

**PROPOSED AGENDA
CITY COUNCIL ADJOURNED MEETING
CITY HALL
23 2ND ST NE
WATERTOWN, SOUTH DAKOTA**

Monday, August 15th, 2016

7:00 PM

**Call to Order
Pledge of Allegiance
Roll Call**

1. Approval of consent agenda
 - a. Approval of the minutes of the Council meeting held on August 1, 2016
2. Approval of agenda
3. Ordinance No. 16-12 amending Section 21.0202 of Title 21 regarding zoning for the City of Watertown
 - a. Second reading
 - b. Council action
4. Vacation of a portion of 10th Ave. South between Lot 8 Block 2, Poulson's Addition and Lot 20 Block 2, South Side Addition (Resolution No. 16-26)
 - a. Public hearing
 - b. Council action
5. Resolution No. 16-27 amending rules for special alcoholic beverage licenses
6. Authorization for the Mayor to sign a professional services agreement with Aason Engineering for construction engineering services on the South Broadway Bridge Rehabilitation Project
7. Consideration of Change Order No. 1 to the contract with Crestone Builders for the Downtown Alley Project increasing the contract amount \$6,140.00
8. Old Business
9. New Business
10. Liaison member reports
11. Executive Session pursuant to SDCL 1-25-2
12. 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**

August 1, 2016

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

Motion by Solum, seconded by Vilhauer, to approve the following item on the consent agenda: minutes of the Council Meeting held on July 18, 2016; approval to write-off uncollectible ambulance accounts receivable in the amount of \$13,627.88; authorization to write-off uncollectible accounts receivable in the amount of \$2,598.96; authorization for the Police Department to apply for a Homeland Security Grant in the amount of \$18,031.88 for equipment and approval of bills & payroll and authorization to pay. Motion carried.

BILLS:

#1 WELDING	SUPPLIES	75.00	LAKE AREA ZOOLOGICAL SOCIE	REIMB	20,465.52
3-D SPECIALTIES, INC.	SUPPLIES	2,374.65	LAKE CITY FIRE EQUIPMENT,	SERVICE	379.11
A & B BUSINESS SOLUTIONS,	SUPPLIES	67.46	LEE'S STUMP REMOVAL	SERVICE	3,895.00
A-OX WELDING CO, INC.	SUPPLIES	462.51	LEGGETTE BRASHEARS & GRAHA	SERVICE	1,883.50
ACTIVE HEATING, INC.	SERVICE	676.44	LES MILLS US TRADING, INC.	FEES	497.00
ADVANCE AUTO PARTS	PART	5.00	LINDNER MUSIC	PART	12.00
ADVANTAGE RV'S AND CONVERS	SERVICE	250.00	LOCATE TRAINING	SERVICE	395.00
AERO INDUSTRIES INC.	PARTS	176.81	LORI LEE	SERVICE	30.00
AIRGAS USA, LLC	SUPPLIES	98.60	LYLE SIGNS, INC.	SUPPLIES	570.98
ALLEGIANTE EMERGENCY SERVIC	SUPPLIES	977.98	M & T FIRE AND SAFETY	SUPPLIES	105.00
ALTERATIONS BY CARLA	SERVICE	105.00	M J LANG	SERVICE	4,312.00
AMAZON.COM	SUPPLIES	329.68	MAC'S INC.	SUPPLIES	2,705.61
AMERICAN CEMETERY	SUBSCR	49.00	MACKSTEEL WAREHOUSE INC.	SUPPLIES	414.21
AMERICAN ENGINEERING TESTI	SERVICE	3,682.00	MAHOWALD'S HARDWARE & RENT	RENT	283.87
AMERICAN LEGION STATE HEAD	SUPPLIES	40.00	MARY REDLIN	RENT	669.98
ANDOR INC.	SERVICE	2,131.31	MATHESON TRI-GAS, INC.	SUPPLIES	82.13
AP AUTO PROS, INC.	SERVICE	704.81	MCMASTER-CARR	SUPPLIES	605.97
ARAMARK UNIFORM SERVICES,	SERVICE	95.62	MEAD & HUNT, INC.	SERVICE	647.50
ARNOLD CONSTRUCTION	CONSTR	15,000.00	MEDICA INS.	REIMB	174.47
ARROW INTERNATIONAL	SUPPLIES	560.31	MEDICARE B-RECOUPMENT	REIMB	585.62
ASSOCIATED SUPPLY COMPANY	SUPPLIES	4,507.73	MEMPHIS NET & TWINE CO, IN	EQUIP	651.27
AT&T MOBILITY	SERVICE	45.00	MENARD'S	SUPPLIES	3,011.69
AUTO BODY SPECIALTIES, INC	SUPPLIES	91.00	METTLER SICHMELLER ENGINEE	SERVICE	1,790.00
AUTOMATIC BUILDING CONTROL	SERVICE	410.04	MICHAEL MCCARTNEY	FEES	600.00
B & H PHOTO-VIDEO	EQUIP	1,575.41	MICHAEL TODD & CO INC.	PARTS	864.96
BAKER & TAYLOR	SUPPLIES	5,078.80	MICRO MARKETING ASSOCIATE	SUPPLIES	276.73
BATES CONSTRUCTION COMPANY	CONSTR	199,970.32	MICROLOGY LABORATORIES	SUPPLIES	424.59
BATTERIES UNLIMITED, INC.	PARTS	680.00	MIDCONTINENT COMMUNICATIO	SERVICE	1,346.68
BLOCK EXCAVATING INC.	CONSTR	17,000.00	MIDWEST AG SUPPLY, L.L.C.	SUPPLIES	402.15
BORNS GROUP	SERVICE	2,660.00	MIDWEST MINI MELTS	SUPPLIES	1,400.00
BOUNCE AROUND INFLATABLES	SERVICE	709.99	MIDWEST TAPE	SUPPLIES	599.95
BOUND TREE MEDICAL LLC	SUPPLIES	1,776.99	MIDWEST TURF & IRRIGATION	PART	606.48
BRAD THORSON	TRAVEL	368.00	MILBANK COMMUNICATIONS, IN	SERVICE	516.86
BREKKE SIGNS	SERVICE	383.00	MILLBORN SEEDS INC.	SUPPLIES	24,960.00
BRIAN'S GLASS INC.	SERVICE	512.19	MILLER ELECTRIC, INC.	SERVICE	594.50
BROTHERHOOD ARMS	SUPPLIES	220.00	MOE OIL CO, INC.	SUPPLIES	1,383.00
BRUCE PETERSEN	REIMB	150.00	MORGAN BURNS	REIMB	100.00
BULLET SPORTSWEAR AND GRAP	SUPPLIES	240.00	MUNICIPAL UTILITIES	SERVICE	146,212.26
BULLEX, INC.	SUPPLIES	218.34	MUTH ELECTRIC, INC.	SERVICE	89.91
BUREAU OF ADMINISTRATION	SERVICE	154.76	NEAL CONSTRUCTION INC.	CONSTR	32,900.00
BZ-SANDLAND WELDING	CONSTR	18,363.30	NETWORKFLEET, INC.	SERVICE	448.92
CALIBER CREATIVE	SERVICE	105.00	NORTH CENTRAL LABORATORIES	SUPPLIES	995.65
CAROLINA SOFTWARE, INC.	SERVICE	300.00	NORTHERN TOOL & EQUIPMENT	EQUIP	279.39
CARQUEST AUTO PARTS	PARTS	218.98	NSI LAB SOLUTIONS INCORPOR	SUPPLIES	192.15
CARRICO LAW PROF. LLC	SERVICE	1,209.00	OCLC INC,	SUBSCR	289.95
CASHWAY LUMBER INC.	SUPPLIES	733.04	OFFICE PEEPS, INC.	SUPPLIES	3,282.53
CASTLEWOOD AMBULANCE	REIMB	286.47	ONE SOURCE	FEES	35.00
CBA LIGHTING & CONTROLS, I	SUPPLIES	431.25	ORIENTAL TRADING CO, INC	SUPPLIES	287.62
CENTER POINT LARGE PRINT	SUPPLIES	106.68	OSCAR NAILS & SPA	SERVICE	30.00
CENTURY BUSINESS PRODUCTS	SUPPLIES	226.88	OVERHEAD DOOR CO INC.	SERVICE	21.99
CENTURYLINK	SERVICE	1,733.08	P & A PROPERTIES	REIMB	165.00
CENTURYLINK	SERVICE	515.92	PEARSON GOLF MANAGEMENT,LL	SERVICE	12,169.33
CENTURYLINK	SERVICE	142.47	PENTAIR AQUATIC ECO-SYSTEM	SUPPLIES	287.78
CENTURYLINK	SERVICE	107.56	PEPSI	SERVICE	393.54

CENTURYLINK	SERVICE	1,413.85	PHYSIO-CONTROL CORPORATION	SUPPLIES	541.45
CHAD FISCHER	REIMB	351.40	PIETZ PROPERTIES	SERVICE	1,253.75
CHAD FOUST	SERVICE	870.00	PIZZA RANCH	SERVICE	132.50
CHEMETRICS, INC.	SUPPLIES	501.73	PLAINS COMMERCE BANK	FEE	10.00
CHIEF SUPPLY CORPORATION	SUPPLIES	144.74	POLICE PETTY CASH FUND	CASH	142.43
CHUCK'S LOCK & KEYS	SUPPLIES	14.00	PRINT EM NOW	SUPPLIES	428.55
CIVIL AIR PATROL MAGAZINE	SUBSCR	295.00	PRODUCTIVITY PLUS ACCOUNT	SERVICE	4,931.24
CLASSROOM CONNECTION	SUPPLIES	120.99	PUETZ CORPORATION	CONSTR	912,987.33
COCA COLA BOTTLING COMPANY	SERVICE	1,508.20	RAINBOW RACING SYSTEM, INC	SUPPLIES	160.99
CODINGTON CLARK ELECTRIC C	SERVICE	760.52	RAMADA MARSHALL	TRAVEL	114.62
CODINGTON CO CLERK OF COUR	FEES	41.64	RAMKOTA INN	TRAVEL	91.99
CODINGTON CO REGISTER OF D	SERVICE	338.00	RANDY TUPPER	REIMB	198.00
CODINGTON CO TREASURER	FEES	5,649.78	RC TECHNOLOGIES, INC	SERVICE	134.90
CONNECTING POINT, INC.	SUPPLIES	1,656.04	REDLINGER BROS INC.	PART	259.78
CONNORS CONSTRUCTION	CONSTR	14,625.00	REILLY REPAIR INC.	SERVICE	4,418.70
COTEAU SHOPPER	SERVICE	135.45	RIVARD'S TURF & FORAGE	SUPPLIES	1,332.21
COUNTY FAIR FOODS	SUPPLIES	780.92	ROB'S AUTO REPAIR	SERVICE	1,524.69
COWBOY COUNTRY STORE	SUPPLIES	11.35	ROBERT RATLIFF	REIMB	674.10
CREATIVE CULTURE INSIGNIA,	SUPPLIES	638.40	ROCHELLE EBBERS	REIMB	205.00
CREATIVE REWARDS & SPECIAL	SUPPLIES	1,687.00	RON OR BECKY KARLI	REIMB	538.00
CRESENT ELECTRIC SUPPLY, C	SUPPLIES	155.80	RON'S SAW SHOP	SUPPLIES	1,663.31
CRESTONE BUILDERS	CONSTR	61,776.94	RORVICK'S DETAILING	SERVICE	225.00
CULLIGAN	SERVICE	740.00	ROTARY CLUB	DUES	155.50
DAHLE TIRE COMPANY	SERVICE	492.80	ROY'S SPORT SHOP INC.	SUPPLIES	328.97
DAKOTA BUTCHER	SERVICE	50.00	RUNNINGS FARM AND FLEET	SUPPLIES	747.91
DAKOTA FINISHING, INC.	SERVICE	61.00	SAME DAY EXPRESS, INC.	SERVICE	100.00
DAKOTA PORTABLE TOILETS, I	RENT	1,190.00	SANFORD HEALTH OCCUPATIONA	SERVICE	190.00
DATA TRUCK, LLC	SERVICE	390.00	SANFORD USD MEDICAL CENTER	SERVICE	900.00
DELYLE'S SOUTH 81 SERVICE,	SERVICE	650.43	SCHUNEMAN EQUIPMENT CO.	EQUIP	2,370.48
DEMCO, INC.	SUPPLIES	534.07	SCOTT ENGINEERING	SERVICE	460.00
DENNIS LIEN	REIMB	50.00	SD DEPT OF ENVIRONMENT & N	FEES	4,227.14
DENR WATERRIGHTS PROGRAM	SERVICE	100.00	SD DEPT OF REVENUE	SERVICE	650.00
DEPENDABLE SANITATION INC.	SERVICE	11,413.88	SD DEPT OF TRANSPORTATION	SERVICE	1,783.12
DIAMOND VOGEL PAINT CENTER	SUPPLIES	1,696.40	SD HALL OF FAME	SERVICE	160.00
DISCOUNT SEEDS, INC.	SUPPLIES	100.00	SD HUMANITIES COUNCIL	SERVICE	50.00
DK DIESEL INJECTION SERVIC	PART	202.00	SD MUNICIPAL LEAGUE	SERVICE	25.00
DOUG KRANZ	REIMB	818.37	SD PUBLIC ASSURANCE ALLIANCE	SERVICE	271,593.32
DOUG'S AUTO REPAIR	SERVICE	430.62	SD SOLID WASTE MANAGEMENT	DUES	430.00
DUENWALD TRANSPORTION LLC	SERVICE	650.00	SD STATE ARCHIVES	SERVICE	28.80
DUGANS SALES & SERVICE INC	EQUIP	349.95	SD STATE HISTORICAL SOCIET	DUES	40.00
DUININCK, INC	CONSTR	407,015.02	SDN COMMUNICATIONS	SERVICE	1,071.20
EBSCO INFORMATION SERVICES	SERVICE	6,501.23	SDWWA	DUES	240.00
ELECTRIC MOTORS & MOORE IN	PARTS	189.00	SERVICE PLUS INC.	PARTS	366.31
ELECTRIC PUMP INC.	PARTS	220.29	SERVICEMASTER OF WATERTOWN	SERVICE	2,438.00
ENERGY LABORATORIES, INC.	SUPPLIES	1,210.00	SHARP AUTOMOTIVE, INC	SERVICE	561.02
ENGELSTAD ELECTRIC	SERVICE	1,722.39	SHEEHAN MACK SALES AND EQU	PARTS	80.25
ENVISIONWARE, INC.	SERVICE	378.65	SHERWIN WILLIAMS	SUPPLIES	1,382.50
EVAN SCHOENEFFELD	TRAVEL	139.00	SHI INTERNATIONAL CORP.	SERVICE	571.41
EVENTBRITE, INC.	FEES	26.91	SHIRLEY NESS	REIMB	110.50
EVOLUTION POWERSPORTS	SERVICE	99.00	SHOPKO STORES OPERATING CO	SUPPLIES	600.23
EXHAUST PROS INC.	SERVICE	90.00	SHRED-IT USA - SIOUX FALLS	SERVICE	88.00
FARM & HOME PUBLISHERS	SERVICE	223.50	SIGN PRO	SUPPLIES	56.00
FARNAM'S GENUINE PARTS	SUPPLIES	422.87	SIOUX FALLS FORD	SERVICE	697.90
FASTENAL COMPANY	SUPPLIES	422.43	SIOUX FALLS TWO WAY RADIO,	SERVICE	133.13
FCX PERFORMANCE	PART	743.27	SIOUX RURAL WATER SYSTEM	SERVICE	48.67
FEDERAL EXPRESS CORPORATIO	SERVICE	205.93	SIOUX VALLEY COOP	SUPPLIES	32,125.64
FERGUSON WATERWORKS #2516	SERVICE	587.06	SKYVIEW CONSTRUCTION CO.,	SERVICE	867.00
FILTER BELTS INC.	SUPPLIES	333.35	SKYZONE	SERVICE	270.00
FIREWOOD INC.	SUPPLIES	700.00	SODAK PEST CONTROL	SERVICE	75.00
FIRST CHOICE SEWER & SEPTI	SERVICE	337.50	SPARTAN MOTORS USA, INC.	SERVICE	310.00
FIRST DISTRICT ASSN OF	SERVICE	9,450.00	STAN HOUSTON EQUIPMENT INC	SUPPLIES	155.85
FIRST NATIONAL BANK OMAHA	SERVICE	1,323.57	STANDARD PRINTING	SUPPLIES	560.00
FISHER SCIENTIFIC	SUPPLIES	205.80	STAR LAUNDRY & CLEANERS, I	SERVICE	456.30
FLATLAND EXTREME HEAD GEA	SUPPLIES	209.50	STEIN SIGN	SERVICE	284.00
FORESTRY SUPPLIERS, INC.	SUPPLIES	25.87	STEIN'S INC.	SUPPLIES	262.50
FRED STANTON	REIMB	35.00	STEVE MOORE	REIMB	200.00
FRONTIER PRECISION INC.	SERVICE	1,129.60	STEVE'S WORLD INC.	SERVICE	508.30
GALE	SUPPLIES	597.58	STIMSON AUTO TOWING & RECO	SERVICE	3,832.50
GCR TIRES & SERVICE	PARTS	3,541.48	STREICHER'S INC.	SUPPLIES	923.40
GCSAA	DUES	425.00	STRONG TOWNS	SERVICE	771.32
GEOTEK ENGINEERING	SERVICE	1,170.00	STUART C. IRBY CO.	SUPPLIES	52.33
GLASS PRODUCTS INC.	SERVICE	81.60	STURDEVANT'S AUTO PARTS IN	PARTS	680.13
GOVERNMENT FINANCE OFFICERS ASS	FEES	505.00	SUE PETERSON	REIMB	15.96
GRACE STEIN	REIMB	100.00	SUSAN NASBERG	REIMB	315.35
GRAINGER	SUPPLIES	213.56	SWIFTEL COMMUNICATIONS	SERVICE	72.00

GRANT COUNTY REGISTER OF D	FEES	60.00	TANNER GAUER	REIMB	50.90
GRANT PLUMBING AND HEATING	SERVICE	110.00	TEAM LABORATORY CHEMICAL C	SERVICE	1,537.00
GRAY CONSTRUCTION	CONSTR	308,739.26	TECHNICOLOR SCREEN PRINTIN	SUPPLIES	1,037.22
GREGERSEN, FRED	REIMB	718.00	TELEDYNE INSTRUMENTS, INC.	PART	136.51
GRUBCO INC.	SUPPLIES	115.85	THE LIBRARY CORPORATION	SERVICE	10,950.00
HACH COMPANY	SUPPLIES	156.25	THOMSON REUTERS - WEST	SUBSCR	615.00
HALI ERICKSON	REIMB	100.00	THUNDER ROAD	SERVICE	432.00
HANNA INSTRUMENTS USA	SUPPLIES	935.00	TRAFFIC CONTROL CORPORATIO	PARTS	280.00
HD SUPPLY WATERWORKS, LTD	PARTS	454.45	TRANSUNION RISK AND ALTERN	SERVICE	25.00
HEDAHLS AUTO PARTS	SUPPLIES	9.99	TRAV'S OUTFITTER, INC.	SUPPLIES	159.92
HEFTY SEED COMPANY	SUPPLIES	347.38	TURFWERKS	PART	98.43
HEIMAN, INC.	PARTS	35.90	UPS STORE	SERVICE	74.36
HELMS & ASSOCIATES	CONSTR	54,236.77	USA BLUE BOOK	SUPPLIES	765.12
HILLYARD / SIOUX FALLS	SUPPLIES	654.85	VAG USA LLC	PARTS	285.30
HOME OASIS, LLC	SUPPLIES	232.96	VAN DIEST SUPPLY CO.	SUPPLIES	3,360.00
HOMETOWN BUILDING CENTER,	SUPPLIES	131.38	VANCO SERVICES,LLC	FEE	6.25
HOUSTON ENGINEERING, INC.	CONSTR	9,973.45	VARIETY FOODS, INC.	SUPPLIES	3,389.24
HP INC.	EQUIP	812.00	VAST BROADBAND	SERVICE	304.65
HR GREEN, INC.	CONSTR	5,222.25	VEEDERS COLLISION CENTER	SERVICE	1,441.60
HUMAN SERVICE AGENCY	SERVICE	50.00	VERIZON WIRELESS	SERVICE	539.90
HURKES IMPLEMENT CO., INC.	PARTS	334.28	WAL-MART COMMUNITY BRC	SUPPLIES	1,096.00
HY VEE FOOD STORE	SUPPLIES	1,179.93	WATER GEAR INC.	SUPPLIES	688.05
INDUSTRIAL PROCESS TECHNOL	CONSTR	25,287.93	WATER KING	SERVICE	280.00
ITC	SERVICE	387.82	WATERTOWN AREA CHAMBER OF	SERVICE	100.00
J & B SCREEN PRINTING INC.	SUPPLIES	733.00	WATERTOWN BOYS AND GIRLS O	SUBSIDY	17,037.50
J & J EARTHWORKS, INC.	CONSTR	58,256.13	WATERTOWN BUSINESS DISTRIC	SUBSIDY	23,567.94
J H LARSON ELECTRICAL CO.	SUPPLIES	2,194.59	WATERTOWN COMMUNITY REC CENTER	CASH	760.00
JAIME STRICKER	TRAVEL	47.04	WATERTOWN CONVENTION & VIS	SUBSIDY	22,700.00
JCL - SIOUX FALLS BRANCH	SUPPLIES	474.61	WATERTOWN COOP ELEVATOR AS	SUPPLIES	1,417.78
JIM'S EXCAVATING	SERVICE	3,750.38	WATERTOWN FLOWERS, INC.	SERVICE	50.00
JLG ARCHITECTS	CONSTR	10,771.67	WATERTOWN MUNICIPAL BAND	SUBSIDY	6,000.00
JOHN SMALL	TRAVEL	184.72	WATERTOWN PUBLIC OPINION	SERVICE	3,923.25
JOHNSON CONTROLS, INC.	SERVICE	7,322.48	WATERTOWN TENNIS ASSOCIATI	SERVICE	1,101.00
JURGENS PRINTING INC.	SUPPLIES	713.25	WATERTOWN TIRE CENTER, INC	SERVICE	49.78
K & L MECHANICAL, INC.	SERVICE	2,806.13	WATERTOWN WHOLESALE	SUPPLIES	598.42
KAESER AND BLAIR INC.	SUPPLIES	238.10	WATERTOWN WINNELSON CO.	PARTS	512.98
KIMBERLY REAGLE	REIMB	40.00	WEISMANTEL RENT ALL	RENT	250.00
KIWANIS CLUB	DUES	147.00	WELLMARK BCBS	REIMB	90.93
KIXX	ADV	350.00	WEST RIVER BEVERAGE, INC.	SUPPLIES	290.00
KODRU EQUIPMENT INC.	SERVICE	2,010.78	WEST SIOUX CERAMICS & DAKO	SUPPLIES	1,316.38
KOEHL EXCAVATING, LLC	CONSTR	99,937.15	WESTMAN FREIGHTLINER	SUPPLIES	81.73
KOIS BROTHERS EQUIPMENT CO	PARTS	2,536.06	WW TIRE SERVICE INC.	SERVICE	39.44
KPHR	ADV	150.00	XEROX GOVERNMENT SYSTEMS,	SERVICE	375.00
KXLG	ADV	550.00	YAMAHA MOTOR CORPORATION,	LEASE	4,079.58
LAKE AREA / BIT	SERVICE	27.56	ZIMCO SUPPLY CO.	SUPPLIES	1,792.47
LAKE AREA VETERINARY CLINI	SERVICE	453.51			

PAYROLL:

	Sal	SS	Pen	Ins		Sal	SS	Pen	Ins
Mayor/CC	17,005.49	1,244.38	499.03	1,149.63	Forestry	12,476.20	913.23	564.65	1,686.05
Attorney	7,639.82	571.57	456.59	804.63	Library	41,144.77	2,972.94	2,143.37	5,671.36
Finance	32,378.06	2,311.28	1,939.67	5,134.94	Building Serv.	16,908.80	1,238.45	953.94	2,490.68
Info Tech	12,944.38	905.48	772.46	2,299.26	Park & Rec.	227,631.80	16,931.61	6,506.48	17,662.53
Engineer	35,560.72	2,618.05	2,021.60	4,981.36	WRC	44,911.73	3,338.12	1,771.47	3,908.52
Police	188,858.22	13,638.91	14,623.57	30,430.24	E-911	47,139.44	3,399.24	2,828.38	7,472.04
Fire	186,356.10	2,809.19	14,518.69	26,092.78	Upper Big Sioux	6,698.13	458.39	370.67	881.42
Street	56,779.58	4,177.34	3,099.68	7,817.04	Sewer	69,877.34	5,100.57	4,085.15	10,840.88
Cemetery	11,828.45	856.98	503.42	1,417.84	Landfill	64,287.03	4,601.51	3,853.95	10,920.94
Animal Cntrl	3,797.21	279.19	226.63	536.42	Airport	15,583.72	1,141.75	844.37	1,954.26

Add'l 5.25 long K. Bobzien (Finance), M. Hegg, R. Remmers & C. Stahl (Police), A. Bloom, S. Jongbloed & D. Rowland (Fire), B. Marotz (P&R), K. Byer & L. Thompson (Sewer)
New Hires P&R L. Willhite & S. West (8.55/hr), **New Hire WCRC** K. Endres & T. Pederson (8.75/hr), R. Jutting & T. Wahle (9.00/hr), **New Hire Street** S. Peterson (10.50/hr)
New Hires Attny J. Goetz (6539.22/mo), **New Hire Landfill** T. Stricherz (3179.00/mo), **New Hire Eng.** B. Hanten (3488.00/mo)
Sal Inc WCRC D. Schutte & T. Sorenson (9.75/hr), J. Moore, C. Antoine, D. Arends, I. Holzwarth, A. Knipling, R. Krause (10.00/hr), J. Bargmann (10.50/hr)
Sal Inc WCRC M. Boss, K. Pieper, J. Sorenson, M. Werner (10.25/hr), M. Jennings (10.75/hr), **Sal Inc Parks** P. Johnston (8.55/hr), N. Geist (4644.00/mo)
Sal Inc Landfill T. Bush (4066.00/mo), **Sal Inc Eng.** S. Waterman (7626.59/mo)

Motion by Mantey, seconded by Danforth, to approve the agenda as presented. Motion carried.

This being the time scheduled for the public hearing on a location transfer of a retail (on-off sale) malt beverage license from M&M Foxy's Inc. d/b/a Foxy's, 137 5th St. NE, M & M Foxy's Inc., dba Foxy's, 137 5th St. NE, Beginning at the SW corner of Lot B of Haggars Subd., S89°53'49" E a distance of 84.7', thence N8°22'00" W distance of 23.2' to the SW corner of Foxy's Casino, thence N8°22'00" W a distance of 30' to the NW corner of Foxy's Casino, thence N81°38'00" a distance of 16' to the NE Corner of Foxy's Casino, thence S8°22'00" E a distance of 30' to the SE corner of Casino, thence S81°38'00" a distance of 16' to the SW corner of Foxy's Casino, of the plat entitled: "Lots A, B and C of Haggars Subd. In Block 20, R.F. Pettigrew's Addition to Watertown, SD, Formerly lots 1, 2 and 3 Block 20, R.F. Pettigrew's Add. To Watertown, SD, less Lot H-1 Haggars's Subd. to Foxy's, 137 5th St. Ne. at the same location; the Mayor called for public comment. Hearing no comment from the public, motion by Buhler, seconded by Danforth, to approve the license as presented. Motion carried.

This being the time scheduled for a public hearing on the Petition for the vacation of an alley adjacent to Lots 2, 19, and the norther halves of Lots 3 and 18 within Lake View Addition, the Mayor called for public comment. Hearing no comment from the public, motion by Tupper, seconded by Albertsen to approve the vacation as presented. Motion carried.

This being the time scheduled for a public hearing on the lease agreement with Chris Hanten for Lots 1 and 9 in the Hanten Industrial Park, the Mayor called for public comment. Hearing no comment from the public, motion by Mantey, seconded by Solum to approve the lease as presented. Motion carried.

Ordinance No. 16-12 amending Section 21.0202 of Title 21 regarding zoning for the City of Watertown was placed on its first reading and the title was read. No action was taken.

Motion by Buhler, seconded by Mantey, to approve a contingency transfer of \$20,000 to the Police Department for the replacement of a heat pump. Motion carried.

Motion by Tupper, seconded by Albertsen, authorizing the Mayor to sign a Truancy Agreement with the Watertown School District for the 2016-2017 school year. Motion carried.

Motion by Tupper, seconded by Mantey, authorizing the Mayor to sign a professional services contract with Aquatic Design Solutions (ADS) for design services on the Splash Park Project in the amount of \$12,500. Motion carried.

Motion by Buhler, seconded by Vilhauer, authorizing the Mayor to sign an Airline Transportation System Lease with Aerodynamics, Inc. Motion carried.

Motion by Mantey, seconded by Thorson, approving Change Order No. 1 to the contract with Koehl Excavating, LLC. for the 2016 Street Improvement Project increasing the contract amount \$2,712.50. Motion carried.

Motion by Thorson, seconded by Tupper, authorizing the Mayor to sign a professional services contract with HR Green for design work on the sewer project for the Hwy. 81 round-a-bout project in the amount of \$19,800. Motion carried.

Motion by Solum, seconded by Vilhauer, to adjourn until 6:00 PM on Tuesday, August 9, 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 1st day of August, 2016.

ATTEST:

Rochelle Ebbers, CPA
Finance Officer

Steve Thorson
Mayor

ORDINANCE NO. 16-12

**AN ORDINANCE AMENDING SECTION 21.0202 OF TITLE 21 ZONING
FOR THE CITY OF WATERTOWN**

BE IT ORDAINED by the City of Watertown that Section 21.0202 of the Revised Ordinances of the City of Watertown regulating zoning be amended as follows:

21.0202: BOARD OF ADJUSTMENT

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

- a. **Proceedings of the Board of Adjustment.** The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or the chairman's designee, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and shall be immediately filed in the office of the Finance Officer.

- b. **Meeting Attendance.** At least two-thirds (2/3) of the Board members shall constitute a quorum for the transaction of business. A member shall be deemed present at a meeting if, upon the taking of the roll, they appear in person or participate in the meeting telephonically or other electronic means approved by the membership. A quorum may be established by any combination of members present, in person, or participating telephonically or by other electronic means. (Ord 14-12; Add 04-11-14)
- c. **Hearings; Appeals; Notice.** Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved by any decision of the Building Official. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days or such lesser period as may be provided by the rules of the Board, by filing with the Building Official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Building Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

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

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

2. Powers and Duties.

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

- (1) Standards for Variances. In granting a variance, the board shall ascertain that the following criteria are met:
 - (a) Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography or siting), fully described in the finding of the Board, do not apply generally in the district.
 - (b) Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
 - (c) For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this title would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land;
 - (d) Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land;
 - (e) The granting of any variance is in harmony with the general purposes and intent of this title and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
- (2) Requirements for the Granting of a Variance. Before the board shall have the authority to grant a variance, the person seeking the variance has the burden of showing:
 - (a) That the granting of the building permit will not be contrary to the public interest;
 - (b) That the literal enforcement of this title will result in unnecessary hardship;
 - (c) That by granting the building permit contrary to the provisions of this title the spirit of this title will be observed;
 - (d) That by granting the permit, substantial justice will be done.
- (3) All applicants for a variance will submit a written request which shall demonstrate:
 - (a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - (b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - (c) That the special conditions and circumstances do not result from the actions of the applicant.
 - (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.

No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- (4) ~~Public n~~Notice of public hearing shall be given as in Section 21.0202(2)(b)(2) (Ord 04-04; Rev 03-26-04)
- ~~(5) The applicant for a variance~~Notice shall ~~notify also be given to~~ all adjacent land owners by certified mail of ~~his~~the applicant's request for a variance. Land immediately across street or road right-of-way shall be considered adjacent. The ~~applicant's~~ certified letter shall give the details of ~~his~~the applicant's request and the date and time of the Board of Adjustment meeting that will rule on ~~the~~his application. At least five (5) days before the time of the hearing, the certified mail receipts shall be filed with the Board of Adjustment as proof of compliance. The applicant shall reimburse the City for the cost of providing such notice.~~The applicant shall present certified mail receipts to the Board of Adjustment as proof of compliance.~~
- ~~(5)~~
- (6) Before the Board of Adjustment may consider any previously tabled application for variance or any application for variance otherwise continued from a prior Board meeting, notice shall be provided to the adjacent land owners by first class mail sent at least five days prior to the meeting on the tabled or continued application. The foregoing requirement only applies when the Board of Adjustment does not announce, upon a motion to table or otherwise continue an application for variance, a date certain to which the matter is continued or on which the matter will be taken off the table. The applicant shall reimburse the City for the cost of providing such notice.
- (7) The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

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

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 21.0210 of this ordinance.

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

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

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 16-12 was published in the Watertown Public Opinion, the official newspaper of said City, on the ____ day of _____, 2016.

Rochelle M. Ebbers, CPA

First Reading: August 1st, 2016
Second Reading: _____, 2016
Published: _____, 2016
Effective: _____, 2016

City of Watertown

Attest:

Rochelle M. Ebbers, CPA
Finance Officer

Steve Thorson
Mayor



Request for City Council Action

TO: City Council
THROUGH: Shane Waterman, City Engineer
FROM: Brandi Hanten, Urban Planner
MEETING DATE: August 15, 2016
SUBJECT: Vacation of a Portion of 10th Ave S between Lot 8 Block 2, Poulson's Addition and Lot 20 Block 2, South Side Addition

Petitioner: Spies Corporation, owner of all adjacent land

Background: Petitioner requests, to vacate a portion of Tenth Avenue South between Lot 8 Block 2, Poulson's Addition and Lot 20 Block 2, South Side Addition. The reason the petitioner is requesting vacation is to allow for construction of storage building.

Facts:

- This stretch of the avenue is approximately 165' long and 60' wide.
- Adjacent land is all owned by petitioner, Spies Corporation
- Utility easement will have to be maintained throughout the entirety
- Cable, water & gas mains run throughout Right-of-Way

Recommendation: The Plan Commission recommended approving the vacation request.

Action: City Council Action on Right-of-Way Vacation between Block 2 Poulson's and Block 2 South Side Addition

History: 07/12/16 Petition Received
08/04/16 Plan Commission Public Hearing
Future: 08/15/16 City Council Public Hearing and action
08/20/16 Published – *if Approved*
09/09/16 Effective

Prepared by:
Engineering Department
City of Watertown
23 Second Street NE
P.O. Box 910
Watertown, SD 57201
(605) 882-6201

RESOLUTION 16-26

A Resolution Vacating a Public Right of Way Between Lot 8 Block 2, Poulson's Addition and Lot 20 Block 2, South Side Addition.

WHEREAS, Petition for Vacation of Public Right of Way, has been presented to the City Council of the City of Watertown, South Dakota. Said Right of Way petitioned for vacation is described as:

Portion of Tenth Avenue South between Lot 8 Block 2, Poulson's Addition and Lot 20 Block 2, South Side Addition.

WHEREAS, Spies Corporation, owners of all real property abutting the described Public Right of Way, have signed the Petition for Vacation of Public Right of Way indicating that they have reviewed the Petition and consent to the vacation of Public Right of Way described in the Petition;

WHEREAS, the City Plan Commission of the City of Watertown, South Dakota, has by Resolution 2016-25 approved of said vacation, recommending to the City Council approval thereof;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Watertown, South Dakota, that the Public Right of Way described in the Petition be, and is hereby, declared vacated, as recommended by the City Plan Commission.

AND BE IT FURTHER RESOLVED that this Resolution shall be published, and upon taking effect, the Finance Officer is authorized to note the vacation on the City records and record this Resolution with the office of the Register of Deeds of Codington County.

Dated at Watertown, South Dakota, this ____ day of _____, 2016.

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

I hereby certify that Resolution 16-26 was published in the Watertown Public Opinion, the official newspaper of said City, on the ____ day of _____, 2016

Rochelle M. Ebbers, CPA

City of Watertown

Attest:

Rochelle M. Ebbers, CPA
Finance Officer

Steve Thorson
Mayor

Prepared by:
Marty Mack
Mack Land Surveying, LLC
322 30th St NW
Watertown, SD, 57201
605-878-2007

**PETITION FOR VACATION OF 10TH AVENUE SOUTH, ADJACENT TO BLOCK 2,
POULSON'S ADDITION AND BLOCK 2 SOUTH SIDE ADDITION.**

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

The undersigned, being the owner(s) of all the real property abutting both sides of a public right-of-way hereinafter described, hereby petitions the City Council of Watertown, South Dakota, to vacate said public right-of-way pursuant to the statutes in such cases made and provided, particularly SDCL 9-45-7, et seq., and said Petitioner respectfully shows and represents the following:

1. The public right-of-way sought to be vacated is described as follows:
2. Tenth Avenue South between Lot 8, Block 2 of Poulson's Addition, and Lot 20, Block 2 of South Side Addition. The public right-of-way proposed to be vacated is attached hereto and marked as Exhibit "A" and incorporated herein by reference.

WHEREFORE, Petitioner respectfully requests that the governing body of the City of Watertown, South Dakota, order this Petition filed with the City Finance office and direct that notice of the time and place when the Petition will be considered be given by publication once each week for two successive weeks, with the final publication being a minimum of 10 days prior to the public hearing; and, that upon said hearing the governing body adopt a resolution vacating said public right-of-way, all according to the law in such cases being provided, and particularly under SDCL 9-45-7, et seq.

Dated at Watertown, South Dakota, this 29th day of June, 2016.

State of South Dakota)

)SS:

County of Codington)

On this the 29th day of June, 2016, before me, the undersigned officer, personally appeared JAMES C Spies Representative of Spies Corporation known to me or satisfactorily proven to be the person whose name is subscribed to within this instrument and acknowledged that they executed the same for the purposes therein contained.

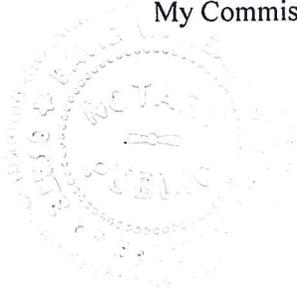
IN WITNESS WHEREOF I hereunto set my hand and official seal.

David W Neale
Notary Public

(SEAL)

My Commission Expires:

David W. Neale, Notary Public
Codington County, South Dakota
My commission expires February 17, 2018

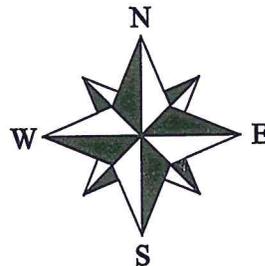


James C Spies PRESIDENT

By: Representative of Spies Corporation, owner of Lot 8, Block 2 of Poulson's Addition and Lot 20, Block 2 of South Side Addition.

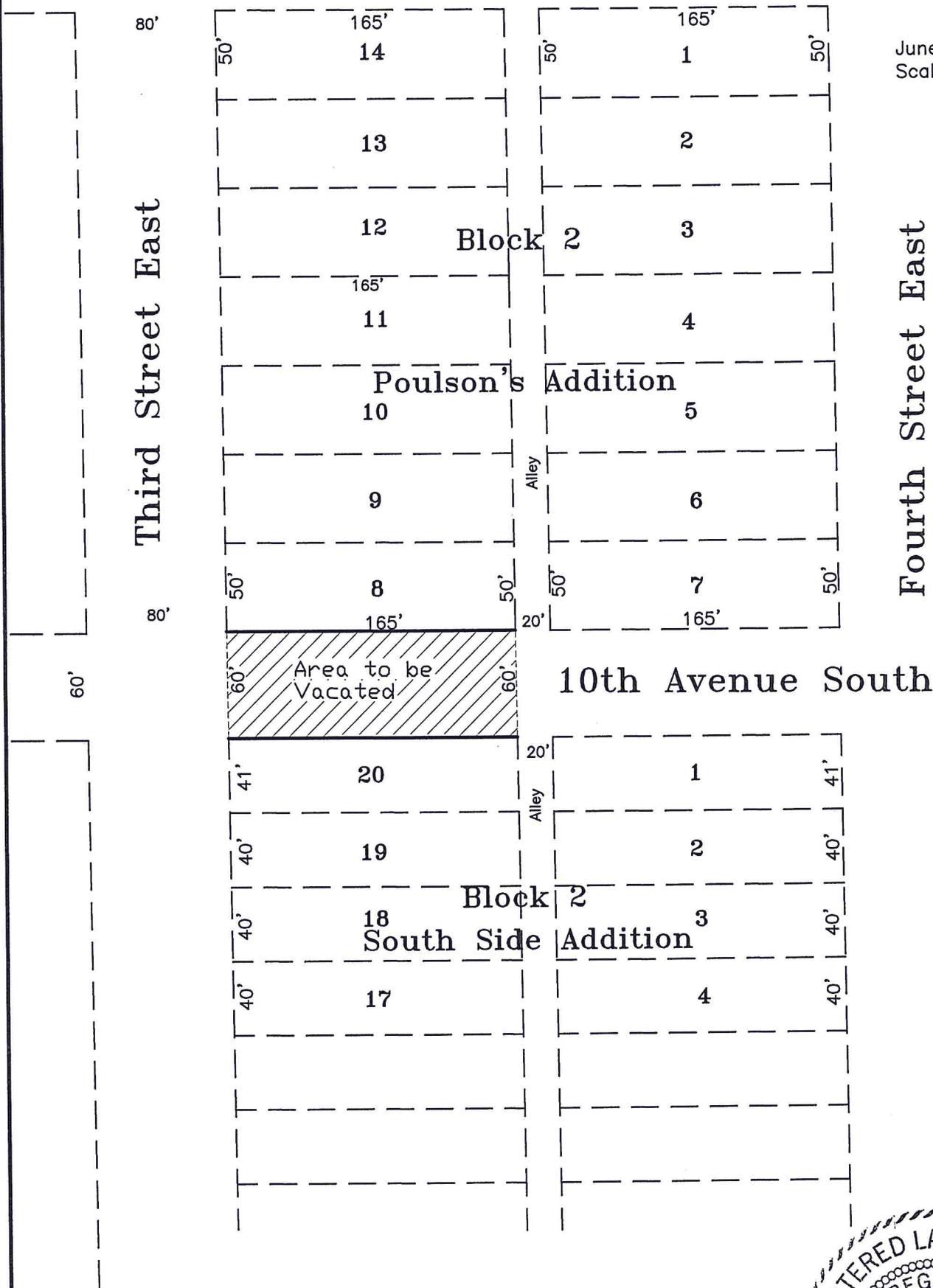
Exhibit "A"

Area of 10th Avenue South to be vacated between Lot 8, Block 2 Poulson's Addition, and Lot 20, Block 2 South Side Addition.



June 2016
Scale: 1"=80'

Highway 212



MACK
Land Surveying LLC

Marty Mack
Registered Land Surveyor
Certified Professional Surveyor

Cell: (605) 880-3108 • Phone: (605) 878-2007
322 30th St. NW • Watertown, SD 57201
mackls@midco.net



Marty W. Mack
Registered Land Surveyor

Vacation of a Portion of
10th Ave S between Lot 8, Block 2 Poulson's Addition,
and Lot 20, Block 2 South Side Addition



--DRAFT--

--DRAFT--

--DRAFT--

RESOLUTION 16-27

RESOLUTION AMENDING RULES FOR SPECIAL ALCOHOLIC BEVERAGE LICENSES

WHEREAS SDCL §35-4-124 authorizes the City of Watertown to issue special alcoholic beverage licenses, and

WHEREAS SDCL §35-4-124 requires the City of Watertown to adopt rules governing the issuance of special alcoholic beverage licenses,

WHEREAS the City of Watertown began issuing special alcoholic beverage licenses in accordance with SDCL §35-4-124 upon the City Council's adoption of Resolution 14-15 on April 11, 2014; and

WHEREAS the City of Watertown recognizes the need to adopt a per-event basis, rather than a per-license basis, for approving and assessing fees for special alcoholic beverage licenses in order to accommodate the ability of Watertown's civic, charitable, educational fraternal, and veterans organizations to provide programming and fundraise for the benefit of the community;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Watertown that the following rules shall apply to the issuance of special alcoholic beverage licenses, thereby repealing Resolution 14-15:

1. There are three temporary licenses available for issuance by the City Council:
 - A. Special Malt Beverage Retailers License;
 - B. Special On-Sale Wine Retailers License;
 - C. Special Off-Sale Package Wine Dealers License.

The City Council will not consider any application for issuance of a Special On-Sale License.

2. Licenses can be issued for a period of time to be established by the Council for the duration of a special event, but not to exceed fifteen (15) consecutive days.
3. No public hearing is required if the applicant already holds an on-sale alcoholic beverage license or a retail malt beverage license and the license is to be used in a publicly-owned facility; but application for issuance of a special alcoholic beverage license does require Council approval. A public hearing is required for all other applicants.
4. No person or entity can be issued special alcoholic beverage licenses for more than (4) special events within any calendar year.
5. Licensees may be permitted to sell alcoholic beverages on private or public property provided a conditional use has been issued for the premises by the Board of Adjustment.

- 6. The fee for any special alcoholic beverage license authorized under this resolution, or combination thereof, shall be \$300 per special event, which shall be paid at the time of application.
- 7. Licensees shall maintain liability insurance in an amount of not less than \$1 Million Dollars for bodily injury, death, disability, and property damage liability during the time the special alcoholic beverage license is in effect. Licensee shall maintain Liquor Liability insurance with a limit of not less than \$1,000,000 for each occurrence, and if such insurance contains a general aggregate limit, the general aggregate limit shall apply separately or be no less than two times the occurrence limit. The City shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from any special alcoholic beverage license during the time such license is in effect. The licensee must agree to indemnify and hold the City of Watertown, its officers, agents, and employees, harmless from and against any and all actions, suits, damages, liability or other proceedings that may arise as the result of the alleged negligence of the applicant and/or that is in any way connected or associated with the event(s) for which any special alcoholic beverage license is issued which do not solely arise from errors or omissions of the City of Watertown, its officers, agents, or employees.
- 8. Any special alcoholic beverage license may be revoked by the Mayor, Police Chief, or their designees without notice. Any revocation is not subject to appeal and the license fee is non-refundable.
- 9. This Resolution shall remain in full force and effect until it is repealed or amended by subsequent Resolution of the City Council or superseded by City Ordinance.

Dated at Watertown, South Dakota, this ___ day of _____, 2016.

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

I hereby certify that Resolution No. 16-27 was published in the Watertown Public Opinion, the official newspaper of said City, on the ___ day of _____, 2016.

City of Watertown

ATTEST:

Rochelle M. Ebberts, CPA
Finance Officer

Steve Thorson
Mayor

AGREEMENT FOR PROFESSIONAL SERVICES

for

Bridge 15-184-181 Rehabilitation Design

CITY OF WATERTOWN

This AGREEMENT made and entered into by and between the City of Watertown, Watertown, South Dakota, hereinafter called the CITY, and AASON ENGINEERING COMPANY, INC., Consulting Engineers, Watertown, South Dakota, hereinafter called the ENGINEER.

WHEREAS, the CITY desires to have design & construction services for the rehabilitation of bridge 15-184-181 as detailed within this contract, and;

WHEREAS, the ENGINEER represents that they are in compliance with the South Dakota statutes relating to the registration of land surveyors and professional engineers and has indicated their willingness to provide land surveying and professional engineering services that are necessary for the project;

NOW THEREFORE, the CITY and the ENGINEER, in consideration of the premises and the covenants, herein agree in respect to the performance of land surveying and professional engineering services by the ENGINEER and the payment for those services by the CITY as set forth herein.

ARTICLE I
SCOPE OF SERVICES

The ENGINEER will provide the following:

1. Bridge rehabilitation design consisting of removing the existing superstructure and replacing it with precast concrete double tee units. Roadway reconstruction limits will extend approximately 80' north and 80' south.
2. Construction plans and project manual ready for bid letting.
3. Surveying necessary to construct project.
4. Observation as needed to check work for compliance with plans and specifications.
5. Project management.
6. As-built plans.

ARTICLE II
COMPENSATION

The compensation payable by the CITY to the ENGINEER for services performed under this Agreement shall be a maximum limiting fee of \$25,000.00. See Exhibit 1 for details.

The ENGINEER will submit billing statements no more than once a month to the CITY for their processing in regards to payment for services rendered.

ARTICLE III
GENERAL CONTRACT CLAUSES

SECTION I - TERMINATION

This AGREEMENT may be terminated by either party upon fifteen days written notice, in the event of substantial failure to perform in accordance with the terms hereof by the one party through no fault of the other party. If this AGREEMENT is so terminated, the ENGINEER shall be paid in the amount, which he has earned up to such date of termination under the terms of this AGREEMENT. Upon termination, the CITY shall be entitled to all plans and documents for which there has been payment made to the ENGINEER and they shall become the property of the CITY.

Unless the AGREEMENT shall have been terminated as herein before provided, it shall terminate on completion of the scope of work as defined in Article I, and on final payment of all fees under this AGREEMENT by the CITY.

SECTION II - INSURANCE

The ENGINEER shall maintain such insurance as will protect him from claims under Workman's Compensation Acts, claims for damages because of bodily injury, sickness or disease, or death of any of his employees, and from claims from damages because of injury to or destruction of tangible property including loss of use thereof.

SECTION VI - INDEMNIFICATION OF CITY

The ENGINEER shall indemnify the CITY, its agents, officials and employees, against all injuries, deaths, loss, damages, claims, patent claims, suits, liabilities, judgments, costs and expenses, that may in any way accrue against the CITY in consequence of the granting of this contract or that may in any way result from that grant, whether or not it shall be alleged or determined that the act was caused through negligence or omission of the ENGINEER OR ENGINEER'S employees, of the Subcontractor or Subcontractor's employees, if any, and the ENGINEER shall, at the ENGINEER'S own expense, appear, defend and pay all charges incurred in connection with that activity, and, if any judgment shall be rendered against the CITY in any such actions, the ENGINEER shall, at the ENGINEER'S own expense, satisfy and discharge that judgment. The ENGINEER expressly understands and agrees that any performance bond or insurance protection required by this contract, or otherwise provided by ENGINEER, shall in no way limit the responsibility to indemnify, keep and save harmless and defend the CITY as here provided.

SECTION VIII - EXTENT OF AGREEMENT

This AGREEMENT represents the entire and integrated AGREEMENT between the CITY and the ENGINEER covering the services set forth herein and supersedes any prior negotiations, representations or agreements therefore, written or oral. This AGREEMENT may be amended only by written instrument signed by both the CITY and the ENGINEER.

SECTION IX - APPLICABLE BY LAW

The laws of the State of South Dakota shall govern this AGREEMENT.

IN WITNESS WHEREOF, the parties hereto have made and executed this AGREEMENT this _____ day of _____, 2016.

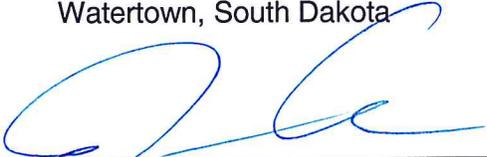
ATTEST

CITY OF WATERTOWN:
Watertown, South Dakota

Steve Thorson, Mayor

ATTEST

ENGINEER:
Aason Engineering Company, Inc.
1022 Sixth Street SE
Watertown, South Dakota



Rodney S. DeJong

10/11/2016
10:11 AM
10/11/2016

EXHIBIT 1

Proposal

Aason Engineering

February, 2016
Revised August, 2016

Bridge 15-184-181 Rehabilitation

Rates:

Survey 1 Man	= \$ 82.00 / Hour
Survey 2 Man	= \$136.00 / Hour
Survey Comps	= \$ 66.00 / Hour
Engineer	= \$ 86.00 / Hour
Drafter	= \$ 66.00 / Hour

Design Phase	=	\$ 11,000.00
Construction Phase	=	<u>\$ 14,000.00</u>
Max Limiting Fee	=	\$ 25,000.00



Request for City Council Action

TO: Mayor and City Council
FROM: Shane Waterman, P.E., City Engineer
MEETING DATE: August 15, 2016
SUBJECT: **Consideration of Change Order No.1 for Uptown Alley Reconstruction Project #1607**

Background: On May 6, 2016 three (3) bids were received for the Uptown Alley Reconstruction Project #1607. Crestone Builders of Watertown had the low bid (including alternates) of \$246,810.78, which was 10% lower than the Engineer's Estimate of \$273,028.50. A contract was awarded to Crestone Builders at the May 16, 2016 Council meeting.

The Project includes the reconstruction of the T-alley between Kemp Avenue and 1st Avenue North and between Broadway Street and Maple Street. Reconstruction of the 20'x388' & 20'x214' T-alley consists of approximately 1254 SY of pavement removal, 392 Ton of base course, 1131 SY of PC concrete surfacing and 1226 SF of concrete sidewalk.

While working in the alley adjacent to the building addressed 15 E. Kemp Ave. it was noted the brick façade was placed on top of the alley pavement. City Staff decided to pour a separate piece of the alley pavement under the brick façade to prevent the potential of frost movement of the pavement during the winter from damaging the brick. This caused extra labor to form and place an expansion joint along the building. Crestone Builders requested \$940 for the extra work.

The City was contacted by several business owners along the public parking lot inquiring about the installation of curb. City Staff reviewed the request and discussed it with the business owners. The curb was not a good fit with regard to drainage and grades in the parking lot. The discussion changed the concept towards the installation of bollards (similar to Duffy's Bar). Ultimately everyone agreed to have bollards installed along portions of the parking lot. The Change Order includes 26 bollards @ \$200/each for a total of \$5,200.

Change Order No. 1 includes a total of \$6,140 of work and would increase the total project cost to \$252,950.78. A review of the Capitol Outlay Budget for 2016 indicates the total project amount of \$252,950.78 is well within the budget of \$285,000 established for the project.

Recommendation: Engineering Staff recommends the award of Change Order No.1 in the amount of \$6,140.00.

Council Action Requested: Motion to Approve.

CONSTRUCTION CHANGE ORDER NO. 1

Date: August 9, 2016

Project: Uptown Alley Reconstruction
Project #1607

Contract Date: May 16, 2016

Contractor: Crestone Builders, Inc.

YOU ARE HEREBY DIRECTED TO MAKE CHANGES IN THE SUBJECT CONTRACT AS DESCRIBED BELOW:

For the City of Watertown

Mayor: _____
Mayor Steve Thorson

Date: _____

Nature of Changes: 1) Install 26 bollards @ \$200/each along the west and east sides of the parking lot: \$5,200.00
2) Install concrete brick support beside the building on the east side of the north-south alley: \$940.00

These Changes result in the following adjustment of Contract Price and Time:

Contract Price Prior to This Change Order	\$ 246,810.78
Net INCREASE in Price Resulting from this Change Order	\$ 6,140.00
Current Contract Price Including This Change Order	\$ 252,950.78
Contract Time Prior to This Change Order	September 30, 2016
Net INCREASE in Time Resulting from this Change Order	0 days
Current Contract Time Including This Change Order	September 30, 2016

APPROVAL OF CHANGE ORDER

City Engineer: Shane Waterman
Shane Waterman, PE

Date: 8/10/16

ACCEPTANCE OF CHANGE ORDER

This Change Order is hereby acknowledged and accepted for Crestone Builders, Inc.

By: [Signature]
Name: [Signature]
Title: Project Manager

Date: 8/10/16