

BUTLER COUNTY PLANNING COMMISSION

February 11, 2026

A meeting of the Planning Commission of Butler County, Nebraska, was held on the 11th day of February 2026 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, Jesse Hough, Steve Barlean, and Keith Carl (Hanna:Keelan). Tim Keelan 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 shown hereafter 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 Barlean, to approve the minutes as presented. All aye. Motion carried.

Butler County Rural Community Survey Results

Chairman Topil thanked everyone for participating in the survey. Keith Carl with Hanna:Keelan presented the survey results. A total of 794 surveys were returned, which he indicated was very good for a county this size. Of the 794 surveys returned, 358 were from rural residents and 295 were from rural residents living more than one mile from a community. Four hundred eighteen (418) survey respondents indicated that they maintain agricultural operations.

Most respondents (57% of all respondents; 61% of rural respondents; 59% of rural respondents living more than one mile from a community) indicated support of zoning and subdivision regulations for rural Butler County to provide rules and guidance for land development. Land uses receiving the most support from rural respondents living more than one mile from a community (and average score out of 4) were:

1. General/Traditional Agricultural Activities (3.67)
2. Small-Scale "Hobby Farms" (3.44)
3. Protection of Creek/River Corridors (3.26)
4. Natural Resource Areas (3.18)
5. Land & Water Conservation Districts (3.16)
6. Transportation Systems (2.94)
7. Agricultural Use-Cattle Confinement (2.89)
8. Parks/Recreation/Trails (2.88)
9. Residential Development/Individual Homes (2.84)
10. Agricultural Use-Hog Confinement (2.77)
11. Light Industrial Uses (2.76)
12. Agricultural Use-Chicken/Bird Confinement (2.70)
13. Personal Alternative Energy Systems (2.66)
14. Highway Commercial Development (2.65)

The survey asked which land uses respondents support imposing a temporary, nine-month development moratorium during the comprehensive planning/zoning development process. The top five responses were:

1. Commercial Wind Farms (179)
2. Commercial Solar Farms (166)
3. Battery Energy Storage Systems (149)
4. Data Processing Centers (148)
5. Landfill (134)

Tim Keelan, Hanna:Keelan, indicated that the survey results provide good information regarding planning issues and the moratorium discussion. He reminded everyone that a moratorium is not a permanent halt of development, but a pause during the development of a comprehensive plan.

Chairman Topil asked Planning Commission members if they had any concerns or questions. Planning Commission member Jesse Hough expressed concern that more responses were received from those living in or near communities and how/why city folks should have an opinion on rural land use development. He also asked Carl for a breakdown of responses from those indicating they maintain agricultural operations. Carl said he would generate such a report and send it to County Clerk Lori Aschoff to forward to Planning Commission members.

Planning Commission member Will Reiter thanked Hanna:Keelan for compiling the survey results. He noted that the survey results did not change dramatically between rural and non-rural residents. He also noted that all opinions matter; however, they need to focus on rural as opposed to non-rural. He said it was clear that residents do not want overreaching zoning regulations and are more concerned about regulating large, non-local corporations/operations.

Planning Commission member Devin Jakub stated that rural residences are popping up and will continue to do so without zoning. He said people from Lincoln build houses in the country and do not understand agriculture. He also noted that big corporate operations will continue to come from out of state without zoning. He said he reviewed some of the survey comments and they vary widely across the spectrum.

Carl noted that all public opinion is taken seriously. Keelan agreed that the preservation of agriculture is important and an excellent point; acreage dwellers often do not understand or are not educated about rural living. He said the national average for people who move from the city to rural acreages is about six years before they move back to the city.

Planning Commission member Kevin Hotovy noted that agriculture activities scored higher than parks and trails, and private/public utilities scored lower than ag confinements. The survey results/data indicate support for agriculture/livestock.

Hough stated that they are not prepared to take action on a moratorium at this meeting. Chairman Topil agreed but said they were discussing because is part of the survey results. He said 60% of county residents are in favor of zoning so they need to keep things going. Carl confirmed that 56% of survey respondents who maintain agriculture operations were in favor of zoning, compared to 35% not in favor.

Planning Commission member Steve Barlean said he did not care for the wording of Question 9 and the response options 1-4 and wished the question had asked "which land uses do you want to restrict the most?" He also disagreed with the inclusion of option 1 (no opinion) with the survey results because they skewed the results. He observed that most people do not seem to want restrictions on regular operations, but mostly large scale. He

said he wasn't sure how to break down a moratorium to not include regular/traditional agriculture and that most people want the county to be livestock friendly and support agriculture.

Hough said he wanted more breakout of the data. They need to have balance between those who have invested millions and those who haven't. There is a lot of emotion and misunderstanding.

Planning Commission member John Kobza said he did not receive the survey results that were sent out by County Clerk Aschoff, so he did not see the data until the meeting. He said he was confused as to why respondents indicated that they are livestock friendly, yet they are limited in support of hog/livestock confinement. He said there are too many people without a farm interest having an opinion. We are a grain/livestock county. Residential is encroaching on agriculture. Are our schools growing? He will fight to protect agriculture and growth.

Jakub said the dilemma is that when you parcel out 10 acres for residential, all it does is drive the prices up. Urban sprawl and the price and availability of land are problematic.

Hough stated that the EPA/DEE regulates livestock. We may establish rules, but we need good guardrails.

Chairman Topil said that a moratorium needs to be discussed as the survey results favor a moratorium on commercial wind and solar, data processing, battery storage, and landfill expansion. Heavy industrial was also close. Responses regarding confinements are relatively neutral.

Reiter noted that Legislative Bill 1204, the "Nameplate Capacity Tax Facility Standards Act," seeks to limit counties' ability to regulate alternative energy at the local level. He said the bill is very concerning, and a hearing is scheduled to be held by the Natural Resources Committee tomorrow, February 12, 2026.

Barlean asked for clarification about whether a decision could be made regarding a moratorium at this meeting. Reiter responded that they could vote on a moratorium at this time. He said they can set a date for a hearing and then vote after the hearing but that they would need guidance on how to proceed. Hough expressed frustration that the moratorium is a roadblock for the Planning Commission to start working on a comprehensive plan and that they should be seeing historical data. Kobza also expressed frustration and said he thought they'd be deep into it by now; he said a moratorium will do nothing but slow things down.

Keelan explained that the county has multiple land uses going on with no regulations and anything can pop up at any time. He said it is difficult to develop a comprehensive plan with no moratorium in place. Butler County has a large and varied number of activities going on because the county does not have zoning. A moratorium is requested by the planners to aid in the development of the comprehensive plan. The survey results agree regarding a moratorium. Nothing can prevent any land use from happening now and the various land uses will be addressed in the plan. He said they (the planners) are asking the Planning Commission to impose a moratorium. Reiter said one of the most livestock friendly things they can do is to limit non-livestock uses during the comprehensive planning process. Kobza asked about the invasion of residential and why they weren't talking about including residential in the moratorium. Keelan stated that Kobza had an excellent point regarding residential development.

Chairman Topil asked County Attorney Julie Reiter about the process and next steps. County Attorney Reiter reiterated that a moratorium is allowable if it is narrow in scope and for a limited timeframe. She said the Planning Commission could set a public hearing date and an open meeting to discuss and vote immediately following the public hearing. A notice will need to be published for both the public hearing and open meeting. If the Planning Commission votes to approve a moratorium, a resolution from the Planning Commission will be presented to the Board, who can accept or reject the resolution, or do their own. Keelan stated that the

resolution will need to define at what point of development a project is grandfathered in. He said he and Carl could work with County Attorney Reiter on a resolution, but right now they are talking about a public hearing.

Hough said it was not a good idea to set a public hearing date because they needed to further review the data. Barlean stated that they talk a lot about the slow pace of things, but by not acting they are making things slower. Kobza asked who will arbitrate or referee what point of commencement is to be grandfathered in; Hough added that they are bogged down in moratoriums. Chairman Topil stated that the Planning Commission will draw the line, they will be the referee. The purpose of a moratorium is to let them get ahead of possible future developments. Keelan said that developers are coming to Butler County because the county has no zoning; that is why they are here.

Chairman Topil asked for a motion. Moved by Reiter, seconded by Barlean, to hold a public hearing regarding a possible moratorium on land use development on February 25, 2026, at 6:00 p.m. Upon roll call vote the following voted:

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

Nay: Hough, Kobza.

Motion carried.

Moved by Reiter, seconded by Barlean, to hold a Planning Commission meeting immediately following the public hearing on February 25, 2026. Upon roll call vote the following voted:

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

Nay: Hough.

Abstain: Kobza.

Motion carried.

Chairman Topil asked if a resolution could be prepared by County Attorney Reiter and/or the planners. County Attorney Reiter said yes that a resolution will be prepared based on the survey results with fill-in blanks, to be filled in after the meeting if approved by the Planning Commission.

Carl and Keelan stated that they have been compiling historical and statistical data. They will continue to compile data and conduct field analyses. Reiter asked them to plan to provide information for the Planning Commission to review at the March meeting. Carl said they will pull together more statistical, economic, residential, population, and agricultural historical data, trends, 10-year projections, preliminary data, and preliminary land use development initiatives. Barlean stated that by the March meeting, the moratorium issue will be settled one way or the other, and that they need to move forward. Carl indicated that the process will move forward more quickly from here on out.

Reiter acknowledged County Clerk Aschoff, thanking her and her staff for mailing out the surveys and entering all of the paper surveys received, recognizing the significant time and effort spent by her office.

Public Comments

Public comment was taken from Joseph Peterson, John Csukker, Bruce Bostelman, Bob Kobza, Pat Meysenburg, and Tony Krafka.

Joseph Peterson, Bellwood, asked if there would be a time limit for members of the public wishing to speak at the public hearing. Chairman Topil responded yes; County Attorney Reiter agreed and said there will be a sign-up sheet for those wishing to speak. The time limit will be based on how many people want to speak.

John Csukker, rural Butler County, affirmed the need for a comprehensive plan and zoning. He warned Planning Commission members not to “miss the trees for the forest.” He said this is a golden opportunity, and to look at Cuming and Madison Counties’ plans. He also suggested they consider using a livestock matrix.

Bruce Bostelman, Brainard, suggested the planners and Planning Commission review LB663, which would introduce new requirements and procedures for conditional use permits and special exceptions.

Bob Kobza, Bellwood, stated the moratorium keeps coming up and we haven’t moved ahead with anything. He asked how a moratorium would be imposed and/or enforced because that needs to be figured out first. He said no moratorium; the county doesn’t have the money to fight the solar people.

Pat Meysenburg, David City, asked what if the chicken barns come back, and said why not work on the comprehensive plan. He asked if the Board of Supervisors was in favor of a moratorium. Get something going on the comprehensive plan.

Tony Krafka, Bellwood, stated he was speaking on behalf of himself and the County Board. Eli Frassher raised a point of order, asking Krafka if the Board had authorized him to speak on behalf of the Board; Krafka responded no, that he was speaking on his own behalf and as a member of the County Board. He stated he does not understand why there needs to be a moratorium in order to work on the comprehensive plan. Keelan responded that it is very difficult to do a land use plan with different kinds of development popping up all over the place. The survey results show little support for wind/solar, so that kind of development should not be going on during the comprehensive planning process.

Hough stated there was nothing on the agenda about the moratorium and he is frustrated as a taxpayer. Keelan responded that the survey results indicate citizens support a moratorium on non-traditional, non-agricultural land uses. The only reason non-traditional, non-agricultural land uses are coming to Butler County is because the county currently has no rules in place.

Pat Meysenburg accused Keelan of not being impartial. Chairman Topil stated that a moratorium would simply allow the comprehensive planning process to proceed without interruption. Keelan agreed, stating that future planning is difficult without a moratorium and dragging out discussion regarding a moratorium is just dragging out the comprehensive planning process. He also responded to Bob Kobza’s question that enforcement of a moratorium, if imposed, would be up to the County Board to decide.

Adjourn

Motion to adjourn by Hotovy, seconded by Hough. Chairman Topil called for a vote; County Clerk Aschoff indicated that a vote was not needed to adjourn the meeting. Meeting adjourned at 7:58 p.m.

Lori Aschoff
County Clerk

Roger Topil
Planning Commission Chairman