Sioux Falls City Council Regulatory Oversight Committee: Data Centers

Monday, Nov. 9, 2026, 6 p.m. · Carnegie Town Hall, Sioux Falls

Cleaned-up transcript prepared by Rising Together from the City of Sioux Falls YouTube recording (https://www.youtube.com/watch?v=oLdu8d8ikyQ). Timestamps match the video.

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Committee members: Rich Merkouris (chair), Sara Pankonin, James Oppenheimer, Ryan Spellerberg.

Agenda: 1. Current regulations (Public Works) · 2. Data center regulation across the country (City Attorney) · 3. Upcoming committee schedule · 4. Open committee discussion · 5. Public input

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CALL TO ORDER AND MINUTES

Committee Chair Rich Merkouris 0:01:53
Good afternoon everybody and welcome to the Sioux Falls Regulatory Oversight Committee meeting on Monday, November 9th, 2026. I'll note that we have a quorum of members present. Ask one of the committee members if they'd be willing to make a motion to approve the minutes of March 26th, 2024.

Councilor Ryan Spellerberg 0:02:07
Move approval. Spellerberg.

Councilor James Oppenheimer 0:02:09
Second, Oppenheimer.

Committee Chair Rich Merkouris 0:02:11
Been moved and seconded. All in favor, voice vote. Say aye. Aye. Opposition, same sign. Those minutes are approved. This evening our committee meeting is broken down into some various topics and then opportunity for public input covering a variety of different things that you want the committee to consider. Our theme this evening is really in the area of level setting, understanding what the current regulation environment is and also listening and learning and so what the concerns are as we enter into a phase of looking at various ordinance options and regulatory opportunities in front of us. So we're going to go ahead and get started this evening.

1. CURRENT REGULATIONS: PUBLIC WORKS FACT SHEET

Committee Chair Rich Merkouris 0:02:47
Want to welcome forward to get us started the director of public works Mark Cotter.

Mark Cotter, Public Works Director 0:02:50

Good evening council chair and council members and Mark Cotter with the public works team. It was requested to put together a fact sheet and we have additional copies over by the door and essentially we laid out the fact sheet of what are the salient points today of what is provided with the recent legislature and legislate what the recent legislature passed at the state law, what the key components of the PUC are and then what's the current ordinances of the City of Sioux Falls. And so with your permission, it's two pages. I'll walk you through those key points. And if we do run out, I know thea will make additional copies. All right. Starting off with South Dakota's codified law. They first define data center as a central repository of electronic data for information with peak demand of 10 megawatts or greater. Next section of the legislation states that a provider of electricity shall establish and maintain separate terms and conditions for electric service applicable to a data center requiring reimbursement for all costs fairly attributed to the data center for service.

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Demand and utility consumption, including costs incurred to serve the data center, departs the system or materially reduces its load. The next section of that legislation is requirements prior to commencing operations in South Dakota. The data center shall provide notice of projected water consumption to each local water provider in the area in which the data center is proposed to be located. Each water provider receiving notice shall provide written determination whether the data center's projected water consumption is compatible with the local water supply. The operator shall present a copy of each notice and determination to the Board of Water Management at the state. One receipt of the water provider's written determination, SDBWM's acronym in the handout, must issue to the operator and general public a written statement that the operator has satisfied the requirements of this section. Regardless of this board of water management's issuance of a written statement, the data center must may not consume an amount the local water supply exceeding limits established by order of the board after allocation to residential and essential public services.

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In establishing allocation limits under this section, the board shall seek to ensure water availability and prevent a disproportionate use of water by data centers. So those are the key points in the state statute. State statute is at 49-50. Next section is South Dakota Public Utilities Commission. So the South Dakota PUC as its acronym does not permit data centers, however transmission line siting is regulated by the South Dakota PUC. The permit trigger, a new line designed for more than 115 kV including associated facilities generally requires PUC approval before construction. An exception applies only if the line is less than 2,640 feet in length, crosses no public highway, and uses no eminent domain for right of way. And the South Dakota codified law section is noted there in the fact sheet. Next is general PUC process timeline. Applicants are encouraged to file at least six months before planned construction and must notify landowners within one half mile within 30 days after filing.

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The PUC schedules a public meeting within 30 days. Formal party applications are generally due within 60 days unless the order otherwise ordered. The typical transmission decision deadline is 12 months after the initial application, extendable at the applicant's request. And there's a PUC siting guide that's also noted on the facts sheet that has more helpful information. All right. Now for about a page and a half of existing City of Sioux Falls ordinances that are in place. First with zoning. Data centers are currently

allowed in I-1, which is light industrial, and I-2, heavy industrial districts. Lighting. All building and parking lot lighting is regulated by ordinance 160.491 of the Shape Places zoning ordinance. This section regulates the height of fixtures as well as the light trespass maximum at the property line. Noise. Industrial normal noise maximum are 75 decibels at all times with impulsive sound limits set at one peak of 95 decibels or less per hour and then the ordinance is cited.

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Noise is measured by the city at the nearest edge of the closest adjacent property line. Setbacks. Setbacks are regulated by the Shape Places zoning ordinance chapter 160. Only industrial uses are required, a 25-foot front yard setback and further additional buffer yard setbacks are required if adjacent to residential. The zoning ordinance allows conditions increasing setbacks to be placed on any rezoning approval. All right. Those that are following along, it's on the back sheet of the fact sheet. rates just in general data centers shall reimburse any provider of electricity for all costs fairly attributed to the service demand and the utility consumption and the South Dakota codified law 49-50-2 is noted. Investor owned public utilities are regulated by the South Dakota PUC. That state statute is noted and then we've also, by chance one was located in the city's power territory that our rates are found at that ordinance in chapter 51.

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High restrictions. height for property zoned light industrial I1 that's habitable is 40 The city's water demand is 55 feet and property zoned heavy industrial I2 habitable is 55 feet. For uninhabitable structures under I1 and I2 there is no maximum height requirement and those ordinances noted are 160.346 and 160.354. Domestic water. The city reviews the projects requested water demand to determine whether sufficient system capacity is available. capacity is available and establishes the amount of potable water that can be provided to the proposed development and what it may be used for. Proposed developments must comply with the engineering design standards, chapter 10, water mains and all other applicable ordinances. Wastewater is regulated by ordinance in chapter 53, publicly owned treatment works. The proposed development must comply with the engineering design standards, chapter sanitary sewers and all other applicable ordinances. Proposed development standard reviews shall be completed by the City, including the review of existing system capacity and anticipated wastewater constituents.

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Review may include a developer completing a hydraulic flow study to ensure sufficient capacity is available and industrial pretreatment questionnaire. Industrial wastewater. maintains local authority over wastewater discharge from industrial facilities to the city's sanitary system. This authority is granted through the U.S. Environmental Protection Agency, the EPA, and Industrial Pretreatment Program, IPP. Administered through the South Dakota Department of Agriculture and Natural Resources, with local authority granted to the city to regulate industrial discharges and to ensure compliance with local, state, and federal requirements. This program establishes the city to monitor, manage, and when necessary, restrict discharges that could negatively impact the wastewater collection system, treatment processes, public health, or the environment. Next is City of Sioux Falls private utility permitting process pursuant to ordinance 96.235, right away in construction, right away construction and administration. permit would be required to register with the City of Sioux Falls as a right-of-way contractor meeting and bonding the meeting the bonding and insurance requirements.

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Once registered, the applicant applies for a private utility permit which requires a description of the work to be completed, what is to be installed in the location of installation and include a map of the installation route. The city reviews the application including the following. Current city infrastructure and location proposed, any existing easements in the proposed location, and potential future development or right away projects in the proposed location. Applicants shall comply with the conditions of the utility permit and also comply with the state and federal laws including but not limited to the South Dakota PUC and DANR. I've noted and put a disclaimer on the bottom this information that you can read and we can also advance this to the committee and this fact sheet was prepared for the City of Sioux Falls regulatory oversight committee it's updated in November of 2026. You have any questions I'd be happy to entertain them.

Committee Chair Rich Merkouris 0:13:36
Thank you Director. Committee members questions for Director Cotter always laid out here of existing ordinances and so forth. Councilor Pankonin.

Councilor Sara Pankonin 0:13:44
Yes, thank you Mr. Chair. I was curious on the industrial pretreatment questionnaire. I was wondering what questions are on the industrial pretreatment questionnaire that apply to the discharge and disposal of cooling fluids.

Mark Cotter, Public Works Director 0:13:58
I'm not an expert on the industrial pretreatment questionnaire but essentially that goes through a list of questions for any any industrial waste and allows us to really start to engage that applicant on anything that they document that goes on there. So for the next meeting I can certainly bring what that industrial pretreatment questionnaire is and we can go through that in greater detail.

Councilor Sara Pankonin 0:14:35
Thank you.

Committee Chair Rich Merkouris 0:14:37
Councilor Spellerberg.

Councilor Ryan Spellerberg 0:14:38
Thank you Mr. Chair. the city. Thank you. Mark, thanks for the detail here. You've done a ton of work on this and we appreciate it. So we're using interesting terms, light trespass. That means how bright is it going to be if I'm a neighbor, correct? Yes. So what does the city currently do? I know we have quite a few large projects out there. How do we do that?

Mark Cotter, Public Works Director 0:15:03
Since that's in the zoning piece, I'm going to bring up Jason Bieber if that's okay with you and have him speak to that piece.

Jason Bieber, city planning staff 0:15:15
Great question councilmember. We currently have as mark indicated a light trespass ordinance We regulate the height of the outdoor fixtures and then also the amount of candle lights at the property line The ordinance allows a maximum of what we call three foot candle lights at the property line So we have a meter I get probably six to ten complaints a year Then I would go out Obviously when it's dark out walk the property line with the meter and make sure that it's under that three-foot candlelight Please what

happens if it's not then we would work with the property owner it obviously be a violation Typically most of the one I just had worked on it was an apartment complex I simply called the property owner and said hey you have a couple of wall lights here that are a little bright Can you put some shields on them? They obviously complied and put the shields on and then we make sure that it does meet the ordinance. Obviously if it was a property owner that wasn't so easy to work with, we would go down the process of citations and then obviously going through the code enforcement through CORD and all that stuff.

Committee Chair Rich Merkouris 0:16:22
Mr. Jason, one more. Please continue.

Councilor Ryan Spellerberg 0:16:24
Okay, second question. 95 decibels for sound. How loud is that? Can you give us an example right now?

Jason Bieber, city planning staff 0:16:30
I wouldn't be able to do that because that's a health department requirement, but we could probably get you something for that at the next meeting of what those decibels sound like. They have a pretty good list of kind of what those would be as part of it.

Councilor Ryan Spellerberg 0:16:46
I think it would be helpful just to understand how well that is.

Jason Bieber, city planning staff 0:16:49
Absolutely.

Councilor Ryan Spellerberg 0:16:50
Thank you.

Committee Chair Rich Merkouris 0:16:51
Councilor Oppenheimer?

Councilor James Oppenheimer 0:16:52
Thank you, Mr. Chair. A couple of questions. A couple of questions. One is a more general question. We're talking about the applicant. Would that be, I'm going to use Gemini as an example. But obviously this is we're looking at moving forward with anyone. Anyone particular. Would that be the end user as the applicant or is that the group that is preparing everything as in would that be Gemini or that be who is purchasing the data center?

Jason Bieber, city planning staff 0:17:26
From a planning perspective, going through the process of the rezonings and future land use annexations, we would have the applicant would be whoever is getting the property ready to go. That could be the end user. In this case, it was Gemini. We obviously needed the property owners sign off on the application as well.

Councilor James Oppenheimer 0:17:47
Are those next steps, as we talked a little bit about, would be whoever applies for the building permit and then builds a facility. That's who then from a lighting aspect, we would come back on as whoever the property owner is. And that's the same with water consumption and the various other.

Jason Bieber, city planning staff 0:18:05
Yep, whoever the current owner is, is kind of who we have the right to go through the enforcement

process on.

Councilor James Oppenheimer 0:18:12
Thank you. And I did didn't say at the beginning, thank you for putting this together and giving us this information. I know it's a lot of work. The next question I had regarding height restrictions, is a data center, is that habitable or uninhabitable?

Jason Bieber, city planning staff 0:18:26
Great question. So typically what we do with height restrictions is as Mark had indicated, it's 45 feet in light industrial, 55 feet in heavy industrial for habitable and structures. So we would coordinate with our building permit team. They would look at this and classify from a building code perspective if it's habitable or uninhabitable. Typically most industrial uses are uninhabitable. Most people don't live in there, but we would go through the building code definition of habitable.

Councilor James Oppenheimer 0:18:56
Okay. So it wouldn't have a height restriction in this case as it would more than likely be uninhabitable. Is that correct?

Jason Bieber, city planning staff 0:19:04
Typically that's the case, yes. However, we do still have to look at other things like airport fly zones and things like that. So there could be some other restrictions that aren't in the zoning ordinance. Okay.

Councilor James Oppenheimer 0:19:18
I believe those are all the questions I had. Thank you. about the decibels already. That was my next question. How loud is 95 decibels? But we had that question, sir. I'm good. Thank you. We can get that information.

Committee Chair Rich Merkouris 0:19:28
Thank you, Councilor. Councilor Pankonin, and back to you.

Councilor Sara Pankonin 0:19:28
Thank you, Mr. Chair. This one may take a few weeks to answer as well, but I was looking at that second, the South Dakota codified law, and so I'm not sure if somebody from the city can answer it or not, but I'm curious if the city has a role in carrying out that South Dakota codified live 4950-2 the one that states that the provider of electricity shall establish and maintain separate terms and conditions for

Committee Chair Rich Merkouris 0:20:00
I'm going to turn to Director Cotter of the City Attorney on that.

Mark Cotter, Public Works Director 0:20:11
I would expect that that would be an agreement that's between the end user and the electric company is the way I read that, Councilor.

Committee Chair Rich Merkouris 0:20:25
Other questions, Councilors? Director Cotter, I've just got a couple of questions. Underneath SDCL 4954 talking about water, is the Board of Water Management an executive branch appointed group or is that a, that's not an elected body, is it?

Mark Cotter, Public Works Director 0:20:47
I need to confirm on that if it's appointed or if it's elected. I believe it's appointed, but I'll double check.

Committee Chair Rich Merkouris 0:20:53
Kind of embarrassing, but if it's elected, I never recall voting for any of them.

Mark Cotter, Public Works Director 0:20:57
Exactly. I'll double check.

Committee Chair Rich Merkouris 0:20:59
Just clarifying, we understand your role, Director of Public Works, wastewater treatment, the responsibility of the city over wastewater treatment, from my perspective, is pretty clear. At the end of the day, that's your responsibility, your team's responsibility. I think we've got a long track record of that. But walk us through, outside of the wastewater, we've got groundwater. So something happens that not just impacts the wastewater, but impacts the groundwater. what falls under your jurisdiction of groundwater impact versus the South Dakota Department of Natural Resources, their oversight of that area? Is there a clear divide of who's responsible if something gets into the groundwater versus the wastewater?

Mark Cotter, Public Works Director 0:21:43
I do think it's very specific for wastewater. And just as it'll start with the industrial pretreatment questionnaire, we do have very specific experts that work with the industries in town and so we'll come back and speak to that when you try to separate the two whether it is wastewater or groundwater these are you know all modern buildings have to basically be designed so they prevent that happening with anything with groundwater. But that would fall into the state's role and we would be certainly there to assist. I can't think of anything offhand that would cause that. But if a building today is built to today's building standards and in this case basically a large warehouse with concrete floors and internal collection system, I don't see how that would actually deviate from any other building that's built. We can certainly do some more research on that as well.

Committee Chair Rich Merkouris 0:22:55
I appreciate that, Director. And just following up on that and with Councilor Pankonin and I think between now and the next one as well, I think a lot of us have received phone calls, emails, articles on the situation in Gillette, Wyoming. And there's legal activity that's taking place there, a fine that's been issued there. I think it'd be helpful for someone from our team just to kind of level set on what happened there. If that was a construction issue, if that was a clean out issue, if just so we're at least talking about the same things, not opinion on what was right or wrong, but just level setting on what took place in Gillette, I think would be really helpful as it's used as an example a lot of what's happening.

Mark Cotter, Public Works Director 0:23:33
We'll personally reach out to them and talk to their city officials so we can come back and share with what we've learned. Thank you.

Committee Chair Rich Merkouris 0:23:41
And then my final question would be for either you or Jason. Is there been any project in the city of Sioux Falls history that's required a performance bond?

Mark Cotter, Public Works Director 0:23:48
Not that I'm aware of Jason. When we hire contractors to do public improvements in the public's right of way and or build a public building that's very common practice for us inside right of way, those are performance and payment bonds not necessarily on the private side.

Committee Chair Rich Merkouris 0:24:14
Thank you. Any final questions? Oh, Councilor Spellerberg.

Councilor Ryan Spellerberg 0:24:16
One more question Mark. When we're talking about water I think it's just helpful if you kind of go through again what we decided we would allow in this kind of a project. Can you reaffirm what we have?

Mark Cotter, Public Works Director 0:24:28
I'm sorry, would you restate the question?

Councilor Ryan Spellerberg 0:24:28
Yeah, so I think it's important just to kind of cover what we are allowing. So I think the pipe size to the location, wastewater, just hit those highlights again.

Mark Cotter, Public Works Director 0:24:37
Certainly. So when this applicant initially came in, this area was zoned in what we call tier three. We worked with them to move it to tier one we had made it clear that this was in our master plan we had already laid out the water mains and the sanitary sewer collection mains but the fact that it was in a it required a change to the future land use that we said we would support this provided that they would extend the public's utilities at no reimbursement and that means the wastewater collection system and the water system. And so they've retained local engineering support to make those designs that are very familiar with our standards. And so that was the first thing. And then as it comes to water, I think there's been a lot of discussion about water and we know the value of water. And so we said from the very beginning we didn't want water to be used, drinking water to be used for cooling. And so that's when we started to talk to them just about their domestic uses. And fortunately, from what we see and read and also have heard from Gemini in this case is that they intend to work with an end user that uses closed loop system technology that essentially doesn't rely on much water at all except for their domestic use.

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And so that would be very common in any light industrial and or commercial application. And so we've said that from the very beginning. We know that from talking with other end users there's very little wastewater that comes from these facilities. And so having first said you need to advance the public's utilities, future public utilities with no reimbursement. They've agreed to do that. And they've designed those and some of their initial site plans have laid out those respective easements and pipe routings. There's a wastewater pump station that's required here. And then just a very good discussion on the use of water in the facility. So does that answer your question?

Councilor Ryan Spellerberg 0:26:57
Yeah, mostly I think just hearing out loud that I think from our standpoint we've said it that they only get the same amount of water as a single family house or a small industrial use facility correct to run their bathrooms their sinks correct things like that yes yep thank you yeah you're welcome thank you

Committee Chair Rich Merkouris 0:27:10
Thank you director at

2. DATA CENTER REGULATION ACROSS THE COUNTRY: CITY ATTORNEY

Committee Chair Rich Merkouris 0:27:16

This time I'll invite forward the city attorney David Pfeifle the committee's asked the city attorney to prepare for us and overview of what's taking place across the country we director Carter level set for us on what some of the existing ordinances regulations are in our state in our community that's the attorney to lay out for us what's taking place across the country good afternoon attorney.

David Pfeifle, City Attorney 0:27:34

Thank you, Councilor. City Council on behalf of the city attorney's office, I'm Dave Pfeifle here to talk with you this evening about just an overview of data center regulation that we are seeing across the country. You will note that the first slide is dated and there that is on purpose. This changes by the day. It's the most fluid topic I've seen in some time in my 32 career, 32 year career. Data center as Director Cotter told you it's defined under state law. I think this is kind of where the discussion for us begins. Data center demand is growing. A review of national sources is showing that there are almost 1,400 data centers already operating in the United States of various sizes. And as of October 2nd, they believe there's going to be about 2,800 more data centers are planned. And you can see the megawatt additional capacities. AI ready data center capacity is expected to grow by 33% annually from 25 to 2030, driving a surge in local data center proposals. I think what you need to think about with that 33% is, as Councilor Spellerberg knows, in his industry, you're compounding.

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That's not a 33% over that time. I took it to mean 33% each year is growing. Now, the last one is kind of where the conversation has moved from the coasts into the south and the Midwest, where of those 2800 proposed data centers, 39% of them are planned in the south and in the Midwest. So looking at the national conference of state legislatures, I kept looking at their site in terms of what's going on in all the legislatures across the country. this recent history, 16 state legislatures have recently attempted moratoriums on data centers and or bans on data centers. A moratorium was passed by the state of New York. I believe that was a one-year moratorium. Six measures had failed. One was vetoed, I believe, by the governor of Maine, while the rest of those proposals are still in various levels of progress. As we all know and discussed in this last legislative session the state of South Dakota's legislature adopted the data center bill of rights but note that that That data center bill of rights did not adopt a proposed ban that was also introduced or a proposed moratorium. I also looked this weekend at the city's 16 peer cities. Of those cities, only Lincoln, Nebraska so far has adopted in their city ordinance as a definition for data center. Madison, Wisconsin has adopted a one year moratorium that took effect on January 23 of 2026. So that one year moratorium will soon expire. the governing body for the city of Fort Wayne, Indiana considered a moratorium this year, but they did not approve it. So that is kind of what is going on both on the state side as well as our 16 pure cities.

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Now, this is a statute, that is gant garnering a lot of attention. It It is specifically saying that the state will not preempt or otherwise limit the authority of the governing body of either a county or a municipality. And it uses the words limiting, prohibiting, or otherwise regulating. And some people are taking the statute to mean that it allows free reign of a county or a municipal government to do whatever they will with data center regulation. And I can tell you that that is not necessarily the case. And I'll explain in a moment. Now under the police powers that you enjoy as an elected local governing body, you have the power to protect the public health, safety, and general welfare. And certainly one of the main mechanisms that you do that

is through your zoning ordinances, through your zoning power. As all of you know, that's almost one half of any of all the items on your agenda on any given council meeting. you make an incredible amount of influence on how land use is governed within our city. So in this case you have to look at whether any zoning regulation is subject to change and the Tillow case which happened to come out of Sioux Falls it was where the Hy-Vee grocery store is now on 39th and Minnesota Avenue. At that point it was a proposed K-Mart. In that instance that parcel I believe was zoned residential. The residential properties around it tried to claim that well we have a vested interest in that adjoining parcel remaining residential rather than commercial. Our state Supreme Court came back and said you don't have a vested interest in any particular zoning classification. Now zoning authority even though you have the power to change a zoning classification it doesn't exist in the vacuum. Your zoning authority is not unlimited. Probably the most famous case in South Dakota is SDDS incorporated versus the state of South Dakota. This happened about 25, you know actually it's 32 years ago it went through the state legislature. It was a a municipal solid waste facility proposed for out near Edgemont in Fall River County.

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The state's board of minerals and environment initially granted them a five year permit for operating that facility. There was an initiative enacted thereafter where the voters said they wanted the state legislature to actually vote on whether to approve that permit. I was working for the State House of Representatives when this bill came up and I saw the debate and saw the emotions and concerns that were generated by that bill and it's remindful of what's going on with data centers. But the point is the legislature ultimately approved that permit. After that the citizens then did a referendum where they undid. undone what the legislature had done, so the permit was revoked. So what happened was the state Supreme Court, through a series of cases held that once a permit had been issued that the landowner had a protected property interest in using that property, so you couldn't withdraw or remand that permit. And here's the real takeaway of that case. property may be regulated to a certain extent. If regulation goes too far, pardon my typo there, it will be recognized as an impermissible regulatory taking. The problem, of course, is to know what is too far in any given case. That is where the legal principle of how far can you regulate any specific type of business. You can place reasonable restrictions on them through the zoning ordinances and regulations, but you can't regulate them out of business. A real easy example to understand is adult oriented businesses in terms of, you'll note they are severely restricted in terms of where they can operate, but it is not outright banned anywhere within the state of South Dakota. There's been quite a bit of litigation on that. So in terms of, excuse me, in terms of how the courts review it, they review it on a case by cases. So as this regulatory committee is going through the process of thinking about proposals, what would you like to do in terms of a regulatory response to data centers possibly being in the city of Sioux Falls? We would ask that you share your proposals with us first and our office can assist you in terms of is this something that would comply with all the legal principles that we've talked about in terms of is it going too far or not. As you can imagine that is a gray area. It is not easy to answer and it'll take a good in-depth analysis of your particular proposal. So you had tasked me with explaining what's going on around the country in terms of regulation, what's going on. These five regulatory focus points are certainly not my own. They're based on a toolkit provided in October by the University of Minnesota, both the Hubert Humphrey School of Government and their law school did a joint data center toolkit that also is based on the National Association of Counties where they have advising their membership which is all the counties across our country. What are some considerations for you?

And I want to thank publicly Chris Skunk who is a legal intern in our office. Chris has watched hundreds of hours of regulatory hearings on data centers from across the country.

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We frankly would have been, we just appreciate his invaluable help with all this effort. And certainly these focus points match the hundreds of hours that he spent reviewing proposed regulations across the country. I think even more importantly, as these five regulatory focus points match a national Gallup poll that was done in May of this year. And that was entitled, Reasons Americans Oppose Data Centers in their Local Area. By the Gallup Foundation, it was dated May 13th of 2026. In terms of the opponent side, here's the main reasons. Reasons Americans Oppose Data Centers, effect on water and energy resources. Number two was quality of life concerns like water and energy resource impacts. Number three was noise pollution, air water pollution, light, heat generated by the facility. Number four was any economic effects. Number five, reason was negative use of artificial intelligence. On the proponent side, the top reasons were, again, in a national poll, local economic benefits such as jobs, tax revenue, improve the infrastructure of the community such as new roads, new business.

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Number two was technology benefits for the community, AI, inevitable, faster internet service. Actually, number three reason was people who were already working in the industry were responding favorably. And number four, other reasons were such as US competitiveness, excuse me, on a global scale. Now, the local regulatory framework for zoning, electrical and water have been discussed by Director Cotter already. I'm gonna talk more about kind of what some other regulatory proposals we're seeing across the country. Number one, currently the common zoning categories for data centers from across the country, and again, I wanna thank Chris Skunk for this. It's by right approval. If you meet certain requirements, you are given the right to operate. The city's Shape Places zoning ordinance back in 2014 was adopted with the normal or customary conditional use permit conditions placed right in that ordinance and it cut down on the number of cup applications we needed not because the city was getting slacker on requirements but actually placed the usual and customary conditional use permit requirements within the ordinance itself.

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Number two is approval with a conditional use permit. You see that across the country. Number three was certainly special exceptions. So emerging zoning categories are new types of categories we're seeing through Chris and my research is overlay districts are being established for data centers where it can go in a certain area. but also overlaying. One of that is, if you were a data center, here are some additional requirements that are overlaid upon that. The second one is we're seeing some communities proposing planned innovation research technology area. They're trying to leverage similar type businesses all in one area, providing that same infrastructure, being able to have all of them operate more effectively from a technology standpoint. And then the third one is, of course, we're seeing specific zoning areas for data centers. I'm not going to belabor the point on this one, but it's just showing kind of the zoning scheme again for the City of Sioux Falls. It lists on there data centers falling under the industrial or I-1 light industrial use. As Mark Cotter indicated to you, it's also under the heavy industrial use. Those would be allowed as well.

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It's warehouse manufacturing. That's what the WM stands for. You went through all these already. So I'm

going to just go through a few slides in terms of what we're seeing some other communities doing. First one is Morton County, North Dakota. A lot of my counterparts in our part of the world are looking to Morton County. They have recently enacted quite an extensive regulatory scheme on data centers. And for electrical concerns, they are stating that the applicant must show sufficient electrical service either through on-site generation or through an agreement with a serving utility. And as Mark had already indicated, that would be an investor-owned utility in all likelihood. And then the second one that they're requiring is the utility must certify electrical capacity has been committed and that the data center will be billed under cost recovery structures. Another example that some of you have mentioned is Maricopa County, Arizona. looking at their draft ordinance as of last week. It has not been adopted yet to the best of my knowledge. I didn't check it today, but again this topic is so fluid you never know. The data center applicant again written confirmation from the utility service providers availability capacity and then the second one probably mirrors what our state PUC statute is here. In terms of the applicant bears the full cost of any undergrounding any any adjacent or on-site electrical infrastructure.

0:42:22

Now the next one is on noise concerns, noise measurements. Virginia is kind of the state where more data centers are probably located than anywhere in the country and they're always good to look at in terms of what are they doing regulatory and the city of Chesapeake, Virginia has a very informative webpage on data center ordinance and policy. And they talk about the different types of decibels and what the sounds are being measured. And certainly, Councilor Pankonin, and I'll defer to you because you've done this as part of your engineering work, but here's my lawyer's understanding of what this page was saying, that certainly the dB decibels, type A, is a standard for environmental noise, but it doesn't always measure any low frequency sounds that could be generated at a facility. DBC is the standard for measuring or capturing persistent low-frequency drone, whine, or buzz of a large data center cooling fan. That's directly from their website. And then I talked about regulating for a steady tonal sound as a continuous, unchanging sound, and only DBCC could measure that. These are sounds caused by the data centers cooling systems, mechanical equipment, electrical noise, and on-site backup power equipment.

0:43:45

Again, going back to Morton County, on their noise controls, they require a noise impact study from any applicant, including ambient noise study. Again, that's ambient is the low frequency or DBC. Prohibits tonal noise from carrying beyond the property boundary. Regulates the timing of backup generator testing to certain hours so you're not disturbing any nearby properties and then it regulates noise vibration during data center operations within set limits. There's been some talk certainly and we've certainly heard the concerns about what if a data center ceases operations, what do we do. The National University of Minnesota, their toolkit that just came out is stating certainly that decommissioned plans and agreements and financial requirements are, quote, becoming part of the conversation on local state regulation of data centers. And they're noting in their review of proposed regulation from across the country, you may require a certain time frame for cleanup after ceasing operations, I believe it was 12 months. And excuse me, Councilor Merkouris, this is where your question was coming in on a performance bond, etc. The University Minnesota was certainly noting that local governments are discussing maybe requiring some type of bond or letter of credit to cover estimated costs of decommissioning.

0:45:12

So this certainly would be a new wrinkle in terms of what's going on. But I think what you need to remember in terms of your authority as a city council to regulate data centers, they are unique use, both in terms of electrical, in terms of water usage, in terms of noise generation, all those are unique elements that require unique responses and unique regulation. So it's not singling out data centers simply because that's who they are. They have very unique issues attached to the way they use their property. The final couple slides I want to point out is this Pennsylvania guide, I want to tell you what the sources were. These are two counties, Chester and Montgomery County, but they were using various models by some unique organizations. The Pennsylvania Municipal League, the Pennsylvania Physicians Association, kind of like our Medical Association here, and also Penn Future, which is a leading environmental group within in their state came together and devised, these are guides that they are recommending for local governments within the state of Pennsylvania.

0:46:30

And it lists eight different considerations in terms of what potential data center regulations should address, and I think it does it in a very succinct way and summarizes up quite a bit of our research that we've seen across the country. I'm not gonna read it to you, you can read it for yourself, but certainly zoning and placement, power and energy plans, water usage, waste water disposal plans, one that's not been talked about yet is the thermal impact mitigation plan as these places generate heat. How are you gonna minimize heat impacts? Excuse me. And then number five is the noise and vibration. This was a suggestion for these Pennsylvania groups, both local governments, physicians, and also an environmental group in terms of what types of suggested levels they would recommend. Number six was an electronic waste plan, again, similar to the decommissioning issues in terms of how are we going to, any disposal of server infrastructure, hazardous materials, batteries, electronic waste, et cetera. And then also the last one being the decommissioning plan again.

0:47:44

So in terms of those types of things. Finally what's going on in South Dakota? Again we're seeing Sully County has a large data center for crypto mining up in their county. It's generating enough tax revenue where they are going to fund their schools 100% through that taxation. They have required environmental impact reviews on energy demand, water usage, and possible emissions. The city of Vermillion is adding data centers as an overlay district with requirements specific for data centers for noise, water and cooling systems. And then finally the city of Aberdeen adopted a six month moratorium. They went through a series of hearings with their city council. They've just extended that moratorium another six months and they're working on an ordinance right now. And I want to thank you for your public service and I always have to put the caveat at the end while I'm an attorney this is for informational purposes I'm not giving you a specific piece of advice on any specific proposal we'll need to see them so I appreciate your time and your public service and open for questions.

Committee Chair Rich Merkouris **0:48:58**

Thank you Attorney Pfeifle. Councilors questions? Councilor Pankonin.

Councilor Sara Pankonin **0:49:03**

Thank you Mr. Chair and thank you attorney Pfeifle. On the example in Morton County, North Dakota, you mentioned that a data center built under cost recovery structures. Could you just explain that a little bit more, what that might mean in Morton County with the term cost recovery structures?

David Pfeifle, City Attorney **0:49:25**
I wish I could explain that far better, but it's my understanding that whatever rates they're paying is paying for whatever added infrastructure is needed for that data center, rather than spreading the cost of that infrastructure across all the ratepayers. That's my understanding of what that would mean. Thanks.

Committee Chair Rich Merkouris **0:49:43**
Other questions committee members anything Councilor Oppenheimer anything?

Councilor James Oppenheimer **0:49:54**
Thank you for putting this together. It's a lot of good information. I appreciate the examples of what's been done in Pennsylvania and in Morton County. And I think that will be... It's going to take us some time to process this and use it, but thank you so much for doing this.

David Pfeifle, City Attorney **0:50:14**
Thank you.

Committee Chair Rich Merkouris **0:50:15**
Attorney Pfeifle, I've got a couple. First, we're seeing a lot of interplay here between state and city, and sometimes there's not the greatest of communication between different government bodies. So for example, I mean, I think the state legislatures made their intent very clear regarding electric utility rates. What authority does the city have? For example, have you seen any ordinances on a local level that require basically the city, the state on two fronts. One is we look at SDCL 4952 before a building permit is issued, the city needs to see that agreement that's in place between them and the PUC. Secondly, under the banner, what I'm going to call pay your own way. The city has adopted regarding sales tax that data centers do not qualify for a sales tax exemption in Sioux Falls. However, the sales tax collection power that we have is vested to us by the state. The state could take that power away on January 15th and nullify the work that we did. Is there an option locally where we can say if the state does X, it, I'm just trying to think this through, help us think that through of how we say this is our principle locally of pay your own way.

0:51:32
And if you can't pay your own way and the rules, the regulations change, that pulls the permit or something like that. Am I making sense at all of what I'm saying?

David Pfeifle, City Attorney **0:51:42**
I'd want to unpack that a little more, Councilor. Certainly on electrical in particular, I mean there's such an overwhelming state presence, presence versus the city. We're very limited in what we really can do on the electrical side of things. So certainly we would want to reach out to the public utilities commission and go through some of those scenarios and see what they would find acceptable in terms of various scenarios of this for that type situation. We'd be happy to work work with you on that.

Committee Chair Rich Merkouris **0:52:08**
Second question I'd have is a lot of times a lot of the concern we're hearing is the word accountability. Somebody breaks the rules. For the Merkouris family, if I break the rules and I build within three feet my shed of the property line, I got to pay $1,500. That's not going to go over well at the Merkouris household. The $1,500 thing hit in the pocket. $1,500 fine for group X because they go over the property line, they're probably gonna be like, just write the check for $1,500. Is there an example where the accountability can

be industry specific or do we get ourselves in trouble where we've got certain via code violations for the rest of the community are only a $500 fine code violations for this industry are a $50,000 I mean exaggerative. How do how do we do that with our code enforcement where a code violation for example the Merkouris is very different than the code violation of another situation. Walk us through how we make sure there's appropriate accountability for the size of organization or entity that we're talking about?

David Pfeifle, City Attorney 0:53:12
Well as you know as Jason Bieber mentioned on the citation process but beyond that in terms of code enforcement the city goes through a process where we try and get voluntary compliance with whomever is violating the code and certainly our city team has been able to get 96% voluntary compliance usually this the moment you tell them hey you're violating the ordinance here can you can you remediate, can you fix it, get back on track. Certainly as you go through the court process, one possibility is an injunction and that's probably our best and most heavy hammer that we have where you can't continue operations if you're violating certain types of ordinances and certainly based on the type of violation we could seek that in the courts and also you'll note that the regulatory scheme doesn't just involve the city, it involves the state, It involves also the federal EPA which is granted its enforcement authority to the South Dakota Department of Ag and Natural Resources. So there's a lot of regulatory Arsenal behind just the city going after say one of our ordinance violations, but they're certainly far more at in our toolbox

Committee Chair Rich Merkouris 0:54:29
Thank you, sir Committee members any final questions for the attorney All right seen none. Thank you for your time this evening to the meeting.

3. UPCOMING COMMITTEE SCHEDULE

Committee Chair Rich Merkouris 0:54:41
I will now ask the committee to take a moment to speak to the committee members. Committee members wanted to move on to our next topic of upcoming committee schedule. Our goal was to recap for us and the community what is coming next. I want to walk through the next steps as a committee to see if there are any clarifying questions you have or anything we need to adjust. Go ahead, Councilor

Councilor Ryan Spellerberg 0:55:04
Spellerberg. Thank you, Mr. Chair. I would like to take this time to bring up the developer on

Committee Chair Rich Merkouris 0:55:08
Can we hold that just one second until we get through the committee schedule and then we'll get that open committee discussion. Is that okay? So let's just go through the committee schedule coming up. Coming up, I think of this Thursday, committee members along with some other community members are going to be taking a trip to two or some places down in Nebraska to kind of have a first sight visit, not a first sight visit, a first hand visit of some different places and listen to some community members down there. So that's happening this coming Thursday. Our next committee meeting is on Monday, November 30th. At that committee meeting, we're going to have four different presentations, one on electrical power usage, understanding that, one on water usage, one on the PUC process. Just walk us through. So for example, tonight, Director Cotter laid out for us of when a PUC permit is needed on a transmission line. And so that's just one element of it, but then you have the rates as well. So I have somebody here walking us through that PUC process. And then finally, environmental standards of how that works. So four

different presentations that night for learning. November 27th is the final deadline that we're asking community members to submit things online to us. Community members are more than welcome to attend on November 30th and give public input at that meeting and other future meetings as well. But for us as we're writing potential things, we're asking for November 27th.

0:56:24

All of the materials that are received by November 27th will be officially put into the record at the meeting on November 30th. We're not gonna read every element of it, It'll be published electronically. It'll be here physically in some sort of format. So everything we've received will be put in the record that night. So that's what's coming up over the next month. Committee members, any questions on our schedule or what we've got coming up next?

4. OPEN COMMITTEE DISCUSSION, WITH GEMINI

Committee Chair Rich Merkouris **0:56:49**

All right, now we'll move into our next topic which is open committee discussion on what we've heard or what we're thinking about. During our open committee discussion, our goals are really twofold. One is opportunity for us to ask questions. Our number two is we wanna finish this section with just giving our staff, the city council staff, anything specific we've heard tonight that we want them to further research, do fact finding on as we ask them to go and confirm things, affirm things, whatever it might be. So let's just open it up for open committee discussion for a few moments. Councilor Spellerberg, we'll let you get started.

Councilor Ryan Spellerberg **0:57:21**

Well, what I just said, how about that? Would you guys like to come up and have a conversation about where you're at in the project? Thank you.

Committee Chair Rich Merkouris **0:57:36**

Wanna introduce yourself and then Councilor Spellerberg can get us started.

Michael Anvar, Gemini **0:57:40**

So good evening, council members. Thank you for the opportunity to be here tonight. I'm Michael Anvar with Gemini. And we loaned the land on the southeast corner of East Rice Street and Veterans Parkway that's designated for the future Sioux Falls Technology Park. Then that sits right across from Xcel substation. I know our project has come up in various comments And we're here to help clarify some of those questions as much as we can. Some might find it a bit challenging to come and speak here tonight, but it actually pales in comparison to a parent-teacher conference I have tomorrow for my twin boys. So on that topic, I just wanted to clarify something, too. I know in some of the comments I've seen there's been connections between Google and Gemini. Gemini has nothing to do with Google. Actually, the word Gemini means twins, and it was named after my boys. So that's where the name comes from. We have nothing to do with Google completely separate from them.

0:58:58

So moving forward, we wanted to discuss topics that already have been brought up such things as water, electricity, noise, environmental impacts and other key points. Our goal is to provide answers grounded in facts, which is why we've also brought with us a technical expert that's been working on the project and has worked with the city through the land use amendment, annexation, and even the zoning process.

We've never suggested that development shouldn't happen without oversight. In fact, we spent much of 2025 going through that extensive process with the city and we incorporated many recommendations that came out of that. We believe Sioux Falls can protect its residents and remain attractive for substantial and private investment. Those objectives are not mutually exclusive. The area where our property sits, as mentioned earlier, was already under consideration for for future light and industrial development. On that approval, Gemini went ahead and made significant investments to advance the project with Xcel and other important service providers. We've also spent considerable dollars working with South Dakota firms like HR Green, an infrastructure design group, before the construction has even begun. Some of those groups are here in the audience today and may share some comments.

1:00:53

We want the people and the companies already in Sioux Falls to share in the opportunities this development can create. Recently we've been speaking to various contractors, electrical worker unions, other trade unions, and a lot of that work has been going to North Dakota they've shared for example, and we want to try and keep that as much local as possible. Regarding transparency, we've always been dedicated to follow the public process laid out by the city that all development projects go through. Our project was discussed at public meetings with the Planning Commission and City Council through every step, the future land use amendment, annexation and zoning. We've been discussing this opportunity with prospective end users. That's correct. But do we have any finalized agreement with an end user today? No. There is a big difference between withholding information and decisions that simply have not yet been made where we simply cannot provide that information. Our role as the developer is to bring an experienced operator to this site where there is a signed agreement we're able to announce you'll be the first to hear from us. The conditions on this site apply to whoever builds and runs this campus based on the agreements we are making and we will make sure that those commitments are carried through.

1:02:19

Over the past few months, we've spent considerable hours working with various consultants to analyze the economic impact of the project. We've also reviewed our assumptions with the Minnehaha County Director of Equalization's Office and other stakeholders. From this work, we prepared a preliminary estimate of what a fully developed 500 megawatt campus would generate in tax revenue. These are scenarios, not guaranteed revenues, and they depend on what ultimately gets built. We also welcome an independent review of them. For the City of Sioux Falls, with respect to just the electricity taxes, at full operation, our models show the project would generate roughly $5 million a year in municipal electricity taxes for the city, with another $10.6 million in annual revenue to the state. This is also additional tax revenue that would be coming in at a time where certain tax potential cuts are being considered. Our early projections also show that the project could generate millions of dollars in property taxes shared among the city of Minnehaha and the local school districts. We'd love the opportunity to work with the council over the course of the next few weeks to actually narrow down on how much those dollars will be based on what our consultants are sharing and what the county has also provided information to us.

1:03:47

Ultimately, it's the council's call what to spend these dollars on, but much of that can go for essential services, schools, parks, recreation, affordable childcare and housing, and even potentially lowering the need to raise taxes or the burden of taxes for residents. point, I know to our neighbors in Brandon, from what we've learned from the county, a big portion of those property taxes actually would go to the

Brandon Valley School District. The state aid formula does offset part of that, so that net benefit needs to be confirmed with the district and the state, but that is also a big part of where taxes go. The economic potential does not remove our responsibility. We take being stewards of this land seriously and several safeguards are already conditions of our approval. Water is the issue residents have raised and has come up over in these conversations just minutes ago. Our January approval already limits water use strictly to domestic use, non-industrial use.

1:04:59

And that is based on us utilizing a closed loop cooling system which will be a crucial factor and requirement for this project. So domestic water use being kitchen, bathrooms, drinking water and so forth. We've also incorporated significant setbacks and berms in our design in addition to having two major streets on each side of our project with each East Rice Street Veterans Parkway as our borders. With respect to upgrades to the grid, I know that's come up and definitely something to further look into with the PUC. But all along, Gemini has been covering the cost of all these upgrades so that the cost does not fall on residents. That is something that has been in place with Xcel, the main utility working with us, so that Gemini, although we don't control the process, we do foot the bill for the work that Xcel will be doing. We've We've also voluntarily incorporated the future expansion of Rice Street into our design. As part of the development of our site, we would be potentially offering the city some of the land we own to widen East Rice Street for that future plan. There's also another important principle I just wanted to touch base on, which has come up in some of the conversation, which is just regulatory certainty.

1:06:23

Gemini began this process under the city's established rules. We engaged city departments, obtained land use approvals, hired local professionals, and invested in reliance on that process. We then made significant investments based on those approvals. Changing requirements midway through the development can affect engineering, financing, infrastructure commitments, and other negotiations. That is not an argument against reasonable oversight. We're prepared to adopt reasonable standards and work with the city. What we ask is that the city recognize the existing approvals and consider clear communication on those. That kind of fairness we believe matters to every landowner and business in Sioux Falls that plans ahead. We follow the process in good faith and we're here to continue to earn the community's trust by answering questions and providing as much information as possible. At the same time, we know that there are questions that remain. We're not asking the city to ignore them. We're offering to help to answer them. We believe Sioux Falls can protect its residents, attract future investments, and establish clear expectations for every developer that comes after us.

1:07:39

We're committed to working with the city to make that happen. Thank you for your time. We appreciate the opportunity to continue the conversation and answer any questions you may have.

Committee Chair Rich Merkouris 1:07:48

Thank you, sir. Councilor Spellerberg turn it over to you.

Councilor Ryan Spellerberg 1:07:49

Thank you for the detail and from our standpoint as you had said you do not have an end user correct correct so Timeframe wise I think the term moratorium has come up quite often What is a realistic time frame from the day you get an end user until you start? Moving dirt to get through the PUC and everything

along with that because obviously we're trying to put good standards in place here and it sounds like you're agreeable to that, but how much time do we have from the day you get that contract in place?

Michael Anvar, Gemini 1:08:28
So, kind of just to point out two things, somewhat of two separate paths, or working in tandem, is we are moving towards submitting a PUC application. Xcel is actually the one that would be submitting that, not Gemini. And that is something that we have covered the cost for, And we've spent a lot of 2026 working with Xcel on the design of connecting their substation to our substation. Although it's just half a mile and we're just crossing the street, we are going underground. There is quite a bit of engineering and a lot of different reports that need to be put together to submit an application to the PUC. So we're going through that process or preparing for that right now. At the same time, we are speaking to end users and looking for that end user during this process as well. We would anticipate right now at the earliest, even if we do have an end user in place, let's say today, for example, the earliest we would potentially see a building, a data center, hall energized, and most of that goes through the path of when Xcel can deliver power, would be late 2028 with the majority of the power, most likely at this point the schedule is for late 2029.

1:09:59
So between now and then. Now and then, of course, a lot of work would be done. For instance, in 2027, grading could begin and certain work could start being done. There's also utilities, as Mr. Cotter explained, we need to extend sewer lines, water, and so forth. So that could also begin in 2027 as well. But our goal is to try and have that happen in the next few months. We don't have full control as far as securing an end user and bringing that information to the city. But But if we could do that in the next few months and share that with you, hopefully we'd be able to move forward in 2027 with some of that initial site work and moving forward to submitting a comprehensive complete set of plans for the city to begin reviewing.

Committee Chair Rich Merkouris 1:10:47
Continue.

Councilor Ryan Spellerberg 1:10:49
Yep, one more. One more question from my standpoint. Just would be, obviously once the building is up, it's too late. So we have to make sure that we're getting all these protections in place for the citizens of Sioux Falls from a design standpoint because that's really what it's going to come down to is making sure that we have the design correct from the sound light, water usage, realistic time frame on that. What would you say to that question?

Michael Anvar, Gemini 1:11:14
As far as the design of the actual buildings and when those, well those would need to be approved and permits would need to be issued. If those were to be submitted, I mean, at the very, I mean, most optimistic, maybe plans could be submitted in six to nine months, and I'm being probably overly optimistic. Because if you can imagine, these are complicated projects. It would take many months to prepare plans. Then it would be going to the city for review, comments, and so forth. They'd come back with all sorts of recommendations. a new set of revisions would have to happen. That in itself would take many months before actual plans would be in a position to issue a permit. So nothing is imminent at this time. It would be many months even after we were to have a end user in place.

Councilor Ryan Spellerberg 1:12:20
Got it, thank you. That just gives me a better idea on time frames from this kind of a project, because this is obviously new to us as well. Thank you.

Committee Chair Rich Merkouris 1:12:30
You're willing Councilor did Councilor Pankonin.

Councilor Sara Pankonin 1:12:30
Yeah thank you thank you for being here and thank you Mr. Chair and and I just to confirm I think what I was just hearing is that it's after an end user is in place that that's when the design gets complete then for that end user. Correct. And then I have another question that might be hard to answer if you if you don't know who the end user is, but with, you know, I'm not an expert in data center and in data center technology. You know, I'm a water engineer by trade, but not in any way the electrical parts and the data storage and whatnot. That's not where. So but I am interested in this topic of low frequency and this volume of the C in parentheses that we just saw on our attorney's slide. And I'm curious which part of a data center creates that, if it's like if just every chip that's getting cooled or if it's just the generator or just kind of which part creates that little hum or that low frequency noise?

Michael Anvar, Gemini 1:13:48
Yeah, I'm not an engineer either. I'm not, I don't want to give you an answer or write off the cuff without making sure it's correct. We can get you that information. I believe that's the one that's just from the consistent lower level sound that's happening. I don't know if we have someone here who is an engineer and works on data centers maybe she wants to answer. If you guys are okay, she can introduce herself as well.

Trish See, civil engineer, Kimley-Horn 1:14:20
Good evening. Good evening council members. My name is Trish See. I'm a civil engineer with Kimley-Horn. I've been in the data center space since 2012 working on projects, seeing the evolution of the industry. I worked on a lot of different types in different parts of the country. So that's a little bit of background. But in regards to the noise question, it's all very correct what has been shared today. There's DBA, DBC, which puts a heavier emphasis on the low frequency noises. There's also DBG, DBC. There are different ways to look at the spectrum of noises, you know, vibrations essentially that are put out. It is getting more common. There's not anything currently in the U.S. that officially from a state or a national level that regulates anything but DBA, which is the most typical. It's what you can hear to the human ear. But we are seeing some more local requests or requirements around DBC or DBZ. And so what comes from it is some of the cooling equipment, some of the fans in the coolers and or chillers.

1:15:36
The equipment is very, as you can imagine, very specific to different manufacturers and what's selected from the specifics of the design. But generally to answer your question, it's the fans from the coolers. That answer your question, Councilor.

Committee Chair Rich Merkouris 1:15:55
Other questions? Councilor Oppenheimer.

Councilor James Oppenheimer 1:15:57
Thank you, Mr. Chair. Thank you guys for being here. It's good to have Gemini here as we're talking about

where we're going to regulate. I've got a lot of real specific questions, which I know you're not going to be able to answer, are going to be end user questions. I'm going to ask something just very general to give you an opportunity. of the financial aspect, what are the benefits to Sioux Falls of a data center being built in this area?

Michael Anvar, Gemini **1:16:32**
So I guess to clarify one point, I think those, the financial from the tax revenue does then lead to other tangible benefits that could come, whether it is reinvesting in the community And that would be something for the city to decide as far as being able to lower the tax burden on the community. There have been many areas where I'm sure you've potentially seen some of these stories where it could be teachers receiving significant bonuses because of these types of projects. It could be schools expanding and having much better resources than they had before. And aside from that, I guess, sphere of tax revenue and what can be done with the tax revenue, from just speaking to a lot of businesses, a lot of stakeholders, residents, I think one thing that's happened from a lot of projects, even, you know, it could be the wind projects where power is not necessarily being, is going out of the state and it's not staying in the state. This is an opportunity, I think, where the state can benefit from the power and from the data.

1:17:53
There are no borders to necessarily electricity or data. They cross borders. So if, in the case of Xcel, if they were not to use this power here, they could easily move it to another state where it would be used. And here's an opportunity for the city of Sioux Falls and the state to actually benefit from the power from its own data rather than allowing another state because we'd still be utilizing those resources. It's just another area would be benefiting from them rather than the city and state itself. Thank you.

Councilor James Oppenheimer **1:18:32**
One more?

Committee Chair Rich Merkouris **1:18:33**
Good. Please. Yes.

Councilor James Oppenheimer **1:18:36**
The other question I had is, can you give us an example of a data center that has been built by Gemini that you have been involved in that's been a big success that we can look at as an example?

Michael Anvar, Gemini **1:18:47**
We don't have a fully operational data center that we could point to right now and share with you. There's several projects we're working on. A lot of our work has been in the real estate space and development, especially in the industrial space. And that's why we've also brought on a lot of partners with data center experience. But one thing to note, these types of data centers, especially probably the reason why we are having this conversation, are in some ways new. Data centers that were built over the course of the last 10, 20 years aren't the same as the ones that are being built now, and those are very unique. So there are a lot of people on our team and a lot of the individuals that we partner with who have vast experience, but under the Gemini name, and there is no one I could point to you and share that info. Thank you.

Committee Chair Rich Merkouris **1:19:41**
Committee members, any other questions? I think the only question I have is clarification. Is it fair to say

that really the next step in the process is a permit application for a transmission line from Xcel to the PUC?

Michael Anvar, Gemini 1:19:57
That has been a very good point. That has to take place. That is definitely probably the next major milestone would be to submit that.

Committee Chair Rich Merkouris 1:20:08
And that is an Xcel application that is not a Gemini application, is that correct?

Michael Anvar, Gemini 1:20:12
That's correct. Just so you're clear, they are asking us for some information about our site because it's connecting to us, but it's completely driven by them.

Committee Chair Rich Merkouris 1:20:20
Thank you so much. Thank you. Alright, thank you. committee members will keep it here on the topic of open committee discussion. Anything that has come up tonight that you want to ask our staff to dig into deeper or anything you kind of want to make sure to get out on the table now as we continue this process of listening and learning. Councilor Spellerberg.

Councilor Ryan Spellerberg 1:20:43
Thank you Mr. Chair. I think one thing that sticks out to me after the meeting two weeks ago was just having security on the surety bond and if we've done that in a project in the city in the past. This is obviously a larger project than we've seen in the past. So I think it's something important. I'm glad the constituent brought that up. So if we could look into that, that would be great.

Committee Chair Rich Merkouris 1:21:03
Great. Thank you. Councilor Pankonin.

Councilor Sara Pankonin 1:21:06
Yeah, I was sort of wondering the same thing and maybe just more general but along a similar topic is, you know, what could be passed that would run with the land, so to speak, we know that we're, you know, who gets this permit has a different end user, what could be, what would be tied more with the parcel, so to speak, is what I'm getting at. Because if a lot of requirements are met by the applicant, but then the applicant isn't our long-term user here, I just want to take that into consideration. I just want to make sure I'm understanding so that we can give clarity to the staff and the attorney's office on what we're looking for.

Committee Chair Rich Merkouris 1:21:56
Attorney's office feel like you got clarity on understanding regulation, how it passes from one ownership to the next. Okay. Yeah. Thank you. Councilor, anything else? Go ahead, Councilor Oppenheimer.

Councilor James Oppenheimer 1:22:08
I think it would be useful to look at in some detail at some of the examples that that were given by Attorney Pfeifle, including Morton County, Maricopa County, and Pennsylvania, because seeing what regulations were put in place there and seeing what their effect was, because if there's solid regulations in other states and other cities, rather than reinventing the wheel, are there things that we can learn from there? Were they too loose or too tight in some areas? I think doing some deeper diving into that be extreme. And I'd love to give our attorney more work to do.

Committee Chair Rich Merkouris 1:22:43

Great. Any other questions? I think for me that you know two things that really stand out. One is I think we've got to make sure that we got some sort of teeth in place. I think the state has spoken clearly about this utility issue and electricity issue but we've got to have some mechanism locally that when a building permit is applied for that that utility agreement is in place. That's not a hey we'll discuss that later because the moment a building permit is issued that we can't be changing rules after building permits are issued. That's just more of a matter of principle piece. So before that permit's issued we've got to make sure that we get utility agreements in place and we've got to determine what locally we can require when requesting a building permit on that front. And so the second thing, I mean, the noise piece is a... I think is I've been trying to... I've been trying it in my mind work through like what am I hearing the most from constituents and things like that. I think water and electricity has been talked about a lot and we've seen examples of that everywhere. The noise piece has risen up of what I'm listening to more frequently and just trying to reach out to some communities and get some more specific examples on the things that the engineer over here discussed because it's not something many of us discuss every day just that we're understanding that and we've got a mechanism in place again it all comes down you can have a rule on the books but what's our mechanism moving forward of how we're watching that and managing that moving forward so that's a new area that I plan on spending some time on over the next month talking to different communities specifically and understanding kind of within that three mile range what what takes place. Any other final comments in the open

5. PUBLIC INPUT

Committee Chair Rich Merkouris 1:24:27

Discussion period here? At this time we'll turn it over to the community members that are with us tonight and have an opportunity for public input. We thank you for being here tonight and listening as well. And so this is an opportunity for public input. Speak to committee members. You got three minutes each to come forward and speak on any topic relating to the regulatory oversight committee. Thank you.

Jean Childs, Minnehaha County 1:24:48

Okay. My name is Jean. If you can't hear me, let me know. My name is Jean Childs and I live in Minnehaha County. Okay. some thoughts here, mainly for the public because I think you all have pretty well made up your mind to do this whether we like it or not. So light industrial versus heavy industrial. Is this zone, I, last I heard this is zone for light industrial. If that's the case, that's absolutely ridiculous. My understanding is the low frequencies that cause the health issues and disturbance. So that needs to be more specifically studied by experts, outside experts. You quote the amount, or somebody up here quoted the amount of data centers already in existence. I have not yet heard the word once. Hyper scale. You talk about you, whoever's talked up here talks about, yeah, they have this data center They have this data center there. But which ones are hyperscale? And that's what we're talking about, hyperscale. That's very important to keep that in mind.

1:26:05

Okay, Gemini data center is hyperscale. Hyperscale data center does not bring jobs in. They have their own specialized crews that travel around and construct these from beginning to end, very specialized project. Then it takes a minimum crew, very specialized pre-trained crew, to maintain them, which they do not have locally, I doubt it. This doesn't only affect Sioux Falls, it greatly affects the residents of Brandon

and Lincoln County. They were not allowed to sign the petition to get this on the ballot, which we did, some of us did, out in freezing weather where the ink was freezing, et cetera, and given, I think, two weeks, not very long to get it done. One more thing. Who's responsible? I hear rumors. They're rumors, but I hear rumors that some of these hyperscale data centers last about about five years and then technology gets ahead and they no longer are used. So if this happens, who is responsible to completely disassemble and restore that land to what it was before that hideous monster was built?

1:27:30

Thank you for your time.

Committee Chair Rich Merkouris 1:27:31

Thank you. Welcome.

Mitch Rave, Greater Sioux Falls Chamber of Commerce 1:27:36

Good evening, Mr. Chair, members of the City Council, Mitch Rave with the Greater Sioux Falls Chamber of Commerce. At the Chamber, we want to ensure that we are keeping regulatory certainty for all industries in our city and state. We want to see that South Dakota remains open for business to all industries and make sure that we remain transparent and fair to all industries when we are creating policy, which is important to ensuring that we are not closing the door on opportunities that could come up today or some other time down the road. So with that, we'd just like to see certainty in regulatory policy. Thank you.

Committee Chair Rich Merkouris 1:28:08

Thank you. Welcome.

David Lazov, Sioux Falls (name as heard) 1:28:12

Thank you. Thank you, David Lazov, Sioux Falls. This is going to be a little bit of tough love. I grew up in New York City. I lived in the Bay Area for 14 years. I know a little bit. I'm sorry. Can you just talk, lift the mics up? Oh, sorry. The crowd wants to hear you. So please. I grew up in New York City and lived in the Bay Area for 14 years. I know a little bit about the people on the coasts. I know a little bit about Wall Street and Silicon Valley. They're laughing at you. They look down on South Dakota and have nothing but contempt for South Dakotans. They think we're a bunch of rednecks and morons and white supremacists. I know this firsthand. They think that they can con us into lining their pockets by telling us that South Dakota will be part of the AI revolution. They think that they can hoodwink us into believing that we're going to benefit economically and partake in the wealth. The City Council and Mayor are swimming with sharks and they don't seem to know it. They're being played and they don't seem to know it.

1:29:27

They're confirming the stereotype that South Dakotans are unsophisticated and not particularly bright. If anyone here thinks that Wall Street and Silicon Valley aren't going to end up with all the money, I have a bridge to sell you. Again, they are laughing at you. Sioux Falls, there's been turnover in the state legislature. It's widely expected that another 50-year tax break will come up for vote, and this time it will pass. There are indications that there will be efforts to expand the tax breaks. The city has been diverse. Property values will certainly decline. Conferences and conventions have been coming to Sioux Falls because of the city on the rise. Organizations tend not to choose declining cities for their conferences. Why take this risk when the economy here is already prospering? This isn't a situation of a depressed city trying to do something to improve a weak economy.

1:30:56

If the City Council and Mayor allow this hyper scale data center to be built and the city suffers as a result, the history books will contain the names of the people who presided over this and flagrantly disregarded the will of the people. Thank you.

Committee Chair Rich Merkouris 1:31:14

Thank you. Welcome.

Sam Cotter, HR Green (name as heard; engineer retained by Gemini) 1:31:20

Good evening Council. My name is Sam Conter. I'm a professional engineer with HR Green and here in Sioux Falls. I live in Sioux Falls. I'd also like to briefly clarify that I'm not related to our city's Public Works Director, Mark Cotter. H.R. Green regularly provides engineering consulting services to the City of Sioux Falls for utility projects involving water, sewer, and roads. And H.R. Green conducted a planning study for sewer service in northeast Sioux Falls, so we are familiar with the proposed development area. And in the interest of transparency, H.R. Green has been retained by Gemini to design the water and sewer infrastructure for this site. HR Green places a high value on our relationship with the city of Sioux Falls as well as our relationships with local developers. Our employees pride themselves in building and strengthening the communities where we live and work. I'm not here to tell you whether we should or should not have data centers, but our engineering role is to design infrastructure in accordance with the local requirements. I am here to speak to my company's experience working with Gemini on the infrastructure planning for the site. and I has been professional to work with, engaged in the land use amendment process and responsive to comments throughout the review process. Gemini has funded the water and sewer engineering as part of the approval process seeking the future land use amendment.

1:32:40

And they provided information that we asked for and worked through city staff comments in that process. I think that future land use amendment process has been described by others in more detail. I can speak to the that Gemini has committed that the water service plan to the site is limited to domestic use and the sewer and pump station are sized to serve future growth to the south. Not just this property easements were also established as part of that land use amendment and in that way the city Gemini has followed the development process. The project does have local economic impact Gemini has employed local designers to be involved with the project, not just HR Green, my company. Other local consultants have been involved with survey, geotechnical and utility planning. And additionally, Gemini has been discussing plans for the infrastructure improvements with local contractors and suppliers. Finally, I've encouraged the committee to consider what gives everyone confidence over the long term. Clear standards that protect residents, but also give anyone investing in Sioux Falls a predictable set of rules. They also guide the engineering process so we know what to expect when designing infrastructure to support developments.

1:33:57

At HR Green we are local consultants who have been in Sioux Falls for years and we plan to be here for years to come. Thank you.

Committee Chair Rich Merkouris 1:34:04

Thank you. Good evening. Good evening.

Mike Smart, Smart Farms 1:34:10

My name is Mike Smart. I am the founder of Smart Farms. I just wanted to come up here and kind of talk

about some of the issues that I've had trying to get smart farms brought into South Dakota and Sioux Falls and then we faced a lot of similar problems that data centers are having and it comes down to water, land, sound, light, pollution and so we've been working over the past three years to develop solutions to those specific problems and it just so happens that the data centers are facing these same problems and so I'm just proposing that you know there are solutions to these problems. They might not be as publicly known as the problems themselves, but I think that the solutions are there and we would like to be part of the conversation in integrating controlled environment agriculture farms to be consumers of the waste product of the data centers when it comes to reallocating a lot of that heat, capitalizing on the heat generated from the closed loop systems that were discussed earlier and mitigating some of the sound through ventilating underground through these controlled environment agriculture facilities that would be connected to the data centers and have a symbiotic relationship between the two, solving the majority of the issues that the public is having.

1:35:34

And that's all I have.

Committee Chair Rich Merkouris 1:35:36

Thank you for being here. Welcome.

Nick Hendrickson, Sentry 1:35:42

Good evening, Council. Thank you for the opportunity to speak today. My name is Nick Hendrickson. I'm here with Sentry. We do commercial and industrial construction throughout the Midwest with offices in Sioux Falls and Watertown and a team of 225 employees. Over the last few years, we've been forced to travel farther and farther from home to keep everybody busy. Our employees have spent more time on the road and more nights away from their families because that's where the work has been. We want to see more of that work come here, to Sioux Falls and to the state of South Dakota. Data center projects create opportunities for businesses like ours to keep our people working closer to home, hire and train new employees and buy from local suppliers and subcontractors. The impact reaches beyond the construction site. It supports restaurants, hotels, local businesses, and the families who depend on these jobs. and our people can work here, more of those dollars stay in our communities. I encourage this committee to recognize what these projects mean for local businesses and working families, help create a path for them to move forward. We have the people and the skills we want the opportunity to put them to work here at home.

1:36:59

Thank you.

Committee Chair Rich Merkouris 1:37:00

Thank you. Good evening.

Brendan Farrell, Northern Midwest Regional Council of Carpenters (name as heard) 1:37:06

Good evening, Chair and Council members. My name is Brendan Farrell and I'm a resident of South Dakota. I am a business agent for the Northern Midwest Regional Council of Carpenters here in Sioux Falls. We support future responsible data center construction in Sioux Falls. It must protect taxpayers and utility rate payers, respect neighboring communities, create jobs, and deliver lasting value to the people who live here. This should not be a choice between economic opportunity and community protection. Sioux Falls should insist on both passing a moratorium is easy. Developing responsible policy for

generational advancement in this community for years to come. We are confident that you, as elected officials, will make that happen. For our members, these projects represent more than buildings. They represent family, supporting paychecks, and opportunity to build careers close to home. We have over 250 members in our organization and we have about 200 that live right here in Sioux Falls. A large multi-phase project could allow apprentices to work and learn at one location for much of their apprenticeship.

1:38:24

That's opportunities for high school students graduating in the upcoming years to get into the trades and build careers right here in Sioux Falls. Combined with classroom instruction, they continually could help prepare the next generation of skilled workers. We urge the council to remain committed to register apprenticeships, strong safety standards, fair wages, and benefits and opportunities for local workers and qualified contractors. The benefits should extend beyond the job site. Local hiring, local hiring, and purchasing can help construction dollars reach our restaurants, stores, suppliers, equipment, providers, and other businesses throughout the community. Tax revenue must also be part of the discussion. Data centers pay apical taxes, including taxes on energy consumption. Their investment could generate substantial public revenue in the millions of annual dollars. Sustained revenue and responsible management could help improve infrastructure and public services for generations of Sioux Falls residents in the future. We stand beside you, welcoming developers, willing to invest in our workforce, supporting local businesses and protecting our community. Set high standards, enforce them, and build a future that benefits the people who cost and falls home.

Committee Chair Rich Merkouris **1:39:46**

Thank you. Thank you. Good evening.

Ryan Waite, UA Local 300 **1:39:46**

Good evening Council members. My name is Ryan Wade and I'm the business agent for you. WUAA Local 300, north of South Dakota. Local 300 represents over 600 members of highly trained members in the plumbing, pipe fitting, steam fitting, and HVACR service industries. I am here for you tonight to support the proposed data center project here in Sioux Falls. Data center projects provide thousands of work hours for our members and families sustaining careers with industry-leading benefits. Not only does the original construction of a data center provide for this, the maintenance, retrofitting of data centers ensure consistent steady employment opportunities for us. We have the chance with this project to create employment opportunities and increase tax revenue for the community. Opposing this project only sends a message that we're closed for business. stopping this project from moving forward does not stop other data centers from being built. All it does is ensure it's going to go someplace else.

1:41:07

Thank you for your time and consideration.

Committee Chair Rich Merkouris **1:41:09**

Thank you. Welcome.

Veronica Ludwig (name as heard) **1:41:14**

Hi. Good evening council members. My name is Veronica Ludwig. I sent an email earlier today just to some information about the Easter of our developmental organization who is already exploring planning on new infrastructure for alternative domestic water sources because the Big Sioux aquifer is already near in capacity. This is everyone's talking about right now jobs opportunity. What about in 20 years, 30 years,

40 years, 50 years? Is there going to be water for anybody to drink to do ag with? This is a real concern. And just a reminder that district 2, southeast Sioux Falls and Brandon has already voted with a two-third majority for candidates who oppose data center development next to their homes. We were not consulted ever. My main concern is that all current regulations discussed here tonight were not created with hyperscale data centers in mind. I would argue that all light noise water and sound pollution standards are too low for this industry. Bottom line, whatever the current standards are, they need to be strengthened to reduce limits through mitigation by 75% to protect the public within the five mile impact zone, mainly District 2.

1:42:26

Fundamentally, we don't want to see it. We don't want to hear it. We don't want to feel it. I don't want to breathe it. We don't want to breathe polluted air during polluted water or pay any increases in water or utility or property tax or health impact costs. Mr. Cotter stated that Gemini stated they intend to have a closed-loop water system end user. the word intend is not appropriate. The closed loop system needs to be mandated to any future user. They need to be mandated in code to prevent all types of pollution. Which is again why we need a one year moratorium to discover best practices in all categories to create regulations that mandate best practices that protect South Dakota citizens first and particularly district two residents. The civil engineer who spoke earlier stated that there is no regulatory standard nationally or state for DBCs. This is not acceptable. Low frequency noise is a real medical concern. The regulation and the mitigation needs to be robust, and it needs to be clear. My understanding is that Brandon School District would receive property taxes. It was also stated that if these tax breaks go through, all the money that everyone's talking about is just going to go, poof, it's going to disappear.

1:43:45

No electrical money on utility rates, no property taxes for any school districts. That's a real concern. That needs to be codified, and I want to know if you have a plan for that. I want to know if there's a legal avenue to prevent that from happening. At the end of the day, no one looks for hyperscale data centers. They don't look for a hyperscale data center community to move to or to live in. South Dakota is fantastic. We don't need this type of industry if it's not done right. And I oppose and I would say we don't need it at all.

Committee Chair Rich Merkouris **1:44:16**

Thank you. Good evening.

Phil (last name unclear), Infrastructure Design Group (engineer working with Gemini) **1:44:24**

Good evening. My name is Phil Gunboulsen. I'm a professional engineer with the with infrastructure design group in Sioux Falls. We're a local civil engineering and land surveying firm. Our company has been involved with numerous developments throughout the city and the region. And we did assist Gemini with the preliminary planning, engineering and surveying for their property. We are just one of the many engineering firms working on this project. I wanted to share a few observations just from my experience working on this project, but also offering an engineering perspective on responsible development in general and the importance of having clear and consistent regulations. So these do not only apply to data centers. First, our experience working with Gemini and their team has been very positive. They started off being very inquisitive as they reviewed and learned our local requirements. They've been responsive, professional, and willing to work through the requirements and challenges that come with developing property. When issues were identified, they have been willing to address them and follow through on their

commitments. One concern typically expressed by council members and the, and the public is whether the developers will follow through on what they promise. That's a legitimate concern.

1:45:40

And one that applies to all types of development, not just data centers. In my experience, the best way to address that concern is through clear requirements and consistent enforcement. We can also all be thankful our city already has ordinances, engineering standards and development processes in place to do exactly that. I want to recognize our city staff. I've been working with the city for over 20 years and I've lived here my entire life. City staff has clearly communicated their requirements to Gemini and the entire design team, while also holding the project accountable to those requirements. They've enforced their standards and required Gemini to follow ordinances, standards and processes currently in place. Gemini worked diligently with the city to fulfill these requirements and work through the city standard processes. That's exactly how the development process should work. Developers make significant investments in land, infrastructure, planning, engineering, and permitting based on the requirements in place when they begin. When those requirements change midway through the process it can create substantial additional costs, delays, and uncertainty even for projects that have done everything asked of them. Designs get redone, studies repeated, schedules slip, and costs rise. That certainly doesn't mean regulations should never change. As new types of development emerge it's appropriate to evaluate whether additional safeguards are needed which is the reason for this committee and this very meeting. I encourage the community to recognize the protections already in place and build upon them where necessary, listen to the feedback, study what other cities are doing, and carefully consider the impacts of changing requirements for projects already underway.

Committee Chair Rich Merkouris **1:47:25**

Thank you for your comments. Welcome.

Jill (last name unclear), Sioux Falls **1:47:28**

Hi there, I'm Jill Yanatvig. I've spoken with you before and sent you emails before. First correction, the problem with the closed loop water system flushing and poisoning the city is not Gillette, it was Cheyenne, so don't look for Gillette for answers. We have received, I won't call it misinformation, but misleading information tonight by people who know better. I'm referring to noise and let me explain how DBA and DBC noise bands work. Consider you have a a hundred students and they take a test. Let's say most of them almost all score from 40 to 65. They're not high achievers. But one of them scores a hundred. So somebody asks, well, what was the average score? Oh, 61. Okay. Does that tell you anything about the guy that scored a hundred? No. Well, that's how DBC and DBA work. They take a huge band of noise from low to high frequencies, average them all into one number. So if you have really loud in for noise at a certain frequency band. It's totally missed because it's all watered down in the big number. So that's why the whole DBA system, which they've been referring to as fine, is not fine.

1:48:48

What we need and what I sent you earlier, which is, that's why I just used the student analogy because it's kind of hard to explain, but octave band measurements take small bites of information, like a range of 40 to 60 hertz and measure that, 60 to 80 hertz, measure that. So then you get individual bytes of noise levels, and that way you can tell where is your loud noise coming from. And that is not going to be captured in DBA or DBC or DBG, and they're all going to miss a certain in-between amount between the very low frequencies and your DBA and DBC, which don't go so low. designed to help protect people from

noise they hear and the infra- noise may not even be audible, it is more felt. I also want to address the 75 decibel level that's acceptable at the property line. I don't know if houses abut this property line or not, but infra- noise, the low frequency noise causes problems, health effects below 75 decibels. It's recommended that no more than at more than 40 We're going to have three decibels at night and 55 decibels during the day cause adverse health effects.

1:50:05

So if you're relying on 75 and the houses are close to that property line, you are going to have unhappy property owners because they are going to be affected by that noise. Sleep deprivation, cardiovascular effects, possibly affecting the cognition in children and so forth. And again, I think it is misleading for some of the people to come up here and not explain that to you. I also have specific information I can provide to Councilman Pankonin about specific equipment at specific hurts. And I will send that to you.

Committee Chair Rich Merkouris 1:50:38

Thank you for your feedback and thank you for correcting my earlier error on Cheyenne. Thank you. Welcome.

Laurie Lippert, Sioux Falls 1:50:46

Hello, I'm Lori Lippert and I live in Sioux Falls. And as the city attorney mentioned, data centers are a unique industry and they require a unique approach. It sounds as if Gemini is here tonight setting the stage for really no meaningful regulations. I hope the city takes into consideration that this property, this industry that's planning to come to our great city is in the midst of hundreds and hundreds of homes. Therefore the attorney's statement that the primary role of the city council is to protect the health and well-being of the people. I have to say I'm astounded that none of the ordinances that we've talked about today actually cover that. So in relation to the characteristics of this proposed project, I do believe that an entire new body of ordinances and management of them, as you know I've said to you before, the monitoring and the consequences need to be put in place. I think it's your primary role to protect the health and well-being of the people of of Sioux Falls. I appreciate all of the things that they're talking about in terms of water and power, but nobody has spoken today about health.

1:52:03

Nobody has spoken today about environment. Nobody has spoken today about the development of children. Nobody has spoken today about pollinators or about bird migration or about groundwater. And as far as the dumping of chemicals, I'm astounded that that, again, for the second time in front of this council has been met with no answer. And that happened in January as well. Gemini was asked the same question. What about dumping of the chemicals in the closed loop? Well we haven't thought about that yet. And I heard the same thing more or less again today. We are not ready for this project. Way way over our heads here. We are not ready for this project. So I hope you take that into consideration. I appreciate all your time and effort for these meetings and for inviting the public and I hope you take us into consideration as we the people and what our worries are with this. Thank you.

Committee Chair Rich Merkouris 1:53:01

Thank you.

Amanda Kendall, Let Sioux Falls Vote 1:53:08

Good evening ROC committee instead of council. My name is Amanda Kendall. I'm chair of Let Sioux Falls Vote and we back in January collected five thousand and twelve signatures during absolutely

freezing full temperatures. we had heard a lot of numbers, but what numbers we didn't hear are the stats from regular citizens in the community. On November 3rd, voters across the country weighed in on data center development. 45 out of 47 data centers brought to the ballot were voted out. In May, it was reported that 70% of Americans opposed AI data centers being built in their local area. In August, a University of Pennsylvania survey found that 61% opposed new data centers in their communities while only 14% had supported them. That opposition has crossed political lines. Now while communities across the country are raising concerns, Congress is considering legislation that could make it harder for those same communities to challenge major developments. It's called the Bipartisan American Affordability and Jobs Act, or Baja. This bill would speed up federal permitting by changing environmental review requirements. That means less time spent reviewing potential environmental impacts before certain projects receive approval.

1:54:27

It would also make some federal permits harder to revoke or change once they're issued. That means if problems are discovered after approval, government agencies could have less flexibility to correct them. And some provisions could limit when courts can stop construction, even after finding problems with an environmental review. That means a project could potentially continue moving forward while legal challenges over environmental protections are being resolved. The bill also includes provisions included to protect utility customers from paying certain data center infrastructure costs. Those protection matter too. I want everyone to understand what's happening. We're seeing widespread public concern about the developments. At the same time, lawmakers are considering changes that could weaken environmental oversight and legal remedies. So what does that mean for Sioux Falls? We hear plenty about economic development, private investment, keeping our city attracted to businesses, what we aren't hearing nearly enough about is what people who actually live here want. You work for the people of Sioux Falls, not for Gemini, not for developers, and not for corporations. Corporations have attorneys, consultants, lobbyists, and entire teams of experts representing their interests. Ordinary residents don't have those resources. They shouldn't have to become experts in zoning, electrical infrastructure, environmental science just to have a meaningful voice in their community.

1:55:46

They certainly shouldn't be expected to write the ordinances that are supposed to protect them. That's the responsibility of local government. I'm not claiming national polling tells us exactly how Sioux Falls residents feel about Gemini. That's why we should be asking them. Economic development is supposed to be a benefit to the people who live here. The people of Sioux Falls are not an obstacle up to development. There are the reasons that local development or local government exists in the first place. Thank you. Welcome.

Savannah Holloman, Sioux Falls (name as heard) **1:56:12**

Thank you. My name is Savannah Holliman. I was born and raised in Sioux Falls. Thank you to the constituent who brought up that it was Cheyenne, Wyoming instead of Gillette, Wyoming. I also would like to add that the research that I did about that incident was that the closed loop hyperscale data center, the construction of it caused the developer, the contractor, excuse me, to dump over 800,000 gallons of construction wastewater into Cheyenne's public sewer system. The average household in Sioux Falls uses about 5,200 gallons of water per month. I'm not a doctor, but it feels like that's more than just the household use for this data center. While I'm grateful for the opportunity to share my perspective, I'm

disappointed that we have to be here tonight. I know that you know that thousands of people throughout the United States have reported negative financial, environmental, and health impacts as a result of living or working near hyperscale data centers. I know that you're working to understand the risks and how to mitigate them and I appreciate that. I know it's your job to ensure that Sioux Falls area residents are protected from reported effects such as rising energy costs, water contamination, noise and air pollution, everything we've talked about tonight.

1:57:25

I know that you know that this needs to be done right so that future generations don't bear the burden of your mistakes. I'm struggling to understand is why we're scrambling to get this done so quickly. It feels like I'm a student again and we procrastinated and we just have to cram to to get things done overnight. From where I stand, it feels like Gemini saw a blank slate and seized an opportunity to take advantage of our lack of preparedness. Michael Anvar from Gemini mentioned the investments his company has made into the infrastructure to support this project. They got their foot in the door, but that doesn't mean that we're required to hold it open for them without putting common sense protections in place. A moratorium would be the most efficient and logical way to proceed. This would give the city time to establish adequate protections ensure that Gemini knows the rules before investing more into the area's infrastructure. A moratorium is the only logical step forward.

Committee Chair Rich Merkouris **1:58:12**

Thank you. Thank you. Good evening.

Allie Gabriel, South Dakota Chamber of Commerce and Industry (speaking personally) **1:58:17**

Good evening, Chairman and members of the Council. My name is Allie Gabriel and I work for the South Dakota Chamber of Commerce and Industry. I'd like to extend the regrets of our CEO Ryan Budmeyer, who wasn't able to attend tonight but recognizes the importance of this conversation. While my My professional life centers around advocating for a strong business climate in South Dakota. Tonight I'm here in a personal capacity as a proud citizen of Sioux Falls who cares deeply about our community's future. I've been thinking about lately that resentment grows from the things people never tell us and assumptions grow from the questions we never ask. And when we leave those spaces empty, human nature has a funny way of filling them in with the worst possible explanation. say that misery loves company, well, I have always much preferred the company of possibility and I believe Sioux Falls has an extraordinary amount of possibility ahead of it. Last week I heard the mayor of Lenox say when you have a seat at the table, remember the most important voice is never your own. It's the voice of the people you're representing. So tonight I'd love for you to hear these voices. The voice of contractors who seek crews they can put to work and entrepreneurs whose dreams become more achievable when our economy grows. And the voice of the taxpayer who would welcome new businesses, helping to shoulder the cost of the community we all enjoy. And the voices of our school's family and future workforce who stand to benefit when responsible economic development strengthens our tax base and creates opportunity. And the voice of the young person deciding whether Sioux Falls is a A community that is in place to build a career, raise a family, and dream big. Asking hard questions about data centers is not only reasonable, it's necessary. Water energy, infrastructure, and long-term community benefits deserve thoughtful answers.

2:00:13

But there's a difference between asking questions to understand an opportunity and closing the door

before the questions can be answered. And there's a difference between protecting our community from what we don't know and Preventing our community from discovering what it could be. I believe Sioux Falls can do both protect What makes us special will embrace what makes us stronger? Thank you for being willing to have difficult conversations and make difficult decisions Leadership isn't about finding the path with least criticism. It's about having the courage to consider what serves a community's future Sioux Falls didn't become the city we love by assuming the worst of what's next. We became this city because generations before us believed in what it could be and let's be worthy of that same optimism.

Committee Chair Rich Merkouris **2:00:58**
Thank you. Thank you. Good

Heather (last name unclear), Bluffs neighborhood near Brandon **2:01:06**
Evening. Good evening everybody. My name is Heather Skelling and I am one of just over 350 residential homeowners out in the bluffs of Brandon. We house almost a thousand residents. It's booming and growing. The Gemini data center is going to be located less than one mile from my home and our own district senators and city council members left us out in the dark so we're sadly fighting this after what feels like is really too late. As most of you know Steve Kolbeck, District 2 senator also serves as our Xcel business manager in South Dakota. There's no conflict of interest there but I'm really coming here to relay what my high school best friend Jenny said to me over the past six months. She lives in Smithfield, Missouri. She is just over two miles from what started as not one, but is now three data centers. She started as a rural neighborhood similar to ours and is now considered a heavy industrial neighborhood. We've been in talks again over the last six months and she's given me these talking points and really just said, whatever you can do, fight with all your might. She said they had 6 a.m. wake-up calls seven days a week for two to three years straight. There's been horrendous traffic, multiple accidents due to the hundreds of construction vehicles going in and out of the sites.

2:02:25
The low frequency sound goes through their windows and their walls that you can't unhear. She can no longer walk their dog outside for long periods of time. And her son who got a job with Sprint right out of college was one of thousands laid off after the first metadata center went in. So my asks are, has a third party traffic study been done on Rice Street? Who would be financially responsible for road damage, ongoing maintenance and traffic control? Has a low frequency noise study been completed for homes within three quarters of a mile away? And then my ask is when you go down to Nebraska later this week, I would just ask you to see if there are residents that live within a mile and see how this has impacted their daily lives. And then ultimately, would you want this in your own backyard? And then finally, I'd ask that you just take our small but mighty neighborhood into account and implement a moratorium to collect more scientific data. Thank you.

Committee Chair Rich Merkouris **2:03:21**
Thank you. Welcome.

Erica Simonson, Sioux Falls (name as heard) **2:03:26**
Hi. Good evening. My name's Erica Simonson. I live in Sioux Falls. We understand that data now is the new currency and power for government and corporations alike. They can get all this information off of us and use it against us or convince us to buy things that we don't really need to be spending our money on. So I'm curious how much more money, you know, data, even our privacy that the government and

corporations need. What's another data center going to do for us individual citizens? Mr. Anvar was asked, what, how is it going to benefit the city of Sioux Falls? I'd like to know how do each citizen get benefited by having another data center come in a hyperscale one. How do we benefit as citizens? So I think we're being taken advantage of and the government and corporations like don't give a damn. Thank you.

Committee Chair Rich Merkouris **2:04:14**
Welcome.

Ronnie Wegner, Sioux Falls (name as heard) **2:04:15**
Hello, my name is Ronnie Wegner and I've lived in Sioux Falls for 65 years and I want to thank everybody for the information tonight. I mean it's great information, it's more than I've heard when I sit in all these meetings. So I appreciate all of that information. However, I have like 16 pages of additional concerns that I have never heard addressed and you know it's down to the level of will Gemini be required to slow down their electrical use if we have some reason that, you know, like in the summer when there's excess use or what is the oversight going to be? Once they're up and running, is there going to be oversight and how is that going to be handled? What happens to the water after it leaves? I mean, we've talked, there's been a little bit of talk about that, but there's so many things that haven't been considered, and I know you have all these, because Amanda Kendall has sent it to you. So I just, I hope you're looking at all the details and thinking through all of those things.

2:05:27
The devil's in the details, and I don't know that all the details are being considered. They may be in some of the forms that were linked in that document, but I don't know. And it was mentioned that the tax money would go to schools and that type of thing or could. Traditionally, that doesn't happen. I mean, we're still the lowest paid, one of the lowest paid states for teachers. And so if you could promise that, maybe that would help. But I don't have any faith in that. And I'm just going to mention that this is an impact to me. I live in the middle of town. In fact, I live on the same street as Director Cotter. So I'm not going to be impacted at all. However, a lot of my neighbors, and as I said, there are a lot of the people I know, and as I said, I love Sioux Falls. I've lived here my whole life. And I don't want to see us take this path of destruction that we don't even understand. So I'm going to ask that you remember that you work for us and that you vote with the people and not the corporations. And the best way to do that is to have a moratorium until you can study the sea devil in the details.

2:06:41
Thank you.

Committee Chair Rich Merkouris **2:06:42**
Thank you. Good evening.

Ann Sloan, Sioux Falls (name as heard) **2:06:49**
How are you? Forgive me if I shake. My name is Ann Sloan and I live in Sioux Falls, on Main Avenue. I wanted to play something that I hope can go into the record if I can get it to play. This is from a data center in Southwest Michigan. It will come in a second. local examples of what it's like when they're up and running. One of the most common areas of concern I hear about is the noise that they could admit, but one community in Southwest Michigan has been experiencing the reality of a data center next door for a couple of years now, and they say the sound has changed their lives. There's the sound. Can

everybody hear that? Can you face the microphone please? Just talk into the microphone please. Oh I'm sorry. If everybody heard that, apparently they're experiencing this all day. Oh I'm sorry. Let me see if I can get it. Ma'am. I wanted to talk about e-waste especially and PFA's.

2:08:04

Nobody's talked about forever chemicals. Forever chemicals have been found found this year in the Big Sioux River. And they've been found in some wells in the state of South Dakota. And PFAs are also a part of data centers because they're used to coat. I don't know a whole lot about the electronics, but I know they're used to coat. I don't know if it's the connectors, the wires, something like that, to keep the heat down. 10 different PFA manufacturers are increasing their production because of all the data centers that have been built. And it's very dangerous for children and babies especially. They can cause cancers. They can cause, I have to find it, other health threats including immune system harm and liver damage. And like I said, babies and children. I came tonight. I came in January because I'm really concerned about my children, my grandchildren, one of my children's right back here. This is all, in all the research I've done for data centers, I've not found anything that feels positive to me about this. It seems like it's power and money.

2:09:19

And that really bothers me. And the environmental damages, there are a lot of harms that go beyond the property lines of the data centers. Why isn't anybody doing an environmental impact study? I don't understand why that hasn't happened. We've had so many experiences from data centers that have gone across the country that didn't come right. There was one in New Jersey had a $5,000 gallon diesel fuel discharge into a tributary that went to the Meadowlands. Is that my time? Okay.

Committee Chair Rich Merkouris **2:09:53**

Thank you for your testimony. You're welcome.

Resident speaking as a private citizen (name not given) **2:10:00**

Good evening. Good evening. Members of the committee, my neighbors, I'm here to speaking as a private citizen. I'm here speaking for myself and my own personal views. We all know the public debate happening across Sioux Falls right now. citizens are asking you all to go ahead and put a moratorium of one or two years on that you guys have been reluctant about doing an outright freeze to stall economic growth and that makes perfect sense. I give Mr. Anvar a lot of credit for bringing one of my major points to the table today was that if we wait to pass ordinance changes in 2027, they'll just go ahead and grandfather the rights in on 2026's bill and go ahead and use those and then hold that situation up in court to move on and go under those rules. I think there's another way. I think you can go ahead and do something called a good neighbor development agreement. For anyone unfamiliar with the term, this is not an anti-hurdle growth or not anti-hurdle growth hurdle. is a collaborative binding contract where the city and the developer sit down before a single shovel hits the ground to put mutual commitments in writing. I think of it as informal handshake with paper teeth. The city grants access to municipal infrastructure, resource protections and site approvals.

2:11:14

And in exchange, the developer voluntarily agrees to clear enforceable guardrails. Approvals are not given without that agreement. These handshakes have had success in Lancaster PA. The agreement included water usage caps, sound attenuated enclosures, and clean energy contributions. In Cedar

Rapids, Iowa, it contained water conservation baselines, strict noise limits and municipal infrastructure guarantees. When this developer or any other volunteer that puts its signature on an agreement, it completely bypasses the legal fight over grandfather loopholes and gives the City Council a clear defensible instrument to improve to approve it. Some of the things that you could put in that agreement would be a one point one to two and a half million dollar escrow account requiring to pay fees if they were to go above the abilities that they were or as Mr. Merkouris was saying earlier that he was concerned that there was not going to be any enforcement mechanisms. You can also say the state of South Dakota will basically allow sales tax rebates on a lot of the purchases. You can require them to go back in and reinvest those sales taxes back into the community without just for the same dollar amount as the rebate themselves. We've made lots of talk about the water and power issues. I would also argue that one of my biggest things would be that every five years as technology advances the technology to muddle the noise to take care of the water will increase and every five years we should look back and look and force the data center to make those changes if they're required to and help it be safer for this community moving forward. For a long time the story of the Hyperscale data centers and heavy industrial builds.

Committee Chair Rich Merkouris **2:13:01**
Thank you for your testimony tonight. Welcome.

Paul Truex, Sioux Falls (name as heard) **2:13:14**
Paul Truex, Sioux Falls, Pomona. These data centers concern me for some time. They're talking about the decibel rating. We know that sound is a hideous sound. If you had to listen to that all the time, it would soon drive you away. And I was looking at your sheet that talks about the sounds and levels that are acceptable. From what I understand, 85 decibels can cause hearing loss over extended periods of time. It says here that it can go up to 95 decibels and impulsive sound, and that doesn't really define what an impulsive sound is. Is that like a gunshot or can that be 15 minutes of time every hour? And an 85 decibel can cause hearing loss since it's exponential. 95 decibels is 10 times as loud. So you can imagine having to deal with that even on an intermittent basis would drive you crazy. They talked about end user.

2:14:28
I'm not exactly sure what they mean by that, but to me it seems like they're going to build this facility and then turn around and sell it to the highest bidder, whether that's at Microsoft, Amazon, Google, Nvidia, or Oracle or whoever. So they're just going to turn around and sell. It's easier probably for a smaller company to put this in an area. It doesn't cause as much reaction as a large company would. So I think that's what's in the making. And then the thing that I'm concerned about is the data use. What kind of data do they really collect and how is it used? I understand Sioux Falls has authorized the use of these Flock cameras. And we know that Edwin Snowden, he revealed that everything we do, where we go, what we say and is always recorded. And my concern, one of my concerns is that these data centers are going to record that information basically forever.

2:15:43
They can go back to this information. Who wants to be tracked at every turn? We do have those, like I said, Flock cameras and other ways of every time you carry around a cell phone. They have ways of tracking where you are. And they need a huge amount of data centers to record all that information. And basically, we become a prisoner in our own country because we've lost our freedom of privacy. Thank you. The Fourth Amendment is something I hold dear.

Committee Chair Rich Merkouris 2:16:23
Thank you for your testimony. Welcome.

Mike Miller, Gemini 2:16:28
Good evening, Councilors. My name is Mike Miller. I'm a principal with Gemini and I just wanted to say thank you for having us. I wanted to reiterate that we are 100% committed to responsible development. Development is a long, arduous, complex, highly technical process. I've been in the industry for the majority of my career and I just want to reiterate there is a ton of detail. We are committed to uncovering that detail, working with the best of the best experts. Really good developers bring along teams that are really good at what they do. Councilmember Oppenheimer you asked earlier if we've completed a data center before. We have not, but we've developed a lot of projects. What you learn when you develop a lot of development projects is you're the quarterback. You got to put a really, really good team in place when we have that. Part and parcel with that is communicating with local leadership, with hearing from stakeholders and I just want to say you know I'm a father, I'm a husband, I have children as well. I would never build anything that I wouldn't put in my own backyard and so I just hopefully my words today can give some comfort to some of the citizens here. We're committed to working with you all and we thank you for having us.

Committee Chair Rich Merkouris 2:17:36
Thank you. Welcome.

Derek Swanson, Sioux Falls (name as heard) 2:17:36
Hello, Derek Swanson from Sioux Falls. I couldn't help notice just a handful of people coming up here and it seems like there's probably a lot of people in Sioux Falls that are either in some type of construction business, own one, know somebody, brother's cousin's nephew of a business and they come up here and want this because it's you know, it's gonna be a massive project that's biggest one probably ever and I can't help but wonder why there's an assumption that a single dime of that money is gonna be used to hire anybody in Sioux Falls to do it like why that assumption's there. So I'm kind of speaking to everybody in the room on this, but it's good for you guys to know too that it's all about the lowest bid. I don't even have any experience in anything like this, but there's a really good chance there's gonna be a giant company that's at a national level that possibly may already have the bid to put every single last worker on site and none of them are in Sioux Falls. not there possibly might not be a single worker from Sioux Falls doing anything on that construction site. I don't know. I just noticed what's his face, his choice of words at the beginning was as we hope to work with whoever in Sioux Falls. You know if we can do that that's a good choice of wording because that means that if the bids not there to come in the lower price then the next guy then it might not happen. In terms of my thoughts for just learning more about this I think one of you mentioned it earlier where I think since none of us really know a whole lot about what we need to know and we're all asking questions including everybody up here I would probably spend more time actually just reaching out to any city council members of just any community that's already has one. They already have all the answers whether they're good or bad.

2:19:50
You know he mentioned and I believe when you said that data centers from you know 10 years ago are obviously going to be complete. I think it's completely different in some regards than ones now. So I guess the best thing that I can think of up top in my head is maybe find a community that has a massive data center that's like a year old or two years old that's been fully operational that would be most similar to

what this one's going to be. And they already have all the answers of what's good and what's bad. And somebody's comment earlier about the taxes too, since that appears to be the only guaranteed revenue period, is if somebody above your guys' head can pull the plug on that where it really doesn't matter anymore, then it essentially won't benefit us at all if that actually happened. Thank you.

Committee Chair Rich Merkouris **2:20:50**
Welcome.

Anne Fuhrer, Lincoln County (name as heard) **2:20:51**
Thank you. Can you guys hear me okay? All right. My name is Anne Fuhrer. I live in Lincoln County and I'm retired. Just a couple things. First of all, I agree with what Veronica said, so that's one thing that'll save a lot of time. A couple things that are a little disconcerting. At their federal level, there are no regulations for data centers, especially hyper data centers. If they are, they're minimal. And why is that? Because right now there's a lot of money to be made because there's no regulations. And probably the biggest one I would be looking for is how many hyper data centers do we need? Regardless if one is in Sioux Falls, how many do we really need? And then the other thing is I appreciate Gemini being honest that they've had projects but they don't have a fully operational data center yet and it's just a little disconcerting. Not to say that they're not trying to do the right thing and trying to do it the right way but again they don't have any fully operational data centers for us to compare to. And then the other thing is I haven't heard any discussions about the backup generators that are typically diesel generators and so if you could please include that in your reviews. Oh the other thing is the information of the guidelines about the Pennsylvania that Pennsylvania put out. I think those guidelines look like they're good but my question is have any of them been fully implemented in any of the cities yet. And then also concerned about, and this has been brought up a little bit and I don't have any specific examples, well that's a lie, I'm thinking of one but I won't say it. But conflicts of interest. There was a lot of data center money put into the recent whatever. And I guess that's just disconcerting and what does that mean to And also, there's just something I will just stop over and say to the Gemini people because I really don't want to say that online either.

2:23:16
So thank you.

Committee Chair Rich Merkouris **2:23:17**
All right. Thank you. Welcome. Thank you.

Lynn Mainz (name as heard) **2:23:26**
My name is Lynn Mainz and I've- Can you step forward? I thought all the information we heard today was really good, both about Gemini and the posing of it. I just want to express my disappointment. I feel like our city council got the cart before the horse. You approved rezoning before you really knew how you should zone a hyperscale data center. You've neglected to put things in place before permitting was already issued. talked already that they had meetings with our developing governing bodies in Sioux Falls yet none of you thought maybe we should get all of this stuff in place first instead of just moving forward and now we're trying to back pedal to figure out how to make this work. On top of it it's a hundred and 40 acres, you put it in people's backyard. There's people that have homes that they've invested in and worked hard to build, and they're a half a mile away from this place.

2:24:47
I mean, of all the land in this surrounding area, that was the best choice. I'm really disappointed that there

wasn't more thought before he went and gave a stamp of approval. Thank you.

Committee Chair Rich Merkouris **2:25:05**
Any following? Nope, one more. Welcome.

Dan Mainz (name as heard) **2:25:11**
Dan Mainz, retired IBW Union, electoral worker. I've worked on Amazon. I've worked on data centers. I've been in Kansas City. Where are they? You can go look. How many houses are by those places? Take a look. There ain't nothing around. What's Amazon got? I'm very out there. Ain't nothing up there. There's no homes there. You guys know that one? Can we talk into the mic, please? I will. Thanks. You guys know that one? I built ADP. I was up there, 38 across some DOT. What's up there? Ain't nothing up there. There's no residential. It's my wife. She spoke what it should be. be. We're three-quarters of an hour away from this place. Just bought it. And many more houses have bluffs. This is what we got to put up with. You guys sold us out. She's right. She should have had it set before these guys came in. All this is the dog and pony show.

Committee Chair Rich Merkouris **2:26:21**
Thank you for your feedback. Welcome.

Rita Gaster, Sioux Falls (name as heard) **2:26:21**
Thank you, Rita Gaster. Sioux Falls. I just want to say 73% percent of people don't want these in their backyards. You know I could care what we might gain out of this. We might get some property tax reduction. What's that going to do to my home value if my home value goes down 25 to 50 percent? I could care less about a reduction maybe in property taxes. It's just all of these people from the Bluffs and Pine Lake Hills, all of these people that are are close to this Gemini site, they can't even vote for a mayor or city council because they're not within that area, not within the right area of the city. So I just want to say it's never too late to do the right thing. You could always do a moratorium, give it more time, make sure we're doing the right thing. Thank you.

Committee Chair Rich Merkouris **2:27:26**
Thank you for being here this evening and attending the regulatory oversight committee. Our next meeting will be on Monday November 30th and you can reach out to committee members or city councilors by going to the Sioux Falls dot gov and regulatory oversight committee page there and appreciate your time tonight and therefore this meeting is adjourned.