

City of Tea
Regular Meeting
May 21, 2018

A regular meeting of the Tea City Council was held at Tea City Hall on May 21, 2018 at 7:00 p.m.

Mayor John Lawler called the meeting to order at 7:00 pm with the following members present: Sidney Munson, Chuck Ortmeier, Joe Weis, Casey Voelker and Todd Boots. Also present: Finance Officer Dawn Murphy, Utility Superintendent Thad Konrad, Planning & Zoning Administrator Kevin Nissen, City Engineer Ben Scholtz and City Administrator Dan Zulkosky.

New Councilmember Jim Erck took his oath of office.

AGENDA. MOTION 18-99. MOTION by Ortmeier, seconded by Boots to approve the May 21, 2018 agenda. All members voted AYE.

MINUTES. MOTION 18-100. MOTION by Weis, seconded by Ortmeier to approve the May 7, 2018 minutes. All members voted AYE.

WARRANTS. MOTION 18-101. MOTION by Ortmeier, seconded by Weis to approve the warrants as presented. All members voted AYE. Warrants will be listed at the end of the minutes.

LIQUOR LICENSE TRANSFER. Mayor Lawler opened the public hearing for an alcohol beverage transfer from LBA, LTD, d/b/a Woodridge Casino to MG Oil Co., d/b/a Jokerz 7 and Jokerz7B. **MOTION 18-102. MOTION** by Weis, seconded by Voelker to approve the following alcohol beverage license transfers; All members voted AYE.

- **RETAIL (ON-OFF SALE) MALT BEVERAGE:** From LBA, LTD d/b/a Woodridge Casino to MG Oil Co. d/b/a Jokerz 7, 615 E. Brian St. (limited to Suite #A)
- **RETAIL (ON-OFF SALE) MALT BEVERAGE:** From LBA, LTD d/b/a Woodridge Casino Too to MG Oil Co. d/b/a Jokerz 7B, 615 E. Brian St. (limited to Suite #B)
- **RETAIL (ON-OFF SALE) WINE.** From LBA, LTD d/b/a Woodridge Casino to MG Oil Co. d/b/a Jokerz 7, 615 E. Brian St. (limited to Suite #A)

NEW ON-OFF SALE MALT BEVERAGE & ON-OFF SALE SD FARM WINE LICENSE. Mayor Lawler opened the public hearing for new On-Off Sale Malt Beverage & On-Off Sale SD Farm Wine Licenses. This is due to changes made to the license classification during the 2018 Legislative Session. **MOTION 18-103. MOTION** by Voelker, seconded by Weis to approve the following alcohol beverage licenses. All members voted AYE.

ON-OFF SALE MALT BEVERAGE & ON-OFF SALE SD FARM WINE LICENSE

- MG Oil Co. d/b/a Jokerz 7, 615 E. Brian St. (limited to Suite #A)
- MG Oil Co. d/b/a Jokerz 7B, 615 E. Brian St. (limited to Suite #B)
- Olson Oil Co., d/b/a Get N Go # 17, 815 N. Heritage Parkway
- Cubby's Inc., 105 W. 1st St.
- Casey's General Store, 800 E. Brian St.

ALCOHOL BEVERAGE RENEWAL. MOTION 18-104. Motion by Boots, seconded by Voelker to approve the renewal of the following alcohol beverage licenses. All members voted AYE.

ON-OFF SALE MALT BEVERAGE AND ON-OFF SALE SD FARM WINE LICNES

- Laurie Karlson, d/b/a Laurie Belles Boutique, 820 Gateway Lane
- Tea Hospitality, LLC, d/b/a Grandstay Hotel & Suites 830 Gateway Lane

VARIANCE PUBLIC HEARING. Mayor Lawler opened the public hearing for a setback variance for Emery Schmitt. Mr. Schmitt would like to build a house at 797 E. Kevin Dr. The lot is irregular and has an existing accessory building in the back causing an issue with the setback. Nine Mile Creek Flood Plain is also causing an issue by moving the structure to the west side of the lot. **MOTION 18-105. MOTION** by Boots, seconded by Ortmeier to approve 2.4-foot front yard setback variance for Emery Schmitt, 797 E. Kevin Dr., Lot 7, Block 4 Coffee's Addition. All members voted AYE.

SECOND READING OF ORDINANCE 256. The Council held the second reading of Ordinance 256. **MOTION 18-106. MOTION** by Weis, Seconded by Ortmeier to approve the adopt Ordinance 256, An Ordinance of the City of Tea, SD Rezoning of the High Pointe Estates Subdivision, Legally Known as Outlot A and Tract 2, High Pointe Estates Addition, City of Tea, from R2-Residential District to R-1-Residential District and a Portion of R-1 Residential District to R-2 Residential District and Amending the Official Zoning Map of the City of Tea. All members voted AYE. The entire ordinance will be published separately.

FIRST READING OF ORDINANCE 257. The Council held the first reading of Ordinance 257, amending Ordinance 154, Chapter 8, Section 8.01 – GB General Business District – Permitted Uses. This ordinance would allow for alcohol sales to be considered a permitted use, rather than having landowners apply for a conditional use permit for alcohol sales. Second reading will be held at the June 4, 2018 meeting.

SITE PLAN. Kevin presented and recommended approval of a site plan for an addition for DeGeest Manufacturing at 27191 470th Ave. **MOTION 18-107. MOTION** by Boots, seconded by Ortmeier to approve the site plan for DeGeest Manufacturing to add a 54,875 sq. ft. addition to their building at 27191 470th Ave., Lot 18, Block 5, Hagedorn Industrial Park Addition. All members voted AYE.

PLAT. Kevin presented and recommended approval of a plat in Everett's Place Addition. **RESOLUTION 18-05-12. MOTION 18-108. MOTION** by Voelker, seconded by Weis to approve the following resolution. All members voted AYE. BE IT RESOLVED by the City Council of the City of Tea, South Dakota that the plat known and described as Lot 4, Block 5, Evertt's Place Addition, lying within the jurisdictional limits of the City of Tea, South Dakota, is hereby approved and the City Finance Officer of the City of Tea, South Dakota is hereby directed to endorse on such plat a copy of this resolution and certify the same thereon. Dated this 21st day of May, 2018.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

SITE PLAN. Kevin presented and recommended approval of a site plan for a 16,350 sq. ft. building in the Ponderosa Park Addition. **MOTION 18-109. MOTION** by Weis, seconded by Ortmeier to approve the site plan for Haber Truck & Trailer Sales to construct a 16,350 sq. ft. building on Lot 3C, Ponderosa Park Addition. All members voted AYE.

ANNEXATON. RESOLUTION 18-05-13. MOTION 18-110. MOTION by Voelker, seconded by Weis to approve the following resolution. All members voted AYE. WHEREAS there has been a petition received seeking to include certain real property within the corporate boundaries of the City of Tea; and WHEREAS, the petition has been signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed to the City of Tea; and WHEREAS, the property is contiguous to the City of Tea on its south boundary; and WHEREAS, said petition complies with all requirements of SDCL 9-4-1; NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEA, SOUTH DAKOTA that the following described property be and the same hereby are included within the corporate limits of the City of Tea, BE IT FURTHER RESOLVED that the boundary of the City is hereby extended to include such territory as allowed by SDCL 9-4-1 **PARCEL 3 – AKA S 659.4' S ½, SW ¼ LYING W. OF RY 24-100-51.** Dated this 21st day of May, 2018.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

ANNEXATON. RESOLUTION 18-05-14. MOTION 18-111. MOTION by Voelker, seconded by Weis to approve the following resolution. All members voted AYE. WHEREAS there has been a petition received seeking to include certain real property within the corporate boundaries of the City of Tea; and WHEREAS, the petition has been signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed to the City of Tea; and WHEREAS, the property is contiguous to the City of Tea on its south boundary; and WHEREAS, said petition complies with all requirements of SDCL 9-4-1; NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEA, SOUTH DAKOTA that the following described property be and the same hereby are included within the corporate limits of the City of Tea, BE IT FURTHER RESOLVED that the boundary of the City is

hereby extended to include such territory as allowed by SDCL 9-4-1 **ZAHN TR 3, SW ¼ * EX W. 1050' OF N 326'* 24-100-51**. Dated this 21st day of May, 2018.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

ANNEXATON. A petition has been received from East River Electric to annex their property which is adjacent to the city limits. **RESOLUTION 18-05-15. MOTION 18-112. MOTION** by Munson, seconded by Boots to approve the following resolution. All members voted AYE. WHEREAS there has been a petition received seeking to include certain real property within the corporate boundaries of the City of Tea; and WHEREAS, the petition has been signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed to the City of Tea; and WHEREAS, the property is contiguous to the City of Tea on its west boundary; and WHEREAS, said petition complies with all requirements of SDCL 9-4-1; NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEA, SOUTH DAKOTA that the following described property be and the same hereby are included within the corporate limits of the City of Tea and classified as a **Rural Service District** as provided for in City of Tea Ordinance 218, and BE IT FURTHER RESOLVED that the boundary of the City is hereby extended to include such territory as allowed by SDCL 9-4-1. **W. 50'; BURLINGTON NORTHERN & SANTE FE RR ROW NOW VACATED, SW ¼ - *EX TR. 17 OF DNL INDUSTRIAL ADD. * 24-100-51**. Dated this 21st day of May, 2018.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

ANNEXATON. A petition has been received from East River Electric to annex their property which is adjacent to the city limits. **RESOLUTION 18-05-16. MOTION 18-113. MOTION** by Ortmeier, seconded by Munson to approve the following resolution. All members voted AYE. WHEREAS there has been a petition received seeking to include certain real property within the corporate boundaries of the City of Tea; and WHEREAS, the petition has been signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed to the City of Tea; and WHEREAS, the property is contiguous to the City of Tea on its west boundary; and WHEREAS, said petition complies with all requirements of SDCL 9-4-1; NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEA, SOUTH DAKOTA that the following described property be and the same hereby are included within the corporate limits of the City of Tea and classified as a **Rural Service District** as provided for in City of Tea Ordinance 218, and BE IT FURTHER RESOLVED that the boundary of the City is hereby extended to include such territory as allowed by SDCL 9-4-1. **KERSLAKE 2ND ADD. LOT 12, BLOCK 5, S ½ 24-100-51**. Dated this 21st day of May, 2018.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

ANNEXATON. A petition has been received from East River Electric to annex their property which is adjacent to the city limits. **RESOLUTION 18-05-17. MOTION 18-114. MOTION** by Ortmeier, seconded by Weis to approve the following resolution. All members voted AYE. WHEREAS there has been a petition received seeking to include certain real property within the corporate boundaries of the City of Tea; and WHEREAS, the petition has been signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed to the City of Tea; and WHEREAS, the property is contiguous to the City of Tea on its west boundary; and WHEREAS, said petition complies with all requirements of SDCL 9-4-1; NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEA, SOUTH DAKOTA that the following described property be and the same hereby are included within the corporate limits of the City of Tea and classified as a **Rural Service District** as provided for in City of Tea Ordinance 218, and BE IT FURTHER RESOLVED that the boundary of the City is hereby extended to include such territory as allowed by SDCL 9-4-1. **KERSLAKE 2ND ADD., LOT 11, BLOCK 5 – S ½ - 24-100-51**. Dated this 21st day of May, 2018.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

ANNEXATON. A petition has been received from East River Electric to annex their property which is adjacent to the city limits. **RESOLUTION 18-05-18. MOTION 18-115. MOTION** by Ortmeier, seconded by Weis to approve the following

resolution. All members voted AYE. WHEREAS there has been a petition received seeking to include certain real property within the corporate boundaries of the City of Tea; and WHEREAS, the petition has been signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed to the City of Tea; and WHEREAS, the property is contiguous to the City of Tea on its west boundary; and WHEREAS, said petition complies with all requirements of SDCL 9-4-1; NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEA, SOUTH DAKOTA that the following described property be and the same hereby are included within the corporate limits of the City of Tea and classified as a **Rural Service District** as provided for in City of Tea Ordinance 218, and BE IT FURTHER RESOLVED that the boundary of the City is hereby extended to include such territory as allowed by SDCL 9-4-1. **KERSLAKE 2ND ADD., LOT 10, BLOCK 5 – S ½ - 24-100-51**. Dated this 21st day of May, 2018.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

ANNEXATON. A petition has been received from Haugen Investments Limited Partnership requesting annexation of their property which is adjacent to the city limits. **RESOLUTION 18-05-19. MOTION 18-116. MOTION** by Boots, seconded by Weis to approve the following resolution. All members voted AYE. WHEREAS there has been a petition received seeking to include certain real property within the corporate boundaries of the City of Tea; and WHEREAS, the petition has been signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed to the City of Tea; and WHEREAS, the property is contiguous to the City of Tea on its south boundary; and WHEREAS, said petition complies with all requirements of SDCL 9-4-1; NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEA, SOUTH DAKOTA that the following described property be and the same hereby are included within the corporate limits of the City of Tea and classified as a **Rural Service District** as provided for in City of Tea Ordinance 218, and BE IT FURTHER RESOLVED that the boundary of the City is hereby extended to include such territory as allowed by SDCL 9-4-1. **THE WEST THIRTY (30) FEET OF THE SOUTH THREE HUNDRED NINETY-THREE (393) FEET AND THE NORTH THIRTY (30) FEET OF THE SOUTH FOUR HUNDRED TWENTY-THREE (423) FEET OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 24, TOWNSHIP 100 NORTH, RANGE 51 WEST OF THE 5TH P.M., LINCOLN COUNTY, SD.** Dated this 21st day of May, 2018.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

ANNEXATON. A petition has been received from Sundowner Investments, LLC requesting annexation of their property which is adjacent to the city limits. **RESOLUTION 18-05-20. MOTION 18-117. MOTION** by Weis, seconded by Ortmeier to approve the following resolution. All members voted AYE. WHEREAS there has been a petition received seeking to include certain real property within the corporate boundaries of the City of Tea; and WHEREAS, the petition has been signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed to the City of Tea; and WHEREAS, the property is contiguous to the City of Tea on its west and north boundaries; and WHEREAS, said petition complies with all requirements of SDCL 9-4-1; NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEA, SOUTH DAKOTA that the following described property be and the same hereby are included within the corporate limits of the City of Tea and classified as a **Rural Service District** as provided for in City of Tea Ordinance 218, and BE IT FURTHER RESOLVED that the boundary of the City is hereby extended to include such territory as allowed by SDCL 9-4-1.

- **GOVT LOTS 1 & 2 OF THE NW ¼, 19-100-50 (PARCEL # 100.50.19.2000)**
- **SUNDOWNER INVESTMENTS ADD. – TR. 1 IN GOV LOTS 1 & 2 NW ¼, INCL ROW 19-100-50 (PARCEL 100.50.19.F100)**
- **TRACT A – GOV'T LOT 2, SW ¼ & GOV LOT 2 NW ¼ 19-100-50 (AKA BALANCE OF TRACT A OF BAKKER SUBDIVISION) (PARCEL 100.50.19.GA00)**
- **S. 10 RODS NW ¼ *EX. LOT H-2 & BAKKER SUBDIVISION* 19-100-50 (AKA BALANCE OF S. 10 RODS OF GOVT LOT 2) (PARCEL 100.50.19.2030)**
- **BAKKER LANDING 1ST ADDITION TRACT 1 IN GOVT LOTS 1 & 2 OF THE NW ¼ & IN GOVT LOTS 1 & 2 OF THE SW ¼ 19-100-50. (PARCEL 100.50.19.J100)**

- **LOTS 1 & 2 SW ¼ *EX LOTS H.1 & 2 & 3 & BAKKER SUBDIVISION* 19-100-50 (PARCEL 100.50.19.3000)**

Dated this 21st day of May, 2018.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

ANNEXATON. A petition has been received from Sundowner Investments, LLC requesting annexation of their property which is adjacent to the city limits. **RESOLUTION 18-05-21. MOTION 18-118. MOTION** by Ortmeier, seconded by Boots to approve the following resolution. All members voted AYE. WHEREAS there has been a petition received seeking to include certain real property within the corporate boundaries of the City of Tea; and WHEREAS, the petition has been signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed to the City of Tea; and WHEREAS, the property is contiguous to the City of Tea on its west boundary; and WHEREAS, said petition complies with all requirements of SDCL 9-4-1; NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEA, SOUTH DAKOTA that the following described property be and the same hereby are included within the corporate limits of the City of Tea; and BE IT FURTHER RESOLVED that the boundary of the City is hereby extended to include such territory as allowed by SDCL 9-4-1. **BAKKER LANDING 1ST ADD. TRACT 2 IN GOVT LOTS 1 & 2 OF THE NW ¼ & IN GOVT LOTS 1 & 2 OF THE SW ¼ 19-100-50. (PARCEL 100.50.19.J200).** Dated this 21st day of May, 2018.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

FIREWORKS STAND. Mike Denning has approached the City asking to set up a temporary fireworks stand from June 27 to July 5 on the lot north of the athletic park parking lot and to have a fireworks demonstration/employee training on June 9 in the flex field area. **MOTION 18-119. MOTION** by Weis, seconded by Ortmeier to approve the Fireworks Store's temporary store June 17 to July 5 at 205 E. 1st St. and to allow training/demonstration on June 9 on the flex fields. All members voted AYE.

271ST ST. PAY APPLICATION. MOTION 18-120. MOTION by Weis, seconded by Boots to approve 271st St. Improvement Project Pay Application 3 to Metro Construction, in the amount of \$485,867.67. All members voted AYE.

SEASONAL EMPLOYEES. MOTION 18-121. MOTION by Weis, seconded by Voelker to hire the following seasonal employees: Jacob Hyland, Lifeguard, \$ 9.90 per hour; Katie Hayworth, Cashier/Slide Attendant, \$9.10 per hour; Jaeya Jones, Cashier/Slide Attendant, \$9.10 per hour; and Rylee Snyder, Maintenance Department, \$10.50 per hour. All members voted AYE.

EXECUTIVE SESSION. MOTION 18-122. MOTION by Weis, seconded by Voelker to go into executive session at 8:28 pm pursuant to SDCL 1-25-2 (1) Personnel & (3) Contracts. All members voted AYE. Council came out of executive session at 8: 47 pm.

MOTION 18-123. MOTION by Ortmeier, seconded by Erck to adjourn at 8:47 pm. All members voted AYE.

John M. Lawler, Mayor

ATTEST:

Dawn R. Murphy, Finance Officer

**CITY OF TEA
 WARRANTS PAID MAY 21, 2018**

FINANCE 4142

Aflac	Insurance	361.14
KCL Group Benefits	June insurance	355.03
Wellmark	Insurance	7,499.19

ELECTION 4130

Tea Steak House	Election lunch	37.74
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PLANNING & ZONING 4650

A & B Business	Copy maintenance	237.62
HBA of the Sioux Empire	2018 Membership	500.00

GOVERNMENT BUILDINGS 4192

City of Tea	Water - Maintenance building	50.82
City of Tea	Water - City Hall High Flow	57.82
City of Tea	Water - Community Hall-200 W. Maple	42.14
City of Tea	Water - City Hall Low Flow	51.46
Midwest Alarm	Monitoring	66.00
Team Logic IT	May backup	40.00
Vast	City Hall	405.84
Vast	Maint. Dept. phone	112.40
Verizon	Cell phone	2,467.08

PUBLIC SAFETY 4210

Black Hills Ammunition	Ammo	399.00
Casey's General Store	Gasoline	52.74
City of Tea	Water	38.32
Edmonds, Brenda	Cleaning	50.00
Get N Go	Gasoline	942.16
Siemonsma, Vance	Reimburse for cabinet	25.00
Vast	Phone	628.86
Verizon	Phone	373.40
Witmer Public Safety	Taser Holster	33.99

HIGHWAY/STREET 4312

Casey's General Stores Inc.	Gasoline	19.11
Get N Go	Gasoline	88.59
Southeastern Electric	Main St. lights	281.30
Southeastern Electric	272nd St. lights	73.59
Southeastern Electric	Stop light	12.80
Southeastern Electric	Heritage Blvd. lights	465.30
Southeastern Electric	Ivy & Main lights	116.41
Southeastern Electric	Nine Mile Heights lights	199.00

Southeastern Electric	Spencer Heights Add. lights	129.00
Southeastern Electric	Howling Ridge lights	255.00
Southeastern Electric	High Pointe Add. lights	136.00
Southeastern Electric	Brian St. stop light	47.98
Southeastern Electric	Gateway Lane lights	38.00
Southeastern Electric	Prairie Trail lights	164.00
Southeastern Electric	High Pointe/Carla St. lights	87.00
Xcel Energy	Street lights	3,522.26

WATER 601

Beck, Catherine	Water refund	28.10
Casey's General Stores	Gasoline	19.11
Get N Go	Gasoline	88.59
Hofland, Elizabeth & Jesse	Water refund	10.85
Rippentrop, Dale & Bonnie	Water refund	16.24
SD One Call	1/2 locates	98.00
Southeastern Electric	Quinton St. tower	61.59
The Find	Water refund	50.00

SEWER 604

Casey's General Stores	Gasoline	19.13
Get N Go	Gasoline	88.61
SD One Call	1/2 locates	98.00
Southeastern Electric	High Pointe lift station	173.70

3RD PENNY/POOL/PARK EXPENSES 211

Murphy, Dawn	Reimburse for scanner & camera	95.14
City of Tea	Water	55.82
Vast	Phone	107.96

2ND PENNY SALES TAX FUND 212

First National Bank	Sales Tax Revenue Bond Series 2013 (PSB)	11,780.00
First National Bank	Sales Tax Revenue Bond Series 2010 (HWY 111)	17,128.75

50,382.68

Published once at the approximate cost of \$_____.