

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

**Monday, March 20, 2017**

**5:30 PM**

1. Call to Order
2. New Exciting Things Happening in Watertown Presentation – Mayor Thorson
3. Discussion on Proposed Ordinance No. 17-07 repealing Section 19.0417 (Two-Hour Downtown Parking Areas)
4. Discussion on Proposed Ordinance No. 17-14 amending Section 1.0501 of the Revised Ordinances of the City of Watertown to depict the correct statutory authority for the Airport Board
5. Discussion on Proposed Ordinance No. 17-15 amending Section 19.0704 of the Revised Ordinances of the City of Watertown to clarify provisions related to bicycles on sidewalks
6. Future agenda items
7. Adjournment

Rochelle M. Ebbers, CPA  
Finance Officer

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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.

**UPDATED REQUEST FOR CITY COUNCIL ACTION**

**TO:** Mayor and City Council  
**FROM:** Justin Goetz, City Attorney  
**SESSION:** March 20, 2017  
**RE:** Proposed Ordinance 17-07, **Repealing** Section 19.0417 (Two-Hour Downtown Parking Areas)

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The Urban Renewal Board met on Thursday, March 9, 2017, and discussed this proposed ordinance at the request of the Mayor and City Council. Present were members Nancy Turbak Berry, Councilwoman Beth Mantey, Councilman Randy Tupper, and Councilman Dan Albertsen. The Board unanimously approved the recommendation to the City Council that Section 19.0417 be struck entirely, based on the following summarized points:

- Creating a parking violation based on “customer” distinctions was problematic. Who would constitute a “customer?” How would this provision be enforced? The City may need to hire personnel to enforce this provision.
- The cost of the “Customer Only” signs would be approximately \$2,500.
- These concerns about parking should be dealt with as between neighbors. Injecting the City into these disputes may only escalate tensions.
- The concerns regarding enforceability of “Customer Only” parking also apply to “Two-Hour Parking” restrictions.
- The City has already taken all of the steps to remove any indication that a “Two-Hour Parking” restriction exists, except to remove it from the Revised Ordinances.

## 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

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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 REPEALING 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: ~~REPEALED 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:

Attest:

City of Watertown

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

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

## REQUEST FOR CITY COUNCIL ACTION

**TO:** Mayor and City Council

**FROM:** Justin Goetz, City Attorney

**SESSION:** March 20, 2017

**RE:** Proposed Ordinance 17-14, Amending § 1.0501 (Establishment – Watertown Regional Airport Board) to Update the Statutory Authority for the Airport Board

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This issue was brought to the City’s attention by the helpful input of Mitchell’s City Attorney, Justin Johnson.

The Watertown Regional Airport Board (“Airport Board”) has existed in some form since July 1947. Yet Chapter 1.05—codifying our Airport Board’s authority, procedures, and powers—did not exist until February 2012, with the passage of Ordinance 12-03. At that time, the authority to establish municipal airport boards was found in two statutes in state law: SDCL §§ 50-6-1 and 50-7-13. The City chose SDCL 50-6-1 as its statutory authority for the Airport Board, placing the reference in Section 1.0501.

In 2014, the Legislature passed and the Governor signed legislation that modernized portions of Title 50 dealing with airports, including the deletion of redundant provisions. The Legislature chose to make SDCL 50-6-1 the redundant statute.

This proposed ordinance is purely a housekeeping measure for our Revised Ordinances. It replaces the repealed statutory authority for municipal airport boards with the statutory authority that remains, SDCL 50-7-13. All of the powers that were lawfully granted the Airport Board when it was authorized per Chapter 50-6 remain lawful under Chapter 50-7.

**ORDINANCE NO. 17-14**

**AN ORDINANCE AMENDING SECTION 1.0501 OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN TO DEPICT THE CORRECT STATUTORY AUTHORITY FOR THE AIRPORT BOARD**

**BE IT ORDAINED** by the City of Watertown, South Dakota, that Section 1.0501 of the Revised Ordinances of the City of Watertown be amended as follows:

**1.0501: ESTABLISHMENT**

There is hereby established the Watertown Regional Airport Board as authorized by SDCL ~~§50-6-1~~50-7-13.

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 17-14 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:** March 20, 2017

**RE:** Proposed Ordinance 17-15, Amending Section 19.0704 (Not Interfere with Pedestrians; No Riding Certain Areas) to Clarify Regulations of Bicycles on Sidewalks

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The basis for this revision was the input of a concerned citizen, who recently was involved in litigation (now settled) in which the ambiguity of Section 19.0704 became an issue in the case. The issue was whether bicycles were prohibited from being ridden on the sidewalks of the downtown area.

Here are points providing background and basis for this ordinance revision:

- Bicycle prohibitions on sidewalks had existed in Watertown since 1893. *See* Journal of City Council, City of Watertown, Book B at p. 403.
- The framework for Chapter 19.07 regarding bicycles was established in 1942, with passage of Ordinance C-202.
- Section 4 of Ordinance C-202 established a prohibition on bicycling on the sidewalk in the downtown area.
- In 1998, the City Council adopted Ordinance 98-7, which created an exception to Section 19.0704 for law enforcement bikes as the WPD had a bike patrol at that time.
- In 2002, with the passage of Ordinance 04-05, the City Council repealed the prohibition on riding bicycles downtown thusly:

No person shall ride or propel any bicycle or skateboard upon any public street, highway, alley or boulevard in this City in such a manner as to interfere with any pedestrian thereon, ~~and no person~~ except law enforcement officers in the performance of their duties ~~shall ride or propel any bicycle upon the sidewalk of Kemp Avenue between the east side of First Street West and the east side of Second Street East inclusive, nor upon the sidewalks on Broadway and Maple Street between the south side of First Avenue North and the north side of First Avenue South inclusive.~~

- However, in excising only the phrase prohibiting bicycles on downtown sidewalks, the City Council created ambiguous language, and did not remove reference to prohibited areas for riding bicycles in the section's title, despite removing that prohibition from the body of the ordinance (code titles are generally not substantive in law).

This proposed ordinance is meant to clarify the language of Section 19.0704 to reflect the intention of the City Council in passing Ordinance 04-05 to repeal the prohibition of bicycles ridden on downtown sidewalks.

**ORDINANCE NO. 17-15**

**AN ORDINANCE AMENDING SECTION 19.0704 OF THE REVISED ORDINANCES OF THE CITY OF WATERTOWN TO CLARIFY PROVISIONS RELATING TO BICYCLES ON SIDEWALKS**

**BE IT ORDAINED** by the City of Watertown that Section 19.0704 of the Revised Ordinances of the City of Watertown be amended as follows:

**19.0704: NOT INTERFERE WITH PEDESTRIANS; ~~NO RIDING CERTAIN AREAS~~**

No person, except law enforcement officers in the performance of their duties, shall ride or propel any bicycle or skateboard upon any public street, highway, alley or boulevard in this City in such a manner as to interfere with any pedestrian thereon, ~~and no person except law enforcement officers in the performance of their duties.~~ (Ord 04-05; Rev 06-16-04)

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 17-15 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

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Steve Thorson  
Mayor