

CITY HALL, CITY OF ARLINGTON, SOUTH DAKOTA
November 4, 2024

The City Council met in regular session in the Municipal Building. Present on Roll Call were Mayor Curt Lundquist and Council Members: Gary Kaufmann, Terry Rowbotham, Garth Johnson, Beth Sundberg, Sue Falconer and Rob Achterberg. Absent: None

Additions to the agenda: Supplemental Appropriations approval.

Motion was made by Falconer, seconded by Johnson to approve the minutes of the October 7th 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:

EAST RIVER ELECTRIC POWER COOP 3855.84 ENERGY, ELECTRIC FUND 2751.29 CITY BILL, HEARTLAND ENERGY 18873.77 ENERGY, KINGSBURY COUNTY AUDITOR 5546.67 COUNTY LAW CONTRACT, SD STATE TREASURER 6445.05 SALES TAX, VALLEY FIBERCOM 205.24 INTERNET, WESTERN AREA POWER ADM 16539.89 ENERGY, PAYROLL 9166.12, OASI 2409.89, AT&T 52.25 CELL PHONE, NORTHWESTERN 20.00 SERVICE TO CITY SHOPS, PETTY CASH 11.48 POSTAGE/CELL PHONE BALANCE, PLIC 132.39 SHORT TERM DISABILITY INS., RURAL DEVELOPMENT 4301.00 WATER & WASTEWATER LOANS, SIOUX VALLEY 111.00 SERVICE TO AIRPORT, VISA-COR TRUST 1426.37 CONVENTION/PARTS/BOOKS/CLOTHING, PAYROLL 22074.93, OASI 5595.03, 81 AUTO CLINIC 143.26 EDGER BLADES & OIL FILTER, A-OX WELDING SUPPLY CO. 87.00 CYLINDER RENT, ARLINGTON SUN 509.34 PUBLISHING, AVID HAWK, LLC 45.00 MONTHLY WEBSITE SERVICE, BADGER OIL, INC. 78.40 MOWER BELT, BANNER ASSOCIATES, INC 620.50 EAST HICKORY/ADAMS DRAINAGE, BOBCAT OF BROOKINGS 911.53 OIL; CHAIN; PIN, BOUND TREE MEDICAL, LLC 685.88 AMBULANCE SUPPLIES, CENTURY BUSINESS PRODUCTS 48.87 PRINTER CONTRACT 9/19-10/18, COOKS WASTEPAPER & RECYCLING 5808.08 OCTOBER GARBAGE, CORE & MAIN 1360.54 CURB BOX AND ADAPTOR, DAKOTA FLUID POWER, INC 286.87 CYLINDER REPAIR, STEPHANIE DAMM 107.20 MILEAGE TO CONVENTION, ELECTRIC FUND 416.01 METER DEPOSIT BALANCE REFUNDS., FLOWERS BY BESTY 40.00 STEVE MONTIETH FUNERAL, HANDI MART 322.26 FUEL, BRIAN KINDER 118.95 METER DEPOSIT BALANCE REFUND, KINGBROOK RURAL WATER 11494.83 OCT. WATER & LEASE PMT, LOWES 183.17 SAFETY GLASSES/STRAPS/SUPPLIES, M & T FIRE & SAFETY 128.22 ZIPPER REPAIR, MAYNARD'S FOOD CENTER 32.94 SOAP/GARBAGE BAGS/PAPER TOWELS, MCLEOD'S PRINTING & OFFICE SUP 1298.90 UTILITY BILLS, PCC AMBULANCE BILLING SERV. 1291.43 MARCH, AUGUST AND SEPTEMBER BILLING, ARDEN PEDERSON 97.72 METER DEPOSIT BALANCE REFUND, VIRGINIA PENA 67.32 METER DEPOSIT BALANCE REFUND, JUSTIN PETERSEN 150.00 METER DEP. BALANCE REFUND, PRAIRIE AG PARTNERS 1734.16 TIRE REPAIR/OIL/BH REPAIR, PUBLIC HEALTH LABORATORY 255.00 WATER TESTING, RAZTECH LLC 947.00 SEPTEMBER IT, RDO EQUIPMENT CO 681.67 TRACTOR REPAIR, RUNNINGS SUPPLY INC 59.39 OIL OBSORB & PTO LOCK PIN, SCHEIN INC 475.23 AMBULANCE MEDS, SD ONE CALL 68.25 LOCATES JULY-SEPT 2024, SD MUNICIPAL LEAGUE 243.00 CONVENTION, SDSU EXTENSION 500.00 GRANT WRITING WORKSHOP, SNAP ON TOOLS 106.25 CHSL; IGNITOR; PICK UP TOOL, CNH INDUSTRIAL ACCOUNTS 1472.70 PAYLOADER PARTS, US BANK ST. PAUL 27688.75 EL LOAN INT. PMT, DAPHNEY VAN KOOTEN 176.53 CREDIT ON ACCT-METER DEP REFUN, JESSE VINCENT CONSTRUCTION 10417.37 WATERLINE & SEWERLINE, WW TIRE BRYANT 353.31 TIRE REPAIR - STREET SWEEPER

The City Council and Planning Commission met on November 4 at 7:05 P.M.

Mayor Lundquist called the joint Planning Commission and Council meeting to order at 7:05 P.M. with the following present: Mayor Curt Lundquist and Council Members: Gary Kaufmann, Terry Rowbotham, Garth Johnson, Beth Sundberg, Sue Falconer and Rob Achterberg. Absent: None

Mayor Lundquist opened the joint public hearing on Planning Resolution #2024-11 vacating the western 483.75' of Opportunity Drive. Upon motion by Rowbotham, seconded by Johnson the Public Hearing was closed and Planning Commission Resolution #2024-11 was passed and adopted by the City of Arlington Planning Commission. All in favor—Carried.

PLANNING COMMISSION RESOLUTION 2024-11

RESOLUTION TO VACATE A PART OF OPPORTUNITY DRIVE

Be it resolved that the Arlington Planning Commission recommends to the Arlington City Council that they approve and adopt City Council Resolution Number 2024-12 entitled "Resolution to Vacate a part of Opportunity Drive"

Signed this 4th day of November 2024.

Planning Commission Chair
City of Arlington

ATTEST: Finance Officer,
City of Arlington

Motion was made by Achterberg, seconded by Falconer to adjourn the Planning Commission meeting.

Based on the recommendation from the Planning Commission, motion was made by Rowbotham, seconded by Kaufmann to approve City Council resolution #2024-12, Vacating a part of Opportunity Drive. All in favor—Carried.

RESOLUTION 2024-12

RESOLUTION TO VACATE A PART OF OPPORTUNITY DRIVE

WHEREAS a Petition for Vacation of that part of Opportunity Drive located between Block 9 Arlington Industrial Park on the North side of the platted street and Block 10 Arlington Industrial Park on the South side of the platted street all located in the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of Section Thirty Six (36) Township One Hundred Eleven (111) North, Range Fifty Three (53) West of the 5th P.M., Kingsbury County, South Dakota Also described as the West 483.75' of Opportunity Drive as referenced in the Plat of Blocks 9 and 10, Arlington Industrial Park located in the NE ¼ of the SE ¼ of Section 36 in Township 111 North, Range 53 West of the 5th P.M., in the City of Arlington, Kingsbury County, South Dakota, pursuant to SDCL 9-45-7; and

WHEREAS publication of a Notice of Hearing on the proposed vacation has been given; and

WHEREAS the Petition and the evidence and testimony presented evidenced a necessary and compelling basis for vacating that portion of the street described thereon; and

WHEREAS the described portion of Opportunity Drive it is not now open or used and never has been opened or used by the public; nor has the portion of the street been used or traveled upon as a street or alley at any time during the twenty years subsequent to the recording of the plat establishing the street.

NOW THEREFORE BE IT HEREBY RESOLVED that part of Opportunity Drive located between Block 9 Arlington Industrial Park on the North side of the platted street and Block 10 Arlington Industrial Park on the South side of the platted street all located in the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of Section Thirty Six (36) Township One Hundred Eleven (111) North, Range Fifty Three (53) West of the 5th P.M., Kingsbury County, South Dakota Also described as the West 483.75' of Opportunity Drive as referenced in the Plat of Blocks 9 and 10, Arlington Industrial Park located in the NE ¼ of the SE ¼ of Section 36 in Township 111 North, Range 53 West of the 5th P.M., in the City of Arlington, Kingsbury County, South Dakota, is hereby declared vacated and that portion of the property as vacated shall relict back to the adjoining property.

On roll call, all voting "aye", Resolution declared PASSED and ADOPTED on
The 4th day of November, 2024.

CITY OF ARLINGTON

Mayor

ATTEST:

City Finance Officer

CERTIFICATION

I, Stephanie Damm, Finance Officer of the City of Arlington, Kingsbury County, South Dakota, hereby CERTIFY that the above RESOLUTION is a true and correct transcript of that Resolution adopted November 4, 2024, at a regular meeting of the City Council of Arlington, South Dakota.

Finance Officer

This being the date and time advertised for the Liquor license Transfer Hearings, an application to transfer the on-sale liquor license from Frontier Logic, LLC dba The Cardinal Tap to JSL, LLC dba The Cardinal Tap was reviewed. Motion was made by Achterberg, seconded by Kaufmann to approve the transfer of the On-Sale Liquor license from Frontier Logic, LLC dba The Cardinal Tap to JSL, LLC dba The Cardinal Tap. All in favor—Carried. An application to transfer the Off-Sale Liquor license from Frontier Logic, LLC dba The Cardinal Tap to Frontier Logic, LLC dba 1481 Grille was reviewed. Motion was made by Johnson, seconded by Rowbotham to approve the transfer of the Off-Sale Liquor license from Frontier Logic, LLC dba The Cardinal Tap to Frontier Logic, LLC dba 1481 Grille. All in favor—Carried. An application to transfer the On-Sale Liquor license from Dakota Ram, Inc. dba 1481 Grille to Frontier Logic, LLC dba 1481 Grille was reviewed. Motion was made by Rowbotham, seconded by Falconer to approve the transfer of the On-Sale Liquor license from Dakota Ram, Inc. dba 1481 Grille to Frontier Logic, LLC dba 1481 Grille. All in favor—Carried.

Motion was made by Kaufmann, seconded by Falconer to approve issuing the 2025 Liquor Licenses for Handi-Mart, Kings Lanes, Frontier Logic, LLC/1481 Grille (On & Off), and JSL, LLC/Cardinal Tap. All in favor—Carried.

Motion was made by Kaufmann, seconded by Sundberg to approve the operating agreements for 1481 Grille and the Cardinal Tap to January 1, 2025. All in favor—Carried.

The Council reviewed the Short Term Lodging Application Form and Fee. Motion was made by Johnson, seconded by Sundberg to approve the form and a fee of \$100.

The Council reviewed the Short Term Lodging Application Form we received, but upon further review, a special exception will be needed in a residential area.

Approved Building Permits for the following were reviewed: Genuine Builders, Bock 9, Arlington Industrial Park, located in the NE ¼ of the SE ¼ of section 36 in T111N, R53W of the 5th P.M. in the City of Arlington, Kingsbury County, SD.; Steven Thury – 12' x 12' deck @ Block 4, Lot 3, Lieske's 2nd Addn – 408 S. 5th St.; Karl Steege/1481 Grille – 30' x 50' addition @

N200' of S417.62' of Lot B of Lots B&C located in Lot 1, Ecklein's 2nd Addn in SE 1-110-53, 408 S. Hwy 81; Ryan & Morgan Bjorklund – fence @ Lot 1, Block 9, 2nd RR Addn – 102 S. 4th St.; Cory & Kristi Falconer – fence & 8' x 16' deck @ E189' Lot 3, Block 1, Lieske's Addn, 206 Center Dr.

Motion was made by Rowbotham, seconded by Sundberg to approve the second reading of the Dynamic Brake Ordinance #623 as follows:

ORDINANCE #623

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

(A) Except as provided in the section, the use or operation of a dynamic braking device on unmuffled vehicles is hereby prohibited within this municipality;

(B) A dynamic braking device is a device used on vehicles that converts the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. These devices are commonly referred to as "air brakes," "engine brakes," "compression brakes," "Jacob's Brakes," or "Jake Brakes."

(C) This section shall not apply to municipal emergency vehicles, whether or not responding to an emergency.

(D) As an affirmative defense to a charge of a violating of this section, the driver of the vehicle must provide by a preponderance of the evidence that:

1. The driver of the vehicle was operating the vehicle in compliance with all applicable laws at the time the unmuffled dynamic braking device was used; and
2. The speed of vehicle was reasonable given all of the relevant circumstances; and
3. The driver believed that the use of the unmuffled dynamic braking device was necessary to either:
 - a. Avoid an imminent threat to the safety of the driver or any other person; or
 - b. Avoid an imminent threat to property.
4. The driver's belief as to the necessity for using the unmuffled dynamic braking device was objectively reasonable.

Dated this 4th day of November, 2024.

CITY OF ARLINGTON, SOUTH DAKOTA

Mayor

ATTEST:

City Finance Officer

First Reading: 10/7/2024

Second Reading: 11/4/2024

Passed and Approved: 11/4/2024

Published: 11/14/2024

Motion was made by Falconer, seconded by Kaufmann to approve the second reading of the Snowmobile Ordinance #624 as follows:

ORDINANCE #624

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS PERTAINING TO THE USE AND OPERATION OF
SNOWMOBILES WITHIN THE CITY LIMITS OF THE CITY OF ARLINGTON, SOUTH DAKOTA:

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

SECTION 1. Definition of a Snowmobile.

Any engine driven vehicle of a type which utilizes sled type runners, wheels, skis with an endless belt or similar means of contact with the surface upon which it is operated.

SECTION 2. This Ordinance makes reference to and includes, but is not limited to the provisions and regulations of Chapter 182 of the 1971 Sessions Laws of the State of South Dakota, and Ordinances of the City of Arlington, insofar as the same may be applicable or relate to use and operation of motor vehicles within the corporate limit of the City.

SECTION 3. The following acts are hereby declared to be prohibited and unlawful:

- (a) To use or operate a snowmobile upon any sidewalk within the City; and
- (b) The pull, tow, or trail a sled or any other vehicle behind a snowmobile in any manner other than with a rigid tow bar; and
- (c) To cross any intersection except at a right angle.

SECTION 4. Any person violating any provision of this Ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed five hundred dollars (\$500.00).

Passed first reading: 10/7/2024
Passed second reading: 11/4/2024
Passed and approved: 11/4/2024

Curt Lundquist, Mayor

ATTEST:

Stephanie Damm, Finance Officer

Motion was made by Kaufmann, seconded by Rowbotham to approve the second reading of the Snowmobile Ordinance #625 as follows:

ORDINANCE 625

AN ORDINANCE ADDING CHAPTER 16 TO THE REVISED ORDINANCES OF THE CITY OF ARLINGTON THEREBY CREATING LICENSING PROVISIONS FOR CANNABIS ESTABLISHMENTS WITHIN THE CITY OF ARLINGTON, SOUTH DAKOTA

BE IT ORDAINED by the City Council of the City of Arlington, that Chapter 9 be added to the revised ordinances of the City of Arlington for the purpose of licensing cannabis establishments within the City of Arlington:

16.01. PURPOSE AND INTENT

The City Council of the City of Arlington enacts the following licensing ordinances in order to ensure that cannabis establishments within the incorporated areas of the City operate in a manner which complies with state laws and regulations, protects the health, safety, and welfare of the general public, prevents potential conflicts and issues arising from ownership and employees, recognizes certain safety and security considerations, and minimizes risk of unauthorized use or access of cannabis by the general public.

16.02. DEFINITIONS

Unless an alternative definition is explicitly stated in this ordinance, this ordinance utilizes the definitions for cannabis-related terms which are defined by SDCL 34-20G-1.

Cannabis (or Marijuana): All parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

Cannabis Cultivation Facility: This term is defined as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

Cannabis Dispensary: This term is defined as a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

Cannabis Establishment: A cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

Cannabis Product Manufacturing Facility: This term is defined as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

Cannabis Products: Any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures

Cannabis Testing Facility: This term is defined as a legally licensed entity legally authorized to analyze the safety and potency of cannabis.

Department: the South Dakota Department of Health

16.03. LICENSE REQUIRED

(a) No cannabis establishment may be located or operate in the incorporated area of the City without the appropriate valid and current cannabis establishment license issued by the City pursuant to this ordinance. A violation of this provision is subject to the general penalty provision in 9.16. Each day of the violation constitutes a separate offense.

(b) No cannabis establishment may be located or operate in the incorporated area of the City without the appropriate valid and current cannabis establishment registration certificate issued by the Department pursuant to rules promulgated under SDCL 34-

20G. A violation of this provision is subject to the general penalty provision in 9.16. Each day of the violation constitutes a separate offense.

16.04. LICENSE APPLICATION

(a) An application for a cannabis establishment license must be made on a form provided by the City. No other application form will be considered.

(b) The applicant must submit the following:

1. Application fee of \$5,000 for a Cannabis Dispensary. The City will reimburse two thousand five hundred dollars (\$2,500) for applicants who fail to obtain a registration certificate from the South Dakota Department of Health.

2. Application fee of \$5,000 for a Cannabis Cultivation Facility or Cannabis Product Manufacturing Facility.

3. An application that will include, but is not limited to, the following:

i. The legal name of the prospective cannabis establishment;

ii. The physical address of the prospective cannabis establishment that comports with the City of Arlington Zoning Ordinance, as well as any location requirements pursuant to SDCL 34-20G and the administrative rules promulgated thereunder.

iii. The name, address, and birth date of each principal officer, owner, and board member of the proposed cannabis establishment.

iv. Any additional information requested by the City.

16.05. ISSUANCE OF LICENSE

(a) The City will issue a license unless:

1. The applicant has made a false statement on the application or submits false records or documentation; or

2. Any owners, principal officer, or board member of the applicant is under the age of twenty-one (21) years; or

3. The proposed location does not meet the applicable zoning requirements of City of Arlington

4. The proposed location does not meet all location requirements under SDCL 34-20G and the administrative rules promulgated thereunder;

5. The license is to be used for a business prohibited by state or local law, statute, rule, ordinance, or regulation; or

6. Any owner, principal officer, or board member of the applicant has had a cannabis establishment license revoked by the City or a registration certificate revoked by the state; or

7. An applicant, or an owner, principal officer, or board member thereof, is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to any cannabis establishment; or

8. The applicant will not be operating the business for which the license would be issued.

(b) In the case of an application for a cannabis dispensary license, the City will reject the application if the limit on the number of cannabis dispensaries has been reached.

(c) The license must be posted in a conspicuous place at or near the entrance to the cannabis establishment so that it may be easily read at any time.

16.06. CITY NEUTRALITY AS TO APPLICANTS

(a) Upon request from the Department as to the City's preference of applicants, the City will neither support nor oppose any registration certificate application under consideration by the Department. Likewise, if inquiry is made by the Department, the City will abstain from endorsing any application as beneficial to the community.

16.07. NUMBER OF CANNABIS DISPENSARIES

(a) No more than two (2) cannabis dispensary shall be allowed to operate in the incorporated area of the City at any time.

(b) No more than one (1) cannabis cultivation facility shall be allowed to operate in the incorporated area of the City at any time.

(c) No more than one (1) cannabis product manufacturing facility shall be allowed to operate in the incorporated area of the City at any time.

16.08. EXPIRATION OF LICENSE AND RENEWAL

(a) Each license expires one year from the date of issuance and may be renewed only by making application as provided in 9.04. Application for renewal must be submitted at least thirty (30) days before the expiration date. The license holder must continue to meet the license requirements to be eligible for a renewal.

(b) The renewal fee for a cannabis dispensary is five thousand dollars (\$5,000).

(c) Failure to renew a license in accordance with this ordinance may result in additional fees. Upon expiration of the license, the City may order closure of the cannabis establishment.

(d) If a license holder has not operated an establishment for which it holds a license in the preceding twelve (12) months, the license will not be renewed.

(e) The renewal fee for a cannabis cultivation facility or a cannabis product manufacturing facility is \$25,000.

16.09. SUSPENSION

(a) A license may be suspended if the license holder or an employee or agent of the license holder:

1. Violates or is otherwise not in compliance with this ordinance.

2. Consumes or smokes or allows any person to consume or smoke cannabis on the premises of the cannabis establishment.

3. Knowingly dispenses or provides cannabis or cannabis products to an individual or business to whom it is unlawful to provide cannabis or cannabis products.

(b) A license may be suspended if the license holder has its Department-issued registration certificate suspended, revoked, or not renewed by the Department or if the registration certificate is expired.

(c) A license may be suspended if the license holder creates or allows to be created a public nuisance at the cannabis establishment.

16.10. REVOCATION

(a) A license may be revoked if the license is suspended under 9.09 and the cause for the suspension is not remedied.

(b) A license may be revoked if the license is subject to suspension under 9.09 because of a violation outlined in that 9.09 and the license has been previously suspended in the preceding 24 months.

(c) A license is subject to revocation if a license holder or employee of a license holder:

1. Gave false or misleading information in the material submitted during the application process;
2. Knowingly allowed possession, use, or sale of non-cannabis-controlled substances on the premises;
3. Operated the cannabis establishment or the business of the cannabis establishment for which a license is required under this ordinance while the license was suspended;
4. Repeated violations of this ordinance;
5. Operated a function of a cannabis establishment for which the license holder was not licensed (e.g., a licensed cannabis cultivation facility conducting cannabis testing functions without a cannabis testing establishment license);
6. A license holder, or an owner, principal officer, or board member thereof, is delinquent in payment to the city, county, or state for any taxes or fees related to the cannabis establishment;
7. A license holder, or an owner, principal officers, or board member thereof, has been convicted of, or continues to employ an employee who has been convicted of, a disqualifying felony offense as defined by SDCL 34-20G; or
8. The license holder has its Department-issued registration certificate suspended, revoked, or not renewed or the registration certificate is expired.
9. The license holder allows a public nuisance to continue after notice from the City.

16.11. SUSPENSION AND REVOCATION PROCESS

(a) The license holder will receive a notice of intent to suspend or notice of intent to revoke informing the license holder of the violation and the City's intention to suspend or revoke the license. The notice will be hand delivered to the license holder or an employee or agent of the license holder or sent by certified mail, return receipt requested to the physical address of the cannabis establishment.

(b) If the license holder disputes the suspension or revocation, the license holder has ten (10) days from the postmark date on the notice or the date the notice was hand delivered to request a hearing before a hearing panel, which will consist of the Mayor, Finance Officer and Sheriff.

(c) A suspension will be for thirty (30) days and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder exercises its rights to process and appeal, in which case the suspension takes effect upon the final determination of suspension.

(d) A revocation will be for one (1) year and begins ten (10) days after the postmark date on the notice or the date the notice is hand delivered unless the license holder appeals the revocation, in which case the revocation takes effect upon the final determination of revocation.

(e) The license holder who has had the license revoked may not be issued any cannabis establishment license for one year from the date the revocation became effective.

16.12. APPEAL

An applicant or license holder who has been denied a license or renewal of a license or who has had a license suspended or revoked under this ordinance may appeal to the City Council by submitting a written appeal within ten (10) days of the postmark on the notice of denial, nonrenewal, suspension, or revocation. The written appeal must be submitted to City Hall, 202 W. Elm St., PO Box 379, Arlington, SD 57212. The appeal will be considered by the City Council at a regularly scheduled meeting within one month of the receipt of the appeal.

16.13. LICENSES NOT TRANSFERRABLE

No cannabis establishment license holder may transfer the license to any other person or entity either with or without consideration, nor may a license holder operate a cannabis establishment at any place other than the address designated in the application.

16.14. HOURS OF OPERATION FOR DISPENSARIES

No cannabis dispensary may operate between the hours of 2:01 a.m. and 6:59 a.m. CDT any day of the week.

16.15. LIABILITY FOR VIOLATIONS

Notwithstanding anything to the contrary, for the purposes of this ordinance, an act by an employee or agent of a cannabis establishment that constitutes grounds for suspension or revocation will be imputed to the cannabis establishment license holder for purposes of finding a violation of this ordinance, or for purposes of license denial, suspension, or revocation, only if an officer, director or general partner or a person who managed, supervised or controlled the operation of the cannabis establishment, knowingly allowed such act to occur on the premises.

16.16. PENALTIES

Any person who operates or causes to be operated a cannabis establishment without a valid license or in violation of this ordinance is subject to a suit for injunction as well as prosecution for ordinance violations. Such violations are punishable by a maximum fine of five hundred dollars (\$500.00). Each day a cannabis establishment so operates is a separate offense or violation.

16.17. SEVERABILITY

The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

Passed First Reading: 10/7/2024

Passed Second Reading: 11/4/2024

Passed and Approved: 11/4/2024

Curt Lundquist, Mayor

ATTEST:

Stephanie Damm
Finance Officer

Motion was made by Johnson, seconded by Rowbotham to approve the Law Enforcement Contract and the signing of such by Mayor Lundquist. All in favor—Carried.

East River Rate Update was reviewed and the Finance Officer was asked to email them back requesting an earlier notice in the future to be sure the increase can be captured in the next year's budget.

The request to reverse late fees from a utility bill was reviewed and the Council denied this request.

The email we received from Burbach Aquatics via Banner Associates was reviewed and the Council decided not to move forward with anything further at this time.

The metering and associated software was discussed and as the Council has a few more questions, Marshal Mix was asked to see if someone from Core & Main would be willing to come to a special meeting on November 15th to answer those questions.

Electric Report: We should be getting the poles for the new streetlights on Birch within the next week or so.

ACDC Report: They will be going to quarterly meetings now.

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

First reading of a Supplemental Ordinance, amending Ordinance #626 in the amount of \$42,210 was approved by motion of Rowbotham, seconded by Falconer. All in favor—Carried.

The Council reviewed the Revenue/Expense, Cash and Utility Reports

Additional Items: The City's Health Insurance went up 7.4%, the Governor granted executive leave on December 23rd and 24th - the Council granted the City workers the 24th. The manhole lowering on the new sewer line has now been completed, but one person asked about the "old" line. The Council said just the new ones were to be lowered. We will be needing an easement so the DOT will put in a cement drain culvert – Wilkinson will get that drafted. The City/Fire Dept. whistle/siren is getting worked on 11/6/2024. Number of urns per cemetery grave spot was discussed, but no changes were made to the existing cemetery ordinance at this time.

Mayor's Report: Cudos to Marshal for going above and beyond for a customer.

Motion was made by Achterberg, seconded by Falconer to enter into executive session at 8:34 P.M. for contract negotiations. All in favor—Carried.

Mayor Lundquist declared out of executive session at 9:22 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