

City of Watertown

Proposed City Council Agenda

City Hall, 23 2ND ST NE

Watertown, South Dakota

October 7, 2024, 5:30 PM



Page

1. CALL TO ORDER

2. PRAYER

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. ACTION TO APPROVE THE AGENDA

6. OPEN FORUM

7. CONSENT AGENDA

- | | | |
|------------|---|---------|
| (a) | Approval of the minutes of the Council meeting held on September 16th, 2024 and September 30th, 2024.
City Council - Sep 16 2024 - Minutes
City Council - Sep 30 2024 - Minutes | 4 - 7 |
| (b) | Approval of a business license to Lonnie Davis dba Davis Digital as a Sign Installer (\$250.00)
Davis Digital | 8 - 12 |
| (c) | Approval of a Business License to Complete Aire Distribution LLC as a Gasfitting Contractor (\$250) and Taryn Wendling as a Gasfitter (\$75).
Complete Aire Distribution LLC | 13 - 15 |
| (d) | Authorization for the Police Department to accept an Underground Railroad Grant in the amount of \$18,185 to purchase a new forensic computer.
Underground Railroad Grant | 16 - 26 |
| (e) | Approval of a Certificate of Completion for Morris 1st Addition Phase 2, installed by Up North Concrete, J&J Earthworks, Duininck, Inc., and Skyview Construction, Co. on behalf of the developers, Uthe Commercial, LLC and PJNI LLC.
Certificate of Completion - Morris 1st Addition Phase 2 | 27 - 32 |
| (f) | Approval of Change Order No. 1-Final for the 2024 Cattail Crossing Improvements, Project No. 2420, with Mack Landscaping and Irrigation, for an increase of \$5,880.00 for a new contract price of \$212,807.00.
Change Order No. 1-Final with Mack Landscaping and Irrigation, Project No. 2420 | 33 - 37 |
| (g) | Approval of bills and payroll and authorization to pay | |

8. PRESENTATIONS & REPORTS

9. CONTRACTS & CHANGE ORDERS

- (a) Approval of a Bid Award to Timmons Construction Inc. in the amount of \$112,115.97 for the 2024 Park and Recreation Improvements-Nelson Park, Project No. 2409-D. 38 - 42
[2024 Park and Recreation Improvements-Nelson Park, Project No. 2409-D](#)
- (b) Approval of Change Order No. 1-Final for the 2024 Park and Recreation Improvements, Project No. 2409, with Duininck Inc., for a decrease of \$130,128.20 for a new contract price of \$415,390.00. 43 - 48
[Change Order No. 1-Final with Duininck Inc., Project No. 2409](#)
- (c) Approval of Change Order No. 2 for the Taxiway and Ag Area Improvements project, Project No. 2227, with J&J Earthworks, Inc, in the Amount of \$112,139.50 for a Total Contract of \$2,750,629.60. 49 - 53
[Change Order No. 2 with J&J Earthworks, Project No. 2227](#)

10. ORDINANCE FIRST READINGS

11. PUBLIC HEARINGS & SECOND READINGS

- (a) Application for a Special Event Retail License to Lake Area Technical College Foundation d/b/a Lake Area Technical College Foundation for the Festival of Trees Event, 1201 Arrow Ave, Lot 2 E14' S197' Lake Area Technical Institute 3rd Add & S197' E328' Vocational School Lot from 5:00 PM until 11:30 PM. on Friday, November 22nd, 2024. 54 - 65
1. Public Hearing
2. Council Action
[Festival of Trees](#)
- (b) Second Reading of Ordinance No. 24-09, Zoning Text Amendment to Chapter 17.01 Wastewater System General Regulations of the Revised Ordinances of the City of Watertown. 66 - 70
1. Public Hearing
2. Council Action
[Ordinance No. 24-09](#)
- (c) Second Reading of Ordinance No. 24-19, Zoning Text Amendments to Ordinance Amending Chapter 21.02 Administration and Enforcement of the Revised Ordinances of the City of Watertown 71 - 87
1. Public Hearing
2. Council Action
[Ordinance No. 24-19](#)
- (d) Second Reading of Ordinance No. 24-15 a Zoning Text Amendments to Section 21.1003 Non-Residential Height & Placement Regulations and Section 21.1004 Non-Residential Height & Placement Regulations for Accessory Structures of Chapter 21.10 Summary of District Regulations of the Revised Ordinances of 88 - 97

the City of Watertown

1. Public Hearing
2. Council Action

[Ordinance No. 24-15](#)

- (e) Second Reading of Ordinance No. 24-16, Zoning Text Amendments to Ordinance Amending Chapter 21.23 Residential Garage District of the Revised Ordinances of the City of Watertown. 98 - 105

1. Public Hearing
2. Council Action

[Ordinance No. 24-16](#)

- (f) Second Reading of Ordinance No. 24-21, Amending the Zoning Map of the City of Watertown, SD, for the property legally described as Lot 5 Block 5 North Lake Drive Addition from R-1 Single Family Residential District to R-G Residential Garage District. 106 - 118

1. Public Hearing
2. Council Action

[Ordinance No. 24-21](#)

12. OTHER BUSINESS

- (a) Approval of Resolution No. 24-29, a Resolution of Support for Codington County

13. CITY COUNCIL MEMBER ANNOUNCEMENTS AND INTRODUCTION OF TOPICS FOR FUTURE DISCUSSION

14. CITY MANAGER REPORT

15. EXECUTIVE SESSION PURSUANT TO SDCL 1-25-2

16. ADJOURNMENT

Kristen Bobzien
Chief Financial Officer

The City of Watertown, South Dakota does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services. ADA Compliance:

The City of Watertown fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Finance Office 24 hours prior to the meeting so that appropriate auxiliary aids and services are available.

Watertown
City Council Meeting Minutes
September 16, 2024

The City Council met in regular session at 5:30 PM in the City Hall Council Chambers, 23 2ND ST NE. Mayor Ried Holien presiding.

Present upon roll call: Alderperson Jurrens, Peters, Schutte, Tupper, Buhler, Danforth and Mayor Holien.

Mayor Holien moved item 7(f): Authorization for the Chief Financial Officer to issue a Special Check to the U.S. Army Corp of Engineers for the Flood Control Feasibility Study, Project No. 2118, in the amount of \$225,000.00 from the Consent Agenda to the last item under Other Business.

Mayor Holien added an item to the Consent Agenda: Approval of a Change of Date for an already authorized Pyrotechnics or Open Flame Permit Show Display by Lew's Fireworks at Great Plains School from September 26th, 2024 to September 24th, 2024.

Motion by Tupper, seconded by Buhler, to approve the agenda as presented. Items approved as part of the consent agenda: minutes of the Council meeting held on September 3rd, 2024; approval to write-off uncollectible Ambulance accounts receivable and remit to the collection agency for the months of August in the amount of \$14,048.65; approval of a Pyrotechnics or Open Flame Permit Application for Fireworks show display by Lew's Fireworks at Watertown Stadium on September 19th, 2024; application for a Special Event Retail On-Sale License to Cloud 9 Golf Course, Inc. d/b/a Cloud 9 Golf Course for a private wedding at the Codington County Extension Complex, 1910 W Kemp Ave, W17' of Lot 60 & all of Lots 61-71 W110' of Lots 72-82 & all of Lots 83-93, Way's 4th Lake Drive Addn, from 2:00 PM on Saturday, September 28th, 2024 until 2:00 AM on Sunday, September 29th, 2024; approval of the Certificate of Completion for Valley View First Addition, Installed by J&J Earthworks Inc., Up North Concrete Paving LLC, Skyview Construction Co LLC, and Duininck, Inc. on behalf of the Developer, J&J Land Sales LLC; approval of a Change of Date for an already authorized Pyrotechnics or Open Flame Permit Show Display by Lew's Fireworks at Great Plains School from September 26th, 2024 to September 24th, 2024. Motion Carried.

Mayor Holien called for Open Forum. Rick Weiland, on behalf on Dakotans for Health, addressed the City Council regarding the repeal of grocery tax, Initiated Measure 28. Kyle Lalim, on behalf of Vote Yes for Codington County, announced there will be two informative meetings in regards to the bond initiative that will be on this year's ballot for a new Codington County Jail. The meetings will be held on October 1st, 2024 at 5:30 PM at the Heritage Theater at the Watertown Event Center and October 21st, 2024 at 7:00 PM at Lake Area Technical College.

Motion by Buhler, seconded by Schutte, to approve a Bid Award for the 2024 Miscellaneous Drainage Project, Project No. 2411 to Level Contracting LLC in the amount of \$129,630.60. Motion Carried.

Ordinance No. 24-15, Zoning Text Amendments to Section 21.1003 Non-Residential Height & Placement Regulations and Section 21.1004 Non-Residential Height & Placement Regulations for Accessory Structures of Chapter 21.10 Summary of District Regulations of the Revised Ordinances of the City of Watertown was placed on its first reading and the title was read. No action taken.

Agenda Item 7.(a) Approval of the minutes of the Council meeting held on...

Ordinance No. 24-16, Zoning Text Amendments to Ordinance Amending Chapter 21.23 Residential Garage District of the Revised Ordinances of the City of Watertown was placed on its first reading and the title was read. No action taken.

Ordinance No. 24-19, Zoning Text Amendments to Ordinance Amending Chapter 21.02 Administration and Enforcement of the Revised Ordinances of the City of Watertown was placed on its first reading and the title was read. No action taken.

Ordinance No. 24-21, Amending the Zoning Map of the City of Watertown, SD, for the property legally described as Lot 5 Block 5 North Lake Drive Addition from R-1 Single Family Residential District to R-G Residential Garage District was placed on its first reading and the title was read. No action taken.

This being the time scheduled for a public hearing on the application for a transfer of ownership of a Retail (on-off sale) Malt Beverage & SD Farm Wine license and Video Lottery license from Rodney J. Parent, d/b/a River Card Casino, 7 8th Street SW, The South 27.5' of the East half of Lot 3 and the South 27.5' of the West 11.5' of Lot 2, Block 49 to River Card Casino & Westside Laundromat LLC, d/b/a River Card Casino & Westside Laundromat LLC at the same location; the Mayor called for public comment. Hearing no comments from the public, motion by Peters, seconded by Buhler, to approve the transfer as presented. Motion Carried.

Ordinance No. 24-14, Amending the Zoning Map of the City of Watertown, SD, for a portion of property in Watertown Sales Pavilion 2nd Addition, from I-1 Light Industrial District to C-3 Highway Commercial District was placed on its second reading and the title was read. This being the time and place for a public hearing on Ordinance No. 24-14, the Mayor called for public comment. Hearing no comments from the public, motion by Tupper, seconded by Peters, to approve Ordinance No. 24-14 as presented. Motion Carried.

Motion by Schutte, seconded by Tupper, to approve Ordinance No. 24-20, authorizing the Chief Financial Officer to certify the Property Tax Levy to the Codington County Auditor. Motion Carried.

Motion by Danforth, seconded by Jurrens, to Acknowledge the Intent of City staff to appeal the preliminary FIRM maps released by FEMA. Upon Roll Call Vote: Voting in Favor of the Acknowledgement: Peters, Schutte, Tupper, Buhler, Danforth and Mayor Holien; Voting Against the Acknowledgement: Jurrens. Motion Carried.

Motion by Tupper, seconded by Danforth, to authorize the Chief Financial Officer to issue a Special Check to the U.S. Army Corp of Engineers for the Flood Control Feasibility Study, Project No. 2118, in the amount of \$225,000.00. Motion Carried.

Aldersperson Danforth recognized Jeff Ward at the Watertown Regional Landfill for being an upbeat, outstanding employee.

City Manager Mack explained that the Village of Harmony Hill has requested a Special Meeting to accommodate the approval of a Special Event Alcohol License for Oktoberfest. Upon conversing, the Special Meeting will be held on Monday, September 30th at noon.

City Manager Mack announced that the Flood Mitigation Meeting with the U.S. Army Corp of Engineers will be at the Watertown Event Center tomorrow, September 17th at 5:30 PM.

Agenda Item 7.(a) Approval of the minutes of the Council meeting held on...

City Manager Mack addressed the City Council in regards to Initiated Measure 28.

Motion by Tupper, seconded by Peters, to adjourn until 12:00 PM on Monday, September 30th, 2024. Motion Carried.

The City of Watertown, South Dakota does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of service.

Dated at Watertown, South Dakota, September 16th, 2024.

ATTEST:

Kristen Bobzien, Chief Financial Officer

Ried Holien, Mayor

Watertown
City Council Meeting Minutes
September 30, 2024

The City Council met in special session at 12:00 PM in the City Hall Council Chambers, 23 2ND ST NE. Deputy Mayor Randy Tupper presiding.

Present upon roll call: Alderperson Peters, Schutte, Tupper, Buhler and Danforth. Absent: Alderperson Jurrens and Mayor Holien.

Motion by Peters, seconded by Danforth, to approve the agenda as presented. Motion Carried.

Deputy Mayor Tupper called for Open Forum. No comments.

This being the time scheduled for a public hearing on a Special Event Retail On-Sale license to The Village of Harmony Hill d/b/a The Village of Harmony Hill for Oktoberfest at the Village of Harmony Hill, 2527 Prairie Park Trail SE, Lot 1A Blk 9 Harmony Hill 2nd Addition from 11:00 AM until 3:00 PM. on Saturday, October 5th, 2024; the Deputy Mayor called for public comment. Kathryn Jurrens spoke in favor of the license. Hearing no further comments from the public, motion by Buhler, seconded by Danforth, to approve the license as presented. Motion Carried.

Motion by Danforth, seconded by Buhler, to adjourn until 5:30 PM on Monday, October 7th, 2024. Motion Carried.

The City of Watertown, South Dakota does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of service.

Dated at Watertown, South Dakota, September 30th, 2024.

ATTEST:

Kristen Bobzien, Chief Financial Officer

Randy Tupper, Deputy Mayor



City Council

Agenda Item

Subject: Approval of a business license to Lonnie Davis dba Davis Digital as a Sign Installer (\$250.00)

Meeting: City Council - Oct 07 2024

From: Amanda Mack, City Manager

BACKGROUND INFORMATION:

Applicant has paid licensing fees and has provided adequate proof of insurance/bonding.

FINANCIAL CONSIDERATIONS:

Applicant has paid licensing fees of \$250 to the City of Watertown.

STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to approve the business license to Lonnie Davis dba Davis Digital as a Sign Installer (\$250.00).

ATTACHMENT(S):

[Davis Digital](#)



CITY OF
WATERTOWN
FINANCE DEPARTMENT

Sign Installer License Application

☒ New Application ☐ Renewal

Licensing Year: 2024

License Information:

Business Name (as it will appear on license)	Davis Digital
Applicant/Owner Name (as it will appear on license)	Lonnie Davis
Business Address	1500 South Lake Drive
City, State, Zip	Watertown S.D. 57201
Phone Number	1-605-881-0118
Email Address	Simply The Best Storage @ G-Mail
Insurance Company Name (copy of certificate req'd)	State Auto
Insurance Expiration Date	04/20/2025
Bond Company Name (copy of bond req'd)	RLI
Bond Expiration Date	09/10/2025
License Fee (check made payable to City of Watertown)	License fee: \$250.00 first year/\$75.00 renewal

Lonnie Davis
Applicant/Owner Signature

9-5-24
Date

TO BE COMPLETED BY CITY OF WATERTOWN	
Fee Paid: _____	City Council Approved On _____
Receipt Number: _____ Dated: _____	
License or Permit Number: _____	City Manager _____
	Finance Officer _____

Submit completed application to: City Finance Office, Attn: Records/Licensing Manager, PO Box 910, Watertown SD 57201
Phone# (605) 882-6203 • Fax# (605) 882-6218 • licenses@watertownsd.us

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/10/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Meyer Insurance Inc 1933 Willow Creek Drive, Suite 1 Watertown SD 57201		CONTACT NAME: Kim Nichols PHONE (A/C, No, Ext): 605-753-5698 FAX (A/C, No): 605-878-3022 E-MAIL ADDRESS: customerservice@meyersd.com	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Milbank Insurance Company	
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 142901225 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			SPP2505773	4/20/2024	4/20/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> OTHER:			BAP2476472	4/20/2024	4/20/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			SPP2505773	4/20/2024	4/20/2025	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

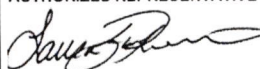
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

City of Watertown
PO Box 910
Watertown SD 57201

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



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P.O. BOX 3967 PEORIA, IL 61612-3967
P: (800)645-2402 E: asksurety@rlicorp.com
RLISURETY.COM

LICENSE AND PERMIT BOND

Bond No. LSM1924840

KNOW ALL MEN BY THESE PRESENTS:

That we, Davis Digital, Inc,
1500 S Lake Dr
Watertown, SD 57201

as Principal, and the RLI Insurance Company, a corporation duly licensed to do business in the state
of South Dakota, as Surety, are held and firmly bound unto the City of Watertown, State of South Dakota, Obligee,
in the penal sum of Ten Thousand and 00/100
(\$ 10,000.00) DOLLARS, lawful money of the United States, to be paid to the said Obligee, for which payment well and
truly to be made, we bind ourselves and our legal representatives, jointly and severally by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the said Principal has been licensed as a(n) _____
Sign Installer by the Obligee.

NOW, THEREFORE, if the said Principal shall faithfully perform the duties and in all things comply with the laws and ordinances,
including all Amendments thereto, pertaining to the license or permit applied for, then this obligation to be void, otherwise to remain in
full force and effect for a period commencing on the 10th day of September, 2024, and ending on the 10th
day of September, 2025.

This bond may be terminated at any time by the Surety upon sending written notice to the clerk of the Political Subdivision with whom
this bond is filed and to the Principal, addressed to them at their first known address, and at the expiration of thirty (30) days from the
mailing of said notice, or as soon thereafter as permitted by applicable law, whichever is later, this bond shall terminate and the Surety
shall thereupon be relieved from any liability for any acts or omissions of the Principal subsequent to said date.

Dated this 10th day of September, 2024.

Principal
(Individual, Partner or Corporate Officer)



RLI Insurance Company

By Eric Raudins
Eric Raudins

Sr. Vice President

R0002307-20,30

POWER OF ATTORNEY

RLI Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Bond No. LSM1924840

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That the RLI Insurance Company, a corporation organized and existing under the laws of the State of Illinois, and authorized and licensed to do business in all states and the District of Columbia does hereby make, constitute and appoint: Eric Raudins in the City of Broadview Heights, State of Ohio, as it's true and lawful Agent and Sr. Vice President, with full power and authority hereby conferred upon him/her to sign, execute, acknowledge and deliver for and on its behalf as Surety, for the following described bond.

Principal: Davis Digital, Inc

Obligee: City of Watertown

(Valid only when a County, City, Town or Village is named as Obligee)

Type Bond: Sign Installer

Bond Amount: \$ 10,000.00

Effective Date: September 10, 2024

The acknowledgement and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

The RLI Insurance Company further certifies that the following is a true and exact copy of a Resolution adopted by the Board of Directors of RLI Insurance Company, and now in force to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the RLI Insurance Company has caused these presents to be executed by its Sr. Vice President with its corporate seal affixed this 10th day of September, 2024.

State of Ohio

County of Cuyahoga

} SS



RLI Insurance Company

By: Eric Raudins Sr. Vice President

CERTIFICATE

On this 10th day of September, 2024, before me, a Notary Public, personally appeared Eric Raudins, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the RLI Insurance Company and acknowledged said instrument to be the voluntary act and deed of said corporation.

By: Jill A. Scott Notary Public



JILL A SCOTT
Notary Public
State of Ohio
My Comm. Expires
September 22, 2025

I, the undersigned officer of RLI Insurance Company

do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the

RLI Insurance Company
this 10th day of September, 2024.

RLI Insurance Company

By: Jeffrey D. Fick Corporate Secretary

A0083221_R



City Council

Agenda Item

Subject: Approval of a Business License to Complete Aire Distribution LLC as a Gasfitting Contractor (\$250) and Taryn Wendling as a Gasfitter (\$75).

Meeting: City Council - Oct 07 2024

From: Amanda Mack, City Manager

BACKGROUND INFORMATION:

The applicant has provided payment and adequate proof of insurance and bonding. Gasfitter applicant has passed the gasfitter exam administered by Watertown Municipal Utilities.

FINANCIAL CONSIDERATIONS:

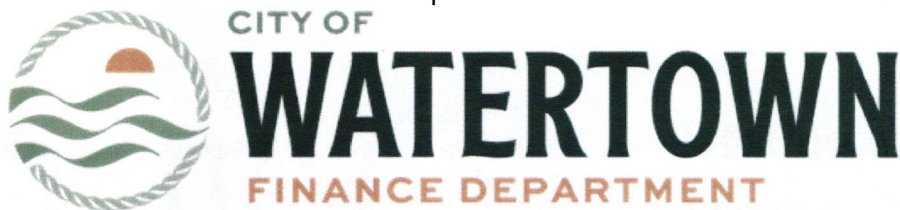
Applicant has paid \$250 to the City of Watertown for the Gasfitting Contractor license and \$75 for the Gasfitter licenses.

STAFF RECOMMENDATION / SUGGESTED MOTION:

That Council approves the Business License to Complete Aire Distribution LLC as a Gasfitting Contractor (\$250) and Taryn Wendling as a Gasfitter (\$75).

ATTACHMENT(S):

[Complete Aire Distribution](#)



Gasfitting Contractor & Gasfitter License Application

☒ New Application ☐ Renewal ☐ Add Additional Gasfitter(s) ☐ Transfer Licensed Gasfitter(s)

Licensing Year: 20__

Gasfitting Contractor License Information:

Business Name (as it will appear on license)	Complete Aire Distribution LLC
Applicant/Owner Name (as it will appear on license)	Taryn Wendling
Business Address	828 Jay Headley Ave
City, State, Zip	Lake Norden SD 57248
Phone Number	605-880-4941
Email Address	Cad Heating@gmail.com
Insurance Company Name (copy of certificate req'd)	Grinnel
Insurance Expiration Date	12/10/24
Bond Company Name (copy of bond req'd)	Western Surety
Bond Expiration Date	3/14/25
License Fees (check made payable to City of Watertown)	Gasfitting Contractor: \$250 first year/\$75 renewal Gasfitter Fee: \$75 per gasfitter/per year Transfer Licensed Gasfitter Fee: \$25 per gasfitter

Supporting Gasfitter Licenses: (If more gasfitters are to be added, please attach additional information to this application)

Gasfitter #1 - Full Name <i>Taryn Wendling</i>	Signature of Gasfitter #1: <i>Taryn Wendling</i>
Gasfitter #2 - Full Name	Signature of Gasfitter #2:
Gasfitter #3 - Full Name	Signature of Gasfitter #3:

Taryn Wendling
Signature of Business Owner

10/1/2024
Date

TO BE COMPLETED BY CITY OF WATERTOWN	
Fee Paid: <i>\$325.00 chk #261</i>	City Council Approved On _____
Receipt Number: _____ Dated: _____	City Manager _____
License or Permit Number: _____	Finance Officer _____

Submit completed application to: City Finance Office, Attn: Records/Licensing Manager, PO Box 910, Watertown SD 57201
Phone# (605) 882-6203 • Fax# (605) 882-6218 • licenses@watertownsd.us

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/15/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER STEFFENSEN INSURANCE INC 817 MAIN AVE LAKE NORDEN SD 57248		CONTACT NAME: KIM ST JOHN PHONE (A/C, No, Ext): 605-785-3164 FAX (A/C, No): 605-785-3711 E-MAIL ADDRESS: STEFFENSENINS@ITCTEL.COM PRODUCER CUSTOMER ID #:	
INSURED COMPLETE AIRE DISTRIBUTION TARYN WENDLING 725 TWILIGHT AVE LAKE NORDEN SD 57248		INSURER(S) AFFORDING COVERAGE INSURER A : GRINNELL MUTUAL INSURER B : WESTERN SURETY COMPANY INSURER C : INSURER D : INSURER E : INSURER F :	NAIC #

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURER	SUBROGATION	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	0001041627	12/10/2023	12/10/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS	<input type="checkbox"/>	<input type="checkbox"/>	008160014	12/10/2023	12/10/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 500,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DEDUCTIBLE RETENTION \$	<input type="checkbox"/>	<input type="checkbox"/>				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below	<input type="checkbox"/>	<input type="checkbox"/>	0001005526	02/24/2022	02/24/2023	WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
B	BOND	<input type="checkbox"/>	<input type="checkbox"/>	66991663	03/14/2024	03/14/2025	10,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

CANCELLATION

CITY OF WATERTOWN
901 4TH AVE SW

WATERTOWN SD 57201

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Timberly

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City Council

Agenda Item

Subject: Authorization for the Police Department to accept an Underground Railroad Grant in the amount of \$18,185 to purchase a new forensic computer.

Meeting: City Council - Oct 07 2024

From: Amanda Mack, City Manager

BACKGROUND INFORMATION:

The new forensic computer will replace the current forensic computer that was purchased in 2011. Also see attached justification.

FINANCIAL CONSIDERATIONS:

The Underground Grant in the amount of \$18,195 will be used to purchase a new forensic computer. There is no cost to the Police Department.

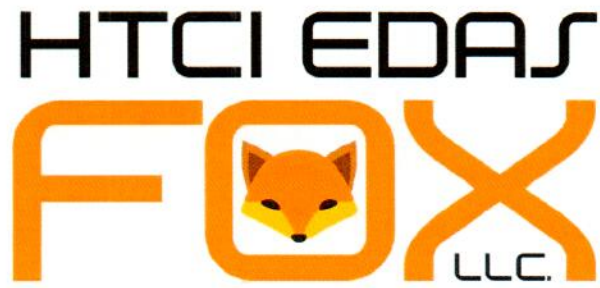
STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to approve the authorization for the Police Department to accept an Underground Railroad Grant in the amount of \$18,185 to purchase a new forensic computer.

ATTACHMENT(S):

[Underground Railroad](#)

The Watertown Police Department respectfully requests permission to accept an equipment grant in the amount of \$18,195 dollars on behalf of Operation Underground Railroad. The equipment grant requires no local match and is completely funded by OUR. The money will be used to purchase a new HTCI EDAS FOX forensic computer. Attached please find the computer specifications. This piece of equipment will replace one of our current forensic computers that was purchased in 2011. The Watertown Police Department currently uses forensic computers to help process various types of technology to include phones, tablets, and computers. OUR is an international non-profit that provides financial support to local agencies to help them fight against child sexual exploitation and human trafficking.



Proposal For Watertown Police Department

Solicitation Number 20240910-JS-002

Response Date September 10, 2024

quote valid for 90 days

Official HTCI EDAS FOX LLC. return solicitation for Products and Services
----- Confidential -----

Table of Contents

1 Business Data	3
2 HTCI EDAS FOX Equipment Quotation	4
3 References.....	9
4 Conclusion	
11	

HTCI EDAS FOX LLC OFFERING OVERVIEW – (Please see EDAS FOX Offering Section for complete details)	
Cost Per Unit	\$18,045.00
Shipping per unit(CONUS)	150.00
Price per Unit with Shipping	\$18,195.00
Number of Units	1
Total cost/offering for part 1	\$18,195.00

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 ----- Confidential -----

Business Data

BUSINESS NUMBERS	Data Detail
Legal Business Name	HTCI EDAS FOX LLC
Legal Address	8285 Bryan Dairy Rd., Suite 125, Largo FL 33777
Telephone	Phone: 727-657-1526
DUNS	079444953
SAM Registered	Yes
EIN/TIN	47-1160774
TD Bank Account	4328858381
State of Incorporation	Florida
State Corporation ID	L14000099658
Small Business	Yes
SIC	7379, 7373, 5734, 5045
NAICS	334111, 334112, 334118, 541512, 541519, 511210
CAGE	75V22

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----- Confidential -----

Specifications

Supported CPU	
CPU Socket Type	Intel® Socket 4677
CPU Type	Intel Xeon W9
CPU	
Processor Number	W9-3495X
Number of CPU Cores	56
Number of CPU Threads	112
CPU Speed (Ghz)	1.9
Turbo Speed (Ghz)	4.8
CPU Cache	105MB
Lithography	7nm
Heatsink	High Performance Air Cooled Solution
Chipsets	
North Bridge	Intel® W790
Memory	
Number of Memory Slots	8 x DIMM
Memory Speed	DDR5-4800
Memory Included	256GB (4 x 64GB) ECC
Maximum Memory	2TB
Expansion Slots	
PCIe 3.0	7
Video Card 1	
Chipset Manufacturer	NVIDIA
GPU	GeForce RTX 3060
Memory Size	12GB GDDR6
PCI-e Interface	3.0 16x
HDMI	1x HDMI
DP	3x DisplayPort
Storage Devices	
SATA 6Gb/s	8
M.2 32Gb/s	3
SlimSAS	2
Hard Disks	
OS Drive	1 x 2TB SATA 32Gb/s M.2 SSD
Temp/DB Drive	1 x 4TB SATA 32Gb/s M.2 SSD
Cache	1 x 4TB SATA 32Gb/s M.2 SSD
Active Evidence	2 x 4TB SATA 32Gb/s M.2 SSD
Data Drive	10TB SATA 6Gb/s Hard Drive
Onboard Audio	
Audio Chipset	Realtek® S1220A 7.1-Channel High Definition Audio CODEC
Audio Channels	8 Channels

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Onboard LAN	
LAN Chipset	Dual Intel 10Gb Ethernet X710-AT2
LAN Chipset 2	Realtek 1GB Ethernet
Max LAN Speed	2 x 10Gbps + 1Gbps
Rear Panel Ports	
LAN (RJ45) ports	3
USB 2.0	2
USB 3.2 Gen2	4x Type-A, 1x Type-C
USB 3.2 Gen2x2	1x Type-C
S/PDIF Out	1x Optical Out
Audio Ports	5
Front I/O Ports	
USB 3.0	12x USB 3.0 (2 Top Mounted, 10 Front Mounted)
Front Audio	2x Front Audio (Headphone and Microphone)
Front Mounted Bays	
Optical Disk Drive	Blu-Ray Burner Drive
Forensic Bridge	Tableau T356789iu (USB 3.0 / SATA / IDE / SAS / FW 800 / PCI)
Forensic Bridge	T3iu
Temp/Cache/Active Evidence	4x 2.5" SATA
Data Drive Bay	Trayless SATA
Front I/O Panel	8 Port USB 3.0 Panel
Multi-Card Reader	1x Gen2 Type-C, 2x Gen1 Type-A
SATA / SAS Trayless Bays	SAS / SATA Hot-Plug Trayless Bay (6 x 3.5")
Operating System	
Windows 11	Professional 64 bit
Power Supply	
Maximum Wattage	1300 Watts
80 Plus Certification	80 Plus Gold Certified
Modular	Fully Modular Power Supply
System Dimensions	
Width	9.06 Inches
Height	24.33 Inches
Depth	26.10 Inches
Weight	65+ Pounds
Peripherals Included	
Monitor	2x 27 Inch LED Monitor
Keyboard / Mouse	Wireless Combo (wired if required)
Tool Kit	Multi-Piece Toolkit to assist in Digital Evidence Gathering
External Card Reader	Forensic Multi Card Reader USB 3.0

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Warranty

3 year's parts and depot labor on all components.

Shipping

Within 28 days ARO.

Terms

Net 30

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References

J. Reeves Garnett

Special Agent
Criminal Investigation Division
Tennessee Bureau of Investigation
901 R.S. Gass Blvd.
Nashville, TN 37216
Office: [615.744.4257](tel:615.744.4257)
Reeves.Garnett@tn.gov

Kyle Gibson, JD, CFE, CFCE
Lab Manager / Assistant Chief
Digital Forensic and Technical Services
Tarrant County Criminal District Attorney's Office
Tim Curry Criminal Justice Center
401 West Belknap,
Fort Worth, Texas 76196
Direct - [817.212.7364](tel:817.212.7364)
Fax - [817.884.1803](tel:817.884.1803)
kgibson@tarrantcountytx.gov

Jay Houston
Mississippi Attorney General's Office
Commander of ICAC Task Force
Asst Dir. Of Cybercrime Division
550 High St, 17th Floor
Jackson, MS, 39201
o-601-576-4255

Interpol
Vincent DANJEAN
Chief, Information Security Incident Response
IGCI/DCC/DFL
v.danjean@interpol.int

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Who is HTCI EDAS FOX LLC

Over the last 14+ years the EDAS FOX Family of computers have been supporting law enforcement, military and corporate forensic examiners with highly reliable and competitively priced hardware solutions.

Historically under the High Tech Crime Institute Group banner, HTCI EDAS FOX LLC, has grown to the point that ownership has decided that it should now stand under its' own banner.

Mr. Thomas Eskridge, who has for many years been a partner with the High Tech Crime Institute Group, will head the new flagship HTCI EDAS FOX LLC. Mr. Eskridge has been involved in law enforcement computer forensics since 1995. He retired after 28 years of local law enforcement experience in Southern California.

Our customers will experience a seamless transition. Existing warranties; still in place, now handled by HTCI EDAS FOX LLC. Quality control, still in place, machines are built by the same long term staff, at the same physical location, all machines strenuously tested prior to shipment.

A small business, located in Largo Florida, HTCI EDAS FOX looks forward to a long continued relationship with our current users, and the opportunity to provide the same level of hardware and after sale service to our new friends.

Official HTCI EDAS FOX LLC. return solicitation for Products and Services
----- Confidential -----

Conclusion

This concludes the official bid proposed by the HTCI EDAS FOX. It has been our sincere pleasure to provide you with the requested information and hope that you will be able to clearly see that we are the right company at the right time for the work that is required.

If you have questions concerning this solicitation including the methodology of our calculations please do not hesitate to contact me directly. I look forward to speaking with you soon to implement this solicitation.

Thomas Eskridge

HTCI EDAS FOX LLC, President
8285 Bryan Dairy Rd., Suite 125
Largo FL 33777
727-657-1526
Tom@Edasfox.com



City Council

Agenda Item

Subject: Approval of a Certificate of Completion for Morris 1st Addition Phase 2, installed by Up North Concrete, J&J Earthworks, Duininck, Inc., and Skyview Construction, Co. on behalf of the developers, Uthe Commercial, LLC and PJNI LLC.

Meeting: City Council - Oct 07 2024

From: Amanda Mack, City Manager

BACKGROUND INFORMATION:

This project installed storm sewer, sanitary sewer, water main and services, curb and gutter, and roadway improvements to support the development within the Morris 1st Addition Phase 2 (ie 7th Ave SE and 26th St SE). The City is certifying the completion of the public improvements and initiating the one-year warranty period. The following improvements are being proposed for certificate of completion:

Street Improvements

1,416 SY of 4" asphalt paving over 12" aggregate base course
784 LF of curb and gutter

Storm Sewer Improvements

2 storm drain inlets
38 LF of 15" storm sewer
42 LF of 18" storm sewer

Sanitary Sewer Improvements

2 Sanitary Sewer Manholes
368 LF of 8" Sanitary Sewer

Upon approval of this Certificate of Completion, the City will provide normal maintenance measures to 7th Ave SE. Also, in accordance with the Subdivision Regulations, a one-year warranty will extend through October 07, 2025, for Morris 1st Addition Phase 2. However, City Staff is recommending the warranty to extend through June 21, 2025, to match the adjoining development that was completed at the same time, Willow Creek Village Second Addition. The City will then consider formally accepting Morris 1st Addition Phase 2 for ownership and maintenance through a Resolution of Acceptance, pending any necessary correction of warranty deficiencies at the end of the warranty period and the completion of punch list items.

FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director

Justin Petersen, City Engineer

Marci Lewno, Engineer I

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of the Certificate of Completion through the following motion:

I move to approve a Certificate of Completion for Morris 1st Addition Phase 2, installed by Up North Concrete, J&J Earthworks, Duininck, Inc., and Skyview Construction, Co. on behalf of the developers, Uthe Commercial, LLC and PJNI LLC. .

ATTACHMENT(S):

[Morris First Addition Certificate of Completion](#)

[Map Morris 1st Add](#)



CITY OF
WATERTOWN
SOUTH DAKOTA

CERTIFICATE OF COMPLETION

Project: Morris 1st Addition Phase 2 (Remaining portion of 7th Ave SE)

City Project Number: NA

Developer: Uthe Commercial, LLC/ PJNI LLC

Address: PO Box 1600 City: Watertown State: SD Zip: 57201

Contractor(s): Duininck, Inc., J&J Earthworks, Up North Concrete, Skyview Construction

Effective date of 1-Year Warranty start date: October 7, 2024

Consultant Engineer: Aason Engineering Co Inc

Address: 1022 6th St SE City: Watertown State: SD Zip: 57201

Consultant Engineer's Project Number: NA

The Engineer hereby gives notice to the above Owner and Contractor that the completed work furnished and performed by Contractor under the above Contract is acceptable, subject to the provisions of the related Contract Documents.

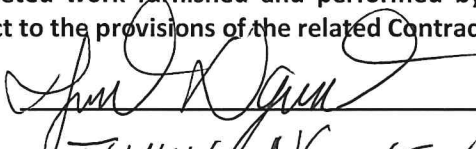
By: 

Title: VICE PRESIDENT

COLIN DEERING
Printed Name

Date: 9-17-24

The Developer hereby gives notice to the City of Watertown, SD the above Engineer and Contractor completed work furnished and performed by Contractor under the above Contract is acceptable, subject to the provisions of the related Contract Documents.

By: 
JIMMY NGUYEN
Printed Name

Title: _____

Date: 8/13/24

By: 
TRAVIS UTHE
Printed Name

Title: PRESIDENT

Date: 9-17-2024



Through the issuance of this Certificate of Completion, the Developer is hereby notified that a completion inspection of the above referenced project(s) was carried out on June 23rd, 2023 by the City Staff. All work on this Contract has been completed and is subject to the terms and conditions of the Development Agreements, Contract, Subdivision Regulations, and Specifications. Please note the following deficiencies that shall be corrected by the Developer prior to the end of the warranty period and an attached punch list:

- 1) Provide as built plans
- 2) Complete all items from the 06-23-2023 punch list

The effective date for the start of the warranty period will be October 07, 2024. There is a one (1) year warranty period.

The City of Watertown hereby certifies the work to be complete.

By: [Signature]
City Engineer

Justin Petersen
Printed Name

Date: 9/18/24

By: _____
City Manager

Amanda Mack
Printed Name

Date: _____

Attest: _____
Signature

Printed Name

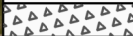
Morris Addition Phase 2

Punch List Items 6-23-2023

1. Clean out debris from storm sewer.
2. Clean water valves and raise to 1" from finished pavement.
3. Remove asphalt from lid of sanitary sewer manhole.
- ~~4. Seed all disturbed areas.~~
5. Provide as-built drawings for storm sewer.



LEGEND

 7TH AVE SE



City Council

Agenda Item

Subject: Approval of Change Order No. 1-Final for the 2024 Cattail Crossing Improvements, Project No. 2420, with Mack Landscaping and Irrigation, for an increase of \$5,880.00 for a new contract price of \$212,807.00.

Meeting: City Council - Oct 07 2024

From: Amanda Mack, City Manager

BACKGROUND INFORMATION:

This is the final change order for the 2024 Cattail Crossing Improvements which adjusts final quantities of this contract. This change order includes the additional concrete quantity added for the golf cart turn-around and additional landscape pavers used to extend the limits of this project.

Additional Background:

On May 21, 2024, two (2) bids were received for the 2024 Golf Course Improvements, Project No. 2420. Mack Landscaping of Castlewood, SD was awarded the bid of \$206,927.00, which is within the budgeted amount.

The project included installing a new paver patio, a covered patio, and a concrete golf cart turn-around.

FINANCIAL CONSIDERATIONS:

The funding for this project has been budgeted in the Parks and Recreation Capital Improvement Fund, Golf Course Projects account 212-45182-43991, in the amount of \$280,000.00 and Clubhouse Improvements account 212-45182-43990, in the amount of \$40,000.00. With approval of Change Order No. 1-Final, the project is \$107,193.00 under budget.

Original Contract: \$206,927.00

Change Order #1: \$5,880.00

Final Contract: \$212,807.00

OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director

Justin Petersen, City Engineer

Dusty Rodiek, Parks, Recreation & Forestry Director

Kraig Engen, Engineer Technician/Project Manager

Levi Pearson, Golf Operations Manager

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of the change order with the following motion:

I move to approve Change Order No. 1-Final for the 2024 Cattail Crossing Improvements, Project No. 2420, with Mack Landscaping and Irrigation, for an increase of \$5,880.00 for a new contract price of \$212,807.00.

ATTACHMENT(S):

[Change Order No.1-Final](#)

[Vicinity Map](#)

CHANGE ORDER NO.: 1 - Final

Owner: City of Watertown, SD
Engineer: Kraig Engen
Contractor: Mack Landscaping and Irrigation
Project: 2024 Cattail Crossing Improvements
Contract Name: 2024 Cattail Crossing Improvements
Date Issued: 9/18/2024

Owner’s Project No.: 2420
Engineer’s Project No.: 2420
Contractor’s Project No.:

Effective Date of Change Order: 10/7/2024

The Contract is modified as follows upon execution of this Change Order:

Description: **Additional paver area and concrete.**

Attachments:

See attached summary of quantities.

Change in Contract Price	Change in Contract Times
Original Contract Price:	Original Contract Times:
\$ 206,927.00	Substantial Completion: August 30, 2024
	Ready for final payment: September 27, 2024
[Increase] [Decrease] from previously approved Change Orders No. 1 to No.	[Increase] [Decrease] from previously approved Change Orders No.1 to No. [Number of previous Change Order]:
\$ N/A	Substantial Completion: N/A
	Ready for final payment: N/A
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:
\$ 206,927.00	Substantial Completion: August 30, 2024
	Ready for final payment: September 27, 2024
Increase this Change Order:	[Increase] this Change Order:
\$ 5,880.00	Substantial Completion: N/A
	Ready for final payment: N/A
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders:
\$ 212,807.00	Substantial Completion: August 30, 2024
	Ready for final payment: September 27, 2024

Recommended by Engineer (if required)

Accepted by Contractor

By: Kraig Engen
Title: Engineering Technician
Date: 9/23/2024

Mack Landscaping
Per
9/18/24

Authorized by Owner

Approved by Funding Agency (if applicable)

By: _____
Title: _____
Date: _____

Agenda Item 7.(f) Approval of Change Order No. 1-Final for the 2024 Catt...

Progress Estimate - Unit Price Work										Contractor's Application for Payment			
Owner:		City of Watertown								Owner's Project No.:		2420	
Engineer:		Kraig Engen								Engineer's Project No.:		2420	
Contractor:		Mack Landscaping and Irrigation								Contractor's Project No.:			
Project:		2024 Cattail Crossing Improvements											
Contract:		2024 Cattail Crossing Improvements											
Application No.:		1		Application Period:		From 08/18/24 to 09/18/24		Application Date:				09/18/24	
A	B	C	D	E	F	G	H	I	J	K	L		
Bid Item No.	Description	Contract Information				Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)		
		Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)						
Original Contract													
1	42' x 18' Covered Patio with Surrounding Paver Patio and 75 SY Concrete Turn-around	1.00	Lump Sum	206,927.00	206,927.00	1.00	206,927.00		206,927.00	100%	-		
						-	-	-	-		-		
						-	-	-	-		-		
Original Contract Totals					\$ 206,927.00		\$ 206,927.00	\$ -	\$ 206,927.00	100%	\$ -		
Change Orders													
	CHANGE ORDER NO. 1				-		-		-		-		
2-1	Paver Area	201.00	S.F.	24.00	4,824.00	201.00	4,824.00		4,824.00	100%	-		
3-1	Additional Concrete	1.00	Lump Sum	1,056.00	1,056.00	1.00	1,056.00		1,056.00	100%	-		
Change Order Totals					\$ 5,880.00		\$ 5,880.00	\$ -	\$ 5,880.00	100%	\$ -		
Original Contract and Change Orders													
Project Totals					\$ 212,807.00		\$ 212,807.00	\$ -	\$ 212,807.00	100%	-		





City Council

Agenda Item

Subject: Approval of a Bid Award to Timmons Construction Inc. in the amount of \$112,115.97 for the 2024 Park and Recreation Improvements-Nelson Park, Project No. 2409-D.

Meeting: City Council - Oct 07 2024

From: Amanda Mack, City Manager

BACKGROUND INFORMATION:

On September 24, 2024, four (4) bids were received for the 2024 Park and Recreation Improvements-Nelson Park, Project No. 2409-D. Timmons Construction Inc. of Brookings, SD had the lowest bid of \$112,115.97 which was 15% lower than the Engineer's Estimate of \$132,353.90.

The scope of this project is to remove the existing asphalt basketball and tennis courts at Nelson Park. A new concrete basketball court with striping for 2 pickleball courts will be installed in place of the existing courts. This project will also include replacing some sidewalk that is not ADA compliant.

FINANCIAL CONSIDERATIONS:

The funding for this project has been budgeted in the Park & Recreation Capital Improvement Fund, account 212-45182-43951, in the amount of \$150,000.00. With approval of the bid at \$112,115.97, the project is \$37,884.03 under budget.

OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director
Justin Petersen, City Engineer
Dusty Rodiek, Parks, Recreation & Forestry Director
Kraig Engen, Project Manager/Engineer Technician

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of this Bid Award through the following motion:

I move to approve a Bid Award to Timmons Construction Inc. in the amount of \$112,115.97 for the 2024 Park and Recreation Improvements-Nelson Park, Project No. 2409-D.

ATTACHMENT(S):

[Vicinity Map](#)
[Court Layout](#)



VICINITY MAP



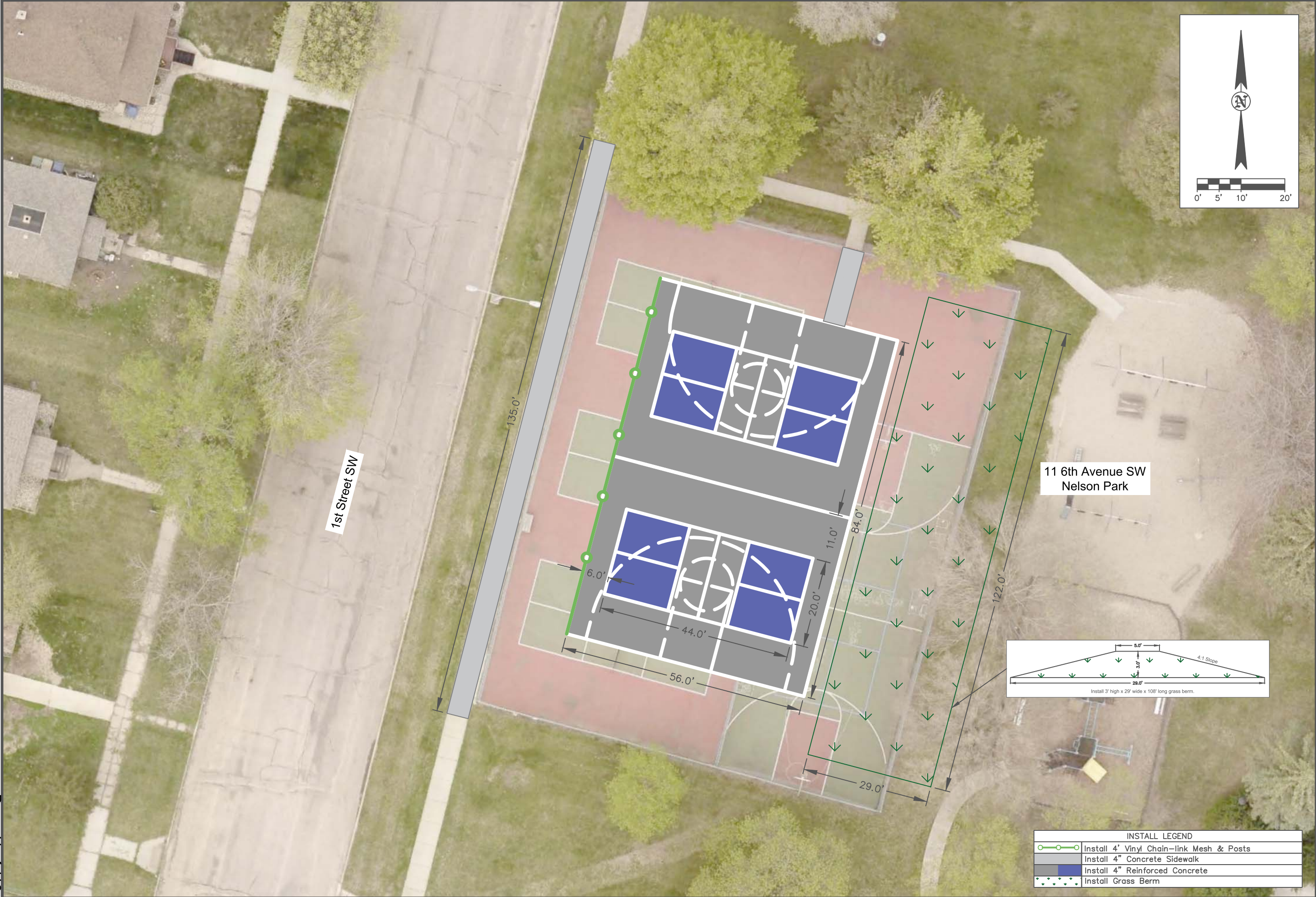
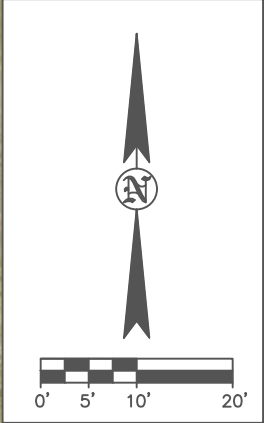
INSTALLATION
PLANS

2024 PARK & RECREATION
IMPROVEMENTS-NELSON PARK

DATE:	08/27/2024
SCALE:	1"=20'
DRAWN BY:	KVE
CHECKED BY:	JP
PROJECT NO:	2409-D

SHEET

4



INSTALL LEGEND	
	Install 4' Vinyl Chain-link Mesh & Posts
	Install 4" Concrete Sidewalk
	Install 4" Reinforced Concrete
	Install Grass Berm

BID TABULATION														
Estimate of Quantities 2024 Park & Rec Improvements-Nelson Park Project No. 2409-D City of Watertown, South Dakota					City of Watertown 9/1/2024 Ph: 605-882-6202 Engineer Estimate		Timmons Construction Inc. 1306 Western Ave. Brookings, SD 57006 Ph: 605-691-6308		Basin Construction, LLC 1212 Basin Road Hayti, SD 57241 Ph: 605-783-6000		LW Construction 1631 4th St NE #203 Watertown, SD 57201 Ph: 605-233-0547		Duininck, Inc. 408 6th Street Prinsburg, MN 56281 Ph: 320-978-6011	
Bid Schedule														
ITEM NO.	ITEM	ESTIMATED	UNIT	UNIT	UNIT	UNIT	UNIT	UNIT	UNIT	UNIT	UNIT	UNIT	UNIT	
	DESCRIPTION	QUANTITY	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	PRICE	
1	Mobilization	1	LS	\$ 7,000.00	\$ 7,000.00	\$ 10,500.00	\$ 10,500.00	\$ 7,800.00	\$ 7,800.00	\$ 500.00	\$ 500.00	\$ 6,550.70	\$ 6,550.70	
2	Remove Concrete Sidewalk	675	S.F.	\$ 7.75	\$ 5,231.25	\$ 2.83	\$ 1,910.25	\$ 1.65	\$ 1,113.75	\$ 3.00	\$ 2,025.00	\$ 1.80	\$ 1,215.00	
3	4" Concrete Sidewalk	763	S.F.	\$ 8.25	\$ 6,294.75	\$ 7.40	\$ 5,646.20	\$ 12.00	\$ 9,156.00	\$ 6.00	\$ 4,578.00	\$ 11.60	\$ 8,850.80	
4	4" Reinforced Concrete	523	S.Y.	\$ 73.25	\$ 38,309.75	\$ 72.00	\$ 37,656.00	\$ 82.00	\$ 42,886.00	\$ 54.00	\$ 28,242.00	\$ 130.00	\$ 67,990.00	
5	Remove Asphalt Concrete Pavement	1,298	S.Y.	\$ 15.50	\$ 20,119.00	\$ 4.52	\$ 5,866.96	\$ 4.21	\$ 5,464.58	\$ 27.00	\$ 35,046.00	\$ 6.60	\$ 8,566.80	
6	Unclassified Excavation	120	C.Y.	\$ 21.50	\$ 2,580.00	\$ 13.56	\$ 1,627.20	\$ 24.35	\$ 2,922.00	\$ 4.00	\$ 480.00	\$ 20.20	\$ 2,424.00	
7	Contractor Furnished Borrow	107	C.Y.	\$ 18.00	\$ 1,926.00	\$ 24.86	\$ 2,660.02	\$ 32.65	\$ 3,493.55	\$ 4.00	\$ 428.00	\$ 50.30	\$ 5,382.10	
8	Woven Geotextile Fabric	523	S.Y.	\$ 5.80	\$ 3,033.40	\$ 6.22	\$ 3,253.06	\$ 2.30	\$ 1,202.90	\$ 3.82	\$ 2,000.00	\$ 3.10	\$ 1,621.30	
9	2" Aggregate Base Course, 4" Sidewalk	100	S.Y.	\$ 10.00	\$ 1,000.00	\$ 9.04	\$ 904.00	\$ 4.00	\$ 400.00	\$ 13.50	\$ 1,350.00	\$ 8.20	\$ 820.00	
10	6" Aggregate Base Course, 4" Reinforced Concrete	523	S.Y.	\$ 11.75	\$ 6,145.25	\$ 9.04	\$ 4,727.92	\$ 12.75	\$ 6,668.25	\$ 22.50	\$ 11,767.50	\$ 14.60	\$ 7,635.80	
14	Contractor Furnished Topsoil	120	C.Y.	\$ 58.00	\$ 6,960.00	\$ 33.90	\$ 4,068.00	\$ 80.00	\$ 9,600.00	\$ 23.29	\$ 2,795.00	\$ 54.10	\$ 6,492.00	
15	Hydro Seeding	780	S.Y.	\$ 8.50	\$ 6,630.00	\$ 1.25	\$ 975.00	\$ 5.00	\$ 3,900.00	\$ 3.23	\$ 2,520.00	\$ 4.70	\$ 3,666.00	
11	Remove 10' Chain-link Mesh & Posts	559	L.F.	\$ 10.50	\$ 5,869.50	\$ 6.78	\$ 3,790.02	\$ 2.00	\$ 1,118.00	\$ 55.33	\$ 30,928.00	\$ 4.50	\$ 2,515.50	
12	4' Black Vinyl Chain-link Fence & Posts	84	L.F.	\$ 38.75	\$ 3,255.00	\$ 104.00	\$ 8,736.00	\$ 84.00	\$ 7,056.00	\$ 71.43	\$ 6,000.00	\$ 125.00	\$ 10,500.00	
13	Texture, Color Coat (Gray/Purple) and Line Painting	1	LS	\$ 18,000.00	\$ 18,000.00	\$ 19,795.34	\$ 19,795.34	\$ 23,000.00	\$ 23,000.00	\$ 1,404.00	\$ 1,404.00	\$ 36,300.00	\$ 36,300.00	
				Engineer Estimate	\$ 132,353.90	Bid Total	\$ 112,115.97	Bid Total	\$ 125,781.03	Bid Total	\$ 130,063.50	Bid Total	\$ 170,530.00	



City Council

Agenda Item

Subject: Approval of Change Order No. 1-Final for the 2024 Park and Recreation Improvements, Project No. 2409, with Duinick Inc., for a decrease of \$130,128.20 for a new contract price of \$415,390.00.

Meeting: City Council - Oct 07 2024

From: Amanda Mack, City Manager

BACKGROUND INFORMATION:

Bid Schedule A-Mount Hope Cemetery project cost came in \$3,206.00 over contract price due to adding additional asphalt and a PVC pipe for drainage.

Bid Schedule B-Olive Place was pulled from this contract. The City will have a cost savings of \$109,813.20 by removing the bike trail project adjacent to the Olive Place House. The City decided a sidewalk would be more appropriate than a bike trail in this area and will be installing ADA ramps with the Owner installing future sidewalk. The existing on street bike path will be extended from 16th Ave. NW to 14th Ave. NW to still provide the pathway connectivity that was otherwise removed from this project.

Bid Schedule C-2" Asphalt Overlay project came in \$23,521 under contract price due to performing 2" milling instead of 4" milling. The original plan was to remove 4" asphalt and base course in areas but a 2" mill was used.

Additional Background Information:

Bid Schedule A-Mount Hope Cemetery, consists of fully reconstructing two roads within Mount Hope Cemetery. This project is part of the yearly plan to improve road conditions within the cemetery. The two roads being reconstructed are necessary to prevent the high cost to maintain them yearly.

Bid Schedule B-Olive Place, consists of installing a new bike trail run along 4th Street NW and 16th Avenue NW (around Olive Place house on 14th Avenue NW) and connect to existing bike trail.

Bid Schedule C-2" Asphalt Overlay, consists of placing a 2" Asphalt overlay on existing bike trail along Highway 20 around Lake Kampeska. This project will start from the bike trail reconstruct that was completed in the summer of 2023 and run approximately 9,400 linear feet. This stretch of trail is extremely rough and is becoming unsafe for bikers, pedestrians, and other trail users. This project has a Grant to aid in the funding.

FINANCIAL CONSIDERATIONS:

Agenda Item 9.(b) Approval of Change Order No. 1-Final for the 2024 Park...

The funding for Bid Schedule A-Mount Hope Cemetery, has been budgeted in the Capital Improvement Fund, Account 212-45182-43930.

Original Bid-Bid Schedule A: \$138,668.00

Change Order #1 (Final): \$3,206.00

New Contract Price-Bid Schedule A: \$141,874.00

The funding for Bid Schedule B-Olive Place was pulled from this project for a cost savings of \$109,813.20 which again is budgeted in the Capital Improvement Fund, Account 212-45182-43930.

Original Bid-Bid Schedule B: \$109,813.20

Change Order #1 (Final): -\$109,813.20

New Contract Price-Bid Schedule B: \$0

The funding for Bid Schedule C-Bike Trail Overlay, has been budgeted in the Capital Improvement Fund, Account 212-45182-43962. This project will be reimbursed up to \$198,000.00 from the Recreational Trails Program grant awarded in 2023.

Original Bid-Bid Schedule C: \$297,037.00

Change Order #1 (Final): -\$23,521.00

New Contract Price-Bid Schedule C: \$273,516.00

Original Bid-Total of All Bid Schedules: \$545,518.20

Change Order #1 (Final): -\$130,128.20

New Contract Price-All Bid Schedules: \$415,390.00

OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director

Justin Petersen, City Engineer

Dusty Rodiek, Parks, Recreation & Forestry Director

Kraig Engen, Engineer Technician/Project Manager

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of the change order with the following motion:

I move to approve Change Order No. 1-Final for the 2024 Park and Recreation Improvements, Project No. 2409, with Duininck Inc., for a decrease of \$130,128.20 for a new contract price of \$415,390.00.

ATTACHMENT(S):

Agenda Item 9.(b) Approval of Change Order No. 1-Final for the 2024 Park...

[CCO No.1-Final](#)

[Vicinity Map](#)

CHANGE ORDER NO.: 1-Final

Owner: City of Watertown, SD
Engineer:
Contractor: Duininck Inc.
Project: 2024 Park & Recreation Improvements
Contract Name: 2024 Park & Recreation Improvements
Date Issued: September 5, 2024

Owner’s Project No.: 2409
Engineer’s Project No.: 2409
Contractor’s Project No.:

Effective Date of Change Order: October 8, 2024

The Contract is modified as follows upon execution of this Change Order:

Description: Remove quantities from bid schedule B-Olive Place Trail (removed this project from the contract). Adjust quantities from bid schedule C-Bike Trail Overlay. Add a pipe and asphalt for drainage in Mount Hope Cemetery.

Attachments: See attached summary of quantities.

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ 545,518.20	Original Contract Times: Substantial Completion: October 4, 2024 Ready for final payment: November 1, 2024
[Increase] [Decrease] from previously approved Change Orders No. 1 to No. \$ N/A	[Increase] [Decrease] from previously approved Change Orders No.1 to No. [Number of previous Change Order]: Substantial Completion: N/A Ready for final payment: N/A
Contract Price prior to this Change Order: \$ 545,518.20	Contract Times prior to this Change Order: Substantial Completion: October 4, 2024 Ready for final payment: November 1, 2024
Decrease this Change Order: \$ 130,128.20	[Increase] [Decrease] this Change Order: Substantial Completion: N/A Ready for final payment: N/A
Contract Price incorporating this Change Order: \$ 415,390.00	Contract Times with all approved Change Orders: Substantial Completion: October 4, 2024 Ready for final payment: November 1, 2024

Recommended by Engineer (if required)
By: Kraig Engen
Title: Engineering Tech
Date: 9/25/2024

Authorized by Owner
By: _____
Title: _____
Date: _____

Accepted by Contractor
Patrick Hand
Project Manager
09/25/2024

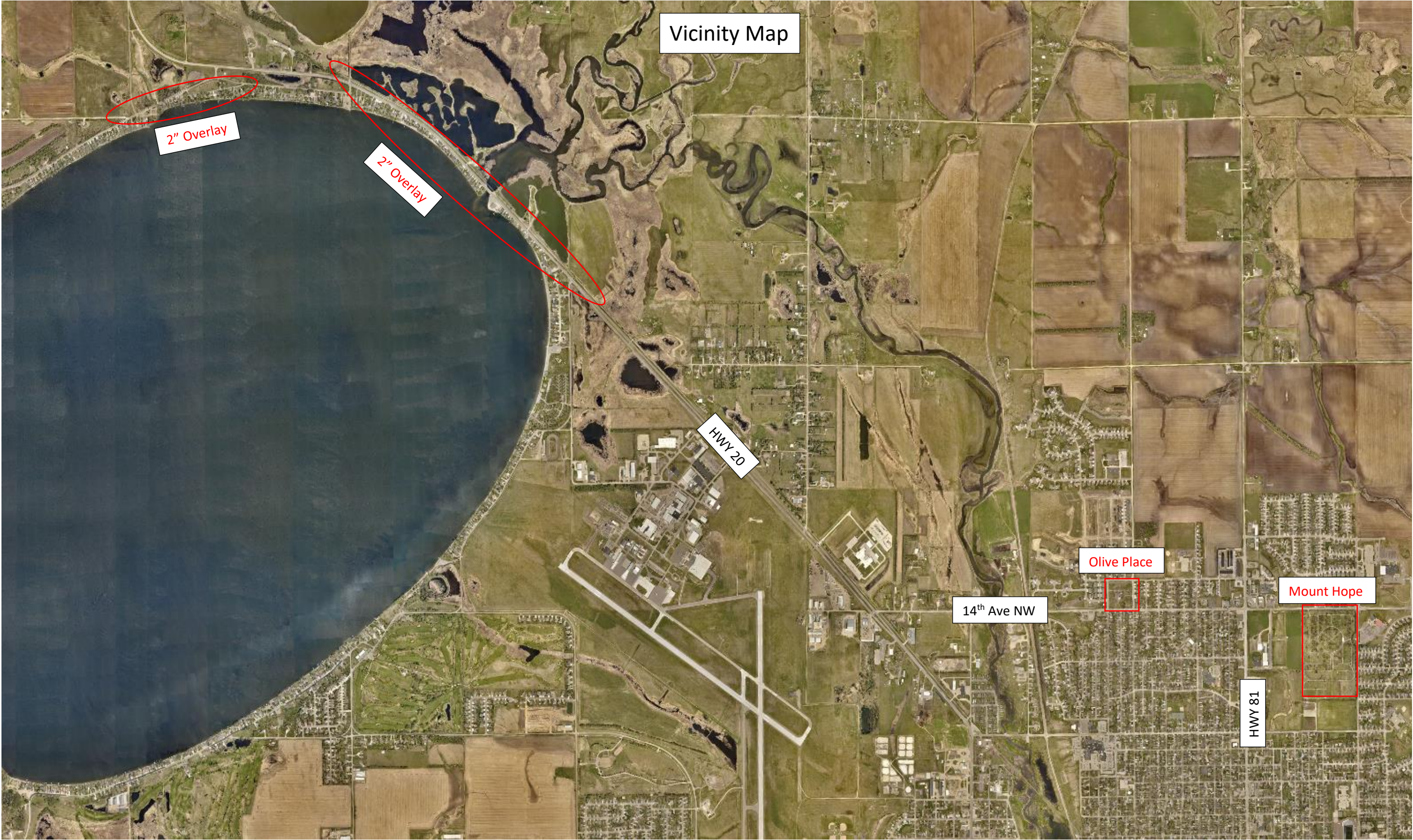
Approved by Funding Agency (if applicable)

By: _____
Title: _____
Date: _____

 Digitally signed by Patrick Hand
Date: 2024.09.25 09:02:18-05'00'

Agenda Item 9.(b) Approval of Change Order No. 1-Final for the 2024 Park...

Progress Estimate - Unit Price Work												Contractor's Application for Payment			
Owner:		City of Watertown										Owner's Project No.:		2409	
Engineer:		Kraig Engen										Engineer's Project No.:		2409	
Contractor:		Dulinck, Inc.										Contractor's Project No.:			
Project:		2024 Park & Recreation Improvements													
Contract:		2024 Park & Recreation Improvements													
Application No.:		2		Application Period:		From 08/18/24		to 09/18/24		Application Date:		09/18/24			
A	B	C	D	E	F	G	H	I	J	K	L				
Bid Item No.	Description	Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)	Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)				
Original Contract															
Mount Hope Cemetery															
A1	Mobilization	Lump	Sum	\$ 24,500.00	24,500.00	1.00	24,500.00	-	24,500.00	100%	-				
A2	Type 3 Barricade, 6' Double Sided	4	Each	\$ 120.00	480.00	4.00	480.00	-	480.00	100%	-				
A3	Full Depth Milling	1,258	S.Y.	\$ 11.00	13,838.00	1,258.00	13,838.00	-	13,838.00	100%	-				
A4	4" Asphalt Concrete Composite	1,258	S.Y.	\$ 36.00	45,288.00	1,258.00	45,288.00	-	45,288.00	100%	-				
A5	Unclassified Excavation	420	C.Y.	\$ 25.00	10,500.00	420.00	10,500.00	-	10,500.00	100%	-				
A6	Haul & Place City-Owned Millings	566	Ton	\$ 40.00	22,640.00	566.00	22,640.00	-	22,640.00	100%	-				
A7	Geotextile Fabric for Subgrade Stabilization	1,258	S.Y.	\$ 5.00	6,290.00	1,258.00	6,290.00	-	6,290.00	100%	-				
A8	4" Aggregate Base Course, Road Surface	1,258	S.Y.	\$ 11.00	13,838.00	1,258.00	13,838.00	-	13,838.00	100%	-				
A9	Silt Fence	42	L.F.	\$ 7.00	294.00	42.00	294.00	-	294.00	100%	-				
A10	Landscaping	Lump	Sum	\$ 1,000.00	1,000.00	1.00	1,000.00	-	1,000.00	100%	-				
Olive Place															
B1	Mobilization	Lump	Sum	\$ 24,500.00	24,500.00	1.00	24,500.00	-	24,500.00	100%	-				
B2	Traffic Control, Miscellaneous	Lump	Sum	\$ 1,350.00	1,350.00	1.00	1,350.00	-	1,350.00	100%	-				
B3	Remove Concrete Sidewalk	88	S.F.	\$ 7.40	651.20	88.00	651.20	-	651.20	100%	-				
B4	Remove Concrete Approach Pavement	11	S.Y.	\$ 67.50	742.50	11.00	742.50	-	742.50	100%	-				
B5	6" PCC Approach Pavement	22	S.Y.	\$ 115.00	2,530.00	22.00	2,530.00	-	2,530.00	100%	-				
B6	Install 4" Concrete Sidewalk	595	S.F.	\$ 12.50	7,437.50	595.00	7,437.50	-	7,437.50	100%	-				
B7	Furnish & Install Detectable Warning Panels	60	S.F.	\$ 60.00	3,600.00	60.00	3,600.00	-	3,600.00	100%	-				
B8	4" Asphalt Concrete Composite	1,138	S.Y.	\$ 34.00	38,692.00	1,138.00	38,692.00	-	38,692.00	100%	-				
B9	Unclassified Excavation	375	C.Y.	\$ 24.00	9,000.00	375.00	9,000.00	-	9,000.00	100%	-				
B10	6" Aggregate Base Course, Sidewalk/Bike Trail	1,226	S.Y.	\$ 15.00	18,390.00	1,226.00	18,390.00	-	18,390.00	100%	-				
B11	Silt Fence	60	L.F.	\$ 7.00	420.00	60.00	420.00	-	420.00	100%	-				
B12	Inlet Protection	1	Each	\$ 250.00	250.00	1.00	250.00	-	250.00	100%	-				
B13	Landscaping	Lump	Sum	\$ 2,000.00	2,000.00	1.00	2,000.00	-	2,000.00	100%	-				
B14	Remove & Reset Mailbox and Post	1	Each	\$ 250.00	250.00	1.00	250.00	-	250.00	100%	-				
2" Asphalt Overlay															
C1	Mobilization	Lump	Sum	\$ 25,000.00	25,000.00	1.00	25,000.00	-	25,000.00	100%	-				
C2	Traffic Control, Miscellaneous	Lump	Sum	\$ 5,250.00	5,250.00	1.00	5,250.00	-	5,250.00	100%	-				
C3	Remove Asphalt Concrete	645	S.Y.	\$ 8.20	5,289.00	645.00	5,289.00	-	5,289.00	100%	-				
C4	2" Asphalt Concrete Composite	9,840	S.Y.	\$ 21.00	206,640.00	9,840.00	206,640.00	-	206,640.00	100%	-				
C5	4" Asphalt Concrete Composite	645	S.Y.	\$ 44.00	28,380.00	645.00	28,380.00	-	28,380.00	100%	-				
C6	2" Aggregate Base Course, Sidewalk/Bike Trail	645	S.Y.	\$ 12.00	7,740.00	645.00	7,740.00	-	7,740.00	100%	-				
C7	Landscaping	Lump	Sum	\$ 6,000.00	6,000.00	1.00	6,000.00	-	6,000.00	100%	-				
C8	Contractor Furnished Topsoil	220	C.Y.	\$ 57.90	12,738.00	220.00	12,738.00	-	12,738.00	100%	-				
Original Contract Totals					\$ 545,518.20		\$ 545,518.20	\$ -	\$ 545,518.20	100%	\$ -				
Change Orders															
A9	Silt Fence	-42	L.F.	\$ 7.00	(294.00)	(42.00)	(294.00)		(294.00)	100%	-				
A11	Install Pipe/Asphalt for Drainage	Lump	Sum	\$ 3,500.00	3,500.00	1.00	3,500.00		3,500.00	100%	-				
B1	Mobilization	Lump	Sum	\$ (24,500.00)	(24,500.00)	1.00	(24,500.00)	-	(24,500.00)	100%	-				
B2	Traffic Control, Miscellaneous	Lump	Sum	\$ (1,350.00)	(1,350.00)	1.00	(1,350.00)	-	(1,350.00)	100%	-				
B3	Remove Concrete Sidewalk	-88	S.F.	\$ 7.40	(651.20)	(88.00)	(651.20)	-	(651.20)	100%	-				
B4	Remove Concrete Approach Pavement	-11	S.Y.	\$ 67.50	(742.50)	(11.00)	(742.50)	-	(742.50)	100%	-				
B5	6" PCC Approach Pavement	-22	S.Y.	\$ 115.00	(2,530.00)	(22.00)	(2,530.00)	-	(2,530.00)	100%	-				
B6	Install 4" Concrete Sidewalk	-595	S.F.	\$ 12.50	(7,437.50)	(595.00)	(7,437.50)	-	(7,437.50)	100%	-				
B7	Furnish & Install Detectable Warning Panels	-60	S.F.	\$ 60.00	(3,600.00)	(60.00)	(3,600.00)	-	(3,600.00)	100%	-				
B8	4" Asphalt Concrete Composite	-1,138	S.Y.	\$ 34.00	(38,692.00)	(1,138.00)	(38,692.00)	-	(38,692.00)	100%	-				
B9	Unclassified Excavation	-375	C.Y.	\$ 24.00	(9,000.00)	(375.00)	(9,000.00)	-	(9,000.00)	100%	-				
B10	6" Aggregate Base Course, Sidewalk/Bike Trail	-1,226	S.Y.	\$ 15.00	(18,390.00)	(1,226.00)	(18,390.00)	-	(18,390.00)	100%	-				
B11	Silt Fence	-60	L.F.	\$ 7.00	(420.00)	(60.00)	(420.00)	-	(420.00)	100%	-				
B12	Inlet Protection	-1	Each	\$ 250.00	(250.00)	(1.00)	(250.00)	-	(250.00)	100%	-				
B13	Landscaping	Lump	Sum	\$ (2,000.00)	(2,000.00)	1.00	(2,000.00)	-	(2,000.00)	100%	-				
B14	Remove & Reset Mailbox and Post	-1	Each	\$ 250.00	(250.00)	(1.00)	(250.00)	-	(250.00)	100%	-				
C4	2" Asphalt Concrete Composite	539	S.Y.	\$ 21.00	11,319.00	539.00	11,319.00	-	11,319.00	100%	-				
C5	4" Asphalt Concrete Composite	-629	S.Y.	\$ 44.00	(27,676.00)	(629.00)	(27,676.00)	-	(27,676.00)	100%	-				
C6	2" Aggregate Base Course, Sidewalk/Bike Trail	-597	S.Y.	\$ 12.00	(7,164.00)	(597.00)	(7,164.00)	-	(7,164.00)	100%	-				
Change Order Totals					\$ (130,128.20)		\$ (130,128.20)	\$ -	\$ (130,128.20)	100%	\$ -				
Original Contract and Change Orders															
Project Totals					\$ 415,390.00		\$ 415,390.00	\$ -	\$ 415,390.00	100%	\$ -				





City Council

Agenda Item

Subject: Approval of Change Order No. 2 for the Taxiway and Ag Area Improvements project, Project No. 2227, with J&J Earthworks, Inc, in the Amount of \$112,139.50 for a Total Contract of \$2,750,629.60.

Meeting: City Council - Oct 07 2024

From: Amanda Mack, City Manager

BACKGROUND INFORMATION:

The Taxiway and Ag Area Improvements, Project No. 2227, was bid on July 8, 2024. J & J Earth Works, Inc. was awarded the contract for \$2,612,651.10. This change order is includes costs to dewater for installation of the water and sanitary sewer pipeline.

Original Contract:	\$2,612,651.10
Change Order #1:	\$25,839.00
Change Order #2:	<u>\$112,139.50</u>
New Contract:	\$2,750,629.60

The construction work includes grading, unclassified excavation, geotextile separator fabric, underdrain piping, subbase course, aggregate base course, HMA paving, pavement marking, taxiway lighting and signage, topsoiling, seeding, mulching, and other items of related construction.

FINANCIAL CONSIDERATIONS:

The funding for this project has been budgeted in account 606-43503-43905 for a total of \$2,690,000.00. With approval of this change order, the project will be over budget by \$60,629.60. A major source (90%) of funding comes from the AIP 3-46-0058-044-2023 FAA grant.

However, the increase of \$112,139.50 for dewatering for utilities are not eligible for FAA funding. The utilities cost of Bid Schedule D is expected to be recovered through a cost recovery model to the subsequent tenant users.

OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director
Justin Petersen, City Engineer

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of the change order with the following motion:

Agenda Item 9.(c) Approval of Change Order No. 2 for the Taxiway and Ag ...

I move to approve Change Order No. 2 for the Taxiway and Ag Area Improvements project, Project No. 2227, with J&J Earthworks, Inc, in the Amount of \$112,139.50 for a Total Contract of \$2,750,629.60.

ATTACHMENT(S):

[20240926 Watertown Taxiway and Ag Area Improvements \(CCO #2\) MAS](#)

CHANGE ORDER
Project No. A-8836

ORDER NO.	2
DATE:	September 26, 2024
AGREEMENT DATE:	July 8, 2024

NAME OF PROJECT: Taxiway and Ag Area Improvements
Watertown Regional Airport - Watertown, SD
AIP #3-46-0058-045-2024
A-8836
Bid Schedule A, Bid Schedule B, Bid Schedule C, Bid Schedule D, and Bid
Schedule E

OWNER: City of Watertown

CONTRACTOR: J & J Earth Works, Inc.

The following changes are hereby made to the CONTRACT DOCUMENTS:

This Change Order adds the following items for providing dewatering to install the remaining water main and the sanitary sewer:

CCO 2-1 Dewatering
CCO 2-2 Dewatering Maintenance (Labor & Fuel)

Justification:

Change to **CONTRACT PRICE**:

Original CONTRACT PRICE	\$2,612,651.10
Current CONTRACT PRICE adjusted by previous Change Order	\$2,638,490.10
The CONTRACT PRICE due to this CHANGE ORDER is Increased by:	\$112,139.50
The CONTRACT PRICE due to this CHANGE ORDER is Decreased by:	\$0.00
The new CONTRACT PRICE including this CHANGE ORDER will be	\$2,750,629.60

Change to CONTRACT TIME:

The **CONTRACT TIME** will be (decreased) (increased) by 0 / 0 calendar days.
The date of Substantial Completion will be September 28, 2024 (date).
The date for completion of all Work will be October 31, 2024 (date).

Approvals Required:

To be effective this Order must be approved by the Owner and SD Office of Air, Rail, and Transit.

Recommended by:	<u>Michael A. Schmidt</u>	<u>9-26-2024</u>
	Helms and Associates – Consulting Engineer	Date:

Ordered by:	_____	_____
	J & J Earth Works, Inc.	Date:

Agreed to by:	_____	_____
	City of Watertown	Date:

Approved by:	_____	_____
	Program Manager - Office of Air, Rail, and Transit	Date:

Change Order No. 2
Owner: City of Watertown
Watertown Regional Airport - Watertown, SD
Project No. A-8836

Issue Date: September 26, 2024
Contractor: J & J Earth Works, Inc.

Item	Description	Quantity to Date	Unit	(+) QTY	(-) QTY	Unit Price	Price Change	New Quantity
Bid Schedule E								
CCO 2-1	Dewatering	0	Ft	2,000		\$42.35	\$84,700.00	2,000
CCO 2-2	Dewatering Maintenance (Labor & Fuel)	0	Day	30		\$914.65	\$27,439.50	30
TOTAL CHANGE ORDER #2							\$112,139.50	
HELMS and ASSOCIATES								



City Council

Agenda Item

Subject: Application for a Special Event Retail License to Lake Area Technical College Foundation d/b/a Lake Area Technical College Foundation for the Festival of Trees Event, 1201 Arrow Ave, Lot 2 E14' S197' Lake Area Technical Institute 3rd Add & S197' E328' Vocational School Lot from 5:00 PM until 11:30 PM. on Friday, November 22nd, 2024.

Meeting: City Council - Oct 07 2024

From: Amanda Mack, City Manager

BACKGROUND INFORMATION:

Applicant has provided adequate proof of insurance. Fees have been paid and the Notice of Hearing was published on September 28, 2024.

FINANCIAL CONSIDERATIONS:

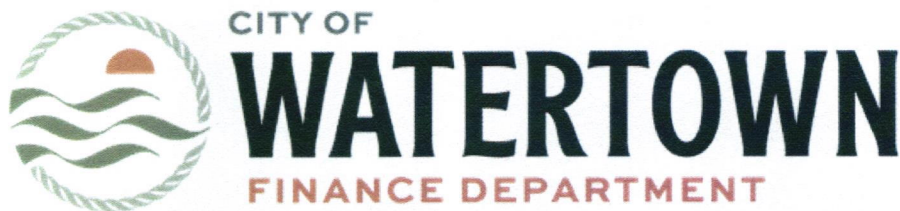
Applicant has paid licensing fees of \$300 for the special event license as well as \$50 for the notice of hearing fee.

STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to approve the application for a Special Event Retail License to Lake Area Technical College Foundation d/b/a Lake Area Technical College Foundation for the Festival of Trees Event, 1201 Arrow Ave, Lot 2 E14' S197' Lake Area Technical Institute 3rd Add & S197' E328' Vocational School Lot from 5:00 PM until 11:30 PM. on Friday, November 22nd, 2024.

ATTACHMENT(S):

[Festival of Trees](#)



Special Event & Weekly Seasonal Event Alcohol Beverage License Application

1. License Type(s) Requested

<input type="checkbox"/>	Special Malt Beverage Retailers License
<input type="checkbox"/>	Special On-Sale Wine Retailers License
<input checked="" type="checkbox"/>	Special On-Sale License
<input type="checkbox"/>	Special Off-Sale Package Wine Dealers License
<input type="checkbox"/>	Special Off-Sale Package Wine Dealers License – Donated Beverages
<input type="checkbox"/>	Special Off-Sale Package Malt Beverage Dealers License – Donated Beverages
<input type="checkbox"/>	Special Off-Sale Package Dealers License – Donated Beverages

2. Name and Description of Special Event Lake Area Technical College Foundation Festival of Trees is an annual fundraiser to support student scholarships and campus improvements.

3. Event Date(s) and times: Friday, November 22, 2024; 5:00pm - 11:30pm

(Licenses can be issued for a period of time to be established by the Council for a duration of a special event, but not to exceed fifteen (15) consecutive days)

4. Describe Event Location: Lake Area Technical College
Event Address: 1201 Arrow Avenue

5. Event Applicant and Applicant Address: LATC Foundation; 1201 Arrow Ave; PO Box 730; Watertown, SD 57201

To apply for a Special Event License, you must be one of the following (please check one)
- If Civic, Charitable, Educational or Fraternal: please provide copy of 501(c)(3).

<input type="checkbox"/>	Civic
<input checked="" type="checkbox"/>	Charitable
<input type="checkbox"/>	Educational
<input type="checkbox"/>	Fraternal
<input type="checkbox"/>	Veterans Organization
<input type="checkbox"/>	Existing On-Off Sale Malt Beverage Licensee
<input type="checkbox"/>	Existing On-Off Sale Wine Licensee
<input type="checkbox"/>	Existing On-Sale Liquor Licensee

6. Event Coordinator's Name Tracy Buisker, Foundation Director
Email: tracy.buisker@lakeareatech.edu
Business Ph# 605-882-5284 x 268

7. Name of Entity Serving Alcohol (if not applicant): Lake Area Technical College Foundation

8. Method of alcohol consumption:

<input checked="" type="checkbox"/>	Sold and consumed on site
<input type="checkbox"/>	Sold/Auctioned and consumed off site -for example, a winery basket at a silent auction

9. Estimated number of Participants 350
Estimated number of Minors 0

Method in which applicants plan to prevent underage consumption: Festival of Trees attendees must be 21 to attend - as noted on our event materials (draft version included).

*Thursday Night Live Applicants **must** use wrist bands as method to prevent underage consumption

10. For outdoor events, please submit a drawing illustration of the event area, including stage/platforms, alcohol serving area(s), food serving facilities, garbage collection receptacles, restroom facilities and other amenities.

11. Post-event clean-up is required prior to vacating the area.

12. **Insurance Requirements:** Per City Ordinance, licensees shall maintain liability insurance in an amount of not less than One Million Dollars (\$1,000,000) for bodily injury, death, disability, and property damage liability during the time the special alcoholic beverage license is in effect. **Licensee shall also maintain Liquor Liability insurance with a limit of not less than One Million Dollars (\$1,000,000) for each occurrence, and if such insurance contains a general aggregate limit, the general aggregate limit shall apply separately or be no less than two times the occurrence limit.** The City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the special alcoholic beverage license during the time such license is in effect. The licensee must also agree to indemnify and hold the City of Watertown, its officers, agents, and employees, harmless from and against any and all actions, suits, damages, liability or other proceedings that may arise as the result of the alleged negligence of the applicant and/or that is in any way connected or associated with the event(s) for which any special alcoholic beverage license is issued which do not solely arise from errors or omissions of the City of Watertown, its officers, agents, or employees. **Please submit proof of insurance with your application.**

13. **Fee:** For Special Event Alcoholic Beverage Licenses, a fee of \$300 is required. For Special Weekly Seasonal Alcoholic Beverage Licenses, the fee is \$50/per day of event at one location. If applicable, a \$50 notice of public hearing fee must also be submitted by separate check. Fees are to be made payable to the City of Watertown and must be submitted with your application.

14. **Legal Notice:** For certain applicants, the City of Watertown is required by South Dakota state law to publish a legal notice in the local newspaper at least 7 days prior to City Council action. In order to make publication deadlines, we need your completed application at least 20 days prior to the City Council meeting.

15. **Public Hearing & Council Action:** A public hearing and City Council action is required on all special event alcohol licenses in which the applicant does not hold an existing alcoholic beverage license.

A public hearing *is not* required if the applicant holds an existing alcoholic beverage license per SDCL 35-4-124. City Council action is required, however.

The Watertown City Council meets the first and third Monday of each month. This application will be scheduled only after all required documents are submitted to the Records & Licensing Manager and internal approvals are completed.

16. Miscellaneous Information for City Council Review:

This will be our 6th year holding the event on the LATC campus with spirited beverages. To date, there have been no issues during the event. Attendees are always encouraged to make good choices. The support of the City of Watertown is much appreciated! Beverages are donated and purchased at cost.

17. **Certificate:** The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all requirements for the Special Event Alcohol License in the City of Watertown, SD.

Nancy Brisher
Signature

9-10-2024
Date

Submit completed application to: City Finance Office, Attn: Records/Licensing Manager, PO Box 910, Watertown SD 57201
Phone# (605) 882-6203 • Fax# (605) 882-6218 • licenses@watertownsd.us

To Be Completed by Records & Licensing Manager:

1. Notice of public hearing was published on _____ in the Watertown Public Opinion.
2. Public Hearing and/or Council action was held on _____.
The Watertown City Council took action to
_____ Approve
_____ Disapprove license due to _____.
3. The following restrictions were imposed: _____

_____.
4. Receipt Number _____
5. Special Event License Number _____
6. Mailed to applicant on _____.
7. Signature of City Manager: _____ Date _____



LAKE AREA TECHNICAL COLLEGE FOUNDATION

FESTIVAL OF TREES

Celebrating 25 Years

NOVEMBER 22

LAKE AREA TECH STUDENT CENTER
1201 ARROW AVENUE, WATERTOWN, SD 57201

ITINERARY

NOON - 9:00PM
SILENT AUCTION

8:15 - 9:15PM
LIVE AUCTION

5:30 - 8:00PM
SOCIAL

Featuring Heavy
Hors d'oeuvres

9:30 - 11:30PM
LIVE MUSIC

Featuring Flashback

RSVP BY NOVEMBER 12

SEMI-FORMAL ATTIRE. COMPLIMENTARY BEER & WINE BAR.

MUST BE 21 TO ATTEND.

*Age requirement
noted.* →



LAKE AREA
TECHNICAL COLLEGE

FESTIVAL OF TREES
Celebrating 25 Years

**RSVP DUE BY
NOVEMBER 12TH**

Festival seating is limited.
Please respond promptly.
Reserved tables of 8, 10 or 12
are available.

INDIVIDUAL TICKETS

☐ \$100/each Quantity: _____

SPONSORSHIPS

☐ Diamond - Includes 8 Tickets to Attend (\$3,250)
☐ Platinum - Includes 8 Tickets to Attend (\$2,750)
☐ Gold - Includes 8 Tickets to Attend (\$2,250)
☐ Silver - Includes 8 Tickets to Attend (\$1,750)
☐ Bronze (\$1,000)
☐ Festival of Trees Friend (\$500)

Must be 21 to attend.

Age requirement noted

Please make checks payable to:

**LAKE AREA
TECHNICAL COLLEGE
FOUNDATION**

NEW
Renewal of Number
POLICY DECLARATIONS
No. SE 1128093

United States Liability Insurance Company
1190 Devon Park Drive, Wayne, Pennsylvania 19087
A Member Company of United States Liability Insurance Group

NAMED INSURED AND ADDRESS:
LATC FOUNDATION
PO BOX 730
WATERTOWN, SD 57201

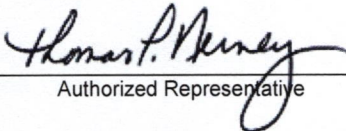
POLICY PERIOD: (MO. DAY YR.) From: 11/22/2024 To: 11/24/2024
FORM OF BUSINESS:
BUSINESS DESCRIPTION: Special Event

12:01 A.M. STANDARD TIME AT YOUR
MAILING ADDRESS SHOWN ABOVE

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.	
THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS INDICATED. THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.	
Commercial Liability Coverage Part	PREMIUM \$250.00
Liquor Liability Coverage Part	\$50.00
TOTAL:	\$300.00
Coverage Form(s) and Endorsement(s) made a part of this policy at time of issue See Endorsement EOD (1/95)	

Agent: GATEWAY SPECIALTY INSURANCE (1819)
1170 Devon Park Drive
Wayne, PA 19087
Broker: Docusign Envelope ID:

Issued: 09/09/2024 9:11 AM

By: 
Authorized Representative

EXTENSION OF DECLARATIONS**Policy No. SE 1128093**Effective Date: **11/22/2024**

12:01 AM STANDARD TIME AT YOUR MAILING ADDRESS

FORMS AND ENDORSEMENTS**The following forms apply to multiple coverage parts**

<i>Endt#</i>	<i>Revised</i>	<i>Description of Endorsements</i>
CG0144	10/11	South Dakota Changes
CG2173	01/15	Exclusion Of Certified Acts Of Terrorism
IL0017	11/98	Common Policy Conditions
IL0021	09/08	Nuclear Energy Liability Exclusion Endorsement
IL0232	09/08	South Dakota Changes - Cancellation And Nonrenewal
Jacket	07/19	Policy Jacket
L-224	10/10	Punitive Or Exemplary Damages Exclusion
L-607	02/11	Exclusion For Climbing, Rebounding And Interactive Games And Devices
L-609	02/11	Animal Exclusion
L-610	11/04	Expanded Definition Of Bodily Injury
L-616	11/09	Host/Special Event Coverage Form Change Endorsement
L-656	02/06	Extension Of Coverage - Committee Members
L-759	10/10	South Dakota Amendment
L-816	11/18	Amendments of Conditions - Limits of Insurance Under Multiple Coverage Parts
L-820	12/18	Special Events Blanket Additional Insured Endorsement
LLQ 102	02/15	Event Vendor, Exhibitor And Contractor Exclusion
LLQ101	08/06	Expanded Definition Of Employee
LLQ368	08/10	Separation Of Insureds Clarification Endorsement
SPE 312	03/15	Who Is An Insured
TRIADN	12/20	Disclosure Notice of Terrorism Insurance Coverage

The following forms apply to the Commercial Liability coverage part

<i>Endt#</i>	<i>Revised</i>	<i>Description of Endorsements</i>
CG 21 06	12/23	EXCLUSION - ACCESS OR DISCLOSURE OF CONFIDENTIAL OR PERSONAL MATERIAL OR INFORMATION
CG0001	12/07	Commercial General Liability Coverage Form
CG0068	05/09	Recording And Distribution Of Material Or Information In Violation Of Law Exclusion
CG2109	06/15	Exclusion - Unmanned Aircraft
CG2136	03/05	Exclusion - New Entities
CG2139	10/93	Contractual Liability Limitation
CG2147	12/07	Employment-Related Practices Exclusion
CG4032	05/23	Exclusion - Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)
L 427	01/20	Exclusion for Fireworks and Other Pyrotechnic Devices
L 535	03/15	Exclusion - Products-Completed Operations Hazard Other Than Food Or Beverage Products
L-387	03/06	Exclusion - Mechanical Rides

EXTENSION OF DECLARATIONS**Policy No. SE 1128093**Effective Date: **11/22/2024**

12:01 AM STANDARD TIME AT YOUR MAILING ADDRESS

FORMS AND ENDORSEMENTS

L-423	02/11	Exclusion For Structure Collapse
L-428	04/15	Absolute Firearms Exclusion
L-472	07/08	Exclusion - Injury To Performers Or Entertainers
L-536	09/09	Exclusion - Participation In Athletic Activity, Physical Activity Or Sports
L-599	10/07	Absolute Exclusion For Pollution, Organic Pathogen, Silica, Asbestos And Lead With A Hostile Fire Exception
L-686	10/12	Absolute Exclusion for Liquor and Other Related Liability
L-816	11/18	Amendments of Conditions - Limits of Insurance Under Multiple Coverage Parts
L-820	12/18	Special Events Blanket Additional Insured Endorsement
L-835	10/22	Exclusion - Specific Activities, Operations or Features
LLQ 102	02/15	Event Vendor, Exhibitor And Contractor Exclusion
SPE 300	05/09	Special Events Property Damage Amendment
SPE 312	03/15	Who Is An Insured

The following forms apply to the Liquor Liability coverage part

<i>Endt#</i>	<i>Revised</i>	<i>Description of Endorsements</i>
CG0033	12/07	Liquor Liability Coverage Form
CG2406	04/13	Liquor Liability - Bring Your Own Alcohol Establishments
L-657	01/11	Absolute Pollution Exclusion - Liability
L-816	11/18	Amendments of Conditions - Limits of Insurance Under Multiple Coverage Parts
L-820	12/18	Special Events Blanket Additional Insured Endorsement
LLQ 102	02/15	Event Vendor, Exhibitor And Contractor Exclusion
LQ-202	12/11	Assault Or Battery Exclusion
LQ-352	09/08	Event Vendor - Other Insurance
LQ-354	10/09	Limitation Of Coverage To Insured Premises
LQ-428	10/16	Absolute Firearms Exclusion
SPE 312	03/15	Who Is An Insured

COMMERCIAL GENERAL LIABILITY COVERAGE PART DECLARATIONS**Policy No. SE 1128093****Effective Date: 11/22/2024****12:01 STANDARD TIME****LIMITS OF INSURANCE**

Each Occurrence Limit	\$1,000,000
Personal & Advertising Injury Limit (Any One Person/Organization)	\$1,000,000
Medical Expense Limit (Any One Person)	\$1,000
Damages To Premises Rented To You (Any One Premises)	\$100,000
Products/Completed Operations Aggregate Limit	See L-535
General Aggregate Limit	\$2,000,000

LIABILITY DEDUCTIBLE**\$0****LOCATIONS OF ALL PREMISES YOU OWN, RENT OR OCCUPY**

<i>Location</i>	<i>Address</i>	<i>Territory</i>
1	1201 Arrow Ave, Watertown, SD 57201	001

PREMIUM COMPUTATION

<i>Evt #</i>	<i>Classification</i>	<i>Code No.</i>	<i>Premium Basis</i>	<i>Pr/Co</i>	<i>Advance Premium</i>		
					<i>All Other</i>	<i>Pr/Co</i>	<i>All Other</i>
1	Additional Insured - Blanket - Special Events	49950	1 Per Additional Insured	N/A	0.000	N/A	\$0
1	Fundraisers - Silent Auction / Art Auction (applicant is the host of the event)	00422	300 Attendees	N/A	250.000	N/A	\$250

MINIMUM PREMIUM FOR GENERAL LIABILITY COVERAGE PART: \$163**TOTAL PREMIUM FOR GENERAL LIABILITY COVERAGE PART: \$250****(This Premium may be subject to adjustment.) MP - minimum premium**

Coverage Form(s)/Part(s) and Endorsement(s) made a part of this policy at time of issue:

See Form EOD (01/95) and Form SOE (03/10)**THESE DECLARATIONS ARE PART OF THE POLICY DECLARATIONS CONTAINING THE NAME OF THE INSURED AND THE POLICY PERIOD.**

LIQUOR LIABILITY COVERAGE PART DECLARATIONS							
Policy No. SE 1128093				Effective Date: 11/22/2024 12:01 STANDARD TIME			
LIMITS OF INSURANCE							
Liquor Each Common Cause Limit				\$1,000,000			
Liquor Aggregate Limit				\$2,000,000			
LIABILITY DEDUCTIBLE				\$0			
LOCATIONS OF ALL PREMISES YOU OWN, RENT OR OCCUPY							
Location	Address			Territory			
1	1201 Arrow Ave, Watertown, SD 57201			001			
PREMIUM COMPUTATION							
Evt #	Classification	Code No.	Premium Basis	Pr/Co	All Other	Advance Premium Pr/Co	All Other
1	Fundraisers - Silent Auction / Art Auction (applicant is the host of the event)	00421	140 Consumers	N/A	50.000	N/A	\$50
1	Additional Insured - Blanket - Special Events	49950	1 Per Additional Insured	N/A	0.000	N/A	\$0
MINIMUM PREMIUM FOR LIQUOR LIABILITY COVERAGE PART:							\$32
TOTAL PREMIUM FOR LIQUOR LIABILITY COVERAGE PART:							\$50
(This Premium may be subject to adjustment.) MP - minimum premium							
Coverage Form(s)/Part(s) and Endorsement(s) made a part of this policy at time of issue: See Form EOD (01/95) and Form SOE (03/10)							
THESE DECLARATIONS ARE PART OF THE POLICY DECLARATIONS CONTAINING THE NAME OF THE INSURED AND THE POLICY PERIOD.							

EXTENSION OF DECLARATIONS

Regardless of the dates shown on the Declarations, this insurance applies only for the location(s), event(s) and date(s) specified in this Extension of Declarations.

Policy No. SE 1128093

SCHEDULE OF EVENTS

<i>Event</i>	<i>Start Date</i>	<i>End Date</i>
Fundraisers - Silent Auction / Art Auction (applicant is the host of the event)	11/22/2024	11/22/2024

Location(s):
1201 Arrow Ave, Watertown, SD 57201

Subject to the terms and conditions of this policy, coverage is provided for a maximum of twenty-four (24) hours after the scheduled end date of an event shown above.

THESE DECLARATIONS ARE PART OF THE POLICY DECLARATIONS CONTAINING THE NAME OF THE INSURED AND THE POLICY PERIOD.



City Council

Agenda Item

Subject: Second Reading of Ordinance No. 24-09, Zoning Text Amendment to Chapter 17.01 Wastewater System General Regulations of the Revised Ordinances of the City of Watertown.

Meeting: City Council - Oct 07 2024

From: Amanda Mack, City Manager

BACKGROUND INFORMATION:

Together the Community Development, Engineering, and Wastewater Divisions of the Public Works Department are proposing these amendments to Title 17 Wastewater Systems, Chapters 17.0102 and 17.0104 to clarify the language of how structures are to be connected to the sanitary sewer. Community Development Division oversees building permits, which is where the sanitary sewer connection is determined, but the wastewater utility is regulated by the Wastewater Division and Engineering Design Standards. This language ensures all Divisions are consistent with how the ordinance provision is administered.

FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director
Justin Petersen, City Engineer
Brandi Hanten, Community Development Manager
Robert Dari, Wastewater Superintendent

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommend approval of the ordinance amendment through the following motion:

I move to approve Ordinance No. 24-09, Zoning Text Amendment to Chapter 17.01 Wastewater System General Regulations of the Revised Ordinances of the City of Watertown

ATTACHMENT(S):

[Ordinance No. 24-09 Illustration](#)
[Ordinance No. 24-09](#)

FOR ILLUSTRATION PURPOSES ONLY

ORDINANCE NO. 24-09

**AN ORDINANCE AMENDING CHAPTER 17.01 WASTEWATER SYSTEM
GENERAL REGULATIONS OF THE REVISED ORDINANCES OF THE
CITY OF WATERTOWN**

BE IT ORDAINED by the City of Watertown, South Dakota, that Chapter 17.0102 and 17.0104 of the Revised Ordinances of the City of Watertown be amended as follows:

**Chapter 17.01
GENERAL REGULATIONS**

17.0102: USE OF PUBLIC SEWERS REQUIRED

[\(back to Chapter contents\)](#)

1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of said City any sewage, wastewater or other objectionable waste.
2. It shall be unlawful to discharge to any waters of the State of South Dakota within the City, or in any area under the jurisdiction of said City, any sewage or other polluted wastes, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and all applicable state and federal regulations.
3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage or wastewater.
4. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City, and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of said City, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities ~~directly~~ with the proper public sanitary sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that said public sanitary sewer is within two hundred (200) feet of the property line. (E-633, 09-20-93) (E-674)

17.0104: SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS

[\(back to Chapter contents\)](#)

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written excavation permit from the Office of the City Engineer.
2. It shall be unlawful for any person to make or cause to be made any excavation or tunnel in any street or avenue within this City for the purpose of making a connection with any public sanitary sewer located in such street or avenue, without first paying to the City, the cost of said sewer located within said street or avenue abutting upon the lot to which such connection is to be made, unless payment for said sewer so located in said street or avenue has therefore been made in full by the owner of such lot or his predecessor in interest. In case the building to which such sewer connection is to be made is situated or to be situated upon two lots, or part thereof, such payment shall include the cost of construction of such sewer abutting upon both such lots. Provided, however, that as to all sewers in connection with which the assessment roll has been subsequently filed in the office of the Finance Officer, or is hereafter filed, the only payment which shall be required prior to connection with said sewer shall be the making of all payments which are due, under their terms, at the time of such connection and in case the assessment roll has not been filed so as to cause the first installment to become due, then the first installment shall be paid prior to said connection with said sewer.
3. There shall be an excavation permit required for connection to a public sanitary sewer. The owner(s) or his

agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A reasonable permit and inspection fee which shall be determined by the Superintendent and Sewer Committee of the City Council shall be paid to the City at the time the application is filed.

4. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
5. A separate and independent building sewer shall be provided for every building; ~~except for the conditions below: where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.~~
 - a. Multiple buildings on the same lot and under the same ownership may share a common building sewer, as approved by the City Engineer in determining all separate or shared sewer service connections regulations are being met. At any time, when buildings sharing a common building sewer do not have common ownership or have the ability to be subdivided, a separate and independent building sewer is required for each owner.
 - b. Non-conforming subdivisions that do not meet current wastewater infrastructure standards are allowed to retain non-compliant service connections unless or until required by the City Engineer to be brought into conformance. If buildings under separate ownership are allowed to utilize shared lines, a maintenance agreement outlining the responsibilities for the shared line shall be established and a waiver of right to protest future direct connection to the public sanitary sewer shall be signed by all parties. The City will not assume responsibility of such shared line.
 1. Shared lines will be required to be separated when a public sanitary sewer is installed. The cost of the new public sanitary sewer and building sewer(s) shall be borne by the adjacent homeowner(s).
 - c. Other scenarios as determined applicable by the City Engineer.
- ~~5.6.~~ Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
- ~~6.7.~~ The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City.
- ~~7.8.~~ Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- ~~8.9.~~ No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

ORDINANCE NO. 24-09

**AN ORDINANCE AMENDING CHAPTER 17.01 WASTEWATER SYSTEM
GENERAL REGULATIONS OF THE REVISED ORDINANCES OF THE
CITY OF WATERTOWN**

BE IT ORDAINED by the City of Watertown, South Dakota, that Chapter 17.0102 and 17.0104 of the Revised Ordinances of the City of Watertown be amended as follows:

**Chapter 17.01
GENERAL REGULATIONS**

17.0102: USE OF PUBLIC SEWERS REQUIRED

[\(back to Chapter contents\)](#)

1. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City, and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of said City, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities with the proper public sanitary sewer in accordance with the provisions of this ordinance, within sixty (60) days after date of official notice to do so, provided that said public sanitary sewer is within two hundred (200) feet of the property line. (E-633, 09-20-93) (E-674)

17.0104: SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS

[\(back to Chapter contents\)](#)

5. A separate and independent building sewer shall be provided for every building except for the conditions below:
 - a. Multiple buildings on the same lot and under the same ownership may share a common building sewer, as approved by the City Engineer in determining all separate or shared sewer service connections regulations are being met. At any time, when buildings sharing a common building sewer do not have common ownership or have the ability to be subdivided, a separate and independent building sewer is required for each owner.
 - b. Non-conforming subdivisions that do not meet current wastewater infrastructure standards are allowed to retain non-compliant service connections unless or until required by the City Engineer to be brought into conformance. If buildings under separate ownership are allowed to utilize shared lines, a maintenance agreement outlining the responsibilities for the shared line shall be established and a waiver of right to protest future direct connection to the public sanitary sewer shall be signed by all parties. The City will not assume responsibility of such shared line.
 1. Shared lines will be required to be separated when a public sanitary sewer is installed. The cost of the new public sanitary sewer and building sewer(s) shall be borne by the adjacent homeowner(s).
 - c. Other scenarios as determined applicable by the City Engineer.

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 24-09 was published in the Watertown Public Opinion, the official newspaper of said City, on the ____ day of _____, 2024.

Kristen Bobzien, Chief Financial Officer

First Reading: September 3, 2024
Second Reading: October 7, 2024
Published: October 12, 2024
Effective: November 1, 2024

City of Watertown

Attest:

Kristen Bobzien
Chief Financial Officer

Reid Holien
Mayor



City Council

Agenda Item

Subject: Second Reading of Ordinance No. 24-19, Zoning Text Amendments to Ordinance Amending Chapter 21.02 Administration and Enforcement of the Revised Ordinances of the City of Watertown

Meeting: City Council - Oct 07 2024

From: Amanda Mack, City Manager

BACKGROUND INFORMATION:

The proposed amendments provide clarification to the administration and enforcement of the Plan Commission and Board of Adjustment. Major amendments to the ordinance will include referencing to the Plan Commission as the Planning Commission as that is the correct term for the board within municipal government. This proposed amendment includes clarification for elections of members, terms, board membership which will eliminate having alternates for the Planning Commission, set meeting attendance expectations, etc.

The Mayor, Councilman Tupper, City Manager, Assistant City Manager, City Attorney and other applicable staff have reviewed the proposed ordinance amendments and support the changes presented.

The Plan Commission recommended approval to City Council at the September 5, 2024 meeting (5-1).

FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director
Brandi Hanten, Community Development Manager
Carla Heuer, Planner

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends the proposed ordinance amendment through the following motion:

I move to approve Ordinance No. 24-19, Zoning Text Amendments to Ordinance Amending Chapter 21.02 Administration and Enforcement of the Revised Ordinances of the City of Watertown

ATTACHMENT(S):

[Ordinance No. 24-19 Illustration](#)

[Ordinance No. 24-19](#)

ILLUSTRATION FOR COUNCIL REFERENCE ONLY

ORDINANCE NO. 24-19

AN ORDINANCE AMENDING CHAPTER 21.02
ADMINISTRATION AND ENFORCEMENT OF THE REVISED
ORDINANCES OF THE CITY OF WATERTOWN

BE IT ORDAINED by the City of Watertown, South Dakota, that Chapter 21.02 Administration and Enforcement of the Revised Ordinances of the City of Watertown be amended as follows:

Chapter 21.02
ADMINISTRATION AND ENFORCEMENT

Section	(back to Title contents)
21.0201 Plan-Commission <u>Planning Commission</u>	
21.0202 Board of Adjustment	
21.0203 Application for Rehearing upon Denial	
21.0204 Appeals from the Board of Adjustment	
21.0205 Administration and Enforcement	
21.0206 Building Permits Required	
21.0207 Application Required	
21.0208 Schedule of Fees, Charges and Expenses	
21.0209 Amendments	
21.0210 Repealed	

21.0201: ~~PLAN~~NING COMMISSION [\(back to Chapter contents\)](#)

1. **City ~~Planning~~ Commission Created.** There is hereby created a ~~Plan-Commission~~Planning Commission for the City of Watertown, South Dakota, and for land within three (3) miles of its corporate limits.
2. **Membership of the ~~Plan-Commission~~Planning Commission.** The ~~Plan-Commission~~Planning Commission shall consist of seven (7) members, ~~and two~~ ⁽²⁾ ~~alternates~~, appointed by the Mayor subject to the approval of the City Council. ~~The alternates shall be the same two individuals appointed as alternates to the Board of Adjustment pursuant to Section 21.0202. If a member of the Plan Commission is unable to attend a meeting, the first alternate, or the second alternate, in turn, shall serve in such a members place.~~ It is recommended that each ward of the City is represented on the ~~Plan-Commission~~Planning Commission, but in no instance shall there be more than three (3) ~~Plan-Commission~~Planning Commission members from a single City ward. At least six (6) members of this Plan Commission shall be resident electors of the City; one (1) member, ~~or one (1) alternate,~~ may reside not more than three (3) miles outside city limits. ~~Plan Commission~~Planning Commission members ~~and alternates~~ shall be qualified by knowledge or experience to act in matters pertaining to the development and administration of the city plan who shall not hold any elective office in the municipal government. ~~The Mayor may appoint a City Council person to serve as a non-voting liaison to the Plan Commission~~Planning Commission. Administrative officials of the City may be appointed as ex-officio members of the Commission by the Mayor. (Ord 18-16; Rev 09-28-18)
3. **Terms of Members.** The term of each member of the ~~Plan-Commission~~Planning Commission shall be for three (3) years, except that when such ~~Plan-Commission~~Planning Commission is first appointed ~~three-two~~

~~(2) members shall be appointed to serve a term of two (2) years, and two (2) members shall be appointed to serve a term of two (2) years, and two (2) members for three (3) years.~~

Thereafter appointment of each member shall be for three (3) years so that there will be an overlapping of tenures. (Ord 01-14; Rev 10-20-01) The Mayor shall appoint or reappoint Planning Commission members at the first City Council meeting of November/December each year for those members whose terms have expired. A member shall not serve for more than three consecutive terms. After appointments are made and approved by City Council, the new or reappointed Planning Commission members' terms are effective at the first scheduled Planning Commission meeting in January. Those members whose terms are ending will serve through the last meeting in December.

4. **Compensation.** All members of the ~~Plan Commission~~ Planning Commission shall serve as such without compensation.

- 4.5. **Onboarding.** ~~An Orientation Session will be performed for all new and returning Planning Commission members. This session will generally introduce the City's planning framework, the commission's mission, structure, key responsibilities, relevant laws and regulations, and the commission's role in the decision making process. This administrative function of commission member onboarding will be conducted by the City Manager or their designee(s) to generally coordinate with at the time of any board member appointment or reappointment at the first Planning Commission meeting.~~

- 5.6. **Organizations, Rules, Staff and Finances.** Such Planning Commission shall elect its chairman and vice chair from among its members for a term of one year with eligibility for reelection not to exceed three consecutive years, and may fill such other of its offices as it may create in a manner prescribed by the rules of such Commission. The election shall take place at the first meeting of January each year. The Commission shall hold at least one regular meeting each month and shall adopt rules for transaction of its business and keep a record of its resolutions, transactions, findings and determinations which shall be a public record. The ~~Plan Commission~~ Planning Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law, including Civil Service Regulations as govern other corresponding civil employees of the municipality. The Commission may also contract with city planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Commission, exclusive of those made from funds received by gift, shall be within the amount appropriated for the purpose by the City Council which shall provide the funds, equipment and accommodations necessary for the Commission's work.

- 6.7. **Meeting Attendance.** Commission member shall be deemed present at a meeting if, upon the taking of the roll, they appear in person or participate in the meeting telephonically or by other electronic means approved by the City Council.

- a. A quorum may be established by any combination of members present, in person or participating telephonically or by other electronic means. All votes taken during a meeting with a member participating electronically shall be taken by roll call. Commission members will exercise their best efforts to ensure a physical quorum at all Planning Commission meetings.

- b. **Attendance Requirement.** Members of the Commission are expected to attend all scheduled meetings. A member who misses more than three consecutive regular meetings, or fails to attend at least 75% of all meetings within a calendar year, may be subject to review and potential dismissal from the commission.

- c. ~~Exeused Absences.~~ Absences may occur for a number of ~~be exeused if a valid reasons such as; is provided including~~ illness, family emergency, or work-related obligations. The member is responsible to inform the chair or appropriate city staff prior to the meeting if they are unable to attend, preferably at least forty-eight (48) hours in advance to help ensure a quorum of the commission. ~~These is absences will count against the member's attendance requirement.~~

- d. **Dismissal Procedure.** If a member fails to meet the attendance requirement:

1. The Mayor and chair of the Planning Commission shall review the member's attendance record.

2. The Mayor and chair may recommend dismissal to the City Council at any time prior to the expiration of the member's term.

~~The Mayor will appoint a new member to fill the vacancy with the appointment occurring at the next City Council meeting following the dismissal of the previous member.~~

3. The member shall receive notification at least two (2) weeks before the dismissal is heard by the City Council and have the opportunity to address the City Council.

4. The City Council shall make the final decision regarding the dismissal of the member, taking into account the reasons for absences.

The Mayor will appoint a new member to fill the vacancy with the appointment occurring at the next City Council meeting following the dismissal of the previous member

~~7. The majority of the membership of this corporation shall constitute a quorum for the transaction of business. A member shall be deemed present at a meeting if, upon the taking of the roll, they appear in person or participate in the meeting telephonically or other electronic means approved by the membership. A quorum may be established by any combination of members present, in person, or participating telephonically or by other electronic means. (Ord 14-12; Add 04-11-14)~~

21.0202: BOARD OF ADJUSTMENT

[\(back to Chapter contents\)](#)

1. **Establishment and Procedure.** The Board of Adjustment is hereby established, which shall consist of the entire membership ~~alternates~~ of the ~~Plan-Commission~~Planning Commission whose appointment as such Board of Adjustment is provided for under SDCL §11-4-13, and all acts amendatory thereto. The Mayor, subject to the approval of the City Council, ~~shall~~may appoint two (2) alternates to the Board of Adjustment. If a member of the Board of Adjustment is unable to attend a meeting, the first alternate, or the second alternate, in turn, shall serve in the members place. ~~The alternates shall be appointed for a term of (3) years and shall follow all other terms of 21.0201 3.~~

a. Proceedings of the Board of Adjustment. The Board of Adjustment shall ~~adopt and follow~~adopt the rules necessary to the conduct of its affairs and in keeping with the provisions of Title 21 of the Revised Ordinances of the City of Watertown and other City Zoning ordinances, hereinafter "this ordinance.", ~~and with State Statutes.~~ Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or the chairman's designee, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The ~~Board of Adjustment~~Administrative Official shall keep minutes of ~~the Board's~~ proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and shall be immediately filed in ~~the office of the at City Hall, Finance Officer.~~ (Ord 17-37 Rev 11-10-17)

b. Meeting Attendance. At least two-thirds (2/3) of the Board members shall constitute a quorum for the transaction of business. A member shall be deemed present at a meeting if, upon the taking of the roll, they appear in person or participate in the meeting telephonically or other electronic means approved by the membership. A quorum may be established by any combination of members present, in person, or participating telephonically or by other electronic means. (Ord 14-12; Add 04-11-14)

c. Hearings; Appeals; Notice. Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved by any non-ministerial, non-preliminary decision of the ~~Building Official~~Administrative Official. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days, by filing with the ~~Building Official~~Administrative Official ~~and with the Board of Adjustment~~Administrative Official a notice of appeal specifying the grounds thereof. The ~~Administrative Official~~Building Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The ~~Board of Adjustment~~Administrative Official shall fix a reasonable time for the hearing of appeal, give public notice in the official newspaper ~~and~~ not less than ten (10) days prior to such hearing, and provide written notice to the parties in interest by certified mail whose receipts must be filed with the Board at least five (5) days prior to such hearing, and decide the appeal within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. The parties in interest must also be notified by first class mail sent at least five days before the Board of Adjustment meeting for the Board to be authorized to consider an appeal continued from a prior Board meeting. The foregoing requirement only applies when the Board of Adjustment does not announce, upon continuing an appeal, a date certain to which the appeal is continued. (Ord 16-12; Rev 09-09-16) (Ord 17-37 Rev 11-10-17)

d. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless

the ~~Administrative Official~~~~Building Official~~ from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with ~~them~~him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the ~~Building Official~~~~Administrative Official~~ from whom the appeal is taken and on due cause shown. (98-6)

2. Powers and Duties.

- a. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the ~~Administrative Official~~ ~~Building Official~~ in the enforcement of this ordinance.
- b. **Conditional Uses:** Conditions Governing Applications; Procedures. To hear and decide only such conditional uses as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this ordinance, or to deny conditional uses when not in harmony with the purpose and intent of this ordinance. A conditional use shall not be granted by the Board of Adjustment unless and until:
 - (1) A written application for a conditional use is submitted indicating the section of this ordinance under which the conditional use is sought and stating the grounds on which it is requested.
 - (2) Public notice shall be given stating the time, date, and place when and where such hearing shall be held, and a notice that all interested persons may appear and be heard. Such notice shall be by legal publication in the official newspaper no less than ten (10) days in advance of public hearing. (Ord 16-12; Rev 09-09-16)
 - (3) Notice of the applicant's request shall also be given to all land owners adjacent to or within 250' (including the width of public right of way; whichever provides greater notice) from the legal lot of record requesting a conditional use by first-class mail ~~of the applicant's request~~. The notice shall give the details of the applicant's request and the date, place, and time of the Board of Adjustment meeting that will rule on the application. Notice shall be sent at least five (5) days before the time of the hearing. The applicant shall reimburse the City for the cost of providing such notice. Provided by the City, a sign must be posted by the applicant on the property requesting a conditional use at least five (5) days before the time of hearing. (Ord 16-12; Rev 09-09-16) (Ord 20-24; Rev 08-28-20)
 - (4) Before the Board of Adjustment may consider any previously tabled application for conditional use or any application for conditional use otherwise continued from a prior Board meeting, notice shall be provided to the adjacent land owners by first class mail sent at least five (5) days prior to the meeting on the tabled or continued application. The foregoing requirement only applies when the Board of Adjustment does not announce, upon a motion to table or otherwise continue an application for conditional use, a date certain to which the matter is continued or on which the matter will be taken off the table. The applicant shall reimburse the City for the cost of providing such notice. (Ord 16-12; Rev 09-09-16)
 - (5) The public hearing shall be held. Any party may appear in person, or by agent or attorney.
 - (6) The Board of Adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant the conditional use, and that the granting of the conditional use will not adversely affect the public interest.
 - (7) Before any conditional use shall be issued, the Board shall verify through the Administrative Official ~~make written findings to~~ certifying compliance with the specific rules governing individual conditional uses and ~~the~~ satisfactory provision and arrangement has been made concerning the following, where applicable:
 - (a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - (b) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district.
 - (c) Refuse and service areas, with particular reference to the items in (a) and (b) above,
 - (d) Utilities, with reference to locations, availability and compatibility.
 - (e) Screening and buffering with reference to type, dimensions and character.
 - (f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic affect, and compatibility and harmony with properties in the district.
 - (g) Required yards and other open space.

- (h) General compatibility with adjacent properties and other property in the district.
- (8) Vote Required. Approval of a conditional use request requires the affirmative majority vote of the members of the approving authority who are present and voting.
- ~~(h)(9)~~ Any appeal of a decision granting or denying a conditional use permit shall be brought under a petition, duly verified, for a writ of certiorari directed to the approving authority and, notwithstanding any provision of law to the contrary, shall be determined under a writ of certiorari standard regardless of the form of the approving authority. The court shall give deference to the decision of the approving authority in interpreting the authority's ordinances.
- ~~(8)(10)~~ In any case where the holder of a conditional use permit issued under City zoning ordinance has not instituted the use or begun construction, as applicable, within one year of the date of approval, the permit shall be null and void. Similarly, any such conditional use, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated. (Ord 17-37 Add 11- 10-17)
- c. **Variances:** Conditions Governing Applications; Procedures. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.
 - (1) Standards for Variances. In granting a variance, the board shall ascertain that the following criteria are met:
 - (a) Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography or siting), fully described in the finding of the Board, do not apply generally in the district.
 - (b) Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
 - (c) For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this title would deprive the applicant of any reasonable use of their land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land;
 - (d) Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land;
 - (e) The granting of any variance is in harmony with the general purposes and intent of this title and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
 - (2) Requirements for the Granting of a Variance. Before the board shall have the authority to grant a variance, the person seeking the variance has the burden of showing:
 - (a) That the granting of the building permit will not be contrary to the public interest;
 - (b) That the literal enforcement of this title will result in unnecessary hardship;
 - (c) That by granting the building permit contrary to the provisions of this title the spirit of this title will be observed;
 - (d) That by granting the permit, substantial justice will be done.
 - (3) All applicants for a variance will submit a written request which shall demonstrate:
 - (a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - (b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - (c) That the special conditions and circumstances do not result from the actions of the applicant.
 - (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.

No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
 - (4) Notice of public hearing shall be given as in Section 21.0202(2)(b)(2). (Ord 04-04; Rev 03-26-04)
 - (5) Notice of the applicant's request shall also be given to all land owners adjacent to or within 250' (including the width of public right-of-way; whichever provides greater notice) from the legal lot of record requesting a variance by first-class mail of the applicant's request. The notice shall give the details of the applicant's request and the date, place, and time of the Board of Adjustment meeting

that will rule on the application. Notice shall be sent at least five (5) days before the time of the hearing. The applicant shall reimburse the City for the cost of providing such notice. (Ord 16-12; Rev 09-09-16) (Ord 20-24; Rev 08-28-20)

- (6) Before the Board of Adjustment may consider any previously tabled application for variance or any application for variance otherwise continued from a prior Board meeting, notice shall be provided to the adjacent land owners by first class mail sent at least five (5) days prior to the meeting on the tabled or continued application. The foregoing requirement only applies when the Board of Adjustment does not announce, upon a motion to table or otherwise continue an application for variance, a date certain to which the matter is continued or on which the matter will be taken off the table. The applicant shall reimburse the City for the cost of providing such notice. (Ord 16-12; Rev 09-09-16)
- (7) The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
- (8) The Board of Adjustment shall make findings that the requirements of Section 21.0202(2)(c)(1) and (2), above have been met by the applicant for a variance. (Ord 04-04; Rev 03-26-04)
- (9) Vote required. The concurring vote of at least two-thirds of the members of the board of adjustment is necessary to reverse any order, requirement, decision, or determination of the administrative officer, or to effect any variation in an ordinance.
- (10) A variance granted by the Board of Adjustment shall expire one (1) year from the date upon which it becomes effective if no construction authorized by the variance has commenced. Upon written request to the Board of Adjustment and prior to the variance expiration date, a one (1) year time extension for the variance may be granted by the Board of Adjustment. (Ord 17-37; Rev 11-10-17)
- (11) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 21.9901 of this ordinance. (Clerical Edit per § 22.0106, 02-07-17)

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

- d. Board has Powers of ~~Building Official~~Administrative Official on Appeals; Reversing Decision of ~~Administrative Official~~Building Official. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the ~~Building Official~~Administrative Official from whom the appeal is taken.
- e. ~~The concurring vote of at least two-thirds (2/3) of the members of the Board shall be necessary to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in the application of this ordinance, or to reverse any order, requirement, decision or determination of the Building Official. Notwithstanding the foregoing, conditional uses shall be determined by an affirmative vote of at least two-thirds (2/3) of the present and voting members of the Board. (Ord 06-29; Rev 02-08-07) (Ord 20-38; Rev 1-1-21)~~
- f.c. When granting a conditional use or variance, the Board of Adjustment may, as part of its official action, set an amount, not to exceed twenty five dollars (\$25) per day, to be charged in the event that the terms of the conditional use or variance are violated or the project not completed in the time set by the Board of Adjustment. (E-546-1)

21.0203: APPLICATION FOR REHEARING UPON DENIAL

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In denying a Conditional Use or Variance, the Board of Adjustment may, as part of its official decision, establish a time period, not to exceed five (5) years, during which no applicant may submit a similar request for Conditional Use or Variance at the same location. The decision on whether a request made during the time period established by the Board of Adjustment is similar to one previously submitted shall be made, in writing, by the ~~Building Official~~Administrative Official whose decision shall be final with no right or appeal therefrom.

21.0204: APPEALS FROM THE BOARD OF ADJUSTMENT

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Any person or persons of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of South Dakota.

21.0205: ADMINISTRATION AND ENFORCEMENT

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1. The ~~City Manager is the Chief Administrative Official for the City. Under their direction, the Public Works Director appoints a Community Development manager to administer the planning, zoning, and building regulatory functions of the City, to include this ordinance. The Building Official shall be appointed by the City ManagerPublic Works Director and Community Development Manager. , or the City's Manager's designee, and a Deputy Building Official may be appointed to have all the powers of the Building Official.~~ The Building Official shall act as the Building and Plumbing Inspector and shall be under the jurisdiction of the ~~City Manager, or the City Manager's designeePublic Works Director and Community Development Manager,~~ and shall coordinate ~~his-their~~ work with the ~~offices of the City Engineering Division, Fire Inspector Department and SanitarianWastewater Division.~~ (Ord 21-14; Rev 6-11-21)
2. Record. A record ~~book database~~ shall be kept in which the Building Official shall keep a record of all building permits issued. (Ord 04-04; Rev 03-26-04)
3. Duties. The ~~Community Development ManagerBuilding Official~~ shall administer and enforce the provisions of this ordinance. ~~Together with the Building Official, The-their~~ powers and duties ~~of the Building Official~~ shall be as follows:
 - a. Issue all building permits and make and maintain records thereof.
 - b. Conduct inspections of buildings, structures and the use of land to determine compliance with this ordinance.
 - c. Require that all construction or work of any type be stopped when such work is not in compliance with this ordinance.
 - d. Revoke any permit which was unlawfully issued or any permit wherein defective work has been performed, and when such work has not been corrected within ninety (90) days of notification.
 - e. Maintain permanent and current records of this regulation, including, but not limited to, all maps, amendments, variances, appeals and applications.
 - f. Provide public information relative to all matters arising out of this ordinance.
 - g. Forward to the ~~Plan CommissionPlanning Commission~~ all applications for amendments to this ordinance.
 - h. Forward to the Board of Adjustment, applications for appeals, variances or other matters on which the Board of Adjustment is required to pass under this ordinance.

Commented [BH1]: FIX

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 24-19 was published in the Watertown Public Opinion, the official newspaper of said City, on the ____ day of _____, 2024.

Kristen Bobzien, Chief Financial Officer

First Reading: September 16, 2024
Second Reading: October 7, 2024
Published: October 12, 2024
Effective: November 1, 2024

City of Watertown

Attest:

TITLE 21

Reid Holien
Mayor

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Kristen Bobzien
Chief Financial Officer

ORDINANCE NO. 24-19

AN ORDINANCE AMENDING CHAPTER 21.02 ADMINISTRATION AND ENFORCEMENT OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN

BE IT ORDAINED by the City of Watertown, South Dakota, that Chapter 21.02 Administration and Enforcement of the Revised Ordinances of the City of Watertown be amended as follows:

Chapter 21.02 ADMINISTRATION AND ENFORCEMENT

Section

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[21.0201 Planning](#)

[Commission](#)

[21.0202 Board of Adjustment](#)

[21.0203 Application for Rehearing upon Denial](#)

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[21.0205 Administration and Enforcement](#)

[21.0206 Building Permits Required](#)

[21.0207 Application Required](#)

[21.0208 Schedule of Fees, Charges and Expenses](#)

[21.0209 Amendments](#)

[21.0210 Repealed](#)

21.0201: PLANNING COMMISSION

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1. **City Planning Commission Created.** There is hereby created a Planning Commission for the City of Watertown, South Dakota, and for land within three (3) miles of its corporate limits.
2. **Membership of the Planning Commission.** The Planning Commission shall consist of seven (7) members appointed by the Mayor subject to the approval of the City Council. . It is recommended that each ward of the City is represented on the Planning Commission, but in no instance shall there be more than three (3) Planning Commission members from a single City ward. At least six (6) members of this Plan Commission shall be resident electors of the City; one (1) member may reside not more than three (3) miles outside city limits. Planning Commission members shall be qualified by knowledge or experience to act in matters pertaining to the development and administration of the city plan who shall not hold any elective office in the municipal government.
3. **Terms of Members.** The term of each member of the Planning Commission shall be for three (3) years, except that when such Planning Commission is first appointed two (2) members shall be appointed to serve a term of one (1) year, three (3) members shall be appointed to serve a term of two (2) years, and two (2) members for three (3) years.
Thereafter appointment of each member shall be for three (3) years so that there will be an overlapping of tenures. (Ord 01-14; Rev 10-20-01) The Mayor shall appoint or reappoint Planning Commission members at the first City Council meeting of December each year for those members whose terms have expired. A member shall not serve for more than three consecutive terms. After appointments are made and approved by City Council, the new or reappointed Planning Commission members' terms are effective at the first scheduled Planning Commission meeting in January. Those members whose terms are ending will serve through the last meeting in December.
4. **Compensation.** All members of the Planning Commission shall serve as such without compensation.
5. **Onboarding.** An Orientation Session will be performed for all new and returning Planning Commission

members. This session will generally introduce the City's planning framework, the commission's mission, structure, key responsibilities, relevant laws and regulations, and the commission's role in the decision making process. This administrative function of commission member onboarding will be conducted by the City Manager or their designee(s) to generally coordinate with the time of any board member appointment or reappointment.

6. **Organizations, Rules, Staff and Finances.** Such Planning Commission shall elect its chairman and vice chair from among its members for a term of one year with eligibility for reelection not to exceed three consecutive years. The election shall take place at the first meeting of January each year.
7. **Meeting Attendance.** Commission member shall be deemed present at a meeting if, upon the taking of the roll, they appear in person or participate in the meeting telephonically or by other electronic means approved by the City Council.
 - a. A quorum may be established by any combination of members present, in person or participating telephonically or by other electronic means. All votes taken during a meeting with a member participating electronically shall be taken by roll call. Commission members will exercise their best efforts to ensure a physical quorum at all Planning Commission meetings.
 - b. Attendance Requirement. Members of the Commission are expected to attend all scheduled meetings. A member who misses more than three consecutive regular meetings, or fails to attend at least 75% of all meetings within a calendar year, may be subject to review and potential dismissal from the commission.
 - c. Absences. Absences may occur for a number of valid reasons such as; illness, family emergency, or work-related obligations. The member is responsible to inform the chair or appropriate city staff prior to the meeting if they are unable to attend, preferably at least forty-eight (48) hours in advance to help ensure a quorum of the commission. These absences will count against the member's attendance requirement.
 - d. Dismissal Procedure. If a member fails to meet the attendance requirement:
 1. The Mayor and chair of the Planning Commission shall review the member's attendance record.
 2. The Mayor and chair may recommend dismissal to the City Council at any time prior to the expiration of the member's term
 3. The member shall receive notification at least two (2) weeks before the dismissal is heard by the City Council and have the opportunity to address the City Council.
 4. The City Council shall make the final decision regarding the dismissal of the member, taking into account the reasons for absences.

The Mayor will appoint a new member to fill the vacancy with the appointment occurring at the next City Council meeting following the dismissal of the previous member

21.0202: BOARD OF ADJUSTMENT

[\(back to Chapter contents\)](#)

1. **Establishment and Procedure.** The Board of Adjustment is hereby established, which shall consist of the entire membership of the Planning Commission whose appointment as such Board of Adjustment is provided for under SDCL §11-4-13, and all acts amendatory thereto. The Mayor, subject to the approval of the City Council, may appoint two (2) alternates to the Board of Adjustment. If a member of the Board of Adjustment is unable to attend a meeting, the first alternate, or the second alternate, in turn, shall serve in the members place. The alternates shall be appointed for a term of (3) years and shall follow all other terms of 21.0201 3.
 - a. Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt and follow the rules necessary to the conduct of its affairs and in keeping with the provisions of Title 21 of the Revised Ordinances of the City of Watertown and other City Zoning ordinances, hereinafter "this ordinance", and with State Statutes. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or the chairman's designee, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Administrative Official shall keep minutes of the Board's proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and shall be

immediately filed in at City Hall.. (Ord 17-37 Rev 11-10-17)

- b. Meeting Attendance. At least two-thirds (2/3) of the Board members shall constitute a quorum for the transaction of business. A member shall be deemed present at a meeting if, upon the taking of the roll, they appear in person or participate in the meeting telephonically or other electronic means approved by the membership. A quorum may be established by any combination of members present, in person, or participating telephonically or by other electronic means. (Ord 14-12; Add 04-11-14)
- c. Hearings; Appeals; Notice. Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved by any non-ministerial, non-preliminary decision of the Administrative Official. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days, by filing with the Administrative Official a notice of appeal specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Administrative Official shall fix a reasonable time for the hearing of appeal, give public notice in the official newspaper not less than ten (10) days prior to such hearing, and provide written notice to the parties in interest by certified mail whose receipts must be filed with the Board at least five (5) days prior to such hearing, and decide the appeal within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. The parties in interest must also be notified by first class mail sent at least five days before the Board of Adjustment meeting for the Board to be authorized to consider an appeal continued from a prior Board meeting. The foregoing requirement only applies when the Board of Adjustment does not announce, upon continuing an appeal, a date certain to which the appeal is continued. (Ord 16-12; Rev 09-09-16) (Ord 17-37 Rev 11-10-17)

- d. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with them, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Administrative Official from whom the appeal is taken and on due cause shown. (98-6)

2. Powers and Duties.

- a. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrative Official in the enforcement of this ordinance.
- b. **Conditional Uses:** Conditions Governing Applications; Procedures. To hear and decide only such conditional uses as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether conditional uses should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this ordinance, or to deny conditional uses when not in harmony with the purpose and intent of this ordinance. A conditional use shall not be granted by the Board of Adjustment unless and until:
 - (1) A written application for a conditional use is submitted indicating the section of this ordinance under which the conditional use is sought and stating the grounds on which it is requested.
 - (2) Public notice shall be given stating the time, date, and place when and where such hearing shall be held, and a notice that all interested persons may appear and be heard. Such notice shall be by legal publication in the official newspaper no less than ten (10) days in advance of public hearing. (Ord 16-12; Rev 09-09-16)
 - (3) Notice of the applicant's request shall also be given to all land owners adjacent to or within 250' (including the width of public right of way; whichever provides greater notice) from the legal lot of record requesting a conditional use by first-class mail. The notice shall give the details of the applicant's request and the date, place, and time of the Board of Adjustment meeting that will rule on the application. Notice shall be sent at least five (5) days before the time of the hearing. The applicant shall reimburse the City for the cost of providing such notice. Provided by the City, a sign must be posted by the applicant on the property requesting a conditional use at least five (5) days before the time of hearing. (Ord 16-12; Rev 09-09-16) (Ord 20-24; Rev 08-28-20)
 - (4) Before the Board of Adjustment may consider any previously tabled application for conditional use or any application for conditional use otherwise continued from a prior Board meeting, notice shall be provided to the adjacent land owners by first class mail sent at least five (5) days prior to the meeting on the tabled or continued application. The foregoing requirement only applies when the Board of Adjustment does not announce, upon a motion to table or otherwise continue an application for conditional use, a date certain to which the matter is continued or on which the matter will be

taken off the table. The applicant shall reimburse the City for the cost of providing such notice. (Ord 16-12; Rev 09-09-16)

- (5) The public hearing shall be held. Any party may appear in person, or by agent or attorney.
 - (6) The Board of Adjustment shall make a finding that it is empowered under the section of this ordinance described in the application to grant the conditional use, and that the granting of the conditional use will not adversely affect the public interest.
 - (7) Before any conditional use shall be issued, the Board shall verify through the Administrative Official to certify compliance with the specific rules governing individual conditional uses and the satisfactory provision and arrangement has been made concerning the following, where applicable:
 - (a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - (b) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the conditional use on adjoining properties and properties generally in the district.
 - (c) Refuse and service areas, with particular reference to the items in (a) and (b) above,
 - (d) Utilities, with reference to locations, availability and compatibility.
 - (e) Screening and buffering with reference to type, dimensions and character.
 - (f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic affect, and compatibility and harmony with properties in the district.
 - (g) Required yards and other open space.
 - (h) General compatibility with adjacent properties and other property in the district.
 - (8) Vote Required. Approval of a conditional use request requires the affirmative majority vote of the members of the approving authority who are present and voting.
 - (9) Any appeal of a decision granting or denying a conditional use permit shall be brought under a petition, duly verified, for a writ of certiorari directed to the approving authority and, notwithstanding any provision of law to the contrary, shall be determined under a writ of certiorari standard regardless of the form of the approving authority. The court shall give deference to the decision of the approving authority in interpreting the authority's ordinances.
 - (10) In any case where the holder of a conditional use permit issued under City zoning ordinance has not instituted the use or begun construction, as applicable, within one year of the date of approval, the permit shall be null and void. Similarly, any such conditional use, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated. (Ord 17-37 Add 11-10-17)
- c. **Variances:** Conditions Governing Applications; Procedures. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.
- (1) Standards for Variances. In granting a variance, the board shall ascertain that the following criteria are met:
 - (a) Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography or siting), fully described in the finding of the Board, do not apply generally in the district.
 - (b) Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
 - (c) For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this title would deprive the applicant of any reasonable use of their land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land;
 - (d) Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land;
 - (e) The granting of any variance is in harmony with the general purposes and intent of this title and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
 - (2) Requirements for the Granting of a Variance. Before the board shall have the authority to grant a variance, the person seeking the variance has the burden of showing:
 - (a) That the granting of the building permit will not be contrary to the public interest;
 - (b) That the literal enforcement of this title will result in unnecessary hardship;
 - (c) That by granting the building permit contrary to the provisions of this title the spirit of this title

will be observed;

(d) That by granting the permit, substantial justice will be done.

(3) All applicants for a variance will submit a written request which shall demonstrate:

(a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

(b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

(c) That the special conditions and circumstances do not result from the actions of the applicant.

(d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.

No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

(4) Notice of public hearing shall be given as in Section 21.0202(2)(b)(2). (Ord 04-04; Rev 03-26-04)

(5) Notice of the applicant's request shall also be given to all land owners adjacent to or within 250' (including the width of public right-of-way; whichever provides greater notice) from the legal lot of record requesting a variance by first-class mail. The notice shall give the details of the applicant's request and the date, place, and time of the Board of Adjustment meeting that will rule on the application. Notice shall be sent at least five (5) days before the time of the hearing. The applicant shall reimburse the City for the cost of providing such notice. (Ord 16-12; Rev 09-09-16) (Ord 20-24; Rev 08-28-20)

(6) Before the Board of Adjustment may consider any previously tabled application for variance or any application for variance otherwise continued from a prior Board meeting, notice shall be provided to the adjacent land owners by first class mail sent at least five (5) days prior to the meeting on the tabled or continued application. The foregoing requirement only applies when the Board of Adjustment does not announce, upon a motion to table or otherwise continue an application for variance, a date certain to which the matter is continued or on which the matter will be taken off the table. The applicant shall reimburse the City for the cost of providing such notice. (Ord 16-12; Rev 09-09-16)

(7) The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

(8) The Board of Adjustment shall make findings that the requirements of Section 21.0202(2)(c)(1) and (2), above have been met by the applicant for a variance. (Ord 04-04; Rev 03-26-04)

(9) Vote required. The concurring vote of at least two-thirds of the members of the board of adjustment is necessary to reverse any order, requirement, decision, or determination of the administrative officer, or to effect any variation in an ordinance.

(10) A variance granted by the Board of Adjustment shall expire one (1) year from the date upon which it becomes effective if no construction authorized by the variance has commenced. Upon written request to the Board of Adjustment and prior to the variance expiration date, a one (1) year time extension for the variance may be granted by the Board of Adjustment. (Ord 17-37; Rev 11-10-17)

(11) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 21.9901 of this ordinance. (Clerical Edit per § 22.0106, 02-07-17)

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

d. Board has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Administrative Official from whom the appeal is taken.

e. When granting a conditional use or variance, the Board of Adjustment may, as part of its official action, set an amount, not to exceed twenty five dollars (\$25) per day, to be charged in the event that the terms of the conditional use or variance are violated or the project not completed in the time set by the Board

of Adjustment. (E-546-1)

21.0203: APPLICATION FOR REHEARING UPON DENIAL

[\(back to Chapter contents\)](#)

In denying a Conditional Use or Variance, the Board of Adjustment may, as part of its official decision, establish a time period, not to exceed five (5) years, during which no applicant may submit a similar request for Conditional Use or Variance at the same location. The decision on whether a request made during the time period established by the Board of Adjustment is similar to one previously submitted shall be made, in writing, by the Administrative Official whose decision shall be final with no right or appeal therefrom.

21.0204: APPEALS FROM THE BOARD OF ADJUSTMENT

[\(back to Chapter contents\)](#)

Any person or persons of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of South Dakota.

21.0205: ADMINISTRATION AND ENFORCEMENT

[\(back to Chapter contents\)](#)

1. The City Manager is the Chief Administrative Official for the City. Under their direction, the Public Works Director appoints a Community Development manager to administer the planning, zoning, and building regulatory functions of the City, to include this ordinance. The Building Official shall be appointed by the Community Development Manager. The Building Official shall act as the Building and Plumbing Inspector and shall be under the jurisdiction of the Public Works Director and Community Development Manager, and shall coordinate their work with the Engineering Division, Fire Department and Wastewater Division. (Ord 21-14; Rev 6-11-21)
2. Record. A record database shall be kept in which the Building Official shall keep a record of all building permits issued. (Ord 04-04; Rev 03-26-04)
3. Duties. The Community Development Manager shall administer and enforce the provisions of this ordinance. Together with the Building Official, their powers and duties shall be as follows:
 - a. Issue all building permits and make and maintain records thereof.
 - b. Conduct inspections of buildings, structures and the use of land to determine compliance with this ordinance.
 - c. Require that all construction or work of any type be stopped when such work is not in compliance with this ordinance.
 - d. Revoke any permit which was unlawfully issued or any permit wherein defective work has been performed, and when such work has not been corrected within ninety (90) days of notification.
 - e. Maintain permanent and current records of this regulation, including, but not limited to, all maps, amendments, variances, appeals and applications.
 - f. Provide public information relative to all matters arising out of this ordinance.
 - g. Forward to the Planning Commission all applications for amendments to this ordinance.
 - h. Forward to the Board of Adjustment, applications for appeals, variances or other matters on which the Board of Adjustment is required to pass under this ordinance.

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 24-19 was published in the Watertown Public Opinion, the official newspaper of said City, on the ____ day of _____, 2024.

Kristen Bobzien, Chief Financial Officer

First Reading: September 16, 2024

Second Reading: October 7, 2024

Published: October 12, 2024
Effective: November 1, 2024

City of Watertown

Attest:

Kristen Bobzien
Chief Financial Officer

Reid Holien
Mayor



City Council

Agenda Item

Subject: Second Reading of Ordinance No. 24-15 a Zoning Text Amendments to Section 21.1003 Non-Residential Height & Placement Regulations and Section 21.1004 Non-Residential Height & Placement Regulations for Accessory Structures of Chapter 21.10 Summary of District Regulations of the Revised Ordinances of the City of Watertown

Meeting: City Council - Oct 07 2024

From: Amanda Mack, City Manager

BACKGROUND INFORMATION:

This ordinance amendment is brought forward by staff as part of the recodification process to bring forward chapters and sections of ordinance individually for Plan Commission and City Council for review and action.

The ordinance amendments brought forward for Chapter 21.10 includes Non-Residential Height & Placement Regulations for primary and accessory structures. Major amendments include the following:

- Reduction in side and rear yard setbacks in the C-2 Local Commercial District, C-3 Highway Commercial District, and I-1 Light Industrial District for primary structures

	Current	Proposed	Current	Proposed
District	Side Yard Setback	Side Yard Setback	Rear Yard Setback	Rear Yard Setback
C-2	30'	10'	30'	15'
C-3	30'	10'	30'	15'
I-1	20'	15'	30'	15'
- Reduction in all setbacks for accessory structures in the C-1 Community Commercial District to align with the 0' setbacks for primary structures
 - Front, side, and rear setbacks are currently all 30'
- Aligning front yard setbacks for accessory structures in the C-2 and C-3 Districts with primary structures
 - C-2: 30' to 40'
 - C-3: 35' to 40'
- Reducing the side yard setback for accessory structures for the C-3 District and I-1 District to align with the proposed reduction of the side yard setback with primary structures in the C-3 District and I-1 District
 - C-3: 20' to 10'
 - I-1 25' to 10'
- Reduce the side and rear yard setbacks for accessory structures in the I-2 Heavy Industrial District

Agenda Item 11.(d) Second Reading of Ordinance No. 24-15 a Zoning Text A...

- Side yard from 50' to 20'
- Rear yard from 50' to 20'
- Add setbacks for accessory structures in the BP Business Park District to align with the setbacks of primary structures in the district.
- Add clarification for decks adjacent to Lake Kampeska and Lake Pelican
- Add clarification to determining setbacks for lots with double frontage

The proposed setback amendments are justified by consistent variance requests since 2021 brought forth to the Board of Adjustment included for reference below:

- 6/10/2021 Variance granted for 10' side yard setback (20' required) and 25' front yard setback (40' required) for Tidal Wave at 2600 9th Avenue SE in the C-3 District
- 8/19/2021 Variance granted for 10' side yard setback (20' required) for Agwrx at 800 10th Street SW in the C-3 District
- 10/7/2021 Variance granted for 10' side yard setbacks (20' required) for Gary Markman at 603 1st Avenue NW in the I-1 District
- 9/8/2022 Variance granted for 2' side yard setback (25' required) for an accessory structure for Hometown Properties, LLC at 620 10th Street SW in the I-1 District
- 10/7/2023 Variance granted for a 25' front yard setback (40' required) for the Watertown Municipal Airport at 121 Airport Drive in the I-1 District
- 1/4/2024 Variance granted for 10' rear yard setbacks (30' required) for Soucy Properties LLC at 1015 16th St SW in the I-1 District
- 2/22/2024 Variance granted for 10' side yard setback (30' required) and 10' rear yard setbacks for Josh Soucy at 7th Street NE in the C-2 District
- 3/21/2024 Variance granted for 25' front yard setback (40' required) for Josh Soucy at 7th Street NE in the C-2 District
- 4/18/2024 Variance granted for a 5' side yard setback (20' required) for Dave Thompson at 411 1st Avenue in the I-1 District
- 7/2/2024 Variance granted for a 0' side (30' required) and rear yard (30' required) setbacks for Kris and Adam Bernier at 12 S Broadway in the C-1 District
- 7/18/2024 Variance granted for a 15' side yard setback (20' required) for Justin & Lehla Pietz at 1311 5th Avenue SE in the C-3 District
- 8/22/2024 Variance granted for a 19.5' (20' required) for Crockers, LLC at 517 10th Street SW in the C-3 District

Staff feels reducing the rear and side yard setbacks is conducive to development and allowing individuals to utilize their properties greater and reduce side and rear yard outdoor storage accumulation, uphold building code requirements for structure separation, and still accommodate for drainage in side yards.

The Plan Commission recommended approval to City Council at the September 5, 2024, meeting (6-0).

FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director

Lisa Carrico, City Attorney

Brandi Hanten, Community Development Manager

Carla Heuer, Planner

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of the proposed ordinance amendment through the following motion:

I move to approve Ordinance No. 24-15 a Zoning Text Amendments to Section 21.1003 Non-Residential Height & Placement Regulations and Section 21.1004 Non-Residential Height & Placement Regulations for Accessory Structures of Chapter 21.10 Summary of District Regulations of the Revised Ordinances of the City of Watertown

ATTACHMENT(S):

[Ordinance No. 24-15 Illustration](#)

[Ordinance No. 24-15](#)

ILLUSTRATION FOR COUNCIL REFERENCE ONLY

ORDINANCE NO. 24-15

AN ORDINANCE AMENDING SECTION 21.1003 NON-RESIDENTIAL HEIGHT & PLACEMENT AND SECTION 21.1004 NON-RESIDENTIAL HEIGHT & PLACEMENT REGULATIONS FOR ACCESSORY STRUCTURES OF CHAPTER 21.10 SUMMARY OF DISTRICT REGULATIONS OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN

BE IT ORDAINED by the City of Watertown, South Dakota, that Chapter 21.10 Summary of District Regulations of the Revised Ordinances of the City of Watertown be amended as follows:

21.1003: NON-RESIDENTIAL HEIGHT AND PLACEMENT REGULATIONS ([back to Chapter contents](#))

1. General Requirements. Except as otherwise specifically provided in this ordinance, no development, use or structure shall exceed the limits specified below.

	Minimum Density (SF/d.u.) ^a	Minimum Lot Area (SF)	Minimum Required Lot Width	Minimum Required Front Yard	Minimum Required Side Yard ^c	Minimum Required Rear Yard	Maximum Mean Height ^b
A-1 Districts	35 Acres	NA	400'	30'	25'	40'	35'
C-1 Districts	NA	625	25'	0' NA	0' or 30' (adj to R)	0' NA	60'
C-2 Districts	NA	10,000	100'	40'	1030'	153'	60'
C-3 Districts	NA	20,000	100'	40'	1020'	153'	60'
C-L Districts	NA	10,000	100'	30'	30'	30'	35'
C-L Districts (structures greater than 35' in height)	NA	10,000	150'	30'	35'	30'	60'
I-1 Districts	NA	30,000	100'	40'	1520'	153' 0'	60'
I-2 Districts	NA	220,000	300'	75'	50'	50'	60'
BP Districts	20 Acres	3 Acres	NA	50'	20'	20'	60'

^a d.u. - dwelling unit

^b Except where in conflict with aviation restrictions, the following structures or parts thereof are exempt from the height limitations set forth in the zoning districts: barn, silo, chimney, smokestack, spire, flagpole, ventilator, derrick, conveyor, cooling tower, and necessary mechanical appurtenances to the permitted or conditional uses of the districts in which they are located, provided that they are not used for human occupancy.

^{bc} Buildings or structures wired, plumbed, provided with mechanical equipment, vents, connectors, chimneys, or other similar appurtenances are exempt from side yard setback requirements so that the equipment does not encroach further than four feet into the required

side yard setback.

2. Non-Residential Supplemental Provisions

a. Corner lots shall have two (2) required front yards, zero (0) required rear yard, and two (2) required side yards. The yard with access to parking situated on a lot shall always be considered a front yard and meet the minimum front yard setback requirement of the district. Any secondary front yard without access shall meet the side yard setback.

a.

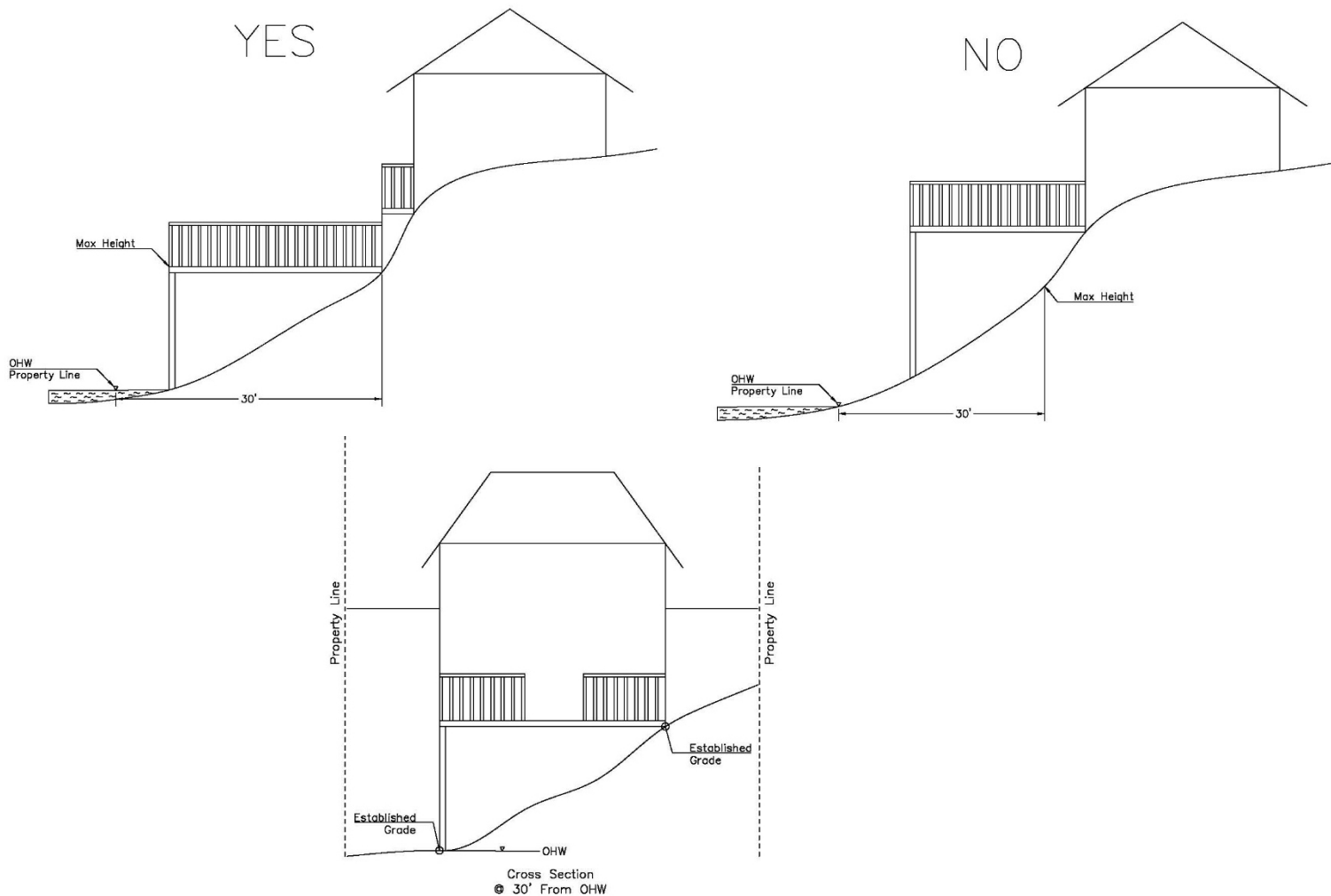
b. For parcels that have more than two required front yards, the remaining required yards shall be side yards.

c. The front setback as required above may be modified, at the discretion of the Building Official, where the frontage on the same side of the street is improved with buildings that have observed a lesser depth of front yard than required above. No building or portion thereof shall project beyond a straight line drawn between the point closest to the lake or street line of the building upon either side of the proposed structure within the same block; or, if there are buildings upon only one side, the proposed structure shall observe not less than the same front yard depth as the closest building on that side.

d. Where a zero lot line development is being proposed in a new subdivision the minimum lot width may be reduced to sixty (60) feet.

e.

f. Decks shall observe the same setbacks as primary structures, see Table 21.1003. Decks adjacent to Lake Kameska or Lake Pelican may observe a zero foot front yard setback in which decking floor shall not extend above the established grade at the 30' front yard setback boundary except to allow for guardrails limited to the necessary installation pursuant to the International Code. See Illustration below: Source: (E-545-1) (Ord 06-31; Rev 1-25-07) (Ord 16-13; Rev 10-14-16) (Ord 18-02; Rev 04-27-18) (Ord 20-10; Rev 5-1-2020)



21.1004: NON-RESIDENTIAL HEIGHT & PLACEMENT REGULATIONS FOR ACCESSORY STRUCTURES

[\(back to Chapter contents\)](#)

1. General Requirements. Except as otherwise specifically provided in the ordinance, accessory uses shall meet the standards specified below.

	Maximum Height	Minimum Setbacks		
		Front	Side	Rear
A-1 Districts	40'	30'	10 25	20 4
C-1 Districts	30'	0 30'	0 30'	0 30'
C-2 Districts	30'	40 30'	10'	10'
C-3 Districts	30'	40 35'	10 20	10'
C-L Districts	30'	30'	10'	10'a
I-1 Districts	40'	40'	25 10	10 25'
I-2 Districts	40'	75'	50 20	20 50'
<u>BP Districts</u>	<u>20'</u>	<u>50'</u>	<u>20'</u>	<u>20'</u>

- a. For properties with lake frontage, the rear yard setback shall be thirty feet (30').

2. General Provisions for Non-Residential Accessory Uses

- a. All conditional uses. If a permit to construct an accessory structure is requested; and such structure will be accessory to a primary structure or use previously granted a conditional use; the permit may only be issued as a conditional use by the Board of Adjustment.
- b. Only specifically authorized accessory uses are allowed. No accessory use shall be permitted in any district unless such use is specifically authorized by this ordinance. No accessory use shall be deemed to be authorized by this ordinance unless such use is in fact subordinate to and on the same zoning lot with the principal use in conjunction with which it is maintained.
- c. Location of accessory uses, building and structures. No accessory use, building or structure permitted by this ordinance may be located in a required front yard except by Conditional Use permit. No accessory building and no structure, equipment or material of any kind may be located in a required primary structure side yard, unless such accessory observes a lesser setback.
- d. Structures shall not be located in or over any easement.

3. Non-Residential Accessory Use Provisions

Any accessory use customarily incidental to the principal permitted use or conditional use shall be permitted, except those uses specifically prohibited in the district.

Source: (Ord 04-04; Rev 03-26-04) (Ord 08-11; Rev 07-11-08) (Ord 20-10; Rev 5-1-2020)

ORDINANCE NO. 24-15

AN ORDINANCE AMENDING SECTION 21.1003 NON-RESIDENTIAL HEIGHT & PLACEMENT AND SECTION 21.1004 NON-RESIDENTIAL HEIGHT & PLACEMENT REGULATIONS FOR ACCESSORY STRUCTURES OF CHAPTER 21.10 SUMMARY OF DISTRICT REGULATIONS OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN

BE IT ORDAINED by the City of Watertown, South Dakota, that Chapter 21.10 Summary of District Regulations of the Revised Ordinances of the City of Watertown be amended as follows:

21.1003: NON-RESIDENTIAL HEIGHT AND PLACEMENT REGULATIONS [\(back to Chapter contents\)](#)

- 1. General Requirements.** Except as otherwise specifically provided in this ordinance, no development, use or structure shall exceed the limits specified below.

	Minimum Density (SF/d.u.) ^a	Minimum Lot Area (SF)	Minimum Required Lot Width	Minimum Required Front Yard	Minimum Required Side Yard ^c	Minimum Required Rear Yard	Maximum Mean Height ^b
A-1 Districts	35 Acres	NA	400'	30'	25'	40'	35'
C-1 Districts	NA	625	25'	0'	0' or 30' (adj to R)	0'	60'
C-2 Districts	NA	10,000	100'	40'	10'	15'	60'
C-3 Districts	NA	20,000	100'	40'	10'	15'	60'
C-L Districts	NA	10,000	100'	30'	30'	30'	35'
C-L Districts (structures greater than 35' in height)	NA	10,000	150'	30'	35'	30'	60'
I-1 Districts	NA	30,000	100'	40'	15'	15'	60'
I-2 Districts	NA	220,000	300'	75'	50'	50'	60'
BP Districts	20 Acres	3 Acres	NA	50'	20'	20'	60'

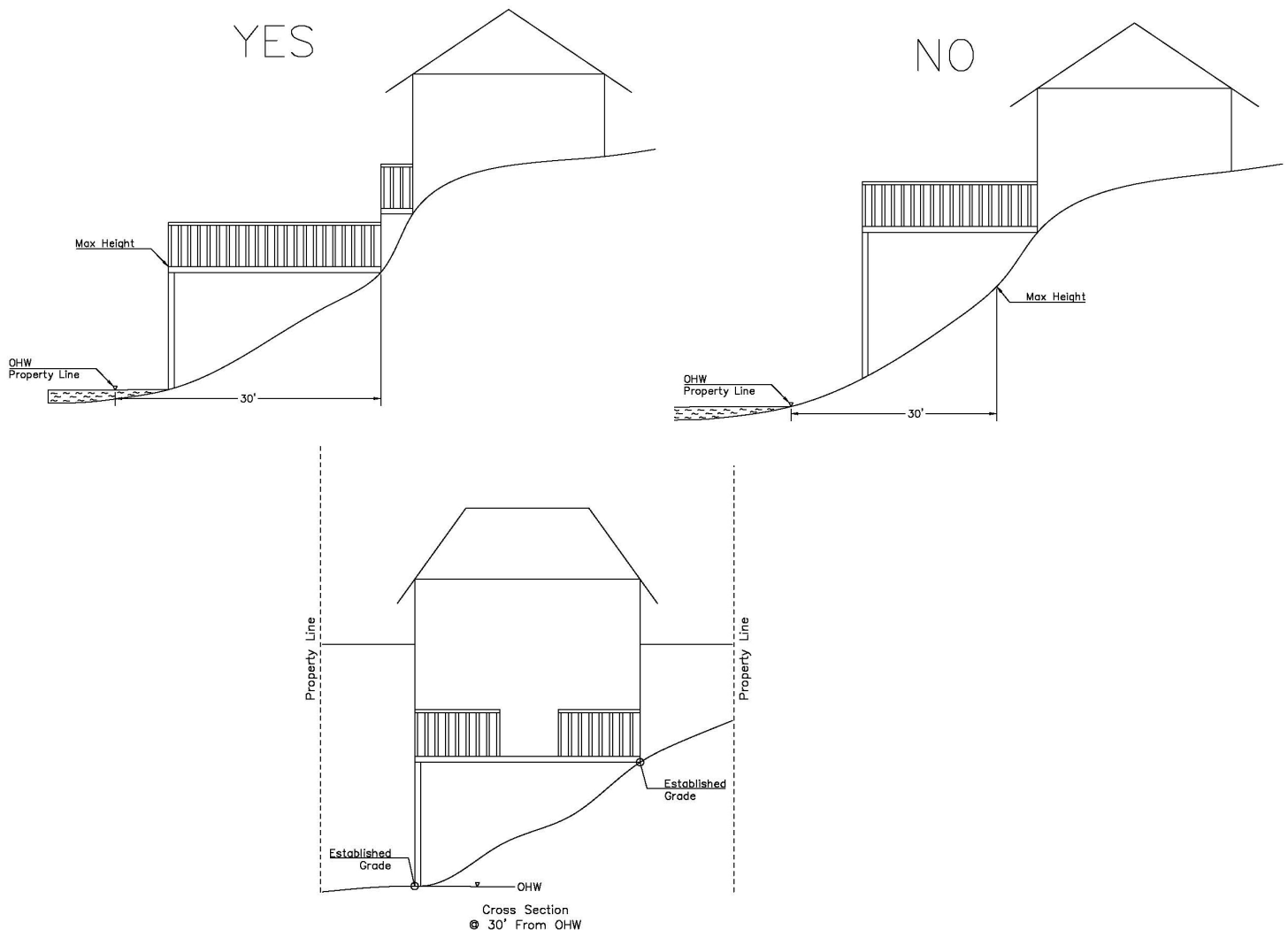
^a d.u. - dwelling unit

^b Except where in conflict with aviation restrictions, the following structures or parts thereof are exempt from the height limitations set forth in the zoning districts: barn, silo, chimney, smokestack, spire, flagpole, ventilator, derrick, conveyor, cooling tower, and necessary mechanical appurtenances to the permitted or conditional uses of the districts in which they are located, provided that they are not used for human occupancy.

^c Buildings or structures wired, plumbed, provided with mechanical equipment, vents, connectors, chimneys, or other similar appurtenances are exempt from side yard setback requirements so that the equipment does not encroach further than four feet into the required side yard setback.

2. Non-Residential Supplemental Provisions

- a. Corner lots shall have two (2) required front yards, zero (0) required rear yard, and two (2) required side yards. The yard with access to parking situated on a lot shall always be considered a front yard and meet the minimum front yard setback requirement of the district. Any secondary front yard without access shall meet the side yard setback.
- b. For parcels that have more than two required front yards, the remaining required yards shall be side yards.
- c. The front setback as required above may be modified, at the discretion of the Building Official, where the frontage on the same side of the street is improved with buildings that have observed a lesser depth of front yard than required above. No building or portion thereof shall project beyond a straight line drawn between the point closest to the lake or street line of the building upon either side of the proposed structure within the same block; or, if there are buildings upon only one side, the proposed structure shall observe not less than the same front yard depth as the closest building on that side.
- d. Where a zero lot line development is being proposed in a new subdivision the minimum lot width may be reduced to sixty (60) feet.
- e. Decks shall observe the same setbacks as primary structures, see Table 21.1003. Decks adjacent to Lake Kampeska or Lake Pelican may observe a zero foot front yard setback in which decking floor shall not extend above the established grade at the 30' front yard setback boundary except to allow for guardrails limited to the necessary installation pursuant to the International Code. See Illustration below: **Source:** (E-545-1) (Ord 06-31; Rev 1-25-07) (Ord 16-13; Rev 10-14-16) (Ord 18-02; Rev 04-27-18) (Ord 20-10; Rev 5-1-2020)



21.1004: NON-RESIDENTIAL HEIGHT & PLACEMENT REGULATIONS FOR ACCESSORY STRUCTURES

[\(back to Chapter contents\)](#)

1. General Requirements. Except as otherwise specifically provided in the ordinance, accessory uses shall meet the standards specified below.

	Maximum Height	Minimum Setbacks		
		Front	Side	Rear
A-1 Districts	40'	30'	10'	20'
C-1 Districts	30'	0'	0'	0'
C-2 Districts	30'	40''	10'	10'
C-3 Districts	30'	40'	10'	10'
C-L Districts	30'	30'	10'	10'a
I-1 Districts	40'	40'	10' 00	10'
I-2 Districts	40'	75'	20 52	20'
BP Districts	20'	50'	20'	20'

- a. For properties with lake frontage, the rear yard setback shall be thirty feet (30').

2. General Provisions for Non-Residential Accessory Uses

- a. All conditional uses. If a permit to construct an accessory structure is requested; and such structure will be accessory to a primary structure or use previously granted a conditional use; the permit may only be issued as a conditional use by the Board of Adjustment.
- b. Only specifically authorized accessory uses are allowed. No accessory use shall be permitted in any district unless such use is specifically authorized by this ordinance. No accessory use shall be deemed to be authorized by this ordinance unless such use is in fact subordinate to and on the same zoning lot with the principal use in conjunction with which it is maintained.
- c. Location of accessory uses, building and structures. No accessory use, building or structure permitted by this ordinance may be located in a required front yard except by Conditional Use permit. No accessory building and no structure, equipment or material of any kind may be located in a required primary structure side yard, unless such accessory observes a lesser setback.
- d. Structures shall not be located in or over any easement.

3. Non-Residential Accessory Use Provision

- a. Any accessory use customarily incidental to the principal permitted use or conditional use shall be permitted, except those uses specifically prohibited in the district

Source: (Ord 04-04; Rev 03-26-04) (Ord 08-11; Rev 07-11-08) (Ord 20-10; Rev 5-1-2020)

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 24-15 was published in the Watertown Public Opinion, the official newspaper of said City, on the ____ day of _____, 2024.

Kristen Bobzien, Chief Financial Officer

First Reading: September 16, 2024

Second Reading: October 7, 2024
Published: October 12, 2024
Effective: November 1, 2024

City of Watertown

Attest:

Kristen Bobzien
Chief Financial Officer

Reid Holien
Mayor



City Council

Agenda Item

Subject: Second Reading of Ordinance No. 24-16, Zoning Text Amendments to Ordinance Amending Chapter 21.23 Residential Garage District of the Revised Ordinances of the City of Watertown.

Meeting: City Council - Oct 07 2024

From: Amanda Mack, City Manager

BACKGROUND INFORMATION:

The ordinance amendment is for the R-G Residential Garage District to eliminate the requirement of adjacent landowners within a certain proximity to sign off on the petition as that is not standard practice for rezoning property in the planning profession or any other zoning district within the City of Watertown. It is not appropriate to have neighbors controlling what others are doing with their property and creates potential conflict within neighborhoods which the city aims to avoid. Adjacent property owners within 250' of the property proposing to rezone will still receive notice of the public hearing of the rezone petition at least five days in advance of the meeting and public hearing. As with other zoning districts, the hearing is the public's opportunity to voice their support or opposition of a proposal to the board in a neutral setting without creating uncomfortable situations within a neighborhood.

Staff is also proposing to increase the distance, from 20' to 40' in length, required for the sidewall articulation requirement to apply. The aesthetic requirements are already restrictive to uphold the residential integrity of the RG District. The main factor is that a typical unattached garage in other residential districts does not have the requirement and are allowed to be the same size or larger than those in the RG District and do not have the requirement of creating aesthetic additions to the structures. Primary structures in an R-1 Single Family Residential District which is the most restrictive does not have sidewall articulation requirements unless a development has implemented covenants with higher standards they may include such requirement.

The Plan Commission recommended approval to City Council at the September 5, 2024, meeting (5-0).

FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director
Brandi Hanten, Community Development Manager
Carla Heuer, Planner

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of the proposed ordinance amendment through the following motion:

I move to approve Ordinance No. 24-16, Zoning Text Amendments to Ordinance Amending Chapter 21.23 Residential Garage District of the Revised Ordinances of the City of Watertown

ATTACHMENT(S):

[Ordinance No. 24-16 Illustration](#)

[Ordinance No. 24-16](#)

ILLUSTRATION FOR COUNCIL REFERENCE ONLY

ORDINANCE NO. 24-16

AN ORDINANCE AMENDING CHAPTER 21.23 R-G RESIDENTIAL GARAGE DISTRICT OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN

BE IT ORDAINED by the City of Watertown, South Dakota, that Chapter 21.23 Residential Garage District of the Revised Ordinances of the City of Watertown be amended as follows:

Chapter 21.23 R-G RESIDENTIAL GARAGE DISTRICT

Section

[\(back to Title contents\)](#)

21.2301	Purpose
21.2302	Permitted Use(s)
21.2303	Requirements
21.2304	Prohibited Uses
21.2205	Area and Bulk Requirements

21.2301: PURPOSE

[\(back to Chapter contents\)](#)

It is the purpose of the Watertown City Council and Watertown Plan Commission to establish a district which allows for the construction of a residential garage on a lot that does not contain a residential dwelling unit, and therefore; becomes the primary structure.

21.2302: PERMITTED USE(S)

[\(back to Chapter contents\)](#)

1. Garage for residential storage use.

21.2303: REQUIREMENTS

[\(back to Chapter contents\)](#)

1. Area

- a. Must be located adjacent to a residential district.
- b. No area shall be eligible unless it contains at least one (1) acre and a minimum of three hundred (300) feet of improved street frontage.
- ~~c. Before a Petition for Rezone can be heard the following requirements must be met:
 - i. The written consent of a majority of all property owners (fifty-five percent (55%)) owning property immediately adjacent to the proposed zone.
 - ii. The written consent of a majority (fifty-five percent (55%)) of all property owners within two-hundred and fifty (250) feet of the proposed zone.
 - iii. If an applicant cannot acquire all signatures required they may appeal to the Plan Commission. (Ord 17-12; Rev 05-12-17)~~

2. Structure

- a. Garages shall be in accordance with [Section 21.1001 Residential Height & Placement Regulations](#) unless otherwise specified below.
- b. Only one (1) garage will be allowed per lot.
- c. Maximum impervious surface (including structure) shall be fifty percent (50%) of the lot area.
- d. Building construction and materials shall meet the requirements of a primary residential structure and shall be approved by the Building Official.
- e. A garage's maximum side wall height shall not exceed sixteen (16) feet.

- f. A sidewall of a building that exceeds twelve (12) feet in height and ~~twenty-four~~ (40) feet in length requires sidewall articulation in the form of a structural projection of at least ~~two-one~~ (12) feet-foot in depth and six (6) feet in length, and must extend from grade to the eave, figure referenced in Section 21.2306. ~~The eave must be at least two (2) feet.~~
- g. Connection to sanitary sewer is allowed.
- h. Must have a paved driveway.
- i. Maximum size shall not exceed two thousand one hundred and eighty (2,180) square feet or thirty percent (30%) of lot area, whichever is greater. (Ord 13-13; Added 6-28-13)
- j. Maximum pitch height shall not exceed thirty (30) feet.
- k. Where any structure has twelve (12) foot sidewalls, the required side yard shall be a minimum of nine (9) feet. Side yards shall increase by one-half (1/2) foot for every one (1) foot in additional height. (Ord 17-12; Rev 05-12-17)

Outside Storage

- l. Outside storage may be permitted, if acceptable screening is provided and approved by the Building Official.
- m. Outside storage is not allowed in front of the building.

3. Sidewalk/Recreational Trail

- a. A Waiver-of-Right-to-Protest may be required.

21.2304: PROHIBITED USES

[\(back to Chapter contents\)](#)

- 1. Non-residential uses.
- 2. Home Occupations.
- 3. Residential dwelling uses (living quarters).
- 4. Harboring of animals.
- 5. Sheds.

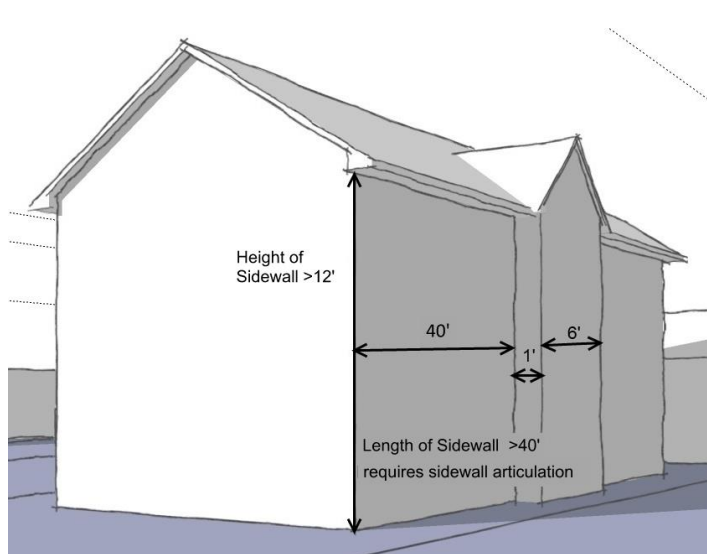
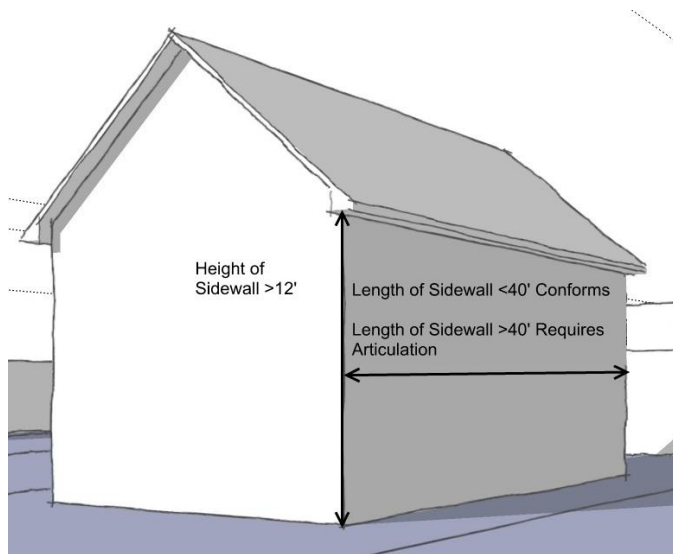
21.2305: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

See [21.10, "Summary of District Regulations,"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and [21.6301, "Off-Street Parking."](#) (Ord 04-04; Rev 03-26-04) (Ord 13-09; Added 5-10-13)

Figure 21.2306(24): SIDEWALL ARTICULATION FIGURE

Sidewall articulation is required for buildings that exceed twelve (12) feet in height and twenty (20) feet in length. Articulation shall be in the form of a structural projection of at least two (2) foot in depth and six (6) feet in length, and must extend from grade to eave. (Ord 17-12 ; Add 05-12-17)



The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 24-16 was published in the Watertown Public Opinion, the official newspaper of said City, on the ____ day of _____, 2024.

Kristen Bobzien, Chief Financial Officer

First Reading: September 3, 2024
Second Reading: September 16, 2024
Published: September 21, 2024
Effective: October 11, 2024

City of Watertown

Attest:

Kristen Bobzien
Chief Financial Officer

Reid Holien
Mayor

ORDINANCE NO. 24-16

AN ORDINANCE AMENDING CHAPTER 21.23 R-G RESIDENTIAL GARAGE DISTRICT OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN

BE IT ORDAINED by the City of Watertown, South Dakota, that Chapter 21.23 Residential Garage District of the Revised Ordinances of the City of Watertown be amended as follows:

Chapter 21.23 R-G RESIDENTIAL GARAGE DISTRICT

Section

[\(back to Title contents\)](#)

21.2301	Purpose
21.2302	Permitted Use(s)
21.2303	Requirements
21.2304	Prohibited Uses
21.2205	Area and Bulk Requirements

21.2301: PURPOSE

[\(back to Chapter contents\)](#)

It is the purpose of the Watertown City Council and Watertown Plan Commission to establish a district which allows for the construction of a residential garage on a lot that does not contain a residential dwelling unit, and therefore; becomes the primary structure.

21.2302: PERMITTED USE(S)

[\(back to Chapter contents\)](#)

1. Garage for residential storage use.

21.2303: REQUIREMENTS

[\(back to Chapter contents\)](#)

1. Area

- a. Must be located adjacent to a residential district.
- b. No area shall be eligible unless it contains at least one (1) acre and a minimum of three hundred (300) feet of improved street frontage.

2. Structure

- a. Garages shall be in accordance with [Section 21.1001 Residential Height & Placement Regulations](#) unless otherwise specified below.
- b. Only one (1) garage will be allowed per lot.
- c. Maximum impervious surface (including structure) shall be fifty percent (50%) of the lot area.
- d. Building construction and materials shall meet the requirements of a primary residential structure and shall be approved by the Building Official.
- e. A garage's maximum side wall height shall not exceed sixteen (16) feet.
- f. A sidewall of a building that exceeds twelve (12) feet in height and forty (40) feet in length requires [sidewall articulation](#) in the form of a structural projection of at least one (1) foot in depth and six (6) feet in length, and must extend from grade to the eave, figure referenced in Section 21.2306.
- g. Connection to sanitary sewer is allowed.
- h. Must have a paved driveway.
- i. Maximum size shall not exceed two thousand one hundred and eighty (2,180) square feet or thirty percent (30%) of lot area, whichever is greater. (Ord 13-13; Added 6-28-13)
- j. Maximum pitch height shall not exceed thirty (30) feet.
- k. Where any structure has twelve (12) foot sidewalls, the required side yard shall be a minimum of nine (9) feet. Side yards shall increase by one-half (1/2) foot for every one (1) foot in additional height. (Ord 17-12; Rev 05-12-17)

Outside Storage

- l. Outside storage may be permitted, if acceptable screening is provided and approved by the Building Official.
- m. Outside storage is not allowed in front of the building.

3. Sidewalk/Recreational Trail

- a. A Waiver-of-Right-to-Protest may be required.

21.2304: PROHIBITED USES

[\(back to Chapter contents\)](#)

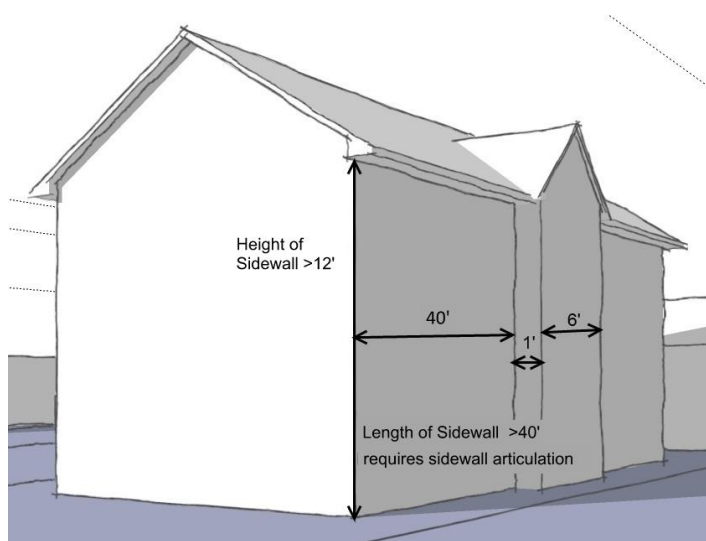
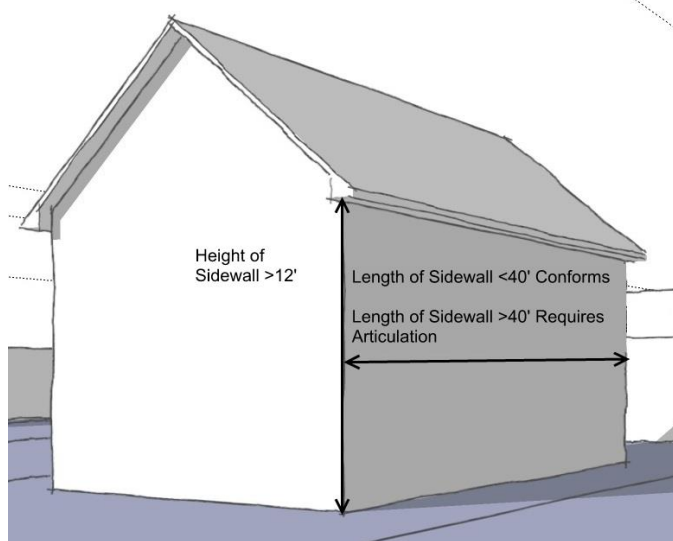
1. Non-residential uses.
2. Home Occupations.
3. Residential dwelling uses (living quarters).
4. Harboring of animals.
5. Sheds.

21.2305: AREA AND BULK REQUIREMENTS

[\(back to Chapter contents\)](#)

See [21.10, "Summary of District Regulations,"](#) limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum lot requirements; and [21.6301, "Off-Street Parking."](#) (Ord 04-04; Rev 03-26-04) (Ord 13-09; Added 5-10-13)

21.2306: SIDEWALL ARTICULATION FIGURE



The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 24-16 was published in the Watertown Public Opinion, the official newspaper of said City, on the ____ day of _____, 2024.

Kristen Bobzien, Chief Financial Officer

First Reading: September 16, 2024

Second Reading: October 7, 2024

Published: October 12, 2024

Effective: November 1, 2024

City of Watertown

Attest:

Kristen Bobzien
Chief Financial Officer

Reid Holien
Mayor



City Council

Agenda Item

Subject: Second Reading of Ordinance No. 24-21, Amending the Zoning Map of the City of Watertown, SD, for the property legally described as Lot 5 Block 5 North Lake Drive Addition from R-1 Single Family Residential District to R-G Residential Garage District.

Meeting: City Council - Oct 07 2024

From: Amanda Mack, City Manager

BACKGROUND INFORMATION:

The owners, Douglas and Jacqueline Lage, have petitioned to rezone a portion of property in the North Lake Drive Addition from R-1 Single Family Residential District to R-G Residential Garage District. The property abuts two lots to the east that were approved to be rezoned from R-1 to R-G in 2015. When those lots were rezoned the combined total square footage and frontage did not meet the required 1 acre and 300 feet of improved frontage required by ordinance. Rezoning the proposed lot will bring the three lots into compliance with the ordinances.

Before a Petition for Rezone can be heard the following requirements must be met:

- i. The written consent of a majority of all property owners (fifty-five percent (55%)) owning property immediately adjacent to the proposed zone.
- ii. The written consent of a majority (fifty-five percent (55%)) of all property owners within two hundred and fifty (250) feet of the proposed zone.
- iii. If an applicant cannot acquire all signatures required they may appeal to the Plan Commission. (Ord 17-12; Rev 05-12-17)

The applicants received 2/5 or 40% of the immediately adjacent landowner signatures being unable to meet the requirement of obtaining written consent of 55% of the immediately adjacent property owners. The applicants received 7/13 or 54% of the property owners within 250' of the property, just short of the ordinance requirement to obtain written consent (55%) of a majority of all property owners within 250' of the proposed rezone. Per ordinance, the applicants are able to appeal this requirement to the Plan Commission. When the lots to the east were rezoned to R-G in 2015, the applicants were also unable to obtain the required majority and appealed at that time, as well. The R-G zone is the only zoning district that requires consent from neighboring property owners. At the September 5, 2024, Plan Commission meeting staff is proposing to eliminate the requirement for neighborhood consent for the R-G zoning district in order to create consistency between the petition process amongst all zoning districts and eliminate possible conflict between neighbors.

If the rezone is approved, the property owners will obtain access from North Lake Drive since the previous resolution prohibiting access from the lots of North Lake Drive Addition from accessing that right-of-way has been amended by City Council to allow it. This will take place at the time of building permit issuance for the residential garage. If the property owners were to obtain access through

Pheasant Lane, which is not desirable in the opinion the staff, it would need to be improved from the county road of 168th Street to their property which is approximately 700 linear feet to meet Engineering Design Standards for a urban local street standard that had curb & gutter and was paved at the time of building permit issuance.

The Plan Commission recommended approval to City Council at the September 5, 2024, meeting (5-0).

Facts:

1. Adjacent Property Zoning Designation:
 - a. North→ County
 - b. East→ R-G Residential Garage
 - c. South → R-1 Single Family Residential District
 - d. West→ R-1 Single Family Residential District
2. Rezone will extend to the centerline of the adjacent right-of-ways
3. Driveway access to the right-of way will be granted off of North Lake Drive
4. No floodplain in area

FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director

Brandi Hanten, Community Development Manager

Carla Heuer, Planner

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of the ordinance amendment through the following motion:

I move to approve Ordinance No. 24-21, Amending the Zoning Map of the City of Watertown, SD, for the property legally described as Lot 5 Block 5 North Lake Drive Addition from R-1 Single Family Residential District to R-G Residential Garage District.

ATTACHMENT(S):

[Vicinity Map](#)

[Application](#)

[Petition to Rezone](#)

[Adjacent Landowner Signatures](#)

[Ordinance No. 24-21](#)



Lot 5 Block 5 North Lake Drive - Residential Garage Rezone

0 30 60 Feet
1 inch = 66.772759 feet






Rezoning Application

Applicant

Primary Location

RZ-24-5

 Douglas & Jacqueline Lage
 507-829-0924
 djlage@charter.net

Point Location: 44.9484, -97.2097

Submitted On: Jun 28, 2024

Applicant Information

I the applicant am the...

Property Owner

Applicant Access

Project Information

Existing Legal Description

LOT 5 BLK 5 NORTH LAKE DRIVE ADD

Proposed Legal Description

LOT 5 BLK 5 NORTH LAKE DRIVE ADD

Reason for Rezone

Rezoning a R-1 lot to R-G to create a conforming R-G area and to accomodate building a garage without being required to have a prmarily residential structure.

Size of site being rezoned (Acres)

14882.46

Size of site being rezoned (SF)

648279957.6

Current Zoning Designation

R-1 Single Family Residential District

Proposed Zoning Designation

R-G Residential Garage District

Design Professional Information

Name

N/A

Phone Number

N/A

Email Address

N/A

Mailing Address

N/A

City

N/A

State

N/A

Zip

N/A

Applicant Signature

Applicant Signature

Agenda Item 11.(f) Second Reading of Ordinance No. 24-21, Amending the Z...

I agree that all information provided is true and accurate to the true

best of my knowledge.

STATE OF SOUTH DAKOTA)

:

PETITION TO CHANGE ZONING

COUNTY OF CODINGTON)

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY
OF WATERTOWN, SOUTH DAKOTA:

1. Your Petitioners, *Douglas & Jacqueline Lage* respectfully request that the following described real property in the City of Watertown, Codington County, South Dakota, be re-zoned from its current designation as "R-1 Single Family Attached Residential District" to "R-G Residential Garage District".

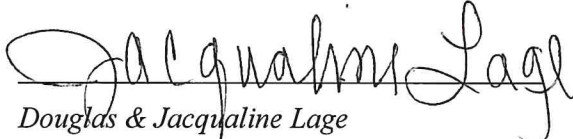
Lot 5 Block 5 North Lake Drive Addition to the Municipality of Watertown located in Codington County, South Dakota

2. Petitioners are the owners of record of the above-described real property.
3. Rezoning a R-1 Single Family Attached Residential District lot to R-G Residential Garage District to create a conforming R-G Residential Garage area and to accommodate building a garage without being required to have a primarily residential structure.
4. The following Exhibits are attached hereto and are by reference incorporated as part of this Petition:

Lot 5 Block 5 North Lake Drive – Residential Garage Rezone

WHEREFORE, PETITIONERS REQUEST that the City Council of Watertown, South Dakota adopt an ordinance re-zoning the above-referenced real property from its current designation as "R-1 Single Family Attached Residential District" to "R-G Residential Garage District".

Dated this 28 day of June, 2024.


Douglas & Jacqueline Lage

Please reference the attached map as a guide for adjacent property owners:

We Douglas & Jaqualine C Lage, currently own Lot 5 Block 5 North Lake Drive Addition. These lots are currently zoned "R-1 Single Family Residential" and are petitioning to have them rezoned to "R-G Residential Garage District."

1. I, Douglas or Jaqualine Lage, as an immediately adjacent landowner at 512 Pheasant Lane and within 250' of the property at our residence at 510 NLD, have no objection to the rezoning of the above said property.

Signature: ALREADY RECEIVED Date: _____

2. I, Gary or Karen Liebl, as an immediately adjacent landowner at 518 Pheasant Lane and within 250' of the property at our residence at 518 NLD, have no objection to the rezoning of the above said property.

Signature: Refused Date: _____

3. I, Gregory or Joan Gibson, as an immediately adjacent landowner at 514 NLD and within 250' of the property, have no objection to the rezoning of the above said property.

Signature: No contact Date: _____

4. I, Todd or LeAnn Swenson, as an immediately adjacent landowner at 516 NLD and within 250' of the property, have no objection to the rezoning of the above said property.

Signature: Refused Date: _____

5. I, William or Madonna Howard, as an immediately adjacent landowner at 44933 168th St and within 250' of the property, have no objection to the rezoning of the above said property.

Signature: ALREADY RECEIVED Date: _____

*1 more
yellow*

6. I, Acting Agent of HARP LLC, as an adjacent landowner within 250' of the property, have no objection to the rezoning of the above said property.

Signature: ALREADY RECEIVED Date: _____

7. I, Jordan or Brittany Wollschlager, as an adjacent landowner within 250' of the property at our residence at 508 NLD, have no objection to the rezoning of the above said property.

Signature: ALREADY RECEIVED Date: _____

8. I, ^{Emily Berg}~~Ferri Hurkes~~, as an adjacent landowner at 504 NLD within 250' of the property, have no objection to the rezoning of the above said property.

Signature: Emily M. Berg Date: 7-22-24

9. I, Paul I. Hinderaker, as an adjacent landowner at 500 NLD within 250' of the property, have no objection to the rezoning of the above said property.

Signature: Paul Hinderaker Date: 7.22.24

10. I, the acting agent Black Dog Holdings, LLC, as an adjacent landowner at 520 NLD within 250' of the property, have no objection to the rezoning of the above said property. Vanderpahl

Signature: No Contact Date: _____

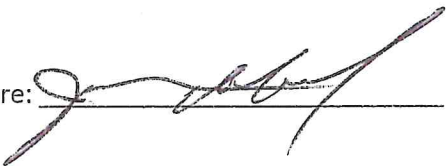
11. I, Acting Agent of Doreen Singrey Revocable Living Trust, as an adjacent landowner within 250' of the property, have no objection to the rezoning of the above said property.

Signature: No contact Date: _____

12. I, the acting agent for John & Kay Johnson Living Trust, as an adjacent landowner at 524 NLD within 250' of the property, have no objection to the rezoning of the above said property.

Signature: No contact Date: _____

13. I, Trudi B Robel, as an adjacent landowner at 5608 38th Avenue NW within 250' of the property, have no objection to the rezoning of the above said property.

Signature:  Date: _____

For the immediately adjacent landowners of the property, there are 5 property owners which would require 3 signatures from adjacent property owners. (Received 2 of 3)

For the adjacent landowners within 250' there are 13 property owners which would require 7 signatures from adjacent property owners as the petitioner owns one property within 250' of the property petitioned to be rezoned to RG. (Received 4 of 7)

2 others

We, Douglas J & Jaqualine C Lage, currently own Lot 5 Block 5 North Lake Drive Addition. This lot is currently zoned "R-1 Single Family Residential" and we are petitioning to have it rezoned to "RG Residential Garage."

I, Doreen L Singrey, as an adjacent landowner, have no objection to the rezoning of Lot 5 Block 5 North Lake Drive Addition.

Signature: _____ Date: _____

We, Gary M or Karen M Liebl, as adjacent landowners, have no objection to the rezoning of Lot 5 Block 5 North Lake Drive Addition.

Signature: _____ Date: _____

We, Gregory J or Joan M Gibson, as adjacent landowners, have no objection to the rezoning of Lot 5 Block 5 North Lake Drive Addition.

Signature: _____ Date: _____

We, Jordan or Brittany Wollschlager, as adjacent landowners, have no objection to the rezoning of Lot 5 Block 5 North Lake Drive Addition. (w/ 2 lots)

Signature:  Date: 7-9-24

We, Todd L or Leann Swenson, as adjacent landowners, have no objection to the rezoning of Lot 5 Block 5 North Lake Drive Addition.

Signature: _____ Date: _____

We, William J or Madonna J Howard, as adjacent landowners, have no objection to the rezoning
of Lot 5 Block 5 North Lake Drive Addition

Signature: 

Date: 7-7-24

We, Douglas J & Jaqualine C Lage, as landowners of two adjacent lots, have no objection to the
rezoning of Lot 5 Block 5 North Lake Drive Addition.

Signature: 

Date: 7-3-24

ORDINANCE NO. 24-21

Petition to Amend Zoning District Boundaries by Rezoning Lot 5 Block 5 North Lake Drive Addition from R-1 Single Family Residential District to R-G Residential Garage District

BE IT ORDAINED by the City of Watertown, upon examination of the *Petition to Change Zoning* by Douglas and Jacqueline Lage, the owners of real property described as:

“Lot 5 Block 5 North Lake Drive Addition to the Municipality of Watertown, in the County of Codington, South Dakota”

and based on the report and recommendation of the City Plan Commission in its Ordinance No. 24-21, that the property be, and is hereby, rezoned from the existing designation of R-1 Single Family Residential District, pursuant to Watertown Revised Ordinance §21.14 to R-G Residential Garage District, pursuant to Watertown Revised Ordinance §21.23.

BE IT FURTHER ORDAINED that the new zoning designation referenced above be extended and applied to the centerline of the adjacent public right-of-ways.

BE IT FURTHER ORDAINED that the zoning map of the City of Watertown be so amended.

The above and foregoing Ordinance was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon voice vote motion carried, whereupon the Mayor declared the Ordinance duly passed and adopted.

I certify that Ordinance No. 24-21 was published in the Watertown Public Opinion, the official newspaper of said City, on this ____ day of _____, 2024.

Kristen Bobzien, Chief Financial Officer

First Reading: Monday, September 16, 2024

Second Reading: Monday, October 7, 2024

Published: Saturday, October 11, 2024

Effective: Friday, November 1, 2024

City of Watertown

Attest:

Kristen Bobzien
Chief Financial Officer

Ried Holien
Mayor