

AGENDA

BROWN COUNTY PLANNING/ZONING COMMISSION REGULAR SCHEDULED MEETINGS

TUESDAY, AUGUST 20, 2024 – 7:00 PM
BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT
(STAIRWAY AND ELEVATOR ACCESS TO BASEMENT)

- I. Call to Order: for Brown County Planning/Zoning Commission
- II. Roll Call: David North - Vice Chair, Dale Kurth, Patrick Keatts, James Meyers, Carrie Weisenburger, County Commissioner Mike Gage, Alternate Paul Johnson, and Stan Beckler-Chairman.
- III. Approval of August 20, 2024, Agenda: Motion: 1st _____ 2nd _____
- IV. Approval of July 16, 2024, Minutes: Motion: 1st _____ 2nd _____

ZONING BOARD OF ADJUSTMENT

- V. Old Business:
 1. Sign-up sheet: On the table by the door entrance, there is a Sign-up Sheet. Please legibly sign in and mark YES or NO if you want to speak to the Board on any Agenda Item.
 2. Permits: Anyone that has submitted a Variance Petition (VP) or a Conditional Use Petition (CUP) to the Zoning Board of Adjustment (BOA) is still required to get their required PERMITS from the Zoning Office before starting their project if their Petition gets approved. Penalties may be assessed per Ordinance when starting projects without proper permits in place.
- VI. New Business: *Brown County Planning/Zoning Commission as Zoning Board of Adjustment (BOA).*
 1. Conditional Use Petition (CUP) in a Mini-Agriculture District (M-AG) described as Lot B, "Leibel First Addition" in the NE1/4 of Section 11-T123N-R63W of the 5th P.M., Brown County, South Dakota (13115 393rd Avenue; Bath Twp.).
 2. Conditional Use Petition (CUP) in a future Mini-Agriculture District (M-AG) described as Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue; Warner Twp.).
 3. Variance to Building Setbacks in a Lake Front Residential District (R-3) described as Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (37306 132nd Street; Mercier Twp.).
 4. Variance to Building Setbacks in an Agriculture Preservation District (AG-P) described as North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-T124N-R62W. The NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12604 & 12606 395th Avenue; Cambria Twp.).

VII. Other Business:

Completed as Zoning Board of Adjustment (BOA) & going to Planning Commission

AGENDA

BROWN COUNTY PLANNING/ZONING COMMISSION REGULAR SCHEDULED MEETINGS

TUESDAY, AUGUST 20, 2024 – 7:00 PM

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT
(STAIRWAY AND ELEVATOR ACCESS TO BASEMENT)

PLANNING COMMISSION

I. Old Business:

II. New Business: *Brown County Planning/Zoning Commission as Planning Commission.*

10. **Rezone Petition** for a property described as Lot 1, “Johnson South Third Subdivision” in the NE1/4 of Section 22-T124N-R63W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue; Warner Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG).
11. **Rezone Petition** for a property described as proposed Outlot 2, “Aberdeen Twp 20W Outlots” in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38380 W Hwy 12; Aberdeen Twp.) to be rezoned from Heavy Industrial District (H-I) to Highway Commercial District (HC).
12. **Rezone Petition** for a property described as “Olson’s Outlot A” in the NW1/4 of Section 25-T126N-R64W of the 5th P.M., Brown County, South Dakota (11646 387th Avenue; Oneota Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG).
13. **Preliminary & Final Plat** for financial and conveyance purposes on a property described as “Aberdeen Twp 20W Outlots” in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38360, 38380 & 38390 W Hwy 12; Aberdeen Twp.).
14. **Preliminary Plat** for review purposes on a property described as “Larkota Acres First Addition” in the N1/2 of the SW1/4 of Section 3-T121N-R64W of the 5th P.M., Brown County, South Dakota (Approx. 14262 385th Avenue; Warner Twp.).
15. **Preliminary & Final Plat** for conveyance purposes on a property described as “Houghton Cemetery First Addition Includes Blocks H, I, J, and K” in the NE1/4 of Section 7-T126N-R61W of the 5th P.M., Brown County, South Dakota (11305 401st Avenue; Shelby Twp.).

16. Preliminary & Final Plat for conveyance purposes on a property described as "Bergman Second Addition" in the SW1/4 of Section 11-T122N-R65W of the 5th P.M., Brown County, South Dakota (37804 138th Street; Highland Twp.).

17. Other Business: Executive Session if requested.

18. Motion to Adjourn: 1st _____ 2nd _____

MINUTES

REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY July 16, 2024 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

- I. **Call to Order:** *Brown County Planning/Zoning Commission* meeting was called to order by Stan Beckler Chairman.
- II. **Roll Call:** Members of the Brown County Planning/Zoning Commission present for roll call were Stan Beckler Chairman, David North Vice-Chairman, Pat Keatts, Dale Kurth, James Meyers, Carrie Weisenburger, County Commissioner Michael Gage (*who serves on this Board per SDCL 11-2-2*), Paul Johnson (*Alternate P&Z Commissioner*).
- III. **Agenda:** After discussion, Keatts moved and Kurth seconded to approve this July 16, 2024, Planning/Zoning Commission Agenda as presented. All members voted aye; motion carried.
- IV. **Minutes:** After discussion, North moved and Gage seconded to approve June 18, 2024, Planning/Zoning Commission Minutes as written, all members voted aye; motion carried.
- V. **Old Business:**
 - 1) **Sign-up Sheet:** at door entrance on the table for anyone to speak on an Agenda Item.
 - 2) **Permits:** Anyone present that has submitted Zoning Board of Adjustment (BOA) Agenda items such as a Variance Petition (VP) or Conditional Use Petition (CUP) that get approved, are still required to follow up with their PERMITS from the Zoning Office before starting their project.
 - 3) **Postponed from June 18, 2024, Zoning BOA meeting; Conditional Use Petition (CUP)** in an Agriculture Preservation District (AG-P) described as "Shawn Gengerke's Outlot 2" in the NW1/4 of Section 19-T124N-R60W of the 5th P.M., Brown County, South Dakota (40605-127th Street; Riverside Twp.). Following discussion that Gengerke will continue to use 12702 406th Avenue for his licensed address with the ATF, North moved, and Weisenburger seconded to Approve the Conditional Use Petition (CUP) to operate a Federal Firearms Licensed (FFL) home business in an Agriculture Preservation District (AG-P), all members voting aye, motion carried.
 - 4) **Postponed from June 18, 2024, Zoning BOA meeting; Appeal to Standard Approach Width** in a Heavy Industrial District (H-I) described as "Mead's Outlot D" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38390 West Highway 12; Aberdeen Twp.). Meyers moved, North seconded to note that the petitioner, Jake Ochsner requested to withdraw their Appeal to Standard Approach Width prior to the meeting.
- VI. **New Business:** *Planning/Zoning Commission as Zoning Board of Adjustment (BOA)*
 - 1) **Variance to Building Setbacks** in a Lake Front Residential District (R-3) described as Lot 31, "Lutgen's West Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County,

South Dakota (127116 W Shore Drive, Ravinia Twp.). Submitted by Chris & Nicole Kassube. Chris & Nicole Kassube were in attendance for this item. Following discussion on Findings of Facts (FoF), Weisenburger moved, and Keatts seconded to ***approve the Finding of Facts (FoF) as presented.*** Also following discussion, Weisenburger moved, and Keatts seconded to ***approve a Variance to Building Setbacks*** to have a 10'-0" West Rear Yard Setback rather than the 30'-0" required for a new 35'x44' unattached garage, all members voting aye, motion carried.

Completed as Zoning Board of Adjustment (BOA) Agenda & going to Planning Commission Agenda

MINUTES

REGULAR SCHEDULED MEETING

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, July 16, 2024 - 7:00 P.M.

BROWN COUNTY COURTHOUSE ANNEX in the BASEMENT COMMUNITY ROOM

- I. **Old Business:** Discussion on Amendments to Brown County Ordinance Title 4 for Chapters 4.22 through Chapter 4.29 on Administrative Rules and Enforcement are still postponed until further notice, by Ross Aldentaler, Deputy States Attorney.
- II. **New Business:** *Brown County Planning/Zoning Commission as Planning Commission*
 - 10) **Rezone Petition** for a property described as Proposed Lot 1, "Palmyra Farmhouse Second Addition" in the SW1/4 of Section 18-T128N-R65W of the 5th P.M., Brown County, South Dakota (10260 373rd Avenue; Palmyra Twp.) to be rezoned from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG). Submitted by Nicole Kempf. There wasn't anyone in attendance for this item. Following discussion, North moved, Gage seconded to ***recommend approval of the Rezone Petition*** to the Board of Brown County Commissioners, all members voting aye, motion carried.
 - 11) **Preliminary & Final Plat** for conveyance purposes on a property described as "Palmyra Farmhouse Second Addition" in the SW1/4 of Section 18-T128N-R65W of the 5th P.M., Brown County, South Dakota (10260 373rd Avenue, Palmyra Twp.). Submitted by Nicole Kempf. There wasn't anyone in attendance for this item. Following discussion, Weisenburger moved, Keatts seconded to ***recommend approval of the Preliminary & Final Plat*** to the Board of Brown County Commissioners, all members voting aye, motion carried.
 - 12) **Preliminary Plat** for review purposes on a property described as "Johnson Airport Subdivision" in the SW1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota (Approx. 1349 S 391st Avenue, Bath Twp.). Submitted by James Johnson. There wasn't anyone in attendance for this item. Following discussion, Kurth moved, North seconded to ***recommend approval of the Preliminary Plat with a stipulation*** that a letter from the airport manager is required stating that "construction may be approved by the FAA and airport for new homes" and be submitted with the final plat to the Board of Brown County Commissioners, all members voting aye, motion carried.

13) **Preliminary & Final Plat** as a stipulation by the Planning Commission for a property described as "Gengerke Richmond Lake Addition" in the NW1/4 of Section 13-T124N-R65W of the 5th P.M., Brown County, South Dakota (126365 North Bridge Road; Ravinia Twp). Submitted by Collin & Deb Gengerke. There wasn't anyone in attendance for this item. Following discussion, Meyers moved, Weisenburger seconded to ***recommend approval of the Preliminary & Final Plat*** to the Board of Brown County Commissioners, all members voting aye, motion carried.

14) **Preliminary & Final Plat** as a stipulation by the Planning Commission for a property described as "Haugen First Subdivision" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (127250 West Shore Drive; Ravinia Twp). Submitted by Alvin & Nancy Haugen. There wasn't anyone in attendance for this item. Following discussion, Gage moved, North seconded to ***recommend approval of the Preliminary & Final Plat*** to the Board of Brown County Commissioners, all members voting aye, motion carried.

III. Other Business: None

IV. **Adjourn:** There being no further business before the Planning/Zoning Commission, Weisenburger moved and Keatts seconded to adjourn the meeting, all members voting aye, motion carried.

Submitted by: Planning/Zoning Director Scott Bader.

STAFF REPORT

Meeting: August 20, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

CONDITIONAL USE PETITION (CUP) IN M-AG

ITEM #01

(Mini-Agriculture District (M-AG))

GENERAL INFORMATION:

OWNER: Tigh & Kelly Leibel
PETITIONER: Tigh & Kelly Leibel

REQUEST: **CONDITIONAL USE PETITION (CUP) IN A MINI-AGRICULTURE DISTRICT (M-AG)**

LEGAL DESCRIPTION: Lot B, "Leibel First Addition" in the NE1/4 of Section 11-T123N-R63W of the 5th P.M., Brown County, South Dakota

ADDRESS: 13115 393rd Avenue

CITY/TOWNSHIP: Bath Twp

EXISTING ZONING: Mini-Agriculture District (M-AG)

SURROUNDING ZONING:

North: Agriculture Preservation District (AG-P)
South: Agriculture Preservation District (AG-P)
West: Agriculture Preservation District (AG-P)
East: Agriculture Preservation District (AG-P) / Mini-Agriculture District (M-AG)

PUBLIC UTILITIES: WEB Water

REPORTED BY: Chris Anderson

GENERAL COMMENT: The petitioner is requesting a Conditional Use Petition (CUP) to Operate "Diamondback Kennels" and build a 60' x 56' shop/kennel in a Mini-Agriculture District (M-AG) for training up to 36 dogs at one time.

GENERAL REVIEW: Staff has reviewed this request.

BROWN COUNTY

PLANNING & ZONING COMMISSION

APPLICATION FOR CONDITIONAL USE PETITION (CUP)

DATE: July 9, 2024
RECEIPT # 822041
TOWNSHIP: Bath Twp

FEE: \$ 225.00
PAID: YES/NO CHK/CASH
DATE: July 24, 2024

OWNERS NAME (print): Tigh & Kelly Leibel
OWNERS SIGNATURE: [Signature] 7/24/24
OWNERS ADDRESS: 13115 393rd Avenue
OWNERS CITY, STATE, ZIP: Bath SD 57427
OWNERS PHONE: 605-848-2045 (Kelly) 605-230-0695 (Tigh)
OWNERS EMAIL: _____

AGENTS NAME (print): _____
AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____
AGENTS EMAIL: _____

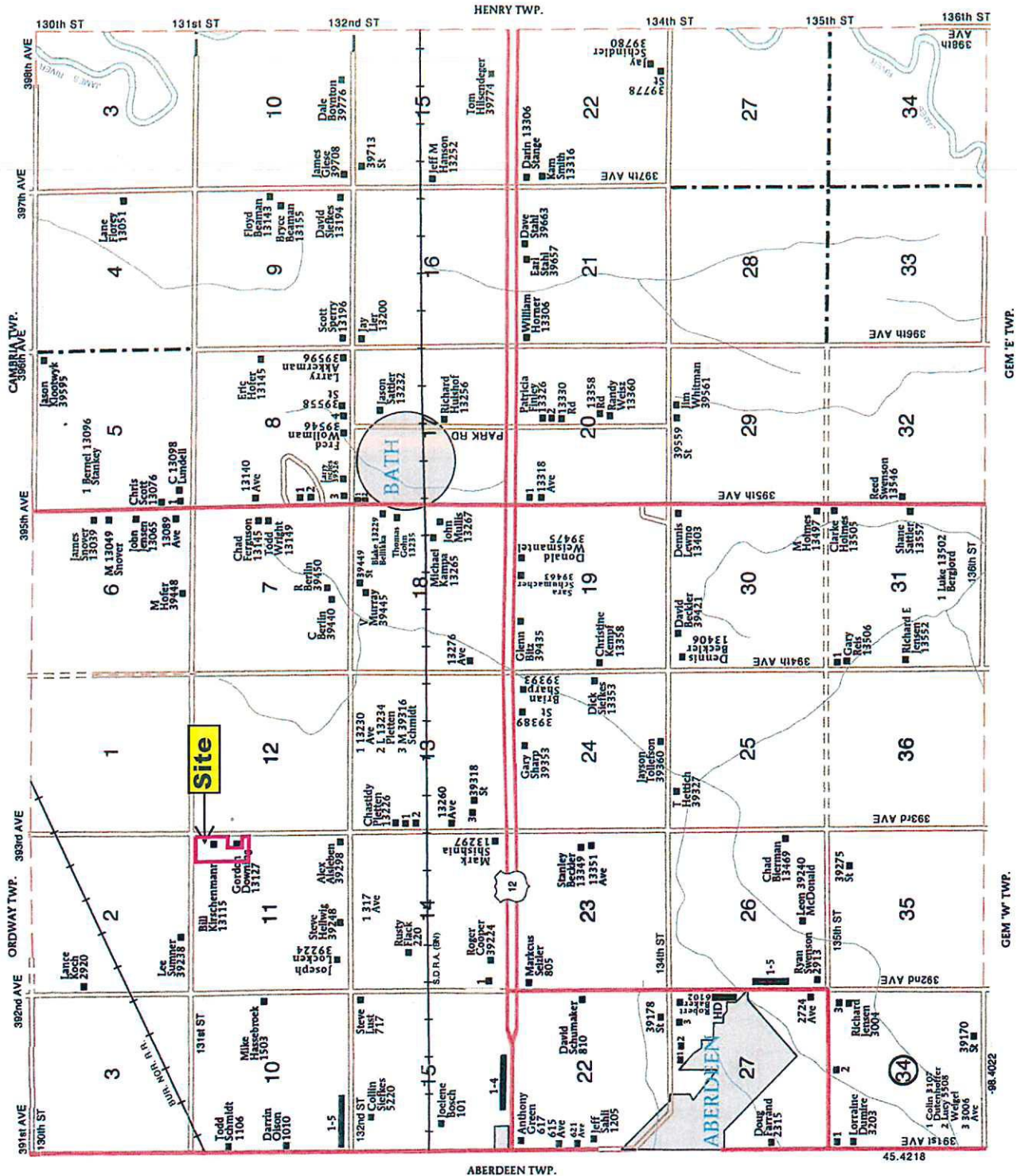
REQUEST: Petitioners are requesting a Conditional Use Petition (CUP) to operate "Diamondback Kennels" and build a 60' x 56' shop/kennel in a Mini-Agriculture District (M-AG) for training up to 36 dogs at one time.

LEGAL DESCRIPTION: Lot B, "Leibel First Addition" in the NE1/4 of Section 11-
T123N-R63W of the 5th P.M., Brown County, South Dakota
(13115 393rd Avenue, Bath Township)

Planning Commission Action: Approved / Denied

By: _____ **Date:** _____

HEARING DATE: August 20, 2024 **TIME:** 7:00 P.M.



BATH TOWNSHIP

- SECTION 8
 1 Haugen, James 13164
 2 Kroil, John 13174
 3 Monson, Steve 39510
 4 Bruckner, David 39554
- SECTION 10W
 1 Bornemann, Kyle 5005
 2 Dewey, Justin 5025
 3 5091
 4 Gross, Del 5115
 5 Mathern, A 5219
- SECTION 15W
 1 5405
 2 Eilers, Todd 5455
 3 Ellingson, Malynn 5485
 4 Gossman, S 5755
- SECTION 17
 1 Buechler, Jerry 13228
 2 Wolf, Justyn 13230
- SECTION 20
 1 Westphal, Henry 13316
 2 Rohrbach, Kevin 13328
- SECTION 26
 1 Belikka, Daryl 2111
 2 Kohlhaas, Paul 2135
 3 Griese, Doug 2215
 4 Bjorklund, Richard 2317
 5 Paulson, David 2519
- SECTION 27W
 1 Caton, Caleb 5256
 2 Johnson, K 5950

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the basement Community Room, Brown County Courthouse Annex on August 20, 2024, at 7:00 P.M.

Petitioner: Tigh & Kelly Leibel

Legal description of property: Lot B, "Leibel First Addition" in the NE1/4 of Section 11-T123N-R63W of the 5th P.M., Brown County, South Dakota (13115 393rd Avenue; Bath Twp.).

Reason: A Conditional Use Petition (CUP) to operate "Diamondback Kennels" in a Mini-Agriculture District (M-AG) and build a 60' x 56' shop/kennel for training up to 36 dogs at one time.

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 7th day of August 2024.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

REQUEST INFORMATION

Request:	Special Exception/Conditional Use Permit • (Short Description)	To operate "Diamondback Kennels" for training up to 36 dogs at one time.
Applicant:	Name • Address	Tigh & Kelly Leibel 13115 393rd Avenue, Bath, SD 57427
Landowner:	• Same	
Legal Description:	Lot B, "Leibel First Addition" in the NE1/4 of Section 11-T23N-R63W of the 5th P.M., Brown County, South Dakota	
Location:	13115 393rd Avenue; Bath Township	
Size:	15.47 acres	
Physical Description:	N/A	
Tax ID:	N/A	
Current Zoning:	Mini-Agriculture District (M-AG)	
Existing Land Use:	Agriculture	
Surrounding Zoning:	• Agriculture Preservation District (AG-P) & Mini-Agriculture District (M-AG)	
Utilities:	WEB Water	
Ordinance:	4.0704	
Report by:	Scott Bader	

FINDINGS

JURISDICTION (APPROVING AUTHORITY SDCL 11-2-17.3 AND 11-2-53 (3); BCO 4.2402)

The Board of Adjustment is empowered under chapter 4.24 of Brown County Ordinance to grant the special exception/conditional use and that the granting of the special exception ☐ will OR ☒ will not adversely affect the public interest and welfare.

CATEGORY OF CONDITIONAL USE REQUIRING APPROVAL SDCL 11-2-17.3

NOT SURE WHAT THIS MEANS? IS IT THE USE THEY ARE ASKING FOR?

ZONING DISTRICT AVAILABILITY OF SPECIAL EXCEPTION SDCL 11-2-17.3

PROPERTY IS ZONED AS: Mini-Agriculture District (M-AG)

Special Exception/Conditional use permitted? ☒ YES ☐ No

Per Brown County Ordinance 4.0704

Fit with Comprehensive Plan? ☒ YES ☐ No

Fit with Purpose of Zoning Ordinance and Relevant District? (see statement of intent in ordinance)

☒ YES ☐ No The intent of the Mini Ag (M-AG) District is to provide an environment and area conducive to large residential lot/hobby farm endeavors while retaining a quasi-rural character (Ord. #4.0701).
Conditional Uses: Ord #4.0704 #14: Kennels/Boarding establishments & Veterinary establishments

CRITERIA FOR EVALUATING CONDITIONAL USE SDCL 11-2-17.3

BCO 4.2402 (5) - SATISFACTORY PROVISIONS AND ARRANGEMENTS (write considerations in blanks)

(a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

This property has adequate ingress and egress.

(b) Off-street parking and loading areas where required, with particular attention to the items in "a" above and the economic, noise, glare or other effects of the general exception on adjoining properties and properties generally in the district;

This property has adequate off-street parking.

(c) Refuse and service areas, with particular reference to the items in "a" and "b" above;

This property has appropriate refuse and service areas.

(d) Utilities, with reference to locations, availability, and compatibility;

This property currently has water, sewer and electricity

(e) Screening and buffering with reference to type, dimensions, and character;

This property has trees between the proposed shop/kennel and the road.

(f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;

This property will not have signs or lighting that will cause glare, traffic hazards, or disrupt the neighbors.

(g) Required yards and other open spaces;

This property has adequate yard and open space.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

(h) General compatibility with adjacent property in the district

This property is compatible with adjacent property.

SPECIFIC RULES GOVERNING INDIVIDUAL SPECIAL EXCEPTIONS BCO 4.2402(5) (if any)

Most don't have any. Examples that do are Mining and CAFOs

BCO 4.2402 (6) CONDITIONS AND SAFEGUARDS

(a) Fire Hazard. The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.

This property should have a normal fire risk.

(b) Noise. The use shall not include noise which objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

This property should not create a lot of noise to disrupt the neighbors. There will not be any outside dog runs.

(c) Vibration. The use shall not include vibration, which is discernible without instruments on any adjoining lot or property.

This property should not create any vibration.

(d) Air Pollution. The use shall not involve any pollution of air by fly ash, dust, vapors, or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.

This property should not create any air pollution.

(e) Odors. The use shall not involve any malodorous gas or matter, which is discernible to any adjoining lot or property.

This property has the possibility to create malodorous odors if not managed properly.

(f) Glare. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.

This property should not create any glare.

(g) Traffic Hazard. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion. No single use or density of development should generate traffic volumes on any public street in excess of one hundred (100) vehicle trips per day per acre

This property will not create a traffic hazard.

(h) Sewer and Water. The use shall not involve an activity, which will substantially increase the burden on the water supply or cause sewage treatment problems unless provision is made for necessary adjustments.

Sewer & water are already provided on this property & should not be burdened by this business.

(i) Character of Neighborhood. The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by design, setback, nature of operation, and other devices, the character of the neighborhood will be maintained.

This business will not change the character of the neighborhood.

(j) General Welfare of the Community. The use shall not involve any activity which adversely affects the general welfare to the community.

The general welfare of the community will not be adversely affected by this business.

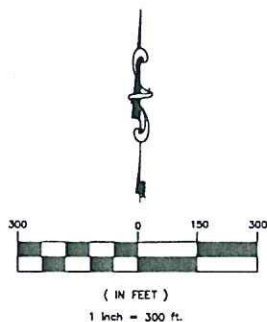
SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

After consideration and approval of the stated findings above, the Brown County Board of Adjustment moves to ☐ APPROVE ☐ DENY the application for Special Exception/Conditional use.



416 PRODUCTION
STREET N.
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

DWG. 9578-LS	BY: BKK	SHEET 1 OF 3
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SD STATE PLANE NORTH ZONE
NAD 83 (2011) US SURVEY FEET
DISTANCES ARE GROUND

PLAT OF
LEIBEL FIRST ADDITION
IN THE NE 1/4 OF SECTION 11-T123N-R63W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

I, BILL KIRSCHENMANN, DO HEREBY CERTIFY THAT I AM THE OWNER OF LOT 1, SWENSON SUBDIVISION IN THE NE 1/4 OF SECTION 11 T123N R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT I HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS: LEIBEL FIRST ADDITION IN THE NE 1/4 OF SECTION 11-T123N-R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

BY THIS PLAT, I DO HEREBY VACATE LOT 1, SWENSON SUBDIVISION IN THE NE 1/4 OF SECTION 11 T123N R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA AS FILED FOR RECORD ON SEPTEMBER 29TH, 2000 AND DULY RECORDED AS PLAT NO. 1511, IN THE BROWN COUNTY REGISTER OF DEEDS OFFICE.



BILL KIRSCHENMANN

Signed this 22 day of March 2024ACKNOWLEDGMENT

STATE OF South Dakota
COUNTY OF Brown)SS

ON THIS THE 22 DAY OF March 2024 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED BILL KIRSCHENMANN KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: 11-02-2027

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNER, I HAVE SURVEYED AND PLATTED "LEIBEL FIRST ADDITION IN THE NE 1/4 OF SECTION 11-T123N-R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" AS SHOWN ON THE ATTACHED PLAT, THAT I HAVE FOUND AND/OR SET IRON PINS AS INDICATED THEREON. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 22 DAY OF March 2024.


ROBERT K. KIESO

RLS #9214

PLAT OF
LEIBEL FIRST ADDITION
IN THE NE 1/4 OF SECTION 11-T123N-R63W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE 16th DAY OF April, 2024.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING LEIBEL FIRST ADDITION IN THE NE 1/4 OF SECTION 11-T123N-R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

David North

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE 23 DAY OF April, 2024.

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING LEIBEL FIRST ADDITION IN THE NE 1/4 OF SECTION 11-T123N-R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."



Lynn Heupel

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTRY/TOWNSHIP ROAD AS SHOWN HEREON, IS HEREBY APPROVED. ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: *David Brinkner*

HIGHWAY AUTHORITY

TITLE: *Supervisor*

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS 27 DAY OF March, 2024.

Gillian Klein

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS 27 DAY OF March, 2024.

Naumiter

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEEDS CERTIFICATE

FILED FOR RECORD THIS 25th DAY OF April, 2024 AT 8:56 O'CLOCK AM, AND DULY RECORDED IN HANGING PLATS NO. 3970.

INSTRUMENT NO. 202401520
BOOK: 2 PLAT
PAGE: 3970

Pages: 3



2024/04/25 08:56:40 AM

MARIANN MALSON, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

Cindy Woodford, Chief Deputy

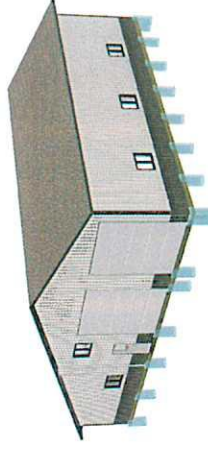
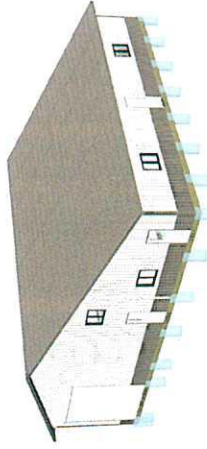
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

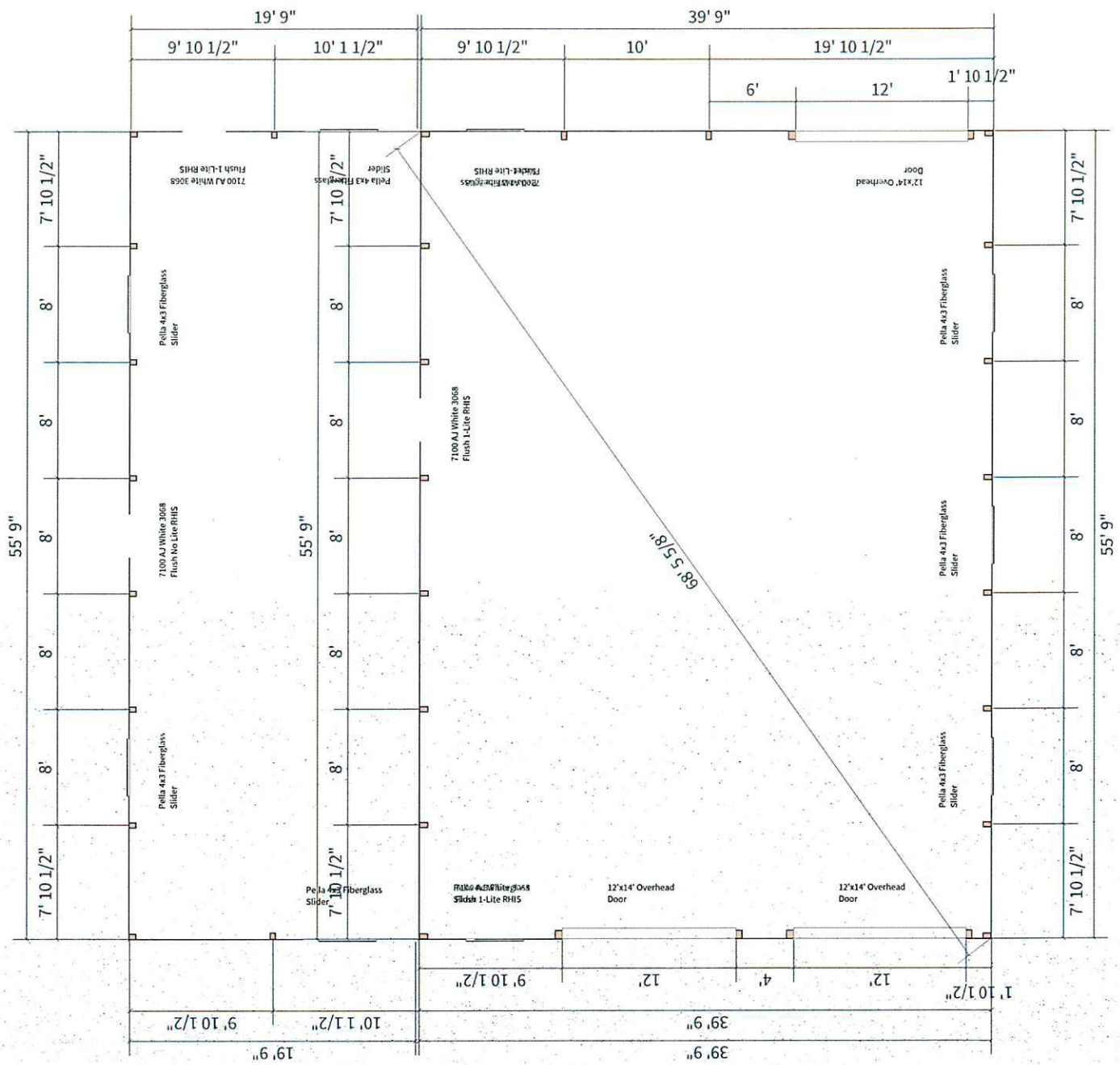
Recording Fee: \$ 60.00
Return To: FILED

Cover Sheet

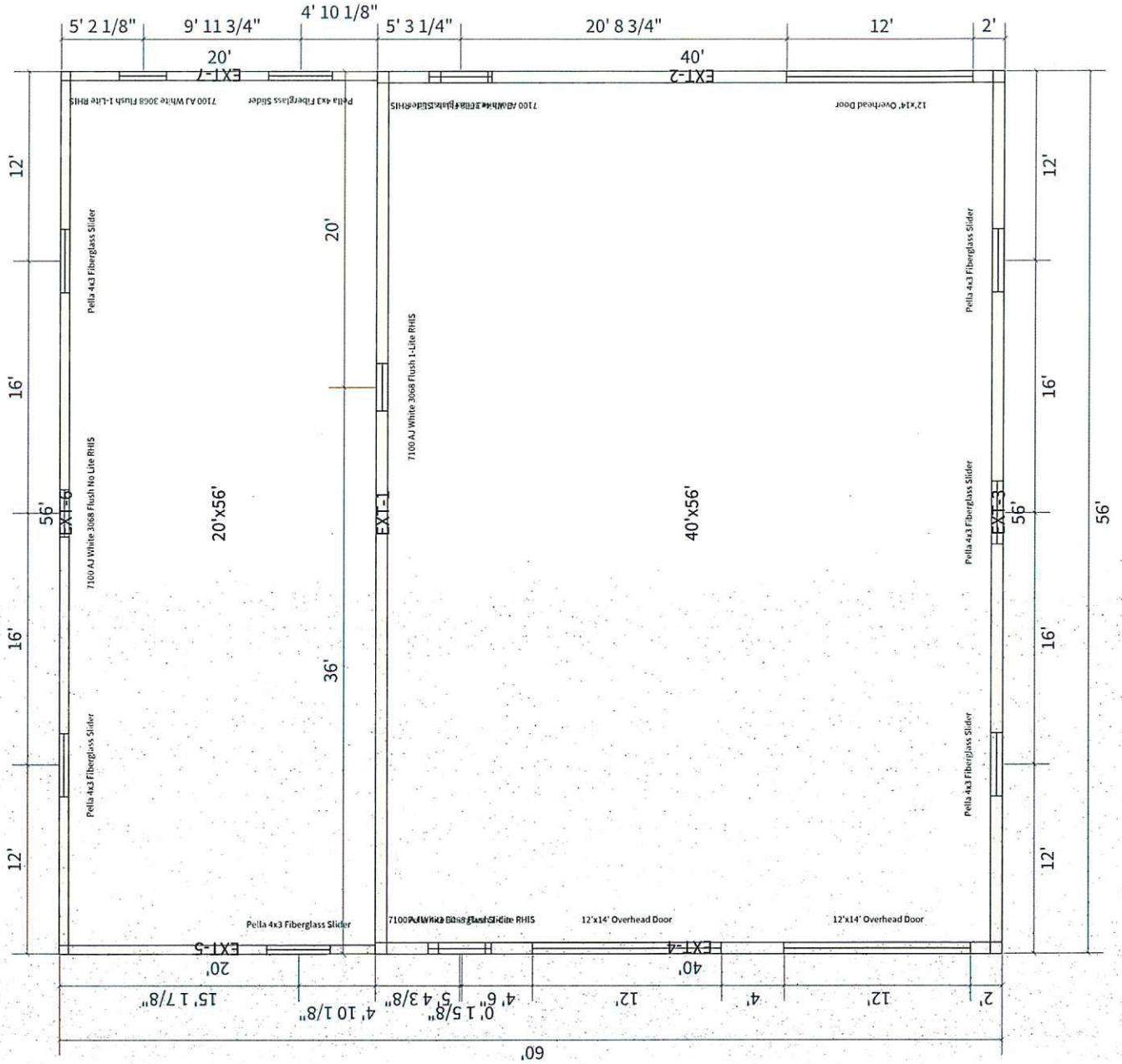
Summary	
Width	40'
Length	56'
Ceiling Height	16'
Overhangs	2'
Roof Pitch	4/12

Job Information	
Project Name	Leibel, Tigh - 40x56x16 w 20x56x9'6 Lean - No Liner
Company Name	Summit Contracting
Contact	
Email	
Delivery Address	
Phone	
ZIP code	
Desired Date	
Comments	
Pick a Zipcode	
Loading	50

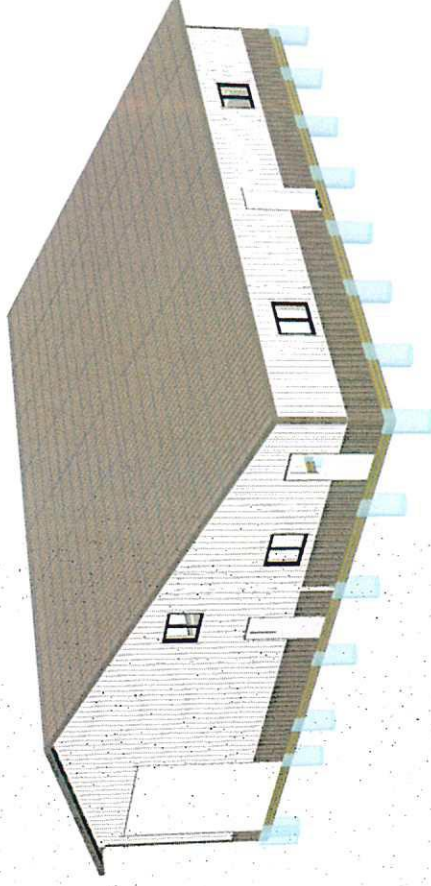




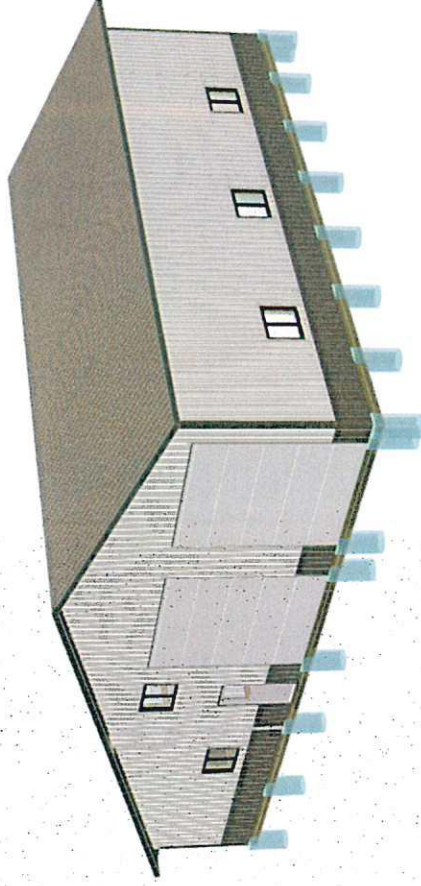
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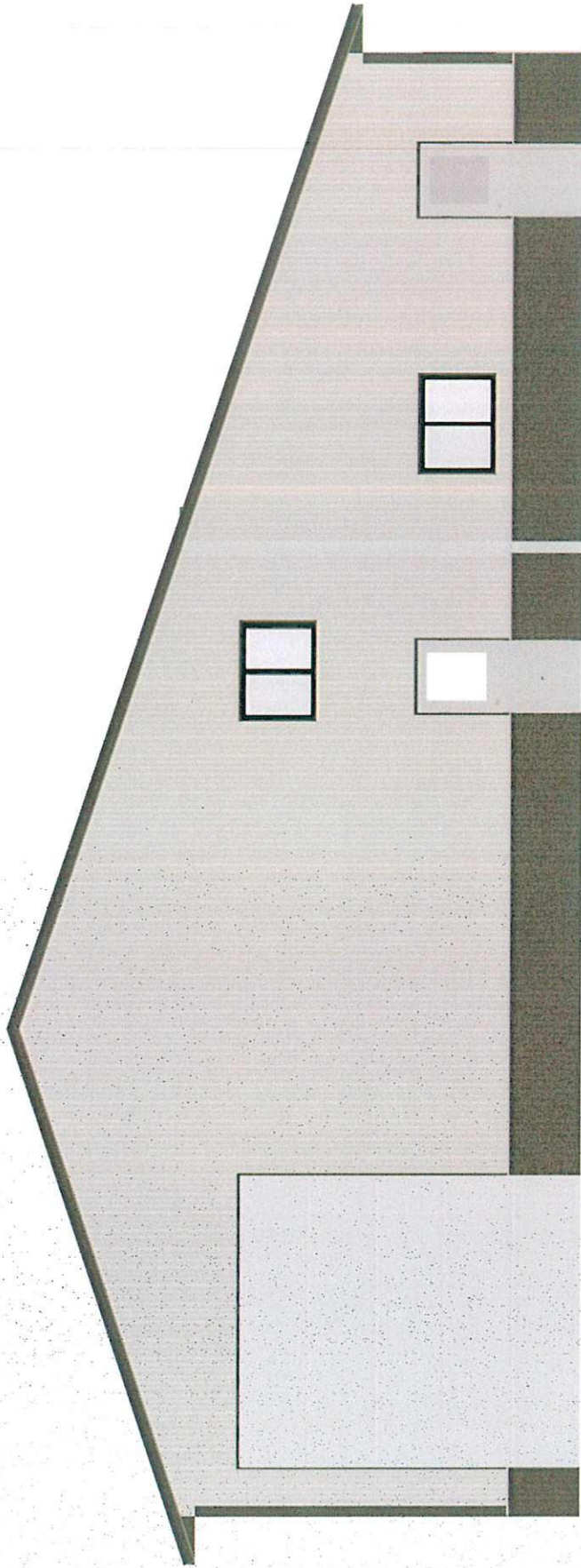
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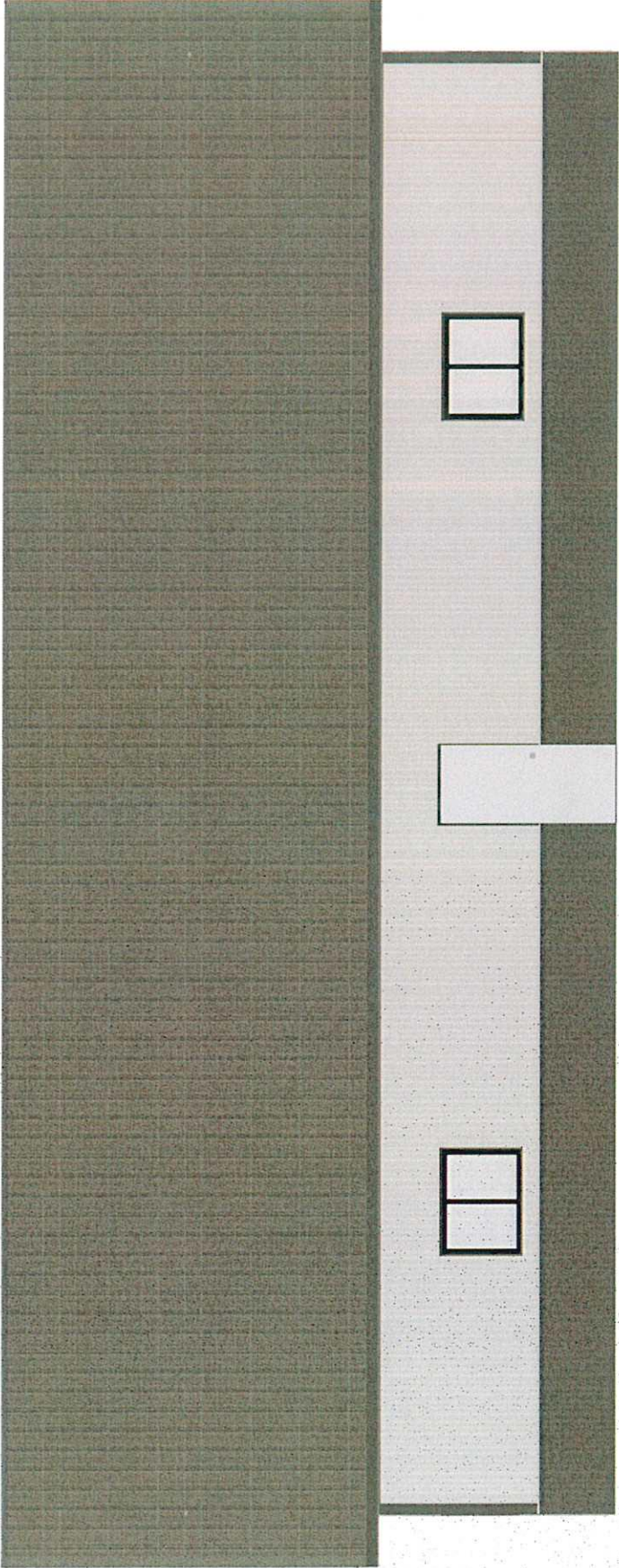
Iso 2



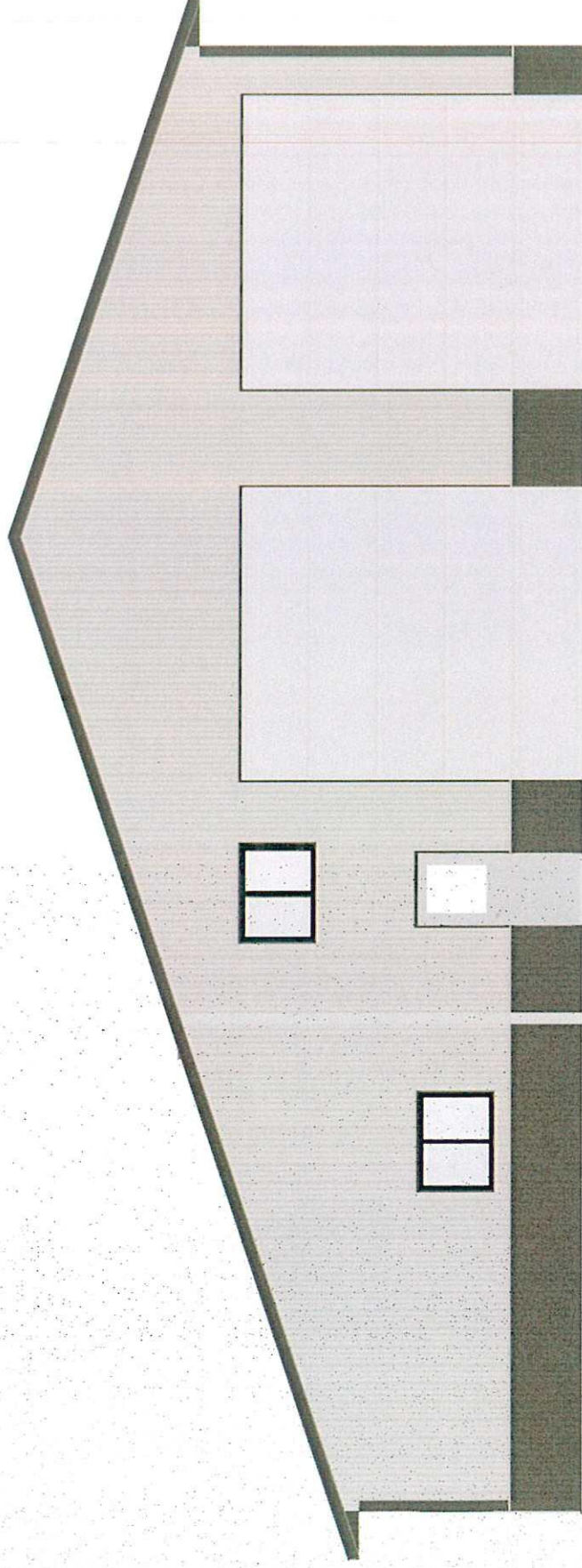
Front Elevation



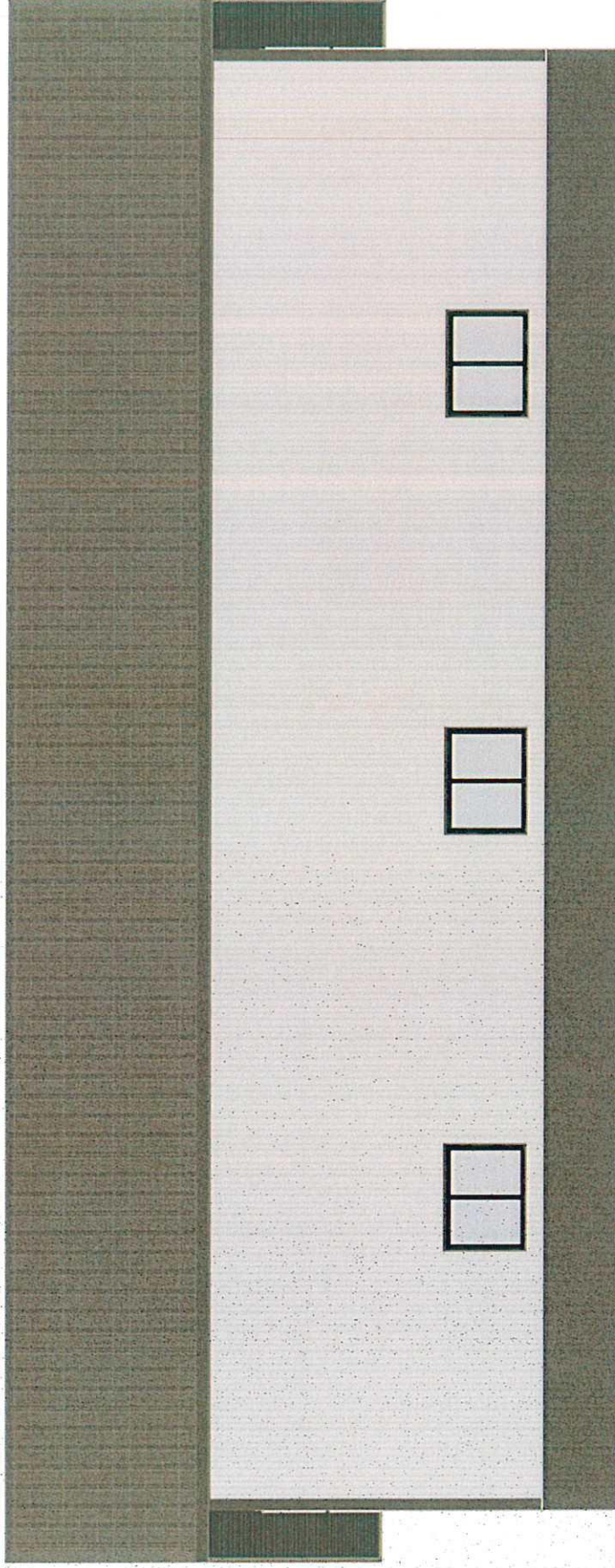
Left Elevation

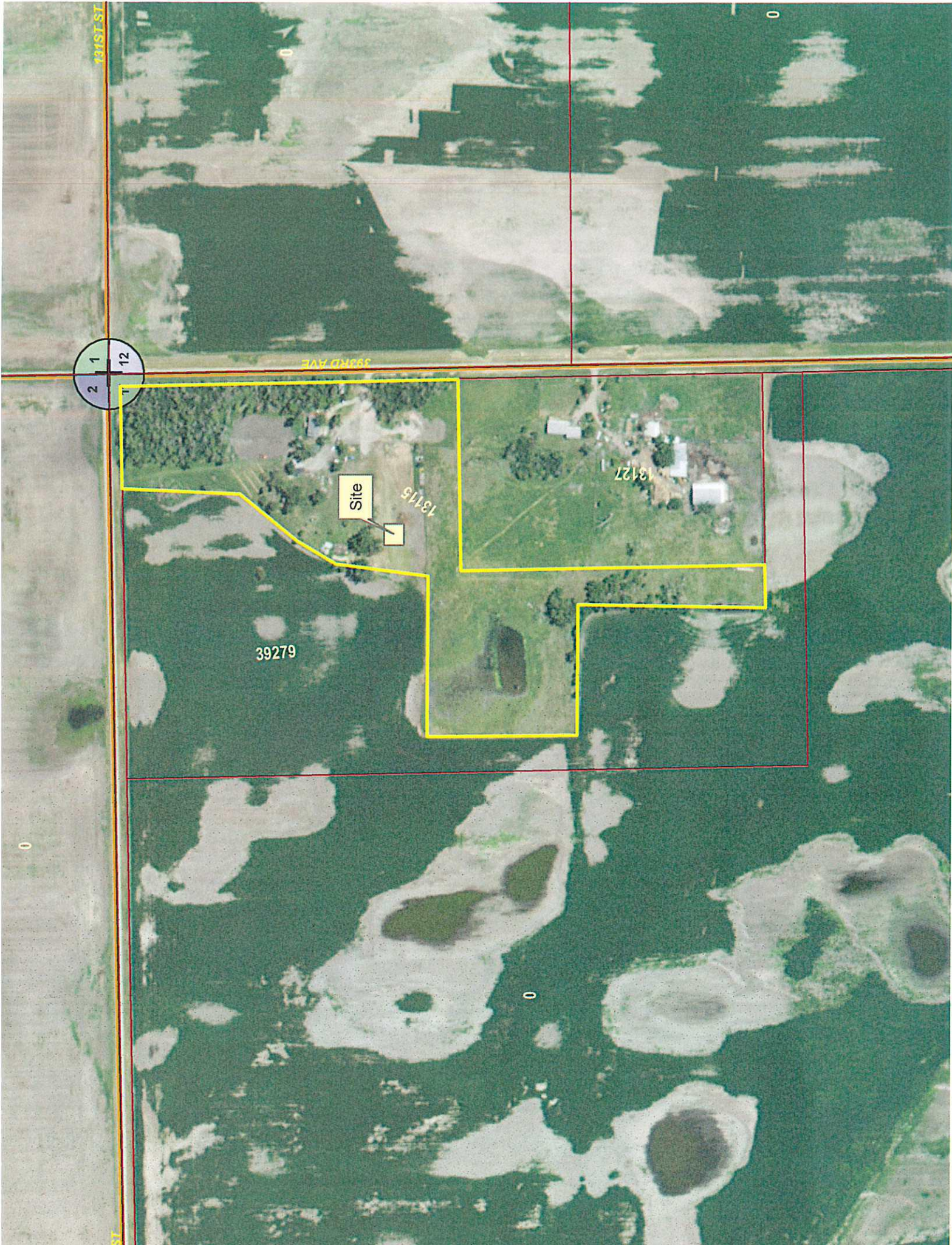


Back Elevation



Right Elevation





131ST ST

39279

13115

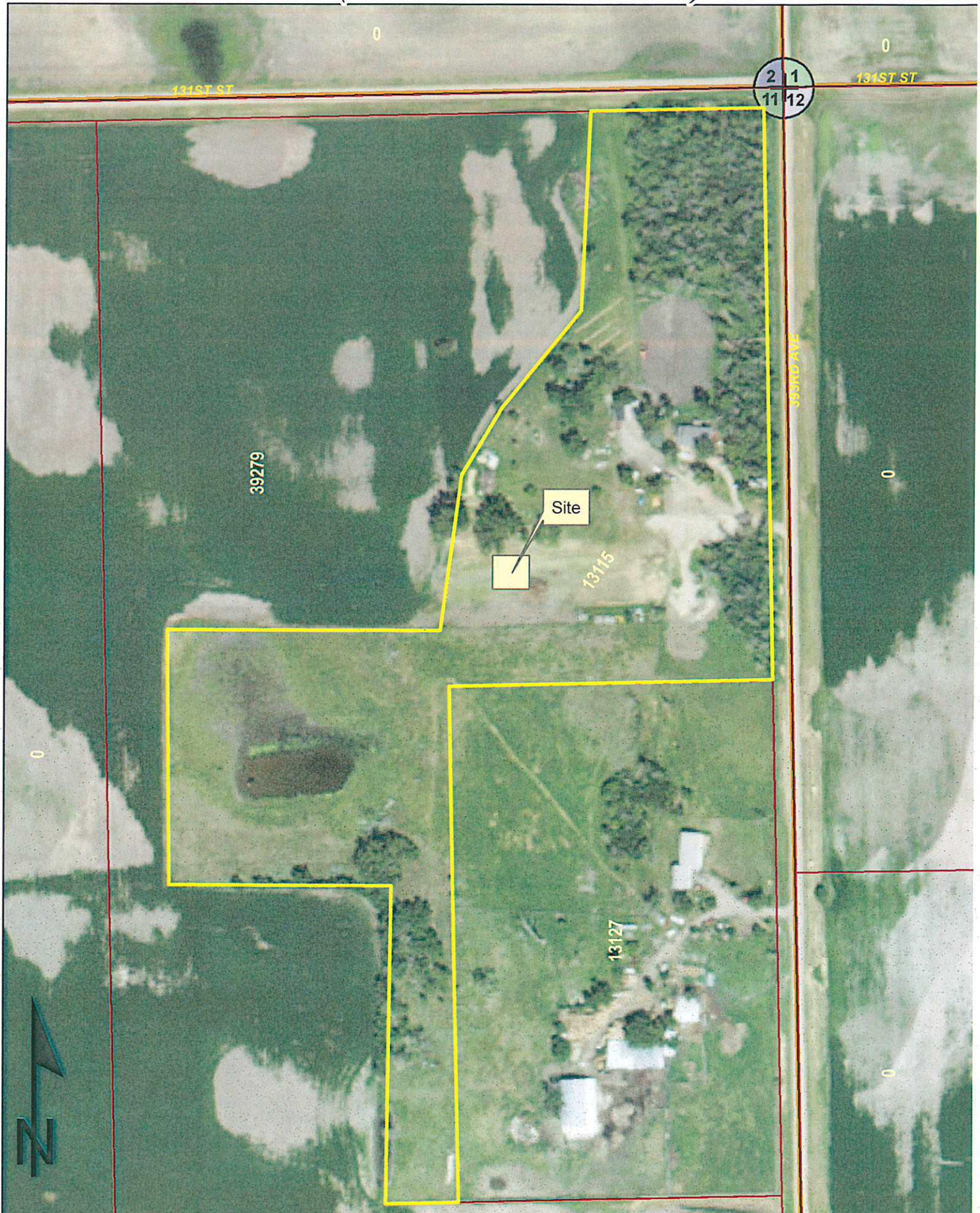
13127



Site

BROWN COUNTY GIS MAP

(FOR REFERENCE ONLY)



Tigh & Kelly Leibel
27421 SD Hwy 11
Harrisburg SD 57032

Bath Township
C/O Dale Boynton
39776 132nd Street
Bath SD 57427

Everson Family LP
C/O Rebecca Mazza
6008 Kellogg Avenue
Edina MN 55424

Eric & Deeann Hofer
6639 Pendo Road
Spearfish SD 57783

Gordon Downing
13127 393rd Avenue
Bath SD 57427

Elnor Beckler
38630 127th Street
Aberdeen SD 57401

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

Brown County
Leibel Conditional Use Petition
Published Aug. 7, 2024 for \$12.88
Invoice No. 23585

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

7th Day of August 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682



NOTICE OF HEARING FOR ALCOHOLIC BEVERAGE TEMPORARY PERMIT FOR SPECIAL EVENT

Notice is hereby given according to SDCL 35-2, a Public Hearing on the following Alcoholic Beverage Temporary Permit in conjunction with a Special Event for Malt Beverage and Wine to be used by Aberdeen Area Chamber of Commerce will be held on August 20, 2024 in the Chambers of the Brown County Commissioners, in the Courthouse Annex, Brown County, South Dakota, at which time any interested persons wishing to register complaint on their approval may appear.

Aberdeen Area Chamber of Commerce, Aberdeen, SD, for Field to Fork: A Farm to Table Connection held at Centennial Village, Brown County Fairgrounds, SW 1/4, Sec 1-T123N-R64W (400 NW 24th Ave., Aberdeen) Brown County, SD. Temporary Special Event Alcohol License effective September 6, 2024.

ATTEST: Lynn Heupel, Brown County Auditor
Published August 7, 2024, at the total approximate cost of \$11.65 and may be viewed free of charge at www.sdpublishing.com. 23582



NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M. Petitioner: Jeffery Walh

Description of property: Proposed Outlot 2, "Aberdeen TWR 20W Outlots" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38380 W Hwy 12, Aberdeen Twp.).

Reason: Rezone parcel from Heavy Industrial District (H-1) to Highway Commercial District (HC) to bring this parcel into compliance for its current use. The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.

Planning/Zoning Commission and

Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$14.41 and may be viewed free of charge at www.sdpublishing.com. 23583



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M. Petitioner: S & P Holdings LLC - Jacki Holler

Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue; Warner Twp.).

Reason: A Conditional Use Petition (CUP) for a home seed business.

The public may attend the hearing and present comments

and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 7th day of August 2024.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$12.26 and may be viewed free of charge at www.sdpublishing.com. 23584



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M. Petitioner: Tigh & Kelly Leibel

Legal description of property: Lot B, "Leibel First Addition" in the NE1/4 of Section 11-T123N-R63W of the 5th P.M., Brown County, South Dakota (13115 393rd Avenue; Bath Twp.).

Reason: A Conditional Use Petition (CUP) to operate "Diamondback Kennels" in a Mini-Agriculture District (M-AG) and build a 10' x 50' doghouse for training up to 36 dogs at one time.

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 7th day of August 2024.

Planning/Zoning Commission and

Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$12.88 and may be viewed free of charge at www.sdpublishing.com. 23585



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M. Petitioner / Owner: Carmen Morrison

Description of property: Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (37306 132nd Street, Mercer Twp.).

Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 25' Front Yard Setback rather than the 38' Setback and an 18' Rear Yard Setback required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 7th day of August 2024.

Planning/Zoning Commission and

Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$13.49 and may be viewed free of charge at www.sdpublishing.com. 23586



NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M. Petitioner: Jacki Holler - S & P Holdings LLC

Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue; Warner Twp.).

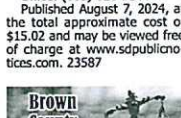
Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.

Planning/Zoning Commission and

Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$15.02 and may be viewed free of charge at www.sdpublishing.com. 23587



NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Meeting Room, on August 20, 2024, at 7:00 P.M. Petitioner: Amy & Joshua Gulstad

Description of property: "Olson's Outlot A" in the NW1/4 of Section 25-T126N-R64W of the 5th P.M., Brown County, South Dakota (11646 387th Avenue, Oneota Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current & future use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.

Planning/Zoning Commission and

Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published Aug. 7, 2024, at the total approximate cost of \$14.72 and may be viewed free of charge at www.sdpublishing.com. 23588



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M. Petitioner / Owner: Travis & Danielle Olson / Bernice Olson

Description of property: North Sixteen Acres Northwest of Section 17-T124N-R62W. The NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12606 395th Avenue, Cambria Twp.).

Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 7th day of August 2024.

Planning/Zoning Commission and

Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published Aug. 7, 2024, at the total approximate cost of \$13.49 and may be viewed free of charge at www.sdpublishing.com. 23589



NOTICE OF SALE

AUGUST 16th, 2024, at 10:00 AM.

State Nebraska Bank & Trust vs Brian Dolan & Kristen Dolan (08CTV22-000424-01) 2012 Chevy Avalanche

An Execution of Judgment in the above referenced matter was received by the Brown County Sheriff's Office on January 3rd, 2024. The amount of the Judgment is \$33,157.48, \$260.50 Cost, \$373.39 Pre-Judgment interest, plus continuing costs, and interest, as provided by law. This amount does not include Sheriff's Office fees and costs related to this matter. The property to be sold pursuant to the Execution is: 2012 Chevy Avalanche, VIN 3GNTKF79C124632, Odometer Reading: 206,206.

THIS PROPERTY WILL BE AUCTIONED AND SOLD TO THE HIGHEST BIDDER, WITH THE SALE BEING FINAL. SOLD AS IS WITH NO WARRANTIES EXPRESSED OR IMPLIED. CASH IS REQUIRED ON THE DAY OF SALE.

The sale will be held at the Brown County Impound, 1015 1st Ave SE, Aberdeen, SD 57401 (Next to BMX Track) on August 16th, 2024, at 10:00 AM.

DAVE LUNZMAN, SHERIFF OF BROWN COUNTY.
By: Nate Smith, Deputy, 605-626-7100 ext. 503.
Published July 17, 25, Aug. 7 and Aug. 15, 2024, at the total approximate cost of \$50.91 and may be viewed free of charge at www.sdpublishing.com. 23519



Special Meeting 7-11-24

Meeting of the Board of Trustees and members of the community of Claremont to hear the VP of Strobel Scott Vincint and Mark of DMVV Rail was held on July 11th at 7:00 p.m. in City Hall. Board members present Spencer and Rasmussen.

A question from the floor was asked "What is the plan for the dirt work that is happening near 6th Ave. on Railroad Property?" Vincent: "This will be a site for loading rail cars by semi trucks that will take 25-30 minutes each." That being said Mr. Vincint said there would be 4-5 semis daily.

How long has Strobel been aware that they were coming this site? Mr. Vincent: It has been 4-5 weeks!

How many people 2-3 drivers supporting the job - 1 person for Strobel / 4 hrs plus. Vincent stated that property is currently being leased from the state owned rail, but the future goal is to buy the property.

When asked about the trucks, Vincent stated they are independent contractors. How heavy is a loaded semi: 40 tons - 5 axle gross weight. They will haul liquid tallow to rail cars.

Community members agree that Third Street would not be a viable option as it has been a "no truck" route since 1997. Mr. Vincent was asked about contacting the city prior to starting the project. He stated, "That there was no contact and no legal meeting." He just talked to two of the trustees.

At site a suggestion the trucks bypass town on 410th Ave. and turn on 118th St., then take Third Street to Sixth Avenue to unload, then leave town on Sixth Ave. empty. This suggestion of driving in on Third Street was acceptable to all as it is a residential area with small children.

Some asked about road repair - Mr. Vincent stated that he felt it was the city's responsibility to repair. He says Strobel will have no responsibility at all!

The question of where Strobel had been loading was asked and Mr. Vincent would not answer.

Mr. Vincent strongly "stated that a contract was made between the trustees and himself." He was then asked why not a site like Putney or Huffton. They were both closer to Aberdeen. Mr. Vincent stated Claremont had the best track. A farmer approached by Strobel who has purchased the old elevator in town. Strobel offered this gentleman \$12,000 a year hoping to buy property and become a

permanent resident of the town and expand business.

Other questions asked of Mr. Vincent about cleanup of spills and other problems. He states "that Strobel is responsible and will have the appropriate equipment." He also stated "that there will be only nonhazardous material."

Concerning odor, Mr. Vincent stated "once cars are sealed there will be no smell."

If there is a spill it will go into the storm sewer. Meeting ended. Thanks Emma for your help! Crye, FO.

Published August 7, 2024, at the total approximate cost of \$27.32 and may be viewed free of charge at www.sdpublishing.com. 23590



Special meeting 7-18-24.

The board of trustees held a special meeting on 7-18-24. President Spencer called the meeting to order with Rasmussen and Thompson present. First on the agenda was to fill the trustee position left empty by Shane Johnson. President Spencer appointed Bob Thompson and seconded by Frank Rasmussen.

Lon Gelhaus - city attorney was present.

Again, many residents were present with questions and worries concerning Strobel Logistics. The streets and how they will survive, who will pay for repairing. Many were concerned about noise levels and smells.

The town does have a noise control ordinance to cover noise levels. The residents are sincerely concerned about the changes coming with Strobel Logistics and their company. Many are unknown concerns and they love their community.

A motion was made by the board to accept their ingress/egress site plan on condition that Strobel remove the approach to Sixth Ave. (In front of the American Legion) and also to share in the annual cost of maintenance to Sixth Avenue and Sixth Street and infrastructure in accordance with the shared responsibility of both Strobel and Claremont.

The motion was made by Frank Rasmussen and seconded by Bob Thompson. Motion carried.

Meeting adjourned on motion by Thompson and seconded by Rasmussen.

Crye, FO.
Published August 7, 2024, at the total approximate cost of \$14.35 and may be viewed free of charge at www.sdpublishing.com. 23591

Apply to become the Grant County, SD 4-H Program Advisor!

Full-time position with benefits package. Successful candidate will promote, develop and guide the youth in the 4-H program. Bachelor's degree required in one of the following: agriculture, family consumer sciences, child and/or youth development or related field. Travel and flexibility of hours are required.

Grant County is a progressive community in Northeast South Dakota. Its prosperity relies on a foundation of agriculture and manufacturing, with a growing school system and vibrant healthcare community.

For details, email a cover letter and resume by Friday, August 23, at 5 p.m. to karen.jayner@grantcountysd.us or mail to Grant County Administrator 210 E. 5th Avenue, Milbank, SD 57252. EOE

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Groton Independent ♦ Wed., Aug. 7, 2024 ♦ 7

Groton Chiropractic Clinic

Carol McFarland-Kutter, D.C.

1205 N 1st St., Groton 397-8204



423 S. MAIN ST. | ABERDEEN, SD 57401
(605) 226-3481 | ABERDEENINSIDER.COM

Proof of Publication

This is not an invoice.

Lynn Heupel
Brown County Auditor
25 Market St., Ste. 1
Aberdeen, SD 57401
Ph: (605) 626-7110 x 100
Fax: (605) 626-4010

The **Aberdeen Insider** is a weekly newspaper of general circulation, posted online, printed, and published in Aberdeen, Brown County, South Dakota since January 25, 2023. This is an acknowledgement that the attached/included public notice was included in the printed edition(s) of the **Aberdeen Insider**:

August 8, 2024 – Brown County Planning and Zoning Notice for Leibel Conditional Use Petition

I, Troy McQuillen (Owner and Publisher), under oath, do swear, that I am the publisher of the **Aberdeen Insider**, and that the **Aberdeen Insider** is a local newspaper as described in South Dakota codified laws and maintains a paid print circulation of over 2,500 weekly.

Total Cost: \$16.52

Publisher: _____

A handwritten signature of Troy McQuillen in black ink, written over a horizontal line.

Notary

Sworn to and subscribed before on **August 8, 2024**

A handwritten signature of Tracy Vogel in black ink, written over a horizontal line.
Notary, State of SD, County of Brown

My Commission Expires: _____

4/12/2030



This is not an invoice.

Continued from page 4D

ORDINANCE #273 - SECOND READING/ADOPTION:

Moved by Commissioner Dennert, seconded by Wiese to adopt Ordinance #273. Applicant Arlene Webb to rezone from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Proposed Lot 1, "Beving-Webb Addition" in the SE1/4 of Section 13-T123N-R65W of the 5th P.M., Brown County, South Dakota (13291 382nd Avenue; Mercier Twp.). All members present voting aye. Motion carried.

ORDINANCE #274 - SECOND READING/ADOPTION:

Moved by Commissioner Gage, seconded by Wiese to adopt Ordinance #274. Applicants TC Wright Trust/ Dennis Jones/Chad & Jean Ferguson to rezone 3 parcels from Agriculture Preservation District (AG) to Mini-Agriculture District (M-AG) and 1 parcel from Mini-Agriculture District (M-AG) to Agriculture Preservation District (AG-P) to bring these parcels into compliance for their current use: Lot 1 & 2, "Wright Third Subdivision" in the NE1/4 of Section 7-T123N-R62W and Lot 1 & 2, "Jones-Wright Addition" in the E1/2 of Section-T123N-R62W, all of the 5th P.M., Brown County, South Dakota (13121, 13145, 13149, 13153 395th Avenue, Bath Twp.). All members present voting aye. Motion carried.

PROPOSAL FOR INDIGENT COUNSEL:

Moved by Commissioner Wiese, seconded by Gage to reject the Proposal for Indigent Defense Services due to the County looking at setting up a Public Defenders Office at this time. All members present voting aye. Motion carried.

RESOLUTION TO ESTABLISH APPLICATION AND ADMINISTRATIVE FEES FOR FUTURE TAX INCREMENT FINANCING DISTRICTS IN BROWN COUNTY:

Commissioner Wiese offered the following Resolution: **RESOLUTION 39-24 A RESOLUTION TO ESTABLISH APPLICATION AND ADMINISTRATIVE FEES FOR FUTURE TAX INCREMENT FINANCING DISTRICTS IN BROWN COUNTY**

WHEREAS, the Brown County Commission wishes to promote economic development and growth within the County; and WHEREAS, South Dakota Codified Law Chapter 11-9 permits Brown County, as a political subdivision, to achieve the above objective through the creation, approval, and administration of Tax Increment Financing ("TIF") Districts;

WHEREAS, Brown County incurs costs and expenses in the consideration of applications for TIF, as well as the administration of the Districts created; and WHEREAS, SDCL 11-9-15(5) permits administrative costs to be included in project costs. **NOW, THEREFORE, BE IT RESOLVED**, applicant seek to Brown County for TIF shall henceforth be subject to a one-time application fee of one thousand dollars (\$1,000) then an additional fifteen hundred dollars upon approval (\$1,500) for a grand total of two thousand five hundred dollars (\$2,500). **BE IT FURTHER RESOLVED**, any developer seeking TIF from Brown County shall henceforth include in its project plan an administrative fee of one-half percent (0.5%) of the project costs, less financing costs identified therein, except that such amount shall not be less than (\$5,000) nor more than (\$20,000) to be paid to County. Such amount may be deducted by County from the initial remittance of tax increment revenues.

BE IT FURTHER RESOLVED, upon request of the developer, all or a portion of the fees herein may be waived by the Brown County Commission.

Dated at Aberdeen, South Dakota, this 30th day of July, 2024. Seconded by Commissioner Gage.

Roll call vote: Dennert-aye; Fjeldheim-absent; Gage-aye; Sutton-aye; Wiese-aye. Resolution adopted. **RESOLUTION IN SUPPORT OF LOCAL CONTROL:** Commissioner Dennert offered the following Resolution:

RESOLUTION #40-24 RESOLUTION IN SUPPORT OF LOCAL CONTROL

WHEREAS, county government is best served by the governing and management of local resources by local elected officials. WHEREAS, local control is much more responsive to the needs of local citizens.

WHEREAS, local elected officials have an obligation to protect the safety, health, and welfare of the entire community. WHEREAS, local leaders and local governing bodies reduce bureaucracy, reduce taxpayer expenses, and improve the efficiency of government operations.

WHEREAS, elected officials in the counties are closest to its citizens, are more invested in the success of the community, and are best suited to make important decisions about its operation, and governance. **NOW, THEREFORE, BE IT RESOLVED**, that Brown County urges the State Legislature and Governor to enact and provide support for laws that encourage local control.

Dated at Aberdeen, South Dakota, this 30th day of July, 2024. Moved by Commissioner Wiese.

Roll call vote: Dennert-aye; Fjeldheim-absent; Gage-aye; Sutton-aye; Wiese-aye. Resolution adopted.

RESOLUTION REQUESTING AN AMENDMENT TO SDCL 10-25 (TAX DEED PROCEEDINGS):

Commissioner Wiese offered the following Resolution:

RESOLUTION 41-24 A RESOLUTION REQUESTING AN AMENDMENT TO SOUTH DAKOTA CODIFIED LAW 10-25 TO INCLUDE A PROCESS FOR APPLYING EXCESS TAX DEED PROCEEDS TO THE SATISFACTION OF OTHER CLAIMS HELD BY COUNTY.

WHEREAS, the 99th Legislature of the State of South Dakota amended Chapter 10-25 of South Dakota Statute to comply with the United States Supreme Court's ruling in *Tyler v. Henneep*, 598 U.S. 631, 143 S. Ct. 1369, 215 L. Ed. 2d 564 (2023).

WHEREAS, Chapter 10-25-39 was amended to require "Any surplus proceeds of the tax deed sale that remain after payment of the taxes, penalty, interest, and other costs, must be returned to the prior owner of record."

WHEREAS, the failed to address other debts claimed by Counties in various statutory lien forms including but not limited to care of poor and indigent defense liens. WHEREAS, the Brown County desires a statutory process to make a claim on excess tax deed sale proceeds before their remittance to the prior owner of record.

AREA WHERE POLITICAL ACTIVITY IS PROHIBITED

Brown County Administration Buildings include: • The West Annex housing the Brown County Auditor, Treasurer, Register of Deeds, Assessor, • The Brown County Courthouse housing 5th Circuit Courts and support staff, Court Services offices, and Brown County Veterans Affairs offices, • The East Annex housing the Brown County State Attorney's Office, Sheriff's Office, and the Brown County Jail.

In order to preserve general accessibility to the Administration Buildings including, without limitation, Utilizers may not stand, sit, or lie in or otherwise position themselves upon or otherwise occupy any area within Administration Buildings, or any area within ten (10) feet of any Administration Building entrance, or any other area that would interfere with handicapped accessibility to Administration Buildings. These areas are hereinafter referred to as the "Zone of Non-Interference."

CONDUCT DURING POLITICAL ACTIVITY

Utilizers must remain outside of county buildings when conducting any Political Activity. Utilizers may approach individuals for the purpose of asking them to sign a petition

provided the Utilizers remain outside of the Zone of Non-Interference and follow all other provisions of this Policy. Utilizers shall not, at any time, prevent access to county buildings

to take an active role in federal, state, and local government decisions.

WHEREAS, Brown County buildings exist to accommodate the business of county government, the courts, and citizens of Brown County.

WHEREAS, in an effort to balance the aforementioned rights with the need to preserve public safety and provide citizens the opportunity to conduct their county business without unnecessary disruption, the Board of County Commissioners has considered reasonable accommodations for citizens or groups to circulate petitions, distribute information, and engage in other First Amendment activities.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Brown County Commissioners adopts the attached Brown County Office Public Use Policy, Dated at Aberdeen, South Dakota, this 30th day of July, 2024. Seconded by Commissioner Dennert.

Roll call vote: Dennert-aye; Fjeldheim-absent; Gage-aye; Sutton-aye; Wiese-aye. Resolution adopted.

LIMITED PUBLIC USE POLICY:

Moved by Commissioner Wiese, seconded by Dennert to adopt the following Limited Public Use Policy.

BROWN COUNTY LIMITED PUBLIC USE POLICY

Brown County buildings exist to accommodate the business of county government, the courts, and the citizens of Brown County. As such all buildings, adjacent grounds, sidewalks and parking facilities are nonpublic forums. While Brown County appreciates those citizens who wish to take an active role in federal, state and local government decisions, county buildings must accommodate many people every day without any unnecessary delay or inconvenience.

In an effort to preserve public safety and provide citizens the opportunity to conduct their county business without unnecessary disruption or inconvenience while at the same time provide for locations from which individuals or groups ("Utilizers") may circulate petitions, distribute information, and engage in other first amendment activities ("Political Activity"), the Brown County Commission has approved the following "Limited Public Use Policy" by Resolution #42-24 dated July 30, 2024.

Utilizers may conduct Political Activity, in accordance with this Limited Public Use Policy, outside of the Brown County Administration Buildings ("Administration Buildings") except in the Zone of Non-Interference described below.

AREA WHERE POLITICAL ACTIVITY IS PROHIBITED

Brown County Administration Buildings include: • The West Annex housing the Brown County Auditor, Treasurer, Register of Deeds, Assessor, • The Brown County Courthouse housing 5th Circuit Courts and support staff, Court Services offices, and Brown County Veterans Affairs offices, • The East Annex housing the Brown County State Attorney's Office, Sheriff's Office, and the Brown County Jail.

In order to preserve general accessibility to the Administration Buildings including, without limitation, Utilizers may not stand, sit, or lie in or otherwise position themselves upon or otherwise occupy any area within Administration Buildings, or any area within ten (10) feet of any Administration Building entrance, or any other area that would interfere with handicapped accessibility to Administration Buildings. These areas are hereinafter referred to as the "Zone of Non-Interference."

CONDUCT DURING POLITICAL ACTIVITY

Utilizers must remain outside of county buildings when conducting any Political Activity. Utilizers may approach individuals for the purpose of asking them to sign a petition

provided the Utilizers remain outside of the Zone of Non-Interference and follow all other provisions of this Policy. Utilizers shall not, at any time, prevent access to county buildings

or obstruct vehicular or pedestrian traffic within the parking area or as individuals enter or leave county buildings;

Utilizers must conduct themselves in a polite, courteous and professional manner including, but not limited to, respecting an individuals' right to decline to sign a petition and respecting an individuals' right to sign a petition;

Utilizers must respect the rights of others including, but not limited to, petition circulators and other individuals engaged in Political Activity;

Utilizers shall not follow any individual into any building, the Zone of Non-Interference, or other area of the county campus where Political Activity is prohibited;

Utilizers shall not place any material in the Zone of Non-Interference, including, without limitation: petitions, signs, banners, pamphlets, tables, and chairs;

Utilizers shall not leave any material unattended, including, without limitation: petitions, signs, banners, pamphlets, tables, and chairs – any unattended material may be disposed of in the appropriate garbage or recycling receptacles;

Utilizers may seek refuge inside of the Administration Building in the event of severe weather provided that all Political Activity cease inside of the Administration Building and such individuals do not impede those entering and leaving the building; and

The Administration Building may be designated as a polling place and as such, the provisions of SDCL 12-18-3 would apply during all periods of absentee voting and on the day of any election.

Note: Any questions regarding this policy should be directed to the Commission Office.

All members present voting aye. Motion carried.

RENEWAL CONTRACT WITH CREDIT COLLECTIONS BUREAU (CCB):

Moved by Commissioner Wiese, seconded by Dennert to approve and authorize Chairman Sutton to sign the renewal contract with Credit Collections Bureau (CCB). All members present voting aye. Motion carried.

MINUTES:

Moved by Commissioner Wiese seconded by Gage to approve the General Meeting Minutes of July 23, 2024. All members present voting aye. Motion carried.

CLAIMS/PAYROLL:

Moved by Commissioner Gage, seconded by Dennert to approve the following claims/payroll: Claims: Insurance: SD Public Assurance Alliance \$358,61. Professional Fees: Aberdeen Advanced Care Ambulance \$943,65; Brown County Treasurer \$26,70; Carrels & Bain Family Dental Care, LLC \$301,43; CenturyLink-Lumen \$229,96; CGI, LLC \$75,63; Faulkner Area Medical Center \$198,18; MEG Corp \$1,670,00; Liberty Tire Recycling, LLC \$3,126,12; Network Center, Inc \$2,687,57; Paetzold-Garnett Funeral Chapel \$1,284,41; Sara Zahn \$21,25; US Bank Visa \$1,391,02; Yankton County Treasurer \$400,50. Publishing: Midstates Group \$133,00; US Bank Visa \$300,00. Rentals: Advantage Self Storage \$276,00; Repairs & Maintenance: Crawford M S & F Inc \$3,937,00; Crawford Trucks & Equipment \$5,409,62; HF Jacobs & Son Const. 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Continued from page 5D

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request. Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$16.52 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Travis & Daniella Olson / Bernice Olson
Description of property: North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-T124N-R62W, The NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12606 395th Avenue, Cambria Twp.).

Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances. The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$17.08 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Meeting Room, on August 20, 2024, at 7:00 P.M.

Petitioner: Amy & Joshua Gustaf
Description of property: "Olson's Outlot A" in the NW1/4 of Section 25-T126N-R64W of the 5th P.M., Brown County, South Dakota (11646 387th Avenue, Oneota Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current & future use. The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published three times on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: S & P Holdings LLC – Jackie Holler
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.).

Reason: A Conditional Use Petition (CUP) for a home seed business. The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request. Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$14.28 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jackie Holler – S & P Holdings LLC
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use. The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jeffery Walth
Description of property: Proposed Outlot 2, "Aberdeen Twp 20W Outlots" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38380 W Hwy 12, Aberdeen Twp.).

Reason: Rezone parcel from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use. The public is invited to attend

the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Carmen Morrison
Description of property: Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (37305 132nd Street, Mercer Twp.).

Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 25' Front Yard Setback rather than the 38' Setback and an 18' Rear Yard Setback rather than the 30' Setback required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$17.08 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: James Johnson / William Mundhenke
Description of property: Proposed Lots 1 thru 5, "Johnson Airport Subdivision" in the SW1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota (5010, 5025, 5030, 5120 & 5210 Anthony Lane; Bath Twp.).

Reason: Rezone parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use. The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401

Office: (605) 626-7144

Published once on August 8, 2024, at the total approximate cost of \$17.36 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensinsider.com

**CITY OF ABERDEEN
AMENDED MINUTES
ABERDEEN CITY
COUNCIL MEETING**

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, July 22, 2024, at 5:30 p.m., regular meeting of the City Council.

Payroll Section of City Council Meeting Minutes of July 22, 2024, as Amended (minutes are amended to include payroll data not available at time of publication).

Payroll for the period from July 14, 2024, through July 27, 2024, and city share of social security, old age & survivor's insurance, retirement, health and life insurance: EFTPS \$193,762.34, SDRS \$94,563.76, City Health Insurance \$91,000.00, City Council \$3,521.63, City Manager \$8,805.16, City Attorney \$7,904.55, Finance \$16,272.12, HR \$10,033.38, City Hall \$2,031.37, Computer \$5,494.92, Community Development \$16,048.00, Engineering \$14,375.92, Fire \$162,506.11, Fire for the re-use of this property will be submitted for review by the South Dakota Historic Preservation Office prior to any new construction being permitted.

No other feasible and prudent alternative to replacement exists or economically feasible for the property owner to incur the costs to renovate and reuse the existing structure for their proposed.

The effects of the proposed building project should have little negative impact on neighboring properties. Plans for the re-use of this property will be submitted for review by the South Dakota Historic Preservation Office prior to any new construction being permitted.

No other feasible and prudent alternative to replacement exists or economically feasible for the property owner to incur the costs to renovate and reuse the existing structure for their proposed.

The June 24, 2024, letter from SHPO entitled "SDCL 1-19A-11.1 Consultation" has been reviewed and considered in the final determination.

The integrity of the historic district will not be jeopardized by the removal of the historic property.

property, and WHEREAS, the City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF THE City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$12.88 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensinsider.com

Options were investigated by the owner to adaptively re-use the entire space at the onset of design. Unfortunately, due to cost, the usability of the space, and unknown structural conditions, the owner has opted to move forward with new

It is not physically possible, or economically feasible for the property owner to incur the costs to renovate and reuse the existing structure for their proposed.

The effects of the proposed building project should have little negative impact on neighboring properties. Plans for the re-use of this property will be submitted for review by the South Dakota Historic Preservation Office prior to any new construction being permitted.

No other feasible and prudent alternative to replacement exists or economically feasible for the property owner to incur the costs to renovate and reuse the existing structure for their proposed.

The June 24, 2024, letter from SHPO entitled "SDCL 1-19A-11.1 Consultation" has been reviewed and considered in the final determination.

The integrity of the historic district will not be jeopardized by the removal of the historic property.

No other feasible and prudent alternative to replacement exists or economically feasible for the property owner to incur the costs to renovate and reuse the existing structure for their proposed.

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The integrity of the historic district will not be jeopardized by the removal of the historic property.

No other feasible and prudent alternative to replacement exists or economically feasible for the property owner to incur the costs to renovate and reuse the existing structure for their proposed.

application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF THE City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$12.88 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensinsider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named business at the following addresses:

Special One-Day Retail On-Sale Liquor License for the Aberdeen Sertoma Club for the Storybook Land Unopened event on September 5, 2024. NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF THE City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$13.16 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensinsider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named person(s) at the following address:

New Retail On-Off Sale Wine and Cider
Cuzzo, LLC dba Cuzzo Peruvian Cuisine
20 6th Ave SW, Aberdeen, SD 57401
New Retail on-Off Sale Malt Beverage & SD Farm Wine
Cuzzo, LLC dba Cuzzo Peruvian Cuisine
20 6th Ave SW, Aberdeen, SD 57401

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF THE City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$16.24 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensinsider.com

STAFF REPORT

Meeting: August 20, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

CONDITIONAL USE PETITION (CUP) IN FUTURE M-AG

ITEM #02

(Future Mini-Agriculture District (M-AG))

GENERAL INFORMATION:

OWNER:

S & P Holdings LLC

PETITIONER:

Jacki Holler-S & P Holdings

REQUEST:

**CONDITIONAL USE PETITION (CUP) IN A
FUTURE MINI-AGRICULTURE DISTRICT (M-AG)**

LEGAL DESCRIPTION:

Lot 1, "Johnson South Third Subdivision" in the
NE1/4 of Section 22-T122N-R64W of the 5th P.M.,
Brown County, South Dakota

ADDRESS:

13919 386th Avenue

CITY/TOWNSHIP:

Warner Twp

EXISTING ZONING

Agriculture Preservation District (AG-P) to be
rezoned to Mini-Agriculture District (M-AG)

SURROUNDING ZONING:

North:

Mini-Agriculture District (M-AG)

South:

Agriculture Preservation District (AG-P)

West:

Agriculture Preservation District (AG-P)

East:

Agriculture Preservation District (AG-P)

PUBLIC UTILITIES:

Web Water

REPORTED BY:

Ron Keller

GENERAL COMMENT: The petitioner is requesting a Conditional Use Petition to operate a home seed business in a Mini-Agriculture District (M-AG).

GENERAL REVIEW: Staff has reviewed this request.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR SPECIAL EXCEPTION / CONDITIONAL USE

DATE: July 26, 2024
RECEIPT # 822032
TOWNSHIP: Warner Twp

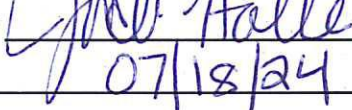
FEES: \$225.00
PAID: YES/NO CHK/CASH
DATE: July 18, 2024

OWNERS SIGNATURE: Jacki Holler-S & P Holdings
OWNERS ADDRESS: 715 Taylor Drive
OWNERS CITY, STATE, ZIP: Aberdeen SD 57401
OWNERS PHONE: (605) 228-7139

AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

REQUEST: Petitioner is requesting a Conditional Use Permit (CUP) to operate a home seed business in a future Mini-Agriculture District (M-AG).

LEGAL DESCRIPTION: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue; Warner Township)

SIGNATURE: 
07/18/24

Planning Commission Action: Approved / Denied

By: _____ **Date:** _____

HEARING DATE: August 20, 2024 **TIME:** 7:00pm

MEETING: located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: S & P Holdings LLC – Jacki Holler

Description of property: Lot 1, “Johnson South Third Subdivision” in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue; Warner Twp.).

Reason: A Conditional Use Petition (CUP) for a home seed business.

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 8th day of August 2024.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

SPECIAL EXCEPTION/CONDITIONAL USE *WORKSHEET*

REQUEST INFORMATION

Request:	Special Exception/Conditional Use Permit • (Short Description) Home Seed Business
Applicant:	Name S & P Holdings LLC-Jacki Holler • Address 715 Taylor Drive, Aberdeen SD 57401
Landowner:	• Same
Legal Description:	Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota
Location:	13919 386th Avenue; Warner Twp.
Size:	14.26 acres
Physical Description:	
Tax ID:	
Current Zoning:	Agriculture Preservation District (AG-P) being rezoned to Mini-Agriculture District (M-AG)
Existing Land Use:	Mini-Agriculture
Surrounding Zoning:	•Mini-Agriculture District (M-AG) / Agriculture Preservation District (AG-P)
Utilities:	WEB Water
Ordinance:	
Report by:	Scott Bader

FINDINGS

JURISDICTION (APPROVING AUTHORITY SDCL 11-2-17.3 AND 11-2-53 (3); BCO 4.2402)

The Board of Adjustment is empowered under chapter 4.24 of Brown County Ordinance to grant the special exception/conditional use and that the granting of the special exception ☐ will OR ☒ will not adversely affect the public interest and welfare.

CATEGORY OF CONDITIONAL USE REQUIRING APPROVAL SDCL 11-2-17.3

NOT SURE WHAT THIS MEANS? IS IT THE USE THEY ARE ASKING FOR?

ZONING DISTRICT AVAILABILITY OF SPECIAL EXCEPTION SDCL 11-2-17.3

PROPERTY IS ZONED AS:

Agriculture Preservation District (AG-P) being rezoned to Mini-Agriculture District (M-AG)

Special Exception/Conditional use permitted? ☒ YES ☐ No

Fit with Comprehensive Plan? ☒ YES ☐ No

Fit with Purpose of Zoning Ordinance and Relevant District? (see statement of intent in ordinance)

☒ YES ☐ No

CRITERIA FOR EVALUATING CONDITIONAL USE SDCL 11-2-17.3

BCO 4.2402 (5) - SATISFACTORY PROVISIONS AND ARRANGEMENTS (write considerations in blanks)

(a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Conditional Use has adequate ingress/egress on the property.

(b) Off-street parking and loading areas where required, with particular attention to the items in "a" above and the economic, noise, glare or other effects of the general exception on adjoining properties and properties generally in the district;

Conditional Use has adequate parking.

(c) Refuse and service areas, with particular reference to the items in "a" and "b" above;

Conditional Use has accommodations for refuse.

(d) Utilities, with reference to locations, availability, and compatibility;

Conditional Use will use existing utilities.

(e) Screening and buffering with reference to type, dimensions, and character;

Conditional Use has adequate screening on the property.

(f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;

Conditional Use will have signage on the side of the building.

(g) Required yards and other open spaces;

Conditional Use meets yard and space requirements.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

(h) General compatibility with adjacent property in the district
Conditional Use is compatible with other properties in the district.
SPECIFIC RULES GOVERNING INDIVIDUAL SPECIAL EXCEPTIONS BCO 4.2402(5) (if any)
Most don't have any. Examples that do are Mining and CAFOs
BCO 4.2402 (6) CONDITIONS AND SAFEGUARDS
(a) Fire Hazard. The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material.
Conditional Use would have normal fire risk associated with a storage building.
(b) Noise. The use shall not include noise which objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
Conditional Use would create minimal noise.
(c) Vibration. The use shall not include vibration, which is discernible without instruments on any adjoining lot or property.
Conditional Use should not create vibrations.
(d) Air Pollution. The use shall not involve any pollution of air by fly ash, dust, vapors, or other substances which are harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.
Conditional Use should not generate air pollution.
(e) Odors. The use shall not involve any malodorous gas or matter, which is discernible to any adjoining lot or property.
Conditional Use should not not generate odors.

(f) Glare. The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road, or highway.

Conditional Use should not create any glare.

(g) Traffic Hazard. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion. No single use or density of development should generate traffic volumes on any public street in excess of one hundred (100) vehicle trips per day per acre

Conditional Use should not significantly increase traffic.

(h) Sewer and Water. The use shall not involve an activity, which will substantially increase the burden on the water supply or cause sewage treatment problems unless provision is made for necessary adjustments.

Conditional Use should not increase the burden on sewer or water.

(i) Character of Neighborhood. The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by design, setback, nature of operation, and other devices, the character of the neighborhood will be maintained.

The character of the neighborhood will not be altered significantly.

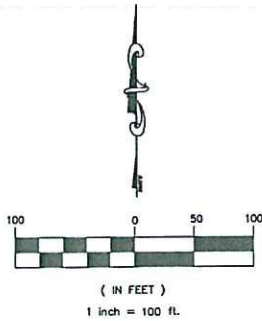
(j) General Welfare of the Community. The use shall not involve any activity which adversely affects the general welfare to the community.

Conditional Use should not adversely affect the general welfare of the community.

SPECIAL EXCEPTION/CONDITIONAL USE
WORKSHEET

After consideration and approval of the stated findings above, the Brown County Board of Adjustment moves to ☐ APPROVE ☐ DENY the application for Special Exception/Conditional use.

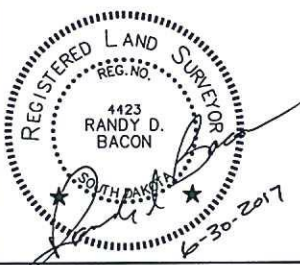
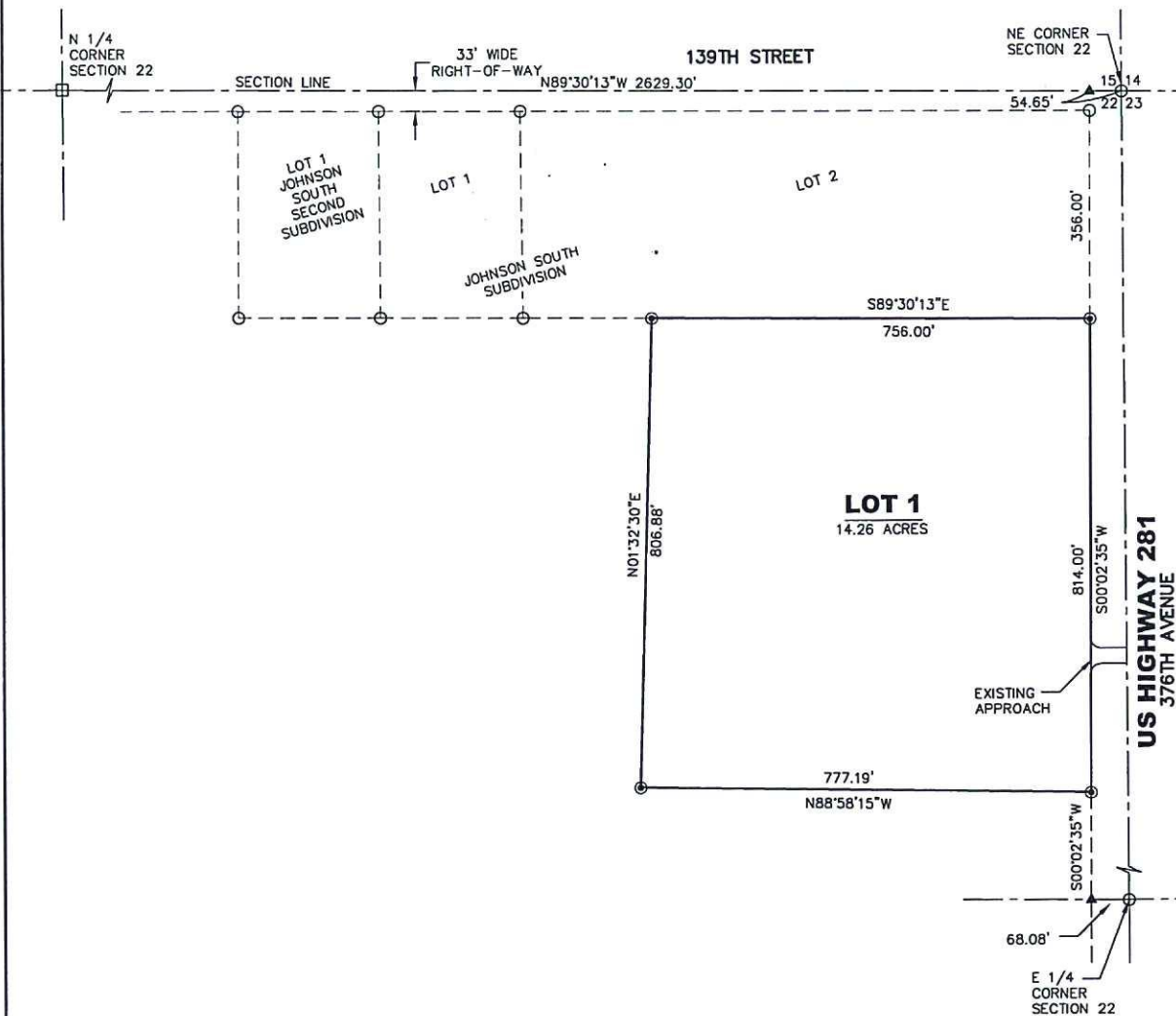
PLAT OF
JOHNSON SOUTH THIRD SUBDIVISION
IN THE NE 1/4 OF SECTION 22-T122N-R64W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

**LEGEND**

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY
CAP STAMPED BACON RLS 4423
- ⊙ SET 3" SPIKE W/ WASHER
STAMPED BACON RLS 4423
- ▲ CALCULATED POSITION

BASIS OF BEARINGS

GPS-TRUE MERIDIAN



Helms & Associates
 CIVIL ENGINEERS & LAND SURVEYORS

221 Brown County
 Highway 19
 P.O. Box 111
 Aberdeen, S.D. 57401
 Phone: 605.235.1212
 Fax: 605.235.3189

PLAT OF

A-6689

JOHNSON SOUTH THIRD SUBDIVISION IN THE NE 1/4 OF SECTION 22-T122N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF GENEVIEVE M. JOHNSON AS OWNER, AND UNDER HER DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO JUNE 15, 2017, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: JOHNSON SOUTH THIRD SUBDIVISION IN THE NE 1/4 OF SECTION 22-T122N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA.

I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 30 DAY OF June, 2017.

Randy D. Bacon
RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT; THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS JOHNSON SOUTH THIRD SUBDIVISION IN THE NE 1/4 OF SECTION 22-T122N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 6 DAY OF JULY, 2017.

Genevieve M. Johnson
GENEVIEVE M. JOHNSON
BY Gordon W. Johnson
John H. Johnson
POWER OF ATTORNEY

ACKNOWLEDGEMENT

STATE OF SD)

COUNTY OF BROWN)SS

ON THIS THE 6 DAY OF JULY, 2017, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED GENEVIEVE M. JOHNSON KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

C. J. M. / C. J. M. BAKER
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES: OCT 05, 2022

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE 18 DAY OF July, 2017.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING JOHNSON SOUTH THIRD SUBDIVISION IN THE NE 1/4 OF SECTION 22-T122N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

John H. Baker
SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE 25 DAY OF July, 2017.

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING JOHNSON SOUTH THIRD SUBDIVISION IN THE NE 1/4 OF SECTION 22-T122N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

Mark A. Fischer
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

PLAT OF

A-6689

**JOHNSON SOUTH THIRD SUBDIVISION
IN THE NE 1/4 OF SECTION 22-T122N-R64W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

HIGHWAY ACCESS CERTIFICATE

ACCESS TO Lot 1 IS APPROVED. THIS ACCESS APPROVAL DOES NOT REPLACE THE NEED FOR ANY PERMITS BY LAW TO ESTABLISH THE PRECISE ACCESS LOCATION, INCLUDING PERMIT REQUIREMENTS SET FORTH IN ADMINISTRATIVE RULE OF SOUTH DAKOTA 70:09:01:02.

BY: Robert J. Ward
HIGHWAY OR STREET AUTHORITY

TITLE: Engineering Supervisor

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS 6 DAY OF July, 2017.

Becky Peterson
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS 5 DAY OF July, 2017.

Shirley Enderson
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEEDS CERTIFICATE

FILED FOR RECORD THIS 25 DAY OF July, 2017 AT 3:10 O'CLOCK P.M. AND DULY RECORDED AS
PLAT NO. 3396

Marianne Malcom Deputy
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

INSTRUMENT NO. 201703836
BOOK: 2 PLAT
PAGE: 3396

Pages: 3

2017/07/25 03:10:59 PM

CAROL SHERMAN, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 60.00
Return To: FILED



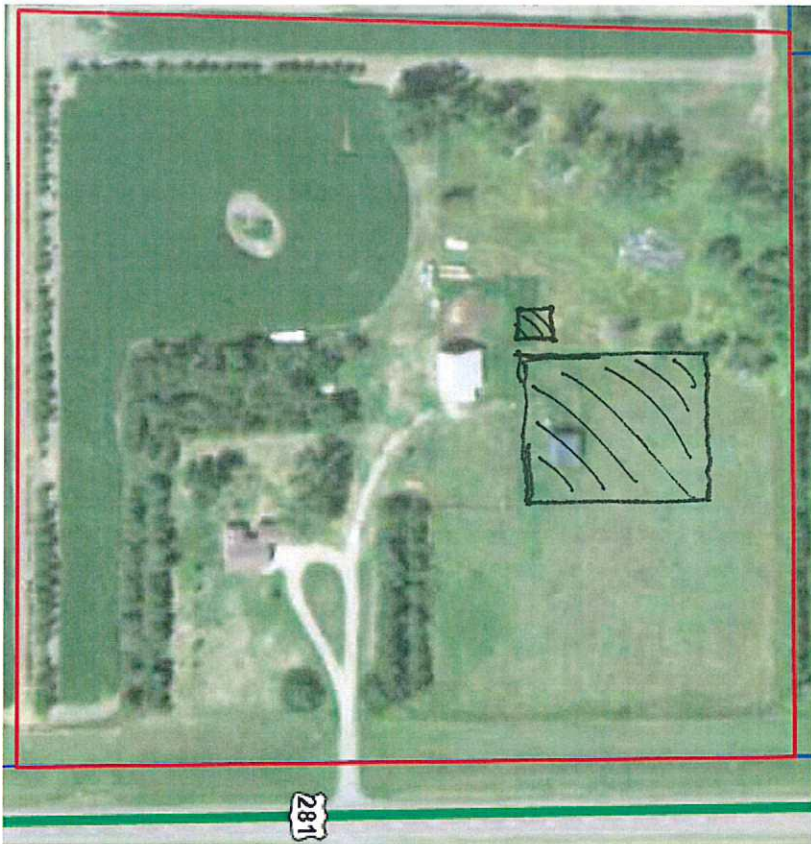
Conditional Use of Building for Seed Dealership

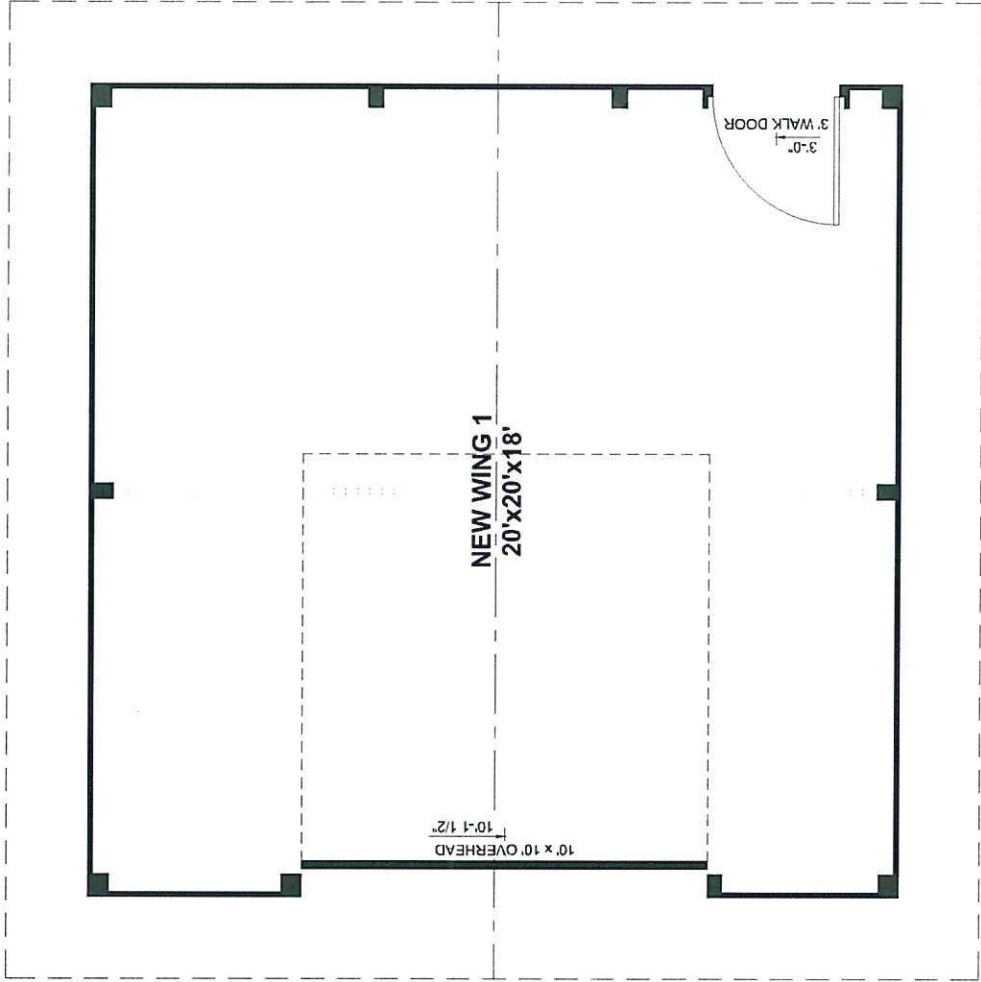
Both families associated with S&P Holdings LLC Farm in Brown County and will be building a new Shop to support our agricultural activities and seed dealership operation. Our seed dealership serves both our own needs as well as a select group of farmers in the vicinity. The shop will primarily serve as a storage facility for seed and farming equipment.

S & P Holdings LLC

Adam & Jackilyn Holler

Thomas & Courtney Erickson





Bay Spacing - 2 @ 10'-0"



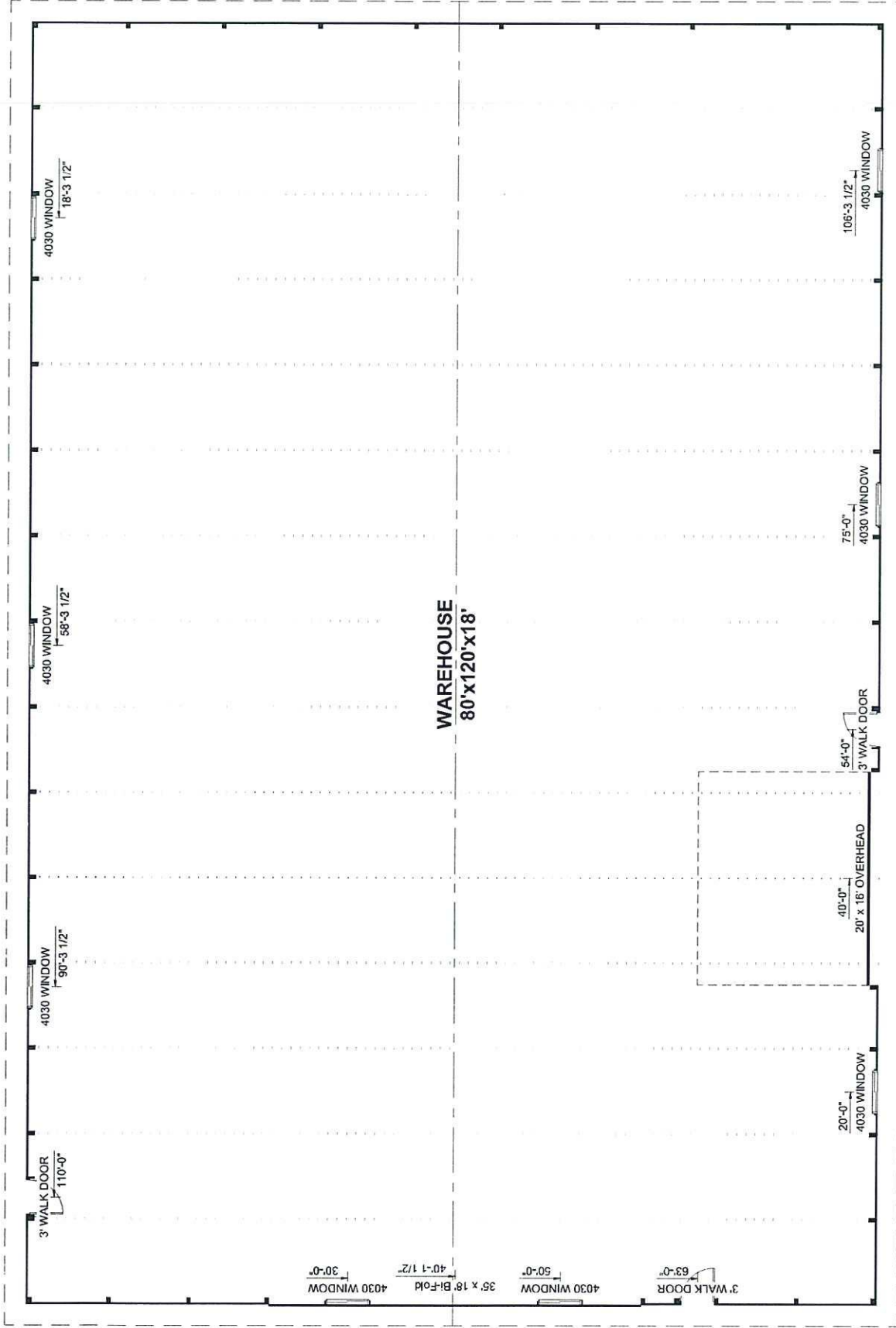
WITT CONSTRUCTION AND ROLL OFF
CASEY WITT
19179 447th Ave.
Lake Norden, SD 57248

INCKBUILDINGS.COM
Date: 6-27-2024
Time: 1:55 PM
DO NOT SCALE

JackilynHoller20x20x18
20'-0" x 20'-0" x 18'-1" ICH

S&p Holdings Llc
Adam & Jackilyn Holler
13939 386th Ave
Aberdeen, SD 57401

Customer Signature



Bay Spacing - 15 @ 8'-0"



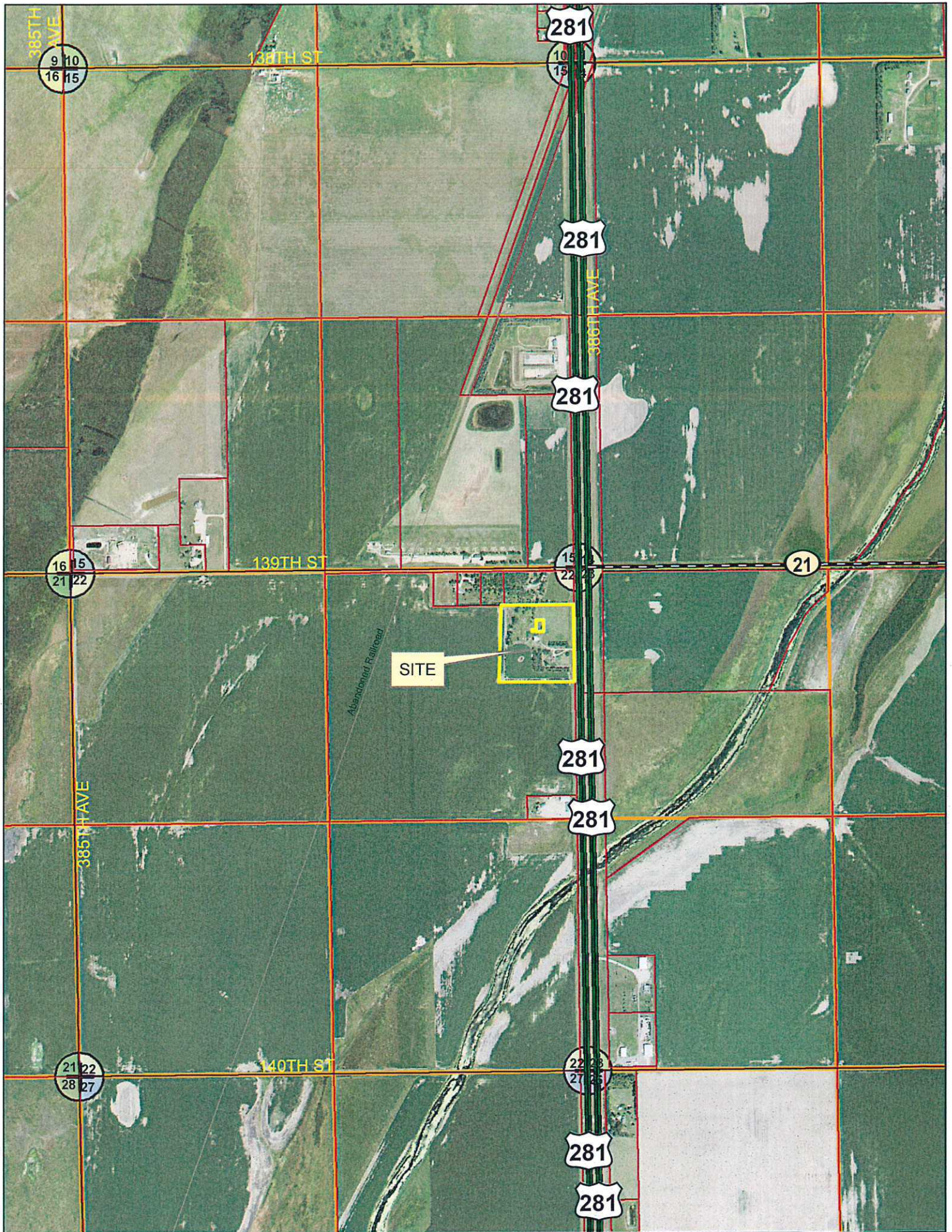
WITT CONSTRUCTION AND ROLL OFF
CASEY WITT
19179 447th Ave.
Lake Norden, SD 57248

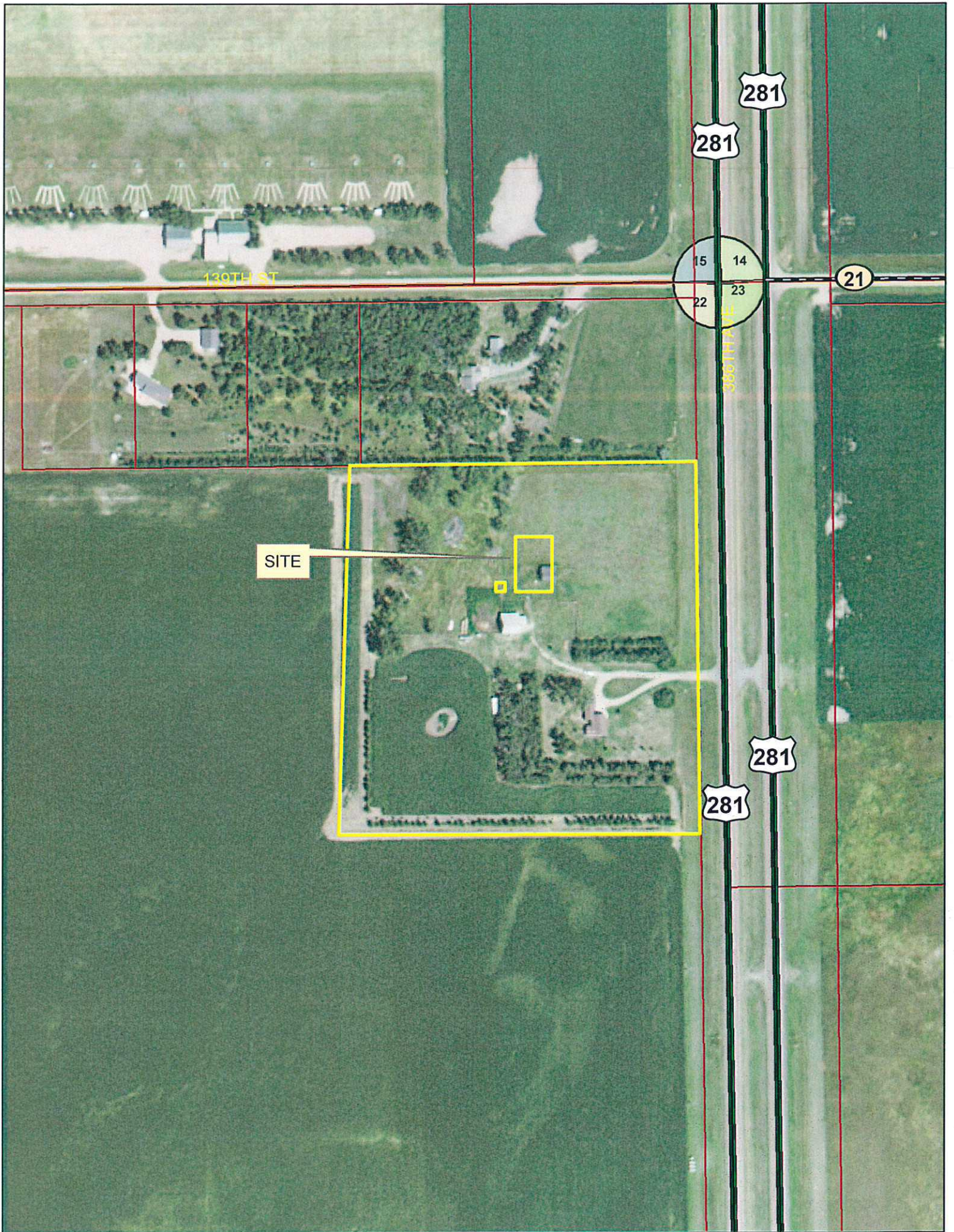
WickBuildings.com
Date: 6-27-2024
Time: 1:56 PM
DO NOT SCALE

JackilynHoller80x120x18
80'-0" x 120'-0" x 18'-1" ICH

S&p Holdings Llc
Adam & Jackilyn Holler
13919 386th Ave
Aberdeen, SD 57401

Customer Signature





S & P Holdings LLC

715 Taylor Drive
Aberdeen, SD 57401

Warner Township

Attn: Joel Wiedebush
38248 139th Street
Aberdeen, SD 57401

Kienow Real Estate LP

215 East Palmer Circle
Aberdeen, SD 57401

Brian & Melissa Brakefield

38579 139th Street
Aberdeen, SD 57401

Bradley Gabler

38585 139th Steet
Aberdeen, SD 57401

Donald Young

3924 S 5th Street
Aberdeen, SD 57401

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

Brown County
Holler Conditional Use Petition
Published Aug. 7, 2024 for \$12.26
Invoice No. 23584

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

7th Day of August 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682



NOTICE OF HEARING FOR ALCOHOLIC BEVERAGE TEMPORARY PERMIT FOR SPECIAL EVENT

Notice is hereby given according to SDCL 35-2, a Public Hearing on the following Alcoholic Beverage Temporary Permit in conjunction with a Special Event for Malt Beverage and Wine to be used by Aberdeen Area Chamber of Commerce will be held on August 20, 2024 in the Chambers of the Brown County Commissioners, in the Court-house Annex, Brown County, South Dakota, at which time any interested persons wishing to register comments on their approval may appear.

Aberdeen Area Chamber of Commerce, Aberdeen, SD for Field to Fork: A Farm to Table Connection held at Centennial Village, Brown County Fairgrounds, SW 1/4, Sec 1-1123N-R64W (400 NW 24th Ave., Aberdeen) Brown County, SD. Temporary Special Event Alcohol License effective September 6, 2024.

ATTEST: Lynn Heupel, Brown County Auditor
Published August 7, 2024, at the total approximate cost of \$11.65 and may be viewed free of charge at www.sdpublicnotices.com. 23582



NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jeffery Waith
Description of property: Proposed Outlot 2, "Aberdeen TWP 20W Outlots" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38380 W Hwy 12, Aberdeen Twp.).

Reason: Rezone parcel from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers.

Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$14.41 and may be viewed free of charge at www.sdpublicnotices.com. 23583



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: S & P Holdings LLC – Jacki Holler

Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue; Warner Twp.).

Reason: A Conditional Use Petition (CUP) for a home based business.

The public may attend the hearing and present comments

and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 7th day of August 2024.
Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$12.26 and may be viewed free of charge at www.sdpublicnotices.com. 23584



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Tigh & Kelly Leibel
Legal description of property: Lot B, "Leibel First Addition" in the NE1/4 of Section 11-T123N-R63W of the 5th P.M., Brown County, South Dakota (13115 393rd Avenue; Bath Twp.).

Reason: A Conditional Use Petition (CUP) to operate "Diamondback Kennels" in a Mini-Agriculture District (M-AG) and build a 60' x 56' shop/kennel for training up to 36 dogs at one time.

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 7th day of August 2024.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$12.88 and may be viewed free of charge at www.sdpublicnotices.com. 23585



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

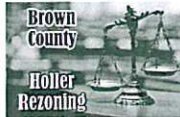
Petitioner / Owner: Carmen Morrison
Description of property: Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (73206 132nd Street, Mercier Twp.).

Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 25' Front Yard Setback rather than the 38' Setback and an 18' Rear Yard Setback rather than the 30' Setback required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 7th day of August 2024.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$13.49 and may be viewed free of charge at www.sdpublicnotices.com. 23586



NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jacki Holler – S & P Holdings LLC
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue; Warner Twp.).

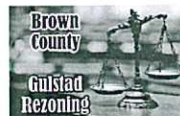
Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers.

Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$15.02 and may be viewed free of charge at www.sdpublicnotices.com. 23587



NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Amy & Joshua Gulstad
Description of property: "Olson's Outlot A" in the NW1/4 of Section 25-T126N-R54W of the 5th P.M., Brown County, South Dakota (11646 387th Avenue, Oneota Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current & future use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers.

Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published Aug. 7, 2024, at the total approximate cost of \$14.72 and may be viewed free of charge at www.sdpublicnotices.com. 23588



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Travis & Danielle Olson / Bernice Olson
Description of property: North Sixteen Acres Northwest and East Sixteen Acres Northwest of Section 17-T124N-R62W. The NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12606 395th Avenue; Combia Twp.).

Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 7th day of August 2024.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published Aug. 7, 2024, at the total approximate cost of \$13.49 and may be viewed free of charge at www.sdpublicnotices.com. 23589



NOTICE OF SALE

AUGUST 16th, 2024, at 10:00 AM.

State Nebraska Bank & Trust vs Brian Dolan & Kristen Dolan (06C1V22-000424-01) 2012 Chevy Avalanche

An Execution of Judgement in the above referenced matter was received by the Brown County Sheriff's Office on January 3rd, 2024. The amount of the Judgment is \$33,157.48, \$260.50 Cost, \$373.39 Pre-Judgment Interest, plus continuing costs, and interest, as provided by law. This amount does not include Sheriff's Office fees and costs related to this matter. The property to be sold pursuant to the Execution is: 2012 Chevy Avalanche, VIN 3GNTKE79C1G124632. Odometer Reading: 206,206.

THIS PROPERTY WILL BE AUCTIONED AND SOLD TO THE HIGHEST BIDDER, WITH THE SALE BEING FINAL, SOLD AS IS WITH NO WARRANTIES EXPRESSED OR IMPLIED. CASH IS REQUIRED ON THE DAY OF SALE.

The sale will be held at the Brown County Impound, 1015 1st Ave SE, Aberdeen, SD 57401 (Next to BMX Track) on August 16th, 2024, at 10:00 AM.

DAVE LUNZMAN, SHERIFF OF BROWN COUNTY.

By: Nate Smith, Deputy, 605-626-7100 ext. 509.

Published July 17, 25, Aug. 7 and Aug. 15, 2024, at the total approximate cost of \$50.91 and may be viewed free of charge at www.sdpublicnotices.com. 23519



Special Meeting 7-11-24

Meeting of the Board of Trustees and members of the community of Claremont to hear the VP of Strobel Scott Vincint and Mark of DMWW Rail was held on July 11th at 7:00 p.m. in City Hall. Board members present Spencer and Rasmussen.

A question from the floor was asked "What is the plan for the dirt work that is happening near 6th Ave. on Railroad Property?" Vincent: "This will be a site for loading rail cars by semi trucks that will take 25-30 minutes each." That being said Mr. Vincent said there would be 4-5 semis daily.

How long has Strobel been aware that they were coming this site? Mr. Vincent: It has been 4-5 weeks!

How many people 2-3 drivers supporting the job - 1 person for Strobel / 4 hrs plus. Vincent stated that property is currently being leased from the state owned rail, but the future goal is to buy the property.

When asked about the trucks, Vincent stated they are independent contractors. How heavy is a loaded semi: 40 tons - 5 axle gross weight. They will haul liquid tallow to rail cars.

Community members agree that Third Street would not be a viable option as it has been a "no truck" route since 1997. Mr. Vincent was asked about contacting the city prior to starting the project. He stated, "That there was no contact and no legal meeting." He just talked to two of the trustees.

At site a suggestion the trucks bypass town on 410th Ave. and turn on 118th St., then take Third Street to Sixth Avenue to unload, then leave town on Sixth Ave. empty. This suggestion of driving in on Third Street was acceptable to all as it is a residential area with small children.

Some asked about road repair - Mr. Vincent stated that he felt it was the city's responsibility to repair. He says Strobel will have no responsibility at all.

The question of where Strobel had been loading was asked and Mr. Vincent would not answer.

Mr. Vincent strongly stated that a contract was made between two trustees and himself. He was then asked why not a site like Putney or Huffton. They were both closer to Aberdeen. Mr. Vincent stated Claremont had the best track. A farmer approached by Strobel who has purchased the old elevator in town. Strobel offered this gentleman \$12,000 a year hoping to buy property and become a

permanent resident of the town and expand business. Other questions asked of Mr. Vincent about cleanup of spills and other problems. He states "that Strobel is responsible and will have the appropriate equipment." He also stated "that there will be only nonhazardous material."

Concerning odor, Mr. Vincent stated "once cars are sealed there will be no smell."

If there is a spill it will go into the storm sewer.

Meeting ended. Thanks Emma for your help! CRYE, FO.

Published August 7, 2024, at the total approximate cost of \$27.32 and may be viewed free of charge at www.sdpublicnotices.com. 23590



Special meeting 7-18-24

The board of trustees held a special meeting on 7-18-24. President Spencer called the meeting to order with Rasmussen and Thompson present. First on the agenda was to fill the trustee position left empty by Shane Johnson. President Spencer appointed Bob Thompson and seconded by Frank Rasmussen.

Lon Gehaus - city attorney was present.

Again, many residents were present with questions and worries concerning Strobel Logistics. The streets and how they will survive, who will pay for repairing. Many were concerned about noise levels and smells.

The town does have a noise control ordinance to cover noise levels. The residents are sincerely concerned about the changes coming with Strobel Logistics and their company. Many are unknown concerns and they love their community.

A motion was made by the board to accept their ingress/egress site plan on condition that Strobel remove the approach to Sixth Ave. (in front of the American Legion) and also to share in the annual cost of maintenance to Sixth Avenue and Sixth Street and infrastructure in accordance with the shared responsibility of both Strobel and Claremont.

The motion was made by Frank Rasmussen and seconded by Bob Thompson. Motion carried.

Meeting adjourned on motion by Thompson and seconded by Rasmussen.

CRYE, FO.

Published August 7, 2024, at the total approximate cost of \$14.35 and may be viewed free of charge at www.sdpublicnotices.com. 23591

Apply to become the Grant County, SD 4-H Program Advisor!

Full-time position with benefits package. Successful candidate will promote, develop and guide the youth in the 4-H program.

Bachelor's degree required in one of the following:
agriculture, family consumer science, child and/or youth development or related field. Travel and flexibility of hours are required.

Grant County is a progressive community in Northeast South Dakota. Its prosperity relies on a foundation of agriculture and manufacturing, with a growing school system and vibrant healthcare community.

For details, email a cover letter and resume by Friday, August 23, at 5 p.m. to karen.jayher@grantcountysd.us or mail to Grant County Administrator 210 E. 5th Avenue, Milbank, SD 57252. EOE

Groton Chiropractic Clinic

Carol McFarland-Kutter, D.C.

1205 N 1st St., Groton 397-8204

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Groton Independent ♦ Wed., Aug. 7, 2024 ♦ 7

Proof of Publication

This is not an invoice.

Lynn Heupel
Brown County Auditor
25 Market St., Ste. 1
Aberdeen, SD 57401
Ph: (605) 626-7110 x 100
Fax: (605) 626-4010

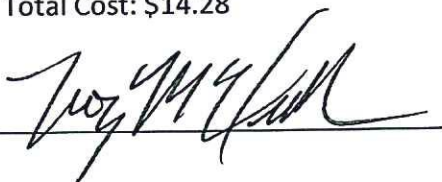
The **Aberdeen Insider** is a weekly newspaper of general circulation, posted online, printed, and published in Aberdeen, Brown County, South Dakota since January 25, 2023. This is an acknowledgement that the attached/included public notice was included in the printed edition(s) of the **Aberdeen Insider**:

August 8, 2024 – Brown County Planning and Zoning Notice for Holler Conditional Use Petition

I, Troy McQuillen (Owner and Publisher), under oath, do swear, that I am the publisher of the **Aberdeen Insider**, and that the **Aberdeen Insider** is a local newspaper as described in South Dakota codified laws and maintains a paid print circulation of over 2,500 weekly.

Total Cost: \$14.28

Publisher: _____



Notary

Sworn to and subscribed before on **August 8, 2024**



Notary, State of SD, County of Brown

My Commission Expires: 4/12/2030



This is not an invoice.

Continued from page 5D

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request. Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$16.52 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Travis & Danielle Olson / Bernice Olson
Description of property: North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-T124N-R62W, the NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12606 395th Avenue, Cambria Twp.).

Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances. The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 8th day of August 2024.
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$17.08 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the Basement Community Meeting Room, on August 20, 2024, at 7:00 P.M.

Petitioner: Amy & Joshua Gulstad
Description of property: Olson's Outlot A in the NW1/4 of Section 25-T126N-R64W of the 5th P.M., Brown County, South Dakota (16146 387th Avenue, Oneota Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current & future use. The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published three times on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: S & P Holdings LLC – Jacki Holler
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.).

Reason: A Conditional Use Petition (CUP) for a home seed business. The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request. Dated this 8th day of August 2024.
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$14.28 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jacki Holler – S & P Holdings LLC
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use. The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
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**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jeffery Walth
Description of property: Proposed Outlot 2, "Aberdeen Twp 20W Outlots" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38380 W Hwy 12, Aberdeen Twp.).

Reason: Rezone parcel from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use. The public is invited to attend

the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Carmen Morrison
Description of property: Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (37306 132nd Street, Mercer Twp.).

Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 25' Front Yard Setback rather than the 38' Setback and an 18' Rear Yard Setback rather than the 30' Setback required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 8th day of August 2024.
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$17.08 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: James Johnson / William Mundhenke
Description of property: Proposed Lots 1 thru 5, "Johnson Airport Subdivision" in the SW1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota (5010, 5025, 5030, 5120 & 5210 Anthony Lane, Bath Twp.).

Reason: Rezone parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use. The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401

Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$17.36 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensider.com

**CITY OF ABERDEEN
AMENDED MINUTES
ABERDEEN CITY
COUNCIL MEETING**

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, July 22, 2024, at 5:30 p.m., regular meeting of the City Council.

Payroll Section of City Council Meeting Minutes of July 22, 2024, as Amended (minutes are amended to include payroll data not available at time of publication).
Payroll for the period from July 14, 2024, through July 27, 2024, and city share of social security, old age & survivor's insurance, retirement, health and life insurance: EFTPS \$193,762.34, SDRS \$94,583.76, City Health Insurance \$91,000.00, City Council \$3,521.53, City Manager \$8,805.16, City Attorney \$7,504.55, Finance \$16,272.12, HR \$10,035.38, City Hall \$2,031.37, Computer \$5,494.92, Community Development \$16,048.00, Engineering \$14,375.92, Police \$162,506.11, Fire \$146,016.74, Risk Management \$8,777.53, Street \$43,266.82, Traffic \$10,560.90, Solid Waste \$35,917.06, Transit \$23,173.81, Jack Blaedorn \$15,444/hr, Library \$32,388.88, Economic Development \$2,919.20, Cemetery \$8,799.95, Mosquito Control \$10,042.02, Meals on Wheels \$589.99, PRF Admin \$10,770.79, Recreation \$39,763.67, ARCC \$40,711.63, Aquatic Center \$45,587.63, PRF Dome \$6,401.38, Senior Center \$5,692.11, Parks \$38,576.10, Wyle Park \$31,337.88, Forestry \$12,343.58, Airport \$21,357.43, Utility Storm \$33,982.33, Water Treatment \$23,978.99, Utility Water \$2,024.65, Water Remediation \$23,614.65, Utility Sewer \$12,429.58, SBL Rides \$16,769.17, Concessions \$15,884.99, Rec Enterprise \$3,787.98, ARCC Enterprise \$591.50, within the Aberdeen Commercial Historic District \$14,608.05
Roll call vote to approve with Ronayne abstaining and Foubert abstaining to Dacotah Bank, all others present voting aye, motion carried.

Published once on August 8, 2024, at the total approximate cost of \$15.62 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensider.com

**CITY OF ABERDEEN
RESOLUTION NO.
24-08-01R**

**RESOLUTION
APPROVING A PERMIT
TO REMOVE HISTORIC
PROPERTY WITHIN THE
ABERDEEN COMMERCIAL
HISTORIC DISTRICT**
WHEREAS, the City of Aberdeen Community Development Department ("Department") recommends a final determination approving the issuance of a permit to demolish the building located at 320 Main Street South, which property is within the Aberdeen Commercial Historic District; and

WHEREAS, the owner of the property at 320 Main Street South applied to the Department to demolish the building (hereafter "historic property"); and
WHEREAS, the Department completed a review of the entire file, including the case report submitted by the property owner, and the recommendations of the South Dakota State Historical Society (the "SHPO"); and
WHEREAS, Community Development Director, Ken Hubbard, presented the findings of the Department to the City Council and affirmed the Department's recommendation that the City Council approve the issuance of a permit for the historic

property; and
WHEREAS, the City Council considered the application and the factors set forth in SDCL § 1-19A-11.1; and
WHEREAS, the City Council makes the following findings in support of its determination:
• The property owner provided the document attached hereto entitled "Case Report", which report provides a complete record of all factors considered by the City Council in forming its findings and conclusions herein and is adopted in full and incorporated herein by reference.

• The property has been renovated since its original construction with no construction documentation. The south portion was demolished in the 2010's and the north portion has been vacant for most of the recent past.
• Options were investigated by the owner to adaptively re-use the entire space at the onset of design. Unfortunately, due to cost, the usability of the space, and unknown structural conditions, the owner has opted to move forward with new

or, economically feasible for the property owner to incur the costs to renovate and reuse the existing structure for their proposed

• The effects of the proposed building project should have little negative impact on neighboring properties. Plans for the reuse of this property will be reviewed by the South Dakota Historic Preservation Office prior to any new construction being permitted.

• No other feasible and prudent alternative to replacement exists and all possible planning to minimize harm to the historic property has been fairly considered.

• The June 24, 2024, letter from SHPO entitled "SDCL 1-19A-11.1 Consultation" has been reviewed and considered in making this determination.

• The integrity of the historic district will not be jeopardized by the removal of the historic property.

• NOW, THEREFORE, BE IT RESOLVED as follows:

• The application for a building permit to demolish the structure at 320 Main Street South located within the Aberdeen Commercial Historic District is hereby Approved.

• The City Council makes this determination based upon the consideration of all relevant factors and concludes that there is no feasible and prudent alternative to the issuance of the building permit and that the program includes all possible planning to minimize harm to the historic property resulting from such use.

• Notice of this final determination shall be given, by certified mail, to the South Dakota State Historical Society at least ten (10) days before demolition of the subject

The foregoing Resolution No. 24-08-01R was adopted at a regular meeting of the Aberdeen City Council on the 5th day of August, 2024. Number of AYES: 8, Number of NAYS: 0, Members abstaining: None, /s/ Travis Schaunaman, Mayor, ATTEST: /s/ Jordan McQuillen, Finance Officer
Published once on August 8, 2024, at the total approximate cost of \$4,172 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named business at the following addresses:
Special One-Day Retail On-Sale Liquor License for the Aberdeen Elks Lodge #1046, Parkview Party on September 7, 2024
NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said

application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF the City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer
Published once on August 8, 2024, at the total approximate cost of \$12.88 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named business at the following addresses:
Special One-Day Retail On-Sale Liquor License for the Aberdeen Sertoma Club for the Storybook Land Unopened event on September 5, 2024
NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said

application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF the City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer
Published once on August 8, 2024, at the total approximate cost of \$13.16 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named person(s) at the following address:

New Retail On-Off Sale Wine and Cider
Cuzzo, LLC dba Cuzzo Peruvian Cuisine
20 6th Ave SW, Aberdeen, SD 57401
New Retail on-off Sale Malt Beverage & SD Farm Wine Cuzzo, LLC dba Cuzzo Peruvian Cuisine
20 6th Ave SW, Aberdeen, SD 57401

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF the City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer
Published once on August 8, 2024, at the total approximate cost of \$16.24 and may be viewed free of charge at www.sdpublishonotices.com and www.aberdeensider.com

STAFF REPORT

Meeting: August 20, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE TO BUILDING SETBACKS

ITEM #03

Lake Front Residential District (R-3)

GENERAL INFORMATION:

OWNER:	Carmen Morrison
PETITIONER:	Carmen Morrison
REQUEST:	VARIANCE TO SETBACKS IN A LAKE FRONT RESIDENTIAL DISTRICT (R-3)
LEGAL DESCRIPTION:	Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7- T123N-R65W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	37306 132 nd Street
CITY/TOWNSHIP:	Mercier Twp.
EXISTING ZONING:	Lake Front Residential (R-3)
SURROUNDING ZONING:	
North:	Water (AG-P2)
South:	Agriculture Preservation District (AG-P)
West:	Lake Front Residential (R-3)
East:	Lake Front Residential (R-3)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Chris Anderson

GENERAL COMMENT: The petitioner is requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 25'-0" North Front Yard (Water side) Setback rather than the 38'-0" Setback and an 18'-0" South Rear Yard (Road Side) Setback rather than the 30'-0" Setback required by Brown County Ordinance to build a new 26.5' x 71" house, 12' x 20' deck on north side and 52' x 37' attached garage.

GENERAL REVIEW: Staff has reviewed this request.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: July 18, 2024
RECEIPT # 822044
TOWNSHIP: Mercier Twp.

FEE: \$125.00
PAID: YES/NO CHK/CASH
DATE: July 25, 2024

OWNERS NAME (print): Carmen Morrison
OWNERS SIGNATURE: Carmen Morrison
OWNERS ADDRESS: 1405 Nicklaus Drive
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-228-3284
OWNERS EMAIL: morrison.s@abe.midco.net

AGENTS NAME (print): _____
AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____
AGENTS EMAIL: _____

REQUEST: A 25' N Front Yard (water side) Setback rather than the 38' Setback & an 18' S Rear Yard (road side) Setback rather than the 30' Setback required by Brown County Ordinance to build a house, deck & garage.

LEGAL DESCRIPTION: Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota.
(37306 132nd Street, Mercier Twp.)

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: August 20, 2024 **TIME:** 7:00 P.M.

T-123-N

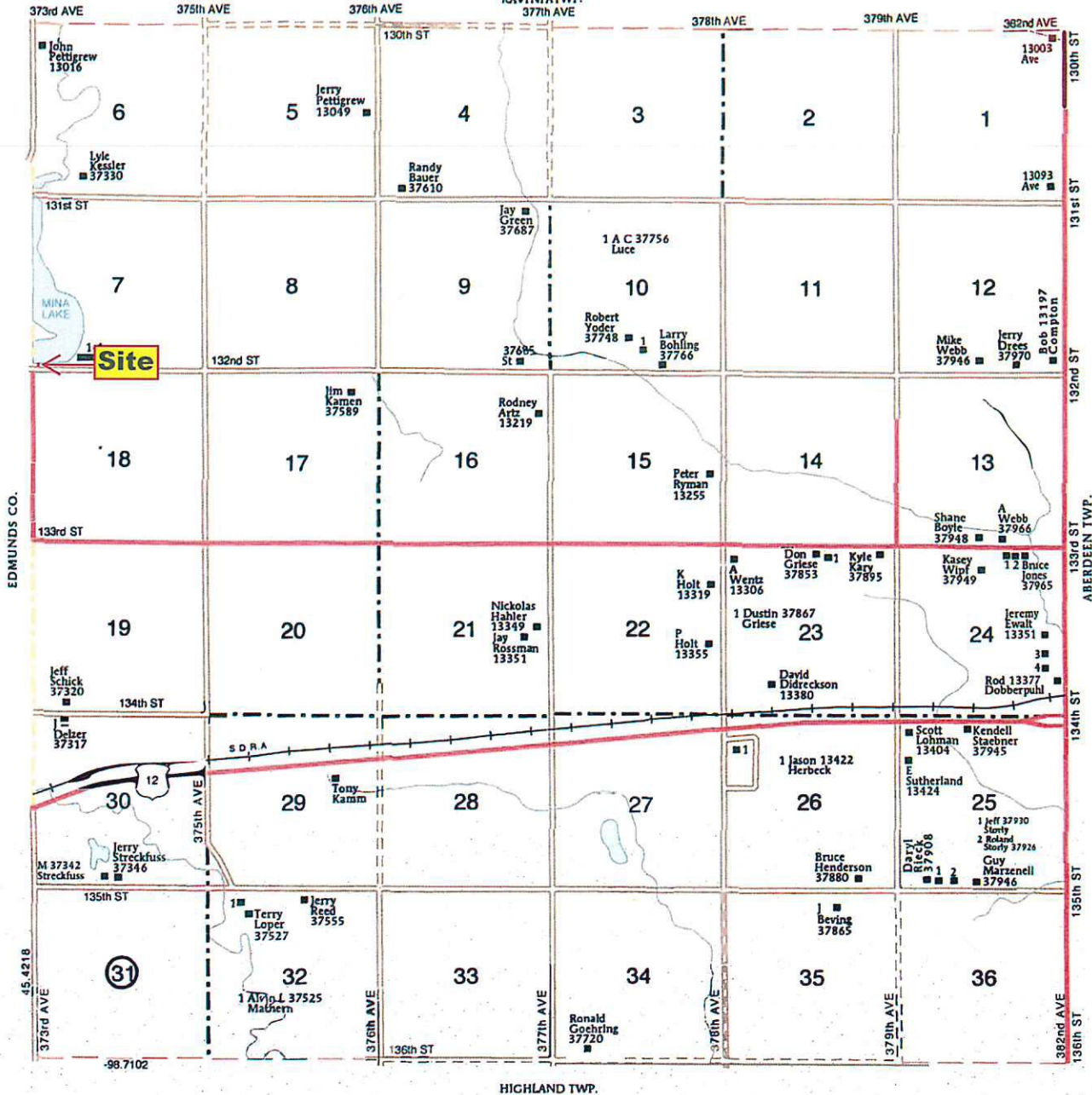
MERCIER DIRECTORY

R-65-W

(Residents - Owners or Renters)

RAVINIATWP.

377th AVE



HIGHLAND TWP.

MERCIER TOWNSHIP

SECTION 7

- 1 Bauer, Bryan 37302
- 2 Davis, I 37306
- 3 Salo, Roger 37310
- 4 Dykema, Wade 37320

SECTION 24

- 1 Mehn, Robert 37961
- 2 Jones, Jamie 37963
- 3 Zinter, Daniel 13365
- 4 Hammer, Leland 13371

NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room of the Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Carmen Morrison

Description of property: Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (37306 132nd Street, Mercier Twp.).

Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 25' Front Yard Setback rather than the 38' Setback and an 18' Rear Yard Setback rather than the 30' Setback required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 7th day of August 2024

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

Carmen Morrison

VARIANCE FINDINGS WORKSHEET

Prong One

Whether granting the variance runs counter to the public interest?

Consider the entire public— <i>not</i> just the neighbors	Findings	
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
4. Does it conform to the comprehensive plan currently in place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Prong Two

Whether special conditions exist to grant a variance?

Physical conditions— <i>not</i> money or econ hardship	Findings	
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It must be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a. If a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does not mean money, econ hardship, or allowing a use that's prohibited (<i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
b. If a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

DRAWING NUMBER

14-1080E

SAFECO PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 8552

POSITION (SIDE OF PRINT OR THIS LINE)

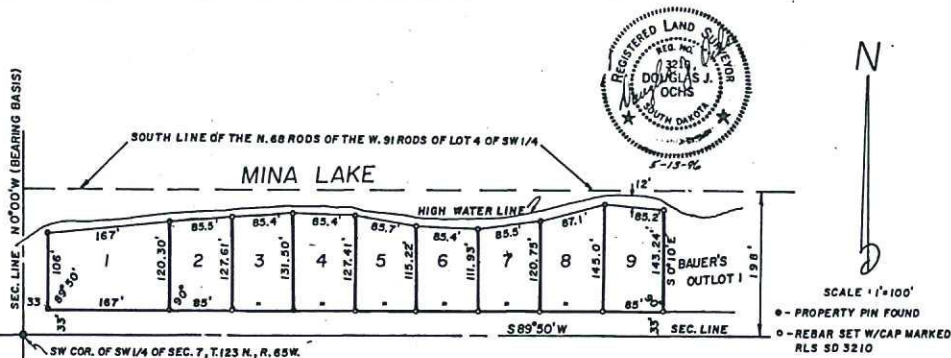
DRAWING NUMBER

191

SAFECO PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 8552

POSITION (SIDE OF PRINT OR THIS LINE)

PLAT SHOWING

FIRST SUBDIVISION OF BAUER'S OUTLOT 1 IN THE SW 1/4 OF SEC. 7, T.123 N.,
R.65W. OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

We, Albert and Mildred Bauer, do hereby certify that we are the owners of Lot 4, except the N. 68 rods of the W. 91 rods thereof in the SW 1/4 of Sec. 7, T. 123 N., R. 65 W. of the 5th P.M., Brown County, South Dakota, and that we have caused a portion of the same to be surveyed and platted as shown on the accompanying plat which shall hereafter be known and described as "First Subdivision of Bauer's Outlot 1 in the SW 1/4 of Sec. 7, T. 123 N., R. 65 W. of the 5th P.M., Brown County, South Dakota." We do further certify that the development of the land included in this plat shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Signed this _____ day of May, 1996.

Signed this _____ day of May, 1996.

Albert Bauer
ALBERT BAUER - OWNER
Mildred Bauer
MILDRED BAUER - OWNER

State of South Dakota)
County of Brown)

On this 15 day of May, 1996, before me, Dawn Barton, the undersigned officer, personally appeared Albert and Mildred Bauer, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and who acknowledged that they executed the same for the purposes therein contained. IN WITNESS WHEREOF I hereunto set my official hand and seal.

My commission expires _____



Dawn Barton
Notary Public, Brown County, South Dakota

SURVEYOR'S CERTIFICATE

I, Douglas J. Ochs, Registered Land Surveyor, do hereby certify that, at the request of the owners, I have surveyed and platted "First Subdivision of Bauer's Outlot 1 in the SW 1/4 of Sec. 7, T. 123 N., R. 65 W. of the 5th P.M., Brown County, South Dakota," as shown on the accompanying plat and that I have set iron rebar property pins as denoted hereon and that said survey and plat are true and correct to the best of my knowledge and belief.

Signed this 13th day of May, 1996.

Douglas J. Ochs
Registered Land Surveyor 13210

COUNTY PLAN COMMISSION CERTIFICATE

I hereby certify that the following is a correct copy of the resolution duly passed by the County Plan Commission of Brown County, South Dakota at a meeting held on the 14th day of May, 1996.

James B. Luster
Secretary, Brown County Plan Commission

"Be it resolved by the County Plan Commission of Brown County, South Dakota, that the plat showing "First Subdivision of Bauer's Outlot 1 in the SW 1/4 of Sec. 7, T. 123 N., R. 65 W. of the 5th P.M., Brown County, South Dakota," having been examined is hereby approved in accordance with the provisions of SDCL of 1987, Chapter 11-2 and any amendments thereof."

APPROVAL BY COUNTY

I hereby certify that the following is a correct copy of the resolution duly passed by the Board of Commissioners of Brown County, South Dakota at a meeting held on the 9th day of July, 1996.

Theresa Hest
County Auditor, Brown County, South Dakota

"Be it resolved by the Board of Commissioners of Brown County, South Dakota, that the plat showing "First Subdivision of Bauer's Outlot 1 in the SW 1/4 of Sec. 7, T. 123 N., R. 65 W. of the 5th P.M., Brown County, South Dakota," having been examined is hereby approved in accordance with the provisions of SDCL of 1987, Chapter 11-3 and any amendments thereof."

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the land included in this plat are shown by the records of my office to be fully paid.

Signed this 8th day of July, 1996.

James Richard Co. County Treas.
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I hereby certify that I have received a copy of this plat this 24th day of June, 1996.

Robert L. Hest
Director of Equalization, Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this 4th day of November, 1996, at 8:30 o'clock A.M., and duly recorded in Book of Plats No. 14 in envelope 1080-E therein.

Carol Hummer Ph.D.
Register of Deeds, Brown County, South Dakota

DRAWING NUMBER

14-1080E

SAFCO PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 6552

DRAWING NUMBER

119MR-791

SAFCO PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 6552CORRECTIVE AFFIDAVIT

Surveyor's affidavit of correction of Plat Showing "First Subdivision of Bauer's Outlot 1 in the SW $\frac{1}{4}$ of Sec. 7, T. 123 N., R. 65 W. of the 5th P.M., Brown County, South Dakota," as recorded in Book of Plats No. 14, in envelope 1080E, therein, Brown County Register of Deeds' Office. The following correction shall replace the Owner's Certificate which is on the plat.

OWNER'S CERTIFICATE

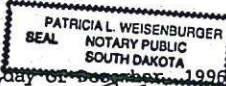
We, Bauer Farms, Inc., a South Dakota corporation, do hereby certify that we are the owners of Bauer's Outlot 1 in the SW $\frac{1}{4}$ of Sec. 7, T. 123 N., R. 65 W. of the 5th P.M., Brown County, South Dakota, according to the plat of record thereof, and that we have caused a portion of the same to be surveyed and platted as shown on the accompanying plat which shall hereafter be known and described as "First Subdivision of Bauer's Outlot 1 in the SW $\frac{1}{4}$ of Sec. 7, T. 123 N., R. 65 W. of the 5th P.M., Brown County, South Dakota," We do further certify that the development of the land included in this plat shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Signed this 30th day of December, 1996.

Randolph A. Bauer Pres.
BAUER FARMS, INC., A SOUTH DAKOTA CORP.
RANDOLPH A. BAUER, PRESIDENT

STATE OF SOUTH DAKOTA) ss
COUNTY OF BROWN)On this 20th day of December, 1996, before me,

Patricia L. Weisenburger, the undersigned officer, personally appeared Randolph A. Bauer, known to me or satisfactorily proven to be the President of Bauer Farms, Inc., a South Dakota Corporation, and whose name is subscribed to the within instrument and who acknowledged that he executed the same for the purposes therein contained. IN WITNESS WHEREOF I hereunto set my official hand and seal.

My commission expires: 8/17/99

Patricia L. Weisenburger
Notary Public, Brown Co., South Dakota

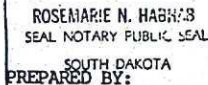
Signed this 17th day of December, 1996.

Douglas J. Ochs
Douglas J. Ochs, Registered Land Surveyor
SD #3210

STATE OF SOUTH DAKOTA) ss
COUNTY OF BROWN)

On this 17th day of December, 1996, before me,

ROSEMARIE N. HABHAS, the undersigned officer, personally appeared Douglas J. Ochs, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and who acknowledged that he executed the same for the purposes therein contained. IN WITNESS WHEREOF I hereunto set my official hand and seal.

My commission expires: 8/12/99

Rosemarie N. Habhas
Notary Public, Brown Co., South Dakota

STELLNER ENGINEERING COMPANY
P.O. BOX 921
ABERDEEN, SOUTH DAKOTA 57402-0921
605-225-0583

INSTR. NO. 334BK 119MR PAGE 791

96 DEC 20 PH 3:56

DONNA KUHFIELD
BROWN CO. S.DAK
REGISTER OF DEEDS

SURVEYOR'S CERTIFICATION

TO: PHILLIP & CARMEN MORRISON

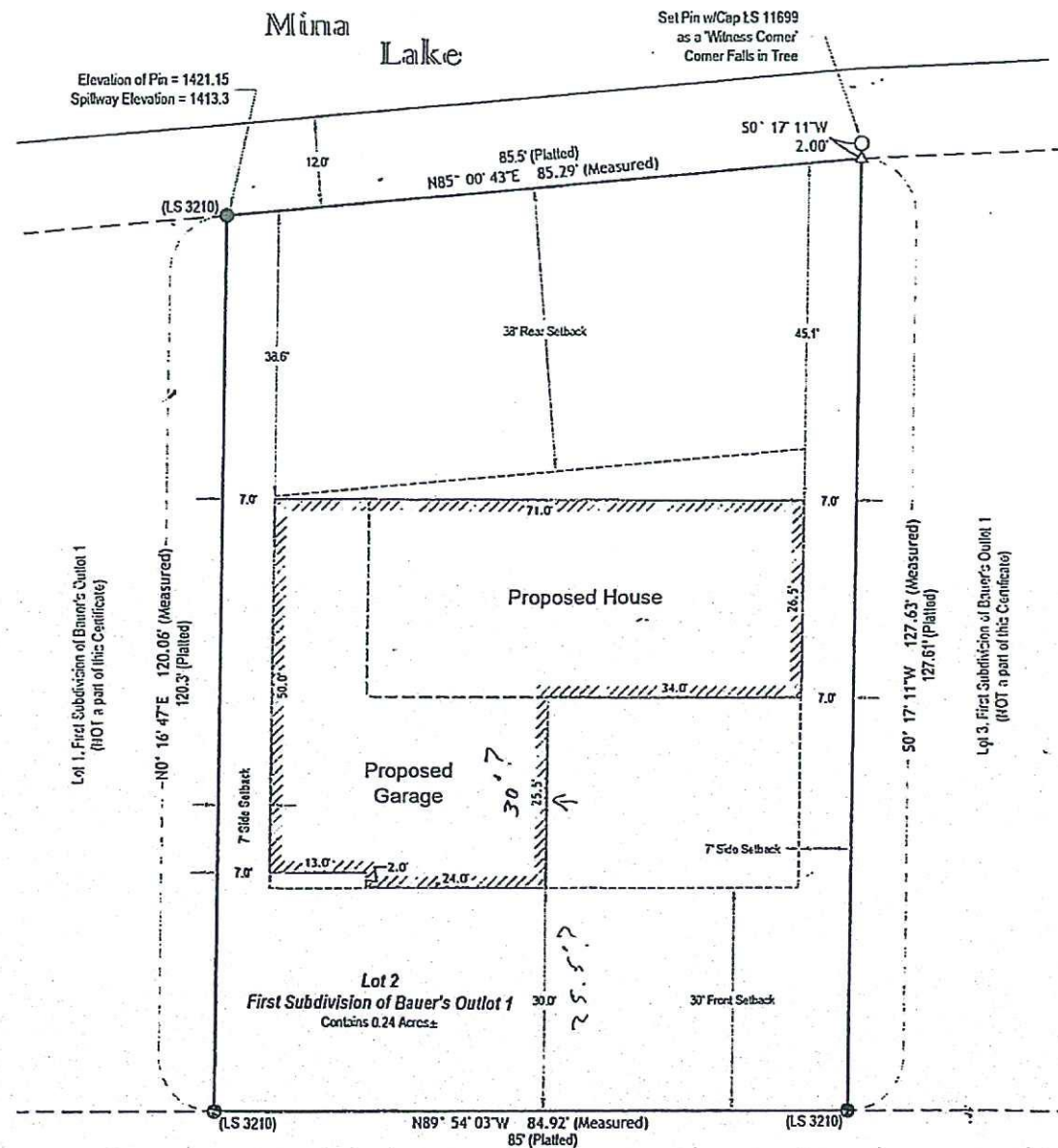
I, ZACHARY M. REMILY, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT THIS IS A CERTIFICATE OF SURVEY FOR:

ADDRESS: 37306 132nd STREET
MINA, SOUTH DAKOTA 57451

LEGAL DESCRIPTION:

LOT 2, FIRST SUBDIVISION OF BAUER'S OUTLOT 1 IN THE SW1/4 OF SECTION 7-123-65, BROWN COUNTY, SD

AND THAT THIS SURVEY WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION.



BASIS OF BEARINGS
STATE PLANE COORDINATE SYSTEM
SOUTH DAKOTA NORTH ZONE (4001)
US SURVEY FEET - NAD '83
DISTANCES SHOWN ARE GROUND

132nd STREET
(65' Public ROW)

LEGEND

- PIN FOUND (AS NOTED)
- PIN SET w/CAP LS 11699
- △ CALCULATED CORNER

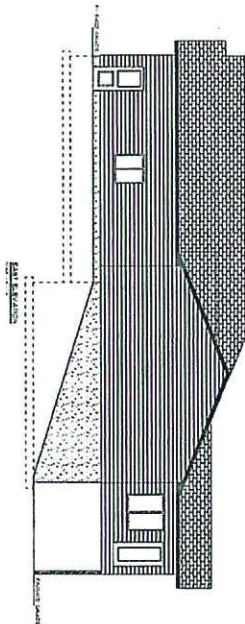
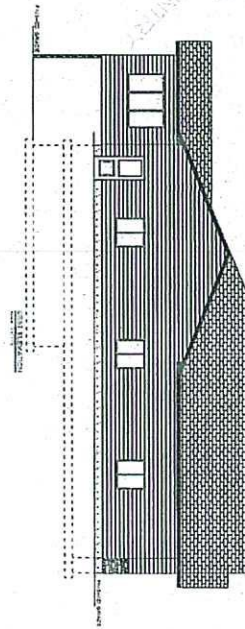
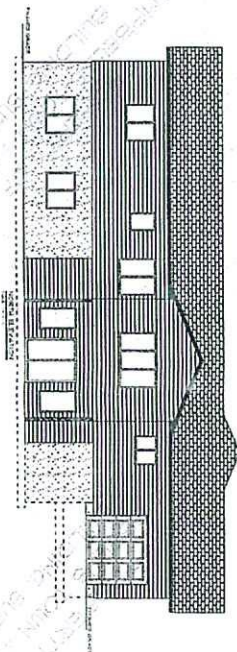
Prepared By: **Assurance**
LAND SURVEYING

619 14th Avenue S, Faulkton, South Dakota 57438
Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com
Project No. ALS23083 Field Survey Date: 07-24-2023

DRAWING SCALE
0 15'
SCALE IN FEET

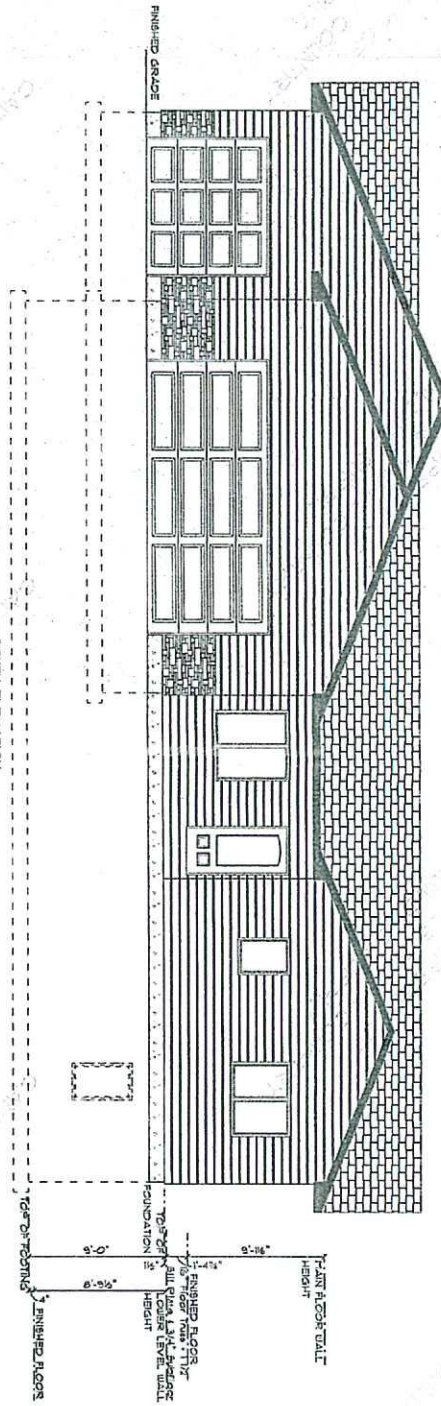


NORTH
SHEET 1 OF 1



ELEVATIONS					
Room	Date	By	Revision	Date	By
LIVING ROOM	0	TH			

SOUTH ELEVATION



These drawings have been prepared using information provided to us by the customer who is solely responsible for the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect and may not meet applicable state and local building codes which vary widely. The customer should consult their contractor and/or local building inspector to determine any changes to meet the state and local building code requirements. Customer is responsible for securing local building officials for the required building permits. We assume no responsibility for claims or damages arising from any errors, omissions, deficiencies or defects of any drawings.

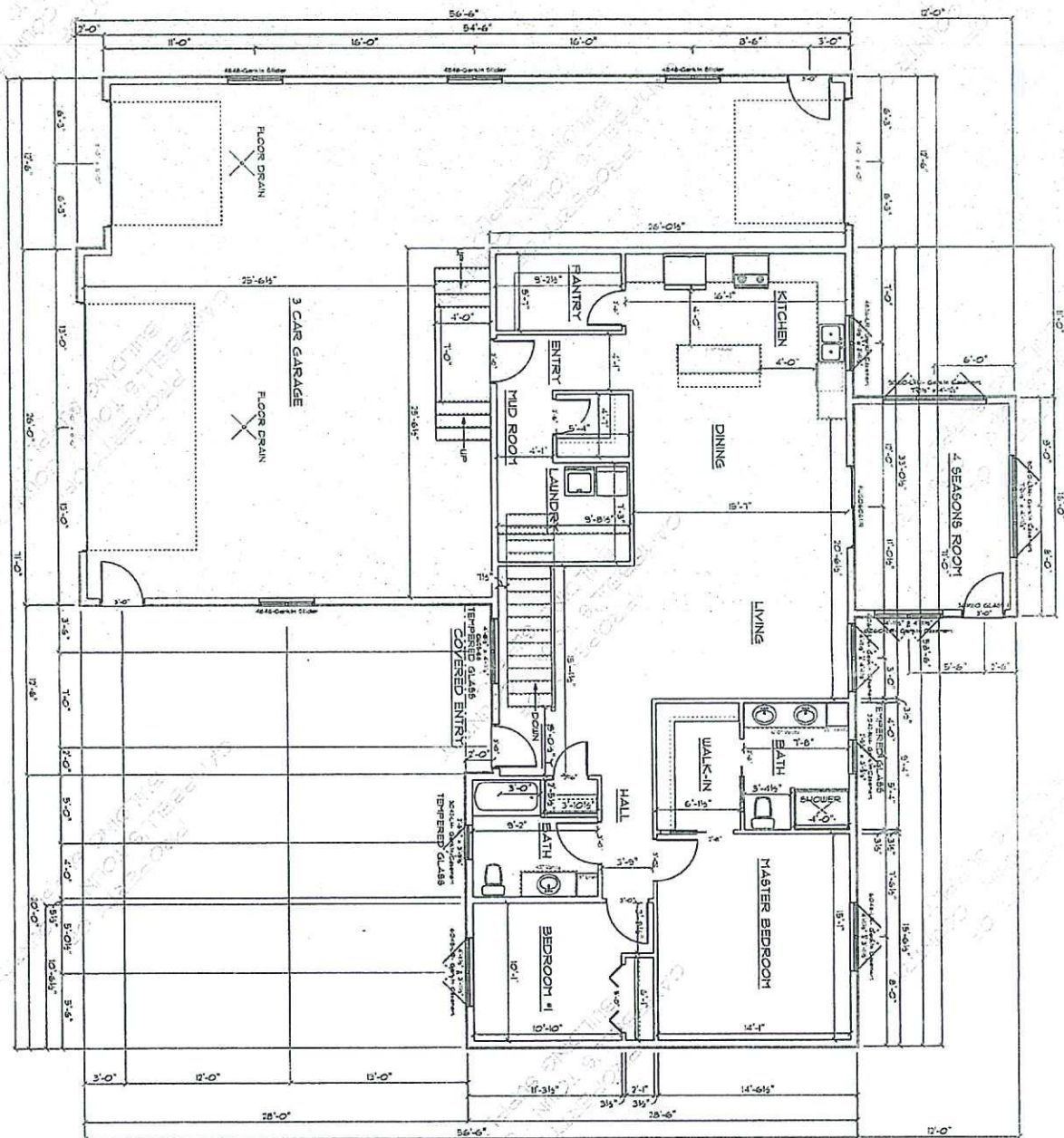
PROPERTY OF CAMPBELL'S TOWN & COUNTRY
NO COPIES CAN BE MADE WITHOUT PERMISSION
NOTE THAT THE CUSTOMER IS RESPONSIBLE FOR VERIFICATION OF ALL MEASUREMENTS

CAMPBELL'S TOWN & COUNTRY
Building Supply
1523 6TH AVE SW
ABERDEEN, SD 57401

PHONE:
(605) 225-1575
FAX:
(605) 225-4537
www.tnclumber.com

DRAWN BY: Todd Mork
PLOT DATE: Thursday, July 11, 2024
JOB: Schultz Const.-Morrison House

SALESMAN: Doug Karst
EMAIL: tnclumberd@nvc.net



MAIN FLOOR PLAN			
Revision	Date	By	Int.
0	7/8/2024	TM	
1	7/10/2024	TM	

AREA SCHEDULE	
AREAS	SQUARE FOOTAGE
LIVING SCFT	1550
COVERED ENTRY	35
GARAGE	1442
4 SEASONS ROOM	192

These drawings have been prepared using information provided to us by the customer who is solely responsible for the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect and may not meet applicable state and local building codes which vary widely. The customer should consult their contractor and/or local building inspector to determine any changes to meet the state and local building code requirements. Customer is responsible for consulting local building officials for the required building permits. We assume no responsibility for claims or damages arising from any errors, omissions, deficiencies or defects of any drawings.

NOTE: DO NOT BUILD OPENING IF THIS PLAN DOES NOT HAVE R.O. BY OPENING.

PROPERTY OF CAMPBELL'S TOWN & COUNTRY
NO COPIES CAN BE MADE WITHOUT PERMISSION
NOTE THAT THE CUSTOMER IS RESPONSIBLE FOR THE VERIFICATION OF ALL MEASUREMENTS

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DRAWN BY: Todd Mork
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EMAIL: tnclumberd@nvc.net

PAGE:
2

[illegible]

CAMPBELL'S \

1523 6TH AVE SW
ABERDEEN, SD 57401

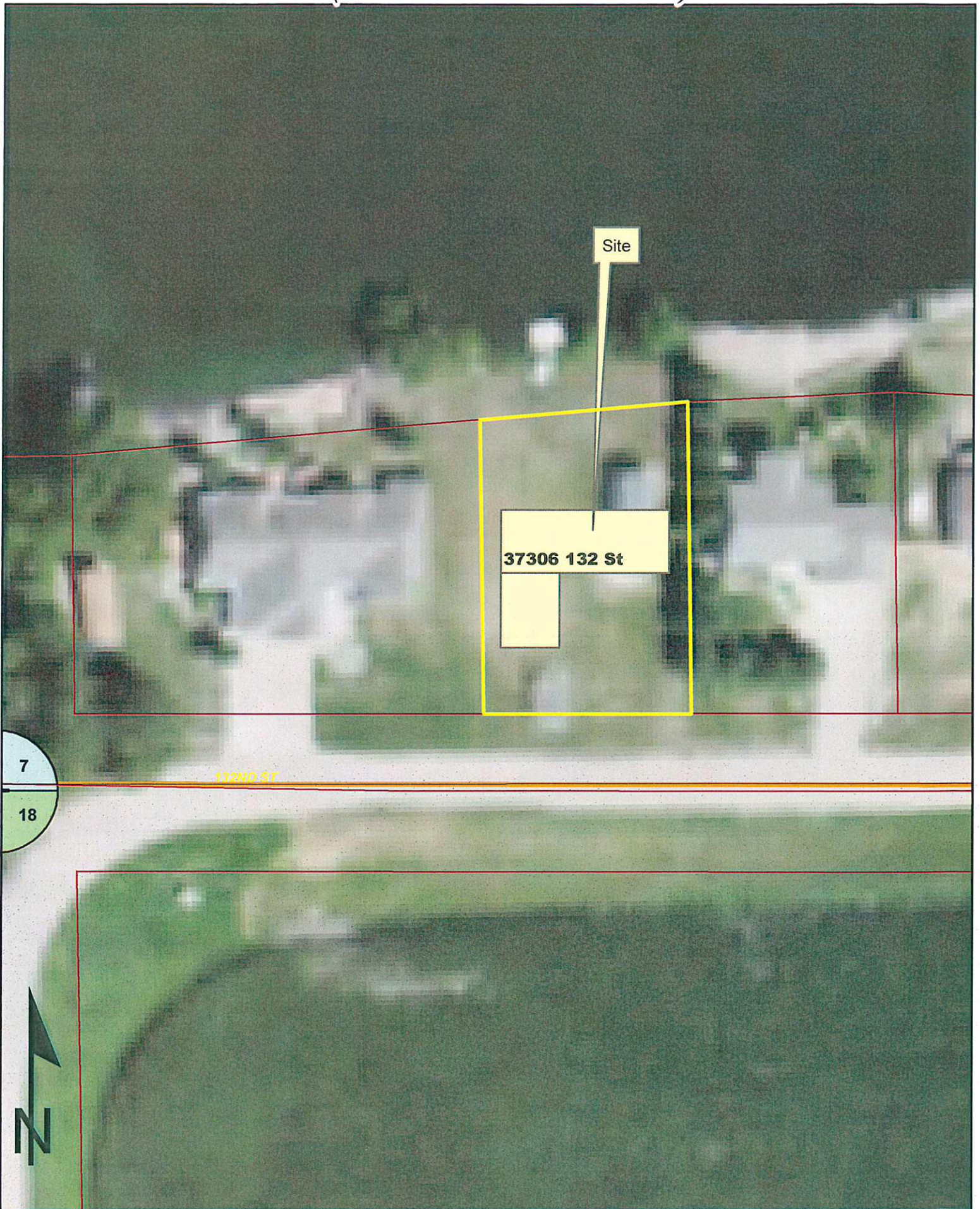
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4

An aerial photograph of a residential area with overlaid property lines in red. A yellow rectangle highlights a specific property, which is labeled 'Site' in a yellow box. The map includes a north arrow in the bottom left corner, pointing upwards. A vertical line on the left is labeled 'ST. JOE AVE' and a horizontal line at the bottom is labeled '13 AND ST'. A circular marker with the number '7' is located near the intersection of St. Joe Ave and 13 And St. The map shows various houses, trees, and open fields.



BROWN COUNTY GIS MAP

(FOR REFERENCE ONLY)



Carmen Morrison
1405 Nicklaus Drive
Aberdeen SD 57401

Mercier Township
C/O Jason Herbeck
13422 378th Avenue
Aberdeen SD 57401

Gregory & Leanne Hoffman
206 Sunrise Drive
Mina SD 57451

Dennis Deverse/Elaine Stano
37302 132nd Street
Mina SD 57451

Brent Neiger
14054 373rd Street
Mina SD 57451

Roger & Patricia Salo
37310 132nd Street
Mina SD 57451

Brad Brownell
37312 132nd Street
Mina SD 57451

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

Brown County
Morris Variance Application
Published Aug. 7, 2024 for \$13.49
Invoice No. 23586

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

7th Day of August 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

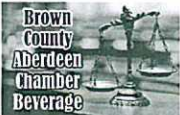
Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682



NOTICE OF HEARING FOR ALCOHOLIC BEVERAGE TEMPORARY PERMIT FOR SPECIAL EVENT

Notice is hereby given according to SDCL 35-2, a Public Hearing on the following Alcoholic Beverage Temporary Permit in conjunction with a Special Event for Malt Beverage and Wine to be used by Aberdeen Area Chamber of Commerce will be held on August 20, 2024 in the Chambers of the Brown County Commissioners, in the Court-house Annex, Brown County, South Dakota, at which time any interested persons wishing to register complaint on their approval may appear.

Aberdeen Area Chamber of Commerce, Aberdeen, SD for Field to Fork: A Farm to Table Connection held at Centennial Village, Brown County Fairgrounds, SW 1/4, Sec 1-T123N-R64W (400 NW 24th Ave., Aberdeen) Brown County, SD. Temporary Special Event Alcohol License effective September 6, 2024.

ATTEST: Lynn Heupel, Brown County Auditor
Published August 7, 2024, at the total approximate cost of \$11.65 and may be viewed free of charge at www.sdpublicnotices.com. 23582



NOTICE OF HEARING A PETITION TO REZONE

A petition to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jeffery Walth
Description of property: Proposed Outlot 2, "Aberdeen TWP 20W Outlots" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38380 Hwy 12, Aberdeen Twp.).

Reason: Rezone parcel from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.
Planning/Zoning Commission and Scott Bader - P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144

Published August 7, 2024, at the total approximate cost of \$14.41 and may be viewed free of charge at www.sdpublicnotices.com. 23583



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: S & P Holdings LLC - Jacki Hollar
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue; Warner Twp.).

Reason: A Conditional Use Petition (CUP) for a home seed business.

The public may attend the hearing and present comments

and testimony regarding the proposed Conditional Use Petition (CUP) request. Dated this 7th day of August 2024.

Planning/Zoning Commission and Scott Bader - P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144

Published August 7, 2024, at the total approximate cost of \$12.26 and may be viewed free of charge at www.sdpublicnotices.com. 23584



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex on August 20, 2024, at 7:00 P.M.

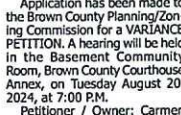
Petitioner: Tigh & Kelly Leibel
Legal description of property: Lot B, "Leibel First Addition" in the NE1/4 of Section 11-T123N-R63W of the 5th P.M., Brown County, South Dakota (13115 393rd Avenue; Bath Twp.).

Reason: A Conditional Use Petition (CUP) to operate "Diamondback Kennels" in a Mini-Agriculture District (M-AG) and build a 60' x 56' shop/kennel for training up to 36 dogs at one time.

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request. Dated this 7th day of August 2024.

Planning/Zoning Commission and Scott Bader - P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144

Published August 7, 2024, at the total approximate cost of \$12.88 and may be viewed free of charge at www.sdpublicnotices.com. 23585



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

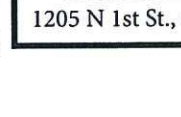
Petitioner / Owner: Carmen Morrison
Description of property: Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (37306 132nd Street, Mercier Twp.).

Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 25' Front Yard Setback rather than the 38' Setback and an 18' Rear Yard Setback rather than the 30' Setback required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 7th day of August 2024.

Planning/Zoning Commission and Scott Bader - P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144

Published August 7, 2024, at the total approximate cost of \$13.49 and may be viewed free of charge at www.sdpublicnotices.com. 23586



NOTICE OF HEARING



NOTICE OF HEARING

A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jacki Hollar - S & P Holdings LLC
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.
Planning/Zoning Commission and Scott Bader - P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144

Published August 7, 2024, at the total approximate cost of \$15.02 and may be viewed free of charge at www.sdpublicnotices.com. 23587



NOTICE OF HEARING

A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Court-house Annex in the Basement Community Meeting Room, on August 20, 2024, at 7:00 P.M.

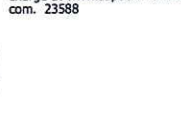
Petitioner: Amy & Joshua Gulstad
Description of property: "Olson's Outlot A" in the NW1/4 of Section 25-T126N-R64W of the 5th P.M., Brown County, South Dakota (11646 387th Avenue, Onocota Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current and future use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.
Planning/Zoning Commission and Scott Bader - P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144

Published Aug. 7, 2024, at the total approximate cost of \$14.72 and may be viewed free of charge at www.sdpublicnotices.com. 23588



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Travis & Danielle Olson / Bernice Olson
Description of property: North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-T124N-R62W. The NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12606 395th Avenue, Cambria Twp.).

Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances.



NOTICE OF SALE

AM State Nebraska Bank & Trust vs Brian Dolan & Kristen Dolan (06CIV22-000424-01)
2012 Chevy Avalanche
An Execution of Judgement in the above referenced matter was received by the Brown County Sheriff's Office on January 3rd, 2024. The amount of the Judgment is \$33,157.48, \$260.50 Cost, \$373.39 Pre-Judgment interest, plus continuing costs, and interest, as provided by law. This amount does not include Sheriff's Office fees and costs related to this matter. The property to be sold pursuant to the Execution is: 2012 Chevy Avalanche, VIN 3GNTKF79CG124632. Odometer Reading: 206,206.

THIS PROPERTY WILL BE AUCTIONED AND SOLD TO THE HIGHEST BIDDER, WITH THE SALE BEING FINAL. SOLD AS IS WITH NO WARRANTIES EXPRESSED OR IMPLIED. CASH IS REQUIRED ON THE DAY OF SALE.

The sale will be held at the Brown County Impound, 1015 1st Ave SE, Aberdeen, SD 57401 (Next to BMX Track) on August 16th, 2024, at 10:00 AM.

DAVE LUNZMAN, SHERIFF OF BROWN COUNTY.
By: Nate Smith, Deputy, 605-626-7100 ext. 509.

Published July 17, 25, Aug. 7 and Aug. 15, 2024, at the total approximate cost of \$50.91 and may be viewed free of charge at www.sdpublicnotices.com. 23519



NOTICE OF HEARING

A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jeffery Walth
Description of property: Proposed Outlot 2, "Aberdeen TWP 20W Outlots" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38380 Hwy 12, Aberdeen Twp.).

Reason: Rezone parcel from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.
Planning/Zoning Commission and Scott Bader - P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144

Published August 7, 2024, at the total approximate cost of \$14.41 and may be viewed free of charge at www.sdpublicnotices.com. 23583



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Travis & Danielle Olson / Bernice Olson
Description of property: North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-T124N-R62W. The NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12606 395th Avenue, Cambria Twp.).

Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 7th day of August 2024.



Special Meeting 7-11-24

Meeting of the Board of Trustees and members of the community of Claremont to hear the VP of Strobel Scott Vincint and Mark of DMVW Rail was held on July 11th at 7:00 p.m. in City Hall. Board members present Spencer and Rasmussen.

A question from the floor was asked "What is the plan for the dirt work that is happening near 6th Ave. on Railroad Property?"

Vincint: "This will be a site for loading rail cars by semi trucks that will take 25-30 minutes each." That being said Mr. Vincint said there would be 4-5 semis daily.

How long has Strobel been aware that they were coming this site? Mr. Vincint: It has been 4-5 weeks!

How many people 2-3 drivers supporting the job - 1 person for Strobel / 4 hrs plus. Vincint stated that property is currently being leased from the state owned rail, but the future goal is to buy the property.

When asked about the trucks, Vincint stated they are independent contractors. How heavy is a loaded semi? 40 tons - 5 axle gross weight. They will haul liquid tallow to rail cars.

Community members agree that Third Street would not be a viable option as it has been a "no truck" route since 1997. Mr. Vincint was asked about contacting the city prior to starting the project. He stated, "That there was no contact and no legal meeting." He just talked to two of the trustees.

At site a suggestion the trucks bypass town on 410th Ave. and turn on 118th St., then take Third Street to Sixth Avenue to unload, then leave town on Sixth Ave. empty. This suggestion of driving on Third Street was acceptable to all as it is a residential area with small children.

Some asked about road repair - Mr. Vincint stated that he felt it was the city's responsibility to repair. He says Strobel will have no responsibility at all!

The question of where Strobel had been loading was asked and Mr. Vincint would not answer.

Mr. Vincint strongly "stated" that a contract was made between two trustees and himself. He was then asked why not a site like Putney or Huffton. They were both closer to Aberdeen.

Mr. Vincint stated Claremont had the best track. A farmer approached by Strobel who has purchased the old elevator in town. Strobel offered this gentleman \$12,000 a year hoping to buy property and become a

permanent resident of the town and expand business.

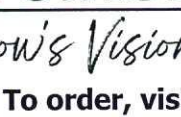
Other questions asked of Mr. Vincint about cleanup of spills and other problems. He states "that Strobel is responsible and will have the appropriate equipment." He also stated "that there will be only nonhazardous material."

Concerning odor, Mr. Vincint stated "once cars are sealed there will be no smell."

If there is a spill it will go into the storm sewer.

Meeting ended. Thanks Emma for your help!
Crye, FO.

Published August 7, 2024, at the total approximate cost of \$27.32 and may be viewed free of charge at www.sdpublicnotices.com. 23590



Special meeting 7-18-24

The board of trustees held a special meeting on 7-18-24. President Spencer called the meeting to order with Rasmussen and Thompson present. First on the agenda was to fill the trustee position left empty by Shane Johnson. President Spencer appointed Bob Thompson and seconded by Frank Rasmussen.

Lon Gelhaus - city attorney was present.

Again, many residents were present with questions and worries concerning Strobel Logistics. The streets and how they will survive, who will pay for repairing. Many were concerned about noise levels and smells.

The town does have a noise control ordinance to cover noise levels. The residents are sincerely concerned about the changes coming with Strobel Logistics and their company. Many are unknown concerns and they love their community.

A motion was made by the board to accept their ingress/egress site plan on condition that Strobel remove the approach to Sixth Ave. (in front of the American Legion) and also to share in the annual cost of maintenance to Sixth Avenue and Sixth Street and infrastructure in accordance with the shared responsibility of both Strobel and Claremont.

The motion was made by Frank Rasmussen and seconded by Bob Thompson. Motion carried.

Meeting adjourned on motion by Thompson and seconded by Rasmussen.

Crye, FO.

Published August 7, 2024, at the total approximate cost of \$14.35 and may be viewed free of charge at www.sdpublicnotices.com. 23591

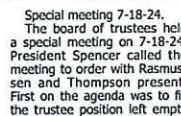
Apply to become the Grant County, SD 4-H Program Advisor!

Full-time position with benefits package. Successful candidate will promote, develop and guide the youth in the 4-H program.

Bachelor's degree required in one of the following: agriculture, family consumer science, child and/or youth development or related field. Travel and flexibility of hours are required.

Grant County is a progressive community in Northeast South Dakota. Its prosperity relies on a foundation of agriculture and manufacturing, with a growing school system and vibrant healthcare community.

For details, email a cover letter and resume by Friday, August 23, at 5 p.m. to karen.layher@grantcountysd.us or mail to Grant County Administrator 210 E. 5th Avenue, Milbank, SD 57252. EOE



Currently offering propane summer fills, budgets, and contracts!

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To order, visit www.fullcircleag.com/orderpropane or call 605-824-6815.

Groton Independent ♦ Wed., Aug. 7, 2024 ♦ 7

Proof of Publication

This is not an invoice.

Lynn Heupel
Brown County Auditor
25 Market St., Ste. 1
Aberdeen, SD 57401
Ph: (605) 626-7110 x 100
Fax: (605) 626-4010

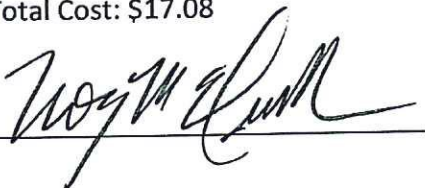
The **Aberdeen Insider** is a weekly newspaper of general circulation, posted online, printed, and published in Aberdeen, Brown County, South Dakota since January 25, 2023. This is an acknowledgement that the attached/included public notice was included in the printed edition(s) of the **Aberdeen Insider**:

August 8, 2024 – Brown County Planning and Zoning Notice for Morrison Variance Petition

I, Troy McQuillen (Owner and Publisher), under oath, do swear, that I am the publisher of the **Aberdeen Insider**, and that the **Aberdeen Insider** is a local newspaper as described in South Dakota codified laws and maintains a paid print circulation of over 2,500 weekly.

Total Cost: \$17.08

Publisher: _____



Notary

Sworn to and subscribed before on August 8, 2024


Notary, State of SD, County of Brown

My Commission Expires: 4/12/2030



This is not an invoice.

Continued from page 5D

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request. Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once on August 8, 2024, at the total approximate cost of \$16.52 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Travis & Danielle Olson / Bernice Olson
Description of property: North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-T124N-R62W, The NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12606 395th Avenue, Cambria Twp.).

Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances. The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once on August 8, 2024, at the total approximate cost of \$17.08 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the Basement Community Meeting Room, on August 20, 2024, at 7:00 P.M.

Petitioner: Amy & Joshua Gustaf
Description of property: "Olson's Outlot A" in the NW1/4 of Section 25-T126N-R64W of the 5th P.M., Brown County, South Dakota (11646 387th Avenue, Oneota Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current & future use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published three times on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jeffery Walth
Description of property: Proposed Outlot 2, "Aberdeen 2nd 20W Outlots" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38380 W Hwy 12, Aberdeen Twp.).

Reason: Rezone parcel from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use. The public is invited to attend

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: S & P Holdings LLC – Jacki Holler
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.).

Reason: A Conditional Use Petition (CUP) for a home seed business.

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request. Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once on August 8, 2024, at the total approximate cost of \$14.28 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jacki Holler – S & P Holdings LLC
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use. The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once on August 8, 2024, at the total approximate cost of \$17.08 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: James Johnson / William Mundhenke
Description of property: Proposed Lots 1 thru 5, "Johnson Airport Subdivision" in the SW1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota (5010, 5025, 5030, 5120 & 5210 Anthony Lane, Bath Twp.).

Reason: Rezone parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

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Petitioner: Jeffery Walth
Description of property: Proposed Outlot 2, "Aberdeen 2nd 20W Outlots" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38380 W Hwy 12, Aberdeen Twp.).

Reason: Rezone parcel from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use. The public is invited to attend

the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Carmen Morrison
Description of property: Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (37305 132nd Street, Mercier Twp.).

Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 25' Front Yard Setback rather than the 38' Setback and an 18' Rear Yard Setback rather than the 30' Setback required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once on August 8, 2024, at the total approximate cost of \$17.08 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: James Johnson / William Mundhenke
Description of property: Proposed Lots 1 thru 5, "Johnson Airport Subdivision" in the SW1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota (5010, 5025, 5030, 5120 & 5210 Anthony Lane, Bath Twp.).

Reason: Rezone parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401

Office: (605) 626-7144

Published once on August 8, 2024, at the total approximate cost of \$17.36 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**CITY OF ABERDEEN
AMENDED MINUTES
ABERDEEN CITY
COUNCIL MEETING**

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, July 22, 2024, at 5:30 p.m., regular meeting of the City Council.

Payroll Section of City Council Meeting Minutes of July 22, 2024, as Amended (minutes are amended to include payroll data not available at time of publication).

Payroll for the period from July 14, 2024, through July 27, 2024, and city share of social security, old age & survivor's insurance, retirement, health and life insurance: EFTPS \$193,722.34, SDRS \$94,583.76, City Health Insurance \$91,000.00, City Council \$3,521.63, City Manager \$8,805.16, City Attorney \$7,904.55, Finance \$16,272.12, HR \$10,035.38, City Hall \$2,031.37, Computer \$5,494.92, Community Development \$16,048.00, Engineering \$14,375.92, Police \$182,506.11, Fire \$146,016.74, Bldg Inspect \$6,877.53, Street \$43,266.82, Traffic \$10,560.90, Solid Waste \$35,917.06, Transit \$23,173.81, Jack Blaedorn \$15,444/hr, Library \$32,388.88, Economic Development \$2,919.20, Cemetery \$8,799.95, Mosquito Control \$10,042.02, Meals on Wheels \$589.96, PRF Admin \$10,770.79, Recreation \$39,763.67, ARCC \$40,711.63, Aquatic Center \$45,587.63, PRF Dome \$6,401.38, Senior Center \$5,592.11, Parks \$38,576.10, Ordinance \$13,137.86, Forestry \$12,343.58, Airport \$21,357.43, Utility Storm \$33,982.33, Water Treatment \$23,978.99, Utility Water \$2,024.65, Water Reclamation \$23,614.65, Utility Sewer \$12,429.58, SBL Rides \$16,769.17, Concessions \$15,884.99, Rec Enterprise \$3,787.96, ARCC Enterprise \$591.50, Campground \$7,592.03, Golf \$14,606.05

Roll call vote to approve with Ronayne abstaining and Fouborg abstaining to Dacotah Bank, all others present voting aye, motion carried.

Published once on August 8, 2024, at the total approximate cost of \$15.62 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**CITY OF ABERDEEN
RESOLUTION NO.
24-08-01R**

**RESOLUTION
APPROVING A PERMIT
TO REMOVE HISTORIC
PROPERTY WITHIN THE
ABERDEEN COMMERCIAL
HISTORIC DISTRICT**

WHEREAS, the City of Aberdeen Community Development Department ("Department") recommends approval of the issuance of a permit to demolish the building located at 320 Main Street South, which property is within the Aberdeen Commercial Historic District; and

WHEREAS, the owner of the property at 320 Main Street South applied to the Department to demolish the building (hereafter "historic property"); and

WHEREAS, the Department completed a review of the entire file, including the case report submitted by the property owner, and the recommendations of the South Dakota State Historical Society, through its State Historic Preservation Officer ("SHPO"); and

WHEREAS, Community Development Director, Ken Hubert, presented the findings of the Department to the City Council and affirmed the Department's recommendation that the City Council approve the issuance of a permit for the historic

property; and

WHEREAS, the City Council considered the application and the factors set forth in SDCL § 1-19A-11.1; and

WHEREAS, the City Council makes the following findings in support of its determination:

- The property owner provided the document attached hereto entitled "Case Report", which report provides a complete record of all factors considered by the City Council in forming its findings and conclusions herein and is adopted in full and incorporated herein by reference.
- The property has been renovated since its original construction with no construction documentation. The south portion was demolished in the 2010's and the north portion has been vacant for most of the recent past.
- Options were investigated by the owner to adaptively re-use the entire space at the onset of design. Unfortunately, due to cost, the usability of the space, and unknown structural conditions, the owner has opted to move forward with new.
- It is not physically possible, or economically feasible for the property owner to incur the costs to renovate and reuse the existing structure for their proposed.
- The effects of the proposed building project should have little negative impact on neighboring properties. Plans for the reuse of this property will be submitted for review by the South Dakota Historic Preservation Office prior to any new construction being permitted.
- No other feasible and prudent alternative to replacement exists and all possible planning to minimize harm to the historic property has been fairly considered.
- The June 24, 2024, letter from SHPO entitled "SDCL 1-19A-11.1 Consultation" has been reviewed and considered in making this determination.
- The integrity of the historic district will not be jeopardized by the removal of the historic property.

NOW, THEREFORE, BE IT RESOLVED as follows:

- The application for a building permit to demolish the structure at 320 Main Street South located within the Aberdeen Commercial Historic District is hereby Approved.
- The City Council makes this determination based upon the consideration of all relevant factors and concludes that there is no feasible and prudent alternative to the issuance of the building permit and that the program includes all possible planning to minimize harm to the historic property resulting from its use.
- Notice of this final determination shall be given, by certified mail, to the South Dakota State Historical Society at least ten (10) days before demolition of the subject.

The foregoing Resolution No. 24-08-01R was adopted at a regular meeting of the Aberdeen City Council on the 5th day of August, 2024. Number of AYES: 8, Number of NAYS: 0, Members abstaining: None, /s/ Travis Schaunaman, Mayor, ATTEST: /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$41.72 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named business at the following addresses:

Special One-Day Retail On-Sale Liquor License for the Aberdeen Elks Lodge #1046, Parking Lot Party on September 7, 2024

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said

application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF THE City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$12.88 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named business at the following addresses:

Special One-Day Retail On-Sale Liquor License for the Aberdeen Sertoma Club for the Storybook Land Unkorked event on September 5, 2024

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF THE City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$13.16 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named person(s) at the following address:

New Retail On-Off Sale Wine and Cider
Cuzzo, LLC dba Cuzzo Peruvian Cuisine
20 6th Ave SW, Aberdeen, SD 57401

New Retail on-Off Sale Malt Beverage & SD Farm Wine
Cuzzo, LLC dba Cuzzo Peruvian Cuisine
20 6th Ave SW, Aberdeen, SD 57401

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF THE City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$16.24 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

STAFF REPORT

Meeting: August 20, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE TO BUILDING SETBACKS

ITEM #04

Agriculture Preservation District (AG-P)

GENERAL INFORMATION:

OWNER:	Travis & Danielle Olson / Bernice Olson
PETITIONER:	Travis & Danielle Olson
REQUEST:	VARIANCE TO SETBACKS IN AN AGRICULTURE PRESERVATION DISTRICT (AG-P)
LEGAL DESCRIPTION:	North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-T124N-R62W. The NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5 th P.M., Brown County, South Dakota
ADDRESS:	12604 & 12606 395 th Avenue
CITY/TOWNSHIP:	Cambria Twp
EXISTING ZONING:	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" West Front Yard Setback rather than the 100'-0" Setback required by Brown County Ordinance to build a new 28' x 30' attached garage w/ small breezeway.

GENERAL REVIEW: Staff has reviewed this request.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: July 26, 2024
RECEIPT # 822050
TOWNSHIP: Cambria Twp.

FEE: \$125.00
PAID: YES/NO CHK/CASH
DATE: 8/1/2024

OWNERS NAME (print): Travis & Danielle Olson / Bernice Olson
OWNERS SIGNATURE: Bernice Olson
OWNERS ADDRESS: 12606 395th Avenue
OWNERS CITY, STATE, ZIP: Bath, SD 57427
OWNERS PHONE: 605-377-4354 (Danielle)
OWNERS EMAIL: _____

AGENTS NAME (print): Travis & Danielle Olson
AGENTS SIGNATURE: Travis Olson
AGENTS ADDRESS: 12606 395th Avenue
AGENTS CITY, STATE, ZIP: Bath, SD 57427
AGENTS PHONE: 605-377-4354 (Danielle)
AGENTS EMAIL: _____

REQUEST: Petitioner is requesting a 50'-0" West Front Setback rather than the 100'-0" Setback required by Brown County Ordinance to build a 28' x 30' attached garage.

LEGAL DESCRIPTION: North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-T124N-R62W. The NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12606 395th Avenue; Cambria Twp.)

Planning Commission Action: Approved / Denied

By: _____ **Date:** _____

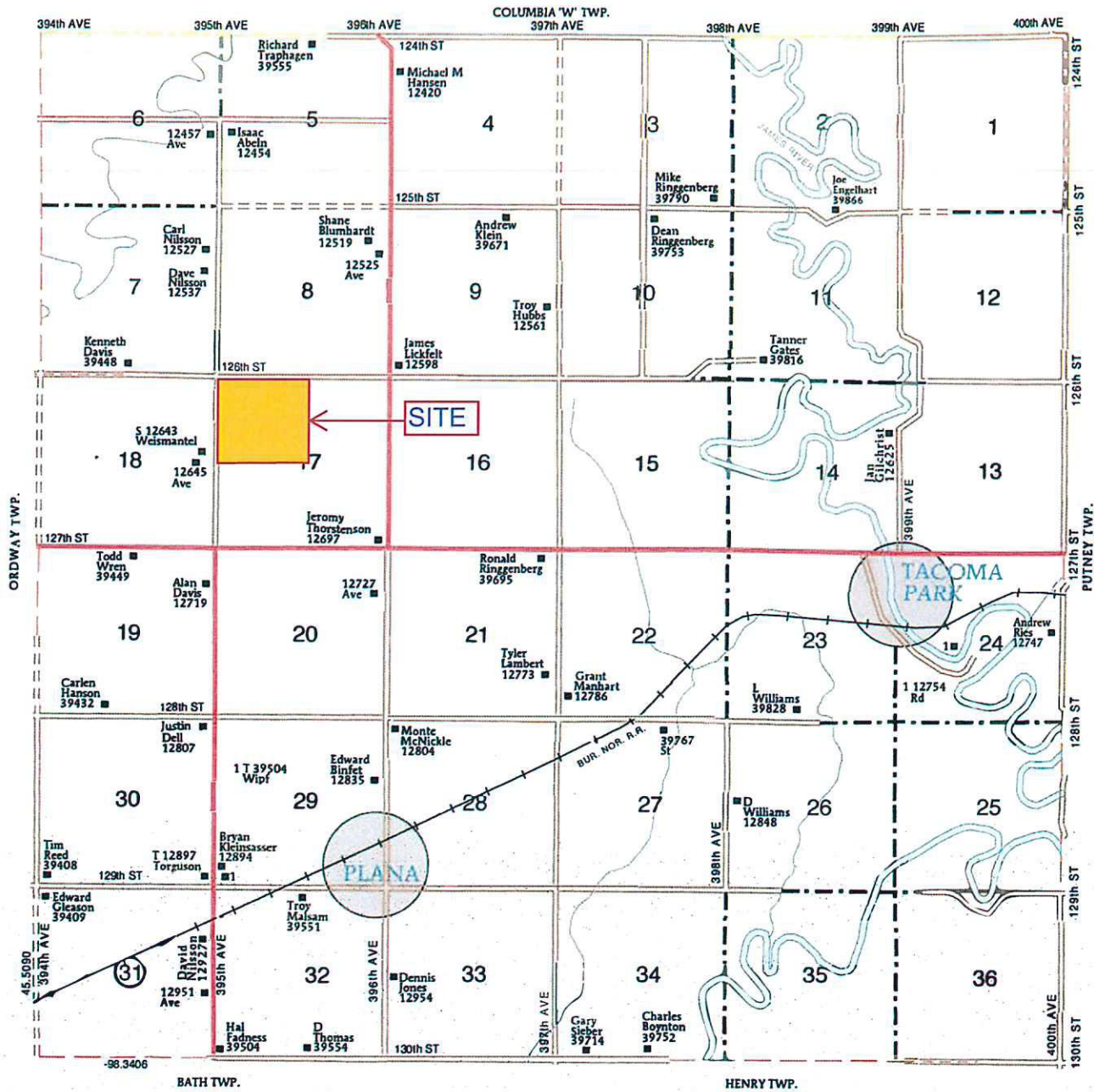
HEARING DATE: August 20, 2024 **TIME:** 7:00 P.M.

MEETING: located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • www.brown.sd.us • email: Scott.Bader@browncounty.sd.gov

(Residents - Owners or Renters)



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room of the Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Travis & Danielle Olson / Bernice Olson

Description of property: North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-T124N-R62W. The NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12606 395th Avenue, Cambria Twp.).

Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 7th day of August 2024

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

(Olson)

VARIANCE FINDINGS WORKSHEET

Prong One

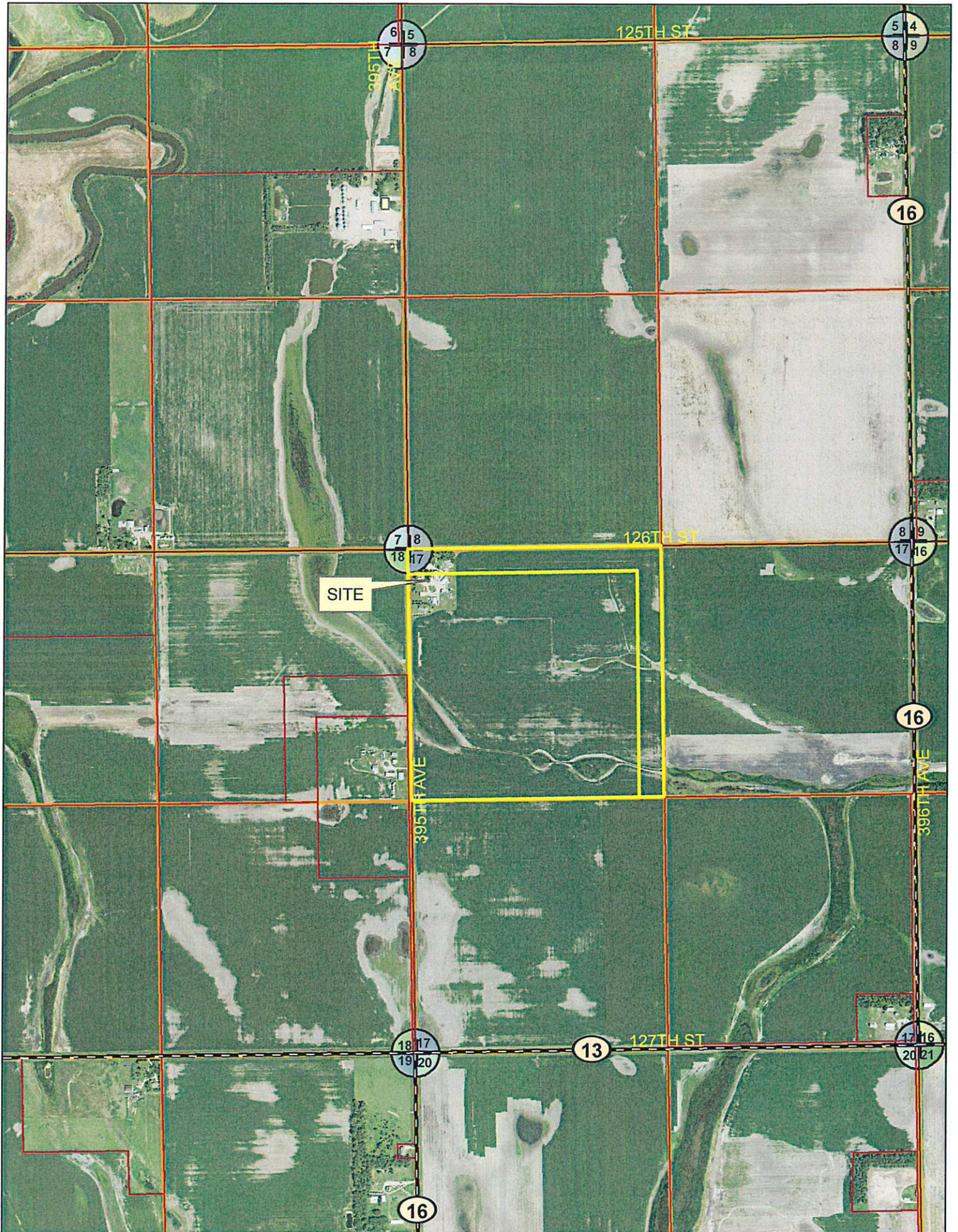
Whether granting the variance runs counter to the public interest?

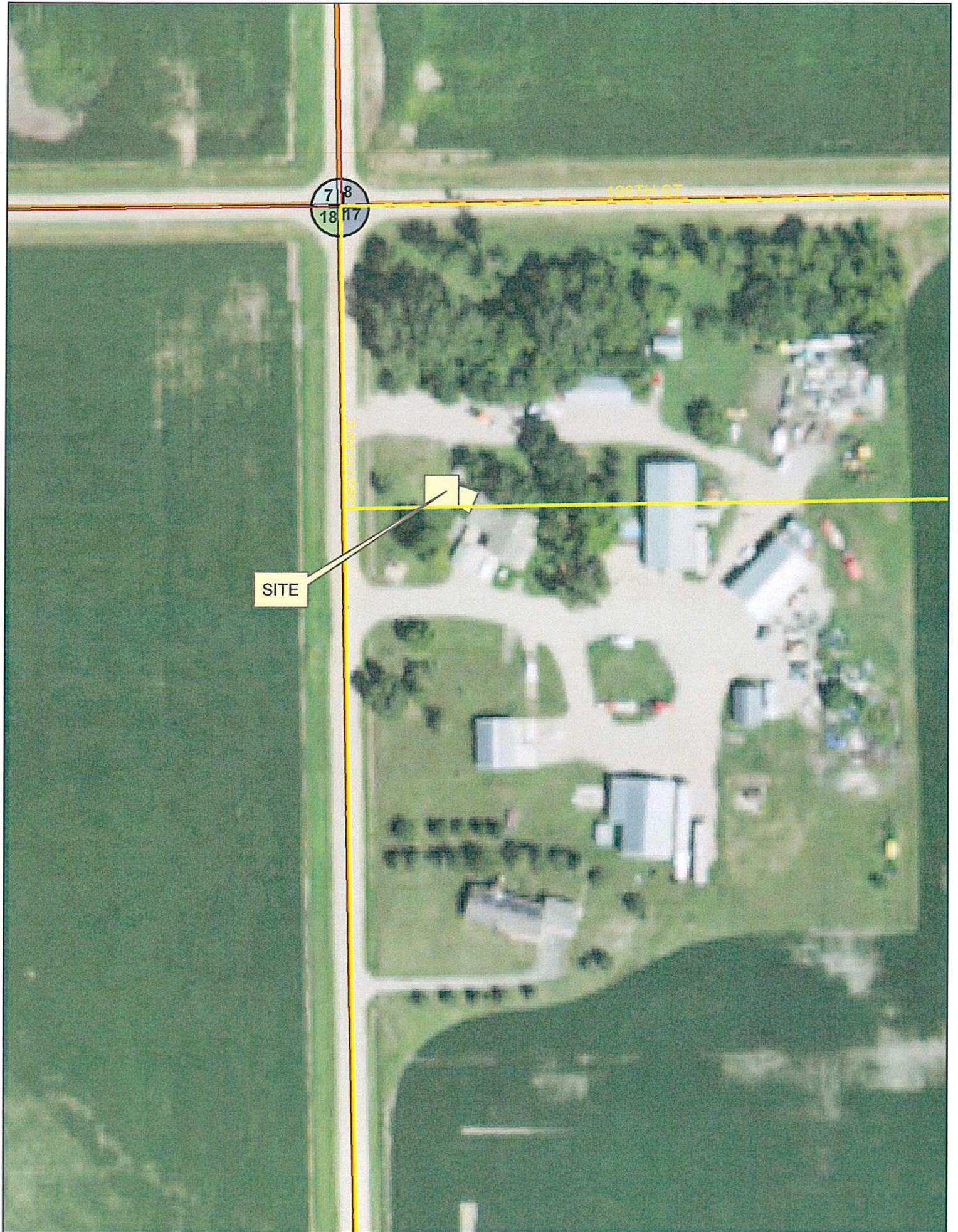
Consider the entire public— <i>not</i> just the neighbors	Findings	
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
4. Does it conform to the comprehensive plan currently in place?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5. Does it harm the public safety, health, or general welfare of the community?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Prong Two

Whether special conditions exist to grant a variance?

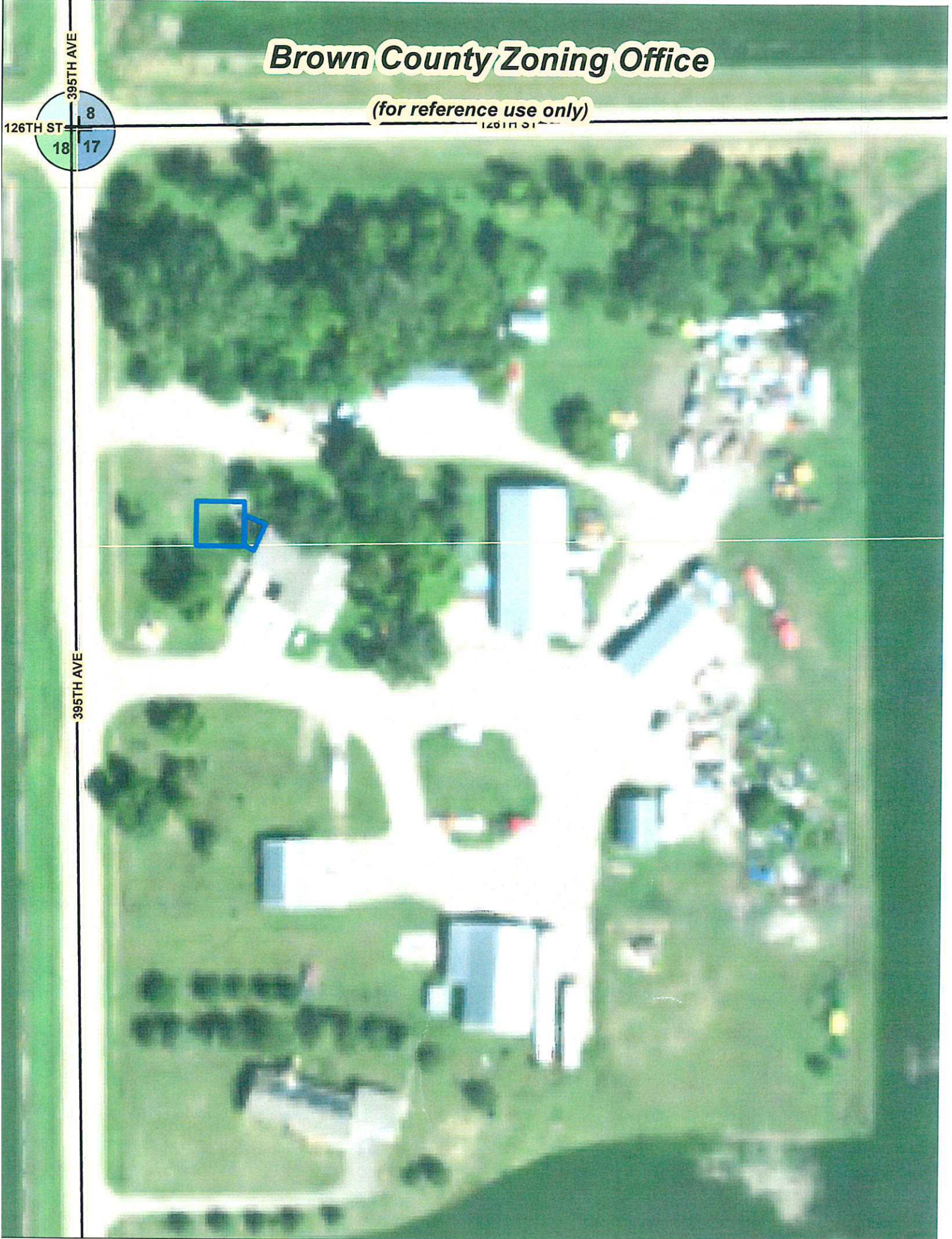
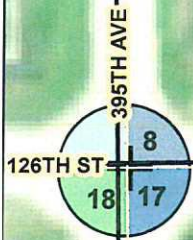
Physical conditions— <i>not</i> money or econ hardship	Findings	
1. Does a special condition—exceptional narrowness, topography, siting, or the like—exist on the property? *Explicitly state the condition on the property that is a special condition if one exists. *It must be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does not mean money, econ hardship, or allowing a use that's prohibited (<i>i.e.</i> , not otherwise excluded) in the zoning district.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
b. <i>If</i> a special circumstance exists, does granting the variance observe the ordinance's spirit while doing substantial justice.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>





Brown County Zoning Office

(for reference use only)



Travis & Danielle Olson

12606 395th Avenue
Bath, SD 57427

Bernice L Olson Trust

12606 395th Avenue
Bath, SD 57427

Cambria Township

Attn: David Nilsson
12927 395th Avenue
Bath, SD 57427

Leroy & Shirley Weismantel

PO Box 47
Columbia, SD 57433-0047

Kenneth & Lois Davis

39448 126th Street
Bath, SD 57427

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

**Brown County
Olson Variance Application
Published Aug. 7, 2024 for \$13.49
Invoice No. 23589**

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

7th Day of August 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682



NOTICE OF HEARING FOR ALCOHOLIC BEVERAGE TEMPORARY PERMIT FOR SPECIAL EVENT

Notice is hereby given according to SDCL 35-2, a Public Hearing on the following Alcoholic Beverage Temporary Permit in conjunction with a Special Event for Malt Beverage and Wine to be used by Aberdeen Area Chamber of Commerce will be held on August 20, 2024 in the Chambers of the Brown County Commissioners, in the Court-house Annex, Brown County, South Dakota, at which time any interested persons wishing to register complaint on their approval may appear.

Aberdeen Area Chamber of Commerce, Aberdeen, SD for Field to Fork: A Farm to Table Connection held at Centennial Village, Brown County Fairgrounds, SW 1/4, Sec 1-1123N-R64W (400 NW 24th Ave., Aberdeen) Brown County, SD. Temporary Special Event Alcohol License effective September 6, 2024.

ATTEST: Lynn Heupel, Brown County Auditor
Published August 7, 2024, at the total approximate cost of \$11.65 and may be viewed free of charge at www.sdpublicnotices.com. 23582



NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M. Petitioner: Jeffery Walth. Description of property: Proposed Outlot 2, "Aberdeen TWP 20W Outlots" in the E1/2 of Section 20-1123N-R64W of the 5th P.M., Brown County, South Dakota (38380 W Hwy 12, Aberdeen Twp.).

Reason: Rezone parcel from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.
Planning/Zoning Commission and Scott Bader - P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$14.41 and may be viewed free of charge at www.sdpublicnotices.com. 23583



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: S & P Holdings LLC - Jacki Holler

Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-1123N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue; Warner Twp.).

Reason: A Conditional Use Petition (CUP) for a home seed business. The public may attend the hearing and present comments

and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 7th day of August 2024.
Planning/Zoning Commission and Scott Bader - P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$12.26 and may be viewed free of charge at www.sdpublicnotices.com. 23584



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Tigh & Kelly Leibel. Legal description of property: Lot B, "Leibel First Addition" in the NE1/4 of Section 11-1123N-R63W of the 5th P.M., Brown County, South Dakota (13115 393rd Avenue; Bath Twp.).

Reason: A Conditional Use Petition (CUP) to operate "Diamondback Kennels" in a Mini-Agriculture District (M-AG) and build a 60' x 56' shop/kennel for training up to 36 dogs at one time.

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 7th day of August 2024.
Planning/Zoning Commission and Scott Bader - P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$12.88 and may be viewed free of charge at www.sdpublicnotices.com. 23585



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Carmen Morrison

Description of property: Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-1123N-R65W of the 5th P.M., Brown County, South Dakota (73306 132nd Street; Mercier Twp.).

Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 25' Front Yard Setback rather than the 38' Setback and an 18' Rear Yard Setback required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 7th day of August 2024.
Planning/Zoning Commission and Scott Bader - P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$13.49 and may be viewed free of charge at www.sdpublicnotices.com. 23586



NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

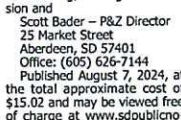
Petitioner: Jacki Holler - S & P Holdings LLC

Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-1123N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue; Warner Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.
Planning/Zoning Commission and Scott Bader - P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$15.02 and may be viewed free of charge at www.sdpublicnotices.com. 23587



NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Amy & Joshua Gulstad

Description of property: "Olson's Outlot A" in the NW1/4 of Section 25-1126N-R64W of the 5th P.M., Brown County, South Dakota (11646 387th Avenue; Oneota Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current & future use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.
Planning/Zoning Commission and Scott Bader - P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144
Published Aug. 7, 2024, at the total approximate cost of \$14.72 and may be viewed free of charge at www.sdpublicnotices.com. 23588



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Travis & Danielle Olson / Bernice Olson

Description of property: North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-1124N-R62W. The NW1/4 of Section 17-1124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12606 395th Avenue; Cambria Twp.).

Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 7th day of August 2024.
Planning/Zoning Commission and Scott Bader - P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144
Published Aug. 7, 2024, at the total approximate cost of \$13.49 and may be viewed free of charge at www.sdpublicnotices.com. 23589



NOTICE OF SALE

AUGUST 16th, 2024, at 10:00 AM

State Nebraska Bank & Trust vs Brian Dolan & Kristen Dolan (06C1V22-000424-01) 2012 Chevy Avalanche

An Execution of Judgement in the above referenced matter was received by the Brown County Sheriff's Office on January 3rd, 2024. The amount of the Judgment is \$33,157.48, \$260.50 Cost, \$373.39 Pre-Judgment Interest, plus continuing costs, and interest, as provided by law. This amount does not include Sheriff's Office fees and costs related to this matter. The property to be sold pursuant to the Execution is: 2012 Chevy Avalanche, VIN 3GNTKE79CGL124532. Odometer Reading: 206,206.

THIS PROPERTY WILL BE AUCTIONED AND SOLD TO THE HIGHEST BIDDER, WITH THE SALE BEING FINAL, SOLD AS IS WITH NO WARRANTIES EXPRESSED OR IMPLIED. CASH IS REQUIRED ON THE DAY OF SALE.

The sale will be held at the Brown County Impound, 1015 1st Ave SE, Aberdeen, SD 57401 (Next to BMV Track) on August 16th, 2024, at 10:00 AM.

DAVE LUNZMAN, SHERIFF OF BROWN COUNTY.

By: Nate Smith, Deputy, 605-626-7100 ext. 509.
Published July 17, 25, Aug. 7 and Aug. 15, 2024, at the total approximate cost of \$50.91 and may be viewed free of charge at www.sdpublicnotices.com. 23519



Special Meeting 7-11-24

Meeting of the Board of Trustees and members of the community of Claremont to hear the VP of Strobel Scott Vincent and Mark of DMVW Rail was held on July 11th at 7:00 p.m. in City Hall. Board members present Spencer and Rasmussen.

A question from the floor was asked "What is the plan for the dirt work that is happening near 6th Ave. on Railroad Property?" Vincent: "This will be a site for loading rail cars by semi trucks that will take 25-30 minutes each." That being said Mr. Vincent said there would be 4-5 semis daily.

How long has Strobel been aware that they were coming this site? Mr. Vincent: It has been 4-5 weeks!

How many people 2-3 drivers supporting the job - 1 person for Strobel / 4 hrs plus. Vincent stated that property is currently being leased from the state and will be sold, but the future goal is to buy the property.

When asked about the trucks, Vincent stated they are independent contractors. How heavy is a loaded semi: 40 tons - 5 axle gross weight. They will haul liquid tailow to rail cars.

Community members agree that Third Street would not be a viable option as it has been a "no truck" route since 1997. Mr. Vincent was asked about contacting the city prior to starting the project. He stated, "That there was no contact and no legal meeting." He just talked to two of the trustees.

At site a suggestion the trucks bypass town on 410th Ave. and turn on 118th St., then take Third Street to Sixth Avenue to unload, then leave town on Sixth Ave. empty. This suggestion of driving in on Third Street was acceptable to all as it is a residential area with small children.

Some asked about road repair - Mr. Vincent stated that he felt it was the city's responsibility to repair. He says Strobel will have no responsibility at all.

The question of where Strobel had been loading was asked and Mr. Vincent would not answer.

Mr. Vincent strongly "stated that a contract was made between two trustees and himself."

He was then asked why not a site like Putney or Hufton. They were both closer to Aberdeen. Mr. Vincent stated Claremont had the best track. A farmer approached by Strobel who has purchased the old elevator in town. Strobel offered this gentleman \$12,000 a year hoping to buy property and become a

permanent resident of the town and expand business.

Other questions asked of Mr. Vincent about cleanup of spills and other problems. He states "that Strobel is responsible and will have the appropriate equipment." He also stated "that there will be only nonhazardous material."

Concerning odor, Mr. Vincent stated "once cars are sealed there will be no smell."

If there is a spill it will go into the storm sewer.

Meeting ended. Thanks Emma for your help!

Crye, FO.
Published August 7, 2024, at the total approximate cost of \$27.32 and may be viewed free of charge at www.sdpublicnotices.com. 23590



Special meeting 7-18-24.

The board of trustees held a special meeting on 7-18-24. President Spencer called the meeting to order with Rasmussen and Thompson present. First on the agenda was to fill the trustee position left empty by Shane Johnson. President Spencer appointed Bob Thompson and seconded by Frank Rasmussen.

Lon Gelhaus - city attorney was present.

Again, many residents were present with questions and worries concerning Strobel Logistics. The streets and how they will survive, who will pay for repairing. Many were concerned about noise levels and smells.

The town does have a noise control ordinance to cover noise levels. The residents are sincerely concerned about the changes coming with Strobel Logistics and their company. Many are unknown concerns and they love their community.

A motion was made by the board to accept their ingress/egress site plan on condition that Strobel remove the approach to Sixth Ave. (in front of the American Legion) and also to share in the annual cost of maintenance to Sixth Avenue and Sixth Street and infrastructure in accordance with the shared responsibility of both Strobel and Claremont.

The motion was made by Frank Rasmussen and seconded by Bob Thompson. Motion carried.

Meeting adjourned on motion by Thompson and seconded by Rasmussen.

Crye, FO.
Published August 7, 2024, at the total approximate cost of \$14.35 and may be viewed free of charge at www.sdpublicnotices.com. 23591

Apply to become the Grant County, SD 4-H Program Advisor!

Full-time position with benefits package. Successful candidate will promote, develop and guide the youth in the 4-H program. Bachelor's degree required in one of the following: agriculture, family consumer science, child and/or youth development or related field. Travel and flexibility of hours are required.

Grant County is a progressive community in Northeast South Dakota. Its prosperity relies on a foundation of agriculture and manufacturing, with a growing school system and vibrant healthcare community.

For details, email a cover letter and resume by Friday, August 23, at 5 p.m. to karen.jayher@grantcountysd.us or mail to Grant County Administrator 210 E. 5th Avenue, Milbank, SD 57252. EOE

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Groton Independent ♦ Wed., Aug. 7, 2024 ♦ 7

Groton Chiropractic Clinic

Carol McFarland-Kutter, D.C.

1205 N 1st St., Groton 397-8204



423 S. MAIN ST. | ABERDEEN, SD 57401
(605) 226-3481 | ABERDEENINSIDER.COM

Proof of Publication

This is not an invoice.

Lynn Heupel
Brown County Auditor
25 Market St., Ste. 1
Aberdeen, SD 57401
Ph: (605) 626-7110 x 100
Fax: (605) 626-4010

The **Aberdeen Insider** is a weekly newspaper of general circulation, posted online, printed, and published in Aberdeen, Brown County, South Dakota since January 25, 2023. This is an acknowledgement that the attached/included public notice was included in the printed edition(s) of the **Aberdeen Insider**:

August 8, 2024 – Brown County Planning and Zoning Notice for Olson Variance Petition

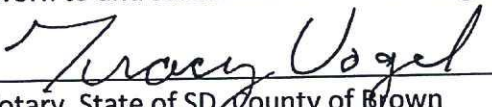
I, Troy McQuillen (Owner and Publisher), under oath, do swear, that I am the publisher of the **Aberdeen Insider**, and that the **Aberdeen Insider** is a local newspaper as described in South Dakota codified laws and maintains a paid print circulation of over 2,500 weekly.

Total Cost: \$17.08

Publisher: 

Notary

Sworn to and subscribed before on **August 8, 2024**


Notary, State of SD County of Brown

My Commission Expires: 4/12/2030



This is not an invoice.

Continued from page 5D

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request. Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader — P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$16.52 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Travis & Danielle Olson / Bernice Olson
Description of property: North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-T124N-R62W, the NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12606 395th Avenue, Cambria Twp.).

Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances. The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 8th day of August 2024
Planning/Zoning Commission and Scott Bader — P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$17.08 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the Basement Community Meeting Room, on August 20, 2024, at 7:00 P.M.

Petitioner: Amy & Joshua Gulstad
Description of property: "Olson's Outlot A" in the NW1/4 of Section 25-T126N-R64W of the 5th P.M., Brown County, South Dakota (16146 387th Avenue, Oneota Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current & future use. The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024,
Planning/Zoning Commission and Scott Bader — P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published three times on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: S & P Holdings LLC — Jackie Holler
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.). Reason: A Conditional Use Petition (CUP) for a home seed business. The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request. Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader — P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$14.28 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jacki Holler — S & P Holdings LLC
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.). Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use. The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024,
Planning/Zoning Commission and Scott Bader — P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use. The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024,
Planning/Zoning Commission and Scott Bader — P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published three times on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

Reason: Rezone parcel from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use. The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor. Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader — P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Carmen Morrison
Description of property: Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (37305 132nd Street, Mercer Twp.).

Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 25' Front Yard Setback rather than the 38' Setback required by Brown County Zoning Ordinances. The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 8th day of August 2024
Planning/Zoning Commission and Scott Bader — P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$17.08 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: James Johnson / William Mundhenke
Description of property: Proposed Lots 1 thru 5, "Johnson Airport Subdivision" in the SW1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota (5010, 5025, 5030, 5120 & 5210 Anthony Lane, Bath Twp.).

Reason: Rezone parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use. The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024,
Planning/Zoning Commission and Scott Bader — P&Z Director
25 Market Street
Aberdeen, SD 57401

Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$17.36 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

**CITY OF ABERDEEN
AMENDED MINUTES
ABERDEEN CITY
COUNCIL MEETING**

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, July 22, 2024, at 5:30 p.m., regular meeting of the City Council.

Payroll Section of City Council Meeting Minutes of July 22, 2024, as Amended (minutes are amended to include payroll data not available at time of publication).

Payroll for the period from July 14, 2024, through July 27, 2024, and city share of social security, old age & survivor's insurance, retirement, health and life insurance: EFTPS \$193,762.34, SDRS \$94,583.76, City Health Insurance \$91,000.00, City Council \$3,521.63, City Manager \$8,805.16, City Attorney \$7,904.55, Finance \$16,272.12, HR \$10,035.38, City Hall \$2,031.37, Computer \$5,494.92, Community Development \$16,048.00, Engineering \$14,375.92, Police \$162,506.11, Fire \$146,016.74, Solid Waste \$6,877.53, Street \$43,266.82, Traffic \$10,560.90, Solid Waste \$35,917.06, Transit \$23,173.81, Jack Blaeden \$15,444/hr, Library \$32,388.88, Economic Development \$2,919.20, Cemetery \$8,799.95, Mosquito Control \$10,042.02, Meals on Wheels \$589.96, PRF Admin \$10,770.79, Recreation \$39,763.67, ARCC \$40,711.63, Aquatic Center \$45,587.63, PRF Dome \$6,401.38, Senior Center \$5,692.11, Parks \$38,576.10, Wylie Park \$31,337.86, Forestry \$1,348.58, Airport \$21,357.43, Utility Storm \$33,982.33, Water Treatment \$23,978.99, Utility Water \$2,024.65, Water Remedation \$23,614.65, Utility Sewer \$12,429.58, SBL Rides \$16,769.17, Concessions \$15,884.99, Rec Enterprise \$3,781.95, ARCC Enterprise \$591.50, Campground \$7,592.03, Golf \$14,606.05

Roll call vote to approve with Ronayne abstaining and Foubert abstaining to Dacotah Bank, all others present voting aye, motion carried.

Published once on August 8, 2024, at the total approximate cost of \$15.62 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

**CITY OF ABERDEEN
RESOLUTION NO.
24-08-01R**

RESOLUTION
APPROVING A PERMIT TO REMOVE HISTORIC PROPERTY WITHIN THE ABERDEEN COMMERCIAL HISTORIC DISTRICT

WHEREAS, the City of Aberdeen Community Development Department ("Department") recommends a final determination approving the issuance of a permit to demolish the building located at 320 Main Street South, which property is within the Aberdeen Commercial Historic District; and

WHEREAS, the owner of the property at 320 Main Street South applied to the Department to demolish the building hereafter "historic property"; and

WHEREAS, the Department completed a review of the entire file, including the case report submitted by the property owner, and the recommendations of the South Dakota State Historical Society, through its State Historic Preservation Officer ("SHPO"); and

WHEREAS, Community Development Director, Ken Hubbard, presented the findings of the Department to the City Council and affirmed the Department's recommendation that the City Council approve the issuance of a permit for the historic

property; and
WHEREAS, the City Council considered the application and the factors set forth in SDCL § 1-19A-11.1; and

WHEREAS, the City Council makes the following findings in support of its determination:
• The property owner provided the document attached hereto entitled "Case Report", which report provides a complete record of all factors considered by the City Council in forming its findings and conclusions herein and is adopted in full and incorporated herein by reference.

• The property has been renovated since its original construction with no construction documentation. The south portion was remodeled in the 2010's and the north portion has been vacant for most of the recent past.

• Options were investigated by the owner to adaptively re-use the entire space at the onset of design. Unfortunately, due to cost, the usability of the space, and unknown structural conditions, the owner has opted to move forward with new.

• It is not physically possible, or economically feasible for the property owner to incur the costs to renovate and reuse the existing structure for their proposed.

• The effects of the proposed building project should have little negative impact on neighboring properties. Plans for the reuse of the historic property are under review by the South Dakota Historic Preservation Office prior to any new construction being permitted.

• No other feasible and prudent alternative to replacement exists and all possible planning to minimize harm to the historic property has been fairly considered.

• The June 24, 2024, letter from SHPO entitled "SDCL 1-19A-11.1 Consultation" has been reviewed and considered in making this determination.

• The integrity of the historic district will not be jeopardized by the removal of the historic property.

• NOW, THEREFORE, BE IT RESOLVED as follows:

• The application for a building permit to demolish the structure at 320 Main Street South located within the Aberdeen Commercial Historic District is hereby Approved.

• The City Council makes this determination based upon the consideration of all relevant factors and concludes that there is no feasible and prudent alternative to the issuance of the building permit and that the program includes all possible planning to minimize harm to the historic property resulting from such use.

• Notice of this final determination shall be given, by certified mail, to the South Dakota State Historical Society at least ten (10) days before demolition of the subject

The foregoing Resolution No. 24-08-01R was adopted at a regular meeting of the Aberdeen City Council on the 5th day of August, 2024. Number of AYES: 8, Number of NAYS: 0, Members abstaining: None, /s/ Travis Schaunaman, Mayor, ATTEST: /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$41.72 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named business at the following addresses: Special One-Day Retail On-Sale Liquor License for the Aberdeen Elks Lodge #1046, Parkview Party on September 7, 2024

application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF the City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer
Published once on August 8, 2024, at the total approximate cost of \$12.88 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named business at the following addresses: Special One-Day Retail On-Sale Liquor License for the Aberdeen Sertoma Club for the Storybook Land Unkorked event on September 5, 2024

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF the City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer
Published once on August 8, 2024, at the total approximate cost of \$13.16 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named person(s) at the following address: New Retail On-Off Sale Wine and Cider

Cuzzo, LLC dba Cuzzo Peruvian Cuisine
20 6th Ave SW, Aberdeen, SD 57401
New Retail on-off Sale Malt Beverage & SD Farm Wine

Cuzzo, LLC dba Cuzzo Peruvian Cuisine
20 6th Ave SW, Aberdeen, SD 57401
NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF the City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer
Published once on August 8, 2024, at the total approximate cost of \$16.24 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

STAFF REPORT

Meeting: August 20, 2024

BROWN COUNTY PLANNING COMMISSION

REZONE PARCEL FROM:

ITEM #10

Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG)

GENERAL INFORMATION:

OWNER:

S & P Holdings LLC

PETITIONER:

Jacki Holler – S & P Holdings

REQUEST:

**Rezone Parcel from Agriculture
Preservation District (AG-P) to Mini-
Agriculture District (M-AG)**

LEGAL DESCRIPTION:

Lot 1, "Johnson South Third Subdivision" in
the NE1/4 of Section 22-T122N-R64W of the
5th P.M., Brown County, South Dakota

ADDRESS:

13919 386th Avenue

CITY/TOWNSHIP:

Warner Twp.

EXISTING ZONING

Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

North:

Mini-Agriculture District (M-AG)

South:

Agriculture Preservation District (AG-P)

West:

Agriculture Preservation District (AG-P)

East:

Agriculture Preservation District (AG-P)

PUBLIC UTILITIES:

WEB Water

REPORTED BY:

Ron Keller

GENERAL COMMENT: The petitioner is requesting this Rezone to bring this parcel
into compliance for its current use.

GENERAL REVIEW: Staff has reviewed this request.

NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jacki Holler – S & P Holdings LLC

Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

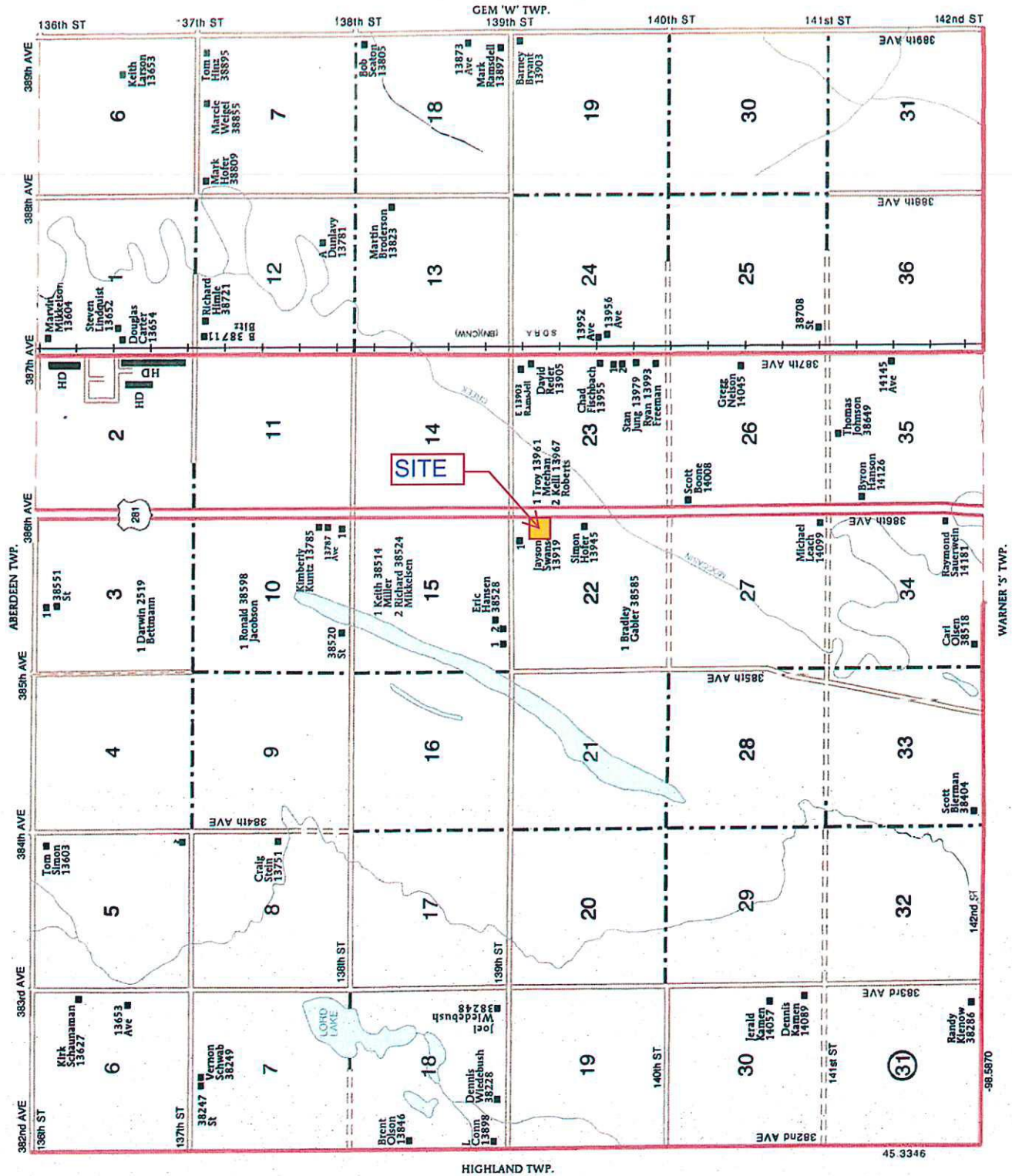
The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

(Residents - Owners or Renters)



REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____

Date: _____

Receipt: 822033

Filing Fee: \$350
(non-refundable)

Brown County Commission Members:

I/We the undersigned, do hereby petition the Brown County Commission of Brown County, South Dakota to rezone property as follows:

Legal Description:

Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-
R64W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 13919 386th Avenue
From the Agriculture Preservation (AG-P) District
To the Mini-Agriculture (M-AG) District

Purpose: To Bring into Compliance
Size of Parcel: Lot 1 = +/- 14.26 acres
Existing Land Use: Mini-Agriculture

Petitioner: (Print) S & P Holdings-Jacki Holler
Signature: Jacki Holler
Date: 7/18/24 Phone: 605-228-7139
Address: 715 Taylor Drive
Aberdeen SD 57401
City State Zip

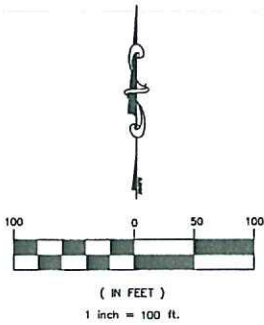
Owner: (Print) S & P Holdings-Jacki Holler
Signature: Jacki Holler
Date: 7/18/24 Phone: 605-228-7139
Address: 715 Taylor Drive
Aberdeen SD 57401
City State Zip

Additional Signatures may be submitted on a separate page.

PLAT OF

A-6689

JOHNSON SOUTH THIRD SUBDIVISION IN THE NE 1/4 OF SECTION 22-T122N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

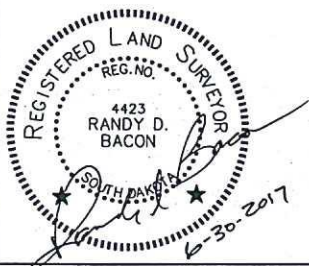
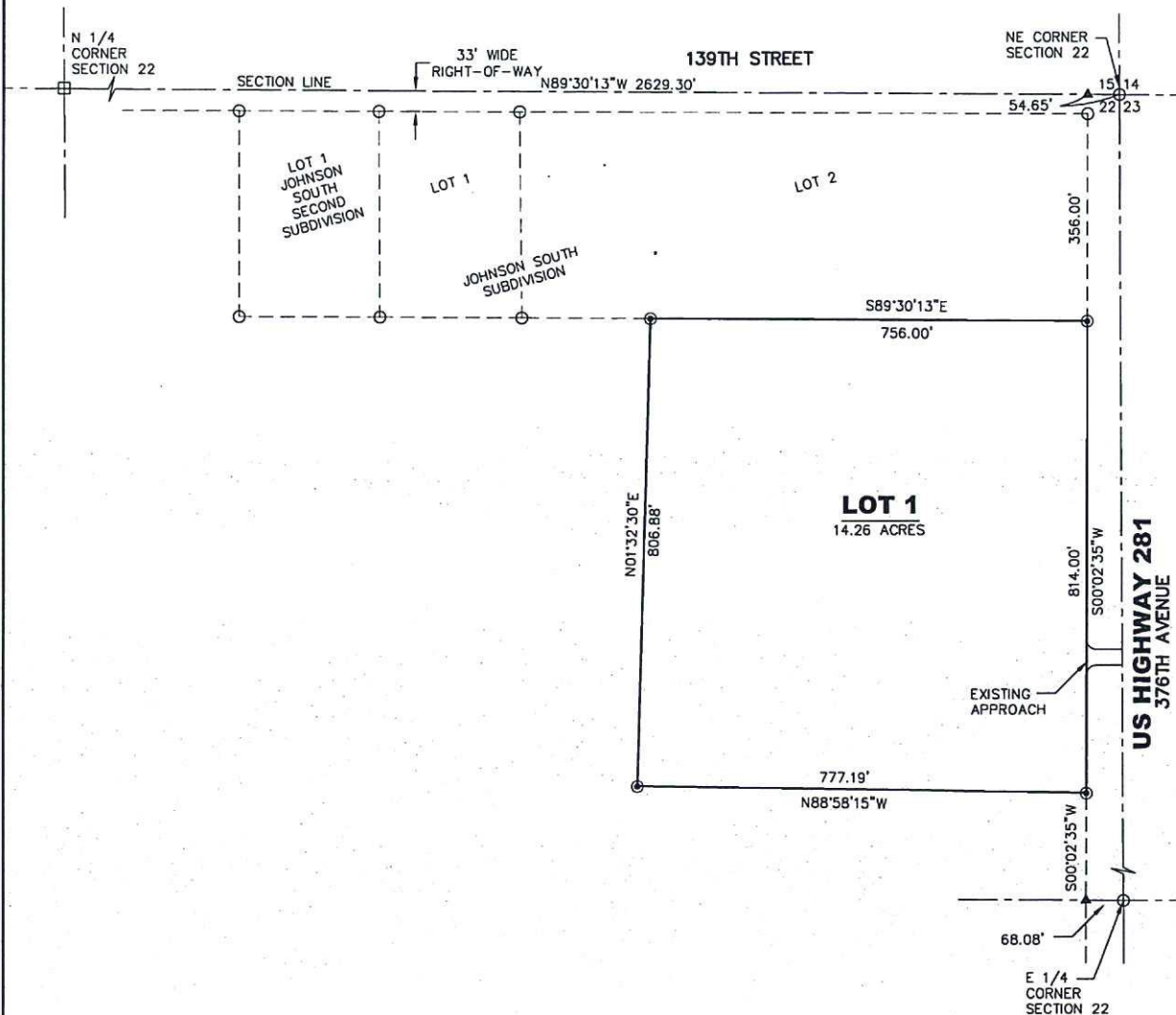


LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY
CAP STAMPED BACON RLS 4423
- ⊙ SET 3" SPIKE W/ WASHER
STAMPED BACON RLS 4423
- ▲ CALCULATED POSITION

BASIS OF BEARINGS

GPS-TRUE MERIDIAN



Helms & Associates
CIVIL ENGINEERS & LAND SURVEYORS
221 Brown County Highway 19
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

PLAT OF

A-6689

JOHNSON SOUTH THIRD SUBDIVISION IN THE NE 1/4 OF SECTION 22-T122N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, RANDY D. BACON, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF GENEVIEVE M. JOHNSON AS OWNER, AND UNDER HER DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO JUNE 15, 2017, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: JOHNSON SOUTH THIRD SUBDIVISION IN THE NE 1/4 OF SECTION 22-T122N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA.

I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 30 DAY OF June, 2017.

Randy D. Bacon
RANDY D. BACON, REGISTERED LAND SURVEYOR #4423

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT: THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS JOHNSON SOUTH THIRD SUBDIVISION IN THE NE 1/4 OF SECTION 22-T122N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID SUBDIVISION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS 6 DAY OF JULY, 2017.

Genevieve M. Johnson
GENEVIEVE M. JOHNSON

By Gordon W. Johnson
Gordon W. Johnson
POWER OF ATTORNEY

ACKNOWLEDGEMENT

STATE OF SD)

COUNTY OF BROWN)SS

ON THIS THE 6 DAY OF JULY, 2017, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED GENEVIEVE M. JOHNSON KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

C. J. Mader
NOTARY PUBLIC, SOUTH DAKOTA STATE

MY COMMISSION EXPIRES: OCT 05, 2022

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE 18 DAY OF July, 2017.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING JOHNSON SOUTH THIRD SUBDIVISION IN THE NE 1/4 OF SECTION 22-T122N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

Stacy H. Bule
SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE 25 DAY OF July, 2017.

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING JOHNSON SOUTH THIRD SUBDIVISION IN THE NE 1/4 OF SECTION 22-T122N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

M. Martischew
COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

PLAT OF

A-6689

**JOHNSON SOUTH THIRD SUBDIVISION
IN THE NE 1/4 OF SECTION 22-T122N-R64W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA**

HIGHWAY ACCESS CERTIFICATE

ACCESS TO Lot 1 IS APPROVED. THIS ACCESS APPROVAL DOES NOT REPLACE THE NEED FOR ANY PERMITS BY LAW TO ESTABLISH THE PRECISE ACCESS LOCATION, INCLUDING PERMIT REQUIREMENTS SET FORTH IN ADMINISTRATIVE RULE OF SOUTH DAKOTA 70:09:01:02.

BY: Robert J. Ward
HIGHWAY OR STREET AUTHORITY

TITLE: Engineering Supervisor

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS 6 DAY OF July, 2017.

Becky Peterson
DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS 5 DAY OF July, 2017.

Smith Enderson
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEEDS CERTIFICATE

FILED FOR RECORD THIS 25 DAY OF July, 2017 AT 3:10 O'CLOCK P.M. AND DULY RECORDED AS
PLAT NO. 3396

Marianne Malcom Deputy
REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA

INSTRUMENT NO. 201703836
BOOK: 2 PLAT
PAGE: 3396

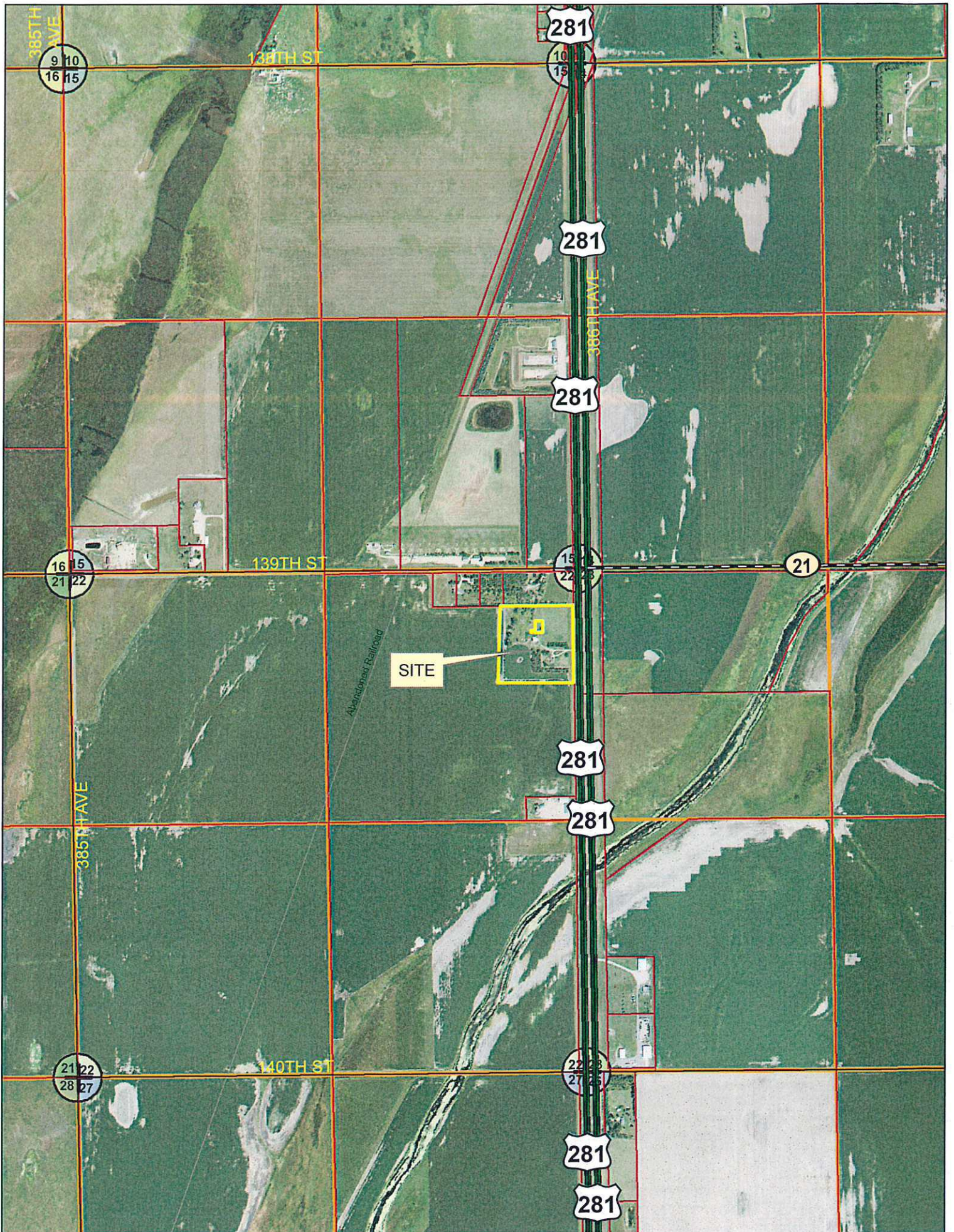
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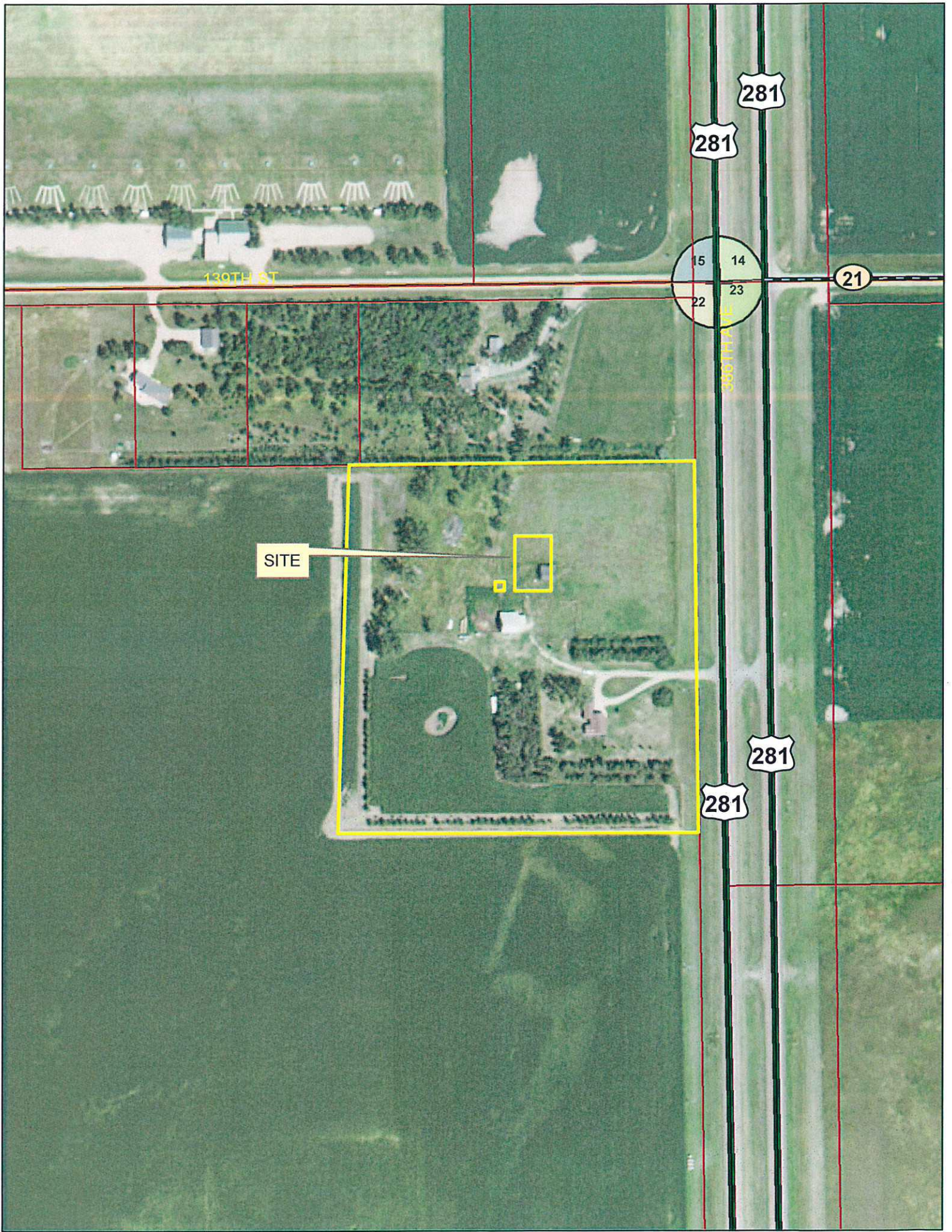


2017/07/25 03:10:59 PM

CAROL SHERMAN, REGISTER OF DEEDS
BROWN COUNTY, SOUTH DAKOTA

Recording Fee: \$ 60.00
Return To: FILED





S & P Holdings LLC

715 Taylor Drive
Aberdeen, SD 57401

Warner Township

Attn: Joel Wiedebush
38248 139th Street
Aberdeen, SD 57401

Kienow Real Estate LP

215 East Palmer Circle
Aberdeen, SD 57401

Brian & Melissa Brakefield

38579 139th Street
Aberdeen, SD 57401

Bradley Gabler

38585 139th Street
Aberdeen, SD 57401

Donald Young

3924 S 5th Street
Aberdeen, SD 57401

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

Brown County
Holler Rezoning Application
Published Aug. 7, 2024 for \$15.02
Invoice No. 23587

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

7th Day of August 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

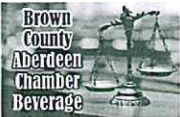
Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682



NOTICE OF HEARING FOR ALCOHOLIC BEVERAGE TEMPORARY PERMIT FOR SPECIAL EVENT

Notice is hereby given according to SDCL 35-2, a Public Hearing on the following Alcoholic Beverage Temporary Permit in conjunction with a Special Event for Malt Beverage and Wine to be used by Aberdeen Area Chamber of Commerce will be held on August 20, 2024 in the Chambers of the Brown County Commissioners, in the Court-house Annex, Brown County, South Dakota, at which time any interested persons wishing to register complaint on their approval may appear.

Aberdeen Area Chamber of Commerce, Aberdeen, SD, for Field to Fork: A Farm to Table Connection held in Centennial Village, Brown County Fairgrounds, SW 1/4, Sec 1-1123N-R64W (400 NW 24th Ave., Aberdeen) Brown County, SD, Temporary Special Event Alcohol License effective September 6, 2024.

ATTEST: Lynn Heupel, Brown County Auditor
Published August 7, 2024, at the total approximate cost of \$11.65 and may be viewed free of charge at www.sdpublicnotices.com. 23592



NOTICE OF HEARING A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission.

A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M. Petitioner: Jeffery Walh
Description of property: Proposed Outlot 2, "Aberdeen TWP 20W Outlots" in the E1/2 of Section 20-1123N-R64W of the 5th P.M., Brown County, South Dakota (38380 W Hwy 12, Aberdeen Twp.).

Reason: Rezone parcel from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.
Dated this 7th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$14.41 and may be viewed free of charge at www.sdpublicnotices.com. 23583



NOTICE OF HEARING Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: S & P Holdings LLC – Jacki Holler
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-1123N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue; Warner Twp.).

Reason: A Conditional Use Petition (CUP) for a home seed business.
The public may attend the hearing and present comments

and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 7th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$12.26 and may be viewed free of charge at www.sdpublicnotices.com. 23594



NOTICE OF HEARING Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex on August 20, 2024, at 7:00 P.M.

Petitioner: Tigh & Kelly Leibel
Legal description of property: Lot B, "Leibel First Addition" in the NE1/4 of Section 11-1123N-R63W of the 5th P.M., Brown County, South Dakota (13115 393rd Avenue; Bath Twp.).

Reason: A Conditional Use Petition (CUP) to operate "Diamondback Kennels" in a Mini-Agriculture District (M-AG) and build a 60' x 56' shop/kennel for training up to 36 dogs at one time.

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 7th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$12.88 and may be viewed free of charge at www.sdpublicnotices.com. 23595



NOTICE OF HEARING Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Carmen Morrison
Description of property: Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-1123N-R65W of the 5th P.M., Brown County, South Dakota (37306 132nd Street, Mercier Twp.).

Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 25' Front Yard Setback rather than the 38' Setback and an 18' Rear Yard Setback rather than the 30' Setback required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.
Dated this 7th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$13.49 and may be viewed free of charge at www.sdpublicnotices.com. 23586



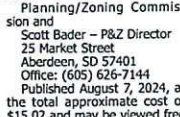
NOTICE OF HEARING A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jacki Holler – S & P Holdings LLC
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-1123N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue; Warner Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.
Dated this 7th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$15.02 and may be viewed free of charge at www.sdpublicnotices.com. 23597



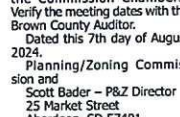
NOTICE OF HEARING A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Meeting Room, on August 20, 2024, at 7:00 P.M.

Petitioner: Amy & Joshua Gulstad
Description of property: "Olson's Outlot A" in the NW1/4 of Section 25-1126N-R64W of the 5th P.M., Brown County, South Dakota (11646 387th Avenue, Oneota Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current & future use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.
Dated this 7th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published Aug. 7, 2024, at the total approximate cost of \$14.72 and may be viewed free of charge at www.sdpublicnotices.com. 23588



NOTICE OF HEARING Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Travis & Danielle Olson / Bernice Olson
Description of property: North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-1124N-R62W. The NW1/4 of Section 17-1124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12605 395th Avenue; Cambria Twp.).

Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.
Dated this 7th day of August 2024.



NOTICE OF HEARING Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Travis & Danielle Olson / Bernice Olson
Description of property: North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-1124N-R62W. The NW1/4 of Section 17-1124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12605 395th Avenue; Cambria Twp.).

Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.
Dated this 7th day of August 2024.

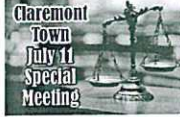
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published Aug. 7, 2024, at the total approximate cost of \$13.49 and may be viewed free of charge at www.sdpublicnotices.com. 23589



NOTICE OF SALE August 16th, 2024, at 10:00 AM.

State Nebraska Bank & Trust vs Brian Dolan & Kristen Dolan (06CTV22-000424-01)
2012 Chevy Avalanche
An Execution of Judgement in the above referenced matter was received by the Brown County Sheriff's Office on January 3rd, 2024. The amount of the Judgment is \$33,157.48, \$260.50 Cost, \$373.39 Pre-Judgment Interest, plus continuing costs, and interest, as provided by law. This amount does not include Sheriff's Office fees and costs related to this matter. The property to be sold pursuant to the Execution is: 2012 Chevy Avalanche, VIN 3GNTKE79C6G124632. Odometer Reading: 206,206.

THIS PROPERTY WILL BE AUCTIONED AND SOLD TO THE HIGHEST BIDDER, WITH THE SALE BEING FINAL. SOLD AS IS WITH NO WARRANTIES EXPRESSED OR IMPLIED. CASH IS REQUIRED ON THE DAY OF SALE.
The sale will be held at the Brown County Impound, 1015 1st Ave. SE, Aberdeen, SD 57401 (Next to BMX Track) on August 16th, 2024, at 10:00 AM.
DAVE LUNZMAN, SHERIFF OF BROWN COUNTY.
By: Nate Smith, Deputy, 605-626-7100 ext. 509.
Published July 17, 25, Aug. 7 and Aug. 15, 2024, at the total approximate cost of \$50.91 and may be viewed free of charge at www.sdpublicnotices.com. 23519



Special Meeting 7-11-24 Meeting of the Board of Trustees and members of the community of Claremont to hear the VP of Strobel Scott Vincent and Mark of DMVW Rail was held on July 11th at 7:00 p.m. in City Hall. Board members present Spencer and Rasmussen.

A question from the floor was asked "What is the plan for the dirt work that is happening near 6th Ave. on Railroad Property?" Vincent: "This will be a site for loading rail cars by semi trucks that will take 25-30 minutes each." That being said Mr. Vincent said there would be 4-5 semis daily.

How long has Strobel been aware that they were coming this site? Mr. Vincent: It has been 4-5 weeks!

How many people 2-3 drivers supporting the job - 1 person for Strobel / 4h hrs plus. Vincent stated that property is currently being leased from the future goal is to buy the property.

When asked about the trucks, Vincent stated they are independent contractors. How heavy is a loaded semi: 40 tons - 5 axle gross weight. They will haul liquid tallow to rail cars.

Community members agree that Third Street would not be a viable option as it has been a "no truck" route since 1997. Mr. Vincent was asked about contacting the city prior to starting the project. He stated, "That there was no contact and no legal meeting." He just talked to two of the trustees.

At site a suggestion the trucks bypass town on 410th Ave. and turn on 118th St., then take Third Street to Sixth Avenue to unload, then leave town on Sixth Ave. empty. This suggestion of driving in on Third Street was accessible to all as it is a residential area with small children.

Some asked about road repair - Mr. Vincent stated that he felt it was the city's responsibility to repair. He says Strobel will have no responsibility at all.

The question of where Strobel had been loading was asked and Mr. Vincent would not answer. Mr. Vincent strongly "stated" that a contract was made between two trustees and himself.

He was then asked why not a site like Putney or Huffton. They were both closer to Aberdeen. Mr. Vincent stated Claremont had the best track. A farmer approached by Strobel who has purchased the old elevator in town. Strobel offered this gentleman \$12,000 a year hoping to buy property and become a

permanent resident of the town and expand business.

Other questions asked of Mr. Vincent about cleanup of spills and other problems. He states "that Strobel is responsible and will have the appropriate equipment." He also stated "that there will be only nonhazardous material."

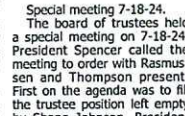
Concerning odor, Mr. Vincent stated "once cars are sealed there will be no smell."

If there is a spill it will go into the storm sewer.

Meeting ended. Thanks Emma for your help!

Crive, FO.

Published August 7, 2024, at the total approximate cost of \$27.32 and may be viewed free of charge at www.sdpublicnotices.com. 23590



Special meeting 7-18-24. The board of trustees held a special meeting on 7-18-24. President Spencer called the meeting to order with Rasmussen and Thompson present.

First on the agenda was to fill the trustee position left empty by Shane Johnson. President Spencer appointed Bob Thompson and seconded by Frank Rasmussen.

Lon Gelhaus - city attorney was present. Again, many residents were present with questions and worries concerning Strobel Logistics. The streets and how they will survive, who will pay for repairing. Many were concerned about noise levels and smells.

The town does have a noise control ordinance to cover noise levels. The residents are sincerely concerned about the changes coming with Strobel Logistics and their company. Many are unknown concerns and they love their community.

A motion was made by the board to accept their ingress/egress site plan on condition that Strobel remove the approach to Sixth Ave. (In front of the American Legion) and also to share in the annual cost of maintenance to Sixth Avenue and Sixth Street and infrastructure in accordance with the shared responsibility of both Strobel and Claremont.

The motion was made by Frank Rasmussen and seconded by Bob Thompson. Motion carried.

Meeting adjourned on motion by Thompson and seconded by Rasmussen.
Crive, FO.
Published August 7, 2024, at the total approximate cost of \$14.35 and may be viewed free of charge at www.sdpublicnotices.com. 23591

Apply to become the Grant County, SD 4-H Program Advisor!

Full-time position with benefits package. Successful candidate will promote, develop and guide the youth in the 4-H program.
Bachelor's degree required in one of the following:
agriculture, family consumer science, child and/or youth development or related field. Travel and flexibility of hours are required.

Grant County is a progressive community in Northeast South Dakota. Its prosperity relies on a foundation of agriculture and manufacturing, with a growing school system and vibrant healthcare community.

For details, email a cover letter and resume by Friday, August 23, at 5 p.m. to karen.jayher@grantcountysd.us or mail to Grant County Administrator 210 E. 5th Avenue, Milbank, SD 57252. EOE

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Groton Independent ♦ Wed., Aug. 7, 2024 ♦ 7

Groton Chiropractic
Clinic

Carol McFarland-Kutter, D.C.
1205 N 1st St., Groton 397-8204

Proof of Publication

This is not an invoice.

Lynn Heupel
Brown County Auditor
25 Market St., Ste. 1
Aberdeen, SD 57401
Ph: (605) 626-7110 x 100
Fax: (605) 626-4010

The **Aberdeen Insider** is a weekly newspaper of general circulation, posted online, printed, and published in Aberdeen, Brown County, South Dakota since January 25, 2023. This is an acknowledgement that the attached/included public notice was included in the printed edition(s) of the **Aberdeen Insider**:

August 8, 2024 – Brown County Planning and Zoning Notice for Holler Petition to Rezone

I, Troy McQuillen (Owner and Publisher), under oath, do swear, that I am the publisher of the **Aberdeen Insider**, and that the **Aberdeen Insider** is a local newspaper as described in South Dakota codified laws and maintains a paid print circulation of over 2,500 weekly.

Total Cost: \$16.80

Publisher: _____

Troy McQuillen

Notary

Sworn to and subscribed before on **August 8, 2024**

Tracy Vogel

Notary, State of SD County of Brown

My Commission Expires: 4/12/2030



This is not an invoice.

Continued from page 5D

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 8th day of August 2024.
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$16.52 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Travis & Danielle Olson / Bernice Olson
Description of property: North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-T124N-R62W, The NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12606 395th Avenue, Cambria Twp.).

Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances. The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 8th day of August 2024
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$17.08 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the Basement Community Meeting Room, on August 20, 2024, at 7:00 P.M.

Petitioner: Amy & Joshua Gulsud
Description of property: "Olson's Outlot A" in the NW1/4 of Section 25-T126N-R64W of the 5th P.M., Brown County, South Dakota (11646 387th Avenue, Oneota Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current & future use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024,
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published three times on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: S & P Holdings LLC – Jacki Holler
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.).

Reason: A Conditional Use Petition (CUP) for a home seed business.

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.

Dated this 8th day of August 2024,
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$14.28 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jacki Holler – S & P Holdings LLC
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024,
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jeffery Walth
Description of property: Proposed Outlot 2, "Aberdeen Twp 20W Outlots" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38380 W Hwy 12, Aberdeen Twp.).

Reason: Rezone parcel from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024,
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Carmen Morrison
Description of property: Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (37305 132nd Street, Mercier Twp.).

Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 25' Front Yard Setback rather than the 38' Setback and an 18' Rear Yard Setback rather than the 30' Setback required by Brown County Zoning Ordinance.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.

Dated this 8th day of August 2024
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$17.08 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: James Johnson / William Mundhenke
Description of property: Proposed Lots 1 thru 5, "Johnson Airport Subdivision" in the SW1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota (5010, 5025, 5030, 5120 & 5210 Anthony Lane, Bath Twp.).

Reason: Rezone parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024,
Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401

Office: (605) 626-7144
Published once on August 8, 2024, at the total approximate cost of \$17.36 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensider.com

**CITY OF ABERDEEN
AMENDED MINUTES
ABERDEEN CITY
COUNCIL MEETING**

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, July 22, 2024, at 5:30 p.m., regular meeting of the City Council.

Payroll Section of City Council Meeting Minutes of July 22, 2024, as Amended (minutes are amended to include payroll data not available at time of publication).

Payroll for the period from July 14, 2024, through July 27, 2024, and city share of social security, old age & survivor's insurance, retirement, health and life insurance: EFTPS \$193,762.34, SDRS \$94,583.76, City Health Insurance \$91,000.00, City Council \$3,521.63, City Manager \$8,805.16, City Attorney \$7,504.55, Finance \$16,272.12, HR \$10,035.38, City Hall \$2,031.37, Computer \$5,494.92, Community Development \$16,048.00, Engineering \$14,376.92, Police \$162,506.11, Fire \$146,016.74, Bldg Inspect \$6,877.53, Street \$43,266.82, Traffic \$10,560.90, Solid Waste \$35,917.06, Transit \$23,173.81, Jack Blaedorn \$15,444/hr, Library \$32,388.88, Economic Development \$2,919.20, Cemetery \$8,799.95, Mosquito Control \$10,042.02, Meals on Wheels \$589.96, PRF Admin \$10,770.79, Recreation \$39,763.67, ARCC \$40,711.63, Aquatic Center \$45,587.63, PRF Dome \$6,401.38, Senior Center \$5,892.11, Parks \$38,576.10, Engineering \$14,376.92, Police \$162,506.11, Fire \$146,016.74, Bldg Inspect \$6,877.53, Utility Storm \$33,982.33, Water Treatment \$23,978.99, Utility Water \$2,024.65, Water Reclamation \$23,614.65, Utility Sewer \$12,429.58, SBL Rides \$16,769.17, Concessions \$15,884.89, Rent Enterprise \$3,787.96, ARCC Enterprise \$591.50, Campground \$7,592.03, Golf \$14,606.05

Roll call vote to approve with Ronayne abstaining and Foubert abstaining to Dacotah Bank, all others present voting aye, motion carried.

Published once on August 8, 2024, at the total approximate cost of \$15.62 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensider.com

**CITY OF ABERDEEN
RESOLUTION NO.
24-08-01R**

**RESOLUTION
APPROVING A PERMIT
TO REMOVE HISTORIC
PROPERTY WITHIN THE
ABERDEEN COMMERCIAL
HISTORIC DISTRICT**

WHEREAS, the City of Aberdeen Community Development Department ("Department") recommends a final determination approving the issuance of a permit to demolish the building located at 320 Main Street South, which property is within the Aberdeen Commercial Historic District; and

WHEREAS, the owner of the property at 320 Main Street South applied to the Department to demolish the building (hereafter "historic property"); and

WHEREAS, the Department completed a review of the entire file, including the case report submitted by the property owner, and the recommendations of the South Dakota State Historical Society, through its State Historic Preservation Officer ("SHPO"); and

WHEREAS, Community Development Director, Ken Hubbert, presented the findings of the Department to the City Council and affirmed the Department's recommendation that the City Council approve the issuance of a permit for the historic

property; and

WHEREAS, the City Council considered the application and the factors set forth in SDCL § 1-19A-11.1; and

WHEREAS, the City Council makes the following findings in support of its determination:

"The property owner provided the document attached hereto entitled 'Case Report', which report provides a complete record of all factors considered by the City Council in forming its findings and conclusions herein and is adopted in full and incorporated herein by reference.

"The property has been renovated since its original construction with no construction documentation. The south portion was remodeled in the 2010's and the north portion has been vacant for most of the recent past.

"Options were investigated by the owner to adaptively re-use the entire space at the onset of design. Unfortunately, due to cost, the usability of the space, and unknown structural conditions, the owner has opted to move forward with new

"It is not physically possible, or economically feasible for the property owner to incur the costs to renovate and reuse the existing structure for their proposed

"The effects of the proposed building project should have little negative impact on neighboring properties. Plans for the reuse of this property will be submitted for review by the South Dakota Historic Preservation Office prior to any new construction being permitted.

"No other feasible and prudent alternative to replacement exists and all possible planning to minimize harm to the historic property has been fairly considered.

"The June 24, 2024, letter from SHPO entitled 'SDCL 1-19A-11.1 Consultation' has been reviewed and considered in making this determination.

"The integrity of the historic district will not be jeopardized by the removal of the historic property.

NOW, THEREFORE, BE IT RESOLVED as follows:

"The application for a building permit to demolish the structure at 320 Main Street South located within the Aberdeen Commercial Historic District is hereby Approved.

"The City Council makes this determination based upon the consideration of all relevant factors and concludes that there is no feasible and prudent alternative to the issuance of the building permit and that the program includes all possible planning to minimize harm to the historic property resulting from its use.

"Notice of this final determination shall be given, by certified mail, to the South Dakota State Historical Society at least ten (10) days before demolition of the subject

The foregoing Resolution No. 24-08-01R was adopted at a regular meeting of the Aberdeen City Council on the 5th day of August, 2024. Number of AYES: 8, Number of NAYS: 0, Members abstaining: None, /s/ Travis Schaunaman, Mayor, ATTEST: /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$41.72 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named business at the following addresses:

Special One-Day Retail On-Sale Liquor License for the Aberdeen Elks Lodge #1046, Parking Lot Party on September 7, 2024

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said

application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF the City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$12.88 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named business at the following addresses:

Special One-Day Retail On-Sale Liquor License for the Aberdeen Sertoma Club for the Storybook Land Uncovered event on September 5, 2024

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF the City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$13.16 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named person(s) at the following address:

New Retail On-Off Sale Wine and Cider

Cuzzo, LLC dba Cuzzo Peruvian Cuisine
20 6th Ave SW, Aberdeen, SD 57401

New Retail on-off Sale Malt Beverage & SD Farm Wine
Cuzzo, LLC dba Cuzzo Peruvian Cuisine
20 6th Ave SW, Aberdeen, SD 57401

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF the City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$16.24 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensider.com

STAFF REPORT

Meeting: August 20, 2024

BROWN COUNTY PLANNING COMMISSION

REZONE PARCEL FROM:

ITEM #11

Heavy Industrial District (H-I) to Highway Commercial District (HC)

GENERAL INFORMATION:

OWNER:

Jeffery Walth

PETITIONER:

Jeffery Walth

REQUEST:

Rezone Parcel from Heavy Industrial District (H-I) to Highway Commercial District (HC)

LEGAL DESCRIPTION:

Proposed Outlot 2, "Aberdeen Twp 20W Outlots" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota

ADDRESS:

38380 W Hwy 12

CITY/TOWNSHIP:

Aberdeen Twp.

EXISTING ZONING

Heavy Industrial District (H-I) / Highway Commercial District (HC)

SURROUNDING ZONING:

North:

Heavy Industrial District (H-I)

South:

Agriculture Preservation District (AG-P) / Highway Commercial District (HC)

West:

Heavy Industrial District (H-I)

East:

Heavy Industrial District (H-I)

PUBLIC UTILITIES:

WEB Water

REPORTED BY:

Ron Keller

GENERAL COMMENT: The petitioner is requesting this Rezone to bring this parcel into compliance for its current use.

GENERAL REVIEW: Staff has reviewed this request.

NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jeffery Walth

Description of property: Proposed Outlot 2, "Aberdeen TWP 20W Outlots" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38380 W Hwy 12, Aberdeen Twp.).

Reason: Rezone parcel from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use.

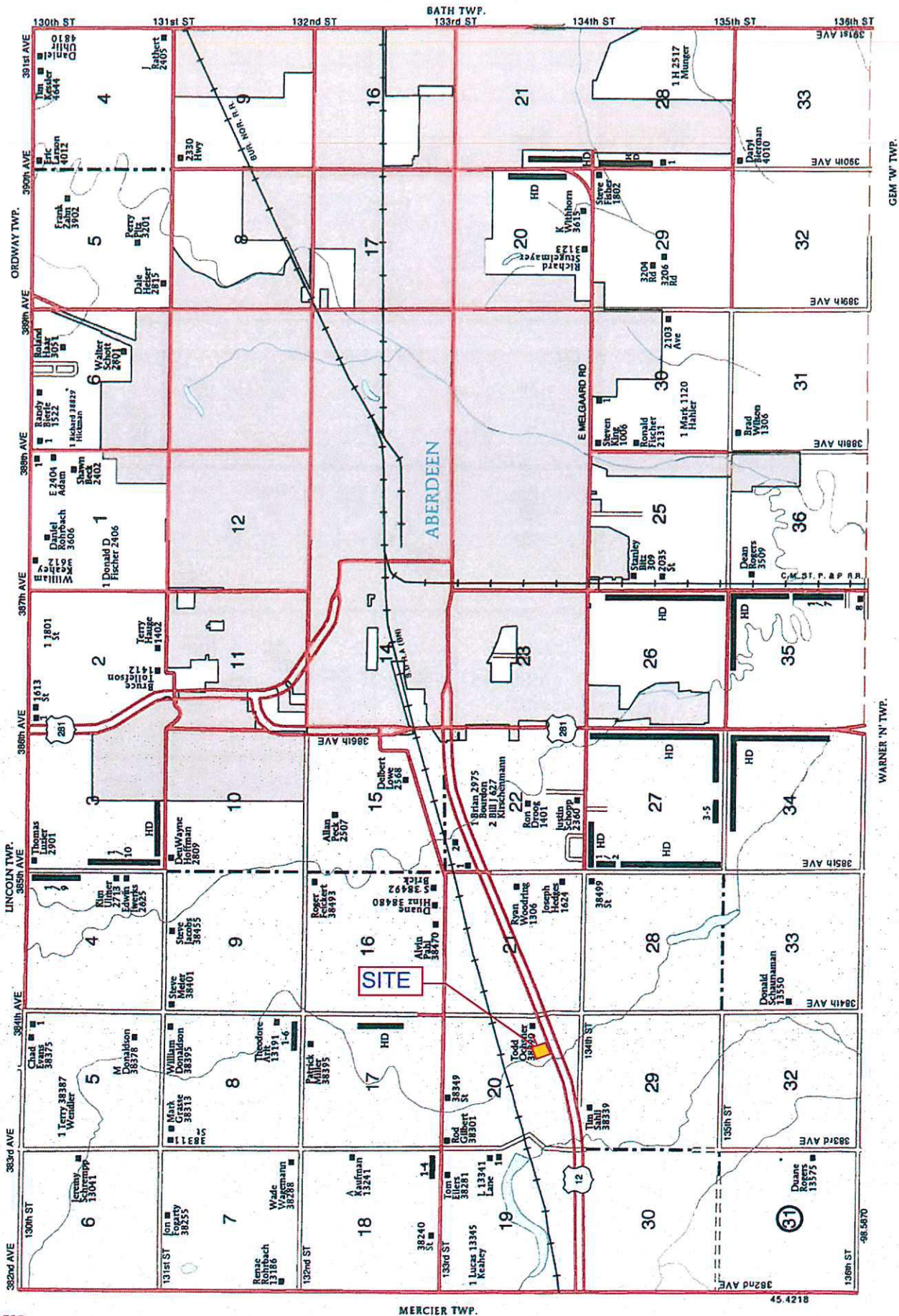
The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.

(Residents - Owners or Tenants)



SEE PAGE 21 FOR
ADDITIONAL NAMES NOT
LISTED ON MAPS.

© Farm & Home Publishers, Ltd.

MERCIER TWP.

REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____
Date: _____
Receipt: 822048
Filing Fee: \$350
(non-refundable)

Brown County Commission Members:

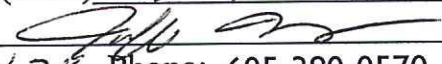
I/We the undersigned, do hereby petition the Brown County Commission of Brown County, South Dakota to rezone property as follows:

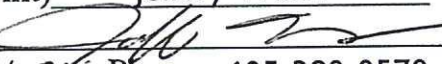
Legal Description:

Proposed Outlot 2, "Aberdeen ^{Twp} 20W Outlots" in the E1/2 of Section 20-
T123N-R64W of the 5th P.M., Brown County, South Dakota

General Area Location or Street Address: 38380 W Highway 12
From the Heavy Industrial (H-I) District
To the Highway Commercial (HC) District

Purpose: To Bring into Compliance
Size of Parcel: Lot 2 = +/- 6.18 acres
Existing Land Use: Highway Commercial

Petitioner: (Print) Jeffery Walth
Signature: 
Date: 7-31-24 Phone: 605-380-0570
Address: PO Box 2071
Aberdeen SD 57402-2071
City State Zip

Owner: (Print) Jeffery Walth
Signature: 
Date: 7-31-24 Phone: 605-380-0570
Address: PO Box 2071
Aberdeen SD 57402-2071
City State Zip

Additional Signatures may be submitted on a separate page.

PLAT SHOWING
ABERDEEN TWP 20W OUTLOTS
IN THE E1/2 OF SECTION 20, TOWNSHIP 123 NORTH,
RANGE 64 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

Ochsner Real Estate Limited Partnership II, a South Dakota limited partnership, does hereby certify that it is the owner of

- Outlot B, Mead's Outlots A, B & C in the East Half (E1/2) of Section Twenty (20), Township One Hundred Twenty-Three (123) North, Range Sixty-Four West of the 5th P.M., Brown County, South Dakota and
- Outlot D, Mead's Outlots D, E, F, & G in the East Half (E1/2) of Section Twenty (20), Township One Hundred Twenty-Three (123) North, Range Sixty-Four West of the 5th P.M., Brown County, South Dakota,

and that it has caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "ABERDEEN TWP 20W OUTLOTS IN THE E1/2 OF SECTION 20, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, Ochsner Real Estate Limited Partnership II, a South Dakota limited partnership, does hereby vacate "Mead's Outlot B, Mead's Outlots A, B & C in the East Half (E1/2) of Section Twenty (20), Township One Hundred Twenty-Three (123) North, Range Sixty-Four West of the 5th P.M., Brown County, South Dakota" as filed for record on November 26, 1971 at 3:00 P.M., and duly recorded in Book of Plats No. 2, on Page 161 therein.

By this plat, Ochsner Real Estate Limited Partnership II, a South Dakota limited partnership, does hereby vacate "Mead's Outlot D, Mead's Outlots D, E, F, & G in the East Half (E1/2) of Section Twenty (20), Township One Hundred Twenty-Three (123) North, Range Sixty-Four West of the 5th P.M., Brown County, South Dakota" as filed for record on September 25, 1972 at 10:00 A.M., and duly recorded in Book of Plats No. 2, in Envelope 198-E therein.

Owner: Ochsner Real Estate Limited Partnership II,
a South Dakota limited partnership

Cheryl Ochsner - Member
Print Name & Title

Cheryl Ochsner
Signature

Signed this 8 day of August, 2024.

COUNTY OF BROWN)
STATE OF SOUTH DAKOTA) SS

On this the 8th day of August, 2024, before me, a notary public, the undersigned officer, personally appeared, who acknowledge himself/herself to be the MEMBER, of Ochsner Real Estate Limited Partnership II, a South Dakota limited partnership, and that he/she as such MEMBER, being authorized to do so, executed the foregoing instrument for the proposed therein contained, by signing the name of Ochsner Real Estate Limited Partnership, a South Dakota limited partnership, by himself/herself as CHERYL OCHSNER - MEMBER.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11/2/2027

Ran Ker
Notary Public

OWNER'S CERTIFICATE

I, Jeffery Walth, do hereby certify that I am the owner of Mead's Outlot C, Mead's Outlots A, B & C in the East Half (E1/2) of Section Twenty (20), Township One Hundred Twenty-Three (123) North, Range Sixty-Four West of the 5th P.M., Brown County, South Dakota and that I have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "ABERDEEN TWP 20W OUTLOTS IN THE E1/2 OF SECTION 20, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, I, Jeffery Walth, do hereby vacate "Mead's Outlot C, Mead's Outlots A, B & C in the East Half (E1/2) of Section Twenty (20), Township One Hundred Twenty-Three (123) North, Range Sixty-Four West of the 5th P.M., Brown County, South Dakota" as filed for record on November 26, 1971 at 3:00 P.M., and duly recorded in Book of Plats No. 2, on Page 161 therein.

Owner: Jeffery Walth

Jeffery Walth
Signature

Signed this 13 day of AUGUST, 2024.

COUNTY OF BROWN)
STATE OF SOUTH DAKOTA) SS

On this the 13th day of AUGUST, 2024, before me, a notary public, the undersigned officer, personally appeared, Jeffery Walth, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11/2/2027

Ran Ker
Notary Public



3314 Milwaukee Avenue NE
Suite 2
Aberdeen, SD 57401

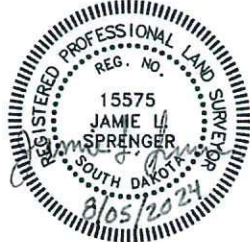
PH: 605.225.3494
www.imegcorp.com

PLAT SHOWING
ABERDEEN TWP 20W OUTLOTS
IN THE E1/2 OF SECTION 20, TOWNSHIP 123 NORTH,
RANGE 64 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Jamie L. Sprenger, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owners, I have surveyed and platted "ABERDEEN TWP 20W OUTLOTS IN THE E1/2 OF SECTION 20, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 5th day of August, 2024.



SDDOT HIGHWAY APPROVAL

Existing Access to U.S. Highway 12 is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02.

Signed this _____ day of _____, 2024.

Print Name and Title

Signature

HIGHWAY APPROVAL

The location of the in-place access roads, is hereby approved. Any change in the in-place access shall require addition approval.

Signed this _____ day of _____, 2024.

Print Name and Title

Signature

COUNTY PLANNING COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota, at a meeting held on the

_____ day of _____, 2024.

Secretary of County Planning Commission, Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "ABERDEEN TWP 20W OUTLOTS IN THE E1/2 OF SECTION 20, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2024.

County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "ABERDEEN TWP 20W OUTLOTS IN THE E1/2 OF SECTION 20, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat are shown by the record of my office to be fully paid.

Signed this _____ day of _____, 2024.

County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this _____ day of _____, 2024.

Director of Equalization, Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this _____ day of _____, 2024, at

_____ O'clock _____ M., and duly recorded as Hanging Plat No. _____.

Register of Deeds, Brown County, South Dakota



3314 Milwaukee Avenue NE
Suite 2
Aberdeen, SD 57401

PH: 605.225.3494
www.imegcorp.com





Jeffery Walth
PO Box 207I
Aberdeen, SD 57402-207I

Aberdeen Township

Attn: Bob Ross
2208 135th Street
Aberdeen, SD 57401

Ochsner Real Estate LP II

13350 379th Avenue
Aberdeen, SD 57401

Artz Equipment

38399 W Hwy 12
Aberdeen, SD 57401

Bonnie Clausen

38398 134th Street
Aberdeen, SD 57401

Soil Science Properties LLC

47504 252nd Street
Baltic, SD 57003

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

Brown County
Walth Rezoning Application
Published Aug. 7, 2024 for \$14.41
Invoice No. 23583

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

7th Day of August 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682



NOTICE OF HEARING FOR ALCOHOLIC BEVERAGE TEMPORARY PERMIT FOR SPECIAL EVENT

Notice is hereby given according to SDCL 35-2, a Public Hearing on the following Alcoholic Beverage Temporary Permit in conjunction with a Special Event for Malt Beverage and Wine to be used by Aberdeen Area Chamber of Commerce will be held on August 20, 2024 in the Chambers of the Brown County Commissioners, in the Court House Annex, Brown County, South Dakota, at which time any interested persons wishing to register complaint on their approval may appear.

Aberdeen Area Chamber of Commerce, Aberdeen, SD, for Field to Fork: A Farm to Table Connection held at Centennial Village, Brown County Fairgrounds, SW 1/4, Sec 1-T123N-R64W (400 NW 24th Ave., Aberdeen) Brown County, SD. Temporary Special Event Alcohol License effective September 6, 2024.

ATTEST: Lynn Heupel, Brown County Auditor
Published August 7, 2024, at the total approximate cost of \$11.65 and may be viewed free of charge at www.sdpublicnotices.com. 23582



NOTICE OF HEARING A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jeffery Walth
Description of property: Proposed Outlot 2, "Barnyard Trwp 20W Outlots" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38380 HWy 12, Aberdeen Twp.).
Reason: Rezone parcel from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.
Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$14.41 and may be viewed free of charge at www.sdpublicnotices.com. 23583



NOTICE OF HEARING Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: S & P Holdings LLC - Jacki Holler
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue; Warner Twp.).
Reason: A Conditional Use Petition (CUP) for a home seed business.

The public may attend the hearing and present comments

and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 7th day of August 2024.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$12.26 and may be viewed free of charge at www.sdpublicnotices.com. 23584



NOTICE OF HEARING Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex on August 20, 2024, at 7:00 P.M.

Petitioner: Tigh & Kelly Leibel
Legal description of property: Lot B, "Leibel First Addition" in the NE1/4 of Section 11-T123N-R63W of the 5th P.M., Brown County, South Dakota (13115 393rd Avenue; Bath Twp.).
Reason: A Conditional Use Petition (CUP) to operate "Diamondback Kennels" in a Mini-Agriculture District (M-AG) and build a 60' x 56' dog kennel for training up to 36 dogs at one time.

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 7th day of August 2024.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$12.88 and may be viewed free of charge at www.sdpublicnotices.com. 23585



NOTICE OF HEARING Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Carmen Morrison
Description of property: Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (37306 132nd Street, Mercier Twp.).
Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 25' Front Yard Setback rather than the 38' Setback and an 18' Rear Yard Setback rather than the 30' Setback required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.
Dated this 7th day of August 2024.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$13.49 and may be viewed free of charge at www.sdpublicnotices.com. 23586



NOTICE OF HEARING A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jacki Holler - S & P Holdings LLC
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.).
Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.
Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$15.02 and may be viewed free of charge at www.sdpublicnotices.com. 23587



NOTICE OF HEARING A PETITION TO REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Court House Annex in the Basement Community Meeting Room, on August 20, 2024, at 7:00 P.M.

Petitioner: Amy & Joshua Gulstad
Description of property: "Olson's Outlot A" in the NW1/4 of Section 25-T126N-R64W of the 5th P.M., Brown County, South Dakota (11646 387th Avenue, Oneota Twp.).
Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current and future use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.
Dated this 7th day of August 2024.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published Aug. 7, 2024, at the total approximate cost of \$14.72 and may be viewed free of charge at www.sdpublicnotices.com. 23588



NOTICE OF HEARING Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Travis & Danielle Olson / Bernice Olson
Description of property: North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-T124N-R62W, The NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12606 395th Avenue, Cambria Twp.).
Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.
Dated this 7th day of August 2024.

Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published Aug. 7, 2024, at the total approximate cost of \$13.49 and may be viewed free of charge at www.sdpublicnotices.com. 23589



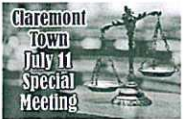
NOTICE OF SALE AUGUST 16th, 2024, at 10:00 AM

State Nebraska Bank & Trust vs Brian Dolan & Kristen Dolan (06CIV22-000424-01)
2012 Chevy Avalanche
An Execution of Judgment in the above referenced matter was received by the Brown County Sheriff's Office on January 3rd, 2024. The amount of the Judgment is \$33,157.48, \$260.50 Cost, \$373.39 Pre-Judgment interest, plus continuing costs, and interest, as provided by law. This amount does not include Sheriff's Office fees and costs related to this matter. The property to be sold pursuant to the Execution is: 2012 Chevy Avalanche, VIN 3GNTKF79C6G124632. Odometer Reading: 206,206.

THIS PROPERTY WILL BE AUCTIONED AND SOLD TO THE HIGHEST BIDDER, WITH THE SALE BEING FINAL. SOLD AS IS WITH NO WARRANTIES EXPRESSED OR IMPLIED. CASH IS REQUIRED ON THE DAY OF SALE.

The sale will be held at the Brown County Impound, 1015 1st Ave SE, Aberdeen, SD 57401 (Next to BMX Track) on August 16th, 2024, at 10:00 AM.

DAVE LUNZMAN, SHERIFF OF BROWN COUNTY.
By: Nate Smith, Deputy, 605-626-7100 ext. 509.
Published July 17, 25, Aug. 7 and Aug. 15, 2024, at the total approximate cost of \$50.91 and may be viewed free of charge at www.sdpublicnotices.com. 23519



Special Meeting 7-11-24 Meeting of the Board of Trustees and members of the community of Claremont to hear the VP of Strobel Scott Vincint and Mark of DMVW Rail was held on July 11th at 7:00 p.m. in City Hall. Board members present Spencer and Rasmussen.

A question from the floor was asked "What is the plan for the dirt work that is happening near 6th Ave. on Railroad Property?" Vincint: "This will be a site for loading rail cars by semi trucks that will take 25-30 minutes each." That being said Mr. Vincint said there would be 4-5 semis daily.

How long has Strobel been aware that they were coming this site? Mr. Vincint: It has been 4-5 weeks!

How many people 2-3 drivers supporting the job - 1 person for Strobel / 4h hrs plus. Vincint stated that property is currently being leased from the state owned rail, but the future goal is to buy the property.

When asked about the trucks, Vincint stated they are independent contractors. How heavy is a loaded semi 40 tons - 5 axle gross weight. They will haul liquid tallow to rail cars.

Community members agree that Third Street would not be a viable option as it has been a "no truck" route since 1997. Mr. Vincint was asked about contacting the city prior to starting the project. He stated, "That there was no contact and no legal meeting." He just talked to two of the trustees.

At site a suggestion the trucks bypass town on 410th Ave. and turn on 118th St., then take Third Street to Sixth Avenue to unload, then leave town on Sixth Ave. empty. This suggestion of driving in on Third Street was accessible to all as it is a residential area with small children.

Some asked about road repair - Mr. Vincint stated that he felt it was the city's responsibility to repair. He says Strobel will have no responsibility at all!

The question of where Strobel had been loading was asked and Mr. Vincint would not answer. Mr. Vincint strongly "stated" that a contract was made between two trustees and himself.

He was then asked why not a site like Putney or Huffton. They were both closer to Aberdeen. Mr. Vincint stated Claremont had the best track. A farmer approached by Strobel who has purchased the old elevator in town. Strobel offered this gentleman \$12,000 a year hoping to buy property and become a

permanent resident of the town and expand business.
Other questions asked of Mr. Vincint about cleanup of spills and other problems. He states "that Strobel is responsible and will have the appropriate equipment." He also stated "that there will be only nonhazardous material."

Concerning odor, Mr. Vincint stated "once cars are sealed there will be no smell."

If there is a spill it will go into the storm sewer.
Meeting ended. Thanks Emma for your help!

Crye, FO.
Published August 7, 2024, at the total approximate cost of \$27.32 and may be viewed free of charge at www.sdpublicnotices.com. 23590



Special meeting 7-18-24.

The board of trustees held a special meeting on 7-18-24. President Spencer called the meeting to order with Rasmussen and Thompson present. First on the agenda was to fill the trustee position left empty by Shane Johnson. President Spencer appointed Bob Thompson and seconded by Frank Rasmussen.

Lon Gelhaus - city attorney was present.
Again, many residents were present with questions and worries concerning Strobel Logistics. The streets and how they will survive, who will pay for repairing. Many were concerned about noise levels and smells.

The town does have a noise control ordinance to cover noise levels. The residents are sincerely concerned about the changes coming with Strobel Logistics and their company. Many are unknown concerns and they love their community.

A motion was made by the board to accept their Ingress/Egress site plan on condition that Strobel remove the approach to Sixth Ave. (in front of the American Legion) and also to share in the annual cost of maintenance to Sixth Avenue and Sixth Street and infrastructure in accordance with the shared responsibility of both Strobel and Claremont. The motion was made by Frank Rasmussen and seconded by Bob Thompson. Motion carried.

Meeting adjourned on motion by Thompson and seconded by Rasmussen.
Crye, FO.

Published August 7, 2024, at the total approximate cost of \$14.35 and may be viewed free of charge at www.sdpublicnotices.com. 23591

Apply to become the Grant County, SD 4-H Program Advisor!

Full-time position with benefits package. Successful candidate will promote, develop and guide the youth in the 4-H program.
Bachelor's degree required in one of the following: agriculture, family consumer science, child and/or youth development or related field. Travel and flexibility of hours are required.

Grant County is a progressive community in Northeast South Dakota. Its prosperity relies on a foundation of agriculture and manufacturing, with a growing school system and vibrant healthcare community.

For details, email a cover letter and resume by Friday, August 23, at 5 p.m. to karen.layher@grantcountysd.us or mail to Grant County Administrator 210 E. 5th Avenue, Milbank, SD 57252. EOE

Currently offering propane summer fills, budgets, and contracts!

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Tomorrow's Vision Today

To order, visit

www.fullcircleag.com/orderpropane or call 605-824-6815.

Groton Independent ♦ Wed., Aug. 7, 2024 ♦ 7

Groton Chiropractic Clinic

Carol McFarland-Kutter, D.C.

1205 N 1st St., Groton 397-8204



423 S. MAIN ST. | ABERDEEN, SD 57401
(605) 226-3481 | ABERDEENINSIDER.COM

Proof of Publication

This is not an invoice.

Lynn Heupel
Brown County Auditor
25 Market St., Ste. 1
Aberdeen, SD 57401
Ph: (605) 626-7110 x 100
Fax: (605) 626-4010

The **Aberdeen Insider** is a weekly newspaper of general circulation, posted online, printed, and published in Aberdeen, Brown County, South Dakota since January 25, 2023. This is an acknowledgement that the attached/included public notice was included in the printed edition(s) of the **Aberdeen Insider**:

August 8, 2024 – Brown County Planning and Zoning Notice for Walth-Ochsner Petition to Rezone

I, Troy McQuillen (Owner and Publisher), under oath, do swear, that I am the publisher of the **Aberdeen Insider**, and that the **Aberdeen Insider** is a local newspaper as described in South Dakota codified laws and maintains a paid print circulation of over 2,500 weekly.

Total Cost: \$16.80

Publisher: _____

A handwritten signature of Troy McQuillen in black ink.

Notary

Sworn to and subscribed before on August 8, 2024

A handwritten signature of Tracy Vogel in black ink.

Notary, State of SD, County of Brown

My Commission Expires: 4/12/2030



This is not an invoice.

Continued from page 5D

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request. Dated this 8th day of August 2024, Planning/Zoning Commission and Scott Bader – P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144 Published once on August 8, 2024, at the total approximate cost of \$16.52 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

BROWN COUNTY PLANNING & ZONING NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M. Petitioner / Owner: Travis & Danielle Olson / Bernice Olson Description of property: North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-T124N-R62W, The NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12606 395th Avenue, Cambria Twp.). Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances. The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 8th day of August 2024 Planning/Zoning Commission and Scott Bader – P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144 Published once on August 8, 2024, at the total approximate cost of \$17.08 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

BROWN COUNTY PLANNING & ZONING NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the Basement Community Meeting Room, on August 20, 2024, at 7:00 P.M. Petitioner: Amy & Joshua Gulstad Description of property: "Olson's Outlot A" in the NW1/4 of Section 25-T126N-R64W of the 5th P.M., Brown County, South Dakota (11646 387th Avenue, Oneota Twp.). Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current & future use. The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor. Dated this 8th day of August 2024, Planning/Zoning Commission and Scott Bader – P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144 Published three times on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

BROWN COUNTY PLANNING & ZONING NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M. Petitioner: S & P Holdings LLC – Jackie Holler Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.). Reason: A Conditional Use Petition (CUP) for a home seed business. The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request. Dated this 8th day of August 2024, Planning/Zoning Commission and Scott Bader – P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144 Published once on August 8, 2024, at the total approximate cost of \$14.28 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

BROWN COUNTY PLANNING & ZONING NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M. Petitioner: Jacki Holler – S & P Holdings LLC Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.). Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use. The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor. Dated this 8th day of August 2024, Planning/Zoning Commission and Scott Bader – P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144 Published once on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

BROWN COUNTY PLANNING & ZONING NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M. Petitioner: Jeffery Walsh Description of property: Proposed "Lotto 2, "Aberdeen Twp 20W Outlots" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38380 W Hwy 12, Aberdeen Twp.). Reason: Rezone parcel from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use. The public is invited to attend

the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor. Dated this 8th day of August 2024, Planning/Zoning Commission and Scott Bader – P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144 Published once on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

BROWN COUNTY PLANNING & ZONING NOTICE OF HEARING
Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M. Petitioner / Owner: Carmen Morrison Description of property: Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (37305 132nd Street, Mercer Twp.). Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 25' Front Yard Setback rather than the 38' Setback and an 18' Rear Yard Setback rather than the 30' Setback required by Brown County Zoning Ordinances. The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 8th day of August 2024 Planning/Zoning Commission and Scott Bader – P&Z Director 25 Market Street Aberdeen, SD 57401 Office: (605) 626-7144 Published once on August 8, 2024, at the total approximate cost of \$17.08 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

BROWN COUNTY PLANNING & ZONING NOTICE OF HEARING
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M. Petitioner: James Johnson / William Mundhenke Description of property: Proposed Lots 1 thru 5, "Johnson Airport Subdivision" in the SW1/4 of Section 22-T123N-R63W of the 5th P.M., Brown County, South Dakota (5010, 5025, 5030, 5120 & 5210 Anthony Lane; Bath Twp.). Reason: Rezone parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use. The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor. Dated this 8th day of August 2024, Planning/Zoning Commission and Scott Bader – P&Z Director 25 Market Street Aberdeen, SD 57401

Office: (605) 626-7144 Published once on August 8, 2024, at the total approximate cost of \$17.36 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

CITY OF ABERDEEN AMENDED MINUTES ABERDEEN CITY COUNCIL MEETING
City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, July 22, 2024, at 5:30 p.m., regular meeting of the City Council.
Payroll Section of City Council Meeting Minutes of July 22, 2024, as Amended (minutes are amended to include payroll data not available at time of publication).
Payroll for the period from July 14, 2024, through July 27, 2024, and city share of social security, old age & survivor's insurance, retirement, health and life insurance: EFTPS \$193,762.34, SDRS \$94,583.76, City Health Insurance \$91,000.00, City Council \$3,521.63, City Manager \$8,805.16, City Attorney \$7,904.55, Finance \$16,272.12, HR \$10,035.38, City Hall \$2,031.37, Computer \$5,494.92, Community Development \$16,048.00, Engineering \$14,375.92, Police \$12,506.11, Fire \$14,018.74, Bldg Inspect \$6,877.53, Street \$43,266.82, Traffic \$10,560.90, Solid Waste \$35,917.06, Transit \$23,173.81, Jack Blaedorn \$15,444/hr, Library \$32,388.88, Economic Development \$2,919.20, Cemetery \$9,799.95, Mosquito Control \$10,042.02, Meals on Wheels \$589.96, PRF Admin \$10,770.79, Recreation \$39,763.67, ARCC \$40,711.63, Aquatic Center \$45,587.63, PRF Dome \$6,401.38, Senior Center \$5,692.11, Parks \$38,576.10, Wylie Park \$31,337.86, Forestry \$15,884.99, Rec Enterprise \$3,787.06, ARCC Enterprise \$591.50, Campground \$7,592.03, Golf \$14,606.05
Roll call vote to approve with Ronayne abstaining and Fouborg abstaining to Dacotah Bank, all others present voting aye, motion carried.
Published once on August 8, 2024, at the total approximate cost of \$15.62 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

CITY OF ABERDEEN RESOLUTION NO. 24-08-01R RESOLUTION APPROVING A PERMIT TO REMOVE HISTORIC PROPERTY WITHIN THE ABERDEEN COMMERCIAL HISTORIC DISTRICT
WHEREAS, the City of Aberdeen Community Development Department ("Department") recommends a final determination approving the issuance of a permit to demolish the building located at 320 Main Street South, which property is within the Aberdeen Commercial Historic District; and WHEREAS, the owner of the property at 320 Main Street South applied to the Department to demolish the building (hereafter "historic property"); and WHEREAS, the Department completed a review of the entire file, including the case report submitted by the property owner, and recommended that the South Dakota State Historical Society, through its State Historic Preservation Officer ("SHPO"); and WHEREAS, Community Development Director, Ken Hubbard, presented the findings of the Department to the City Council and affirmed the Department's recommendation that the City Council approve the issuance of a permit for the historic

property; and WHEREAS, the City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.
BY ORDER OF THE BOARD OF CITY COUNCIL OF the City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer Published once on August 8, 2024, at the total approximate cost of \$12.88 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

CITY OF ABERDEEN NOTICE OF HEARING UPON APPLICATION FOR SALE OF ALCOHOLIC BEVERAGES
NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named business at the following addresses: Special One-Day Retail On-Sale Liquor License for the Aberdeen Sertoma Club for the Storybook Land Unopened event on September 5, 2024. NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.
BY ORDER OF THE BOARD OF CITY COUNCIL OF the City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer Published once on August 8, 2024, at the total approximate cost of \$13.16 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

CITY OF ABERDEEN NOTICE OF HEARING UPON APPLICATION FOR SALE OF ALCOHOLIC BEVERAGES
NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named person(s) at the following address: New Retail On-Off Sale Wine and Cider Cuzzo, LLC dba Cuzzo Peruvian Cuisine 20 8th Ave SW, Aberdeen, SD 57401
New Retail on-off Sale Malt Beverage & SD Farm Wine Cuzzo, LLC dba Cuzzo Peruvian Cuisine 20 8th Ave SW, Aberdeen, SD 57401
NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.
BY ORDER OF THE BOARD OF CITY COUNCIL OF the City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer Published once on August 8, 2024, at the total approximate cost of \$16.24 and may be viewed free of charge at www.sdpublishnotices.com and www.aberdeensider.com

CITY OF ABERDEEN NOTICE OF HEARING UPON APPLICATION FOR SALE OF ALCOHOLIC BEVERAGES
NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named business at the following addresses: Special One-Day Retail On-Sale Liquor License for the Aberdeen Elks Lodge #1046, Parking Lot Party on September 7, 2024. NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said

STAFF REPORT

Meeting: August 20, 2024

BROWN COUNTY PLANNING COMMISSION

REZONE PARCEL FROM:

ITEM #12

Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG)

GENERAL INFORMATION:

OWNER:

Amy & Joshua Gulstad

PETITIONER:

Amy Gulstad

REQUEST:

**Rezone Parcel from Agriculture
Preservation District (AG-P) to
Mini-Agriculture District (M-AG)**

LEGAL DESCRIPTION:

"Olson's Outlot A" in the NW1/4 of Section
25-T126N-R64W of the 5th P.M., Brown
County, South Dakota

ADDRESS:

11646 387th Avenue

CITY/TOWNSHIP:

Oneota Twp,

EXISTING ZONING

Agriculture Preservation District (AG-P)

SURROUNDING ZONING:

North:

Agriculture Preservation District (AG-P)

South:

Agriculture Preservation District (AG-P)

West:

Agriculture Preservation District (AG-P)

East:

Agriculture Preservation District (AG-P)

PUBLIC UTILITIES:

WEB Water

REPORTED BY:

Chris Anderson

GENERAL COMMENT:

The petitioner is requesting this Rezone to
bring this parcel into compliance for its
current and future use.

GENERAL REVIEW: Staff has reviewed this request.

NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the Basement Community Meeting Room, on August 20, 2024, at 7:00 P.M.

Petitioner: Amy & Joshua Gulstad

Description of property: "Olson's Outlot A" in the NW1/4 of Section 25-T126N-R64W of the 5th P.M., Brown County, South Dakota (11646 387th Avenue, Oneota Twp.).

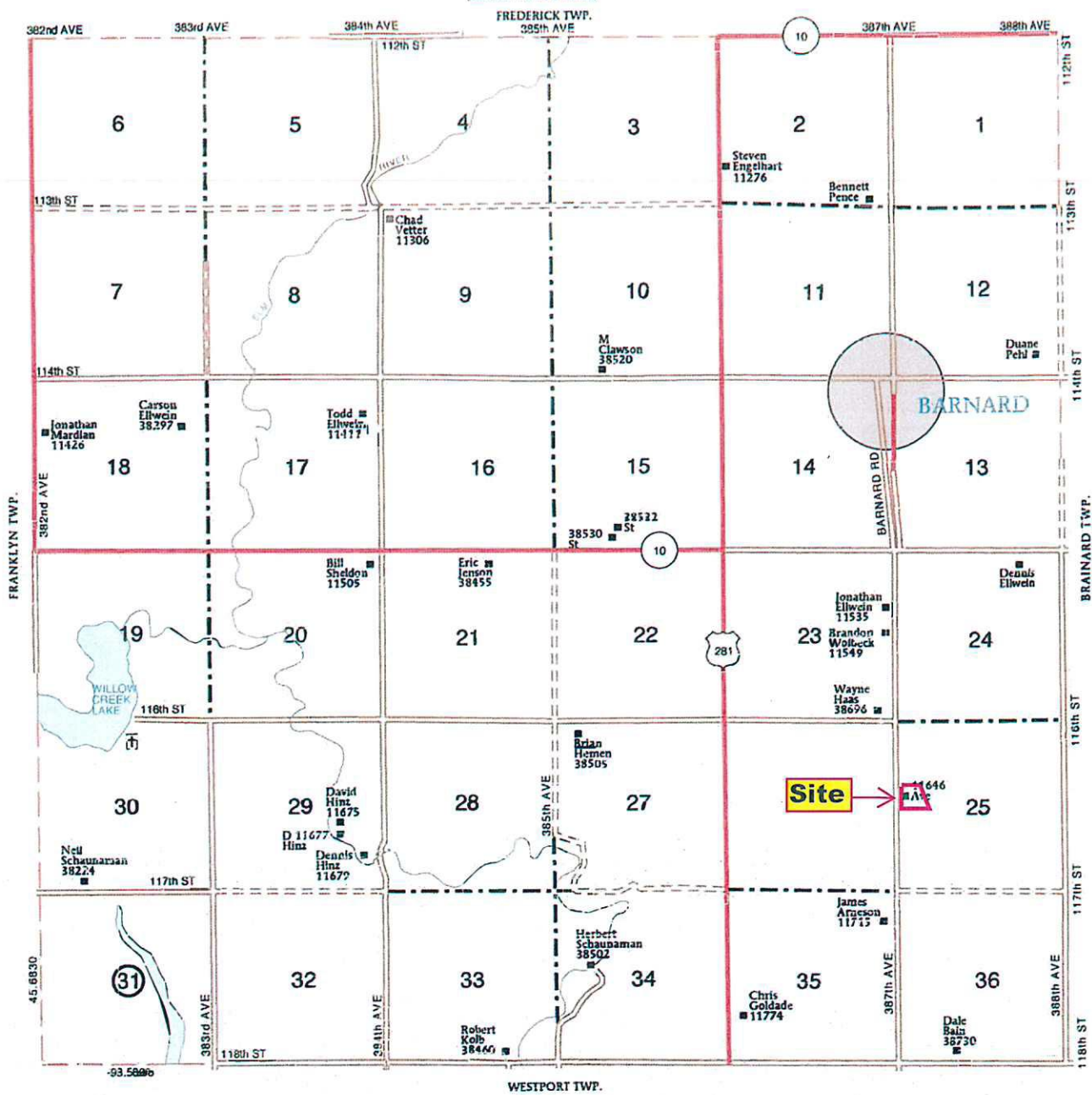
Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current & future use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezone petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 7th day of August 2024.

Planning/Zoning Commission and
Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once at the total approximate cost of _____.



REZONE PETITION

BROWN COUNTY COMMISSION
25 MARKET ST
ABERDEEN, SD 57401

Petition No: _____

Date: _____

Receipt 82205

Filing Fee: \$350.00

(non-refundable)

Brown County Commission Members:

I/We the undersigned, do hereby petition the Brown County Commission of Brown County, South Dakota to rezone property as follows:

Legal Description (Please print in black ink or type):

"Olson's Outlot A" in the NW1/4 of Section 25-T126N-R64W of the 5th P.M.,
Brown County, South Dakota

General Area Location or Street Address: 11646 387th Avenue, Oneota Twp.

From the _____ Agriculture Preservation (AG-P) _____ District

To the _____ Mini- Agriculture (M-AG) _____ District

Purpose: To bring this parcel into compliance for its current and future use.

Size of Parcel: 9.91 acres

Existing Land Use: Agriculture

Owner (Print) Amy Gulstad

Signature: Amy Gulstad

Date: 7/11/2024 Phone: (913) 201-6987

Address: 1742 Somerset Lane

Mundelein IL 60060

City State Zip

Owner (Print) Joshua Gulstad

Signature: Joshua Gulstad

Date: 7/11/2024 Phone: (913) 201-6987

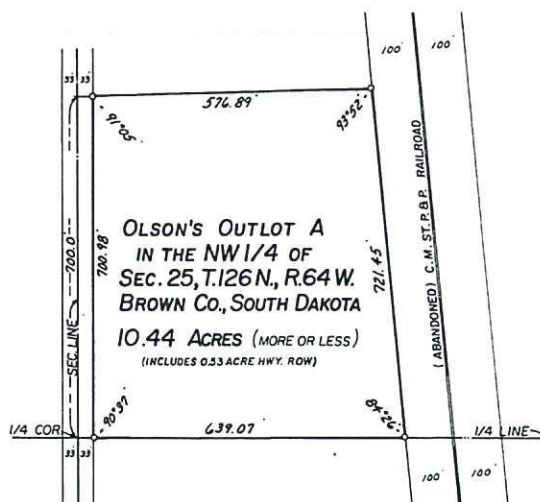
Address: 1742 Somerset Lane

Mundelein IL 60060

City State Zip

(Additional Signatures may be submitted on a separate page)

PLAT SHOWING
OLSON'S OUTLOT A IN THE NW 1/4 OF
SEC. 25, T.126 N., R.64 W., BROWN COUNTY, SOUTH DAKOTA



SCALE: 1" = 150'



OWNER'S CERTIFICATE

We, Vernon L. Olson and Evelyn N. Olson, do hereby certify that we are the owners of the Northwest Quarter of Section 25, Township 126 North, Range 64 West of the 5th Principal Meridian, in Brown County, South Dakota, and that we have caused a portion of the same to be surveyed and plotted as shown on this plat, which shall hereafter be known and described as "Olson's Outlot A in the NW 1/4 of Sec. 25, T. 126 N., R. 64 W.," containing 10.64 acres, more or less. We do further certify that the development of this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations.

Signed this 13th day of May, 1982.

Owner Charles M. Olson
Owner Anna L. Olson

State of South Dakota) ss
County of Brown)
On this 13th day of May, 1962, before me, a Notary Public, personally appeared Ver-
non L. Olson and Evelyn M. Olson, known to me to be the persons described in and who executed the within instrument) and who ack-
nowledged to me that they executed the same. 151 14

My commission expires: 11-27-86

Thomas John
Notary Public, Brown County, South Dakota

SURVEYOR'S CERTIFICATE

I, William D. Stellner, Registered Land Surveyor, do hereby certify that, at the request of the owners, I have surveyed and plotted "Olson's Outlot A in the NW¹/₄ of Sec. 25, T. 126 N., R. 64 W.," as shown on this plat, that I have set iron pipe as denoted hereon, and that said survey and plat are true and correct to the best of my knowledge and belief.

Signed this 5th day of May, 1982

William D. Stebbins
Registered Land Surveyor #990

State of South Dakota } ss
County of Brown }
On this 5th day of May, 1982, before me, a Notary Public, personally appeared William D. Stallner, known to me to be the person described in and who executed the within instrument, and who acknowledged to me that he executed the same.

My commission expires: *June 1, 1984*

My commission expires:

Terence S. Sengler
Notary Public, Brown County, South Dakota

COUNTY PLAN COMMISSION CERTIFICATE

I hereby certify that the following is a correct copy of the resolution duly passed by the County Plan Commission of Brown County, South Dakota at a meeting held on the 2nd day of June, 1982. Donna M. Wood

Secretary, Brown County Plan Commission

"Be it resolved by the County Plan Commission of Brown County, South Dakota, that the plat showing "Olson's Outlet A in the NW $\frac{1}{4}$ of Sec. 25, T. 126 N., R. 64 W.," having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-2, and any amendments thereof."

APPROVAL BY COUNTY

I hereby certify that the following is a correct copy of the resolution duly passed by the Board of Commissioners of Brown County, South Dakota at a meeting held on the 28th day of June, 1982. Burlene Bean

County Auditor, Brown County, South Dakota

"Be it resolved by the Board of Commissioners of Brown County, South Dakota, that the plat showing "Olson's Outlot A in the NW 1/4 of Sec. 25, T. 126 N., R. 64 W.," having been examined, is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the lands included in this plat are shown by the records of my office to be fully paid.

Signed this 31st day of June, 1982.

Shelley M. Keady Sec.
County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I hereby certify that I have received a copy of this plat this 9th day of June, 1982.

Ed. R. R. R.
Director of Equalization, Brown County, S. Dak.

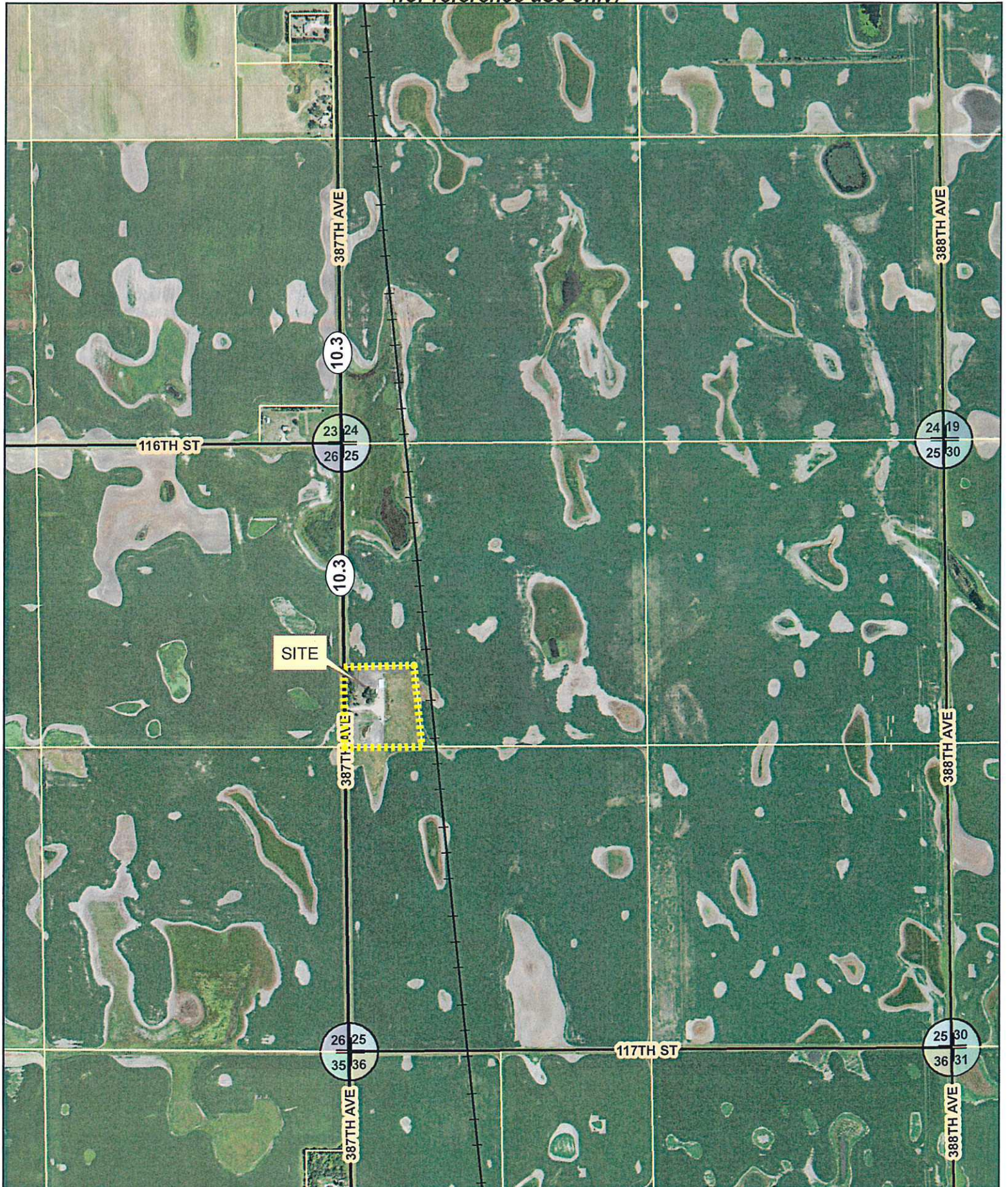
REGISTER OF DEEDS' CERTIFICATE

Filed for record this 8th day of June, 1982, at 1 o'clock P. M., and duly recorded in Book of Plats No. 5, in envelope 507E therein. *Sharon K. Bold*

Register of Deeds, Brown County, South Dakota

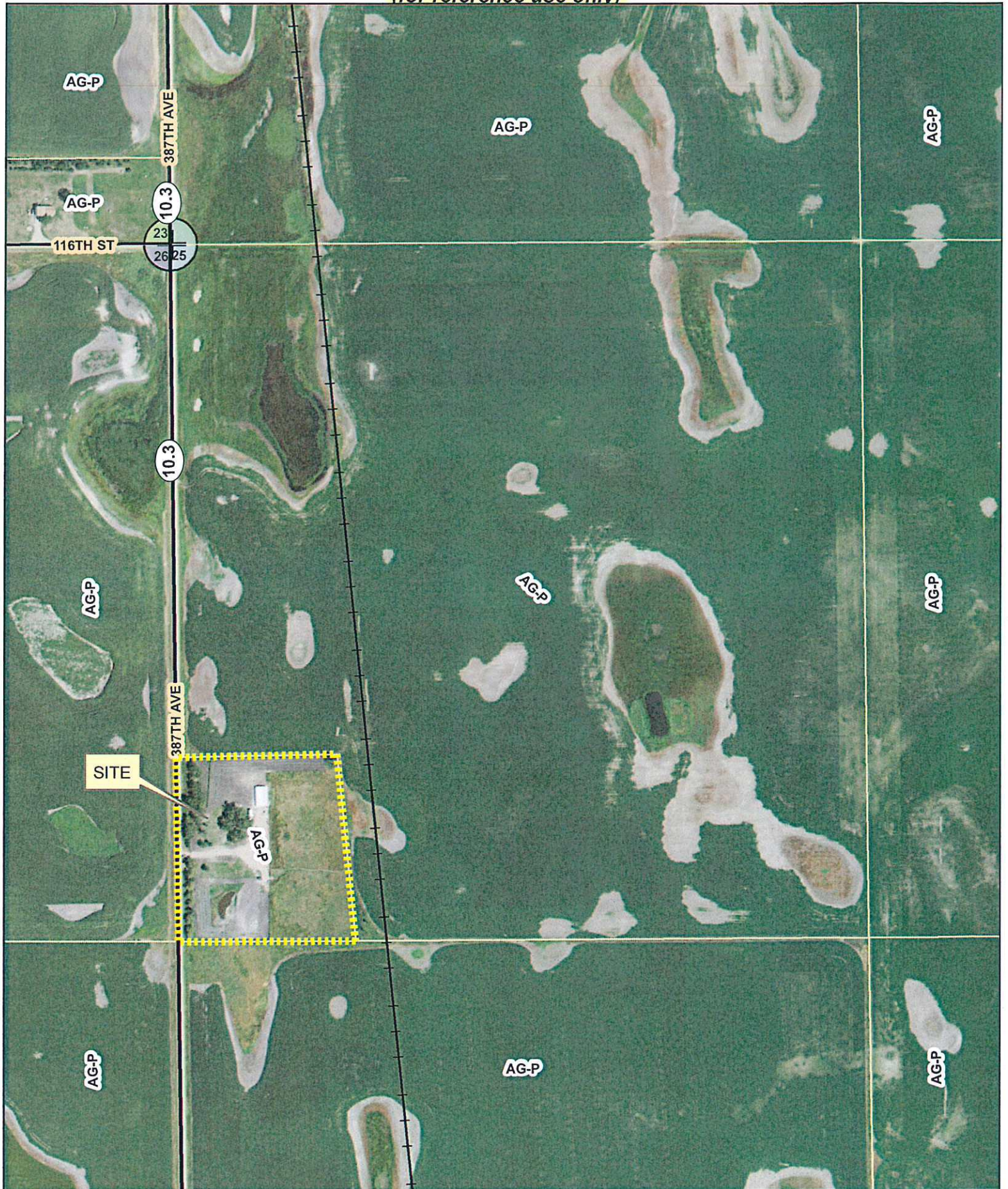
Brown County Zoning Office

(for reference use only)



Brown County Zoning Office

(for reference use only)



Joseph Berbos
126741 E Shore Drive
Aberdeen SD 57401

Steven Engelhart
11276 386th Avenue
Frederick SD 57441

Jennifer Ellwein
PO Box 62
Barnard SD 57426

Braeseke Properties LLC
4444 N Elston Avenue
Chicago IL 60630

Amy & Joshua Gulstad
1742 Somerset Lane
Mundelein IL 60060

Oneota Township
C/O Timothy Engelhart
PO Box 53
Barnard, SD 57426

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA §
COUNTY OF BROWN §

Before me, the undersigned authority, on this day personally appeared Tina Kosel, who being by me duly sworn, deposes and says that she is the office manager of the Groton Independent; that said newspaper is a newspaper of general circulation in Groton, Brown County, South Dakota; and that this notice was published in said newspaper on the following date(s):

Brown County
Gulstad Rezoning Application
Published Aug. 7, 2024 for \$14.72
Invoice No. 23588

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

7th Day of August 2024

to certify which witness my hand and seal of office.

Paul I. Kosel

Notary Public in and for the State of South Dakota

(Seal)



Paul I. Kosel
Print or Type Name of Notary Public

My Commission Expires January 24, 2030
Bond Number: 107962682



NOTICE OF HEARING FOR ALCOHOLIC BEVERAGE TEMPORARY PERMIT FOR SPECIAL EVENT

Notice is hereby given according to SDCL 35-2, a Public Hearing on the following Alcoholic Beverage Temporary Permit in conjunction with a Special Event for Malt Beverage and Wine to be used by Aberdeen Area Chamber of Commerce will be held on August 20, 2024 in the Chambers of the Brown County Commissioners, in the Court-house Annex, Brown County, South Dakota, at which time any interested persons wishing to register complaint on their approval may appear.

Aberdeen Area Chamber of Commerce, Aberdeen, SD for Field to Fork: A Farm to Table Connection held at Centennial Village, Brown County Fairgrounds, SW 1/4, Sec 1-123N-R64W (400 NW 24th Ave., Aberdeen) Brown County, SD. Temporary Special Event Alcohol License effective September 6, 2024.

ATTEST: Lynn Heupel, Brown County Auditor
Published August 7, 2024, at the total approximate cost of \$11.65 and may be viewed free of charge at www.sdpublicnotices.com. 23582



NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.
Petitioner: Jeffery Walth
Description of property: Proposed Outlot 2, Aberdeen TWP 20W Outlots in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38380 W Hwy 12, Aberdeen Twp.).

Reason: Rezone parcel from Heavy Industrial District (H-1) to Highway Commercial District (HC) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.
Dated this 7th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$14.41 and may be viewed free of charge at www.sdpublicnotices.com. 23583



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.
Petitioner: S & P Holdings LLC – Jacki Holler

Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue; Warner Twp.).

Reason: A Conditional Use Petition (CUP) for a home seed business.

The public may attend the hearing and present comments

and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 7th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$12.26 and may be viewed free of charge at www.sdpublicnotices.com. 23584



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Tigh & Kelly Leibel
Legal description of property: Lot B, "Leibel First Addition" in the NE1/4 of Section 11-T123N-R63W of the 5th P.M., Brown County, South Dakota (13115 393rd Avenue; Bath Twp.).

Reason: A Conditional Use Petition (CUP) to operate "Diamondback Kennels" in a Mini-Agriculture District (M-AG) and build a 60' x 56' shop/kennel for training up to 36 dogs at one time.

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request.
Dated this 7th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$12.88 and may be viewed free of charge at www.sdpublicnotices.com. 23585



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Carmen Morrison
Description of property: Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-T123N-R65W of the 5th P.M., Brown County, South Dakota (73306 132nd Street, Mercier Twp.).

Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 25' Front Yard Setback rather than the 38' Setback and an 18' Rear Yard Setback required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.
Dated this 7th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$13.49 and may be viewed free of charge at www.sdpublicnotices.com. 23586



NOTICE OF HEARING

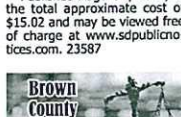
A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jacki Holler – S & P Holdings LLC
Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.
Dated this 7th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published August 7, 2024, at the total approximate cost of \$15.02 and may be viewed free of charge at www.sdpublicnotices.com. 23587



NOTICE OF HEARING

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Meeting Room, on August 20, 2024, at 7:00 P.M.

Petitioner: Amy & Joshua Gulstad
Description of property: "Olson's Outlot A" in the NW1/4 of Section 25-T126N-R64W of the 5th P.M., Brown County, South Dakota (11646 387th Avenue, Oneida Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current & future use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioners with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.
Dated this 7th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published Aug. 7, 2024, at the total approximate cost of \$14.72 and may be viewed free of charge at www.sdpublicnotices.com. 23588



NOTICE OF HEARING

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Travis & Danielle Olson / Bernice Olson
Description of property: North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-T124N-R62W. The NW1/4 of Section 17-T124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12605 395th Avenue, Cambria Twp.).

Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request.
Dated this 7th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published Aug. 7, 2024, at the total approximate cost of \$13.49 and may be viewed free of charge at www.sdpublicnotices.com. 23589



NOTICE OF SALE

August 16th, 2024, at 10:00 AM

State Nebraska Bank & Trust vs Brian Dolan & Kristen Dolan (06CTV22-000424-01)
2012 Chevy Avalanche
An Execution of Judgement in the above referenced matter was received by the Brown County Sheriff's Office on January 3rd, 2024. The amount of the Judgment is \$33,157.48, \$260.50 Cost, \$373.39 Pre-Judgment Interest, plus continuing costs, and interest, as provided by law. This amount does not include Sheriff's Office fees and costs related to this matter. The property to be sold pursuant to the Execution is: 2012 Chevy Avalanche, VIN 3GNTKE79C6G124632, Odometer Reading: 206,206.

THIS PROPERTY WILL BE AUCTIONED AND SOLD TO THE HIGHEST BIDDER, WITH THE SALE BEING FINAL. SOLD AS IS WITH NO WARRANTIES EXPRESSED OR IMPLIED. CASH IS REQUIRED ON THE DAY OF SALE.

The sale will be held at the Brown County Impound, 1015 1st Ave. S., Aberdeen, SD 57401 (Next to BMX Track) on August 16th, 2024, at 10:00 AM.

DAVE LUNZMAN, SHERIFF OF BROWN COUNTY.
By: Nate Smith, Deputy, 605-626-7100 ext. 509.
Published July 17, 25, Aug. 7 and Aug. 15, 2024, at the total approximate cost of \$50.91 and may be viewed free of charge at www.sdpublicnotices.com. 23519



Special Meeting 7-11-24

Meeting of the Board of Trustees and members of the community of Claremont to hear the VP of Strobel Scott Vincint and Mark of DMVW Rail was held on July 11th at 7:00 p.m. in City Hall. Board members present Spencer and Rasmussen.

A question from the floor was asked "What is the plan for the dirt work that is happening near 6th Ave. on Railroad Property?" Vincent: "This will be a site for loading rail cars by semi trucks that will take 25-30 minutes each." That being said Mr. Vincint said there would be 4-5 semis daily.

How long has Strobel been aware that they were coming this site? Mr. Vincent: It has been 4-5 weeks!

How many people 2-3 drivers supporting the job - 1 person for Strobel / 4 hrs plus. Vincent stated that property is currently being leased from the state owned rail, but the future goal is to buy the property.

When asked about the trucks, Vincent stated they are independent contractors. How heavy is a loaded semi: 40 tons - 5 axle gross weight. They will haul liquid tallow to rail cars.

Community members agree that Third Street would not be a viable option as it has been a "no truck" route since 1997. Mr. Vincent was asked about contacting the city prior to starting the project. He stated, "That there was no contact and no legal meeting." He just talked to two of the trustees.

At site a suggestion the trucks bypass town on 410th Ave. and turn on 118th St., then take Third Street to Sixth Avenue to unload, then leave town on Sixth Ave. empty. This suggestion of driving in on Third Street was acceptable to all as it is a residential area with small children.

Some asked about road repair - Mr. Vincent stated that he felt it was the city's responsibility to repair. He says Strobel will have no responsibility at all.

The question of where Strobel had been loading was asked and Mr. Vincent would not answer.

Mr. Vincent strongly "stated that a contract was made between the trustees and himself." He was then asked why not a site like Putney or Hufton. They were both closer to Aberdeen. Mr. Vincent stated Claremont had the best track. A farmer approached by Strobel who has purchased the old elevator in town. Strobel offered this gentleman \$12,000 a year hoping to buy property and become a

permanent resident of the town and expand business.

Other questions asked of Mr. Vincent about cleanup of spills and other problems. He states "that Strobel is responsible and will have the appropriate equipment." He also stated "that there will be only nonhazardous material."

Concerning odor, Mr. Vincent stated "once cars are sealed there will be no smell."

If there is a spill it will go into the storm sewer.
Meeting ended. Thanks Emma for your help!

Published August 7, 2024, at the total approximate cost of \$27.32 and may be viewed free of charge at www.sdpublicnotices.com. 23590



Special meeting 7-18-24.

The board of trustees held a special meeting on 7-18-24. President Spencer called the meeting to order with Rasmussen and Thompson present. First on the agenda was to fill the trustee position left empty by Shane Johnson. President Spencer appointed Bob Thompson and seconded by Frank Rasmussen.

Lon Gelhaus - city attorney was present.

Again, many residents were present with questions and worries concerning Strobel Logistics. The streets and how they will survive, who will pay for repairing. Many were concerned about noise levels and smells.

The town does have a noise control ordinance to cover noise levels. The residents are sincerely concerned about the changes coming with Strobel Logistics and their company. Many are unknown concerns and they love their community.

A motion was made by the board to accept their ingress/egress site plan on condition that Strobel remove the approach to Sixth Ave. (in front of the American Legion) and also to share in the annual cost of maintenance to Sixth Avenue and Sixth Street and infrastructure in accordance with the shared responsibility of both Strobel and Claremont.

The motion was made by Frank Rasmussen and seconded by Bob Thompson. Motion carried.

Meeting adjourned on motion by Thompson and seconded by Rasmussen.

Crye, FO.
Published August 7, 2024, at the total approximate cost of \$14.35 and may be viewed free of charge at www.sdpublicnotices.com. 23591

Apply to become the Grant County, SD 4-H Program Advisor!

Full-time position with benefits package. Successful candidate will promote, develop and guide the youth in the 4-H program. Bachelor's degree required in one of the following: agriculture, family consumer sciences, child and/or youth development or related field. Travel and flexibility of hours are required.

Grant County is a progressive community in Northeast South Dakota. Its prosperity relies on a foundation of agriculture and manufacturing, with a growing school system and vibrant healthcare community.

For details, email a cover letter and resume by Friday, August 23, at 5 p.m. to karen.jayher@grantcountysd.net or mail to Grant County Administrator 210 E. 5th Avenue, Milbank, SD 57252. EOE

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Groton Independent ♦ Wed., Aug. 7, 2024 ♦ 7

Groton Chiropractic Clinic
Carol McFarland-Kutter, D.C.
1205 N 1st St., Groton 397-8204

Proof of Publication

This is not an invoice.


Lynn Heupel
Brown County Auditor
25 Market St., Ste. 1
Aberdeen, SD 57401
Ph: (605) 626-7110 x 100
Fax: (605) 626-4010

The **Aberdeen Insider** is a weekly newspaper of general circulation, posted online, printed, and published in Aberdeen, Brown County, South Dakota since January 25, 2023. This is an acknowledgement that the attached/included public notice was included in the printed edition(s) of the **Aberdeen Insider**:

August 8, 2024 – Brown County Planning and Zoning Notice for Gulstad Petition to Rezone

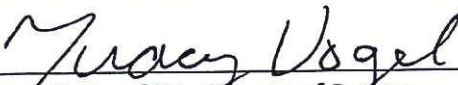
I, Troy McQuillen (Owner and Publisher), under oath, do swear, that I am the publisher of the **Aberdeen Insider**, and that the **Aberdeen Insider** is a local newspaper as described in South Dakota codified laws and maintains a paid print circulation of over 2,500 weekly.

Total Cost: \$16.80

Publisher: 

Notary

Sworn to and subscribed before on **August 8, 2024**


Notary, State of SD, County of Brown

My Commission Expires: 4/12/2030



This is not an invoice.

Continued from page 5D

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request. Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once on August 8, 2024, at the total approximate cost of \$16.52 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Travis & Danielle Olson / Bernice Olson

Description of property: North Sixteen Acres Northwest and the East Sixteen Acres Northwest of Section 17-1124N-R62W, The NW1/4 of Section 17-1124N-R62W, Except Land Deeded, of the 5th P.M., Brown County, South Dakota (12606 395th Avenue, Cambria Twp.).

Reason: Requesting a Variance to Building Setbacks in an Agriculture Preservation District (AG-P) to have a 50'-0" Front Yard Setback rather than the 100'-0" required by Brown County Zoning Ordinances. The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once on August 8, 2024, at the total approximate cost of \$17.08 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Courthouse Annex in the Basement Community Meeting Room, on August 20, 2024, at 7:00 P.M.

Petitioner: Amy & Joshua Gulstad

Description of property: Olson's Outlot A* in the NW1/4 of Section 25-1126N-R64W of the 5th P.M., Brown County, South Dakota (11646 387th Avenue, Oneota Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current & future use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published three times on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a CONDITIONAL USE PETITION (CUP). A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: S & P Holdings LLC – Jacki Holler

Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-1122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.).

Reason: A Conditional Use Petition (CUP) for a home seed business.

The public may attend the hearing and present comments and testimony regarding the proposed Conditional Use Petition (CUP) request. Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once on August 8, 2024, at the total approximate cost of \$14.28 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jacki Holler – S & P Holdings LLC

Description of property: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-1122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.).

Reason: Rezone parcel from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once on August 8, 2024, at the total approximate cost of \$16.80 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: Jeffery Walth

Description of property: Proposed Outlot 2, "Aberdeen Twp 20W Outlot" in the E1/2 of Section 20-1123N-R64W of the 5th P.M., Brown County, South Dakota (38380 W Hwy 12, Aberdeen Twp.).

Reason: Rezone parcel from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use.

The public is invited to attend

the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

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**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

Application has been made to the Brown County Planning/Zoning Commission for a VARIANCE PETITION. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on Tuesday August 20, 2024, at 7:00 P.M.

Petitioner / Owner: Carmen Morrison

Description of property: Lot 2, "First Subdivision of Bauer's Outlot 1" in the SW1/4 of Section 7-1123N-R65W of the 5th P.M., Brown County, South Dakota (37306 132nd Street, Mercier Twp.).

Reason: Requesting a Variance to Building Setbacks in a Lake Front Residential District (R-3) to have a 25' Front Yard Setback rather than the 38' Setback and an 18' Rear Yard Setback rather than the 30' Setback required by Brown County Zoning Ordinances.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed variance request. Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144

Published once on August 8, 2024, at the total approximate cost of \$17.08 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**BROWN COUNTY
PLANNING & ZONING
NOTICE OF HEARING**

A PETITION to REZONE has been submitted to Brown County Planning/Zoning Commission. A hearing will be held in the Basement Community Room, Brown County Courthouse Annex, on August 20, 2024, at 7:00 P.M.

Petitioner: James Johnson / William Mundhenke

Description of property: Proposed Lots 1 thru 5, "Johnson Airport Subdivision" in the SW1/4 of Section 22-1123N-R63W of the 5th P.M., Brown County, South Dakota (5010, 5025, 5030, 5120 & 5210 Anthony Lane, Bath Twp.).

Reason: Rezone parcels from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring these parcels into compliance for their current use.

The public is invited to attend the hearing and to present comments and testimony regarding the proposed rezoning petition. At the conclusion of the hearing, the Brown County Planning/Zoning Commission will forward a recommendation to the Board of Brown County Commissioner's with a future meeting date in the Commission Chambers. Verify the meeting dates with the Brown County Auditor.

Dated this 8th day of August 2024.

Planning/Zoning Commission and Scott Bader – P&Z Director
25 Market Street
Aberdeen, SD 57401

Office: (605) 626-7144

Published once on August 8, 2024, at the total approximate cost of \$17.36 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**CITY OF ABERDEEN
AMENDED MINUTES
ABERDEEN CITY
COUNCIL MEETING**

City Council Chambers, 123 South Lincoln Street, Municipal Building, Aberdeen, South Dakota, July 22, 2024, at 5:30 p.m., regular meeting of the City Council.

Payroll Section of City Council Meeting Minutes of July 22, 2024, as Amended (minutes are amended to include payroll data not available at time of publication).

Payroll for the period from July 14, 2024, through July 27, 2024, and city share of social security, old age & survivor's insurance, retirement, health and life insurance: EFTPS \$193,762.34, SDRS \$94,583.76, City Health Insurance \$91,000.00, City Council \$5,521.83, City Manager \$6,805.16, City Attorney \$7,904.55, Finance \$16,272.12, HR \$10,035.38, City Hall \$2,031.37, Computer \$5,494.92, Community Development \$16,048.00, Engineering \$14,375.92, Police \$162,506.11, Fire \$146,016.74, Solid Waste \$5,877.83, Street \$43,266.82, Traffic \$10,560.90, Solid Waste \$35,917.06, Transit \$23,173.81, Jack Blaerdorn \$15,444/hr, Library \$32,388.88, Economic Development \$2,919.20, Cemetery \$8,799.95, Mosquito Control \$10,042.02, Meals on Wheels \$589.95, PRF Admin \$10,770.79, Recreation \$3,763.67, ARCC \$40,711.63, Aquatic Center \$45,587.63, PRF Dome \$6,401.38, Senior Center \$5,692.11, Parks \$38,576.10, Wyle Park \$31,337.86, Forestry \$12,343.58, Airport \$21,357.43, Utility Storm \$33,982.33, Water Treatment \$23,978.99, Utility Water \$2,024.65, Water Remediation \$23,614.65, Utility Sewer \$12,429.58, SBL Rides \$16,769.17, Concessions \$15,884.99, Rec Enterprise \$3,787.96, ARCC Enterprise \$591.50, Campground \$7,592.03, Golf \$14,606.05

Roll call vote to approve with Ronayne abstaining and Foubert abstaining to Dacotah Bank, all others present voting aye, motion carried.

Published once on August 8, 2024, at the total approximate cost of \$15.62 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**CITY OF ABERDEEN
RESOLUTION NO.
24-08-01R**

RESOLUTION
APPROVING A PERMIT TO REMOVE HISTORIC PROPERTY WITHIN THE ABERDEEN COMMERCIAL HISTORIC DISTRICT

WHEREAS, the City of Aberdeen Community Development Department ("Department") recommends a final determination approving the issuance of a permit to demolish the building located at 320 Main Street South, which property is within the Aberdeen Commercial Historic District; and

WHEREAS, the owner of the property at 320 Main Street South applied to the Department to demolish the building (hereafter "historic property"); and

WHEREAS, the Department completed a review of the entire file, including the case report submitted by the property owner, and the recommendations of the South Dakota State Historic Preservation Society ("SHPO"); and

WHEREAS, Community Development Director, Ken Hubbard, presented the findings of the Department to the City Council and affirmed the Department's recommendation that the City Council approve the issuance of a permit for the historic

property; and

WHEREAS, the City Council considered the application and the factors set forth in SDCL § 1-19A-11.1; and

WHEREAS, the City Council makes the following findings in support of its determination:

- The property owner provided the document attached hereto entitled "Case Report", which report provides a complete record of all factors considered by the City Council in forming its findings and conclusions herein and is adopted in full and incorporated herein by reference.

- The property has been renovated since its original construction with no construction documentation. The south portion was remodeled in the 2010's and the north portion has been vacant for most of the recent past.
- Options were investigated by the owner to adaptively re-use the entire space at the onset of design. Unfortunately, due to cost, the usability of the space, and unknown structural conditions, the owner has opted to move forward with new.
- It is not physically possible, or economically feasible for the property owner to incur the costs to renovate and reuse the existing structure for their proposed.
- The effects of the proposed building project should have little negative impact on neighboring properties. Plans for the reuse of this property will be submitted for review by the South Dakota Historic Preservation Office prior to any new construction being permitted.
- No other feasible and prudent alternative to replacement exists and all possible planning to minimize harm to the historic property has been fairly considered.
- The June 24, 2024, letter from SHPO entitled "SDCL 1-19A-11.1 Consultation" has been reviewed and considered in making this determination.
- The integrity of the historic district will not be jeopardized by the removal of the historic property.

NOW, THEREFORE, BE IT RESOLVED as follows:

- The application for a building permit to demolish the structure at 320 Main Street South located within the Aberdeen Commercial Historic District is hereby Approved.
- The City Council makes this determination based upon the consideration of all relevant factors and concludes that there is no feasible and prudent alternative to the issuance of the building permit and that the program includes all possible planning to minimize harm to the historic property resulting from such use.
- Notice of this final determination shall be given, by certified mail, to the South Dakota State Historic Society at least ten (10) days before demolition of the subject.

The foregoing Resolution No. 24-08-01R was adopted at a regular meeting of the Aberdeen City Council on the 5th day of August, 2024. Number of AYES: 8, Number of NAYS: 0, Members abstaining: None, /s/ Travis Schaunaman, Mayor, ATTEST: /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$41.72 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named business at the following addresses:

Special One-Day Retail On-Sale Liquor License for the Aberdeen Elks Lodge #1046, Parkview Lot Party on September 7, 2024

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said

application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF the City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$12.88 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named business at the following addresses:

Special One-Day Retail On-Sale Liquor License for the Aberdeen Serotoma Club for the Storybook Land Unkorked event on September 5, 2024

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF the City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$13.16 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

**CITY OF ABERDEEN
NOTICE OF HEARING
UPON APPLICATION FOR
SALE OF ALCOHOLIC
BEVERAGES**

NOTICE IS HEREBY GIVEN that an application for an alcoholic beverage license has been filed with the City Council of the City of Aberdeen by the following named person(s) at the following address:

New Retail On-Off Sale Wine and Cider

Cuzzo, LLC dba Cuzzo Pervian Cuisine

20 6th Ave SW, Aberdeen, SD 57401

New Retail on-off Sale Malt Beverage & SD Farm Wine

Cuzzo, LLC dba Cuzzo Pervian Cuisine

20 6th Ave SW, Aberdeen, SD 57401

NOW, THEREFORE, NOTICE IS HEREBY GIVEN that said application will be considered by the City Council in City Council Chambers, 123 South Lincoln Street, Municipal Building, in the City of Aberdeen, South Dakota on the 19th day of August 2024 at 5:30 p.m., when and where any persons interested in the approval or rejection of such application may appear and be heard.

BY ORDER OF THE BOARD OF CITY COUNCIL OF the City of Aberdeen, dated this 5th day of August 2024, /s/ Jordan McQuillen, Finance Officer

Published once on August 8, 2024, at the total approximate cost of \$16.24 and may be viewed free of charge at www.sdpublishonics.com and www.aberdeensinsider.com

STAFF REPORT

Meeting: August 20, 2024

BROWN COUNTY PLANNING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM #13

GENERAL INFORMATION:

OWNER:	Ochsner Real Estate LP II / Jeffery Walth
PETITIONER:	Ochsner Real Estate LP II – Jake Ochsner
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	“Aberdeen Twp 20W Outlots” in the E1/2 of Section 20-T123N-R64W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	38360, 38380 & 38390 W Hwy 12
CITY/TOWNSHIP:	Aberdeen Twp
EXISTING ZONING	Heavy Industrial District (H-I) / Highway Commercial District (HC)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P) / Non-County District (NC)
West:	Non-County District (NC)
East:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this Preliminary & Final Plat for financial and conveyance purposes.

GENERAL REVIEW: Staff has reviewed this plat.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Aberdeen Twp 20W Outlots

LEGAL SECTION: QUARTER: E1/2 SECTION: 20 TOWNSHIP: 123 RANGE: 64

MANDATORY LOTS: 1,2 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

SCHOOL DISTRICT: Aberdeen

UTILITIES: WEB Water

OWNERS NAMES: Ochsner Real Estate LP II

OWNERS NAMES: Jeffery Walth

ENGINEER OR SURVEYOR: Jamie Sprenger (IMEG)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$ 150.00 DATE PAID: 07 / 30 / 2024

RECEIVED BY PLANNING DEPARTMENT: 07 / 25 / 2024 BY: Ron Keller

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE X FINANCIAL PURPOSES X OTHER _____

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR X 11 x 17 PHOTO PAPER _____ OTHER _____

STREETS/ROADS NAMED PROPERLY: X NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT: _____

EXISTING ACCESS SHOWN ON PLAT: X ACCESS PERMISSION NEEDED BY: SD X BC X TWP _____

FULLY DIMENSIONED FROM SECTION CORNER: X OR QUARTER CORNER: _____ OR KNOWN MARKER: X

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE: X

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township) X SIGNATURE LINE SIGNED: X

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED X

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT: X PROPERTY PINS SHOWN ON ALL CORNERS: X

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W X

AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: X APPROVE _____ DENY _____ RE-SUBMIT ON _____

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: July 26, 2024
RECEIPT # 822052
TOWNSHIP: Aberdeen Twp

FEE: \$150.00
PAID: YES/NO CHK/CASH
DATE: 8/2/2024

OWNERS NAME (print): Ochsner Real Estate Limited Partnership II
OWNERS SIGNATURE: [Signature]
OWNERS ADDRESS: 13350 379th Avenue
OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401
OWNERS PHONE: 605-290-1001 (Jake Ochsner)
OWNERS EMAIL: _____

AGENTS NAME (print): Jeffery Walth
AGENTS SIGNATURE: [Signature]
AGENTS ADDRESS: PO Box 2071
AGENTS CITY, STATE, ZIP: Aberdeen, SD 57402-2071
AGENTS PHONE: 605-380-0570
AGENTS EMAIL: _____

REQUEST: Preliminary & Final Plat

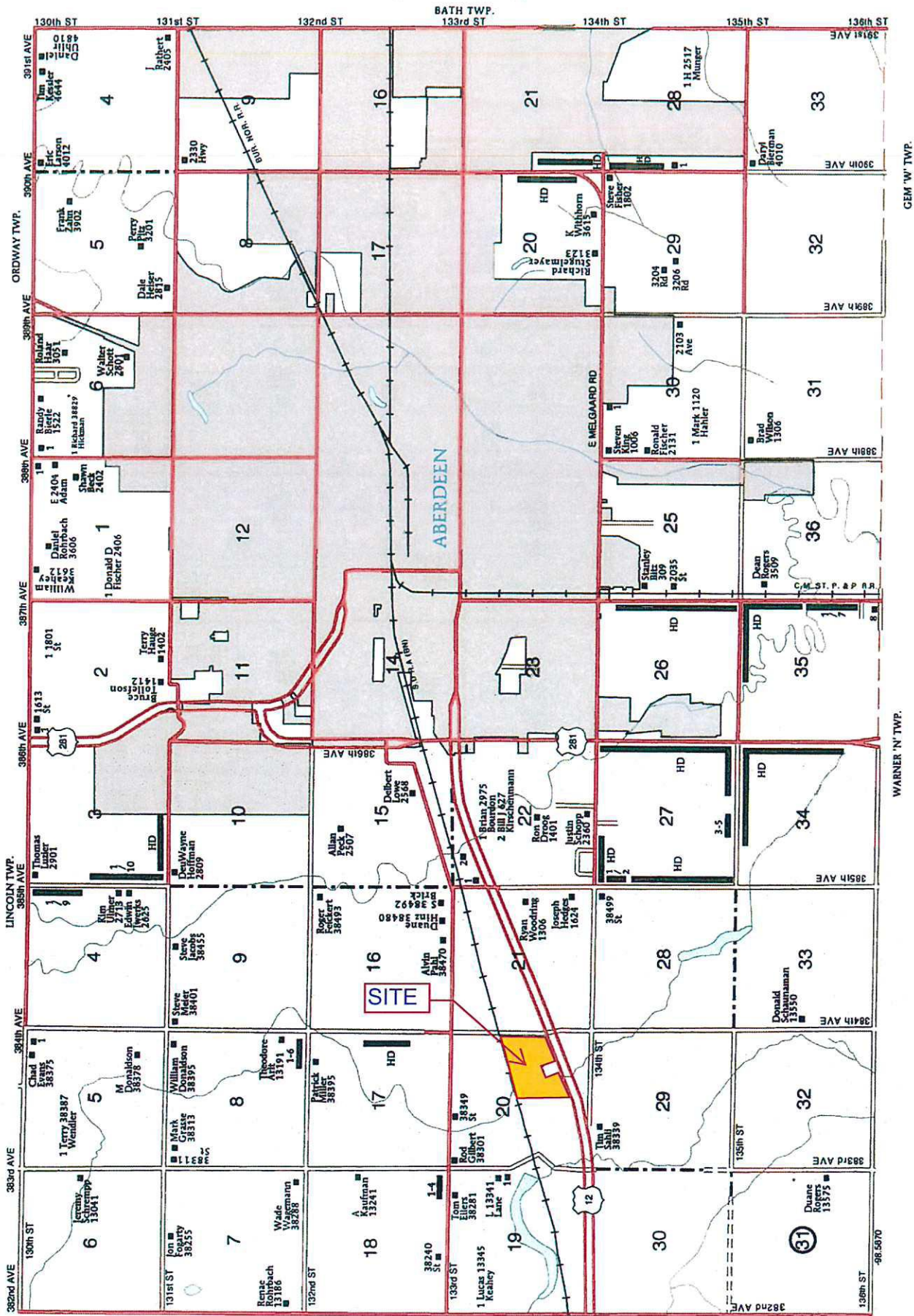
LEGAL DESCRIPTION: ^{TWP} "Aberdeen 20W Outlots" in the E1/2 of Section 20-
T123N-R64W of the 5th P.M., Brown County, South Dakota
(38360, 38380 & 38390 W Hwy 12 ; Aberdeen Twp.)

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: August 20, 2024 TIME: 7:00 pm

MEETING: located in the Basement Community Room of the Court House Annex
25 Market Street • Aberdeen, South Dakota 57401-4203
Phone: 605-626-7144 • www.brown.sd.us • email: Scott.Bader@browncounty.sd.gov



SEE PAGE 21 FOR
ADDITIONAL NAMES NOT
LISTED ON MAPS.

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PLAT SHOWING
ABERDEEN TWP 20W OUTLOTS

IN THE E1/2 OF SECTION 20, TOWNSHIP 123 NORTH,
RANGE 64 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

Ochsner Real Estate Limited Partnership II, a South Dakota limited partnership, does hereby certify that it is the owner of

- Outlot B, Mead's Outlots A, B & C in the East Half (E1/2) of Section Twenty (20), Township One Hundred Twenty-Three (123) North, Range Sixty-Four West of the 5th P.M., Brown County, South Dakota and
- Outlot D, Mead's Outlots D, E, F, & G in the East Half (E1/2) of Section Twenty (20), Township One Hundred Twenty-Three (123) North, Range Sixty-Four West of the 5th P.M., Brown County, South Dakota,

and that it has caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "ABERDEEN TWP 20W OUTLOTS IN THE E1/2 OF SECTION 20, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, Ochsner Real Estate Limited Partnership II, a South Dakota limited partnership, does hereby vacate "Mead's Outlot B, Mead's Outlots A, B & C in the East Half (E1/2) of Section Twenty (20), Township One Hundred Twenty-Three (123) North, Range Sixty-Four West of the 5th P.M., Brown County, South Dakota" as filed for record on November 26, 1971 at 3:00 P.M., and duly recorded in Book of Plats No. 2, on Page 161 therein.

By this plat, Ochsner Real Estate Limited Partnership II, a South Dakota limited partnership, does hereby vacate "Mead's Outlot D, Mead's Outlots D, E, F, & G in the East Half (E1/2) of Section Twenty (20), Township One Hundred Twenty-Three (123) North, Range Sixty-Four West of the 5th P.M., Brown County, South Dakota" as filed for record on September 25, 1972 at 10:00 A.M., and duly recorded in Book of Plats No. 2, in Envelope 198-E therein.

Owner: Ochsner Real Estate Limited Partnership II,
a South Dakota limited partnership

Cheryl Ochsner - Member

Print Name & Title

Cheryl Ochsner

Signature

Signed this 8 day of August, 2024.

COUNTY OF BROWN)
STATE OF SOUTH DAKOTA) SS

On this the 8th day of AUGUST, 2024, before me, a notary public, the undersigned officer, personally appeared, who acknowledge himself/herself to be the MEMBER, of Ochsner Real Estate Limited Partnership II, a South Dakota limited partnership, and that he/she as such MEMBER, being authorized to do so, executed the forgoing instrument for the proposed therein contained, by signing the name of Ochsner Real Estate Limited Partnership, a South Dakota limited partnership, by himself/herself as CHERYL OCHSNER - MEMBER.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11/2/2027

Ra Ke
Notary Public

OWNER'S CERTIFICATE

I, Jeffery Walth, do hereby certify that I am the owner of Mead's Outlot C, Mead's Outlots A, B & C in the East Half (E1/2) of Section Twenty (20), Township One Hundred Twenty-Three (123) North, Range Sixty-Four West of the 5th P.M., Brown County, South Dakota and that I have caused the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as "ABERDEEN TWP 20W OUTLOTS IN THE E1/2 OF SECTION 20, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" and that development of this land shall conform to all existing applicable zoning, subdivision and sediment control regulations.

By this plat, I, Jeffery Walth, do hereby vacate "Mead's Outlot C, Mead's Outlots A, B & C in the East Half (E1/2) of Section Twenty (20), Township One Hundred Twenty-Three (123) North, Range Sixty-Four West of the 5th P.M., Brown County, South Dakota" as filed for record on November 26, 1971 at 3:00 P.M., and duly recorded in Book of Plats No. 2, on Page 161 therein.

Owner: Jeffery Walth

Jeffery Walth

Signature

Signed this 13 day of AUGUST, 2024.

COUNTY OF BROWN)
STATE OF SOUTH DAKOTA) SS

On this the 13th day of AUGUST, 2024, before me, a notary public, the undersigned officer, personally appeared, Jeffery Walth, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11/2/2027

Ra Ke
Notary Public



3314 Milwaukee Avenue NE
Suite 2
Aberdeen, SD 57401

PH: 605.225.3494
www.imegcorp.com

PLAT SHOWING
ABERDEEN TWP 20W OUTLOTS

IN THE E1/2 OF SECTION 20, TOWNSHIP 123 NORTH,
RANGE 64 WEST OF THE 5TH P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Jamie L. Sprenger, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owners, I have surveyed and platted "ABERDEEN TWP 20W OUTLOTS IN THE E1/2 OF SECTION 20, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" as shown on the attached plat, that I have found and/or set iron pins as indicated thereon, and that said survey and plat are true and correct.

Signed this 5TH day of August, 2024.



SDDOT HIGHWAY APPROVAL

Existing Access to U.S. Highway 12 is approved. This access approval does not replace the need for any permits by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02.

Signed this _____ day of _____, 2024.

Print Name and Title

Signature

HIGHWAY APPROVAL

The location of the in-place access roads, is hereby approved. Any change in the in-place access shall require addition approval.

Signed this _____ day of _____, 2024.

Print Name and Title

Signature

COUNTY PLANNING COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Planning Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2024.

Secretary of County Planning Commission, Brown County, South Dakota

"Be it resolved by the County Planning Commission of Brown County, South Dakota, that the plat showing "ABERDEEN TWP 20W OUTLOTS IN THE E1/2 OF SECTION 20, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-6, and any amendments.

COUNTY COMMISSION APPROVAL

I hereby certify that the following is a correct copy of the resolution duly passed by the County Commission of Brown County, South Dakota, at a meeting held on the _____ day of _____, 2024.

County Auditor, Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing "ABERDEEN TWP 20W OUTLOTS IN THE E1/2 OF SECTION 20, TOWNSHIP 123 NORTH, RANGE 64 WEST OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" having been examined is hereby approved in accordance with the provisions of SDCL of 1967, Chapter 11-3, and any amendments thereof."

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the lands included in the attached plat are shown by the record of my office to be fully paid.

Signed this _____ day of _____, 2024.

County Treasurer, Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat this _____ day of _____, 2024.

Director of Equalization, Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this _____ day of _____, 2024, at

_____ O'clock _____ M., and duly recorded as Hanging Plat No. _____.

Register of Deeds, Brown County, South Dakota



3314 Milwaukee Avenue NE
Suite 2
Aberdeen, SD 57401

PH: 605.225.3494
www.imegcorp.com





STAFF REPORT

Meeting: August 20, 2024

BROWN COUNTY PLANNING COMMISSION

PRELIMINARY PLAT REVIEW

ITEM #14

GENERAL INFORMATION:

OWNER:	Larkota Acres LLC
PETITIONER:	Briann & Lisa Larson - Larkota Acres
REQUEST:	PRELIMINARY PLAT REVIEW
LEGAL DESCRIPTION:	"Larkota Acres First Addition" in the N1/2 of the SW1/4 of Section 3-T121N-R64W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	Approx. 14262 385th Avenue
CITY/TOWNSHIP:	Warner Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this Preliminary Plat for review which includes a new road named Larkota Drive. Title 5 Subdivision Ordinances require a Preliminary Plat review with a new dedicated road & road name.

GENERAL REVIEW: Staff has reviewed this preliminary plat.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Larkota Acres First Addition

LEGAL SECTION: QUARTER: SW SECTION: 3 TOWNSHIP: 121 RANGE: 64

MANDATORY LOTS: 1-12 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

SCHOOL DISTRICT: Warner

UTILITIES: WEB Water

OWNERS NAMES: Larkota Acres LLC

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Associates)

TYPE: PRELIMINARY X FINAL _____ BOTH _____ (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$ 25.00 DATE PAID: 07 / 11 / 2024

RECEIVED BY PLANNING DEPARTMENT: 07 / 11 / 2024 BY: Ron Keller

REASON FOR PLAT: DEVELOPMENT X CONVEYANCE X FINANCIAL PURPOSES _____ OTHER _____

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR _____ 11 x 17 PHOTO PAPER _____ OTHER X

STREETS/ROADS NAMED PROPERLY: X NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT: X

EXISTING ACCESS SHOWN ON PLAT: X ACCESS PERMISSION NEEDED BY: SD _____ BC _____ TWP X

FULLY DIMENSIONED FROM SECTION CORNER: _____ OR QUARTER CORNER: _____ OR KNOWN MARKER: X

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE: X

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township) No SIGNATURE LINE SIGNED: No

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR No TREASURER SIGNATURE LINE SIGNED No

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT: X PROPERTY PINS SHOWN ON ALL CORNERS: X

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W X

AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: X APPROVE _____ DENY _____ RE-SUBMIT ON _____

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PRELIMINARY PLAT APPROVAL

DATE: July 11, 2024
RECEIPT # 822024
TOWNSHIP: Warner Township

FEES: \$ 25.00
PAID: YES/NO CHK CASH
DATE: 7/11/2024

OWNERS SIGNATURE: Larkota Acres LLC-Briann Larson
OWNERS ADDRESS: 36275 250th Street
OWNERS CITY, STATE, ZIP: Kimball SD 57355
OWNERS PHONE: 605-730-6353 (Briann) / 605-730-6357 (Lisa)

Briann W. Larson

AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____

REQUEST: The petitioner is requesting this Preliminary Plat for review which includes a new road named Anthony Lane. Title 5 Subdivision Ordinances require a Preliminary Plat review with a new dedicated road & road name.

LEGAL DESCRIPTION: "Larkota Acres First Addition" in the N1/2 of the SW1/4 of Section 3-T121N-R64W of the 5th P.M., Brown County, South Dakota (Approx. 14262 385th Avenue; Warner Twp)

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: August 20, 2024 **TIME:** 7:00pm

MEETING: located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

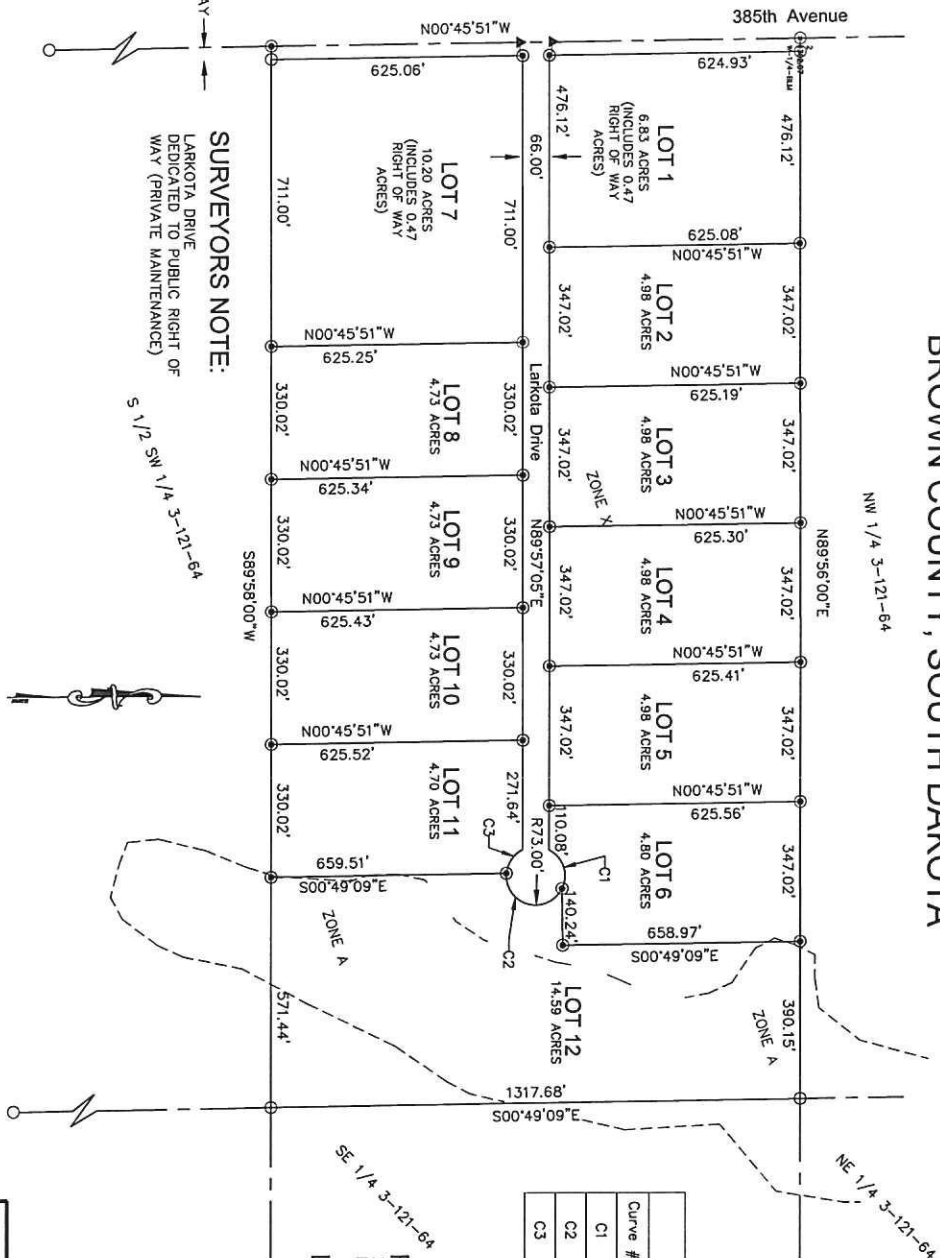
Phone: 605-626-7144 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



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PLAT OF LARKOTA ACRES FIRST ADDITION IN THE N 1/2 SW 1/4 OF SECTION 3-T121N-R64W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

Curve Table			
Curve #	Length	Radius	Delta
C1	112.83'	73.00'	88.33°17"
C2	202.79'	73.00'	159°09'45"
C3	74.57'	73.00'	58.31°46"



FLOOD PLAIN
ZONE X AND ZONE A
FIRM PANEL: 460115C0925E

LEGEND

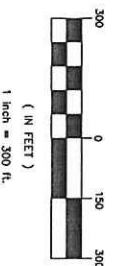
- FOUND PROPERTY CORNER
- SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- ▲ CALCULATED POSITION

WETLAND PER NATIONAL
WETLANDS INVENTORY
(US FISH AND WILDLIFE SERVICE)
BASIS OF BEARINGS
SD STATE PLANE NORTH ZONE
NAD 83 (2011) US SURVEY FEET
DISTANCES ARE GROUND

SURVEYORS NOTE:

LARKOTA DRIVE
DEDICATED TO PUBLIC RIGHT OF
WAY (PRIVATE MAINTENANCE)

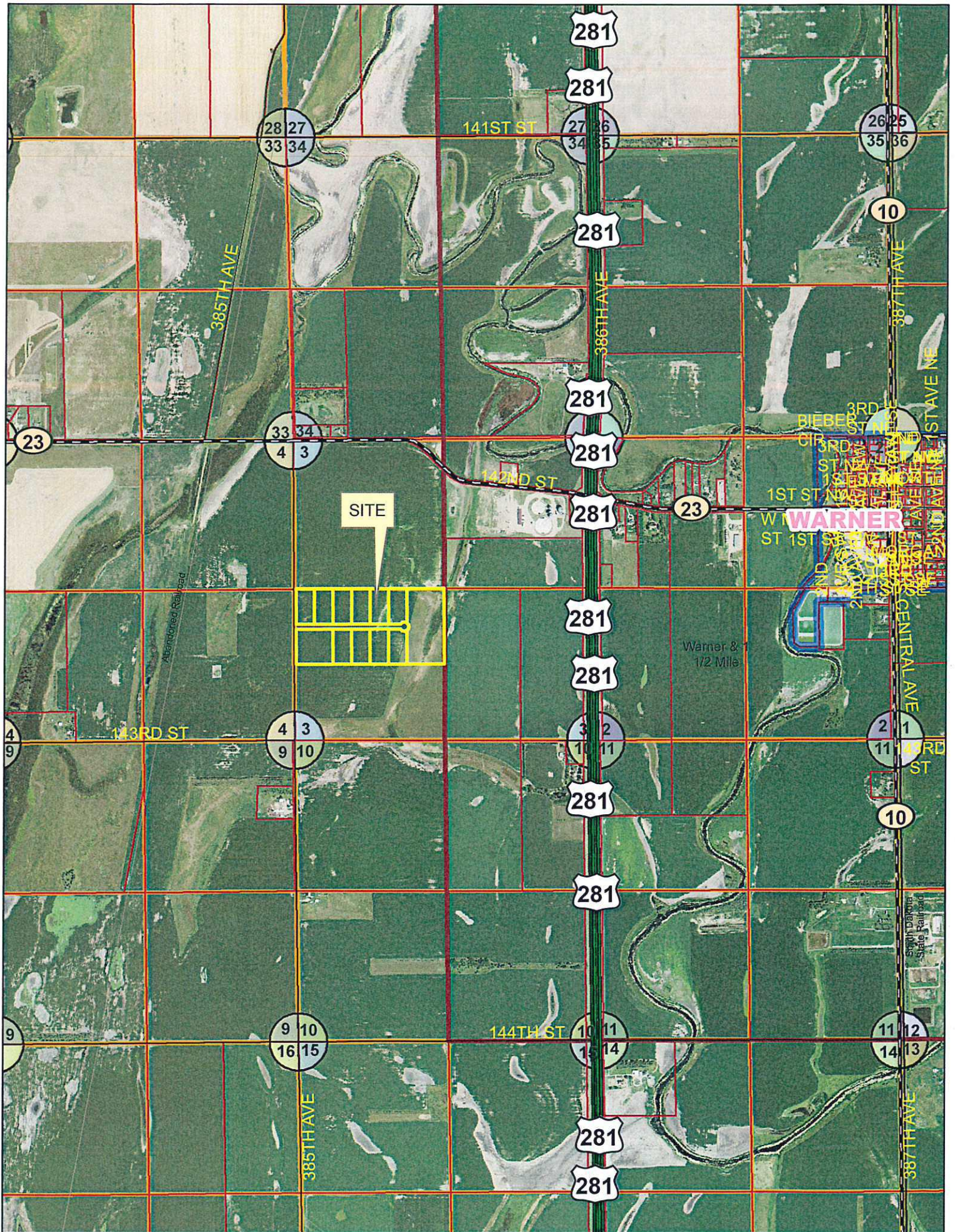
S 1/2 SW 1/4 3-121-64

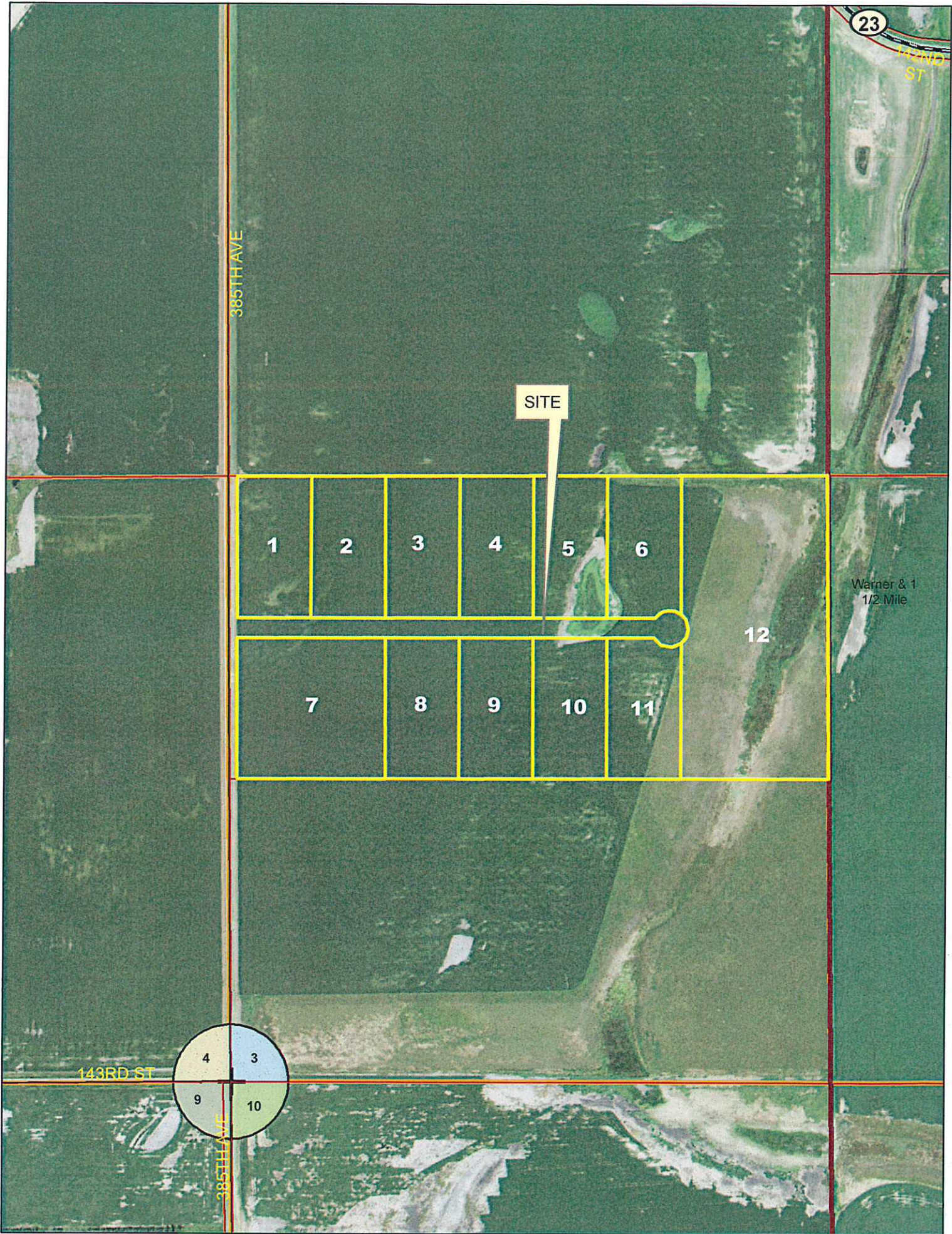


Helm Associates
416 PRODUCTION
STREET N.
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

CIVIL ENGINEERS & LAND SURVEYORS

DWG. 9511-LS BY: BKK SHEET 1 OF 3





STAFF REPORT

Meeting: August 20, 2024

BROWN COUNTY PLANNING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM #15

GENERAL INFORMATION:

OWNER:	Shelby Township / Lars Herseth
PETITIONER:	Shelby Township – Chuck Knecht
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	“Houghton Cemetery First Addition Includes Blocks H, I, J, and K” in the NE1/4 of Section 7-T126N-R61W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	11305 401 st Avenue
CITY/TOWNSHIP:	Shelby Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	Unknown
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this Preliminary & Final Plat for conveyance purposes.

GENERAL REVIEW: Staff has reviewed this plat.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Houghton Cemetery First Addition Includes Blocks H , I, J, and K

LEGAL SECTION: QUARTER: NE SECTION: 7 TOWNSHIP: 126 RANGE: 61

MANDATORY LOTS: Tract 1 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

SCHOOL DISTRICT: Britton-Hecla

UTILITIES: Unknown

OWNERS NAMES: Shelby Township

OWNERS NAMES: Lars Herseth

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Associates)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$ 150.00 DATE PAID: 08 / 07 / 2024

RECEIVED BY PLANNING DEPARTMENT: 08 / 01 / 2024 BY: Scott Bader

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE X FINANCIAL PURPOSES _____ OTHER _____

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR X 11 x 17 PHOTO PAPER _____ OTHER _____

STREETS/ROADS NAMED PROPERLY: X NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT: _____

EXISTING ACCESS SHOWN ON PLAT: X ACCESS PERMISSION NEEDED BY: SD _____ BC X TWP _____

FULLY DIMENSIONED FROM SECTION CORNER: X OR QUARTER CORNER: X OR KNOWN MARKER: _____

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE: X

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township) X SIGNATURE LINE SIGNED: X

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED X

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT: X PROPERTY PINS SHOWN ON ALL CORNERS: X

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W X

AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: X APPROVE _____ DENY _____ RE-SUBMIT ON _____

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: August 5, 2024
RECEIPT # 822055
TOWNSHIP: Shelby Twp

FEE: \$150.00
PAID: YES/NO CHK/CASH
DATE: 8/7/2024

OWNERS NAME (print): Shelby Township / Lars Herseth
OWNERS SIGNATURE: Charles Knecht
OWNERS ADDRESS: 302 ELM STREET
OWNERS CITY, STATE, ZIP: HOUGHTON, SD 57449
OWNERS PHONE: 605-885-7596 (Chuck Knecht)
OWNERS EMAIL: _____

AGENTS NAME (print): _____
AGENTS SIGNATURE: _____
AGENTS ADDRESS: _____
AGENTS CITY, STATE, ZIP: _____
AGENTS PHONE: _____
AGENTS EMAIL: _____

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Houghton Cemetery First Addition Includes Blocks H, I, J, and K" in the NE1/4 of Section 7-T126N-R61W of the 5th P.M., Brown County, South Dakota (11305 401st Avenue; Shelby Twp.)

Planning Commission Action: Approved / Denied

By: _____ Date: _____

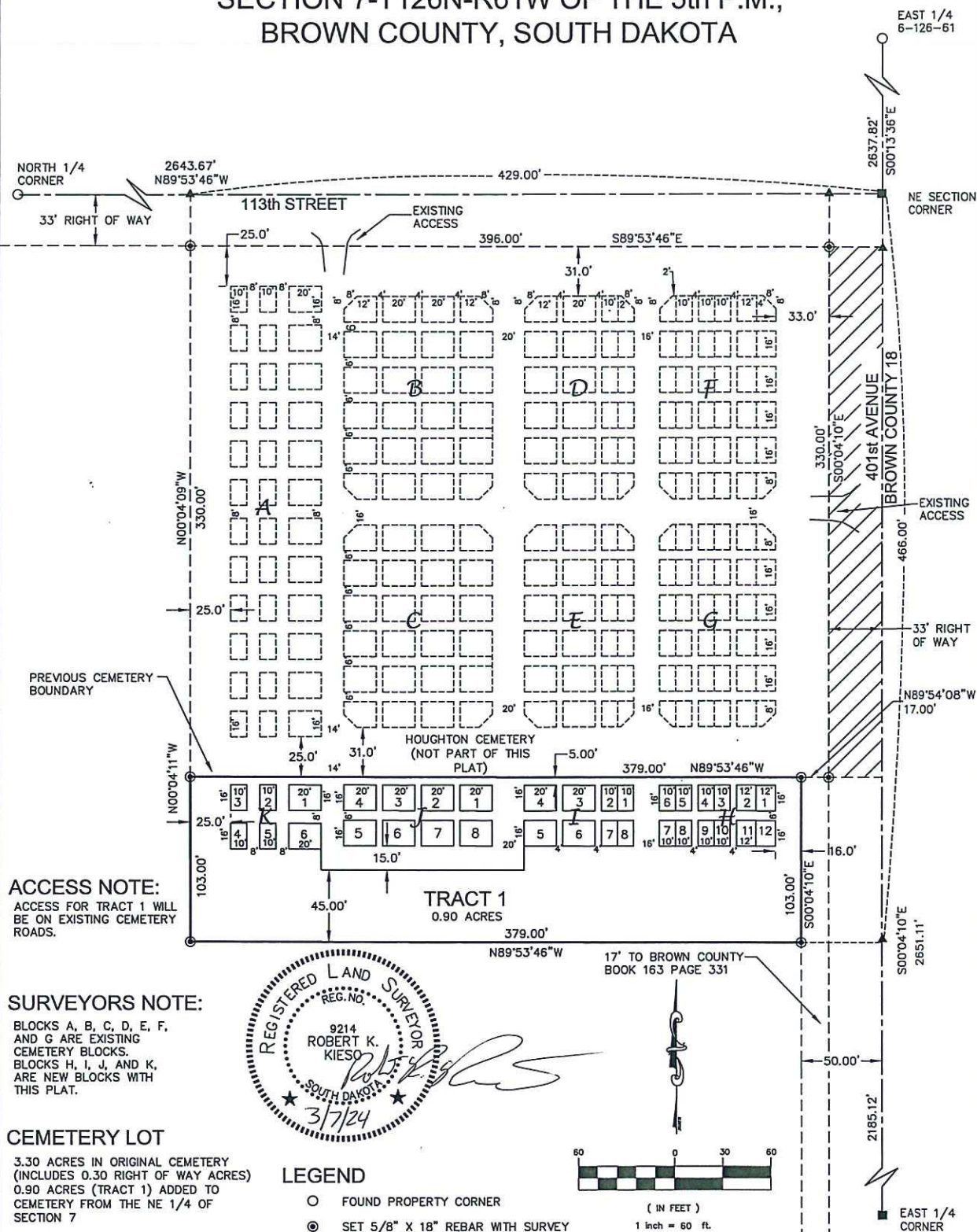
HEARING DATE: August 20, 2024 TIME: 7:00 pm

MEETING: located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • www.brown.sd.us • email: Scott.Bader@browncounty.sd.gov

PLAT OF
HOUGHTON CEMETERY FIRST ADDITION
INCLUDES BLOCKS H, I, J, AND K IN THE NE 1/4 OF
SECTION 7-T126N-R61W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA



ACCESS NOTE:
 ACCESS FOR TRACT 1 WILL
 BE ON EXISTING CEMETERY
 ROADS.

SURVEYORS NOTE:

BLOCKS A, B, C, D, E, F,
 AND G ARE EXISTING
 CEMETERY BLOCKS.
 BLOCKS H, I, J, AND K,
 ARE NEW BLOCKS WITH
 THIS PLAT.

CEMETERY LOT

3.30 ACRES IN ORIGINAL CEMETERY
 (INCLUDES 0.30 RIGHT OF WAY ACRES)
 0.90 ACRES (TRACT 1) ADDED TO
 CEMETERY FROM THE NE 1/4 OF
 SECTION 7

BASIS OF BEARINGS

GPS OBSERVATION

LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY
CAP STAMPED KIESO RLS 9214
- SET 3" SPIKE W/ WASHER
STAMPED KIESO RLS 9214
- ▲ CALCULATED POSITION



DEDICATED TO PUBLIC
 RIGHT OF WAY

Helms
ASSOCIATES
 CIVIL ENGINEERS & LAND SURVEYORS

416 PRODUCTION
 STREET N.
 P.O. Box 111
 Aberdeen, S.D. 57401
 Phone: 605.225.1212
 Fax: 605.225.3189

PLAT OF
HOUGHTON CEMETERY FIRST ADDITION
INCLUDES BLOCKS H, I, J, AND K IN THE NE 1/4 OF
SECTION 7-T126N-R61W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

WE, SHELBY TOWNSHIP, A GOVERNMENTAL SUBDIVISION OF THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF HOUGHTON CEMETERY, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS; HOUGHTON CEMETERY FIRST ADDITION INCLUDES BLOCKS H, I, J, AND K, IN THE NE 1/4 OF SECTION 7-T126N-R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND WE HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

SHELBY TOWNSHIP, A GOVERNMENTAL SUBDIVISION
OF THE STATE OF SOUTH DAKOTA

Charles Knecht Supervisor
PRINT NAME AND TITLE

Signed this 18th day of March, 2024

Charles Knecht
SIGNATURE

Signed this 18th day of March, 2024

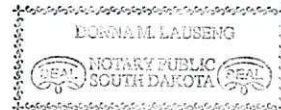
CORPORATE ACKNOWLEDGEMENT

STATE OF SD)
COUNTY OF Brown)SS
ON THIS THE 18th DAY OF March, 2024, BEFORE ME, Donna M. Lauseng, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED Charles Knecht OF SHELBY TOWNSHIP, A GOVERNMENTAL SUBDIVISION OF THE STATE OF SOUTH DAKOTA, AND THAT HE/SHE, AS SUCH AS Supervisor, BEING AUTHORIZED SO TO DO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING THE NAME OF Shelby Township BY HIMSELF/HERSELF AS Supervisor

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: 02-13-2026

Donna M. Lauseng
NOTARY PUBLIC

OWNER'S CERTIFICATE

WE, R. LARS HERSETH, TRUSTEE OF THE R. LARS HERSETH TRUST, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF NE 1/4 OF SECTION 7 T126N R61W OF THE 5TH P.M. BROWN COUNTY, SOUTH DAKOTA, EXCEPT HOUGHTON CEMETERY, AND HERSETH OUTLOT 1 AND EXCEPT 50 FEET FOR HIGHWAY PURPOSE (DEED 163 PAGE 331), AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS; HOUGHTON CEMETERY FIRST ADDITION INCLUDES BLOCKS H, I, J, AND K, IN THE NE 1/4 OF SECTION 7-T126N-R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND WE HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER AS SUCH, THE STREETS AND ALLEYS, IF ANY, AS SHOWN AND MARKED ON SAID PLAT; AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

R. LARS HERSETH TRUST

R. Lars Herseht
R. LARS HERSETH, TRUSTEE

Signed this 23rd day of April, 2024

ACKNOWLEDGMENT

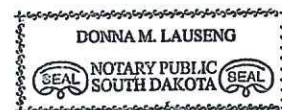
STATE OF SD)
COUNTY OF Brown)SS

ON THIS THE 23rd DAY OF April, 2024, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED R. Lars Herseht, KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON(S) WHOSE NAME(S) ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: 02-13-2026

Donna M. Lauseng
NOTARY PUBLIC



PLAT OF
HOUGHTON CEMETERY FIRST ADDITION
INCLUDES BLOCKS H, I, J, AND K IN THE NE 1/4 OF
SECTION 7-T126N-R61W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "HOUGHTON CEMETERY FIRST ADDITION INCLUDES BLOCKS H, I, J, AND K, IN THE NE 1/4 OF SECTION 7-T126N-R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" AS SHOWN ON THE ATTACHED PLAT, THAT I HAVE FOUND AND/OR SET IRON PINS AS INDICATED THEREON. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 25th DAY OF April, 2024


ROBERT K. KIESO RLS #9214

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING HOUGHTON CEMETERY FIRST ADDITION INCLUDES BLOCKS H, I, J, AND K, IN THE NE 1/4 OF SECTION 7-T126N-R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING HOUGHTON CEMETERY FIRST ADDITION INCLUDES BLOCKS H, I, J, AND K, IN THE NE 1/4 OF SECTION 7-T126N-R61W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTRY ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS ____ DAY OF _____, 20____.

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

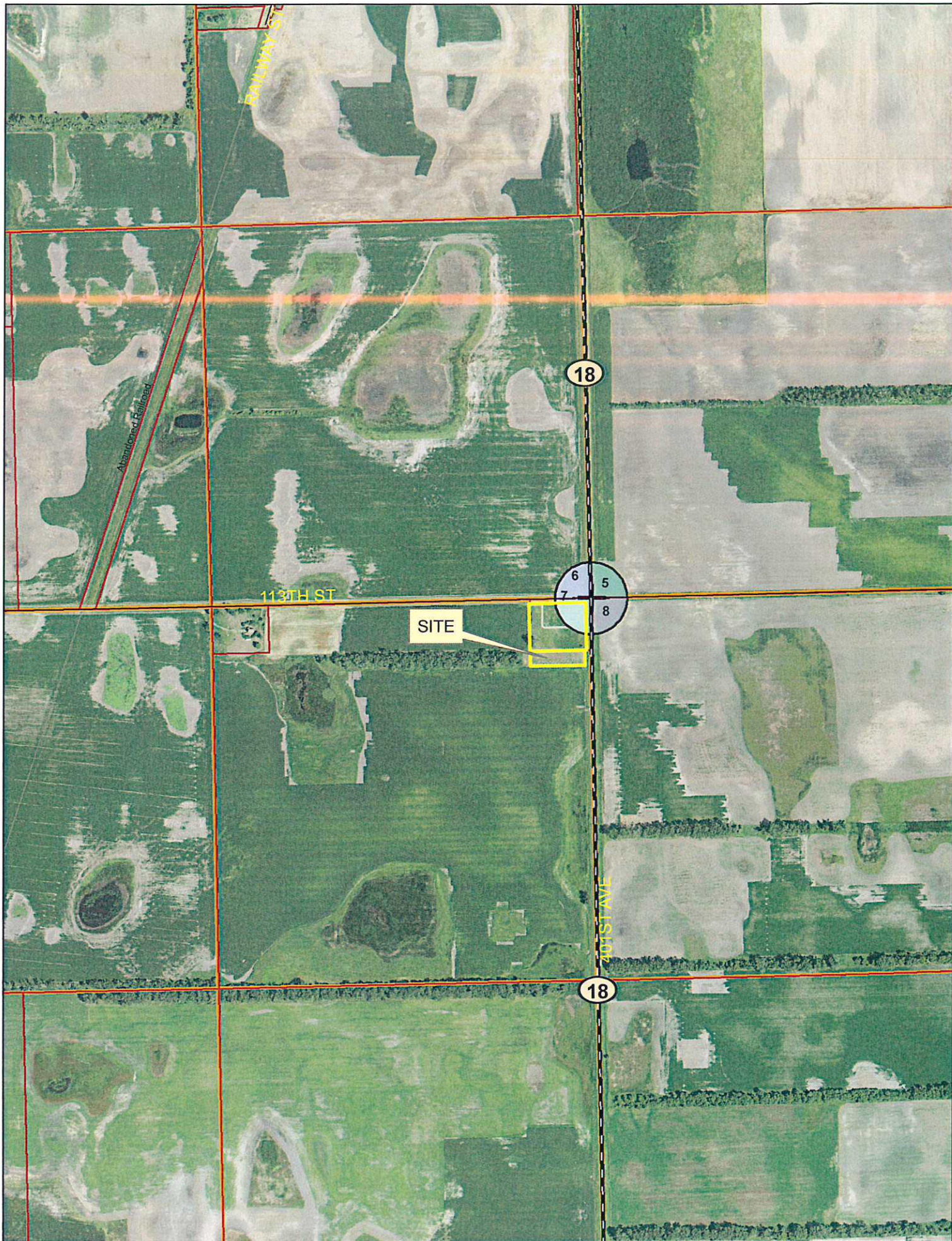
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

FILED FOR RECORD THIS ____ DAY OF _____, 20____ AT ____ O'CLOCK _____, AND DULY RECORDED IN HANGING
PLATS NO. _____

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA





STAFF REPORT

Meeting: August 20, 2024

BROWN COUNTY PLANNING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM #16

GENERAL INFORMATION:

OWNER:	Steven Bergman & Richard Bergman / Carlton & Stacia Willems
PETITIONER:	Carlton & Stacia Willems
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	"Bergman Second Addition" in the SW1/4 of Section 11-T122N-R65W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	37804 138 th Street
CITY/TOWNSHIP:	Highland Twp
EXISTING ZONING	Agriculture Preservation District (AG-P)
SURROUNDING ZONING:	
North:	Agriculture Preservation District (AG-P)
South:	Agriculture Preservation District (AG-P)
West:	Agriculture Preservation District (AG-P)
East:	Agriculture Preservation District (AG-P)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Ron Keller

GENERAL COMMENT: The petitioner is requesting this Preliminary & Final Plat for conveyance purposes.

GENERAL REVIEW: Staff has reviewed this plat.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Bergman Second Addition

LEGAL SECTION: QUARTER: SW SECTION: 11 TOWNSHIP: 122 RANGE: 65

MANDATORY LOTS: 1A TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

SCHOOL DISTRICT: Warner

UTILITIES: WEB Water

OWNERS NAMES: Steven Bergman Richard Bergman

OWNERS NAMES: Carlton & Stacia Willems

ENGINEER OR SURVEYOR: Robert Kieso (Helms & Associates)

TYPE: PRELIMINARY _____ FINAL _____ BOTH X (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$150.00 DATE PAID: 08 / 05 / 20 24

RECEIVED BY PLANNING DEPARTMENT: 08 / 05 / 20 24 BY: Ron Keller

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE X FINANCIAL PURPOSES _____ OTHER _____

ORIGINAL PLAT DRAWN ON: 11 x 17 MYLAR X 11 x 17 PHOTO PAPER _____ OTHER _____

STREETS/ROADS NAMED PROPERLY: X NEW STREETS/ROADS REQUIRE PRELIMINARY PLAT: _____

EXISTING ACCESS SHOWN ON PLAT: X ACCESS PERMISSION NEEDED BY: SD _____ BC _____ TWP _____

FULLY DIMENSIONED FROM SECTION CORNER: X OR QUARTER CORNER: X OR KNOWN MARKER: X

PLAT NAME CHECKED FOR DUPLICATION OR SIMILARITIES IN DEEDS OFFICE: X

HIGHWAY SIGNATURE LINE SHOWN: (State, County & Township) X SIGNATURE LINE SIGNED: X

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED X

BOLD BOUNDARY DRAWN AROUND COMPLETE LOT: X PROPERTY PINS SHOWN ON ALL CORNERS: X

REGULAR BOUNDARY LINE DRAWN AROUND R-O-W X

AFTER PLANNING COMMISSION MEETING

CONSIDERED BY COUNTY PLANNING COMMISSION:

RECOMMENDATION: X APPROVE _____ DENY _____ RE-SUBMIT ON _____

CONSIDERED BY COUNTY COMMISSION:

RECOMMENDATION: _____ APPROVE _____ DENY _____ RE-SUBMIT ON _____

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR PLAT APPROVAL

DATE: July 26, 2024
RECEIPT # 822055
TOWNSHIP: Highland Twp

FEE: \$150.00
PAID: YES/NO CHE/CASH
DATE: AUG. 5, 2024

OWNERS NAME (print): Steven Bergman & Richard Bergman / Carlton & Stacia Willems

OWNERS SIGNATURE: Steven Bergman Richard Bergman

OWNERS ADDRESS: 1205 S 2nd Street 37804 138th Street

OWNERS CITY, STATE, ZIP: Aberdeen, SD 57401 Aberdeen, SD 57401

OWNERS PHONE: _____

OWNERS EMAIL: _____

AGENTS NAME (print): Carlton & Stacia Willems

AGENTS SIGNATURE: Stacia Willems

AGENTS ADDRESS: 37804 138th Street

AGENTS CITY, STATE, ZIP: Aberdeen, SD 57401

AGENTS PHONE: 605-

AGENTS EMAIL: _____

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Bergman Second Addition" in the SW1/4 of Section
11-T122N-R65W of the 5th P.M., Brown County, South Dakota
(37804 138th Street; Highland Twp.)

Planning Commission Action: Approved / Denied

By: _____ Date: _____

HEARING DATE: August 20, 2024 TIME: 7:00 pm

MEETING: located in the Basement Community Room of the Court House Annex

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • www.brown.sd.us • email: Scott.Bader@browncounty.sd.gov

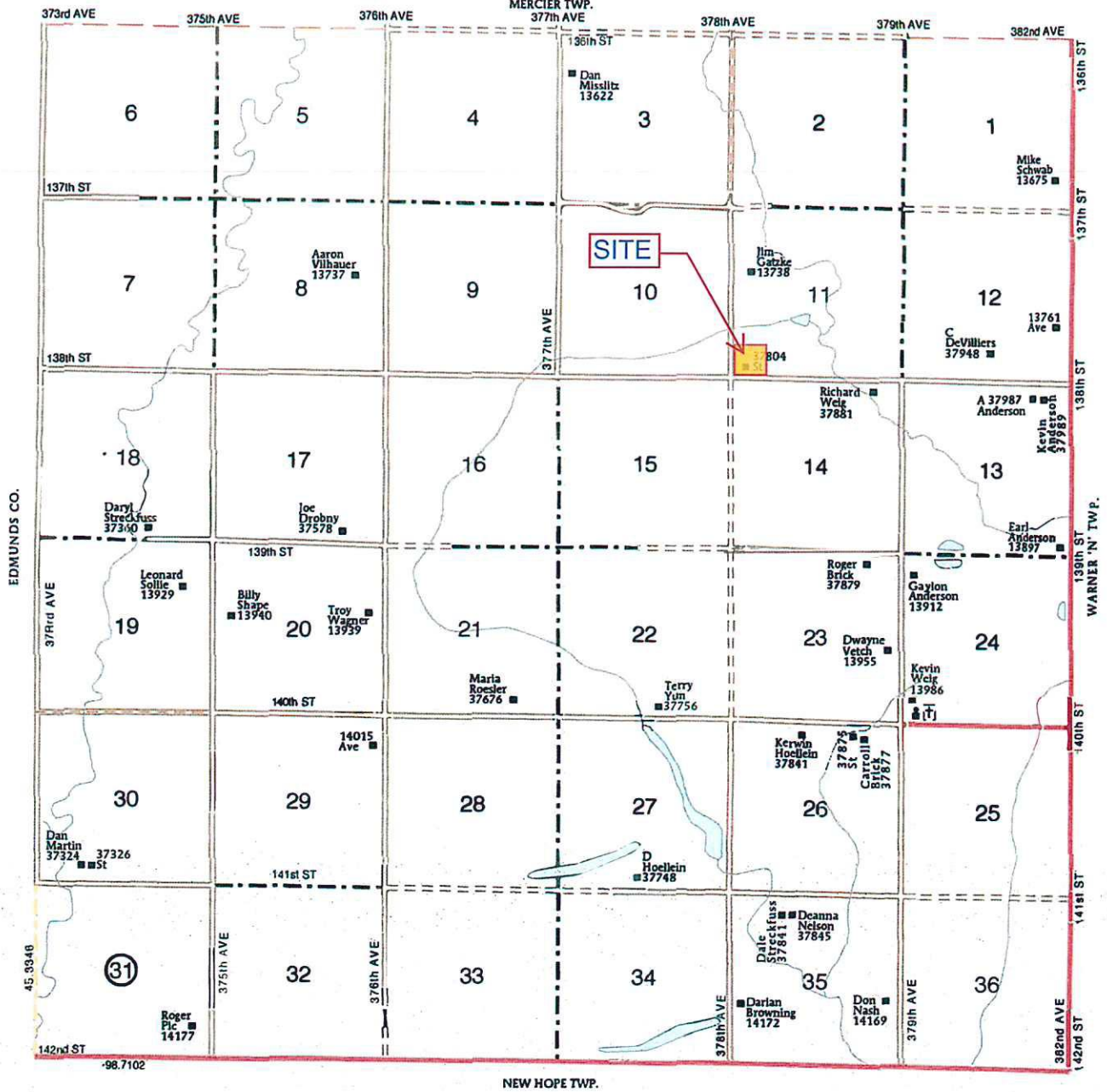
T-122-N

HIGHLAND DIRECTORY

R-65-W

(Residents - Owners or Renters)

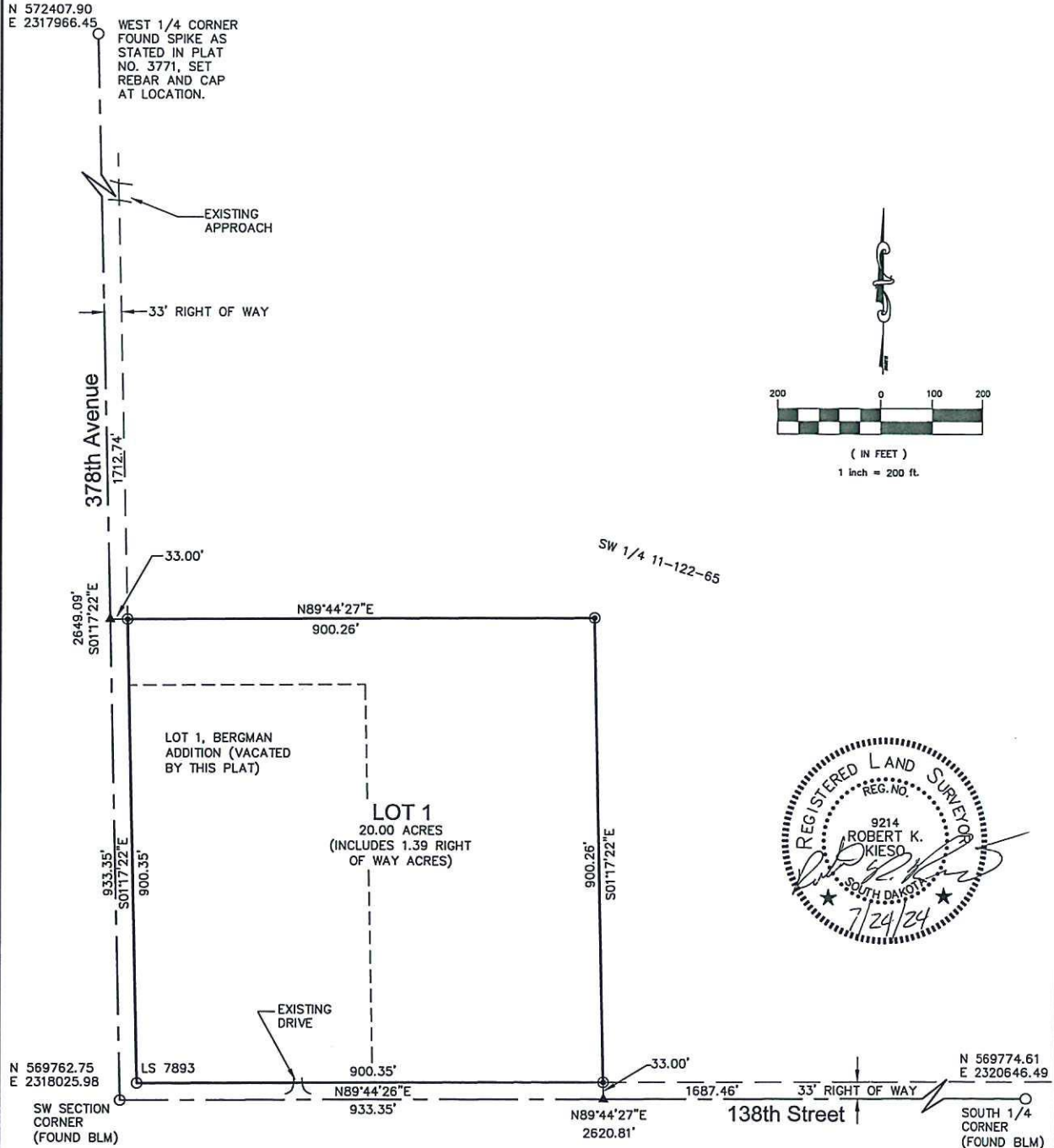
MERCER TWP.



PLAT OF

A-9719

BERGMAN SECOND ADDITION IN THE SW 1/4 OF SECTION 11-T122N-R65W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA



BASIS OF BEARINGS

SD STATE PLANE NORTH ZONE
NAD 83 (2011) US SURVEY FEET
DISTANCES ARE GROUND

LEGEND

- FOUND PROPERTY CORNER
- ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- ▲ CALCULATED POSITION

Helms ASSOCIATES
CIVIL ENGINEERS & LAND SURVEYORS

416 PRODUCTION STREET N.
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
Fax: 605.225.3189

DWG. 9719-LS BY: BKK SHEET 1 OF 4

PLAT OF

A-9719

BERGMAN SECOND ADDITION
IN THE SW 1/4 OF SECTION 11-T122N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

WE, RICHARD BERGMAN, A MARRIED PERSON, AND STEVEN W. BERGMAN, A SINGLE PERSON, AS TENANTS IN COMMON, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE SW 1/4 OF SECTION 11 T122N R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, EXCEPT LOT 1, BERGMAN ADDITION IN THE SW 1/4 OF SECTION 11-T122N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS; BERGMAN SECOND ADDITION IN THE SW 1/4 OF SECTION 11-T122N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

Steven W. Bergman
STEVEN W. BERGMAN

Signed this 5 day of August, 2024

Richard Bergman
RICHARD BERGMAN

Signed this 5 day of August, 2024

ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA
COUNTY OF BROWN)SS

ON THIS THE 5TH DAY OF AUGUST, 2024, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED RICHARD BERGMAN KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: 11/2/2027

Ra Kel
NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA
COUNTY OF BROWN)SS

ON THIS THE 5TH DAY OF AUGUST, 2024, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED STEVEN W. BERGMAN KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: 11/2/2027

Ra Kel
NOTARY PUBLIC

OWNER'S CERTIFICATE

WE, CARLTON J. WILLEMS AND STACIA WILLEMS, HUSBAND AND WIFE, AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF LOT 1, BERGMAN ADDITION IN THE SW 1/4 OF SECTION 11-T122N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AND THAT WE HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN ON THE ATTACHED PLAT WHICH SHALL BE HEREAFTER KNOWN AND DESCRIBED AS; BERGMAN SECOND ADDITION IN THE SW 1/4 OF SECTION 11-T122N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND SEDIMENT CONTROL REGULATIONS.

BY THIS PLAT, WE DO HEREBY VACATE BERGMAN ADDITION IN THE SW 1/4 OF SECTION 11-T122N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA AS FILED FOR RECORD ON NOVEMBER 30, 2021 AND DULY RECORDED AS PLAT NO. 3771, IN THE BROWN COUNTY REGISTER OF DEEDS OFFICE.

Carlton J. Willem
CARLTON J. WILLEMS

Signed this 5 day of August, 2024

Stacia Willem
STACIA WILLEMS

Signed this 5 day of August, 2024

PLAT OF
BERGMAN SECOND ADDITION
IN THE SW 1/4 OF SECTION 11-T122N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

ACKNOWLEDGMENTSTATE OF ~~SOUTH DAKOTA~~COUNTY OF ~~BROWN~~)SS

ON THIS THE 5TH DAY OF AUGUST, 2024, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED CARLTON J. WILLEMS AND STACIA WILLEMS KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: 11/2/2027

Re Kel
NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNERS, I HAVE SURVEYED AND PLATTED "BERGMAN SECOND ADDITION IN THE SW 1/4 OF SECTION 11-T122N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA" AS SHOWN ON THE ATTACHED PLAT, THAT I HAVE FOUND AND/OR SET IRON PINS AS INDICATED THEREON. I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.

DATED THIS 24th DAY OF July, 2024.

Robert Kieso
ROBERT K. KIESO RLS #9214

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BERGMAN SECOND ADDITION IN THE SW 1/4 OF SECTION 11-T122N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF BROWN COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA AT A MEETING HELD ON THE ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING BERGMAN SECOND ADDITION IN THE SW 1/4 OF SECTION 11-T122N-R65W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA, HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTRY/TOWNSHIP ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

PLAT OF
BERGMAN SECOND ADDITION
IN THE SW 1/4 OF SECTION 11-T122N-R65W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT ON THIS ____ DAY OF _____, 20____.

DIRECTOR OF EQUALIZATION, BROWN COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

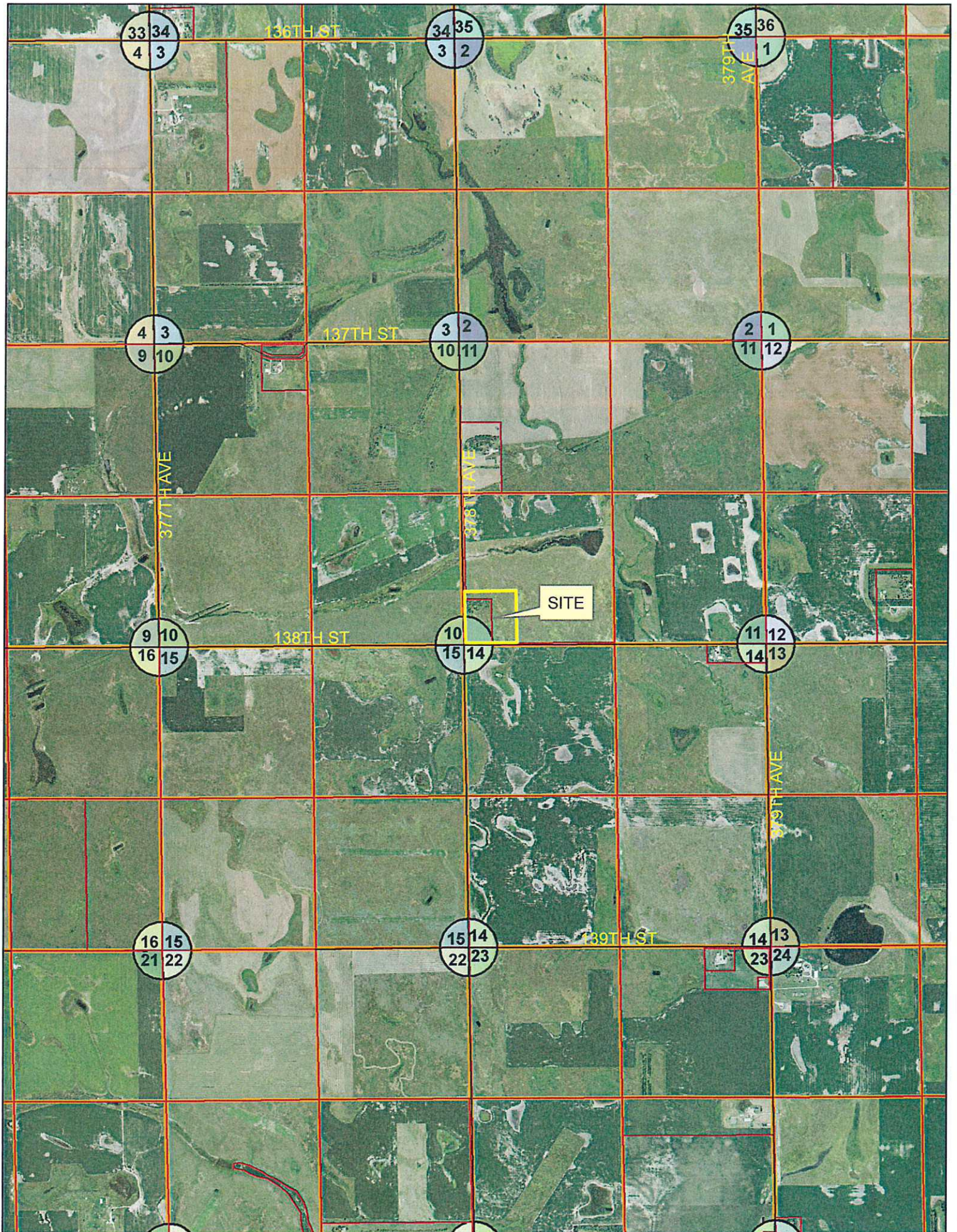
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

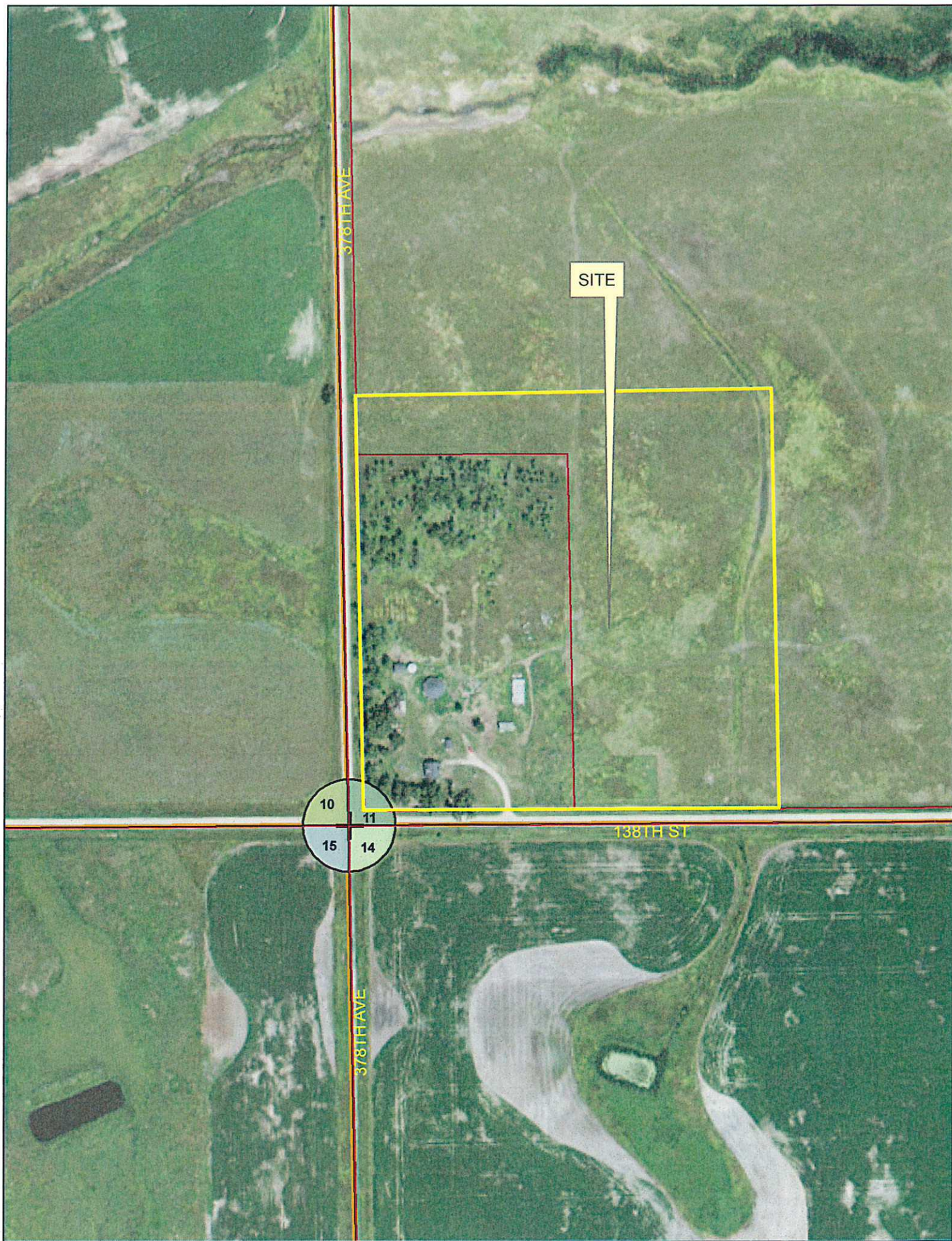
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

FILED FOR RECORD THIS _____ DAY OF _____, 20____ AT ____ O'CLOCK _____, AND DULY RECORDED IN HANGING
PLATS NO. _____.

REGISTER OF DEEDS, BROWN COUNTY, SOUTH DAKOTA





SITE



378TH AVE

138TH ST

378TH AVE