

BUTLER COUNTY PLANNING COMMISSION

December 10, 2025

A meeting of the Planning Commission of Butler County, Nebraska, was held on the 10th day of December 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, Tim Keelan (Hanna:Keelan), Keith Carl (Hanna:Keelan).

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. Chairman Roger Topil called the meeting to order and announced that a complete copy of the Open Meetings Act is posted in the meeting room.

Minutes from the previous meeting were reviewed. Moved by Reiter, seconded by Hough to approve the minutes as presented. All aye. Motion carried.

Discussion/clarification regarding travel expense reimbursement process

County Clerk Lori Aschoff explained the travel expense reimbursement process. The County will cover conference registration fees, pay the federal mileage rate for travel to conferences and trainings, and pay stipends for meals. Claim forms are available at the Clerk's office and receipts must be submitted with the signed claim form. She said she would email Planning Commission members with meal stipend amounts and encouraged them to reach out to her with any other questions.

Discussion regarding the role of Planning Commission members regarding presentation of their planning views outside of a Planning Commission meeting

Chairman Topil reminded members that when they are addressing the County Board or other entities they need to clarify whether they are representing themselves or the Planning Commission. Reiter noted that if someone needs to represent the Planning Commission, a motion should be made and voted on, and that it would most often be the Chairman or Vice Chairman. Chairman Topil noted that he spoke with Board Chairman Scott Steager and that Steager would like a short (e.g. two-paragraph) synopsis of Planning Commission meetings for the following Board meeting, and that he (Topil) asked Reiter to do this. Reiter indicated that he spoke with County Clerk Aschoff, who said Planning Commission meeting minutes will be provided to the Board. Kobza said he wants clarification from the Board regarding whether a Planning Commission representative needs to attend Board meetings or if the minutes will suffice, and what the process should be. County Clerk Aschoff stated that a Planning Commission update will be added as a regular agenda item for Board meetings going forward.

Comprehensive Planning Process Update

Tim Keelan and Keith Carl, Hanna:Keelan, reviewed the comprehensive planning process. Keelan stated it is expected to be a nine-month process. They will look at all types of land use and work on development and preservation initiatives. They are in the early stages of gathering data; he reiterated that the comprehensive plan is for rural Butler County, not the incorporated communities, although the final plan will be cognizant of the

local communities' plans. There are multiple development activities going on right now; they are important, but should correlate with the health, safety, and wellbeing of rural residents.

Discussion to finalize Butler County Rural Community Survey and implementation process

Keith Carl presented the proposed survey and reviewed the implementation process. The survey will be available online and via hard/paper copy later this month through the end of January. Results will be reviewed at the February 11th meeting. The survey, which will be limited to one per household, is a critical piece of the planning process and will be open to all Butler County residents, but with a focus on rural residents. Responses will be filtered and data extrapolated by where respondents live and whether they own property in rural Butler County. Survey questions were reviewed and discussed. The suggestion was made to re-word Q3 or add a question regarding whether respondents were actively farming in rural Butler County.

Kobza said he felt the question regarding a moratorium should be removed from the survey and that the survey questions are too specific. Instead of referring to solar and wind specifically, he suggested using the term renewable energy. Instead of such specific questions, the survey should ask if we are a livestock friendly county and if we want to promote livestock friendly businesses. Hough agreed and gave an example of robotic farming and whether that is considered traditional ag use. In ten years, how many people will be robotic farming? Are we pro-farming, pro-growth, pro-business? Reiter said he liked the layout of the survey and saw no need for changes. It was asked who will get the survey results; Carl indicated that responses will be kept confidential. Hanna:Keelan will compile the results and share them with the Planning Commission; they will not be made public.

Barlean asked about setbacks; Keelan indicated that that was too much detail at this stage and they would wait for the public meetings stage to delve into those discussions. Barlean said residents would be more supportive of a project if it were a mile away than if it were an eighth of a mile away, for example. Hough asked if the survey could be broken into two parts with planning questions now and zoning questions later. Keelan said in his 40 years he has never conducted a survey on zoning, but it is not a bad idea, and he will give it some thought. Carl added that once we have the results from this survey, the decision can be made to conduct a more specific survey later on.

Reiter asked that term length be included on the moratorium question, or that the question ask if you support a moratorium, what length of time is appropriate, as no one wants a long moratorium. Carl noted that when a moratorium is enacted, it is typically limited to the length of the planning process. The timeline for this planning process puts pressure on the Planning Commission to get things done in a timely manner. Keelan noted that if the Planning Commission decides to move forward with a moratorium, they would make the recommendation to the Board of Supervisors, and a resolution would be prepared by County Attorney Reiter. County Attorney Reiter noted that a public hearing must be held first.

Keelan asked if any other land uses needed to be added to the list. They hope to get the survey out next week but need approval from the Planning Commission to move forward with it. Carl added the survey will be primarily online, with the link advertised on the website social media, press releases, etc. A QR code would also be utilized to allow people to access the survey using their phones.

Discussion was held regarding whether the survey questions were too broad or narrow. Too specific can bring bias; however, not everyone has the same definition for a concept such as renewable energy. Further discussion was held regarding traditional vs. intensive/confinement. Keelan noted that these will all be different uses in zoning and we need to take the temperature of people living in rural Butler County. The comprehensive plan relates to future land use and more specific uses roll into zoning. A comprehensive plan is all about land use –

we can't change that. Discussion was held about whether the term intensive was appropriate for the survey and whether it should just say livestock. Topil stated that he likes the current survey format and questions. He suggested that the landfill be added to the list of land use types as it has been a controversial issue for many years.

Barlean stated the survey is not for the Planning Commission members specifically, and what they may want individually is immaterial, that they need to focus on what rural residents want. He said they hired Hanna:Keelan to do this; they have the expertise. If responses to ag questions are positive, one can reasonably conclude that people are pro-ag. The survey is specific to land use, and resident input is needed. Kobza asked if CAFOs would be considered a non-traditional use in the case of a moratorium and asked Commission members to state whether or not they considered CAFO's to be traditional use. Kobza, Hough, Jakub, and Hotovy said traditional. Reiter and Barlean said non-traditional. Topil said commercial. Kobza questioned whether the word non-traditional should be left up to the opinion of respondents.

Discussion was held regarding whether the Planning Commission could actually vote to approve the survey since the agenda used the word "finalize" and not the word "action." Kobza and Hough stated that because the agenda did not use the word "action" a vote could not be taken. County Attorney Reiter stated that because the word "finalize" was used, they could vote. Kobza questioned how to prevent one person or household from completing multiple surveys. Carl indicated that most surveys will be completed online and once a person has completed the survey, the same email or IP address will not be allowed to complete the survey again. Keelan noted that offering a monetary drawing (e.g. \$100) may encourage people to provide their name/address, but he did not believe multiple surveys would be an issue. Kobza asked if non-rural residents would be able to complete the survey. Keelan responded yes, but responses will be filtered to show responses of community vs. rural respondents. Hough suggested that a question be added after Q3 asking if respondents own an active farming operation in rural Butler County, not just whether they owned property.

Moved by Reiter, seconded by Barlean to approve the survey with the discussed corrections (adding "Do you operate an active farm operation in rural Butler County" and verbiage regarding length of a potential moratorium). Upon roll call vote the following voted:

Aye: Reiter, Barlean, Topil.

Nay: Jakub, Hotovy, Hough, Kobza.

Motion failed.

Hough and Hotovy said they want to see the final survey before voting and Hotovy stated a moratorium is too controversial. Keelan noted that Hanna:Keelan was hired by the Board to assist the Planning Commission in developing a Comprehensive Plan to address and regulate all land uses. Uses will be permitted (granted by right), permitted via special permit, or nonconforming. He asked what it would hurt to press the pause button with a temporary moratorium. Hough stated that development has been going on for years. Chairman Topil asked County Attorney Julie Reiter if the survey could be approved via email and ratified at the January 14th meeting. County Attorney Reiter that if a vote is conducted via email, everyone must be given the opportunity to provide feedback. She indicated a special meeting date could also be set to approve the survey. Chairman Topil asked County Clerk Aschoff, who stated that a special meeting could be scheduled any time after December 18th, the earliest date the meeting could be published in the newspaper.

Hough said the moratorium question should be removed from the survey; Kobza agreed and said the question implies that a moratorium is needed. Hough said the Planning Commission was appointed by the Board and that they need to push it back to the Board for their approval to include the moratorium question on the survey.

Reiter disagreed, stating that doing so was redundant since it was confirmed at the last Board meeting that the matter must go to the Planning Commission first.

Hough suggested they get a legal opinion regarding the legality of moratoriums. County Clerk Aschoff noted that County Attorney Reiter was present at the meeting for their benefit. Chairman Topil asked County Attorney Reiter's opinion. County Attorney Reiter indicated that she has stated before that moratoriums are legal, and that courts, including the United States Supreme Court, have upheld moratoriums and that they should be imposed for a specific purpose, which would be to allow the Planning Commission to complete a proposed comprehensive plan and zoning regulations, that the moratorium should be limited in duration and can be limited in scope. She stated that if the Planning Commission should recommend a moratorium, that she would draft the recommended resolution in accord with what the Planning Commission wanted. Keelan also indicated his support of a temporary moratorium in order to allow the Planning Commission to do their job.

Moved by Kobza, seconded by Hough to have Chairman Topil attend the Board of Supervisors meeting on behalf of the Planning Commission to provide an update and get the Board's opinion about including a question about a moratorium on the survey. All aye, motion carried.

Moved by Reiter, seconded by Hotovy to hold a special meeting on December 22, 2025, at 6:00 p.m., to approve the community survey. All aye. Motion carried.

Keelan noted that the Nebraska Planning and Zoning Association's (NPZA) annual conference will be held in Kearney March 4-6. He encouraged Planning Commission members to attend this conference as it is a good source of information and education related to planning and zoning.

Hotovy stated that nine months is not a realistic timeframe to develop the comprehensive plan and zoning. Carl noted that meetings can be added and that most of the work will be done behind the scenes; meeting times are not the only time to be put into the development of the plan and zoning. The comprehensive plan should be completed by May with work on zoning to follow. Keelan stated that Hanna:Keelan was given nine months to complete the process, so they need to move this down the road. Hough agreed things need to keep moving but a moratorium will only slow things down.

Public Comment

Public comment was taken from Patrick Meysenburg, Dan Schmid, Mike Ebel, Bob Kobza, Joseph Peterson, Edison McDonald, Dan Pavel, and Don Rech.

Patrick Meysenburg, David City, asked who would be completing the surveys. Keelan responded that the survey will be available to all households in Butler County. Meysenburg stated that when the City of David City completed their comprehensive plan, rural residents were excluded, so why are they being included in this process? Keelan thanked Meysenburg for the question and indicated that they are most interested in the response from the rural community, but that some rural property owners and farmers reside in David City. Meysenburg followed up with an observation that in 1973 the rural population was 75% farms and 25% residential, but since then it has flipped and is now 75% residential and 25% farm. Farming was normal and the associated smells were normal. City votes should not be counted; rural residents who do not farm also should not get a say. Keelan noted that those people have also made a financial investment to live in a rural area; perhaps if the County had had zoning back then the percentages would not have flipped like that.

Dan Schmid, Dwight, asked, in the interest of transparency and avoiding problems in the future, if it would be prudent to have each commission member declare any conflicts of interest. He also said he was involved with

the now disbanded Nebraska Coalition for Responsible Energy. They sent information to all 93 Nebraska counties regarding wind turbines and will provide information on wind turbines to the Planning Commission through Jakub.

Mike Ebel, Columbus, farms in Butler County. He asked if the comprehensive plan is for rural Butler County, why is there representation on the commission from David City? Why should someone living in town tell rural people what to do? County Clerk Aschoff explained that the Planning Commission is comprised of representatives from each of the County's five rural Supervisor districts, plus two at-large members. County Attorney Reiter noted that the Planning Commission members were appointed by the Board of Supervisors, according to State statute. Ebel asked why the Planning Commission was talking about a moratorium and why they want to stop what is going on. Their job is not to stop what is going on, but to regulate future development. If our forefathers ran things the way we do now, there would be no railroad, nothing. The TransCanada pipeline is an example of this. The County should be ag friendly, and we need to move forward with good industry and good jobs.

Bob Kobza, rural Bellwood, raises livestock/cattle. He stated he would like to see the Planning Commission do what is necessary to become a "livestock friendly" county. We have young people who want to be involved in agriculture, and it needs to be included in the comprehensive plan.

Patrick Meysenburg added that if you are given lemons, you make lemonade. We are a livestock county and have to work with what we have been given.

Joseph Peterson, Bellwood, suggested that technology be utilized to improve efficiency. With a laptop and a printer, the survey could be revised and voted on immediately, rather than scheduling a special meeting. It should not be necessary to schedule a special meeting to re-word a survey. Having a laptop and printer available would save two weeks. He also suggested that meetings be held every 2-3 weeks to keep things moving; much can be forgotten after 4-5 weeks. A public hearing regarding a moratorium is the elephant in the room; Peterson said he had hoped the Planning Commission would vote on a public hearing. A more expeditious approach would be nice; townships are starting to impose their own moratoriums instead of waiting for the County.

Keelan noted that changes to the survey will be made and emailed to County Clerk Aschoff by Friday, and she can forward to Planning Commission members. He asked that the Planning Commission members provide feedback/input via email but said adopting the survey is better done at a public meeting.

Edison McDonald, Nebraska Communities United, agreed with Hough that some of the terminology defining CAFOs can be confusing. He suggested the land use listing on the survey include counts. He also urged consideration of AI data centers and similar uses in plan development.

Dan Pavel, Linwood, asked what is on the survey because he has not seen it. County Attorney Reiter indicated it will be of public record after the meeting and to reach out to the County Clerk's office for a copy.

Don Rech, Ulysses, asked why we are doing a survey when we have elected officials who could host meetings and be done in 30 days. Why is a survey necessary? Keelan responded that in his experience, surveys work best and give everyone the opportunity to provide input. The Board appointed the Planning Commission because per State statute, only a planning commission can create a comprehensive plan. Rech suggested the Planning Commission members go from town to town to host meetings, administer the surveys, and take the survey results back to the Board. Keelan noted that it is up to the Planning Commission and some others do their own plans; however, a comprehensive plan takes time and expertise, which is why the Board hired the planners.

Hanna:Keelan is responsible for putting it together. The easiest way to gain resident input is to conduct a survey. A sampling could be done instead but would be more costly. A community survey is available to everyone.

Peterson added that he helped write code for the American Welding Society and suggested the TV and a couple laptops could be used to improve meeting efficiency. Carl noted that this is only the second meeting and they will get more efficient.

Hough reviewed the planning timeline with the group.

Next meeting date

The next meeting will be held on Monday, December 22, 2025, at 6:00 p.m. in the meeting room at the Butler County Highway Building.

Adjourn

Motion to adjourn by Reiter, seconded by Jakub. All aye. Meeting adjourned at 8:05 p.m.

Lori Aschoff
County Clerk

Roger Topil
Planning Commission Chairman