

PLANNING AND ZONING AGENDA
TUESDAY, OCTOBER 29, 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
 - October 8, 2024 Meeting

- 4) PUBLIC COMMENTS
 - Public Input on Non-Agenda Items (Comments Limited to 5 minutes per speaker)
 - *Action cannot be taken on items discussed unless specifically listed elsewhere on the agenda*

- 5) HEARINGS/PETITIONS/APPLICATIONS

- 6) OLD BUSINESS
 - Review Condemnation of 200 N Main Avenue

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

- 8) ADJOURNMENT

Next Planning & Zoning Meeting: November 12, 2024

Planning and Zoning Meeting – Regular Meeting October 8, 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, Building Inspector/Code Enforcer Kyle Christensen, and Building Inspector Paul Clarke were also present. There were 3 people from the public present.

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

Approval of the Minutes: The August 27, 2024, regular meeting minutes were reviewed. A motion was made by Anderson, second by Kilbourn to approve the August 27, 2024, regular meeting minutes – all voted yes, motion carried.

Public Comments:

- Levi Binkerd was present to address the Board. Currently the property at 200 N Main Ave is under a condemnation order by the city for several code and health violations. Mr. Binkerd would like to bring the structure up to code and so the condemnation can be lifted, and the property can be habitable again. The Planning and Zoning Board has agreed to hold off on any action on the condemnation until December 2024 in order to give Mr. Binkerd time to make the necessary code improvements. In order to make the needed improvements, Mr. Binkerd is trying to secure a loan on the property. Unfortunately, he is having trouble getting a bank loan with the condemnation in place. Discussion was held but no action can be taken by the Board on non-agenda items. The Board asked Sidel to talk with Mr. Binkerd's bank to see if there is anything the city can do to facilitate the loan.

Hearings/Petitions/Applications:

- **7:05 Public Hearing-Conditional Use Application for 307 S Western Ave:** Darrell Spielmann of 307 S Western Avenue has submitted a conditional use application to the city asking for the placement of a 3rd accessory upon his property. Mr. Spielmann has 19.25 acres on the west side of Western Avenue South Street and Jennifer Drive. This property is located within city limits, so it is subject to the city's regulations for accessory buildings. The building would be 40'x20' and be placed to the west of his existing trees in his rear yard, well within setback limits. It will not be within any easement areas or within the floodplain. The height of the building would be under the 15ft height requirement. Mr. Spielmann plans to move in an existing building and then reshingle and reside it. The building and placement would meet all the city's regulations for an accessory building except for 12.03B (5). This regulation only allows 2 accessory building per lot – there are currently 2 accessory buildings upon this lot that are grandfathered-in. Placement of this building would make 3 accessory buildings. Due to the large size of the lot, placement behind the tree line, and being far from any setbacks or encroachments, staff is recommending approval. The Board had no concerns with this request. A motion was made by Graham, second by Anderson, to approve conditional use application 2024-9-24 submitted by Darrell Spielmann – all voted yes, motion carried.

Updates:

- **Building Inspector Update:** Building Inspector Paul Clarke provided his August and September building permit reports, along with an update on open building permits within the city. 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, including the Blue Tide car wash, WWTF, WC school project, and the church along Diamond Circle. It was noted that the church has not been granted occupancy due to issues with the state plumbing inspection. Clarke was asked to address a zoning issue along W Opal Lane.
- **Building Inspector/Code Enforcer Update:** Kyle Christensen provided his August and September code enforcement reports to the Board along with an update. Violations that he has addressed include – tall grass/weeds, limbs over sidewalks, junk/rubbish, parking violations, pet issues, dump site violation, and inoperable vehicles. He also provided the Board with an update on the cleanup efforts at 200 N Main Ave and 707 N Oaks Ave.
- **City Administrator Update:**
 - **Project Updates**
 - 6th/Mundt Street Project – All punchlist items are done and the project has been closed out.
 - Hwy 38 Project – The bid was awarded to Siteworks, Inc. Construction will begin on 10/14.
 - WRRF – Work continues on the Aeromod structure and operations building. Utilities are also being placed. Siteworks is working on completing the installation of the gravity line. Mickelson Road is planned to be re-opened on 10/11.
 - 12th/Oaks Project – Gravel has been placed for the roadway and work is being done on installation of the curb & gutter. Once this is in place, the intersection and roadway will be completed.
 - **TAP Grant:** The city has submitted an application for a TAP grant for a recreation path along Mickelson Road from Patrick Ave to Turtle Creek Drive, allowing a non-pedestrian connection for this neighborhood.
 - **AV Upgrades:** The city is moving forward with AV upgrades to the city council chambers.

- **Pickleball Courts:** The city held a ribbon cutting on October 1st to officially open the new pickleball courts at Lyon Park.
- **Legislative Forum:** A legislative forum is being planned for October 25th at the WC High School. There will be representatives for the Pro and Con for the following ballot questions: Constitutional Amendment G, Constitutional Amendment H, Initiated Measure 28, Initiated Measure 29, and Referred Law 21. The goal is to present both sides of these issues to the votes so they can make informed decisions on election day.
- **Minnehaha County Transfer of Building Eligibility:** Mike Grace of 25744 463rd Ave has submitted an application to Minnehaha County requesting the transfer of a building eligibility from property at 25711 463rd Ave to his property at 25744 463rd Ave. Since these properties are within the city's growth area, the county is asking for city input on this application. The Board had no issues or concerns with this application, staff will convey this to the county.

Adjournment: A motion was made by Kilbourn, second by Graham to adjourn at 7:35pm – 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 are on file at Hartford City Hall.

Teresa Sidel, City Administrator



Agenda Item Staff Report

DATE: October 29, 2024

AGENDA ITEM: Review of Condemnation of 200 N Main Avenue

PREPARED BY: Teresa Sidel, City Administrator

Staff Recommendation: Staff stands behind the condemnation of 200 N Main Avenue until property meets all building and health codes.

Background/Summary:

On October 8, 2024, Levi Binkerd addressed the P&Z Board. Currently, his property at 200 N Main Ave is under a condemnation order by the city for several code and health violations. Mr. Binkerd would like to bring the structure up to code and so the condemnation can be lifted, and the property can be habitable again. The Planning and Zoning Board has agreed to hold off on any action on the condemnation until December 2024 in order to give Mr. Binkerd time to make the necessary code improvements. In order to make the needed improvements, Mr. Binkerd is trying to secure a loan on the property. Unfortunately, he has indicated that he is having trouble getting a bank loan with the condemnation in place. Discussion was held but no action could be taken by the Board on non-agenda items. The Board asked Mr. Binkerd to attend the October 29, 2024 P&Z meeting for further discussion.

Prior Council/Board Action:

6/30/24 & 8/14/24 – P&Z Board directed Levi Binkerd to work with the city’s code enforcer/building inspector on a plan and timeline for cleanup and repairs.

8/27/24 – P&Z Board approve a timeline for code compliance and will review again on December 10, 2024.

Possible Action:

- Keep the condemnation in place until the property is compliant with all building and health codes.
- Remove the condemnation.

Fiscal Impact: If the city moves forward with the condemnation and demolition, this cost will need to be paid initially by the city, but we will assess it back against the property.

Attachments:

- None

City Administrator Update

October 29, 2024

Project Updates (Changes in Red):

- City Projects:

- 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. The city will need to close on our SRF loan for this project before bidding. Closing can be done as soon as the environmental has been completed -anticipate this to be in about 2 weeks. Still waiting to close on this loan – anticipate closing this last week but there was a personnel change at the state, which has pushed our environmental review back some. Still hoping to close the loan and go out to bid in June. We received word that the SHPO – State Historical Preservation Office report has been completed so we hope final completion of the environmental is not too far away. Still waiting for state approval of our environmental – I did receive an email on 6/27 that included a Categorical Exclusion Determination (CATEX) notice from DANR. We must publish this notice in our legal newspaper to ask the public for comments on the project. DANR will review these comments and if there are no serious objections, they can proceed forward with approval of our environmental to allow this project to move forward. At their 7/16 meeting, the city council did approve the bidding of this project once we received DANR approval. Our environmental was approved on 7/22 so all we need now is approval of a couple of revisions – this should be completed next week so we can go out to bid. All approval and loan closing has been completed. We are advertising for bids on 8/2 and 8/9, with a bid opening on 8/28 at 3pm. Low bid on the project was from Siteworks and within budget. They plan to start the project mid-October and hope to have everything completed, except for the seeding in mid-November. They are the same contractors for our WWTF piping, so it helps with coordination. **Work has begun on this project – anticipated completion date for everything except restoration and seeding is planned for November 11th.**
- 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 utilities. 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 2/14 – 3/13. The lift station lid was placed, and work continues on the pouring of the Aeromod walls. Piping has ceased for the winter but is expected to start again within the next month or two. The City Council would like a tour of the project – we are looking at doing this on a Friday in May – the P&Z Board will be invited as well if you are interested. It seems like we are shooting for a tour of the project in June versus May. I will keep the Board updated on the specific date and time when set. Progress continues on this project, and we are still running slightly ahead of schedule thanks to the mild winter. Work is still on schedule. Work continues on the Aeromod structure and the exterior walls and roof for the operations building have been completed. Siteworks plans to be on location again in September now versus mid-July. Once sitework resumes pipework, Mickelson Road will be shut down for 2-3 days to get the pipe across – once we know these dates, notice will be placed on the city's website and Facebook page. The city tour on 7/16 went well and you can see the progress they are making with the Aeromod system and operations building. Work on the UV system, plumbing and electrical are being completed. Siteworks plans to be back in September to complete the gravity main. Siteworks is back and working on the gravity main line. Mickelson road by Hwy 38 will be closed 9/30 to 10/18. Work also continues on the Aeromod structure and operations building. Utilities (electric, gas, water and cable) are starting to be placed. **Siteworks is completing the gravity main, and work continues on the Aeromod and operations building.**
- 12th/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 hoping to have council approval on 3/19 to proceed with bidding for the project and hope to award it in April. City Council tabled approval of bid letting until they have further review of the project plans. Bid letting approval will be on their 4/2 agenda. Bids were opened on 4/24. We had 6 bids come in, which was good. Alliance Construction had the low bid. The city council approved the low bid on 5/7, along with alternate B for the concrete intersection and the addition of stub out to the HADF property – we determined that the grant would cover the alternates. Once all construction agreements are in place, we will move forward with a pre-construction meeting and construction

can begin. A preconstruction meeting was held on Thursday, May 30th with the engineers, utility companies, and the contractor. Project is scheduled to begin the week of June 17th – substantial completion is set for 10/18. Even with the excessive rain, silt fence has been installed and grading has begun. A groundbreaking is planned for 7/11 at 11:30am. The groundbreaking was well attended and the contractors are making good progress. There is a lot of activity up there since the contractor for the road is also doing the grading work on the HADF lots. Most of the sewer pipes have been installed in the road and the water pipes are not far behind – dry weather has helped this project. Road work continues – the sewer has been completed and work is progressing on the water. All sewer and water lines have been installed. Gravel for the roadway has been placed and they are putting in curb & gutter. Once the curb line is installed, the asphalt for the road will be placed. **Due to weather delays at the beginning of this project, the contractor requested an extension for the completion date to the end of October – this request was granted by the city council.**

- **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. I met with SECOG this last week to discuss funding for this project. Unfortunately, there are very few funding options for street reconstruction projects. There is a community access grant, which we will apply for, but maximum grant funding is only \$600,00 (this is a 5.6M project). We are checking with USDA for a possible option, but this project may not qualify. The council may have to look at possible funding with property assessments and a sales tax bond. The city held a meeting with abutting property owners on Thursday (3/21). There were about 8 in attendance. ISG reviewed the proposed project and addressed any questions. The city will meet individually to discuss specific properties as we continue to move forward with this project. I have met twice with SECOG and Rural Development to discuss available funding for this project. Funding scenarios will be discussed with the city council in the near future. The city council discussed funding scenarios for this project and has approved the application for a community access grant and Reed loan, utilizing reserve funds from our water, sewer and general fund and securing a tax bond. Project is still planned to be bid in conjunction with the state project this winter. The city council did approve a resolution to move forward with a sales tax bond and the application for the REED Loan has been completed (we are just working on providing financials through 6/30). We have met with Tammen Oil, Ace, Grocotts, Buss Accounting, and Dairy Queen to address any specific questions or concerns they have on the project. Additional meetings are planned with AmericInn, Get-N-Go and Harms Oil. Our bond resolution has been published and we will close on these bonds later this fall. The REED loan application has also been submitted – hope to hear back from them early August. Additional landowner meetings are being planned. We continue to meet with adjoining property owners and address any questions and concerns. We will close on our bond loan this fall and we received word this last week that we have been approved for the REED Loan – funding of this project is in place. Continuing to work with adjoining property owners to address questions and concerns.
- **Other Projects –**
 - 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. ISG did an inspection on these developments and any punch list items needing correction were given a deadline of 5/31. ISG will be inspecting each of these properties to see if punch list items are completed or not. ISG continues to work with these developers to get punch list items completed. ISG has done follow up inspection at Maple Pass, Knapp’s Landing and Turtle Creek – a revised punch list for each was made and sent to the developers. Jesse O’Kane did a walkthrough of these punch list items last week. There are some things that are completed but a few other items added to the list. We will continue to work with ISG and the developers to get everything addressed.

Other:

- **TAP Application:** Our application for phase 1 of the TAP grant was submitted to the state on Friday (9/27). As discussed, phase 1 will be for a bike trail along the south side of Mickelson Road from the existing trail at Patrick Ave to Turtle Creek Drive. This will provide the only pedestrian connection for this neighborhood. A revised cost estimate from ISG is \$749,549.50, which is slightly higher than previously anticipated, but this trail would make a good connection and the city’s share would only be approximately \$150,000. The grants will be reviewed by the grant committee on Wednesday, November 13th.
- **AV Upgrade:** The AV upgrades have been installed. Staff will be trained in the operation of the new equipment within the next couple of weeks.

- **Codification of Ordinances:** SECOG is helping me codify our zoning ordinances. This will add any amendments that have been passed into one document . Codifying them into one document will make it easier for staff, our board, and the public to find the correct information. This should be completed by the end of the month, and I will provide an updated copy for the Board at our next meeting.

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