

Planning and Zoning Meeting – Regular Meeting August 27, 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, and Brad Miles. Michelle Kilbourn and Troy Jackson were 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 was 1 person from the public present.

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

Approval of the Minutes: The August 13, 2024, regular meeting minutes were reviewed. A motion was made by Anderson, second by Miles to approve the August 13, 2024, regular meeting minutes – all voted yes, motion carried.

Public Comments: None

Hearings/Petitions/Applications:

- **7:05 Public Hearing-Amendments to the City’s Design Standards & Supplemental Specifications:** The city engineers and staff have been reviewing our current design standards, along with our supplemental specification and our current sub-division regulations. Suggested changes to the city’s open space contribution in our sub-division regulations arose and are still being vetted but the suggested changes to our design standards and supplemental specifications had no questions. The suggested changes for our design standards and supplemental specifications presented by ISG and staff were agreeable to the Board. A motion was made by Graham, second by Anderson, to recommend approval to the city council on the suggested changes to the city’s Design Standards and Supplemental Specifications – all voted yes, motion carried.

A motion was made by Graham, second by Kutil, to adjourn as the Planning & Zoning Board 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 13th 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 granted Levi two additional weeks, until the August 27th 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. On August 27th, Levi Binkerd appeared before the Board once again. He has successfully cleaned up the outside of the property, paid all the taxes owed on the property and met with the city’s code enforcer to present a timeline for compliance. He noted that the deed has been transferred to his name but does not have a copy of it yet. The Board reviewed the timeline for compliance. A couple of date revisions were suggested and discussion on inspections was held. The city’s code enforcer will revise and update the timeline, and each party will sign off. The city’s code enforcer will be charged with inspections and ensuring each deadline is met and will report back to the Board. A motion was made by Kutil, second by Graham to postpone action on the condemnation for 200 N Main Ave until December 10, 2024, contingent that all deadlines on the timeline agreed upon have been met – all voted yes, motion carried.

A motion was made by Miles, second by Graham, 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.

Additional wording was added for clarification on the type of property considered for the market review and a timeline to deed property to the city. These updates were incorporated and presented to the Board. It was the consensus of the Board to start working with the Park & Recreation Board to identify areas needed for park land/bike trails. Troy Jackson will attend the 9/23 Park & Recreation Board to discuss.

Updates:

- **Building Inspector Update:** Building Inspector Paul Clarke provided an update on open building permits within the city. There are currently 14 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 code enforcement report to the Board. Violations that he has addressed include – tall grass/weeds, junk/rubbish, parking violations, and gravel driveway maintenance.
- **City Administrator Update:**
 - Project Updates
 - 6th/Mundt Street Project – Almost all punchlist items have been completed.
 - Hwy 38 Project – We are advertising for bids, 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.
 - 12th/Oaks Project – Road work continues – the sewer and water has been completed -now working on storm sewer.
- **Western Ave Expansion:** We continue to meet with adjoining property owners.
- **Wastewater Regionalization:** The next regionalization meeting is scheduled for 8/28.
- **Budget:** The city's budget meeting is 8/26.
- **TAP Grant:** The city is working on a revised grant application to help with placement of sidewalks throughout the city.

Adjournment: A motion was made by Graham, second by Anderson to adjourn at 8:14pm – 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.

Teresa Sidel, City Administrator