

City of Tea  
Regular Meeting  
August 5, 2024

The regular meeting of the Tea City Council was held at Tea City Hall on August 5, 2024 at 6:00 pm.

Council President Jim Erck called the meeting to order at 6:00 pm with the following members present: Aaron Otten, Terry Woessner, Lynn DeYoung, Jim Erck, Joe Weis and Ruby Zuraff. Also present: P & Z Administrator Kevin Nissen, Ben Scholtz, HDR Engineering, Finance Officer Dawn Murphy and City Administrator Justin Weiland. Mayor Casey Voelker was absent.

**AGENDA. MOTION 24-119. MOTION** by Weis, seconded by Woessner to approve the August 5, 2024 Agenda. All members voted AYE.

**CONSENT AGENDA. MOTION 24-120. MOTION** by Otten, seconded by DeYoung to approve the following consent agenda items:

- 1) July 15, 2024 Minutes
- 2) August 5 Claims (claims will be listed at the end of the minutes)
- 3) Resignation of Police Officer John Roman (effective June 17)
- 4) Hiring of Police Officer Grey Tracy, \$30.50 per hour
- 5) Hiring of Police Officer Avery Fenne, \$30.50 per hour
- 6) Approval of Temporary On-Sale Liquor License for Tea Chamber for Development, August 17, Tea City Park

All members voted AYE.

**PUBLIC COMMENTS.** Dan Romen, 710 W. High addressed the council regarding the weeds in the development behind his property.

**PUBLIC HEARING.** Mayor Voelker opened the public hearing for the Hascall Preliminary Development Plan. The proposed land-use is R2 single family residential and will consist of 6 single family lots. Two neighboring property owners expressed concerns over potential water that would be coming onto their property. HDR Engineer Ben Scholtz explained that they have asked the developer, Nielson Construction, to manage the water flow so that it doesn't impact the neighboring properties. **MOITON 24-121. MOTION** by Wies, seconded by Otten to approve the Hascall Preliminary Development Plan, Tract 1, Hascall Addition. All members voted AYE.

**ANNEXATION.** A petition has been received from Nielson Development, to annex their property. **RESOLUTION 24-08-09. MOTION 24-122. MOTION** by DeYoung, seconded by Weis approve the Pre-Annexation Agreement between the City of Tea and Nielson Development and the following Annexation Resolution 24-07-08. All members voted AYE. WHEREAS there has been a petition received seeking to include certain real property within the corporate boundaries of the City of Tea; and WHEREAS, the petition has been signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed to the City of Tea; and WHEREAS the property is contiguous to the City of Tea on its east boundary and WHEREAS, said petition complies with all requirements of SDCL 9-4-1; NOW THEREFORE, BE IT RESOVED 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. **Tract 1, Hascall Addition, SW ¼, SW ¼ , 25-100-51. Lincoln County.** Dated this 5 day of August, 2024.

Casey Voelker, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

**DEVELOPER AGREEMENT. MOTION 24-123. MOTION** by Zuraff, seconded by Woessner to approve the Developers Assurance Agreement between the City of Tea and Smit Family Farms LLC, Lot 1B, Tempo Addition in the N1/2, SW 1/4 , 24-100-51. All members voted AYE.

**PAY APPLICATION. MOTION 24-124. MOTION** by Otten, seconded by Woessner to approve 85<sup>th</sup> St. Semi-Urban Improvement Project Pay Application 1, D & G Construction, \$382,461.75. All members voted AYE.

**ORDINANCE 319.** The council held the second reading of Ordinance 319. **MOTION 24-125. MOTION** by DeYoung, seconded by Zuraff to approve and adopt Ordinance 319. An Ordinance of the City of Tea, SD Amending the Municipal Ordinances of the City of

Tea, by Amending Chapter 1, Adding Section 1.03, Establishing a Schedule for Introduction and Adoption of the Annual Municipal Budget Ordinance of the City of Tea, South Dakota. All members voted AYE. The ordinance will be published separately.

**TIF PLAN #3.** The Council reviewed the project plan for Tax Increment Finance District #3. **MOTION 24-126. MOTION 24-126.** **MOTION** by Weis, seconded by Woessner to approve Tax Increment Finance District #3 Project Plan as authorized by Resolution 23-10-06. All members voted AYE

**RESOLUTION 24-08-08. MOTION 24-127. MOTION** by Otten, seconded by Zuraff to approve and adopt the following resolution. All members voted AYE. WHEREAS Initiated Measure 28 was certified for the November 2024 General Election Ballot by the South Dakota Secretary of State; WHEREAS Initiated Measure 28, if passed, would remove state, municipal and tribal taxes on all items sold for human consumption except alcohol and prepared food; WHEREAS "human consumption" is undefined in South Dakota Codified Law or the South Dakota Constitution. Black's Law Dictionary defines "consumption" as "the act of destroying a thing by using it; the use of a thing in a way that exhausts it." WHEREAS South Dakota Codified Law 34-45-1(7) defines tobacco products as "any item made of tobacco intended for human consumption, including cigarettes, cigars, pipe tobacco, and smokeless tobacco, and vapor products as defined in § 34-46-20."; WHEREAS South Dakota Codified Law 10-52-2 allows incorporated municipalities to impose a tax on the sale, use, storage and consumption of items that conform in all respects to the state tax on such items up to two percent; WHEREAS Initiated Measure 28 is in direct conflict with existing state law and the Attorney General's explanation of the measure states legislative or judicial clarification would be needed if the measure passes; WHEREAS The City of Tea levies a two-percent sales tax and collected \$ 3,903,835.08 in the 2023 fiscal year and \$4,455,077.37 year-to-date in the 2024 fiscal year; WHEREAS The City of Tea estimates annual lost revenue of \$347,000 unless Initiated Measure 28 is rejected by voters in South Dakota; NOW, THEREFORE, BE IT RESOLVED, by the City Council of Tea, that Initiated Measure 28 would negatively impact our community and its residents. Dated this 5<sup>th</sup> Day of August, 2024

Casey Voelker, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

**MOTION 24-128. MOTION** by Otten, seconded by DeYoung to adjourn at 7:08 pm. All members voted AYE.

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Casey Voelker, Mayor

ATTEST:

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Dawn R. Murphy Finance Officer

Published once at the approximate cost of

**CITY OF TEA**  
**WARRANTS PAID AUGUST 5, 2024**

<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
Abbas, Jim	Water refund	47.89
Ace Hardware	Supplies	753.40
Action Electric Co.	Street light repair	502.00
Altstiel, Savanna	Water refund	24.46
American Engineering Testing	Lagoon samples	491.00
American Playground	Swing seats	540.00
Auto Dynamics	Oil change & repairs	416.50
Badger Meter	LTE fees	1,441.44
Benco	Sprayer parts	103.58
Bluepeak	Phone service	1,130.03
Brite Upstate Wholesales Supply	Router	1,678.00
BSN Sports	P & R supplies	1,160.95
Caseys	Fuel	1,059.82
CHS	Fuel	1,276.11
City of Sioux Falls	Bact. Samples	348.00
City of Tea	Water	2,170.50
Confluence	TAC Phase 4	5,350.00
DTS	Repaint slurry seal streets/lagoon signs	9,619.09
Dust-Tex	PD rug service	37.60
EnviroMaster	Restroom supplies	1,318.00
Explorers Credit Union (credit card)	June charges	3,591.82
Explorers Credit Union (credit card)	PD June charges	430.27
Ferguson	Locate flags	34.17
Frisbee	Replace water heater at TAC	1,704.08
Gass, Kimberly	Library books	354.77
Gayle Hendricksen	Trailer registration	45.19
Geotek	Bakker Landing signal	437.00
Get N Go	Fuel	2,564.97
Great Plains Zoo	Zoo Mobile	180.00
Haugen Investments	85th St. crop damage	4,440.00
Hawkins	Pool chemicals	4,927.00
HDR Engineering	Regionalization	6,192.50
HDR Engineering	Tea Area Transportation Plan	16,027.85
HDR Engineering	85th St.	29,550.20
HDR Engineering	On-Call - Admin	3,056.25

HDR Engineering	On-Call - Site plan reviews	9,351.25
HDR Engineering	On-Call - Sewer modeling	2,685.50
HDR Engineering	On-Call - mill & overlay/PD Traffic Calming Presentation	3,500.00
HDR Engineering	On-Call - Drainage Master Plan	12,368.75
HDR Engineering	On-Call - Comprehensive plan support	307.50
HDR Engineering	On-Call - GIS Mapping	320.00
HDR Engineering	On-Call - Traffic Signal Cameras	760.00
HDR Engineering	On-Call - Gateway/Bakker Landing signal	1,911.15
HDR Engineering	On-Call - 468th Ave. grade line	7,130.00
HDR Engineering	On-Call grant support	153.75
HDR Engineering	On-Call - Kerslake Drainage	2,046.25
Innovative Office	Supplies	244.96
Interstate Power Systems	Generator maintenance	256.91
Jack's Uniforms	Badges	141.94
Kamps, Ella	Summer Red	502.50
KCL Group Benefits	Insurance	607.88
Lacey Rentals	Park toilets / replace damaged toilet	1,460.00
Lehner, Nancy	Water refund	15.99
Lewis & Clark Regional Water	26,205,186 July usage	40,973.63
Lincoln County Register of Deeds	Plats	70.00
Matheson	Torch supplies	296.51
Maximum Promotions	Flags	82.73
Metzger, Sharon	Water refund	28.64
Midco	Lift station phone	42.48
Motorola	Car equipment	6,588.00
MRG Hauf	Shirts	60.00
Myrl & Roys	Asphalt	1,157.38
Odland, Tim	Inspections	3,900.00
O'Reilly	Oil, battery	185.05
Pfeifer Implement	Ditch mower	20,305.53
Pine Knoll Inc	85th St. crop damage	1,200.00
Portner, Jeff	Umpire pay	5,980.00
Prairie Sons	Repair PD A/C	204.92
Precision Irrigation	Decoder for baseball irrigation	375.39
Robertson, Steve	Inspections	2,405.00
Shuba, Michael	Water refund	20.48
Sioux Empire Automotive	Repair 2019	1,492.40
Siteone Landscape	Irrigation parts	24.89
Southeastern Electric	Locates	130.00
Sundowner Investments	First half Tif #1 Revenue	312,496.07

Tegra	Sportsplex June services	10,217.46
The Tessman Company	Spray/fertilizer	1,760.32
Toshiba Financial	Copy lease	341.66
Tschetter, Mark	Water refund	111.14
US Blue Book	PH tester	404.19
Veseris	Mosquito spray	5,108.50
Weiland, Justin	Reimburse for airfare	389.07
Wellmark	Insurance	20,725.41
Workplace IT	Microsoft upgrade	80.00
Xcel Energy	Services	11,852.13
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		595,777.75

#### JULY PAYROLL

DEPARTMENT	GROSS PAY	SS/MED	RETIRMENT	TOTAL
Legislative 4111	11,250.00	860.64		12,110.64
Executive 4121	5,625.00	430.31		6,055.31
Administrator 4122	11,903.84	910.64	714.24	13,528.72
Finance 4142	7,529.00	575.98	451.74	8,556.72
Public Safety 4210	69,050.62	5,121.19	5,249.04	79,420.85
Highway/Streets 4311	13,487.65	1,027.49	809.26	15,324.40
Recreation 101-4501	3,915.75	299.56		4,215.31
Pool 4510	40,043.08	3,063.29		43,106.37
Recreation 201-4501	4,826.92	369.28	289.62	5,485.82
Planning & Zoning 4650	13,773.99	1,045.36	826.43	15,645.78
Water Distribution 4334	13,637.65	1,038.95	818.26	15,494.86
Water Administration 4335	1,158.92	88.65	69.54	1,317.11
Sewer Administration 4321	13,641.66	1,039.36	818.50	15,499.52
Sanitary Clerk	1,158.92	88.65	69.54	1,317.11
TOTAL JULY PAYROLL	211,003.00	15,959.35	10,116.17	237,078.52