

STATE OF SOUTH DAKOTA  
OPEN MEETINGS COMMISSION

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IN THE MATTER OF OPEN	)	OMC 2026-03
MEETINGS COMPLAINT AGAINST	)	
CITY OF EGAN BOARD OF	)	STIPULATION AND AGREEMENT
TRUSTEES – MOODY COUNTY	)	WITH REPRIMAND
	)	

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**STIPULATION AND AGREEMENT**

This Stipulation and Agreement with Reprimand is made and entered into by the South Dakota Open Meetings Commission, hereinafter referred to as “OMC” and the City of Egan Board of Trustees, witness and agree to the following:

1. On November 24, 2025, the Attorney General’s Office on behalf of the OMC received a complaint from Michelle Ten Eyck and Jerome Olson, which complaint was forwarded to Moody County State’s Attorney Paul Lewis to review and take action.
2. On February 19, 2026, Moody County State’s Attorney Paul Lewis referred the matter to the Attorney General’s Office for the OMC to hear the matter in accordance with SDCL § 1-25-6(3).
3. The complainants made numerous allegations of violations of the open meetings laws against the City of Egan City Board of Trustees which are summarized in the attached Exhibit A entitled “New Additional Complaints” and the Previous Complaints contained therein.
4. The City of Egan Board of Trustees understands they have the right to consult with an attorney of their own choosing and expense and did so

with counsel Reed Mahlke. The City of Egan Board of Trustees understands they have the right to an administrative hearing. City Attorney Reed Mahlke and Trustee Chair Cody Chamblin have been authorized to sign this Stipulation and Agreement and are waiving the board's right to a hearing.

5. The City of Egan Board of Trustees admits to the open meetings laws violations relating to the agenda not being posted on their website at least 24 hours before the meeting and there was no timely publishing of minutes, both concerning the January 7, 2026 meeting.

6. A copy of the open meetings brochure dated December 31, 2025, was provided and explained to the City of Egan City Board of Trustees at the April 16, 2026 Board of Trustees meeting, by city attorney Reed Mahlke and the City of Egan Board of Trustees acknowledge receipt and review the same.

7. The City of Egan Board of Trustees, as the governing body of City of Egan, South Dakota, is a public body subject to the open meetings requirements of SDCL ch. 1-25.

8. The City of Egan Board of Trustees admits, and the OMC concludes, the City of Egan Board of Trustees did violate the open meetings law by failing to properly post the agenda 24 hours before the meeting on the website and failed to timely publish minutes of the January 7, 2026 meeting as required by SDCL § 1-25-1.1.

9. It is the intent of the City of Egan Board of Trustees to provide an offer of an informal compromise and settlement of all issues which could be raised in a formal contested hearing.

10. This Stipulation and Agreement is a public record of the OMC and shall be published on the OMC's website.

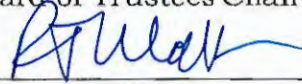
11. This Stipulation and Agreement is subject to OMC approval. In the event the OMC does not approve this Stipulation and Agreement, OMC will proceed to hear this matter and any argument is waived that the OMC members considering this Stipulation and Agreement should be disqualified from later rendering a decision in any subsequent contested case hearing regarding this pending action.

12. Findings of Fact and Conclusions of Law are hereby waived.

Dated this 23 day of April, 2026.



Cody Chamblin  
Board of Trustees Chair



Reed T. Mahlke  
Attorney for City of Egan  
Board of Trustees

### **REPRIMAND**

Based upon the foregoing, the South Dakota Open Meetings Commission **REPRIMANDS** the City of Egan Board of Trustees for violating SDCL § 1-25-1.1 by failing to timely and properly post the agenda and publish the minutes of the January 7, 2026 meeting.

Decision entered by Commissioners **M. Smith** (Chair), **K. Hoffman** (Vice Chair), **A. Hoffman**, **E. Sovell** and **L. Russell**.

Dated this \_\_\_\_\_ day of April, 2026.

\_\_\_\_\_  
Michael R. Smith, Chair  
South Dakota Open Meetings Commission

EXHIBIT A

	New additional complaints		
7-Jan-26	quorum meeting from 6:20-6:35 Mike, Nancy, Cody	SDCL 1-25-1 Quorum	Jerome Olson, Karlie Ten Eyck, Mike Larson
18-Jun-25	quorum meeting from 6:55-7:10 Mike, Nancy, Cody	SDCL 1-25-1 Quorum	Jerome Olson, Michelle Ten Eyck, Barb Warborg
15-Oct-25	quorum meeting from 7:10-7:25 Mike, Nancy, Cody	SDCL 1-25-1 Quorum	Mike Larson, Barb Warborg, Michelle Ten Eyck
27-Jan-26	Kayla failed to publish minutes in the paper. Minutes for 12/17/25 still have not been published in the newspaper	<u>1-27-1.17. Draft minutes of public meeting to be available--Exceptions-- Violation as misdemeanor.</u>	<u>9-18-1.1. Time for delivery of copy to official newspaper.</u>
27-Jan-26	Kayla has failed to publish minutes from 1/5/26 and 1/7/26 on either the website or in the paper. No copy is published for the public.	<u>1-27-1.17. Draft minutes of public meeting to be available--Exceptions-- Violation as misdemeanor.</u>	<u>9-18-1.1. Time for delivery of copy to official newspaper.</u>
27-Jan-26	No Agenda was posted on the website for the meeting on 1/7/26. I cannot confirm whether it was posted in the window 24 hours prior as I was out of town.	<u>1-25-1.1. Notice of meeting of political subdivision--Agenda-- Violation as misdemeanor.</u>	
5-Jan-26	Agenda was not posted on website or city office 24 hours prior.	<u>1-25-1.1. Notice of meeting of political subdivision--Agenda-- Violation as misdemeanor.</u>	
19-Nov-25	Kayla was told that she needed to itemize each person and their pay. She said the next finance office could worry about it. Stated she would not answer to me or my questions as she did not like me.	<u>9-18-1. Governing body to publish minutes of meetings including statement of expenditures--Rate of payment for publication.</u>	This has not been done for multiple years.

5-Jan-26	Discussion about new hire needing to be bonded. Asked if Kayla had provided us with a bond. The answer by Nancy was yes, although it was unable to be verified.	<u>9-14-6.1. Amount of finance officer's bond.</u>	
Multiple	Kayla takes all finance records, bills, checkbook, city records to her home office. This was not approved by the board. Only Cody approved it outside of a meeting. No board discussion and when she was interviewed it was for 20-25 hours a week at the office.	<u>9-14-17. Records maintained by finance officer--Warrants on treasury--Expense estimates--Contracts.</u>	
multiple	Kayla and Cody refuse to let me be paid for my time on the board.	<u>9-14-28. Salaries and compensation of municipal officers.</u>	
Multiple	Cody making decisions with Mike or Nancy, outside of a meeting that benefit their agenda. No discussion with the entire board. IE, did not want to interview for snow plow driver, he and Mike did not like the choices. Same with the maintenance person interviews.	<u>9-14-37. Neglect of duty or misconduct by municipal officer as misdemeanor--Removal from office.</u>	
	Cody and Kayla deciding to go to city attorney to have Michelle's position challenged. No discussion with the board, decision made outside of meeting and action was taken.	<u>9-14-37. Neglect of duty or misconduct by municipal officer as misdemeanor--Removal from office.</u>	
	Cody and Kayla decided that they are the only two people who are allowed by them to speak with the attorney for the city.	<u>9-14-37. Neglect of duty or misconduct by municipal officer as misdemeanor--Removal from office.</u>	

28-Jan-26	Once again for multiple years, no review of open meeting laws has been done.	<u>1-25-13. Annual review of open meeting laws--Acknowledgment.</u>	
<b>Previous Complaints</b>			
11-Jul-24	Complaint by Thomas Ten Eyck for failure to provide an interview to him for maintenance position. Was told to turn it to city and states attorney	SDCL 1-25-1.1 and SDCL Chapter 3-3	see packet dated July 11, 2024
15-Jan-25	Asking for information from finance officer about a rural districting ordinance that the city made and that the county assessor told us should be undone. It directly benefited board memebers and it unfairly raised the taxes of the citizens who do not adjoin rural land.		see email dated 1/15/2025
13-Mar-25	citizen complaint about agendas being posted in the window and on the website and to include location and time. Kayla refused to do this.	<u>1-25-1.1. Notice of meeting of political subdivision--Agenda--Violation as misdemeanor.</u>	see email dated 03/13/25
13-Mar-25	email to kayla also asking her for the citizen to post the time and location of the meetings.	SDCL 1-25-2	see email dated 3/13/25
16-Apr-25	Kayla threw a cittizen out of the meeting with no direction from the board. Gentleman had raised his voice but it was not exclusively him being loud over a hot button topic.		see email dated April 17, 2025

17-Apr-25	Email to Kayla asking to put the agenda and minutes in a more visible spot for people to find them.	SDCL 1-27	See email
5/26/2025	May 21, 2025 meeting, Cody Chamblain declared executive session at end of the meeting. This was not listed on the agenda.	<u>9-14-28. Salaries and compensation of municipal officers.</u>	see email dated May 26, 2025
17-Jun-25	rural taxing questions. Was told the only way to undo an ordinance is to prove it was done nephariouly.	SDCL 1-25-1 Quorum	see text message grouping 6/17/25
11-Jul-25	requested information of public record from Kayla. No answer and not provided.	SDCL 1-25-1 Quorum	see email dated 7/11/25
27-Jul-25	request for pay by Michelle	<u>9-7-6. Regular and special meetings of board.</u>	see email dated 7/27/25
6-Aug-25	Cody Chamblain "replied all" to a group email multiple times	SDCL 1-27	see email dated 8/6/25
6-Aug-25	Nancy Hanson "replied all" to a group email a couple of times		Jerome Olson, Nancy Hanson, Mike Hein, Cody Chamblin see email dated 8/6/25
6-Aug-25	I requested of Kayla first and then cody at a later date to have a special meeting for volunteers questions to be answered prior to playground project. Refusal to cooperate.	SDCL 1-25-1 Quorum	see email dated 8/6/25
7-Aug-25	reuested information of public record from Kayla. No answer and not provided.	SDCL 1-25-1 Quorum	see email dated 8/7/25
20-Aug-25	Kayla told the board I purposefully provided wrong addresses for homes for code enforcement violations	SDCL 1-25-1 Quorum	see email dated Aug 21, 2025
22-Aug-25	Cody Chamblain "replied all" to a group email	SDCL 1-27	see email dated 8/22/25

25-Aug-25	Cody Chamblain "replied all" to a group email	SDCL 1-27	see email dated 8/25/25
9/9/2025	requested information of public record from Kayla. No answer and not provided.	<u>9-14-28. Salaries and compensation of municipal officers.</u>	see email dated 9/9/25
15-Oct-25	Michelle requested of kayla pay and hours of each employee. Kayla refused to answer or provide.	<u>1-27-37. Written request for disclosure of records.</u>	see email 10/15/24
16-Oct-25	Email sent out stating the board would go into executive session in a special meeting to fact gather for bridge project.	<u>1-25-2. Executive or closed meetings--Purposes--Authorization--Violation as misdemeanor.</u>	see email dated 10/2/25
3-Nov-25	Michelle requested to be paid for the third time.	<u>9-14-28. Salaries and compensation of municipal officers.</u>	see email 11/3/25
25-Jan	Kayla refused to help someone take out a petition. She was not in the office when her hours were posted. Persons petition was ultimately rejected because it was not filled out properly, due to her not helping the person.	<u>9-13-7. Municipal office--Nominating petition--Contents.</u>	
25-Feb	Kayla refused to be in the office on the last day of petitions so people could turn them in. They were left in the drop box.	<u>9-13-7. Municipal office--Nominating petition--Contents.</u>	