

BUTLER COUNTY PLANNING COMMISSION

November 5, 2025

An organizational meeting of the Planning Commission of Butler County, Nebraska was held on the 5th day of November 2025 at the Butler County Highway Building in David City, Nebraska at 6:00 p.m.

Present were the following: Jesse Hough, John Kobza, Steve Barlean, Kevin Hotovy, Roger Topil, Will Reiter. Devin Jakub arrived at 6:02 p.m.

Notice of the meeting was given in advance thereof by publication, a designated method for giving notice, as shown by the Proof of Publication attached to the minutes. Notice of this meeting was given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice and in the notice to all members of the Planning Commission of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

The Pledge of Allegiance was recited by all present. County Clerk Lori Aschoff called the meeting to order and announced that a complete copy of the Open Meetings Act is posted in the meeting room.

Introductions

Planning Commission members were introduced, along with the district they represent and their term expiration date.

Review and adopt bylaws

Moved by Hough, seconded by Reiter, adopt the bylaws presented, with the following addition:

“Article II, Section 6: The Planning Commission will follow Robert’s Rules of Order for small boards for purposes of the meetings. Seconds on motions will be required.”

Upon roll call vote the following voted Aye: Hough, Reiter, Jakub, Topil, Hotovy, Barlean, Kobza. Nay: None. Motion carried.

Election of Officers – Chair and Vice Chair

Chair Election: Hough nominated Kobza for Chair; nomination seconded by Hotovy. Barlean nominated Topil for Chair; nomination seconded by Reiter. Votes were taken by secret ballot and tallied by the Clerk. Topil was elected Chair.

Vice Chair Election: Hough nominated Kobza for Vice Chair; nomination seconded by Jakub. No other nominations were made. Votes were taken by secret ballot and tallied by the Clerk. Kobza was elected Vice Chair.

Clerk Aschoff will serve as Secretary for the Planning Commission.

Discuss and set regular meeting dates/times

Discussion was held to set regular meeting dates/times. Clerk Aschoff suggested that the second week of the month, between Board of Supervisors meetings, would enable timely placement of items on both groups’ agendas if/as needed. Discussion was held. Moved by Reiter, seconded by Barlean to have meetings on the second Wednesday of each month at 6:00 p.m. Upon roll call vote the following voted Aye: Reiter, Hough, Kobza, Barlean, Hotovy, Jakub, Topil. Nay: None. Motion carried.

Presentation and discussion of Comprehensive Plan Scope of Work – Hanna: Keelan

Tim Keelan introduced himself and planner Keith Carl and provided background information about Hanna:Keelan. The firm has been in existence for 47 years and has worked with roughly 185 communities and 33 counties to conduct and update comprehensive plans; they also conduct housing studies and assist developers with market studies. Keelan reviewed the scope of work and estimated a planning period of 9-10

months for Butler County's Comprehensive Plan. He and/or Carl expect to attend 5-6 meetings in person, more if needed. They will hold at least two county-wide open houses. The comprehensive plan will be for rural Butler County, meaning outside the corporate limits of cities/villages; therefore, input is needed from rural residents. Comprehensive Plan initiatives will be largely influenced by public input (i.e. meetings, surveys, etc.) addressing land use issues. Zoning addresses what we can and want to do, not what we cannot or do not want to do. Barlean asked if zoning will be based on survey responses. Keelan replied that the surveys will be very important as initiatives will be developed based on the surveys and public meetings. Zoning will come out of the initiatives but will be decided by the Planning Commission. Kobza asked about the role of the Planning Commission, whether it was an advisory committee or a zoning board. Keelan responded only a planning commission can create a comprehensive plan and zoning. Kobza stated that the main goal is to get the comprehensive plan written and not yet make recommendations to the Board of Supervisors.

Presentation and discussion of preliminary Butler County Rural Community Population Data and associated Rural Community Planning Jurisdiction Map – Hanna:Keelan

Keelan and Carl reviewed preliminary rural population data, including a map showing county limits delineating the rural areas and municipalities corporate limits. They also reviewed population trends and projections through 2035, and a second map depicting existing intensive livestock sites, the landfill, and municipalities corporate limits and community planning jurisdictions.

Presentation and discussion of Butler County Rural Community Draft Survey – Hanna:Keelan

Keelan and Carl reviewed a draft survey. Hotovy asked how the survey would be conducted. Keelan stated that every effort will be made to make the survey available to all Butler County residents. Online surveys work well; hard copies will also be made available to encourage county-wide participation, particularly by rural residents. Concerns were expressed about the potential for multiple surveys to be completed by a single individual or household. Carl stated that the online platform they use will eliminate duplicated surveys. Additional security measures are also in place, and they are working on other ways to combat the issue, but it is usually not a problem. Keelan noted that rural residents and landowners will be able to complete the survey. Data will be extrapolated several different ways. There are multiple avenues for getting surveys out there; they hope to receive at least a couple hundred responses. Hough asked about survey deployment. Keelan said deployment will take place right away in December and the survey will be available for 6-8 weeks.

Review/Discussion of possible moratorium of selected land uses/developments during the period to prepare a Comprehensive Plan and Zoning Regulations for Butler County

Keelan shared that as of late, counties developing a comprehensive plan will place a short-term (e.g. 12 months) moratorium on development outside of traditional ag and rural subdivisions in order to get through the planning process and make sure the planning commission has the right initiatives and solutions going into zoning. Currently, Butler County has no way to stop or manage any kind of development. He advised the commission to give serious thought to implementing a moratorium. Topil and Barlean noted that a rush of development to beat zoning would be detrimental to the planning process. Topil asked County Attorney Julie Reiter if a public hearing would need to be held in order to implement a moratorium. County Attorney Reiter stated yes that a public hearing would need to be held and that a public meeting could be held immediately following the hearing. The Planning Commission would then make a recommendation to the Board of Supervisors, and the Board would decide whether or not to implement a moratorium. Kobza noted that multiple people and businesses have made multi-million-dollar investments in chicken barns, solar farms, etc. At what point are they grandfathered in when they have already spent a great deal of time and money? Keelan noted that a moratorium is temporary. It is difficult to create a comprehensive plan when development is still ongoing. There are rules that govern non-conforming uses, and those people and businesses would presumably understand that waiting until zoning is in place is in their best interest. You have to consider and act in the best interests of the community. Carl stated that in their experience, if the moratorium is justified, clearly defined, specific, with clear and concise reasoning, that it is less likely to be challenged or bring litigation. Hough asked what if we drive away businesses or opportunities for young farmers? Kobza expressed

concern that a moratorium will chase away a feed mill and millions of dollars of investments. Reiter noted that a moratorium will not affect existing farms. Diversification is important, but environmental impact must also be considered. Carl interjected that the purpose of this meeting is not to debate the need for a moratorium, but to better understand the comprehensive planning process. The comprehensive plan will not get rid of existing development but establish rules for existing and future development. Topil asked Keelan and County Attorney Reiter if they could provide examples of moratoriums from other counties. She will research and provide examples to County Clerk Aschoff to distribute to Planning Commission members. Hough requested that a discussion regarding a moratorium be added to the next Board of Supervisors meeting agenda. Kobza stated that implementing a moratorium is uncharted territory and will invite lawsuits. County Attorney Reiter responded that lawsuits are likely either way and that the purpose of a moratorium is to let the Planning Commission do its job as expeditiously as possible before people invest in projects that will be a nonconforming use. The Board of Supervisors hired a consultant; the consultant recommends that you consider a moratorium. Keelan noted that the purpose of a comprehensive plan is to protect the health, safety, and welfare of county residents. County Attorney Reiter said that the Planning Commission members have directors' liability insurance and would receive representation if named in a lawsuit. She is happy to meet with board or commission members if they have any questions or concerns.

Public Comments/Questions

Public comment was taken from Bruce Bostelman, Jonathan Leo, Edison McDonald, David McPhillips, Elijah Frasher, Tony Krafka, and Joe Peterson.

Bostelman stated that moratoriums are important. He gave the example of the Republican River Basin and said there are bound to be consequences if we don't put something in place to keep development from happening too quickly. He expressed concerns about conducting an online survey and how to ensure respondents are actually from the county.

Leo is a retired environmental and land use attorney. He spoke regarding the potential legal liability for imposing a moratorium on use that regulation would potentially limit, stating that he felt the County would be somewhat insulated. State regulation (environmental) is different from county regulation (land use). There are no regulations in Butler County regarding land use, including CAFO. He expressed appreciation and respect for the Planning Commission and the job they have to do.

McDonald shared handouts from Nebraskacommunitiesunited.org with Planning Commission members. He stated that talking about a moratorium now better legally protects you and gave examples from Lancaster County. He encouraged people to contact him or go to the Nebraskacommunitiesunited.org for more information.

McPhillips thanked the members in advance for serving on the Planning Commission. He urged them to listen to rural residents because they should have a voice on what happens in the County.

Frasher stated that he is in favor of a moratorium. He said there seems to be much concern for what outside investors may or may not do, but there is a legitimate need to pay attention to what County residents want. Don't let businesses or attorneys invoke fear.

Krafka stated that there has been a great deal of discussion surrounding solar farms, chicken barns, and livestock, but there are other issues such as potential landfill expansion, recreational properties, lakes, etc. This is just the tip of the iceberg. He is a farmer and has cattle. He expressed concern that the surveys will be biased toward residents compared to farmers. Zoning needs to protect residents, but it also needs to protect livestock farms from the residents. There are a lot of rural residents, lakes, and septic tanks. There is more to consider besides what to do about chicken barns and solar farms.

Peterson said he knew of two examples in other counties in which a planning commission made recommendations and the board did not follow the recommendations. County Attorney Reiter stated that the Board appointed a Planning Commission, who are responsible for developing a comprehensive plan and zoning regulations and making recommendations to the Board. The Board has the ultimate say in accepting, rejecting, or sending them back for revision. Peterson asked that the commission consider proximity to a paved road to reduce the amount of dust generated with regard to CAFOs. **He also asked the commission to consider putting a maximum capacity on livestock per facility and per area.**

Frasher asked if the materials provided to the commission are available to the public. County Attorney Reiter noted that a record becomes public record once it is distributed to a board or commission and you have every right to request it.

Next meeting date

The next meeting will be held on Wednesday, December 10, 2025, at 6:00 p.m. in the meeting room at the Butler County Highway Building.

Adjourn

Motion to adjourn by Hotovy, seconded by Hough. All aye. Meeting adjourned at 8:17 p.m.