

## **MERCER COUNTY PLANNING COMMISSION MINUTES**

The Mercer County Planning Commission met Monday afternoon December 22<sup>nd</sup>, 2025 at the Mercer County Courthouse in Stanton, Eslinger called the meeting to order at 2:00 p.m. C.T.

Members Present: Mike Eslinger, Chris Renner, Joey Neumiller, Kevin Hafner, Shane Cole, Rick Bauman, Gerald Bieber

Members Absent: Casey Voigt

Others Present: Jen Gabel, Attorney Mark Kaffar, Dan Arens Hazen Star, Keith Kessler, Adam Wanner

Eslinger asked the board if the order of agenda items could be moved with Data Center being moved first or last to keep the renewable energy resources together. It was decided Data Center would be last. Motion by Cole, seconded by Renner, to approve the agenda as amended, all members present voted "aye", motion passed. Eslinger gave an update that we've held a lot of meetings and have had a lot of input. We need to make deadlines. It is this boards responsibility to present the ordinances to the county commissioners. It goes to the public for their input, then on to the commissioners to approve or deny. Our goal is to finish up today, so it's published by the 31<sup>st</sup>, to have the public hearing January 15<sup>th</sup>. We vote as a board on the 15<sup>th</sup> to send it to the commission. Motion by Cole, seconded by Renner, to approve the minutes of December 8<sup>th</sup>, 2025. All members present voted "aye", motion passed.

### **P&Z Manual**

Eslinger would like to keep wind, solar, sand, gravel as 4 separate ordinances. He feels wind technology is constantly change and solar is not. Kaffar is working on separating gravel from sand as they are two very different industries. Eslinger read a memo that came from a member of the public regarding wind setbacks. Kaffar originally did lower the setbacks but has got lots of feedback from the public to keep the setbacks we currently have in place, so we will be keeping our current setbacks in place. Also discussed height requirements. Discussion on shadow flicker. He has no more than 30 hours per year. He feels it's consistent with surrounding counties. Eslinger agrees there should be a number. Mr. Kessler feels it should be zero. It's hard to document these hours. Depends on time of year/day. This is why the setbacks are so important. Eslinger likes the number 24 as it's a one-day period. Renner agrees. Kessler said the 30 hours came from the state. Kaffar moved on to exclusion zones. A starting point was no wind or solar projects north of Hwy 1806. Eslinger said that highway is a designated scenic highway and the state dictates what is allowed and he thinks it's a 2-mile setback. Kaffar feels we should still have something in the ordinance in case things with the State would change. Kaffar brought up why we are not just following McLean County Wind/Solar ordinance saying they have organized townships and Mercer does not. He feels it could open up some litigation. Mr. Kessler stated the first thing in McLean's ordinance was to have a public hearing before they get the application. Kaffar responded that again that goes back to them having the organized townships. Eslinger said Morton & Dunn County are more aggressive and we followed a lot of their ordinances and feels Mercer County can be a leader. Discussion on burying the lines deeper. Further research with PSC will need to be done. All bonds going forward will be progressive going forward. The county will be the bond holder, with the actual bond being kept at the Courthouse. Kaffar asked for feedback on the solar. Eslinger feels the technology hasn't changed much with solar. No other feedback on the solar.

Kaffar working on separating gravel and sand ordinance. The setbacks will be different, as discussed previously. Also including the trucks and trailers need to be cleaned off before leaving the site to make sure they are not throwing debris onto the roadway. Eslinger said we need to know the intent of the permit to make sure they are permitted correctly. Sand needs to be separate for how easily it blows and the reclamation that comes with it.

Kaffar has found wide range on data center setbacks. Anywhere from 250 ft to a mile and half. Concern with the setback being from the property line. Bauman can see the setback being from the facility but not the property line. Eslinger feels a mile will limit Mercer County. Neumiller asked Kaffar if he knew what the problems were with the data center was in Williston. The problem more so there was it was in a residential area. Renner stated we should make the setback the same as wind towers. Neumiller agreed. 2500 ft from the facility. General consensus on 2500 ft. Mr. Kessler asked if there was anything in the update on Battery Storage Facility. Kaffar spent sometime looking into it but it's too new of an industry and there is not a lot of information on it yet but expects in the next 2-5 years may be writing an ordinance.

Discussion on the time for the meeting on January 15<sup>th</sup> as we will have two cases before the ordinance hearing. It was decided the two cases will be heard at 6pm with the ordinance hearing to follow at 6:30pm. Discussion on to hold it at the Beulah Civic Center or the Courthouse. It may be easier to hold it at the Courthouse in regards to set up and we will have the ability to video record the meeting. Eslinger thanked the board for taking the extra time with the extra meetings the last month.

Motion to adjourn made by Neumiller, seconded by Hafner. The meeting was adjourned at 3:20 pm.

APPROVED:  
Jen Neumiller  
Land Use Administrator

ATTEST:  
Mike Eslinger, Chairman