MINUTES OF THE KNOX COUNTY PLANNING COMMISSION
August 18, 2026

Call to order: The August 18, 2026 meeting of the Knox County Planning Commission was called to order by Chairman Dean Wilken at 7:00 p.m. in the Knox County Courtroom in the Knox County Courthouse at Center, Nebraska.

Announcement of Open Meeting Act: Chairman Wilken announced the Open Meetings Act is available.

Roll Call: Present were members Dean Wilken, Dave Arens, Greg Kuhlman, Jim Kotrous, Rob Ganz and Neil Clausen. Absent were members Doug DeShazer, Seth Pokorny and Robert Larsen. Also present were County Clerk Joann Fischer, Clerk of District Court Matt Fischer, Civil County Attorney Danielle Myers-Noelle and via Zoom was former Zoning Administrator Austin Taylor.

Approve the Minutes from the June 16, 2026 Meeting: Motion by Greg Kuhlman, seconded by Neil Clausen to approve the June 16, 2026 Planning Commission meeting minutes. By roll call vote. Ayes Greg Kuhlman, Neil Clausen, Rob Ganz, Jim Kotrous, Dean Wilken, and Dave Arens. Nays none. Absent were Doug DeShazer, Seth Pokorny and Robert Larsen.

Ex Parte Communications: To be covered at public hearing of Conditional Use Permit #CU2603 Tom Middleton.

New business: Review of the preapplication for East River Road Subdivision. Owner Ray Stahla and engineer Ron Nohr were present. The project is being worked with surveyor Mike Skroch. A new road will be put in and the existing road will be closed. The plan is to set aside land for the septic system which will be on the east side toward the south part and Engineer Nohr is working with the State of Nebraska on this matter. Also, work continues with the State for community wells. Usually there are five lots per well so all will have room for septic. There are usually 25 people typically in 5 houses and up to 25 people per well that may be different as not all are fulltime residents. There will be new wells for the lots on the west side of the subdivision. Wells will be drilled and will be designated to the assigned lots. A well agreement is being drafted by the East River Road group's attorney. The sketch plat is informal but the replat will be the document that shows the roadways, profile, survey information, utilities, water/sewer, electric, and phone and internet. Concern was voiced about ample electrical power but the Niobrara Valley Electric said that if no more than 200 amps are used on each lot, the power would be sufficient. The group will need to go through the Nebraska DWEE for the waste disposal plant, where the wells will be located and required setbacks of 100 feet from the wells. Discussion was held on the proposed new road on the south, drainage issues, a new culvert will be placed in that area, flooding concerns, and the nuisance type of flooding because it is shallow in the area. Mr. Stahla said there will be no homes built in the low areas. Also discussed was the installation of buried pipe and gravity doors so the water can't push back in which Mr. Stahla said this work is in the process. Further discussion was held on whether the new road would be graded up or would it be like many others that have the motorgrader make a few passes. Engineer Nohr said that the Corps of Engineers and FEMA said that if the road is raised it would be directing water on either end or both ends of that road so the road would have to be profiled to match what is already there because the water cannot be redirected. Former Zoning Administrator Austin Taylor said this is a sketch plan, the group will need to apply for a preliminary plat, the group has done their due diligence with complying with the State and County regulations.

1. Public hearing to receive public comments regarding Conditional Use Permit #CU2603 Garage with Living Quarters from Tom Middleton – Discussion and Possible Action: Motion by Rob Ganz, seconded by David Arens to open at 7:20 p.m. the public hearing on Conditional Use Permit #CU2603 Tom Middleton. By roll call vote. Ayes Rob Ganz, Neil Clausen, Greg Kuhlman, Jim Kotrous, Dean Wilken,

and Dave Arens. Nays none. Absent were Doug DeShazer, Seth Pokorny and Robert Larsen. Motion carried. Tom Middleton's son Matt Middleton and builder Josh Rhodes were present, along with Keith Marvin with Marvin Consulting and former Zoning Administrator Austin Taylor via Zoom. Mr. Taylor gave information on the proposed construction of a detached garage with living quarters on it on a portion of vacated street. The 290 ft. x 33 ft. wide strip adjacent to Lots 1, 2 and 3, Block 6, Allan's Addition to Kohles Acres was vacated in July 1999 by the Knox County Board of Supervisors. Mary Kollars who owns property south of this parcel came to the meeting and said she was not objecting the construction of the garage but wanted answers as to the vacation and was the vacated portion of the road divided with one-half to each adjacent owner. Keith Marvin questioned the validity of the objection as statute of limitations may come into play for the vacation was done 27 years ago. Several members voiced that the Planning Commission pass the matter to the Board of Supervisors because of the question on the vacated portion of the street. Motion by Neil Clausen, seconded by Rob Ganz to close the public hearing at 7:43 p.m. By roll call vote. Ayes Rob Ganz, Neil Clausen, Greg Kuhlman, Jim Kotrous, Dean Wilken, and Dave Arens. Nays none. Absent were Doug DeShazer, Seth Pokorny and Robert Larsen. Motion carried. Motion by Rob Ganz, seconded by Neil Clausen to approve Conditional Use Permit #CU2603 Tom Middleton with the provision the Board review the process of the vacated road to be sure the vacation was legal. By roll call vote. Ayes Rob Ganz, Neil Clausen, Greg Kuhlman, Jim Kotrous, Dean Wilken, and Dave Arens. Nays none. Absent were Doug DeShazer, Seth Pokorny and Robert Larsen. Motion carried.

2. Public hearing to receive public comments regarding Conditional Use Permit #CU2604 Catering Service from James Cook - Discussion and Possible Action: Chairman Wilken opened at 7:44 p.m. the public hearing on Conditional Use Permit #CU2604 Catering Service from James Cook. James Cook was present and said that his wife and he put a commercial kitchen in a former dairy barn on their farm that will be used for catering services and for selling canned and frozen food. Mr. Cook was asked if they would be processing meat to which he replied that they aren't at this time but are looking into processing chickens in the future. Mr. Taylor said that reclassification of the area would not have to be done but only a conditional use permit is needed. Motion by Rob Ganz, seconded by David Arens to close the public hearing at 7:52 p.m. By roll call vote. Ayes Rob Ganz, David Arens, Greg Kuhlman, Neil Clausen, Jim Kotrous and Dean Wilken. Nays none. Absent were Doug DeShazer, Seth Pokorny and Robert Larsen. Motion carried. Motion by Neil Clausen, seconded by Greg Kuhlman to approve Conditional Use Permit #CU2604 James Cook catering service. By roll call vote. Ayes Neil Clausen, Greg Kuhlman, Rob Ganz, David Arens, Jim Kotrous and Dean Wilken. Nays none. Absent were Doug DeShazer, Seth Pokorny and Robert Larsen. Motion carried.

3. Public hearing to receive public comments regarding Conditional Use Permit #CU2605 Dog Kennel from Ashley Laible – Discussion and Possible Action: Chairman Wilken opened at 7:52 p.m. the public hearing on Conditional Use Permit #CU2605 Dog Kennel for Ashley Laible. Mr. Taylor said that a Zoom link was sent to Ms. Laible for the hearing as she was unable to attend in person. It was found that the initial permit request was for a storage building that was moved in but it is being used as a dog kennel and there is a lack of proper permits. Motion by Neil Clausen, seconded by Jim Kotrous to close the hearing at 7:57 p.m. By roll call vote. Ayes Neil Clausen, Jim Kotrous, Greg Kuhlman, Rob Ganz, David Arens and Dean Wilken. Nays none. Absent were Doug DeShazer, Seth Pokorny and Robert Larsen. Motion carried. Motion by Neil Clausen, seconded by Jim Kotrous to table action on Conditional Use Permit #CU2605 Ashley Laible for a dog kennel until Ms. Laible can attend to represent herself in the matter. By roll call vote. Ayes Neil Clausen, Jim Kotrous, Greg Kuhlman, Rob Ganz, David Arens and Dean Wilken. Nays none. Absent were Doug DeShazer, Seth Pokorny and Robert Larsen. Motion carried.

4. Public hearing to receive public comments regarding P#2605 Heaven's Ridge Subdivision Final Plat presented by Ann Post and Tony Dick – Discussion and Possible Action: Chairman Wilken opened at 7:59 p.m. the public hearing on #P2605 Heaven's Ridge Subdivision Final Plat. Ann Post and Tony Dick presented information on the final plat. Phase 1 of the subdivision will be for Lots 1-6 being approximately 18 acres in the 42-acre tract and Phase 2 will be done at a later date. There were no changes from the preliminary plat to the final plat. It had been recommended they talk to Cedar Ridge and offer to pay for some

of the road maintenance but to no avail. Mr. Taylor said that the developers had met the requirements and there were extensive conversations that when the development moves to Phase 2 there will need to be improvements to the roads and an agreement with Cedar Ridge and Herrick Township should be obtained. Motion by Neil Clausen, seconded by Jim Kotrous to close the public hearing at 8:13 p.m. By roll call vote. Ayes Neil Clausen, Jim Kotrous, Greg Kuhlman, Rob Ganz, David Arens and Dean Wilken. Nays none. Absent were Doug DeShazer, Seth Pokorny and Robert Larsen. Motion carried. Motion by Neil Clausen, seconded by Greg Kuhlman to approve #P2605 Heaven's Ridge Subdivision Final Plat. By roll call vote. Ayes Neil Clausen, Greg Kuhlman, Jim Kotrous, Rob Ganz, David Arens and Dean Wilken. Nays none. Absent were Doug DeShazer, Seth Pokorny and Robert Larsen. Motion carried.

The Planning Commission took a break from 7:57 p.m. to 8:15 p.m.

5. Public hearing for discussion and possible recommendation to the Knox County Board of Supervisors regarding the adoption of a moratorium on the development and permitting of data centers within Knox County pending further review and the development of appropriate zoning regulations: Chairman Wilken opened at 8:15 p.m. the public hearing for discussion and recommendation to the Knox County Board of Supervisors regarding the adoption of a moratorium on the development and permitting of data centers within Knox County pending further review and the development of appropriate zoning regulations. Civil County Attorney Danielle Myers-Noelle presented information regarding fearmongering, impact on the ag land and water issues if data centers are located in Knox County. Discussed was the passage of LB663 that provides a 90-day shot clock process to conditional use permits. Civil County Attorney Myers-Noelle discussed with the Planning Commission members renewal energy, how to pursue setting a moratorium that can be set from 12 months to 18 months, and the need to update the regulations which is taking place in many counties now. Concerns voiced by Planning Commission members and members of the public present were the large uses of electricity, the effect on recreation in the County, long term employment isn't considered as the developer would bring in their own crews for construction, and Governor Pillen signed action that there will be no further tax incentives for construction of data centers in Nebraska. Motion by Neil Clausen, seconded by Jim Kotrous to close the hearing at 8:37 p.m. By roll call vote. Ayes Neil Clausen, Jim Kotrous, Greg Kuhlman, Rob Ganz, David Arens and Dean Wilken. Nays none. Absent were Doug DeShazer, Seth Pokorny and Robert Larsen. Motion carried. Motion by Jim Kotrous, seconded by David Arens to recommend an 18-month moratorium on data centers in Knox County to allow Civil County Attorney Danielle Myers-Noelle to study the data center moratorium process. By roll call vote. Ayes Jim Kotrous, David Arens, Neil Clausen, Greg Kuhlman, Rob Ganz and Dean Wilken. Nays none. Absent were Doug DeShazer, Seth Pokorny and Robert Larsen. Motion carried.

Public Comments:

Next Meeting: TBD

Chairman Wilken adjourned the Planning Commission meeting at 8:41 p.m.

Approved by Planning Commission: November 9, 2026

Placed on File with Board of Supervisors: _____