

BUTLER COUNTY BOARD OF SUPERVISORS

March 16, 2026

A public hearing and special meeting of the Board of Supervisors of Butler County, Nebraska, was held on the 16th day of March 2026 at the Butler County Highway Department Meeting Room in David City, Nebraska, at 6:00 p.m. regarding a possible moratorium on specific types of land development during the comprehensive planning process undertaken by the Butler County Planning Commission.

Present were the following: Scott Steager, Tony Krafka, Scot Bauer, Scott Griess, Brad Vandenberg.
Absent: Jan Sypal, Bob Coufal.

Notice of the public hearing and special 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 Board and a copy of their acknowledgement of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to all members of the board 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.

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

Public Hearing

Moved by Griess, seconded by Bauer, to open the public hearing. Upon roll call vote the following voted:
Aye: Griess, Bauer, Krafka, Vandenberg, Steager.

Nay: None.

Absent: Sypal, Coufal.

Motion carried.

Chairman Steager invited public comment regarding a possible moratorium on specific types of land development during the comprehensive planning process undertaken by the Butler County Planning Commission, allotting four minutes per speaker.

Keith Shonka, Bellwood: Shonka stated that he lives near the proposed solar farm site. He said he has no problem with the proposed project, and that it is probably a good use for that land as it has a high water table and is difficult to farm properly. He has personal solar panels on his own property and would prefer solar to windmills.

Jonathan Leo, Omaha: Leo thanked the Board for holding a public hearing on a subject of such importance to Butler County. He urged the Board to support the Planning Commission's resolution imposing a moratorium and urged the inclusion of poultry confinement, noting that a clear majority of survey respondents were in favor of a moratorium on poultry confinements. He suggested there may be a conflict of interest as two Planning Commission members did not disclose that they are livestock farmers before the Planning Commission voted 4-3 against including poultry confinements in the moratorium.

Mike Ebel, Columbus: Ebel lives in Columbus but owns land in Butler County. He said he has “an issue with Jonathan Leo telling us what to do.” He stated he is for development, but a moratorium is not needed. He said the planners have wasted time and could have had the comprehensive plan done by now. He added that the solar project has been in process for seven years now. He said he hopes the Planning Commission gets moving on it and gets the comprehensive plan done. Ebel stated if the solar project has already started, good luck trying to stop it. He said it is time to move forward, we need the electricity, they have done a good job so far, and it would be good for our County.

Shannon Raemakers, rural Butler County: Raemakers said he has a piece of ground that Sandhills Energy is going to use. The ground is hard to farm, hard to get a good yield, so why not get some use out of this ground. Water table and nitrates are high, so why not put it into a solar farm and relieve some of that. Raemakers stated he lives there, the solar farm will be all around him, which is not ideal, but what else are they going to do. Sandhills Energy has been paying him to hold the ground for them. He would like to see the Board let it go through and let them proceed.

Roger Topil, Rising City: Topil stated that he was speaking on his own behalf, not on behalf of the Planning Commission. He said after the Planning Commission passed the resolution imposing the moratorium, he started thinking about the exception added for projects under construction. He noted that the language about excluding projects with “concrete evidence that construction has commenced” creates a gray area and suggested eliminating that sentence to avoid disputes about what constitutes construction. He said many people do not understand that no moratorium creates a lot more work for the Planning Commission.

Joe Peterson, Bellwood: Peterson explained that many people misunderstand moratorium as a ban, rather than a temporary pause, emphasizing that the purpose is to allow the Planning Commission time to create rules for responsible development. He disagrees with those who feel the Planning Commission has been wasting time. He cited the survey results indicating that a majority of residents are in favor of a moratorium. He also noted that it would be odd for the Board to vote against what the Planning Commission has been working on.

David McPhillips, David City: McPhillips spoke in favor of a moratorium as a pause button to allow rules to be developed and to prevent non-conforming land uses, noting the community survey clearly showed residents wanted a moratorium. He stated the County needs rules in place to protect the people who live here.

Sam Barlean, David City: Barlean has 24 chicken houses within a half mile of his property and said the smell is unbelievable at times. He stated that chicken houses are likely the reason the planning process was started, noting that Read or Reading Township imposed their own moratorium, yet they were excluded from the moratorium for some reason. He said he is livestock friendly but emphasized the need for setbacks and owner residency requirements.

Dan Schmid, Dwight: Schmid asked the Board to support the Planning Commission, which they appointed, pass the moratorium, and listen to the experts. He suggested the Board consider whether those in opposition to the moratorium could have a financial interest. He also suggested adding large industrial projects to the moratorium list and recommended specifically naming exempt projects rather than using nonspecific language about construction status.

Robert Kobza, Bellwood: Kobza stated that the planner was hired to come with a comprehensive plan and to this point, he has never delivered a comprehensive plan to the Planning Commission. All he has

said is moratorium; he is not doing his job. He told the Board they need to move forward if this man and his company cannot do his job. He said he is against any moratorium and wants to see a plan first.

Galen Juranek, Linwood: Juranek sold property to the solar company. He said the process started back in 2019, so this is nothing new. He said he sold the land because he did not want to lease it. He noted that there is a lot to it – transmission companies, power companies, etc. He stated the land is not good for farming, with a high water table and high nitrates. He said he told the NRD about the solar farm and they agreed it would be a good use of the land. He stated that everyone is here because of chicken barns; back in the 1970s it was hog houses. He lives on the Linwood spur near a 6,000 head feedyard and six hog houses to the west. They have always used bottled water because of the high nitrates. He noted discussions surrounding chicken barns and high phosphorus, and said you need to do soil tests for a baseline.

Brian Boerner, Sandhills Energy: Boerner stated the solar project has been in development for seven years and that construction started in February. He said the company invested \$15M with \$100M in irrevocable equipment orders that require 4-5 years lead time. It does not happen overnight; it is a 5-7 year project. He stated that Sandhills Energy came before the Board in 2019 and got a letter of support for the project. Boerner said they have engineered the project to conform with most common ordinances; they will plant native grasses and are exploring sheep grazing. He requested if the Board decides to move forward with a moratorium, that they specifically exempt Butler County Solar.

Steve Barlean, David City: Barlean stated that he was speaking on his own behalf, not on behalf of the Planning Commission. He questioned Sandhills Energy's timeline and presented promotional material from Sandhills Energy stating construction would begin in Q2 2026; noting it is still Q1 of 2026.

Aaron Schmid, western Butler County: Schmid expressed frustration and disappointment with the Planning Commission meetings. He opposed a moratorium as too late and a knee-jerk reaction. He said the County Board should have implemented zoning earlier and expressed concern about potential liability to the County and the negative message to potential developers. He emphasized the need to focus on completing the comprehensive plan rather than a moratorium.

Elijah Frasher, Surprise: Frasher questioned where people wanting to do business in Butler County live and asked if outside companies have the best interests of County residents in mind, stating that they are here to make money. He emphasized the need to protect local families and community members. He stated that we (Butler County) are a magnet for outside development because the County has no zoning. He urged the Board to protect him and his family, and other rural Butler County residents.

No other members of the public came forward to speak. Moved by Vandenberg, seconded by Krafka, to close the public hearing. Upon roll call vote the following voted:

Aye: Vandenberg, Krafka, Bauer, Griess, Steager.

Nay: None.

Absent: Sypal, Coufal.

Motion carried.

Discussion/Possible action regarding land use moratorium

Chairman Steager noted that the Board heard from 15 people; the majority of whom were in favor of a moratorium. Some people talked about adding chicken barns to the proposed moratorium; others talked about excluding the solar project.

Supervisor Krafka stated that the solar project started in 2019. He said they contacted him and at that time he told them Butler County did not have zoning and no permits were needed. Since 2019, Sandhills Energy has been working with that as they had no other guidance. We (the Board) still have not provided them with any guidance. Such projects do not start overnight. Additionally, some people have bought or sold ground for 1031 exchanges. He said that the only people from his district who spoke were in favor of the solar project. He said a moratorium can be placed on projects that have not started, but are any projects going to get started in nine months? Do it or don't do it, it isn't going to affect anyone.

Supervisor Vandenberg said that there has been discussion regarding a data processing center going up in Brainard; that individual has not yet talked to the Township Board or County Board. The only data centers he is familiar with use a great deal of electricity and water.

Supervisor Krafka noted that Joe Peterson lives in Krafka's district; he did not say anything about the moratorium.

Supervisor Griess said he reviewed the community survey results and noted definite support for the top five land uses (wind, solar, data centers, battery storage, landfill).

Supervisor Bauer stated that the Planning Commission has been working on more than just a moratorium. They want a moratorium on the five land uses. We (the Board) are here to discuss Resolution 2026-04.

Chairman Steager asked Tim Keelan, Hanna:Keelan, about the possibility of excluding the solar project from the moratorium and how doing so would impact the ability to move forward with the comprehensive plan. He asked how soon a comprehensive plan could be developed so as to not hold the solar folks up. Keelan reminded the Board and residents that 90% of survey respondents were not interested in solar as a land use in Butler County, along with 3-4 other land uses. Out of 800 survey responses, 90% came back in favor of a moratorium. They spent two months conducting the survey. Keelan stated that he is here to serve on behalf of the rural community. The first thing they needed to do was the survey. As they get into the planning process, they have a land use matrix and demographics to present at the next Planning Commission meeting. Keelan said they have all of the existing land uses put together, but need to look at the soil, etc. He said they requested a moratorium to allow them to get to work. There are many things to consider, they have to comb through a great deal of literature and conduct a lot of research. The Planning Commission will have to meet several times over the summer, but they are on route to finish by September 1st. The comprehensive plan should be done by June; they will meet in July and August to put together the zoning regulations. He said in response to those who think they have been doing nothing, that is not true. The first step was to do the survey; 90% of respondents are not interested in wind or solar. There are pros and cons with various land uses; he said at this point he assumes solar would be a non-conforming use, based on the survey results. He noted with zoning, there are permitted use, special permitted use, and non-conforming use.

Chairman Steager asked about the timeline as it relates to length of a potential moratorium. Keelan reiterated that the plan is to have the comprehensive plan and zoning complete by September 1st, after which time the Planning Commission and County Board will need to hold public hearings. Keelan continued that in his opinion, chicken barns should be included in a moratorium. He also recommended removing verbiage regarding commencement of construction because it is hard to make that determination. He asked that the board pause development now so the Planning Commission and the planners can get through the process.

Supervisor Krafka noted that Sandhills Energy conducted compaction tests last summer. They reimburse him for running over corn. Everything they told him isn't a lie. He said he has asked them questions, and they have given him answers. They are on their schedule; they are not trying to push something ahead of schedule. He said it is not their fault we do not have zoning.

Supervisor Griess spoke in favor of striking the clause about construction, based on comments received during the public hearing and information from the planning consultant.

Chairman Steager asked for a motion one way or the other. Moved by Griess, seconded by Vandenberg, to approve Resolution 2026-07, mirroring the Planning Commission's Resolution 2026-04, but striking the verbiage excluding projects under construction. Upon roll call vote the following voted:

Aye: Griess, Vandenberg, Bauer, Steager.

Nay: Krafka.

Absent: Sypal, Coufal.

There being no further business to come before the board, the Chairman adjourned the meeting at 7:08 p.m. The next regularly scheduled meeting of the Board of Supervisors will be April 6, at 9:00 a.m.

Lori L. Aschoff
County Clerk

Scott Steager
Chairman