

HITCHCOCK COUNTY PLANNING COMMISSION

January 16, 2025
Trenton, Nebraska

Pursuant to the adopted By-Laws and Rules of Procedure, the Hitchcock County Planning Commission met on Thursday, January 16, 2025 commencing at 7:00 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska for its annual re-organizational meeting. Notice of the meeting was given in advance thereof by publication on January 2nd, 2025 in *Scoop Media News*, the designated method for giving notice. Board agendas are posted on the County's website www.hitchcockcounty.ne.gov. Notice of this meeting was given to the Chair and all members of the Board. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Chair Dustin Ladenburger advised all in attendance, that a current copy of the Nebraska Open Meetings Act was available for review, indicated the location of such copy in the room where the meeting was being held and offered the following statement: *It is the policy of the board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

Chair called the meeting to order at 7:03 p.m. and the roll was called. Those present were Aaron Kolbet, Dustin Ladenburger, Tom Monnahan, Wayne Merrill and alternate Member Austin Jensen. Member Dustin Webb was absent. Chair declared a quorum. Also present, Zoning Administrator Mike Erickson, County Attorney D. Eugene Garner and Recording Secretary Margaret Pollmann.

The minutes of the April 18, 2024 meeting were previously reviewed by the board. Chair inquired as to any additions or corrections. Member Monnahan moved to waive the reading of said minutes, and accept and approve the April 18, 2024 meeting minutes. Member Kolbet seconded the motion and the following members voted in favor of the motion: Kolbet, Ladenburger, Merrill, Monnahan and Jensen. Webb, Absent. Motion carried.

Chair opened the floor for nominations for Chair for the calendar year 2025. Kolbet moved to retain current officers, those being Dustin Ladenburger Chair, Dustin Webb Vice Chair and Wayne Merrill Secretary. Member Jensen seconded the motion and the following members voted in favor of the motion: Ladenburger, Kolbet, Merrill, Monnahan and Jensen. Webb, Absent. Motion carried and Dustin Ladenburger was declared Chair, Dustin Webb was declared Vice Chair and Wayne Merrill was declared Secretary for calendar year 2025.

Zoning administrator Mike Erickson gave his annual report.

Chair Ladenburger recessed the regular meeting at 7:15 p.m. to enter into a public hearing.

Chair Ladenburger opened the public hearing at 7:16 p.m. to hear the applicant and all comments thereon from the public in attendance and to receive evidence regarding the Application for Conditional Use submitted by Steven R. Fries for placement of a data mining structure being a part of Section 23, Township 4 North, Range 33 West, Hitchcock County, Nebraska. It was noted that applicant Steven R. Fries was not present nor represented by anyone present.

Zoning Administrator Mike Erickson presented the staff report relating to conditional use application #2-2024.

Chair Ladenburger asked if there were any comments from the proponents of the application. There were none.

Chair Ladenburger asked if there were any comments from opponents of the application. There were none.

Cody Lashley provided printed information to all members present and the same was marked as Exhibit "A". Mr. Lashley stated he lives ¼ mile away from the proposed site and wants to be

neighborly and welcome new business and that he was not against progress, however noted concerns including but not limited to duration of noise, site security and maintenance, and potential traffic safety issues. Mr. Lashley noted Section 3 of the Zoning Administrator Staff report and Section 1008 of Hitchcock County's zoning regulations, concluding with the precedent that may be set based on the decision of the Planning Commission on this conditional use.

Lyndsay Lashley requested that the County not allow any permits for future bitcoin mining until there are safeguards in place to protect the citizens. Her written statement was received and marked as Exhibit "B".

Charles Wilcox advised he lives less than one mile away from the proposed site and has spoken with other area land owners who are against this as it affects and destroys the quality of life for people living in the area.

Mark Rouse advised he was a lifetime resident of the County and "seconds" everything that has been stated previously. In addition, the application is incredibly void of any detail and Mr. Rouse posed the question, "Are these companies taking advantage of small counties that lack regulations pertaining to data mining?"

Ashley Bogner advised they were new to Hitchcock County and are hoping that it will become their long-term home and desire to protect the life her family has. Noting concerns previously voiced, Mrs. Bogner asked to be placed on the record "in opposition" of the proposed conditional use.

John Varilek advised he lives near the propose site and voiced concerns relating to the residential internet service as this venture will most likely use every bit of internet capability.

Chair Ladenburger asked if there were any comments from those representing a neutral position.

Colyn Suda, General Manager of Southwest Public Power District SWPP addressed various comments and questions as follows:

- Nebraska has the 3rd lowest power rates in the nation and industries are locating here because of the power affordability
- Power would be supplied by the Beverly substation
- this data center would be another customer for Southwest Public Power
- This data center would be on their own circuit and if it goes down, it's only their circuit that goes down.
- 100% of cost to development
- would be off during peak load times, October to May operations, winter peaks will also be attempted to be avoided
- Empathized with safety concerns
- Data centers are lucrative and profitable ventures for companies pursuing them
- This location would have four (shipping container size) structures
- Power usage would be close to that of the ethanol plant

Attorney Garner inquired of Mr. Suda if there was a written agreement with the data company as of today. Mr. Suda advised that the agreement was still in negotiations. Mr. Ganer asked if the company would share the agreement once signed and Mr. Suda indicated he didn't know why they would not.

Attorney Garner advised as to noncompliance enforcement.

Chair Ladenburger inquired as to the next steps should this application be approved. Zoning Administrator Erickson indicated building permits would be required.

Attorney Garner advised that this body can recommend approval, disapproval or approval with conditions to the County Board of Commissioners.

Chair received the following exhibits and the same were marked accordingly:

- Exhibit “A” Literature presented by Cody Lashley
- Exhibit “B” Written statement presented by Lyndsay Lashley
- Exhibit “C” Bruce Licht letter of opposition
- Exhibit “E” Email from Richard D. Leudtke in opposition
- Exhibit “E” Hitchcock County Clerk’s *Certificate of Service* dated January 6th, 2025 relating to Notice of Public Hearings mailed to applicant Steven Fries.
- Exhibit “F” Hitchcock County Clerk’s *Certificate of Service* dated January 6th, 2025 relating to Notice of Public Hearing mailed to land adjacent land owners and interested persons.
- Exhibit “G” Zoning Administrator Mike Erickson’s *Staff Report* relating to Conditional Use Application #2-2024.

Chair Ladenburger closed the public hearing at 8:39 p.m. and re-entered regular Planning Commission proceedings.

Chair inquired if any board member had a conflict of interest regarding the application being considered. There were none.

Member Ladenburger moved to recommend to the County board of commissioners that the conditional use application filed by Steven R. Fries not be approved due to insufficient information regarding the proposed use including without limitation noise control, security measures, control of potential hazards, bandwidth use, power use, lack of compliance with zoning regulations at another location and consistency with the comprehensive plan. Member Kolbet seconded the motion and after consideration the following members voted in favor of the motion: Merrill, Kolbet, Jensen Monnahan, and Ladenburger. Member Webb Absent. Motion carried.

Member Jensen moved to authorize and direct Chair of the Hitchcock County Planning Commission to execute the formal written recommendation of the Planning Commission for and on behalf of the full body of the Planning Commission to the Hitchcock County Board of Commissioners. The motion was seconded by Merrill. After discussion, the roll call was taken on the motion as follows: Ladenburger, Aye; Jensen, Aye; Monnahan, Aye; Merrill, Aye. Kolbet, Aye. Motion carried.

Chair Ladenburger asked if there was any old business. None was noted.

Under new business, Chair Ladenburger suggested this board hold a meeting in the near future to begin the process to update various regulations and the comprehensive development plan. Zoning administrator Erickson requested the board consider increasing the permitting fees across the board. It was the consensus of the board to hold it’s next meeting on Thursday, February 20th, 2025 at 7:00 p.m.

There being no further business before the Commission, Chair Ladenburger adjourned the meeting at 9:13 p.m.

Dustin Ladenburger, Chair

Wayne Merrill, Secretary