

City of Tea  
Regular Meeting  
December 19, 2016

A regular meeting of the Tea City Council was held at Tea City Hall on December 19, 2016 at 7:00 pm.

Mayor John Lawler called the meeting to order at 7:02 pm with the following members present: Sidney Munson, Brian Fowlds, Chuck Ortmeier, Larry Rieck, Joe Weis and Todd Boots. Also present: Finance Officer Dawn Murphy, Planning & Zoning Administrator Kevin Nissen, Administrative Assistant/Economic Development Director Jenni White, Utility Superintendent Thad Konrad and Police Chief Jessica Quigley and City Engineer Ben Scholtz.

**AGENDA. MOTION 16-229. MOTION** by Weis, seconded by Fowlds to approve the December 19, 2016 agenda. All members voted AYE.

**MINUTES. MOTION 16-230. MOTION** by Rieck, seconded by Weis to approve the December 5, 2016 minutes. All members voted AYE.

**WARRANTS. MOTION 16-231. MOTION** by Weis, seconded by Fowlds to approve the December 19 warrants as presented. All members voted AYE. Warrants will be listed at the end of the minutes.

**RESOLUTION 16-12-23. MOTION 16-232. MOTION** by Boots, seconded by Rieck to approve the following resolution. All members voted AYE. RESOLUTION ESTABLISHING JOINT JURISDICTIONAL BOUNDARY LINES BETWEEN CITY OF SIOUX FALLS AND CITY OF TEA. WHEREAS, the Sioux Falls City Council and the Lincoln County Board of Commissioners jointly exercise comprehensive planning powers in a joint jurisdictional area beyond the municipal corporate limits of Sioux Falls; and WHEREAS, the future growth and development in the joint jurisdictional area has been guided by the Shape Sioux Falls 2035 Comprehensive Plan which was adopted by the Sioux Falls City Council and the Lincoln Board of County Commissioners in 2009; and WHEREAS, an amended Shape Sioux Falls 2035 Plan known as the Shape Sioux Falls 2040 Comprehensive Plan was adopted by the City of Sioux Falls delineating a joint jurisdiction boundary area with said plan to supersede the Shape Sioux Falls 2035 Comprehensive Plan; and WHEREAS, a joint jurisdictional area shall not exceed six miles, and shall be delineated in a comprehensive plan but in no instance may the area extend beyond a line equidistant from the corporate limits of any other municipality unless otherwise agreed to by the governing body of each municipality having a planning commission; and WHEREAS, the City of Tea and the City of Sioux Falls desire to agree upon that portion of the joint jurisdiction boundary line that extends beyond a line equidistant from their respective corporate limits. NOW, THEREFORE, BE IT RESOLVED that the portion of the joint jurisdictional boundary line that extends beyond a line equidistant from the respective city limits of the City of Sioux Falls and the City of Tea is agreed upon and shall be as follows: Beginning at the intersection of the centerlines of Louise Avenue and 272<sup>nd</sup> Street, then west along the centerline of 272<sup>nd</sup> Street until the intersection of the centerline of 272<sup>nd</sup> Street and the center of the right-of-way for Interstate 29, then north along the center of the right-of-way for Interstate 29 until the center of the right-of-way for Interstate 29 and the centerline of 85<sup>th</sup> Street, then west along the centerline of 85<sup>th</sup> Street/270<sup>th</sup> Street until the intersection of the centerlines of 85<sup>th</sup> Street/270<sup>th</sup> Street and 467<sup>th</sup> Avenue, then north along 467<sup>th</sup> Avenue ending at the intersection of centerlines of 467<sup>th</sup> Avenue and 57<sup>th</sup> Street as shown on the attached map and part of this resolution by reference as also depicted in the City of Sioux Falls Shape Sioux Falls 2040 Comprehensive Plan on page 27. Dated this 19<sup>th</sup> day of December 2016.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

**LEYVA DRYWALL SITE PLAN.** Kevin presented the site plan for Leyva Drywall located on Lot 10, Block 4 of Hagedorn Industrial Park. The site plan has been reviewed and approved by HDR and Planning and Zoning. **MOTION 16-233. MOTION** by Fowlds, seconded by Ortmeier to approve the site plan for Leyva Drywall. All members voted AYE.

**MARKEN PROPERTIES BUILDING PLANS & PERMIT.** Kevin presented the building plans for Marken Properties located at 301 E. High Pointe St. Plans show the construction of a 7500 sq. ft. metal building in the Carl Soukup Addition for a wholesale landscape supply business. A concern with the overall appearance of the building was discussed. It is recommended to add stone or brick to the exterior similar to the other buildings in the development. **MOTION 16-234. MOTION** by Weis, seconded by Rieck to approve the building plans and building permit for Marken Properties located at 301 E. High Pointe St. All members voted AYE.

**2016 SIDEWALK PAY APPLICATION.** This pay application entails the cost of work completed in 2016. Additional projects still need to be completed which will be done in 2017. **MOTION 16-235. MOTION** by Fowlds, seconded by Boots to approve the 2016 Sidewalk Pay Application to Dakota Land and Sod in the amount of \$15,735.20. All members voted AYE.

**2017 ANIMAL CONTROL SERVICES & IMPOUNDMENT FACILITY OPERATIONS AGREEMENT.** The City has received the 2017 Animal Control Services Agreement. There were no changes from the 2016 contract. **MOTION 16-236. MOTION** by Fowlds, seconded by Rieck to approve the 2017 Animal Control Services & Impoundment Facility Operations Agreement between the City of Tea and the Sioux Falls Area Humane Society. All members voted AYE.

**RESOLUTION 16-12-24. MOTION 16-237. MOTION** by Fowlds, seconded by Ortmeier to approve the Resolution of Proposed Resolution of Necessity for the 271<sup>st</sup> Ave, Reconstruction Project and to set January 16 at 7:05 pm for the public hearing on the resolution. All members voted AYE. The resolution will be published separately.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

**WATER/SEWER RATES, WATER DEPOSITS & OTHER POLICIES.** Water rates automatically increase 1% yearly. Sewer fees need to be adjusted due to the large increase in expenses we will incur within the next 5 years. **MOTION 16-238. MOTION** by Munson, seconded by Boots to increase the monthly sewer fee from \$20 to \$22. All members voted AYE. The current deposit fee is \$35 which does not cover the average monthly usage. **MOTION 16-239. MOTION** by Rieck, seconded by Weis to increase the water and sewer residential utility billing deposit from \$35 to \$50. All members voted AYE. There are several items for utility billing that policies need to be set. This will be discussed at a later date.

**ORDINANCE 237.** The council held the first Reading of Ordinance 237, 2016 Supplemental Appropriations Ordinance. The second reading will be held on January 3, 2017.

**CONTINGENCY & OPERATING TRANSFERS. MOTION 16-240. MOTION** by Fowlds, seconded by Ortmeier to approve transferring a total of \$55,000 from General Fund Contingency Account to 101-4501 recreation and to approve an operating cash transfer of \$60,000 from 2<sup>nd</sup> Penny Sales Tax Fund 212 to Street Maintenance Fund 220. All members voted AYE.

**EXECUTIVE SESSION. MOTION 16-241. MOTION** by Boots, seconded by Ortmeier to go into executive session for employee reviews at 8:08 pm. All members voted AYE. The Council came out of executive session at 9:08 pm.

**PAY INCREASES. MOTION 16-242. MOTION** by Weis, seconded by Boots to approve the following per hour pay increases effective 1/1/17: All members voted AYE. Dawn Murphy, Finance Officer from \$27.07 to \$28.15; Thad Konrad, Utility Superintendent, from \$27.33 to \$28.42; Kevin Nissen, Planning & Zoning Officer, from \$25.80 to \$26.83; Jenni White, Administrative Assistant, Economic Development Director, from \$19.34 to \$19.92; Leonard Przybys, maintenance/utilities, from \$23.15 to \$24.31; Steve Oberle, maintenance/utilities, from \$18.69 to \$19.25; Sean Glasgow, maintenance/utilities, from \$18.41 to \$18.96; Jenna Biedenfeld, Park and Recreation Assistant from \$16.50 to \$17.00; Brian Tvedt, Assistant Police Chief, from \$22.61 to \$23.29; Steven Lowry, Police Officer, from \$18.02 to \$19.28; Martin Waller, Police Officer, from \$18.02 to \$19.28; Vance Siemonsma, Police Officer, from \$18.02 to \$19.28; Adrian Hoesli from \$16.50 to \$17.50; Part-time police officers from \$16.00 to \$19.00 and salary increase for Jessica Quigley, Police Chief, from \$58,000 per year to \$60,320 per year. All members voted AYE.

**MOTION 16-243. MOTION** by Weis, seconded by Rieck to adjourn at 9:11 pm. All members voted AYE.

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John M. Lawler, Mayor

ATTEST:

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Dawn R. Murphy, Finance Officer

**CITY OF TEA  
 WARRANTS PAID DECEMBER 19, 2016**

**FINANCE 4142**

Brown & Saenger	1/3 supplies	25.06
HDR Engineering	Services 10/3/16-11/26/16	6,758.75
HDR Engineering	Highway 106 design 10/30/16-11/26/16	41,831.25
White, Jenni	Reimburse for funeral flowers	87.86

**PLANNING & ZONING/ECONOMIC DEVELOPMENT 4650**

A & B Business Solutions	Maintenance	94.44
Baker, Rick	16 P & Z meetings	1,350.00
Code Works	Weisser Dist. Plan review	274.20
Jibben, Dave	18 P & Z meetings	1,350.00
Meierhenry Sargent	Services	120.00
Montileaux, Stan	18 P & Z meetings	1,350.00
Munson, Joe	18 P & Z meetings	1,350.00
Venard, Bob	16 P & Z meetings	1,200.00

**GOVERNMENT BUILDINGS 4192**

Ace Hardware	Misc	339.84
City of Tea	City Hall High Flow	52.00
City of Tea	City Hall Low Flow	51.22
City of Tea	Community Hall-200 W. Maple	36.24
City of Tea	Maint bldg.	73.18
Menards	Community Hall plumbing parts	85.90
Mid American Energy	510 S Main	109.62
Mid American Energy	600 E. 1st St.	223.90
Mid American Energy	200 W. Maple	91.52
Team Logic IT	Backup service	190.00
Vast	Maint. Dept. phone	112.91
Vast	City Hall phone	399.68
Verizon	Phones	152.76

**PUBLIC SAFETY 4210**

Ace Hardware	Misc	17.88
City of Tea	Water	32.50
Edmonds, Brenda	Cleaning 11/4/16 & 12/16/17	150.00
Get N Go Fleet Card	Fuel	446.73
Mid American Energy	Services	86.85
Midwest Alarm	Alarm monitoring	66.00
Sioux Falls Humane Society	November services	52.24
Vast	Phone	562.74
Verizon	Phones	314.20

**HIGHWAY/STREET 4312**

Eastern Farmers Coop	Fuel	863.47
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Casey's General Store	1/3 gasoline	2.66
Equipment Blades, Inc.	Plow bolts and blades	1,016.28
Get & Go Fleet Card	Fuel	53.55
Myrl & Roy's	Gravel	98.90
Sheehan Mack Sales	Bushings & filters	243.17
Southeastern Electric	Main St. Lights	336.45
Southeastern Electric	High Pointe lights	112.25
Southeastern Electric	272nd St. lights	94.99
Southeastern Electric	Stop light	141.40
Southeastern Electric	Heritage Pkwy	486.30
Southeastern Electric	High Point/Carla lights	28.50
Southeastern Electric	Ivy & Main lights	140.11
Southeastern Electric	Brian St. stop light	37.71
Xcel Energy	Street lights	3,580.07

**PARKS/RECREATION 4501**

Konrad, Thad	Reimburse for spray recertification class	350.00
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**WATER 601**

Brown & Saenger	1/3 supplies	25.06
Casey's General Store	1/3 gasoline	2.66
Fastenal	Bolts	7.70
Get & Go Fleet Card	Fuel	53.55
South Dakota One Call	1/2 locates	76.72
Southeastern Electric	Quinton St. tower	46.07
US Postmaster	1/2 postage	680.00
USA Blue Book	Flow gauge & shutoff wrench	725.91
Wagner, Diane	Water refund	15.50
Witt, Timothy & Melanie	Water refund	60.02

**SEWER 604**

Brown & Saenger	1/3 supplies	25.07
Casey's General Store	1/3 gasoline	2.66
Get & Go Fleet Card	Fuel	53.55
South Dakota One Call	1/2 locates	76.72
Southeastern Electric	High Pointe lift station	93.70
US Postmaster	1/2 postage	680.00

**SPECIAL PARK FUND 201**

Hauff Mid-America Sports	Football penalty flags	83.88
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TOTAL	69,734.05
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CITY OF TEA  
RESOLUTION 16-12-20

RESOLUTION OF PROPOSED RESOLUTION OF NECESSITY

BE IT RESOLVED by the City Council of the City of Tea, South Dakota that the convenience and necessity has arisen to improve substantially 271<sup>st</sup> St. from approximately 85 feet east of Heritage Parkway going west approximately 3,834.40 feet; and from the intersection of 271<sup>st</sup> St. and Heritage Parkway going north approximately 155 feet in the City of Tea, Lincoln County, South Dakota, by the following:

- The addition of water, sewer, street, curb and gutter, street lighting and drainage improvements where needed. Such properties affected being hereinafter named on the attached list marked Exhibit “A” and
- The addition of water, street, curb and gutter, street lighting and drainage improvements where needed. Such properties affected being hereinafter named on the attached list marked Exhibit “B” and
- The addition of street, curb and gutter, street lighting and drainage improvements where needed. Such properties affected being hereinafter named on the attached list marked Exhibit “C”.

BE IT FURTHER RESOLVED that the material to be used in the project shall be according to plans and specifications prepared by engineers for the City of Tea, and on file in the office of the Municipal Finance Officer and open to public inspection and incorporated hereby.

BE IT FURTHER RESOLVED that the cost of \$245.00 per foot shall be assessed against all assessable lots and tracts of land fronting or abutting thereon to each of such lots or tracts listed on Exhibit “A”; the cost of \$220.00 per foot shall be assessed against all assessable lots and tracts of land fronting or abutting thereon to each of such lots or tracts listed on Exhibit B; and the cost of \$190.00 per foot shall be assessed against all assessable lots and tracts of land fronting or abutting hereon to each of such lots or tracts listed on Exhibit “C”. The total estimated cost of the Project is \$5,679,241. The City of Tea will pay the “over size” costs of \$3,903,303. The total cost shall include the contract price and all engineering, inspection, publication, fiscal, legal and all other expenses incidental thereto. The cost per foot for lots which do not pay the assessment within the 30 prepayment period will have an additional 3% added to the per foot cost for costs associated with issuing Special Assessment Bonds.

BE IT FURTHER RESOLVED that the assessments for the properties marked Exhibit “D” will be divided into fifteen equal annual installments, which shall be payable under Plan One, collection by the County Treasurer, as set forth in SDCL §9-43-102, et seq., and that all deferred installments shall bear interest at such rate as shall be determined by the City Council, but not in excess of six percent per annum.

BE IT FURTHER RESOLVED that the assessments for the properties marked Exhibit “E” shall be delayed until such time as the property is annexed within the City limits of Tea as agreed upon under separate contract;

BE IT FURTHER RESOLVED that the contractors who undertake to perform the work of construction herein provided for shall be paid in cash from City surplus, the sale of special assessment bonds, drainage revenue fees and sales tax revenue bonds.

BE IT FURTHER RESOLVED, that the above resolution shall be published once in the official newspaper of the City, with an appended notice stating the place and time, at least two weeks after such publication, at which the Common Council will meet for the consideration of any objections to the proposed resolution by owners of property liable to be assessed for the improvement and the adoption of the resolution. However, if such improvement be petitioned for by the owners of more than fifty-five percent of the frontage of the property to be assessed therefore, it may be provided for by resolution without publication.

BE IT FURTHER RESOLVED, that notice of shall cause personal notice to be sent by first-class, certified mail to each person owning property liable to be assessed for the improvement; said notice to include all information required of the published notice. If the property is occupied and has a street address, the written notice shall be sent to the owner in care of such address and, if not, to the last known address of the owner. Notice shall not be required to be sent to any person who shall have petitioned in writing or consented in writing to such improvement.

BE IT FURTHER RESOLVED, that the Finance Officer is directed to take such action as is necessary to carry out the intent of the resolution.

Dated this 19<sup>th</sup> day of December, 2016

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John M. Lawler, Mayor

ATTEST:

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Dawn R. Murphy, Finance Officer

**EXHIBIT A (Water, Sewer & Road)**

<b>OWNER</b>	<b>LEGAL DESCRIPTION</b>
Arthur Lammers c/o Jim Lammers	E 1/2, SE 1/4 *ex S 215' of E 304.5' Bartels Trs* (100.50.63.4000)
Arthur Lammers c/o Jim Lammers	W 1/2 SE 1/4 23-100-51 (100.50.63.403)
Arthur Lammers c/o Jim Lammers	S 215' of the E 304.5' SE 1/4 23-100-51 (100.50.63.4040)
Mary Jorgenson	Parcel #3 - AKA S659.4' S 1/2W1/4 Lying W. or RY 24-100-51 (100.50.64.B100)
High Pointe Estates, LLC	Lands - E 1/2 NW 1/4, *ex Tr 1 Nicholas Add* E 163' of W 1/2, NW1/4 *ex High Pointe Estates* 26-100-51 (240.28.26.015)
Zabel Enterprises, LLP	E. 1479.71' of N1/2 NE 1/4 *ex E825'* 26-100-51
Zabel Enterprises, LLP	Lands - E 825' of N1/2 NE 1/2 *ex S 495'*
Olson Commercial Holdings, LLC	Tea-Jongelings Tract 1
District of Lutheran Church	Tea-High Pointe Estates Tract 2 (194.8')

**EXHIBIT B (Road0 & Water)**

<b><u>OWNER</u></b>	<b><u>LEGAL DESCRIPTION</u></b>
Arianna Town Homes, LLC	Tea-Howling Ridge Add. - Lot 8, Block 11
Arianna Town Homes, LLC	Tea-Howling Ridge Add. - Lot 7, Block 11
Arianna Town Homes, LLC	Tea-Howling Ridge Add. - Lot 6A, Block 11
Arianna Town Homes, LLC	Tea-Howling Ridge Add. - Lot 5A, Block 11
Kelly Nielson	Tea-High Pointe Estates Outlot A (88.1')
District of Lutheran Church	Tea-High Pointe Estates Tract 2 (614.3')
Tea Development, LLC	Tea-Carl W. Soukups Add- Tract 1 *Ex Lots Sold*
Next Gen Investments LLC	Tea-Carl W. Soukups Add. - Lot 2, Block 1
SDK Properties	Tea-Carl W. Soukups Add., Lot 3, Block 1
C & M Development LLC	Tea-Carl W. Soukup's Add., Lot 7, Block 3

Vernon & Judy Harms

Wurtz's Add., Tract 3, SW1/4 23-100-551

**EXHIBIT C (Road)**

**OWNER**

**LEGAL DESCRIPTION**

Fink-Pfeifer LLC

Tea-Howling Ridge Add-Lot 1, Block 12

Howling Ridge Four Plexes LLC

Tea-Howling Ridge Add, Lot 5, Block 12

Roger Gehl

Tea-Howling Ridge Add., Lot 4, Block 12

Steven & Mallori Schultz

Wurtz Add - Tract 2, SW1/4 23-100-51 (32.2')

**EXHIBIT D**

<u>OWNER</u>	<u>LEGAL DESCRIPTION</u>
Arthur Lammers c/o Jim Lammers*	E 1/2, SE 1/4 *ex S 215' of E 304.5' Bartels Trs* (100.50.63.4000)
Arthur Lammers c/o Jim Lammers*	W 1/2 SE 1/4 23-100-51 (100.50.63.403)
Arthur Lammers c/o Jim Lammers*	S 215' of the E 304.5' SE 1/4 23-100-51 (100.50.63.4040)
High Pointe Estates, LLC	Lands - E 1/2 NW 1/4, *ex Tr 1 Nicholas Add* E 163' of W 1/2, NW1/4 *ex High Pointe Estates* 26-100-51 (240.28.26.015)
Zabel Enterprises, LLP	E 1479.71' of N1/2 NE 1/4 *ex E825* 26-100-51
Zabel Enterprises, LLP	Lands - E 825' of N1/2 NE 1/2 *ex S 495*
Olson Commercial Holdings, LLC	Tea-Jongelings Tract 1
District of Lutheran Church	Tea-High Pointe Estates Tract 2 (194.8')
Arianna Town Homes, LLC	Tea-Howling Ridge Add. - Lot 8, Block 11
Arianna Town Homes, LLC	Tea-Howling Ridge Add. - Lot 7, Block 11
Arianna Town Homes, LLC	Tea-Howling Ridge Add. - Lot 6A, Block 11
Arianna Town Homes, LLC	Tea-Howling Ridge Add. - Lot 5A, Block 11
Kelly Nielson	Tea-High Pointe Estates Outlot A (88.1')
District of Lutheran Church	Tea-High Pointe Estates Tract 2 (614.3')
Tea Development, LLC	Tea-Carl W. Soukups Add- Tract 1 *Ex Lots Sold*
Next Gen Investments LLC	Tea-Carl W. Soukups Add. - Lot 2, Block 1
SDK Properties	Tea-Carl W. Soukups Add., Lot 3, Block 1
C & M Development LLC	Tea-Carl W. Soukup's Add., Lot 7, Block 3
Fink-Pfeifer LLC	Tea-Howling Ridge Add-Lot 1, Block 12
Howling Ridge Four Plexes LLC	Tea-Howling Ridge Add, Lot 5, Block 12
Roger Gehl	Tea-Howling Ridge Add., Lot 4, Block 12

\* will be amended and moved to Exhibit E

**EXHIBIT E**

**OWNER**

**LEGAL DESCRIPTION**

Mary Jorgenson	Parcel #3 - AKA S659.4' S 1/2W1/4 Lying W. or RY 24-100-51 (100.50.64.B100)
Vernon & Judy Harms	Wurtz's Add., Tract 3, SW1/4 23-100-551
Steven & Mallori Schultz	Wurtz's Add - Tract 2, SW1/4 23-100-51 (32.2')

**APPENDED NOTICE OF HEARING ON PROPOSED**

**RESOLUTION OF NECESSITY**

NOTICE IS HEREBY GIVEN that on the 16<sup>th</sup> day of January, 2017, at the hour of 7:05 o'clock p.m., at the meeting room in the City hall at 600 E. 1<sup>st</sup> St., Tea, South Dakota, has been fixed by the Tea City Council as the time and place for the hearing upon the Proposed Resolution of Necessity, at which the Tea City Council shall consider any objections for the proposed resolution by owners of property liable to be assessed for the improvement.

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Dawn R. Murphy

Finance Officer