

THE MINNEHAHA COUNTY COMMISSION CONVENED IN JOINT SESSION WITH THE SIOUX FALLS CITY COUNCIL AT 5:00 P.M., August 17, 2009, pursuant to adjournment on August 11, 2009. Commissioners present were: Pekas, Barth, Kelly, and Twedt. Commissioner Hajek was absent. Sandy Kinder, Deputy Auditor, was also present.

City Council Members present: Anderson, Beninga, Brown, Costello, Jamison, Knudson, Litz, and Stagers. Mayor Munson was absent.

Chairman Pekas called the meeting to order.

Scott Anderson, Planning Director, was present for an appeal of the Joint Planning Commission decision to approve Conditional Use Permit 09-45, to allow a group daycare facility on property legally described as Tract 31 & 32 Meadow View Tracts North NE1/4 SE1/4 in Section 21-T102N-R49W. The property is located at 6704 & 6708 N 9th Avenue, Sioux Falls. Mr. Anderson explained that the decision tonight will be to 1) uphold the approval by the Joint Planning Commission; 2) approve the CUP with additional conditions; or 3) overturn the Joint PC decision and deny the permit. He also noted that the decision should be based on a land use perspective. The permit was approved with a number of conditions. The daycare will be operated in an accessory building next to the residence and has a maximum limit of 12 children. There were concerns expressed on an above ground swimming pool as well as dogs (pit bulls) being kenneled on the property. Traffic in the subdivision would also increase with cars dropping off and picking up children. Commissioner Pekas commented on a letter from the Renner Sanitary District's attorney regarding a sewer hook-up for the daycare building. Mr. Anderson believed the issue was resolved. Assistant City Attorney Gail Eiesland reported that the dog issue could be tied to land use due to the potential for additional noise, but it would not be likely. Mr. Anderson reported that there is one other daycare in the immediate area operating without a CUP because they do not have more than 6 children. Ernest Claxton, applicant, explained that he does breed a rare breed of dog at the residence and has installed a double fence kennel on the property for the dogs. He explained that planes fly over the subdivision daily and did not feel the children would create any more of a noise issue. The daycare would be operated by the applicant's mother. Mr. Claxton explained that he has already invested a large amount of money into the project and would install a fence around his pool once all permits for the daycare are obtained. Brian Johnson, opponent, spoke on behalf of himself and other neighbors who opposed the CUP. He expressed concern over decreased property values, traffic, road maintenance, noise, dogs, precedent to allow other businesses, and enforcement. He stated that those in opposition are left with the option of putting up with the daycare or moving. Mr. Johnson also reported that the neighbors personally contributed around \$15,000 for road improvements to their development and were concerned about the additional traffic that would be generated from the daycare. Mr. Anderson explained that the CUP goes with the single family residence, so the accessory building housing the daycare could not be broken off and sold. MOTION by Twedt, seconded by Barth to uphold the Joint Planning Commission decision approving CUP 09-45 and adding a condition that the permit stays with the current owner and becomes void upon sale or transfer of the property. 2 ayes, Kelly and Pekas – nay. Commissioner Kelly expressed opposition because of the additional wear on the roads, parking, and the applicant's dogs. Commissioner Twedt explained that the state will look at other factors in the application process. MOTION by Twedt, seconded by Barth to uphold CUP 09-45 with the conditions set by the Joint Planning Commission. 3 ayes, Kelly – nay. City concurred.

Pat Herman, Planner, was present for the scheduled hearing to consider text amendments in the industrial, agricultural, and definition sections related to junkyards/salvage, recreation, produce sales, and bed & breakfasts in the 2002 Revised Joint Zoning Ordinance for Minnehaha County and the City of Sioux Falls. The changes were recommended by both the City and County Planning Commissions. No one spoke in opposition. MOTION by Twedt, seconded by Barth to approve Ordinance MC30-22-09. 4 ayes. City concurred. The entire ordinance is on file in the County Auditor's office.

Bill Hoskins, Museum Director, presented the Siouxland Heritage Museums 2010 budget. The requested Operations budget is \$1,143,187, an increase of \$48,246 over 2009. The City will provide \$590,401 and County \$590,401 for the budget. The proposed budget also includes the Museum Special Enterprise Fund at \$85,350 and the Museum Store Fund at \$27,928. MOTION by Twedt, seconded by Barth to approve the 2010 Museum Operations, Museum Enterprise Fund, and Museum Store Fund budgets. 5 ayes. City concurred.

Sally Felix, Library Director, presented the Siouxland Libraries 2010 budget of \$6,620,359. The County's share for 2010 is \$910,000. MOTION by Barth, seconded by Hajek to approve the 2010 Siouxland Libraries budget. 4 ayes. City concurred.

Ona Reker, Metro Communications , presented the Metro Communications Agency 2010 budget of \$3,888,797, an increase of \$51,476 from 2009. The County will provide \$397,215 for the budget. The remainder will be supported by the monthly 911 surcharge revenue and the City's contribution. MOTION by Kelly, seconded by Twedt to approve the 2010 Metro Communications Agency budget. 4 ayes. City concurred.

MOTION by Twedt, seconded by Kelly to adjourn until 9:00 a.m. on Tuesday, August 18, 2009. 4 ayes.

APPROVED BY THE COMMISSION:

John Pekas, Chairman

ATTEST:

Sandy Kinder, Deputy Auditor