

City of Watertown

Proposed City Council Agenda

City Hall, 23 2ND ST NE

Watertown, South Dakota

April 21, 2025, 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 April 7th, 2025. 3 - 8
[City Council - Apr 07 2025 - Minutes](#)
- (b) Approval of a business license to Yesco South Dakota East as a Sign Installer (\$250.00) 9 - 13
[Yesco South Dakota East](#)
- (c) Approval of a Business License to Petersen Heating & Cooling as a Gasfitting Contractor (\$250) and Tim Petersen as a Gasfitter (\$75). 14 - 19
[Petersen Heating & Cooling](#)
- (d) Approval of a Pyrotechnics or Open Flame Permit Application for Fireworks show display by Lew's Fireworks at Anza Demo show on May 3rd, 2025. 20 - 21
[Fireworks Permit](#)

8. PRESENTATIONS & REPORTS

9. CONTRACTS & CHANGE ORDERS

- (a) Approval of a Bid Award for the 2025 Prairie Lakes Wellness Center Roof, Project No. 2514, to All American Roofing, in the amount of \$219,244.00 22 - 24
[Prairie Lakes Wellness Center Roof, Project No. 2514](#)
- (b) Authorization to purchase the River Ridge playground fitness course turf surfacing for \$115,728.60 through My Turn Playsystems. Sourcewell Contract # 010521-BUR 25 - 27
[River Ridge Playground Fitness Course](#)

10. ORDINANCE FIRST READINGS

11. PUBLIC HEARINGS & SECOND READINGS

- | | | |
|------------|---|----------|
| (a) | Second Reading of Ordinance No. 25-03, Zoning Text Amendments to Chapter 24 Subdivision of Land of the Revised Ordinances of the City of Watertown
1. Public Hearing
2. Council Action
Ordinance No. 25-03 | 28 - 78 |
| (b) | Second Reading of Ordinance No. 25-04, a Revised Ordinance of the City of Watertown to Amend Ordinance Title 5
Ordinance No. 25-04 | 79 - 113 |

12. OTHER BUSINESS

- | | | |
|------------|--|-----------|
| (a) | Approval of the Resolution 25-13, a Resolution Adopting a Revised Procurement Policy for the City of Watertown, South Dakota.
Resolution No. 25-13 | 114 - 143 |
| (b) | Approval of the Personnel Policy for the City of Watertown, South Dakota and authorizing the Interim City Manager/City Manager to administer the Personnel Policy as needed.
Personnel Policy | 144 - 192 |
| (c) | Council Approval of a Building Permit Fee Reduction for the Codington County Detention Facility
Building Permit Fee Reduction | 193 - 194 |

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
April 7, 2025

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

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

Motion by Buhler, seconded by Schutte, to approve the agenda as presented. Items approved as part of the consent agenda: minutes of the Council meeting held on March 17th, 2025 and March 27th, 2025; a business license to Wes Ott as a Gasfitter (\$75); a business license to Ace Neon Signs & Service Inc dba Ace Signs as a Sign Installer (\$250.00); a Business License to Wittnebel Construction as a Pipe Layer (\$250); authorization for the Watertown Regional Library to declare miscellaneous property as surplus and dispose of as junk; authorization for City Hall to declare miscellaneous property as Surplus Property and Dispose of as junk; authorization for the Solid Waste Division to declare 870 refuse containers as Surplus Property and Dispose of as junk; approval of Bid Award for 95-gallon solid waste containers, via Sourcewell contract 041521-TOT to Toter, LLC., in the Amount of \$74,480.00; approval of bills and payroll and authorization to pay. Motion Carried.

BILLS:

#1 WELDING LLC	SERVICE	1,975.00	LANGUAGE LINE SERVICES, INC.	SERVICE	6.60
A & B BUSINESS SOLUTIONS, INC.	SERVICE	524.19	LATC/CORP ED	SERVICE	7,300.00
ABRA AUTO BODY & GLASS - WATERTOWN	SERVICE	1,194.67	LAURA HINMAN	TRAVEL	34.00
ACTIVE DATA SYSTEMS, INC.	SERVICE	900.00	LES MILLS US TRADING, INC.	DUES	1,268.20
ACTIVE HEATING, INC.	SERVICE	3,142.18	LES SCHWAB TIRE CENTERS	SERVICE	497.96
ADVANCED ENGINEERING & ENVIRONMENTAL SERVICES INC	SERVICE	943.75	LEVEL CONTRACTING	SERVICE	13,055.00
AGWRX COOPERATIVE - WATERTOWN MAIN	SUPPLIES	904.66	LIFE FITNESS	SUPPLIES	333.50
ALEX FOSTER	TRAVEL	102.00	LINDNER DOCK & LIFT SERVICES, LLC	SERVICE	2,313.00
AMAZON CAPITAL SERVICES	SUPPLIES	37,898.34	LOCATORS & SUPPLIES, INC.	SUPPLIES	1,768.39
AMBULANCE	REIMB	468.20	M & T FIRE AND SAFETY	SUPPLIES	226.75
AMERICAN ENGINEERING TESTING, INC.	SUPPLIES	3,669.75	MACKSTEEL WAREHOUSE INC.	SUPPLIES	325.37
AMERICAN FLAGPOLE & FLAG CO.	SUPPLIES	159.90	MACQUEEN EMERGENCY	PARTS	3,757.80
ANDOR INC.	SERVICE	2,941.60	MAC'S INC.	SUPPLIES	976.33
A-OX WELDING CO, INC.	SUPPLIES	471.91	MARCO TECHNOLOGIES, LLC	SUPPLIES	46,937.40
AP AUTO PROS, INC.	SERVICE	827.73	MARIA GRUENER	TRAVEL	251.92
APPLIED INDUSTRIAL TECHNOLOGIES, INC	SUPPLIES	52.46	MARSH & MCLENNAN AGENCY LLC	DUES	3,507.15
ARROW PAPER	SUPPLIES	3,472.00	MATHESON TRI-GAS, INC.	SUPPLIES	567.30
AT&T MOBILITY	SERVICE	2,142.77	MCKEEVER, INC.	SUPPLIES	8,855.76
AURORA WORLD	SUPPLIES	194.07	MCMaster-CARR	SUPPLIES	353.74
AUSTIN REIS	REIMB	205.99	MEDICAL WASTE TRANSPORT, INC.	SERVICE	167.02
AUTO VALUE WATERTOWN	PARTS	2,222.32	MENARD'S	SUPPLIES	3,897.02
AUTO ZONE	PARTS	59.48	MICRO MARKETING ASSOCIATE	SUPPLIES	1,536.85
AUTOMATIC BUILDING CONTROLS, INC.	SERVICE	1,758.00	MID STATES AUDIO, INC.	SERVICE	172,635.90
AXON ENTERPRISE, INC.	SUPPLIES	58,060.44	MIDCONTINENT COMMUNICATIONS	SERVICE	175.39
BAKER & TAYLOR	SUPPLIES	4,254.95	MIDWEST GAME & FISH	SUBSCR	42.97
BATTERIES UNLIMITED, INC.	SUPPLIES	1,065.00	MIDWEST PIPE LINING	SERVICE	51.02
BELD TREE SERVICE	SERVICE	2,520.00	MIDWEST TAPE	SUPPLIES	146.99
BLUEPEAK	SERVICE	9,255.42	MIDWEST TURF & IRRIGATION	SUPPLIES	977.58
BOLDT CONSTRUCTION	SERVICE	3,187.50	MIDWEST VETERINARY SERVICE	SERVICE	2,212.53
BORNS GROUP	POSTAGE	800.00	MJ WALSH TRUCKING, INC.	SERVICE	956.25
BOUND TO STAY BOUND BOOKS, INC.	SUPPLIES	19.58	MOBILE DIESEL SERVICE	SERVICE	289.95
BOUND TREE MEDICAL LLC	SUPPLIES	6,454.20	MOTOROLA	SERVICE	22,897.72

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

BRIAN'S GLASS INC.	SUPPLIES	415.00	MUNICIPAL UTILITIES	SERVICE	202,136.43
BROOKINGS REGISTER	SUBSCR	210.00	NAPA CENTRAL	PARTS	1,827.41
BROTHERHOOD ARMS	SUPPLIES	56.00	NEAL MACK	REIMB	1,214.00
BRUCE KLEINSASSER	TRAINING	400.00	NORTH CENTRAL LABORATORIES	SUPPLIES	1,016.44
BRYSON VANDEPOL	REIMB	35.00	NORTHERN TOOL & EQUIPMENT	SUPPLIES	1,060.00
BUTLER MACHINERY CO INC.	SERVICE	245.00	NSI LAB SOLUTIONS INCORPORATED	SUPPLIES	251.00
C&R FIRE SUPPRESSION	SERVICE	6,195.20	NYBERG'S ACE HARDWARE, INC.	PARTS	66.96
CALAMP WIRELESS NETWORKS CORP	SUPPLIES	240.00	OFFICE PEEPS, INC.	SUPPLIES	1,675.92
CARLI ORDAL	TRAVEL	10.00	ONE SOURCE	SERVICE	250.00
CARRICO LAW PROF. LLC	SERVICE	12,458.00	O'REILLY AUTO PARTS	PARTS	139.89
CARTNEY BEARING CORPORATION	SUPPLIES	118.73	OVERDRIVE, INC.	SUPPLIES	4,657.18
CASTLEWOOD AMBULANCE	REIMB	470.56	OVERHEAD DOOR CO INC.	SERVICE	3,736.56
CDW GOVERNMENT, INC.	SUPPLIES	1,849.44	P F PETTIBONE & CO.	SUPPLIES	113.95
CENGAGE LEARNING	SUPPLIES	447.71	PAMELA R. KANNAS	SERVICE	68.00
CENTER POINT LARGE PRINT	SUPPLIES	183.40	PEARSON DESIGN	SERVICE	1,600.00
CENTURY BUSINESS PRODUCTS, INC	SERVICE	485.39	PENWORTHY COMPANY	SUPPLIES	1,136.66
CENTURYLINK	SERVICE	167.05	PERMA-BOUND	SUPPLIES	48.32
CHUCK'S LOCK & KEYS	SUPPLIES	48.67	PETERBILT OF FARGO	SERVICE	7,794.67
CINTAS CORPORATION NO. 2	SERVICE	173.07	PIETZ PROPERTIES	RENT	630.00
CLARK COUNTY AMBULANCE	REIMB	519.01	PIZZA RANCH	SUPPLIES	110.94
CODINGTON CLARK ELECTRIC COOPERATIVE	SERVICE	816.77	POLICE PETTY CASH FUND	CASH	99.55
CODINGTON CO REGISTER OF DEEDS	SERVICE	59.00	POMP'S TIRE SERVICE, INC.	SERVICE	295.84
CODINGTON CO TREASURER	SERVICE	48.20	PRAIRIE LAKES HEALTHCARE	SUPPLIES	1,062.31
CODINGTON COUNTY HOCKEY CLUB LLC	AGREEMENT	35,337.38	PRECISION SMALL ENGINE CO., INC	SUPPLIES	1,341.61
CODY BERNS	SERVICE	4,340.00	PRINT EM NOW	SUPPLIES	905.00
COLE PAPERS	SUPPLIES	4,484.19	PRIORITY DISPATCH CORPORATION	TRAINING	11,200.00
COLOURS, INC	SUPPLIES	70.55	PRO LINE, INC.	SERVICE	689.45
COMMERCIAL CLEANING SERVICES INC	SERVICE	15,702.95	PRODUCTIVITY PLUS ACCOUNT	SERVICE	2,229.18
CONNECTING POINT, INC.	SUPPLIES	30,775.14	RAMKOTA HOTEL	TRAVEL	180.00
CONNECTIONS INC EAP	DUES	692.96	RAMKOTA HOTEL	TRAVEL	299.97
COUNTY FAIR FOODS	SUPPLIES	243.20	RANDY TRUPE	REFUND	60.00
COWBOY COUNTRY STORE	SUPPLIES	354.00	RC TECHNOLOGIES, INC	SERVICE	78.20
CREATIVE REWARDS & SPECIALTIES	SUPPLIES	15.00	RDO EQUIPMENT CO.	PARTS	514.08
CREATIVE VISIONS LANDSCAPE & DESIGN	SERVICE	2,610.00	REILLY REPAIR INC.	SERVICE	65.00
CROWN AWARDS	SUPPLIES	111.94	RICE LAKE	CONSTR	1,146,704.34
CULLIGAN	SERVICE	376.00	RJ THOMAS MANUFACTURING CO	SUPPLIES	14,668.80
CUSTOM TRUCK ONE SOURCE LP	SUPPLIES	553.67	ROB BEYNON	TRAVEL	48.00
DACOTAH PAPER COMPANY	SUPPLIES	318.15	ROBERT HALF	SERVICE	19,000.00
DAKOTA BUTCHER	SUPPLIES	1,368.50	ROGUE FITNESS	SUPPLIES	1,241.49
DAKOTA PORTABLE TOILETS, INC.	RENT	165.00	RON'S SAW SHOP	SUPPLIES	1,918.98
DAKOTA SIGNS	SUPPLIES	25.00	RON'S SPECIALTY WELDING/DIRT TRACK SUPPLY	SERVICE	160.00
DAKOTA WOOD - GRINDING INC.	SERVICE	23,450.00	ROTARY CLUB	DUES	309.00
DAVE GREENMAN	REIMB	50.00	ROUTEWARE, INC	SOFTWARE	8,121.00
DEMCO, INC.	SUPPLIES	1,082.49	ROY'S SPORT SHOP INC.	SUPPLIES	4,264.61
DEPENDABLE SANITATION INC.	SERVICE	6,295.00	RUNNINGS FARM AND FLEET	SUPPLIES	2,548.15
DEUTSCH EXCAVATING	SERVICE	5,293.75	SAFETY KLEEN SYSTEMS, INC.	SUPPLIES	262.32
DIAL-A-MOVE, INC	SERVICE	780.00	SAME DAY EXPRESS, INC.	SHIPPING	270.00
DIAMOND VOGEL, INC	SUPPLIES	382.47	SANFORD HEALTH OCCUPATIONAL MEDICINE	SERVICE	1,020.00
DIGIMATION, INC	EQUIP	3,250.00	SANFORD USD MEDICAL CENTER	SERVICE	1,200.00
DLT SOLUTIONS	SUBSCR	5,353.53	SANITATION PRODUCTS INC.	SUPPLIES	239.21
DON JELLIS WELDING & REPAIR	SERVICE	1,589.96	SCHUMACHER ELEVATOR COMPANY	SERVICE	575.67
DON ROWLAND	REIMB	21.24	SCOTT BRINKMAN	TRAVEL	48.00
DR. MARK BONTREGER, INC.	SERVICE	590.00	SCOTT SCHUNTER	TRAVEL	275.34
DUANE'S FLOOR COVERING	SERVICE	40.00	SD AIRPORT CONFERENCE	DUES	100.00
DUININCK, INC	SUPPLIES	1,495.19	SD BUILDING OFFICIALS	TRAINING	170.00
DUPONT ELECTRIC INC.	SERVICE	306.55	SD DEPT OF ENVIRONMENT & NATURAL RESOURCES	FEES	3,162.82
EASTSIDE EQUIPMENT LLC	PARTS	1,747.42	SD DEPT OF TRANSPORTATION	CONSTR	1,501.13
ELLWEIN BROTHERS, INC.	SUPPLIES	10,722.95	SD ENGINEERING SOCIETY	DUES	485.00
ELSG ROOFING & LANDSCAPING	SERVICE	4,000.00	SD LIBRARY ASSOCIATION	DUES	226.00
EMS MANAGEMENT & CONSULTANTS, INC	SERVICE	2,940.00	SD PUBLIC ASSURANCE ALLIANCE	SERVICE	4,844.35
ENERGY LABORATORIES, INC.	SUPPLIES	2,406.00	SDN COMMUNICATIONS	SERVICE	766.99
ENGELSTAD ELECTRIC	SERVICE	387.76	SDWWA	DUES	300.00
EXHAUST PROS INC.	SERVICE	435.98	SEAMUS CULHANE	REIMB	60.00

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

FARMERS IMPLEMENT & IRRIGATION	PARTS	128.80	SEARS WELDING & FABRICATION	SERVICE	2,943.00
FASTENAL COMPANY	SUPPLIES	1,162.47	SERVICE FIRST FIRE SPRINKLER, LLC	SERVICE	1,482.99
FEDERAL EXPRESS CORPORATION	SHIPPING	26.16	SERVICE PLUS INC.	SERVICE	1,687.16
FINLANDIA SAUNA	SUPPLIES	142.76	SHERWIN WILLIAMS	SUPPLIES	330.00
FIRST NATIONAL BANK OMAHA	SUPPLIES	17,283.73	SHRED-IT	SERVICE	158.67
FISHER SCIENTIFIC	SUPPLIES	1,463.14	SIGN PRO	SUPPLIES	760.00
FLEETPRIDE, INC	PARTS	221.44	SIGN SOLUTIONS USA, LLC	SUPPLIES	686.02
G & R CONTROLS, INC.	SERVICE	300.00	SIOUX RURAL WATER SYSTEM	SERVICE	111.40
GALL'S INC.	SUPPLIES	352.42	SIOUX VALLEY COOP	SUPPLIES	40,767.69
GANNETT MEDIA CORP	SERVICE	1,939.11	SOUTH DAKOTA AG LABORATORIES	SERVICE	388.50
GANNETT TENNESSEE LOCALIQ	SERVICE	5,735.55	SOUTH DAKOTA HUMANITIES COUNCIL	SERVICE	50.00
GARY WECKWERTH	SERVICE	2,500.00	SPA PARTNERS	SUPPLIES	1,350.00
GEOTEK ENGINEERING	CONSTR	8,981.10	SPX AIDS TO NAVIGATION	SUPPLIES	1,409.23
GLACIAL LAKES AND PRAIRIES TOURISM	DUES	908.00	STAR LAUNDRY & CLEANERS, INC.	SERVICE	772.64
GLACIAL LAKES PLUMBING	SERVICE	2,623.85	STEIN SIGN	SERVICE	863.00
GLACIAL LAKES VETERINARY	SERVICE	5,356.20	STEIN'S INC.	SUPPLIES	1,845.36
GLENDALE PARADE STORE, LLC	SUPPLIES	29.00	STEVE'S WORLD INC.	SUPPLIES	250.01
GOLF GENIUS SOFTWARE, INC	DUES	925.00	STREICHER'S INC.	SUPPLIES	1,282.14
GOPHER	SUPPLIES	149.69	SUTTON LAWN & SNOW LLC	SERVICE	1,335.50
GRAINGER	SUPPLIES	2,640.51	TECH SALES CO.	PARTS	461.00
HAWKINS INC.	SUPPLIES	5,094.02	TECHNICOLOR SCREEN PRINTING, INC.	SUPPLIES	641.00
HDR ENGINEERING INC.	CONSTR	104,253.74	TEGRA GROUP, INC.	CONSTR	15,977.00
HEIMAN, INC.	SUPPLIES	132.67	TELEFLEX LLC	SUPPLIES	849.00
HELMS & ASSOCIATES	CONSTR	11,922.34	THE LIBRARY CORPORATION	DUES	5,750.00
HIGH PLAINS SYSTEMS	SUPPLIES	604.56	THOMSON REUTERS - WEST	SUBSCR	1,240.41
HILLYARD / SIOUX FALLS	SUPPLIES	6,600.63	TODAY'S BUSINESS SOLUTIONS, INC.	DUES	1,095.00
HOMETOWN BUILDING CENTER, INC.	SUPPLIES	949.98	TOOLING SOLUTIONS INC.	SUPPLIES	360.00
HOOD MASTERS LLC	SERVICE	700.00	TRACY EISCHENS	TRAVEL	48.00
HOUSTON ENGINEERING, INC.	CONSTR	7,915.12	TRANSOURCE TRUCK & EQUIPMENT	PARTS	204.21
HUFF CONSTRUCTION, INC	CONSTR	249,021.86	TRANSUNION RISK AND ALTERNATIVE	SERVICE	75.00
HUMAN SERVICE AGENCY	SERVICE	2,500.00	TRAV'S OUTFITTER, INC.	SUPPLIES	1,704.57
HY VEE FOOD STORE	SUPPLIES	322.45	TRUCK CENTERS COMPANIES EAST LLC	SERVICE	311.38
ID CARD GROUP	SUPPLIES	1,068.10	TSP, INC.	CONSTR	3,880.90
IDEXX DISTRIBUTION, INC.	SUPPLIES	2,011.62	TWO WAY SOLUTIONS, INC.	SUPPLIES	403.98
INTL ACADEMIES OF EMERGENCY DISPATCH	DUES	46.50	TYLER TECHNOLOGIES, INC.	SERVICE	580.00
ITC, INC	SERVICE	523.78	UNIQUE MANAGEMENT SERVICES, INC.	SERVICE	140.90
J & B SCREEN PRINTING INC.	SUPPLIES	673.50	UPS STORE	SHIPPING	530.16
J & J EARTHWORKS, INC.	CONSTR	118,594.83	US BANK NATIONAL ASSOCIATION	RENT	80.00
J H LARSON ELECTRICAL CO.	SUPPLIES	1,024.73	US FOODS - SIOUX FALLS	SUPPLIES	15,534.26
JASON RAML TRUCKING	SERVICE	2,093.75	VERIZON WIRELESS	SERVICE	668.36
JAYTECH, INC	SERVICE	645.40	VESTIS SERVICES, LLC	SERVICE	64.62
JCL - SIOUX FALLS BRANCH	SUPPLIES	97.84	WAL-MART	SUPPLIES	464.37
JEFFERSON LINES	SHIPPING	500.00	WATERTOWN BOYS AND GIRLS CLUB	SUBSIDY	14,544.54
JOHN DEERE FINANCIAL	SERVICE	3,724.44	WATERTOWN BUSINESS DISTRICT IMPROVEMENT	SUBSIDY	15,170.76
JOHNSON CONTROLS, INC.	SERVICE	788.26	WATERTOWN CONVENTION & VISITORS BUREAU	SUBSIDY	29,000.00
JURGENS PRINTING INC.	SUPPLIES	447.00	WATERTOWN FLOWERS, INC.	SUPPLIES	50.00
JUSTIN LAWN & TREE SERVICE, INC.	SERVICE	675.00	WATERTOWN FORD	SERVICE	2,551.39
KAESER AND BLAIR INC.	SUPPLIES	923.40	WATERTOWN LAWN & GARDEN & SMALL ENGINE REPAIR INC	SERVICE	1,098.85
KANOPY, INC	DUES	1,000.00	WATERTOWN PUBLIC OPINION	SERVICE	192.41
KELLE BRANSTETTER	REIMB	240.00	WATERTOWN TRUCK & TRAILER INC	SERVICE	1,399.39
KIESLER POLICE SUPPLY, INC.	SUPPLIES	343.00	WATERTOWN WHOLESale	SUPPLIES	163.40
KIM JOHNSON	SERVICE	75.00	WEATHERGARD ROOFING & CRANE	SERVICE	1,080.00
KIXX	ADV	500.00	WELD IT ALL	SERVICE	1,326.85
KOHL EXCAVATING, LLC	SERVICE	3,150.00	WELLS FARGO FINANCIAL LEASING	LEASE	5,722.20
KPHR	ADV	240.00	WHENTOWORK, LLC	SERVICE	522.00
KXLG	ADV	882.00	WINSUPPLY OF WATERTOWN	SUPPLIES	312.85
L & R AUTO ACCESSORIES LLC	SERVICE	1,405.94	WORLD TRADE PRESS	DUES	330.76
L MARQUARDT ELECTRIC INC.	SERVICE	1,100.67	WR HOSPITALITY	SERVICE	4,197.20
LACAL EQUIPMENT INC.	SUPPLIES	836.16	WW TIRE SERVICE INC.	SERVICE	4,823.02
LAKE AREA / BIT	SERVICE	195.94	XTREME FIRE PROTECTION LLC	INSPECTION	500.00
LAKE AREA DOOR, INC.	SERVICE	1,988.01	ZIEMER LANDSCAPING & LAWN CARE	SERVICE	372.50
LAKE AREA ZOOLOGICAL SOCIETY	REIMB	6,514.96	ZIP AND STITCH SEWING	SERVICE	36.00
LANDSCAPE STRUCTURES INC	SERVICE	81,038.64			

PAYROLL:

	Sal	SS	Pen	Ins		Sal	SS	Pen	Ins
Mayor/CC	10,716.25	632.91	-	-	Cemetery	12,307.06	901.02	697.26	1,876.02
City Manager	21,239.53	1,527.55	1,269.57	2,807.09	Animal Cntrl	10,243.13	748.01	609.79	1,876.02
Human Resources	20,773.14	1,486.27	1,239.18	3,611.90	Forestry	18,994.44	1,435.71	1,131.29	2,687.26
Finance	21,690.74	1,513.28	1,296.64	4,906.18	Library	46,194.57	3,385.70	2,532.89	8,632.49
Info Tech	26,199.86	1,931.05	1,562.39	3,887.51	Comm Dev	29,678.73	2,143.09	1,768.72	5,623.39
Facilities Maint	31,556.55	2,260.18	1,883.80	7,499.41	Park & Rec.	204,970.15	15,128.34	10,257.37	27,682.74
Engineer	43,355.40	3,167.20	2,586.92	5,959.80	PLWC	66,522.08	5,070.95	2,100.93	6,064.99
Police	305,766.50	22,537.98	23,756.96	38,881.68	E-911	71,134.66	5,213.07	4,265.69	11,130.09
Fire	288,503.00	4,058.38	22,743.98	49,363.05	Sewer	90,071.14	6,606.80	5,394.66	13,157.68
Public Works	4,813.60	370.52	286.42	651.35	Landfill	92,344.14	6,582.89	5,533.46	19,801.37
Street	75,384.85	6,028.93	5,008.53	16,461.71	Airport	37,891.99	2,779.69	2,266.32	5,816.07
Snow Removal	8,994.03	21.09	-	-					
Add'l 8.00 Long	J. Bjerke & S. Sivertson (Police), B. Wirtjes (Fire), B. Griep & S. Peterson (Street), M. Gruener (Library), T. Marotz (Airport)								
New Hire Fac Maint	J. Jordan (7,243.60/mo 40 mo/cell), P. Hofwalt (3,296.80/mo) New Hire Ambulance T. Ivers & J. Theisen (18.00/hr)								
New Hire PLWC	J. Jensen (13.00/hr), L. Althoff & M. Busack (12.00/hr) New Hire P&R K. Bender (12.00/hr) Salary Inc PLWC L. Holloway (17.00/hr)								
Salary Inc PLWC	S. Foust (16.50/hr), M. Martz (12.20/hr), P. Meek (12.00/hr) Salary Inc Forestry C. Brown (17.50/hr), T. Aarestad (16.00/hr)								
Salary Inc Forestry	D. Tulowetzke (14.00/hr) New Hire P&R P. Boydston & L. Paulson (13.00/hr), K. Swenson (12.75/hr) C. Kannas & P. Meek (12.50/hr)								
Salary Inc PLWC	B. Petersen, K. Swenson, J. Peery, E. Berglund, D. Hartman, B. Stark, T. Tipton & J. Elshere (12.50/hr) Salary Inc Parks J. Pike (18.00/hr)								
Salary Inc Parks	D. Tulowetzke (17.00/hr), G. Haight, B. Moeller & E. Tulowetzke (16.00/hr) L. Erickson, J. Miklos, E. Day & D. Pies (15.50/hr)								
Salary Inc Parks	N. Berg (15.00/hr), T. Himmerich & A. Redfield (14.50/hr), P. Schmidt (14.00/hr), L. McLaughlin & C. Christianson (13.50/hr)								

Mayor Holien called for Open Forum. Doug Allen addressed the City Council in regard to the results of the Midterm Review Committee and cautioned that the views of the Community should also be considered.

Kyle Lalim of the Home Rule Charter Midterm Review Committee provided a presentation regarding their Findings and Recommendations. No action taken.

Mayor Holien moved the Presentation by Ryan Heiser on the “Team Up to Clean Up” Event to be the next meeting on the agenda.

Ryan Heiser, Recreation Coordinator for the Park and Recreation Department, provided a presentation on the “Team Up to Clean Up” Event to be held April 21-26th. No action taken.

Steve Lehner, Board Chair of the Watertown Development Company, along with Chris Clifton, Executive Director of the Watertown Development Company, gave a presentation to the City Council regarding their work and current priority projects.

Motion by Schutte, seconded by Tupper, to approve a Bid Award for the 2025 Solid Waste Improvements-Weigh Scale Project, Project No. 2512 to Timmons Construction, Inc., in the amount of \$299,940.00. Motion Carried.

Mayor Holien moved item 11(b): Second Reading of Ordinance No. 25-02 to be the next item on the agenda.

Ordinance No. 25-02, Zoning Text Amendments to Chapter 21.29 C-L Lake Commercial District, Chapter 21.30 C-L1 Lake Adjacent Commercial District (New District), Chapter 21.31 C-L2 Lake Proximity Commercial District (New District), and Chapter 21.58 C-LX Lake District Overlay (New District), Chapter 21.05 Establishment of Districts, Chapter 21.10 Summary of District Regulations, and Chapter 21.90 Definitions of the Revised Ordinances of the City of Watertown was placed on it second reading and the title was read. This being the

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

time and place for a public hearing on Ordinance No. 25-02, the Mayor called for public comment. Hearing no comments from the public, motion by Danforth, seconded by Tupper, to approve Ordinance No. 25-02 as presented. Motion Carried.

Mayor Holien moved item 12(b): Resolution No. 25-12 to be the next item on the agenda.

Motion by Peters, seconded by Schutte, to approve Resolution No. 25-12, a resolution authorizing the conveyance of real estate property located within Block 4 of East Acres Addition to Watertown Development Company and authorizing the Interim City Manager to execute any documents related to that transaction. Motion Carried. Motion by Peters, seconded by Tupper, to approve the Sanitary Sewer Utility Easement Agreement with Kampeska Builders, LLC and authorizing the Interim City Manager to execute upon closing. Motion Carried.

Ordinance No. 25-03, Zoning Text Amendments to Chapter 24, Subdivision of Land of the Revised Ordinances of the City of Watertown was placed on its first reading and the title was read. No action taken.

This being the time scheduled for a public hearing on the application for a transfer of ownership of a Retail (on-off sale) Malt Beverage & SD Farm Wine license and Video Lottery license from River Card Casino & Westside Laundromat LLC, d/b/a River Card Casino & West Side Laundromat LLC, 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 Rodney Parent d/b/a River Card Casino at the same location, the Mayor called for public comment. Hearing no comments from the public, motion by Tupper, seconded by Peters, to approve the transfer application as presented. Motion Carried.

Motion by Danforth, seconded by Schutte, to approve Resolution No. 25-11, for Repeal or Carryover of Capital Outlay Appropriations from the 2024 Fiscal Year. Motion Carried.

Motion by Peters, seconded by Schutte, to approve the request to allow a patrol officer to live approximately .7 miles beyond the 15-mile residency requirement. Motion Carried.

Councilman Buhler announced that he will not be seeking re-election for the Ward D Council Seat.

Councilman Peters provided an update on the search for a new City Manager with Robert Half. There were approximately 165 candidates for the position and there are 4 strong candidates who will have interviews scheduled momentarily.

Motion by Tupper, seconded by Peters, to adjourn until 5:30 PM on Monday, April 21st, 2025. 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, April 7th, 2025.

ATTEST:

Jennifer Collins, Records & Licensing Manager

Ried Holien, Mayor



City Council

Agenda Item

Subject: Approval of a business license to Yesco South Dakota East as a Sign Installer (\$250.00)

Meeting: City Council - Apr 21 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

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

FINANCIAL CONSIDERATIONS:

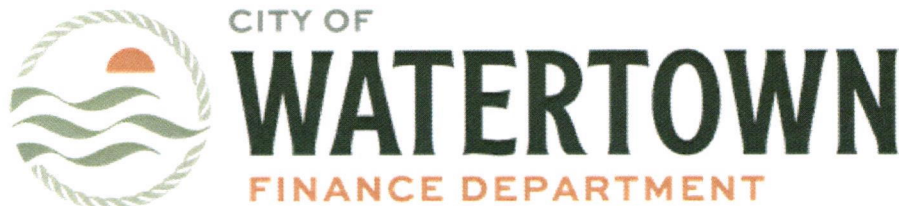
Applicant has paid licensing fees of \$250 to the City of Watertown.

STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to approve the business license to Yesco South Dakota East as a Sign Installer (\$250.00).

ATTACHMENT(S):

[Yesco](#)



Sign Installer License Application

☒ New Application ☐ Renewal

Licensing Year: 2025

License Information:

Business Name (as it will appear on license)	YESCO South Dakota East
Applicant/Owner Name (as it will appear on license)	Tony Bianchi-Rossi
Business Address	311 4th St.
City, State, Zip	Brookings, SD 57006
Phone Number	605-696-3576
Email Address	TONYBR@YESCO.COM
Insurance Company Name (copy of certificate req'd)	Acuity
Insurance Expiration Date	9/21/25
Bond Company Name (copy of bond req'd)	IMT
Bond Expiration Date	4/3/26
License Fee (check made payable to City of Watertown)	License fee: \$250.00 first year/\$75.00 renewal

Applicant/Owner Signature

4/3/25

Date

TO BE COMPLETED BY CITY OF WATERTOWN

Fee Paid: <u>\$250.00 chk # 1534</u>	City Council Approved On _____
Receipt Number: _____ Dated: _____	
License or Permit Number: _____	City Manager _____
	Finance Officer _____

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



TONKSIG-02

TWEST

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/3/2025

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 World Insurance Associates, LLC 1820 Dakota Ave South 57350	CONTACT NAME: PHONE (A/C, No, Ext): (605) 353-2800 FAX (A/C, No): E-MAIL ADDRESS:														
INSURED Tonka Signs LLC DBA YESCO South Dakota East 311 4th St Brookings, SD 57006	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: center;">NAIC #</th> </tr> <tr> <td>INSURER A : Acuity A Mutual Insurance Company</td> <td style="text-align: center;">14184</td> </tr> <tr> <td>INSURER B : SFM Mutual Insurance Company</td> <td style="text-align: center;">11347</td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Acuity A Mutual Insurance Company	14184	INSURER B : SFM Mutual Insurance Company	11347	INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

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INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS														
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:			ZP1618	9/21/2024	9/21/2025	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>EACH OCCURRENCE</td><td style="text-align: right;">\$ 1,000,000</td></tr> <tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td style="text-align: right;">\$ 250,000</td></tr> <tr><td>MED EXP (Any one person)</td><td style="text-align: right;">\$ 10,000</td></tr> <tr><td>PERSONAL & ADV INJURY</td><td style="text-align: right;">\$ 1,000,000</td></tr> <tr><td>GENERAL AGGREGATE</td><td style="text-align: right;">\$ 3,000,000</td></tr> <tr><td>PRODUCTS - COMP/OP AGG</td><td style="text-align: right;">\$ 3,000,000</td></tr> <tr><td></td><td style="text-align: right;">\$</td></tr> </table>	EACH OCCURRENCE	\$ 1,000,000	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 250,000	MED EXP (Any one person)	\$ 10,000	PERSONAL & ADV INJURY	\$ 1,000,000	GENERAL AGGREGATE	\$ 3,000,000	PRODUCTS - COMP/OP AGG	\$ 3,000,000		\$
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A	AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			ZP1618	9/21/2024	9/21/2025	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>COMBINED SINGLE LIMIT (Ea accident)</td><td style="text-align: right;">\$ 1,000,000</td></tr> <tr><td>BODILY INJURY (Per person)</td><td style="text-align: right;">\$</td></tr> <tr><td>BODILY INJURY (Per accident)</td><td style="text-align: right;">\$</td></tr> <tr><td>PROPERTY DAMAGE (Per accident)</td><td style="text-align: right;">\$</td></tr> <tr><td></td><td style="text-align: right;">\$</td></tr> </table>	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000	BODILY INJURY (Per person)	\$	BODILY INJURY (Per accident)	\$	PROPERTY DAMAGE (Per accident)	\$		\$				
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B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A	154793.203	9/21/2024	9/21/2025	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>☒ PER STATUTE ☐ OTH-ER</td> <td></td> </tr> <tr><td>E.L. EACH ACCIDENT</td><td style="text-align: right;">\$ 1,000,000</td></tr> <tr><td>E.L. DISEASE - EA EMPLOYEE</td><td style="text-align: right;">\$ 1,000,000</td></tr> <tr><td>E.L. DISEASE - POLICY LIMIT</td><td style="text-align: right;">\$ 1,000,000</td></tr> </table>	☒ PER STATUTE ☐ OTH-ER		E.L. EACH ACCIDENT	\$ 1,000,000	E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000	E.L. DISEASE - POLICY LIMIT	\$ 1,000,000						
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E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000																				
E.L. DISEASE - POLICY LIMIT	\$ 1,000,000																				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Work Comp Excluded Officers Tony Bianchi-Rossi & Kara Bianchi-Rossi

CERTIFICATE HOLDER**CANCELLATION**

CITY OF WATERTOWN PO BOX 910 23 2ND ST NE Watertown, SD 57201	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	--



LICENSE AND PERMIT BOND

Bond No. SYA7469

Know All Men By These Presents:

That we, Tonka Signs LLC dba YESCO South Dakota East, of the
City of Brookings, State of South Dakota, as Principal, and
the **IMT INSURANCE COMPANY**, a corporation duly licensed to do business in the State of
Iowa, as Surety, are held and firmly bound unto the City of Watertown
State of South Dakota,

Obligee in the penal sum of Ten Thousand Dollars

(\$ 10,000.00) DOLLARS, lawful money of the United States, to be paid to the said Obligee, for which
payment well and truly to be made, we bind ourselves and our legal representatives, jointly and severally by these
presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the said Principal has
been licensed Sign Contractor

by the said Obligee.

NOW, THEREFORE, if the said Principal shall faithfully perform the duties and in all things comply
with the laws and ordinances, including all Amendments thereto, appertaining to the license or permit applied for,
then this obligation to be void, otherwise to remain in full force and effect from April 3
2025, until April 3, 2026, unless renewed by Continuation Certificate.

This bond may be terminated at any time by the Surety upon sending notice in writing, by regular mail, to
the clerk of the Political Subdivision with whom this bond is filed and to the Principal, addressed to them at the
Political Subdivision named herein, and at the expiration of thirty-five (35) days from the mailing of said notice, this
bond shall ipso facto terminate and the surety shall thereupon be relieved from any liability for any acts or omissions
of the Principal subsequent to said date.

Dated this 3rd day of April, 2025

Tonka Signs LLC dba YESCO South Dakota East
Principal

Principal

IMT Insurance Company

By Jeremy Miller
Jeremy Miller, Attorney-in-Fact



POWER OF ATTORNEY

No. SYA7469

Know All Persons By These Presents, that IMT Insurance Company a corporation duly organized under the laws of the State of Iowa, and having its principal office in the City of West Des Moines, County of Polk, State of Iowa, hath made, constituted and appointed, and does by these presents make, constitute and appoint

Jason Gusso, Travis Gusso, Nick Gusso, Jeremy Miller and Matthew Gusso

of **Sioux Falls** and State of **South Dakota** its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to sign, execute, acknowledge and deliver in its behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

*******Unlimited Amount*******

and to bind **IMT Insurance Company** thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of **IMT Insurance Company**, and all such acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following By-Laws adopted by the Board of Directors of **IMT Insurance Company** on December 18, 1998.

ARTICLE VIII, SECTION 4. - The President or any Vice President or Secretary shall have the authority to appoint Attorneys In Fact and to authorize them to execute on behalf of the Company, and attach thereto the Corporate Seal, bonds, undertakings, recognizances, contracts of indemnity or other obligatory writings, excluding insurance policies and endorsements.

ARTICLE VIII, SECTION 5. - The signature of any authorized officer and the Corporate Seal may be affixed by facsimile to any Power of Attorney authorizing the execution and delivery of any of the instruments described in Article VIII, Section 4 of the By-Laws. Such facsimile signature and seal shall have the same force and effect as though manually affixed.

In Witness Whereof, IMT Insurance Company has caused these presents to be signed by its President and its corporate seal to be hereto affixed, this 3rd day of April, 2025.

IMT Insurance Company

Sean Kennedy, President

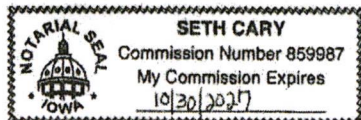


STATE OF IOWA
COUNTY OF DALLAS

} ss:

On this 3rd day of April, 2025, before me appeared Sean Kennedy, to me personally known, who being by me duly sworn did say that he is President of the IMT Insurance Company, the corporation described in the foregoing instrument, and that the Seal affixed to the said instrument is the Corporate Seal of the said Corporation and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of West Des Moines, Iowa, the day and year first above written.



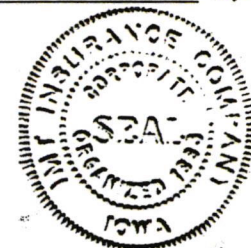
Notary Public, Dallas County, Iowa

CERTIFICATE

I, Greg Blythe, Secretary of the IMT Insurance Company do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY, executed by said the IMT Insurance Company, which is still in force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of the Company on 3rd day of April, 2025.

Greg Blythe, Secretary





City Council

Agenda Item

Subject: Approval of a Business License to Petersen Heating & Cooling as a Gasfitting Contractor (\$250) and Tim Petersen as a Gasfitter (\$75).

Meeting: City Council - Apr 21 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

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

FINANCIAL CONSIDERATIONS:

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

STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to approve the Business License to Petersen Heating & Cooling as a Gasfitting Contractor (\$250) and Tim Petersen as a Gasfitter (\$75).

ATTACHMENT(S):

[Petersen Heating and Cooling](#)



CITY OF

WATERTOWN

FINANCE DEPARTMENT

Gasfitting Contractor & Gasfitter License Application

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

Licensing Year: 2025

Gasfitting Contractor License Information:

Business Name (as it will appear on license)	Petersen Heating and Cooling
Applicant/Owner Name (as it will appear on license)	Tim Petersen
Business Address	1207 6th Ave NW #110
City, State, Zip	Watertown SD 57201
Phone Number	605-956-0585
Email Address	petersenheatingandcooling@gmail.com
Insurance Company Name (copy of certificate req'd)	Petholt Insurance Agency
Insurance Expiration Date	2-28-26
Bond Company Name (copy of bond req'd)	Western Surety
Bond Expiration Date	2-28-26
License Fees (check made payable to City of Watertown)	Gasfitting Contractor: \$250 first year/\$75 renewal Gasfitter Fee: \$75 per gasfitter/per year Transfer Licensed Gasfitter Fee: \$25 per gasfitter

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

Gasfitter #1 - Full Name <u>Tim Petersen</u>	Signature of Gasfitter #1: <u>Tim Petersen</u>
Gasfitter #2 - Full Name	Signature of Gasfitter #2:
Gasfitter #3 - Full Name	Signature of Gasfitter #3:

Tim Petersen

Signature of Business Owner

4-25-25

Date

TO BE COMPLETED BY CITY OF WATERTOWN

Fee Paid: <u>\$325.00</u> <u>chk #1001</u>	City Council Approved On _____
Receipt Number: _____ Dated: _____	_____ City Manager
License or Permit Number: _____	_____ Finance Officer

Submit completed application to: City Finance Office, Attn: Records/Licensing Manager, PO Box 910, Watertown SD 57201

Phone# (605) 882-6203 • Fax# (605) 882-6218 • licenses@watertownsd.us



CERTIFICATE OF LIABILITY INSURANCE

ABLOCK

DATE (MM/DD/YYYY)

2/28/2025

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.

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PRODUCER Puthoff Insurance Agency PO Box 16 Watertown, SD 57201	CONTACT NAME: Amy Block PHONE (A/C, No, Ext): (605) 886-9319 FAX (A/C, No): (605) 886-9356 E-MAIL ADDRESS: ablock@puthoffsinsurance.com														
INSURED Petersen Heating & Cooling 1207 6th Ave NW Ste 110 Watertown, SD 57201	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Grinnell Mutual Reinsurance</td> <td>14117</td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Grinnell Mutual Reinsurance	14117	INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A X	COMMERCIAL GENERAL LIABILITY						
	CLAIMS-MADE X OCCUR			0001126968	2/28/2025	2/28/2026	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						
	X POLICY PRO-JECT LOC						
	OTHER:						
A	AUTOMOBILE LIABILITY			0001126969	2/28/2025	2/28/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 500,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
	ANY AUTO OWNED AUTOS ONLY X SCHEDULED AUTOS						
	HIRED AUTOS ONLY NON-OWNED AUTOS ONLY						
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE \$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE \$
	DED RETENTION \$						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						PER STATUTE OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) N/A						E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

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

CERTIFICATE HOLDER

CANCELLATION

City of Watertown
 PO Box 910
 Watertown, SD 57201

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

AUTHORIZED REPRESENTATIVE



Effective Date: February 28th, 2025

Western Surety Company

LICENSE AND PERMIT BOND

KNOW ALL PERSONS BY THESE PRESENTS:

Bond No. 67376496

That we, Petersen Heating & Cooling

of Watertown, State of South Dakota, as Principal,
and WESTERN SURETY COMPANY, a corporation duly licensed to do surety business in the State of
South Dakota, as Surety, are held and firmly bound unto the

City of Watertown, State of South Dakota, as Obligee, in the penal
sum of Ten Thousand and 00/100 DOLLARS (\$10,000.00),
lawful money of the United States, to be paid to the Obligee, for which payment well and truly to be made,
we bind ourselves and our legal representatives, firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the Principal has been
licensed Air Conditioning

by the Obligee.

NOW THEREFORE if the Principal shall faithfully perform the duties and in all things comply
with the laws and ordinances, including all amendments thereto, pertaining to the license or permit
applied for, then this obligation to be void, otherwise to remain in full force and effect until
February 28th, 2026, unless renewed by Continuation Certificate.

This bond may be terminated at any time by the Surety upon sending notice in writing, by First Class
U.S. Mail, to the Obligee and to the Principal at the address last known to the Surety, and at the expiration
of thirty-five (35) days from the mailing of said notice, this bond shall ipso facto terminate and the Surety
shall thereupon be relieved from any liability for any acts or omissions of the Principal subsequent to said
date. Regardless of the number of years this bond shall continue in force, the number of claims made
against this bond, and the number of premiums which shall be payable or paid, the Surety's total limit of
liability shall not be cumulative from year to year or period to period, and in no event shall the Surety's total
liability for all claims exceed the amount set forth above. Any revision of the bond amount shall not be
cumulative.

Dated this 25th day of February, 2025.

Petersen Heating & Cooling

Principal

Tom Petersen

Principal

WESTERN SURETY COMPANY

By

Larry Kasten

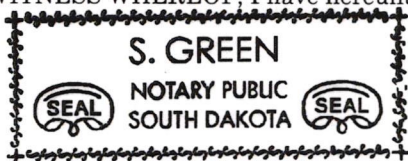
Larry Kasten, Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

ACKNOWLEDGMENT OF SURETY
(Corporate Officer)

On this 25th day of February, 2025, before me, the undersigned officer, personally appeared Larry Kasten, who acknowledged himself to be the aforesaid officer of WESTERN SURETY COMPANY, a corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such officer.

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



S. Green
Notary Public — South Dakota

My Commission Expires: February 12, 2027

ACKNOWLEDGMENT OF PRINCIPAL
(Individual or Partners)

STATE OF _____ }
COUNTY OF _____ } ss

On this _____ day of _____, _____, before me personally appeared _____,

known to me to be the individual _____ described in and who executed the foregoing instrument and acknowledged to me that _____ he _____ executed the same.

My commission expires _____,

Notary Public

STATE OF South Dakota }
COUNTY OF Codington } ss

ACKNOWLEDGMENT OF PRINCIPAL
(Corporate Officer)

On this 5 day of March, 2025, before me personally appeared _____,

who acknowledged himself/herself to be the Tim Petersen of Petersen Heating & Cooling, a corporation, and that he/she as such officer being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as such officer.

My commission expires May 1, 2027

Shirley Lynn Block
Notary Public

 Western Surety Company

License or Permit No. _____

LICENSE AND PERMIT
BOND
As

of _____

State of _____

Name of Applicant _____

Address _____

Filed _____

Approved this _____

day of _____

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Larry Kasten of Sioux Falls,
State of South Dakota, its regularly elected Vice President,
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One Air Conditioning City of Watertown

bond with bond number 67376496

for Petersen Heatin & Cooling

as Principal in the penalty amount not to exceed: \$ 10,000.00.

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

This Power of Attorney may be signed by digital signature and sealed by a digital or otherwise electronic-formatted corporate seal under and by the authority of the following Resolution adopted by the Board of Directors of the Company by unanimous written consent dated the 27th day of April, 2022:

"RESOLVED: That it is in the best interest of the Company to periodically ratify and confirm any corporate documents signed by digital signatures and to ratify and confirm the use of a digital or otherwise electronic-formatted corporate seal, each to be considered the act and deed of the Company."

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its
Vice President with the corporate seal affixed this 25th day of February,
2025.

ATTEST

L. Bauder

L. Bauder, Assistant Secretary

WESTERN SURETY COMPANY

By

Larry Kasten

Larry Kasten, Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 25th day of February, 2025, before me, a Notary Public, personally appeared
Larry Kasten and L. Bauder

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President
and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the
voluntary act and deed of said Corporation.



My Commission Expires February 12, 2027

S. Green

Notary Public

To validate bond authenticity, go to www.cnasurety.com > Owner/Obligee Services > Validate Bond Coverage.



City Council

Agenda Item

Subject: Approval of a Pyrotechnics or Open Flame Permit Application for Fireworks show display by Lew's Fireworks at Anza Demo show on May 3rd,2025.

Meeting: City Council - Apr 21 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

Annual fireworks display demo show put on by Lew's Fireworks

FINANCIAL CONSIDERATIONS:

There is no financial considerations.

STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to approve a Pyrotechnics or Open Flame Permit Application for Fireworks show display by Lew's Fireworks at Anza Demo show on May 3rd,2025.

ATTACHMENT(S):

[Lew Fireworks Demo 5-3-25](#)

FIREWORKS SHOW PERMIT

Name of Applicant:

Lew's Fireworks

Address:

45788 US Hwy 212 - Wtn, SD 57201

Phone #:

605-882-1744

Responsible Person / Pyrotechnician Firing the Show:

Name:

Brad Wesche

Address:

221 8th St SE - Wtn, SD 57201

Phone #:

605-310-2763

Drivers License or Social Security #:

00554873

Fireworks Show Date:

May 3rd 2025

Time:

8:45pm

Duration:

One hour

Description of Event:

Annual Dealer Demo

Location of Show:

ANZA Soccer Complex

(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

31st

day of

March, 2025

Lucas T. Nogelmaier

Applicant Name Printed

Lucas T. Nogelmaier

Applicant Signature

The above address is within the _____ Fire Department's Fire District. The _____ Fire Department has reviewed this permit application and hereby recommends it's 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: Approval of a Bid Award for the 2025 Prairie Lakes Wellness Center Roof, Project No. 2514, to All American Roofing, in the amount of \$219,244.00

Meeting: City Council - Apr 21 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

On April 8, 2025, four (4) bids were received for the 2025 Prairie Lakes Wellness Center Roof, Project No. 2514. All American Roofing of Box Elder, SD had the low bid of \$219,244.00, which was 29% lower than the Engineer's Estimate of \$309,000.00.

This project consists of installing a new TPO style roof over the existing steel roof. The metal roof is over the gym area on the west side and currently leaks due to hail damage. Our Insurance Company has confirmed this damage and has issued \$344,000.00 for repairs.

FINANCIAL CONSIDERATIONS:

The funding for this project has been budgeted in the Park & Recreation Improvement Fund, account 212-45182-43999, in the amount of \$108,000.00 with an additional \$344,000.00 received from the insurance claim for a total budget of \$452,000.00. With approval of the bid at \$219,244.00, the project is within the budget.

OVERSIGHT / PROJECT RESPONSIBILITY:

Justin Petersen, City Engineer
Dusty Rodiek, Parks, Recreation & Forestry Director
Kraig Engen, Project Manager

STAFF RECOMMENDATION / SUGGESTED MOTION:

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

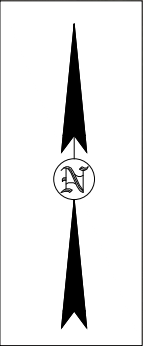
I move to approve of a Bid Award for the 2025 Prairie Lakes Wellness Center Roof, Project No. 2514, to All American Roofing, in the amount of \$219,244.00

ATTACHMENT(S):

[Bid Tabulation](#)
[Vicinity Map](#)

Bid Tabulation Prairie Lakes Wellness Center Roof Project No. 2514 City of Watertown, South Dakota				City of Watertown Bid Opening: 4/8/2025 Ph: 605-882-6202 Engineer Estimate		All American Roofing 14809 Fox Trail Box Elder, SD 57719 Ph: 605-393-2524		Five Star Roofing 1801 Erie Avenue Spirit Lake, IA 51360 Ph: 712-320-6261	
BID SCHEDULE									
ITEM	ITEM	ESTIMATED	ITEM	ITEM	ITEM	ITEM	ITEM	ITEM	ITEM
NO.	DESCRIPTION	QUANTITY	PRICE	TOTAL	PRICE	TOTAL	PRICE	TOTAL	TOTAL
1	New TPO Style Roof Over the Existing Metal Roof	1	L.S.	\$ 309,000.00	\$ 309,000.00	\$ 219,244.00	\$ 219,244.00	\$ 237,485.00	\$ 237,485.00
Bid Schedule Total					\$ 309,000.00		\$ 219,244.00		\$ 237,485.00

Bid Tabulation Prairie Lakes Wellness Center Roof Project No. 2514 City of Watertown, South Dakota				J&P Roofing Systems PO Box 219 Chester, SD 57016 Ph: 605-251-0094		ARS, Tecta America PO Box 39 Sioux Falls, SD 57101 Ph: 605-332-1698			
BID SCHEDULE									
ITEM	ITEM			ESTIMATED	ITEM	ITEM	ITEM	ITEM	
NO.	DESCRIPTION			QUANTITY	PRICE	TOTAL	PRICE	TOTAL	
1	New TPO Style Roof Over the Existing Metal Roof			1	L.S.	\$ 267,738.00	\$ 267,738.00	\$ 293,290.00	\$ 293,290.00
Bid Schedule Total						\$ 267,738.00		\$ 293,290.00	



VICINITY MAP





City Council

Agenda Item

Subject: Authorization to purchase the River Ridge playground fitness course turf surfacing for \$115,728.60 through My Turn Playsystems. Sourcewell Contract # 010521-BUR

Meeting: City Council - Apr 21 2025

From: Dusty Rodiek, Director of Parks, Recreations & Forestry

BACKGROUND INFORMATION:

The scope of this project is to install a new playground fitness course turf surfacing at River Ridge Park. This playground will be part of the River Ridge Development Project. The footprint of this playground surfacing will be approximately 93' x 55'.

FINANCIAL CONSIDERATIONS:

The funding for this project is budgeted in the 2025 Parks & Recreation Capital Improvement Fund-Park/Playground Improvement account 212.45182.43948 in the amount of \$115,728.60

OVERSIGHT / PROJECT RESPONSIBILITY:

Dusty Rodiek - Parks, Recreation & Forestry Director
Matt Brandsrud - Parks & Forestry Superintendent

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of this Sourcewell contract through the following motion.

I move to approve the purchase of the River Ridge playground fitness course turf surfacing through Sourcewell Contract Bid # 010521-BUR in the amount of \$115,728.60 through My Turn Playsystems.

ATTACHMENT(S):

[My Turn Playsystems turf surface proposal](#)



PROPOSAL

January 30, 2025

Bill To: City of Watertown
23 2nd Street NE
Watertown, SD 57201

Contact: Matt Brandsrud
Phone: 605-882-6262
E-Mail: mbrandsrud@watertownsd.us
Estimated by: Brandon Clouse
Delivery 2025 Install

Sourcewell: Burke Contract No 010521-BUR
City of Watertown: ID 43097

ITEM #	ITEM DESCRIPTION	Qty	Sourcewell Price	EXTENSION
070-2270	BURKE TURF - Burke Turf Pro 70 OZ Low Pile Height – Elevate	5700	\$4.46	\$25,422.00
070-0412	Power Claw Adhesive – 5 Gallon	3	\$494.53	\$1,483.59
070-0409	Red Stripe Seam Tape – 750'	1	\$419.05	\$419.05
070-2129	Burke Turf Play Pad 2.25" x 3.25' x 7.5'	263	\$80.04	\$21,050.52
070-2120	Acrylic Sand Burke Lite and Burke Turf – 50lb bag	308	\$31.18	\$9,603.44
070-2520	Burke Elevate Logo Package		\$6,317.50	\$6,317.50
	Discount for Elevate Logo Package			(-\$1,317.50)
	BURKE TURF FREIGHT			\$3,825
	BURKE TURF INSTALLATION To Be done by Owner: ** Curbing ** Drainage ** Site Prep – Area should be graded to be 7" below grade in playground area. See S4 layout plan. We need the victory wall at 9" below grade.			\$48,925
	TOTAL ESTIMATED JOB COST			\$115,728.60

** Please enter TAX EXEMPTION number:

** Proposal good for 30 days

**Site must be level and ready prior to installation unless otherwise specified

** Owner may be required to unload equipment

**Owner required to locate all private utilities

**Burke Equipment Net 30 from Shipment

****Invoice issued upon completion of project due NET 30 days for Open Market Items & Installation**

If you agree to the terms and conditions above,

SIGNATURE

DATE



City Council

Agenda Item

Subject: Second Reading of Ordinance No. 25-03, Zoning Text Amendments to Chapter 24
Subdivision of Land of the Revised Ordinances of the City of Watertown

Meeting: City Council - Apr 21 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

The proposed updates to Chapter 24, Subdivision of Land, consist mainly of clerical changes. Other notable changes include amendments to §24.0521, Assurances for the Completion of Minimum Improvements, in which the development agreement process has been modified to allow for agreements to be approved for periods of either two (2) or three (3) years, depending on the length of right-of-way being platted and subsequent infrastructure improvements within a subdivision. This length is capped at one (1) linear mile of right-of-way unless otherwise approved by the City Engineer. Extensions to development agreements may be approved on an annual basis at the discretion of the City Council.

In §24.0613, Inspections and Testing, and §24.0802, Completion of Final lift on Street, amendments are proposed that include updated language regarding current inspection policies in order to ensure proper installation and inspections have been completed prior to the final lift of a right-of-way being poured. These proposed amendments take into consideration the discussion that happened at the February 10, 2025, City Council work session. At the meeting, staff, City Council, and developers discussed the development agreement process and where recurring issues in the completion of subdivision developments were forming. The proposed amendments allow for an increase in flexibility for the time of infrastructure completion while setting clear expectations for developers on required inspections.

The Planning Commission unanimously recommended approval to City Council (6-0) at the March 20, 2025, meeting, with two proposed amendments. The first amendment removed the requirement of US Postal Service approval of mailbox locations on preliminary plans. The second amendment changed the approver of the certificate of completion from the Public Works Director to the City Engineer in the definitions section of the chapter.

FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:

Justin Petersen, City Engineer
Lucas Ammann, Engineer II

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of Ordinance No. 25-03 through the following motion:

I move to approve Ordinance No. 25-03, Zoning Text Amendments to Chapter 24 Subdivision of Land of the Revised Ordinances of the City of Watertown.

ATTACHMENT(S):

[Illustration](#)

[Ordinance No. 25-03](#)

FOR ILLUSTRATION PUPROSES FOR ORDINANCE NO. 25-03

TITLE 24

SUBDIVISION OF LAND

Chapter	(back to Table of Contents)
24.01	Title and Purpose
24.02	Legal Provisions
24.03	Subdivision Plans in General
24.04	Administration and Penalties
24.05	General Requirements and Design Standards
24.06	Subdivision Procedure
24.7 24.07	Final Plat Approval
24.8 24.08	Street Maintenance and Acceptance
24.09	Changes and Variances
24.10	Definitions
24.97	Interpretation, Abrogation and Severability
24.98	Cross-References
24.99	Punishment

Chapter 24.01
TITLE AND PURPOSE

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

24.0101: TITLE

These regulations may be referred to as the 2011 Revised Subdivision Ordinance for the City of Watertown and its area of extraterritorial jurisdiction.

24.0102: PURPOSE

It is the purpose of this ordinance to regulate the subdivision of land so as to coordinate streets with other subdivisions and uses, to provide water and sanitation facilities, drainage and flood control, to foster efficient and orderly urban growth compatible with the natural environment, to minimize cut and fill operations, to prevent premature land subdivision and to conform with the Comprehensive Plan for the City of Watertown and its area of extraterritorial jurisdiction. (Ord 11-18; Add 11-4-11)

Chapter 24.02
LEGAL PROVISIONS

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

24.0201: JURISDICTION

Pursuant to SDCL §11-6, these regulations shall govern the regulation of all subdivisions and the plats of all subdivisions within the corporate limits of the City, and any applicable extraterritorial area. (Ord 11-18; Add 11-4-11)

Chapter 24.03
SUBDIVISION PLANS IN GENERAL

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

24.0301: RECORDING, USE AND SELLING

No person shall transfer or sell any parcel as part of a subdivision plan before a plat of such subdivision has been approved by the City of Watertown and recorded.

1. No person shall subdivide or layout such land in lots, unless by plat, in accordance with state law and the regulations contained herein. Subdivision of any parcel by metes and bound description for the purpose of sale, transfer, or lease with the intent of evading the terms of these regulations is prohibited.
2. No building permit shall be issued for the construction of any building or structure located on a lot subdivided or sold in violation of the provisions of these regulations.
3. No application for variance or conditional use shall be received by the City for any such lot subdivided or sold in violation of the provisions of these regulations. (Ord 11-18; Add 11-4-11)

Chapter 24.04
ADMINISTRATION AND PENALTIES

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

24.0401: ADMINISTRATION

The City Engineer is hereby authorized to enforce these regulations, to interpret them, and to adopt and enforce rules and supplemental regulations in order to administer and clarify their provisions. Any appropriate action may be taken by law or in equity to prevent any violation thereof, to prevent unlawful construction, to recover damages, to correct or abate a violation or to prevent illegal occupancy of a building, structure, or premises. These remedies shall be in addition to the penalties described below. (Ord 11-18; Add 11-4-11)

24.0402: PENALTIES

Any person violating any provision of this title shall be subject to the maximum penalty allowed by law. (Ord 11-18; Add 11-4-11)

Chapter 24.05
GENERAL REQUIREMENTS AND DESIGN STANDARDS

Section

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

24.0501	General
24.0502	Design Standards
24.0503	Land Suitability
24.0504	Floodplain Management
24.0505	Conformity with Other Plans
24.0506	Relation to Adjoining Street Systems
24.0507	Street Names and Numbers
24.0508	Private Roads; Places
24.0509	Half Streets
24.0510	Sidewalks
24.0511	Blocks
24.0512	Lots
24.0513	Easements
24.0514	Permanent Property Markers
24.0515	Preservation of Natural Features and Amenities
24.0516	Parks, School Sites and other Public Areas
24.0517	Homeowner's and other Associations
24.0518	Drainage
24.0519	Areas Subject to Periodic Inundation
24.0520	Erosion
24.0521	Assurances for the Completion of Minimum Improvements

24.0501: GENERAL

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

The Planning Commission shall require compliance with the following requirements to ensure the orderly development of all property within its platting jurisdiction. (Ord 11-18; Add 11-4-11)

24.0502: DESIGN STANDARDS

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

All public improvements shall be designed in accordance with standard accepted engineering practices, designed in compliance with the Engineering Design Standards and subject to the approval of the City Engineer. (Ord 11-18; Add 11-4-11)

24.0503: LAND SUITABILITY

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

The Planning Commission may find that land sought to be subdivided is unsuitable for development due to high agricultural productivity, flooding, poor drainage, steep slopes, rock formations or other conditions.

The Planning Commission may refuse to approve what it considers scattered or premature subdivision of land by reason of: lack of adequate water supply and sewerage treatment, schools, proper drainage, good roads or other public services which would necessitate an excessive expenditure of public funds for the supply of such services. (Ord 11-18; Add 11-4-11)

24.0504: FLOODPLAIN MANAGEMENT

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

Regulations pertaining to floodplain management are set forth in Title 5 of the Watertown Ordinances. (Ord 11-18; Add 11-4-11)

24.0505: CONFORMITY WITH OTHER PLANS

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

1. All proposed subdivisions shall conform to the adopted Comprehensive Plan.
2. The densities established by the zoning ordinance shall be observed by the subdivider and developer.
3. All thoroughfares in the major street plan shown as crossing or as boundaries of a proposed subdivision are required to be provided in that location and at the right-of-way width designated thereon. (Ord 11-18; Add 11-4-11)

24.0506: RELATION TO ADJOINING STREET SYSTEMS

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

The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) in so far as they may be deemed necessary by the Planning Commission for public requirements. The width of such streets in new subdivisions shall not be less than the minimum width established in the Engineering Design Standards. The street and alley arrangement shall be such as not to cause a hardship to owners of the adjoining properties. In general, provisions should be made for through streets at intervals not exceeding one-half mile, and for street connections to future subdivisions at intervals not less than one quarter mile. Offset streets should be avoided. (Ord 11-18; Add 11-4-11)

24.0507: STREET NAMES AND NUMBERS

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

1. Streets in line with existing streets shall bear the names of the existing streets.
2. No street names shall duplicate, contain the same spelling, or sound alike in pronunciation with any existing street. All street names should be kept as short as possible to permit signs to be no longer than thirty six (36) inches.
3. Each lot shall be assigned an address number in accordance with the numbering system now in effect in the City. Where possible, such address shall be established at the time of plat approval.
4. Street name suffixes shall be applied as follows:
 - a. Avenue: a road running east and west
 - b. Street: a road running north and south
 - c. Road: a road running east and west or north and south but which is not appropriate to name as a street or avenue
 - d. Lane: a road running northeast to southwest
 - e. Drive: a road running northwest to southeast
 - f. Trail: a road which wanders in different directions
 - g. Circle: all cul-de-sacs
 - h. Court: a road with two openings which enters and exits on the same road
 - i. Place: all private roads
 - j. Boulevard: a major road, usually an arterial or collector
5. When, due to topography, offsets caused by rectangular surveys, or other physical features, streets become interrupted, quarter line and section line streets shall retain the same name on either side of the irregularities. (Ord 11-18; Add 11-4-11)

24.0508: PRIVATE ROADS; PLACES

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

The use of private roads shall be discouraged; however, in cases where a private road is allowed, it shall meet the following requirements:

1. Private streets shall be surfaced by the developer to a width of no less than twenty-seven-eight (2728) feet ~~four (4) inches back of curb to back of curb~~; and maintained in a passable condition. Greater width may be required when necessary. All private streets must provide a height clearance of fourteen (14) feet six (6) inches as a minimum and are subject to the same grade requirements as public streets.
2. A road maintenance agreement among property owners who will depend on said private street for access will be filed with the plat. This agreement shall affix the legal responsibilities for the repair and maintenance of any private streets and the required signs.
3. The Homeowner's Association shall place street signs on all private streets or ~~to~~ pay the City to place street signs for private streets at the locations the City Engineer deems necessary for the safety and convenience of the public. Street signs shall be of such a style and material to render them easily readable at night as well as day; and are subject to the approval of the City Engineer.
4. Buildings located adjacent to a private street shall be addressed and are subject to the approval of the City Engineer.
5. Private streets shall be indicated on the plat with broken lines. Any lots adjacent to a private street shall have their lot lines extended to include the area used for streets.

6. Any private street accepted by the City must provide permanent unobstructed public access to the area it serves.
7. Any plat presented for City approval which shows a private street as a means of access shall provide language in the Owner's Certificate reserving said private street as a permanent unobstructed access easement.
8. The City will not subsequently accept a private street for dedication unless and until it is brought up to City standards, providing adequate right-of-way without requiring variances for setbacks.
9. Alleys
 - a. Alleys are permitted in commercial and industrial districts, except where provision is made for service access, such as off-street loading, unloading and parking consistent with the requirement set forth in the Zoning Ordinance.
 - b. Alleys are permitted in residential districts when design standards and conditions warrant an alternative means of access as approved by the City Engineer. (Ord 11-18; Add 11-4-11)

24.0509: HALF STREETS

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1. Whenever an existing half street is adjacent to a tract being subdivided, the other half of the street shall be platted with said subdivision.
2. A preliminary plan of a subdivision may show half of a street adjoining property, which has not been subdivided, but no lot abutting on such half street shall have a building permit issued for it until such time as the other half street is dedicated. (Ord 11-18; Add 11-4-11)

24.0510: SIDEWALKS

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1. Concrete sidewalks shall be constructed along each side of every street shown on the plat in accordance with applicable standards and specifications of the City. Pedestrian ramps meeting the current American with Disabilities Act guidelines shall be installed with the street improvements.
2. The City may waive the installation of sidewalks in Industrial zoned districts.
3. The City may require the installation of sidewalks on lots, whether or not they contain any structure, when the adjacent lots have sidewalks, or when the City determines it is in the best interest of the public.
4. Alternative pedestrian routes may be considered by the Planning Commission in lieu of or in addition to sidewalks. (Ord 11-18; Add 11-4-11)

24.0511: BLOCKS

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1. The lengths, widths and shapes of blocks shall be determined with due regard to:
 - a. Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
 - b. Need for convenient access, circulation, control and safety of street traffic and utilities.
 - c. Limitations and opportunities of topography.
2. Block lengths shall not exceed one thousand (1,000) feet and shall normally be wide enough to allow two tiers of lots of appropriate depth.
3. Pedestrian walks with a right-of-way not less than ten (10) feet wide, shall be required through blocks where it is deemed to be essential to provide circulation or access to schools, playgrounds, shopping centers and other community facilities. (Ord 11-18; Add 11-4-11)

24.0512: LOTS

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1. The lot size, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of the Zoning Ordinance.
2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide off-street parking and loading for the use contemplated.
3. Corner lots for residential use shall, to the extent possible, have extra width to permit appropriate building setbacks from both streets.

4. Each lot shall be provided with access to a public street or an officially approved place designated by the City Zoning Ordinance.
5. Double frontage lots shall be avoided except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation. Along the property line of lots abutting any arterial street or other such disadvantageous feature, no right of access shall be permitted.
6. Side lot lines shall be substantially at right angles to streets except on curves where they shall be radial.
7. All interior lot lines shall be a straight line or a series of straight lines. Curved interior lot lines shall be prohibited. (Ord 11-18; Add 11-4-11)

24.0513: EASEMENTS

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1. Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall conform to the Engineering Design Standards.
2. Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage, parkway or recreational use, the width of which shall be determined by the City Engineer and approved by the Planning Commission.
3. All proposed lots of record shall provide:
 - a. A ten (10) foot utility easement along any side which abuts a public right-of-way;
 - b. A ten (10) foot rear yard utility easement whenever the rear yard abuts another lot; and
 - c. A five (5) foot utility easement for all other lot lines.

Said easements shall be measured starting from the lot line, then into the lot in question. Said easements shall be depicted on all official plans by broken lines and the particular purpose of the easement shall be clearly indicated thereon. (Ord 17-29; Rev 07-14-17)

4. Lots and easements shall be arranged in such a manner as to eliminate unnecessary jogs or off sets and to facilitate the use of easements for power distribution, telephone service, drainage and water and sewer services.
5. The property owners whose property is subject to such easements shall be responsible for its maintenance. The easements shall be kept clear of any structure, debris, trees, shrubs or landscaping whatsoever except lawn grass which shall be regularly mowed and annual vegetation may be grown thereon. Fences and minor landscaping are permitted obstructions, allowed at sufferance, within utility easements and are wholly prohibited in drainage easements. No utility whose facilities are currently sited, or are being installed, in a utility easement shall be liable for or responsible for the replacement of any portion of fence or minor landscaping that must be removed to accomplish necessary work on utility facilities. (Ord 11-18; Add 11-4-11) (Ord 17-29; Rev 07-14-17)

24.0514: PERMANENT PROPERTY MARKERS

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All subdivision boundary corners shall be marked with monuments to grade and noted on the subdivision plat. (Ord 11-18; Add 11-4-11)

24.0515: PRESERVATION OF NATURAL FEATURES AND AMENITIES

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1. Existing features which would add value to residential development or to the community as a whole, such as trees, water courses and similar irreplaceable assets, should be preserved in the design of the subdivision.
2. Sensitive environmental areas as shown on the Comprehensive Plan shall be reviewed with regard to the special character of the area taking into consideration harmonious design, environmental protection and topographical restraints. (Ord 11-18; Add 11-4-11)

24.0516: PARKS, SCHOOL SITES AND OTHER PUBLIC AREAS

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In conjunction with Title 14, when subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to any recommendations of the official comprehensive plan, school board or park department plans. Any provisions for schools, parks and playgrounds should be indicated on the preliminary plan in order that it may be evaluated. (Ord 11-18; Add 11-4-11)

24.0517: HOMEOWNER'S AND OTHER ASSOCIATIONS

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Where the subdivision contains park areas, road maintenance systems or other facilities or services which are necessary to or desirable for the area, and which are of common use or benefit and which are not accepted for maintenance by an existing public agency, provisions shall be made by trust agreement for the proper and continuous maintenance and supervision of such facilities. A final and signed copy of said agreement shall be attached to each and every plat having a facility or service covered by such an agreement. (Ord 11-18; Add 11-4-11)

24.0518: DRAINAGE

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

A drainage plan conforming to the City approved master drainage plan for the area, if any, shall be made for each subdivision by a licensed professional engineer. Provisions shall be made within each subdivision to provide drainage facilities needed within the subdivision taking into account the ultimate development of the tributary area. The storm and sanitary sewer plans shall be made as part of the utility plans. Engineering considerations in subdivisions and other development shall give preferential treatment to gravity flow improvements as opposed to other utilities and improvements.

1. Off-premise drainage easements and improvements may be required to handle the runoff of subdivisions into a natural drainage channel and shall be the responsibility of the developer.
2. Low areas subject to periodic inundation shall not be developed or subdivided unless and until the City Engineer establishes and the Planning Commission establish and/or approve the following:
 - a. The nature of the land use would not lend itself to damage by periodic flooding and inundation; or
 - b. The area may be filled or improved in such a manner as to prevent such periodic inundation; or
 - c. Minimum floor elevations may be established to prevent damage to buildings and structures. Standing water that would contribute to mosquito development is to be eliminated by suitable construction measures.
3. The City Engineer may require whatever additional engineering information deemed necessary to make a decision on subdivisions and other development.
4. Ponds and similar areas will be accepted for maintenance only if approved by the City Council. (Ord 11-18; Add 11-4-11)

24.0519: AREAS SUBJECT TO PERIODIC INUNDATION

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1. **Flood Zones.** Land areas of such elevation and location to be subject to periodic inundation by flood waters shall not be subdivided or developed except as provided below.
2. **Development Review in Flood Zones.** Proposed subdivisions and proposed new developments shall be reviewed to determine whether such proposals will be reasonably safe from flooding. Any such proposals shall be reviewed to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage within the flood prone area.
 - b. All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - c. Adequate drainage is provided to reduce exposure to flood hazards.

Source: (Ord 11-18; Add 11-4-11) (Ord 21-32; Rev 8-27-2021)

24.0520: EROSION

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Measures used to control erosion on a development site shall, as a minimum, meet the standards and specifications of the Codington County Soil and Water Conservation District and the Engineering Design Standards. Stripping of vegetation, re-grading and cut and fill operations should be kept to a minimum, as should the amount of land and the duration of exposure. Whenever feasible, development plans should be made in conformance with topography in order to create the least erosion potential. Similarly, as much as possible natural vegetation shall be retained, protected and supplemented. The City Engineer may require further measures if necessary to prevent erosion on building sites and developments from depositing wastes or sediments on public streets or other property. Every effort shall be made to retain the natural vegetation on all ditches and drainage ways. Ditches and drainage ways will not be disturbed without the approval of the City Engineer's office. (Ord 11-18; Add 11-4-11)

24.0521: ASSURANCES FOR THE COMPLETION OF MINIMUM IMPROVEMENTS

1. No plats of any subdivision shall be approved unless the improvements required by this ordinance have been installed prior to such approval or unless the developer has signed a development agreement to establish the responsibility for the construction of such improvements in a satisfactory manner and within a period specified by the City Council. ~~s~~Such period ~~shall not to exceed~~ two (2) years for subdivisions containing one-half (1/2) linear mile or less of right-of-way development or three (3) years for subdivisions containing more than one-half (1/2) linear mile of right-of-way development. No subdivision shall contain more than one (1) linear mile of right-of-way development unless approved by the City Engineer. The development agreement shall be recorded with the register of deeds at the time of filing the plat. An extension to the performance two (2) year period of the development agreement may be granted at the discretion of the City Council in one (1) year increments. The first extension year shall not incur any fees, but all extensions thereafter shall require an administrative fee of one thousand five hundred (1,500) dollars per year to be paid to the City prior to issuance of the extension. This development agreement shall be recorded with the register of deeds at the time of filing the plat.
2. No building permits shall be issued until agreements have been filed, curb and gutter has been installed and sanitary sewer, storm sewer and water supply lines have been approved or all required public improvements have been completed and approved. (Ord 11-18; Add 11-4-11).

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Chapter 24.06
SUBDIVISION PROCEDURE

Section

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24.0601: THE PLAT APPROVAL PROCESS

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All proposed subdivision plats must be approved through a three phase development process. All plans and plats referred to in this section shall be prepared by a registered professional engineer and a registered land surveyor in conformity with requirements of state law.

Source: (Ord 11-18; Add 11-4-11)

24.0602: PROCEDURE

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

The procedure for review and approval of a subdivision consists of the following phases:

1. Required preparation, submission and approval of a “Concept Plan”.
2. Required preparation, submission and approval of a “Preliminary Plan”.
3. Required preparation, submission and approval of the “Construction Plans” and “Plat”.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0603: CONCEPT PLAN

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The purpose of a Concept Plan is for the developer to receive approval from the Planning Commission regarding general requirements, minimum standards of design and required improvements as set forth in this ordinance. This plan includes the entire area the developer intends to subdivide and will show the development phases to be preliminary planned. This plan will aid the developer in preparing a more readily accepted Preliminary Plan for each phase and help prevent revisions in the layout and development of the subdivision. One (1) paper copy and electronic copies of the PDF, DWG and GIS shapefile of a Concept Plan shall be submitted to the Community Development Division to be distributed for review by the Design Review Team. A Concept Plan shall include the following information:

1. General

- a. The proposed name of the subdivision shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said subdivision. These names shall be subject to the approval of the Administrative Official.
- b. Names of the additions and subdivisions within the city limits shall read as follows:
 _____ Addition (Subdivision) to the Municipality of Watertown, in the County of Codington, South Dakota.
- c. Names of additions and subdivisions outside the city limits (within jurisdiction) shall read as follows:
 _____ Addition (Subdivision) in the _____ Quarter, Section _____, T _____, R _____, _____ of the 5th P.M. in the County of Codington, South Dakota.

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- d. Names of H Lots within the city limits shall read as follows (include Addition if available):

H - in _____ Addition, in the _____ Quarter, Section _____, T _____, R _____, _____ of the 5th P.M. in the County of Codington, South Dakota.

- e. Names, addresses, and telephone numbers of the owner(s), developer(s) and engineer(s).
- f. Vicinity map to scale, showing the locations of the proposed subdivision and other property for at least six hundred sixty (660) feet in every direction.
- g. The legal description(s) and notations stating acreage, scale, north arrow and date of survey.
- h. The names of all adjoining subdivisions. Adjoining un-platted property shall be labeled as such.
- i. Un-platted//undeveloped property surrounding such property being developed shall be included showing connectivity to existing infrastructure: streets, sanitary sewer, water, drainage, or other public infrastructure as applicable within the quarter (1/4) section.
- j. The proposed zoning districts.
- k. A systematic lot and block numbering pattern, complete with proposed lot dimensions and areas.
- l. Locations and widths of all existing and proposed easements.
- m. Locations and sizes of all public facilities, schools, libraries, fire stations, parks, tree masses and other significant natural features.
- n. Any expectations for City reimbursements.
- o. Proposed phasing for development with estimated timelines.
- p. Disclosure of proposed variances.

2. Streets

- a. The general layouts of streets and access points to arterial, collectors, and other adjacent street systems.
- b. The general layout of pedestrian connectivity.
- c. Rights-of-way widths.
- d. SProposed street names and widths from back of curb to back of curb including curb radius dimensions at intersections and cul-de-sacs.
- e. Typical ~~scale~~ of street sections.

3. Sanitary Sewer

The general layout of the proposed sanitary sewer system including locations of gravity sewers and force mains, lift stations, and connection points to the existing system.

4. Water

The general layout of the proposed water main system including connection points to the existing system. Water systems shall be approved by the City of Watertown Municipal Utilities Department.

5. Drainage and Grading

The proposed drainage and grading plan shall include detailed data for all runoff within the proposed development phase in accordance with the Preliminary Drainage Plan in the adopted Post Construction Stormwater Best Management Practices Manual (Ch. 2.4), also found as an appendix in Chapter 11 in the currently adopted Engineering Design Standards.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21) (Ord 22-01; Rev 3-4-22)

24.0604: APPROVAL OF CONCEPT PLAN

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After the Community Development Division and Design Review Team have reviewed and approved the Concept Plan, it shall be submitted to the Planning Commission for final approval. A public hearing will be held by the Planning Commission. The approved plan shall be kept on file with the Community Development Division. Approval of the Concept Plan shall indicate approval of the development concept only, and it does not constitute an acceptance or approval of the plat; therefore, no zoning or building permits shall be issued on the approval of the Concept Plan.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0605: EFFECTIVE PERIOD OF CONCEPT PLAN/AMENDMENTS

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The approved Concept Plan shall remain effective until all phases of the subdivision are complete. The Community Development Division may request an updated Concept Plan for administrative review and approval when minor changes to the plan are proposed. Minor changes may include, but are not limited to, the following: a change in local street pattern, street name, drainage ways or detention pond location, lot lines, development phases, subdivision name, rights-of-way width, easements, or lot and block numbers. Major changes to an approved Concept Plan shall follow the procedures for approval of a Concept Plan as required in this section. Major changes may include, but are not limited to, the following: a change in arterial or collector street patterns, proposed variances, other public open space locations, an increase in density, or perimeter boundaries.

Source: (Ord 20-32; Rev 1-1-21) (Ord 22-01; Rev 3-4-22)

24.0606: PRELIMINARY PLAN

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A Preliminary Plan for the specific phase of development as outlined by the approved Concept Plan shall be submitted to the Community Development Division to be reviewed and approved by the Design Review Team. One (1) copy on 11"x17" paper and electronic copies of the PDF, DWG and GIS shapefile of the Preliminary Plan shall be submitted. Plan sheets shall be submitted at a maximum scale of one (1) inch equal to one hundred (100) feet (1":100'). The Community Development Division shall review the Preliminary Plan and provide recommendations, along with recommendations from the Design Review Team, to the applicant. Final consideration shall be made by the Community Development Manager within sixty (60) days following submittal.

The Preliminary Plan shall conform with the Engineering Design Standards and shall include all information from the approved Concept Plan as well as the following information:

1. General

- a. Engineer's certificate.
- b. Disclosure of any anticipated supplemental provisions to the General Conditions and Standard Specifications for Public Improvements and the currently adopted Engineering Design Standards.
- c. Adjacent property information: access points, rights-of-way, lot and block lines, easements, city limits, development plans, and any other pertinent information needed for review.
- ~~d. A systematic lot and block numbering pattern, complete with proposed lot dimensions and areas.~~
- ~~e. Proposed zoning districts and minimum setback requirements.~~
- ~~f. Location and widths of all existing and proposed easements.~~
- e. Specify which phase shown on the Concept Plan is being developed.
- ~~g. Mailbox collection point locations, as approved by the US Postal Service.~~

2. Street Plan

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- a. Compliance with the City's Major Street Plan in the currently adopted Comprehensive Land Use Plan.
- b. Access onto city streets shall be in accordance to the currently adopted Engineering Design Standards.
- c. The City has adopted an Access Plan for accesses to U.S. Highways 212 and 81 and South Dakota Highway 20 in conjunction with the State of South Dakota Department of Transportation (SDDOT). Any conflicts with this Plan will need to be first resolved with the SD DOT before they will be considered on a preliminary plan.
- ~~d. Proposed street names and widths from back to back of curb including curb radius dimensions at intersections and cul-de-sacs.~~
- ~~e. Illustrations of typical street sections.~~
- ~~f. Streets and rights-of-way widths.~~
- ~~g. Locations and widths of proposed easements.~~
- ~~h. Identification of minor and major collectors with conformance to the currently adopted Engineering Design Standards.~~
- ~~i. Transportation connectivity within the development as well as connectivity with the surrounding properties. This also includes pedestrian connectivity.~~
- ~~j. Consideration of lots that front on an arterial or collector street and proposed access points.~~
- ~~k. Note if access to the development is from a city street, county or state highway.~~
- ~~l. Conformance to traffic calming practices shown in the currently adopted Engineering Design Standards.~~

~~m~~.j. Top back of curb elevations at low end of lots.

3. Sanitary Sewer Plan

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- a. Compliance with the City's Wastewater Collection System Master Plan, Sanitary Sewer Manual, and Sewer Capacity Study.
- b. Major individual commercial or industrial occupants (if any).
 - (1) Type of sewage produced by major contributors identified above (if atypical).
 - (2) Volume of sewage produced by major contributors identified above (if atypical).
- c. Provide geographic, gradient and capacity serviceability of the proposed development to the existing sewer system. The City Engineer will furnish the design engineer with sewer flows of the existing system upon written request.
- d. Locations, material type, grade and size of proposed gravity sewers, force mains, manholes, lift stations and other sanitary sewer appurtenances.
- e. Estimated flow in planned sewer and future upstream sites (cfs, mgd, or other units).
- f. Type and capacity of proposed lift stations. The capacity of said lift stations shall accommodate adjacent future developments as indicated by the City Engineer.
- g. Locations and widths of proposed easements.
- h. Adequacy of receiving sewer system.
- i. Manhole locations and spacing with manholes numbered.
- j. Flow directions, connections to existing system and extensions to adjacent properties.
- k. Extensions of sanitary sewer to the adjacent upstream users.

4. Water Plan

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- a. Water systems shall be approved by the City of Watertown Municipal Utilities Department.
- b. Show locations of valves, fire hydrants (including spacing), and other water main appurtenances.
- c. Locations and widths of proposed easements.
- d. Extensions of waterlines to perimeter of the development.
- e. Proposed pipe sizes and materials.

5. Drainage and Grading Plan

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- a. The drainage and grading plan shall include detailed data for all runoff within the proposed development phase in accordance with the Final Drainage Plan in the adopted Post Construction Stormwater Best Management Practices Manual (Ch. 2.5), also found as an appendix in Chapter 11 in the currently adopted Engineering Design Standards.
- b. Approximate ground water and lowest finished floor elevations shall be shown for buildings. The lowest recommended floor elevations shall be two (2) feet above the normal ground water elevation. Test holes shall determine ground water elevation where applicable. Test hole results shall be provided to the City.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21) (Ord 21-16; Rev 7-16-21) (Ord 22-01; Rev 3-4-22)

24.0607: ADDITIONAL IMPACT REQUIREMENTS

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The City Engineer may require any or all of the following to be included in the Preliminary Plan:

1. Traffic studies in accordance to Chapter 5.1 of the currently adopted Engineering Design Standards.
2. Information on additional water and sewer loads created by the proposed subdivision including confirmation that existing facilities or proposed additions can accommodate the additional loads is required.
3. A Geotechnical Exploration Report in accordance to Chapter 6 of the currently adopted Engineering Design Standards.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0608: APPROVAL OF PRELIMINARY PLAN

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The preliminary plan shall be submitted to the Community Development Division for approval following review by the Design Review Team. The approved plan shall be kept on file with the Community Development Division. Approval of the preliminary plan shall indicate approval of the development concept only, and it does not constitute an acceptance or approval of the plat; therefore, no zoning or building permits shall be issued on the approval of the

preliminary plan.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0609: EFFECTIVE PERIOD OF PRELIMINARY APPROVAL

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The approval of a Preliminary Plan shall be effective for a period of three (3) years, at the end of which time approval on the subdivision plat or a portion thereof must have been obtained from the City. Any preliminary plan which has not received approval for all or a portion thereof of it within the period of time set forth herein, would require re-submittal of a new plan for preliminary approval subject to any new subdivision regulations. However, before the initial three (3) years has ended, the Developer may, upon written request, receive a three (3) year extension from the Community Development Manager.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0610: AMENDMENTS TO PRELIMINARY PLAN

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Amendments to an approved Preliminary Plan may be made at the discretion of the Community Development Manager. The Community Development Manager may request an updated Preliminary Plan for review and approval when minor changes to the plan are proposed. Minor changes shall include, but are not limited to, a change in local street pattern, street name, lot lines, development phases, drainage ways or detention pond location, subdivision name, rights-of-way width, easements, or lot and block numbers. Major changes to an approved Preliminary Plan shall follow the procedures for approval of a preliminary plan as required in this section. Major changes to an approved Preliminary Plan shall require a revised Concept Plan as detailed in Section 24.0603 and 24.0604. Major changes shall include, but are not limited to, a change in major street pattern, public open space location, or perimeter boundaries.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21) (Ord 22-01; Rev 3-4-22)

24.0611: CONSTRUCTION PLANS

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Construction Plans shall be submitted to the Community Development Division to be distributed for review and approval. One hard copy on 11"x17" paper and electronic copies of the PDF, DWG, and GIS shapefile shall be submitted. Plan sheets shall be submitted at a maximum scale of one (1) inch equal to forty (40) feet (1":40'). Final consideration and issuance of a Permit to Construct shall be made by the City Engineer within sixty (60) days following submittal.

Construction Plans shall conform to all chapters of the currently adopted Engineering Design Standards. Plans shall include all information from the Preliminary Plan as well as the following:

1. **Final Site Grading Plan.** The drainage and grading plans shall show the existing and proposed contours with intervals of one (1) foot for land with a slope of one percent (1%) or less, intervals to two (2) feet for a slope between one and one-tenth (1.1%) and nine and nine-tenths (9.9%) percent and contours of five (5) feet for land with a slope exceeding ten percent (10%) referenced to City of Watertown datum (established by the NAVD 1988 USGS). The site grading plan shall also show the top-of-foundation elevation and drainage arrows for each lot with lot corner elevations shown. The lowest recommended floor elevations shall be two (2) feet above the normal ground water elevation.
2. **Final Street Grading Plan.** The street grading plan shall show finished street grades shown to an accuracy of one hundredth of a foot (1/100), showing existing conditions and proposed curb grades, and a detailed design for all intersections. Where the developer owns only half the property which makes up a street, and he/she is the first person to request development along said street, he/she shall be responsible for establishing the street grades for said street for approval by the City.
3. **Final Drainage Plan.** The final drainage plan shall include detailed data for all runoff within the proposed development phase in accordance with the adopted Post Construction Stormwater Best Management Practices Manual (Ch. 2.5), also found as an appendix in Chapter 11 in the currently adopted Engineering Design Standards. *(Same requirements as the Drainage and Grading Plan for the Preliminary Plan referenced in Section 24.0606 5.)*
4. **Final Utility Plan.** The utility plan shall show the final storm sewer system and sanitary sewer layout, showing the direction of flow, the manhole locations and their approximate depth to a scale approved by the City Engineer. The utility plan shall also show the final water system layout showing the location of existing water lines and the proposed pipe sizes.
5. **Final Erosion Control Plan.** The erosion control plan must show all proposed land disturbance including areas of excavation, grading, filling, removal and destruction of topsoil and spreading of earth material. Provisions for erosion control during construction must be in accordance with the adopted Erosion and

Sediment Control Best Management Practices including a copy of the NOI and SWPPP, as applicable.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21) (Ord 21-16; Rev 7-16-21)

24.0612: WHEN CONSTRUCTION MAY BEGIN

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Grading of the proposed subdivision may begin only after a Grading Permit has been issued by the Engineering Division in accordance to Title 5 of the Revised Ordinances of the City of Watertown. A Grading Permit may be issued if a Preliminary Plan for the area has been approved. If the project disturbs one acre or more, a Storm Water Pollution Prevention Plan must be submitted to and approved by the Engineering Division. A copy of the Notice of Intent (NOI) issued by the South Dakota Department of Environment and Natural Resources must also be submitted to the City Engineer prior to Grading Permit issuance.

The installation of water, sanitary sewer and storm sewer lines and the construction of street and drainage requirements may not begin until after Construction Plans have been approved by the City Engineer and a permit to construct has been issued.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0613: INSPECTIONS AND TESTING

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Inspections and testing shall be required as written in the currently adopted Engineering Design Standards. It is the responsibility of the developer to schedule all required testing and to notify the Office of the City Engineer when work is ready for inspections. Density tests must be submitted to the City Engineering Division for review prior to paving the final lift. In the event that the required specifications are not met, construction on the project shall cease until the items that are out of compliance are resolved. Failure to comply with the City's standards may result in a moratorium of building permits and/or other penalties as provided under law.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0614: SHOP DRAWINGS

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Shop drawings shall be submitted in accordance with the currently adopted Engineering Design Standards. Drawings shall be reviewed and approved by the Developer's Engineer prior to submittal to the City Engineer. The attached cover page shall include contact information for the Developer's Engineer in addition to those listed in the currently adopted Engineering Design Standards.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0615: RECORD OR AS-BUILT DRAWINGS

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

Record drawings shall be prepared and submitted in accordance with the currently adopted Engineering Design Standards. ~~Two (2) copies on 11"x17" paper and e~~Electronic copies of the PDF, DWG and GIS shapefile shall be submitted. On projects where city-maintained utilities are being constructed, the developer shall be responsible for locating the utilities until record drawings have been approved. Once approved, the City shall assume locating responsibilities.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0616: PLAT

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

A Plat shall be submitted to the Community Development Division to be distributed for review. One (1) mylar, two ~~(2)~~ paper copies, and electronic copies of the PDF, DWG and GIS shapefile shall be submitted. Final consideration shall be made by the City Engineer within sixty (60) days following submittal. Copies of the approved plat shall be submitted in accordance with the currently adopted Engineering Design Standards and this chapter.

The Plat shall conform substantially to the Preliminary Plan as approved and may constitute only a portion of the Preliminary Plan, which the developer proposed to record and develop. Plats shall comply with state statutes and shall include the following information:

1. Compliance with the Preliminary Plan for layout of lot, block, right-of-way, and easements.
2. The name of the subdivision shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said subdivision.
3. Site location map, north arrow, and basis of bearings.

Agenda Item 11.(a) Second Reading of Ordinance No. 25-03, Zoning Text Am...

REVISED ORDINANCES – CITY OF WATERTOWN, SOUTH DAKOTA

4. The date, title, scale (minimum scale of one hundred (100) feet to one (1) inch within the city limits, minimum scale of two hundred (200) feet to one (1) inch outside the city limits), north point and legal description of the proposed subdivision, location by quarter section, section, township and range required on plats outside the city limits.
5. The names of all adjacent subdivisions and streets, all previously platted lots to include dimensions and block lines, type of easements, and rights-of-way. Adjoining unplatted property shall be labeled as such.
6. All easements shall be shown indicating size and purpose on new subdivision.
7. A systematic lot and block numbering pattern corresponding to that existing in the City. Lot lines, road names, and the square footage or acreage of all lots shall be included.
8. The location and width of all proposed and existing right-of-way, alleys, and easements, as well as the location of any parks, dedicated drainage ways and railroad right-of-way.
9. The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest sector corner, other previously described subdivision, or other recognized permanent monuments which shall be accurately described on the plat.
10. Accurate location of all permanent monuments, control points and survey pins, either set or located.
11. An accurate description of any portions of the property intended to be dedicated or granted for public use, labeled as lot and block or tract.
12. For properties within the Special Flood Hazard Area (SFHA), reference the effective Flood Insurance Rate Map (FIRM) date, community and panel number.
13. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision lots, streets, alleys, easements, and any other area for public or private use. Linear dimensions are to be given to the nearest one one-hundredth (1/100) of a foot.
14. All property lines shall show chords, lengths and radii to the nearest minute and second.
15. Appropriate certifications as required by State statute.
16. Acknowledgment of the owner(s) of the Plat of any restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.
17. All formal irrevocable offers of dedication for all streets, alleys, parks and other uses as required.
18. Certificates of approval for endorsement by City Engineer and Finance Officer.
19. Development agreements shall be approved by the City Council.
20. Access agreements shall be approved by the City Engineer and SD Department of Transportation, where applicable.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

Chapter 24.07
FINAL PLAT APPROVAL

Section

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

- [24.0701 Plat Approval](#)
- [24.0702 Subdivision Process Exemptions](#)
- [24.0703 Plat Exemptions](#)
- [24.0704 Additional Requirements](#)

24.0701: PLAT APPROVAL

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

1. The Plat shall be considered for final approval only after the City has assurances from the developer fixing responsibility for required improvements. All plats are approved separately by the [Planning](#) Commission and City Council, except as noted below.
2. Pursuant to the authority granted in SDCL §11-3-6 and as authorized by the City Council, the City Engineer may approve plats in lieu of approval by the governing body subject to the following regulations:
 - a. A Preliminary Plan of the subdivision has been approved by the [Planning](#) Commission and the plat is in conformance with the same.
 - b. Lot line revisions so long as the lots created conform to the density requirements of the applicable zoning district.
3. In the event the City Engineer determines that Subsections 1 or 2 have not been complied with, the plat shall be submitted to the [Planning](#) Commission and the City Council for review and approval.
4. When the plat has been approved, the mylar and accompanying documents will be recorded with the Register of Deeds office. All recording fees will be billed to the applicant. (Ord 11-18; Add11-4-11)

24.0702: SUBDIVISION PROCESS EXEMPTIONS

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

To ensure timely review of minor plats and replats (including plats for transfer of ownership) that do not discernibly impact surrounding properties, environmental resources, or public facilities, no concept plan, preliminary plan, or construction plans will be required. Minor plats and replats can be administratively approved by the City Engineer and must comply with all requirements of a plat.

1. Minor Plat Requirements: A minor plat is a plat containing not more than five (5) lots and must meet **ALL OF** the following requirements:
 - a. Does not require the dedication of right-of-way or construction of new streets, except that arterial roadways identified on the Major Street Plan will be required to dedicate the necessary right-of- way;
 - b. Does not create any public improvements other than sidewalks;
 - c. Does not landlock or otherwise impair convenient ingress or egress to or from the rear side of the subject tract or any adjacent property;
 - d. Does not change the grades from the grading plan which was submitted and approved with the original plat or, if the grades are going to be changed, then a grading plan shall be submitted and approved for the minor plat or replat;
 - e. Does not significantly change any plans that have been prepared for the placement of any other utilities in the subdivision;
 - f. Does not adversely affect the remainder of the parcel or adjoining property; and
 - g. Does not conflict with any provision or portion of the growth management plan, official map, zoning ordinance, or these regulations.
 - h. No property involved or created by a minor plat shall be involved in a subsequent minor plat procedure for a period of three (3) years from the date of filing of the original minor plat procedure.
2. Replat: A replat includes all the requirements of a minor plat and shall also include the minor vacation of existing platted lines to achieve either a reconfiguration of the existing recorded plat or change the number of recorded lots in the subdivision only where the perimeter of the tract being replatted is not altered by the replat. Also, a replat shall certify that the platting vacates the existing plat. (Ord 11-18; Add 11-4-11)

24.0703: PLAT EXEMPTIONS

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

This section is intended to provide exemptions to city platting rules and regulations. However, exemption of city platting rules and regulations does not exempt the platting requirements of the register of deeds, title company and state law. The following exemptions exist:

1. Cemetery gravesite plats or plots do not have to meet any requirements of this subdivision ordinance as long as land is surveyed, mapped, or diagramed, and subdivided into sections, blocks, lots, individual grave spaces, avenues, walks, and streets, thereby platting or making a map which shall be filed and maintained as a permanent cemetery record. However, all platting requirements of the county register of deeds and state law are still applicable.
2. Government owned parcels. In order to facilitate the transfer of ownership from one owner to a government entity for the use of a public land or facility (e.g., school, park, drainage way, H lots), plats may be exempted by the City Engineer.
3. Boundary line adjustments. The purpose is to provide procedures and criteria for the review and approval of minor adjustments to boundary lines of legal lots or building sites in order to rectify defects in legal descriptions, to allow minor enlargement or reduction of lots to improve or qualify as a building site, to achieve increased setbacks from property lines or sensitive areas, and to correct situations where an established use is located across a lot line, or for other similar purposes. When an application is made for building permits, if the description given for the lots on the building permit application shows the property lines to be different from the platted lot lines, a boundary line adjustment or replat will be required for those lots. A boundary line adjustment shall include a surveyed site plan including all information required for a plat. The survey shall be submitted to the planning office with a title report of the entire parcel. A development lot agreement may also be required to officially join parcels to comply with zoning requirements. If the legal description given does not meet the requirements listed below for a boundary line adjustment, other applicable subdivision ordinance provisions shall be followed.

A boundary line adjustment application:

- a. Shall not result in the creation of an additional lot, parcel, or building site,
 - b. Shall not result in a lot that does not qualify as a building site pursuant to this title;
 - c. Shall not relocate an entire lot from one lot of record to another lot of record;
 - d. Shall not reduce the overall area in a plat or parcel devoted to open space;
 - e. Shall not be inconsistent with any restrictions or conditions of approval for a recorded plat;
 - f. Shall not involve lots which do not have a common boundary;
 - g. Shall not result in the required minimum lot sizes that do not meet the zoning ordinance requirements;
 - h. Shall not result in the creation of a nonconforming setback for any existing building; and
 - i. Shall meet all transfer and recording requirements of the county register of deeds. (Ord 11-18; Add 11-4-11)
4. Condo plats do not have to meet any requirements of this subdivision ordinance as long as land is surveyed, mapped, or diagramed, and subdivided into sections or units and the following requirements are met. If all of the requirements are met then the condo plat can be administratively approved. If not ALL of the requirements are met then the condo plat must be approved separately by the Planning Commission and City Council.
 - a. That a Master Deed or Lease has been prepared in accordance with SDCL §43-15A-4,
 - b. The name of the plat must include the word “condominium” (ex: “Plat of Pine Knoll Condominium” or “Plat of Windhaven, a Condominium”),
 - c. The plat cannot create public streets, alleys or dedicate any area to the public,
 - d. The plat cannot alter any area previously dedicated to the public, nor modify or remove any easements, restrictions, or other encumbrances on the land.
 - e. The construction of the building(s) must meet the International Building Code and the International Fire Code, and
 - f. That the primary structure meets the required setbacks of the proposed zoning designation. (Ord 15-15; Add 06-12-15)

24.0704: ADDITIONAL REQUIREMENTS

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Additionally, building permits will not be issued on any tract or lot in the subdivision until, where applicable:

1. A Final Plat has been approved.
2. Construction Plans have been approved.
3. The Park Fee is paid or park land donated.
4. The property to receive a permit is platted and officially recorded.
5. Final zoning has been approved. (Ord 11-18; Add 11-4-11)

Chapter 24.08
STREET MAINTENANCE AND ACCEPTANCE

Section

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

[24.0801 Maintenance of Gravel Streets under Development](#)

[24.0802 Completion of Final Lift on Street](#)

[24.0803 Final Acceptance of Improvements](#)

[24.0804 Developers Warranty Responsibilities](#)

24.0801: MAINTENANCE OF ~~GRAVEL~~ STREETS UNDER DEVELOPMENT [\(back to Chapter contents\)](#)

For streets under construction the City will provide minimum maintenance and snow removal on gravel and asphalt streets to provide minimum vehicular passage and provide minimum street sweeping on asphalt streets. If there is any damage to manholes, valves, curb and gutter, valley gutters, or other appurtenances, repairs shall be done at the developer's expense. Gravel streets will be allowed through one winter season only. (Ord 11-18; Add 11-4-11)

24.0802: COMPLETION OF FINAL LIFT ON STREET [\(back to Chapter contents\)](#)

Both the sanitary sewer and storm sewer must be televised and accepted by the City prior to paving the final lift. Any corrections needed for either sewer system must also be made prior to paving the final lift. Any disturbance to the paving section for any reason will be the responsibility of the developer to repair.

No sooner than one year after the first lift has been applied or at any time when requested by the City, the developer shall place the final lift of asphalt on the street. Prior to this action, the developer will notify the City and state its intentions. The City Engineering Division will inspect the improvements and make an inspection report to the developer as to the necessary work needed for the project to meet City specifications. This inspection report will encompass all aspects of the water, sanitary sewer, storm sewer, curb and gutter, valley or any other part of the construction as provided for in the preliminary plan as approved. Adjustments or repairs will be the responsibility of the developer and shall be made prior to the placement of the final lift. (Ord 11-18; Add 11-4-11)

24.0803: FINAL ACCEPTANCE OF IMPROVEMENTS [\(back to Chapter contents\)](#)

After the developer deems that all the street and utility improvements have been completed and has placed the final lift of asphalt, the developer will notify the City in writing that the street is completed. The City Engineering Division will then inspect all the improvements and inform the developer of any deficiencies. Any deficiencies shall be remedied by the developer at the developer's expense. Upon the review and recommendation of the The City Engineer, the City Public Works Director will then issue a Certificate of Completion noting any deficiencies and setting a date as to when the one (1) year warranty will end. (Ord 11-18; Add 11-4-11)

24.0804: DEVELOPERS WARRANTY RESPONSIBILITIES [\(back to Chapter contents\)](#)

The developer shall warranty the water, sewer, storm sewer, curb and gutter, valley or any other part of the construction specified in the preliminary plan for a period of one year from the date as stated in the Certificate of Completion.

Prior to the end of the one (1) year warranty period the City Engineer will inspect the improvements and report his findings to the City Council. The City Council shall by resolution confirm or reject the Aeeptance Certificate of Acceptance. If confirmed, the developer's responsibility for the improvements end, and the improvements become the responsibility of the City. If any portion is rejected, the developer will repair or replace the rejected portion and a one (1) year warranty period will begin again on the rejected portion and the developer shall again comply with the provisions as stated in this ordinance. (Ord 11-18; Add 11-4-11)

Chapter 24.09
CHANGES AND VARIANCES

Section

[24.0901 Changes or Modifications of Plans](#)

[24.0902 Variances](#)

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24.0901: CHANGES OR MODIFICATIONS OF PLANS

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

All modifications to the approved construction plans shall be approved by the City Engineer. The Planning Commission reserves the right to require that any changes or modifications to approved plans that they deem to be major changes or modifications shall require the developer to re-submit the modified plan for review and adoption as herein provided. (Ord 11-18; Add 11-4-11)

24.0902: VARIANCES

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

Requests for variances must be submitted to the Planning Commission and/or the City Council under the procedures set forth in Watertown Ordinances. (Ord 11-18; Add 11-4-11)

Chapter 24.10
DEFINITIONS

24.1001: DEFINITIONS

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

For the purpose of this title and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. ~~Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership or corporation as well as an individual; the word "lot" includes the word "plot" or "parcel"; the word "building" includes the word "structure"; the term "shall" is always mandatory and not discretionary; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."~~

Access Control Easement: an easement on property adjacent to a street right-of-way prohibiting vehicular access or street curb cuts to such designated property.

Alley: a public or private right-of-way which affords a secondary means of access to property.

~~**Acceptance Certificate:** a certificate issued as acceptance of improvement in developments that will be, after acceptance by the City Council, maintained by the City of Watertown.~~

Block: a tract of land bounded by streets or by a combination of streets, public parks, railroad right-of-ways, shoreline of waterways or municipal boundaries.

Building: any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind. When separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Setback Line: a line parallel or approximately parallel to the lot lines at a specified distance therefrom, marking the minimum distance from the lot line that the building may be erected.

~~**Certificate of Acceptance:** a certificate issued as acceptance of improvements in developments that will be, after acceptance by the City Council, maintained by the City of Watertown.~~

~~**Certificate of Completion:** a certificate issued as approval of improvements in developments that will, after approval by the City Public Works Director/Engineer, constitute the start of a one (1) year warranty period.~~

City Engineer: the person designated by the City Council to furnish engineering assistance for the administration of these regulations.

City, City of Watertown: the City of Watertown, South Dakota.

City Council: the City Council of Watertown, South Dakota, as duly elected.

Condo Plat: a plat detailing the location of a structure(s) which is encumbered by a declaration of condominium covenants or condominium form of ownership.

Construction Standards: construction specifications approved by the City for infrastructure construction.

Comprehensive Plan: the master plan or general plan for the development and improvement of Watertown, South Dakota as adopted by the City Council.

Concept Plan: a basic set of plans indicating the proposed layout of the subdivision to be submitted for approval.

Construction Plan: a set of detailed engineering plans to be used for construction of public infrastructure based on the City's Engineering Design Standards.

Contractor: the person who contracts with an individual or the developer to construct a building on a parcel of land prepared by the developer.

Corner Lot: a lot at the junction of, and fronting on, two or more intersecting streets.

Covenants: those declarations prepared by the developer and intended to be recorded along with the Plat, which may provide for restrictions and controls of land use and development within the subdivision and which shall include a method whereby all private roadways within the subdivision shall be improved and maintained until such time as the obligation thereof may be accepted by the City or another governmental unit.

Cul-de-Sac: a local street with only one outlet having an appropriate terminal for safe and convenient reversal of traffic movement.

Curb Cut: a cut in the curb allowing access to a public street.

Dedicated: a grant of land to the public for perpetual use.

Design Review Team: a group of representatives from each city department, SD DOT, 1st District, Focus Watertown and others affected by the proposed plan.

Developer: any person who converts undeveloped land into legally platted, buildable lots. The developer may or may not be the landowner or the builder of structures that occupy the lots.

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Easement: authorization by a property owner for the use by another property owner or the public for specific purposes for any designated part of his property.

Engineering Design Standards: the current engineering design standards for public improvements of the City of Watertown.

Flood Prone Area: a land area adjoining a river, creek, watercourse or lake which is likely to be flooded.

Frontage: that side of a lot abutting on a street regarded as the front of the lot.

H Lot: a lot created via a highway right-of-way plat.

Homeowner's Association: an association of property owners joined together for the purpose of maintaining an area held in common ownership.

Improvements: includes street grading, street surfacing, curb and gutter, water mains and lines, sanitary sewers, storm drainage facilities, culverts or other such installations as designated by the City Council.

Letter of Irrevocable Credit: a guaranteed letter from a bank or savings and loan association stating that if the said improvements are not completed by a developer, the money provided in the letter will be forwarded to the City to complete said improvements.

Lot: one unit of a recorded plat subdivision, or registered land survey having specific boundaries and which has been recorded in the Register of Deeds office, occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces as are required under this ordinance and having frontage on a public street.

1. **Corner:** a lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lots to the foremost points of the lot meet at an interior angle of less than one hundred thirty five (135) degrees.
2. **Interior:** a lot other than a corner lot with only one frontage on a street.
3. **Through:** a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Major Street Plan: the major street plan adopted through the comprehensive plan and as approved by the City Council.

Monument: a boundary marker of concrete, permanently planted and firmly fixed in the ground and placed so that the top of the monument is flush with natural ground.

Owner: the title holder of property, on file at the office of the County Register of Deeds.

Planning Commission: the Planning Commission of Watertown, South Dakota as duly appointed.

Plat: a map, or representation on paper of a piece of land subdivided into lots, parcels, tracts or blocks, including streets, commons and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedications and filed with the County Register of Deeds.

Preliminary Plan: a set of drawings, including all required information, for review by the Planning Commission.

Re-Plat: a change in a map of an approved or recorded subdivision plat which affects any road layout, area reserved for public use, or lot line.

Right-of-Way: a strip of land occupied by a street, railroad, transmission line, oil or gas pipeline, water lines, storm or sanitary sewer lines, pedestrian walkways or other special use. The use of the term right-of-way for platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way shall be dedicated to public use by the owner of the plat on which such right-of-way is

established.

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Street: a public way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, arterial, lane, place or however otherwise designated. The width of a street is measured between right-of-way lines.

1. **Arterial:** a principle traffic artery, more or less continuous across the City, which acts as a principal connecting street with state and federal Highways and includes each street designated as an arterial street on the major street plan.
2. **Collector:** a street intended to move traffic from local streets to arterial streets and highways, including the principal entrance street of residential development and streets for circulation in such developments.
3. **Frontage:** a minor street which runs parallel or adjacent to arterial streets and highways and which serves to reduce the number of access points to arterial streets and highways.
4. **Local:** a street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for various utilities but not intended to be used for through traffic.
5. **Marginal Access:** a street used only for access to a very limited number of lots.
6. **Private:** one that has not been dedicated, but rather reserved as an access easement to property. The private street shall be owned and maintained by the property owners which it serves.

Storm Water Pollution Prevention Plan: in compliance with the State General Permit, the SWPPP is a document which identifies sources and activities at a particular construction site that may contribute pollutants to storm water and commits the operator to specific control measures and time frames to prevent or treat such pollutants.

Structure: anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, walls, fences and signs.

Subdivider: a person, corporation, partnership, association, or any group who prepares or causes to be prepared a subdivision plat.

Subdivision: the division of any tract or parcel of land into two or more lots platted for the purpose of transfer of ownership, or building development, whether future or immediate, or any division of land involving a new street or road regardless of parcel size or the number of parcels. (Ord 11-18; Add 11-4-11)

Chapter 24.97
INTERPRETATION, ABROGATION AND SEVERABILITY

24.9701: INTERPRETATION, ABROGATION AND SEVERABILITY [\(back to Title contents\)](#)

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of public safety, health and general welfare. It is not the intent of this ordinance to repeal, abrogate or impair any existing easement, covenant or deed restriction. Where these provisions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. ~~All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.~~ (Ord 11-18; Add 11-4-11)

Chapter 24.98
CROSS-REFERENCES

24.9801: CROSS-REFERENCES [\(back to Title contents\)](#)

Building Inspector, Bond	7.0903
Business Buildings Must Be Rat-Proof and Rat-Free	11.0502
Building Codes and Floodplain Regulations.....	Title 5
Electrical Regulations	Title 9
Plumbing	Title 15
Gas Regulations.....	Title 20
Utilities	Title 20
Zoning	Title 21

Chapter 24.99
PUNISHMENT

24.9901: PUNISHMENT [\(back to Title contents\)](#)

~~Unless stated otherwise under another chapter of this title, Any person-violation on any~~ of the provisions of this title shall, upon conviction thereof, be ~~a misdemeanor and punishable~~ by a fine of not more than ~~fivetwo~~ hundred dollars (\$~~5200~~) ~~per violation per day~~ or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment; and if such violation is of any provision involving a licensee, the City Council may revoke the license of any licensee so convicted.

~~Any violation of this title shall be a misdemeanor and punishable by a fine of not more than two hundred dollars (\$200).~~ In addition, when any work is done without a permit, the violator shall be required to return the premises to the natural condition and upon failure to do so within thirty (30) days after notice in writing, the City may return the premises to the natural condition and assess the cost thereof to the land owner. (E-299-2) (E-679) (Ord 11-18; Add 11-4-11)

Report and Recommendation of City Planning Commission

To the City Council of the City of Watertown, Codington County, South Dakota: The undersigned hereby certifies that the following is a true, correct and complete copy of an Ordinance introduced, fully discussed, and approved and adopted during the duly called meeting of the City Planning Commission held on the 20th day of March 2025:

ORDINANCE NO. 25-03

AN ORDINANCE AMENDING CHAPTER 24 SUBDIVISION OF LAND OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN

WHEREAS, The City of Watertown amends the provisions related to Title 24 Subdivision of Land Ordinance.

BE IT ORDAINED by the City of Watertown, South Dakota, that the following chapters be amended as follows:

TITLE 24

SUBDIVISION OF LAND

Chapter

[\(back to Table of Contents\)](#)

24.01	Title and Purpose
24.02	Legal Provisions
24.03	Subdivision Plans in General
24.04	Administration and Penalties
24.05	General Requirements and Design Standards
24.06	Subdivision Procedure
24.07	Final Plat Approval
24.08	Street Maintenance and Acceptance
24.09	Changes and Variances
24.10	Definitions
24.97	Interpretation, Abrogation and Severability
24.98	Cross-References
24.99	Punishment

**Chapter 24.01
TITLE AND PURPOSE**

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

24.0101: TITLE

These regulations may be referred to as the 2011 Revised Subdivision Ordinance for the City of Watertown and its area of extraterritorial jurisdiction.

24.0102: PURPOSE

It is the purpose of this ordinance to regulate the subdivision of land so as to coordinate streets with other subdivisions and uses, to provide water and sanitation facilities, drainage and flood control, to foster efficient and orderly urban growth compatible with the natural environment, to minimize cut and fill operations, to prevent premature land subdivision and to conform with the Comprehensive Plan for the City of Watertown and its area of extraterritorial jurisdiction. (Ord 11-18; Add 11-4-11)

**Chapter 24.02
LEGAL PROVISIONS**

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

24.0201: JURISDICTION

Pursuant to SDCL §11-6, these regulations shall govern the regulation of all subdivisions and the plats of all subdivisions within the corporate limits of the City, and any applicable extraterritorial area. (Ord 11-18; Add 11-4-11)

**Chapter 24.03
SUBDIVISION PLANS IN GENERAL**

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24.0301: RECORDING, USE AND SELLING

No person shall transfer or sell any parcel as part of a subdivision plan before a plat of such subdivision has been approved by the City of Watertown and recorded.

1. No person shall subdivide or layout such land in lots, unless by plat, in accordance with state law and the regulations contained herein. Subdivision of any parcel by metes and bound description for the purpose of sale, transfer, or lease with the intent of evading the terms of these regulations is prohibited.
2. No building permit shall be issued for the construction of any building or structure located on a lot subdivided or sold in violation of the provisions of these regulations.
3. No application for variance or conditional use shall be received by the City for any such lot subdivided or sold in violation of the provisions of these regulations. (Ord 11-18; Add 11-4-11)

**Chapter 24.04
ADMINISTRATION AND PENALTIES**

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24.0401: ADMINISTRATION

The City Engineer is hereby authorized to enforce these regulations, to interpret them, and to adopt and enforce rules and supplemental regulations in order to administer and clarify their provisions. Any appropriate action may be taken by law or in equity to prevent any violation thereof, to prevent unlawful construction, to recover damages, to correct or abate a violation or to prevent illegal occupancy of a building, structure, or premises. These remedies shall be in addition to the penalties described below. (Ord 11-18; Add 11-4-11)

24.0402: PENALTIES

Any person violating any provision of this title shall be subject to the maximum penalty allowed by law. (Ord 11-18; Add 11-4-11)

Chapter 24.05
GENERAL REQUIREMENTS AND DESIGN STANDARDS

Section

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24.0501: GENERAL

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The Planning Commission shall require compliance with the following requirements to ensure the orderly development of all property within its platting jurisdiction. (Ord 11-18; Add 11-4-11)

24.0502: DESIGN STANDARDS

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All public improvements shall be designed in accordance with standard accepted engineering practices, designed in compliance with the Engineering Design Standards and subject to the approval of the City Engineer. (Ord 11-18; Add 11-4-11)

24.0503: LAND SUITABILITY

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The Planning Commission may find that land sought to be subdivided is unsuitable for development due to high agricultural productivity, flooding, poor drainage, steep slopes, rock formations or other conditions.

The Planning Commission may refuse to approve what it considers scattered or premature subdivision of land by reason of: lack of adequate water supply and sewage treatment, schools, proper drainage, good roads or other public services which would necessitate an excessive expenditure of public funds for the supply of such services. (Ord 11-18; Add 11-4-11)

24.0504: FLOODPLAIN MANAGEMENT

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Regulations pertaining to floodplain management are set forth in Title 5 of the Watertown Ordinances. (Ord 11-18; Add 11-4-11)

24.0505: CONFORMITY WITH OTHER PLANS

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1. All proposed subdivisions shall conform to the adopted Comprehensive Plan.
2. The densities established by the zoning ordinance shall be observed by the subdivider and developer.
3. All thoroughfares in the major street plan shown as crossing or as boundaries of a proposed subdivision are required to be provided in that location and at the right-of-way width designated thereon. (Ord 11-18; Add 11-4-11)

24.0506: RELATION TO ADJOINING STREET SYSTEMS

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The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) in so far as they may be deemed necessary by the Planning Commission for public requirements. The width of such streets in new subdivisions shall not be less than the minimum width established in the Engineering Design Standards. The street and alley arrangement shall be such as not to cause a hardship to owners of the adjoining properties. In general, provisions should be made for through streets at intervals not exceeding one-half mile, and for street connections to future subdivisions at intervals not less than one quarter mile. Offset streets should be avoided. (Ord 11-18; Add 11-4-11)

24.0507: STREET NAMES AND NUMBERS

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1. Streets in line with existing streets shall bear the names of the existing streets.
2. No street names shall duplicate, contain the same spelling, or sound alike in pronunciation with any existing street. All street names should be kept as short as possible to permit signs to be no longer than thirty six (36) inches.
3. Each lot shall be assigned an address number in accordance with the numbering system now in effect in the City. Where possible, such address shall be established at the time of plat approval.
4. Street name suffixes shall be applied as follows:
 - a. Avenue: a road running east and west
 - b. Street: a road running north and south
 - c. Road: a road running east and west or north and south but which is not appropriate to name as a street or avenue
 - d. Lane: a road running northeast to southwest
 - e. Drive: a road running northwest to southeast
 - f. Trail: a road which wanders in different directions
 - g. Circle: all cul-de-sacs
 - h. Court: a road with two openings which enters and exits on the same road
 - i. Place: all private roads
 - j. Boulevard: a major road, usually an arterial or collector
5. When, due to topography, offsets caused by rectangular surveys, or other physical features, streets become interrupted, quarter line and section line streets shall retain the same name on either side of the irregularities. (Ord 11-18; Add 11-4-11)

24.0508: PRIVATE ROADS; PLACES

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The use of private roads shall be discouraged; however, in cases where a private road is allowed, it shall meet the following requirements:

1. Private streets shall be surfaced by the developer to a width of no less than twenty-seven (27) feet four (4) inches back of curb to back of curb and maintained in a passable condition. Greater width may be required when necessary. All private streets must provide a height clearance of fourteen (14) feet six (6) inches as a minimum and are subject to the same grade requirements as public streets.
2. A road maintenance agreement among property owners who will depend on said private street for access will be filed with the plat. This agreement shall affix the legal responsibilities for the repair and maintenance of any private streets and the required signs.
3. The Homeowner's Association shall place street signs on all private streets or pay the City to place street signs for private streets at the locations the City Engineer deems necessary for the safety and convenience of the public. Street signs shall be of such a style and material to render them easily readable at night as well as day and are subject to the approval of the City Engineer.
4. Buildings located adjacent to a private street shall be addressed and are subject to the approval of the City Engineer.
5. Private streets shall be indicated on the plat with broken lines. Any lots adjacent to a private street shall have their lot lines extended to include the area used for streets.

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6. Any private street accepted by the City must provide permanent unobstructed public access to the area it serves.
7. Any plat presented for City approval which shows a private street as a means of access shall provide language in the Owner's Certificate reserving said private street as a permanent unobstructed access easement.
8. The City will not subsequently accept a private street for dedication unless and until it is brought up to City standards, providing adequate right-of-way without requiring variances for setbacks.
9. Alleys
 - a. Alleys are permitted in commercial and industrial districts, except where provision is made for service access, such as off-street loading, unloading and parking consistent with the requirement set forth in the Zoning Ordinance.
 - b. Alleys are permitted in residential districts when design standards and conditions warrant an alternative means of access as approved by the City Engineer. (Ord 11-18; Add 11-4-11)

24.0509: HALF STREETS

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1. Whenever an existing half street is adjacent to a tract being subdivided, the other half of the street shall be platted with said subdivision.
2. A preliminary plan of a subdivision may show half of a street adjoining property, which has not been subdivided, but no lot abutting on such half street shall have a building permit issued for it until such time as the other half street is dedicated. (Ord 11-18; Add 11-4-11)

24.0510: SIDEWALKS

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1. Concrete sidewalks shall be constructed along each side of every street shown on the plat in accordance with applicable standards and specifications of the City. Pedestrian ramps meeting the current American with Disabilities Act guidelines shall be installed with the street improvements.
2. The City may waive the installation of sidewalks in Industrial zoned districts.
3. The City may require the installation of sidewalks on lots, whether or not they contain any structure, when the adjacent lots have sidewalks, or when the City determines it is in the best interest of the public.
4. Alternative pedestrian routes may be considered by the Planning Commission in lieu of or in addition to sidewalks. (Ord 11-18; Add 11-4-11)

24.0511: BLOCKS

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1. The lengths, widths and shapes of blocks shall be determined with due regard to:
 - a. Provisions of adequate building sites suitable to the special needs of the type of use contemplated.
 - b. Need for convenient access, circulation, control and safety of street traffic and utilities.
 - c. Limitations and opportunities of topography.
2. Block lengths shall not exceed one thousand (1,000) feet and shall normally be wide enough to allow two tiers of lots of appropriate depth.
3. Pedestrian walks with a right-of-way not less than ten (10) feet wide, shall be required through blocks where it is deemed to be essential to provide circulation or access to schools, playgrounds, shopping centers and other community facilities. (Ord 11-18; Add 11-4-11)

24.0512: LOTS

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1. The lot size, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of the Zoning Ordinance.
2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide off-street parking and loading for the use contemplated.
3. Corner lots for residential use shall, to the extent possible, have extra width to permit appropriate building setbacks from both streets.

4. Each lot shall be provided with access to a public street or an officially approved place designated by the City Zoning Ordinance.
5. Double frontage lots shall be avoided except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation. Along the property line of lots abutting any arterial street or other such disadvantageous feature, no right of access shall be permitted.
6. Side lot lines shall be substantially at right angles to streets except on curves where they shall be radial.
7. All interior lot lines shall be a straight line or a series of straight lines. Curved interior lot lines shall be prohibited. (Ord 11-18; Add 11-4-11)

24.0513: EASEMENTS

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1. Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall conform to the Engineering Design Standards.
2. Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage, parkway or recreational use, the width of which shall be determined by the City Engineer and approved by the Planning Commission.
3. All proposed lots of record shall provide:
 - a. A ten (10) foot utility easement along any side which abuts a public right-of-way;
 - b. A ten (10) foot rear yard utility easement whenever the rear yard abuts another lot; and
 - c. A five (5) foot utility easement for all other lot lines.

Said easements shall be measured starting from the lot line, then into the lot in question. Said easements shall be depicted on all official plans by broken lines and the particular purpose of the easement shall be clearly indicated thereon. (Ord 17-29; Rev 07-14-17)

4. Lots and easements shall be arranged in such a manner as to eliminate unnecessary jogs or off sets and to facilitate the use of easements for power distribution, telephone service, drainage and water and sewer services.
5. The property owners whose property is subject to such easements shall be responsible for its maintenance. The easements shall be kept clear of any structure, debris, trees, shrubs or landscaping whatsoever except lawn grass which shall be regularly mowed and annual vegetation may be grown thereon. Fences and minor landscaping are permitted obstructions, allowed at sufferance, within utility easements and are wholly prohibited in drainage easements. No utility whose facilities are currently sited, or are being installed, in a utility easement shall be liable for or responsible for the replacement of any portion of fence or minor landscaping that must be removed to accomplish necessary work on utility facilities. (Ord 11-18; Add 11-4-11) (Ord 17-29; Rev 07-14-17)

24.0514: PERMANENT PROPERTY MARKERS

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All subdivision boundary corners shall be marked with monuments to grade and noted on the subdivision plat. (Ord 11-18; Add 11-4-11)

24.0515: PRESERVATION OF NATURAL FEATURES AND AMENITIES

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1. Existing features which would add value to residential development or to the community as a whole, such as trees, water courses and similar irreplaceable assets, should be preserved in the design of the subdivision.
2. Sensitive environmental areas as shown on the Comprehensive Plan shall be reviewed with regard to the special character of the area taking into consideration harmonious design, environmental protection and topographical restraints. (Ord 11-18; Add 11-4-11)

24.0516: PARKS, SCHOOL SITES AND OTHER PUBLIC AREAS

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In conjunction with Title 14, when subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to any recommendations of the official comprehensive plan, school board or park department plans. Any provisions for schools, parks and playgrounds should be indicated on the preliminary plan in order that it may be evaluated. (Ord 11-18; Add 11-4-11)

24.0517: HOMEOWNER'S AND OTHER ASSOCIATIONS

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Where the subdivision contains park areas, road maintenance systems or other facilities or services which are necessary to or desirable for the area, and which are of common use or benefit and which are not accepted for maintenance by an existing public agency, provisions shall be made by trust agreement for the proper and continuous maintenance and supervision of such facilities. A final and signed copy of said agreement shall be attached to each and every plat having a facility or service covered by such an agreement. (Ord 11-18; Add 11-4-11)

24.0518: DRAINAGE

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A drainage plan conforming to the City approved master drainage plan for the area, if any, shall be made for each subdivision by a licensed professional engineer. Provisions shall be made within each subdivision to provide drainage facilities needed within the subdivision taking into account the ultimate development of the tributary area. The storm and sanitary sewer plans shall be made as part of the utility plans. Engineering considerations in subdivisions and other development shall give preferential treatment to gravity flow improvements as opposed to other utilities and improvements.

1. Off-premise drainage easements and improvements may be required to handle the runoff of subdivisions into a natural drainage channel and shall be the responsibility of the developer.
2. Low areas subject to periodic inundation shall not be developed or subdivided unless and until the City Engineer establishes and the Planning Commission establish and/or approve the following:
 - a. The nature of the land use would not lend itself to damage by periodic flooding and inundation; or
 - b. The area may be filled or improved in such a manner as to prevent such periodic inundation; or
 - c. Minimum floor elevations may be established to prevent damage to buildings and structures. Standing water that would contribute to mosquito development is to be eliminated by suitable construction measures.
3. The City Engineer may require whatever additional engineering information deemed necessary to make a decision on subdivisions and other development.
4. Ponds and similar areas will be accepted for maintenance only if approved by the City Council. (Ord 11-18; Add 11-4-11)

24.0519: AREAS SUBJECT TO PERIODIC INUNDATION

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1. **Flood Zones.** Land areas of such elevation and location to be subject to periodic inundation by flood waters shall not be subdivided or developed except as provided below.
2. **Development Review in Flood Zones.** Proposed subdivisions and proposed new developments shall be reviewed to determine whether such proposals will be reasonably safe from flooding. Any such proposals shall be reviewed to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage within the flood prone area.
 - b. All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - c. Adequate drainage is provided to reduce exposure to flood hazards.

Source: (Ord 11-18; Add 11-4-11) (Ord 21-32; Rev 8-27-2021)

24.0520: EROSION

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Measures used to control erosion on a development site shall, as a minimum, meet the standards and specifications of the Codington County Soil and Water Conservation District and the Engineering Design Standards. Stripping of vegetation, re-grading and cut and fill operations should be kept to a minimum, as should the amount of land and the duration of exposure. Whenever feasible, development plans should be made in conformance with topography in order to create the least erosion potential. Similarly, as much as possible natural vegetation shall be retained, protected and supplemented. The City Engineer may require further measures if necessary to prevent erosion on building sites and developments from depositing wastes or sediments on public streets or other property. Every effort shall be made to retain the natural vegetation on all ditches and drainage ways. Ditches and drainage ways will not be disturbed without the approval of the City Engineer's office. (Ord 11-18; Add 11-4-11)

24.0521: ASSURANCES FOR THE COMPLETION OF MINIMUM IMPROVEMENTS

1. No plats of any subdivision shall be approved unless the improvements required by this ordinance have been installed prior to such approval or unless the developer has signed a development agreement to establish the responsibility for the construction of such improvements in a satisfactory manner and within a period specified by the City Council. Such period shall not exceed two (2) years for subdivisions containing one-half (1/2) linear mile or less of right-of-way development or three (3) years for subdivisions containing more than one-half (1/2) linear mile of right-of-way development. No subdivision shall contain more than one (1) linear mile of right-of-way development unless approved by the City Engineer. The development agreement shall be recorded with the register of deeds at the time of filing the plat. Extensions to the performance period of the development agreement may be granted at the discretion of the City Council in one (1) year increments. The first extension year shall not incur any fees, but all extensions thereafter shall require an administrative fee of one thousand five hundred (1,500) dollars per year to be paid to the City prior to issuance of the extension.
2. No building permits shall be issued until agreements have been filed, curb and gutter has been installed and sanitary sewer, storm sewer and water supply lines have been approved.. (Ord 11-18; Add 11-4-11).

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Chapter 24.06
SUBDIVISION PROCEDURE

Section

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24.0602	Procedure
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24.0609	Effective Period of Preliminary Approval
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24.0612	Construction May Begin
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24.0614	Shop Drawings
24.0615	Record or As-Built Drawings
24.0616	Plat

24.0601: THE PLAT APPROVAL PROCESS

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All proposed subdivision plats must be approved through a three phase development process. All plans and plats referred to in this section shall be prepared by a registered professional engineer and a registered land surveyor in conformity with requirements of state law.

Source: (Ord 11-18; Add 11-4-11)

24.0602: PROCEDURE

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The procedure for review and approval of a subdivision consists of the following phases:

1. Required preparation, submission and approval of a “Concept Plan”.
2. Required preparation, submission and approval of a “Preliminary Plan”.
3. Required preparation, submission and approval of the “Construction Plans” and “Plat”.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0603: CONCEPT PLAN

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The purpose of a Concept Plan is for the developer to receive approval from the Planning Commission regarding general requirements, minimum standards of design and required improvements as set forth in this ordinance. This plan includes the entire area the developer intends to subdivide and will show the development phases to be preliminary planned. This plan will aid the developer in preparing a more readily accepted Preliminary Plan for each phase and help prevent revisions in the layout and development of the subdivision. One (1) paper copy and electronic copies of the PDF, DWG and GIS shapefile of a Concept Plan shall be submitted to the Community Development Division to be distributed for review by the Design Review Team. A Concept Plan shall include the following information:

1. General

- a. The proposed name of the subdivision shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said subdivision. These names shall be subject to the approval of the Administrative Official.
- b. Names of the additions and subdivisions within the city limits shall read as follows:
 _____ Addition (Subdivision) to the Municipality of Watertown, in the County of Codington, South Dakota.
- c. Names of additions and subdivisions outside the city limits (within jurisdiction) shall read as follows:
 _____ Addition (Subdivision) in the _____ Quarter, Section _____, T _____, R _____, _____ of the 5th P.M. in the County of Codington, South Dakota.

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- d. Names of H Lots within the city limits shall read as follows (include Addition if available):

H - in _____ Addition, in the _____ Quarter, Section _____, T _____, R _____, _____ of the 5th P.M. in the County of Codington, South Dakota.

- e. Names, addresses, and telephone numbers of the owner(s), developer(s) and engineer(s).
- f. Vicinity map to scale, showing the locations of the proposed subdivision and other property for at least six hundred sixty (660) feet in every direction.
- g. The legal description(s) and notations stating acreage, scale, north arrow and date of survey.
- h. The names of all adjoining subdivisions. Adjoining un-platted property shall be labeled as such.
- i. Un-platted//undeveloped property surrounding such property being developed shall be included showing connectivity to existing infrastructure: streets, sanitary sewer, water, drainage, or other public infrastructure as applicable within the quarter (1/4) section.
- j. The proposed zoning districts.
- k. A systematic lot and block numbering pattern, complete with proposed lot dimensions and areas.
- l. Locations and widths of all existing and proposed easements.
- m. Locations and sizes of all public facilities, schools, libraries, fire stations, parks, tree masses and other significant natural features.
- n. Any expectations for City reimbursements.
- o. Proposed phasing for development with estimated timelines.
- p. Disclosure of proposed variances.

2. Streets

- a. The general layouts of streets and access points to arterial, collectors, and other adjacent street systems.
- b. The general layout of pedestrian connectivity.
- c. Rights-of-way widths.
- d. Proposed street names and widths from back of curb to back of curb including curb radius dimensions at intersections and cul-de-sacs.
- e. Typical street sections.

3. Sanitary Sewer

The general layout of the proposed sanitary sewer system including locations of gravity sewers and force mains, lift stations, and connection points to the existing system.

4. Water

The general layout of the proposed water main system including connection points to the existing system. Water systems shall be approved by the City of Watertown Municipal Utilities Department.

5. Drainage and Grading

The proposed drainage and grading plan shall include detailed data for all runoff within the proposed development phase in accordance with the Preliminary Drainage Plan in the adopted Post Construction Stormwater Best Management Practices Manual (Ch. 2.4), also found as an appendix in Chapter 11 in the currently adopted Engineering Design Standards.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21) (Ord 22-01; Rev 3-4-22)

24.0604: APPROVAL OF CONCEPT PLAN

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After the Community Development Division and Design Review Team have reviewed and approved the Concept Plan, it shall be submitted to the Planning Commission for final approval. A public hearing will be held by the Planning Commission. The approved plan shall be kept on file with the Community Development Division. Approval of the Concept Plan shall indicate approval of the development concept only, and it does not constitute an acceptance or approval of the plat; therefore, no zoning or building permits shall be issued on the approval of the Concept Plan.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0605: EFFECTIVE PERIOD OF CONCEPT PLAN/AMENDMENTS

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The approved Concept Plan shall remain effective until all phases of the subdivision are complete. The Community Development Division may request an updated Concept Plan for administrative review and approval when minor changes to the plan are proposed. Minor changes may include, but are not limited to, the following: a change in local street pattern, street name, drainage ways or detention pond location, lot lines, development phases, subdivision name, rights-of-way width, easements, or lot and block numbers. Major changes to an approved Concept Plan shall follow the procedures for approval of a Concept Plan as required in this section. Major changes may include, but are not limited to, the following: a change in arterial or collector street patterns, proposed variances, other public open space locations, an increase in density, or perimeter boundaries.

Source: (Ord 20-32; Rev 1-1-21) (Ord 22-01; Rev 3-4-22)

24.0606: PRELIMINARY PLAN

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A Preliminary Plan for the specific phase of development as outlined by the approved Concept Plan shall be submitted to the Community Development Division to be reviewed and approved by the Design Review Team. One (1) copy on 11"x17" paper and electronic copies of the PDF, DWG and GIS shapefile of the Preliminary Plan shall be submitted. Plan sheets shall be submitted at a maximum scale of one (1) inch equal to one hundred (100) feet (1":100'). The Community Development Division shall review the Preliminary Plan and provide recommendations, along with recommendations from the Design Review Team, to the applicant. Final consideration shall be made by the Community Development Manager within sixty (60) days following submittal.

The Preliminary Plan shall conform with the Engineering Design Standards and shall include all information from the approved Concept Plan as well as the following information:

1. General

- a. Engineer's certificate.
- b. Disclosure of any anticipated supplemental provisions to the General Conditions and Standard Specifications for Public Improvements and the currently adopted Engineering Design Standards.
- c. Adjacent property information: access points, rights-of-way, lot and block lines, easements, city limits, development plans, and any other pertinent information needed for review.
- d. Minimum setback requirements.
- e. Specify which phase shown on the Concept Plan is being developed.
- f. Mailbox collection point locations.

2. Street Plan

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- a. Compliance with the City's Major Street Plan in the currently adopted Comprehensive Land Use Plan.
- b. Access onto city streets shall be in accordance to the currently adopted Engineering Design Standards.
- c. The City has adopted an Access Plan for accesses to U.S. Highways 212 and 81 and South Dakota Highway 20 in conjunction with the State of South Dakota Department of Transportation (SDDOT). Any conflicts with this Plan will need to be first resolved with the SD DOT before they will be considered on a preliminary plan.
- d. Locations and widths of proposed easements.
- e. Identification of minor and major collectors with conformance to the currently adopted Engineering Design Standards.
- f. Transportation connectivity within the development as well as connectivity with the surrounding properties. This also includes pedestrian connectivity.
- g. Consideration of lots that front on an arterial or collector street and proposed access points.
- h. Note if access to the development is from a city street, county or state highway.
- i. Conformance to traffic calming practices shown in the currently adopted Engineering Design Standards.
- j. Top back of curb elevations at low end of lots.

3. Sanitary Sewer Plan

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- a. Compliance with the City's Wastewater Collection System Master Plan, Sanitary Sewer Manual, and Sewer Capacity Study.
- b. Major individual commercial or industrial occupants (if any).
 - (1) Type of sewage produced by major contributors identified above (if atypical).

- (2) Volume of sewage produced by major contributors identified above (if atypical).
- c. Provide geographic, gradient and capacity serviceability of the proposed development to the existing sewer system. The City Engineer will furnish the design engineer with sewer flows of the existing system upon written request.
 - d. Locations, material type, grade and size of proposed gravity sewers, force mains, manholes, lift stations and other sanitary sewer appurtenances.
 - e. Estimated flow in planned sewer and future upstream sites (cfs, mgd, or other units).
 - f. Type and capacity of proposed lift stations. The capacity of said lift stations shall accommodate adjacent future developments as indicated by the City Engineer.
 - g. Locations and widths of proposed easements.
 - h. Adequacy of receiving sewer system.
 - i. Manhole locations and spacing with manholes numbered.
 - j. Flow directions, connections to existing system and extensions to adjacent properties.
 - k. Extensions of sanitary sewer to the adjacent upstream users.
4. **Water Plan** [\(back to Chapter contents\)](#)
- a. Water systems shall be approved by the City of Watertown Municipal Utilities Department.
 - b. Show locations of valves, fire hydrants (including spacing), and other water main appurtenances.
 - c. Locations and widths of proposed easements.
 - d. Extensions of waterlines to perimeter of the development.
 - e. Proposed pipe sizes and materials.
5. **Drainage and Grading Plan** [\(back to Chapter contents\)](#)
- a. The drainage and grading plan shall include detailed data for all runoff within the proposed development phase in accordance with the Final Drainage Plan in the adopted Post Construction Stormwater Best Management Practices Manual (Ch. 2.5), also found as an appendix in Chapter 11 in the currently adopted Engineering Design Standards.
 - b. Approximate ground water and lowest finished floor elevations shall be shown for buildings. The lowest recommended floor elevations shall be two (2) feet above the normal ground water elevation. Test holes shall determine ground water elevation where applicable. Test hole results shall be provided to the City.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21) (Ord 21-16; Rev 7-16-21) (Ord 22-01; Rev 3-4-22)

24.0607: ADDITIONAL IMPACT REQUIREMENTS [\(back to Chapter contents\)](#)

The City Engineer may require any or all of the following to be included in the Preliminary Plan:

1. Traffic studies in accordance to Chapter 5.1 of the currently adopted Engineering Design Standards.
2. Information on additional water and sewer loads created by the proposed subdivision including confirmation that existing facilities or proposed additions can accommodate the additional loads is required.
3. A Geotechnical Exploration Report in accordance to Chapter 6 of the currently adopted Engineering Design Standards.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0608: APPROVAL OF PRELIMINARY PLAN [\(back to Chapter contents\)](#)

The preliminary plan shall be submitted to the Community Development Division for approval following review by the Design Review Team. The approved plan shall be kept on file with the Community Development Division. Approval of the preliminary plan shall indicate approval of the development concept only, and it does not constitute an acceptance or approval of the plat; therefore, no zoning or building permits shall be issued on the approval of the preliminary plan.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0609: EFFECTIVE PERIOD OF PRELIMINARY APPROVAL

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

The approval of a Preliminary Plan shall be effective for a period of three (3) years, at the end of which time approval on the subdivision plat or a portion thereof must have been obtained from the City. Any preliminary plan which has not received approval for all or a portion thereof of it within the period of time set forth herein, would require re-submittal of a new plan for preliminary approval subject to any new subdivision regulations. However, before the initial three (3) years has ended, the Developer may, upon written request, receive a three (3) year extension from the Community Development Manager.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0610: AMENDMENTS TO PRELIMINARY PLAN

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

Amendments to an approved Preliminary Plan may be made at the discretion of the Community Development Manager. The Community Development Manager may request an updated Preliminary Plan for review and approval when minor changes to the plan are proposed. Minor changes shall include, but are not limited to, a change in local street pattern, street name, lot lines, development phases, drainage ways or detention pond location, subdivision name, rights-of-way width, easements, or lot and block numbers. Major changes to an approved Preliminary Plan shall follow the procedures for approval of a preliminary plan as required in this section. Major changes to an approved Preliminary Plan shall require a revised Concept Plan as detailed in Section 24.0603 and 24.0604. Major changes shall include, but are not limited to, a change in major street pattern, public open space location, or perimeter boundaries.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21) (Ord 22-01; Rev 3-4-22)

24.0611: CONSTRUCTION PLANS

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

Construction Plans shall be submitted to the Community Development Division to be distributed for review and approval. One hard copy on 11"x17" paper and electronic copies of the PDF, DWG, and GIS shapefile shall be submitted. Plan sheets shall be submitted at a maximum scale of one (1) inch equal to forty (40) feet (1":40'). Final consideration and issuance of a Permit to Construct shall be made by the City Engineer within sixty (60) days following submittal.

Construction Plans shall conform to all chapters of the currently adopted Engineering Design Standards. Plans shall include all information from the Preliminary Plan as well as the following:

1. **Final Site Grading Plan.** The drainage and grading plans shall show the existing and proposed contours with intervals of one (1) foot for land with a slope of one percent (1%) or less, intervals to two (2) feet for a slope between one and one-tenth (1.1%) and nine and nine-tenths (9.9%) percent and contours of five (5) feet for land with a slope exceeding ten percent (10%) referenced to City of Watertown datum (established by the NAVD 1988 USGS). The site grading plan shall also show the top-of-foundation elevation and drainage arrows for each lot with lot corner elevations shown. The lowest recommended floor elevations shall be two (2) feet above the normal ground water elevation.
2. **Final Street Grading Plan.** The street grading plan shall show finished street grades shown to an accuracy of one hundredth of a foot (1/100), showing existing conditions and proposed curb grades, and a detailed design for all intersections. Where the developer owns only half the property which makes up a street, and he/she is the first person to request development along said street, he/she shall be responsible for establishing the street grades for said street for approval by the City.
3. **Final Drainage Plan.** The final drainage plan shall include detailed data for all runoff within the proposed development phase in accordance with the adopted Post Construction Stormwater Best Management Practices Manual (Ch. 2.5), also found as an appendix in Chapter 11 in the currently adopted Engineering Design Standards. *(Same requirements as the Drainage and Grading Plan for the Preliminary Plan referenced in Section 24.0606 5.)*
4. **Final Utility Plan.** The utility plan shall show the final storm sewer system and sanitary sewer layout, showing the direction of flow, the manhole locations and their approximate depth to a scale approved by the City Engineer. The utility plan shall also show the final water system layout showing the location of existing water lines and the proposed pipe sizes.
5. **Final Erosion Control Plan.** The erosion control plan must show all proposed land disturbance including areas of excavation, grading, filling, removal and destruction of topsoil and spreading of earth material. Provisions for erosion control during construction must be in accordance with the adopted Erosion and Sediment Control Best Management Practices including a copy of the NOI and SWPPP, as applicable.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21) (Ord 21-16; Rev 7-16-21)

24.0612: WHEN CONSTRUCTION MAY BEGIN

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Grading of the proposed subdivision may begin only after a Grading Permit has been issued by the Engineering Division in accordance to Title 5 of the Revised Ordinances of the City of Watertown. A Grading Permit may be issued if a Preliminary Plan for the area has been approved. If the project disturbs one acre or more, a Storm Water Pollution Prevention Plan must be submitted to and approved by the Engineering Division. A copy of the Notice of Intent (NOI) issued by the South Dakota Department of Environment and Natural Resources must also be submitted to the City Engineer prior to Grading Permit issuance.

The installation of water, sanitary sewer and storm sewer lines and the construction of street and drainage requirements may not begin until after Construction Plans have been approved by the City Engineer and a permit to construct has been issued.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0613: INSPECTIONS AND TESTING

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

Inspections and testing shall be required as written in the currently adopted Engineering Design Standards. It is the responsibility of the developer to schedule all required testing and to notify the Office of the City Engineer when work is ready for inspections. Density tests must be submitted to the City Engineering Division for review prior to paving the final lift. In the event that the required specifications are not met, construction on the project shall cease until the items that are out of compliance are resolved. Failure to comply with the City's standards may result in a moratorium of building permits and/or other penalties as provided under law.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0614: SHOP DRAWINGS

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

Shop drawings shall be submitted in accordance with the currently adopted Engineering Design Standards. Drawings shall be reviewed and approved by the Developer's Engineer prior to submittal to the City Engineer. The attached cover page shall include contact information for the Developer's Engineer in addition to those listed in the currently adopted Engineering Design Standards.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0615: RECORD OR AS-BUILT DRAWINGS

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Record drawings shall be prepared and submitted in accordance with the currently adopted Engineering Design Standards. Electronic copies of the PDF, DWG and GIS shapefile shall be submitted. On projects where city-maintained utilities are being constructed, the developer shall be responsible for locating the utilities until record drawings have been approved. Once approved, the City shall assume locating responsibilities.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

24.0616: PLAT

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A Plat shall be submitted to the Community Development Division to be distributed for review. One (1) mylar, two (2) paper copies, and electronic copies of the PDF, DWG and GIS shapefile shall be submitted. Final consideration shall be made by the City Engineer within sixty (60) days following submittal. Copies of the approved plat shall be submitted in accordance with the currently adopted Engineering Design Standards and this chapter.

The Plat shall conform substantially to the Preliminary Plan as approved and may constitute only a portion of the Preliminary Plan, which the developer proposed to record and develop. Plats shall comply with state statutes and shall include the following information:

1. Compliance with the Preliminary Plan for layout of lot, block, right-of-way, and easements.
2. The name of the subdivision shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to said subdivision.
3. Site location map, north arrow, and basis of bearings.
4. The date, title, scale (minimum scale of one hundred (100) feet to one (1) inch within the city limits, minimum scale of two hundred (200) feet to one (1) inch outside the city limits), north point and legal description of the proposed subdivision, location by quarter section, section, township and range required on plats outside the city limits.

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5. The names of all adjacent subdivisions and streets, all previously platted lots to include dimensions and block lines, type of easements, and rights-of-way. Adjoining unplatted property shall be labeled as such.
6. All easements shall be shown indicating size and purpose on new subdivision.
7. A systematic lot and block numbering pattern corresponding to that existing in the City. Lot lines, road names, and the square footage or acreage of all lots shall be included.
8. The location and width of all proposed and existing right-of-way, alleys, and easements, as well as the location of any parks, dedicated drainage ways and railroad right-of-way.
9. The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest sector corner, other previously described subdivision, or other recognized permanent monuments which shall be accurately described on the plat.
10. Accurate location of all permanent monuments, control points and survey pins, either set or located.
11. An accurate description of any portions of the property intended to be dedicated or granted for public use, labeled as lot and block or tract.
12. For properties within the Special Flood Hazard Area (SFHA), reference the effective Flood Insurance Rate Map (FIRM) date, community and panel number.
13. All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision lots, streets, alleys, easements, and any other area for public or private use. Linear dimensions are to be given to the nearest one one-hundredth (1/100) of a foot.
14. All property lines shall show chords, lengths and radii to the nearest minute and second.
15. Appropriate certifications as required by State statute.
16. Acknowledgment of the owner(s) of the Plat of any restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.
17. All formal irrevocable offers of dedication for all streets, alleys, parks and other uses as required.
18. Certificates of approval for endorsement by City Engineer and Finance Officer.
19. Development agreements shall be approved by the City Council.
20. Access agreements shall be approved by the City Engineer and SD Department of Transportation, where applicable.

Source: (Ord 11-18; Add 11-4-11) (Ord 20-32; Rev 1-1-21)

Chapter 24.07
FINAL PLAT APPROVAL

Section

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- [24.0701 Plat Approval](#)
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- [24.0703 Plat Exemptions](#)
- [24.0704 Additional Requirements](#)

24.0701: PLAT APPROVAL

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1. The Plat shall be considered for final approval only after the City has assurances from the developer fixing responsibility for required improvements. All plats are approved separately by the Planning Commission and City Council, except as noted below.
2. Pursuant to the authority granted in SDCL §11-3-6 and as authorized by the City Council, the City Engineer may approve plats in lieu of approval by the governing body subject to the following regulations:
 - a. A Preliminary Plan of the subdivision has been approved by the Planning Commission and the plat is in conformance with the same.
 - b. Lot line revisions so long as the lots created conform to the density requirements of the applicable zoning district.
3. In the event the City Engineer determines that Subsections 1 or 2 have not been complied with, the plat shall be submitted to the Planning Commission and the City Council for review and approval.
4. When the plat has been approved, the mylar and accompanying documents will be recorded with the Register of Deeds office. All recording fees will be billed to the applicant. (Ord 11-18; Add11-4-11)

24.0702: SUBDIVISION PROCESS EXEMPTIONS

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To ensure timely review of minor plats and replats (including plats for transfer of ownership) that do not discernibly impact surrounding properties, environmental resources, or public facilities, no concept plan, preliminary plan, or construction plans will be required. Minor plats and replats can be administratively approved by the City Engineer and must comply with all requirements of a plat.

1. Minor Plat Requirements: A minor plat is a plat containing not more than five (5) lots and must meet **ALL OF** the following requirements:
 - a. Does not require the dedication of right-of-way or construction of new streets, except that arterial roadways identified on the Major Street Plan will be required to dedicate the necessary right-of- way;
 - b. Does not create any public improvements other than sidewalks;
 - c. Does not landlock or otherwise impair convenient ingress or egress to or from the rear side of the subject tract or any adjacent property;
 - d. Does not change the grades from the grading plan which was submitted and approved with the original plat or, if the grades are going to be changed, then a grading plan shall be submitted and approved for the minor plat or replat;
 - e. Does not significantly change any plans that have been prepared for the placement of any other utilities in the subdivision;
 - f. Does not adversely affect the remainder of the parcel or adjoining property; and
 - g. Does not conflict with any provision or portion of the growth management plan, official map, zoning ordinance, or these regulations.
 - h. No property involved or created by a minor plat shall be involved in a subsequent minor plat procedure for a period of three (3) years from the date of filing of the original minor plat procedure.
2. Replat: A replat includes all the requirements of a minor plat and shall also include the minor vacation of existing platted lines to achieve either a reconfiguration of the existing recorded plat or change the number of recorded lots in the subdivision only where the perimeter of the tract being replatted is not altered by the replat. Also, a replat shall certify that the platting vacates the existing plat. (Ord 11-18; Add 11-4-11)

24.0703: PLAT EXEMPTIONS

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This section is intended to provide exemptions to city platting rules and regulations. However, exemption of city platting rules and regulations does not exempt the platting requirements of the register of deeds, title company and state law. The following exemptions exist:

1. Cemetery gravesite plats or plots do not have to meet any requirements of this subdivision ordinance as long as land is surveyed, mapped, or diagramed, and subdivided into sections, blocks, lots, individual grave spaces, avenues, walks, and streets, thereby platting or making a map which shall be filed and maintained as a permanent cemetery record. However, all platting requirements of the county register of deeds and state law are still applicable.
2. Government owned parcels. In order to facilitate the transfer of ownership from one owner to a government entity for the use of a public land or facility (e.g., school, park, drainage way, H lots), plats may be exempted by the City Engineer.
3. Boundary line adjustments. The purpose is to provide procedures and criteria for the review and approval of minor adjustments to boundary lines of legal lots or building sites in order to rectify defects in legal descriptions, to allow minor enlargement or reduction of lots to improve or qualify as a building site, to achieve increased setbacks from property lines or sensitive areas, and to correct situations where an established use is located across a lot line, or for other similar purposes. When an application is made for building permits, if the description given for the lots on the building permit application shows the property lines to be different from the platted lot lines, a boundary line adjustment or replat will be required for those lots. A boundary line adjustment shall include a surveyed site plan including all information required for a plat. The survey shall be submitted to the planning office with a title report of the entire parcel. A development lot agreement may also be required to officially join parcels to comply with zoning requirements. If the legal description given does not meet the requirements listed below for a boundary line adjustment, other applicable subdivision ordinance provisions shall be followed.

A boundary line adjustment application:

- a. Shall not result in the creation of an additional lot, parcel, or building site,
 - b. Shall not result in a lot that does not qualify as a building site pursuant to this title;
 - c. Shall not relocate an entire lot from one lot of record to another lot of record;
 - d. Shall not reduce the overall area in a plat or parcel devoted to open space;
 - e. Shall not be inconsistent with any restrictions or conditions of approval for a recorded plat;
 - f. Shall not involve lots which do not have a common boundary;
 - g. Shall not result in the required minimum lot sizes that do not meet the zoning ordinance requirements;
 - h. Shall not result in the creation of a nonconforming setback for any existing building; and
 - i. Shall meet all transfer and recording requirements of the county register of deeds. (Ord 11-18; Add 11-4-11)
4. Condo plats do not have to meet any requirements of this subdivision ordinance as long as land is surveyed, mapped, or diagramed, and subdivided into sections or units and the following requirements are met. If all of the requirements are met then the condo plat can be administratively approved. If not ALL of the requirements are met then the condo plat must be approved separately by the Planning Commission and City Council.
 - a. That a Master Deed or Lease has been prepared in accordance with SDCL §43-15A-4,
 - b. The name of the plat must include the word “condominium” (ex: “Plat of Pine Knoll Condominium” or “Plat of Windhaven, a Condominium”),
 - c. The plat cannot create public streets, alleys or dedicate any area to the public,
 - d. The plat cannot alter any area previously dedicated to the public, nor modify or remove any easements, restrictions, or other encumbrances on the land.
 - e. The construction of the building(s) must meet the International Building Code and the International Fire Code, and
 - f. That the primary structure meets the required setbacks of the proposed zoning designation. (Ord 15-15; Add 06-12-15)

24.0704: ADDITIONAL REQUIREMENTS

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Additionally, building permits will not be issued on any tract or lot in the subdivision until, where applicable:

1. A Final Plat has been approved.
2. Construction Plans have been approved.
3. The Park Fee is paid or park land donated.
4. The property to receive a permit is platted and officially recorded.
5. Final zoning has been approved. (Ord 11-18; Add 11-4-11)

Chapter 24.08
STREET MAINTENANCE AND ACCEPTANCE

Section

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[24.0801 Maintenance of Gravel Streets under Development](#)

[24.0802 Completion of Final Lift on Street](#)

[24.0803 Final Acceptance of Improvements](#)

[24.0804 Developers Warranty Responsibilities](#)

24.0801: MAINTENANCE OF STREETS UNDER DEVELOPMENT

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For streets under construction the City will provide minimum maintenance and snow removal on gravel and asphalt streets to provide minimum vehicular passage and provide minimum street sweeping on asphalt streets. If there is any damage to manholes, valves, curb and gutter, valley gutters or other appurtenances, repairs shall be done at the developer's expense. Gravel streets will be allowed through one winter season only. (Ord 11-18; Add 11-4-11)

24.0802: COMPLETION OF FINAL LIFT ON STREET

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Both the sanitary sewer and storm sewer must be televised and accepted by the City prior to paving the final lift. Any corrections needed for either sewer system must also be made prior to paving the final lift. Any disturbance to the paving section for any reason will be the responsibility of the developer to repair.

No sooner than one year after the first lift has been applied or at any time when requested by the City, the developer shall place the final lift of asphalt on the street. Prior to this action, the developer will notify the City and state its intentions. The City Engineering Division will inspect the improvements and make an inspection report to the developer as to the necessary work needed for the project to meet City specifications. This inspection report will encompass all aspects of the water, sanitary sewer, storm sewer, curb and gutter, valley or any other part of the construction as provided for in the preliminary plan as approved. Adjustments or repairs will be the responsibility of the developer and shall be made prior to the placement of the final lift. (Ord 11-18; Add 11-4-11)

24.0803: FINAL ACCEPTANCE OF IMPROVEMENTS

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After the developer deems that all the street and utility improvements have been completed and has placed the final lift of asphalt, the developer will notify the City in writing that the street is completed. The City Engineering Division will then inspect all the improvements and inform the developer of any deficiencies. Any deficiencies shall be remedied by the developer at the developer's expense. The City Engineer will then issue a Certificate of Completion noting any deficiencies and setting a date as to when the one (1) year warranty will end. (Ord 11-18; Add 11-4-11)

24.0804: DEVELOPERS WARRANTY RESPONSIBILITIES

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The developer shall warranty the water, sewer, storm sewer, curb and gutter, valley or any other part of the construction specified in the preliminary plan for a period of one year from the date as stated in the Certificate of Completion.

Prior to the end of the one (1) year warranty period the City Engineer will inspect the improvements and report findings to the City Council. The City Council shall by resolution confirm or reject the Certificate of Acceptance. If confirmed, the developer's responsibility for the improvements end, and the improvements become the responsibility of the City. If any portion is rejected, the developer will repair or replace the rejected portion and a one (1) year warranty period will begin again on the rejected portion and the developer shall again comply with the provisions as stated in this ordinance. (Ord 11-18; Add 11-4-11)

Chapter 24.09
CHANGES AND VARIANCES

Section

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[24.0901 Changes or Modifications of Plans](#)

[24.0902 Variances](#)

24.0901: CHANGES OR MODIFICATIONS OF PLANS

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All modifications to the approved construction plans shall be approved by the City Engineer. The Planning Commission reserves the right to require that any changes or modifications to approved plans that they deem to be major changes or modifications shall require the developer to re-submit the modified plan for review and adoption as herein provided. (Ord 11-18; Add 11-4-11)

24.0902: VARIANCES

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Requests for variances must be submitted to the Planning Commission and/or the City Council under the procedures set forth in Watertown Ordinances. (Ord 11-18; Add 11-4-11)

Chapter 24.10
DEFINITIONS

24.1001: DEFINITIONS

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For the purpose of this title and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter.

Access Control Easement: an easement on property adjacent to a street right-of-way prohibiting vehicular access or street curb cuts to such designated property.

Alley: a public or private right-of-way which affords a secondary means of access to property.

Block: a tract of land bounded by streets or by a combination of streets, public parks, railroad right-of-ways, shoreline of waterways or municipal boundaries.

Building: any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind. When separated by party walls without openings, each portion of such building so separated shall be deemed a separate building.

Building Setback Line: a line parallel or approximately parallel to the lot lines at a specified distance therefrom, marking the minimum distance from the lot line that the building may be erected.

Certificate of Acceptance: a certificate issued as acceptance of improvements in developments that will be, after acceptance by the City Council, maintained by the City of Watertown.

Certificate of Completion: a certificate issued as approval of improvements in developments that will, after approval by the City Engineer, constitute the start of a one (1) year warranty period.

City Engineer: the person designated by the City Council to furnish engineering assistance for the administration of these regulations.

City, City of Watertown: the City of Watertown, South Dakota.

City Council: the City Council of Watertown, South Dakota, as duly elected.

Condo Plat: a plat detailing the location of a structure(s) which is encumbered by a declaration of condominium covenants or condominium form of ownership.

Construction Standards: construction specifications approved by the City for infrastructure construction.

Comprehensive Plan: the master plan or general plan for the development and improvement of Watertown, South Dakota as adopted by the City Council.

Concept Plan: a basic set of plans indicating the proposed layout of the subdivision to be submitted for approval.

Construction Plan: a set of detailed engineering plans to be used for construction of public infrastructure based on the City's Engineering Design Standards.

Contractor: the person who contracts with an individual or the developer to construct a building on a parcel of land prepared by the developer.

Corner Lot: a lot at the junction of, and fronting on, two or more intersecting streets.

Covenants: those declarations prepared by the developer and intended to be recorded along with the Plat, which may provide for restrictions and controls of land use and development within the subdivision and which shall include a method whereby all private roadways within the subdivision shall be improved and maintained until such time as the obligation thereof may be accepted by the City or another governmental unit.

Cul-de-Sac: a local street with only one outlet having an appropriate terminal for safe and convenient reversal of traffic movement.

Curb Cut: a cut in the curb allowing access to a public street.

Dedicated: a grant of land to the public for perpetual use.

Design Review Team: a group of representatives from each city department, SD DOT, 1st District, Focus Watertown and others affected by the proposed plan.

Developer: any person who converts undeveloped land into legally platted, buildable lots. The developer may or may

not be the landowner or the builder of structures that occupy the lots.

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Easement: authorization by a property owner for the use by another property owner or the public for specific purposes for any designated part of his property.

Engineering Design Standards: the current engineering design standards for public improvements of the City of Watertown.

Flood Prone Area: a land area adjoining a river, creek, watercourse or lake which is likely to be flooded.

Frontage: that side of a lot abutting on a street regarded as the front of the lot.

H Lot: a lot created via a highway right-of-way plat.

Homeowner's Association: an association of property owners joined together for the purpose of maintaining an area held in common ownership.

Improvements: includes street grading, street surfacing, curb and gutter, water mains and lines, sanitary sewers, storm drainage facilities, culverts or other such installations as designated by the City Council.

Letter of Irrevocable Credit: a guaranteed letter from a bank or savings and loan association stating that if the said improvements are not completed by a developer, the money provided in the letter will be forwarded to the City to complete said improvements.

Lot: one unit of a recorded plat subdivision, or registered land survey having specific boundaries and which has been recorded in the Register of Deeds office, occupied or to be occupied by a building and its accessory buildings and including as a minimum such open spaces as are required under this ordinance and having frontage on a public street.

1. **Corner:** a lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lots to the foremost points of the lot meet at an interior angle of less than one hundred thirty five (135) degrees.
2. **Interior:** a lot other than a corner lot with only one frontage on a street.
3. **Through:** a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

Major Street Plan: the major street plan adopted through the comprehensive plan and as approved by the City Council.

Monument: a boundary marker of concrete, permanently planted and firmly fixed in the ground and placed so that the top of the monument is flush with natural ground.

Owner: the title holder of property, on file at the office of the County Register of Deeds.

Planning Commission: the Planning Commission of Watertown, South Dakota as duly appointed.

Plat: a map, or representation on paper of a piece of land subdivided into lots, parcels, tracts or blocks, including streets, commons and public grounds, if any, all drawn to scale and complete with all irrevocable offers of dedications and filed with the County Register of Deeds.

Preliminary Plan: a set of drawings, including all required information, for review by the Planning Commission.

Re-Plat: a change in a map of an approved or recorded subdivision plat which affects any road layout, area reserved for public use, or lot line.

Right-of-Way: a strip of land occupied by a street, railroad, transmission line, oil or gas pipeline, water lines, storm or sanitary sewer lines, pedestrian walkways or other special use. The use of the term right-of-way for platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way shall be dedicated to public use by the owner of the plat on which such right-of-way is established.

Street: a public way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, arterial, lane, place or however otherwise designated. The width of a street is measured between right-of-way lines.

1. **Arterial:** a principle traffic artery, more or less continuous across the City, which acts as a principal connecting street with state and federal Highways and includes each street designated as an arterial street on the major street plan.
2. **Collector:** a street intended to move traffic from local streets to arterial streets and highways, including the principal entrance street of residential development and streets for circulation in such developments.
3. **Frontage:** a minor street which runs parallel or adjacent to arterial streets and highways and which serves to reduce the number of access points to arterial streets and highways.
4. **Local:** a street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for various utilities but not intended to be used for through traffic.
5. **Marginal Access:** a street used only for access to a very limited number of lots.
6. **Private:** one that has not been dedicated, but rather reserved as an access easement to property. The private street shall be owned and maintained by the property owners which it serves.

Storm Water Pollution Prevention Plan: in compliance with the State General Permit, the SWPPP is a document which identifies sources and activities at a particular construction site that may contribute pollutants to storm water and commits the operator to specific control measures and time frames to prevent or treat such pollutants.

Structure: anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, walls, fences and signs.

Subdivider: a person, corporation, partnership, association, or any group who prepares or causes to be prepared a subdivision plat.

Subdivision: the division of any tract or parcel of land into two or more lots platted for the purpose of transfer of ownership, or building development, whether future or immediate, or any division of land involving a new street or road regardless of parcel size or the number of parcels. (Ord 11-18; Add 11-4-11)

Chapter 24.97
INTERPRETATION, ABROGATION AND SEVERABILITY

24.9701: INTERPRETATION, ABROGATION AND SEVERABILITY [\(back to Title contents\)](#)

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of public safety, health and general welfare. It is not the intent of this ordinance to repeal, abrogate or impair any existing easement, covenant or deed restriction. Where these provisions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.. (Ord 11-18; Add 11-4-11)

Chapter 24.98
CROSS-REFERENCES

24.9801: CROSS-REFERENCES [\(back to Title contents\)](#)

Building Inspector, Bond	7.0903
Business Buildings Must Be Rat-Proof and Rat-Free	11.0502
Building Codes and Floodplain Regulations.....	Title 5
Electrical Regulations	Title 9
Plumbing	Title 15
Gas Regulations.....	Title 20
Utilities	Title 20
Zoning	Title 21

Chapter 24.99
PUNISHMENT

24.9901: PUNISHMENT [\(back to Title contents\)](#)

Unless stated otherwise under another chapter of this title, any violation of the provisions of this title shall, upon conviction thereof, be a misdemeanor and punishable by a fine of not more than five hundred dollars (\$500) per violation per day or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment; and if such violation is of any provision involving a licensee, the City Council may revoke the license of any licensee so convicted.

In addition, when any work is done without a permit, the violator shall be required to return the premises to the natural condition and upon failure to do so within thirty (30) days after notice in writing, the City may return the premises to the natural condition and assess the cost thereof to the land owner. (E-299-2) (E-679) (Ord 11-18; Add 11-4-11)

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. 25-03 was published in the Watertown Public Opinion, the official newspaper of said City, on the ____ day of _____, 2025.

Kristen Bobzien, Chief Financial Officer

First Reading: April 7, 2025
Second Reading: April 21, 2025
Published: April 26, 2025

Effective: May 20, 2025

City of Watertown

Attest:

Kristen Bobzien
Chief Financial Officer

Ried Holien
Mayor



City Council

Agenda Item

Subject: Second Reading of Ordinance No. 25-04, a Revised Ordinance of the City of Watertown to Amend Ordinance Title 5

Meeting: City Council - Apr 21 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

Ordinance No. 25-04 will make the following changes to Ordinance Title 5 as well as some minor grammatical fixes.

Chapter 5.01 - Excavating, Filling, Grading, Lagooning and Dredging

- Section 5.0101 - Verbiage updated to add clarity to the purpose of the Chapter.
- Section 5.0102 - Heading changed to include "Excavating" per the text of the Section and the Chapter heading. Text removed such that a grading permit will now be required for filling of any sized wetland contiguous to the water.
- Section 5.0103 - Heading changed to include "Lagooning" per the text of the Section and the Chapter heading. Clarified that the distance required from the high water mark is 300 "horizontal" feet, not slope feet.
- Section 5.0105 - Grading permits will expire on November 1st each year instead of the end of the calendar year. Sites shall be stabilized if grading work stops for 30 days or more. Added "cuts" to clarify both cuts and fills in excess of 5,000 cubic yards will require security.

Chapter 5.02 - Flood Damage Prevention

- Section 5.0206 - "Hazard" was accidentally omitted from heading of bullet point 2. Removed current City Hall addresses.
- Section 5.0207 - Added reference to Section 5.0208. Removed the word "may" to indicate the listed items are required not suggested. Crawlspace are included when referring to the lowest floor of a building.
- Section 5.0209 - Removed unnecessary text next to Section references (also done in other locations). Again, indicated crawlspaces are included when referring to the lowest floor of a building.
- Section 5.0213 - Electrical, heating, ventilation, plumbing, air conditioning, etc. must be locating a minimum of 1 foot about the base flood elevation.
- Section 5.0217 - Dry floodproofing requirements changed. Wet floodproofing requirements added. A registered professional engineer or architect must certify plans. Permittee must sign a Nonconversion Agreement prior to being issued a building permit that will utilize wet floodproofing.
- Section 5.0224 - The Community Development Manager will issue floodplain development permits instead of the Building Official.

Chapter 5.03 - General Regulations

Agenda Item 11.(b) Second Reading of Ordinance No. 25-04, a Revised Ordi...

- Section 5.0303 - Heading and text within will read "grading" instead of "filling or raising". Driveway sloping requirements added. Swales between lots are required. Sediment protections must be installed prior to start of grading.
- Section 5.0310 - Removed "Basement" from the heading as the text of the section refers to stairways to higher and lower building levels. Adjusted verbiage for clarity.
- Section 5.0311 - Adjusted verbiage of heading and text to better restrict any privately owned conduit from crossing or dumping water on any public sidewalk.
- Section 5.0314 - Permit required to excavate within the boundaries of a sidewalk or bike trail. Density tests must be confirmed prior to paving and submitted to the City Engineering Division within 15 days of cutting into a public ROW. Paving must also be complete in that time period.
- Section 5.0315 - Cutting into a sidewalk or bike trail shall be prohibited for 5 years after completion of construction unless a waiver is granted by the City Engineer. If a waiver is granted to allow excavation of a paved surface within 5 years of completion of construction of said surface, the excavation permit fee doubles.
- Section 5.0318 - Proper barricades, lights and signals shall be used when an excavation is on or adjoining any bike trail.
- Section 5.0321 - Sediment controls must be implemented in accordance with the City of Watertown Engineering Design Standards.

Chapter 5.05 - Definitions

- Removed an unnecessary block of text per MuniCode review.

Chapter 5.97 - Interpretation, Abrogation and Severability

- Removed an unnecessary block of text per MuniCode review.

Chapter 5.99 - Punishment

- Added "Unless stated otherwise under another chapter of this title," to allow for other specified fines to take precedent. Adjusted verbiage to be less repetitive.

FINANCIAL CONSIDERATIONS:

N/A

OVERSIGHT / PROJECT RESPONSIBILITY:

Justin Petersen, City Engineer

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of Ordinance No. 25-04 through the following motion:

I move to approve Ordinance No. 25-04, a Revised Ordinance of the City of Watertown to Amend Ordinance Title 5 Chapters 5.01, 5.02, 5.03, 5.05, 5.97 and 5.99.

ATTACHMENT(S):

[Title 5 - Ord 25-04](#)

TITLE 5

BUILDING CODES AND FLOODPLAIN REGULATIONS

Chapter

[\(back to Table of Contents\)](#)

5.01	Excavating, Filling, Grading, Lagooning and Dredging
5.02	Flood Damage Prevention
5.03	General Regulations
5.04	Petroleum Products
5.05	Definitions
5.97	Interpretation, Abrogation and Severability
5.98	Cross-References
5.99	Punishment

Chapter 5.01
EXCAVATING, FILLING, GRADING, LAGOONING AND DREDGING

Section[\(back to Title contents\)](#)[5.0101 Purpose](#)[5.0102 ~~Permit Required for~~Excavating, Filling and Grading Permit Required](#)[5.0103 ~~Permit Required:~~Lagooning and Dredging Permit Required](#)[5.0104 Conditions](#)[5.0105 Issuance, Fees and Security](#)**5.0101: PURPOSE**[\(back to Chapter contents\)](#)

This chapter sets forth rules and regulations to control ~~dumping~~excavating, filling, grading, lagooning, dredging and earthwork construction, including ~~fills and~~ embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction. Any person making or causing an excavation to be made shall be solely responsible for initiating, maintaining and supervising all safety precautions in connection with the work. The person making or causing the excavation to be made shall take all necessary precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to all persons on the site or who may be affected by the work. Excavating, filling, grading, lagooning, dredging or disturbing of ground which would result in any detriment to streams, rivers and lakes by reason of erosion, sedimentation or impairment of fish and aquatic life is prohibited. (E-299-1)

5.0102: ~~PERMIT REQUIRED FOR~~EXCAVATING, FILLING AND GRADING PERMIT REQUIRED[\(back to Chapter contents\)](#)

No person shall do any grading without first having obtained a grading permit from the City Engineer. See Title 23 Stormwater and Title 24 Subdivision of Land for additional requirements.

1. A grading permit shall be required:

- a. For any filling or grading of the floodplain or designated wetland areas. In addition a permit shall be obtained from the ~~Department of~~ Army, Corps of Engineers when applicable and any state agency having jurisdiction.
- b. For any filling or grading of any area which is within three hundred (300) feet horizontal distance of a natural water area and which has surface drainage toward the water and on which there is:
 - (1) Filling ~~of more than five hundred (500) square feet~~ of any wetland which is contiguous to the water. For purposes of this section a wetland shall be defined as any area where ground water is at or near the surface a substantial part of the year.
 - (2) Filling or grading on all slopes of twenty percent (20%) or more
 - (3) Filling or grading of more than one thousand (1,000) square feet on slopes of 12-20 percent.
 - (4) Filling or grading of more than two thousand (2,000) square feet on slopes of 12 percent or less.
- c. For any shoreland or bank alteration involving the removal of natural barriers to soil erosion.

2. A grading permit is not required for the following:

- a. A separate grading permit is not required where a site plan for a new building, structure or addition is submitted for plan review where an excavation below finished grade for basements and footings of a building, retaining wall or other structure is authorized by a valid building permit. Site plans must include proposed final ground elevations and must include sufficient information to define the proposed plan for controlling runoff so as to not negatively impact adjacent properties.
- b. When approved by the City Engineer, for grading in an isolated, self-contained area if there is no danger to private or public property.
- c. Cemetery graves.
- d. Refuse disposal sites controlled by other regulations.
- e. Excavations for wells or tunnels or utilities.
- f. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property, as determined by a professional engineer.
- g. Exploratory excavations under the direction of soil engineers or engineering geologists.

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- h. An excavation that: (a) is less than two (2) feet in depth or (b) does not create a cut slope greater than five (5) feet in height and steeper than one (1) unit vertical in 1½ units horizontal (66.7% slope).
- i. A fill less than one (1) foot in depth and placed on natural terrain with a slope flatter than one (1) unit vertical in five (5) units horizontal (20 percent slope), or less than three (3) feet in depth, and where such fill is not intended to support structures, which does not exceed one hundred (100) cubic yards on any one undeveloped lot or group of lots under the same ownership and does not impact a floodway, floodplain, base flood conveyance corridor, or wetland. This one hundred (100) cubic yard exemption is a one time exemption. At any time one hundred (100) cubic yards has been filled, this exemption shall expire, and a grading permit will be required.
- j. Excavation, removal, or stockpiling of rock, sand, dirt, gravel, clay, or other like material, as may be required by the state, county, or city authorities in connection with the construction or maintenance of any road, highway or roadway. Nothing herein shall be deemed to exempt any road, highway or roadway work performed by private developers.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances applicable to, or adopted by, the City.

5.0103: ~~PERMIT REQUIRED~~ LAGOONING AND DREDGING ~~PERMIT REQUIRED~~ ([back to Chapter contents](#))

A grading permit shall be required before constructing, dredging or commencing work on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within three hundred (300) horizontal feet of the high water mark of a natural water area or where the purpose is the ultimate connection with the natural water area. This requirement does not apply to soil conservation practices such as terraces, runoff diversions and grassed waterways which are used for sediment retardation. In addition, a permit shall be obtained from any other state or federal agency having jurisdiction.

The City Engineer shall evaluate each application according to the following standards, and may deny any application deemed unsuitable:

1. The maintenance of safe and healthful conditions.
2. The prevention and control of water pollution including sedimentation.
3. Existing topographic and drainage features and vegetative cover on the site.
4. The location of the site with respect to floodplains and floodways of rivers or streams.
5. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover. (E-299-1)

5.0104: CONDITIONS ([back to Chapter contents](#))

In granting a grading permit for excavating, filling, grading, lagoonning or dredging, the City Engineer may attach the following conditions:

1. The smallest amount of bare ground shall be exposed for as short a time as feasible.
2. Temporary ground cover such as mulch shall be used and permanent cover such as sod be planted.
3. Diversions, silting basins, terraces and other methods to trap sediment shall be used.
4. Lagoonning shall be conducted in such a manner as to avoid creation of fish trap conditions.
5. Fill is stabilized according to accepted engineering standards.
6. Fill will not restrict a floodway or destroy the storage capacity of a floodplain.
7. Sides of a channel or artificial water course shall be stabilized to prevent slumping.
8. Sides of channels or artificial water courses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter, unless bulkheads or rip rapping are provided. (E-299-1)

5.0105: ISSUANCE, FEES AND SECURITY

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

1. **Issuance.** Grading permits shall expire ~~at the end of the calendar~~ on November 1st of every year. Any permittee holding an unexpired permit may apply for an extension of the time within which work may be completed, upon the showing of good cause. The City Engineer may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented work from commencing. No permit shall be granted more than one extension. Grading operations shall be completed in a timely manner to minimize the time any site is disturbed and decrease the potential for erosion. If grading operations are not performed for thirty (30) days or more, the permitted site shall be stabilized, and all construction related equipment must be removed from the ~~permitted~~ site.
2. **Grading Permit Fees.** The City Council shall, by resolution, establish a schedule of fees for grading permits. The fee schedule shall be available in the office of the City Engineer, and may be altered or amended only by resolution of the City Council. The grading permit fee will be doubled if a grading permit is not obtained prior to commencement of grading operations. The fee for a grading permit authorizing additional work shall be the difference between the fee paid for the original permit and the fee calculated for the entire project.
3. **Security.** The City Engineer will require bonds for ~~cuts or~~ fills in excess of five thousand (5,000) cubic yards, in such form and in an amount necessary to ensure that work, if not completed in accordance with approved plans and specifications, will be completed using any surety or bond amount provided, necessary to correct or eliminate hazardous conditions.

In lieu of a surety bond, an applicant may file a cash bond, or other sufficient instrument of credit with the City Engineer, in an amount equivalent to that required by a surety bond.

Chapter 5.02
FLOOD DAMAGE PREVENTION

Section

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

5.0201	Statutory Authorization
5.0202	Findings of Fact
5.0203	Statement of Purpose
5.0204	Methods of Reducing Flood Losses
5.0205	Reserved
5.0206	General Provisions
5.0207	Floodplain Development Permit Required
5.0208	Designation of the Administrative Official
5.0209	Duties and Responsibilities of the Administrative Official
5.0210	Development Adversely Affecting Big Sioux River, Roby Creek or Willow Creek Prohibited
5.0211	Storage of Materials and Equipment
5.0212	Anchoring
5.0213	Construction Materials and Methods
5.0214	Utilities
5.0215	Subdivision Proposals in Areas of Special Flood Hazard
5.0216	Residential Construction
5.0217	Non-Residential Construction
5.0218	Openings in Enclosures below the Lowest Floor
5.0219	Below Grade Residential Crawlspace Construction
5.0220	Manufactured Homes
5.0221	Recreational Vehicles
5.0222	Floodways
5.0223	Standards for Areas of Shallow Flooding (AO/AH Zones)
5.0224	Alteration or Relocation of Watercourse
5.0225	Variance Procedure

5.0201: STATUTORY AUTHORIZATION

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

The legislature of the State of South Dakota has, in SDCL §9-29-1, 9-32, 9-36 and 7-18-14, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, on January 16, 2009, the effective date of most recent revisions to this ordinance, the City of Watertown, South Dakota does ordain as follows: (E-582-1)

5.0202: FINDINGS OF FACT

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

1. The flood hazard areas of Watertown are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from damage also contribute to the flood loss. (E-582-1)

5.0203: STATEMENT OF PURPOSE

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

It is the purpose of this ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditures of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;

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5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. To restrict or prohibit uses and activities which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights, velocities, and erosion and sedimentation potential;
7. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
8. To ensure that potential buyers are notified that property is in an area of special flood hazard;
9. To ensure that those who occupy the areas of special flood hazards assume responsibility for their actions (E-582-l); and
10. To ensure that eligibility is maintained for property owners in the City to purchase flood insurance.

5.0204: METHODS OF REDUCING FLOOD LOSSES

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

In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (E-582-l)

5.0205: RESERVED

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

5.0206: GENERAL PROVISIONS

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

1. **Lands to Which this Ordinance Applies.** This ordinance shall apply to all special flood hazard areas of the Big Sioux River, Roby Creek, Willow Creek, Lake Kampeska, and Lake Pelican, including adjacent hydraulically connected areas, that are subject to the jurisdiction of the City (Community Number 460016).
2. **Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard are identified by the Federal Emergency Management Agency in Flood Insurance Study Number 46029CV000A, a scientific and engineering report entitled "Flood Insurance Study, Codington County, South Dakota and Incorporated Areas," dated January 16, 2009, with an accompanying FIRM. The identified areas of special flood hazard within the City are found on the FIRM map numbers and panel numbers listed herein:

Map Number	Panel Number
46029C0295D	295 of 500
46029C0305D	305 of 500
46029C0310D	310 of 500
46029C0315D	315 of 500
46029C0317D	317 of 500
46029C0319D	319 of 500
46029C0320D	320 of 500
46029C0336D	336 of 500
46029C0338D	338 of 500
46029C0340D	340 of 500
46029C0345D	345 of 500
46029C0455D	455 of 500

Flood Insurance Study Number 46029CV000A, along with the accompanying FIRM, is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and FIRM are on file at [the City Hall, 23 Second Street NE, offices of](#) Watertown, SD.

The areas of special flood hazard for Willow Creek are based on a scientific and engineering report prepared by the City of Watertown entitled Willow Creek Floodplain Study. The Willow Creek Floodplain Study dated September 2004 is hereby adopted by reference and declared to be a part of this ordinance. The Willow Creek Floodplain Study is on file at [the City Hall, 23 Second Street NE, offices of](#) Watertown, SD.

3. **Compliance.** No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance or other applicable regulations.
4. **Abrogation and Greater Restrictions.** This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
5. **Interpretation.** In the interpretation and application of this ordinance, all provisions shall be:
 - a. Considered as minimum requirements;
 - b. Deemed neither to limit nor repeal any other powers granted under state statutes.
6. **Warning and Disclaimer of Liability.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City, any officer or employee thereof, or the FEMA for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder. (E-582-1)

5.0207: FLOODPLAIN DEVELOPMENT PERMIT REQUIRED

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

A floodplain development permit shall be obtained before construction or development begins within any area of special flood hazard established in [Section 5.0206\(2\)](#). A property receiving, or having received, a Letter of Map Revision (LOMR) based on fill must also obtain a floodplain development permit. Application for a development permit shall be made on forms furnished by the Administrative Official [established in Section 5.0208](#) and ~~may~~ include, but not limited to:

1. Plans in duplicate drawn to scale and referenced to the city's vertical and horizontal datum's showing the nature, location, dimensions and elevations of the area in question; elevation in relation to mean sea level of the lowest floor (including basement [or crawlspace](#)) of improvements including existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing in relation to the channel, floodway, and areas of special and moderate flood hazard.
2. For all new or substantially improved flood-proofed non-residential structures:
 - a. Elevation in relation to mean sea level to which any structure has been flood-proofed;
 - b. Certification by a registered professional engineer that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria in [Section 5.0217](#).
3. For proposed development activities that involve the alteration or relocation of the Big Sioux River, Roby Creek or Willow Creek watercourse, or activities proposed for development in the floodway, the applicant is required to submit with the floodplain development permit application sufficient information to document the effect of the development on base flood elevation, floodway, areas of special and moderate flood hazard, flow velocity, stream stability and water quality at any location within any of the watercourse reaches included and covered by the Flood Insurance Rate Map and Flood Insurance Study report, including but not limited to:
 - a. Topographic map of the area in question referenced to the city's vertical and horizontal datum's indicating existing contours and the proposed final grade. The contour interval shall be sufficient to determine the character and topography of the area in question, but in no case shall the intervals be more than one (1) foot for land with a slope of one percent (1%) or less, two (2) feet for a slope greater than one percent (1%) up to ten percent (10%), and five (5) feet for land with a slope exceeding ten percent (10%).

- b. A description and plan of the proposed development, alteration, or relocation including:
 - (1) layout and details of proposed modifications
 - (2) measures to preserve the environment, natural features, special community assets, habitat, vegetation and other natural protective barriers
 - (3) an erosion and sediment control plan for construction
 - (4) long term post-development erosion and sediment control plan
 - (5) channel and stream bank stability requirements
 - (6) recommended long-term channel and stream bank maintenance requirements
 - c. A comparison of existing and proposed base flood elevations and flow velocities complete with computer modeling input and output data.
 - d. A comparison of the existing and proposed channel capacity, meander geometry and cross section geometry in the area of question complete with geomorphic and stable channel analysis calculations, results, conclusions, and recommendations.
 - e. Land use of adjacent properties.
 - f. Photographs of the area.
4. Where base flood elevations are utilized, all new construction, substantial improvements and other development must comply with requirements of [Section 5.0209\(2\)](#) and Sections [5.0211](#) through [5.0224](#).

5.0208: DESIGNATION OF THE ADMINISTRATIVE OFFICIAL

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

The City Engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

5.0209: DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATIVE OFFICIAL

Duties of the Administrative Official shall include, but not be limited to:

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

1. Permit Review

- a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of [Section 5.0222](#) are met.

2. Use of other Base Flood Data

When base flood elevation data has not been provided in accordance with [Section 5.0206\(2\)](#) ~~BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD~~, the Administrative Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state, county, municipal or other source approved by the City Engineer and require that all new construction, substantial improvements or other development in are administered in accordance with [Section 5.0209\(3\)](#) ~~“Information to be Obtained and Maintained”~~ and [Sections 5.0211](#) through [5.0224](#).

3. Information to be Obtained and Maintained

- a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement or crawlspace) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b. For all new or substantially improved flood-proofed structures:
 - (1) Verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed.
 - (2) Maintain the flood-proofing certifications required in [Sections 5.0207\(2\)](#).
- c. Maintain for public inspection all records pertaining to the provisions of this ordinance.

4. Alteration of Watercourses

- a. Ensure that the applicant for a floodplain development permit:
 - (1) Obtains a Conditional Letter of Map Revision from the Federal Emergency Management Agency;

- (2) Notifies adjacent landowners and communities, the Codington County Drainage Board, United States Army Corps of Engineers regulatory office, South Dakota Division of Emergency Management, and South Dakota Department of Environment and Natural Resources prior to any alteration or relocation of a watercourse; and
 - (3) Submits evidence of such notification to the Federal Emergency Management Agency.
- b. Ensure that the provisions of [Section 5.0224](#) of this ordinance are met.
 - c. As a condition of the floodplain development permit, require the applicant to provide written assurance of the applicant's responsibility for costs associated with updating the Flood Insurance Rate Map and Flood Insurance Study report to reflect the applicant's alteration or relocation of said watercourse.

5. Interpretation of FIRM Boundaries

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in [Section 5.0225](#). (E-582-l)

5.0210: DEVELOPMENT ADVERSELY AFFECTING BIG SIOUX RIVER, ROBY CREEK OR WILLOW CREEK PROHIBITED ([back to Chapter contents](#))

No development or obstruction shall be constructed which will adversely affect the conveyance capacity and stability of the Big Sioux River, Roby Creek or Willow Creek channel, floodway, or base flood conveyance corridor, or that is dangerous to health, safety, and property due to water or erosion hazards.

5.0211: STORAGE OF MATERIALS AND EQUIPMENT ([back to Chapter contents](#))

Storage of materials and equipment that are flammable, explosive, or otherwise injurious to life is prohibited unless the storage facility is elevated to one foot above the base flood elevation.

5.0212: ANCHORING ([back to Chapter contents](#))

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:
 - a. Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;
 - b. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
 - c. All components of the anchoring system shall be capable of carrying a force of forty-eight hundred (4,800) pounds; and
 - d. Any additions to the manufactured home are similarly anchored.

5.0213: CONSTRUCTION MATERIALS AND METHODS ([back to Chapter contents](#))

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are ~~designated and/or~~ located a minimum of 1 foot above base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.0214: UTILITIES ([back to Chapter contents](#))

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1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.0215: SUBDIVISION PROPOSALS IN AREAS OF SPECIAL FLOOD HAZARD ([back to Chapter contents](#))

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for all subdivision proposals and other proposed developments.

5.0216: RESIDENTIAL CONSTRUCTION ([back to Chapter contents](#))

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, machinery, or equipment, elevated to a minimum of one (1) foot above the base flood elevation. This requirement includes machinery and equipment placed within attached garages and/or within enclosures below elevated buildings, with the exception of utility meters and equipment specifically designated to withstand inundation according to the standards of the International Residential Codes and NFIP [Technical Bulletins 1, 2, and 7](#). Properties that have received a LOMR based on fill must still have the lowest floor, including machinery and equipment, elevated to or above one (1) foot above the base flood elevation.

Source: (Ord 18-23; Rev 12-14-2018) (Ord 21-47; Rev 2-11-2022)

5.0217: NON-RESIDENTIAL CONSTRUCTION ([back to Chapter contents](#))

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, machinery, or equipment, elevated to a minimum of one (1) foot above the base flood elevation or ~~together with attendant utility and sanitary facilities shall be floodproofed:~~

1. Dry Floodproofing. No permit or variance shall be issued for a nonresidential structure designed to be watertight below the base flood elevation until the applicant submits a plan certified by a professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submit a FEMA floodproofing certificate. These measures shall be designed, as appropriate to:
 - a. Together with attendant utility and sanitary facilities, be designed so that below one (1) foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water. Be flood-proofed so that below one (1) foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions ~~of this paragraph. Such certifications shall be provided to the official as set forth in~~ this section, NFIP Technical Bulletin 3 Requirements for the Design and Certification of Dry Floodproofing Non-Residential and Mixed-Use Buildings, and Sections 5.0209(3)(b) and 5.0207(2) of this ordinance.
 - d. ~~Flood-proofing safeguards shall be designed consistent with the flood protection elevation, flood velocities, event duration, rate of water surface rise, hydrostatic and hydrodynamic forces, and other factors associated with the base flood. The following are examples of flood-proofing safeguards that may be required as a condition of granting a variance to this ordinance:~~
 - e. ~~anchorage to resist flotation and lateral movement;~~
 - f. ~~reinforcement of walls and other building components to resist rupture or collapse due to water pressures or floating debris;~~

- ~~g. addition of mass or weight to resist flotation;~~
- ~~h. pumping facilities or comparable practices for subsurface drainage systems to relieve external foundation wall and basement flood pressures;~~
- ~~i. installation of isolation and backflow prevention valves or controls on sanitary sewer and storm drains;~~
- ~~j. storage of hazardous materials in facilities flood-proofed or elevated to one foot or more above the base flood elevation;~~
- ~~k. requirements set forth in Section 5.0213 “Construction Materials and Methods” and Section 5.0214 “Utilities”.~~
- 2. Wet floodproofing. New construction and substantial improvements of any commercial, industrial, or other non-residential structures including but not limited to detached garages or sheds less than or equal to 600 square feet, agricultural buildings, and storage buildings may be allowed to be wet floodproofed provided that:
 - a. The structure is strictly a non-residential structure used for building access, parking or storage only.
 - b. The structure is one-story and less than or equal to 600 square feet.
 - c. The structure shall have low damage potential in regards to physical damage, contents damage and loss of function.
 - d. Designed to allow for the automatic entry and exit of flood waters through the use of openings.
 - e. Be constructed of flood resistant materials.
 - f. Be properly anchored to resist flotation, collapse, and lateral movement;
 - g. Mechanical and utility equipment must be elevated or floodproofed one (1) foot above BFE.
 - h. Must comply with the floodway encroachment provisions of the NFIP and this ordinance.
 - i. Designed and built to adhere to FEMA Technical Bulletins 1, 2, and 7.
- 3. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the dry or wet floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this ordinance; the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction of this ordinance.
- 4. Wet floodproofing Nonconversion Agreement. Permit applications that utilize wet floodproofing as a method for non-residential construction shall sign a Nonconversion Agreement prior to permit issuance.
 - a. Acknowledges the risk associated with this building practice.
 - b. Acknowledges the use of the area that was wet floodproofed will be used solely on nonresidential accessory or appurtenant structure with low damage potential whose usage is only for building access, parking or storage.
 - c. Allows for community, state and/or federal officials to conduct periodic inspections to ensure compliance.
- ~~2.5.~~ Properties that have received a Letter of Map Revision Based On Fill must still have the lowest floor elevated, or be flood-proofed, to or above one (1) foot above the base flood elevation.

Source: (99-7) (Ord 18-23; Rev 12-14-2018) (Ord 21-47; Rev 2-11-2022)

5.0218: OPENING IN ENCLOSURES BELOW THE LOWEST FLOOR

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

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

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1. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
2. The bottom of all openings shall be no higher than one (1) foot above grade;
3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

5.0219: BELOW GRADE RESIDENTIAL CRAWL-SPACE CONSTRUCTION ([\(back to Chapter contents\)](#))

New construction and substantial improvement of any below grade crawlspace shall:

1. Have the interior grade elevation, that is below base flood elevation, no lower than two (2) feet below the lowest adjacent grade;
2. Have the height of the below grade crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall, not exceed four (4) feet at any point;
3. Have an adequate drainage system that allows floodwaters to drain from the interior area of the crawlspace following a flood;
4. Meet the provisions of [Section 5.0212, “Anchoring”](#); [Section 5.0213, “Construction Materials and Methods”](#); and [Section 5.0218, “Openings in Enclosures Below the Lowest Floor”](#).

5.0220: MANUFACTURED HOMES ([\(back to Chapter contents\)](#))

~~Manufactured homes shall be a~~[Anchored](#) in accordance with [Section 5.0212\(2\) shall be implemented on:-](#)

1. All manufactured homes that are placed or substantially improved within Zones AI-30, AH and AE on sites:
 - a. Outside of a manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to an existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor, including basement, machinery, or equipment, of the manufactured home is elevated to or above one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.
2. All manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions within zones AI-30, AH and AE that are not subject to the provisions of the previous paragraph shall be elevated so that either:
 - a. The lowest floor, including basement, machinery, or equipment, of the manufactured home is at or above one (1) foot above the base flood elevation; or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty six (36) inches in height above grade and is securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.

Source: (E-592-2) (99-7) (Ord 21-47; Rev 2-11-2022)

5.0221: RECREATIONAL VEHICLES ([\(back to Chapter contents\)](#))

Recreational vehicles must satisfy the same floodplain development requirements as those applied to manufactured homes unless the vehicle is placed on the same site within a special flood hazard area for less than one hundred eighty (180) consecutive days and is fully licensed and ready for highway use.

5.0222: FLOODWAYS ([\(back to Chapter contents\)](#))

Located within areas of special flood hazard established in [Section 5.0206\(2\)](#) is an area designated as the floodway. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential. The placement of buildings, structures and other flood barriers, as well as the accumulation of flood debris, in the floodway will increase water and erosion hazards due to increased flood heights and flow velocities. Therefore, the following provisions apply to the floodway:

1. Appropriate land uses include those compatible with open space, recreation, wildlife habitat, or wetlands

management practices, all without structures or other obstructions that may tend to impede the flow of water. In general, such uses may include, but not necessarily be limited to, parks for outdoor recreational activities such as golf courses, tennis courts without fences, driving ranges, archery ranges, picnic grounds, wildlife and nature preserves, fishing areas, pedestrian and horseback riding trails, plant nurseries, gardens, lawn areas, and other uses of similar nature.

2. Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless:
 - a. The applicant of the floodplain development permit provides written certification and documentation, prepared by a professional engineer licensed in South Dakota and qualified in the fields of hydrology and hydraulics, demonstrating that the proposed encroachment and development in the floodway:
 - (1) Will not result in any increase in flood levels during the occurrence of the base flood at any location within any of the watercourse reaches included and covered by the Flood Insurance Rate Map and Flood Insurance Study report; and
 - (2) Will not result in the relocation of the floodway boundary as indicated in the Flood Insurance Rate Map. Proposed development in the floodway that requires or results in relocation of the floodway boundary shall be considered as an alteration or relocation of the watercourse subject also to the provisions of Sections [5.0209\(4\)](#) and [5.0224](#). (Clerical Edit per § 22.0106, 11-7-16)
 - b. The applicant of the floodplain development permit provides written certification and documentation, prepared by a professional engineer licensed in South Dakota and knowledgeable of the natural geometric tendencies and stability requirements of rivers and streams, demonstrating that the proposed encroachment and development in the floodway will not result in increased erosion and sedimentation potential at any location within any of the watercourse reaches included and covered by the Flood Insurance Rate Map and Flood Insurance Study report; and
 - c. The applicant of the floodplain development permit enters into a maintenance agreement with the City providing for the applicant's responsibility to perform maintenance activities in the floodway located on the applicant's property as may be necessary to ensure conveyance capability and channel stability throughout any of the watercourse reaches included and covered by the Flood Insurance Rate Map and Flood Insurance Study report. The applicant shall file the maintenance agreement with the parcel or parcels of land in question at the office of the Codington County Register of Deeds as a covenant that runs with the land pursuant to state statute.
3. In addition to satisfying the requirements of [Sections 5.0222\(1\)](#) and [5.0222\(2\)](#), all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of [Sections 5.0211](#) through [5.0221](#).
4. New construction and substantial improvements in the floodway shall not be for permanent residential use.
5. Pipeline watercourse crossings shall be buried in the streambed and banks, or otherwise sufficiently protected, to prevent damage due to flood flows, associated floating debris, and channel degradation and meandering.
6. Owners of property located in the floodway are responsible for the perpetual maintenance of the channel and adjacent floodplain areas of the floodway to ensure that the flood carrying capacity of the subject watercourse is not diminished over time. The floodway shall be maintained in its natural condition and in accordance with a floodplain development permit issued by the Administrative Official.
7. In lieu of the maintenance responsibilities set forth in [Sections 5.0222\(2\)\(c\)](#) and [5.0222\(6\)](#) above, the owner(s) of floodway property may, at the time of annexation or master planning, but prior to any development, dedicate those areas designated as floodway to the City, under the jurisdiction of the Parks, Recreation and Forestry Board, for use as public parks. Floodway property dedicated under this ordinance provision may be used to partially fulfill the park dedication requirements of [Section 14.0120](#) at the discretion and direction of the Parks, Recreation and Forestry Board.

5.0223: STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

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Located within the areas of special flood hazard established in [Section 5.0206\(2\)](#) are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of **residential** structures have the lowest floor (including basement, machinery, or equipment) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).
2. All new construction and substantial improvements of **non-residential** structures;
 - a. Have the lowest floor (including basement, machinery, or equipment) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section, as proposed in [Section 5.0207](#), are satisfied.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

Source: (Ord 21-47; Rev 2-11-2022)

5.0224: ALTERATION OR RELOCATION OF WATERCOURSE

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Every effort shall be made to avoid alteration or relocation of any watercourse included and covered by the Flood Insurance Rate Map and Flood Insurance Study report. In the case in which alteration or relocation is unavoidable:

1. Structural modifications and channel alterations shall be kept to a minimum.
2. The watercourse alteration or relocation shall not decrease the conveyance capability or increase the base flood elevation at any location in the watercourse reaches included in and covered by the Flood Insurance Rate Map and Flood Insurance Study report.
3. The watercourse alteration or relocation shall not result in flow velocities that are hazardous to the public's health, safety, and property, or that cause an increase in erosion and sedimentation potential at any location in the watercourse reaches included in and covered by the Flood Insurance Rate Map and Flood Insurance Study report for flows of varying return frequency.
4. Based on a geomorphic and stable channel analysis performed by the applicant's professional engineer, the watercourse alteration or relocation shall be designed and constructed such that the channel remains stable either through manmade stabilization techniques and materials or the use of artificial, correctly-sized meander and riffle-pool geometry.
5. The applicant of the floodplain development permit shall obtain a CLOMR from the FEMA Region 8 Mitigation Division Director prior to the issuance of the permit by the [Community Development Manager Building Official](#).
 - a. The Administrative Official shall submit the request for the CLOMR to FEMA.
 - b. The applicant of the floodplain development permit shall be financially responsible for fees associated with the CLOMR request.
 - c. The applicant of the floodplain development permit shall provide to the Administrative Official the technical data in support of the CLOMR request including without limitation detailed hydrologic and hydraulic analyses and other pertinent project information as may be indicated in [Section 5.0207](#).
6. The applicant of the floodplain development permit involving the alteration or relocation of a watercourse shall provide written assurance:
 - a. That perpetual maintenance will be provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished over time. The applicant shall file the written assurance with the parcel or parcels of land in question at the office of the Codington County Register of Deeds as a covenant that runs with the land pursuant to state statute.
 - b. That the applicant is financially responsible for costs associated with updating the FIRM and Flood Insurance Study report to reflect the applicant's alteration or relocation of the subject watercourse.
7. The applicant's professional engineer, licensed in South Dakota, qualified in the fields of hydrology and hydraulics, and knowledgeable of the natural geometric tendencies and stability requirements of rivers and

streams, shall provide written certification that the provisions of [Section 5.0223](#) have been satisfied. (Ord 07-21; Rev 09-14-07)

5.0225: VARIANCE PROCEDURE

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1. The Board of Adjustment, as established by the City, shall hear and decide appeals and request for variances from the requirements of this ordinance.
2. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Administrative Official in the enforcement or administration of this ordinance.
3. Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decisions to the Third Judicial Circuit Court, as provided in South Dakota State Statute.
4. When necessary, the Administrative Official may procure the services of a registered professional engineer for assistance in evaluating the scientific and engineering data, other technical data, and other relevant information.
5. In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance;
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 - d. The importance of the services provided by the facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with the existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
6. Upon consideration of the factors of [Section 5.0225\(5\)](#) and the purpose of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
7. The Administrative Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.
8. Conditions for variances:
 - a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level providing items (a-k) in [Section 5.0225\(5\)](#) have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justifications required for issuing the variance increases.
 - b. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
 - c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - e. Variances shall only be issued upon:

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- (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in unnecessary hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in [Section 5.0225\(5\)](#) or conflict with existing local laws or ordinances.
- f. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation. (E-582-1) (Clerical Edit per § 22.0106, 10-13-16)

Chapter 5.03
GENERAL REGULATIONS

Section

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5.0301: BUILDING CODES ADOPTED WITH MODIFICATIONS

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1. Building Permits and Application Required. See Title 21, Chapter 2, and [Sections 21.0205](#) and [21.0206](#).
2. There is hereby adopted by the City Council for the purpose of establishing rules and regulations governing building, that certain building code known as the **International Residential Code 2018 Edition**, Chapters 1-23 and 43, and Appendices H and J, subject to the following modifications (Ord 18-27; Rev 12-28-18):
 - a. **Section R101.1 Title.** Change [NAME OF JURISDICTION] to City Of Watertown.
 - b. **Section R103 DEPARTMENT OF BUILDING SAFETY** is hereby deleted in its entirety.
 - c. **Section R105.2 Work exempt from permit.** Delete items 1, 2, 7, and 10 under “**Building:**” and replace with the following (Ord 18-27; Rev 12-28-18):
 1. Replacement of siding, gutters, downspouts, storm windows, storm doors, or similar type roofing materials.
 2. (Reserved)
 7. Seasonal above ground prefabricated swimming pools. (Ord 18-27; Rev 12-28-18)
 10. (Reserved)
 - d. **Section R105.5 Expiration.** Modify the maximum incremental time period the Building Official may grant written extensions of permit expiration date from one hundred eighty (180) days to one (1) year.”
 - e. **Section R106.3.1 Approval of construction documents** is hereby amended to read as follows: Upon the Building Official’s completed review of construction documents, a permit shall be issued. One set of construction documents so reviewed shall be retained by the Building Official. **Section R106.3.2 Previous approvals** is hereby amended by revising the section title to **Section R106.3.2 Previous reviews**.
 - f. **Section R106.3.3 Phased approval** is hereby amended by revising the section title to **Section R106.3.3 Phased review**.
 - g. **Section R106.3 Examination of documents** is hereby amended by adding the following: **R106.3.4 Applicant’s responsibility for compliance.** Neither examination nor review of construction and/or construction documents by the Building Official, nor the issuance of a building permit by the Building Official, shall relieve the permit applicant of the responsibility and duty to comply with this code and any other applicable local, state and federal rules, regulations, and ordinances.
 - h. **Section R106.4 Amended construction documents** is hereby amended to read as follows: Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the reviewed construction documents shall be resubmitted for review as an amended set of construction documents.

- i. **Section R106.5 Retention of construction documents** is hereby amended to read as follows: One set of reviewed construction documents shall be retained by the Building Official for a period of not less than one hundred eighty (180) days from the date of completions of the permitted work, or as required by state or local laws.
- j. **Section R107 Temporary Structures and Uses** is hereby deleted in its entirety.
- k. **Section R108.3 Building Permit Valuations** is hereby amended to read as follows: The determination of value or valuation under any of the provisions of this code shall be made by the Building Official in accordance with valuation schedules established by the applicable governing body. Building permit valuation shall represent the total value of the work for which a permit is being issued including material costs and labor for electrical, gas, mechanical, plumbing and other permanent systems, as well as interior and exterior finish work, painting, roofing, elevators, and fire extinguishing equipment.
- l. **Section R108.6 Investigation fees for work without a permit** is hereby amended by adding the following: Whenever any work for which a permit is required by this code has been commenced prior to the issuance of said permit, the Building Official shall conduct an investigation before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the greater of a minimum fee amount established by resolution of the governing body or the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
- m. **Section R109.0 General** is hereby amended by adding the following: All construction or work for which a permit is required shall be subject to inspection by the Building Official. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes until approved by the Building Official. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Approval of the construction or work as a result of an inspection shall not be construed to be an approval of a violation of any local, state, or federal rules, regulations, ordinances, or codes.

Buildings or structures built without one or more of the inspections required by Section R109 of this Code, or others as deemed necessary by the Building Official, may be classed as an unsafe building or structure and action taken as specified by *Section 108 Unsafe Structures and Equipment* of the currently adopted *International Property Maintenance Code*. (Ord 18-27; Rev 12-28-18)

Buildings or structures wired, plumbed, provided with mechanical equipment, vents, connectors, chimneys, or other similar appurtenances without required inspections, as specified by the currently adopted Electrical Code, as amended; the currently adopted Plumbing Code, as amended; and the currently adopted Mechanical Code, as amended; may be classed as an unsafe building or structure and action taken as specified by Section 108 *Unsafe Structures and Equipment* of the currently adopted *International Property Maintenance Code*. (Ord 18-27; Rev 12-28-18)

A person shall not occupy as owner-occupant, or permit another person to occupy, any structure or premise which does not comply with the requirements of this code.
- n. **Section R110 CERTIFICATE OF OCCUPANCY** is hereby deleted in its entirety.
- o. **Section R112 BOARD OF APPEALS** is hereby amended such that all references to Board of Appeals shall mean Board of Adjustment.
- p. **Section R112.1 General** is hereby amended to read as follows: The Board of Adjustment shall hear and decide appeals of orders, decisions and determinations made by the Building Official relative to the application and interpretation of this code.
- q. **Section R112.3 Qualifications** is hereby deleted in its entirety.
- r. **Table R301.2(1) Climatic and geographic design criteria** is hereby amended by inserting applicable information into the table as follows: Ground Snow Load – 50 psf; Wind speed – 90 mph; Seismic Design Category – A; Weathering – Severe; Frost line depth – 48” to bottom of footing; Termite – Slight to moderate; Decay – None to slight; Winter Design Temp – 17; Ice Shield Underlayment Required – Yes; Flood Hazards – 7-4-89; Air Freezing Index -3033; Mean Annual Temperature – 42.1. (Ord 18-27; Rev 12-28-18)
- s. **Section R302.5.1 Opening protection.** Delete “equipped with a self-closing or automatic-closing device.”
- t. **Section R302.13 Fire protection of floors.** Not adopted by City. (Ord 18-27; Add 12-28-18)
- u. **Section R303.4 Mechanical ventilation.** Not adopted by City.

- v. **Section R303.5.1 Intake openings.** Add “**Exception:** For equipment replacement on existing structures, gravity outdoor intake openings for combustion air shall be located a minimum of 3 feet from any hazardous or noxious contaminant.” (Ord 18-27; Rev 12-28-18)
- w. **Section R304 MINIMUM ROOM AREAS.** Change “**Exception**” to “**Exceptions**” Change “Kitchen” to “1. Kitchen” Add “2. Studio apartments/single family dwelling shall have a floor area of not less than 160 square feet.” (Ord 18-27; Add 12-28-18)
- x. **Section R309.5 Fire sprinkler.** Delete private garages.
- y. **Section R310.2.1 Minimum opening area.** Change “5.7 square feet” to “4.6 square feet” (Ord 18-27; Rev 12-28-18)
- z. **Section R310.2.1 Exception.** Change “5.0 square feet” to “4.6 square feet”
- aa. **Section R310.2.2 Window sill height.** Change “44 inches” to “48 inches” (Ord 18-27; Rev 12-28-18)
- bb. **Section R310.2.3.1 Ladder and steps.** Change “44 inches” to “48 inches” (Ord 18-27; Rev 12-28-18)
- cc. **Section R311 MEANS OF EGRESS.** Change all “7 ¾ inches” riser height to “8 inches”
- dd. **Section R311.7.5.1 Risers. Exceptions: 1.** Add “and exterior decks” (Ord 18-27; Rev 12-28-18)
- ee. **Section R311.7.8.5 Grip size.** Add “**Exception:** Exterior stairs are allowed to have a horizontal 2x member to form a 1 ½ inch graspable dimension in lieu of the above-referenced perimeter dimensions.”
- ff. **Section R312.1.3 Opening limitations.** Change “4 inches” to “5 inches”
- gg. **Section R312.1.3 Exceptions: 2.** Change “4 3/8 inches” to “5 inches”
- hh. **Section R313 Automatic fire sprinkler systems.** Not required by state, follow code when installed.
- ii. **Section R315.2.2 Alterations, repairs and additions.** Not adopted by City. (Ord 18-27; Rev 12-28-18)
- jj. **Section R326 SWIMMING POOLS, SPAS AND HOT TUBS.** Not adopted by City. (Ord 18-27; Rev 12-28-18)
- kk. **Section R403.1.4.1 Frost protection. 1.** Add “or 48 inches whichever is greater.”
- ll. **Section R403.1.4.1 Exceptions: 1.** Change “600 square feet” to “1300 square feet.” **Exceptions: 2.** Change “400 square feet” to “1300 square feet” and “an eave height of 10 feet to 12 feet. **Exceptions: 3.** Amend to read “Decks not supported by a dwelling or are 30 inches or less above grade need not be provided with footings that extend below the frost line.” (Ord 18-27; Rev 12-28-18)
- mm. **Section R404.4 Retaining walls.** Change “24 inches” to “48 inches”
- nn. **Section R602.12 Simplified wall bracing. 3.** Change “10 feet” to “12 feet” **4.** Change “15 feet to 20 feet”
- oo. **Section R905.1.2 Ice Barrier.** Amend “24 inches (610 mm) inside the exterior wall line of the building” to “36 inches” (Ord 18-27; Rev 12-28-18)
- pp. **Section 1102.2.9 Basement walls.** Add “**Exception:** Exterior basement walls of enclosed mechanical rooms.” (Ord 18-27; Rev 12-28-18)
- qq. **Section N1102.4.1.2 (R402.4.1.2) Testing.** Not adopted by City
- rr. **Section N1103.3.2 (R403.2.2) Sealing (Mandatory).** Not adopted by City. Duct tightness shall be verified by either of the following: 1. Post-construction test, 2. Rough-in test. (Ord 18-27; Rev 12-28-18)
- ss. **Section N1103.3.2.1 (R403.2.2.1) Sealed air handler.** Not adopted by City (Ord 18-27; Rev 12-28-18)
- tt. **Section N1103.2.3 (R403.2.3) Building cavities (Mandatory).** Add “**Exception:** Stud spaces for floor joist cavities may be used for return air plenums.”
- uu. **Section N1103.3.3 Duct Testing.** Not adopted by City (Ord 18-27; Add 12-28-18)
- vv. **Section N1103.3.4 Duct Leakage.** Not adopted by City (Ord 18-27; Add 12-28-18)
- ww. **Section N1103.5 (R403.4) Service hot water systems.** Energy conservation measures for service hot water systems shall be in accordance with the *Plumbing Code*. (Ord 18-27; Rev 12-28-18)
- xx. **Section N1104 (R404) ELECTRICAL POWER AND LIGHTING SYSTEMS (MANDATORY).** Not adopted by City

- yy. **Section M1301.1 Scope** is hereby amended to read as follows: The provisions of this chapter shall govern the installation of mechanical systems not specifically covered in other chapters of this code or by other provisions of the City's Revised Ordinances applicable to mechanical systems. Installations of mechanical appliances, equipment and systems not addressed by this code shall comply with the applicable provisions of the *International Mechanical Code* and the current *National Fuel Gas Code* adopted by the City. ([back to Chapter contents](#))
3. There is hereby adopted by the City Council, for the purpose of establishing rules and regulations governing building, that certain building code known as the **International Building Code 2018 Edition**, Chapters 1-26, 30-35, and Appendices C and I, is subject to the following modifications (Ord 18-27; Rev 12-28-18):
- a. **Section [A]101.1 Title.** Change [NAME OF JURISDICTION] to CityOf Watertown.
 - b. **Section [A]101.4.1 Gas** is hereby amended by replacing "*the International Fuel Gas Code*" with "*the most current edition of codes adopted by the City governing the installation and approval of gas burning equipment as set forth in Title 20 of the City's Revised Ordinances.*"
 - c. **Section [A]101.4.3 Plumbing** is hereby amended by replacing "*the International Plumbing Code*" with "*the current plumbing code adopted by the South Dakota State Plumbing Commission along with local revisions set forth in Title 15 of the City's Revised Ordinances.*" It is further amended by deleting the sentence: "*The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.*"
 - d. **Section [A]101.4.5 Fire Prevention** is hereby amended by replacing "*the International Fire Code*" with "*the provisions of the current fire prevention code adopted by the City in Title 10 of the City's Revised Ordinances.*"
 - e. **Section [A]101.4.6 Energy** is hereby deleted in its entirety.
 - f. **Section 103 Department of Building Safety** is hereby deleted in its entirety.
 - g. **Section [A]105.2 Work exempt from permit.** Delete items 1, 2, 3, and 4 under "Building:" and replace with the following: 1. Replacement of siding, gutters, downspouts, storm windows, or similar type roofing materials. 2. (Reserved)
 - h. **Section [A] 105.5 Expiration.** Modify the maximum incremental time period the Building Official may grant written extensions of permit expiration date from "*one hundred eighty (180) days*" to "*one (1) year.*" (Ord 09-17; Add 09-11-09)
 - i. **Section 107 SUBMITTAL DOCUMENTS** is hereby amended to read as follows:

[A] 107.2.2 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this code and the construction documents and shall be *reviewed* prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.
 - j. **Section [A] 107.3.1 Review of construction documents.** *The Building Official's review of construction documents shall be indicated by issuance of a permit.* One set of construction documents so reviewed shall be retained by the Building Official.
 - k. **Section [A] 107.3.2 Previous approvals** is hereby amended by revising the section title to **Section [A] 107.3.2 Previous reviews.**
 - l. **Section [A] 107.3.3 Phased approval** is hereby amended by revising the section title to **Section [A] 107.3.3 Phased review.**
 - m. **Section [A] 107.3.4.1 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official within a specified period.

Deferral of any submittal items shall have the prior *review* of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal document have been *reviewed* by the Building Official.
 - n. **Section [A]107.4 Amended construction documents.** Work shall be installed in accordance with the *reviewed* construction documents, and any changes made during construction that are not in compliance with the *reviewed* construction documents shall be resubmitted for *review* as an amended set of construction documents.

- o. **Section [A]107.5 Retention of construction documents.** One set of *reviewed* construction documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.
- p. **Section 107 SUBMITTAL DOCUMENTS** is hereby *further* amended by adding the following:
[A] 107.6 Applicant's responsibility for compliance. Neither examination nor review of construction and/or construction documents by the Building Official, nor the issuance of a building permit by the Building Official, shall relieve the permit applicant of the responsibility and duty to comply with this code and any other applicable local, state and federal rules, regulations, and ordinances.
- q. **Section [A] 108 TEMPORARY STRUCTURES AND USES** is hereby deleted in its entirety.
- r. **Section [A] 109.4 Work commencing before permit issuance** is hereby amended to read as follows:
Section [A] 109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee in addition to the required permit fees. *The investigation fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the greater of a minimum fee amount established by resolution of the governing body or the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.*
- s. **Section [A] 113.1 General** is hereby amended to read as follows: *The Board of Adjustment shall hear and decide appeals of orders, decisions and determinations made by the Building Official relative to the application and interpretation of this code.*
- t. **Section [A] 113.3 Qualifications** is hereby deleted in its entirety.
- u. **Section [F] 903.2.8 Group R.** Add "**Exception:** *Apartments or multifamily occupancies that are four dwelling units or less and two levels or less in height.*" (Ord 18-27; Rev 12-28-18)
- v. **Section 1010.1.7 Thresholds.** Change all "*7 ¾ inches*" to "*8 inches*" (Ord 18-27; Rev 12-28-18)
- x. **Section 1011.5.2 Riser height and tread depth. Exceptions: 5.** Change "*7.75 inches*" to "*8 inches*" (Ord 18-27; Rev 12-28-18)
- y. **Section 1015.4 Opening limitations.** Change "*4 inches in diameter*" to "*5 inches in diameter*" (Ord 18-27; Rev 12-28-18)
- z. **Section 1015.4 Opening limitations. Exceptions: 5.** Change "*4 3/8 inches in diameter*" to "*5 inches in diameter*" (Ord 18-27; Rev 12-28-18)
- aa. **Section 1030.2 Minimum size.** Change "*5.7 square feet.*" to "*4.6 square feet*" (Ord 18-27; Rev 12-28-18)
- bb. **Section 1030.2 Exception.** Change "*5.0 square feet*" to "*4.6 square feet*" (Ord 18-27; Rev 12-28-18)
- cc. **Section 1030.3 Maximum height from floor.** Change "*44 inches*" to "*48 inches*" (Ord 18-27; Rev 12-28-18)
- dd. **Section 1030.4.2 Ladder or steps.** Change "*44 inches*" to "*48 inches*" (Ord 18-27; Rev 12-28-18)
- ee. **Section 1601.1 Scope** is hereby amended as follows: It shall not be the responsibility of the Building Official to determine engineering requirements of this code. Exclusive of conventional light-frame wood construction provisions referenced in Section 2308, the method to resist loads as referenced in this chapter is the responsibility of a structural engineer or other qualified design professional.
- ff. **Section 1612.3 Establishment of flood hazard areas** is hereby amended as follows: To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "*The Flood Insurance Study for the City of Watertown,*" dated *January 16, 2009*, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section. *If there is a conflict between the provisions of this code and the city's floodplain management ordinance, the provisions of the floodplain management ordinance shall prevail.*
- gg. **Section 1703.1 Approved agency** is hereby amended as follows: An approved agency *or the design professional of record* shall provide all information as necessary for the *Building Official* to determine that the agency meets the applicable requirements.
- hh. **Section 1809.5 Frost protection. 1.** Add "*48 inches*" after "*locality.*"
- ii. **Section 1809.5 Exceptions: 2.** Change "*600 square feet and 400 square feet*" to "*1300 square feet*"
Exceptions: 3. Change "*10 feet*" to "*10 feet 2 inches*" (Ord 18-27; Rev 12-28-18)

- jj. **Section [P] 2901.1 Scope.** Amend as follows: The provisions of this chapter and the *Plumbing Code* shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Toilet and bathing rooms shall be constructed in accordance with Section 1210. Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the *Plumbing Code*. Private sewage disposal systems shall conform to the *Plumbing Code*.
- kk. **[P] Table 2902.1 MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES.** Change “75 to 120” under “CLASSIFICATION” column and “ASSEMBLY” row under “WATER CLOSETS” column under “Male” column. Change “40” to “60” under “CLASSIFICATION” column and “ASSEMBLY” row under “WATER CLOSETS” column under “Female” (Ord 18-27; Rev 12-28-18)
- 4. There is hereby adopted by City Council for the purpose of establishing rules and regulations governing building, that certain building code known as the “**International Property Maintenance Code 2018 Edition**” subject to the following modifications (Ord 14-10; Rev 02-21-14) (Ord 18-27; Rev 12-28-18):
 - a. **Section [A] 101.1 Title.** Change [NAME OF JURISDICTION] to CityOf Watertown.
 - b. **Section 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION** is hereby deleted in its entirety.
 - c. **Section [A] 111.2 Membership of board.** Amend to read “The board of appeals shall be the Board of Adjustment.”
 - d. **Section [A] 111.2.1 Alternate members** is hereby deleted in its entirety.
 - e. **Section [A] 111.2.2 Chairman** is hereby deleted in its entirety.
 - f. **Section [A] 111.2.3 Disqualification of member** is hereby deleted in its entirety.
 - g. **Section [A] 111.2.4 Secretary** is hereby deleted in its entirety.
 - h. **Section [A] 111.2.5 Compensation of members** is hereby deleted in its entirety.
 - i. **Section [A] 111.3 Notice of meeting.** Delete “, *within twenty (20) days of the filing of an appeal, or*”
 - j. **Section [A] 111.4.1 Procedure.** Amend to read “*Administrative procedures of the Board of Adjustment per City Ordinance.*”
 - k. **Section [A] 111.6 Board decision** is hereby deleted in its entirety.
 - l. **Section [A] 111.6.1 Records and copies** is hereby deleted in its entirety.
 - m. **Section [A] 111.6.2 Administration** is hereby deleted in its entirety.
 - n. **Section 303 Swimming pools, spas, and hot tubs** is hereby deleted in its entirety.
- 5. There is hereby adopted by City Council for the purpose of establishing rules and regulations governing building, that certain building code known as the “**International Mechanical Code 2018 Edition**”. (Ord 14-01; Rev 02-21-14) (Ord 18-27; Rev 12-28-18)
- 6. There is hereby adopted by City Council for the purpose of establishing rules and regulations governing existing building, that certain building code known as the “**International Existing Building Code 2018 Edition**” subject to the following modifications (Ord 18-27; Add 12-28-18):
 - a. **Section [A] 101.1 Title.** Change [NAME OF JURISDICTION] to CityOf Watertown.
 - b. **Section 103 DEPARTMENT OF BUILDING SAFETY** is hereby deleted in its entirety.
 - c. **Section 106 CONSTRUCTION DOCUMENTS [A] 106** replace all references to “*approved or approval*” with “*review or reviewed*”
 - d. **Section [A] 112.1 General** is hereby amended to read as follows: “*The Board of Adjustment shall hear and decide appeals of orders, decisions and determinations made by the Building Official relative to the application and interpretation of this code.*”
 - e. **Section [A] 112.3 Qualifications** is hereby deleted in its entirety.

5.0302: GRADE ESTABLISHED BEFORE CONSTRUCTION/MOVING OF BUILDINGS TO NEW SITES

No person shall commence the construction of any building within this City nor shall any building be moved to a new location within this City unless and until the grade of said lot shall have been designated or approved by the City Engineer, nor shall any building be constructed on or moved to a lot within this City unless and until curbing shall have been constructed thereupon of a type and on a grade to be approved by the City Engineer; unless a Waiver of Right to Protest is approved and allowed by the City Engineer. (E-42-1) (Ord 02-04; Rev 06-14-02)

5.0303: ~~FILLING OR RAISING GRADING~~ LOTS

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

No lot or part of a lot shall be ~~filled or raised graded~~ in such manner as to interfere with ~~natural~~ drainage from ~~or onto~~ any adjoining lot. ~~Driveways shall be sloped to the roadway, alley, or ditch with cross-slopes onto property. Swales between lots shall be provided to transmit water to the roadway or nearest surface water system. Sediment protections shall be installed prior to start of grading.~~ (Ord 02-04; Rev 06-14-02)

5.0304: OBSTRUCTING STREET

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

No person shall erect, build, set up, maintain or remove any house, store, shop or other building or shall leave, place or deposit any boxes, merchandise, timber, planks, boards, shingles, casks, barrels, hogsheds, lumber, bricks, stone, trucks, carts, wagons, sleds, carriages or any other obstruction upon, over or across any street, alley, sidewalk or public grounds within the limits of this City. Materials, including merchandise, on sidewalks shall be as allowed by [Ordinance 18.0308](#). (262) (E-644)

5.0306: OBSTRUCTING GUTTERS, ETC

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

It shall be unlawful for any person to place, permit to be placed, deposit or keep any lumber, stone, brick, goods, leaves, grass, ashes, dirt, tree limbs or other materials or obstructions of any kind in any public street or alley or the gutter thereof in this City without first obtaining permission of the City Engineer. This section shall not affect the lawful parking of motor vehicles. (C-240)

5.0307: PERMIT TO PLACE BUILDING MATERIAL ON STREET

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

The City Engineer is authorized to grant permission in writing to any person to deposit and keep lumber, stone, brick or other materials for building in any public street, road or alley, adjacent to a building to be erected or repaired, for a space of time not exceeding six (6) consecutive months; but such permission shall not excuse the obstruction or occupancy with such material of more than one half the width of any sidewalk or more than one-half the width of carriage way or any street or road or the placing of such material in such a way as to impede the free flow of water in side gutters; and the City Engineer may require such conditions of the builders in consideration for the use of the street as he may deem advisable and necessary before granting such permit. (266)

5.0308: PLANKING REQUIRED ON PAVEMENT

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

~~On each and every street that is paved such~~A permit to use ~~any paved such~~ street for building materials shall only be granted on the specific condition that before said street is used for the depositing of any such building materials the portion of the street so used shall be planked with planking at least two (2) inches thick, held together with side strips nailed across not less than six (6) feet apart. (267)

5.0309: PILING MATERIAL AGAINST TREES

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

No building material or other material of any description shall be piled up against any ~~street~~ tree ~~within the City right-of-way~~, unless said tree is first sufficiently protected by a proper guard to prevent possible injury, and all instructions issued for that purpose by the secretary of the Park Board must be promptly complied with by the owner. (296)

5.0310: ~~BASEMENT~~ STAIRWAY ON STREET

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

No person shall construct any ~~cellar or basement~~ step or stairway, ~~or any step, area or other appurtenance be it to a higher or lower building level~~, extending into any public street, alley or sidewalk, ~~nor shall any person erect in any public street or road, any flight of stairs leading to a second or any higher story of any building.~~ (272)

5.0311: ~~EAVES PIPES~~ WATER NUISANCE ON SIDEWALKS

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

No person shall place or maintain ~~conduit of on any street~~, any ~~pipe~~ kind leading from the eaves ~~or sump pumps~~ of any building ~~such that the conduit crosses a public sidewalk or in such a position~~ that the water discharged thereby may flow upon or over any public sidewalk. (274)

5.0313: EXCAVATING NEAR STREETS

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

It shall be unlawful for any person, owner or occupant of any lot or parcel of land in this City to make or cause to be made, any excavation on said lot or parcel of land, adjacent to any street, alley, public or traveled path or roadway, except the same be securely guarded so as to prevent the injury to any person or persons or animals passing upon or along said streets, alleys, public grounds or traveled path or roadway. (276)

5.0314: PERMIT TO EXCAVATE

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

No person, firm or corporation shall do any excavation work by machinery on private property where there exist utility service connections running from the main in the street or alley to said private property, and no person, firm or corporation shall hereafter excavate either by machinery or by hand within the boundaries of any public street, alley, sidewalk, bike trail, public grounds, or on ground upon which there exists public utility easements in favor of the City of Watertown or Watertown Municipal Utilities without first obtaining a written signed permit to excavate from the City Engineer or their duly authorized representatives. Excavation shall mean to dig or in any way remove, ~~or~~ physically disturb or penetrate any part of a right-of-way, except potholing by utility companies locating existing utilities within the right-of-way.

1. The City Engineer shall prepare definite directions as to the proper procedures to be followed in doing any excavation work. These written directions shall be followed by any firm, person or corporation doing any excavation work within the area set forth in this ordinance. Said directions shall be printed on the back of each written permit. Failure by any person, firm or corporation to follow said written directions shall constitute a violation of this ordinance.
2. No hard surface which is less than five (5) years old shall be disturbed unless pursuant to a permit to be obtained under the requirements identified in [Section 5.0315](#).
3. All excavation permit fees are due at the time the permit is issued. These fees represent the value of staff time in processing a permit application and are non-refundable.
 - a. All past due fees, fines, and penalties owed by the applicant must be paid before a permit will be issued.
 - b. If a permit violation occurs, no other application will be processed until the fines and penalties have been paid and all permit conditions are met.
4. If work is done without obtaining a permit from the City, the City reserves the right to quadruple the permit fee.
5. In the event of an emergency, the excavator shall notify the City and apply for an excavation-street-cut permit for “emergency work” within four (4) hours after the City office opens. Emergency work shall mean an occurrence which demands immediate action to prevent significant environmental damage or loss of life, health, property, or essential public services.
6. Permit duration shall be indicated on the permit:
 - a. All permits shall include estimated start and completion dates. A permit is valid from the construction start date specified on the approved permit until expiration as determined under subsection seven (7)~~8~~.
 - b. Excavation permits are not valid if other required permits are not obtained or required notifications are not given.
7. Permits expire and become void, unless otherwise amended:
 - a. Sixty (60) days after the start date, if no work has begun.
 - b. If the work is not diligently proceeding and there are delays of more than four (4) working days after the work has started, unless the delays are caused by weather or other circumstances beyond the permittee’s control.
 - c. When the excavation, including the trench restoration, is completed.
 - d. On the date specified on the permit as the expiration date.
8. A valid permit may be extended by requesting an extension prior to the expiration date by specifying the dates that need to be changed and explaining the reason for the extension. The City Engineer reserves the right to deny a request for extension.
9. Backfill shall be compacted to 95% of maximum dry density including the top foot which shall be base course. Density test results must be verified by the Contractor prior to paving and submitted to the City Engineering Division. Existing pavement shall be saw cut in straight lines perpendicular and parallel to the line of travel prior to paving. Within 15 days of cutting a trench, density tests must be submitted, and paving must be completed.

Agenda Item 11.(b) Second Reading of Ordinance No. 25-04, a Revised Ordi...

REVISED ORDINANCES – CITY OF WATERTOWN, SOUTH DAKOTA

10. There shall be a one (1) year warranty on all work completed within the City of Watertown right-of-way.
 - a. Includes any damage adjacent to the excavation boundaries where the cause is determined to be from undermining.
11. The permittee is responsible for immediately making all necessary repairs in accordance with the City of Watertown Engineering Design Standards. If the permittee refuses to immediately perform, or fails to sufficiently perform, the required repairs, the City of Watertown will make the repairs and:
 - a. The permittee will be charged all the actual costs including administration, construction, consultant fees, equipment, inspection, notification, and remediation made necessary by the action or inaction of the permittee.
 - b. The repair or restoration by the City of Watertown does not relieve the permittee from liability for future pavement failures.
 - c. If the permittee fails or refuses to pay the restoration cost, the City may exercise any available legal remedy at law or equity to recover the costs.

Source: (E-150-1) (E-229-1) (E-240-1) (Ord 21-13; Rev 10-1-21)

5.0315 : STREET CUT PROHIBITION; EXCEPTIONS AND WAIVERS

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

1. Unless a waiver is granted under this Section, no permit shall be issued under [Section 5.0314](#) for work which requires cutting or excavating the paved surface of any street, alley, [sidewalk, bike trail](#) or other public place for a period of five (5) years from the completion of construction, resurfacing, or reconstruction of that surface, or for a period of three (3) years from completion of chip sealing, slurry seal coating, or micro paving. Utilities shall plan well enough in advance to determine alternate methods of making necessary repairs to avoid excavating in newly resurfaced streets. This prohibition shall not apply to:
 - a. Emergency repairs that could not have been anticipated or are necessary for the protection of the public's health and safety;
 - b. Work necessary to ensure continued service delivery to an agency's or utility's existing customer;
 - c. Work for new utility services where no other reasonable means of providing service to a building exists; or
 - d. Work that is mandated by City, State, or Federal legislation.
2. Any work that requires cutting or excavating of the paved surface of any street, alley, or other public place within the above five-year or three-year periods requires a waiver from the City Engineer, [and the excavation permit fees double](#).
3. To apply for a waiver, a written application must be submitted to the City Engineer. The application must include, but is not limited to:
 - a. The location of the excavation.
 - b. Description of work to be performed.
 - c. The reason(s) the work was not performed before the street was paved.
 - d. The reason(s) the work cannot be deferred until after the prohibition period.
 - e. The reason(s) the work cannot be performed at another location.
4. Within ten (10) business days of determining an application as technically complete, the City Engineer shall:
 - a. Transmit a copy of the application, or appropriate parts of the application, to each affected government agency and city department for review and comment, including those responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have 15 business days to comment on the application. The agency or city department is presumed to have no comment if comments are not received within this 15-business-day period. The City Engineer shall grant an extension of time only if the application involves unusual circumstances.
 - b. The City Engineer shall provide for public notice of application, if applicable.

5. Project review by the City Engineer and appropriate city staff shall identify specific project design and conditions relating to the character of the development and work with other agencies or utilities to ensure project cooperation.
6. The public notice and inter-agency communication set forth in this Chapter shall include a statement regarding whether the project involves the construction, reconstruction, or resurfacing of any street, alley or other public place and whether a five-year street cut prohibition period, will be in effect.
7. If a waiver is issued to the applicant, the pavement must be restored according to the currently adopted City of Watertown Engineering Design Standards for pavement restoration including, but not limited to, the following:
 - a. A minimum of one (1) foot on both sides of the trench plus one (1) foot on both ends shall be resurfaced.
 - b. If the excavation affects the wheel path within the roadway, the repair shall be full lane width. The entire lane shall be ground down two (2) inches and resurfaced to match existing conditions. For streets that are slurry sealed, chip sealed, or micro surfaced, all lanes that are affected shall be required to match adjacent conditions.
8. If the applicant refuses to immediately perform, or fails to sufficiently perform, the required restoration, the City of Watertown will make the repairs and:
 - a. The applicant will be charged all the actual costs including administration, construction, consultant fees, equipment, inspection, notification, and remediation made necessary by the action or inaction of the permittee.
 - b. The repair or restoration by the City of Watertown does not relieve the applicant from liability for future pavement failures.
 - c. If the applicant fails or refuses to pay the restoration cost, the City may exercise any available legal remedy at law or equity to recover the costs.

Source: (Ord 21-13; Eff 10-1-21)

5.0318: BARRICADES, LIGHTS, ETC.

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

Any person receiving a permit to make excavation in or upon or adjoining any street, alley, [bike trail](#), sidewalk, thoroughfare or public ground shall, during the progress and continuance of the work, erect, keep and maintain about and around the same by day and night, suitable guards and fences, lanterns and signals so as to prevent injury to any person, animals or vehicles on account of any such excavation. (281)

5.0319: EXCAVATION MUST BE REFILLED

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

Every person making such excavation shall, when the same shall be completed, promptly and without delay refill the same in the manner hereinafter provided. In all cases where excavations are made in paved streets or alleys the earth shall be replaced in the manner as hereinbefore provided, and the pavement shall forthwith and without delay be replaced in good workmanlike manner so as to conform to the paved surface of the street, leaving the surface in as good condition in every respect as before the excavation was made. (282)

5.0320: SETTLING AND TAMPING REFILL

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

1. In refilling an excavation that has been authorized as hereinbefore provided, the earth shall be thoroughly and compactly settled, by use of water or by mechanical or pneumatic tamping methods as the refill is placed, provided however, that all refill material shall have sufficient moisture content for solid compaction. If settled by water, the job shall be done to the satisfaction of the City Engineer or his designee, and the top shall be hydratamped and the ditch allowed to settle for a period of one year prior to any street construction.
2. In the event that an excavation is made in frozen ground and the earth is removed in chunks, excavation shall be refilled with compacted sand or gravel, and the frozen excavated material shall be disposed of by the holder of the excavation permit.

3. Regulations covering the methods of compacting refill shall be on file at the City Engineer's Office and such regulations shall be followed on all refilling procedures. Any person who makes an excavation in a city street or alley shall notify the office of the City Engineer, in writing, on forms provided by said office, when refilling and compaction of such excavation has been completed and thereafter the City shall repair any bituminous surfacing required, with the charge for such bituminous surfacing to be paid to the City by the holder of such excavation permit. In the event that any person disturbs, damages, cuts or removes any concrete street, concrete base course, curbs or sidewalk, the same shall be replaced with concrete by such person in accordance with the requirements of the City Engineer and regulations on file in the City Engineer's office. The settling of any refilled excavation, within one (1) year from the date of said notification to the City Engineer, shall be repaired immediately by the holder of said excavation permit upon notification by the City Engineer and in accordance with such repairs as are deemed necessary by the City Engineer. In the event that the holder of such excavation permit fails to make such repairs as directed, within ten (10) days from such notification the City Engineer may then have the City make such repairs and the cost thereof shall immediately be paid to the City by the holder of such excavation permit.
4. The failure of any person to comply with any part of this ordinance shall be deemed sufficient grounds for the City Engineer to deny any subsequent application for excavation permits by such person. (D-483) (E-506)

5.0321: SEDIMENT RUN-OFF

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

No person shall construct any building, service trenches or other type construction in such a manner as to cause sediment run-off into a lake, natural drain or street. Sodding, seeding, rip-rapping or other means shall be used to prevent sediment run-off during construction and after completion. Sediment controls must be implemented in accordance with the “Erosion and Sediment Control Best Management Practices” manual per the City of Watertown Engineering Design Standards. (E-190-1)

Chapter 5.04
PETROLEUM PRODUCTS

Section

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

[5.0401 Permit Required](#)

[5.0402 Storage for Personal Use](#)

[5.0403 Storage for Sale or Commercial Use](#)

5.0401: PERMIT REQUIRED

No person shall keep for sale or in storage for sale or for use within this City, any benzene, camphene, turpentine, coal, rock or earth oils, gasoline, kerosene, naphtha, fuel oil, crude oil or other petroleum products in any part of the incorporated limits of this City where the same is now prohibited by the provisions of Title 21 or in any place where the approval of the Board of Adjustment is required, without first having obtained such approval.

5.0402: STORAGE FOR PERSONAL USE

A quantity of fifty (50) gallons or less of benzene, camphene, turpentine, coal, rock or earth oils, gasoline, kerosene, naphtha, fuel oil, crude oil, lubricating oil or other petroleum products may be kept in any place in this City if the same is kept in a container specifically designed for storage of such material. (C-107)

5.0403: STORAGE FOR SALE OR COMMERCIAL USE

A quantity of benzene, camphene, turpentine, coal, rock or earth oils, gasoline, kerosene, fuel oil, crude oil or other petroleum products may be kept in storage for use or sale in said City if kept in storage containers specifically designed for commercial uses in accordance with adopted ordinances; rules adopted by the South Dakota Department of Environment and Natural Resources; SDCL §34A-2-100; 34A-2-101, as well as all acts amendatory thereto. (Ord 06-23; Rev 12-15-06)

Chapter 5.05
DEFINITIONS

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

For the purpose of this title and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. ~~Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership or corporation as well as an individual; the word "lot" includes the word "plot" or "parcel"; the word "building" includes the word "structure"; the term "shall" is always mandatory and not discretionary; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."~~

Administrative Official: the [Community Development Manager](#) or such other officials as are authorized by the City of Watertown.

Appeal: a request for a review of the Administrative Official's interpretation of any provisions of this ordinance or a request for a variance.

Area of shallow flooding: a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

Base flood: the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): the height of the base flood in feet in relation to the North American Vertical Datum of 1988.

Basement: any area of the building having its floor subgrade (below ground level) on all sides.

City Engineer: the duly appointed Administrative Official of the City of Watertown or designated representative.

Conditional Letter of Map Revision (CLOMR): (See Letter of Map Revision).

Development: any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or any other activity that results in the alteration of natural floodplains, stream channels, and natural protective barriers which help to accommodate the conveyance and temporary storage of flood waters and minimize damages due to erosion.

Existing manufactured home park or subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by Watertown, South Dakota. (E-592-1)

Expansion to existing manufactured home park or subdivision: preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads). (E-592-1)

Federal Emergency Management Agency (FEMA): the federal agency in charge of floodplain management.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Flood-proofing: any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Highest adjacent grade: the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure: any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic reservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Amendment (LOMA) or (CLOMA): an official amendment by letter from FEMA to an effective National Flood Insurance Program map. A LOMA established a property's location in relation to the Special Flood Hazard Area (SFHA) and removes the structure from the Special Flood Hazard Area based on the lowest adjacent grade being at or above the BFE. LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain; but is actually on natural high ground above the BFE. If conditions are included they are often referred to as a Conditional Letter of Map Amendment (CLOMA).

Letter of Map Revision (LOMR-F) or (CLOMR-F): an official amendment by letter from FEMA to an effective National Flood Insurance Program map. A LOMR established a property's location in relation to the Special Flood Hazard Area (SFHA) and removes the structure from the Special Flood Hazard Area based on the lowest adjacent grade being filled at or above the BFE. LOMR-Fs are usually issued because a property has been filled above the BFE. If conditions are included they are often referred to as a Conditional Letter of Map Revision (CLOMR-F).

Lowest floor: the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this ordinance.

Manufactured home: a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle." (E-592-1)

Manufactured home park or subdivision: a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction: structures for which the "start of construction" commenced on or after the effective date of the community's original flood damage prevention ordinance.

New manufactured home park or subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Watertown, South Dakota. (E-592-1)

Obstruction: any object or matter in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, increase or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or any object or matter that is placed where the flow of water might carry the same downstream to the damage of life or property.

Permanent foundation: as found in the mobile home and manufactured housing definitions elsewhere in these Revised Ordinances, means any structural system for transporting loads from a structure to the earth below the established frost line without exceeding the safe bearing capacity of the supporting soil. For the purpose of this ordinance, permanent foundations shall also meet the requirements of being designed to resist the hydrostatic and hydrodynamic forces and other factors associated with the base flood, and shall be constructed of standard materials resistant to flood damage.

Recreational vehicle: a vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. (E-592-1)

Special Flood Hazard Area: the area subject to flooding by the one percent (1%) annual chance flood.

Start of construction: includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and /or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or any other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: a walled and roofed building or manufactured home that is principally above ground.

Subdivision: the division of any tract or parcel of land into two or more lots, sites, or other division for the purpose, whether immediate or future, of sale or building development and includes resubdivision. This definition does not apply to the conveyance of a portion of any previously platted tract, parcel, lot, or site if the conveyance does not cause the tract, parcel, lot, or site from which the portion is severed to be in violation of any existing zoning ordinance or subdivision regulation applying to such tract, parcel, lot, or site

Substantial damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. (E-592-1)

Substantial improvement: any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure" (E-592-1) provided that the alteration will not preclude the structure's designation as a "historic structure."

Unnecessary Hardship: a hardship that is "substantial and of compelling force, not merely for reasons of convenience or profit". Unnecessary hardship is demonstrated when:

1. the land in question cannot yield a reasonable return if used only for a purpose allowed in that zone;
2. the plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood which may reflect the unreasonableness of the zoning ordinance itself; and
3. the use to be authorized by the variance will not alter the essential character of the locality.

Variance: a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance. (E-582-1)(E-59-1)

Violation: the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Agenda Item 11.(b) Second Reading of Ordinance No. 25-04, a Revised Ordi...

REVISED ORDINANCES – CITY OF WATERTOWN, SOUTH DAKOTA

Willow Creek Floodplain Study: the scientific and engineering report prepared by the City of Watertown that includes flood profiles, the Flood Boundary Floodway Map, the water surface elevation of the base flood, the base flood conveyance corridor boundary map, and supporting input and output data.

Willow Creek Regulatory Flood Hazard Area: the special flood hazard area of Willow Creek along with adjacent areas that are hydraulically connected and have elevations of one (1) foot or less above the base flood elevation.

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

Chapter 5.97
INTERPRETATION, ABROGATION AND SEVERABILITY

5.9701: INTERPRETATION, ABROGATION AND SEVERABILITY [\(back to Title contents\)](#)

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of public safety, health and general welfare. It is not the intent of this ordinance to repeal, abrogate or impair any existing easement, covenant or deed restriction. Where these provisions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. ~~All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.~~

Chapter 5.98
CROSS-REFERENCES

5.9801: CROSS-REFERENCES [\(back to Title contents\)](#)

Building Inspector, Bonds.....	7.0903
Business Buildings Must Be Rat-Proof and Rat-Free	11.0502
Electrical Regulations	Title 9
Plumbing Regulations	Title 15
Gas Regulations	Title 20
Utilities.....	Title 20
Zoning	Title 21
Subdivision of Land	Title 24

Chapter 5.99
PUNISHMENT

5.9901: PUNISHMENT [\(back to Title contents\)](#)

~~Unless stated otherwise under another chapter of this title, Any person violating any violation~~ of the provisions of this title shall, upon conviction thereof, be ~~punished a misdemeanor and punishable~~ by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment; and if such violation is of any provision involving a licensee, the City Council may revoke the license of any licensee so convicted.

~~Any violation of this title shall be a misdemeanor and punishable by a fine of not more than two hundred dollars (\$200).~~ In addition, when any work is done without a permit, the violator shall be required to return the premises to the natural condition and upon failure to do so within thirty (30) days after notice in writing; the City may return the premises to the natural condition and assess the cost thereof to the landowner. (E-299-2) (E-679)



City Council

Agenda Item

Subject: Approval of the Resolution 25-13, a Resolution Adopting a Revised Procurement Policy for the City of Watertown, South Dakota.

Meeting: City Council - Apr 21 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

The Procurement Policy was originally approved by City Council through the approval of Resolution No. 23-11 during the March 6th, 2023 City Council Meeting. The Interim City Manager, along with Department Heads and Division Managers, have reviewed the previously approved Procurement Policy and have made the recommended updates.

FINANCIAL CONSIDERATIONS:

NA

STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to approve Resolution 25-13, a Resolution Adopting a Revised Procurement Policy for the City of Watertown, South Dakota.

ATTACHMENT(S):

[Res No. 25-13 Adoption of Revised Procurement Policy](#)
[Procurement Policy for City Council](#)

RESOLUTION NO. 25-13

**A RESOLUTION ADOPTING A REVISED PROCUREMENT POLICY
FOR THE CITY OF WATERTOWN, SOUTH DAKOTA**

WHEREAS, the City of Watertown, South Dakota previously adopted a procurement policy by Resolution 23-11 to implement a Procurement Policy to adopt a fair, consistent policy for public purchasing; to clarify signatory authority; and to standardize purchasing procedures.

WHEREAS, the Interim City Manager and staff have been working on revisions to the procurement policy to provide more efficiency in public purchasing and to continue a fair and consistent policy, including signatory authority and standardized purchasing procedures.

WHEREAS, pursuant to Section 3.04.12 of the Home Rule Charter, the City Manager signs all contracts on behalf of the city, however, the contract shall be approved by the City Council, except as may be otherwise provided by ordinance or resolution.

WHEREAS, pursuant to SDCL 9-1-5, the governing body of a municipality may, by ordinance or resolution, delegate to any employee of the municipality the authority to enter into a contract on behalf of the municipality and to execute the contract and any other instrument necessary or convenient for the performance of the contract subject to the limitations delegated by the governing body.

WHEREAS, the City Council has determined that it is in the best interests of the City to approve a revised procurement policy to authorize and delegate certain contractual duties to city staff under clear parameters in order to promote the efficiency of public purchasing and procurement of goods and services and provide a fair and consistent policy for the betterment of the City and expenditure of City funds in accordance with both the Home Rule Charter and the laws of the State of South Dakota.

NOW, THEREFORE, BE IT RESOLVED by the City Council, City of Watertown, Codington County, South Dakota, adopts the revised Procurement Policy for the City of Watertown, South Dakota and authorizes the City Manager to provide any future updates to the Procurement Policy as needed for approval by the City Council.

Dated at Watertown, South Dakota this 21st day of April, 2025.

The above and foregoing Resolution was moved for adoption by Alderperson _____, seconded by Alderperson _____, and upon roll call _____ voted aye whereupon the Mayor declared the resolution to be duly passed and adopted.

I hereby certify that Resolution No. 25-13 was published in the Watertown Public Opinion, the official newspaper of said City, on the _____ day of April, 2025.

ATTEST:

Jennifer Collins
Records & Licensing Manager

City of Watertown

Ried Holien
Mayor

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City of Watertown

PROCUREMENT POLICY

Purchasing Guidelines

Effective Date: April 2025

City of Watertown Policy: 01	Title: Procurement Policy	Purchasing Policy Guide
Issue Date: 04/01/24	Updated: April 2025	Section:
Policy Source: City Council	Policy Audience: City Employees and Vendors	Total Pages: 28

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SECTION 1: GENERAL PROVISIONS

1.1 ORGANIZATIONAL GUIDING PRINCIPLES

MISSION

The City of Watertown is focused on opportunities and responsible growth.

VISION

We will provide excellent services and opportunities for everyone to be safe, happy, and successful.

VALUES

Honesty, Transparency, Integrity, Excellence, Service, and Grace

1.2 PURPOSE

This document is intended to develop an open, fair written policy to provide direction to City Staff on the process to purchase goods and services in a competitive and timely manner. The purchasing function's integrity, efficiency, and effectiveness are critical elements of sound government.

1.3 OBJECTIVES

The objectives of the City's purchasing program are as follows:

- To provide a uniform system to obtain supplies, materials, equipment, and services in an efficient and timely manner;
- To facilitate responsibility and accountability with the use of City resources;
- To ensure equal opportunity and competition among suppliers and Contractors;
- To promote effective relationships and clear communication between the City and its suppliers and Contractors;
- To comply with the comprehensive State procurement statutes which govern expenditures of public funds;
- To obtain the maximum benefit from every tax dollar spent.

1.4 SCOPE

These guidelines apply to the purchases of

- Supplies, materials, vehicles, and equipment
- Professional services (Construction and Non-Construction)
- Non-professional services (Travel, Professional Development Training)
- Public Infrastructure projects

Nothing in this policy shall prevent any public department from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.

1.5 PUBLIC ACCESS TO PURCHASING INFORMATION

Purchasing information shall be a public record to the extent provided by State Statute and shall be available to the public as provided in such statutes (1-27-1, 1-27-1.1, 1-27-1.3, and 1-27-1.23). A public records request can be made through the Finance Department and will be charged according to the fee resolution. There may be a charge if the request is estimated to exceed more than one hour of staff time, additionally, all City accounts payable transactions are published monthly in the local newspaper as per State statute.



SECTION 2: DEFINITIONS

Advertisement – A legally required public notice circulated through media such as newspaper and website posting to solicit vendors and inform on specifications on item or bid.

Amendment/Addendum – document used to change provisions of a contract or bid. An amendment will typically require both parties of a contract's approval to change provision. An addendum will add an omitted requirement or condition to the solicitation before a posting date and does not require the mutual consent of two or more contracted parties to change. An addendum can also omit a provision or modify contract or bid prior to execution.

Approval Authority Level – Related to an individual's job title; describes the respective authority to submit a request to purchase/pay for a good or service or to enter into a contract on behalf of the City.

Bid Booklet – A document prepared routinely by the State of South Dakota Department of Legislative Audit for the purpose to guide South Dakota local governments on acquisitions, disposals, and exchange transactions.

City Employee – An individual drawing a salary or wages from the City, whether elected or not; any non-compensated individual performing personal services for the City or any department, activity, commission, council, board, or any other entity established by the executive or legislative branch of the City; and any non-compensated individual serving as an elected or appointed official of the City.

Contract – Any contract enforceable by law between the City and one or more outside parties, whether written or oral, regardless of form or title for the purchase of supplies, materials, services, professional services, and construction. Any contract for purchases or services, the duration of which shall exceed one year, shall be subject to annual appropriation, and the alternative approved by the City Council. All contracts between the City and another party, regardless of amount and duration, should be submitted to the Finance Department to comply with the City's record retention policies.

Contract Modification (bilateral change) – Any change or alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract, whether written, oral, or by acquiescence.

Construction - The process of building, altering, improving, or demolishing any structure, building, or other improvement to real estate property. Excludes the maintenance or routine operation of an existing improvement to real estate property.

Department – A grouping of staff with specialized focus or responsibility to the City and its constituents dealing with a specific subject area or activity and may have individualized subgroups within that subject area.

Division – A subgroup of a Department that specializes on a specific matter or activity under the Department's focus. Will be responsible for a specific set of activities that support the overall function or structure of the Department.

Director/Department Head – Authorized authority to act on behalf of Department and Department's Division when applicable. Oversee the operations of Department and responsible for collaborating across other Departments as needed to provide City services.

Emergency – An occurrence where a threat to public health, welfare, or safety such as may arise by reason of floods, epidemics, riots, equipment failure, etc. creating a conditions for the immediate need of supplies, equipment, materials, services, or other goods not met through normal procurement methods and lack of which could threaten City government or programs.

Excise Tax – Contractor's excise tax is imposed on the gross receipts of all prime contractors engaged in construction services or realty improvement projects in South Dakota (SDCL 10-46A). The excise tax imposed on the gross receipts for construction projects is at a rate of 2%. The application of the tax depends on the type of construction project.

Goods – Tangible goods, supplies, equipment, materials, vehicles, printing, insurance or other similar assets.

Local Vendor – A person or legal entity which has a place of business (other than a post office box) within Codington County and has a valid, current business license issued by the City (if applicable).

Modification – Any written alteration to a provision of any contract accomplished by mutual contract of the parties to the contract.

Payment Bond – A surety bond executed in connection with a contract that secures solely for the protection and benefit of those entities with direct contractual relationship with Contractor to supply public work labor or material and with which such Contractor the City has contracted for a particular contract the payment obligation of that Contractor to the Payment Bond beneficiaries.

Performance Bond – A surety bond that assures City the Contractor will perform work in accordance to plans and specifications under contracted contract.

Political Subdivisions – Are local governments created by the states to help fulfill their obligations. Political subdivisions include counties, cities, towns, villages, and special districts such as school districts, water districts, park districts, and airport districts. The City of Watertown is considered a Political Subdivision.

Professional Services – Services arising out of a vocation, calling, occupation, or employment involving specialized knowledge, labor, or skill, and the labor or skill involved is predominantly mental or intellectual, rather than physical or manual (SDCL 5-18A-1(19)).

Public Improvement – The process of building, altering, repairing, improving, or demolishing any public infrastructure facility, including any structure, building, infrastructure, or other improvements of any kind to real property, the cost of which is payable from taxes or other funds

under the control of the purchasing agency, and includes any local improvement for which a special assessment is to be levied.

Purchasing Agency – Any governmental body or officer authorized by law, administrative rule, or delegated authority, to enter into contracts.

Purchasing Department—City Department that is either making the purchase, or managing a project

Purchasing Cards – Credit cards issued to eligible employees for purchasing goods or services for City operations.

Qualified Agency – Any public or private nonprofit corporation geographically located in the State of South Dakota that provides services for persons with disabilities and is certified by the Department of Human Services.

Reasonable Price – Is the price point for goods or services that is fair to both parties involved in the transaction. This amount is based upon the agreed-upon conditions, promised quality and timeliness of contract performance.

Request for Proposals (RFP) – Document which announces and provides details about a product, service or project, as well as a document which solicits bids from contractors who will help complete the project.

Request for Qualification – A step sometimes used in the formal process of procuring a product, service or project. A screening step to establish a pool of vendors (businesses or individuals to provide a product or service) that are then qualified, and thus eligible to submit responses to a request for proposals (RFP).

Required Approval Level – Related to an individual’s job title; respective authority to sign and authorize a request to purchase/pay for goods or services, or to enter into a contract on behalf of the City.

Sales and Use Tax – The sales tax applies to the gross receipts of all retail sales, including the sale, lease, or rental of tangible personal property or any product transferred electronically, and the sale of services.

South Dakota Resident Business – Any person, partnership, association, limited liability company, foreign limited liability company, corporation, or foreign corporation licensed to do business within the State of South Dakota that has maintained a substantial and bona fide place of business and has conducted business from within this state for at least one year prior to the date on which a contract was awarded. The members of the partnership or association shall have been bona fide residents of the state for one year or more immediately prior to bidding upon the contract. A foreign corporation licensed pursuant to §§ 47-1A-1501 to 47-1A-1532, inclusive, is not a resident as defined by this policy if the state or country in which it is organized enforces or has a preference for resident bidders.

Sealed Bid or Proposal – A response to an invitation for bids or request for proposals submitted in a manner where the contents of the bid or proposal cannot be opened or viewed before the date and time of the formal opening without leaving evidence that the bid or proposal has been opened or viewed. Guidelines in the Purchasing Authority and Approval Table establish which RFP processes need to be conducted under a sealed bid process.

Services – Furnishing of labor, time, or effort by a contractor not involving the delivery of a specific end product other than reports which are merely incidental to the required performance (SDCL 5-18A-1(28)).

Sole Source – A sole source purchase means that only one supplier (source), to the best of the requester's knowledge and belief, based upon thorough research, is capable of delivering the required product or service.

Supplies – Any property, including equipment, materials, and printing. For purposes of the bid limits, equipment purchases have a bid limit separate from the bid limit for other types of supplies.

Threshold Amount – Total amount by item or service individually and/or cumulative within the City's fiscal year (calendar year).

Vendor – A person or legal entity operating with current business license.



SECTION 3: PURCHASING BASICS

3.1 TYPES OF PURCHASING TRANSACTIONS

This policy covers purchases below:

- **Goods:** Goods include tangible goods, supplies, equipment, vehicles, materials, printing, and insurance. If goods and services are combined in one contract, the requirements for a general services contract apply.
- **Services:**
 - General services
 - Professional services contracts
- **Public Works Contracts:** Infrastructure projects, financed and constructed by the government, for recreational, employment, and health and safety uses in the community.

3.2 DETERMINE ANNUAL COSTS

The following rules apply when establishing the cost of the goods or services used in determining bid requirement.

NO BID SPLITTING

Requirements shall not be divided to come up with a lower total cost to avoid contract approval levels or competition requirements. If one item being purchased requires another item to “make a whole”, the total accumulated costs of the two items (when they can reasonably be projected) should be considered together to determine which approval level and cost threshold apply, unless the two items are not available from a single supplier.

NO PURCHASE SPLITTING

Requirements for an aggregate purchase shall not be broken down into several purchases that are less than the applicable threshold merely to permit the use of simplified acquisition procedures or to avoid any requirement that applies to purchases exceeding a threshold.

COSTS TO INCLUDE

Include costs such as freight, and installation charges when determining which cost threshold applies. Do not include the value of a trade-in. *(However, trade-in value should be considered to determine the lowest bid when competitive bidding is used.)*

INCLUDE TOTAL QUANTITY NEEDED

Requirements for the total quantity of an item (when they can reasonably be projected) should be considered when determining which cost threshold and related purchasing requirements apply.

MULTIPHASE PROGRAMS

If a project is to be completed in phases, then the total accumulated cost for all phases should be considered when determining which cost threshold applies

3.3 SINGLE PURCHASE UNDER BID LIMIT

Approval from the Department Head and/or Division Manager is required for goods and services that are included in the current fiscal budget and are below the bid limit. Each Department Head or Division Manager is responsible for signing all bills under their budget responsibility. Signature authority can be assigned for extended absences by contacting Finance. If a capital purchase exceeds the budget authority but is under the bid limit, City Council approval is required.

3.4. ANNUAL CONTRACTS

Department Heads may sign one-year contracts for purchases if included in the current fiscal year budget regardless of value. Leases for the purchase of equipment require City Council approval.

All contracts between the City and another party, regardless of amount and duration, require a fully executed contract to be submitted to the Finance Department to comply with the City's record retention policies.

3.5 MULTI-YEAR CONTRACTS

The City may enter into a contract term of no more than five (5) years, for any contract for professional services. A contract may be renewed up to two (2) times. The City may enter into a contract for any period of time which serves the best interests of the City, for professional services that include equipment capitalization costs, for bond-related purchases or property leases. All leases must be approved as stipulated in the City charter and/or bylaws.

City staff may execute such contracts under the following conditions:

- New multi-year contracts require City Council approval.
- Renewals for multi-year contracts may be signed by Department Heads if they are included in the current fiscal year budget, unless they include a 15% or greater cost increase or the annual cost is above \$50,000. Renewals with significant cost increases or above \$50,000 annually require City Council approval.
- The terms of the contract and the renewal provision shall include the requirement that renewals are subject to City Council approval through the annual appropriation of funds and that the contract may be cancelled if funds are not included in future budgets.

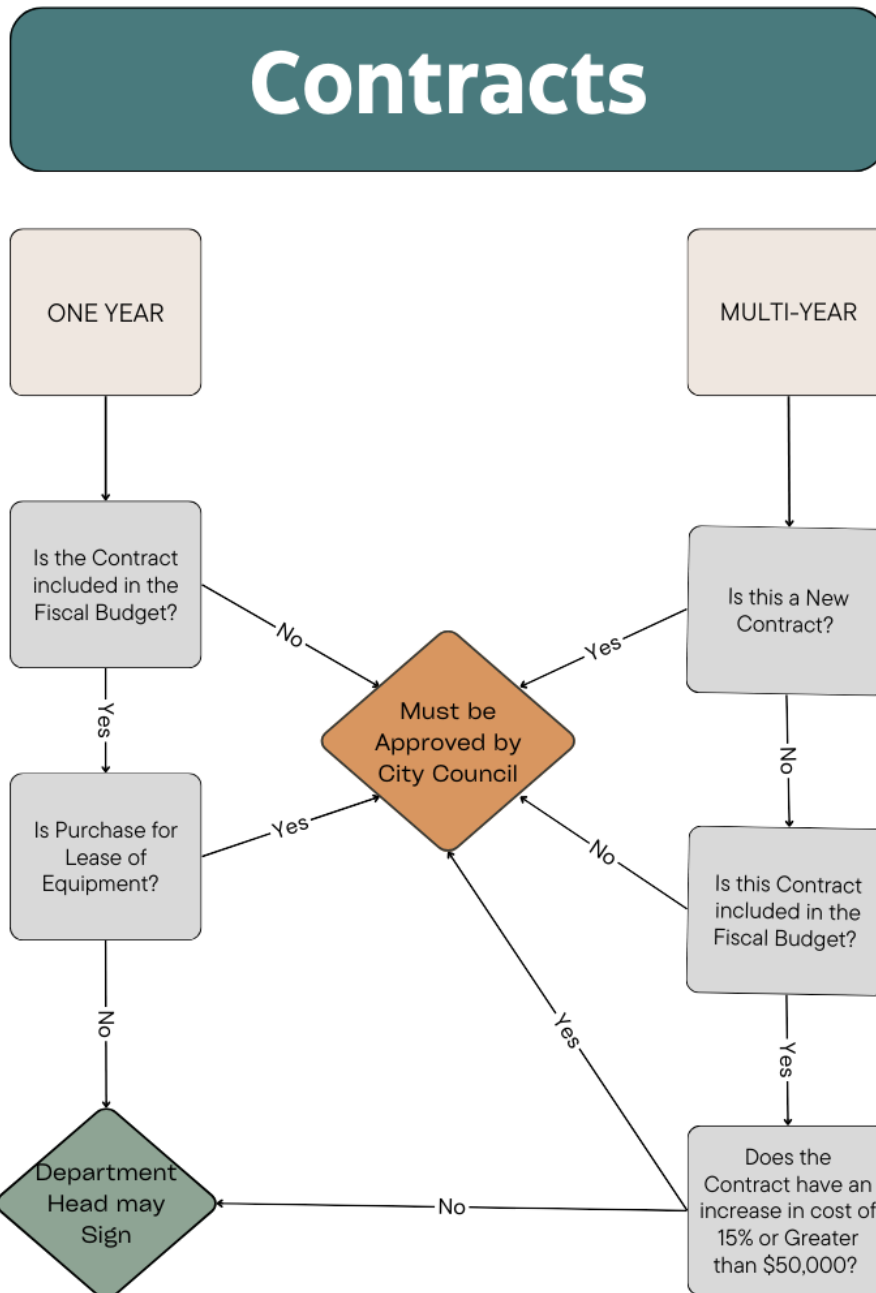
The City may increase the quantity of supplies or services, or both in a contract when:

- The unit price remains the same or is less,
- An increase is necessary to fulfill the actual needs of the government body and is more economical and practical than awarding another contract, the Department shall document their findings,
- The parties agree to the increase in writing, and
- The increase in the total contract price does not exceed 25 percent but a contract for the purchase of gasoline, special fuel, fuel oil, road salt or other ice and snow control supplies shall

not be subject to this limit; and

- The City, with the contract of the contractor, may reduce the unit price for supplies or services or both specified in a contract to be paid by the City at any time during the term of the contract or when an option to renew, extend or purchase is exercised.

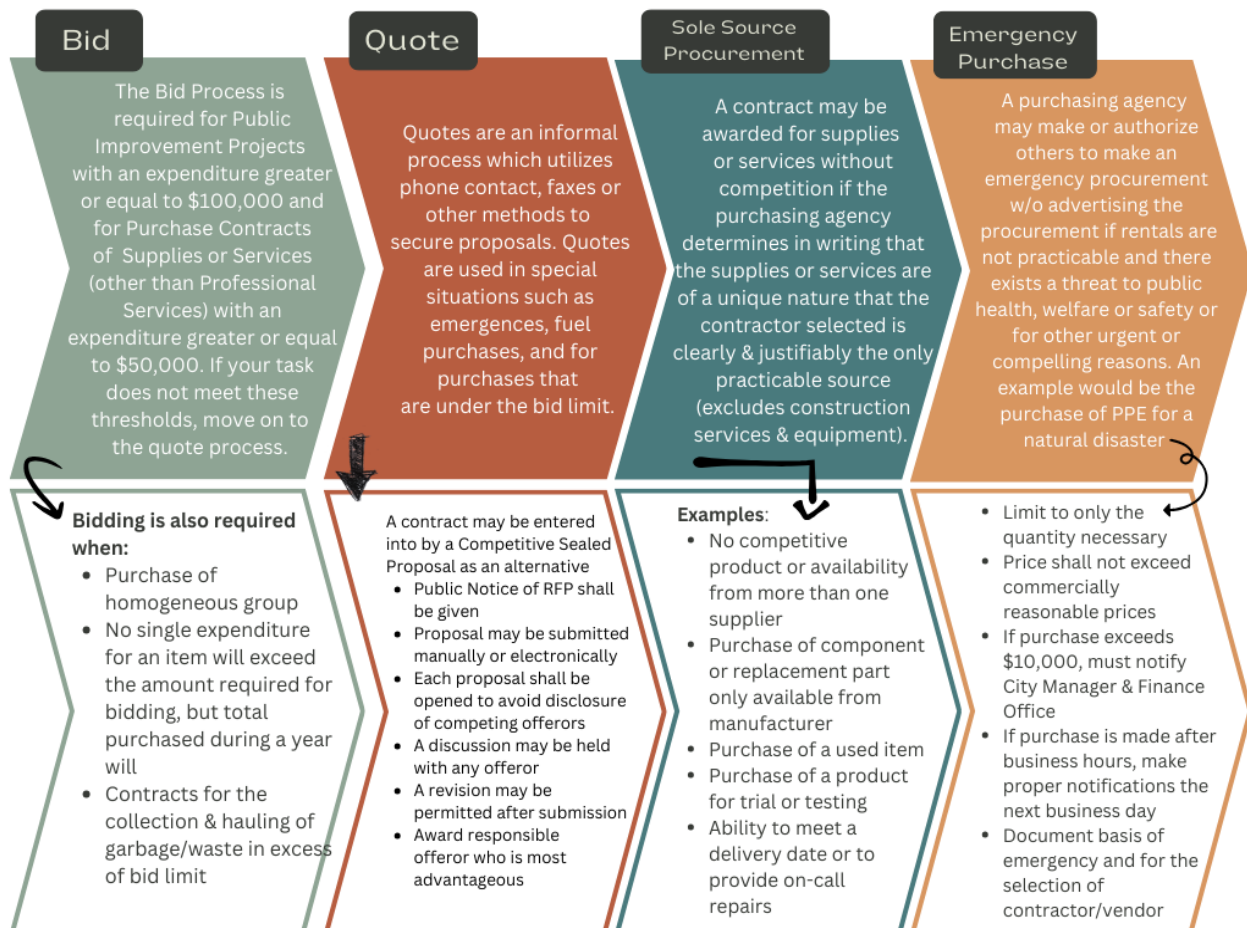
All contracts between the City and another party, regardless of amount or duration, must be submitted to the Finance Department to comply with the City's record retention policies.



3.6 PROCUREMENT PROCEDURES FOR QUOTES, PROPOSALS, AND BIDS

The City of Watertown follows the South Dakota Local Government Guide for Acquisitions, Disposals, and Exchanges, otherwise known as the Bid Booklet, prepared by the Department of Legislative Audit and adheres to all South Dakota Codified Laws. To review the bid booklet, visit [RESOURCES | Legislative Audit](#).

As noted in the Bid Booklet, cost thresholds exist to determine whether or not bidding is required. The chart below summarizes the general guidelines for procurement procedures; however, the bid booklet and Exhibit 1 should be reviewed fully to determine additional requirements and exclusions.



All Bid Awards must be approved by City Council. If the bid project or purchase is within budget, then it may go on the consent agenda. If the bid project or purchase requires more money or transfer of funds then it should go on the regular agenda.

When bidding is required, the Finance Department will help facilitate the Bid Process following the work structure outlined below:

**Bid Advertisement**

The Facilitating Department must produce a bid advertisement along with clear & concise bid specifications, which shall include design, performance, combination and brand specifications (where permissible in accordance with SDCL 5-18A-19). Once approved by the respective Department Head or City Manager, documents shall be forwarded to the Finance Office (Records Manager) for advertising in the newspaper and on the City website. The Notice for Bids must be published twice, with the first notice at least 10 days prior to the bid opening date. As a Saturday publication is preferred, please submit by the Wednesday before the first date of publication.

Collection of Bids

As Sealed Bids are submitted, they will be stored in the Finance Office until the designated bid opening date and time. Late bids will **NOT** be opened.

Opening of Bids

The Records Manager or designee shall open the bids publicly at the designated date and time with no less than two witnesses. Unless otherwise specified, the bid opening will take place in the City Hall Council Chambers. A statement listing the bidders, amounts of bids & attendees shall be filed with the contract. After opening, bid files shall remain in the Finance Office for retention purposes.

Council Approval

The Facilitating Department shall produce the Bid Tabulation Form & the Agenda Item for approval by the City Council. The City Manager & City Council shall have the authority to reject any & all bids. If the contract is awarded to a bidder who did not submit the lowest bid, the reasons must be explained in writing.

Agreement & Other Documents

If approved by the City Council, an agreement must be executed. If this is a bid for the purchase of equipment, the Finance Office will produce the document. Once a signed agreement is received, the Finance Office will return any cashier's checks submitted by any and all bidders. The Facilitating Department shall submit all project documents to the Finance Office as the project progresses, such as change orders, in order to comply with State of SD Records Retention.

3.7 PURCHASING GUIDELINES

VENDOR RELATIONS

City employees will conduct all purchasing functions in a professional manner and shall promote equal opportunity and fairness in all vendor relations.

Ethics and standards of behavior: All purchasing functions shall be conducted impartially to assure fair competitive access by responsible vendors. In addition, public employees should conduct themselves in a manner that will foster public confidence in the procurement process.

CREDIT CARD USE

BACKGROUND

Certain full-time City employees are entrusted with a City of Watertown credit card to use for business expenses/purchases. An example of such expenses might include professional association dues, professional development, travel costs (hotel and airfare), software packages/updates (i.e. by the IT Manager), lease payments for the printer, etc. Prior to receiving a credit card, each employee has to review the City's Procurement Policy and sign a contract verifying they read and understood the rules.

Under the direction of the City Manager, the Finance Department team members are the Program Administrators, and they oversee the entire program and manage all functions of the program including user online access, setting of credit card credit limits, fraud management, suspensions or cancellations, and payment process.

CHANGES TO AN ACCOUNT

Changes should be requested and must be approved by the City Manager or the Chief Financial Officer. Upon approval, changes will be made by the Finance Department.

CREDIT CARD USE

The use of these cards shall be strictly for the purchase of approved goods and services. Employees using the credit cards are responsible for any credit, returns or disputes regarding purchases made by the employee. The employee using the credit card is responsible for avoiding sales tax charges when applicable. If a return or credit is made, the Finance Department must be notified to process the credit similar to purchases.

A vendor account should be created for purchasing equipment. The vendor account enables better expense tracking and transparency. If a vendor account cannot be established, then the department must include documentation with the credit card receipt explaining why. (For example, email to Finance the reason credit card was used.) The credit card should only be used if the vendor is the only vendor available and will not issue an invoice.

Misuse of the credit card will result in revocation of privileges of the credit card for future purchasing and, if necessary, appropriate disciplinary action will be taken. Liability for misuse of these cards shall accrue directly to the credit card user, and not the City.

Employees authorized to use a City credit card are responsible for addressing fraudulent activity, lost or stolen cards. For any of these reasons, the employee is responsible for immediately reporting the incident to the credit card company, their supervisor and to the Finance Department.

USE OF CREDIT CARD DURING WORK TRAVEL

Use of credit cards to pay for work-related travel expenses is allowed and should be used according to the City's current Personnel Policy.

MONTHLY PAYMENT PROCESS

The employee's monthly review process includes checking that they have accounted for each charge with proof of expenditure (i.e. receipt, invoice, etc.) and assigning the relevant account number. Receipts or other proof of expenditure must be clearly labeled with the words "Credit Card" in either top corner to differentiate how to process payment. Credit card statements with proof of expenditure have a different payment date than the regularly invoiced expenditures that follow the Accounts Payable cutoff schedule. Once they have reviewed their own expenses, the information should be turned in to the respective supervisor by the 10th of each month or given directly to Accounts Payable if staff is the cardholder. The immediate supervisor shall review their staff's expenses and then bring to Accounts Payable by the 10th of the month or given business date deadline sent via email along with card statement.

The supervisor review process includes checking that each charge has a corresponding receipt, that it is a valid expense, and that the account to charge is correct.

If a receipt is lost, an affidavit will be signed by the employee and the direct supervisor. Affidavits for purchases over \$100 will be reviewed by the Department Head and Chief Financial Officer. If the affidavit process is used too often, then the credit card use can be suspended by the Chief Financial Officer.

The Department Head, or their designee, must approve and submit to Finance by the Accounts Payable credit card cutoff date.

FINANCE DEPARTMENT CREDIT CARD PAYMENT PROCESS

Once approved by the Department Head, the Finance Department will verify each expense, ensuring that they are valid and pre-approved/approved by the appropriate party. The report is reviewed and approved by the Chief Finance Officer.

EMPLOYEE REIMBURSEMENT

If the need arises to purchase an item for the City with personal funds, the employee must submit the receipt and appropriate online fillable voucher to the Finance Department. It is the responsibility of the employee making the purchase to ensure that any available discounts are applied, and that sales tax is not included when applicable. Refer to Tax Exemption Section below for more information.

LOCAL PREFERENCE

Purchasing goods and services from local vendors is desired because it stimulates the local economy and recognizes that our local vendors are valued members of the community. If factors such as quality, previous performance, and availability are equal among vendors, a vendor whose business is located in the City of Watertown should be actively considered for the award of a contract.

TAX EXEMPTION

The City has obtained an exemption from paying South Dakota state or local sales or use taxes on its purchases (Exemption No. 1018-1456-RG). Employees of the City are recognized agents, empowered to use the sales tax exemption. The City's exemption is not to be used for personal purchases. All purchases will require a detailed, itemized receipt for reimbursement and justification purposes. All applicable purchases require use of the sales tax exemption. If not utilized, the purchasing employee may be responsible for the sales tax associated with the purchase.

It is important to note that the tax exemption does not apply to excise tax. The City is obligated to pay excise tax.

3.8 RFP/RFQ AND BID COMMUNICATION

All departments conducting BID or RFP/RFQ procurement processes should engage the Finance Department to coordinate publication of notices and Bid/RFP submittal.

The Requesting Department shall evaluate bids and proposals based solely on the requirements and criteria set forth in the request for proposals (RFP). Such criteria may include: company experience, personnel expertise, project understanding, comparable project experience, technical approach,

availability, estimated timeline, proposed cost and other established requirements. The City shall award the contract to the responsible and responsive bidder offering the best value based on the evaluation of technical and cost proposals.

A formal bid opening is not required for a request for proposal (RFP), but all responses shall be documented and reviewed to determine if they meet the requirements for consideration. Proposals not meeting the requirements shall be returned to the responder. RFP/RFQ's are not shared publicly or with other bidders.

3.9 BID, PERFORMANCE, AND PAYMENT BONDS

Bid bonds, performance bonds, payment bonds, or other equivalent security shall be required to protect the City's interests for contracts over \$50,000 or when deemed necessary by the City Manager, or as required by State Statute. Any such bonding requirements shall be set forth in the solicitation. Performance and payment bonds have historically been a necessary form of security for municipal improvement projects. Determination of a bidder or offeror's responsibility shall not be based solely on the Bidder's ability to obtain Bid or performance bonds. Bonds shall be provided by a surety company authorized to do business in South Dakota, or the equivalent in cash, or otherwise supplied in a form satisfactory to the City. Unsuccessful bidders or offerors shall be entitled to the return of any cash bid security deposit. Unless a specific extension is granted in writing, a successful bidder or offeror shall forfeit any bid bond or equivalent security required by the City Manager or this section upon its failure to enter into a contract within fifteen (15) days after the award.

3.10 CONTRACT MANAGEMENT

GENERAL AUTHORITY

Subject to the limitations of this section, any type of contract which is appropriate to the procurement, and which will promote the best interests of the City may be used, provided that the use of a cost-plus-a-percentage-of-cost contract is prohibited. A cost reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the City than any other type, or that it is impracticable to obtain the supply, service, or construction item required except under such a contract.

MULTIPLE SOURCE CONTRACTING

A multiple source award may be made when an award to two (2) or more bidders or offerors for similar supplies or services is necessary for adequate delivery, service or product compatibility.

SERVICE CALLS AND DIAGNOSTIC REPAIRS

From time to time, it may be necessary to obtain services for essential City services where the full extent of the service, repair, or problem is not yet defined. In this situation, the Department Head should make the Chief Financial Officer and City Manager aware of the situation prior to initiating the service call. A quote is not necessary at the time of the service call, but the Department Head should provide an estimated cost. When the full extent of the situation is known, a formal quote or estimate must be developed prior to the service being completed.

SUPPLIES, VEHICLE, AND EQUIPMENT PURCHASES FROM STATE/FEDERAL CONTRACTS

Occasionally, it may be beneficial to group the City's purchases/procurements with like

purchases/procurements of other cities, counties, or agencies. This may result in lower costs for all parties while maintaining the integrity of each entity's bidding requirements. The City may utilize a service cooperative authorized to establish competitively awarded cooperative purchasing contracts on behalf of itself and the participating agency. Procurements must comply with all applicable South Dakota Codified Laws and federal laws.

The State/Federal contract will be considered to meet the competitive bidding requirements. If there is a local vendor that offers the vehicle or equipment being purchased, they will be given the opportunity to match the State/Federal contract price. If the local vendor matches the State/Federal contract price, the item will be purchased from the local vendor.

The State of South Dakota and Federal Government bid many common supplies and equipment and make the award results available for use by any governmental agency. State/Federal bid awards enable government agencies to purchase goods and services at a reduced price due to quantity discounts and do not require the bidding process by political subdivisions.

3.11 RECEIVING OF GOODS/EQUIPMENT

INSPECTIONS AND TESTING

The ordering Department shall inspect and/or test all goods upon receipt (or services upon completion), to assure conformance with the specifications set forth in the order. If a product is determined to be unusable, or not what was ordered, the Department shall reject it and return it to the vendor as the vendor directs, and at the vendor's expense, for credit or replacement.

ACCEPTANCE

When goods have been received or a project has been completed to the satisfaction of the ordering Department and the specifications, the packing slip, and/or completion documentation shall be signed off by the employee receiving or inspecting. Information to be noted on the documents must include, at a minimum, the employee's signature and a legible rendering of their name and date of receipt/completion. The employee signing must note on the receiving documents any deviation from the exact ordering specifications. When items are sent in multiple shipments, the department should clearly indicate which items have been received and accepted when approving the invoice for payment.

3.12 CITY PURCHASING RECORDS

CONTRACT FILE

All determinations and other written records pertaining to the solicitation, award or performance of a contract should be maintained for the City in a contract file. All contracts shall be maintained by the Finance Department.

RETENTION OF PURCHASING RECORDS

All purchasing records shall be retained and disposed of by the City in accordance with records retention guidelines and schedules as required by South Dakota statutes and City policies. The City follows the Records Retention Manual provided by the State of South Dakota Bureau of Administration at [South Dakota Bureau of Administration: Records Management](#).

3.13 REPORTING OF ANTICOMPETITIVE PRACTICES

When, for any reason, collusion or other anticompetitive practices are suspected among any bidders or offerors, a notice of the relevant facts must be transmitted to the City Manager and City Attorney, who shall determine whether formal legal proceedings or Notice to the States Attorney and/or Attorney General is necessary.



SECTION 4: ETHICS IN PUBLIC CONTRACTING

4.1 CRIMINAL PENALTIES

To the extent that violations of the requirements set forth in this article constitute violations of South Dakota State Statutes, the violations shall be punishable as provided therein. Such penalties shall be in addition to the civil sanctions set forth in this article or as otherwise provided in State law. Criminal, civil and administrative sanctions against employees or non-employees, which are in existence on the effective date of this policy, shall not be affected.

4.2 EMPLOYEE CONFLICT OF INTEREST

Public employment is a public trust. It is the policy of the City to promote and balance the objective of protecting governmental integrity and the objective of facilitating the recruitment and retention of personnel needed by the City. Employee conflicts of interest policies are implemented to prescribe essential standards of ethical conduct without creating unnecessary obstacles to entering public service.

Public employees must discharge their duties impartially so as to assure fair competitive access to governmental purchasing by responsible vendors and contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the City purchasing organization.

Any attempt to realize personal gain through public employment by conduct inconsistent with the proper discharge of the employee's duties is a breach of public trust.

4.3 GRATUITIES AND KICKBACKS

- Gratuities - It is unethical for any person to offer, give, or agree to give any City employee, or for any City employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or purchasing standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefore.
- Kickbacks - It is unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.
- Contract Clause - The prohibition against gratuities and kickbacks prescribed in this section should be conspicuously set forth in every contract and solicitation where it is deemed appropriate.

4.4 PROHIBITION AGAINST CONTINGENT FEES

It is unethical for a person to be retained, or to retain a person, to solicit or secure a City contract for a commission, percentage, brokerage, or contingent fee, except for contracts with employment agencies and real estate agents and brokers for commercial brokerages.

4.5 CONTEMPORANEOUS EMPLOYMENT PROHIBITED

It is unethical for any City employee who is participating directly or indirectly in the purchasing process to become or to be, while such a City employee, the employee of any person contracting with the governmental body by whom the employee is employed.

4.6 USE OF CONFIDENTIAL INFORMATION

It is unethical for any employee or former employee to knowingly use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

4.7 PURCHASES FROM EMPLOYEES OR AGENTS OF THE CITY

The City Manager shall authorize all purchases of supplies and services from current employees or agents of the City. This authorization must be in writing, signed by the City Manager and placed in the City Employee's personnel file.

4.8 SANCTIONS

- Employees - Employees found to have violated one or more of the ethical standards in this article shall be subject to the disciplinary actions prescribed in the City of Watertown's Personnel Policy or union contracts.
- Nonemployees/Contracted Employees. The City Manager, in consultation with the City Attorney and applicable Department Head/Division Manager, may impose any one or more of the following sanctions on a nonemployee for violations of the ethical standards:
 - written warnings or reprimands;
 - termination of contracts, not entered into by the City Council; or
 - debarment or suspension
- City Council Contracts. The City Council, in consultation with the City Manager, City Attorney and applicable Department Head/Division Manager, may impose any one or more of the following sanctions on a nonemployee for violations of ethical standards:
 - written warnings or reprimands;
 - termination of contracts, or
 - debarment or suspension

4.9 RECOVERY OF VALUE TRANSFERRED OR RECEIVED IN BREACH OF ETHICAL STANDARDS

- General Provisions - The value of anything transferred or received in breach of the ethical standards by a City employee or a nonemployee may be recovered from both a City employee

and non-employee by the City Manager or their designee and recovery may include use of legal procedures.

- Recovery of Kickbacks by the City - Upon showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the City and will be recoverable from the recipient. In addition, that amount may also be recovered from the subcontractor making such kickbacks. Recovery from one offending party shall not preclude recovery from other offending parties.



SECTION 5: CONTRACT ADMINISTRATION

5.1 CONTRACT ADMINISTRATION

A contract administration system should be maintained by the respective Department Head to ensure a contractor is performing in accordance with the solicitation, terms, and conditions under which the contract was awarded.

5.2 SIGNATORY AUTHORITY

CITY ENGINEER AND CITY MANAGER

The City Engineer and City Manager has the authority to sign on behalf of the City of Watertown:

- The Notice of Award, Notice to Proceed, Substantial and Final Completion forms, permits, approved change orders, and other documents related to Capital Improvement Projects (CIP) approved and appropriated by City Council.
- Individual change orders up to \$50,000 and collectively not exceeding fifteen percent (15%) of the approved contract price and within budget.
- Pay Applications within the approved contract price.
- Professional service contracts for geotechnical, surveying, engineering, etc. under \$50,000 and budgeted.
- Best Management Practice Contracts and Certificate of Completion forms for Development Projects.
- Correspondence letters and other items authorized by City Ordinance, City Council Resolution, or delegated from the authority of the City Manager.

The City Engineer has the authority to pay fees for the Notice of Intent and other permits associated with City projects approved by City Council.

5.3 CHANGE ORDER REVIEW POLICY AND PROCEDURE

The contractor should submit price changes to the project manager to give to the City Engineer for review. If the change can be justified, then a field order would be issued by the City Engineer as an informal approval. The contractor must be made aware that the changes are not official until the change order is approved by the City Council. Items not approved by the City Council cannot be paid in the pay request. If the changes are overruns with bid items already in the contract, then payment for those items could be issued up to the contract amount (so if the contract was \$2 million, the project manager could only approve payments up to \$2 million).

5.4 DEBARMENT OR SUSPENSION

AUTHORITY TO DEBAR OR SUSPEND

Debarment or to “debar” means a person/bidder is prohibited from participating in a bid or proposed solicitation or from consideration for award of contracts. After a ten (10) day notice

to the person involved, and a ten (10) day opportunity for that person to be heard, the City Manager, after consulting with the City Attorney and the applicable Department Head/Division Manager, is authorized to debar or suspend a person for cause from consideration for award of contracts. The debarment shall be for a period of not more than two years. After consultation with the City Attorney and applicable Department Head/Division Manager, the City Manager is authorized to suspend a person from consideration for award of contracts if there is probable cause to believe that the person has engaged in any activity which might lead to debarment. The causes for debarment include, but are not limited to, the following:

- conviction of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
- conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a City contractor;
- conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
- violation of contract provisions, as set forth below, of a character which is regarded by the City Manager to be so serious as to justify debarment action:
 - o deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or
 - o a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment;
 - o deliberate failure to settle overdue invoices with the City and its entities for current or previously executed contracts;

Any other cause the City Manager, in consultation with the City Attorney and applicable Department Head/Division Manager, determines to be so serious and compelling as to affect responsibility as a City contractor, including debarment by another governmental entity for any cause listed in this policy.

The City Council by majority vote of the full City Council may also debar a person/bidder for contracts that require approval by the City Council. The City Council, in consultation with the City Manager, City Attorney, and applicable Department Head/Division Manager may debar a person/bidder using the same procedures contained in this Section 5.4 with a 10-day notice to the person/bidder prior to the City Council meeting at which the matter will be heard. The City Manager will be responsible for providing the 10-day notice on behalf of the City Council to the person/bidder.

DECISION TO DEBAR OR SUSPEND

The City Manager should issue a written decision to debar or suspend. The decision should state the reasons for the action taken and inform the debarred or suspended person involved of their rights concerning judicial or administrative review.

Any decision to debar or suspend a person/bidder by the City Council will be by motion and majority vote of the entire City Council. The City Council will allow the person/bidder an opportunity to be heard at the meeting under which the action is to be taken. The minutes of the City Council meeting will reflect the reasons for the action taken and the City Manager will inform the debarred or suspended person involved of the decision and their rights concerning any applicable judicial review.

NOTICE OF DECISION

A copy of the decision to debar or suspend should be mailed or otherwise furnished immediately to the debarred or suspended person.



EXHIBIT 1: EXEMPTIONS FROM BIDDING

Exemptions From Bidding	Description	Reference	Other
Utilities	Purchase of utility services such as electricity, lights, water or gas.	SDCL 5-18A-22 (5)	
Government	Any contract for the purchase of supplies from the U.S. or its agencies or any contract issued by the GSA.	SDCL 5-18A-22 (2)	
Equipment Repair Contracts		SDCL 5-18A-22 (4)	
South Dakota Surplus	Purchases of surplus property from another South Dakota purchasing agency.	SDCL 5-18A-22 (10)	
State Price List	Purchases from the lowest bidder of an item on the state price list.	www.state.sd.us/boa/	
State Price List Cont'd	May also purchase items from any vendor, if less than or equal to the state price list but must be the exact same item. Specs to establish the price of the item (s) should be obtained from the State Bureau of Admin to ensure the item conforms with the item wanted.		
Active Government Entity Contracts	Any purchase of supplies or services, other than professional services, by purchasing agencies from any active contract that has been awarded by any gov't entity by competitive sealed bids or competitive sealed proposals or from any contract that was competitively solicited & awarded within the previous 12 months.	SDCL 5-18A-22 (3)	A purchase utilizing another entity's bid has to mirror a purchase from a contract that was "awarded" by the original bidding entity. It is not enough that such a contract was "bid" by the original entity, it must also have been "awarded". See bid book for additional details.
School Districts	Any purchase by a school district of perishable food, raw materials used in construction or manufacture of products for resale, or for transportation of students.	SDCL 5-18A-22 (12)	See bid book for additional details.
Asbestos Removal	Any contract for asbestos removal in emergency response actions.	SDCL 5-18A-22 (16)	
Consultants	Any contract for services provided by individuals or firms for consulting services, audits, legal services, ambulance services, architectural services, engineering, insurance, real estate or auction services.	SDCL 5-18A-22 (16)	
Chemical & Biological Products	Laboratory apparatus and appliances; published books, maps, periodicals & technical pamphlets; works of art for museum & public display; medical supplies.	SDCL 5-18A-22 (5)	
Ambulance Services	Contracts for ambulance services.	AGR 84-42	

Exemptions From Bidding	Description	Reference	Other
Changes To Construction Contracts	Any amendment or change order to an existing contract for construction, reconstruction, or remodeling of a public improvement does not need to be bid.	SDCL 5-18B-19	See bid book for additional details.
Real Property	Purchases of real property having a particular use or benefit. An entity may not have to legally bid a particular real estate transaction, it generally is prudent & advisable to obtain an appraisal & other supporting docs to provide the necessary analysis of the purchase at hand.	AGR 1959-60 p. 142 AGR 1963-64 p. 146	
Public Sale or Auction Items	Purchases of materials, supplies or equipment made at public sale or auction if the following conditions are met. 1. Purchases are made at substantial savings. 2. Competitive quotes are obtained from at least 3 suppliers of identical or similar material, supplies. 3. Purchases are made at less than 80% of the average of the quotes received.	SDCL 5-18C-3	A record of the names of suppliers, quotes received & procurement procedures used in purchasing shall be documented, indicated in the minutes & retained on file.
Less Than \$50,000	Any purchases of less than \$50,000	SDCL 5-18A-14	
No Bidders	If, after advertising for bids, no firm bids are received, the agency may negotiate a contract for the purchase of the supplies, services, or public improvement projects at the most advantageous price, if the specs of the original bid are met.	SDCL 5-18A-5 (9)	
Animals	Any animals purchased	SDCL 5-18A-22 (11)	
Energy Saving Contracts	Guaranteed energy saving contracts	SDCL 1-33B-9	
Urban Renewal	Urban renewal projects as authorized by SDCL - see reference	SDCL 11-8-36	
Technology	Communications technologies, computer hardware & software, peripheral equipment, and related connectivity.	SDCL 5-18A-22 (5)	
Tableware & Perishable Food	Tableware & perishable foods are exempt from bidding. The purchase of prepared meals on the other hand would be a biddable contract.	SDCL 5-18A-22 (5) AGR 73-43	
Developer Installed Utilities	A municipality requiring a developer to install water, sanitary sewer & storm water trunk lines or mains; sewer collection systems; or streets at the expense of the developer & the municipality requires the size of the line or main, collection system or street to be larger than the developer's requirements, the price difference is exempt from bidding.	SDCL 5-18C-4	If a developer installs a regional storm sewer detention pond ahead of a municipality's schedule at their expense, the price of the pond construction paid by the municipality & based on certified quantities provided by a licensed engineer is exempt from bidding.

Exemptions From Bidding	Description	Reference	Other
Water User Districts	If all or a portion of the cost of the proposed works is to be met by grant of labor or a grant-in-aid from a federal or state agency, does not require the use of any state or federal funds in the proposed works, or under other contract with a federal or state agency & the rules of such agency provide that work may not be done by contract, the board of directors may proceed with the necessary construction or other work without first complying with any of the provisions of -	SDCL 46A-9-52 to 46A-9-54	
Purchasing Agencies	Any purchasing agency may enter into contracts with purchasing agents in SD or any other state or the U.S. Gov't under which any of the parties may agree to participate in, administer, sponsor, or conduct purchasing transactions under a joint contract or contract for the purchase of supplies or contractual services.	SDCL 5-18A-37	A purchasing agency may cooperate with purchasing agencies and other interested parties in any other state or the U.S. Gov't to develop uniform purchasing specs on a regional or national level to facilitate cooperative interstate purchasing transactions.



City Council

Agenda Item

Subject: Approval of the Personnel Policy for the City of Watertown, South Dakota and authorizing the Interim City Manager/City Manager to administer the Personnel Policy as needed.

Meeting: City Council - Apr 21 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

The Purpose of the Personnel Policy is to provide for the fair and equitable treatment of all employees of the City; to establish processes which allow for efficient administration of operations; and to create a competitive environment through fair opportunity and equitable treatment of employees while complying with State and Federal statutes.

FINANCIAL CONSIDERATIONS:

City Council has oversight over policies which have budgetary or financial considerations for the City.

STAFF RECOMMENDATION / SUGGESTED MOTION:

I move to approve the Personnel Policy for the City of Watertown, South Dakota and authorize the Interim City Manager/City Manager to administer the Personnel Policy as needed.

ATTACHMENT(S):

[Personnel Policy_Rev Apr 2025](#)



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Welcome to the City of Watertown. We are delighted that you have chosen to join our organization and hope that you will enjoy a long and successful career with us. As you become familiar with our culture and mission, we hope you will take advantage of opportunities to enhance your career and further the City of Watertown's goals.

You are joining an organization that has a reputation for providing outstanding service to our citizens. Our employees use their creativity and talent to invent new solutions, meet new demands, and offer great experiences to our community. With your active involvement and support the City of Watertown will continue to achieve its goals. We sincerely hope you will take pride in being an important part of the City of Watertown's success.

Please take time to review the policies contained in this handbook. If you have questions, feel free to ask your supervisor or contact the Human Resources (HR) department.

POLICY #1: PURPOSE AND USE

1.1 Purpose of Policies and Procedures

The policies and procedures for personnel administration are enacted by the City of Watertown (hereinafter "City") in order to further the following goals:

1. To provide a uniform and sound personnel administrative system throughout the City;
2. To inform employees of the general policies and procedures of the City and the benefits and obligations of employment with the City;
3. To ensure that all personnel actions are based upon employee qualifications (knowledge, skills and abilities) and job performance and are in compliance with federal and state law;
4. To serve as written documentation of the City's commitment to fair employment practices and equal employment opportunity;
5. To assist managers in carrying out sound, equitable and consistent personnel administration and in making effective use of their human resources;
6. To promote and encourage communication between the employer or supervisor and the employee;
7. To protect the rights of the employee and employer throughout the employment relationship and to ensure that the responsibilities of both parties are carried out.

1.2 Applications

The personnel policies and procedures shall apply to all City employees except as otherwise provided in any state law that provides different terms for an elected or appointed official. In the event of a conflict between these policies and any collective bargaining agreement or state and federal law, the terms and conditions of that agreement or law shall prevail.

1.3 Revision

The City Manager specifically reserves the right to repeal, modify or amend any of these policies at an aforementioned time with or without notice, within the confines of the Home Rule Charter and applicable State Statutes excluding sections that require approval by the governing body.

Policies 6 and 7 require approval by the governing body due to their having a financial or budgetary impact.

1.4 At-Will Employment/No Contract

The City recognizes that South Dakota is an employment at-will state and the intent of this City is to maintain that employment at-will status of all employees. **This manual does not confer a contract of employment. These policies are provided as a reference of present policies and not a guarantee of employment or specific employment benefits.**

1.5 Recognition Statement

The City recognizes Local Union 2488 of the American Federation of State, County and Municipal Employees (AFSCME), Local Union 1724 of the International Association of Firefighters (IAFF), and Watertown Police Officers Association (WPOA) as collective bargaining units referred to herein as the Union(s). The Working Agreements between the City and any Union are a part of this personnel policy for those employees within each bargaining unit. This provision does not amount to a waiver of any statutory or constitutional rights guaranteed to the union member.

POLICY #2: GENERAL POLICIES

2.1 Equal Employment Opportunity

It is the policy of the City to recruit, hire, train, promote, discipline and discharge all applicants and employees equally and without regard to race, religion, creed, color, national origin, sex, sexual orientation, gender identity, age, disability, political affiliation, martial or veteran status, or any other basis prohibited by state or federal law.

Violations of this policy by any City employee may be cause for immediate disciplinary action. Any employee who feels they have been discriminated against according to this policy should bring their concern to his/her supervisor or higher authority according to the procedure specified herein.

2.2 Sexual Harassment/Discrimination

The City is committed to providing a work environment that is free from unlawful discrimination and harassment. Harassment or discrimination on the basis of race, religion, color, national origin, sex, age, disability, sexual orientation, gender identity, or any other basis prohibited by state or federal law will not be tolerated. Harassment and offensive behavior may take different forms and may be verbal, non-verbal or physical in nature. Discrimination and harassment in the work place is prohibited by federal and state law, whether committed by elected officials or supervisory or non-supervisory employees, and will not be tolerated.

Sexual harassment is defined as behavior of a sexual nature which is unwelcome or personally offensive to its recipient. It is a form of employee misconduct which is demeaning to another person and undermines the integrity of the employment relationship. This sexual harassment policy also applies to same-sex harassment. Unwelcome sexual advances, requests for sexual

favours, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. By threat or insinuation, either explicitly or implicitly, an employee's refusal to submit to sexual advances or refusal to tolerate or participate in unwanted conduct or communication of a sexual nature will adversely affect the employee's terms and conditions of employment, including but not limited to wages, advancement, evaluation, assigned duties, shift assignment, career development, etc.
2. Any conduct or communication of a sexual nature has the purpose or effect of substantially interfering with work performance or of creating a hostile, intimidating, or offensive employment environment that may be considered offensive to another employee, including but not limited to:
 - Repeated sexual flirtations, advances, or propositions;
 - Continual or repeated verbal abuse of a sexual nature;
 - Foul language;
 - Unwanted physical contact;
 - Graphic verbal commentaries about an individual's body or manner;
 - Sexually degrading words used to describe the individual;
 - The display of sexually explicit pictures, cartoons, or other materials.

Any employee who feels he/she has been harassed or discriminated against or that his/her personal rights have been violated should immediately report the matter to the immediate supervisor unless the supervisor is the offending party. If the supervisor is unavailable, or the employee believes that it would be inappropriate to contact his/her supervisor, the employee should immediately contact the City's Human Resources Director. A supervisor or manager who becomes aware of any possible harassment or discrimination should advise the City's Human Resources Director.

The City will make a thorough, confidential, and impartial investigation of the complaint. All employees must cooperate with any such investigation. The City will take prompt remedial measures to immediately end the offending action. A legitimate complaint of harassment or discrimination will not have any bearing on the terms and conditions of employment of the complaining party, including but not limited to wages, advancement, evaluations, assigned duties, shift assignments, career development, etc.

Retaliation or intimidation directed toward a complaining party or a person involved in an investigation is also prohibited by law and will not be tolerated by the City. An employee who feels he/she has been retaliated against shall follow the same reporting procedure as above stated for a claim of harassment or discrimination, and the City will undertake an investigation.

A formal complaint of harassment, discrimination or retaliation may be initiated in lieu of, during, or following this informal process as provided by state or federal law. Violations of the above stated policy by any employee may be cause for immediate disciplinary action.

2.2.1 Discrimination/Harassment

Employees are prohibited from using electronic equipment to violate City Policy 2.2, titled Sexual Harassment/Discrimination relating to all forms of harassment and/or discrimination.

2.3 Americans With Disabilities Act

The Americans With Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA) provides rights and protections to individuals with disabilities in the areas of employment. The City is committed to the fair and equal employment of individuals with disabilities under the ADA and ADAAA. It is also the City's policy to provide reasonable accommodation to qualified individuals with disabilities unless the accommodation would impose an undue hardship on the organization. In addition, the City will provide reasonable accommodations related to pregnancy and post-pregnancy conditions, and will comply with the laws pertaining to breastfeeding and lactation. The employee or employment applicant shall inform the department supervisor or Human Resources Department of the need for an accommodation, and the City shall engage in an interactive process regarding the request. Any employee who feels any harassment or discrimination or violation of this policy has occurred should file a complaint with the City Human Resources Director.

2.4 General Performance Expectations

All employees are expected to meet the City's standards of work performance. Work performance encompasses many factors, including attendance, punctuality, personal conduct, job proficiency and general compliance with the City's policies and procedures. The City wishes to create a work environment that promotes job satisfaction, respect, responsibility, integrity and value for all of our employees and the public and expects every employee to perform in a manner in which such objectives are achieved. Employees working for the City hold positions of public trust and are responsible for the integrity and consequences of their actions. The highest standards of honesty, integrity, and fairness must be exhibited by each employee when engaging in any activity involving co-workers and the public.

All employees are responsible for providing their particular City services to the public in a courteous, polite manner. Employees are expected to maintain high standards of conduct and cooperation in their duties for the City.

2.5 City Vehicle Use

The purpose of this policy is to ensure the safety and wellbeing of City employees, minimize the liability to the City, facilitate efficient and effective use of City resources and establish a standard set of requirements for all City of Watertown employees who drive City owned vehicles and equipment.

2.5.1 Use Restricted to City Employees and Certain Volunteers

The use of City vehicles is restricted to City employees and to those volunteers covered under City insurance ("covered volunteers").

2.5.2 Use Restricted to City Business

Employees and covered volunteers who are authorized to utilize City vehicles shall do so only to conduct City business. Personal use of a City vehicle is prohibited.

2.5.3 Passenger Restrictions

Only City of Watertown employees shall be passengers in City vehicles. Family members, minor children, non-employees and animals (except as required for City business) are prohibited from riding in city vehicles. All passengers are expected to adhere to all federal, state and local laws.

2.5.4 Licenses and Insurance Required

An employee or covered volunteer shall not operate a City of Watertown vehicle or equipment unless he/she possesses a valid driver's license and other job-required licenses (i.e. Commercial Driver's License). Employees and covered volunteers who drive personal vehicles for City business purposes shall carry at least the minimum limits of automobile insurance coverage required by the State of South Dakota. Employees and covered volunteers must have and possess a valid driver's license (and, on their private vehicles, proof of insurance and registration) at all times when driving on City business.

2.5.5 Traffic Regulations

All employees shall be knowledgeable of and obey all Federal, State and local traffic laws while operating City of Watertown equipment or vehicles.

2.5.6 Seat Belts

Pursuant to South Dakota law, drivers and passengers of all City of Watertown equipment and vehicles equipped with seat belts must use those seat belts while the vehicle is in forward motion on a public roadway. If a vehicle seat belt is defective or non-equipped, please report this to your supervisor immediately; this vehicle shall not be operated until seat belts are fully functional.

2.5.7 Accidents

An employee must report all accidents immediately to his/her supervisor and in the case of traffic accidents the Watertown Police Department. The supervisor shall immediately inform Human Resources in the event of injury and the Finance Office to initiate the Claims process and necessary paperwork.

2.5.8 Vehicle Inspections

It is the responsibility of the employee to regularly inspect the City vehicle/equipment they use for defects, damage and missing equipment. All deficiencies shall be reported to the supervisor and said vehicle may not be driven with a defect that compromises the safe operation of the vehicle (including but not limited to brakes, lights, windshields, mirrors, seat belts, exhaust).

2.5.9 Emergency Equipment

Employees shall utilize vehicle hazard lights or emergency lights when appropriate. If other emergency equipment is required (fire extinguishers, first aid kits) the employee shall ensure that such equipment is in working order and easily accessible.

2.5.10 Housekeeping

All City equipment and vehicles are expected to be free of trash and other debris. Tools, equipment and machinery should be stored properly in the trunk or rear of the vehicle. Any employee who transports hazardous materials must follow the guidelines for such transportation as recommended on the Safety Data Sheets.

2.5.11 Take-home Vehicles

Take-home vehicles shall be utilized only for traveling to and from work. Personal use of take-home vehicles, without the prior authorization of the Department Head or City Manager is prohibited. If the take-home vehicle is not an operational necessity, it shall be treated as a fringe benefit to the employee and will be taxable to the employee per federal law.

2.5.12 Alcohol, Illegal Drugs, Substance Use

The use of alcohol, illegal drugs, or any drugs or substances which may affect the employee's ability to drive safely are prohibited.

2.5.13 Vaping/Smoking Use Prohibited

Vaping and smoking use is prohibited in City equipment or vehicles.

2.5.14 Firearms Prohibited

Firearms are not allowed in a City vehicle or equipment at any time except as permitted by section 2.15.1.

2.5.15 Cell Phone Usage

Employees must not text while driving and must adhere to safe cell phone restrictions outlined in section 2.12.1 of the City of Watertown Personnel Policy Manual.

2.6 Smoking/Vaping

It is the policy of the City that smoking/vaping shall not be permitted in City buildings, facilities, vehicles or enclosed equipment, except in designated smoking areas, as provided.

2.7 Performance Evaluations

Performance evaluations are designed to provide the employee with a record of his/her performance, to encourage professional growth and to promote communication between the supervisor and employee. When conducted, the performance appraisal will be conducted by the employee's designated supervisor. The purpose of the evaluation is to commend strengths, address weaknesses, suggest ways to improve, and discuss employee goals and objectives. A positive performance evaluation does not guarantee a pay raise or continued employment. If requested, employees are required to sign their evaluation and may obtain a copy upon request.

Signing does not imply agreement with the evaluation, but simply agreement that the contents have been made known or discussed with the employee.

2.8 Personnel Records

2.8.1 Personnel File

It is the policy of the City to maintain accurate and updated information on City employees in its personnel files. The personnel file may include the following documents, but will not include any information contained in the confidential file listing (see policy 2.9):

- Personal data sheet
- Letters of commendation
- Payroll deduction authorizations
- W-4 form
- Leave and absence slips
- Disciplinary actions
- Termination or discharge record
- Previous positions held with City and rate of pay
- Performance appraisals

The Human Resources Department shall be responsible for maintaining personnel records. Employee records are confidential. Such records shall be accessible only to the individual employee, the decision making authority affecting the individual employee's employment status, and any others with a demonstrated need to know. The employee or his/her representative shall have reasonable access to his/her personnel records upon request to the Human Resources Department. The file will be made available to the employee's representative only upon express written authorization by the employee and copying costs paid by the employee.

As to written disciplinary actions in the personnel file, the employee may submit a letter of rebuttal to his/her file regarding any information contained in his/her file that is in dispute.

2.8.2 Changes of Name, Address, Telephone and Withholding Status

It is the employee's responsibility to inform the Human Resources Department of any changes in name, address, telephone number or withholding status. An employee must immediately report any of the above or other pertinent changes. Intentional failure to report such information is grounds for disciplinary action.

2.8.3 Personnel Record Retention

Personnel records are maintained in accordance with the records retention and destruction manual for cities published by the State Bureau of Administration.

2.9 Benefits, Medical and Confidential File

The city maintains confidential file(s) of employees. The file may include:

- Benefit forms (retirement, health and life insurance, etc.)

- Injury reports and workers' compensation information
- Necessary medical examinations and records
- Harassment/discrimination investigatory documents

Access to this file is limited to the Human Resources staff and on an absolute need to know basis only as deemed appropriate by the Human Resources Director or City's attorney.

2.10 Employment References

Absent a written authorization from the employee, it is the City's policy to provide only the following information on both present and past employees:

- If an employee has been employed with the City in City government service;
- Dates of employment;
- Current position or position at the date of separation from employment and other positions held; and
- Verification of salary information.

Any written information disclosed about the job performance of an employee or former employee to a prospective employer of that person at the written request of the prospective employer or the employee or former employee is presumed to be done in good faith and, unless lack of good faith is shown by clear and convincing evidence, and the disclosing party and City may not be held liable for the disclosure or its consequences. Any written response to the written request shall be made available to the employee or the former employee upon written request.

Providing employment references, including off-the-record remarks, without authorization in violation of the above stated policy may result in disciplinary action.

2.11 Political Activity

Employees of the City of Watertown are encouraged to exercise their right to vote. Use of city time or resources to perform campaign work in any manner or using city resources during hours of employment is prohibited.

Employees running for any political office need prior approval from his/her Department Head in order to avoid conflicts with his/her current employment with the City.

Any employee who intends to give testimony in a legislative process involving issues relevant to the City or the employee's position with the City, must get permission from their supervisor prior to providing the testimony. This does not prohibit the employee from taking leave and testifying for themselves or exercising their rights as citizens.

2.12 City Property

Property owned by the City shall only be used for City business. Any use of City property for personal use may result disciplinary action, except those uses of City vehicles inherent with an approved travel request. Any items received as a result of doing business as the City is the property of the City. All mail or packages received at City offices may be opened by a supervisor or other appropriate person and there shall be no expectation of privacy in such matters.

Employees who separate from employment shall return all City property. Where any outstanding debts for equipment loss or unauthorized charges exist, the City may consider the employee to

have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

Personal use of City vehicles, property, materials, uniforms, weapons, and any other City-issued equipment, and/or facilities is strictly prohibited.

2.12.1 Telephone Policy

1. Personal Cellular Phones

While at work employees are expected to exercise discretion in using personal cellular phones. The City will not be liable for the loss of personal cellular phones brought into the workplace.

2. Personal Use of Company-Provided Cellular Phones

In its discretion, the City may issue a business cell phone to an employee for work-related communications. Employees are expected to protect such cell phone from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection and the telephone number remains that of the City. Employees unable to present the phone in good working condition within the time period requested may be expected to bear the cost of a replacement.

3. Safety Issues for Cellular Phone Use

Employees are expected to refrain from using their phone while driving. Safety must come before all other concerns. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

4. Where the job or business demands immediate access to an employee, the City may issue a cell phone stipend. The stipend should be requested on an Employee Action Form by the Department Head and submitted to the Finance Officer for approval before being submitted to payroll. deExempt employees who are required to carry cellular phones are required to have the phone on and available 24 hours a day.

Employees shall provide the City with their cell phone number. The employee is responsible for any contracts, bills, equipment, etc. associated with the cell phone. Per IRS regulations a stipend is taxed as ordinary income. An employee using their phone and receiving a stipend acknowledges the fact that the phone may be subject to electronic discovery pursuant to a legal process involving business of the City.

2.13 Recordings

Employees shall not record employment-related conversations without prior approval of a supervisor. All employment related picture taking and videotaping is prohibited unless approved by management.

2.14 Violence, Harassment and Bullying in the Workplace Prohibited

The City condemns harassing, intimidating, threatening, bullying or assaulting behavior, speech or actions by any elected official or City employee against any employee or the public at and away from the workplace. In addition, the City will not tolerate intentional damage to City property by City employees or elected officials. Any employee who violates this policy will be subject to discipline up to, and including, discharge. Employees having knowledge of violation of this policy shall report such violation to their supervisors, or through the City's procedure(s).

2.15 Firearms Use by Authorized City Employees (Excluding Sworn Law Enforcement Officers)

It is understood by the City, that in some instances a need shall exist for certain City employees to use firearms in the normal performance of their duties (Ord. No 13.0302). The use of these firearms shall be for the control of nuisance or feral animals.

Procedure A- Requirements for Use of Firearm

City employees discharging firearms in the normal performance of duty and the weapon being used shall first be approved by the Chief of Police or designee administering background checks and training.

Approved authorized weapons include:

1. Shotgun
2. Rifle
3. Tranquilizer gun
4. Air rifle

Employees authorized to use these weapons will be required to attend an annual training class.

1. Training will include review of the department's rules and procedures for initial certification.
2. The list of qualified personnel shall be authorized by individual department heads and approved by the Chief of Police.
3. A written firearms qualifications certificate shall be provided to the Human Resources Director and kept in employee's personnel file at city hall.
4. A refresher course will be held annually, or when a new firearm is added to authorized list, or another employee is authorized or certified.
5. Files of all authorized and approved personnel will be kept at the Watertown Police Department including documentation of all training received.

Procedure B - Lock Boxes

Firearms and ammunition will be kept in a locked room or locked container when not in use.

Procedure C - Documentation of Firearm Discharge

Anytime a firearm is discharged the person discharging the firearm will document that a firearm was or is being discharged and why.

Procedure D - Inspection of Authorized Weapons

The department head shall be responsible for the inspection of the lock boxes at the department facilities as part of the monthly building safety inspections.

Procedure E - Firearms Maintenance

Weapon maintenance will be done in accordance with the manufacturer's specifications.

2.16 Accident Reporting and Investigation

All work-related accidents and injuries, no matter how minor, should be reported to your supervisor or the Human Resources Department immediately. This is for your protection in case medical attention is necessary or in the event of some future complication caused by the accident.

The City provides workers' compensation insurance for every employee. This insurance protects employees for loss of pay and time and for the cost of medical care for injuries sustained while working. For details, see the Workers' Compensation Policy 6.6.

If you are involved in an automobile accident while working or while driving a company owned or rented vehicle, you should: Contact law enforcement.

You should complete a written report for all accidents and injuries as soon as possible. Completed accident reports provide necessary information to allow the processing of claims with the City's or the other motorists' insurance companies. Any damage to the vehicle, no matter how slight, must be noted on the accident report. Upon notice of an accident, an investigation may be conducted by a supervisor and if done, shall be documented. An employee involved in a motor vehicle accident in a City vehicle shall also report the accident to the Police Department.

2.17 Personal Appearance

Employees are expected to exercise discretion and good taste in the matter of dress. Cleanliness and good grooming are expected.

Departments may require a City issued uniform be worn as their standard to ensure consistency and public identification. Shirts shall be short-sleeved at a minimum. Clothing items purchased with City funds shall be worn or used during work hours and generally worn by the employee while working. Employees will be required to replace missing work clothing at their own expense if the work clothing is lost, stolen or damaged due to the employee's own negligence. Employees are expected to report to work each day in a clean shirt. When a shirt is considered unwearable, the shirt will be returned to the appropriate supervisor, who will dispose of it first removing any logos.

The wearing of suggestive attire, soiled clothing, or otherwise inappropriate attire is not permitted.

Supervisors are authorized to develop and implement additional policies and practices arwhich are not inconsistent with the guidelines set forth herein. Employees wearing inappropriate attire may be asked to go home and change into appropriate attire.

2.18 Computer and Internet Policy

The City may provide employees access to computers, networks, Internet and electronic mail (e-mail). Every employee has a responsibility to maintain and enhance the City's public image and to use the above listed tools in a productive, businesslike manner. To ensure this, the City has established the following policy for using computer/electronic equipment. The policy does not supersede any local, state or federal laws, or any other City policy regarding confidential information dissemination and standards of conduct. The electronic equipment listed above is City owned property, thus its access and use, except in limited circumstances listed below, is for **OFFICIAL USE ONLY**. Employees shall have **NO EXPECTATION OF PRIVACY**, regarding their use of e-mail or the Internet. All records created by Internet use or e-mail are subject to inspection and audit by management or its representatives at any time, without notice. When using company e-mail or Internet services, which include messages sent by home using the company's server, employees agree to allow the employer to review and monitor all messages they send, store or receive on the system or any searches they make on web sites. By use of this equipment/systems, the employee understands and consents to the City's right to inspect, audit, and/or monitor.

2.18.1 General Terms

City electronic equipment is to be used only for official City business; however, brief and occasional email; browsing the Internet and use for non-business and/or personal matters within the confines of good judgment and within the guidelines herein described will not be deemed a violation of City policy. Usage for personal and/or non-business reasons must not impede City business and must not cause the city to incur any direct cost. An employee assumes full risk and responsibility for the exercise and application of good judgment; and all personal usage of the City electronic equipment is subject to later review and determination by the City, on a basis which may arguably be subjective, as to whether or not the personal use is within the confines of good judgment and not an abusive misuse of public property.

2.18.2 Specific Rules and Prohibition

- Unless authorized, employees may not use another employee's personally assigned account, password, login, logout, user name, etc., or lend use of any of these to another person.
- Employees must be aware of and comply with licensing and copyright restrictions applicable to software and data files they may access.
- Employee users must respect the privacy of others; employee users may not access private files or communications of others, even if unprotected, except by management as stipulated within this policy.
- The creation, dissemination, download, upload, installation or copying of illegal or pornographic documents or images is strictly forbidden.

- Employees shall not use the electronic equipment in a manner which results in damage to any City property (hardware or software); employees shall use all City provided computer equipment in a manner which shall knowingly result in the introduction of a computer virus or other destructive program or file to any City computer system.
- Accessing, posting, or sharing any racist, sexist, threatening, offensive, obscene or otherwise objectionable material (whether visual, textual, or auditory) via the Internet or e-mail is strictly prohibited.
- Electronic equipment will not be used for personal commercial purposes, political purposes, illegal or unauthorized purposes.

2.18.3 Monitoring, Violations, Penalties

- Violations of this policy shall be reported to the employee's supervisor.
- Monitoring individual usage of the electronic equipment by authorized individuals may occur.
- Violation of these policies may result in disciplinary action up to and including termination.

2.19 Artificial Intelligence

The City is committed to the ethical, transparent, and efficient use of Artificial Intelligence (AI) in the workplace to enhance public services while safeguarding privacy, fairness, and adherence to applicable laws. AI tools must be used responsibly and ethically, adhering to privacy and copyright laws. Employees must:

- Ensure that AI-generated outputs comply with copyright regulations and avoid the unauthorized use of protected content.
- Limit use to automating routine tasks, analyzing data, and improving public engagement.
- Ensure that decisions with significant personal, legal, or financial impacts must include human oversight.
- Verify the accuracy and reliability of any information or recommendations generated by AI systems before relying on them for decision-making.

Employees are responsible for using AI tools in an unbiased manner and reporting concerns about misuse.

2.20 Blogging and Social Networking

The City recognizes that Social Networking (such as personal websites, blogs, Facebook, X, online group discussions, text messaging, message boards, chat rooms, etc.) can be used by employees for personal reasons as well as business purposes. The City also understands how the use of internet social network sites and blogs can shape the way the public views our products or services, employees, vendors, partners and clients. The City respects the right of any employee to maintain a blog or post a comment on social networking sites. However, the City is also committed to ensuring that the use of such communications serves the needs of our business by maintaining the City's identity, integrity, and reputation in a manner consistent with our values

and policies. Therefore, the City has established the following rules and guidelines for communicating City-related information via Social Networking forums whether used in or outside the workplace:

2.20.1 Social Media

Both in professional and personal roles, employees are required to follow the same behavioral standards online as they would in real life. The same laws, professional expectations, and guidelines for interacting with citizens, co-workers, supervisors, media and others apply online as in the real world. Employees are liable for anything they post to social media sites.

City Employees posting on behalf of an official City department shall adhere to the following policies:

- Do not post confidential or proprietary information about the City of Watertown or other employees.
- When posting, be mindful of the copyright and intellectual property rights of others and of the City.
- Do not use the City logo or any other City images or iconography on personal social media sites. Do not use the City of Watertown's name to promote a product, cause, or political party or candidate.
- City computers and time on the job are reserved for City related business as approved by supervisors and in accordance with the Technology Use Policy.
- The Terms of Service of any social media platform employed will be obeyed.
- The use of social media while on work time should be limited and must not interfere with the job performance.
- Employees are encouraged to use proper business etiquette at all times and are responsible for all comments made on social media.
- The City reserves the right to monitor all posts to protect its interests and monitoring compliance with the public entity's social media.
- Employees are encouraged to keep social media accounts clean.
- All institutional pages must have a full-time appointed employee who is identified as being responsible for content.
- If you are representing a department of the City of Watertown when posting on a social media platform, acknowledge this and disclaim this if you are not.
- Departments should consider their messages, audiences, and goals, as well as a strategy for keeping information on social media sites up-to-date.
- Whenever possible, link back to the City of Watertown website. Ideally, posts should be very brief; redirecting a visitor to content that resides within the City of Watertown website as necessary.
- Posts on social media sites should protect the City's public voice by remaining professional in tone and in good taste. No individual department should construe its social media site as representing the City as a whole. Consider this when naming pages or accounts, selecting a profile picture or icon, and selecting

content to post – names, profile images, and posts should all be clearly linked to the particular department or unit rather than to the City as a whole.

2.21 News Media Relation Policy

The City has established guidelines for how non-elected City personnel and public officers should engage with members of recognized news media organizations. The intended purpose of the City media relations policy is to ensure a coordinated response to share public information on behalf of the City.

2.21.1 Spokespersons

Often, the media will need to interview a “spokesperson.” A spokesperson is someone engaged or elected to speak on behalf of the City. These spokespersons may serve as individuals for on-camera interviews or be quoted in public statements to demonstrate authenticity in the reporting of public information. City Department Heads or designated Division Supervisors are the primary spokespersons.

2.21.2 Guidelines for Media Releases

Positive media solicitation is an integral element of the City's communications program. The City communications program includes media releases and advisories regarding ceremonies, special accomplishments, events and activities, programs, and plans to promote the municipality. City staff is encouraged to submit information that highlight the City, its work, or the community to the Public Information Officer.

2.21.3 Ongoing Investigations

The policies of the City of Watertown do not allow for public comments and constrain the availability of information during an active investigation. These policies preserve the integrity of the investigation and prevent liability for the City of Watertown. All requests for public information need to be referred to the department spokesperson.

2.22 Non-Solicitation

Solicitation on City property is not allowed.

2.23 Gratuities

No City employee shall use their position with the City to seek or obtain courtesies, gratuities, or personal favors. Employees must be careful to avoid actions that create the appearance of favoritism or that may adversely affect the City’s reputation for impartiality and fair dealing. Employees may accept occasional and insignificant gifts such as flowers, refreshments, food, t-shirts, caps, pens, etc., so long as they are not inappropriately lavish or excessive, do not create the appearance of an attempt to influence business decisions, and are not so frequent as to demonstrate an inappropriate pattern. Gifts or gratuities with a value of \$100 or more must be reported to the City Manager.

2.24 Confidential Information

As an employee in the course of your employment, you may become aware of certain confidential information that should not be shared with others, including co-workers and non-employees. For example, employees are prohibited from discussing the circumstances

surrounding potential liability incidents or claims, or legal actions involving the City, unless authorized to do so. Employees are required to take reasonable and necessary steps to preserve the confidentiality of such information.

2.25 Outside Employment

Full-time employees shall not accept additional outside employment except with the prior written approval of their immediate supervisor. Such approval will not be granted when additional employment will interfere, conflict with, or adversely affect the employee's City duties and responsibilities, or presents a conflict of interest. The supervisor may rescind prior approval if the additional outside employment begins to interfere with the employee's City duties. The supervisor shall provide the employee with notification if the approval is to be rescinded.

2.26 Hybrid/Remote Work

The City of Watertown may allow an employee to temporarily work from home to ensure operational continuity. Exempt employees can initiate a temporary telecommuting agreement to account for special circumstances that arise that may require flexibility on the part of the city while allowing the employee to temporarily complete their job duties while working remotely.

Departments should consider the following factors in determining whether an employee is eligible for hybrid or remote work:

- Needs of the City and the respective Department.
- Nature of the employee's job and duties to be performed and the impact to the department or City.
- The City will determine the equipment needs for each employee on a case-by-case basis. Equipment supplied by the City is to be used for business purposes only.
- Consistent with the City's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of information security by utilizing a VPN.
- Employee's current and past job performance, including attendance and disciplinary record.
- As a reasonable accommodation request pursuant to Fair Employment Housing Act (FEHA)/American with Disabilities Act (ADA).
- Employees on an approved leave of absence are not eligible to hybrid or remote work.

The employee should consider the following factors when initiating a short-term remote work request:

- The employee will remain accessible and productive during scheduled work hours.
- The employee will report to their work location as necessary upon direction from his or her supervisor.
- The employee will communicate regularly with his or her supervisor and co-workers, which includes a weekly written report of activities.
- The employee will comply with all City of Watertown rules, policies, practices and instructions that would apply if the employee were working in person.
- The employee will maintain satisfactory performance standards.

- The employee understands that telecommuting is not a substitute for dependent care. In special circumstances exceptions may be made for employees with caregiving responsibilities.
- The employee will maintain a safe and secure work environment at all times.
- The employee will allow the employer to have access to the telecommuting location for purposes of assessing safety and security, upon reasonable notice by the employer.
- The employee will report work-related injuries to his or her supervisor as soon as practicable.

The decision to terminate or deny a hybrid or remote work arrangement will be reviewed with the employee but is not subject to any grievance procedure or appeal process. When a hybrid or remote work agreement ends or is terminated, the employee must promptly return all City-owned devices and work product to their immediate supervisor.

2.27 Personal Relationship Amongst Coworkers

No personal employee relationship will be allowed to be maintained if it creates a disruption or potential disruption in the work environment, creates an actual or perceived conflict of interest, or is prohibited by any legal or regulatory mandate. Personal relationships amongst employees must be disclosed to the Department Head and Human Resources. Exemptions may be granted by the City Manager.

2.28 Conflict of Interest

As a general statement, a conflict of interest is defined to include any situation in which a City employee in the discharge of official duties would be required to take action or make any decision that may cause financial benefit to: (1) that same employee (2) any member of that employee's immediate family defined to include spouse, a parent, a child, or a sibling related by blood, marriage or adoption; or (3) a business enterprise owned in whole or in part by the employee; unless the benefit is extended to the general public or a broad segment of the public at large. As soon as an employee is actually aware or should reasonably be aware of a conflict of interest, they are required either to make full public disclosure of or to remove himself/herself from the conflict of interest.

Employees are prohibited from:

1. Using their City position or any influence, power, authority, or confidential information derived from it, or any City time, equipment, property, or supplies for private gain; or
2. Receiving outside compensation, gift, or gratuity, for the performance of City duties, except as follows:
 - a. Awards for meritorious public contribution publicly awarded;
 - b. Receipt of honoraria or expenses paid for papers, talks, demonstrations, or appearances made by employees with the approval of the employee's Department Head or the City Manager; or
 - c. Receipt of social amenities, ceremonial gifts, or advertising gifts, worth less than \$100 in value.

Unless directed otherwise by the City Manager, any gifts beyond those listed above received for performance of City duties will be considered City property and will be immediately reported to the City Finance Office for inventory.

2.29 Bribery

No person seeking City employment or promotion, nor any person seeking City services or contracts, will give, render, or pay any money, service, or other valuable thing to any City employee in connection with the desired City employment, promotion, service or contract. Nor will any City employee knowingly accept such favor(s) in these circumstances.

POLICY #3 EMPLOYEE CLASSIFICATIONS

3.1 Definitions

Appointed Official: An individual who holds a position in the City directly appointed by an Elected Official as defined by law.

City Employee: Anyone employed by the City who is not an elected or appointed official.

Regular Full-Time Employee (FTE=Full Time Equivalent): An employee who is employed by the City to work a predetermined schedule of at least 40 hours per week. Benefits for FTE are as follows:

Vacation Leave:	Full Benefit
Sick Leave:	Full Benefit
Holiday Pay:	Full Benefit
Health (Dental) Insurance:	Full Benefit
Life Insurance:	Full Benefit
S.D. Retirement System:	Participating
Dental	Offered
Vision	Offered
Wellness	Offered
Supplemental Retirement	Offered

Regular Part-Time Employee: An employee who is employed by the City to work at least 20 hours but less than the full time hours per week as defined above on a regular basis. Benefits for these employees are as follows:

S.D. Retirement System:	Participating
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Temporary or Seasonal Employee: An employee who is employed by the City to work for less than 20 hours per week (part time) or less than 6 months. No benefits are provided.

POLICY #4: RECRUITMENT, SELECTION & PROMOTION

4.1 Recruitment and Hiring Policy and Immigration Law Compliance

It is the policy of the City to recruit and fill job vacancies with the most qualified individual for the position. The City has three methods of recruiting qualified applicants to fill job vacancies in City employment. These are: 1) promotion from within; 2) transfer from within; or 3) open announcement and advertisement. All selections shall be based on merit and fitness to fill the job vacancy.

The City is committed to employing only people who are United States citizens or who are aliens legally authorized to work in the United States. We do not discriminate because of a person's citizenship or national origin. To comply with the Immigration Reform and Control Act of 1986, every new employee is required to complete the Employment Eligibility Verification Form I-9 and show documents that prove identity and employment eligibility. All employees will be expected to complete the I-9 Form on or before their first day of work. If the employee is not able to provide the necessary documentation within three (3) working days from the date of hire, they must provide proof that they have applied for the required documents. If this is not provided, the employee will be terminated. Former employees who are rehired must complete the form if they have not completed an I-9 or it is no longer retained or valid.

4.2 Job Announcement

Except as set forth in 4.2 above, announcements for regular full-time and part-time job vacancies shall be made according to the position. Announcements may include the job title; a brief job summary; the minimum qualifications for appointment; the deadline for filing an application; and location to send the application. Announcements and advertisements shall state that the City is an "Equal Opportunity Employer."

4.3 Applications for Employment

Individuals interested in applying for a specific position with the City must complete and submit a City application form. In addition to the completed application form, a resume may be strongly encouraged.

4.4 Eligibility

To be eligible for employment with the City the applicant must:

- 1) be legally eligible to be employed in the United States as proven on the required I-9 form. (Required by federal law)
- 2) if born after December 31, 1959 and male, be registered for selective service. (Required by federal law and SDCL1-1.1)

4.5 Veteran's Preference

Where all other qualifications are equal, preference in employment will be given to veterans who have served on active duty and been honorably discharged from the armed forces of the United States using the definition of veteran listed in SDCL 33-17-1 and the periods specified in 33-17-2.

4.6 Selection

Selection to fill a job vacancy is made on the basis of knowledge, skills, education, experience, and ability to perform the duties of the specific position. All selections are to be made without regard to race, religion, creed, color, national origin, sex, sexual orientation, gender identity, age, disability, political affiliation, and marital or veteran status.

4.7 Employment Offers

After the proper authorities have selected an individual to fill a job vacancy, the individual will be notified of their selection by the Human Resources Department. An offer of employment will be presented by Human Resources staff, and a starting date will be established at this time. Employment offers are for at-will employment, under which the employment relationship may be terminated with or without cause, with or without prior notice, by either the City or the employee.

4.8 Acceptance of Employment

After an individual has accepted employment with the City, the Human Resources Department shall ensure that the necessary and proper paperwork is filed within the employee's personnel file.

4.9 Residency Requirement

Residency within the City may be a condition of employment if non-residency interferes with or hampers the employee from fulfilling the duties of his/her position or cause the employee to miss work often. Each department may set more restrictive residency requirements based on departmental, division, and position needs. These department specific requirements are defined in Resolution 20-25. Any amendments to the Residency Resolution require council action.

4.10 Relocation

The City will provide relocation assistance for positions at Grade 170 or higher. The amount of relocation assistance will be determined on a case-by-case basis based upon the available budget and/or any grant funds by the Department Head, Human Resources Director, and City Manager.

4.11 Employment of Relatives (Nepotism)

The City's policy in employment is to hire and promote on the basis of an individual's merit, knowledge, skills, and abilities to avoid circumstances of favoritism. Thus the full-time employment of immediate family members where one member would hire, supervise, discipline or otherwise judge the performance of the above is prohibited. Immediate family is defined as: parents, step-parents, spouse, children, stepchildren, brother, sisters, step-brothers, step-sisters, grandparents, grandchildren or an individual who has acquired any of the above status through marriage.

4.12 Employee-In-Training Period (Probationary)

Every employee hired by the City must complete a *department defined* training period for the purpose of assessing the individual's ability to perform their assigned duties. Such employment may be terminated if either the City or the employee feels this is the appropriate action. There is no notice required of either party for such termination and no due process procedures will be held by the City for any disciplinary action during this time period. During this training period an

employee shall accrue both sick and vacation leave at the regularly scheduled rate. A probationary employee is entitled to paid holidays as observed by the City. At the discretion of the employer, the training period may be extended.

Employees receiving transfers, promotions, etc., will be required to complete a new probationary training period for assessing his/her ability to perform the duties of the new position assigned. During this time the employee will continue to receive all benefits as previously assigned.

POLICY #5: HOURS OF WORK

5.1 General Policy

It is the City's intent to create a standard work week within which an employee is expected to perform City services. The City also realizes that emergency and extenuating circumstances may arise in which an employee is required to work variable hours. Nothing within this policy is meant as a guarantee to the number of hours, either daily or weekly, that an employee may be required to work. However, it is the City's policy that every employee be treated equally and fairly when expected to work odd or extended hours.

5.2 Standard Work Day/Week

For purposes of establishing compliance with the Fair Labor Standards Act, work weeks will be designated as listed:

The seven-day work week for all City departments will begin at 12:00:01 AM each Monday with the following exceptions:

1. Library employees begin at 12:00:01 AM each Saturday.
2. Departments/divisions beginning at 12:00:01 AM each Sunday:
 - Airport
 - Fire Rescue
 - Wellness Center
 - Parks, Recreation and Forestry
 - Wastewater
 - Solid Waste
3. Police and E-911 employees begin at 06:00:01 AM each Monday.

5.2.1 Work Cycle for Employees/Departments Subject to the Section 207(K) Exemption From the Fair Labor Standards Act

Watertown Fire Rescue department (excluding the Chief, Assistant Chief, EMS Chief, Fire Marshall, and 40-Hour Per Week Firefighter/EMT Assignment) are scheduled to work 204 hours in each 27-day cycle with 24 hours "on duty" and 48 hours "off duty", taking into consideration the Garcia Day schedule.

5.2.2 Time Worked

If less than a full hour is worked, the amount of time recorded on the timesheet should be rounded to the nearest quarter-hour.

5.2.3 Daylight Savings Time

The hour an employee loses each spring (by working seven of a scheduled eight-hour shift) must be charged to vacation or, with supervisory approval, be made up within the same work week. The extra hour an employee works each fall (by working nine hours rather than the scheduled eight) must be paid to the employee within the guidelines for overtime provisions under the Fair Labor Standards Act.

5.2.4 Nursing Mothers

Nursing mothers are entitled to reasonable break times each day to allow for expressing breast milk for her nursing child. The City will provide a room or location (not a restroom) for a nursing mother to express milk with privacy.

5.3 Flex Time

The Department Head reserves the right to authorize flexible work hours within the 40 hour work week in situations where it is appropriate or necessary. Employees must still adhere to the standard 40 hour work week unless flex time or overtime has been approved by their supervisor.

5.4 Overtime (Exempt Hourly and Non-exempt)

Employees may be required to work overtime when determined necessary by their supervisor or the City. Overtime is defined as time that is worked in excess of the first 40 hours within the standard work week. All work performed in excess of 40 hours in one work; vacation and/or comp time taken cannot be used in calculating overtime. All sick leave and holidays shall be considered as hours worked to calculate overtime. Work performed under provisions of call back and stand by pay cannot be used to calculate overtime. Compensatory time at the rate of one and one-half (1 ½) times the hours worked may be used in place of overtime pay if mutually agreed between the employee and the Department Head.

Accrual of overtime without prior authorization may result in disciplinary procedures.

5.5 Comp Time (Non-represented employees excluding salaried exempt)

Authorized comp time shall be administered within the same guidelines as overtime and be accrued at time and one-half. Compensatory time designation and use in lieu of overtime pay must be approved by the Department Head. Compensatory time may be accumulated up to 200 hours. Upon separation from City service, the employee will be paid for any unused comp time at their final rate of pay. Represented shall refer to their union contracts for comp time regulations.

5.6 Exemptions to Overtime

The following employees are exempt from overtime standards:

- Appointed officers (if determined to be FLSA exempt)

- All exempt staff

5.7 Attendance

All City employees are expected to be at work on time and during their regularly scheduled hours. Employees who are unable to report for work on time are required to notify their immediate supervisor prior to their being absent, unless an emergency exists. If an emergency situation exists, the employee is expected to notify the proper authority as soon as reasonably possible. Except in cases of an emergency, if an employee is absent more than 3 consecutive days without proper notification, the employee will be considered to have voluntarily resigned their position and/or may be discharged from City service.

5.8 Time sheets or cards

For the purpose of calculating and issuing pay checks, each employee's time sheet is a record of their regular hours worked, overtime worked, and vacation or sick leave used. Every exempt hourly and non-exempt employee and their supervisor must sign their time sheet to verify that all entries are accurate. Intentional falsification of time sheets may result in disciplinary action.

5.9 City Hall Closed

When City facilities/departments are closed by the City Manager or their designee (e.g. during a snow emergency) and employees are sent home, employees who are required to continue working (as determined by the City Manager or designee) shall receive equal time off on an hour for hour basis identical to the number of hours the other City facilities/departments were closed between the hours of 8:00 A.M. to 5:00 P.M., not to exceed eight (8) hours. Employees of closed City facilities/departments may leave work during the hours such facility/department is declared closed and such employees will not be required to use vacation or compensation time for this time away from work. This Section does not impact policies relating to weekends, holidays, or observed holidays. This does not apply to closures for work-related activities where employees are not sent home (such as city events/functions, trainings/professional development, software outages or other activities impacting customer services and triggering closures, etc.)

POLICY #6: COMPENSATION

6.1 Pay Period and Pay Day

Pay checks are issued on the last business day of each month.

6.2 Early Pay Checks

The City does not grant early paychecks to employees.

6.3 Time Sheets

Each employee is responsible for ensuring that his/her time sheets and leave claimed are correct and submitted on time. Any misrepresentation of time worked or falsification of any time sheet may result in disciplinary action.

6.4 Payroll Deductions

The City is required to withhold Federal Income Tax (FICA), Social Security with the exception of the Fire Department, Medicare, and South Dakota Retirement System contributions from each

employee's pay check unless employee designates as exempt on W-4. Other deductions may be elected by the employee upon hire or during the annual open enrollment period.

6.6 Workers' Compensation

Workers' Compensation is a "no fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill due to their employment. Some exceptions include injuries caused by an employee's willful and serious misconduct, intoxication, or voluntary participation in recreational social activities.

The City pays the entire cost of workers' compensation insurance. The insurance will cover all related medical and rehabilitation expenses and a portion of lost wages. The insurance company will also authorize the length of stay, if any, away from work.

If an employee is injured on the job, work related medical costs are paid as the compensation rate for salary loss as set by the State of South Dakota. Injury on the job must be reported immediately to the employee's supervisor. The injured employee must then complete the appropriate worker's compensation forms. State law requires any injury to be reported no later than three (3) business days after it occurred. If it is not reported within three days, workers' compensation benefits could be denied. Any employee accidentally injured on the job who qualifies for worker's compensation pay will receive pay and/or benefits according to the following formula:

Receive regular pay from the Employer for any days of work missed as a result of the injury and sign all worker's compensation checks received from the insurer over to the Employer. Sick leave will be deducted from the balance available to the employee at the rate of 1:3 (for example: one (1) hour of sick leave deducted for every three hours of work missed). The Employer will allow such use of sick leave up to the maximum number of hours of sick leave available to the employee. In the event an employee choosing this option exhausts all available sick leave prior to returning to work, then upon such occurrence, the following provisions shall thereafter apply:

The employee with no available sick leave will accept worker's compensation payment from the insurer as full compensation with no leave time charged to any leave balance (sick leave, vacation leave, compensatory time) and no pay from the Employer. In the event an employee receives benefits pursuant to this provision, employee will be eligible for benefits only to the extent provided for under the Employer's personnel policy governing leaves of absence without pay.

6.7 Travel and Reimbursement of Expenses

6.7.1 General Policy

It is the policy of the City that employees be fully reimbursed for necessary and reasonable job-related travel expenses. It is the expectation that the city credit card will be used whenever possible for all business-related travel expenses with exception to meal reimbursements or gas when personal vehicle is used.

6.7.2 Travel Approval Required

All travel must be approved by the employee's supervisor prior to the date of travel except in emergency instances. The Training and Travel Request form must be approved by the Department Head or designee for out-of-state travel. Department Heads are required to retain copies of the submitted Training and Travel Request forms for a minimum of two years. Any post travel reporting requirements will be determined by the Department Head.

6.7.3 Meal Allowance-Schedule for Computation

An employee in an authorized travel status is entitled to collect a meal allowance for meal expenses incurred based on the IRS per diem travel rate. The current rates are published on the travel reimbursement forms. The rates will be updated annually.

An employee may claim a meal allowance provided a meal expense is actually incurred and the employee is in a travel status for more than three continuous hours during the following periods:

- if traveling from 12:01 a.m. to 11:29 a.m. breakfast may be claimed
- if traveling from 11:30 a.m. to 4:59 p.m. noon lunch may be claimed
- if traveling from 5:00 p.m. to 12:00 a.m. evening supper may be claimed

An employee would not be entitled to a meal allowance for meals paid for by the City as part of a conference registration fee, airfare or other similar circumstances.

6.7.4 Receipts Required for Lodging

Receipts are required for all lodging expenses for reimbursement

6.7.5 Mileage Rate

When employees use their private vehicles for approved travel, mileage will be paid at the current IRS travel rate. All drivers must be insured. Proof of coverage may be requested.

6.7.6 City Credit Card Usage

If the City credit card is used for travel purposes, the employee is required to follow the credit card procurement policies, including receipt retention and submittal as required.

6.7.7 Miscellaneous Travel Expenses

Incidental expenses such as taxi and rideshare fares, tips for shuttle drivers, etc. are reimbursable. Receipts shall be provided.

Expenses for non-business-related activities, such as sightseeing tours, are not reimbursable.

6.7.8 Combining Personal Travel with Business Travel

When combining business travel with personal travel, reimbursement is limited to business expenses for City employees. The City of Watertown will not pay for the additional costs of a spouse, family member, or friend accompanying the traveler.

6.7.9 Expenses Not Reimbursable

An employee may not seek reimbursement for goods or services provided free of charge, not personally paid for by the employee, reimbursed by another source, or which will be paid for or reimbursed from another source. Any reimbursement received by the employee from another source for the same costs reimbursed by the City must be deposited back to the City.

6.7.10 Travel Reimbursement Form

To seek reimbursement for travel or to justify expenses made during travel, a travel voucher must be completed and submitted within 90 days from the date expenses were incurred. Exceptions may be requested in writing by the department head to the City Manager. Employees must complete the Travel Voucher form, attach receipts with the exception of per diems, and collect required signatures. The employee, immediate supervisor, and department head (if different than immediate supervisor) must sign the travel voucher prior to submittal. Travel reimbursement forms for Department Head travel must be signed by the City Manager.

6.8 Classification System and Compensation

The purpose of the classification plan is to:

- Provide uniform titles for positions.
- Establish desirable qualification standards for recruiting and examining purposes.
- Provide a means of analyzing lines of authority and other relationships between positions.
- Assist in determining budget requirements.
- Provide a basis for developing standards of work responsibilities.
- Establish lines of promotion.

6.8.1 Administration of Classification Plan

Each full-time position has a grade assignment within the wage matrix as approved annually during the budget process.

Any department wishing to establish a new position or substantially change a current position may initiate a written request along with a proposed job description which indicates the changes requested to the Human Resources Director. The Human Resources Director and Department Head shall present the recommended grade assignment for a new position or recommended grade change for an existing position to the City Manager for approval.

6.8.2 Certification of Classification Change

A signed Employee Action Form is the official authorization form required for employee file documentation and for certification to payroll of any change in pay status. No change in pay will be granted without official action and the completion of the Employee Action Form.

Human Resources personnel will initiate an Employee Action Form for a new-hire, transfer, promotion or any other change of position.

6.8.3 Compensation

The City processes payroll once a month for payment on the last working day of the month. The process electronically posts all payroll amounts directly into an employee's designated account. Each employee must submit appropriate account information for payroll transactions and maintain current account information for the payroll process. The City will generate a notice of deposit showing each employee the details of the payroll.

6.9 Pay Administration and Appointment Rates

6.9.1 Exempt and Non-exempt Non-Represented Employees

A new employee in an exempt position should ordinarily be compensated at a rate of pay between the minimum Step 1 and Step 8 of the grade with consideration given for job-related experience and educational qualifications. In the event the position cannot be filled with Step 8 or lower a request may be made to council for approval of budgetary authority to fill the position at a Step 9 – Step 15.

6.9.2 Non-exempt Union Employees

A new employee in a non-exempt union position should refer to the union contract.

6.9.3 Pay Range Adjustments

Pay range adjustments within an established range are not automatic but will be evaluated and updated during the annual budget process and contract negotiations.

6.9.4 Denial of Pay Range Adjustment

If funding is not available, pay range adjustments may be denied. Written notice of any denial of a pay raise and the reasons therefore shall be submitted to the employee before the due date for the pay range adjustment. The employee's eligibility date for future increases shall remain unchanged.

6.9.5 Pay Upon Promotion

Consideration for a wage increase for employees promoted to a higher grade shall be as follows:

- Calculate a 6% increase to the employee's current base wage and compare to Step 1 of the new grade.
- If Step 1 of the new grade is greater than the 6%, the employee will be placed on Step 1 of the new grade.
- If the 6% increase is greater than the Step 1 wage, the employee will be placed on the step immediately above the 6% amount.
- Thereafter, the schedule as set forth in the appropriate union contract or applicable salary resolution shall be followed. Exceptions to this may be necessary but only with the approval of the Council.

6.9.6 Pay Upon Transfer

When an employee requested transfer is approved, the employee's salary will be affected as follows:

- If the approved transfer is to a position at the same grade, the employee will move to the new position without any change in pay.
- If the approved transfer is to a position at a lower grade, the employee will move to the new position and the salary calculated as follows:
 - Calculate step one +10% of the new grade. If the employee's current salary is below that amount, the salary will be reduced to Step 1 of the new grade. Otherwise, the employee will be placed on the step immediately above the Step 1 +10% of the new grade.

6.9.7 Pay Upon Demotion

When an employee is demoted, the City Manager, Human Resources Director and Department Head will determine the appropriate step on the new grade of the matrix.

6.9.8 Reclassification

When a position is reclassified to a lower grade within the classification system, the salary of the incumbent shall be set as follows:

1. If the change occurs during the calendar year, the employee shall remain at the employee's current wage until January 1 of the following year. At that time, the employee will be placed on the step of the lower grade that is closest to and above the current wage but will not receive any further increase for that year.
2. If the change occurs on January 1, the employee will be placed on the step of the lower grade that is closest to and above the employee's current wage but will not receive any further increase for that year.

6.9.9 Longevity Pay

All employees hired prior to January 1, 2022 having completed five (5) years of continuous employment with the City of Watertown shall receive, in addition to their regular pay, \$8.00 per month for each year of service ("Longevity Pay"). For example, an employee with eight years of service shall receive Longevity Pay of \$64.00 per month. All employees hired after January 1, 2022 will not receive Longevity Pay until completing ten (10) years of continuous employment with the City.

Longevity pay shall be determined and increased, where appropriate, on an employee's anniversary date (the anniversary date being the date of hire). When an employee's anniversary is prior to the 15th day of the month, longevity will be paid during that month based on the new years of service.

6.9.10 Interim Position Compensation

A temporary administrative stipend may be paid to an employee who is temporarily assigned significant responsibilities of a higher level position or significantly different duties not normally a part of the employee's regular position when a position of a higher grade is vacant. Temporary stipends are typically effective the date an employee begins performing **substantially all of the duties of a higher classification** for a significant

portion of their time (usually 50% or greater). They end when the higher level duties are no longer assigned. Stipends for employees are appropriate when increased responsibility lasts for at least 30 working days or longer. A temporary stipend is computed as Step 1 of the new grade unless the employee's current salary is higher than Step 1. If so a stipend is given for at least 6%. The employee is placed temporarily on the step immediately about the 6%.

At the end of the temporary assignment, employees shall be returned to their former position with the same salary and status as they would have had if they had not been temporarily reassigned with the addition of any intervening salary adjustments which have occurred, including any increase that would have been made to the employee's regular salary during the temporary assignment period.

POLICY #7: LEAVES OF ABSENCE

7.1 Annual Vacation Leave Benefits

7.1.1 Accrual and Eligibility

Employee vacation hours shall be credited to the employee's vacation bank as accrued on a monthly basis and cannot be taken in advance of accruals. Vacation leave accrues on the 15th day of each month and cannot be taken until accrued. No newly-hired employee may use accrued vacation leave until 90 days following the date of hire. An employee must successfully complete six months of employment to be eligible for cash out of unused vacation leave upon leaving City employment.

7.1.2 Calculating Leave Vacation Hours

All full-time employees shall be entitled to annual vacation leave in accordance with the following schedule:

Annual Vacation Schedule In Hours	Battalion Chiefs/IAFF	Annual Vacation Schedule in Hours	All Others
Years 1 through 5	168 hours	Years 1 through 5	120 hours
Years 6 through 10	224 hours	Years 6 through 10	160 hours
Years 11 through 15	280 hours	Years 11 through 15	200 hours
Years 16 and beyond	336 hours	Years 16 and beyond	240 hours

7.1.3 Vacation Request Procedure

Unless otherwise stated in Union Contracts, department heads may circulate a vacation request form to nonexempt employees in January of each year. Based on seniority, employees may sign up for eighty (80) hours of their total allowable vacation. After the vacation sheet has been passed through the department, it will once again be circulated based on seniority for employees to sign up for the remainder of their vacation hours. Employees are asked to list their first choice of vacation periods for the calendar year.

The department head will post the vacation schedule by February 1st. In the event of schedule conflicts, the employee with the most seniority will have priority.

An employee not bidding for full entitlement will relinquish any seniority rights for the purpose of selecting vacation time for the balance of the accrued and unused vacation. Unless otherwise approved by the supervisor, the remainder of an employee's unscheduled vacation may not be taken in increments of less than one full hour. Seven days advanced notice should be given to request use of the unscheduled vacation.

7.1.4 Maximum Accrual of Leave Credits

Other than Battalion Chiefs, employees will be allowed to accumulate two hundred (200) hours of vacation. In the event an employee's accrued vacation exceeds two hundred (200) hours on December 31 in any calendar year, such excess vacation will be forfeited.

Battalion Chiefs will be allowed to accumulate three hundred and twelve (312) hours of vacation. In the event a Battalion Chief's accrued vacation exceeds three hundred and twelve (312) hours on December 31 in any calendar year, such excess vacation will be forfeited.

7.2 Sick Leave Benefits

7.2.1 Accrual of Sick Leave

All full-time employees, other than Battalion Chiefs, will be allowed sick leave with regular pay accumulating at the rate of eight (8) hours per month of employment not to exceed 96 hours per year. Sick leave accrues on the 15th of each month and cannot be taken prior to accrual. Battalion Chiefs will be allowed sick leave with regular pay accumulating at the rate of twelve (12) hours per month of employment not to exceed 144 hours per year.

7.2.2 Conditions for Use of Sick Leave

Sick leave may be used to the extent of the accrued and unused sick leave as follows:

- Illness of employee
- Injury of employee
- Medical disability of employee
- Maternity - related disability, including prenatal care, birth, miscarriage, or other medical care for either employee or child: or for postnatal care for a period not to exceed six months (see Maternity Leave section for further details).
- Family illness – for purposes of family sick leave, family member relationships include: employee's spouse, domestic partner, child, step-child, parent, step-parent, grandparent, grandchild, sibling, and/or assigned ward or legal guardianship of the employee. The employee may be required to submit a physician's statement of illnesses claimed under this subsection.
- Doctor or dental appointments.
- For the birth or adoption of an employee's child
- Funeral leave - An additional two days to be deducted from accrued sick leave may be granted with approval of the department head.

7.2.3 Sick Leave Requests

An employee who is unable to report to work due to injury or illness must notify the supervisor as far in advance as possible. The employee may be required to submit a physician statement to support the absence or suffer loss of sick leave pay for time absent.

7.2.4 Abuse of Sick Leave

Misrepresentation of the actual reason for charging an absence to sick leave is cause for discipline, up to and including termination. Chronic, persistent or patterned use of sick leave without presentation of doctor's documentation may be subject to disciplinary action.

Absences improperly charged to sick leave may, at the City's discretion, be charged to available compensatory time or leave without pay. Vacation time may be charged in such cases at the mutual agreement of the employee and the City.

7.3 Maternity Leave

Pregnant employees may use any available accrued paid leave or leave without pay. The amount of leave taken for maternity purposes should be decided upon by the employee and the department head, taking into account the amount of accrued leave available.

7.4 Jury or Witness Duty Leave

Upon receipt of notification from a state or federal court of an obligation to serve on a jury or to serve as a court witness, the employee shall notify his or her supervisor and provide a copy of the subpoena or jury summons. The supervisor shall forward copies of the subpoena or summons to the Human Resources Department.

Each employee of the City who is under proper summons as a juror or prospective juror, or is compelled by a proper subpoena as a witness, may receive the difference between the fees received as a juror or witness and the employee's regular wage (if jury fees or witness check are less than the regular rate), or may turn the juror fee or witness check over to the employer and be paid at the normal wage. An employee called for jury or witness service is expected to work full time when not actually in court or doing something in connection with such service. Any employee reporting for jury duty must indicate "Jury Duty" or "Witness Duty" on the time sheet for the time taken for this cause.

7.5 Voting Leave

City employees whose work schedule does not enable them time to vote during which time the polls are open shall be allowed up to two (2) consecutive hours to vote. Such time shall be treated as regular work time for the purpose of pay and accrual of leaves.

7.6 Military Leave

7.6.1 Military Leave – Guards

An employee who is a duly qualified member of the "ready reserve" shall be granted leave for service training and obligations upon notice, either verbal or written, to the employer. Notice should be given as far in advance as is reasonable unless precluded by military necessity.

The employee will be entitled to return to City employment without any loss of status, pay or seniority. In the case where the military pay allowance for service training or obligation period is less than the employee's normal wage, the employer will pay the difference. The City cannot require use of accrued vacation or similar paid leave while the employee is performing service, but the employee must be permitted use of such benefits if requested by the employee (20 C.F.R. 1002.153).

7.6.2 Military Leave for Active Duty

A full-time employee who is called into active duty in the Armed Forces of the United States shall be entitled to a leave of absence without pay for the period of service required by the original induction. Upon honorable discharge from the Armed Forces, the employee shall be reinstated to his/her former position or a comparable position provided application for such reinstatement is made prior to or within ninety days of separation from the Armed Forces, the position still exists, and the employee is capable of performing the duties of the position. If the employee is in a probationary status when activated for duty, the probationary period will be suspended until the employee is reinstated within the ninety day requirement.

7.6.3 Funeral Leave

Employees shall be entitled to a three day leave with pay to attend the funeral for family member relationships to include: employee's spouse, domestic partner, child, step-child, parent, step-parent, brother, step-brother, sister, step-sister, grandparent, step-grandparent, grandchild, step-grandchild, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, and step-relatives in these same categories, and/or assigned ward or legal guardianship of the employee. An additional two days to be deducted from accrued sick leave may be granted with approval of the department head. Use of the two-day additional sick leave as funeral leave benefit for family relationship is not included in the restricted hours for family illness.

7.7 Leave of Absence Without Pay

7.7.1 Extended Leave of Absence

With the City Manager's and Department Head's approval, regular employees may be granted a leave of absence without pay for up to one year for extended illness or personal injury, provided that the employee furnishes a certified physician's written statement.

7.7.2 Other Extended Leaves of Absence

Employees may be granted leave without pay to pursue higher education necessary for a City related position, or any reasonable purpose with the approval of the City Manager and Department Head.

Employees who have not completed their probationary term and are therefore not eligible to use accrued vacation time may submit a signed, written request to their Department Head for unpaid time off stating the purpose of the leave. The request must be submitted a minimum of two weeks prior to the time off requested. The Department Head will take into consideration the staffing needs and schedules of other staff with seniority for the time requested. This documentation must be submitted to payroll for processing.

7.7.3 Benefits While on Leave

An employee in an approved **leave without pay** status for 17 calendar days or more during any calendar month or 17 consecutive calendar days or more during any two or more consecutive months will not be entitled to receive the following employee benefits for that calendar month or the subsequent calendar months affected by the leave:

- Vacation leave accrual
- Sick leave accrual
- Longevity pay
- City contribution to supplemental retirement

Eligibility for health insurance when on a non-FMLA protected leave of absence is determined in accordance with the health insurance contract between the City and the contracted health insurance company. If an employee is not entitled to the City contribution toward the group health insurance premium while in an approved leave without pay status, the employee is responsible for the entire amount of the group health insurance premium.

7.8 Administrative Leave

When administrative leave would, in the opinion of the department head/supervisor, be in the best interest of the City, the department head/supervisor may recommend to the City Manager in consultation with Human Resources that the employee be placed on administrative leave for an indefinite period. In such cases the department head/supervisor may recommend to temporarily relieve the employee of all duties and responsibilities and place the employee on paid leave or unpaid leave.

If the employee is placed on administrative leave and later reinstated, reinstatement will be to the same duties, classification, and rate of pay.

7.9 Family Medical Leave Act Policy (FMLA)

The City will grant up to 12 workweeks in a 12 month period (or up to 26 workweeks during a single 12 month period for military caregiver) unpaid family and medical leave to its employees in the manner as set forth herein. This family leave shall not be in limitation of any leaves or benefits already provided to employees, unless specifically acknowledged; rather, this leave is intended to be complimentary to the leave provided in the contract.

An employee seeking approval for FMLA must provide 30 days advance notice when the need is foreseeable. When a 30 day notice is not possible, the employee must provide notice as soon as practicable. Appropriate paperwork for FMLA requests may be completed through the Human Resources Coordinator's office.

7.9.1 Spouses as City Employees (FMLA)

If both spouses are employed by the City, each shall have full access to twelve weeks leave with respect to their own parents but shall only receive a total of twelve weeks between them for the birth of their child or a placement with them for adoption or foster care. Similarly, a combined total of 26 weeks would be available for military caregiver leave.

7.10 Holidays

Recognized holidays - official paid holidays for full-time City employees:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Native American Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas Eve
- Christmas Day

The City of Watertown will observe the above holidays and close in accordance with the holidays observed by the State of South Dakota. In departments or divisions where employees are scheduled to work seven days per week, all holidays shall be observed on the actual date of the holiday. An employee will earn compensatory time on an hour-for-hour basis for hours worked on the day a holiday is observed.

Employees covered by a Union contract must adhere to the applicable Union Agreement for holiday observation.

POLICY #8: SEPARATION FROM CITY SERVICE

8.1 General Policies

8.1.1 Definitions

Voluntary Separation: Resignation, extended absence without proper notification, or retirement. Voluntary separation is initiated by the employee.

Involuntary Separation: Layoff or discharge. Involuntary separation is not initiated by the employee.

8.1.2 Return of City Property

City employees are expected to return all City property at the time of their departure from City service. The City reserves the right to withhold from the employee's final paycheck the amount for any property that is not returned or for which there is no explanation for the absence of the property. The City may take further action if necessary to recover City property.

8.2 Voluntary Separation

8.2.1 Resignation

A City employee may resign from City service by giving his/her Division Manager or Department Head written notice of his/her resignation. Said resignation is requested at least two weeks in advance of their leaving City service. Upon voluntary separation by the employee or in the event an employee is discharged, all unused accrued sick leave shall be forfeited unless the employee is eligible for retirement.

8.2.2 Un-Notified Absence

If an employee is absent for more than three (3) consecutive days without proper notification in accordance with the attendance policy, they shall be considered to have voluntarily resigned their position in City service. Re-instatement upon presentation of extenuating circumstances or reason for such absence shall be at the discretion of the Department Head. Any un-notified absence may result in disciplinary action.

8.2.3 Retirement Age

Refer to SDRS for all retirement benefits.

8.3 Sick Leave Upon Retirement

An employee is entitled to receive a lump sum cash payment of unused accrued sick leave not to exceed 600 hours if the employee meets the applicable retirement eligibility criteria set by the South Dakota Retirement System.

8.4 Vacation Leave Upon Termination of Employment

An employee who leaves City employment for reasons not reflecting discredit on themselves or the City will be entitled to cash compensation for accrued unused vacation leave up to 200 hours, (312 for Battalion Chiefs). The value of unused vacation leave is computed based on the employee's final rate of pay.

8.5 Sick Leave Death Benefit

In the case of the death of a full time regular employee, up to 600 hours of accrued sick leave will be paid to the beneficiary designated on the employee's beneficiary designation form.

8.6 Unemployment Compensation

The City follows the state of South Dakota Unemployment laws found in SDCL Title 61.

POLICY #9: DRUG AND ALCOHOL ABUSE POLICY

9.1 City's Commitment to Drug and Alcohol Free Workplace

The City has a strong commitment to its employees to provide a safe, healthy, and productive work environment and to promote high standards of employee health. Consistent with the spirit and intent of this objective the City will act to eliminate any substance abuse which could impair an employee's ability to safely and effectively perform a particular job and which increases the potential for accidents, absenteeism, substandard performance, and tends to undermine public confidence in the City's work force. The City's goals are to establish and to maintain the reputation and integrity of the City by preventing unacceptable behavior by its employees that discredits the City and its employees.

While the City has no intention of unreasonably intruding into the private lives of its employees, the City does expect employees to report for work in a condition to perform their duties, make the work environment safe for other employees, and represent a proper image to the citizens. It is clear that employee off-the-job, as well as on-the-job, involvement with drugs and alcohol can have an impact on the City's goals.

The City complies with the Drug-Free Workplace Act of 1988. The unlawful possession, use, distribution, dispensation, sale or manufacture of controlled substances including alcohol is prohibited while employees are on the City's property and while conducting business-related activities off the City's premises. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Any employee found to be in violation of this policy or any of the provisions set forth in the plan below will be subject to discipline up to and including termination of employment.

9.2 General Policies

The following are the policies of the City regarding drug use and alcohol abuse:

- The unlawful manufacture, distribution, dispensing, possession or use of controlled drugs or substances, or the use of alcohol while on duty, on or off business property owned or leased by the City is proper cause for disciplinary action.
- Any illegal controlled drug or substance possessed while on duty by employees will be turned over to the appropriate criminal justice agencies and may result in criminal prosecution. This does not apply to public safety officers who are in possession of an illegal controlled drug or substance while acting in the line of duty.
- It is not permitted for an employee to be under the influence of controlled drugs or substances or alcohol on the job, except as provided for in item four (4).
- The legal use of controlled drugs or substances prescribed by a licensed physician is not prohibited, but employees in positions where side effects of the prescribed medication could affect performance and safety on the job are required to make such use known to their supervisor.

- The illegal use, sale, and possession of controlled drugs or substances while off duty and off City premises which results in a criminal conviction is unacceptable. Off-duty, alcohol-related, criminal convictions are also unacceptable. They may affect the job performance and the confidence of the public in the City's ability to meet its responsibilities. Such off-the-job conduct may be proper cause for disciplinary action.

9.3 Employee Responsibilities

An employee must not report to work while his/her ability to perform his/her job duties is impaired due to on or off duty alcohol or drug use. Employees called in for emergency duty to work outside their regular work schedule must not report to work impaired by off-duty alcohol or drug use.

An employee must not possess or use alcohol or illegal drugs or prescription drugs without a prescription during working hours or while subject to duty, on breaks, or during meal periods.

An employee must notify his/her supervisor, before beginning work, when taking any medication or drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of City equipment.

An employee must notify his/her immediate supervisor of any drug or alcohol related criminal statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

Any violations of the above stated may result in immediate disciplinary action.

9.4 Management Responsibilities and Guidelines

Department Heads and Supervisors shall not physically search the persons of employees nor shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.

Department Heads and Supervisors shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area jointly or fully controlled by the City.

Any Department Head or Supervisor encountering an employee who refuses to consent to a drug and/or alcohol analysis when "reasonable suspicion" has been identified, shall remind the employee of the requirements of the policy and that he or she may be subject to disciplinary action. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. When there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the manager or supervisor should direct the employee to remain at work for a reasonable time until the employee can be safely transported home.

Whenever disciplinary action is used in this policy, it shall include but not be limited to: oral reprimand, written reprimand, suspension, demotion or discharge.

9.5 Testing for Drugs or Alcohol

9.5.1 Post Offer/Pre-Employment

The City may require an individual post offer pre-employment undergo controlled substance testing and if so, work shall not be permitted until testing is completed and results are given to the Human Resources Department.

9.5.2 Reasonable Suspicion

The City may request that the employee undergo drug and alcohol testing if there is a “reasonable suspicion” that the employee is under the influence of drugs or alcohol during work hours. Reasonable suspicion tests should be administered as soon as practical following the determination of reasonable suspicion. If the alcohol test is not administered within 2 hours of the determination of reasonable suspicion, the attending supervisor will document the reason for the delay. If the alcohol test is not administered within 8 hours of the determination of reasonable suspicion all attempts to conduct the alcohol test will cease and the attending supervisor will document the reasons for the failure to test. If the controlled substances test is not administered within 8 hours of the determination of reasonable suspicion, the test should still proceed. The attending supervisor must document the reasons for the delay. If the controlled substances test has not been administered within 32 hours of the determination of reasonable suspicion, all attempts to conduct the controlled substances test will cease and the reasons will be documented by the attending supervisor.

“Reasonable suspicion” means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

- A pattern of abnormal or erratic behavior that is so unusual that it warrants summoning a supervisor, department head or other individual for assistance.
- Information provided by a reliable and credible source with personal knowledge.
- Direct observation of drug or alcohol use.
- Presence of the physical symptoms of drug or alcohol use; (i.e. glossy or blood-shot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).
- Possession of substances in violation of the City’s drug and alcohol policy.

The employee, where “reasonable suspicion” exists, may be asked to submit to blood and/or urine testing by a qualified medical physician or hospital at the City’s expense. Prior to testing the proper authority shall secure a signed release statement from the employee to have the hospital/physician release medical information to the City. An employee who refuses to consent to a drug and alcohol test when reasonable suspicion exists may be subject to disciplinary action. A positive result from the drug and/or

alcohol test confirming the reasonable suspicion may result in disciplinary action. The proper authority is required to detail in writing the specific facts, symptoms, or observations that led to the reasonable suspicion. This documentation, which includes the results of the drug or alcohol test as confirmation of the use of drugs or alcohol on the job, shall be given to the Human Resources Department and placed in the employee's file only if confirmed by the drug and/or alcohol test.

9.5.3 Post-Accident

Any City employee involved in a work-related vehicular accident may be subject to post-accident testing where reasonable suspicion exists. Nothing in this section, however, will be construed to require the delay of medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

9.5.4 Follow-Up Testing

If a medical provider determines that an employee is in need of assistance in solving problems with alcohol use and/or controlled substances use, an employee may be subject to unannounced follow-up alcohol and/or controlled substances testing if they are allowed to continue their employment with the City. Follow-up testing will not exceed 60 months from the date of the employee's return to duty, so long as the employee remains drug and alcohol free. It is preferred that the employee will have no less than 6 unannounced follow-up alcohol and controlled substances tests within the first 12 months following the employee's return to work, provided the employee remains employed and drug-and alcohol-free for that period.

9.6 Drugs to be Tested For

The following drug groups were selected based on the ability of each drug to adversely affect physical/mental performance. All are controlled substances under state and federal law. This list is not all inclusive.

- Alcohol, ethyl
- Amphetamines/Methamphetamines
- Barbiturates; i.e., to include but not limited to amobarbital, butabarbital, phenobarbital, cecobarbital
- Cocaine, Cocaine Metabolites
- Benzodiazepines
- Opiates; i.e., to include but not limited to codeine, heroin, morphine, hydromorphone, hydrocodone
- Phencyclidine (PCP)
- THC (Marijuana) Metabolite

9.7 Consequences to Employee Engaging in Prohibited Conduct

Positive Results:

- If the results of a confirmatory pre-employment alcohol or controlled substance are positive, the applicant may be disqualified for employment.
- An employee who tests positive for alcohol or who tests positive for the presence of an illegal controlled substance will be subject to disciplinary action up to and including termination.

Refusal to Submit to Required Testing:

- An applicant who refuses to take a drug and alcohol test or does not report to the testing facility at the scheduled date/time shall be disqualified from further consideration for the conditionally offered position with the City.
- A refusal by an employee to submit to alcohol and/or controlled substance testing required under this policy will be treated as a positive test result. The employee will not be permitted to work. The refusal may be considered sufficient cause for disciplinary action up to and including discharge.

Return to Work Following Positive Results

- If an employee has been found to have violated the requirements of this policy, such as testing positive for the presence of alcohol and/or controlled substances while on duty, the employee may in certain circumstances be permitted to return to his or her position. This decision is entirely in the discretion of City Administration.
- If an employee is permitted to return to work following a positive drug or alcohol test, his or her continued employment may be conditional upon very specific requirements including but not limited to certain testing and treatment requirements.

9.8 Confidentiality

Information from an employee's drug and/or alcohol test is confidential, and only those with a need to know are informed of the results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee.

However, disclosure without employee's consent may occur in the following circumstances:

- The information is compelled by law or by judicial or administrative process;
- The information has been placed at issue in a formal dispute between the City and the employee; or
- The information must be disclosed pursuant to a genuine emergency wherein the information must be disclosed to protect the safety or welfare of any person. Even in such situations, however, if time permits, the City shall attempt to obtain a judicial order to disclose this information.

POLICY #10: DISCIPLINARY ACTION

Disciplinary actions shall be applied when the proper authority determines such actions are necessary. A disciplinary action may be in the form of oral reprimand, written reprimand,

suspension, demotion or reassignment, or involuntary dismissal. The City may, but is not required to, apply these actions progressively and for example, suspension or termination of employment may be applied as a first step of discipline. The City reserves the right to suspend an employee with pay, however, such action is not deemed to be a disciplinary action. Employment is at-will and this disciplinary policy does not otherwise create any other employment relationship.

CITY OF WATERTOWN

PERSONNEL POLICY MANUAL-RECEIPT AND ACKNOWLEDGMENT FORM

Copies of the revised City of Watertown Personnel Policy Manual updated **April 2025** are located in each department and administrative office. The City of Watertown Personnel Policy Manual may also be accessed at: <http://www.watertownsd.us/documentcenter/view/999>

It is your responsibility to read the manual and ask questions if you do not understand. The manual will acquaint you with the City's personnel practices and guidelines, and some organizational philosophy.

Personnel Policy Preamble

This statement of policy shall be used in conjunction with active working agreements between the City and Local Union 2488 of the American Federation of State, County and Municipal Employees, Local Union 1724 of the International Association of Firefighters, and Watertown Police Officers Association Unions. In any instance where these personnel practices and procedures conflict with any statutes of the State of South Dakota or the United States, union contracts, civil service rules as applied to municipal employees, the provisions contained in the applicable state and/or federal laws, union contract or civil service rules shall supersede.

The City reserves the right to change, suspend, or terminate any and all benefits or policies set forth herein, in whole or in part, at any time with or without notice. This Personnel Policy is not intended to create, nor is it to be construed to create, a contract of employment between the City and its employees. It is important to understand that these policies do not create an employment contract or a guarantee of employment for any specific duration between the City of Watertown and its employees. I understand that, in the State of South Dakota, employment is generally at will, which means that it may be terminated by me or the City at any time, unless the terms of my employment are subject to a collective bargaining agreement, or Civil Service rules. Nothing in this manual overrules this principal. In addition, no management official, elected or appointed, is authorized to make any oral assurance or promise regarding any condition of employment, including a promise of continued employment or adjustment to wages or benefits.

I certify that I understand the statements above, and my requirement to read, understand and follow the policies contained in the City of Watertown Personnel Policy Manual. I further acknowledge that the policies, rules and benefits described are subject to change or may be revised periodically as circumstances dictate.

This form is intended to replace any Acknowledgement Form previously provided to and/or signed by the employee regarding the Personnel Policy Manual.

I have carefully read the foregoing policy and fully understand its contents.

Signature: _____ **Date:** _____

Employee Name (Printed) _____

Witness Signature _____

This form will become part of the employee's personnel file.



City Council

Agenda Item

Subject: Council Approval of a Building Permit Fee Reduction for the Codington County Detention Facility

Meeting: City Council - Apr 21 2025

From: Kristen Bobzien, Interim City Manager/Chief Financial Officer

BACKGROUND INFORMATION:

The City Council shall, by resolution, establish a schedule of fees for building permit in accordance with §21.0208 Schedule of Fees, Charges, and Expenses. This section of ordinance states that the City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Building Official, and may be altered or amended only by the City Council. Resolution No. 24-07 was approved by the City Council on November 18, 2024, to establish fees for 2025.

As Codington County prepares to submit an application for their building permit for the Codington County Detention Facility, Codington County Commissioner Lee Gabel and Sheriff Brad Howell approached city staff about reducing the estimated permit fee required for the public project. The commercial building permit fee is projected to be \$140,670, this includes the plan review fee, calculated at 50% of the permit fee based on valuation. The overall project valuation is projected to be over \$30M. Staff determined an estimated resource allocation for the project will be required for plan review and inspections throughout construction. City staff feel it would be appropriate to reduce the fee significantly but to recover those administrative costs in the amount determined to be \$10,000.

The permit fees for building permits are waived for city projects. The detention center is Codington County's project for the benefit of the greater Watertown community. It will provide benefits to the City's Police Department operations and increase overall public safety and service.

FINANCIAL CONSIDERATIONS:

The permit fee per the fee schedule is estimated to be \$140,670. This proposal would collect 7% of the total permit fee of \$10,000 to cover City administrative costs involved with the project.

OVERSIGHT / PROJECT RESPONSIBILITY:

Brandi Hanten, Community Development Manager
Reid Peterson, Building Official
Justin Petersen, City Engineer

STAFF RECOMMENDATION / SUGGESTED MOTION:

Staff recommends approval of the building permit fee reduction to City Council through the following motion:

I move to approve the Building Permit Fee Reduction for the Codington County Detention Facility to allow staff to collect \$10,000 at the time of building permit issuance.
