

CITY HALL, CITY OF ARLINGTON, SOUTH DAKOTA
December 2, 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

Motion was made by Falconer, seconded by Rowbotham to approve the minutes of the November 4th & 25th meetings. All in favor—Carried.

Bills on file were submitted for consideration and on Motion by Falconer, seconded by Kaufmann, the Finance Officer was instructed to issue payment for same. All in favor on Roll Call Vote—Carried.
EAST RIVER ELECTRIC POWER COOP 3521.76 TRANSMISSION SERVICE-OCT, ELECTRIC FUND 3319.08 CITY ELECTRIC BILL, HEARTLAND ENERGY 17388.44 ENERGY, KINGSBURY COUNTY AUDITOR 5546.67 COUNTY CONTRACT LAW, RAZTECH LLC 947.00 MONTHLY IT, SD STATE TREASURER 6067.98 SALES TAX, VALLEY FIBERCOM 208.48 PHONE/INTERNET, WESTERN AREA POWER ADM 16194.99 ENERGY, PAYROLL 11310.54, OASI BENEFITS 865.27, KINGS. CO. REGISTER OF DEEDS 30.00 RECORDING FEE – VACATE PART OF OPPORTUNITY DRIVE, MOTOROLA SOLUTIONS, INC. 18692.88 RADIOS, AT&T 52.25 CELL PHONE, NORTHWESTERN ENERGY 22.86 SERVICE TO CITY SHOPS, PRINCIPAL LIFE INS. CO. 132.39 SHORT TERM DISABILITY INS, RURAL DEVELOPMENT 4301.00 WATER & WASTEWATER LOANS, SIOUX VALLEY ENERGY 106.00 AIRPORT, VISA - COR TRUST BANK 2562.01 COMPUTER-SUPPLIES-PARTS, PAYROLL 19403.74, OASI BENEFITS 1457.19, SD RETIREMENT SYSTEM 2420.32, HEALTH POOL OF SD 4067.97, COLONIAL LIFE 47.88, PAYROLL, 81 AUTO CLINIC 79.23 FUEL HOSE; FILTERS; EDGER BLADE, A-OX WELDING SUPPLY CO. 160.79 CYLINDER RENT, AT&T 52.25 CELL PHONE, AVID HAWK, LLC 45.00 MONTHLY WEBSITE, BANNER ASSOCIATES, INC 8722.79 SEWER PROJECT & POOL, BOBCAT OF BROOKINGS 999.93 SKIDSTEER PARTS, BOUND TREE MEDICAL, LLC 376.94 AMBULANCE SUPPLIES, BROOKINGS HEALTH SYSTEM 120.00 ALS TRANSFER, CENGAGE LEARNING INC - GALE 187.12 BOOKS, CENTURY BUSINESS PRODUCTS 45.14 SERVICE AGRMT - 10/19-11/18/24, CITY OF BROOKINGS 983.80 LANDFILL-FALL CLEANUP, DGR ENGINEERING 540.00 TRANSFORMER SIZE DISCUSSIONS, DAKOTA SUPPLY GROUP 3835.88 WIRE & ELECTRIC SUPPLIES, HANDI MART 555.64 PIZZA FOR MTG & FUEL, HAWKINS, INC. 3487.22 CORROSION INHIBITOR, HYDRO-KLEAN, LLC 3200.00 CLEAN AND TELEVISE LINES, JAY'S AUTO BODY 225.00 INSTALL WINDOW IN PAYLOADER, KINGBROOK RURAL WATER 9318.83 WATER & LOAN, L. G. EVERIST, INC 115.42 ICING SAND, AMERICAN LEGION POST 42 184.95 INSTALL AND REPAIR OF POLES, LOWES 494.18 HOSE; SUPPLIES; ANTIFREEZE, MAYNARD'S FOOD CENTER 92.97 CLEANING SUPPLIES; POP/WATER, MCMASTERS GRAVEL AND CONSTRUCT 2518.75 GRAVEL, NORTHWESTERN ENERGY 22.86 SERVICE TO CITY SHOPS, OFFICE PEEPS 107.13 PAPER; PAPER TOWELS; SUPPLIES, PRINCIPAL LIFE INS. CO. 132.39 SHORT TERM DISABILITY INS, PRAIRIE AG PARTNERS 7342.85 DIESEL; GAS; OIL; REPAIR, PUBLIC HEALTH LABORATORY 15.00 WATER TESTING, RAZTECH LLC 947.00 NOVEMBER IT, LES ROWEN 111.47 CLOTHING, RUNNINGS SUPPLY INC 63.27 COUPLING PIPE; STEP STOOL, RURAL DEVELOPMENT 4301.00 WATER & WASTEWATER LOANS, SD WATER & WASTEWATER ASSOC. 10.00 DUES, SIOUX VALLEY ENERGY 106.00 AIRPORT, SNAP ON TOOLS 1800.00 THERMAL IMAGER PLUS, TITAN MACHINERY - SIOUX FALLS 1472.70 PS0454836-1 PAYLOADER PARTS, TWO WAY SOLUTIONS, INC 1755.10 FIRE WHISTLE REPAIR & CHRGR, US POST OFFICE 633.00 STAMPS, VISA - COR TRUST BANK 2562.01 COMPUTER-SUPPLIES-PARTS, WILKINSON & SCHUMACHER 5277.71 ATTORNEY FEES,

Time for Public Comments—None

Approved Building Permit for the following was reviewed: Josh Nelson-12'x 10' deck @ S2 Lot 14, Block 1, Miller's Addn – 607 N. Cherry St.

Motion was made by Achterberg, seconded by Rowbotham to adopt Resolution #2024-13 as follows:

RESOLUTION #2024-13

BE IT RESOLVED that the following transfers be made in accordance with the 2024 budget:

\$16,000 be transferred from the Electric Fund to the Ambulance Trust Fund; \$10,000 be transferred from the Electric Fund to the Street Equipment Fund, and \$10,000 be transferred from the Electric Fund to the Fire Dept. CP Fund. All in favor—Carried.

Motion was made by Johnson, seconded by Kaufmann to approve the second reading of the Short-Term Lodging Ordinance. #627

Ordinance No. 627

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), Highway Commercial District (HC), Single Family Residential District (R1), General Residential District (R2) and Residential Manufactured Home District (R3) zones with no limitations on the number of separate rental periods.
- b. Prohibited in Industrial (I) zone.
- c. Prohibited in all other zones except when the property is owner-occupied. i. In all zones, both an Accessory Building allowed by a Conditional Use 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 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 of each day the dwelling unit was unlawfully used for Short-Term Lodging within an Administrative approval.

1.4- Granting of Conditional Use.

The Zoning Board of Adjustments shall grant a request for conditional use 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 Conditional Use for this property includes a general community benefit that rises above the financial gains of the applicant.

First Reading: November 25, 2024
Second Reading: December 2, 2024
Published: December 12, 1024

CITY OF ARLINGTON, SOUTH DAKOTA

Curt Lundquist- Mayor

ATTEST:

Stephanie Damm- Finance Officer

Motion was made by Kaufmann, seconded by Falconer to approve the short-term Lodging rental application. All in favor—Carried.

Now was the time for the public hearing for the 5 year Operating Agreement for the Cardinal Tap (On-Sale) and the 5 year and 3 year Operating Agreements for 1481 Grille (On-Sale and Off-Sale respectively). Motion was made by Rowbotham, seconded by Achterberg, to approve said agreements. All in favor—Carried.

Temporary building permits were discussed. Wilkinson reminded the Council that the City of Arlington does not have a temporary building permit as an option right now. He did say he would look up Brookings County Ordinances for options. Temporary buildings do not have water/sewer and permanent buildings need footings.

Adams Street pricing was presented at approx. \$502,000.00 and the Council did not make a decision as to when that road would be completed as there are other infrastructure/road repairs that need to be addressed as well.

The metering system/software from Core and Main was revisited and after some discussion, motion was made by Falconer, seconded by Achterberg to move forward with their product with the load management and water metering system being completed in 2025 and the electric in 2026 to span over two fiscal years. All in favor—Carried.

Motion was made by Achterberg, seconded by Kaufmann to approve the First Reading of the Water and Electric Ordinance additions. All in favor—Carried.

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

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

Second reading of a Supplemental Ordinance, amending Ordinance #615 (with changes being made to Fire Dept., Sanitation, and Rubble Site from the first reading) in the amount of \$74,010.00 was approved by motion of Falconer, seconded by Kaufmann All in favor—Carried.

ORDINANCE #626

**AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION ORDINANCE #615
PROVIDING REVENUE FOR INDESPENSABLE FUNCTIONS OF CITY GOVERNMENT
BE IT ORDAINED BY THE CITY OF ARLINGTON, KINGSBURY COUNTY, SOUTH DAKOTA:**

SECTION 1. It is hereby deemed necessary that there is hereby appropriated for the objects and purposes herein specified to pay the necessary expenses and liabilities of the government of the City of Arlington, Kingsbury County, South Dakota, with unencumbered surplus funds from city owned utilities during the fiscal year 2024 as follows:

| | | | |
|-------|----------------|----|------------------|
| 414.2 | FINANCE OFFICE | \$ | 31,580.00 |
| 432 | SANITATION | \$ | 1,000.00 |
| 422.9 | FIRE DEPT | \$ | 30,800.00 |
| 432.4 | RUBBLE SITE | \$ | 3,000.00 |
| 435 | AIRPORT | \$ | 900.00 |
| 441.3 | WEST NILE | \$ | 310.00 |
| 446 | AMBULANCE | \$ | 22,000.00 |
| 451 | RECREATION | \$ | <u>16,000.00</u> |
| 101 | GENERAL FUND | \$ | <u>74,010.00</u> |

TOTAL SUPPLEMENT \$ 74,010.00

SECTION 2. WHEREAS, this Ordinance is deemed necessary for the immediate preservation of the public peace, health, or safety and support of the Municipal Government and its existing public institutions; an emergency is hereby declared and said Ordinance shall be effective upon passage and publication thereof.

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

Passed first reading: November 4, 2024
Passed second reading: December 2, 2024
Passed and approved: December 2, 2024

ATTEST:

Stephanie Damm, Finance Officer

Curt Lundquist, Mayor

Motion was made by Achterberg, seconded by Rowbotham to have the Finance Officer send out renewal leases to the Pheasant Motel, Bits of Yesterday, and Schmidt's (\$100/year); and Handi Mart and Flowers by Betsy (\$500/year) for their billboards at the Municipal Airport. All in favor—Carried. Frank Crisler said he would remind the Chamber of the billboard they had and see if they would be putting it back up or if the City will be taking care of that.

Additional Items: The end of year meeting was set for Dec. 30th at 7 P.M. Johnson and Sundberg will set a date for wage discussion and bring back to the Council for discussion and approval.

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

Stephanie Damm, Finance Officer

Curt Lundquist, Mayor

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