

EXHIBIT E

McPherson County Zoning Board and Board of Adjustment
Minutes of Proceedings
December 10th, 2024

Call to Order

The McPherson County Zoning Board was called to order by Chairman Jeff Neuharth at 10:00 A.M. in the Commissioner's Chambers. Members present included George Hulscher, Alvin Kallas, Dan Mettler, and Richard Kolb. Also present was States Attorney Austin Hoffman, Bill Connors from Leola Data Center, Hunter Heinrich from Zoning Administration, and 16 members from the public.

Agenda

Dan Mettler moved and Richard Kolb seconded to approve the agenda with the addition of possible discussion of term limits for the members. Motion carried.

Minutes

Richard Kolb moved and Dan Mettler seconded to approve the October 15th, 2024 meeting minutes as published. Motion carried.

Conflicts of Interest

No conflicts of interest were mentioned, Neuharth noted conversations with Leola Data Center Representative and Kolb mentioned a conversation with Wayne Breitag.

Board of Adjustment

George Hulscher moved and Dan Mettler seconded to go into the Board of Adjustment at 10:03 A.M. Motion Carried.

Discussion was had on Conditional Use Permit 24-CUP-04

The commissioners voted to enact a moratorium on any Data Center conditional use permits until an ordinance can be adopted. The Board of Adjustment talked about deferring the conditional use permit until an ordinance could be passed.

Richard Kolb moved and Alvin Kallas seconded to move out of the Board of Adjustment at 10:07 A.M. Motion carried.

Public Comments

Several public comments were heard from: Wayne Breitag- sound, drainage, and cleanliness concerns; Mike Klipfel- electricity use concerns; Linda Schauer- community concerns; Wade Weiszhaar- concerns involving ag and noise; Leo Vilhauer- traffic concerns; Bill Connors representing Leola Data Center- talking about noise mitigation policies, possible tax benefits for the county, and the structures; Sid Feickert- concerned there is not enough local benefit; Jerome Mack- possible community growth; and Lloyd Schaunaman- security guard concerns.

New Business

Austin Hoffman brought forward a template data center ordinance for the members to look at and comment on. Clerical changes were talked about as well as fencing requirements. Jerome Mack had a

question regarding the definition of an owner-occupied dwelling. Setbacks were discussed. The setback must be reasonable for the type of conditional use permit being applied for. Austin Hoffman had concerns regarding the suggested setback distances. George made a motion and Richard seconded for a 1-mile setback. Motion carried.

Board of Adjustment

Dan Mettler made a motion and Richard Kolb seconded to go into the Board of Adjustment at 11:25 A.M. Motion carried.

Dan Mettler moved and George Hulscher seconded to defer 24-CUP-04 with possible amendments to meet future ordinance. Motion carried.

Richard Kolb moved and Alvin Kallas seconded to move out of the Board of Adjustment at 11:28 A.M. Motion carried.

Building Permits

Building permits 24-49 – 25-03 were listed. Building permits were: 24-49 Boulder HB Inc. – New mobile home; 24-50 Pat Lapka – Moving grain bin onto property; 24-51 Kunz Northern Kross Ranch – Moving pole barn onto property; 24-52 Geralyn Christen – Reroof and side garage and tear down old house; 24-53 Mack Land LLC. Multipurpose building; 24-54 Craig Bieber – Hoop barn; 24-55 Craig Bieber – Hoop barn; 24-56 Pat Lapka – Barn repair; 24-57 Nick Kallas – Chicken run; 25-01 Derek Merkel – New garage; 25-02 Travis Wald – Covered porch and attached garage; 25-03 Gailen Hauck – Replace windows and shower.

The next meeting will be January 21st at 10:00 A.M.

Adjournment

Alvin Kallas moved and Dan Mettler seconded to adjourn the meeting. Motion carried. Meeting adjourned at 11:30 A.M.

Hunter Heinrich
Zoning Administrator

Jeff Neuharth
Chairman of the Zoning Board