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The Groton Independent

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Dinger named National Merit Scholarship Program Semifinalist



Gretchen Dinger

Groton Area High School is excited to announce that senior Gretchen Dinger has been named a National Merit Scholarship Program Semifinalist. This prestigious honor places her among the top 16,000 high school students nationwide, recognizing her outstanding academic achievements and

commitment to excellence.

Gretchen earned this distinction through her exceptional performance on the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT). As a semifinalist, she is now eligible to compete for a spot as a finalist and for the opportunity to earn one of the approximately 7,140 National Merit Scholarships that will be awarded in the spring of 2025.

The National Merit Scholarship Program honors students who show exemplary academic performance and potential for success in rigorous college studies. Gretchen's semifinalist status demonstrates her strong work ethic and dedication to her studies.

National Merit Scholarship finalists will be announced in February 2025, and scholarship recipients will be notified starting in April 2025.

Push for football field improvements slows, new bus bid approved

by Elizabeth Varin

Groton Area School Board members expressed hesitancy with formally moving forward on improvements to the football field.

At Tuesday morning's meeting, Groton football advocate Tom Woods asked the board to create two committees if they want to move forward with transforming the current football field to a multi-sports complex. One committee, a building group, would decide what changes the community would like at the field west of the high school. The other would spearhead fundraising for improvements.

Woods, who has been looking into grant options with his wife Patti Woods, said he can't move forward anymore unless the school board decides what projects they want to include and gives formal approval to move forward.

Items that could be on the list include adding turf for a joint football and soccer field, sound system upgrades, chain link fence replacement, field light upgrades, practice field upgrades, repairing the track jump pit, scoreboard updates, concrete work and replacing the current crows nest.

Those items together could cost about \$1.8 million, Woods said. Six individuals have already reached out indicating they want to donate.

However, he said, to apply for grant funding there needs to be more concrete numbers and a project list.

This project could be a can of worms, Woods told the board.

Continues on Page 13



Girls Soccer Team advances to State Title Game

Pictured in back, left to right, are Kayla Lehr, Gretchen Dinger, Emerlee Jones, Taryn Traphagen, Jayden Penning, Faith Traphagen, Mia Crank, Brooklyn Hansen, Brenna Imrie and Kennedy Hansen; in front, left to right, are Coach Matt Baumgartner, Ryelle Gilbert, Carly Gilbert, Addison Hoffman, Laila Roberts, Jerica Locke, Sydney Locke, Elizabeth Fliehs, McKenna Tietz and Amelia Ewalt.

The Groton Area girls soccer team is off to the state championship game Saturday in Yankton. The Tigers will take on Sioux Falls Christian in the title game, starting at 5 p.m. (Photo from Groton Area facebook page)

Groton council gets first look at 2025 budget requests

by Elizabeth Varin

Repairs at the community center? A quarter of a million dollars for a saferoom at the park? A new electric metering system?

The City Council reviewed initial budget request items for the 2025 fiscal year. Within that, though, was a peek into a potential revenue shortfall should Initiated Measure 28 pass in November.

Continues on Page 11

Groton Area September Students of the Month



Gretchen Dinger Senior



Carly Gilbert Junior



Teagan Hanten Sophomore



MaKenna Krause Freshman



Wesley Borg Eighth Grade



Liam Johnson Seventh Grade



Ayce Warrington Sixth Grade

Groton Area School works to ensure that all levels of academic instruction also include the necessary life skills teaching, practicing, and modeling that encourages essential personal life habits that are universally understood to facilitate helping our students become good human beings and citizens.

It is learning with our heads, hearts, and hands to be caring and civil, to make healthy decisions, to effectively problem solve, to be respectful and responsible, to be good citizens, and to be empathetic and ethical individuals.

Students are selected based on individual student growth in the areas of: positive behavior, citizenship, good attendance, a thirst for knowledge, and high academic standards.

Big easy again

I couldn't control my face when we landed. Big smile.

I inhaled the familiar air, heavy with humidity and ghosts. Like breathing moss. Hello, old girl. I'm back. Greetings from the prairie. Turn off the news. Ignore the messages. And rules, what rules?

It's impossible to draw New Orleans in precise lines. It's Dali upside down. It's Jackson Pollack. Who knows what's right side up? Paint spilled and lines blurred. Picasso in his Blues Period. Impressionists. Degas after seven glasses of absinth. Peter Max doing cartwheels down the hall.

In the Carousel Lounge, a tall, handsome black man stood riveted by the singer.

Nayo Jones was slinky, supple, immensely gifted, and the band was tight. "Like a young Ella," the beaming man with a drink in his hand said to me.

The tall man had moved to the stage by then, close to the singer. Smitten. We were all hopelessly shipwrecked by this siren.

In the coming days, we slurped oysters, quaffed summer shandy, and drank in the sound of street musicians channeling Louie. There were dark Voodoo bluesmen and everyone seemed to do a version of "Killing Me Softly." What black-mailable thing could Roberta Flack possibly have on New Orleans? Are they with the Russians, too?

At the Hotel Monteleone, where F. Scott Fitzgerald, Capote, Hemingway, Stephen Am-



That's Life

by Tony Bender

brose and Tennessee Williams once roamed the halls like night creatures, we talked about writing. I think it was Faulkner who put his hand on my shoulder, leaning in, nodding in silent agreement.

The paint drips and smears. Some new recipe every day.

You could get a contact high from the skunky-sweet smoke of illegal things. Illegal in the sense it's a \$40 fine if they decide it's worth the bother. Women danced provocatively, as the sax player blasted away.

My accomplice danced in the street, long mane flowing, head thrown back, shimmying beside the open door. My God, she was beautiful.

On Saturday, we stood with tens of thousands for Stevie Wonder, who implored us to love someone. And, if our hearts were big enough, to love everyone. "But don't fall for the bullshit!" Worthy of a bumper sticker these days, or even a tattoo. A splendid hispanic tot couldn't help herself and bounced in her stroller to "Superstition," much to the glee of her parents.

We did as much as we could — couldn't ever do it all, anyway. Not and live.

On Sunday, we reluctantly packed our bags, checked our smart phones for the dumb news, still indifferent to what had transpired while time stopped in the French Quarter.

Tee shirts for the kids. Earrings for mom for Mother's Day. Cigars, hot sauce and refrigerator magnets. And memories. We brought them all back home after all.

Except Faulkner. He's working on some new thing. Room 680. There's a "Do Not Disturb" sign hanging on the knob. But you can conjure him up with a mint julep.

No one's ever too busy in the Big Easy.

© Tony Bender, 2017

Awards presented at Lake Region Marching Festival

The Lake Region Marching Festival was held Friday in Groton. The following awards were presented:

Combined: Aberdeen Roncalli had 956 points for Band of Distinction, Langford Area had 913 points for Band of Merit and Ipswich had 912 points for Band of Honor.

In the high school division, Great Plains Lutheran had 856 points for Band of Distinction and Northwestern had 841 points for Band of Merit.

In the middle school, Milbank had 636 points for Band of Distinction and Simmons & Holgate had 606 points for Band of Merit.

In other awards, the Emerald Regiment (T.F. Riggs, Pierre) had best percussion, Great Plains Lutheran had best winds, Langford Area had best drum major, Aberdeen Roncalli was the grand champion, and there was a three-way tie for best color guard with Aberdeen Roncalli, Ipswich and Northwestern.

Sixteen bands participated in this year's festival. The Groton bands did not compete in the competition since they hosted the event.

The event was broadcast live on GDILIVE.COM, sponsored by Avantara Groton, Bary Keith at, BK Custom T's & More, Dacotah Bank, Full Circle Ag, Groton Chamber, Harry Implement, John Sieh Agency, Lori's Pharmacy, Milbrandt Enterprises, Inc., Rix Farms/R&M Farms, S & S Lumber, The Meat House and the Weismantel Insurance Agency of Columbia



The Groton Area Combined Marching Band is pictured above and the middle school marching band is pictured below. (Photos lifted from GDILIVE.COM)



Weekly Vikings Roundup

By Jordan Wright

With the Minnesota Vikings on their bye week this week, I thought now would be a good time to go through the rest of the NFC North. Let's take a look at how the Chicago Bears, Detroit Lions, and Green Bay Packers are doing so far this season!

The NFC North is, far and away, the best division in the National Football League. Through week six, it's the only division where every team has a winning record. Not only that, you could make a case for three of the teams that they are the best team in the NFC and could represent the conference in the Super Bowl (and the fourth team, the Bears, have a great rookie quarterback and look to be only a year or two away from reaching the same heights).

The Vikings are atop the NFC North with a 5-0 record and have the best point differential in the division (+63). Nobody could have predicted the Vikings would be undefeated at this point, especially considering they played some of the best teams the NFL has to offer, like the San Francisco 49ers and the Houston Texans. Can Sam Darnold continue his career resurgence? Will the Vikings' offense look even better when T.J. Hockenson comes back from injury (which should be week seven)? Will Brian Flores' defense continue to confound opposing offenses, or will they come crashing back to earth as teams have more tape on them now? I don't know the answer to any of those questions, but I'm excited to find out!

Second in the NFC North are the Detroit Lions, who sit at 4-1 and have a point differential of +60. They looked really good Sunday, beating the Dallas Cowboys (who have former Vikings' head coach Mike Zimmer as their defensive coordinator) 47-9. However, as of this moment, the Lions have only played one team with a winning record, the Tampa Bay Buccaneers, a game the Lions lost 20-16. Also, the best player on the Lions' defense, Aiden Hutchinson, had a gruesome leg injury against the Cowboys and will be out (at least) for the rest of the season.

Sitting behind the Lions are the Bears and Packers, both with a record of 4-2.

The Chicago Bears came out of the gate slowly, but have been picking up steam as the season rolls on. They started the season 1-2, beating the (1-4) Tennessee Titans then falling to the (5-1) Houston Texans and the (3-3) Indianapolis Colts. Since then, however, the Bears have won three straight against the lowly (1-4) LA Rams, (1-5) Carolina Panthers, and (1-5) Jacksonville Jaguars. So this Bears team is good enough to beat the bad teams but hasn't had an impressive victory yet in 2024. Their point differential is +47.

The Green Bay Packers are also 4-2, but I'm putting them last on this list because of alphabetical order (and because I don't like them very much!). The Packers started the season with a loss to the (3-2) Philadelphia Eagles, then beat the Colts and Titans before coming up short against the Vikings in week four. Luckily for them, they were able to get two more wins against the Rams and most recently the (2-4) Arizona Cardinals. The Packers have the worst point differential in the division at +41.

Looking ahead, the Vikings stay home and welcome the Lions to U.S. Bank Stadium. The game is scheduled for a noon kickoff and will air on Fox. Skol!

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Emerlee Jones
(Photo by Paul Kosel)

Groton Area girls are state bound in soccer

The Groton Area girls soccer team is heading for the state championship game for the second year in a row. Groton Area defeated Dakota Valley, 2-1, in the state championship semifinal game played Saturday in Groton.

The Panthers scored first on a penalty kick when Lexi Stusse kicked it in to the corner of the net with 31:58 left in the first half. Groton Area had a penalty kick at the 7:20 mark. Kennedy Hansen kicked it, but the goal keeper stopped the ball from going in; however, the ball was loose and the Tigers had a followup kick only to have the Dakota Valley goal keeper stop the ball again. The first half ended with the Panthers on top, 1-0.

Then with 16:38 left in the game, Brooklyn Hansen had a penalty kick that she made and the game was tied at one. Four minutes later, Laila Roberts would kick the ball into the net and the Tigers took the lead, 2-1. From there, Groton Area did time management, kicking the ball around and out of bounds and trying to keep the ball in the Dakota Valley end.

That will set up the championship game on Saturday, 5 p.m., at Yankton as Sioux Falls Christian defeated West Central. The game ended up tied at the end of regulation; but Sioux Falls Christian would win in the shoot out, 4-2.

The game was broadcast live on GDILIVE.COM, sponsored by Avantara - Groton, Dacotah Bank, Groton Chamber, Groton Chiropractic Clinic, Harry Implement of Ferney, John Sieh Agency, Lori's Pharmacy, Milbrandt Enterprises, POET, Rix Farms/R&M Farms, S & S Lumber, Sun & Sea Travel, The Meathouse of Andover, Weismantel Insurance Agency of Columbia.

- Paul Kosel



Taryn Traphagen
(Photo by Paul Kosel)



Faith Traphagen
(Photo by Paul Kosel)



Kennedy Hansen
(Photo by Paul Kosel)



Brooklyn Hansen
(Photo by Paul Kosel)



Sydney Locke
(Photo by Paul Kosel)



Jerica Locke
(Photo by Paul Kosel)

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Tigers wins share of NEC title with win over Sisseton

Groton Area scored five touchdowns in the second quarter to beat Sisseton in football action played Friday in Sisseton, 47-0. Mobridge-Pollock stunned and upset Clark/Willow Lake, 21-0, handing the Cyclones their first loss which creates a two-way tie for first in the Northeast Conference with Groton Area and Clark/Willow Lake.



Korbin Kucker gets the ball and is ready to throw it down field. (Photo by Jeslyn Kosel)

Groton Area scored on its first drive that went 60 yards in eight plays with three first downs in 3:30 as Brevin Flihs crossed the line with a one yard run at the 8:37 mark of the first quarter. Joao Nunes kicked the PAT and it was 7-0.

Penalties haunted the Tiger second drive and ended up turning the ball over on downs at fourth and 25. Sisseton was unable to get a first down in the first quarter and the score remained 7-0 going into the second quarter.

Groton's next scoring drive would start late in the first quarter at the Redmen 33 yard line and would score with 54 seconds gone in the second quarter on a Korbin Kucker to Christian Ehresmann pass play for three yards. Joao Nunes would kick the PAT and it was 14-0.

Sisseton ended up punting on fourth and 17, putting the Tigers on the Redmen 38 yard line. Three plays and three first downs later the Tigers would score on a Korbin Kucker 12 yard run. The PAT kick by Joao Nunes was good and it was 21-0 with nine minutes left in the half.

Sisseton's next drive was stopped and the Redmen punted on fourth and 25. Groton started at the 20 yard line of Sisseton and on the first play, Christian Ehresmann would score on a 20 yard pass play from Korbin Kucker. Joao Nunes kicked the PAT and it was 28-0 with 3:01 left in the half.

Sisseton would fumble the ball and Korbin Kucker would pick up the loose ball and would dash 18 yards for the return. Joao Nunes kicked the PAT and was 35-0 with 3:01 left in the half.

Sisseton, still unable to get a first down in the first half, ended up punting and the Tigers were set up on the Redmen 44 yard line. On the next play, Korbin Kucker would connect with Teylor Diegel for a 44 yard touchdown pass play. The PAT kick was no good and it was 41-0 at half time.

Groton Area would put in the younger players in the second half. Sisseton was have two first downs in the second half and Groton Area would score just once. Groton Area would score with 6:50 left in the game on a Bradyn Small pass play to Caden McInerney for 27 yards. The PAT kick was no good and the final score was 47-0.

First downs: Groton Area 25, Sisseton 2.

Rushing: Groton Area: 25 for 172 yards (Skyler Godel 10-90, Ryder Schelle 1-4, Brevin Flihs 3-18, 1 touchdown; Korbin Kucker 7-45, 2 touchdowns; Keegen Tracy 1-1, Christian Ehresmann 3-14). Sisseton: 21-39 (Boe Iverson 9-39, Hayden Hellwig 2-(-13), Taylor Snaza 5-6, Bremer Despiegler 2-7, Jackson Wegener 3-0).

Passing: Groton Area: Korbin Kucker completed 7 of 14 for 140 yards, 2 touchdowns; Brayden Small completed two of two for 40 yards, 1 touchdown. Sisseton: Jackson Wegener completed 1 of 10 for minus 1 yard, 2 interceptions.

Receiving: Groton Area: Christian Ehresmann 3-38, 2 touchdowns; Brevin Flihs 1-31; Keegen Tracy 1-9; Teylor Diegel 2-62, 1 touchdown; Caden McInerney 1-27, 1 touchdown. Sisseton: Gage Hanson 1 for minus 1 yard.

Fumbles: Groton had 2 lost 1. Sisseton had 1, lost 1.

Penalties: Groton: 6 for 45 yards. Sisseton: 9 for 80 yards.

Defensive Leaders: Groton Area: Christian Ehresmann 6 tackles, Tucker Hardy 5 tackles, Caden McInerney and Caleb Mertz each had 4 tackles Teylor Diegel and Lincoln Krause each had an interception. Sisseton: Taylor Snaza and Hayden Hellwig each had 7 tackles and Boe Iverson and Justin Iverson each had 5 tackles.

Record: Groton Area: 5-2 (NEC: 5-1). Sisseton: 0-7 (NEC: 0-4).

Next Games: Groton Area: Friday hosts Baltic. Sisseton: host Aberdeen Roncalli.

The JV football game scheduled for Tuesday with Sisseton has been cancelled.

The game was broadcast live on GDILIVE.COM, sponsored by Agtegra, Avantara Groton, Bierman Farm Service, BK Custom T's & More, Blocker Construction, Dacotah Bank, Dan Richardt from Groton Ford, Groton Ag Partners, Groton Chamber, Groton Ford, John Sieh Agency, Jungle Lanes & Lounge, Krueger Brothers, R&M Farms/Rix Farms and The Meathouse in Andover. Justin Olson provided the play-by-play and Jeslyn Kosel operated the camera was in charge of the technology.
- Paul Kosel



Teylor Diegel ended up doing a little dance back and forth trying to avoid the defense. He almost scored but was brought down at the one yard line. (Photo by Jeslyn Kosel)

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Netters clean sweep Britton-Hecla

Groton Area's volleyball teams had a clean sweep of Britton-Hecla Monday night in action played in Britton.

Groton Area won the varsity match, 25-18, 25-12 and 25-19.

Rylee Dunker had 11 kills, two assisted and one solo block; Taryn Traphagen had eight kills; Chesney Weber had seven kills, one assisted block and 15 assists; Sydney Locke had six ace serves; Jerica Locke had four ace serves and six digs; Jaedyn Penning had three kills, three ace serves and nine digs; Kella Tracy had two kills and one solo block; Emma Kutter had two kills; Faith Traphagen had two kills and one assisted block; Elizabeth Flihs had one ace serve and 11 assists; and Laila Roberts had five digs.

Jaelee Grupe led Britton-Hecla with six kills while Maddie Micko had five kills and one ace serve, McKenna Heer had five kills, Abigail Lee had four kills and one block, Karlie Zuehlke had three kills and one ace serve and Heather Storbakken had one ace serve.

The match was broadcast live on GDILIVE.COM, sponsored by Agtegra, Avantara Groton, Bierman Farm Service, BK Custom T's & More,

Blocker Construction, Dacotah Bank, Fans of Jaedyn Penning, Groton Ag Partners, Groton Chamber, Groton Ford, John Sieh Agency, Jungle Lanes & Lounge, Krueger Brothers, R&M Farms/Rix Farms and The Meathouse in Andover.

Groton Area won the junior varsity match, 25-15 and 25-17. Kella Tracy had five kills, Makenna Krause had four kills and four ace serves, Emerlee Jones had four kills, McKenna Tietz had three kills and two ace serves, Liby Althoff had three ace serves, two kills and one block and Talli Wright had two kills and one ace serve.

The match was broadcast live on GDILIVE.COM, sponsored by Adam and Nicole Wright.

Groton Area won the C match, 25-18, 18-25 and 15-12.

- Paul Kosel



Melanie Johnson is testing the volleyball to make sure it has the correct pressure for the match. (Photo by Paul Kosel)

Netters post clean sweep win over Milbank

Groton Area's volleyball teams all posted minimum wins in a clean sweep over Milbank on Thursday. The matches were played at Milbank.

The Tigers won the varsity match, 25-16, 25-17 and 25-21.

Chesney Weber: 20 of 21 in attacks with eight kills, seven of nine in serves with two ace serves, 13 assists.

Rylee Dunker: 12 of 16 in attacks with seven kills, three assisted blocks.

Jaedyn Penning: 17 of 21 in attacks with six kills, 14 of 15 in serves with three ace serves, 14 digs.

Jerica Locke: three ace serves, 16 digs.

Taryn Traphagen: three kills.

Laila Roberts: two kills, nine digs.

Kella Tracy: two kills, one solo and one assisted block.

Sydney Locke: 15 of 15 in serves with two ace serves.

Elizabeth Flihs: 17 assists.

Milbank's Claire Snaza had seven kills and two assisted and one solo block and Avery Scuneman had four kills.

Groton Area is now 13-5 on the season and will travel to Britton on Monday. Milbank falls to 11-9.

The match was broadcast live on GDILIVE.COM, sponsored by Agtegra, Avantara Groton, Bierman Farm Service, BK Custom T's & More, Blocker Construction, Dacotah Bank, Fans of Jaedyn Penning, Groton Ag Partners, Groton Chamber, Groton Ford, John Sieh Agency, Jungle Lanes & Lounge, Krueger Brothers, R&M Farms/Rix Farms and The Meathouse in Andover.

Groton Area won the junior varsity match, 25-19 and 25-14.

Makenna Krause had seven kills and three ace serves, Emerlee Jones had five kills, Liby Althoff had five ace serves and two kills, Sydney Locke had five ace serves, McKenna Tietz had four kills, Talli Wright had three kills and three ace serves and Kella Tracy had three kills and one ace serve. The junior varsity match was broadcast live on GDILIVE.COM, sponsored by Adam and Nicole Wright.

Groton Area won the C match, 25-7 and 25-15.

- Paul Kosel

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by Linda Thistle

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Place a number in the empty boxes in such a way that each row across, each column down and each small 9-box square contains all of the numbers from one to nine.

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STATE REPRESENTATIVE
DISTRICT 1

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General Election - Nov. 5
Absentee Voting has begun



2024 Statewide Ballot Measures

Underlines indicate new language.

~~Overstriked~~ indicates deleted language.

Constitutional Amendment E

Title: An Amendment to the South Dakota Constitution Updating Gender References for Certain Officeholders and Persons.

Attorney General Explanation: The South Dakota Constitution became effective upon the State joining the United States in 1889. The generic male pronouns he, his, and him are used in the text of the State Constitution to reference certain officeholders or individuals.

This amendment changes the text of the State Constitution to remove the use of generic male pronouns when referencing certain officeholders or individuals. For example, when referencing the Governor, instead of saying "he shall be commander-in-chief of the armed forces of the state," the text will be changed to read "the Governor shall be commander-in-chief of the armed forces of the state." The amendment makes similar changes to other references to the Governor, as well as to references to other officeholders including Lieutenant Governor, Supreme Court Justices, and Circuit Court Judges. The amendment also makes similar changes to references in the Constitution to general classes of people such as persons, electors, and public officers.

Vote "Yes" to adopt the amendment.

Vote "No" to leave the Constitution as it is.

Full Text of Constitutional Amendment E:

A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election an amendment to the Constitution of the State of South Dakota, updating references to certain officeholders and persons.

BE IT RESOLVED BY THE SENATE OF THE STATE OF SOUTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

Section 1. That at the next general election held in the state, the following amendments to the Constitution of the State of South Dakota, as set forth in sections 2 through 25 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state for approval.

Section 2. That Article IV, § 3 of the Constitution of the State of South Dakota, be AMENDED:

§ 3. The Governor shall be responsible for the faithful execution of the law. He The Governor may, by appropriate action or proceeding brought in the name of the state, enforce compliance with any constitutional or legislative mandate, or restrain violation of any constitutional or legislative power, duty or right by any officer, department or agency of the state or any of its civil divisions. This authority shall not authorize any action or proceedings against the Legislature.

He The Governor shall be commander-in-chief of the armed forces of the state, except when they shall be called into the service of the United States, and may call them out to execute the laws, to preserve order, to suppress insurrection or to repel invasion.

The Governor shall commission all officers of the state. He The Governor may at any time require information, in writing or otherwise, from the officers of any administrative department, office or agency upon any subject relating to the respective offices.

The Governor shall at the beginning of each session, and may at other times, give the Legislature information concerning the affairs of the state and recommend the measures he the Governor considers necessary.

The Governor may convene the Legislature or either house thereof alone in special session by a proclamation stating the purposes of the session, and only business encompassed by such purposes shall be transacted.

Whenever a vacancy occurs in any office and no provision is made by the Constitution or laws for filling such vacancy, the

Governor shall have the power to fill such vacancy by appointment.

The Governor may, except as to convictions on impeachment, grant pardons, commutations, and remissions, and may suspend and remit fines and forfeitures.

Section 3. That Article IV, § 5 of the Constitution of the State of South Dakota, be AMENDED:

§ 5. The lieutenant governor shall be president of the senate but shall have no vote unless the senators be equally divided. The lieutenant governor shall perform the duties and exercise the powers that may be delegated to him the lieutenant governor by the Governor.

Section 4. That Article IV, § 8 of the Constitution of the State of South Dakota, be AMENDED:

§ 8. All executive and administrative offices, boards, agencies, commissions and instrumentalities of the state government and their respective functions, powers and duties, except for the office of Governor, lieutenant governor, attorney general, secretary of state, auditor, treasurer, and commissioner of school and public lands, shall be allocated by law among and within not more than twenty-five principal departments, organized as far as practicable according to major purposes, by no later than July 1, 1974. Subsequently, all new powers or functions shall be assigned to administrative offices, agencies and instrumentalities in such manner as will tend to provide an orderly arrangement in the administrative organization of state government. Temporary commissions may be established by law and need not be allocated within a principal department.

Except as to elected constitutional officers, the Governor may make such changes in the organization of offices, boards, commissions, agencies and instrumentalities, and in allocation of their functions, powers and duties, as he the Governor considers necessary for efficient administration. If such changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the Legislature within five legislative days after it convenes, and shall become effective, and shall have the force of law, within ninety days after submission, unless disapproved by a resolution concurred in by a majority of all the members of either house.

Section 5. That Article V, § 5 of the Constitution of the State of South Dakota, be AMENDED:

§ 5. The Supreme Court shall have such appellate jurisdiction as may be provided by the Legislature, and the Supreme Court or any justice thereof may issue any original or remedial writ which shall then be heard and determined by that court. The Governor has authority to require opinions of the Supreme Court upon important questions of law involved in the exercise of his the Governor's executive power and upon solemn occasions.

The circuit courts have original jurisdiction in all cases except as to any limited original jurisdiction granted to other courts by the Legislature. The circuit courts and judges thereof have the power to issue, hear and determine all original and remedial writs. The circuit courts have such appellate jurisdiction as may be provided by law.

Imposition or execution of a sentence may be suspended by the court empowered to impose the sentence unless otherwise provided by law.

Section 6. That Article V, § 6 of the Constitution of the State of South Dakota, be AMENDED:

§ 6. Justices of the Supreme Court, judges of the circuit courts and persons presiding over courts of limited jurisdiction must be citizens of the United States, residents of the state of South Dakota and voting residents within the district, circuit or jurisdiction from which they are elected or appointed. No Supreme Court justice shall be deemed to have ~~lost his lose~~ voting residence in a district by reason of his removal because the justice moved to the seat of government in the discharge of his the justice's official duties. Justices of the Supreme Court and judges of circuit courts must be licensed to practice law in the state of South Dakota.

Section 7. That Article V, § 7 of the Constitution of the State of South Dakota, be AMENDED:

§ 7. Circuit court judges shall be elected in a nonpolitical election by the electorate of the circuit each represents for an eight-year term.

A vacancy, as defined by law, in the office of a Supreme Court

justice or circuit court judge, shall be filled by appointment of the Governor from one of two or more persons nominated by the judicial qualifications commission. The appointment to fill a vacancy of a circuit court judge shall be for the balance of the unexpired term; and the appointment to fill a vacancy of a Supreme Court justice shall be subject to approval or rejection as hereinafter set forth.

Retention of each Supreme Court justice shall, in the manner provided by law, be subject to approval or rejection on a nonpolitical ballot at the first general election following the expiration of three years from the date of his the appointment. Thereafter, each Supreme Court justice shall be subject to approval or rejection in like manner every eighth year. All incumbent Supreme Court justices at the time of the effective date of this amendment shall be subject to a retention election in the general election in the year in which their respective existing terms expire.

Section 8. That Article V, § 8 of the Constitution of the State of South Dakota, be AMENDED:

§ 8. The chief justice shall be selected from among the justices of the Supreme Court for a term and in a manner to be provided by law. The chief justice may resign his office the office of chief justice without resigning from the Supreme Court.

Section 9. That Article V, § 9 of the Constitution of the State of South Dakota, be AMENDED:

§ 9. The Legislature shall provide by law for the establishment of a judicial qualifications commission which have such powers as the Legislature may provide, including the power to investigate complaints against any justice or judge and to conduct confidential hearings concerning the removal or involuntary retirement of a justice or judge. The Supreme Court shall prescribe by rule the means to implement and enforce the powers of the commission. On recommendation of the judicial qualifications commission the Supreme Court, after hearing, may censure, remove or retire a justice or judge for action which constitutes willful misconduct in office, willful and persistent failure to perform his official duties, habitual intemperance, disability that seriously interferes with the performance of the duties or conduct prejudicial to the administration of justice which brings a judicial office into disrepute. No justice or judge shall sit in judgment in any hearing involving his the justice's or judge's own removal or retirement.

Section 10. That Article V, § 10 of the Constitution of the State of South Dakota, be AMENDED:

§ 10. During his term of office while in office, no Supreme Court justice or circuit court judge shall engage in the practice of law. Any Supreme Court justice or circuit court judge who becomes a candidate for an elective nonjudicial office shall thereby forfeit his the justice's or judge's judicial office.

Section 11. That Article V, § 11 of the Constitution of the State of South Dakota, be AMENDED:

§ 11. The chief justice is the administrative head of the unified judicial system. The chief justice shall submit an annual consolidated budget for the entire unified judicial system, and the total cost of the system shall be paid by the state. The Legislature may provide by law for the reimbursement to the state of appropriate portions of such cost by governmental subdivisions. The Supreme Court shall appoint such court personnel as it deems necessary to serve at its pleasure.

The chief justice shall appoint a presiding circuit judge for each judicial circuit to serve at the pleasure of the chief justice. Each presiding circuit judge shall have such administrative power as the Supreme Court designates by rule and may, unless it be otherwise provided by law, appoint judicial personnel to courts of limited jurisdiction to serve at his the pleasure of the presiding circuit judge. Each presiding circuit judge shall appoint clerks and other court personnel for the counties in his the presiding judge's circuit who shall serve at his the pleasure of the presiding judge at a compensation fixed by law. Duties of clerks shall be defined by Supreme Court rule.

The chief justice shall have power to assign any circuit judge to sit on another circuit court, or on the Supreme Court in case of a vacancy or in place of a justice who is disqualified or unable to act. The chief justice may authorize a justice to sit as a judge in

any circuit court.

The chief justice may authorize retired justices and judges to perform any judicial duties to the extent provided by law and as directed by the Supreme Court.

Section 12. That Article VI, § 3 of the Constitution of the State of South Dakota, be AMENDED:

§ 3. The right to worship God according to the dictates of conscience shall never be infringed. No person shall be denied any civil or political right, privilege or position on account of his the person's religious opinions; but the liberty of conscience hereby secured shall not be so construed as to excuse licentiousness, the invasion of the rights of others, or justify practices inconsistent with the peace or safety of the state.

No person shall be compelled to attend or support any ministry or place of worship against his the person's consent nor shall any preference be given by law to any religious establishment or mode of worship. No money or property of the state shall be given or appropriated for the benefit of any sectarian or religious society or institution.

Section 13. That Article VI, § 7 of the Constitution of the State of South Dakota, be AMENDED:

§ 7. In all criminal prosecutions the accused shall have the right to defend in person and by counsel; to demand the nature and cause of the accusation against him the accused; to have a copy thereof; to meet the witnesses against him the accused face to face; to have compulsory process served for obtaining witnesses in his on the accused's behalf, and to a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Section 14. That Article VI, § 9 of the Constitution of the State of South Dakota, be AMENDED:

§ 9. No person shall be compelled in any criminal case to give evidence against himself the person or be twice put in jeopardy for the same offense.

Section 15. That Article VI, § 20 of the Constitution of the State of South Dakota, be AMENDED:

§ 20. All courts shall be open, and every man person for an injury done him in his to the person's property, person or reputation, shall have remedy by due course of law, and right and justice, administered without denial or delay.

Section 16. That Article VII, § 2 of the Constitution of the State of South Dakota, be AMENDED:

§ 2. Every United States citizen eighteen years of age or older who has met all residency and registration requirements shall be entitled to vote in all elections and upon all questions submitted to the voters of the state unless disqualified by law for mental incompetence or the conviction of a felony. The Legislature may by law establish reasonable requirements to insure ensure the integrity of the vote.

Each elector who qualified to vote within a precinct shall be entitled to vote in that precinct until he the elector establishes another voting residence. An elector shall never lose his residency for voting solely by reason of his the elector's absence from the state.

Section 17. That Article VIII, § 9 of the Constitution of the State of South Dakota, be AMENDED:

§ 9. The lands mentioned in this article shall be leased for pasturage, meadow, farming, the growing of crops of grain and general agricultural purposes, and at public auction after notice as herein-before provided in case of sale and shall be offered in tracts not greater than one section. All rents shall be payable annually in advance, and no term of lease shall exceed five years, nor shall any lease be valid until it receives the approval of the Governor.

Provided, that any lessee of school and public lands shall, at the expiration of a five-year lease, be entitled, at his the lessee's option, to a new lease for the land included in his the lessee's original lease, for a period of time not exceeding five years, without public advertising, at the current rental prevailing in the county in which such land is situated, at the time of the issuance of the new lease. The commissioner of school and public lands shall notify by registered mail each lessee or assignee on or before the first day of November first preceding the expiration of his the lessee's lease that such lease will expire.

Such option shall be exercised by the lessee by notifying

the commissioner of school and public lands by registered mail, on or before the first day of December first preceding the expiration of his the lessee's lease describing the lands for which he the lessee desires a new lease, in the same manner as the same is described in his the lessee's original lease.

The Legislature may provide by appropriate legislation for the payment of local property taxes by the lessees of school and public lands.

Section 18. That Article XII, § 3 of the Constitution of the State of South Dakota, be AMENDED:

§ 3. The Legislature shall never grant any extra compensation to any public officer, employee, agent or contractor after the services shall have been rendered or the contract entered into, nor authorize the payment of any claims or part thereof created against the state, under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void; nor shall the compensation of any public officer be increased or diminished during his the officer's term of office; provided, however, that the Legislature may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

Section 19. That Article XII, § 4 of the Constitution of the State of South Dakota, be AMENDED:

§ 4. An itemized statement of all receipts and expenditures of the public moneys shall be published annually in such manner as the Legislature shall provide, and such statement shall be submitted to the Legislature at the beginning of each regular session by the Governor with his the Governor's message.

Section 20. That Article XVI, § 5 of the Constitution of the State of South Dakota, be AMENDED:

§ 5. No officer shall exercise the duties of his the office after he shall have been the officer is impeached and before his the officer's acquittal.

Section 21. That Article XVI, § 7 of the Constitution of the State of South Dakota, be AMENDED:

§ 7. No person shall be tried on impeachment before he shall have been being served with a copy thereof at least twenty days previous to the day set for trial.

Section 22. That Article XVII, § 5 of the Constitution of the State of South Dakota, be AMENDED:

§ 5. In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his the member's or shareholder's votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

Section 23. That Article XX, § 3 of the Constitution of the State of South Dakota, be AMENDED:

§ 3. Should no place voted for at said election have a majority of all votes cast upon this question, the Governor shall issue his a proclamation for an election to be held in the same manner at the next general election to choose between the two places having received the highest number of votes cast at the first election on this question. This election shall be conducted in the same manner as the first election for the permanent seat of government, and the place receiving the majority of all votes cast upon this question shall be the permanent seat of government.

Section 24. That Article XXI, § 2 of the Constitution of the State of South Dakota, be AMENDED:

§ 2. The Legislature by two-thirds vote of each branch thereof at any regular session may fix the salary of any or all constitutional officers including members of the Legislature. In fixing any such salary the Legislature shall determine the effective date thereof and may in its discretion decrease or increase the salary of any officer during his the officer's term.

Section 25. That Article XXI, § 3 of the Constitution of the State of South Dakota, be AMENDED:

§ 3. Every person elected or appointed to any office in this state, except such inferior offices as may be by law exempted, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States and of this state, and faithfully to discharge the duties of his the office.



Constitutional Amendment

F

Title: An Amendment to the South Dakota Constitution Authorizing the State to Impose a Work Requirement on Individuals Eligible for Expanded Medicaid Benefits.

Attorney General Explanation: The Medicaid program is funded by the State and the federal government to provide medical coverage for certain low-income people who qualify for the program. In 2022, the voters approved a Constitutional provision that expanded Medicaid eligibility for any person over age 18 and under 65 whose income is at or below 133% of the federal poverty level, plus 5% of the federal poverty level for the applicable family size.

This constitutional amendment authorizes the State to impose work requirements on any person eligible to receive benefits under the expanded Medicaid program, except for those persons who are physically or mentally disabled. The amendment does not identify any specific work requirement that may be imposed on those receiving expanded Medicaid benefits. Any work requirement proposed by the State must be approved by the federal government prior to implementation.

Vote "Yes" to adopt the amendment.

Vote "No" to leave the Constitution as it is.

Full Text of Constitutional Amendment F:

A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election, an amendment to the Constitution of the State of South Dakota, authorizing the state to impose work requirements on certain individuals who are eligible for expanded Medicaid.

Section 1. That at the next general election held in the state, the following amendment to Article XXI, § 10 of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state for approval.

Section 2. That Article XXI, § 10 of the Constitution of the State of South Dakota, be AMENDED:

Beginning July 1, 2023, the State of South Dakota shall provide Medicaid benefits to any person over eighteen and under sixty-five whose income is at or below one hundred thirty-three percent of the federal poverty level plus five percent of the federal poverty level for the applicable family size, as authorized by federal law as of January 1, 2021. Such person shall receive coverage that meets or exceeds the benchmark or benchmark-equivalent coverage requirements, as such terms are defined by federal law as of January 1, 2021.

The State of South Dakota may not impose greater or additional burdens or restrictions on eligibility or enrollment standards, methodologies, or practices on any person eligible under this section than on any person otherwise eligible for Medicaid under South Dakota law, except that the State of South Dakota may, to the extent permitted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, impose a work requirement on any person, eligible under this section, who has not been diagnosed as being physically or mentally disabled.

No later than March 1, 2023, the Department of Social Services shall submit all state plan amendments necessary to implement this section to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

The State of South Dakota shall take all actions necessary to maximize the federal financial medical assistance percentage in funding medical assistance pursuant to this section.

This section shall be broadly construed to accomplish its purposes and intents. If any provision in this section or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not

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affect other provisions or applications of the section that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this section are severable.



Constitutional Amendment G

Title: An Initiated Amendment Establishing a Right to Abortion in the State Constitution.

Attorney General Explanation: This initiated amendment establishes a constitutional right to an abortion and provides a legal framework for the regulation of abortion. This framework would override existing laws and regulations concerning abortion.

The amendment establishes that during the first trimester a pregnant woman's decision to obtain an abortion may not be regulated nor may regulations be imposed on the carrying out of an abortion.

In the second trimester, the amendment allows the regulation of a pregnant woman's abortion decision, and the regulation of carrying out an abortion. Any regulation of a pregnant woman's abortion decision, or of an abortion, during the second trimester must be reasonably related to the physical health of the pregnant woman.

In the third trimester, the amendment allows the regulation or prohibition of abortion except in those cases where the abortion is necessary to preserve the life or health of the pregnant woman. Whether an abortion is necessary during the third trimester must be determined by the pregnant woman's physician according to the physician's medical judgment.

Judicial clarification of the amendment may be necessary. The Legislature cannot alter the provisions of a constitutional amendment.

Vote "Yes" to adopt the amendment.

Vote "No" to leave the Constitution as it is.

Full Text of Constitutional Amendment G:

Amendment Text: That Article VI of the Constitution of the State of South Dakota be amended by adding a NEW SECTION:

Before the end of the first trimester, the State may not regulate a pregnant woman's abortion decision and its effectuation, which must be left to the judgment of the pregnant woman.

After the end of the first trimester and until the end of the second trimester, the State may regulate the pregnant woman's abortion decision and its effectuation only in ways that are reasonably related to the physical health of the pregnant woman.

After the end of the second trimester, the State may regulate or prohibit abortion, except when abortion is necessary, in the medical judgment of the woman's physician, to preserve the life or health of the pregnant woman.



Constitutional Amendment H

Title: An Amendment to the South Dakota Constitution Establishing Top-Two Primary Elections.

Attorney General Explanation: Currently, to appear on the general election ballot, major party candidates for the following offices must participate in a partisan primary election: Governor, State Legislature, U.S. Senate and House of Representatives, and elected county offices. Only members of the candidate's party may vote for that candidate unless that party has opened the primary to voters not affiliated with the party.

Minor party candidates may be chosen by primary or party convention.

Unaffiliated candidates (independents) are only required to file nominating petitions to appear on the general election ballot.

For the listed offices, this

amendment requires one primary election wherein all candidates run against each other in their respective races, including major and minor party and unaffiliated candidates. A candidate may list any party next to their name on the ballot regardless of party affiliation or registration. All voters may vote for any candidate. The two candidates receiving the most votes advance to the general election. If there is more than one candidate to be elected to an office, the number of candidates advancing to the general election is twice the number to be elected.

Primary elections may be held for other offices.

The amendment may be challenged on constitutional grounds.

Vote "Yes" to adopt the amendment.

Vote "No" to leave the Constitution as it is.

Fiscal Note: Open primaries would require printing additional ballots at a cost of \$0.47 per ballot. The additional cost statewide to counties would currently be approximately \$23,667 for each primary election. The share of the total cost for each county will vary. There is no expected cost to state government.

Full Text of Constitutional Amendment H:

Be it enacted by the People of South Dakota:

That Article VII of the Constitution of South Dakota be amended by adding a NEW SECTION to read:

§4. A primary election held for the office of governor, a legislative office, a county office, the United States Senate, or the United States House of Representatives shall be open to all candidates and all qualified voters without regard to the candidates' or voters' party registration or affiliation, or lack thereof.

In a primary election covered by this section, each candidate must be listed on a single primary ballot regardless of the candidate's political party. A voter may vote for any primary candidate regardless of the voter's party affiliation or lack thereof. The two candidates receiving the highest number of votes cast in a primary election advance to the general election. If more than one candidate is to be elected to an office at the general election, the number of candidates advancing from the primary election is twice the number to be elected in the general election.

The general election ballot may only include those candidates advancing from the primary election. The legislature may, by law, establish procedures for replacing a candidate who advanced from the primary election but will not participate in the general election due to death, withdrawal from the race, or disqualification.

A candidate may select the name of a political party to be listed next to the candidate's name on the primary ballot. The same political party designation shall appear next to the candidate's name on the general election ballot if the candidate advances to the general election. Both the primary and general election ballots must state that a candidate's indicated political party designation does not constitute or imply an endorsement of the candidate by the political party designated.

The legislature may establish any necessary procedures to implement this section.

If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity will not affect any other provision or application of the section that can be given effect without the invalid provisions or applications, and to this end the provisions of this section are severable.



Initiative Measure 28

Title: An Initiated Measure Prohibiting Taxes on Anything Sold for Human Consumption.

Attorney General Explanation: Currently, the State collects tax on the sale or use of certain goods, including foods and drinks. Many municipalities also collect these taxes.

This initiated measure prohibits the State from collecting sales or use tax on anything sold for human consumption. The measure eliminates these sources of revenue for the State.

Human consumption is not defined by state law. However, its common definition includes more than foods and drinks.

The measure does not prohibit the collection of sales or use tax on alcoholic beverages or prepared food. Prepared food is defined by law to include food that is sold heated or with utensils.

The measure may affect the State's obligations under the tobacco master settlement agreement and the streamlined sales tax agreement. The master settlement agreement resulted from multi-state lawsuits against cigarette manufacturers for the public health effects of smoking. South Dakota's annual share of the master settlement agreement is approximately \$20 million. The streamlined sales tax agreement is a multi-state program designed to simplify the collection of sales and use tax for companies selling in multiple jurisdictions.

Judicial or legislative clarification of the measure will be necessary.

Vote "Yes" to adopt the initiated measure.

Vote "No" to leave South Dakota law as it is.

Fiscal Note: Beginning July 1, 2025, the State could see a reduction in sales tax revenues of \$123.9 million annually from no longer taxing the sale of anything sold for human consumption, except alcoholic beverages and prepared food. Municipalities could continue to tax anything sold for human consumption.

Full Text of Initiated Measure 28:

BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA:

That Title 10 be amended by adding a NEW SECTION to read:

Notwithstanding any other provision of law, the state may not tax the sale of anything sold for human consumption, except alcoholic beverages and prepared food. Municipalities may continue to impose such taxes.



Initiative Measure 29

Title: An Initiated Measure Legalizing the Recreational Use, Possession, and Distribution of Marijuana.

Attorney General Explanation: This initiated measure allows individuals 21 years of age or older to possess, grow, ingest, and distribute marijuana or marijuana paraphernalia. Individuals may possess up to two ounces of marijuana in a form other than marijuana concentrate or other marijuana products. Individuals may possess up to six marijuana plants with no more than twelve plants per household. The measure also places limits on the possession of other forms of marijuana and marijuana products.

Under the measure, the possession, ingestion, and distribution of marijuana and marijuana paraphernalia remains illegal for individuals under the age of 21. Driving under the influence of marijuana remains illegal.

The measure restricts where individuals may possess or consume marijuana, such as schools or where tobacco is prohibited.

The measure allows employers to restrict an employee's use of marijuana. Property owners may also regulate the use of marijuana on their property.

The measure does not affect State laws dealing with hemp. It also does not change laws concerning the State's medical marijuana program.

The measure legalizes marijuana-derived substances considered felony-controlled substances under State law. Marijuana remains illegal under federal law.

Judicial or legislative clarification of this measure may be necessary.

Vote "Yes" to adopt the initiated measure.

Vote "No" to leave South Dakota law as it is.

Fiscal Note: The state and municipalities would collect minimal additional sales tax revenue, as the measure would not decriminalize the sale of cannabis but would decriminalize the sale of cannabis accessories. Counties could see incarceration expenses reduced by \$581,556 every year.

Full Text of Initiated Measure 29:

Be it enacted by the people of

South Dakota.

Section 1. That title 34 be amended by adding a NEW SECTION to read:

Terms used in this chapter mean:

(1) "Local government," a county, municipality, town, or township;

(2) "Cannabis," the plant of the genus *Cannabis*, and any part of that plant, including the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, or the plant's resin, including hash and marijuana concentrate. The term includes an altered state of marijuana absorbed into the human body. The term does not include hemp, as defined in § 38-35-1 or fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administration, food, drink, or any other product;

(3) "Cannabis accessory," any equipment, product, or material that is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing cannabis into the human body; and

(4) "Possession limit," the following amounts of cannabis:

(a) Two ounces of cannabis in a form other than concentrated cannabis or cannabis products;

(b) Sixteen grams of concentrated cannabis, which includes hashish and cannabis extracts; and

(c) Cannabis products, other than concentrated cannabis, containing one thousand six hundred milligrams of tetrahydrocannabinol.

Section 2. That title 34 be amended by adding a NEW SECTION to read:

Subject to the limitations in this chapter, and notwithstanding any other law, the following acts, if done by a person at least twenty-one years of age, may not be an offense under state or local law, regulation, or ordinance; be subject to a civil fine, penalty, or sanction; be a basis for detention, search, or arrest; be a basis for the denial of any right or privilege; or be a basis for asset seizure or forfeiture:

(1) Possessing, using, ingesting, inhaling, processing, or transporting not more than the possession limit of cannabis; or transferring without consideration not more than the possession limit of cannabis to a person who is twenty-one years of age or older;

(2) Possessing, planting, cultivating, harvesting, drying, processing, or manufacturing not more than six cannabis plants and possessing and processing the cannabis produced by the plants, provided that the plants and any cannabis produced by the plants in excess of the possession limit are kept at one private residence only, are in a locked space at the private residence, are not visible by normal, unaided vision from a public place; and that the total number of plants at the private residence may not exceed twelve, even if more than two people who are twenty-one years of age or older live in the residence;

(3) Possessing, using, or manufacturing any cannabis accessory;

(4) Delivering, distributing, transferring, or selling a cannabis accessory to a person twenty-one years of age or older;

(5) Allowing the person's property to be used for any of the acts permitted by this chapter; and

(6) Any combination of the acts allowed by this section.

Section 3. That title 34 be amended by adding a NEW SECTION to read:

Nothing in this chapter affects a law prohibiting:

(1) The delivery or distribution of cannabis or a cannabis accessory, with or without consideration, to a person younger than twenty-one years of age;

(2) The purchase, possession, use, or transport of cannabis or cannabis accessories by a person younger than twenty-one years of age;

(3) The consumption of cannabis by a person younger than twenty-one years of age;

(4) The operation of or being in physical control of any motor vehicle, train, aircraft, motorboat, or other motorized

form of transport while under the influence of cannabis;

(5) The consumption of cannabis while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport, while it is being operated;

(6) The smoking of cannabis within a motor vehicle, aircraft, motorboat, or other motorized form of transport, while it is being operated;

(7) The possession or consumption of cannabis or possession of cannabis accessories on the grounds of a public or private preschool, elementary school, or high school, in a school bus, or on the grounds of any correctional or juvenile detention facility;

(8) The smoking of cannabis in a location where smoking tobacco is prohibited;

(9) The smoking of cannabis in a public place;

(10) The undertaking of any task under the influence of cannabis, if doing so would constitute negligence or professional malpractice; or

(11) Performing solvent-based extractions on cannabis using solvents other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol.

Section 4. That title 34 be amended by adding a NEW SECTION to read:

This chapter does not:

(1) Require an employer to permit or accommodate an employee to engage in conduct allowed by this chapter;

(2) Affect an employer's ability to restrict the use of cannabis by an employee;

(3) Limit the right of a person who occupies, owns, or controls private property from prohibiting or otherwise regulating conduct permitted by this chapter on or in that property; or

(4) Limit the ability of the state or a local government to prohibit or restrict any conduct otherwise permitted under this chapter within a building owned, leased, or occupied by the state or the local government.



Referred Law 21

Title: A Referred Act to Provide New Statutory Requirements for Regulating Linear Transmission Facilities, to Allow Counties to Impose a Surcharge on Certain Pipeline Companies, and to Establish a Landowner Bill of Rights.

Attorney General Explanation: The Act authorizes counties to impose, for any tax year in which the pipeline operator receives a tax credit, a \$1.00 per foot surcharge on carbon dioxide pipelines. Revenue from the surcharge must be distributed as tax relief to each property owner in the county where the pipeline is installed. Any remaining revenue can be allocated at each county's discretion. No other fee may be imposed except property taxes, or fees associated with road agreements.

The Act also imposes certain requirements on carbon dioxide pipelines: pipelines must be installed to a minimum depth; each pipeline operator is responsible for damages to drain tile, and to the surface owner, caused by the pipeline; each operator is also responsible for leaks or failures of the pipeline; and any land agent acting on behalf of the pipeline must be a pipeline employee, State resident, or State licensed real estate agent. The Act also includes requirements that carbon pipeline easements be in writing, and only enforceable for a specified period of time; pipeline operators must initiate business operations within five years of the easement; and each easement is void after five years of nonuse.

Vote "Yes" to allow the Act of the Legislature to become law.

Vote "No" to reject the Act of the Legislature.

Full Text of Referred Law 21:

An Act to provide new statutory requirements for regulating linear transmission facilities, to allow counties to impose a surcharge on certain pipeline companies, and to establish a landowner bill of rights.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That a NEW SECTION be added to chapter 10-4:

Pipelines for the transmission of carbon dioxide are not subject to any discretionary formulas authorized by this title.

Section 2. That a NEW SECTION be added to chapter 10-12:

A county may impose a pipeline surcharge up to one dollar per linear foot of carbon dioxide pipeline installed in the county during any tax year that the carbon dioxide pipeline company claims a tax credit pursuant to 26 U.S.C. § 45Q (January 1, 2024).

For each county where a carbon dioxide pipeline company has installed a pipeline, the company shall report to the county the linear footage of carbon dioxide pipeline installed in the county.

A carbon dioxide pipeline company shall remit the pipeline surcharge to each applicable county in the same manner as provided for the payment of property taxes in chapter 10-21. The revenue derived from the pipeline surcharge must be distributed as follows:

(1) At least fifty percent as tax relief for property in the county where the carbon dioxide pipeline is located pro rata on a per foot basis to each property in the county upon which the pipeline is installed; and

(2) The remaining revenue to be allocated as determined by the county.

Section 3. That § 10-37-3 be AMENDED:

10-37-3. Any pipeline company having lines in this state shall annually, on or before April fifteenth of each year, make out and deliver to the Department of Revenue a statement, verified by the oath of an officer or agent of such pipeline company making such statement, showing in detail for the year ended December thirty-first next preceding:

(1) The name of the company;

(2) The nature of the company, whether a person or persons, an association, copartnership, corporation or syndicate, and under the laws of what state organized;

(3) The location of its principal office or place of business;

(4) The name and post office address of the president, secretary, auditor, treasurer, and superintendent or general manager;

(5) The name and post office address of the chief officer or managing agent in this state;

(6) The whole number of miles of pipeline owned, operated, or leased within the state, including a classification of the size, kind, and weight thereof, separated, so as to show the mileage in each county, and each lesser taxing district;

(7) A full and complete statement of the cost and actual present value of all buildings of every description owned by said pipeline company within the state and each lesser taxing district, not otherwise assessed;

(8) The number, location, size, and cost of each pressure pump or station;

(9) Any and all other property owned by said pipeline company within the state which property shall be classified and scheduled in such a manner as the secretary of revenue may by rule promulgated pursuant to chapter 1-26 require;

(10) The gross earnings of the entire company, and the gross earnings on business done within this state;

(11) The operating expenses of the entire company and the operating expenses within this state; and

(12) The net earnings of the entire company and the net earnings within this state; and

(13) Whether or not the pipeline company that installs a pipeline for carbon sequestration claims a tax credit under 26 U.S.C. § 45Q (January 1, 2024) in that year.

Section 4. That § 49-41B-1 be AMENDED:

49-41B-1. The Legislature finds that energy development in South Dakota and the Northern Great Plains significantly surrounding states affects the welfare of the population, the environmental quality, the location and growth of industry, and the use of the agricultural and natural resources of the state. The Legislature also finds that by assuming permit authority, that

Continues on next page

the state must also ensure that these facilities are permitted and constructed in an orderly and timely manner so that the energy, commerce, and transmission requirements of the people of the state are fulfilled. Therefore, it is necessary to ensure that the location, construction, and operation of facilities will produce minimal adverse effects on the environment and upon the citizens of this state by providing that the permitting or siting of a facility is determined by the commission and a facility may not be constructed or operated in this state without first obtaining a permit from the commission.

Section 5. That § 49-41B-19 be AMENDED:

49-41B-19. The Public Utilities Commission shall also hear and receive evidence presented by any state department, agency, or units of local government relative to the environmental, social, and economic conditions and projected changes therein elements in § 49-41B-22, and any applicable ordinance, resolution, or building code.

Section 6. That § 49-41B-28 be AMENDED:

49-41B-28. A permit for the construction of a transmission facility within a designated area may supersede or preempt supercedes and preempts any county, township, or municipal, or any other governmental unit land use, zoning, or building rules, regulations, rule, regulation, or ordinance. Any local land use, zoning, or building rule, regulation, or ordinance preempted or superseded under this section is not an applicable rule or law under subdivision 49-41B-22(1). A route or transmission facility permitted by the commission under this chapter is not subject to any local land use, zoning, or building rule, regulation, or ordinance, unless the commission requires compliance with any generally applicable rule, regulation, or ordinance as a condition of the permit issued. The enforcement of any county, municipal, township, or other governmental unit rule, regulation, or ordinance for a transmission facility permitted under this chapter must be done pursuant to the order of the commission granting the permit. Ordinances upon a finding by the Public Utilities Commission that such rules, or regulation, or ordinances, as applied to the proposed route, are unreasonably restrictive in view of existing technology, factors of cost, or economics, or needs of parties where located in or out of the county or municipality. Without such a finding by the commission, no route shall be designated which violates local land use zoning, or building rules, or regulations, or ordinances.

Section 7. That a NEW SECTION be added to chapter 49-41B:

A county, municipality, township, or other governmental unit, including governmental units chartered under S.D. Const., Art. IX, § 2, may not enact or increase, in any form, a tax, fee, or charge that is related to a gas or liquid transmission line or an electric transmission line which requires or holds a permit under chapter 49-41B. The provisions of this section do not prohibit:

(1) Real property taxes pursuant to title 10;

(2) Road use, construction, maintenance, and improvement agreements pursuant to titles 7, 8, 9, or 31; and

(3) The surcharge created by section 2 of this Act.

A county, municipality, township, or other governmental unit, including governmental units chartered under S.D. Const., Art. IX, § 2, may require a gas, liquid, or electrical transmission project to enter into a road use, construction, maintenance, and improvement agreement prior to construction.

Any fee or tax permitted under this section must be uniform and apply to all classes of facilities, except the surcharge listed under subdivision 3 of this section.

If after ninety days the applicant cannot come to terms with a county, municipality, township, or other governmental unit, including governmental units chartered under S.D. Const., Art. IX, § 2, on a road use and maintenance agreement, the applicant may apply to the commission for an order in place of the agreement, specific to that unit of government and after notice and hearing the

commission must grant an order determining the applicant's use and restoration of the units, roads, bridges, and rights of way.

Section 8. That a NEW SECTION be added to chapter 49-41B:

All pipelines carrying carbon dioxide must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or underwater natural bottom, as determined by recognized and generally accepted practices, must be a minimum of forty-eight inches in thickness and must be buried so that it is below the level of cultivation.

Section 9. That a NEW SECTION be added to chapter 49-41B:

An operator of a pipeline facility carrying carbon dioxide is liable for repairs of drain tile, which was installed prior to the installation of the pipeline facility, where the installation, construction, operation, maintenance, or repair of the pipeline facility is the proximate cause of the damage to the drain tile. The operator's liability pursuant to this section shall:

(1) Continue for the life of the pipeline facility;

(2) Cover full replacement costs including without limitation material, labor, and equipment; and

(3) Include the reclamation and restoration of topsoil as part of any drain tile repair.

Section 10. That a NEW SECTION be added to chapter 49-41B:

An operator of a pipeline facility carrying carbon dioxide shall be liable for all damages resulting from the installation, construction, operation, maintenance, repair, leaks, ruptures, and other failures of the pipeline facility. The operator shall indemnify and hold the surface owner harmless from any loss, claim, or damage resulting from the installation, construction, operation, maintenance, repair, leaks, ruptures, and other failures of the pipeline facility, other than for gross negligence or willful misconduct of the surface owner.

In the event that the surface owner is a county, city, or other governmental unit, including governmental units chartered under S.D. Const., Art. IX, § 2, the operator's liability and indemnification requirements shall include without limitation the governmental unit's road, bridge, and other infrastructure damages.

Section 11. That a NEW SECTION be added to chapter 49-41B:

An operator of a pipeline facility carrying carbon dioxide must include an agricultural impact mitigation plan in its application for a permit under this chapter.

Section 12. That a NEW SECTION be added to chapter 49-41B:

An operator of a pipeline facility carrying carbon dioxide must offer a dispersion analysis into evidence before the commission. The commission may enter an order declaring such dispersion analysis, or a portion of the dispersion analysis, confidential. Any order declaring a dispersion analysis, or a portion of the dispersion analysis, as confidential must be justified in specific findings, in writing or on the record.

The commission must make the dispersion analysis available, in relevant part, to each applicable county, emergency manager, and law enforcement agency. The commission shall make available a dispersion analysis report to the public.

Section 13. That a NEW SECTION be added to chapter 49-41B:

A land agent acting on behalf of a pipeline facility carrying carbon dioxide must be a pipeline facility employee, a resident of the state, or a real estate agent licensed in the state.

Section 14. That a NEW SECTION be added to title 43:

Sections 14 to 15, inclusively, of this Act may be cited as the Landowner Bill of Rights.

Section 15. That a NEW SECTION be added to title 43:

Any landowner granting a carbon pipeline easement has the following rights:

(1) Each pipeline placed in a carbon pipeline easement must meet the minimum depth requirement in section 8 of this Act;

(2) The entity holding rights in the carbon pipeline easement must repair any damage to drain tile as set forth in section 9 of this Act;

(3) An operator of a pipeline

facility carrying carbon dioxide is liable to a landowner for any leaks or repairs as provided in section 9 of this Act;

(4) An operator of a pipeline facility carrying carbon dioxide must indemnify the owner as provided in section 10 of this Act;

(5) Any applicant desiring to obtain a permit to operate a pipeline facility carrying carbon dioxide must file a disclosure of the dispersion analysis as provided in section 11 of this Act;

(6) Any applicant desiring to obtain a permit to operate a carbon dioxide pipeline facility must engage a landowner as required by section 13 of this Act;

(7) Each carbon pipeline easement agreement must include a statement disclosing the information in HB 1186, § 2, if enacted by the Ninety-Ninth Legislature;

(8) If the easement holder mortgages or otherwise encumbers to any party any part of the easement holder's rights and interests under the carbon pipeline easement, the mortgage or encumbrance is enforceable only as permitted in HB 1186, § 2, if enacted by the Ninety-Ninth Legislature;

(9) A carbon pipeline easement is not enforceable after the period of time set forth in HB 1186, § 2, if enacted by the Ninety-Ninth Legislature;

(10) A carbon pipeline easement expires after the passing of a period of nonuse as set forth in HB 1186, § 2, if enacted by the Ninety-Ninth Legislature;

(11) A carbon pipeline easement must be in writing as required by HB 1186, § 2, if enacted by the Ninety-Ninth Legislature;

(12) A landowner granting a carbon pipeline easement has the examination and survey protection rights as set forth in § 21-35-31; and

(13) To receive the one-time payment as provided in HB 1185, § 1, if enacted by the Ninety-Ninth Legislature.

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day of October 2024.

Duane Sutton, Brown County Commission Chairman

ATTEST: Lynn Heupel, Brown County Auditor

Notice of Hearing: September 4, 2024

First Reading: September 24, 2024

Second Reading/Adoption: October 8, 2024

Published: October 16, 2024

Effective Date: November 5, 2024

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NOTICE OF ADOPTION ORDINANCE #277

AN ORDINANCE AMENDING TITLE 4, SECOND REVISION BROWN COUNTY ORDINANCES AS AMENDED TO REZONE CERTAIN DESCRIBED PROPERTY

Notice is hereby given that Ordinance #277, An Ordinance Amending Title 4, Second Revision Brown County Ordinances, as amended to rezone the following described property filed by Amy & Joshua Gulstad was duly adopted by the Board of Brown County Commissioners on the 8th day of October 2024 and will become effective on the 5th of November 2024.

BE IT ORDAINED by the Brown County Commission, Brown County, South Dakota, that the Petition to Amend Title 4, Second Revision Brown County Ordinances, as amended, to rezone the following described property filed by Brown County Planning & Zoning is hereby granted and Title 4, Second Revision Brown County Ordinances is hereby amended to change the zoning on the following described properties from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current & future use:

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

BE IT FURTHER ORDAINED by the Brown County Commission, Brown County, South Dakota that the zoning official for the County of Brown is hereby authorized to change the official zoning map for Brown County to reflect this Ordinance.

Passed and adopted this 8th day of October 2024.

Duane Sutton, Brown County Commission Chairman

ATTEST: Lynn Heupel, Brown County Auditor

Notice of Hearing: September 4, 2024

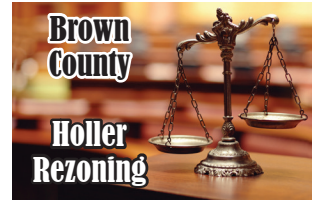
First Reading: September 24, 2024

Second Reading/Adoption: October 8, 2024

Published: October 16, 2024

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Published October 16, 2024, at the total approximate cost of \$21.77 and may be viewed free of charge at www.sdpublicnotices.com. 23844



NOTICE OF ADOPTION ORDINANCE #278

AN ORDINANCE AMENDING TITLE 4, SECOND REVISION BROWN COUNTY ORDINANCES AS AMENDED TO REZONE CERTAIN DESCRIBED PROPERTY

Notice is hereby given that Ordinance #278, An Ordinance Amending Title 4, Second Revision Brown County Ordinances, as amended to rezone the following described property filed by Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use:

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

BE IT FURTHER ORDAINED by the Brown County Commission, Brown County, South Dakota that the zoning official for the County of Brown is hereby authorized to change the official zoning map for Brown County to reflect this Ordinance.

Passed and adopted this 8th

vision Brown County Ordinances is hereby amended to change the zoning on the following described properties from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use:

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

BE IT FURTHER ORDAINED by the Brown County Commission, Brown County, South Dakota that the zoning official for the County of Brown is hereby authorized to change the official zoning map for Brown County to reflect this Ordinance.

Passed and adopted this 8th day of October 2024.

Duane Sutton, Brown County Commission Chairman

ATTEST: Lynn Heupel, Brown County Auditor

Notice of Hearing: September 4, 2024

First Reading: September 24, 2024

Second Reading/Adoption: October 8, 2024

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NOTICE OF HEARING UPON APPLICATIONS FOR SALE OF ALCOHOLIC BEVERAGES

Notice is hereby given according to SDCL 35-2-5, a Public Hearing on the transfer of a Retail (On-Sale) Liquor is set for the 29th day of October, 2024 in the Chambers of the Brown County Commissioners, in the Courthouse Annex, Brown County, South Dakota at which time any interested persons wishing to register a complaint on their approval may appear:

TRANSFER - RETAIL (ON-SALE) LIQUOR:

Stacy Gossman, DBA: Flying Pig to transfer license located at 2520 8th Ave. NE - Lt. 1 Ronnie's Way Addition Ste A., NW 1/4 of Sec 17-T123-R63 of 5th P.M., Brown County to County Line Developers, LLC, DBA: County Line Club located at 2520 8th Ave. NE - Lt. 1 Ronnie's Way Addition Ste 7., NW 1/4 of Sec 17-T123-R63 of 5th P.M., Brown County

TRANSFER - RETAIL (ON-SALE) LIQUOR:

Stacy Gossman, DBA: Nacho Business to transfer license located at 2520 8th Ave. NE - Lt. 1 Ronnie's Way Addition Ste G., NW 1/4 of Sec 17-T123-R63 of 5th P.M., Brown County to County Line Developers, LLC, DBA: County Line Club located at 2520 8th Ave. NE - Lt. 1 Ronnie's Way Addition Ste 6., NW 1/4 of Sec 17-T123-R63 of 5th P.M., Brown County

ATTEST: Lynn Heupel, Brown County Auditor

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NOTICE OF HEARING UPON APPLICATIONS FOR SALE OF ALCOHOLIC BEVERAGES

Notice is hereby given according to SDCL 35-2-5, a Public Hearing on the Application of a Package (Off Sale) Liquor License is set for the 29th day of October, 2024 in the Chambers of the Brown County Commissioners, Brown County, South Dakota at which time any interested persons wishing to register a complaint on their approval may appear:

PURCHASE - PACKAGE (OFF SALE) LIQUOR:

County Line Developers, LLC, DBA: County Line Club located at 2520 8th Ave. NE, Ste. 7 - Lt. 1 Ronnie's Way Addition, NW 1/4 of Sec 17-T123-R63 of 5th P.M., Brown County, SD.

ATTEST: Lynn Heupel, Brown County Auditor

Published October 16, 2024, at the total approximate cost of \$9.20 and may be viewed free of charge at www.sdpublicnotices.com. 23847

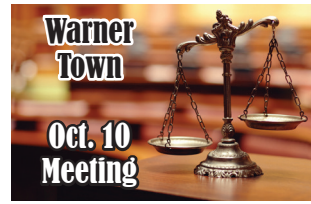
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Notice Of Hearing

Notice is hereby given that a public hearing will be held on Wednesday, November 13, 2024 at 7PM in the Warner Community Center, 11 West Main Street, Warner, SD on the following request: An application for variances from Bryan Hofer, 16 First Avenue NE. Addition to be set back from East property line 5'5" instead of 6' per ordinance and second variance to be 24'3" instead of required 25' per ordinance. Warner, SD legal description Lot 1 Hofer Addition (LT 7-10 BK 8). Any persons having an interest pay appear and be heard, at which time the Board of Trustees may approve or deny the request. Linda Johanssen, Warner Planning Secretary.

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TOWN OF WARNER MINUTES FOR THURSDAY, OCTOBER 10TH, 2024

MEMBERS PRESENT: Dave Fair, Gaylon Townsend, Stewart Nelson and Nichol Townsend. Terry Evans was absent. Linda Johanssen was also present.

APPROVAL OF MINUTES: A motion was made by Townsend and seconded by Fair to approve the minutes from the September 11th, 2024 meeting. Motion carried.

FINANCIAL REPORTS: MSC: Townsend/Fair. Checking: Town \$363,923.27; Water \$85,201.72; Sewer \$193,019.26. CDs: Town \$32,529.82; Water \$49,621.04; Sewer \$28,029.36.

BILLS APPROVED FOR PAYMENT: MSC: Fair/Townsend.

AGTEGRA (chemical & fuel) \$655.68, M&H (fuel) \$100, RDO (supplies) \$19.19, Post Office (postage) \$23.27, WEB Water \$6593.75, US Bank (loan) \$9631.84, USDA (loan) \$2083,

B&B Contracting (water repairs) \$2403.07, Badger Meter (reads) \$11.04, Banyon Data Systems (annual fees) \$2915, Dependable Sanitation (garbage) \$2681, Grotton Independent (advertising) \$35.04, Hanlon Brothers (supplies) \$1026.78, Jensen Rock & Sand (streets) \$72,790.40, Lynn Aman (CC cleaning) \$75, MAC'S (supplies) \$86.40, Metering & Technology Solutions (supplies) \$3030.92, Midcontinent (internet) \$292.53, Northwestern Energy (electricity) \$1616.91, Sanitation Products Inc (supplies) \$584.92, SD Dept of Rev/Sales Tax \$171.85, SD Public Health Lab (water test) \$165, SD One Call \$24.15, Town Water/Sewer \$182.10, TransSource (supplies/parts) \$83.75, PAYROLL: Stewart Nelson \$3479.84, Terry Evans \$211.02, Dave Fair \$62.79, Gaylon Townsend \$53.56, Nichol Townsend \$729.19, SD Retirement Fund \$524.04, Payroll Taxes \$1148.54.

PUBLIC COMMENTS: None

UNFINISHED BUSINESS: Planning & Zoning Property Violations were discussed and are being worked on.

Bryan Hofer Plat was discussed. Linda presented information from the Planning & Zoning Board. The property is no longer going to be re-platted. Instead, he will be applying for property variances.

Maguire Iron Inspection and Contract was discussed. No action taken.

NEW BUSINESS: None

Delinquencies: Six were noted. Two are already shut off. Notices will be posted on doors for the others.

DATE OF NEXT MEETING: Wednesday, November 13th, 2024 at 7 PM in the Warner Community Center.

ADJOURNMENT: There being no further business, the meeting was adjourned at 7:30 PM.

This institution is an equal opportunity provider and employer.

Dave Fair, Chairman; Nichol Townsend, Finance Officer

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October 8, 2024 – GENERAL MEETING

Meeting called to order by Chairman Sutton at 8:45 A.M. in the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Dennert, Fjeldheim, Gage and Sutton. Commissioner Wiese was absent. Auditor Heupel led the Pledge of Allegiance.

APPROVAL OF AGENDA: Commissioner Fjeldheim moved to approve the agenda, seconded by Gage. All members present voting aye. Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT: None

RESIDENTS OF EISENHOWER CIRCLE REGARDING ODOR FROM BEEF PLANT: Kelly Rosstite mentioned that she was aware that after they attended the meeting last week, she had a few answers and that the Commission had been in communication with the Beef Plant. Chairman Sutton said they are still researching this issue and informed the residents that the Beef Plant received a Conditional Use Permit (C.U.P.) from the City of Aberdeen and had obtained a C.U.P. from Brown County for the rendering plant. They had been informed of some mechanical issues and they were waiting on parts. The County doesn't have an Ordinance regarding odors just nuisances. Chairman Sutton asked the residents to document the time, date and odor. The C.U.P. does allow for action but need documentation to back it up. They agreed to start documenting the information requested and the County will continue researching and visit with the Beef Plant.

DISCUSS APPROACH CULTIVATES WEST OF MANSFIELD: Dirk Rogers, Highway Superintendent, shared with the Commission and residents from Mansfield and Warner Township that IMEG had came up with four scenarios. After going over these options, Dirk recommended doing two 36" culverts and not do anything under the road at this time. Jared Bossly stated that his and Warner Township opinion is to include one in the road as well. Commissioner Dennert suggested doing the two 36" culverts on the approach so not having to raise the road and make it act like a dam. Then can revisit in a year or two if still causing issues at the road. Mr. Leonhardt informed everyone that the culverts had been blown out twice. Dirk reminded that this started out with an Approach Permit and then got off topic. Commission advised Dirk to the two 36" culverts and this time, which will be done yet this Fall.

SURPLUS EQUIPMENT: Dirk Rogers, Highway Superintendent asked to declare the following equipment surplus and sell it on Purple Wave: 2012 Skid Steer-VIN #ANKA12720; 2000 Motor Grader 730A VHP Falls Wing Model 212 – S/N 801600H and 1997 Road Broom – SM250-25511. Moved by Commissioner Dennert to declare this equipment surplus and approve Highway Department selling it on Purple Wave, seconded by Fjeldheim. All members present voting aye. Motion carried.

HIGHWAY UPDATE: Dirk Rogers, Highway Superintendent, informed the Commission that they are renting a shouldering machine to get 12W done; putting Oil on 14 and Co. Rd. 5 should be done. They will then be mowing and hauling gravel.

QUOTE FOR AIR COMPRESSOR WITH A DRYER: Judy Dosch, Building Superintendent told the Commission that she was only able to obtain 1 quote for an Air Compressor with a Dryer for the Courthouse Annex, Courthouse and part of the Jail. The quote was from Honeywell for \$12,620.00. Moved by Commissioner Gage, seconded by Fjeldheim to accept the quote from Honeywell in the amount of \$12,620.00 for an Air Compressor with a Dryer. All members present voting aye. Motion carried.

TUCKPOINTING PROJECT: Judy Dosch, Building Superintendent asked the Commission to waive the \$500.00 per day penalty on the Tuckpointing project since they will not be able to complete the project this year due to issues that have come up with the Dome and recently the stone that has fallen off the garage in the north

parking lot. Moved by Commissioner Fjeldheim, seconded by Gage to waive the \$500.00 per day penalty at this time. All members present voting aye. Motion carried.

FAIR RECAP UPDATE: Rachel Kippely, Fair/Fairgrounds/Parks Manager to give an update on the Fair Recap and shared the Revenue report which is still subject to change due to money still coming in. The current report is as follows: Grandstand Ticket Sales - \$893,435.00; Vendor Sales - \$129,715.00; Other Revenue such as Carnival, Sponsorships, etc. - \$654,130.58; for a Grand Total to date of \$1,677,280.58. There are 4 Sponsorships that they have not received yet and have increased the electrical fees based on actual usage; there was an increase in the ATM profits and Mega Pass sales for Carnival increased and continues to be a big seller. Rachel informed the Commission they are exploring new options for future contracts; the first Fairboard meeting of the new year is this week, and they have some new applicants to get a full Board again. Will be coming in to discuss the Clubhouse contract, needs to be decided by year-end.

ORDINANCE #276 - SECOND READING/POSSIBLE ADOPTION: Moved by Commissioner Fjeldheim, seconded by Gage to adopt Ordinance #276. Applicant Jeffery Walth to rezone from Heavy Industrial District (H-I) to Highway Commercial District (HC) to bring this parcel into compliance for its current use Proposed Outlot 2, "Aberdeen TWP 20W Outlots" in the E1/2 of Section 20-T123N-R64W of the 5th P.M., Brown County, South Dakota (38380 W Hwy 12, Aberdeen Twp.). All members present voting aye. Motion carried.

ORDINANCE #277 - SECOND READING/POSSIBLE ADOPTION: Moved by Commissioner Dennert, seconded by Gage to adopt Ordinance #277. Applicant Amy & Joshua Gulstad to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current and future use: "Olson's Outlot A" in the NW1/4 of Section 25-T126N-R64W of the 5th P.M., Brown County, South Dakota (11646 387th Avenue, Oneota Twp.). All members present voting aye. Motion carried.

ORDINANCE #278 - SECOND READING/POSSIBLE ADOPTION: Moved by Commissioner Fjeldheim, seconded by Gage to adopt Ordinance #278. Applicant Jacki Holler – S & P Holdings, LLC to rezone from Agriculture Preservation District (AG-P) to Mini-Agriculture District (M-AG) to bring this parcel into compliance for its current use: Lot 1, "Johnson South Third Subdivision" in the NE1/4 of Section 22-T122N-R64W of the 5th P.M., Brown County, South Dakota (13919 386th Avenue, Warner Twp.). All members present voting aye. Motion carried.

MINUTES: Moved by Commissioner Dennert, seconded by Gage to approve the General Meeting Minutes of October 1, 2024. All members present voting aye. Motion carried.

CLAIMS/PAYROLL: Moved by Commissioner Dennert, seconded by Gage to approve the following claims/payroll: Claims: Professional Fees: Certified Languages International LLC \$1,130.25; CGI LLC \$671.03; Helms & Associates \$1,964.32; IMEG Corp \$7,800.00; Kramp Enterprise and Investment \$27,383.47; Kristi Brandt \$10.40; Lauren Nikolas \$1,000.00; Sanford Health Occupational Medicine \$49.00; SD Dept of Transportation \$5,435.19; Sewer Duck \$85.00; State of South Dakota PMB 0112 \$101.25. Publishing: Groton Daily Independent \$320.97; McQuillen Creative Group LLC \$1,664.00. Rentals: Linde Gas & Equipment Inc \$51.19. Repairs & Maintenance: Aberdeen Contracting LLC \$16,326.56; Artz Equipment Inc \$38.70; Auto Glass Solutions Inc \$40.00; Biegler's Inc \$3,462.12; Building Restoration Company \$161,482.90; Butler Machinery Company \$1,598.40; Chemtek Inc \$53.49; City of Aberdeen Treasurer \$11,071.31; Fulcrum Biometrics \$600.00; Graham Tire Inc \$1,634.00; House of Glass \$1,775.05; Hoven Auto Repair \$678.90; Ken's Alignment \$770.91; Loiseau Construction Inc \$192,384.96; Olson's Pest Technicians \$455.00; Pomp's Tire Service Inc \$656.25; Precision Kiosk Technologies \$2,700.00; RDO Equipment Co \$11,392.35; Robert R Ross \$1,120.87; Steven Lust Automotive \$327.00; Town & Country Building Supply

\$579.78; Transource Truck & Equipment Inc \$1,696.12. Supplies: Abigail Johnson \$28.53; Abigail Weis \$22.54; Ada Sharp \$33.03; Adam Sprengeler \$10.00; Agtegra Cooperative \$34,289.51; Aleda Tollefson \$10.00; Alexis Fleck \$45.08; Aliyah Friedt \$64.04; Amanda Brumfield \$44.30; Amazon Capital Services Inc \$488.87; Amelia Pierson \$31.23; Arthur Nelson \$94.62; Artz Equipment Inc \$493.04; Ayalyn Cray \$25.00; Barb Kumpf \$20.00; Basya Weis \$43.64; Bimbo Foods USA Inc \$729.35; Blake Paul \$640.88; Blakyn Berger \$22.54; Bonnie Schoen \$10.00; Brady Kilber \$219.57; Brantly Belden \$48.28; Braydon Kroll \$25.61; Brekka Burger \$420.08; Brianna Duerre \$64.04; Brooke Howard \$51.56; Butler Machinery Company \$7,882.88; Caleb Gaikowski \$128.08; Caleb Schwab \$51.23; Calli Schaunaman \$151.23; Carissa Scheel \$179.94; Carley Crist \$210.65; Carol Jones \$10.00; Carol Osterman \$25.00; Carson Eichler \$433.63; Carter Zoellner \$1,010.20; Cassidy Hardie \$164.04; Chancey Kessler \$38.48; Chandler Hoots \$60.35; Charles Holt \$20.63; Charlee Kessler \$38.48; Charles Pierson \$13.39; Charli Rawden \$115.27; Chemtek Inc \$224.75; Chloe Jager \$76.84; Cole Paper Inc \$1,027.82; Colin Frey \$106.50; Cora Schaunaman \$64.04; Cortlynn Kessler \$22.31; Creighton Hoots \$100.35; Cutler Schaunaman \$365.27; Dakota Fluid Power Inc \$1,113.39; Dakota Supply Group \$130.72; Daline Gellhaus \$10.00; Danielle Houghtaling \$505.04; Danyelle Schnabel \$18.03; Dawn Rux \$10.00; Deb Droog \$10.00; Dee Sanderson \$10.00; Deegan Moes \$89.65; Dusty Fuller \$337.25; Dylan Hendrickson \$64.04; East Side Jersey Dairy Inc \$1,546.52; Election Systems & Software \$9,552.36; Elizabeth Hanson \$51.23; Emerson Merkel \$64.04; Emily Mings \$10.00; Emma Rodine \$18.04; Erica Juntunen/Wieseler \$77.47; Faith Flihs \$35.70; Finley Gauer \$12.07; Gail Marshall \$10.00; Gina Malsam \$15.00; Grace Schwab \$64.04; Grady Wasland \$124.39; Graham Munger \$25.78; Gwyn Fischbach \$35.00; Hailea Carlson \$25.00; Hailey Heinje \$76.85; Hank & Cort Paulson \$64.12; Harper Torgerson \$214.04; HOH Water Technology \$163.32; Hoven Auto Repair \$84.00; Hudson Artz \$64.04; Hudson Eichler \$64.04; Hunter Kern \$120.75; Interstate Battery System of South Dakota \$147.95; Isaiah Sharp \$15.00; Jacie Fogarty \$42.53; Jackson Cihak \$17.85; Jacob Jung \$835.95; Jake Yeske \$64.04; James Dragt \$224.40; Janet Compton \$10.00; Janet Wright \$169.24; Janet Wright \$35.00; Jean Larson \$40.00; Jessie Fogarty \$47.26; Jessica Spurr \$50.00; Jill Johnson \$20.00; Joan Johnson \$15.00; Jolie Fogarty \$23.63; Justin Klootwyk \$51.23; Kaleb Holsing \$10.00; Kalli Grong \$183.63; Kanin Wasland \$87.44; Karly Allison \$190.13; Kasen Gemar \$128.08; Kasen Weber \$120.70; Kaycee Scheel \$74.62; Kaylee White \$64.04; Kaylyn Hendrickson \$115.27; Kelan Hintz \$63.63; Kendra Gong \$136.56; Korbyn Schnabel \$22.54; Kyla Pesky \$64.04; Kylee Wild \$15.00; Lacie Peterson \$325.42; Landan Wager \$193.12; Lane Foster \$64.04; Lauren Griese \$64.04; Laurel McNickle \$10.00; Leidholdt Tool Sales LLC \$70.37; Lena Gebhardt \$463.16; Lexi Osterman \$167.68; Lien Transportation Company \$588,841.35; Lilli Steeke \$739.67; Liza Krueger \$431.40; Lloyd Wetenkamp \$15.00; Logan Osterman \$72.42; Lori Habbeck \$20.00; Lynne Wampler \$10.00; MacQueen Emergency \$770.23; Maddie Sumption \$500.00; Madeline Lovrien \$25.00; Maggie Holt \$778.08; Mallory Schabel \$18.03; Mary Jane Speer \$10.00; Mattisyn Keppen \$165.27; McCausland Murray \$50.00; Mearns \$267.21; Merrick Gemar \$126.84; Mia Hokana \$64.04; Michael Kwasniewski \$10.00; Midstates Group \$15.00; Mike Sudlow \$10.00; Nancy Radke \$40.00; Nella Thompson \$25.00; Nolan Eichler \$96.56; Norman Johnson \$19.51; Owen Pierce \$63.11; Pantorium Cleaners Inc \$32.00; Pat Fritz-Bruckner \$395.21; Pat Larson \$10.00; Paxton Eichler \$51.23; Paxtyn Moes \$64.04; Peggy Hallstrom \$25.00; Peyton Schnabel \$22.54; Preston Kinkelman \$309.49; Preston Mattheis \$156.91; Performance Oil \$396.68; Pomp's Tire Service Inc \$245.68; Rachel Gemar \$115.27; Raymond Thorpe \$199.03; RDO Equipment Co \$5,301.41; Remington Laib \$48.28; Remington Smith \$64.04; Rhett Laib \$139.57;

Richard Haberman \$1286.85; Ron Wolff \$200.64; Ryan Crist \$63.12; Ryann Grussing \$64.04; Ryder Juntunen \$249.78; Ryder Wendel \$54.11; Samuel Fogarty \$172.26; Sewer Duck Inc \$225.00; Sharon Kerby \$10.00; Sophia Fogarty \$353.96; Source Tech Holdings Inc \$511.38; St. Mark's Episcopal Church \$1,500.00; Stan Houston Equipment Company Inc \$49.99; Stetson Rall \$22.54; Steven Munger \$15.47; Steven Lust Automotive \$224.81; Sydney Holmes \$87.33; Taylor McGraw \$31.56; Teagan Scheel \$195.59; Terry Salfrank \$35.00; Tigh Hardie \$64.04; Torunn Arnason \$33.28; Transource Truck & Equipment Inc \$8,219.91; Trevor Berndt \$30.00; Treyden Henke \$93.63; Treyvin Griese \$51.23; Tristan Gosch \$314.04; Tri-State Water \$81.50; Trudy Schaunaman \$10.00; Tucker Miller \$40.57; Ty Kulsrud \$102.46; Tye McGraw \$31.56; Tyler Heinje \$36.08; US Foods \$10,163.75; Vanessa Barondeau \$10.00; Web Water Bottling Company \$19.50; Weston Eichler \$326.56; Will Bruckner \$108.71; Wyatt Burggraf \$195.53; Wyatt Holmes \$53.89. Travel & Conference: Lynn Zachner \$141.48; Northeast South Dakota Family Violence Prevention Conference \$100.00; Safety Benefits Inc \$75.00. Utilities: AT&T Mobility \$186.49; City of Aberdeen Treasurer \$1,414.78; Midcontinent Communications \$327.44; Northwestern Energy \$14,137.87; Town of Frederick \$77.00; Verizon Wireless \$40.01; Web Water Development Association Inc \$109.28. Other: SD Association of County Officials \$752.00.

Payroll: Commission \$4,753.89; Elections \$4,371.49; Auditor \$8,798.83; Treasurer \$17,275.19; SA \$31,321.55; Maintenance \$11,939.07; Assessor \$15,484.74; Register of Deeds \$10,406.83; VSO \$4,491.55; GIS \$2,790.90; IT \$9,172.67; HR \$4,960.63; Sheriff \$44,592.31; Jail \$68,394.42; Coroner \$829.37; Court Security \$8,144.75; JDC \$32,066.33; Welfare \$2,466.75; Museum \$12,131.69; Parks/Fairgrounds \$6,583.34; Fair Board \$4,336.35; 4-H \$830.80; Weed \$6,068.28; Planning & Zoning \$9,233.13; Highway \$60,542.40; Dispatch \$34,386.81; Emergency \$5,216.02; 24/7 Sobriety Water \$2,844.84; Landfill \$18,381.00; FICA \$26,324.39; Medicare \$6,156.46; Discovery-HSA \$2,369.15. All members present voting aye. Motion carried.

HR REPORT: Moved by Commissioner Fjeldheim, seconded by Dennert to acknowledge and approve the following Human Resource Report submitted by Human Resources Director, Allison Tunheim:

- o Hiring of Alexis Kane as Brown County Jail Cook, FT; starting wage \$17.47/hr. – effective October 14, 2024.
- o Hiring of Jennifer Kannegiter as Brown County Sheriff's Office Records Technician, FT; starting wage \$19.29/hr. – effective October 7, 2024.
- o Transfer of Carlos Caraballo Rodriguez from Brown County Jail Detention Officer to Brown County Assistant Jail Administrator; moving from hourly to salary - \$2406.58/pay period – effective October 13, 2024.

All members present voting aye. Motion carried.

SET HEARING DATE FOR PACKAGE (OFF-SALE) LIQUOR: Moved by Commissioner Gage, seconded by Fjeldheim to set hearing date and authorize advertising for public hearing on the following application of Package (Off-Sale) Liquor License on 29th day of October, 2024 in the Chambers of the Brown County Commissioners, in the Courthouse Annex, Brown County, South Dakota: PURCHASE – PACKAGE (OFF SALE) LIQUOR: County Line Developers, LLC, DBA: County Line Club located at 2520 8th Ave. NE, Ste. 7 – Lt. 1 Ronnie's Way Addition, NW 1/4 of Sec 17-T123-R63 of 5th P.M., Brown County, SD. All members present voting aye. Motion carried.

SET HEARING DATE FOR RETAIL (ON-SALE) LIQUOR LICENSES TRANSFERS: Moved by Commissioner Fjeldheim, seconded by Gage to set hearing and authorize advertising for public hearing on the following liquor license transfers on 29th of October, 2024 in the Chambers of the Brown County Commissioners, in the Courthouse Annex, Brown County, South Dakota: TRANSFER – RETAIL (ON-SALE) LIQUOR: Stacy Gossman, DBA: Flying Pig to transfer license located at 2520 8th Ave. NE – Lt. 1 Ronnie's Way Addition Ste A, NW 1/4 of Sec 17-T123-

R63 of 5th P.M., Brown County to County Line Developers, LLC, DBA: County Line Club located at 2520 8th Ave. NE – Lt. 1 Ronnie's Way Addition Ste 7., NW 1/4 of Sec 17-T123-R63 of 5th P.M., Brown County; TRANSFER – RETAIL (ON-SALE) LIQUOR: Stacy Gossman, DBA: Nacho Business to transfer license located at 2520 8th Ave. NE – Lt. 1 Ronnie's Way Addition Ste G., NW 1/4 of Sec 17-T123-R63 of 5th P.M., Brown County to County Line Developers, LLC, DBA: County Line Club located at 2520 8th Ave. NE – Lt. 1 Ronnie's Way Addition Ste 6., NW 1/4 of Sec 17-T123-R63 of 5th P.M., Brown County. All members present voting aye. Motion carried.

TRAVEL REQUEST: Moved by Commissioner Gage, seconded by Fjeldheim to approve the following travel requests: Judy Dosch, Building Superintendent to attend 2024 Annual Safety & Loss Control Training Conference on November 20-21, 2024, in Pierre, SD; Austin Ball, Sheriff's Office, to attend Criminal Investigative Interviews Training on November 12-14, 2024 at Law Enforcement Training Academy in Pierre, SD; Linn Kamin, Sheriff's Office to attend Law Enforcement Coordinating Committee on October 29-30, 2024 in Sioux Falls, SD. All members present voting aye. Motion carried.

LANDFILL TONNAGE REPORT: Moved by Commissioner Gage, seconded by Fjeldheim to acknowledge the Landfill Tonnage report for September 2024. All members present voting aye. Motion carried.

ABATEMENTS/REFUNDS: Moved by Commissioner Dennert, seconded by Gage to approve the following abatements or refunds: Abatements: Parcel #12423: Tax Yr. 2024 - \$352.30; Parcel #18555: Tax Yr. 2023 - \$104.21; Parcel #12846 - Tax Yr. 2023 - \$1,940.33; Parcel #18555 - \$138.91. Refunds: Parcel #18555 - Tax Yr. 2022 - \$58.35; Tax Yr. 2021 - \$59.93. All members present voting aye. Motion carried.

OTHER BUSINESS: None

EXECUTIVE SESSION: Moved by Commissioner Gage, seconded by Fjeldheim to go into Executive Session for Personnel and Contracts per SDCL 1-25-2. All members present voting aye. Motion carried. The chair declared the executive session closed with no action taken.

ADJOURNMENT: Moved by Commissioner Dennert, seconded by Fjeldheim to adjourn the Brown County Commission at 11:24 a.m. All members present voting aye. Motion carried.

Lynn Heupel, Brown County Auditor
Published October 16, 2024, at the total approximate cost of \$174.12 and may be viewed free of charge at www.sdpublicnotices.com. 23850



Town of Westport General Meeting
October 8, 2024

The Town of Westport met on October 8, 2024 with Mitch Wilson, Shane Storm, Troy Tschappat and Deb Schlosser present.

The following bills were presented:

City General: NW Energy-utilities (\$308.30), Mardian Construction – town hall face lift (\$7,881.29), Deb Schlosser – payroll and supplies (\$373.82), Jeff Schroeder – mowing (\$413.80), Brown County Treasurer – Mosquito spraying (\$450.00), Lien Transportation – millings for front of Town Hall (\$1,150.70), Don Schlosser – weed spraying (\$217.50), Runnings Supply Inc – supplies (\$17.98), US Treasury – 3rd Quarter taxes (\$764.43), SD Unemployment Insurance – 3rd Quarter (\$10.14), Darwin Hinz – skidster rental, (\$200.00)

Sewer: NW Energy-Lift Station utilities (\$41.38)

Sewer Surcharge – DANR – Loan Payment (\$9,310.01)

Water: Banyon Data Systems – Annual Support Fee and Software Update (\$1,260.00), Water District Maintenance – testing (\$12,040.89), WEB – water (\$2,052.12)

Motion by Shane Storm, seconded by Troy Tschappat to pay all bills.

The following deposits were presented:

City General: State of SD (\$2,273.18), Brown County Collections (\$205.06), Interest (\$175.10)

Sewer: Resident Payments (\$2,746.49)

Water: Resident Payments (\$4,119.73)

Old Business: none

New Business: There have been several issues with water billing software and the hand reader. Updates from Banyon Data Systems and Core and Main were purchased. Software is now working fine.

Troy Tschappat motioned, second by Shane Storm to approve contract with B & B Contracting for snow removal.

Meeting dismissed at 7:25 p.m.

Deb Schlosser, Finance Officer
Published October 16, 2024, at the total approximate cost of \$19.04 and may be viewed free of charge at www.sdpublicnotices.com. 23851

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In Notice of Hearing published as required by law.

Board members present were Paul Meyers, Dave Dell, John Kippley, Kerry Howell and Mike McHugh. Members of the public present were James Meyers, Stephanie Meyers, Paisley Mitchell, and Corey Mitchell. Also present was attorney, Kari Bartling.

The Clerk called the hearing to order at 7:01 p.m. and declared the purpose of the hearing was to receive comments pertaining to the Petition requesting vacation of certain public roadways, described as follows:

Roadway #1: Running north and south commonly known as 390th Avenue, bordered by

126th Street on the south end and 124th Street on the north end and located between the W 1/2 of Section Four and the E 1/2 of Section Five and the E 1/2 of Section Eight and the W 1/2 of Section Nine, Township 124 North of Range 63 West of the 5th P.M., Brown County, South Dakota. That said public right of way is approximately Sixty-Six (66) feet wide and Ten Thousand Five-Hundred Sixty (10,560) feet in length.

Roadway #2: Running east and west commonly known as 125th Street, bordered by 390th Avenue on the west end and 391st Ave on the east end and located between S 1/2 of Section Four and N 1/2 of Section Nine, Township 124 North of Range 63 West of the 5th P.M., Brown County, South Dakota. That said public right of way is approximately Sixty-Six (66) feet wide and Five Thousand Two-Hundred Eighty (5280) feet in length.

The Petition was examined, and it was determined to be in proper form and executed by more than the required number of electors of Ordway Township.

The Chairman opened up the hearing to public comments. Corey Mitchell, Fire Chief of the Columbia SD Fire District said that vacating these roadways was a very good idea. The fire district has been called to several fires, auto accidents and shooting incidents that have occurred at locations served by the roadways in the petition. There have been several unsafe incidents, and the public would be better served if the locations were vacated. Stephanie Meyers seconded the remarks and agreed that vacating would be beneficial. Kerry Howell who lives about 1/2 mile from the area reported high power rifle fire close to his house and is concerned about safety at his residence. It was noted that no one appeared in opposition to the Petition.

It was further discussed the roadways described above are section-line roadways that are unsafe for vehicular traffic, as they are primarily composed of dirt and the ruts are often at least a foot deep making it unsafe for vehicular traffic, particularly at night. Further, due to their location and the expense of

development as roadways, it will never be feasible or practical to develop them due to the terrain and limited use of the roadways; such that the board believes that it would be in the best interest of the public that these roadways be vacated.

Thus, the Board of Supervisors of Ordway Township, Brown County, South Dakota, having considered said matter and being fully advised in the premises and considering it advisable to do so; presented the following Resolution and Order and moved for its adoption:

NOW, THEREFORE, BE IT RESOLVED, AND IT IS HEREBY ORDERED:

That the existing public right-of-ways which includes the statutory right-of-ways and any right-of-ways acquired by deed(s) lying as follows shall be vacated:

Roadway #1: Running north and south commonly known as 390th Avenue, bordered by 126th Street on the south end and 124th Street on the north end and located between the W 1/2 of Section Four and the E 1/2 of Section Five and the E 1/2 of Section Eight and the W 1/2 of Section Nine, Township 124 North of Range 63 West of the 5th P.M., Brown County, South Dakota. That said public right of way is approximately Sixty-Six (66) feet wide and Ten Thousand Five-Hundred Sixty (10,560) feet in length.

Roadway #2: Running east and west commonly known as 125th Street, bordered by 390th Avenue on the west end and 391st Ave on the east end and located between S 1/2 of Section Four and N 1/2 of Section Nine, Township 124 North of Range 63 West of the 5th P.M., Brown County, South Dakota. That said public right of way is approximately Sixty-Six (66) feet wide and Five Thousand Two-Hundred Eighty (5280) feet in length.

It is further ordered that said Resolution and Order shall be published in the official/legal newspaper of the respective township once per week for two consecutive weeks; and that after such publication, such roadway shall be, after a lapse of thirty days after the last publication thereof, vacated without further proceedings unless appealed as provided by law; and that the Clerk herein is further ordered and directed to cause to be recorded a true and correct copy of this Resolution and Order in the office of the Register of Deeds in and for Brown County, South Dakota.

Paul Meyers moved that the described roadways be vacated because of the unsafe conditions, seconded by Dave Dell, motion carried unanimously.

John Kippley moved to adjourn, second by Kerry Howell,

motion carried.

County of Brown)

:ss
State of South Dakota)

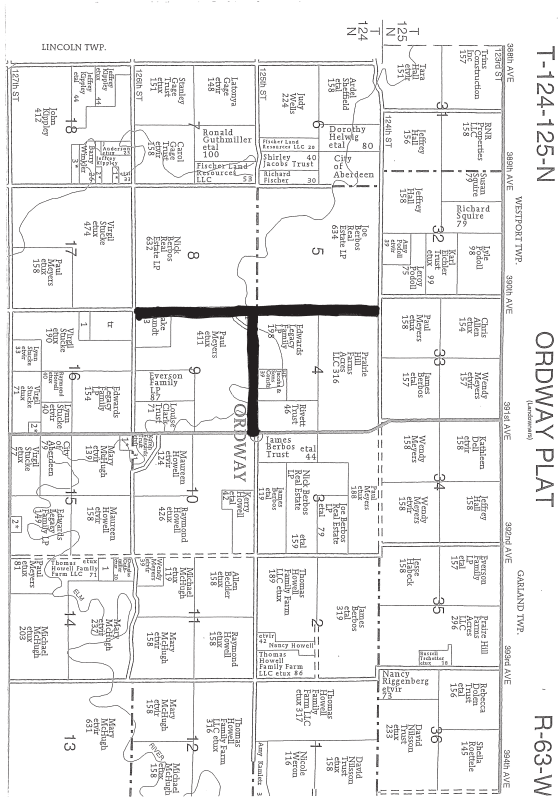
I, Mike McHugh, being the duly elected, qualified and acting Clerk of the Board of Supervisors of Ordway Township, Brown County, South Dakota, do hereby certify that the foregoing is a true and correct copy of the Resolution on the action thereon by the Board of Supervisors of Ordway Township, Brown County, South Dakota, at the special meeting of said Board, held the 5th day of September 2024, as the same appears and is now recorded in the minutes of the Clerk of the Board of said Ordway Township and that the same is true and correct transcript thereof.

In witness whereof, I have set my hand this 1st day of October 2024.

/s/ Mike McHugh, Clerk
Subscribed and sworn to before me this 1st day of October 2024.

/s/ Meagan Baumgarn
South Dakota Notary Public
My commission expires
Published October 9 and 16, 2024, at the total approximate cost of \$162.26 and may be viewed free of charge at www.sdpublicnotices.com. 23769

RESOLUTION 2024-01 AND ORDER VACATING ROADWAYS
The Ordway Township Board of Supervisors held a hearing for public input on the vacation of public roadways listed below. The hearing was held at the offices of Kippley Group, 218 5th Avenue NW, Aberdeen South Dakota 57401 on September 5, 2024, at 7:00 p.m. as provided



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- 1 Knock
- 4 Boxer Ali
- 9 "60 Minutes" aier
- 12 Leading lady?
- 13 Edmonton player
- 14 2016 Olympics city
- 15 Moisturizer
- 17 Finale
- 18 Name
- 19 Buzzing insect
- 21 Neglect
- 24 Steerer's place
- 25 "So that's it!"
- 26 QB's goals
- 28 Nasal parti-tions

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54				55					56		
57				58					59		

- 31 Lopsided win
- 33 Feeling down
- 35 Tank filler
- 36 Chef's garb
- 38 Up to
- 40 "Alice" wait-ress
- 41 Suffix with "techno"
- 43 Break fluid?
- 45 Sentence fragment
- 47 Overly
- 48 Wish other-wise
- 49 Famed Boston des-erts
- 54 Carte lead-in
- 55 Mountain crest
- 56 - -mo
- 57 Orange tuber
- 58 Did yard work
- 59 Layer
- 7 Extract via percolation
- 8 Fighting forces
- 9 Ineffectual type
- 10 Predicament
- 11 Pop
- 16 Sch. URL ender
- 20 Staff symbol
- 21 TV explorer
- 22 Denny's rival
- 23 Baked potato topping
- 27 Used a chair
- 29 Conference leader?
- 30 Body lotion ingredient
- 32 - Bora (Afghan region)
- 34 Give orders
- 37 Daytona 500 acronym
- 39 Was forebod-ing
- 42 - firma
- 44 Dandy guy
- 45 Use a rosary
- 46 Luau dance
- 50 "A mouse!"
- 51 WWW access enabler
- 52 Right angle
- 53 Tofu source

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YES ON H

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City Council

Continued from front

Initiated Measure 28 would prohibit taxes on anything sold for human consumption. "Human consumption" can be interpreted in several different ways, according to the South Dakota Legislative Research Council. Depending on what is considered human consumption – food, energy, tobacco, personal care, paper, other consumables – the state could see a reduction in revenue between \$133.6 and \$646.2 million.

That impact would also be felt by the city of Groton, said Finance Officer Douglas Heinrich. The city may see a loss of more than \$100,000 in revenue if the initiated measure is approved by voters in November. That would be a hefty loss that would require a more conservative budget.

"The city only runs \$1.1 million in general fund revenue, and \$100,000 less than that... that's a big percentage," he said. "It's not just nickels in there."

That would significantly affect the city's ability to fund some of the proposed budget requests.

Items that have been requested by different departments in the city include

- Painting City Hall (estimated \$20,000 cost)
- Installing handicap accessible doors (estimated \$10,000 cost)
- Wage increases and other equipment for the swimming pool
- Cost-of-Living increases (2.5 percent) and summer salaries increases (minimum wage increase from \$11.20 per hour to \$11.50 per hour starting Jan. 1, 2025)
- Baseball/softball funding (\$35,000 toward a new concession stand and an estimated \$2,000 for new U12 uniforms)
- Community Center repairs (\$50,000 estimate)
- Three new Bobcat mowers (\$21,000 estimate)
- Beginning the park saferoom building (\$250,000 estimated cost if FEMA approves grant funding for the project)
- A new electric metering system (\$225,000 to \$325,000 estimate plus an annual support cost)
- Increase in electric cost (Rising 2.14 percent in 2025 and 3.97 percent in 2026)
- Street resurfacing (\$125,000 estimate)
- Replace final old dump truck (\$30,000 estimate)

The first reading of a budget resolution is set to go before the City Council at its Nov. 5 meeting.

Electrifying meter discussion takes place

New electric meters could be in place by the end of 2025.

The City Council reviewed costs associated with retrofitting and replacing the city's cur-

rent system.

The meter system in town now is probably 15 years old, said Technology Specialist Paul Kosel. And the city is using the same network to connect the meters that has been in place since the 1970s.

"We've got 50 years of life expectancy from this system, which is pretty good," he said.

However, there are about 80 meters in town that have to be manually read as remote reading doesn't work with them, he said. More and more things are causing interference in the system, and the company that runs the backend system is moving away from that program.

The system Kosel priced out and presented to the council would include about \$46,000 in initial costs to get the system in place. The cost of replacing or retrofitting the current meters would range from \$148,299 to \$177,496.

Mayor Scott Hanlon pointed out that "this sounds like a good deal if we can save some money."

And that money may be needed for more meter replacements.

In about four to five year, all the water meters in town will likely be dead as the city is approaching 20 years with those meters and the batteries can die at that time, Kosel said.

"That's what we're going to have to deal with in the future," he said. "That's going to be a major water expense."

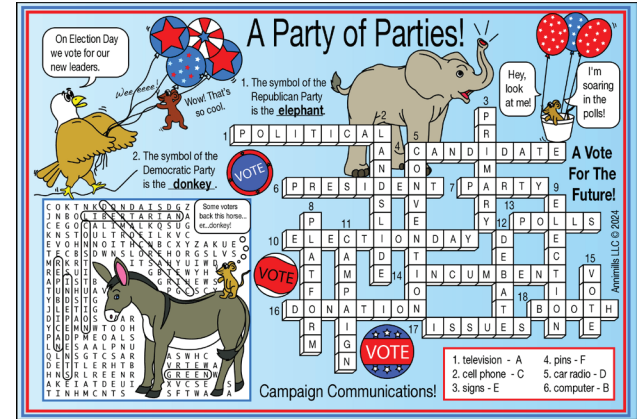
• It will soon be Groton Day! The Dacotah Prairie Museum will host an open house starting at 1 p.m. Saturday, Oct. 26. The event is in conjunction with the Groton Past Present and Future exhibit.

• Groton resident Chris Frost asked the council if he could survey the site of the city's ice rink as a way of looking into rink improvements. The goal would be to flatten out the field. The city could also put down a layer of plastic as a barrier to stop water from soaking into the ground and stop vegetation from

growing and destroying the ice. "I just want to go out there and see how bad it really is," Frost said. "If it saves on water, it's worth it."

• The city received one offer to purchase a lawnmower recently declared surplus by the city. Cody Monson's \$220 bid was accepted with a unanimous vote.

• The downtown portion of Main Street will be closed from 4 to 6 p.m. Oct. 31 for Downtown Trick or Treat.



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Daily Fee	○ \$5.00	

Which party do you like?



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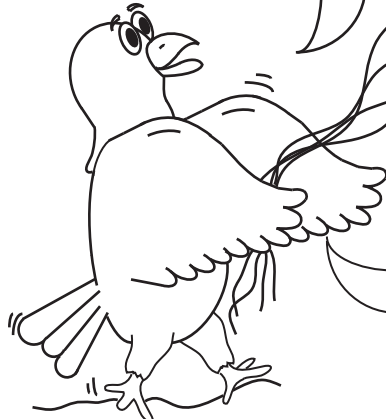


Kids: color stuff in!



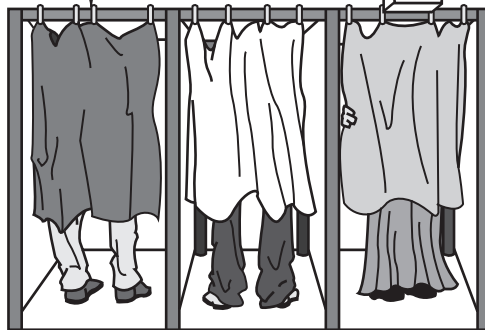
Have you and your family been talking about the elections this year? Have you asked your parents if they belong to a political party?

Political parties are made up of different groups of people who organize to point out the way they think the government should work.



Political parties choose their candidates to run for government offices. They run campaigns and ask people to vote their candidates into office. When they win, they will surely "party" to celebrate their victory!

I'm an independent voter. I don't belong to any political party.



The two major political parties in the United States are the Republican and Democratic parties. They often go "head-to-head," especially during the debates, when candidates use their heads to think and answer questions quickly!

Other, smaller political parties have their own points of view and their own candidates running for office.

Can you find and circle all the words on this page that begin with the letter "p"? My favorite "p" word is 'peanuts'!

The symbol of the Republican Party is the _____.

Would you believe that I am the animal symbol for the Libertarian Party?

Head-to-Head!

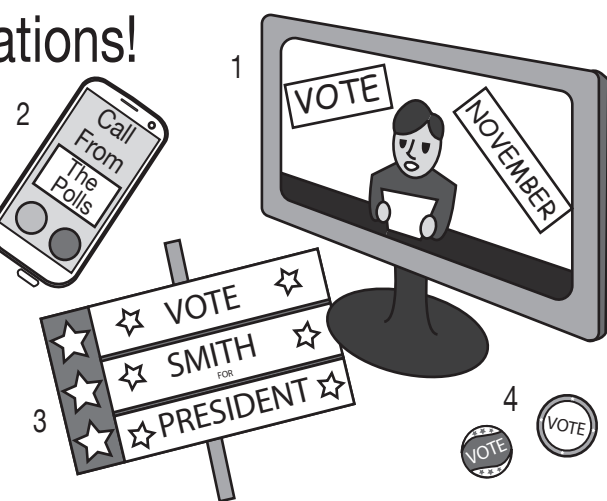
Find and circle the names of these political parties: Constitution, Democratic, Green, Libertarian, Republican and the large group of people who are independents

Some voters back this horse... er...donkey!

The symbol of the Democratic Party is the _____.

A S W H C
V R T E W A
G R E E N W
X V C S E S
S F T W A A

C O K T N K D O N D A I S D G Z
J N B O L I B E R T A R I A N A
C E G O C A L I M A L K Q S U G
K N S T O U L T R O E I L K V C
E V O H N N O I T H C N B C X Y Z A K U E
T E C B S D W S L O R E H O R G S L V S
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R E S U I G B T E W Y H
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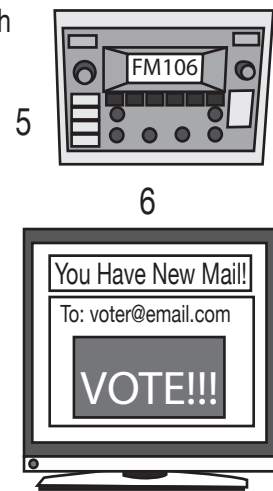


Campaign Communications!

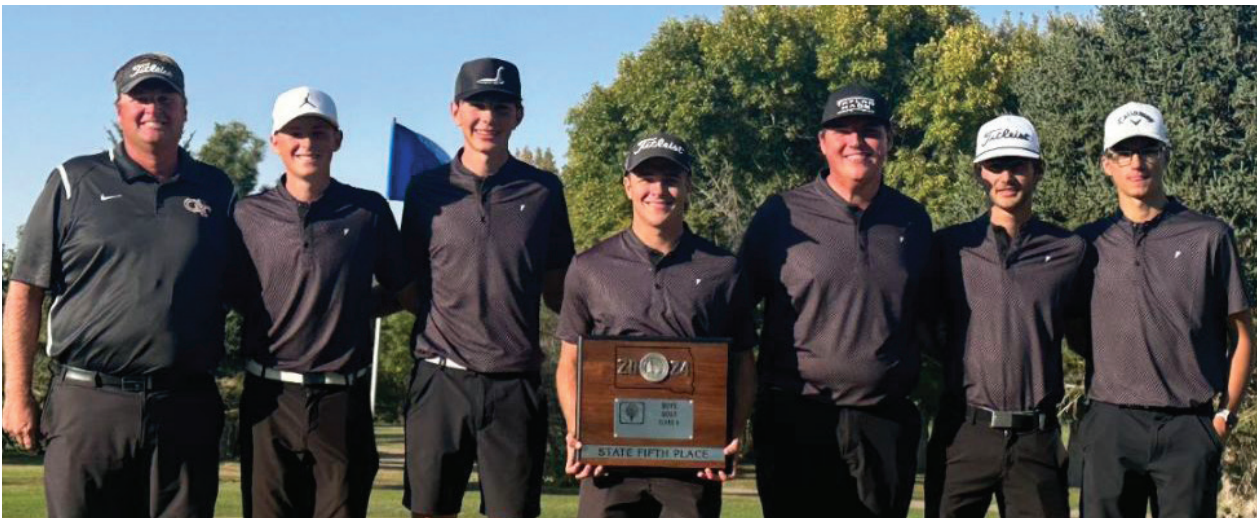
People running for office need votes to win the positions they want. They have to explain their ideas and plans to help our towns, cities, states and country. After we hear what they have to say, we have to think about and decide who might help the most. How do candidates get their messages out?

Look at the pictures. Match each to a phrase that tells how it helps us learn about people running for office.

- A. families sit together and watch debates and ads on this
- B. we use this to search for and read information
- C. this lets people call or text a message to us to ask how we feel about candidates
- D. this lets us listen to the political news in our cars
- E. these are put on lawns
- F. these are put on shirts



Newspaper Fun! Created by Annimills LLC © 2024



The Groton Area boys golf team placed fifth in the state tournament. Pictured are Coach Joel Guthmiller, Jace Johnson, Carter Simon, Brevin Fliehs, Logan Pearson, Jarrett Erdmann and Jayden Schwan. (Courtesy Photo)

Golf Team places fifth at state

Groton Area's golf team was in seventh place in the first round with a score of 351, and was in third place in the second round with a score of 315. Overall, Groton Area placed fifth in the state with a total score of 666, behind champion Dakota Valley with a 615, Vermillion with a 629 and Aberdeen Roncalli with a 661. This is the highest place that Groton Area has ever placed in the boys golf state tournament.

Brevin Fliehs tied for 12th, hitting a score of 83 in the first round and a 73 in the second round for a total score of 156.

Carter Simon tied for 16th, hitting a score of 82 in the first round and a 78 in the second round for a total score of 160.

Jace Johnson tied for 37th, hitting a score of 93 in the first round and a 79 in the second round for a total score of 172.

Logan Pearson tied for 50th, hitting a score of 93 in the first round and an 85 in the second round for a total score of 178.

Jarrett Erdmann placed 61st, hitting a score of 93 in the first round and a 92 in the second round for a total score of 185.



Carter Simon and Brevin Fliehs placed in the top 20 and medaled at the state golf tournament. (Courtesy Photo)



A lilac bush apparently does not know what season it is as it's blooming right now. The flowers are also attracting bees. (Photo by Paul Kosel)



Girls Soccer Coach Matt Baumgartner was being interviewed by Paper Paul on GDILIVE.COM. The girls soccer team defeated Dakota Valley, 2-1, to advance to the state title game this Saturday in Yankton. (Photo by Jeslyn Kosel)

School Board

Continued from front

"I just open the lid," he said. "And you guys get to decide if we move forward."

Board member Heather Lerseth-Fliehs said the board needs to decide if this project is a higher priority than other items on the list, including the music area, buses and more.

The priority might depend on how many donations come in, said board member Tigh Fliehs.

Lerseth-Fliehs responded, "I hope we get donations, but I think we have to be prepared to pay the balance."

Board Vice President Nick Strom agreed, saying he doesn't want the school district to "be caught with our pants down."

The district has to see how much money might be fundraised before committing to the project, said board member Marty Weismantel.

Woods disagreed, saying he couldn't ask for money on a project that hasn't been approved.

Board President Grant Rix asked the board to table discussion until the next meeting, 7 a.m. Nov. 12.

New bus on the way

The board did approve spending a chunk of change on a new school bus, citing concerns about the age of the current fleet.

The board approved a \$165,532 bid to purchase a 2025 65-passenger CE IC International Bus.

Superintendent Joe Schwan said both he and Transportation Director Damian Bahr recommended the International bus over a \$164,400 Thomas bus because it would be delivered in July or August.

The bus would replace one of the district's activity buses, which will then be used on a

district bus route.

- The board approved changing a student-contact day to a staff development day. From the most recent in-service day, it is clear that the district administration doesn't have enough time with staff, said Superintendent Joe Schwan. Another in-service day would allow the district more time to work with staff and keep up to date on things.

- Special education representatives went through what the program has been doing. The program just went through a state review earlier this month. It will be a lengthy process to know how the review went, said Julie Erdmann, special education teacher at the elementary school. She added things are going well at the elementary school. Middle and high school special education teacher Sydney Kurtz said the middle and high school currently monitors 60 students.

- Alexa Schuring and Lynette Grieve, title teachers at the elementary school, discussed the respond to intervention program, where they take small groups of younger students to work on reading and math skills. Grieve said they don't work with as many kids as they do in some years because they are short on the number of teacher aids that can work with students. Schuring added, "Title is a great place to be. We love the meetings, and we make plans to help the students succeed."

- A district activity bus is in the shop in Webster after breaking down last week on the way to a high school boys soccer playoff game.

- The district's food services had a surprise inspection – one of two that happen each year – and both the elementary and middle/high school facilities scored 100 out of 100.

- A recent Associated School Boards of South Dakota meeting highlighted some concerns that are coming up heading into the next legislative session. One of those concerns,

said Superintendent Joe Schwan, is initiated measure 28, which, if passed, would cause budget issues for the state that would be passed along to the school district. The second area of discussion was discussion of diverting public funds to non-public schools.

- The board approved allowing James Valley Thunder to use district facilities in the summer of 2025. There haven't been any issues with the group in the past, said Superintendent Joe Schwan. They've been great stewards of the facility.



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Dear EarthTalk: How are musical instrument makers greening their operations? – P.K., via email

The growing awareness of sustainability is influencing various industries, including those making musical instruments. Many are increasingly adopting eco-friendly practices to minimize their environmental footprint. From sourcing sustainable materials to designing energy-efficient manufacturing processes, these efforts are reshaping how musical instruments are made and used. Many, like Yamaha, now use Forest Stewardship Council-certified wood to protect endangered species. Yamaha does this with their wind instruments. This ensures that instruments are made without harming endangered trees.

Beyond sustainably sourced wood, some companies are using recycled or repurposed materials. Yamaha now has an “upcycled” guitar, using materials salvaged from other processes, reducing the need for new materials. Also, innovative companies are now making drums using recycled materials.

Additionally, some companies are exploring the use of reclaimed wood for making violins and cellos, minimizing the need for new materials. Drum kits made from recycled materials like old barrels and discarded plastics further demonstrate how sustainable practices can lead to versatile and eco-friendly instrument designs.

Sustainability in musical instruments goes beyond material sourcing—companies are also addressing the energy consumption involved in manufacturing. Yamaha, in addition to using sustainable materials, is investing in energy-efficient production processes. These efforts help reduce the carbon footprint of the factories producing these instruments, further enhancing their sustainability credentials.

Instrument makers are experimenting with new designs that incorporate recycled or reused components. One innovative example is the Re-tuned Acoustic Guitar Kit, which transforms old guitars into Bluetooth speakers. This project shows how instruments can be repurposed and given a second life, reducing waste.

Musicians can contribute to these efforts by buying pre-owned instruments and supporting brands that prioritize environmental stewardship. Purchasing used instruments is another significant way to reduce environmental impact. By extending the life of an instrument, fewer resources are required and instruments are in circulation longer, preventing them from ending up in landfills.

EarthTalk® is produced by Roddy Scheer & Doug Moss for the 501(c)3 nonprofit EarthTalk. See more at <https://emagazine.com>. To donate, visit <https://earthtalk.org>. Send questions to: question@earthtalk.org.



Some musical instruments manufacturers are beginning to adopt eco-friendly practices to minimize their environmental footprints. Credit: Pexels.com.

“Sometimes Your Hip Pain isn’t Your Hip”

By Andrew Ellsworth, MD

“Doc, my right hip has been bothering me. Do you think I need a new hip?”

“First, tell me more about your hip pain.”

Hip pain is a common complaint which can have a variety of causes. The first thing that comes to mind is arthritis of the hip joint.

The hip is a ball and socket joint. The main upper leg bone, the femur, has a rounded top called the head. Under the head of the femur is the neck, which can often be what breaks when someone suffers a hip fracture. Arthritis and wear and tear over time can cause the cartilage in the ball and socket joint to break down and become thinner and irregular. This can cause pain especially with movement and walking.

A simple x-ray of the hip can help show signs of arthritis of the hip joint. Sometimes one can try physical therapy, non-steroidal anti-inflammatory medications (NSAIDs) such as ibuprofen, or perhaps a steroid injection to help calm down the inflammation and pain. Over time, if those efforts do not help enough or if the arthritis is advanced enough, sometimes a hip replacement may be beneficial.

However, when someone reports hip pain, it may not actually be their hip joint that is the problem. Arthritis of the low back, degenerative disc disease, sciatic nerve pain, lumbar stenosis, and other problems with the back can cause pain that feels like it is in the hip. Sometimes that pain is felt deep in the buttocks. Sometimes arthritis or inflammation of the sacroiliac joint, where the low back connects to the pelvis, can cause pain. This may often be felt as low back pain, but can present as hip pain.

Another cause of hip pain is bursitis or inflammation of the bursa sac located on the greater trochanter of the hip, the large upper outside edge of the femur where the neck connects to the shaft of the femur. You may be able to feel this hard area of your hip at your side. This is a common area for pain. While this pain is located at the hip, it is not coming from the hip joint. Our body has bursa sacs near bones in many places, essentially fluid-filled pads that can help protect the nearby bone and tendons and reduce friction between tissues of the body.

Greater trochanteric bursitis can result from a fall, repetitive motion, weakness of muscles, or be associated with some diseases. Usually rest, NSAIDs, time, and physical therapy can help it to improve. Exercises can help by strengthening the surrounding muscles which can decrease the rubbing and friction over the bursa sac. A steroid injection can often be helpful. Surgery is rarely needed.

Other causes of hip pain can be from a pelvic bone fracture, tendinopathy, a muscle strain, a labral tear, other musculoskeletal problems, constipation, infection, and rarely cancer. Thus, if you are suffering from hip pain, it may be time to see your medical provider, and start figuring out whether your hip is really the problem.

Andrew Ellsworth, MD, is part of The Prairie Doc® team of physicians and currently practices family medicine at Avera Medical Group in Brookings, South Dakota. Follow The Prairie Doc® at www.prairiedoc.org, Facebook, Instagram, Youtube and Threads. Prairie Doc Programming includes On Call with the Prairie Doc®, a medical Q&A show (most Thursdays at 7pm on SDPB or streaming on Facebook), 2 podcasts, and a Radio program (on SDPB), providing health information based on science, built on trust.

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