



Minutes for the meeting of Grant County Planning and Zoning/Board of Adjustment.

Members present: Nancy Johnson Tom Pillatzki Gary Lindeman Lorelei Brandt Tom Adler Richard Hansen in at 4:40

Alternates present:

Members absent: Mike Mach

Others present: Kathy Tyler, Sean Simpson, Barry Kerkaert, Holli Seehafer, Kate Capp, LeRoy Capp

Agenda for the meeting of Grant County Planning and Zoning/Board of Adjustment.

Meeting Date: **Monday September 14, 2015** **Meeting Time: 4:30 P.M.**

1. Call Meeting to Order by Johnson at 4:31pm
2. Reading of Grant County Board of Adjustment Procedural and Rules of Conduct- Johnson explains the rules in which we will be abiding by for the meeting.
3. Approval of Minutes:
 - a. Monday, August 10, 2015 minutes were motioned to accept by Brandt seconded by Lindeman carries 5-0.
4. Plat Approvals
 - a. AHuntFarm, LLC owners of the SE ¼ except the part deeded to the US Fish & Wildlife Service described as: The S 15 chains of the W 16 chains of the SW Quarter of the SE ¼ of Section 2, Township 119 North, Range 48 West of the 5th P.M., Grant County, South Dakota to be platted as Johnson Addition located in the SE1/4 Section 2, Township 119 N, Range 48 W of the 5th P.M., Grant County, South Dakota. (Vernon Township) Motion to accept by Brant seconded by Pillatzke carries 6-0.
5. Conditional Use/Variance Requests/Rezoning
6. Old Business
 - a. Complaint upon the condition completion of Teton, LLC
 - i. Trees & Biofilters an addition to the complaint was made by Capps with information presented in the packet for the board members.
 - ii. Update from last meeting was the board directives to the P&Z Officer to acquire a copy of the audit and maintenance schedule as well as making an additional visual inspection on site to see the filtration was air tight and installed properly with moisture incorporated.

Sean Simpson and Barry Kerkaert made the report and summed up the timeline of the biofilters and conditions that were met. Sean shared the design which was completed by Dr Nicolai and Dr Cortus gave the provisions for empty bed contact time of 2 seconds to scrub the air coming from the deep pit. These are homemade filters simply because they are not an item that is on the shelf at the store. They are based upon the barn and they have been designed and built for this barn and is basically a cage that contains a media that traps odors from the air. The issues addressed in the complaint covered bins and topping them off as well as installing a moisture system. These things have been addressed and are confirmed in the follow up visit and documentation letter from Dr Cortus from September 10, 2015.

There are 46 fully enclosed filters created and installed on the phase 1 barn fans that were prescribed by Dr Cortus to be the fans in which biofilters should be prescribed. Simpson, handed out pictures of the biofilters that were taken during the tour. Cortus' letter addresses the gap seal that forces air to go through the media in the filter and not bypassing it. Dr Cortus used an anemometer and found no air leakage at this time. They are continuing to do moisture testing to get the automatic timing correct. Currently, they are running the timer for 1 ½ hour each morning and it was reported in Dr Cortus' letter that this was working well. Sean also presented Pipestone Systems has an employee who is the Biofilter Compliance Technician. This person monitors the checklist each day and provides regular maintenance to the biofilters as per the presented checklist developed by Dr Cortus. Sean then addressed some of the concerns that were raised in Dr Cortus' visit: plywood cover warping- additional screws being installed so there would be no gap at the top.

Kathy Tyler interjected but was instructed that this was not a debate or open hearing for that type of input. Mr Simpson continued by saying the claim was never made that they would be odor free but through the conditions and documenting every recommendation they hope to cut the odor significantly. This has cost the Pipestone System \$90,000 at this facility and they have done everything that has been prescribed. Simpson asked that the continual aggression please subsist as they have done everything Dr Cortus has recommended just the way the conditions prescribed and have documented with SDSU all that can be done with the biofilters.

Dr Kerkaert spoke that they have worked in good faith and done everything that was prescribed to them by Dr Nicolai and now Dr Cortus to the best of their ability. In South Dakota there is only 1 other biofilter that exists and that is on a Pipestone System barn and they followed the measurements that SDSU recommended there as well. They have received design commendable ratings from SDSU and have done the additional things as SDSU has recommended.

Hansen asked how these work at 30 degrees below zero. Kerkaert responded that the moisture in the media is kept up by the condensation that is created between the warm barn and the cold outside to keep the microbes working. Lindeman pointed out that the chips continually settle and they haven't taken care of it but Kerkaert explained that was taken care of and the photos show the chips to the top. Pillatzke recommended a storage on top type thing that could hold additional chips that would melt into the filter as needed. Simpson explained they aren't maintained every second of the day for each 5X6 crate. Brandt clarified by stating the fan was actually in the bottom of the crate and even if they settle at the top the air still travels through the media and gets filtered.

Kathy Tyler interjected that she has lived at this location for 41 years and her eyes water when she is going to bed on Saturday night because the smell is so bad. Biofilters should work but is this the most effective biofilter or the most cost effective. Tyler was stopped in her comments as she had not been recognized by the chair. As a point of clarification, Krista stated her complaint had been heard and this was the follow up to that complaint as directed by the board and it was not a debate over the facts that were being presented by Pipestone but rather an answer to her questions.

Sean stated Pipestone has a right to be in the area doing business and they have a right to their operations per the ordinance in Grant County. Johnson stated they have the trees planted and we have to wait and see them grow. Hansen stated there are times when his own animals 50 feet away cause him to shut the door but the smell isn't offensive it is subjective. Kerkaert stated that he smelled exhaust and fuel smells at the 4 way stop coming into town today but he wasn't offended by that because it was necessary for the town and people.

Tyler interjected again and stated that on 3 separate occasions she could smell the farm. Again, Krista stopped her, as she had not been recognized and it was explained that this was not a hearing or a debate but just a statement of the facts as the board had asked for. The statement was presented by Pipestone Systems to the board for their consideration and that was for them to hear and consider. It was not a time to argue the effectiveness or even to engineer the project as there are professionals that are involved that are doing that. The Board directs the meeting and they would make their recommendations and actions based upon what they hear. She was given the same opportunity to speak without interruption at several earlier meetings and it is expected that she will give the same courtesy to the Pipestone System to comment on the complaint as well.

Johnson asked the board if they had any further questions and pointed out they had received the audit checklist as they had requested but would like to address Lindeman's concern about the fill. Kerkaert offered to work with Dr Cortus on designing a skirting that could be installed to keep additional media above the tanks to compensate for the shrinkage but he cautioned that it needed to be designed with her to keep the same amount of filtration as necessary to be effective. They agreed that it might work to do what Pillatzke advised to add a 2X6 to the top but would consult with Dr Cortus first.

Simpson also pointed out that the wind direction would change the way things carry and in looking at the complaint tables and comparing to wind direction there would have been no correlation. Simpson then explained the biofilters are installed on the phase 1 fans where the deep pits are located. The middle barns are inhabited but they have only had pigs in them for 2 weeks. At the time of complaint there were no pigs in those barns but Dr Cortus did not prescribe biofilters on those shallow pits as they were flushed every 2-3 weeks and did not cause odorous gasses as seen in deep pit storage. As stated in the first letter of documentation Dr Cortus did not recommend placement of biofilters in these phase 1 fans.

- iii. Board decision Motion by Lindeman second by Adler carried 6-0 to table the complaint decision and findings until next regular meeting to allow Pipestone Systems to contact Dr Cortus to get her recommendations on the skirting to relieve the settling issue without affecting the operation of the biofilter.

Dr Kerkaert asked that the board consider Dr Cortus' recommendation out of respect for her expertise in the biofilter research and allow the recommendation from her to be what is best for the situation.

- b. Complaint upon Lakeside Dairy alleged to be a significant contribution of pollution.
 - i. Board decision- letter was sent per the board decision to DENR to share the investigation that was completed by Grant County.
- 7. Unfinished Business
 - a. Letter received by P&Z Board has not been received by the P&Z Administrator or Office and therefore cannot be a discussion at the meeting because it was not on the agenda.
 - b. December meeting will be the 7th to allow time for Christmas chaos
 - c. Ordinance Review: 1st District- Todd Kays
 - i. Meeting March 12, 2015 5:30 pm.
 - ii. Meeting April 1, 2015 5:00 pm.
 - iii. Meeting April 22, 2015 5:00 pm.
 - iv. Meeting May 27, 2015 5:00 pm.
 - v. Meeting June 17, 2015 5:00 pm.
 - vi. Meeting July 20, 2015 5:00 pm.
 - vii. Meeting August 31, 2015 5:00 pm.
 - viii. Meeting September 23, 2015 4:30 pm.
 - ix. Action items
- 8. Next meetings:
 - a. Regular meeting: Monday, October 12, 2015 4:30 pm
 - b. Study Group Meeting September 23, 2015
- 9. Adjournment Motion by Adler second by Hansen carries 6-0.

Krista Atyeo-Gortmaker
Planning and Zoning Officer
Grant County