TURNER COUNTY BOARD OF ADJUSTMENT
MEETING MINUTES
TUESDAY, OCTOBER 21, 2025
PARKER COMMUNITY ROOM

CALL TO ORDER
The Turner County Board of Adjustment meeting was called to order by Chairman Schmeichel at 6:30pm.

ROLL CALL
Members Present:
- Chairman Schmeichel
- Commissioner Haase
- Commissioner Ciampa
- Commissioner Meyer
- Commissioner Miller

County Staff Present:
- Planning and Zoning Director Johnson
- State's Attorney Katelynn Hoffman

APPROVAL OF MEETING AGENDA
Chairman Schmeichel asked if there were any changes to the agenda. No changes were proposed.
Motion: Commissioner Haase moved to approve the agenda.
Second: Commissioner Meyer
Voice Vote: Yeas – All, Nays – None
Motion Carried

APPROVAL OF MEETING MINUTES
Chairman Schmeichel asked if there were any changes to the minutes from the September 23, 2025, meeting. No changes were proposed.
Motion: Commissioner Miller moved to approve the September 23, 2025, meeting minutes.
Second: Commissioner Haase
Voice Vote: Yeas – All, Nays – None
Motion Carried

PUBLIC COMMENT
Chris Wallman spoke about DPS and the noncompliance that has taken place. States he had spoken with someone in rendering and that they find it comical that DPS is not using a burning technique instead of the air scrubbers. He feels DPS is cutting corners.
Todd Christensen spoke about the Solar/Wind moratorium and expressed interest in the taskforce and shared that he feels it should only be county residents on the taskforce.
Kelly Wiese spoke about DPS and states he hopes and prays that the board puts the well-being of Freeman over a few investors.
Steve Brockmueller spoke about the wind/solar taskforce and states he feels it's a conflict of interest to have Next Era on the taskforce.
Dan Heiman spoke about DPS. States he was the previous manager and felt people were insinuating that he did not care, but he did and did not want it to be perceived that way. He has local family and friends and wanted to do right by them.

Chairman Schmeichel closed the floor to public comment.

PUBLIC HEARINGS

At 6:40pm a review hearing was held for Dakota Protein Solutions, LLC. (DPS) Zoning director Daisy Johnson presented a staff report summarizing a brief history, related actions and compliance record for the facility. A Conditional Use Permit (CUP) for Dakota Protein Solutions (DPS) was originally granted on September 14, 2021. A review of the permit was held on August 19, 2025, followed by a review hearing on September 23, 2025. On September 25, 2025, the Zoning Director retrieved the public hearing sign from the DPS facility and observed a dirty-appearing trailer leaving the site, traveling north on 440th Avenue toward SD Highway 44. On September 29, 2025, Charlie with NRCS and the Zoning Director discussed the DPS facility and the tree plan. Charlie expressed concern about the buried utilities located on the west side of the property and whether he would be able to till or plant trees in that area without disturbing the underground lines with equipment or future tree roots. He also noted challenges with completing fall tilling due to piles of construction materials around the facility and emphasized the importance of ongoing tree maintenance once the trees are planted.

On October 2, 2025, the Zoning Director spoke with Paul Kostboth regarding progress updates that could be shared with the Board. During the conversation, odor management efforts were discussed. Paul stated that DPS had begun working with Ben Mahowald of Naclo, an Ecolab company, who would be assisting with water treatment and recommending appropriate chemicals and enzymes to help minimize odor from both the plant and lagoon. The Zoning Director also informed Paul about the earlier discussion with NRCS. Paul indicated he would reach out to NRCS to collaborate on the tree plan. Later that same day, Paul emailed to confirm that NRCS and DPS had agreed to have 811 locate underground utilities to assist with tree planning efforts moving forward. He also reported that the Animal Industry Board had passed the facility inspection.

On October 3, 2025, a Freeman resident reported an odor originating from the northeast side of town. On October 8, 2025, the Zoning Director placed the public notice sign back at the property and observed that dust control had recently been applied along 440th Avenue and that 811 location flags were in place. On October 9, 2025, a Freeman resident reported a strong odor from DPS near Dollar General around 8:30 a.m. That same day, an email was received from Brian Donahoe announcing that he is now serving as the General Manager for DPS. Later that evening, around 5:30 p.m., another Freeman resident reported a strong odor from DPS on the northeast side of town. On October 10, 2025, a resident again reported odor issues from DPS around 9:00 p.m., noting that the smell worsened by 10:30 p.m. Additional odor complaints were received on October 14, 2025, around 5:30 p.m., and again on October 18, 2025, around 8:15 p.m.

On October 15, 2025, a meeting was held with Brian Donahoe, the States Attorney, Katelynn Hoffman, and Zoning Director Daisy Johnson to discuss ongoing issues and progress at Dakota Protein Solutions. Zoning Director Daisy Johnson then provided recommendations of conditions to the board. A tree plan for Dakota Protein Solutions (DPS) was approved by both the Natural Resources Conservation Service (NRCS) and the Turner County Board of Adjustment. The plan includes a combination of mature trees that will be relocated to the facility, along with a mix of fast-growing and slow-growing species to provide both immediate and long-term vegetative screening and environmental benefits. The tree plan will be implemented and maintained in accordance with NRCS standards, including regular maintenance, weed removal, and proper watering following planting to ensure tree health and longevity.

A road haul agreement has been established between Dakota Protein Solutions, Turner County, and Childstown Township. In accordance with that agreement, dust control is required to be applied twice

annually along 440th Avenue between 279th Street and 280th Street to minimize dust impacts on local traffic and nearby residences.

All carcasses and any rendering products, whether before or after the rendering process, are required to be properly covered and/or stored inside a building at all times, with the exception of material contained within the lagoon. The lagoon is required to be drained a specified number of times per year, with irrigation activities prohibited on weekends and holidays. Irrigation is to occur only during appropriate weather conditions, with several operational considerations in place to reduce odor impacts and public nuisance. These include avoiding irrigation when nearby residents are likely to be home, taking wind direction into account relative to neighboring homes and communities, refraining from spreading during warm and humid weather, and cultivating the land as soon as possible following irrigation to minimize odor release.

To prevent disease transmission and maintain clean roadways, livestock carcasses and animal parts must be transported in leak-proof vehicles or containers that are securely covered during transit. All trailers are required to undergo cleaning and sanitization prior to leaving the property to prevent contamination or odor spread. A closed-door policy is to be strictly enforced in all areas of the facility where odors could be released through open doors, ensuring that doors remain closed during operations except as necessary for access or safety.

Dakota Protein Solutions must also provide proof that the facility's current stack design ensures that extracted air is adequately dispersed. The stack height must be sufficient to prevent significant building downwash, and all exhaust must be directed vertically without the use of rain caps or other obstructions that could inhibit dispersion.

An Odor Management Plan has been submitted and approved by the Turner County Board of Adjustment. The approved plan must also be provided to the Turner County Zoning Office, and any updates or modifications to the plan must be submitted to the County as they occur. The Odor Management Plan is to be reviewed and resubmitted to Turner County Zoning at least once each year to ensure continued compliance and effectiveness.

Brian Donahoe, General Manager for DPS, spoke about DPS and the changes that have been happening. Donahoe spoke about his history with DPS as being their legal counsel for them in the beginning and then leaving in 2022 for a different employment opportunity. He is now back at DPS and has taken on the roll of the general manager to assist DPS with getting back on track and wants to make sure it is done right. Donahoe discussed that Paul Kostboth has been involved with helping through the permitting process and working with Ben Maholwd from NACLO. Spoke with other experts to help with the water quality. He explained that now they are receiving water from AMPI via tanker trucks. The water from AMPI is treated at the AMPI facility and is better quality with less minerals. Able to use for odor control processes such as air scrubbers and bio filters. Donahoe states that the air scrubber system was recommended for their facility. He believes that the way that we got here was that the system breakdowns and products that should be used into the products were allowed to go into the holding pond. Understands concerns that people are worried about doors being open and explains that doors have been open due to breakdowns. Explains that the boiler was brand new but appears that it is years old due to the buildup on it. Explains DPS is aware of the issues and wants to get things working. Working with the water treatment experts to make sure the holding pond and soil is appropriate to be spread after the crop is out of the ground. Donahoe wants DPS to be a good neighbor and be a present in the community. States have made changes

on equipment's such as vents. It takes time to get things working correctly and efficiently. Believe that most of the odor complaints are stemmed from the holding pond due to log showing that the facility was not cooking at the time of the complaints. DPS has been logging into the weather and wind patterns. Until the holding pond is applied, still can be issues with some odor. The holding pond has not been pumped. Donahoe explained that the stacks have been raised and they will run test with smoke to trial the functionality of the stacks. Donhoe explains that there could be other odors in the town of Freeman, he doesn't want to pass the buck but some of the testing done at DPS will be able to objectively show when odors were present and where the odor goes. He states that DPS was not aware of the staff recommendations until the meeting and that is something that DPS can look at but some of the items are part of their permitting through the state.

Chairman Schmeichel questioned Donahoe how to plan or timeline for some of the problems as of now. Donahoe explained it would be a step-by-step basis. Charlie with NRCS is on furlough but the utilities have been marked. DPS likes the plan of mature trees as well as new trees. Timeline would be as soon as possible. Donahoe stated he started the process of addressing the stack and air scrubber out of the plant. Unsure how quickly a plan can be put together, we would like it done by the end of the year and work with consultants and such. Unsure how long that would take to work with them. Cleaning and sanitation have started and feel they have a good account of those items. Odor Management plan unsure of what that would entail. But it feels it would be good for everyone involved. Irrigation will be done soon as the crops are out and that the crops are about ready to be harvested. Weather will be the biggest indicator of when that will be applied. DPS would like to work together and provide a report for the board to review at next month's meeting.

Chairman Schmeichel addresses states attorney Hoffman about procedure moving forward. Then he opens the floor to the board for questions to DPS. Commissioner Haase asked about the size of the lagoon, the capacity is 18 million gallons. Planning on irrigating it all this year. Irrigation is on some pasture and some crop ground. Commissioner Meyer asks about the equipment within the facility and if it is new or refurbished. Donahoe explains some were new and some were refurbished certified equipment. Commissioner Meyer questions the solutions of terrible odor off the lagoon. Donahoe explains that they could shut down and readdress. DPS would like to stay away from covering and do some other techniques that would have to be approved by the DANR. Meyer questions if aerating it would be possible. Donahoe explains that some skimming could be done and that aeration could make the odor much worse and that they plan to aerate inside the holding pond itself. Letting some digestion happen underneath the water itself.

Commissioner Miller. Questioned DPS on how many owners they have. Donahoe explained 7 -8 owners. Donahoe explained that Stern is not present due to a previous commitment. And noted that he was not here at the last time either. Scott Stern's wife and daughter were present to represent the family. The attorney James Simko was also not able to be present due to a meeting in Pierre but there were two other investors/owners here at the meeting. Donahoe explains that all the investors want this resolved quickly and done the right way.

Commission Ciampa expressed concern about the time since the permit and that the people of Freeman had to bring concerns for DPS to take actions to complete some of the conditions. Donahoe explained that he was not present the whole time. He wants to explain that the crossing agreement was discussed in 2022 and that a road haul was discussed at that time but never implemented. Donahoe explained that the township never came to them to start the process. Currently there is work being done on a grant to help with road improvements on 280th. Donahoe explains that their focus was on other things. Commissioner Ciampa wants things fixed for the community of Freeman and the past has not been good. Donahoe

explains that he is embarrassed by all the breakdowns and is here to get things working and being fully committed to the project. Commissioner Ciampa would like to get the holding pond emptied no matter what it takes. He feels that DPS is ruining the lives of the Freeman community. Commissioner Meyer discussed situations when an emergency measure may have to be taken to get manure spread and get it out of the holding ponds. Discussion was held if the holding pond could have been used on the crop itself. Donahoe believes that holding ponds would not be good for the crops itself.

Chairman Schmeichel opens the floor to the board for discussion about what they see moving forward and working on the conditions recommended and present any new conditions. Board discusses amending the permit verse the other options. Commissioner Miller questions if the facility can operate and function properly under the recommendation conditions. Donahoe explained that reasonable interpretations of the conditions and following state guidelines that DPS should be able to operate. Unexpected conditions could pop up with potential weather conditions and that they can't control when trailers are present.

Commissioner Ciampa questions when will DPS be fixed and when will the facility operate as it supposes to and when will the Freeman community have their lives back. Discussion was held between the board and Donahoe about the holding pond and the smell that is having currently. Don Kaufman, owner of land that the holding pond will be irrigated on was present and explained that he has started combining the ground that the holding pond will be irrigated on. No date was given when it would be complete or when the holding pond would be irrigated. Donahoe explained that his goal would be next week but waiting for the conditions to be appropriate with wind direction and weather. Wants the holding pond to be pumped within days not weeks. Donahoe explained that they want to minimize odor the best they can during the process. Discussion was held about the size of the holding pond and how much liquid is currently in the holding pond. DPS plans to pump it down to a minimum and then do some work on the berms and erosion areas. Hoping to get more room for some vegetation around the holding pond. Fixes will be a step-by-step process with no exact dates. Commissioner Miller questioned the length of time it has taken for the bare minimum conditions to be completed. Donahoe explained that priorities were focused on breakdowns and management turnover. Questions asked about why there were so many breakdowns. Donahoe explained that water was the main issue that also led to other issues and more problems to solve.

Commissioner Ciampa explains how terrible the Freeman community lives must be that they must live with this. He hopes that the changes will be made so the children of Freeman will be able to have recess and be outside.

Chairman Schmeichel leads discussion of conditions recommended. Tree recommendations were discussed with more details of dates and types of trees. The second condition discussed was the dust control applied to the gravel road. The third condition was the storage of rendering products and being covered during storage and adding the language of according to state regulations. Types of covers were discussed. The definition of storage and the time limit regulations enforced by state regulations.

City attorney Mike Fink spoke about the board not being restricted to the state regulations.

Discussion was held between the board and DPS about storage vs the transition of trailers. 24 hours is listed in the state regulation for the amount of time that carcasses need to be taken care of.

The next condition discussed was the lagoon to be drained the number of times and language about the times and when to do it. Another condition was discussed the leak proof containers and going through sanitization process. Closed door policy was the next condition discussed. The stack design was addressed in a condition and proof provided that the stack is adequate. Odor management plan was the next

recommended condition discussed and the amount it is reviewed within a year. An odor management plan was discussed.

Commission Meyer questioned the cooking and when the odors are at their worst. Can cooking be done at night to help with odor? Donahoe explained that cooking continuously and regularly is overall better than starting and stopping.

A condition regarding inspection of the facility was discussed by the board.

States Attorney Hoffman discussed the subsections of the article amend; revoke postpone or require other such action. The board asked questions, and Hoffman clarified all questions.

The board continues to discuss the conditions related to inspections, the amount of time, and where reimbursement shall come from for these inspections.

The meeting took a 5-minute recess.

Chairman Schmeichel called the meeting back to order. Board members clarified some of the conditions. One condition that was readdressed was they condition regarding inspections and evidence could warrant a stop order. The closed-door policy was discussed again. Donahoe explained that overhead doors are open for trucks and the boiler door is open from time to time. Timelines were discussed when to address the permit again. Holding pond deadline was discussed. Third party inspections were discussed.

Hoffman proposed some additional conditions, considering reviewing the permit in a certain amount of time and expiration of permit. She also discussed stop orders and the authority of the Zoning Director.

Hoffman and Johnson reviewed the conditions recommended and with the alterations provided by the board. More discussion was held about the closed-door policy and inspections. The odor footprint tool was discussed for CAFOs.

Johnson listed conditions and board held discussions about the dates and times for the next hearing to apply it to the conditions.

Motion: Commissioner Ciampa made a motion pursuant to Article 20.12, Section D under subsection (4) allowing the Board to "require any other such action it deems appropriate and in accordance with the provisions of this Section." The Board therefore imposes the following:

1. That the plant shall not operate in a manner which constitutes a public nuisance, as that term is utilized in SDCL Chapter 21-10 and South Dakota case law interpreting the same; This condition is consistent with the goals identified in Ordinance 20.01: "The Board of Adjustment shall impose such conditions as are appropriate and necessary to insure compliance with the Comprehensive Plan and to protect the health, safety, and general welfare in the issuance of such conditional use permit." It is understood that the smell of dead, decaying, or processed animals (or animal parts/leakage) constitutes a public nuisance.

2. That this conditional use permit shall automatically expire after a period of sixty (60) days on December 21, 2025; **but that a review hearing shall be held before the Board of Adjustment, in advance of the expiration date, on Tuesday December 16, 2025, at 6:30 p.m., at which time the Board will consider whether to grant another conditional use permit** for an additional period of time. At this hearing, the Board will consider the efforts made by DPS, to

comply with the spirit of this permit, and may consider adding additional conditions, to better achieve the ultimate goal -- to ensure the facility is not operating in a manner that constitutes a public nuisance. With this condition, the Board seeks to promote immediate and ongoing efforts by DPS, to come into compliance.

3. That DPS permits the County Planning Director or any other such Turner County staff as the board deems appropriate to perform any random inspections/evaluations/testing that she/he deems appropriate, all in order to determine whether the conditions are being met. See Article 23.02. As provided for in Ordinance 23.01-23.04 in the event the facility is being used contrary to the provisions of the ordinance, or contrary to the conditions set by the Board, the Planning Director shall continue to have the authority to issue an immediate "Stop Order" requiring the facility discontinue operations due to a violation. See Article 23.03.
4. Any inspections/evaluations/testing costs/costs associated with compliance checks of DPS will be assessed to DPS.
    a. Those fees are to be calculated using the hours and wage of Turner County staff that are affected/involved and to include any expenses incurred by such Turner County staff.
    b. Additionally, any fees incurred from an outside entity utilized by Turner County for consultation, investigations, evaluation, testing, etc are the responsibility of DPS.
    c. If those fees are not paid at a time, this will result in a violation of the permit.
5. If a stop order is issued, the Board will hold a special meeting as soon thereafter as the Board may reasonably convene and notice may be provided but, in any event, no more than 10 days after such order is served upon DPS. At that special meeting, DPS must show cause why the Board of Adjustment should not revoke the permit. Any cost associated with the special meeting will be assessed to DPS.

Incorporate all previously imposed conditions –

6. Trees are to be planted to NRCS standards and approved by the Board of Adjustment. Required trees include 4-6 rows, containing at least one row of transplanted adult trees and a mixture of fast and slow growing trees. Trees shall follow the site plan filed with the Conditional Use Permit from 09/14/2021. DPS shall follow the NRCS standard for maintenance, weed removal, and watering after planting is completed. Trees are to be planted no later than 07/01/2026.
7. Road haul agreement with Turner County and Childstown township submitted and reviewed annually.
8. Dust control shall be applied on 440th from 279th St to 280th St twice annually by May 2nd and September 1st of each calendar year and as needed in-between.
9. Storage of carcasses and any rendering product before or after the rendering process shall always be covered and/or stored inside a building, with the exception of the lagoon.
10. The lagoon shall be drained 2 times per calendar year; once in the spring and once in the fall. The fall 2025 drain time will be no later than November 30, 2025. It should not be irrigated during weekend or holiday times. There must be appropriate weather conditions when applied.
    a. Avoid spreading when people are likely to be home.
    b. Pay attention to wind direction in relation to neighboring homes and cities.
    c. Avoid spreading in warm humid conditions.

d. Cultivate the land as soon as possible after irrigation.

11. To prevent disease spread and keep roads clean, livestock carcasses and animal parts shall be transported in leak-proof vehicles or containers and covered according to state law.
12. Trailers will go through cleaning and sanitization before leaving the property according to state law.
13. DPS is to provide engineer sealed design that the current stack design is ensuring that extracted air is dispersed adequately. The stack height should be sufficient to avoid significant building downwash and be directed in a vertical direction without rain caps on top of the stacks.
14. An odor management plan shall be submitted and approved by the Board of Adjustment and providing the Zoning Administrator copies when the plan is updated or changed.

Second: Commissioner Haase
Roll Call Vote: Yeas – Ciampa, Haase, Meyer, Schmeichel Nays – Miller
Motion Carried

The board held discussion about the solar and wind energy taskforce. Hearing recommendations of members from Hoffman as she has contacted 3 potential members and that they have agreed to be apart of the taskforce. The board made some suggestions from members from the public and gave approval of moving forward with the taskforce.

ADDITIONAL ITEMS
No additional items were discussed. No motion was made.

NEXT MEETING
November 18, 2025

ADJOURNMENT
Motion: Commissioner Meyer moved to adjourn the meeting at 9:25pm.
Second: Commissioner Haase
Voice Vote: Yeas – All, Nays – None
Motion Carried