

2/24/2015

THE MINNEHAHA COUNTY COMMISSION CONVENE IN A JOINT SESSION WITH THE SIOUX FALLS CITY COUNCIL AT 5:00 P.M., February 24, 2015 pursuant to adjournment on February 24, 2015. Commissioners present were: Barth, Beninga, Heiberger, and Kelly. Also present was Cindy Jepsen, Commission Recorder.

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

Chairperson Heiberger called the meeting to order.

MOTION by Beninga, seconded by Barth, to approve the regular agenda. MOTION by Barth, seconded by Beninga, to amend the regular agenda by moving item #3 before item #2. 4 ayes. VOTE on amended main motion, 4 ayes.

The City concurred.

The City took action on Agenda Item #1.

BRIEFING

Mike Cooper, Director of Planning & Building Services for the City of Sioux Falls, reviewed procedures for conducting Joint City/County Meetings.

APPEAL

David Heinold, Minnehaha County Planner, gave a briefing on an appeal filed by members of the public of the November 24, 2015 decision of the Joint Minnehaha County and City of Sioux Falls Planning Commission to approve Conditional Use Permit (CUP) #14-44 with seven (7) conditions, for Cherry Creek Solar, LLC, a subsidiary of Geronimo Wind Energy, LLC. The CUP would 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. Letters of concern were received by the Minnehaha County Planning Department regarding the impact the proposed project will have on aesthetics of the landscape, property values, roads, visual sight, long term maintenance, and whether this is the best use of the land. Proponents who spoke in support of upholding the Planning Commission's approval of CUP #14-44 were Jordan Burmeister and Tena Rytel of Geronimo Energy, 7650 Edinborough Way, Edina, MN and Scott Ehrisman, 806 S. 10th Avenue, Sioux Falls. Opponents speaking against the approval of CUP #14-44 were Mike Schaffer, Schaffer Law Office, 412 W 9th St. #1, Sioux Falls, Vince Jones, Attorney with Woods, Fuller, Schultz, & Smith, 300 S. Phillips Ave., Sioux Falls, Dan Hein, 26771 468th Ave., Sioux Falls, Randy Shaul, 46761 268th St., Sioux Falls, Ron Weber 46631 Prairie Drive, Sioux Falls, and Dave Dangel 26723 468th Ave., Sioux Falls. MOTION by Barth, seconded by Kelly to add the following two conditions to CUP #14-44: Condition 8) That no building permit will be granted and no construction activity will be allowed until there is a signed formal purchase agreement with a utility company. Condition 9) That no building permit will be granted and no construction activity will be allowed until there is an official plan for decommissioning and restoration and adequate financing for that decommissioning and restoration activity to protect the taxpayer of the state, counties, and city in the eventual end of this project. 3 ayes, Beninga voted nay. The City approved the same motion with a vote of 7 ayes and 1 nay. MOTION by Barth to defer this item until April 28, 2015 for staff to continue working on CUP #14-44. Motion dies for lack of a second. MOTION by Barth to approve CUP #14-44 with the nine (9) conditions. Motion dies for lack of a second. MOTION by Kelly to deny CUP #14-44. Motion dies for lack of a second. MOTION by Barth to defer this item until April 28, 2015. Chairperson Heiberger passed the gavel to Council Member Karsky and seconded the motion. Vote on motion 3 ayes, Kelly voted nay. The same motion was made and seconded by the City. A substitute motion was made by the City to deny CUP #14-44. The substitute motion carried with 6 ayes and 2 nays. MOTION by Beninga, seconded by Kelly, to deny CUP #14-44. The vote on the motion was a tie with 2 ayes and Commissioners Heiberger and Barth voting nay.

2/24/2015

MOTION by Barth, seconded by Beninga, to adjourn. 4 ayes.

City concurred.

The Commission adjourned until 9:00 a.m. on Tuesday, March 3, 2015.

APPROVED BY THE COMMISSION:

Cindy Heiberger
Chairperson

ATTEST:

Cynthia Jepsen
Deputy County Auditor