

## **Planning and Zoning Meeting – Regular Meeting August 13, 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, Stacey Kutil, Michelle Kilbourn, Troy Jackson and Brad Miles. City Administrator Teresa Sidel, City Attorney Tom Frieberg, EDD Amy Farr, Building Inspector/Code Enforcer Kyle Christensen, and Building Inspector Paul Clarke were also present. There were 2 people from the public present.

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

**Approval of the Minutes:** The July 30, 2024, regular meeting minutes were reviewed. A motion was made by Graham, second by Miles to approve the July 30, 2024, regular meeting minutes – all voted yes, motion carried.

**Public Comments:** None

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

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

- **7:05 Variance Hearing:** The city has received a variance application from Duncan Woodhull & Tanya Brown for 722 E SD Hwy 38 #109. The owner, Duncan Woodhull, was present to ask the Board to approve a 16'x14' screened porch addition on the back of their house. Placement of this addition would only allow for a 10' setback from their rear property line – current regulations require a 25' setback. They are asking for a 15' setback variance. There are no easements in the side or rear yard. Their back yard adjoins the golf course and does not encroach on any other residential property. They have noted in their request letter that the HOA has approved this addition, along with the adjoining property owner. This project will comply with the general purpose and intent of the ordinance and will not be offensive to adjacent area or the public; and because of the location adjacent to the golf course, the lot has extraordinary circumstances the do not apply to other residential properties. A motion was made by Kutil, second by Graham to allow a 15-foot rear yard variance for 722 E SD Hwy 38 #109 per Section 17.04 (D) &(F) of the city's zoning regulations – all voted yes, motion carried.

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

- **Continue Review of Condemnation Appeal for 200 N Main Ave:** 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 property owners had 30 days to appeal, and an appeal was filed with the city on June 28, 2024. The Board of Appeals held a hearing on 7/30. Levi Binkerd was present and asked the Board to allow him time to cleanup and repair the property so he could move into the house at some point. 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 and return again at their August 13<sup>th</sup> meeting. At the city's August 13 meeting, Levi Binkerd was present again but did not have a written plan or timeline. He noted that he was dealing with some issues regarding transferring of the property deed into his name and the bank loan. The Board had concerns about people still on the property and no clear evidence that anything was cleaned up. The Board granted Levi two additional weeks, until the August 27<sup>th</sup> meeting, to complete the following: 1) Get deed transferred into his name only; 2) Pay all the taxes due on the property; 3) Meet with Kyle Christensen to devise a written plan and timeline for compliance; and 4) Clean up the outside yard area. The Board also suggested that Levi talk with the sheriff's office about the eviction process.

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

### **Old Business:**

- **Discuss Updates to Hartford's Subdivision Regulations – Open Space Contribution:** Over the last few months, the Board has been discussing the city's current open space contribution requirement for developments. Last month the

Board directed staff to draft suggested wording for open space contribution. The Board discussed working with the Park & Recreation Board to help identify areas for parks and trails, they also discussed when a land dedication is needed versus a monetary dedication. Staff presented suggested wording for Board review. The suggested wording highlights the following:

- The P&Z Board will collaborate with the Park & Recreation Board to identify areas needed for parks and/or bike trails – this will be put into a master plan.
- If a development includes areas identified in the master plan, the developer will be required to donate 5% of their development land to the city. This will need to be identified in their preliminary plans.
- If a development does not include areas identified in the master plan, then a monetary donation will be required that is equal to 5% of the develop land at fair market value – this calculation will be from either recent sales or an appraisal.
- Payment will be paid to the city within one year of preliminary plan approval.

After review, the Board asked for clarification on the type of property considered for the market review and a timeline to deed property to the city. An updated version will be presented at the Board's next meeting.

#### **Updates:**

- **Building Inspector Update:** Building Inspector Paul Clarke provided his July building permit report and gave an update on current projects. There are currently 13 single family homes under construction. 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 his July code enforcement report to the Board. Violations that he has addressed include – tall grass/weeds, junk/rubbish, parking violations, inoperable vehicle, and low hanging branches.
- **City Administrator Update:**
  - Project Updates
    - 6<sup>th</sup>/Mundt Street Project – The city will complete the punch list items for this project and take the expenses out of the contractor's retainage.
    - Hwy 38 Project – The state has approved the project and loan closing is done. We are advertising for bids on 8/2 and 8/9, with bid opening set for 8/28.
    - WRRF – Work continues on the UV system, plumbing and electrical. Siteworks will be onsite again in September to complete the gravity main.
    - 12<sup>th</sup>/Oaks Project – Road work continues – the sewer has been completed and work is progressing on the water.
    - Western Ave Expansion – We continue to meet with adjoining property owners. The city will close on our bond this fall and we have received word that we were granted a REED Loan. 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.
  - The city's budget meeting is set for Monday 8/26 at 6pm.

**Adjournment:** A motion was made by Kilbourn, second by Kutil to adjourn at 8:09pm – 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