

Pre Meeting- 9:02AM

Meeting members: Chris Renner, Mike Eslinger, Steve Guenther

Meeting Attendees:

Scott Harmstead, Weston Berg, Wayne Windhorst, Wayne Bertsch, Mike Knuth, Erik Edison, Zach Melde, Melissa Hochmuth, Stephanie Morales, Gene Wolf, Brenda Cook, Dallas Maas, Linette Irwin, Kevin Irwin, Michael Berg, Lori Hammer, Ryan Norrall, Casey Voigt, Wes Klein, Liz Lundstrom, Andy Thomas, Dwight Berger, John Schuh, Todd Schwarz.

Notes pre meeting: Eslinger & Renner visited Ellendale data center facility on 4/10/2026, had a tour and was able to ask questions. Eslinger gave most up the tour info. First, they found out- block chain facility is going out (Williston ranked the worst) This technology is going away because of issues. Hyperscale is the new technology that is coming. There are 320-acre facility, 16-acre buildings, and reception areas in each building. All 320 areas will be used between buildings, warehouses, parking lots (Extensive process between grass trees etc. to make more appealing) employment of 70-100 people per megawatt- 300+ permanent jobs. Roads- repaving roads and they paid a portion of the cost. This facility is technically in the city- mayor is very supportive of the data center. Fargo will be breaking ground this summer on a plant and will be incorporated into the city as well. The figures showed after data center was incorporated, 300k a year previously in sales tax now is 1.4 million in sales tax. Were able to hire another police officer, repair roads etc- due to data center being in town. Never got a clear answer why the center was moved into the city other than they were "nice people". Water- This facility has a closed loop system used to cool entire facility. No brown water, lake water etc. Water will come in from water facility and will be filled than used to cool facility. Rural water is used to supply buildings for toilets, drinking, sinks etc. Those are the only water used in the center except for fire systems- do not know for sure where this water comes from. They had no purchase agreement when they started the facility. They claim when they started to bring this online, they did not have a purchase agreement. Everything is spoken for and to be able to apply digital. There is a high demand to go through all the money etc., to build this with no buyers at first then the phone rings off the hook after it built to purchase this. They are just now working on a data center ordinance. Steve- They have an underground tank for fire suppression filled from the city

Public Comment- Building itself is 15 acres but footprint is 40 acres. Applied digital that is moving away from block chain. We may get new technology or get the block chain because there are no requirements.

Public Comment- How far out of Ellendale is it?

Answer- Must touch city to be incorporated?

Wes Klein- Flagpole Landscaping- Apply digital was looking into this.

Public Comment- Did they talk about any plans for expansion?

Mike- they did not discuss this. Our permit, any type of expansion will require another permit.

Public Comment- They have an additional 48 acres they own.

Public Comment- What you are talking about right now is what we need to discuss. Inclusive of a system not a data center. The definition for a data center needs to be tiring and cannot just put anything. In ordinance a larger facility needs to meet different requirements than smaller center. Such has environmental impact etc.

Mike- Environmental impact- Not sure how big of one they did on the footprint. Impossible to do reclamation on 6k acres. Can do on 160 acres. Environmental study is easy to do. Footprint needs to be controlled- limit the size of the facility.

Public Comment- Was life expectancy discussed?

Mike- No

Public Comment- Did they talk waste. Where did they place old equipment? I was told this plant put their stuff at city dump.

Chris- Some might get buried, some might get recycled, some might get thrown.

Public Comment- My son was at the meeting, and the computers get replaced every 4 years.

Mike- One thing that has had a major impact on Ellendale. Local bowling alley supplies 1800 meals to workers and plan on ramping up workers this spring. Ellendale is more unique compared to Mercer County; they are more contained on pricing has gone sky high. Economy has taken a hit because of the workers coming in making everything high, even pushing seniors out of their homes. The reason is because ND climate is perfect for it. The colder the plant is the better it runs.

Public Comment- ND is ideal because land is cheap and there is room to spread-out. The hyper scale companies that are using AI, there is nothing that ND citizens need the AI centers/ AI companies. The companies are going to make billions of dollars; there is nothing that we need them for.

Wes- There is 3-line fiber optic cable coming out of Ellendale. This has come out of Wyoming- has gone through Hettinger County and is about to enter Morton County. The state of ND has given the company permission to lay this cable. This way they don't have to buy land in ND. Fiber optic interstate to tie all data centers in the nation together. It is very large. These companies are not going to use the cloud- we as Americans will not be able to access the fiberoptic expansion. They are not using these for electric cars.

Mike- We can be a little fussier and demand more – when a data center might be put in. We can demand lots of things. There is a need for data and a need to be in ND.

Public Comment- Reason to right good ordinance because of Ellendale. You said you can't believe there is only 1 page in Ellendale. Those communities are being targeted.

Public Comment- I would like to follow on Wes's comment. Has this been challenged in court. My understanding I own up to the road. I have an easement for the road.

Public Comment- On state highways they buy the easement not on county roads.

Wes- This interstate system has 3 cables and will follow transmission system. Offering 15-22k in whole. I have not found if by legislation or by state DOT did.

Noise- We were taken out to the plant site – Block chain was noisy. Had a complaint from 1/3 mile-1/2 mile away – put up a wall and it killed the noise instantly. This was not put up until the complaint.

Public Comment- 1.2-million-dollar wall.

Noise- This is a floating thing. Sound factor is too variable- Depending on what time of day, wind direction, ex number of feet. If there is a complaint, they can do something about it. Company will always put their best foot forward.

Public Comment- The loudest complaint we heard from anyone was the construction traffic.

Chris- The rerouted all traffic to around town.

Public Comment- But that doesn't risk us people in rural areas that don't know to look out for us.

Mike- Housing provided on site for workers- reframe from calling it man camps because of bad name.

Public Comment- Is there security?

Mike- They have security on site all the time

Wes- We have 3 decision makers before us. You will be the decision makers. It is very important that we as public have input. Where is the input from the center- Basin, NextEra? Etc. They have acquired more acres along 31. You have assigned 2 individuals to represent us. How can you decide if you don't get proper information – you do this in private meetings which is against the law.

Chris- They are waiting for us to finish ordinances so they can put permits in.

Wes- We don't know what this will look like, we have an idea based on NextEra's 2025 data. You don't represent the industry you represent the county.

Lundstrom- I disagree because we can say no. Today our decision makers can go down as heroes or fools.

Chris- Our children have a chance to go to college

Lundstrom- Some parts of the country will have to be sacrificed to these centers; we do not matter. Our way of life looks foolish because we want to drive cars and AI chat boxes. It's a matter if we survive.

Mike- You can throw your laptop and put your phone away if you would like. Everyone cannot live without a cell phone.

Lundstrom- So you are saying we should take a buyout and give up our way of life? We are talking of many different power plant generations of 6 gigawatts of power.

Chris- Part of the 6 gigawatts would be part of mercer and Oliver County. Mercer county is 1 hub.

Wes- I am not opposed to the development. I go right back to Basin sitting in this room. If we need power and AI, then please basin open your own acres and do not site it within ag land.

Chris- Other than banning people from selling their own land?

Wes- I am not saying that. I am saying as decision makers- our heritage is agriculture. Let's place this data hub within the plant land. So that way our residences are not impacted. This will be a data hub on scale of what's in Iowa and Texas. It doesn't need to place on ag land.

Mike- Landowner has landowner rights. Any piece of ground can be rezoned.

Wes- There is a lot of Basin land that has not been reclaimed.

Mike- Yes but there is coal under it.

Public Comment- Landowners have rights- we are landowners- Do you want what you described as Ellendale across from you? I would not want any of it across from me. I want my noise and site to be mine not a big building or sound proofing thing. Plus, when you went to Ellendale are you sure that everything was turned on when you went? Like when they have tours, they do not have everything on. I worked at DGC, 10 years ago we went to Basin our workforce was getting older, kids don't want to work there. Go talk to people that are trying to hire. They don't want to do it anymore. Most people want to work on computer machines.

Public Comment- This industry will provide jobs for kids- but you are trading our current industry for this. Our industry is at greater risk than data.

Chris- I want to see this work together. Wasn't there at one-point, ND was all Ag?

Mike- Everything slowly is dimensioning I owe everything I have, to fossil fuel. I was not given a ranch. I wouldn't have gotten my ranch without DGC. There will be winners and losers, this industry is coming.

Public Comment- Some people have options on land. They wouldn't have signed up for it if they would have known it was for Data, they were told it was something else.

Mike- My wife asked me if I was offered a big pile of money for your land would you sell it? Sure, I said I don't look at it.

Public Comment- I believe a lot of people would answer like you did. My concern is what affects everyone including the whole state. So, we must be very sure of decisions we are making.

Mike- We are very much trying to be. Just being able to go to the county commissioner's meeting after this because this was not being able to be done in the past. We need to get these ordinances over to the commissioners and to the companies.

Meeting called to order: 10:40AM

Public comments are due on Wed 29th by EOD (4PM) prior to next Sub Committee Meeting.

Scott- Minutes from last meeting, notes, comments, everything was considered for this draft here-

All texts in red he rewrote. Comments did suggest alternative language and that starts with the definitions. Mitigation of what was provided. A better def of data center was included.

Steve- Is this where we would put in no block chain?

Scott- We could add this here.

Mike- The Block chain could be included; there is something I always try to keep in mind with ordinances.

Public Comment- Be careful with language

Scott- The next section page 5- This would apply to all centers- noise study, soil analyst, any irrelevant study required by Mercer County. There might be other studies that come up that is why we added that.

Alt B has additional requirements for bigger centers, Traffic studies, industrial use on land (could maybe apply towards conditional use permits) Need to understand prime ag lands that are being converted.

Public Comment- Does this include an economic study?

Scott- It can. The last 2 are what are already required for wind and solar. Bio research is based on state and federal. Mentioned economic study that goes behind ag.

Steve- On top of page 5 on section 3 =, do we need to add a timeframe to this, what about 2 years from now? A data center today is going to be different than in a few years.

Scott- We can require that they look for future.

Steve- Basin can create an outlook on their plant so we need to require this with the data centers. How much excess capacity do you have right now.

Wes- Could we put in wording in 33 that developers would need to provide a 10-year load forecast like Basin does? So, this would be part of the permit or conditional use permit.

Basin- We do not have a traditional load outlook for something like this. If we give you a 10 year forecast, it wouldn't look the same as it's prospected to look. It is for individual large loads.

Steve- Everything we produce in this county is technically going to 1 place.

Wes- To build off what Steve is saying that a developer coming in would know and be able to tell what they are planning for a tier 1,2,3 like they are doing in Texas. They have to plan what they are going to do.

Mike- We need to know what a company is going to use for power for 10 years out. This lets us know what the demand is.

Chris- With all the talk of Hub- the proposed 1.5-megawatt gas plant would be an example of 1 hub. NextEra Energy does have plans for 6 gigawatts of energy in the next 10 years- Mercer County is part of the 6 gigawatts.

Lundstrom- We need a copy of that because that is an edited version of what was said in that video.

Mike- 96 Diesel engines per building, 300+ generators all on site. Can you imagine 300 diesel engines coming online. That will wake you up.

Scott – bottom of page 6- Setbacks from water that was increased for a quarter of mile. Setbacks from drinking water increased to 1 mile.

Next Era Comment- Why has this changed?

Steve- A quarter of a mile from that is protecting those people.

Public Comment- The intent behind this is that the industry doesn't pull from wells?

Steve- This is just a precaution

Mike- In previous coal mines they have sealed off areas, and this has changed the water flow.

Dwight- We need to change so it's just not drinking water

Mike- We call it potable water

Wes- The developer would be required to test the wells flow rate so that way if someone lost their water, they would have something in place. When Coteau Bluffs and Basin were required to come out, I think we should protect this. In this proposed ordinance there is 4 corners of state school land. The flowing water starts about a quarter mile south and then flows to the knife river. There is nothing here that protects that because there are lots of people who use that water to water their cattle.

Scott- We would rely on the water board and state for this information. This is why we go out to different agencies for this.

Wes- The water board or the state would look at how it drains and look at the loss of how it would be impacted if there was a loss.

Dwight- I am concerned about southwest water. What we get and we are supposed to get are two different things. We do not want to lose our pressure.

Mike- Anybody applying for non-farm residence can apply for SW water. They have built it up for a certain expansion and they have almost hit that. 250 dollars and send engineer and determine if can be hooked up or not. Talk that they will be laying another pipe to the lake. This is the power we have- if they cannot hook into SW water, we do not have to let them drill a well so it will kill the project. These are all things that can be listed in the conditional use.

Scott- Page 7 under standards – added ascetics equivalent to McLean County. Like Dark Sky areas (AZ for example) No light pollution going up or out. 7 has to do with vegetation. There will be property that has no building on it, those areas have evolved. Appropriate seed mixtures, no erosion, grass is looked at appropriately. 8 is looking at radio frequency, making sure there is no impact with this, especially in adjustment frequencies.

Wes- Would having a data center affect our ability to have cell phone service in the area?

Scott- We would have to get back to you on this.

Scott – Page 8, disposal of material, water discharge. On page 9, Diesel requirement- this is not unusual to see. On the other hand, the change of ownership, prior to changing, there is an app that needs to go to the county commission.

Steve- On the second to last sentence there. Can we add other criteria also?

Mike- We need to be able to look at the second buyers and make sure they abide by the same rules as the original owner.

Scott- Next page is emergency management- nothing has changed besides format. Page 11- We did incorporate the comments

Steve- On page 10 item #3- facility map identified by each structure- Would like to add the contents also such as hazard materials.

Mike- Anything hazard needs to be identified this is OSHA requirement. They also need to work hand and hand with fire departments etc. If location ends up where everyone thinks it is going. The City of

Washburn will need to be included and the National Fire Service. Underwood may be out of area, but they have good people as well.

Michael Berg- Life of a facility is 20 years. What about reclamation? And the Ownership of the area?

Steve- This is at the end but the ownership we would hesitate (I am not an attorney)

Attorney Schwarz - You can't mandate that that goes back- The coal mine yes because there are surface rights. But if you own the surface rights and they decide they want to mine there that's still your land. The surface minerals are together. The owner of the surface is not returned to the original owners. With the data center, we do not know what life expectancy is. We would gather to guess they would not build this; they would have to bring their own power, that is why we have a gas/power plant with this. With the county we can require a reclamation bond so it goes to a pot and can be reclaimed. Data centers are buying the land; we can't require them to return it to who they bought it from.

Scott-Pae11 County engineer can provide these recommendations. Access roads- make sure that the highway dept and engineers know that everything is up to standard. Road restoration on page 12 added lots- Roads will be restored back to the way they were

Mike- present standards do not want them as bad as they were

Wes- Can we have a compliance officer do a yearly check with NDOT.

Mike-If Road is bad the construction AND maintaining the road they have to repair it.

Scott- The rest of the draft is unchanged from the original draft. I will say going back on comments earlier. I think we can look at maybe going back on conditional use- any change or use needs an amendment. Another thing to add would maybe be annual look at power usage

Chris- Who would analyze this and look at this?

Scott- That is something we would need to investigate.

Mike- Data centers become more efficient every year. This data center is at the peak of power that is available. In 5 years maybe it won't require as much power so they can possibly double their footprint.

Chris- Be careful about requirements because we don't have people to look at this.

Mike- We would have to use a third party to do the test and explain to us.

Scott- The monitoring is done at the expense of the applicant. Discuss / look at hard setbacks from residential usage such as noise.

Mike- Set back from half a mile from living near plant. If you have someone do a study depending on who they work for the study can look however they want. I live 2 miles from the plant and on a good day I can hear the tracks click from Coteau or people talking in the parking lot.

Public Comment- What you just said Is our side of the argument

Mike- A lot of the landscaping they do kills the noise. They can put something up that gets rid of it. Noise is a factor- for example living next to the train tracks after a few days you don't notice but you have people coming over and they can't stand it.

Public Comment- You are talking about the structure itself. You are trying to pinpoint a legit structure. Do you know how far people live from the dragline.

Lundstrom- I am confused on noise we can hear- Noise is a sound/ sound waves or vibrations. People who live near the data centers are getting sick. Waves I hear of sound that do damage are not necessarily what we pick up with our ears. Where do we look for negative effects?

Scott- These noise requirements in ND are what we see across the country. I would recommend keeping as is, then when you get an app request this in the sound test.

Public Comment- Would it be possible to request the person doing the test ask what the plant is running at?

Scott- We have it in there that the plant be running at full.

Attorney Schwarz- I do not see where this test is going to be run.

Scott- Noise proceeds from any sound points from sound pressures.

Mike- On the bonding we have this as prospective bond. We will sit down every year and look over if they need to clean up the area. P&Z is May 13th at 7 PM at Beulah Civic Center. May 5th at 6PM will be next subcommittee meeting.

Jen- Need comments on the Wed before the subcommittee meeting by 4PM.

Meeting adjourned at 11:55AM