building \$3,261.05, Director of Equalization \$7,474.01, Register of Deeds \$5,685.81 (includes Amanda Austerman @ \$22.28/hr), Vet Service \$376.26, Sheriff \$8,992.12, Contract Law \$3,245.23, Welfare \$493.90, Ambulance \$8,086.04, Extension \$966.34, Weed \$1,151.80, Dispatch \$15,681.97 (includes Randy Schwader @ \$24.92/hr, Jennifer Bolden and Joni Jacobsen @ \$24.04/hr, Jennifer Hahn and Shannon Hoffman @ \$22.72/hr), Emergency Mgt \$2,007.51 **MAY PAYROLL**. Tim Reisch \$14.00, Becki Mommaerts \$20.00, Tami Severson \$14.00, Barb Esser \$14.00 **PAYROLL TRAVEL**; Santel \$30.00, Triotel \$167.53 **911 CHARGES**; Graves Construction \$11,805.16, Ultieg \$4,845.00 **CONTRACTED MAINTENANCE**; Josh Esser \$60.00 **EVOC DRIVER**; Northwestern Energy \$274.90 **GAS**; Christy McMullen \$320.00 **MOWING**; Miner Co Treasurer \$16.62 **POSTAGE**; Miner County Pioneer \$294.03 **PUBLISHING**; Al's Service \$935.11, Amazon \$11.99, James Valley Landscape \$1,204.75, Kibble Equipment \$133.29, Sturdevants \$105.53 **REPAIRS**; Kristian Ellendorf \$900.00 **STATE'S ATTY OFFICE EXPENSE**; Amazon \$98.71, Dust-Tex \$251.40, Jack's Uniform \$693.80, Kimball Midwest \$367.76, Cheryl Moore \$281.29, Tim Reisch \$433.33, Tami Severson \$20.00, Zabel Steel \$399.94, Acuity Specialty Products \$119.59, Miner Co Treasurer \$108.57 **SUPPLIES**; Alliance \$1,026.99, AT&T \$428.14, Jessica Charles \$30.00, Erin Feldhaus \$30.00, Lori Kiehl \$30.00, Becki Mommaerts \$30.00, Tami Severson \$30.00, Molly Steeneck \$30.00, Danielle Werkmeister \$30.00, Verizon \$103.08 **TELEPHONE**; City of Howard \$2,520.60 **UTILITIES**; Beadle Co Auditor \$1,000.00 **VICTIMS ADVOCATE**; Bellevue Twp \$9,568.00 **RURAL ACCESS INFRASTRUCTURE**.

Zoning Administrator Tami Severson received the corrected plat request from Bernadette Jacobson & Testamentary Trust of Ellwood Jacobson and recommended its approval. Motion by Faber, seconded by Neises and carried to approve the following resolution:

## **RESOLUTION 25-11**

BE IT RESOLVED by the Board of County Commissioners of Miner County, South Dakota, that the plat of JACOBSON TRACT 1, A SUBDIVISION OF THE NW ¼ of SECTION 15, T 107 N, R 55 W OF THE 5TH P.M., MINER COUNTY, SOUTH DAKOTA, which has been submitted for examination pursuant to law, is hereby approved and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Dated this 3<sup>rd</sup> day of June, 2025.

Joe Bechen, Chairperson

Board of County Commissioners, Miner County

Attest: Rebecca Mommaerts, Miner County Auditor

Motion by Carlson, second by Faber and carried to authorize Chairman Bechen to sign the contract with Beadle County for Victim Services in 2026.

Commissioners acknowledged receipt of the following correspondence: May Sheriff Report.

Highway Superintendent Krempges joined the meeting for highway matters. Work on the bridge in Carthage has begun; they are currently waiting on Xcel Energy to progress further. The requested 2026 highway budget was reviewed. The Mack truck was taken to Sioux Falls last week due to power issues, which will hopefully be checked today. Krempges suggested moving the planned replacement up to 2027. Canova clean-up was done over the last weekend. Belleview Twp put in a 2025 reimbursement request from the Rural Access Infrastructure Fund (RAIF). Asphalt work and summer mowing will begin soon. Next week is the highway superintendent summer meeting in Pierre. Other highway work includes blading, hauling gravel, and spot graveling. Bechen asked Krempges to report back on the Mack truck. Clary asked for an updated list of highway vehicles, with current miles.

Motion by Faber, seconded by Clary and carried to recess as Board of Commissioners and convene as Board of Adjustment. Carlson took the position as Chair. Zoning Administrator Severson gave background information. Before the CAFO application (which is scheduled for a hearing today) was received, there was a building permit filed on adjoining property by Roger D & Jan Torkelson. Due to its proximity, the board must first establish if the building qualifies as an established residence. After reviewing zoning and the definition of an “established residence,” Severson has determined the structure to not meet the definition, and therefore, the required setbacks would not apply. Jan Torkelson was invited forward to explain the purpose of the building permit to the Board of Adjustment, though at the time of the hearing, there was no visible construction on the site related to the building permit. Torkelsons plan to build a structure to be used as an Air BnB, with plans for a third building being added in the future as a hunting lodge. Torkelson also mentioned their current Air BnB is considered a seasonal residence. Motion by Bechen, seconded by Clary and unanimously passed to determine that the building permit, as filed, does not meet the definition of an established residence and therefore the CAFO application hearing may proceed, as scheduled.

A hearing was held, as advertised, to consider an application for conditional use from Hord Family Farms, LLC to construct a Class A Concentrated Animal Feeding Operation (CAFO-swine) of 4,978 animal units on a proposed tract the size of 1254'x1254'x1254' within the SW4SW4 of Section 19-108-56, Grafton Township, Miner County, South Dakota. Present for the hearing included board members Kari Jo Carlson, Joe Bechen, Kathy Faber, Tim Neises and Mike Clary; Miner County Deputy State's Attorney Greg Protsch; Zoning Administrator Tami Severson and assistant Barb Esser; applicants Patrick Hord, Phil Hord and Colleen Hord of Hord Family Farms, LLC and Nick Fitzgerald of Pipestone Veterinary Clinic Management (PVC), along with numerous proponents, opponents and neutral parties. Zoning Administrator Severson presented the application to the board, stating the application site meets all set back requirements as provided in the Miner County zoning ordinance.

The applicants, Pat Hord, Phil Hord and Colleen Hord, were present for the hearing and gave a background summary of their multigenerational family farm. Phil and Colleen are the fifth generation of the family's operation. Pipestone management (PVC) is helping out with the project. This facility would focus on the mother pig, as a birthing facility, essentially breeding replacement animals for the farm within the farm. This would be the Hord family's 16<sup>th</sup> farm. Nick Fitzgerald of PVC also comes from a line of pork producers and works with PVC to create opportunities such as this. This farm will be a partnership between the Hord family, the Albrecht family and Pipestone as the farm manager. Fitzgerald gave a presentation of the proposed project.

Proponent Brad Greenway farms west of Mitchell, SD and believes this type of livestock development brings the next generation back to the farm. Greenway described Pipestone's operations as professional and well-maintained. Proponent Justin Roelofs is a hog producer that also works with Pipestone and stated that Pipestone puts money back into the local community. Proponent Scott VanderPoel is employed at Pipestone and Hord Farms West and spoke highly of both operations.

Opponent Jan Torkelson, resident of Howard had concerns with the operation being in close proximity to her Papa's Getaway Lodge. Torkelson requested a more thorough explanation of residential compliance at a future time. Torkelson stated that her family has already begun planting trees and putting up CRP on the land, with the hope to bring grandchildren back to the community in the future. Their lodge has the highest rating possible on Air BnB, and she is concerned the smell from the CAFO would impact that rating and decrease the rentals of her facility. Manure application typically occurs in the fall, which would be the busiest operating period for the lodge. They are currently working on a second cabin at the same premises and use the rental income to assist with paying for the acreage.

Neutral party Rita Nelson inquired about how many of the Hord family live within a couple of miles of a CAFO.

The applicants returned to address questions that arose during the hearing. The Hord family stated that there were three facilities within 1.6 miles of Pat Hord's residence, one within 500 ft of his father's residence, and one 2.4 miles from another Hord residence. Manure and compost management were explained in more detail to the Board. The applicants assured Commissioners they would do their best to keep communication lines open with the owners of the adjoining lands to

attempt to schedule application of manure at a time befitting both sides, when weather and other circumstances allow. The applicants also suggested the possibility of being a potential source of income for Papa's Getaway Lodge.

Carlson closed the public hearing. Following consideration of oral support and concerns of granting the application, it was moved by Bechen and seconded by Clary that the following Findings be approved:

STATE OF SOUTH DAKOTA	)	BEFORE THE MINER COUNTY
: SS		BOARD OF ADJUSTMENT
COUNTY OF MINER	)	

IN THE MATTER OF THE APPLICATION OF	)	
HORD FAMILY FARMS, LLC FOR A	)	FINDINGS
CONDITIONAL USE	)	

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FINDINGS

I

That the applicant, Hord Family Farms, LLC, has made an application for a conditional use to construct a Class A Concentrated Animal Feeding Operation (CAFO-swine) of 4,978 animal units on a proposed tract the size of 1254'x1254'x1254' within the SW4SW4 of Section 19-108-56, Grafton Township, Miner County, South Dakota. and that they are the owner of record thereof.

II

That the proposed use of said realty is specifically prohibited by the zoning ordinance without the applicant first obtaining a conditional use, for which they have applied.

III

That upon said application, notice of hearing was given as required by the Miner County Zoning Ordinance by mailing to the adjoining landowners and by publication.

IV

That hearing upon said application was held on June 3, 2025, in the Commission Room of the Miner County Courthouse.

V

That the applicant, Hord Family Farms, LLC, represented by Patrick Hord, Phil Hord, Colleen Hord and Nick Fitzgerald, appeared in person

VI

That Brad Greenway, Brad Albrecht, Justin Roelofs, Scott VanderPoel, Jon Albrecht, and Greg Haak appeared on behalf of Hord Family Farms, LLC in support of said conditional use.

## VII

That Jan Torkelson appeared in opposition to granting the conditional use.

## VIII

That Rita Nelson and Ron Krempeges appeared as neutral parties for the conditional use hearing.

## IX

That a presentation in support of said conditional use and testimony on behalf of said conditional use was received at the hearing and that testimony regarding concerns for granting of the variance was received at the hearing.

## X

That it was the determination of the Board of Adjustment immediately prior to the public hearing that there were no established residences nor construction of such structure within 3,300 feet of the planned concentrated animal feeding operation (CAFO), therefore the setback requirements did not apply.

NOW, THEREFORE, that application and testimony at the hearing all having been considered, it is the FINDING of the Miner County Board of Adjustment that the application of Hord Family Farms, LLC for a conditional use be approved for a conditional use for the following reasons:

1. That the Miner County Board of Adjustment is empowered under Section 505 of the Miner County Zoning Ordinance to grant with conditions the conditional use and that the granting of the conditional use will not adversely affect the public interest.
2. That the Miner County Board of Adjustment certifies compliance with the specific rules governing individual conditional uses.
3. That the Miner County Board of Adjustment is able to make the applicable findings required by Section 505, Subsection 4 & 5 of the ordinance, which are considered prerequisite to the granting of a conditional use.

## XI

That the Board of Adjustment vote upon approval of such application was five in favor thereof and none opposed thereto.

It is, therefore, ORDERED that said application to construct a Class A Concentrated Animal Feeding Operation (CAFO-swine) of 4,978 animal units on a proposed tract the size of 1254'x1254'x1254' within the SW4SW4 of Section 19-108-56, Grafton Township, Miner County, South Dakota be approved with the following conditions:

1. That applicant obtains the appropriate State General Permit By South Dakota Department of Agriculture and Natural Resources (DANR) and agree to comply with it.
2. That applicant agrees to comply with the SD DANR approved nutrient management plan and manure management and operation plan.

3. That the applicant agrees to comply with the County-approved fly and odor managed plan.
4. That the applicant shall comply with established minimum manure application setbacks when spreading manure generated from the CAFO.
5. That a plat of the described parcel is obtained and ownership of the land is transferred to Hord Family Farms, LLC.
6. That the applicant plants four rows of trees on three sides of the structure within 24 months following the start of construction and is responsible for the maintenance and replacement of said trees until the dissolution of the conditional use agreement.
7. That road haul agreements will be established with both the County of Miner and the Township of Grafton so that costs of road maintenance above and beyond the ordinary and customary maintenance done by either the County of Miner or the Township of Grafton prior to the construction and existence of this CAFO be reimbursed to the appropriate entity by Hord Family Farms, LLC.

Dated this 3rd day of June, 2025

Kari Jo Carlson, Chairperson  
Miner County Board of Adjustment

Attest: Rebecca Mommaerts, Secretary

Motion by Faber, second by Neises and carried to adjourn as the Board of Adjustment and reconvene as the Board of Miner County Commissioners. Bechen resumed the position of Chair.

Brian Loken gave a presentation of LifeQuest, an organization which assists adults with mental disabilities. LifeQuest is seeking the same amount of support in their budget request for 2026 and currently supports three members from Miner County. Loken described future building plans for homes for LifeQuest members, anticipated to break ground this summer.

The budget for 2026 was discussed. Motion by Faber, second by Carlson to enter executive session at 11:30am pursuant to SDCL 1-25-2 (1) for salary considerations. Board returned to regular session at 11:40am. Further discussion of the 2026 budget commenced.

Having no further business, the meeting adjourned until June 17th. Dated this 3<sup>rd</sup> day of June, 2025.

Joe Bechen, Chairman  
Miner County Board of Commissioners

Attest: Rebecca Mommaerts, Miner County Auditor