

PLANNING AND ZONING AGENDA
TUESDAY, NOVEMBER 14, 2023
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 30, 2023 Meeting

- 4) PUBLIC COMMENTS
Action cannot be taken on items discussed unless specifically listed elsewhere on the agenda

- 5) OLD BUSINESS
 - Review/Approve Agreement for Continued Conditional Use Permit

- 6) NEW BUSINESS
 - Review Current Fence Regulations/Discuss Possible Changes
 - Review Current Residential & Commercial Building Standards/Discuss Possible Changes

- 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 28, 2023

Planning and Zoning Meeting – Regular Meeting October 30, 2023

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. Also present was City Administrator Teresa Sidel, Building Inspector/Code Enforcer Kyle Christensen, Building Inspector Paul Clarke, and City Attorney Tom Frieberg. There were 3 people from the public in attendance.

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

Approval of the Minutes: The October 10, 2023, regular meeting minutes were reviewed. A motion was made by Anderson, second by Miles to approve the October 10, 2023, regular meeting minutes – all voted yes, motion carried.

Public Comments: None

New Business:

- **Discussion Possible Revocation of Conditional Use Permit 2022-7-27 for 101 W Hwy 38:** Ryan Grossman of Grossman Properties owns the lot at 101 W Hwy 38. This lot is located on the SW corner of Hwy 38 and Main Avenue and is zoned community commercial. Motor vehicle sales are a permitted use in a CC zoned district. Mr. Grossman rented the property to Byron Rivas in August of 2021. Mr. Rivas brought in vehicles and once again started a car dealership. It came to the city's attention that Mr. Rivas was not only selling vehicles but doing vehicle repairs on the premises. A motor vehicle repair facility is allowed in a CC zoned district but does require a conditional use permit. Mr. Grossman and Mr. Rivas were contacted and informed that a conditional use permit needs to be secured in order to continue doing vehicle repairs on that property. A CUP application was submitted and went before the P&Z Board on 9/13/22 for review. At the CUP hearing on 9/13/22, the renters, Byron & Mitze Rivas, were present and noted that they purchase vehicles, do minor repairs on them to get them ready for sale, and then put them up for sale. There was discussion about concerns for inoperable vehicles and property maintenance at that time. Ultimately the Board approved the CUP with the following conditions:
 - 1) No unlicensed or non-road worthy vehicles outside of the building
 - 2) No parts, tools, or repair equipment outside of the building
 - 3) All repair work must be conducted within the building
 - 4) All used oil storage must be properly stored inside the building
 - 5) If the property receives more than 2 violations with the city within 6 months, the CUP will be revoked

Since approval of the CUP, the city has received complaints about the property and after investigation of the premises, the code enforcer found the property is in violation of condition #2 and #3. A courtesy letter was sent to Mr. Rivas on 4/13/23 addressing these violations. Then the 1st violation letter was sent on 5/23/23 and a second violation letter was sent on 9/26/23. Since the 9/26/23 letter was Mr. Rivas' second violation within six months, a Notice of Hearing for October 30, 2023, was sent to Mr. Rivas and Mr. Grossman by certified mail per attorney recommendation.

Mr. Grossman was not present but the renters, Byron & Mitze Rivas, were in attendance to address questions from the Board. City Code Enforcer, Kyle Christensen, noted that the property has been cleaned up, but the Board had concerns that it took 3 letters from the city to accomplish this task. The Rivas acknowledged that they received the letters but stated that they did not know what the specific violations were – the letters were reviewed, and they clearly state the violation(s) and provided a contact number for questions. Rivas noted that the space in the garage is limited, and they are looking for additional space, they also noted that they have been short help but will have an extra person shortly, and the vehicles they sale are cheaper than most so they need some extra repair work. They also noted that a state inspection was held on October 16th. and they are compliant with the state. The Board noted that repair work was approved through the CUP last year, but all repair work must be conducted within the building, reports of repair work outside the building were received by the city. Pictures also show parts, tools and repair equipment outside the building, which is in violation of the CUP as well.

The board wished to have a discussion with the city attorney on possible actions. A motion was made by Kutil, second by Kilbourn to enter into executive session pursuant to SDCL 1-25-2(3) for Legal - all voted yes, motion carried. A motion was made by Jackson, second by Kilbourn to exit executive session at 8:05pm – all voted yes, motion carried.

Updates

- **Building Inspector Update:** Building Inspector Paul Clarke was present to provide an update on building projects to the Board. There are currently 18 open single-family homes in various stages of construction, along with 1 twin home. Clarke also gave a recap of current commercial permits that are still open and a brief update on the Maple Pass Complex and Ribbon Cutting on November 8th.

- **Building Inspector/Code Enforcer Update:** Kyle Christensen was present to provide an update on code enforcement to the Board. Current code violations being addressed by the city include parking on the grass, rubbish/junk, no permits or licenses for flatwork and pets.
- **City Administrator Update:**
 - Project Updates
 - WWTF – Dirt work for the road and facility is underway, along with preparation for piping. ISG is reviewing shop drawings for the project and bi-weekly construction meetings are being held. We are also finalizing all easement documents.
 - Bike Trail – We continue to work with FEMA to get floodplain approval for the segment between Main Ave and Feyder for placement at a future date.
 - 12th/Oaks Project – Infrastructure Design Group has started plan design.
 - Developments – ISG is working with Maple Pass, Knapp’s Landing, and Turtle Creek to ensure compliance with city standards and completion of punch list items.
 - Western Ave Sewer Project – Stockwell Engineers have inspected the seeding between Central States & Black Tie and agree that the seed did not take hold. They are reviewing our contract with the general contractor at this time.
 - The city’s website is now fully running with fillable forms and notifications.
 - The city has been awarded 2 grants – EDA and LIIP grant to construct 12th Street and N Oaks Avenue. City staff attended a meeting with the state to review grant requirements and proper procedures.
 - City staff will be conducting a review of sidewalks throughout the city to identify places that should have sidewalk accessibility. A plan will be presented to the city council next spring for review.
 - Future Agenda items were discussed.

Adjournment: A motion was made by Kilbourn, second by Jackson to adjourn at 8:06pm – 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



Agenda Item Staff Report

DATE: November 14, 2023

AGENDA ITEM: Review/Approve Agreement for Continued Conditional Use Permit

PREPARED BY: Teresa Sidel, City Administrator

Staff Recommendation: Approval Agreement for Continued Conditional Use Permit

Background/Summary: The Planning & Zoning Board held a hearing on October 30, 2023 to review the Conditional Use Permit issues to 101 W Hwy 38. Ryan Grossman of Grossman Properties owns the lot at 101 W Hwy 38. This lot is located on the SW corner of Hwy 38 and Main Avenue and is zoned community commercial. Motor vehicle sales are a permitted use in a CC zoned district. Mr. Grossman rented the property to Byron Rivas in August of 2021. Mr. Rivas brought in vehicles and once again started a car dealership. It came to the city's attention that Mr. Rivas was not only selling vehicles but doing vehicle repairs on the premises. A motor vehicle repair facility is allowed in a CC zoned district but does require a conditional use permit. Mr. Grossman and Mr. Rivas were contacted and informed that a conditional use permit needs to be secured in order to continue doing vehicle repairs on that property. A CUP application was submitted and went before the P&Z Board on 9/13/22 for review. At the CUP hearing on 9/13/22, the renters, Byron & Mitze Rivas, were present and noted that they purchase vehicles, do minor repairs on them to get them ready for sale, and then put them up for sale. There was discussion about concerns for inoperable vehicles and property maintenance at that time. Ultimately the Board approved the CUP with the following conditions:

- No unlicensed or non-road worthy vehicles outside of the building
- No parts, tools, or repair equipment outside of the building
- All repair work must be conducted within the building
- All used oil storage must be properly stored inside the building
- If the property receives more than 2 violations with the city within 6 months, the CUP will be revoked

Since original approval of the CUP, the city has received complaints about the property and after investigation of the premises, the code enforcer found the property is in violation of condition #2 and #3. A courtesy letter was sent to Mr. Rivas on 4/13/23 addressing these violations. Then the 1st violation letter was sent on 5/23/23 and a second violation letter was sent on 9/26/23. Since the 9/26/23 letter was Mr. Rivas' second violation within six months, a Notice of Hearing for October 30, 2023, was sent to Mr. Rivas and Mr. Grossman by certified mail per attorney recommendation. Mr. Grossman was not present but the renters, Byron & Mitze Rivas, were in attendance to address questions from the Board. City Code Enforcer, Kyle Christensen, noted that the property has been cleaned up, but the Board had concerns that it took 3 letters from the city to accomplish this task. The Rivas acknowledged that they received the letters but stated that they did not know what the specific violations were – the letters were reviewed, and they clearly state the violation(s) and

provided a contact number for questions. Rivas noted that the space in the garage is limited, and they are looking for additional space, they also noted that they have been short help but will have an extra person shortly, and the vehicles they sale are cheaper than most, so they need some extra repair work. They also noted that a state inspection was held on October 16th, and they are compliant with the state. The Board noted that repair work was approved through the CUP last year, but all repair work must be conducted within the building, reports of repair work outside the building were received by the city. Pictures also show parts, tools and repair equipment outside the building, which is in violation of the CUP as well.

The city's attorney has drafted an agreement that states any further violation of the CUP will be grounds for automatic termination of the CUP and the city may seek an injunction prohibiting all uses except those permitted by the city's zoning regulations. Meaning all repair work, whether inside or outside, must cease and the property can only be used as a car sales lot. The agreement will need to be signed by the city, property owner, and tenant.

Prior Council/Board Action:

09/13/2022 – Planning & Zoning granted a CUP for 101 W Hwy 38 to allow a car dealership with on-site repairs with conditions.

10/30/2023 – A hearing was held to address the CUP violations.

Possible Action:

- Approve the agreement as drafted by the city attorney
- Do not approve the agreement as drafted by the city attorney
- Modify the agreement

Fiscal Impact: Approval of the agreement from all parties will allow this business to continue to do minor repairs on used cars and offer them for sale. This would still allow any taxes from car sales to come to the city.

Attachments:

- **Agreement for Continued Conditional Use Permit**

**AGREEMENT FOR
CONTINUED CONDITIONAL USE PERMIT**

Comes now the City of Hartford, (hereinafter referred to as “Hartford”) and Grossman Properties LLC, by and through Ryan Grossman (“Grossman”) and Byron Rivas (“Rivas”), WITNESSETH:

WHEREAS, Grossman is the owner of certain real property located at 101 West Highway 38, Hartford, South Dakota and legally described as follows, to wit:

Lot 1 Block 1 and the East Half (E1/2) Vacated Alley Lying Adjacent thereto, Bach’s Addition to the City of Hartford, Minnehaha County, South Dakota and

WHEREAS, Rivas leases the above property from Grossman for purposes of operating a used car dealership; and

WHEREAS, on July, 27, 2022, Grossman applied for a conditional use permit so as to allow for minor auto repairs to be completed on the site; and

WHEREAS, auto repairs are not a permitted use for the property which is owned community commercial; and

WHEREAS, a conditional use hearing was held by the Hartford Planning and Zoning Board on September 13, 2022; and

WHEREAS, the Planning and Zoning Board did approve the conditional use permit with the following five conditions:

1. No unlicensed or non-road worthy vehicles outside the building;
2. No parts, tools, or repair equipment outside of the building;
3. All repair work must be conducted within the building;
4. All used oil storage must be properly stored inside the building;
5. If the property receives more than two violations of the permit within six months, the conditional use permit will be revoked; and

WHEREAS, Rivas was given a courtesy warning of violations of non-compliance with the conditional use permit on April 13, 2023; and

WHEREAS, on May 23, 2023, Rivas was given a notice of a violation of the conditional use permit and advised that a second violation within six months could result in the revocation of the conditional use permit; and

AGREEMENT FOR CONTINUED CONDITIONAL USE PERMIT

WHEREAS, on September 26, 2023, Rivas received a second notice of violation of the conditional use permit within six months and that the Planning and Zoning Board would discuss the continuation or revocation of the conditional use permit;

WHEREAS, a hearing was held by the Hartford Planning and Zoning Board on October 30, 2023, with Rivas present; and

WHEREAS, the parties are agreeable to continuing with the conditional use permit subject to the following:

1. The five terms and conditions set forth hereinabove and as established by the Planning and Zoning Board upon granting the conditional use permit on September 13, 2022 shall remain in full force and effect with the exception that any further violations of the conditional use permit at any time, shall be deemed grounds for automatic termination of the conditional use permit. Repairs shall be interpreted to mean any work on vehicles deemed necessary or beneficial to the ultimate sale of the vehicle, no matter how minor.
2. Rivas and Grossman agree that the terms and conditions of the conditional use permit are reasonable and that any future violations shall entitle Hartford to revoke the conditional use permit and/or to seek and obtain a permanent injunction prohibiting the use of the property for purposes other than permitted uses for the zoning designation for the property notwithstanding the conditional use permit for minor car repairs.

This agreement is entered into with the understanding and acknowledgment by Grossman and Rivas that grounds for revocation existed and that the extension and continuation of the conditional use permit is at the sole discretion of the Hartford Planning and Zoning Board which has the power to revoke the conditional use permit upon any future violation of the terms and conditions of the conditional use permit as modified by this agreement.

Dated this _____ day of _____, 2023.

HARTFORD PLANNING
AND ZONING BOARD

Tony Randall, Chairperson

Ryan Grossman/Grossman
Properties, LLC

Byron Rivas

AGREEMENT FOR CONTINUED CONDITIONAL USE PERMIT



Agenda Item Staff Report

DATE: November 14, 2023

AGENDA ITEM: Review Current Fence Regulations/Discuss Possible Changes

PREPARED BY: Teresa Sidel, City Administrator

Staff Recommendation: Discussion Only

Background/Summary:

The Board has indicated that they would like to review the city's current fence regulations – enclosed in your packet. I know that there have been comments that the verbiage in Section E&F are hard to understand – I agree. Section E&F basically dictates the height and setbacks of fences in various zoning districts. Verbiage about corner lots is confusing since it refers to a 2nd front yard. I have talked with SECOG and asked what other city's use and it's pretty much the same standard verbiage that we have. We talked about possible ways to make this less confusing and explain the setbacks better. We thought an illustration may help (example enclosed) and then re-writing those sections. We can expand the language into steps, as shown in example 1 and we can also use different language as shown in example 2. I think a combination of all three would work best: add an illustration, expand the language into steps, and change the language used to address the 2nd front yard as the side-street.

We can review and discuss this section and all sections to see if the Board would like to implement any changes to our current regulations.

Prior Council/Board Action:

None

Possible Action:

- Discuss possible changes to current regulations – Direct Staff to draft changes for further review.
- Keep current regulations "as-is" with no changes.

Fiscal Impact:

N/A

Attachments:

- **Current City Fence Regulations**
- **Possible Verbiage Changes for Section E & F**
- **Illustration to depict fence heights/setbacks**

Ordinance #713 – Section 12.08

12.08 Fences

Fences may be erected in required yards, provided they meet or exceed the following requirements:

- A. No fence shall be erected or substantially altered without securing a placement permit from the Zoning Administrator. All such permits shall be issued upon a written application which shall set forth the type of fence to be constructed, the material to be used, height and exact location of the fence.
- B. Exposed electrical and other abnormally dangerous fences are prohibited within all districts. No barbed wire fence shall be erected or maintained except in NRC or HI districts. Within HI districts, a fence can only be topped with barbed wire beginning at a height of at least six (6) feet above grade.
- C. Within all districts, fences shall be constructed with materials customarily used and manufactured as common fence materials. This shall include ornamental iron, vinyl, masonry, stone, pressure treated wood or wood having a natural resistance to decay, and chain link. All other materials must secure a conditional use permit from the Planning and Zoning Board.
- D. No fence shall be erected or maintained in such manner as to unreasonably obstruct the view of others or their access to light or air.
- E. For R, MH, NC or CB District - Fences may be erected or maintained; provided that no fence over four (4) feet in height shall be erected or maintained in any front yard. On corner lots and double frontage lots, fences shall be no more than four (4) feet in height in the required front yard; however, fences no more than six (6) feet in height may be allowed in the second front yard when setback a minimum of ten (10) feet from the property line. In no case shall fences exceed a height of six (6) feet.
- F. For CC and RC District - Fences may be erected or maintained; provided that no fence over four (4) feet shall be erected or maintained in any required front yard. On corner lots and double frontage lots, fences shall be no more than four (4) feet in height in the required front yard; however, fences no more than eight (8) feet in height may be allowed in a second front yard when setback a minimum of ten (10) feet from the property line. In no case shall fences exceed a height of eight (8) feet.
- G. For LI and HI District - Fences may be erected in front, side and rear yards. In no case shall fences exceed a height of eight (8) feet.
- H. No fence shall be erected which violates 12.02 - Visibility at Intersections.
- I. There is no maximum fence height for public golf courses, public swimming pools, school track and field areas, parks, ball parks and public tennis courts on any portion of the lot. Fences associated with these uses shall not be more than 30 percent solid.
- J. Fences that are adjacent to alleys shall be set back five (5) feet from the street/boulevard right-of-way.
- K. All fences or walls shall be located entirely within the property of the person or firm constructing the fence unless the owner of the adjoining property agrees, in writing and submitted to the City, that such fence may be erected on the common property line of the respective properties. All property line discrepancies shall be handled by the property owners and not by the City. It is the property owner's responsibility to determine where the lot lines are located – the city can assist with this but cannot guarantee the location of your lot lines. If there is any doubt, a survey is recommended.
- L. The height of fences shall be determined as measured from the highest grade elevation on either side of the fence wall to the top of the fence.
- M. Any structure placed within an easement that impedes the access or intended use of that easement may be removed by the City or the City's representative at the owner's expense.
- N. Any fence issues that arise between neighbors become a civil issue between homeowners.
 - a. During this dispute, the City may only provide the original fence permit.

Fences:

Possibility 1:

Expand out the language into steps and have a visual aide to help show the examples.

E) Fences in R, MH, NC, or CB District are subject to the following requirements:

1. Fences must not exceed six (6) feet in height.
2. Front Yard: Fences must not exceed four (4) feet in height in the front yard.
3. Double-Frontage or Corner Lots: On corner lots where a double front setback is required, a fence in the required front yard must not exceed four (4) feet in height. A fence in the second front yard must be setback a minimum of ten (10) feet from the property line and must not exceed six (6) feet in height.

(See Image Attached in Email)

F) Fences in CC and RC are subject to the following requirements:

1. Fences must not exceed eight (8) feet in height.
2. Front Yard: Fences must not exceed four (4) feet in height in the front yard.
3. Double-Frontage or Corner Lots: On corner lots where a double front setback is required, a fence in the required front yard must not exceed four (4) feet in height. A fence in the second front yard must be setback a minimum of ten (10) feet from the property line and must not exceed eight (8) feet in height.

Possibility 2:

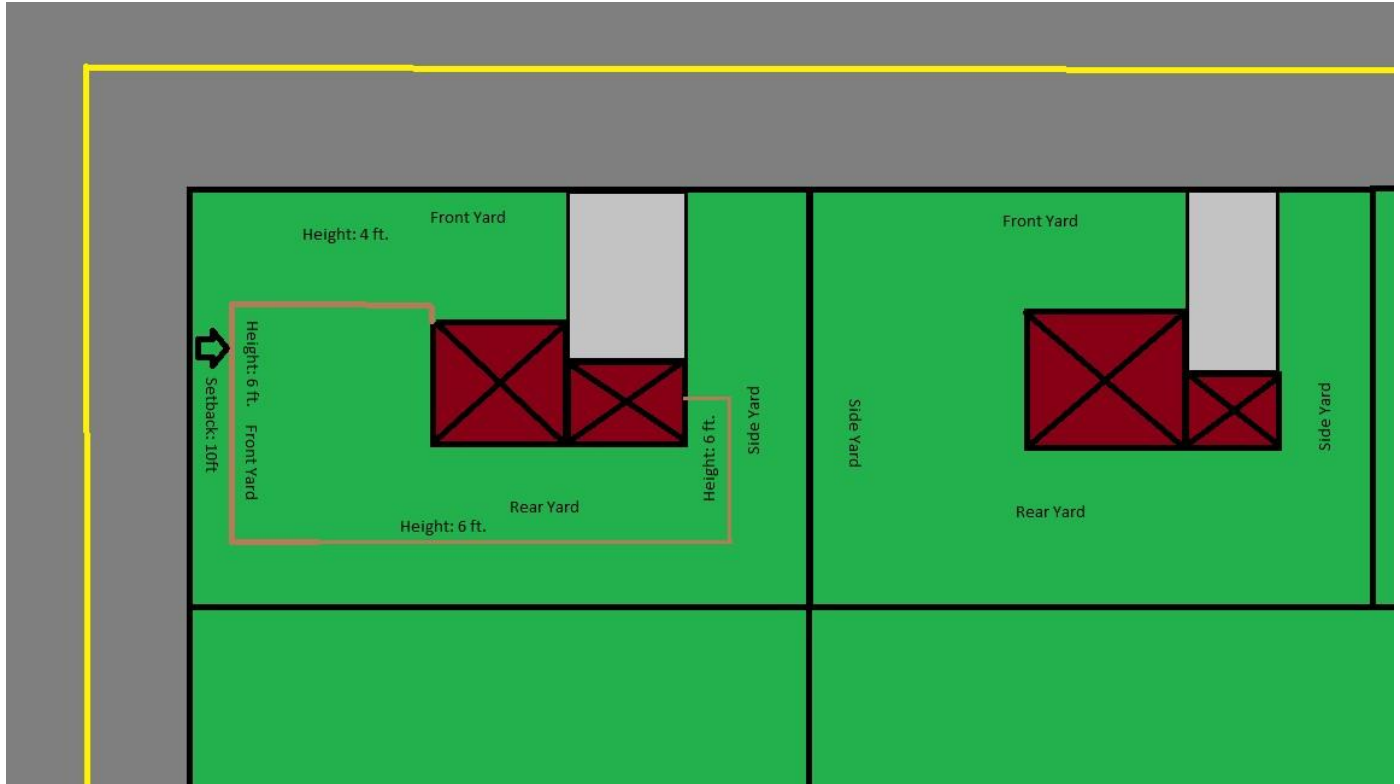
Replace the language of "Required Front Yard" and "Second Front Yard" with "Front Yard" and "Side-Street-Side Front Yard" to help signify the difference. Hartford's definition of Yard, Required Front specifies that the Side-Street-Side front yard is the front yard with the smallest required front yard, so this specification might make it easier to understand which front yard is the 6 ft. height and 10 ft setback.

C. For Residential District - Fences up to four (4) feet in height may be located on any part of the lot except that such a fence may not be more than 30 percent solid if located within 30 feet of a street intersection, measuring along the property line. Fences up to six (6) feet in height may be erected on those parts of a lot that are as far back or farther back from the street than the main building.

Exceptions:

1. Fences up to six (6) feet in height may be placed in the side-street-side front yard where:
 - a. The side-street-side front yard abuts an arterial or collector street shown on the major street plan.
 - b. The side-street-side front yard is not adjacent to a side yard.
 - c. The fence is located no closer to the front yard than the rear wall of the main building.
 - d. No driveways exit on to the arterial street.

Example Illustration to depict fence regulations on height/setbacks for corner lots





Agenda Item Staff Report

DATE: November 14, 2023

AGENDA ITEM: Review Current Residential & Commercial Building Standards/Discuss Possible Changes

PREPARED BY: Teresa Sidel, City Administrator

Staff Recommendation: Discussion Only

Background/Summary:

At a previous meeting, there was a question about allowing different building materials on one structure. I noted that the city does not dictate that only one material can be used on one structure. We do have standards for roofing and siding materials for both residential and commercial structures (included in packet), but we do not dictate that you can only use one type of material per structure. I asked SECOG if they know of any other communities that restrict the number of materials and this is their comments...

"Most communities just restrict the types of materials that can be used for roofing/siding. Similar to Hartford, it is possible for developers to mix/match the materials. The closest you will find are communities in South Dakota requiring buildings on the Main Street to keep the same architectural design as the rest of the buildings on Main Street to preserve the historic look, but they do not specify that the buildings must be made of the same roofing/siding material. Hartford might run into issues if they require that all roofing be of the same material. Within Hartford's building codes, there are requirements for certain types/styles of roofing depending on the slope of the roof to help with drainage or snow. This type of regulation might impact portions of the roof that are not visible but would require a different material because it is flat compared to the edges or corners of the roof. Allowing multiple types of roofing materials on a single structure allows the developers with more leeway to address roofing on different slopes. There is a chance that passing anything restricting materials to be the same could lead to a significant increase in variance requests for new construction."

It sounds like other communities, like Hartford, only regulate the types of materials used and not the number of materials used on a structure. The Board can discuss if we want to pursue any changes to our regulations or keep them the same.

Prior Council/Board Action:

None

Possible Action:

- Discuss possible changes to current regulations – Direct Staff to draft changes for further review.
- Keep current regulations "as-is" with no changes.

Fiscal Impact:

N/A

Attachments:

- **Site-Built Single-Family and Multi-Family Dwelling Standards**
- **Commercial Building Standards**

- C. Building permit shall include documented Federal Communications Commission (FCC) approval prior to permit issuance.
- D. The maximum height for telecommunications towers and wireless communications facilities shall not exceed 100 feet for single users or 200 feet for two or more users. When such structure is located in an airport approach zone, Federal Aviation Administration approval will be required prior to permit issuance.
- E. The tower shall be constructed in a manner that will make it inaccessible for unauthorized persons to climb.

12.10 Site-Built Single-Family and Multi-Family Dwelling Standards

- A. All dwellings must be placed on a permanent foundation and the space between the foundation and the bottom of the home must be enclosed by concrete or approved products.
- B. All single-family dwellings shall be oriented on the lot, so that the primary pedestrian entrance faces the street or access easement.
- C. The primary roof line must have a minimum of a four/twelve (4/12) pitch. This is not applicable to re-roofing or additions to existing structures.
- D. Roofs shall be covered with shingles or tiles or a standing seam metal roof. Standing seam metal roofs shall utilize earthtone colors (i.e. blacks, browns, greens, tans, beiges and grays). Any metal roof that has exposed fasteners, semi-concealed fasteners on a façade, or any fastener system that does not adhere directly to the support system is prohibited. Corrugated sheet metal or corrugated fiberglass roofing is not permitted.
- E. Eaves and gable ends must be a minimum of twelve inches. This is not applicable to re-roofing or additions to existing structures.
- F. The exterior walls shall be similar in appearance to normal wood or masonry residential construction. Any metal siding shall have a vertical dimension no greater than twelve (12) inches. Corrugated sheet metal is not permitted.
- G. No dwelling shall be constructed, installed, or moved into the area under the jurisdiction of these regulations, unless said dwelling is constructed upon, installed on or moved onto a permanent foundation as defined in these regulations, excepting manufactured homes placed in an approved MH district. The Zoning Administrator or his or her designee shall inspect and authorize all dwellings moved into the City of Hartford. For the purposes of these regulations, manufactured housing shall be allowed only in the MH Manufactured Housing Residential District.

ORDINANCE NO. 735

AN ORDINANCE OF THE CITY OF HARTFORD, SD, AMENDING THE 2016 REVISED HARTFORD ZONING REGULATIONS BY AMENDING CHAPTER 12, ADDITIONAL USE REGULATIONS.

BE IT ORDAINED BY THE CITY OF HARTFORD, SD THAT SECTION 12.16 SHALL BE ADDED TO CHAPTER 12 AND READ AS FOLLOWS:

12.16 Commercial Building Standards

- A. The regulations of 12.16 shall apply to property zoned Neighborhood Commercial, Community Commercial, Regional Commercial, and Central Business.
- B. The exterior walls of all buildings within the above-described area shall be composed of high quality and durable material, such as masonry, stone, brick, steel, glass, wood or comparable materials. Steel or wood buildings must incorporate masonry on the front and street side that is at least ¼ of the total area of that side.
- C. On buildings whose roofs are essentially metal surfaced, the use of a good quality and durable finish on the metal will be required (unpainted or painted galvanized finish is not allowed). Any metal roof shall be a factory painted standing seam metal roof or an exposed fastener metal roof or equivalent.
- D. The front facade of the building should address its primary access street with entrances, windows, and architectural features facing the street. No overhead doors or docking bays shall face the street, unless a conditional use permit is secured.
- E. All mechanical equipment, including but not limited to heating, ventilating, and air conditioning equipment, and antenna, shall be placed in an inconspicuous location or screened from view.
- F. All exterior building surfaces shall be earth-tone colors and are subject to the International Building Code.

Adopted this 4th day of October 2022

Mayor or Council President

ATTEST:

Karen Wilber
Finance Officer, City of Hartford

P&Z Hearing: September 13, 2022
City Council Hearing and 1st Reading: September 20, 2022
City Council 2nd Reading and adoption: October 4, 2022
Publication Date: October 14, 2022
Effective Date: November 3, 2022

October 2023 Building Inspection Report

<u>Date</u>	<u>Address</u>	<u>Permit #</u>	<u>Type</u>	<u>Status</u>	<u>Comments</u>
10/2/2023	303 E. 2nd Street	2023-24	bld	Status	checked on main. Shop bld
10/9/2023	312 Maple Avenue	2022-158	bld	final	closed out townhouse
10/9/2023	400 Emma Drive	2023-55	bld	final	deck done
10/9/2023	509 Connie Circle	2023-119	bld	footing	approved set up
10/9/2023	813/815 Turtle Creek Drive	2023-115	bld	footing	approved set up
10/9/2023	408 S. Main ave	2023-87	bld	footing	approved set up
10/9/2023	311 Maple Ave	2022-156	bld	final	closed out townhouse
10/9/2023	310 N. Maple	2022-152	bld	prefinal	walked the building
10/11/2023	310 N. Maple	2022-154	bld	final	closed out garage
10/11/2023	310 N. Maple	2022-153	bld	final	closed out garage
10/12/2023	303 E. 2nd Street	2023-24	bld	Status	school addition updates
10/13/2023	310 N. Maple	2022-152	bld	prefinal	walked the building
10/16/2023	310 N. Maple	2022-152	bld	prefinal	walked the building
10/17/2023	1008 N. Oaks Ave	2023-114	bld	framing	addition job
10/18/2023	511 N. Mundt ave	2022-181	bld	final	garage addition
10/19/2023	100 e. 9th str. Lot 8 B	2023-108	bld	final	closed out ramp job
10/20/2023	310 N. Maple	2022-152	bld	final	closed out apt. building
10/23/2023	801 Turtle Creek Circle	2023-125	bld	footing	new house set up
10/24/2023	820 Turtle Creek Drive	2023-20	bld	final	closed out house
10/24/2023	912 Trojan Ave	2023-79	bld	framing	approved new house rough framing
10/24/2023	404 N. Oaks ave	2023-63	bld	prefinal	walked the house
10/26/2023	202 S. Eastern ave	2023-82	bld	Status	footings and foundation walls set
10/26/2023	303 E. 2nd Street	2023-24	bld	Status	checked on progress
10/27/2023	100 e. 9th str. Lot 14	2023-89	bld	Status	deck job
10/28/2023	404 S. Main Ave	2023-21	bld	Status	finish items
10/28/2023	405 N. Mundt Ave	2023-25	bld	Status	detached garage
10/28/2023	101 Whitsler Circle	2023-29	bld	Status	finish items
10/28/2023	2010 N. Western ave	2023-65	bld	Status	awning job
10/28/2023	2010 N. Western ave	2023-1	bld	Status	truck barn
10/28/2023	107 S. Vandermark ave	2023-66	bld	Status	residing, windows job
10/28/2023	606 Sherwood Circle	2023-76	bld	Status	IRC question about framing issues
10/28/2023	1002 Tortuga ave	2023-103	bld	Status	footings and foundation walls set
10/28/2023	813/815 Turtle Creek Drive	2023-115	bld	Status	rough framing on going
10/30/2023	606 Sherwood Circle	2023-76	bld	framing	approved new house rough framing
10/31/2023	404 N. Oaks ave	2023-63	bld	final	closed out house job

OCTOBER 2023 CODE REPORT

ADDRESS	DATE	DEADLINE/FOLLOWUP	CODE TYPE	REASON	SOURCE	CLOSED?	COMMENTS
200 N Main Ave	10/10/2023	10/12/2023	Municipal/Zoning	Junk/Rubbish Parking on Grass Inoperable Vehicles	S	Yes	Property abated on 10/10; homeowner cleaned up 90% of junk/rubbish couple days prior. Inoperable vehicles included tan SUV and boat, which both have been updated (boat with new tags, and SUV has temp paper plate). Owner currently has silver truck parked on the grass, but giving him until 10/12 to move and remove remaining junk stored on flatbed trailer. Truck removed from the grass and trailer emptied of most junk.
112 S Main Ave	10/10/2023	10/17/2023	Municipal	Tall Grass/Weeds	S	Yes	Letter sent on 10/10 for tall grass/weeds along Feyder Ave & Railroad St.
302 E 3rd St	10/10/2023	11/2/2023	Municipal	Tree Branches	S	No	Letter sent on 10/10 for tree branches over street.
400 E 3rd St	10/10/2023	11/2/2023	Municipal	Tree Branches	S	No	Letter sent on 10/10 for tree branches over street.
304 E 3rd St	10/10/2023	11/2/2023	Municipal	Tree Branches	S	No	Letter sent on 10/10 for tree branches over street.
208 N Mundt Ave	10/10/2023	11/2/2023	Municipal	Tree Branches	S	No	Letter sent on 10/10 for tree branches over street.
500 N Vandemark	10/10/2023	11/2/2023	Municipal	Tree Branches	S	No	Letter sent on 10/10 for tree branches over street.
404 Sagehorn Dr	10/10/2023	11/2/2023	Municipal	Tree Branches	S	No	Letter sent on 10/10 for tree branches over street.
602 Ironwood Dr	10/10/2023	11/2/2023	Municipal	Tree Branches	S	No	Letter sent on 10/10 for tree branches over street.
509 Sagehorn Dr	10/10/2023	11/2/2023	Municipal	Tree Branches	S	No	Letter sent on 10/10 for tree branches over street.
602 Sagehorn Dr	10/10/2023	11/2/2023	Municipal	Tree Branches	S	No	Letter sent on 10/10 for tree branches over street.
801 Sagehorn Dr	10/10/2023	11/2/2023	Municipal	Tree Branches	S	No	Letter sent on 10/10 for tree branches over street.
202 N Main Ave	10/12/2023	10/31/2023	Zoning	Parking on Grass	S	No	Letter sent on 10/12 for red pickup parked on the grass.
204 N Main Ave	10/12/2023	10/31/2023	Municipal	Rubbish/Junk	S	No	Letter sent on 10/12 for rubbish/junk in the back yard.
200 W 1st St	10/17/2023	10/24/2023	Municipal	No Building Permit	S	Yes	Letter sent on 10/17 for no flatwork permit and sidewalks in process of being replaced.
400 Jennifer Dr	10/17/2023	10/27/2023	Municipal	No Pet License Animal at Large	R	Yes	Letter sent on 10/17 for dog running at large and no pet license.
W Opal & Western Ave	10/24/2023	10/31/2023	Municipal	Tall Grass/Weeds	S	Yes	Email sent on 10/24 for tall weeds along crosswalk and ditch.
303 S Feyder Ave	10/26/2023	11/10/2023	Zoning	Parking on Grass	S	No	Letter sent on 10/26 for trailer parked on the grass.
505 S Feyder Ave	10/26/2023	11/10/2023	Zoning	Parking on Grass	S	No	Letter sent on 10/26 for trailer parked on the grass.
307 Ramona St	10/31/2023	11/16/2023	Zoning	Parking on Grass	S	No	Letter sent on 10/31 for truck parked on the grass.
403 N Main Ave	10/31/2023	11/16/2023	Zoning	Parking on Grass	S	No	Letter sent on 10/31 for a trailer parked on the grass.

R=RESIDENT
S=STAFF

City Administrator Update

November 14, 2023

Project Updates (Changes in Red):

- 6th & Mundt Street – Project is substantially complete, with a few punch list items and some seeding, restoration, and minor items to be done. ISG has provided the contractor with a list of punch list items, including reseeding of the boulevard areas. Reseeding has been completed but a final inspection on all punch list items needs to take place before the project will be closed out.
- 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. The SRF loan for this project was approved last week by DANR. The city will receive a \$490,800 SRF loan. The loan is for 30 years at 3.25% interest and will be paid back with water system revenue (no surcharge). Plans are near completion and bidding is still planned for this fall, with construction next year. The city is hoping to possibly secure the same contractor that is doing our WWTF in order to facilitate a low bid - this will all be determined by the bids. **Plans have been sent to DANR.**
- Western Avenue Expansion - ISG continues to work on plans. Plans need to be submitted to the DOT by the end of this year so it can be vetted by the state next year for construction in 2025. ISG still is working on plans and coordinating with the state engineer (HR Green). ISG and city staff meet with the state officials this week to discuss the bid process for this project. The state's bridge project and the city's street project are going to be bid together but will be managed separately. **ISG is still working in conjunction with HR Green on plans/project coordination. I have talked with ISG about setting up meetings with property owners along Western Avenue to address any questions or concerns.**
- WRRF – Staff continues to meet with ISG and Rice Lake on the WRRF. ISG has submitted 90% plans to DANR. An error in the publishing of our CMAR was noticed by the state so in order to comply with all state regulations, the city needs to re-publish our CMAR notice, review proposals submitted, and re-issue the CMAR. This process will take approximately 3 weeks and we hope to be back on track by the end of May. The city has approved Rice Lake as our CMAR for this project and approved a GMP (Guarantee Maximum Price). The contract with Rice Lake was approved by the council on 7/5 and Rice Lake is able to move forward with securing bids for the project. Nineteen bid packages were opened this last week on the city's Wastewater Facility Project. With the total bid coming in approximately \$45K below our GMP. Rice Lake is securing contracts and a pre-construction meeting is planned for Monday afternoon, 9/18. The groundbreaking on Monday 9/18 went well and we had a good attendance – probably 40 people. Dirt work has started, and the pre-construction meeting was held. As dirt work for the road and facility continues, ISG is reviewing shop drawings for site utilities, gravity trunk sewer, force main and concrete mix designs for the footings, flatwork, and floors. We are still on track for placing the Aeromod tank and part of the gravity collection line this year, with the operations building and site utilities for next year. Completion set for summer of 2025. Dirt work for the road and facility is underway, along with preparation for piping. 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 – this should be completed this week.
- 12th/Oaks – Infrastructure Design Group has started plans. 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. This project is partially funded by the EDA & LIIP grant.
- Other Projects –
 - Bike Trail – We continue to work with FEMA to get floodplain approval of this project so the city can move forward with the project at a future date if so desire.
 - 12th/Oaks Project – Infrastructure Design Group has started plan design. 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.
 - 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.

Stockwell Projects (Changes in Red):

- Western Sewer Project: A walk through was conducted on 7/20 with staff, Stockwells, and the state. A second walk through was conducted about 3 weeks ago. A list of punch list items was sent to the contractor to be addressed. Final payment will not be granted until all punch list items are completed to the city's satisfaction. The contractor was given a deadline of May 15, 2023, to complete all punch list items. All punch list items have been completed. Additional seeding was completed but we will wait to close out the project until we ensure the seed will take. The seeding will be

re-evaluated mid-August and we will determine if the project can be closed out completely or if re-seeding needs to be done. The project area was reviewed by Stockwell engineers on Wednesday, 10/4 – punch list items were completed earlier, and seeding has taken hold. This project will be closed out.

Update – Stockwell Engineers have inspected the seeding between Central States and Black Tie. They agree that the seeding did not come in good and will review our contract with the general contractor. **It has been determined that the seeding was not properly cared for, therefore putting the contractor under no obligation to reseed at their expense. Since this will be a city expense, Craig and I will re-evaluate it in the spring.**

Other:

- **Sidewalk Grant:** The state offers grants for sidewalks through their Transportation Alternative Grant program (the Safe Routes to School Program is now part of this grant). This grant provides funds for non-motorized transportation routes, such as sidewalks, trails, and routes to school. This is an 80/20 grant. Applications are due in July and grants are awarded in November. We have had some discussion about needing additional sidewalks throughout town to get to school and public areas, such as parks, pool and downtown. Craig and I plan to do a sidewalk assessment this week. If the council wishes to move forward with a grant application, we can have something together before July. I will surely welcome any thoughts from the P&Z Board as well.
- **Open Positions:** the City is currently taking applications for part-time snow removal help and we are also looking for a part-time Chamber Director. If you know of any possible candidates, please encourage them to apply. Job descriptions and applications can be found on the city's website. www.hartfordsd.us
- **Christmas Party:** The city's Christmas Party is being planned for Saturday, December 9th. Social hour begins at 6pm, with a meal at 6:30. You will be getting an invitation in the mail. We hope you can attend with your spouses.
- **Future Agenda Items:**
 - Per our attorney recommendation, we will discuss the process for CUP revocation at a future meeting.

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

City offices will be closed on Friday, November 10th for Veteran's Day.