

Chairman Brent Alverson called the Monday, January 26, 2026, meeting of the Nemaha County Planning Commission to order at 6:00 p.m. in the Pioneer Building with commission members Galen Ackerman, Brent Alverson, Marya Haverkamp, Charity Henry, Bob Ruddick, Todd Rokey, Martin Schmelzle and Michael Schmelzle and Secretary Nancy Gafford present. Freda Dobbins and Austin Parker were present by Zoom. Those present from the public were Will Eisenbise and son (joined shortly after meeting was called to order), Diane Haverkamp and Jim Reitz.

Chairman Alverson invited the public to speak during the open forum with no one asking to speak.

Galen Ackerman moved and Bob Ruddick seconded the motion to approve the agenda as presented. Motion carried.

Brent Alverson moved and Martin Schmelzle seconded the motion to approve the Monday, October 26, 2025, minutes as emailed. Charity Henry asked about the note at the bottom of the minutes referencing articles about the Planning Commission published in The Sabetha Herald as to whether they were 100% factual or opinions. Freda Dobbins, Nancy Gafford and Todd Rokey all confirmed that the articles were fact based and not opinionated. This satisfied Mrs. Henry's inquiry. Motion carried.

Mr. Parker was able to get on Zoom for a few minutes explaining his family was sick and asked we call after 7:00 p.m. if we needed anything.

The next item of business was reviewing the latest edition of the Land Development Code of Nemaha County, Kansas emailed from Mr. Parker.

On Page 4, Section 1-104-6(d).—Suggestion was to replace paragraph with one sent by Chairman Alverson as follows:

“The installation, operation or maintenance of commercial energy infrastructure including wind farms, solar farms, ethanol refineries, power generating plants, energy/electricity transfer stations, high voltage dc/ac transmission lines over 115kV, oil and gas storage and pipeworks, or any other such similar areas.”

Corresponding changes to be made to Section 3-104, item “d”.

Charity Henry moved and Galen Ackerman seconded the motion to approve changes to Section 1-104-6(d) and Section 3-104(d). Motion carried.

Various members of the Planning Commission cited the following typos—

Page 19, Paragraph 4-104—Change “with” to “within”

Page 22, In the listing for the Sections within Article 5—Section 5-105 strike “Special Yards & Height Exceptions” as it is not needed, but keep the number as a place holder

Page 29—Strike “to the Zoning Administrator” as it is redundant

Page 37, 8-101—Line 4—Change “of” to “or” and Line 5 Change “impose” to

“imposes”

Brent Alverson moved and Freda Dobbins seconded the motion to approve grammar and typo corrections on Pages 19, 22, 29 and 37. Motion carried unanimously. (Note—The above page numbers do not all agree with the page numbers in Mr. Ackerman’s edited copy due to computer spacing).

Mr. Ackerman had been studying data centers and had asked Mr. Parker about them. One of the problems with data centers is the amount of fresh water required for cooling (One data center can use up to five million gallons a day). This is a resource that is precious and in high demand in Nemaha County. Mr. Ackerman shared an article with the Planning Commission members. He had concerns about high water and electrical use.

Mr. Ackerman would like to remove the junk yard section and replace it with new language regarding data centers. He previously asked Mr. Parker to draft new language and email it to us since data centers are currently being built in the Midwest.

It was noted that junk yards are regulated by the state, so there is no need to state the same wording in the Land Development Code, thus opening up Section 1-104-6(a) for the new language

Martin Schmelzle felt he did not think data centers would come here due to high cost of electricity but a new electric line might provide cheaper electricity. Brent Alverson commented that including data centers in the plan gives us a seat at the table if they do try to come to Nemaha County. It also gives us the right to study any unforeseen upcoming decisions.

Martin Schmelzle moved and Brent Alverson seconded the motion to replace the paragraph on junkyards (Page 4-Section104-6a) with a new section about High-Demand Commercial/Industrial and Technical Uses. Corresponding changes to be made to Section 3-104(a). Motion carried unanimously.

The new paragraph will be as follows:

“High Demand Commercial/Industrial and Technological Uses: The construction, operation or expansion of any High-Demand Commercial/Industrial and Technological Uses requires a Conditional Use Permit in the AG Agricultural District.

These uses are non-agricultural and may not be established by right in the AG District. This includes any non-agricultural use with very large electrical or water needs, including but not limited to Data Centers, Server Farms, Cloud Computing Facilities, High-Density Computing Uses, Cryptocurrency Mining Facilities, and similar technology-based operations.

Agricultural uses are not included in this category, regardless of the amount of electricity or water they require.”

Section 1-104—Definitions will need to have the “Junk” and “Junkyard” definitions deleted. A new definition for “High-Demand Commercial/Industrial and Technological Uses” will need to be added.

Chairman Alverson asked if there were any other changes.

Freda Dobbins inquired where we were on the ETJs. Chairman Alverson said he had visited with Luke Sunderland, City Attorney for both Sabetha and Seneca. Mr. Sunderland said he was trying to work on a new map with Seneca. Seneca City Administrator Steve Brooks and the City Council all seem to want different things. Chairman Alverson feels the ETJs are the same as they have been with no changes to date.

A few years ago Martin Schmelzle had contacted the Polsonelli Law Firm with questions about the forming of ETJs by Seneca. He had received two letters in response at that time and gave each Planning Commission member a copy of these.

After much discussion, it was consensus to send Mr. Parker an email to contact the cities of Sabetha and Seneca and to ask them to supply the following by February 16, 2026:

- New maps showing their final ETJs
- Explanation of why land areas on maps are important to be included
- Provide relevant state statutes that show support for ETJs

Based upon constituent comments at the public hearing Martin Schmelzle asked if there needed to be a formal process outlined in the land development code that defines a process to file a complaint or concern to the county regarding land use and the steps/process the county would take after the concern or complaint is received. Mr. Schmelzle said the comments were mentioned during the hearing multiple times where you should think about your neighbor when using land and while planning land use. Todd Rokey pointed out there is a process for this on Page 23, Section 5-101 and Brent Alverson also cited Section 5-102 to answer this question.

Chairman Alverson moved and Bob Ruddick seconded the motion to adjourn at 8:45 p.m. Motion carried unanimously.

Respectfully submitted by

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Nancy M. Gafford, Secretary

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Charity Henry, Vice-Chairman

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Date

A copy of Mr. Ackerman's edited Land Development Code is submitted with these minutes.