

CITY HALL, CITY OF ARLINGTON, SOUTH DAKOTA  
June 5, 2023

The City Council met as the Zoning Commission—Board of Adjustment. Present on Roll Call were Mayor Curt Lundquist and Council Members: Terry Mutziger, Terry Rowbotham, Garth Johnson, Beth Sundberg, Cory Falconer, and Rob Achterberg Absent: None

Prairie Farms, LLC submitted a special exception request to allow the manufacturing of medical cannabis at the following property: Lots 7 & 8, Block 19, WTL CTY's 4<sup>th</sup> Addn (120 Care Center Road). Discussion was held with Trifon Theodosopolous from Prairie Farms and those residents that had questions or were not in favor. Trifon presented the 15 signatures needed for the Council to be able to approve or deny. Motion was made by Rowbotham, seconded by Achterberg to approve the special exception request subject to the terms and conditions in the agreement drawn up by Wilkinson. All in favor - Carried.

Roger DeGroot submitted a variance request to allow the setback to be 15' instead of the 25' ordinance requirement based on the triangular shape of the lot at the following property: Lot 1, Block 23 WTL CTY plat of Block 20-24 (212 6<sup>th</sup> St. N) . Motion was made by Mutziger, seconded by Johnson to approve the variance request due to the lot shape. All in favor – Carried.

Motion to adjourn the Zoning Commission was made by Achterberg, seconded by Falconer . All in favor - Carried.

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Stephanie Damm, Finance Officer

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Curt Lundquist, Mayor

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CITY HALL, CITY OF ARLINGTON, SOUTH DAKOTA  
June 5, 2023

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: Terry Mutziger, Terry Rowbotham, Garth Johnson, Beth Sundberg, Cory Falconer, and Rob Achterberg Absent: None

Motion was made by Falconer, seconded by Johnson to approve the minutes of the May 1<sup>st</sup>, May 8<sup>th</sup>, and May 11<sup>th</sup> meetings. 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:

Payroll, 101=\$7900.82, 602=\$666.41, 603=\$3478.18, 604=\$525.34; A T & T, \$47.25, Cell Phone/Ipad; COLONIAL LIFE, \$106.53, Payroll Deduction; NORTHWESTERN, \$166.62, Service to City Shop; PETTY CASH, \$17.11, Postage; PLIC-SBD GRAND ISLAND, \$180.34, Short Term Disability; S D RETIREMENT SYSTEM, \$3,265.60, May Retirement; SIOUX VALLEY ENERGY, \$92.00, Electricity – Airport; THE HEALTH POOL OF SD, \$4,528.90, Insurance Premiums; VISA--COR TRUST BANK, \$760.81, Printer ink; AARON, BRUCE, \$73.53, Meter Balance Refund; A-OX WELDING SUPPLY CO INC, \$280.54, Cylinder Rent & Compressed Air; ARCHAEOLOGY LABORATORY, \$4,764.00, Cultural Survey - Sewer Project; ARLINGTON INSURANCE AGENCY, \$51,253.50, Insurance Renewal Premiums; ARLINGTON SUN, \$246.22, Publishing; AVANTARA ARLINGTON, \$200.00, Meter Deposit Balance Refund; AVID HAWK, LLC, \$45.00, Monthly Website Service; BANNER ASSOCIATES, INC, \$237.80, Beth travel to meeting; BOBCAT OF BROOKINGS, \$803.85, Bobcat repair of cylinder and coolant leak; BOUND TREE MEDICAL, LLC, \$200.31 , Pediatric sensor & Masimo O2 sensor; Century Business Products, \$28.16, Service Agreement 4/19-5/18/23; CITIZENS STATE BANK, \$20.00, May Service Charge; COLONIAL RESEARCH CHEMICAL COR, \$132.53, RCC-289 Borderline White; COOK S WASTEPAPER & RECYCLING, \$6,235.80, May Garbage; CORE & MAIN, \$558.67, 12 Mar Mac Couplings; COURTESY PLUMBING, \$670.29, Repair Water Maid; DANR-FISCALMANAGEMENT DIV, \$380.00, Drinking Water; DGR ENGINEERING, \$599.00, EV Charging Ordinance Review; DOREN, CODY, \$50.00, Fuel for Engine #1 Reimbursement; EIGHTY-ONE AUTO CLINIC, \$431.99, plug & opr 2 for trimmer; ELECTRIC FUND, \$812.93, Meter deposits applied to bills – list; GALE, \$196.21, Library Books; GALLOWAY, DAN & SARAH, \$115.06, Meter Balance Refund; GLAWE PLUMBING, \$116.95, Sink at ball field; HANDI MART, \$666.95, Fire Dept. Fuel; HAWKINS INC, \$7,280.50, Pool Chemicals; HEIMAN, \$295.84, Adap, 6F, LH Swiv; HENRIKSEN, TYLER, \$49.40, Meter Balance Refund; INTERSTATE ALL

BATTERY CENTER, \$14.35, DRY000 ALK c 12; KINGBROOK RURAL WATER SYSTEM, \$15,839.38, May Water and Lease Pmts; KJELLEN, DOYLE OR KAREN, \$1.99, Meter Balance Refund; LOWES, \$1,219.34, Ratchet and stp laddr, etc.; M & T FIRE & SAFETY, \$58.04, tail light for red tanker; MAYNARDS FOOD CENTER, \$282.05, Pool supplies; MENARDS, \$358.23, Lights for Park bathroom; MOBILITIE SERVICES, \$97.09, Meter Balance Refund; MURPHY GRANITE CARVING, \$6,151.20, Legion Memorial; NORTHWEST PIPE FITTINGS, INC, \$251.10, M18 Batteries for tools; OFFICE PEEPS INC, \$565.62, Toilet paper & paper towel disp; OMNI-PRO SOFTWARE, \$7,710.40, Annual AMR Software License & Tech Support; PCC AMBULANCE BILLING SERVICE, \$287.14, Ambulance Billing for 4/1-4/30/23; PRAIRIE AG PARTNERS, \$829.01, Oil Changes, filters, etc.; Public Health Laboratory, \$15.00, Water Testing; RAMKOTA HOTEL, \$103.84, Hotel for Tom at EL Convention; Raztech LLC, \$4,455.00, April & May IT & new Firewall; ROY S SPORT SHOP, \$119.99, bury home plate; RUNNINGS SUPPLY INC, \$486.87, Val Ball for pool; SNAP ON TOOLS, \$862.95, demo taper; foam sleeve filter; prybar; pliers; filter; U S POST OFFICE, \$590.00, Box Rent & stamps; WATER & ENVIRONMENTAL ENGINEER, \$198.00, Lagoon Testing; WESCO DISTRIBUTION INC, \$522.09, Milw Cu/Al Jaw; red turf marking paint; CITIZENS STATE BANK, \$3,635.47, May 15 EFT WH; S D STATE TREASURER, \$5,998.20, Sales Tax; DANR-FISCALMANAGEMENT DIV, \$100.00, NOI – Stormwater; EAST RIVER ELECTRIC POWER COOP, \$3,404.72, Energy; ELECTRIC FUND, \$3,488.26, Utility Bills; HEARTLAND ENERGY, \$15,510.75, Energy; KINGSBURY COUNTY AUDITOR, \$5,655.00, County Contract Law; U.S. BANK ST. PAUL, \$660.00, Paying Agent Fee; VALLEY FIBERCOM, \$209.72, Phone/Internet; WESTERN AREA POWER ADM, \$17,671.60, Energy; Payroll, 101=\$15403.09, 602=\$1040.35, 603=\$4487.22, 604=\$852.27; RURAL DEVELOPMENT, \$1,343.00, water loan; RURAL DEVELOPMENT, \$2,958.00, wastewater loan

Motion was made by Mutziger, seconded by Falconer to adopt resolution 2649 as follows:

**Resolution #2649**

BE IT RESOLVED, that \$10,753.94 be transferred from the Parks & Rec Fund to the General Fund for the Concession stand loan payment and \$4764.00 from the Sewer Fund to the General Fund for the cultural survey needed for the sewer project. All in favor - Carried.

Josh Nelson spoke on behalf of Charlie Johnson asking if there could be a zoning change from R1 to R2 on land that is not yet platted on the north side of where East Hickory St. is not yet built (B1 of Lot 1 Johnson Addn), he also asked about who would be responsible for said road. Wilkinson informed him that right now, the process would be to fill out an application for the zoning change, but also let him know that the city is in the process of updating the zoning ordinances and that this may fall underneath an overlay district. Wilkinson said he would contact First District and get more information. Wilkinson also informed Josh that the developer is responsible for the road (Charlie Johnson in this case). Marshal Mix mentioned an option would be to utilize a TIF.

Mutziger asked about the easement we had to get to the Johnson Addition lift station and getting that marked. Mix informed the Council that it had been done that day and we have a 60' easement (of which we will not be using in it's entirety at this time), we just need access to check the lift station.

Jessyn Christensen addressed the Council about the greenhouse on her property (and potentially partially on the neighbor's property) and the fact that she believes the located pins are in the wrong place. Discussion was held and Wilkinson requested she get a survey completed so she can be certain of where her lot is. Once that is completed, she can bring that information back to the city to determine if the greenhouse will need to be moved and/ or the permit approved.

Based on the recommendations from the Zoning Commission—Motion was made Mutziger, seconded by Falconer to approve the Prairie Farms special exception request subject to the terms and conditions in the agreement, to allow the temporary manufacturing of medical cannabis at 120 Care Center Road. All in favor - Carried. The agreement was signed at this time.

Based on the recommendations from the Zoning Commission, motion was made by Mutziger, seconded by Falconer to approve DeGroot's variance request to allow the setback to be 15' instead of the 25' ordinance requirement based on the triangular shape of his lot. All in favor – Carried.

Motion was made by Achterberg, seconded by Sundberg to approve the second reading of Ordinance #611 as stated below. All in favor—Carried.

**Ordinance No. 611**

**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 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 of 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.

Passed First Reading: May 1, 2023

Passed Second Reading: June 5, 2023

Passed and approved June 5, 2023

CITY OF ARLINGTON, SOUTH DAKOTA

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Curt Lundquist- Mayor

ATTEST:

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Stephanie Damm- Finance Officer

Motion was made by Achterberg, seconded by Falconer to approve the first reading to change the monument heights at the cemetery from 36" to 42" and allow benches. All in favor—Carried.

Now was the time for the public hearing for the Special One (1) Day Malt Beverage & Liquor Permit for the Arlington Chamber of Commerce—using Lot 15, Block 4, Original Plat, City of Arlington, SD ("market square") on 7/29/23 (Arlington Days). Motion was made by Achterberg, seconded by Falconer, to approve said Permit. All in favor—Carried.

Sewer project resolution was tabled until the next meeting.

Motion was made by Falconer, seconded by Achterberg to approve the full listing of volunteers from the fire department and ambulance for insurance purposes: Fire Dept: Trevor Keating, Rich Kopfmann, Mike Klingenberg,, Kevin Groon, Ryan O'Riley, Zack Warnke, Brock Madsen, Cody Doren, Amanda Doren, Brady Schliesman, Todd Bunker, Derrick Weeg, Alex Fonseca, Eric Erstad, Wayne Hopkins, Alex Doren, Angela Gums, Nicole Conrad and Pastor Jo Pietrzak. Arlington Ambulance Squad: Cody Doren, Jay DeVries, Mandi DeVries, Sara Sheeley, Katie Beck, Trevor Keating, Nicole Keating, Nicole Conrad, and Mandy Doren. All in favor - Carried

Garbage Contract – tabled until July meeting

The following building permits were approved: :Josh & Erin Murphy, lots 1&2, block 3, Chandlers 1<sup>st</sup> Addn,(610 S. Spruce) - fence; Lana Longville, lots 6&7, Block 3, Lieske's 1<sup>st</sup> Addn (411 S. 4<sup>th</sup> St) – 15' x 8' shed; Jason & Kristina Munson, Lot 17, Block 2, Johnson's Addn (307 Washington) – fence; Brian & Julie Sampson, Lot 6, Block 4, Johnson's Addn. (307 Hopkins Dr) – fence; Arlington School, 52NW 1-110-53, lot 1, block 13, county auditor's plat – replace ticket booth; Steven Thury, NW'ly 79' Lot 1, Block 28, Cty Auditors plat of outlots NE 1-110-53 (105 W. Ash St.) – 10' x 12' Deck.

Electric Report – the LED's in the street lights are melting the plastic. We are hoping to get them replaced at no cost.

There was no ACDC report.

Motion was made by Falconer, seconded by Achterberg to approve the following disbursements—ACDC \$10,000 and \$2000 to the Deferred Compensation Funds for the Arlington Fire Dept and the Arlington Ambulance Service and \$1000 to the BATA bus. All in favor - Carried.

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

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

Package policies were discussed briefly, with a notation that the premiums went up about \$10,000.00 this year, but the council did decide to roll over the Buildings, Liability, Auto and Airport policies.

The Softball/Baseball diamond scheduling was brought up as some teams ended up practicing in Badger or at Redfish Park and the Finance Officer was advised to ask the school Superintendent and Athletic Director to attend the February 2024 meeting to discuss for next year as there were some upset parents.

Swimming Pool: The Council was notified of the need for a new backboard and floats (which they approved), they were told of a 180\* ADA chair that is powered by water (hose) - table; were asked about increasing lesson prices (but chose to keep them the same); let the Finance Officer know that the lifeguards would be allowed one swimsuit per year and those that needed certification and re-certification would be reimbursed at the end of the season. The Council reviewed 3 new applications – 1 for lifeguard (Caden Letsche) and 2 for painters (Natalie Burns & Elizabeth Rowen). Motion was made by Achterberg, seconded by Falconer to hire the 3 applicants for the positions applied for. All in favor – Carried. Discussion was held regarding the new minimum wage and the fact that it is higher than what we start the bathhouse workers. Lundquist suggested an \$0.80 increase in wages for all (as well as the additional \$0.25 for the returning staff). Motion was made by Mutziger, seconded by Achterberg to pay the following at the respective wages: Jael Lundquist (manager) 16.30, Morgan Larsen and Erica Mohr \$14.55, Emma Spilde, Madalynn Bacon, Caden Letsche, and Tommy Bacon \$13.05, Nicole Steffensen 14.30, Harley Johnson and Rachel Steffensen \$12.80, Brody Miller \$11.05, Jett Spilde and Madisen Steffensen \$10.80. Natalie Burns \$15.05 and Elizabeth Rowen \$12.00.

Additional Information: The new website is up and running – there is now a place for news & updates; the individual savings accounts have been merged into one account as mentioned to the Council previously to increase the interest. Clarification was given to the Council on the Sewer and Water restricted vs. unrestricted accounts.

Mayor's report: Mayor Lundquist was approached by the Chamber, who mentioned that DeSmet gives \$5,000 to their chamber, but as a Council, it was decided not to fund/donate to any entities because then you have the "where do we start and where do we stop scenario".

Motion was made by Achterberg, seconded by Rowbotham to enter into executive session at 9:04 P.M. for personnel matters. All in favor—Carried.

The Mayor called the meeting out of executive session at 9:12 P.M. with no further action being taken.

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

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Stephanie Damm, Finance Officer

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Curt Lundquist, Mayor