

## **Planning and Zoning Meeting – Regular Meeting August 10, 2021**

Chairman Tony Randall called the meeting to order at 7:00 p.m. at Hartford City Hall with the following planning and zoning members present: Mark Anderson, Tim Graham, Stacey Kutil, Michelle Kilbourn, Steve Nolte, and Brad Miles. City Administrator Teresa Sidel and Building Inspector Paul Clarke were also present. There was 1 person from the public present.

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

**Approval of the Minutes:** The July 27, 2021, meeting minutes were reviewed. A motion was made by Nolte, second by Kilbourn to approve the July 27, 2021, regular meeting minutes – all voted yes, motion carried.

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

- **7:05 Hearing – Review Ordinance #713-Amendment to Zoning Regulations:** The Board has held some discussion on the city’s regulation regarding the placement of fences and accessory buildings. The city’s current regulations do not allow the placement of fences or accessory buildings within drainage easements or drainageway. This was enacted by the city a few years ago in the hopes of avoiding drainage issues due to the blockage of water flow. But with this regulation, the city is limiting the use of properties, creating issues with unmaintained land behind fences and assuming liability for private drainage issues, which is in conflict to the city’s stormwater runoff policy that was enacted a year ago. The city engineer and staff reviewed regulations from other cities and feel that changes can be made to our regulations to allow the placement of fences and accessory buildings in drainage easements with stipulation. These changes would make the property owner responsible for ensuring proper use of the easement – regardless of the type of easement. Suggested changes would allow fences and accessory buildings in easements (all easements) but state that the fence or accessory building cannot impede the intended use of the easement and if it does, the fence or accessory building can be removed at the owner’s expense. After review and discussion by the Board, the suggested changes to the city’s fence regulations to allow fences within drainage easements and drainageways was acceptable but the Board feels that accessory buildings still pose a threat to drainage if they are allowed to be placed within drainage easements and drainage ways. Ordinance #713 was drafted to allow fences within easements, all easements, if they do not impede the intended use of the easement, but it does not allow accessory buildings within drainageways or drainage easement – the only other change suggested by the city engineer was to add wording stating that any fence or accessory buildings issues is a civil issue. Further discussion was held by the Board about the pros and cons of this change and input was received from BJ Olson in favor of the change to allow the full use of easement areas. A motion was made by Nolte, second by Anderson, to recommend approval of ordinance #713 to the city council – Kilbourn, Miles, Nolte and Anderson voted yes, Kutil and Randall voted no, and Graham abstained, motion passed.

### **New Business:**

- **Discussion of Proposed Cannabis Regulations:** State regulations will be in effect this October, so municipalities and counties need to ensure that their regulations are also set by then. Information on the new cannabis law and sample ordinances were presented to the Board for review. Discussion was held regarding types of establishments, zoning districts, separation regulations, hours of operation, license fees and number of licenses to allow within the city. BJ Olson was present to address the Board. Mr. Olson has purchased a franchise for a cannabis dispensary and has some interest in locating in Hartford. He encouraged the Board to be open to allowing all types of cannabis facilities and be proactive with our regulations. Notes from the Board will be passed along to the city attorney to draft an ordinance to amend our zoning regulations for cannabis.

### **Updates:**

- **Building Inspector Update:** Building Inspector Paul Clarke updated the Board on open building permits. There are currently 12 open single-family homes in various stages of construction, along with one twin home. Clarke also gave a brief update on commercial properties under construction.
- **City Administrator Updates (Report Provided)**
  - The City continues to work with the county and city attorney to address the property at 801 S Western Ave.
  - The 2021 SD Planners Association Annual Conference is October 26-28 in Rapid City. Board members are encouraged to attend.

- The city council is looking at possibly hiring a Full-time building Inspector/Code Enforcer that we would share with the city of Lennox. Benefits include more hours of service, set daytime hours, and transfer of additional duties. We are just discussing this possibility at this point – no decisions have been made yet.
- We received some feedback from FEMA on the Swenson Park concession stand/RR/storm shelter building. The reviewers asked for some clarification on a couple of items. Those have been addressed and sent back to FEMA.
- The city did apply for 2 GFP grants – one for dog park and one for phase 6 of the bike/rec trail. The dog park is still under review. We did receive our award letter on the bike/rec trail – we secured \$130,588. We should get our agreement within the next month and hopefully we can start some work yet this fall.
- The Mickelson Road project is getting closer to completion – the FEMA LOMR is the only outstanding item that is still in review with FEMA.
- ISG has completed the city's WWTF Feasibility Study. The next step is submitting a facility plan to DANR before the October 1<sup>st</sup> deadline – ISG has submitted a proposal for review that will be considered at the next council meeting.
- ISG is also moving forward with the Downtown Plan and Community-Wide Plan. Several small group meetings have been held to get input from the public and progress continues both projects.
- It's budget time so I will be working on planning and presenting the 2022 budget to the city council. Our budget meeting will be Monday, August 30<sup>th</sup> at 6:30pm.

**Adjournment:** A motion was made by Anderson, second by Miles to adjourn at 8:40 p.m. – 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