

KINGSBURY COUNTY BOARD OF ADJUSTMENT

The Kingsbury County Commission convened acting as the Board of Adjustment on Tuesday, November 19, 2019 at 9:19 A.M. in the Commissioner's room of the Courthouse in De Smet, South Dakota, for the purpose of considering the Conditional Use permit of Collin's Hutterian Brethren of Iroquois, SD, to pump and/or truck manure from their CAFO in Clark County to fertilize the following acreages: the W 1/2 Section 1, T111N, R58; SE 1/4 Section 2, T111N, R 58; SE 1/4 Section 34, T112N, R58; SW 1/4 Section 26, T112N, R58; SE 1/4 Section 26, T112N, R58; SE 1/4 Section 16, T112N, R58; NE 1/4 Section 32, T112N, R57; S 1/2 Section 19, T112N, R57; SE 1/4 Section 18, T112N, R57 in Kingsbury County, South Dakota. States Attorney Gregg Gass, and Donna Palmlund with De Smet News were in attendance. Board members present were Joe Jensen as Zoning Officer, Steve Spilde, Shelley Nelson, Delmer Wolkow and Roger Walls. Chairman Nelson presided.

Gass informed the Board emails had been receive from Rod Tobin, attorney for Collin's Hutterian Brethren, stating the application is being withdrawn and requested the application fees be refunded. Gass reviewed additional email communication between Tobin and himself.

Gass stated contact had also been received from Joey Wipf, with Collin's Hutterian Brethren, indicating the application was not to be withdrawn.

Gass advised the Board to refund the application fees.

Jensen presented information that had been given to him and Gass advised the Board to move into Executive Session for possible litigation.

Wolkow moved and Spilde seconded to adjourn from Board of Adjustment and move into Executive Session for possible litigation at 9:23 A.M. All present voting aye, motion carried.

Spilde moved and Walls seconded to return to adjourn from Executive Session and return to Board of Adjustment. Chairman Nelson declared the Board out of Executive Session at 9:44 A.M.

Spilde moved and Wolkow seconded to accept the withdrawal of the Conditional Use Permit Application and to table the refunding of fees. All present voting aye, motion carried.

Walls moved and Spilde seconded to adjourn from Board of Adjustment and move back into regular session. All present voting aye, motion carried.

Meeting Adjourned.

Shelley Nelson, Chairman

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