

CITY HALL, CITY OF ARLINGTON, SOUTH DAKOTA  
September 5, 2023

The City Council met in regular session in the Municipal Building. Present on Roll Call were Mayor Curt Lundquist and Council Members: Terry Mutziger, Garth Johnson, Rob Achterberg, Cory Falconer and Beth Sundberg. Absent: Terry Rowbotham

Agenda Additions: Mowing on Hickory St. discussion.

Motion was made by Falconer, seconded by Johnson to approve the minutes of the August 3<sup>rd</sup> & 23<sup>rd</sup> meetings. All in favor—Carried.

Motion was made by Falconer, seconded by Sundberg to approve payment of \$3,750.00 for the vacation guide ads. All in favor—Carried.

7:11 PM – Terry Rowbotham now present.

Motion was made by Achterberg, seconded by Johnson to approve Pay Request #1 from DeBoer Construction for the Birch Street project.

All in favor—Carried.

Bills on file were submitted for consideration and on Motion by Falconer, seconded by Sundberg, the Finance Officer was instructed to issue payment for same. All in favor on Roll Call Vote—Carried.

Bills approved as follows:

EAST RIVER ELECTRIC POWER COOP \$4,422.32 Energy, ELECTRIC FUND \$6,965.83 Utility Bill, HEARTLAND ENERGY \$33,221.55 Energy, KINGSBURY COUNTY AUDITOR \$5,655.00 County Contract Law, VALLEY FIBERCOM \$236.30 Phone/Internet, WESTERN AREA POWER ADM \$16,343.00 Energy, A T & T \$47.25 cell phone, ARLINGTON COMMUNITY DEV CORP \$10,000.00 Annual Disbursement, NORTHWESTERN \$20.00 Service to city shops, PLIC-SBD GRAND ISLAND \$180.34 Short Term Disability, SIOUX VALLEY ENERGY \$88.00 Electricity – Airport, VISA--COR TRUST BANK \$1,040.48 books, A-OX WELDING SUPPLY CO. \$99.50 CYLINDER RENT, ARLINGTON SUN \$817.59 PUBLISHING, AVID HAWK, LLC \$45.00 MONTHLY WEBSITE SERVICE, BANNER ASSOCIATES, INC \$6,455.90 BIRCH ST. ADMIN SERVICES, BROOKINGS MUNICIPAL UTILITIES \$380.00 TRUCK & MEN TO LOCATE FAULT, CENGAGE LEARNING INC - GALE \$372.95 BOOKS, CENTURY BUSINESS PRODUCTS \$30.19 SERVICE AGREEMENT 7/19-8/18/23, CITIZENS STATE BANK \$20.00 August Service Chg, DAKOTA PUMP & CONTROL CO \$1,167.35 SERVICE CALL INSPECTIONS, DAKOTA RECYCLING \$195.00 AIR CONDITIONERS & FRIDGES, DANR-FISCAL MANAGEMENT DIV \$100.00 STORMWATER CONSTRUCTION, DEBOER CONSTRUCTION, INC \$311,757.75 PAYREQ1, ELECTRIC FUND \$386.95 METER DEPOSIT BALANCE REFUND, HANDI MART \$2,038.99 CANDY/WATER FOR POOL, HAWKINS, INC. \$3,729.33 POOL CHEMICALS, HERB HOARD \$67.21 METER DEPOSIT BALANCE REFUND, INTERSTATE ALL BATTERY CENTER \$30.95 MOWER BATTERY, KINGBROOK RURAL WATER \$19,100.08 SEPT 2023, MORGAN LARSEN \$125.00 AMERICAN RED CROSS, LOWES \$375.61 PARK/POOL SUPPLIES JAE L LUNDQUIST \$125.00 AMERICAN RED CROSS, M & T FIRE & SAFETY \$131.25 SERVICE LABOR - BATTERY, MAYNARD'S FOOD CENTER \$65.94 TP, SOAP, ERICA MOHR \$125.00 AMERICAN RED CROSS, MOTOROLA SOLUTIONS \$29,526.31 RADIOS, NICOLE STEFFENSEN \$125.00 AMERICAN RED CROSS, PCC AMBULANCE BILLING SERV. \$576.93 BILLING 6/1-6/30/23, PRAIRIE AG PARTNERS \$591.04 TIRE REPAIR/ANTIFREEZE, RAZTECH LLC \$875.00 JULY IT, RUNNINGS SUPPLY INC \$339.98 GATES FOR RUBBLE SITE, RYCO CONSTRUCTION \$667.47 POOL PUMP EXHAUST FAN, SD PUBLIC HEALTH LAB \$211.00 WATER TESTING, SD ASSOC OF RURAL WATER SYSTEM \$1,250.00 LEAK DETECTION FEES, SNAP ON TOOLS \$427.40 AIR SAW & DRILL BITS, STEFFENSEN CONSTRUCTION \$40,175.00 SHOP ROOF REPAIR, T&R ELECTRIC \$442.50 SUPPLIES, TOPKOTE INC \$83,617.63 SEAL COAT, WILLMARIS TAPIA VALLE \$95.84 Meter Deposit Balance Refund, VAN DIEST SUPPLY COMPANY \$1,919.00 BIOMIST 3 + 15, WESCO DISTRIBUTION INC \$13,178.00 SUPPLIES & 37.5KVA PAD, RURAL DEVELOPMENT, \$1,343.00, water loan; RURAL DEVELOPMENT, \$2,958.00, wastewater loan

Motion was made by Mutziger, seconded by Achterberg to adopt Resolution #2654 as follows:

RESOLUTION #2654

BE IT RESOLVED, that \$311,757.75 be transferred from the 2<sup>nd</sup> Penny Fund to the General Fund for payment of the bill to DeBoer Construction for the first pay request for the Birch Street project. All in favor—Carried.

Mike Fuhr asked the Council if the re-routing of the sewer project can be done, what those costs would be, who would pay for the change, and other easement and concrete questions. He discussed the concrete repair that would be needed if we moved forward as currently designed and the credits that would be taken off the original price as this total amount would be within \$2000. Beth Neimeyer from Banner said she would get us the exact amount (additions and subtractions) and the Council decided that if it was within the \$2000, the city would pay for the difference.

Beth also informed the Council that the yard hydrant, water line, storm drain, fabric, and base course were all installed on Birch Street. Lot 3 has requested a larger waterline to which the Council said the owner will need to pay for the difference. As Johnson also owns a lot there, he requested a larger waterline as well, paying the difference. She also said that the approach aprons were not included in the bid and that the total for those additions will be approximately \$5000.

It was moved by City Council Member Achterberg and seconded by City Council Member Johnson that the following Proposed Resolution be passed and adopted:

PROPOSED RESOLUTION NO.2655

A RESOLUTION AUTHORIZING NECESSARY STREET IMPROVEMENT BY SPECIAL ASSESSMENT  
PURSUANT TO SDCL 9-45-20.

WHEREAS, the condition of the following described property, to-wit:

Block 1 and 2 of Ecklein's Parkview Addition in the Southeast Quarter (SE ¼) of Section One (1), Township One Hundred Ten (110), Range Fifty Three (53) West of the 5<sup>th</sup> P.M; Lot 1, 2, 3 & 4 of Block 3 of Ecklein's Parkview Addition in the Southeast Quarter (SE ¼) of Section One (1), Township One Hundred Ten (110), Range Fifty Three (53) West of the 5<sup>th</sup> P.M; Tract 1A, Tract 2A, Tract 5A, Tract 7B and Tract 8B in the Southeast Quarter (SE ¼) of Section One (1), Township One Hundred Ten (110), Range Fifty Three (53) West of the 5<sup>th</sup> P.M; the Northwesterly 100 Feet of Lot Six (6) and the Northeasterly 65 Feet of Lot Seven (7), Block Twenty Six (26); Lot One (1) and Lot Seven (7) Block Twenty Six (26) in the Northeast Quarter (NE ¼) of Section One (1), Township One Hundred Ten (110), Range Fifty Three (53) West of the 5<sup>th</sup> P.M.; Lot One (1), Block Twenty Seven (27), County Auditor's Plat of Outlots in the Northeast Quarter (NE ¼) of Section One (1), Township One Hundred Ten (110), Range Fifty Three (53) West of the 5<sup>th</sup> P.M., all in the City of Arlington, Kingsbury County, South Dakota.

WHEREAS, to facilitate this improvement a special assessment is necessary for curb and gutter improvements to be made;

NOW THEREFORE BE IT RESOLVED that it is necessary to improve Birch Street adjacent to the above described property located in the City of Arlington, in Kingsbury County, South Dakota. That the nature of such improvement is to regrade, pave, and install curb and gutter along said street in accordance with the plans and specifications on file in the Office of the City Finance Officer of said City, which specifications are available for inspection by any person interested therein, or affected thereby, and the same by this reference, and made a part hereof and incorporated herein. That the materials to be used for said improvements are oil, gravel, cement and other materials necessary for the regrading, paving and installation of curb and gutter to the above described premises. That only the cost associated with the installation of the curb and gutter is to be involved in this special assessment as the City of Arlington will be responsible for all other costs associated with the street improvements. That the estimate of the cost per linear foot to the adjoining property owners for curb and gutter installation is estimated at \$23.00. That the classes of the lots to be assessed are residential. That the cost of the improvement will be proportioned to the property fronting and abutting upon said improvement by special assessment for the cost of the curbing and gutter upon said improvement by special assessment for the cost of the curbing and gutter and all remaining costs shall be paid by the City out of general funds.

On Roll Call, all voting "aye", Proposed Resolution declared passed and adopted.

#### NOTICE OF PROPOSED RESOLUTION

Notice is hereby given that the above Proposed Resolution shall be published herewith as adopted at the regular meeting of the City Commission of Arlington, South Dakota, on the 5<sup>th</sup> day of September, 2023, as a Proposed Resolution and that on the 2<sup>nd</sup> day of October, 2023, at 7:10 p.m., at the Arlington City Hall, Arlington, South Dakota, the City Commission of Arlington, South Dakota, will meet for the consideration of the adoption of the resolution. At the above-said time and place the City Commission of Arlington will consider any objections to the Proposed Resolution by property owners of property liable to be assessed for the improvement.

Dated this 5<sup>th</sup> day of September 2023.

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City Finance Officer, Arlington,  
South Dakota

The second reading of Ordinance #613, to re-zone the property at approximately 350' (North to South) by 200' (East to West) or the easterly 70,000 square feet of total parcel (63% of lot area) of parcel #7934 (N300' of E24 Rods Exc WLY 56' of OL "A" S2NW 1-110-53 according to CO AUD Plat of Outlots, City of Arlington) was held. Motion was made by Rowbotham, seconded by Achterberg to approve the Ordinance as stated below. All in favor—Carried.

#### ORDINANCE #613

AN ORDINANCE ENTITLED, AN ORDINANCE TO AMEND ZONING DESIGNATIONS AS ADOPTED BY ORDINANCE NO 446 ON NOVEMBER 5, 2001, AS THE ZONING ORDINANCE OF ARLINGTON, SD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, SD: that the Zoning Designations as adopted by Ordinance No 446 of the City of Arlington, be amended to classify the following property: approximately 350' (North to South) by 200' (East to West) or the easterly 70,000 square feet of total parcel (63% of lot area) of parcel #7934 (N300' of E24 Rods Exc WLY 56' of OL "A" S2NW 1-110-53 according to CO AUD Plat of Outlots, City of Arlington) to Ag from Residential 2 (R-2).

CITY OF ARLINGTON

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Mayor

ATTEST:

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Finance Officer

The second reading of Ordinance #614 to amend the Outdoor Fires section of the ordinance book to remove “incineration, burn barrel” from 13-1-4: A. ii. was held. Motion was made by Rowbotham, seconded by Sundberg to amend the Ordinance to read as stated below. All in favor—Carried.

ORDINANCE #614

An Ordinance Amending Ordinance #459 Titled An Ordinance Amending Ordinance #442 and Ordinance #VI-2 Entitled: Arlington Ordinance Article I, Section 4, Outdoor Fires, City of Arlington, County of Kingsbury, State of South Dakota.

Be It Ordained by the City of Arlington, South Dakota, that Section 4 be amended to read as follows:

Section 4. OUTDOOR FIRES. It shall be unlawful and is hereby declared a nuisance to burn within the City limits. The Arlington Fire Department shall be called to extinguish all fires burning within the city limits. If it is deemed that a fire was started intentionally, the person responsible for starting the fire shall be charged and responsible for the cost of extinguishing as determined by the Arlington Fire Department.

- A. Campfires and bonfires which are used solely for recreational purposes, for ceremonial occasions, or for outdoor preparation of food; provided that such campfire or other fire is started and maintained so as to prevent the escape of any burning substance, sparks, flames or hot ashes and so as to prevent the smoke from such campfire or other form from traveling to any occupied structure not owned by the person starting the fire.
  - i. Campfire shall be defined as: The recreational burning of materials other than rubbish where fuel being burned is contained in an approved fireplace and with a total fuel area of 2 feet or less in diameter and 1 foot or less in height for pleasure, religious, ceremonial, cooking or similar purposes.
  - ii. Bonfire shall be defined as: The recreational burning of materials other than rubbish where fuel being burned is not contained in an outdoor fireplace, barbecue grill or barbecue pit and with a total fuel area of 5 feet or less in diameter and 3 feet or less in height for pleasure, religious, ceremonial, cooking or similar purposes.
- B. Any person desiring to utilize a campfire and/or bonfire shall apply for a permit to be issued by the City Council. A permit fee of \$10.00 shall be paid upon permit application which fee is not refundable regardless of issuance of the permit. The City Council may deny any permit application if deemed necessary for the protection of the health, safety and general wellbeing of the residents.

CITY OF ARLINGTON

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Mayor

ATTEST:

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Finance Officer

The annual Appropriation Ordinance #615 for 2024 received the second reading and on motion by Mutziger, seconded by Rowbotham, same was adopted with all voting Aye—Carried.

ANNUAL APPROPRIATION ORDINANCE  
#615

An Ordinance appropriating funds for the necessary expenditures and liabilities of the City of Arlington, Kingsbury County, South Dakota, for the fiscal year of 2024; transferring funds from the earnings of the City owned utilities for the payment of a portion of such expenditures and liabilities, and levying a tax for the balance and declaring an emergency:

BE IT ORDAINED BY THE CITY OF ARLINGTON, KINGSBURY COUNTY, SOUTH DAKOTA.

SECTION 1. It is hereby deemed necessary and therefore is hereby appropriated for the objects and purposes of the City of Arlington, Kingsbury County, South Dakota, during the fiscal year of 2024 follows:

101 GENERAL FUND – EXPENDITURES

411	Mayor & Council	\$78,135
413	Elections	\$870
414	Finance Office	\$131,170
415	Attorney	\$9,000
416	Insurance	\$0
419	General Government Building	\$12,880
421	Police	\$85,000
422	Fire Department	\$35,490
431	Highway & Streets	\$767,500
432	Storm Drainage	\$21,140

435	Airport	\$12,600
436	Solid Waste	\$88,160
437	Cemetery	\$31,960
441	West Nile	\$5,070
446	Ambulance	\$42,517
451	Swimming Pool	\$87,323
452	Parks	\$87,450
453	Baseball	\$22,850
455	Library	\$21,825
456	Bata Services	\$1,000
465	Development Corporation	\$15,000
TOTAL TAX SUPPORTED FUNDS EXPENDITURES		\$1,442,344
212 2ND PENNY SALES TAX		\$342,000
500 CAPITAL PROJECT FUNDS		
502	Fire Equipment	\$10,000
504	Street Equipment	\$10,000
TOTAL CAPITAL PROJECT FUNDS		\$20,000
600 SELF-SUPPORTED FUNDS-EXPENDITURES		
602	Water Fund	\$237,200
603	Electric Fund	\$1,227,400
604	Sanitary Sewer Fund	\$168,600
TOTAL SELF-SUPPORTED FUNDS		\$1,995,200
TOTAL 2023 APPROPRIATION		\$3,552,140

SECTION 2. The following is a summary by fund of the appropriation amounts and the means of financing them.

TAX-SUPPORTED FUNDS

101 GENERAL FUND

3111	Taxes	\$340,000
3112-		
3119	Other Taxes	\$2,000
3130	General Sales & Use Tax	\$330,000
	Miscellaneous Revenue	\$631,595
	Transfer from Electric Fund	\$385,345
	Transfer from Sewer	
	Transfer from 2 <sup>nd</sup> Penny	\$0
	Retained Cash Balance - Streets	\$165,000
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		\$1,556,940

212 2<sup>ND</sup> PENNY SALES TAX \$342,000

500 CAPITAL PROJECT FUNDS

502	Fire Equipment (10,000)	
504	Street Equipment (10,000)	
	Transfer from Electric	\$20,000
TOTAL REVENUE-CAPITAL PROJECT FUNDS \$ 18,000		\$20,000

600 SELF-SUPPORTED FUNDS

602	Water Fund	
	3610 Interest Earned	\$400
	3810 Disconnect/Reconnect Fees	\$500
	3811 Metered Sales	\$235,000

	3813 Bulk Sales	\$500
	3814 Sales of Supplies	\$300
	3816 Frozen Meters	\$500
603	Electric Fund	
	3610 Interest Earned	\$5,000
	3821 Metered Sales	\$1,410,000
	3823 Sales of Supplies	\$500
	3824 Pole Rental	\$245
	3826 Disconnect/Reconnect Fees	\$300
	3827 Penalties	\$9,000
	3829 Electric Other	\$8,500
	Less Transfers	\$206,145
604	Sanitary Sewer	
	3610 Interest	\$8,600
	3831 Sewer Charges	\$180,000
	Less Addt'l Loan Payment/transfer	\$20,000
	<b>TOTAL APPROPRIATION REVENUE—2024</b>	<b>\$3,552,140</b>

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Passed First Reading August 3, 2023  
Passed Second Reading September 5, 2023  
Passed and Approved September 5, 2023

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Curt Lundquist, Mayor

ATTEST:

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Stephanie Damm, Finance Officer

Public Comments – Members of the Student Council requested permission to whitewash the streets around the school (as they did last year) for homecoming week. The Council approved that request.

Weeds: Community members, parents, and students supporting the FFA spoke to the Council about being contacted by a neighbor for having weeds in the property they own and use for hay ground. They received a letter from the Kingsbury County Weed & Pest Supervisor saying they should cut it twice a year (which they do), or do a chemical spray down with 2-4-D B. They also noted that the neighbor is mowing a path through the property in which they have not received permission to do. Wilkinson will send a letter to the neighbor.

Motion was made by Rowbotham, seconded by Falconer to go into executive session at 7:57 PM for contract issues. Mayor Lundquist declared out of executive session at 8:02PM.

Motion was made by Mutziger, seconded by Johnson to approve the first reading of the new/updated zoning ordinance book, Ordinance #616. All in favor—Carried.

Liquor tax was discussed, and the Finance Officer was asked to contact Pierre to see what information they could provide to determine the revenue that may be gained from increasing the malt beverage tax and what the 3<sup>rd</sup> penny sales tax can be used for.

Motion was made by Mutziger seconded by Johnson to approve the first reading of the mausoleum addition to the cemetery portion of the ordinance book.

Garbage bids were opened August 7<sup>th</sup> with 2 bids received. Motion was made by Achterberg, seconded by Falconer to accept the bid from COOK's for \$13.65 per household, plus tax and \$7.00 per additional can/tote. All in favor—Carried.

The corner of Hickory St and Adams St. was discussed regarding some speeding around the corner which can at times throw rocks in people's yards, as well as a light needed at that intersection. A stop sign was discussed, but with there only being one direction to go at this time and the addition of the asphalt up to Adams, we are hopeful that will take care of the issue. The city will be installing a light at that intersection.

The following building permits had been submitted and were approved: Janelle Virchow, Lot 17, Block 2, Original Plat (207 N. 3<sup>rd</sup> St.) - deck; Courtney Jordan, Lot 5, Block 5, Chandler's 1<sup>st</sup> Addn (704 S. Spruce St) - fence; Ryan Ramstad, Lot 3, Block 6, Johnson's Addn (301 W. Hickory St) – construct home w/attached garage; Josh Spilde, Lot 8, Block 7 or Lot A, Johnson Addn. (303 E. Hickory St) – construct home w/attached garage; Arlington School – construct grandstand @ athletic field; Rebecca

Wendland, Lot 2, Block 4, Lieske's 2<sup>nd</sup> Addn (205 S. Willow) – remove existing deck and add new larger one. 3B/Robert Butler, S2 Lot 8 & all Lot 9, Block 3, Chandler's 1<sup>st</sup> Addn. (603 S. Highland St.) – fence; Robert Zeller Lot 8, Block 1, Ecklein's 1<sup>st</sup> Addn. (315 S. Main St.) – fence, Warren & April Rusche, Lot 7 exc. Lot H 1, Swedlund Addn. 1-110-53 Lieske's 4<sup>th</sup> Addn. (507 W. Elm St.) – construct home w/attached garage.

The ambulance had requested a black & white copier/fax combo and the Council told the finance officer that it would come out of their budget, so they should decide which one they would prefer. The Finance Officer will contact them and let them know.

County Contract Law was discussed, and a motion was made by Johnson, seconded by Falconer to change from 45 hours to 25 hours at \$32/hour beginning January 1, 2024. Upon roll call vote, voting aye was: Falconer and Johnson; voting nay: Achterberg, Sundberg, Mutziger, and Rowbotham. Motion Failed. Motion was made by Mutziger, seconded by Johnson to change from 45 hours to 30 hours at \$32/hour beginning January 1, 2024. Upon roll call vote, voting aye was: Falconer, Achterberg, Mutziger, and Johnson; voting nay: Sundberg and Rowbotham. Motion Carried.

Homecoming will be held during the week of September 25<sup>th</sup> for the Arlington Cardinals, and they are asking for a burning permit for the burning of the "A" on Monday, September 25<sup>th</sup> on the school grounds. Motion was made by Achterberg, seconded by Johnson to approve this permit if there are personnel from the fire dept on scene during this event. All in favor—Carried.

The Chamber of Commerce requested an area to put a shed that they will be selling raffle tickets on. The Council approved them putting the shed to the west of the city/fire/ambulance building where Marshal approves – back far enough not to impede the vision for traffic.

Electric Report – Marshal gave the Council a quote on a ¾ ton short box pickup that the Electric department could use and then the existing Electric Department pickup would replace the white flatbed pickup that has some issues. Also, there will be 4 lights on Birch Street that will have the structure/base work completed before the dirt work/grass planting is completed.

Motion was made by Achterberg, seconded by Johnson to approve the Overtime and Police report.

The Council reviewed the Revenue, Expense, Cash and Utility Reports. Some discussion was held about the water leak that was found and repaired – the numbers should look better next month as part of the month still had the leak, plus there was hydrant flushing.

Mayor's Report – the Mayor asked the Council if they wanted to continue mowing the east end of Hickory (past Adams)

Consensus was to mow it and be sure the survey posts stay as they are put now.

Additional items: Fall City Cleanup is set for Thursday, October 12<sup>th</sup>. The Diatsu is very old, and Marshal is getting pricing for a replacement vehicle (side by side and others).

Motion was made by Achterberg, seconded by Falconer to go into executive session at 9:55 PM for possible litigation. Mayor Lundquist declared out of executive session at 10:01 PM.

Motion to adjourn was made by Falconer, seconded by Johnson. All in favor—Carried.

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Stephanie Damm, Finance Officer

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Curt Lundquist, Mayor

The City of Arlington is an equal opportunity provider and employer.