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THE MINNEHAHA COUNTY COMMISSION CONVENEED IN A JOINT SESSION WITH THE SIOUX FALLS CITY COUNCIL AT 5:00 P.M., September 25, 2018, pursuant to adjournment on September 25, 2018. Commissioners present were: Barth, Bender, Heiberger, and Karsky. Commissioner Beninga was absent. Also present was Olivia Larson, Commission Recorder.

City Council Members present: Brekke, Erickson, Kiley, Neitzert, Stehly, and Starr. Mayor TenHaken was also present.

Chair Heiberger called the meeting to order.

MOTION by Karsky, seconded by Barth, to approve the agenda. 4 ayes. The City concurred.

Commissioner Karsky and Council Member Brekke recused themselves from the following item.

REZONE

Scott Anderson, Planning Director, was present for the public hearing and gave the second reading of an amendment to Ordinance MC30-02, the 2002 Revised Zoning Ordinance for Minnehaha County and the City of Sioux Falls. The amendment is to rezone from an A-1 Agriculture District to the Emerald Pines PD Planned Development District for the property legally described as the W 350 Feet of the S 400 Feet of the N 1,378 Feet of the E 560 Feet, Lot 1, Olson's Addition, W1/2 NE1/4, Section 10-T101N-R50W, Wayne Township, Minnehaha County, South Dakota. The property is approximately 3.21 acres of land located generally at 7701 W Maple Street, Sioux Falls. The petitioner and property owner is Myron Olson. The petitioner's request for a rezone is for the purpose of using the property as an event facility and law office. The structure would be around 8,000 square feet. The Planning Commission voted to approve the rezoning at their July 23, 2018, meeting with one nay. Mr. Anderson spoke on the reason for choosing a PD Planned Development versus a C Commercial District.

Jason Shanks, 7604 W President Street, Sioux Falls, co-petitioner, stated event facility is intended to be used for events such as weddings, birthday parties, family reunions, and graduations. Topics also addressed by Mr. Shanks include: the need for this type of facility, the capacity of the building, hours of operation, noise control, drainage, access from the roadway, civil engineering, and lighting.

Council Members and Commissioners discussed deferring the decision until more members of the City Council could attend. In response to a question from Commissioner Heiberger, Mr. Anderson stated the applicant would have to wait six (6) months to re-apply if the rezone was denied.

Jeff Schmitt, City of Sioux Falls Chief Planning and Zoning Official, spoke on the following reasons his office originally recommended denial of the request: location of the property impacting the future growth of residential areas for the City, the property not being on an arterial street or intersection, and whether or not the infrastructure has been addressed. Upon the request of Council Member Neitzert, Mr. Schmitt addressed the expected use of this property and the surrounding area based on the future land use map. Mr. Schmitt also responded to a question posed by Council Member Erickson, stating no development plans have been received from developers or property owners for subdivisions in the area of the proposed rezone. Council Member Erickson expressed being hesitant to make decisions based on expected plans for growth in the area that may or may not come to fruition and stated she is in support of the rezone.

Mr. Anderson explained the due process taken with this application, and stated that he does recommend approval. Myron Olson, petitioner, responded to questions from Council Member Stehly regarding the use of his land for the proposed facility and the affects the joint jurisdiction has on his property.

Commissioner Barth spoke in support of the rezone favoring economic development. Council Members Kiley and

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Neitzert expressed the following concerns: whether or not the location is the best option for the intended use, the affect the facility would have on future development for the City of Sioux Falls, and the property not being on an arterial road. Mr. Anderson, in response to Council Member Erickson, stated there is an existing business on another part of Mr. Olson's land that was grandfathered into the A-1 Agriculture District.

Scott Ehrisman, Sioux Falls, spoke in support of the rezone believing that noise would not become a problem, and commented that the proposed use could be much worse. Michael Hillman, representing the Roll'n Pin Café & Grille, Sioux Falls, spoke in favor of the rezone citing his knowledge of the event industry and the positive impact it would have on economic development. Mr. Ehrisman and Mr. Hillman both expressed concern with the board making decisions based on things that might happen years into the future.

Commissioners and Council Members discussed parliamentary procedure regarding reconsideration if the rezone is denied. Carol Muller, Commission Administrative Officer, explained the County has not formally adopted Robert's Rules of Order. MOTION by Bender, seconded by Barth, to defer Rezoning #18-07, Emerald Pines Planned Development District to the next City of Sioux Falls/Minnehaha County Commission Meeting on October 23, 2018. 3 ayes. The City Concurred.

Commissioner Karsky and Council Member Brekke returned to the meeting.

SIDEWALK

Bill Hoskins, Museum Director, requested authorization to build a sidewalk at the Irene Hall Museum Resource Center along the south side of 54th Street North due to a requirement by the City of Sioux Falls. Based on bids received by County Facilities Director Mark Kriens, the estimated cost of the sidewalk is \$9,120. The sidewalk would be approximately 463 feet long by 5 feet wide and 4 inches thick. Commissioner Karsky spoke against having a sidewalk that is not needed. MOTION by Barth, seconded by Bender, to authorize a sidewalk to be built at the Museum Resource Center on 54th Street North with an estimated cost of \$9,120. 3 ayes. Commissioner Karsky voted nay. Motion passed. The City Concurred.

PUBLIC COMMENT

Scott Ehrisman, Sioux Falls, spoke on his disappointment in not having a staff attorney at the meeting from either entity. Mr. Ehrisman also commented on public complaints made by Commissioners and Council Members regarding legislative priorities.

MOTION by Barth, seconded by Bender, to adjourn. 4 ayes. The City concurred.

The Commission adjourned until 9:00 a.m. on Tuesday, October 2, 2018.

APPROVED BY THE COMMISSION:

Cindy Heiberger

Chair

ATTEST:

Olivia Larson

Deputy County Auditor