

PLANNING COMMISSION

February 8, 2025

8:00 AM

Chairman Jim Masek opened the meeting at 8:00 AM 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, please state their name and address.

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

Also present: Chris Kozisek, Pat Kozisek, Brian Kozisek, Tim Wollmer and Amy Slama.

Planning Commission member Pam Kabourek made a motion to accept the minutes of the December 14, 2024, meeting as presented. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Chairman Jim Masek made a motion to open the public hearing at 8:02 a.m. to consider annexing the Kozisek Properties located in the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska, together with the North 33 feet of the Northwest Quarter of Section 29, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska, adjacent to said Kozisek properties being legally described as below. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Chris Kozisek, introduced himself, he is representing the family and are in the process of selling his parents land, they have a purchase agreement and are requesting this annexation voluntarily. Chris stated that they are preparing for housing development on the land that will be annexed. Chris did question what utilities would be provided to the development and when.

Jim Vandenberg stated to the Commission that he would not be voting or commenting on this annexation due to him having a conflict of interest. Currently, Jim Vandenberg's water line runs through the property that is being annexed, and Jim has an easement for his waterline.

Chairman Jim Masek made a motion to close the public hearing at 8:10 a.m. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Greg Aschoff made a motion to recommend annexation to the City Council of the Kozisek Properties located in the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska, together with the North 33 feet of the Northwest Quarter of Section 29, Township 15 North, Range 3 East of the Sixth P.M., Butler County Nebraska, adjacent to said Kozisek Properties being legally described as: A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20, AND IN THE NORTHWEST QUARTER OF SECTION 29, ALL IN TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 20 AND ASSUMING THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO BEAR N89°45'16"W; THENCE S00°55'01"E ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 33.01 FEET; THENCE

N89°45'16"W PARALLEL WITH AND 33.00 FEET DISTANT FROM SAID SOUTH LINE, A DISTANCE OF 1240.11 FEET TO THE POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE EAST LINE OF A PARCEL OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2012-00487; THENCE N00°43'48"W ON SAID SOUTHERLY EXTENSION, A DISTANCE OF 33.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE CONTINUING N00°43'48"W ON THE EAST LINE OF SAID PARCEL, A DISTANCE OF 267.54 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2011-01521; THENCE N00°44'24"W ON THE EAST LINE OF SAID PARCEL, A DISTANCE OF 326.53 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE N89°43'28"W ON THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 141.40 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2016-01446 AND THE EXISTING CORPORATE LIMITS; THENCE N00°45'55"W ON THE EAST LINE OF SAID PARCEL AND SAID CORPORATE LIMITS, A DISTANCE OF 270.71 FEET; THENCE N88°48'23"W ON THE NORTH LINE OF SAID PARCEL AND SAID CORPORATE LIMITS, A DISTANCE OF 23.36 FEET TO AN ANGLE POINT IN SAID CORPORATE LIMITS ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF LAND AS PREVIOUSLY DESCRIBED IN ORDINANCE NUMBER 1296 AND RECORDED IN INSTRUMENT NUMBER 2018-01623; THENCE N00°43'16"W ON THE EAST LINE OF SAID PREVIOUSLY DESCRIBED PARCEL AND SAID CORPORATE LIMITS, A DISTANCE OF 379.05 FEET TO THE SOUTHEAST CORNER OF LOT 4, BLOCK 2 OF KOZI ADDITION TO THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA; THENCE N89°09'24"E, ON THE SOUTH LINE OF LOT 3 OF SAID BLOCK 2, A DISTANCE OF 139.77 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE N89°21'47"E, A DISTANCE OF 60.19 FEET TO THE SOUTHEAST CORNER OF SAID KOZI ADDITION; THENCE S00°48'58"E ON THE WEST LINE OF LOT 1, BLOCK 2, KOZI SECOND ADDITION TO THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, A DISTANCE OF 25.06 FEET TO THE SOUTHWEST CORNER OF SAID KOZI SECOND ADDITION; THENCE N89°09'19"E ON THE SOUTH LINE OF SAID KOZI SECOND ADDITION, A DISTANCE OF 139.72 FEET; THENCE N89°16'43"E CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 60.21 FEET; THENCE N89°16'40"E CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 140.05 FEET TO THE SOUTHEAST CORNER OF SAID KOZI SECOND ADDITION; THENCE N13°43'09"E ON THE EAST LINE OF SAID KOZI SECOND ADDITION, A DISTANCE OF 241.35 FEET; THENCE N03°43'08"E CONTINUING ON SAID EAST LINE, A DISTANCE OF 336.79 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE S88°59'29"E ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 790.07 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE S00°22'05"E ON SAID EAST LINE, A DISTANCE OF 1789.13 FEET TO THE POINT OF BEGINNING, CONTAINING 48.97 ACRES, MORE OR LESS. Robert Hilger seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Abstain (With Conflict). Yea: 4, Nay: 0, Abstain (With Conflict): 1.

Chairman Jim Masek made a motion to open the public hearing at 8:13 a.m. to consider annexing Tim & Lori Wollmer property located in the South Half of the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska, with a physical address of 1375 C Street (Parcel # 120035672) being legally described as: Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Tim Wollmer introduced himself, Tim is not opposed for the annexation, just wants to verify that the legal descriptions for the annexations are correct.

Planning Commission member Greg Aschoff took a few minutes to compare the legal description to the annexation plat that was provided by Brian Foral and verified that the legal description and the property that is marked are correct.

Chairman Jim Masek made a motion to close the public hearing at 8:27 a.m. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Abstain (With Conflict). Yea: 4, Nay: 0, Abstain (With Conflict): 1.

Planning Commission member Pam Kabourek made a motion to recommend to the City Council the annexation of Tim & Lori Wollmer property located in the South Half of the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska, with a physical address of 1375 C Street (Parcel # 120035672) being legally described as : A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20 TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, SAID POINT BEING ON THE EAST LINE OF 14TH STREET AND ALSO BEING THE SOUTHEAST CORNER OF EAST DAVID CITY, AND ASSUMING THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO HAVE A BEARING OF N 90°00'00" W; THENCE N 0°58'30" W ON THE EAST LINE OF SAID EAST DAVID CITY, 262.14 FEET TO A POINT ON THE CENTERLINE OF B STREET AND THE POINT OF BEGINNING; THENCE CONTINUING N 0°58'30" W ON SAID EAST LINE, 331.86 FEET; THENCE S 90°00'00" E, 304.92 FEET; THENCE S 0°58'30" E, 326.58 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF SAID CENTERLINE; THENCE S 89°00'20" W ON SAID EASTERLY EXTENSION, 304.87 FEET TO THE POINT OF BEGINNING, CONTAINING 2.30 ACRES, MORE OR LESS. Jim Masek seconded the motion. The motion carried.

Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Abstain (With Conflict). Yea: 4, Nay: 0, Abstain (With Conflict): 1.

Chairman Jim Masek made a motion to open the public hearing at 8:29 a.m. to consider annexing Amy Dayhoff property located in the South Half of the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska (Parcel # 120035673) being legally described as: Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

No comments were made on this public hearing.

Chairman Jim Masek made a motion to close the public hearing at 8:30 a.m. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Planning Commission member Pam Kabourek made a motion to recommend to the City Council the annexation of Amy Dayhoff property located in the South Half of the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska (Parcel # 120035673) being legally described as: A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20 TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, SAID POINT BEING ON THE EAST LINE OF 14TH STREET AND ALSO BEING THE SOUTHEAST CORNER OF EAST DAVID CITY, AND ASSUMING THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO HAVE A BEARING OF N 90°00'00" W;

THENCE N 0°58'30" W ON THE EAST LINE OF SAID EAST DAVID CITY, 262.14 FEET TO A POINT ON THE CENTERLINE OF B STREET; THENCE N 89°00'20" E ON THE EASTERLY EXTENSION OF SAID CENTERLINE, 304.87 FEET, THENCE S 0°58'30" E, 267.42 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE N 90°00'00" W ON SAID SOUTH LINE, 304.92 FEET TO THE POINT OF BEGINNING, CONTAINING 1.85 ACRES, MORE OR LESS. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Abstain (With Conflict). Yea: 4, Nay: 0, Abstain (With Conflict): 1.

Planning Commission member Jim Vandenberg made a motion to go into closed session of pending litigation at 8:32 a.m. Robert Hilger seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0. City Clerk Tami Comte, Deputy Clerk Lori Matchett, Chairman Jim Masek, Planning Commission members Jim Vandenberg, Pam Kabourek, Robert Hilger, and Greg Aschoff went into closed session to discuss pending litigation.

Planning Commission member Greg Aschoff made a motion to come out of closed session at 8:51 a.m. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

There being no further business to come before the Planning Commission, Chairman Jim Masek made a motion to adjourn at 8:52 a.m. Greg Aschoff seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Minutes by Lori Matchett, Deputy City Clerk