

**PROPOSED AGENDA  
CITY COUNCIL REGULAR MEETING  
CITY HALL  
23 SECOND STREET NORTHEAST  
WATERTOWN, SOUTH DAKOTA**

**Monday, June 6<sup>th</sup>, 2016  
Call to Order  
Prayer  
Pledge of Allegiance  
Roll Call**

**7:00 PM**

1. Approval of consent agenda
  - a. Approval of the minutes of the Council meetings held on May 16, 2016
  - b. Authorization to write-off uncollectible ambulance accounts receivable in the amount of \$8,498.63
  - c. Approval of bills & payroll and authorization to pay
2. Approval of agenda
3. Application for a new retail (on-sale) malt beverage and retail (on-off sale) wine license for Birong Chen, d/b/a Downtown Sushi, 18 North Broadway
  - a. Public hearing
  - b. Council action
4. Application for a transfer of ownership and location of a retail (on-off sale) malt beverage license from SHIV SHAKTI, LLC, d/b/a Day's Inn, 2900 9<sup>th</sup> Ave. SE to Harry's Haircuts and Hot Towels, LLC, (inactive) at 1522 Parkview Drive
  - a. Public hearing
  - b. Council action
5. Application for a transfer of ownership and location of a retail (on-off sale) malt beverage license from Golf on Kemp, Inc., d/b/a Golf on Kemp (inactive), 1625 Northridge Drive, Unit 214 to Harry's Haircuts and Hot Towels, LLC, d/b/a Harry's Haircuts and Hot Towels, 16 West Kemp
  - a. Public hearing
  - b. Council action
6. Application for a special retail wine license to the Watertown Area Chamber of Commerce for the period of 5:00 PM Thursday, June 9, 2016 until 8:30 PM Thursday, June 9, 2016
  - a. Public hearing
  - b. Council action
7. Application for a special retail malt beverage retailer's license and special retail wine license to the Watertown Area Chamber of Commerce for the period of 4:00 PM Friday, July 15, 2016 until 10:00 PM Saturday, July 16, 2016
  - a. Public hearing
  - b. Council action

8. Proposed lease agreement with Good Enterprises, LLC for city owned land around Casino Speedway
  - a. Public hearing
  - b. Council action
9. First reading of Ordinance No. 16-08 amending Section 3.0109(3) regulating the keeping of certain animals within and for the City of Watertown
10. First reading of Ordinance No. 16-11 amending Section 6.0501 of the revised ordinances of the City of Watertown regarding Veteran's Burial Plots within Mount Hope Cemetery
11. Consideration of application for a sidewalk café for the Watertown Brewing Company
12. Authorization for the Mayor to sign a grant application for the Airport Runway project
13. Authorization for the Airport to advertise for bids for the Runway project
14. Consideration of Airport Bids:
  - a. Bids received for heat, electrical and insulation work for the Airport Shop Building
  - b. Bids received for the concrete, vestibule and excavation for the Airport Shop Building
15. Consideration of bids received for the South Broadway Bridge Rehabilitation Project
16. Old Business
17. New Business
18. Liaison member reports
19. Executive Session pursuant to SDCL 1-25-2
20. Motion to adjourn

Rochelle M. Ebbers, CPA  
Finance 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.

**OFFICIAL PROCEEDINGS  
CITY COUNCIL, CITY OF  
WATERTOWN, SOUTH DAKOTA**

**May 16, 2016**

The City Council met in regular session at 7:00 PM in the Council Chambers, City Hall, 23 2<sup>nd</sup> Street NE. Mayor Steve Thorson presiding. Present upon roll call: Aldermen Danforth, Thorson, Roby, Rieffenberger, Buhler, Tupper, Vilhauer, Albertsen, Solum and Alderwoman Mantey.

Motion by Buhler, seconded by Mantey, to approve the following item on the consent agenda: minutes of the Council Meetings held on April 27, 2016 and May 2, 2016; approval of business license application for Dakota Pump Inc. as a Liquid Waste Hauler (\$100) and authorization for Wastewater to apply for a grant from the South Dakota Department of Health to purchase equipment for the mosquito control program. Motion carried.

Mayor Thorson moved agenda item number 9 to the end of the agenda to allow for additional discussion. Motion by Rieffenberger, seconded by Tupper, to approve the agenda as amended. Motion carried.

This being the time scheduled for the public hearing on the ownership transfer of a retail (on-off sale) malt beverage license from Brink Enterprises, Inc., d/b/a Casino Speedway, 108 S. Lake Drive, Out lot A & B, Govt. Lot 2, less 300', in NE ¼, 22-117-53 Codington County to Good Enterprises, Inc., d/b/a Casino Speedway at the same location, the Mayor called for public comment. Hearing no comments from the public, motion by Mantey, seconded by Vilhauer, to approve the transfer as presented. Motion carried.

Ordinance No. 16-06 amending zoning district boundaries by zoning property South of the Big Sioux River and North of 20<sup>th</sup> Ave South from A-1 Agriculture District to I-2 Heavy Industrial District was placed on its second reading and the title was read. This being the time scheduled for a public hearing on Ordinance No. 16-06, the Mayor called for public comment. Hearing no comments from the public, motion by Albertsen, seconded by Buhler, to approve Ordinance No. 16-06 as presented. Motion carried.

Motion by Vilhauer, seconded by Mantey, to approve Resolution No. 16-12 for the annexation of Glacial Lakes Energy Properties. Motion carried.

Ordinance No. 16-07 amending zoning district boundaries by zoning certain real described property to I-2 Heavy Industrial District was placed on its second reading and the title was read. This being the time scheduled for a public hearing on Ordinance No. 16-07, the Mayor called for public comment. Hearing no comments from the public, motion by Thorson, seconded by Roby, to approve Ordinance No. 16-07 as presented. Motion carried.

Motion by Tupper, seconded by Mantey, to approve Resolution No. 16-17 for the Plat of South Side Second Addition. Motion carried.

Motion by Danforth, seconded by Vilhauer, authorizing the Mayor to sign the Development Agreement for the South Side Second Addition. Motion carried.

Motion by Roby, seconded by Danforth, to approve Resolution No. 16-18 for the Plat of Lot 8 of Prairie Hills Development Second Addition. Motion carried.

Motion by Albertsen, seconded by Mantey, to approve Resolution No. 16-16 for the Capital Outlay appropriations from the 2015 fiscal year. Motion carried.

Motion by Rieffenberger, seconded by Tupper, authorizing the Mayor to sign required documents for the Community Rating System application to the FEMA flood insurance program. Motion carried.

Motion by Rieffenberger, seconded by Thorson, authorizing the Police Department to renew and negotiate terms of the E-911 service contracts with Deuel, Grant, Hamlin and Clark Counties. Motion carried.

Motion by Solum, seconded by Mantey, to approve Amendment No. 1 to the contract with HR Green, Inc. for engineering services for the Wastewater Treatment Facility trickling filter rehabilitation project increasing the contract amount \$8,000. Motion carried.

City Engineer Shane Waterman presented the tabulation of bids received for the Uptown Alley Reconstruction Project. Bids were opened at 10:00 AM on May 6, 2016 and are as follows: Crestone Builders total bid, Alternate #1, 2, 3 & 4 of \$246,810.78; Duininck, Inc. total bid, Alternate #1, 2, 3 & 4 of \$291,635.20 and Burchatz Construction Co. total bid, Alternate #1, 2, 3 & 4 of \$359,085.50. Motion by Tupper, seconded by Danforth, to approve the bid from Crestone Builders in the amount of \$246,810.78. Motion carried.

Motion by Danforth, seconded by Mantey, to approve Resolution No. 16-19 plat of Stony Point Third Addition, Resolution No. 16-20 plat of Lot H1 in Outlot A of Prairie Hills Development Second Addition and Resolution No. 16-21 plat of Prairie Hills Development Third Addition. Upon roll call vote, Danforth, Rieffenberger, and Tupper voted in favor of the motion to approve and Albertsen, Buhler, Mantey, Roby, Solum, Thorson, and Vilhauer voted against the motion to approve. Motion failed.

Motion by Tupper, seconded by Thorson, to convene in executive session for the purpose of discussing contract negotiations. Motion carried.

Motion by Danforth, seconded Mantey, to reconvene in open session. Motion carried

Motion by Vilhauer, seconded by Tupper, to adjourn until 7:00 PM on Monday, June 6, 2016. 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, the 16<sup>th</sup> day of May, 2016.

ATTEST:

\_\_\_\_\_  
Rochelle Ebbers, CPA  
Finance Officer

\_\_\_\_\_  
Steve Thorson  
Mayor

**AMBULANCE MANAGEMENT  
WRITE-OFFS / CREDIT BUREAU OR COURT  
May 2016**

<u>Call No.</u>	<u>Amount</u>
32467	616.20
32541	662.40
32969	682.40
33497	671.60
32856	835.25
32783	790.50
32269	118.98
32831	2270.00
33029	300.00
33047	300.00
32746	686.45
32049	564.85
	8498.63

Approved:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance officer

### Request for City Council Action

**TO:** Mayor and City Council  
**FROM:** Finance Office  
**MEETING DATE:** June 6, 2016  
**SUBJECT:** Request for a new retail (on-off sale) malt beverage license and wine license

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**Background:** A new Sushi restaurant will be opening in the downtown business area located at 18 North Broadway which is the previous Good to Go restaurant location. The license applicant is a sole proprietor and the licenses will not have video lottery attached to them.

**Council Action Requested:** Motion to approve the new malt beverage license and wine license.

Date Received \_\_\_\_\_

License No. \_\_\_\_\_

Date Issued \_\_\_\_\_

### Uniform Alcoholic Beverage License Application

Mail this copy to: Department of Revenue, Special Tax Division 445 East Capitol Ave Pierre, SD 57501-3100.

**A. Owner Name and Address**

Birong Chen  
1 17th Ave SW  
Watertown, SD 57201

Owner's Telephone #: 605 838-6191

**B. Business Name and Address**

Downtown Sushi  
18 N Broadway  
Watertown, SD 57201

Business Telephone #: \_\_\_\_\_

**C. Indicate the class of license being applied for (submit separate application for each class of license).**

- Retail (on-sale) Liquor
- Retail (on-sale) Liquor - Restaurant
- Retail (on-off sale) Wine
- Package (off-sale) Liquor
- Retail (on-off sale) Malt Beverage
- Retail (on-off sale) Malt Beverage & SD Farm Wine
- Package (off sale) Malt Beverage
- Package (off sale) Malt Beverage & SD Farm Wine
- Other (please classify) \_\_\_\_\_
- Transfer Fee \$150.00

Number of other Package Liquor Licenses held: 0

Number of other On-sale Liquor Licenses held: 0

Is this License in active use?  Yes  No

**D. Legal description of licensed premise:**

Parcel I- The South 49 feet 4 inches of the West 2 feet of Lot 11, and the South 40 feet of Lots 13 and 14, all in Block 4, Original Plat of Watertown, Codington County, South Dakota, according to the recorded plat thereof, and  
Parcel II- The South 9.2 feet of the North 125 feet of Lots 13 and 14, in Block 4 of Watertown, Codington County, South Dakota, according to the recorded plat thereof

Have you ever been convicted of a felony?  Yes  No

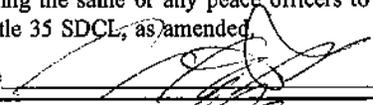
Do you own  or lease  this property? (Check one)

E. State Sales Tax Number: 1030-8825-ST

F. Remember to obtain a Federal Alcohol Stamp, for help call TTB at 1-800-937-8864.

G. New license?  Transfer? (\$150)  Re-issuance?

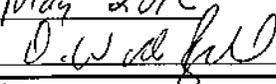
H. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Signed this 24<sup>th</sup> day of May Print Name: Birong Chen Signature: 

I. Any Application required to be submitted to a local governing board must be signed in the presence of the city or county auditor, the town clerk or notary public. This applies to ALL applications EXCEPT the following: distillers, manufacturers, wholesalers, municipalities, airports, solicitors, dispensers, carriers, transportation companies, and farm wineries.

Place of business is located in a municipality?  Yes  No County: Codington

This application was subscribed and sworn to before me this 24<sup>th</sup> day of May 2016

Approving Officer's Telephone number 605 880-6203 (18) Signature: 

J. APPROVAL OF LOCAL GOVERNING BODY - Notice of hearing was published on May 28, 2016. Public hearing on the application was held June 6, 2016, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Application approved for Sunday on-sale operation?  Yes  No

Are real property taxes paid to date?  Yes  No

Ineligible for video lottery

Number of video lottery terminals on licensed premise: \_\_\_\_\_

Renewal - no public hearing held

Amount of fee collected with application \$ 390.00

Amount of fee retained \$ 190.00

Forwarded with application \$ 150.00

**For Local Government Use**

(Seal) \_\_\_\_\_  
Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

**Transferred (State Use)**

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

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

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

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

If supplement unchanged from last year check this box and sign below.

State of South Dakota )  
  :ss )  
County of )

**Affidavit**

We, the undersigned, being first duly sworn upon oath, supply the following information:

Name of corporation/partnership/LP/LLC \_\_\_\_\_  
Address of office and principal place of business of corporation/partnership/LP/LLC \_\_\_\_\_  
Date of incorporation \_\_\_\_\_  
Date of last report filed with Secretary of State \_\_\_\_\_  
Are all managing officers of this corporation/partnership/LP/LLC of good moral character? \_\_\_\_\_  
Have any of the managing officers of this corporation/partnership/LP/LLC ever been convicted of a felony? \_\_\_\_\_

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

Name	Office	Address	Occupation

Name, address and occupation of each of the directors of the corporation:

Name	Address	Occupation

Name and address of each of the stockholders and percentage of shares owned or held by each:

Name	Address	Percentage of Shares

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other retail liquor outlet:

Name	Type of License, Financial Interest Held, and Address of Retail Outlet

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

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

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

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

**Signature of Authorized Officer/Director/Partner** \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ County, State of South Dakota.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
(Notary Public)

Date Received \_\_\_\_\_

License No. \_\_\_\_\_

Date Issued \_\_\_\_\_

### Uniform Alcoholic Beverage License Application

Mail this copy to: Department of Revenue, Special Tax Division 445 East Capitol Ave Pierre, SD 57501-3100.

**A. Owner Name and Address**

Birong Chen  
#17th floor SW  
Watertown, SD 57201

**B. Business Name and Address**

Downtown Sushi  
18 N Broadway

License Number: \_\_\_\_\_

Owner's Telephone #: 605 838-6191

Business Telephone #: \_\_\_\_\_

**C. Indicate the class of license being applied for (submit separate application for each class of license).**

- Retail (on-sale) Liquor
- Retail (on-sale) Liquor - Restaurant
- Retail (on-off sale) Wine
- Package (off-sale) Liquor
- Retail (on-off sale) Malt Beverage
- Retail (on-off sale) Malt Beverage & SD Farm Wine
- Package (off sale) Malt Beverage
- Package (off sale) Malt Beverage & SD Farm Wine
- Other (please classify) \_\_\_\_\_
- Transfer Fee \$150.00

Number of other Package Liquor Licenses held: 0

Number of other On-sale Liquor Licenses held: 0

Is this License in active use?  Yes  No

**D. Legal description of licensed premise:**

Parcel I- The South 49 feet 4 inches of the West 2 feet of Lot 11, and the South 40 feet of Lots 13 and 14, all in Block 4, Original Plat of Watertown, Codington County, South Dakota, according to the recorded plat thereof, and  
Parcel II- The South 9.2 feet of the North 125 feet of Lots 13 and 14, in Block 4 of Watertown, Codington County, South Dakota, according to the recorded plat thereof

Have you ever been convicted of a felony?  Yes  No

Do you own  or lease  this property? (Check one)

E. State Sales Tax Number: 1030-8825-ST

F. Remember to obtain a Federal Alcohol Stamp, for help call TTB at 1-800-937-8864.

G. New license?  Transfer? (\$150)  Re-issuance?

H. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date 5/24/16 Print Name Birong Chen Signature [Signature]

I. Any Application required to be submitted to a local governing board must be signed in the presence of the city or county auditor, the town clerk or notary public. This applies to ALL applications EXCEPT the following: distillers, manufacturers, wholesalers, municipalities, airports, solicitors, dispensers, carriers, transportation companies, and farm wineries.

Place of business is located in a municipality?  Yes  No County: Codington

This application was subscribed and sworn to before me this 24<sup>th</sup> day of May 2016

Approving Officer's Telephone number 605-885-6233(18) Signature: [Signature]

J. APPROVAL OF LOCAL GOVERNING BODY - Notice of hearing was published on May 28, 2016. Public hearing on the application was held June 6, 2016, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Application approved for Sunday on-sale operation?  Yes  No

Are real property taxes paid to date?  Yes  No

Ineligible for video lottery

Number of video lottery terminals on licensed premise: \_\_\_\_\_

Renewal - no public hearing held

Amount of fee collected with application \$ 540.00

Amount of fee retained \$ 540.00

Forwarded with application \$ 0

**For Local Government Use**

(Seal) \_\_\_\_\_

Mayor or Chairman

If disapproved, endorse reason thereon and return to applicant

**Transferred (State Use)**

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

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

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

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

If supplement unchanged from last year check this box and sign below.

State of South Dakota )

**Affidavit**

County of )  
:ss

We, the undersigned, being first duly sworn upon oath, supply the following information:

Name of corporation/partnership/LP/LLC \_\_\_\_\_

Address of office and principal place of business of corporation/partnership/LP/LLC \_\_\_\_\_

Date of incorporation \_\_\_\_\_

Date of last report filed with Secretary of State \_\_\_\_\_

Are all managing officers of this corporation/partnership/LP/LLC of good moral character? \_\_\_\_\_

Have any of the managing officers of this corporation/partnership/LP/LLC ever been convicted of a felony? \_\_\_\_\_

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

Name	Office	Address	Occupation

Name, address and occupation of each of the directors of the corporation:

Name	Address	Occupation

Name and address of each of the stockholders and percentage of shares owned or held by each:

Name	Address	Percentage of Shares

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other retail liquor outlet:

Name	Type of License, Financial Interest Held, and Address of Retail Outlet

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

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

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

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

Signature of Authorized Officer/Director/Partner \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ County, State of South Dakota.

My commission expires \_\_\_\_\_

(Notary Public)

### Request for City Council Action

**TO:** Mayor and City Council  
**FROM:** Finance Office  
**MEETING DATE:** June 6, 2016  
**SUBJECT:** Request for a transfer of a retail (on-off sale) malt beverage license

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**Background:** The Days Inn is transferring their ownership of a retail (on-off sale) malt beverage license to Mike Lawrence. This license will be transferred as inactive to his personal residence since there is already a malt beverage license assigned to the legal description of his business. Mr. Lawrence anticipates selling and transferring this license after approval from the Board of Adjustments.

**Council Action Requested:** Motion to approve the transfer of the retail (on-off sale) malt beverage license.

Date Received \_\_\_\_\_  
Date Issued \_\_\_\_\_

License No. RB-3251

## Uniform Alcoholic Beverage License Application

Mail this copy to: Department of Revenue, Special Tax Division 445 East Capitol Ave Pierre, SD 57501-3100.

<b>A. Owner Name and Address</b> Harry's Haircuts and Hot Towels, LLC 1522 Parkview Dr Watertown, SD 57201	<b>B. Business Name and Address</b> RB-3251 Inactive 1522 Parkview Dr Watertown, SD 57201
Owner's Telephone #: 881-5803	Business Telephone #: 881-5803
<b>C. Indicate the class of license being applied for</b> (submit separate application for each class of license). <input type="checkbox"/> Retail (on-sale) Liquor <input type="checkbox"/> Retail (on-sale) Liquor - Restaurant <input type="checkbox"/> Retail (on-off sale) Wine <input type="checkbox"/> Package (off-sale) Liquor <input type="checkbox"/> Retail (on-off sale) Malt Beverage <input type="checkbox"/> Retail (on-off sale) Malt Beverage & SD Farm Wine <input type="checkbox"/> Package (off-sale) Malt Beverage <input type="checkbox"/> Package (off-sale) Malt Beverage & SD Farm Wine <input type="checkbox"/> Other (please classify) <input checked="" type="checkbox"/> Transfer Fee \$ 150.00	<b>D. Legal description of licensed premise:</b> E35' Lot D, McAtee's Subd & Lot 3 Blk 1 Parkview OL Subd  Have you ever been convicted of a felony? [ ] Yes [X] No  Do you own <input checked="" type="checkbox"/> or lease <input type="checkbox"/> this property? (Check one)  <b>E. State Sales Tax Number:</b> <u>NA</u>
Number of other Package Liquor Licenses held: <u>0</u>	<b>F. Remember to obtain a Federal Alcohol Stamp, for help call TTB at 1-800-937-8864.</b>
Number of other On-sale Liquor Licenses held: <u>0</u>	
Is this License in active use? [ ] Yes [X] No	<b>G. New license?</b> <input type="checkbox"/> <b>Transfer? (\$150)</b> <input checked="" type="checkbox"/> <b>Re-issuance?</b> <input type="checkbox"/>

**H. CERTIFICATE:** The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Signed this 9 day of May 2016 Signature Michael Lawrence

**I. Any Application required to be submitted to a local governing board must be signed in the presence of the city or county auditor, the town clerk or notary public. This applies to ALL applications EXCEPT the following: distillers, manufacturers, wholesalers, municipalities, airports, solicitors, dispensers, carriers, transportation companies, and farm wineries.**

Place of business is located in a municipality? [X] Yes [ ] No County: Codrington

This application was subscribed and sworn to before me this 19 day of May 2016

Approving Officer's Telephone number 605 810-6203 Signature: J. W. [Signature]

**J. APPROVAL OF LOCAL GOVERNING BODY** - Notice of hearing was published on May 28, 2016. Public hearing on the application was held June 6, 2016, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Application approved for Sunday on-sale operation? [ ] Yes [X] No

Are real property taxes paid to date? [X] Yes [ ] No

Ineligible for video lottery [ ]

Number of video lottery terminals on licensed premise: NA

Amount of fee collected with application \$ 190.00

Amount of fee retained \$ 115.00

Forwarded with application \$ 75.00

For Local Government Use	Transferred (State Use)
(Seal) _____ Mayor or Chairman	From: _____
If disapproved, endorse reason thereon and return to applicant	Sales tax approval _____ Date _____
	STATE LIQUOR AUTHORITY: APPROVAL REVIEW

Please complete reverse side

STATE OF SOUTH DAKOTA  
DEPARTMENT OF REVENUE

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

If supplement unchanged from last year check this box and sign below.

State of South Dakota            )  
  §  
County of Codrington            )

**Affidavit**

We, the undersigned, being first duly sworn upon oath, supply the following information:

Name of corporation/partnership/LP/LLC \_\_\_\_\_

Address of office and principal place of business of corporation/partnership/LP/LLC \_\_\_\_\_

Date of incorporation \_\_\_\_\_

Date of last report filed with Secretary of State \_\_\_\_\_

Are all managing officers of this corporation/partnership/LP/LLC of good moral character? \_\_\_\_\_

Have any of the managing officers of this corporation/partnership/LP/LLC ever been convicted of a felony? \_\_\_\_\_

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

Name	Office	Address	Occupation

Name, address and occupation of each of the directors of the corporation:

Name	Address	Occupation

Name and address of each of the stockholders and percentage of shares owned or held by each:

Name	Address	Percentage of Shares

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other retail liquor outlet:

Name	Type of License, Financial Interest Held, and Address of Retail Outlet

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

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

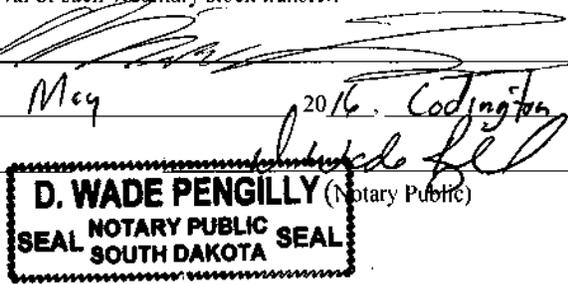
That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to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

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

Signature of Authorized Officer/Director/Partner \_\_\_\_\_

Subscribed and sworn to before me this 19<sup>th</sup> of May 2016, Codrington County, State of South Dakota

My commission expires 11-09-2018



### Request for City Council Action

**TO:** Mayor and City Council  
**FROM:** Finance Office  
**MEETING DATE:** June 6, 2016  
**SUBJECT:** Request for a transfer of a retail (on-off sale) malt beverage license

---

**Background:** Harry's Haircuts and Hot Towels is requesting the transfer of ownership and location of a retail (on-off sale) malt beverage license from Golf on Kemp owned by Mike Luken which is currently an inactive license not being used. This license has video lottery attached that Mike Lawrence, owner of Harry's Haircuts and Hot towels plans on using to place 10 machines on the property. This malt beverage license will replace the previous new malt beverage license approved by City Council with no video lottery attached.

**Council Action Requested:** Motion to approve the transfer of the retail (on-off sale) malt beverage license.

Date Received \_\_\_\_\_  
Date Issued \_\_\_\_\_

License No. RB-3260

# Uniform Alcoholic Beverage License Application

Mail this copy to: Department of Revenue, Special Tax Division 445 East Capitol Ave Pierre, SD 57501-3100.

<b>A. Owner Name and Address</b> Harry's Haircuts and Hot Towels, LLC 16 W Kemp Watertown, SD 57201	<b>B. Business Name and Address</b> Harry's Haircuts and Hot Towels 16 W Kemp Watertown, SD 57201
Owner's Telephone #: 881-5803	Business Telephone #: 878-3311
<b>C. Indicate the class of license being applied for</b> (submit separate application for each class of license). <input type="checkbox"/> Retail (on-sale) Liquor <input type="checkbox"/> Retail (on-sale) Liquor - Restaurant <input type="checkbox"/> Retail (on-off sale) Wine <input type="checkbox"/> Package (off-sale) Liquor <input type="checkbox"/> Retail (on-off sale) Malt Beverage <input type="checkbox"/> Retail (on-off sale) Malt Beverage & SD Farm Wine <input type="checkbox"/> Package (off-sale) Malt Beverage <input type="checkbox"/> Package (off-sale) Malt Beverage & SD Farm Wine <input type="checkbox"/> Other (please classify) <input checked="" type="checkbox"/> Transfer Fee \$ 150.00	<b>D. Legal description of licensed premise:</b> Parcel I: E25' of Lot 14, Blk 8 of Wtn; & Lot 1 of Monks Subd of Lots 12, 13 & 14, Blk 8 of Wtn. Parcel II: W25' of E50' of Lot 14, Blk 8 of Wtn & Lot 2 of Monks' Subdiv of Lots 12, 13, & 14, Blk 8 of Wtn.  Have you ever been convicted of a felony? [ ] Yes [X] No  Do you own X_ or lease ___ this property? (Check one)  <b>E. State Sales Tax Number:</b> <u>1030-4115-ST</u>
Number of other Package Liquor Licenses held: <u>0</u>	<b>F. Remember to obtain a Federal Alcohol Stamp, for help call TTB at 1-800-937-8864.</b>
Number of other On-sale Liquor Licenses held: <u>0</u>	<b>G. New license? _____ Transfer? (\$150) <input checked="" type="checkbox"/> Re-issuance? _____</b>
Is this License in active use? [ ] Yes [X] No	

**H. CERTIFICATE:** The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Signed this 21 day of April 2014 Signature Michael A. Lawrence

**I. Any Application required to be submitted to a local governing board must be signed in the presence of the city or county auditor, the town clerk or notary public. This applies to ALL applications EXCEPT the following: distillers, manufacturers, wholesalers, municipalities, airports, solicitors, dispensers, carriers, transportation companies, and farm wineries.**

Place of business is located in a municipality? [ Yes] [ ] No County: Codington

This application was subscribed and sworn to before me this 21 day of April

Approving Officer's Telephone number 605-882-6203 Signature: J. Wick

**J. APPROVAL OF LOCAL GOVERNING BODY** - Notice of hearing was published on May 28, 2014. Public hearing on the application was held June 6, 2014, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Application approved for Sunday on-sale operation? [ ] Yes [ No]

Are real property taxes paid to date? [ Yes] [ ] No

Ineligible for video lottery [ ]

Number of video lottery terminals on licensed premise: 10

Amount of fee collected with application \$ 690.00

Amount of fee retained \$ 615.00

Forwarded with application \$ 75.00

<b>For Local Government Use</b>  (Seal) _____ Mayor or Chairman If disapproved, endorse reason thereon and return to applicant	<b>Transferred (State Use)</b> From: _____ Sales tax approval _____ Date _____ <b>STATE LIQUOR AUTHORITY: APPROVAL REVIEW</b>
--	--

Please complete reverse side  
NOTARY PUBLIC  
STATE OF SOUTH DAKOTA

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

If supplement unchanged from last year check this box and sign below. X

State of South Dakota )  
  §  
County of Codington )

**Affidavit**

We, the undersigned, being first duly sworn upon oath, supply the following information:

Name of corporation/partnership/LP/LLC \_\_\_\_\_

Address of office and principal place of business of corporation/partnership/LP/LLC \_\_\_\_\_

Date of incorporation \_\_\_\_\_

Date of last report filed with Secretary of State \_\_\_\_\_

Are all managing officers of this corporation/partnership/LP/LLC of good moral character? \_\_\_\_\_

Have any of the managing officers of this corporation/partnership/LP/LLC ever been convicted of a felony? \_\_\_\_\_

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

Name	Office	Address	Occupation

Name, address and occupation of each of the directors of the corporation:

Name	Address	Occupation

Name and address of each of the stockholders and percentage of shares owned or held by each:

Name	Address	Percentage of Shares

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other retail liquor outlet:

Name	Type of License, Financial Interest Held, and Address of Retail Outlet

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

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

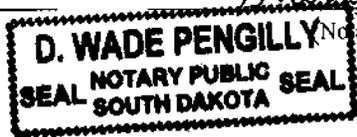
That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to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

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

Signature of Authorized Officer/Director/Partner *[Signature]*

Subscribed and sworn to before me this 21 of April, 2016, Codington County, State of South Dakota

My commission expires 11-09-2018



### Request for City Council Action

**TO:** Mayor and City Council  
**FROM:** Finance Office  
**MEETING DATE:** June 6, 2016  
**SUBJECT:** Request for a Special Event wine license

---

**Background:** Special event licenses are allowed by Ordinance pursuant to SDCL 35-4-124. This license is for any civic, charitable, educational, fraternal or veterans organization wanting to sell alcoholic beverages at special events being held within the municipality. A municipality may allow the sale of alcoholic beverages on public property during a special event.

The Chamber of Commerce is requesting a special event wine license for Thursday, June 9<sup>th</sup> in conjunction with the start of Thursday Night Live. Various businesses within the Downtown area will have wine samples available to the public. The Chamber office will have bottles of the sampled wine for sale to the public from 5:00 PM until 8:30 PM.

**Council Action Requested:** Motion to approve the special event wine license.

Date Received \_\_\_\_\_  
Date Issued \_\_\_\_\_

License No. 14-02

# Uniform Alcoholic Beverage License Application

Mail this copy to: Department of Revenue, Special Tax Division 445 East Capitol Ave Pierre, SD 57501-3100.

<b>A. Owner Name and Address</b> Watertown Area Chamber of Commerce 1 E Kemp Ave Watertown, SD 57201  Owner's Telephone #: (605) 886-5814	<b>B. Business Name and Address</b> Watertown Area Chamber of Commerce 1 E Kemp Ave Watertown, SD 57201  Business Telephone #: (605) 886-5814
<b>C. Indicate the class of license being applied for</b> (submit separate application for each class of license). <input type="checkbox"/> Retail (on-sale) Liquor <input type="checkbox"/> Retail (on-sale) Liquor - Restaurant <input type="checkbox"/> Retail (on-off sale) Wine <input type="checkbox"/> Package (off-sale) Liquor <input type="checkbox"/> Retail (on-off sale) Malt Beverage <input type="checkbox"/> Retail (on-off sale) Malt Beverage & SD Farm Wine <input type="checkbox"/> Package (off-sale) Malt Beverage <input type="checkbox"/> Package (off-sale) Malt Beverage & SD Farm Wine <input checked="" type="checkbox"/> Other (please classify) <input type="checkbox"/> Transfer Fee \$ 150.00  Number of other Package Liquor Licenses held: 0  Number of other On-sale Liquor Licenses held: 0  Is this License in active use? <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>D. Legal description of licensed premise:</b> Lots 18-20 & W141' Lots 21-22 & N18' E24' Lot 21 Blk 4 Original Plat  Have you ever been convicted of a felony? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  Do you own <input checked="" type="checkbox"/> or lease <input type="checkbox"/> this property? (Check one)  <b>E. State Sales Tax Number:</b> <u>1014-2240-ST</u>  <b>F. Remember to obtain a Federal Alcohol Stamp, for help call TTB</b> at 1-800-937-8864.  <b>G. New license?</b> <input checked="" type="checkbox"/> <b>Transfer? (\$150)</b> <input type="checkbox"/> <b>Re-issuance?</b> <input type="checkbox"/>

**H. CERTIFICATE:** The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Signed this 19 day of May Signature [Signature]

**I. Any Application** required to be submitted to a local governing board must be signed in the presence of the city or county auditor, the town clerk or notary public. This applies to ALL applications EXCEPT the following: distillers, manufacturers, wholesalers, municipalities, airports, solicitors, dispensers, carriers, transportation companies, and farm wineries.

Place of business is located in a municipality?  Yes  No County: Codington

This application was subscribed and sworn to before me this 19 day of May, 2016

Approving Officer's Telephone number 605 882-6203 (48) Signature: [Signature]

**J. APPROVAL OF LOCAL GOVERNING BODY** - Notice of hearing was published on May 21<sup>st</sup>, 2016. Public hearing on the application was held June 6<sup>th</sup>, 2016, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Application approved for Sunday on-sale operation? <input type="checkbox"/> Yes <input type="checkbox"/> No Are real property taxes paid to date? <input type="checkbox"/> Yes <input type="checkbox"/> No Ineligible for video lottery? <input type="checkbox"/> Number of video lottery terminals on licensed premise: _____	Amount of fee collected with application \$ <u>340.00</u> Amount of fee retained \$ <u>340.00</u> Forwarded with application \$ <u>0</u>
---	--

<b>For Local Government Use</b>  (Seal) _____ Mayor or Chairman If disapproved, endorse reason thereon and return to applicant	<b>Transferred (State Use)</b>  From: _____ Sales tax approval _____ Date _____ <b>STATE LIQUOR AUTHORITY: APPROVAL      REVIEW</b>
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Please complete reverse side

### Request for City Council Action

**TO:** Mayor and City Council  
**FROM:** Finance Office  
**MEETING DATE:** June 6, 2016  
**SUBJECT:** Request for a Special Event malt beverage and wine license

---

**Background:** Special event licenses are allowed by Ordinance pursuant to SDCL 35-4-124. This license is for any civic, charitable, educational, fraternal or veterans organization wanting to sell alcoholic beverages at special events being held within the municipality. A municipality may allow the sale of alcoholic beverages on public property during a special event.

The Chamber of Commerce is requesting a special event malt beverage license and special event wine license for the period of Friday, July 15, 2016 through Saturday, July 16, 2016 at City Park in conjunction with the Cookin' on Kampeska event.

**Council Action Requested:** Motion to approve the special event wine license.

Date Received \_\_\_\_\_  
Date Issued \_\_\_\_\_

License No. 16-03

# Uniform Alcoholic Beverage License Application

Mail this copy to: Department of Revenue, Special Tax Division 445 East Capitol Ave Pierre, SD 57501-3100.

<b>A. Owner Name and Address</b> Watertown Area Chamber of Commerce 1 E Kemp Ave Watertown, SD 57201  Owner's Telephone #: (605) 886-5814	<b>B. Business Name and Address</b> Watertown Area Chamber of Commerce 1 E Kemp Ave Watertown, SD 57201  Business Telephone #: (605) 886-5814
<b>C. Indicate the class of license being applied for</b> (submit separate application for each class of license).  <input type="checkbox"/> Retail (on-sale) Liquor  <input type="checkbox"/> Retail (on-sale) Liquor - Restaurant <input type="checkbox"/> Retail (on-off sale) Wine <input type="checkbox"/> Package (off-sale) Liquor <input type="checkbox"/> Retail (on-off sale) Malt Beverage <input type="checkbox"/> Retail (on-off sale) Malt Beverage & SD Farm Wine <input type="checkbox"/> Package (off-sale) Malt Beverage <input type="checkbox"/> Package (off-sale) Malt Beverage & SD Farm Wine <input checked="" type="checkbox"/> Other (please classify) <input type="checkbox"/> Transfer Fee \$ 150.00  Number of other Package Liquor Licenses held: 0  Number of other On-sale Liquor Licenses held: 0  Is this License in active use? <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>D. Legal description of licensed premise:</b> That portion of the north 40 rods of Government Lot 1, of fractional section 22-117-53W, which is west of a line which begins at a Point 450' west of the NE corner of Section 22, and is on the North section line of section 22, and ends at a point 625' west of the east section line of section 22, and is on a line which is 40 rods south of the north section line of section 22.  Have you ever been convicted of a felony? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  Do you own <input checked="" type="checkbox"/> or lease <input type="checkbox"/> this property? (Check one)  <b>E. State Sales Tax Number:</b> <u>1014-2240-5T</u>  <b>F. Remember to obtain a Federal Alcohol Stamp, for help call TTB at 1-800-937-8864.</b>  <b>G. New license?</b> <input checked="" type="checkbox"/> <b>Transfer? (\$150)</b> <input type="checkbox"/> <b>Re-issuance?</b> <input type="checkbox"/>

**H. CERTIFICATE:** The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Signed this 19 day of May Signature [Signature]

**I. Any Application required to be submitted to a local governing board must be signed in the presence of the city or county auditor, the town clerk or notary public. This applies to ALL applications EXCEPT the following: distillers, manufacturers, wholesalers, municipalities, airports, solicitors, dispensers, carriers, transportation companies, and farm wineries.**

Place of business is located in a municipality?  Yes  No County: Codington

This application was subscribed and sworn to before me this 19 day of May 2016

Approving Officer's Telephone number 605 882-6203 (48) Signature: [Signature]

**J. APPROVAL OF LOCAL GOVERNING BODY** - Notice of hearing was published on May 28<sup>th</sup> 2016. Public hearing on the application was held June 6<sup>th</sup> 2016, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Application approved for Sunday on-sale operation?  Yes  No  
Are real property taxes paid to date?  Yes  No  
Ineligible for video lottery?   
Number of video lottery terminals on licensed premise: \_\_\_\_\_

Amount of fee collected with application \$ 340.00  
Amount of fee retained \$ 340.00  
Forwarded with application \$ [Signature]

<b>For Local Government Use</b>	<b>Transferred (State Use)</b>
(Seal) _____ Mayor or Chairman If disapproved, endorse reason thereon and return to applicant	From: _____ Sales tax approval _____ Date _____ <b>STATE LIQUOR AUTHORITY: APPROVAL      REVIEW</b>

Please complete reverse side

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

If supplement unchanged from last year check this box and sign below. \_\_\_\_\_

State of South Dakota            )  
  §  
County of Codington            )

**Affidavit**

We, the undersigned, being first duly sworn upon oath, supply the following information:

Name of corporation/partnership/LP/LLC \_\_\_\_\_

Address of office and principal place of business of corporation/partnership/LP/LLC \_\_\_\_\_

Date of incorporation \_\_\_\_\_

Date of last report filed with Secretary of State \_\_\_\_\_

Are all managing officers of this corporation/partnership/LP/LLC of good moral character? \_\_\_\_\_

Have any of the managing officers of this corporation/partnership/LP/LLC ever been convicted of a felony? \_\_\_\_\_

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

Name	Office	Address	Occupation

Name, address and occupation of each of the directors of the corporation:

Name	Address	Occupation

Name and address of each of the stockholders and percentage of shares owned or held by each:

Name	Address	Percentage of Shares

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other retail liquor outlet:

Name	Type of License, Financial Interest Held, and Address of Retail Outlet

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

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

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

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

**Signature of Authorized Officer/Director/Partner** \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ County, State of South Dakota

My commission expires \_\_\_\_\_

(Notary Public)

Date Received \_\_\_\_\_  
Date Issued \_\_\_\_\_

License No. \_\_\_\_\_

# Uniform Alcoholic Beverage License Application

Mail this copy to: Department of Revenue, Special Tax Division 445 East Capitol Ave Pierre, SD 57501-3100.

<b>A. Owner Name and Address</b> Watertown Area Chamber of Commerce 1 E Kemp Ave Watertown, SD 57201	<b>B. Business Name and Address</b> Watertown Area Chamber of Commerce 1 E Kemp Ave Watertown, SD 57201
Owner's Telephone #: (605) 886-5814	Business Telephone #: (605) 886-5814
<b>C. Indicate the class of license being applied for</b> (submit separate application for each class of license).  <input type="checkbox"/> Retail (on-sale) Liquor  <input type="checkbox"/> Retail (on-sale) Liquor - Restaurant <input type="checkbox"/> Retail (on-off sale) Wine <input type="checkbox"/> Package (off-sale) Liquor <input type="checkbox"/> Retail (on-off sale) Malt Beverage <input type="checkbox"/> Retail (on-off sale) Malt Beverage & SD Farm Wine <input type="checkbox"/> Package (off-sale) Malt Beverage <input type="checkbox"/> Package (off-sale) Malt Beverage & SD Farm Wine <input checked="" type="checkbox"/> Other (please classify) <input type="checkbox"/> Transfer Fee \$ 150.00	<b>D. Legal description of licensed premise:</b> That portion of the north 40 rods of Government Lot 1, of fractional section 22-117-53W, which is west of a line which begins at a Point 450' west of the NE corner of Section 22, and is on the North section line of section 22, and ends at a point 625' west of the east section line of section 22, and is on a line which is 40 rods south of the north section line of section 22.  Have you ever been convicted of a felony? [ ] Yes [X] No  Do you own <u>X</u> or lease ___ this property? (Check one)  <b>E. State Sales Tax Number:</b> <u>014-2240-ST</u>
Number of other Package Liquor Licenses held: 0 Number of other On-sale Liquor Licenses held: 0 Is this License in active use? [ ] Yes [ ] No	<b>F. Remember to obtain a Federal Alcohol Stamp, for help call TTB at 1-800-937-8864.</b>  <b>G. New license?</b> <u>X</u> <b>Transfer? (\$150)</b> _____ <b>Re-issuance?</b> _____

**H. CERTIFICATE:** The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Signed this 19 day of May Signature: \_\_\_\_\_

**I. Any Application** required to be submitted to a local governing board must be signed in the presence of the city or county auditor, the town clerk or notary public. This applies to ALL applications EXCEPT the following: distillers, manufacturers, wholesalers, municipalities, airports, solicitors, dispensers, carriers, transportation companies, and farm wineries.

Place of business is located in a municipality? [ ] Yes [ ] No County: \_\_\_\_\_

This application was subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

Approving Officer's Telephone number \_\_\_\_\_ Signature: \_\_\_\_\_

**J. APPROVAL OF LOCAL GOVERNING BODY** - Notice of hearing was published on \_\_\_\_\_ Public hearing on the application was held \_\_\_\_\_, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Application approved for Sunday on-sale operation? [ ] Yes [ ] No  
Are real property taxes paid to date? [ ] Yes [ ] No  
Ineligible for video lottery [ ]  
Number of video lottery terminals on licensed premise: \_\_\_\_\_

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

<b>For Local Government Use</b>  (Seal) _____ Mayor or Chairman If disapproved, endorse reason thereon and return to applicant	<b>Transferred (State Use)</b> From: _____ Sales tax approval _____ Date _____ <b>STATE LIQUOR AUTHORITY: APPROVAL REVIEW</b>
--	--

Please complete reverse side

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

If supplement unchanged from last year check this box and sign below. \_\_\_\_\_

State of South Dakota            )  
  §  
County of Codington            )

**Affidavit**

We, the undersigned, being first duly sworn upon oath, supply the following information:

Name of corporation/partnership/LP/LLC \_\_\_\_\_

Address of office and principal place of business of corporation/partnership/LP/LLC \_\_\_\_\_

Date of incorporation \_\_\_\_\_

Date of last report filed with Secretary of State \_\_\_\_\_

Are all managing officers of this corporation/partnership/LP/LLC of good moral character? \_\_\_\_\_

Have any of the managing officers of this corporation/partnership/LP/LLC ever been convicted of a felony? \_\_\_\_\_

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

Name	Office	Address	Occupation

Name, address and occupation of each of the directors of the corporation:

Name	Address	Occupation

Name and address of each of the stockholders and percentage of shares owned or held by each:

Name	Address	Percentage of Shares

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other retail liquor outlet:

Name	Type of License, Financial Interest Held, and Address of Retail Outlet

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

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

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

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

**Signature of Authorized Officer/Director/Partner** \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ County, State of South Dakota

My commission expires \_\_\_\_\_

(Notary Public)

Document Prepared By:  
Lisa Losano Carrico  
Legal Counsel for City of Watertown  
23 Second Street SE  
PO Box 227  
Watertown, SD 57201

### LEASE AGREEMENT

THIS LEASE AGREEMENT is entered into between the City of Watertown, South Dakota, Codington County, Watertown, South Dakota, (hereinafter referred to as "Landlord") and Good Enterprises LLC., *d.b.a.*, Casino Speedway, 4401 11 Avenue Northwest, Watertown, South Dakota 57201, (hereinafter referred to as "Tenant").

#### I. RECITALS

In consideration of the following, the parties hereto covenant and agree as follows:

1.0 Legal Description Of Leased Premises. The Landlord hereby leases to Tenant and tenant hereby leases from Landlord certain real estate located in Codington County, South Dakota, described below and hereinafter referred to as the "real estate" or "premises":

From NE Corner of the Airport Fence South of outlot "B" in Government Lot Sec 22 T117 North, R35W South 642' West 1463' to existing Airport Fence, then Northeasterly to NW Corner of Airport Fence then 1133' east to point of Origin.

1.1 Term. The term of this Lease will be for the term of ten (10) years commencing on May 1, 2016. The parties to this Agreement acknowledge that Tenant

shall be permitted to request renewal of this Agreement for three (3) additional ten (10) year terms; under similar terms and condition subject to negotiation by the parties.

1.2 Rent. Rent during the term of this Lease shall be in the approximate amount of \$80.00 per acres times 18.61 acres for a total annual rent for 2016 and 2017 of \$1,500.00 payable on April 1, 2016 and April 1, 2017. The parties stipulate and agree that the rent is calculated at 150% of annual crop rental for acres that are comparable crop land for Lake Township, Codington County, South Dakota. The parties stipulate and agree that beginning April 1, 2018 and to include the remainder of the initial 10 year term, Landlord shall procure an appraisal as to the fair market value of cash renting real estate similar to real estate being leased hereunder. Tenant agrees to pay 150% of the estimated fair market value of said real estate for the remainder of the initial 10 year term beginning with April 1, 2018. Subsequent appraisals shall be conducted for the adjustment of rent for the next succeeding three 10 year lease terms.

1.3 Use. The leased premises may be used and occupied by Tenant for the sole purposes of parking motor vehicles. Tenant is not authorized nor is Tenant allowed to make any improvements to the real estate other than the improvements as contemplated herein, without first obtaining consent from the Federal Aviation Administration and Landlord. Tenant shall not permit any liens or encumbrances to be placed upon the real estate. No motor vehicles shall be left on the premises for more than 48 hours. Forty-eight hours takes into consideration a two day racing event. Tenant is not allowed to utilize the leased premises for any residence nor to operate any other business from the leased premises other than to allow the public to utilize the premises for 48 hours for a parking lot. When the real estate is not in use by Tenant, Tenant shall place locks upon the real estate to bar the public from entering the same. It is an express condition of this Agreement that Tenant shall be permitted to conduct routine maintenance or repair of

racing stock car vehicles upon the leased premises; provided such activities do not result in that portion of leased premises so used from sustaining vegetation.

1.4 General Liability, Indemnification, and Insurance. Tenant assumes all risks and responsibilities for accidents, injuries, or death resulting from injuries or damages to any invitee of Tenant and property of said invitee occurring in, on or about the real estate and the Tenant hereby agrees to indemnify and hold harmless Landlord and Landlord's employees, agents, and assigns from any and all claims, liabilities, lawsuits, attorney's fees, costs, and expenses arising from or in connection with the condition, use, or control of the leased premises including any improvements and equipment thereon during the term of this Lease. Tenant shall also be liable to the Landlord for any damages to the leased premises including the improvements of equipment thereon and for any act done by Tenant or any employee or agent of the Tenant or any invitee or licensee of the Tenant. Tenant shall keep the premises in a neat and orderly fashion and shall prevent all unnecessary waste, loss, or damage to the leased premises and to the improvements thereon and to any equipment or other property of the Landlord and at the expiration or other termination of this Lease, shall repair or pay for repairable damages to such improvements, equipment, or other property of the Landlord. Tenant's assumption of risk and liability hereunder shall also be deemed to include the obligation to mitigate or otherwise remove any chemical or other contaminant in any manner or form directly attributable to Tenant and found upon the leased premises; whether above or underground.

1.5 Tenant's Responsibility. Tenant stipulates and agrees that Tenant will comply with all state, federal, and local laws concerning the use of the premises and maintain, and comply with all City, County and State, laws, ordinances and regulations.

Tenant specifically acknowledges and agrees that it will not permit grass or other vegetation within the leased area to grow to a height exceeding ten inches (10").

1.6 Repairs. During this lease term, Tenant shall make all necessary repairs to the leased premises all at the Tenant's cost. Tenant is responsible for maintaining, repairing, and replacing the existing fence and gates on the property.

1.7 Insurance. Tenant agrees, at Tenant's own expense, to procure insurance insuring all of Tenant's personal property located upon the premises. Tenant waives any interest in the landlord's policies of insurance. If any portion of the leased premises is damaged by fire or other casualty resulting from any act or negligence of the Tenant or any of the Tenant's agents, or invitees, rent shall not be diminished or abated while the premises are under repairs and Tenant shall be responsible for the cost of repair not covered by insurance.

1.8 Entry. Landlord shall have the right to enter upon the leased premises on reasonable hours to inspect the same, provide Landlord shall not thereby unreasonably interfere with Tenant's use of the leased premises.

1.9 Alterations. Tenant shall not erect, install, or permit to be made, erect, or install any alterations, repairs, additions, or improvements to the leased real estate without the prior written consent of the Landlord, and Federal Aviation Administration which shall not be unreasonably withheld.

1.10 Encumbering Title. Tenant shall not do any action in which shall in any way encumber the title of the Landlord in and to the leased real estate or permit the leased real estate to become subject to any mechanic's liens, laborer's lien, or material's lien.

1.11 Assignment. Tenant shall not assign this Lease with the prior written consent of the Landlord which written consent shall not be unreasonably withheld. Landlord understands that Tenant may sell Casino Speedway to a third party and Landlord

understands that the sale of the property will be accompanied by the assignment of this lease and Landlord shall not unreasonably withhold consent to Tenant's assignment of this Lease to the successor operator of Casino Speedway.

1.12 Payment of Utility Costs. Tenant agrees to pay all costs associated with Tenant's actual cost of the leased real estate which, at the inception of this Lease, would be utilities, garbage, and lawn care and electrical only if Tenant is allowed to erect street lights on the premises. Tenant agrees to perform all appropriate removal of garbage and to maintain the property in its present condition. Tenant agrees not to commit waste upon the property.

## **II. DEFAULT AND REMEDIES**

2.0 Default; Remedies. Tenant agrees that any one or more of the following will be considered an event of default:

- a. Tenant's abandonment or vacation of the lease premises during the term hereof;
- b. The default of any payment of rent or any other payment required to be made by tenant hereunder when due; or
- c. Tenant's failure to remove any lien upon the real estate caused by the Tenant's actions or inactions within ten days of being required to do so by the Landlord;
- d. Tenant's failure in keeping, observing, or performing any of the other covenants, requirements, or agreements herein contained to be kept, observed, or performed by Tenant.

2.1 Upon the occurrence of any one or more such events of default, Landlord may, at its election, provide Tenant with 30 days' written notice of default and right to cure the default within the 30 days. Tenant can cure the default by providing the Landlord with payment and/or documents necessary to demonstrate that Tenant is not in default of the

Lease. The Lease shall remain valid and in full force and effect throughout the cure period. Should Landlord believe that Tenant still remains in default after 30 days' notice, Landlord must provide Tenant with 15 days notice of actual termination of the lease. During the 15 day notice period, with the notice commencing to run upon the Landlord placing the notice of termination in the mail, Tenant shall either file appropriate pleadings with the appropriate state or federal district court seeking to stay any termination of lease and have the court determine whether uncured default exists or, upon the expiration of the 15 day notice of termination of the Lease and Tenant's failure to contest the same, the Lease shall be deemed terminated. Upon termination of this Lease, Tenant will surrender possession of and vacate the leased premises immediately, and the Landlord is hereby granted upon expiration of the 15 day notice of termination to enter the real estate without demand or notice of any kind to Tenant with or without process of law to repossess the leased real estate and expel or remove Tenant or others who are occupying the leased real estate without being deemed guilty of trespass, eviction, forceful entry or detainer, and without incurring any liability for any damages resulting therefrom. Upon termination of this Lease by the Landlord, Tenant shall have no right to return to the leased real estate and the Tenant's interest in the leased real estate is hereby terminated.

2.2 Tenant shall be liable for and hereby agrees to pay any and all losses, liabilities, costs, and expenses, including attorneys' fees which Landlord incurs in connection with any of the aforesaid defaults and enforcement of Landlord's rights and remedies under this Lease as a result of such default.

2.3 Right to Terminate Lease Prior to its Expiration. Tenant has the sole option to terminate this Lease prior to its expiration. Tenant or its assigns may terminate this Lease prior to its expiration, if Tenant and/or its assigns ceases to operate the adjacent real estate as Casino Speedway or for any other reason. If Tenant does not provide

Landlord notice by November 1<sup>st</sup> of any year during the term of this Lease of Tenant's intentions to terminate leasing of the real estate, Tenant shall be liable to Landlord for the next succeeding calendar year's rent. Tenant acknowledges and agrees that in the event the FAA requires the use described herein be made to cease or be reduced at any time during the term of this lease; Landlord will provide such notice to Tenant whereupon Tenant will either cease operation in a manner consistent with an FAA directive, or the parties will determine whether a pro rata reduction in the rent amount is necessary in light of any reduction in the size of the leased premises.

2.4 Notice. Any notice required pursuant to this Lease shall be in writing and sent by first class mail to the following addresses:

Landlord: City of Watertown  
Attention: Airport Manager  
2416 Boeing Avenue  
Watertown, SD 57201

Tenant: Casino Speedway  
Attention: Good  
4401 11<sup>th</sup> Avenue NW  
Watertown, SD 57201

2.5 Time is of the Essence. Time is of the essence of this Lease and all provisions herein relating thereto shall be strictly construed.

2.6 Applicable Law. This Lease shall be construed and enforced in accordance with the laws of the State of South Dakota.

### III. FEDERAL AERONAUTICS ADMINISTRATION PROVISIONS

3.0 The parties stipulate and agree that the following provisions as currently mandated by the Federal Aviation Administration apply and govern this Lease.

a. The Tenant for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree and is a covenant running with the real

estate that in the event facilities are constructed, maintained, or otherwise operated on the said leased real estate, for the purpose for which a DOT program or activity is extended or for another purpose involving this provision of similar services or benefits, the Tenant shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended. (49 CFR part 21 – DOT Title VI Assurances – AC 150/9100-13A).

b. The Tenant for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree and "as a covenant running with the land" that: 1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said leased real estate; 2) that in the construction of any improvements on, over, or under such leased real estate and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; and 3) that the lessee shall use the leased real estate in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended. (49 CFR Part 21 – DOT Title VI Assurance – AC 150/5100-15A).

c. The Tenant agrees to furnish services on a fair, equal, and not unjustly discriminatory basis to all users thereof, and to charge fair, reasonable, and no unjustly discriminatory prices for each unit or service, PROVIDED, that the Lessee may be allowed to make reasonable and

nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

d. The Tenant assures that it will comply with pertinent statutes, Executive Orders and such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any activity conducted with or benefiting from Federal Assistance. Provisions for the direction in which the lessee or its leased real estate is subject to Federal assistance including, extended to the airport program, except where Federal assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon. In these cases, the Provisions obligates the lessee or any transferee for the longer of the following periods: i) the period during which the property is used by the sponsor or any transferee for a purpose for which Federal assistance is extended, or for another purpose involving the provision of a similar services or benefits; or ii) the period during which the airport sponsor or any transferee retains ownership or possession of the property. In the case of contractors, this Provision binds the contractors from the bid solicitation period through the completion of the contract. (AAIA of 1982, Section 520 – AC 150/5100-15A).

e. The Tenant agrees that it will practice nondiscrimination in its activities and will provide DBE participation in its leases as required by the sponsor, in order to meet the sponsor's goals, or required by the FAA in order to obtain an exemption from the prohibition against Long-term exclusive leases. (49 CFR Part 23 – AC 150/5100-15A).

f. It is hereby specifically understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right to provide aeronautical services to the public as prohibited by Section 308(a) of the Federal Aviation Act of 1958; as amended, and the

Landlord reserves the right to grant to others the privilege and right of conducting any one or all activities of an aeronautical nature. (Federal Aviation Act of 1958 Section 308(a) – AC 150/5100-16A).

g. The Landlord reserves the right to further develop or improve the landing area of the airport as it sees fit, regardless of the desires or view of the Tenant, and without interference or hindrance from the Tenant. (FAA Order 5190.6A-AGL-600).

h. The Landlord reserves the right, but shall not be obligated to the Tenant to maintain and keep in repair the landing area of the airport and all publicly-owned facilities of the airport, together with the right to direct and control all activities of the Tenant in this regard. (FAA Order 5190.5A – AGL-600).

i. This Lease shall be subordinate to the provisions of and requirements of any existing or future agreement between the Landlord and the United States, relative to the development, operation, or maintenance of the airport. (FAA Order 5190.6a-AGL-600).

j. The Tenant agrees to comply with the notification and review requirements covered in Part 77 of the Federal Aviation Regulations in the event any future structure or building is planned for the (leased) premises, or in the event of any planned modification or alteration of any present or future building or structure situated on the (leased) premises. (FAA Order 5190.6A – AGL-600).

k. It is hereby reserved to the Landlord, its successors and assigns, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the leased real estate described herewithin. This public right of flight shall include the right to cause in said airspace any noise inherent to the operation of any aircraft used for navigation or flight through the said airspace or landing at, taking off from, or operation on the (official name) Airport. (FAA Order 5190.6A – AGL-600).

l. The Tenant by accepting this expressly agrees for itself, its successors and assigns that it will not erect nor permit the erection of any structure or object, (except light poles as permitted with a 7460 form), nor permit the growth of any tree on the land leased hereunder above a mean sea level elevation of 1740 feet. In the event the aforesaid covenants are breached, the Landlord reserves the right to enter upon the leased real estate hereunder and to remove the offending structure or object and cut the offending tree, all of which shall be at the expense of the Tenant. (FAA Order 5190.6A-AGL-600).

m. The Tenant by accepting this Lease agrees for itself, its successors, and assigns that it will not make use of the leased real estate in any manner which might interfere with the landing and taking off of aircraft from the Watertown Airport or otherwise constitute a hazard. In the event the aforesaid covenant is breached, the Landlord reserves the right to enter upon the leased premises and cause the abatement of such interference at the expense of the Tenant. (FAA Order 5190.6A – AGL-600).

n. This Lease and all the provisions hereof shall be subject to whatever right the United States Government now has or in the future may have or require affecting the control, operation, regulation, and taking over of said airport or the exclusive or non-exclusive use of the airport by the United States during the time of war or national emergency. (Surplus Property Act of 1944 – FAA Order 5190-6A – AGL-600).

o. It is clearly understood by the Tenant that no right or privilege has been granted which would operate to prevent any person, firm or corporation from operating aircraft on the airport or from performing any services on its own aircraft with its own regular employees (including but not limited to, maintenance and repair) that it may chooses to perform. (Assurance 22 – FAA Order 5190.6A – AGL-600).

p. This Agreement is subject to the requirements of this U.S. Department of Transportation's regulations 49 CFR Part 23, subpart F. The Tenant agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any concession agreement covered by 49 CFR Part 23, Subpart F. The Tenant also agrees to include the above statements in any subsequent complementary aeronautical activity agreements that it enters into and cause those businesses to similarly include the statements in further agreements. (49 CFR Part 23, Subpart F).

3.1 The parties stipulate and agree that the Lease in question does not allow Tenant to conduct any aeronautical activities at the airport and that this Lease only grants the Tenant a non-exclusive right to parking vehicles upon the real estate. Tenant agrees to provide adequate staff or employees with skills, licenses and certificates appropriate for the activities to be conducted which is the parking of motor vehicles upon the leased premises during racing events conducted by the Tenant.

3.2 Tenant agrees to maintain accurate and acceptable records and be made available for examination by the Landlord as it solely relates to the Tenant's use and occupancy of the leased premises.

3.3 At Landlord's request, Tenant will demonstrate evidence of financial stability and a good credit rating.

3.4 Tenant understands that Landlord has the right to temporarily close any portion of the leased real estate for maintenance, improvements or for the safety of the public and during the period of closure, Tenant is entitled to abatement of rent if the closure results in more than 1 week during Tenant's racing season.

LANDLORD:  
City of Watertown

ATTEST:  
City of Watertown

\_\_\_\_\_  
By: Steve Thorson  
Its: Mayor

\_\_\_\_\_  
Rochelle Ebbers  
Its: Chief Finance Officer

TENANT:  
Good Enterprises, Inc., *d.b.a.*,  
Casino Speedway

\_\_\_\_\_  
By: Todd Good

STATE OF SOUTH DAKOTA     )  
  ) ss.  
COUNTY OF CODINGTON     )

On this \_\_\_ day of May, 2016, before me personally appeared Todd Good, known to me to be the Member of Good Enterprises, LLC dba Casino Speedway, and with the authority to bind the Party to this Agreement, the same person described in and who executed the above and foregoing instrument, and acknowledged that he executed the same.

\_\_\_\_\_  
Notary Public

My Commission expires:

**ORDINANCE NO. 16-08**

**AN ORDINANCE AMENDING SECTION 3.0109(3) REGULATING THE KEEPING OF CERTAIN ANIMALS WITHIN AND FOR THE CITY OF WATERTOWN**

**BE IT ORDAINED** by the City of Watertown that Section 3.0109(3) of the Revised Ordinances of the City of Watertown regulating the keeping of certain animals be amended as follows:

**3.0109: REGULATIONS ON THE KEEPING OF CERTAIN ANIMALS ~~OTHER THAN DOGS~~**

3. The keeping of domestic fowl such as ducks, geese and chickens ~~or predators such as skunks, foxes or raccoons as pets~~ shall be by special permission of the animal control board. The keeping or harboring of dangerous animals, including, but not limited to, skunks, foxes or raccoons or other animals with a propensity for carrying or transmitting rabies or other harmful diseases, exotic mammals including non-human primates, and venomous reptiles is expressly prohibited within the city limits of Watertown. Any prohibited animal found within the city limits of Watertown shall be immediately impounded by proper authority and either removed from the city limits or humanely destroyed. Pursuant to the authority vested in the City of Watertown under S.D.C.L. §9-19-13; the City Council has declared this ordinance to be necessary for the immediate preservation of the public peace, health, safety, or support of the municipal government and its existing public institutions, and it shall therefore take effect immediately upon its passage on June 20<sup>th</sup>, 2016.

-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 16-08 was published in the Watertown Public Opinion, the official newspaper of said City, on the \_\_\_\_\_ day of June, 2016.

Rochelle M. Ebbers, CPA

First Reading: June 6<sup>th</sup>, 2016  
Second Reading: June 20<sup>th</sup>, 2016  
Published: June 25<sup>th</sup>, 2016  
Effective: June 20<sup>th</sup>, 2016

City of Watertown

Attest:

\_\_\_\_\_  
Rochelle M. Ebbers, CPA  
Finance Officer

\_\_\_\_\_  
Steve Thorson  
Mayor

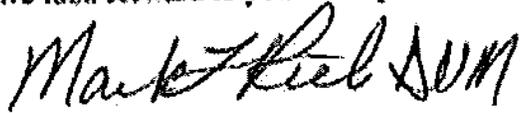
March 3, 2016

To: Watertown City Council

From: Watertown Animal Control Board

Re: Ordinance No. 15-21 (to be renumbered) An Ordinance Amending Section 3.0109(3) Regulating The Keeping of Certain Animal Within and For The City of Watertown

The Watertown Animal Control Board proposes and unanimously supports the attached amendment to Section 3.1090(3) Regulating the Keeping of Certain Animals Within and For the City of Watertown. We urge your thoughtful consideration of the changes to this ordinance as recommended by the board. We look forward to your timely action.

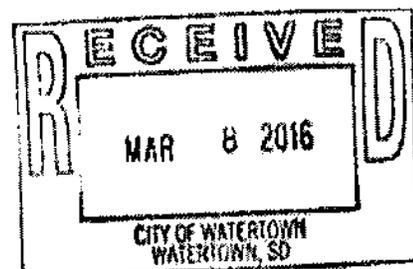
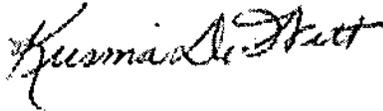


Mark Rieb, DVM, Board President

Dan Miller, Director, Bramble Park Zoo, Member at Large



Krisma DeWitt, Ed. D., Member at Large



## Request for City Council Action

**TO:** City Council  
**THROUGH:** Steve Thorson, Mayor  
**FROM:** Shane Waterman, City Engineer  
**MEETING DATE:** June 6, 2016  
**SUBJECT:** Veterans' Burial Plot – Plat Amendment

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**Background:** March 2002 was the last time the City revised the Veterans' Burial Plot within the Mount Hope Cemetery. Since that time the area set aside for the burial of bodies of men and women of the Armed Services has slowly been filled up. The Engineering Staff was notified the area designated for Veterans has essentially been exhausted. Therefore, we have researched the area(s) adjacent to the existing Veterans' Plot and propose a revision to City Ordinance Chapter 6.05 to establish additional land to be set aside for the burial of Veterans. The area described in the revised ordinance includes both the existing Veterans' Plot and the proposed addition. The new area will provide 72 burial plots within the revised Veteran's Plot. Further, City Staff has identified the area(s) for future expansion of the Veterans' Burial Plot.

**Facts:**

1. Veterans' Burial Plot:
  - Existing plots are nearly exhausted within the area set aside in the Mount Hope Cemetery.
  - Proposed plots are adjacent to the original plot area.
  - Proposed area will provide 72 additional plots for Veterans.
  - Staff has identified the area for future expansion.

**Recommendation:** City Staff recommends approving this ordinance revision.

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**Action:** City Council action on Ordinance 16-11 Amending Section 6.0501 of the Revised Ordinances of the City of Watertown.

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## ORDINANCE 16-11

### AN ORDINANCE AMENDING SECTION 6.0501 OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN.

BE IT ORDAINED by the City of Watertown, South Dakota that Section 6.0501 of the Revised Ordinances of the City of Watertown as follows:

#### Chapter 6.05 VETERANS' BURIAL PLOT

##### Section

6.0501 Veterans' Burial Plot Established

6.0502 No Charge for Burial

6.0503 Subject to all Ordinances, Etc.

##### 6.0501: VETERANS' BURIAL PLOT ESTABLISHED

The following portion of Memorial Park Addition to Mount Hope Cemetery contained within the boundaries as hereinafter stated is hereby set aside for the burial of bodies of men and women of the Armed Services of the United States and Veterans of the said Armed Services of the United States of all wars. Said tract is bounded as follows:

1. ~~On the north by a straight line extending from the northeast corner of Lot 470 in Section 1 to the northeast corner of Lot 326 in Section 4;~~
2. ~~On the east by a straight line extending south from the northeast corner of Lot 326 in Section 4 along the east line of said Lot 326 and the east line of Lot 325 in said section to the intersection of said line with the south line of Lot 9 in said Section 4;~~
3. ~~On the west by a straight line extending south from the northeast corner of Lot 470 in Section 1 along the east line of said Lot 470 and Lot 471 in said section to the intersection of said line with the south line of Lot 11 in said Section 4;~~
4. ~~On the south by a straight line between the intersections of the west boundary of said lot with the south line of Lot 11 in Section 1 and the intersection of the east boundary of said lot with the south line of Lot 9 in Section 4. (C 232-4)~~

Commencing at the northeast corner of Lot 470 in Section 1, thence east to the northwest corner of Lot 327 in Section 4, thence south to the southwest corner of Lot 329 in Section 4, thence east to the intersection of the south line of Lot 334 in Section 4 and the extension of the west lines of Lots 96-100 in Section 4, thence south to the southwest corner of Lot 100 in Section 4, thence west to the intersection of the south line of Lot 11 in the Section 1 and the extension of the east line of Lot 471 in Section 1, thence north to the point of beginning at the northeast corner of Lot 470 in Section 1.

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 16-11 was published in the Watertown Public Opinion, the official newspaper of said City, on the \_\_\_\_ day of \_\_\_\_\_, 2016.

Rochelle M. Ebbers, CPA

First Reading: June 6, 2016  
Second Reading: June 20, 2016  
Published: June 25, 2016  
Effective: July 15, 2016

Attest:

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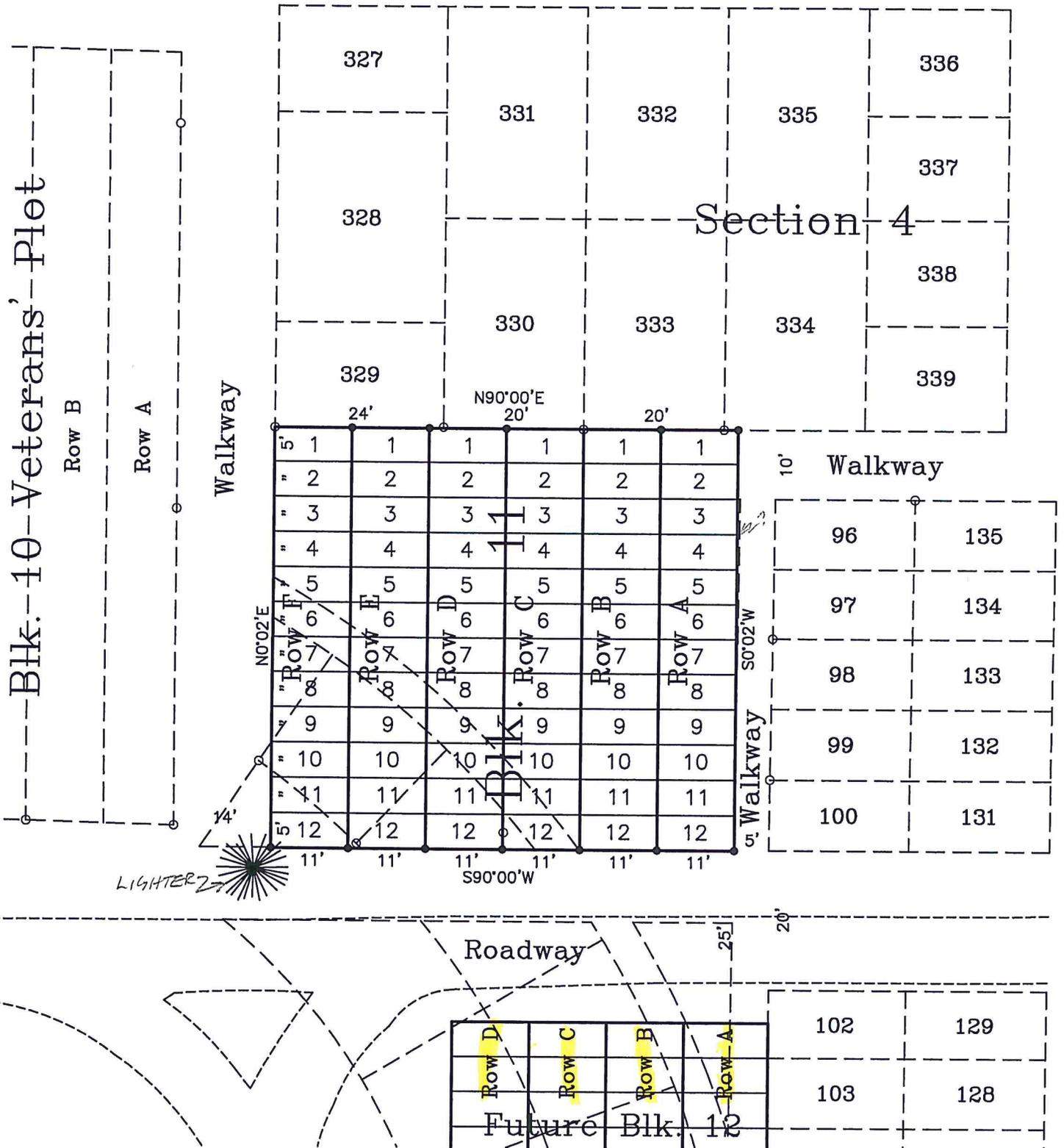
Rochelle M. Ebbers, CPA  
Finance Officer

City of Watertown

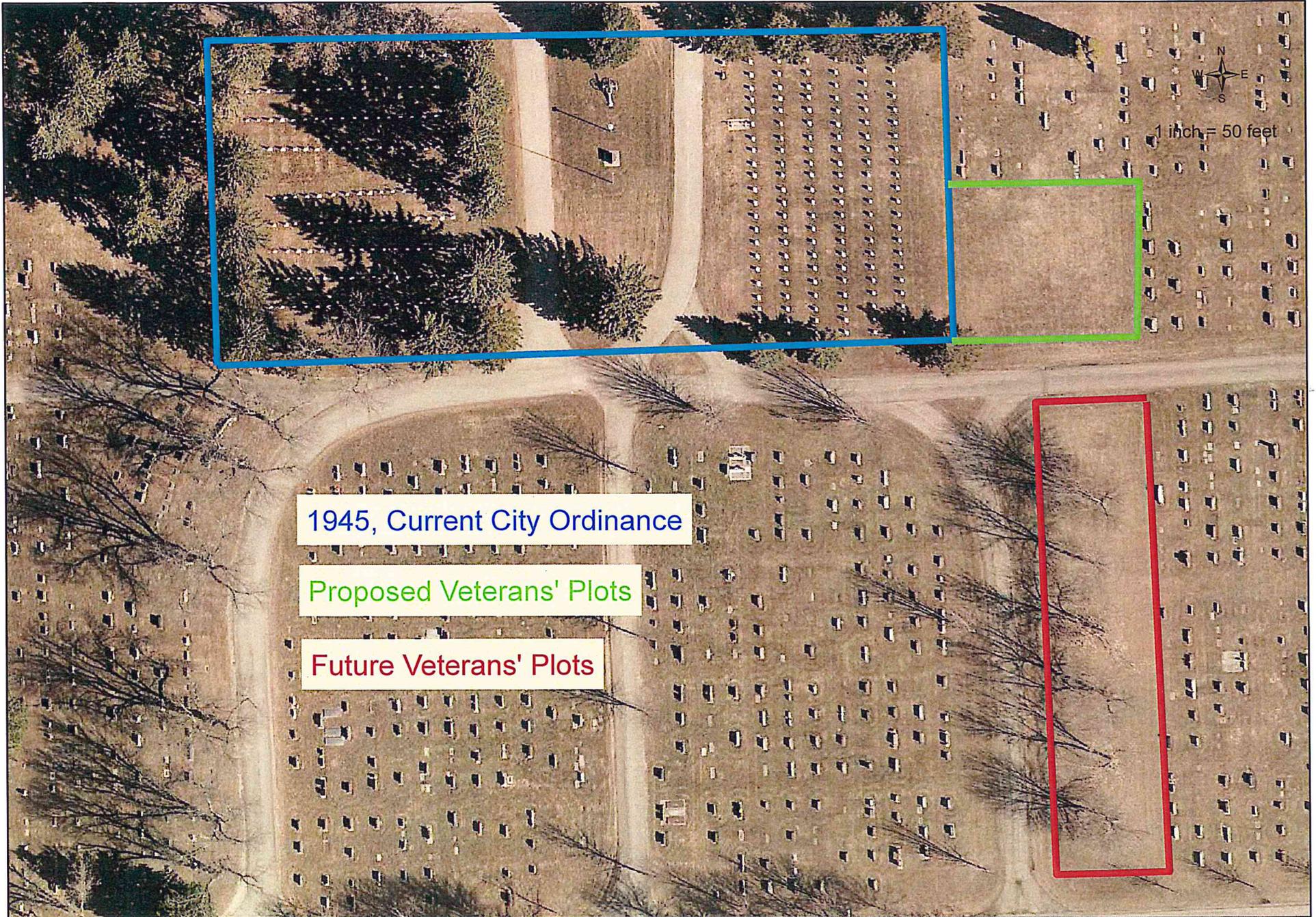
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Steve Thorson  
Mayor

Plat of:  
Block 11, Veterans' Plot in Section 4  
of Memorial Park Addition to  
Mount Hope Cemetery,  
Watertown, South Dakota



# Veterans' Burial Plots





**Watertown Brewing Company, 113 East Kemp, Watertown, SD 57201**

**Legal Description:** *Lot 1 in John F. Brock's rearrangement of lots 23 and 24 of Block 3, Watertown, Codington County, South Dakota, according to the recorded plat thereof; and Lot 1 in the Vacated Alley Rearrangement in John F. Brock's rearrangement of Lots 23 and 24, in Block 3, Watertown, Codington County, South Dakota, according to the recorded plat thereof; and Lot 1 in Balsiger's rearrangement of Lot 25 in Block 3, Watertown, Codington County, South Dakota, according to the recorded plat thereof.*

- Must be directly in front of business
- May not extend beyond property lines
- If a street is closed due to a community event, the property line may be deemed to include the café.
- Must maintain a clear pedestrian path of at least five feet (5') clearly marked and dim. on site plan
- Path must not interfere with utilities, phone poles, hydrants, signs, etc.

**2. Barriers**

- You may not attach any element permanently to the sidewalk or public right-of-way
- Physical barriers should not exceed four feet (4') in height.
- Bolting barriers to the sidewalk is not considered permanent if can be readily removed

**3. Umbrellas**

- Umbrellas should be designed to be secure during windy conditions *n/a*
- Must be seven feet (7') above the sidewalk when open

**4. Lighting**

- Lighting should not cause glare to motorists or pedestrians
- Tabletop lighting may include candles and battery-operated fixtures *n/a*

**5. Barricades**

- Physical barricades are required if alcoholic beverages are sold
- Barricades shall be designed to control access to the area where alcohol is being consumed

**6. Signs**

- Signs advertising a sidewalk café shall comply with applicable ordinance

**7. Supervision**

- Permit holder is responsible for proper supervision of the sidewalk café in order to ensure the requirements of this section are met.

**D. Insurance** *-attached-*

- Permit holder shall furnish a certificate of commercial insurance coverage of at least \$1,000,000
- City shall be named as an additional insured on a primary, noncontributory basis for any liability
- If the insurance is cancelled, the permit holder has twenty-four (24) hours to reinstate coverage

**E. Accessibility**

- Must abide by all accessibility requirements of the Building Code and Americans with Disabilities Act

**F. Appeal**

- Decisions by the City Council regarding sidewalk café permits are final with no right of appeal

**G. Compliance**

- All permit holders shall be required to abide by all federal, state and local laws

**H. Hours of Operation**



Will be set by the City Council when the permit is issued (not to extend past 11pm excluding special events per City Council 7/6/15)

**I. Revocation or Suspension**



Permit may be revoked or suspended for cause.



Building Official will give written notice stating the grounds for revocation/suspension, ten days prior



Revocation or suspension may be prevented if permit holder complies within the ten day period



Revoked or suspended permits shall be reported to the City Council at its next regular meeting

Signed this 31<sup>st</sup> day of May, 2016.

Christine Walraven

Applicant Signature

Christine Walraven

Applicant Name Printed

**Signature acknowledges applicant has read and understands all above permitting requirements.**

Storefront 24' 3' door

ceiling 11'6"

11'6"

barrier/stanchions

Hydrant ⊕

20'6"

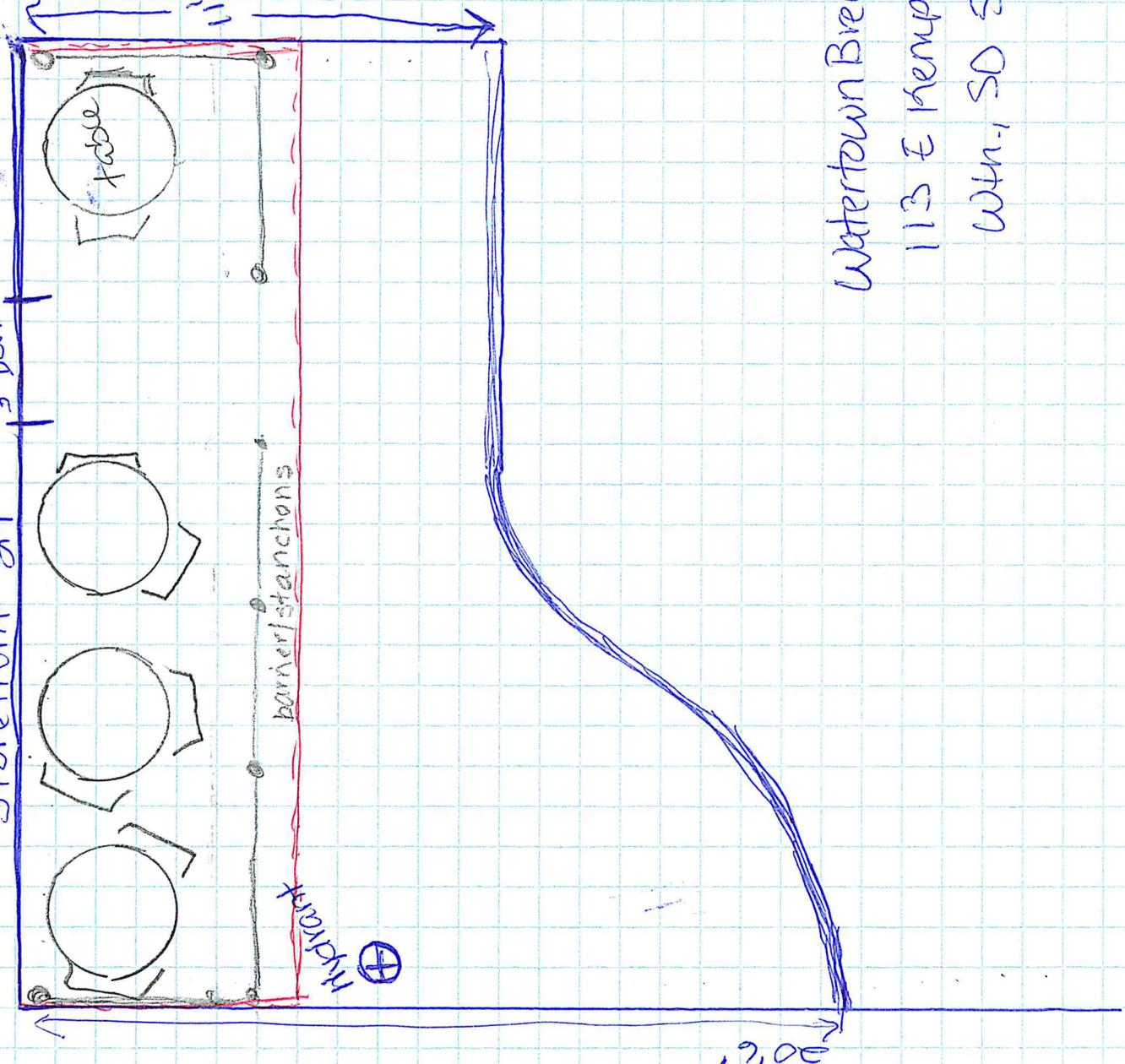
N ↑

□ = 1'

Watertown Brewing Company

113 E Kemp

Watn., SD 57201





# CERTIFICATE OF LIABILITY INSURANCE

REVEI-1

OP ID: LS

DATE (MM/DD/YYYY)

06/01/2016

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

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

<b>PRODUCER</b> Stoudt's Insurance Agency 825 South Maple PO Box 1657 Watertown, SD 57201-6657 James R. Waba		<b>CONTACT NAME:</b> LaVonne Seehafer <b>PHONE (A/C, No, Ext):</b> 605-886-9719 <b>FAX (A/C, No):</b> 605-886-9785 <b>E-MAIL ADDRESS:</b> lavonne@stoudtsinsurance.com	
		<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A: Midwest Family Mutual Ins. Co.	<b>NAIC #</b> 23574
<b>INSURED</b> REVE, LLC DBA Watertown Brewing Co 113 E Kemp Ave Watertown, SD 57201		INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

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

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		CPSD0560109389	10/15/2015	10/15/2016	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
							MED EXP (Any one person)	\$ 1,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			CPSD0560109389	10/15/2015	10/15/2016	EACH OCCURRENCE	\$ 1,000,000
							AGGREGATE	\$ 1,000,000
								\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	CPSD0560109389	10/15/2015	10/15/2016	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

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

RE: Sidewalk Cafe  
 See attached forms BP0448(7/13) and Manuscript Endt.

**CERTIFICATE HOLDER****CANCELLATION**

WATER-1

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

*James R Waba*

POLICY NUMBER:

BUSINESSOWNERS  
BP 04 48 07 13

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**ADDITIONAL INSURED – DESIGNATED PERSON  
OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM

**SCHEDULE**

<b>Name Of Additional Insured Person(s) Or Organization(s):</b>
City of Watertown, PO Box 910, Watertown, SD 57201
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

**Section II – Liability** is amended as follows:

**A.** The following is added to Paragraph C. **Who Is An Insured:**

**3.** Any person(s) or organization(s) shown in the Schedule is also an additional insured, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf in the performance of your ongoing operations or in connection with your premises owned by or rented to you.

However:

- a.** The insurance afforded to such additional insured only applies to the extent permitted by law; and
- b.** If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

**B.** With respect to the insurance afforded to these additional insureds, the following is added to Paragraph D. **Liability And Medical Expenses Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

- 1.** Required by the contract or agreement; or
- 2.** Available under the applicable Limits Of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits Of Insurance shown in the Declarations.

MIDWEST FAMILY MUTUAL INSURANCE COMPANY

INSURED: REVE, LLC DBA WATERTOWN BREWING CO  
POLICY NUMBER: CPSD0560109389

IT IS FURTHER AGREED THAT SUCH INSURANCE AS IS AFFORDED REVE, LLC DBA WATERTOWN BREWING CO., ITS AFFILIATES AND SUBSIDIARIES SHALL BE PRIMARY AND NON-CONTRIBUTORY WITH ANY OTHER INSURANCE IN FORCE OR WHICH MAY BE PURCHASED BY CITY OF WATERTOWN, SD, ITS AFFILIATES AND SUBSIDIARIES, BUT ONLY WITH RESPECT TO WORK PERFORMED BY OR FOR THE INSURED IN CONNECTION WITH THE ABOVE DESCRIBED PROJECT.

<b>Application for Federal Assistance SF-424</b>	
*1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	
*2. Type of Application      *If Revision, select appropriate letter(s): <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation      *Other (Specify) _____ <input type="checkbox"/> Revision	
*3. Date Received: _____	
4. Applicant Identifier: _____	
5a. Federal Entity Identifier: _____	*5b. Federal Award Identifier: 3-46-0058-030-2016
<b>State Use Only:</b>	
6. Date Received by State: _____	7. State Application Identifier: _____
<b>8. APPLICANT INFORMATION</b>	
*a. Legal Name: City of Watertown, South Dakota	
*b. Employer/Taxpayer Identification Number (EIN/TIN): 46-6000515	*c. Organizational DUNS: 076497965
<b>d. Address:</b>	
*Street 1: <u>PO Box 910</u>	_____
Street 2:                      _____	_____
*City: <u>Watertown</u>	_____
County:                            _____	_____
*State: <u>SD</u>	_____
*Country:                        United States of America	
*Zip / Postal Code: <u>57201</u>	_____
<b>e. Organizational Unit:</b>	
Department Name: _____	Division Name: _____
<b>f. Name and contact information of person to be contacted on matters involving this application:</b>	
Prefix:                              _____	*First Name: <u>Steve</u>
Middle Name:                    _____	
*Last Name: <u>Thorson</u>	
Suffix:                              _____	
Title:                                Mayor	
Organizational Affiliation: _____	
*Telephone Number: 605-882-6200	Fax Number: 605-882-6218
*Email: airport@watertownsd.us	

**Application for Federal Assistance SF-424**

**\*9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\*Other (Specify)

**\*10. Name of Federal Agency:**

Federal Aviation Administration

**11. Catalog of Federal Domestic Assistance Number:**

20.106

CFDA Title:

Airport Improvement Program

**12. Funding Opportunity Number:**

\_\_\_\_\_

Title:

\_\_\_\_\_

**13. Competition Identification Number:**

\_\_\_\_\_

Title:

\_\_\_\_\_

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

Watertown, Coddington County, South Dakota

**\*15. Descriptive Title of Applicant's Project:**

Design Engineering, Bidding & Negotiations, Construction Administration, Construction Engineering, Concrete Testing, and Reconstruction of Runway 12/30 ( $\pm$  5400' x 100'), Taxiway A1 ( $\pm$  400' x 75'), Taxiway A2 ( $\pm$  450' x 50'), Taxiway A3 ( $\pm$  550' x 50') and Taxiway A4 ( $\pm$  400' x 50')

**Attach supporting documents as specified in agency instructions.**

**16. Congressional Districts Of:**

\*a. Applicant: SD

\*b. Program/Project: SD

Attach an additional list of Program/Project Congressional Districts if needed.

**17. Proposed Project:**

\*a. Start Date: 7/2016

\*b. End Date: 12/2017

**Application for Federal Assistance SF-424**

**18. Estimated Funding (\$):**

*a. Federal	_____
*b. Applicant	_____
*c. State	_____
*d. Local	_____
*e. Other	_____
*f. Program Income	_____
*g. TOTAL	_____

**\*19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on \_\_\_\_.

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372

**\*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

Yes       No

21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

\*\*I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix: \_\_\_\_\_ \*First Name: Steve \_\_\_\_\_

Middle Name: \_\_\_\_\_

\*Last Name: Thorson \_\_\_\_\_

Suffix: \_\_\_\_\_

\*Title: Mayor

\*Telephone Number: 605-882-6200      Fax Number: 605-882-6218

\*Email: airport@watertownsd.us

\*Signature of Authorized Representative: \_\_\_\_\_ \*Date Signed: \_\_\_\_\_

**Authorized State Representative:**

\*First Name: Bruce

\*Last Name: Lindholm

\*Title: Program Manager, Office of Air, Rail and Transit

\*Telephone Number: 605-773-3574      Fax Number: 605-773-2804

\*Email: bruce.lindholm@state.sd.us

\*Signature of Authorized Representative: \_\_\_\_\_ \*Date Signed: \_\_\_\_\_

**Application for Federal Assistance SF-424**

**\*Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

**TABULATION OF BIDS**

**Project Name: Heat, Electrical and Insulation for Airport Building**

**Date of Bid Opening: May 23, 2016**

ITEM DESCRIPTION	Name of Bidder		
	Neal Construction	Crestone Builders	Gray Construction
Heat, Electrical, Insulation	\$ 29,600.00	\$ 41,000.00	\$ 53,200.00
Bid Security Certified Checks	\$1,480.00	Yes	Yes

## TABULATION OF BIDS

**Project Name: Concrete, Vestibule and Excavation for Airport Building**

**Date of Bid Opening: May 23, 2016**

ITEM DESCRIPTION	Name of Bidder		
	Neal Construction	Gray Construction	Crestone Builders
Concrete, Vistibule, Excavation	\$ 34,375.00	\$ 47,700.00	\$ 53,000.00
Alternate #1 Connect floor drain to main hole	2,000.00	3,600.00	4,000.00
Total Bid with Alternate	36,375.00	51,300.00	57,000.00
Bid Security Certified Checks	\$1,720.00	Yes	Yes

## Request for City Council Action

**TO:** Mayor and City Council  
**FROM:** Shane Waterman, P.E., City Engineer  
**MEETING DATE:** June 6, 2016  
**SUBJECT:** **Consideration of Bids for S. Broadway Street Rehabilitation Project #1403**

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**Background:** On May 26, 2016 four (4) bids were opened for S. Broadway Street Bridge Rehabilitation Project #1403. Nolz Dragline & Const., Inc. of Sioux Falls, SD was low bid at \$398,914.90 which was 8% above the Engineer's Estimate of \$368,900. The other bids were \$417,023.00 submitted by Wanzek Construction Inc., \$456,544.50 submitted by Duininck, Inc. and \$521,045.96 by SFC Civil Contractors.

The project includes the rehabilitation of a 93 foot long 30 foot wide three span concrete bridge. The existing bridge deck will be removed, installation of a new Prestressed Concrete Double Tee deck, new pavement approach panels and other miscellaneous improvements.

The City has entered an agreement with Glacial Lakes Energy to reimburse the City the costs of the bridge rehabilitation work as part of their Rail Track Extension Project.

The City's engineering consultant on the project is Mark Junker of Aason Engineering and he has reviewed the bids and recommends awarding the contract to Nolz Dragline & Construction, Inc. City Staff also recommends awarding the contract.

**Recommendation:** Award contract for Project #1403 to Nolz Dragline & Construction, Inc. in the amount of \$398,914.90.

**Council Action Requested:**

Motion to Approve.

**Mayor's Comments:**

Bid Tabulation Sheet S. Broadway Bridge Rehab Project No. 1403 City of Watertown, South Dakota Thursday, May 26, 2016			Engineer's Estimate  Phone: 605-882-6202 Fax: 605-882-5264		Nolz Dragline & Const., Inc. 2700 E. 60th N. Sioux Falls, SD 57014 Phone: 605-334-5876 Fax: 605-339-7672		Wanzek Construction Inc. 2028 2nd Ave NW West Fargo, ND 58078 Phone: 701-282-6171 Fax: 701-282-6166		Duinick Inc. 408 6th Street Prinsburg, MN 56281 Phone: 320-978-6011 Fax: 320-978-4978		SFC Civil Constructors 4500 West 58th Street Sioux Falls, SD 57108 Phone: 605-332-5939 Fax: 605-334-9342		
ITEM No.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	ITEM TOTAL	UNIT PRICE	ITEM TOTAL	UNIT PRICE	ITEM TOTAL	UNIT PRICE	ITEM TOTAL	UNIT PRICE	ITEM TOTAL	
009-1	Mobilization	1 LS	\$ 48,000.00	\$ 48,000.00	\$ 53,100.00	\$ 53,100.00	\$ 53,000.00	\$ 53,000.00	\$ 88,000.00	\$ 88,000.00	\$ 70,408.65	\$ 70,408.65	
110-1	Remove Asphalt Pavement	53 SqYd	\$ 20.00	\$ 1,060.00	\$ 16.50	\$ 874.50	\$ 18.00	\$ 954.00	\$ 15.50	\$ 821.50	\$ 29.21	\$ 1,548.13	
110-2	Adjust Manhole Cover	1 Each	\$ 900.00	\$ 900.00	\$ 430.00	\$ 430.00	\$ 470.00	\$ 470.00	\$ 400.00	\$ 400.00	\$ 450.09	\$ 450.09	
120-1	Unclassified Excavation	96 CuYd	\$ 50.00	\$ 4,800.00	\$ 16.00	\$ 1,536.00	\$ 18.00	\$ 1,728.00	\$ 15.50	\$ 1,488.00	\$ 33.59	\$ 3,224.64	
230-1	Placing Topsoil	20 CuYd	\$ 50.00	\$ 1,000.00	\$ 46.00	\$ 920.00	\$ 53.00	\$ 1,060.00	\$ 44.80	\$ 896.00	\$ 49.52	\$ 990.40	
320-1	Asphalt Concrete Composite Class E	60 Ton	\$ 200.00	\$ 12,000.00	\$ 249.00	\$ 14,940.00	\$ 270.00	\$ 16,200.00	\$ 225.00	\$ 13,500.00	\$ 235.60	\$ 14,136.00	
332-1	Mill Asphalt Pavement	142 SqYd	\$ 15.00	\$ 2,130.00	\$ 12.50	\$ 1,775.00	\$ 11.00	\$ 1,562.00	\$ 9.50	\$ 1,349.00	\$ 12.76	\$ 1,811.92	
634-1	Traffic Control Signs	62 SqFt	\$ 20.00	\$ 1,240.00	\$ 5.30	\$ 328.60	\$ 7.10	\$ 440.20	\$ 5.00	\$ 310.00	\$ 9.41	\$ 583.42	
634-2	Type 3 Barricades, 6' Double Sided	9 Each	\$ 200.00	\$ 1,800.00	\$ 159.00	\$ 1,431.00	\$ 120.00	\$ 1,080.00	\$ 150.00	\$ 1,350.00	\$ 186.39	\$ 1,677.51	
734-1	Hydro Seeding & Mulching	2000 SqFt	\$ 0.50	\$ 1,000.00	\$ 2.91	\$ 5,820.00	\$ 3.30	\$ 6,600.00	\$ 2.75	\$ 5,500.00	\$ 4.85	\$ 9,700.00	
250-1	Incidental Work, Structure	1 LS	\$ 25,000.00	\$ 25,000.00	\$ 36,000.00	\$ 36,000.00	\$ 75,000.00	\$ 75,000.00	\$ 60,000.00	\$ 60,000.00	\$ 63,581.67	\$ 63,581.67	
430-1	Granular Bridge End Backfill	140 CuYd	\$ 80.00	\$ 11,200.00	\$ 45.00	\$ 6,300.00	\$ 40.00	\$ 5,600.00	\$ 100.00	\$ 14,000.00	\$ 185.35	\$ 25,949.00	
460-1	Class A45 Concrete	11.4 CuYd	\$ 2,000.00	\$ 22,800.00	\$ 2,200.00	\$ 25,080.00	\$ 2,900.00	\$ 33,060.00	\$ 4,000.00	\$ 45,600.00	\$ 3,025.75	\$ 34,493.55	
460-2	Non-Shrink Grout	3.9 CuYd	\$ 2,500.00	\$ 9,750.00	\$ 3,000.00	\$ 11,700.00	\$ 3,200.00	\$ 12,480.00	\$ 7,500.00	\$ 29,250.00	\$ 6,520.84	\$ 25,431.28	
470-1	Bridge Railing	218 Ft	\$ 200.00	\$ 43,600.00	\$ 196.10	\$ 42,749.80	\$ 220.00	\$ 47,960.00	\$ 200.00	\$ 43,600.00	\$ 350.65	\$ 76,441.70	
480-1	Reinforcing Steel	810 Lb	\$ 6.00	\$ 4,860.00	\$ 5.00	\$ 4,050.00	\$ 6.00	\$ 4,860.00	\$ 5.00	\$ 4,050.00	\$ 5.60	\$ 4,536.00	
560-1	3'-10" Wide Deck x 23" Prestressed Concrete Double Tee	630 Ft	\$ 270.00	\$ 170,100.00	\$ 285.00	\$ 179,550.00	\$ 235.00	\$ 148,050.00	\$ 210.00	\$ 132,300.00	\$ 284.07	\$ 178,964.10	
621-1	Chain Link Fence for Bridge Railing	176 Ft	\$ 40.00	\$ 7,040.00	\$ 69.00	\$ 12,144.00	\$ 36.00	\$ 6,336.00	\$ 75.00	\$ 13,200.00	\$ 35.00	\$ 6,160.00	
831-1	Type B Drainage Fabric	62 SqYd	\$ 10.00	\$ 620.00	\$ 3.00	\$ 186.00	\$ 9.40	\$ 582.80	\$ 15.00	\$ 930.00	\$ 15.45	\$ 957.90	
<b>TOTAL AMOUNT BID</b>			<b>\$ 368,900.00</b>		<b>\$ 398,914.90</b>		<b>\$ 417,023.00</b>		<b>\$ 456,544.50</b>		<b>\$ 521,045.96</b>		
Remarks & Corrections					Item 110-1 extension error								
Bid Assurance					10% Bid Bond			10% Bid Bond		10% Bid Bond		10% Bid Bond	