

**WATERTOWN CITY COUNCIL
WORK SESSION AGENDA
CITY HALL
23 SECOND STREET NORTHEAST
WATERTOWN, SOUTH DAKOTA**

Monday, February 6, 2017

5:30 PM

1. Call to Order
2. Presentation from Habitat for Humanity on 2016 Activities
3. Update on the Children's Safety House project – Fire Department
4. Discussion on proposed Ordinance No. 17-05 amending Section 7.1604 to reflect new officer election month for the Upper Big Sioux Watershed Board
5. Discussion on proposed Ordinance No. 17-06 repealing Section 19.1405 (unlawful to carry firearm on off-road vehicle) and Section 19.1405A (unlawful to carry firearm on golf cart) as a firearms regulation prohibited by statute
6. Discussion on proposed Ordinance No. 17-07 amending Section 19.0417 (two hour downtown parking areas) to comply with Ordinance No. 14-29
7. Discussion on future use of the Auditorium and adjoining parking lot
8. Future agenda items
9. Adjournment

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.

Children's Safety House

What is it?

- A small home on wheels with a minimum of 1 bedroom and 1 control room.
- It goes to schools and other community events where kids are present.
- Teaches kids what to do if a smoke detector goes off or fire occurs in their home.
- We put kids in a bedroom and as if they were sleeping we will fill the house with smoke.
- When the smoke detectors go off they wake up and have to decide the best way to get out safely.
- Everyone meets at a location that is determined in the home escape plan.

Current safety house:

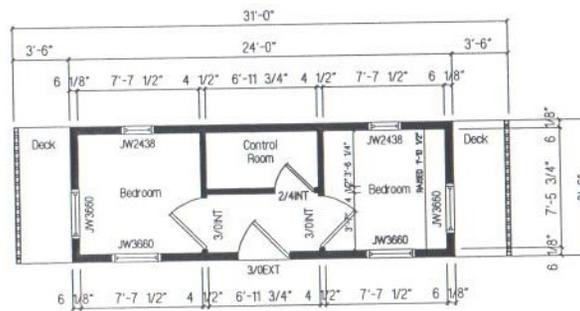
- A two story home built in 1992 with mostly donated funds.
- Height – 14'6"
- Has been a great asset and served us well.

New Safety House:

- One Story Two Bedrooms and a control room.
- Height 12'8".
- Handicap assessable.

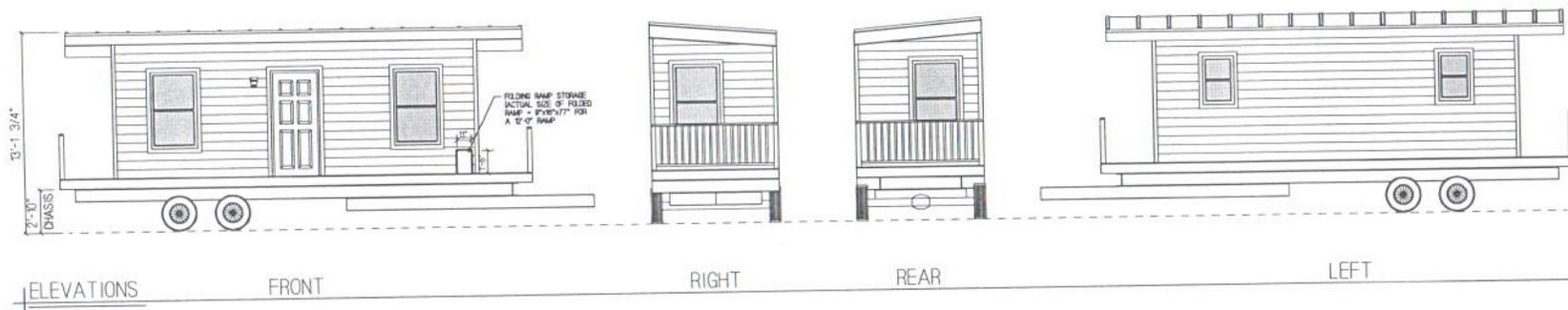
Funding for a new Safety House

- Estimated cost is between \$32,000 and \$35,000
- Fundraising started in 2016 for the Safety House currently at \$9,500 in donations.
- Moving forward.
 1. Look for grants.
 2. Look for organizations that would consider donating time or materials.
 3. Finalize the plan and amount needed.
 4. Continue fund raising



FLOORPLAN

ROUGH OPENING SCHEDULE						
NAME	TYPE	QTY	WIDTH	HEIGHT	HEADER HEIGHT	DESCRIPTION
3/0EXT	EXTERIOR DOOR	1	2'-2 1/2"	6'-8 1/4"	6'-8 1/4"	3'-0" EXTERIOR DOOR
2/4INT	INTERIOR DOOR	1	2'-6"	6'-8 1/2"	6'-8 1/2"	2'-0" INTERIOR SWINGING DOOR
3/0INT	INTERIOR DOOR	2	2'-2"	6'-8 1/2"	6'-8 1/2"	2'-0" INTERIOR SWINGING DOOR
2/0000	WINDOW	2	2'-0"	3'-2 1/2"	6'-8 1/4"	2'-0" WIND DOUBLE HUNG
2/0000	WINDOW	4	3'-0"	3'-0"	6'-8 1/4"	2'-0" WIND SINGLE HUNG



ELEVATIONS

FRONT

RIGHT

REAR

LEFT



REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and City Council

FROM: Justin Goetz, City Attorney

SESSION: Monday, February 6, 2017

RE: Proposed Ordinance 17-05, Amending § 7.1604 (Officers and Duties) to Reflect Changed Month for Officer Elections for Upper Big Sioux Watershed Board

This request for revision comes from Roger Foote, Project Coordinator for the Upper Big Sioux River Watershed Project (“Project”). This straightforward revision is meant to reflect a change in internal procedure—that just so happens to be codified in our Revised Ordinances—which was duly approved at the January meeting of the Project.

ORDINANCE NO. 17-05

AN ORDINANCE AMENDING SECTION 7.1604 OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN TO REFLECT NEW OFFICER ELECTION MONTH FOR UPPER BIG SIOUX WATERSHED BOARD

BE IT ORDAINED by the City of Watertown, South Dakota, that Section 7.1604 of the Revised Ordinances of the City of Watertown be amended as follows:

7.1604: OFFICERS AND DUTIES

1. A Chairman, Vice-Chairman and Secretary shall be elected for the Board.
2. Officers shall be elected from among the Board members at the ~~January~~-April meeting of the Board each year. Each officer shall serve a term of one (1) year and may be re-elected in subsequent years. In the event that a member entity's representative is elected to serve in an office, said entity shall be permitted to nominate a replacement to serve on the Board and cast votes on its behalf. In the event said entity does not nominate a replacement, the officer may serve as the representative to the Board and cast its votes. The Chairman shall vote only in cases of a tie. In the event the Vice-Chairman acts as Chairman, the Vice-Chairman must bring a representative to vote in his place.
3. Vacancies in office shall be filled at the next regular Board meeting after the vacancy occurs. If an officer is unable to fulfill his/her term, the Board shall vote upon another Board member to finish the term.
4. The Chairman shall preside at all meetings, certify all actions approved by the Board, authorize calls for any special meetings, and generally perform the duties of a presiding officer.
5. In the absence of the Chairman, the Vice-Chairman shall perform all duties authorized for the Chairman.
6. The Chairman and Secretary shall sign meeting minutes when approved by the Board and sign vouchers.

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 17-05 was published in the Watertown Public Opinion, the official newspaper of said City, on this ____ day of _____, 2017.

Rochelle M. Ebbers, CPA

First Reading:
Second Reading:
Published:
Effective:

City of Watertown

Attest:

Rochelle M. Ebbers, CPA
Finance Officer

Steve Thorson
Mayor

REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and City Council

FROM: Justin Goetz, City Attorney

SESSION: February 6, 2017

RE: Proposed Ordinance 17-06, Repealing §§ 19.1408 (Unlawful to Carry Firearm on Off-Road Vehicle) and 19.1408A (Unlawful to Carry Firearm on Golf Cart) as a Firearms Regulation Prohibited by SDCL 9-19-20

This revision relates to two ordinances that are substantively similar in both content and impact.

The City of Watertown has regulated the use of all-terrain or off-road vehicles within City jurisdiction since March 1979. In July 2006, the City Council substantially overhauled much of the chapter regulating off-road vehicles, including the revision of § 19.1408 to prohibit firearm possession while on an off-road vehicle.

In June 2010, the City Council adopted Ordinance 10-14, which created Chapter 19.14A of the Revised Ordinances of the City of Watertown. That chapter uniquely regulated golf carts and their use within City jurisdiction. The Chapter as a whole was adopted for the purpose of implementing the state authority bestowed on municipalities to regulate golf carts per SDCL 32-14-14, which itself was implemented in 2010. In drafting this golf cart ordinance, the City borrowed liberally from its chapter regulating off-road vehicles, Chapter 19.14. Indeed, as you can see in the draft of Ordinance 17-06, the prohibitions on firearm possession are very similar between both chapters.

Both sections come into direct conflict with SDCL 9-19-20, which was adopted in 1983 (1983 S.D. Sess. Law ch. 38, § 1), and reads as follows:

No municipality may pass any ordinance that restricts possession, transportation, sale, transfer, ownership, manufacture, or repair of firearms or ammunition or their components. Any ordinances prohibited by this section are null and void.

First, regardless of their merits, Sections 19.1408 and 19.1408A are null and void ordinances and, therefore, should be repealed. Both clearly regulate the possession of firearms, and both were adopted well after the 1983 ban on new local firearms possession laws became effective. Second, the state statutes that otherwise regulate off-road vehicles and golf carts appear to either preclude or make redundant these local ordinances. The statute authorizing municipalities to regulate golf carts only authorize adoption of “traffic regulations” including insurance, licensing, and visibility requirements. *See* SDCL 32-14-14. It does not appear that firearms possession would be included in the class of traffic regulations enumerated in that statute. As for off-road vehicles, state statute already enshrines the same firearm prohibition found in § 19.1408:

SDCL 32-20-6.6. Carrying firearm on motorcycle or off-road vehicle--
Exception for holder of concealed pistol permit or disabled hunter permit--
Enforcement--Violation as misdemeanor. No person, other than a law
enforcement officer or conservation officer, or any person on the person's
own land or land leased by the person, may operate or ride on any
motorcycle or off-road vehicle with any firearm in the person's possession
unless the firearm is completely unloaded and within a carrying case
which encloses the entire firearm. However, this section does not apply to
any person who is carrying a pistol and possesses a permit to carry a
concealed pistol issued pursuant to chapter 23-7. This section does not
apply to any person who holds a permit issued pursuant to § 41-8-37 while
engaged in hunting from an off-road vehicle in accordance with the
provisions of the permit. This section shall be enforced by all law
enforcement officers including conservation officers. A violation of this
section is a Class 2 misdemeanor.

For the aforementioned reasons, I recommend the City Council adopt Ordinance 17-06.

ORDINANCE NO. 17-06

AN ORDINANCE REPEALING SECTIONS 19.1408 AND 19.1408A OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN FOR BEING STATUTORILY PROHIBITED FIREARMS REGULATIONS

BE IT ORDAINED by the City of Watertown, South Dakota, that Sections 19.1408 and 19.1408A of the Revised Ordinances of the City of Watertown be amended as follows:

19.1408: ~~UNLAWFUL TO CARRY FIREARM ON OFF ROAD VEHICLE~~ REPEALED

~~No person, other than a law enforcement officer, or any person on the person's own land or land leased by the person, may operate or ride on any off road vehicle with any firearm in the person's possession unless the firearm is completely unloaded and within a carrying case which encloses the entire firearm. However, this section does not apply to any person who is carrying a pistol and possesses a permit to carry a concealed pistol issued pursuant to state law. This section does not apply to any person who holds a permit issued pursuant to SDCL §41-8-37 while engaged in hunting from an off road vehicle in accordance with the provisions of the permit.~~

....

19.1408A: ~~UNLAWFUL TO CARRY FIREARM ON GOLF CART~~ REPEALED

~~No person, other than a law enforcement officer, or any person on the person's own land or land leased by the person, may operate or ride on a golf cart with any firearm in the person's possession unless the firearm is completely unloaded and within a carrying case which encloses the entire firearm. However, this section does not apply to any person who is carrying a pistol and possesses a permit to carry a concealed pistol issued pursuant to state law.~~

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 17-06 was published in the Watertown Public Opinion, the official newspaper of said City, on this ____ day of _____, 2017.

Rochelle M. Ebbers, CPA

First Reading:
Second Reading:
Published:
Effective:

City of Watertown

Attest:

Rochelle M. Ebbers, CPA

Steve Thorson
Mayor

Finance Officer

REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and City Council

FROM: Justin Goetz, City Attorney

SESSION: February 6, 2017

RE: Proposed Ordinance 17-07, Amending Section 19.0417 (Two-Hour Downtown Parking Areas) to Comport with the First Reading Draft of Ordinance 14-29, Adopted 9/15/2014

This revision was brought at the request of Councilman Tupper.

As many of you recall, in 2014, the City Council and Urban Renewal Board took a look at the Revised Ordinances regarding Uptown parking. Parking in the Uptown area has been treated specially for decades in Watertown. Indeed, Section 19.0417, in its current form, was adopted in 1979.

On September 2, 2014, Ordinance 14-29 was presented to the City Council and given a first reading. At that first reading, Ordinance 14-29 was comprised of two parts:

- 1) A repeal of then Section 19.0404(1) (a 2:00am to 5:00am parking restriction on streets in the Uptown area); and
- 2) An amending of Section 19.0417, in the same manner as proposed in Ordinance 17-07.

The minutes of the September 2, 2014 City Council meeting indicate that no action was taken. In reviewing the video footage of the proceeding, City Attorney Stanton Fox explained that the repeal of Section 19.0404(1) was a recent addition to Ordinance 14-29. That appeared to be the extent of commentary on the ordinance.

Then on September 11, 2014, Ordinance 14-29 was presented to the Urban Renewal Board. There, the minutes indicate that comment on the ordinance was taken from the public and from the Board itself. The minutes then read as follows:

The concession of the Board and the public was to remove the 2 hour parking signs replacing them with customer parking only signs for the on-

street parking throughout the entire Urban Renewal District. Concerns of how this new language would be enforced was discussed, and the board would like additional discussion at the next meeting with the Police Department and the public before passing that portion of the ordinance. Motion by Lalim, seconded by Albertsen, to recommend the City Council only approve the portion of Ordinance No. 14-29 removing the 2 AM to 5 PM parking restriction from the Ordinance. Motion carried.

At the next City Council meeting, held September 15, 2014, a version of Ordinance 14-29 was put before the Council without an amendment to Section 19.0417, but retaining the repeal of Section 19.0404(1) (the 2:00am to 5:00am parking restriction). Based on video of the meeting, City Attorney Fox mentioned that the amendment to Section 19.0417 was removed at the recommendation of the Urban Renewal Board. Alderman Roby commented that the “two-hour limit is not enforced.” Alderman Tupper noted that the reason why Section 19.0417 was “tabled” was “because of a miscommunication . . . that needed to be cleared up” and that, once addressed, that portion would “come back to [the Council].” Alderman Danforth asked if Section 19.0417 would be looked at and addressed in the future. Alderman Danforth followed up by asking if the Council could bring both provisions together again to act upon them.

The minutes indicate that Doug Herr spoke against the ordinance change because of the potential for a “parking free-for-all” that impacted retail businesses in Uptown. Mr. Herr further clarified that his concern came from “apartment dwellers having carte blanche to park on the street.” Mr. Herr advocated dealing with both the overnight and two hour parking issues at once, because only dealing with the former might exacerbate the latter, according to him.

The minutes indicate that Nancy Turbak spoke in favor of the ordinance change as a means to revitalize Uptown. Ms. Turbak advocated for taking the ordinance in pieces. She also described how Uptown revitalization now takes on the form of more food and beverage shops, more cultural venues, and more residential demand. Ms. Turbak suggested the City Council needed to balance the needs of retail with the interests of restaurants and residences given these trends. Ms. Turbak also offered that the two-hour parking concern needed additional discussion.

Ordinance 14-29 was thereafter approved with Alderman Danforth opposing.

After that September 15 meeting, I could find no additional record of official action taken by the City or its instrumentalities regarding amendments to Section 19.0417 or the issue of the two-hour parking restriction in Uptown Watertown.

ORDINANCE NO. 17-07

AN ORDINANCE AMENDING SECTION 19.0417 REGULATING PARKING IN THE UPTOWN BUSINESS DISTRICT WITHIN AND FOR THE CITY OF WATERTOWN

BE IT ORDAINED by the City of Watertown that Section 19.0417 of the Revised Ordinances of the City of Watertown be amended as follows:

19.0417: ~~TWO-HOUR~~ DOWNTOWN PARKING AREAS

It shall be unlawful for any person in control of a motor vehicle to park ~~for more than two (2) hours~~ in ~~parking spaces~~ ~~areas~~ designated "Customer Parking" unless such person is actually engaged in business activity within the Uptown Business District. ~~as per map shown at the end of this section hereto between the hours of eight o'clock (8:00) a.m. and five thirty (5:30) p.m.~~ Tickets for the violation of the ordinance shall be the responsibility of the registered owner of the vehicles. (E-390-1)

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 17-07 was published in the Watertown Public Opinion, the official newspaper of said City, on this ____ day of _____, 2017.

Rochelle M. Ebbers, CPA

First Reading:
Second Reading:
Published:
Effective:

City of Watertown

Attest:

Rochelle M. Ebbers, CPA

Steve Thorson
Mayor