

**CITY OF PLATTE  
CITY COUNCIL PROCEEDINGS  
APPROVED REGULAR MEETING  
February 20, 2012**

**Mayor Gustad called the meeting to order at Platte City Hall at 7:30 p.m. Those present for Roll Call were: Arnold Dalldorf, Joel Foxley, Rich Hoppe, Rick Gustad, Jarrod Lang, Jerry Overweg and Todd Spoelstra.** Others present were: Kevin Kuiper, Shauna Meyerink, Ralph Nachtigal, Brandon Semmler, and Karen Stekly.

**AGENDA.**

**MINUTES. Councilmember Dalldorf motioned to approve the February 6<sup>th</sup> regular meeting minutes as presented. Motion seconded by Hoppe. Motion carried on voice vote.**

**REPORTS.**

**Council Members:** No report.

**Mayor Gustad:** 1) Robb, the contractor from All Phase Electric, was here on Wednesday February 15<sup>th</sup> with Sam Muntean from Helms & Associates for a Pre-Construction Conference. During the meeting the Notice to Proceed was signed allowing All Phase Electric to begin working at the Airport at their convenience. 2) Reported that on Monday February 13<sup>th</sup> a Committee met with Brian McGinnis from Planning District III regarding the zoning concerns of the council. Several items were discussed during the meeting which in turn became very educational. With all the concerns addressed a list has been compounded and sent to Mr. McGinnis who will help us determine what is doable and what it not. Possible language may be proposed for the council to review from the list submitted to Mr. McGinnis.

**Finance Officer.** Meyerink reported on the following topics: 1) Fergie's Pub & Barrister has proposed some questions for the council. They have been contacted by "The Fishing Crew" who is planning to hold a fishing tournament in Platte the first weekend of May. With the tournament, Fergie's is wondering if it would be possible to close the road behind their business for the event. Mayor Gustad told Meyerink that Ferguson's will need to submit a formal request. They also inquired about serving alcohol outside during the event. Meyerink reported that BW Insurance has been contacted to verify what would need to be in place for insurance due to the City owning the gravel parking lot behind Fergie's. More information will be obtained for further discussion. 2) Received a thank you card from Jerry & Myrna Overweg for the flowers in honor of Darwin Woods. 3) The Missouri Sedimentation Action Coalition will be holding their Annual Membership meeting on Monday, March 19<sup>th</sup> in the Wagner Theater beginning at 6:30 p.m. if any councilmembers are interested in attending. 4) Meyerink spoke with USTI (our software provider) and they stated that our software is capable of calculating the sewer rate for multi-use dwellings. Meyerink asked if the council would like to review rates as a whole or have a committee make said recommendation after review. It was determined that the Street Committee will review rates and make recommendations at an upcoming council meeting.

**Police Department.** Chief Semmler reported on the following topics: 1) A new PBT will not be purchased as one was received from the Sheriff's office. 2) Following some discussion with Councilmember Foxley, the X2 Tazer would be the best purchase, however, Semmler will continue to research the grants for the tazers. 3) Officer Ellens will have another check-up on February 22<sup>nd</sup>. We will know more on his condition at that time but the doctor is hoping to put him in a walking boot. 4) The new police patches have arrived. Semmler reported that he will contact someone to get the patches put on. 5) The spotlight on the Dodge pickup needs repaired under warranty and the plan is to go to Pierre on

Tuesday to have that repaired. 6) Councilmember Lang informed Semmler that the AED should be available on Tuesday February 21<sup>st</sup>.

**Public Works.** City Superintendent Kuiper reported on the following topics: 1) The City received notification that Lead/Copper samples will now need to be collected only once a year. We were previously required to collect two samples per year. 2) With the mild winter thus far, several days have been spent working on items outside. These items include: the net around the backstop and the baseball field, items built for South Park, and working on the rip/-rap around South Park Pond. 3) Inventory has been completed at the Community Center. 4) The box scrapper has been purchased as was seen in the claims lists. 5) The department has continued to trim trees around town. A total of approximately 100 truck loads have been removed so far. Councilmember Dalldorf questioned Kuiper if he has been receiving any complaints from the Community. Kuiper replied that the number of compliments far outweigh the number of complaints. Councilmember Dalldorf complimented Kuiper, Dyk, and DuFrain on how well it is looking. Kuiper also reported that a total of 5 whole trees have been removed due to either being too far into the right-of-way or dead. Councilmember Overweg questioned if there was any way to stop new home-owners from planting trees in the right-of-way. Kuiper stated that he would ask that homeowners plant on the rear side of their sidewalks.

## **PUBLIC FORUM.**

### **CLAIMS.**

**Councilmember Hoppe motioned to approve the claims as submitted. Motion seconded by Lang. Motion carried on roll call vote of 6-0. (Attached as separate document)**

### **BUILDING PERMITS.**

Meyerink reported that a building permit for a 28'x34' metal siding garage for Don Teeslink at 601 South Wisconsin Avenue has been denied.

### **OLD BUSINESS.**

### **NEW BUSINESS.**

**Public Hearing for Liquor License (44 Road Stop):** Mayor Gustad opened the public hearing at 8:03 p.m. Karen Stekly stated that she is in opposition against the video lottery going in at 44 Road Stop but has no issues with the liquor license. With no further comments before the council, Mayor Gustad declared an end to the public hearing at 8:05 p.m. **Councilmember Spoelstra moved and Foxley seconded approving the on-off sale malt beverage license for 44 Road Stop. Motion carried on voice vote.**

**Public Hearing for Variance Request (Ringling's):** Mayor Gustad opened the public hearing at 8:20 p.m. for discussion. Councilmember Hoppe requested clarification of what changed between the variance requests. It was explained that the variance request is still the 4' variance but for a 16' wide building rather than a 12' wide building. With no further comments before the council, Mayor Gustad closed the public hearing at 8:23 p.m. Councilmember Dalldorf expressed that Ringling's had requested a variance before they even purchased the lot and questioned why they would want to purchase a lot that did not compensate their desires. Dalldorf also discussed that with all the time spent with Planning District III, it seems a number of variance have been approved with little to no discussion before approval. Councilmember Spoelstra stated that he agreed with Councilmember Dalldorf and that it was his understanding that a variance should only be approved in a hardship situation. Councilmember Spoelstra also spoke of his concern of the safety of young children and walkers in the neighborhood if a building of such size was granted knowing that a motorhome would be navigated in and out of it. Councilmember Lang stated that of the variances approved since he was sworn into Councilman, have been on a smaller

scale but with all the new requests for carports and metal siding buildings, he would like to see some restrictions on these buildings in Residential districts. Mayor Gustad told the council that he had mixed emotions regarding the variance. The intrusion on the neighbors is more of an issue to him than the width of the building on their own lot. Councilmember Overweg explained the Planning Commission recommended the approval of the variance based on the circumstances of the first variance request. It is also Overweg's understanding that the motorhome is only 36' long and therefore if the building was shortened, it is his interpretation of zoning that it would still be able to be built. Councilmember Dalldorf stated that his concern is for the adjacent homeowners when they try to sell their property and what it may do to the values of their home. Councilmember Overweg stated that if the council chooses to take a stand against the request, he is requesting the council take the same stand forward. Mayor Gustad next explained the process of how the zoning ordinance reads for how the Board of Adjustments votes count. It was explained that the council as a whole sits as the Board of Adjustments with no special power from any position. It was further explained that there need to be 5 affirmative votes to pass and any member absent from the meeting is counted as a negative vote. Ms. Stekly stated that the way the Ordinance was explained seems unfair to the requestor if not all members are present. **Councilmember Dalldorf motioned to deny the 4' variance request for Rich and Mary Lou Ringling at 118 West 10<sup>th</sup> Street. Motion seconded by Spoelstra. Motion carried on a roll call vote of 7-0.**

**Plat Approval:** Meyerink presented the following plat approval resolution:

**RESOLUTION #022012-01**

**A RESOLUTION TO APPROVE A PLAT OF PROPERTY WITHIN THE CITY OF PLATTE AND ADJACENT TO THE CITY OF PLATTE, SOUTH DAKOTA**

WHEREAS, the owners of the land platted as Lot 1 of Block 2, Lots 1, 2 and 3 of Block 3, Lots 1 and 2 of Block 4, Lot 1 of Block 5 and Outlot 2 of Sunset Acres, City of Platte, South Dakota, formerly known as: Lot 1 of Block 2, Lots 1, 2 and 3 of Block 3, Lot 1 of Block 4, Outlots 1 and 2 of Sunset Acres, City of Platte, South Dakota and a portion of Lot C-4 lying in the Northeast Quarter (NE1/4) of Section 23, Township 99 North, Range 68 West of the 5th P.M., Charles Mix County, South Dakota for their consideration and acceptance; and

**WHEREAS, the City Council has examined the same and found that it appears that the system of streets and alleys, if any, set forth therein conforms to the system of streets and alleys of the existing plats of the City; and**

WHEREAS, all provisions of any subdivision regulations have been complied with; and

WHEREAS, all taxes and special assessments upon the tract or subdivision have been fully paid; and

WHEREAS, said plat and the survey thereof have been lawfully executed;

NOW THEREFORE BE IT RESOLVED, that the said plat be approved.

Dated this 20<sup>th</sup> day of February, 2012.

/s/

Rick Gustad, Mayor of Platte

/s/

Shauna Meyerink, City Finance Officer

**Councilmember Hoppe moved and Foxley seconded approving Resolution #022012-01. Motion carried on voice vote.**

**Summer Help:** Councilmember Hoppe made the following recommendations for lifeguard positions:

3rd Year Returning Lifeguards	\$8.25	Kellee Griese
2nd Year Returning Lifeguards	\$7.75	Sidney Holter, Shelby Rabenberg
1st Year Lifeguards	\$7.25	Kole Heller, Hannah Nealy

**Councilmember Overweg moved to hire the above individuals per the Committee's recommendation for lifeguard positions during the 2012 summer season. Motion seconded by Spoelstra. Motion carried on voice vote.** Finance Officer Meyerink requested the Council advertise for more lifeguards and a pool manager as we only received six applications.

**Councilmember Dalldorf moved and Foxley seconded to advertise for lifeguard positions and pool manager with until March 15, 2012 at 5:00 p.m. Motion carried on voice vote.**

Councilmember Hoppe recommended the following applicants for the Summer Help position with the Maintenance Department:

Allen Vanderheiden	\$7.25
Turner Antonsen	\$7.25
Michael Buitenbos	\$7.25

**Councilmember Foxley moved and Lang seconded offering employment to the above mentioned individuals based on the committee's recommendation. Motion carried on voice vote.**

**4-Way Stop Beacon:** Finance Officer Meyerink stated that Scott Jansen, Regional Traffic Engineer, from SDDOT had contacted her regarding the 4-way stop beacons with the 2012 ADA upgrade project. Jansen discussed the following items with Meyerink: 1) the existing flashing stop sign beacons above the stop signs on State Highway 44 will be replaced with newly installed signs and beacons. 2) Proposing a solar powered 12V flashing stop sign beacon in place of the current electric powered beacon. 3) This would eliminate the need to include the re-installation or repair of the existing underground conduit and 120V conductors. 4) The cost of a 12" solar flasher is approximately \$2,400.00 each not including the 4 \$100.00 batteries per beacon. 5) An estimate of \$300.00 - \$500.00 is figured for a contractor to install. 6) The City of Platte would be asked to maintain the solar powered beacons if installed. With all the explanation, Jansen is requesting the concurrence from the City of Platte to install solar powered beacons. Mayor Gustad questioned Kuiper as to why the City currently maintains the beacons. Kuiper explained that it is because the City requested the beacons be installed. Foxley asked Kuiper for his recommendation, which is to keep the current style of beacon we have.

**Councilmember Overweg moved to leave the beacon as it currently is rather than switching to the solar paneled beacon. Motion seconded by Lang. Motion carried on voice vote.**

**Temporary Liquor License (Fergie's Pub): Councilmember Lang motioned to approved the temporary liquor license for Fergie's Pub for the Cattleman's Banquet on March 3, 2012. Motion seconded by Spoelstra. Motion carried on voice vote.**

**Annual Report Extension:** Meyerink requested an extension for completion and filing of the 2011 Annual Report. **Hoppe moved and Foxley seconded allowing an extension for completion and filing of the 2011 Annual Financial Report. Motion passed on voice vote.**

**Community Center:** Councilmember Foxley discussed that there are some older heavy round wooden tables and a piano that the Community Center Board is recommending to the Council to surplus. **Councilmember Spoelstra moved and Lang seconded to surplus eight wooden round tables at an estimated value of \$10.00 a piece along with a piano at an estimated value of \$10.00. Motion carried on voice vote.** Councilmember Foxley described to the remaining Councilmembers that Jim from Bumble Bee was here in regards to the community center floor. Jim explained to Foxley, Lang, and Kuiper that the wrong cleaner has been used on the floor therefore causing the floor to lose its color. Foxley stated that we were recommended and told to only use the Organic cleaner recommended by Bumble Bee to maintain the condition of the floor. Jim is willing to come to Platte again and do a 10'x10' sample area of what he suggests on the floor for its current condition. If the City decides to refinish the floor again, the cost will be \$2.50 a square foot instead of the normal \$5.00 or more a square foot. The cost of the project will be approximately \$16,000.00. Mayor Gustad stated that if the floor is refinished, we need to have no additional cleaner in the building other than that which should be used on the floor, and also put something in the rental agreement regarding the cleaner to be used. Kuiper recommended that we visit other companies around the state that have had Bumble Bee refinish their floors and see what they look like after time. The floor will be discussed at an upcoming meeting.

**Rescind Officer Compensation Motion:** Mayor Gustad explained that as Finance Officer Meyerink verified the process of the previous motion to compensate Officer Ellens the difference of his salary it was determined that due to our current personnel policy the City is unable to compensate the difference. **Councilmember Dalldorf moved to rescind Officer Nate Ellens compensation while receiving Workman's Comp benefits. Motion seconded by Hoppe. Motion carried on voice vote.**

**COUNCIL COMMENTS.** There being no further business before the City Council, **Spoelstra moved and Hoppe seconded to adjourn the meeting at 9:16 p.m. Motion passed on voice vote.**

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

By: \_\_\_\_\_  
Rick Gustad  
Mayor

ATTEST:

\_\_\_\_\_  
Shauna Meyerink  
City Finance Officer