

CITY HALL, CITY OF ARLINGTON, SOUTH DAKOTA
December 4, 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, Terry Rowbotham, Garth Johnson, Beth Sundberg, Cory Falconer, and Rob Achterberg. Absent: None

Motion was made by Falconer, seconded by Achterberg to approve the minutes of the November 6th meeting with the following change made to Resolution #2658 – the amount paid to Wesco Distributing was \$65,115.00 (not \$29,053.75) and to approve the correction of Ordinance #612 in the October 2nd minutes to Ordinance #617. All in favor—Carried.

Beth Niemeyer from Banner Associates presented the 2nd Pay request from Halme, Inc. for the Sewer project and from DeBoer Construction, Inc. for the Birch Street Project, explaining each. Motion was made by Rowbotham, seconded by Falconer, to approve the 2nd Pay request from Halme, Inc. for \$325,677.17. All in favor—Carried. Motion was made by Achterberg, seconded by Falconer, to approve the 2nd Pay request from DeBoer Construction, Inc. for \$481,146.93. All in favor—Carried.

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

PAYROLL, 18,925.30; EAST RIVER ELECTRIC POWER COOP, 4121.28, ENERGY; HEARTLAND ENERGY, 31425.08, ENERGY; KINGSBURY COUNTY AUDITOR, 5655.00, COUNTY CONTRACT LAW; PRAIRIE AG PARTNERS, 183.15; FUEL; SD STATE TREASURER, 6329.48 GARBAGE, CEMETERY, AND ELECTRIC SALES TAX; VALLEY FIBERCOM, 203.52, PHONE/INTERNET; WAPA, 16194.99, ENERGY; PAYROLL, 17,707.28; SD RETIREMENT, 3357.36, RETIREMENT; HEALTH POOL OF SD, 4528.90, HEALTH INSURANCE; COLONIAL LIFE, 106.53, VOLUNTARY INSURANCE; AT&T, 47.25, CELL PHONE; NORTHWESTERN ENERGY, 169.71, ENERGY; PETTY CASH, 9.56, POSTAGE; PRINCIPAL LIFE INS. CO., 180.34, SHORT TERM DISABILITY INSURANCE; RURAL DEVELOPMENT, 4301.00, WATER & WASTEWATER LOAN PMTS; SIOUX VALLEY ENERGY, 82.00, AIRPORT ELECTRICITY; VISA – COR TRUST BANK, 325.00, WATER CONFERENCE; 81 AUTO CLINIC, 1437.16, TIRES/VAN MAINTENANCE/FIRE DEPT. GENERATOR REPAIR; A-OX WELDING SUPPLY CO., 251.48, CYLINDER RENT; ARLINGTON INSURANCE AGENCY, 111.00, TRACTOR INS.; ARLINGTON SUN, 30.77, PUBLICATIONS; AT&T, 938.49, IPAD; AVID HAWK, LLC, 45.00, WEBSITE; BANNER ASSOCIATES, INC., 18783.30, SEWER AND BIRCH ST. ENGINEERING; BOBCAT OF BROOKINGS, 11017.12, SNOW PUSHER/FILTERS/PARTS; BROOKINGS CITY LANDFILL, 349.60, LANDFILL CHRGS; BUNKER AUTO INC., 15.85, SHOP SUPPLIES; CENTURY BUSINESS PRODUCTS, 36.54, MONTHLY SERVICE CHG; CITIZENS STATE BANK, 20.00, MONTHLY SERVICE CHG; COOKS WASTEPAPER & RECYCLING, 6699.60, MONTHLY GARBAGE AND CLEANUP DAY; DITCH WITCH OF SOUTH DAKOTA, 353.69, FILTERS & PARTS; DALE EDMAN, 198.00, AMBULANCE OVERPMT; ELECTRIC FUND, 131.29, DEPOSITS APPLIED TO BILLS; GEOTECK ENGINEERING & TESTING, 1010.50, EARTHWORK TEST – BIRCH/HICKORY STREETS; HANDI MART, 274.38, FUEL – FIRE DEPT.; INTERSTATE ALL BATTERY CENTER, 1230.75, BATTERIES FOR GENERATOR/DODGE/MAINTAINER; KINGBROOK RURAL WATER, 12953.93, NOVEMBER WATER AND LEASE PAYMENTS; LOWES, 577.31, ELECTRIC AND SHOP SUPPLIES; MAGUIRE IRON, INC, 2018.25, WATER TOWER INSPECTION; MAINSTREET DESIGNS, 220.50, REPLACEMENT BULBS; RITA DANIELA MARTINEZ, 68.71, METER DEPOSIT REFUND; MAYNARD'S FOOD CENTER, 14.07, SUPPLIES; MCMASTERS GRAVEL & CONSTRUCTION, 2025.00, GRAVEL; STRONGHOLD PHARMACY, 4.49, BATTERIES; ROBIN NELSON, 831.00, AMBULANCE OVERPMT; O'KEEFE IMPLEMENT, INC, 272.62, SNOW PUSHER PARTS; OFFICE PEEPS, 142.47, PAPER & TOWELS FOR SHOP; PCC AMBULANCE BILLING SERV., 309.20, AMBULANCE BILLING 10/1-10/31/2023; PRAIRIE AG PARTNERS, 315.35, FILTERS/FLUID/PARTS; PRUSSMAN CONTRACTING INC, 470.00, JET SEWER MAIN BY FUNERAL HOME; RAZTECH LLC, 1750.00, OCT & NOV IT; LES ROWEN, 33.19, CLOTHING ALLOWANCE; RUNNINGS SUPPLY INC, 454.94, CLOTHING, SHOP AND PARK SUPPLIES; SD ENERGY ASSISTANCE, 712.09, ENERGY ASSISTANCE REFUND; SD PUBLIC HEALTH LAB, 30.00, WATER TESTING; SDWWA, 10.00, RENEWAL; SIGN SOLUTIONS USA, 638.56, BASEBALL FIELD SIGN; SKINNER STRIPING, 6719.40, STREET PATCHING; SNAP ON TOOLS, 451.40, SHOP & ELECTRICAL TOOLS; WATER & ENVIRONMENTAL ENGINEERING, 364.00, LAGOON TESTING; WESCO DISTRIBUTION INC, 825.90, ELECTRIC SUPPLIES; DAVE WINGLE, 39.98, CLOTHING ALLOWANCE

Motion was made by Johnson, seconded by Mutziger to adopt Resolution #2659 as follows:

RESOLUTION #2659

BE IT RESOLVED, that \$350,000 be transferred from the 2nd Penny Fund to the General Fund for payment to DeBoer Construction, Inc. for Birch Street 2nd pay request; \$131,146.93 be transferred from Electric to the General Fund for payment to DeBoer Construction, Inc. for payment of the balance of the 2nd pay request. All in favor—Carried.

Now was the time for the public hearing for the Special One (1) Day Malt Beverage & Liquor Permits for the Edgar L. Herrick Post #42 American Legion—Lot 3, Block 3, Original Plat, City of Arlington, SD on 12/09/23 (Kingbrook Pro Pheasant Banquet). Motion was made by Falconer, seconded by Rowbotham, to approve said permits. All in favor—Carried.

Jason Parker spoke to the Council regarding the proposed liquor/malt tax. His first question was “why?” He feels it would be a detriment to his business. He requested a bit more analysis to be done and perhaps another meeting with the committee. He wants to work with the city as we are a team with the common goal of moving the town forward. He also talked about the BBB Tax and again wanted to know “why?”. Lundquist and Achterberg explained they wanted to start a fund that they could use for a new ballpark or a new swimming pool in the future. Parker understood and said he was ok with that

as there is a purpose for it. With that, motion was made by Rowbotham, seconded by Johnson to table the second reading of the Liquor Tax to the next Council meeting (December 27, 2023). All in favor—Carried.

Motion was made by Johnson, seconded by Achterberg to approve the second reading of Ordinance #618
ORDINANCE: SPECIAL BED, BOARD, BOOZE AND TICKET SALES TAX

Ordinance No. 618

AN ORDINANCE IMPOSING A MUNICIPAL GROSS RECEIPTS TAX FOR THE MUNICIPALITY OF ARLINGTON, KINGSBURY COUNTY, SOUTH DAKOTA. BE IT ORDAINED BY THE MUNICIPALITY OF ARLINGTON, KINGSBURY COUNTY, SOUTH DAKOTA.

Section 1. PURPOSE. The purpose of this ordinance is to provide additional needed revenue for the Municipality of Arlington, Kingsbury County, South Dakota, by imposing a municipal gross receipts tax pursuant to the powers granted to the municipality by the State of South Dakota, by SDCL 10-52A, and acts amendatory thereto.

Section 2. EFFECTIVE DATE AND ENACTMENT OF TAX. From and after the first day of July, 2024, there is hereby imposed a municipal gross receipts tax of One Percent (1%) upon the gross receipts from the sale of leases or rentals of hotel, motel, campsites or other lodging accommodation within the municipality for periods of less than twenty-eight (28) consecutive days, the sale of alcoholic beverages as defined in SDCL 35-1-1, establishments where the public is invited to eat, dine or purchase and carry out prepared food for immediate consumption, and ticket sales or admissions to places of amusement, athletic and cultural events. The tax applies to the gross receipts of all persons engaged in business within the jurisdiction of the Municipality of Arlington, Kingsbury County, South Dakota, who are subject to the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto.

Section 3. COLLECTION. Such tax is levied pursuant to authorization granted by SDCL 10-52A and acts amendatory thereto and shall be collected by the South Dakota Department of Revenue in accordance with the same rules and regulations applicable to the State Sales Tax and under such additional rules and regulations as the Secretary of Revenue of the State of South Dakota shall lawfully prescribe.

Section 4. INTERPRETATION. It is declared to be the intention of this ordinance and the taxes levied hereunder that the same shall be interpreted and construed in the same manner as all sections of the South Dakota Retail Occupational Sales and Service Tax, SDCL 10-45 and acts amendatory thereto, and that this shall be considered a similar tax except for the rate thereof to that tax.

Section 5. USE OF REVENUE. Any revenues received under this ordinance may be used only for the purpose of land acquisition, architectural fees, construction costs, payment for civic center, auditoriums, or athletic facility buildings, including the maintenance, staffing and operations of such facilities, and the promotion and advertising of the municipality, its facilities, attractions, and activities.

Section 6. PENALTY. Any person failing or refusing to make reports or payments prescribed by this ordinance and the rules and regulations relating to the ascertainment and collection of the tax herein levied shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$2,000 or imprisoned in the municipal jail for thirty (30) days or both such fine and imprisonment. In addition, all such collection remedies authorized by SDCL 10-45, and acts amendatory thereto, are hereby authorized for the collection of these excise taxes by the Department of Revenue.

Section 7. SEPARABILITY. If any provision of this ordinance is declared unconstitutional or the application thereof to any person or circumstances held invalid the constitutionality of the remainder of the ordinance and applicability thereof to other persons or circumstances shall not be affected thereby.

Dated this 4th day of December, 2023.

CITY OF ARLINGTON

Mayor

ATTEST:

Finance Officer

Passed First Reading: 11/6/2023
Passed Second Reading: 12/4/2023
Published: 12/14/2023

Tim Swank addressed the Council about lowering the Sheriff's hours and took a note from Parker asking "why?". Johnson explained that he felt we were not getting the service we expect. They do not do what we ask. He feels they are "double dipping" since they are already required to respond in certain situations. David Kuipers said that just their presence in the community can help deter crime and will help the citizens and business owners feel more comfortable – whether moving to Arlington or for those who already live here. Denyce Campbell presented some information regarding costs in Hamlin and Brookings County and stated that Kingsbury County has the lowest payment of those 3. She also mentioned that they have to cover about 350 miles with the team that they have. She doesn't feel they are double dipping; she takes it as getting "free" service if they have to come over after our contracted hours are done. (She also requested the agenda be posted on the website prior to the meetings. The agenda is posted at City Hall at least 24 hours prior to all meetings).

Time for Public Comments—Gayle Wagner completed an Ask a Question/Report a Problem form and addressed the Council requesting clarification on boulevard snow removal as she had to pay for removal last year. As her property doesn't have a lot of room – no backyard or side yard, she doesn't have a place to put the snow in winters where we receive a lot of snow. The Council informed her that the city cannot remove the snow on boulevards (unless it is blocking street signs), as then they would have to do it for every boulevard.

Motion was made by Falconer, seconded by Achterberg to approve the Employee Overtime and Police Report. All in favor—Carried.

The Council reviewed the Revenue/Expense, Cash and Utility Reports. The utility report is still showing a water issue. Mix let the Council know that he has been working with SD Rural Water and Kingbrook Rural Water checking for leaks. The north side of the highway doesn't appear to have a water issue; however, the south side may. They are shutting down the water tower overnight (making sure water is available through the Badger station) to different sections of town and checking the flow that way. Once they find a large water usage, they will continue to section smaller portions of that area and then bring the trailer back to check the flow and hopefully find any leaks there may be.

Second reading of a Supplemental Ordinance, amending Ordinance #600 (with changes being made to Mayor & Council, streets, storm drain, rubble site, parks, electric, sewer and water from the first reading) in the amount of \$1,196,000.00, was approved by motion of Mutziger, seconded by Rowbotham. All in favor—Carried.

ORDINANCE #619

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION ORDINANCE #577 PROVIDING REVENUE FOR INDESPENSABLE FUNCTIONS OF CITY GOVERNMENT

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

SECTION 1. It is hereby deemed necessary that there is hereby appropriated for the objects and purposes herein specified to pay the necessary expenses and liabilities of the government of the City of Arlington, Kingsbury County, South Dakota, with unencumbered surplus funds from city owned utilities during the fiscal year 2023 as follows:

411.1	MAYOR & COUNCIL	\$	2,500.00
419.2	GOVT BUILDINGS	\$	15,000.00
422.9	FIRE DEPT	\$	54,000.00
431	STREETS	\$	482,000.00
431.5	STORM DRAIN	\$	84,000.00
432.4	RUBBLE SITE	\$	4,000.00
451.2	SWIMMING POOL	\$	18,000.00
452	PARKS	\$	8,500.00
101	GENERAL FUND	\$	668,000.00
602	WATER	\$	177,000.00
603	ELECTRIC	\$	15,000.00
604	SEWER	\$	336,000.00
	TOTAL SUPPLEMENT	\$	1,196,000.00

SECTION 2. WHEREAS, this Ordinance is deemed necessary for the immediate preservation of the public peace, health, or safety and support of the Municipal Government and its existing public institutions; an emergency is hereby declared and said Ordinance shall be effective upon passage and publication thereof.

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

Passed first reading: November 6, 2023
Passed second reading: December 4, 2023
Passed and approved: December 4, 2023

ATTEST:

Stephanie Damm, Finance Officer

Curt Lundquist, Mayor

Motion was made by Johnson, seconded by Sundberg to adopt Resolution #2660 as follows:

RESOLUTION #2660

BE IT RESOLVED, that the water rate increase from \$7.05 to \$7.25 per 1000 gallons. All in favor—Carried.

Motion was made by Mutziger, seconded by Johnson to have the Finance Officer send out renewal leases to the Pheasant Motel, Bits of Yesterday, and Schmidt's (\$100/year); and Handi Mart and Arlington Inn (\$500/year) for their billboards at the Municipal Airport. All in favor—Carried.

As the Town of Badger requested an "as needed" basis option to utilize our lineman's services, Wilkinson said he would find our agreement with Kingsbury Electric and we will draft an agreement based on that information.

A resident contacted the city regarding putting a beehive within a block of Main Street, Wilkinson advised that is not acceptable in that area.

Additional Items: The end of year meeting was set for Dec. 27th at 7 P.M. and the next monthly Council meeting was set for Jan 2nd at 7 P.M. Johnson and Sundberg will set a date for wage discussion and bring back to the Council for discussion and approval. Motion was made by Sundberg, seconded by Mutziger to accept the quote we received from ELO for our 2022 financial audit. All in favor—Carried. The Finance officer was advised to prepare and send a letter to Ben Elliott regarding such. The Council reviewed the Water Tower Tank Inspection report. The tower needs to be sandblasted and painted, but it is quite old and will need to be replaced, so the Finance Officer was asked to contact Volga and Lake Preston to see what their quotes were for new towers. Mix mentioned that he was approached about adding a billboard in city limits - Wilkinson advised that billboards are not allowed in city limits. Mix also spoke to the Council about the 2 week tardiness of DeBoer Construction on Birch Street and the fact that they were significantly less than the other bidders and that they did a good job of putting things back to original condition (if not better), so to consider those points when deciding if they will be penalized for being late. As the Governor of SD granting administrative leave Dec. 26th, the Council did grant that as a holiday for 2023.

Motion was made by Achterberg, seconded by Rowbotham to enter into executive session at 9:34 P.M. for contract negotiations & personnel. All in favor—Carried.

Mayor Lundquist declared out of executive session at 10:00 P.M. No further action taken.

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

Stephanie Damm, Finance Officer

Curt Lundquist, Mayor

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