

AGENDA
REGULAR WHITEWOOD COUNCIL MEETING
August 3, 2026, 5:30 PM
CITY HALL

1. CALL THE MEETING TO ORDER.
2. OATH OF OFFICE- Ward 1 Councilmen, Darrell Smith.
3. ROLL CALL
4. APPROVE MINUTES from Regular Meeting on July 20, 2026.
5. APPROVE THE CLAIMS.
6. APPROVE SECOND READING OF ORDINANCE 2026-03- An Ordinance Amending Title V, Chapter 52 Public Works, adding Brush Pile Restrictions.
7. ADOPT RESOLUTION 2026-03- A Resolution Setting the Fees for Contractors & Non-residents Using the City Brush Pile.
8. APPROVE SECOND READING OF ORDINANCE 2026-04- An Ordinance Amending Title III, Chapter 32 Historic Preservation Commission.
9. IMPLEMENTATION OF WATER RESTRICTIONS.
10. IMPLEMENTATION OF A BURN BAN IN CITY LIMITS.
11. APPROVE CLOSING MEADE ST. FROM LAUREL TO PINE & LIFTING THE OPEN CONTAINER FOR THE SAME, AUGUST 29, 2027 from _____ PM.
12. REVIEW OF THE OPEN MEETING LAWS.
13. ADOPT RESOLUTION 2026-04- A Resolution Establishing a Temporary Moratorium for Data Center.
14. REVIEW ADOPTING A DATA CENTER ORDINANCE.
15. PROCEEDING WITH 3 MILE PLATTING JURISDICTION AGREEMENT.
16. APPROVE APPLICATIONS FOR ABATEMENT AND/OR REFUND OF PROPERTY TAXES.
17. MRAZ PROPERTY CONDEMNATION.
18. DEPARTMENT REPORTS.
 - Police Department Library Board Street Department
 - Water Department Finance Commission Liquor Commission
 - Sewer Department Parks Department Economic Development
 - ADA Commission Railroad Authority NH Waste Management
 - Emergency Management Historic Dist. Commiss.
19. PUBLIC COMMENTS
20. EXECUTIVE SESSION FOR LEGAL MATTERS PURSUANT TO SDCL 1-25-2 (3).
21. NEXT REGULAR COUNCIL MEETING – Monday, August 17, 2026, at 5:30pm ADJOURN

REGULAR WHITEWOOD COUNCIL MEETING**July 20, 2026**

The Whitewood City Council met in regular session on Monday the 20th of July 2026 at Whitewood City Hall. Mayor Sara Fitzgerald called the meeting to order at 5:30 pm, with Council members Jerry Davidson, Ken Noren, Shelbi Bulat, Jeremy Noren, and Roxie Cooper present. City Attorney Fitzgerald, Public Works Werlinger and Finance Officer Heckenlaible were also present.

Action 2026-123

Motion by J. Noren, seconded by Bulat, to approve the minutes from the regular meeting on July 6, 2026, all members present voting yes, motion carried.

Action 2026-124

Motion by Cooper, seconded by Bulat, to approve the claims as presented. Roll call, all members present voting yes, motion carried.

CLAIMS- JUNE 15, 2026**GENERAL LEDGER**

DELTA DENTAL- Employee Dental Insurance	628.70
HEALTH POOL OF SD- Employee Health Insurance	8,966.43
UNITED HEALTH CARE- Employee Life Insurance	78.00
CITY OF WHITEWOOD - Paid deposit for bill - Schlagel	50.00
TOTAL	\$9,723.13

GENERAL FUND

ADVANCED ENGINEERING- General Engineering	398.00
BLUEPEAK- City Hall 451.11, Police 375.28	826.39
BUTTE ELECTRIC- Exit Lights	339.10
BLACK HILLS PIONEER	199.64
BH ENERGY - HH 1150.21, CH 81.31 ,Shop 140.01 ,Police 224.72 , Parks 152.64 ,Lights 1133.33	1,882.22
DAN'S DUMPSTERS- Clean Up Days	3,600.00
MONTANA DAKOTA- City Hall 27.20, Shop 28.40, Police 24.82	80.42
MOTOROLA- Body & In-Car Video System Renewal	2,437.50
REPUBLIC NATIONAL- July Liquor	724.08
RICHTERS TIRE & EXHAUST- Police	129.23
SOUTHERN GLAZERS- July Liquor	2,654.98
T&T SITEWORKS- Volleyball Court Screening	3000.00
TRUGREEN- Park Spraying	1,136.68
WESTERN STATIONERS- City Hall	23.96
A&B BUSINESS SOLUTIONS- Police	59.99
PIONEER BANK & TRUST- Riley TIFD	1,095.18
MEAD LUMBER- Hale Hall 209.99, Parks 17.99	227.98
TOTAL	\$18,815.35

LIBRARY

A&B BUSINESS SOLUTIONS	139.96
AMAZON CAPITAL- Books & Supplies	548.98

BH LIBRAARY CONSORTIUM- Annual Dues	569.14
BLUEPEAK	205.17
MONTANA DAKOTA	27.20
BH ENERGY	131.01
TOTAL	\$1,621.46

WATER/SEWER FUNDS

AMERICAN WATER WORKS ASSOC.- Membership Dues	404.00
BUTTE ELECTRIC- Booster Station 571.15, Treatment Plant 2527.46	3,098.61
DAN'S DUMPSTERS	100.00
ALLIANCE TECHNICAL GROUP- Water Testing	59.75
MONTANA DAKOTA- Booster 187.44, Well 4 72.43	259.87
WELLS PLUMBING- Parts	284.07
HAWKINS CHEMICAL	687.65
ONE CALL SYSTEMS	11.55
BH ENERGY	2,499.86
TOTAL	\$7,405.36

AUTOMATIC PAYMENTS

USDA RURAL DEVELOPMENT- Storm Sewer	1,226.50
USDA RURAL DEVELOPMENT- Laurel Stret Project	3,254.00
EFTPS- Payroll Taxes 07/10/26	6,403.32
TOTAL	\$10,883.82

Action 2026-125

Motion by J. Noren, seconded by K. Noren, to approve first reading of Ordinance 2026-03- An Ordinance Amending Title V, Chapter 53, Public Works, adding Brush Pile Restrictions, with minor change to wording in Subsection (C). Roll call, all members present voting yes, motion carried.

Action 2026-126

Motion by J. Noren, seconded by Bulat, to approve the quote of \$2,217 from Black Diamond Builders, LLC, for the back door replacement at the library. Roll call, all members present voting yes, motion carried.

Action 2026-127

Motion by K. Noren, seconded by J. Noren, to approve \$1,387.19 from All Net Connections for a new computer at the Police Department. Roll call, all members present voting yes, motion carried.

Action 2026-128

Motion by Cooper, seconded by Bulat, to approve the first reading of Ordinance 2026-04- An Ordinance Amending Title III, Chapter 32, Historic Preservation Commission. Roll call, all members present voting yes, motion carried.

Action 2026-129

Motion by Bulat, seconded by Cooper, to have the recorded city council meetings put on the city website. Roll call, all members present voting yes, motion carried.

At this time the council voted on the two candidates for the Ward 1 vacant council seat. Candidates who submitted a letter of interest were Randy Wiege and Darrell Smith. Roll call votes for Wiege, none. Roll call votes for Smith, Davidson, Bulat, Cooper, J. Noren, K. Noren. Therefor it was a unanimous vote for Smith.

Action 2026-130

Motion by Bulat, seconded by J. Noren, to appoint Darrell Smith to the vacant Ward 1 city council seat, to serve the remainder of that term, July 2027. Roll call, all members present voting yes, motion carried.

There being no further business, the meeting was adjourned at 6:01 PM.

SARA J. FITZGERALD
Mayor

Attest:

CORY HECKENLAIBLE
Finance Officer

CLAIMS- August 3, 2026

ESTIMATED WAGES –AUGUST 2026 (2 pay periods)

MAYOR	0.00
COUNCIL	2,700.00
CITY ATTORNEY	1,000.00
BUILDING INSPECTOR	300.00
CHIEF OF POLICE- Josh Bach	4,800.00
POLICE OFFICER- Anthony Spencer	4,320.00
POLICE OFFICER- Dykes	4,320.00
POLICE OFFICER- Hebda	4,320.00
WASTE/WATER OPERATOR- DJ Werlinger	4,960.00
WASTE/WATER OPERATOR- Derek Daniels	4,640.00
WASTE/WATER OPERATOR- John Cooper	4,480.00
LIBRARIAN – Deb Terhue	2,147.20
LIBRARY ASST.- Donna Willson	648.00
LIBRARY ASST- Sandy Huffman	648.00
LIBRARY ASST.- Racine Morgan	238.88
LIBRARY ASST.- Olyn Smith	197.16
FINANCE OFFICER – Cory Heckenlaible	5,120.00
FINANCE & PW- Jessica Bestgen	4,160.00
TOTAL	\$48,999.24

GENERAL LEDGER

CITY OF WHITEWOOD- Take Deposit for Bill- Abraham/Tierney	200.00
KIM O'CONNOR- Refund Deposit	35.00
SD DEPT REVENUE- Garbage Sales Tax	418.17
SD RETIREMENT- Employee Retirement	6,143.58
TOTAL	\$6,796.75

GENERAL FUND

A&B BUSINESS SOLUTIONS- Police	171.37
ALL NET CONNECTIONS- Police 45.75, City Hall 22.75, Server 211.00	279.50
AMAZON CAPITAL- City Hall	35.12
AT&T	365.79
JOHNER GRAVEL- Base Course	7,260.65
JOHNER PAVING- Asphalt	218.25
LAWRENCE COUNTY- Police CentralSquare Fee	379.00
REPUBLIC NATIONAL- July Liquor	338.55
SD PUBLIC ASSURANCE ALLIANCE- Annual Insurance Renewal	21,181.12
SOUTHERN GLAZERS- July Liquor	3,196.26
WELLS FARGO- Safe Deposit Boxes	110.00
RUNNING'S- Streets	24.46
WELLS FARGO VISA- Vision 33.52, Mayors Cards 22.32, Shop 11.04	66.88
WASTE CONNECTIONS- Garbage Collection	6,928.48
LIGHTING MAINTENANCE- Exit Lights	58.52
TOTAL	\$40,613.95

LIBRARY

AMAZON CAPITAL	196.93
TOTAL	#REF!

WATER/SEWER FUNDS

SD PUBLIC ASSURANCE ALLIANCE- Annual Insurance Renewal	17,417.49
WELLS FARGO VISA	76.90

TOTAL	\$17,494.39
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AUTOMATIC PAYMENTS

USDA RURAL DEVELOPMENT- Water Project Loan	4,028.00
USDA RURAL DEVELOPMENT- Trunk Sewer Project	1,057.00
FORD CREDIT- Pickup Lease	1,237.44
EFTPS- Payroll Taxes 07/24/26	5,275.84
TOTAL	\$11,598.28

Ordinance 2026-03

AN ORDINANCE AMENDING TITLE V, CHAPTER 52, OF THE
CITY OF WHITEWOOD, SOUTH DAKOTA
(WHITEWOOD-PUBLIC WORKS)

Be It Ordained by the Common Council of the City of Whitewood that Title V Public Works, Chapter 52 Garbage and Refuse, of the Ordinances of the City of Whitewood are hereby amended to add Section 52.43 and 52.44 to read as follows:

§ 52.43 CITY BRUSH PILE; USE AND RESTRICTIONS.

(A) The city shall operate and maintain a brush pile for the disposal of yard waste generated within the city.

(B) The brush pile shall be used solely for the disposal of yard waste, including grass clippings, leaves, tree limbs, branches, and other vegetative materials. The disposal of household garbage, construction debris, appliances, furniture, hazardous materials, or any other non-yard waste materials shall be prohibited.

(C) Use of the brush pile shall be provided free of charge to residents of the city in good standing. Non-residents may utilize the brush pile upon payment of a fee established by resolution of the City Council.

(D) Commercial dumping at the brush pile shall be prohibited. No contractor, landscaper, tree service/business, or other commercial entity shall dispose of yard waste at the brush pile unless specifically authorized by the city. A contractor hired by a residential city water account holder to perform work on that resident's property may dispose of yard waste generated from that property at the City brush pile, provided the contractor checks in with the City prior to disposal. The City may require documentation identifying the property where the work was performed and may assess a disposal fee as established by resolution of the City Council or the City's adopted fee schedule.

(E) No person shall deposit a load exceeding the capacity of a standard pickup truck or standard pickup truck and dump trailer combination. The use of ~~dump~~ trailers, commercial trailers, semi-trailers, or other oversized vehicles for disposal at the brush pile shall be prohibited unless specifically authorized by the city. The city may establish reasonable limits on the number of loads deposited by any user during a calendar month or other designated period in order to preserve capacity and reduce misuse of the facility.

(F) The brush pile shall be secured by a locked gate. Access to the brush pile shall be provided by an access code issued by the city. The access code may be provided on city utility bills or by other means designated by the city. The access codes shall be changed by the city on a monthly basis or at such other intervals as the city deems necessary for security purposes and operational purposes.

(G) The access code issued by the city is for the sole use of the person to whom it is ~~provided~~ assigned. No person shall share, distribute, publish, post or otherwise provide the access code to any ~~other person not authorized by the city to receive it.~~ unauthorized person. Sharing or distributing the access code shall constitute a violation of this section and may result in suspension or revocation of brush pile privileges.

(H) The brush pile area shall be ~~subject-~~ monitored by ~~to~~ twenty-four-hour video surveillance. Any person found violating the provisions of this section may be subject to penalties as provided in § 10.99 and may be required to reimburse the city for any costs incurred in the removal or disposal of prohibited materials.

§ 52.44 PENALTY.

- (A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.
- (B) Any person found to be in violation of § 52.43 shall be subject to a fine to not exceed \$200 or 30 days in jail, or both.
- (C) In addition to the penalties set forth above, any person found in violation of this section may also be subject to suspension or revocation of brush pile privileges and may be required to reimburse the city for any costs incurred in the removal or disposal of prohibited materials.

Dated this 3rd day of August 2026.

CITY OF WHITEWOOD

By: _____

SARA J. FITZGERALD
Mayor

ATTEST:

By: _____

CORY C. HECKENLAIBLE

Finance Officer

RESOLUTION 2026-03

A RESOLUTION SETTING THE FEES FOR CONTRACTORS AND NON-RESIDENTS USING THE CITY BRUSH PILE.

BE IT RESOLVED by the Common Council of the City of Whitewood, Whitewood South Dakota, that

In accordance with Section 52.43 of the City of Whitewood Code of Ordinances, the fees for dumping at the City Brush Pile shall be the following:

Non-resident water bill account holder \$20.00 per year.

Standard pickup box \$50.00 per load.

Trailers less than 1 ton \$100.00 per load.

Trailers greater than 1 ton \$200.00 per load.

This resolution shall become effective immediately upon adoption.

Dated 17th day of August 2026.

CITY OF WHITEWOOD

BY: _____
Sara J. Fitzgerald, Mayor

ATTEST:

Cory Heckenlaible, Finance Officer

AN ORDINANCE AMENDING TITLE III, CHAPTER 32, OF THE
CITY OF WHITEWOOD, SOUTH DAKOTA
(WHITEWOOD-ADMINISTRATION)

Be It Ordained by the Common Council of the City of Whitewood that Title III Administration, Chapter 32 Organizations, Historic Preservation Commission, of the Ordinances of the City of Whitewood are hereby amended to read as follows:

HISTORIC PRESERVATION COMMISSION

§ 32.070 PURPOSE; TERMS.

(A) (1) Pursuant to the authority granted by SDCL § 1-19B-2, there is created for the city a historic preservation commission to be known as the City Whitewood Historic Preservation Commission (WHPC). The WHPC shall consist of not fewer than five and not more than ten members, seven members, who shall be appointed by the Mayor, subject to the approval of the Common Council. Members shall be appointed with due regard to proper representation of ~~such~~ such fields such as history, architecture, urban planning, archaeology, paleontology, and law. Members shall demonstrate an interest in, experience with, or knowledge of historic preservation.

(2) All Members of the WHPC ~~may reside within the city and~~ shall serve for terms of three years, and shall be eligible for reappointment. The terms of the original members shall be varied in order to assure that no more than one-half of the appointments shall be for a full three-year term, with the remaining appointments divided between one- and two-year terms. Persons appointed to fill an unexpired term shall serve for the remainder of the term. Any member who fails to attend three consecutive meetings without presenting an explanation accepted by the WHPC may be deemed to have abandoned the office, and may be replaced as provided herein. (Prior Code, § 153.03)

(B) Whereas the legislature of the state has determined that the historical, architectural, archaeological, paleontological, and cultural heritage of the state is among its most important assets, it is hereby declared to be the purpose of this subchapter to enable the city to engage in a comprehensive program of historic preservation, to promote the use and conservation of historic properties, and to help in the development of these properties for the education, inspiration, pleasure, and enrichment of the citizens of the city and the state. (Prior Code, § 153.01)

§ 32.071 PROCEDURES.

(A) The WHPC shall elect annually a Chair and Vice Chair from its own membership. In addition to other duties, the Chair shall be the spokesperson for the WHPC and shall represent the WHPC in its work with other city departments. The WHPC shall meet at such times and places as may determined by the WHPC. A quorum shall consist of a

majority of the commissioners in office and shall be required in order for the WHPC to take action. In addition, a simple majority of the current membership shall be required for decisions involving buildings and structures, and property, in historic districts.

(B) The WHPC shall prepare ~~a biennial~~ an annual report for the Common Council on or before July first of each year, and at such other times as directed by the Common Council; and it shall include information about any historic property that is threatened. The WHPC may, subject to appropriation by the city, employ clerical assistants or consultants to help in carrying out its responsibilities under this subchapter. Other persons on the city staff may be asked to assist the WHPC. The WHPC may adopt rules and regulations not inconsistent with the provisions of this subchapter and state laws.

(C) No member of the WHPC shall participate in the discussion about any matter, or vote on any matter, that may affect the property, income, or business interests of that member.

(Prior Code, § 153.04)

§ 32.072 POWERS AND DUTIES.

In addition to the powers and duties stated elsewhere in this subchapter, the WHPC shall take actions necessary and appropriate in order to accomplish the purposes of this subchapter. These actions may include, but are not limited to, the following:

(A) To conduct surveys of local historic properties;

(B) To participate in planning and land-use processes undertaken by the city that affect historic properties and historic areas;

(C) To cooperate with the federal, state, and ~~county~~ local governments in the pursuance of the objectives of historic preservation;

(D) To contract, with the approval of the Common Council, with the local, state or the federal governments;

(E) To promote and conduct an educational and interpretive program on historic properties and issues within the city;

(F) To recommend ordinances and provide information for the purposes of historic preservation to the Common Council;

(G) To notify the Director of Equalization of the designation of any historic property by the city or by the U.S. Department of the Interior;

(H) To adopt written guidelines for making exterior changes to historic property based on the Secretary of the Interior's standards for the treatment of historic properties;

(I) To negotiate with owners of historic property and other interested persons when the historic property may be demolished, materially altered, remodeled, relocated, or put to a different use;

(J) To assist the Historic District Study Committee when it investigates and reports on proposed historic districts;

(K) With consent of the owner, to assist owners of historic property, and buildings, and structures, in historic districts ~~in~~ with preserving their buildings;

(L) To assist in the review of projects on which review by the State Historic Preservation Office is required under SDCL § 1-19A-11.1; and

(M) To attend informational and educational programs covering the duties of the WHPC and current developments in historic preservation;

(N) To promote and conduct an educational and interpretive program on historic properties within the city;

(O) To maintain a collection of historic preservation information and archival data on historically significant structures within the city;

(P) To nominate historically significant private property to the State and National Registers of Historic Places with the written consent of the property owner(s). Historically significant public property may be nominated to the State and National Registers of Historic Places with the approval of the City Council;

(Q) The WHPC shall assist private property owners by providing them with information regarding historic preservation programs; and

(R) To further the objectives of historic preservation as allowed under these ordinances and state law.

(Prior Code, § 153.05)

§ 32.073 COORDINATION WITH CITY DEPARTMENTS.

(A) City departments shall give timely notice to the WHPC of matters that will affect property on the National Register of Historic Places and the State Register of Historic Places, and property within historic districts that have been designated by the Common Council. The WHPC shall be given this notice about proposed work as soon as the proposal is received by the other city department or a study is begun on work that would be done by the other city department.

(B) The WHPC shall promptly prepare its comments on the proposed work so that its comments will be received prior to a decision by the other city department. The WHPC shall obtain the comments of the Historic District Commission and transmit them to the city department in a single report. The coordination and comments under this section are separate from the reviews, negotiations, and approvals that are provided for when owners and applicants submit proposed work directly to the Historic District Commission.

(Prior Code, § 153.06)

§ 32.074 SURVEY OF LOCAL HISTORIC PROPERTIES.

In conducting a survey of local historic properties, the WHPC shall comply with all applicable standards and criteria of the statewide survey undertaken by the State Historical Society. The members of the WHPC, its employees, and its agents shall be authorized to enter upon private property for examination and survey solely in the performance of its official duties and only at reasonable times. No member, employee, or agent of the WHPC may enter any private property, building, or structure without the express consent of the owner or occupant.

(Prior Code, § 153.07)

§ 32.075 HISTORIC DISTRICT COMMISSION.

(A) The Common Council may establish, by ordinance, one or more historic districts. The Common Council shall give written notification of the designation to the owners and

occupants of the property in the historic district. The Common Council shall file a copy of the designation ordinance in the office of the Register of Deeds for the county and shall notify the Director of Equalization of the county. An ordinance establishing a historic district may be amended by following the procedures of this subchapter and by having the Historic District Commission study and report on the proposed amendment.

(B) Whenever a historic district is established, the Common Council shall also establish a Historic District Commission. The Whitewood Historic District Commission (WHDC) shall consist of not fewer than three and not more than seven members appointed by the Mayor, subject to the approval of by the Common Council with due regard to proper representation of fields such as history, architecture, architectural history, urban planning, archaeology, paleontology, and law. Where possible, the members shall be selected from residents of the proposed district. Members of the WHPC may comprise all or part of the Whitewood Historic District Commission. The appointments to membership on the Whitewood Historic District Commission shall be arranged so that the term of at least one member will expire each year, and their successors shall be appointed in like manner for terms of three years. Persons appointed to fill an unexpired term shall serve for the remainder of the term. Any member who fails to attend three consecutive meetings without presenting an explanation accepted by the Whitewood Historic District Commission may be deemed to have abandoned the office and may be replaced as provided herein.

(C) The Whitewood Historic District Commission shall elect annually a Chair and Vice Chair from its own membership. In addition to other duties, the Chair shall be the spokesperson for the Whitewood Historic District Commission and shall represent the Whitewood Historic District Commission in its work with other city departments. The Whitewood Historic District Commission shall meet monthly at a regular time and place to be established by the Commission. The Chair may cancel a scheduled meeting when there is no business to transact. A quorum shall consist of a majority of the Commissioners in office and shall be required in order for the Whitewood Historic District Commission to take action. In addition, a simple majority of the current membership shall be required for decisions involving property in the historic district.

(D) The Whitewood Historic District Commission shall prepare ~~a biennial~~ an annual report for the Common Council on or before July first of each year, and at such other times as directed by the Common Council; and it shall include information about any property in the historic district that is threatened. The Whitewood Historic District Commission may, subject to appropriation by the city, employ consultants to help in carrying out its responsibilities under this subchapter. Persons on the city staff may be asked to assist the Whitewood Historic District Commission, including through the provision of clerical help that is needed. The Whitewood Historic District Commission may adopt rules and regulations not inconsistent with the provisions of this subchapter and state law.

(E) No member of the Whitewood Historic District Commission shall participate in the discussion about any matter or vote on any matter that may affect the property, income, or business interest of that member.

(Prior Code, § 153.22)

**WATER RESTRICTIONS ARE
IN AFFECT IMMEDIATELY.**

**Even numbered addresses may
only water on even numbered
days & odd numbered
addresses may only water on
odd numbered days.**

**Only water from 6:00 pm -
8:00 am.**

**ANY QUESTIONS CALL 269-2247
THANK YOU!**

Extreme fire danger conditions in the Black Hills is forcing the City of Whitewood to implement a burn ban.

The Whitewood Volunteer Fire Department says all open burning, campfires, charcoal grills, outdoor fireplaces and fireworks are prohibited at this time.

You can use propane grills and stoves as long as they have a controllable on/off valve and are at least 10 feet away from combustible structures or plants.

BH ASPHALT- Grant Work	1,020.41
ALL NET CONNECTIONS	22.75
DEB TERHUNE- Reimbursement	126.43
BH PIONEER	94.00
TOTAL	\$1,907.37

WATER/SEWER FUNDS

ADVANCED ENGINEERING- Treatment Plant Upgrade	51,127.29
BH ENERGY	2,598.51
BUTTE ELECTRIC- Treatment Plant 1784.98, Booster Station 930.54	2,715.52
DAN'S DUMPSTERS	100.00
MONTANA DAKOTA	67.84
NORTHWEST PIPE	49.28
ONE CALL	16.80
RASMUSSEN MECHANICAL- Booster Station	675.63
SD ASSOC OF RURAL WATER- Dues	525.00
MENARDS- Booster Station	189.08
HAWKINS CHEMICAL	284.11
TOTAL	\$58,349.06

AUTOMATIC PAYMENTS

USDA RURAL DEVELOPMENT- Storm Sewer	1,226.50
USDA RURAL DEVELOPMENT- Laurel Stret Project	3,254.00
EFTPS- Payroll Taxes 07/11/25	5,647.26
TOTAL	\$10,127.76

Action 2025-110

Motion by Fitzgerald, seconded by Bulat, to approve closing Meade Street from Laurel to Pine Street and lifting the open container ordinance for the same, July 30 – August 11, 2025, for the Sturgis Rally. All members present voting yes, motion carried.

Action 2025-111

Motion by Noren, seconded by Fitzgerald, to approve the \$984.63 quote from All Net Connections for a new Sonicwall for City Hall. Roll call, all members present voting yes, motion carried.

Action 2025-112

Motion by Cooper, second by Davidson, to supply workers compensation insurance to 3 officers with written notification of their participation with security for the Whitewood Chamber End of Summer Street Dance event. All members present voting yes, motion carried.

Action 2025-113

 Motion by Noren, second by Cooper, to approve closing Meade Street from Laurel to Pine Street and lifting the open container ordinance for the same, August 22, 2025, from 4:00 PM to 10:00 PM, for the Whitewood Chamber End of Summer Street Dance. All members present voting yes, motion carried.

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 official 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 § 1-25-11 or 1-25-13 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.

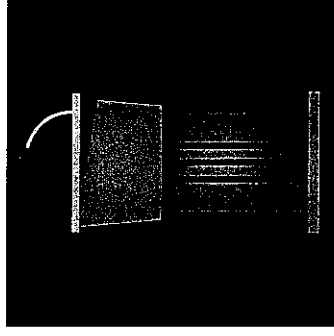
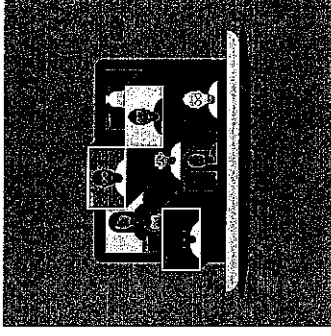
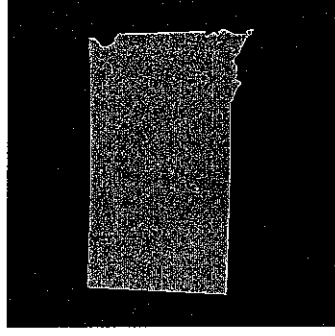
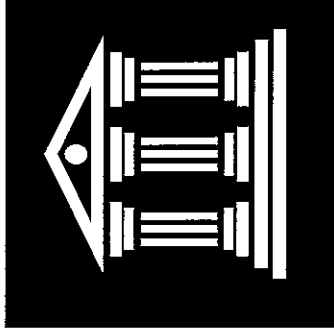
1-27-1-18. WORKING GROUP REPORTS. Any final recommendations, findings, or reports that result from a meeting of a committee, subcommittee, task force, or other working group which does not meet the definition of a political subdivision or public body pursuant to § 1-25-1, but was appointed by the governing 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.

Conducting the Public's Business in Public

An explanation of
South Dakota's
Open Meetings Laws
(Effective July 1, 2026)

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: WHAT MUST BE INCLUDED ON THE PROPOSED AGENDA?

A: A proposed agenda, as required by § 1-25-1.1 or 1-25-1.3, must list all items to be considered by a public body during any official meeting. The proposed agenda items must be described in sufficient detail to reasonably inform the public of any official business or public policy intended to be considered at the meeting.

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 post a proposed agenda both on <http://boardsandcommissions.com>.

business or public policy intended to be considered at the meeting. A violation of this section is a Class 2 misdemeanor.

1-25-2. EXECUTIVE SESSION. An executive session or closed meetings may be held only for the purposes of:

- (1) Discussing the character, competence, fitness, performance, or qualifications of any current or prospective public officer or employee, not including an independent contractor;
- (2) Discussing a student's:

- (a) Discipline, expulsion, or suspension;
- (b) Assignment or educational program; or
- (c) Eligibility 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 that is owned by the state or any of its political subdivisions; if public discussion may be harmful to the competitive position of the business; or
- (6) Discussing the following information pertaining to the protection of public or private property and any person on or within the property:

- (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) Communications network schema, computer systems, cyber security plans, passwords, or user identification names;
- (e) Guard schedules;
- (f) Lock combinations; and
- (g) Any blueprint, building plan, or infrastructure record regarding any building or facility, which would expose or create vulnerability through disclosure of the configuration, location, or security of critical systems of the building or facility;

- (7) Discussing any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; and
 - (8) Discussing the location of or listing any:
- (a) Ammunition or weapons;
 - (b) Biological, chemical, or nuclear agents; or
 - (c) Other military or law enforcement equipment or personnel.

An executive session or closed meeting may be held only upon a majority vote of the members of the public body present and voting at an otherwise open official meeting.

In the absence of a unanimous vote, any vote to

enter executive session must be taken by roll call. A motion to enter executive session must state the applicable subdivision in this section, or any other applicable law, pursuant to which the executive session is to be held. The motion and vote to enter executive session must be reported in the minutes of the proceedings. Discussion during executive session is restricted to the purpose specified in the motion to enter executive session.

Any official action concerning the matters considered pursuant to this section must be taken at an open official meeting.

Nothing in § 1-25-1 or this section prevents an executive session or closed meeting if the federal or state Constitution or any federal or state statute permits or requires the session or meeting. 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

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 § 1-25-11 or 1-25-13 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 § 1-25-11 or 1-25-13 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.

1-25-11. 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.

1-25-13. PUBLIC NOTICE OF STATE. The state shall provide public notice of a meeting, at least seventy-two hours before the meeting is scheduled to start, not including Saturday, Sunday, or any legal holiday, by posting a copy of the proposed agenda: (1) At the principal office of the board, commission, or department holding the meeting;

(2) That includes the date, time, and location of the meeting;

(3) That is visible, readable, and accessible to the public; and

(4) 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 must be delivered in person, or by mail, email, or telephone, to members of the local news media who have requested notice. The state shall also comply with all other requirements of this section, for a special or rescheduled meeting, as circumstances permit. A violation of this section is a Class 2 misdemeanor.

1-25-15. 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.

1-25-16. 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.

1-25-17. AGENDA DETAILS ARE REQUIRED. A proposed agenda, as required by § 1-25-11 or 1-25-13, must list all items to be considered by a public body during any official meeting. The proposed agenda items must be described in sufficient detail to reasonably inform the public of any official

sd.gov and at their principal place of business at least 72 continuous hours before a meeting is scheduled to start (this does not include any weekend or legal holiday).

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: A motion to enter executive session must be made and seconded, followed by a vote. If the motion does not receive a majority vote, a roll call vote is required. Both the motion and the resulting vote must be recorded in the minutes of the proceedings.

Q: WHAT MUST BE STATED IN A MOTION FOR EXECUTIVE SESSION?

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(f) 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 1-25-14 requires state boards, commissions, or departments to make public meeting materials available on <http://boardsandcommissions.sd.gov>. SDCL 1-27-16 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 1-27-17 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 1-27-16 and 1-27-17 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(f). 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 1-27-18.

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.

RESOLUTION NO. ~~26-~~ 2026-04

RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS, OR ISSUING OF PERMITS, FOR APPROVAL OF BUILDING, PLANNING OR USE PERMITS FOR DATA COLLECTION/STORAGE/PROCESSING OR BIT COIN MINING FACILITIES EXCEEDING A POWER CAPACITY OF 250 kW.

WHEREAS, South Dakota CDL 11-4-3.1 grants municipalities the ability to enact temporary zoning ordinance(s) for up to 2 years.

WHEREAS, on September 7th 2026, the City of Whitewood will impose a 12 month moratorium to allow the county to study the economic and environmental effects of a Data Center or Bit Coin Mining Facility, being defined in the Whitewood City ordinance §155 Zoning as an Office General or Professional.

WHEREAS, facilities used for storage, management, processing and transmission of digital data, which house computing hardware, servers, storage drives and network equipment used to store, process and distribute digital information, including but not limited to, High Density Computing Facilities ("Data Centers") have the potential to create an excessive burden on energy and water resources, and potential to create noise pollution, effecting nearby property owners, as well as all residents, who rely on the local power distribution grid for electricity or subterranean aquifers for potable water; and

WHEREAS, Bitcoin mining facilities, being industrial data centers housing numbers of computers that solve complex algorithms to secure the network and earn Bitcoin, have the potential to create an excessive burden on energy and water resources, and potential to create noise pollution, affecting nearby property owners, as well as all residents, who rely on the local power distribution grid for electricity or subterranean aquifers for potable water; and

WHEREAS, from time to time, it is necessary and prudent to review and study county ordinances for necessary updates to ensure proper regulation, and the County and its partners understand the necessity to employ best planning principles and intent to complete the comprehensive planning process; and,

WHEREAS, the Planning and Zoning committee and the City Council will require time to further study, consult experts, and conduct the revision process to complete multiple amendments to City Ordinances consistent with the Comprehensive Land Use Master Development Plan; and,

NOW, THEREFORE, BE IT RESOLVED by the Common Council for the City of Whitewood:

1. INSTITUTION OF MORATORIUM: Upon the effective date of this resolution, no application for a building permit, use permit, zoning or rezoning permit shall be accepted by the Planning and Zoning Committee, or its offices, specifically for Data Centers or Bitcoin Mining Facilities exceeding a power capacity of 250 kW, nor shall any permit be issued for the same. However, applications and permitting may continue for any other legally permitted uses, including any other public utility structures which this resolution does not specifically address.

2. DURATION OF MORATORIUM. This Resolution shall be effective for a period of twelve (12) consecutive months from the date it becomes effective, unless extended by further action of the City Council, to allow the above referenced changes to the City of Whitewood Zoning Ordinance and/or Code of Ordinances to be duly considered by the City of Whitewood and Planning and Zoning committee, where applicable.

3. EFFECTIVE DATE: This Resolution shall be in effect from and after its passage and approval.

Passed and approved this ____ day of _____, 2026.

CITY OF WHITEWOOD, a
South Dakota Municipal Corporation

By: Sara Fitzgerald
The City of Whitewood
Its Mayor

ATTEST

(SEAL)

By: _____
City Finance Officer

MEMORANDUM

RE: DATA CENTER ORDINANCE
TO: WHITEWOOD CITY COUNCIL
FROM: JOHN M. FITZGERALD
DATE: JULY 30, 2026

1. WHAT ORDINANCES HAVE OTHER MUNICIPALITIES PASSED?

The City of Whitewood would be the first municipality in South Dakota to pass an ordinance specifically restricting data centers.

Yankton, South Dakota has passed a moratorium on data centers. .

2. NEW SOUTH DAKOTA LAW:

SB 127

- Mandates data center owners pay for electricity and electrical infrastructure to the data center.
- Prohibits electrical utilities from raising rates, or charging customers to pay for data center electrical usage or infrastructure
- Data centers must submit to local water authority a statement projecting water usage, water authority must agree the amount of water in statement is feasible to be provided, data center must not exceed amount authorized by governing water board and data center must submit annual report of water used.
- Allows municipalities, counties, political subdivisions to further restrict, operation, construction or development of data centers.

3 RESTRICT ZONING:

City must act on a rational basis. Evidence must be gathered before a decision is made.

11-4-3.1. Temporary zoning ordinance--Adoption--Purpose--Hearing and notice--Duration and renewal.

If a municipality is conducting or in good faith intends to conduct studies within a reasonable time or has held or is holding a hearing for the purpose of considering a comprehensive plan, the city council in order to protect the public health, safety, and general welfare may adopt as emergency measures a temporary zoning ordinance and map, and a temporary subdivision ordinance, the purposes of which are to classify and regulate uses and related matters as constitutes the emergency. Before adoption or renewal of the emergency measure, the council shall hold at least one public hearing. Notice of the time and place of the hearing shall be given once at least ten days in advance by publication in a legal newspaper of the municipality. Any

emergency ordinance is limited to one year from the date it becomes effective and may be renewed for one year. In no case may the ordinance be in effect for more than two years.

4. RECOMMENDATION: FOLLOW YANKTON APPROACH

- **Public Hearing Notice: 10 days in advance.**
- **Conduct study.**
- **Consider restrictions.**

5. ATTACHMENTS

- **Proposed Ordinance (Moratorium)**

3 Mile Platting Jurisdiction Policy Agreement

THIS AGREEMENT is entered into by and between Lawrence County, South Dakota, a political subdivision of the state of South Dakota (the "County"), and the City of Whitewood, a municipality incorporated under the laws of the State of South Dakota (the "City").

WHEREAS, it is in the best interests of the County and the City to establish policies for the orderly growth and development within the three (3) mile extraterritorial jurisdiction of the City within Lawrence County; and

WHEREAS, Lawrence County and the City of Whitewood mutually agree that such policies are necessary in order to more effectively and economically provide services for future growth and development.

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1. PURPOSE: The purpose of this agreement is as follows:

To provide for accurate, clear, and concise legal descriptions of real estate in order to prevent, whenever possible, land boundary disputes or real estate title problems; to provide for a balance between land use rights of individual landowners and the economic, social, and environmental concerns of the public when the City or County is developing or enforcing land use regulations; to provide for uniform procedures and standards for the PLATTING of land while allowing the widest possible latitude for the City and County to establish and enforce ordinances regulating the division and use of land; to encourage orderly community development and provide for the regulation and control of the extension of public improvements, public services, and utilities, the improvement of land, and the design of subdivisions consistent with approved community plans.

To provide for the orderly and effective development patterns in those areas of the County within three (3) mile extraterritorial jurisdiction of the City as shown in Exhibit A.

2. DEVELOPMENT AREAS: There shall be under this Agreement two (2) Development areas as depicted on the attached "Exhibit A". The development type, policies and implementation regulations applicable shall be as set forth below. It is anticipated by the County and the City that upon annexation by the City of any portion of the Areas depicted in "Exhibit A" will be updated to reflect a change in the description Areas.

Development Type:

Development served by municipal utilities in the future that are constructed to City subdivision and design standards.

Policy, Implementation and Administration:

Primary Land Use: Residential/Agriculture/Park Forest

Sewer: City Subdivision and Design Standards

Water: City Subdivision and Design Standards

Streets: City Subdivision and Design Standards

Weed and Fire Safety: Lawrence County Subdivision Regulations

Plat Approval: Plat applications shall be submitted to Lawrence County and the County will then forward all information onto the City for written comment. All final approval of plats will remain vested with Lawrence County.

****Building Permits: Lawrence County Regulations

All Zonings Changes, Variances, Conditional Use Permits: Lawrence County Regulations

Area #2

Development Type:

Development served either by a common water system, individual private wells, common sewage treatment facility, and/or individual septic system. Development may also be served by individual private wells and septic systems. Smaller lots may be permitted in the event that either a common water system or a common sewage treatment facility or enhanced on-site wastewater system is required.

Policy, Implementation and Administration:

Primary Land Use: Agricultural/Park Forest

Secondary Land Uses: Residential

Sewer: Septic System and/or enhanced on-site wastewater system or Common Sewer Collection and Treatments facilities that are consistent with South Dakota Department of Environment and Natural Resources and Lawrence County Standards

Water: Private Wells and/or Common Water Distribution and Treatment Facilities that are consistent with South Dakota Department of Environment and Natural Resources and Lawrence County Standards

Streets: Lawrence County Subdivision and Design Standards

Subdivision Design Standards: Lawrence County Subdivision and Design Standards

Plat Approval: Plat applications shall be submitted to Lawrence County and the County will then forward all information onto the City for written comment. All final approval of plat will remain vested with Lawrence County.

****Building Permits: Lawrence County Regulations

All Zonings Changes, Variances, Conditional Use Permits: County Regulations and

County Approval

3. DEVELOPMENT IN SEVERAL AREAS: If a subdivision is located in the two (2) different development areas, the policy and procedures of the most restrictive shall apply. For the purposes of this agreement, Area #1 shall be considered the most restrictive.

4. EXISTING SUBDIVISIONS: The parties recognize that the County has approved preliminary plats affecting lands lying within the City's 3-mile jurisdiction prior to the effective date of that jurisdiction. In such cases, any subsequent final plats shall be approved or denied by the City in accordance with the Lawrence County Subdivision Regulations in effect at the time the preliminary plat was approved.

5. ANNEXATION: In the event the City proceeds with annexation of property affected by this Agreement, the City will do so consistent with all applicable South Dakota statutory law.

6. PUBLIC NOTICE: City of Whitewood agrees to hold at least 1 public hearing with prior advanced notice to all affected landowners to offer meaningful input concerning the adoption of these rules and regulations.

7. REVIEW AND COMMENT: The City and the County may initiate a review of the area development polices, implementation measures, and administrative policies each year during the term of this Agreement. It is anticipated that the areas set forth in this Agreement will be amended following annexation by the City of any property affected by this Agreement.

8. EFFECTIVE DATE AND MODIFICATIONS: This Agreement shall become effective upon acceptance and execution of the parties, and shall be in effect for a period of five (5) years. This agreement may be modified and extended by written mutual consent of the parties.

This Agreement shall be filed and recorded in the Register of Deeds office of Lawrence County, South Dakota.

Dated this _____ day of _____, 2010

Dated this _____ day of _____, 2010

CITY OF WHITEWOOD

LAWRENCE COUNTY, SD

Mayor, Deb Schmidt

Connie Douglas, Chairman of Lawrence
County Commission

ATTEST:

ATTEST:

Cory Heckenlaible, City Finance Officer

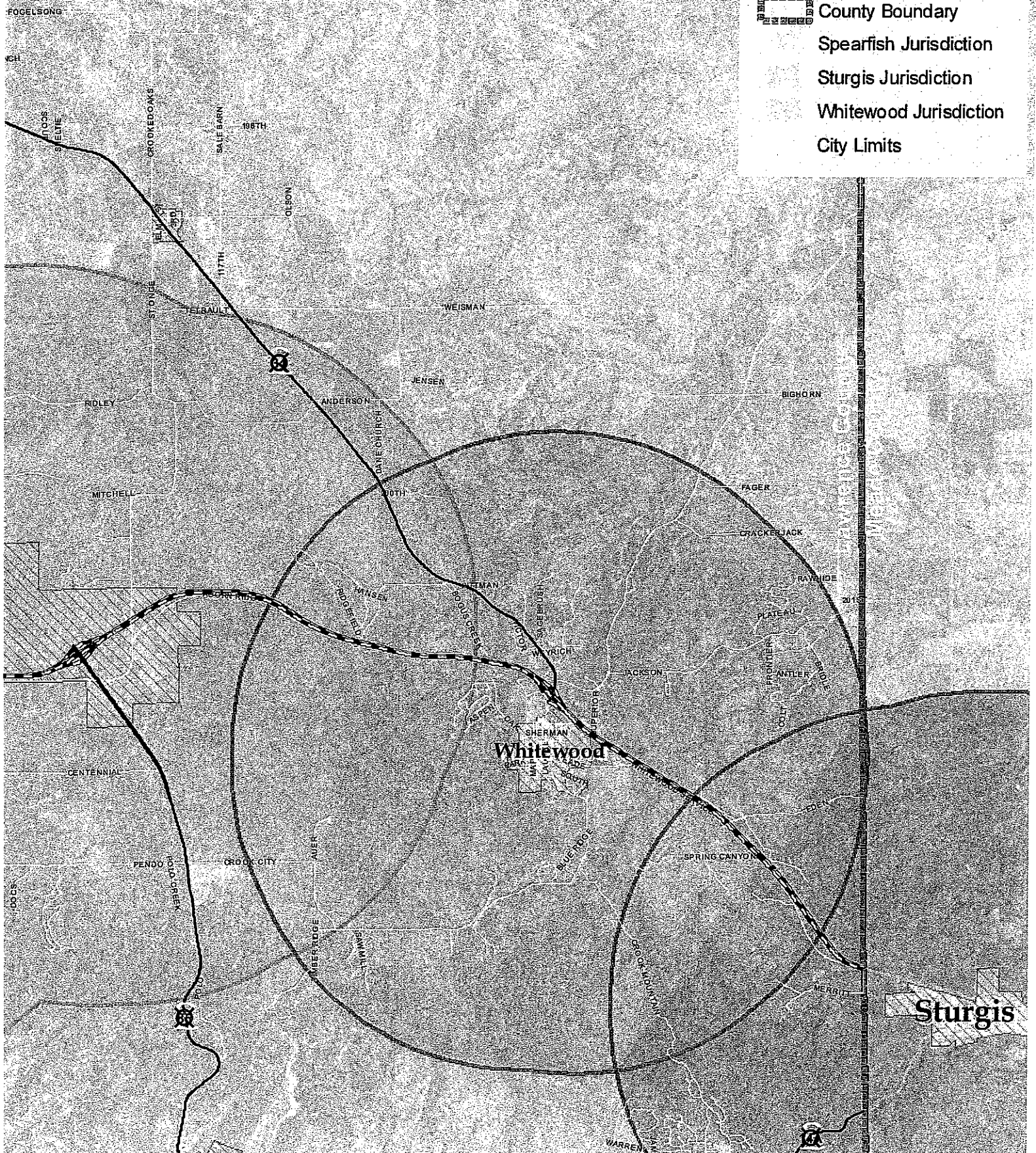
(SEAL)

Connie Atkinson, County Auditor

(SEAL)

Legend

-  Spearfish 3 Mile
-  Sturgis 3 Mile
-  Whitewood 3 Mile
-  County Boundary
-  Spearfish Jurisdiction
-  Sturgis Jurisdiction
-  Whitewood Jurisdiction
-  City Limits



Application for Abatement and/or Refund of Property Taxes

Board of County Commissioners of Lawrence County, South Dakota

Tax Year (payable following year) 2026 Parcel # 20750-00200 100-10
Name David or Sylvia Drapa Phone # _____
Street Address 667 Teton Way City Whitewood State SD
Zip Code _____ Email Address _____

Application for an abatement/refund of taxes is being presented due to the following reason(s):

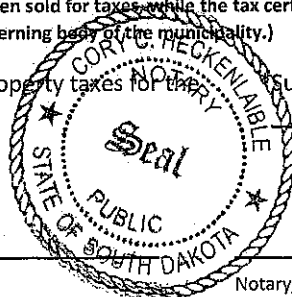
- ☐ An error has been made in any identifying entry or description of the real property, in entering the valuation of the real property or in extension of the tax, to the injury of the complainant. SDCL 10-18-1 (1)
- ☒ Improvements on any real property were considered or included in the valuation of the real property, which did not exist on the real property at the time fixed by law for making the assessment. SDCL 10-18-1 (2)
- ☐ The property is exempt from taxes. SDCL 10-18-1 (3)
- ☐ The complainant had no taxable interest in the property assessed against the complainant at the time fixed by law for making the assessment. SDCL 10-18-1 (4)
- ☐ Taxes have been erroneously paid or error made in noting payment or issuing receipt for the taxes paid. SDCL 10-18-1 (5)
- ☐ The same property has been assessed against the complainant more than once in the same year, and the complainant produced satisfactory evidence that the taxes for the year have been paid. SDCL 10-18-1 (6)
- ☐ A loss occurred because of flood damage, fire, storm or other unavoidable casualty. SDCL 10-18-2 (4)
Date and Time of Loss: _____
- ☐ Structures have been removed after the assessment date (upon verification by the Director of Equalization). SDCL 10-18-2 (7) Date Structures Removed: _____
- ☐ Applicant, having otherwise qualified for property tax relief program, but missed the deadline as prescribed:
____ Assessment Freeze of Dwellings of Disabled and Senior Citizens §10-6A-4
____ Disabled Veteran Exemption §10-4-40
____ Paraplegic Veteran Exemption §10-4-24.10
- ☐ Applicant, having otherwise qualified for classification of owner-occupied single family dwelling, but missed the deadline as prescribed by law due to a temporary duty assignment for the military. SDCL 10-18-2 (9)

Other/Comments: _____

(No tax may be abated on any real property which has been sold for taxes while the tax certificate is outstanding. Any abatement on property within corporate limits of a municipality must be first approved by the governing body of the municipality.)

*I hereby apply for an abatement/refund of property taxes for the _____ and sworn to, before me on this 10th day of July, 2026
above reason (s)

David Drapa
Signature of Applicant



[Signature]
Notary/Auditor/Deputy Auditor

My Commission Expires
January 29, 2027

Applicant must contact the municipality and/or County for date and time this abatement/refund request will be considered.

City Approval (if applicable)

City Name _____

The contents of the within petition, having been before the governing body of the above named municipality, and having been considered by same, the undersigned hereby certifies that

____ FAVORABLE ____ UNFAVORABLE action was taken thereon at its meeting the ____ day of _____, 20 ____

Town Clerk/City Finance Officer

County Approval

The contents of the within petition, having been before the governing body of Lawrence County, and having been considered by same, the undersigned hereby certifies that

____ FAVORABLE ____ UNFAVORABLE action was taken thereon at its meeting the ____ day of _____, 20 ____

County Official

Office Use Only

Total Valuation Factored 286,350 Total Tax on Property _____

Total Valuation Abated 31,057 Amount of Tax Refunded _____

Abatement Value if < 12 months _____ Number of Months Abated _____

OFFICE OF LAWRENCE COUNTY AUDITOR

Received and filed in my office on _____

County Auditor

By Deputy

Application for Abatement and/or Refund of Property Taxes

Board of County Commissioners of Lawrence County, South Dakota

Tax Year (payable following year) 2025 Parcel # 29750-00200-100-10
Name David or Sylvia Drapa Phone # _____
Street Address 667 Teton Way City Whitecloud State SD
Zip Code _____ Email Address _____

Application for an abatement/refund of taxes is being presented due to the following reason(s):

- ☐ An error has been made in any identifying entry or description of the real property, in entering the valuation of the real property or in extension of the tax, to the injury of the complainant. SDCL 10-18-1 (1)
- ☒ Improvements on any real property were considered or included in the valuation of the real property, which did not exist on the real property at the time fixed by law for making the assessment. SDCL 10-18-1 (2)
- ☐ The property is exempt from taxes. SDCL 10-18-1 (3)
- ☐ The complainant had no taxable interest in the property assessed against the complainant at the time fixed by law for making the assessment. SDCL 10-18-1 (4)
- ☐ Taxes have been erroneously paid or error made in noting payment or issuing receipt for the taxes paid. SDCL 10-18-1 (5)
- ☐ The same property has been assessed against the complainant more than once in the same year, and the complainant produced satisfactory evidence that the taxes for the year have been paid. SDCL 10-18-1 (6)
- ☐ A loss occurred because of flood damage, fire, storm or other unavoidable casualty. SDCL 10-18-2 (4)
Date and Time of Loss: _____
- ☐ Structures have been removed after the assessment date (upon verification by the Director of Equalization). SDCL 10-18-2 (7) Date Structures Removed: _____
- ☐ Applicant, having otherwise qualified for property tax relief program, but missed the deadline as prescribed:
____ Assessment Freeze of Dwellings of Disabled and Senior Citizens §10-6A-4
____ Disabled Veteran Exemption §10-4-40
____ Paraplegic Veteran Exemption §10-4-24.10
- ☐ Applicant, having otherwise qualified for classification of owner-occupied single family dwelling, but missed the deadline as prescribed by law due to a temporary duty assignment for the military. SDCL 10-18-2 (9)

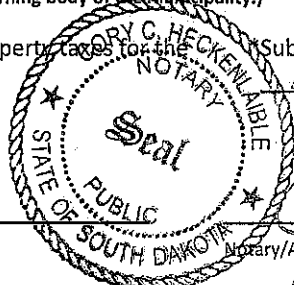
Other/Comments:

(No tax may be abated on any real property which has been sold for taxes, while the tax certificate is outstanding. Any abatement on property within corporate limits of a municipality must be first approved by the governing body of the municipality.)

*I hereby apply for an abatement/refund of property taxes for the _____ Subscribed and sworn to, before me on this 10th day of July, 2025
above reason (s)

Signature of Applicant

David Drapa



Notary/Auditor/Deputy Auditor

My Commission Expires:

My Commission Expires
January 29, 2027

Applicant must contact the municipality and/or County for date and time this abatement/refund request will be considered.

City Approval (if applicable)

City Name _____

The contents of the within petition, having been before the governing body of the above named municipality, and having been considered by same, the undersigned hereby certifies that

____ FAVORABLE ____ UNFAVORABLE action was taken thereon at its meeting the ____ day of _____, 20 ____

Town Clerk/City Finance Officer

County Approval

The contents of the within petition, having been before the governing body of Lawrence County, and having been considered by same, the undersigned hereby certifies that

____ FAVORABLE ____ UNFAVORABLE action was taken thereon at its meeting the ____ day of _____, 20 ____

County Official

Office Use Only

Total Valuation Factored 286,828 Total Tax on Property _____

Total Valuation Abated 32,182 Amount of Tax Refunded _____

Abatement Value if < 12 months _____ Number of Months Abated 12

OFFICE OF LAWRENCE COUNTY AUDITOR

Received and filed in my office on _____

County Auditor

By Deputy

§ 34.33 PUBLIC HEARING.

After the proposed budget has been presented to the Common Council, said Council shall then establish a time and place for a public hearing to be held for the purpose of allowing any interested citizen or city official to be heard on said budget. A notice of said hearing shall be published once at least four days before said day of hearing.

(Prior Code, § 35.33)

§ 34.34 ADOPTION.

After said hearing has been held, the Common Council may adopt the proposed budget as proposed or as amended. The appropriation ordinance shall then be adopted as required by state law and in conformance with the adopted budget.

(Prior Code, § 35.34)

§ 34.35 FLUCTUATIONS IN SPECIFIC ITEM SPENDING.

More or less than the amount stipulated in the adopted budget for a specific item may be spent so long as the appropriation ordinance, or any supplement thereto, is not exceeded.

(Prior Code, § 35.35)

§ 34.36 FISCAL RESPONSIBILITY OF CITY OFFICIALS.

It shall be the responsibility of, and duty of, all city officials to make reasonable efforts to keep within the expenditures specified in the city budget.

(Prior Code, § 35.36)

**NOTICE OF PUBLIC HEARING
WHITEWOOD CITY COUNCIL**

The Whitewood City Council will conduct a public hearing on August 17, 2026 at 5:30 PM (MDT) at the Whitewood City Hall, Whitewood, South Dakota, for the purpose of soliciting comments from its residents pertaining to the proposed 2027 Appropriation Ordinance. All interested citizens are encouraged to attend. Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the city finance office at (605) 269-2247.

Dated this 4th day of August 2026

Cory C. Heckenlaible, Finance Officer
City of Whitewood