

## PLANNING COMMISSION

March 11, 2023

8:00 AM

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.

Chairman Jim Masek also notified the public that if you wish to speak to the Commission to please state your name and address for the record.

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

Also present were Building Inspector Gary Meister, City Council member Keith Marvin, Arps Red-E-Mix Representative Kevin Woita, David Vandenberg, and Mark and Willow Holoubek.

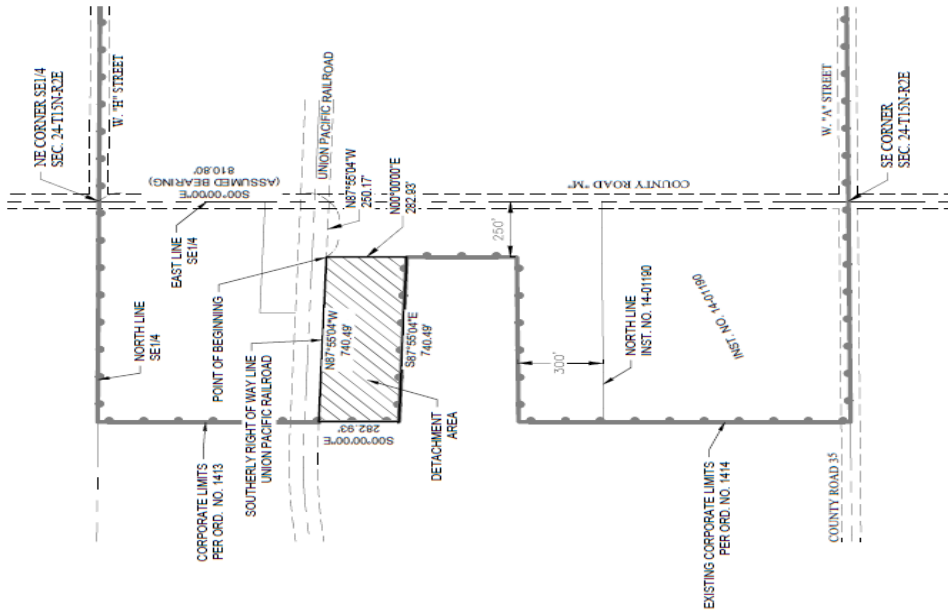
Planning Commission member Pam Kabourek made a motion to accept the minutes of the February 11, 2023 meeting as presented. Jim Vandenberg seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

Chairman Jim Masek made a motion to open the public hearing at 8:01 a.m. to consider the detachment plat containing part of the Mark and Willow Holoubek property located in the east half of Section 13, part of the southeast quarter of Section 12, part of the northeast quarter of Section 24, all in Township 15, North Range 2 East of the 6<sup>th</sup> P.M., all in Butler County, Nebraska, to wit: PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH, P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE S00°00'00"E (ASSUMED BEARING) ON THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 810.80 FEET TO THE SOUTHERLY RIGHT OF THE WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE N87°55'04"W ON SAID SOUTHERLY RAILROAD RIGHT OF WAY LINE, A DISTANCE OF 250.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N87°55'04"W ON SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 740.49 FEET TO THE EXISTING CORPORATE LIMITS LINE OF DAVID CITY PER ORDINANCE NO. 1413; THENCE S00°00'00"E ON SAID EXISTING CORPORATE LIMITS LINE, A DISTANCE OF 282.93 FEET; THENCE S87°55'04"E CONTINUING ON SAID EXISTING CORPORATE LIMITS LINE, A DISTANCE OF 740.49 FEET; THENCE N00°00'00"E, PARALLEL WITH AND 250 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 282.93 FEET TO THE POINT OF BEGINNING, CONTAINING 4.80 ACRES, MORE OR LESS. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Brian Small: Yea, Jim Vandenberg: Yea. Yea: 6, Nay: 0.

Mark Holoubek introduced himself and voiced his protest of the detachment plat and his annexation.

Chairman Jim Masek made a motion to close the public hearing at 8:15 a.m. for the consideration of the detachment plat containing part of the Mark and Willow Holoubek property. 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.

**DETACHMENT PLAT**  
 CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA  
 ORDINANCE NO. \_\_\_\_\_



**DETACHMENT DESCRIPTION:**

PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH, P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE S30°00'00\"/>

**APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:**

THE DETACHMENT PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

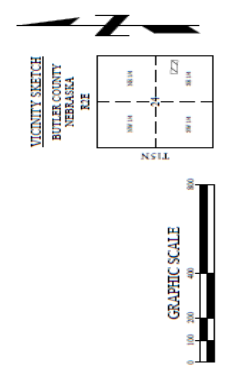
MAJOR \_\_\_\_\_ DATE \_\_\_\_\_

**SURVEYOR'S STATEMENT:**

I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED DETACHMENT DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS DETACHMENT IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN J. FORAL LS 588 \_\_\_\_\_ DATE \_\_\_\_\_

PROJECT NO. 221761  
 DATE 1/16/2023  
 DRAWN BY ANPT  
 FILE NAME 22040403.DWG  
 FIELD BOOK BUTLER CO. 33  
 FIELD CREW B.J.F.  
 SURVEY FILE NO. \_\_\_\_\_



PART OF THE SE1/4  
 SEC. 24-T15N-R2E  
 BUTLER COUNTY, NEBRASKA  
 DETACHMENT PLAT  
 CITY OF DAVID CITY  
 BUTLER COUNTY, NEBRASKA  
 ORDINANCE NO. \_\_\_\_\_

Planning Commission Member Jim Vandenberg noticed that the description of the agenda item was not listed correctly, legal description of the detachment plat was correct, but not the description of the agenda item. He would like the description double checked before the Planning Commission makes any recommendations.

Planning Commission member Jim Vandenberg made a motion to table the detachment plat containing part of the Mark and Willow Holoubek property located in the east half of Section 13, part of the southeast quarter of Section 12, part of the northeast quarter of Section 24, all in Township 15, North, Range 2 East of the 6<sup>th</sup> P.M., all in Butler County, Nebraska. Jim Masek 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 8:21 a.m. to consider the request of David Vandenberg for a conditional use permit to install a grain bin next to his existing grain bins on his property. 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.

David Vandenberg introduced himself and asked the Commission to grant his conditional use permit to allow him to build an additional grain bin next to his current grain bins for additional grain storage. The grain bin will be forty (40) feet in diameter and hold about sixty thousand (60,000) bushels.

Chairman Jim Masek made a motion to close the public hearing at 8:24 a.m. to consider the request of David Vandenberg for a conditional use permit to install a grain bin next to his existing grain bins on his property. 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 approve the conditional use permit requested by David Vandenberg to install a grain bin next to his existing grain bins on the property legally described as Southwest Corner of the West half of the Southeast Quarter of Section 20 15 North 3 East, Franklin Township. 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.

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**PAID**  
JAN 25 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
- Rezoning/Zoning Amendment \$150.00

#### LEGAL DESCRIPTION OF THE PROPERTY:

South West Corner of The West half of  
 The South East Quarter of Section 20  
 15 North 3 East Franklin Township.

#### DESCRIPTION OF THE PROJECT:

Installation of Grain Bin next to existing Grain  
 Bins.

*[Signature]*  
 Applicant's Signature

#### FOR CITY USE ONLY

Date received: J-25-2023 By: Sarah Holloway  
 Fee Paid:  Yes \$ 100.00  No  
 Hearing Date: March 11, 2023  
 Hearing Notice Published:  Yes  No  
 Adjoining Landowners Notified  Yes  No  
 Action Taken: Approved Conditional Use permit for installation of Grain Bin.  
 Planning Commission - March 11, 2023

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Chairman Jim Masek made a motion to open the public hearing at 8:25 a.m. to consider the request of Arps Red-E-Mix for a conditional use permit to erect a Portable/Mobile Concrete Plant. 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.

Kevin Woita from Arps Red-E-Mix introduced himself. Arps Red-E-Mix would like the Commission to grant a conditional use permit for them to erect a Portable Concrete Plant on their new property to allow them to make concrete while the new Plant is being erected. Kevin Woita also informed the Commission that Arps has already filed all of the permits that they need with the State of Nebraska.

Chairman Jim Masek made a motion to close the public hearing at 8:29 a.m. to consider the request of Arps Red-E-Mix for a conditional use permit to erect a Portable/Mobile Concrete Plant. 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.

Planning Commission member Jim Vandenberg made a motion to approve the conditional use permit requested by Arps Red-E-Mix to erect a Portable/Mobile Concrete Plant on the lot legally described as 12 15 2 David City S1/2 SE1/4 10.01 AC Annex. 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.

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**PAID**  
FEB 14 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
- Rezoning/Zoning Amendment \$150.00

#### LEGAL DESCRIPTION OF THE PROPERTY:

SE 1/4 of SE 1/4 Sec 20 Township 15 N Range 2 E Co P. M  
Butler Co

#### DESCRIPTION OF THE PROJECT:

Arps Red-E-mix would like to erect a portable /  
Mobile concrete plant for temporary use till  
Permanet plant is in use and the mobile plant is  
not needed.  
12 15 2 PT S 1/2 SE 1/4 10.01 AC Annex      [Signature]  
Applicant's Signature

.....  
FOR CITY USE ONLY

Date received: 2-14-23      By: [Signature]

Fee Paid:  Yes \$ 100.00       No

Hearing Date: March 11, 2023

Hearing Notice Published:  Yes       No

Adjoining Landowners Notified  Yes       No

Action Taken: Approved Conditional Use Permit for the Portable Plant for  
Arps Red-E-Mix. Planning Commission - 3/11/2023.

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There being no further business to come before the Planning Commission, Planning Commission member Pam Kabourek made a motion to adjourn at 8:30 a.m. Jim Masek 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

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