

10/28/2014

THE MINNEHAHA COUNTY COMMISSION CONVENEED IN JOINT SESSION WITH THE SIOUX FALLS CITY COUNCIL AT 5:00 P.M., October 28, 2014 pursuant to adjournment on October 28, 2014. Commissioners present were: Barth, Heiberger, and Kelly. Commissioner Beninga and Pekas were absent. Also present was Cindy Jepsen, Commission Recorder.

City Council Members present: Anderson, Erickson, Erpenbach, Jamison, Karsky, Kiley, Rolfing, and Staggers.

Chairman Heiberger called the meeting to order.

MOTION by Barth, seconded by Kelly, to approve the agenda. 3 ayes. City concurred.

APPEAL

Chairman Heiberger requested the discussion begin with information specifically on the notification issue for the meeting on September 22, 2014 where Minnehaha County & City of Sioux Falls Planning Commission approved Conditional Use Permit #14-4, to allow a solar energy conversion system on the property legally described as SE ¼ (Ex Hein Addition and Klein's Tracts No. 1 & 2), Section 32-T101N-R50W. David Heinhold, Minnehaha County Planner, stated property owners within 500 feet of the project received notification one week prior to the September 22, 2014 hearing. The people receiving the notification were determined by records from the Minnehaha County Director of Equalization. Mr. Heinhold stated that in addition, a sign was posted five days before the meeting date. Mr. Heinhold stated that people in Lincoln County were not notified in the mail. Mike Schaffer, Schaffer Law Office, 412 W. 9th St., Sioux Falls, spoke on behalf of several property owners living in Lincoln County who are within 500 feet of the project. Mr. Schaffer requested this CUP be referred back to Planning & Zoning for proper notification. Tena Rytel, Geranimo Energy, 7650 Edinborough Way, Edina, MN, owners and operators Cherry Creek Solar, LLC, stated they sent informal non-required notice to property owners in Minnehaha and Lincoln Counties within 500 feet of the proposed project prior to submitting their application for the CUP. Ms. Rytel stated they were told by Planning & Zoning to only include landowners in Minnehaha County in the notification letters for the CUP hearing. MOTION by Barth, seconded by Kelly, to send this back to Planning & Zoning for proper notification and reconsideration of CUP #14-4. 3 ayes. City concurred.

MOTION by Barth, seconded by Kelly to adjourn. 3 ayes.

The Commission adjourned until 9:00 a.m. on Wednesday, November 12, 2014.

APPROVED BY THE COMMISSION:

Cindy Heiberger
Chairman

ATTEST:

Cynthia Jepsen
Deputy Auditor