

## PLANNING COMMISSION

May 23, 2023

5:00 PM

Chairman Jim Masek opened the meeting at 5:00 p.m. in the meeting room of the City Office Building, 490 E Street, David City, Nebraska, and notified the public of the "Open Meetings Act" posted on the west wall of the meeting room. He also notified the public that if they wish to speak to the Commission to please state their name and address for the record.

Present: Planning Commission members Greg Aschoff, Robert Hilger, Jim Vandenberg, Pam Kabourek, 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 and Liaison Keith Marvin, City Council Member Kevin Woita, Beth Klosterman, Dana Trowbridge, and Dick Schmid. City Attorney David Levy joined via Zoom.

Planning Commission member Pam Kabourek made a motion to approve the minutes of the April 8, 2023, meeting as presented. 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.

Chairman Jim Masek made a motion to open the public hearing at 5:02 p.m. to consider the request of Daniel Sypal for a conditional use permit to move a pre-existing shed from the property at 1510 4<sup>th</sup> Street to the property located at 606 "O" Street with a lot legally described as David City 18 15 3 (Replat) Lot 1, Sypal's East Addition 3.62 AC Annex. 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.

Dan Sypal introduced himself and stated that he would like to move the shed that is currently at the store location to his personal property. The Sypal's have been going through the ordinances and making sure that they can meet the criteria to have the shed on the property. The Sypal's have met with Building Inspector Gary Meister and have gone through all the criteria for having the shed and making sure that they are meeting all the setbacks and height restrictions. Dan said he would make sure that it was wainscoted with a cream color or tan paint on it, the building is grey right now. They would like to move it to the property and paint it and freshen up the property. It is less than forty percent of the property. They would use the shed to store collectable cars and tractors. Dan Sypal presented the attached pictures to the Commission so that they could see what other sheds are on the property and where the shed would go on the property.

Planning Commission member Jim Vandenberg asked if the lot was considered one lot. The property is one lot not separate lots.

The shed is not a pole barn. It will have the necessary footings. The shed is 36' x 60'. It will be attached to a foundation. The building is currently steel. If they were given the conditional use permit for moving the shed, they would paint the shed to match the existing buildings on the property. The shed would not be visible from the front of the property. Building Inspector Gary Meister would be responsible for making sure that the shed meets all the criteria and setbacks for the building as well as making sure that the shed gets painted. The metal siding and roof would need to be non-reflective materials.

Chairman Jim Masek made a motion to close the public hearing at 5:15 p.m. for the consideration of the conditional use permit request of Daniel Sypal for a conditional use permit to move a pre-existing shed from the property at 1510 4<sup>th</sup> Street to the property located at 606 "O" Street. 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 request made by Daniel Sypal to move a pre-existing shed from the property at 1510 4<sup>th</sup> Street to the property located at 606 "O" Street with the requirements that he meets all set back requirements, has building attached to a foundation with footings, and repaints the building to match the other sheds and buildings on the 606 "O" Street property. 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.





### 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:

David City 18 15 3 (Replat) Lot 1  
Supac's East Addition 5.62 AC Annex

#### DESCRIPTION OF THE PROJECT:

Moving Shed from 1510 4th St. to 606.0st.

*[Signature]*  
Applicant's Signature

.....

#### FOR CITY USE ONLY

Date received: 3-14-2023 By: Sarah

Fee Paid:  Yes \$ 100.00  No

Hearing Date: May 13, 2023 moved to May 23, 2023 at 5pm.

Hearing Notice Published:  Yes  No

Adjoining Landowners Notified  Yes  No

Action Taken: Planning Commission approved Conditional use permit for the moving of the shed from 1510 4th Street to 606 "0" Street and building will meet the set back requirements, attached to a foundation with footings and be repainted to match the other sheds and buildings on the property.

Next item on the agenda is the Wellhead Permit for Dick Schmid for an Irrigation Well to be used only to supplement irrigation from the City Wastewater lagoon. With Michael Foods closing, the lagoon is running short on water right now. It will be about two years before AGP is up and running and placing water through our lagoon. The Upper Big Blue NRD would be the NRD that would be handling a permit for this irrigation well and making sure that he meets all requirements. Dick Schmid was not at the meeting during the discussion of the Wellhead permit.

Planning Commission member Jim Vandenberg made a motion to approve the Wellhead Permit application submitted by Dick Schmid for an irrigation well at 25 15 2 PT NE ¼. Robert Hilger seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Jim Masek: Yea, Jim Vandenberg: Yea. Yea: 5, Nay: 0.

CITY OF DAVID CITY, NEBRASKA



PAID

APR 11 2023

CITY OF DAVID  
 DAVID CITY UTI

**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 4-11-23 Zone \_\_\_\_\_

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

Estimated Cost 50,000 - 70,000 Intended Use Irrigation

<u>Property Owner:</u>		<u>Location of Work:</u>	
Name <u>Dick A Schmid</u>	Owner <u>Dick A Schmid</u>	Address <u>Kobza Farm</u>	Zone _____
Address <u>1180 35th Rd</u>			
Phone <u>402-367-2109</u>			

Legal Description of Work Site: 25-15-2 PT NE ¼ (Kobza Farm)

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):  
Use only to Supplement Irrigation from City Wastewater Lagoon

General Contractor:

Name Grosch Irrigation Co  
Address SilverCreek NE Phone: 308-773-2261

Electrician:

Name H+m Electric  
Address POB 1532 Columbus Ne Phone: 402-564-2600

Plumber:

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

=====

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

Permit Fee \$25.00 Date Paid 4-12-23 Rec'd by jm  
Date Plans Submitted \_\_\_\_\_ Date Survey Submitted \_\_\_\_\_

**ACTION:**

- SUBMITTED TO PLANNING COMMISSION Date 4-12-2023  
 DENIED Reason \_\_\_\_\_ Date \_\_\_\_\_  
 APPROVED Date May 23, 2023

PLANNING COMMISSION FINDINGS Approved the Wellhead Permit Application  
submitted by Dick Schmid to install an irrigation well to be used to  
supplement Irrigation from the City Wastewater Lagoon.

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

Beth Klosterman introduced herself and explained that she had a house built and has been trying for a year to get her sidewalk installed at that house. She plans on getting her sidewalk installed but wanted to have the Commission discuss the ordinance and regulations for sidewalks. She is not against installing sidewalks but thinks that the city needs to be more involved in enforcing the ordinance about sidewalks and assist in placing in sidewalks. There are several properties in town that do not have sidewalks and have broken sidewalks. She will be installing her sidewalks and they will be leading to nowhere because the neighboring

properties do not have sidewalks. Beth recommended that a committee be formed, and the committee recommend a plan to get sidewalks installed and maintained correctly like they are supposed to. Beth will be having her sidewalks installed on her property but may need additional time to get the sidewalks installed.

Discussion continued on the sidewalks and coming up with a plan to get sidewalks installed.

Building Inspector Gary Meister introduced himself and stated that he requested that he be placed on the agenda to discuss zoning regulations pertaining to concrete, fences, metal accessory buildings and metal roofing. Gary had had a few requests on these items and wanted a have the correct information to pass on to the requestor. Gary wanted to mention concrete work and making sure that all concrete work has rebar, or a wire mesh system placed to help support the concrete from cracking. The Zoning Regulations need to be updated and reviewed. City Clerk Tami Comte was going to put in the next budget to have the Zoning Regulations reviewed and updated so that we are current and have all needed information. Gary will go through his information and make notes on changes that will need to be made and any recommendations that he would like looked over.

Dick Schmid arrived at 6:05 p.m.

Planning Commission member Robert Hilger requested that they openly discuss Mr. Schmid's Wellhead Permit Application and what his next step was. Dick Schmid's next step is to go through the NRD and getting his irrigation permit approved through the NRD. Dick Schmid apologized to the Planning Commission for being late to the meeting, he was late due to a flat tire. Dick explained that they are currently running short on irrigation water due to the closing of Michael Foods, and that it will be two years before AGP is up and running. In two years, they might not be short on irrigation water with AGP being operational but right now they are short on irrigation water.

There being no further business to come before the Planning Commission, Planning Commission member Pam Kabourek made a motion to adjourn the meeting at 6:18 p.m. Chairman 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.