

BUTLER COUNTY PLANNING COMMISSION
September 9, 2026

An open meeting of the Planning Commission of Butler County, Nebraska, was held on the 9th day of September 2026 at the Butler County Highway 92 Building, 3190 N Road, David City, Nebraska, at 6:00 p.m. Present were the following: Roger Topil, Kevin Hotovy, Will Reiter, John Kobza, Jesse Hough, Steve Barlean, and Devin Jakub.

Notice of the meeting was given in advance thereof by publication, a designated method for giving notice. 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 announced that a copy of the Open Meetings Act was available at the meeting.

Moved by Reiter, seconded by Hough, to approve the minutes from the last meeting. All aye; motion carried.

Public Hearing – Comprehensive Plan

Chairman Topil opened the public hearing at 6:05 p.m. The purpose of the hearing was to receive public comment regarding the Butler County Comprehensive Plan. Chairman Topil reviewed the rules for the hearing, including courteous conduct, identifying oneself before speaking, a three-minute speaking limit, and one opportunity to speak. The following individuals provided public comment:

Joe Peterson, Bellwood, stated that he supports prohibiting commercial wind, commercial solar, landfill expansion, data centers, and battery storage facilities. He also supports a conservation district along waterways. Peterson requested clear definitions for commercial wind and commercial solar and clarification regarding personal or residential alternative energy systems. He noted that the Comprehensive Plan is intended to be a living document and may be revised as conditions change. He also identified wording and duplication in portions of the plan that he believed should be revised or removed.

Mark Doehling, Surprise, spoke in favor of local control of waterways and groundwater. He stated that protection of groundwater ranked highly in the community survey and that local residents should have an equal voice regarding development in Butler County. He also supported standardized zoning without special exemptions.

Mitch Novacek, Octavia, stated that he does not support commercial wind, solar, or data centers. He expressed concern that such developments could restrict agricultural operations and questioned whether restrictions could affect property values and taxes.

Steve Fuxa, rural David City, discussed his family's egg-producing operation and stated that chicken barns have provided opportunities for agricultural producers. He expressed concern that additional regulation of livestock operations would unnecessarily restrict agriculture, noting the existing regulatory involvement of the NRD, DEQ, and other agencies. He supported maintaining and encouraging agriculture and adding livestock components to existing agricultural operations.

David McPhillips, David City, stated that he supports the Comprehensive Plan and referenced the community survey as showing support for regulating or prohibiting industrial wind, solar, battery storage, and landfill expansion.

Lindsay Smith, rural David City, expressed concern regarding the proposed conservation area and the potential effect on privately owned property. She stated that the proposed area along waterways encompasses her family's property and questioned whether farming and routine property maintenance could continue. She referenced approaches used by neighboring counties and asked the Commission to reconsider the proposed conservation easement/district.

Andrew Bauer, Bellwood, also expressed concerns regarding the proposed conservation area, particularly the effect on properties and communities located along waterways. He questioned whether additional county regulation was necessary given existing state and NRD regulations.

Danny Steager, Surprise, asked whether township regulations already adopted would remain in effect or be superseded if county zoning regulations are adopted. He requested that the question be researched and answered following the meeting.

Tim Frassher, Surprise, stated that he had reviewed the Comprehensive Plan and does not support data centers. He discussed concerns regarding energy consumption, water consumption, and the effect of data centers on Nebraska's available resources. He supports local land-use regulations intended to preserve the existing rural character of Butler County.

Sam Barlean, rural David City, discussed his previous opposition to zoning and stated that his views changed following the development of numerous chicken barns near his property. He expressed support for reasonable regulation and setbacks and stated that wind, solar, and data centers could potentially be acceptable if appropriate offsets and protections were established. He emphasized the importance of respecting neighboring landowners.

Greg Lanz, Rising City area, stated that he supports agriculture and livestock production but expressed concerns regarding the effect of large livestock operations on surrounding residents, roads, and the environment. He specifically discussed the concentration of chicken barns in his area and requested that future expansion be addressed in the planning process. He thanked the Commission for its work.

Steve Schmit, rural David City, discussed differing experiences of residents living near chicken operations and encouraged the Commission to review what other counties have done while respecting the people who live in Butler County.

Laird Nygren, Brainard, stated that he supports prohibiting data centers and battery storage facilities and expressed strong support for conservation areas along waterways. He stated that protecting water resources is important and requested that figures contained in the Comprehensive Plan, including income information, be reviewed for accuracy.

Elijah Frassher, Surprise, expressed concern that efforts to shorten the Comprehensive Plan could reduce its usefulness or create ambiguity. He requested that the plan remain thorough and specific. He stated that he does not support data centers, battery storage, wind, or solar and expressed concern about large livestock operations and water consumption. He also stated that local government is in a

better position to understand local conditions and questioned reliance solely upon other governmental agencies.

Justin Svoboda, west of David City, expressed concern that the proposed conservation area could be an overreach and questioned whether landowners would receive compensation or experience changes in property taxes as a result. He stated that he generally supports the Comprehensive Plan.

Michael Saalfeld suggested that the Comprehensive Plan and zoning regulations establish a measurable threshold for large-scale data centers, such as connected power usage, so that smaller data centers could remain possible. He also suggested a conditional-use process for smaller data centers and requested that the effective and expiration dates of the current moratorium be clearly stated in the public record.

Clerk's Note: Resolution 2026-07, adopted by the Butler County Board of Supervisors on March 16, 2026, states that the duration of the moratorium is for a period of nine months from the date of the resolution or at the time of completion and adoption of the county zoning regulations and the county comprehensive plan, whichever occurs first.

Luke Meysenburg, rural David City, stated that he supports prohibiting data centers and stated that he did not believe they would provide a benefit to Butler County. He expressed concern regarding water and energy consumption. He also stated that the proposed one-quarter-mile conservation area was too broad and suggested reducing it to one-eighth mile. He stated that he was indifferent regarding wind and solar because those uses do not directly affect his area.

Linus Meysenburg expressed general opposition to extensive zoning and concern that a conservation area could substantially affect property rights and land use. He stated that he supports local agricultural and livestock operations and does not want to lose local control over land-use decisions.

Robert Kobza, Bellwood, noted that he is a livestock producer and expressed concern regarding the proposed conservation area and its potential effect on agricultural land values, lending, and deed restrictions. He questioned the need to survey large areas of the County and stated that establishing a conservation district would be a mistake.

Paul Maxwell, via Zoom, stated that he supports adoption of a Comprehensive Plan and zoning regulations for rural Butler County but identified several issues in the draft documents. He noted discrepancies between the number of proposed zoning districts and the zoning classification map, including the absence of the highway corridor from the map. He requested that the future land use map be corrected, that zoning definitions and the conditional-use process be made available for public review, and that economic and fiscal impacts of proposed development restrictions be considered. He also noted an apparent conflict between provisions addressing prohibited uses and provisions allowing sanitary landfills by special permit.

Doug Romshek, north of Bellwood along the river, expressed opposition to restrictions on agricultural activities within the proposed conservation area. He stated that agricultural landowners should not have to obtain additional permission for ordinary agricultural activities and questioned whether restrictions along waterways would effectively address pollution. He expressed concern regarding property rights and potential litigation and stated that groundwater protection should receive greater attention.

Mark Shonka, southwest Butler County, discussed his experience with zoning in Seward County and stated that any Butler County zoning regulations should provide reasonable exceptions and remain farmer-friendly. He expressed concern that restrictive acreage requirements could make it difficult for younger people to build homes or return to family farms.

Galen Juranek, Linwood, thanked the Commission for its work but expressed dissatisfaction with the proposed waterway restrictions. He discussed his experience living near the river and questioned whether restrictions would effectively address upstream sources of water and pollution. He also requested greater consideration of the economic portions of the Comprehensive Plan, including projected employment and income information.

Dan Schmid, Dwight, stated that he generally supports conservation districts because he believes state and federal agencies tend to be reactive rather than proactive. He expressed support for local control and identified wording in the proposed zoning regulations and Comprehensive Plan that he believed should be revised, including provisions concerning wind-generating systems and alternative energy.

James Kobza, Bellwood, stated that his family operates eight broiler barns, that the operation has provided an opportunity to support his family, and he wants to build more in the future. He expressed opposition to the proposed conservation area, characterizing it as government overreach, and questioned whether decisions regarding the area were being made by the elected officials or the lawyers.

Brad Vandenberg, Brainard, thanked the Commission for its work and encouraged the members to use common sense in their decisions and maintain good relationships among neighbors.

There being no further speakers, Chairman Topil closed the public hearing at 7:05 p.m.

Following the hearing, discussion was held regarding the proposed conservation district and whether it should remain in the Comprehensive Plan. Members discussed the distinction between a conservation easement and a conservation district and the apparent confusion regarding the terminology. Tim Keelan, Hanna:Keelan Associates, participating via Zoom, explained that the Comprehensive Plan is a general guide and that zoning regulations would establish the specific permitted and conditional uses within any future conservation district. He stated that the draft information concerning uses within a conservation district was provided for discussion purposes and that specific zoning regulations, setbacks, and lot sizes had not yet been established. Hotovy stated that removing the conservation district would be the fastest way to move forward. Reiter stated that the Commission should consider possible zoning provisions before eliminating the conservation district and that he did not believe all options had been considered. Hough expressed concern about public trust and stated that removing the provision would help address those concerns. Barlean stated that the Commission should continue discussing the provision rather than eliminate it without knowing what the eventual restrictions would be.

Discussion was held regarding changes made to the Comprehensive Plan since the previous meeting, including corrections to the future land use map, the one-quarter-mile conservation district boundary, and the acreage identified for the conservation district. Keelan stated that references to conservation easements had been changed to conservation districts in the latest draft of the Comprehensive Plan.

Members discussed whether the Comprehensive Plan and zoning regulations should be developed concurrently. Hough expressed concern that the public hearing demonstrated significant confusion

regarding the conservation district and that more specific zoning information was needed before the Comprehensive Plan could be finalized. Reiter stated that the Comprehensive Plan must be established before zoning regulations can be adopted and that the two documents serve different purposes. Keelan stated that he does not recommend developing the comprehensive plan and zoning regulations at the same time.

Discussion was held regarding the community survey and the public comments received at the hearing. Hotovy stated that public comments concerning the conservation districts were divided with 10 against and four in favor of conservation districts. Keelan acknowledged that but reminded members that the community survey had shown substantial support for conservation districts. Jakub expressed frustration that changes previously requested concerning CAFOs, intensive livestock operations, energy-related language, and other sections of the Comprehensive Plan had not been incorporated into the current draft. Hough expressed frustration that changes discussed and requested at previous meetings were not reflected in the current document. He asked Keelan to cite the law/statute that allows the planner to override the Planning Commission's vote based on community survey results and public hearing comments. Reiter noted that it is better to have the conservation district and not need it for zoning than to need it and not have it.

Discussion was held regarding the proposed quarter-mile conservation area and how the boundary would ultimately be measured. Questions were raised regarding whether the measurement should begin at the center of a waterway, the edge of the water, or the edge of the stream bank, and how the boundary would apply to waterways of varying widths or waterways that are dry at certain times of the year. Members also discussed the extent of the proposed area and the effect on existing agricultural and livestock operations.

During the discussion regarding the Comprehensive Plan and conservation district, Hough stated that he believed there were weaknesses in the Comprehensive Plan and suggested that the Planning Commission seek the opinion and recommendations of an outside attorney or attorneys. He indicated that outside legal counsel could provide another perspective and could assist the Commission with the Comprehensive Plan and zoning-related matters.

Reiter stated that the Commission should first rely on the County's in-house legal counsel. John Kobza acknowledged the concerns raised regarding the plan and stated that he preferred to begin with the existing plan and work forward from there. The Commission continued discussion regarding the Comprehensive Plan, zoning, and the conservation district.

Galen Juranek was escorted from the meeting.

Moved by Kobza, seconded by Hotovy, due to the vagueness of the Comprehensive Plan, to change the conservation district acreage to zero, with the possibility of addressing conservation protections through future zoning regulations. Barlean expressed concern that the Planning Commission was eliminating the provision without knowing what restrictions might eventually be included. Reiter agreed that they should continue discussing it. Hough stated that removal was necessary to maintain public trust. Kobza asked County Clerk Lori Aschoff to read his motion back to him to ensure it accurately reflected what he intended, which she did. Upon roll call vote the following voted:

Aye: Kobza, Jakub, Hotovy, Hough.

Nay: Reiter, Barlean, and Topil.

Motion carried.

Chairman Topil stated that the change constituted a substantial change to the Comprehensive Plan and indicated that another public hearing would be necessary. The initial plan was to hold that hearing on September 16, 2026, at 6:00 p.m. Members subsequently agreed that the September 16 meeting should instead be used as a working session to continue reviewing and editing the Comprehensive Plan and to work concurrently on zoning-related definitions and concepts. By consensus, the September 16, 2026, public hearing was canceled and the date was retained as a working meeting at 6:00 p.m.

Members requested that the planning consultants provide definitions for proposed zoning uses and provide a comparison or summary of changes made to the Comprehensive Plan since the July 22, 2026, meeting. Discussion was also held regarding reviewing previous Planning Commission edits against the current draft. Members expressed a desire to have the planning consultants participate in the September 16th working meeting.

Keith Carl, Hanna:Keelan Associates, participated by Zoom and provided clarification regarding the conservation district, explaining that it would allow the Planning Commission to review permits and proposed activity within the district and was not necessarily tied to particular uses. He also indicated that the consultants would analyze the comments from the meeting and try to have someone present at the next meeting. He stated that the specific regulations would be developed with the Planning Commission. Carl also stated that definitions were being developed and that the planners would review the comments received at this public hearing before determining how to prepare for the next meeting. Planning Commission members agreed to continue work on the Comprehensive Plan and zoning concepts at the September 16, 2026, working meeting. The need for clear definitions and a comparison of the changes made since the July 22nd meeting was reiterated.

There being no further business to come before the Planning Commission, Chairman Topil adjourned the meeting at 8:17 p.m.

Lori Aschoff, County Clerk

Roger Topil, Planning Commission Chairman