6 TRANSCRIPT 0 F PROCEEDINGS 9 (Clark County Commissioners' meeting) 10 April 4, 2017 9:30 o'clock, a.m. 11 13 14 15 Commissioners Present: Violet Wicks, Chairperson 17 Robert Bjerke, Vice CHAIRPERSON 1.8 Francis Hass. Commissioner 19 Chris Sass, Commissioner 20 Richard Reints, Commissioner 21 22 Taken at: Clark County Courthouse 200 North Commercial Clark, South Dakota 23 24

3 1 has seven towers, they got 6,438.39, and Mount Pleasant has 2 four towers and they got 3,684.80. 3 ROD CHRISTMAN: Now is this something we could 4 put in the paper too that the taxpayers could look at? 5 CHRISTINE TARBOX: Yeah, those --6 ROD CHRISTMAN: I mean, if they can't go in like 7 the commissioners' report. I'll even pay for it, to put it 8 in the paper, if we get it in right. 9 All right. Dick Wells --10 COMMISSIONER BJERKE: I'd like to just comment on 11 part of what she just said. Historically that is a good 12 number. Going forward, the school portion, that will not 13 happen in the future. 14 BOB CHRISTMAN: Well, that's true, I see that and 15 I realize that, but --16 COMMISSIONER BJERKE: That's been kind of my 17 point all along is --18 BOB CHRISTMAN: I know, and that happened before 19 this here got going even that they switched that, and I 20 talked to Brock there to let's see if we can get that 21 changed, but it's still going to South Dakota. I mean, it 22 isn't going to New York or anything. 23 But you look at these figures on the school and 24 they go down, they must go down after -- I'm looking at the 25 400-megawatt. They must go down after five years to

1 CHAIRPERSON WICKS: Okay, we're going to call 2 this meeting to order, and Rod, we're going to allow you to 3 speak. 4 ROD CHRISTMAN: All right. Can I come up here? 5 COMMISSIONER REINTS: Yes. 6 ROD CHRISTMAN: I guess the first thing that I 7 wanted to do -- good morning -- is that I don't know if the 8 taxpayers have realized how much money is coming into this 9 project, and I could have put an editorial probably in the 10 paper, but this is what Jay brought, and I'll go through 11 these figures, with Geronimo, and there's a way of figuring 12 it out, I guess, you know what I mean, but it looks to me 13 like there's a lot of money that's coming in. And I hope we 14 can go do the 400 megawatts being as it would be more 15 efficient for one thing, but you know, we've got to get the 16 costs down on this project so it goes. And, Chris, do you 17 have some numbers on like the Makens one there. Could you 18 tell what's coming in on that? 19 CHRISTINE TARBOX: Last year the total that came 20 into the county from the 11 towers out at Makens was 21 \$67,554.69. The county gets 35 percent of that. The school 22 gets 50 percent of that and the townships get the rest 23 divided by -- depending on how many towers are in each 24 township. Do you want those exact figures? The county got

\$23,644.15. The school got \$33,777.35. Garfield Township

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2 The local impact to the school is \$510,000 3 averaged annually over years one through nine. That's 4 4.6 million. And then the -- after that, the state, the six 5 through twenty, the average is 570,000 annually. Through 6 twenty years, that's \$8.6 million. I mean, that still goes 7 into South Dakota Fund. Dick Wells, are you here? 8 DICK WELLS: Over here, Rod. 9 ROD CHRISTMAN: You wanted to say something about 10 the money part of this too. 11 DICK WELLS: Well, yeah, I don't know what 12 they're dragging their feet about. Good Lord, look at the 13 income we'll have there, the State of South Dakota can get 14 just on agriculture tourism and look at where our revenue was 15 way down because the ag products are just -- they're 16 terrible, by goodness, and like I say, the county gets money, 17 the school gets money and our townships need money. I've 18 been on the board up there, and tried to get them to give me 19 retirement for 50 years, they just laugh at me, by God, but 20 we're just kind of skimming by up there and there's different

townships without a colony, so I can't see why -- it looks to

COMMISSIONER BJERKE: Those are yours if you want

ROD CHRISTMAN: You bet. This is what you guys

me like an awful good chance for some revenue.

to take them with you.

nine years, but you guys can figure that out.

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2 COMMISSIONER BJERKE: That's what I printed out 3 last week or so, and we can -- there's a lot of copies here 4 if we want to pass them around to the public. I don't want to interrupt you. I'm just saying it's here to look at as we 6 go along.

ROD CHRISTMAN: No, that's fine. This is all kind of what I -- what I'd like you to do, I guess, is get together and kind of get to a figure, ball park, I don't even care what it is, just have something that the other taxpayers in the county can look at, and this don't even include like construction workers coming into build this thing. You know, there will probably be a couple hundred coming into the surrounding area, and then full-time, there are probably 10, 15, 20 people coming into this town to look at it.

And I guess -- well, that's all that I got on the money, but the other part of this now, it's not really even the wind farm thing. I guess it's my property rights that I'm questioning. You know, you talk about the setback thing. What about Makens now, after the thing got built, was there a problem with setback then? Was there a problem? Did anybody come to you?

23 COMMISSIONER REINTS: I never heard of any. 24 COMMISSIONER HASS: Wayne Orris has a problem

25 with it, but --

1 apples to apples, Rod. That was -- some of those are 2 actually closer to -- and tell me if I'm wrong, but I think 3 they're actually closer to some people's actual property 4 lines also on some of those towers, but that was done all 5 with variances on each tower separately, each one was voted 6 7 ROD CHRISTMAN: Well, that's a variance. But 8 right now this amendment we got now is changing the 9 ordinance, right? 10 COMMISSIONER BJERKE: No. 11 ROD CHRISTMAN: Three-quarters of a mile? Well, 12 I guess you're going to have to explain that one to me 13 because that -- it looks to me like it don't matter what 14 you're building; if you got a 70-story hog house, I don't 15 care. If you got an ordinance, you got the local zoning 16 ordinances, if I come in there and pull your rule books and I

17 go by all the rules and I get halfway done building and say, 18 oh, no, we got to do this, let's get a -- we're going to 19 change something. It looks to me like we're changing the 20 ordinance. Am I wrong or --

UNIDENTIFIED MAN: Yeah, you're wrong. It says a minimum of a thousand feet; it doesn't say a thousand.

ROD CHRISTMAN: I'm not talking to you guys now. 24 I'm talking to the commissioners.

COMMISSIONER HASS: That's why the negotiation

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ROD CHRISTMAN: Well, yeah, okay, three years ago -- when were they built? When did they go online? Was that four years or --

4 CHRISTINE TARBOX: 2014.

COMMISSIONER REINTS: Three years.

6 CHAIRPERSON WICKS: 2014.

ROD CHRISTMAN: Yeah, that's just when Geronimo was coming in because we signed in 2014. Well, if there was a problem with setback, why wasn't that addressed then? There's a -- I'm trying to figure out this ordinance thing, and I think there's a process you go through to change an ordinance, right?

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ROD CHRISTMAN: Okay. Why wasn't that brought up then? I've been hearing this ordinance -- or this setback thing for the last few months. It's getting out of hand.

each tower was voted on separately with variances, and we wanted to do that with this one and it was suggested to us that we do it as a whole footprint rather than doing 219 towers individually.

23 ROD CHRISTMAN: Okay.

24 COMMISSIONER BJERKE: So that project was done

COMMISSIONER REINTS: Correct. CHAIRPERSON WICKS: Yes. COMMISSIONER BJERKE: That whole project was --

with variances on each tower. So we're not truly comparing

was put in there to try to, if you can negotiate to the 2 neighbor --

3 ROD CHRISTMAN: Well, it looks to me like the 4 negotiation is out the window because they don't want them on 5 their land or anything, so now we got to deal with the 6 commissioners and Geronimo and us. I just don't understand, 7 you guys got the guidelines to go by, you got the ordinance,

8 we shouldn't even have to be in here today, I don't think. I

9 should be home. I got cows out. I should be fixing fence.

10 I'm trying to make a living out there, and I'm in here

11 battling for land rights. I don't know, that deal we had --

12 well, that other meeting when you started putting these 13 amendments in there, it looked to me like you -- like it was

14 a football player or something, you got huddled up out there, 15 you came in and says well, I'm going to do a mile, you do

two-thirds of a mile, we'll go with three-quarters of a mile and then we'll vote.

COMMISSIONER REINTS: For my part of it, that was not so. I did not negotiate anything outside the meeting, Rod. I don't know otherwise.

CHAIRPERSON WICKS: No.

22 ROD CHRISTMAN: Okay. Well, let me go -- we go 23 down these amendments. This red light thing, now this is all 24 the ordinance, you got a thousand foot setback and you got 25 the red lights in the ordinance. What are these red lights

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1 we got going? Is that some super duper comes on when a plane 2 comes or --3 COMMISSIONER REINTS: Possible, yes. 4 ROD CHRISTMAN: And puts more money into the 5 project? 6 COMMISSIONER REINTS: The wind company would have 7 to agree that that's feasible to do that, yes. 8 ROD CHRISTMAN: Well, the ordinance got FAA 9 approved lighting. I mean, that's what a guy should go by, I 10 would think. I mean, does it have lolly bolly music too, you 11 know? 12 COMMISSIONER REINTS: No. I don't --13 ROD CHRISTMAN: I mean, what else can you put 14 into this thing? And what about this other amendment, they 15 come with Saint Thomas, okay, Francis, what was your motion 16 on that, Saint Thomas cemetery? Well, then all of a sudden 17 we got like an auction deal, what about this, what about 18 Calvary, what about Our Saviors? I mean, we've got an 19 ordinance. I mean, it's easy to follow, I would think. 20 COMMISSIONER HASS: Just a -- Rod, the state's 21 attorney overruled my motion and said that, the way I 22 understand it, is you can't take one cemetery out. 23 ROD CHRISTMAN: That's what I mean. It was just 24 a fiasco. You go by the ordinance. It's easy. I mean, 25 that's why the forefathers brought up this stuff. When you

11 1 participant 500 feet. That's what we were basing it on, 500. 2 So we weighed all these negatives, positives, and we looked 3 at those numbers and we thought, well, we're about retired, 4 it would have been a lot better off if it was like 30 years ago, you know, for our family, for the kids to probably stay 5 6 on the farm, but the positives for the county outweighed. We 7 can put up with a wind tower, it doesn't scare us. It isn't 8 a nuclear reactor. It's clean. You guys don't have to have 9 water to it. You don't have -- I mean, it's about as clean 10 as you can get. A guy will get used to them, looking at 11 them. We thought it was better off for the county. And 12 Geronimo, didn't they come with a proposal to 2,000 feet, 13 they were going to double it. 14 COMMISSIONER REINTS: Correct. 15 ROD CHRISTMAN: And take some towers out. Now 16 did anybody, did any of them -- is that good enough, or did 17 some of the landowners get that? I don't think that they 18 should really have to go over and negotiate with everybody, 19 but I guess, Leveta, are you here? You wanted to ask a 20 question if they got it or anything. 21 LEVETA: I'm here, but I think I'm going to pass 22 the baton to Jody. She has everything in a letter that I

wanted to ask or say, so I'm kind of wimping out here,

I'll get Jody here in a minute. How much time do I have? Am

ROD CHRISTMAN: Okay. Well, I'm about done here.

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because we don't want to double up.

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everybody, you follow the ordinance, it's a done deal. What else I got here? I don't know. Well, you know, something like this goes through, you got to look down in the future. What about other companies coming in and trying to do something? You know, if you can change stuff like this, you just as well put up a sign in Clark County and say do not enter. I mean, it's simple. COMMISSIONER REINTS: To explain that a little bit, Rod, several years ago, I think probably about the time Day County wind farm was going in, those wind people came to us wondering about a possibility of putting in a wind farm, probably in this general same area, but our zoning restrictions were too tough for them at that time. They asked us to lower the setback, and at that time I think Francis and I were probably the only two of the group that were on the board at that time, we did lower that setback and I think possibly from a half a mile to 1,000 feet. That's how that setback got to be. At that time we didn't realize any opposition to a wind project. We thought that that 1,000 feet would probably be satisfactory with just about everybody. When this project came along, we found out otherwise.

ROD CHRISTMAN: You know, when we had the -- when

my wife and I had to decide on this, the ordinance says for a

got deals like this where you're not going to please

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2 I on a time clock? 3 COMMISSIONER HASS: No. 4 ROD CHRISTMAN: Oh, good. I'm nervous enough the 5 way it is. I don't like doing this. I should be home. 6 COMMISSIONER HASS: I understand. 7 COMMISSIONER SASS: Yep. 8 ROD CHRISTMAN: Well, that's another thing, okay, 9 in the paper, it has government owned property. Now does 10 that include state land, state university foundation land? 11 In the ordinance it says a building, government owned 12 building. 13 COMMISSIONER BJERKE: You're referring to 14 setbacks? 15 ROD CHRISTMAN: Setback of a mile, yeah, that's 16 the cemeteries and government owned land. That's what the 17 paper says. I don't know what -- what does it say here? 18 COMMISSIONER SASS: We go by the ordinance is 19 what we'll go by, not what the paper says. 20 ROD CHRISTMAN: The ordinance says a building and 21 if you go by the ordinance, then it's a thousand foot to the 22 cemeteries too. That's all I'm asking, just go by the 23 ordinance. You're changing -- I mean, this amendment, 24 amendment, amendment, it was so confusing, I don't know how

-- I'm not even speaking for Geronimo. I guess I'm going

land rights and what this actually looked like.

I better get done here. I guess all I'm asking, don't give up my land rights. I mean, our forefathers fought for them. If it's in an ordinance, that's it. Thank you very much. I got -- well, Ted wanted to talk and Jody wanted to talk and I guess Tom Wookey was going to say something too at the end. Thank you.

CHAIRPERSON WICKS: Thank you.

COMMISSIONER REINTS: Thanks, Rod.

TED OBERMEIER: I won't be here long. Okay, Fred and I hammered out a contract with Geronimo. I think we started with them in 2008, along with some others. We got into the, you know, meeting after meeting after meeting, lawyers, and looking at the contracts and then getting a new lawyer because the one we have -- the one we had was, you know, the state's attorney, so obviously you give that up and you get a new lawyer. But you know, we go and do this, put all this time into it, and that's fine, it's our time, and sign the contract after about -- I can't say the years, but Fred can. You know, we signed and I think we've had three payments on our land lease. Now I'm just going to read it so the others can hear it. It's nothing -- I respectfully read this to you guys.

Clark County Commissioners, what happened to the original Clark County ordinance set in place that Geronimo

1 I need one also.

JODY OBERMEIER: Oh, absolutely. They must have been stuck together here. Here's a letter from myself.

I've been asked by several to read the letter that was written by the nonparticipating landowner. A lot of people felt this was a very powerful letter.

It says, I am writing -- it says commissioners, property owners. I am writing to voice my concerns and opinions over the recent wind tower setback you recently voted on. I feel as a landowner, my property rights were thrown under the bus at the expense of a one-sided personal agenda. The commission has an obligation to stand up for both sides of an issue and be fair in their decision. The South Dakota PUC recommends a 1,000 foot setback on nonparticipating homes. Geronimo offered you, in good faith, to double that to 2,000 feet before the meeting. You did not acknowledge and went about your one-sided ways. I know all the commissioners do not share the same opinions, but I will not point fingers. With a 2,000-foot setback on 160 acres with a neighbor across the road, a very common situation, a landowner has the right to be offered a tower in compliance with these setbacks which is very fair. At that point, whether now or in the future, we can make a decision as a landowner to allow or deny a wind tower or towers. Your three-quarter mile setback is a harsh blow to our property

- 1 was given to start the wind power project? Geronimo was
- **2** given permission from the commissioners to develop a wind
- project in northern Clark County per the set ordinance.
- Geronimo has millions of dollars invested in this project,
- and as the project comes to its final stages, you
  - commissioners want to change the ordinance on them. After
- 7 listening to the citizens of Clark County at the wind power
- 8 hearing in good faith, Geronimo offered another thousand feet
- ${\bf 9} \quad \text{from nonparticipating home sites putting the setback distance} \\$

10 to 2,000 feet.11 If volume

If you as our Clark County commissioners would follow the ordinance that is set, I don't believe we would be here right now. I'd be home calving, helping calf. Whether you are a land owner in the project or not, I think you as commissioners are infringing on my rights as a landowner. I respectfully ask you to follow the ordinance. That's all I have.

18 CHAIRPERSON WICKS: Thank you.

COMMISSIONER REINTS: Thank you.

JODY OBERMEIER: Good morning. I have a couple

letters here. I have a letter from a nonparticipating

landowner that is concerned about his landowner rights. I

23 have signed copies for the commissioners, but here's one

that's not signed.

COMMISSIONER REINTS: Do you have an extra one?

1 rights. You are handing all my rights to the neighbor across

2 the road. I have no rights on an adjacent 160 acres or a

half of the next one. There is no way you can possibly say

4 that you're being fair to both sides. Politicians forcing

5 their personal agenda down people's throats is why our

6 political system is so broken today. Our country is at a

breaking point because of unrealistic, lopsided government

8 overreach.

Being a property owner is a privilege in our country. It is something that we have worked our butts off for and we don't want any more of our rights undermined. Our property rights are very sacred to us. I think you need to take a step back, clear your minds and take a fair approach moving forward, as I am getting the feeling that the battle is far from over.

As for you property owners who are using property rights to favor your belief against the towers, you are running a very dangerous risk and are opening up for more of our rights to be lost in the future. If you don't want towers on your land, I totally respect you for that decision, but don't tread on the rest of our rights. You are doing nothing but exposing your insecurities and treating your neighbors with total disrespect. Our history has been all about being good neighbors, good stewards of the land. Whether we choose to raise corn, ranch cattle, use our land

for conservation, or capture the wind to create energy, that is something we decide as families what works best for us.

When you or the school system needed more funding, we as landowners bear the brunt of it, but each time we come through for the sake. Why not let some new money flow in and not keep asking the same people again and again. You blame the wind farm developers for causing hard feelings in our community, but you realize, you commissioners, are more to blame because of the way you have handled this matter. You need to start acting like leaders. There is a fair and easy approach to this issue right in front of your face. Hopefully you can realize this before you put our county into more of a burden. Let's get back to the American way.

I am not involved in the Crocker wind farm. I really like the economics. I strongly feel that the decision process should be fair to the landowners as well. Thank you, and it's written on behalf of Ryan Caulfield.

The next letter is a letter from myself and basically it touches on the economics like Rod had presented you. The first paragraph is all about economics, and I am hearing a lot of comments that is saying that people are being told that the community fund is a farce. This is not. This is true. Economics, black and white print from Geronimo. There is truly a community fund.

Geronimo is a very easy company to work with. They listen to what the people of the community are saying. They are willing to work with the people to make them happy. They're not here to make enemies. Geronimo had graciously out of good faith offered to move the setback of the wind towers to 2,000 feet. This is double what the setback of the Clark County ordinance is. You as commissioners would not even acknowledge that this was proposed to you. This movement alone shows the integrity the Geronimo.

Sixty landowners in northern Clark County have signed up their land for the wind project. Most have lived here all of their lives. Making a living off the land is their livelihood. Over the years these residents have worked the land with pride, blood, sweat and tears trying to keep the land in the family name to pass it on the next generation. Wind power income to these residents will be the way to diversify their farm and ranch and have another income, as well as benefiting everyone in the county.

Please look at every citizen, every acre in the county from the north to the south, from the east to the west. It is your job to represent everyone equally and fairly.

Thank you. That's all I have.COMMISSIONER REINTS: Thank you.

25 CHAIRPERSON WICKS: Thank you.

If you read on Geronimo's page, prior communities that have had these wind projects, they have used their community project funds to support their local fire departments for equipment upgrades for the fire departments that are servicing the wind tower areas. It's went to 4-H club, T-ball, baseball teams, scholarships. One community totally devotes all their money to scholarships. It's not every day in Clark County that you're going to be approached with an industry that will bring this kind of economic impact to the county. The county does not have to invest anything in this industry and you are getting a huge return. You know, you're not being asked to put anything out and this return is coming back to you.

Geronimo Energy is a very reputable company, financially sound and they are knowledgeable in their industry. Year after year we pay more taxes. These taxes are becoming a financial burden to some. Wouldn't having another source of income coming into the county help the schools and help alleviate some of the tax increases? By trying to change the wind farm ordinance midstream and the extreme setbacks you are proposing, we as landowners feel you are completely infringing on our landowner rights. You need to seriously take a look at what you're doing and think it through. We do not need this to become a standard in our county.

1 ROD CHRISTMAN: Tom, do you want to say 2 something?

TOM WOOKEY: I will, but I feel like an air balloon that just got my air let out because those letters Jody just wrote say it all. I do agree it's all about landowner rights and it's all about trying to get some economical growth into our county and maybe it will help us keep some of our second generations and third generations here besides all of them flocking into the big cities because there's no jobs here.

And plus, like she said, the burden it's putting on us landowners every time the school needs more money or the county or whatever, basically the majority of it comes down on the landowner. So I guess what she said has a huge impact, and everything I was going to say is basically what she said, so I guess I'm just going to stick up for Jody's letters. Thank you.

CHAIRPERSON WICKS: Thank you.

ROD CHRISTMAN: I got one more that maybe wants

20 to -- do you want to say something, Terry?

TERRY SCHLAGEL: I don't care.

ROD CHRISTMAN: Go ahead.

TERRY SCHLAGEL: Something to keep in mind now,just the 14th of March there was an auction sale held in

25 Spink County. The land brought just about \$300 less per acre

- 1 than what the director of equalization had it valued at.
- 2 This was a public land sale, a place just like this. More
- **3** people there at the land sale than what we've got here today.
- 4 What's going to happen to our county if valuation of the land
- **5** would drop? Oh, sure, our mill levy goes up, but we've got
- **6** to have volume. This project is one way to bring volume and
- 7 dollars to Clark County. I mean, it looks to me like it's a
- 8 huge, huge process of building this to the people up and down
- 9 Main Street, whether you -- well, whether you -- well,
- 10 where's Dustin? Dustin, in the fencing business, if you
- 11 don't want your fence a rustin', just call Dustin. There
- **12** might be new fences put up, pastures, whatever. I mean, it
- 13 can help everybody.
- 14 I go back to our -- back in 2004, we had a little
- **15** deal. You talk about help everybody in the county, the east,
- 16 the west, the north, the south. My land is on the west. In
- 17 2004, our valuation raised 34 percent out there. You take
- 18 the property -- I didn't realize how God awful desolate that
- 19 country was until I went to the fish fry in Bradley. The
- 20 last one is this Friday night. I don't mean to do any paid
- 21 advertisements, but don't miss that fish fry in Bradley
- 22 because it's the best one you'll ever go to.
- You leave and you head up through that country,
- 24 there's nothing there. There's pasture, there's rocks. It's
- 25 -- and it's got to be why four of the lowest valuations in

- 1 have three dollar corn and beans are dropping every day.
- 2 Thank you, folks.

- COMMISSIONER REINTS: Thank you.
- 4 ROD CHRISTMAN: Anybody else? I'm sorry,
- **5** Geronimo, we didn't get together with you on this deal, but
- **6** we're just going for our land rights. Now you guys take
- 7 over. If it was me, I know what I would do, but it's up to
- **8** you, and I'm going to go with your decision whatever it is.
- **9** Thank you very much for my time and that's all I've got.
- 10 CHAIRPERSON WICKS: Thank you. Anybody else want
- 11 to speak?
- 12 UNIDENTIFIED MAN: I thought we already had a
- 13 hearing.
- 14 CHAIRPERSON WICKS: We did. Geronimo, do you
- **15** have anything to say, that you want to say?
- 16 COMMISSIONER BJERKE: This is not part of the
- 17 board. This is part of Rod's segment of the meeting, so we
- **18** don't start until 10:15, correct, on planning, so --
- **19** CHAIRPERSON WICKS: That's right, on the board of
- 20 adjustments, yep.
- 21 COMMISSIONER BJERKE: -- this discussion has
- 22 nothing to do with the planning, so --
- 23 CHAIRPERSON WICKS: Yep.
- **24** ROD CHRISTMAN: What Terry is saying on that
- 25 amendment on the government owned property or government, you

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- the county are right up in that area. I mean, it's right
- 2 here in black and white, and this come right out of the
- **3** director of equalization's office a few years ago.
- 4 I understand productivity is part of your soil
- 5 value now. Gees, if you've got six, eight towers on a
- 6 section of ground and it's pooping out 12,000 a year, isn't
- 7 that productivity? Is it?

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- **8** JARVIS REIDBURN: Well, it's productivity, but
- 9 the department of revenue doesn't --
- **10** TERRY SCHLAGEL: The department of revenue, don't
- **11** even go there. How about honey?
- **12** JARVIS REIDBURN: They won't adjust the --
- **13** TERRY SCHLAGEL: You're talking about honey in
- **14** the recreation, that's productivity.
- **15** JARVIS REIDBURN: Yes, sir.
- **16** TERRY SCHLAGEL: Do you grow honey?
- **17** JARVIS REIDBURN: If raise birds, I suppose.
- 18 TERRY SCHLAGEL: You can buy birds. You can buy
- **19** electricity. Maybe that's a new way of putting tax on to
- 20 bring in more to the -- up there. Maybe they're not paying
- 21 their fair share.
- **22** ROD CHRISTMAN: Sit down.
- **23** TERRY SCHLAGEL: But it's just a fantastic
- **24** project to generate revenue to Clark County, and God only
- 25 knows we're going to need it in years down the road if we

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- said it was building, right, the government owned building
- 2 you wanted a mile, on that amendment?
- 3 COMMISSIONER REINTS: Did we amend that part of
- 4 it, or just strictly from the nonparticipating houses and
- **5** cemeteries, as far as I know.
- **6** ROD CHRISTMAN: Well, what's the deal in the
- 7 paper, it's a government land.
- **8** COMMISSIONER REINTS: I'm not familiar with it, I
- **9** guess, Rod.

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- 10 ROD CHRISTMAN: I don't know what you had in the
- **11** motion, but -- cemetery, government owned property.
- 12 COMMISSIONER REINTS: I hope that was a misprint.
- 13 Does anybody know anything more about that? I don't know how
- 14 that got added to be honest because I don't think we ever
- 15 talked about that.
- **16** ROD CHRISTMAN: Well, that's what I was saying
- 17 there was just amendments going here and here and here and
- 18 there. That's why I say, go by the old ordinance and --
  - (Cross talking.)
- **20** TERRY SCHLAGEL: Francis, you made the motion
- 21 about the cemetery?
  - COMMISSIONER HASS: Yes.
- 23 TERRY SCHLAGEL: Can the state's attorney just
- 24 change that without the commissioners' okay?
  - CHRISTINE TARBOX: Cathy stood up and said Saint

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1	Thomas is what she was talking about and then Nancy mentioned
2	Calvary, and then discussion amongst commissioners, I
3	believe, was extended to all cemeteries, is that correct?
4	COMMISSIONER SASS: Yep.
5	TERRY SCHLAGEL: Was that ever voted on because
6	Francis told me he made the motion on just one cemetery. Was
7	that ever voted on to change to Calvary and
8	(Cross talking.)
9	CHRISTINE TARBOX: I don't know.
10	TERRY SCHLAGEL: It wasn't?
11	CHRISTINE TARBOX: I don't know if it was
12	specifically.
13	COMMISSIONER HASS: It was, but she's saying that
14	the rest of them were included, which I didn't.
15	CHRISTINE TARBOX: You missed that conversation.
16	TERRY SCHLAGEL: Because right north of town,
17	there's a big power deal there just a half mile from Rosehill
18	cemetery which is a lot bigger than either one of the other
19	two. I think the substation is right up here half a mile
20	from Rosehill. So it seems I just thought maybe that was
21	a bigger cemetery than the other two. Was there any towers
22	around Saint Thomas to begin with?
23	COMMISSIONER HASS: I don't even know where it's
24	at, Terry. I just did it for her situation.
25	CHRISTINE TARBOX: I thought Cathy said no, there

	27					
1	the other day. We understood that going in, not everybody					
2	was, but first of all, it makes it sound, when somebody come					
3	up and talked, like we didn't approve the project. The					
4	project has been approved. Some of you are shaking your head					
5	no, that it hasn't been. Well, that's					
6	UNIDENTIFIED MAN: No, it hasn't.					
7	COMMISSIONER BJERKE: Okay, according to the vote					
8	and whatever else, it's been approved by the board of					
9	commission, so I don't know why we can't take the good and					
10	talk about that instead of all the negative because to me the					
11	good outweighs the bad in this thing. We still have we					
12	didn't take any towers away as far as the number on the					
13	application. It called for 219. We didn't ask to reduce					
14	that number. Some of them have to be moved and adjusted,					
15	find some different land, possibly, I don't know, I'm not					
16	a					
17	RYAN CAULFIELD: You took our rights away.					
18	JODY OBERMEIER: Three-quarter of a mile.					
19	TED OBERMEIER: You're messing with my landowner					
20	rights.					
21	ROD CHRISTMAN: It's the ordinance. It's a					
22	thousand feet.					
23	COMMISSIONER BJERKE: There again, we're talking					
24	negative.					
25	10DY OBERMEIER: The setback on 160 acres, you're					

26 1 wasn't. 2 TERRY SCHLAGEL: Oh, there wasn't any around 3 Saint Thomas to begin with? 4 CHRISTINE TARBOX: I thought she said no. 5 COMMISSIONER HASS: Geronimo looked at it and --6 JODY OBERMEIER: There were no towers around the 7 Saint Thomas cemetery to begin with. 8 COMMISSIONER HASS: That's why it was an easy 9 motion, there's none around there, correct, because they came 10 and looked at it. 11 TERRY SCHLAGEL: So a motion was made then --12 COMMISSIONER HASS: Geronimo looked at it and 13 said no problem. 14 COMMISSIONER BJERKE: I guess I'm going to, if I 15 may address to the end? 16 CHAIRPERSON WICKS: Yep. 17 COMMISSIONER BJERKE: Typical me, I've got to 18 have something to say and Bill's got his pen out again so I 19 better. All I would like to say is it seems like every 20 meeting we have, the only side of it I hear is the bad side 21 or the negative side. I don't care which side, if you're an 22 opponent or a proponent. I'm an optimistic person and I like 23 to try to -- my wife always says I'm the half a glass full 24 and she's the half empty glass. So I don't know why as a 25 community -- not everyone agrees with what we talked about

1 taking away all the rights. 2 ROD CHRISTMAN: That's what I mean, you got the 3 ordinance. I don't get this. 4 TED OBERMEIER: Stick to the ordinance. 5 COMMISSIONER BJERKE: The ordinance says at least 6 1,000 feet. 7 ROD CHRISTMAN: At least 1,000 feet. 8 JODY OBERMEIER: Okay. 9 TED OBERMEIER: There it is right there, you said 10 it. 11 JODY OBERMEIER: There's the ordinance. 12 COMMISSIONER BJERKE: At least. I'm just saying 13 that they've got close to 30,000 acres to deal with. Every 14 project I look at online, and I've looked at dozens and 15 dozens in North Dakota, Minnesota, South Dakota, Iowa. This 16 is one of the largest mass square acre project that you'll 17 find. Some of them are bigger, but most of them are smaller 18 than this. There's still like close to 30,000 acres out 19 there even with the setbacks, so why can't we make that work 20 is my question? 21 JODY OBERMEIER: So three-quarters of a mile --22 TED OBERMEIER: Because you're messing with my 23 landowner rights. 24 JODY OBERMEIER: Give someone else three-quarters

of a mile of your land, do you think that's fair?

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1
               COMMISSIONER BJERKE: I'm sorry?
 2
               JODY OBERMEIER: If you would have to give
 3
    someone else three-quarters of your land, the rights on
 4
     three-quarters of a mile into your land, do you think that's
 5
     fair to you?
 6
               DOUG PAULSON: Depends on what they put there I
 7
     suppose.
 8
               COMMISSIONER BJERKE: I don't know how to answer.
 9
    I've already got --
10
               JODY OBERMEIER: It doesn't matter what it is. I
11
     mean, is it fair that you can tell someone --
12
               DOUG PAULSON: Waste or something, do you think
13
     that's okay to dump by somebody's house too, something like
14
     that?
15
               COMMISSIONER BJERKE: Anyway, I was --
16
               JODY OBERMEIER: If I want it on my land.
17
               ROD CHRISTMAN: If you meet the ordinance, if we
18
    build something, we come to you, you give us a rule book, we
19
     meet that, you should be able to build it, right? I don't
20
    care if you're talking about that 70-story chicken house.
21
    It's not -- I'm not even talking about this wind farm
22
    anymore. I'm talking about an ordinance. We come to you
23
    guys if it's got that conditional use, don't you go by that?
24
    If I spend a bunch of money and engineer this thing, then I
25
    start to build and get somebody against it and they want to
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 1
     can get more by your houses, then you can --
 2
               ROD CHRISTMAN: That's what we went by. That's
 3
     why we made a decision. We had to make that decision. We
 4
     thought it was better for the county for the money part of
 5
 6
               RYAN CAULFIELD: I have a question. Can a
 7
     resident with wind towers have towers closer than the setback
 8
     but then tell their neighbors across the road they can't have
 9
     them for three-fourths of a mile?
10
               UNIDENTIFIED MAN: Well, that's pretty deep.
11
               RYAN CAULFIELD: If I would agree to have them
12
     closer, as close as I am willing to let Geronimo put them,
13
     can I tell my neighbors across the road that they can't have
14
     them for three-fourths of a mile?
15
               COMMISSIONER BJERKE: I don't understand the
16
     question. I'm sorry.
17
               RYAN CAULFIELD: Well, a participating person can
18
     put them closer to their house if they are willing, but then
19
     can they also follow your setback and tell their neighbors
20
     they can't do it within three-fourths of a mile?
21
               UNIDENTIFIED MAN: That's only if there's nobody
22
     else around.
23
               COMMISSIONER BJERKE: If the other neighbor's
24
     participating?
25
               RYAN CAULFIELD: Yeah. Do you follow me, or no?
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1 change and you change that -- amend that, some setback or 2 something this, to me that's wrong. It's my rights. You 3 give me the rule book to build it. 4 COMMISSIONER BJERKE: So what does "at least" 5 mean to you? If it says "at least," what does that mean? 6 ROD CHRISTMAN: What do you mean "a lease?" 7 COMMISSIONER BJERKE: At least 1,000 feet, what 8 would that mean to you? It can't be any closer than a 9 thousand, correct? 10 JODY OBERMEIER: All of the towers right now are 11 over that. 12 ROD CHRISTMAN: You can come within a thousand 13 feet from that homestead, what the ordinance says, the 14 homestead and tower, that's what it means. What does it mean 15 to go to a dairy barn -- whatever is in the ordinance, if 16 they follow it, it should be able to be built. Well, then, 17 yeah, they doubled it. I would think --18 JODY OBERMEIER: Geronimo offered to double it at 19 2,000 feet and we have a map. In the orange circles are the 20 2,000 feet and there isn't any towers that are close to the 21 nonparticipating houses that are over 2,000 feet, so I would 22 say that would be at least a thousand feet in my terminology. 23 TED OBERMEIER: They have the map. 24 UNIDENTIFIED MAN: Well, every participating one can put them 500 feet by the house by the ordinance so you

32 1 COMMISSIONER BJERKE: No. 2 UNIDENTIFIED MAN: That means only if there's not 3 somebody three-fourths of a mile away. 4 RYAN CAULFIELD: If a participating home allows a 5 tower closer than an ordinance, which they can, right? 6 COMMISSIONER BJERKE: Um-huh. 7 RYAN CAULFIELD: And they can tell their 8 neighbors that own the land across the road that they have to 9 abide by the three-quarter mile setback? 10 COMMISSIONER SASS: On a wind tower? 11 RYAN CAULFIELD: I mean, if you want to talk 12 about fairness, but I'd appreciate an answer from that. 13 COMMISSIONER SASS: John? 14 JOHN: I'd like to ask a question of the 15 commission and I did this late in the meeting so I don't get 16 lynched, but there was one -- there was one nay vote, Mr. 17 Sass voted no. 18 COMMISSIONER SASS: Yeah. 19 JOHN: I congratulate you for the guts to do 20 that. The rest of you, I know all of you and many of you are 21 friends of mine. Is this setback, is this final -- is this a 22 way of voting no? Is this what you've done? Because it 23 seems like it is. It seems like it's a way for the

commissioners to get around a yes or no vote.

COMMISSIONER BJERKE: Not from me.

24

33 1 COMMISSIONER SASS: No. 2 COMMISSIONER REINTS: To me, John, it was the 3 compromise between what some people wanted and what the 4 actual ordinance started out at, so it was a compromise that 5 we thought people could live with and that is where we ended 6 up. 7 JOHN: I guess I'd be on both sides of the issue. 8 I live next to a city that has been created from a Hutterite 9 colony. It doesn't -- it seems to me like when they want 10 something, you say yes to them, and I like agricultural 11 development, development, economic development. I just think 12 -- I just think at the end of the day, with this -- what I 13 think is a setback that is too far, and is that you've come 14 to -- I appreciate your vote, whether it's no or yes, the guts to do it. 15 16 COMMISSIONER SASS: Yeah, and I wasn't voting 17 against the project. I was voting for the mile. 18 JOHN: Oh. 19 COMMISSIONER SASS: Yep. 20 JOHN: So that's a no vote? 21 COMMISSIONER SASS: No, not for the project. 22 JOHN: It seems to me like you should have 23 followed the ordinance and Geronimo said 2,000 feet and they 24 gave us our property rights because that -- what Ryan Caulfield wrote in his letter about having a quarter across

35 1 COMMISSIONER BJERKE: I'll move that we end. 2 CHAIRPERSON WICKS: Do we have a second? 3 COMMISSIONER REINTS: I'll second. 4 CHAIRPERSON WICKS: All in favor say aye. 5 (All commissioners said aye.) 6 CHAIRPERSON WICKS: Motion carried. 7 CHAD FJELLAND: Okay, you all have a set of those 8 findings on conditional use 1-17? I'd ask for a motion to 9 approve those findings, a second and then you can have 10 discussion on those. 11 CHAIRPERSON WICKS: Do we have a motion? 12 COMMISSIONER BJERKE: I'll move. 13 CHAIRPERSON WICKS: Do we have a second? 14 COMMISSIONER REINTS: I second. 15 CHAD FJELLAND: All right. Any discussions on 16 the findings on CU1-17? That's the primary, the wind energy 17 system. 18 SHAD STEVENS: I have a problem with right at the 19 tail end where you address the airport. At the last meeting, 20 one tower was to be eliminated and one was to be moved to 21 some prescribed distance and that's not reflected accurately 22 in the documents. 23 CHAD FJELLAND: Okay. So you're looking at the 24 specific language --25 SHAD STEVENS: Well, I don't have the document.

1 the road, you got to go -- and then he's got a section across 2 the road. Well, if you've got two dwellings on each side of 3 that section, you're not putting any towers up the whole section, or can I build a -- could I build a hog barn? I 5 don't know. I just think -- I just think instead of making 6 it difficult for a project like that, you either say yes or 7 no, you know, here's what it is. And I think you started out with an ordinance, and then the middle of the deal, you --9 and there's questions about that. I don't know, I don't know 10 the legalities of it. I'd like to see the original ordinance 11 to a vote. Thank you. 12 FRED ROSENAU: I think whatever the original 13 ordinance was starting out, and Geronimo, you talked about it 14 and got this going, that's the one you're committed to, 15 whatever that ordinance was. If you want to change the 16

ordinance going forward, that's up to you. But that would apply to any projects in the future, not to what's already been committed to. This is already committed, the way I see it, it's a committed thing. So you're committed to that ordinance that you agreed to with Geronimo at that time. They say there's only three groups of people in

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22 the world; those who make things happen, those who watch things happen, and those who wonder what's happening.

CHAIRPERSON WICKS: Okay, well, we need to go 25 into board of adjustments, so we need to end this.

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1 I think it was like 31. 2

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CHAD FJELLAND: The applicant shall provide an 3 updated map showing accurate project area boundaries, the 4 movement of towers 56 and 58 potentially affecting a private 5 airstrip and updated setbacks. You're saying one tower is 6 eliminated?

7 SHAD STEVENS: 58 was eliminated.

8 CHAD FJELLAND: Okay.

9 SHAD STEVENS: And 56 was moved north to 9,000 10 some odd feet.

11 COMMISSIONER REINTS: You don't believe the 9,000 12 feet is far enough?

13 SHAD STEVENS: I'm not questioning that. I'm 14 just questioning the way it was written up.

CHAD FJELLAND: No, and that's fine. That can be changed to reflect the movement of tower 56 and the elimination of tower 58 from the project.

18 SHAD STEVENS: Yes.

> CHAD FJELLAND: All right. So noted and changed on the findings. Any other discussion?

21 CHAIRPERSON WICKS: No more discussion? 22 COMMISSIONER REINTS: I guess I would ask 23 Geronimo to comment and I hope that you've read it enough to 24 understand what the findings are. What's your opinion of 25

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11 12 and we've reached out, you know, to the folks that would be 13 interested or be important to involve in that issue. 14

UNIDENTIFIED MAN: Excuse me, what did you ask, commissioners, just now, what was the question you asked Geronimo?

COMMISSIONER REINTS: What their thoughts on the findings that we have asked them to agree to to be able to -they have to agree to these findings in order to --

20 CHAD FJELLAND: Just a minute. They don't have 21 to agree to the findings at all. I mean, these are your 22 findings. They are what they are.

23 COMMISSIONER REINTS: If they don't agree to 24 them, we don't allow the project to go, is that right? 25

CHAD FJELLAND: No, there's no -- Geronimo has no

39 1 not -- the nonparticipants, I believe the -- wasn't the 2 Federal Aviation Administration 10,000-foot recommendation, 3 but it's left up to county ordinances, correct? The FAA 4 leaves it up to the county ordinances as far as airports, 5 airstrips or whatever was my understanding, but --6 CHAIRPERSON WICKS: Okay. We need to get back 7 into the board of adjustment. 8 KIP OBERMEIER: Is there a current community fund 9 account and how much is in it, if there's one? 10 JODY OBERMEIER: There will not be one unless the 11 project is built. There's no project. 12 COMMISSIONER HASS: My comment about negotiation 13 is if somebody doesn't mind to having a half a mile instead 14 of a three-quarters of a mile, deal with them and get it 15 done. That's my comment. 16

DOUG PAULSON: Well, it seems like if there was 17 able to be a project when it started out at 75 to 125, so it's not reducing less than that, so why isn't it viable now?

18 19 That's what I want to know. 20 CHAIRPERSON WICKS: Okay, I need to call for a

CHAIRPERSON WICKS: Dick?

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21 vote on CU1-17. Bob? 22 COMMISSIONER BJERKE: Yes. 23 CHAIRPERSON WICKS: Chris? 24 COMMISSIONER SASS: Yes. 25

1 role to agreeing to these findings. These are your findings 2 from the hearing, that's all this is. So there's no 3 agreement between the board and Geronimo on this. 4 KIP OBERMEIER: Permission to address the board? 5 CHAIRPERSON WICKS: Okay. 6 KIP OBERMEIER: The nonparticipating adjacent 7 landowners, I believe all of them got letters last week, UPS 8 airmailed. This started nine and a half years ago and I 9 believe it was Commissioner Sass last week asked the Geronimo 10 representatives if you had any contact or been talking with 11 the nonparticipants on the issues, and you reported that you 12 talked to most of them. I don't think any of them were 13 contacted, and I don't know how many pages that contract is 14 that the landowners signed, but here's the single-sided 15 letter that the nonparticipants got, and they're using the 16 word "compensation". You know, there hasn't been any kind of 17 an offer that I'm aware of, or any kind of negotiations or 18 talks. We request that you respond with your indication of 19 interest as soon as possible, preferably by 12 p.m. on 20

Monday, April 3rd, yesterday. They know going in nine and a half years ago that there would be people not interested that would be in the footprint, within the footprint, adjacent to the footprint. Three, four days they'd like to hear something? I don't get that. Yeah, the wind farm, fine, I'm not against it. I'm

1 COMMISSIONER REINTS: Yes. 2 CHAIRPERSON WICKS: Francis? 3 COMMISSIONER HASS: Yes. 4 CHAIRPERSON WICKS: Yes. 5 CHAD FJELLAND: Okay, findings are approved on 6 CU1-17. Next we'd seek a motion for approval of findings on 7 CU2-17. 8 CHAIRPERSON WICKS: Okay. Do we have to vote? 9 Bob? 10 COMMISSIONERS REINTS: Do we have to make a 11 motion first? 12 CHAIRPERSON WICKS: Oh, we have to make a motion, 13 okay. Do we have a motion? 14 CHAD FJELLAND: Any discussion? 15 CHAIRPERSON WICKS: Any discussion? Anybody want 16 17 COMMISSIONER BJERKE: Did you get a second? 18 CHAIRPERSON WICKS: Pardon? 19 COMMISSIONER BJERKE: Did you get a second? 20 CHAIRPERSON WICKS: No. 21 COMMISSIONER BJERKE: I'll second it. 22 CHAIRPERSON WICKS: Okay. Now --23 CHRISTINE TARBOX: Who make the motion?

COMMISSIONER REINTS: I will.

CHAIRPERSON WICKS: Dick. Okay, now we need

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1	discussion. Is there any discussion? Hearing none, we'll					
2	vote. Bob?					
3	COMMISSIONER BJERKE: Yes.					
4	COMMISSIONER SASS: Yes.					
5	CHAIRPERSON WICKS: Dick?					
6	COMMISSIONER REINTS: Yes.					
7	CHAIRPERSON WICKS: Francis?					
8	COMMISSIONER HASS: Yes.					
9	CHAIRPERSON WICKS: Yes.					
10	CHAD FJELLAND: Okay, the findings are approved					
11	as is stated. The conditional use permit is issued and that					
12	will be on file in the director's office as of 1 o'clock					
13	today.					
14	SHAD STEVENS: Are you revising that					
15	CHAD FJELLAND: Yes, as revised, yes.					
16	CHAIRPERSON WICKS: Okay, that's done then.					
17	COMMISSIONER BJERKE: I make a motion that we get					
18	out of the board of adjustment.					
19	CHAIRPERSON WICKS: Okay. Do we have a second?					
20	COMMISSIONER SASS: I second.					
21	CHAIRPERSON WICKS: All in favor say aye.					
22	(All commissioners said aye.)					
23	CHAIRPERSON WICKS: Okay. Motion approved.					
24	(These proceedings were concluded at 10:30					
25	o'clock, a.m.)					

	42					
1	CERTIFICATE OF COURT REPORTER					
2	STATE OF SOUTH DAKOTA					
3	COUNTY OF BROWN					
4	CERTIFICATE OF REPORTER					
5	I, Tammy Stolle, Registered Professional Reporter					
6	and Notary Public, certify that as of the time I affix my					
7	signature to this transcript, it contains a true and correct					
8	record of the proceedings so had.					
9	I further certify that I am not related by any					
10	consanguinity or affinity within the fourth degree to any					
11	party, his attorney, or an employee of any of them; that I am					
12	not financially interested in this action; and that I am not					
13	the attorney or employee of any party.					
14	To all of which I have affixed my signature this					
15	12th day of April, 2017.					
16						
17						
18	_/s/ Tammy Stolle					
19	Tammy Stolle, RPR					
20	511 N. Washington Street					
21	Groton, South Dakota					
22	(605) 470-0209					
23						
24						
25						

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