

CITY HALL, CITY OF ARLINGTON, SOUTH DAKOTA
October 6, 2025

The City Council Board of Adjustments met on October 6, 2025 at 6:55 P.M. Mayor Lundquist called the meeting to order with the following present: Tom Bacon, Terry Rowbotham, Beth Sundberg, Sue Falconer, and Robert Knadle. Absent: Garth Johnson

A hearing was held regarding a Conditional Use Permit (#1025) application by Annette Miller to allow her to rent the “governors home” portion of the building as an apartment at 215 S. Main St.. Motion was made by Rowbotham, seconded by Bacon to recommend to the City Council to approve the Conditional Use Permit. All in favor—Carried.

A hearing was held regarding a variance permit (#1026) from King Bros, LLC to allow them to have a setback of 20’ on the front of the home on a triangular lot at 312 N. 4th St. Motion was made by Bacon, seconded by Rowbotham to recommend to the City Council to approve the Variance Permit. All in favor—Carried.

Mayor Lundquist called the meeting out of session at 6:59 P.M.

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: Tom Bacon, Terry Rowbotham, Beth Sundberg, Sue Falconer, and Robert Knadle. Absent: Garth Johnson

Additions to the agenda were: Airport billboard signage and ambulance surplus

Motion was made by Falconer, seconded by Knadle to approve the minutes of the September 2nd and 17th meetings. All in favor—Carried.

Bills on file were submitted for consideration and on motion by Bacon, seconded by Falconer, 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 5303.72 Transmission Service, Electric Fund 4495.77 City Utility Bill, Heartland Energy 28692.16 Energy, Kingsbury County Auditor 5546.67 County Contract Law, Pro Polish LLC 18900.00 Pool Bathhouse Floor, SD State Treasurer 6570.89 Sales Tax, Valley Fibercom 191.41 Phone/Internet, Western Area Power Adm 18840.80 Energy, Payroll 11370.68, OASI 869.85, AT&T 52.25 Phone/Ipad, Northwestern Energy 28.24 Service to City Shops, Principal Life Ins. Co. 699.40 Short Term Disability Ins., Rural Development 4301.00 Water & Wastewater Loans, Sioux Valley Energy 113.00 Energy, Visa - Cor Trust Bank 436.79 Boots - Supplies, Payroll 24632.01, OASI 1856.11, 81 Avid Clinic 79.20 Fuel Tank Repair/ Gas, A-Ox Welding Supply Co. 87.00 Cylinder Rent, Arlington Sun 85.08 Publishing, Avid Hawk, LLC 45.00 Monthly Website Service, Badger Oil, Inc. 40.89 Oil Filter & Fuel Gauge, Bobcat Of Brookings 278.67 Equipment Rental & Supplies, Bound Tree Medical, LLC 49.86 Med Supplies, Century Business Products 47.88 Copier Contract, Consumer Reports 20.00 Subscription, Cooks Wastepaper & Recycling 5903.98 September Garbage, Core & Main 22819.00 Full Load Control Modules, Dakota Pump & Control Co 4674.35 Service Call To Lift Stations, Dakota Supply Group 6799.06 Electric Supplies, Electric Fund 1512.84 Meter Dep Applied To Bills, Genuine Builders, Inc. 36734.76 Pickle Ball Court, Handi Mart 257.52 Fuel, Innovative Office Solutions 159.67 Disconnect Notices, Interstate All Battery Center 142.95 Battery For Truck, Pam Jensen 100.00 Meter Dep Balance Refund, King Bros Holdings 88.27 Meter Dep Balance Refund, Andrew King 200.00 Meter Dep Balance Refund, Kingbrook Rural Water 11151.78 Water & Lease Pmt, Lowes 830.79 Saw Bit; Seal; Primer; Supplies, Lyle Signs, LLC 69.84 Signage, M & T Fire & Safety 933.00 Valve Repair & Boots, Scarlet Martinez 200.00 Meter Dep Balance Refund, Maynard's Food Center 66.92 Janitorial Supplies, Thomas Moore 53.84 Meter Dep Balance Refund, Ryan or Amanda Munsterman 48.96 Meter Dep Balance Refund, Northwest Pipe Fittings, Inc. 525.99 Milwaukee Pole Saw, Office Peeps 59.30 Post-Its & Paper, Prairie Ag Partners 4511.62 Fuel, Public Health Laboratory 20.00 Water Testing, Raztech LLC 997.00 September IT, Austin or Kendra Rickard 9.01 Meter Deposit Bal Refund, Runnings Supply Inc 51.98 Nifty Nabbers, SD Assoc Of Rural Water Sys 525.00 Annual Dues:Class B Member, SD Energy Assistance 192.08 Energy Assistance Refund, Select Parts, Inc. 7.00 Engine #3 Parts, Steve or Gilda Thury 17.08 Meter Dep Balance Refund, Titan Machinery-Sioux Falls 2787.40 Hydraulic Tank – Backhoe, Jesse Vincent Construction 3590.82 Water Hookup, Water & Environ. Eng. Research 673.00 Testing, Flat Rate Inc, 96755.50 Concrete Crushing.

Motion was made by Rowbotham, seconded by Falconer to transfer \$22,819.00 from the Electric Fund to the General Fund for payment to Core & Main for the new meters. All in favor—Carried.

Based on the recommendation from the Board of Adjustments, motion was made by Bacon, seconded by Rowbotham to approve the Conditional Use Permit #1025 applied for by Annette Miller. All in favor—Carried.

Based on the recommendation from the Board of Adjustments, motion was made by Knadle, seconded by Rowbotham to approve the variance permit #1026 applied for by King Bros, LLC due to the irregular shape of the lot. 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 December 13, 2025 (Kingbrook Pro Pheasants). Motion was made by Bacon, seconded by Knadle, to approve said Permits. All in favor—Carried.

Motion was made by Sundberg, seconded by Rowbotham to approve Resolution #2025-3 to add the following amounts per parcel to their property taxes for non-payment of mowing fees: parcel 5301 = \$75. All in favor—Carried.

RESOLUTION #2025-3
CERTIFICATION OF UNPAID PUBLIC NUISANCE ABATEMENT CHARGES
CITY OF ARLINGTON

WHEREAS the City Council of the City of Arlington, South Dakota acknowledges that the properties located in the City of Arlington listed below failed to abate public nuisances when notified of their existence, and

PARCEL: #5301 **AMOUNT:** \$75.00

WHEREAS the City did abate the public nuisances whose costs have been billed to the property owners and to this date are unpaid; and

WHEREAS South Dakota Codified Law 9-32-12 Noxious and Unhealthy Vegetation allows these unpaid costs to be certified to the county auditor for collection as other taxes are collected and provides a procedure for such certification; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arlington, that it approve the certification as listed above, payable in a single installment at an annual rate of 0% interest.

BE IT FURTHER RESOLVED that the City Finance Officer is hereby authorized and directed to certify the same to the County Auditor.

Adopted by the Council this 6th day of October, 2025.

Curt Lundquist, Mayor

ATTEST: _____
Stephanie Damm, Finance Officer

Steve Thury spoke to the council about Marshal Mix and the fact that Steve feels disrespected by him and that Mix can be uncooperative at times.

Brandon Schultz provided a drawing and spoke to the council about putting 2 softball fields where the existing softball/baseball field sits now. After some discussion, Brandon was asked to speak to the School Board regarding another option for placement and the Council will also try to locate some land for a new field(s) as well.

The Chamber requested to decorate Maxwell Park during the holidays. Motion was made by Knadle, seconded by Falconer to approve the request. All in favor—Carried.

Robert Knadle spoke to the council requesting a change in the outdoor burn ordinance to allow him to demonstrate the use of a burn bucket that he is selling. Wilkinson said he will work on language for use in sales and bring back to the next meeting.

Motion was made by Falconer, seconded by Bacon to approve resolution #2025-4 as stated below. All in favor—Carried.

RESOLUTION #2025-4
City Council of Arlington
Resolution Adopting the Kingsbury County Pre-Disaster Mitigation Plan
2024 – 2030

WHEREAS, Kingsbury County received assistance in the preparation of the Kingsbury County Pre-Disaster Mitigation Plan 2024-2030 from representatives of the City of Arlington and received funding from the South Dakota Office of Emergency Management / FEMA; and

WHEREAS, several public planning meetings were held between January of 2024 and January of 2025 regarding the development and review of the Kingsbury County Pre-Disaster Mitigation Plan 2024-2030; and

WHEREAS, the Kingsbury County Pre-Disaster Mitigation Plan 2024-2030 contains several potential future projects to mitigate hazard damage in the City of Arlington and

WHEREAS, the Federal Emergency Management Agency (FEMA) has rendered its approval of the Kingsbury County Pre-Disaster Mitigation Plan on July 14, 2025; and

WHEREAS, a duly-noticed public hearing was held by the Kingsbury County Pre-Disaster Mitigation Team on January 16, 2025 to solicit public comment on the Kingsbury County Pre-Disaster Mitigation Plan 2024-2030; and

WHEREAS, a public meeting was held by the Arlington City Council on October 6, 2025 to formally approve and adopt the final Kingsbury County Pre-Disaster Mitigation Plan 2024-2030.

NOW, THEREFORE BE IT RESOLVED that the Arlington City Council adopts the Kingsbury County Pre-Disaster Mitigation Plan 2024-2030.

ADOPTED AND SIGNED this 6th day of October, 2025.

Mayor

ATTEST: Finance Officer

Second reading of the “Chicken Ordinance” (#634) was held and motion was made by Rowbotham, seconded by Knadle to approve said ordinance amending Title 9, Chapter 1, sections 9-1-1 through 9-1-2 of the Arlington City Code. Roll Call vote: Rowbotham, Knadle, Bacon, Falconer – aye; Sundberg – nay. Motion carried.

ORDINANCE #634

An ordinance amending Title 9, Chapter 1, sections 9-1-1 through 9-1-2 to allow chickens within the City of Arlington to read as follows:

TITLE 9
POLICE REGULATIONS

CHAPTER 1
ANIMAL CONTROL

9-1-1: DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ANIMAL SHELTER. A building and facilities therein approved by a law enforcement officer and the health authority for the impounding of animals.

ANTI-ESCAPE. Any housing, fencing, or device that a guard dog cannot go over, under, through, or around.

APPARENT ATTITUDE OF ATTACK. Threatening and overtly aggressive actions of an animal that places a reasonable person in imminent fear of bodily injury, including, but not limited to, snarling, growling, elevated or exaggerated noise, combined with an attack-ready body position when the animal is approached.

AT LARGE.

- A. An animal when off or away from the premises and not under the control of the owner, possessor, keeper, agent, servant, or a member of his or her immediate family by a leash.
- B. An animal when on the premises of the owner, possessor, keeper, agent, or servant if not attended by a competent person unless the animal is chained, restrained, enclosed, or confined in a manner preventing it from leaving the premises.

LAW ENFORCEMENT OFFICER. An officer of the Sheriff's Department or his or her designee.

COMMERCIAL PROPERTY.

- A. A portion of land or building zoned for or utilized for commercial or business uses, within the city, including temporary sites.
- B. Any vehicle utilized for commercial or business purposes within the city.

DOMESTIC ANIMAL. Any animal that through long association with man has been bred to a degree that has resulted in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind.

EXOTIC ANIMAL. Any animal not occurring naturally in the United States either currently or historically. Alleged domestication of any exotic animal shall not affect its status under this definition.

FOWL. Chickens, ducks, geese, turkeys, pheasants, quail, partridge, guineas, or other like domestic birds.

GUARD DOG. Any dog that is utilized to protect commercial property or is housed unattended on commercial property at any time other than normal business hours, except that the definition shall not apply to pet stores, boarding kennels, veterinary offices, and animal shelters.

HANDLER. A person who is responsible for and capable of controlling the operations of a guard dog.

HEALTH AUTHORITY. The health officer of the city or his or her authorized representative.

HOUSING. Any location where the guard dog is kept when not being utilized for protection purposes.

LEASH. A cord, thong, or chain, not to exceed six feet in length, by which an animal is controlled by the person accompanying it.

LIVESTOCK. Any species of animal other than fowl commonly used for food, fiber, or draft purposes.

NONDOMESTIC ANIMAL. Any animal that is not domestic.

OFFENSIVE STABLES. It shall be unlawful to place or maintain any hog pen, chicken coop in noncompliance of section 9-1-11.1 (Keeping of animals), stable, or similar structure within the city limits and a violation of this ordinance shall constitute a nuisance.

OWNER. Any person harboring or keeping an animal and who is the head of the household of the residence or any adult residing thereat if any head of household is not present, or the person, owner, or manager in charge of the establishment or premises at which an animal remains or returns to.

PET. Any domestic animal kept in or near a household for the primary purpose of companionship for member(s) of the household and/or companionship for other such animals. This includes dogs, cats, guinea pigs, hamsters, rats, mice, ferrets, birds other than fowl, reptiles, amphibians, invertebrates, and species that a reasonable person would consider a pet. Fowl, rabbits, and livestock are not pets. The keeping of fowl (other than laying hens – see 9-1-1.1), rabbits, or livestock including, but not limited to, swine, cattle, cows, sheep, horses, mules, or goats shall not be governed by this section of the code but shall be governed by other applicable sections of this code.

9-1-1.2: KEEPING OF ANIMALS.

A. The keeping of prohibited animals on any personal land in the city. This prohibition includes the domestic fowl of the order Galliformes and Gallinaceous birds (fowl-like birds), and the order Anseriformes (water fowl) with the exception of laying hens as outlined in section d. This prohibition also includes horses, cattle, hogs, sheep, goats, ostriches, emus and all other domesticated or undomesticated large animals.

B. It is considered a nuisance and shall be unlawful for any person to keep and maintain (other than the care and treatment of injured animals by people licensed for that purpose) or sell animals or creatures that are native fur bearers, bears, mountain lions, bobcats, lynx, panthers, endangered species, exotic cats, or venomous snakes.

C. Nothing in this section shall be deemed to prohibit the keeping of (*Felis catus*) the domestic cat, (*Mustela putorius furo*) the European polecat otherwise known as the ferret, or (*Canis familiaris*) the domestic dog, as long as license or permit procedures are followed.

D. Laying hens may be allowed upon meeting the following restrictions:

1. No real property owner shall keep or maintain laying hens within the City without first obtaining a permit from the City Council.
2. Maintained in a secured and clean chicken coop and pen not to exceed sixty-four square feet (64 sq. ft.) in size with a maximum height of six feet (6'). Must be located in the backyard, not visible to the public, set back at least ten feet (10') from any property line, and secured to the ground. A privacy fence may be required.
3. All feed and water shall be kept secure, clean and in adequate containers.
4. Domestic and healthy hens only, with a limitation of six (6). Roosters are prohibited.
5. Restricted to owner-occupied property.
 - a. Exception: Allowed on rental properties contingent upon consent of the property owner with the understanding that said owner is ultimately responsible for compliance with the requirements contained herein.
6. The City reserves the right to inspect at any time without notice.
7. Regulations regarding non-compliance will result in loss of permit.

E. No person shall keep or cause to be kept any place where any fowl or any animals are suffered to fight upon exhibition or for sport upon any wager.

9-1-1.3: RESPONSIBILITY:

- A. No person shall create or maintain any condition or operate any equipment or keep any animal, fowl, pet, or insect under his jurisdiction in such a way that such condition or operation causes or is likely to cause the transmission of diseases from animals or insects to man.
- B. No owner, keeper, caretaker, or attendant of an animal shall allow an animal to defecate on public or private property other than his own. If such animal does defecate upon public or private property, the owner, keeper, caretaker, or attendant must immediately and thoroughly clean the fecal matter from such property.

9-1-2: RUNNING AT LARGE PROHIBITED.

- A. Except on property designated by the city as an animal off-leash area, it shall be unlawful for any person to have any animal or fowl which is owned, kept, harbored, or allowed to be habitually in or upon the premises occupied by him or her or under his or her control to be at large and to go in or upon the private premises of others or upon any public property.

- B. Any person convicted of subsection (a) more than two times in a 12-month period shall be considered a reckless owner. Any fine for a reckless owner shall, at a minimum, be double the usual fine for animal running at large. For purposes of this section, each prior conviction must occur on a separate date than the present charge and any other prior conviction.

First Reading September 2, 2025
Second Reading October 6, 2025
Passed and Approved October 6, 2025

ATTEST:

Curt Lundquist, Mayor

Stephanie Damm, Finance Officer

Second reading of the cemetery ordinance amendment was held and motion was made by Bacon, seconded by Rowbotham to approve ordinance #635 to amend Title 11, Chapter 5, 11-5-2, Section 12 Fees for weekend and holiday grave opening and closing. All in favor—Carried.

ORDINANCE #635

An ordinance amending Title 11, Chapter 5, 11-5-2, Section 12 (Fees for weekend and holiday grave opening and closing) to request approval in advance to read as follows:

Section 12. Fees for weekend and holiday grave opening and closing.

Prices are subject to tax. The opening and closing fees for each grave unit for weekends and holidays shall be established, and may be revised from time to time, by resolution of the Common Council.

No weekend or holiday grave opening and closings shall be permitted except on express written authorization from the City Finance Officer. All requests from a funeral home, individual, or other entity shall be made not less than 72 hours in advance of the requested grave opening and closing time. Filing of a request does not guarantee approval. Failure to request and receive proper approval shall result in a fine of not less than \$250.00 to the applicant.

First Reading September 2, 2025
Second Reading October 6, 2025
Passed and Approved October 6, 2025

Curt Lundquist, Mayor

ATTEST:

Stephanie Damm, Finance Officer

The following building permits were previously approved this month: Aaron King – fence @ 223 W. Cottonwood St.; Todd & Mindy Jorgenson – home with attached garage @ 215 W. Cottonwood St.; Genuine Builders – meter garage @ 102 S. Main St.

Motion was made by Falconer, seconded by Rowbotham to approve Resolution #2025-5 as follows:

RESOLUTION #2025-5

BE IT RESOLVED BY THE CITY OF ARLINGTON, SOUTH DAKOTA, that the water rate change from \$7.35 to \$7.40 per 1000 gallons to begin with the January 25, 2026 readings. All in favor—Carried.

Motion was made by Falconer, seconded by Bacon to approve Resolution #2025-6 as follows:

RESOLUTION #2025-6

BE IT RESOLVED BY THE CITY OF ARLINGTON, SOUTH DAKOTA, that the Residential electric rate (increase of 2.5%) change from \$0.084 to \$0.086 per kW for the first 1200kWh and from \$0.07 to \$0.072 over 1200 kWh to begin with the January 25, 2026 readings. All in favor—Carried.

The Arlington Ambulance has the following surplus items valued at \$0.00 they would like to dispose of: 42" Sanyo TV, a printer, 7 CPR dummies and a laptop. Motion was made by Falconer, seconded by Knadle to surplus said items and dispose of. All in favor—Carried.

Electric Report – The electric line needing conduit will be done next week, a few of the streetlights have been fixed.

Motion was made by Knadle seconded by Falconer to approve the employee overtime report. All in favor—Carried.

The council reviewed the monthly Revenue/Expense & Cash Reports.

Additional items:

Motion was made by Rowbotham, seconded by Sundberg to allow/designate Lonnie Johnson, Marshal Mix, and Chad Mohr to write snow parking tickets. All in favor—Carried.

Mayor's Report – A request was made for dust control on Adams St. – Marshal Mix was asked to contact someone to get that taken care of. We were awarded a \$2000 grant from the Foundation that we can use for the replacement of the bathroom stalls at the pool.

Rowbotham asked about the Chamber billboard and if there was a reason there were businesses from out of town advertising on it as the agreement in the past was for city businesses only.

Mix informed the Council of some pricing he was asked to get estimates for. The estimated amount received to bring the water and sewer from the end of the lines southeast of Adams St. to 209th St. (600') was \$128,436.00. The estimated amount received to upgrade 350 ft of 209th St.- including curb & gutter was \$151,552.00.

Motion was made by Bacon, seconded by Sundberg to enter into executive session at 8:34 P.M. for contracts and legal matters.

Mayor Lundquist called the meeting out at 9:15 P.M. with no additional action taken.

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

Stephanie Damm, Finance Officer

Curt Lundquist, Mayor