#### PLANNING COMMISSION September 9, 2023 8:00 a.m.

Chairman Jim Masek opened the meeting at 8:00 a.m. in the meeting room of the City Office Building, 490 E Street, David City, Nebraska, and notified the public of the "Open Meetings Act" posted on the west wall of the meeting room. He also notified the public that if they wish to speak to the Commission to please state their name and address for the record.

Present: Planning Commission members Jim Vandenberg, Pam Kabourek, Jim Masek, Greg Aschoff, Alternate Brian Small, City Clerk Tami Comte and Deputy City Clerk Lori Matchett. Planning Commission member Robert Hilger was absent.

Also, present Council Member & Liaison Keith Marvin, Council Member Pat Meysenburg, Brad Swerczek of KTech Project Services, and Don Naiberk of Butler County Health.

Chairman Jim Masek made a motion to accept the minutes of the August 12, 2023, meeting as corrected. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Absent; Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0, Absent: 1.

Chairman Jim Masek made a motion to open the public hearing at 8:02 a.m. to consider the replat of Northland Second Subdivision to the City of David City, Butler County, Nebraska, legally described as follows:

LEGAL DESCRIPTION OF NORTHLAND SECOND SUBDIVISION TO THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA Point of beginning (POB) is the intersection of the centerlines of E. "N" Street and N. 7th Street thence going westerly along the centerline of E. "N" Street to the intersection of the centerlines of E. "N" Street and N. 6th Street; thence northerly along the centerline of N. 6th Street continuing to the intersection of N. 6th Street and E. "O" Street; thence easterly to the extended west property line to a tract referred to as Lot 2, STR 18-15-13; thence northerly along the west property line of said lot, continuing to the southern property line of a tract referred to as Part of Lot 6 and 7, STR 18-15-3; thence westerly along the southern property line of said lot to the northwest corner of a tract referred to as Lot 1, STR 18-15-3; thence southerly along the west property line of said lot to the northeast corner of a tract referred to as Part of Lot 7 in S ½ SE ¼, STR 18-15-3; thence westerly along the northern property line of said lot to the northwest corner of said lot; thence northerly along the east property line of a tract referred to as Lot 7, STR 18-15-3 continuing to the northeast corner of said lot; thence westerly along the northern property line of said lot continuing to the northwest corner of said lot; thence northerly along the west property line of a tract referred to as Part of Lots 6 and 7, STR 18-15-3, continuing to the northwest corner of said lot; thence easterly along the northern property line of said lot continuing to the northeast corner of said lot; thence southerly along the east property line of said lot continuing to the southeast corner of said lot; thence easterly along the northern property line of a tract referred to as Lot 2, STR 18-15-3; continuing to the northeast corner of said lot; thence southerly along the east property line of said lot continuing to the centerline of E. "O" Street; thence easterly along the centerline of E. "O" Street continuing to the intersection of E. "O" Street and N. 7th Street; thence southerly along the centerline of N. 7th Street continuing to the POB, +/- 17.3 acres. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Absent, Pam

Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0, Absent: 1.

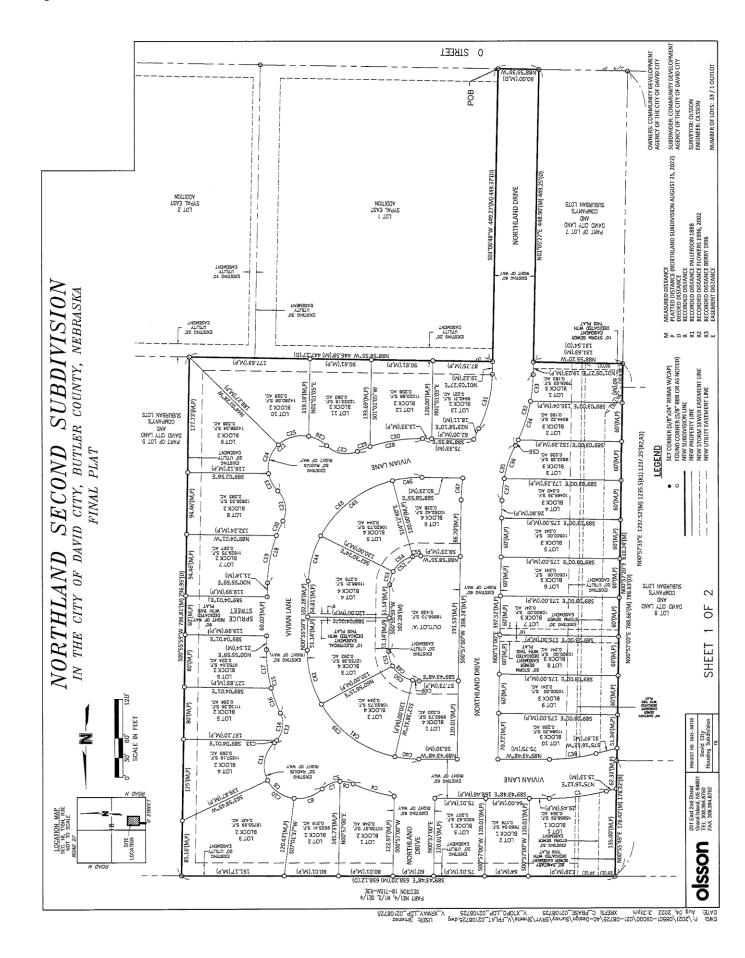
City Clerk Tami Comte explained the updates to the subdivision with easements and changing easement sizes, also the change to a lot on the east side and making it Spruce Street for future development.

Chairman Jim Masek made a motion to close the public hearing at 8:05 a.m. for the consideration of the replat of Northland Second Subdivision to the City of David City, Butler County, Nebraska. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Absent, Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0, Absent: 1.

Planning Commission member Greg Aschoff made a motion to recommend to the City Council the replat of the Northland Second Subdivision to the City of David City, Butler County, Nebraska, legally described as follows:

LEGAL DESCRIPTION OF NORTHLAND SECOND SUBDIVISION TO THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA Point of beginning (POB) is the intersection of the centerlines of E. "N" Street and N. 7th Street thence going westerly along the centerline of E. "N" Street to the intersection of the centerlines of E. "N" Street and N. 6th Street; thence northerly along the centerline of N. 6th Street continuing to the intersection of N. 6th Street and E. "O" Street; thence easterly to the extended west property line to a tract referred to as Lot 2, STR 18-15-13; thence northerly along the west property line of said lot, continuing to the southern property line of a tract referred to as Part of Lot 6 and 7, STR 18-15-3; thence westerly along the southern property line of said lot to the northwest corner of a tract referred to as Lot 1, STR 18-15-3; thence southerly along the west property line of said lot to the northeast corner of a tract referred to as Part of Lot 7 in S ½ SE ¼, STR 18-15-3; thence westerly along the northern property line of said lot to the northwest corner of said lot; thence northerly along the east property line of a tract referred to as Lot 7, STR 18-15-3 continuing to the northeast corner of said lot; thence westerly along the northern property line of said lot continuing to the northwest corner of said lot; thence northerly along the west property line of a tract referred to as Part of Lots 6 and 7, STR 18-15-3, continuing to the northwest corner of said lot; thence easterly along the northern property line of said lot continuing to the northeast corner of said lot; thence southerly along the east property line of said lot continuing to the southeast corner of said lot; thence easterly along the northern property line of a tract referred to as Lot 2, STR 18-15-3; continuing to the northeast corner of said lot; thence southerly along the east property line of said lot continuing to the centerline of E. "O" Street; thence easterly along the centerline of E. "O" Street continuing to the intersection of E. "O" Street and N. 7th Street; thence southerly along the centerline of N. 7th Street continuing to the POB, +/- 17.3 acres.

Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Absent, Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0, Absent: 1.



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Chairman Jim Masek made a motion to open the public hearing at 8:06 a.m. to consider the vacation of a portion of 10<sup>th</sup> Street per the request of Butler County Health, legally described as follows:

A PART OF TENTH STREET RIGHT OF WAY LOCATED IN MILES SIXTH ADDITION TO THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 2, OF SAID MILES SIXTH ADDITION; THENCE EASTERLY ON THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 2, A DISTANCE OF 80 FEET, MORE OR LESS , TO THE EAST RIGHT OF WAY LINE OF TENTH STREET AS PLATTED IN SAID MILES SIXTH ADDITION: THENCE SOUTHERLY ON SAID EAST RIGHT OF WAY LINE ALSO BEING THE WEST LINE OF VETTER SENIOR LIVING ADDITION AND THE WEST LINE OF BLOCK 1 OF SAID MILES SIXTH ADDITION, A DISTANCE OF 300 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID BLOCK 1; THENCE CONTINUING SOUTHERLY ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 40 FEET, MORE OR LESS, TO THE POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE CENTERLINE OF VACATED OHIO STREET AS PLATTED IN SAID MILES SIXTH ADDITION: THENCE WESTERLY ON SAID CENTERLINE, A DISTANCE OF 80 FEET, MORE OR LESS, TO THE POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF TENTH STREET AS PLATTED IN SAID MILES SIXTH ADDITION, THENCE NORTHERLY ON SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 40 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK 2; THENCE NORTHERLY ON THE EAST LINE OF SAID BLOCK 2, A DISTANCE OF 300 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Absent, Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea, Jim Vandenberg: Yea., Yea: 5, Nay: 0, Absent: 1.

Don Naiberk, CEO of Butler County Health, introduced himself and let the Planning Commission know that they would like to vacate 10<sup>th</sup> Street from Iowa Street to the property line of Witter Family Medicine parking lot. They would like to have some expansions on the Hospital building. They will need to tear out a portion of 10<sup>th</sup> Street during construction. The street will remain open as a public way after construction. It will be owned by Butler County Health and will be maintained by Butler County Health. With the expansion they will also look at drainage and run off. The road would be vacated by the city, however, it would stay open to the public but be owned and maintained by Butler County Health.

Chairman Jim Masek made a motion to close the public hearing at 8:21 a.m. to consider the vacation of a portion of 10<sup>th</sup> Street per the request of Butler County Health. Brian Small seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Absent, Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0, Absent: 1.

Planning Commission member Jim Vandenberg made a motion to recommend to the City Council the vacation of a portion of 10<sup>th</sup> Street per the request of Butler County Health, legally described as follows:

A PART OF TENTH STREET RIGHT OF WAY LOCATED IN MILES SIXTH ADDITION TO THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 2, OF SAID MILES SIXTH ADDITION; THENCE EASTERLY ON THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 2, A DISTANCE OF 80 FEET, MORE OR LESS ,TO THE

EAST RIGHT OF WAY LINE OF TENTH STREET AS PLATTED IN SAID MILES SIXTH ADDITION; THENCE SOUTHERLY ON SAID EAST RIGHT OF WAY LINE ALSO BEING THE WEST LINE OF VETTER SENIOR LIVING ADDITION AND THE WEST LINE OF BLOCK 1 OF SAID MILES SIXTH ADDITION, A DISTANCE OF 300 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID BLOCK 1; THENCE CONTINUING SOUTHERLY ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 40 FEET, MORE OR LESS, TO THE POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE CENTERLINE OF VACATED OHIO STREET AS PLATTED IN SAID MILES SIXTH ADDITION; THENCE WESTERLY ON SAID CENTERLINE, A DISTANCE OF 80 FEET, MORE OR LESS, TO THE POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF TENTH STREET AS PLATTED IN SAID MILES SIXTH ADDITION, THENCE NORTHERLY ON SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 40 FEET, MORE OR LESS, TO THE POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF TENTH STREET AS PLATTED IN SAID MILES SIXTH ADDITION, THENCE NORTHERLY ON SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 40 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK 2; THENCE NORTHERLY ON THE EAST LINE OF SAID BLOCK 2, A DISTANCE OF 300 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Absent, Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0, Absent: 1.

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PAID AUG 1'5 2023 CITY OF DAVID CITY DAVID CITY UTILITIES

# DAVID CITY PLANNING COMMISSION

## TYPE OF ACTION REQUESTED

Conditional Use \$100.00

Vacate request: alley, street, etc. \$50.00

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Rezoning/Zoning Amendment \$150.00

#### LEGAL DESCRIPTION OF THE PROPERTY:

All of 10th Street from the South line of Vacated Iowa Avenue to the North line of

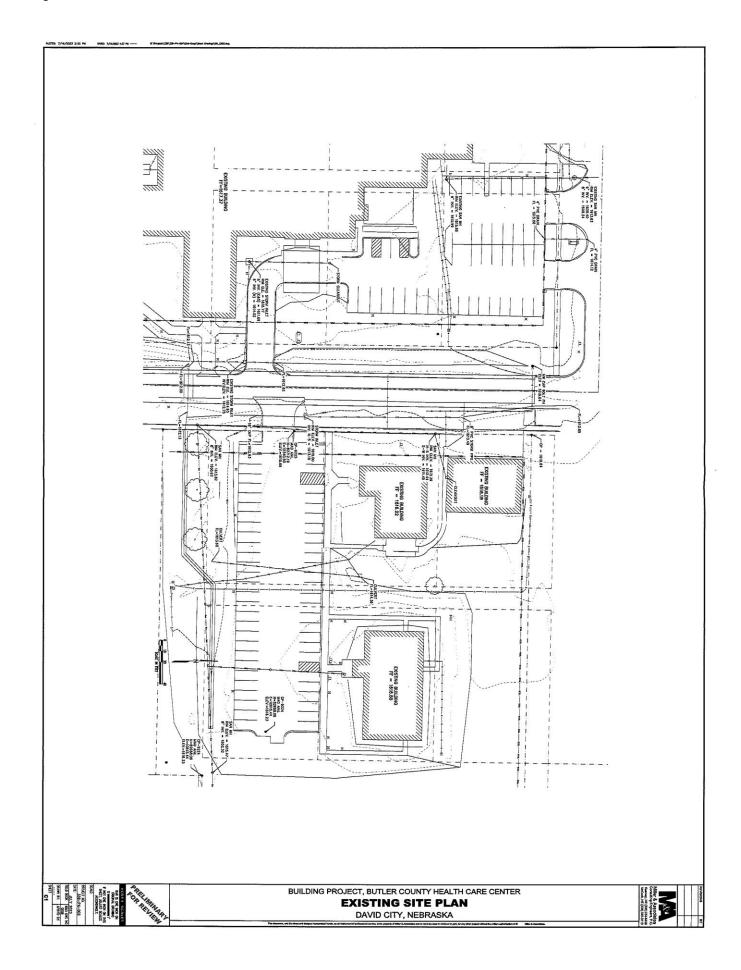
Vacated Ohio Avenue, Abutting Lots 1, 4 & 5, Block 2, of Miles 6th Addition on the west

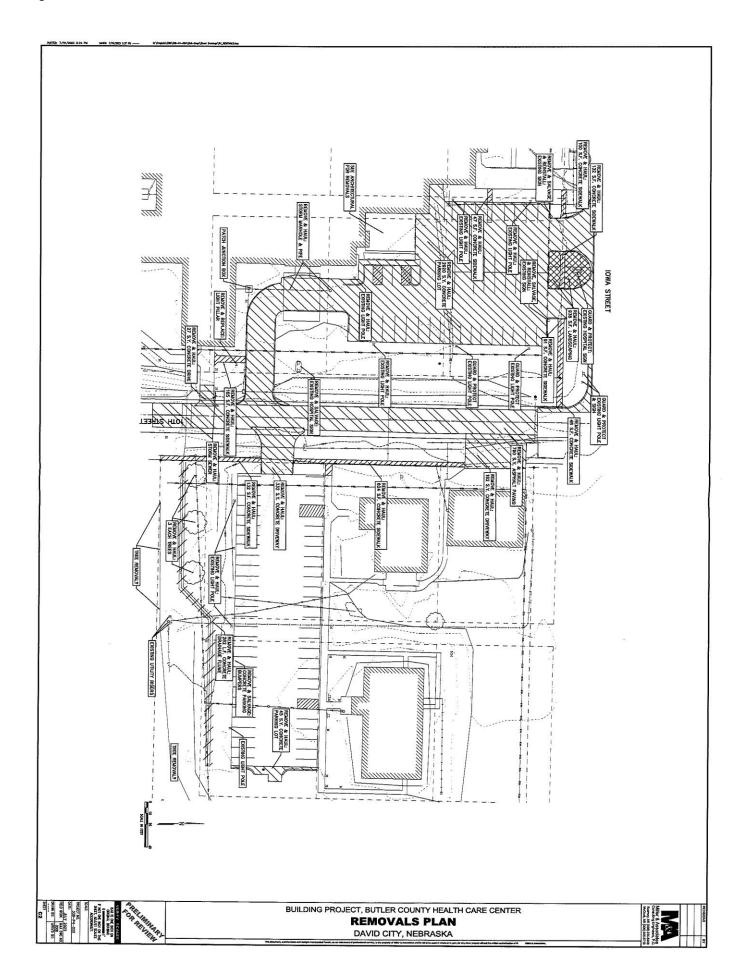
and abutting Lots 2, 3 & 6, Block 1 of Miles 6th Addition on the East

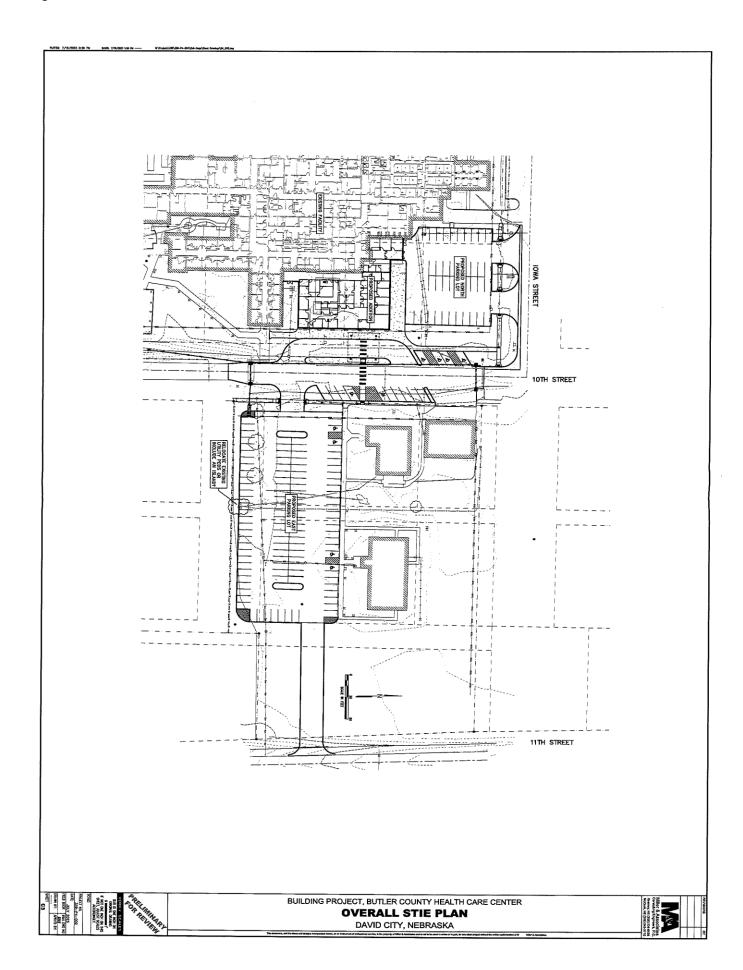
# **DESCRIPTION OF THE PROJECT:**

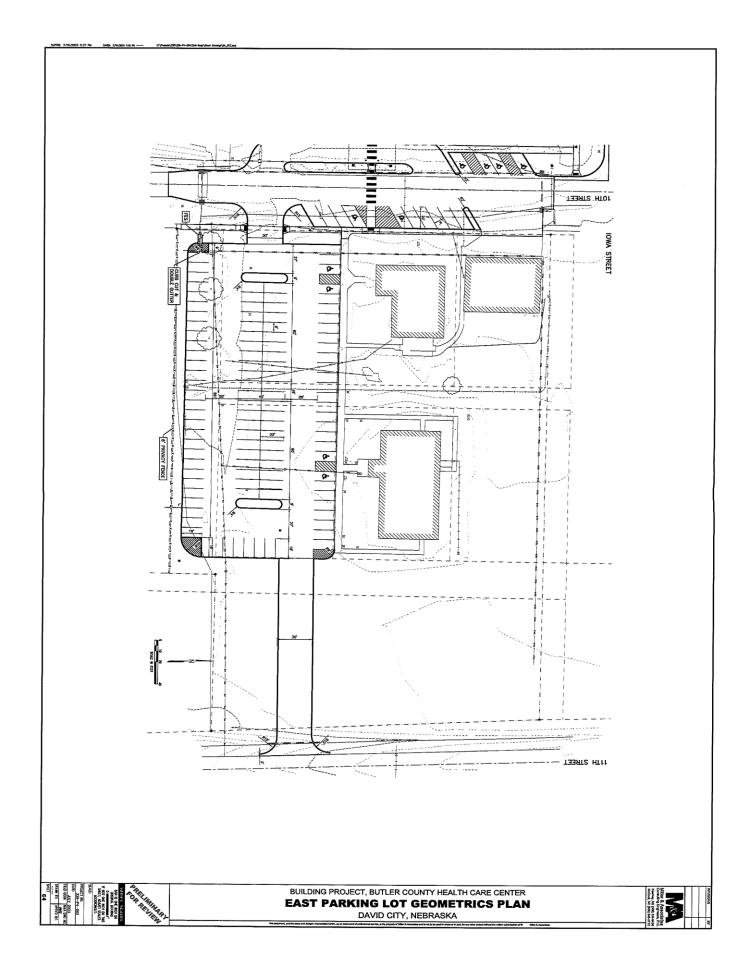
See attached	
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	the et n i CEO
a second s	Applicant's Signature
FOR CITY USE	EONLY
Date received: <u>8-15-2023</u> I Fee Paid: <u>x</u> Yes \$ 50.00	Sv: Joli Matchett
Hearing Date: <u>Ceptember 9, 2023</u>	······································
Hearing Notice Published: Yes	No
Adjoining Landowners NotifiedYes _	No ·
Action Taken:Planning Commission memb	er Jim Vandenberg made a motion to
recommend to the City Council the vaca	tion of a portion of 10th Street
per the request of Butler County Healt	h. Greg Aschoff seconded the motion
The motion carried.	

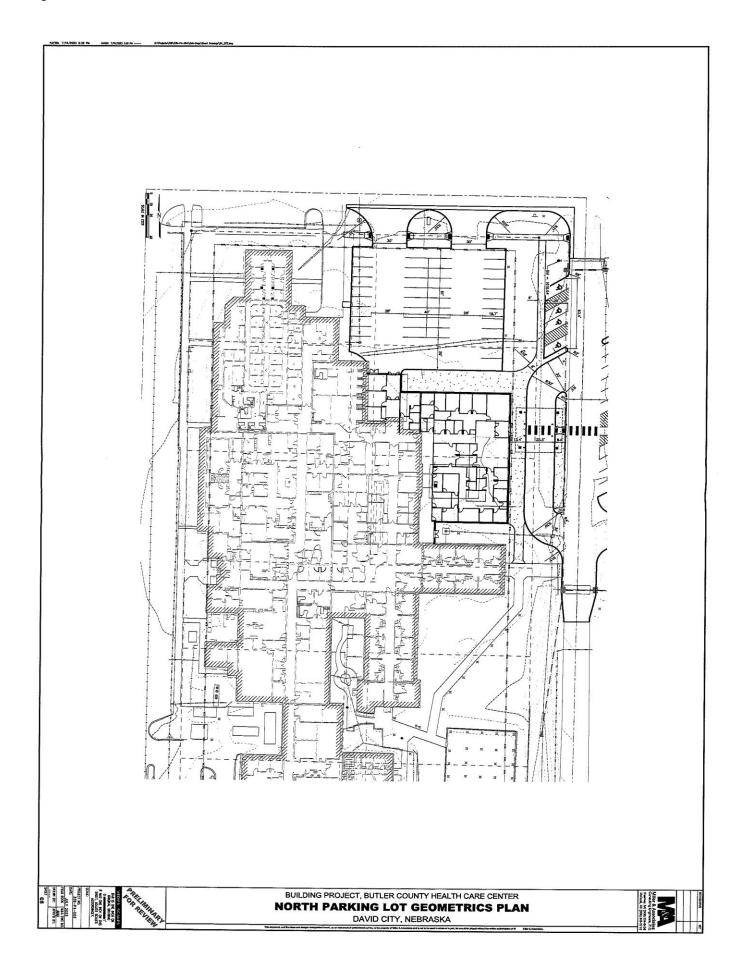
Butler County Health plans to install curb, storm sewer, and repave 10<sup>th</sup> Street for the vacated area described above. The storm sewer will be installed to drain water from the vacated portion of 10<sup>th</sup> Street and parking areas of Butler County Health owned property that borders 10<sup>th</sup> Street. Butler County Health intends to re-open 10<sup>th</sup> Street as a through street after the improvements are completed. The section of 10<sup>th</sup> Street that is vacated will be maintained by Butler County Health. Drawings of the proposed improvements to 10<sup>th</sup> Street are attached.

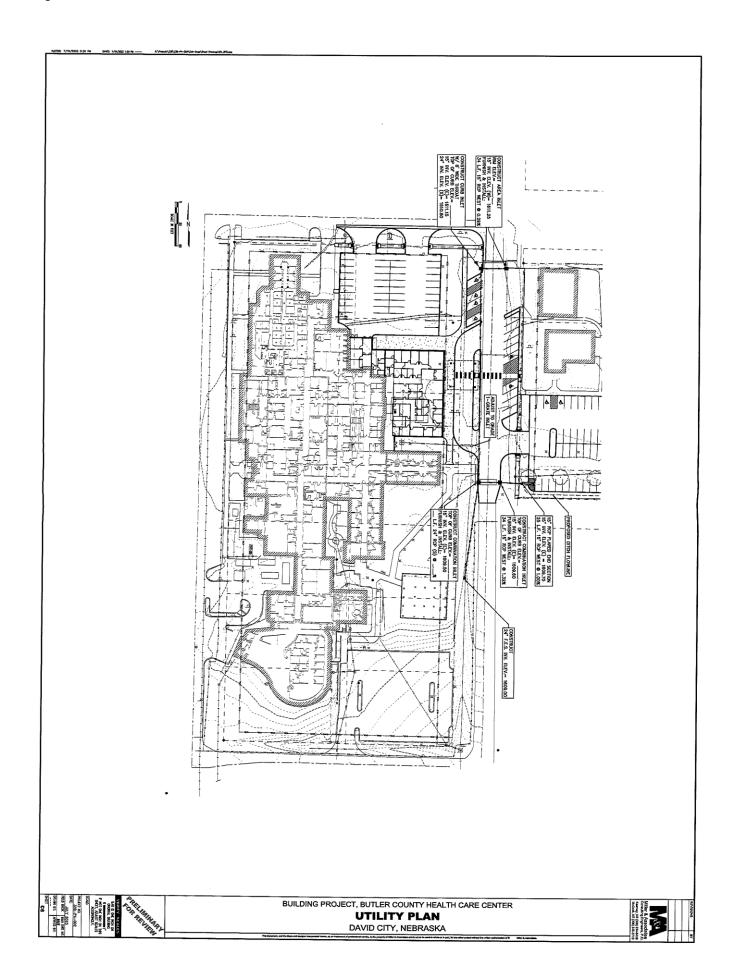












There being no further business to come before the Planning Commission, Planning Commission Chairman Jim Masek made a motion to adjourn the meeting at 8:23 a.m. Brian Small seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Absent, Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea, Jim Vandenberg: Absent. Yea: 5, Nay: 0, Absent: 1.

Minutes by Lori Matchett, Deputy City Clerk