

August 12, 2025

# AGENDA

YANKTON COUNTY PLANNING COMMISSION

☐ Cheri Loest  
☐ Mike Welsh  
☐ Don Kettering

☐ Sam Hummel  
☐ Nick Huber  
☐ Dan Clark

☐ Tim O'Hara

## **7:00 P.M.**

Call Meeting to Order

Roll Call

Approve Minutes from previous meetings

Items to be added to Agenda

Approval of Agenda

Conflict of Interest Declarations

## **7:05 P.M.**

### **Plats**

**Highland** – Plat of Angie Highland Addition, in the NW1/4 of the NE1/4 of Section 33, T94N, R54W of the 5<sup>th</sup> P.M., Yankton County, South Dakota

**Drotzmann (ETJ)** - Plat of Lot 7 of Schulte's Subdivision in the S1/2 of the SE1/4 of Section 35, T94N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota

**Harmelink** - Plat of Benson's Addition, in the S1/2 of the NE1/4 of Section 13, T94N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota

## **7:10 P.M.**

**Discussion** – Solar Energy Conversion System setbacks for lakes, rivers, and streams

## **7:15 P.M.**

**Open meeting laws review**

## **7:20 P.M.**

**Public Comment**

MEETING (ENTITY): PLANNING COMMISSION REGULAR OR SPECIAL MEETING: Regular  
DATE: 7/8/2025 TIME: 7PM LOCATION: COMMISSION CHAMBERS

STAFF ATTENDANCE: Conkling/Vetter  
ROLL ☒ HUBER ☒ LOEST ☒ KETTERING ☒ HUMMEL ☒ O'HARA ☒ WELSH ☒ CLARK  
CALL:  
APPROVAL OF MINUTES: MOTION BY: Huber SECOND BY: Loest  
PLANNING: ☒ HUBER ☒ LOEST ☒ KETTERING ☒ HUMMEL ☒ O'HARA ☒ WELSH ☒ CLARK  
  
APPROVAL OF AGENDA: MOTION BY: Kettering SECOND BY: Loest  
PLANNING: ☒ HUBER ☒ LOEST ☒ KETTERING ☒ HUMMEL ☒ O'HARA ☒ WELSH ☒ CLARK

**AGENDA ITEM:** Den Herder – Conditional Use Permit  
**ADDRESS/LEGAL:** Applicant is requesting a Conditional Use Permit in a Lakeside Commercial District to construct storage building per Article 11 section 1107, Article 18 section 1805, and Article 19 section 1905. Applicant wishes to build a storage building on his property. Said property is legally described as Lot Four (4) Whitetail Run in Section Sixteen (16), Township Ninety-three (93) North, Range Fifty-six (56) West of the 5<sup>th</sup> PM, Yankton County, South Dakota. E911 address is 3909 West 8<sup>th</sup> St, Yankton, South Dakota.  
**COMMENTS:** None

**MOTION:** Approve as presented  
Passed 7-0

APPROVAL: MOTION BY: Loest SECOND BY: Clark  
PLANNING: ☒ HUBER ☒ LOEST ☒ KETTERING ☒ HUMMEL ☒ O'HARA ☒ WELSH ☒ CLARK

**AGENDA ITEM:** Mabee - Plat  
**ADDRESS/LEGAL:** Plat of Lot 1, Lot 2, and Lot 3 of Mabee Addition located in the Southeast Quarter of Section 9 and the Northeast Quarter of Section 16, T93N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota  
**COMMENTS:** None

**MOTION:** Approve as presented  
Passed 7-0

APPROVAL: MOTION BY: Kettering SECOND BY: Welsh  
PLANNING: ☒ HUBER ☒ LOEST ☒ KETTERING ☒ HUMMEL ☒ O'HARA ☒ WELSH ☒ CLARK

**AGENDA ITEM:** Van Beek - Plat  
**ADDRESS/LEGAL:** Plat of Van Beek Tract 3 in the N1/2 of the NW1/4 of Section 12, T96N, R54W of the 5<sup>th</sup> P.M.,  
Yankton County, South Dakota  
**COMMENTS:** None

**MOTION:** Approve as presented  
Passed 7-0

**APPROVAL:** MOTION BY: Huber SECOND BY: Kettering  
**PLANNING:** ☒ HUBER ☒ LOEST ☒ KETTERING ☒ HUMMEL ☒ O'HARA ☒ WELSH ☒ CLARK

**AGENDA ITEM:** Public Comment  
**ADDRESS/LEGAL:** \_\_\_\_\_  
**COMMENTS:** None

**MOTION:** Adjourn  
Passed 7-0

**APPROVAL:** MOTION BY: Loest SECOND BY: Clark  
**PLANNING:** ☒ HUBER ☒ LOEST ☒ KETTERING ☒ HUMMEL ☒ O'HARA ☒ WELSH ☒ CLARK

**AGENDA ITEM:** \_\_\_\_\_  
**ADDRESS/LEGAL:** \_\_\_\_\_  
**COMMENTS:** \_\_\_\_\_

**MOTION:** \_\_\_\_\_

**APPROVAL:** MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
**PLANNING:** ☐ HUBER ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ O'HARA ☐ WELSH ☐ CLARK

**AGENDA ITEM:** \_\_\_\_\_  
**ADDRESS/LEGAL:** \_\_\_\_\_

COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ HUBER ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ O'HARA ☐ WELSH ☐ CLARK

**AGENDA ITEM:** \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ HUBER ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ O'HARA ☐ WELSH ☐ CLARK

**AGENDA ITEM:** \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ HUBER ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ O'HARA ☐ WELSH ☐ CLARK

**AGENDA ITEM:** \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS: \_\_\_\_\_

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ HUBER ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ O'HARA ☐ WELSH ☐ CLARK

**AGENDA ITEM:** \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS:

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ HUBER ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ O'HARA ☐ WELSH ☐ CLARK

**AGENDA ITEM:** \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS:

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ HUBER ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ O'HARA ☐ WELSH ☐ CLARK

**AGENDA ITEM:** \_\_\_\_\_  
ADDRESS/LEGAL: \_\_\_\_\_  
COMMENTS:

MOTION: \_\_\_\_\_

APPROVAL: MOTION BY: \_\_\_\_\_ SECOND BY: \_\_\_\_\_  
PLANNING: ☐ HUBER ☐ LOEST ☐ KETTERING ☐ HUMMEL ☐ O'HARA ☐ WELSH ☐ CLARK

Yankton County Planning Commission  
**Yankton County Board of Adjustment**

Date filed: 7/11/2025

Applicant

**Angie Highland Addition- PLAT**

**District type:** ☒ AG   ☐ R1-Low   ☐ R2-Moderate   ☐ R3-High   ☐ C-Comm.

☐ LC – Lakeside Commercial   ☐ RT-Rural Transitional

Variance needed:

☒ **Section 513 (4) – Existing Farmstead/Home**   ☐ Section 515   ☐ Section 705

☐ Section 715   ☐ Section 805

☐ Other 605

North Side/ Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

East Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

South Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

West Side / Yard lot line \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

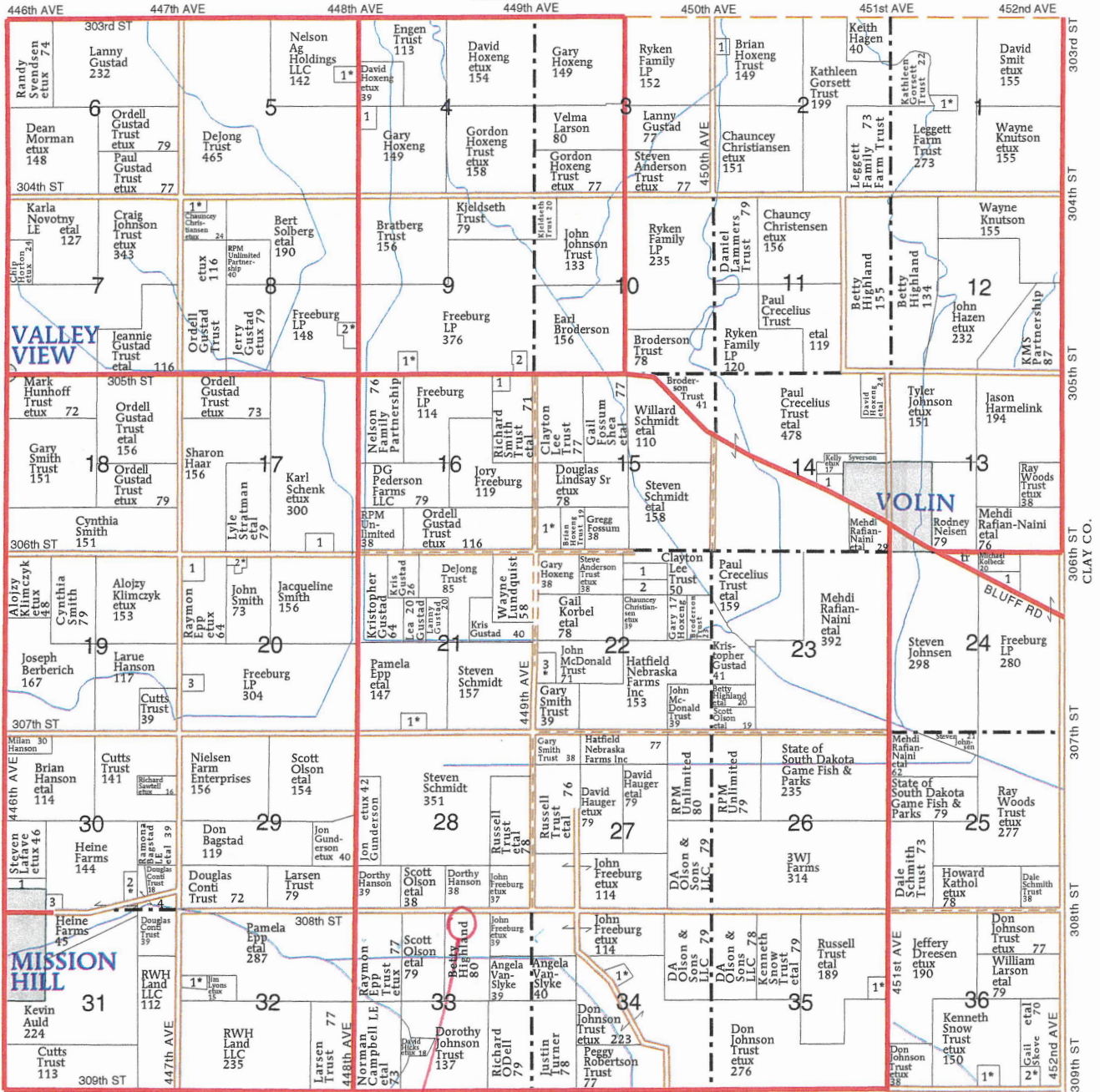
Affects Section:

**NOTE:**

Plat of Angie Highland Addition, in the NW1/4 of the NE1/4 of Section 33, T94N, R54W of the 5<sup>th</sup> P.M., Yankton County, South Dakota

(Landowners)

MARINDAHL TWP.



GAYVILLE TWP.

Location

## VOLIN TOWNSHIP

## SECTION 1

1 LEGGETT, ANTHONY ETAL 8

## SECTION 2

1 BRUNKE, KEVIN 7

## SECTION 4

1 LOEFFLER, LAWRENCE 5

## SECTION 5

1 OIEN, TIM ETAL 11

## SECTION 8

1 LEE, LONNY ETUX 14

2 ZAVADIL, MATTHEW ETAL 7

## SECTION 9

1 HOXENG, TYLER ETUX 6

2 DANGEL, DUSTIN 6

## SECTION 14

1 ASHTON, HOLLY 12

## SECTION 15

1 HOXENG TRUST, GORDON ETUX 19

## SECTION 16

1 FRENG, ROBERT 5

## SECTION 17

1 GOEDEN, ROSS 12

## SECTION 20

1 HACECKY, TYLER 13

2 OLSON, ROGER ETUX 7

3 LIBBY, ABRAHAM 8

## SECTION 21

1 HOVDEN, DAVID ETUX 9

## SECTION 22

1 GUSTAD, LANNY 15

2 BRATBERG TRUST 15

3 OSTREM, THOMAS ETAL 9

## SECTION 24

1 FOLKERS, CURTIS 10

## SECTION 30

1 LANE, SUSAN 9

2 VANGEN NORSK EVANGELISK 7

3 HERRIG WAHLERS TRUST 6

4 NIELSEN, ANDREW 22

## SECTION 32

1 EPP, RAYMON ETUX 7

## SECTION 34

1 BERTRAND, BRIAN ETUX 8

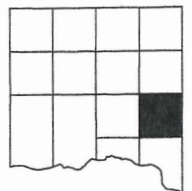
## SECTION 35

1 BORNITZ, CHRISTOPHER ETUX 8

## SECTION 36

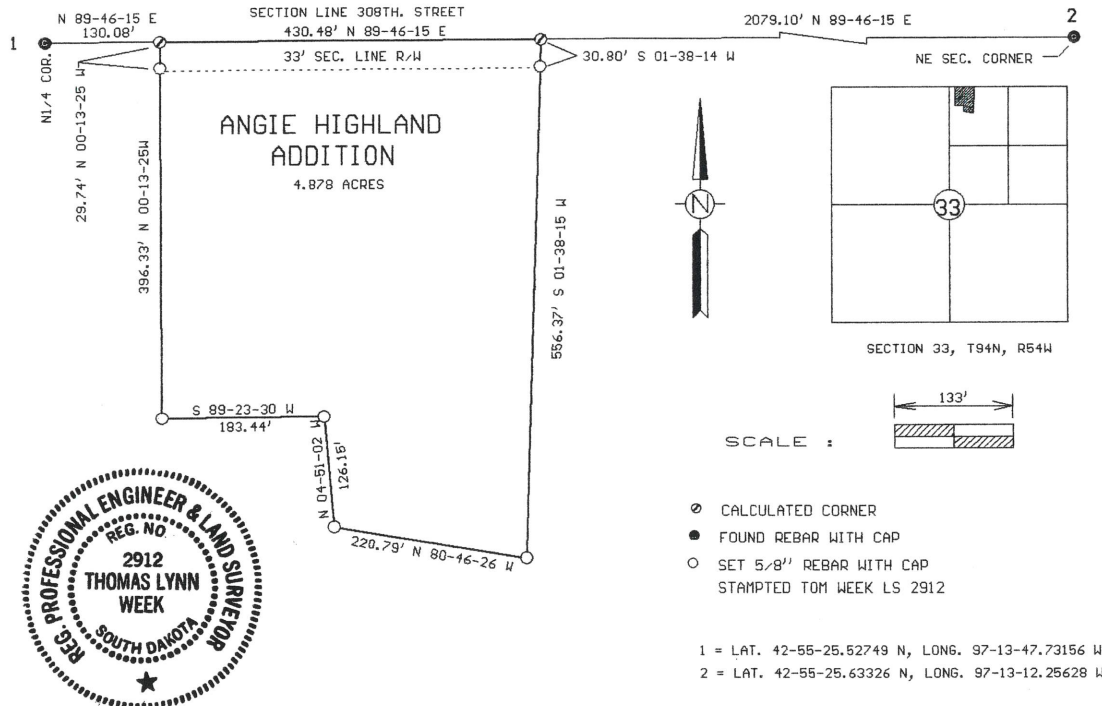
1 PETERSON, LANCE ETUX 8

2 BEACH, BRIAN ETUX 7





PLAT OF ANGIE HIGHLAND ADDITION, IN THE NW1/4 OF THE NE1/4 OF SECTION 33,  
T94N, R54W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.



#### SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY OF ANGIE HIGHLAND ADDITION, IN THE NW1/4 OF THE NE1/4 OF SECTION 33, T94N, R54W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON PINS AS SHOWN, AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
DATED THIS 10TH. DAY OF JULY, 2025.

THOMAS LYNN WEEK  
REG. LAND SURVEYOR  
REG. NO. 2912

#### ZONING ADMINISTRATOR

THE UNDERSIGNED, COUNTY ZONING ADMINISTRATOR OF YANKTON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT THIS PLAT HAS BEEN REVIEWED BY ME OR MY AUTHORIZED AGENT IN ACCORDANCE WITH SECTION 513 (FARMSTEAD, MINIMUM LOT REQUIREMENTS) OF THE YANKTON COUNTY SUBDIVISION REGULATIONS, AND ANGIE HIGHLAND ADDITION DOES QUALIFY AS A FARMSTEAD.

ZONING ADMINISTRATOR

#### RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE YANKTON COUNTY PLANNING COMMISSION, THAT THE ABOVE PLAT REPRESENTING ANGIE HIGHLAND ADDITION, IN THE NW1/4 OF THE NE1/4 OF SECTION 33, T94N, R54W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, BE AND THE SAME IS HEREBY APPROVED.

CHAIRMAN, PLANNING COMMISSION

#### CERTIFICATE OF STREET AUTHORITY

THERE IS ACCESS TO ANGIE HIGHLAND ADDITION FROM 308TH. STREET. ANY FURTHER ACCESS POINTS WILL REQUIRE ADDITIONAL APPROVAL.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

COUNTY APPROVAL



PLAT OF ANGIE HIGHLAND ADDITION, IN THE NW1/4 OF THE NE1/4 OF SECTION 33, T94N, R54W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA.

OWNERS CERTIFICATE

I, ANGIE L. HIGHLAND, DO HEREBY CERTIFY THAT I AM THE ABSOLUTE AND UNQUALIFIED OWNER OF THE ABOVE DESCRIBED PROPERTY: ANGIE HIGHLAND ADDITION, IN THE NW1/4 OF THE NE1/4 OF SECTION 33, T94N, R54W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA. THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
ANGIE L. HIGHLAND

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED ANGIE L. HIGHLAND, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNER THEREOF HAS CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: ANGIE HIGHLAND ADDITION, IN THE NW1/4 OF THE NE1/4 OF SECTION 33, T94N, R54W OF THE 5TH. P.M., YANKTON COUNTY, SOUTH DAKOTA, AND HAS SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, \_\_\_\_\_, COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
COUNTY AUDITOR

\_\_\_\_\_  
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

DIRECTOR OF EQUALIZATION CERTIFICATE

I, \_\_\_\_\_, DIRECTOR OF EQUALIZATION, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION, YANKTON COUNTY

TREASURER CERTIFICATE

I, \_\_\_\_\_, TREASURER OF YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT ALL TAXES WHICH ARE LIEN UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
TREASURER, YANKTON COUNTY

REGISTER OF DEEDS CERTIFICATE

I, \_\_\_\_\_, REGISTER OF DEEDS, YANKTON COUNTY, SOUTH DAKOTA, CERTIFY THAT I HAVE RECEIVED THE ORIGINAL PLAT, FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ O'CLOCK \_\_\_\_ M., AND DULY RECORDED IN BOOK NO. \_\_\_\_, PAGE \_\_\_\_.

PREPARED BY: TOM WEEK  
407 REGAL DRIVE  
YANKTON, SOUTH DAKOTA 57078  
605-665-8333

\_\_\_\_\_  
REGISTER OF DEEDS, YANKTON COUNTY, SD

# PLAT PERMIT

Longitude

**-97.22839153772027**

Latitude

**42.92303863559057**

Permit Number

**PLAT2537**

Parcel Number

**02.033.100.300**

Permit Status

**Approved Active**

Permit Fee

**100**

Total Due

**100**

Was fee paid?

**Yes**

Receipt Number

**9818**

Application Accepted By

**Bill Conkling**

Site Plan Checked By

**Gary Vetter**

Is location in floodplain?

**No**

Existing Zoning

**AGRICULTURE**

Size of the Current Parcel

**80**

Current Legal Description

**W2 NE4**

Applicant Name

**Angie Highland**

Applicant Phone

**6056658333**

Applicant Address

**1004 ESTANCIA BLVD WEATHERFORD TX 76088**

Applicant Email Address

**tcweek@iw.net**

Name of the Surveyor / Engineer

**Tom Week**

Surveyor / Engineer Address

**407 Regal Dr**

Surveyor / Engineer Phone

**6056658333**

Surveyor / Engineer Email

**tcweek@iw.net**

Surveyor / Engineer Contact Person

**Tom Week**

Owner Name

**Angie Highland**

Owner Phone

**6056658333**

Owner Address

**1004 ESTANCIA BLVD WEATHERFORD TX 76088**

Owner Email Address

**tcweek@iw.net**

Location of Property

**Lat: 42.923039 Lon: -97.228392**



Powered by Esri

Section Township Range

**33-94-54**

Tract or Lot Number

**Angie Highland Addition**

Number of Acres Being Platted

**4**

Addition Name

**Angie Highland Addition**

How is the Property Currently Being Used

AG

How Will the Property Be Used

AG

Is this Property an Existing Farmstead

Yes

If a Farmstead, How Many Acres Surround it

4

Has the Plat Been Approved By the City of Yankton

No

Is Owner Signature Notarized

Yes

Do you have Signatures and Approval from the Road Authority

Yes

Do you have the County Treasurer's Signature

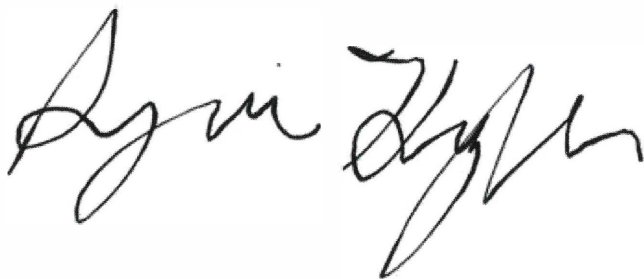
Yes

Insert Plat Here

PDF

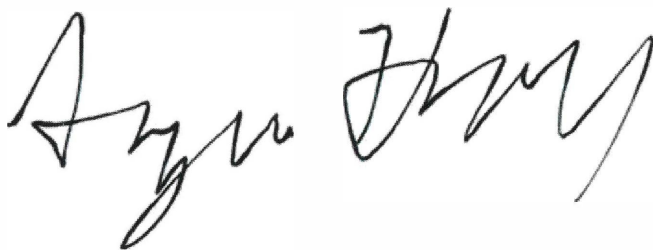
PLAT-.pdf  
169.3KB

Applicant Signature

A handwritten signature in black ink, appearing to read "Azim Zylani". The signature is fluid and cursive, with the first name "Azim" written in a larger, more prominent script than the last name "Zylani".

ApplicantSignature-.jpg

Owner Signature

A handwritten signature in black ink, appearing to read "Azim Zylani". The signature is fluid and cursive, with the first name "Azim" written in a larger, more prominent script than the last name "Zylani".

OwnerSignature-.jpg

Date of Application Submission

**Jul 11, 2025**

Yankton County Planning Commission  
**Yankton County Board of Adjustment**

Date filed: 5/20/2025

Applicant

**Drotzmann ETJ - PLAT**

**District type:** ☐ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional  
☒ ETJ – Extra Territorial Jurisdiction

Variance needed:

☐ **Section 513 (4) – Existing Farmstead/Home** ☐ Section 515 ☐ Section 705

☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

East Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

South Side / Yard lot line: \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

West Side / Yard lot line \_\_\_\_\_ feet or no closer than \_\_\_\_\_ feet to the \_\_\_\_\_ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

**NOTE:**

Plat of Lot n7 of Schulte's Subdivision in the S1/2 of the SE1/4 of Section 35, T94N, R56W of the 5<sup>th</sup> P.M., Yankton County, South Dakota



IES INC

# PLAT PERMIT

Longitude

**-97.42548343335172**

Latitude

**42.912940381118354**

Permit Number

**PLAT2532**

Parcel Number

**10.035.300.100**

Permit Status

**Approved Active**

Additional Notes

**ETJ property**

Permit Fee

**100**

Total Due

**100**

Was fee paid?

**Yes**

Receipt Number

**cash**

Application Accepted By

**Bill Conkling**

Site Plan Checked By

**Gary Vetter**

Is location in floodplain?

**No**

Size of the Current Parcel

**144**

Current Legal Description

**N2 SW4 & N2 SE4 EXC PARCELS A & B NE4 SE4 & EXC TR 1 YAGGIE'S ADDN**

Applicant Name

**Steve Drotzmann**

Applicant Phone

**6056658333**

Applicant Address

**PO BOX 1082 YANKTON SD 57078**

Applicant Email Address

**tcweek@iw.net**

Name of the Surveyor / Engineer

**Tom Week**

Surveyor / Engineer Address

**407 Regal Dr., Yankton**

Surveyor / Engineer Phone

**6056658333**

Surveyor / Engineer Email

**tcweek@iw.net**

Surveyor / Engineer Contact Person

**Tom Week**

Owner Name

**Steve Drotzmann**

Owner Phone

**6056658333**

Owner Address

**PO BOX 1082 YANKTON SD 57078**

Owner Email Address

**tcweek@iw.net**

Location of Property

**Lat: 42.911139 Lon: -97.423569**



Powered by Esri

Section Township Range

**35-94-56**

Tract or Lot Number

**Lot 7**

Number of Acres Being Platted

**1**

Addition Name

**Schulte's Subdivision**

How is the Property Currently Being Used

ETJ

How Will the Property Be Used

ETJ

Is this Property an Existing Farmstead

No

If a Farmstead, How Many Acres Surround it

0

Has the Plat Been Approved By the City of Yankton

Yes

Is Owner Signature Notarized

Yes

Do you have Signatures and Approval from the Road Authority

Yes

Do you have the County Treasurer's Signature

Yes

Insert Plat Here

PDF

PLAT-.pdf  
631.3KB

Applicant Signature

A handwritten signature in black ink, appearing to read "J. A. P. Smith". The signature is fluid and cursive, with a large initial "J" and a distinct "Smith" at the end.

ApplicantSignature-.jpg

Owner Signature

A handwritten signature in black ink, appearing to read "J. A. P. Smith". The signature is fluid and cursive, with a large initial "J" and a distinct "Smith" at the end.

OwnerSignature-.jpg

Date of Application Submission

**May 20, 2025**



Yankton County Planning Commission  
Yankton County Board of Adjustment

Date filed: 7/29/2025

Applicant

Benson's Addition- PLAT

District type: ☒ AG ☐ R1-Low ☐ R2-Moderate ☐ R3-High ☐ C-Comm.

☐ LC – Lakeside Commercial ☐ RT-Rural Transitional

Variance needed:

☐ Section 513 (4) – Existing Farmstead/Home ☐ Section 515 ☐ Section 705

☐ Section 715 ☐ Section 805

☐ Other 605

North Side/ Yard lot line: \_\_\_\_ feet or no closer than \_\_\_\_ feet to the \_\_\_\_ lot line.

East Side / Yard lot line: \_\_\_\_ feet or no closer than \_\_\_\_ feet to the \_\_\_\_ lot line.

South Side / Yard lot line: \_\_\_\_ feet or no closer than \_\_\_\_ feet to the \_\_\_\_ lot line.

West Side / Yard lot line \_\_\_\_ feet or no closer than \_\_\_\_ feet to the \_\_\_\_ lot line.

Accessory Building Size allowed:

Proposed building size:

Proposed sidewall height:

Affects Section:

**NOTE:**

Plat of Benson's Addition, in the S1/2 of the NE1/4 of Section 13, T94N, R56W of the 5<sup>th</sup> P.M.,  
Yankton County, South Dakota



## SECTION 4N

1 NEDVED, MARK 7

## SECTION 4S

1 MARQUARDT, RALPH 8  
 2 BRANDT TRUST, MERLE ETAL 11  
 3 LIST TRUST, ROBERT 18  
 4 SWEDLUND, JERALD ETUX 14  
 5 HAMBERGER, BRIAN 8  
 6 SMITH, NATHAN ETUX 8

## SECTION 5S

1 BATCHELLER, JAY 8

## SECTION 6N

1 TOWN OF UTICA 6

## SECTION 6S

1 GILMORE, TONJA 10  
 2 VAN MAANEN, TODD ETUX 11  
 3 MASKA, LEANN 5  
 4 KOZAK, KARLEE 6  
 5 LOCKER, MARK ETUX 5  
 6 BLAHA, JON ETUX 5  
 7 HILL, EDWIN ETUX 12

## SECTION 7N

1 BOLD PURSUITS LLC 10

## SECTION 7S

1 GUITRON, MARIA ETAL 13  
 2 ROBB, RUSSELL ETUX 7  
 3 LIVINGSTON, CARL ETUX 10  
 4 PHILIPS, TIMOTHY ETUX 5

## SECTION 8N

1 CHRISTIANSON, DAVID ETUX 6  
 2 HUGHES, SCOTT ETUX 13

## SECTION 8S

1 FANTA, TIMOTHY ETUX 9

## SECTION 9N

1 KILBURN, REX ETUX 7

## SECTION 9S

2 GILMORE TRUST, HOWARD ETUX 17

## SECTION 10S

1 ROKAHR, STEVEN 9

## SECTION 11S

1 BILLION, ERIKA 12  
 2 HECKY TRUST, TERRANCE ETUX 11  
 3 AFFORDABLE SELF STORAGE LLC 8

## SECTION 12N

1 MARQUARDT FAMILY LP 6

## SECTION 13N

1 COTTON, JEFFREY ETUX 8

## SECTION 14S

1 YANKTON MEDICAL CLINIC PC 12

## SECTION 16N

1 ANSTINE, RODNEY ETUX 7

## SECTION 17N

1 SCHENKEL, DARRELL ETUX 8  
 2 TACKLE, WM ETUX 13

## SECTION 18N

1 CAP LE, STANLEY ETAL 5  
 2 CAP, ROBERT ETUX 7

## SECTION 19

1 SCHENKEL, DANIEL ETUX 7

## SECTION 20N

1 YANKTON CO SHARPSHOOTERS ASSN 12  
 2 JOHNSON, MICHAEL ETUX 9

## SECTION 21N

1 YANKTON PROTEIN LLC 12  
 2 KRALICEK, FRANK ETUX 5

## SECTION 21S

1 WHITE CRANE ESTATES LLC 8

## SECTION 22N

1 TAGGART, WILLIAM ETUX 9  
 2 NELSON TRUST, FLOYD 12

## SECTION 23N

1 POSPISIL, SCOTT ETAL 7

## SECTION 24

1 MARTS, LUCAS ETUX 7  
 2 MARQUARDT, DOUG 13  
 3 KELLER, DALLAS ETUX 10

## SECTION 25

1 SLOWEY TRUST 15  
 2 WOELH, TOBY ETAL 7

## SECTION 26

1 BARNES, DAVID ETUX 7

## SECTION 32

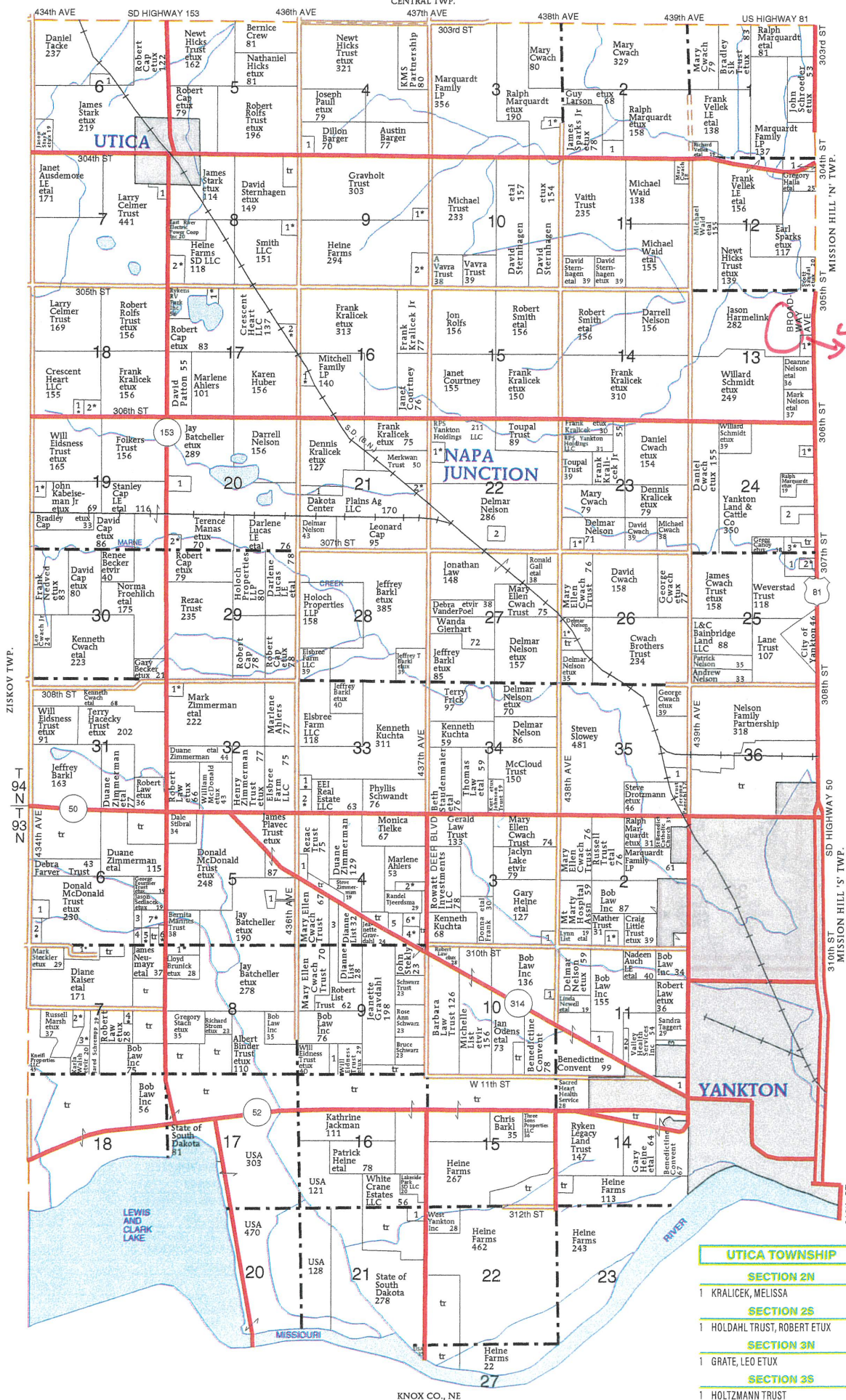
1 ZIMMERMAN TRUST, HENRY ETAL 12

## SECTION 33

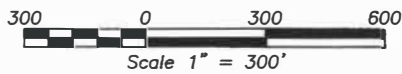
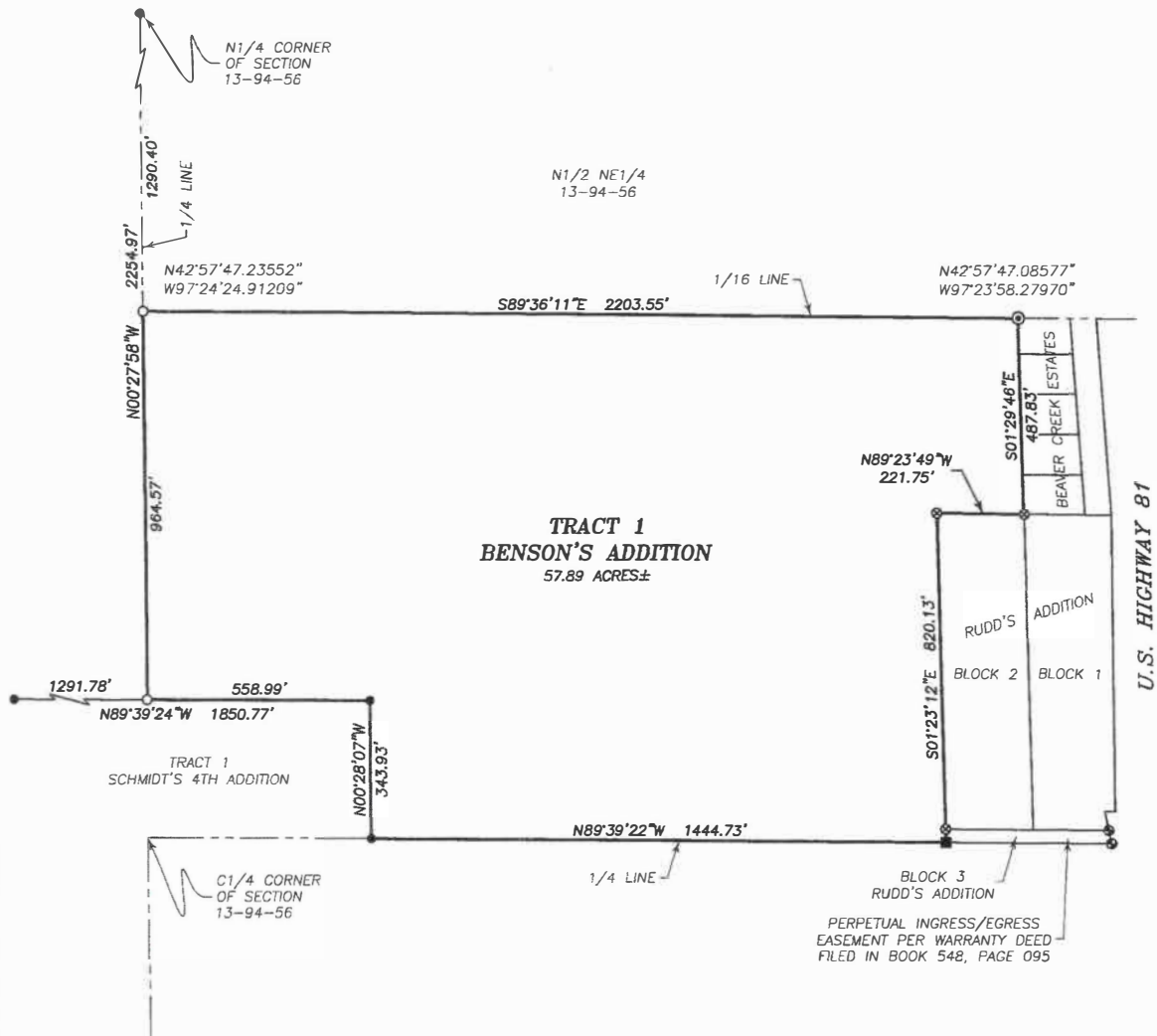
1 DELOZIER, DARRIK ETAL 6  
 2 WADDELL, EDWARD ETUX 8

## SECTION 35

1 YAGGIES INC 10



PLAT OF TRACT 1, BENSON'S ADDITION, IN THE S1/2 OF THE NE1/4 OF SECTION 13,  
T94N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.

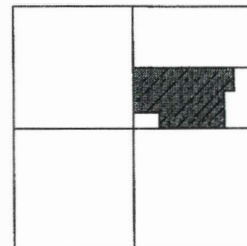


**LEGEND**

- SET 5/8" REBAR WITH L.S. CAP  
STAMPED "SD 5349 NE 708 BRANDT"
- FOUND 5/8" REBAR WITH L.S. CAP  
STAMPED "J. BRANDT RLS 5349"
- FOUND 5/8" REBAR WITH L.S. CAP  
STAMPED "TOM WEEK LS 2912"
- ⊗ FOUND IRON PIPE
- ⊙ FOUND BENT IRON PIPE,  
SET 5/8" REBAR WITH L.S. CAP  
STAMPED "J. BRANDT RLS 5349"
- FOUND ALUMINUM DOT CAP

NOTE:  
BASIS OF BEARING  
BY GPS OBSERVATION

PREPARED BY:  
BRANDT LAND SURVEYING  
1202 WILLOWDALE ROAD  
YANKTON, SD 57078  
(605) 665-8455



LOCATION (N.T.S.)  
SECTION 13-94-56



PLAT OF TRACT 1, BENSON'S ADDITION, IN THE S1/2 OF THE NE1/4 OF SECTION 13,  
T94N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, JOHN L. BRANDT, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNER, MADE A SURVEY AND PLAT OF TRACT 1, BENSON'S ADDITION, IN THE N1/2 OF THE NE1/4 OF SECTION 13, T94N, R56W OF THE 5TH P.M., YANKTON COUNTY, SOUTH DAKOTA. I HAVE SET IRON REBAR AS SHOWN AND SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.



JOHN L. BRANDT REG. NO. 5349

COUNTY COMMISSIONER'S RESOLUTION

BE IT RESOLVED BY THE COUNTY BOARD OF COMMISSIONERS OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT BE APPROVED AND THE COUNTY AUDITOR OF YANKTON COUNTY, SOUTH DAKOTA, IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THE RESOLUTION AND CERTIFY THE SAME.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CHAIRMAN, COUNTY COMMISSIONERS

I, THE UNDERSIGNED, COUNTY AUDITOR FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF YANKTON COUNTY,

SOUTH DAKOTA, AT THE REGULAR MEETING ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
COUNTY AUDITOR

OWNER'S CERTIFICATE

I, JASON J. HARMELINK, DO HEREBY CERTIFY THAT I AM THE OWNER OF THE ABOVE DESCRIBED REAL PROPERTY AND THAT THE ABOVE SURVEY AND PLAT WAS MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSE OF MARKING, PLATTING AND TRANSFER. I ALSO CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JASON J. HARMELINK

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JASON J. HARMELINK, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

\_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC

APPROVAL OF HIGHWAY AUTHORITY

STATE OF SOUTH DAKOTA COUNTY OF YANKTON

ACCESS TO U.S. HIGHWAY 81 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.

\_\_\_\_\_  
HIGHWAY OR STREET AUTHORITY

COUNTY TREASURER'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY TREASURER FOR YANKTON COUNTY, SOUTH DAKOTA, 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 ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, HAVE BEEN PAID IN FULL.

\_\_\_\_\_  
COUNTY TREASURER

COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF YANKTON COUNTY, SOUTH DAKOTA, THAT THE ABOVE SURVEY AND PLAT IS APPROVED AND THE SAME BE CERTIFIED TO THE YANKTON COUNTY BOARD OF COUNTY COMMISSIONERS WITH THE RECOMMENDATION THAT SAID SURVEY AND PLAT BE APPROVED.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CHAIRMAN, PLANNING COMMISSION

DIRECTOR OF EQUALIZATION

I, THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION FOR YANKTON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.

\_\_\_\_\_  
DIRECTOR OF EQUALIZATION

REGISTER OF DEEDS

FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ .M., AND RECORDED IN BOOK \_\_\_\_\_ OF  
PLATS ON PAGE \_\_\_\_\_.

\_\_\_\_\_  
REGISTER OF DEEDS

# PLAT PERMIT

Longitude

**-97.40226559557603**

Latitude

**42.96109667997176**

Permit Number

**PLAT2538**

Parcel Number

**10.013.100.200**

Permit Status

**Approved Active**

Permit Fee

**100**

Total Due

**100**

Was fee paid?

**Yes**

Receipt Number

**13060**

Application Accepted By

**Bill Conkling**

Site Plan Checked By

**Gary Vetter**

Is location in floodplain?

**No**

Existing Zoning

**AGRICULTURE**

Size of the Current Parcel

**88**

Current Legal Description

**SE4 NW4 & S2 NE4 EXC LT H2 & EXC BLKS 1-3 RUDD'S ADDN & EXC LTS 1-5 BEAVER CREEK**

Applicant Name

**Jason Harmelink**

Applicant Phone

**6056658455**

Applicant Address

**55334 HWY 121 CROFTON NE 68730**

Applicant Email Address

**jackbrandt@vyn.midco.net**

Name of the Surveyor / Engineer

**John Brandt**

Surveyor / Engineer Address

**1202 Wilowdale Rd., Yankton**

Surveyor / Engineer Phone

**6056658455**

Surveyor / Engineer Email

**jackbrandt@vyn.midco.net**

Surveyor / Engineer Contact Person

**Jack Brandt**

Owner Name

**Jason Harmelink**

Owner Phone

**6056658455**

Owner Address

**55334 HWY 121 CROFTON NE 68730**

Owner Email Address

**jackbrandt@vyn.midco.net**

Location of Property

**Lat: 42.961097 Lon: -97.402266**



Powered by Esri

Section Township Range

**13-94-56**

Tract or Lot Number

**Tract 1**

Number of Acres Being Platted

**58**

Addition Name

**Benson's Addition**

How is the Property Currently Being Used

**AG**

How Will the Property Be Used

**AG**

Is this Property an Existing Farmstead

**No**

If a Farmstead, How Many Acres Surround it

**0**

Has the Plat Been Approved By the City of Yankton

**No**

Is Owner Signature Notarized

**Yes**

Do you have Signatures and Approval from the Road Authority

**Yes**

Do you have the County Treasurer's Signature

**Yes**

Insert Plat Here

**PDF**    PLAT-.pdf  
111.8KB



Applicant Signature

A handwritten signature in black ink, appearing to read "Dan J. V." with a stylized, cursive script.

ApplicantSignature-.jpg

Owner Signature

A handwritten signature in black ink, appearing to read "Dan J. V." with a stylized, cursive script.

OwnerSignature-.jpg

Date of Application Submission

**Jul 29, 2025**

### 3. Separation Distances/Setbacks

- a. Separation Distances: Solar panels will be kept at least five hundred (500) feet from a residence, business, church, and building owned and/or operated by a governmental entity. Distance to be measured from the wall line of the neighboring principal building to the base of the solar panel.
  - b. Every SES shall observe a minimum rear and side yard setback of thirty (30) feet.
  - c. Every SES shall meet the minimum front yard setback of the applicable zoning district in which they are located.
  - d. Every SES shall be setback at least one hundred (100) feet from the highwater mark of any lake, stream, or river.
  - e. Except for front yard setbacks, all setback distances set forth herein shall be measured from the exterior of the fencing and gates which are required around the perimeter of all SES. Setbacks for front yards shall be measured from the base of the solar panel.
  - f. Projects including multiple, adjoining properties as part of the project plan, need not adhere to setbacks at point of connection between the adjoining properties.
  - g. Exception: The Board of Adjustment may allow setback/separation distances to be less than the established distance identified if the applicant obtains waivers from owners of property within the separation distance. If approved, such agreement is to be recorded and filed with the County Register of Deeds. Said agreement shall be binding upon the heirs, successors, and assigns of the title holder and shall pass with the land.
4. Aviation/Airport Protection: If required by state or federal agencies the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
5. Glare: All solar energy systems shall minimize glare from affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
6. Safety Fencing/Gates and Locks.
- a. All SES shall be fenced around the exterior of the SES with a fence at least six (6) feet in height.
  - b. All fencing and gates shall be constructed to substantially lessen the likelihood of entry into a SES by unauthorized individuals.
  - c. All gates to the fences of all SES shall be equipped with locks and shall always remained locked except for those times when the owner and/or operator, or their respective agents is/are using the gate for ingress and/or egress or is/are otherwise present and monitoring the SES.

**ARTICLE V**  
**GENERAL REQUIREMENT**

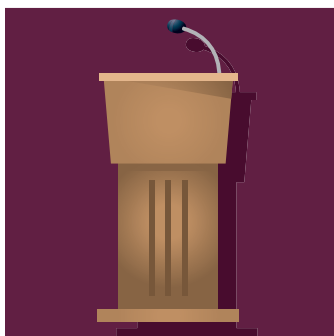
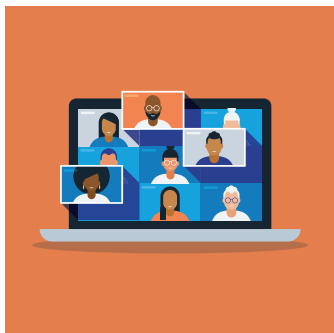
agreement is to be recorded and filed with the County Register of Deeds. Said agreement shall be binding upon the heirs, successors, and assigns of the title holder and shall pass with the land.

- iii. Separation Distance to be measured from the wall line of the neighboring principal structure to the base of the nearest solar panel.
- b. Setbacks:
  - i. Except for front yard setbacks, all setback distances set forth herein shall be measured from the exterior of the fencing and gates which are required around the perimeter of all SES. Setbacks for front yards shall be measured from the base of the nearest solar panel.
  - ii. Every SES shall observe a minimum rear and side yard setback of thirty (30) feet. Projects including multiple, adjoining properties as part of the project plan, need not adhere to setbacks at point of connection between the adjoining properties.
  - iii. Every SES shall meet the minimum front yard setback of the applicable zoning district.
  - iv. Every SES shall be setback at least one hundred (100) feet from the highwater mark of any lake, stream or river.
- 4. Aviation/Airport Protection: If required by state or federal agencies the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
- 5. Glare: All solar energy systems shall minimize glare from affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
- 6. Safety Fencing/Gates and Locks.
  - a. All SES shall be fenced around the exterior of the SES with a fence at least six (6) feet in height.
  - b. All fencing and gates shall be constructed to substantially lessen the likelihood of entry into a SES by unauthorized individuals.
  - c. All gates to the fences of all SES shall be equipped with locks or other means to provide restricted access, and shall always remained locked or otherwise restrict access except for those times when the owner and/or operator, or their respective agents is/are using the gate for ingress and/or egress or is/are otherwise present and monitoring the SES.
  - d. The fencing and gates shall be maintained in serviceable condition. Failure to maintain the fencing or gates required hereunder shall constitute a violation of this ordinance.
  - e. The fencing and gate requirements specified hereunder shall continue notwithstanding the fact that a SES is no longer operational and/or falls into disuse unless and until the SES is properly decommissioned.

4. Site Plan Required. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the Board of Adjustment.
5. Setbacks. Projects including multiple, adjoining properties as part of the project plan, need not adhere to setbacks at point of connection between the adjoining properties. Solar panels will be kept at least five hundred (500) feet from a residence. Exception: The Board of Adjustment may allow setback/separation distances to be less than the established distance identified, if the applicant obtains waivers from all dwellings and owners of property within the separation distance. If approved, such agreement is to be recorded and filed with the County Register of Deeds. Said agreement shall be binding upon the heirs, successors, and assigns of the title holder and shall pass with the land.
  - a. Every SES shall be setback at least thirty (30) feet from all property lines of the parcel land upon which the SES is located or to be located.
  - b. Every SES shall meet the minimum front yard setback of the applicable zoning district.
  - c. Every SES shall be setback at least one hundred (100) feet from the highwater mark of any lake, stream or river.
  - d. All setbacks and separation distances set forth herein shall be measured from the exterior of the fencing and gates which are required around the perimeter of all SES.
6. Aviation/Airport Protection: If required by state or federal agencies the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
7. Glare: All solar energy systems shall minimize glare from affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
8. Safety Fencing/Gates and Locks.
  - a. All SES shall be fenced around the exterior of the SES with a fence at least six (6) feet in height.
  - b. All fencing and gates shall be constructed to substantially lessen the likelihood of entry into a SES by unauthorized individuals.
  - c. All gates to the fences of all SES shall be equipped with locks and shall always remained locked except for those times when the owner and/or operator, or their respective agents is/are using the gate for ingress and/or egress or is/are otherwise present and monitoring the SES.

2. Power and Communication Lines. Power and communication lines running between banks of solar panels are allowed. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings may be required to be buried underground. Exemptions may be granted in instances where the natural landscape interferes with the ability to bury lines, or distance makes undergrounding infeasible.
3. Separation Distances/Setbacks
  - a. Separation Distances: Solar panels will be kept at least five hundred (500) feet from a residence, business, church, and building owned and/or operated by a governmental entity. Distance to be measured from the wall line of the neighboring principal building to the base of the solar panel.
  - b. Every SES shall observe a minimum rear and side yard setback of thirty (30) feet.
  - c. Every SES shall meet the minimum front yard setback of the applicable zoning district in which they are located.
  - d. Every SES shall be setback at least one hundred (100) feet from the highwater mark of any lake, stream, or river.
  - e. Except for front yard setbacks, all setback distances set forth herein shall be measured from the exterior of the fencing and gates which are required around the perimeter of all SES. Setbacks for front yards shall be measured from the base of the solar panel.
  - f. Projects including multiple, adjoining properties as part of the project plan, need not adhere to setbacks at point of connection between the adjoining properties.
  - g. Exception: The Board of Adjustment may allow setback/separation distances to be less than the established distance identified if the applicant obtains waivers from owners of property within the separation distance. If approved, such agreement is to be recorded and filed with the County Register of Deeds. Said agreement shall be binding upon the heirs, successors, and assigns of the title holder and shall pass with the land.
4. Aviation/Airport Protection: If required by state or federal agencies the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
5. Glare: All solar energy systems shall minimize glare from affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

5. Setbacks. Projects including multiple, adjoining properties as part of the project plan, need not adhere to setbacks at point of connection between the adjoining properties. Solar panels will be kept at least five hundred (500) feet from a residence. Exception: The Board of Adjustment may allow setback/separation distances to be less than the established distance identified if the applicant obtains waivers from all dwellings and owners of property within the separation distance. If approved, such agreement is to be recorded and filed with the County Register of Deeds. Said agreement shall be binding upon the heirs, successors, and assigns of the title holder and shall pass with the land.
  - a. Every SES shall observe a minimum rear and side yard setback of thirty (30) feet.
  - b. Every SES shall meet the minimum front yard setback of the applicable zoning district.
  - c. Every SES shall be setback at least one hundred (100) feet from the highwater mark of any lake, stream or river.
6. Aviation/Airport Protection: If required by state or federal agencies the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
7. Glare: All solar energy systems shall minimize glare from affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
8. Safety Fencing/Gates and Locks.
  - a. All SES shall be fenced around the exterior of the SES with a fence at least six (6) feet in height.
  - b. All fencing and gates shall be constructed to substantially lessen the likelihood of entry into a SES by unauthorized individuals.
  - c. All gates to the fences of all SES shall be equipped with locks and shall always remained locked except for those times when the owner and/or operator, or their respective agents is/are using the gate for ingress and/or egress or is/are otherwise present and monitoring the SES.
  - d. The fencing and gates shall be maintained in serviceable condition. Failure to maintain the fencing or gates required hereunder shall constitute a violation of this ordinance.
  - e. The fencing and gate requirements specified hereunder shall continue notwithstanding the fact that a SES is no longer operational and/or falls into disuse unless and until the SES is properly decommissioned.
  - f. Fences are exempt from Section 1616.03 and may further be constructed on property and right-of-way lines.



---

# 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 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.