Attorney General

OCT - 5 2026

OFFICE OF STATE'S ATTORNEY
HUTCHINSON COUNTY
201 W. Mentor Street, Room 114
Olivet, South Dakota 57052
Telephone 605-387-4203

September 30, 2026

Office of the Attorney General
Attn: Open Meetings Commission
1302 S.D. E. Hwy 1889, Ste 1
Pierre, SD 57501-8501

Re: Open Meeting Complaint regarding City of Tripp, SD

Dear Open Meeting Commission:

Please be advised that I am the State's Attorney for Hutchinson County. On September 4, 2026 I was provided an open meeting violation complaint from Tripp, SD resident Stephanie Budihas. A copy of that complaint is enclosed. Pursuant to SDCL 1-25-6, I engaged in an investigation of the complaint. I sent an inquiry letter to the City of Tripp mayor Brian Sandau requesting a response to Budihas's complaint. That letter is also enclosed. On September 16, 2026 I received a responsive email from City of Tripp attorney Mike Fink. That response is again enclosed. In the response, the City of Tripp admits the two violations. It appears from the response that this may have been an oversight in light of the revised laws concerning the reason for entering executive session. It also appears that a new motion practice and minute practice has been adopted.

Based upon this admission, and it also appearing from the minutes that there have been two violations of failure to state the reason for entering executive session, my investigation concludes that there have been two violations of SDCL 1-25-2 for the dates of July 20, 2026 and August 17, 2026. Because of the remedial action and specific plans to improve public awareness I am declining to prosecute this matter under title 23A. I have had no other reported issues with the City of Tripp since starting as State's Attorney in January of 2025. Given my prosecutorial discretion, I am referring this matter to you for disposition as you chose pursuant to SDCL 1-25-6(3). Although certainly not binding, I would recommend that you impose a minimal reprimand as I am confident further Tripp meetings will be held according to statute, and the City of Tripp may not have been adequately aware of the change in statute in July of 2026.

I will fully support the determination of your Commission, and I appreciate your attention to this matter.

Regards,

Rob Konrad
Hutchinson County State's Attorney

Laserfiche

STATE OF SOUTH DAKOTA

COUNTY OF HUTCHINSON

SWORN OPEN MEETINGS COMPLAINT

Alleged Violations of SDCL Chapter 1-25

City of Tripp City Council - July 20 and August 17, 2026

Submitted to:	Robert Konrad, Hutchinson County State's Attorney 201 W. Mentor Street, Room 114 Olivet, SD 57052
Complainant:	Stephanie Budihas
Public body:	City of Tripp City Council
Subject:	Executive-session motions and minutes after the July 1, 2026 effective date of the amended SDCL 1-25-2

COMPLAINT

I, Stephanie Budihas, submit this sworn complaint pursuant to SDCL 1-25-6 and SDCL 23A-2-1 and request review of the City of Tripp City Council's executive-session procedures at its July 20, 2026 and August 17, 2026 regular meetings. I am not alleging that the substance of either closed-session discussion was necessarily improper. My complaint is narrower: the published minutes appear to record motions to close the meetings without stating the applicable subdivision of SDCL 1-25-2 or any other applicable law, even though that requirement was in effect for both meetings.

FACTUAL ALLEGATIONS

1. The City of Tripp City Council is a municipal public body and political subdivision subject to South Dakota's open-meetings requirements in SDCL chapter 1-25.

2. The 2026 Legislature enacted Senate Bill 47, revising SDCL 1-25-2. Under SDCL 2-14-16, the amendment became effective July 1, 2026. The South Dakota Attorney General also publicly announced that the Attorney General's 2026 legislative measures, including the open-meetings changes, became law July 1, 2026.

3. The amended SDCL 1-25-2 provides that a motion to enter executive session must state the applicable subdivision of SDCL 1-25-2, or another applicable law, pursuant to which the executive session is to be held. The statute further requires the motion and vote to be reported in the minutes and limits closed-session discussion to the purpose specified in the motion.

4. The same public body was previously the subject of OMC 2024-12, arising from an open-meetings complaint submitted by Council member Cody Fischer. The South Dakota Open Meetings Commission determined that the Tripp City Council failed to comply with a mandatory procedural requirement of SDCL chapter 1-25 and formally reprimanded the Council. Following that decision, the Legislature amended SDCL 1-25-2 effective July 1, 2026, to impose an express requirement that every motion to enter executive session identify the applicable statutory subdivision or other legal authority. The City's published July 20 and August 17, 2026 minutes, addressed below, appear not to record the statutory citation required by the amended law.

5. SDCL 1-25-1 separately provides that 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 meeting.

6. The City of Tripp's official July 20, 2026 minutes state: "Motion by Jeff Friman and seconded by Glen Batterman to go into executive session at 8:35pm. Motion Carried." The minutes then state that Mayor Brian Sandau declared the Council out of executive session at 9:16 p.m. and that no action was taken. As recorded, the motion states neither a purpose for the executive session nor the applicable subdivision of SDCL 1-25-2 or another law authorizing closure.

7. Because the July 20 meeting occurred after July 1, 2026, the express subdivision-and-minutes requirements of amended SDCL 1-25-2 were already in effect.

8. The City's official minutes for the August 17, 2026 regular meeting state: "Motion by Mark Mora and seconded by Randy Squier to go into executive session for personnel & legal at 9:02pm. Motion Carried." The minutes later state that Mayor Brian Sandau declared the Council out of executive session at 10:05 p.m. and that no action was taken.

9. The quoted August 17 motion uses the general descriptions "personnel & legal," but the published minutes do not state SDCL 1-25-2(1), SDCL 1-25-2(3), any other subdivision, or another applicable law.

10. The terms "personnel" and "legal" may describe subjects that could, depending on the actual facts, fit within an authorized executive-session purpose. For example, SDCL 1-25-2(1) addresses specified personnel matters, and SDCL 1-25-2(3) addresses consultation with or communications from legal counsel concerning

Laserfiche

proposed or pending litigation or contractual matters. My complaint does not assume that the underlying subjects were unauthorized. The issue presented is whether the statutory authority required for closure was actually stated in the motion and properly reported in the minutes.

11. If the applicable statutory subdivision was stated orally at either meeting but omitted from the published minutes, I request review of whether the minutes complied with the separate requirement in SDCL 1-25-2 that the motion and vote to enter executive session be reported in the minutes.

12. If the applicable subdivision or other law was not stated orally, I request review of whether the Council entered executive session contrary to SDCL 1-25-1 and SDCL 1-25-2.

13. I make no allegation in this complaint that any particular council member acted with corrupt intent or that any unlawful subject was in fact discussed behind closed doors. I request investigation and a legal determination based on the actual motions, meeting records, and statements of persons present.

ALLEGED VIOLATIONS FOR REVIEW

COUNT I - July 20, 2026

The July 20, 2026 official minutes expressly record a motion "to go into executive session at 8:35pm. Motion Carried." The recorded motion states no executive-session purpose and does not cite the applicable subdivision of SDCL 1-25-2 or any other applicable law. Because the meeting occurred after the July 1, 2026 effective date of the amended statute, I request a determination whether the motion and minutes complied with SDCL 1-25-1 and 1-25-2.

COUNT II - August 17, 2026

The August 17, 2026 minutes expressly record a motion "to go into executive session for personnel & legal" but do not state the applicable subdivision of SDCL 1-25-2 or any other applicable law. I request a determination whether that motion and the resulting minutes complied with SDCL 1-25-1 and 1-25-2.

REQUESTED INVESTIGATION AND DISPOSITION

1. Obtain and review any audio or video recording of the open portions of the July 20 and August 17, 2026 meetings, including the exact motions and votes to enter executive session.
2. Obtain the agendas, approved minutes, clerk/finance-officer notes, draft minutes, and any contemporaneous record showing the wording of the executive-session motions.
3. Determine whether an applicable SDCL 1-25-2 subdivision or other law was stated orally at either meeting and, if so, whether it was omitted from the official minutes.
4. Determine whether each vote to enter executive session was unanimous; if not unanimous, determine whether the vote was taken by roll call as required by SDCL 1-25-2.
5. Identify the persons who attended each executive session and, to the extent permitted without unnecessarily disclosing privileged or protected information, determine whether discussion remained within the purpose announced in the motion.
6. Take the action required by SDCL 1-25-6, including prosecution if warranted, a determination of no merit if appropriate, or referral of the complaint and investigatory file to the South Dakota Open Meetings Commission for further action.

AUTHORITIES

- SDCL 1-25-1 - official meetings are open unless a specific law is cited to close the meeting.
- SDCL 1-25-2 - permitted executive-session purposes; vote requirements; motion must state applicable subdivision or other law; motion and vote must be reported in the minutes; discussion restricted to stated purpose.
- SDCL 1-25-6 - duties of the state's attorney upon receipt of an open-meetings complaint made pursuant to SDCL 23A-2-1.
- SDCL 23A-2-1 - complaint is a written statement of essential facts and must be signed under oath before a person authorized to administer oaths.
- SDCL 2-14-16 - acts passed at a regular legislative session without another effective date take effect July 1 after passage.
- 2026 Senate Bill 47 / Session Laws 2026, chapter 6 - amendment to SDCL 1-25-2.
- OMC 2024-12 - Open Meetings Commission decision concerning the Tripp City Council.

VERIFICATION UNDER OATH

I, Stephanie Budihas, being first duly sworn upon oath, state that I have read the foregoing complaint. The factual statements are true and correct to the best of my knowledge, information, and belief. I understand that

Laserfiche

this complaint is being submitted for investigation under South Dakota law. I have not knowingly included any false statement.

Stephanie Budihas, Complainant
Date: 09/04/2026
Complainant mailing address: 305 E Dakota St
City/State/ZIP: Tripp SD 57376
Phone/email: 605-660-9471

SUBSCRIBED AND SWORN before me on this 4th day of September, 2026.

Notary Public, South Dakota
My Commission Expires: 11-08-2031

Laserfiche

EXHIBIT A

July 20th, 2026

The city council met in regular session in the council chambers at 7:30 p.m.

The meeting was called to order at 7:30 pm by Mayor Brian Sandau.

Present: Glen Batterman, Cody Fischer, Jeff Friman, Marcillio Mora, Mark Mora

Absent: Randy Squier

Also, in attendance: Todd Gross, Dana Horn, Corrinna Wagner, Billy Harp, Johnny Morris, Andrew Ravelo, Corey Vernon, Cheslea Hinderliter

Andrew Ravelo came for public comment asking for Donation for Highschool Magic Club.

Motion was made by Glen Batterman and seconded by Jeff Friman to approve the agenda with no additions or corrections. Motion Carried.

The minutes of the City Council meeting from July 20th were read. Motion by Jeff Friman and Seconded by Cody Fischer to approve the minutes with no changes or corrections. Motion Carried.

The bills for July 2026 were audited.

SOUTH DAKOTA 811	36.96	LOCATES
AVID HAWK	49.00	WEBSITE FEE
CARDMEMBER SERVICES	2210.23	CREDIT CARD
CITY OF MITCHELL	1907.52	LANDFILL FEES
CITY OF SIOUX FALLS	26.37	WATER TESTING
SPENCER QUARRIES	302.60	OMEGA MIX
CORRINNA WAGNER	40.00	CELL REMIBURSEMENT
DAKOTA PRO	2153.07	MAIN ST STRIPPING
DANA HORN	40.00	CELL REMIBURSMENT
FINK LAW OFFICE	551.97	ATTORNEY FEES
GROSZ SAND AND GRAVEL	63.12	SAND
HAWKINS INC	3368.95	CHEMICAL
HEALTH POOL OF SD	6493.78	HEALTH INSURANCE
HELENA AGRI-ENT	57.02	CHEMICAL
HENKE TRACTOR REPAIR	18.56	SLEEVE
JEN GEMAR	50.45	REFUND SUMMER READING
KAYLA ALBRECHT	40.00	CELL REMIBURSMENT
KAYLA ALBRECHT	68.76	REFUND SUMMER READING
LEAH BREWER	76.70	WATER DEPOSIT
MADISON NATIONAL LIFE INS	32.00	LIFE INSURANCE
MCLEODS PRINTING & OFFICE SUPP	39.90	SUPPLIES
NORTHWESTERN ENERGY	80.64	ELECTRIC

Laserfiche

PARKSTON ADVANCE	82.78	PUBLISHING
PARKSTON ELECTRIC	1196.70	POOL ELECTRIC PARTS
POWERS PORT A POT	225.00	JUNE RENTAL
RONS MARKET	137.55	SUPPLIES
RUNNINGS	193.32	SUPPLIES
SANDAU CONSTRUCTION	8757.22	FIX POOL & WINDOW CITY HALL
SANTEL	339.59	TELEPHONE AND INTERNET
SCHEETZ IMPLEMENT	234.65	GRASSHOPPER TIRE
SCHOENFISH AND CO INC	15000.00	AUDIT
SD DEPT OF REVENUE	623.34	SALES TAX
SOUTHEASTERN ELECTRIC	67.35	LAGOON ELECTRIC
THEIN WELL	18124.82	WELL 2 REPAIR
TODD GROSS	40.00	CELL REMIBURSMENT
TRIPP FARMERS LUMBER COMPANY	116.19	SUPPLIES
VERIZON	80.02	cellphone and water modem
WEBER SANITATION	500.00	ROLLOFF FEE

Motion was made by Glen Batterman and seconded by Mark Mora to approve the bills. Motion Carried.

Dana Horn and Todd Gross gave the water, sewer & streets report. Hydrants are almost all in, 2 left to be put in by the school. We ordered 3 more hydrants to replace the ones that failed this spring. Waiting to hear from the Chip seal company to see when they will start their warranty work. Council would like Dana and Todd to paint the corners that are no parking yellow. Rural water will be contacting us soon to start the pot holing. Got a quote from Dakota pump to repair the well house for $2366.88 parts are always on hand they said we can hold off on that repair. Pool pump went bad, replaced it with refurbished pump now it is leaking will be getting fixed by Dakota Pump.

Motion by Cody Fischer and seconded by Mark Mora to approve Dakota Pump to repair the Lagoon for $5357.59. Motion Carried.

Police Chief Corrinna Wagner gave a copy of the police report.

Motion by Mark Mora and seconded by Glen Batterman to approve Corrinna Wagner to purchase a Glock 9mm Gen 5 for $564.99 & 8/70 Remmington for $555.99. Motion Carried.

Motion by Jeff Friman and seconded by Cody Fischer to approve Brad Georgerson to install gun rack in the City Police pick up for $350. Motion Carried.

Motion by Cody Fischer and seconded by Jeff Friman to surplus the old police radar, getting bids from Brad Geogerson, Cody Fischer & Ryan Antaya and permission to sell at price of bids. Motion Carried.

Motion by Glen Batterman and seconded by Mark Mora to approve the following ordinance:

CITY OF TRIPP

Laserfiche

ORDINANCE No. 2026-07

AN ORDINANCE AMENDING TRIPP CITY ORDINANCE, TITLE 3, CHAPTER 3.01, SECTION 3.0102, (TO ADD A NEW SUBSECTION: 3.0102(J)):

BE IT ORDAINED BY THE CITY OF TRIPP, SOUTH DAKOTA, THAT TITLE 3, CHAPTER 3.01. SECTION 3.0102 (ACTS, OMISSIONS AND CONDITIONS PROHIBITED) – BE AMENDED, BY ADDING A NEW SUBSECTION (J), WHICH READS AS FOLLOWS:

3.0102 "(J) RIGHT OF ENTRY.
When it is necessary to make an inspection to enforce the provisions of this chapter, or when the City Council, or its representative, has reasonable cause to believe that there exists upon a premises, a condition that constitutes a nuisance or otherwise violates the provisions of this chapter, in such a manner that makes the premises unsafe, dangerous, dilapidated, or hazardous. the City's representative may enter the premises (and any buildings/structures located thereon) at reasonable times, to inspect or to otherwise perform the duties imposed by this Code. If any building or premises be occupied, then the City's representative shall present his/her credentials to the occupant prior to entering. If any building or premises be unoccupied, the City's representative shall, prior to entering, make a reasonable effort to locate the owner or other person having charge or control of the premises, and give notice of his/her intent to enter and inspect. If entry is refused, the City's representative shall have recourse by virtue of any remedy provided for by law, including (but not limited to) an application for inspection warrant, to be issued by a Court of competent jurisdiction."

Motion Carried.

First Reading: July 23rd, 2026

Motion by Mark Mora and seconded by Jeff Friman to give Billy Harp a 180-day extension on his trailer house repairs and then Joel must inspect it. Motion Carried.

Motion by Jeff Friman and seconded by Glen Batterman to go into executive session at 8:35pm. Motion Carried.

Mayor Brian Sandau declared us out of executive session at 9:16pm.

No action was taken.

There was no other business brought before the board Moved by Mark Mora and seconded by Cody Fischer to adjourn at 9:17 pm. Motion Carried.

Attested
Kayla Albrecht
Finance Officer

Brian Sandau
Mayor

Laserfiche

EXHIBIT B

August 17th, 2026

The city council met in regular session in the council chambers at 7:30 p.m.

The meeting was called to order at 7:30 pm by Mayor Brian Sandau.

Present: Glen Batterman, Cody Fischer, Jeff Friman, Marcillio Mora, Mark Mora, Randy Squier

Also, in attendance: Todd Gross, Dana Horn, Corrinna Wagner, Johnny Morris, Andrew Ravelo, Nicole Morris, John Morris, Willmer & Wilma Herr, Caleb Finck, Dave Lambert, Chris Gall, Lennis Melhaff

Motion was made by Randy Squier and seconded by Jeff Friman to approve the agenda with no additions or corrections. Motion Carried.

The minutes of the City Council meeting from July 20th were read. Motion by Mark Mora and Seconded by Cody Fischer to approve the minutes with no changes or corrections. Motion Carried.

The bills for August 2026 were audited.

AMERICAN GARAGE DOOR	229.59	SHOP DOOR
AVID HAWK	49.00	WEBSITE
CARDMEMBER SERVICES	2087.35	CREDIT CARD
CITY OF MITCHELL	1612.80	LANDFILL FEES
CITY OF SIOUX FALLS	26.37	WATER TESTING
CORRINNA WAGNER	40.00	CELL REMIBURSMENT
CRIMESTAR	400.00	ANNUAL SUPPORT
DANA HORN	143.36	CELL REMIBURSMENT
DEPARTMENT OF TRANSPORTATION	166.35	YELLOW PAINT
DISPLAY SALES	154.00	CHRISTMAS LIGHT BULBS
FINK LAW OFFICE	1464.35	ATTORNEY FEES
GALLS AUTO REPAIR	161.50	SERVICE
HAWKINS INC	3001.41	CHEMICAL
HEALTH POOL OF SD	12987.56	JULY & AUGUST HEALTH INSURANCE
HELENA AGRI-ENT	146.74	SUPPLIES
JOEL JOHNSON	487.69	CODE ENFORCEMENT
KAYLA ALBRECHT	293.36	CELL REMIBURSMENT
MEHLHAFF TRUCKING	811.72	GRAVEL
MID CONTINENTAL RESTORATION	16508.00	CITY HALL BUILDING REPAIRS
MADISON NATIONAL LIFE INS	16.00	LIFE INSURANCE
NORTHWESTERN ENERGY	9673.25	ELECTRIC
PARKSTON ADVANCE	179.47	PUBLISHING
PARKSTON ELECTRIC	220.49	POOL PUMP MOTOR
POPHAM CONSTRUCTION	5856.00	STREET SWEEPING
POWERS PORT A POT	450.00	JULY RENTAL
RONS MARKET	87.45	SUPPLIES

Laserfiche

RUNNINGS	22.92	SUPPLIES
SANTEL	342.11	TELEPHONE AND INTERNET
SCHEETZ IMPLEMENT	2.08	HEX BOLT
SD DEPT OF REVENUE	517.61	SALES TAX
SOUTH DAKOTA PUBLIC ASSURANCE	28438.13	INSURANCE
SOUTHEASTERN ELECTRIC	63.81	LAGOON ELECTRIC
TODD GROSS	40.00	CELL REMIBURSEMENT
TRIPP ACTION GROUP	65.00	COMMUNITY CALENDARS
TRIPP FARMERS LUMBER COMPANY	103.01	SUPPLIES
VERIZON	80.02	WATER MODEM/POLICE COMP
VESTIS	137.88	RUGS
WEBER SANITATION	250.00	ROLL OFF FEE
ZIEGLER MANUFACTURING AND REPA	160.00	WELD PAYLOADER BUCKET
ZIEGLER MANUFACTURING AND REPA	120.60	3"X1" FLAT

Motion was made by Marcillio Mora and seconded by Glen Batterman to approve the bills. Motion Carried.

Dana Horn and Todd Gross gave the water; sewer & streets report South Well motor shorted out Thien Well pulled it and replace pump & motor. Well 3 pump& Spare for well 2 were sent to Sioux falls to be repaired. South Dakota Rural water has started potholing city side water lines, 97 in total need done, 24 have been finished so far. Out of the 24 done all lines are copper or poly. We have had no contact from our chip seal company. 9 new fire hydrants have been installed and 2 new cattle hydrants at the fair grounds by precision grading. Pool is shut down for the season & Parkston Electric will start replacing the electric.

Police Chief Corrinna Wagner gave a copy of the police report. Handheld radio hasn't been working for two months, Vantek has been here twice to try and fix them.

Motion by Jeff Friman and seconded by Cody Fischer to approve purchasing a radio from First net for .99cents with a monthly charge of $30 for the service, no contract. Motion Carried.

Motion by Mark Mora and seconded by Marcillio Mora to approve a building permit for Willmer and Wilma Herr to build a ramp by front door. Motion Carried.

Motion by Glen Batterman and seconded by Mark Mora to approve a building permit for an Air conditioner on the west side of Galls Auto. Motion Carried.

Motion by Jeff Friman and seconded by Glen Batterman to make a one-time donation of $250 to Andrew Ravelos Magic Club formed at Tripp Delmont School. Motion Carried.

Tripp Development Corporation came before the council to share information about the new houses in town & the benefits it is bringing to our community.

Laserfiche

Motion by Cody Fischer and seconded by Glen Batterman to approve the following resolution:

RESOLUTION

A resolution of the City Council of Tripp declaring its support for, and adoption of, the 2026 Hutchinson County Hazard Mitigation Plan.

WHEREAS a Hazard Mitigation Plan for Hutchinson County (the Plan) has been developed; and

WHEREAS the City of Tripp participated in the development of the Plan; and

WHEREAS the Plan will be used as a disaster mitigation planning tool as deemed appropriate by the Tripp City Council.

NOW THEREFORE BE IT RESOLVED that the Tripp City Council hereby adopts and supports the Plan and will take action to ensure that the Plan is implemented.

Adopted and approved this 17th day of August 2026.

Motion Carried.

Motion by Glen Batterman and seconded by Mark Mora to put the zoning ordinance on the first reading with structure format changed. Motion Carried.

Motion by Mark Mora and seconded by Cody Fischer to approve the following ordinance:

CITY OF TRIPP

ORDINANCE No. 2026-07

AN ORDINANCE AMENDING TRIPP CITY ORDINANCE, TITLE 3, CHAPTER 3.01, SECTION 3.0102, (TO ADD A NEW SUBSECTION: 3.0102(J)):

BE IT ORDAINED BY THE CITY OF TRIPP, SOUTH DAKOTA, THAT TITLE 3, CHAPTER 3.01, SECTION 3.0102 (ACTS, OMISSIONS AND CONDITIONS PROHIBITED) – BE AMENDED, BY ADDING A NEW SUBSECTION (J), WHICH READS AS FOLLOWS:

3.0102 "(J) RIGHT OF ENTRY.
When it is necessary to make an inspection to enforce the provisions of this chapter, or when the City Council, or its representative, has reasonable cause to believe that there exists upon a premises, a condition that constitutes a nuisance or otherwise violates the provisions of this chapter, in such a manner that makes the premises unsafe, dangerous, dilapidated, or hazardous, the City's representative may enter the premises (and any buildings/structures located thereon) at reasonable times, to inspect or to otherwise perform the duties imposed by this Code. If any building or premises be occupied, then the

Laserfiche

City's representative shall present his/her credentials to the occupant prior to entering. If any building or premises be unoccupied, the City's representative shall, prior to entering, make a reasonable effort to locate the owner or other person having charge or control of the premises, and give notice of his/her intent to enter and inspect. If entry is refused, the City's representative shall have recourse by virtue of any remedy provided for by law, including (but not limited to) an application for inspection warrant, to be issued by a Court of competent jurisdiction."

Motion Carried.

First Reading: July 23rd, 2026
Second reading: August 17, 2026
Adopted: August 17th,2026
Motion by Jeff Friman and second by Glen Batterman to put the following ordinance on the first reading:

CITY OF TRIPP

ORDINANCE NO. 2026-0820

AN ORDINANCE AMENDING: Article 6 OF THE Tripp Zoning Ordinance (Supplemental District Regulations, Section 607 – Parking, storage or use of major recreational equipment):

BE IT ORDAINED BY THE CITY OF TRIPP, SOUTH DAKOTA, THAT THE SECTION 607, OF ARTITLE 6, OF THE TRIPP ZONING ORDINANCE, IS HEREBY AMENDED AS FOLLOWS:

"Section 607. Parking, storage or use of major recreational equipment.

For purposes of this ordinance, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches, designed to be mounted on automotive vehicles, motorized dwellings, tent trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to the street, provided, however, that such equipment may be parked anywhere on residential premises for a time not to exceed 72 hours. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use."

Dated this 17th day of August, 2026.

First Reading: August 17th, 2026

Motion Carried.

Motion by Jeff Friman and seconded by Glen Batterman to put the following ordinance on the first reading:

Laserfiche

CITY OF TRIPP

ORDINANCE NO. 2026-0817

AN ORDINANCE AMENDING: Title 7, Subsection 7.0501 (J) - Parking Stopping of the Tripp Municipal Ordinances:

BE IT ORDAINED BY THE CITY OF TRIPP, SOUTH DAKOTA, TITLE 7, SUBSECTION 7.0501 (J), OF THE TRIPP MUNICIPAL ORDINANCES, IS HEREBY AMENDED:

"J. No person shall park any recreational vehicle on any street within the City for a period of longer than seventy-two (72) hours. Recreational vehicle(s) in violation of this ordinance, shall be tagged by a law enforcement officer and a warning issued to remove within seventy-two (72) hours. Failure to do so may result in towing or removal by the City at the owner's expense. For purposes of this Section, recreational vehicle is defined to include, but shall not be limited to, the following:

1. Cargo trailers;
2. Travel trailers;
3. Pickup campers or coaches;
4. Motorhomes;
5. Camping trailers;
6. Boats and boat trailers;
7. Snowmobiles and snowmobile trailers;
8. Jet skis and jet ski trailers;
9. Golf carts and golf cart trailers;
10. All-terrain vehicles and all-terrain vehicle trailers;
11. Dirt bikes and dirt bike trailers; and
12. Any other recreational equipment or cases, boxes or items used to store or transport such recreational equipment."

Dated this 17th day of August, 2026.

First Reading: August 17th, 2026

Motion Carried.

Motion by Jeff Friman and seconded by Glen Batterman to approve a bid for office repairs from M&M construction $8367.44. Motion Carried. Mark & Marcillio Mora abstained from the vote.

Copy of the budget was given to the council and will be discussed on September 2nd, 2026, meeting.

The council discussed the option of county law in committee's and will be seeking more details from the county.

Motion by Mark Mora and seconded by Randy Squier to go into executive session for personnel & legal at 9:02pm. Motion Carried.

Laserfiche

Mayor Brian Sandau declared us out of executive session at 10:05pm.

No action was taken.

There was no other business brought before the board Moved by Glen Batterman and seconded by Mark Mora to adjourn at 10:06 pm. Motion Carried.

Attested
Kayla Albrecht
Finance Officer

Brian Sandau
Mayor

Laserfiche

OFFICE OF STATE'S ATTORNEY
HUTCHINSON COUNTY
201 W. Mentor Street, Room 114
Olivet, South Dakota 57052
Telephone 605-387-4203

September 9, 2026

City of Tripp
Attention Mayor Brian Sandau
101 W 1st St
Tripp, SD 57376

Re: Stephanie Budihas Open Meetings Complaint

Dear Mr. Sandau,

I am enclosing with this letter a copy of the Open Meetings complaint filed by Tripp resident Stephanie Budihas. The complaint appears to be AI generated, but she did swear to its contents. Simplified down, it alleges two violations of failing to properly designate the purpose of executive session for City Commission meetings on July 20, 2026 and August 17, 2026. I have reviewed the complaint given my obligation under SDCL 1-25-6. It appears that Ms. Budihas may have a valid concern at least as to the July 20, 2026 meeting. The minutes for the August meeting do at least mention "personnel and legal," but that really should have been a more detailed statement citing the executive session rule under SDCL 1-25-2.

Please review the complaint. I anticipate forwarding this complaint to the South Dakota Open Meeting Commission, but before I do, I would welcome any comments that you or the commissioners would have about the alleged violations. My options under the statute are to charge any violation as a misdemeanor, forward to the open meeting commission, or determine that the claim has no merit. At this juncture, if the alleged facts are true, there does appear to be at least one violation. I would appreciate your responses by September 25, 2026.

Regards,

Rob Konrad
Hutchinson County State's Attorney

CC: Stephanie Budihas

Enclosure: Sworn Open Meetings Complaint provided to my office on 9-4-26

Laserfiche

From: **Mike Fink** finklaw@unitelsd.com
Subject: Stephanie Budihas Open Meetings Complaint
Date: September 16, 2026 at 11:41 AM
To: Cityoftripp cityoftripp@santel.net
Cc: Rob Konrad rob@konradlawllc.com, brian.sandau@gmail.com

MF

Kayla (Tripp Finance Officer):

This follows our telephone conference from a a few minutes ago. You had previously forwarded to me a copy of that letter dated September 9, 2026, from Hutchinson County States' Attorney Rob Konrad, along with a copy of the Stephanie Budihas Open Meetings Complaint. . . those documents are attached hereto. Also attached, is a copy of the revised SDCL Section 1-25-2, which deals with the matter before us. I have highlighted the portion of the statute which is most applicable to the issue raised by Ms. Budihas.

Specifically, the new statute requires as follows: ***"A motion to enter executive session must state the applicable subdivision in this section, or any other applicable law, pursuant to which the executive session is to be held. The motion and vote to enter executive session must be reported in the minutes of the proceedings."***

In speaking to you by telephone, you indicated that the specific purposes of the two executive sessions were as follows:

-July 20, 2026 -- To discuss the character, competence, fitness, performance, or qualifications of a current public employee;

-August 17, 2026 -- To discuss the character, competence, fitness, performance, or qualifications of a current public employee; and possibly to consult with legal counsel, or review communications from legal counsel, about proposed or pending litigation.

I agree with Mr. Konrad, that the minutes (especially for July 20) should have been more detailed about the reasoning behind the executive sessions. It also sounds as if the two motions (to go into executive session) should have been more detailed.

I think there might be a little bit of an open question, as to whether an executive session motion must identify the specific code section number, as opposed to identifying which subdivision content is going to be discussed . . . so I think the August motion and minutes are close to meeting with the spirit of the statute. (Those minutes do indicate the motion was made in relation to personnel (employee) discussions (SDCL 1-25-2(1)), and to discuss legal issues (SDCL 1-25-2(3)). But I agree that the the July 20 minutes don't give any real description of the reasons behind the session; and I think we could have done better with the August 17 minutes.

Moving forward, I think a far better motion, (just as an example) would be something like: *"I move the board go into executive session to discuss character, competence, fitness, performance, or qualifications of a current or prospective public officer or employee."* With this kind of motion, recorded in the minutes, the public can easily understand exactly which subdivision is in play; the public can easily understand what the discussion was about.

Perhaps an even better motion, would be something like: *"I move the board go into executive session to discuss character, competence, fitness, performance, or qualifications of a current or prospective public officer or employee, pursuant to SDCL 1-25-2(3)."* I know this sounds cumbersome, but the new State Law requires a clear statement as to the purpose of the executive session. The law requires such detail to be included in the minutes.

Laserfiche

I am going to copy this message to Mr. Konrad, and let him know that the City will accept his decision (and the decision of the open records meeting commission, if the matter is forwarded to that body). I am confident our City can and will do better in the future. Do not hesitate to call/reply if you have any questions.

Thanks, Kayla, and have a great day.

Mike Fink

-------- Original Message --------

Subject: Send data from MFP15954688 09/16/2026 10:55
Date:2026-09-16 12:55
From:"Toshiba copier" <hoferlaw@unitelsd.com>
To:"Mike Fink" <finklaw@unitelsd.com>

Scanned from MFP15954688
Date:09/16/2026 10:55
Pages:15
Resolution:200x200 DPI

--
Mike Fink
Fink Law Office, P.C.
McCook County State's Attorney
225 N. Main Ave., P.O. Box 444
Bridgewater, SD 57319
(605) 729-2552
The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.

DOC091626-09162026105514
.pdf
2.7 MB

Laserfiche

From: **Mike Fink** finklaw@unitelsd.com
Subject: Stephanie Budihas Open Meetings Complaint
Date: September 16, 2026 at 11:41 AM
To: Cityoftripp cityoftripp@santel.net
Cc: Rob Konrad rob@konradlawllc.com, brian.sandau@gmail.com

MF

Kayla (Tripp Finance Officer):

This follows our telephone conference from a a few minutes ago. You had previously forwarded to me a copy of that letter dated September 9, 2026, from Hutchinson County States' Attorney Rob Konrad, along with a copy of the Stephanie Budihas Open Meetings Complaint. . . those documents are attached hereto. Also attached, is a copy of the revised SDCL Section 1-25-2, which deals with the matter before us. I have highlighted the portion of the statute which is most applicable to the issue raised by Ms. Budihas.

Specifically, the new statute requires as follows: ***"A motion to enter executive session must state the applicable subdivision in this section, or any other applicable law, pursuant to which the executive session is to be held. The motion and vote to enter executive session must be reported in the minutes of the proceedings."***

In speaking to you by telephone, you indicated that the specific purposes of the two executive sessions were as follows:

-July 20, 2026 -- To discuss the character, competence, fitness, performance, or qualifications of a current public employee;

-August 17, 2026 -- To discuss the character, competence, fitness, performance, or qualifications of a current public employee; and possibly to consult with legal counsel, or review communications from legal counsel, about proposed or pending litigation.

I agree with Mr. Konrad, that the minutes (especially for July 20) should have been more detailed about the reasoning behind the executive sessions. It also sounds as if the two motions (to go into executive session) should have been more detailed.

I think there might be a little bit of an open question, as to whether an executive session motion must identify the specific code section number, as opposed to identifying which subdivision content is going to be discussed . . . so I think the August motion and minutes are close to meeting with the spirit of the statute. (Those minutes do indicate the motion was made in relation to personnel (employee) discussions (SDCL 1-25-2(1)), and to discuss legal issues (SDCL 1-25-2(3)). But I agree that the the July 20 minutes don't give any real description of the reasons behind the session; and I think we could have done better with the August 17 minutes.

Moving forward, I think a far better motion, (just as an example) would be something like: *"I move the board go into executive session to discuss character, competence, fitness, performance, or qualifications of a current or prospective public officer or employee."* With this kind of motion, recorded in the minutes, the public can easily understand exactly which subdivision is in play; the public can easily understand what the discussion was about.

Perhaps an even better motion, would be something like: *"I move the board go into executive session to discuss character, competence, fitness, performance, or qualifications of a current or prospective public officer or employee, pursuant to SDCL 1-25-2(3)."* I know this sounds cumbersome, but the new State Law requires a clear statement as to the purpose of the executive session. The law requires such detail to be included in the minutes.

Laserfiche

I am going to copy this message to Mr. Konrad, and let him know that the City will accept his decision (and the decision of the open records meeting commission, if the matter is forwarded to that body). I am confident our City can and will do better in the future. Do not hesitate to call/reply if you have any questions.

Thanks, Kayla, and have a great day.

Mike Fink

-------- Original Message --------

Subject: Send data from MFP15954688 09/16/2026 10:55
Date:2026-09-16 12:55
From:"Toshiba copier" <hoferlaw@unitelsd.com>
To:"Mike Fink" <finklaw@unitelsd.com>

Scanned from MFP15954688
Date:09/16/2026 10:55
Pages:15
Resolution:200x200 DPI

--
Mike Fink
Fink Law Office, P.C.
McCook County State's Attorney
225 N. Main Ave., P.O. Box 444
Bridgewater, SD 57319
(605) 729-2552
The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.

DOC091626-09162026105514
.pdf
2.7 MB

Laserfiche

From:	Mike Fink
To:	Katz, Beverly
Cc:	Altamirano, Sequoia; cityoftripp
Subject:	Re: [EXT] Open Meeting Commission - City of Tripp
Date:	Wednesday, October 14, 2026 3:54:04 PM

Ms. Katz and Ms. Altamirano:

This email is to acknowledge receipt of Ms. Katz's letter of October 9, 2026, and accompanying materials. As City Attorney for Tripp, South Dakota, I admit service of such documents upon the City. You may forward any other materials to me.

Please note that the City's response to the Complaint is found in the materials you already have in your file. Specifically, the City's response is my Email to Kayla (the Tripp Finance Officer) dated September 16, 2026. Note that I had provided a copy of that message to Hutchinson County States' Attorney Rob Konrad. In that Email, I presented my viewpoint of the matters raised in the Complaint. I also made recommendations as to how the City can better identify executive session matters in an agenda. . . as well as a better way to formulate a motion before going into executive session.

I think my email pretty much summarizes the City's position on the matter, and I don't know what I would add with any presentation before the Open Meetings Commission. So, at this point in time, I am waiving the right to make further presentation. THAT SAID, HOWEVER, if any member of the Commission has further questions for me, or would like me to otherwise participate in the meeting, I will gladly do so. I will keep my calendar clear for November 23rd, just in case the board would like me to so participate.

Thank you.

Mike Fink
Fink Law Office, P.C.
McCook County State's Attorney
225 N. Main Ave., P.O. Box 444
Bridgewater, SD 57319
(605) 729-2552
The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.

On 2026-10-14 13:27, Katz, Beverly wrote:

> Good afternoon Mike,
>
> I'll be out of the office the rest of the week and next week.
>
> I would kindly ask, when you do respond to my letter, please email me and my paralegal Sequoia Altamirano.
> She will be able to continue to build the file.
>
> Thank you for your cooperation in advance.

Beverly J. Katz

Assistant Attorney General
JD, MBA, CPA
Phone (605) 773-3215
Email beverly.katz@state.sd.us
1302 East Hwy 1889, Ste. 1, Pierre, SD 57501

Confidentiality Notice

This message is being sent by or on behalf of the South Dakota Attorney General's Office. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, attorney-client privileged, confidential, or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by telephone at (605) 773-3215 or reply by email and delete all copies of the message.

-