

PLANNING COMMISSION  
November 13, 2021  
8:00 AM

Chairman Jim Masek opened the meeting at 8:00 a.m. in the meeting room of the City Office Building, 557 4<sup>th</sup> Street, David City, Nebraska, and notified the public of the "Open Meetings Act" posted on the east wall of the meeting room.

Present: Planning Commission members Keith Marvin, Jim Masek, and Jim Vandenberg. Planning Commission members Nicole Gasper and Pam Kabourek were absent. Also present were City Administrator Clayton Keller, City Clerk Tami Comte, Deputy City Clerk Lori Matchett, Building Inspector Gary Meister, Laura Kobza of Kobza Ag and Home, Ashley Witmer of Callaway Rolloffs, Linda Vandenberg, Dan & Jan Sypal, Alyssa Ledon, Ruth Thoendel, Alice Wood, and Andrew Buresh.

Planning Commission member Keith Marvin made a motion to approve the minutes of the September 28, 2021 meeting as presented. Jim Vandenberg seconded the motion. The motion carried. Nicole Gasper: Absent, Pam Kabourek: Absent, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 3, Nay: 0, Absent: 2.

Planning Commission member Jim Masek made a motion to open the public hearing at 8:03 a.m. to consider amending the Zoning Ordinance No. 1060 Article 8.15 Temporary Storage Containers, removing Dumpsters. Keith Marvin seconded the motion. The motion carried. Nicole Gasper: Absent, Pam Kabourek: Absent, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 3, Nay: 0, Absent: 2.

Planning Commission member Keith Marvin said, "This was based upon our conversation with Laura (Kobza) and Ashley (Witmer), which was removing the dumpsters that they deliver out of the requirement of the permits."

Chairman Jim Masek asked, "So was there anything else that we need to discuss regarding this ordinance?"

Ashley Witmer of Callaway Rolloffs introduced herself and said, "I checked with some of the other towns we do permits for, and theirs are all only on the street. They do have some requirements to have garbage haulers get permitted through the city so that they know who is coming in and out of town, and that they understand the rules, and we have to be bonded for that. I believe that was a consideration that I think you had asked me to look into."

Planning Commission member Keith Marvin made a motion to close the public hearing at 8:05 a.m. to consider amending the Zoning Ordinance No. 1060 Article 8.15 Temporary Storage Containers, removing Dumpsters. Jim Vandenberg seconded the motion. The motion carried. Nicole Gasper: Absent, Pam Kabourek: Absent, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 3, Nay: 0, Absent: 2.

Planning Commission member Keith Marvin made a motion to recommend to City Council that we recommend amending Zoning Ordinance No. 1060 Article 8.15 Temporary Storage Containers, removing Dumpsters. Jim Vandenberg seconded the motion. The motion carried. Nicole Gasper: Absent, Pam Kabourek: Absent, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 3, Nay: 0, Absent: 2.

Planning Commission member Jim Vandenberg made a motion to move to agenda item number eight which was a discussion concerning industrial zoning in downtown areas and plans to enforce zoning regulations. Keith Marvin seconded the motion. The motion carried. Nicole Gasper: Absent, Pam Kabourek: Absent, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 3, Nay: 0, Absent: 2.

City Administrator Clayton Keller introduced himself. Clayton said, "I was approached by a group here in town that was asking about the zoning in the downtown area. It is in our 2005 David City Comprehensive Plan to zone the downtown area as all as downtown commercial. I am told that there was at one point we decided not to do that with the Arps location, but I don't know why we haven't done it yet for the location where the Goodyear and Speedy Treats buildings are. So, this is a discussion to see if the Planning Commission would like to move forward with that idea and zone that as Downtown Commercial. There's been a lot of complaints to the city about the Speedy Treats location and the upkeep of it. Zoning it Downtown Commercial with help us with that enforcement. As it sits right now it is Industrial. Campers are allowed to sit in Industrial zones, that is one big complaint we have gotten. So, I wanted to know what your thoughts were. Should we change it to Downtown Commercial?"

Planning Commission member Jim Vandenberg said, "I can't see any reason not to. It kind of fits in as Downtown Commercial. And that is what it had been used for, you know with the old Goodyear building; the bakery; the Speedy Treats building as you refer to it."

Planning Commission member Keith Marvin stated, "As far as the trailers they are there until they completely go away unless we work with the City Attorney's office to find some sort of amortization schedule to get them removed. I don't see that happen very much around the state."

City Administrator Clayton Keller added, "And it is not a quick process."

Ruth Thoendel introduced herself and said, "Do they need to be licensed?"

Planning Commission member Keith Marvin answered, "I would hope so. Yeah."

Ruth Thoendel replied, "They're not. None of the vehicles there are."

Planning Commission member Jim Vandenberg said, "I think one time he tried to tell us that he's selling them. That it is a dealership."

Ruth Thoendel said, "He doesn't have a license."

Building Inspector Gary Meister said, "I believe there is a boat there too."

Ruth Thoendel added, "There is a boat, two campers with broken-out windows, and a car. The car looks to be in the best shape of anything but it is not licensed."

Planning Commission member Keith Marvin said, "That may be a nuisance issue with broken windows."

Ruth Thoendel said, "Rex Rehmer has complained that there are (kids) getting on top of those things and then on top of his building and causing problems."

Alice Wood introduced herself and then asked, "Keith, I didn't understand what you said when you said 'they're there until they're gone'. What are you saying?"

Planning Commission member Keith Marvin answered, "With zoning what happens is, if you change the zoning on something and they currently are allowed or legal they get to continue there until they are gone or discontinued for twelve-consecutive months."

Ruth Thoendel asked, "What if they are not legal?"

Planning Commission member Keith Marvin answered, "Well if they are not legal then they don't get the benefit of the non-conformity."

Ruth Thoendel asked, "And if they are not licensed are they legal?"

Planning Commission member Keith Marvin said, "I don't know what the city code is on that issue."

City Administrator Clayton Keller said, "I would have to work with the Sheriff's Department with that."

Linda Vandenberg introduced herself and stated, "Unless you're a dealership, there used to be a vehicle ordinance. You did have a city ordinance as far as vehicles. They had to be licensed. They could only be on their properties for a certain amount of days otherwise they were considered a nuisance. You have an abatement process. Unless they are a dealership and they are not identified as a dealership."

City Administrator Clayton Keller added, "And as it sits since it is Industrial, I don't think it matters if it's registered or not. So, that is why making the change to Downtown Commercial gives us that tool to where we can pursue that avenue."

Planning Commission member Jim Vandenberg said, "Like I said, I can't see any reason not to fill in the area and make it Downtown Commercial. I don't know if there are any reasons not to?"

Planning Commission member Keith Marvin responded, "The reasons we did it the way we did it are gone. That goes all the way back to Larry McPhillips also including Butler County Welding. I think they are in that area too."

City Clerk Tami Comte asked, "Would Butler County Welding need to stay Industrial?"

Planning Commission member Keith Marvin said, "We can make them be okay in Downtown Commercial. It's just a public hearing and change of ordinance."

Planning Commission member Jim Vandenberg asked, "What is the area across the street to the west?"

Planning Commission member Keith Marvin responded, "I think that is all Downtown Commercial. At the alley it becomes Industrial."

Planning Commission member Jim Vandenberg said, "I understand that, what I mean is facing 5<sup>th</sup> Street."

Planning Commission member Keith Marvin asked that staff put this on the agenda for December as a Public Hearing.

Planning Commission member Pam Kabourek arrived at the meeting at 8:15 a.m.

Planning Commission member Keith Marvin excused himself from the meeting room for the public hearing and consideration of the Blight and Substandard Study. Marvin Planning Consultants prepared the study.

Chairman Jim Masek made a motion to open the public hearing at 8:16 a.m. on the blighted and substandard study for the real estate described as follows: Point of beginning (POB) is the intersection of the centerlines of E. "N" Street and N. 7<sup>th</sup> Street thence going westerly along the centerline of E. "N" Street to the intersection of the centerlines of E. "N" Street and N. 6<sup>th</sup> Street; thence northerly along the centerline of N. 6<sup>th</sup> Street continuing to the intersection of N. 6<sup>th</sup> 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. 7<sup>th</sup> Street; thence southerly along the centerline of N. 7<sup>th</sup> Street continuing to the POB, +/- 17.3 acres. Jim Vandenberg seconded the motion. The motion carried. Nicole Gasper: Absent, Pam Kabourek: Yea, Keith Marvin: Abstained with Conflict, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 3, Nay: 0, Absent: 1, Abstained: 1.

Chairman Jim Masek stated, "The reason Keith Marvin has stepped out is because he did the study, so he cannot participate in it due to a conflict of interest"

City Administrator Clayton Keller said, "Marvin Planning Consultants did the Blight Study for the City. It is a lot easier to look at pictures than it is to read a legal description. The first picture will be on page 4, this is a Study Area Map. This sits right next to an area that has already been blighted, much of the area to the west of this has already been blighted. So, a big chunk there on the north side that you see is a spot owned by the Community Redevelopment Authority, it goes down another house and grabs another block south of "O" Street. So that's the area we are talking about. As you go through the study, you'll notice that there are multiple conditions that Marvin Planning Consultants was able to see - Under state statute - makes this area blighted and substandard; such as sidewalks, conditions of streets, gutters, and vegetation conditions. The big thing is the age of structures. There is only one structure under the age of forty. Two structures under the age of fifty. All the other structures are above the age of fifty. So, the average age comes out to over fifty-one years old. Under state statute, if your average age

is above forty years old, then it is considered a blighted area. It has nothing to do with property value, it's just an age thing. So, when you go to the end of the study, you will find on page 19, the findings. I will go ahead and read this for you. 'Blight Study Area has several items contributing to the Blight and Substandard Conditions. These conditions include: Blight Conditions; Substantial number of deteriorated or deteriorating structures, Deterioration of site or other improvements, Diversity of Ownership, Average age of the residential or commercial units in the area is at least 40 years, Insanitary and Unsafe Conditions. And for the Substandard Conditions; the average age of the structures in the area is at least forty years. Both of those apply to the Blighted and Substandard Conditions.' This is part of a Tax Increment Financing effort by the City and Community Redevelopment Authority so that we can redevelop the area, especially for housing needs. Housing is tight. David City is not alone in this problem, this is a nationwide issue, and it has been for three years at minimum. Wall Street Journal did an article on it back in 2018 of this housing issue. It hasn't gone away, and so the City has decided to use Tax Increment Financing (TIF) where we can to help alleviate some of these housing issues."

Chairman Jim Masek stated, "I am not sure everybody here knows what the TIF is used for then."

City Administrator Clayton Keller said, "So the way TIF works is that your property value increases over time, and when you do improvements to your property then that increases your value even more. Once you start a TIF project you can divide that tax for any improvements, but what that means is the tax that you are already paying continues to go to those entities it is already going to. And any improvements the tax from those improvements are then put into the redevelopment project. So, it is a way for us to borrow against future revenue so that we can pay for a project to help improve the land so the property value increase even shows up. Does that make sense?"

Planning Commission member Jim Vandenberg asked, "It's for what, fifteen years?"

City Administrator Clayton Keller answered, "Yes, fifteen years."

Planning Commission member Jim Vandenberg asked, "So in fifteen years it goes on the tax roll at fair market value?"

City Administrator Clayton Keller responded, "Yes, and after those fifteen years the city sends a notice to the county saying you can stop dividing the taxes, and then the county continues to split property taxes the way they need to. The State really only gives the Cities two tools to develop. One is LB840, that is an economic tool, David City does not have that at their disposal because of how we have things set up. And so, our only other option for development or redevelopment is TIF. So, this is something that we use aggressively here in David City. Under state statute, we can use it for housing. Marvin Planning Consultants provided us with the Blight Study under state statute so it conforms with all state laws that we needed to conform with."

Planning Commission member Jim Vandenberg asked, "Is there any detrimental effects to the people that are included in the study inside that map?"

City Administrator Clayton Keller answered, "No, there is not. I called the County Assessor just to double-check. She doesn't take studies like this into account. She does the market rates and what houses around are selling for. She doesn't take into account what is blighted and what's not blighted."

Several Citizens voiced their concerns about their property value and housing developments in the Blight and Substandard Study area.

Discussion continued.

Planning Commission member Jim Vandenberg stated, "This is not a tool to devalue your property. It is a tool that is out there that is used mainly for development for cities. Another source of funding for the development of cities. Without this there is a lot of projects in a lot of your big cities that would not happen. That is the big thing."

Chairman Jim Masek made a motion to close the public hearing at 9:11 a.m. on the blighted and substandard study for the real estate described as follows: Point of beginning (POB) is the intersection of the centerlines of E. "N" Street and N. 7<sup>th</sup> Street thence going westerly along the centerline of E. "N" Street to the intersection of the centerlines of E. "N" Street and N. 6<sup>th</sup> Street; thence northerly along the centerline of N. 6<sup>th</sup> Street continuing to the intersection of N. 6<sup>th</sup> 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. 7<sup>th</sup> Street; thence southerly along the centerline of N. 7<sup>th</sup> Street continuing to the POB, +/- 17.3 acres. Jim Vandenberg seconded the motion. The motion carried. Nicole Gasper: Absent, Pam Kabourek: Yea, Keith Marvin: Abstained with Conflict, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 3, Nay: 0, Absent: 1, Abstained: 1.

Chairman Jim Masek made a motion to recommend to the City Council the Blighted and Substandard Study for the real estate described as follows: Point of beginning (POB) is the intersection of the centerlines of E. "N" Street and N. 7<sup>th</sup> Street thence going westerly along the centerline of E. "N" Street to the intersection of the centerlines of E. "N" Street and N. 6<sup>th</sup> Street; thence northerly along the centerline of N. 6<sup>th</sup> Street continuing to the intersection of N. 6<sup>th</sup> 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. 7<sup>th</sup> Street; thence southerly along the centerline of N. 7<sup>th</sup> Street continuing to the POB, +/- 17.3 acres. Pam Kabourek seconded the motion. The motion carried. Nicole Gasper: Absent, Pam Kabourek: Yea, Keith Marvin: Abstained with Conflict, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 3, Nay: 0, Absent: 1, Abstained: 1.

(Space Intentionally left blank)

**PURPOSE OF THE BLIGHT AND SUBSTANDARD STUDY**

The purpose of completing this Blight and Substandard study is to examine existing conditions within Study Area 5 of the City of David City. This study has been commissioned by the City of David City to analyze the possibility of declaring the area as blighted and substandard within this specific study area.

The City of David City, when considering conditions of Blight and Substandard, will be looking at those issues and definitions provided for in the Nebraska Community Redevelopment Law as found in Chapter 18, Section 2104 of the Revised Nebraska State Statutes, as follows:

*“The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of the Community Development Law, shall afford maximum opportunity, consistent with the sound needs of the city as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under the Community Development Law, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations, relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the providing of necessary public improvements.”*

The Nebraska Revised Statutes §18-2105 continues by granting authority to the governing body for formulation of a workable program; disaster assistance; effect. The statute reads:

*“The governing body of a city or an authority at its direction for the purposes of the Community Development Law may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof.”*

*“Notwithstanding any other provisions of the Community Development Law, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the Governor of the state has certified the need for disaster assistance under federal law, the local governing body may approve a redevelopment plan and a redevelopment project with respect to such area without regard to the provisions of the Community Development Law requiring a general plan for the municipality and notice and public hearing or findings other than herein set forth.”*

Based on the Nebraska Revised Statutes §18-2103 the following definitions shall apply:

*“Blighted area means an area (a) which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements,*



## Blight and Substandard Study – Area 5

---

*diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the platted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted. A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision;"*

*"Extremely blighted area means a substandard and blighted area in which: (a) The average rate of unemployment in the area during the period covered by the most recent federal decennial census is at least two hundred percent of the average rate of unemployment in the state during the same period; and (b) the average poverty rate in the area exceeds twenty percent for the total federal census tract or tracts or federal census block group or block groups in the area;"*

*"Substandard area means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare; and"*

*"Workforce housing means:*

- (a) Housing that meets the needs of today's working families;*
- (b) Housing that is attractive to new residents considering relocation to a rural community;*
- (c) Owner-occupied housing units that cost not more than two hundred seventy-five thousand dollars to construct or rental housing units that cost not more than two hundred thousand dollars per unit to construct. For purposes of this subdivision (c), housing unit costs shall be updated annually by the Department of Economic Development based upon the most recent increase or decrease in the Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics;*
- (d) Owner-occupied and rental housing units for which the cost to substantially rehabilitate exceeds fifty percent of a unit's assessed value; and*
- (e) Upper-story housing."*

This Blight and Substandard Study is only for a portion of the corporate limits of the city which has not previously been so designated. The Study is intended to give the David City Planning Commission and David City City Council the basis for identifying and declaring Blighted and Substandard conditions existing within the City's jurisdiction and as allowed under Chapter 18,

Section 2123.01. Through this process, the City and property owners will be attempting to address economic and/or social liabilities which are harmful to the well-being of the entire community.

The study area can be seen in Figure 1 of this report. A Redevelopment Plan to be submitted in the future will contain, in accordance with the law, definite local objectives regarding appropriate land uses, improved traffic, public transportation, public utilities, and other public improvements, and the proposed land uses and building requirements in the redevelopment area and shall include:

- The boundaries defining the blighted and substandard areas in question (including existing uses and conditions of the property within the area), and
- A list of the conditions present, which qualify the area as blighted and substandard.

#### **BLIGHT AND SUBSTANDARD ELIGIBILITY STUDY**

This study targets the entire corporate limits of the community for evaluation. The area is indicated in Figure 1 of this report. The existing use is residential.

Through the redevelopment process, the City of David City can guide future development and redevelopment throughout the area. The use of the Community Redevelopment Act by the City is intended to redevelop and improve areas of the community. Using the Community Redevelopment Act, the City of David City can assist in the elimination of negative conditions and implement different programs/projects identified for the City.

The following is the description of the designated area within the City of David City.

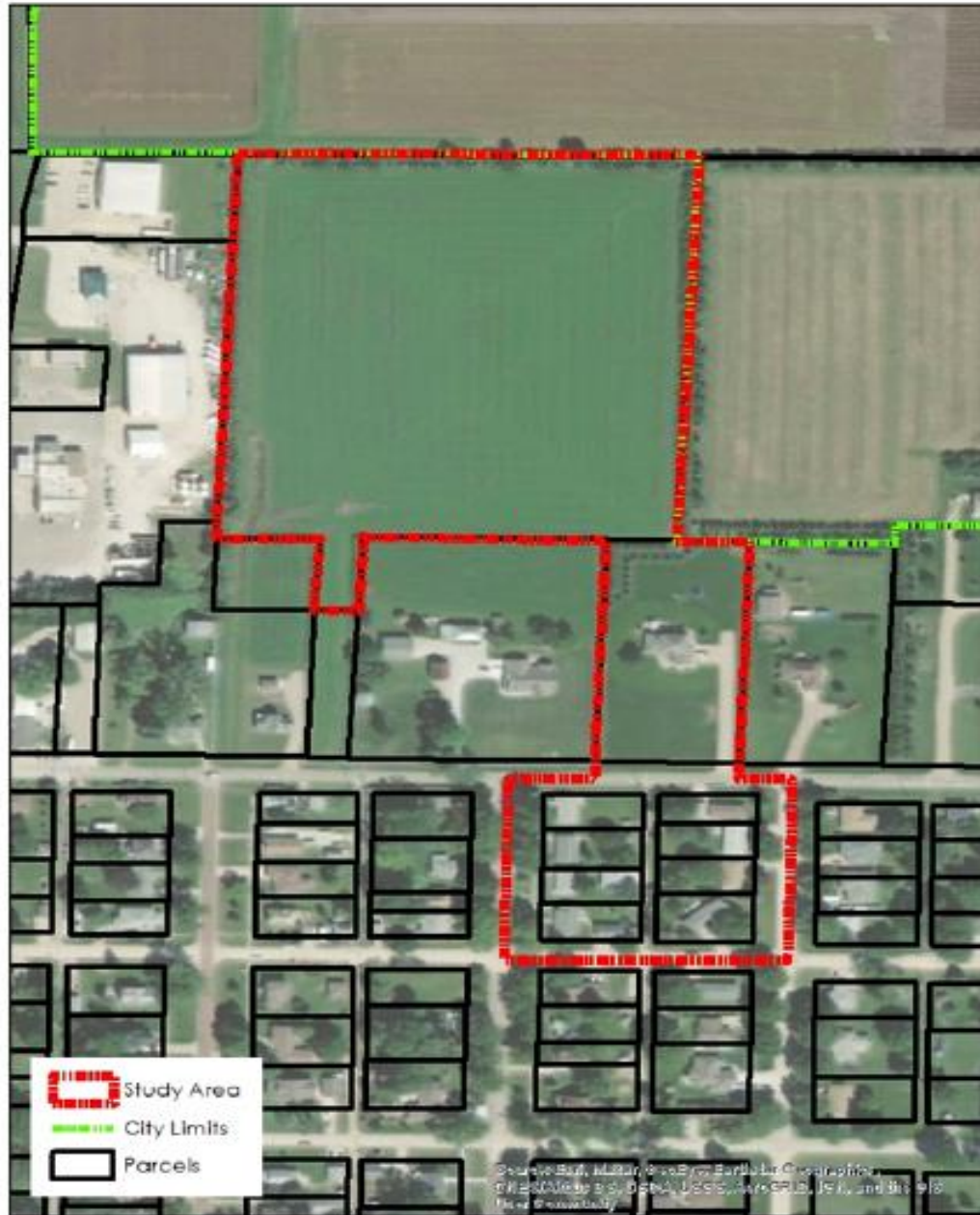
Point of beginning (POB) is the intersection of the centerlines of E N Street and N 7<sup>th</sup> Street thence going westerly along the centerline of E N St to the intersection of the centerlines of E N Street and N 6<sup>th</sup> Street; thence northerly along the centerline of N 6<sup>th</sup> St continuing to the intersection of N 6<sup>th</sup> Street and E O Street; thence easterly to the extended west property line of 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 18-15-03; 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 1/2 SE 1/4, 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 18-5-3, 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 St continuing to the intersection of E O Street and N 7<sup>th</sup> Street; thence southerly along the centerline of N 7<sup>th</sup> Street continuing to the POB, +/- 17.3 acres.



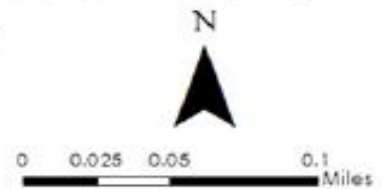
Blight and Substandard Study – Area 5

**Study Area**

**Figure 1**  
**Study Area Map**



Blight Study - Study Area  
David City, Nebraska



**Figure 2**  
**Existing Land Use Map**



Blight Study - Land Use  
David City, Nebraska

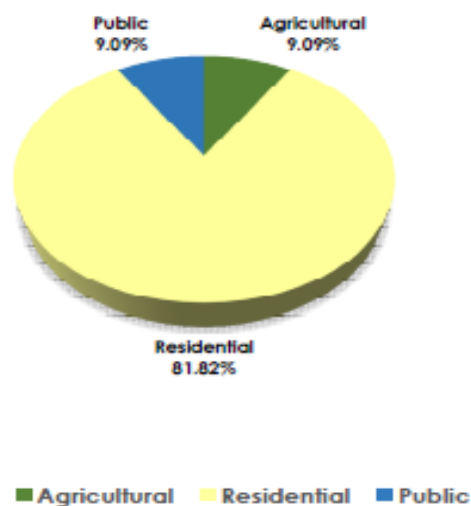


## Blight and Substandard Study – Area 5

### EXISTING LAND USES

The term “Land Use” refers to the developed uses in place within a building or on a specific parcel of land. The number and type of uses are constantly changing within a community and produce a number of impacts either benefitting or detracting from the community. Because of this, the short and long-term success and sustainability of the community is directly contingent upon available resources utilized in the best manner given the constraints the City faces during the course of the planning period. Existing patterns of land use are often fixed in older communities and neighborhoods, while development in newer areas is often reflective of current development practices.

**FIGURE 3: EXISTING LAND USE, Study Area 5 – 2021**



Source: Marvin Planning Consultants 2021

### *Existing Land Use Analysis within Study Area*

As part of the planning process, a survey was conducted through both in-field observations, as well as data collection online using the Butler County Assessors website. This survey noted the use of each parcel of land within the study area. These data from the survey are analyzed in the following paragraphs. Figure 3 shows the different uses present within the corporate limits of David City. The different uses also have the overall percent of the total area.

### FINDINGS OF BLIGHT AND SUBSTANDARD CONDITIONS ELIGIBILITY STUDY

This section of the study examines the conditions found in the study area. The Findings Section will review the conditions based upon the statutory definitions.

#### *Contributing Factors*

There were a number of conditions examined and evaluated in the field and online. These conditions will be reviewed in detail, on the following pages, while some of the statutory conditions are not present.

#### *Structural Conditions*

Structural conditions were evaluated, structures were either rated as: Excellent, Very Good, Above Normal, Normal, Below Normal, Poor, or Very Poor. The data and rating system come from the Butler County Assessor’s database and is the same database used to value properties in the area. According to the data there are 17 structures (9 primary and 8 secondary) in the study area.



Based upon the data provided to the planning team, the following is the breakdown for structures in the study area:

- **1 (3.45%) structure rated as Excellent**
- **0 (0.00%) structure rated as Very Good**
- **2 (11.80%) structures rated as Above Normal**
- **13 (81.30%) structures rated Normal**
- **0 (0.00%) structures rated Below Normal**
- **1 (3.45%) structure rated Poor**
- **0 (0.00%) structure rated as Very Poor**

Based upon these data, an assumption has been made that normal condition and less would constitute the possibility of some or considerable deterioration. It is common for older structures to need more maintenance and upkeep to maintain a good or higher condition. Even a structure rated as normal will show some signs of deteriorating which in turn can become a dilapidated structure in the future if it is not addressed over time. Overall, 82.35% of the structures in this study area are considered as a normal condition or worse, while 17.65% of the structures are already rated as above normal.

Due to the stated conditions found in the Butler County Assessor's data, the condition of the structures is a contributing factor.



Photo 1: Structure in Poor Condition

#### *Deterioration of Site or Other Improvements*

##### *Sidewalk Conditions*

Sidewalks, regardless of the area and uses within a community, should provide a safe means of movement for pedestrians. Sidewalks become increasingly more important along transportation routes considered to be arterials and highways. A sidewalk allows for pedestrian movement while keeping people off heavily traveled streets.

## Blight and Substandard Study – Area 5

---

The sidewalk conditions were analyzed in the Study Area. The sidewalks were rated on five categories: Excellent, Good, Average, Fair, and Poor or Missing.

Within the study area there is approximately 1,602 lineal feet or 0.30 miles of area where sidewalk could or should be located. After reviewing the conditions in the field, the following is how the sidewalk conditions breakdown within the study area:

- **0 (0.00%) lineal feet of Excellent sidewalk**
- **0 (0.00%) lineal feet of Good sidewalk**
- **336 (21.0%) lineal feet of Average sidewalk**
- **0 (0.00%) lineal feet of Fair sidewalk**
- **1,266 (79.0%) lineal feet of Poor or Missing sidewalk**

The study area only contains sidewalks along the west edge of 6<sup>th</sup> street. There is no other sidewalk present in the study area. Sidewalk is critical to the overall pedestrian movement of an area long-term. Even sidewalk constructed, which at present goes nowhere, will eventually connect to several portions of the community. Because 79.0% of the area is missing sidewalk, sidewalks are considered a direct contributing factor.



**Figure 4**  
**Structural Conditions**



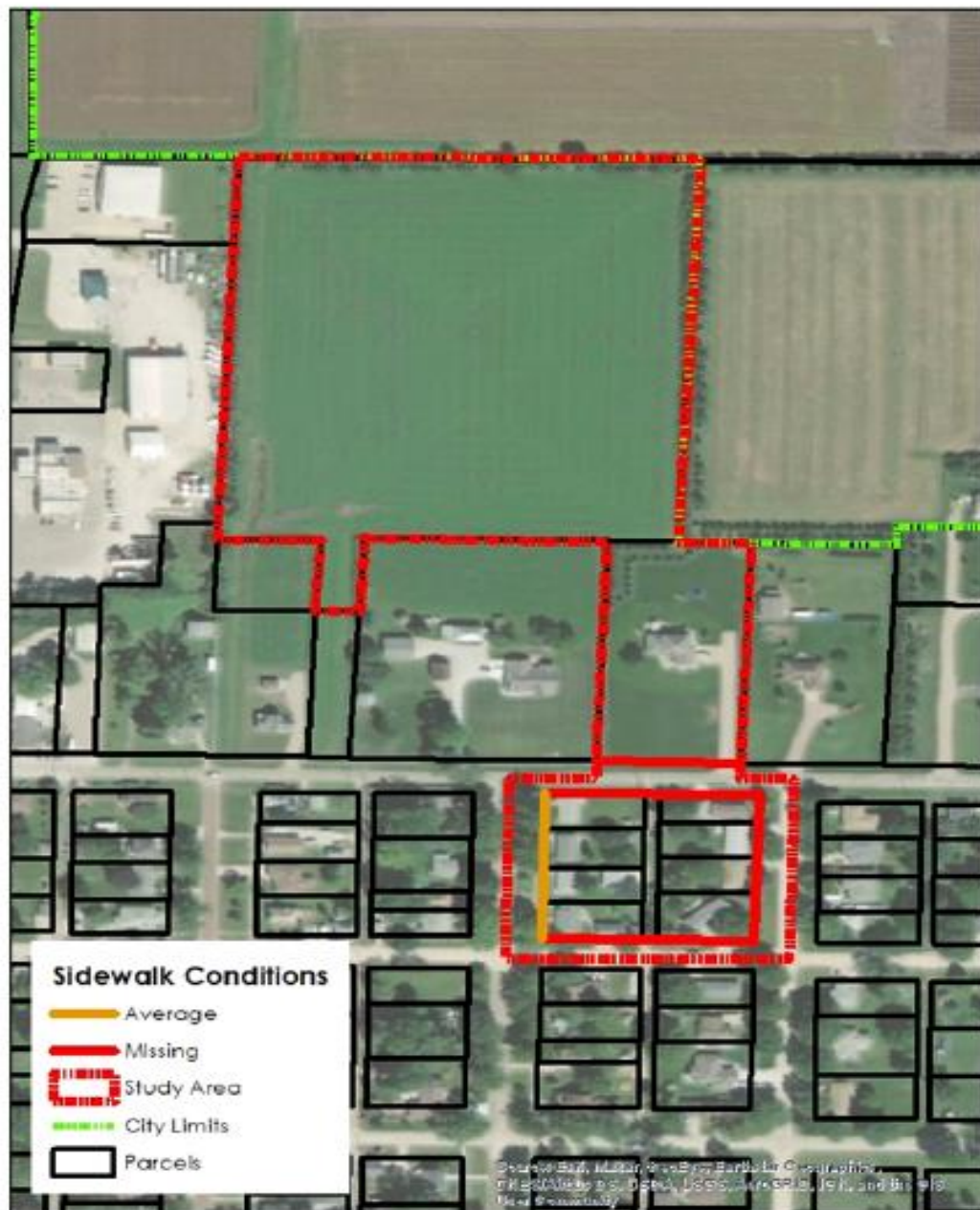
Blight Study - Structural Conditions  
David City, Nebraska



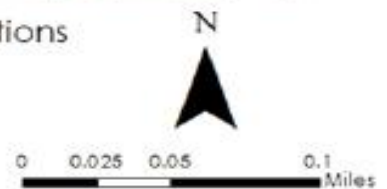


Blight and Substandard Study – Area 5

**Figure 5**  
**Sidewalk Conditions**



Blight Study - Sidewalk Conditions  
David City, Nebraska



**Figure 6**  
**Curb and Gutter Conditions**



Blight Study - Curb and Gutter Conditions  
David City, Nebraska



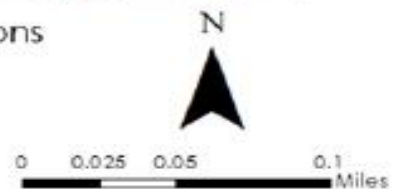


Blight and Substandard Study – Area 5

**Figure 7**  
**Street Conditions**



Blight Study - Street Conditions  
David City, Nebraska



**Curb and Gutter**

Curb and Gutters have a number of direct and indirect roles in communities. Their primary function is to be a barrier to collect and direct water to be drained away. On a secondary level, they can help define where the streets start and stop, and they act as a physical barrier between pedestrian and vehicular traffic.

Curb and gutter for the Study Area were examined similarly to sidewalks. The curb and gutter were graded as either Excellent, Good, Average, Fair, Poor, or Missing. The study area is partially considered rural section drainage.

Within the study area there is approximately 1,602 lineal feet of curb and gutter possible. After reviewing the conditions in the field, the following is how the curb and gutter conditions break down within the corporate limits:

- **0 (0.0%) lineal feet of Excellent curb and gutter**
- **0 (0.00%) lineal feet of Good curb and gutter**
- **1,040 (65.0%) lineal feet of Average curb and gutter**
- **0 (0.00%) lineal feet of Fair curb and gutter**
- **562 (35.0%) lineal feet of Poor or Missing curb and gutter**

The majority of the community’s streets and drainage have been designed and constructed in a manner referred to as rural section. A rural section street/road is one where water drains directly from the driving surface into ditches paralleling the street. This approach is adequate; however, this design typically sees the ditches begin to silt in and/or have tall grass growing in them. These factors quickly deteriorate the ability of the ditch to adequately drain away water from the driving surface and this typically leads to localized flooding and ponding.



Photo 2: Poor drainage in gutter



Photo 3: Cracked gutter



Photo 4: No curb and gutter along O Street on north and south sides



Photo 5: Vegetation gathering due to poor drainage in gutter



## Blight and Substandard Study – Area 5

---

Due to the large amount of deteriorating and missing curb and gutter, the curb and gutter conditions would be a direct contributing factor.

### Streets

Streets within a community are essential to moving people and vehicles from place to place. Their condition and construction have an impact on the appearance of a community, which leads directly to how a community is perceived by the outside world.

Within the study area there is approximately 1,549 lineal feet or 0.3 miles of street possible. After reviewing the conditions in the field, the following is how the street conditions breakdown within the corporate limits:

- **0 (0.0%) lineal feet of Excellent street**
- **0 (0.0%) lineal feet of Good street**
- **395 (26.0%) lineal feet of Average street**
- **736 (48.0%) lineal feet of Fair street**
- **395 (26.0%) lineal feet of Poor street**

Within the study area, N Street, O Street, 6<sup>th</sup> Street, and 7<sup>th</sup> Street are all paved. Any streets currently dirt or gravel are considered to be of a poor condition. The streets in the study area appear to have been paved in some sort of asphaltic material or armor coated. The alley that runs north to south between N Street and O Street is a mixture of gravel, hand poured concrete, and grass. Being paved with an obsolete material like dirt or gravel is obsolete for an urban area.



Photo 6: Alleyway



Photo 7: Alleyway

### Age of Structure

Age of structures can be a contributing factor to the blighted and substandard conditions in an area. Statutes allow for a predominance of structures 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the structural age of the structures within the Study Area. Note the age of structure was determined from the Appraisal data within the Butler County Assessor's website data.

**TABLE 2: AVERAGE STRUCTURAL AGE, BY METHOD – 2021**

Number	Year	Age	Cumulative
1	1956	65	65
1	1960	61	126
1	1961	60	186
1	1962	59	245
1	1964	57	302
1	1970	51	353
1	1972	49	402
1	1975	46	448
1	2003	18	466
<b>9</b>			<b>466</b>
			<b>51.80</b>

Source: Butler County Assessor's and Marvin Planning Consultants 2021

**Age of Structure**

Within the study area there are 9 primary structures. After researching the structural age on the Butler County Assessor's website, the following breakdown was determined:

- 8 (89.9%) units were determined to be 40 years of age or older.
- 1 (11.1%) unit was determined to be less than 40 years of age

However, when examining the age based upon a cumulative approach, as in Table 1 the average age of the primary structures is equal to 51.80 years; thus, meeting the requirements of the statutes. The age of the structures would be a direct contributing factor.





### **Blighting Summary**

These conditions are contributing to the blighted conditions of the study area.

- **Substantial number of deteriorating structures**
  - Within the study area 75.0% of the primary structures were deemed to be in an average condition or worse.
  
- **Deterioration of site or other improvements**
  - Curb and gutter are missing throughout the study area.
  - The study area has what is considered rural section (ditches).
  - Streets through most of the study area were of an average or poorer condition.
  - Sidewalks are missing or within average condition within 76.5% of the entire study area.
  
- **Diversity of Ownership**
  - There are many different property owners within the study area including the City of David City CRA.
  - The diversity of ownership may be a barrier to future development.
  
- **Insanitary and Unsafe Conditions**
  - Standing water at the corner of North 6<sup>th</sup> Street and N Street is a breeding ground for communicable diseases.
  - Volunteer trees and weeds have overgrown fences on the agricultural property in the study area.



Photo 8: Volunteer trees and weeds



Photo 9: Volunteer trees and weeds



Photo 10: Volunteer trees and weeds

### **Criteria under Part B of the Blight Definition**

- The average age of the residential or commercial units in the area is at least forty years.
  - 8 (89.9%) buildings or improvements were determined to be 40 years of age or older.
  - 1 (11.1%) buildings or improvements were determined to be less than 40 years of age.
  - The average age based upon a cumulative age calculation is 51.80 years.



**Blight and Substandard Study – Area 5**

These other criteria for Blight were not present in the area, these included:

- Factors Which Are Impairing And/or Arresting Sound Growth
  - Dangerous conditions to life or property due to fire or other causes.
  - Faulty lot layout.
  - Improper subdivision or obsolete platting.
  - Stable or decreasing population based on the last two decennial censuses.
  - Tax or special assessment delinquency exceeding fair value of the land.
  - Defective or unusual condition of title.
  - Unemployment in the designated area is at least 120% of the state or national average.
  - One-half of unimproved property is over 40 years old.
  - The per capita income of the area is lower than the average per capita income of the city or village in which the area is designated.

These issues were either not present or were limited enough as to have little impact on the overall condition of the study area.

**Substandard Conditions**

**Average age of the residential units in the area is at least 40 years.**

Age of structures can be a contributing factor to the blighted and substandard conditions in an area. Statutes allow for a predominance of units that are 40 years of age or older to be a contributing factor regardless of their condition. Note the age of structure was determined from the appraisal data within the Butler County Assessor’s website data.

Within the study area there are 9 primary structures. After researching the structural age on the Butler County Assessor’s website, the following breakdown was determined:

- 8 (89.9%) units were determined to be 40 years of age or older.
- 1 (11.1%) unit was determined to be less than 40 years of age

**TABLE 2: AVERAGE STRUCTURAL AGE, BY METHOD – 2021**

Number	Year	Age	Cumulative
1	1956	65	65
1	1960	61	126
1	1961	60	186
1	1962	59	245
1	1964	57	302
1	1970	51	353
1	1972	49	402
1	1975	46	448
1	2003	18	466
<b>9</b>			<b>466</b>
			<b>51.80</b>

Source: Butler County Assessor’s and Marvin Planning Consultants 2021

However, when examining the age based upon a cumulative approach, as in Table 1, the average age of the primary structures is equal to 51.80 years; thus, meeting the requirements of the statutes.

The age of the structures would be a direct contributing factor.

**Substandard Summary**

Nebraska State Statute requires that “...an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which

## Blight and Substandard Study – Area 5

*endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;”*

Study Area #5 meets the definition of Substandard as defined in the Revised Nebraska State Statutes.

### **FINDINGS FOR BLIGHT AND SUBSTANDARD STUDY AREA #5**

Blight Study Area #5 has several items contributing to the Blight and Substandard Conditions. These conditions include:

#### **Blighted Conditions**

- Substantial number of deteriorated or deteriorating structures.
- Deterioration of site or other improvements
- Diversity of Ownership
- Average age of the residential or commercial units in the area is at least 40 years.
- Insanitary and Unsafe Conditions

#### **Substandard Conditions**

- Average age of the structures in the area is at least forty years.

City Clerk Tami Comte stated to the public, "It will be on the agenda for the December 8, 2021, Mayor and City Council Meeting."

Planning Commission member Keith Marvin rejoined the meeting again at 9:15 a.m.

The next item on the agenda was a discussion of Accessory Dwellings.

Planning Commission member Keith Marvin said, "What you have and what Lori put on Sparq, she did put up there what I found. There are three different definitions that I came across for accessory dwellings. 'An accessory dwelling is a subordinate building or portion of the main building for use as a secondary single-family dwelling which is incidental to use of the main building for a primary single-family dwelling.' The next one came out of Loveland, CO., 'Accessory dwelling unit – A residential dwelling unit, but not a mobile home, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Secondary dwelling units shall be developed in accordance with the standards set forth in [local code] and only in those zoning districts where the use is listed as a special review use.' Some of that language would have to change within our stuff in Nebraska."

Planning Commission member Jim Masek asked, "That would be similar to what Montag's would be? (Andrew and Sarah Holloway own this property) Where you would have one building and then a separate building."

Planning Commission member Keith Marvin said, "Correct. Then the other one from Livermore, CA, 'A separate, completed housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.' If you have one similar to what Montag's old place was, it is a separate unit that you can rent out. We already have a couple of these in town. They would still have to meet all the building codes. The one that is on Montag's old property is like an apartment, but so are the ones that you see most of the time that are out there. They are either on the upper level of a garage or they may be in the lower level of the garage and take up the whole thing."

City Clerk Tami Comte asked, "Could you make that a conditional use?"

Planning Commission member Keith Marvin answered, "Yes. With the situation we have with the lack of rentals, it could help to help alleviate some of that pressure in town by people being able to transform their structures into something that is livable."

Planning Commission member Jim Vandenberg asked, "What's the tax assessor going to do?"

Planning Commission member Keith Marvin said, "We will have to turn them over to them and I think they will be judged as a separate living unit. Taxes will be raised probably on it. I don't get so hung up on the internal ones because I consider that the primary structure. You are allowed one principal structure on the property. Once you do that, even if it is an apartment-like structure, it is still considered an accessory dwelling unit. This also addresses short-term rentals, which are the Airbnb stuff. You would have a limited capacity on it. You couldn't put one up and then do like we have heard horror stories from Schuyler where we have heard people live and sleep in shifts. You couldn't do that."

City Clerk Tami Comte said, "Actually, Holloway's is on a separate lot. I looked it up."

Planning Commission member Pam Kabourek asked, "Do we have any regulations or ordinance that tells us the number of families that can live in a dwelling?"

City Clerk Tami Comte answered, "We do. That's the other thing that's the problem in R2 (Residential – Two Story), it's only duplex. I would think that they would have to be R3 (Residential – Multi-Family) to really have an apartment."

Planning Commission member Keith Marvin added, "Unless we made them a conditional use in those other districts."

City Clerk Tami Comte said, "So this apartment was probably put up prior to these regulations."

Planning Commission member Keith Marvin said, "That goes back probably prior to zoning in town. Zoning came around in the '60s."

City Administrator Clayton Keller asked, "How do we make sure that when someone is in one of these accessory dwellings units and has an emergency and calls 911, that 911 knows that they are in that unit and not the primary unit? I am not concerned about the quality of the building; we have building codes that can handle that. My concern is the Emergency vehicle; having a commercial enterprise on your personal residence. Do we need to make further adjustments? Do we just add that into this zoning piece?"

Planning Commission member Pam Kabourek said, "So that it's on record somewhere that there is someone living there. That's what you want?"

City Administrator Clayton Keller answered, "Yeah. Right, I want that readily available to the emergency personnel."

Planning Commission member Keith Marvin will continue looking for additional information on Accessory Dwellings.

Planning Commission member Keith Marvin made a motion to combine agenda items ten and eleven together for the consideration of the Wellhead Permit Applications submitted by Andrew Buresh to drill a residential well and septic system at 7-15-3 PT of the NE ¼ NW ¼ 4.0 AC. Jim Masek seconded the motion. The motion carried. Nicole Gasper: Absent, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Absent: 1.

Planning Commission member Pam Kabourek asked, "Andrew, is this in reference to your building that you are building out there (North of David City on Highway 15 and Road 38)?"

Andrew Buresh introduced himself and answered, "Yes."

Planning Commission member Pam Kabourek said, "It says residence..."

City Clerk Tami Comte said, "It's a residential well."

Planning Commission member Jim Vandenberg said, "It is a residential well and septic system."

City Administrator Clayton Keller asked Andrew Buresh, "So is that going to be a home and a shop?"

Andrew Buresh answered, "We were intending that at first but no."

Planning Commission member Jim Vandenberg said, "Ok. In reference to the well. Location is quite crucial as far as where you are going to put it as far as drainage. Don't put it where water will back up. Put it so it is on a high spot so that water runs away from the well itself, you know surface water. That is probably the key that we are concerned about so that you don't pollute your drinking water, and I am pretty sure you don't want to either - to pollute your own well. Make sure the drainage is good; don't have it in a ditch; don't have where water would back up temporarily. That is probably the key thing on the well. Have the well high enough and add a little dirt around it, twenty to thirty feet around it, so that you don't get puddling around it because water will soak in and will soak over to the well itself and go down around the tube. And then as far as the septic systems, if you go with a licensed installer, he has to do a percolation test to check your soil to see if it will accept a drain field so that you do not create a problem. I don't know what the location of the septic system and the well need to be."

Planning Commission member Keith Marvin stated, "I think it needs to be one hundred feet."

Planning Commission member Jim Vandenberg continued, "It needs to be so far away. There again, that is for your own benefit too. You would be the first ones impacted if you put your drain field right beside your well. I am sure that regulation is out there and I am sure you have a licensed installer..."

Building Inspector Gary Meister added, "...he'll know what it is. You said it's going to be roughly one hundred fifty feet."

Andrew Buresh said, "I believe so. I think the minimum is a hundred foot. We have to have an engineer, Mark Lindahl from Columbus, who will be engineering the septic system."

Planning Commission member Jim Vandenberg said, "Those would be the questions that you would want to ask. Have the septic system downhill if there is a gully off that way, Put the septic system to the area where the gully would start. Perth's water table will run the way the land lays, it will naturally go that way."

Planning Commission member Keith Marvin made a motion to approve the Wellhead Permit Application submitted by Andrew Buresh to drill a residential well at 7-15-3 PT of the NE ¼ NW ¼ 4.0 AC. Jim Masek seconded the motion. The motion carried. Nicole Gasper: Absent, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Absent: 1.

Planning Commission member Keith Marvin made a motion to approve the Wellhead Permit Application submitted by Andrew Buresh to install a septic system at 7-15-3 PT of the NE ¼ NW ¼ 4.0 AC. Jim Vandenberg seconded the motion. The motion carried. Nicole Gasper: Absent, Pam Kabourek: Yea, Keith Marvin: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 4, Nay: 0, Absent: 1.

PAID

NOV - 2 2021

CITY OF DAVID CITY  
DAVID CITY UTILITIES

CITY OF DAVID CITY, NEBRASKA



### WELLHEAD STRUCTURE OR ACTIVITY PERMIT APPLICATION

**IMPORTANT NOTICE:** Applicants and property owners are solely responsible for the information submitted on the application. Information which is incorrect or inaccurate may be cause for rejection of the application. Officials of the City of David City are not authorized to practice engineering, surveying or architecture. Review of applications by the City of David City is not to be construed as a substitute for architectural, engineering, surveying or contractors services. Applicants are encouraged to consult with a professional architect, engineer, surveyor or contractor when in doubt. Applicants are solely responsible for all applicable state building, electrical and plumbing codes. Applicants are solely responsible to comply with all zoning codes of the General Plan and all ordinances of the City of David City and are cautioned to consult with an attorney when in doubt. No construction shall be started without an approved Wellhead Permit. Applicants are encouraged to obtain certification from a Nebraska licensed surveyor to document compliance with zoning regulations. The City of David City may seek recommendations of the Natural Resources District, the Nebraska Department of Environmental Quality or any other party or agency in evaluating the impact of the proposed structure or activity on the municipal water supply or ground water.

The City of David City shall not be liable for any and all liability that may arise as a result of the proposed construction.

Date of Application 11-1-21 Zone \_\_\_\_\_

Type of Construction or Activity  
(describe the activity or operation, etc.): Residential Well

Estimated Cost \$5,000 Intended Use Water source

<u>Property Owner:</u>	<u>Location of Work:</u>
Name <u>Andrew Buresh</u>	Owner <u>Andrew Buresh</u>
Address <u>1380 Rd 37</u>	Address <u>1334 Road 38</u>
Phone <u>402 277-0935</u>	Zone _____

Legal Description of Work Site: P4 7 15 37 15 3 PT NE 1/4 NW 1/4 4.0Ac

Description of Work- Describe the project or activity and why approval would not adversely impact municipal water supply and groundwater (use a separate sheet if necessary):  
Residential Well

General Contractor:

Name Dave Hammerick  
Address 2262 Road 2 Leigh, NE 68643 Phone: 402 487-2712

Electrician:

Name \_\_\_\_\_  
Address \_\_\_\_\_ Phone: \_\_\_\_\_

Plumber:

Name \_\_\_\_\_  
Address \_\_\_\_\_ Phone: \_\_\_\_\_

=====

**This section to be completed by the city**

Permit Fee \$25 Date Paid 11-2-21 Rec'd by SARAH  
Date Plans Submitted \_\_\_\_\_ Date Survey Submitted \_\_\_\_\_

**ACTION:**

- SUBMITTED TO PLANNING COMMISSION Date \_\_\_\_\_
- DENIED Reason \_\_\_\_\_ Date \_\_\_\_\_
- APPROVED Date \_\_\_\_\_

PLANNING COMMISSION FINDINGS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PERMIT ISSUED Date \_\_\_\_\_ Number \_\_\_\_\_



CITY OF DAVID CITY, NEBRASKA



### WELLHEAD STRUCTURE OR ACTIVITY PERMIT APPLICATION

PAID

NOV - 2 2021

CITY OF DAVID CITY  
DAVID CITY UTILITIES

**IMPORTANT NOTICE:** Applicants and property owners are solely responsible for the information submitted on the application. Information which is incorrect or inaccurate may be cause for rejection of the application. Officials of the City of David City are not authorized to practice engineering, surveying or architecture. Review of applications by the City of David City is not to be construed as a substitute for architectural, engineering, surveying or contractors services. Applicants are encouraged to consult with a professional architect, engineer, surveyor or contractor when in doubt. Applicants are solely responsible for all applicable state building, electrical and plumbing codes. Applicants are solely responsible to comply with all zoning codes of the General Plan and all ordinances of the City of David City and are cautioned to consult with an attorney when in doubt. No construction shall be started without an approved Wellhead Permit. Applicants are encouraged to obtain certification from a Nebraska licensed surveyor to document compliance with zoning regulations. The City of David City may seek recommendations of the Natural Resources District, the Nebraska Department of Environmental Quality or any other party or agency in evaluating the impact of the proposed structure or activity on the municipal water supply or ground water.

The City of David City shall not be liable for any and all liability that may arise as a result of the proposed construction.

Date of Application 11-1-21 Zone \_\_\_\_\_

Type of Construction or Activity  
(describe the activity or operation, etc.): Residential Septic System

Estimated Cost \$10,000 Intended Use septic

Property Owner:

Name Andrew Buresh

Address 1380 Rd 37

Phone 402 277-0935

Location of Work:

Owner Andrew Buresh

Address 1339 38<sup>th</sup> Road

Zone \_\_\_\_\_

Legal Description of Work Site: 7 15 37 15 3 PT NE 1/4 NW 1/4 4.0 AC

Description of Work- Describe the project or activity and why approval would not adversely impact municipal water supply and groundwater (use a separate sheet if necessary):

Residential Septic System



General Contractor:

Name Dave Hammernick

Address 2262 Road 2 Leigh, NE 68643 Phone: 402 487-2712

Electrician:

Name \_\_\_\_\_

Address \_\_\_\_\_ Phone: \_\_\_\_\_

Plumber:

Name \_\_\_\_\_

Address \_\_\_\_\_ Phone: \_\_\_\_\_

=====

**This section to be completed by the city**

Permit Fee \$25 Date Paid 11-2-21 Rec'd by Sarah

Date Plans Submitted \_\_\_\_\_ Date Survey Submitted \_\_\_\_\_

**ACTION:**

SUBMITTED TO PLANNING COMMISSION Date \_\_\_\_\_

DENIED Reason \_\_\_\_\_ Date \_\_\_\_\_

APPROVED Date \_\_\_\_\_

PLANNING COMMISSION FINDINGS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PERMIT ISSUED Date \_\_\_\_\_ Number \_\_\_\_\_

Building Inspector Gary Meister gave an update of the work that he has been doing as the Building Inspector. He stated that he has been reading up on the codes and regulations of the City of David City. He mentioned a couple of issues that he has been facing with footing inspections.

City Clerk Tami Comte asked, "Gary, you had some things that you wanted to ask if they wanted to require permits and stuff about, right?"

Building Inspector Gary Meister said, "One was, I stumbled across some conflicts with some places it says that you need to remove and replace a concrete driveway, for instance, you don't need a permit. In other places, it calls out driveways as needing a permit. That stuff is kind of minor and we can kind of take notes and bring a list of things that I think kind of contradict each other. It says this in one place and that in another."

City Clerk Tami Comte asked, "Was shingling one of them?"

Building Inspector Gary Meister said, "Shingling's one. One says that if you are only replacing shingles, you don't need a permit, but if you replace rafters, you need a permit. For instance, we had one here in town and it was a hundred-year-old home, they didn't get a permit for it, and they were re-shingling it. Well, it had wood shingles on it and we all know what's under wood shingles is space boards. In my mind, he needed a permit because it clearly states if you replace shingles only you don't need a permit. He was doing way more than just replacing the shingles, he had to re-sheet the whole roof and do this and do that."

Planning Commission member Keith Marvin said, "That becomes somewhat structural then."

Building Inspector Gary Meister continued, "Yes, yes. We have seen a lot of different things here. Sidewalks are a big issue; I've come to conclude. Everybody's got a different view on it. What I find is that it is inconsistent. I think the way the city goes about sidewalks..."

Planning Commission member Jim Vandenberg said, "On new construction?"

Building Inspector Gary Meister continued, "On new construction and existing construction. Clayton and I have had some discussion about sidewalks and making people put them in that have newer homes. I guess my question would be ... if this house was built before there was zoning can you make them put sidewalks in?"

City Clerk Tami Comte answered, "No."

Building Inspector Gary Meister asked, "Say the house was built in 1910."

City Clerk Tami Comte answered, "No."

Building Inspector Gary Meister said, "Can't do anything with them guys?"

City Clerk Tami Comte answered, "No, but after the sidewalk ordinance was enforced, and we have talked about this, then you can."

Building Inspector Gary Meister asked, "Anything beyond that? So, a hundred-year-old house and he doesn't have a sidewalk in front, you can't touch them?"

City Clerk Tami Comte answered, "No. If it is anything before the sidewalk ordinance we cannot. Clayton, do you know when the sidewalk ordinance went into effect?"

City Administrator Clayton Keller answered, "The first time was 1995, the second time I think was 1999."

City Clerk Tami Comte said, "So any house built after that ought to have a sidewalk."

Planning Commission member Pam Kabourek said, "So can I ask when somebody builds a house in town do they come in here for a permit?"

City Clerk Tami Comte responded, "Yes."

Planning Commission member Pam Kabourek asked, "Do they have to show the plans? We have those beautiful homes built on the south end of David City and there is a sidewalk issue. And it's like, don't these plans include where the sidewalks are going?"

City Clerk Tami Comte said, "Well they are supposed to."

Building Inspector Gary Meister said, "I think with the sidewalk issue if you state right on the permit 'this is a requirement of your permit,' they know upfront when they start. To go back a couple of years later, or five years later, or ten years later there is a lot of resistance to it. How nasty do you want to get and the comment is always 'make my neighbor'."

City Clerk Tami Comte added, "The City Council wants that enforced. They've talked about it; they're clear; they want it enforced."

Discussion continued on enforcing sidewalk installations.

City Administrator Clayton Keller said, "Gary and I have talked about the approach. Do we focus on the main accessibility lots or do we do what the City Council wants and 'who in the last year has built a home without sidewalks; who in the last two years has built a home without sidewalks?' I think we do a combination of both. We start with the ones that haven't done it since the ordinance was issued, then we go back and say okay now that we have all the sidewalks in that we are supposed to have in, let's focus on the accessibility. What routes are people going to go walking with their strollers or go for a jog, and get those homeowners."

Building Inspector Gary Meister said, "Do we want to get everybody to get a letter? I know we have talked about going back twenty-five people, the newest."

City Administrator Clayton Keller said, "You just send two or three at a time. Prepare your list but send two or three at a time. I don't want to handle twenty-five at a time."

City Clerk Tami Comte added, "Just start with those; get those done, and then work your way back."

Planning Commission member Keith Marvin brought up checking to see if there are grants through Southeast Nebraska Development District (SEND) that would be available to help put in sidewalks. Block Grants could be available to Low to Moderate Income citizens. Keith suggested checking into grants with Southeast Nebraska Development District.

Building Inspector Gary Meister said, "The other thing I wanted to bring up is I have read through a lot of stuff that my predecessors have left, which have been very helpful and that. I see dozens and dozens of letters that have went out for nuisances. This guy needs to paint this and the siding is falling off his house; junk cars; tractors in town; you name it. I'd say eighty percent of them have done nothing. Some of these letters are five or six years old, I drive by and say, 'well that letter was a waste of time.' I have good news; I did send a letter out a couple of weeks ago and actually got a call back from this lady. It was a real mess; she had a pickup that hadn't moved forever that was full of trash; she had appliances outside on the driveway and all this and all that. She called and said 'I would like you to come and inspect, I've done all I can, my financial situation is limited; I've had loads hauled to the landfill.'"

Planning Commission member Jim Vandenberg said, "That is an ongoing project and we need to stay after it."

Discussion continued on nuisance properties.

City Clerk Tami Comte said, "I think we need to talk with City Attorney Joanna Uden and maybe use the court system. I think that is going to have a lot more teeth."

City Administrator Clayton Keller said, "Ok, we sat down with her about a month ago and got the procedure that she wants us to go through."

Building Inspector Gary Meister said, "I think we need to have a consistent system. First, you do this. I see correction orders; I've got old ones coming out of my ears in the file and I don't know when...."

City Clerk Tami Comte said, "And those were not followed up on."

Building Inspector Gary Meister continued, "...when that comes into procedure."

Planning Commission member Pam Kabourek said, "I think that is what has happened, is that people say 'well they didn't do theirs and they didn't theirs so I am not going to do mine', but if we get people to start and show we mean business."

Building Inspector Gary Meister said, "I think it needs to be a consistent system. First, we do this; Then, we do this; Then, it goes to this. Every time."

There being no further business to come before the Planning Commission, Chairman Jim Masek made a motion to adjourn and declared the meeting adjourned at 10:00 a.m.

Minutes by Lori Matchett, Deputy City Clerk