

City of Tea
Regular Meeting
July 7, 2014

A regular meeting of the Tea City Council was held at Tea City Hall on July 7, 2014 at 7:00 p.m.

Mayor John Lawler called the meeting to order at 7:02 p.m. with the following members present: Sidney Munson, Brian Fowlds, Chuck Ortmeier, Joe Weis and Todd Boots. Also present was Finance Officer Dawn Murphy, Police Chief Clark Baker, Utility Superintendent Thad Konrad, Planning & Zoning Administrator Kevin Nissen and City Engineer Jason Kjenstad. Administrative Assistant/Economic Development Director Jenni White and Councilmember Larry Rieck were absent.

AGENDA. MOTION 14-107. MOTION by Weis, seconded by Ortmeier to approve the July 7, 2014 agenda. All members voted AYE.

MINUTES. MOTION 14-108. MOTION by Weis, seconded by Boots to approve the June 16, 2014 minutes. All members voted AYE.

WARRANTS. MOTION 14-109. MOTION by Weis, seconded by Ortmeier to approve the July warrants as presented. All members voted AYE.

ATHLETIC PARK COMPLEX PHASE 3. Jon Jacobson with Confluence reviewed the next phase of the Athletic Park Complex, which would include a new tennis court, a new parking lot, 2 new fields, additional flex field area, a pond and street improvements.

SITE PLAN. Kevin presented and recommended approval of a site plan for construction of a building in Hagedorn Industrial Park. **MOTION 14-110. MOTION** by Weis, seconded by Ortmeier to approve the site plan for Cleberg Properties, Lot 1, Block 3, Hagedorn Industrial Addition. Members Weis, Ortmeier, Munson and Boots voted AYE. Member Fowlds voted NO. Motion carried.

TRACT 2 BOULDER ADDITION PLAT/TEA ATHLETIC PARK ADDITION PLAT was briefly discussed. Tract 2 Boulder Addition Plat is for the park land that the city will be purchasing and the Tea Athletic Park Addition Plat is incorporating all of the park land together into one plat. Approval will be done at the next meeting.

2015-2018 TRANSPORTATION IMPROVEMENT PROGRAM was discussed. This will be presented to the Metropolitan Planning Organization and include the following projects: 2015-engineering for Highway 2016 with a cost share with Lincoln County (\$250,000); 2016 - engineering and design for an urban section of 271st St. from Cole to Heritage Parkway (\$175,000); 2017 - a multi-use trail on N. Brian St., along the west side of Nine Mile Creek (\$129,000) and construction of the urban section on 271st St. from Cole to Heritage Blvd.; 2018 – engineering and design of a rural section of 1st St., from Ceylon Ave to Sundowner. These can be changed as needed.

WEST SIDE CORRIDOR ENVIRONMENT AGREEMENT. The Westside Corridor Environmental Assessment has been in the works since 2000. There were some landowner issues that delayed the project and it has now picked back up. Historical Preservation Office has worked out an agreement that ensures the work will be done. The City has already entered into the Programmatic Agreement Among the Federal Highway Administration and the South Dakota State Historical Preservation Office. The City of Sioux Falls has now asked the City of Tea to cost share in some of the work that will be done within our city

limits or future city limits. The work that is done in the study will benefit the City when it comes time to improve those areas. Jason estimates the cost for the City of Tea to do this work would be \$25,000.00. It was the consensus of the council to participate in the cost share of the Environmental Assessment with the City of Sioux Falls, up to \$25,000.00. All members voted AYE.

2014 OVERLAY PROJECT CHANGE ORDER. MOTION 14-111. MOTION by Fowlds, seconded by Boots to approve a \$500.00 change order for the 2014 Overlay Project, due to grading required for the gravel base on Lisa Circle. All members voted AYE.

2014 OVERLAY PROJECT PAY REQUEST 1. MOTION 14-112. MOTION by Fowlds, seconded by Boots to approve Pay Request 11 to Black-Top Paving Company, for the 2014 Overlay Project, in the amount of \$191,573.05. All members voted AYE.

PROJECT UPDATES. The Sanitary Sewer Main Lining project will be advertised for bid on July 11 & 18 and bids will be opened on July 31st. The project will consist of sewer lining on Maple and Apple Streets and 6 spot repairs. Final plans have been received for Soukup Addition on the Northeast corner of Main Ave and 271st St.; they are still working with the permitting agencies for the 468th Pipe Project.

WATER RATES. There was discussion on changing the water rate structure. Currently residential customers are charged on a graduated scale, depending on the amount of water used. There was discussion on charging a flat rate regardless of the usage.

2ND READING OF ORDINANCE 221. The council held the second reading of Ordinance 221. **MOTION 14-113. MOTION** by Ortmeier, seconded by Boots to approve Ordinance 221, An Ordinance Amending Chapter 4, Collection of Garbage; Section 4.01 Operators, Licensing and Restrictions; Section 4.02, On Site Garbage License; and Ordinance 148 Amending Section 4.01 (b) of the Municipal Ordinance of the City of Tea. All members voted AYE. The ordinance will be published separately.

ORDINANCE 221 FEES. RESOLUTION 14-07-05. MOTION 14-114. MOTION by Fowlds, seconded by Weis to approve the following resolution. All members voted AYE. WHEREAS the City of Tea has approved and adopted Ordinance 221 An Ordinance Amending Chapter 4, Collection of Garbage; Section 4.01 Operators, Licensing and Restrictions; Section 4.02 On Site Garbage License; and Ordinance 148 Amending Section 4.01 (b) of the Municipal Ordinance of the City of Tea; and WHEREAS Sections 4.02 (2) and 4.02 (J) allows for the City Council to set the application fee, fee for failure to obtain a permit and fee for violating the general restrictions and requirements for the temporary placement off dumpsters and portable storage units; THEREFORE BE IT RESOLVED that the following fees be adopted: Application fee \$25.00; failure to obtain a permit – application fee plus \$50.00 and violation of Section 4.02 (E), General Restrictions - \$100.00. Dated this 7th day of July 2014.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

RESOLUTION CONSENTING TO TRANSFER OF FRANCHISE. RESOLUTION 14-08-05. MOTION 14-115. MOTION by Fowlds, seconded by Weis to approve the following resolution. WHEREAS, Knology, Inc. (“Franchisee”) currently holds a cable television franchise (“Franchise”) granted by the City of Tea, South Dakota (“Municipality”) authorizing Franchisee to own and operate a cable television systems in the Municipality; and WHEREAS Franchisee and certain of its affiliates have entered into an Asset Purchase Agreement (“Agreement”) with Clarity Telecom, LLC (“Clarity”) dated June 12, 2014 under which Clarity will acquire the cable system assets (including the Franchise) of

Franchisee (“Transaction”); AND WHEREAS, Franchisee and Clarity, according to the requirements of the Franchise and applicable law, have requested that Municipality consent to the Transaction as described in the FCC Form 394 filed with Municipality (“Transfer Application”) and WHEREAS, Municipality has reviewed the Transfer Application and will consent to the transfer of control as described in the Transfer Application. NOW, THEREFORE, MUNICIPALITY RESOLVES; 1. Municipality consents to the transfer of the Franchise to Clarity. 2. Municipality confirms the Franchise is valid and in full force and effect. 3. The Clerk of Municipality is authorized to enter into, execute, and deliver on behalf of may be Municipality a certificate, along with other documents as may be necessary evidencing this Resolution without further action by this governing body. Adopted and approved this 7th day of July 2014.

John, M. Lawler, Mayor


ATTEST: Dawn R. Murphy, Finance Officer

2012-2013 AUDIT REPORT. MOTION 14-116. MOTION by Fowlds, seconded by Weis to approve the 2012-2013 Audit Report as prepared by Gary L. Larson, CPA. All members voted AYE.

BUDGET MEETING. The 2015 budget meeting will held August 18th at 5:00 pm.

COMMITTEE REPORTS. Chief Baker has given Police Officer Jessica Quigley a Letter of Commendation for her outstanding job on the June house fire. The officers have qualified with their pistols and will qualify with their rifles in the next month. The graphics will be put on the new police vehicle this week. The 2007 Charger has been stripped down and not useable. Baker will check with Sioux Empire Automotive to see what the 2007 is worth. The vicious animal portion of our ordinances will be reviewed at the next meeting. The City received a small West Nile Grant that will be used to buy chemicals. The daily fire whistle was briefly discussed. The Fire Department is considering do a monthly test of all the sirens.

ADJOURN. MOTION 14-117. MOTION by Weis, seconded by Ortmeier to adjourn at 8:49 p.m. All members voted AYE.


John M. Lawler, Mayor

ATTEST:


Dawn R. Murphy, Finance Officer