

OFFICE OF BEADLE COUNTY STATE'S ATTORNEY



450 Third Street SW, Suite 108
Huron, SD 57350
Phone: 605-353-8430
Email: mmoore@beadlecounty.gov

Attorney General

March 6, 2024

MAR - 7 2024

Marty Jackley
Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501-8501

Re: Open Meeting Complaint Carlyle Township

Dear Attorney General Jackley:

I received two open meeting complaints dated February 28, 2024, signed by Mr. Terry Koerner. Both complaints are against Carlyle Township. The complaint regarding the February 27, 2024, meeting was an oral complaint received when he turned in the written complaint. I have enclosed copies of the complaint as required by SDCL 1-25-6. I have reviewed the complaints, the minutes of the meetings and the Township's response. The complaints focus on notices of the meetings. It appears both meetings are set up in law SDCL 8-5-1. The township is required to post an agenda on the door of the meeting place 24 hours in advance (SDCL 1-25.1.1). This appears to have been done for the February 27, 2024, meeting but not for the meeting on October 24, 2023. Based on the minutes it appears action was taken at the October 24, 2023, meeting. I was informed on March 5, 2024, that the people in charge of the meetings in Carlyle Township have been replaced and that corrective action will be taken to ensure compliance with SDCL 1-25.

Thus, I have concluded pursuant to SDCL 1-25-6 (3) I am referring this matter to the Open Meetings Commission. I have enclosed the complaint, and all investigation materials please forward this file to the Open Meetings Commission for further action.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "m. moore".

Michael R. Moore
Beadle County State's Attorney



OFFICE OF BEADLE COUNTY STATE'S ATTORNEY

450 Third Street SW, Suite 108
Huron, SD 57350
Phone: 605-353-8430
E mail: mmoore@besa.us

February 29, 2024

Stuart Neuharth
Chair Carlye Township

Re: Open Meeting Complaint

Dear Chair, Neuharth:

I received an open meeting complaint dated February 28, 2024, signed by Terry Koerner. The complaint alleges that public meetings were held on October 24, 2023, and February 27, 2024, where official action was taken, and the meetings were not noticed as required by law. Please provide me with what if any notice was published regarding the meetings and the proposed agenda. Any minutes from said meetings would also be helpful.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "M. Moore".

Michael R. Moore
Beadle County State's Attorney

STATE OF SOUTH DAKOTA)
: SS
COUNTY OF BEADLE)

IN CIRCUIT COURT
THIRD JUDICIAL CIRCUIT

TERRY KOERNER and,)
TODD KORNER)
Plaintiffs,)

FILE # _____

vs.)

COMPLAINT

CARLYLE TOWNSHIP,)
ADAM OSCHNER, STUART)
NEUHART, and GREG KRUEGER.)
Defendants.)

That on or about the 24th day of October, 2023, in the County of Beadle, State of South Dakota, Adam Oschner, Greg Kreuger, and Stuart Neuharth, as Township Supervisors of Carlyle Township in Beadle County did hold a Township meeting at which official action was taken without providing public notice as required by SDCL 1-25-1 and SDCL 1-25-1.1

That Complainants state that they are residents of Carlyle Township and file this Complaint based upon information obtained from the secretary of Carlyle Township requesting if a meeting was held on the 24th day of October, 2023 and also confirming that no public notice was given of the meeting and that an investigation evidencing that the foregoing Complaint is true and correct to the best of your Complainant's knowledge, information, and belief.

That this Complaint is being filed with the Beadle County State's Attorney for a determination that the Open Meeting Requirement has been violated.

Dated this 28 day of February 2024.



Terry Koerner - Complainant



Todd Koerner - Complainant

Subscribed and sworn to before me on this 18 day of February, 2024.



Notary Public, South Dakota

My commission expires May 20, 2027

Michael Moore

From: Carlyle Township <carlyletownship@gmail.com>
Sent: Monday, March 4, 2024 9:46 AM
To: Michael Moore
Cc: Adam Ochsner; Stuart & Cindy Neuharth; Greg Krueger
Subject: Re: Open Meeting Complaint

Yes that is accurate

On Mon, Mar 4, 2024 at 9:40 AM Michael Moore <mmoore@bcsa.us> wrote:

Just so I understand your procedure.

1. For each meeting the agenda is posted on the door for the 24 hour period preceding the meeting.
2. The minutes of the meetings are not published but would be available upon request
3. All meetings are held on the dates required under the law

For February 27, 2024 an agenda was posted on the door 24 hours prior. However, for the October 24, 2023 meeting there was no agenda thus no agenda was posted on the door prior to the meeting.

Michael R. Moore

Beadle County State's Attorney

450 3rd Street SW, Suite 108

Huron, SD 57350

(605) 353-8430

From: Carlyle Township <carlyletownship@gmail.com>
Sent: Monday, March 4, 2024 9:29 AM
To: Michael Moore <mmoore@bcsa.us>
Cc: Adam Ochsner <ochsnera@gmail.com>; Stuart & Cindy Neuharth <neuharthsc@santel.net>; Greg Krueger <gkru80@gmail.com>
Subject: Re: Open Meeting Complaint

Michael R. Moore

Beadle County State's Attorney

450 3rd Street SW, Suite 108

Huron, SD 57350

(605) 353-8430

From: Carlyle Township <carlyletownship@gmail.com>

Sent: Friday, March 1, 2024 9:44 AM

To: Adam Ochsner <ochsnera@gmail.com>

Cc: Michael Moore <mmoore@bcsa.us>; Stuart & Cindy Neuharth <neuharthsc@santel.net>; Greg Krueger <gkru80@gmail.com>

Subject: Re: Open Meeting Complaint

These meetings have an agenda posted on my front door.

On Fri, Mar 1, 2024, 9:43 AM Adam Ochsner <ochsnera@gmail.com> wrote:

Jessica,

If you would please let Mr. Moore and us know how notice is posted for the meetings. I know in past discussions it has been emails, posted on your front door, and posted in the Plainsman. That seems to be what the complaint referenced, how notice of the meetings was posted.

Thanks

Adam

On Fri, Mar 1, 2024 at 8:35 AM Carlyle Township <carlyletownship@gmail.com> wrote:

Good morning,

I am attaching a file that contains multiple documents. The first document is our meeting minutes from June 6th, 2023 reflecting our next meeting to be held on October 24th, 2023. The next document is our meeting minutes from October 24th, 2023. Following that is the meeting minutes from our last meeting on February 27th, 2024. I then attached an agenda for the meeting held on February 27th,

Carlyle Township

38950 218th St

Alpena, SD 57312

1-605-380-5571

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Carlyle Township

38950 218th St

Alpena, SD 57312

1-605-380-5571

--

Carlyle Township

38950 218th St

Alpena, SD 57312

1-605-380-5571

Agenda for Regular Township Meeting on February 27th at 7 pm at the Alpena Community Center

People Present:

Meeting called to order

Treasurers Report

Old business:

Update on culvert installation on 393rd St. Pay culvert bill to TrueNorth Steel.

Pay board members for the last meeting.

Dennis Kunze's debris in ditches

New business:

Pay Dale for blading roads and snow removal. Should there be a \$650 credit for overpayment last time?

Tabled Items:

Ibonds to be discussed once the bridge project is complete.

Trees in the ditches on 393rd St by the bridge

Public Comments:

Next meeting March 5th 7 pm at the Alpena Community Center.

Meeting Minutes for Regular Township Meeting on June 6th, 2023 at 7 pm at Alpena Community Center

People present: Adam Ochsner, Delwin Ochsner, Linda Ochsner, Ty Ochsner, Terry Koerner, Todd Koerner, Stuart Neuharth, Darrell Neuharth, Jessica Anderson, Greg Krueger, Daniel Sievers, Felishia Koerner

Stuart called the meeting to order

A petition was submitted to take the opt out to a vote. Jessica is shooting to have that vote on July 25th. We will have to hire 4 people to assist with the vote that day. There will be an absentee option. More information to come.

This information was provided by Adam Ochsner as an update on the bridge.

"Good Afternoon,

I have been in contact with Doug Ramsell, Chair and Jason Fritzsche, Beadle County Highway Superintendent, and they have asked that I send to you the discussion that was presented at the last meeting (May 30, 2023).

I do want to reiterate that the attached was discussion only, there wasn't a decision made by the Board of County Commissioners, nothing other than what was listed in the minutes of April 11, 2023, has been approved.

For reference, below is the excerpt from the County Commissioners minutes on what the motion was agreed to.

**PROCEEDINGS OF THE BEADLE COUNTY COMMISSION
APRIL 11, 2023**

The Carlyle Board met with the Commissioner to discuss the area between Section 13 & 14 in Carlyle Township where Bridge #03-17-261 used to be located.

Moved by Drake seconded Benson, motion carried to approve splitting 50/50 (County share not to exceed \$7,500.00) with Carlyle Township for a Hydraulic Engineer Study using the Engineer that the Township prefers since this project will not be a State Funded project to be done on Section 13 & 14 in Carlyle Township where Bridge #03-17-261 used to be located.

There was a significant amount of discussion had about the financial part of the bridge and also the process of getting the bridge completed.

We paid Pierce and Harris \$1750 which is half of the hydraulic study that was done.

We discussed which roads need to be graveled. The board is hoping to get some insight from Dale on what he thinks should be done.

Jessica requested a \$500 bonus as compensation for the extra time put in to this position. Adam Ochsner made a motion to approve and Greg Krueger seconded it. Jessica was paid \$550. \$500 for the bonus and \$50 for meeting dues.

Paid Stuart Neuharth \$50 for meeting dues.

Carlyle Township Meeting
Alpena Community Hall
October 24, 2023
7:00 PM

Members present: Stuart Neuharth: Chair, Darrell Neuharth: Treasurer, Adam Oschner: Supervisor and Greg Krueger: Supervisor. Absent: Jessica Anderson: Secretary (no agenda was presented to members)
Other township voters present: Tye Oschner, Terry Koerner, Todd Koerner, Felisha Koerner, Dan Sievers, Shane Hokanson and Audrey Dick. Cindy Neuharth (took minutes).

Meeting was called to order at 7:00 by Stuart.

Treasurer's report: Darrell shared the American Bank & Trust statement dated 9/30/23; balance of \$68,378.40. The township also has \$25,000.00 in CD's. Money from property taxes will also be coming, some in November and some next year with an approximate guess of \$13,000.00.

Adam shared a bill he had gotten from Dale Fuehrer with gravel he has hauled from Darwin's pit. Total of \$9951.60. Adam & Tye had Dale remove 3 trees in sec 14 & 15 that totaled \$650.00. Adam & Tye Oschner will pay this amount to Dale Fuehrer themselves so total bill due is \$9301.60 which is through 10/23/23. Jessica told Stuart that she has a bill from Darwin Oschner for the gravel but she didn't have an exact amount for Stuart prior to the meeting. It was mentioned that other roads need some gravel, however no specifics were given and it was stated that all the gravel is down for this year.

Old Business: Bridge: 393rd /near 216th St, Alpena. Adam shared the most recent bid and total estimates for the bridge. He had contacted 3 different companies requesting bids. Ray Glanzer declined bidding. Wipf said he could bid but wouldn't be able to look at the project until next year. Brian Feistner had looked at the bridge provided a bid which was in the amount of \$5,800.0. That along with Gary Garbe gravel/rock in the amount of \$5,200.00, Dale Fuehrer for hauling product \$3,300.00. True North Steel will deliver the suggested culvert size which would be 2-10' culverts in the amount of \$32,465.60. There was some discussion regarding the bridge. Adam made a motion in favor of moving forward with reconstructing the bridge and Stuart 2nd the motion. All in favor and all opposing say nay....and no one spoke either way. Adam will check with Brian and see when he can start the project. There is water in the bridge area now after 5" of rain so will see if it can be started now or if we need to wait. Will also check into the culverts and see if they will hold them if we pay for them now. It was suggested to wait to pay for them until we need them so will see what the options are.

New Business: Ditches: weed and tree removal. A letter was sent to township residents that was dated 6/6/23. Stated 33 feet from center of the road will need to be removed by October 1st. If these don't get removed they will be approached by a board supervisor. If this still isn't done the land owner should pay and this would be billed on the tax list as "removal or destruction of grass, weed, etc." Stuart has been by Dennis Kunzie's place 3 times and the last time waiting around an hour and was still unsuccessful by meeting with Dennis. The board will move this to next meeting which will be held in February 2024. In the meantime, they are going to try and find someone willing to mow these ditches if the landowner won't/can't and then they would be billed an unexact amount but \$450.00 was discussed. Also, the board will look into people who would be willing to remove trees. One name provided by Greg was Nate Norris. Will get his contact information to include in the letter the board will send out next year. Then it was suggested right on October 1st.. supervisor(s) will go throughout the township and see who needs another letter being more specific and a phone call from the supervisor on what needs to be done on their land and the details regarding this. Darrell will do some of the mowing if needed yet this fall. These ditches and trees all effect the snow and how it sets onto the roads on most roads but it can also be a problem because of the lay of the land. It is an issue that will be further discussed so it can effectively be approached next year.

Meeting adjourned by Stuart at 8:01pm. Adam made motion/Greg 2nd.

Next township meeting will be held last Tuesday in February which is February 27th, 2024 @ 7:00PM

Agenda for Regular Township Meeting on February 27th at 7 pm at the Alpena Community Center

People Present:

Meeting called to order

Treasurers Report

Old business:

Update on culvert installation on 393rd St. Pay culvert bill to TrueNorth Steel.

Pay board members for the last meeting.

Dennis Kunze's debris in ditches

New business:

Pay Dale for blading roads and snow removal. Should there be a \$650 credit for overpayment last time?

Tabled Items:

Ibonds to be discussed once the bridge project is complete.

Trees in the ditches on 393rd St by the bridge

Public Comments:

Next meeting March 5th 7 pm at the Alpena Community Center.

FW: Regular Meeting Agenda for 2/27/2024

2 messages

Cindy Neuharth <neuharthsc@santel.net>

Thu, Feb 29, 2024 at 4:06 PM

To: Carlyle Township <carlyletownship@gmail.com>, Michael Moore <mmoore@bcsa.us>

Cc: gkru80@gmail.com, ochsnera@gmail.com

From: Carlyle Township [mailto:carlyletownship@gmail.com]

Sent: Monday, February 26, 2024 1:20 PM

To: undisclosed-recipients:

Subject: Regular Meeting Agenda for 2/27/2024

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Carlyle Township

38950 218th St

Alpena, SD 57312

1-605-380-5571

 **February 27th 2024 Township Agenda.docx**
12K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>

Thu, Feb 29, 2024 at 8:13 PM

To: carlyletownship@gmail.com

Address not found



Your message wasn't delivered to **jasons@nlaglabs.com** because the domain nlaglabs.com couldn't be found. Check for typos or unnecessary spaces and try again.

The response from the remote server was:



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501
Phone (605) 773-3215
Fax (605) 773-4106
<http://atg.sd.gov>

MARTY J. JACKLEY
ATTORNEY GENERAL

BRENT K. KEMPEMA
CHIEF DEPUTY

May 1, 2024

Terry & Todd Koerner
39232 216th Street
Alpena, SD 57312

Re: In the Matter of Open Meeting Complaint 2024-06, Carlyle Township –
Beadle County

Dear Mr. Koerner,

This letter is to acknowledge receipt of an open meetings complaint filed by you against the Carlyle Township. Beadle County State's Attorney Michael Moore forwarded the complaint to the Open Meetings Commission for its review. Enclosed is a copy of all the materials I have received. A copy of the complaint materials has also been submitted to the Township for their response. I have asked the Township to file a response no later than June 30, 2024. I have also requested that the Township mail you a copy of any response they file.

The Open Meetings Commission meets periodically and has not scheduled its next meeting. I will notify you of the date, time and location of the next Commission meeting. I apologize for the delay in processing the complaint, due to lack of establishing a quorum of the Open Meetings Commission, we were unable to move forward with the complaint.

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "SRB".

Steven R. Blair
Assistant Attorney General

SRB/jm

Enclosures

Cc w/o Encl: Gary Garbe, Chair – Carlye Township
Michael Moore – Beadle County State's Attorney

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501

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Fax (605) 773-4106

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MARTY J. JACKLEY
ATTORNEY GENERAL

BRENT K. KEMPEMA
CHIEF DEPUTY

May 1, 2024

Gary Garbe, Chair
Carlye Township
38950 218th Street
Alpena, SD 57312

Re: In the Matter of Open Meeting Complaint 2024-06, Carlyle Township –
Beadle County

Dear Mr. Garbe,

I assist the South Dakota Open Meetings Commission with their duties. Beadle County State's Attorney Michael R. Moore has forwarded to the Commission, pursuant to SDCL 1-25-6(3), a complaint concerning the Carlyle Township. The complaint was signed by Terry Koerner. Enclosed is a copy of all the materials I have received.

If the Township wishes to file a response to the complaint, please send it to the above address on or before June 30, 2024. Please also send copies of any response to Terry Koerner (NEED ADDRESS), South Dakota (zip) and to Beadle County State's Attorney Michael R. Moore.

After I have received your response, all materials will be sent to the members of the Commission for their review. The Commission meets periodically and has not yet scheduled its next meeting. You will be given further notice of the meeting date, location, and time once the meeting has been scheduled. I apologize for the delay in processing the complaint, due to lack of establishing a quorum of the Open Meetings Commission, we were unable to move forward with the complaint.

May 1, 2024

Re: In the Matter of Open Meeting Complaint 2024-06, Carlyle Township – Beadle County

Page 2

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'SRB', with a horizontal line extending to the right.

Steven R. Blair
Assistant Attorney General

SRB/jm

Enclosures

Cc w/o Encl: Terry & Todd Koerner
Michael Moore – Beadle County State's Attorney

STATE OF SOUTH DAKOTA



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MARTY J. JACKLEY
ATTORNEY GENERAL

BRENT K. KEMPEMA
CHIEF DEPUTY

September 4, 2024

Gary Garbe, Chair
Carlye Township
38950 218th Street
Alpena, SD 57312

Re: In the Matter of Open Meeting Complaint 2024-06, Carlye Township –
Beadle County

Dear Mr. Garbe,

This letter is to remind you that the complaint filed by Terry and Todd Koerner against the Bennett County Board of Commissioners remains pending before the Open Meetings Commission.

As of the date of this letter, the Commission has received no response to the complaint from the Board of Commissioners. If the Board of Commissioners intends to respond to the Complaint, you have until **September 20, 2024** to do so. When responding, please send copies of any response to Terry and Todd Koerner 39232 216th street, Alpena, South Dakota 57312 and to Beadle County State's Attorney Michael R. Moore.

The Commission meets periodically and has not yet scheduled its next meeting. You will be given further notice of the meeting date, location, and time once the meeting has been scheduled.

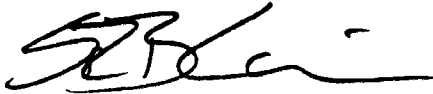
September 4, 2024

Re: In the Matter of Open Meeting Complaint 2024-06, Carlyle Township – Beadle County

Page 2

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'SRB', with a long horizontal flourish extending to the right.

Steven R. Blair
Assistant Attorney General

SRB/jm

Enclosures

Cc w/o Encl: Terry & Todd Koerner
Michael Moore – Beadle County State's Attorney

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501

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MARTY J. JACKLEY
ATTORNEY GENERAL

BRENT K. KEMPEMA
CHIEF DEPUTY

October 21, 2024

Terry & Todd Koerner
39232 216th Street
Alpena, SD 57312

Gary Garbe, Chair
Carlye Township
38950 218th Street
Alpena, SD 57312

Re: In the Matter of Open Meeting Complaint 2024-06, Carlye Township – Beadle County

Dear Mr. Koerner & Mr. Garbe,

Enclosed please find a Notice of Hearing regarding the above referenced open meetings complaint. Also enclosed, please find a courtesy copy of the proposed agenda for the Commission's November 25, 2024 meeting. As you can see from the agenda, presentations regarding complaints will begin at 9:00 a.m. central time, or as soon thereafter as matters may be heard.

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "SRB".

Steven R. Blair
Assistant Attorney General

SRB/jm
Enclosure

STATE OF SOUTH DAKOTA
OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN)	OMC 2024-05
MEETINGS COMPLAINT AGAINST)	
CARLYE TOWNSHIP – UNION)	NOTICE OF HEARING
COUNTY)	

TO: Terry & Todd Koerner, 39232 216th Street, Alpena, South Dakota 57312; and Gary Garbe, Carlye Township, 38950 218th Street, Alpena, South Dakota 57312:

Please take notice that a hearing regarding the above referenced open meetings complaint will be held before the South Dakota Open Meetings Commission, at the Matthews Training Center – Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota, on Monday, November 25, 2024. Oral presentations regarding pending complaints will commence at 9:00 a.m. central time, or as soon thereafter as matters may be heard, and proceed in the order noted in the attached agenda.

Dated this 21st day of October, 2024.



Steven R. Blair
Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501
Telephone: (605) 773-3215

SOUTH DAKOTA OPEN MEETINGS COMMISSION

AGENDA

Matthews Training Center – Foss Building
523 E. Capitol Avenue
Pierre, South Dakota 57501

November 25, 2024
9:00 a.m. Central Time

1. Approval of the Agenda
2. Public Comment period as per SDCL 1-25-1
3. Consideration of Pending Complaints

A. In the Matter of Open Meeting Complaint 2024-06 Carlyle Township

Oral Presentations:

Complainants Terry and Todd Koerner -15 minutes (a portion of this time may be reserved for rebuttal)

Carlyle Township -15 minutes

B. In the Matter of Open Meeting Complaint 2024-07 Pennington County Board of Commissioners

Oral Presentations:

Complainants Deb Hadcock and Travis Lasseter -15 minutes (a portion of this time may be reserved for rebuttal)

Pennington County Board of Commissioners -15 minutes

C. In the Matter of Open Meeting Complaint 2024-08 Sturgis City Council

Oral Presentations:

Complainant Tammy Bohn -15 minutes (a portion of this time may be reserved for rebuttal)

Sturgis City Council -15 minutes

D. In the Matter of Open Meeting Complaint 2024-09 City Of Lead Commission

Oral Presentations:

Complainant Gordon Phillips -15 minutes (a portion of this time may be reserved for rebuttal)

City of Lead Commission -15 minutes

[LUNCH BREAK 12:00-1:00 P.M CENTRAL TIME]

E. In the Matter of Open Meeting Complaint 2024-10 Green Valley Sanitary District

Oral Presentations:

Complainant Steven Myers -15 minutes (a portion of this time may be reserved for rebuttal)

Green Valley Sanitary District -15 minutes

F. In the Matter of Open Meeting Complaint 2024-11 Charles Mix County Commission

Oral Presentations:

Complainants Jeff and Jolene Stewart -15 minutes (a portion of this time may be reserved for rebuttal)

Charles Mix County Commission -15 minutes

G. In the Matter of Open Meeting Complaint 2024-12 Tripp City Council

Oral Presentations:

Complainants Cody Fischer -15 minutes (a portion of this time may be reserved for rebuttal)

Tripp City Council -15 minutes

8. Discussion regarding future meeting.

All items are scheduled for 09:00 a.m. Central Time. Scheduled items may be delayed or moved to a later agenda item at the discretion of the OMC.

Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Attorney General's Office, 605-773-3215, at least 48 hours before the meeting if you have a disability for which special arrangements must be made.

STATE OF SOUTH DAKOTA
OPEN MEETINGS COMMISSION

IN THE MATTER OF OPEN)	OMC 2024-06
MEETINGS COMPLAINT AGAINST)	
CARLYE TOWNSHIP – BEADLE)	CERTIFICATE OF SERVICE
COUNTY)	

The undersigned hereby certifies that a true and correct copy of the Notice of Hearing and proposed Agenda in the above-captioned matter, were served by United States mail, first class, postage prepaid upon Terry & Todd Koerner, 39232 216th Street, Alpena, South Dakota 57312; and Gary Garbe, Carlye Township, 38950 218th Street, Alpena, South Dakota 57312, on this 21st day of October 2024.



Steven R. Blair
Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501
Telephone: (605) 773-3215

STATE OF SOUTH DAKOTA



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MARTY J. JACKLEY
ATTORNEY GENERAL

BRENT K. KEMPEMA
CHIEF DEPUTY

November 4, 2024

Terry & Todd Koerner
39232 216th Street
Alpena, SD 57312

Gary Garbe, Chair
Carlye Township
38950 218th Street
Alpena, SD 57312

Re: In the Matter of Open Meeting Complaint 2024-06, Carlye Township – Beadle County

Dear Mr. Koerner & Mr. Garbe,

Enclosed please find a courtesy copy of the revised proposed agenda for the Commission's November 25, 2024 meeting. A Microsoft Teams link has been arranged that will allow the parties to appear remotely if they desire. Please let me know, as soon as possible, if you intend to appear remotely or in person. Also, please provide your email address and phone number so that you can be reached if technical difficulties arise. I can be reached at steven.blair@state.sd.us. As previously indicated, presentations regarding complaints will begin at 9:00 a.m. central time or as soon thereafter as matters may be heard.

If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Blair".

Steven R. Blair
Assistant Attorney General

SRB/jm
Enclosure

SOUTH DAKOTA OPEN MEETINGS COMMISSION

AGENDA

Matthews Training Center – Foss Building
523 E. Capitol Avenue
Pierre, South Dakota 57501

November 25, 2024
9:00 a.m. Central Time

1. Approval of the Agenda
2. Public Comment period as per SDCL 1-25-1
3. Consideration of Pending Complaints

A. In the Matter of Open Meeting Complaint 2024-06 Carlyle Township

Oral Presentations:

Complainants Terry and Todd Koerner -15 minutes (a portion of this time may be reserved for rebuttal)

Carlyle Township -15 minutes

B. In the Matter of Open Meeting Complaint 2024-07 Pennington County Board of Commissioners

Oral Presentations:

Complainants Deb Hadcock and Travis Lasseter -15 minutes (a portion of this time may be reserved for rebuttal)

Pennington County Board of Commissioners -15 minutes

C. In the Matter of Open Meeting Complaint 2024-08 Sturgis City Council

Oral Presentations:

Complainant Tammy Bohn -15 minutes (a portion of this time may be reserved for rebuttal)

Sturgis City Council -15 minutes

D. In the Matter of Open Meeting Complaint 2024-09 City Of Lead Commission

Oral Presentations:

Complainant Gordon Phillips -15 minutes (a portion of this time may be reserved for rebuttal)

City of Lead Commission -15 minutes

[LUNCH BREAK 12:00-1:00 P.M CENTRAL TIME]

E. In the Matter of Open Meeting Complaint 2024-10 Green Valley Sanitary District

Oral Presentations:

Complainant Steven Myers -15 minutes (a portion of this time may be reserved for rebuttal)

Green Valley Sanitary District -15 minutes

F. In the Matter of Open Meeting Complaint 2024-11 Charles Mix County Commission

Oral Presentations:

Complainants Jeff and Jolene Stewart -15 minutes (a portion of this time may be reserved for rebuttal)

Charles Mix County Commission -15 minutes

G. In the Matter of Open Meeting Complaint 2024-12 Tripp City Council

Oral Presentations:

Complainants Cody Fischer -15 minutes (a portion of this time may be reserved for rebuttal)

Tripp City Council -15 minutes

8. Discussion regarding future meeting.

All items are scheduled for 09:00 a.m. Central Time. Scheduled items may be delayed or moved to a later agenda item at the discretion of the OMC.

If you wish to join this meeting by **Microsoft Teams** please join meeting at:

Meeting ID: 237 127 537 841

Passcode: YmqUmF

Or to join by **telephone** dial:

(605) 679-7263 with Phone conference ID: **212 419 247#**

Notice is given to individuals with disabilities that this meeting is being held in a physically accessible location. Please notify the Attorney General's Office, 605-773-3215, at least 48 hours before the meeting if you have a disability for which special arrangements must be made.