



Exhibit B

YANKTON MEDICAL CLINIC, P.C.  
1104 West Eighth Street, Yankton, S.D., 57078  
605-665-7841

VERMILLION MEDICAL CLINIC®  
101 South Plum Street, Vermillion, S.D., 57069  
605-624-8643

YANKTON MEDICAL CLINIC, P.C. - Ear, Nose & Throat  
2525 Fox Run Parkway, Suite 101, Yankton, S.D., 57078  
605-665-0062

YANKTON MEDICAL CLINIC, P.C. - Norfolk  
3901 West Norfolk Avenue, Norfolk, NE, 68701  
Internal Med: 402-316-4606 or ENT: 402-844-8110

07/05/2021

Morgan R Schmit  
86632 547Th Ave  
Osmond, NE 68765-5560

To whom it may concern:

Ms. Morgan Schmit suffers from asthma which is made worse by exposure to particulate matter such as farm dust and by exposure to livestock. I have advised that she avoid these exposures and potential triggers. A commercial feedlot with a large number of animals near her home certainly puts her at risk for worsening of her lung disease. If I can answer any further questions please do not hesitate to contact me.

Sincerely,

Provider:

Pietila, Michael P 07/05/2021 1:25 PM

Document generated by:

Michael P (91)

7/5/2021 1:25:32 PM

Electronically signed by Michael P. Pietila MD on 07/05/2021 01:26 PM

06/29/2021

Shelley Schmit

DOB: 12/30/1969

To whom it may concern,

Shelley Schmit does have significant allergy symptoms requiring medications to control her symptoms. She also has an underlying inflammatory autoimmune condition and is on high risk immune suppression medications that can make her more prone to serious illness. If air quality around her place of living diminishes, it could put her at higher risk of exacerbation of her underlying health conditions.



Dr. Neil Brummond

6100 S. Louise Ave., Suite 1120  
Sioux Falls, SD 57108  
605-504-1700  
Fax: 605-504-1701

Avera.org

*Emad Beshai, MD, PhD*  
605-504-1700  
Fax: 605-504-1701

*Aaron Burkhardt, DO*  
605-504-1700  
Fax: 605-504-1701

*Neil Brummond, MD*  
605-504-1700  
Fax: 605-504-1701

*Sophie Two Hawk, MD*  
605-504-1700  
Fax: 605-504-1701

*Paul Kaffar, CNP*  
605-504-1700  
Fax: 605-504-1701

*Andrew Murtha CNP*  
605-504-1700  
Fax: 605-504-1701

*Eric Noyes, CNP*  
605-504-1700  
Fax: 605-504-1701

*Kelly Taylor, CNP*  
605-504-1700  
Fax: 605-504-1701

*Jess Oakley, PA*  
605-504-1700  
Fax: 605-504-1701

**ARTICLE 5: CONDITIONAL USES, PROCEDURES AND STANDARDS**

For the purpose of providing the most appropriate use of land throughout a district and giving maximum consideration to the character of the district and its peculiar suitability for particular uses in the areas affected by these regulations, permitted uses and conditional uses are provided for in the various district regulations.

**Section 5.01 Permitted.**

Permitted uses are those uses permitted outright in the district.

**Section 5.02 Conditional Uses**

Conditional uses are those that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, area, location, size or relation to the district and would protect the comfort, convenience, appearance, prosperity or general welfare of abutting properties, citizens and the county.

1. Procedure. After receiving an application and fee, the amount to be established by the governing body, and after a public hearing, the County Board of Commissioners after recommendation of the planning commission may authorize a conditional use permitted in a zoning district, provided it is found that the location and characteristics of the use will not be injurious to the health, safety, morals and general welfare of the area. An application for a conditional use permit shall include a site plan which shall denote the location of any hazardous materials. Notice for such hearings shall be given in the manner provided by these regulations.
  - a. Public Hearing on a Conditional Use. A proposed conditional use shall be considered by the Planning Commission at a public hearing held within forty-five (45) days after filing of the application. The County Clerk shall give notice of the hearing in the following manner:
    - (1) By publication of a notice in a legal newspaper of general circulation in the County not less than ten (10) days prior to the date of the hearing.
    - (2) By sending notices by mail not less than ten (10) days prior to the date of hearing to the record title holders within the area enclosed by lines parallel to and three hundred (300) feet from the exterior boundaries of the operation, structure or use involved, using for this purpose the name and address of owners as shown upon the records of the County Assessor. Applicant shall present the Zoning Administrator with a property list certified to by a registered abstractor of the record title holders within said three hundred (300) feet. The notification area of property owners may be increased based upon the application of use and the required distances in each district or otherwise specified in these Regulations. The Zoning Administrator reserves the right to give notice to any other person(s) or agency as deemed necessary. Failure to receive such notice shall not invalidate any proceedings in connection with the application for a conditional use.
  - b. Recess of the Hearing by Planning Commission. The Planning Commission may recess a hearing on a request for a conditional use in order to obtain additional information or to serve further notices upon other property owners

or persons whom it decides may be interested in the proposed conditional use. Upon recessing for this purpose, the Planning Commission shall announce the time and date when the hearing will be resumed.

- c. Action on a Conditional Use. The Planning Commission may recommend approval, approval with specified conditions or disapproval of a conditional use to the County Board of Commissioners. The County Board of Commissioners may then act upon the Conditional Use after considering the Planning Commission's recommendation. A file of all recommendations and actions pertaining to Conditional Uses will be maintained in a manner prescribed by the County Board of Commissioners.
  - d. Notification of Action. The County Clerk shall notify the applicant for a conditional use in writing of the County Board of Commissioners action within seven (7) days after the decision has been rendered.
2. Standards. The conditional uses shall conform to the intent and purpose of these regulations, the comprehensive plan and the following requirements:
    - a. The use shall in all other respects conform to the applicable regulations of the district in which it is located.
    - b. Ingress and egress shall be so designed as to minimize congestion in the public street, road or highway.
    - c. The use shall be in harmony with the character of the area and most appropriate use of the land. The planning commission considering an application for a conditional use may consider, among other things, the most appropriate use of land, the conservation and stabilization of the value of property, adequate open space for light and air, concentration of population, congestion of public streets, and the promotion of public safety, health, convenience, and comfort. The planning commission may stipulate and require such conditions and restrictions upon the conditional use and operation as is deemed necessary for the protection of the public interest and to secure compliance with these regulations. All decisions of the planning commission may be appealed to the governing body, by any person aggrieved by the decision of the planning commission, or any taxpayer, officer, department, board, or bureau of the county. Such appeal must be presented to the Zoning Administrator with fifteen (15) days after the decision is made by the planning commission. In the event of an appeal, the governing body, after a public hearing, may reverse, affirm or modify the decision of the planning commission.
  3. If an approved conditional use is not begun within a period of twelve (12) months following approval, the conditional use permit shall become null and void.
  4. Failure to observe and maintain the conditions and restrictions of the conditional use permit shall be considered a violation of these regulations and subject to a penalty as provided herein and shall be grounds for a review of the conditional use permit. Review of a conditional use permit may be requested by the Zoning Administrator, the planning commission or by the governing body. In the event of the review of a conditional use permit as provided herein, a public hearing shall be held by the planning commission. Notices of public hearing shall be as provided within these regulations. Following the public hearing, the planning commission may leave the conditional use permit unaltered, revoke the permit, or alter the permit by adding,



Exhibit  
E

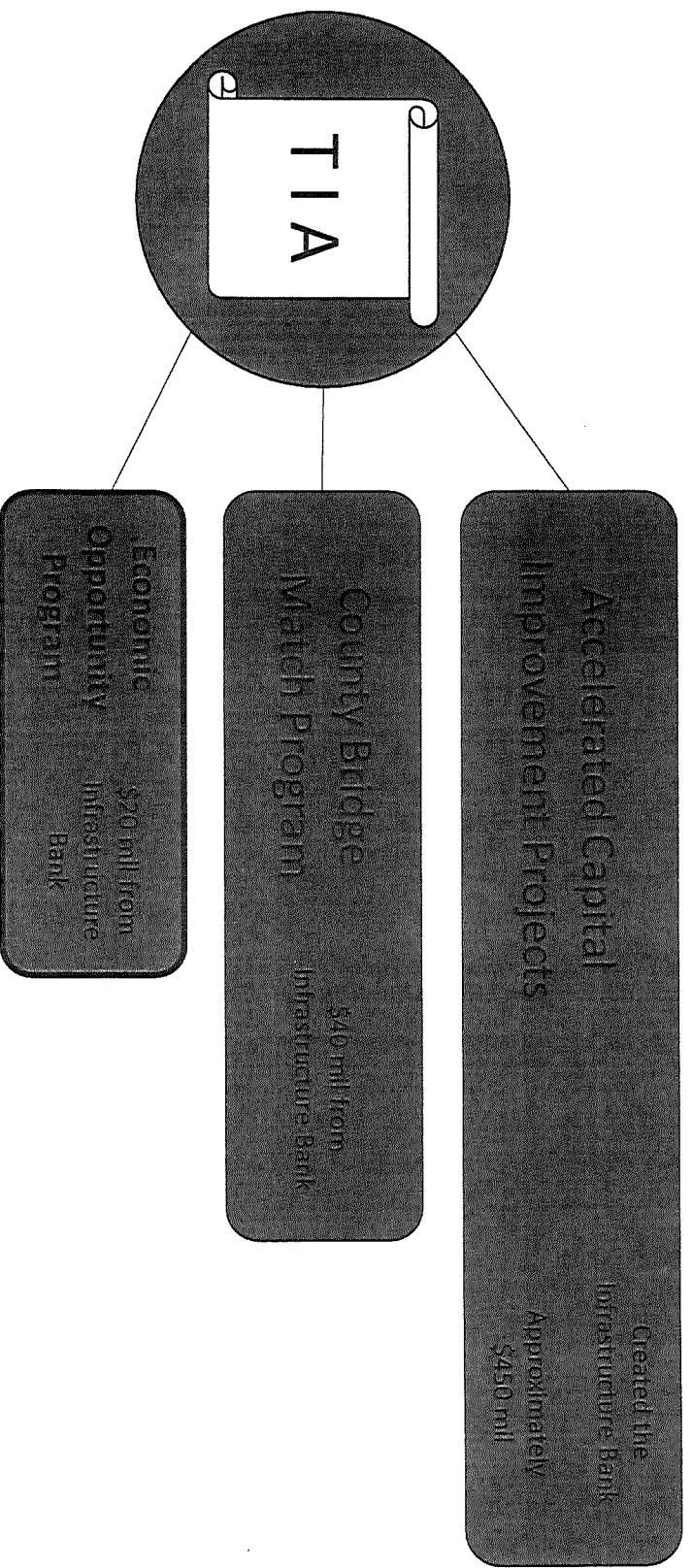
# Economic Opportunity Program

~~NEBRASKA~~

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

# Transportation Innovation Act



# Economic Opportunity Program (EOP)

- Legislation Requirements
  - Grants for Transportation Improvements
  - Attract and Retain Jobs and Investment
  - Working Group
  - Matching Funds
  - Economic Analysis
  - Clawback
- State highways are **not** a requirement (county roads, city roads, rail spurs, etc.)

# EOP Fundamental Guidelines

- “Last mile” projects to connect businesses to multimodal transportation network
- Goal: Attract or Retain Jobs and Investment in Nebraska
- Typical awards are below \$500,000



# Additional Guidelines

- Only local public entities can apply (Cities, Counties, MPOs)
- Positive Economic Impact based on NDED analysis
- Funds subject to recapture if jobs or investment do not materialize
- Jobs should be at or above median wage in the area

# Additional Guidelines

- 25% Match required
- Priority Industries
  - Taken from DED's Major Industry Clusters
  - Examples: BioSolutions, Health Services, Advanced Manufacturing, etc.
- Ineligible Industries
  - Population or Location specific developments
  - Examples: Retail, Restaurants, Mining, etc.

# EOP Success So Far...

- 16 projects approved
- \$5.8M state investment
- \$22.7M transportation project costs
- *\$1.8B private sector investment*

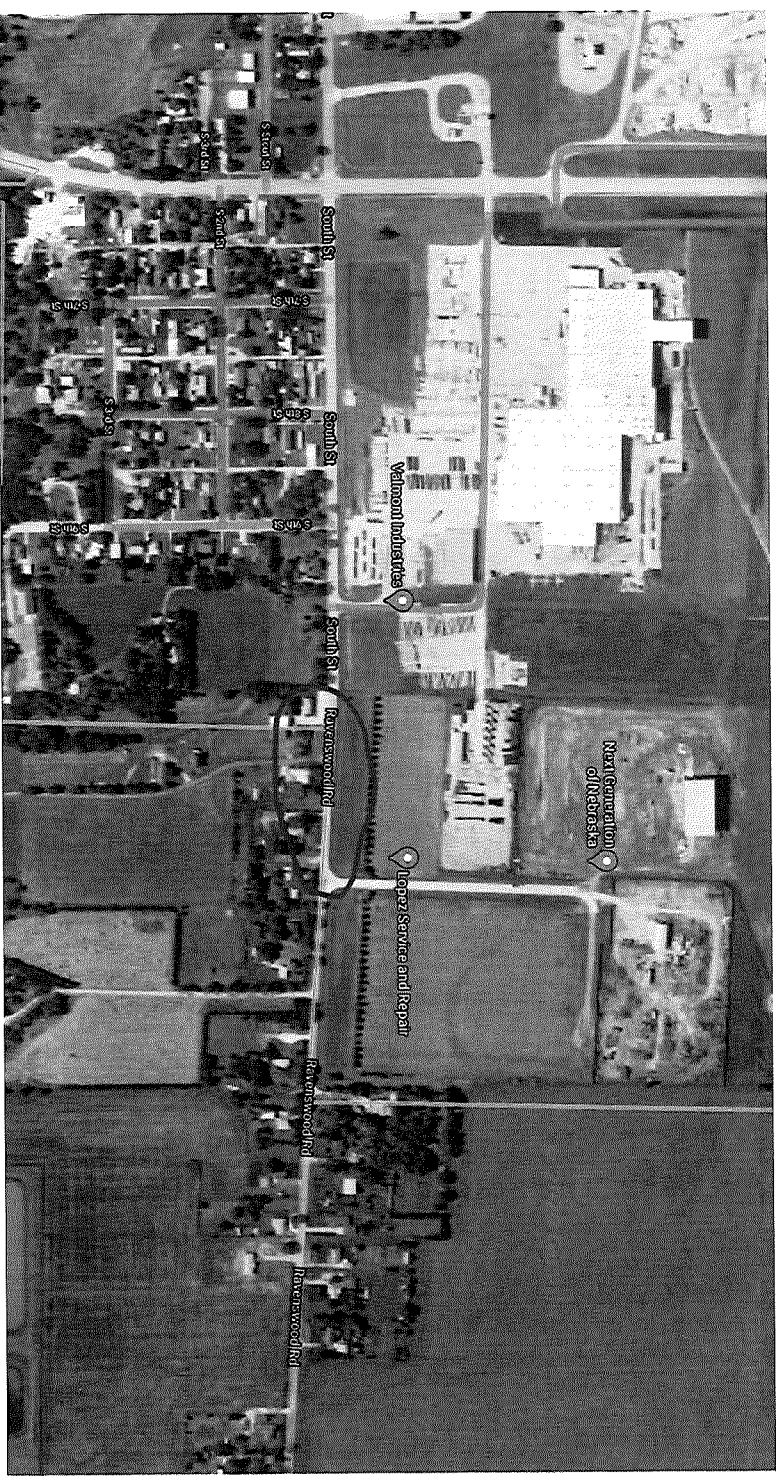


# EOP Success So Far...

- Approx. 917 new jobs created
- \$1.1B first year economic benefit
- *\$8.9B 6 year estimated total economic impact*

# McCook/Next Generation of Nebraska

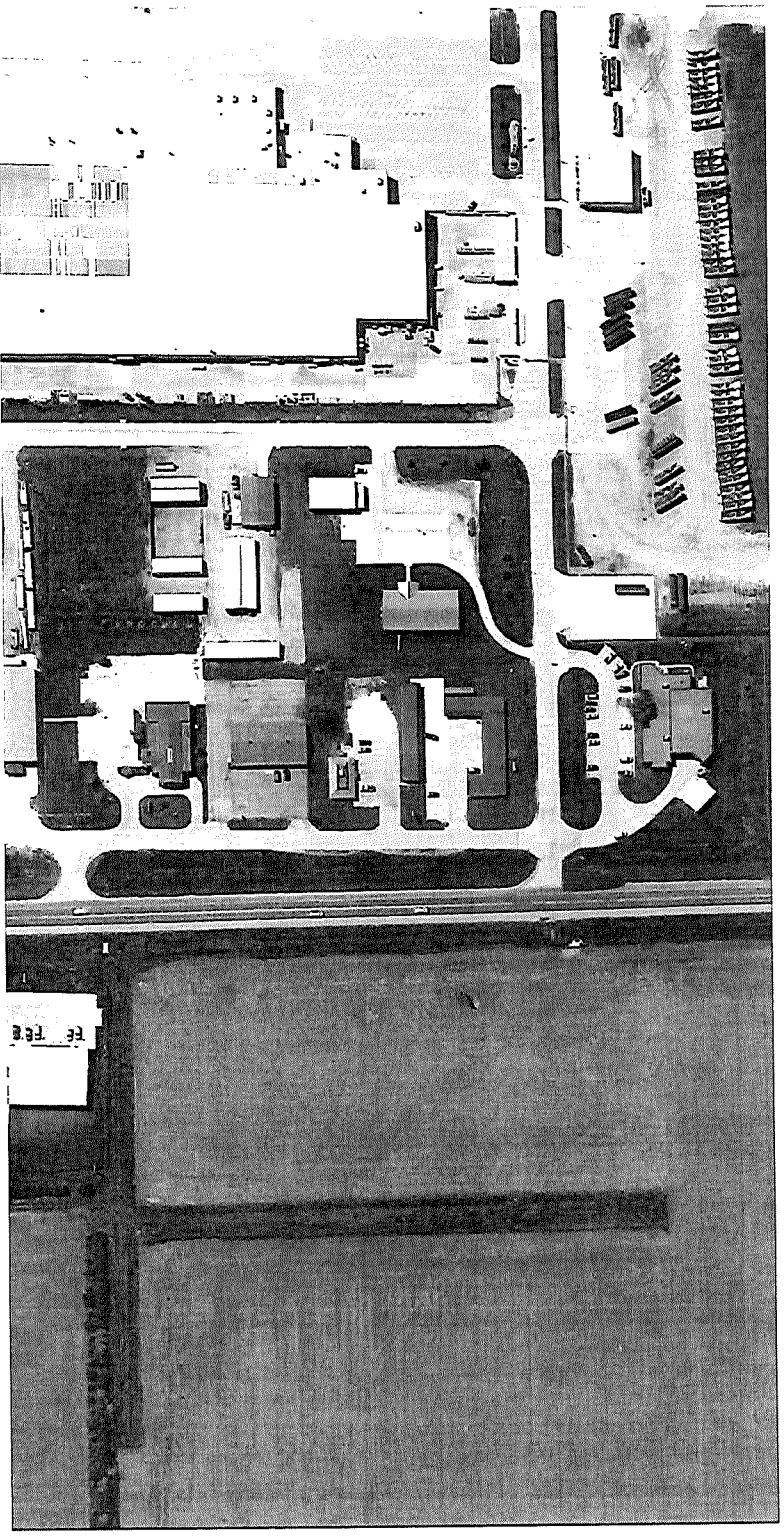
Road  
improvement  
to provide  
better access  
for business  
to US-83





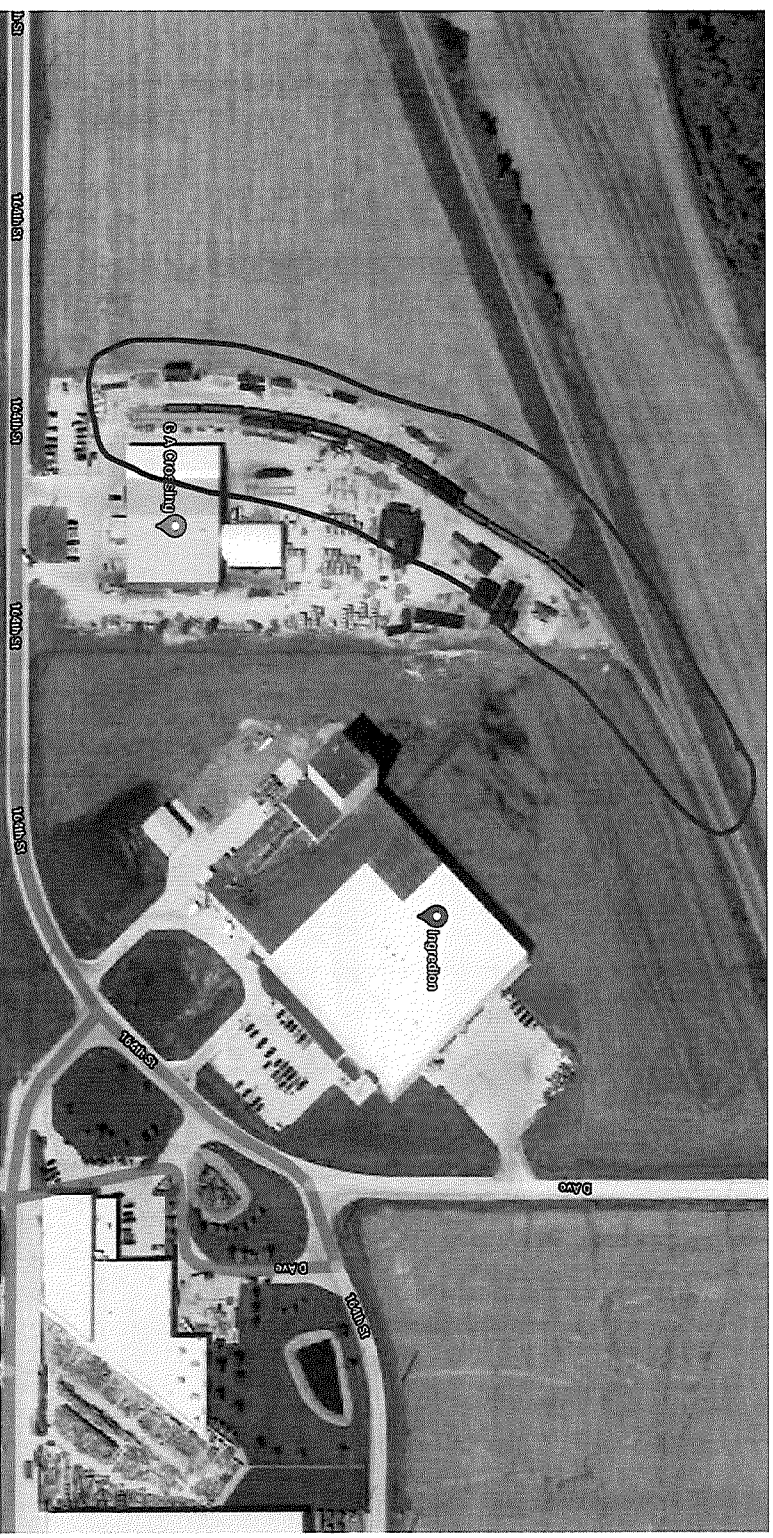
# David City/Timpte Trailers

Right turn  
lane from  
NE-15 to  
support  
business  
expansion



# South Sioux City/Ingredion

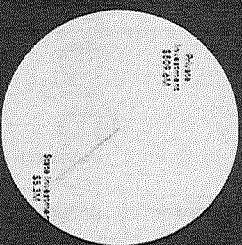
Rail spur  
connecting  
BNSF to new  
loading/unlo  
ading facility



# EOP & The Public

## Economic Opportunity Program Dashboard

### All EOP Projects



15

Number of Companies

826

Full Time Jobs Projected

First Year Expected  
\$926.3M

Economic Benefit

Six Year Expected  
\$6B

Economic Benefit

93%

of Projects in Rural Economies

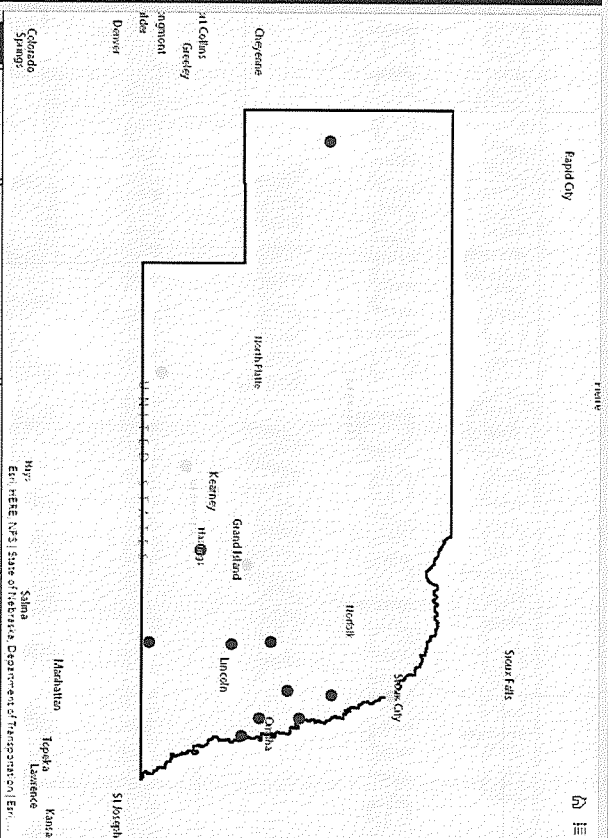
\$21M

Toward Better Transportation

Rapid City

100%

60%



Map: Active Program

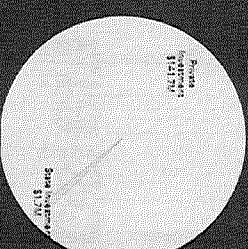
First Year Expected Economic Benefit

Six Year Expected Economic Benefit

For more information, contact:  
Janet Walker, Freight and Economic Development Liaison  
janet.walker@nebraska.gov (402) 540-0493

EOP Projects  
Come Site  
In Development

### Completed Projects



5

Number of Companies

95

Full Time Jobs Created

First Year Expected  
\$182.5M

Economic Benefit

Six Year Expected  
\$1B

Economic Benefit

100%

of Projects in Rural Economies

\$4.8M

Toward Better Transportation

NEBRASKA  
DEPT. OF TRANSPORTATION

# EOP & The Public

NEBRASKA  
OFFICE OF THE ATTORNEY GENERAL  
CONSUMER PROTECTION

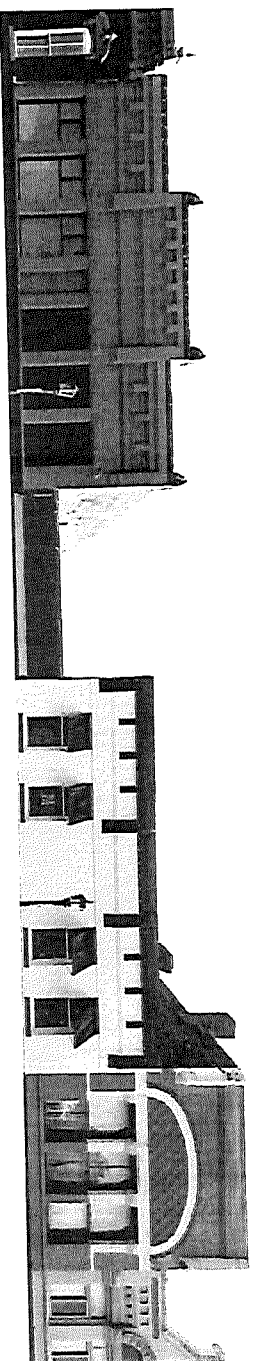
TRANSPORTATION  
INNOVATION ACT  
ECONOMIC OPPORTUNITY

HOME ABOUT US CONTACT US  
ABOUT THE EOP PROGRAM GUIDELINES APPLICATION EVALUATION HOW TO APPLY DEFINITIONS  
SEARCH

## About the Economic Opportunity Program

The Nebraska Department of Transportation's rapid response Economic Opportunity Program helps attract and sustain economic growth across the State by making local grants for strategic transportation improvements that better connect business to Nebraska's statewide, multi-modal transportation network. The primary goal of the program is to attract or retain jobs and private capital investment in the state. Funding is strictly discretionary with no set formula by DOT based on criteria review of the merits of each application as it is received, and in consultation with the Nebraska Department of Economic Development. Typical awards are below \$500,000.

See How The EOP is Helping Communities



# NEBRASKA

## DEPARTMENT OF TRANSPORTATION

Jarrod Walker

Freight & Economic Development Liaison

[jarrod.walker@nebraska.gov](mailto:jarrod.walker@nebraska.gov)

<https://dot.nebraska.gov/projects/tia/eco-opp/>



## Economic Opportunity Program Letter of Interest

The Economic Opportunity Program (EOP) enables Nebraska Department of Transportation (NDOT) to make strategic transportation investments in response to real-time business needs. Funds are available to local government entities for transportation improvement projects that directly support an immediate, non-speculative development opportunity that will either create or retain jobs or result in significant capital investment in Nebraska.

Before submitting a full application, interested applicants should discuss their potential development opportunity with program staff. A Letter of Interest should convey the essential information needed to assess the type and magnitude of the potential development, as well as the scale of transportation improvement that may be needed.

In your Letter, please include brief descriptions of the following:

- The private firm considering development in Nebraska
- The development in need of transportation improvement
- Kind of transportation improvement envisioned
- The community where the development would take place
- Why this opportunity is good for Nebraska
- Approximate size of the private investment and number of it jobs it will create

Direct all Letters of Interest and any questions to Jarrod Walker at [jarrod.walker@nebraska.gov](mailto:jarrod.walker@nebraska.gov).

Please review all program information to ensure your opportunity meets the program's mission and eligibility requirements. All information about the Economic Opportunity Program can be found at

<https://dot.nebraska.gov/projects/tia/eco-opp/>.

7-26-2021

Pierce County Planning and Zoning Committee  
Personal Statement for the Record

Pierce County Planning and Zoning Committee

Own land at 547 Ave 968rd

My name is Dennis Haselhorst and I live at 201 E 5th Street within 1 mile of this proposed facility. I think that Marshall Peterson's proposed project is a good thing for the county and its great to see citizens investing in our county. I live within 1 mile of the proposed facility and have no reservations to it being constructed, nor any concerns about the project as a whole. It is important to support young entrepreneurs and help them find paths of business in our communities. Reinvigorating our towns while adding tax revenue for our schools and services is extremely important to not only my family, but the livelihood of our communities. I support this project and am excited to have a neighbor who wants to invest in Pierce County.

Sincerely,

Dennis Haselhorst

Haselhorst

## A Summary of Economic Data Supporting the Lamb Feeding Industry

Jay Parsons, Professor, Department of Agricultural Economics, University of Nebraska-Lincoln

The American Lamb Board recently released a U.S. Retail Sales Report summarizing increases in retail demand for lamb in the U.S. The Northeast region of the U.S. continues to dominate the sales data, accounting for 29% of all retail lamb sales in the U.S. In the calendar year 2020, there was a 17.7% increase in pounds of lamb sold at the national retail level compared to 2019. While all retail meat sales increased in 2020 compared to 2019 due to the COVID-19 pandemic and more meals being consumed at home, lamb sales grew at a larger percentage than total meat sales overall. In addition, dollars of retail lamb sold in 2020 showed a 24.7% increase nationally over 2019 indicating the higher sales volume was accompanied by higher retail prices.

Recent increases in industry slaughter capacity along with positive news on market prices have created interest in starting new sheep enterprises. The U.S. sheep flock is currently concentrated in the Intermountain West. Lamb feeding is focused in Colorado. And, lamb slaughter is focused in Colorado, California, and Texas with a secondary focus closer to the highest area of lamb consumption in New York City. However, there is potential for the lamb feeding industry to grow in other parts of the country. Key factors of success include access to forage and other feedstuffs, access to feeder lambs, and access to markets for the finished lamb. The lamb industry has a demonstrated history of transporting sheep long distances to feeding, slaughter, and consumption areas.

### *Slaughter Capacity*

Sheep and lamb commercial slaughter in the U.S. has remained steady at around 2.2 to 2.3 million head for the last decade (USDA-NASS). Through the second quarter of 2021, commercial slaughter was running 4% above the same point in 2020.

The story of lamb slaughter capacity has been interesting over the past 20 years. Superior Farms is the largest processor of American Lamb with plants operating in Dixon, CA and Denver, CO (formerly operated as Denver Lamb). Iowa Lamb operated a large plant in Hawarden, IA until Superior Farms purchased the plant from them in 2010 and subsequently shut it down in 2011. As a result, only one large processing facility was left to compete with Superior Farms and that was the Mountain States Lamb Cooperative facility in Greeley, CO.

In 2005, Mountain States Lamb Cooperative purchased 50% of B. Rosen and Sons, a full-service lamb fabrication, distribution, and sales company based in New York with a fabrication facility attached to the JBS USA Greeley lamb plant in Greeley, Colorado. In 2008, the cooperative purchased the remaining 50% ownership of B. Rosen and Sons and, in late 2015, purchased the JBS lamb plant and re-opened it officially as the Mountain States Lamb Cooperative's lamb plant on January 5, 2016. In 2019, the plant

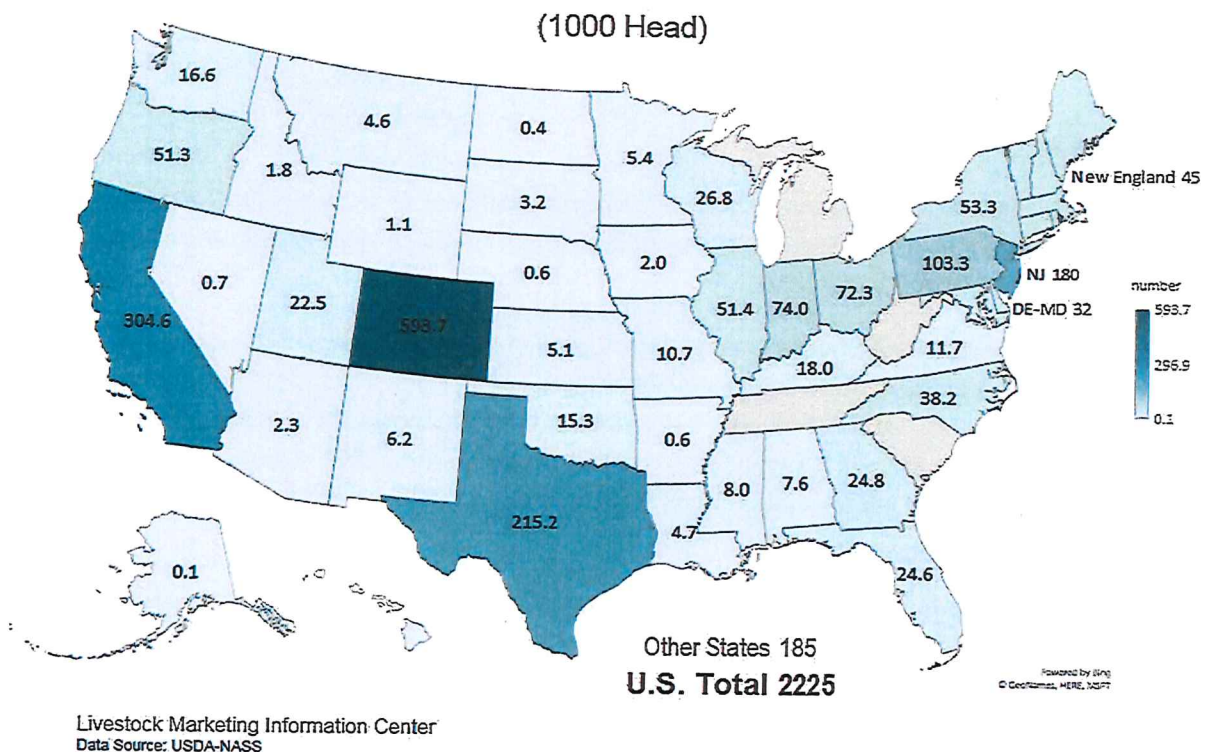
in Greeley was estimated to handle about 28% of the slaughter lambs in the U.S. However, in March of 2020, the Mountain States Lamb Cooperative declared bankruptcy and the facility in Greeley was eventually liquidated and returned to the control of JBS for use as a beef fabrication facility.

The void left by the departure of Mountains States Lamb from the scene was soon filled with the opening a brand new processing facility in Brush, CO in late September of 2020. Colorado Lamb Processors is co-owned by three Colorado sheep families, two of which were also once co-owners of Iowa Lamb and/or Denver Lamb. The third family is one of the largest lamb feeders in the country. The Brush, CO plant is considered state-of-the-art and built to process 1,800 head per day. Currently, there are no fabrication facilities on site and plans are to ship carcasses to partners in the Northeast U.S. for fabrication and sales into the northeast market.

At the end of August 2020, Double J Lamb also announced the purchase of the former Ranchers Lamb of Texas plant in San Angelo, TX. The Ranchers Lamb plant was shut down in 2005. Double J Lamb has subsequently updated and re-opened the plant as a slaughter facility in January 2021 with a kill capacity of 1,700 to 1,800 head per day. A new fabrication facility is currently under construction at the site.

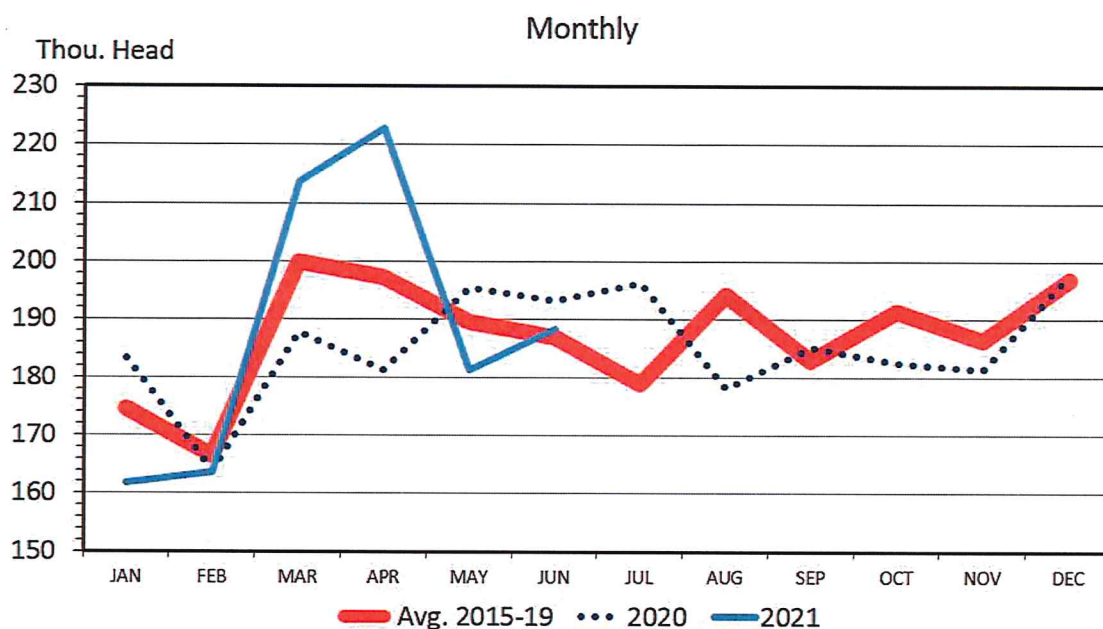
As shown in figure 1, Colorado, California and Texas dominate the commercial lamb slaughter capacity in the U.S. accounting for approximately 50% of the commercial slaughter in 2020. However, New Jersey and Pennsylvania also slaughter a significant number of sheep primarily serving the New York City area.

**Figure 1: Commercial Sheep Slaughter in the United States in 2020.**



As a result of increased processing capacity and strong prices, commercial sheep and lamb slaughter numbers have climbed higher in 2021 (Figure 2). Negotiated slaughter lamb prices for the first three months of 2021 averaged \$163.31, a 2.8% increase over the first three months of 2020. Over the second quarter of 2021, the national negotiated slaughter lamb price averaged \$205.94 as a result of a steady climb that began in March from a price in the mid \$160 per cwt. range up to over \$260 per cwt. by early July (Figure 3). A number of other factors have contributed to this increase including a 10% decline in lamb imports January to April 2021 compared to 2020. There has also been a dramatic decline in reported freezer inventories for major lamb suppliers from an all-time high in June 2020 of 48 million pounds to an estimated 24.7 million pounds in May 2020.

**Figure 2: Commercial Sheep & Lamb Slaughter in the United States**



**Data Source: USDA-NASS**  
**Livestock Marketing Information Center**

S-S-01  
 07/22/21

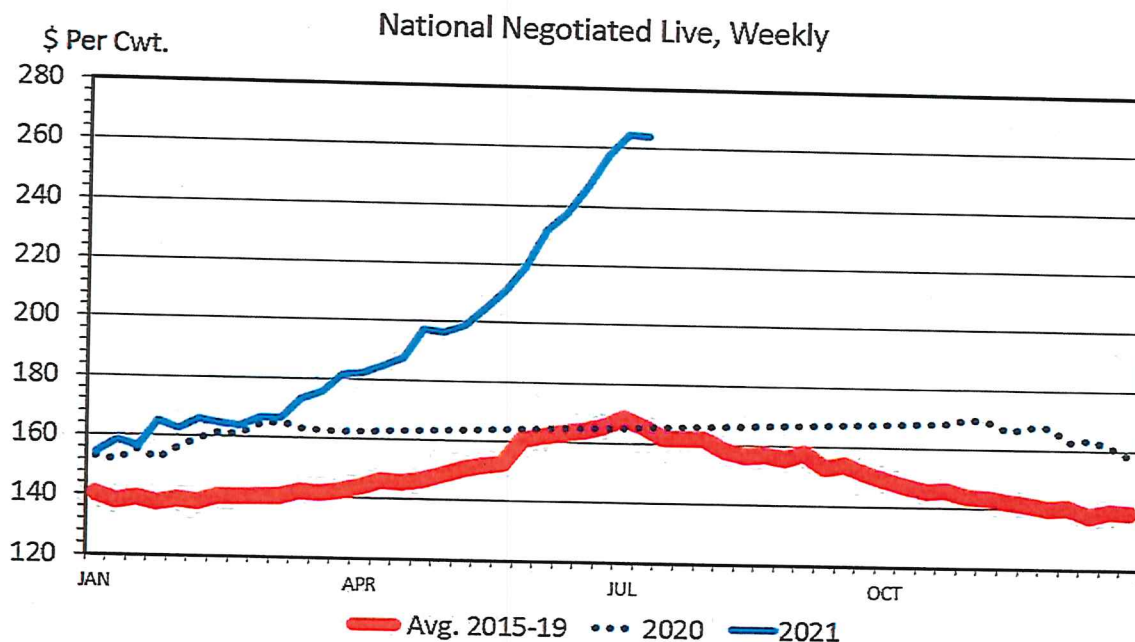
These commercial slaughter and inventory numbers for sheep and lambs indicate a potential upward trend for an industry that suffered a precipitous decline in inventory numbers from 1990 to 2004 from a national inventory of over 11 million head down to about 6 million head. Sheep inventory numbers have stabilized between 5 and 6 million for the last decade and a half.

Hidden in the inventory and commercial slaughter data are numbers for a significant nontraditional lamb market in the United States. A study released in 2010 by the American Sheep Industry Association with collaboration from the American Lamb Board estimated the nontraditional lamb market accounted for approximately 1.2 million head per year from 2004 to 2008. This equated to 48% of the federally inspected slaughter and approximately one-third of the national lamb crop. At the time of the study, it



was estimated that 94% of the San Angelo, TX auction volume (15,000 head per month) was sold to buying agents for the nontraditional markets, primarily ethnic sales outlets in the Northeast U.S. Lamb is popular in religious observations for several ethnic groups and results in direct sales of lighter weight lambs around observed celebrations throughout the year. Using USDA-NASS data combined with the same methodology employed in the 2010 study released by ASI, I estimated the percentage of lambs marketed through nontraditional markets (non-federally inspected sales) is currently around 24% on an annual basis and holding steady since 2013.

Figure 3: Slaughter Lamb Prices in the United States



Data Source: USDA-AMS, Compiled by LMIC  
Livestock Marketing Information Center

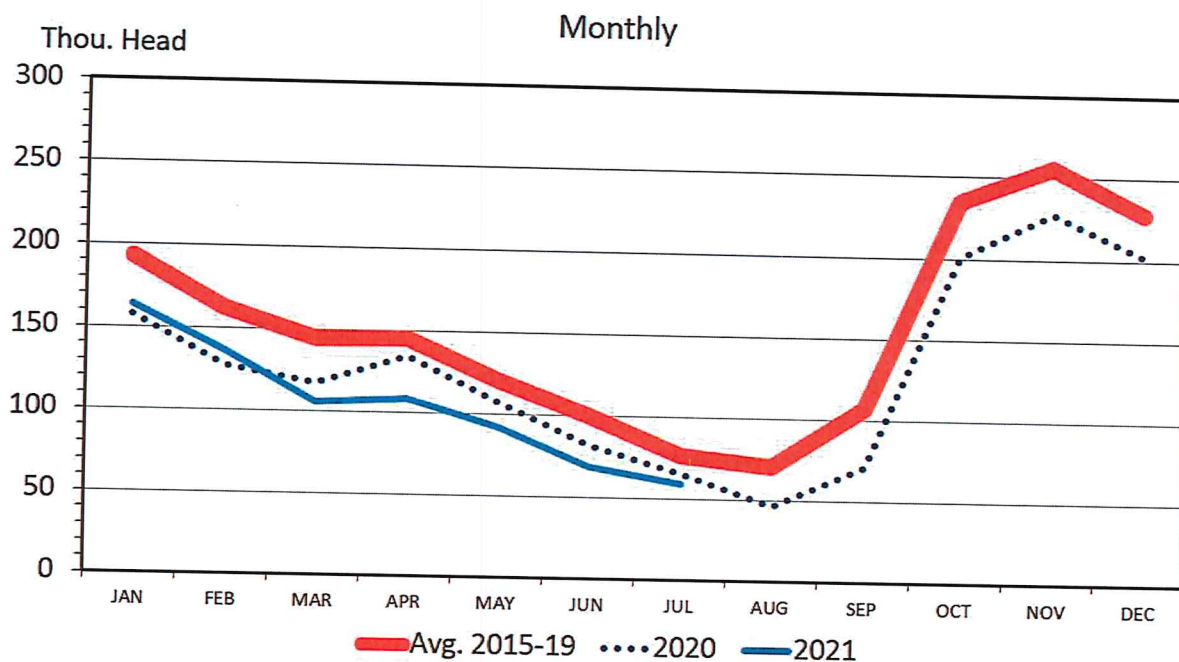
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### Lamb Feeding Industry

The lamb feeding industry in the U.S. is concentrated in northeast Colorado. Fattening lambs on forages grown on Colorado's irrigated farms along the northern Front Range dates back to late 1800's. Today, anywhere from half to three-quarters of the lambs moving through U.S. feedlots in a given year pass through one of the feedlots in northeast Colorado. Some of the largest lamb feedlots in Colorado include Cactus Hill Ranch (approximately 100,000 head one-time capacity) north of Windsor, Harper Feeders (65,000 head) east of Eaton, Double J Lamb Feeders (55,000 head) west of Ault, and Rule Feeders (38,000 head) east of Brush. The USDA-AMS publishes a monthly report for lambs on feed in

Colorado (Figure 4). Colorado lamb feedlot inventories usually peak at around 250,000 head in November and dip to a low around 60,000 head in August.

**Figure 4: Colorado Lambs on Feed**



Data Source: USDA-AMS

Livestock Marketing Information Center

7/2/2021

Eighty percent of the lambs born in the U.S. are born in the first five months of the calendar year. Therefore, most of the lambs are weaned in September-October and enter into feedlots in October-November. Most of the lamb harvesting is complete by early summer with the spring Easter season serving as an important target date for marketing purposes. Lambs will gain 0.55 to 0.8 pounds per day depending on stage of growth and the level of concentrates in the ration. Typical feed efficiency rates average 5:1 (5 pounds of feed per 1 pound of gain). Efficiency rates also vary greatly depending upon the stage of growth and the ration mix. Feed efficiency declines as the animal gains weight but this can be offset by efficiency gains from changing the ration to contain less roughage and more concentrates as the lamb moves through the finishing stages.

The traditional market prefers a lamb in the 120 to 160 pound live weight range at harvest. If we assume 70 pounds of gain is desired in the feedlot phase, it will take approximately 350 pounds of feed. If the feed costs \$300 per ton on average, this results in a feed costs of approximately \$52.50 per head or \$0.75 per pound of gain. Fixed costs (i.e. yardage costs) and other miscellaneous charges (i.e.

medications, transportation, etc.) would need to be added to this cost to get the total cost of gain that would need to be more than covered by a value of gain to produce a profit margin.

For example, a lamb feedlot with a 7 cent per head per day yardage cost and an average daily gain of 0.7 pounds per day would accumulate \$0.10 per pound of gain in yardage cost. Add in \$4.90 per head or \$0.07 per pound of gain for miscellaneous expense and the resulting total cost per pound of gain for feed, yardage, and miscellaneous expenses is \$0.92. An 80-pound feeder lamb purchased for \$260 per cwt. and fed to a finish weight of 150-pounds would have a break-even price of \$181.60 per cwt. under these circumstances, excluding death loss, in order to produce an equivalent \$0.92 value of gain.

Normal mortality rates for sheep are high compared to beef cattle. However, a well-managed sheep feedlot will often keep the death loss rate between 1% and 2% for a typical 90-100 day feeding period. Composting carcasses is the most efficient way to dispose of dead sheep. Properly done active composting can be accomplished 6-8 weeks with little to no odor. Adding a 2% death loss to the above example, raises the breakeven price for the finished lamb to \$185.31 per cwt.

Approximately, 30% to 40% of the US sheep flock is based in the Intermountain West. Some of these lambs go into feeding facilities after weaning in the fall and some are placed on pasture for a slower growth backgrounding period before moving to the feedlots later in the winter or early spring for a shorter period on feed prior to harvest.

Nontraditional markets typically target a lighter weight lamb weighing 60 to 100 pounds at harvest. Often these are lambs sold directly off the farm or ranch at weaning or they could be early weaned lambs sent to a feedlot for 50 days in late summer or early fall.

The U.S. sheep flock is concentrated in the Intermountain West. Lamb feeding is focused in Colorado. Lamb slaughter is focused in Colorado, California, and Texas with a secondary focus in New Jersey and Pennsylvania closer to the highest area of lamb consumption in New York City. However, there is potential for the lamb feeding industry to grow in other parts of the country. Key success factors to look for include access to forage as forages tend to be included in a sheep finishing diet at higher levels than typically seen in cattle and forages are key component in controlling the timing of the finished animal. Another key factor is access to feeder lambs as the input cost of feeder lambs typically comprises 60% of the total finished lamb cost for the lamb feedlot. Access to markets for the finished lamb are another key factor. Recent increases in the number of large lamb processing facilities provide increased access to markets. However, lambs have a long history of being transported long distances to feeding, slaughter, and consumption areas.

While a feedlot in Nebraska might raise concerns about access to a sufficient supply of feeder lambs, those concerns are misplaced. Nebraska's average lamb crop from 2017-20 was 67,750 head. However, Iowa (115,000 head) and South Dakota (197,500) are two neighboring states that could easily supply lambs to a feeding operation in Northeast Nebraska.