

CITY HALL, CITY OF ARLINGTON, SOUTH DAKOTA  
March 6, 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, and Cory Falconer. Absent: Rob Achterberg.

Motion was made by Falconer, seconded by Mutziger to approve the minutes of the February 6<sup>th</sup> meeting. All in favor—Carried.

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

Bills approved as follows:

31586	SD DEPT. OF CRIMINAL INV.	Background Check		\$53.50
31587-31593	SALARIES		101	\$5,134.10
			602	\$721.24
			603	\$3,571.09
			604	\$1,432.99
31594	ARLINGTON SUN	Renew Subscription - Library		\$54.98
31595	EAST RIVER ELECTRIC POWER COOP	Energy		\$4,102.20
31596	ELECTRIC FUND	City Utility Bill		\$3,721.71
31597	HEARTLAND ENERGY	Energy		\$25,426.07
31598	KINGSBURY COUNTY AUDITOR	County Contract Law		\$5,655.00
31599	U S POST OFFICE	Library Box Fee - 1 year		\$80.00
31600	VALLEY FIBERCOM	Phone/Internet		\$205.63
31601	WESTERN AREA POWER ADM	Energy		\$21,340.47
31602-31614	SALARIES		101	\$11,180.07
			602	\$692.15
			603	\$4,306.21
			604	\$683.24
31615	A T & T	Cell Phone/lpad		\$47.25
31616	COLONIAL LIFE	Payroll Deduction		\$47.88
31617	NORTHWESTERN	Service to City Shop		\$1,075.15
31618	PETTY CASH	Burn Permit		\$20.08
31619	PLIC-SBD GRAND ISLAND	Short Term Disability		\$169.57
31620	PRAIRIE AG PARTNERS	Fuel		\$1,291.46
31621	VOID			
31622	SIOUX VALLEY ENERGY	Electricity - Airport		\$55.00
31623	THE HEALTH POOL OF SD	Health Insurance		\$4,528.90
31624	VISA--COR TRUST BANK	Calculator tape, rubber bands		\$965.46
31625	S D RETIREMENT SYSTEM	February Retirement		\$3,360.82
31626	A T & T	Cell Phone/lpad		\$47.25
31627	A-OX WELDING SUPPLY CO INC	Cylinder Rent		\$253.01
31628	ARLINGTON SUN	Publishing		\$326.10
31629	BANNER ASSOCIATES, INC	Sewer Project Design & Bidding		\$12,000.00
31630	BOBCAT OF BROOKINGS	Cutting edge 108" kage, bolt for snowblower		\$928.81
31631	Century Business Products	Service Agreement 01/19/23-02/18/23		\$36.59
31632	CITIZENS STATE BANK	March Service Charge		\$20.00
31633	COOK S WASTEPAPER & RECYCLING	February Garbage		\$5,692.18
31634	DAKOTA PUMP & CONTROL CO	Service Call - Pumps		\$2,101.02
31635	DEPT OF REVENUE	Water Testing		\$15.00
31636	ELECTRIC FUND	Meter Deposits Applied to Bills		\$390.72
31637	GLOBAL TRANSFORMER SOLUTIONS	Transformer #2 Repair		\$8,754.00
31638	HANDI MART	Ambulance - Fuel		\$662.00
31639	HEIMAN	Adap, 2.5 M NH x 2.5 M NH; attic ladder holder		\$313.49
31640	HYDRO-KLEAN, LLC	Clean plugged sewer line & lift station		\$7,140.00
31641	INTERSTATE ALL BATTERY CENTER	Rebuild/Repair		\$80.00
31642	KINGBROOK RURAL WATER SYSTEM	February Water and Lease Pmts		\$10,884.28
31643	KUCKER, DANA	Meter Deposit Balance Refund		\$31.99
31644	LARSON, PHILLIP ALAN	Meter Deposit Balance Refund		\$150.00
31645	LOWES	Couplins, pipe, swivel cast, shop supplies		\$539.24
31646	MATHESON TRI-GAS INC	Substation		\$950.20
31647	MAYNARDS FOOD CENTER	shop supplies		\$31.22
31648	MILBANK WINWATER WORKS	VOGB004; Plastic Bottom Plate		\$8,160.35
31649	MOHR, CHAD	Meal while in Pierre at convention		\$20.98
31650	PCC AMBULANCE BILLING SERVICE	Ambulance billing 1/1/23-1/31/23		\$569.27
31651	PHEASANT MOTEL	Clean/Camera main line		\$564.45

31652	PRAIRIE AG PARTNERS	Roller chain; bolts; grease; brake fluid; nuts; bolts	\$585.45
31653	Raztech LLC	February 2023 IT	\$830.00
31654	ROWE, HANNAH	Meter Deposit Balance Refund	\$40.30
31655	SEPPANEN, MINDA	Meter Deposit Balance Refund	\$36.99
31656	SNAP ON TOOLS	adaptor; inline die grinder; 3in cut-off tool	\$379.50
31657	U S POST OFFICE	Post Card Stamps	\$480.00
31658	WESCO DISTRIBUTION INC	3M Locator Repair & Calibration	\$939.56

Motion was made by Mutziger, seconded by Falconer to transfer \$12,000 from the Sewer Fund to the General fund to pay Banner for engineering for the Sewer Project. All in favor—Motion Carried.

Annette Miller requested permission to park on the city’s property by the water tower during snow alert times only, so her vehicle is off Main Street for plowing. The Council approved the request.

Fields of Grace – Travis Steffensen requested the use of the baseball field for Fields of Grace on June 23<sup>rd</sup> (set up) & June 24<sup>th</sup>. The Council had no problem with that, but did mention to Travis that Birch Street may be getting worked on at that time, so some alternative parking may be needed.

Beth Neimeyer (Banner) provided a summary of the Birch Street Project costs and the bids that were received regarding such. Bids were as follows: DeBoer Construction, Inc – Bid Schedule 1 = \$709,755.75 and Bid Schedule 2 = \$314,752.50 for a total of \$1,024,508.25. Bowes Construction, Inc - Bid Schedule 1 = \$744,546.07 and Bid Schedule 2 = \$399,834.22 for a total of \$1,144,380.29. Motion was made by Falconer, seconded by Mutziger to accept DeBoer Construction, Inc.’s bid. All in favor – Carried.

Beth also reminded the Council of the cultural survey that needs to be completed before we can move forward with the sanitary sewer project. The estimate for that came back at \$4,764.00. Motion was made by Johnson, seconded by Sundberg to approve. All in favor – Carried.

Mayor Lundquist asked that the Council put together a sub-committee to discuss the liquor/malt beverage fees. Johnson and Falconer volunteered to be on the committee with the Mayor. They will be meeting with the businesses affected.

Three applications for abatement of property taxes were presented to the Council. The first was for parcel #8375 in Arlington, Kingsbury County, South Dakota – the legal description changed and the value should have been removed. The second was for parcel #5312 in Arlington, Kingsbury County, South Dakota to reduce the amount to \$5,799.00 The third was to abate the 2022 payable in 2023 property taxes back to a senior/disabled tax freeze amount for the qualifying year of 2007 for the taxpayer. Motion was made by Rowbotham, seconded by Sundberg, to approve the abatement of property taxes for the above mentioned 3 abatements. All in favor – Carried.

Electric Report – Marshal informed the Council of some repairs completed at the substation

Now was the time as advertised to open the seal coating bids. There were four companies who submitted bids for the project to seal coat approximately 45,000 sq yards of street:

- Bituminous Paving Inc, Ortonville, MN--\$3.25/sq yd
- The Road Guy, Yankton, SD--\$1.97/sq yd
- Topkote Inc, Yankton, SD--\$1.8224/sq yd
- ASCO, Sioux Falls, SD--\$3.42/sq yd (using different sealant)

Next, the Council reviewed the quotes that had been received for the crack sealing project for approximately 20,000 linear feet. There were three companies who submitted quotes for this project:

- Topkote Inc., Yankton, SD--\$.89/l.f.
- The Road Guy, Yankton, SD—\$.95/l.f.
- ASCO, Sioux Falls, SD--\$.88/l.f.

Motion was made by Falconer, seconded by Sundberg to accept the bid as received from Topkote to do 46,000 sq yds (more or less) of seal coating at the cost of \$1.8224/sq yd. And to accept the quote as submitted by ASCO to do 20,000 linear feet (more or less) of crack sealing at a cost of \$.88/linear ft. 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 04/01/23 (Mountain Oyster Feed), 4/22/23 (Son’s Beanbag Tourny), and 5/20/23 (Wedding). Motion was made by Falconer, seconded by Rowbotham, to approve said Permits. All in favor—Carried.

The Finance Officer had mailed invitations to representatives from the area townships asking them to meet with the City Council, Ambulance, and Fire Dept officers. No responses were received. Only one township representative (with an additional one arriving after discussion was held) attended the meeting. Trevor Keating let the township know the Fire Dept. and Ambulance were working on Districting (separately) and answered the township representative’s questions.

Motion was made by Rowbotham, seconded by Falconer to approve the second reading of ordinance #607 regarding Short-Term Lodging. All in favor—Carried.

**Ordinance No. 607**

**An Ordinance for Short-Term Lodging in the City of Arlington.**

**Be It Ordained by the Council of the City of Arlington, State of South Dakota, as follows:**

**Short-Term Lodging**

**1.1- Definition.**

a. Lodging, Short-Term: a dwelling unit where transient lodging is provided for compensation for stays of between one (1) and thirty (30) consecutive nights, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel, rooming / boarding / lodging house, or bed-and-breakfast.

**1.2- Residential Accessory Uses.**

Short-Term Lodging. The use is regulated to preserve the traditional character of residential neighborhoods that can be negatively impacted by this type of use and to help preserve the quality and quantity of the housing stock for year-round residential use. A permit to use a unit of housing for Short-Term Lodging must be obtained from the City Council as a sitting Board of Adjustment using the criteria prescribed below and the following restrictions and/or conditions apply:

1. Permitted or prohibited in the following zones:

- a. Permitted in the Central Commercial District (C1) and Highway Commercial District (HC) zones with no limitations on the number of separate rental periods.
- b. Prohibited in Industrial (I), Single Family Residential District (R1), General Residential District (R2) and Residential Manufactured Home District (R3) zones.
- c. Prohibited in all other zones except when the property is owner-occupied.
  - i. Short-Term Lodging in an owner-occupied property is considered an allowed accessory use only if the owner of the property resides on the property for not less than 150 days a year. Reside is defined as to dwell permanently or continuously or occupy a place as one's legal domicile.
  - ii. In all zones, both an Accessory Building allowed by a Special Exception granted by vote of the Zoning Board of Adjustment, and the associated primary housing unit are prohibited from being used for Short-Term Lodging.

**1.3- Application.**

A Short-Term Lodging application will be reviewed and approved or denied by the Zoning Board of Adjustment as an Administrative Decision to determine suitability for this use in a particular dwelling unit, using the following criteria:

- a. The owner of a proposed Short-Term Lodging unit shall apply for the Administrative Decision and pay the review and the notification fees required to notify all adjoining property owners within 250 feet of the real estate upon which the residence is located.
- b. As part of the application approval process the dwelling unit must pass a joint inspection by the Fire Department and the Building Code Enforcement Department which shall be limited to the following:
  - i. Smoke/CO detectors must be installed in areas defined by the City's adopted codes and must be functioning.
  - ii. All windows or doors designed to open must be able to be opened to provide emergency egress.
  - iii. No basement space shall be used as sleeping areas unless there is properly sized egress windows and/or doors conforming to the City's adopted codes.
  - iv. A functional fire extinguisher shall be visibly installed in any kitchen area.
  - v. To determine maximum occupancy of the dwelling unit, floor space square footage shall be confirmed to conform to the City's adopted codes.
  - vi. To determine maximum number of vehicles allowed per rental, driveway capacity shall be confirmed. On-street parking shall not be allowed.
  - vii. Safety concerns reported by lodgers or abutters may require another inspection.

The owner of a Short-Term Lodging unit will be responsible for:

- a. Removal of trash in accordance with the City's ordinance;
- b. Ensuring that all parking of vehicles is on site;
- c. Ensuring that occupancy limits are not exceeded;
- d. Any other site specific conditions imposed as part of the approval.

Short-Term Lodging applications shall be reviewed and approved or denied within 60 days of receipt of a complete application. Notice of the approval or denial will be mailed to the applicant and adjacent property owners within 250 feet. An aggrieved party may appeal a decision granting or denying an administrative permit to the Zoning Board of Adjustment within 30 days of the decision. The Zoning Board of Adjustment may affirm, reverse or modify the decision appealed.

Approval for Short-Term Lodging use will be in effect for two years from date of approval and must be renewed every two years from date of first approval according to fee a schedule adopted by resolution of the City Council. Approval is owner specific; change of ownership shall require a new application.

Approvals may be revoked for failure to comply with this Ordinance or with any conditions of approval imposed as part of the approval. In general, the first violation of a requirement will result in a warning; the second in a civil penalty of \$250.00 for each day of violation; and the third in a revocation of the approval. If a revocation occurs, the owner may not apply for reinstatement for a period of one year.

Using a dwelling unit for Short-Term Lodging without an Administrative Approval, or after a previous approval has expired or was revoked, will subject the property owner to fines and penalties of \$250.00 per day for each day the dwelling unit was unlawfully used for Short-Term Lodging within an Administrative approval.

#### **1.4- Granting of Special Exceptions.**

The Zoning Board of Adjustments shall grant a request for special exception only where it confirms in writing each of the following findings:

- a. For Short-Term Lodging, the following is to be used:
  - i. The use is specifically authorized in the chapter.
  - ii. The requested use will not increase demand for municipal services.
  - iii. Any special provisions for the use as set forth in this chapter are fulfilled.
  - iv. The requested use will not create hazards to the health, safety, or general welfare of the public.
  - v. The requested use meets ONE of the two following criteria:
    1. The applicant can demonstrate that the use in question has been common practice at this specific property and structure for a period of not less than 5 years prior to the enactment of the Short-Term Lodging Ordinance; or
    2. The applicant can offer convincing evidence that granting the Special Exception for this property includes a general community benefit that rises above the financial gains of the applicant.

First Reading: 2/6/23

Second Reading: 3/6/23

Passed and approved: 3/6/23

Published: 3/16/23

CITY OF ARLINGTON, SOUTH DAKOTA

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Curt Lundquist- Mayor

ATTEST:

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Stephanie Damm- Finance Officer

Discussion was held regarding a car charging station ordinance. First reading will be held next month as a penalty clause and additional PHEV vs. BEV information need to be added.

Motion was made by Rowbotham, seconded by Falconer to approve the 2023 City of Arlington Fine & Fee Schedule. All in favor—Carried.

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

The council reviewed the Revenue/Expense, Cash & Utility Reports.

Two quotes were received to replace the roof on the City's Brick Shop. Steffensen Construction = \$39,850 and RYCO Construction = \$53,737.04 Motion was made by Mutziger, seconded by Falconer to accept the quote from Steffensen Construction to replace the roof of the Brick City Shop. All in favor—Carried.

The baseball field schedule was discussed briefly, and the Council advised that the coaches will need to get together to schedule field time and provide the Finance Officer with a final draft of the schedule.

The council was reminded of the following meetings: March 8<sup>th</sup>—Land Use and Zoning Ordinance update meeting; March 15<sup>th</sup>—District 2 SDML Meeting in Huron; March 20<sup>th</sup>—Local Board of Equalization. There will be no city election this year.

The Finance Officer provided quotes for a new computer program that will allow ACH and direct deposit. Motion was made by Rowbotham, seconded by Falconer to approve the purchase of Ultra's program package.

Based on a letter received from Cook's Wastepaper and Recycling requesting a 4% increase, motion was made by Johnson, seconded by Rowbotham to increase the monthly garbage fee from \$15.27 to \$19.00, which will also increase our administrative fee. All in favor—Carried.

The Finance Officer let the Council know she had contacted an engineering firm regarding upgrading the swimming pool. No quote has been received yet.

Motion was made by Rowbotham, seconded by Johnson to enter into executive session at 8:58 P.M. for possible litigation. All in favor—Carried.

Mayor Lundquist declared the Council out of executive session at 9:07 P.M.  
Motion to adjourn was made by Falconer, 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.