

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

Monday, October 3rd, 2016

7:00 PM

Call to Order

Prayer

Pledge of Allegiance

Roll Call

1. Approval of consent agenda
 - a. Approval of the minutes of the Council meeting held on September 19, 2016
 - b. Authorization to write-off uncollectible ambulance accounts receivable in the amount of \$14,928.25
 - c. Declaration of surplus property and authorization to dispose of as junk
 - d. Authorization for the Fire Department advertise for bids for a type 3 ambulance chassis remount
 - e. Approval of the 2016-2017 Snow Removal and Equipment Rental Quotes
 - f. Approval of payroll & bills and authorization to pay
2. Approval of agenda
3. Application for a transfer of location of a retail (on-off sale) malt beverage license from Cloud 9 Golf Course #2, LLC, (inactive) at PO Box 246, Milbank SD to Cloud 9 Golf Course #2, LLC, d/b/a Terry's Hot Rod Lounge at 28 North Broadway
 - a. Public hearing
 - b. Council action
4. Application for a new retail (on-off sale) malt beverage and wine license to El Tapatio Inc. 2, d/b/a El Tapatio at 715 9th Ave SE
 - a. Public hearing
 - b. Council action
5. Ordinance No. 16-19 creating a new chapter of Title 12 for Licensing and Regulating Ambulance Services for the City of Watertown
 - a. Second reading
 - b. Council action
6. First reading of Ordinance No. 16-20 amending Section 21.0210, 21.7310, 21.8006, and 21.9901 of the Revised Ordinances of the City of Watertown to clarify punishments for violations of Title 21
7. Consideration of Change Order No. 2 (final) to the contract with Koehl Excavating, LLC for the Street and Storm Sewer Construction Project increasing the contract amount \$25,163.94
8. Consideration of Change Order No. 3 (final) to the contract with Crestone Builders, Inc. for the Uptown Alley/Parking Lot Reconstruction Project increasing the contract amount \$6,705.94

9. Old Business
10. New Business
11. Liaison member reports
12. Executive Session pursuant to SDCL 1-25-2
13. 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**

September 19, 2016

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

Motion by Buhler, seconded by Mantey, to approve the following item on the consent agenda: minutes of the Council Meeting held on September 6, 2016; appointment of Jeana Johnson and Sandy Sheehan to the CVB Board; authorization for the Street Department to advertise for bids for a Front End Wheel Loader and approval of a business license to Brad Fisher as a Gas Fitter (\$50). Motion carried.

Mayor Thorson added the acceptance of a Highway Safety Grant to the agenda. Motion by Tupper, seconded by Danforth, to approve the agenda as amended. Motion carried.

Ordinance No. 16-18 – 2017 City Budget was placed on its second reading and the title was read. Motion by Vilhauer, seconded by Buhler, to approve Ordinance No. 16-18 as presented. Motion carried.

Ordinance No. 16-13 amending Chapter 21.10 of the Revised Ordinances of the City of Watertown regarding Commercial Building Heights was placed on its second reading and the title was read. Motion by Danforth, seconded by Mantey, to approve Ordinance 16-13 as presented. Motion carried.

Ordinance No. 16-16 repealing Section 2.0113 of the Revised Ordinances of the City of Watertown regarding restrictions on issuance of malt beverage package dealers' license was placed on its second reading and the title was read. Motion by Buhler, seconded by Mantey, to approve Ordinance 16-16 as presented. Motion carried.

Ordinance No. 16-17 adding a new Section 2.01 of the Revised Ordinances of the City of Watertown regarding the issuance of special alcoholic beverage licenses in conjunction with special events was placed on its second reading and the title was read. Motion by Rieffenberger, seconded by Albertsen, to approve Ordinance 16-17 as presented. Motion carried.

This being the time scheduled for the public hearing on Resolution No. 16-32 Vacation of public right of way adjacent to Lots 1 and 2 of the West 50' of Lot 7 in the J.F. Monks subdivision of Lots 12 and 13 of Block 8, the Mayor called for public comment. Hearing no comment from the public, motion by Solum, seconded by Roby, to approve Resolution No. 16-32 as presented. Motion carried.

This being the time scheduled for the public hearing on Resolution No. 16-33 Vacation of public right of way adjacent to Lots 3 and 4 in Marina Bay Subdivision, the Mayor called for public comment. Darrin Laqua and Mick Stanton spoke against the vacation. Hearing no further comment from the public, motion by Tupper, seconded by Thorson, to approve Resolution No. 16-33 as presented. All opposed, motion failed.

Ordinance No. 16-19 creating a new chapter of Title 12 for Licensing and Regulating Ambulance Services for the City of Watertown was placed on its first reading and the title was read. No action was taken.

Motion by Danforth, seconded by Vilhauer, to approve a line of credit up to \$200,000 payable to the Lions Club for the park shelter and restrooms at Lions Park. The maximum length of the loan is 3 years at 1% interest rate. Motion carried.

Motion by Albertsen, seconded by Mantey, authorizing the Mayor to sign a Property purchase agreement between the City of Watertown and the Watertown Development company for 87.17 acres of land owned by Joan Endres. Motion carried.

Motion by Tupper, seconded by Danforth, authorizing the Mayor to sign a naming rights agreement with Prairie Lakes Health System for the Community Center. Motion carried.

Motion by Mantey, seconded by Buhler, authorizing the Mayor to sign a professional services agreement with Vast for a city-wide phone system. Motion carried.

Street Superintendent Rob Beynon presented the council with a Minnesota State Bid for the purchase of a used 2016 John Deere Motor Grader. The purchase price is \$275,893.00 with delivery in 2017. Motion by Buhler, seconded by Thorson, to approve the purchase of the Motor Grader. Motion carried.

Motion by Tupper, seconded by Mantey, to approve Change Order No. 2 to the contract with Crestone Builders, Inc. for the Uptown Alley Reconstruction project increasing the contract amount \$1,065.22. Motion carried.

Motion by Buhler, seconded by Vilhauer, to approve Change Order No. 1 (final) to the contract with Ti-Zack Concrete, Inc. for the Sidewalk Accessibility Improvement Project increasing the contract amount \$19,286.50. Motion carried.

Motion by Mantey, seconded by Rieffenberger, authorizing the Police Department to accept Highway Safety grant funds in the amount of \$19,058 for speed/seat belt enforcement. Motion carried.

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

Motion by Solum, seconded Roby, to reconvene in open session. Motion carried

Motion by Buhler, seconded by Danforth, to adjourn until 7:00 PM on Monday, October 3, 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 19th day of September, 2016.

ATTEST:

Rochelle Ebbers, CPA
Finance Officer

Steve Thorson
Mayor

**AMBULANCE MANAGEMENT
UNCOLLECTIBLE ACCOUNTS FORWARDED TO COLLECTIONS
September 2016**

<u>Call No.</u>	<u>Amount</u>
33255	718.75
34056	686.45
32921	362.78
33767	832.25
33766	1009.20
33753	663.50
33735	75.17
33637	1007.85
33494	693.20
33050	521.60
33084	771.60
33127	670.25
33203	670.25
33261	671.60
33342	805.25
33510	805.25
33511	805.25
33939	667.55
33940	705.25
33475	25.00
33726	910.45
33645	849.80
	14928.25

Approved:

Mayor

Finance officer

Item #1c- Surplus Property Junk List

<u>Department</u>	<u>Device Type</u>	<u>Quantity</u>
Zoo	Copiers	2
Upper Big Sioux	Computers	2
Park and Rec - Supervision	Computers	1
Park and Rec - Forestry	Computers	1
Cattail Crossings	Computers	1
Park and Rec - Rec Programs	Computers	5
Park and Rec - Aquatic Center	Computers	2
	Monitors	1
	Security Camera DVR	1
Solid Waste	Computers	1
REC Center	Computers	2
	Scanners	2
Zoo	Computers	4
	Server	1
Library	Thin Clients	15
	Computers	2
	Monitors	2
Finance	Computers	3
Street	Computers	7
Engineering	Computers	1
	Server	1
Planning and Zoning	Computers	1
Police	Computers	6
	Monitors	5
	Backup Systems	2
	Docking Stations	3
E911	Printers	1
	Switches	2
	Servers	2
	Computers	1
IT	Computers	10

Item #1e- Snow Removal Quotes Tab

Snow Removal And Equipment Rental Quotes 2016-2017
Quotes opened 10:00 AM
September 21, 2016

ITEM DESCRIPTION	Antoine Const.	B&L Trucking	Berns Blading	Cody Berns	Boldt Const.	Deutsch Excavating	Duinink	Jim's Excavating Stimson	K & L Mechanical	LaFramboise Constr.	LL & Sons Excavating	Mike's Blade Service	Chad Raml	Jason Raml	Mike Raml Trucking	Todd Rumpca Services	Stimson Const. Roger	Stimson Towing and Repair	Mark Stromseth Const.	Utne Const.	Walford Const.	MJ Walsh Trucking
MOTOR GRADERS																						
150 HP to 199 HP w/wing & V Plow									\$145.00													
" " " " no wing or V Plow									\$125.00													
200 HP and over w/wing & V Plow			\$175.00			\$190.00				\$125.00		\$150.00								\$140.00		
" " " " no wing or V Plow			\$175.00			\$150.00				\$90.00	\$120.00	\$150.00								\$165.00		
FRONT END LOADERS																						
1 C.Y. to 1.9 C.Y.																						
2 C.Y. to 3.9 C.Y.		\$125.00	\$125.00			\$120.00				\$70.00							\$115.00			\$115.00		
4 C.Y. to 5.0 C.Y.							\$148.00				\$130.00									\$125.00		
5.1 C.Y. and over							\$163.00			\$90.00										\$145.00		
FRONT END LOADER w/PUSH BOX																						
10' TO 12'						\$170.00																
13' TO 15'																					\$145.00	
16' TO 18'																	\$145.00					
19' and over						\$190.00					\$160.00										\$170.00	
SKID LOADER																						
50 HP and over	\$65.00		\$75.00			\$85.00			\$85.00	\$65.00	\$75.00					\$75.00	\$80.00	\$75.00	\$100.00	\$55.00		
DUMP TRUCK																						
Up to 5 C.Y.	\$50.00																					
5.1 C.Y. to 10 C.Y.							\$90.00															
10.1 C.Y. and over		\$65.00	\$68.00		\$68.00	\$90.00	\$92.00	\$67.00		\$70.00	\$100.00		\$54.35	\$54.35	\$54.35	\$80.00	\$80.00	\$67.00	\$100.00		\$59.00	\$65.00
DUMP TRUCK w/SANDER & PLOW																						
Single Axle																					\$115.00	
Tandem Axle			\$75.00								\$100.00									\$100.00		
SEMI TRACTOR & TRAILER																						
End Dump - 20 C.Y. and over																						
Side Dump - 20 C.Y. and over						145.00				\$100.00	\$120.00		\$90.00	\$90.00	\$90.00		\$100.00		\$100.00			
Belly Dump - 20 C.Y. and over						135.00							\$90.00	\$90.00	\$90.00				\$100.00			
Flat Bed																				\$100.00		
Drop Deck / Low Boy						150.00				\$150.00							\$100.00		\$140.00			
DOZER w/BLADE																						
100 H.P. and over			145.00	145.00		195.00				\$150.00	\$200.00									\$150.00		
TRACK EXCAVATOR																						
						175.00			\$125.00	\$140.00	\$175.00						\$110.00		\$190.00			
						175.00			\$115.00		\$200.00						\$150.00		\$180.00			
									\$100.00		\$100.00								\$130.00			
SNOW BLOWER																						
Tractor and Blower											\$100.00											
Front End Wheel Loader and Blower										\$150.00												
Truck Mounted Blower		200.00																				
Skid Loader & Blower	75.00								\$105.00													
Current Insurance			X									X	X	X	X							

Date Received _____
Date Issued _____

License No. RB-2277

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

Cloud 9 #2 LLC
P.O. Box 246
Milbank SD 57252

Owner's Telephone #: 605-432-9500

B. Business Name and Address

Terry's Hot Rod Lounge
28 N Broadway
Watertown SD 57001

Business Telephone #: 862-3159

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: 1

Number of other On-sale Liquor Licenses held: 1

Is this License in active use? Yes No

D. Legal description of licensed premise:

520' of the N 40' of lot
12-14, Blk 4, Orig Plat

Have you ever been convicted of a felony? Yes No

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

E. State Sales Tax Number: _____

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 20 day of Sept Print Name: Dorothy Harms Signature Dorothy Harms

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 20th day of September 2016

Approving Officer's Telephone number 605 882-1208 (18) Signature: J. Wade Hill

J. APPROVAL OF LOCAL GOVERNING BODY -- Notice of hearing was published on September 21, 2016. Public hearing on the application was held October 3, 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: 2

Renewal - no public hearing held

Amount of fee collected with application \$ 290.00

Amount of fee retained \$ 215.00

Forwarded with application \$ 75.00

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 _____

PLEASE COMPLETE REVERSE SIDE
ALCOHOLIC BEVERAGE DIVISION
SOUTH DAKOTA DEPARTMENT OF REVENUE

2/1

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

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

Affidavit

State of South Dakota)

:ss

County of)

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 Dorothy Harms

Subscribed and sworn to before me this 20th of September, Cochington County, State of South Dakota.

My commission expires 11-09-2018



(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.

A. Owner Name and Address

El Tapatio Inc 2
715 9th Ave SE
Watertown SD 57201

Owner's Telephone #: 605 592-0144

B. Business Name and Address

El Tapatio
715 9th Ave SE
Watertown SD 57201

Business Telephone #: 605 878-0470

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:

Lots #21, 28, 28, Brooks Addn

Have you ever been convicted of a felony? Yes No

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

E. State Sales Tax Number: 02-1135-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 19 day of Sep Print Name: Guadalupe Rodriguez Signature: Guadalupe Rodriguez

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 19th day of September

Approving Officer's Telephone number 605 885-6203 (v18) Signature: D. Wald

J. APPROVAL OF LOCAL GOVERNING BODY - Notice of hearing was published on September 24, 2016. Public hearing on the application was held October 3, 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 \$ 340.00

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 _____

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**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)

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

Name of corporation/partnership/LP/LLC El Tapatio Inc 2

Address of office and principal place of business of corporation/partnership/LP/LLC 713 9th Ave SE

Date of incorporation July / 2016

Date of last report filed with Secretary of State NA

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

Have any of the managing officers of this corporation/partnership/LP/LLC ever been convicted of a felony? No

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

Name	Office	Address	Occupation
Juan Carlos Rod-D	President	215 Round Up Cr	Brookings Director
Juan Carlos Vega S	Vice President	527 17th Av S	Brookings
Ester Vega	Secretary	"	"
Guadalupe Rodriguez-E	Treasurer	215 Round Up Cr	Brookings

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

Name	Address	Occupation
<u>Same as above</u>		

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

Name	Address	Percentage of Shares
<u>NA</u>		

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
<u>NA</u>	

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

El Tapatio Inc 2 713 9th Av. SE Watstown

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 Guadalupe Rodriguez-E

Subscribed and sworn to before me this 19th of September, Codington County, State of South Dakota.

My commission expires 11-09-2018



[Signature]
(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.

<p>A. Owner Name and Address</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> El Tapatio Inc 2 715 9th Ave SE Watertown, SD 57201 </div> <p>Owner's Telephone #: <u>605 592-0144</u></p>	<p>B. Business Name and Address</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> El Tapatio 715 9th Ave SE Watertown, SD 57201 </div> <p>Business Telephone #: <u>605 878-0470</u></p>
<p>C. Indicate the class of license being applied for (submit separate application for each class of license).</p> <p><input type="checkbox"/> Retail (on-sale) Liquor</p> <p><input type="checkbox"/> Retail (on-sale) Liquor - Restaurant</p> <p><input checked="" type="checkbox"/> Retail (on-off sale) Wine</p> <p><input type="checkbox"/> Package (off-sale) Liquor</p> <p><input type="checkbox"/> Retail (on-off sale) Malt Beverage</p> <p><input type="checkbox"/> Retail (on-off sale) Malt Beverage & SD Farm Wine</p> <p><input type="checkbox"/> Package (off sale) Malt Beverage</p> <p><input type="checkbox"/> Package (off sale) Malt Beverage & SD Farm Wine</p> <p><input type="checkbox"/> Other (please classify) _____</p> <p><input type="checkbox"/> Transfer Fee \$150.00</p> <p>Number of other Package Liquor Licenses held: <u>0</u></p> <p>Number of other On-sale Liquor Licenses held: <u>0</u></p> <p>Is this License in active use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>D. Legal description of licensed premise:</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> Lots 16-21, Blk 28, Bracks Addn </div> <p>Have you ever been convicted of a felony? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Do you own <input type="checkbox"/> or lease <input checked="" type="checkbox"/> this property? (Check one)</p> <p>E. State Sales Tax Number: <u>1031-1135-ST</u></p> <p>F. Remember to obtain a Federal Alcohol Stamp, for help call TTB at 1-800-937-8864.</p> <p>G. New license? <input checked="" type="checkbox"/> Transfer? (\$150) <input type="checkbox"/> Re-issuance? <input type="checkbox"/></p>

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 Sep Print Name: Guadalupe Rodriguez Signature: Guadalupe Rodriguez

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 19th day of September

Approving Officer's Telephone number 605 883-6203 Signature: [Signature]

J. APPROVAL OF LOCAL GOVERNING BODY - Notice of hearing was published on September 24, 2016. Public hearing on the application was held October 3, 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

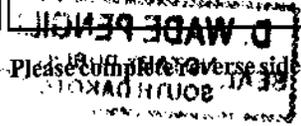
If disapproved, endorse reason thereon and return to applicant

Transferred (State Use)

From: _____

Sales tax approval _____ Date _____

STATE LIQUOR AUTHORITY: APPROVAL _____ REVIEW _____



11

**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 El Tapatio Inc 2
 Address of office and principal place of business of corporation/partnership/LP/LLC 713 9th Ave SE
 Date of incorporation July 2016
 Date of last report filed with Secretary of State NA
 Are all managing officers of this corporation/partnership/LP/LLC of good moral character? Yes
 Have any of the managing officers of this corporation/partnership/LP/LLC ever been convicted of a felony? NO

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

Name	Office	Address	Occupation
Juan Carlos Rod-D	President	215 Round Up Cr	Brookings Director
Juan Carlos Vega S.	Vice President	527 17th Av S	Brookings
Esther Vega	Secretary	" "	" "
Guadalupe Rodriguez-E	Treasurer	215 Round Up	Brookings

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

Name	Address	Occupation
Juan Carlos Vega S	Vice President	
<u>same as above</u>		

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

Name	Address	Percentage of Shares
<u>NA</u>		

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
<u>NA</u>	

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

El Tapatio Inc 2 713 9th Av SE, Watertown

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 Guadalupe Rodriguez-E

Subscribed and sworn to before me this 19th of September, Codington County, State of South Dakota.

My commission expires 11-09-2018

[Signature]
(Notary Public)
D. WADE PENGILLY
NOTARY PUBLIC SEAL
SOUTH DAKOTA

ORDINANCE NO. 16-19

AN ORDINANCE CREATING A NEW CHAPTER OF TITLE 12 FOR LICENSING AND REGULATING AMBULANCE SERVICES FOR THE CITY OF WATERTOWN

BE IT ORDAINED by the City of Watertown that a new Chapter 12.11 of the Revised Ordinances of the City of Watertown regarding licensing and regulating ambulance services be adopted as follows:

**Chapter 12.11
Licensing and Regulating Ambulance Services**

Section

- 12.1101 Purpose.
- 12.1102 Definitions.
- 12.1103 License Required – Exceptions.
- 12.1104 License issuance and renewal; term.
- 12.1105 License Application.
- 12.1106 Finance Officer investigative authority.
- 12.1107 Regulations of licensed ambulance services.
- 12.1108 Liability insurance required.
- 12.1109 Suspension or revocation of licensure.

12.1101 Purpose.

The purpose of this Chapter is to promote the general safety and welfare of the city by ensuring prompt, effective, and reliable ambulance service, as further authorized by SDCL 34-11-1 and ARSD 44:05:02:05.

12.1102 Definitions.

The following terms shall have the following meaning throughout this Chapter:

Ambulance: A vehicle for emergency care with a driver compartment and a patient compartment, carrying all equipment and supplies needed to provide emergency medical technician-basic level emergency care at the scene and enroute to an appropriate medical facility.

Ambulance Service: Any person or organization licensed to provide emergency medical services and patient transport.

Attendant: An advanced life support or emergency medical trained and/or qualified individual responsible for the operation of an ambulance and the care of the patients who has the credentials required by ARSD 44:05:03:04.01.

Driver: An individual who drives an ambulance and meets the credentials required by ARSD 44:05:03:04.01.

License: The permit to operate or provide ambulance service within the city limits.

Person: Any person, firm, partnership, association, corporation, company or organization of any kind.

12.1103 License Required – Exceptions.

(a) No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the emergency transportation of patients or the transportation of patients needing special care during transport, such as a transfer between hospitals, upon the streets, alleys, or any public way or place of the city unless [he/she] holds a currently valid license for an ambulance, issued pursuant to this ordinance.

(b) Provided however, that no such licenses shall be required for an ambulance which is:

1. Rendering assistance to licensed ambulances in the case of a major catastrophe or emergency with which the licensed ambulances of the city are insufficient or unable to cope;
2. Operated from a location or headquarters outside of the city in order to transport patients who are picked up beyond the limits of the city to locations within the city, or to transport patients who are picked up within the city to locations beyond the limits of the city;
3. Owned and operated by rescue squads which are not regularly used as ambulances except as part of rescue operations;
4. Owned and operated by the federal government;
5. Providing coach services engaged by prior appointment and is transporting infirm or disabled individuals not requiring advanced life support in transit;
6. A privately-owned vehicle occasionally and not ordinarily used in the business of ambulance service; or
7. An air ambulance service.

(c) The city is exempt from licensing requirements under this chapter for the operation of its municipal ambulance service.

12.1104 License issuance and renewal; term.

No license shall be issued under this chapter to any new applicant unless:

- (a) The person has completed and signed an application form described in Section 12.1105 and submitted it to the City Finance Office;
- (b) The person, if representing a non-governmental entity, has paid a licensing fee per ambulance of \$50 for the first ambulance, \$40 for the second ambulance, and \$10 for each additional ambulance, to the City Finance Office;
- (c) The City Council shall find that further ambulance service is required by public convenience and necessity. In the absence of the findings, any new applicant shall be denied;
- (d) The person has complied with any investigation of the Finance Officer authorized by Section 12.1106;
- (e) The person has provided proof of liability insurance coverage as required by Section 12.1108; and
- (f) The person provides proof of all licenses issued by the state regulating the operation of ambulance services and the most current inspection records by any state department or agency charged with overseeing ambulance services certifying the ambulances, equipment, and premises designated in each application hereunder.

Upon approval of the City Council, the Finance Officer shall issue an ambulance service license to any person so approved for a period of 2 years unless earlier suspended, revoked or otherwise terminated at the City Council's sole discretion, as provided in Section 12.1108. The ambulance service license is not transferable. Renewal of an ambulance service license, upon expiration for any reason or after revocation, shall require conformance with all the requirements of this Chapter as upon original licensing.

12.1105 License Application.

Applications for ambulance licenses hereunder shall be made upon the forms as may be prepared or prescribed by Finance Officer and shall contain:

- (a) The name and address of the applicant and of the owner of the ambulance;
- (b) The trade or other fictitious name, if any, under which the applicant does business and proposes to do business;
- (c) The training and experience of the applicant in the transportation and care of patients;

- (d) A description of each ambulance, including the make, model, year of manufacture; current state license number; the length of time the ambulance has been in use; the insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance;
- (e) A listing of the full legal name, date of birth, home physical address, job title, and credentials of the ambulance service's attendants and drivers;
- (f) The physical address and physical description of the place or places from which it is intended to operate;
- (g) Such other information as the Finance Officer shall deem reasonably necessary to a fair determination of compliance with this Chapter;
- (h) An accompanying license fee of \$50 for the first ambulance, \$40 for the second ambulance and \$10 for each additional ambulance; and
- (i) A separate, signed statement that the applicant has reviewed, understands, and will abide by Chapter 12.11 of the Revised Ordinances of the City of Watertown at all times when operating an ambulance service within the city.

12.1106 Finance Officer investigative authority.

- (a) The Finance Officer shall within 10 days after receipt of an application for an ambulance license as provided for herein, cause the investigation as he or she deems necessary to be made of the applicant and of his or her proposed operations to ensure compliance with the provisions of this Chapter.
- (b) Upon any investigation, the Finance Officer shall report his or her findings to the City Council, including the applicant's compliance with the investigation, and make a recommendation regarding the issuance of an ambulance license.
- (c) The Finance Officer retains authority during the license term of any licensed ambulance service to access any physical location where the ambulance service operates and to access any records of the ambulance service for the sole purpose of ascertaining compliance with the provisions of this Chapter.

12.1107 Regulations of licensed ambulance services.

Any licensed ambulance service licensed under this Chapter shall:

- (a) Require at least one attendant, driver and ambulance be present at a single physical location within the city limits of the City of Watertown that is able to respond to an emergency call. This requirement shall apply 24 hours a day, seven days a week;

- (b) Obtain a state and federal criminal background check of all attendants and drivers;
- (c) Certify that all employees are not found on the List of Excluded Individuals/Entities maintained by the U.S. Department of Health and Human Service's Office of Inspector General;
- (d) Advertise only those services and levels of certified personnel that they actually employ and are able to provide within the City of Watertown;
- (e) Update the City Finance Office with any change in information regarding its attendants and drivers annually, and regarding its ambulances within five days of purchase, lease or rental;
- (f) Post in an obvious location within the ambulance, and within each place of business, a schedule of rates for ambulance services;
- (g) Report to the City Finance Office any property damage in excess of \$1,000 caused by or to a licensed ambulance and any personal injury to the public or ambulance personnel that requires medical attention within five working days after the event which caused the loss or injury;
- (h) Provide immediate notice to the City Finance Office of the discontinuance of ambulance service within the City of Watertown;
- (i) Deliver service to any call for ambulance service received by the licensee, unless aid is declined or for other reasons beyond the control of the attendant;
- (j) Only provide ambulance service on request received by the attendant or driver of the ambulance, or received by the ambulance service; and
- (k) Abide by all applicable federal, state, and local laws, including all state standards for personnel credentials, equipment, supplies, and ambulance maintenance whenever the ambulance is transporting patients.

12.1108 Liability insurance required.

- (a) No ambulance service license shall be issued under this Chapter, nor shall such license be valid after issuance, nor shall any ambulance be operated in the city, unless there is at all times in force and effect insurance coverage for the protection of the public, issued by an insurance company licensed to do business in the state, for each and every ambulance owned or operated by or for the applicant or licensee, providing:
 - 1. For injury to or death of individuals in accidents resulting from any cause for which the owner of said ambulance would be liable on account of liability imposed on him/her by law, regardless of whether the ambulance was being driven by the owner

or his/her agent, with a limit of liability of not less than one million dollars (\$1,000,000).

2. Against damage to the property of another, including personal property, under like circumstances, with a limit of liability of not less than one million dollars (\$1,000,000).

(b) Every insurance policy required hereunder shall contain a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured, and that until the policy is revoked, the insurance company will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act or omission of the named assured.

(c) Every insurance policy required hereunder shall extend for the period to be covered by the license applied for and the insurer shall be obliged to give not less than 10 days written notice to the City Finance Office and to the assured before any cancellation or termination of the policy earlier than its expiration date and the cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued for the ambulances covered by such policy, unless another insurance policy complying with the provisions of this section shall be provided and be in effect at the time of such cancellation or termination.

12.1109 Suspension or revocation of licensure.

The City Council may and is authorized to suspend or revoke a license issued hereunder for failure of the ambulance service to comply and to maintain compliance with, or for any violations of, any federal law, state law, or any Revised Ordinance of the City of Watertown, but only after warning and such reasonable time for compliance may be set by the City Council. Within 30 days after a suspension, the ambulance service shall be afforded a hearing, after reasonable notice. The City Council shall, within 30 days after conclusion of the hearing, issue a written decision (which shall include written findings) as to the suspension of the ambulance service, and whether the ambulance service's license is revoked. The written decision shall be promptly transmitted to the ambulance service to whom it refers. Upon suspension or revocation of an ambulance service license issued hereunder, the ambulance service shall cease operations as such and no person shall permit the ambulance service to continue operations.

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 16-19 was published in the Watertown Public Opinion, the official newspaper of said City, on this ____ day of October, 2016.

Rochelle M. Ebbers, CPA

First Reading: September 19, 2016

Second Reading:

Published:

Effective:

City of Watertown

Attest:

Rochelle M. Ebbers, CPA
Finance Officer

Steve Thorson
Mayor

MEMORANDUM

TO: Watertown City Council

FROM: Justin Goetz, City Attorney

DATE: September 2, 2016

RE: Request to Initiate an Amendment to Watertown Zoning Ordinance on Punishments

Background:

Section 21.9901 of the Revised Ordinances of the City of Watertown is entitled “Punishment,” and it provides that it governs “[a]ny person violating any of the provisions of this title[.]” In a similar vein, Section 21.0210, entitled “Violations and Penalties,” also asserts that it covers “[a]ny person who violates . . . any provisions of this ordinance[.]” Two other sections (§§ 21.7310 and 21.8006) appear to punish violations of only their respective chapters, yet both appear to conflict in whole or in part with Section 21.9901’s overarching application. Despite these apparently dueling and overlapping provisions, a legally-consistent framework currently exists for punishing zoning ordinance violators. *See* Rev. Ord. § 21.9701 (“Where these provisions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.”). However, for those not law-trained, the existence of these multiple, similar provisions may generate confusion.

Summary:

In order to address this confusion, the proposed, attached amendment is offered for the Board’s consideration. The amendment:

- (1) repeals overlapping provisions in Sections 21.0210, 21.7310, and a portion of Section 21.8006; and
- (2) incorporates the unique provisions of Section 21.0210 into Section 21.9901 in order to create one, all-purpose enforcement provision. Portions added to Section 21.9901 include clarifications that:
 - a. Each day “or portion thereof” that a violation continues is a separate, chargeable offense.
 - b. A violator who also receives a license from the City Council (for a trade, or a profession, or to serve food or alcohol) can have the license

revoked for a zoning ordinance violation after notice and opportunity for hearing.

- c. Not just the owner of the property can be found guilty of violating, but any culpable tenant, architect, builder, etc. may also violate.

Finally, Section 21.9901 would be the appropriate section in which to condense the punishment provisions that are generally applicable to Title 21 violations. *See* Rev. Ord. § 22.0105 (“In all other titles [except Title 13], punishment is set out in a chapter at the close of the title, always numbered 99.”).

ORDINANCE 16-20

AN ORDINANCE AMENDING SECTIONS 21.0210, 21.7310, 21.8006, AND 21.9901 OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN TO CLARIFY PUNISHMENTS FOR VIOLATIONS OF TITLE 21 (ZONING ORDINANCE).

BE IT ORDAINED by the City of Watertown, South Dakota that Section 21.0210 and Section 21.9901 of the Revised Ordinances of the City of Watertown authorizing punishment be amended as follows:

21.0210: ~~VIOLATIONS AND PENALTIES REPEALED~~ (Ord. 16-20 Repealed 10-03-16)

~~**Complaints Regarding Violations.** Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the administrative official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.~~

~~**Violations Punished As Misdemeanors, Policies.** Any person who violates, disobeys, omits, neglects or refuses to comply with any provisions of this ordinance, or who erects, alters, repairs or maintains any use, building or structure in violation of any requirement, provision or regulation of this ordinance, or who fails to perform any act or duty required by this ordinance or who violates any lawful order issued by the City or who violates any condition, limitation, safeguard or requirement established in connection with any building permit, variance or special use permit, or other permit shall be guilty of a misdemeanor and shall be fined not more than two hundred dollars (\$200) or imprisoned for more than thirty (30) days, and in addition shall pay all costs and expenses involved in the case. In addition, if such violation is of any provision involving a licensee, the City Council may revoke the license of any licensee so convicted after notice and opportunity for hearing.~~

~~**Separate Offenses Declared for Each Day of Violation.** Each day or portion thereof during which a violation of this ordinance is committed, maintained or continued shall constitute a separate offense.~~

~~**Accessories to Violations Punishable as Principals.** The owner or tenant of any building, structure, premise or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains a violation of this ordinance may each be found guilty of a separate offense and punished as provided herein.~~

21.7310: ~~PENALTY REPEALED~~ (Ord. 16-20 Repealed 10-03-16)

~~Any person who violates, disobeys, omits, neglects or refuses to comply with any provisions of this ordinance, or who erects, alters, repairs or maintains any use, building or structure in violation~~

~~of any requirement, provision or regulation of this ordinance, or who fails to perform any act or duty required by this ordinance or who violates any lawful order issued by the City or who violates any condition, limitation, safeguard, or requirement established in connection with any building permit, variance, or conditional use permit shall be guilty of a misdemeanor and shall be fined not more than two hundred dollars (\$200) or imprisoned for more than thirty (30) days, and in addition shall pay all costs and expenses involved in the case. In addition, if such violation is of any provision involving a licensee, the City Council may revoke the license of any licensee so convicted after notice and opportunity for hearing.~~

21.8006: ADMINISTRATION

1. **General.** In the event any portion of this chapter shall be declared invalid or unenforceable for whatever reason, such declaration shall not impair the enforceability of any other provision. In the event a provision of this chapter conflicts with any other ordinance, statute or federal law, the more restrictive law shall apply.
2. **Enforcement.** The Administrative Official or his designee may declare any sign unlawful by reason of inadequate maintenance, improper placement, dilapidation, abandonment, or for having been erected without a permit or by an unlicensed contractor or for violating any other provision of this code or other statute or federal law. The owner of any unlawful sign or sign structure shall have committed an ordinance violation which, upon conviction, is punishable ~~by a fine up to two hundred dollars (\$200), thirty (30) days in jail or both. Each day any violation of this title continues shall constitute a separate offense~~ as provided in Section 21.9901.

21.9901: PUNISHMENT

Any person violating, omitting, disobeying, neglecting, or refusing to comply with any of the provisions of this title ~~or any person who erects, alters, repairs or maintains any use, building or structure in violation of any requirement of this ordinance, or who fails to perform any act or duty required by this ordinance or who violates any lawful order issued by the City or who violates any condition, limitation, safeguard or requirement established in connection with any building permit, variance or special use permit or other permit shall be guilty of a misdemeanor and,~~ upon conviction thereof, be punished by a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment; and if such violation is of any provision involving a licensee, the City Council may revoke the license of any licensee so convicted after notice and opportunity for hearing.

~~Any violation of this title shall be a misdemeanor and punishable by a fine of not more than two hundred dollars (\$200). Each day or portion thereof during which a violation of this title is committed, maintained or continued shall constitute a separate offense. The owner or tenant of any building, structure, premise or part thereof and any architect, builder, contractor, agent or other person who commits, participates in, or assists in or maintains a violation of this title may each be found guilty of a separate offense and punished as provided herein. (E-299-2), (E-679)~~

In addition, when any work is done without a permit, the violator shall be required to return the premises to the natural condition and upon failure to do so within thirty (30) days after notice in

writing, the City may return the premises to the natural condition and assess the cost thereof to the land owner. ~~(E 299-2), (E 679)~~

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 hereby certify that Ordinance 16-20 was published in the Watertown Public Opinion, the official newspaper of said City, on the 22nd day of, October, 2016.

Rochelle M. Ebbers, CPA

First Reading: October 3rd, 2016
Second Reading: October 17th, 2016
Published: October 22nd, 2016
Effective: November 11th, 2016

City of Watertown

Attest:

Rochelle M. Ebbers, CPA
Finance Officer

Steve Thorson
Mayor

Request for City Council Action

TO: Mayor and City Council
FROM: Shane Waterman, P.E., City Engineer
MEETING DATE: October 3, 2016
SUBJECT: **Consideration of Change Order No. 2 FINAL Adjustment to Quantities
- 2016 Street Improvements Project #1601**

Background: On March 21, 2016 the City Council awarded a contract for the 2016 Street Improvements Project #1601 to Koehl Excavating LLC of Hancock, MN with the low bid of \$313,166.66.

Construction began in June, 2016. Substantial Completion was achieved as of August 19, 2016 and a Notice of Substantial Completion was sent to the Koehl Excavating LLC.

City Staff has prepared Change Order No. 2 to identify the bid items with final quantities differing from the planned quantities on the original bid form and to request authorization to adjust the final contract amount to match the "As-Built" quantities and associated costs.

Additionally, Change Order No. 2 includes a minor change in scope concerning bid item no.13 (Placing Contractor Furnished Topsoil). The project was originally bid with the anticipation of needing to import topsoil to backfill the new curb and gutter; however, the Contractor salvaged enough suitable topsoil from the project for reuse for grading behind the curb. Therefore, City Staff negotiated a new unit price to reflect the work completed on the project. The work included 144 Cu. Yds. topsoil (salvaged, stockpiled, and reinstalled) at a rate of \$35/hr. for a cost of \$5,040.00.

If approved Change Order No. 2 will increase the contract by \$25,163.94. The majority of the increased costs are associated with additional driveway quantities which were requested by several of the property owners. In conclusion, despite the additional costs incorporated into the project the typical assessment cost per property was reduced by 10-20% from the original estimated assessment amounts.

Recommendation: Approve Change Order No.2 in the amount of \$25,163.94 and increasing the contract for Project #1601 to Koehl Excavating LLC to the amount of \$341,043.10.

Council Action Requested: Motion to Approve.

CONSTRUCTION CHANGE ORDER NO. 2 & FINAL ADJUSTMENT OF QUANTITIES

Date: September 20, 2016

Project: Project No. 1601
2016 Street Improvements

Contract For: Street & Storm Sewer Construction

Contract Date: March 21, 2016

Contractor: Koehl Excavating LLC

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

For the City of Watertown

Mayor: _____ Date: _____
Mayor Steve Thorson

- Nature of Changes:
- 1) Install Riprap around Flared End Section, Lump Sum of \$575.
 - 2) Salvage, Stockpile & Reinstall Salvaged Topsoil, 144 C.Y. @ \$35/C.Y.
 - 3) Contract quantities have been adjusted to reflect actual installed quantities.

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

Contract Price Prior to This Change Order	\$ 315,879.16
Net INCREASE in Price Resulting from this Change Order	\$ 25,163.94
Current Contract Price Including This Change Order	\$ 341,043.10
Contract Time Prior to This Change Order	August 19, 2016
Net INCREASE in Time Resulting from this Change Order	0 days
Current Contract Time Including This Change Order	August 19, 2016

APPROVAL OF CHANGE ORDER

City Engineer: Shane Waterman Date: 9/25/16
Shane Waterman, P.E.

ACCEPTANCE OF CHANGE ORDER

This Change Order is hereby acknowledged and accepted for Koehl Excavating, LLC.

By: Paul Koehl Date: 9/26/16
Name: Paul Koehl
Title: Chief Manager

Change Order No. 2 & Final Adjustment of Quantities			Koehl Excavating LLC			
Summary of Changes			32754 470th Ave.			
2016 Street Improvements			Hancock MN 56244			
City of Watertown, South Dakota			Phone: 320-392-3339			
20-Sep-16			Fax: 320-392-3339			
Bid Schedule, 2016 Street Improvements						
Item No.	Item Description	Plan Quantity	As-built Quantity	Quantity Difference	Unit Price	Total Difference
1	Unclassified Excavation	3098 C.Y.	3098 C.Y.	0 C.Y.	\$ 6.77	\$ -
2	15" RCP Class IV, F&I	80 L.F.	80 L.F.	0 L.F.	\$ 36.47	\$ -
3	24" RCP Class III, F&I	1060 L.F.	1058 L.F.	-2 L.F.	\$ 39.71	\$ (79.42)
4	24" RCP Flared End Section, F&I	1 Each	1 Each	0 Each	\$ 420.00	\$ -
5	3'x5' Type S Reinforced Concrete Drop Inlet W/Frame & Lid	4 Each	4 Each	0 Each	\$ 3,230.20	\$ -
6	2'x3' Type B Reinforced Concrete Drop Inlet W/Std. Frame, Grate & Curb Box	2 Each	2 Each	0 Each	\$ 2,396.60	\$ -
7	Base Course	4059 Ton	4410.00 Ton	351.00 Ton	\$ 13.00	\$ 4,563.00
8	F&I Wtn. Modified Type B66 Curb & Gutter OR Wtn. Modified Type P6 Gutter as appropriate	2880 L.F.	2884.9 L.F.	4.9 L.F.	\$ 13.40	\$ 65.66
9	6" Concrete Approach Pavement	241.1 S.Y.	408.9 S.Y.	167.8 S.Y.	\$ 52.00	\$ 8,725.60
10	Adjust Sewer Manhole Casting	4 Each	4 Each	0 Each	\$ 110.00	\$ -
11	Asphalt Concrete Composite	1270 Ton	1387.91 Ton	117.91 Ton	\$ 90.48	\$ 10,668.50
12	Inlet Protection	8 Each	8 Each	0 Each	\$ 100.00	\$ -
13	Placing Contractor Furnished Topsoil	144 C.Y.	0 C.Y.	-144 C.Y.	\$ 50.00	\$ (7,200.00)
14	Fertilizing, Seeding & Hydro-Mulching	1288 S.Y.	3292 S.Y.	2004 S.Y.	\$ 1.40	\$ 2,805.60
CCO1	Exploratory Digging, Mobilization & Delay	1 L.S.	1 L.S.	0 L.S.	\$ 2,712.50	\$ -
CCO2	Install Riprap Around Flared End Section	0 L.S.	1 L.S.	1 L.S.	\$ 575.00	\$ 575.00
CCO2	Salvage, Stockpile & Reinstall Salvaged Topsoil	0 C.Y.	144 C.Y.	144 C.Y.	\$ 35.00	\$ 5,040.00
Total						\$ 25,163.94

Request for City Council Action

TO: Mayor and City Council
FROM: Shane Waterman, P.E., City Engineer
MEETING DATE: October 3, 2016
SUBJECT: **Consideration of Change Order No.3 FINAL 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 award 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.

Construction began in July, 2016. Substantial Completion was achieved as of September 13, 2016 and a Notice of Substantial Completion was sent to the Crestone Builders.

City Staff has prepared Change Order No. 3 to identify the bid items with final quantities differing from the planned quantities on the original bid form and to request authorization to adjust the final contract amount to match the "As-Built" quantities and associated costs.

Change Order No. 3 includes a total adjustment of work in the amount of \$6,705.94 and increases the total project cost to \$260,721.94. A review of the Capital Outlay Budget for 2016 indicates the total project amount of \$260,721.94 is well within the budget of \$285,000 established for the project.

Recommendation: Engineering Staff recommends approve Change Order No.3 FINAL in the amount of \$6,705.94 and increasing the contract for Project #1607 to Crestone Builders to the amount of \$260,721.94.

Council Action Requested: Motion to Approve.

CONSTRUCTION CHANGE ORDER NO. 3 / FINAL ADJUSTMENT OF QUANTITIES

Date: September 27, 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: Contract quantities have been adjusted to reflect actual installed quantities.

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

Contract Price Prior to This Change Order	\$ 254,016.00
Net INCREASE in Price Resulting from this Change Order	\$ 6,705.94
Current Contract Price Including This Change Order	\$ 260,721.94
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, PE

Date: _____

ACCEPTANCE OF CHANGE ORDER

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

By: _____

Date: 9/28/16

Name: Joseph Turbak

Title: Project Manager

Application for Payment #4 (Final) UPTOWN ALLEY RECONSTRUCTION PROJECT No.1607 City of Watertown, South Dakota Tuesday, September 27, 2016	Contractor: Crestone Builders 1425 9th Ave SW Watertown SD 57201 Ph: 605-878-3555 Fax: 605-878-3556
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ALLEY RECONSTRUCTION

ITEM No.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	UNIT TOTAL	INSTALLED TO DATE	TOTAL COST	
1	Mobilization	Lump Sum	\$ 19,040.85	\$ 19,040.85	Lump Sum	\$19,040.85	
2	Saw Cutting	12 L.F.	\$ 5.10	\$ 61.20	12	\$61.20	
3	Remove Concrete/Asphalt Pavement	1254.0 S.Y.	\$ 3.70	\$ 4,639.80	1254.0	\$4,639.80	
4	Remove Underground Structures	0 C.Y.	\$ 11.22	\$ -	0	\$0.00	
5	Eliminate Basement Extension	Lump Sum	\$ 1,683.68	\$ 1,683.68	Lump Sum	\$1,683.68	
6	Blocking of Basement Wall Openings	51 S.F.	\$ 48.42	\$ 2,469.42	51	\$2,469.42	
7	Pea Gravel	97.18 Ton	\$ 14.59	\$ 1,417.86	97.18	\$1,417.86	
8	Base Course	375.13 Ton	\$ 16.84	\$ 6,317.19	375.13	\$6,317.19	
9	6" Non-reinforced PCC Pavement	1131.0 S.Y.	\$ 49.41	\$ 55,882.71	1131.0	\$55,882.71	
10	6" Concrete Sidewalk	1122 S.F.	\$ 5.64	\$ 6,328.08	1122	\$6,328.08	
11	Inlet Protection	3 Each	\$ 280.61	\$ 841.83	3	\$841.83	
CCO1.2	Concrete Brick Support	Lump Sum	\$ 940.00	\$ 940.00	Lump Sum	\$940.00	
CCO2.1	Concrete Patching	Lump Sum	\$ 250.00	\$ 250.00	Lump Sum	\$250.00	
CONTRACT AMOUNT					\$ 99,872.62	TOTAL TO DATE	\$99,872.62

ADD ALTERNATE #1 - MAIN PARKING LOT RECONSTRUCTION

ITEM No.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	UNIT TOTAL	INSTALLED TO DATE	TOTAL COST	
1	Saw Cutting	0 L.F.	\$ 5.10	\$ -	0	\$0.00	
2	Remove Concrete/Asphalt Pavement	2833.8 S.Y.	\$ 3.70	\$ 10,485.06	2833.8	\$10,485.06	
3	Remove Tree Stumps	2 Each	\$ 112.25	\$ 224.50	2	\$224.50	
4	Base Course	275.76 Ton	\$ 19.08	\$ 5,261.50	275.76	\$5,261.50	
5	Watertown Modified SDDOT B66 Concrete Curb & Gutter or P6 Gutter as appropriate	302 L.F.	\$ 22.45	\$ 6,779.90	302	\$6,779.90	
6	6" PCC Fillet Section	18.0 S.Y.	\$ 73.47	\$ 1,322.46	18.0	\$1,322.46	
7	4" Concrete Sidewalk	1437 S.F.	\$ 5.36	\$ 7,702.32	1437	\$7,702.32	
8	Asphalt Concrete Composite	510.38 Ton	\$ 91.03	\$ 46,459.89	510.38	\$46,459.89	
9	Inlet Protection	1 Each	\$ 280.61	\$ 280.61	1	\$280.61	
CCO1.1	Bollards	23 Each	\$ 200.00	\$ 4,600.00	23	\$4,600.00	
CCO2.2	Fill Areas of Settlement	Lump Sum	\$ 655.82	\$ 655.82	Lump Sum	\$655.82	
CONTRACT AMOUNT					\$ 83,772.06	TOTAL TO DATE	\$83,772.06

ADD ALTERNATE #2 - EAST PARKING LOT RECONSTRUCTION

ITEM No.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	UNIT TOTAL	INSTALLED TO DATE	TOTAL COST	
1	Remove Concrete/Asphalt Pavement	617 S.Y.	\$ 3.70	\$ 2,284.01	617.3	\$2,284.01	
2	Base Course	218.74 Ton	\$ 16.84	\$ 3,683.58	218.74	\$3,683.58	
3	6" Monolithic Sidewalk & Curb	171 S.F.	\$ 6.12	\$ 1,046.52	171	\$1,046.52	
4	6" Concrete Sidewalk	396 S.F.	\$ 5.64	\$ 2,233.44	396	\$2,233.44	
5	6" Non-reinforced PCC Pavement	554.2 S.Y.	\$ 51.54	\$ 28,563.47	554.2	\$28,563.47	
CONTRACT AMOUNT					\$ 37,811.02	TOTAL TO DATE	\$37,811.02

ADD ALTERNATE #3 - SOUTH PARKING LOT RECONSTRUCTION

ITEM No.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	UNIT TOTAL	INSTALLED TO DATE	TOTAL COST	
1	Saw Cutting	320.5 L.F.	\$ 5.10	\$ 1,634.55	320.5	\$1,634.55	
2	Remove Concrete/Asphalt Pavement	417.9 S.Y.	\$ 3.70	\$ 1,546.23	417.9	\$1,546.23	
3	Base Course	62.38 Ton	\$ 20.20	\$ 1,260.08	62.38	\$1,260.08	
4	Asphalt Concrete Composite	126.58 Ton	\$ 92.95	\$ 11,765.61	126.58	\$11,765.61	
CCO2.3	Replace Curb & Gutter	7.1 L.F.	\$ 22.45	\$ 159.40	7.1	\$159.40	
CONTRACT AMOUNT					\$ 16,365.87	TOTAL TO DATE	\$16,365.87

ADD ALTERNATE #4 - SOUTH BLOCK PARKING LOT RECONSTRUCTION

ITEM No.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	UNIT TOTAL	INSTALLED TO DATE	TOTAL COST	
1	Remove Concrete/Asphalt Pavement	893.0 S.Y.	\$ 3.70	\$ 3,304.10	893.0	\$3,304.10	
2	Remove Abandoned Parking Meter Posts	Lump Sum	\$ 336.74	\$ 336.74	Lump Sum	\$336.74	
3	Base Course	134.97 Ton	\$ 16.84	\$ 2,272.89	134.97	\$2,272.89	
4	6" Monolithic Sidewalk & Curb	455 S.F.	\$ 6.12	\$ 2,784.60	455	\$2,784.60	
5	Asphalt Concrete Composite	148.69 Ton	\$ 91.74	\$ 13,640.82	148.69	\$13,640.82	
6	Inlet Protection	2 Each	\$ 280.61	\$ 561.22	2	\$561.22	
CONTRACT AMOUNT					\$ 22,900.37	TOTAL TO DATE	\$22,900.37

TOTAL CONTRACT AMOUNT

\$ 260,721.94

TOTAL TO DATE

\$260,721.94