

**PLANNING AND ZONING AGENDA**  
**TUESDAY, FEBRUARY 13, 2024**  
**CITY HALL - 7:00 P.M.**

1) ROLL CALL

Mark Anderson, Tim Graham, Stacey Kutil, Michelle Kilbourn, Troy Jackson, Brad Miles, and Tony Randall

2) APPROVAL OF THE AGENDA

3) APPROVAL OF MINUTES

- January 9, 2024 Meeting

4) PUBLIC COMMENTS

\*Action cannot be taken on items discussed unless specifically listed elsewhere on the agenda\*

5) UPDATES

- Building Inspector Update – Paul Clarke
- Building Inspector/Code Enforcer Update – Kyle Christensen
- City Administrator Updates – Teresa Sidel

6) Executive Session (SDCL 1-25-2.3)

7) ADJOURNMENT

**Next Planning & Zoning Meeting: February 27, 2024**

## **Planning and Zoning Meeting – Regular Meeting January 9, 2024**

Vice-Chairman Brad Miles called the meeting to order at 7:00pm at Hartford City Hall with the following planning and zoning members present: Mark Anderson, Tim Graham, Michelle Kilbourn and Troy Jackson. Stacey Kutil and Tony Randall were absent with notice. Also, present was City Administrator Teresa Sidel, Building Inspector/Code Enforcer Kyle Christensen, and Building Inspector Paul Clarke. There was no one present from the public.

**Approve Agenda:** A motion was made by Jackson, second by Anderson to approve the agenda as set – all voted yes, motion carried.

**Approval of the Minutes:** The December 12, 2023, regular meeting minutes were reviewed. A motion was made by Kilbourn, second by Jackson to approve the December 12, 2023, regular meeting minutes – all voted yes, motion carried.

**Public Comments:** None

### **Old Business:**

- **Review Ordinance #748 – Amendment to Zoning Ordinance, Chapter 19 Conditional Uses:** Section 19.01 of the City’s Zoning Regulations addresses conditional use permits. It goes through the procedure and application process, the public hearing process, and the appeal process. It does not address a specific process for revoking a conditional use permit once granted. Under the direction of the city, SECOG has drafted a new section (H) that addresses the revocation process for Board review. Adding this new section would address the process for revocation of a CUP. Basically, when the Board wants to revoke a CUP, the city will need to send the CUP holder a notice of intent to revoke the permit 30 days prior to the revocation date. The notice will need to include the reasons for the revocation and the revocation date. Revocations will occur on the date specified in the notice, or the person receiving the notice may, within the 30-day notice period, request a public hearing in front of the Board of Adjustments to either argue against revocation or to show they are now in compliance. The draft ordinance was reviewed by the P&Z Board on December 12 and verbiage was added to further clarify the procedure – stating: “If no request for a public hearing is received by the city within the 30-day notice period, the conditional use permit will be revoked on the date specified in the notice.” This makes it clear that no hearing will take place and the revocation is automatic from the date on the notice unless a request for a public hearing is received. A motion was made by Jackson, second by Graham to approve Ordinance #748 and recommend final approval to the city council – all voted yes, motion carried.
- **Review Ordinance #751 – Amendment to Zoning Ordinance, Chapter 12.08 Fences:** Section 12.08 of the City’s Zoning Regulations addresses fences. As discussed previously by the Board, the verbiage of section E&F basically dictates the height and setbacks of fences in various zoning districts. Verbiage about corner lots is confusing since it refers to a 2nd front yard. It was also noted that this verbiage can be interpreted differently. After discussion by the Board, they have directed staff to re-word these sections to help clarify the intent and to allow 6’ fences within side yards and backyards without a setback. The ordinance for review incorporates the following:

For R, MH, NC or CB districts: a fence in the front yard can be 4’ in height.

a fence in the side and back yard can be 6’ in height (no setback required).

For CC and RC districts: a fence in the front yard can be 4’ in height.

a fence in the side and back yard can be 8’ in height (no setback required).

Basically, these are the same regulations the city currently has except we would now allow fences on corner and double frontage lots to be higher in the side yards along the street with no setbacks. After review by the Board on December 12<sup>th</sup>, it was the consensus to incorporate illustrations for fence placement on a corner lot, along with an illustration for fence placement on a mid-block lot into the ordinance to help clarify the ordinance to the public – these illustrations were added. We have also updated our definitions for “yard, required front” – we took out the last sentence that referred to the side-street-side front yard and added a separate definition of “Yard, Side-street-side front” to separate and clarify. A motion was made by Kilbourn, second by Anderson to approve Ordinance #751 and recommend final approval to the city council – all voted yes, motion carried.

### **New Business:**

- **Certificate of Appointments:** Mark Anderson, Troy Jackson, and Brad Miles were re-appointed by the mayor to serve an additional 2-year term on the Planning and Zoning Board to run from January 2024 to the end of December 2025. Congratulations and Thank You for their continuing service.
- **Election of Chairman for 2024:** Miles called for 2024 Chairman nominations from the Board. Jackson nominated Tony Randall for the 2024 Planning and Zoning Chair, nomination was second by Kilbourn. Graham made a motion to cease nominations and cast a unanimous vote for Randall as the 2024 Planning and Zoning Chairman, second by Jackson – all voted yes, motion carried.
- **Election of Vice-Chairman for 2024:** Miles called for 2024 Vice-Chairman nominations from the Board. Graham nominated Brad Miles for the 2024 Planning and Zoning Vice-Chair, nomination was second by Kilbourn. Jackson made a

motion to cease nominations and cast a unanimous vote for Brad Miles as the 2024 Planning and Zoning Vice-Chairman, second by Anderson – Miles abstained with all others voting yes, motion carried.

### **Updates**

- **Building Inspector Update:** Building Inspector Paul Clarke was present to provide an update on building projects to the Board. There are currently 16 open single-family homes in various stages of construction, along with 1 twin home. Clarke also gave a recap of current commercial permits that are still open or being worked on.
- **Building Inspector/Code Enforcer Update:** Kyle Christensen provided an update on code enforcement to the Board. Current code violations being addressed by the city include no pet licenses, parking on grass, abandoned & inoperable vehicles, and snow & ice removal.
- **City Administrator Update:**
  - Project Updates
    - Hwy 38 Project – ISG & city staff are working on a re-design for placement of this water main.
    - WRRF – Work continues on the Aeromod tank. The force main has been installed and the contractor has begun to install the gravity main.
  - Chamber Director – The city has hired Wynne Hindt as the new part-time chamber director. She started with the city on 1/3 and has begun training.
  - Hartford Township – The city continues to work with the township on maintains and snow removal on roads which border the city.
  - Abatement – an abatement is planned for 1/18 at 707 N Oaks Ave.

**Adjournment:** A motion was made by Kilbourn, second by Jackson to adjourn at 7:32pm – all voted yes, motion carried.

Minutes recorded by City Administrator, Teresa Sidel.

I, the undersigned, Teresa Sidel, City Administrator, in and for the City of Hartford, South Dakota, do hereby certify that the above and foregoing is a true and correct copy of the minutes which is on file at Hartford City Hall.

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Teresa Sidel, City Administrator

## January 2024 Building Inspection Report

<u>Date</u>	<u>Address</u>	<u>Permit #</u>	<u>Type</u>	<u>Status</u>	<u>Comments</u>
<u>1/3/2024</u>	1185 Ruud Trail	2021-51	bld	final	closed out job
<u>1/4/2024</u>	912 Trojan Ave	2023-79	bld	final	closed out new house
<u>1/5/2024</u>	801 Sagehorn Drive	2023-75	bld	final	closed out job
<u>1/6/2024</u>	606 Sherwood Circle	2023-76	bld	Status	final interior work
<u>1/6/2024</u>	511 N. Mundt Ave	2023-74	bld	Status	work continuing
<u>1/6/2024</u>	1107 N. Vandemark ave	2023-59	bld	Status	interior finish work in progress
<u>1/6/2024</u>	817 W. Opal Lane	2023-57	bld	Status	interior finish work in progress
<u>1/6/2024</u>	26015 466th Street	2023-113	bld	Status	wall rebar being set
<u>1/6/2024</u>	1008 N. Oak Street	2023-114	bld	Status	interior finish work in progress
<u>1/9/2024</u>	905 Trojan Ave	2023-134	bld	framing	lower level area
<u>1/10/2024</u>	100 E. 9th str. Lot #14	2023-89	bld	Status	trailer removed, job not done
<u>1/13/2024</u>	1009 Tortuga Ave	2023-101	bld	Status	new house progress
<u>1/13/2024</u>	813/815 Turtle Creek Drive	2023-115	bld	Status	interior finish work in progress
<u>1/13/2024</u>	801 Turtle Creek	2023-125	bld	Status	rough framing in progress
<u>1/15/2024</u>	1008 N. Oak Street	2023-114	bld	pre final	reviewed remaining items to be done
<u>1/16/2024</u>	Tortuga Ave	XXX	bld	Status	checked on multiple new home sites
<u>1/19/2024</u>	606 Sherwood Circle	2023-76	bld	Status	working on final remaining items
<u>1/20/2024</u>	916 Trojan Ave	2023-98	bld	Status	interior finish work in progress
<u>1/20/2024</u>	606 N. Main ave	2023-128	bld	Status	rough framing in progress
<u>1/20/2024</u>	701 W. Opal Lane	2023-121	bld	Status	rough framing in progress
<u>1/20/2024</u>	408 S. Main Ave	2023-87	bld	Status	checked progress on garage
<u>1/20/2024</u>	107 S.Vandemark Ave	2023-67	bld	Status	checked on progress on windows-siding
<u>1/20/2024</u>	309 N. Mundt Avenue	2023-59	bld	Status	interior finish work in progress
<u>1/23/2024</u>	303 E. 2nd Street	2023-24	bld	Status	checked on progress on school job
<u>1/25/2024</u>	606 Sherwood Circle	2023-76	bld	pre final	reviewed final items before closure
<u>1/26/2024</u>	W. Opal Lane sites		bld	Status	new house progress
<u>1/29/2024</u>	509 N. Main Ave	2023-27	bld	final	closed out job
<u>1/30/2024</u>	1107 N. Vandemark ave	2023-59	bld	Status	final interior work
<u>1/31/2024</u>	813/815 Turtle Creek Drive	2023-115	bld	Status	checked on twin home issues
<u>1/31/2024</u>	1009 Tortuga Ave	2023-101	bld	Status	rough framing in progress

**JANUARY 2024 CODE REPORT**

ADDRESS	DATE	DEADLINE/FOLLOWUP	CODE TYPE	REASON	SOURCE	CLOSED?	COMMENTS
100 E 3rd St	1/4/2024	1/9/2024	Municipal	Snow/Ice on Sidewalks	S	N/A	Door tag left on 1/4 with reminder of snow/ice sidewalk ordinance.
304 N Main Ave	1/4/2024	1/9/2024	Municipal	Snow/Ice on Sidewalks	S	N/A	Door tag left on 1/4 with reminder of snow/ice sidewalk ordinance.
305 N Main Ave	1/4/2024	1/9/2024	Municipal	Snow/Ice on Sidewalks	S	N/A	Door tag left on 1/4 with reminder of snow/ice sidewalk ordinance.
408 N Main Ave	1/4/2024	1/9/2024	Municipal	Snow/Ice on Sidewalks	S	N/A	Door tag left on 1/4 with reminder of snow/ice sidewalk ordinance.
503 N Main Ave	1/4/2024	1/9/2024	Municipal	Snow/Ice on Sidewalks	S	N/A	Door tag left on 1/4 with reminder of snow/ice sidewalk ordinance.
303 N Main Ave	1/4/2024	1/11/2024	Municipal	Snow/Ice on Sidewalks	S	N/A	Door tag left on 1/4 with reminder of snow/ice sidewalk ordinance.
129 N Main Ave	1/4/2024	1/11/2024	Municipal	Snow/Ice on Sidewalks	S	N/A	Door tag left on 1/4 with reminder of snow/ice sidewalk ordinance.
103 E 4th St	1/4/2024	1/11/2024	Municipal	Snow/Ice on Sidewalks	S	N/A	Door tag left on 1/4 with reminder of snow/ice sidewalk ordinance.
500 N Main Ave	1/4/2024	1/11/2024	Municipal	Snow/Ice on Sidewalks	S	N/A	Door tag left on 1/4 with reminder of snow/ice sidewalk ordinance.
505 N Mundt Ave	1/4/2024	1/11/24 1/18/24	Municipal Zoning	Snow/Ice on Sidewalks Parking on Grass	S	N/A Yes	Letter sent on 1/4 for a dark trailer parked on the front lawn and reminder of snow/ice sidewalk ordinance.
106 N Vandemark Ave	1/4/2024	1/11/2024	Municipal	Snow/Ice on Sidewalks	S	N/A	Letter sent on 1/4 for ice accumulation on the sidewalk.
101 N Vandemark Ave	1/4/2024	1/9/2024	Municipal	Snow/Ice on Sidewalks	S	N/A	Door tag left on 1/4 with reminder of snow/ice sidewalk ordinance.
108 N Mundt Ave	1/4/2024	1/9/2024	Municipal	Snow/Ice on Sidewalks	S	N/A	Door tag left on 1/4 with reminder of snow/ice sidewalk ordinance.
108 N Mundt Ave	1/11/2024	1/23/2024	Municipal	Trashcans in Street	R	N/A	Courtesy letter sent on 1/11 for setting trash cans in the street on garbage day.
200 N Main Ave	1/16/2024	1/18/2024	Municipal	Abandoned Vehicle	S	Yes	Week of 1/7: tan SUV and flatbed trailer cited during snow alert and of violating 72-hr rule parked on street. 1/16: Per Deputy Kardas, letter posted on trailer, SUV, and front door with notification of towing of SUV and trailer within 24-hours and Kardas would tag with ribbon or sticker for towing. SUV and trailer towed on 1/17.
700 E Hwy 38	1/25/2024	1/29/2024	Municipal	Snow/Ice on Sidewalks	R	Yes	Email sent about snow west side of property along Vandemark Ave.

R=RESIDENT  
S=STAFF

# City Administrator Update

February 13, 2024

## Project Updates (Changes in Red):

- **City Projects:**

- 6<sup>th</sup> & Mundt Street – Project is substantially complete, with a few punch list items and some seeding, restoration, and painting to be done in the spring. A walk-through of the project was conducted by ISG and city staff to update this punch list for the contractor. Homeowners were provided a letter on proper care for the new seeding, and they were also provided a letter on how to make their sump pump connections to the new storm sewer system. The contractor continues to work on punch list items. Due to the heat and drought, the spring seeding has failed – contractor will re-seed in the fall. Now that the weather is cooling down, we are working with the contractors to do some reseeded on the areas that did not come in good. Some of the project areas have been reseeded and a letter was sent to the property owners. ISG will be conducting an inspection and reviewing punch list items to ensure everything is addressed before we close out the project. A punch list of incomplete items has been sent to the contractor. The city will monitor any reseeded to ensure that it takes next spring.
- Hwy 38 Water Main Extension – The city council previously approved plans to have ISG work on a design for a water extension that will run along Railroad Street & S Colton Road. The plans were reviewed by staff and city council approved the project on 1/3. Financing was discussed and approved on 2/21, with part of the project being funded with water fund reserves and part with an SRF loan. SECOG has completed the SRF loan application, and it was sent to the state on Thursday (3/30) for review. This project was also placed on the state water plan (requirement for SRF funding). The state reviewed our SRF loan application on 6/29 for \$500,000 and it was approved. The city pledged system revenues for repayment, so no surcharge is required. ISG is completing plans to get ready for bid. The plan is to bid this fall for construction next year. Final plan edits are being made by ISG and then they will be reviewed by staff and sent to DANR. We are working with the city engineer to look at a possible redesign as discussed at our last meeting. Staff and ISG will coordinate with developers to ensure the new water main placement will satisfy their needs. **Plans have been sent to the DOT for review.**
- Western Avenue Expansion - ISG continues to work on plans. Schedule for plans and bidding was provided by ISG to staff. We are still reviewing plans along with funding options. ISG is working with HR Green and meeting with them regularly to ensure communication on coordinating the state and city project. ISG and city staff met with DOT officials on Monday, 9/18 to discuss this project and bidding procedure/coordination. Both projects will be let by the state for bidding and any contractor that bids on one project will be required to bid on the other project as well – thus ensuring the same contractor for both projects. This will make project coordination much easier. Once a contractor is secured, each project will be independent, with the state in charge of their bridge portion and the city in charge of our Western Ave portion. Bidding is still set for next spring with the project commencing in 2025. ISG continues to work on plans and coordinate with HR Green and the state. Project is still planned to be bid next year, with work being performed in 2024. I have talked with ISG about setting up property owner meetings for 2024 to go over the project and address any concerns they may have. ISG states the plans are 90% complete and a final set will be sent to the state by Feb 2024.
- WRRF – Work continues on this project. The City council approved a contract with Rice Lake – the contract has been executed. Grading work continues at the site. The groundbreaking was a great success. Dirt work for the road and facility is underway, along with utilizes. ISG has been reviewing shop drawings and bi-weekly construction meetings are being planned. We are still working on finalizing easement documents with Assam and Tyler. **The last progress meeting was held with the engineers, staff and contractors on 1/10 – the next meeting is scheduled for 2/14. Work on piping has ceased for the winter but work continues on the Aeromod tank walls. Pouring of the walls will be a 2-3 month process.**
- 12<sup>th</sup>/Oaks Project – Infrastructure Design Group has started plan. Once the plans are completed, ISG will review. We hope to bid this project in Jan/Feb 2024 and construction to begin in spring 2024. Plans are at 50% and a meeting between the project engineer, city engineer, and staff is planned for Monday, 12/18 for review. **IDG did present 100% plans to the city and they have been reviewed by ISG and staff. Comments have been made and sent back to IDG to address. We are still on track to bid in March.**
- Other Projects –
  - Bike Trail – We continue to work with FEMA to get floodplain approval of this project so the city can move forward with the project at a future date if so desire. ISG has sent additional information to FEMA for our LOMR approval.

- ISG is working with Maple Pass, Knapp's Landing, and Assam development to ensure compliance with city design standards and completion of punch list items.

**Other:**

- **Ordinance #748 & #751:** The city council has approved 2<sup>nd</sup> Reading of Ordinance #748 (CUP Amendment) & #751(Fence Amendment). Both ordinances will become effective 2/29.
- **South Dakota Planners Association Conference:** This is a ways off but the 2024 SDPA conference is scheduled for October 22-24 in Box Elder. More information will follow as it gets closer but wanted you to be aware of the dates in case you would like to attend.
- **Dakota Mainstem Update:** I sit on the Board of Dakota Mainstem. This Board is ultimately pursuing a plan to pipe water from the Missouri to SE South Dakota. The Board was just formed last fall and so far, our meetings have been mainly organizational. We have set up the Board of Directors, elected an executive committee and set up legal counsel. We have also hired a branding company, Fresh Produce, for marketing and website production. We are currently finalizing an RFP to send out to engineering companies to start initial engineering plans for the project. The Board has secured approximately 1.2 in funding so far for the project and is lobbying for additional funding from the state. Water is limited in SE South Dakota so a new pipeline from a fresh water source is needed. This project will take years to come to fruition and bring additional water to our region, but we are starting the process.
- **Up-coming Agenda Items:** As noted last September, city staff, along with the city engineers, are reviewing our sub-division regulations and discuss possible changes. This review is almost completed and I expect any suggested changes to come before the Board in March for discussion.
- **Executive Session:** I will be asking the Board to enter into executive session to discuss a legal matter that our attorney is addressing.

**Please call if you have any Question: 528-6187 or 605-906-1750.**