

BUTLER COUNTY PLANNING COMMISSION

December 22, 2025

A meeting of the Planning Commission of Butler County, Nebraska, was held on the 22nd day of December 2025 at the Butler County Highway Building in David City, Nebraska, at 6:00 p.m.

Present were the following: Roger Topil, Kevin Hotovy, Devin Jakub, Will Reiter, John Kobza, Steve Barlean.
Absent: Jesse Hough. Tim Keelan and Keith Carl from Hanna:Keelan joined the meeting via Zoom.

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 Jakub to approve the minutes as presented. All aye. Motion carried.

Review and approve Butler County Rural Community Survey

Keith Carl, Hanna:Keelan, reviewed two survey options with the Planning Commission, with and without the question regarding a moratorium. Carl noted that both survey options include the changes requested at the last meeting. At the request of the Planning Commission, the County Board discussed the moratorium question at their last meeting; some were in favor of removing the question and others were in favor of keeping it.

Kobza said they (Planning Commission) asked the Board, and the Board said no moratorium, so they need to move on. Reiter disagreed. Barlean stated that they all agree they should do what is best for the rural public. If they refuse to let the public answer a question and remove it from the survey, they are not getting public opinion on the issue. Kobza asked when Hanna:Keelan was hired, what evidence did they have that a moratorium was needed? Keelan said the reason they recommend a moratorium is because Butler County currently has no rules, no zoning, no policy in place. It is difficult to plan around activities. Hanna:Keelan was hired to do a comprehensive plan; current activity makes it difficult to do that. Chances are the activities will be included in zoning as permitted, special permitted, or non-conforming uses. Carl noted that the purpose of asking the question is to get the public's opinion. If the majority of respondents do not favor a moratorium, then that is how they will move forward. If the majority of respondents favor a moratorium, then they will bring it to the Planning Commission for discussion. The survey question is simply intended to gather information. Barlean pointed out that the discussion is not about whether to impose a moratorium, but whether to include it on a survey and let the people tell us what they want.

Keelan explained that the question had been broken down to list the various land uses separately. Jakub asked why the question was broken down and not left as it was, and stated the question seemed redundant. Keelan responded that Board Chairman Scott Steager and Deputy County Attorney Tonia Soukup requested that it be broken down to include the different land uses. Keelan stated that there is no hidden agenda; they just want to get the survey out and give people the opportunity to provide their opinion. Hotovy asked why a battery storage system was added as a land use to the question. Reiter stated he was glad to see it was added because it is an

important issue. Jakub again questioned why it was necessary to list all the land uses on the moratorium question and said he would rather go back to the original question. Reiter stated that he preferred the question with the different land uses listed. Chairman Topil reminded the group that the request to include the various land uses came from the Board. Kobza stated that the word "intensive" is slanted; Reiter disagreed. Kobza asked Reiter what he considers to be intensive; he continued that traditional animal confinement has evolved over the years and intensive is not the right word. Discussion was held about small, medium, and large size operations. Barlean asked if the word "intensive" was removed from the land use lists would he be in favor of the survey; Kobza replied yes.

Hotovy suggested Butler County Landfill Inc. be removed from the land use list and replaced with landfill. Kobza asked that the question, "Should Butler County seek "Livestock Friendly" status? (yes or no)" be added to the survey. Carl said he would work on updating the survey right away.

Keelan explained that developers have their "hunt on" for Butler County, which is why they need to get things moving. If a moratorium were to be imposed on certain land uses, requests for such projects would go before the Planning Commission. It is simply a way of pausing wind, solar, battery storage systems, and other obvious non-traditional rural ag uses. Reiter stated that NACO appears to be pushing battery storage systems on the rural counties. Such facilities benefit the larger cities, but are not beneficial to rural areas at all.

Hotovy stated that everyone he talked to at last week's NACO conference suggested it was quite ambitious to expect to complete the comprehensive plan and zoning process in just nine months. We have to do the right thing and if it takes longer, it takes longer.

Moved by Barlean, seconded by Reiter to approve the survey with the moratorium question included, removing the word "intensive" from questions 6 and 7, changing Butler County Landfill Inc. to landfill, and adding the "Livestock Friendly" question. Kobza stated that he supports questions 1-6 and for wind and solar to be included, but the other land uses listed are too much. If we think wind and solar are the biggest concerns in the next 12-18 months, keep them on the survey, but the other questions are divisive. You might be surprised when you ask people if they support zoning.

Keelan stated that all the land uses listed on the survey have been controversial at one time or another in one county or another; that is why they are listed. People deserve a chance to weigh in. Hotovy and Kobza shared their opinion that including the land use list on both questions was redundant. Barlean disagreed, stating that if they do not ask it on both questions, they are making assumptions, and the more information they get, the better.

Carl reiterated that the survey will be open to all Butler County residents regardless of whether they live in town or in rural areas. Community residents also live in the county, so they should be able to complete a survey. However, survey results will be heavily weighted toward rural since that is the focus of the comprehensive plan and zoning.

Upon roll call vote to approve the survey as noted above, the following voted:

Aye: Barlean, Reiter, Jakub, Hotovy, Topil.

Nay: Kobza.

Absent: Hough.

Motion carried.

Discussion was held regarding the timing of the survey and whether to have a meeting in January. Keelan noted that he and Carl would be unable to make it to a meeting in January as their schedule is too full. They also want to give ample time for residents to complete the survey. Kobza asked how they planned to get the word out about the survey. Carl replied that they will utilize news/press releases, the County's website, and social media. Radio interviews are also an option. Carl said he can create a QR code for people who want to take the survey on their mobile device. They will do everything they can to get as much of a response as possible.

Barlean requested that the "Livestock Friendly" question be moved up in the survey, under questions 1-6. Carl will make that change to the survey.

Hotovy stated that the Planning Commission is not making progress and needs to move more quickly.

Next meeting date

The next meeting will be held on Wednesday, February 11, 2026, at 6:00 p.m. in the meeting room at the Butler County Highway Building.

Public Comments

Public comment was taken from Joseph Peterson, Jonathan Leo, and Pat Meysenburg.

Joseph Peterson, Bellwood, suggested that mailing a postcard with the QR code would be an effective and economical way to get the survey out to residents.

Jonathan Leo, Omaha, retired environmental and land use attorney, suggested that more than one adult in a single residence be allowed to complete a survey. Allowing only one survey per household assumes spouses agree on the issues. He suggested everyone over the age of 18 be allowed to complete the survey. He agreed that it is ambitious for a county with no previous zoning to create the entire structure in 9 months. It can be done, but requires a partnership between the Planning Commission, County Board, the consultant, and residents. He said he spoke with Misty Ahmic, Seward County Commissioner, and that Seward County implemented a moratorium on poultry. A moratorium must be short-term but can be extended if the reasons for the initial moratorium still exist. His point was that the Planning Commission should take as much time as needed to complete the comprehensive plan and zoning.

Pat Meysenburg, David City, stated that Jonathan Leo's opinion does not matter because he does not live here. He also expressed concern about ensuring people complete only one survey and said the surveys need to be numbered.

Adjourn

Motion to adjourn by Reiter, seconded by Kobza. All aye. Meeting adjourned at 7:25 p.m.

Lori Aschoff
County Clerk

Roger Topil
Planning Commission Chairman