

City of Tea  
Regular Meeting  
June 15, 2020

A regular meeting of the Tea City Council was held at Tea City Hall on June 15, 2020 at 7:00 pm.

Mayor Lawler called the meeting to order at 7:01 with the following members present: Casey Voelker, Joe Weis, Sidney Munson, Chuck Ortmeier and Todd Boots. Also present: City Administrator Dan Zulkosky, Planning & Zoning Administrator Kevin Nissen and Finance Officer Dawn Murphy. Councilmember Jim Erck was absent.

**CONSENT AGENDA. MOTION 20-75. MOTION** by Weis, seconded by Ortmeier to approve the following June 15, 2020 consent agenda items and moving approval of the claims to the regular meeting.

- a) Approval of the June 15, 2020 Agenda
- b) Approval of the June 1, 2020 Meeting Minutes
- c) Approval of HDR Scope and Fee for the Regionalization Wastewater Lift Station and Forcemain.
- d) Plats:
  - a) Lot 2, Block 3 Gateway Park Addition, City of Tea
  - b) Tract 5 Heritage Addition
  - c) Tract 4, Bakker Landing Addition

All members voted AYE.

**CLAIMS. MOTION 20-76. MOTION** by Munson, seconded by Weis to approve the claims except for Lincoln Economic Development Association. All members voted AYE.

There were no public comments.

**CUP #20-04 PUBLIC HEARING.** Mayor Lawler opened the public hearing for a Conditional Use Permit for a pet boarding/daycare/kennel at 401 N. Heritage Parkway. Kennels within a General Business Commercial District need to be 1,000 feet from a residential district. There were no public comments. **MOTION 20-77. MOTION** by Ortmeier, seconded by Voelker to approve the Kennel Conditional Use Permit #20-04 for ZZ Enterprises (Lacy's Struttin Mutts) at 401 N. Heritage Parkway. All members voted AYE.

**FIRST READING OF ORDINANCE 278.** Mayor Lawler opened the public hearing for the first reading of Ordinance 278, An Ordinance of the City of Tea, SD Rezoning Phase 2, Bakker Landing Addition Rural Service District to PD-Planned Development District. There were no comments for or against the rezoning. Second reading will be held at the July 6, 2020 meeting.

**MAYOR'S VETO.** Pursuant to 9-19-10, 9-8-3 and 9-19-11 Mayor Lawler exercised this veto power by filing a written notice with Finance Officer Murphy, vetoing Ordinance 273, An Ordinance of the City of Tea Amending Chapter 8, Traffic Code of the Municipal Ordinance by Adding Section 8.07 Golf Carts. The ordinance was approved at the June 1, 2020 meeting. A written objection must be filed within 10 days after its passage (SDCL 9-19-10). Mayor Lawler filed his objection on June 5<sup>th</sup>. The City Council can override the veto with a two-thirds vote of the council or 4 votes (SDCL 9-19-11). **MOTION 20-78. MOTION** by Weis, seconded by Munson to override the Mayor's veto of Ordinance 273. Members Weis, Boots and Munson voted AYE. Members Ortmeier and Voelker voted NO. Motion failed due to a lack of a two-thirds vote of approval. The ordinance is now void and will not go into effect.

**FIRST READING OF ORDINANCE 276.** The council held the first reading of Ordinance 276, An Ordinance Amending City of Tea Ordinance 203 Section IV Duration and Acceptance of Franchise – Clarity Telecom LLC d/b/a Vast Broadband. The second reading will be held at the July 6 meeting.

**FIRST READING OF ORDINANCE 277.** The council held the first reading of Ordinance 276, An Ordinance Amending City of Tea Ordinance 203 Section IV Duration and Acceptance of Franchise – Midcontinent Communications. The second reading will be held at the July 6 meeting.

**RESOLUTION #20-06-10 A RESOLUTION TO ABATE NUISANCE. MOTION 20-79. MOTION** by Ortmeier, seconded by Boots to approve the following resolution. All members voted AYE.

**A RESOLUTION TO ABATE NUISANCE.**

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMON COUNCIL AS FOLLOWS:

Section 1. Findings. The City Common Council finds the following:

- a. Shannon Benda Shannon Benda (“Owner”) was, and is, the owner of a single family house in the City of Tea, Lincoln County, South Dakota, located at 110 E 3rd St, Tea South Dakota legally described as the East seventy feet of Lots 5 and 6, Block 2, Fritz Addition to the City of Tea, South Dakota according to the recorded plat thereof. (the “Property”).
- b. The City of Tea has the power to declare a nuisance and prevent, abate, and remove the same pursuant to SDCL §9-29-13.
- c. The Property is vacant and unoccupied for the purpose for which it was erected.
- d. The City has had neighbor complaints of vermin and animals occupying the Property.
- e. The Property has remained in a state of dilapidation and deterioration for more than 6 months and unfit for occupancy as it fails to meet minimum housing standards.
- f. Through lack of maintenance or attention and by virtue of its physical appearance and presence thereby depresses the market value of surrounding properties.
- g. The Property is conducive to ill health, transmission of disease, juvenile delinquency and crime which is injurious to the neighborhood and detrimental to the public health, safety, morals and welfare of the City.
- h. The restoration of the Property to a safe condition is economically not practical and that it must be razed in order to protect the public health and safety, as provided by SDCL §9-29-13.
- i. Owner has not responded to any communications made by the City.

Section 2. Abatement. The City Attorney is directed to initiate legal action to abate said nuisance and seek an order to raze or remove the single-family house located on the Property and taxing the cost thereof by special assessment against the Property.

Dated this 15<sup>th</sup> Day of June, 2020.

John M Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

**DEVELOPMENT PLAN.** Kevin presented and recommended approval of revisions to the Bakker Landing Development Engineering Plans. **MOTION 20-80. MOTION** by Boots, seconded by Voelker to approve the Bakker Landing Phase 1 Revised Engineering Plans. All members voted AYE.

**SITE PLAN. MOTION 20-81. MOTION** by Boots seconded by Weis to approve the site plan and building permit for Casey’s Retail Company, at 2100 N. Bakker Landing Ave., Lot 4, Block 2, Bakker Landing Addition. All members voted AYE.

**BUILDING PERMIT. MOTION 20-82. MOTION** by Ortmeier, seconded by Munson to approve the building permit and plan for Morton Buildings to construct a 12,000 sq. ft building to be used for contractor shops at 2100 Venture St., Bakker Landing Addition. All members voted AYE.

**BUILDING PERMIT. MOTION 20-83. MOTION** by Boots, seconded by Ortmeier to approve the 13,000 sq. ft. mixed-use commercial building for John Schwartzle which will have commercial on the lower level and apartments above on Lot 1 & 4D, Block 1, Carl Soukup Addition which is on the corner of Main Ave and Gateway Blvd. All members voted AYE.

**SITE PLAN. MOTION 20-84. MOTION** by Weis, seconded by Ortmeier to approve the site plan for Leyva Drywall to construct a 14,100 sq. ft. building to be used for contractor shops/storage units at Lot 11, Block 4, Hagedorn Industrial Park. All members voted AYE.

**PARK AND RECREATION. MOTION 20-85. MOTION** by Boots, seconded by Voelker to approve the Park and Recreation Board’s Phase 2 and Phase 3 for the baseball season. All members voted AYE.

**REVISED PERSONNEL HANDBOOK. MOTION 20-86. MOTION** by Ortmeier, seconded by Boots to approve the revised Employee Personnel Policy Handbook. All members voted AYE.

**MOTION 2-87. MOTION** by Weis, seconded by Ortmeier to adjourn at 8:07 pm. All members voted AYE.

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John M. Lawler, Mayor

ATTEST:

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Dawn R. Murphy, Finance Officer

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**CITY OF TEA  
 WARRANTS PAID JUNE 15, 2020**

**LEGISLATIVE 4111**

Independent Publishing	Publishing	116.35
Meierhenry Sargent	May services	24.00

**FINANCE 4142**

Marco	1/3 copy lease	216.12
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**PLANNING & ZONING/ECONOMIC DEVELOPMENT 4650**

Explorers Credit Union	Postage	81.76
Independent Publishing	Publishing	144.01
Robertson, Steve	May inspections	1,850.00

**LIBRARY 4550**

Barnes & Nobel	Books	1,151.90
Verizon	Internet	40.01
Wipf, Gayla	Supplies	51.36

**GOVERNMENT BUILDINGS 4192**

Ace Hardware	Supplies	412.13
Banner Associates Inc.	Design services	124.50
City of Tea	City Hall	155.60
City of Tea	Maint bldg.	78.90
City of Tea	Community building	54.50
Explorer Credit Union	Compressor parts	1,115.80
Fareway	Supplies (2 months)	384.69
Innovative Office	Supplies	58.35
Mid American Energy	200 W. Maple	63.44
Mid American Energy	Maint bldg.	36.24
Mid American Energy	PSB	148.38
U Drive Technologies	Monthly texting	50.24
Vast	Maint. Dept. phone	112.56
Vast	City Hall Phone	470.89
Verizon	Phones	275.33

**PUBLIC SAFETY 4210**

Ace Hardware	Supplies	199.14
City of Tea	Water	58.40
Explorers Credit Union	Micro-soft office, envelopes	240.44
Mid American Energy	Service	24.73
O'Reilly	Parts	187.86
Vast	Phone	571.58
Verizon	Phone	410.31

**HIGHWAY/STREET 4312**

Biersbach	Compressor repair	302.10
Eastern Farmers	Fuel	434.34
Myrl & Roys	Asphalt	133.25
Southeastern Electric	Locates	385.00
Southeastern Electric	Street lights	3,011.06
Xcel Energy	Services	3,500.47

**PARKS/RECREATION 4501**

Ace Hardware	Supplies	198.27
Dakota Supply Group	Toilet parts	162.20
DeBoer, Paul	Lay glass block in restrooms	150.00
Menards	Hand Sprayers	29.94
SiteOne Landscape	Irrigation parts	33.91
Verizon	Arlo go camera	376.01

**WATER 601**

American Engineering Testing Inc.	85th St. water tower borings	3,950.00
American Engineering Testing Inc.	Water testing	243.00
Deutsch, Adam	Water deposit refund	33.39
Fredericksen, Chaz	Water deposit refund	2.24
Graham, Sara	Water deposit refund	27.74
Lewis & Clark	11,372,816 May usage	21,613.75
Lewis & Clark	Meter building valve programming	1,272.81
Maguire Iron	Paint & clean watertower	97,500.00
Marco	1/3 copy lease	216.12
Perry, Greg & Jessika	Water deposit refund	7.69
Southeastern Electric	Quintin tower & meter shack	216.92

**SEWER 604**

Hawkins	Chemicals	1,153.19
Marco	1/3 copy lease	216.10
Southeastern Electric	Lift station	149.02
US Bank	SRF 5	8,638.24

**SPECIAL PARK FUND 201**

Bak, Ryan	Baseball refund	50.00
Decker, Kristi	Softball refund	110.00
Erdmann, David	Softball refund	110.00
Explorers Credit Union	Chalker, Microsoft office, baseballs	1,082.02
Froendt, Roger	Softball refund	110.00
Geelan, Sara	Softball refund	110.00
Hauff Mid America Sports	Chin strap & caps	1,770.60
Highum, Allison	Softball refund	110.00
Hunter, Jeffrey	Baseball refund	100.00
Johannsen, Stephanie	Softball refund	220.00
Johnson, Toni	T-ball refund	45.00
McAmis, Abby	Baseball refund	100.00
McCord, Laura	Softball refund	100.00

Rand, Angela	Baseball & softball refunds	260.00
Taylor, Laurie	Softball refund	220.00
Thompson, Sarah	Baseball & Tball refund	145.00
Werdel, Amy	Baseball refund	150.00

**3RD PENNY/POOL/PARK EXPENSES 211**

Bartels, Melanie	Pool pass refund	35.00
Derry, Dustin	Pool pass refund	70.00
Herrboldt, Katie	Pool pass refund	70.00
Johnson, Abby	Pool pass refund	70.00
Kirschenman, Keri	Pool pass refund	70.00
Markley, Courtney	Pool pass refund	70.00
Severson, Trista	Pool pass refund	70.00
Stewart, Alex	Pool pass refund	70.00

**3RD PENNY/POOL/PARK EXPENSES 211**

Mid American Energy	Service	15.00
Vast	Phone	37.66
Verizon	Internet	40.01

**HWY 111 SA BONDS 308**

US Bank	SA Bonds	112,075.00
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**POOL BONDS 305**

US Bank	Pool Bonds	4,550.00
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**GATEWAY BLVD. (271ST ST.) SA BONDS**

US Bank	SA Bonds	77,955.00
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