

required over and above the balance then held in the Operating Account to pay the reasonable and necessary operating expenses of the Utility which are then due and payable, or are to be paid prior to the next monthly apportionment. The term "operating expenses" shall mean the current expenses, paid or accrued, of operation, maintenance and current repair of the Utility, calculated in accordance with generally accepted accounting principles, and shall include, without limitation, administrative expenses of the City relating solely to the Utility, premiums for insurance on the properties thereof, labor and the cost of materials and supplies used for current operation and for maintenance, and charges for the accumulation of appropriate reserves for current expenses which are not recurrent monthly but may reasonably be expected to be incurred in accordance with generally accepted accounting principles. Such operating expenses shall not include any allowance for depreciation or renewals or replacements of capital assets of the Utility and shall not include any portion of the salaries or wages paid to any officer or employee of the City, except such portion as shall represent reasonable compensation for the performance of duties necessary to the operation of the Utility, nor any amount properly payable from any other account of the Fund. Moneys in the Operating Account shall be used solely for the payment of current operating expenses of the Utility, as herein defined. A sufficient balance shall be kept therein as working capital to cover the cost of one month's current operation. The Project Revenues of the Utility, as referred to in this Resolution, are hereby defined to include the entire amount of such gross revenues remaining after each such monthly apportionment, after crediting to the Operating Account the amount required hereby.

4.04. Project Revenue Bond Account. Upon each monthly apportionment, there shall be set aside and credited to the Project Revenue Bond Account out of the Project Revenues of the Improvements an amount equal to not less than one-twelfth of the total sum of the principal and interest to become due within the then next succeeding twelve months on all Bonds. Moneys from time to time held in the Project Revenue Bond Account shall be disbursed only to meet payments of principal and interest on Bonds as such payments become due; provided, that on any date when all outstanding Bonds are due or prepayable by their terms, if the amount then on hand in the Project Revenue Bond Account, together with the balance then on hand in the Reserve Account, is sufficient, with other moneys available for the purpose, to pay all Bonds and the interest accrued thereon in full, it may be used for that purpose. If any payment of principal or interest becomes due when moneys in the Project Revenue Bond Account are temporarily insufficient therefor, such payment shall be advanced out of any Project Revenues theretofore segregated and then on hand in the Reserve Account, the Replacement and Depreciation Account or the Surplus Account. In the event that sufficient moneys are not available from the aforementioned sources, the City, to the extent it may at the time legally do so, may, but shall not be required to, temporarily advance moneys to the Project Revenue Bond Account from other funds of the City on hand and legally available for the purpose, but any such advance shall be repaid from Project Revenues of the Utility within 24 months.

4.05 Reserve Account. On a monthly basis, the City shall pay into the Reserve Account an amount equal to 10% of the maximum debt service due in any future calendar year on, the Bonds. Said balance shall be maintained by such additional credits to the Reserve Account as may be necessary. Moneys on hand in the Reserve Account shall be used only to pay maturing principal and interest when other moneys in the Project Revenue Bond Account are insufficient therefor.

4.06. Replacement and Depreciation Account. There shall next be set aside and credited, upon each monthly apportionment, to the Replacement and Depreciation Account such portion of the Project Revenues, in excess of the current requirements of the Project Revenue Bond Account and the Reserve Account (which portion of the Project Revenues is referred to herein as Surplus Project Revenues), as the City Council shall determine to be required for the accumulation of a reasonable reserve for renewal of worn out, obsolete or damaged properties and equipment of the Utility, which reserve shall be accumulated and maintained. Moneys in this account shall be used only for the purposes above stated or,

if so directed by the City Council, to redeem Bonds which are prepayable according to their terms, to pay principal or interest when due thereon as required in Section 4.04 hereof, or to pay the cost of improvements to the Utility; provided, that in the event that the City shall hereafter issue bonds for the purpose of financing the construction and installation of additional improvements or additions to the Utility, but which additional bonds cannot, upon the terms and conditions provided herein, be payable from the Project Revenue Bond Account. Surplus Project Revenues from time to time received may be segregated and paid into one or more separate and additional accounts from the payment of such bonds and interest thereon, in advance of payments required to be made into the Replacement and Depreciation Account.

4.07. Surplus Account. Any amount of the Surplus Project Revenues from time to time remaining after the above required applications thereof shall be credited to the Surplus Account, and the moneys from time to time in that account, when not required to restore a current deficiency in the Project Revenue Bond Account as provided in Section 4.04 hereof, may be used for any of the following purposes and not otherwise:

- (a) To redeem and prepay Bonds when and as such Bonds become prepayable according to their terms;
- (b) To purchase Bonds on the open market, whether or not the Bonds so purchased or other such Bonds may then be prepayable according to their terms; and, if the Reserve Account is then funded to the full amount required to be maintained therein, and the balances in the Project Revenue Bond Account and the Replacement and Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made therefrom prior to the end of the current fiscal year, then;
- (c) To pay for repairs of or for the construction and installation of improvements or additions to the Utility; and, if the Reserve Account is then funded to the full amount required to be maintained therein, and the balances in the Project Revenue Bond Account and the Replacement and Depreciation Account are sufficient to meet all payments required or reasonably anticipated to be made therefrom prior to the end of the then current fiscal year, then:
- (d) To be held as a reserve for redemption and prepayment of the Bonds which are not then but will later be prepayable according to their terms; or
- (e) To be used for any other authorized municipal purpose designated by the City Council.

No moneys shall at any time be transferred from the Surplus Account or any other account of the Fund to any other fund of the City, nor shall such moneys at any time be loaned to other municipal funds or invested in warrants, special improvements bonds or other obligations payable from other funds, except as provided in this Section 4.07.

4.08. Deposit and Investment of Funds. The City Finance Officer shall cause all moneys to be deposited as provided in South Dakota Law.

SECTION 5. COVENANTS.

5.01. General. The City covenants and agrees that until all Bonds are fully discharged as provided in this Resolution, it will continue to hold, maintain and operate the Utility as a public utility and convenience, free from all liens thereon or on the income therefrom other than the liens herein granted or provided for, will observe prudent utility practices, and will maintain, expend and account for the Fund and the several accounts therein as provided in Section 4. The City will cause the Improvement to be constructed in accordance with plans and specifications hereto prepared and will not enter into contracts in excess of the amount provided for such purpose.

5.02. Competing Service. The City will not establish or authorize the establishment of any other system for the public supply of service or services in competition with any or all of the services supplied by the facilities of the Utility.

5.03. Billings. The charges for Water Utility services will be billed at least monthly, and if the bill is not paid within sixty days of the date of billing, or if the customer fails to comply with all rules and regulations established for the Utility within sixty days after notice of violation thereof (which notice shall be given promptly upon discovery of any such violation), the service to the premises involved shall be discontinued and shall not be resumed until payment of all past-due bills for Water Utility service and compliance with all such rules and regulations. The City may reduce the number of days before the service will be disconnected from sixty to any lesser number of days by ordinance or resolution. The City shall take all appropriate legal action to collect the unpaid charges. The City shall follow the procedures, if any, set by South Dakota Codified Laws for disconnection of service during the winter months.

5.04. Remedies. Any registered owner of any Bond shall have the right, either at law or in equity, by suit, action or other proceedings, to protect and enforce the rights of all registered owners of the Bonds and to compel the performance of any and all of the covenants required herein to be performed by the City, and its officers and employees, including but not limited to the fixing and maintaining of rates, fees and charges and the collection and proper segregation of gross revenues and the application and use thereof. The registered owners of a majority in principal amount of outstanding Bonds shall have the right to direct the time, method and place of conducting any proceeding for any remedy available to the bondholders or the exercise of any power conferred on them, and the right to waive a default in the performance of any such covenant, and its consequences, except a default in the payment of the principal of or interest on any Bond when due. However, nothing herein shall impair the absolute and unconditional right of the registered owner of each Bond to receive payment of the principal of and interest on the Bond as such principal and interest respectively become due, and to institute suit for any such payment, any court having jurisdiction of the action may appoint a receiver to administer the Utility on behalf of the City with power to charge and collect rates, fees and charges sufficient to provide for the payment of the operating expenses and for the payment of any bonds or obligations outstanding against the improvements, and to apply the gross revenues in conformity with this Resolution and the laws of the State of South Dakota. In the event principal or interest on any bond shall become due and remain unpaid for a period of not less than three months, such nonpayment shall constitute a default and the holders of a majority in principal amount of the Bonds outstanding shall have all of the remedies provided by, powers and privileges granted by law for the enforcement of their rights or for the collection of such principal and interest, including the right to declare all outstanding Bonds of this issue due and payable forthwith.

5.05. Rates and Charges. The City through the City Council will maintain, revise, charge and collect rates and other charges for service furnished and made available by the Improvements, according to schedules such that the gross revenues derived therefrom will be sufficient, when combined with other available funds, to pay when due all expenses of the operation and maintenance of the Improvements and all principal of and all interest on Bonds, to provide for the establishment and reserves therefore, and to provide for an allowance for recurring renewals and replacements of Improvements, and to fulfill the terms of all other agreements with the registered owners of the City's bonds. The charges and rates collected for use of the Improvements shall be segregated and distinguished from other revenues collected in connection with the Utility.

5.06. Statutory Lien. There shall pursuant to SDCL 9-40-25 be a statutory mortgage lien upon the Improvements in favor of and for the equal benefit of the lawful holders of the bonds issued pursuant to SDCL 9-40, except no such lien shall attach to or become a charge upon or against any property or utility

or any part thereof previously owned by the City. Until all bonds are fully paid with interest, the City shall not sell or otherwise dispose of the Utility and shall not establish, authorize or grant a franchise for the operation of any other utility for supplying Water Utility in competition with the City. The Statutory Lien shall continue until the bonds are paid in full.

SECTION 6. EFFECTIVE DATE; REPEALS; ADMINISTRATIVE ACTIONS.

This Resolution shall become effective upon passage and all provisions of ordinances, resolutions and other actions and proceedings of the City which are in any way inconsistent with the terms and provisions of this Resolution are repealed, amended and rescinded to the full extent necessary to give full force and effect to the provisions of this Resolution.

The above and foregoing resolution was moved for adoption by Fowlds, seconded by Peterson and upon roll call vote,

Voted Aye: Munson, Ortmeier, Fowlds, Peterson, Otten and Weis.

Voted Nay: None

Whereupon the Mayor declared the resolution to be duly passed and adopted.

John M. Lawler, Mayor

ATTEST:

Dawn R. Murphy, Finance Officer

Adopted: August 18, 2008
Published: August 27, 2008
Effective Date: September 16, 2008

EXHIBIT A

Water Storage Improvements

CUSTOMER NUMBER:	127066	Argus Leader Media	P.O. Box 5034, Sioux Falls, S.D. 57117-5034
INVOICE NUMBER:	1154777		
RUN DATES	8/27, 2008		\$36.98

CITY OF TEA
 PO BOX 128
 TEA, SD 57064-0128

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 127066 CITY OF TEA
 Invoice Number: 1154777

Argus Leader Media
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That the Tea and Harrisburg Champion is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4, as amended published at Tea, Lincoln County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 27 day of August 2008,
 _____, the _____ day of _____ 2008,

and that \$36.98 was charged for publishing the same

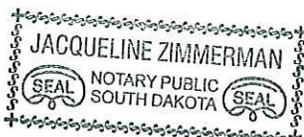
Linda Schulte

Subscribed and sworn to before me 8/27/2008

J. Zimmerman

Notary Public, South Dakota

My Commission expires December 22, 2009



City of Tea
 Regular Meeting
 August 18, 2008

A regular meeting of the Tea City Council was held August 18, 2008 at 6:00 pm.

Mayor John Lawler called the regular meeting to order at 6:05 pm with the following members present; Nathan Peterson, Herman Otten, Brian Fowlds, Sidney Munson, Joe Weis & Chuck Ortmeier. Also present were Finance Officer Dawn Murphy, Planning and Zoning Administrator Kevin Nissen, Administrative Assistant/Economic Development Director Jenni Pick, Police Chief Ken Haugen, Jason Kjenstad and Utility Superintendent Thad Konrad.

The council held the first reading of Ordinance 193, 2009 Appropriations Ordinance. 2nd Reading and formal adoption will be held at the September 2, 2008 meeting.

AGENDA. MOTION 08-153. MOTION by Otten, seconded by Fowlds to approve the August 18, 2008 agenda. All members voted AYE.

MINUTES. MOTION 08-154. MOTION by Weis, seconded by Fowlds to approve the August 4, 2008 minutes. All members voted AYE.

ENGINEERING. Jason reviewed the three preliminary design estimates for the construction of 272nd St. No decisions were made.

2ND READING OF ORDINANCE 192. The council held the 2nd Reading of Ordinance 192. MOTION 08-155. MOTION by Fowlds, seconded by Peterson to approve and adopt Ordinance 192, An Ordinance Amending Article 8, Section 805, Public Open Space of the Subdivision Regulations of the City of Tea, Lincoln County, South Dakota. All members voted AYE. The ordinance will be published separately.

LINCOLN COUNTY RURAL WATER MEMBERSHIP MEETING (LCRW). The city has received notice of a special meeting of the members of LCRW on August 21st 2008 at 7:00 p.m. MOTION 08-156. MOTION by Otten, seconded by Peterson to appoint Mayor Lawler to represent the city at the LCRW Membership Meeting. All members voted AYE.

ANNUAL REPORT. MOTION 08-157. MOTION by Otten, seconded by Fowlds to approve the 2006 and 2007 Annual Reports. All members voted AYE. The reports will be published separately.

RESOLUTION 08-08-17. MOTION 08-158. MOTION by Fowlds, seconded by Peterson to approve Resolution 08-08-17, Resolution

AFFIDAVIT OF PUBLICATION-

Customer Number: 127066
Invoice Number: 1154780

CITY OF TEA

Argus Leader Media
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That the Tea and Harrisburg Champion is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4, as amended published at Tea, Lincoln County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 27 day of August 2008,
_____, the _____ day of _____ 2008,

and that \$271.82 was charged for publishing the same

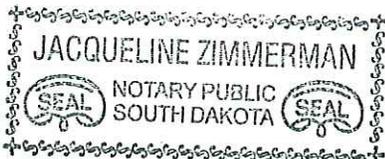
Linda Schulte

Subscribed and sworn to before me 8/27/2008

J. Zimmerman

Notary Public, South Dakota

My Commission expires December 22, 2009



Legal Notices

EXTRACT OF MINUTES OF MEETING OF THE CITY COUNCIL OF THE CITY OF TEA LINCOLN COUNTY, SOUTH DAKOTA

A meeting of the City Council of the City of Tea, Lincoln County, South Dakota, held at the regular meeting room of the Council, said meeting being held on August 20, 2008, at 7:00 o'clock p.m., pursuant to law.

The following City Council members were present: Nathan Peterson, Herman Otten, Joe Weis, Brian Fowlds, Sidney Munson and Chuck Ortmeyer. There were no councilmembers absent.

Councilmember Fowlds read and presented the following resolution and moved that the same be passed:

RESOLUTION NO. 08-08-17
RESOLUTION RELATING TO THE IMPROVEMENT OF THE MUNICIPAL WATER UTILITY; CREATING SPECIAL FUNDS AND ACCOUNTS FOR THE ADMINISTRATION OF THE MONEYS DERIVED THEREFROM; AUTHORIZING AND DIRECTING THE ISSUANCE AND SALE OF PROJECT REVENUE BONDS TO PAY THE COST OF IMPROVEMENTS AND DEFINING THE TERMS AND MANNER OF PAYMENT OF THE BONDS AND THE SECURITY THEREOF.

BE IT RESOLVED by the City Council of the City of Tea, South Dakota (the "City"), as follows:

SECTION 1. RECITALS, AUTHORIZATION AND FINDINGS.

1.01. Recitals. The City currently operates a municipal Water Utility under SDCL 9-40 (the "Utility"), consisting of a system or part of a system, for the purpose of providing water utility for municipal, in-

City of Tea
Regular Meeting
September 2, 2008

A regular meeting of the Tea City Council was held September 2, 2008 at 7:00 pm.

Mayor John Lawler called the regular meeting to order at 7:04 pm with the following members present: Herman Otten, Brian Fowlds, Joe Weis & Chuck Ortmeier. Also present were Finance Officer Dawn Murphy, Planning and Zoning Administrator Kevin Nissen, Administrative Assistant/Economic Development Director Jenni Pick, Police Chief Ken Haugen, City Engineer Jason Kjenstad, City Attorney Mark Meierhenry and Utility Superintendent Thad Konrad. Councilmembers Sidney Munson and Nathan Peterson were absent.

AGENDA. MOTION 08-160. MOTION by Fowlds, seconded by Weis to approve the September 2, 2008 agenda with the additional of Executive Session for legal matters. All members voted AYE.

MINUTES. MOTION 08-161. MOTION by Ortmeier, seconded by Otten to approve the August 18, 2008 minutes. All members voted AYE.

WARRANTS. MOTION 08-162. MOTION by Otten, seconded by Fowlds to approve the September warrants. All members voted AYE. Warrants will be listed at the end of the minutes.

ORDINANCE 194. As this was the time set, the Mayor opened the public hearing for the 1st Reading of Ordinance 194, Temporary Zoning Ordinance: Adult Oriented Business or Relocation Moratorium. There were no comments for or against the ordinance. Second reading and formal adoption will be held at the September 15, 2008 meeting.

JUSTIN OWENS, Powder River Development Services, LLC, representing SWS, LLC, a wireless PCS company, asked for permission to install 6 wireless antennas and a small cabinet on the pool park tower. They have reviewed the lease and have no comments. **MOTION 08-163. MOTION** by Otten, seconded by Weis to authorize SWS, LLC to install 6 antennas and a cabinet at the watertower located at 235 W. Brian St. and to approve the general lease terms of \$1,300.00 per month and either a 3% annual increase or 15% increase every 5 years; and to authorize the Mayor to execute the lease after the city attorney has approved the final document. All members voted AYE.

MOTION 08-164. MOTION by Fowlds, seconded by Ortmeier to go into executive session at 7:25 for Legal matters. Council came out of executive session at 7:58 p.m.

MOTION 08-165. MOTION by Fowlds, seconded by Ortmeier to approve the Settlement Agreement and Release and the Service Area Map between the City of Tea, City of Sioux Falls, City of Harrisburg and Lincoln County Rural Water System and to authorize the appropriate city officials to execute the agreement. All members voted AYE. The agreement is on file in the Finance Office and open to public inspection.

MOTION 08-166. MOTION by Otten, seconded by Fowlds to approve the Water Purchase Agreement between Lewis and Clark Regional Water System and the City of Tea. All members voted AYE. The agreement is on file in the Finance Office and open to public inspection.

MOTION 08-167. MOTION by Weis, seconded by Fowlds to approve the Water Purchase Agreement between Lincoln County Rural Water System Inc., and the City of Tea. All members voted AYE. The agreement is on file in the Finance Office and open to public inspection.

2008 SIDEWALK PROJECT PAY REQUEST #2. MOTION 08-168. MOTION by Fowlds, seconded by Ortmeier to approve the 2008 Sidewalk Project Pay Request #2 to D & G Concrete Construction in the amount of \$88,841.34. All members voted AYE.

SEWER REHABILITATION PROJECT. The following bid was opened August 21st for the Sewer Rehabilitation Phase 1 Project: A-Tech Sewer, \$50,631.25. HDR Engineering has reviewed the bid and recommends awarding the project. **MOTION 08-169. MOTION** by Weis, seconded by Ortmeier to award the Sewer Rehabilitation Project to A-Tech Sewer in the amount of \$50,631.25. All members voted AYE.

1st ST. DRAINAGE. At a previous meeting there was discussion regarding extending the culvert at the Corner of 1st St. and Deerview. If the city pays for the pipe, Donnie Coffee will install it at no charge. The drainage that runs through this pipe comes down Elsie across 1st St. and then west of 1st St. across Deerview. **MOTION 08-170. MOTION** by Weis, seconded by Ortmeier to pay for up to 100' of pipe to be installed by Donnie Coffee at no charge at the corner of Deerview and 1st St. extending approximately 100' west. All members voted AYE.

TEA STEAK HOUSE SITE PLAN. Jason presented the site plan for the Tea Steak House addition owned by Jim Ihnen. They will be utilizing on the lot that Mr. Ihnen owns to the south of the property (directly west of the Legion) for additional parking. There were concerns on the availability of the parking if he were to sell that lot. **MOTION 08-171. MOTION** by Otten, seconded by Fowlds to approve the Tea Steak House Site Plan and Building Permit #08-98. All members voted AYE.

HOWLING RIDGE. Jason discussed a letter he received from JSA Engineers regarding the drainage west of Blocks 9 and 11 in Howling Ridge. At the September 24th 2007 meeting the council made a motion to withhold building permits on Arianna Place until John Schwartzle's section of the drainage ditch in Howling Ridge was removed of rock and cleaned up. There was a lengthy discussion. **MOTION 08-172. MOTION** by Otten, seconded by Weis to allow building permits, for concrete work only, on Arianna Place until an agreement can be worked out with Jason, Mr. Schwartzle and JSA Engineering regarding a solution to the drainage ditch. All members voted AYE.

P & R BOARD MEMBER. MOTION 08-173. MOTION by Fowlds seconded by Weis to appoint Rita Patzwald to the Tea Park and Recreation Board to finish the Term vacated by Mark Rockafellow. All members voted AYE.

POLICE DEPARTMENT. There was discussion on the City of Tea Sponsoring Wade Deuter as a city employee for training classes. In turn, he has qualified our officers for free. He is listed as a part time police officer but has only worked 8 hours this year, 44 hours in 2007 and has indicated to Police Chief Haugen that he does not have time to work in Tea. There are some liability concerns with the city sponsoring him and him not working as an employee. After Police Chief Haugen explained the situation, he has since submitted a bill for qualifying our officers. It was the consensus of the council to invite Mr. Deuter to a council meeting and explain his situation. There was a brief discussion on purchasing equipment for the Police Department. Police Chief Haugen will talk with the police department committee members.

ORDINANCE 195. The council held the 1st reading of Ordinance 195, An Ordinance Amending Ordinance 175, Park and Recreation Board. Second reading and formal adoption will be held at the September 15, 2008 meeting.

INITIATED MEASURE #10. The council has received a request from the South Dakota Municipal League to pass a resolution opposing Initiated Measure #10. **RESOLUTION 08-09-18. MOTION 08-174. MOTION** by Otten, seconded by Weis to approve the following Resolution. All members voted AYE

WHEREAS, Initiated Measure #10 would prohibit any city from paying dues to any association that lobbies; and WHEREAS, it is far more efficient and cost effective to join together with our fellow cities through the SD Municipal League for coordinated communication with the Legislature than to have each city stand along; and WHEREAS, the costs to the taxpayers of having each city to monitor, report, and travel to Pierre to participate in the Legislative Session would be much greater than any dues to the SD Municipal League; and WHEREAS, coordinated communication with Legislators leads to more efficiency in the Legislative process and has saved millions of dollars in taxpayer funds; and WHEREAS, restricting the ability of South Dakotans to support candidates and communicate with their elected public officials is a violation of their right to freedom of speech; and WHEREAS, the measure will be challenged in court and will most likely be found to be unconstitutional, costing millions of dollars in taxpayer money; and WHEREAS, Initiated Measure #10 does not limit State government-paid lobbyists, out-of-state lobbyists, or corporate lobbyists, but only stifles coordinated voices for local control; and WHEREAS, the City of Tea finds that municipal officials throughout South Dakota are dedicated, honest and ethical people with the best interests of their cities in mind and that cities take great pride in providing open, honest government to our citizens; and WHEREAS, the thousands and thousands of South Dakotans who do business with the State, Cities, Counties, and other governmental entities should not be penalized for providing such services; and WHEREAS, civic groups who work to better their community, and often require local funding to provide their services should not be prohibited from communicating their needs to local public servants; and WHEREAS, the forces supporting Initiated Measure #10 will not reveal the source of their funding, leaving the reasonable assumption that out of state special interests are once again attempting to hijack the South Dakota ballot and abuse our initiative process; NOW THEREFORE, BE IT RESOLVED that the City of Tea strongly opposed Initiated Measure #10 and urges the citizens of South Dakota to vote "NO" on the measure. Adopted this 2nd day of September, 2008.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

COMMITTEE REPORTS. RPFs for the proposed park complex are due this Friday. Kevin is would like a committee made up of council, city staff and park and recreation board members. Mayor Lawler and Councilmembers Weis and Ortmeier will be the city representatives. SD Department of Legislative Audit will attend the next meeting to report on the Audit. Police Chief reported on the progress of miscellaneous nuisance problems.

MOTION 08-175. MOTION by Weis, seconded by Ortmeier to adjourn at 9:47 p.m. All members voted AYE.

John M. Lawler, Mayor

ATTEST:

Dawn R. Murphy, Finance Officer

CITY OF TEA
WARRANTS PAID SEPTEMBER 2, 2008

FINANCE 4142/P & Z 4650		
A & B Business	1/4 Copies	71.82
Aflac	Insurance	313.90
Argus Leader Media	Publishing	269.04
Brown & Saenger	1/4 supplies	39.71
Danforth & Meierhenry	Services	240.00
HDR Engineering	July Services	8,751.25
HDR Engineering	272nd St. Plan	6,632.39
Sterling Kloster	August Inspections	1,580.00
Tea True Value	Misc	276.12
Wellmark Blue Cross/Blue Shield	September Insurance	930.45

PLANNING & ZONING 4650		
A & B Business	1/4 Copies	71.82
American Planning Assoc.	Membership	75.00
Argus Leader Media	Publishing	146.24
Brown & Saenger	1/4 supplies	39.71
Lincoln County Treasurer	File plat	15.00
Nissen, Kevin	Postage	15.96

LIBRARY 4550		
Great Plains Zoo	Assembly	150.00
Lennox Independent	Subscription	23.59
Schwebach, Sharon	Reimb for books	29.79
Upstart	Promo supplies	187.27

GOVERNMENT BUILDINGS 4192		
Alltel	Phone	98.36
City of Sioux Falls Sanitary Landfill	Hist. Society garbage	29.96
City of Tea	200 W. Maple water	30.50
City of Tea	600 E. 1st St. water	285.40
City of Tea	600 E. 1st St. water	65.40
City of Tea	510 S. Main water	50.40
EnviroMaster	Supplies	147.40
Knology	City Hall & Pool	266.19
Knology	Maint Bldg	81.76
Master Janitorial	Clean city hall	80.00
Mid American Energy	200 W. Maple	8.00
Mid American Energy	600 E. 1st St.	92.85
Mid American Energy	510 S. Main	8.00
Midwest Alarm	08/09 fire alarm monitoring	480.00
Office of Fire Marshal	Boiler Inspection	60.00
Tea True Value	Furnace filters/paint/misc	459.51
Xcel Energy	200 W. Maple St.	99.87
Xcel Energy	600 E. 1st St.	893.49
Xcel Energy	Maint Bldg	114.95

PUBLIC SAFETY 4210		
A & B Business	Toner	272.50
Alltel	Phones	260.08
Cenex	Gasoline	143.60
City of Tea	Water	32.50
Knology	PD Phone	190.16
Master Janitorial	Cleaning	80.00
Mid American Energy	Service	13.66
Office Max	Supplies	108.72
Olson Oil	Gasoline	1,200.53
Ralphs Repair	Oil changes	94.00
School-Tech Inc.	Traffic signs	69.00
Second Chance Rescue	Board cats	48.00
Steve's Auto Repair	Tires & alignment for 07 Charger	358.48
Sunshine	Misc	4.12
Tea Volunteer Fire Dept.	2008 Budget	17,442.00
Tea Volunteer Fire Dept.	34% bunker gear	2,510.00
Tvedt, Brian	Postage	23.12
Xcel	Service	222.03
Xcel	Warning siren	17.12

**CITY OF TEA
WARRANTS PAID SEPTEMBER 2, 2008**

	HIGHWAY/STREET 4312	
Campbell Supply	Misc	32.84
Cenex	1/3 Gasoline	94.09
Dakota Earthworks Inc.	Gravel (St. Maint Fund)	56.17
Highway Improvements	Crack sealing	6,893.40
Michael Todd & Co.	Sign brackets	356.62
Myrl & Roys	Asphalt (St. Maint. Fund)	5,414.60
Olson Oil	Gasoline	64.61
Ralph's Repair	Batteries	288.90
Sheehan Mack	Packer Rental	616.76
Southeastern Electric	Main St. street lights	154.42
Southeastern Electric	Stop light	79.22
Southeastern Electric	272nd St. Lights	59.78
Southeastern Electric	Locates	62.50
Topkote Inc.	Chip seal (Street Maint. Fund)	23,222.45
Xcel Energy	Street Lights	2,324.70
Xcel Energy	School Crossing	15.09
	PARKS/RECREATION 4501	
A-1 Portables	Ball field toilet rentals	300.00
City of Tea	N. park restroom water	51.00
Concrete Materials	Concrete for dugouts	315.00
Eastern Farmers Coop	Spray	27.92
Michael Fence	Ball field fence	21,482.88
Xcel Energy	Tennis Court	7.25
Xcel Energy	Batting cage	60.89
Xcel Energy	Ball field lights	87.99
	WATER 601	
A & B Business	1/4 Copies	71.82
Addy, Chad & Andrea	Deposit refund	8.69
Avery, Lori	Deposit refund	6.67
Brabazon, Lyle	Deposit refund	32.04
Brown & Saenger	1/4 supplies	39.71
Business Forms & Accounting Systems	1/2 bill cards	441.97
Cenex	Gasoline	94.09
Danforth & Meierhenry	Services	1,150.00
First National Bank	Principal & Interest SRF DW-1 (L & C)	35,593.10
Fogelson, Donnas	Deposit refund	22.17
HD Supply Waterworks	Hyd Ext	163.40
Jans Corp.	Refund overpayment	377.40
Lincoln County Rural Water	7,622,000 Aug. usage	15,371.78
Medema, Doug	Deposit refund	35.00
Muellenberg, Jason	Deposit refund	4.50
Olson Oil	Gas	64.61
One Call Systems	1/2 locates	65.00
Schreier, Jason	Deposit refund	28.12
Xcel Energy	N. Watertower	20.30
Xcel Energy	S. Watertower	14.18
Xcel Energy	Rural water	11.60
	SEWER	
A & B Business	1/4 Copies	71.84
Argus Leader Media	Publish bid ad	26.38
Brown & Saenger	1/4 supplies	39.78
Business Forms & Accounting Systems	1/2 bill cards	441.98
Cenex	Gasoline	94.08
First National Bank	SRF #5	8,638.24
First National Bank	Principal & Interest SRF 4	8,901.21
HDR Engineering	Facility plan update	2,904.25
Knology	Lift station phones	39.93
Olson Oil	Gas	64.60
One Call Systems	1/2 locates	65.00
Tetra Tech	Lagoon samples	201.60
Xcel Energy	N. lift station	33.58
Xcel Energy	5th St. lift station	74.15
Xcel Energy	Lagoon building	1,655.86
Xcel Energy	S. lift station	218.71

CITY OF TEA
WARRANTS PAID SEPTEMBER 2, 2008

	3RD PENNEY 211	
City of Sioux Falls	Testing	66.00
City of Tea	Pool water (2 months)	499.40
Hawkins Water Treatment	Pool chemicals	604.02
McGreevy Clinic	Employee testing	42.00
Menards	Mats	199.70
Mid American Energy	Service	2,104.42
SD Treasurer	August sales tax	428.66
Sunshine Foods	Supplies	58.87
Tea True Value	Supplies	333.64
Xcel	Pool	948.66
	SIDEWALK PROJECT	
Dahl, Doug	431 S. Mary ADA pad & driveway replacement	488.65
	STORM DRAINAGE II FUND 220	
First National Bank	Principal & Interest SRF #2	13,264.44
	2ND PENNY SALES TAX FUND 212	
First National Bank	Principal & Interest SRF #3	4,169.37
	STORM DRAINAGE DEBT FUND 303	
First National Bank	Principal & Interest SRF #1	13,346.67
<hr/>		
		222,011.64

CITY OF TEA
WARRANTS PAID SEPTEMBER 2, 2008

PAYROLL PAID 8/12/08 (PP 17)

FINANCE 4142		
Dawn Murphy	1/3 80 hours	512.00
Jenni Pick	1/4 80 hours / .5 OT	282.63
Valley Exchange Bank	Payroll taxes	5,575.95
SD Retirement	Retirement	2,223.00
PLANNING & ZONING		
Jenni Pick	1/4 80 hours / .5 OT	282.63
Kevin Nissen	80 hours	1,480.00
PUBLIC SAFETY 4210		
Brian Tvedt	85.50 hours / .5 OT	1,399.76
Terry Anderson	9.50 hours	123.50
Jessica Gillis	91.75 hours / 10.50 OT	1,505.00
Kenneth Haugen	84 hours	1,554.00
Matthew Kitto	80.50 hours	1,127.00
Sarina Waterman	80 hours	1,160.00
HIGHWAY/STREET 4312		
Thad Konrad	1/3 80 REG / 3.5 OT	545.60
Lenny Przybys	1/3 80 REG / 3 OT	482.72
Robert Bunkofske	1/3 80 REG / 3 OT	467.57
Sean Glasgow	1/3 80 hours / 1 OT	298.83
POOL 4501		
Donna Howes	94.50 hours	1,464.75
Maggie Aldrich	51.50 hours	437.75
Chase Baker	44.25 hours	376.13
Kate Carda	32.25 hours	274.13
Thea Eide	50.50 hours	391.38
Michael Ellefson	53 hours	450.50
Derek Fischer	32.50 hours	292.50
Shane Glasgow	65 hours	552.50
Leah Howes	64.75 HG hours	696.06
Elizabeth Jibben	64 hours	576.00
Andy Jorgensen	64.25 hours	546.13
Megan Nissen	36.50 hours	282.88
Lucas Ortmeier	51 hours	395.25
Samantha Qualm	48 hours	408.00
Brandon Sandoval	39.75 HG / 31.75 WSI Guard hours	703.13
Whitney Smidt	42.75 hours	384.75
Keisin Vietor	39.75 hours	337.88
Kristen White	53 hours	450.50
Benjamin Young	5.5 hours	46.75
WATER 601		
Dawn Murphy	1/3 80 hours	512.00
Jenni Pick	1/4 80 hours / .5 OT	282.63
Thad Konrad	1/3 80 REG / 3.5 OT	545.60
Lenny Przybys	1/3 80 REG / 3 OT	482.72
Robert Bunkofske	1/3 80 REG / 3 OT	467.57
Sean Glasgow	1/3 20 hours	298.83
SEWER		
Dawn Murphy	1/3 80 hours	512.00
Jenni Pick	1/4 80 hours / .5 OT	282.63
Thad Konrad	1/3 80 REG / 3.5 OT	545.60
Lenny Przybys	1/3 80 REG / 3 OT	482.72
Robert Bunkofske	1/3 80 REG / 3 OT	467.57
Sean Glasgow	1/3 20 hours	298.83

33,265.84

	12 hours	102.00
fson	21.5 hours	166.63
r	7.75 hours	65.88
ow	18.75 hours	168.75
ben	13.75 hours	116.88
sen	23.25 hours	209.25
n	10.50 hours	89.25
ier	19.5 hours	151.13
ialm	10 hours	77.50
idoval	18.25 hours	155.13
r	31.75 HG hours	333.38
e	19.50 hours	165.75
	27.50 hours	233.75

WATER 601

ny	1/3 80 hours	512.00
	1/4 80 hours / 3 OT	295.75
l	1/3 80 REG / 4.5 OT	555.20
ys	79.50 hours	456.86
ofske	1/3 80 REG	442.67
w	1/3 20 hours	310.75

SEWER

ny	1/3 80 hours	512.00
	1/4 80 hours / 3 OT	295.75
l	1/3 80 REG / 4.5 OT	555.20
ys	79.50 hours	456.86
ofske	1/3 80 REG	442.67
w	1/3 20 hours	310.75

25,089.67

TOTAL APPROVED SEPTEMBER 2, 2008 280,367.15

**CITY OF TEA
WARRANTS PAID SEPTEMBER 2, 2008**

PAYROLL PAID 8/26/08 (PP 18)

FINANCE 4142

phy	1/3 80 hours	512.00
	1/4 80 hours / 3 OT	295.75
Change Bank	Payroll taxes	4,333.50
ent	Retirement	2,216.10

PLANNING & ZONING

Je	1/4 80 hours / 3 OT	295.75
TI	80 hours	1,480.00

PUBLIC SAFETY 4210

Se	94.50 hours	1,540.35
	81.25 hours	1,137.50
s	90.25 hours	1,669.63
igen	80 hours	1,120.00
to	87 hours	1,261.50
rman		

HIGHWAY/STREET 4312

l	1/3 80 REG / 4.5 OT	555.20
ys	79.50 hours	456.86
ofske	1/3 80 REG	442.67
w	1/3 79.5 hours / 3.5 OT	310.75

POOL 4501

es	10 hours	155.00
ich	14.75 hours	125.38

CUSTOMER NUMBER:	127066	Argus Leader Media	P.O. Box 5034, Sioux Falls, S.D. 57117-5034
INVOICE NUMBER:	1158024		
RUN DATES	9/10, 2008		\$196.59

CITY OF TEA
PO BOX 128
TEA, SD 57064-0128

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 127066 CITY OF TEA
Invoice Number: 1158024

Argus Leader Media
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That the Tea Champion and Harrisburg Champion is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4, as amended published at Tea, Lincoln County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 10 day of September 2008,
_____, the _____ day of _____ 2008,

and that \$196.59 was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 9/10/2008

J. Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2009



City of Tea
Regular Meeting
September 2, 2008

A regular meeting of the Tea City Council was held September 2, 2008 at 7:00 pm.

Mayor John Lawler called the regular meeting to order at 7:04 pm with the following members present: Herman Otten, Brian Fowlds, Joe Weis & Chuck Ortmeler. Also present were Finance Officer Dawn Murphy, Planning and Zoning Administrator Kevin Nissen, Administrative Assistant/Economic Development Director Jenni Pick, Police Chief Ken Haugen, City Engineer Jason Kjenstad, City Attorney Mark Melerhenry and Utility Superintendent Thad Konrad. Councilmembers Sidney Munson and Nathan Peterson were absent.

AGENDA. MOTION 08-160. MOTION by Fowlds, seconded by Weis to approve the September 2, 2008 agenda with the additional of Executive Session for legal matters. All members voted AYE.

MINUTES. MOTION 08-161. MOTION by Ortmeler, seconded by Otten to approve the August 18, 2008 minutes. All members voted AYE.

WARRANTS. MOTION 08-162. MOTION by Otten, seconded by Fowlds to approve the September warrants. All members voted AYE. Warrants will be listed at the end of the minutes.

ORDINANCE 194. As this was the time set, the Mayor opened the public hearing for the 1st Reading of Ordinance 194, Temporary Zoning Ordinance: Adult Oriented Business or Relocation Moratorium. There were no comments for or against the ordinance. Second reading and formal adoption will be held at the September 15, 2008 meeting.

JUSTIN OWENS, Powder River Development Services, LLC, representing SWS, LLC, a wireless PCS company, asked for permission to install 6 wireless antennas and a small cabinet on the pool park tower. They have reviewed the lease and have no comments.

MOTION 08-163. MOTION by Otten, seconded by Weis to authorize SWS, LLC to install 6 antennas and a cabinet at the watertower located at 235 W. Brian St. and to approve the general lease terms of \$1,300.00 per month and either a 3% annual increase or 15% increase every 5 years; and to authorize the Mayor to execute the lease after the city attorney has approved the final document. All members voted AYE.

MOTION 08-164. MOTION by Fowlds, seconded by Ortmeler to go into executive session at 7:25 for Legal matters. Council came out of executive session at 7:58

City of Tea
Regular Meeting
September 15, 2008

A regular meeting of the Tea City Council was held September 15, 2008 at 7:00 pm.

Mayor John Lawler called the regular meeting to order at 7:04 pm with the following members present: Herman Otten, Brian Fowlds, Joe Weis, Sidney Munson, Nathan Peterson & Chuck Ortmeier. Also present were Finance Officer Dawn Murphy, Planning and Zoning Administrator Kevin Nissen, Administrative Assistant/Economic Development Director Jenni Pick, Police Chief Ken Haugen, Assistant Police Chief Brian Tvedt, City Engineer Jason Kjenstad and Utility Superintendent Thad Konrad.

AGENDA. MOTION 08-176. MOTION by Fowlds, seconded by Weis to approve the September 15, 2008 agenda with the addition of special assessment hearing date. All members voted AYE.

MINUTES. MOTION 08-177. MOTION by Otten, seconded by Ortmeier to approve the August 18, 2008 minutes. All members voted AYE.

BUILDING PERMIT. Kevin presented a building permit for the Tea Post Office at 502 Figzel Court, Suite A. Traffic will enter from the south and exit north, through the medical mall parking lot. Overflow parking will also utilize the medical mall. Councilmember Fowlds expressed his concerns if the owners of the medical mall would ever close off parking and access to their property. **MOTION 08-178. MOTION** by Otten, seconded by Weis to approve Building Permit 08-100 for the Tea Post Office build out at 502 Figzel Court, Suite A. All members voted AYE.

HOWLING RIDGE. At the last meeting there was discussion on the drainage channel along the west property line of Blocks 9 and 11. JSA Engineer went out and shot the channel and it appears that the existing channel was not constructed according to the development plans. John Schwartzle has agreed to take out the rock, re-grade the channel, place rip rap on the bottom six feet and then put buffalo grass or sod on the slope. The city will send a letter to the adjacent owners informing them of their responsibility of maintaining their part of the channel and a reminder not to plow snow into the channel. Mr. Schwartzle has agreed to install a storm sewer pipe and do some re-grading to help the water flow away from Leroy Becker's property. Mr. Schwartzle has agreed to escrow money for future 271st St. improvements. Jason will get him the costs for his review and an agreement will be drawn up. The council agreed to let Mr. Schwartzle wait until 2009 to put the final lift of asphalt in Howling Ridge and Mr. Schwartzle agreed to repair the bad spots in the road before winter.

ANNEXTION. MOTION 08-179. RESOLUTION 08-09-19. MOTION by Fowlds, seconded by Peterson 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**, said petition complies with all requirements of SDCL 9-4-1; **NOW THEREFORE, BE IT RESOLVED BY THE CITY OF TEA, SOUTH DAKOTA** that the following described properties be and the same hereby are included within the corporate limits of the City of Tea, and the boundary of the city is hereby extended to include such territory as allowed by SDCL 9-4-1: A part of Tract 3, Howling Ridge Addition, Section 23, Township 100N, Range 51 W to be platted and known as: Lots 23-26, Block 1, Lots 21-24 Block 2, Lots 18-20 Block 3; Lot 13 Block 2, Lot 12 Block 5, Lots 2-6, Block 6 and all adjacent street right of ways, Howling Ridge Addition to the City of Tea, Lincoln County South Dakota. Dated this 15th day of September, 2008.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

ARIANNA PLACE CONSTRUCTION PLANS. Jason presented the construction plans for Arianna Place. Mr. Schwartzle has agreed that the proposed duplex lots will be rental or leased units only and understands the city will not approve any plat that further subdivides any of the lots in this phase. **MOTION 08-180. MOTION** by Otten, seconded by Fowlds to approve Arianna Place Construction Plans. All members voted AYE.

PAY REQUEST. MOTION 08-181. MOTION by Fowlds, seconded by Peterson to approve the 2008 Sidewalk Project Final Pay Request to D & G Concrete Construction in the amount of \$4,042.18. All members voted AYE.

PAY REQUEST. MOTION 08-182. MOTION by Peterson, seconded by Fowlds to approve the 2007 Sidewalk Project Final Pay Request to Oliver Excavating in the amount of \$10,532.21. All members voted AYE.

AUDIT REPORT. Rod Fortin from Department of Legislative audit gave his 2006-2007 audit report. The final written report is being reviewed and the city should receive it in the next 30 days and it will be available for public inspection.

HOWLING RIDGE PLAT. Kevin presented and recommended approval of Howling Ridge Plat. **MOTION 08-183. RESOLUTION 08-09-20. MOTION** by Otten, seconded by Peterson 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 know and described as Lots 23 thru 26, Block 1; Lots 21 thru 24, Block 2; and Lots 18 thru 20, Block 3 of Howling Ridge Addition to the City of Tea, Lincoln County, South Dakota, 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 15th day of September, 2008.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

HOWLING RIDGE PLAT. Kevin presented and recommended approval of Howling Ridge Plat. **MOTION 08-184. RESOLUTION 08-09-21. MOTION** by Otten, seconded by Peterson 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 know and described as Lot 13, Block 2; Lot 12 Block 5 and Lots 2 thru 6, Block 6 of Howling Ridge Addition to the City of Tea, Lincoln County, South Dakota, 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 15th day of September, 2008.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

HOWLING RIDGE PLAT. Kevin presented and recommended approval of Howling Ridge Plat. There will be a document filed with the plat stating the lots will not be subdivided. **MOTION 08-185. RESOLUTION 08-09-22. MOTION** by Fowlds, seconded by Ortmeier 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 know and described as Lots 1A, 2A, 3A, 4A, 5A, 6A 7 and 8 in Block 11 of Howling Ridge Addition to the City of Tea, Lincoln County, South Dakota, 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 15th day of September, 2008.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

ORDINANCE 195. The council held the 2nd reading of Ordinance 195. **MOTION 08-186. MOTION** by Otten, seconded by Peterson to approve and adopt Ordinance 195, An Ordinance Amending Ordinance 175, Park and Recreation Board with the addition that an annual report must be filed with the finance officer by February 1, 2008. All members voted AYE. The ordinance will be published separately.

to the following year
ORDINANCE 193. The council held the 2nd Reading of Ordinance 193. **MOTION 08-187. MOTION** by Weis, seconded by Peterson to approve and adopt Ordinance 193, 2009 Appropriations Ordinance. All members voted AYE. The ordinance will be published separately.

ASSESSMENT ROLL HEARING. MOTION 08-188. MOTION by Peterson, seconded by Weis to set October 6, 2008 for the Special Assessment Hearing for the 2007 and 2008 Sidewalk Projects. All members voted AYE. Letters will be sent to each owner affected.

RESIGNATION. MOTION 08-189. MOTION by Fowlds, seconded by Ortmeier to accept Rob Bunkofske's resignation effective September 19, 2009. All members voted AYE.

COMMITTEE REPORTS. The Rural Development watertower loan will be closed on Monday, September 22nd. There will be a valve turning ceremony on September 30th at the Tea meter building with Lewis and Clark Regional Water System and the Cities of Tea, Harrisburg and Sioux Falls., Police Chief Haugen received an e-mail from a parent concerned about people not stopping at the cross walk on W. 1st St. and Deerview. The officers will monitor the corner for a few days.

MOTION 08-190. MOTION by Fowlds, seconded by Peterson to go into executive session at 9:35 for legal matters. All members voted AYE. The council came out of executive session at 9:54 p.m.

MOTION 08-191. MOTION by Peterson, seconded by Weis to adjourn at 9:55 p.m. All members voted AYE.

John M. Lawler, Mayor

ATTEST:

Dawn R. Murphy, Finance Officer

CUSTOMER NUMBER:	127066	Argus Leader Media	
INVOICE NUMBER:	1161876		
RUN DATES	9/24, 2008	P.O. Box 5034, Sioux Falls, S.D. 57117-5034	
			\$94.92

CITY OF TEA
 PO BOX 128
 TEA, SD 57064-0128

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 127066 CITY OF TEA
 Invoice Number: 1161876

Argus Leader Media
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That the Tea Champion and Harrisburg Champion is, and during all the times hereinafter mentioned, was a weekly legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4, as amended published at Tea, Lincoln County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 24 day of September 2008,
 _____, the _____ day of _____ 2008,

and that \$94.92 was charged for publishing the same

Linda Schulte
 Subscribed and sworn to before me 9/24/2008

J. Zimmerman
 Notary Public, South Dakota

My Commission expires December 22, 2009



City of Tea
 Regular Meeting
 September 15, 2008
 A regular meeting of the Tea City Council was held September 15, 2008 at 7:00 pm.
 Mayor John Lawler called the regular meeting to order at 7:04 pm with the following members present: Herman Otten, Brian Fowlds, Joe Weis, Sidney Munson, Nathan Peterson & Chuck Ortmeyer. Also present were Finance Officer Dawn Murphy, Planning and Zoning Administrator Kevin Nissen, Administrative Assistant/Economic Development Director Jenni Pick, Police Chief Ken Haugen, Assistant Police Chief Brian Tvedt, City Engineer Jason Kjenstad and Utility Superintendent Thad Konrad.
 AGENDA. MOTION 08-176. MOTION by Fowlds, seconded by Weis to approve the September 15, 2008 agenda with the addition of special assessment hearing date. All members voted AYE.
 MINUTES. MOTION 08-177. MOTION by Otten, seconded by Ortmeyer to approve the August 18, 2008 minutes. All members voted AYE.
 BUILDING PERMIT. Kevin presented a building permit for the Tea Post Office at 502 Figzel Court, Suite A. Traffic will enter from the south and exit north, through the medical mall parking lot. Overflow parking will also utilize the medical mall. Councilmember Fowlds expressed his concerns if the owners of the medical mall would ever close off parking and access to their property. MOTION 08-178. MOTION by Otten, seconded by Weis to approve Building Permit 08-100 for the Tea Post Office build out at 502 Figzel Court, Suite A. All members voted AYE.
 HOWLING RIDGE. At the last meeting there was discussion on the drainage channel along the west property line of Blocks 9 and 11. JSA Engineer went out and shot the channel and it appears that the existing channel was not constructed according to the development plans. John Schwartzle has agreed to take out the rock, re-grade the channel, place rip rap on the bottom six feet and then put buffalo grass or sod on the slope. The city will send a letter to the adjacent owners informing them of their responsibility of maintaining their part of the channel and a reminder not to plow snow into the channel. Mr. Schwartzle has agreed to install a storm sewer pipe and do some re-grading to help the water flow away from Leroy Becker's property. Mr.

City of Tea
Regular Meeting
October 6, 2008

A regular meeting of the Tea City Council was held October 6, 2008 at 7:00 pm.

Mayor John Lawler called the meeting to order at 7:00 p.m. with the following members present; Nathan Peterson, Herman Otten (7:05), Brian Fowlds, Joe Weis & Chuck Ortmeier. Also present were Finance Officer Dawn Murphy, Planning and Zoning Administrator Kevin Nissen, Administrative Assistant/Economic Development Director Jenni Pick, Police Chief Ken Haugen, Assistant Police Chief Brian Tvedt, City Engineer Jason Kjenstad and Utility Superintendent Thad Konrad. Councilmember Sidney Munson was absent.

MOTION 08-192. **MOTION** by Weis, seconded by Peterson to approve the October 6, 2008 agenda. All members voted AYE.

7:05 PUBLIC HEARING. As this was the time set, Mayor Lawler opened the public hearing for a setback variance for construction of a telecommunications tower within 300 feet of a residential district. The property is zoned commercial and the tower is permitted, however, the closest residential property is approximately 220 feet from the proposed site. There were questions on access to the site, which will be addressed when the plat and site plans are approved. **MOTION 08-193.** **MOTION** by Peterson, seconded by Weis to approve a setback variance for Spencer Heights LLC, on behalf of Redwood Wireless, to construct a telecommunications tower within 300 feet of a residential district on Block 9, Spencer Heights Addition. All members voted AYE.

7:10 PUBLIC HEARING. As this was the time set, Mayor Lawler opened the public hearing for a conditional use permit for Russel Tofflemire to operate a home occupation at 125 N. Cole. He is a fire arms dealer and in order to have a Firearm License with the Bureau of Alcohol, Tobacco, Firearms & Explosives, he needs a legal premise. He typically sells firearms at gun shows and will only sell 3-4 out of this house per year. **MOTION 08-194.** **MOTION** by Fowlds, seconded by Peterson to approve Conditional Use Permit #08-04 for Russell Tofflemire to operate a home occupation in a single family zoning district at 125 N. Cole Ave. All members voted AYE.

WADE DEUTER from Degrata Tactical was present to explain his invoice for training and certifying the city's police officers. **MOTION 08-195.** **MOTION** by Otten, seconded by Fowlds to approve an invoice for Degrata Tactical, Inc. in the amount of \$403.75 for training the police department. All members voted AYE.

7:30 PUBLIC HEARING. As this was the time set Mayor Lawler opened the public hearing for the Sidewalk Projects Special Assessments. There were comments regarding the seeding which Jason has spoken to the contractor and will continue to monitor. **MOTION 08-196.** **RESOLUTION 08-10-22.** **MOTION** by Fowlds, seconded by Otten to approve the Resolution Approving Special Assessment Roll for Phase 1 to Construct Sidewalk on Various Streets and Avenues in Tea, South Dakota. All members voted AYE. The resolution will be published separately. **MOTION 08-197.** **RESOLUTION 08-10-23.** **MOTION** by Otten, seconded by Fowlds to approve the Resolution Approving Special Assessment Roll for Phase 2 to Construct Sidewalk on Various Streets and Avenues in Tea, South Dakota. All members voted AYE. The resolution will be published separately. **MOTION 08-198.** **RESOLUTION 08-10-24.** **MOTION** by Peterson, seconded by Fowlds to approve the Resolution Approving Special Assessment Roll for Phase 3 to Construct Sidewalk on Various Streets and Avenues in Tea, South Dakota. All members voted AYE. The resolution will be published separately.

GAYLA STEWART was present to discuss a letter she received from the police department regarding removing her boat from the street. Tea ordinances do not allow storing, parking or leaving dismantled, inoperable or abandoned vehicles upon public streets. Abandoned vehicle is defined as any vehicle which is left unattended or stored on any public property for a longer period of twenty-four hours. Boats are listed in the definition of a vehicle. She asked the city to consider changing the ordinance or being more lenient in the summer months.

HUMANE SOCIETY. Paul Phalen, executive director of the Sioux Falls Humane Society was present to discuss a contract proposal for animal control services for 2009. The city currently contracts with Second Chance Rescue. No decisions were made.

MINUTES. MOTION 08-199. MOTION by Otten, seconded by Weise to approve the minutes with the change that the park and recreation board is to file a report by February 1 of the following year. All members voted AYE.

WARRANTS. MOTION 08-200. MOTION by Otten, seconded by Ortmeier to approve the warrants as presented. All members voted AYE. Warrants will be listed at the end of the minutes.

SPENCER HEIGHTS. Jason updated the council on the drainage issue at 950 Spencer Lane which has been discussed at previous meetings. The improvements the developer, Mel Zelmer had agreed to complete have not been done. **MOTION 08-201. MOTION** by Ortmeier, seconded by Peterson to issue a letter to Mr. Zelmer stating if the improvements are not done by November 1, 2008 that the city will no longer approve building permits or plats for the development. All members voted AYE. There was discussion on the 2nd lift of asphalt for the Spencer Heights Addition. **MOTION 08-202. MOTION** by Otten, seconded by Fowlds to issue a letter to Mel Zelmer giving him until June 30 to have the 2nd lift of asphalt in his Spencer Heights development; if it is not completed no building permits will be issued and the city will complete the project and assess the property owners. All members voted AYE.

HOWLING RIDGE PLAT. Kevin presented and recommended approval of a Howling Ridge Plat. **MOTION 08-203. RESOLUTION 08-10-25. MOTION** by Fowlds, seconded by Peterson to approve the following resolution. Members Fowlds, Ortmeier, Peterson and Weis voted AYE. Member Otten abstained. Motion carried. BE IT RESOLVED by the City Council of the City of Tea, South Dakota, that the plat know and described as Tract 1A of Howling Ridge Addition to the City of Tea, Lincoln County, South Dakota, 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 6th day of October 2008.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

BENDT ADDITION PLAT. Kevin presented and recommended approval of Bendt Addition Plat. Councilmember Fowlds voiced his concern regarding approving a plat outside the city limits which meets the city zoning requirements but does not meet the county zoning requirements. It is the county's decision not to approve plats within the joint jurisdiction and the city continues to work on getting sole zoning authority within the joint area. **MOTION 08-204. RESOLUTION 08-10-26. MOTION** by Peterson, 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 know and described as Tracts 1, 2 and 3, Bendt Addition a subdivision in the Southwest Quarter (SW ¼) of

Section 26, Township 100N, Range 51 West of the 5th P.M. Lincoln County, 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 6th day of October 2008.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

SITE PLAN APPROVAL. St. Nicholas Catholic Church would like approval of their building permit and site plan. The final site plan has not been approved by HDR. The planning and zoning board does not meet again until October 21 so in order for them to get going Kevin recommended approval contingent upon HDR review. **MOTION 08-205.** **MOTION** by Peterson, seconded by Ortmeier to approve the building permit for St. Nicholas Catholic Church contingent upon HDR's review and to waive the building permit fee. All members voted AYE.

ORDINANCE 194. The council held the 2nd Reading of Ordinance 194. **MOTION 08-206.** **MOTION** by Ortmeier, seconded by Otten to approve and adopt Temporary Zoning Ordinance 194, An Ordinance establishing a Moratorium on (1) the Granting of any Building or Occupancy Permit for Adult Oriented Business or (2) Relocation Approval of any Adult Oriented Businesses. All members voted AYE. The entire ordinance will be published separately.

EDA APPLICATION SPONSORSHIP. Dawn has been contact by South Eastern Council of Governments (SECOG) regarding Federal Fiscal Year 2008 Disaster Supplemental Appropriations Act. The purpose of the grant is to assist the counties who were declared disaster areas due to flooding by improving infrastructure to create jobs. Although Lincoln County was not declared a disaster area, it does border counties that were and therefore the city would be eligible to apply. Project descriptions of the Urbanization of Hwy 111 from 1st St. to 271st St. and the Urbanization of 272nd St. from Hwy 111 east to Sundowner were given to SECOG to present to EDA Representatives to gauge which project would have the best chance of funding. It was their opinion that the 272nd St. project would have the best chance due to the proximity of the existing industrial park and development plans already being reviewed for an additional industrial park. **MOTION 08-207. RESOLUTION 08-10-27.** **MOTION** by Peterson, seconded by Ortmeier to approve the following resolution. All members voted AYE. **ECONOMIC DEVELOPMENT ADMINISTRATION APPLICATION SPONSORSHIP.** WHEREAS, under the Federal Fiscal Year 2008 Disaster Supplemental Appropriations Act, the Economic Development Administration received \$100,000,000 as a supplemental appropriation for disaster assistance for the necessary expenses related to the following three activities: (i) disaster relief; (ii) long-term recovery; and (iii) restoration of infrastructure; WHEREAS, 29 counties out of South Dakota's 66 counties were designated as disaster areas under FEMA-1759-DR, 1774-DR due to flooding; WHEREAS, Clay, McCook, and Turner counties were declared disaster areas and Minnehaha, Lincoln, and Union counties directly border Clay, McCook, and Turner counties; WHEREAS, the City of Tea has determined a need for the Tea Urbanization of 272nd Street project which would support the long-term recovery efforts of the Disaster Supplemental Appropriations Act by creating new jobs in the region; WHEREAS, financial assistance will be necessary to enable the City to construct these improvements; WHEREAS, the City Council desires funding assistance from the Economic Development Administration to assist with funding this improvement; and WHEREAS, the Economic Development Administration grant requires a 25% local match. **NOW THEREFORE BE IT RESOLVED THAT:** 1. The City of Tea hereby authorizes the filing of an Economic Development Administration grant application, including all understandings and assurances contained therein. 2. Be it further resolved that the City of Tea hereby authorizes the commitment of the 25% local match funds. 3. Be it further resolved that the City of Tea hereby authorizes its Mayor to act as signatory in connection

with the application and other required forms, and to provide such additional information as may be required by the Economic Development Administration. Adopted this 6th day of October, 2008.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

PARK AND RECREATION. MOTION 08-208. MOTION by Otten, seconded by Peterson to appoint Chris Hein to the Tea Park and Recreation Board for a three year term, contingent upon a background check being completed. All members voted AYE.

COMMITTEE REPORTS. There was discussion on the foundation at the community building. Dawn will talk to the insurance company to see what their concerns are. Kevin will be attending a planning conference in Watertown on October 29 & 30.

MOTION 08-209. MOTION by Otten, seconded by Peterson to go into executive session at 9:08 p.m for legal matters. All members voted AYE. The council came out of executive session at 10:00 p.m.

MOTION 08-210. MOTION by Peterson, seconded by Ortmeier to pay for an appraisal of property legally described as Lands in Tea, RR Property Tracts 1 & 2. All members voted AYE.

MOTION 08-211. MOTION by Peterson, seconded by Weis to adjourn at 10:01 p.m. All members voted AYE.

John M. Lawler, Mayor

ATTEST:

Dawn R. Murphy, Finance Officer

**CITY OF TEA
WARRANTS PAID OCTOBER 6, 2008**

FINANCE 4142		
A & B Business	1/2 copies & printer repair	162.79
Aflac	Insurance	313.90
Argus Leader	Publishing	1,415.72
Avenet	1/2 4th Quarter Hosting	49.50
Brown & Saenger	1/4 office supplies	143.50
Grant Thornton LLP	Pool Refunding Services	2,000.00
HDR Engineering	August Svc	11,273.65
HDR Engineering	272nd Preliminary Design	11,728.05
Murphy, Dawn	Reimb petty cash	167.40
U.S. Postmaster	1/4 postage	210.00
USPS	1/4 box rental	18.00
Wellmark Blue Cross/Blue Shield	October Insurance	1,530.95

PLANNING & ZONING 4650		
A & B Business	1/4 Copies	162.79
Argus Leader Media	Publishing	144.68
Avenet	1/2 4th quarter hosting	49.50
Brown & Saenger	1/4 office supplies	215.19
Sterling Kloster	September Inspections	2,160.00
U.S. Postmaster	1/4 box rental	18.00
U.S. Postmaster	1/4 postage	210.00

LIBRARY 4550		
Barnes & Nobel	Books	1,359.24

GOVERNMENT BUILDINGS 4192		
Alltel	Cell phone	97.78
Baete-Forseth	Repair furnace	607.71
City of Tea	200 W. Maple water (2 months)	64.70
City of Tea	600 E. 1st St. water (2 months)	587.90
City of Tea	600 E. 1st St. water (2 months)	123.40
City of Tea	510 S. Main water (2 months)	97.10
Knology	Main Bldg	81.37
Knology	City Hall	275.89
Master Janitorial	Clean PSB Aug & Sept	160.00
Mid American Energy	510 S Main (2 months)	16.00
Mid American Energy	600 E. 1st St. (2 months)	133.83
Mid American Energy	200 W. Maple (2 months)	16.00
Scott Bolte Sanitation	Jul-Sep Services	237.89
Sunshine	Misc	61.04
Tea True Value	2 months misc supplies	278.43
Xcel Energy	City Hall, 600 E. 1st St.	1,002.58
Xcel Energy	200 W. Maple	65.83
Xcel Energy	Maint. Bldg	119.75

PUBLIC SAFETY 4210		
Alltel	Cell Phones	258.95
Cenex Credit Card	Gasoline	41.36
City of Tea	Water (2 months)	65.00
Dave's Service & Repair	Tow car	65.00
Digital Ally	Digital video mirror kit	4,025.00
FedEx	Shipping	9.99
Haugen, Ken	Reimb for computers & candy	838.98
Knology	Phone	190.14
Lithia	Rims	361.60
Master Janitorial Service	Clean PD Aug & Sept	120.00
Matthew Bender & Co.	Law books	96.20
Mid American Energy	Service (2 months)	22.22
Olson Oil	Gasoline (2 months)	1,891.44
Ralph's Repair	Oil change/brakes	146.64
Sanford Health Laboratories	Kitto	31.15
Scott Bolte's Sanitation	Garbage	55.48
Second Chance Rescue	Cats	48.00
Sioux Falls Two Way Radio	Install radio/mic	234.95
Sirchie	Finger print kit	298.35
Steve's Auto	Tires	561.51
Streichers	Flashlight holder	52.95
Tea True Value	2 months supplies	141.61
Tvedt, Brian	Cell phone battery	52.95
U.S. Postmaster	PO Box rental	26.00
Velvet Uniforms	Shirt	39.75
Waterman, Sarina	Reimb for postage	44.04
Xcel Energy	Service	223.11
Xcel Energy	Siren	19.29

**CITY OF TEA
WARRANTS PAID OCTOBER 6, 2008**

HIGHWAY/STREET 4312

Action Electric	Repair stop light	266.82
All Phase Electric Inc.	Repair street light damage	2,428.81
Argus Leader	1/3 Maint. Ad.	113.05
Campbell Supply	Mud flap	10.99
Dakota Earthworks, Inc.	Grave for 271st St. (St. Maint. Fund)	364.78
Eastern Farmers Coop	Fuel	3,231.33
Fastenal	Drill bits	27.35
Glass Doctor	Repair wind shield	249.91
Mac's	Supplies	42.28
Michael Todd & Co.	Truck signs	51.25
Midstate Reclamation SD, Inc.	Kevin Dr. repairs (St. Maint. Fund)	4,000.00
Olson Oil	Gasoline (2 months)	234.33
Seal Pros, Inc.	Kevin Dr. repairs (St. Maint. Fund)	24,950.00
Southeastern Electric Coop.	Repair lights	29.50
Southeastern Electric Coop.	Stop light (2 months)	174.47
Southeastern Electric Coop.	272nd St. lights (2 months)	148.36
Southeastern Electric Coop.	Main Ave. lights	170.94
Tea Steak House	Lunch for clean up	45.74
Tea Volunteer Fire Department	Reimb for supplies from Danko	103.37
Xcel Energy	Street lights	2,358.25
Xcel Energy	School Crossing	7.79
Xcel Energy	School Crossing	8.37

PARKS/RECREATION 4501

A-1 Portable Toilets	Rec toilets	300.00
American Fence	Dugouts	1,012.34
City of Tea	Water (2 months)	98.30
Enviro Masters, Inc.	Air fresheners	16.00
Menards	Dugouts	960.26
Tea True Value	2 months misc supplies	188.35
The Tessman Co.	Grass seed	114.31
United Building Centers	Dugouts	586.48
Xcel Energy	Ball Fields	68.40
Xcel Energy	Batting cage	16.17
Xcel Energy	Tennis Court	7.25

WATER 601

A & B Business	1/4 copies	162.79
Argus Leader	1/3 Maint. Ad & loan resolution	384.87
Badger Meter	1/2 service agreement	494.50
Bevers, Michael	Deposit refund	20.23
Brown & Saenger	1/2 office supplies	143.50
Buckner, Judy	Deposit refund	22.42
Combs, Nate & Michele	Deposit refund	11.60
Flynn, Stephen & Heather	Deposit refund	35.00
Kellogg, Jeff	Deposit refund	33.37
Lewis & Clark	Lobby Charges	1,696.50
Lincoln County Rural Water	7,980,000 Sept. usage	16,084.20
Mork, Jeff	Deposit refund	8.39
Nelson, Connie	Deposit refund	31.95
Olson Oil	Gasoline (2 months)	234.33
One Call Systems	1/2 locates	37.00
SD Dept of Revenue	DBPR Samples	352.00
Sterud, Amanda	Deposit refund	3.96
U.S. Postmaster	1/4 box rental	18.00
U.S. Postmaster	1/4 Postage	480.00
Weishaar, Jessica & Joe	Deposit refund	35.00
Xcel Energy	Rural Water	11.41
Xcel Energy	N. tower	22.60
Xcel Energy	S. Tower	15.27

**CITY OF TEA
WARRANTS PAID OCTOBER 6, 2008**

SEWER		
A & B Business	1/4 copies	162.81
Argus Leader	1/3 Maint. Ad	113.06
A-Tech Sewer	Clean sewer line	5,912.10
Badger Meter	1/2 service agreement	494.50
Brown & Saenger	1/2 office supplies	143.56
Cummins Central Power	Repair generator	404.51
Eastern Farmers Coop	Fuel	831.00
HDR	Sewer Rehab Project	238.75
HDR	Facility Plan Update	4,359.47
Knology	Lift Station phone	39.93
Olson Oil	Gasoline (2 months)	234.33
One Call Systems	1/2 locates	37.00
U.S. Postmaster	1/4 Postage	480.00
U.S. Postmaster	1/4 box rental	18.00
Xcel Energy	Lagoon blowers	1,730.04
Xcel Energy	Kevin Dr. lift station	15.54
Xcel Energy	5th St. Lift Station	73.56
Xcel Energy	S. lift station	247.93
3RD PENNEY 211		
Aldrich, Maggie	Reimburse for Lifeguard Training	145.00
City of Sioux Falls	Testing	33.00
City of Tea	Water (2 months)	392.00
Jorgensen, William	Reimburse for Lifeguard Training	145.00
Mid American Energy	Services (2 months)	797.10
SD State Treasurer	Sales Tax	209.16
Tea True Value	Supplies	15.57
Xcel Energy	August bill	594.71
TEA POT DAY		
Rugged Gear	TPD golf carts	378.00

128,291.79

CITY OF TEA
WARRANTS PAID OCTOBER 6, 2008

PAYROLL PAID 9/09/08 (PP 19)

	FINANCE 4142	
Dawn Murphy	1/3 80 hours / 5.5 OT	564.80
Jenni Pick	1/4 80 hours	280.00
Valley Exchange Bank	Payroll taxes	4,132.81
SD Retirement	Retirement	2,297.74
	PLANNING & ZONING	
Jenni Pick	1/4 80 hours	280.00
Kevin Nissen	80 hours	1,480.00
	PUBLIC SAFETY 4210	
Brian Tvedt	91.5 hours	1,491.45
Jessica Gillis	91 hours	1,274.00
Kenneth Haugen	99 hours	1,831.50
Matthew Kitto	93 hours	1,302.00
Sarina Waterman	89 hours	1,290.50
	HIGHWAY/STREET 4312	
Thad Konrad	1/3 80 REG / 1 OT	521.60
Lenny Przybys	79.50 hours	456.86
Robert Bunkofske	1/3 80 REG / 3 OT	467.57
Sean Glasgow	1/3 80 hours / 3 OT	309.83
	WATER 601	
Dawn Murphy	1/3 80 hours / 5.5 OT	564.80
Jenni Pick	1/4 80 hours	280.00
Thad Konrad	1/3 80 REG / 1 OT	521.60
Lenny Przybys	79.50 hours	456.86
Robert Bunkofske	1/3 80 REG / 3 OT	467.57
Sean Glasgow	1/3 20 hours	309.83
	SEWER	
Dawn Murphy	1/3 80 hours / 5.5 OT	564.80
Jenni Pick	1/4 80 hours	280.00
Thad Konrad	1/3 80 REG / 1 OT	521.60
Lenny Przybys	79.50 hours	456.86
Robert Bunkofske	1/3 80 REG / 3 OT	467.57
Sean Glasgow	1/3 20 hours	309.83

23,181.98

CITY OF TEA
WARRANTS PAID OCTOBER 6, 2008

PAYROLL PAID 9/23/08 (PP 20)

	FINANCE 4142	
Dawn Murphy	1/3 80 hours / 4.5 OT	555.20
Jenni Pick	1/4 80 hours	280.00
Valley Exchange Bank	Payroll taxes	4,113.84
SD Retirement	Retirement	2,237.74
	PLANNING & ZONING	
Jenni Pick	1/4 80 hours	280.00
Kevin Nissen	80 hours / 7.5 OT	1,688.13
	PUBLIC SAFETY 4210	
Brian Tvedt	83 hours	1,352.90
Jessica Gillis	90.25 hours	1,263.50
Kenneth Haugen	86.25 hours	1,595.63
Matthew Kitto	83 hours	1,162.00
Sarina Waterman	83.50 hours	1,210.75
	HIGHWAY/STREET 4312	
Thad Konrad	1/3 80 REG / 3.5 OT	545.60
Lenny Przybys	79.50 hours / 2OT	474.10
Robert Bunkofske	1/3 80 REG / 4 OT/ payout 23.02 hrs vacation	603.25
Sean Glasgow	1/3 79.5 hours / 2 OT	302.50
	WATER 601	
Dawn Murphy	1/3 80 hours / 4.5 OT	555.20
Jenni Pick	1/4 80 hours	280.00
Thad Konrad	1/3 80 REG / 3.5 OT	545.60
Lenny Przybys	79.50 hours / 2OT	474.10
Robert Bunkofske	1/3 80 REG / 4 OT/ payout 23.02 hrs vacation	603.25
Sean Glasgow	1/3 20 hours	302.50
	SEWER	
Dawn Murphy	1/3 80 hours / 4.5 OT	555.20
Jenni Pick	1/4 80 hours	280.00
Thad Konrad	1/3 80 REG / 3.5 OT	545.60
Lenny Przybys	79.50 hours / 2OT	474.10
Robert Bunkofske	1/3 80 REG / 4 OT/ payout 23.02 hrs vacation	603.24
Sean Glasgow	1/3 20 hours	302.50

23,186.42

4TH QUARTER COUNCIL PAYROLL

Brian Fowlds	6 regular meetings	600.00
John Lawler	3 months	2,400.00
Sidney Munson	5 regular meetings	500.00
Herman Otten	6 regular meetings	600.00
Nathan Peterson	4 regular meetings	400.00
Joe Weis	6 regular meetings	600.00
Chuck Ortmeier	6 regular meetings	600.00
Valley Exchange Bank	Taxes	912.10

6,612.10

APPROVED OCTOBER 6, 2008

181,272.29

CUSTOMER NUMBER:	127066	Argus Leader Media	P.O. Box 5034, Sioux Falls, S.D. 57117-5034
INVOICE NUMBER:	1169705		
RUN DATES	10/29, 2008		\$217.60

CITY OF TEA
 PO BOX 128
 TEA, SD 57064-0128

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 127066
 Invoice Number: 1169705

CITY OF TEA

Argus Leader Media
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That the Tea Champion and Harrisburg Champion is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4, as amended published at Tea, Lincoln County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

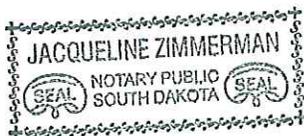
Wednesday, the 29 day of October
 _____, the _____ day of _____
 _____, the _____ day of _____
 _____, the _____ day of _____
 _____, the _____ day of _____

and that \$217.60 was charged for publishing

Linda Schulte
 Subscribed and sworn to before me 10/29/2008

J. Zimmerman
 Notary Public,

My Commission expires December 22, 2009



City of Tea
 Regular Meeting
 October 6, 2008

A regular meeting of the Tea City Council was held October 6, 2008 at 7:00 pm.

Mayor John Lawler called the meeting to order at 7:00 p.m. with the following members present; Nathan Peterson, Herman Otten (7:05), Brian Fowlds, Joe Weis & Chuck Ortmeyer. Also present were Finance Officer Dawn Murphy, Planning and Zoning Administrator Kevin Nissen, Administrative Assistant/Economic Development Director Jenni Pick, Police Chief Ken Haugen, Assistant Police Chief Brian Tvedt, City Engineer Jason Kjenstad and Utility Superintendent Thad Konrad. Councilmember Sidney Munson was absent.

MOTION 08-192. MOTION by Weis, seconded by Peterson to approve the October 6, 2008 agenda. All members voted AYE.

7:05 PUBLIC HEARING. As this was the time set, Mayor Lawler opened the public hearing for a setback variance for construction of a telecommunications tower within 300 feet of a residential district. The property is zoned commercial and the tower is permitted, however, the closest residential property is approximately 220 feet from the proposed site. There were questions on access to the site, which will be addressed when the plat and site plans are approved. MOTION 08-193. MOTION by Peterson, seconded by Weis to approve a setback variance for Spencer Heights LLC, on behalf of Redwood Wireless, to construct a telecommunications tower within 300 feet of a residential district on Block 9, Spencer Heights Addition. All members voted AYE.

7:10 PUBLIC HEARING. As this was the time set, Mayor Lawler opened the public hearing for a conditional use permit for Russel Toffemire to operate a home occupation at 125 N. Cole. He is a fire arms dealer and in order to have a Firearm License with the Bureau of Alcohol, Tobacco, Firearms & Explosives, he needs a legal premise. He typically sells firearms at gun shows and will only sell 3-4 out of this house per year. MOTION 08-194. MOTION by Fowlds, seconded by Peterson to approve

HUMANE SOCIETY. Paul Phalen, executive director of the Sioux Falls Humane Society was present to discuss a contract proposal for animal control services for 2009. The city currently contracts with Second Chance Rescue. No decisions were made.

MINUTES. MOTION 08-199. MOTION by Otten, seconded by Weis to approve the minutes with the change that the park and recreation board is to file a report by February 1 of the following year. All members voted AYE.

WARRANTS. MOTION 08-200. MOTION by Otten, seconded by Ortmeyer to approve the warrants as presented. All members voted AYE. Warrants will be listed at the end of the minutes.

SPENCER HEIGHTS. Jason updated the council on the drainage issue at 950 Spencer Lane which has been discussed at previous meetings. The improvements the developer, Mel Zelmer had agreed to complete have not been done. MOTION 08-201. MOTION by Ortmeyer, seconded by Peterson to issue a letter to Mr. Zelmer stating if the improvements are not done by November 1, 2008 that the city will no longer approve building permits or plats for the development. All members voted AYE. There was discussion on the 2nd lift of asphalt for the Spencer Heights Addition. MOTION 08-202. MOTION by Otten, seconded by Fowlds to issue a letter to Mel Zelmer giving him until June 30 to have the 2nd lift of asphalt in his Spencer Heights development; if it is not completed no building permits will be issued and the city will complete the project and assess the property owners. All members voted AYE.

HOWLING RIDGE PLAT. Kevin presented and recommended approval of a Howling Ridge Plat. MOTION 08-203. RESOLUTION 08-10-25. MOTION by Fowlds, seconded by Peterson to approve the following resolution. Members Fowlds, Ortmeyer, Peterson and Weis voted AYE. Member Otten abstained. Motion carried. BE IT RESOLVED by the City Council of the City of Tea, South Dakota, that the plat know and described as Tract 1A of Howling Ridge Addition to the City of Tea, Lincoln County, South Dakota, lying within the jurisdictional limits of the City of Tea.

CUSTOMER NUMBER:	127066	<h1>Argus Leader Media</h1>	
INVOICE NUMBER:	1169702		
RUN DATES	10/29, 2008	P.O. Box 5034, Sioux Falls, S.D. 57117-5034	
			\$35.82

CITY OF TEA
 PO BOX 128
 TEA, SD 57064-0128

DETACH THIS STUB AND RETURN WITH PAYMENT PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-
 Customer Number: 127066 CITY OF TEA
 Invoice Number: 1169702

Argus Leader Media AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

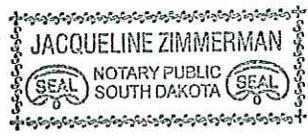
Linda Schulte being duly sworn, says: That the Tea Champion and Harrisburg Champion is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4, as amended published at Tea, Lincoln County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

_____ Wednesday, the 29 day of _____ October 2008,
 _____, the _____ day of _____ 2008,

and that \$35.82 was charged for publishing the same

Linda Schulte
 Subscribed and sworn to before me 10/29/2008

J. Zimmerman
 Notary Public, South Dakota
 My Commission expires December 22, 2009



CITY OF TEA
 RESOLUTION 08-10-24
 RESOLUTION APPROVING
 SPECIAL ASSESSMENT ROLL
 FOR PHASE 3 TO CONSTRUCT
 SIDEWALK ON VARIOUS
 STREETS AND AVENUES IN
 TEA, SOUTH DAKOTA

BE IT RESOLVED as follows:

1. Approval of Special Assessment Roll: The special assessment roll filed September 11, 2008 for the financing of the construction of sidewalk of various street and avenues in Tea is hereby adopted and approved.
2. Levy of Assessments: There is hereby levied pursuant to and in accordance with SDCL 9-43-18, a sidewalk assessment in the amounts and covering the following described property:

NAME, LEGAL DESCRIPTION, AMOUNT
1. Jensen, Gregory & Pamela, Baker Tract 2, Lot 6, \$ 2,871.05

3. Payment of Assessments: The total assessment may be paid in 5 equal annual installments, to which interest at 5% per annum will be added before certification to the County Auditor, who will include both interest and principal amount to be collected along with ad valorem property taxes on above property. All special assessments shall be payable under Plan One, pursuant to SDCL 9-43.
4. Prepayment: Property owners may prepay the amounts of the assessments, within 30 days without interest, at the office of the Municipal Finance Officer. After the 30-day period, the unpaid balance will draw interest at the rate of 5% from the date of filing of the assessment roll.
5. Filing of assessments: The Finance Officer shall number said assessments consecutively, create the special tax book in accordance with SDCL 9-43-24, publish this resolution and deliver the special assessment roll and this resolution to the county auditor.
6. Publish Notice: The Finance Officer is directed to publish with this resolution a notice stating under which plan the special assessments are payable, that any such assessment or any installment thereof may be paid without interest to the county auditor within thirty days after the filing of the roll in the office of the county auditor stating where such assessments are payable, the due date, the date of filing the assessment roll with the municipal treasurer and the rate of interest. Dated at Tea, South Dakota, this 6th day of October, 2008.

THE GOVERNING BODY OF
 THE CITY OF TEA
 John M Lawler, Mayor
 ATTEST: Dawn R. Murphy,
 Finance Officer
 1169702 Oct. 29, 2008

CUSTOMER NUMBER:	127066	<h1>Argus Leader Media</h1>
INVOICE NUMBER:	1169704	
P.O. Box 5034, Sioux Falls, S.D. 57117-5034		
RUN DATES	10/29, 2008	\$50.71

CITY OF TEA
 PO BOX 128
 TEA, SD 57064-0128

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 127066 CITY OF TEA
 Invoice Number: 1169704

Argus Leader Media AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That the Tea Champion and Harrisburg Champion is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4, as amended published at Tea, Lincoln County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 29 day of October 2008,
 _____, the _____ day of _____ 2008,

and that \$50.71 was charged for publishing the same

Linda Schulte

 Subscribed and sworn to before me 10/29/2008

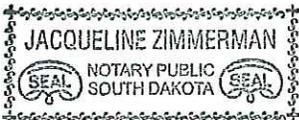
J. Zimmerman

 Notary Public, South Dakota

My Commission expires December 22, 2009

CITY OF TEA
 RESOLUTION 08-10-23
 RESOLUTION APPROVING
 SPECIAL ASSESSMENT ROLL
 FOR PHASE 2 TO CONSTRUCT
 SIDEWALK ON VARIOUS
 STREETS AND AVENUES IN
 TEA, SOUTH DAKOTA
 BE IT RESOLVED as follows:
 1. Approval of Special Assessment Roll. The special assessment roll filed September 11, 2008 for the financing of the construction of sidewalk of various street and avenues in Tea is hereby adopted and approved.
 2. Levy of Assessments. There is hereby levied pursuant to and in accordance with SDCL 9-46-8, a sidewalk assessment in the amounts and covering the following described properties:

NAME, LEGAL DESCRIPTION	AMOUNT	
Bend, Darwin & Judith, Tea-Hagemeyers Add. Lot 1, Block 3	\$3,667.53	
Buse, Galyn & Rhonda, Tea-Church Sub Div. Lot 8A	\$1,070.79	
Case, Charles & Jennifer, Tea-Hagemeyers Add. Lot 6, Block 6	\$2,294.27	
Cenex-Harvest States Coop. Lands In Tea RR Property Trs 1 & 2	\$5,827.70	
Dunkelberger, Jeremy & Nicole, Tea-Hagemeyers Add. E 1/2 Lot 1, Block 17	\$1,555.81	
Dunkelberger, Terri, Tea-Church Sub Div. Lot 2, S 675.35	Fretty, Jacob, Tea-Eichmeiers Sub Div. Lot 4, Block 1	\$5,176.09
German, Daniel & Heather, Tea-Hammerstroms Sub Div. Lot 3, Block 1	\$2,953.83	
Gilbas, Jimmie & Shirley, Tea-Hammerstroms Sub Div. Lot 7, Block 1	\$2,187.02	
Hauge, James, Tea-Hammerstroms Sub Div. Lot 6, Block 1	\$2,213.84	
Knadell, Thomas & Judy, Tea-Hammerstroms Sub Div. Lot 5, Block 1	\$2,322.52	
Kruger, Darrell & Pamela, Tea-Hammerstroms Sub Div. Lot 4, Block 1	\$2,203.00	
Kruger, Lucas, Tea-Hammerstroms Sub Div. Lot 8, Block 1	\$2,226.28	
Nordaine, David & Amy, Tea-Hagemeyers Sub Div. Lot 1 ex. Block 1	Zelmers 1st Add. & Lot A of Lot 1	\$11,188.41
Lundin, Bob, Tea-Fritz Add. W 50' Lots 7-8-9, Block 11	\$1,002.47	
Meyer, Dennis & Carlotta, Tea-Church Sub Div. Lot 7A, S		



CUSTOMER NUMBER:	127066	<h1>Argus Leader Media</h1>
INVOICE NUMBER:	1169703	
RUN DATES	10/29, 2008	P.O. Box 5034, Sioux Falls, S.D. 57117-5034
		\$67.59

CITY OF TEA
PO BOX 128
TEA, SD 57064-0128

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 127066 CITY OF TEA
Invoice Number: 1169703

Argus Leader Media AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That the Tea Champion and Harrisburg Champion is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4, as amended published at Tea, Lincoln County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 29 day of October 2008 ,
 _____, the _____ day of _____ 2008 ,

and that \$67.59 was charged for publishing the same

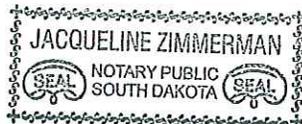
Linda Schulte

Subscribed and sworn to before me 10/29/2008

J. Zimmerman

Notary Public, South Dakota

My Commission expires December 22, 2009



CITY OF TEA
RESOLUTION 08-10-22
RESOLUTION APPROVING
SPECIAL ASSESSMENT ROLL
FOR PHASE 1 TO CONSTRUCT
SIDEWALK ON VARIOUS
STREETS AND AVENUES IN
TEA, SOUTH DAKOTA
BE IT RESOLVED as follows:
1. Approval of Special Assessment Roll. The special assessment roll filed September 11, 2008 for the financing of the construction of sidewalk of various street and avenues in Tea is hereby adopted and approved.
2. Levy of Assessments. There is hereby levied pursuant to and in accordance with SDCL 9-46-8, a sidewalk assessment in the amounts and covering the following described properties:
NAME, LEGAL DESCRIPTION, AMOUNT:
Acker, Stacy, Schoens Add. Lot 1, Block 4, \$1,942.31; Akin, Dean & Jeanette, Tea-Schoens Add. Lot 4 & N 30' Lot 5, Block 4, \$1,654.03; Almont, Chad & Debra, Tea-Church Sub. Div. Lot 4, \$1,414.18; Andrews, Gary & Denise, Tea-Hagemeyer Add. Lot 4, Block 4, \$1,517.77; Baumgard, David & McCann, Julie, Tea-Schoens Add. Lot 7, Block 3, \$2,084.13; Bell, Dennis & Lorinda, Tea-Schoens Add. Lot 3, Block 3, \$3,283.28; Braak, Norman & Faye, Tea-Hammersstroms Sub. Div. Lot 9, Block 1, \$2,000.30; Braaten, Carolyn, Tea-Schoens Add. Lot 15, Block 3, \$2,160.75; Broborg, David, Tea-Peters 3rd Add. to Ryan

City of Tea
Regular Meeting
October 20, 2008

A regular meeting of the Tea City Council was held October 20, 2008 at 7:00 pm.

Mayor John Lawler called the meeting to order at 7:00 pm with the following members present; Herman Otten, Nathan Peterson, Brian Fowlds, Sidney Munson (arrived at 7:05), Chuck Ortmeier and Joe Weis. Also present were Planning and Zoning Administrator Kevin Nissen, Economic Development Director/Administrative Assistant Jenni Pick, City Engineer Jason Kjenstad, Utility Superintendent Thad Konrad and Police Chief Ken Haugen. Finance Officer Dawn Murphy was absent.

AGENDA. MOTION 08-212. MOTION by Fowlds, seconded by Ortmeier to approve the October 20, 2008 agenda with the addition of approval of snow plow purchase. All members voted AYE.

MINUTES. MOTION 08-213. MOTION by Otten seconded by Weis to approve the October 6, 2008 minutes. All members voted AYE.

2ND CHANCE RESCUE CENTER 2009 CONTRACT. The 2nd Chance Rescue Center Contract and the Human Society Contract were looked at. **MOTION 08-214. MOTION** by Peterson, seconded by Weis to approve the 2009 2nd Chance Rescue Center Contract. All members voted AYE.

NEIGHBORHOOD WATCH PROGRAM - MELISSA SCHMIDT was present to discuss the starting of a neighborhood watch program. The program starts with having a block captain to be responsible for roughly 10-15 houses with adding additional block captains from there. The police department is assisting Melissa providing her with information and direction. Flyers and more information will be handed out to the public soon. The council agreed it is a great program to start in Tea.

ENGINEERING. Jason presented and recommended approval for the Final Pay Request to Underground Developers Inc. **MOTION 08-215. MOTION** by Ortmeier, seconded by Weis to approve the Final Pay Request for the Lift Station Project to Underground Developers Inc. in the amount of \$33,545.72. All members voted AYE. Jason presented and recommended approval of Pay Request 1 to Maguire Iron Inc. **MOTION 08-216. MOTION** by Peterson, seconded by Ortmeier to approve Pay Request 1 for the Elevated Water Storage Tank Project to Maguire Iron Inc. in the amount of \$414,437.50. All members voted AYE.

POLICE CAR PURCHASE. Ken presented the following three state bid prices for a 2009 police car which is budgeted for 2009: Wegner Auto Co., Dodge Charger, \$21,205; Murdo Ford, Ford Crown Victoria, \$22,271; and Beck Motors, Chevrolet Impala \$19,186. **MOTION 08-217. MOTION** by Peterson, seconded by Ortmeier to utilize the state bid price and order a 2009 Dodge Charger from Wegner Auto Co for \$21,205 adding option #1057, 5.7 liter V8 engine, \$1,652 and option #S5153 cloth front and vinyl rear seats, \$160; for a total price of \$23,017.00 to be delivered in 2009. All members voted AYE.

SNOW PLOW PURCHASE. Thad would like to order the 12 foot snow plow for \$11,000 which is budgeted for 2009. **MOTION 08-218. MOTION** by Otten, seconded by Peterson to Order a Tenco 12-foot snow plow for \$11,000 to delivered in 2009. All members voted AYE.

FAIR & ACCURATE CREDIT TRANSACTIONS ACT OF 2003 PROGRAM ADMINISTRATOR (FACTA). This act requires that creditors and financial institutions must have an identity theft program

in place. Section 114 of the FACTA of 2003 states in part: "where non-profit and government entities defer payment for goods or services, they are to be considered creditors and therefore that includes all the individual service accounts held by customers of the utility". The first step is to appoint a program administrator, who will then lead an Identity Theft Committee to develop a program. **MOTION 08-219.** **MOTION** by Weis, seconded by Peterson to start the process to develop an Identity Theft Program as required by FACTA. All members voted AYE.

HIRING OF MAINTENANCE POSITION. MOTION 08-220. **MOTION** by Fowlds seconded by Peterson to hire Steve Oberle as a full-time maintenance employee effective October 27, 2008. All members voted AYE. **MOTION 08-221.** **MOTION** by Fowlds, seconded by Peterson to amend motion 08-220 to include an hourly rate of \$14.25 and to be reviewed after 6 months. All members voted AYE.

TERMINATION OF SEASONAL EMPLOYEES. MOTION 08-222. **MOTION** by Peterson, seconded by Otten to terminate the following seasonal and temporary employees. All members voted AYE. Maggie Aldrich, Chase Baker, Kate Carda, Thea Eide, Michael Ellefson, Derek Fischer, Shane Glasow, Donna Howes, Leah Howes, Elizabeth Jibben, Andy Jorgensen, Megan Nissen, Lucas Ortmeier, Jessica Peterson, Samantha Qualm, Brandon Sandoval, Whitney Smidt, Josh Timmerman, Keistin Vietor, Kristen White, Benjamin Young, Chuck Oberle, Eric LeVan and Wade Deuter.

MOTION. MOTION 08-223. **MOTION** by Peterson, seconded by Ortmeier to adjourn at 7:55 p.m. All members voted AYE.

John M. Lawler, Mayor

ATTEST:

Dawn R. Murphy, Finance Officer

CUSTOMER NUMBER:	127066	Argus Leader Media	P.O. Box 5034, Sioux Falls, S.D. 57117-5034
INVOICE NUMBER:	1172308		
RUN DATES	11/5, 2008		\$56.86

CITY OF TEA
 PO BOX 128
 TEA, SD 57064-0128

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 127066 CITY OF TEA
 Invoice Number: 1172308

Argus Leader Media
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That the Tea Champion and Harrisburg Champion is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4, as amended published at Tea, Lincoln County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 5 day of November 2008,
 _____, the _____ day of _____ 2008,

and that \$56.86 was charged for publishing the same

Linda Schulte

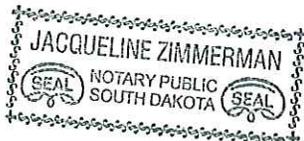
Subscribed and sworn to before me 11/5/2008

J. Zimmerman

Notary Public, South Dakota

My Commission expires December 22, 2009

City of Tea
 Regular Meeting
 October 20, 2008
 A regular meeting of the Tea City Council was held October 20, 2008 at 7:00 pm.
 Mayor John Lawler called the meeting to order at 7:00 pm with the following members present; Herman Otten, Nathan Peterson, Brian Fowlds, Sidney Munson (arrived at 7:05), Chuck Ortmeyer and Joe Weis. Also present were Planning and Zoning Administrator Kevin Nissen, Economic Development Director/Administrative Assistant Jenni Pick, City Engineer Jason Kjenstad, Utility Superintendent Thad Konrad and Police Chief Ken Haugen. Finance Officer Dawn Murphy was absent.
 AGENDA. MOTION 08-212. MOTION by Fowlds, seconded by Ortmeyer to approve the October 20, 2008 agenda with the addition of approval of snow plow purchase.
 All members voted AYE.
 MINUTES. MOTION 08-213. MOTION by Otten seconded by Weis to approve the October 6, 2008 minutes. All members voted AYE.
 2ND CHANCE RESCUE CENTER 2009 CONTRACT. The 2nd Chance Rescue Center Contract and the Human Society Contract were looked at. MOTION 08-214. MOTION by Peterson, seconded by Weis to approve the 2009 2nd Chance Rescue Center Contract.



City of Tea
Regular Meeting
November 3, 2008

A regular meeting of the Tea City Council was held November 3, 2008 at 7:00 pm.

Mayor John Lawler called the meeting to order at 7:00 pm with the following members present; Herman Otten (arrived at 7:05), Nathan Peterson, Brian Fowlds, Sidney Munson , Chuck Ortmeier and Joe Weis. Also present were Planning and Zoning Administrator Kevin Nissen, Economic Development Director/Administrative Assistant Jenni Pick, City Engineer Jason Kjenstad, Utility Superintendent Thad Konrad, Police Chief Ken Haugen and Finance Officer Dawn Murphy.

AGENDA. MOTION 08-224. MOTION by Weis, seconded by Peterson to approve the November 3, 2008 agenda. All members voted AYE.

MINUTES. MOTION 08-225. MOTION by Peterson seconded by Ortmeier to approve the October 20, 2008 minutes. All members voted AYE.

WARRANTS. MOTION 08-226. MOTION by Fowlds, seconded by Ortmeier to approve the November warrants as presented. All members voted AYE. Warrants will be listed at the end of the minutes. At this time 7:05, Councilmember Otten arrived.

SPENCER HEIGHTS PLAT. Kevin presented and recommended approval of a Spencer Heights replat. Access will be off of Lot 1A Block 7 & Lot 1 Block 9A. Mel Zelmer has granted a temporary construction easement off Tanner Court. **MOTION 08-227. RESOLUTION 08-11-31. MOTION** by Peterson, seconded by Fowlds 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 know and described as Lots 1 and 2 of Block 9A Spencer Heights Addition to the City of Tea, Lincoln County, South Dakota, 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 3rd Day of November 2008.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

ST. NICHOLAS SITE PLAN. Kevin presented and recommended approval of the St. Nicholas Church site plan. Engineering comments have all been addressed. **MOTION 08-228. MOTION** by Ortmeier, seconded by Otten to approve the site plan for St. Nicholas Catholic Church. All members voted AYE.

ELEVATED STORAGE TANK CHANGE ORDER. Jason presented a letter from Maguire Iron recommending removing the containment and dehumidification of the tank during the blasting and painting phase operations. Due to the location of the tower and distance to adjacent homes their method of painting will not impact those homes. The Project Manager stated he has never had to dehumidify a tower in South Dakota. Maguire Iron will still assume all responsibility and liability regarding the sandblasting and painting operations. HDR agreed and recommends approving a change order in the amount of \$30,000.00. **MOTION 08-229. MOTION** by Otten, seconded by Peterson to approve Change Order 1 for the Elevated Storage Tank Project for a decrease of \$30,000.00. All members voted AYE.

PAY REQUEST. Jason presented and recommended approval of Pay Request 1 and Final for the Sanitary Sewer Rehab Project. **MOTION 08-230. MOTION** by Peterson, seconded by Ortmeier to

approve Pay Request 1 and Final to LaQua Logistics, Inc. d/b/a A-Tech Sewer, in the amount of \$55,631.25. All members voted AYE.

271st ST. DRAINAGE. There was discussion regarding the ongoing problem with drainage in Howling Ridge Addition and the residence along 271st St. There are several issues affecting the area. Jason will send a letter to the developer asking them to meet with the homeowner and his engineer to get this resolved.

DRAINAGE ASSESSMENT This fee is to pay SRF Loan #2, for storm sewer improvements that were completed in 1995. These bonds are paid off in 2010. **MOTION 08-231. RESOLUTION 08-11-28.** **MOTION** by Weis, seconded by Ortmeier to approve the following Resolution. All members voted Aye. A RESOLUTION PROVIDING FOR CITY WIDE PROPERTY DRAINAGE FEE. WHEREAS, the City of Tea has adopted Ordinance No. 96 providing for city wide property drainage fee; and WHEREAS, said Ordinance allows the annual revision of the unit finance charge by the governing body of the City of Tea, NOW, THEREFORE, BE IT RESOLVED by the Governing body of the City of Tea, South Dakota, to establish a unit financial charge of \$.00033971. Dated at Tea, South Dakota, and this 3rd day of November 2008.

John Lawler, Mayor

ATTEST:

Dawn R. Murphy, Finance Officer

ROAD MAINTENANCE ASSESSMENT This assessment is used to pay for repair and maintenance of city streets (i.e. chip sealing, crack sealing and asphalt overlay). Currently the fund has \$127,000.00 in it and this assessment has been collected since 1997. As streets are starting to age and costs continue to increase, the balance in this fund could be used with one project. State law allows cities to charge up to \$.40 per foot. This assessment is reviewed annually. **MOTION 08-232. RESOLUTION 08-11-28.** **MOTION** by Weis, seconded by Peterson to approve the following resolution. All members voted AYE. A RESOLUTION PROVIDING FOR ANNUAL STREET ASSESSMENT. WHEREAS, the City of Tea pursuant to SDCL 9-45-38 may levy annually for the purpose of maintaining and repairing street surfacing or pavement; and WHEREAS, the City of Tea believes it necessary and appropriate to maintain its streets, NOW, THEREFORE, BE IT RESOLVED by the City Common Council of the City of Tea, as follows: 1. Designation of lots to be assessed. Pursuant to SDCL 9-45-38, all lots in the City of Tea fronting and abutting a street shall be assessed on the front foot basis. 2. Amount of Assessment. There shall be levied upon all lots fronting and abutting a street forty cents (\$.40) per front foot. Front foot means the actual front of the premises as established by the buildings thereon recorded title and use of the property regardless of the original plat. 3. Assessment. The City Finance Officer is directed to add such assessment to the general assessment against the property and certify the assessment together with the regular assessment to the county auditor to be collected as municipal taxes for general purposes. 4. Assessment subject to review. The assessment is subject to review and equalization the same as assessments or taxes for general purposes. Dated this 3rd day of November 2008.

John Lawler, Mayor

ATTEST:

Dawn R. Murphy, Finance Officer

MOWING ASSESSMENT ROLL. MOTION 08-233. MOTION by Otten, seconded by Peterson to approve the following mowing assessment: 325 W. Holly, Tea, Schoens Add, Lot 8, Block 7, \$220.00. All members voted AYE.

LINCOLN COUNTY RURAL WATER SYSTEM (LCRWS) has received two requests for water service outside the city limits but within the City of Tea Service Area as established by the Settlement Agreement and Release dated September 30, 2008. The City has three options: 1) the city will not provide water service to the applicant at his time and consents in writing that LCRWS may service the applicant until such time as City service is available; 2) The City will provide water service to applicant; 3) The City will not provide water service at this time and will not allow LCRWS to provide service to applicant. **MOTION 08-234. MOTION** by Fowlds, seconded by Weis to authorize Lincoln County Rural Water to provide water service to the following applicants until City service is available: 1) Lincoln County Airport, Tract 1A of Sky Haven Heights, located in the NW ½ of Section 30, Township 100N, Range 50 West of the 5th P.M.; 2) Carroll Stack, 46957 Mindy St., Lot 9, Block 3 of Hagedorn Industrial Park Addition, located in the SE 1/4 , Section 25, Township 100N, Range 51W of the 5th P.M. All members voted AYE.

MISCELLANEOUS. Dawn handed out the final report for the 2006-2007 Audit prepared by SD Department of Legislative Audit. Employee reviews will be done December 1 at 6:00 p.m.

MOTION 08-235. MOTION by Peterson, seconded by Weis to adjourn at 8:13 p.m. All members voted AYE.

John M. Lawler, Mayor

ATTEST:

Dawn R. Murphy, Finance Officer

**CITY OF TEA
WARRANTS PAID NOVEMBER 3RD 2008**

FINANCE 4142/PLANNING & ZONING		
A & B Business Equipment	1/4 copier maintenance	52.63
Aflac	Insurance	392.72
Brown & Saenger	1/4 supplies	55.22
First National Bank	PSB Bond Payment (2nd Penny Sales Tax)	72,681.25
First National Bank	Pool bond refunding costs	600.00
HDR Engineering	Facility Plan update	983.14
HDR Engineering	272nd St. Preliminary Design	460.59
HDR Engineering	Sept Svcs	9,471.11
Meierhenry Sargent LLP	July-Sept Services	1,266.00
SDML	Election workshop	15.00
SDML Workman's Comp Fund	2008 Contribution	398.99
Wellmark Blue Cross/Blue Shield	November insurance	1,530.95

PLANNING & ZONING 4650		
A & B Business	1/4 Copies	52.63
Brown & Saenger	1/4 supplies	55.22
Kloster, Sterling	Inspections	940.00
Lincoln County Treasurer	File plat	15.00
SD Planners	Conference	80.00

GOVERNMENT BUILDINGS 4192		
Alltel	Cell phone	104.84
Breyfogels Plumbing & Heating	Annual service on boilers	291.28
Knology	Maint Bldg	81.55
Knology	City Hall (internet, fax, phone)	267.42
Midwest Alarm Co.	Repair alarm	75.00
Nursery Wholesalers	Replacement shrubs	63.47
Office of Fire Marshal	Boiler inspections	180.00
Timmerman's Alltel	Cell phone/batteries/cases	247.94
Xcel Energy	Maint Bldg	163.74
Xcel Energy	City Hall/Fire Dept	901.73
Xcel Energy	200 W. Maple	64.97

PUBLIC SAFETY 4210		
Alltel	Cell phones	258.46
Better Containers	Halloween supplies	54.88
Cenex Petroleum	Gasoline	145.73
Chief Supply	Stinger spikes	454.98
FedEx	Shipping	9.85
Knology	Telephone	191.80
Office Max	2007 Access	229.99
Pizza Ranch	Meeting	50.00
Ralph's Repair	Tires/repair brakes	175.74
Scott Bolte Sanitation	Sept/Oct garbage services	110.56
SDML Workman's Comp Fund	2008 Contribution	4,475.09
Second Chance Rescue	Sept cats	174.00
Sioux Empire Automotive	Repair 2000 CV	444.76
Sioux Falls Two Way Radio	3 ear pieces	119.97
Steve's Auto Repair	Repair 2000 CV	188.48
Xcel	120 S. Main	195.15
Xcel	Siren	19.28

FIRE DEPARTMENT		
SDML Workman's Comp Fund	2008 Contribution EMTs	365.37
SDML Workman's Comp Fund	2008 Contribution Fire Fighters	1,048.62

HIGHWAY/STREET 4312		
Campbell Supply	Shop supplies	150.79
Cenex Petroleum	Gasoline	57.52
Lyle Signs Inc.	Street signs	296.57
Northern Truck Equipment Corp	Strobe bulbs & fix plow controls	170.70
Panek, Jeffrey & Belinda	60' double frontage credit	78.00
Pizza Ranch	Citywide clean up	97.24
Ralphs Repair	Grader & truck batteries	640.00
Reitsma, Kurtis & Christine	165' double frontage credit	214.50
Rieck, Larry	290' double frontage credit	377.00
SDML Workman's Comp	2008 Contribution	2,596.34
Southeastern Electric	Main Ave. lights	194.50
Xcel Energy	Street lights	2,430.17
Xcel Energy	Traffic Signal # 1	8.46
Xcel Energy	Traffic Signal #2	7.80
Zelmer Inc.	Reimb for sidewalk over sizing	1,336.00

**CITY OF TEA
WARRANTS PAID NOVEMBER 3RD 2008**

	PARKS/RECREATION 4501	
A-1 Portable Toilets	Parks	450.00
American Fence	Ball fields	626.87
City of Tea	N. Park Restroom water bill	
Concrete Materials	Dugout floors	336.00
Dakota Earthworks, Inc.	Gravel for dugouts	575.51
Eastern Farmers Coop	Fertilizer	962.38
Ralphs Repair	Fix mower tire/Dixon clutch	216.41
The Tessman Company	Tree fertilizer, grass seed for soccer fields	1,911.45
Xcel Energy	Lights	43.08
Xcel Energy	Batting Cage	56.25
Xcel Energy	Tennis Court	7.25
	WATER 601	
A & B Business Equipment	1/4 copier maintenance	52.63
Brown & Saenger	1/4 supplies	55.22
Cenex Petroleum	Gasoline	57.52
City of Sioux Falls	Bacteria Test	219.30
Dakota Supply Group	Meters	10,397.94
Fastenal	Shovels & paint	33.53
HD Waterworks	Curb stop lids & hydrant parts	53.87
Lewis & Clark Rural Water	September Usage 6,643,000	13,506.35
One Call Systems	1/2 locates	41.50
SDML Workers Comp Fund	2008 contribution	1,430.80
SECOG	Grant Admin Services	3,000.00
Xcel Energy	S. Watertower	15.83
Xcel Energy	N. Watertower	21.41
Xcel Energy	Rural water vault	12.58
	SEWER 604	
A & B Business	1/4 copier maintenance	52.66
Brown & Saenger	1/4 supplies	55.24
Cenex Petroleum	Gasoline	57.51
Knology	Lift Station	39.93
Midwest Motor Express	Ship blower	582.51
One Call Systems	1/2 locates	41.50
SDML Workers Comp Fund	2008 contribution	1,165.54
Xcel Energy	Lagoon blowers	1,494.65
Xcel Energy	W 5th St. lift station	77.00
Xcel Energy	N. Lift Station	19.97
Xcel Energy	S. Lift station	219.54
	3RD PENNEY 211	
Mongan Painting Co.	Rout and seal cracks	1,106.00
SDML Workman's Comp Fund	2008 Contribution	1,907.25
Xcel Energy	Pool	165.77

149,929.44

**CITY OF TEA
WARRANTS PAID NOVEMBER 3RD 2008**

PAYROLL PAID 10/07/08 (PP 21)

	FINANCE 4142	
Dawn Murphy	1/3 80 hours / 5.5 OT	564.80
Jenni Pick	1/4 80 hours	280.00
Valley Exchange Bank	Payroll taxes	3,819.62
SD Retirement	Retirement	2,071.80
	PLANNING & ZONING	
Jenni Pick	1/4 80 hours	280.00
Kevin Nissen	80 hours / .25 OT	1,486.94
	PUBLIC SAFETY 4210	
Brian Tvedt	81.5 hours / .5 OT	1,340.68
Jessica Gillis	90.75 hours	1,270.50
Kenneth Haugen	91.5 hours	1,692.75
Matthew Kitto	79.75 hours	1,116.50
Matt Wetterling	30 hours	390.00
Sarina Waterman	81.75 / 1 OT	1,207.13
	HIGHWAY/STREET 4312	
Thad Konrad	1/3 80 REG / 3.5 OT	550.40
Lenny Przybys	80 hours / 5.5OT	507.14
Conrad Pick	16 hours	192.00
Robert Glasgow	9 hours	108.00
Sean Glasgow	1/3 80 hours / 4.5 OT	318.08
	WATER 601	
Dawn Murphy	1/3 80 hours / 5.5 OT	564.80
Jenni Pick	1/4 80 hours	280.00
Thad Konrad	1/3 80 REG / 3.5 OT	550.40
Lenny Przybys	80 hours / 5.5OT	507.14
Sean Glasgow	1/3 20 hours	318.08
	SEWER	
Dawn Murphy	1/3 80 hours / 5.5 OT	564.80
Jenni Pick	1/4 80 hours	280.00
Thad Konrad	1/3 80 REG / 3.5 OT	550.40
Lenny Przybys	80 hours / 5.5OT	507.14
Sean Glasgow	1/3 20 hours	318.08

21,637.20

CITY OF TEA
WARRANTS PAID NOVEMBER 3RD 2008

PAYROLL PAID 10/21/08 (PP 22)

FINANCE 4142		
Dawn Murphy	1/3 80 hours / 4 OT	550.40
Jenni Pick	1/4 80 hours / 6.5 OT	314.13
Valley Exchange Bank	Payroll taxes	3,786.83
SD Retirement	Retirement	2,088.08
PLANNING & ZONING		
Jenni Pick	1/4 80 hours / 6.5 OT	314.13
Kevin Nissen	80 hours	1,480.00
PUBLIC SAFETY 4210		
Brian Tvedt	80 hours / 8.5 OT	1,511.83
Jessica Gillis	80 hours	1,120.00
Kenneth Haugen	84.50 hours	1,563.25
Matthew Kitto	80 hours / 5 OT	1,225.00
Matt Wetterling	21 hours	273.00
Sarina Waterman	80 / .5 OT	1,208.94
HIGHWAY/STREET 4312		
Thad Konrad	1/3 80 REG / 6.5 OT	574.40
Lenny Przybys	80 hours / 5.5OT	507.14
Conrad Pick	16 hours	
Robert Glasgow	9 hours	
Sean Glasgow	1/3 80 hours / 3 OT	309.83
WATER 601		
Dawn Murphy	1/3 80 hours / 4 OT	550.40
Jenni Pick	1/4 80 hours / 6.5 OT	314.13
Thad Konrad	1/3 80 REG / 6.5 OT	574.40
Lenny Przybys	80 hours / 5.5OT	507.14
Sean Glasgow	1/3 20 hours	309.83
SEWER		
Dawn Murphy	1/3 80 hours / 4 OT	550.40
Jenni Pick	1/4 80 hours / 6.5 OT	314.13
Thad Konrad	1/3 80 REG / 6.5 OT	574.40
Lenny Przybys	80 hours / 5.5OT	507.14
Sean Glasgow	1/3 20 hours	309.83

21,338.76

TOTAL

192,905.40

CUSTOMER NUMBER:	127066	<h1>Argus Leader Media</h1>	
INVOICE NUMBER:	1175349		
RUN DATES	11/19, 2008	P.O. Box 5034, Sioux Falls, S.D. 57117-5034	
			\$159.38

CITY OF TEA
 PO BOX 128
 TEA, SD 57064-0128

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION-

Customer Number: 127066
 Invoice Number: 1175349

CITY OF TEA

Argus Leader Media

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That the Tea Champion and Harrisburg Champion is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined by SDCL 17-2-2.1 through 17-2-2.4, as amended published at Tea, Lincoln County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, the 19 day of November 2008
 _____, the _____ day of _____ 2008 ,

and that \$159.38 was charged for publishing the same

Linda Schulte

Subscribed and sworn to before me 11/19/2008

J. Zimmerman

Notary Public, South Dakota

My Commission expires December 22, 2009

City of Tea
 Regular Meeting
 November 3, 2008

A regular meeting of the Tea City Council was held November 3, 2008 at 7:00 pm.

Mayor John Lawler called the meeting to order at 7:00 pm with the following members present; Herman Otten (arrived at 7:05), Nathan Peterson, Brian Fowlds, Sidney Munson, Chuck Ortmeier and Joe Weis. Also present were Planning and Zoning Administrator Kevin Nissen, Economic Development Director/Administrative Assistant Jenni Pick, City Engineer Jason Kjenstad, Utility Superintendent Thad Konrad, Police Chief Ken Haugen and Finance Officer Dawn Murphy.

AGENDA. MOTION 08-224. MOTION by Weis, seconded by Peterson to approve the November 3, 2008 agenda. All members voted AYE.

MINUTES. MOTION 08-225. MOTION by Peterson seconded by Ortmeier to approve the October 20, 2008 minutes. All members voted AYE.

WARRANTS. MOTION 08-226. MOTION by Fowlds, seconded by Ortmeier to approve the November warrants as presented. All members voted AYE. Warrants will be listed at the end of the minutes. At this time 7:05

names of city streets (for curbing, crack sealing and asphalt overlay). Currently the fund has \$127,000.00 in it and this assessment has been collected since 1997. As streets are starting to age and costs continue to increase, the balance in this fund could be used with one project. State law allows cities to charge up to \$.40 per foot. This assessment is reviewed annually. MOTION 08-232. RESOLUTION 08-11-28. MOTION by Weis, seconded by Peterson to approve the following resolution. All members voted AYE. A RESOLUTION PROVIDING FOR ANNUAL STREET ASSESSMENT. WHEREAS, the City of Tea pursuant to SDCL 9-45-38 may levy annually for the purpose of maintaining and repairing street surfacing or pavement; and WHEREAS, the City of Tea believes it necessary and appropriate to maintain its streets, NOW, THEREFORE, BE IT RESOLVED by the City Common Council of the City of Tea, as follows: 1. Designation of lots to be assessed. Pursuant to SDCL 9-45-38, all lots in the City of Tea fronting and abutting a street shall be assessed on the front foot basis. 2. Amount of Assessment. There shall be levied upon all lots fronting and abutting a street forty cents (\$.40) per front foot. Front foot means the actual front of the prem-



City of Tea
Regular Meeting
December 1, 2008

A regular meeting of the Tea City Council was held December 1, 2008 at 6:05 pm.

Mayor John Lawler called the meeting to order at 6:05 pm with the following members present; Nathan Peterson, Herman Otten, Brian Fowlds, Sidney Munson, Joe Weis & Chuck Ortmeier. Also present were Finance Officer Dawn Murphy, Planning and Zoning Administrator Kevin Nissen, Administrative Assistant/Economic Development Director Jenni Pick, Police Chief Ken Haugen, City Engineer Jason Kjenstad and Utility Superintendent Thad Konrad.

MOTION 08-236. **MOTION** by Fowlds, seconded by Ortmeier to go into executive session for personnel at 6:05 p.m. All members voted AYE. Council came out of executive session at 7:03.

AGENDA. MOTION 08-237. **MOTION** by Weis, seconded by Peterson to approve the December 1, 2008 agenda. All members voted AYE.

PUBLIC HEARING ON ALCOHOL BEVERAGE LICENSE RENEWALS. As this was the time set, Mayor Lawler opened the public hearing for 2009 Package and Retail Liquor Licenses. There were no comments for or against the applicants. **MOTION 08-238** by Peterson, seconded by Weis to approve the following 2009 licenses. All members voted AYE.

Retail On-Sale Liquor (including Sundays and Video Lottery):

- 1) Tea Steak House, Inc., d/b/a O'Tooles Bar, 215 S. Main Ave., – Tea Byrons Addition-E-110', Lot 1 and all Lots 2 & 3, Block 2 & Lot 3 & North 22-ft. of Lot 4, Block 4 Peters 1st Addition
- 2) Blau-DeBoer Post #266 American Legion – 245 S. Main Ave. Byrons Addition – Lots 4, 5, & 6 Block 2

Retail On-Sale Liquor (NOT including Sundays and including Video Lottery)

- 3) Sky LLC ., d/b/a Sky Bar, Tea – Fritz Addition – W. 32' of Lot 1, Block 2

Package Off-Sale Liquor

- 1) Tea Steak House, Inc., d/b/a O'Tooles Bar, 215 S Main Ave. – Tea Byrons Addition-E-110', Lot 1 and all Lots 2 & 3, Block 2 & Lot 3 & North 22-ft. of Lot 4, Block 4 Peters 1st Addition
- 2) Tea Liquor Inc., 720 E. 1st St., approximately 150 feet of the northeast corner of Sunshine Foods, Lot 11, Block 1, Zelmer 2nd Addition
- 3) Kum & Go, L.C., 101 W. Main St., - Byron's Addition to Tea, Lot 1 Block 2

PIT BULLS. Megan Heys was present to ask the city to reconsider the Banned Breed Ordinance. She owns two American Staffordshire Terriers commonly referred to as a "pit bull" and was not aware of the ordinance banning the breed of dog, until the police department issued a letter asking her to remove the animals. A lengthy discussion followed. **MOTION 08-239.** **MOTION** by Peterson, seconded by Weis to table the Banned Breed Ordinance discussion until December 15th. Members Peterson, Weis, Ortmeier, Fowlds and Munson voted AYE. Member Otten voted No. Motion carried.

MINUTES. MOTION 08-240. **MOTION** by Fowlds, seconded by Peterson to approve the November 3, 2008 minutes. All members voted AYE.

WARRANTS. MOTION 08-241. **MOTION** by Peterson seconded by Fowlds to approve the December warrants. All members voted AYE. Warrants will be listed at the end of the minutes.

HAGEDORN INDUSTRIAL PLAT. Kevin presented and recommended approval of a plat in Hagedorn Industrial Park. **MOTION 08-242. RESOLUTION 08-12-32.** **MOTION** by Peterson, 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 know and described as Lot 15, Block 1, Lots 15 and 16, Block 3,

and Lot 8, Block 4, Hagedorn Industrial Park in the SE ¼ of Section 25-T100N-R51W, 5th P.M., Lincoln County, South Dakota, lying within the platting 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 1st day of December, 2008.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

SOUTHWEST INDUSTRIAL PARK PLAT. Kevin presented and recommended approval of a plat in Southwest Industrial Park. **MOTION 08-243. RESOLUTION 08-12-33. MOTION** by Peterson, seconded by Fowlds 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 Units 1 thru 5 in Tract 28, Southwest Industrial Park in the NE ¼ of the SE ¼ of Section 24-T100N, R51W of the 5th P.M., Lincoln County, South Dakota, lying within the platting 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 1st day of December, 2008.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

PRAIRIE TRAIL ADDITION. Kevin presented and recommended approval of a plat in Prairie Trail Addition. The lots being platted are all double frontage lots and the developer, Coffee Development will sign an agreement stating he will inform future owners of their financial responsibility for future street improvements. Mr. Coffee needs the property platted in order to obtain a loan to put the 2nd lift of asphalt on Fox Court. Ordinance 174, effective May 22, 2007 states where double frontage lots are used, the developer shall be required to pay sufficient amount of money for the future assessments. His final subdivision plans were approved in 2001, however he was told in a letter in 2004 he would need to work out an agreement with the city before selling the double frontage lots on 468th Ave. A lengthy discussion followed. **MOTION 08-244. MOTION** by Weis to approve the plat of Lots 10-15, & 24, Block 18 and Lot 11, Block 20, Prairie Trails Addition, contingent upon a letter from the bank stating the money is escrowed for Fox Court asphalt and an agreement is signed for future assessments. Motion dies for a lack of a second. No decision was made. At this time, 8:22, Councilmember Peterson left the meeting.

SITE PLAN. Kevin presented and recommended approval of a site plan & commercial building plan for Gary Klinghagen. **MOTION 08-245. MOTION** by Weis, seconded by Otten to approve the site plan and commercial building plan for Gary Klinghagen at 130 W. 2nd St. Members Otten, Weis, Munson and Ortmeier voted AYE. Member Fowlds abstained. Motion carried.

FIGZEL COURT. August 4th, 2008, the council passed Resolution 08-08-16 which required a 2nd lift of asphalt on Figzel Court and assessing the abutting property owners. The developers have since completed the work. **MOTION 08-246. RESOLUTION 08-12-34. MOTION** by Fowlds, seconded by Otten to approve the following resolution. All members voted AYE. WHEREAS the City of Tea approved Resolution 08-08-16, Proposed Resolution of Necessity for Improvements to Figzel Court; and WHEREAS the developers of Figzel Court have fulfilled their obligations by completing the project; NOW THEREFORE BE IT RESOLVED, that Resolution of Necessity 08-08-16 for Improvements to Figzel Court is hereby rescinded. Dated this 1st day of December, 2008

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

SANITARY LANDFILL CONTRCT. The City of Sioux Falls, Sanitary Landfill (SFSLF) serves the residents and businesses located within the counties of Lake, Lincoln, McCook, Minnehaha and Turner. Every 2 years the SFSLF requires all of the Governmental entities within these counties to renew their agreement with the City of Sioux Falls. **MOTION 08-247. MOTION** by Weis, seconded by Ortmeier to approve the City of Sioux Falls Regional Sanitary Landfill Contract. All members voted AYE.

LAWN MOWER. Thad has received the following two quotes for a new Ferris Mower: Henke Tractor Repair, \$15,100, option canopy tuff top, \$279.95 total, 15,379.95; and Turfwerks, \$16,949, option sun shade, \$549, total \$17,498.00. The mowers are identical. **MOTION 08-248. MOTION** by Fowlds, seconded by Otten to authorize the purchase of a Ferris mower from Henke Tractor, in the amount of \$15,100.00 to be delivered in 2009. All members voted AYE.

PARK AND RECREATION BOARD. MOTION 08-249. MOTION by Otten, seconded by Ortmeier to approve the following Tea Park and Recreation Board members, contingent upon a background check: Kirby Quaman, 2-year term; Tom Ries, 3-year term; and Scott Crawford, 3-year term. All members voted AYE.

ORDINANCE 196. The council held the first reading of Ordinance 196, 2008 Supplemental Budget Appropriations. The second reading will be held at the December 15th meeting.

FUND TRANSFER. Dawn went over the fund balances and recommended cash transfers. **MOTION 08-250. MOTION** by Weis, seconded by Ortmeier to approve the following cash transfers: \$35,000 from General Fund 101 to 3rd Penny Sales Tax Fund 211; \$50,000 from Sales Tax Fund 212 to Sidewalk Capital Project Fund 506; and \$185,000 from General Fund 101 to Sidewalk Capital Project Fund 506. All members voted AYE.

CONTINGENCY TRANSFER. Dawn reviewed the year to date budget and recommend contingency Transfers. **MOTION 08-251. MOTION** by Fowlds, seconded by Ortmeier to approve the following transfers from General Fund 101, Contingency Account 411.5 to the following accounts: \$100.00 to 4220 Fire Department, and \$150.00 to 4413 West Nile Expense for a total of \$250.00 out of the contingency fund. All members voted AYE.

EMPLOYEE TERMINATION. MOTION 08-252. MOTION by Otten, seconded by Ortmeier to terminate Police Officer Matthew Kitto, effective November 25, 2008. All members voted AYE.

MOTION 08-253. MOTION by Weis, seconded by Otten to go into executive session at 8:58 for personnel and legal. All members voted AYE. The council came out of executive session at 9:55 p.m.

MOTION 08-254. MOTION by Weis, seconded by Ortmeier to adjourn at 9:56 p.m. All members voted AYE.

John M. Lawler, Mayor

ATTEST:

Dawn R. Murphy, Finance Officer

CITY OF TEA
WARRANTS PAID DECEMBER 2008

FINANCE 4142/PLANNING & ZONING		
A & B Business Equipment	1/4 toner	120.47
Aflac	Insurance	471.54
Argus Leader Media	Publishing	464.69
Banyon Data Systems	Software update	86.62
Brown & Saenger	1/4 paper, calendars, envelopes	107.99
Clark Flower & Gift Shop	Funeral flowers	48.95
HDR Engineering	October services	4,890.42
HDR Engineering	272nd St. Preliminary Design	263.81
Office Max	Office Supplies 1/4	8.49
SD Dept of Legislative Audit	2006-2007 audit	19,561.86
The Champion	Subscription	23.81
Wellmark Blue Cross/Blue Shield	December Insurance	1,250.50

PLANNING & ZONING 4650		
A & B Business	1/4 toner	120.47
Argus Leader Media	Publishing	45.75
Baker, Rick	15 meetings	750.00
Banyon Data Systems	Software update	86.62
Best Western Ramkota	Nissen P & Z Conference	70.00
Brown & Saenger	1/4 paper, calendars, envelopes	107.99
Clary, Jan	19 meetings	950.00
Lincoln County Treasurer	File plats	30.00
Montileaux, Stan	20 meetings	1,000.00
Nissen, Kevin	Mileage to conference	88.13
Office Max	Office Supplies 1/4	8.49
Parlet, Delayne	20 meetings	1,500.00
Speer, Loren	17 meetings	850.00
Sterling Kloster	November Inspections	1,780.00

LIBRARY 4550		
Library Video Company	Library Books	915.71
Tea Area School District	3rd quarter salaries	4,931.39

GOVERNMENT BUILDINGS 4192		
Alltel	Cell phone	100.02
Brown & Saenger	Wastebaskets & soap	52.00
City of Tea	PSB high flow meter	58.00
City of Tea	PSB low flow meter	182.80
City of Tea	Maint. Bldg	46.70
City of Tea	200 W. Maple	34.20
Heiman	Fire extinguisher inspections & service CH & Maint	77.00
Knology	Maint Bldg	82.24
Knology	City Hall	262.83
Master Janitorial Services	Clean city hall October	80.00
Mid American Energy	510 S Main	17.54
Mid American Energy	600 E. 1st St.	215.58
Mid American Energy	200 W. Maple	44.55
Midwest Alarm Company	Monitoring	60.00
True value	Antifreeze, heater, ice melt	263.75
Xcel Energy	Maint Bldg	182.44
Xcel Energy	200 W. Maple	80.16
Xcel Energy	600 E. 1st St	731.02

PUBLIC SAFETY 4210		
Alltel	Phone	258.46
Cenex Petroleum	Gasoline	30.20
City of Tea	Water bill	32.50
Digital Ally	5 cases & wireless mics	182.50
Heiman Fire Equipment	Fire extinguisher service	110.00
Heiman Fire Equipment	Fire extinguisher service (Fire Dept)	64.00
Knology	Phone	192.55
Mid American Energy	Service	21.51
Olson Oil	Gasoline	941.17
Ralph's Repair	Oil changes	41.44
Rock Valley Police Department	Taser certification	150.00
Second Chance Rescue Center	October Boarding Fees	108.00
Sunshine Foods	PD supplies	74.86
TASER International	3 tasers	2,916.63
Tea True Value	Coffee maker	22.00
Tvedt, Brian	Reimb for 8 camera security system	1,237.15
Velvet Uniforms	Handcuffs, leg iron, battery,	381.00
Xcel	Service	143.68
Xcel	Siren	17.39

CITY OF TEA
WARRANTS PAID DECEMBER 2008

	HIGHWAY/STREET 4312	
Action Electric	Fix stop light	298.47
Campbell Supply	Pump for water tank	78.52
Cenex Petroleum	1/3 Gasoline	75.98
Concrete Materials	Deicing sand	913.25
Glasgow, Sean	Reimb for CDL	115.00
Mac's	Supplies	23.99
Menards	Christmas light bulbs	17.64
Myrl & Roy's	Asphalt (St. Maint Fund)	434.40
Olson Oil	Gasoline	31.06
Southeastern Electric	Stop Light	91.54
Southeastern Electric	272nd St. lights	91.82
Southeastern Electric	Main St. lights	217.10
Xcel Energy	Street lights	2,452.72
Xcel Energy	Traffic Signal # 1	8.43
Xcel Energy	Traffic Signal #2	7.80
Zabel Steel	Steel for shop	52.46
	PARKS/RECREATION 4501	
ProBuild	Dugouts	25.72
Fastenal	Drill bits	23.64
McNamara, Tom	Soccer fields	8,000.00
Menards	Dugout materials	442.79
Xcel Energy	Ball fields	12.16
Xcel Energy	Batting Cage	16.17
Xcel Energy	Tennis Court	7.25
	WATER 601	
A & B Business Equipment	1/4 toner	120.47
Banyon Data Systems	Software update	226.27
Brown & Saenger	1/4 paper, calendars, envelopes	107.99
Cenex Petroleum	1/3 Gasoline	75.98
Eastman, Brian	Deposit refund	7.46
Geotek	Tower project testing	1,022.00
Hoefert, Rachel	Water deposit refund	35.00
Lewis & Clark Rural Water	Oct bill (error in calculation)	313.32
Lincoln Country Rural Water	201,000 usage	418.08
Office Max	Office Supplies 1/4	8.49
Olson Oil	Gasoline	31.06
One Call Systems	1/2 locates	44.50
Pederson, Dan	Water deposit refund	35.10
Xcel Energy	S. Watertower	14.77
Xcel Energy	N. Watertower	25.37
Xcel Energy	Rural water vault	15.12
	SEWER 604	
A & B Business Equipment	1/4 toner	120.50
Banyon Data Systems	Software update	226.29
Batteries Plus	Alarm battery	18.00
Brown & Saenger	1/4 paper, calendars, envelopes	108.03
Campbell Supply	Battery chargers	49.98
Cenex Petroleum	1/3 gasoline	75.97
First National Bank	SRF #4	8,901.21
First National Bank	SRF #5	8,638.24
HDR Engineering	Facility Plan	841.88
Knology	Lift station phone	39.93
Office Max	Office Supplies 1/4	8.50
Olson Oil	Gasoline	31.06
One Call Systems	1/2 locates	44.50
ServiceMaster of Sioux Falls	Sewer cleanup 300 S. Mary	520.99
Tetra Tech, Inc.	Lagoon samples	151.20
Xcel Energy	W 5th St. lift station	84.82
Xcel Energy	Lagoon building	1,464.06
Xcel Energy	N. Lift Station	25.65
Xcel Energy	S. Lift Station	254.89
	3RD PENNEY 211	
Mid American Energy	Service	8.00
Sioux Empire American Red Cross	Swim lesson cards	155.00
Tea Pizza Ranch	Pizza for carnival	42.80
Xcel Energy	Pool	125.52
	SIDEWALK PROJECT	
Argus Leader Media	Publishing	154.12

CITY OF TEA
WARRANTS PAID DECEMBER 2008

	STORM DRAINAGE II FUND 220	
First National Bank	Principal & Interest SRF #2	13,264.44
	2ND PENNY SALES TAX FUND 212	
First National Bank	Principal & Interest SRF #3	4,169.37
	STORM DRAINAGE DEBT FUND 303	
First National Bank	Principal & Interest SRF #1	13,346.67
	POOL BONDS SERIES 2002 FUND 305	
First National Bank	Principal, Interest & Registrar Fee	65,000.00
Meierhenry Sargent LLP	Services for pool refunding	4,500.00
TOTAL		188,340.08

PAYROLL PAID 11/04/08 (PP 23)

	FINANCE 4142	
Dawn Murphy	1/3 80 hours	512.00
Jenni Pick	1/4 80 hours	280.00
Valley Exchange Bank	Payroll taxes	3,804.35
SD Retirement	Retirement	2,125.36
	PLANNING & ZONING	
Jenni Pick	1/4 80 hours	280.00
Kevin Nissen	79.5 hours	1,470.75
	PUBLIC SAFETY 4210	
Brian Tvedt	88.50 hours / 2 OT	1,491.45
Jessica Gillis	82 hours	1,148.00
Kenneth Haugen	96.25 hours	1,780.63
Matthew Kitto	82 hours	1,148.00
Matt Wetterling	21 hours	273.00
Sarina Waterman	80 hours / 4 OT	1,247.00
	HIGHWAY/STREET 4312	
Thad Konrad	1/3 80 REG / 2 OT	531.20
Lenny Przybys	80 hours / 2 OT	476.97
Steve Oberle	1/3 40 hours	186.67
Sean Glasgow	1/3 80 hours / 1 OT	304.33
	WATER 601	
Dawn Murphy	1/3 80 hours	512.00
Jenni Pick	1/4 80 hours	280.00
Thad Konrad	1/3 80 REG / 2 OT	531.20
Lenny Przybys	80 hours / 2 OT	476.97
Steve Oberle	1/3 40 hours	186.67
Sean Glasgow	1/3 20 hours	304.33
	SEWER	
Dawn Murphy	1/3 80 hours	512.00
Jenni Pick	1/4 80 hours	280.00
Thad Konrad	1/3 80 REG / 2 OT	531.20
Lenny Przybys	80 hours / 2 OT	476.97
Steve Oberle	1/3 40 hours	186.67
Sean Glasgow	1/3 20 hours	304.33

21,642.06

CITY OF TEA
WARRANTS PAID DECEMBER 2008

PAYROLL PAID 11/18/08 (PP 24)

	FINANCE 4142	
Dawn Murphy	1/3 80 hours	512.00
Jenni Pick	1/4 80 hours	280.00
Valley Exchange Bank	Payroll taxes	4,029.66
SD Retirement	Retirement	2,195.54
	PLANNING & ZONING	
Jenni Pick	1/4 80 hours	280.00
Kevin Nissen	80 hours	1,480.00
	PUBLIC SAFETY 4210	
Brian Tvedt	80 hours / 7 OT	1,475.15
Jessica Gillis	80 hours / 2.25 OT	1,167.25
Kenneth Haugen	88.75 hours	1,641.88
Matthew Kitto	80 hours / 6 OT	1,246.00
Matt Wetterling	40 hours	520.00
Sarina Waterman	80 hours / 1 OT	1,181.75
	HIGHWAY/STREET 4312	
Thad Konrad	1/3 80 REG / 4.5 OT	555.20
Lenny Przybys	80 hours / 6 OT	511.45
Steven Oberle	1/3 77.50 hours	371.46
Sean Glasgow	1/3 80 hours / 1 OT	298.83
	WATER 601	
Dawn Murphy	1/3 80 hours	512.00
Jenni Pick	1/4 80 hours	280.00
Thad Konrad	1/3 80 REG / 4.5 OT	555.20
Lenny Przybys	80 hours / 6 OT	511.45
Steven Oberle	1/3 77.50 hours	371.46
Sean Glasgow	1/3 20 hours	298.83
	SEWER	
Dawn Murphy	1/3 80 hours	512.00
Jenni Pick	1/4 80 hours	280.00
Thad Konrad	1/3 80 REG / 4.5 OT	555.20
Lenny Przybys	80 hours / 6 OT	511.45
Steven Oberle	1/3 77.50 hours	371.46
Sean Glasgow	1/3 20 hours	298.83
		22,804.07
	TOTAL	232,786.21

City of Tea
Regular Meeting
December 15, 2008

A regular meeting of the Tea City Council was held December 15, 2008 at 6:00 pm.

Mayor John Lawler called the meeting to order at 6:20 pm with the following members present: Herman Otten, Brian Fowlds, Sidney Munson, Joe Weis & Chuck Ortmeier. Also present were Finance Officer Dawn Murphy, Planning and Zoning Administrator Kevin Nissen, Administrative Assistant/Economic Development Director Jenni Pick, Police Chief Ken Haugen, City Engineer Jason Kjenstad, City Attorney Todd Meierhenry and Utility Superintendent Thad Konrad. Councilmember Nathan Peterson was absent.

MOTION 08-255. **MOTION** by Otten, seconded by Weis to go into executive session for personnel at 6:20 p.m. All members voted AYE. Council came out of executive session at 6:58.

AGENDA. MOTION 08-256. **MOTION** by Otten, seconded by Weis to approve the December 15, 2008 agenda with the addition of executive session. All members voted AYE.

PUBLIC HEARING ON ALCOHOL BEVERAGE LICENSE RENEWALS. As this was the time set, Mayor Lawler opened the public hearing for a 2009 Retail Liquor License. There were no comments for or against the applicant. **MOTION 08-257.** **MOTION** by Weis, seconded by Ortmeier to approve a Retail On-Sale Liquor License including Sundays and Video Lottery for Redhead's Inc., d/b/a 360 Bar and Grill, 500 E. 1st Street., Tea – Zelmer 2nd Addition – West 175' of Lot 6, Block 1. All members voted AYE.

BANNED BREED DOG ORDINANCE. Rosie Quinn from Second Chance Rescue and Lori Lockman, representing Pit Rescue of the Great Plains was present to urge the council to reconsider the current ordinances regarding banned breed of dogs and dangerous animals. This issue was brought up at the last meeting by a resident who was asked to remove her two pit bulls. A large amount of information was presented at the meeting which the council did not have time to review, including the effect spaying and neutering has on animals. A lengthy discussion followed. **MOTION 08-258.** **MOTION** by Weis seconded by Fowlds to proceed with revising the banned breed and dangerous animal sections of the City of Tea Ordinances. Members Weis and Fowlds voted AYE. Members Otten, Ortmeier and Munson voted NO. Motion failed.

ELEVATED TANK PAY REQUEST. Jason presented and recommended approval of a pay request for the Elevated Storage Tank. **MOTION 08-259.** **MOTION** by Otten, seconded by Ortmeier to approve Pay Request 2 to Maguire Iron for the Elevated Storage Tank Project in the amount of \$200,516.50. All members voted AYE.

FLOODPLAIN STUDY. **MOTION 08-260.** **MOTION** by Weis, seconded by Ortmeier to approve the contract for HDR Engineering to complete the Spencer Pond Letter of Map Revision, in the amount of \$16,724.00. All members voted AYE.

PRAIRIE TRAILS PLAT. This plat was tabled at the December 1, 2008 meeting until additional information could be received. Kevin has since received an agreement for the double frontage lots and a commitment from the bank escrowing money to asphalt Fox Court. **MOTION 08-261. RESOLUTION 08-12-35.** **MOTION** by Weis, seconded by Ortmeier to approve the following resolution. Members Otten, Munson, Weis and Ortmeier voted AYE. Member Fowlds abstained. Motion Carried. BE IT RESOLVED by the City Council of the City of Tea, South Dakota, that the plat know and described as Lots 10-15 and 24, Block 18; and Lot 11, Block 20 of Prairie Trails Addition to the City of Tea, Lincoln County, South Dakota, 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 15th day of December, 2008.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

ASSISTED LIVING SITE PLAN. Kevin presented and recommended approval of a site plan for the proposed assisted living complex. Councilmember Fowlds recommended the owners file a mutual access easement. **MOTION 08-262. MOTION** by Weis, seconded by Ortmeier to approve the Tea HRC Assisted Living Site Plan on a portion of Tract C, Block 6, Zelmer First Addition. Members Munson, Fowlds, Ortmeier and Weis voted AYE. Member Otten abstained. Motion Carried.

ORDINANCE 196. The council held the 2nd Reading of Ordinance 196. **MOTION 08-263. MOTION** by Otten, seconded by Fowlds to approve and adopt Ordinance 196, 2008 Supplemental Appropriations. All members voted AYE.

COMMITTEE REPORTS. The council will hold a joint meeting with the Tea Planning and Zoning Board on January 19th to review the 2030 Tea Comprehensive Plan. Todd gave the council information regarding impact fees which will be discussed at a future meeting. Ken informed the council that Officer Gillis has completed her six month probation. **MOTION 08-264. MOTION** by Fowlds, seconded by Weis to increase Police Officer Jessica Gillis's hourly wage from \$14.00 to 14.50 effective November 29th, 2008. All members voted AYE.

EXECUTIVE SESSION. MOTION 08-265. MOTION by Ortmeier, seconded by Fowlds to go into executive session for personnel at 8:45. All members voted AYE. The council came out of executive session at 9:50 p.m.

BANNED BREED ORDINANCE. There was further discussion regarding the banned breed ordinance. **MOTION 08-266. MOTION** by Otten, seconded by Fowlds to allow Megan Hes to keep her pit bulls until after the next regular city council meeting January 5th, and to research the effect spaying and neutering has on the banned breed. All members voted AYE.

SALARY INCREASES. MOTION 08-267. MOTION by Fowlds, seconded by Weis to approve a 3.5% hourly rate increase for the following: Finance Officer Dawn Murphy from \$19.20 to \$19.87; Utility Superintendent Thad Konrad, from \$19.20 to \$19.87; Planning and Zoning Officer Kevin Nissen, from \$18.50 to \$19.15; Police Chief Ken Haugen from \$18.50 to \$19.15; Assistant Police Chief Brian Tvedt, from \$16.30 to \$16.87; Administrative Assistant/Economic Development Director Jenni Pick from \$14.00 to \$14.49; Police Officer Sarina Waterman, from \$14.50 to \$15.01; Police Officer Jessica Gillis, from \$14.50 to \$15.01; and utility personnel, Leonard Przybys, from \$17.24 to \$17.84. AND to approve a \$1.00 per hour increase for utility personnel Sean Glasgow from \$11.00 per hour to \$12.00 per hour. Utility personnel Steve Oberle will be reviewed after his six month probation period. All members voted AYE.

MOTION 08-268. MOTION by Otten, seconded by Weis to adjourn at 10:03. All members voted AYE.

John M. Lawler, Mayor

ATTEST:

Dawn R. Murphy, Finance Officer