

## **Planning and Zoning Meeting – Regular Meeting July 30, 2024**

Planning & Zoning Chairman Tony Randall 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, Troy Jackson and Brad Miles. Stacey Kutil was absent with notice. City Administrator Teresa Sidel, City Attorney Tom Frieberg, Building Inspector/Code Enforcer Kyle Christensen, and Building Inspector Paul Clarke were also present. There were 12 people from the public present.

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

**Approval of the Minutes:** The July 9, 2024, regular meeting minutes were reviewed. A motion was made by Jackson, second by Miles to approve the July 9, 2024, regular meeting minutes – all voted yes, motion carried.

**Public Comments:** None

### **Hearings/Petitions/Applications:**

**A motion was made by Kilbourn, second by Jackson, to adjourn as the Planning and Zoning Board and reconvene as the Board of Appeals – all voted yes, motion carried.**

- **7:05 Appeal Hearing:** On May 23, 2024, the city's building inspector/code enforcer, Kyle Christensen, performed an inspection at 200 N Main. This inspection was triggered by complaints, visible outside deterioration, and no utility services for several weeks. Upon inspection there were the following issues noted:
  - Unsafe and inadequate means of exit in case of fire or panic.
  - A portion of the building is manifestly unsafe for the purpose for which it is being used.
  - Inadequate maintenance, dilapidation, decay, damage, air or sanitation facilities are unsanitary and unfit for human habitation.

On May 28, 2024, a notice to vacate and notice of condemnation was sent out. The inhabitants did vacate the property and the property owners had 30 days to appeal. The property owners did file an appeal with the city on June 28, 2024. The Board of Appeals opened the hearing at 7pm and heard from the property owner, Levi Binkerd. Levi noted that the property was owned by his father, James Binkerd and him but he recently received a deed transferring the property to him only. Levi asked the Board to allow him time to cleanup and repair the property so he could move into the house at some point. A couple of residents were present to express concerns with James Binkerd and Ann Gabbert still being on the property – the Board noted that Levi needs to deny them access to the property before the Board will consider granting time to make repairs. The consensus of the Board was to have Levi Binkerd work with the city's code enforcer/building inspector, Kyle Christensen, on a plan and timeline for cleanup and repairs. The Board will review this plan for consideration at their next meeting on August 13<sup>th</sup>.

**A motion was made by Jackson, second by Kilbourn, to adjourn as the Board of Appeals and reconvene as the Planning and Zoning Board – all voted yes, motion carried.**

- **7:15 Conditional Use Hearing for 512 S Main Ave:** Richard & Darla Klinger of 512 S Main Ave. has submitted a conditional use application to the city asking for reduced setback for a 24'x24' accessory building upon their property. The application states that they would like to remove the existing 10'x12' accessory building in their SE rear yard and replace it with this 24'x24' building. They are asking to place the new structure along the south property line (with no setbacks), which is where the current accessory building is placed. The applicant is also wanting to place the building 5 feet into the drainage easement along the east property line. The owner noted that they do not plan to place a driveway to the building, which is not required for accessory buildings in a rear yard – just if an accessory building is in a side yard. Kyle Christensen and Teresa Sidel both talked with the Klingers before they purchased the property to review the regulations. Christensen sent them a hard copy of all the regulations for accessory buildings on 4/3/24. They closed on the property on 5/20/24. Discussion regarding the zero setback on the south side was held. The placement of the existing building was allowed with a zero setback since this block has a wider right-of-way for Mickelson Road than the adjoining blocks. City staff and the Board had concerns with the request to place the new structure within the drainage easement. There were two neighboring property owners present that had the same concerns with proper drainage and violation of the city ordinance. The board also expressed concerns about setting a precedence. A motion was made by Miles, second by Jackson, to approve the conditional use application #2024-7-12 for a zero setback along the south property line but deny the placement of any structure within the drainage easement area – all voted yes, motion carried.

### **Old Business:**

- **Discuss Updates to Hartford's Subdivision Regulations – Open Space Contribution:** It was the consensus of the Board to postpone this agenda item till the Board's next meeting.

**Updates:**

- **Building Inspector Update:** Building Inspector Paul Clarke provided an update on building permits. There are currently 14 single family homes under construction, and 2 twin homes. Clarke also gave a recap of current commercial permits that are still open or being addressed.
- **Building Inspector/Code Enforcer Update:** Kyle Christensen was present and provided a code enforcement report to the Board. Violations that he has addressed include – tall grass/weeds, no pet licenses and animal issues, junk/rubbish, parking violations, inoperable vehicle, and a dump site violation. Christensen is also addressing properties with low hanging branches.
- **City Administrator Update:**
  - Project Updates
    - 6<sup>th</sup>/Mundt Street Project – ISG is still working with the contractor to complete punch list items.
    - Hwy 38 Project – The environmental has been approved, loan closing is set for 8/8. Advertising for bids was approved by the city council contingent state approval.
    - WRRF – Work continues to progress on this project. Siteworks will be onsite next month to continue piping.
    - 12<sup>th</sup>/Oaks Project – Work has begun on this project and a groundbreaking was on 7/11. Most of the sewer installation is done and water installation will begin shortly.
    - Western Ave Expansion – Funding options have been approved and meetings with property owners continue. The project is still set to be bid this winter in conjunction with the state bridge project.
  - The city is continuing to work with area partners for regionalization of our future wastewater facility.
  - JEO Consulting has been contracted with Minnehaha County to conduct a traffic study along Western Avenue from Mickelson Road to Hwy 130. This study was started on 6/18 and a joint meeting is set for 8/1.
  - The city council and township have approved an agreement for maintenance of shared roadways.
  - The city is working with SECOG to codify our municipal and zoning ordinances.
  - The city's budget meeting is set for Monday 8/26 at 6pm.

**Adjournment:** A motion was made by Kilbourn, second by Jackson to adjourn at 8:24pm – 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