

City of Tea
Regular Meeting
March 15, 2021

A regular meeting of the Tea City Council was held at Tea City Hall on March 15, 2021 at 7:00 p.m.

Mayor John Lawler called the meeting to order at 8:31 pm, following the Local Board of Equalization Meeting, with the following members present: Jim Erck, Sidney Munson, Casey Voelker, Chuck Ortmeier and Joe Weis. Also present: Finance Officer Dawn Murphy, Planning & Zoning Administrator Kevin Nissen and City Administrator Dan Zulkosky.

AGENDA. MOTION 21-31. MOTION by Weis, seconded by Ortmeier to approve the March 15, 2021 agenda. All members voted AYE.

CONSENT AGENDA. MOTION 21-32. MOTION by Weis, seconded by Munson to approve the following consent agenda items:

- 1) Approval of March 1 & 6, 2021 Minutes
- 2) Approval of March 15, 2021 Claims (claims will be listed at the end of the minutes)
- 3) Approval of the following plats:
 - a) Lots 1, 1A, 2, 2A, 3, 3A, Block 1, Ma's & Pa's Addition, City of Tea
 - b) Lot 2, Block 1, Boulder Addition
 - c) Lot 1, Block 6, Bakker Landing 1st Addition

All members voted AYE.

PUBLIC COMMENTS. After attending several meetings of the City Council and seeing what it takes to run a City and decisions that have to be made, Tim Manning, 1005 E. Ryan Dr. thanked the council and administration for all they do in looking out for the citizens of Tea.

FIRST READING OF ORDINANCE 285 PUBLIC HEARING. Mayor Lawler opened the public hearing for the first reading of Ordinance 285, An Ordinance of the City of Tea, SD, Rezoning Ma's and Pa's Addition, Legally Known as Lots 1, 1A, 2, 2A, 3, 3A, Block 1, Ma's and Pa's Addition in the City of Tea from AG-Agriculture to R1 – Residential District and Amending the Official Zoning Map of the City. There were no comments for or against the rezoning. The second reading will be held at the April 5, 2021 meeting.

SITE PLAN. MOTION 21-33. MOTION BY Ortmeier, seconded by Weis to approve the Site Plan and Building Permit #21-53 for Hy-Vee Inc., to construct a 27,490 sq. ft. retail store at 725 E. 1st St, Lot 1, Block 1 Boulder Addition. All members voted AYE.

FOUNDATION PERMIT. Kevin presented a site plan for a 4,400 sq. ft. car wash located on Lot 4, Block 1, Gateway Addition. Right now they are just looking for site plan approval and a foundation permit. Based on the drawings submitted there is concern of the aesthetics of the building with regards to the location.

MOTION 21-34. MOTION by Weis, seconded by Erck to approve the site plan and foundation permit for Advance Auto Spa Car Wash. Members Weis and Erck voted AYE. Members Munson, Ortmeier and Voelker voted NO. Motion failed.

FOUNDATION PERMIT. MOTION 21-35. MOTION by Weis, seconded by Munson to approve the site plan and foundation permit for Koch Insurance to build a 3,377 sq. ft. office building on Lot 4, Block 7, Spencer Heights Addition. All members voted AYE.

SITE PLAN. MOTION 21-36. MOTION by Weis, seconded by Voelker to approve the site plan for Cypress Risk Management (Kings Contractor Shops), to construct a 18,000 sq. ft. building to be used for contractor shops at 2020 E. Industrial Street, Lot 9, Block 5, Bakker Landing 1st Addition. All members voted AYE.

RESOLUTION 21-03-03. MOTION 21-37. MOTION by Weis, seconded by Munson to approve the Resolution of Proposed Resolution of Necessity for Gateway Boulevard and set the 5th day of April, 2021 at 7:05 for the public hearing on the resolution. All members voted AYE. The resolution will be published separately.

John M. Lawler, Mayor

ATTEST: Dawn R. Murphy, Finance Officer

MOTON 21-38. MOTION by Weis, seconded by Ortmeier to adjourn at 9:01 pm. All member voted AYE.

John M. Lawler, Mayor

ATTEST:

Dawn R. Murphy, Finance Officer

Published once at the approximate cost of _____.

**CITY OF TEA
WARRANTS PAID MARCH 15, 2021**

FINANCE 4142

Williams & Company	Audit payment	9,100.00
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ENGINEERING 4196

HDR Engineering	General	4,651.22
HDR Engineering	P & Z	7,730.00
HDR Engineering	James Ave. Drainage	618.75
HDR Engineering	Drainage	742.50
HDR Engineering	Streets	1,370.00
HDR Engineering	TAP Grant	1,273.75
	Hagedorn Industrial Park Infrastructure	
HDR Engineering	Reconstruction	48,837.00
HDR Engineering	272nd St. Extension	112,460.00
HDR Engineering	GIS	888.75

LIBRARY 4550

Verizon	Internet	40.01
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PLANNING & ZONING 4650

Camel Press	Forms	213.18
Independent Publishing	Publishing	17.26
Lincoln County Register of Deeds	Plats	216.00
Robertson, Steve	Inspections	915.00

GOVERNMENT BUILDINGS 4192

Ace Hardware	Supplies	301.04
Banner	City Hall design	387.00
City of Tea	Maintenance building water	82.80
City of Tea	City Hall restrooms	65.80
City of Tea	City Hall High Flow	89.80
City of Tea	Community Hall-200 W. Maple	58.40
Enviro Master	Towels	79.95
Fareway	Supplies	152.98
Innovative Office Solutions	Supplies	101.44
Maximum Promotions	Flags	440.00
Mid American Energy	510 S. Main	462.73
Mid American Energy	600 E. 1st St.	651.30
Mid American Energy	200 W. Maple	310.42
Rent-All	Lift to paint City Hall	385.00
Roto Rooter	Community Hall sewer	218.00
U Drive Technology	Feb texting	50.24
Vast	Maintenance building	119.02
Vast	City Hall	458.25
Verizon	Cell phones	262.40
Xcel Energy	City Hall	977.24

Xcel Energy	Community building	116.52
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PUBLIC SAFETY 4210

Ace Hardware	Supplies	40.07
Anderson, Darla	Cleaning	50.00
Banner	Law Enforcement Center design	39,432.75
Bilbo, Danielle	Mileage to Pierre	260.96
City of Tea	Water	58.40
ELBO Computing	Computer service	225.00
Innovative Office Solutions	Supplies	193.76
Lamb Motor Company	2021 Explorer	36,282.00
Lincoln County	E911 Service	3,806.00
Meierhenry Sargent	Services	607.50
Mid American Energy	Services	277.89
Vast	Phone	572.59
Verizon	Cell phones	440.55

PARKS/RECREATION 4501

Verizon	Park camera	40.01
Xcel Energy	Ball fields	386.41

HIGHWAY/STREET 4312

Eastern Farmers Coop	Fuel	554.23
Independent Publishing	Notice to bidders	159.66
Matheson Tri-gas	Welding supplies	69.80
Southeastern Electric	Street lights	3,562.10
Xcel Energy	Street lights	23.68

WATER 601

Badger Meter	1/2 service	475.07
Crow, Vonda	Deposit refund	28.20
Ferguson	Marking paint	95.76
HDR Engineering	Jan. & Feb. 85th St. Tower	10,267.35
HDR Engineering	SRF 272nd St.	1,007.50
Innovative Office Solutions	Supplies	101.44
Lewis & Clark Regional Water	8,360,044 February usage	18,663.95
MyTea Tykes	Deposit refund	12.43
MyTea Tykes Too	Deposit refund	18.29
SD Association of Rural Water Systems	2021 membership	915.00

SEWER 604

Badger Meter	1/2 service	475.07
HDR Engineering	Jan & Feb. Regionalization	56,094.35
HDR Engineering	SRF 272nd St	760.00
Innovative Office Solutions	1/3 Supplies	101.43
Midco	Lift station phone	40.38
US Bank	SRF 5 loan pmt	8,638.24
Verizon	Lift station phone	24.66

Xcel Energy	5th St. lift station	77.97
Xcel Energy	Lagoon building	3,786.36
Xcel Energy	S. lift station	445.10

3RD PENNY PARKS/POOL 211

Mid American Energy	Services	30.00
Vast	Pool phone	39.03
Verizon	Internet	40.01

GATEWAY BLVD CAPITAL PROJECT 515

HDR Engineering	Jan. & Feb. Services	44,790.33
Meierhenry Sargent	Condemnation services	1,440.00
Rimma Hanna Trust	Relocation	50.00

TOTAL APPROVED MARCH 15, 2021	430,305.03
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PUBLISHED ONCE AT THE APPROXIMATE COST OF \$ _____

**CITY OF TEA
RESOLUTION 21-03-03
RESOLUTION OF PROPOSED RESOLUTION OF NECESSITY**

WHEREAS, the City has considered the character of the improvements, the situation, the surrounding conditions, and whether the substantial benefits to be derived from the improvements are local or general in their nature; and

WHEREAS, the City has calculated the portion of the improvements which confers a local special benefit and the general benefit and advantage on the property of the whole community.

NOW THEREFORE BE IT RESOLVED that the City finds the following:

- The project will make the property abutting the project a better place in which to conduct business.
- The property will only be assessed the costs for the special benefit of the improvements.
- The adjacent property will receive a special benefit by changing the properties highest and best use from rural in character to urban.
- The improvement will provide easier access to the abutting properties.
- The improvements will provide a special benefit to the assessed properties by improving and enhancing the aesthetics and safety, thus enhancing the value, use, and enjoyment of the property.
- The improvements will enhance the market value of the properties abutting the improvement.
- The property abutting the improvements receive a special benefit above and beyond that benefit enjoyed by the general public.
- That the value of the special benefit equals or exceeds the special assessment
- Failure to assess property abutting the improvements would result in a windfall to the property owners.

BE IT FURTHER RESOLVED by the City Council of the City of Tea, South Dakota that the convenience and necessity has arisen for the complete reconstruction of Lincoln County Highway 106 (CR106) aka Gateway Boulevard/271st Street beginning approximately 130 feet east of Heritage Parkway and continuing approximately 7,385 feet (1.4 miles) to the intersection with the Exit 73 interchange at Interstate 29 and the installation of 191.9 feet of water main and sanitary sewer on Katie Rd in the City of Tea, Lincoln County, South Dakota, by the following:

- Asphalt surfacing removals, widening the existing roadway to provide additional lanes, installation of utilities (water main, sanitary sewer, sanitary sewer force main casing pipe, and storm sewer), installation of curb & gutter, sidewalks & shared-use path, gravel roadway base, concrete and asphalt surfacing, traffic signals, street lighting, landscaping, and irrigation systems.

BE IT FURTHER RESOLVED that the material to be used in the project shall be according to plans and specifications prepared by engineers for the City of Tea, and on file in the office of the Municipal Finance Officer and open to public inspection and incorporated hereby.

BE IT FURTHER RESOLVED that:

- the cost of \$68.50 per foot (street \$38.50, Water \$14.00 & Sewer \$16.00) shall be assessed against all assessable lots and tracts of land fronting or abutting thereon to each of such lots or tracts listed on Exhibit A
- the cost of \$52.50 (street \$38.50, Water \$14.00) per foot shall be assessed against all assessable lots and tracts of land fronting or abutting thereon to each of such lots or tracts listed on Exhibit B
- the cost of \$107.00 (street \$77.00, Water \$14.00 & Sewer \$16.00) per foot shall be assessed against all assessable lots and tracts of land fronting or abutting thereon to each of such lots or tracts listed on Exhibit C;
- the cost of \$91.00 (Street \$77.00 and Water \$14.00) per foot shall be assessed against all assessable lots and tracts of land fronting or abutting thereon to each of such lots or tracts listed on Exhibit D;

- the cost of \$52.50 (Street \$38.50 and Water \$14.00) per foot shall be assessed against all assessable lots and tracts of land fronting or abutting thereon to each of such lots or tracts listed on Exhibit E;
- the cost of \$38.50 (street only) per foot shall be assessed against all accessible lots and tract of land fronting or abutting thereon to each of such lots or tracts listed on Exhibit F.

The total estimated cost of the Project is \$16,000,000.00 and that part thereof will be financed by special assessments. The City of Tea will pay the "over size" costs of \$14,945,000.00. The total cost shall include the contract price and all engineering, inspection, publication, fiscal, legal and all other expenses incidental thereto.

BE IT FURTHER RESOLVED that the assessments for the properties marked on Exhibits "A & B" will be divided into fifteen (15) equal annual installments, which shall be payable under Plan One, collection by the County Treasurer, as set forth in SDCL §9-43-102, et seq., and that all deferred installments shall bear interest at such rate of one (1) percent per annum.

BE IT FURTHER RESOLVED that the assessment for the properties marked as Exhibits "C" shall be delayed, without interest, and to be paid in full at such time as the property is annexed within the City limits of Tea.

BE IT FURTHER RESOLVED that the assessments for the property marked as Exhibit D shall be delayed without interest, and to be paid in full at such time the property is annexed into the city limits and a development plan is filed.

BE IT FURTHER RESOLVED that the assessment for the property marked as Exhibit E shall be delayed without interest, and to be paid in full at such time as a development plan is filed.

BE IT FURTHER RESOLVED that the contractors who undertake to perform the work of construction herein provided for shall be paid in cash from City surplus, the sale of Special Assessment Bonds, Sales Tax Revenue Bonds and a Federal Highway Administration Build Grant.

BE IT FURTHER RESOLVED, that the above resolution shall be published once in the official newspaper of the City, with an appended notice stating the place and time, at least two weeks after such publication, at which the Common Council will meet for the consideration any objections to the proposed resolution by owners of property liable to be assessed for the improvement and the adoption of the resolution. However, if such improvement be petitioned for by the owners of more than fifty-five percent of the frontage of the property to be assessed therefor, it may be provided for by resolution without publication.

BE IT FURTHER RESOLVED, that notice of shall cause personal notice to be sent by first-class, certified mail to each person owning property liable to be assessed for the improvement; said notice to include all information required of the published notice. If the property is occupied and has a street address, the written notice shall be sent to the owner in care of such address and, if not, to the last known address of the owner. Notice shall not be required to be sent to any person who shall have petitioned in writing or consented in writing to such improvement.

BE IT FURTHER RESOLVED, that the Finance Officer is directed to take such action as is necessary to carry out the intent of the resolution.

Dated this 15th day of March, 2021

John M. Lawler, Mayor

ATTEST:

Dawn R. Murphy, Finance Officer

EXHIBIT A (ANNEXED. STREET, WATER & SEWER \$68.50 PER FOOT)

Donald F. Seubert and Jeanne A. Seubert, Trustees of the Donald F. Seubert Living Trust	Lot B, Town of Bucksnot in the SW1/4 of Section 24, Township 100 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota.
Alcoba, LLC	Lot 1C in Block 5 Kerslake 2nd Addition in the South Half of Section 24, Township 100 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota.
Keith R.E. Johnson & A Lane, LLC	The West 150 feet of Lot 1, Block 1 of Kerslake Second Addition in the South Half of Section 24, Township 100 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota.
Heirigs Properties, LLC	Tract A of Lot 1, Block 1 of Kerslake 2nd Addition in the S1/2 of Section 24, – Township 100 North, – Range 51 West of the 5th P.M., Lincoln County, South Dakota.
JB IV, LLC	The W1/2 of Lot 1A in Block 2 of Kerslake Addition in the W1/2 SE1/4 of Section 24, – Township 100 North, – Range 51 West of the 5th P.M., Lincoln County, South Dakota.
JB IV, LLC	The E1/2 of Lot 1A in Block 2 of Kerslake Addition in the W1/2 SE1/4 of Section 24, – Township 100 North, – Range 51 West of the 5th P.M., Lincoln County, South Dakota.
Eric & Jane Juhl	The West 95 feet of Lot 1 and the East One-half (E1/2) of Lot 2, Block 1, Kerslake Addition in the West One-half (W1/2) of the Southeast Quarter (SE1/4) of Section 24, Township 100 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota.
Eric & Jane Juhl	Lot 1, except the West 95 feet thereof, Block 1, Kerslake Addition in the West Half of the Southeast Quarter of Section 24, Township 100 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota.
Judith H Kuzepa and Michael Kuzepa	Kerslake Tract 1 in the W1/2 SE1/4 of Section 24, Township 100 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota.
Richard Peters & Roxanne Peters	Lot 2 of the Subdivision of Tract 1A, except the North 280 feet thereof, of the Southwest Industrial Park in the E1/2 SE1/4 of Section 24, – Township 100 North, – Range 51 West of the 5th P.M., Lincoln County, South Dakota.
Rima R. Hanna Trust	The South Half of Tract 1B, Southwest Industrial Park in the E1/2 SE1/4 of Section 24, Township 100 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota.

Janice L Margeson	Tract 11 of Southwest Industrial Park in the E1/2 SE1/4 of Section 24, – Township 100 North, – Range 51 West of the 5th P.M., Lincoln County, South Dakota.
Pearl Creek Investment, LLC	Tract 10 of Southwest Industrial Park in the E1/2 SE1/4 of Section 24, – Township 100 North, – Range 51 West of the 5th P.M., Lincoln County, South Dakota.
Moved to Exhibit F	

EXHIBIT B (ANNEXED, STREET & WATER \$52.50 PER FOOT)

Patrick Sweetman	Muellers Tract 1 in the NE1/4 of Section 25, – Township 100 North, – Range 51 West of the 5th P.M., Lincoln County, South Dakota.
Moved to Exhibit F	
Moved to Exhibit F	
Moved to Exhibit F	
Nielson Development, LLC	An unplatted portion of the NW1/4 of Section 25, – Township 100 North, – Range 51 West of the 5th P.M., Lincoln County, South Dakota. Said Lot H1 containing **9180 sq. ft., more or less.
Sundowner Investments, L.L.C.	Tract 2 of Bakker Landing 1st Addition in Government Lots 1 and 2 of the Northwest Quarter and in Government Lots 1 and 2 in the Southwest Quarter of Section 19, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota.

EXHIBIT C (NOT ANNEXED, STREET, WATER, SEWER, DELAYED \$107.00 PER FOOT)

Douglas A. Putnam	Lot 1 of Income Addition in the NW1/4 of Section 25, – Township 100 North, – Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota.
Gerry Goldammer	Tract 1 of Income Addition in the NW1/4 of Section 25, – Township 100 North, – Range 51 West of the 5th PM, Lincoln County, South Dakota.
Moved to Exhibit D	
Ennis Lund	The W1/2 of Lot 2, Block 1, Kerslake Addition in the W1/2 of SE1/4 of Section 24, – Township 100 North, – Range 51 West of the 5th P.M., Lincoln County, South Dakota.
KJD, LLC	Tract 36, except Lot A in Sky Haven Heights Addition in the NW1/4 of Section 30, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota.
G.P. Enterprises, Inc.	Lot 1 of Tract 18 in Sky Haven Heights in the NW1/4 of Section 30, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota.

G.P. Enterprises, Inc.	Lot 2, except Lot H2 in Lot 2, of Tract 18 of Sky Haven Heights in the Northwest Quarter of Section 30, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota.
G.P. Enterprises, Inc.	Lot 17A and 17B of the Subdivision of Tract 17 of Sky Haven Heights in the NW1/4 of Section 30, – Township 100 North, – Range 50 West of the 5th P.M., Lincoln County, South Dakota.
David Welch & Kimberly Welch	Lot A, Town of Bucksnot in the SW1/4 of Section 24, Township 100 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota.
Lincoln County	Airport Tract 1A of Sky Haven Heights in the NW1/4 of Section 30, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota.

EXHIBIT D (NOT ANNEXED, STREET, WATER, DELAYED \$91.00 PER FOOT)

Ricky Mueller	The West 1,557 feet of the NE1/4 of Section 25, – Township 100 North, – Range 51 West of the 5th P.M., Lincoln County, South Dakota.
Gerry Goldammer	Jongeling Tract 4 NW1/4 of Section 25, – Township 100 North, – Range 51 West of the 5th Principal Meridian, Lincoln County, South Dakota. *except Lot H1*

EXHIBIT E (ANNEXED STREET AND WATER/DELAYED \$52.50 PER FOOT)

Ronald Mueller	East 1,083 feet of the NE1/4 of Section 25, Township 100 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota except Mueller Tract 1 thereof.
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EXHIBIT F (ANNEXED STREET ONLY \$38.50 PER FOOT)

OCH Leasing, L.L.C.	Lot 5, Block 1 of Gateway Park Addition to the City of Tea, Lincoln County, South Dakota.
Tea Hospitality, L.L.C.	Lot 1, Block 1 of Gateway Park Addition to the City of Tea, Lincoln County, South Dakota.
Olsen Commercial Holdings, L.L.C.	Tract 1 of Jongeling’s Addition, except Lot 1 and 5 in Gateway Park Addition in the Northwest Quarter of Section 25, Township 100 North, Range 51 West of the 5th P.M., Lincoln County, South Dakota.
East River Electric Power Cooperative, Inc.	The Westerly 50 Feet of BNSF Railway Company's (fka Great Northern Railway Company) 100 Foot Wide Sioux Falls to Irene, South Dakota Branch Line Right Of Way, now discontinued, located upon, over and across the SW 1/4 of Section 24, Township 100 North Range 51 West & Lot 12 in Block 5 of Kerslake’s 2nd Addition in the S1/2 of Section 24, T100N, R51W of the 5th P.M., Lincoln County, South Dakota.

APPENDED NOTICE OF HEARING ON PROPOSED RESOLUTION OF NECESSITY 20-03-03

NOTICE IS HEREBY GIVEN that on the 5th day of April, 2021, at the hour of 7:10 o'clock p.m., at the meeting room in the City Hall at 600 E. 1st St., Tea, South Dakota, has been fixed by the Tea City Council as the time and place for the hearing upon the Proposed Resolution of Necessity #21-03-03, at which the Tea City Council shall consider any objections for the proposed resolution by owners of property liable to be assessed for the improvement.

Dawn R. Murphy
Finance Officer

Published March 19 & 26 at the approximate cost of \$_____.