

HAMILTON COUNTY JOINT PLANNING COMMISSION MINUTES

The Hamilton County Joint Planning Commission held a public meeting, March 19th, 2024, 7:00 pm at the AG Auditorium, Hamilton Co. Fairgrounds, Aurora, Ne.

Chairman Fruit called the meeting to order at 7:01 pm, stating that the open meetings act was posted on the front table for public inspection.

Members Present: Fruit, Lyons, Epp, Joyce, Miller, Brandt, McDonald, Hongsermeier, Blasé, Wetherington, Perry.

Members Absent: Bamesberger, Archer,

Also present: County Attorney, County Administrative Manager,

Fruit asked if there was any conflict of interest on the agenda. No conflicts stated.

Moved and seconded to approve the agenda.

All yes by voice vote. Motion passed.

Moved and seconded to approve the minutes of the last meeting.

All yes by voice vote. Motion passed.

Item #1 – Public hearing for Conditional Use Permit for Josh Martens (Martens Family Construction “MFC”) to add addition on an accessory building to allow storage of materials for Welding company on NE ¼ of Section 27, T10, R6W in Flex district.

Moved and seconded to open the public hearing at 7:06 pm. All yes by voice vote. Motion passed.

Betka shared the situation surrounding the Conditional Use Permit. Josh Bussinger shared what they plan to store at said location and how long it may take to complete.

Moved and seconded to go out of public hearing at 7:12 PM. All approve by voice vote. Motion passed.

Item #2 – Discussion/Action for Conditional Use Permit for Josh Martens (Martens Family Construction “MFC”) to add addition on an accessory building to allow storage of materials for Welding company on NE ¼ of Section 27, T10, R6W in Flex district.

McDonald verified location. No other discussion

Moved and seconded to recommend approval of the Conditional Use Permit.

Voting For: Hongsermeier, Joyce, Miller, Lyons, McDonald, Brandt, Blasé, Fruit, Wetherington, Perry, Epp.

Voting Against: none

Absent/Not Voting: Bamesberger, Archer

Item #3 – Public hearing for Conditional Use Permit for Synergen Green Energy to construct an Ammonia Distribution Facility west of Aurora on NE ¼ of Section 3, T10, R7W in the Transitional Agriculture District.

Moved and seconded to open the public hearing at 7:19 pm. All yes by voice vote. Motion passed.

Betka shared the situation surrounding the Conditional Use Permit application. Chairman Fruit asked if there was anybody for this conditional use permit. David Levy, the attorney representing Synergen stated he was here to answer questions and introduce himself to the public. John Huett spoke about the project. Stated he wanted to get all information out on Synergen and their plans. Spoke about the understanding of the concern with water usage and wanted to address and concerns. He said there is lots of ammonia being imported and this would lower the amount being imported. The location of the site would be able to tie right into the current pipeline, which would be ideal. It would not increase traffic by much as they only plan for ammonia to be distributed by truck 2 times a year and about 4 trucks a day during that time. Lastly, he spoke about the increase in jobs and the benefits. People who start can retire there. Jim Snider –

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Contractor for Ollson spoke about elevations and report from water study conducted 1941-2018 and the data, as well a ground water management. The data was projected in an area in a 3-mile radius. He talked about how the ground water fluctuates with droughts and wetter months but there was not much of a dip in the data. NRD took his data into consideration when approving the permit. Kelsey Bergen – Aurora Development spoke about the promise and growth for Aurora. The project went public in January, and she wanted to make sure everybody got good information on ammonia production and water usage with an in-depth study. She said this would bring so much growth to the community and the community has needed something like this for some time. Janelle Sime spoke about the house development happening in the community currently. She has investors very interested in building homes and apartment complexes in the community as it has so much promise and is a desired location. Mike Bergren spoke about how this would lower the need to import. Believes this would bring huge improvements and would be a huge advantage for local farmers.

Had to pause due to speaker issues 7:58 pm * reopened at 8:04 pm

Chairman Fruit asked if there was anybody against. Ann Ashburn spoke about the research she did around water usage. There are 8 states that use the aquifer, she believes this water is going to be depleted. In the last 40 years there has been depletion. She spoke about the number of wells. She has concerns about climate change, and how that will affect our water. Believes it is already running low with what is being taken already. Also concerned for Kansas and Oklahoma, stating they pull water too. She does not think the additional tax revenue will be beneficial. Asked about importing ammonia and why we would need to be importing ammonia from Russia if we could be using our own states for ammonia. Tina Oswald spoke about the risks of water usage, her concerns for personal wells and farmers' wells. She also has concerns about the electricity and the amount of usage it will need. She talked about the possibility of Synergen wanting to use wind as a source of energy, and how it was stated they would not use this, but then read that they would. Believes it will have a negative impact on appraisals of properties in the area. Ruth Peters talked about the model that was used by Ollsen for water data. She had questioned why it was from 1941 to 2018 and that it does not include how much water the Synergen Plant would be using and how it would affect the 3 million gallons it would use a day. Also, how it will affect the wells. She questioned the minimal impact it would have by pumping 2300 gallons a minute. She talked about the comprehensive plan and how she does not believe this goes with the future use of the land. The land should remain agricultural. The prime farmland would be covered with concrete and asphalt and that would take away from the agricultural purpose of the district. Gail Earnst spoke about his private well, and how much water the city uses. He asked how much that compares to what will be used. He questioned will this really help our farmers. Justin Elde spoke. His biggest concern is that there has never been a water permit of this size. The last 5 years were not included in the study provided. He is worried Synergen may draw down more water than they say after the 3-year period. Believes the big substation that will be going in may cause a rise in prices for the community. Marcel Oswald spoke. He is just outside of the 3-mile radius of where the water will be drawn out. He is concerned about contamination. He is also concerned about where the wastewater will be released. He mentioned that his friends in Kansas have decided what crops they are going to irrigate and what ones not to due to the drought. Chairman Fruit asked if there was anybody neutral. Curtis Junt spoke. He is from North Dakota. He was speaking for his friends in the community. A big concern is the water. There has never been this big of draw down. He spoke about green energy and that there is one in North Dakota. He said CO2 is very dangerous, ammonia is light but if there is fog it could stay close to the ground. The county is not paying for emergency response costs that could be associated with this. The county does not have to pay for the traffic and cost of fixing roads. Spoke about data centers and how they affect the cost for most communities and how much energy they use. Believes we could be entering a period where farmers will be making bigger drawdowns then we have seen in a long time. He questioned who would be benefitting from this. The water and the power are the two things that are most concerning, and it is believed we will see a rise in prices from our electric companies. Kurt Friesen spoke he served several years on the NRD and wrote large water user studies. He believes the NRD has done a really good job in making their decision. He stated he does trust their decision and their process to accept permits. He

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believes we need to bring things that create jobs for our future. He does agree that electric rates will go up, but a data center would cause the same issue and would not create any jobs. He believes that the Planning commission should worry about the regulations and trust the NRD and their decision. He said Manufacturing is good for our rural areas. He believes it will bring good jobs, and good paying jobs. Anthony Bohaty spoke as a landowner. He disclosed he is a member of the NRD but is not speaking in their behalf. He felt compelled to come forward and speak how he feels regarding the usage of the water. He does not believe this will be good for our farmers or our future farmers. Concerned once the 3-year period was over they would be able to pump as much water as they wanted without being limited. Wonders why an outside entity is allowed to come into Hamilton County and use that much water. He does agree there needs to be jobs created but does not believe one that uses this much water should be allowed. Moved and seconded to go out of public hearing at 8:38 PM. All approve by voice vote. Motion passed. Chairman Fruit asked the Commission if there was any *ex parte* from any of the members or received any information messages from anybody from the public. Fruit has received a couple messages from the public, Brandt received one message, and Epp received messages as well.

Item #4 Discussion/Action for Conditional Use Permit for Synergen Green Energy to construct an Ammonia Distribution Facility west of Aurora on NE ¼ of Section 3, T10, R7W in the Transitional Agriculture District. Epp asked John Huett about the ownership of the company, John answered that Synergen is a US company and registered in the state of Texas. It is a family-owned business, and the current generation are all here in the US, and they are all US citizens. In another group there are some people from India, but Synergen Green Energy is a US registered company. Epp asked where the holding group is from. Huett answered they are in India. County attorney Dexter explained that if the company is a US Certified company it doesn't matter where their shareholders are. Epp asked why we do not have the water study in our packets, Huett answered that it was submitted to the NRD, and it is available to anybody on the NRD public website. Epp asked Tina Oswald about the impact of the local area, and she mentioned she was from the immediate area, she explained the traffic would be a burden, property values could be affected, drainage could be injurious as well as her local wells. Lyons asked about wastewater, and where it would be going. Huett explained there are 3 options. First, the water would go to the city wastewater treatment plant. It was discussed with the city to do an expansion of their wastewater and they would have the capability to do so. Information has been given to the city and are awaiting answers. Second, would be that the wastewater would be run off onto other bodies of water. Lastly, the water would be re-injected into the ground. He said that is a difficult option and could cause issues. Lyons explained it is detrimental to the commission to decide without that answer. He agreed, and says they want to make the most responsible decision as to where it will go and is hoping to hear from City of Aurora soon. Brandt asked if the wastewater plant is going to expand in Aurora like discussed, who will be paying for it. It makes it difficult to make a decision without a definite answer. Huett explained it was a decision the city had already been planning to do, but if it works out this would speed the process. They want to have the best solution. Perry asked on a time frame of when a decision would be made determining the wastewater. Huett said the project is still in the developmental stages and it could take several months to complete. Epp asked would they have to check with local landowners if it was decided to drain wastewater, Huett answered yes. Joyce asked Jim Snider about the study that had been conducted. He asked why the study was done from 1941-2018. Snider answered the first step was to use the regional model; second part was creating a steady state simulation followed by simulation of a transient period of 1941 to 2018 to ensure the models capability to replicate the water level conditions in the local aquifer. By simulating over an 80-year period they are capturing numerous drops and numerous dry cycles. It was dependent on NRD's larger modeling study and that was the time period that was available. It was a model to show the many levels in a large amount of time. Joyce asked what made your study only go 3 miles out. Jim answered they simulated a very large area, but regulations only ask for a 3-mile radius. Blasé stated he had a comment, not really a question. He stated that the packet was full of information. Said the city is very up to date with where the water usage is being used. Though the City of Aurora could have supplied those numbers. Has concerns about the water

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treatment and that there are no answers as to where it will go. Huett replied, stating they are waiting to get a few answers from the city as to how much capacity they would have at the wastewater facility. Perry asked if the project's completion depends on federal funding. Huett answered No it does not. Fruit asked, concerning the roads, who will be responsible for paying for the maintenance on the roads. Huett answered they will work with the Nebraska department of transportation and agree to the right traffic management practices. The entrance to the facility will be off Road L. Huett showed on the projector where the entrances would be and exits would be. Also explained 90% of production would be moved by the existing pipeline. Fruit asked is the exterior lighting going to have shielding, so it does not cast a glare on the highway. Huett answered they would do what was necessary. Fruit asked if the production were to stop what would happen to the facility. Huett answered what ever the county would require to be done with it, but they would not leave it vacant. Epp asked, what is the plan after the fourth generation. Huett answered, if we can keep going, they plan do to so. He explained for the lifetime of the plan things wear out and things will need to be replaced. They would like to go beyond, but it depends on what happens that many years down the road. Wetherington asked, If the runoff would be clean and good enough to be reinjected into the ground. Huett answered with the three options. McDonald asked, would you drink it? (the water). Huett answered, yes, I would. McDonald then asked, what is the subsidy that the federal government is putting in. Huett answered, there are many federal subsidies available on hydrogen and one is tied to the hydrogen being green. Once made green it is a sustainable energy. Lyons asked for clarification on no wind or solar energy at this time. If the Conditional Use permit is given, how would they regulate that happening. Levy answered, it would have to go through the Conditional Use Permit application. Fruit asked Levy if he would like to do a rebuttal. Levy added that the evidence demonstrates that this land use is consistent with our requirements, and it does follow all regulations. He continued explaining that there would be necessary conditions. John Shepard spoke about the packet he provided for the Planning Commission about his findings. He also discussed the Hamilton County regulations, and how this would fall into the regulations, and how the conditions could be beneficial in the findings. John went over his recommendations for conditions. Epp asked Curtis Junt about the power usage where he is from and what impact they are seeing with the increase of electricity being used. He explained they have seen an increase in rates. Huett spoke about the regulations of power usage and the process. The board reviewed the findings of facts that are attached to these minutes. Lyons recommended conditions set by John Shepard should be suggested. Moved and seconded to recommend denial.

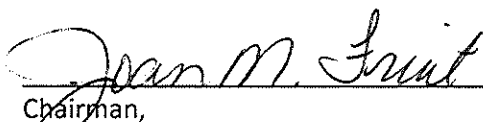
Voting for: Hongsermeier, Joyce, Lyons, McDonald, Brandt, Blasé, Fruit, Wetherington, Perry, Epp.

Voting Against: Miller

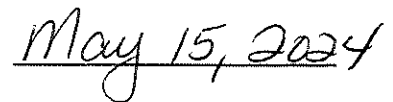
Absent/ Not Voting: Bamesberger, Archer.

There being no further business, it was moved and seconded to adjourn the meeting at 9:57 pm.

All yes by voice vote. Motion passed.


Chairman,

Hamilton County Joint Planning Commission



Date