

CITY HALL, CITY OF ARLINGTON, SOUTH DAKOTA  
September 6, 2022

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

Darin & Rachel Janes submitted a special exception request to allow 10 RV campsites to their property at Outlot 2, except Lot A & Lot H, SE SW 36-111-53 County Auditors Outlots (45326 US Highway 14). Motion was made by Achterberg, seconded by Falconer to approve the request as they had approval of all neighbors within 250'. Mutziger, Achterberg, Johnson and Falconer all voting aye—Carried.

Discussion was held regarding a change to the Agricultural Zoning Ordinance allowing all special exceptions that are listed for Hi-Way Commercial also be special exceptions for Agricultural Zoning. Motion was made by Achterberg, seconded by Falconer to amend the Agricultural Zoning Ordinance to add the additional special exceptions. Mutziger, Achterberg, and Falconer all voting aye; Johnson nay—Carried.

Rich & Penny Kopfmann submitted a request for a variance to build a garage 10' from their property line instead of the required 20' at tract 8B SE Sec 1-110-53 City of Arlington (replat 7-2008) (410 E. Ash St.). Motion was made by Johnson, seconded by Achterberg to approve the request as the city did not receive any notifications from the adjoining properties against the proposed variance. All in favor—Carried.

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

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 and Cory Falconer. Absent: Terry Rowbotham and Beth Sundberg.

Motion was made by Falconer, seconded by Mutziger to approve the minutes of the August 1<sup>st</sup> & 8<sup>th</sup> meetings. All in favor—Carried.

Motion was made by Achterberg, seconded by Mutziger to approve payment of \$3,125.00 for the vacation guide ads. All in favor—Carried.

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

Bills approved as follows:

31058-31079	Salaries	General Fund	101	\$14,024.29
			602	\$319.03
			603	\$3,385.79
			604	\$481.94
31080	DeCurtins & Sons	Baseball Field Bldg		\$67,090.95
31081	EAST RIVER ELECTRIC POWER COOP	Energy		\$3,859.24
31082	ELECTRIC FUND	City Utility Bill		\$5,929.79
31083	HEARTLAND CONSUMER POWER DIST	Energy		\$33,305.45
31084	KINGSBURY COUNTY AUDITOR	County Contract Law		\$5,655.00
31085	S D STATE TREASURER	Sales Tax - Electricity		\$8,934.27
31086	U.S. BANK CHARLOTTE	Paying Agent Fee		\$600.00
31087	VALLEY FIBERCOM	Phone/Internet		\$240.06
31088	WESTERN AREA POWER ADM	Energy		\$14,022.30
31089	T-Line EV LLC	Pumper Truck		\$32,500.00
31090-31109	Salaries	General Fund	101	\$14,331.37
			602	\$628.65
			603	\$4,377.40
			604	\$695.15
31110	COLONIAL LIFE	Payroll Deduction		\$47.88
31111	NORTHWESTERN	Service to City Shop		\$10.00
31112	PETTY CASH	Postage		\$9.43
31113	PLIC-SBD GRAND ISLAND	Short Term Disability		\$169.57
31114	S D RETIREMENT SYSTEM	August Retirement		\$3,044.96
31115	SDWWA	SDWWA Annual Conference Fee		\$130.00
31116	SIOUX VALLEY ENERGY	Electricity - Airport		\$91.00
31117	THE HEALTH POOL OF SD	Insurance Premiums		\$4,355.30

31118	VISA--COR TRUST BANK	washers for mowers	\$654.84
31119	AMAZON CREDIT PLAN	Books	\$31.97
31120	A-OX WELDING SUPPLY CO INC	Cylinder Rent	\$99.50
31121	ARLINGTON SUN	Publishing	\$362.85
31122	Arnold Pool Company	Diving Board	\$4,805.00
31123	BADGER OIL INC	Mower Repair/Parts	\$474.40
31124	BANNER ASSOCIATES, INC	Engineering	\$4,180.50
31125	BOUND TREE MEDICAL, LLC	Ambulance - Diphenhydramine 50MG caps	\$5.09
31126	BUNKER AUTO INC	Meter Balance Refund	\$50.00
31127	CARLSON, D D	Meter Deposit Balance Refund	\$61.15
31128	Century Business Products	Service Agreement	\$33.45
31129	CITIZENS STATE BANK	Sept. Service Charge	\$20.00
31130	CLITES ELECTRIC CONSTRUCTION	Street Light Repair	\$805.87
31131	COOK S WASTEPAPER & RECYCLING	August Garbage	\$5,442.99
31132	DAKOTA PUMP & CONTROL CO	Service Call - Float at Lift/meters at south lift/seal main lift	\$1,838.78
31133	DEPT OF REVENUE	Water Testing	\$15.00
31134	EIGHTY-ONE AUTO CLINIC	Ranger Pickup Repair - steering column	\$351.63
31135	ELECTRIC FUND	Meter Deposits applied to bills: B VanMaanen 200/S	\$596.19
31136	GLACIAL LAKES & PRAIRIES	Ads - Glacial Lakes & SD Guides	\$3,125.00
31137	HANDI MART	Concession Supplies for Pool	\$3,029.56
31138	HAWKINS INC	Pool Chemicals - Algimycin, Azone, Etc.	\$2,591.45
31139	HYDRO-KLEAN, LLC	Clean Lift Station	\$1,140.00
31140	INTERSTATE ALL BATTERY CENTER	AA Batteries	\$10.70
31141	KAUFMANN-UST CONSTRUCTION	Bathroom, Shelter, Garage, Mausoleum, and Bathhouse	\$7,709.36
31142	KINGBROOK RURAL WATER SYSTEM	August Water & Lease Pmts	\$12,942.18
31143	Letsche, Caden	Reimbursement - Lifeguard Cert.	\$175.00
31144	LOWES	supplies for green shed	\$633.71
31145	MAYNARDS FOOD CENTER	Shop Supplies	\$75.51
31146	MIX, MARSHAL	Clothing - Marshal	\$101.66
31147	OFFICE PEEPS INC	Correction Ribbon for Library	\$6.27
31148	PCC AMBULANCE BILLING SERVICE	July 22 Ambulance Billing	\$652.94
31149	PRAIRIE AG PARTNERS	tire repair/parts/shop supplies - seafoam	\$6,273.13
31150	Raztech LLC	7/1-7/31 IT	\$788.00
31151	Roby, Emily	Meter Deposit Balance Refund	\$63.37
31152	RYCO CONSTRUCTION	Park Shelter Roof	\$64,876.82
31153	S D MUNICIPAL LEAGUE	Fall Conference	\$300.00
31154	SCHEIN INC	Ambulance Supplies	\$132.43
31155	SD DEPT OF LABOR	Late Filing Fee	\$25.00
31156	SNAP ON TOOLS	4000 Lumen Battery Flood Light	\$503.50
31157	Spilde, Emma	Reimbursement - Lifeguard Cert.	\$175.00
31158	STEFFENSEN CONSTRUCTION	3rd Street & Cottonwood St.	\$1,356.60
31159	TITAN MACHINERY	Filters	\$669.83
31160	TRAVS OUTFITTER INC	Clothing Allowance - Lonnie	\$150.00
31161	U S POST OFFICE	Stamps	\$120.00
31162	VAN DIEST SUPPLY COMPANY	Biomist & ULV Flushing Solution	\$1,918.63
31163	VINCENT, JESSE CONSTRUCTION	Dig Water Service at School	\$765.31
31164	WAGNER, GAYLE	Paint for dugouts	\$346.79
31165	WESCO DISTRIBUTION INC	14.4KV TCC	\$1,706.00
Auto Debit	RURAL DEVELOPMENT	Water Improvement Loan	\$1,343.00
Auto Debit	RURAL DEVELOPMENT	Water/Wastewater Loan	\$2,958.00

Motion was made by Mutziger, seconded by Achterberg to adopt Resolution #2634 as follows:

RESOLUTION #2634

BE IT RESOLVED, that \$1,356.60 be transferred from the 2<sup>nd</sup> Penny Fund to the General Fund for payment of the bill to Steffensen Construction for removing dirt/gravel and adding concrete to the end of 3<sup>rd</sup> Street and Cottonwood Street. All in favor—Carried.

Discussion was held regarding a Shop House Ordinance and upon motion by Johnson, seconded by Mutziger, the first reading of the ordinance was held. All in favor—Carried.

Now was the time as advertised to open the bids for the three-year leases for the ag land at the Rubble Site, Cemetery, and Airport. The bids received for the Rubble Site land were – Brady Josephsen: \$167.50/acre and Weber Ag, LLC for \$188/acre. Motion was made by Falconer, seconded by Mutziger to accept the bid from Weber Ag, LLC. All in favor—Carried. The bids received for the Airport land were – Trace Damm for \$188/acre and it was reported at the time of the bid opening by David Josephsen that a bid from Crystal Josephsen had been deposited in the drop box; however, that bid was for \$178/acre. Motion was made by Mutziger, seconded by Johnson to accept the bid from Trace Damm. All in favor—Carried. The bid for the Cemetery land was from Barret Marshall for \$100/acre. Motion was made by Falconer, seconded by Mutziger to approve Barret’s bid. All in favor—Carried.

Based on the recommendations from the Zoning Commission, Motion was made by Achterberg, seconded by Mutziger to approve the special exception request from Darin & Rachel Janes. All in favor—Carried.

Based on the recommendations from the Zoning Commission, Motion was made by Mutziger, seconded by Achterberg to approve the first reading to amend the Agricultural Zone Ordinance as stated above. All in favor—Carried.

Based on the recommendations from the Zoning Commission, Motion was made by Falconer, seconded by Mutziger to approve the variance request from Rich Kopfmann. All in favor—Carried.

Preston Singrey from the Arlington School Student Council asked the council for permission to white wash the streets for Homecoming (nothing permanent will be used) to show school pride. Motion was made by Achterberg, seconded by Johnson to approve the request. All in favor—Carried.

Public Comments – Kelcy Nash spoke to the council about the 7 A.M. whistle and why we had one. She was advised to get a petition started if she would like it stopped as the council has been approached before, but in the past, the majority of the residents wanted to keep it.

The second reading to amend the Industrial Zone Ordinance was held. Motion was made by Falconer, seconded by Mutziger to amend the Ordinance to read as stated below. Upon roll call vote, voting aye was: Mutziger, Johnson, Achterberg, and Falconer; voting nay: none. Motion Carried.

**Ordinance #598**

An Ordinance Amending Section 2.10.01 Permitted Uses (3.) of the Zoning Ordinance to read as follows:

Section 2.10.01 Permitted Uses:

The following uses and structures shall be permitted in the “I” Industrial District:

1. All permitted uses in the “HC” Highway Commercial District.
2. Any industrial use, other than those permitted by special exception, which can meet the performance standards listed in section 2.10.06.
3. **Cannabis Cultivation Facility**

Passed first reading August 8, 2022

Passed second reading September 6, 2022

Passed and approved September 6, 2022

ATTEST:

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City Finance Officer

\_\_\_\_\_  
Mayor

The second reading to amend the Hi-Way Commercial Zone Ordinance was held. Motion was made by Falconer, seconded by Achterberg to amend the Ordinance to read as stated below. Upon roll call vote, voting aye was: Mutziger, Achterberg, and Falconer; voting nay: Johnson. Motion Carried.

**Ordinance #599**

An Ordinance Amending Section 2.09.01 Permitted Uses (4.-11.) and Section 2.09.02 Special Exceptions of the Zoning Ordinance to read as follows:

Section 2.09.01 Permitted Uses:

The following uses and structures shall be permitted in the "HC" Highway Commercial District:

1. Horticulture and the raising of field crops;
2. Garages, repair shops, and automobile service stations;
3. On-site Signs
4. Hotel/Motel;
5. Bar/Tavern and/or On-Sale/Off-Sale Liquor Establishments
6. Financial Institutions;
7. Campground Sites;
8. Wholesale or Retail Sales of: lumber and other building materials, farm equipment, motor vehicles, marine crafts, manufactured homes, trailers, farm and garden supplies, fuel and ice; motor vehicles and automobile equipment; drug, chemicals, all allied products; dry goods and apparel; groceries, and related products; electrical goods, hardware, plumbing, heating and equipment and supplies; machinery, equipment and supplies, beer, wine, and distilled alcoholic beverages; paper and paper products; furniture and home furnishings; lumber and construction materials;
9. General Farm Products (other than animals), Household Goods, and Equipment Maintenance;
10. Wholesale Merchandising or Storage Warehouse;
11. Carwashes, provided that their operative machinery is within an enclosed structure and adequate drainage is provided.

Section 2.09.02 Special Exceptions:

The following uses may be permitted a special exceptions in the "HC" Highway Commercial District by the City Board of Adjustment subject to such requirements, as the Board deems necessary to protect and promote the health, safety and general welfare.

1. Utility Substations;
2. Apartments;
3. Mortuaries;
4. Contract Construction Services;
5. Off-Site Signs;
6. Truck or Bus Terminal;

Passed first reading August 1, 2022

Passed second reading September 6, 2022

Passed and approved September 6, 2022

ATTEST:

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City Finance Officer

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Mayor

The following building permit was submitted: Darin & Rachel Janes for 10 gravel RV pads with utilities at Outlot 2, except Lot A & Lot H, SE SW 36-111-53 County Auditors Outlots (45326 US Highway 14). Motion was made by Achterberg, seconded by Falconer to approve. All in favor--Carried

The following building permits had been submitted and were approved: Avantara of Arlington to move a 10' x 20' shed on the property at Lot 7 & 8, Block 19 WTL CTY's 4<sup>th</sup> Addn Facility #0979 (120 Care Center Road); Gaylene Christensen (Prairie Porch) to fence in part of the back yard at NW'LY 105', Lot 19, Block 3 Original Plat (105 S. 3<sup>rd</sup> St.); Steve Zobel to install a fence from the house to the garage on the west side of the driveway at Lot 4, Block 10, County Auditors Plat AKA Lot 4, Block 10 Lieske's Addn (408 S. 3<sup>rd</sup> St.); Dennis & Annette Miller to move an 8' x 10' garden shed on property at A Rect. Shaped parcel consisting of lot 106 & wly 93.9' Lot I, Block 5, Albert Keeps 1<sup>st</sup> Addn (215 S. Main St.).

Homecoming will be held during the week of September 19<sup>th</sup> for the Arlington Cardinals and they are asking for a burning permit for the burning of the “A” on Monday, September 19<sup>th</sup> on the school grounds. Motion was made by Achterberg, seconded by Falconer to approve this permit if there are personnel from the fire dept on scene during this event. All in favor—Carried.

Beth Neimeyer from Banner Associates was here to discuss Birch St. & 100’ of Hickory St. and the Sewer upgrade east of Hi-Way 81. The Council asked Beth to re-figure the amount on Hickory St. as it seemed a bit high. Motion was made by Johnson, seconded by Achterberg to approve the sewer upgrade engineering services in the amount of \$60,000 for the design and bidding phase and a not to exceed amount of \$70,000 for the construction phase. All in favor—Carried.

Electric Report—First reading to amend/correct the electrical rates in the city ordinance book was reviewed. Motion was made by Mutziger, seconded by Achterberg to approve the amendment/correction to the electrical rate section of the ordinance book. All in favor—Carried.

ACDC Report—New business in the industrial park will be breaking ground in 2 to 3 weeks.

Motion was made by Mutziger, 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 annual Appropriation Ordinance #600 for 2023 received the second reading and on Motion by Achterberg, seconded by Falconer same was adopted with all voting Aye—Carried.

ANNUAL APPROPRIATION ORDINANCE

NO. 600

An Ordinance appropriating funds for the necessary expenditures and liabilities of the City of Arlington, Kingsbury County, South Dakota, for the fiscal year of 2023; 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 2023 follows:

101 GENERAL FUND – EXPENDITURES

411	Mayor & Council	\$75,929
413	Elections	\$870
414	Finance Office	\$127,584
415	Attorney	\$8,000
416	Insurance	\$1,000
419	General Government Building	\$11,755
421	Police	\$75,000
422	Fire Department	\$31,795
431	Highway & Streets	\$722,397
432	Storm Drainage	\$21,140
435	Airport	\$12,500
436	Solid Waste	\$86,030
437	Cemetery	\$35,090
441	West Nile	\$6,070
446	Ambulance	\$43,895
451	Swimming Pool	\$83,920
452	Parks	\$29,252
453	Baseball	\$22,862
455	Library	\$21,255
456	Bata Services	\$1,000
465	Development Corporation	\$25,000

TOTAL TAX SUPPORTED FUNDS EXPENDITURES	\$1,442,344
212 2ND PENNY SALES TAX	\$301,200
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	\$231,475
603 Electric Fund	\$1,126,240
604 Sanitary Sewer Fund	\$142,329
TOTAL SELF-SUPPORTED FUNDS	\$1,821,244
 TOTAL 2023 APPROPRIATION	 \$3,263,588

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	\$315,000
3112-	
3119 Other Taxes	\$3,800
3130 General Sales & Use Tax	\$300,000
Miscellaneous Revenue	\$327,306
Transfer from Electric Fund	\$296,354
Transfer from Sewer	
Transfer from 2 <sup>nd</sup> Penny	\$35,068
Retained Cash Balance - Streets	\$164,816
	<hr/>
	\$1,442,344

212 2<sup>ND</sup> PENNY SALES TAX \$301,200

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	\$50
3810 Disconnect/Reconnect Fees	\$750
3811 Metered Sales	\$220,000
3813 Bulk Sales	\$500
3814 Sales of Supplies	\$300
3816 Frozen Meters	\$725
603 Electric Fund	
3610 Interest Earned	\$500
3821 Metered Sales	\$1,400,000
3823 Sales of Supplies	\$500
3824 Pole Rental	\$245
3826 Disconnect/Reconnect Fees	\$300
3827 Penalties	\$17,500
3829 Electric Other	\$10,000

	Less Transfers	\$296,345
604	Sanitary Sewer	
	3610 Interest	\$1,500
	3831 Sewer Charges	\$170,000
	Less Add'l Loan Payment/transfer	\$35,068
TOTAL APPROPRIATION REVENUE—2023		\$3,255,001

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

Passed First Reading August 1, 2022  
 Passed Second Reading September 6, 2022  
 Passed and Approved September 6, 2022

\_\_\_\_\_  
 Curt Lundquist, Mayor

ATTEST:

\_\_\_\_\_  
 Stephanie Damm, Finance Officer

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

RESOLUTION NO. 2635

A RESOLUTION AUTHORIZING NUISANCE CLEANUP COSTS BY SPECIAL ASSESSMENT PURSUANT TO SDCL 21-10-6.

WHEREAS, Notice of cleanup was given to Randy Cromwell, the property owner, concerning the following issues and no correction was made and the city incurred costs of cleanup on the following described property, to wit:

That part of Lots Nine (9) and Ten (10) lying and being South of a Line drawn parallel with and distant South 66 feet from the South Line of Block Nineteen (19) except the Southwest Half (SW ½) of said Lot Ten (10), Block Eighteen (18), Western Town Lot Company's Fourth Addition to Arlington, in Kingsbury County, South Dakota, according to the recorded plat thereof;

WHEREAS, the City of Arlington incurred the following costs to facilitate the abatement:

7 workers/3 hours cleanup:	\$1,050.00
1 dumpload burnables to rubble site	\$ 17.50
8 tires	\$ 32.00
RV Storage	\$ 200.00
Towing	<u>\$ 600.00</u>
TOTAL	\$1,899.50

NOW THEREFORE BE IT RESOLVED that the costs of the said abatement totaling \$1,899.50 shall be assessed against the said real property as provided by law.

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

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

ATTEST:

\_\_\_\_\_  
Finance Officer

Adopted: September 6, 2022  
Approved: September 6, 2022  
Published: September 15, 2022

The motion for adoption of the foregoing resolution was duly seconded by Johnson, and upon vote being taken thereof, the following voted YEA: Johnson, Mutziger, Achterberg, and Falconer.

And the following voted NAY: None

Whereupon said resolution was declared duly passed and adopted.

The condition of the swimming pool was discussed, and Marshal let the Council know that the slide bases were rusting and that we needed to get new grates. The cost of the new grates is roughly \$12K. Options for different sized large water slides were discussed with photos handed out but this portion was tabled until next month so the Council has time to review and choose what they feel is best for the community. Depending on what size is chosen, cement work may be needed. The council approved ordering the new grates for this year.

Additional items: Fall City Cleanup is set for Thursday, October 13<sup>th</sup>, the SDML fall conference is Oct 4-7 in which the Mayor, Marshal and Finance Officer are registered to attend in Watertown. Baseball/softball re-imburements were discussed and no tournament or uniform allowances will be given, but equipment will be re-imbursed (not to exceed budget) if such equipment is considered city owned property. The surplus copier was assessed at \$100 or less.

Motion was made by Achterberg, seconded by Johnson to go into executive session at 8:31pm for possible litigation. Mayor Lundquist declared out of executive session at 8:36pm.

Motion to adjourn was made by Achterberg, seconded by Mutziger. 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.