

**CITY OF PLATTE
CITY COUNCIL PROCEEDINGS
REGULAR MEETING
April 7, 2008**

Mayor Gustad called the meeting to order at Platte City Hall at 7:30 p.m. Those present for Roll Call were: Arnold Dalldorf, Rick Gustad, Gary Iedema, Jerry Overweg, and Todd Spoelstra. Joel Foxley and Rick Hoppe were absent. Others present were: Karen Burket, Steve Christensen, Ralph Nachtigal, Karen Stekly, Richard Strouse, Laura Vanden Berge, and Nicole Westerhuis.

AGENDA. No changes were made to the agenda.

MINUTES. Westerhuis read aloud the March 17 regular meeting minutes. Overweg moved and Spoelstra seconded to approve the minutes as read. Motion passed on voice vote.

REPORTS.

Councilmember Overweg. Received a complaint about people still posting signs in front of the Platte sign on the boulevard.

Councilmember Spoelstra. Received a complaint about nothing being done with the Keegel property. After some discussion, Westerhuis was instructed to send a certified letter to the Keegels asking them to clean up their property, and explaining the Spruce Up program offered by the city.

Mayor & Remaining Councilmembers. No report.

Community Center. Iedema gave the community center report.

Platte Area Chamber of Commerce. Laura Vanden Berge gave the monthly Chamber report.

Finance Officer. Westerhuis reported the following. 1) Currently 31% of customers use the ACH service offered by the city to pay their water/sewer bill. 2) The SD Department of Health has changed the formula for mosquito control grants. The city is eligible to receive \$1,447 if an application is filled out and sent in. All agreed the grant application should be sent in. 3) The SDML District 4 meeting will be at the community center April 23rd. 4) The city has been recognized as a Tree City USA city for 2007. 5) Nominating petitions for the following positions can begin circulating April 8, and must be filed by 5 p.m., May 9: Mayor – 1 year term, Ward I – 2 year term, Ward II – 1 year term and 2 year term, Ward III – 2 year term.

PDC - TREES ON MAIN STREET. Executive Director of the Platte Development Corporation, Karen Burket, was present for further discussion of placing trees on Main Street. Pictures of Main Street with trees superimposed, courtesy of Brian Clark + Associates. Karen explained that the type of tree planted would most likely be a spring snow crabapple. This type was recommended because it has not fruit or sap, the branches are not densely vegetated, and it grows a maximum of 25' tall. Other cities that have used this type of tree in sidewalks have not had issues with the roots buckling the sidewalks nor neighboring business basements, and salt used for ice on sidewalks does not seem to adversely affect them. Dalldorf asked who will water and care for the trees after planting. Karen said she hoped that would be the city's contribution. Iedema stated he talked to 7 business owners, and only 1 was in favor. Gustad said he's had several tell him they really want a tree. Overweg asked if the \$15,000 grant received from Federal Home Loan Bank of Des Moines for being named Capital Community for South Dakota will cover the whole cost associated with the planting, and Karen said yes, it will. The city

council asked that the pictures with the trees superimposed on Main Street be distributed to the businesses on Main Street for feedback prior to the council making a decision. No official action taken.

PUBLIC HEARING – FT RANDALL FEDERAL CREDIT UNION VARIANCE REQUEST.

Mayor Gustad opened the public hearing for comment at 8:24 p.m. Westerhuis explained the credit union’s request to place an “Enter” sign near their north driveway off of Hwy 44. The application includes a request for a 13’ variance, which would place the sign 12’ from the front lot line. **Mayor Gustad closed the public hearing at 8:27 p.m. Spoelstra moved and Iedema seconded approving Ft Randall Federal Credit Union’s application for installing a 12”x24”x4’ Enter sign with a variance to place it 12’ from the front lot line. Motion passed on voice vote.**

Police Department. Christensen distributed the following report for the month of March.

AGE RELATED ISSUES

JUVENILE CONTACTS (<18)	Nos.	ADULT CONTACTS (Over 18)	Nos.
Verbal Warnings	10	Verbal Warnings	3
Written Warnings	4	Written Warnings	20
Written Citations	0	Written Citations	2
Charged By Warrant	0	Arrest by Warrant	0
Total Traffic Stops (Non-Alcohol)	14	Total Traffic Stops (Non-Alcohol)	25
Complaints Received	0	Complaints Received	0
Field Sobriety Tests Only	0	Field Sobriety Tests Only	0
DWI Arrests	0	DWI Arrests	1
Open Container Citations	0	Open Container Citations	0
Underage Consumption Cit.	0	Underage Consumption Cit.	0
Total Alcohol Related Contacts	0	Total Alcohol Related Contacts	1

NON-AGE DELINEATED CONTACTS

Property Related Issues	Nos.	Family Violence	Nos.
Vehicle Accidents (under \$250)	0	Complaints	0
Vehicle Accidents (over \$250)	2	Arrests	0
Burglary Complaints	0	Protective Custody	0
Burglary Arrests	0		
Robbery Complaints	0	Dog Issues	
Robbery Arrests	0	Complaints	0
Theft Reports	0	Dogs Captured	0
Vandalism Reports	0	Dogs Terminated	0
Auto Thefts	0	Owners Warned	0
Hit & Run Property	0	Owners Issued Tickets	0
Ambulance Asst.	1		
Other Complaints	5	Other Animals – Complaints	1
911 Calls	1	Terminated	0

GENERAL OPERATIONS STATISTICS

Miles Driven on Ford Crown Vic 99	145	Unlocked Doors Downtown	0
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Miles Driven on Ford Crown Vic 06	2113	Community Service Performed	27 hrs
Time Vehicle Out of Service	24 day	Training Sessions Attended	0
Hours Spent in Court	0 hrs	Business Alarms	0
Funeral Escorts	2	Motorist Assists	1

1) A vacuum salesman was asked to stop making door to door sales until obtaining a peddler's license.
 2) Would like the council to surplus the 1999 Crown Victoria, as the engine is out in it. Also should surplus a Tomar light bar and Motorola low band radio and attached siren to the fire department. Nordstrom's Auto will purchase the car for \$600. **Overweg moved and Iedema seconded declaring surplus the following items: 1999 Ford Crown Victoria to Nordstrom's, Tomar light bar and Motorola low band radio and attached siren to the fire department. Motion passed on voice vote.**

Public Works. No report.

PUBLIC FORUM. No requests.

BUILDING PERMITS. Dave & Brenda Bultsma submitted an application to move in a 10'x12' lawn shed on skids. The building was built and raffled off by the local National Guard members. **Dalldorf moved and Overweg seconded approving Bultsma's permit to move in a 10'x12' lawn shed on skids. Motion passed on voice vote.** Josh & Jenna Veurink submitted an application to fence in their backyard. **Iedema moved and Spoelstra seconded approving Veurink's permit to fence in their backyard. Motion passed on voice vote.**

FINANCE REPORT. Westerhuis gave the finance report for the period ending March 31, 2008.

BILLS. Westerhuis presented the bills. *(Attached as separate document).* **Spoelstra moved and Dalldorf seconded to approve the bills as presented. Motion passed on roll call vote 4 to 0.**

DEVELOPER'S AGREEMENT. Discussion was held on implementing a Developer's Agreement, which would make the process easier when someone wants to develop property within city limits. The document contains a section that can be made specific to each individual circumstance before entering into said agreement with a developer. **Overweg moved and Spoelstra seconded making it policy to use the Developer's Agreement when someone wants to develop property within city limits. Motion passed on voice vote.**

FIRST READING ORDINANCE NO. 314 – ORDINANCE REVISION. Westerhuis presented for first reading, Ordinance No. 314, entitled "An Ordinance in revision of the Ordinances of the City of Platte, South Dakota". The document contains all the ordinances of the city in book form. Karen Stekly read the following aloud, and asked that it be made a part of the minutes.

April 7, 2008

To The Platte City Council:

I am writing regarding revision of the City of Platte's ordinances. It is good that you have taken the initiative to review and update the ordinances of our city.

Platte is a nice place to live. I hope that we keep it that way. One thing that plagues many small towns are nuisances, ranging from property that is in poor condition to junk that is allowed to sit around. In looking at the ordinances as revised, I have a grave concern that limited planning has been put into place to deal with nuisances. Many cities have ordinances which regulate nuisances. Often they provide that if a nuisance exists, the property owner or tenant receives a notice and is given a time period to correct the nuisance. If the nuisance is not corrected, the city will correct the nuisance and assess the cost of correcting the nuisance on the property owner's tax bill. If for some reason the person involved disagrees with the nuisance allegation, that person is given the right to a hearing at which a decision is

made. If one decides to leave the proposed ordinance as is, the City has not given the person their right to a due process hearing which is granted to citizens under our laws. The Finance Officer has shared with me SDCL 21-10-6. She has explained to me that the City of Platte plans to follow this statute when dealing with nuisances. At first glance, one would think following our state's laws would be an adequate way to deal with nuisances. However, the problem is that in my review of the state law and the revised ordinance, it does not give adequate direction on things such as:

1. Does the person maintaining the nuisance receive a notice and how long to they have to abate the nuisance?

2. If the person maintaining the alleged nuisance disagrees with the nuisance allegation, do they have the right to a hearing in front of a board such as the city council?

3. It does not address buildings and and properties that have gone into disrepair.

4. It does not address the accumulation of lumber and junk.

5. It does not address abandoned, wrecked, dismantled, or inoperative vehicles.

The above list is not exhaustive. However, the biggest concern I have is that the proposed ordinance does not give direction as to notice provisions and the right to a hearing which the South Dakota Supreme Court addresses in *City of Rapid City v. Boland*, 271 N.W.2d 60 (SD 1978).

In looking around Platte, we have a community to be proud of. Unfortunately, there are a few nuisances which need correcting. As a City Council, you are aware of several nuisances in reading your minutes. However, as a citizen of the community, I have yet to see where those nuisances have been corrected. That leads me to the conclusion that the nuisance laws in this town are either not effective or it must take years to correct a nuisance. In that light, it would seem wise while updating the city ordinances to make the nuisance ordinances practical yet effective.

Thank you for your attention to my concerns.

Sincerely,

/s/

Karen Stekly

Westerhuis informed the council that veterinarian Darrel Kraayenbrink suggested rewording of a portion of a paragraph in the section of the ordinance regarding animals that have bitten someone. All agreed to the language suggested, with minor changes for clarification. These changes will be effective with first reading of the ordinance. **Spoelstra moved and Iedema seconded giving first reading to Ordinance No. 314, An Ordinance in revision of the Ordinances of the City of Platte, South Dakota. Motion passed on roll call vote 4 to 0.**

WATER MAIN REPLACEMENT PROJECT NOTICE TO PROCEED. A pre-construction meeting was held on March 27th for the Water Main Replacement Project. Schrank began work today. **Dalldorf moved and Overweg seconded approving the Notice To Proceed with the Water Main Replacement Project. Motion passed on voice vote.**

SHELTERBELT AT LAKE PLATTE. The community youth group would like to clean the dead trees from the north side of Lake Platte, and bring the wood to their mission project in Wamblee. **Spoelstra moved and Overweg seconded allowing the community youth group to remove the dead trees from around Lake Platte. Motion passed on voice vote.**

SET PUBLIC HEARING – NEW PACKAGE LIQUOR & TRANSFER OF RETAIL LIQUOR LICENSE. Marlon & Ghena Ferguson are applying for a transfer of The Barrister's Retail liquor license, and also applying for a new package liquor license. **Spoelstra moved and Dalldorf seconded setting Monday, April 21 at 8:00 p.m. at City Hall as the date, time and place for a public hearing for the application for a new package liquor license, and to transfer the retail liquor license. Motion passed on voice vote.**

CONSUMPTION PERMIT – AVERA QUEEN OF PEACE. **Spoelstra moved and Iedema seconded approving a consumption permit for Avera Queen of Peace for the Hagen fishing**

tournament banquet and Calcutta to be held May 9th at the Community Center. Motion passed on roll call vote 3 to 2, with Iedema and Spoelstra voting yes and Dalldorf and Overweg voting no, and Mayor Gustad breaking the tie with a vote of yes. The Community Center board will be asked to give a recommendation to the city council regarding requiring a liquor license or continuing to grant consumption permits.

CONSUMPTION PERMIT – DAVE NELSON. Spoelstra moved and Iedema seconded approving a consumption permit for Dave Nelson for his daughter’s wedding reception and dance to be held June 14th at the Community Center. Motion passed on roll call vote 3 to 2, with Iedema and Spoelstra voting yes and Dalldorf and Overweg voting no, and Mayor Gustad breaking the tie with a vote of yes.

COUNCIL COMMENTS. There being no further business before the City Council, **Dalldorf moved and Iedema seconded to adjourn the meeting at 9:28 p.m. Motion passed on voice vote.**

DATED: _____

By: _____

Rick Gustad
Mayor

By: _____

Nicole Westerhuis
City Finance Officer