

The meeting was attended by 15 individuals including Robert Hill, State Attorney Dan Nelson, County Commissioner Doug Post, Jay Gilbertson, Dave Biteler, Terry Pritchard, Shon Morris, Randy Jensen, Dwaine Chapel, Stephanie Mason, and recorder Rae Lynn Maher. Guests: Rick Bonander, Zeb Johnson, Jeff Barth, Chase Jensen. Absent: Anna Beasley, Mark Jorenby, Mark Potthast, County Commissioner and Matt Wagner.

Meeting called to order by Hill at 9:00 AM.

Approval of Agenda. Post/Gilbertson

Approval of July 8, 2025 minutes – Jensen/Post

Reports & Board Open Discussion –

Hill presented the members with a first draft of proposed Section 4.07.05.02 – Planning Zone: Liquid Pipelines for review and discussion.

Discussion on Water Well

Gilbertson asked what Existing/Established regarding Water Well means. Hill noted that a well would have had to have been previously identified/registered at the Department of Agriculture and Natural Resources. No hearsay or sand points.

Discussion on Setbacks

Hill noted that the reference was not specific in type of liquid product such as CO2 to allow for any liquid pipelines that may come into the county.

Pritchard asked if the setback from Established Residences was the same as CAFOs (Confined Animal Feeding Operations. Hill noted that the setback on the proposed was the same as that of the CAFO requirements from residences and added 330 feet would be from property lines. Post noted the 330 feet was so as not to infringe on property owner's rights when building, etc. Hill noted the 330 feet came from comparison across the state.

States Attorney Nelson brought up a Court Case appeal and why the proposed ordinance cannot be about safety only. He noted that Federal Law regulates, and County's cannot have safety as a primary concern, but it can be a consideration when writing an Ordinance.

Discussion on Aesthetics

Gilbertson brought up the difference in aesthetics related to setbacks. Noting a CAFO can be seen from a setback and a Pipeline that is underground can't be seen from a required setback and should it be different. Nelson noted that what was already in place under Natural Gas would be good to continue in this proposed section of the Ordinance. It falls under aesthetics and how private landowners want to use their land.

Thoughts on DRAFT thus far

Group discussion with topics of visual vs non-visual, easements, what happens when Amend Ordinance, Decommissioning and possible reuse of decommissioned.

End Result

Hill will look at the whole Pipeline Ordinance and have comparison of old and proposed.

End with Final Thoughts and Comments

Jensen – what is in place is adequate

Mason – looks good as submitted

Pritchard – like and confident setbacks would stand up

Morris – no comment

Gilbertson – modify what we have with address concerns. Add in advance.

Amend/Proposed copy of Ordinance with changes highlighted, possibly with a GIS map with the areas in Brookings County blacked out with the proposed setbacks.

Chapel – looks good

Biteler – looks good

Post – looks good

Guests:

Jeff Barth – restraints on development, taxes should be mentioned, on the idea of changing of product is it somethings that can be considered/added.

Rick Bonander – Cities and Counties do have a role and it's smart to do things now.

Chase Jensen – looks good

Zeb Johnson – looks good, model to follow. Consider adding variance on individual property, switching of product, condition of transfer of ownership/product.

Hill noted the product is regulated at the PHMSA (Pipeline and Hazardous Materials Safety Administration) level.

Next meeting set for Thursday, September 4, 2025 at 9:00 AM.

Motion to adjourn. Gilbertson/Jensen. All members voted "aye."

Hill adjourned meeting at 10:00 AM.

Respectfully submitted, Rae Lynn Maher – Office Technician, County Development