

# City of Watertown

Proposed City Council Agenda  
City Hall, 23 2ND ST NE  
Watertown, South Dakota  
September 16, 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 3rd, 2024. <a href="#"><u>City Council - Sep 03 2024 - Minutes</u></a>	4 - 9
(b)	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. <a href="#"><u>Write off of noncollectable ambulance bills</u></a>	10 - 11
(c)	Approval of a Pyrotechnics or Open Flame Permit Application for Fireworks show display by Lew's Fireworks at Watertown Stadium on September 19th, 2024. <a href="#"><u>Fireworks Permit</u></a>	12 - 13
(d)	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. <a href="#"><u>Special Event Retail License</u></a>	14 - 18
(e)	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. <a href="#"><u>Certificate of Completion - Valley View First Addition</u></a>	19 - 23
(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.	24 - 27

[Special Check to U.S. Corp of Engineers](#)

**8. PRESENTATIONS & REPORTS**

**9. CONTRACTS & CHANGE ORDERS**

(a) Approval of a Bid Award for the 2024 Miscellaneous Drainage Project, Project No. 2411 to Level Contracting LLC in the amount of \$129,630.60. 28 - 30

[Bid Award for 2024 Miscellaneous Drainage Project 2411](#)

**10. ORDINANCE FIRST READINGS**

(a) First Reading of 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. 31 - 40

[Ordinance No. 24-15](#)

(b) First 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. 41 - 48

[Ordinance No. 24-16](#)

(c) First 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. 49 - 64

[Ordinance No. 24-19](#)

(d) First 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. 65 - 77

[Ordinance No. 24-21](#)

**11. PUBLIC HEARINGS & SECOND READINGS**

(a) 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. 78 - 81

1. Public Hearing
2. Council Action

[River Card Casino](#)

(b) Second Reading of 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. 82 - 91

1. Public Hearing

2. Council Action  
[Ordinance No. 24-14](#)

(c) Second Reading of Ordinance No. 24-20, authorizing the Finance Officer to certify the Property Tax Levy to the Codington County Auditor. 92 - 93  
[Ordinance No. 24-20](#)

**12. OTHER BUSINESS**

(a) Acknowledgement of the Intent of City staff to appeal the preliminary FIRM maps released by FEMA. 94 - 124  
[Intent to Appeal FEMA Maps](#)

**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 3, 2024**

The City Council met in regular session at 5:00 PM in the City Hall Council Chambers, 23 2ND ST NE. Mayor Ried Holien presiding.

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

Motion by Tupper, seconded by Buhler, to go in to Executive Session for the purpose of discussing contractual matters. Motion Carried.

Mayor Holien moved item 13(d): Approval of an Amendment to the Development Agreement with J&J Land Sales LLC for the Lakes of Willow Creek First Addition Development to be the first item under Other Business. Mayor Holien also moved Item 13(f): Reimbursement of Medical Cannabis License Fees Charged Prior to 2024 and Item 13(e): Approval of Development Agreement with Mother of God Monastery for the transition of Little Blessings Daycare to be the first items on the agenda.

Motion by Buhler, seconded by Peters, to approve the agenda as amended. Items approved as part of the consent agenda: minutes of the Council meeting held on August 19th, 2024; Mayor's Appointment of Rena Sherwood to serve as a Board Member on the Watertown Housing Authority; a Business License to Burnn Boiler & Mechanical Inc as a Gasfitting Contractor (\$250) and Jon Conley as a Gasfitter (\$75); a Pyrotechnics or Open Flame Permit Application for Fireworks show display by Lew's Fireworks at Great Plain School on September 26th, 2024; declaration of Surplus Property and authorization to sell at online auction, donate or dispose of as junk; authorization for the City Manager to execute a multi-year contract with Optum Health for the Prairie Lakes Wellness Center; and approval of bills and payroll and authorization to pay. Motion Carried.

**BILLS:**

1889 MEAT CO	SUPPLIES	828.00	LAKE AREA ZOOLOGICAL SOCIETY	REIMB	18,927.70
81 KWIK STOP	SUPPLIES	365.00	LANGUAGE LINE SERVICES, INC.	SERVICE	211.88
A & B BUSINESS SOLUTIONS, INC.	SERVICE	393.94	LATC/CORP ED	SERVICE	5,000.00
ACTIVE HEATING, INC.	SERVICE	1,253.84	LES MILLS US TRADING, INC.	DUES	688.00
ADAM HEINRICH	TRAVEL	120.00	LES SCHWAB TIRE CENTERS	SERVICE	1,344.69
ADVANCE PROFESSIONAL	PARTS	210.59	M & M DISTRUTION, LLC	SUPPLIES	750.00
ADVANCED ENGINEERING & ENVIRON SERVICES	SERVICE	1,740.00	MACK LANDSCAPING	CONSTR	45,128.02
ALEX DEFEA	TRAVEL	134.00	MACKSTEEL WAREHOUSE INC.	SUPPLIES	1,408.01
AMAZON CAPITAL SERVICES	SUPPLIES	2,748.47	MAC'S INC.	SUPPLIES	1,266.09
AMERICAN ENGINEERING TESTING, INC.	SUPPLIES	1,455.75	MAHOWALD LAWN CARE, LLC	SERVICE	220.00
AMERICAN PUBLIC WORKS ASSOCIATION	DUES	2,442.32	MARCO TECHNOLOGIES, LLC	SERVICE	51.43
ANDOR INC.	SERVICE	191.31	MARCUS PLUNKETT	TOURNAMENT	1,885.00
ANGIE LAM	REIMB	150.00	MARSH & MCLENNAN AGENCY LLC	FEES	3,405.00
A-OX WELDING CO, INC.	SUPPLIES	61.18	MATHESON TRI-GAS, INC.	RENT	77.70
ARGUS LEADER MEDIA	ADV	692.19	MATTHEW SCHAEFER	TOURNAMENT	1,637.50
ASSOCIATED SUPPLY COMPANY	SUPPLIES	637.31	MAURICIO FIGUEROA RAMIREZ	TOURNAMENT	573.75
AT&T MOBILITY	SERVICE	1,758.87	MAXMEDIA	ADV	1,499.00
ATY AVIATION, INC.	SERVICE	300.00	MAXWELL FOOD EQUIPMENT	SUPPLIES	42.63
AURORA WORLD	SUPPLIES	713.09	MCKEEVER, INC.	SUPPLIES	4,565.46
AUTO VALUE WATERTOWN	PARTS	839.21	MENARD'S	SUPPLIES	5,651.85
BAKER & TAYLOR	SUPPLIES	3,587.01	MICHAEL BAKKER	TOURNAMENT	3,270.00
BAN-KOE SYSTEMS, INC.	SERVICE	383.03	MICHAEL MACK	TRAVEL	134.00
BATTERIES UNLIMITED, INC.	SUPPLIES	763.43	MICRO MARKETING ASSOCIATE	SUPPLIES	1,141.12
BC AG INC.	SUPPLIES	1,925.00	MICRO-TRAK SYSTEMS, INC.	SUPPLIES	143.87
BEACON ATHLETICS	SUPPLIES	671.00	MID STATES AUDIO, INC.	SERVICE	1,400.00
BELSON OUTDOORS, INC.	SUPPLIES	3,876.00	MIDCONTINENT COMMUNICATIONS	SERVICE	173.39
BIG SIOUX NURSERY, INC.	SUPPLIES	2,664.49	MIDWEST ALARM COMPANY, INC.	SERVICE	143.47
BLACKSTRAP, INC.	SUPPLIES	9,556.25	MIDWEST LABORATORIES INC.	SUPPLIES	216.30

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

BLUEPEAK	SERVICE	7,982.63	MIDWEST TAPE	SUPPLIES	210.16
BURNS GROUP	SERVICE	1,780.00	MIDWEST TURF & IRRIGATION	EQUIPMENT	87,671.60
BOUND TREE MEDICAL LLC	SUPPLIES	3,014.82	MIDWEST VETERINARY SERVICE	SERVICE	4,511.32
BRADY CALKINS	TOURNAMENT	1,420.00	MJ WALSH TRUCKING, INC.	SUPPLIES	4,743.27
BRIAN STEMWEDEL	REIMB	1,536.00	MULLER LAWN CARE & SNOW REMOVAL	SERVICE	1,070.60
BRYN SCHOOLEY	REFUND	125.00	MUNICIPAL UTILITIES	SERVICE	226,088.66
BULLET SPORTSWEAR AND GRAPHICS	SUPPLIES	632.00	MVP VISUALS	SUPPLIES	1,283.00
BUREAU OF ADMINISTRATION	SERVICE	10.16	NAPA CENTRAL	PARTS	566.58
BUTLER MACHINERY CO INC.	SERVICE	11,734.23	NARTEC, INC	SUPPLIES	618.18
C & S PEST CONTROL	SERVICE	95.00	NATIONAL GOLF GRAPHICS, LLC	SUPPLIES	11,367.00
C&R FIRE SUPPRESSION	SERVICE	466.85	NBS CALIBRATIONS	SUPPLIES	794.50
CALAMP WIRELESS NETWORKS CORPORATION	PARTS	240.00	NORTH CENTRAL LABORATORIES	SUPPLIES	764.05
CAMERON MACK	TRAVEL	120.00	NORTH CENTRAL RENTAL AND LEASING	RENT	4,160.00
CAMPSPOT	SERVICE	548.80	NYBERG'S ACE HARDWARE, INC.	SUPPLIES	34.72
CARAHSOFT	SOFTWARE	33,783.31	OFFICE OF FIRE MARSHAL-BOILER INSP	SERVICE	160.00
CARRICO LAW PROF. LLC	SERVICE	11,202.95	OFFICE PEEPS, INC.	SUPPLIES	3,331.13
CARTNEY BEARING CORPORATION	SUPPLIES	203.59	OLD DUTCH FOODS, INC.	SUPPLIES	388.02
CASTLEROCK CONSTRUCTION AND CONCRETE	CONSTR	203,133.20	ONE SOURCE	SERVICE	135.00
CATALYST COMMUNICATIONS NETWORK LLC	SUPPLIES	105.00	O'REILLY AUTO PARTS	PARTS	173.66
CENGAGE LEARNING	SUPPLIES	227.64	OVERDRIVE, INC.	SUPPLIES	2,264.01
CENTER POINT LARGE PRINT	SUPPLIES	144.86	OVERHEAD DOOR CO INC.	SERVICE	403.06
CENTURY BUSINESS PRODUCTS, INC	SERVICE	172.28	PAINTING PLUS LLC	SERVICE	5,089.80
CENTURYLINK	SERVICE	181.22	PATRICIA WILLIAMS	REIMB	2,102.20
CERTIFIED LABORATORIES	SUPPLIES	339.95	PENWORTHY COMPANY	SUPPLIES	1,547.78
CHAD BLOCK	TRAVEL	474.66	PER MAR SECURITY & RESEARCH CORP	REIMB	50.00
CHAD FISCHER	TRAVEL	372.00	PERFORMANCE TOWING	SERVICE	325.00
CINTAS CORPORATION NO. 2	SERVICE	506.61	PERMA-BOUND	SUPPLIES	49.96
CIVIL DESIGN, INC.	CONSR	14,230.00	PETERBILT OF FARGO	SERVICE	13,065.92
COCA COLA BOTTLING COMPANY	SUPPLIES	3,112.25	PETRA	SUPPLIES	454.73
CODINGTON CLARK ELECTRIC COOPERATIVE, INC.	SERVICE	707.35	PICTOMETRY INTERNATIONAL CORP	LICENSE	50,540.00
CODINGTON CO REGISTER OF DEEDS	SERVICE	180.00	PIVOTAL HEALTH SOLUTIONS, INC	CONSTR	805.00
CODINGTON CO SHERIFFS OFFICE	FEES	102.95	PIZZA RANCH	SUPPLIES	5,412.88
CODINGTON CO TREASURER	FEES	60.50	POLICE PETTY CASH FUND	CASH	146.86
COMMERCIAL CLEANING SERVICES INC	SERVICE	12,275.00	POMP'S TIRE SERVICE, INC.	SERVICE	1,369.19
CONNECTING POINT, INC.	SUPPLIES	2,756.14	PORTER DISTRIBUTING CO.	SUPPLIES	2,930.20
CONNECTIONS INC EAP	FEES	677.97	PRAIRIE LAKES HEALTHCARE	SUPPLIES	588.44
CONSOLIDATED READY MIX, INC.	SUPPLIES	492.00	PRINT EM NOW	SUPPLIES	155.00
COUNTY FAIR FOODS	SUPPLIES	355.14	PRO HYDRO-TESTING, LLC	SUPPLIES	2,068.00
CREATIVE CONCEPTS, INC.	SUPPLIES	415.91	PRO LINE, INC.	SUPPLIES	203.10
CRESCENT ELECTRIC SUPPLY, CO.	SUPPLIES	152.92	PRODUCTIVITY PLUS ACCOUNT	SUPPLIES	6,684.26
CUES, INC.	SUPPLIES	213.29	RAMKOTA HOTEL	TRAVEL	114.35
CULLIGAN	SERVICE	495.25	RC FIRST AID	SUPPLIES	114.50
DAKOTA DATA SHRED	SERVICE	167.27	RC TECHNOLOGIES, INC	SERVICE	78.20
DAKOTA PORTABLE TOILETS, INC.	RENT	5,130.00	RDO EQUIPMENT CO.	SERVICE	852.78
DAKOTA PUMP & CONTROL, INC.	SUPPLIES	300.00	REDLINGER BROS INC.	PARTS	51.04
DAKOTA SUPPLY GROUP	SUPPLIES	420.37	RON'S SAW SHOP	PARTS	2,995.29
DAKTRONICS, INC.	SUPPLIES	4,401.00	ROY'S SPORT SHOP INC.	SUPPLIES	1,041.44
DAVE STRICHERZ OR SUE GRIST	REIMB	780.00	RUNNINGS FARM AND FLEET	SUPPLIES	1,778.49
DEHUMIDIFIED AIR SOLUTIONS INC.	SUPPLIES	13,060.28	SAMUEL JEAN	TOURNAMENT	1,290.00
DEMCO, INC.	SUPPLIES	636.52	SANFORD HEALTH OCCUPATIONAL MEDICINE	SERVICE	570.00
DEPENDABLE SANITATION INC.	SERVICE	4,181.66	SANFORD USD MEDICAL CENTER	SERVICE	1,200.00
DIAMOND VOGEL, INC	SUPPLIES	2,072.46	SANITATION PRODUCTS INC.	SERVICE	5,380.44
DIRECT DIGITAL CONTROL INC.	SERVICE	1,062.00	SCHOLASTIC INC.	SUPPLIES	609.57
DON ROWLAND	TRAVEL	389.04	SCHOMP'S MECHANICAL SERVICES	SERVICE	580.61
DUININCK, INC.	CONSTR	814,662.66	SHUMACHER ELEVATOR COMPANY	SERVICE	558.90
EACHEN INC.	SERVICE	148.00	SCOTT ENGINEERING	SERVICE	1,680.00
EASTSIDE EQUIPMENT LLC	PARTS	12.45	SD DEPT OF TRANSPORTATION	CONSTR	1,070.06
EFRAIMSON ELECTRIC, INC.	SERVICE	7,032.61	SD LIBRARY ASSOCIATION	DUES	626.00
EHLERS, INC.	SERVICE	712.50	SD PUBLIC ASSURANCE ALLIANCE	INSURANCE	743,592.23
ELITE DRAIN & SEWER CLEANING LLC	SERVICE	115.00	SDN COMMUNICATIONS	SERVICE	766.99
ELLWEIN BROTHERS, INC.	SUPPLIES	5,326.35	SDSWMA	DUES	550.00
EMS MANAGEMENT & CONSULTANTS, INC	SERVICE	3,260.00	SDWWA	DUES	450.00
EVAN LONG	TOURNAMENT	573.75	SHARP AUTOMOTIVE, INC	SERVICE	297.71
EXHAUST PROS INC.	SERVICE	426.00	SHERWIN WILLIAMS	SUPPLIES	7,579.46
F/S MANUFACTURING	SUPPLIES	31.19	SHRED-IT	SERVICE	322.79
FASTENAL COMPANY	SUPPLIES	80.35	SIGN PRO	SUPPLIES	425.38
FEDERAL EXPRESS CORPORATION	SERVICE	55.24	SIOUX RURAL WATER SYSTEM	SERVICE	77.10
FERGUSON WATERWORKS #2516	SUPPLIES	5,243.04	SIOUX VALLEY COOP	SUPPLIES	60,348.66
FIRE SERVICE TESTING CO.	FEES	1,800.00	SITEONE LANDSCAPE SUPPLY, LLC	SUPPLIES	7,149.90
FIRST NATIONAL BANK OMAHA	SUPPLIES	10,070.75	ST. CLOUD STATE UNIVERSITY LIBRARY	SUPPLIES	25.00
FRANKLIN HUANG	TOURNAMENT	3,270.00	STAN HOUSTON EQUIPMENT INC.	SUPPLIES	1,019.91
G & L DISTRIBUTING, INC.	SUPPLIES	250.00	STAR LAUNDRY & CLEANERS, INC.	SERVICE	957.04
G & R CONTROLS, INC.	SERVICE	310.98	STEIN SIGN	CONSTR	610.00
GAIL SIME	REIMB	100.00	STEIN'S INC.	SUPPLIES	483.24

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

GALL'S INC.	SUPPLIES	60.05	STEVE'S WORLD INC.	SERVICE	215.52
GANNETT MEDIA CORP	SERVICE	1,359.41	STREET GRAPHEX, INC.	SUPPLIES	1,780.91
GARY WECKWERTH	CONSTR	2,500.00	STROMSETH DIRT WORKS LLC	SERVICE	1,068.00
GAST SALES, INC	SUPPLIES	730.40	SUTTON LAWN & SNOW LLC	SERVICE	957.50
GEMPLER'S	SUPPLIES	131.48	SYSTEM VIEW, INC.	SERVICE	2,064.99
GEOTEK ENGINEERING	CONSTR	15,828.20	TAX-EXEMPT LEASING CORP	EQUIP	151,624.57
GLASS PRODUCTS INC.	SERVICE	2,362.08	TECHNICOLOR SCREEN PRINTING, INC.	SUPPLIES	325.50
GOLF GENIUS SOFTWARE, INC	SUBSCR	925.00	TECTA AMERICA CORP	SERVICE	413.27
GOVERNMENT FINANCE OFFICERS ASSOC	DUES	755.00	TEGRA GROUP, INC.	SERVICE	15,977.00
GRAINGER	SUPPLIES	720.73	THE LAMAR COMPANIES	ADV	1,450.00
GRAY CONSTRUCTION	CONSTR	175,366.50	THE ORIGINAL MARKETING GROUP	SERVICE	799.98
GREAT PLAINS FIRE, INC,	SERVICE	2,195.00	THOMSON REUTERS - WEST	DUES	1,526.81
GUARDIAN ALLIANCE TECHNOLOGIES, INC.	SERVICE	204.00	THUNDER ROAD OF WATERTOWN	SERVICE	1,890.00
HARTWIG HEATING	SERVICE	745.00	TIMMONS CONSTRUCTION, INC.	CONSTR	172,142.15
HAWKINS INC.	SUPPLIES	2,261.53	TIRES PLUS, INC.	SERVICE	18.00
HDR ENGINEERING INC.	CONSTR	75,089.95	TOMMY'S LANES	SERVICE	153.75
HELMS & ASSOCIATES	CONSTR	47,907.65	TONY ALBANO, JR	TOURNAMENT	2,255.00
HILLYARD / SIOUX FALLS	SUPPLIES	3,722.70	TRAFFIC CONTROL CORPORATION	SERVICE	30,189.00
HOBBY LOBBY STORES, INC.	SUPPLIES	92.56	TRANSOURCE TRUCK & EQUIP, INC.	SERVICE	3,364.48
HSI EMERGENCY CARE SOLUTIONS, INC	SUPPLIES	15.24	TRANSUNION RISK AND ALTERNATIVE	SERVICE	75.00
HUFF CONSTRUCTION, INC	CONSTR	223,649.63	TRAV'S OUTFITTER, INC.	SUPPLIES	737.36
HY VEE FOOD STORE	SUPPLIES	811.84	TREE FARM	SUPPLIES	31,800.00
ID CARD GROUP	SUPPLIES	424.95	TRITECH SOFTWARE SYSTEMS	SUBSCRIP	4,087.04
INFORMA PRINCETON LLC	SERVICE	4,800.00	TROJAN TECHNOLOGIES	SUPPLIES	3,584.80
INT'L ACADEMIES OF EMERGENCY DISPATCH	DUES	46.50	TSP, INC.	CONSTR	5,333.87
INTERSTATE COMMERCIAL LAUNDRY, LLC	SERVICE	564.00	TURFWERKS	PARTS	1,206.63
ITC, INC	SERVICE	513.78	TWO WAY SOLUTIONS, INC.	SERVICE	657.98
J & B SCREEN PRINTING INC.	SUPPLIES	3,920.00	TYLER TECHNOLOGIES, INC.	SOFTWARE	2,662.50
J & J EARTHWORKS, INC.	CONSTR	502,924.00	UL LLC	SERVICE	5,839.30
J H LARSON ELECTRICAL CO.	SUPPLIES	10.03	UNIQUE MANAGEMENT SERVICES, INC.	SERVICE	75.90
JACK LUNDIN	TOURNAMENT	10,000.00	UPS STORE	SERVICE	50.18
JCL - SIOUX FALLS BRANCH	SUPPLIES	170.41	US BANK NATIONAL ASSOCIATION	RENT	80.00
JEBRO, INC.	SUPPLIES	8,703.50	US BANK ST PAUL	DEBT	32,972.50
JEFFREY LOCKHART	SERVICE	772.00	US FOODS - SIOUX FALLS	SUPPLIES	15,814.26
JEFF'S VACUUM CENTER	SERVICE	31.45	USA BLUE BOOK	SUPPLIES	522.26
JEREMY SISSON	TOURNAMENT	1,637.50	VAN DIEST SUPPLY CO.	SUPPLIES	750.00
JLG ARCHITECTS	CONSTR	310.72	VERIZON WIRELESS	SERVICE	667.03
JOHN DEERE FINANCIAL	PARTS	1,641.84	VERMEER HIGH PLAINS	SERVICE	823.82
JONATHAN YOSHIHIRO	TOURNAMENT	5,000.00	WAL-MART	SUPPLIES	2,624.41
JORGENSEN & OLSON ASPHALT MAINTENANCE	SERVICE	5,899.58	WTN AREA CHAMBER OF COMMERCE	SUPPLIES	300.00
JOY RANCH	RETREAT	400.00	WTN AREA HOME BUILDERS ASSOC	DUES	50.00
JURGENS PRINTING INC.	SUPPLIES	115.00	WATERTOWN BOYS AND GIRLS CLUB	SUBSIDY	16,154.06
JUSTICE FIRE & SAFETY	SERVICE	1,524.00	WTN BUSINESS DISTRICT IMPROV	SUBSIDY	20,774.95
JUSTIN LAWN & TREE SERVICE, INC.	SERVICE	3,285.00	WTN CONVENTION & VISITORS BUREAU	SUBSIDY	29,000.00
JUSTIN NILSON	TRAVEL	84.00	WATERTOWN FLOWERS, INC.	SUPPLIES	47.99
KARL EMERGENCY VEHICLES	EQUIP	21,008.93	WATERTOWN FORD	EQUIP	7,313.26
KARLA WHITTING	REIMB	240.00	WATERTOWN LAWN & GARDEN & SMALL	SERVICE	828.25
			ENGINE REPAIR INC		
KELLEN OR CLAIR SCHMIDT	REIMB	1,500.00	WATERTOWN TRUCK & TRAILER INC	SERVICE	408.41
KIBBLE EQUIPMENT	SERVICE	603.54	WATERTOWN WHOLESALE	SUPPLIES	2,069.95
KIXX	ADV	500.00	WELLS FARGO FINANCIAL LEASING, INC.	LEASE	9,185.80
KOI SATO	TOURNAMENT	573.75	WILD REPUBLIC	SUPPLIES	1,299.30
KPRH	ADV	240.00	WILL GREVLOS	TOURNAMENT	2,055.00
KURITA AMERICA INC	SUPPLIES	2,637.18	WINSUPPLY OF WATERTOWN	SUPPLIES	146.00
KXLG	ADV	1,563.00	WW TIRE SERVICE INC.	SERVICE	2,655.33
L MARQUARDT ELECTRIC INC.	SERVICE	665.77	ZACH SMITH LLC	TOURNAMENT	573.75
L. G. EVERIST, INC.	SUPPLIES	1,575.57	ZIMCO SUPPLY CO.	SUPPLIES	8,252.56
LAKE AREA DOOR, INC.	SERVICE	862.19			

## PAYROLL:

	Sal	SS	Pen	Ins		Sal	SS	Pen	Ins
Mayor/CC	10,304.10	611.81	-	-	Mosquito	4,032.92	194.62	-	-
City Manager	25,575.73	1,832.89	1,527.34	4,124.55	Animal Cntrl	9,811.80	716.66	583.91	1,765.12
Human Resources	14,961.90	1,078.95	892.92	2,308.03	Forestry	24,711.40	1,805.01	1,354.88	3,951.80
Finance	31,815.99	2,298.26	1,901.76	4,665.57	Library	46,702.03	3,390.36	2,617.56	9,755.70
Info Tech	24,988.60	1,841.30	1,489.72	3,657.69	Comm Develop	28,538.69	2,041.94	1,700.31	4,489.91
Engineer	43,557.44	3,236.23	2,084.94	3,975.84	Park & Rec.	419,455.35	31,618.58	10,332.20	26,161.31
Police	277,159.46	20,367.56	21,541.69	37,507.76	PLWC	79,050.49	6,037.74	2,436.70	6,382.48
Fire	266,756.99	3,946.06	20,483.95	45,985.32	E-911	55,708.84	4,051.61	3,340.12	9,123.88
Public Works	19,842.34	1,471.43	1,185.74	1,620.91	Sewer	76,651.67	5,645.79	4,612.10	11,166.38
Street	79,401.15	5,865.48	4,092.57	12,222.00	Landfill	88,395.31	6,290.98	5,296.50	19,173.43
Cemetery	18,814.02	1,400.64	671.20	1,765.12	Airport	34,298.74	2,515.62	1,925.71	5,472.32
Add'l 8.00 Long	M. Lewno (Engineering), G. Barthel, A. Nelson, S. Rehorst & T. Toomey (Police), T. Aas, C. Mack & C. Noeldner (Fire), S. Brinkman (Street)								

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

Add'l 8.00 Long	B. Sprouse (Library), R. Trupe (Comm. Dev), W. Gallagher (Zoo), D. Greenman (PLWC), T. Riter (E911), D. Dam & B. Miles (WWTP)
Add'l 8.00 Long	R. Nichols & B. Moeller (Landfill), B. Beck (Airport) <b>New Hire Airport I.</b> Meriwether-Chalfant (7,221.07/mo/40.00 mo/cell)
<b>New Hire E911</b>	T. Weelborg (4,075.07/mo), <b>New Hire Zoo A.</b> Krull (14.00/hr), <b>New Hire PLWC C.</b> Hanson (13.00/hr) <b>New Hire Golf A.</b> Livingston (13.75/hr)
<b>Salary Inc Engineering</b>	C. Spellman (4,492.80/mo/40.00 mo/cell) <b>Salary Inc E911 A.</b> Schaefer (5,461.73/mo), T. Wollan (4,539.60/mo) <b>Salary Inc PLWC O.</b> Corey (19.00/hr)
<b>Salary Inc PLWC</b>	R. Warne & M. Prahl (18.50/hr), P. Storm & M. Storm (18.00/hr), K. Schulte (17.50/hr), K. Leadabrand (15.00/hr), C. McElhany (13.00/hr)
<b>Salary Inc Pool/PLWC</b>	K. Sherman (16.50/hr)

Mayor Holien called for Open Forum. Kyle G. Horst introduced himself to the Watertown City Council as the Editor-in-Chief of the Watertown Current Newspaper, which will be going live on September 9<sup>th</sup>.

Motion by Buhler, seconded by Danforth to approve the Reimbursement of Medical Cannabis License Fees Charged Prior to 2024. Dan Fjerstad of the Lion's Den addressed the City Council in regards to the reimbursement. Upon Roll Call Vote: Voting in Favor of the Reimbursement: Jurrens and Buhler; Voting Against the Reimbursement: Danforth, Holien, Peters, Schutte and Tupper. Motion Failed.

Motion by Tupper, seconded by Schutte, to approve the Development Agreement with Mother of God Monastery for the transition of Little Blessings Daycare with a \$350,000 pledge over 5 years. Sister Barb Younger spoke on behalf of the Mother of God Monastery. Motion by Schutte, seconded by Jurrens, to amend the motion to a one-time \$100,000 donation in 2024. Upon Roll Call Vote: Voting in Favor of the Amendment: Schutte; Voting Against the Amendment: Danforth, Holien, Jurrens, Peters, Tupper and Buhler. Motion Failed. Upon Roll Call Vote: Voting in Favor of the Development Agreement: Danforth, Holien, Peters, Tupper and Buhler; Voting Against the Development Agreement: Jurrens and Schutte. Motion Carried.

Mayor Holien moved Item 12(c): Authorization for the City Manager or her Designee to sign a lease and any ancillary documents necessary to effectuate the transaction with MADJIK LLC to the next item on the agenda.

This being the time and place for a public hearing on a Lease Agreement with MADJIK LLC for city-owned real property located at 825 3<sup>rd</sup> St SW (Thunder Road), the Mayor called for public comment. Kyle Wiesner spoke in favor of the Lease Agreement. Motion by Danforth, seconded by Peters, to authorize the City Manager or her Designee to sign a lease and any ancillary documents necessary to effectuate the transaction with MADJIK LLC. Motion Carried.

Motion by Buhler, seconded by Tupper, to approve Change Order No. 1-Final for the 2024 Alley Improvement Project, Project No. 2413, with Timmons Construction Inc., for an increase of \$3,988.50 for a new contract price of \$116,762.00. Motion Carried.

Ordinance No. 24-09, a Zoning Text Amendment to Chapter 17.01 Wastewater System General Regulations 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. 24-14, 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 First Reading and the title was read. No action taken.

Ordinance No. 24-20, authorizing the Finance Officer to certify the Property Tax Levy to the Codington County Auditor, 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...

This being the time scheduled for a public hearing on the application for a transfer of a Retail (on-off sale) Malt Beverage & SD Farm Wine license and Video Lottery license from Tommy's Lanes Inc d/b/a Tommy's Lanes Inc, 16 S Maple, Lot 11 & S ½ of Lot 12, Blk 10, Original Plat Addn to Larry Bachman, d/b/a Larry Bachman (INACTIVE), 4021 20th Ave SW, Lot 4 Horning 3rd Addition 3-116-53, the Mayor called for public comment. Hearing no comments from the public, motion by Schutte, seconded by Tupper, to approve the transfer application as presented. Motion Carried.

This being the time and place for a public hearing on a Private Hangar Ground Agreement at the Watertown Regional Airport, with Blacklist LLC in the annual amount of \$1,125.00, the Mayor called for public comment. Hearing no comments from the public, motion by Peters, seconded by Danforth, to approve the agreement as presented. Motion Carried.

Ordinance No. 24-18, an Ordinance Amending Title 12 - Licenses and Regulations, repealing Section 12.10 regarding Security Guard in its entirety was placed on its Second Reading and the title was read. Motion by Buhler, seconded by Peters, to approve Ordinance No. 24-18 as presented. Motion Carried.

Motion by Jurrens, seconded by Tupper to approve an Amendment to the Development Agreement with J&J Land Sales, LLC for The Lakes of Willow Creek First Addition Development. Motion Carried.

Motion by Buhler, seconded by Danforth, to approve Resolution No. 24-21, Resolution Establishing a Public Infrastructure cost recovery for upsizing sanitary sewer for The Lakes of Willow Creek First Addition Development. Motion Carried.

Motion by Buhler, seconded by Schutte, to approve Resolution No. 24-24 to dissolve TIF District #2, comprising Mallard Pointe Industrial Park, after duration of twenty years. Motion Carried.

Motion by Tupper, seconded by Peters, to approve Resolution No. 24-25 to oppose the passing of Initiated Measure 28. Motion Carried.

Councilman Danforth suggested that the management of high-dollar licenses be reviewed.

City Manager Mack stated there will not be a Work Session on Monday, September 9<sup>th</sup>.

Mayor Holien announced the City Council will return to Executive Session or the purpose of discussing contractual matters.

Motion by Tupper, seconded by Danforth, to adjourn until 5:30 PM on Monday, September 16<sup>th</sup>, 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 3<sup>rd</sup>, 2024.

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

ATTEST:

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Kristen Bobzien, Chief Financial Officer

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Ried Holien, Mayor



## City Council

### Agenda Item

**Subject:** 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.

**Meeting:** City Council - Sep 16 2024

**From:** Amanda Mack, City Manager

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#### BACKGROUND INFORMATION:

These ambulance accounts have been sent to the patient through the billing procedural process, and have been forwarded information that they will be sent to collections.

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#### FINANCIAL CONSIDERATIONS:

This is the policy process with uncollected ambulance accounts.

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#### STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to approve the write-off uncollectible Ambulance accounts receivable and remit to the collection agency for the months of August in the amount of \$14,048.65.

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#### ATTACHMENT(S):

[Ambulance collections August 2024](#)



**Watertown Fire Rescue Ambulance Collection Report from EMS/MC for the month of August 2024**

CLIENT NUMBER	GUARANTOR ID/ACCT NUMBER	TOTAL TO COLLECTION
14504	ITWT007942	\$1,529.90
14504	ITWT008321	\$140.77
14504	ITWT008353	\$680.49
14504	ITWT008697	\$3,563.40
14504	ITWT008770	\$250.94
14504	ITWT008885	\$1,404.60
14504	ITWT008890	\$1,067.20
14504	ITWT008908	\$2,058.57
14504	ITWT008951	\$128.42
14504	ITWT008967	\$439.64
14504	ITWT008968	\$1,054.60
14504	ITWT009092	\$97.02
14504	ITWT009117	\$1,077.70
14504	ITWT009144	\$290.00
14504	ITWT009173	\$265.40
		<b>\$14,048.65</b>

Chief Rowland  
9-5-24



## City Council

### Agenda Item

**Subject:** Approval of a Pyrotechnics or Open Flame Permit Application for Fireworks show display by Lew's Fireworks at Watertown Stadium on September 19th, 2024.

**Meeting:** City Council - Sep 16 2024

**From:** Amanda Mack, City Manager

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#### BACKGROUND INFORMATION:

Annual homecoming Burning of the W at the Watertown Stadium, and fireworks display.

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#### FINANCIAL CONSIDERATIONS:

There is no financial concerns for the city.

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#### STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to approve a Pyrotechnics or Open Flame Permit Application for Fireworks show display by Lew's Fireworks at Watertown Stadium on September 19th, 2024.

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#### ATTACHMENT(S):

[Burning of the W](#)

**FIREWORKS SHOW PERMIT**

Name of Applicant: Lewis Fireworks  
 Address: 45788 US Hwy 212 - Wtn, SD 57201

Phone #: 882-1744

**Responsible Person / Pyrotechnician Firing the Show:**

Name: Brad Vesche  
 Address: 221 8E St SE Wtn, SD 57201  
 Drivers License or Social Security #: 00554873

Phone #: 605-310-2763

Fireworks Show Date: 9/19/24 Time: 8:00pm Duration: 5 minutes

Description of Event: Burning of the W

Location of Show: See attached map

(In compliance with NFPA1123, Chapter 5 on Display Site Selection, for all events attach an aerial/satellite map with shown distances required.)

Type of Fireworks:  1.4G Consumer Fireworks Use/Discharge (Regulated by NFPA1124)  
 1.3G Display Fireworks Display (Regulated by NFPA1123)

(If 1.3G Display attach copy of ATF License or ATF Notice of Clearance.)

(For all shows attach list of fireworks that will be used.)

Public Show  Private Show

(If a Public Show attach Insurance Certificate for the Event to this application. Permits shall require applicants to offer proof of a valid liability insurance policy of at least one million dollars (\$1,000,000.00) naming the City of \_\_\_\_\_ or \_\_\_\_\_ County as an additional insured. This policy must be in full force and effect for the entire period of this permit.)

I affirm and warrant that the above information is true and correct and that I am knowledgeable and will comply with the appropriate standards of NFPA1124 or NFPA1123, whichever applies to this event.

Dated this 4<sup>th</sup> day of Sept 24

Lucas T. Nogelmeier

Applicant Name Printed

Lucas T. Nogelmeier

Applicant Signature

The above address is within the \_\_\_\_\_ Fire Department's Fire District. The \_\_\_\_\_ Fire Department has reviewed this permit application and hereby recommends its issuance.

Fire Chief

Pursuant to authorization by the \_\_\_\_\_ County Board of Commissioners, I \_\_\_\_\_, Chairman, hereby authorize and issue this Permit to Use/Discharge - Display fireworks in \_\_\_\_\_ County, by the person or entity named above at the time and manner described herein. Dated: \_\_\_\_\_

By: \_\_\_\_\_  
 Chairman - \_\_\_\_\_ County Commissioners

Pursuant to authorization by the \_\_\_\_\_ City Council, I \_\_\_\_\_, Chairman, hereby authorize and issue this Permit to Use/Discharge - Display fireworks inside the \_\_\_\_\_ City Limits, by the person or entity named above at the time and manner described herein. Dated: \_\_\_\_\_

By: \_\_\_\_\_  
 Chairman - \_\_\_\_\_ City Council



## City Council

### Agenda Item

**Subject:** 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.

**Meeting:** City Council - Sep 16 2024

**From:** Amanda Mack, City Manager

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#### BACKGROUND INFORMATION:

The applicant has provided adequate proof of insurance and has paid the necessary fees. Per SDCL 35-4-124, a public hearing is not required for existing alcoholic beverage license holders.

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#### FINANCIAL CONSIDERATIONS:

Applicant has paid \$300 to the City of Watertown for the Special Event fee.

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#### STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to approve the 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.

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#### ATTACHMENT(S):

[Cloud 9 Special Event License](#)



## 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"/>	Specail 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

*Wedding*

### 3. Event Date(s) and times:

*Sept 28<sup>th</sup> @ 2pm – Sept 29<sup>th</sup> 2 AM*

(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:

*Codington County extension*

Event Address: *1910 West Kemp Ave Watertown SD 57201*

### 5. Event Applicant and Applicant Address:

*Cloud 9 Bar & Casino*

*1625 20th Ave SE 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 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 checked="" type="checkbox"/>	Existing On-Sale Liquor Licensee

### 6. Event Coordinator's Name

*Cloud 9 Bar & Casino*

Email: *bjw-00@hotmail.com*

Business Ph# *605-570-1641 ext 9*

7. Name of Entity Serving Alcohol (if not applicant): Cloud 9 David Casino

8. Method of alcohol consumption:

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

9. Estimated number of Participants 600  
Estimated number of Minors 100

Method in which applicants plan to prevent underage consumption: id w/ wristband

**\*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.

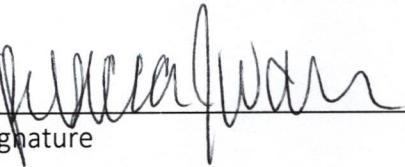
16. Miscellaneous Information for City Council Review:

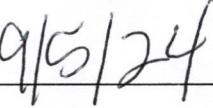
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17. **Certificate:** The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all requirements for the Special Event Alcohol License in the City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

  
Signature

  
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](mailto:licenses@watertownsd.us)

**To Be Completed by Records & Licensing Manager:**

1. Notice of public hearing was published on NA 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 \_\_\_\_\_ \$300.00 chk# 4243
5. Special Event License Number \_\_\_\_\_
6. Mailed to applicant on \_\_\_\_\_.
7. Signature of City Manager: \_\_\_\_\_ Date \_\_\_\_\_

**CERTIFICATE OF LIABILITY INSURANCE**DATE (MM/DD/YYYY)  
5/31/2024

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 Laura Reiner

NAME:

PHONE (A/C, No, Ext): (605) 753-5698

FAX (A/C, No): (605) 878-3022

E-MAIL: customerservice@meyersd.com

ADDRESS:

## INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: Midwest Family Mutual

23574

## INSURED

Rebecca Waldner-Cloud 9 Bar and Casino, Tom Boldt  
625 20TH AVE SE  
WATERTOWN, SD

INSURER C:

INSURER D:

INSURER E:

INSURER F:

## 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	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		CPSD0560138921	4/8/2024	4/8/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 1,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OF AGG \$ 2,000,000 LIQUOR LIABILIT \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY <input type="checkbox"/> PRO- JECT <input type="checkbox"/> LOC					
	OTHER:					
B	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY		PENDING	6/4/2024	6/4/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR X EXCESS LIAB CLAIMS-MADE		CPSD0560138921	4/8/2024	4/8/2025	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N N/A	CPSD0560138921	4/8/2024	4/8/2025	X PER STATUTE CTH-FR E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

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

## CERTIFICATE HOLDER

City Of Watertown  
PO Box 910  
Watertown, SD 57201

## CANCELLATION

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



# City Council

## Agenda Item

**Subject:** 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.

**Meeting:** City Council - Sep 16 2024

**From:** Amanda Mack, City Manager

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### BACKGROUND INFORMATION:

This project installed storm sewer, sanitary sewer, water main and services, curb and gutter, and roadway improvements to support the current development within the Valley View First Addition. The City will be 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

23,653 SY of 3" asphalt paving over 9" aggregate base course

11,820 LF of curb and gutter

397 SY of fillet section

277 SY of valley gutter

#### Storm Sewer Improvements

32 storm drain inlets

1 Junction Box

13 storm sewer manholes

20 LF of 8" storm sewer

756 LF of 12" storm sewer

532 LF of 15" storm sewer

2,536 LF of 18" storm sewer

1,064 LF of 24" storm sewer

30 LF of 30" storm sewer

104 LF of 36" storm sewer

#### Sanitary Sewer Improvements

17 Sanitary Sewer Manholes

562 LF of Sanitary Sewer

Upon the approval of this Certificate of Completion, the City will provide normal maintenance measures to 6th Street NW, 15th Avenue NW, Elks Peak Circle, Pikes Peak Circle, Summit Peak Circle, 3rd Street NW, 4th Street NW, 5th Street NW and Grant Drive. Also, in accordance with the Subdivision Regulations, a one year warranty will extend through September 16th, 2025 for Valley View First Addition. The City will then consider formally accepting Valley View First Addition for

Agenda Item 7.(e) Approval of the Certificate of Completion for Valley V...  
ownership and maintenance through a Resolution of Acceptance, pending any necessary correction  
of warranty deficiencies at the end of the one-year warranty period.  
City Staff has requested a extended 10 year warranty on a approximately 36-foot long storm sewer  
pipe between storm sewer drop inlets 20-21 on 16th Ave NW. The extended warranty for the storm  
sewer will extend through September 16, 2027.

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**FINANCIAL CONSIDERATIONS:**

N/A

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**OVERSIGHT / PROJECT RESPONSIBILITY:**

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

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**STAFF RECOMMENDATION / SUGGESTED MOTION:**

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

I move to accept 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, In. on  
behalf of the Developer, J&J Land Sales LLC.

---

**ATTACHMENT(S):**

[Valley View 1st Addition Certificate of Completion](#)  
[Map Valley View 1st](#)



CITY OF  
**WATERTOWN**  
SOUTH DAKOTA

**CERTIFICATE OF COMPLETION**

Project: Valley View First Addition

City Project Number: NA

Developer: J&J Land Sales LLC

Address: 1002 S Madison St City: Milbank State: SD Zip: 57252

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

Effective date of 1-Year Warranty start date: \_\_\_\_\_

Consultant Engineer: Aason Engineering Co Inc

Address: 1022 6<sup>th</sup> 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 DeJonge

Printed Name

Date: 9-3-24

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: 

Title: President

Jamie Andrews

Printed Name

Date: 8/30/24



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 August 2024 by the Developers Representative, Aason Engineering, and 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:

- 1) Provide as built plans.
- 2) Provide the density reports for utility trenches, sub base, and base course.
- 3) Re-seed all areas where seeding has not been established.
- 4) Clean any ponds that sediment has filled in above the "planned" bottom elevation.

The effective date for the start of the warranty period will be \_\_\_\_\_, 20\_\_\_\_. There is a one (1) year warranty period for everything except approximately 36-foot long storm sewer pipe between storm sewer drop inlets 20-21 on 16<sup>th</sup> Avenue NW, which has a ten (10) year extended warranty. The effective start date of the storm sewer warranty will be from the installation date of September 2017.

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

By: *Justin Petersen*  
City Engineer

By: \_\_\_\_\_  
City Manager

Justin Petersen  
Printed Name

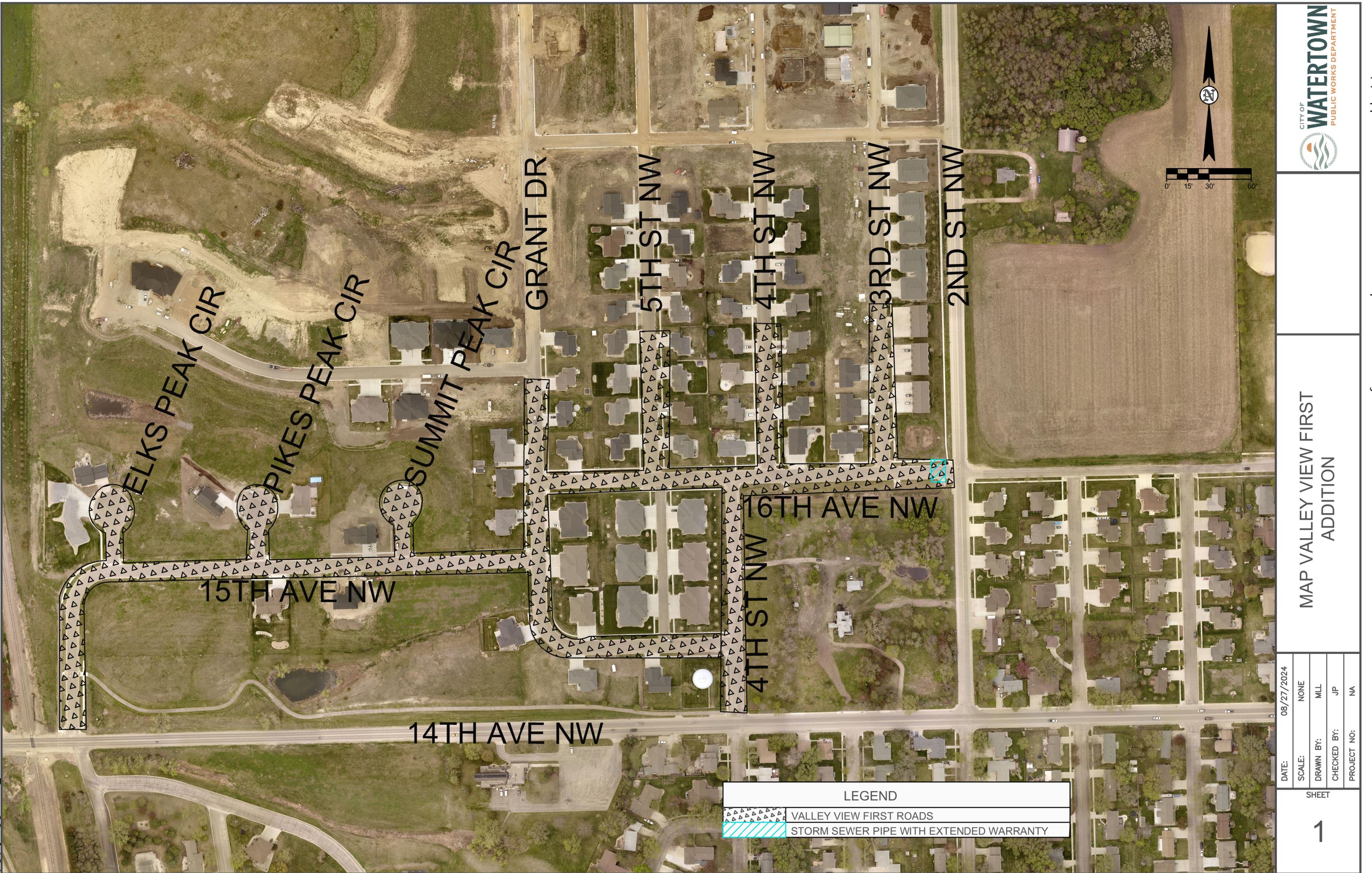
Amanda Mack  
Printed Name

Date: 9/5/24

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Signature \_\_\_\_\_

Printed Name \_\_\_\_\_





# City Council

## Agenda Item

**Subject:** Authorize the Finance 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.

**Meeting:** City Council - Sep 16 2024

**From:** Amanda Mack, City Manager

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### BACKGROUND INFORMATION:

In August 2022, the City entered into an Agreement with the US Army Corps of Engineers (USACE) to fund a flood control feasibility study. This is a 50/50 matching funds agreement between the USACE and the City.

Initial study costs was estimated to be \$1,800,000.00, with the Federal Government's share of \$900,000.00 and the Non-Federal Sponsor's (City's) share of \$900,000.00. These amounts were estimates that are subject to adjustment by the Federal Government and are not to be construed as the total financial responsibilities of the Government and the City. The Corps estimated that the overall study could be completed at a much lower cost due to the previously detailed efforts from past years' work. The higher project costs are due to several additional alternatives that were analyzed and a required risk assessment. An independent external peer review is being performed that is being entirely funded by the USACE.

### Additional Background

Over the past three decades, the US Army Corps of Engineers (USACE) has worked with the City to sponsor and perform a feasibility level study for a flood control project that protects the City of Watertown from eminent flood damage due to the Big Sioux River. Staff records show several milestone dates of the initial and past updates to the feasibility study, to include 1994, 1998, 2003, and 2005.

After the recurrence of flooding events in the past decade, The USACE and City have continued to request/preserve funding for updating the feasibility study with the goal of identifying flood mitigation solutions. Through that effort, the City requested assistance from the SDDANR, receiving a State Water Resources Management System (SWRMS) grant for a total of \$450,000.00.

Upon thirty (30) calendar days written notice to the other party, either party may elect at any time, without penalty, to suspend or terminate future performance of the Study.

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### **FINANCIAL CONSIDERATIONS:**

Special check amount of \$225,000 is within current budget.

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**OVERSIGHT / PROJECT RESPONSIBILITY:**

Heath VonEye, Assistant City Manager/Public Works Director

Justin Petersen, City Engineer

Brandi Hanten, Community Development Manager

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**STAFF RECOMMENDATION / SUGGESTED MOTION:**

Staff recommends approval of the special check.

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**ATTACHMENT(S):**

[20240828 504570 Watertown FY25FundsRequest](#)



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, OMAHA DISTRICT  
1616 CAPITOL AVENUE  
OMAHA NE 68102-4901

August 28, 2024

Planning, Programs, and Project Management Division

Ms. Amanda Mack  
City Manager, City of Watertown  
23 2<sup>nd</sup> Street NE, P.O. Box 910  
Watertown, South Dakota 57201

Dear Ms. Mack:

We are pleased to be partnering with the City of Watertown for the Watertown Feasibility Study. We have completed the alternative analysis, hosted the tentatively selected plan (TSP) meeting, drafted the feasibility report and integrated environmental assessment (FR/IEA), and prepared for the public meeting to discuss the release of the draft FR/IEA. In addition to these major tasks, we have participated in numerous meetings with the city, stakeholders, and outside agencies.

In accordance with the Federal Cost Share Agreement (FCSA) executed between the Department of the Army and City of Watertown on August 19, 2022, for the Watertown Feasibility cost-shared study, the estimated feasibility phase of this study was \$1,800,000. Updated costs estimate have increased the total Feasibility Phase cost of the project to \$2,650,000. This requires an additional \$850,000 which will be \$500,000 of federal cash and , \$350,000 of sponsor cash. A breakdown of the total costs and the Non-Federal Sponsor's share is shown in Table 1.

**Table 1. Project Cost Share**

<b>Feasibility Study</b>	<b>Total Cost</b>	<b>Federal Share</b>	<b>Non-Federal Sponsor's Share</b>		
			<b>Total</b>	<b>In-Kind</b>	<b>Cash</b>
<b>Totals</b>	\$2,650,000	\$1,400,000	\$1,250,000	\$0	\$1,250,000

In accordance with Article II, Paragraph B.3, we are now requesting the FY25 cost match share of funds. To continue the study as efficiently as possible, we request that the City of Watertown provide the amount of \$410,000 for FY25 efforts. This will bring your total contributions to \$1,085,000 which will leave an additional \$165,000 to be requested at a later date.

You may send your payment via Electronic Funds Transfer (EFT – preferred) or check. Using EFT reduces the processing time by approximately 2 weeks. If you wish to pay using EFT please follow the guidance attached. For specific questions related to EFT please contact Kevin Heath at (901) 873-9135.

- 2 -

If you wish to pay by check, please make your check payable to the "U.S. Army Corps of Engineers, Omaha District." Please note "City of Watertown, South Dakota Feasibility Study" on the check and send to the following address:

U.S. Army Corps of Engineers, Omaha District  
Attn: CENWO-PM-P (Brittney Raggett)  
1616 Capitol Avenue  
Omaha, NE 68102-4901

If you have any questions, please contact Ms. Sarah Miller, Project Manager, at (402) 995-2699 or email at [Sarah.J.Miller2@usace.army.mil](mailto:Sarah.J.Miller2@usace.army.mil) or Ms. Brittney Raggett, Program Analyst, at (402) 995-2643 or email at [Brittney.L.Raggett@usace.army.mil](mailto:Brittney.L.Raggett@usace.army.mil).

Sincerely,

*Drew D. Minert*

Drew D. Minert  
Chief, Planning Branch

Enclosure



## City Council

### Agenda Item

**Subject:** Approval of a Bid Award for the 2024 Miscellaneous Drainage Project, Project No. 2411 to Level Contracting LLC in the amount of \$129,630.60.

**Meeting:** City Council - Sep 16 2024

**From:** Amanda Mack, City Manager

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#### BACKGROUND INFORMATION:

On August 29, 2024, five (5) bids were received for the 2024 Miscellaneous Drainage Project, Project No. 2411 and Level Contracting LLC had the bid of \$129,630.60 which was 28 % lower than the budgeted amount of the Engineer's Estimate of \$180,662.14.

The project is at multiple locations that includes removal and installation of 160 linear feet (LF) of reinforced concrete pipe (RCP), removal and installation of 340 square yards (SY) of asphalt, removal and installation of 70 LF of curb and gutter and 6" base course, removal and reset of 4 flared ands and 2 drop inlets, installation of 4 anti-buoyancy collars, 1 valley gutter, and 16 tons of rip rap, removal and install of 259 cubic yards (CY) of unclassified excavation and 340 SY of asphalt.

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#### FINANCIAL CONSIDERATIONS:

FEMA has provided funds for this project in the amount of \$64,491.32. The remaining funding for this project has been budgeted from the account 212-43180-43919.

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#### OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director

Justin Petersen, City Engineer

Chaz Spellman, Engineering Technician

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#### STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends the approval of this bid award through the following motion:

I move to approve bid award for the 2024 Miscellaneous Drainage Project, Project No. 2411 to Level Contracting LLC in the amount of \$129,630.60.

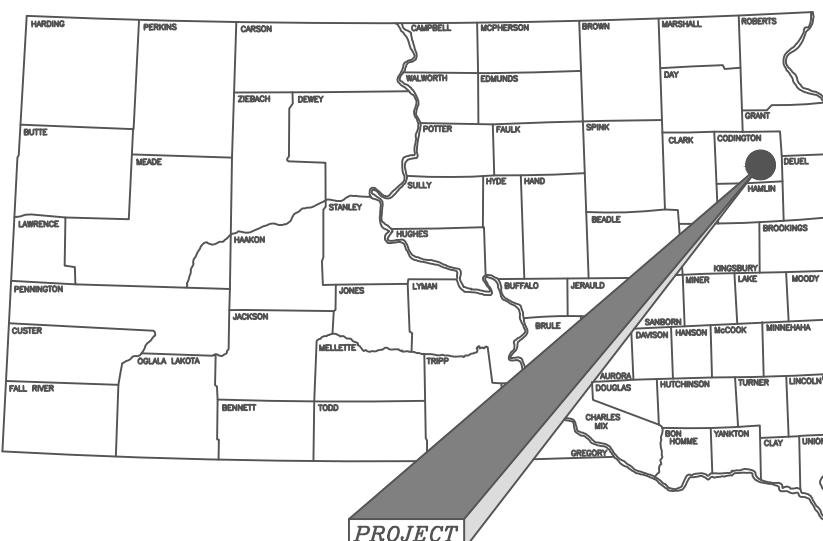
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#### ATTACHMENT(S):

[2411 Misc Drainage Vicinity Map](#)

[2411 Bid Tabulation](#)

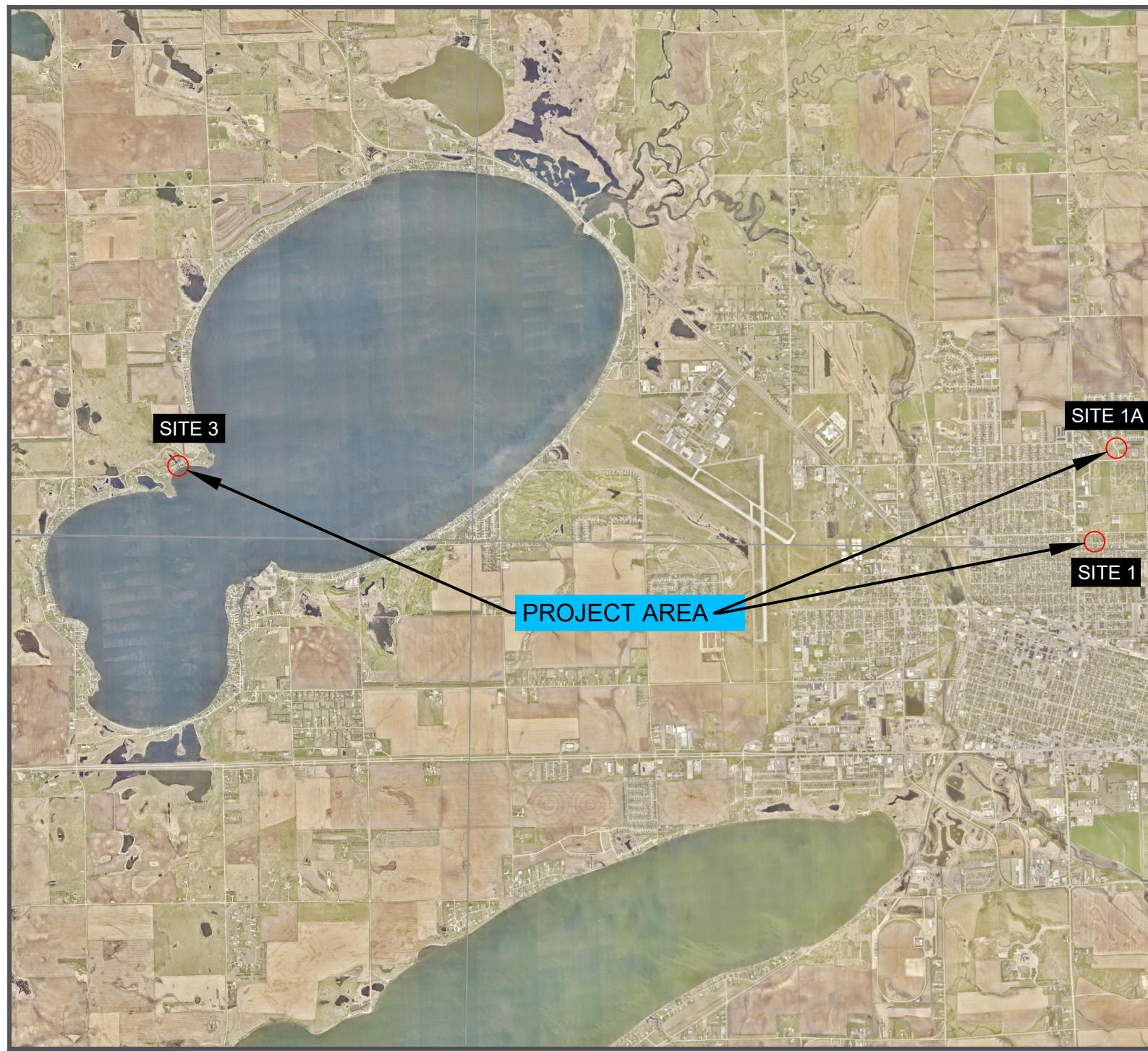
**CITY OF WATERTOWN, SOUTH DAKOTA**  
**PUBLIC WORKS DEPARTMENT-ENGINEERING DIVISION**  
**PLANS FOR PROPOSED**  
**2024 MISCELLANEOUS DRAINAGE**  
**PROJECT**  
**PROJECT NO. 2411**



**NOTE:**  
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL EXISTING UTILITIES  
 PRIOR TO ANY EXCAVATION.  
 SOUTH DAKOTA ONE CALL: 1-800-781-7474 (811 INSTATE)

**PHONE NUMBERS**

Engineering Div.	605-882-6202
Park & Recreation Dept.	605-882-6260
Police Dept.	605-882-6210
Fire Dept.	605-882-5030
Sewer Div.	605-882-6244 After Hours: 605-882-6210
Street Div.	605-882-6207
Solid Waste Div.	605-882-6219
Municipal Utilities, Water Dept.	605-882-6233 After Hours: 605-882-6227
Municipal Utilities, Gas Dept.	605-882-6233 After Hours: 605-882-6227
Municipal Utilities, Electric Dept.	605-882-6233 After Hours: 605-882-6227
South Dakota, Dept. of Transportation	605-882-5166
South Dakota, One Call	800-781-7474
Codington County, Highway Shop	605-882-6270
Codington County, Highway Superintendent	605-882-6271
United States Post Office, Watertown, South Dakota	605-886-7765



**INDEX OF SHEETS**

SHEET	DESCRIPTION
1	Title Sheet & Vicinity Map
2-3	Special Provisions
4	Site 1
5	Site 1A
6	Site 3
7	Typical Section
8	Anti-buoyancy collar
9-10	Standard Plates



**PLAN SHEETS LEGEND**

●	Reference Point
●	BM/Survey Monument
■	ADA Panel
□	Mail Box
⊕	Property Pin
⊗	Sign
●	Sprinkler
●	Sump Pump Outlet
●	Electric Manhole
●	Electric Terminal
●	Guy Wire
●	Power Pole
●	Stop Light
●	Street Light
●	Gas Meter
●	Gas Valve
●	Curb Stop
●	Fire Hydrant
●	Water Valve
●	Drop Inlet
●	Storm Manhole
●	Lift Station
●	Sanitary Manhole
●	Deciduous Tree
●	Coniferous Tree
●	Shrub
●	Tree Stump
●	Property Line
—	Building
—	Fence Line
—	Underground Electric
—	Gas Line
—	Water Line
—	Storm Sewer Line
—	Sanitary Sewer Line

BID TABULATION															
Estimate of Quantities				City of Watertown		Level Contracting LLC		LL & Sons Excavating Inc		Duininck Inc		Flatland Enterprise LLC		AP & Sons Construction Inc	
2024 Miscellaneous Drainage Project Project No. 2411 City of Watertown, South Dakota				Ph: 605-882-6202 Engineer Estimate		19151 448th Ave Lake Norden, SD 57248 605-520-9804		P.O. Box 43 Hazel, SD 57242 320-349-1420		408 6th St Prinsburg, MN 56281 320-978-6011		44670 Grover St Watertown, SD 57201 605-233-0161		212 S 6th St Milbank, SD 57252 605-949-2601	
BID SCHEDULE A															
ITEM NO.	STD. BID ITEM	ITEM DESCRIPTION	ESTIMATED QUANTITY	ITEM PRICE	ITEM TOTAL	ITEM PRICE	ITEM TOTAL	ITEM PRICE	ITEM TOTAL	ITEM PRICE	ITEM TOTAL	ITEM PRICE	ITEM TOTAL	ITEM PRICE	ITEM TOTAL
1	1.000	Mobilization	Lump Sum	\$ 50,142.86	\$ 50,142.86	13,000.00	\$ 9,000.00	\$ 9,000.00	\$ 23,000.00	\$ 31,250.00	\$ 31,250.00	\$ 45,000.00	\$ 45,000.00		
2	2.000	Traffic Control, Miscellaneous	Lump Sum	\$ 5,908.33	\$ 5,908.33	5,000.00	\$ 5,000.00	1,500.00	\$ 1,500.00	6,000.00	\$ 6,250.00	\$ 10,000.00	\$ 10,000.00		
3	2.020	Type 3 Barricade, 6' Double Sided	2 Each	\$ 117.50	\$ 235.00	500.00	\$ 1,000.00	200.00	\$ 400.00	125.00	\$ 250.00	1,563.00	\$ 3,126.00	\$ 300.00	\$ 600.00
4	4.005	Remove Concrete Curb & Gutter	70 L.F.	\$ 19.00	\$ 1,330.00	10.00	\$ 700.00	10.00	\$ 700.00	10.00	\$ 700.00	29.00	\$ 2,030.00	\$ 50.00	\$ 3,500.00
5	4.125	Install 6" Reinforced Concrete Valley Gutter	25 S.Y.	\$ 139.33	\$ 3,483.25	300.00	\$ 7,500.00	150.00	\$ 3,750.00	125.00	\$ 3,125.00	200.00	\$ 5,000.00	\$ 175.00	\$ 4,375.00
6	4.140	Install B66 Concrete Curb and Gutter P6 Gutter	70 L.F.	\$ 44.63	\$ 3,124.10	40.00	\$ 2,800.00	100.00	\$ 7,000.00	50.00	\$ 3,500.00	63.00	\$ 4,410.00	\$ 100.00	\$ 7,000.00
7	5.013	Remove Storm Sewer Pipe	160 L.F.	\$ 10.00	\$ 1,600.00	20.00	\$ 3,200.00	20.00	\$ 3,200.00	17.00	\$ 2,720.00	75.00	\$ 12,000.00	\$ 50.00	\$ 8,000.00
8	5.033	Remove Pipe End Section for Reset	4 Each	\$ 395.00	\$ 1,580.00	250.00	\$ 1,000.00	500.00	\$ 2,000.00	125.00	\$ 500.00	600.00	\$ 2,400.00	\$ 500.00	\$ 2,000.00
9	5.043	Remove Drop Inlet for Reset	2 Each	\$ 680.00	\$ 1,360.00	500.00	\$ 1,000.00	800.00	\$ 1,600.00	500.00	\$ 1,000.00	600.00	\$ 1,200.00	\$ 1,000.00	\$ 2,000.00
10	5.075	Reset Pipe End Section	4 Each	\$ 582.60	\$ 2,330.40	250.00	\$ 1,000.00	500.00	\$ 2,000.00	500.00	\$ 2,000.00	663.00	\$ 2,652.00	\$ 1,000.00	\$ 4,000.00
11	5.082	Reset Type B Drop Inlet with Frame and Grate Assembly	2 Each	\$ 856.25	\$ 1,712.50	500.00	\$ 1,000.00	500.00	\$ 1,000.00	1,350.00	\$ 2,700.00	1,075.00	\$ 2,150.00	\$ 3,000.00	\$ 6,000.00
12	5.105	Furnish and Install 24" RCP Pipe	40 L.F.	\$ 186.40	\$ 7,456.00	120.00	\$ 4,800.00	143.00	\$ 5,720.00	200.00	\$ 8,000.00	169.00	\$ 6,760.00	300.00	\$ 12,000.00
13	5.105	Furnish and Install 30" RCP Pipe	112 L.F.	\$ 217.20	\$ 24,326.40	160.00	\$ 17,920.00	160.00	\$ 17,920.00	185.00	\$ 20,720.00	181.00	\$ 20,272.00	400.00	\$ 44,800.00
14	5.105	Furnish and Install 36" RCP Pipe	8 L.F.	\$ 1,431.75	\$ 11,454.00	280.00	\$ 2,240.00	600.00	\$ 4,800.00	450.00	\$ 3,600.00	407.00	\$ 3,256.00	1,000.00	\$ 8,000.00
15	5.110	24" Anti-Buoyancy Collar	1 Each	\$ 2,625.00	\$ 2,625.00	1,500.00	\$ 1,500.00	2,500.00	\$ 2,500.00	3,500.00	\$ 3,500.00	3,000.00	\$ 8,000.00	\$ 8,000.00	
16	5.110	30" Anti-Buoyancy Collar	2 Each	\$ 2,593.75	\$ 5,187.50	1,500.00	\$ 1,500.00	2,500.00	\$ 5,000.00	4,000.00	\$ 8,000.00	2,375.00	\$ 4,750.00	\$ 8,000.00	\$ 16,000.00
17	5.110	36" Anti-Buoyancy Collar	1 Each	\$ 3,312.50	\$ 3,312.50	1,500.00	\$ 1,500.00	2,500.00	\$ 5,000.00	5,000.00	\$ 4,250.00	4,250.00	\$ 8,000.00	\$ 8,000.00	
18	5.184	Storm Sewer Pipe Bedding Material	160 L.F.	\$ 18.00	\$ 2,880.00	29.16	\$ 4,665.60	20.00	\$ 3,200.00	20.00	\$ 3,200.00	47.00	\$ 7,520.00	\$ 40.00	\$ 6,400.00
19	6.005	Remove Asphalt Concrete Pavement	340 S.Y.	\$ 15.30	\$ 5,202.00	20.00	\$ 6,800.00	20.00	\$ 6,800.00	20.00	\$ 6,800.00	7.00	\$ 2,380.00	\$ 22.00	\$ 7,480.00
20	6.038	4" Asphalt Concrete Composite	340 S.Y.	\$ 32.39	\$ 11,012.60	89.00	\$ 30,260.00	90.00	\$ 30,600.00	50.00	\$ 17,000.00	148.00	\$ 50,320.00	\$ 115.00	\$ 39,100.00
21	9.000	Unclassified Excavation	259 C.Y.	\$ 31.00	\$ 8,029.00	15.00	\$ 3,885.00	8.00	\$ 2,072.00	35.00	\$ 9,065.00	14.00	\$ 3,626.00	\$ 25.00	\$ 6,475.00
22	9.025	Haul & Place Salvaged Asphalt Mix	340 S.Y.	\$ 21.81	\$ 7,415.40	16.00	\$ 5,440.00	9.00	\$ 3,060.00	7.00	\$ 2,380.00	24.00	\$ 8,160.00	\$ 15.00	\$ 5,100.00
23	9.070	Woven Geotextile Fabric	340 S.Y.	\$ 3.63	\$ 1,234.20	3.00	\$ 1,020.00	4.00	\$ 1,360.00	5.00	\$ 1,700.00	15.00	\$ 5,100.00	\$ 10.00	\$ 3,400.00
24	9.115	Class B Rip Rap	16 Ton	\$ 110.60	\$ 1,769.60	75.00	\$ 1,200.00	68.00	\$ 1,088.00	75.00	\$ 1,200.00	235.00	\$ 3,760.00	\$ 100.00	\$ 1,600.00
25	9.175	4" Aggregate Base Course, Roadway	340 S.Y.	\$ 7.94	\$ 2,699.60	10.00	\$ 3,400.00	25.00	\$ 8,500.00	18.00	\$ 6,120.00	8.00	\$ 2,720.00	\$ 24.00	\$ 8,160.00
26	9.180	6" Aggregate Base Course, Curb & Gutter	70 L.F.	\$ 4.67	\$ 326.90	10.00	\$ 700.00	10.00	\$ 700.00	15.00	\$ 1,050.00	18.00	\$ 1,260.00	\$ 30.00	\$ 2,100.00
27	10.025	Inlet Protection	4 Each	\$ 225.00	\$ 900.00	150.00	\$ 600.00	100.00	\$ 400.00	125.00	\$ 500.00	250.00	\$ 1,000.00	\$ 150.00	\$ 600.00
28	12.003	Landscaping	Lump Sum	\$ 12,025	\$ 12,025.00	3,500.00	\$ 3,500.00	5,000.00	\$ 5,000.00	4,500.00	\$ 4,500.00	12,500.00	\$ 12,500.00	3,000.00	\$ 3,000.00
TOTAL OF ALL UNIT PRICE BID ITEMS				\$ 180,662.14		\$ 129,630.60		\$ 133,370.00		\$ 147,830.00		\$ 213,102.00		\$ 272,690.00	



# City Council

## Agenda Item

**Subject:** First Reading of 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.

**Meeting:** City Council - Sep 16 2024

**From:** Amanda Mack, City Manager

### BACKGROUND INFORMATION:

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

District	Current	Proposed	Current	Proposed
	<b>Side</b>	<b>Side</b>	<b>Rear</b>	<b>Rear</b>
	<b>Yard</b>	<b>Yard</b>	<b>Yard</b>	<b>Yard</b>
	Setback	Setback	Setback	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
  - 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.

## Agenda Item 10.(a) First Reading of Ordinance No. 24-15, Zoning Text Ame...

- 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 (5-0).

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### **FINANCIAL CONSIDERATIONS:**

N/A

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### **OVERSIGHT / PROJECT RESPONSIBILITY:**

Heath VonEye, Assistant City Manager/Public Works Director

Brandi Hanten, Community Development Manager

Carla Heuer, Planner

**STAFF RECOMMENDATION / SUGGESTED MOTION:**

No Action; First Reading

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**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.) <sup>a</sup>	Minimum Lot Area (SF)	Minimum Required Lot Width	Minimum Required Front Yard	Minimum Required Side Yard <sup>c</sup>	Minimum Required Rear Yard	Maximum Mean Height <sup>b</sup>
A-1 Districts	35 Acres	NA	400'	30'	25'	40'	35'
C-1 Districts	NA	625	25'	<u>0'NA</u>	0' or 30' (adj to R)	<u>0'N</u>	60'
C-2 Districts	NA	10,000	100'	40'	<u>1030'</u>	<u>153</u>	60'
C-3 Districts	NA	20,000	100'	40'	<u>1020'</u>	<u>153</u>	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'	<u>1520'</u>	<u>153</u> 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.

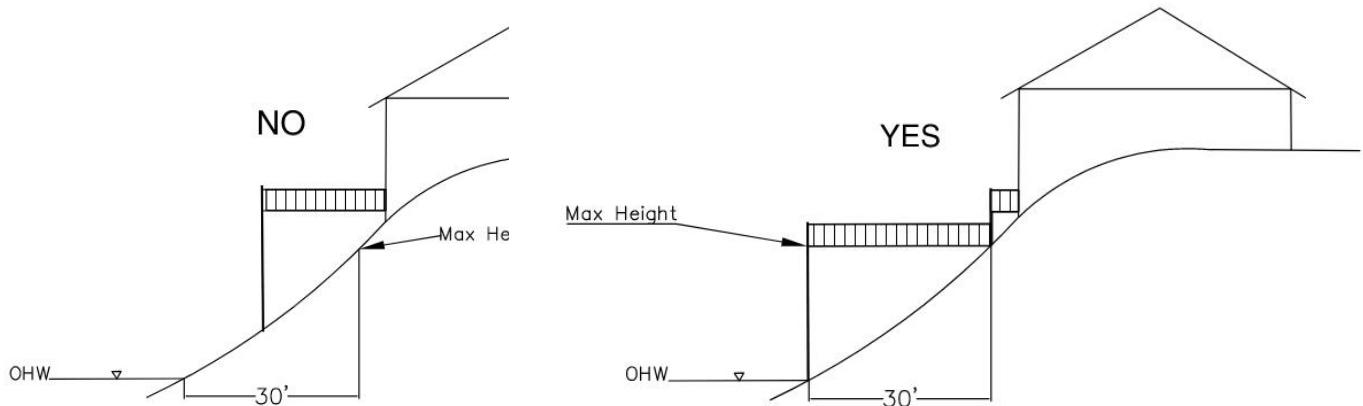
a.

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. 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'	<u>10'25'</u>	<u>20'</u>
C-1 Districts	30'	<u>0'30'</u>	<u>0'30'</u>	<u>0'30'</u>
C-2 Districts	30'	<u>40'30'</u>	10'	10'

C-3 Districts	30'	<del>40'</del> <ins>35'</ins>	<del>10</del> <ins>20</ins>	10'
C-L Districts	30'	30'	10'	10'a
I-1 Districts	40'	40'	<del>25'</del> <ins>10</ins>	<del>10</del> <ins>25'</ins>
I-2 Districts	40'	75'	<del>50'</del> <ins>20</ins>	<del>20</del> <ins>50'</ins>
<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)

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



## 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.) <sup>a</sup>	Minimum Lot Area (SF)	Minimum Required Lot Width	Minimum Required Front Yard	Minimum Required Side Yard <sup>c</sup>	Minimum Required Rear Yard	Maximum Mean Height <sup>b</sup>
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'

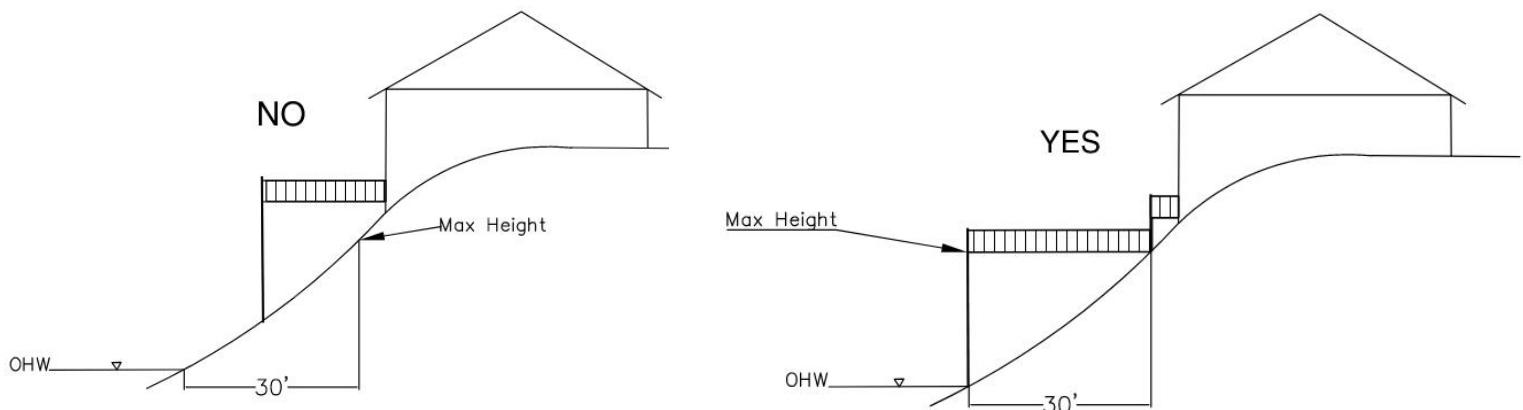
a d.u. - dwelling unit

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.

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:

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Reid Holien  
Mayor

Kristen Bobzien  
Chief Financial Officer



## City Council

### Agenda Item

**Subject:** First 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 - Sep 16 2024

**From:** Amanda Mack, City Manager

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#### BACKGROUND INFORMATION:

The ordinance amendment is for the R-G Residential Garage District to eliminate the need for 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).

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#### FINANCIAL CONSIDERATIONS:

N/A

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#### OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director

Brandi Hanten, Community Development Manager

Carla Heuer, Planner

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**STAFF RECOMMENDATION / SUGGESTED MOTION:**

No Action; First Reading

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**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**

<b>Section</b>	<a href="#">(back to Title contents)</a>
<a href="#">21.2301 Purpose</a>	
<a href="#">21.2302 Permitted Use(s)</a>	
<a href="#">21.2303 Requirements</a>	
<a href="#">21.2304 Prohibited Uses</a>	
<a href="#">21.2205 Area and Bulk Requirements</a>	

##### **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**

- Must be located adjacent to a residential district.
- 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.
- ~~Before a Petition for Rezone can be heard the following requirements must be met:~~
  - ~~The written consent of a majority of all property owners (fifty-five percent (55%)) owning property immediately adjacent to the proposed zone.~~
  - ~~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.~~
  - ~~If an applicant cannot acquire all signatures required they may appeal to the Plan Commission. (Ord. 17-12; Rev. 05-12-17)~~

###### **2. Structure**

- Garages shall be in accordance with [Section 21.1001 Residential Height & Placement Regulations](#) unless otherwise specified below.
- Only one (1) garage will be allowed per lot.
- Maximum impervious surface (including structure) shall be fifty percent (50%) of the lot area.
- Building construction and materials shall meet the requirements of a primary residential structure and shall be approved by the Building Official.
- 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-forty (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 21.23063(2f): 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:

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Reid Holien  
Mayor

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Kristen Bobzien  
Chief Financial Officer

## 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	<a href="#">(back to Title contents)</a>
<a href="#">21.2301 Purpose</a>	
<a href="#">21.2302 Permitted Use(s)</a>	
<a href="#">21.2303 Requirements</a>	
<a href="#">21.2304 Prohibited Uses</a>	
<a href="#">21.2205 Area and Bulk Requirements</a>	

#### **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

1. 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:

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Reid Holien  
Mayor

Kristen Bobzien  
Chief Financial Officer



## City Council

### Agenda Item

**Subject:** First 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 - Sep 16 2024

**From:** Heath VonEye, Assistant City Manager/Public Works Director

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#### 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).

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#### FINANCIAL CONSIDERATIONS:

N/A

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#### OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director

Brandi Hanten, Community Development Manager

Carla Heuer, Planner

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#### STAFF RECOMMENDATION / SUGGESTED MOTION:

No Action; First Reading

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#### 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**

[21.0201 Plan-](#)

[CommissionPlanning](#)

[Commission](#)

[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](#)

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**21.0201: PLANNING COMMISSION**

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1. **City Planning Commission Created.** There is hereby created a [Plan CommissionPlanning Commission](#) for the City of Watertown, South Dakota, and for land within three (3) miles of its corporate limits.

2. **Membership of the Plan CommissionPlanning Commission.** The [Plan CommissionPlanning 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 CommissionPlanning Commission](#), but in no instance shall there be more than three (3) [Plan CommissionPlanning 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 CommissionPlanning 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 CommissionPlanning 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 CommissionPlanning Commission](#) shall be for three (3) years, except that when such [Plan CommissionPlanning Commission](#) is first appointed ~~three two~~

(2) members shall be appointed to serve a term of two (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 NovemberDecember 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 firstnext 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 CommissionPlanning 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 CommissionPlanning 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. Excused Absences. Absences may occur for a number of be excused 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. Theseis 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 CommissionPlanning 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, shallmay 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 followadopt 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 AdjustmentAdministrative Official shall keep minutes of the Board’sits 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 HallFinance 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 OfficialAdministrative Official. Such appeals shall be taken within a reasonable time, not to exceed thirty (30) days, by filing with the Building OfficialAdministrative Official and with the Board of AdjustmentAdministrative Official a notice of appeal specifying the grounds thereof. The Administrative OfficialBuilding Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of AdjustmentAdministrative 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.

(4)(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 OfficialAdministrative Official on Appeals; Reversing Decision of Administrative OfficialBuilding 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 OfficialAdministrative 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. 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 Building OfficialAdministrative 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 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 Sanitarian Wastewater 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:

Reid Holien  
Mayor

TITLE 21

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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](#)
- [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: PLANNING COMMISSION

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

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:

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Reid Holien  
Mayor

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Kristen Bobzien  
Chief Financial Officer



# City Council

## Agenda Item

**Subject:** First 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 - Sep 16 2024

**From:** Amanda Mack, City Manager

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### BACKGROUND INFORMATION:

The owners, Douglas and Jacqualine 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

Agenda Item 10.(d) First Reading of Ordinance No. 24-21, Amending the Zo...

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

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**FINANCIAL CONSIDERATIONS:**

N/A

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**OVERSIGHT / PROJECT RESPONSIBILITY:**

Heath VonEye, Assistant City Manager/Public Works Director

Brandi Hanten, Community Development Manager

Carla Heuer, Planner

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**STAFF RECOMMENDATION / SUGGESTED MOTION:**

No Action; First Reading

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**ATTACHMENT(S):**

[Vicinity Map](#)

[RZ-24-5 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**

**RZ-24-5**

Submitted On: Jun 28, 2024

**Applicant**

👤 Douglas & Jacqualine Lage  
📞 507-829-0924  
✉️ djlage@charter.net

**Primary Location**

Point Location: 44.9484, -97.2097

## 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 prmary 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 10.(d) First Reading of Ordinance No. 24-21, Amending the Zo...

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 & Jacqualine 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".

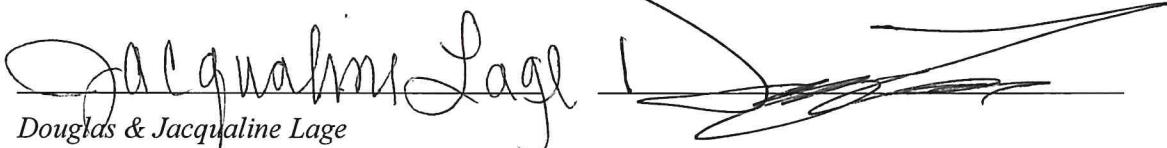
*Lot 5 Block 5 North Lake Drive Addition to the Municipality of Watertown located in Codington County, South Dakota*

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 & Jacqualine Lage

State of South Dakota

)SS:

County of Codington )

On this the 28 day of June, 2024, before me, the undersigned officer, personally appeared *Douglas & Jaqueline Lage* known to me or satisfactorily proven to be the person(s) who signed the foregoing PETITION.

IN WITNESS THEREOF, I hereunto set my hand and official seal.

Laura L. Hoiten  
Notary Public

My Commission Expires: 3-9-2029



*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 Jacqualine 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 168<sup>th</sup> 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: \_\_\_\_\_

*Emily Berg*  
8. I, ~~Terri 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.

*Paul Hinderaker*  
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. *Vanderpol*

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 38<sup>th</sup> 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 Jacqualine 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:

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Kristen Bobzien  
Chief Financial Officer

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Ried Holien  
Mayor



## City Council

### Agenda Item

**Subject:** 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.

**Meeting:** City Council - Sep 16 2024

**From:** Amanda Mack, City Manager

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#### BACKGROUND INFORMATION:

Fees have been paid and the Notice of Hearing has been published on 09/16/2024.

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#### FINANCIAL CONSIDERATIONS:

Applicant has paid transfer fees of \$75.00 to the City of Watertown and a one time \$50.00 notice of hearing fee.

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#### STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to approve 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.

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#### ATTACHMENT(S):

[Rivercard Casino](#)

Date Received \_\_\_\_\_  
Date Issued \_\_\_\_\_License No. RB-3269**Uniform Alcoholic Beverage License Application****A. Owner Name and Address**

RIVER CARD CASINO  
3 Westside Laundromat LLC  
7 8th St. SW. WINS. D 57201

Owner's Telephone #: 605-303-9541**C. Indicate the class of license being applied for  
(submit separate application for each class of license).**

Retail (on-sale) Liquor  
 Retail (on-sale) Liquor - Restaurant  
 Convention Center (on-sale) Liquor  
 Package (off-sale) Liquor  
 Retail (on-off sale) Wine and Cider  
 Retail (on-off sale) Malt Beverage & SD Farm Wine  
 Package Delivery  
 Hunting Preserve  
 Other \_\_\_\_\_

Is this license in active use?  Yes  No

Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses?

 Yes  No **If Yes, please list on the back page.****G. 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 of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.Date 9-3-2024 | Print Name David HedmanSignature David Hedman**H. APPROVAL OF LOCAL GOVERNING BODY** – Notice of hearing was published on 9116124. Public hearing on the application was held 9116124, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.Renewal - no public hearing held 

Amount of fee collected with application \$ \_\_\_\_\_

Amount of fee retained \$ \_\_\_\_\_

Forwarded with application \$ \_\_\_\_\_

**For Local Government Use**(Seal) \_\_\_\_\_  
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

**Transferred (State Use)**

From: \_\_\_\_\_

Sales tax approval \_\_\_\_\_ Date \_\_\_\_\_

**STATE LIQUOR AUTHORITY:****APPROVAL** \_\_\_\_\_ **REVIEW** \_\_\_\_\_

Please complete the reverse side if applicable

**Company supplement information  
(For corporate/partnership/LP/LLC applicants)**

Name of corporation/partnership/LP LLC River Card Casino & Westside Laundromat LLC

Address of office and principal place of business of corporation/partnership/LP/LLC 7 8<sup>th</sup> St S.W. Wtn S.D. 57201

Are all managing officers of this corporation/partnership/LP/LLC of good moral character having never been convicted of a felony?  Yes  No

Name, title of office, occupation and address of each of the officers/owners of the corporation, partnership, LP or LLC:

Name	Office	Address	Occupation
<u>David Holmen</u>	<u>—</u>	<u>1107 34<sup>th</sup> St. S.W. Wtn 57201</u>	<u>Owner</u>

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other alcoholic beverage license:

Name	Type of License, License Number, Financial Interest Held, and Address of Business Location

Where and with whom are all company records kept, such as charter, by-laws, minutes, accounts, notes payable, and notes and accounts receivable, etc?

Self

**With signature the applicant agrees to the following:**

That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to comply therewith, whether by the undersigned corporation, partnership/LP/LLC or by any stockholder thereof, or by anyone interested in said company, shall constitute cause for revocation or suspension of any license issued pursuant to and in reliance on this application, or for refusal to renew such license upon expiration thereof.

We the undersigned officers and directors of the applicant company acknowledge that the within supplement application form is true and correct in every respect and that there exists no financial arrangement concerning this or any other alcoholic beverage license than that expressly set forth above. If company stock is to be transferred we ask for approval of such voluntary stock transfer.

Signature of Authorized Officer/Director/Partner



Date

9-3-2024

## AFFIDAVIT

STATE OF SOUTH DAKOTA      )  
                                    ) SS  
COUNTY OF CODINGTON      )

Rodney Parent / Rivercard Casino, being first duly sworn on oath deposes and says: That on the 12 day of August, 2024, s/he was the owner of the license / business / stock of R B 3269 situated on (legal description) 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  
in the city/county of Watertown / Codington, South Dakota and that on the said date s/he made a transfer / sale of said license operated under an alcoholic beverage license to David J Hedman of Watertown, South Dakota.

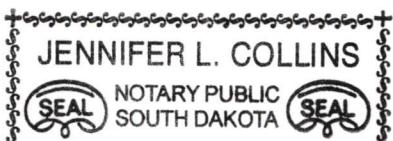
Rodney Parent (owner)

(owner)

Subscribed and sworn to before me this 12th day of August, 2024

J. J. Cella  
Notary Public

My commission Expires: 8/11/2029



(SEAL)



## City Council

### Agenda Item

**Subject:** Second Reading of 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.

**Meeting:** City Council - Sep 16 2024

**From:** Amanda Mack, City Manager

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#### BACKGROUND INFORMATION:

The owner, Crockers, LLC/Bryan Crocker, has petitioned to rezone the Northwest portion of property located at 517 10th Avenue SW in the Watertown Sales Pavilion 2nd Addition from I-1 Light Industrial District to C-3 Highway Commercial District. The parcel contains 2.4 Acres or approximately 105,254 SF which conforms to the minimum district requirements of the C-3 Highway Commercial District.

The parcel currently contains zoning districts of I-1 and C-3. The portion of property that is currently zoned I-1 was platted as a separate lot prior to being combined with the C-3 lot that the Crocker's Collision Center structure resides on. This rezone will create one zoning district within the parcel boundary that will be replatted as Lot 1 of Crockers First Addition if the rezone is approved.

The Plan Commission recommended approval unanimously to City Council at the August 22, 2024 meeting.

#### Facts:

1. Adjacent Property Zoning Designation:
  - a. North → C-3 Highway Commercial District
  - b. East → I-1 Light Industrial District
  - c. South → C-3 Highway Commercial District
  - d. West → I-1 Light Industrial District
2. Rezone will extend to the centerline of the adjacent right-of-ways
3. No floodplain in area

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#### FINANCIAL CONSIDERATIONS:

N/A

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#### 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 rezone petition to City Council through the following motion:

I move to approve 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.

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**ATTACHMENT(S):**

[Application](#)

[Vicinity Map](#)

[Petition](#)

[Ordinance No. 24-14](#)

**RZ-24-6**

Rezoning Application

Status: Active

Submitted On: 8/2/2024

**Primary Location**517 10TH ST SW  
WATERTOWN, SD 57201**Owner**CROCKERS LLC  
517 10 ST SW WATERTOWN, SD  
57201-**Applicant**

Colin DeJong  
 +1 650-882-2371  
 colindejong@iw.net  
 1022 6th St SE  
 Watertown, SD 57201

**Applicant Information**

I the applicant am the...\*

Project Agent

**Project Information****Existing Legal Description\***

*The West 106' of the East 300' of the North 201.1' of the Southeast Quarter of the Northwest Quarter of Section 36, Township 117 North, Range 53 West of the 5<sup>th</sup> P.M., Codington County, South Dakota AND The North 150' of Lot 4 of the plat entitled, 'Lot 4 of Watertown Sales Pavilion Second Addition to the City of Watertown, South Dakota;' AND Lots 1 and 2 of the plat entitled, 'Lots 1, 2 & 3 of Watertown Sales Pavilion Second Addition to the City of Watertown, South Dakota*

**Proposed Legal Description\*** 

Lot 1 Crockers First Addition

**Reason for Rezone**

To cleanup split zoning on property.

**Size of site being rezoned (Acres)\***

0.49

**Size of site being rezoned (SF)**

21344.4

**Current Zoning Designation\***

I-1 Light Industrial District

**Proposed Zoning Designation\***

C-3 Highway Commercial District

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## Property Owner Information

**Name\***

Crockers, LLC / Bryan Crocker

**Phone Number\***

605-886-2048

**Email Address\***

NA

**Mailing Address\***

517 10th St SW

**City\***

Watertown

**State\***

SD

**Zip\***

57201

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## Design Professional Information

**Name\***

Colin DeJong

**Phone Number\***

6058822371

**Email Address\***

COLINDEJONG@IW.NET

**Mailing Address\***

1022 6th St SE

**City\***

Watertown

**State\***

SD

**Zip\***

57201

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### Applicant Signature

I agree that all information provided is true and accurate to the best of my knowledge.

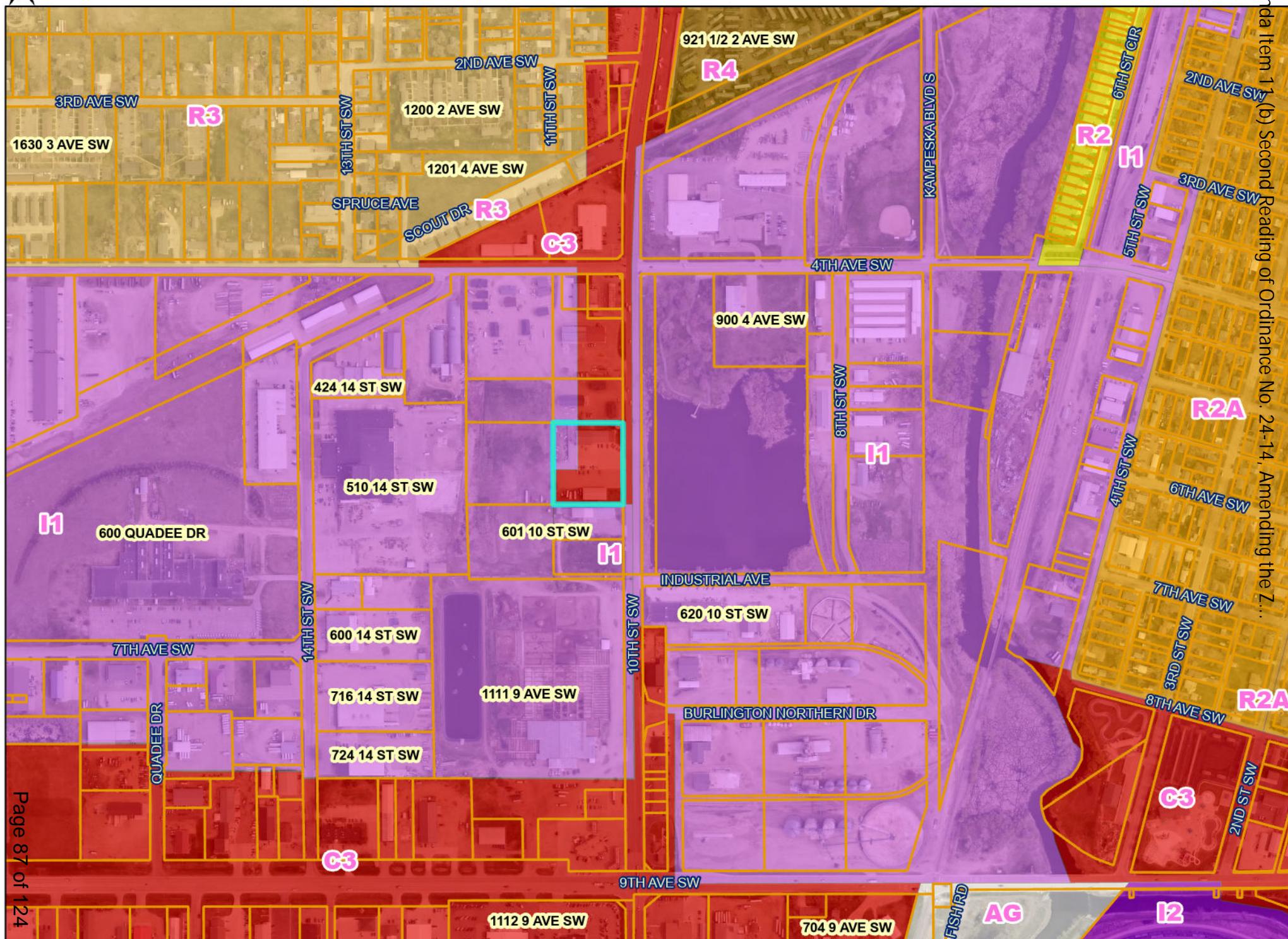
**Applicant Signature\***

 Colin DeJong

Aug 2, 2024

## Vicinity Map: 517 10th St SW

Agenda Item 11(b) Second Reading of Ordinance No. 24-14, Amending the L...



Prepared by:  
Colin B. DeJong  
Aason Engineering Company, Inc.  
1022 6<sup>th</sup> St SE  
Watertown, SD 57201  
Phone #: 605-882-2371

**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 Petitioner(s), Crockers, LLC, 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 "I1 – Light Industrial District" to "C3 – Highway Commercial District".

The West 106' of the East 300' of the North 201.1' of the Southeast Quarter of the Northwest Quarter of Section 36 – Township 117 North – Range 53 West of the 5<sup>th</sup> P.M., Codington County, South Dakota. Subject property contains 21,316 +\/- Sq. Ft.

Which upon platting will be a portion of Lot 1 of Crocker's First Addition to the Municipality of Watertown, in the County of Codington, South Dakota.

2. Petitioner is the owner of record of the above-described real property.
3. The petitioner intends to construct an addition on the west side of the existing building.
4. The following Exhibit is attached hereto and is by reference incorporated as part of this Petition:

Exhibit A – The West 106' of the East 300' of the North 201.1' of the Southeast Quarter of the Northwest Quarter of Section 36 – Township 117 North – Range 53 West of the 5<sup>th</sup> P.M., Codington County, South Dakota.

WHEREFORE, PETITIONER(S) REQUEST that the City Council of Watertown, South Dakota adopt an ordinance re-zoning the above-referenced real property from its current designation as "I1 – Light Industrial District" to "C3 – Highway Commercial District".

Dated at Watertown, South Dakota, this 17<sup>th</sup> day of July, 2097.

By Bryan Crocker  
Bryan Crocker, Acting Agent  
Crockers, LLC

State of South Dakota) )SS:  
County of Codington )

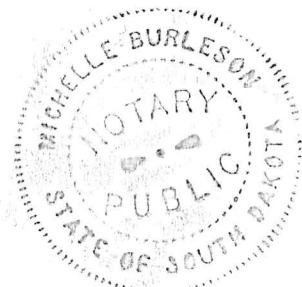
On this the 17<sup>th</sup> day of July, 2024, before me, the undersigned officer, personally appeared Bryan Crocker, Acting Agent for Crockers, LLC, known to me or satisfactorily proven to be the person whose name(s) are subscribed to within this instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Michelle Burleson  
Notary Public

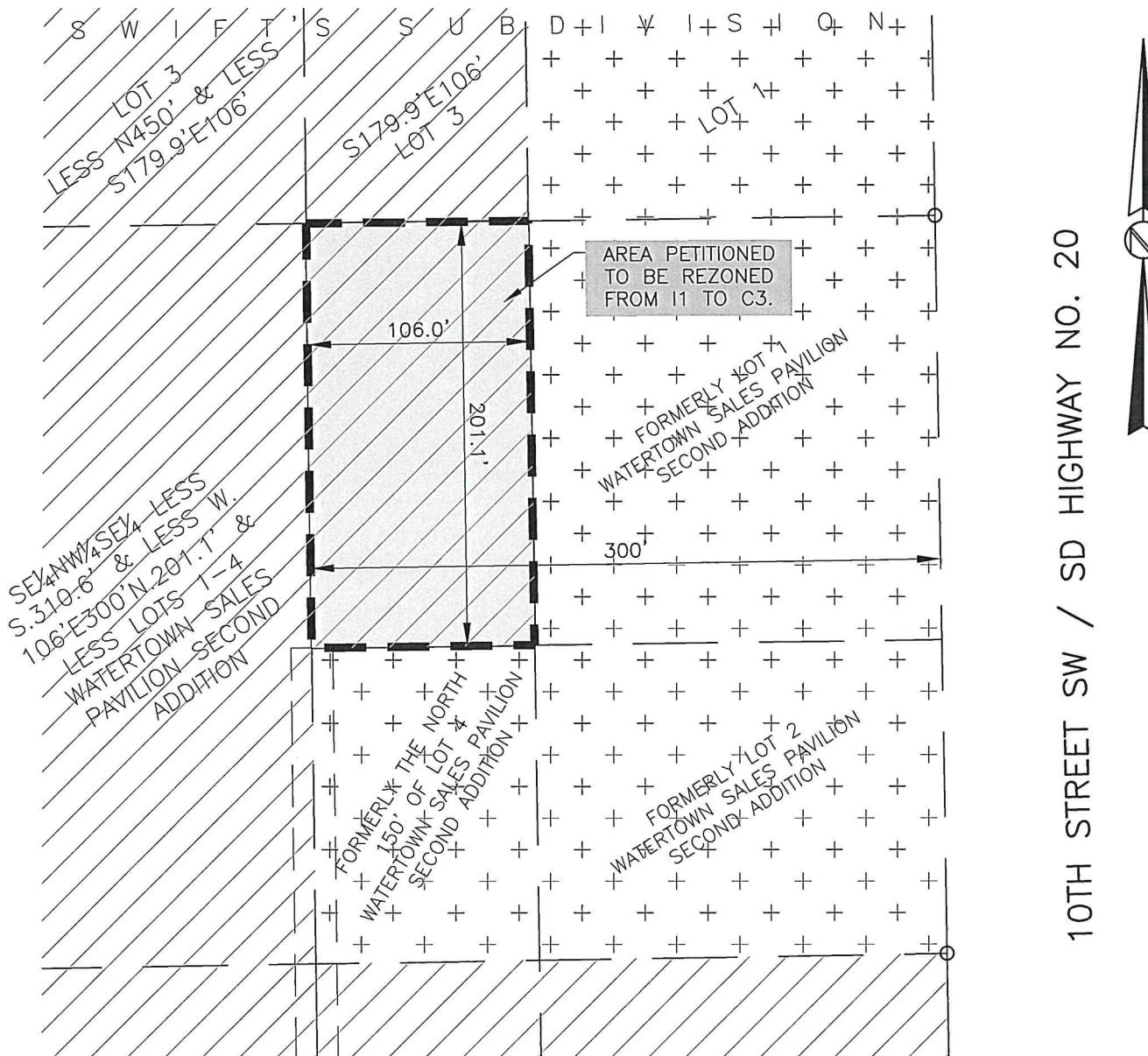
(SEAL)

My Commission Expires: 9-28-2024

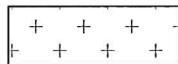


## Exhibit A

The West 106' of the East 300' of the North 201.1' of the Southeast Quarter of the Northwest Quarter of Section 36, Township 117 North, Range 53 West of the 5th P.M., Codington County, South Dakota. Subject parcel contains 21,316+/- Sq. Ft.



### ZONING DESIGNATIONS



C3 ZONING DESIGNATION



I1 ZONING DESIGNATION



Prepared By  
AASON ENGINEERING COMPANY, INC.

1022 SIXTH STREET S.E.  
WATERTOWN, SD  
Telephone 605-882-2371

## ORDINANCE NO. 24-14

### Petition to Amend Zoning District Boundaries by Rezoning a Portion of Property from I-1 Light Industrial District to C-3 Highway Commercial District

**BE IT ORDAINED** by the City of Watertown, upon examination of the Petition to Change Zoning by Crockers, LLC/Bryan Crocker, the owner of real property described as:

*The West 106' of the East 300' of the North 201.1' of the Southeast Quarter of the Northwest Quarter of Section 36—Township 117 North—Range 53 West of the 5th P.M., Codington County, South Dakota*

*Which upon replatting will be a portion of Lot 1 of Crocker's First 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 Resolution No. 24-14, that the property be, and is hereby, rezoned from the existing designation of *I-1 Light Industrial District*, pursuant to Watertown Revised Ordinance §21.32 to *C-3 Highway Commercial District*, pursuant to Watertown Revised Ordinance §21.28.

**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. 24-14 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: Tuesday, September 3, 2024

Second Reading: Monday, September 16, 2024

Published: Saturday, September 21, 2024

Effective: October 11, 2024

City of Watertown

Attest:

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Kristen Bobzien  
Chief Financial Officer

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Ried Holien  
Mayor



## City Council

### Agenda Item

**Subject:** Second Reading of Ordinance No. 24-20, authorizing the Finance Officer to certify the Property Tax Levy to the Codington County Auditor.

**Meeting:** City Council - Sep 16 2024

**From:** Amanda Mack, City Manager

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#### BACKGROUND INFORMATION:

Each year the council must pass an ordinance establishing the annual tax levy. Upon approval of the ordinance the City Finance Officer will certify the annual tax levy to the County Auditor.

The property tax brought before council is calculated using a 3% CPI as set forth by the State of South Dakota and an estimated growth of 1.05%. The property tax levy for 2024 payable in 2025 is \$4,458,225. The certified property tax for 2025 results in an increase over 2024 in the amount of \$174,038.

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#### FINANCIAL CONSIDERATIONS:

NA

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#### STAFF RECOMMENDATION / SUGGESTED MOTION:

Move to approve Ordinance No. 24-20 to certify the property tax levy for 2024 payable in 2025.

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#### ATTACHMENT(S):

[2025 Property Tax Levy Ordinance - No. 24-20](#)

**ORDINANCE NO. 24-20**

**AN ORDINANCE AUTHORIZING THE FINANCE OFFICER TO CERTIFY THE PROPERTY TAX LEVY TO THE CODINGTON COUNTY AUDITOR**

BE IT ORDAINED by the City Council of the City of Watertown, South Dakota, the Finance Officer is hereby directed to certify the following amount of property tax levy made in this Ordinance to the County Auditor of Codington County, South Dakota, in the manner provided for by law.

General Fund	\$ 4,458,225
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This Ordinance is declared to be for the support of the City Government and its existing public institutions and shall be in full force and effect from and after its passage and publication.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

City of Watertown

Attest:

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Kristen Bobzien  
Finance Officer

Ried Holien  
Mayor

(SEAL)

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. 24-20 was published in the Watertown Public Opinion, the official newspaper of said City, on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Kristen Bobzien, Finance Officer

First Reading: September 3, 2024  
Second Reading: September 16, 2024  
Adopted: September 16, 2024  
Published: September 21, 2024



## City Council

### Agenda Item

**Subject:** Acknowledgement of the Intent of City staff to appeal the preliminary FIRM maps released by FEMA.

**Meeting:** City Council - Sep 16 2024

**From:** Amanda Mack, City Manager

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#### BACKGROUND INFORMATION:

FEMA has released the preliminary floodplain maps and started the formal 90-day review period on July 30, 2024. Staff have reviewed the maps and have significant concerns about the proposed base flood elevations (BFE) in several parts of town. Notably, along Lake Kampeska, in which the proposed BFE is 1720.5 feet, which is 4.3 feet lower than the current BFE of 1724.8 feet. Over the last 20 years, Lake Kampeska water level has exceeded the proposed BFE nine (9) times.

The City retained HDR Engineering to review the FEMA HEC-RAS model and provide additional concerns (see attached memo).

This motion is to acknowledge the intent of City staff to appeal the preliminary FIRM maps released by FEMA.

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#### FINANCIAL CONSIDERATIONS:

N/A

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#### OVERSIGHT / PROJECT RESPONSIBILITY:

Heath VonEye, Assistant City Manager/Public Works Director

Brandi Hanten, Community Development Manager

Justin Petersen, City Engineer

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#### STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of the following motion:

I move to Acknowledge of the Intent of City staff to appeal the preliminary FIRM maps released by FEMA.

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#### ATTACHMENT(S):

[Appeal Period Initiation Letter](#)

[Watertown FEMA Memo from HDR](#)

**U.S. Department of Homeland Security**  
Region VIII  
Denver Federal Center, Building 710  
P.O. Box 25267  
Denver, CO 80225-0267



**FEMA**

July 16, 2024

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

The Honorable Ried Holien  
Mayor, City of Watertown  
P.O. Box 910  
Watertown, South Dakota 57201

**IN REPLY REFER TO:**  
Case No.: 18-08-0048S

Community: City of Watertown,  
Codington County,  
South Dakota

Community No.: 460016

**APPEAL START**

Dear Mayor Holien:

On February 22, 2022, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided your community with Preliminary copies of the revised Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for your community City of Watertown, Codington County, South Dakota and Incorporated Areas. FEMA has posted digital copies of these revised FIRM and FIS report materials to the following Website <https://hazards.fema.gov/femaportal/prelimdownload/>. The Preliminary FIRM and FIS report include proposed flood hazard information for certain locations in the City of Watertown. The proposed flood hazard information may include addition or modification of Special Flood Hazard Areas, the areas that would be inundated by the base (1-percent-annual-chance) flood; base flood elevations or depths; zone designations; or regulatory floodways.

We have published a notice of the proposed flood hazard determinations in the *Federal Register* and will publish a public notification concerning the appeal process (explained below) in the *Watertown Public Opinion* on or about July 23, 2024, and July 30, 2024. We will also publish a separate notice of the flood hazard determinations on the "Flood Hazard Determinations on the Web" portion of the FEMA Website ([https://www.floodmaps.fema.gov/fhm/BFE\\_Status/bfe\\_main.asp](https://www.floodmaps.fema.gov/fhm/BFE_Status/bfe_main.asp)). We have enclosed copies of the notice published in the *Federal Register* and the newspaper notice for your information.

These proposed flood hazard determinations, if finalized, will become the basis for the floodplain management measures that your community must adopt or show evidence of having in effect to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). However, before any new or modified flood hazard information is effective for floodplain management purposes, FEMA will

## Agenda Item 12.(a) Acknowledgement of the Intent of City staff to appeal...

provide community officials and citizens an opportunity to appeal the proposed flood hazard information presented on the preliminary revised FIRM and FIS report posted to the above-referenced Website.

Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) is intended to ensure an equitable balancing of all interests involved in the setting of flood hazard determinations. The legislation provides for an explicit process of notification and appeals for your community and for private persons prior to this office making the flood hazard determinations final.

During the 90-day appeal period following the second publication of the public notification in the above-named newspaper, any owner or lessee of real property in your community who believes his or her property rights will be adversely affected by the proposed flood hazard determinations may appeal to you, or to an agency that you publicly designate. It is important to note, however, that the sole basis for such appeals is the possession of knowledge or information indicating that the proposed flood hazard determinations are scientifically or technically incorrect. The appeal data must be submitted to FEMA during the 90-day appeal period. Only appeals of the proposed flood hazard determinations supported by scientific or technical data can be considered before FEMA makes its final flood hazard determination at the end of the 90-day appeal period. Note that the 90-day appeal period is statutory and cannot be extended. However, FEMA also will consider comments and inquiries regarding data other than the proposed flood hazard determinations (e.g., incorrect street names, typographical errors, omissions) that are submitted during the appeal period, and will incorporate any appropriate changes to the revised FIRM and FIS report before they become effective.

If your community cannot submit scientific or technical data before the end of the 90-day appeal period, you may nevertheless submit data at any time. If warranted, FEMA will revise the FIRM and FIS report after the effective date. This means that the revised FIRM would be issued with the flood hazard information presently indicated, and flood insurance purchase requirements would be enforced accordingly, until such time as a revision could be made.

Any interested party who wishes to appeal should present the data that tend to negate or contradict our findings to you, or to an agency that you publicly delegate, in such form as you may specify. We ask that you review and consolidate any appeal data you may receive and issue a written opinion stating whether the evidence provided is sufficient to justify an official appeal by your community in its own name or on behalf of the interested parties. Whether or not your community decides to appeal, you must send copies of individual appeals and supporting data, if any, to: [r8commentsandappeals@fema.dhs.gov](mailto:r8commentsandappeals@fema.dhs.gov). Please reference the City of Watertown and 18-08-0048S in the subject line of email. If there is a hard copy component to the appeal package, send a notification to the aforementioned email address and send hard copies of the data to:

Madi Pluss, FEMA Region VIII  
Denver Federal Center, Building 710  
Post Office Box 25267  
Denver, Colorado 80225-0267

Additional copy to:

Katie Gronsky, Regional Service Center, STARR II  
Dewberry, 990 South Broadway, Suite 400  
Denver, Colorado 80209  
[kgronsky@Dewberry.com](mailto:kgronsky@Dewberry.com)

## Agenda Item 12.(a) Acknowledgement of the Intent of City staff to appeal...

If we do not receive an appeal or other formal comment from your community in its own name within 90 days of the second date of public notification, we will consolidate and review on their own merits such appeal data and comments from individuals that you may forward to us, and we will make such modifications to the proposed flood hazard information presented on the revised FIRM and in the revised FIS report as may be appropriate. If your community decides to appeal in its own name, all individuals' appeal data must be consolidated into one appeal by you, because, in this event, we are required to deal only with the local government as representative of all local interests. We will send our final decision in writing to you, and we will send copies to the community floodplain administrator, each individual appellant, and the State NFIP Coordinator.

All appeal submittals will be resolved by consultation with officials of the local government involved, by an administrative hearing, or by submission of the conflicting data to an independent scientific body or appropriate Federal agency for advice. Use of a Scientific Resolution Panel (SRP) is also available to your community in support of the appeal resolution process when conflicting scientific or technical data are submitted during the appeal period. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. An SRP is an option after FEMA and community officials have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Please refer to the enclosed "Scientific Resolution Panels" fact sheet for additional information on this resource available to your community.

FEMA will make the reports and other information used in making the final determination available for public inspection. Until the conflict of data is resolved and the revised FIRM becomes effective, flood insurance available within your community will continue to be available under the effective NFIP map, and no person shall be denied the right to purchase the applicable level of insurance at chargeable rates.

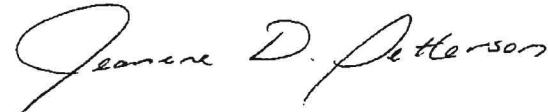
The decision by your community to appeal, or a copy of its decision not to appeal, should be filed with this office no later than 90 days following the second publication of the flood hazard determination notice in the above-named newspaper. Your community may find it appropriate to call further attention to the proposed flood hazard determinations and to the appeal procedure by using a press release or other public notice.

If warranted by substantive changes, during the appeal period we will send you Revised Preliminary copies of the revised FIRM and FIS report. At the end of the 90-day appeal period and following the resolution of any appeals and comments, we will send you a Letter of Final Determination, which will finalize the flood hazard information presented on the revised FIRM and FIS report and will establish an effective date.

Agenda Item 12.(a) Acknowledgement of the Intent of City staff to appeal...

If you have any questions regarding the proposed flood hazard determinations, revised FIRM panels, or revised FIS report for your community, please call our FEMA Mapping and Insurance eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627) or e-mail the FMIX staff at [FEMA-FMIX@fema.dhs.gov](mailto:FEMA-FMIX@fema.dhs.gov).

Sincerely,



Jeanine D. Petterson  
FEMA Region VIII Mitigation Division Director

List of Enclosures:

Newspaper Notice  
Proposed Flood Hazard Determinations *Federal Register* Notice  
“Scientific Resolution Panels” Fact Sheet

cc: Brandi Hanten, Community Development Manager, City of Watertown  
Community Map Repository (w/o enclosures)  
Madi Pluss, FEMA Region VIII Risk MAP Specialist (w/o enclosures)  
Robert Liska, FEMA Region VIII FM&I Specialist (w/o enclosures)

**DEPARTMENT OF HOMELAND SECURITY**  
**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**Proposed Flood Hazard Determinations for Codington County, South Dakota and Incorporated Areas**

The Department of Homeland Security's Federal Emergency Management Agency has issued a preliminary Flood Insurance Rate Map (FIRM), and where applicable, Flood Insurance Study (FIS) report, reflecting proposed flood hazard determinations within Codington County, South Dakota and Incorporated Areas. These flood hazard determinations may include the addition or modification of Base Flood Elevations, base flood depths, Special Flood Hazard Area boundaries or zone designations, or the regulatory floodway. Technical information or comments are solicited on the proposed flood hazard determinations shown on the preliminary FIRM and/or FIS report for Codington County, South Dakota and Incorporated Areas. These flood hazard determinations are the basis for the floodplain management measures that your community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program. However, before these determinations are effective for floodplain management purposes, you will be provided an opportunity to appeal the proposed information. For information on the statutory 90-day period provided for appeals, as well as a complete listing of the communities affected and the locations where copies of the FIRM are available for review, please visit FEMA's website at [https://www.floodmaps.fema.gov/fhm/BFE\\_Status/bfe\\_main.asp](https://www.floodmaps.fema.gov/fhm/BFE_Status/bfe_main.asp) or call the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-FEMA MAP (1-877-336-2627).

Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbibit@fema.dhs.gov](mailto:patrick.sacbibit@fema.dhs.gov); or visit the FEMA Mapping and Insurance eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](https://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are

used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information

regarding the SRP process can be found online at [https://www.floodsrp.org/pdfs/srp\\_overview.pdf](https://www.floodsrp.org/pdfs/srp_overview.pdf).

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location <https://hazards.fema.gov/femaportal/prelimdownload> and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at <https://msc.fema.gov> for comparison. (Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

**Nicholas A. Shufro,**  
Assistant Administrator (Acting) for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
<b>Mohave County, Arizona and Incorporated Areas</b> Project: 20-09-0009S Preliminary Date: April 10, 2024	
City of Kingman .....	Engineering Department, 220 North 4th Street, Kingman, AZ 86401.
Unincorporated Areas of Mohave County .....	Mohave County Development Services, 3250 East Kino Avenue, Kingman, AZ 86409.
<b>Codington County, South Dakota and Incorporated Areas</b> Project: 18-08-0048S Preliminary Date: February 22, 2022 and March 29, 2024	
City of Watertown .....	City Hall, 23 2nd Street NE, Watertown, SD 57201.
Sisseton Wahpeton Oyate Tribe .....	Sisseton Wahpeton Oyate Emergency Management Office, 114 Lake Traverse Drive, Sisseton, SD 57262.
Town of Florence .....	City Finance Office, 220 Main Street, Florence, SD 57235.
Town of Henry .....	Town Hall, 210 Main Street, Henry, SD 57243.
Town of Kranzburg .....	Town Hall, 202 Hastings Avenue NW, Kranzburg, SD 57245.
Town of South Shore .....	Codington County Extension Complex, 1910 West Kemp Avenue, Watertown, SD 57201.
Unincorporated Areas of Codington County .....	Codington County Extension Complex, 1910 West Kemp Avenue, Watertown, SD 57201.

[FR Doc. 2024-14173 Filed 6-27-24; 8:45 am]  
BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

[Docket No.: CISA-2024-0011]

### Agency Information Collection Activities: CISA Gateway User Registration

**AGENCY:** Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

**ACTION:** 30-Day notice and request for comments; renewal, 1670-0009.

**SUMMARY:** DHS CISA Infrastructure Security Division (ISD), will submit the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance. CISA previously published this information collection request (ICR) in the **Federal Register** on April 24, 2024, for a 60-day public comment period. No comments were received by CISA. The purpose of this notice is to allow an additional 30 days for public comments.

**DATES:** Comments are encouraged and will be accepted until July 29, 2024. Submissions received after the deadline for receiving comments may not be considered.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

## Memo

Date: Wednesday, September 04, 2024

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Project: Watertown Preliminary FEMA Risk Maps

To: City of Watertown

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From: Todd Yerdon, PE

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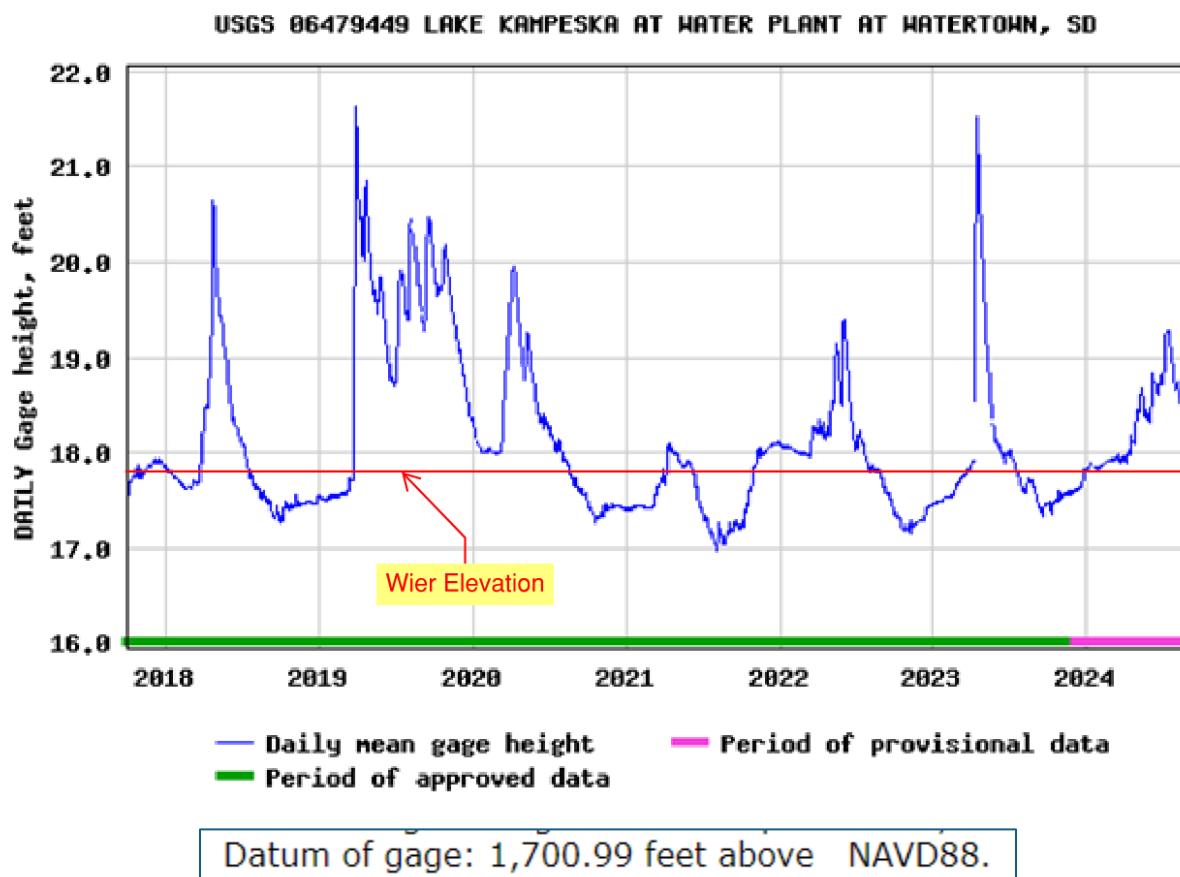
Subject: Watertown Preliminary FEMA Risk Map Comments

The City of Watertown (City) hired HDR to provide an initial review of the FEMA preliminary HEC-RAS models that were used to generate the preliminary FEMA Risk Maps developed for the City. The City has expressed their concerns to FEMA about various areas within the preliminary Risk Maps that do not correlate with past flooding events experienced in the area. Specific concerns regarding the lowering of the Base Flood Elevations (BFE) for both Lake Kampeska and Pelican Lake were expressed to FEMA. To this date, no revisions were made to the mapping based on the expressed concerns. The City is an active participant in the National Flood Insurance Program (NFIP) and desires to have accurately identified Special Flood Hazard Areas (SFHA) within the City's jurisdiction.

The City is part of a 2018 study to upgrade existing two-dimensional (2D) Base Level Engineering (BLE) models for select flooding sources to establish Zone AE SFHA. Specific areas upgraded include the Big Sioux River, Roby Creek, East Fork Roby Creek, Mud Creek Tributary, Willow Creek, Willow Creek Tributary, Lake Kampeska, and Pelican Lake. HDR's initial review focused on Lake Kampeska, Pelican Lake, Roby Creek and Big Sioux River. The following comments were identified during the review of the 2D enhanced model of the City:

1. **Existing Studies:** This study is intended to replace existing detailed studies within the Big Sioux River, Roby Creek, Lake Kampeska, and Pelican Lake. A detailed study must be supported by hydrology, hydraulics and terrain data that are consistent with the standards associated with a detailed study and demonstrate that the revised study is based on better data than was used with the previous study. Much of the data for the updated detailed studies in the City are derived from a lower level BLE analysis that is based on standards that are not consistent with current FEMA standards for a detailed study. Some of the supporting data also appears to be of lower quality than the original study.
2. **Terrain Quality:** Terrain data for this mapping and modeling effort uses “2012 Eastern South Dakota LiDAR” LiDAR (2012 LiDAR) dataset as noted in the supporting model development report. NOAA U.S. Interagency Elevation Inventory (<https://coast.noaa.gov/inventory>) lists this data source as having a vertical accuracy of 12.5 cm and of Quality Level (QL) 3 or lower data quality. In the “Guidance for Flood Risk Analysis and Mapping: Elevation Guidance” published by FEMA in 2016, FEMA notes that QL2 or better data is required for a detailed mapping project. The 2012 LiDAR dataset does not meet these standards. However, the 2021 Eastern P2 SD LiDAR (2021 LiDAR) data set is publicly available and meets the QL2 requirement laid out by the elevation guidance.
3. **Lake Kampeska Water Elevation:** The starting water elevation for Lake Kampeska appears to be modified by the modeling team in the model terrain because the model terrain is well below the LiDAR terrain water elevation. The lake elevation in the model terrain, elevation 1716.25 ft (NAVD88), is 2.7' below than the weir elevation in the model, and the weir elevation is the structure that regulates the water elevation in the lake.

Gage data for Lake Kampeska from 2017 to 2024, as shown in the screen clip below, shows that the lake elevation has never been near elevation 1716.25 ft (NAVD88) (gage height 15.26), and for a significant period of time the water was above the weir elevation.



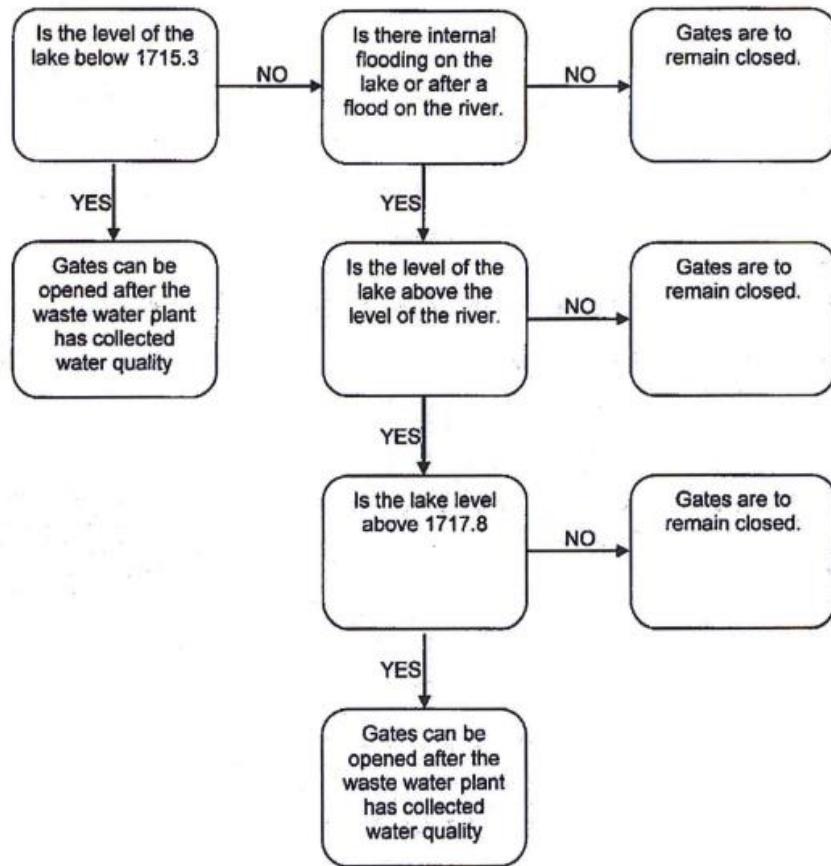
#### Lake Kampeska Gage Elevation from 2017 to 2024 with Datum Information

The operation of Lake Kampeska Weir Gate, as developed by the State and the USACE, establishes the normal lake water elevation for Lake Kampeska. The flow chart as shown in the screen clip below indicates that the standard operation typically has the gates closed until water reaches the top of the weir elevation at 1718.8 ft (NAVD 88). For risk map development, a starting elevation of 1718.8 ft (NAVD88) should be utilized since, at any given time during the year, water elevations could be at that elevation with no weir gates open. Any water elevation less than the weir elevation provides additional storage volume in the lake, and that additional storage volume cannot be guaranteed at any given time based on how the gates are operated. Starting the model at elevation 1716.25 ft (NAVD88) provided a significant amount of excess storage in the lake and diminishes the peak elevation of the lake in the model run which does not represent the real condition at the lake. It appears for this study that no background research was performed on the operation of the lake elevation which plays a significant role in establishing the BFE for the lake. The modeling

team should review the lake operation and revise the starting water elevation on the lake to be 1718.8 ft (NAVD88) which represents the top of weir elevation.

NGVD 29 datum

**Operation of Lake Kampuska Weir Gates**  
Flow chart to determine if gates are to be open



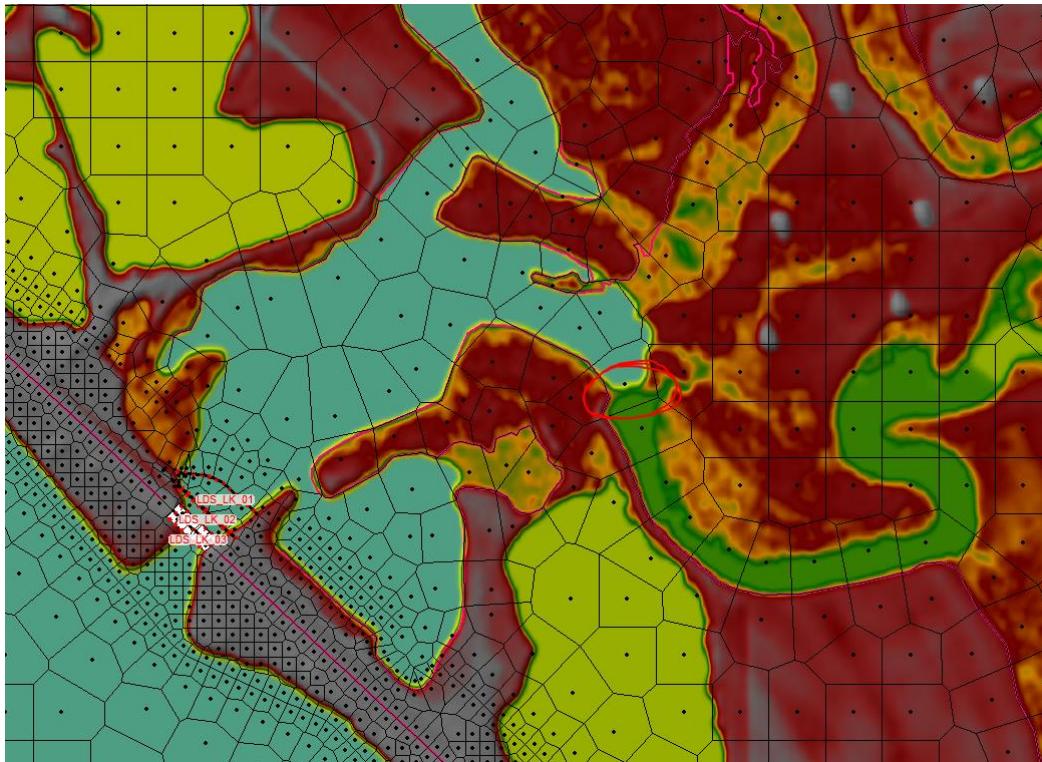
**Operation of Lake Kampuska Weir Gates Flow Chart**

4. **Lake Kampeska Downstream Terrain:** The starting water elevation for ponding areas downstream of Lake Kampeska appears to be modified by the modeling team in the model terrain because the model terrain is well below the LiDAR water terrain and no documentation indicates that survey was gathered for the bathymetry. The downstream water elevation in the model terrain, elevation 1716.25 ft (NAVD88), is approximately 1.57' below the downstream weir elevation (based on LiDAR). The artificially low elevation provides more water volume storage in the model and likely diminishes the peak flow elevation on the downstream side of the lake.
5. **Lake Kampeska Downstream Weir:** There is a weir downstream of Lake Kampeska on the Big Sioux River that is not modeled in the HEC-RAS model. The weir location is shown on the screen clip below. The weir impacts the Big Sioux River water elevations at the Lake Kampeska/Big Sioux River weir. Negating critical weir structures on the Big Sioux River which helps establish the lake BFE causes the Lake Kampeska BFE to be inaccurate. Not taking into consideration a critical weir structure also does not follow the “Guidance for Flood Risk Analysis and Mapping: General Hydraulics Considerations” published by FEMA in 2016 which states that the impact of hydraulic structures should be considered.



**Lake Kampeska Weir Location Not Modeled**

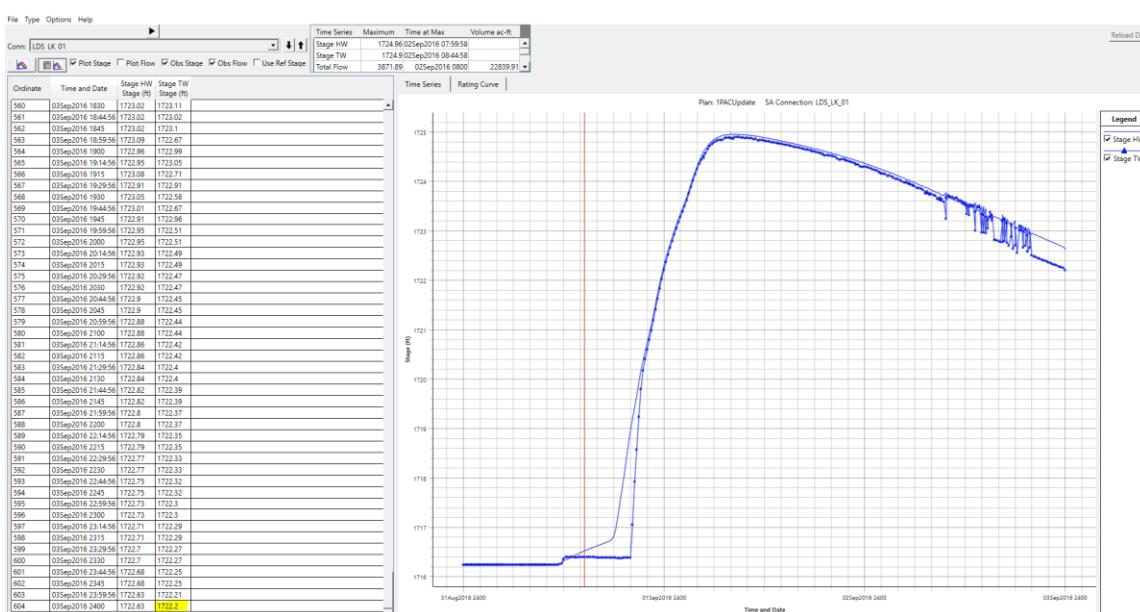
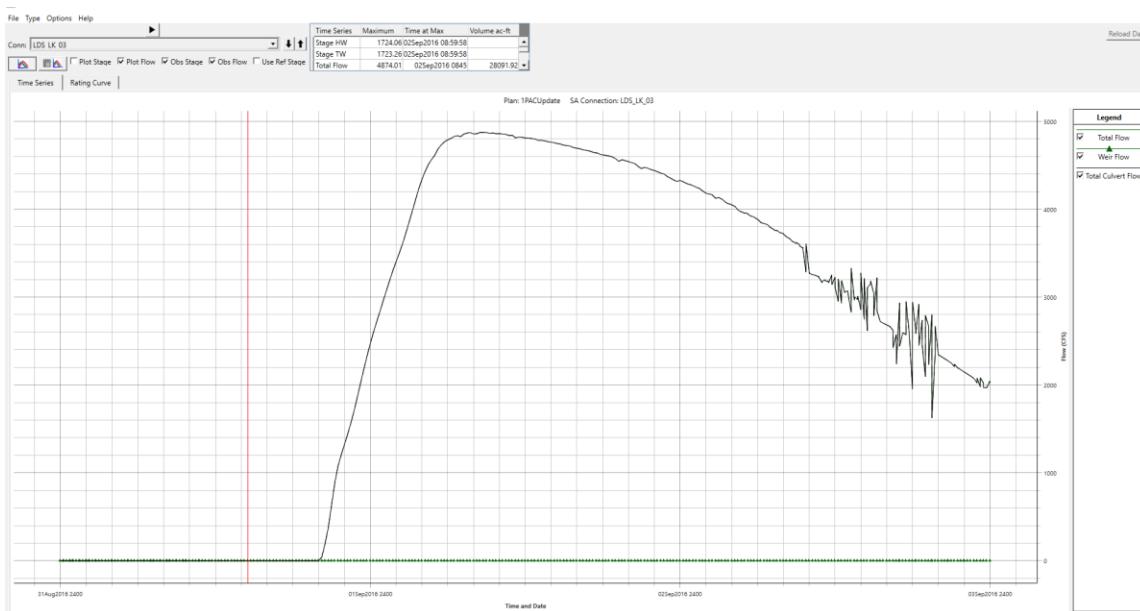
It should also be pointed out that at the location of the said weir, the modeling team developed a leaky cell across the said weir location which compounds the inaccuracy of the water elevations upstream on the Big Sioux River and Lake Kampeska. When establishing BFE's in a detailed analysis, leaky cells should not be utilized since the leaky cells generate inaccurate results for water conveyance. The leaky cell is shown in the screen clip below.



**Big Sioux River Downstream Leaky Cell at Weir Structure**

6. **Lake Kampeska BFE:** The BFE established for Lake Kampeska does not represent the peak water elevation of the lake according to the HEC-RAS model developed for the preliminary mapping. When reviewing the hydrographs results for flow entering Lake Kampeska at the Highway 20 bridge, it is evident the modeling team ended the model run prior to Lake Kampeska reaching the maximum BFE. The hydrograph shows that the lake is continuing to fill when the model run ended with approximately 2,000 cfs still entering the lake. The water elevation on the Big Sioux River side of the weir (1722.63 ft (NAVD88)) is higher than the Lake Kampeska water elevation (1720.52 ft (NAVD88)) at the end of the model run which means water was still entering into the lake and the actual BFE will be likely higher than 1720.5 ft (NAVD88) as shown on the preliminary mapping.

# Agenda Item 12.(a) Acknowledgement of the Intent of City staff to appeal...



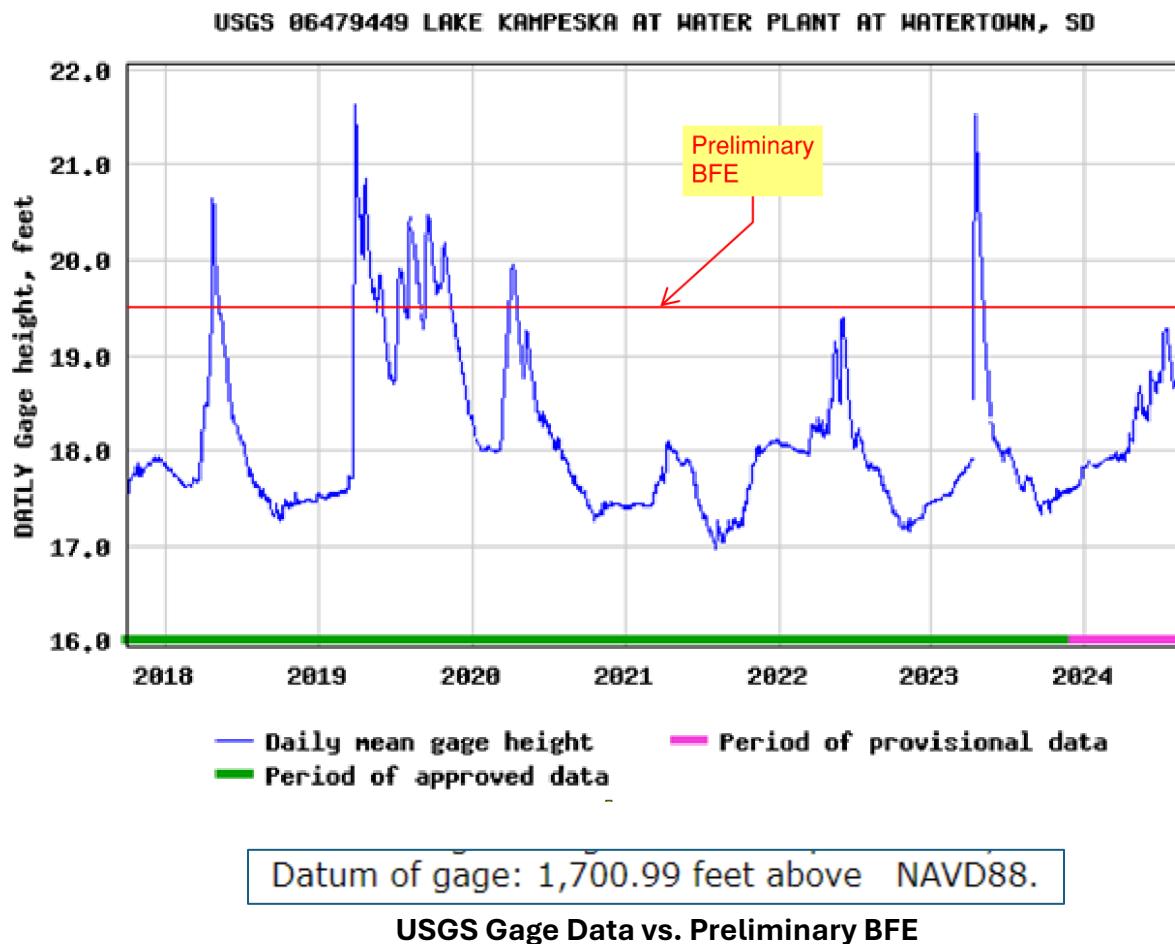
7. **Lake Kampeska BFE:** The BFE developed for Lake Kampeska (1720.5 ft (NAVD88)) does not appear to represent the statistical 1% lake elevation. Gage data at Lake Kampeska demonstrates that lake elevations have reached elevation 1720.5 ft (NAVD88) (gage height 19.51) or greater 9 times in the last 20 years. According to the preliminary mapping, residents have experienced 1% lake levels 45% of the time over the last 20 years. The historical crests for the lake are shown in the screen clip below.

Historic Crests	
23.71 ft	on 04-06-1997
22.57 ft	on 06-22-2010
21.82 ft	on 03-26-2009 <sup>1</sup>
21.68 ft	on 03-30-2019
21.53 ft	on 04-09-2011
21.52 ft	on 04-16-2023
21.14 ft	on 04-26-2007 <sup>1</sup>
20.65 ft	on 04-24-2018
20.06 ft	on 06-19-2008 <sup>1</sup>
19.95 ft	on 04-08-2020
19.40 ft	on 05-06-1986 <sup>1</sup>
19.27 ft	on 12-31-2009 <sup>1</sup>
19.03 ft	on 06-29-2014
18.58 ft	on 12-31-2005 <sup>1</sup>
17.67 ft	on 07-18-2013
17.54 ft	on 10-03-2014
17.50 ft	on 10-01-2011
17.33 ft	on 09-30-2017
16.25 ft	on 05-13-2016

Datum of gage: 1,700.99 feet above NAVD88.

#### Historical Lake Crests

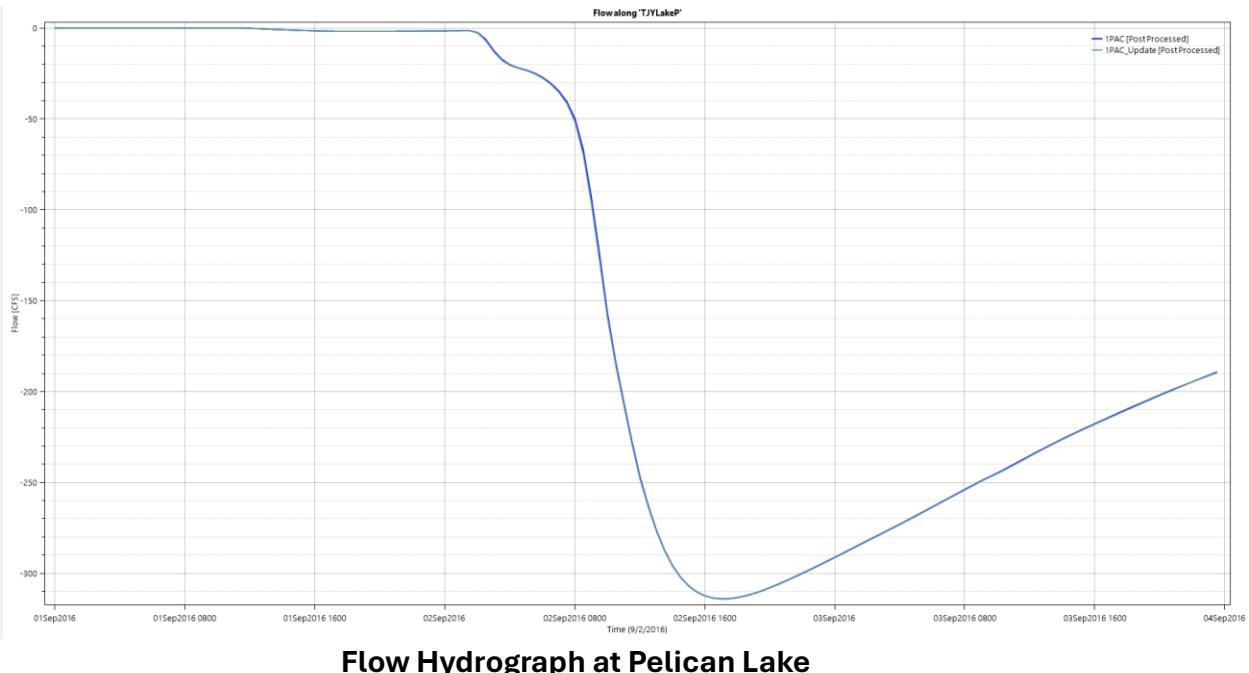
When looking at the USGS data from 2018 to 2024, the lake has been above the preliminary BFE 7 times as shown in the screen clip below.



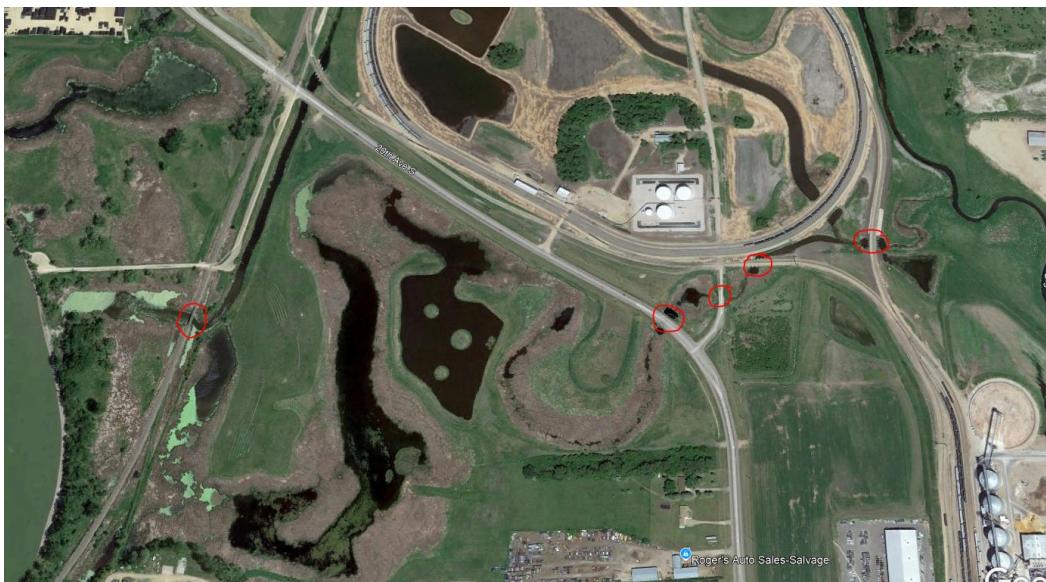
The modeling provided for the preliminary mapping project evaluated the peak water elevation for Lake Kampeska as it relates to a 1% storm event in the basin. It appears from the dates of the large peak lake elevations shown in the above screen captures that snow melt and ice may play a critical role in determining the statistical 1% peak lake elevation for Lake Kampeska and should be considered with this study. With extensive development along the shoreline, wave runup should be evaluated as well. It appears the analysis provided for the preliminary maps does not statistically represent the 1% peak lake elevation, and the techniques used with this analysis might not be appropriate defining the lake BFE.

8. **Pelican Lake Water Elevation:** The starting water elevation for Pelican Lake appears to be modified by the modeling team in the model terrain because the model terrain is well below the LiDAR terrain water elevation. The lake elevation in the model terrain, elevation 1709.97 ft (NAVD88), is approximately 1.83' below the LiDAR water elevation 1711.8 ft (NAVD88). It was not apparent or documented how this elevation was determined. If the starting water elevation is below any normal water elevation for the lake, additional storage volume is provided for the lake which could create artificially lower BFE elevations for the lake; therefore, a normal water elevation for the lake needs to be established with this study. It appears the outlet for the lake is approximately elevation 1711.7 ft (NAVD88).

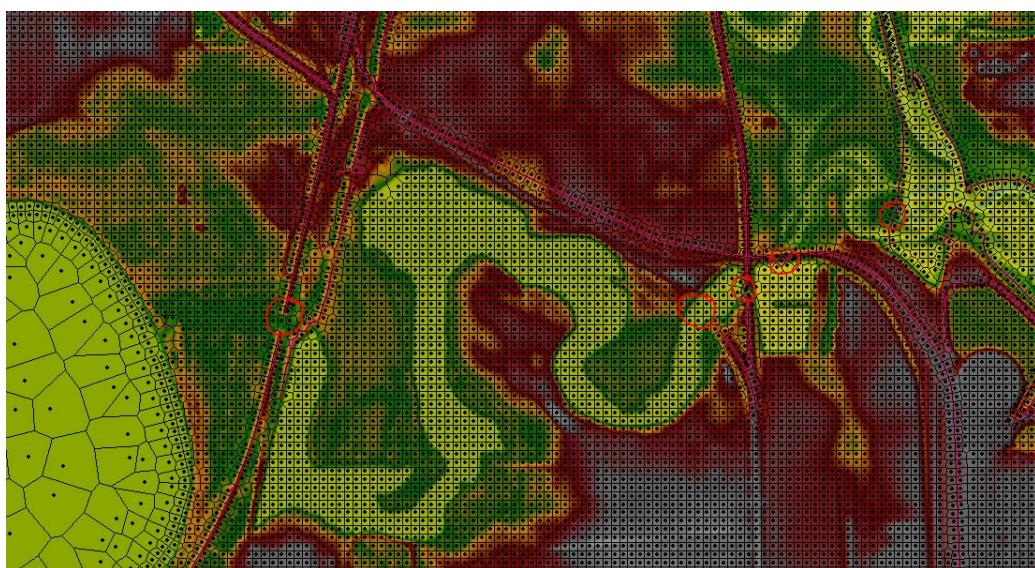
9. **Pelican Lake BFE:** The BFE established for Pelican Lake does not represent the peak water elevation of the lake according to the HEC-RAS model developed for the preliminary mapping. When reviewing the hydrographs results for flow entering Pelican Lake at the Pelican Lake Branch connection, it is evident the modeling team ended the model run prior to Pelican Lake reaching the maximum BFE. The hydrograph shows that the lake is continuing to fill when the model run ended with approximately 189 cfs still entering the lake. The water elevation on the Pelican Lake Branch (1713.61 ft (NAVD88)) is higher than the Pelican Lake water elevation (1711.79 ft (NAVD88)) at the end of the model run which means water was still entering into the lake and the actual BFE will be something higher than 1711.8 ft (NAVD88) as shown on the preliminary mapping.



**10. Pelican Lake Branch Structures:** Pelican Lake Branch is identified as a Zone AE with floodway. The floodway has 5 structures associated with this reach, as shown in the screen clip below, and none of these structures are modeled as shown in the next screen clip below. These structures are visible in aerial imagery, but not incorporated in the model. It appears BLE level detail was used in this reach, and no refinement was made for an enhanced study. Ignoring critical structures does not follow the “Guidance for Flood Risk Analysis and Mapping: General Hydraulics Considerations” published by FEMA in 2016 which states that the impact of hydraulic structures should be considered.



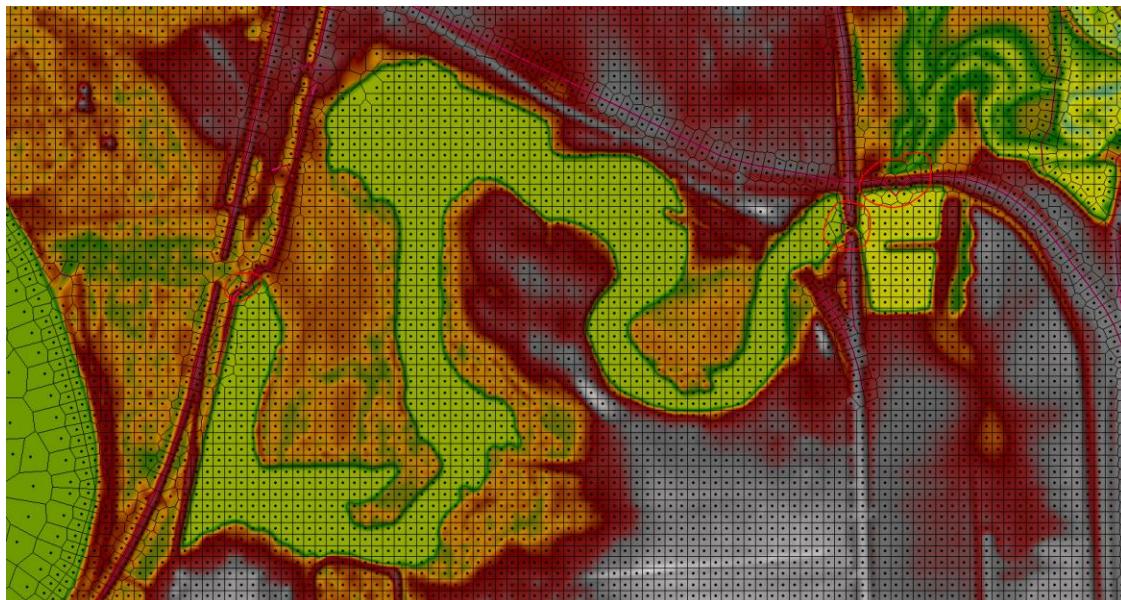
**Pelican Lake Branch Structures**



**Pelican Lake Branch Missing Structures**

**11. Pelican Lake Branch Terrain:** The starting water elevation for ponding areas downstream of Pelican Lake appears to be modified by the modeling team in the model terrain because model terrain is well below the LiDAR water terrain and no documentation indicates that survey was gathered for the bathymetry. The artificially low elevation provides more water volume storage in the model and likely diminishes the peak flow elevation on the downstream side of the lake.

**12. Pelican Lake Branch Leaky Cells:** Many of the missing structure locations have leaky cells at roadway or rail crossings. When establishing a Zone AE with floodway for a detailed analysis, leaky cells should not be utilized since the leaky cells generate inaccurate results for water conveyance. Example of leaky cells are shown in the screen clip below.

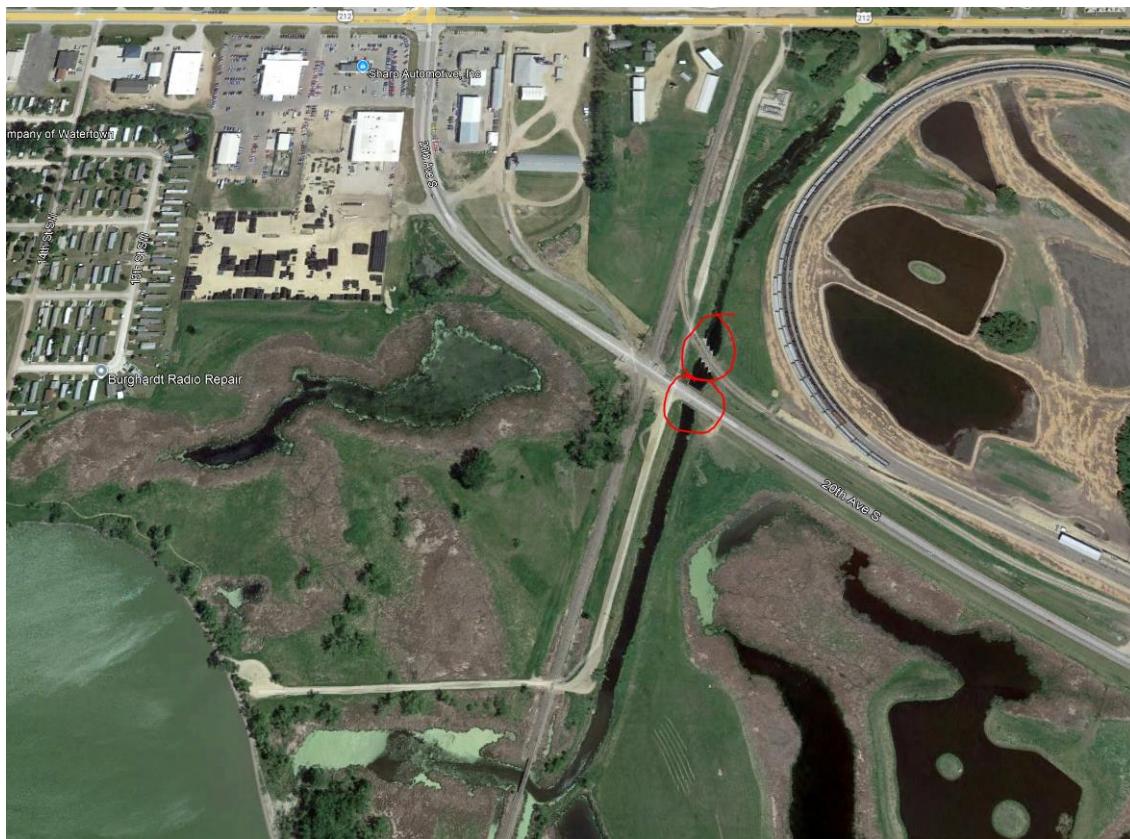


**13. 20<sup>th</sup> Avenue South:** 20<sup>th</sup> Avenue South was constructed in 2012 and visible in aerial photography as shown in the clip below. The current modeling does not include the roadway embankment for 20<sup>th</sup> Avenue South which will have impacts on conveyance and water storage volume. As identified above, the roadway structures for the Pelican Lake Branch were also not incorporated into the model by the modeling team. The 2021 LiDAR captures the roadway embankment and should be used for by the modeling team for the preliminary mapping.

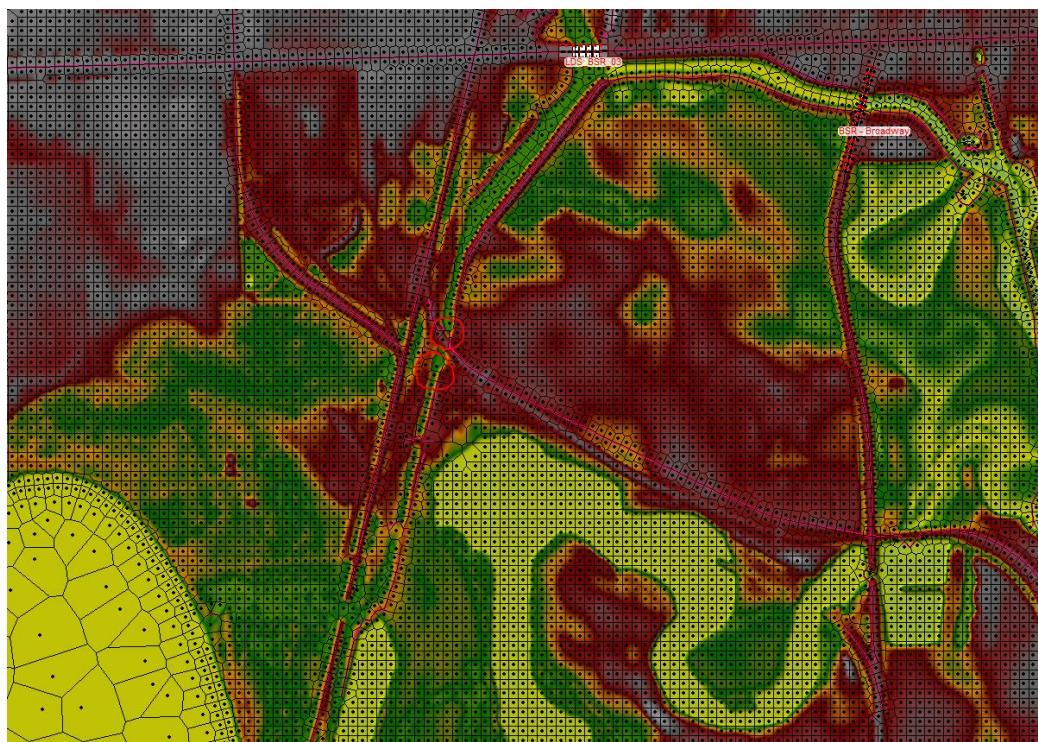


**20<sup>th</sup> Avenue South Roadway Embankment**

**14. Tributary to Pelican Lake Branch Structures:** Tributary to Pelican Lake Branch is identified as a Zone AE with floodway. The floodway has 2 conveyance structures associated with this reach, as shown in the screen clip below, and none of these structures are modeled as shown in the next screen clip below. These structures are visible in aerial imagery, but not incorporated into the model. It appears BLE level detail was used in this reach, and no refinement was made for an enhanced study. Ignoring critical structures does not follow the “Guidance for Flood Risk Analysis and Mapping: General Hydraulics Considerations” published by FEMA in 2016 which states that the impact of hydraulic structures should be considered.

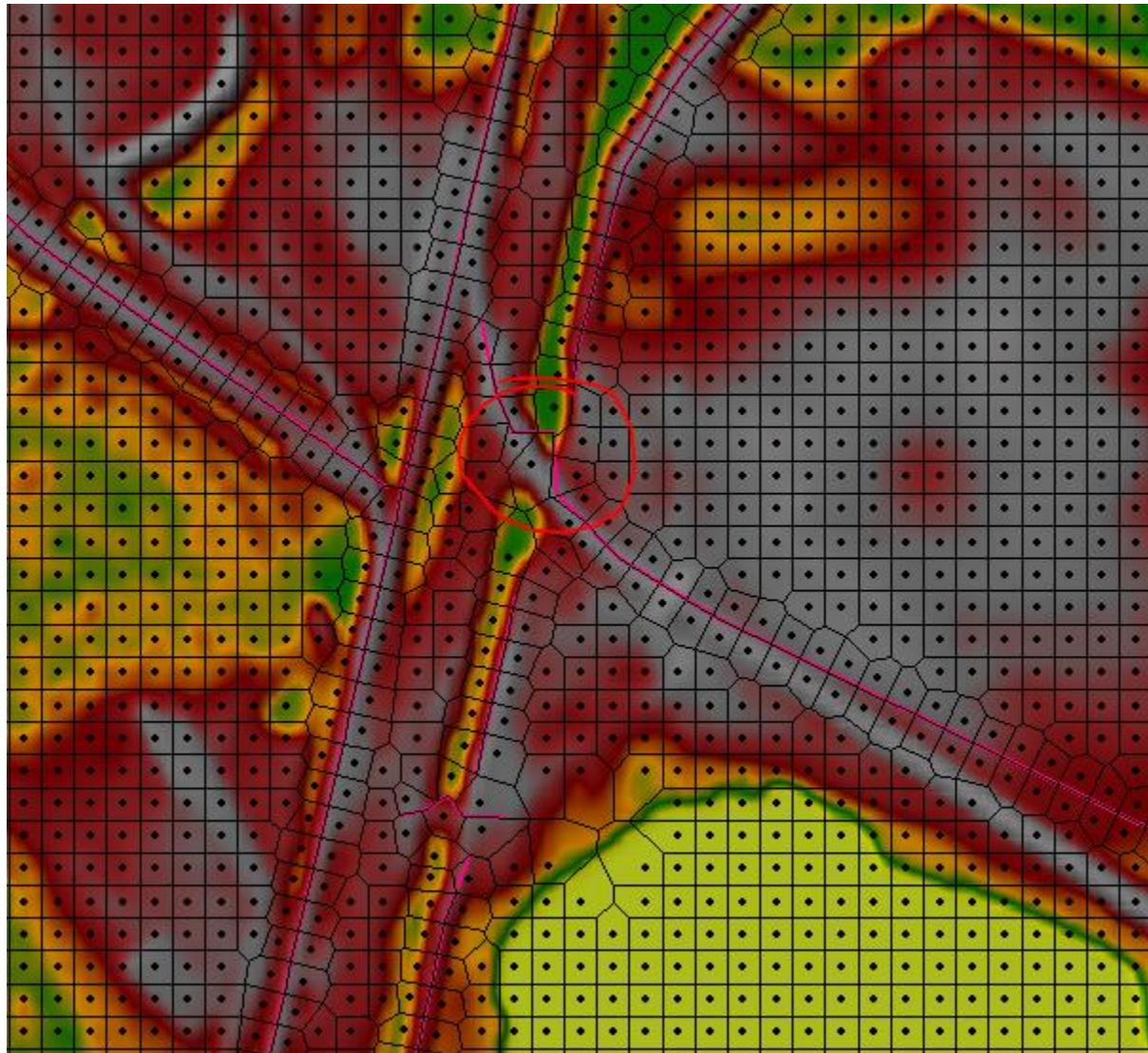


**Tributary to Pelican Lake Branch Structures**



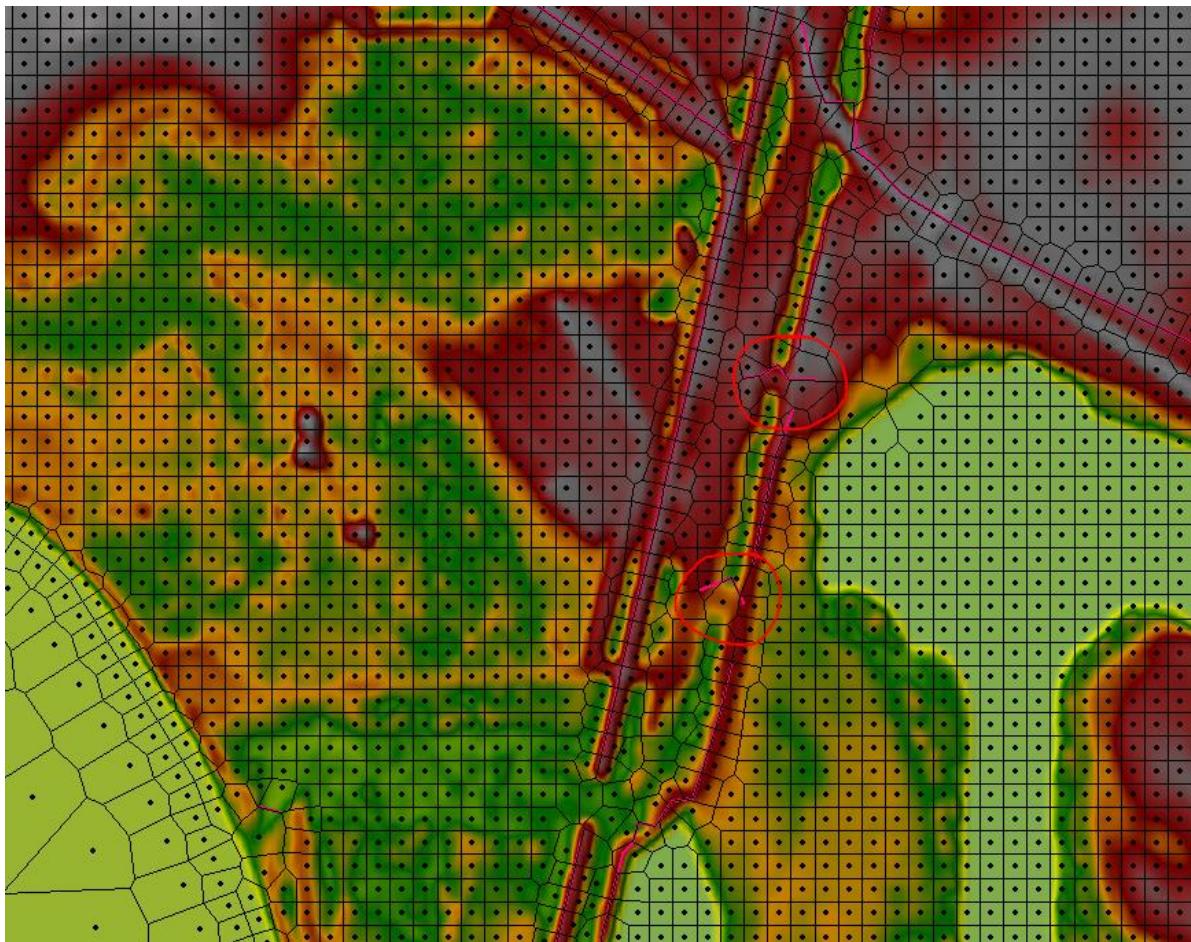
**Tributary to Pelican Lake Branch Missing Structures**

**15. Tributary to Pelican Lake Branch Leaky Cells:** One of the two missing structure locations on the Tributary to Pelican Lake has a leaky cell at the crossings, the other location does not even show the 20<sup>th</sup> Avenue South roadway embankment. When establishing a Zone AE with floodway for a detailed analysis, leaky cells should not be utilized since the leaky cells generate inaccurate results for water conveyance. Example of the leaky cell is shown in the screen clip below.

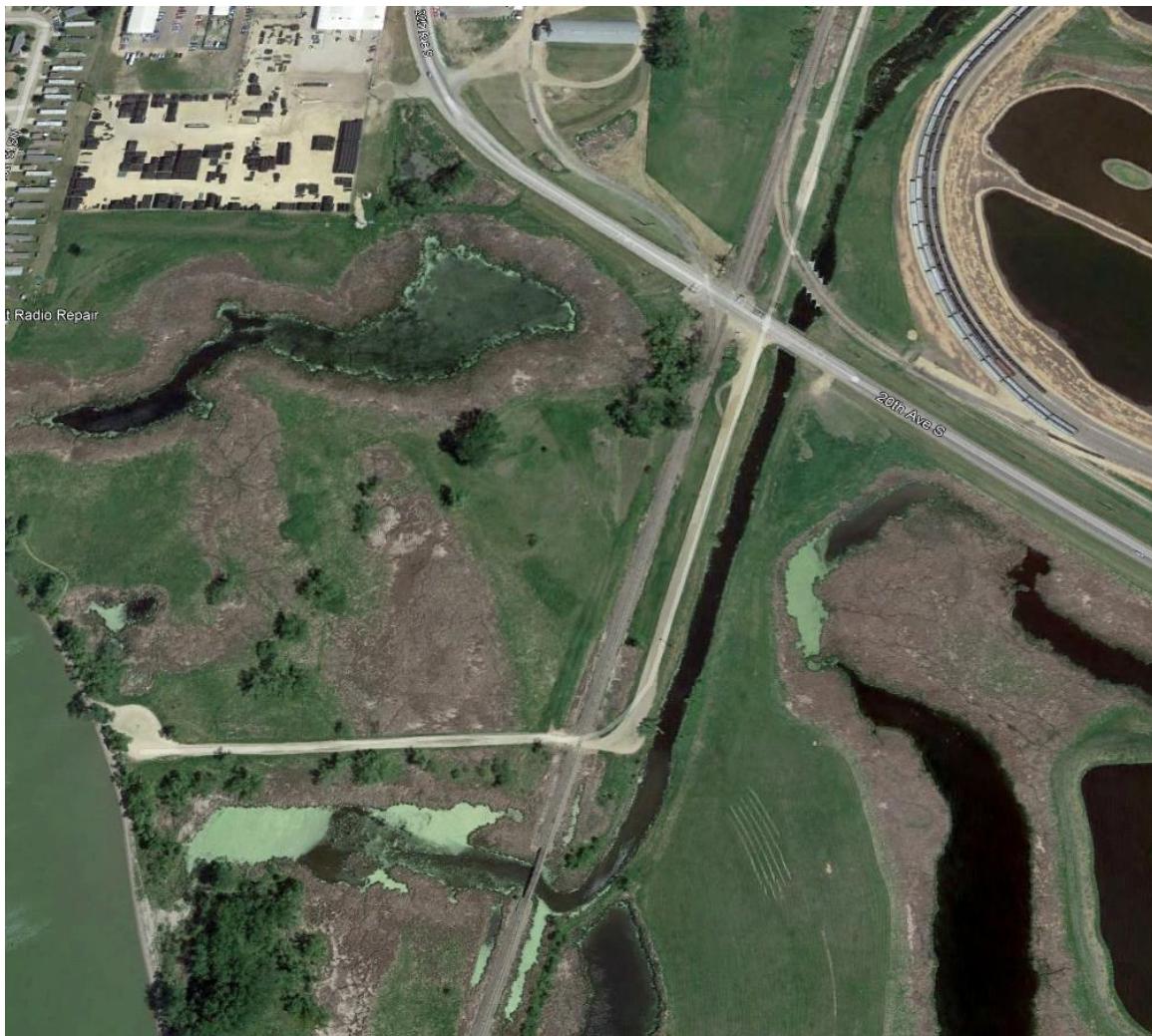


**Pelican Lake Branch Leaky Cells**

**16. Tributary to Pelican Lake Branch Terrain:** The terrain for the Tributary to Pelican Lake Branch is inaccurate. There are 2 locations where it looks like high ground crosses through the Tributary as shown in the screen clip below, but the aerial imagery in the following screen clip demonstrates no high ground is found in the channel. The 2021 LiDAR clearly represents the channel correctly and should be used for updates to the preliminary maps.



**Tributary to Pelican Lake Branch Terrain High Ground**



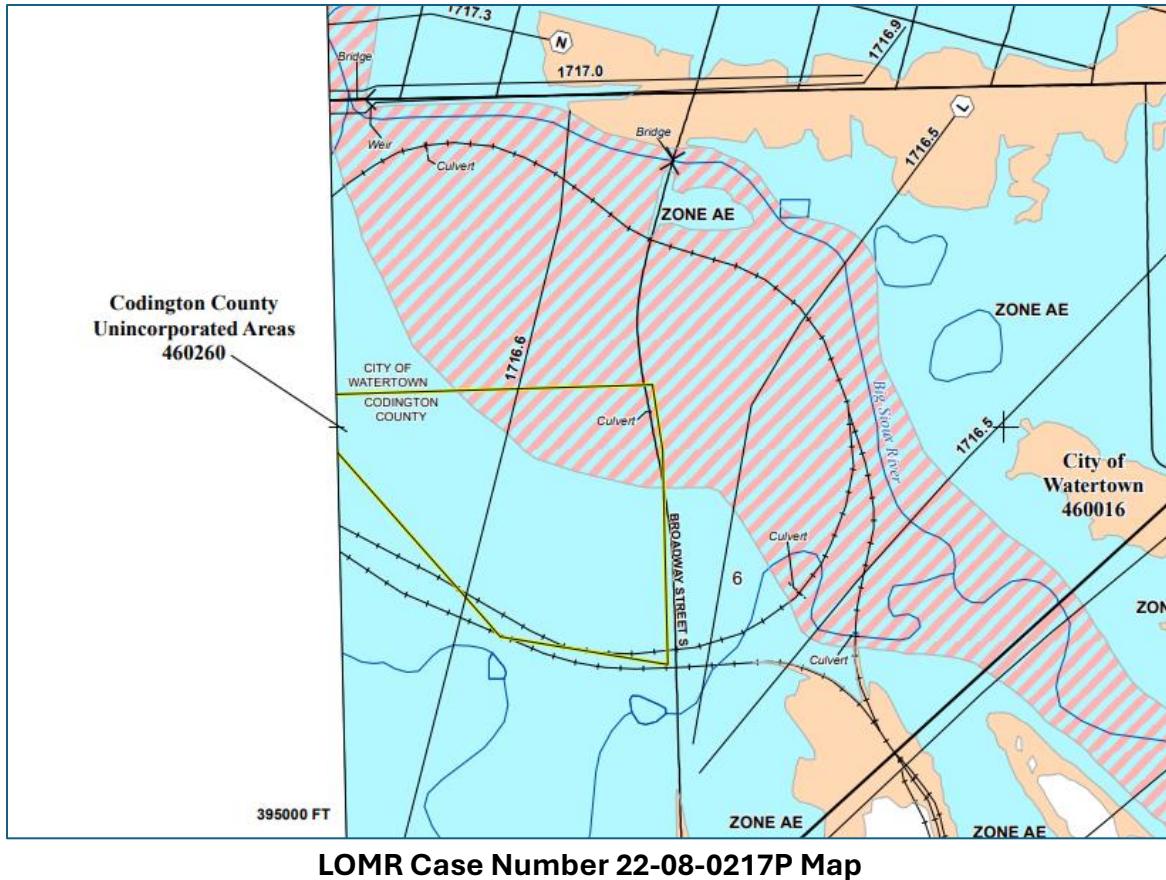
**Tributary to Pelican Lake Branch Terrain Actual Channel**

**17. Tributary to Pelican Lake and Big Sioux River Weirs:** There are two weirs downstream of Highway 212 on the Tributary to Pelican Lake and on the Big Sioux River that is not incorporated in the HEC-RAS model. The weir locations are shown on the screen clip below. The weirs impact the Big Sioux River water elevations and help regulate overflow into Pelican Lake. Negating critical weir structures likely cause BFE's throughout this area to be inaccurate. Ignoring a critical weir structure also does not follow the "Guidance for Flood Risk Analysis and Mapping: General Hydraulics Considerations" published by FEMA in 2016 which states that the impact of hydraulic structures should be considered.



**Weir Locations not Modeled**

**18. LOMR Case Number 22-08-0217P:** The constructed surface of LOMR Case 22-08-0217P was not incorporated into the model (south of Highway 212 between the Big Sioux River, Tributary to Pelican Lake Branch, and Pelican Lake Branch). The screen clip below shows the mapping update for the railroad tracks and added structures. The floodplain modifications in this area are significant and need to be represented in the preliminary maps. 2021 LiDAR reflects railroad embankment added to the floodplain, but any model revisions will need to incorporate the added structures as well. Not including the LOMR into the preliminary map generates inaccurate results in the modeling and mapping, and the models and maps should be updated to incorporate these modifications to the floodplain that have already been approved by FEMA through the proper LOMR process.

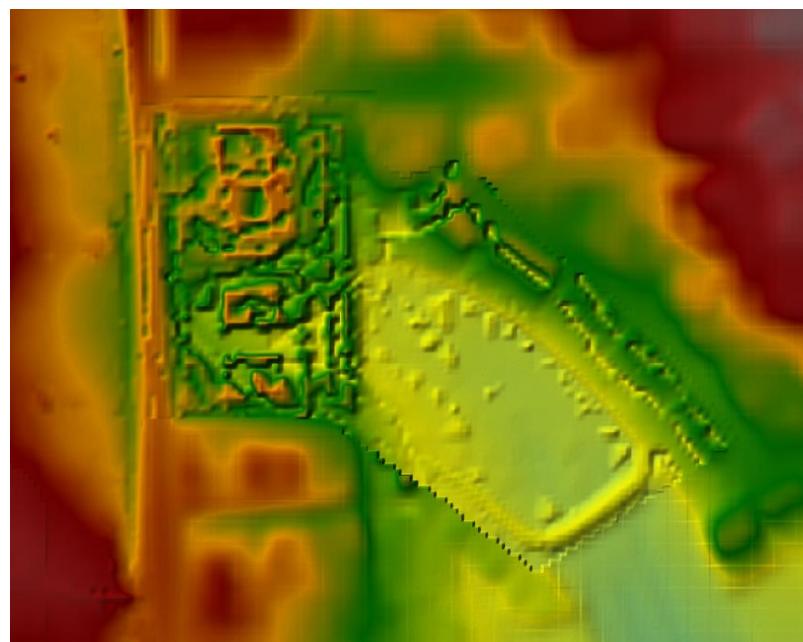


LOMR Case Number 22-08-0217P Map

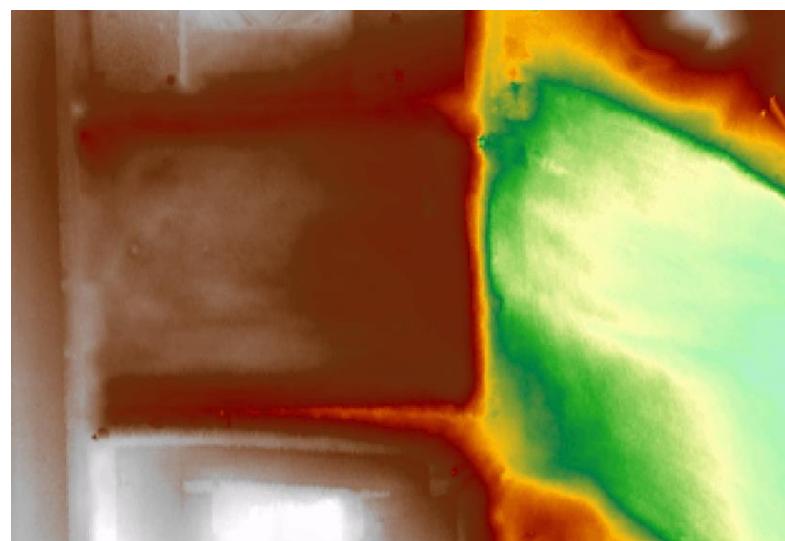


LOMR Case Number 22-08-0217P Aerial Image of Modifications in the Floodplain

**19. LOMR Case Number 17-08-0664P:** The supporting documentation for the mapping project indicates that LOMR 17-08-0664P was incorporated into the remapping efforts of Roby Creek. It appears the surface was modified in the HEC-RAS model in this area, but the surface meshed into the model does not represent the current or past conditions of the site. The model surface undulates and does not match the final smooth graded surface depicted in the 2021LiDAR as shown in the screen clips below. It is unclear what surface was used in the model, but the elevations and grading do not depict the actual site conditions and generates an inaccurate map at the site since the majority of the actual site is above the BFE according to the 2012 and 2021 LiDAR.



HEC-RAS surface



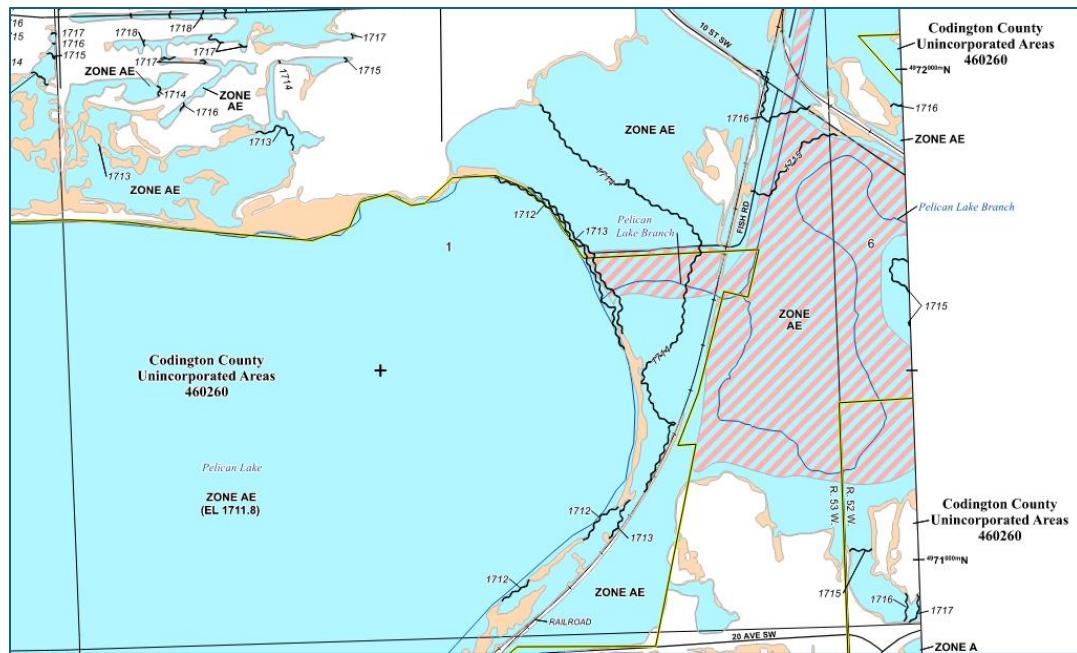
2021 LiDAR Surface

**20. Terrain Bathymetry:** “Guidance for Flood Risk Analysis and Mapping: Hydraulics: Two-Dimensional Analysis” published by FEMA in 2016 identifies that at a minimum topographic data of the channel (including bathymetry) and floodplain is required for 2D analysis. The guidance states that not having detailed enough terrain data to undertake the modeling effort is a major concern for 2D models. If the data does not exist, it is not recommended to use a 2D model because the model effort will not provide improved results. For significant flow paths within the model a terrain will need to be supplemented with channel and structure surveys to ensure that flow is routed correctly through the floodplain. This point is confirmed in the “Guidance for Flood Risk Analysis and Mapping: General Hydraulics Considerations” published by FEMA in 2016, which states, “the geometry of the channel bathymetry should be considered in enhanced studies.”

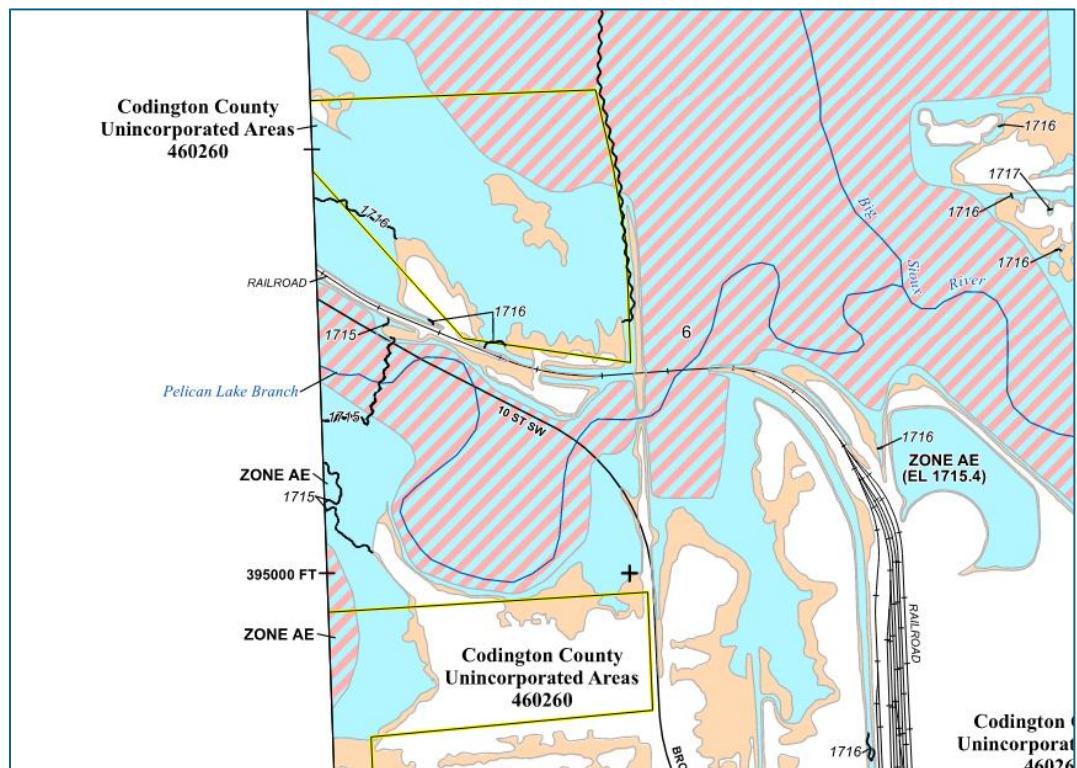
The area of specific concern is the Pelican Lake Branch which is mapped as floodway and found on Preliminary FIRMs 46029C0338E and 46029C0319E as shown in the screen clips below. It is evident in the model that channel bathymetry was not available, and the modeling team modified the model terrain to have an arbitrary bottom elevation of 1709.72 ft (NAVD 88) for a portion of the reach and 1709.38 ft (NAVD 88) for another area. LiDAR of the area does not depict these same channel elevations as shown in the model, and there is no documentation of channel survey to justify the channel elevations used. The modification of the channel bottom allows for additional water volume storage in the reach and improves conveyance capacity through the Pelican Lake Branch which likely generates BFE’s that are not accurate for this detailed reach, Pelican Lake, and potentially the Big Sioux River.

It is also unclear what information was used for the Big Sioux River channel bathymetry. Documentation does not discuss model channel bathymetry or survey of channel bathymetry, but it appears modifications were made to the bathymetry in the model based on the LiDAR. The lack of documentation and information provided by FEMA to the City makes it impossible to verify survey information was used to define the bathymetry of the Big Sioux River correctly.

For Roby Creek and Willow Creek, it does not appear bathymetry was added to the model. For the majority of the conveyance structures within Roby Creek, the conveyance structures had to be blocked, the majority by over 50%, to allow the model to run which significantly reduces conveyance capacity in these reaches.



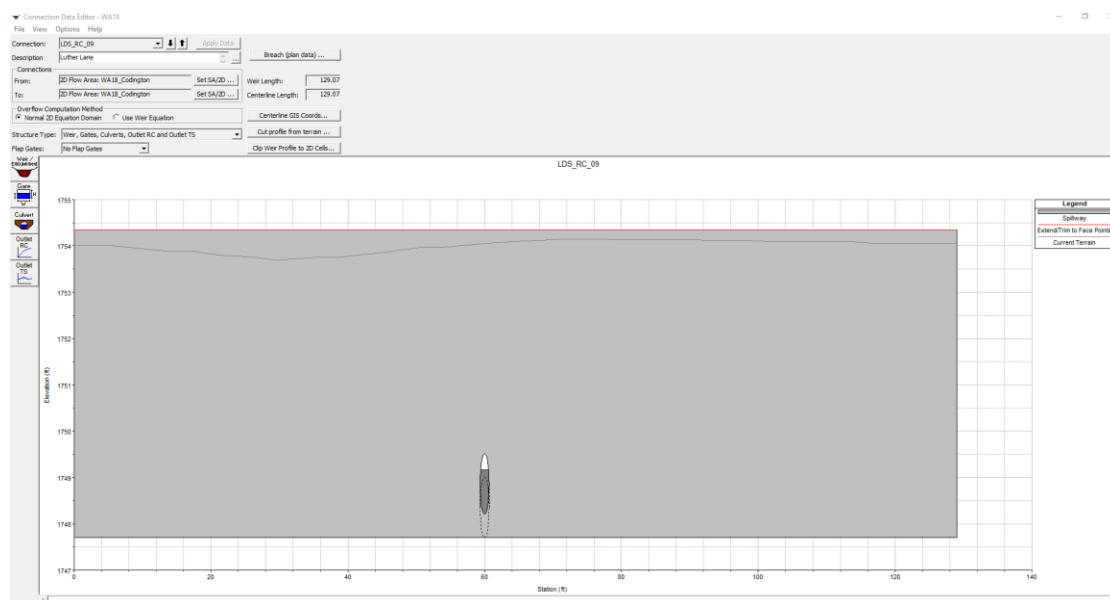
**Pelican Lake Branch Preliminary FIRM (46029C0319E) with Floodway**



**Pelican Lake Branch Preliminary FIRM (46029C0338E) with Floodway**

21. **Blockage of Hydraulic Structures:** The report for the mapping project notes that hydro-enforcement of the terrain was not performed and where structures with inverts lower than the terrain were identified, a portion of the structure can be blocked such that the blocked elevation is equal to or just above the elevation of the adjacent 2D cell to allow the model to run. The report also notes that LiDAR topography does not often collect data below the water surface which is true of LiDAR sensor limitations. Channel bathymetry is required to adequately reflect conveyance below the water line and can be added to the terrain in RAS Mapper. Bathymetry through the entire detailed study reach must be included to adequately reflect structure hydraulics and channel conveyance. Using the blocked structure opening in lieu of adding accurate channel bathymetry may be adequate for an approximate study, but not a detailed Zone AE study with a floodway.

For the majority of the culverts along Roby Creek, channel culverts are artificially blocked by a half a pipe diameter or more which reduces conveyance capacity of these structures by over 50% or more. Taking an approach of artificially blocking structure conveyance capacity by over 50% to allow the model run appears to artificially create additional backwater in the model, increases base flood elevations, and creates a false hydraulic representation of the structure's true conveyance capacity. Luther Lane on Roby Creek is an example of a culvert blocked by 73% as shown in the screen clip below.



## **Luther Lane Culvert Blocked**

**22. Hydraulic Structure Survey:** Rapid field survey also referred to in the study report as limited-detail survey appears to have been used to capture all of the hydraulic structures. It is unclear why a limited-detail survey approach was used on the detailed study streams. For a detailed study a field survey, as-builts, or design plans that are confirmed in the field should be used. Many structures south of Highway 212 were completely ignored as well and need a full survey when incorporating them into the model.

**23. Roby Creek Outlet Pipe:** The outlet pipe for Roby Creek is an approximation by the modeling team. The modeling team notes, as shown in the screen clip below, indicates there is a lack of knowledge on the Roby Creek outlet pipe.

9th Ave SE (outlet of storm drainage, no definite inlet structure anywhere). Not including this structure may also cause flood elevations upstream of this structure to be artificially high due to storm runoff not being removed via the storm drainage system and any incoming flow from Roby Creek would have nowhere to go but the neighborhood. It appears that Roby Creek enters into the culvert at 3rd Ave NE and 8th St.

The outlet pipe for Roby Creek is an urban stormwater network approximately 5,750 feet long with varying pipe sizes and pipe direction in the stormwater network. The modeling team utilizes a single box culvert for the conduit, but City records indicate the pipe is not a box culvert. It is unclear how this can be considered an enhanced study when the modeling team does not know anything about the urban stormwater system on Roby Creek. We believe HEC-RAS 2D is not an appropriate software for modeling a stormwater system with varying pipe sizes and direction.

#### **Conclusion:**

After reviewing the HEC-RAS 2D model used to develop the preliminary FEMA FIRM for the City of Watertown, there were numerous concerns identified with the model. The comments detailed above demonstrate that the modeling lacks the required detail needed for an enhanced study according to the published FEMA guidance. Concerns with the model terrain quality, missing critical conveyance structures in the model, artificial manipulation of the model terrain, BLE level modeling techniques in an enhanced study area, negating improvements made with previous LOMR's, and truncated model simulation windows are examples of concerns identified with the model. The accuracy of the preliminary maps are questionable based on the above comments, and model refinement needs to be completed prior to issuing new preliminary FIRM maps.