

CITY HALL, CITY OF ARLINGTON, SOUTH DAKOTA

June 7, 2021

The City Council met as the Zoning Commission—Board of Adjustment. Present on Roll Call were Mayor Curt Lundquist and Council Members: Terry Mutziger, Terry Rowbotham, Garth Johnson, Rob Achterberg and Cory Falconer. Absent: Jesse Steffensen.

Annette Miller/Rod Schiefelbein submitted a special exception request to open a daycare at the following property: Lots 3-6 Block 24 WTL CTY plat of BLKS 20-24 (306 N. 5<sup>th</sup> Street). There was one property owner who was not in favor of approving the request—all other neighbors in attendance were in favor of the city approving the special exception request. One property owner wanted to be sure that Annette would install a fence in the back yard where the kids would play. Annette stated that was in her plans for the daycare. Motion was made by Rowbotham, seconded by Johnson to approve the request. All in favor--Carried

Jason Hanson/Dreamy Dozen, LLC submitted a variance of Ordinance 446, Chapter 2.06.05 – Area Regulations, to construct multiple storage units running north and south approximately 3' to 4' from the east property line at the following property: S217.64' of lot B of plat of lots B&C located in Eckleins 2<sup>nd</sup> addition located in SE 1-10-53. Two of the property owners who received letters were against the current plan for where the unit would be placed along the highway. Todd Wilkinson advised the council not to approve the request since it does not comply with the terms needed to approve since lot requirements do not come into play.

Motion was made by Falconer, seconded by Achterberg to deny the variance request since there is no justification because of the property site. All in favor—Carried.

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

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Sue Falconer, Finance Officer

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Curt Lundquist, Mayor

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

CITY HALL, CITY OF ARLINGTON, SOUTH DAKOTA

June 7, 2021

The City Council met in regular session in the Municipal Building—202 West Elm Street. Present on Roll Call were Mayor Curt Lundquist and Council Members: Terry Mutziger, Terry Rowbotham, Garth Johnson, Rob Achterberg and Cory Falconer. Absent: Jesse Steffensen.

Motion was made by Achterberg, seconded by Johnson to approve the minutes of the May 3<sup>rd</sup>, 12<sup>th</sup> and 24<sup>th</sup> meetings. All in favor—Carried.

Laurie Bunker met with the council to advise them that she had learned that swimming lessons would not be offered at the Arlington Pool this year since there were no WSI certified lifeguards on staff. Laurie offered her services along with the assistance of the staff to instruct lessons when it fits into her schedule in Madison if the council was interested. Motion was

made by Johnson, seconded by Achterberg to hire Laurie and that she should work with the pool staff to get kids registered to see how many are still interested. All in favor—Carried.

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

Bills approved as follows:

29681-29688	Salaries	General Fund	101	6178.73
		Water	602	248.60
		Electric	603	3136.77
		Sewer	604	440.95
Auto Debit	Citizens State Bank	EFTPS—May 17 <sup>th</sup> WH-SS-Medicare		3199.17
29689	East River Electric Power	Energy		3210.48
29690	Electric Fund	City Bills		3859.54
29691	Fusion Cloud Services	Phone Chges		289.40
29692	Heartland Consumer Power Dist	Energy		18183.54
29693	Infotech Solutions	Firewall mgmt./Office 365/backups		874.00
29694	Kingsbury County Auditor	County Law Enforcement Contract		5655.00
29695	Mediacom	Internet		259.90
29696	SD Govt Finance Officers Assn	School Registration		150.00
29697	SD Human Resource Assn	School Registration		100.00
29698	SD State Treasurer	Sales Tax		5835.85
29699	US Bank-Charlotte	Paying Agent Fee		600.00
29700	Western Area Power Adm	Energy		15181.30
29701	US Bank-Charlotte	Electric Bond Payment		152202.50
29702-29715	Salaries	General Fund	101	13983.63
		Water	602	523.06
		Electric	603	3622.86
		Sewer	604	762.76
Auto Debit	Citizens State Bank	EFTPS-May 30 <sup>th</sup> WH/SS/Medicare		2733.72
29716	Colonial Life	Payroll Deductions		107.33

29717	Northwestern	Service to Shop & Coop Shop Bldgs	200.98
29718	PLIC-SBD Grand Island	Short Term Disability	191.12
29719	SD Govt Finance Officers Assn	New Member	30.00
29720	SD Human Resource Assn	New Member	25.00
29721	SD Retirement System	May Retirement	3365.44
29722	Sioux Valley Energy	Electricity @ Airport	96.00
29723	The Health Pool of SD	May-June Health Insurance Premiums	8098.75
29724	Visa—Cor Trust	Wire & cable bender/sweeper repairs/cemetery	
		Books/meal/supplies tractor repairs	1210.99
29725	AT&T	Cell Phone Charges	108.38
29726	Amazon Credit Plan	Books/Library	51.90
29727	A-Ox Welding Supply Co	Cylinder rent	183.41
29728	Arlington Insurance Agency	Yearly Building/auto/liability	39734.00
29729	Arlington Sun	Publications	240.97
29730	Banner Associates Inc	Engineering—Street Project	3058.80
29731	Bobcat of Brookings	Seeder Rent	150.00
29732	Bound Tree Medical LLC	Filter Kits	97.98
29733	Bunker Auto Inc	Light bulbs for light bar	13.74
29734	Center Point Large Print	Book	22.17
29735	Dept of Revenue	Water testing	15.00
29736	DGR Engineering	Electrical Engineering	89.50
29737	Eighty-One Auto	Filter, spark plug, oil, fuel	153.52
29738	Elite Drain & Sewer	Service Call	1250.50
29739	Gale/Cengage Learning	Books for Library	227.50
29740	Genuine Builders Inc	Alley approach – Ash Street	3265.31
29741	Graybar Electric Company Inc	Load Management Receivers	2519.28
29742	Handi Mart	Fuel—Amb & FD	316.52
29743	Hawkins Inc	Pool Supplies/Chemicals	3445.86

29744	Infotech Solutions LLC	Storage/firewall/office 365 maintenance	874.00
29745	Interstate All Battery Center	Daihatsu and other battery	374.85
29746	Aleece Jacobsen	Baseball Supplies	107.21
29747	Jay's Autobody	Disposable Gloves	180.32
29748	Kingbrook Rural Water	Water & lease payment	13305.33
29749	Larsen Overhead Door	Hinge and rollers	112.20
29750	Lowes	Thermostat Wire, misc. supplies	299.22
29751	Lyle Signs, Inc	Redfish Park Sign	90.78
29752	McMasters Construction	Gravel-Willow St. & Apple Orchard Road	4067.90
29753	Office Peeps Inc	Paper/supplies/service agreement-copier	204.32
29754	Omni-Pro Software	AMR Software License & Support	2464.00
29755	PCC Ambulance Billing Serv.	Ambulance Billing	659.25
29756	Prairie Ag Partners	Repairs/mower parts/hoses/oil/fittings	382.42
29757	R&L Splicing Inc	Boring Electrical Service	1469.39
29758	Resco	Vision metering	150.00
29759	Snap On Tools	Misc tools—city shop	438.89
29760	South Dakota Magazine	Subscription	25.00
29761	Michael Todd & Company	Elgin brush refill/bolt/carbide snow blade	2587.49
29762	Topkote Inc	Rout & Seal	19541.52
29763	US Post Office	Postage Stamps	336.00
29764	Wesco Distribution Inc	Red Turf Paint/Splice Kits	1033.30
29765	Wilkinson & Schumacher	Legal Fees Nov 2020-Mar 2021	2826.20
29766	Richard Christensen	Meter Refund	40.63
29767	Electric Fund	Meter deposits applied to read out bills	654.05
29768	Bart Kjellsen	Meter Refund	90.04
29769	Marv Kleinjan	Meter Refund	150.00
29770	Jordan & Bethany McCarty	Meter Refund	65.28
Auto Debit	Rural Development	Water Improvement Loan	1343.00

Motion was made by Achterberg, seconded by Falconer to adopt Resolution #2612 as follows:

#### RESOLUTION #2612

BE IT RESOLVED, that \$23,609.42 be transferred from the 2<sup>nd</sup> Penny Fund to the General Fund for payment of the bill to McMaster's for gravel (\$4067.90) and Topkote for crack sealing (\$19,541.52). All in favor—Carried.

The council re-opened the Zoning Commission meeting to hold a joint meeting to discuss the second reading of the ordinance regarding the issuance of local medical cannabis permits and/or licenses. Motion was made by Rowbotham, seconded by Mutziger to approve the second reading of Ordinance #581 as follows:

#### ORDINANCE #581

##### A TEMPORARY ORDINANCE REGARDING THE ISSUANCE OF LOCAL MEDICAL CANNABIS ESTABLISHMENT PERMITS AND/OR LICENSES

WHEREAS, a local government may enact an ordinance not in conflict with SDCL Chapter 34-20G, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality. A local government may require a medical cannabis establishment to obtain a local license, zoning permit, or registration.

WHEREAS, the Municipality of Arlington, SD ("Municipality"), makes a preliminary finding that the Municipality's current regulations and controls may not adequately address the unique needs and impacts of medical cannabis establishments as defined in SDCL 34-20G-1;

WHEREAS, medical cannabis state laws under SDCL 34-20G are effective July 1, 2021. The South Dakota Department of Health shall promulgate rules pursuant to chapter 1-26 not later than October 29, 2021, as defined by SDCL 34-20G-72. During the time between July 1, 2021 and potentially as late as October 29, 2021, local units of government will not yet know standards for medical cannabis and will not be able to adequately assess the local zoning and licensing requirements necessary to approve local permits and to better ensure applicants have a more predictable permitting process and avoid stranded investments.

WHEREAS, the Municipality makes a preliminary finding that the Municipality needs further study of the relationship of medical cannabis establishments to the City of Arlington, SD Comprehensive Plan and Zoning Ordinance. The public interest requires that the Municipality study, analyze, and evaluate the

WHEREAS, the Municipality makes a preliminary finding that it would be inappropriate for the Municipality to issue a local permit or license to a medical cannabis establishment prior to the South Dakota Department of Health's promulgation of regulations governing the same;

WHEREAS, the Municipality hereby exercises its authority under SDCL 11-4-3.1 and/or SDCL 9-19-13, and the Municipality Charter for the City of Arlington (if applicable) to establish a temporary ordinance regarding the issuance of any local permits/licenses for medical cannabis establishments within the Municipality;

WHEREAS, a temporary ordinance will ensure that more comprehensive zoning ordinance and building permit changes, licensing permits, and any proposed amendments to the Municipality's Comprehensive Plan can be completely examined with adequate public input from citizens, business interests, and medical cannabis industry representatives;

WHEREAS, the Municipality finds that a temporary ordinance is reasonable to preserve the status quo and prevent significant investment pending the outcome of the above study and any proposed regulations emanating therefrom;

WHEREAS, the Municipality finds that the following ordinance is necessary to protect and immediately reserve the public health, safety, welfare, peace and support of the municipal government and its existing public institutions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ARLINGTON, SD;

Section 1. Temporary Ordinance—Application for Local Permit/License

A medical cannabis establishment desiring to operate in the Municipality shall be required to apply for a permit and/or license from the Municipality. Applications for a local permit and/or license to operate a medical cannabis establishment, as defined by SDCL 34-20G-1, shall to be accepted until the South Dakota Department of Health has promulgated regulations as required by SDCL 34-20G-72. Any application received prior to such regulations being promulgated shall be denied.

Section 2: Immediate Effect.

This ordinance is necessary to protect and immediately preserve the public health, safety, welfare, peace, and support of the municipal government and its existing public institutions pursuant to SDCL 11-4-3.1 and SDCL 9-19-13.

First Reading: May 3, 2021

2<sup>nd</sup> Reading: June 7, 2021

Adopted: June 7, 2021

Published: June 17, 2021

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Curt Lundquist, Mayor

ATTEST:

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Sue Falconer

Finance Officer

Zoning Commission once again adjourned.

Public Comments: Ralph Kommes requested time to visit with the council regarding some concerns that he had on the condition of a parcel of personal property and some of the operations in the city.

Based on the recommendations from the Zoning Commission—Motion was made by Rowbotham, seconded by Achterberg to approve the special exception permit request from Annette Miller to operate a daycare at 306 North 5<sup>th</sup> Street. All in favor—Carried.

Now was the time as advertised for the South 3<sup>rd</sup> Street Curb and Gutter Hearing. None of the property owners were in attendance. Motion was made by Mutziger, seconded by Achterberg to approve Resolution #2610-1as follows with all voting Aye—Carried

RESOLUTION 2610-1

A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CURB AND GUTTER IMPROVEMENTS AS IT PERTAINS A PORTION OF 3<sup>RD</sup> STREET CONTAINING THE FOLLOWING LEGAL DESCRIPTIONS:

Third Street lying between the North One Hundred and Four Feet (N 104') of the West Two Hundred and Eight Feet (W 208') in the Northwest Corner in Block Twenty-One (21) Chandler's Second Addition to the City of Arlington; Block One (1) Converse Addition to the City of Arlington, located in Lots Five (5) and Six (6), Block Thirteen (13), County Auditor's Plat of Outlots in Arlington, Kingsbury County, South Dakota, according to the recorded plat thereof. Lots Nineteen (19), Twenty (20) and Twenty-One (21) in Chandler's Second Addition to the City of Arlington. Now known as : The West Half of the Northwest Quarter of the Southwest Quarter (W ½ NW ¼ SW ¼ ) of Section One (1), Township One Hundred Ten (110) North, Range Fifty Three (53) West of the Fifth (5<sup>th</sup>) P.M.; except the North One Hundred Four Feet (N 104') of the West Two Hundred Eight Feet (W 208') in the Northwest Corner of Block Twenty-One (21), Chandler's Second Addition to the City of Arlington; Lots Number Three (3) and Four (4) in Block Numbered Thirteen (13) of the County Auditor's Plat of the South Half of the Northwest Quarter (S ½ NW ¼ ) of Section Numbered One (1), in Township One Hundred Ten (110), Range Fifty Three (53), in the City of Arlington, Kingsbury County, South Dakota.

BE IT RESOLVED BY THE CITY OF ARLINGTON, SOUTH DAKOTA:

SECTION 1. that the special assessment roll for the assessment of the property assessable for curb and gutter improvement on 3<sup>rd</sup> Street containing the following legal descriptions: Third Street lying between the North One Hundred and Four Feet (N 104') of the West Two Hundred and Eight Feet (W 208') in the Northwest Corner in Block Twenty-One (21) Chandler's Second Addition to the City of Arlington; Block One (1) Converse Addition to the City of Arlington, located in Lots Five (5) and Six (6), Block Thirteen (13), County Auditor's Plat of Outlots in Arlington, Kingsbury County, South Dakota, according to the recorded plat thereof. Lots Nineteen (19), Twenty (20) and Twenty-One (21) in Chandler's Second Addition to the City of Arlington. Now known as : The West Half of the Northwest Quarter of the Southwest Quarter (W ½ NW ¼ SW ¼ ) of Section One (1), Township One Hundred Ten (110) North, Range Fifty Three (53) West of the Fifth (5<sup>th</sup>) P.M.; except the North One Hundred Four Feet (N 104') of the West Two Hundred Eight Feet (W 208') in the Northwest Corner of Block Twenty-One (21), Chandler's Second Addition to the City of Arlington; Lots Number Three (3) and Four (4) in Block Numbered Thirteen (13) of the County Auditor's Plat of the South Half of the Northwest Quarter (S ½ NW ¼ ) of Section Numbered One (1), in Township One Hundred Ten (110), Range Fifty Three (53), in the City of Arlington, Kingsbury County, South Dakota, be and the same is hereby approved and the assessment as set out in said special assessment roll approved this date is hereby levied against the property described therein and becomes a lien against such property upon filing of said special assessment roll in the office of the City Finance Officer.

SECTION 2. Said assessment may be paid in five annual installments and shall be collected under Plan One – Collection by County Treasurer as provided in SDCL 9-43-102.

CITY OF ARLINGTON

By: \_\_\_\_\_

It's Mayor

ATTEST:

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City Finance Officer

NOTICE TO PROPERTY OWNERS

Notice is hereby given that assessments levied under the above resolution will become due and payable at the Office of the County Treasurer in five installments, together with interest at 7 percent per annum in accordance with SDCL 9-43-102. The first installment, with interest, will become due with general taxes and will be payable at the County Treasurer's Office on January 1 of each following year until total assessment, with interest, is paid in full.

Notice is further given that the special assessment roll approved in the above resolution was filed with the City Finance Officer's Office on the 7<sup>th</sup> day of June, 2021, and that the whole of said assessment, or any installment thereof, may be paid without interest to the city Finance Office on or before the 1<sup>st</sup> day of October, 2021.

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City Finance Officer

Ordinance #582 received the second reading and on Motion by Johnson, seconded by Achterberg same was approved with all voting aye—Carried.

ORDINANCE #582

AN ORDINANCE AMENDING ORDINANCE #444, 561—AN ORDINANCE AMENDING APPENDIX B OF ORDINANCE NO 349b "RATES" OF CHAPTER II-4 ENTITLED

"SEWER REGULATIONS"

BE IT ORDAINED BY THE CITY OF ARLINGTON, SOUTH DAKOTA: That Ordinance #444 An Ordinance Amending Appendix B of Ordinance No 349b "Rates" of Chapter II-4 Entitled "Sewer Regulations" be and the same is hereby to read as follows:

APPENDIX B: Residential user, except for Multiple Family Dwelling Users, are considered to be one class of user and are assessed a charge of \$32.00 per month. For purpose of this Ordinance, Multiple Family Dwelling users shall be assessed a charge of \$32.00 per month per water meter, together with an additional charge of \$3.20 per 1,000 gallons per month based on metered water use. Non-residential users with flows no greater than the average residential user's flow of 10,000 gallons per month and with BOD and TSS no greater than the average residential user's strength of 200 ppm BOD and 250 ppm TSS will pay the same charge of \$32.00 per month as the average residential user. Average residential user flow will be calculated annually on the basis of winter quarter water use records. Non-residential users with volumes greater than the average residential user will pay an additional charge of \$3.20 per 1,000 gallons per month for all flows greater than the average residential user's flow of 10,000 gallons per month.

All other provisions of this ordinance not specifically modified by this amendment shall remain in full force and effect.



Dated this 7th day of June, 2021.

Passed First Reading: May 3, 2021

Passed Second Reading: June 7, 2021

Passed and Approved: June 7, 2021

ATTEST:

CITY OF ARLINGTON

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City Finance Officer

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Mayor

The following building permits had been submitted for approval:

Jennifer & Daniel Molengraaf to install a fence in the back yard at Lots 3&4 Block 5 Chandler's 1<sup>st</sup> addn. (706 S. Spruce St.).

David & Janelle Virchow to add an additional stall (15') on the existing garage at the NW 100' Lot 16 Block 2 Original plat (207 N 3<sup>rd</sup> St.).

Electric Report—None.

ACDC Report--None

The council reviewed the financial information that was provided by the Arlington Community Development Corporation to obtain the 2021 disbursement. Motion was made by Achterberg, seconded by Mutziger to approve the following disbursements—ACDC \$10,000 and \$2000 to the Deferred Compensation Funds for the Arlington Fire Dept and the Arlington Ambulance Service and \$1000 to the BATA bus. All in favor—Carried.

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.

Motion was made by Falconer, seconded by Rowbotham to approve accepting the resignation received from Steven Monteith to be effective immediately. All in favor—Carried.

Motion was made by Achterberg, seconded by Falconer to offer the following swimming pool positions: Cayli Miklos and April Groon to work at the swimming pool bathhouse @ \$9.45/Hr and transfer Natalie Burns from the pool to a painter position. All in favor—Carried.

Motion was made by Rowbotham, seconded by Johnson to approve Resolution #2613 as follows:

RESOLUTION #2613

BE IT RESOLVED, that Stephanie Damm is designated as an authorized employee of the City of Arlington to be added to the signature cards for all of the checking and savings account that are active and Stephanie should also be added to the Surety Bond for the city. All in favor—Carried.

The decision was made to hold the July council meeting on Tuesday, July 6<sup>th</sup> due to the holiday.

Motion was made by Mutziger, seconded by Achterberg to enter into executive session at 8:12 P.M. for personnel matters. All in favor—Carried.

Motion was made by Rowbotham, seconded by Achterberg to come out of executive session at 8:35 P.M. with no further action being taken.

Motion to adjourn was made by Mutziger, seconded by Rowbotham. All in favor—Carried.

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Sue Falconer, Finance Officer

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Curt Lundquist, Mayor

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