

**(UNAPPROVED)**  
**CITY OF PLATTE**  
**CITY COUNCIL PROCEEDINGS**  
**REGULAR MEETING**  
**December 15, 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, Rich Hoppe, Gary Iedema, Jerry Overweg, and Todd Spoelstra.** Joel Foxley was absent. Others present were: Steve Christensen, Kevin Kuiper, Ralph Nachtigal, Karen Stekly, Nicole Westerhuis.

**AGENDA.** No changes were made to the agenda.

**MINUTES.** Westerhuis read aloud the December 1 regular meeting minutes. Overweg moved and Hoppe seconded to approve the minutes as read. Motion passed on voice vote.

**REPORTS.**

**Councilmember Overweg.** Was questioned about the snow removal route. Kuiper explained the procedure according to the snow removal policy.

Councilmember Iedema. Was questioned about snow removal on sidewalks along Hwy 44. Kuiper stated that the city will continue to clear these sidewalks as time permits.

**Mayor & Remaining Councilmembers.** No report.

**Finance Officer.** Westerhuis reported the following. 1) The council will address changes to the landfill rates after the beginning of the year. 2) The South Park committee met on December 10 and drew the winners of the raffle. Larry Kuiper won \$2,000 in community bucks, and First Fidelity Bank won \$1,000 in community bucks. 3) Municipal Government Day at the Legislature is Feb 4.

**Police Department.** Christensen reported the following. 1) Officer Schroeder completed one year of employment on December 12<sup>th</sup>.

**Public Works.** Kuiper reported the following. 1) Hydrants have been flushed. 2) Lagoon discharge is complete. 3) The wastewater study from Brosz Engineering will be complete soon. 4) The Workability students will start work in January.

**PUBLIC FORUM.** No requests.

**BUILDING PERMITS.** Brian & Mari Biehl applied for a permit to build a 36x64 garage/shop/living area. The application indicated that the building will be sided to match the house, and that half of the building would be used for a shop/garage, while the other half will be made into an apartment for family members to use while visiting. **Spoelstra moved and Dalldorf seconded approving Biehl's permit to build a 35'x64' garage/shop/living area building.** Motion passed on voice vote.

**PACKAGE LIQUOR OPERATING AGREEMENT – 44 ROAD STOP.** Dalldorf moved and Hoppe seconded entering into an operating agreement with 44 Road Stop for the city's package liquor license. Motion passed on voice vote.

**RESCIND MOTION TO APPROVE OVERWEG BUILDING PERMIT.** Councilmember Jerry Overweg recused himself and left the room, because Ken Overweg is his brother. Mayor Gustad

explained that City Attorney Tim Whalen advised that the building permit for Ken Overweg approved by the City Council on November 3 is invalid because the proper procedure was not followed. However, Whalen feels it would be proper to formally rescind the motion that approved that building permit.

**Iedema moved and Hoppe seconded rescinding the motion made on November 3, 2008, which is as follows: “Iedema moved and Hoppe seconded setting approving Ken Overweg’s building permit with a 90’ variance on the front (south), and a 5 ½’ variance on the side (west).” Motion to rescind passed on voice vote.**

**SET PUBLIC HEARING – OVERWEG VARIANCE REQUEST.** Mayor Gustad stated that notice was given and the Planning Commission held a new public hearing on December 9 for a new application for building permit requesting variances submitted by Ken Overweg. Councilmember Iedema stated that the Planning Commission’s unanimous recommendation is to approve the 90’ variance on the front (south), deny the 13’ variance on the side (west), and recommend installing a proper drainage system on the building. **Hoppe moved and Spoelstra seconded setting Monday, January 5, 2009 at 8:00 p.m. at City Hall as the date, time and place for a public hearing to accept comment and consider the application for building permit requesting variances submitted by Ken Overweg. Motion passed on voice vote.**

Councilmember Overweg was asked to return to the council room.

**LAWSUIT SERVED ON CITY AND PLANNING COMMISSION BY KAREN STEKLY AND JOHN STEKLY.** Mayor Gustad explained that on December 8, the City of Platte, the Board of Adjustment, the Planning Commission, and Ken and Karla Overweg were served with a Summons, Writ of Certiorari, and Verified Petition to the Court Alleging Illegality of the Decisions by the City of Platte Board of Adjustment and the Planning Commission of the City of Platte from Karen Stekly and John W. Stekly. The matter has been turned over to City Attorney Whalen for a response. No official action taken.

**SNOW & ICE REMOVAL FROM SIDEWALKS.** Westerhuis stated she received some complaints regarding a business not removing the snow from their Main Street business sidewalk in a timely manner. City ordinance states that snow and ice must be removed from sidewalks within 12 hours after a snowfall. A reminder will be put in the newspaper stating such. No official action taken.

**FEE SCHEDULE FOR 2009.** Westerhuis presented the following.

<b>Miscellaneous Charges</b>	
ACCTS. REC. LATE FEES FOR ACCTS. OVER 30 DAYS	18% / YR.
LATE FEES FIGURED ON A MONTHLY BASIS AT	1.5% / MO.
RETURNED CHECK CHARGE	\$30.00 / CHECK
WATER CONNECTION FEE	\$25.00
AIRPORT HANGER LEASE	\$0.08 / SQ. FOOT
BULK WATER	\$5.00 / 1000 GAL.
CITY EMPLOYEE BILLABLE HOURS (MINIMUM OF ONE HOUR)	\$30.00 / HR.
CITY OFFICE EMPLOYEE BILLABLE HOURS (MINIMUM OF ONE HOUR)	\$20.00 / HR.
COLD MIX CHARGES	BASED UPON \$ AMT. AT TIME OF PURCHASE
COPY CHARGES	\$0.25 / COPY
FAX CHARGES	\$3.00 / 5 PAGES
ADDITIONAL FAX PAGES	\$1.00 / PAGE
GARBAGE COLLECTION LICENSE	\$50.00 / YR
POLICE FINGERPRINTING CHARGE	\$10.00

MARC 55 SEWER ACID (OUR COST \$6.33)	\$9.00
MOWING	\$50.00 / HR.
PETROLEUM CONTAMINATED SOIL DISPOSAL WITHIN CITY LIMITS	
-GAS CONTAMINATED SOIL	\$8.00 / TON
-DIESEL CONTAMINATED SOIL	\$10.00 / TON
-CHARGE FOR UNDER 10 TON	\$200 MINIMUM
POLICE REPORTS	\$4.00 / REPORT
SEWER TAP	\$0.00
WATER TAP	\$0.00
SWIMMING POOL RENTAL (PERSONNEL INCLUDED)	DAY \$75.00
SWIMMING POOL RENTAL (PERSONNEL INCLUDED)	NIGHT \$65.00
SWIMMING POOL DAILY FEE WITHOUT PASS (COVERS "ALL" DAY)	\$2.50
SWIMMING POOL PASS (ADULT)	\$30.00
SWIMMING POOL PASS (SINGLE)	\$25.00
SWIMMING POOL PASS (FAMILY)	\$55.00
SWIMMING LESSONS WITHOUT SEASON PASS	\$2.50 / Lesson
SWIMMING POOL RED CROSS CARDS (REC'D EACH SESSION PASSED)	\$2.00 / CARD
STREET CUT	\$2.00 / SQ. FOOT

#### **Equipment Rental Rates**

ALL HEAVY EQUIPMENT HAS A ONE HOUR MINIMUM RENTAL, AND WILL BE RENTED WITH A CITY WORKER.

80# HAMMER OR TAMPER W/HOSE	10.00 / HR.
AIR COMPRESSOR (RENTER TO PAY GAS AFTER 4 HRS.)	25.00 / HR.
BACKHOE	85.00 / HR.
CONCRETE BREAKER (BACKHOE ATTACHMENT)	15.00 / HR.
DUMP TRUCK	85.00 / HR.
GENERATOR	35.00 / HR.
HAMMER POINTS	1.50 / HR.
HYSTER PACKER	85.00 / HR.
JET VAC	85.00 / HR.
LARGE WATER PUMP (3")	15.00 / HR.
MAINTAINER	85.00 / HR.
PAYLOADER	85.00 / HR.
SEWER CAMERA	30.00 / HR.
SEWER TRUCK (ONLY AVAILABLE FOR RENTAL IN CITY LIMITS)	85.00 / HR.
SKID STEER	85.00 / HR.
SMALL AUGER	10.00 / HR.
SMALL WATER PUMP (1 1/2")	7.50 / HR.
STREET SWEEPER	85.00 / HR.
WATER TANK	20.00 / HR.

**Iedema moved and Hoppe seconded approving the fee schedules for 2009. Motion passed on voice vote.**

Westerhuis presented the following resolution.

**RESOLUTION #121508-1**  
**A RESOLUTION TO APPROVE A POUND POLICY WITHIN THE**  
**CITY OF PLATTE, SOUTH DAKOTA**

**WHEREAS**, the City of Platte would like Central Dakota Animal Clinic (CDAC) to continue to board animals collected by the City; and

**WHEREAS**, CDAC does hereby agree to continue to board animals brought in by the City; and

**WHEREAS**, all fees shall be collected by the City and a receipt shown as proof of payment before the animal is released; and

**WHEREAS**, the following fees shall be administered by the City:

Impoundment fee	\$20.00 per animal	Boarding fee	\$10.00 per night
Drop off fee	\$10.00 per animal	Unspayed/Unneutered license**	\$5.00
Rabies*	\$12.00 per animal	Spayed/Neutered license**	\$3.00

\*The rabies vaccine shall be administered if no proof of vaccination is provided.

\*\*Fees double for licensing if an unlicensed animal is impounded; and

**WHEREAS**, all strays will be kenneled for seven (7) days and then will be eligible for adoption or euthanasia; and

**WHEREAS**, the City will be responsible for payment of all fees regarding strays; and

**WHEREAS**, no wildlife will be accepted by CDAC; and

**WHEREAS**, if an animal must be euthanized, a form must first be signed by a City official;

**NOW THEREFORE, BE IT AND IT HEREBY IS RESOLVED**, that CDAC will board animals for the City of Platte under the terms and conditions set forth above.

Dated in Platte, South Dakota this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

By: \_\_\_\_\_

Rick Gustad  
Mayor

ATTEST: \_\_\_\_\_

Nicole Westerhuis  
City Finance Officer

\_\_\_\_\_  
Jay C. Alberda  
DVM, Central Dakota Animal Clinic

**Overweg moved and Dalldorf seconded approving Resolution #121508-1. Motion passed on voice vote.**

**MAINTENANCE POSITION ACCEPTANCE.** Westerhuis informed the council that Travis Dyk accepted the maintenance position, and he will begin work January 2. No official action taken.

**EMPLOYEE 2009 WAGES.** Westerhuis stated that she must write a resolution containing the employees' wages for the first meeting in January. She asked if the council intends to give the 5% raises that were discussed at budget time, with the exception of John Schroeder, who will have a 14.8% raise. She was instructed to write the resolution according to what was discussed at budget time, and also to obtain information from other cities who use an evaluation system to determine wage increases. No official action taken.

**EXECUTIVE SESSION – PERSONNEL MATTERS.** Dalldorf moved and Overweg seconded entering into executive session at 8:07 p.m. for discussion of personnel matters. Mayor Gustad declared an end to executive session at 8:49 p.m. No official action taken.

**COUNCIL COMMENTS.** There being no further business before the City Council, Hoppe moved and Spoelstra seconded to adjourn the meeting at 8:49 p.m. Motion passed on voice vote.

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
Rick Gustad  
Mayor of Platte

By: \_\_\_\_\_  
Nicole Westerhuis  
City Finance Officer