

AGENDA

BROWN COUNTY PLANNING/ZONING COMMISSION REGULAR SCHEDULED MEETINGS

TUESDAY, FEBRUARY 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, and Stan Beckler-Chairman.
- III. **Approval of, February 20, 2024, Agenda:** Motion: 1st _____ 2nd _____
- IV. **Approval of January 16, 2024, Minutes:** Motion: 1st _____ 2nd _____

ZONING BOARD OF ADJUSTMENT

- V. **Old Business:**
 - 1. **Sign-up sheet:** On the table by the door entrance, and you can clearly mark YES or NO if you want to speak to the Board on any Agenda Item.
 - 2. **Permits:** Anyone present that has submitted a Variance Request or Conditional Use Petition 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. **Variance to Lot Size** in an Agriculture Preservation District (AG-P) described as *proposed* Lots 1 & 2, "Tunby Addition" in the N1/2 of Section 14-T126N-R61W of the 5th P.M., Brown County, South Dakota (40437 & 40455 114th Street, Shelby Twp.)
 - 2. **Variance to Building Setbacks** in a Mini-Agriculture District (M-AG) described as "Claeys' Outlot A" in the SE1/4 of Section 20-T128N-R63W of the 5th P.M., Brown County, South Dakota (38954 104th Street, Savo Twp.)
 - 3. **Variance to Lot Size** in an Agriculture Preservation District (AG-P) described as *proposed* Lot 1, "Warner Dairy First Addition" in the E1/2 of the SW1/4 of Section 7-T121N-R63W of the 5th P.M., Brown County, South Dakota (38824 144th Street, Warner 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, FEBRUARY 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. Preliminary & Final Plat for financial purposes on a property described as “Tunby Addition” in the N1/2 of Section 14-T126N-R61W of the 5th P.M., Brown County, South Dakota (40437 & 40455 114th Street, Shelby Twp.)
 - 11. Preliminary & Final Plat for conveyance purposes on a property described as “Warner Dairy First Addition” in the E1/2 of the SW1/4 of Section 7-T121N-R63W of the 5th P.M., Brown County, South Dakota (38824 144th Street, Warner Twp.)
- III. Other Business: Executive Session if requested.
- IV. Motion to Adjourn: 1st _____ 2nd _____

MINUTES

REGULAR SCHEDULED MEETING BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY JANUARY 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 David North Vice-Chairman, James Meyers, County Commissioner Michael Gage who serves on this Board (*per SDCL 11-2-2*), Carrie Weisenburger, Dale Kurth, Pat Keatts, and Stan Beckler Chairman. Alternate Paul Johnson was also in attendance in the audience.
- III. **Agenda:** After discussion, Gage moved and Keatts seconded to approve this January 16, 2024, Planning/Zoning Commission Agenda. All members voted aye; motion carried.
- IV. **Minutes:** After discussion, Keatts moved and Kurth seconded to approve the December 19, 2023, Planning/Zoning Commission Minutes, 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) items such as a Variance Petition (VP) or Conditional Use Petition (CUP) is still required to get their required **PERMITS** from the Zoning Office before starting their project if their request gets approved.
- VI. **Annual Election of Officers for 2024 Planning/Zoning Commission:**
 - 1) Gage nominated Stan Beckler as Chairman, Weisenburger seconded, Keatts motioned to close nominations. All Members voted aye; nomination carried.
 - 2) Gage nominated David North as Vice Chairman, Weisenburger seconded, Keatts motioned to close nominations. All Members voted aye; nomination carried.
- VII. **New Business:** *Planning/Zoning Commission as Zoning Board of Adjustment (BOA)*
 - 1) **Variance to Building Setbacks** in a Rural Urban District (RU) described as Lot 2, "South Dakota Wheat Growers Railroad Addition" in the NW1/4 of Section 17-T123N-R62W of the 5th P.M., Brown County, South Dakota (952 Railroad Avenue; Bath Twp). Submitted by Aaron Dosch for Agtegra. Aaron Dosch for Agtegra and Dale Boynton for Bath Township were in attendance for this item. Following discussion, Meyers moved, and North seconded to **approve the Finding of Facts (FoF) as presented**. Also following discussion, Meyers moved, and North seconded to **approve a Variance to Building Setbacks** to allow a minimum of five (5) feet from the south property line rather than a minimum of twenty (20) feet required with the stipulation that Scott Bader visit site and verify building size, all members voting aye, motion carried. Scott did visit site to verify size of 68' x 19' foundation for permit.

MINUTES

REGULAR SCHEDULED MEETING

BROWN COUNTY PLANNING/ZONING COMMISSION

TUESDAY, JANUARY 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 Tabled until further notice, by Ross Aldentaler, Deputy States Attorney.

- II. **New Business:** Planning Commission
 - 10) **Rezone Petition** for a property described as Lot 2, "Brock Fischer Richmond Lake Addition" in the NE1/4 of Section 23-T124N-R65W of the 5th P.M., Brown County, South Dakota (127277 West Shore Drive; Ravinia Twp) to be rezoned from Mini-Agriculture District (M-AG) to Lake Front Residential District (R-3) for Lot 2 (1.31± acres). Submitted by Alvin & Nancy Haugen. Alvin Haugen was in attendance for this item. Following discussion, North moved, Weisenburger seconded to **recommend approval of the Rezone Petition** 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, Kurth moved and Keatts seconded to adjourn the meeting, all members voting aye, motion carried.

Submitted by: Planning/Zoning Director Scott Bader.

STAFF REPORT

Meeting: February 20, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE FOR LOT SIZE IN AG-P

ITEM #01

(Agriculture Preservation District (AG-P))

GENERAL INFORMATION:

OWNER:	Tunby Land Limited Partnership
PETITIONER:	Tunby Land Limited Partnership
REQUEST:	VARIANCE FOR LOT SIZE IN AN AGRICULTURE PRESERVATION DISTRICT (AG-P)
LEGAL DESCRIPTION:	Proposed Lots 1 & 2, "Tunby Addition" in the N1/2 of Section 14-T126N-R61W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	40437 & 40455 114 th Street
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:	BDM Water
REPORTED BY:	Chris Anderson

GENERAL COMMENT: The petitioner is requesting a Variance to Lot Size to allow Lot 1 (20.00 acres) and Lot 2 (7.00 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per Chapter 4.0605 of Brown County Ordinances.

GENERAL REVIEW: Staff has reviewed this request.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: January 26, 2024
RECEIPT # 821823
TOWNSHIP: Warner Twp
SHELBY

FEES: \$125.00
PAID: YES/NO CHK/CASH
DATE: January 19, 2024

OWNERS SIGNATURE: Tunby Land Limited Partnership Lara Tunby
OWNERS ADDRESS: 40455 114th Street General Partner
OWNERS CITY, STATE, ZIP: Houghton, SD 57449 Jan. 19, 2024
OWNERS PHONE: XXX-XXX-XXXX 605-885-6355

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

REQUEST: Variance to Lot Size to allow Lot 1 (20.00 acres) & Lot 2 (7.00 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per Chapter 4.0605 of Zoning Ordinances

LEGAL DESCRIPTION: Proposed Lots 1 & 2, "Tunby Addition" in the N1/2 of Section 14-T126N-R61W of the 5th P.M., Brown County, South Dakota (40437 & 40455 114th Street; Shelby Twp)

Planning Commission Action: Approved / Denied _____

By: _____ **Date:** _____

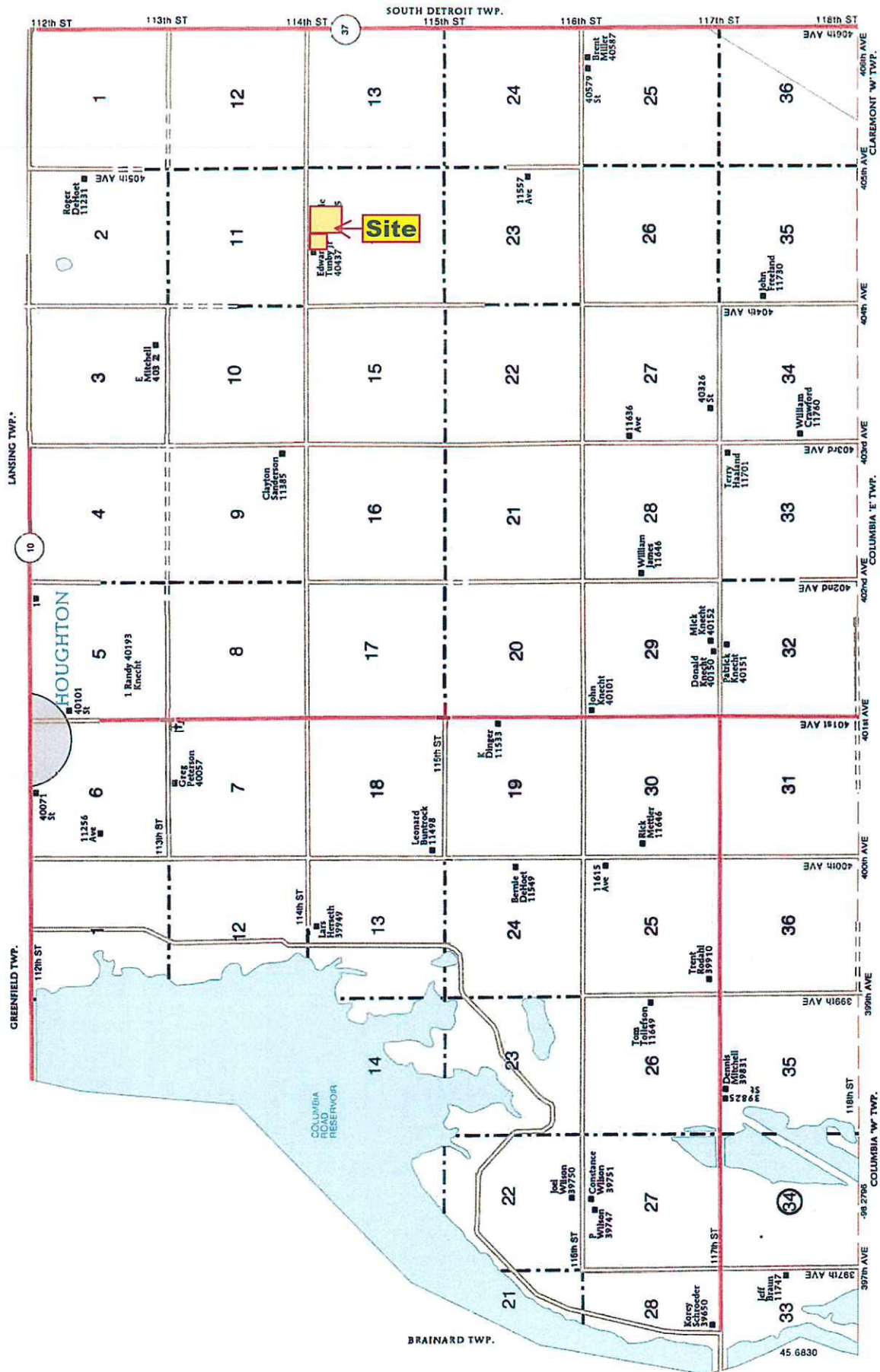
HEARING DATE: February 20, 2024 **TIME:** 7:00 pm

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

25 Market Street • Aberdeen, South Dakota 57401-4203

Phone: 605-626-7144 • FAX: 605-626-4010 • 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. Hearing will be held in the Courthouse Annex Basement Community Room, on Tuesday, February 20, 2024, at 7:00 P.M.

Petitioner / Owner: Tunby Land, LP

Description of property: Proposed Lots 1 & 2, "Tunby Addition" in the N1/2 of Section 14-T126N-R61W of the 5th P.M., Brown County, South Dakota (40437 & 40455 114th Street, Shelby Township).

Reason: Variance to Lot Size in an AG-P District to allow Lot 1 and Lot 2 to be smaller than 40.0 acres and stay zoned Agriculture Preservation District (AG-P) per Brown County Ordinances 4.0605.

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

Dated this 7th day of February, 2024.

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

Published once at the total approximate cost of _____.

(Tunby Land, LP)

VARIANCE FINDINGS WORKSHEET

Prong One

Whether granting the variance runs counter to the public interest?

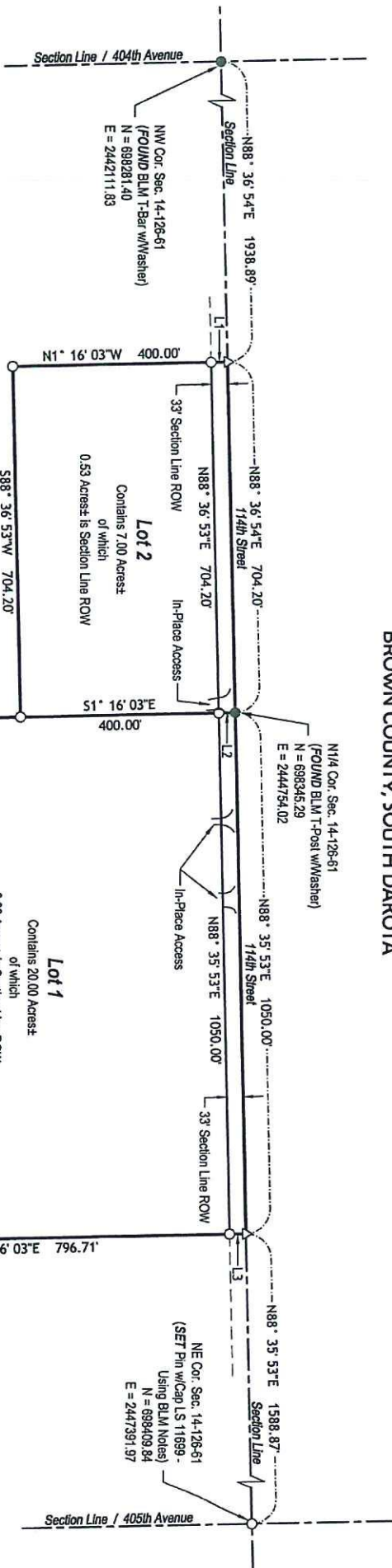
Consider the entire public— <i>not</i> just the neighbors			Findings
1. Does it injure the neighborhood?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
2. Does it conform to the neighborhood?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
3. Does it conform to the general purpose of the zoning ordinances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605.
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"/>	Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605.
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"/>	

PLAT SHOWING
TUNBY ADDITION
 IN THE N1/2 OF SECTION 14, TOWNSHIP 126 NORTH, RANGE 61 WEST OF THE 5th P.M.,
 BROWN COUNTY, SOUTH DAKOTA



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

LEGEND
 ● PIN FOUND (AS NOTED)
 ○ PIN SET w/CAP LS 11699
 △ CALCULATED CORNER

LINE TABLE		
#	BEARING	DISTANCE
L1	N1°16'03\"/>	



Prepared By:
Assurance
 LAND SURVEYING
 619 14th Avenue S, Faulkton, South Dakota 57438
 Phone: 605-290-3090 / Email: zach@assurancelandsurveying.com
 Project No. ALS23146 Field Survey Date: 12-16-2023



PLAT SHOWING
TUNBY ADDITION

IN THE N1/2 OF SECTION 14, TOWNSHIP 126 NORTH, RANGE 61 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

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.

Meeting held on the _____ day of _____, 20_____.

County Auditor
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing:

**"TUNBY ADDITION IN THE N1/2 OF SECTION 14,
TOWNSHIP 126 NORTH, RANGE 61 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."

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.

Meeting held on the _____ day of _____, 20_____.

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:

**"TUNBY ADDITION IN THE N1/2 OF SECTION 14,
TOWNSHIP 126 NORTH, RANGE 61 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.

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 records of my office to be fully paid.

Signed this _____ day of _____, 20_____.

County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat.

Dated this _____ day of _____, 20_____.

Director of Equalization
Brown County, South Dakota

REGISTER OF DEEDS' CERTIFICATE

Filed for record this _____ day of _____, 20_____.

at _____ O'clock _____ M., and duly recorded as Hanging

Plat No. _____.

Register of Deeds
Brown County, South Dakota

PLAT SHOWING
TUNBY ADDITION

IN THE N1/2 OF SECTION 14, TOWNSHIP 126 NORTH, RANGE 61 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

Tunby Land Limited Partnership, a limited partnership, does hereby certify that it is the owner of the Northeast Quarter (NE1/4) and Northwest Quarter (NW1/4) of Section Fourteen (14), Township One Hundred Twenty-Six (126) North, Range Sixty-One (61) West of the 5th P.M., Brown County, South Dakota, and that it has caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as:

**"TUNBY ADDITION IN THE N1/2 OF SECTION 14,
TOWNSHIP 126 NORTH, RANGE 61 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.

Owner: Tunby Land Limited Partnership, a limited partnership

Lars Tunby General Partner
Print Name & Title

Lars Tunby
Signature

Signed this 19 day of January, 20 24.

COUNTY OF Brown)
STATE OF South Dakota) SS

On this 19 day of January, 20 24, before me, a notary public, the undersigned officer, personally appeared Lars Tunby who acknowledge himself/herself to be the General Member, of Tunby Land Limited Partnership, a limited partnership, and that he/she as such General Member, being authorized to do so, executed the forgoing instrument for the proposed therein contained, by signing the name of the corporation by himself/herself as Lars Tunby.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11-02-2027

D. Chris Anderson
Notary Public

SURVEYOR'S CERTIFICATE

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owner, I have surveyed and platted:

**"TUNBY ADDITION IN THE N1/2 OF SECTION 14,
TOWNSHIP 126 NORTH, RANGE 61 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.

Zachary M. Remily
ZACHARY M. REMILY, LS-11699

Signed this 15th day of January, 20 24.

TOWNSHIP HIGHWAY APPROVAL

"Existing Access to 114th STREET 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."

Print Name & Title

Signature

Signed this _____ day of _____, 20 _____.

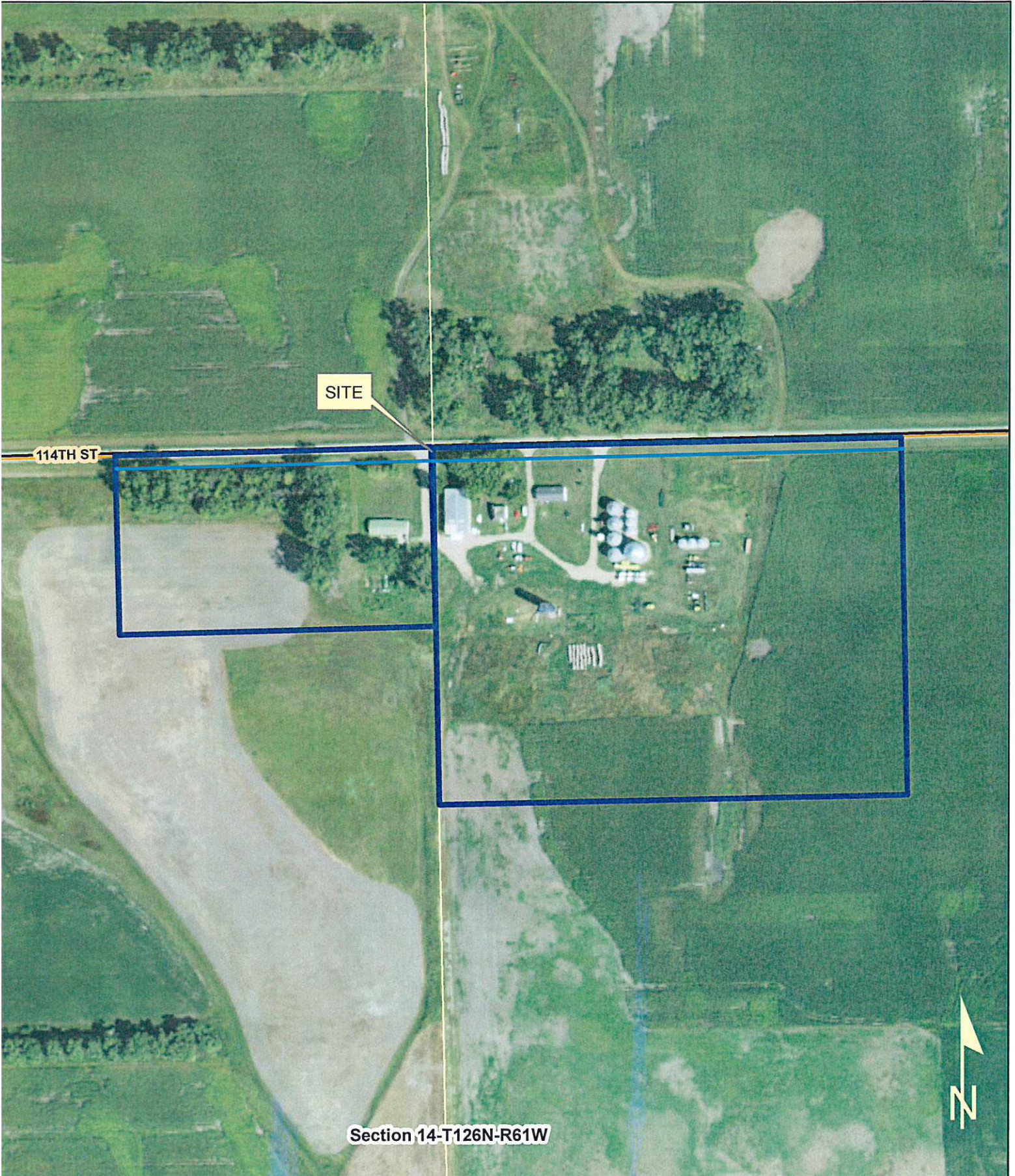
Brown County Zoning Office

(for reference use only)



Brown County Zoning Office

(for reference use only)



SITE

114TH ST

Section 14-T126N-R61W

Tunby Land, LP
40455 114th Street
Houghton SD 57449

Shelby Township
C/O Charles Knecht
302 Elm Street
Houghton SD 57449

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
Tunby Variance Notice
Published Feb. 7, 2024 for \$13.18
Invoice No. 22969**

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

7th Day of February 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

2024 Brown County Microsurfacing Project
Sealed Bids will be received by the Commissioners of Brown County, 25 Market Street, Aberdeen, South Dakota, 57401, (605) 626-7110, until 8:45 AM local time on Tuesday, the 13th day of February 2024 for the above referenced project. Bids shall be prepared and submitted in accordance with the Bidding Documents. Brown County reserves the right to accept or reject any and/or all bids as set forth in the Bidding Documents.

At or shortly after the time named above and within the meeting of the County Commission, such bids will be publicly opened and read aloud.

The Project includes the following Work:
Microsurfacing for approximately 27 miles including: Scratch Course and Surface Course.

Additional items as set forth in the Contract Documents.

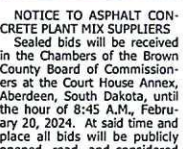
The Work to be performed under this contract shall be substantially completed by September 6, 2024.

Each bid shall be accompanied by Bid Security as described in the Bidding Documents. The Successful Bidder will be required to provide Payment and Performance Bonds as described in the Bidding Documents.

Bidding documents may be viewed and obtained at www.questcdn.com by entering QuestCDN project number 8938832. If you need assistance with the website, please contact QuestCDN Customer Support at 952-233-1632 or info@questcdn.com.

ATTEST: Lynn Heupel, Brown County Auditor

Published Jan. 31 and Feb. 7, 2024, at the total approximate cost of \$31.46 and may be viewed free of charge at www.sdpublishnotices.com. 22940



NOTICE TO ASPHALT CONCRETE PLANT MIX SUPPLIERS

Sealed bids will be received in the Chambers of the Brown County Board of Commissioners at the Court House Annex, Aberdeen, South Dakota, until the hour of 8:45 A.M., February 20, 2024. At said time and place all bids will be publicly opened, read, and considered for producing, furnishing all materials and delivery of Asphalt Concrete Plant Mix Materials for road maintenance and construction on Brown County System of Roads, F.O.B. Brown County, South Dakota.

Proposal Guaranty: No deposit or bid bond will be required at time of bid opening.

Contract Notice: Brown County will give notice to the successful bidder that his proposal has been accepted and said bidder shall within ten (10) days thereafter enter into a contract with Brown County.

Contract for Asphalt Plant Mix Materials shall be firm and will be in effect for a period of one (1) year from April 1, 2024 to March 31, 2025.

Attest: Lynn Heupel, Brown County Auditor
Published Feb. 7 and 14, 2024, at the total approximate cost of \$38.63 and may be viewed free of charge at www.sdpublishnotices.com. 22965



NOTICE TO ROAD CONTRACTORS AND MACHINERY DEALERS

Sealed bids will be received in the Chambers of the Brown County Board of Commissioners at the Court House Annex, Aberdeen, South Dakota, until the hour of 8:45 a.m., on February 20, 2024. At said time and place all bids will be publicly opened, read and considered for furnishing Full Operation Rental Services of Gravel Trucks and Road Machinery for construction and maintenance repairs on Brown County Road Projects for the year 2024.

Successful bidders will be working along with Brown County Highway Department Forces, Brown County Landfill Forces and the Brown County Fairground Forces to complete the projects.

Proposal Guaranty: No deposit or bond will be required at time of bid opening.

Performance Bond: Brown County will give notice to the successful bidder that his proposal has been accepted, and said bidder shall within ten (10) days thereafter enter into a contract with Brown County and said bidder shall then be required to furnish the following: Certificates of Insurance as per Bid Specifications or Requested from Brown County. Brown County must be listed as additional insured on all Certificates of Insurance.

Contract for Rental Equipment shall be firm and will be in effect for a period of one year from March 1, 2024 to February 28, 2025.

Envelopes containing bids shall be addressed and delivered to the Brown County Auditor, 25 Market Street, Aberdeen, South Dakota 57401, and to be clearly marked on the outside of the envelope: "BIDS FOR RENTAL OF EQUIPMENT" to be opened February 20, 2024.

The Brown County Board of Commissioners reserves the right to reject any or all bids, and to accept the bid they deem to be in the best interest of Brown County.

Bids shall include all applicable taxes and fees for materials furnished and/or installed by the Contractor and all applicable taxes and fees for materials supplied by the County. Brown County is exempt from all Federal Excise Tax and State Sales Tax.

Attest: Lynn Heupel, Brown County Auditor
Published Feb. 7 and 14, 2024, at the total approximate cost of \$41.94 and may be viewed free of charge at www.sdpublishnotices.com. 22966



NOTICE TO ROAD OIL SUPPLIERS

Sealed bids will be received in the Chambers of the Brown County Board of Commissioners at the Court House Annex, Aberdeen, South Dakota, until the hour of 8:45 A.M. on February 20, 2024 at said time and place all bids will be publicly opened, read and considered for producing, furnishing and delivery of Road Oil to the Brown County System of Roads, F.O.B. Brown County, South Dakota.

Proposal Guaranty: No deposit or bid bond will be required at time of bid opening.

Contract Notice: Brown County will give notice to the successful bidder that his proposal has been accepted and said bidder shall within ten (10) days thereafter enter into a contract with Brown County.

Contract for Asphalt Plant Mix Materials shall be firm and will be in effect for a period of one (1) year from April 1, 2024 to March 31, 2025.



NOTICE TO GRAVEL PRODUCTION CONTRACTORS AND SUPPLIERS

Sealed bids will be received in the Chambers of the Brown County Board of Commissioners at the Court House Annex, Aberdeen, South Dakota until the hour of 8:45 A.M. on February 20, 2024 at said time and place all bids will be publicly opened, read and considered for furnishing and delivery of ONE (1) YEARS SUPPLY OF ROAD CONSTRUCTION AND MAINTENANCE GRAVEL MATERIALS.

Proposal Guaranty: No deposit or bid bond will be required at time of the bid opening.

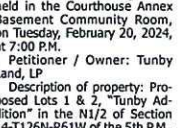
Performance Bond: Brown County will give notice to the successful bidder that his proposal has been accepted and said bidder shall within ten (10) days thereafter enter into a contract with Brown County and furnish a performance bond in accordance with the bid as accepted or as required by the Brown County Highway Department Superintendent. Brown County must be listed as additional insured on all Certificates of Insurance.

Envelopes containing bids shall be addressed and delivered to the Brown County Auditor, 25 Market Street, Aberdeen, South Dakota 57401, and to be clearly marked on the outside of the envelope: "BIDS ON GRAVEL AGGREGATE MATERIALS" to be opened February 20, 2024.

The Brown County Board of Commissioners reserves the right to reject any or all bids, and to accept the bid they deem to be in the best interest of Brown County.

Bids shall include all applicable taxes and fees for materials furnished and/or installed by the Contractor and all applicable taxes and fees for materials supplied by the County. Brown County is exempt from all Federal Excise Tax and State Sales Tax.

Attest: Lynn Heupel, Brown County Auditor
Published Feb. 7 and 14, 2024, at the total approximate cost of \$37.53 and may be viewed free of charge at www.sdpublishnotices.com. 22968



NOTICE OF HEARING

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

Petitioner / Owner: Tunby Land, LP

Description of property: Proposed Lots 1 & 2, "Tunby Addition" in the N1/2 of Section 14-T126N-R61W of the 5th P.M., Brown County, South Dakota (40437 & 40455 114th Street, Shelby Township).

Reason: Variance to Lot Size in an AG-P District to allow Lot 1 and Lot 2 to be smaller than 40.0 acres and stay zoned Agriculture Preservation District (AG-P) per Brown County Ordinances 4.0605.

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



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 Courthouse Annex, basement Community Meeting Room, on February 20, 2024, at 7:00 P.M.

Petitioner / Owner: Matt & Lisa Gebhart

Description of property: "Clays' Outlot A" in the SE1/4 of Section 20-T128N-R63W of the 5th P.M., Brown County, South Dakota (38954 104th Street, Swa Twp.).

Reason: A Variance for Building Setbacks in a Mini Agriculture District (M-AG) to be 50'-0" from the South Front Yard property line rather than 100'-0" required in Brown County Zoning Ordinances to bring this pre-existing, non-compliant building into compliance as well as proposed 21' west side and 14' east side additions.

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

Dated this 7th day of February, 2024.
Planning/Zoning Commission and
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published February 7, 2024, at the total approximate cost of \$13.80 and may be viewed free of charge at www.sdpublishnotices.com. 22970



NOTICE OF HEARING

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

Petitioner / Owner: Warner Dairy for Silverstreak Dairies LLC

Description of property: Proposed Lot 1, "Warner Dairy First Addition" in the E1/2 of the SW1/4 of Section 7-1121N-R63W of the 5th P.M., Brown County, South Dakota (38824 144th Street, Warner Township).

Reason: Variance to Lot Size in an AG-P District to allow Lot 1 (20.83 acres) to be smaller than 40.0 acres and stay zoned Agriculture Preservation District (AG-P) per 4.0605 of Brown County Ordinances.

The public is invited to attend the hearing to present comments

and testimony regarding the proposed Variance to Lot Size request.

Dated this 7th day of February, 2024.
Planning/Zoning Commission &
Scott Bader - P&Z Director
25 Market Street
Aberdeen, SD 57401
Office: (605) 626-7144
Published February 7, 2024, at the total approximate cost of \$13.18 and may be viewed free of charge at www.sdpublishnotices.com. 22971



UNOFFICIAL PROCEEDINGS OF BOARD OF EDUCATION

GROTON AREA SCHOOL DISTRICT NO. 06-6
SPECIAL BOARD MEETING
January 30, 2024

President Gengerke called the meeting to order at 7:00 a.m. in the GHS Library Conference Room. Members present: Flihs, Gengerke, Harder, Lerseth-Flihs, Pharis, Rix, and Weismantel. Others present were Supt. J. Schwan, Principal B. Schwan, and Business Manager Hubsch.

Moved by Rix second Weismantel to approve the agenda as written. Motion carried.

Pursuant to SDCL 23-3, there was no potential conflict disclosure reported.

Members of the public are allowed five minutes to address the board on any topic of their choice. With no public members requesting to speak, the board proceeded with their agenda items.

Moved by Harder, second Weismantel to approve the General Fund Opt Out Resolution 2024-001, for \$1,250,000 for a ten-year term. Motion carried.

THE GOVERNING BOARD OF GROTON AREA SCHOOL DISTRICT 06-6 do state that the above said board is unable to operate under the tax limitation measure currently in statute for the General Fund. We, therefore, OPT OUT of such tax limitation in the amount of \$1,250,000 starting with the calendar year 2024 taxes payable in the calendar year 2025. This opt out will be for ten years, which will be through taxes payable in the calendar year 2034. This action has been taken by the board and approved by at least a two-thirds vote of the board. This decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters in the district and filed with the governing body within twenty days of the first publication of this decision. Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread an excess levy to raise tax dollars in the above-stated amount.

The board continued the preliminary discussion of the football cooperative with Langford School District. A basic questionnaire that was filled out in the past and was revisited by the board members on what a football coop would look like. Once Langford completes their community meeting and Langford participation numbers are determined, the board will revisit the questionnaire and revise it. No action was taken.

Moved by Harder, second Pharis to adjourn at 7:47 p.m. Motion carried.

Becky Hubsch, Business Manager Deborah Gengerke, President
The addition of signatures to this page verifies these minutes as official.

Published February 7, 2024, at the total approximate cost of \$27.55 and may be viewed free of charge at www.sdpublishnotices.com. 22972

2024 Crop Hour Webinar Series

Join the SDSU Extension Agronomy Team
Tuesday, Wednesday, and Thursday
January 9 - March 7, 2024
10:00 a.m. CST / 9:00 a.m. MT
CCA Credits Available.

Weekly Topics

- Feb. 13-15 .. Sunflower and Pulse Crop Production
- Feb. 20-22 Climate and Business Management
- Feb. 27-29 Forage Production
- March 5-7 Specialty Crop Production

Scan the QR code to register for this free webinar or go to extension.sdstate.edu/crop-hour

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ATTENTION GROTON SCHOOL TAXPAYERS:

NOTICE OF PROPERTY TAX INCREASE OF \$1,250,000

RESOLUTION FOR OPT OUT

THE GOVERNING BOARD OF GROTON AREA SCHOOL DISTRICT 06-6 do state that the above said board is unable to operate under the tax limitation measure currently in statute for the General Fund. We, therefore, OPT OUT of such tax limitation in the amount of \$1,250,000 starting with the calendar year 2024 taxes payable in the calendar year 2025. This opt out will be for ten years, which will be through taxes payable in the calendar year 2034. This action has been taken by the board and approved by at least a two-thirds vote of the board. This decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters in the district and filed with the governing body within twenty days of the first publication of this decision. Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread an excess levy to raise tax dollars in the above-stated amount.

Signed
Deborah Gengerke, Board Chairman
Tigh Flihs, Board Member
Travis Harder, Board Member
Heather Lerseth-Flihs, Board Member
Kara Pharis, Board Member
Grant Rix, Board Member
Martin Weismantel, Board Member
Date-January 30, 2024

Published January 31, 2024, at the total approximate cost of \$82.50 and may be viewed free of charge at www.sdpublishnotices.com. 22973

STAFF REPORT

Meeting: February 20, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE TO BUILDING SETBACKS

ITEM #02

Mini-Agriculture District (M-AG)

GENERAL INFORMATION:

OWNER:	Matt & Lisa Gebhart
PETITIONER:	Matt & Lisa Gebhart
REQUEST:	VARIANCE TO BUILDING SETBACKS IN A MINI AGRICULTURE DISTRICT (M-AG)
LEGAL DESCRIPTION:	"Claeys' Outlot A" in the SE1/4 of Section 20-T128N-R63W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	38954 104 th Street
TOWNSHIP:	Savo 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)
PUBLIC UTILITIES:	WEB Water
REPORTED BY:	Chris Anderson

GENERAL COMMENT: The petitioner is requesting a Variance to Building Setbacks in a Mini-Agriculture District (M-AG) to have a 50'-0" South Front Yard Setback rather than the 100'-0" required by Brown County Ordinance to bring this pre-existing, non-compliant building into compliance as well as proposed 21' west side and 14' east side additions.

GENERAL REVIEW: Staff has reviewed this request.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: January 19, 2024
RECEIPT # 821874
TOWNSHIP: Savo Twp.

FEES: \$125.00
PAID: YES/NO CHK/CASH
DATE: January 25, 2024

OWNERS SIGNATURE: Matt & Lisa Gebhart *Matt Gebhart 1/25/24*
OWNERS ADDRESS: 38954 104th Street
OWNERS CITY, STATE, ZIP: Frederick, SD 57441
OWNERS PHONE: (320) 980-7589

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

Petitioner is requesting a Variance to Building Setbacks in a Mini Agriculture District (M-AG)

REQUEST: to have a 50'-0" Front Yard Setback rather than the 100'-0" setback required by Brown County Ordinance to bring this pre-existing, non-compliant building into compliance as well as proposed 21' additions on ~~both the east & west sides.~~

LEGAL DESCRIPTION: *on the west side, & 14' addition on the east side.* "Claeys Outlot A" in the SE1/4 of Section 20-T128N-R63W of the 5th P.M., Brown County, South Dakota
(38954 104th Street, Savo Twp.)

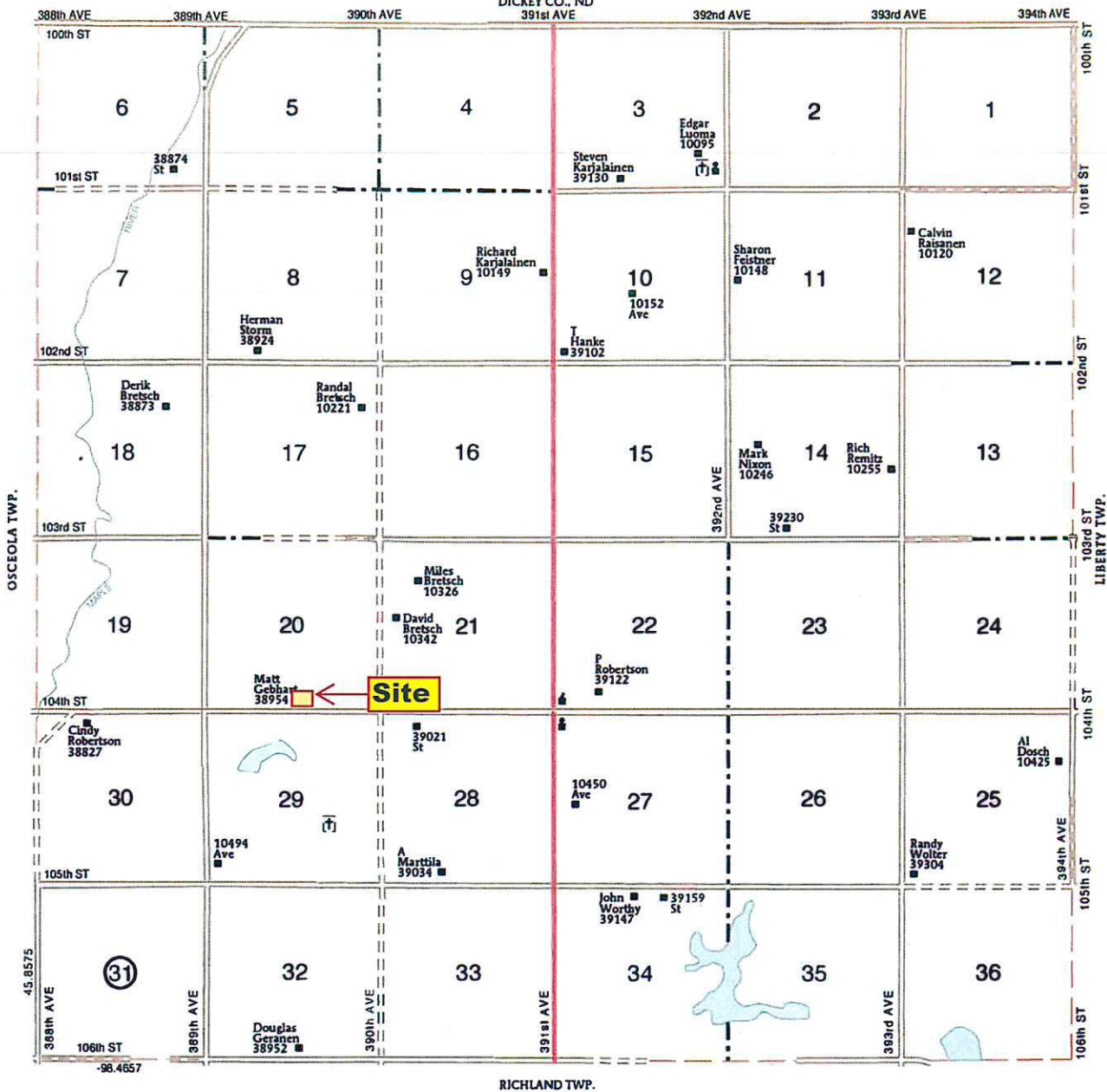
Planning Commission Action: <u>Approved / Denied</u>	

By: _____	Date: _____
HEARING DATE: <u>February 20, 2024</u>	TIME: <u>7:00pm</u>

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

(Residents - Owners or Renters)

DICKEY CO., ND



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 Courthouse Annex, basement Community Meeting Room, on February 20, 2024, at 7:00 P.M.

Petitioner / Owner: Matt & Lisa Gebhart

Description of property: "Claeys' Outlot A" in the SE1/4 of Section 20-T128N-R63W of the 5th P.M., Brown County, South Dakota (38954 104th Street, Savo Twp.).

Reason: A Variance for Building Setbacks in a Mini Agriculture District (M-AG)) to be 50'-0" from the South Front Yard property line rather than 100'-0" required in Brown County Zoning Ordinances to bring this pre-existing, non-compliant building into compliance as well as proposed 21' west side and 14' east side additions.

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

Dated this 7th day of February, 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 _____.

(Matt Gebhart)

VARIANCE FINDINGS WORKSHEET

Prong One <i>Whether granting the variance runs counter to the public interest?</i>			
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 <i>Whether special conditions exist to grant a variance?</i>			
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 checked="" type="checkbox"/>	No <input type="checkbox"/>	This Variance to Setbacks would bring this pre-existing, non-compliant building into compliance as well as proposed 21' additions on both the east & west sides.
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"/>	

Matt & Lisa Gbhart

12' lean on north side		
21'x28'	Existing 28'x28'	14'x28'



Brown County Zoning Office

(for reference use only)



Brown County Zoning Office

(for reference use only)



Section 20-T128N-R63W

SITE

03.1 104TH ST



Matt & Lisa Gebhart
38954 104th Street
Frederick SD 57441

Savo Township
C/O Randall Bretsch
10221 390th Avenue
Frederick SD 57441

Bretsch Farms Inc
10326 390th Avenue
Frederick SD 57441

Wiitala Family LP
PO Box 644
Frederick SD 57441

Susan Cybulski
2107 Crystal Avenue SE
Aberdeen SD 57401

Michael Luoma
3516 21st Avenue NW
Rochester MN 55901

Brian Luoma
PO Box 71608
Fairbanks AK 99707-1608

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
Warner Dairy Variance Notice
Published Feb. 7, 2024 for \$13.18
Invoice No. 22971

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

7th Day of February 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

2024 Brown County Microsurfacing Project
Sealed Bids will be received by the Commissioners of Brown County, 25 Market Street, Aberdeen, South Dakota, 57401, (605) 626-7110, until 8:45 AM local time on Tuesday, the 13th day of February 2024 for the above referenced project. Bids shall be prepared and submitted in accordance with the Bidding Documents. Brown County reserves the right to accept or reject any and/or all bids set forth in the Bidding Documents.

At or shortly after the time named above and within the meeting of the County Commission, such bids will be publicly opened and read aloud.

The Project includes the following Work:
Microsurfacing for approximately 27 miles including: Scratch Course and Surface Course.

Additional items as set forth in the Contract Documents.
The Work to be performed under this contract shall be substantially completed by September 6, 2024.

Each bid shall be accompanied by Bid Security as described in the Bidding Documents. The Successful Bidder will be required to provide Payment and Performance Bonds as described in the Bidding Documents.

Bidding documents may be viewed and obtained at www.questcdn.com by entering QuestCDN project number 8938832. If you need assistance with the website, please contact QuestCDN Customer Support at 952-233-1632 or info@questcdn.com.

ATTEST: Lynn Heupel, Brown County Auditor
Published Jan. 31 and Feb. 7, 2024, at the total approximate cost of \$31.46 and may be viewed free of charge at www.sdpublishnotices.com. 22940



NOTICE TO ASPHALT CONCRETE PLANT MIX SUPPLIERS

Sealed bids will be received in the Chambers of the Brown County Board of Commissioners at the Court House Annex, Aberdeen, South Dakota, until the hour of 8:45 A.M., February 20, 2024. At said time and place all bids will be publicly opened, read, and considered for producing, furnishing all materials and delivery of Asphalt Concrete Plant Mix Materials for road maintenance and construction on Brown County System of Roads, F.O.B. Brown County, South Dakota.

Proposal Guaranty: No deposit or bid bond will be required at time of bid opening.

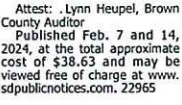
Contract Notice: Brown County will give notice to the successful bidder that his proposal has been accepted and said bidder shall enter into a contract with Brown County.

Contract for Asphalt Plant Mix Materials shall be firm and will be in effect for a period of one (1) year from April 1, 2024 to March 31, 2025.

Envelopes containing bids shall be addressed and delivered to the Brown County Auditor, 25 Market Street, Aberdeen, South Dakota, 57401, until the hours of 8:45 A.M. on February 20, 2024 at said time and place all bids will be publicly opened, read and considered for producing, furnishing and delivery of Road Oil to the Brown County System of Roads, F.O.B. Brown County, South Dakota.

Item (A) Cutback Asphalt Road Oil - MC-70
Item (B) Cutback Asphalt Road Oil - MC-3000
Item (C) Emulsion Asphalt Road Oil - CSS1H

Attest: Lynn Heupel, Brown County Auditor
Published Feb. 7 and 14, 2024, at the total approximate cost of \$15.45 and may be viewed free of charge at www.sdpublishnotices.com. 22997



NOTICE TO GRAVEL PRODUCTION CONTRACTORS AND SUPPLIERS

Sealed bids will be received in the Chambers of the Brown County Board of Commissioners at the Court House Annex, Aberdeen, South Dakota, until the hour of 8:45 a.m. on February 20, 2024 at said time and place all bids will be publicly opened, read and considered for furnishing and delivery of ONE (1) YEAR SUPPLY OF ROAD CONSTRUCTION AND MAINTENANCE GRAVEL MATERIALS.

Proposal Guaranty: No deposit or bid bond will be required at time of the bid opening.

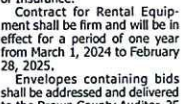
Performance Bond: Brown County will give notice to the successful bidder that his proposal has been accepted and said bidder shall enter into a contract with Brown County and said bidder shall then be required to furnish the following: Certificates of Insurance as per Bid Specifications or Requested from Brown County. Brown County must be listed as additional insured on all Certificates of Insurance.

Contract for Rental Equipment shall be firm and will be in effect for a period of one year from March 1, 2024 to February 28, 2025.

Envelopes containing bids shall be addressed and delivered to the Brown County Auditor, 25 Market Street, Aberdeen, South Dakota 57401, and to be clearly marked on the outside of the envelope: "BIDS FOR RENTAL OF EQUIPMENT" to be opened February 20, 2024. The Brown County Board of Commissioners reserves the right to reject any or all bids, and to accept the bid they deem to be in the best interest of Brown County.

Bids shall include all applicable taxes and fees for materials furnished and/or installed by the Contractor and all applicable taxes and fees for materials supplied by the County. Brown County is exempt from all Federal Excise Tax and State Sales Tax.

Attest: Lynn Heupel, Brown County Auditor
Published Feb. 7 and 14, 2024, at the total approximate cost of \$14.94 and may be viewed free of charge at www.sdpublishnotices.com. 22968



NOTICE OF HEARING

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

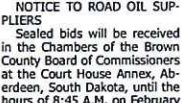
Petitioner / Owner: Tunby Land, LP
Description of property: Proposed Lots 1 & 2, "Tunby Addition" in the N1/2 of Section 14-T126N-R61W of the 5th P.M., Brown County, South Dakota (40437 & 40455 114th Street, Shelby Township).

Reason: Variance to Lot Size in an AG-P District to allow Lot 1 and Lot 2 to be smaller than 40.0 acres and stay zoned Agriculture Preservation District (AG-P) per Brown County Ordinances 4.0605.

The public is invited to attend the hearing to present comments and testimony regarding the proposed Variance to Lot Size request.
Dated this 7th day of February, 2024.

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

Published February 7, 2024, at the total approximate cost of \$13.18 and may be viewed free of charge at www.sdpublishnotices.com. 22971



NOTICE OF HEARING

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

Petitioner / Owner: Matt & Lisa Gebhart
Description of property: "Claeys' Outlot A" in the SE1/4 of Section 20-T7126N-R63W of the 5th P.M., Brown County, South Dakota (38954 104th Street, Savo Twp.).

Reason: A Variance for Building Setbacks in a Mini Agriculture District (M-AG) to be 50'-0" from the South Front Yard property line rather than 100'-0" required in Brown County Zoning Ordinances to bring this pre-existing, non-compliant building into compliance as well as proposed 21' west side and 14' east side additions.

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

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

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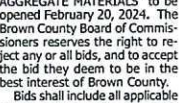
Petitioner / Owner: Warner Dairy for Silverstreak Dairies LLC
Description of property: Proposed Lot 1, "Warner Dairy First Addition" in the E1/2 of the SW1/4 of Section 7-T121N-R63W of the 5th P.M., Brown County, South Dakota (38824 144th Street, Warner Township).

Reason: Variance to Lot Size in an AG-P District to allow Lot 1 (20.83 acres) to be smaller than 40.0 acres and stay zoned Agriculture Preservation District (AG-P) per 4.0605 of Brown County Ordinances.

The public is invited to attend the hearing to present comments and testimony regarding the proposed Variance to Lot Size request.
Dated this 7th day of February, 2024.

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

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UNOFFICIAL PROCEEDINGS OF BOARD OF EDUCATION GROTON AREA SCHOOL DISTRICT NO. 06-6 SPECIAL BOARD MEETING

January 30, 2024
President Gengerke called the meeting to order at 7:00 a.m. in the GHS Library Conference Room. Members present: Flieths, Gengerke, Harder, Lerseth-Flieths, Pharis, Rix, and Weismantel. Others present were Supt. J. Schwan, Principal B. Schwan, and Business Manager Hubsch.

Moved by Rix second Weismantel to approve the agenda as written. Motion carried.
Pursuant to SDCL 23-3, there was no potential conflict disclosure reported.

Members of the public are allowed five minutes to address the board on any topic of their choice. With no public members requesting to speak, the board proceeded with their agenda items.

Moved by Harder, second Weismantel to approve the General Fund Budget for the year 2024-001, for \$1,250,000 for a ten-year term. Motion carried.

Moved by Harder, second Weismantel to approve the General Fund Budget for the year 2024-001, for \$1,250,000 for a ten-year term. Motion carried.

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UNOFFICIAL PROCEEDINGS OF BOARD OF EDUCATION GROTON AREA SCHOOL DISTRICT NO. 06-6 SPECIAL BOARD MEETING

January 30, 2024
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Moved by Rix second Weismantel to approve the agenda as written. Motion carried.
Pursuant to SDCL 23-3, there was no potential conflict disclosure reported.

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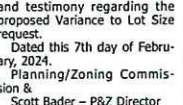
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UNOFFICIAL PROCEEDINGS OF BOARD OF EDUCATION GROTON AREA SCHOOL DISTRICT NO. 06-6 SPECIAL BOARD MEETING

January 30, 2024
President Gengerke called the meeting to order at 7:00 a.m. in the GHS Library Conference Room. Members present: Flieths, Gengerke, Harder, Lerseth-Flieths, Pharis, Rix, and Weismantel. Others present were Supt. J. Schwan, Principal B. Schwan, and Business Manager Hubsch.

Moved by Rix second Weismantel to approve the agenda as written. Motion carried.
Pursuant to SDCL 23-3, there was no potential conflict disclosure reported.

Members of the public are allowed five minutes to address the board on any topic of their choice. With no public members requesting to speak, the board proceeded with their agenda items.

Moved by Harder, second Weismantel to approve the General Fund Budget for the year 2024-001, for \$1,250,000 for a ten-year term. Motion carried.

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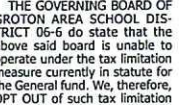
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2024 Crop Hour Webinar Series
Join the SDSU Extension Agronomy Team Tuesday, Wednesday, and Thursday January 9 - March 7, 2024 10:00 a.m. CST / 9:00 a.m. MT CCA Credits Available.
Weekly Topics
Feb. 13-15 .. Sunflower and Pulse Crop Production
Feb. 20-22 Climate and Business Management
Feb. 27-29 Forage Production
March 5-7 Specialty Crop Production
Scan the QR code to register for this free webinar or go to extension.sdstate.edu/crop-hour

ATTENTION GROTON SCHOOL TAXPAYERS:
NOTICE OF PROPERTY TAX INCREASE OF \$1,250,000 RESOLUTION FOR OPT OUT
THE GOVERNING BOARD OF GROTON AREA SCHOOL DISTRICT 06-6 do state that the above said board is unable to operate under the tax limitation measure currently in statute for the General fund. We, therefore, OPT OUT of such tax limitation in the amount of \$1,250,000 starting with the calendar year 2024 taxes payable in the calendar year 2025. This opt out will be for ten years, which will be through taxes payable in the calendar year 2034 This action has been taken by the board and approved by at least a two-thirds vote of the board. This decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters in the district and filed with the governing body within twenty days of the first publication of this decision. Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread an excess levy to raise tax dollars in the above-stated amount.
Signed
Deborah Gengerke, Board Chairman
Tigh Flieths, Board Member
Travis Harder, Board Member
Heather Lerseth-Flieths, Board Member
Kara Pharis, Board Member
Grant Rix, Board Member
Martin Weismantel, Board Member
Date-January 30, 2024
Published January 31, 2024, at the total approximate cost of \$82.50 and may be viewed free of charge at www.sdpublishnotices.com. 22973

STAFF REPORT

Meeting: February 20, 2024

BROWN COUNTY ZONING BOARD OF ADJUSTMENT (BOA)

VARIANCE FOR LOT SIZE IN AG-P

ITEM #03

(Agriculture Preservation District (AG-P))

GENERAL INFORMATION:

OWNER: Silverstreak Dairies LLC / Craig Achen
PETITIONER: Warner Dairy, LLP (Mathew Kaschmitter)

REQUEST: VARIANCE FOR LOT SIZE IN AN
AGRICULTURE PRESERVATION DISTRICT
(AG-P)

LEGAL DESCRIPTION: Proposed Lot 1, "Warner Dairy First
Addition" in the E1/2 of the SW1/4 of
Section 7-T121N-R63W of the 5th P.M.,
Brown County, South Dakota

ADDRESS: 38824 144th Street

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: Scott Bader

GENERAL COMMENT: The petitioner is requesting a Variance to Lot Size to allow Lot 1 (20.83 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per Chapter 4.0605 of Brown County Ordinances.

GENERAL REVIEW: Staff has reviewed this request.

BROWN COUNTY PLANNING & ZONING COMMISSION

APPLICATION FOR VARIANCE

DATE: January 26, 2024
RECEIPT # 821876
TOWNSHIP: Warner Twp

FEES: \$125.00
PAID: YES/NO CHK/CASH
DATE: February 2, 2024

OWNERS SIGNATURE: _____ Silverstreak Dairies, LLC
OWNERS ADDRESS: 7939 Highway 25
OWNERS CITY, STATE, ZIP: Pierz, MN 56364
OWNERS PHONE: 320-333-0238

Mathew Kaschmitter
Partner
2/1/2024

AGENTS SIGNATURE: _____ Warner Dairy LLP (Mathew Kaschmitter)
AGENTS ADDRESS: 14354 388th Avenue
AGENTS CITY, STATE, ZIP: Warner SD 57479
AGENTS PHONE: 320-333-0238

Mathew Kaschmitter
Partner
2/1/2024

REQUEST: Variance to Lot Size to allow Lot 1 (20.83 acres) to be smaller than 40.0 acres and stay zoned as Agriculture Preservation District (AG-P) per Chapter 4.0605 of Zoning Ordinances

LEGAL DESCRIPTION: Proposed Lot 1, "Warner Dairy First Addition" in the E1/2 of the SW1/4 of Section 7-T121N-R63W of the 5th P.M., Brown County, South Dakota (38824 144th Street, Warner Twp.)

Planning Commission Action: Approved / Denied

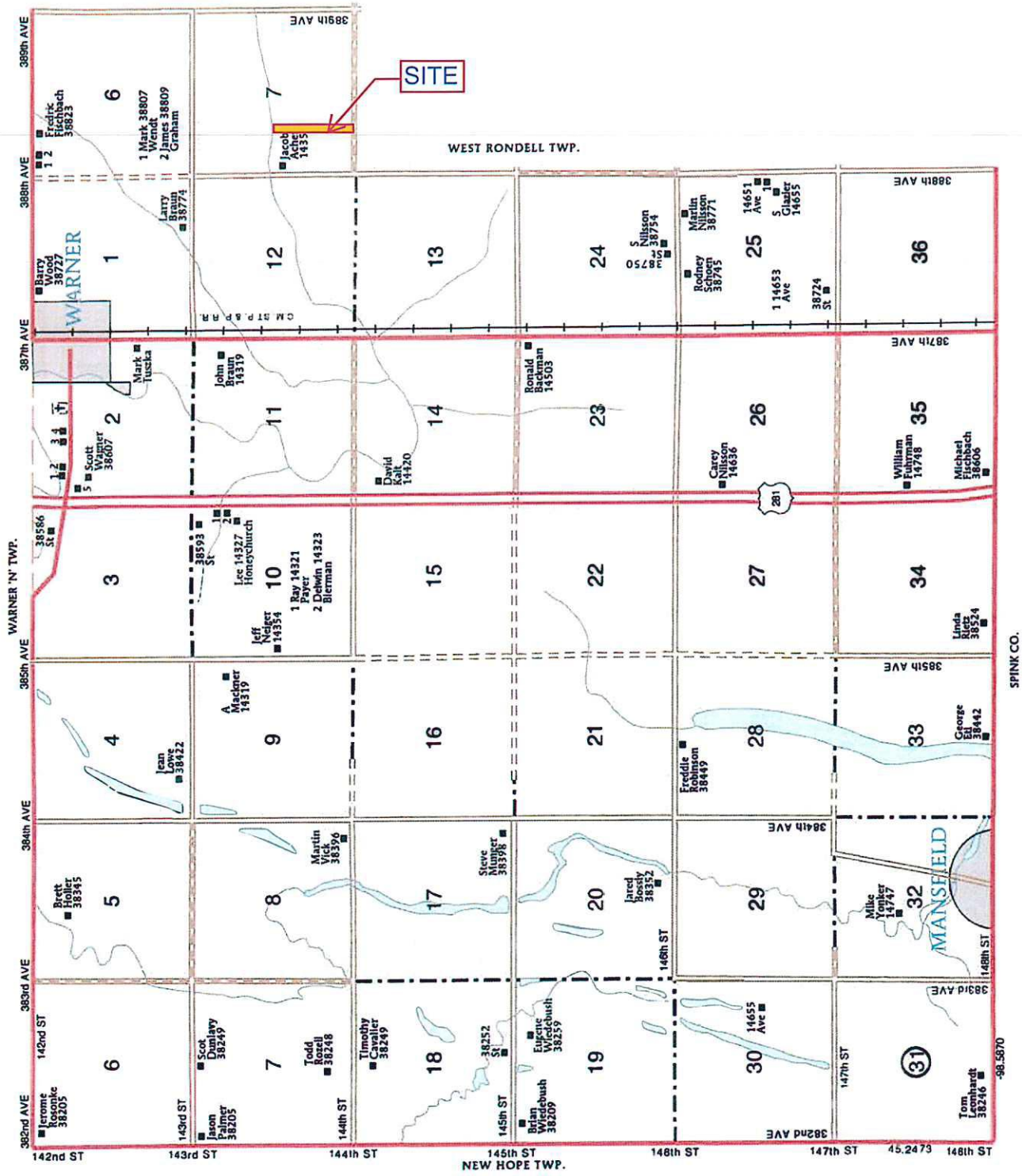
By: _____ Date: _____

HEARING DATE: February 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 • FAX: 605-626-4010 • email: Scott.Bader@browncounty.sd.gov



© WARNER'S' TOWNSHIP
SECTION 2
1 Christenson, Audrey
38614
2 Roberts, Dan 38616
3 Hoglund, Kaden 38626
4 Buechler, Jerold 38632
5 Green, Tom 38605
© Farm & Home Publishers, Ltd.

NOTICE OF HEARING

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

Petitioner / Owner: Warner Dairy for Silverstreak Dairies LLC

Description of property: Proposed Lot 1, "Warner Dairy First Addition" in the E1/2 of the SW1/4 of Section 7-T121N-R63W of the 5th P.M., Brown County, South Dakota (38824 144th Street, Warner Township).

Reason: Variance to Lot Size in an AG-P District to allow Lot 1 (20.83 acres) to be smaller than 40.0 acres and stay zoned Agriculture Preservation District (AG-P) per 4.0605 of Brown County Ordinances.

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

Dated this 7th day of February, 2024.

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

Published once at the total approximate cost of _____.

(Warner Dairy)

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"/>	Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605.
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 <i>must</i> be a physical condition. *Exception: legal justification (for example, estoppel) is a special circumstance.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Zoning Ordinance allows a Variance to Lot Size when approved by the Planning/Zoning Comm. per 4.0605.
a. <i>If</i> a special condition exists, does enforcing the ordinance create an unnecessary hardship? *That does <i>not</i> 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"/>	

PLAT OF
WARNER DAIRY FIRST ADDITION
IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-R63W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

WE, SILVERSTREAK DAIRIES, LLC, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF HEILMAN DAIRY TRACT 1 IN THE SW 1/4 OF SECTION 7 T121N R63W 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; WARNER DAIRY FIRST ADDITION IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-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, WE SILVERSTREAK DAIRIES, LLC DO HEREBY VACATE HEILMAN DAIRY TRACT 1 IN THE SW 1/4 OF SECTION 7 T121N R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA AS FILED FOR RECORD ON AUGUST 23, 2011 AND DULY RECORDED AS PLAT NO. 2785, IN THE BROWN COUNTY REGISTER OF DEEDS OFFICE.

SILVERSTREAK DAIRIES, LLC

Matthew Kaschnitzer Partner
PRINT NAME AND TITLE

Matthew Kaschnitzer
SIGNATURE

Signed this 5th day of January, 2024

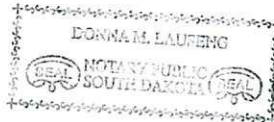
CORPORATE ACKNOWLEDGEMENT

STATE OF SD)
COUNTY OF Brown)SS
ON THIS THE 5th DAY OF Jan, 2024, BEFORE ME, Donna M. Lausong, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED Matthew Kaschnitzer OF SILVERSTREAK DAIRIES, LLC, AND THAT HE/SHE, AS SUCH AS Partner, BEING AUTHORIZED SO TO DO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING THE NAME OF SILVERSTREAK DAIRIES, LLC BY HIMSELF/HERSELF AS Partner

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

MY COMMISSION EXPIRES: 02-13-2026

Donna M. Lausong
NOTARY PUBLIC



OWNER'S CERTIFICATE

WE, TIMOTHY HEILMAN AND DARLYS HEILMAN, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE E 1/2 SW 1/4 EXCEPT PREVIOUSLY DEEDED HEILMAN DAIRY TRACT 1 ALL IN SECTION 7 T121N R63W 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; WARNER DAIRY FIRST ADDITION IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-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.

Timothy Heilman
TIMOTHY HEILMAN
Signed this 12 day of January, 2024

Darlys Heilman
DARLYS HEILMAN
Signed this 8 day of Jan, 2024

ACKNOWLEDGMENT

STATE OF SD)
COUNTY OF Brown)SS

ON THIS THE 8 DAY OF January, 2024, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED TIMOTHY HEILMAN AND DARLYS HEILMAN 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: 12/12/25

Kristy Koch
NOTARY PUBLIC



PLAT OF
WARNER DAIRY FIRST ADDITION
IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-R63W 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 "WARNER DAIRY FIRST ADDITION IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-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 5TH DAY OF January, 2024.



ROBERT K. KIESO RLS #9214

APPROVAL BY CITY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY COUNCIL OF WARNER, SOUTH DAKOTA AT A MEETING HELD ON THE ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE CITY COUNCIL OF WARNER, SOUTH DAKOTA, THAT THE PLAT SHOWING WARNER DAIRY FIRST ADDITION IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-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."

FINANCE OFFICER WARNER, SOUTH DAKOTA

CITY PLANNING COMMISSION CERTIFICATE

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY PLANNING COMMISSION OF WARNER, SOUTH DAKOTA AT A MEETING HELD ON THE ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF WARNER, SOUTH DAKOTA, THAT THE PLAT SHOWING WARNER DAIRY FIRST ADDITION IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-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."

FINANCE OFFICER WARNER, 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 ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING WARNER DAIRY FIRST ADDITION IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-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."

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 WARNER DAIRY FIRST ADDITION IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-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."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTY 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
WARNER DAIRY FIRST ADDITION
IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-R63W 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

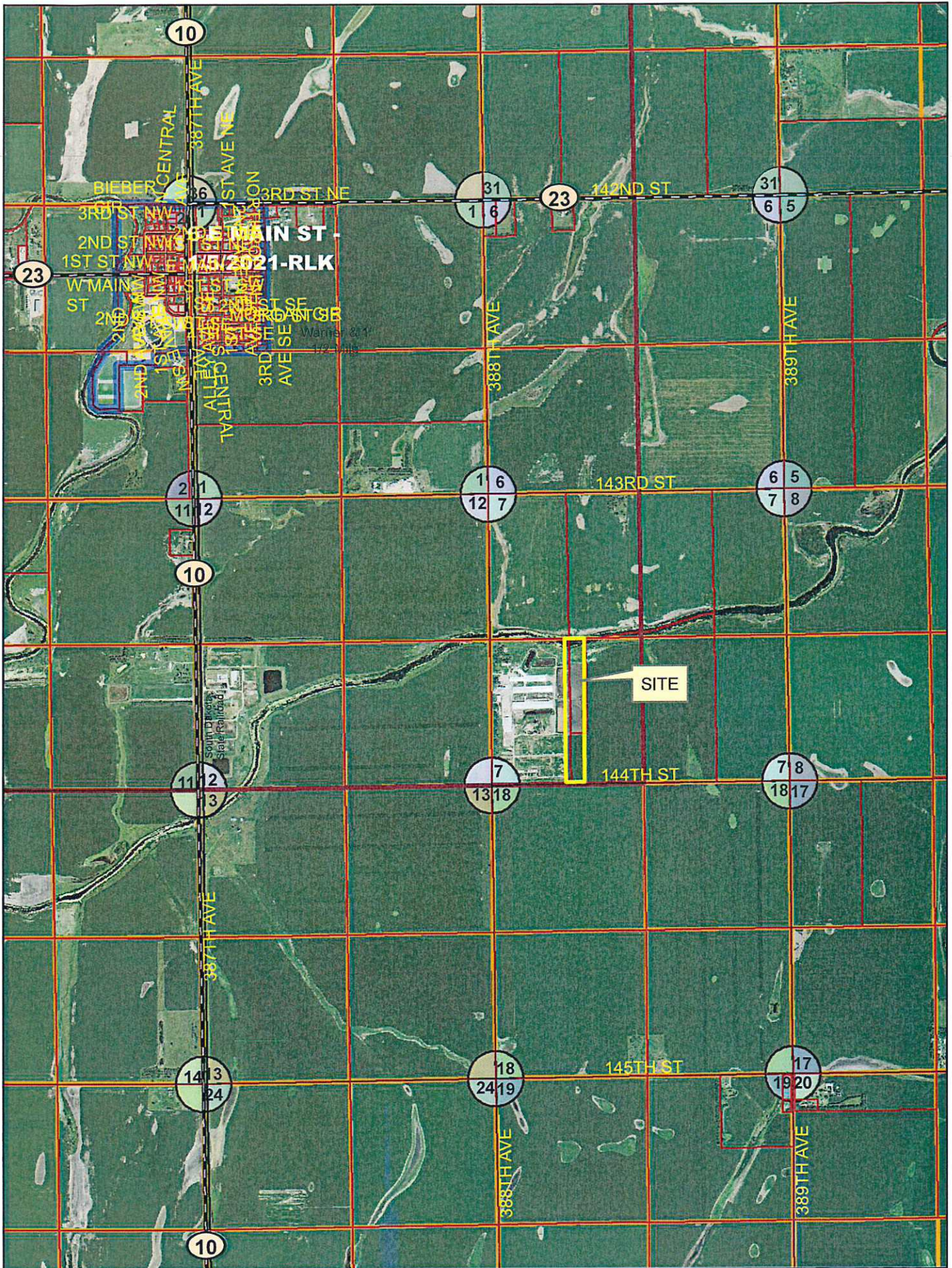
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____

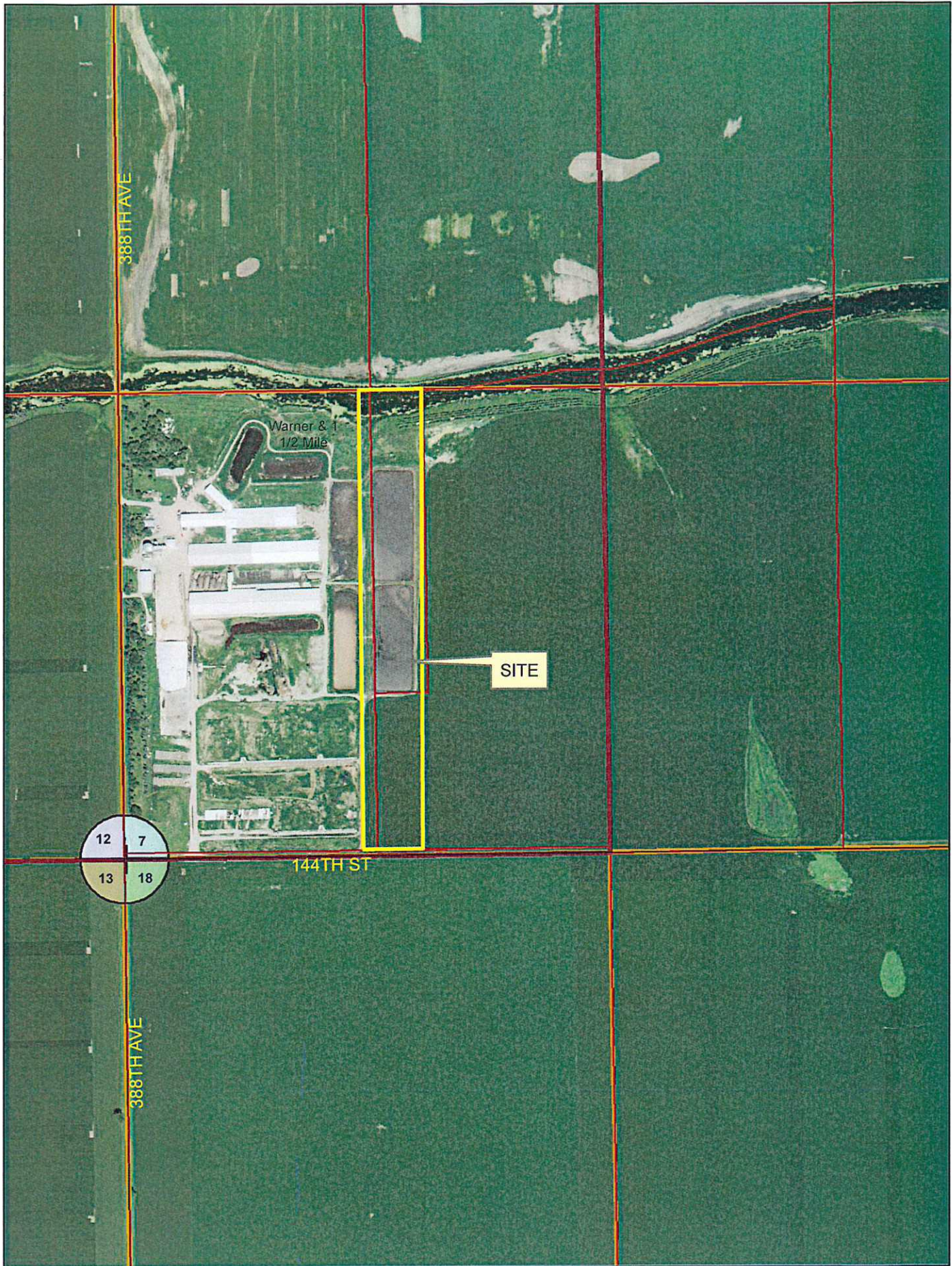
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

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





388TH AVE

Warner & 1
1/2 Mile

SITE

144TH ST

388TH AVE

12	7
13	18

Silverstreak Dairies LLC

7939 Highway 25
Pierz, MN 56364

Warner Township

Attn: Eric Hansen
38528 139th Street
Aberdeen, SD 57401

Braun Family LLP

PO Box 48
Warner, SD 57479-0048

Tim & Darlys Heilman

38996 142nd Street
Warner, SD 57479

Allan & Sheila Dunker

7817 County Road 15 West
Minot, ND 58703

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
Gebhart Variance Notice
Published Feb. 7, 2024 for \$13.80
Invoice No. 22970

Tina Kosel

Newspaper Representative's Signature

Subscribed and sworn to before me this the

7th Day of February 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

2024 Brown County Microsurfacing Project
Sealed Bids will be received by the Commissioners of Brown County, 25 Market Street, Aberdeen, South Dakota, 57401, (605) 626-7110, until 8:45 AM local time on Tuesday, the 13th day of February 2024 for the above referenced project. Bids shall be prepared and submitted in accordance with the Bidding Documents. Brown County reserves the right to accept or reject any and/or all bids as set forth in the Bidding Documents.

At or shortly after the time named above and within the meeting of the County Commission, such bids will be publicly opened and read aloud.

The Project includes the following Work:
Microsurfacing for approximately 27 miles including: Scratch Course and Surface Course.

Additional items as set forth in the Contract Documents.
The Work to be performed under this contract shall be substantially completed by September 6, 2024.

Each bid shall be accompanied by Bid Security as described in the Bidding Documents. The Successful Bidder will be required to provide Payment and Performance Bonds as described in the Bidding Documents.

Bidding documents may be viewed and obtained at www.questcdn.com by entering QuestCDN project number 8938832. If you need assistance with the website, please contact QuestCDN Customer Support at 952-233-1632 or info@questcdn.com.

ATTEST: Lynn Heupel, Brown County Auditor
Published Jan. 31 and Feb. 7, 2024, at the total approximate cost of \$31.46 and may be viewed free of charge at www.sdpublishnotices.com. 22940



NOTICE TO ASPHALT CONCRETE PLANT MIX SUPPLIERS

Sealed bids will be received in the Chambers of the Brown County Board of Commissioners at the Court House Annex, Aberdeen, South Dakota, until the hour of 8:45 A.M., February 20, 2024. At said time and place all bids will be publicly opened, read, and considered for producing, furnishing and delivery of Asphalt Concrete Plant Mix Materials for road maintenance and construction on Brown County System of Roads, F.O.B. Brown County, South Dakota.

Proposal Guaranty: No deposit or bid bond will be required at time of bid opening.

Contract Notice: Brown County will give notice to the successful bidder that his proposal has been accepted and a contract shall enter into a contract with Brown County.

Contract for Asphalt Plant Mix Materials shall be firm and will be in effect for a period of one (1) year from April 1, 2024 to March 31, 2025.

Envelopes containing bids shall be addressed and delivered to the Brown County Auditor, 25 Market Street, Aberdeen, South Dakota, 57401 and to be clearly marked on the outside of the envelope: "BIDS ON ASPHALT CONCRETE PLANT MIX MATERIALS" to be opened on February 20, 2024. The Brown County Board of Commissioners reserves the right to reject any or all bids, and to accept the bid they deem to be in the best interest of Brown County.

Bids shall include all applicable taxes and fees for materials furnished and/or installed by the Contractor and all applicable taxes and fees for materials supplied by the County. Brown County is exempt from all Federal Excise Tax and State Sales Tax. Section 320.5 - Basis of Payment: "A" - Asphalt Concrete Plant Mix Materials for Maintenance and Construction. The accepted quantities of Asphalt Plant Mix will be paid for at the contract unit price per ton.

Attest: Lynn Heupel, Brown County Auditor
Published Feb. 7 and 14, 2024, at the total approximate cost of \$38.63 and may be viewed free of charge at www.sdpublishnotices.com. 22965



NOTICE TO ROAD CONTRACTORS AND MACHINERY DEALERS

Sealed bids will be received in the Chambers of the Brown County Board of Commissioners at the Court House Annex, Aberdeen, South Dakota, until the hour of 8:45 a.m. on February 20, 2024. At said time and place all bids will be publicly opened, read and considered for furnishing Full Operation Rental Services of Gravel Trucks and Road Machinery for construction and maintenance repairs on Brown County Road Projects for the year 2024. Successful bidders will be working along with Brown County Highway Department Forces, Brown County Landfill Forces and the Brown County Fairground Forces to complete the projects.

Proposal Guaranty: No deposit or bond will be required at time of bid opening.

Performance Bond: Brown County will give notice to the successful bidder that his proposal has been accepted, and said bidder shall enter into a contract with Brown County and said bidders shall then be required to furnish the following: Certificates of Insurance as per Bid Specifications or Requested from Brown County. Brown County must be listed as additional insured on all Certificates of Insurance.

Contract for Rental Equipment shall be firm and will be in effect for a period of one year from March 1, 2024 to February 28, 2025.

Envelopes containing bids shall be addressed and delivered to the Brown County Auditor, 25 Market Street, Aberdeen, South Dakota 57401, and to be clearly marked on the outside of the envelope: "BIDS FOR RENTAL OF EQUIPMENT" to be opened February 20, 2024. The Brown County Board of Commissioners reserves the right to reject any or all bids, and to accept the bid they deem to be in the best interest of Brown County.

Bids shall include all applicable taxes and fees for materials furnished and/or installed by the Contractor and all applicable taxes and fees for materials supplied by the County. Brown County is exempt from all Federal Excise Tax and State Sales Tax.

Attest: Lynn Heupel, Brown County Auditor

Published Feb. 7 and 14, 2024, at the total approximate cost of \$41.94 and may be viewed free of charge at www.sdpublishnotices.com. 22966



NOTICE TO ROAD OIL SUPPLIERS

Sealed bids will be received in the Chambers of the Brown County Board of Commissioners at the Court House Annex, Aberdeen, South Dakota, until the hours of 8:45 A.M. on February 20, 2024 at said time and place all bids will be publicly opened, read and considered for producing, furnishing and delivery of Road Oil to the Brown County System of Roads, F.O.B. Brown County, South Dakota.

Item (A) Cutback Asphalt Road Oil - MC-70
Item (B) Cutback Asphalt Road Oil - MC-3000
Item (C) Emulsion Asphalt Road Oil - CSS-1H

Attest: Lynn Heupel, Brown County Auditor

Published Feb. 7 and 14, 2024, at the total approximate cost of \$15.45 and may be viewed free of charge at www.sdpublishnotices.com. 22967



NOTICE TO GRAVEL PRODUCTION CONTRACTORS AND SUPPLIERS

Sealed bids will be received in the Chambers of the Brown County Board of Commissioners at the Court House Annex, Aberdeen, South Dakota until the hour of 8:45 A.M. on February 20, 2024 at said time and place all bids will be publicly opened, read and considered for furnishing and delivery of ONE (1) YEAR SUPPLY OF ROAD CONSTRUCTION AND MAINTENANCE GRAVEL MATERIALS.

Proposal Guaranty: No deposit or bid bond will be required at time of the bid opening.

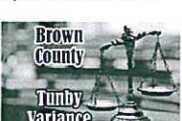
Performance Bond: Brown County will give notice to the successful bidder that his proposal has been accepted and said bidder shall enter into a contract with Brown County and furnish a performance bond in accordance with the bid as accepted or as required by the Brown County Highway Department Superintendent. Brown County must be listed as additional insured on all Certificates of Insurance.

Envelopes containing bids shall be addressed and delivered to the Brown County Auditor, 25 Market Street, Aberdeen, South Dakota 57401, and to be clearly marked on the outside of the envelope: "BIDS ON GRAVEL AGGREGATE MATERIALS" to be opened February 20, 2024. The Brown County Board of Commissioners reserves the right to reject any or all bids, and to accept the bid they deem to be in the best interest of Brown County.

Bids shall include all applicable taxes and fees for materials furnished and/or installed by the Contractor and all applicable taxes and fees for materials supplied by the County. Brown County is exempt from all Federal Excise Tax and State Sales Tax.

Contract for GRAVEL MATERIALS shall be firm and will be in effect for a period of one (1) year from April 1, 2024 to March 31, 2025.

ATTEST: Lynn Heupel, Brown County Auditor
Published Feb. 7 and 14, 2024, at the total approximate cost of \$37.53 and may be viewed free of charge at www.sdpublishnotices.com. 22968



NOTICE OF HEARING

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

Petitioner / Owner: Tunby Land, LP

Description of property: Proposed Lots 1 & 2, "Tunby Addition" in the N1/2 of Section 14-T126N-R61W of the 5th P.M., Brown County, South Dakota (40437 & 40455 114th Street, Shelby Township).

Reason: Variance to Lot Size in an AG-P District to allow Lot 1 and Lot 2 to be smaller than 40.0 acres and stay zoned Agriculture Preservation District (AG-P) per Brown County Ordinances 4.0605.

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

Dated this 7th day of February, 2024.

Planning/Zoning Commission & Scott Bader - P&Z Director

25 Market Street, Aberdeen, SD 57401

Office: (605) 626-7144

Published February 7, 2024, at the total approximate cost of \$13.18 and may be viewed free of charge at www.sdpublishnotices.com. 22969



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 Courthouse Annex, basement Community Meeting Room, on February 20, 2024, at 7:00 P.M.

Petitioner / Owner: Matt & Lisa Gebhart

Description of property: "Clays' Outlet A" in the SE1/4 of Section 20-T128N-R63W of the 5th P.M., Brown County, South Dakota (38954 104th Street, Savo Twp.).

Reason: A Variance for Building Setbacks in a Mini Agriculture District (M-AG) to be 50'-0" from the South Front Yard property line rather than 100'-0" required in Brown County Zoning Ordinances to bring this pre-existing, non-compliant building into compliance as well as proposed 21' west side and 14' east side additions.

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

Dated this 7th day of February, 2024.

Planning/Zoning Commission and Scott Bader - P&Z Director

25 Market Street, Aberdeen, SD 57401

Office: (605) 626-7144

Published February 7, 2024, at the total approximate cost of \$13.80 and may be viewed free of charge at www.sdpublishnotices.com. 22970



NOTICE OF HEARING

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

Petitioner / Owner: Warner Dairy for Silverstreak Dairies LLC

Description of property: Proposed Lot 1, "Warner Dairy First Addition" in the E1/2 of the SW1/4 of Section 7-T121N-R63W of the 5th P.M., Brown County, South Dakota (38824 144th Street, Warner Township).

Reason: Variance to Lot Size in an AG-P District to allow Lot 1 (20.83 acres) to be smaller than 40.0 acres and stay zoned Agriculture Preservation District (AG-P) per 4.0605 of Brown County Ordinances.

The public is invited to attend the hearing to present comments

and testimony regarding the proposed Variance to Lot Size request.

Dated this 7th day of February, 2024.

Planning/Zoning Commission & Scott Bader - P&Z Director

25 Market Street, Aberdeen, SD 57401

Office: (605) 626-7144

Published February 7, 2024, at the total approximate cost of \$13.18 and may be viewed free of charge at www.sdpublishnotices.com. 22971



UNOFFICIAL PROCEEDINGS OF BOARD OF EDUCATION

GROTON AREA SCHOOL DISTRICT NO. 06-6

SPECIAL BOARD MEETING

January 30, 2024

President Gengerke called the meeting to order at 7:00 a.m. in the GHS Library Conference Room. Members present: Flihs, Gengerke, Harder, Lerseth-Flihs, Pharis, Rix, and Weismantel. Others present were Supt. J. Schwan, Principal B. Schwan, and Business Manager Hubsch.

Moved by Rix second Weismantel to approve the agenda as written. Motion carried.

Pursuant to SDCL 23-3, there was no potential conflict disclosure reported.

Members of the public are allowed five minutes to address the board on any topic of their choice. With no public members requesting to speak, the board proceeded with their agenda items.

Moved by Harder, second Weismantel to approve the General Fund Opt Out Resolution 2024-001, for \$1,250,000 for a ten-year term. Motion carried.

Moved by Harder, second Weismantel to approve the General Fund Opt Out Resolution 2024-001, for \$1,250,000 for a ten-year term. Motion carried.

Moved by Harder, second Weismantel to approve the General Fund Opt Out Resolution 2024-001, for \$1,250,000 for a ten-year term. Motion carried.

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Moved by Harder, second Weismantel to approve the General Fund Opt Out Resolution 2024-001, for \$1,250,000 for a ten-year term. Motion carried.

THE GOVERNING BOARD OF GROTON AREA SCHOOL DISTRICT 06-6 do state that the above said board is unable to operate under the tax limitation measure currently in statute for the General fund. We, therefore, OPT OUT of such tax limitation in the amount of \$1,250,000 starting with the calendar year 2024 taxes payable in the calendar year 2025. This opt out will be for ten years, which will be through taxes payable in the calendar year 2034. This action has been taken by the board and approved by at least a two-thirds vote of the board. This decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters in the district and filed with the governing body within twenty days of the first publication of this decision. Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread an excess levy to raise tax dollars in the above-stated amount.

The board continued the preliminary discussion of the football cooperative with Langford School District. A basic questionnaire that was filled out in the past and was revisited by the board members on what a football coop would look like. Once Langford completes their community meeting and Langford participation numbers are determined, the board will revisit the questionnaire and revise it. No action was taken.

Moved by Harder, second Pharis to adjourn at 7:47 pm. Motion carried.

Becky Hubsch, Business Manager

Deborah Gengerke, President

The addition of signatures to this page verifies these minutes as official.

Published February 7, 2024, at the total approximate cost of \$27.55 and may be viewed free of charge at www.sdpublishnotices.com. 22972

2024 Crop Hour Webinar Series

Join the SDSU Extension Agronomy Team
Tuesday, Wednesday, and Thursday
January 9 - March 7, 2024
10:00 a.m. CST / 9:00 a.m. MT
CCA Credits Available.

Weekly Topics

Feb. 13-15 .. Sunflower and Pulse Crop Production
Feb. 20-22 .. Climate and Business Management
Feb. 27-29 .. Forage Production
March 5-7 .. Specialty Crop Production

Scan the QR code to register for this free webinar or go to extension.sdstate.edu/crop-hour

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ATTENTION GROTON SCHOOL TAXPAYERS:

NOTICE OF PROPERTY TAX INCREASE OF \$1,250,000 RESOLUTION FOR OPT OUT

THE GOVERNING BOARD OF GROTON AREA SCHOOL DISTRICT 06-6 do state that the above said board is unable to operate under the tax limitation measure currently in statute for the General fund. We, therefore, OPT OUT of such tax limitation in the amount of \$1,250,000 starting with the calendar year 2024 taxes payable in the calendar year 2025. This opt out will be for ten years, which will be through taxes payable in the calendar year 2034. This action has been taken by the board and approved by at least a two-thirds vote of the board. This decision may be referred to a vote of the people upon a petition signed by at least five percent of the registered voters in the district and filed with the governing body within twenty days of the first publication of this decision. Unless this action is referred to a vote of the people and reversed by such vote, this resolution authorizes the county auditor to spread an excess levy to raise tax dollars in the above-stated amount.

Signed
Deborah Gengerke, Board Chairman
Tigh Flihs, Board Member
Travis Harder, Board Member
Heather Lerseth-Flihs, Board Member
Kara Pharis, Board Member
Grant Rix, Board Member
Martin Weismantel, Board Member
Date-January 30, 2024

Published January 31, 2024, at the total approximate cost of \$32.50 and may be viewed free of charge at www.sdpublishnotices.com. 22973

STAFF REPORT

Meeting: February 20, 2024

BROWN COUNTY PLANNING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM #10

GENERAL INFORMATION:

OWNER:	Tunby Land Limited Partnership
PETITIONER:	Tunby Land Limited Partnership
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	"Tunby Addition" in the N1/2 of Section 14-T126N-R61W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	40437 & 40455 114 th Street
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:	BDM Water
REPORTED BY:	Chris Anderson

GENERAL COMMENT: The petitioner is requesting this Preliminary & Final Plat for financial purposes.

GENERAL REVIEW: Staff has reviewed this plat.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Tunby Addition

LEGAL SECTION: QUARTER: N SECTION: 14 TOWNSHIP: 126 RANGE: 61

MANDATORY LOTS: 2 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

SCHOOL DISTRICT: Groton

UTILITIES: BDM Water

OWNERS NAMES: Tunby Land, LP

OWNERS NAMES: _____

ENGINEER OR SURVEYOR: Zachary Remily, Assurance Land Surveying

TYPE: PRELIMINARY _____ FINAL _____ BOTH X (both is allowed if there is not a new road needed)

PLAT FEE PER PLAT: \$100.00 DATE PAID: 1 / 19 /20 24

RECEIVED BY PLANNING DEPARTMENT: 1 / 19 /2024 BY: Chris Anderson

REASON FOR PLAT: DEVELOPMENT _____ CONVEYANCE _____ 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 _____ BC _____ TWP X

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: _____ 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: January 26, 2023
RECEIPT # 821873
TOWNSHIP: Shelby Twp

FEES: \$150.00
PAID: YES/NO CHK/CASH
DATE: January 19, 2024

OWNERS SIGNATURE: Tunby Land Limited Partnership Lars Tunby
OWNERS ADDRESS: 40455 114th Street General Partner
OWNERS CITY, STATE, ZIP: Houghton, SD 57449 Jan, 19, 2024
OWNERS PHONE: XXX-XXX-XXXX 605-885-6355

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

REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Tunby Addition" in the N1/2 of Section 14-T126N-R61W
of the 5th P.M., Brown County, South Dakota
(40437 & 40455 114th Street; Shelby Twp.)

Planning Commission Action: Approved / Denied

By: _____ Date: _____

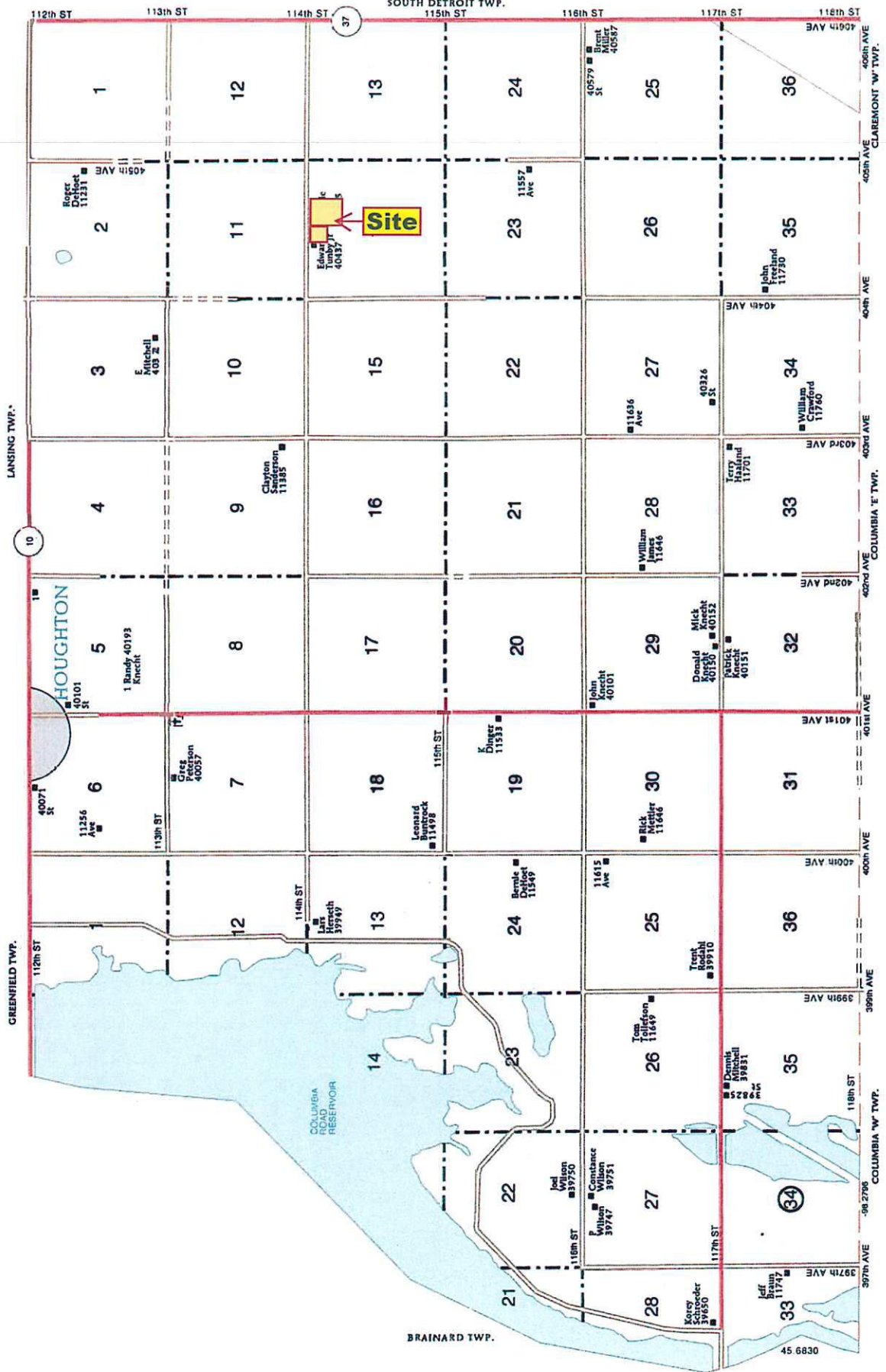
HEARING DATE: February 20, 2024 TIME: 7:00 pm

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

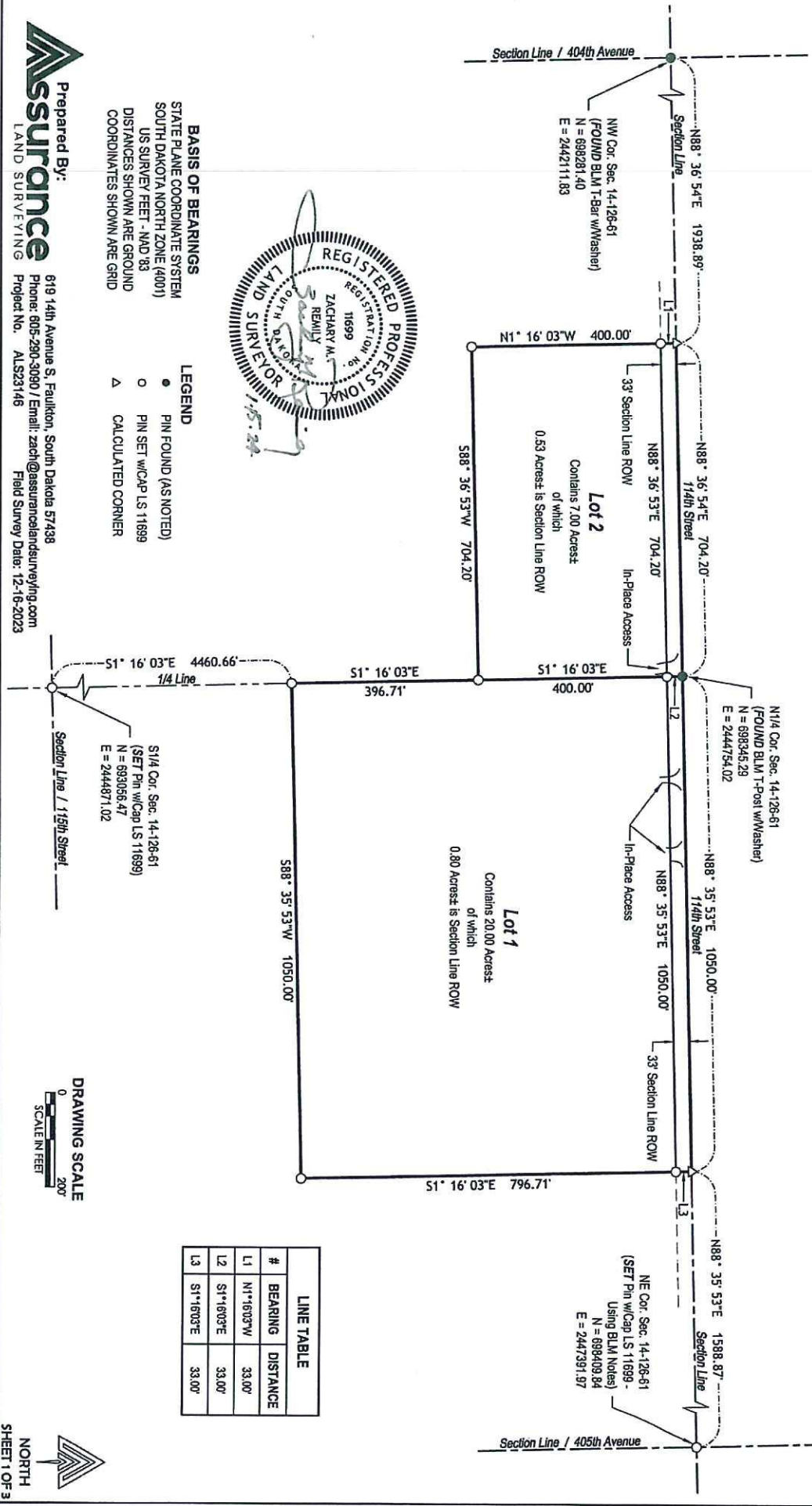
25 Market Street • Aberdeen, South Dakota 57401-4203

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

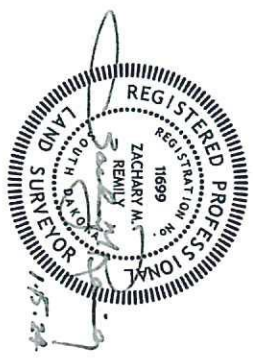
(Residents - Owners or Renters)



PLAT SHOWING
TUNBY ADDITION
 IN THE N1/2 OF SECTION 14, TOWNSHIP 126 NORTH, RANGE 61 WEST OF THE 5th P.M.,
 BROWN COUNTY, SOUTH DAKOTA



LINE TABLE		
#	BEARING	DISTANCE
L1	N1°16'03"W	33.00'
L2	S1°16'03"E	33.00'
L3	S1°16'03"E	33.00'



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

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. ALS23146 Field Survey Date: 12-16-2023

DRAWING SCALE
 0 200'
 SCALE IN FEET

PLAT SHOWING
TUNBY ADDITION

IN THE N1/2 OF SECTION 14, TOWNSHIP 126 NORTH, RANGE 61 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

Tunby Land Limited Partnership, a limited partnership, does hereby certify that it is the owner of the Northeast Quarter (NE1/4) and Northwest Quarter (NW1/4) of Section Fourteen (14), Township One Hundred Twenty-Six (126) North, Range Sixty-One (61) West of the 5th P.M., Brown County, South Dakota, and that it has caused a portion of the same to be surveyed and platted as shown on the attached plat which shall be hereinafter known and described as:

**"TUNBY ADDITION IN THE N1/2 OF SECTION 14,
TOWNSHIP 126 NORTH, RANGE 61 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.

Owner: Tunby Land Limited Partnership, a limited partnership

Lars Tunby General Partner
Print Name & Title

Lars Tunby
Signature

Signed this 19 day of January, 2024.

COUNTY OF Brown }
STATE OF South Dakota } SS

On this 19 day of January, 2024, before me, a notary public, the undersigned officer, personally appeared Lars Tunby who acknowledge himself/herself to be the General Member, of Tunby Land Limited Partnership, a limited partnership, and that he/she as such General Member, being authorized to do so, executed the forgoing instrument for the proposed therein contained, by signing the name of the corporation by himself/herself as Lars Tunby.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires: 11-02-2027

D. Chris Anderson
Notary Public

SURVEYOR'S CERTIFICATE

I, Zachary M. Remily, Registered Land Surveyor, in the State of South Dakota, do hereby certify that, at the request of the owner, I have surveyed and platted:

**"TUNBY ADDITION IN THE N1/2 OF SECTION 14,
TOWNSHIP 126 NORTH, RANGE 61 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.

ZACHARY M. REMILY, LS-11699

Signed this 15th day of January, 2024.

TOWNSHIP HIGHWAY APPROVAL

"Existing Access to 114th STREET 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."

Print Name & Title

Signature

Signed this _____ day of _____, 20____.

PLAT SHOWING
TUNBY ADDITION

IN THE N1/2 OF SECTION 14, TOWNSHIP 126 NORTH, RANGE 61 WEST OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

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.

Meeting held on the _____ day of _____, 20_____.

County Auditor
Brown County, South Dakota

"Be it resolved by the County Commission of Brown County, South Dakota, that the plat showing:

**"TUNBY ADDITION IN THE N1/2 OF SECTION 14,
TOWNSHIP 126 NORTH, RANGE 61 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."

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.

Meeting held on the _____ day of _____, 20_____.

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:

**"TUNBY ADDITION IN THE N1/2 OF SECTION 14,
TOWNSHIP 126 NORTH, RANGE 61 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.

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 records of my office to be fully paid.

Signed this _____ day of _____, 20_____.

County Treasurer
Brown County, South Dakota

DIRECTOR OF EQUALIZATION CERTIFICATE

I hereby certify that I have received a copy of this plat.

Dated this _____ day of _____, 20_____.

Director of Equalization
Brown County, South Dakota

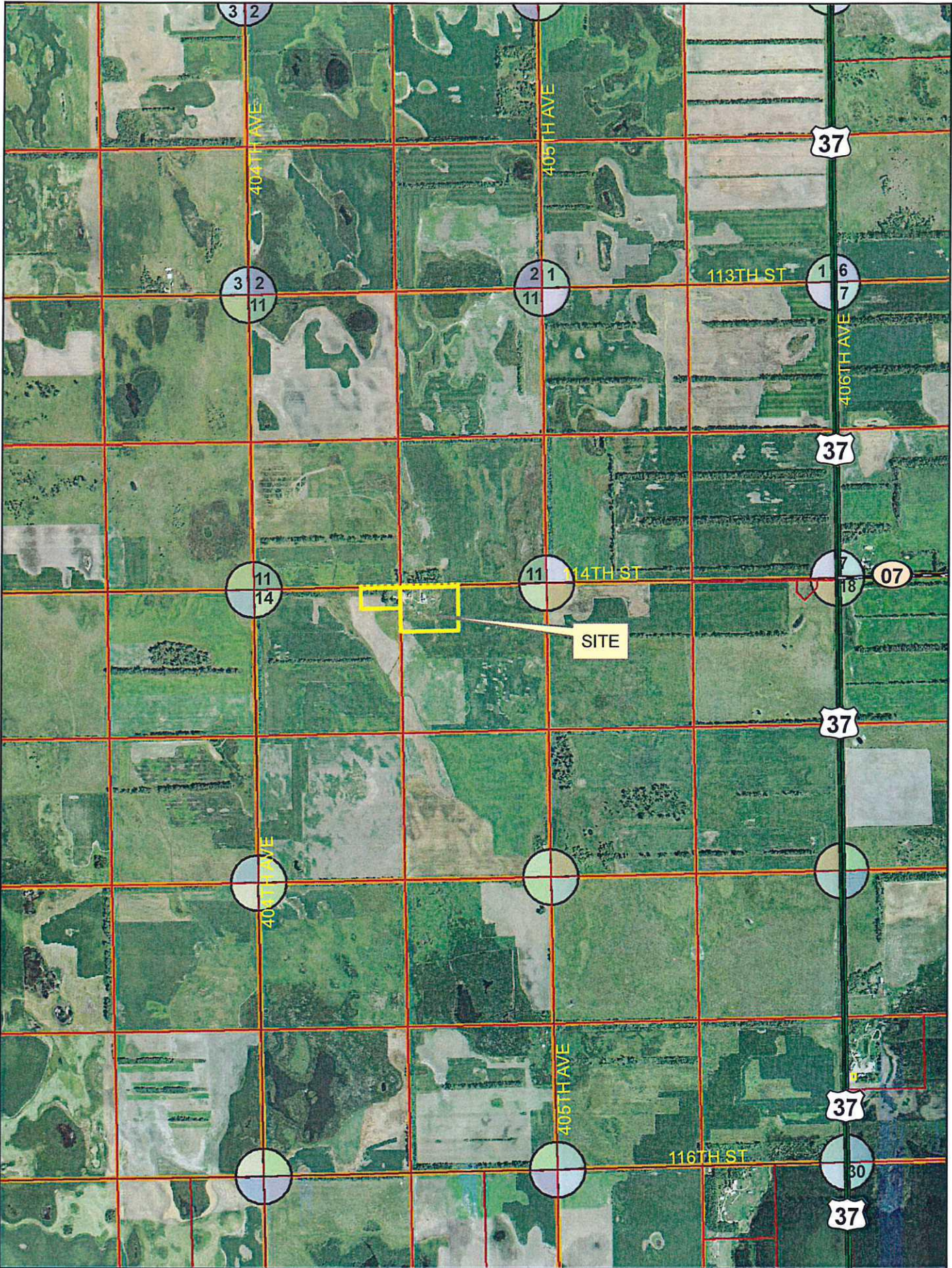
REGISTER OF DEEDS' CERTIFICATE

Filed for record this _____ day of _____, 20_____.

at _____ O'clock ____ M., and duly recorded as Hanging

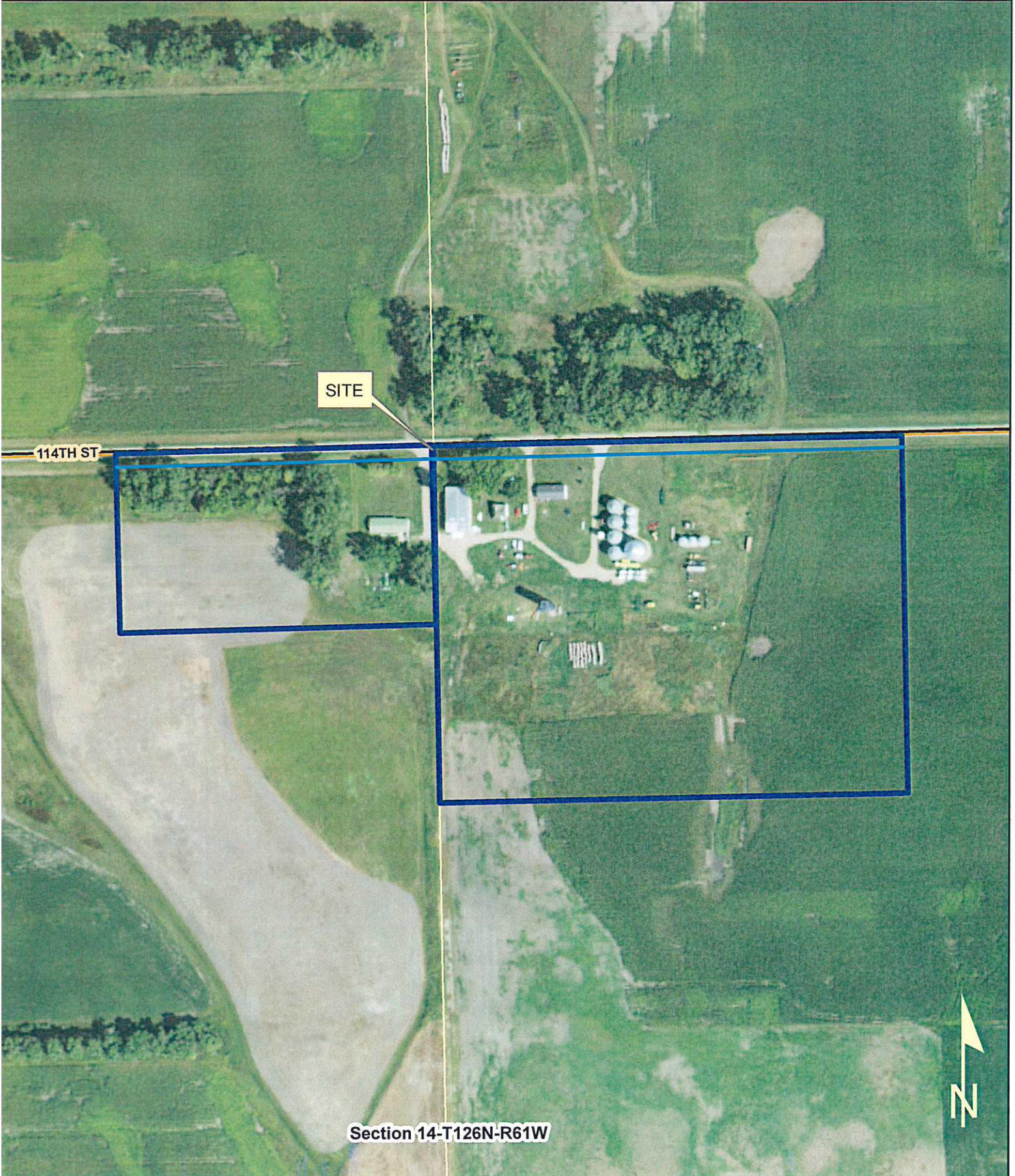
Plat No. _____.

Register of Deeds
Brown County, South Dakota



Brown County Zoning Office

(for reference use only)



SITE

114TH ST

Section 14-T126N-R61W



STAFF REPORT

Meeting: February 20, 2024

BROWN COUNTY PLANNING COMMISSION

PRELIMINARY & FINAL PLAT

ITEM #11

GENERAL INFORMATION:

OWNER:	Silverstreak Dairies LLC / Craig Achen
PETITIONER:	Warner Dairy LLP (Mathew Kaschmitter)
REQUEST:	PRELIMINARY & FINAL PLAT
LEGAL DESCRIPTION:	"Warner Dairy First Addition" in the E1/2 of the SW1/4 of Section 7-T121N-R63W of the 5 th P.M., Brown County, South Dakota
ADDRESS:	38824 144 th Street
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:	Existing well water & WEB Water available
REPORTED BY:	Scott Bader

GENERAL COMMENT: The petitioner is requesting this Preliminary & Final Plat for conveyance purposes to expand the lagoon area.

GENERAL REVIEW: Staff has reviewed this plat.

PLAT APPROVAL CHECKLIST

SUBDIVISION NAME: Warner Dairy First Addition

LEGAL SECTION: QUARTER: 1 SECTION: _____ TOWNSHIP: _____ RANGE: _____

MANDATORY LOTS: 1 TRACTS _____ PARCELS _____ OUTLOTS _____ OTHER _____

SCHOOL DISTRICT: Warner

UTILITIES: well water - WEB water is also available, Northern Electric

OWNERS NAMES: Silverstreak Dairies, LLC

OWNERS NAMES: _____

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: 2 / 02 / 2024

RECEIVED BY PLANNING DEPARTMENT: 2 / 02 / 2024 BY: Chris Anderson

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 X

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: _____

TAXES PAID IN FULL: (on all lots involved) FOR THE YEAR X TREASURER SIGNATURE LINE SIGNED _____

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: _____ 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: January 26, 2023
RECEIPT # 821876
TOWNSHIP: Warner Twp.

FEES: \$150.00
PAID: YES/NO CHK/CASH
DATE: February 2, 2024

OWNERS SIGNATURE: Silverstreak Dairies, LLC
OWNERS ADDRESS: 7939 Hwy 25
OWNERS CITY, STATE, ZIP: Pierz, MN 56364
OWNERS PHONE: (320) 333-0238

Mathew Kaschmitter
Partner
2/01/2024

AGENTS SIGNATURE: Warner Dairy LLP (Mathew Kaschmitter)
AGENTS ADDRESS: 14354 388th Avenue
AGENTS CITY, STATE, ZIP: Warner SD 57479
AGENTS PHONE: (320) 333-0238

Mathew Kaschmitter
Partner
2/01/2024

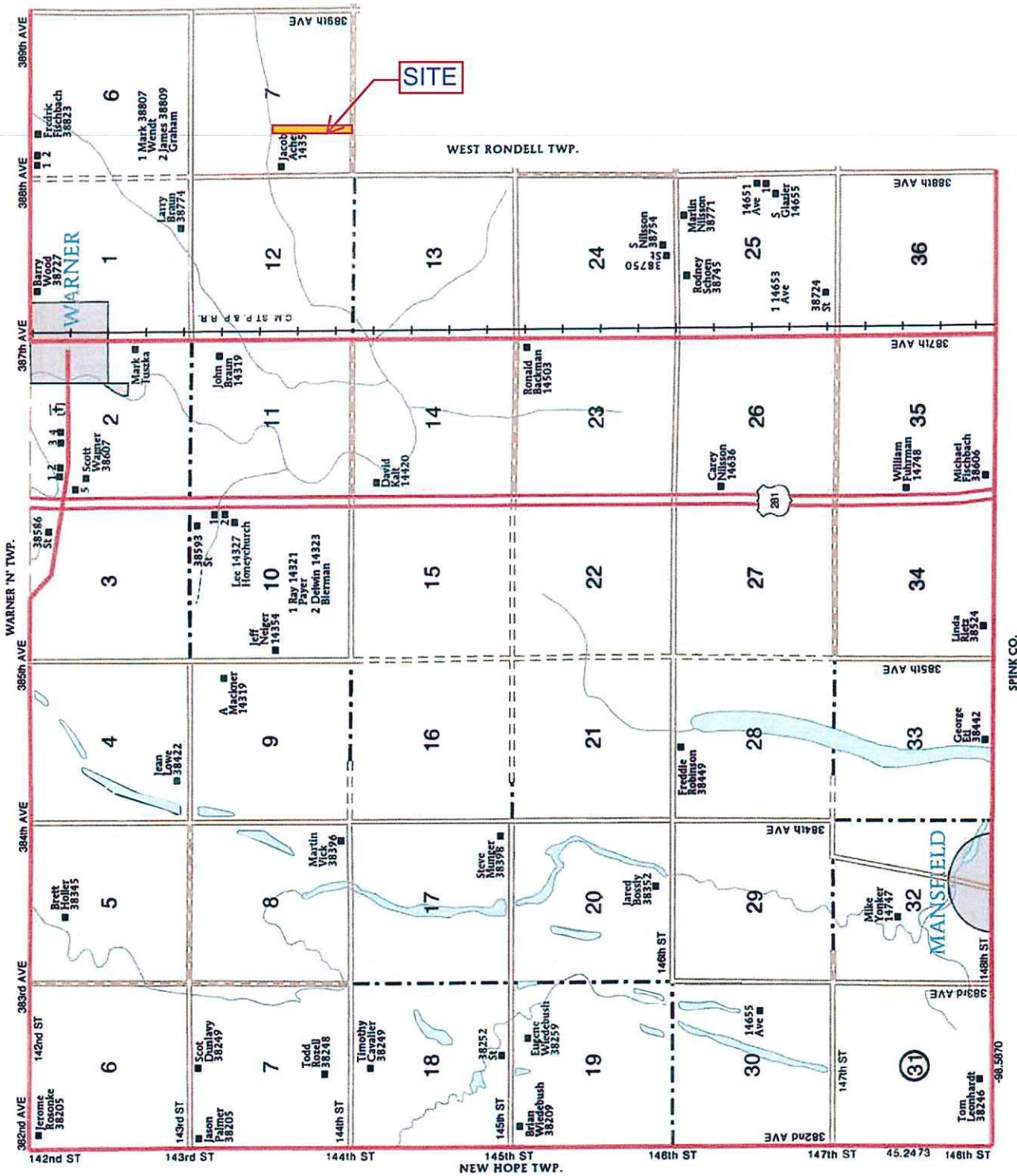
REQUEST: Preliminary & Final Plat

LEGAL DESCRIPTION: "Warner Dairy First Addition" in the E1/2 of the SW1/4 of Section 7-T121N-R63W of the 5th P.M., Brown County, South Dakota (38824 144th Street, Warner Twp.)

Planning Commission Action: Approved / Denied

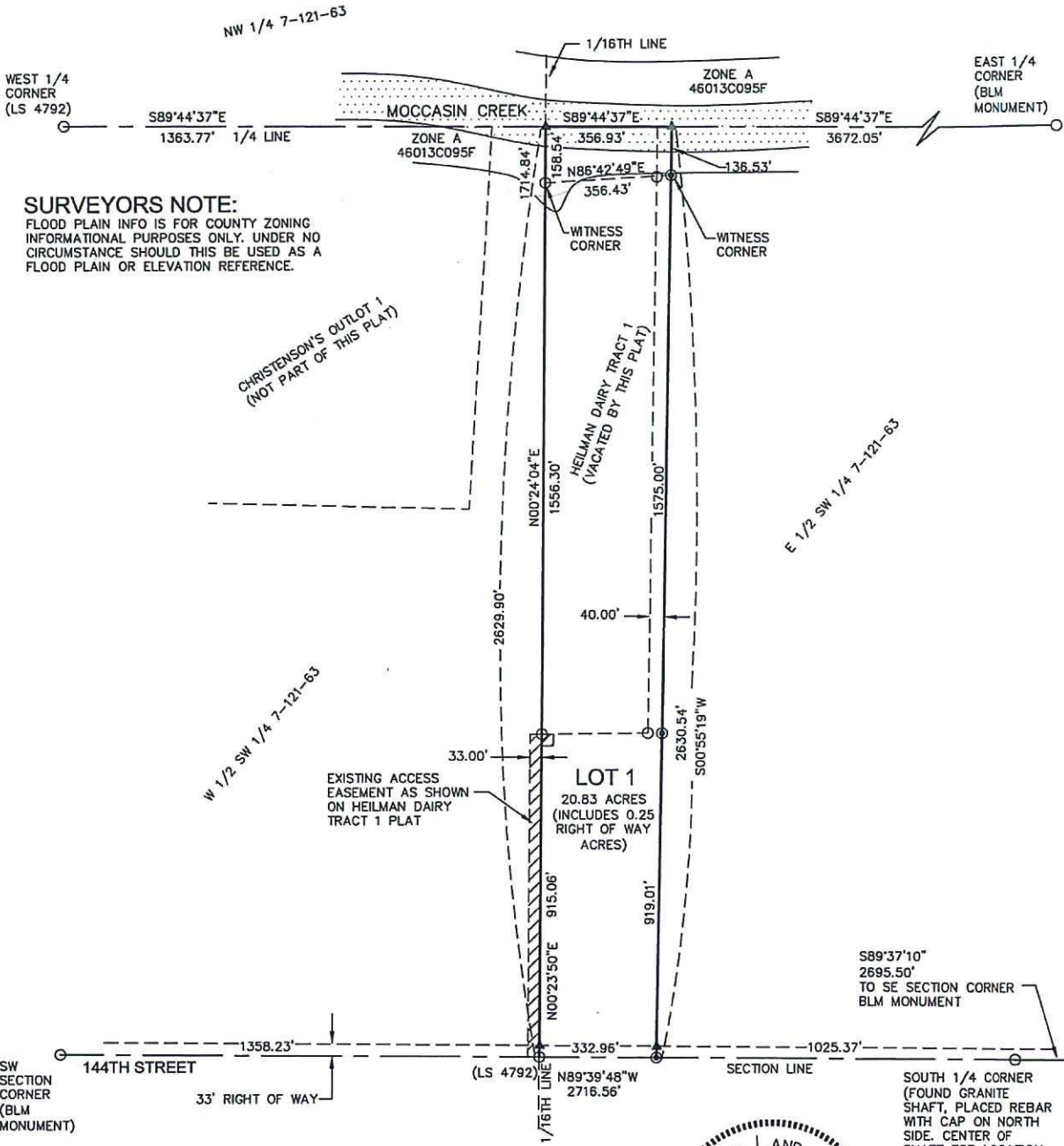
By: _____ Date: _____

HEARING DATE: February 20, 2024 TIME: 7:00 pm



- WARNER'S' TOWNSHIP**
SECTION 2
 1 Christenson, Audrey 38614
 2 Roberts, Dan 38616
 3 Heglund, Kaden 38626
 4 Buechler, Jerold 38632
 5 Green, Tom 38605

PLAT OF WARNER DAIRY FIRST ADDITION IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-R63W OF THE 5th P.M., BROWN COUNTY, SOUTH DAKOTA

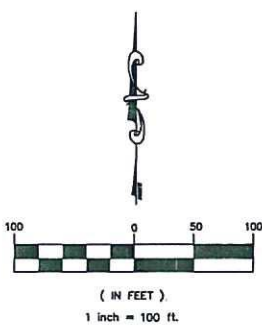


SURVEYORS NOTE:
FLOOD PLAIN INFO IS FOR COUNTY ZONING
INFORMATIONAL PURPOSES ONLY. UNDER NO
CIRCUMSTANCE SHOULD THIS BE USED AS A
FLOOD PLAIN OR ELEVATION REFERENCE.

SW SECTION CORNER (BLM MONUMENT)

S89°37'10"
2695.50'
TO SE SECTION CORNER
BLM MONUMENT

SOUTH 1/4 CORNER
(FOUND GRANITE
SHAFT, PLACED REBAR
WITH CAP ON NORTH
SIDE, CENTER OF
SHAFT FOR LOCATION.



- LEGEND**
- FOUND PROPERTY CORNER AS NOTED
 - ⊙ SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
 - ▲ CALCULATED POSITION
 - ▨ EXISTING ACCESS EASEMENT

BASIS OF BEARINGS
GPS OBSERVATION



Helms 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

RK

PLAT OF
WARNER DAIRY FIRST ADDITION
IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-R63W OF THE 5th P.M.,
BROWN COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE

WE, SILVERSTREAK DAIRIES, LLC, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF HEILMAN DAIRY TRACT 1 IN THE SW 1/4 OF SECTION 7 T121N R63W 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; WARNER DAIRY FIRST ADDITION IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-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, WE SILVERSTREAK DAIRIES, LLC DO HEREBY VACATE HEILMAN DAIRY TRACT 1 IN THE SW 1/4 OF SECTION 7 T121N R63W OF THE 5TH P.M., BROWN COUNTY, SOUTH DAKOTA AS FILED FOR RECORD ON AUGUST 23, 2011 AND DULY RECORDED AS PLAT NO. 2785, IN THE BROWN COUNTY REGISTER OF DEEDS OFFICE.

SILVERSTREAK DAIRIES, LLC

Matthew Kaschnitzer Partner
PRINT NAME AND TITLE

Matthew Kaschnitzer
SIGNATURE

Signed this 5th day of January, 2024

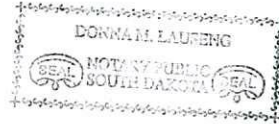
CORPORATE ACKNOWLEDGEMENT

STATE OF SD)
COUNTY OF Brown)SS
ON THIS THE 5th DAY OF Jan, 2024, BEFORE ME, Donna Lawson, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED Matthew Kaschnitzer OF SILVERSTREAK DAIRIES, LLC, AND THAT HE/SHE, AS SUCH AS Partner, BEING AUTHORIZED SO TO DO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING THE NAME OF SILVERSTREAK DAIRIES, LLC BY HIMSELF/HERSELF AS Partner

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

MY COMMISSION EXPIRES: 02-13-2026

Donna M. Lawson
NOTARY PUBLIC



OWNER'S CERTIFICATE

WE, TIMOTHY HEILMAN AND DARLYS HEILMAN, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE E 1/2 SW 1/4 EXCEPT PREVIOUSLY DEEDED HEILMAN DAIRY TRACT 1 ALL IN SECTION 7 T121N R63W 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; WARNER DAIRY FIRST ADDITION IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-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.

Timothy Heilman
TIMOTHY HEILMAN
Signed this 21 day of January, 2024

Darlys Heilman
DARLYS HEILMAN
Signed this 8 day of Jan, 2024

ACKNOWLEDGMENT

STATE OF SD)
COUNTY OF Brown)SS

ON THIS THE 8 DAY OF January, 2024, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED TIMOTHY HEILMAN AND DARLYS HEILMAN 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: 12/12/25

Kristy Koch
NOTARY PUBLIC



R/L

PLAT OF
WARNER DAIRY FIRST ADDITION
IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-R63W 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 "WARNER DAIRY FIRST ADDITION IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-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 5TH DAY OF January, 2024.



ROBERT K. KIESO

RLS #9214

APPROVAL BY CITY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY COUNCIL OF WARNER, SOUTH DAKOTA AT A MEETING HELD ON THE ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE CITY COUNCIL OF WARNER, SOUTH DAKOTA, THAT THE PLAT SHOWING WARNER DAIRY FIRST ADDITION IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-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."

FINANCE OFFICER WARNER, SOUTH DAKOTA

CITY PLANNING COMMISSION CERTIFICATE

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE CITY PLANNING COMMISSION OF WARNER, SOUTH DAKOTA AT A MEETING HELD ON THE ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF WARNER, SOUTH DAKOTA, THAT THE PLAT SHOWING WARNER DAIRY FIRST ADDITION IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-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."

FINANCE OFFICER WARNER, 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 ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF BROWN COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING WARNER DAIRY FIRST ADDITION IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-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."

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 WARNER DAIRY FIRST ADDITION IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-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."

COUNTY AUDITOR, BROWN COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION OF THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTY 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
WARNER DAIRY FIRST ADDITION
IN THE E 1/2 SW 1/4 OF SECTION 7-T121N-R63W 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

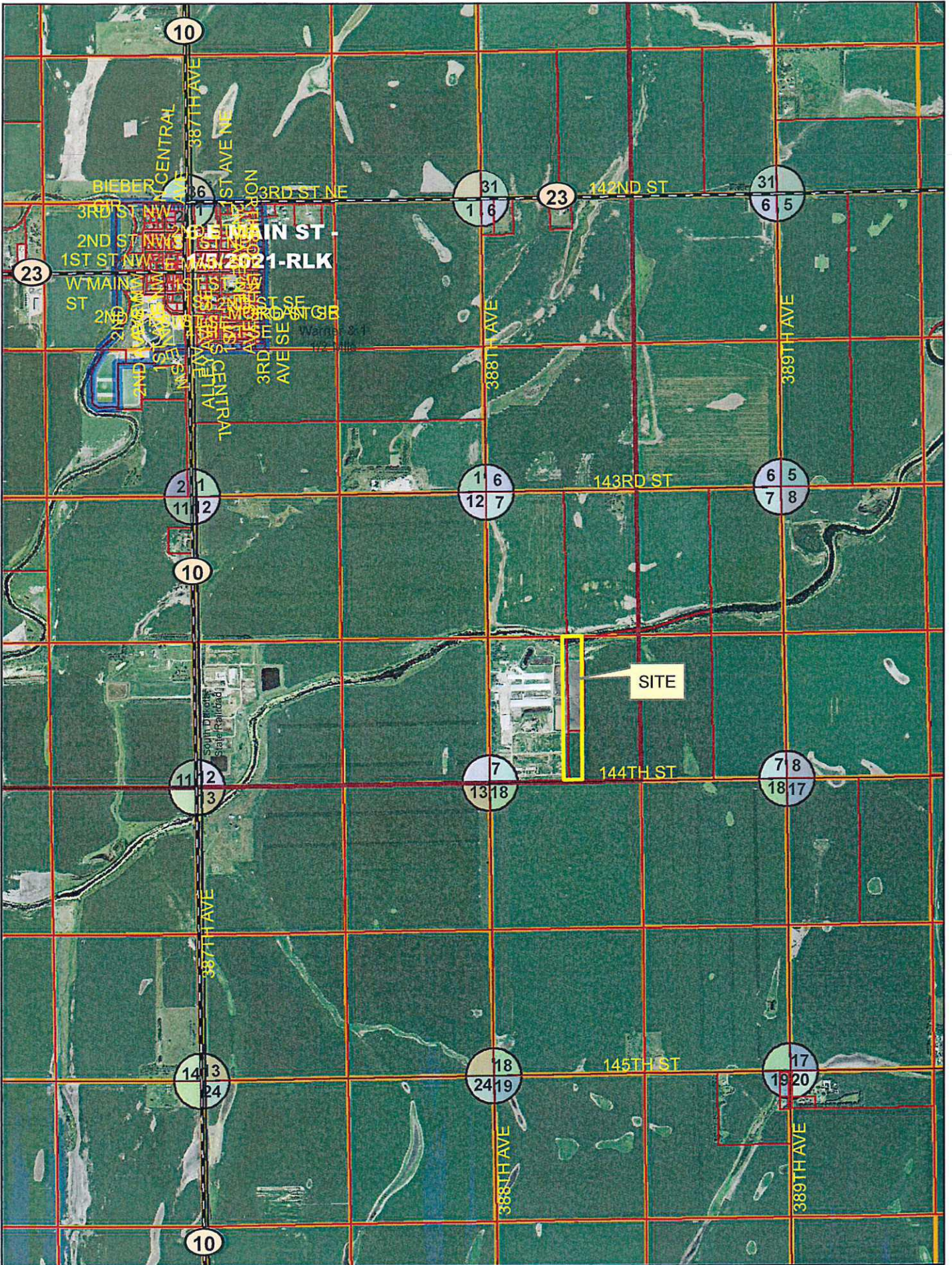
I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID. SIGNED THIS ____ DAY OF _____, 20____.

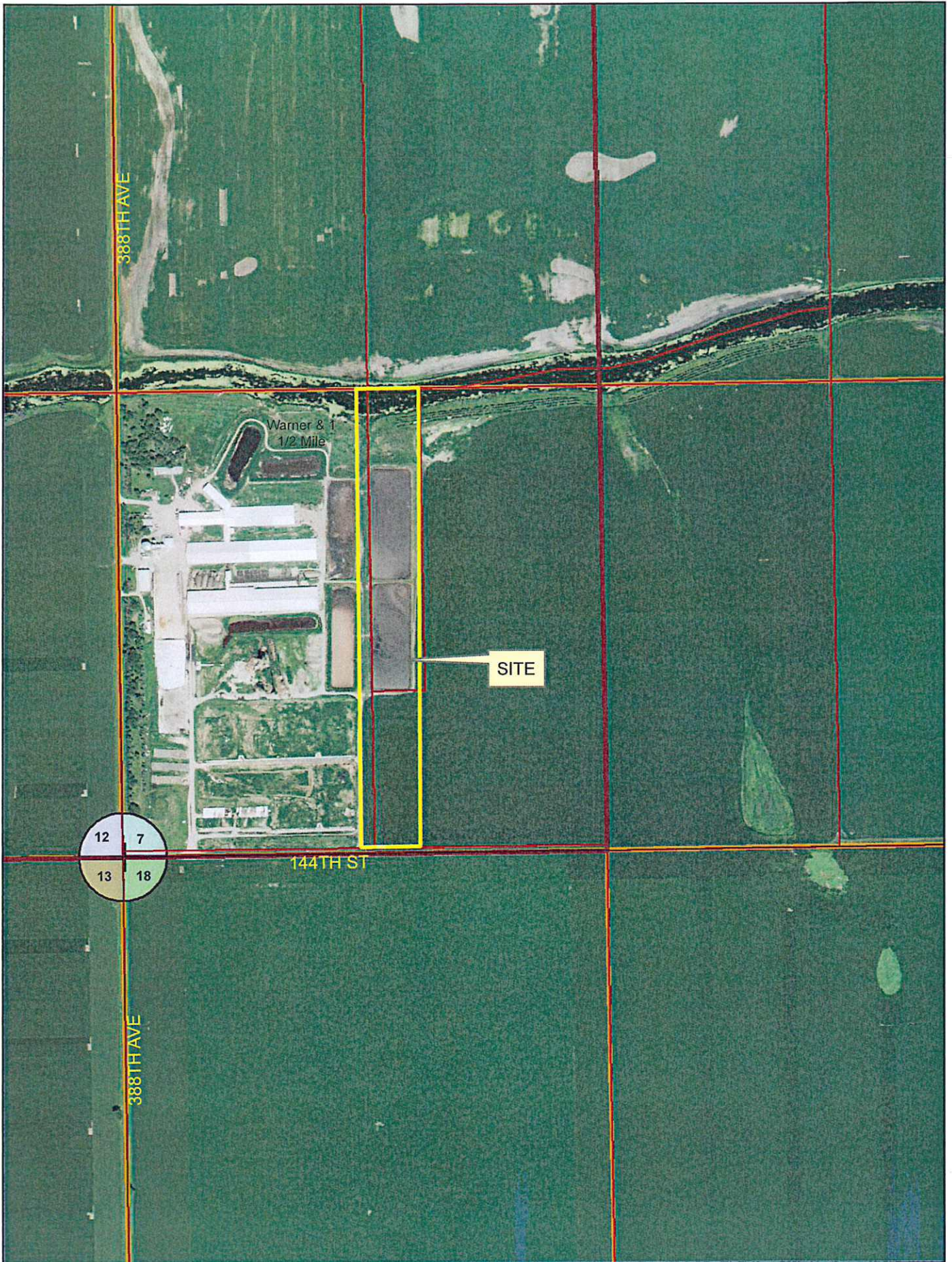
COUNTY TREASURER, BROWN COUNTY, SOUTH DAKOTA

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





388TH AVE

Warner & 1
1/2 Mile

SITE

144TH ST

388TH AVE

12	7
13	18