



Planning Commission 12-8-25 Agenda
City Council Chambers, City Hall, 612 N. Main Street
December 8, 2025

- 1. 12:00 PM Call to Order**
- 2. Roll Call**
- 3. Declaration Of Conflicts Of Interests**
- 4. Approve Agenda**
- 5. Approval of Previous Minutes: November 24, 2025**
- 6. Schedule Next Meeting: January 12, 2025**
- 7. Plan Approval: Commerce Marketing Group II LLC**
1600 Block of North Commerce St, zoned Highway Oriented Business District
- 8. Plat: Maui Farms Inc**
Plat of Lot 53 of Maui Farms Second Addition, a subdivision of the SE 1/4 of Section 31, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota
- 9. Plat: CJM Consulting Inc**
Plat of Lot 5, Block 3 of Westwood First Addition, a subdivision of the SW 1/4 of Section 16, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota
- 10. Plat: Lyle & Jennifer Haring Trust**
Plat of Lot 1 of Haring Addition in the SW 1/4 of the NW 1/4 and in the NW 1/4 of the SW 1/4, all in Section 32, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota
- 11. Plat: Dream Makers LLC & RW LLC**
Plat of Lots BC and D, Block 5, Sunnyside Addition to the City of Mitchell, Davison County, South Dakota.
- 12. Plat: Mitchell Christian Education Association**
Plat of Lot A in Block 3 in Mitchell Christian Addition to Mitchell, except Lots 1 and 2 in Block 3 of Mitchell Christian Addition to Mitchell, Davison County, South Dakota
- 13. Review of South Dakota Open Meeting Materials**
- 14. Other Business:**
- 15. Public Input:**
If you need to address the Board on an item that was not on the agenda, excluding personnel items, please come forward to the podium and state your name and your concern. Presentations are limited to three minutes. Items will be considered but no action will be taken at this time.

16. Adjourn

Individuals with disabilities who require special assistance to take part in this meeting may contact one of the following at City Hall (605) 995-8420 at least 24 hours prior to the meeting with requests for assistance: Human Resources Officer or the City Administrator.



Planning Commission 11-24-25
City Council Chambers, City Hall, 612 N. Main Street
November 24, 2025

1. Call to Order

Chairperson Genzlinger called the November 24, 2025 City Planning Commission Meeting to order at 12:04 P.M. noon in the Council Chambers, City Hall, 612 N Main Street.

2. Roll Call

Quorum is met, simple majority vote required for all items.
Present: Bathke, Genzlinger, Helleloid, Osterloo, Sonne.
Absent: Gunkel, Schmitz, Schreurs.
Staff Present: Boehmer, Jenniges, J Johnson, Schroeder.

3. Declaration Of Conflicts Of Interests

None.

4. Approve Agenda

Motion by Osterloo, seconded by Sonne to approve the proposed agenda. All present voting aye; motion carried.

5. Approval of Previous Minutes: November 10, 2025

Motion by Osterloo, seconded by Sonne to approve the proposed minutes of the November 10, 2025 Planning Commission Meeting. All present voting aye; motion carried.

6. Schedule Next Meeting: December 8, 2025

Motion by Osterloo, seconded by Sonne to set the date for the next Planning Commission Meeting for December 8, 2025. All present voting aye; motion carried.

7. Conditional Use Permit: NIEW LLC

NIEW LLC has applied for a conditional use permit for Alcohol Sales (on-sale); located at 1218 E 1st Ave, legally described as Lots 11 & 12, Block 13, Gleeson's Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned NS Neighborhood Shopping District.

Jenniges noted that a notice was sent out to the neighbors, it was published in the official newspaper and sign posted. There were five responses in favor that made the packet, one in favor that did not make the packet and two responses opposed in the packet. The applicant

was present to answer questions.

Jenniges went over the documents provided by the applicant. They included a GIS showing consumption would only be inside the building. The proposed parking layout and the layout of the interior of the building.

Jenniges gave some history of the land. He said previous owners, in July 2010, applied for a CUP for a gas station that was approved within the R4 district but no alcohol sales are allowed within R4. In October 2010 there was an application to be rezoned from R4 to Highway Orientated Business District, but that was ultimately withdrawn. In November 2010, an application to be rezoned from R4 to Neighborhood Shopping District was approved. Alcohol Sales (off-sale) is a permitted use within NS. In August 2025, NS zoning was amended to have Alcohol Sales (on-sale) as a CUP as proposed by the mayor.

Bathke questioned the outline of the building for the consumption permit. Jenniges went through the process. The conditional use permit is the first step in the process. The applicant is just provided a drawing showing where the consumption permit would be requested.

Council would have the final say with that during the approval of the alcohol sales (on-sale) license. The applicants would then have to come back for a plan approval through the Planning Commission because of the building permit.

Genzlinger reminded the board and audience that the Planning Commission only makes a recommendation to the Board of Adjustment. This board is only looking at the property and if it's an appropriate use of the site.

Sonne questioned if there would be enough parking with this change of use. Jenniges answered that they would have plenty of parking if they add a total of 10 machines, which would only require 4 parking spaces and their drawings indicate they would have enough.

Jim Taylor, representing the applicant, wanted to reiterate the 2010 applicants were completely different people. The current owners purchased the business 12 years ago. They are in the early stages of the process of acquiring a retail wine license. There will be no expansion of the building, just remodeling of the interior for ingress/egress and isolating the casino floor from other retail areas. He also wanted to clarify that this would not be a bar, it would be adjunct to their convenience store operation.

Sarah Reyelts, owner, said they would only have a couple of machines and not be a bar. They will have cans or bottles of beer available for people to drink while they gamble. The intent is to not have people coming in to sit outside the casino and have a beer.

Bathke stated his concerns about the age of workers there. Reyelts answered they currently only have one clerk under the age of 21 and will have to work through that issue. Taylor said they will have to comply with all SD Gaming Commission rules prior to opening.

Motion by Sonne, seconded by Osterloo to recommend approval of the Conditional Use.

Genzlinger opened the floor for public comment.

Martin Eilts stated he has lived kiddy-corner from the establishment for the past 40 years. They stopped this 15 years ago and believe nothing has changed in the family-friendly

neighborhood. The churches, schools and hospital are still there. He believes the neighborhood doesn't want this and the people he talked to were against it. Having this approved might detour people from moving into the future development across the street to the south.

Genzlinger questioned if there were any other similar locations to this within the City. Jenniges said there have been three over the years; this location, the old Rob's Shortstop and 5th and Sanborn. Genzlinger said he can see the mixed-use locations on corners of neighborhoods. He sees it in bigger cities. He questions whether, if it's not here, then where can it be?

Taylor said because of the significant redevelopment that will occur on the south side of this location with modern zoning and modern urban development with mixed-use development, the applicants are trying to become a community retail center. This will give them a broader scope of operations and help with redevelopment of the land across the street. Also, this will have minimal impact on the neighborhood.

Osterloo stated he doesn't see any problem with it. Dispensaries have distances they have to abide by, but these types of locations do not.

Sonne said he has some reservations based on the available space and traffic it could bring. The newly placed stop signs should greatly help the safety in the area. Future projects on First Ave should help with ingress/egress into the lot. He does not have any issues with the proposed use.

Eilts stated they sell a lot of beer for off-sale already and when trucks are there for delivery it can be difficult for safety. There is no parking for a half block on each side for the delivery trucks because it's all driveway.

Taylor said while on his way to work this morning he was blocked by a US food truck in the middle of the street at 4th Ave. The applicants plan to direct their distributors to use the alley.

Genzlinger requested a roll call vote: Genzlinger – aye, Gunkel – absent, Helleloid – aye, Osterloo – aye, Schmitz – absent, Schreurs – absent, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.

8. Plan Approval: Porter Distributing Company

Jenniges gave an overview of the area using GIS. The applicant would like to build an addition onto the south side of their existing building. This is zoned Central Business District and has a 0' setback. The applicant was present to answer questions.

Genzlinger questioned if they had a licensed engineer or architect working on the project. The applicant stated they have Butler to stamp the building drawings, an architect in Sioux Falls for the concrete and Larry Jirsa for the fire code.

Motion by Osterloo, seconded by Sonne to approve the plan. All present voting aye; motion carried.

9. Other Business:

None.

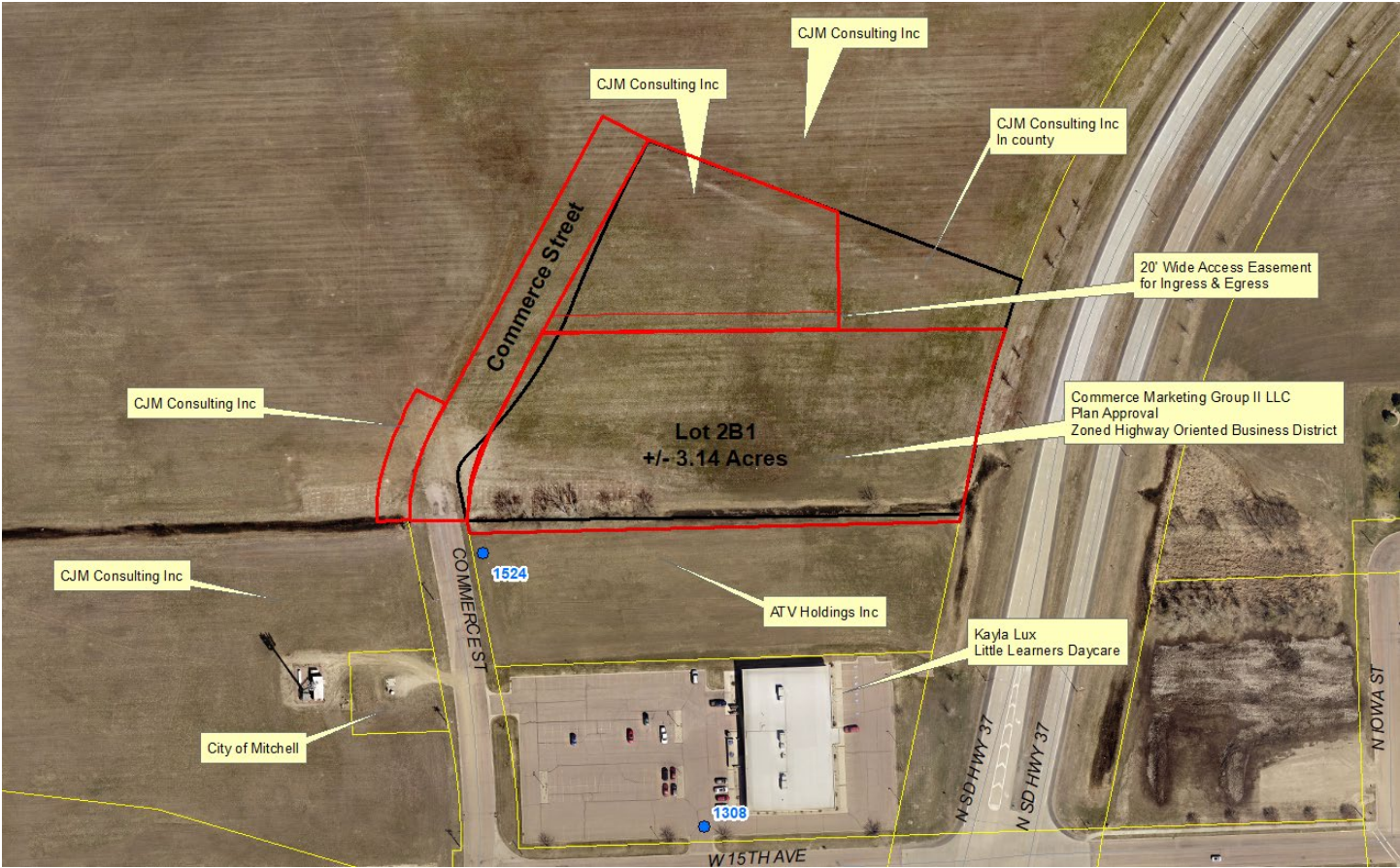
10. Public Input:

None.

11. Adjourn

Chairperson Genzlinger adjourned the meeting at 12:27 P.M.

Kevin Genzlinger
Planning Commission Chairperson



CHEF LOUIE'S - MITCHELL, SD

COMMERCE STREET



TRUTH INNOVATIONS
DESIGN - CONSTRUCT - RENOVATE



TRUTH INNOVATIONS
CONSTRUCTION DOCUMENTS
DRAWN BY:

CHEF LOUIE'S - MITCHELL, SD

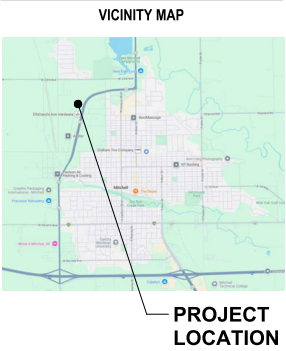
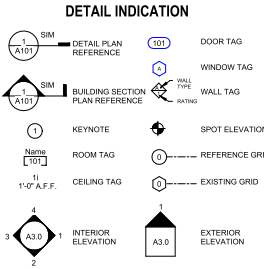
COMMERCE STREET

TS

Date 9/30/25
Drawn By: MHT
Checked By: AT

11/10/2025 9:01:08 AM

- ### NOTES
- CONTRACTORS TO FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS.
 - CONSTRUCTION LIMITS SHALL BE WITHIN PROPERTY LINES ON THE DRAWINGS WITH THE FOLLOWING EXCEPTIONS:
 - ALL DAMAGES DONE TO THE PROPERTY OUTSIDE THE CONSTRUCTION LIMITS SHALL BE REPAIRED TO ITS ORIGINAL CONDITION PRIOR TO DAMAGE BY THE CONTRACTORS RESPONSIBLE FOR THE DAMAGE.
 - ACCESS TO UTILITY LOCATIONS ARE TO BE DETERMINED BY THE APPROPRIATE SUBCONTRACTOR.
 - EACH SUBCONTRACTOR SHALL BE RESPONSIBLE FOR ANY PATCHING, REPAIRING, ETC. THAT MAY OCCUR AS A RESULT OF THEIR SUBCONTRACTOR'S WORK.
 - ANY DISCREPANCIES IN THE DRAWINGS SHALL BE BROUGHT TO THE ARCHITECT/ENGINEER'S ATTENTION FOR CLARIFICATION.



PROJECT DIRECTORY

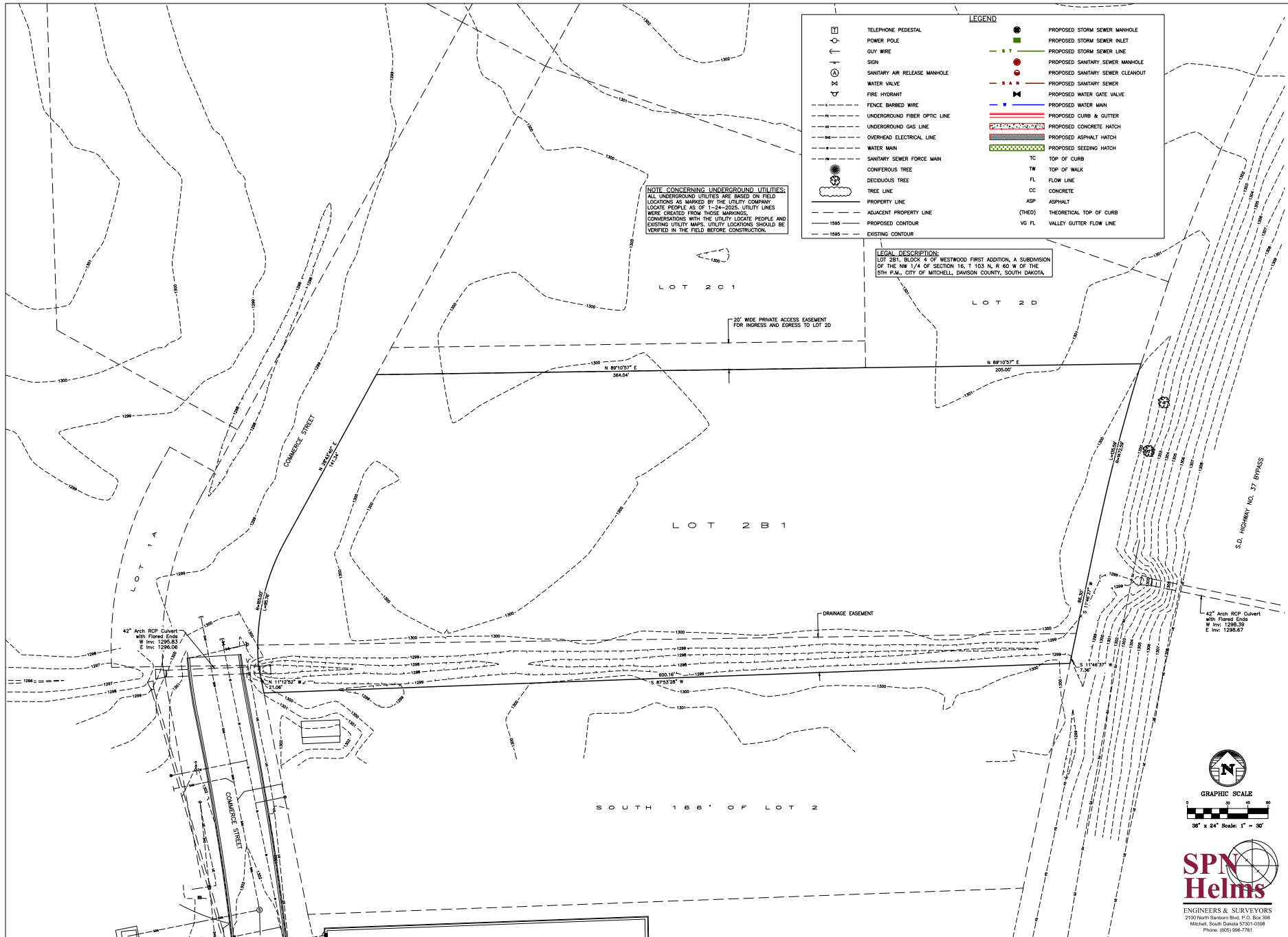
	Address	Phone
DESIGN ARCHITECT		
CREATE D+D	26539 E Shore Pl Wall Lake, SD	(605) 695-1899
STRUCTURAL ENGINEER		
Marcy O'Banion	518 Brody Court Hamburg, SD	(605) 940-2198
MECHANICAL ENGINEER		
Innovative Engineering	26784 Country Acre Dr. Mitchell, SD	(605) 366-0457
ELECTRICAL ENGINEER		
Professional Design Engineers	48371 265th Street Mitchell, SD	(605) 582-5717
CIVIL ENGINEER		
SPN & Associates	2100 N Sanborn Blvd Mitchell, SD	(605) 996-7761
FIRE PROTECTION		
WILL BE BID OUT		

INDEX OF DRAWINGS

GENERAL	CODE	STRUCTURAL	ELECTRICAL
TS	TITLE SHEET	CR1.0 CODE REVIEW	S0.1 GENERAL NOTES
		CR1.1 CODE REVIEW	S1.1 FOOTING & FOUNDATION PLAN
CIVIL	ARCHITECTURE	MECHANICAL	ELECTRICAL
C1.0	EXISTING TOPOGRAPHIC SURVEY	S2.1 ROOF FRAMING PLAN	E1.0 SITE PLAN - ELECTRICAL
C2.0	SITE PLAN (SITE DIMENSIONS)	S3.1 DETAILS	E2.0 FLOOR PLAN - LIGHTING
C2.1	SITE PLAN (SITE QUANTITIES)	S3.2 DETAILS	E2.1 FLOOR PLAN - POWER & SIGNAL
C2.2	CONCRETE IDENT PATTERN PLAN	S3.3 DETAILS	E2.2 LARGE SCALE KITCHEN PLAN - ELECTRICAL
C3.0	UTILITY PLAN	M1.0 FLOOR PLAN - WASTE & VENT	E2.3 KITCHEN EQUIPMENT SCHEDULE
C3.1	UTILITY PROFILES	M1.1 VENT	E2.4 ROOF PLAN - POWER & SIGNAL
C4.0	GRADING PLAN	M2.0 FLOOR PLAN - WATER & GAS	E4.0 SCHEDULES & DETAILS
C5.0	EROSION CONTROL PLAN	M2.1 DETAILS	E4.1 SCHEDULES & DETAILS
C6.0	DETAILS	M3.0 FLOOR PLAN - DOMESTIC WATER & GAS	E4.2 SPECIFICATIONS
C6.1	DETAILS	M3.1 FLOOR PLAN - HVAC	F100 PLAN VIEW ELEVATIONS
C7.0	STORM WATER POLLUTION PREVENTION PLAN	M4.0 DETAILS	F200 SPECIAL CONDITIONS
C8.0	GENERAL NOTES AND SPECIFICATIONS	M5.0 GENERAL NOTES & SCHEDULES	F400 DETAILS
		M5.1 SCHEDULES	F401 WALL BACKING
		M5.2 HOOD SCHEDULES AND NOTES	F500 ELECTRICAL PLUMBING
			F600

REVISION SCHEDULE

No.	Description	Date



NOTE CONCERNING UNDERGROUND UTILITIES:
 ALL UNDERGROUND UTILITIES ARE SHOWN ON FIELD LOCATIONS AS MARKED BY THE UTILITY COMPANY. LOCATE PEOPLE AS OF 11-24-2005. UTILITY LINES WERE CREATED FROM THOSE MARKINGS. COMMUNICATIONS WITH THE UTILITY LOCATE PEOPLE AND EXISTING UTILITY MAPS. UTILITY LOCATIONS SHOULD BE VERIFIED IN THE FIELD BEFORE CONSTRUCTION.

LEGAL DESCRIPTION:
 LOT 2B1, BLOCK 4 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE NW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

LEGEND			
	TELEPHONE PEDESTAL		PROPOSED STORM SEWER MANHOLE
	POWER POLE		PROPOSED STORM SEWER INLET
	GUY WIRE		PROPOSED STORM SEWER LINE
	SIGN		PROPOSED SANITARY SEWER MANHOLE
	SANITARY AIR RELEASE MANHOLE		PROPOSED SANITARY SEWER CLEANOUT
	WATER VALVE		PROPOSED SANITARY SEWER
	FIRE HYDRANT		PROPOSED WATER GATE VALVE
	FENCE BARBED WIRE		PROPOSED WATER MAIN
	UNDERGROUND FIBER OPTIC LINE		PROPOSED CURB & GUTTER
	UNDERGROUND GAS LINE		PROPOSED CONCRETE HATCH
	OVERHEAD ELECTRICAL LINE		PROPOSED ASPHALT HATCH
	WATER MAIN		PROPOSED SEEDING HATCH
	SANITARY SEWER FORCE MAIN	TC	TOP OF CURB
	CONIFEROUS TREE	TW	TOP OF WALK
	DECIDUOUS TREE	FL	FLOW LINE
	TREE LINE	CC	CONCRETE
	PROPERTY LINE	ASP	ASPHALT
	ADJACENT PROPERTY LINE	(THEO)	THEORETICAL TOP OF CURB
	PROPOSED CONTOUR	VG FL	VALLEY GUTTER FLOW LINE
	1995 EXISTING CONTOUR		

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26530 E Shore Pl
 West Lake Township
 phone 605.695.1899
 www.create-design.com



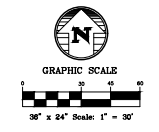
TRUTH INNOVATIONS
 CONSTRUCTION DOCUMENTS DRAWN BY:

CHEF LOUIE'S - MITCHELL, SD
 COMMERCIAL STREET
 EXISTING TOPOGRAPHIC SURVEY

Revision Schedule

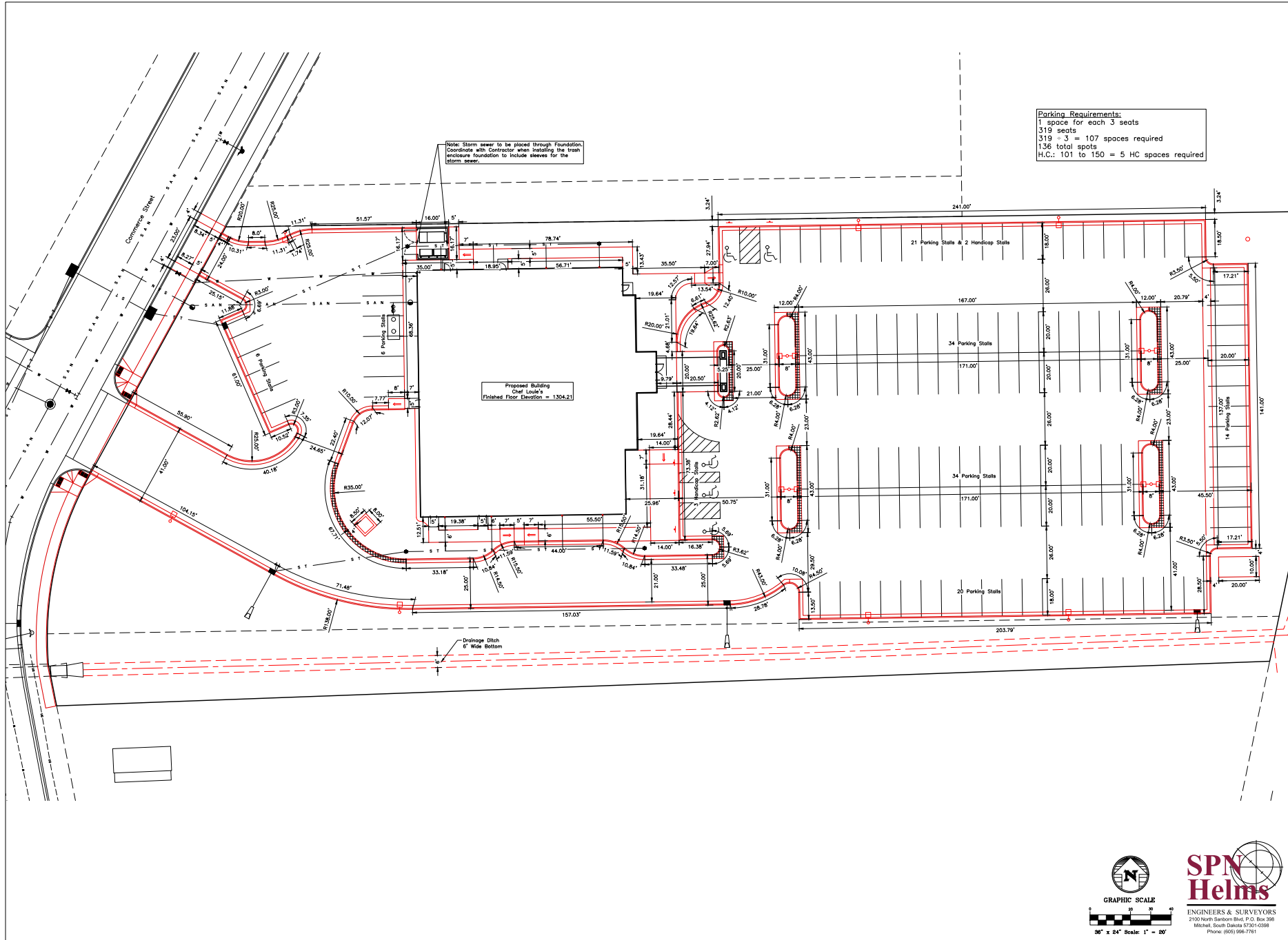
No.	Description	Date

Drawn By: NAP
 Checked By: JPM
 Date: 10/29/25



SPN Helms
 ENGINEERS & SURVEYORS
 2100 North Sanborn Blvd, P.O. Box 398
 Mitchell, South Dakota 57201-0398
 Phone: (605) 668-7761

C1.0



Parking Requirements:
 1 space for each 3 seats
 319 seats
 $319 \div 3 = 107$ spaces required
 136 total spots
 H.C.: 101 to 150 = 5 HC spaces required

Proposed Building
 Chef Louie's
 (Finished Floor Elevation = 1304.21)

Note: Storm sewer to be placed through Foundation.
 Coordinate with Contractor when installing the trash enclosure foundation to include sleeves for the storm sewer.



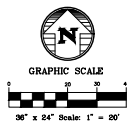
26539 E Shore Pl
 W81 Lake Township
 phone: 605-695-1899
 www.create-designstudio.com



TRUTH INNOVATIONS
 ENGINEERS & SURVEYORS
 P. 605-999-9940
 CONSTRUCTION DOCUMENTS DRAWN BY:

CHEF LOUIE'S - MITCHELL, SD
 COMMERCIAL STREET
 SITE PLAN (SITE DIMENSIONS)

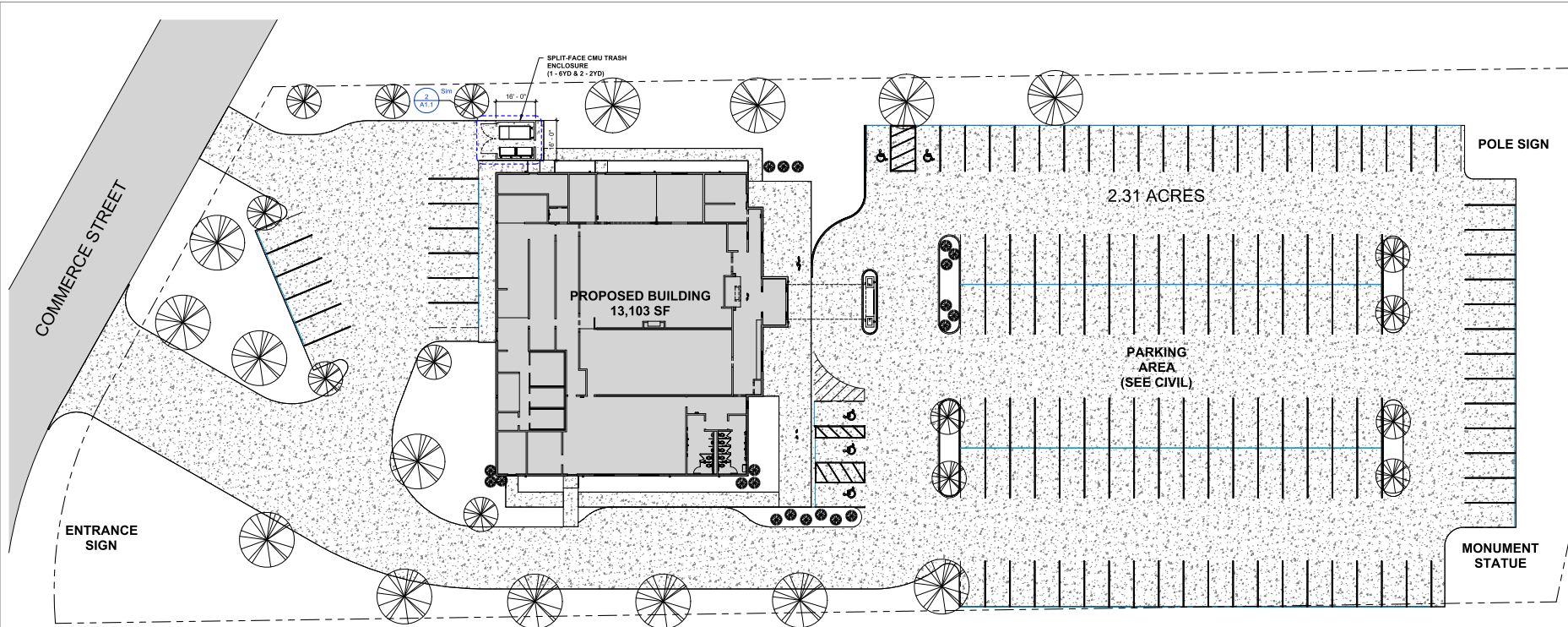
Revision Schedule		
No.	Description	Date



SPN Helms
 ENGINEERS & SURVEYORS
 2100 North Sanborn Blvd, P.O. Box 398
 Mitchell, South Dakota 57201-0398
 Phone: (605) 698-7761

Drawn By: NAP
 Checked By: JPM
 Date: 10/29/25

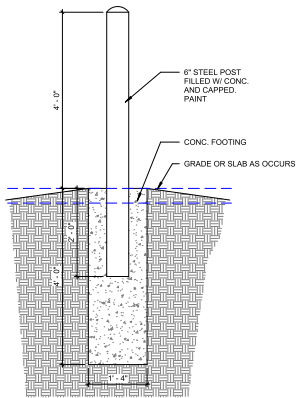
C2.0



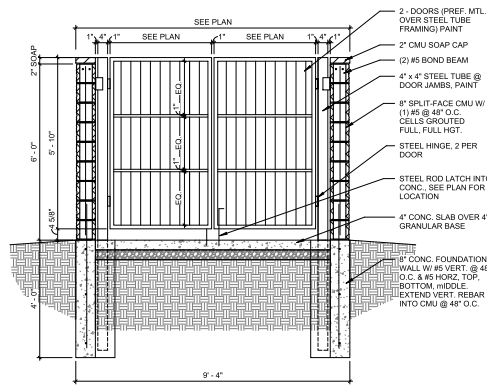
1 SITE PLAN
1" = 20'-0"

GENERAL SITE PLAN NOTES

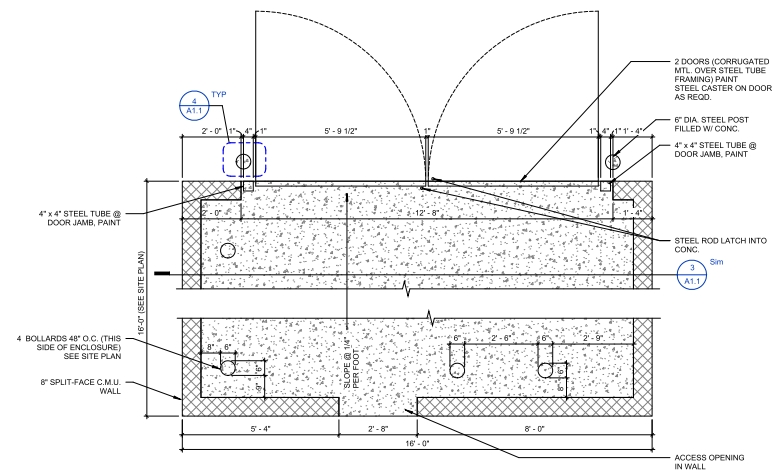
- A. ALL UNDERGROUND UTILITIES MUST BE PHYSICALLY LOCATED BEFORE ANY CONSTRUCTION BEGINS
- B. ALL SITEWORK OUTSIDE OF PROPERTY LINE IS NOT IN THIS CONTRACT
- C. SEE CIVIL, MECH AND ELEC. PLANS FOR ADDITIONAL SITE INFORMATION
- D. LANDSCAPING BY OWNER, (LANDSCAPING SHALL MEET CITY REQUIREMENTS)



4 STEEL GUARD POST
3/4" = 1'-0"



3 TRASH ENCLOSURE SECTION
1/2" = 1'-0"



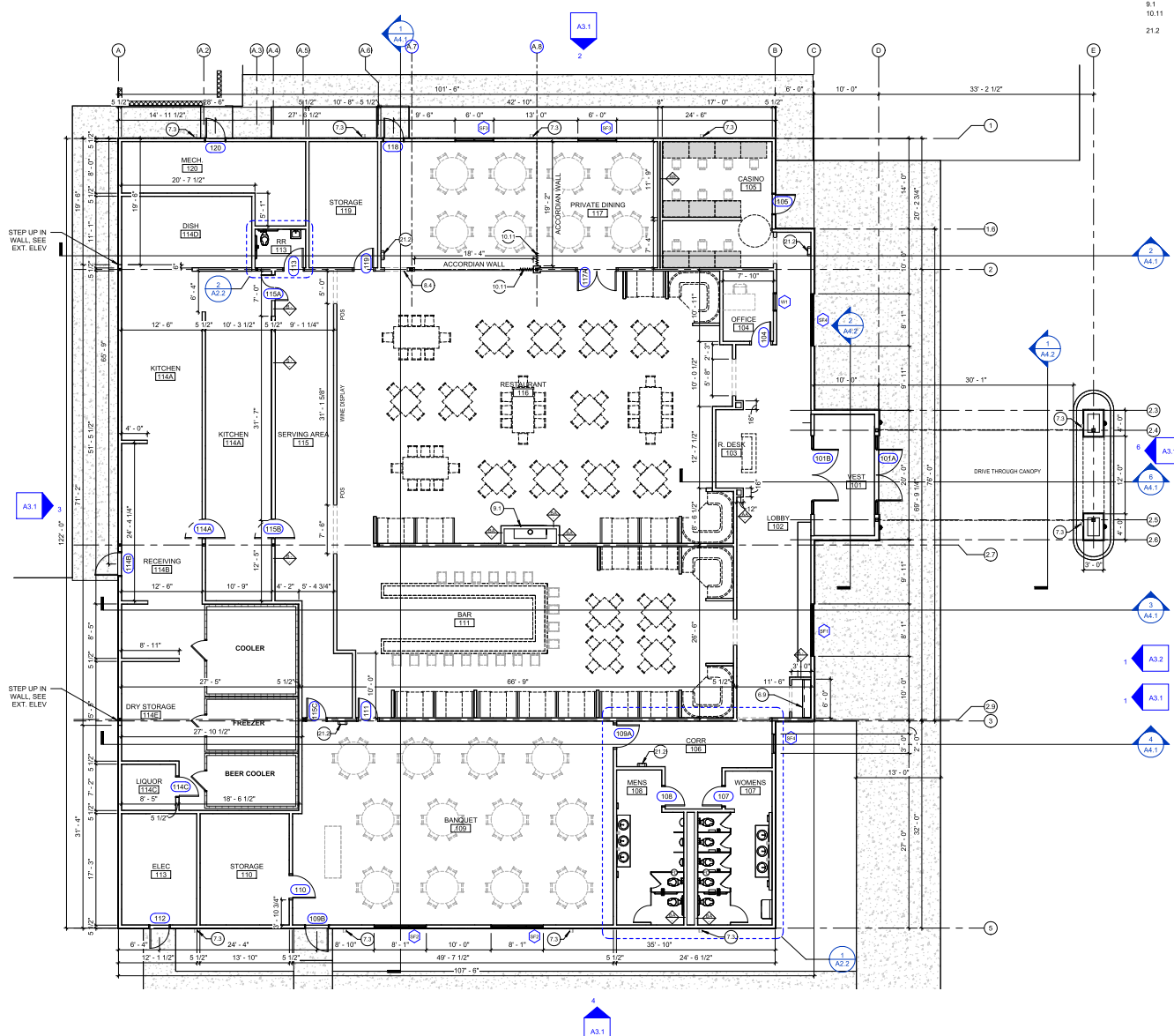
2 TRASH ENCLOSURE PLAN
1/2" = 1'-0"

Revision Schedule

No.	Description	Date
1		

Drawn By: MH
Checked By: AT
Date: 9/30/25

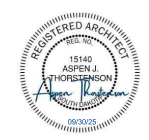
A1.1



- PLAN NOTES**
- 6.9 WD SHELF W/ S.S. COAT ROD & SUPPORT BRACKETS
 - 7.3 DOWNSPOUT
 - 8.4 42" W x 96" H OPENING
 - 9.1 N.G. 2-SIDED FIREPLACE, BY OWNER, INSTALLED BY CONTRACTOR
 - 10.11 8" HIGH ACCORDION DOOR, MODERNFOLD SM12, BY G.C. (COLOR SELECTION BY ARCHITECT)
 - 21.2 FIRE EXTINGUISHER CABINET, SEMI-RECESSED, PROVIDED AND INSTALLED BY CONTRACTOR

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2030 E Shore Pl
Wau Lake Township
phone: 605.695.1899
www.create-design.com



TRUTH INNOVATIONS
CONSTRUCTION DOCUMENTS DRAWN BY

CHEF LOUIES - MITCHELL, SD
COMMERCE STREET
FLOOR PLAN

Revision Schedule

No.	Description	Date

1 FLOOR PLAN
1/8" = 1'-0"
TOTAL BUILDING AREA = 13,097 S.F.

GENERAL FLOOR PLAN NOTES

- A. INTERIOR & EXTERIOR DIMENSIONS ARE TO FACE OF STUD, U.N.O.
- B. SEE SHEET A1 FOR WALL TYPE LEGEND
- C. SEE SHEET A1 FOR DOOR SCHEDULE

Drawn By: MH
Checked By: AT
Date: 9/30/25

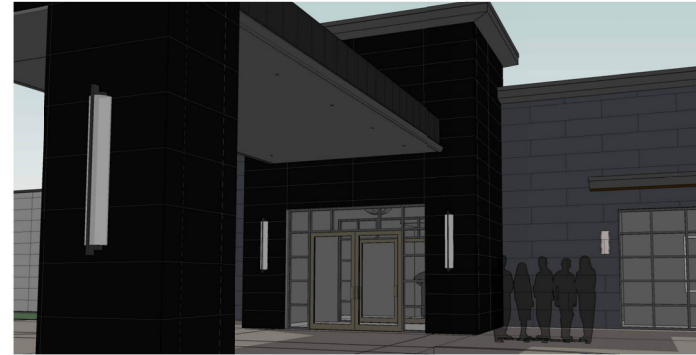
A2.1



1 EAST ELEVATION
1/8" = 1'-0"



2 EAST CAMERA VIEW



3 ENTRY VIEW



4 SW CAMERA VIEW FROM PARKING

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Walt Lake Township
phone: 905.695.1899
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ARCHITECTURE • INTERIORS • EXTERIORS
P. 605-999-5940
CONSTRUCTION DOCUMENTS DRAWN BY:

CHEF LOUIE'S - MITCHELL, SD
COMMERCE STREET
EXTERIOR CAMERA VIEWS

Revision Schedule

No.	Description	Date

SHADOWS @ 3PM
JUNE 1ST, 2025

Drawn By: MH
Checked By: AT
Date: 9/30/25

A3.2





GRAPHIC SCALE

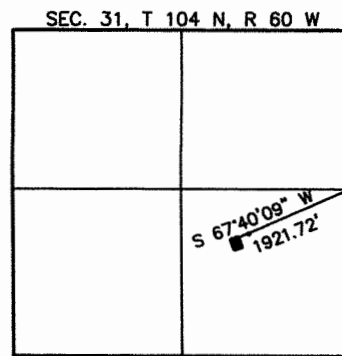


(IN FEET)
1 inch = 60 ft.

Easements within Lot 53 Dedicated by this Plat:

Rear and Sides = 5' Drainage and Utility Easement
Front Along Maui Drive = 10' Utility Easement

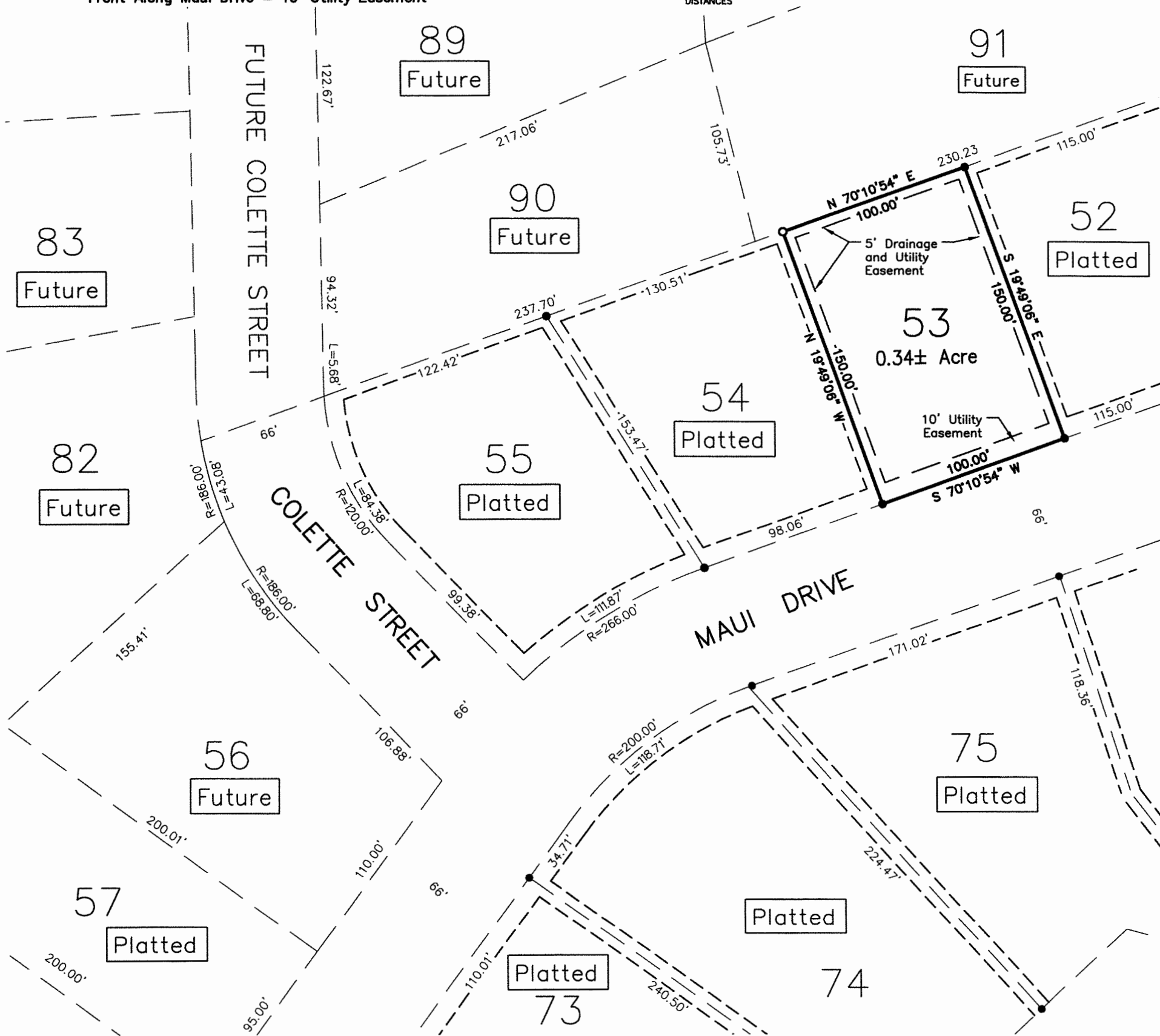
- LEGEND**
- = FOUND IRON MONUMENT
 - = SET 5/8" X 18" REBAR WITH PLASTIC CAP NO. 13714
 - 100' (P) = PLATTED BEARING OR DISTANCE
 - 100' = MEASURED BEARING OR DISTANCE
 - ⊠ = SET NAIL
 - ▲ = SET SURVEY SPIKE
 - 4.00 CH (P) = PLATTED DISTANCE IN CHAINS
 - = FOUND NAIL
 - ◇ = SET 3/8" X 12" SPIKE W/WASHER JAW-13714
 - WM = WITNESS MONUMENT



LOCATION MAP
SCALE: 1" = 3000'

PREPARED BY: JEREMY A. WOLBRINK, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

BEARINGS ARE BASED ON AN ASSUMED COORDINATE SYSTEM USING GPS GRID BEARINGS/GROUND DISTANCES



A PLAT OF LOT 53 OF MAUI FARMS SECOND ADDITION, A SUBDIVISION OF THE SE 1/4 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA
SURVEYOR'S CERTIFICATE

I, Jeremy A. Wolbrink, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of Maui Farms Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to December 2, 2025, survey those parcels of land described as follows: LOT 53 OF MAUI FARMS SECOND ADDITION, A SUBDIVISION OF THE SE 1/4 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

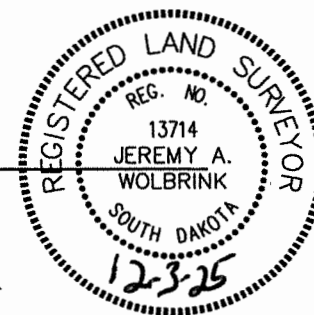
In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.

Dated this 3rd day of December, 2025.

Jeremy A. Wolbrink
Registered Land Surveyor #SD13714



& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015



A PLAT OF LOT 53 OF MAUI FARMS SECOND ADDITION, A SUBDIVISION OF THE SE 1/4 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE, DEDICATION AND AGREEMENT OF PROTECTION OF WATER

KNOW ALL MEN BY THESE PRESENTS that I, the undersigned, hereby certify that Maui Farms Inc., a South Dakota corporation, is the absolute and unqualified owner of all of the land included in the within and foregoing plat; the plat is of a parcel of ground located in THE SE 1/4 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA; that the plat has been made at the request of Maui Farms Inc., a South Dakota corporation, and under its direction for the purposes indicated therein; which said property as so surveyed and platted shall hereafter be known as LOT 53 OF MAUI FARMS SECOND ADDITION, A SUBDIVISION OF THE SE 1/4 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as shown by this plat; and Maui Farms Inc., a South Dakota corporation, hereby dedicates to the public, for public use forever as such, the streets and alleys, if any, as shown and marked on said plat; and that development of the land included within the boundaries of said Lot 53 shall conform to all existing applicable zoning, subdivision, erosion, sediment control and drainage regulations and ordinances; further that there now exists Maui Drive. Pursuant to SDCL 11-3-8.1 and 11-3-8.2 the developer of the property described within this plat shall be responsible for protecting any waters of the state located adjacent to or within such platted area from pollution from sewage from such subdivision and shall, in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same. Additionally, the developer of the property described within this plat shall be liable for any pollution that occurs from failure to execute such protections or follow such regulations, exception being those lots in subdivisions that show documentation that wastewater drainage shall be connected to a municipal system.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2025.

Charles J. Mauszycki, Jr., Vice President of Maui Farms, Inc.,
a South Dakota corporation

CORPORATION ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

On this, the _____ day of _____, 2025, before me, _____, the undersigned officer, personally appeared Charles J. Mauszycki, Jr., of Maui Farms Inc., a South Dakota corporation, and that he, as such Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Vice President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public, South Dakota
My Commission Expires: _____

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, the plat of LOT 53 OF MAUI FARMS SECOND ADDITION, A SUBDIVISION OF THE SE 1/4 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, duly licensed Land Surveyor in and for the State of South Dakota, heretofore filed in the office of the City Finance Officer of Mitchell, South Dakota, has been submitted to the City Planning Commission of the said City of Mitchell, South Dakota; and

WHEREAS, the City Planning Commission, in regular meeting assembled, had duly considered said plat and finds as a fact that said plat is in conformity and does not conflict with the Master Plan for the City of Mitchell, South Dakota, heretofore adopted by this Commission;

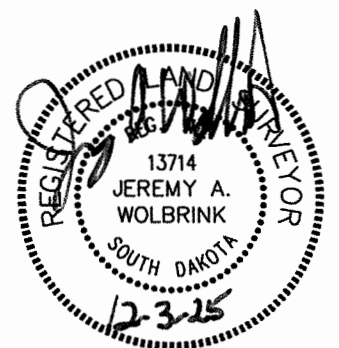
NOW THEREFORE, be it resolved by the City Planning Commission of Mitchell, South Dakota, that the plat of LOT 53 OF MAUI FARMS SECOND ADDITION, A SUBDIVISION OF THE SE 1/4 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, a Land Surveyor, be and the same is hereby approved and its adoption by the City Council of the City of Mitchell, South Dakota, is hereby recommended.

The undersigned hereby certifies that the foregoing resolution was passed by the City Planning Commission of Mitchell, South Dakota, at a meeting thereof held on the _____ day of _____, 2025.

Chairperson/Vice Chairperson of the City Planning Commission



& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015



A PLAT OF LOT 53 OF MAUI FARMS SECOND ADDITION, A SUBDIVISION OF THE SE 1/4 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

RESOLUTION OF CITY COUNCIL

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the _____ day of _____, 2025; and
WHEREAS, it appears from an examination of the plat of LOT 53 OF MAUI FARMS SECOND ADDITION, A SUBDIVISION OF THE SE 1/4 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Jeremy A. Wolbrink, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT 53 OF MAUI FARMS SECOND ADDITION, A SUBDIVISION OF THE SE 1/4 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

The undersigned hereby certifies that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the _____ day of _____, 2025.

Finance Officer/Deputy Finance Officer of the City of Mitchell

CERTIFICATE OF COUNTY TREASURER

The undersigned hereby certifies that all taxes which would, if not paid, be liens upon any of the land included in the within and foregoing plat, as shown by the records of this office, have been fully paid.

Treasurer/Deputy Treasurer, Davison County

Date

DIRECTOR OF EQUALIZATION

The undersigned hereby certifies that a copy of the plat of LOT 53 OF MAUI FARMS SECOND ADDITION, A SUBDIVISION OF THE SE 1/4 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, has been received by me and is filed in this office.

Director of Equalization/Deputy Director of Equalization

Date

REGISTER OF DEEDS

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

FILED for record this _____ day of _____, 2025, at _____, and recorded in Book _____ of Plats on

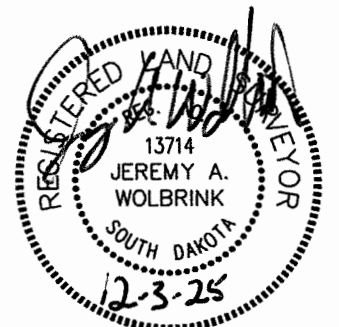
Page(s) _____ therein.

Register of Deeds, Davison County

By _____
Deputy



& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015





LEGEND

- = FOUND IRON MONUMENT
- = SET 5/8" X 18" REBAR WITH PLASTIC CAP NO. 13714
- = PLATTED BEARING OR DISTANCE
- 100' (P) = MEASURED BEARING OR DISTANCE
- 100' = SET NAIL
- = SET SURVEY SPIKE
- ▲ = FOUND NAIL
- = SET 3/8" X 12" SPIKE W/WASHER JAW-13714
- WM = WITNESS MONUMENT

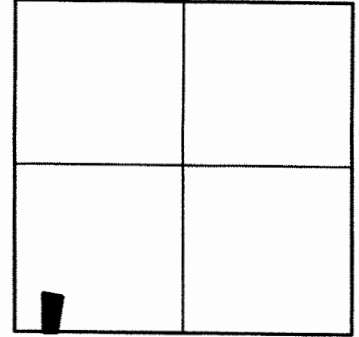
PREPARED BY: JEREMY A. WOLBRINK, R.L.S.
 2100 NORTH SANBORN BLVD. - P.O. BOX 398
 MITCHELL, SOUTH DAKOTA 57301
 PHONE: (605) 996-7761

BEARINGS ARE BASED ON AN ASSUMED COORDINATE SYSTEM USING GPS GRID BEARINGS/GROUND DISTANCES

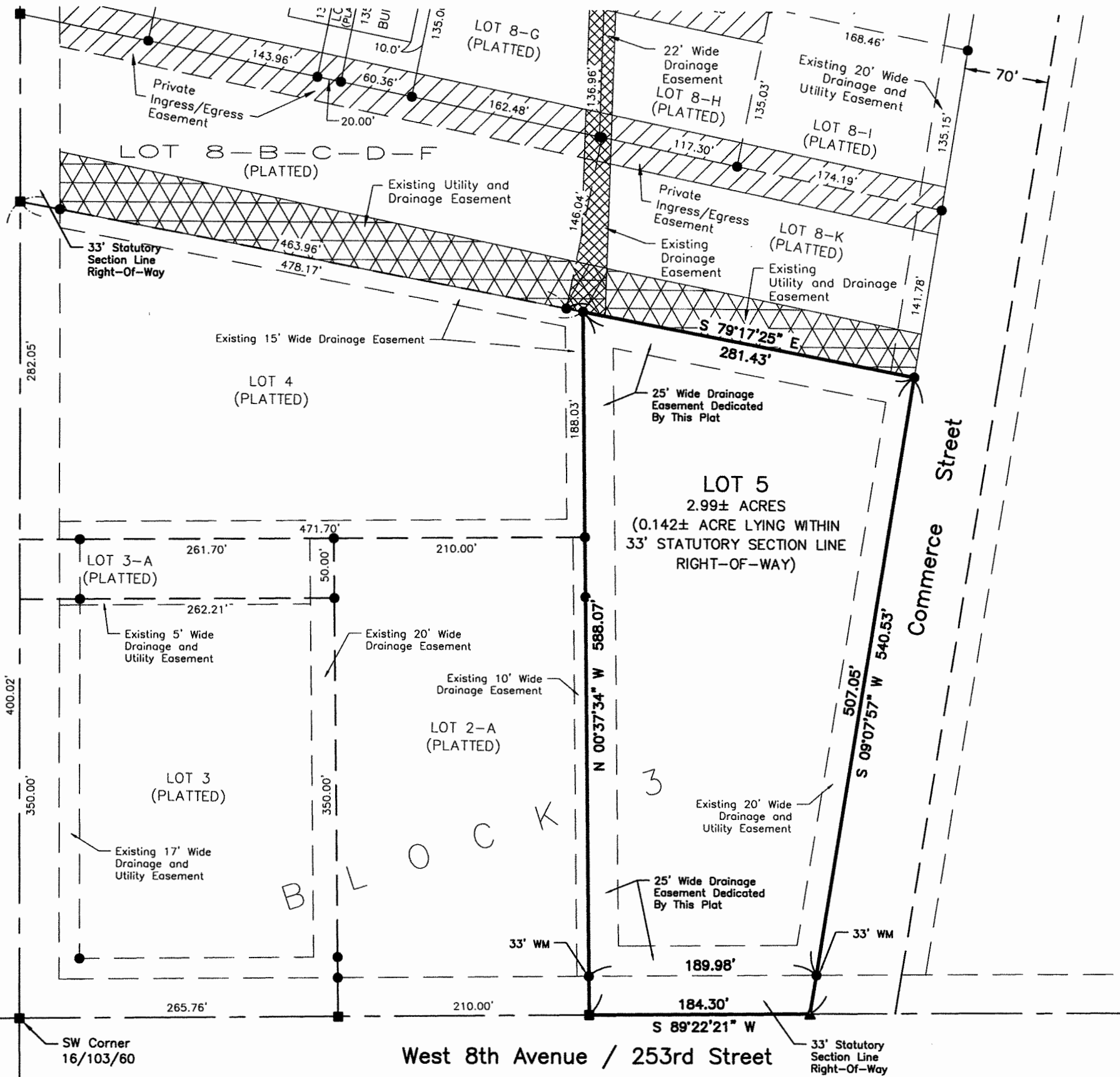
NOTE: THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT OR TITLE COMMITMENT. EASEMENTS OF RECORD WERE NOT RESEARCHED AND ARE NOT SHOWN UNLESS OTHERWISE NOTED.



1 Inch = 100 Feet



LOCATION MAP
 SCALE: 1" = 3000'



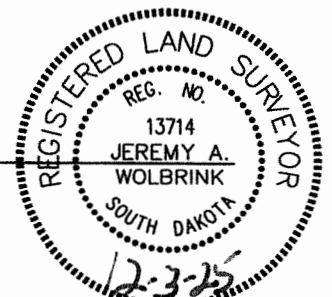
A PLAT LOT 5, BLOCK 3 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA
SURVEYOR'S CERTIFICATE

I, Jeremy A. Wolbrink, the undersigned, do hereby certify that I am a Registered Land Surveyor in the State of South Dakota. At the request of CJM Consulting, Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to December 2, 2025, survey those parcels of land described as follows: LOT 5, BLOCK 3 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.

Dated this 3rd day of December, 2025.

Jeremy A. Wolbrink
 Registered Land Surveyor #SD13714



& Associates
Engineers, Planners and Surveyors
 2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
 Phone: (605) 996-7761 Fax: (605) 996-0015

A PLAT LOT 5, BLOCK 3 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

RESOLUTION OF CITY COUNCIL

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the _____ day of _____, 2025; and

WHEREAS, it appears from an examination of the plat of LOT 5, BLOCK 3 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Jeremy A. Wolbrink, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT 5, BLOCK 3 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

The undersigned does hereby certify that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the _____ day of _____, 2025.

Finance Officer/Deputy Finance Officer of the City of Mitchell

CERTIFICATE OF COUNTY TREASURER

The undersigned does hereby certify that all taxes which would, if not paid, be liens upon any of the land included in the within and foregoing plat, as shown by the records of this office, have been fully paid.

Treasurer/Deputy Treasurer of Davison County

Date

DIRECTOR OF EQUALIZATION

The undersigned does hereby certify that a copy of the plat of LOT 5, BLOCK 3 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE SW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, has been received by me and is filed in this office.

Director of Equalization/Deputy Director of Equalization of Davison County

Date

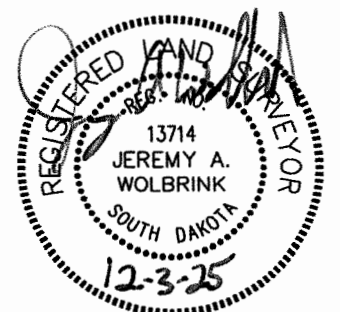
REGISTER OF DEEDS

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

FILED for record this _____ day of _____, 2025, at _____, and recorded in Book _____ of Plats on Page(s) _____ therein.

Register of Deeds, Davison County

By _____
Deputy



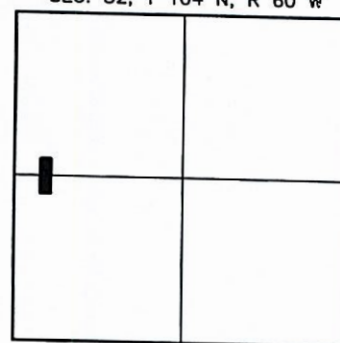
& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015



GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.



LOCATION MAP
SCALE: 1" = 3000'

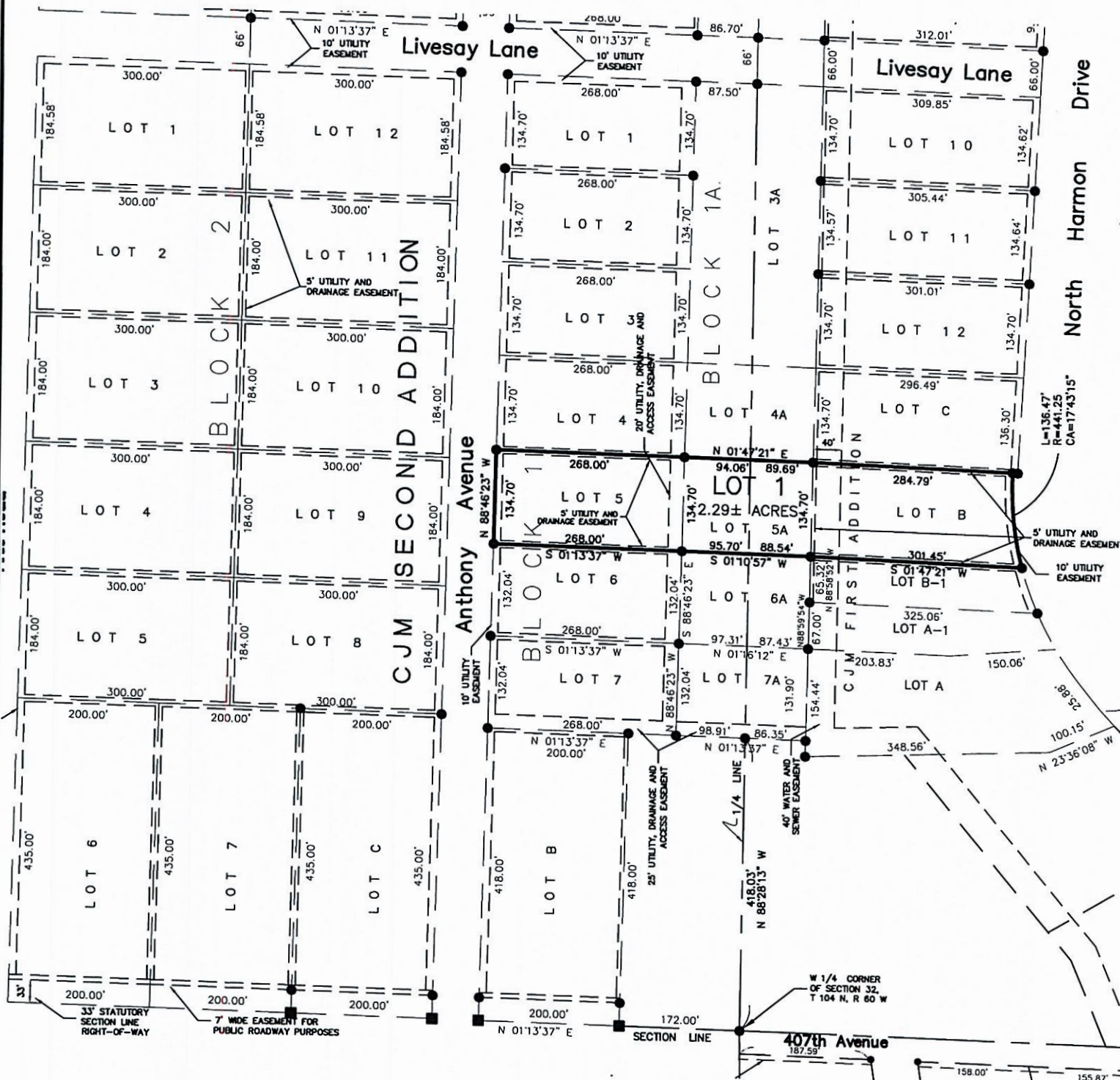
LEGEND

- = FOUND IRON MONUMENT
- = SET 5/8" X 18" REBAR WITH PLASTIC CAP NO. 6702
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' = MEASURED BEARING OR DISTANCE
- ⊠ = SET NAIL
- ▲ = SET SURVEY SPIKE
- 4.00 CH (P) = PLATTED DISTANCE IN CHAINS
- = FOUND NAIL
- ◇ = SET 3/8" X 12" SPIKE W/WASHER PJR-6702
- WM = WITNESS MONUMENT

PREPARED BY: JEREMY A. WOLBRINK, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

COORDINATE SYSTEM IS SOUTH DAKOTA SOUTH ZONE,
STATE PLANE - NORTH AMERICAN
DATUM 1983 - GEOID 18.
GRID BEARINGS AND GROUND DISTANCES ARE SHOWN.

NOTE:
THIS SURVEY WAS PERFORMED WITHOUT
THE BENEFIT OF A TITLE REPORT OR TITLE
COMMITMENT. EASEMENTS OF RECORD WERE
NOT RESEARCHED AND ARE NOT SHOWN
UNLESS OTHERWISE NOTED.



A PLAT OF LOT 1 OF HARING ADDITION, IN THE SW 1/4 OF THE NW 1/4 AND IN THE NW 1/4 OF THE SW 1/4, ALL IN SECTION 32, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

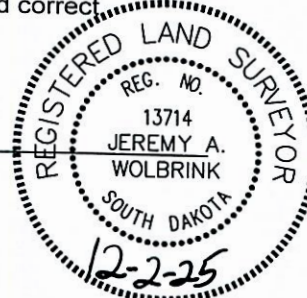
SURVEYOR'S CERTIFICATE

I, Jeremy A. Wolbrink, the undersigned, do hereby certify that I am a Registered Land Surveyor in the State of South Dakota. At the request of Lyle T. Haring and Jennifer J. Haring, Trustees of the Lyle T. Haring and Jennifer J. Haring Joint Revocable Living Trust dated the 28th day of November, 2018, and under their direction for purposes indicated therein, I did on or prior to July 22, 2025, survey the parcel of land described as follows: LOT 1 OF HARING ADDITION, IN THE SW 1/4 OF THE NW 1/4 AND IN THE NW 1/4 OF THE SW 1/4, ALL IN SECTION 32, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA. This plat does hereby vacate previously platted LOT B OF CJM FIRST ADDITION, A SUBDIVISION OF IRREGULAR TRACT NO. 3 IN THE SW 1/4 OF SECTION 32, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, AS RECORDED IN PLAT BOOK 20 ON PAGE 9; A PORTION OF IRREGULAR TRACT NO. 3 IN THE SW 1/4 OF SECTION 32, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, AS RECORDED IN PLAT BOOK 3 ON PAGE 18; LOT 5, BLOCK 1 OF CJM SECOND ADDITION IN THE NW 1/4 OF SECTION 32, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, AS RECORDED IN PLAT BOOK 21 ON PAGE 36; LOT 5A, BLOCK 1A OF CJM SECOND ADDITION, A SUBDIVISION OF A PORTION OF PREVIOUSLY PLATTED BLOCK 1A OF CJM SECOND ADDITION IN THE NW 1/4 OF SECTION 32, AND A SUBDIVISION OF AN UNPLATTED PORTION OF THE SW 1/4 OF SECTION 32, ALL IN T 104 N R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, AS RECORDED IN PLAT BOOK 23 ON PAGE 23; AND A PORTION OF BLOCK 1A OF SECTION 32, AND A SUBDIVISION OF AN UNPLATTED PORTION OF THE SW 1/4 OF SECTION 32, ALL IN T 104 N R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, AS RECORDED IN PLAT BOOK 18 ON PAGE 59.

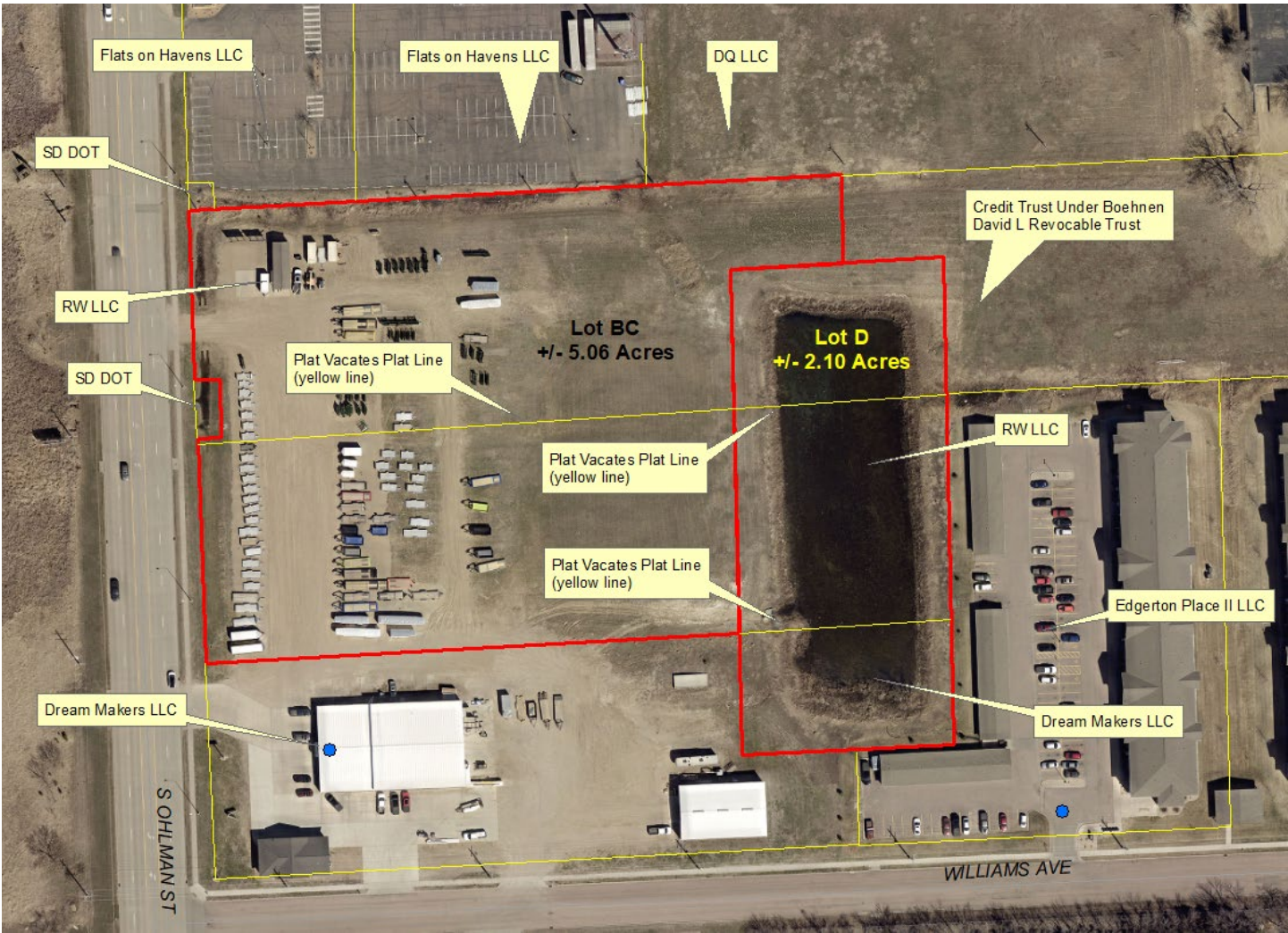
In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.

Dated this 2nd day of December, 2025.

[Signature]
Registered Land Surveyor #SD13714



SPN & Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015





1 Inch = 100 Feet

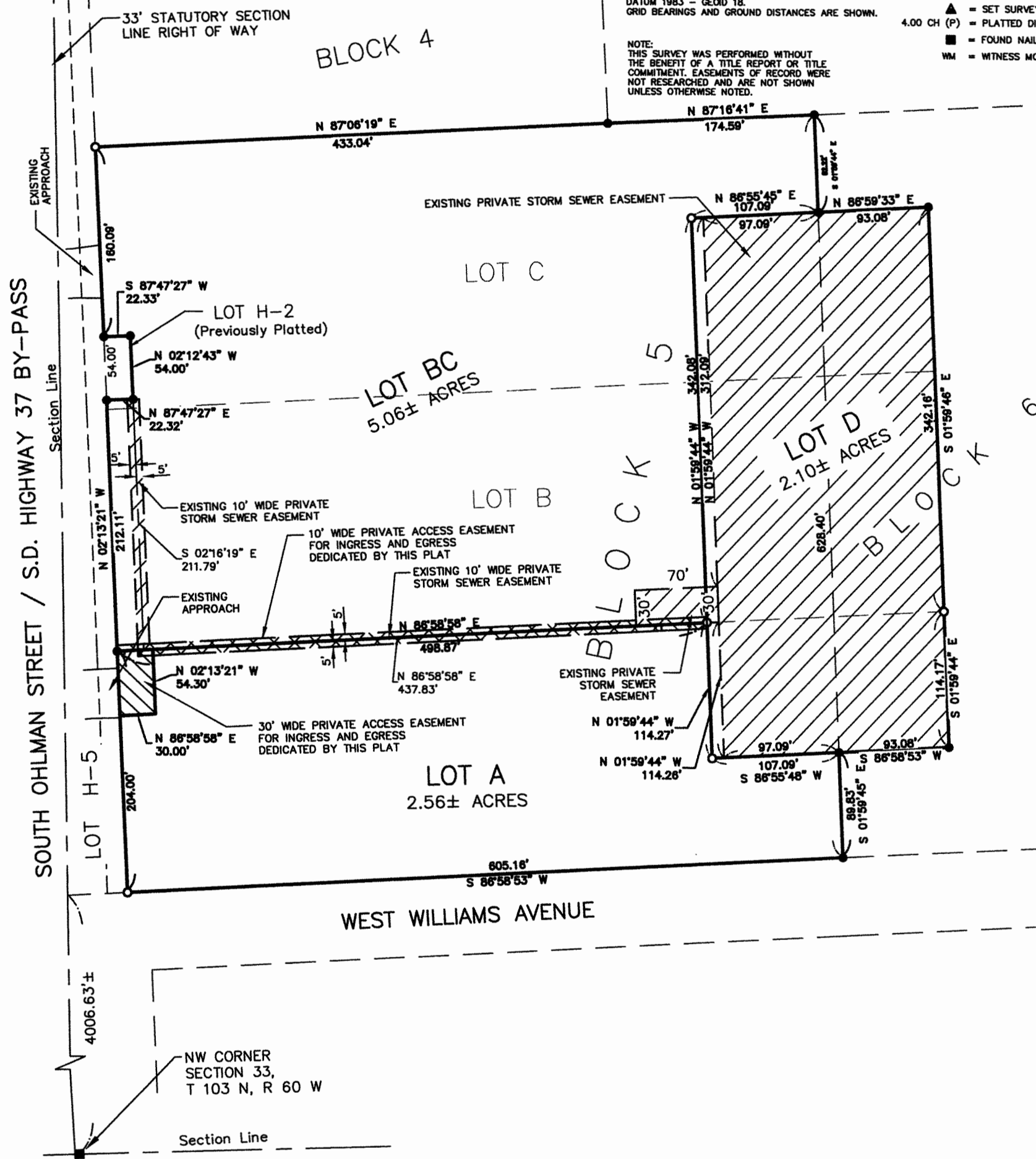
PREPARED BY: JEREMY A. WOLBRINK, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

COORDINATE SYSTEM IS SOUTH DAKOTA SOUTH ZONE,
STATE PLANE - NORTH AMERICAN
DATUM 1983 - GEOID 18.
GRID BEARINGS AND GROUND DISTANCES ARE SHOWN.

NOTE:
THIS SURVEY WAS PERFORMED WITHOUT
THE BENEFIT OF A TITLE REPORT OR TITLE
COMMITMENT. EASEMENTS OF RECORD WERE
NOT RESEARCHED AND ARE NOT SHOWN
UNLESS OTHERWISE NOTED.

LEGEND

- = FOUND IRON MONUMENT
- = SET 5/8" X 18" REBAR WITH PLASTIC CAP NO. 13714
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' = MEASURED BEARING OR DISTANCE
- ⊠ = SET NAIL
- ▲ = SET SURVEY SPIKE
- 4.00 CH (P) = PLATTED DISTANCE IN CHAINS
- = FOUND NAIL
- WM = WITNESS MONUMENT



LOTS BC AND D, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

THIS PLAT VACATES LOTS B AND C AND A PORTION OF LOT A, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

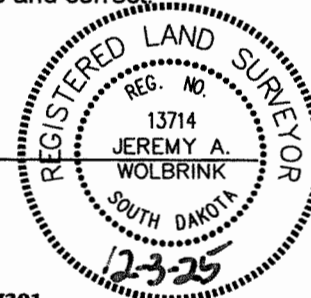
SURVEYOR'S CERTIFICATE

I, Jeremy A. Wolbrink, the undersigned, do hereby certify that I am a Registered Land Surveyor in the State of South Dakota. At the request of the owners as listed in the Owner's Certificate, Dedication and Agreement of Protection of Water, and under their direction for purposes indicated therein, I did on or prior to December 2, 2025, survey the parcel of land described as follows: LOTS BC AND D, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA. This plat does hereby vacate previously platted LOTS B AND C AND A PORTION OF LOT A, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, AS RECORDED IN PLAT BOOK 29 ON PAGE 4.

In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.

Dated this 3rd day of December, 2025.

Jeremy A. Wolbrink
Registered Land Surveyor #SD13714



& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015

LOTS BC AND D, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

THIS PLAT VACATES LOTS B AND C AND A PORTION OF LOT A, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE, DEDICATION AND AGREEMENT OF PROTECTION OF WATER

KNOW ALL MEN BY THESE PRESENTS that Wade J. Musick, the undersigned, hereby certifies that RW, LLC, a South Dakota Limited Liability Company, is the absolute and unqualified owner of LOTS B AND C, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA; and that Jeffrey J. Larson, the undersigned, hereby certifies that Dream Makers, LLC, a South Dakota Limited Liability Company, is the absolute and unqualified owner of LOT A, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA; the plat is of a parcel of ground located in previously platted LOTS A, B AND C, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA; that the plat has been made at our request, and under our direction for the purposes indicated therein; which said property as so surveyed and platted shall hereafter be known as LOTS BC AND D, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA., as shown by this plat; and that we hereby dedicate to the public, for public use forever as such, the streets and alleys, if any, as shown and marked on said plat; and that development of the land included within the boundaries of said Lots BD and D shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations; further that there now exists South Ohlman Street / S.D. Highway 37 By-Pass; furthermore this plat dedicates a private access easement for ingress and egress as shown.

Pursuant to SDCL 11-3-8.1 and 11-3-8.2 the developer of the property described within this plat shall be responsible for protecting any waters of the state located adjacent to or within such platted area from pollution from sewage from such subdivision and shall, in prosecution of such protections, conform to and follow all regulations of the South Dakota Department of Agriculture and Natural Resources relating to the same. Additionally, the developer of the property described within this plat shall be liable for any pollution that occurs from failure to execute such protections or follow such regulations, exception being those lots in subdivisions that show documentation that wastewater drainage shall be connected to a municipal system.

This plat does hereby vacate previously platted This plat does hereby vacate previously platted LOTS B AND C AND A PORTION OF LOT A, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, AS RECORDED IN PLAT BOOK 29 ON PAGE 4.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2025.

Wade J. Musick, member of RW, LLC,
a South Dakota Limited Liability Company

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

On this, the _____ day of _____, 2025, before me, _____, the undersigned officer, personally appeared Wade J. Musick, who acknowledged himself to be a member of RW, LLC, a South Dakota Limited Liability Company, and that he, as such member, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as a member.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public, South Dakota
My Commission Expires: _____

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2025.

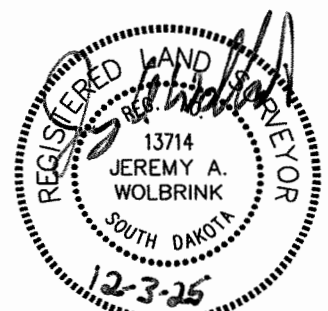
Jeffrey J. Larson, member of Dream Makers, LLC,
a South Dakota Limited Liability Company

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

On this, the _____ day of _____, 2025, before me, _____, the undersigned officer, personally appeared Jeffrey J. Larson, who acknowledged himself to be a member of Dream Makers, LLC, a South Dakota Limited Liability Company, and that he, as such member, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the limited liability company by himself as a member.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public, South Dakota
My Commission Expires: _____



& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015

LOTS BC AND D, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

THIS PLAT VACATES LOTS B AND C AND A PORTION OF LOT A, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, the plat of LOTS BC AND D, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, duly licensed Land Surveyor in and for the State of South Dakota, heretofore filed in the office of the City Finance Officer of Mitchell, South Dakota, has been submitted to the City Planning Commission of the said City of Mitchell, South Dakota; and

WHEREAS, the City Planning Commission, in regular meeting assembled, had duly considered said plat and finds as a fact that said plat is in conformity and does not conflict with the Master Plan for the City of Mitchell, South Dakota, heretofore adopted by this Commission;

NOW THEREFORE, be it resolved by the City Planning Commission of Mitchell, South Dakota, that the plat of LOTS BC AND D, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, a Land Surveyor, be and the same is hereby approved and its adoption by the City Council of the City of Mitchell, South Dakota, is hereby recommended.

The undersigned does hereby certify that the foregoing resolution was passed by the City Planning Commission of Mitchell, South Dakota, at a meeting thereof held on the _____ day of _____, 2025.

Chairperson/Vice Chairperson of the City of Mitchell
Planning Commission

RESOLUTION OF CITY COUNCIL

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the _____ day of _____, 2025; and

WHEREAS, it appears from an examination of the plat of LOTS BC AND D, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Jeremy A. Wolbrink, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOTS BC AND D, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

The undersigned does hereby certify that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the _____ day of _____, 2025.

Finance Officer/Deputy Finance Officer of the City of Mitchell

SDDOT CERTIFICATE OF HIGHWAY AUTHORITY

Access to S.D. Highway 37 By-Pass is approved. This access approval does not replace the need for any permits required by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02.

By: _____
Highway Authority

Title: _____

Date: _____

CERTIFICATE OF COUNTY TREASURER

The undersigned hereby certifies that all taxes which would, if not paid, be liens upon any of the land included in the within and foregoing plat, as shown by the records of this office, have been fully paid.

Treasurer/Deputy Treasurer of Davison County

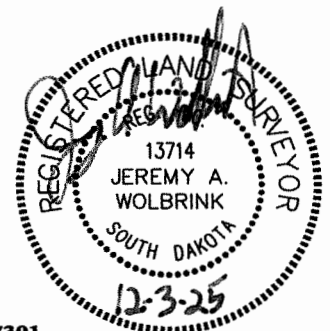
Date



& Associates

Engineers, Planners and Surveyors

2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015



LOTS BC AND D, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

THIS PLAT VACATES LOTS B AND C AND A PORTION OF LOT A, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

DIRECTOR OF EQUALIZATION

The undersigned does hereby certify that a copy of the plat of LOTS BC AND D, BLOCK 5, SUNNYSIDE ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, has been received by me and is filed in this office.

Director of Equalization/Deputy Director of Equalization of Davison County

Date

REGISTER OF DEEDS

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

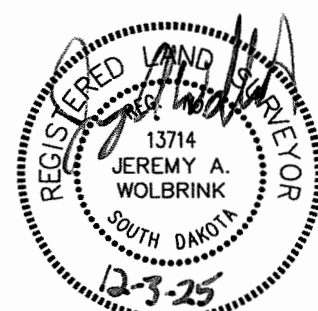
FILED for record this _____ day of _____, 2025, at _____, and recorded in Book _____ of Plats on Page(s) _____ therein.

Register of Deeds, Davison County

By _____
Deputy



& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015





PLAT OF LOT A

in Block 3 in Mitchell Christian Addition to Mitchell,
except Lots 1 and 2 in Block 3 of Mitchell Christian Addition to Mitchell

DAVISON COUNTY, SOUTH DAKOTA

Showing a parcel of land

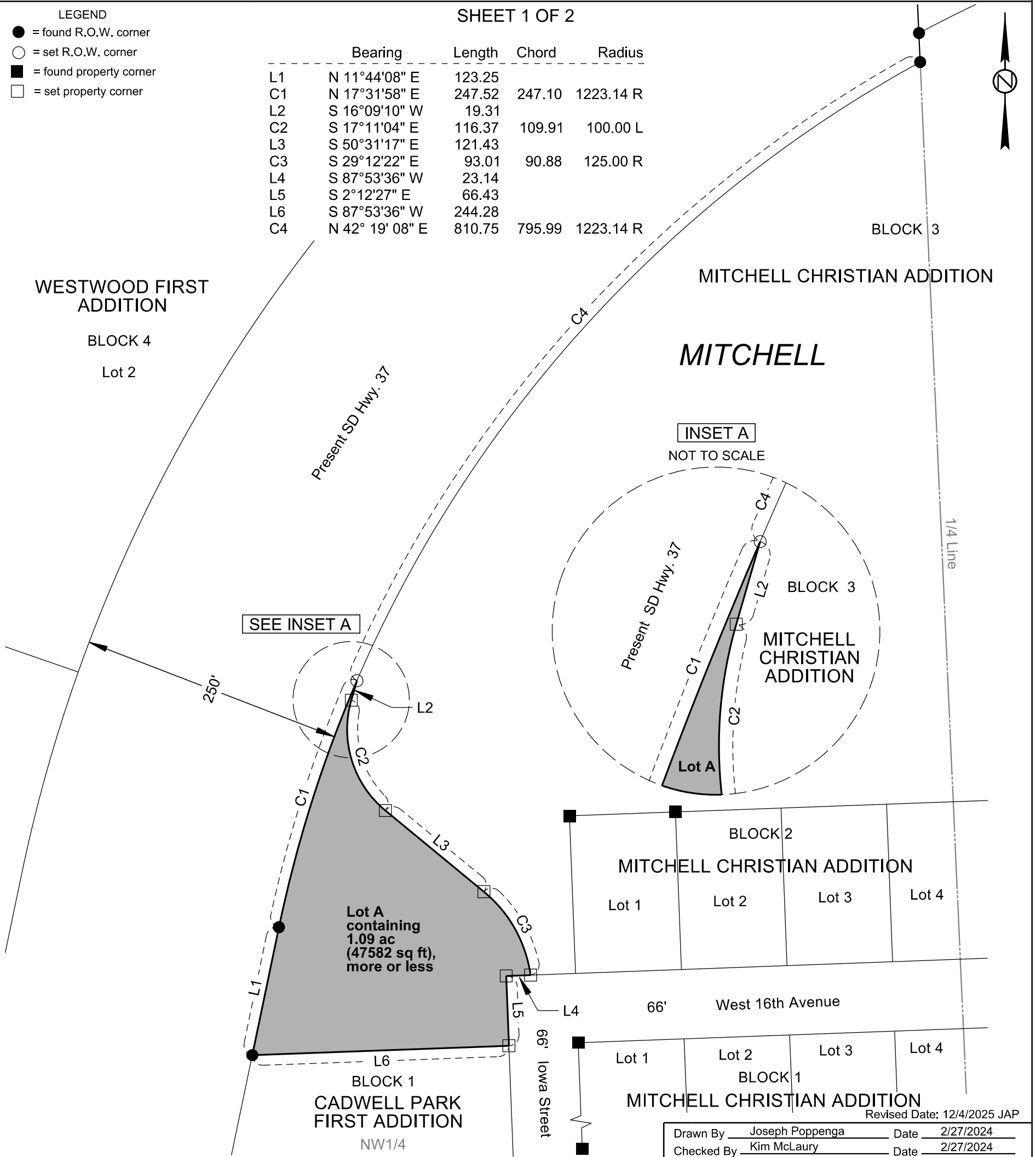
Scale: 1 inch = 100 feet

SHEET 1 OF 2

LEGEND

- = found R.O.W. corner
- = set R.O.W. corner
- = found property corner
- = set property corner

	Bearing	Length	Chord	Radius
L1	N 11°44'08" E	123.25		
C1	N 17°31'58" E	247.52	247.10	1223.14 R
L2	S 16°09'10" W	19.31		
C2	S 17°11'04" E	116.37	109.91	100.00 L
L3	S 50°31'17" E	121.43		
C3	S 29°12'22" E	93.01	90.88	125.00 R
L4	S 87°53'36" W	23.14		
L5	S 2°12'27" E	66.43		
L6	S 87°53'36" W	244.28		
C4	N 42° 19' 08" E	810.75	795.99	1223.14 R



INSET A

NOT TO SCALE

SEE INSET A

Lot A containing 1.09 ac (47582 sq ft), more or less

Revised Date: 12/4/2025 JAP

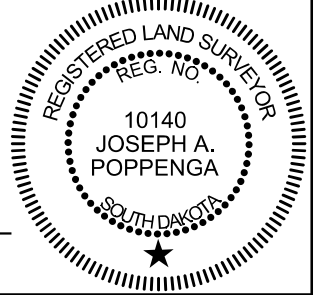
Drawn By Joseph Poppenga Date 2/27/2024
Checked By Kim McLaury Date 2/27/2024

SURVEYOR'S CERTIFICATE

I, JOSEPH A. POPPENGA, Registered Land Surveyor, in and for the State of South Dakota, do hereby certify that as ordered by the South Dakota Department of Transportation the parcel of land as shown on this plat has been surveyed at my direction and under my control, and such tract of land shall be hereafter known by the lot number designated herein. The location and dimensions of the tract are shown on this plat.

In witness whereof, I have set my hand and seal this _____ day of _____ A.D., 2025.

Registered Land Surveyor
Registration No. 10140



SURVEYOR'S NOTES

Note1: The coordinates, bearings, distances and areas shown on this plat are based on the South Dakota State Plane Coordinate System Grid North - South Zone NAD 83(2011) epoch 2010.00 Geoid 12A SF=0.9998489736

Note 2: All monumentation will be set upon project completion.

PLAT OF LOT A

in Block 3 in Mitchell Christian Addition to Mitchell,
except Lots 1 and 2 in Block 3 of Mitchell Christian Addition to Mitchell

DAVISON COUNTY, SOUTH DAKOTA

Showing a parcel of land

Not to Scale

SHEET 2 OF 2

OWNER'S CERTIFICATE:

I, MATT NIELSEN, SCHOOL BOARD PRESIDENT OF MITCHELL CHRISTIAN SCHOOL, DO HEREBY CERTIFY THAT MITCHELL CHRISTIAN SCHOOL IS THE OWNER OF THE LAND INCLUDED IN THE ABOVE PLAT AND THAT SAID PLAT HAS BEEN MADE AT MY REQUEST AND IN ACCORDANCE WITH MY INSTRUCTIONS ON BEHALF OF THE SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF LOCATING, MONUMENTING AND PLATTING, AND THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.

MATT NIELSEN, SCHOOL BOARD PRESIDENT DATE
MITCHELL CHRISTIAN SCHOOL

ACKNOWLEDGMENT OF OWNER:

STATE OF _____ COUNTY OF _____
ON THIS ____ DAY OF _____, 20____, BEFORE ME,

_____, THE UNDERSIGNED OFFICER,
PERSONALLY APPEARED MATT NIELSEN, WHO ACKNOWLEDGED HIMSELF TO BE THE SCHOOL BOARD PRESIDENT OF MITCHELL CHRISTIAN SCHOOL, AND THAT HE AS PRESIDENT, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

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

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

RESOLUTION OF CITY PLANNING COMMISSION:

WHEREAS, THE PLAT OF LOT A IN BLOCK 3 IN MITCHELL CHRISTIAN ADDITION TO MITCHELL, EXCEPT LOTS 1 AND 2 IN BLOCK 3 OF MITCHELL CHRISTIAN ADDITION TO MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY JOSEPH A. POPPENG, DULY LICENSED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, HERETOFORE FILED IN THE OFFICE OF THE CITY FINANCE OFFICER OF MITCHELL, SOUTH DAKOTA, HAS BEEN SUBMITTED TO THE CITY PLANNING COMMISSION OF THE SAID CITY OF MITCHELL, SOUTH DAKOTA; AND

WHEREAS, THE CITY PLANNING COMMISSION, IN REGULAR MEETING ASSEMBLED, HAD DULY CONSIDERED SAID PLAT AND FINDS AS A FACT THAT SAID PLAT IS IN CONFORMITY AND DOES NOT CONFLICT WITH THE MASTER PLAN FOR THE CITY OF MITCHELL, SOUTH DAKOTA, HERETOFORE ADOPTED BY THIS COMMISSION;

NOW THEREFORE, BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF MITCHELL, SOUTH DAKOTA, THAT THE PLAT OF LOT A IN BLOCK 3 IN MITCHELL CHRISTIAN ADDITION TO MITCHELL, EXCEPT LOTS 1 AND 2 IN BLOCK 3 OF MITCHELL CHRISTIAN ADDITION TO MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY JOSEPH A. POPPENG, A LAND SURVEYOR, BE AND THE SAME IS HEREBY APPROVED AND ITS ADOPTION BY THE CITY COUNCIL OF THE CITY OF MITCHELL, SOUTH DAKOTA, IS HEREBY RECOMMENDED.

THE UNDERSIGNED HEREBY CERTIFIES THAT THE FOREGOING RESOLUTION WAS PASSED BY THE CITY PLANNING COMMISSION OF MITCHELL, SOUTH DAKOTA, AT A MEETING THEREOF HELD

ON THE _____ DAY OF _____, 20____.

CHAIRPERSON/VICE-CHAIRPERSON
MITCHELL CITY PLANNING COMMISSION

APPROVAL OF HIGHWAY AUTHORITY:

STATE OF SOUTH DAKOTA - COUNTY OF DAVISON

NO ACCESS TO SD HIGHWAY 37 IS APPROVED. THIS ACCESS APPROVAL DOES NOT REPLACE THE NEED FOR ANY PERMITS REQUIRED BY LAW TO ESTABLISH THE PRECISE ACCESS LOCATION, INCLUDING PERMIT REQUIREMENTS SET FORTH IN ADMINISTRATIVE RULE OF SOUTH DAKOTA 70:09:01:02.

DATED THIS _____ DAY OF _____, 20____.

HIGHWAY AUTHORITY DATE

RESOLUTION OF CITY COUNCIL:

WHEREAS, IT APPEARS THAT THE CITY PLANNING COMMISSION OF THE CITY OF MITCHELL, SOUTH DAKOTA, DID DULY CONSIDER AND DID RECOMMEND THE APPROVAL AND ADOPTION OF THE HEREINAFTER DESCRIBED PLAT, AT ITS MEETING HELD ON THE _____ DAY OF _____, 20____, AND

WHEREAS, IT APPEARS FROM AN EXAMINATION OF THE PLAT OF LOT A IN BLOCK 3 IN MITCHELL CHRISTIAN ADDITION TO MITCHELL, EXCEPT LOTS 1 AND 2 IN BLOCK 3 OF MITCHELL CHRISTIAN ADDITION TO MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, AS PREPARED BY JOSEPH A. POPPENG, A DULY LICENSED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, THAT SAID PLAT IS IN ACCORDANCE WITH THE SYSTEM OF STREETS AND ALLEYS SET FORTH IN THE MASTER PLAN ADOPTED BY THE CITY PLANNING COMMISSION OF THE CITY OF MITCHELL, SOUTH DAKOTA, AND THAT SUCH PLAT HAS BEEN PREPARED ACCORDING TO LAW;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MITCHELL, SOUTH DAKOTA, THAT THE PLAT OF LOT A IN BLOCK 3 IN MITCHELL CHRISTIAN ADDITION TO MITCHELL, EXCEPT LOTS 1 AND 2 IN BLOCK 3 OF MITCHELL CHRISTIAN ADDITION TO MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY JOSEPH A. POPPENG, BE AND THE SAME IS HEREBY APPROVED AND THE DESCRIPTION SET FORTH THEREIN AND THE ACCOMPANYING SURVEYOR'S CERTIFICATE SHALL PREVAIL.

THE UNDERSIGNED HEREBY CERTIFIES THAT THE FOREGOING WAS PASSED BY THE CITY OF MITCHELL, SOUTH DAKOTA, AT A MEETING HELD

ON THE _____ DAY OF _____, 20____.

FINANCE OFFICER/DEPUTY FINANCE OFFICER
CITY OF MITCHELL

CERTIFICATE OF COUNTY TREASURER:

STATE OF SOUTH DAKOTA - COUNTY OF DAVISON

I DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF MY OFFICE, HAVE BEEN PAID IN FULL.

DATED THIS _____ DAY OF _____, 20____.

TREASURER/DEPUTY TREASURER DAVISON COUNTY, SOUTH DAKOTA

CERTIFICATE OF DIRECTOR OF EQUALIZATION:

STATE OF SOUTH DAKOTA - COUNTY OF DAVISON

I DO HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THE ABOVE PLAT AND SAID PLAT HAS BEEN FILED AT MY OFFICE.

DATED THIS _____ DAY OF _____, 20____.

DIRECTOR OF EQUALIZATION/
DEPUTY DIRECTOR OF EQUALIZATION DAVISON COUNTY, SOUTH DAKOTA

CERTIFICATE OF REGISTER OF DEEDS

STATE OF SOUTH DAKOTA - COUNTY OF DAVISON

FILED FOR RECORD THIS _____ DAY OF _____, 20____,

AT _____ O'CLOCK ____ M., AND RECORDED IN BOOK _____ OF PLATS

ON PAGE _____ THEREIN.

REGISTER OF DEEDS DAVISON COUNTY, SOUTH DAKOTA

BY: _____
DEPUTY



Open Meetings Laws in South Dakota

Updated
November 2025

SDCL 1-25-13

In 2025, the legislature enacted SDCL 1-25-13 which requires an annual review of:

- (1) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and
- (2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

Open Meeting Basics

South Dakota political subdivisions exercising sovereign power are required to follow the state's open meetings laws. This includes ensuring official meetings are open to the public, providing adequate notice to the public of meetings, and allowing public comment periods at official meetings.

This presentation is intended to highlight common issues, not cover all open meetings laws in detail.

For more information, please refer to the South Dakota Attorney General's Office brochure entitled "Conducting the Public's Business in Public" which has been provided for review.

Who must follow open meetings laws?

SD open meetings laws apply to political subdivisions of South Dakota which exercise sovereign power.

This means that any public body of the City that has the authority to exercise sovereign power, such as implementing taxes, creating regulations, imposing penalties, etc., must comply with the open meetings laws. Public bodies that are advisory only are not required to comply with the open meetings laws.

Each public body of the city that has the authority to exercise sovereign power must also review the open meetings laws annually.

What are open meetings?

Open meetings include all official meetings of the political subdivision. This is when a quorum of members are present and official business or public policy of the body is discussed or decided.

Open meetings include in person meetings, but also teleconferences, group texts, and group emails that include a quorum where official business or public policy of the political subdivision is discussed or decided.

How is the public notified?

Generally, a political subdivision is required to post a notice for an official meeting at least 24 hours in advance. Less than 24 hours' notice is permitted under certain circumstances, but as much notice as possible should still be provided.

The notice must include the date, time, and location of the meeting and the items proposed to be discussed. The notice must be posted at political subdivision's principal office and on its official website. It must also be delivered to all local news media that have asked to be notified.

The political subdivision is also required to provide meeting materials on its website at least 24 hours in advance or when the materials are provided to board members, whichever is later.

How can the public participate?

The public is entitled to attend open meetings and may record the meetings if the recording is reasonable, obvious, and not disruptive.

The political subdivision must also allow public comment at official meetings, except for those held exclusively for certain purposes. The political subdivision may limit public comment as to the time allowed for each topic, and as to the total time allowed for public comment.

The public is not entitled to attend or participate in a political subdivision's executive sessions.

When can a meeting be closed?

A political subdivision can hold private, executive sessions that are closed to the public and media. SDCL 1-25-2 provides several categories of discussions that may be done in executive session. Executive session may also be held when the federal or state constitution or federal or state statutes require or permit it.

To enter executive session, the political subdivision must make a motion to enter executive session and cite the statute that applies to the discussions to be held. Discussions in executive session are limited to the cited statute.

No action may be taken during executive session. Any action to be taken relative to matters discussed in executive session must be done once the political subdivision has returned to open session.

Questions/Comments/Discussion

For more information, please refer to the South Dakota Attorney General's Office brochure entitled "Conducting the Public's Business in Public" and South Dakota Codified Laws Chapter 1-25.



Conducting the Public's Business in Public

A guide to South Dakota's
Open Meetings Laws
(Revised 2025)

Prepared by:
S.D. Attorney General's Office
in partnership with the
S.D. NewsMedia Association

Published by:
South Dakota NewsMedia Association
1125 32nd Ave. Brookings, SD 57006

Q: WHAT ARE SOUTH DAKOTA'S OPEN MEETINGS LAWS?

A: South Dakota's open meetings laws embody the principle that the public is entitled to the greatest possible information about public affairs and are intended to encourage public participation in government. SDCL Ch. 1-25 requires that official meetings of public bodies must be public and advance notice is to be given of such meetings. The statutes define an "official meeting" as one where a quorum of the public body is present and at which official business or public policy of the body is discussed or decided. Openness in government is encouraged.

Q: WHO DOES THE OPEN MEETINGS LAWS APPLY TO?

A: The open meetings laws apply to all public bodies of the state and its political subdivisions. SDCL 1-25-1, 1-25-12(3). This includes cities, counties, school boards and other public bodies created by ordinance or resolution, such as appointed boards, task forces, and committees, so long as they have authority to exercise sovereign power. SDCL 1-25-12(2). Although no court decisions have been issued on the subject, this probably does not include bodies that serve only in an advisory capacity. The State Constitution allows the Legislature and the Unified Judicial System to create rules regarding their own separate functions.

Q: ARE TELECONFERENCES CONSIDERED PUBLIC MEETINGS?

A: Yes. The open meetings laws allow meetings, including executive or closed meetings, to be conducted by teleconference – defined as an exchange of information by audio, video, or electronic means (including the internet) – if a place is provided for the public to participate. SDCL 1-25-1.5, 1-25-12(5). In addition, for teleconferences where

less than a quorum of the public body is present at the location open to the public, arrangements must also be made for the public to listen by telephone or internet (except for portions of meetings properly closed for executive sessions). SDCL 1-25-1.6. The media and public must be notified of teleconference meetings under the same notice requirements as any other meeting.

Q: HOW ARE THE PUBLIC AND MEDIA NOTIFIED WHEN PUBLIC BUSINESS IS BEING DISCUSSED?

A: SDCL 1-25-1.1 requires that all political subdivisions (except the state and its boards, commissions, or departments as provided in § 1-25-1.3) prominently post a notice and copy of the proposed agenda at the political subdivision's principal office. At a minimum, the proposed agenda must include the date, time, and location of the meeting and must be visible, readable, and accessible to the public for 24 continuous hours immediately preceding the meeting. Also, if the political subdivision has its own website, the notice must be posted on the website upon dissemination of the notice. For special or rescheduled meetings, political subdivisions must comply with the regular meeting notice requirements as much as circumstances permit. The notice must be delivered in person, by mail, by email, or by telephone to all local news media who have asked to be notified. It is good practice for local media to renew requests for notification of special or rescheduled meetings at least annually.

SDCL 1-25-1.3 varies slightly from SDCL 1-25-1.1 and requires the State and its agencies, boards, commissions, or departments to give notice by posting a proposed agenda at least 72 continuous hours before a meeting is scheduled to start (this does not include any weekend or legal holiday). The State is also required to give notice of a public meeting by posting its proposed agenda on <http://boardsandcommissions.sd.gov>.

Q: WHO ARE LOCAL NEWS MEDIA?

A: There is no definition of “local news media” in SDCL ch. 1-25. “News media” is defined in SDCL 13-1-57 generally as those personnel of a newspaper, periodical, news service, radio station, or television station regardless of the medium through which their content is delivered. The Attorney General is of the opinion that “local news media” is all news media – broadcast and print – that regularly carry news to the community.

Q: IS A PUBLIC COMMENT PERIOD REQUIRED AT PUBLIC MEETINGS?

A: Yes. Public bodies are required to provide at every official meeting a period of time on their agenda for public comment. SDCL 1-25-1. Each public body has the discretion to limit public comment as to the time allowed for each topic commented on, and as to the total time allowed for public comment. Public comment is not required at meetings held solely for an executive session, inauguration, presentation of an annual report, or swearing in of elected officials.

Q: CAN PUBLIC MEETINGS BE RECORDED?

A: Yes, SDCL 1-25-11 requires public bodies to allow recording (audio or video) of their meetings if the recording is reasonable, obvious, and not disruptive. This requirement does not apply to those portions of a meeting confidential or closed to the public.

Q: WHEN CAN A MEETING BE CLOSED TO THE PUBLIC AND MEDIA?

A: SDCL 1-25-2 allows a public body to close a meeting for the following purposes: 1) to discuss personnel issues pertaining to officers or employees; 2) consideration of the performance or discipline of a student, or the student’s participation in interscholastic activities; 3) consulting with legal counsel, or reviewing communications from legal counsel about proposed or pending litigation or

contractual matters; 4) employee contract negotiations; 5) to discuss marketing or pricing strategies of a publicly-owned competitive business; or 6) to discuss information related to the protection of public or private property such as emergency management response plans or other public safety information. The statute also recognizes that executive session may be appropriate to comport with other laws that require confidentiality or permit executive or closed meetings. Federal law pertaining to students and medical records will also cause school districts and other entities to conduct executive sessions or conduct meetings to refrain from releasing confidential information. Meetings may also be closed by cities and counties for certain economic development matters. SDCL 9-34-19.

Note that SDCL 1-25-2 and SDCL 9-34-19 do not require meetings be closed in any of these circumstances.

Any official action based on discussions in executive session must, however, be made at an open meeting.

Q: WHAT IS THE PROPER PROCEDURE FOR EXECUTIVE SESSIONS?

A: Motions for executive sessions must refer to the specific state or federal law allowing for the executive session i.e. “pursuant to SDCL 1-25-2(3).” Also, best practice to avoid public confusion would be that public bodies explain the reason for going into executive session. For example, the motion might state “motion to go into executive session pursuant to SDCL 1-25-2(1) for the purposes of discussing a personnel matter,” or “motion to go into executive session pursuant to SDCL 1-25-2(3) for the purposes of consulting with legal counsel.”

Discussion in the executive session must be strictly limited to the announced subject. No official votes may be taken on any matter during an executive session. The public body must return to open session before any official action can be taken.

Q: WHAT HAPPENS IF THE MEDIA OR PUBLIC IS IMPROPERLY EXCLUDED FROM A MEETING OR OTHER VIOLATIONS OF THE OPEN MEETING LAWS OCCUR?

A: Excluding the media or public from a meeting that has not been properly closed subjects the public body or the members involved to: (a) prosecution as a Class 2 misdemeanor punishable by a maximum sentence of 30 days in jail, a \$500 fine or both; or (b) a reprimand by the Open Meeting Commission ("OMC"). The same penalties apply if the agenda for the meeting is not properly posted, or other open meeting violations occur.

Also, action taken during any meeting that is not open or has not been properly noticed could, if challenged, be declared null and void.

Q: HOW ARE ISSUES REFERRED TO THE OPEN MEETINGS COMMISSION ("OMC")?

A: Persons alleging violations of the open meetings laws must make their complaints with law enforcement officials in the county where the offense occurred. After a signed and notarized complaint is made under oath, and any necessary investigation is conducted, the State's Attorney may: (a) prosecute the case as a misdemeanor; (b) find that the matter has no merits and file a report with the Attorney General for statistical purposes; or (c) forward the complaint to the OMC for a determination. The OMC is comprised of five State's Attorneys or Deputy State's Attorneys appointed by the Attorney General. The OMC examines whether a violation has occurred and makes written public findings explaining its reasons. If you have questions on the procedures or status of a pending case, you may contact the Attorney General's Office at 605-773-3215 to talk to an assistant for the OMC. Procedures for the OMC are posted on the website for the Office of Attorney General. <http://atg.sd.gov/>.

Q: WHAT DOES THE TERM "SOVEREIGN POWER" MEAN?

A: The open meetings laws do not define this term, but it generally means the power to levy taxes, impose penalties, make special assessments, create ordinances, abate nuisances, regulate the conduct of others, or perform other traditional government functions. The term may include the exercise of many other governmental functions. If an entity is unclear whether it is exercising "sovereign power" it should consult with legal counsel.

Q: MAY AGENDA ITEMS BE CONSIDERED IF THEY ARE ADDED LESS THAN 24 HOURS BEFORE A MEETING?

A: Proposed agendas for public meetings must be posted at least 24 hours in advance of the meeting. The purpose of providing advance notice of the topics to be discussed at a meeting is to provide information to interested members of the public concerning the governing body's anticipated business. Typically, the public body adopts the final agenda upon convening the meeting. At the time the final agenda is adopted, the governing body may add or delete agenda items and may also change the order of business. See *In re Yankton County Commission, Open Meetings Commission Decision # 20-03*, December 31, 2020. New items cannot be added after the agenda has been adopted by the governing body.

Public bodies are strongly encouraged to provide at least 24 hours' notice of all agenda items so as to be fair to the public and to avoid dispute.

For special or rescheduled meetings, public bodies are to comply to the extent circumstances permit. In other words, posting less than 24 hours in advance may be permissible in emergencies.

Q: ARE EMAIL DISCUSSIONS "MEETINGS" FOR PURPOSES OF THE OPEN MEETINGS LAWS?

A: The definition of an "official meeting" in SDCL 1-25-12(1) specifically includes meetings conducted by "electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform[.]" A quorum of a public body that discusses official business of that body via electronic means is conducting an official meeting for purposes of the open meetings laws. Electronic communications made solely for scheduling purposes do not fall within the definition of an official meeting.

Q: WHAT RECORDS MUST BE AVAILABLE TO THE PUBLIC IN CONJUNCTION WITH PUBLIC MEETINGS?

A: SDCL 1-25-1.4 requires state boards, commissions, or departments to make public meeting materials available on <http://boardsandcommissions.sd.gov>. SDCL 1-27-1.16 requires that any other public body must post meeting materials on the public body's website or make those materials available to the public at least twenty-four hours prior to the hearing or when made available to the members of the public body, whichever is later. Finally, SDCL 1-27-1.17 requires that draft minutes of public meetings must be made available to the public at the principal place of business for the public body within 10 business days after the meeting (or any audio and visual recording must be made available on the website for the public body within five business days).

These laws are in addition to any specific requirements for public bodies (i.e., publication requirements in state laws pertaining to cities, counties, or school districts). Enforcement of public records laws contained in SDCL Ch. 1-27 are handled by separate procedures found in SDCL 1-27-35, et. seq. rather than the open meeting procedures described above. Violations of SDCL 1-27-1.16 and 1-27-1.17 are also Class 2 misdemeanors.

Q: WHAT REQUIREMENTS APPLY TO TASK FORCES, COMMITTEES AND WORKING GROUPS?

A: Task forces and committees that exercise "sovereign power," and are created by statute, ordinance, or proclamation are required to comply with the open meetings laws. SDCL 1-25-12(1). Task forces, committees, and working groups that are not created by statute, ordinance, or proclamation, or are advisory only, may not be subject to the open meetings laws, but are encouraged to comply to the extent possible when public matters are discussed. Ultimately, if such advisory task forces, committees and working groups present any reports or recommendations to public bodies, the public bodies must wait until the next meeting (or later) before taking final action on the recommendations. SDCL 1-27-1.18.

Q: ARE PUBLIC BODIES REQUIRED TO REVIEW THE OPEN MEETINGS LAWS?

A: Public bodies must annually review an explanation of the open meetings laws provided by the Attorney General, along with any other material pertaining to the open meetings laws made available by the Attorney General. SDCL 1-25-13. Each public body must report in its minutes that the annual review of the open meetings laws was completed.

PERTINENT S.D. OPEN MEETINGS STATUTES
(other specific provisions may apply depending on the public body involved)



1-25-1. OPEN MEETINGS. An official meeting of a public body is open to the public unless a specific law is cited by the public body to close the official meeting to the public.

It is not an official meeting of one public body if its members provide information or attend the official meeting of another public body for which the notice requirements of § 1-25-1.1 or 1-25-1.3 have been met. It is not an official meeting of a public body if its members attend a press conference called by a representative of the public body.

For any event hosted by a nongovernmental entity to which a quorum of the public body is invited and public policy may be discussed, but the public body does not control the agenda, the public body may post a public notice of a quorum, in lieu of an agenda. The notice of a quorum must meet the posting requirements of § 1-25-1.1 or 1-25-1.3 and must contain, at a minimum, the date, time, and location of the event.

The public body shall reserve at every official meeting a period for public comment, limited at the public body's discretion as to the time allowed for each topic and the total time allowed for public comment, but not so limited as to provide for no public comment.

Public comment is not required at an official meeting held solely for the purpose of meeting in executive session, an inauguration, presentation of an annual report to the public body, or swearing in of a newly elected official, regardless of whether the activity takes place at the time and place usually reserved for an official meeting.

If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class meets solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the provisions of this chapter.

A violation of this section is a Class 2 misdemeanor.

1-25-1.1. PUBLIC NOTICE OF POLITICAL SUBDIVISIONS. Each political subdivision shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately preceding any official meeting, by posting a copy of the notice, visible to the public, at the principal office of the political subdivision holding the meeting. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a website exists. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by

telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.3. PUBLIC NOTICE OF STATE. The state shall provide public notice of a meeting by posting a copy of the proposed agenda at the principal office of the board, commission, or department holding the meeting. The proposed agenda shall include the date, time, and location of the meeting, and be visible, readable, and accessible to the public. The agenda shall be posted at least seventy-two hours before the meeting is scheduled to start according to the agenda. The seventy-two hours does not include Saturday, Sunday, or legal holidays. The notice shall also be posted on a state website, designated by the commissioner of the Bureau of Finance and Management. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, the state shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-1.5. TELECONFERENCE MEETING. Any official meeting may be conducted by teleconference. A teleconference may be used to conduct a hearing or take final disposition regarding an administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference may be taken by voice vote. If any member votes in the negative, the vote shall proceed to a roll call vote.

1-25-1.6. TELECONFERENCE PARTICIPATION. At any official meeting conducted by teleconference, there shall be provided one or more places at which the public may listen to and participate in the teleconference meeting. For any official meeting held by teleconference, that has less than a quorum of the members of the public body participating in the meeting who are present at the location open to the public, arrangements shall be provided for the public to listen to the meeting via telephone or internet. The requirement to provide one or more places for the public to listen to the teleconference does not apply to official meetings closed to the public pursuant to specific law.

1-25-2. EXECUTIVE SESSION. Executive or closed meetings may be held for the sole purposes of:

(1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;

(2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;

(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;

(4) Preparing for contract negotiations or negotiating with employees or employee representatives;

(5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or

(6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:

(a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;

(b) Emergency management or response;

(c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

(d) Cyber security plans, computer, communications network schema, passwords, or user identification names;

(e) Guard schedules;

(f) Lock combinations;

(g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and

(h) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning the matters pursuant to this section shall be made at an open official meeting. An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting

is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a class 2 misdemeanor.

1-25-6. DUTY OF STATE'S ATTORNEY. If a complaint alleging a violation of chapter 1-25 is made pursuant to § 23A-2-1, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. Upon doing so, the state's attorney shall send a copy of the complaint and any investigation file to the attorney general. The attorney general shall use the information for statistical purposes and may publish abstracts of such information, including the name of the government body involved for purposes of public education; or

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action.

1-25-6.1. DUTY OF STATE'S ATTORNEY (COUNTY COMMISSION ISSUES). If a complaint alleges a violation of this chapter by a board of county commissioners, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. The attorney general shall use the information for statistical purposes and may publish abstracts of the information as provided by § 1-25-6;

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action; or

(4) Refer the complaint to another state's attorney or to the attorney general for action pursuant to § 1-25-6.

1-25-7. REFERRAL TO OMC. Upon receiving a referral from a state's attorney or the attorney general, the South Dakota Open Meetings Commission shall examine the complaint and investigatory file submitted by the state's attorney or the attorney general and shall also consider signed written submissions by the persons or entities that are directly involved. Based on the investigatory file submitted by the state's attorney or the attorney general and any written responses, the commission shall issue a written determination on whether the conduct violates this chapter, including a statement of the reasons therefor and findings of fact on each issue and conclusions of law necessary for the proposed decision. The final decision shall be made by a majority of the commission members, with each member's vote set forth in the written decision. The final decision shall be filed with the attorney general and shall be provided to the public entity and or public officer involved, the state's attorney,

and any person that has made a written request for such determinations. If the commission finds a violation of this chapter, the commission shall issue a public reprimand to the offending official or governmental entity. However, no violation found by the commission may be subsequently prosecuted by the state's attorney or the attorney general. All findings and public censures of the commission shall be public records pursuant to § 1-27-1. Sections 1-25-6 to 1-25-9, inclusive, are not subject to the provisions of chapter 1-26.

1-25-8. OMC Members. The South Dakota Open Meeting Commission is comprised of five state's attorneys or deputy state's attorneys appointed by the attorney general. Each commissioner serves at the pleasure of the attorney general. The members of the commission shall choose a chair of the commission annually by majority vote.

1-25-12. DEFINITIONS. Terms used in the open meetings laws mean:

(1) "Official meeting," any meeting of a quorum of a public body at which official business or public policy of that public body is discussed or decided by the public body, whether in person or by means of teleconference or electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform, provided the term does not include communications solely to schedule a meeting or confirm attendance availability for a future meeting;

(2) "Political subdivision," any association, authority, board, municipality, commission, committee, council, county, school district, task force, town, township, or other local governmental entity, which is created by statute, ordinance, or resolution, and is vested with the authority to exercise any sovereign power derived from state law;

(3) "Public body," any political subdivision or the state;

(4) "State," each agency, board, commission, or department of the State of South Dakota, not including the Legislature; and

(5) "Teleconference," an exchange of information by any audio, video, or electronic medium, including the internet.

1-25-13. ANNUAL REVIEW OF OPEN MEETING LAWS. Any agency, as defined in § 1-26-1, or political subdivision of this state, that is required to provide public notice of its meetings pursuant to § 1-25-1.1 or 1-25-1.3 must annually review the following, during an official meeting of the agency or subdivision:

(1) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and

(2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

The agency or subdivision must include in the minutes of the official meeting an acknowledgement that the review was completed.

1-27-1.16. MEETING PACKETS AND MATERIALS.

If a meeting is required to be open to the public pursuant to § 1-25-1 and if any printed material relating to an agenda item of the meeting is prepared or distributed by or at the direction of the governing body or any of its employees and the printed material is distributed before the meeting to all members of the governing body, the material shall either be posted on the governing body's website or made available at the official business office of the governing body at least twenty-four hours prior to the meeting or at the time the material is distributed to the governing body, whichever is later. If the material is not posted to the governing body's website, at least one copy of the printed material shall be available in the meeting room for inspection by any person while the governing body is considering the printed material. However, the provisions of this section do not apply to any printed material or record that is specifically exempt from disclosure under the provisions of this chapter or to any printed material or record regarding the agenda item of an executive or closed meeting held in accordance with § 1-25-2. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to printed material, records, or exhibits involving contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.17. DRAFT MINUTES. The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

1-27-1.18. WORKING GROUP REPORTS. Any final recommendations, findings, or reports that result from a meeting of a committee, subcommittee, task force, or other working group which does not meet the definition of a political subdivision or public body pursuant to § 1-25-1, but was appointed by the governing body, shall be reported in open meeting to the governing body which appointed the committee, subcommittee, task force, or other working group. The governing body shall delay taking any official action on the recommendations, findings, or reports until the next meeting of the governing body.