

First District News

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August 2025

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CONGRATULATIONS RYAN ON 30 YEARS!

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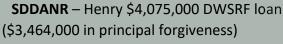








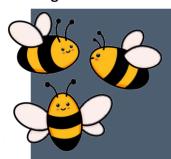
FUNDS AWARDED



SDOEM – Codington County Commodity Flow Analysis \$10,000

Fiscal Year 2025 Year to Date Totals: \$3.3 million in loans and \$18.5 million in grants/principal forgiveness





MY THOUGHTS... By: Todd A. Kays



Over three years ago several CO2 pipelines were proposed to be constructed in South Dakota. At that time, none of the District's members had land use regulations in place to address that land use. As we have done in the past, whenever there is a new and/or potentially controversial land use on the horizon – Wind Farms, Solar Farms, CAFOs, etc., staff use their experience and research skills to determine the best path forward in providing the most sound and legally defensible policy assistance to its members. We researched how counties and cities, in and outside of the State, approached the issue. We worked with our legal counsel, County States Attorneys, as well as SDPAA legal counsel to gain their insight. In the end, we suggested to the Governing Body how staff could proceed in facilitating the development of associated policies. After much research and legal consultation, Staff and Governing Body determined that there were too many unanswered legal questions relating to CO2 pipelines to warrant the District to provide assistance in CO2 pipeline policy development. One of the most concerning reasons for delay in this regard was related to several lawsuits in Iowa that were directly related to a county's authority related CO2 pipelines.

Recently a federal appeals court in Omaha, NE, decided in favor of Summit Carbon Solutions (Summit) in a dispute over CO2 pipeline construction in Iowa. Summit sued the counties in 2022 for enacting ordinances that required county-specific setback requirements and other regulations the company argued were preempted by federal pipeline safety laws. In December 2023, a federal judge ruled in favor of Summit stopping the counties from enforcing the regulations. The counties appealed the decision to the U.S. Court of Appeals for the Eighth Circuit. The counties argued that local land use and zoning regulations are not "preempted standards" under the Pipeline Safety Act.

The Court of Appeals ruled that federal law preempts local regulations imposed by lowa counties, effectively preventing counties from enforcing stricter safety or zoning standards on the pipeline's route. The ruling specifically addressed lowa's Story and Shelby Counties, but has broader implications for similar cases involving carbon capture pipeline projects in the region. U.S. Circuit Judge Duane Benton wrote that the county ordinances "focus" on safety and "repeatedly" mention safety risks associated with the pipeline, which "undermines" the Pipeline Safety Act's goal of preempting state regulations on safety. Benton also wrote "This holding does not prohibit local governments from considering safety, nor prevent them from enacting all zoning ordinances, as the counties suggest," but "This court emphasizes the distinction between safety standards – which the PSA preempts – and safety considerations – which the PSA does not preempt." The court also ruled that the counties' ordinances relating to emergency response and abandonment provisions were also preempted by federal regulations.

What the ruling really means is that the court found that the federal government's regulations on pipeline safety, design, and construction supersede any conflicting rules imposed by local governments. This decision impacts the ability of local communities/counties to exert control over infrastructure projects passing through their areas, particularly in terms of safety and zoning. Based upon this decision, the District, for now, will continue to abstain from providing assistance in land use policy development relating to CO2 pipelines.

In closing, I need to pause to thank Ryan Hartley for thirty years of dedicated service to the District. I can honestly say that if not for his innovations in GIS services, the District would not be where we are today. The First District is a leader in the State and region when it comes to GIS, and that is a positive reflection on Ryan. Thank you, my friend.

This May marked a major milestone for one of our employees here at First District: Ryan Hartley had his 30 year work anniversary! We thought we would have Ryan reflect on his career here at the First District.

Where are you from? A farm north of Henry, back when the Henry Owls were a thing.

What did you do before coming to FDALG? I graduated from SDSU on a Friday and started work for the District on the following Monday.

What is it that you do at FDALG? As little as possible. As the GIS Coordinator I am here to assist the analysts and specialists with workflows, advise on project timelines, troubleshoot issues, train them in GIS, that sort of thing. They function pretty well on their own, so I mostly do project work. I take care of the 911 data development and maintenance, assist counties and communities with addressing, do some website development, assist the City of Watertown with their GIS, and think about new ways to use GIS to help our constituents.

What are some of the projects that you have been involved with that you are most proud of? It would be creating data that is going to be around for the next 200 years or so. The planning districts collected all the roads in the state and maintain it for SDDOT. Most of the land ownership data and the information used by the PSAPs have our fingerprints all over it as well.

How has the GIS Department evolved/changed over the years? We first started collecting data with a 20lb notebook computer with a screen about the size of two iPhones, connected to a GPS receiver called a 6-gun. We had to transfer that data from the notebook to our desktop PCs with floppy disks that would fail on us if we used them too much. Today we accomplish the same thing with an iPhone. The internet made the GIS data we steward readily available to all the people in our district, not just a few. I wrote the grant that got us our first copy of Arc Server in 1999, which is what we use to host up our websites.

Have you thought about retirement and what you may do after that occurs? I have asked the District after I retire that they keep my ESRI username active, that way I can still be of assistance if needed. I do plan on doing some hijinks after I hang them up, like being that guy that shows up at city council meetings just to complain about everything. Who knows, maybe I'll run for county commissioner and wind up on the Governing Body!

What are some of your favorite memories or humorous moments from your time at FDALG? Todd, doing the Wayne's World Foxy Lady dance down in Yankton, is right up there, along with Roger Mack at Big Stone Lake trying to step onto a pontoon with a drink in each hand, losing his balance and falling flat on his back. That may have been number one. I'm laughing just thinking about it.

What do you enjoy most about your work? The District was created to help counties and communities that could not afford to have people like us on staff full-time. The key word there is help. When you work at the district you are helping people, and you get to see the results of that.

What makes the First District a special place to work? The people. If you have people with an ounce of personality and a little bit of talent the place will be special. If you have people with no real personality, or people that are scared to let their individuality show, then you have a place nobody will remember.

What's one piece of advice you'd offer to a new employee starting their career today? Learn to read and write, for real. Also, the whole "stand up straight, look them in the eye, grip their hand firmly when you shake it, relax and speak intelligently" bit goes a looooong way. Take some initiative and do a little training on your own. Learn to code, or learn how to do a specific thing using GIS, like digitizing, or geocoding, or web designing, or database management. Is this a career or just another job? If you plan to do it your whole life, get good at it. Make yourself valuable.

First District Governing Body Officers

Mike Bartley	Chairperson
	Brookings County At-Large
Gary Jaeger	Vice Chairperson
	Deuel County At-Large
Myron Johnson	Secretary
	Codington County Commissioner
Todd A. Kays	Executive Director



SAVE THE DATE!!

Our annual picnic will be held September 25, 2025. Our Governing Body meeting will begin at 1 p.m. Following the meeting will be a social/picnic! Invitations will be mailed out soon.

We hope you can join us! Thank you for your continued membership and support.

Upcoming Events

September 1—Labor Day, Office Closed

October 13—Columbus Day, Office Closed

November 11—Veterans Day, Office Closed

November 27-28—Thanksgiving, Office Closed

December 25—Christmas, Office Closed

DEADLINES FOR SUBMITTING DOCUMENTS TO THIS OFFICE MAY BE PRIOR TO DEADLINES LISTED HERE. PLEASE CONTACT OUR OFFICE.

October 15—Bridge Improvement Plan Deadline

April 30, July 31, Oct. 31, & Jan. 31—Deadlines for

Local Infrastructure Improvement Program

April 1, July 1, Oct. 1, & Jan. 1—Deadlines for State

Revolving Fund (SRF) Applications

<u>April 1 & Oct. 1</u>—Deadlines for CDBG Applications

May 1, Aug. 1, Oct. 1, & Feb. 1—Deadlines for

State Water Plan (SWP) Applications