

Public Property, Safety, and Works Committee
Monday, March 9, 2020 4:00 PM
Council Chambers
1369 25 Avenue

{{Name: Agenda Item Name}}

{{Rationale: Agenda Item Rationale}} {{AgendaItemEnd}}

- 1. Statement of compliance with Open Meetings Act and roll call.**
- 2. Request from Loup Rentals, LLC to vacate the 15 foot utility easements on Lots 3 and 6, Speicher Subdivision.**
- 3. Amend Wireless Telecommunications Facilities Siting ordinance to remove application of the ordinance to Small Wireless Facilities in the right of way.**
- 4. Establish right of way permitting process.**
- 5. Establish small wireless facilities siting ordinance.**
- 6. Establish Event Permit Application process.**
- 7. Minutes of the January 13 and February 10, 2020 Traffic Control Device Committee.**
- 8. Adjournment.**

The City of **Columbus**

MEMORANDUM

DATE: March 5, 2020
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Speicher Subdivision Lots 3 and 6 Utility Easement Vacation Request

RECOMMENDATION:

I would recommend the approval of the utility easement vacation request of the 15-foot side-yard utility easements on Lots 3 and 6, Speicher Subdivision.

DISCUSSION:

A petition was received from the developer/property owner requesting the above noted easement vacations. A forthcoming final plat will include a 10-foot utility easements along these lot lines. Utility notifications have been received.

The applicant will be responsible for all publications expenses, preparing of the vacating ordinance, recording, and any other costs associated with the transaction.

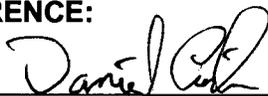
FISCAL IMPACT:

None

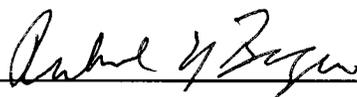
ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: 

SIGNATURE:

By: 

Approved By: 

FILED

FEB 28 2020

**CITY CLERK
COLUMBUS, NEBR.**

**CITY OF COLUMBUS
VACATION OF EASEMENT REQUEST FORM**

1. List the people principally interested in the vacation. Be sure to include:
 - a. Majority abutting land owner or a representative for the group; and
 - b. The person requesting the vacation, if not the same as the owner (i.e., renter or prospective buyer).

<u>Mark Bierman</u>	<u></u>
Name (a)	Name (b)
<u>Loup Rentals, LLC</u>	<u></u>
Business (if applicable)	Business (if applicable)
<u>PO Box 1887; Columbus NE 68602</u>	<u></u>
Mailing Address	Mailing Address
<u>402-564-4749 402-910-8878</u>	<u></u>
Daytime Phone Number	Daytime Phone Number
<u>mark.bierman@bierman-inc.com</u>	<u></u>
Email Address	Email Address

2. Legal address and physical property address of vacation of easement request

Lots 3 and 6 of Speicher Subdivision in the West Half of the Northwest Quarter of
Section 28, Township 17 North, Range 1 East of the 6th P.M., Platte County,
Nebraska

3. Brief explanation of why this vacation is being requested. A separate sheet may be attached if necessary.

We are developing the lots into residential lots for duplexes with double car garages. The side
setback for a residential lot is 10'. That is 5' less than the 15' easement. We would like the
ability to build to setback limits to accomodate a double car garage layout.

(Vacation of Easement Request Form Continued)

4. Attach written correspondence on company/department letterhead from all public (City water, sewer, and street departments) and private utility companies regardless of whether said utilities have structures in the requested easement to be vacated or narrowed.
5. Complete required forms:
 - a. Vacation of Easement Petition
 - b. Vacation of Easement Individual with Notary
 - c. Vacation of Easement Corporation with Notary
6. Submit all completed forms to City Clerk for inclusion in Public Property, Safety, and Works Committee agenda. The Public Property, Safety, and Works Committee will act on the Easement Request and make a recommendation to the City Council.
7. Procure an Attorney to obtain an Ordinance. Submit Draft Ordinance to City Clerk for review by City Attorney.
8. Ordinance placed on City Council agenda for consideration.
9. Upon City Council approval, Owner to file with Platte County Register of Deeds.

PETITION

Honorable Mayor and Members of the City Council
City of Columbus

We, the undersigned, owners of property representing more than 75 percent of the easement property, hereby ask and petition that the necessary action be taken to vacate the following easement:

_____ The 15' easement on the east lot line of Lots 3 and 6 of Speicher Subdivision in the West
 _____ Half of the Northwest Quarter of Section 28, Township 17 North, Range 1 East of the 6th
 _____ P.M., Platte County, Nebraska

and we hereby respectively waive any and all damages or claims for damages by reason of said vacating.

Property Owner(s)	Date	Mailing Address	Abutting No. of Feet
Print: Mark Bierman, Manager Loup Rentals, LLC Sign:		PO Box 1887 Columbus NE 68602	219.66'
Print: Sign:			

CORPORATION

The acknowledgement of the signature of a corporation must have attached a copy of the By-Law or Resolution, duly certified by corporation officers, under and by virtue of which such signature was affixed to said petition.

Acknowledgement of signature to petition for vacating and narrowing of the following easement – to wit: _____

Vacating the 15' easement on the east lot line of Lots 3 and 6 of Speicher Subdivision in the _____

West Half of the Northwest Quarter of Section 28, Township 17 North, Range 1 East of _____

the 6th P.M., Platte County, Nebraska _____

within Columbus, Nebraska.

Corporation: Loup Rentals, LLC

Mark Bierman
Signature/Title Manager

2/28/20
Date

Signature/Title

Date

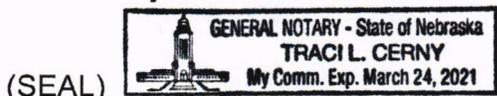
State of Nebraska

Platte County

On this 28th day of February, 2021, before me, a Notary Public in and for said County, personally appeared Mark Bierman

who is/are personally known to me to be the identical person(s) whose name(s) is/are affixed to the annexed petition of owners of lots and lands abutting upon said part of easement in the city of Columbus, Nebraska, for vacation or narrowing of said part of said easement and who is/are personally known to me to be the Manager of said Corporation and has/have acknowledged the signing of said petition to be a voluntary act and deed, and the voluntary act and deed of said Corporation.

Witness my hand and notarial seal on the day and date above written.



Traci L. Cerny
Notary Public

My Notarial Commission expires the 24th day of March, 2021.

RESOLUTION OF THE MEMBERS OF
LOUP RENTALS, L.L.C.

The undersigned, being the manager and all the members of Loup Rentals, L.L.C., a Nebraska limited liability company, in accordance with Article II., Section 2.5 of its Operating Agreement, hereby unanimously consent in writing, in lieu of a special and/or regular meeting, to the adoption of the following resolutions:

RESOLVED, that in the judgment of the Manager that it is in the best interest of the LLC for the LLC to request and petition the City of Columbus to vacate a 15' utility easement located on east side of Lots 3 and 6 of Speicher Subdivision in the West Half of the Northwest Quarter of Section 28, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska. The Manager, on behalf of the LLC, is hereby authorized and directed to take all necessary actions to consummate the same, said actions being hereby approved, ratified, and confirmed in all respects;

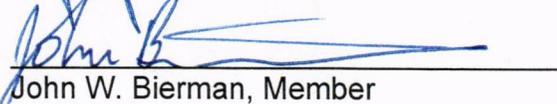
FURTHER RESOLVED, the Manager of the LLC be and he hereby is authorized, empowered and directed to do and perform all such further acts and things, to execute and deliver in the name of the LLC, and where necessary and appropriate, to file with the appropriate governmental agencies, all such certificates, instruments or other documents as in his judgment shall be necessary or advisable to effectuate the foregoing, the intent and purposes of the foregoing resolution, and any or all of the transactions contemplated therein; and

FURTHER RESOLVED, that any actions which have been taken by the Manager of the LLC on behalf of the LLC since the last meeting of the members of the LLC be and hereby are ratified and confirmed.

DATED: February 26, 2020


Eugene J. Bierman, Member, Individually
and as Trustee of the Mary E. Bierman Trust


Jerry A. Bierman, Member


John W. Bierman, Member


Mark G. Bierman, Member/Manager


Anthony D. Bierman



LOUP POWER DISTRICT

"SERVING YOU ELECTRICALLY"

GENERAL OFFICE

2404 15th Street
P.O. Box 988
Columbus, NE 68602-0988

Phone:
402/564-3171
Fax:
402/564-0970

February 6, 2020

Mark Bierman
Loup Rentals, LLC
P.O. Box 1887
Columbus, NE 68602-1887

Dear Mark:

Re: Vacate Easement

The Loup Power District has no objection to your request to the City of Columbus to vacate the 15' easement running along and parallel to the east property lines of Lots 3 and 6, Speicher Subdivision, Columbus, Platte County, NE.

Loup Power District will retain rights to all other easements of record.

Sincerely,

Wayne Morris
Engineering Technician

WM:mz

C: R. Ziola
D. Hellbusch
D. Gasper
R. Bogus, City Engineer
Speicher Plat File



The City of
Columbus, Nebraska

PUBLIC WORKS DEPARTMENT

Utility Billing • Water Production • Water/Sewer Utility • Wastewater •
Streets • MSW Transfer Station
Phone: 402-562-4260
Fax: 402-562-4265
www.columbusne.us

February 18, 2020

Loup Rentals, LLC
2560 East 29th Avenue
P. O. Box 1887
Columbus, NE 68602-1887

Attn: Mark Bierman

RE: Vacation of 15' Easements on Fifth Street.

Dear Mr. Bierman:

The City has reviewed the plat of Speicher Subdivision and view no conflicts in the request to vacate the 15' utility easements on the east end of Lots 3 & 6 in Speicher Subdivision, Platte County, Nebraska.

Easement vacation of east property lines on Lots 3 & 6, Speicher Subdivision is so granted.

Sincerely,

Chuck Sliva
Public Works Director
Ph: 402.562.4260



929 E 23rd Street • Po Box 1356
Columbus, NE 68602-1356

February 13, 2020

Loup Rentals, LLC
Attn: Mark Bierman
PO Box 1887
Columbus, NE 68602

Dear Mr. Bierman,

Lots 3 & 6, Speicher subdivision, Platte County, Nebraska.

After review Black Hills Energy has no objections to vacating the 15' easement on the east property line.

Thank you,

A handwritten signature in blue ink, appearing to read "Dan Willets".

Dan Willets
Operations Supervisor
Black Hills Energy, Columbus, NE





Columbus Public Schools

Discover Your Future

February 17, 2020

Loup Rentals, LLC
Attn: Mark Bierman
P. O. Box 1887
Columbus, NE 68601

Dear Mr. Bierman:

This is in regard to the letter Columbus Public Schools received concerning the easement request on lots 3 & 6, Speicher Subdivision, Platte County, Nebraska.

Platte County School District NO 71-0001-000 aka Columbus Public Schools does not object to the easement request made by Loup Rentals, LLC on the lots stated above.

Thanks,

Leonard Kwapnioski
Exec. Director of Technology & Operations
Columbus Public Schools
2508 25th Street
Columbus, NE 68601
402-563-7000 x11517
kwapnioskil@discoverers.org

*Mailed 2/17/2020
CJR*

“Engaging All Learners to Achieve Success”



Midstates Data Transport, LLC
1548 Front St, Suite 102
PO Box 634
Blair, NE 68008
402-426-2101

Mr. Mark Bierman
Loup Rentals, LLC

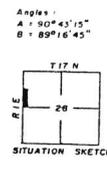
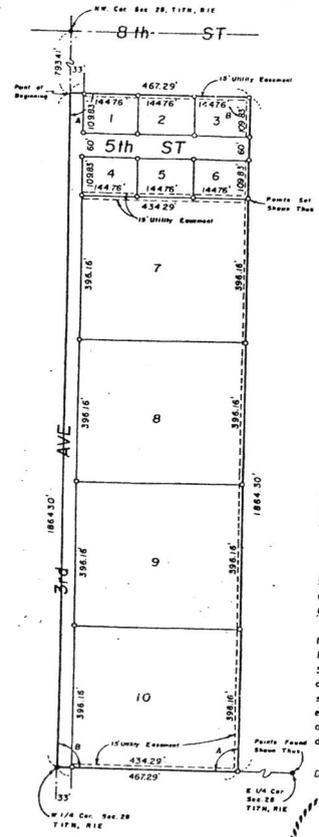
Midstates Data Transport has received the request to vacate the east easement of Lots 3 & 6, Speicher Subdivision, Platte, County, Nebraska

Midstates Data Transport has no issues with this request and hereby vacates all rights to the public utility easement on the east side of the properties listed above.

A handwritten signature in blue ink, appearing to read "Mike D Storjohann". The signature is fluid and cursive, written over a light blue horizontal line.

Mike D Storjohann
CEO / Partner
Midstates Data Transport, LLC

Part Of The W1/2, NW1/4, Sec. 28, T17N, R1E



DESCRIPTION

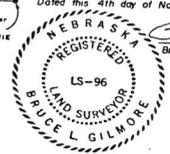
A Tract of Land located in the NW 1/4 of Section 28, T17N, R1E, of the 6th P.M., Platte County, Nebr. described as follows:

Beginning at a point 793.41 feet South of the NW Corner and on the West line of said NW 1/4; thence Easterly at a deflection angle to the left of 90° 43' 15", with the West line of said NW 1/4, a distance of 467.29 feet, to a point; thence Southerly at a deflection angle to the right of 90° 43' 15", with the last described line, a distance of 1864.58 feet, to a point on the South line of said NW 1/4; thence Westerly at a deflection angle to the right of 89° 16' 45", with the last described line, a distance of 467.29 feet, to a point on the West line of said NW 1/4; thence Northerly at a deflection angle to the right of 90° 43' 15", with the last described line, along the West line of said NW 1/4, distance of 1864.58 feet, to the point of beginning, containing 20.00 acres, more or less.

SURVEYOR'S CERTIFICATE

STATE OF NEBRASKA)
 COUNTY OF PLATTE) ss
 CITY OF COLUMBUS)

I, Bruce L. Gilmore, a competent surveyor of Platte County, Nebraska hereby certify that I have accurately surveyed SPEICHER SUBDIVISION to the City of Columbus, Nebraska, and that the above and foregoing is a true and correct survey thereof and that the lots, blocks, streets, avenues, easements, alleys and commons and others grounds are well and accurately staked off and marked and correctly designed and shown on the above and foregoing survey.



Dated this 4th day of November, 1974

Bruce L. Gilmore
 Bruce L. Gilmore, Nebr. L.S. No. 96

STATE OF NEBRASKA)
 COUNTY OF PLATTE) ss
 CITY OF COLUMBUS)

The above plat approved by the City of Columbus, Nebraska, by resolution No. 4039 duly passed by the City Council on the 7th day of MAY, 1975.

Attest *[Signature]*
 City Clerk - Treasurer
 (CITY OF COLUMBUS, NEBRASKA SEAL) Mayor, City of Columbus, Nebraska

STATE OF NEBRASKA)
 COUNTY OF PLATTE) ss

The above plat approved by School District Number 28, Platte County, Nebraska.

Attest *[Signature]* Secretary
[Signature] President

STATE OF NEBRASKA)
 COUNTY OF PLATTE) ss

The above plat approved by the County Board of Supervisors of Platte County, Nebraska by resolution No. 1175 passed on the 3rd day of June, 1975.

Attest *[Signature]* County Clerk
[Signature] Chairman, County Board of Supervisors

STATE OF NEBRASKA)
 Platte County) ss
 Record in the Numerical Index and Filed for Record in the Recorder's Office of said County this 11th day of July, 1975. A. M.
 12.75 at 9.43 a.m. clock
 Registered in Book 139 of Deeds Page 117
 [Signature] Register

Original Filed in Plat Book 14, Page 37



The City of Columbus

RESPONSIBLE • RESPONSIVE • REPUTABLE

Administration Office (402) 562-4232

Fax (402) 563-1380

memorandum

DATE: March 4, 2020

TO: Public Property Committee Members

FROM: Tara Vasicek, City Administrator

RE: **Wireless Telecommunication Facilities Siting Ordinance Amendment**
Right of Way Permitting Ordinance
Small Wireless Facilities Ordinance

RECOMMENDATIONS:

Proceed with amending the Wireless Telecommunication Facilities Siting Ordinance to remove application of the ordinance to Small Wireless Facilities in the right of way.

Proceed with creating a Right of Way Permitting Ordinance.

Proceed with creating a Small Wireless Facilities Ordinance.

DISCUSSION:

Amend Wireless Telecommunication Facilities Siting Ordinance

In March of 2019 the City Council voted in favor of sending a letter of opposition to Senator Moser regarding LB184. Unfortunately, the Legislature proceeded with LB184. LB184 gives wireless companies the right to place small cell wireless facilities in public rights of way with very limited ability for the City to oversee those facilities in our right of way.

The City of Columbus is not opposed to small wireless technology. We have adopted an ordinance to govern the placement of such technology within public rights of way, but the Wireless Telecommunications Siting Ordinance is now out of date with the Legislatures passage of LB 184. We need to update the Wireless Telecommunication Facilities Siting Ordinance to remove application of the regulations to small wireless facilities.

Create Right of Way Permitting Ordinance

LB184 considerably limits Columbus' ability to manage the public right of way and places all other users of the right of way, such as utilities and cable companies, at a disadvantage to the benefitting wireless companies. In order to have any ability to guide the development of small wireless facilities in City right of way, we must adopt a right of way permitting process that applies to all right of way users. LB184 clearly states that small wireless facilities cannot have any specific regulations with regard to use of the right of way that are not also applicable to all other right of way users.

Create Small Wireless Facilities Ordinance

With the passage of LB184, the City needs to pass an ordinance that complies with this new state law.



DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO REVISE AND AMEND THE LAND DEVELOPMENT ORDINANCE, ZONING CHAPTER, ADOPTED BY ORDINANCE 96-08 ON MARCH 18, 1996, IN ORDER TO ADOPT STATUTORY CHANGES MADE BY THE LEGISLATURE SO AS TO BRING ARTICLE 13 INTO CONFORMANCE WITH STATE LAW, AS FOLLOWS: TO AMEND ARTICLE 13, WIRELESS TELECOMMUNICATIONS FACILITIES SITING ORDINANCE, TO AN EXCEPTION FOR PUBLIC RIGHT OF WAYS; TO DEFINE RIGHT OF WAY; TO PROVIDE THAT THE PROVISIONS OF THE SMALL WIRELESS FACILITIES DEPLOYMENT ACT ADOPTED BY THE NEBRASKA LEGISLATURE AND APPROVED BY THE GOVERNOR MAY 17, 2019, NEB. REV. STAT. SECTION 86-1201 TO SECTION 86-1244 SHALL GOVERN PUBLIC RIGHT OF WAY; TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH, TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM AS AUTHORIZED BY SECTION 16-405 OF NEBRASKA REVISED STATUTES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA:

Section 1. That the City of Columbus, Nebraska under Ordinance 96-09 adopted the Land Development Ordinance for the City of Columbus, Zoning Chapter, having been approved March 18, 1996.

Section 2. That it is necessary for the City of Columbus to amend Article 13 of the Zoning Chapter so as to conform with the Small Wireless Facilities Deployment Act adopted by the Nebraska Legislature which became law effective September 1, 2019.

Section 3. That Article 13, Wireless Telecommunications Facilities Siting Ordinance, Section 3-4 is hereby revised to add the following definition to-wit:

“Right of Way” means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility easement, or similar property, but not including a freeway as defined in Neb. Rev. Stat. Section 39-1302, the National System of Interstate and Defense Highways, or a private easement.

Said definition shall appear as paragraph “U” in Section 3-4 as follows:

13-4. Definitions

For purposes of this Ordinance, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word “shall” is always mandatory, and not merely directory.

- A) **“Accessory Facility or Structure”** means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- B) **“Applicant”** means any Wireless service provider submitting an Application for a Special Use Permit for Wireless Telecommunications Facilities.
- C) **“Application”** means all necessary and appropriate documentation that an Applicant submits in order to receive a Special Use Permit for Wireless Telecommunications Facilities.
- D) **“Antenna”** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
- E) **“Certificate of Compliance”** means the certification from the City or the City’s consultant that confirms the project was constructed and is in compliance with the conditions of the permit.
- F) **“Co-location”** means the use of an existing Tower or structure to support Antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed in a reasonable short time frame after the new tower is constructed.
- G) **“Commercial Impracticability”** or **“Commercially Impracticable”** means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be “commercially impracticable” and shall not render an act or the terms of an agreement “commercially impracticable”.
- H) **“Completed Application”** means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.
- I) **“Council”** or **“City Council”** means the City Council of the City of Columbus, Nebraska.
- J) **“Distributed Antenna System or DAS”** means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.
- K) **“Eligibility Facility”** means a facility as defined in FCC 14-153.
- L) **“Eligible Facility Permit”** -- The official zoning permit approved and issued by the Community Development Director for application which meets the definition of an eligible facility.
- M) **“FAA”** means the Federal Aviation Administration, or its duly designated and authorized successor agency.

- N) **“FCC”** means the Federal Communications Commission, or its duly designated and authorized successor agency.
- O) **“Height”** means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightening protection device.
- P) **“Modification” or “Modify”** means, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site as a co-location is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.
- Q) **“NIER”** means Non-Ionizing Electromagnetic Radiation
- R) **“Person”** means any individual, corporation, estate, trust, partnership, joint stock Company, association of two (2) or more persons having a joint common interest, or any other entity.
- S) **“Personal Wireless Facility”** See definition for ‘Wireless Telecommunications Facilities’
- R) **“Personal Wireless Services” or “PWS” or “Personal Telecommunications Service” or “PTS”** shall have the same meaning as defined and used in the 1996 Telecommunications Act.
- S) **“Planning Commission”** means the Planning Commission for the City of Columbus.
- T) **“Repairs and Maintenance” means** the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.
- U) **“Right of Way” means** the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility easement, or similar property, but not included a freeway as defined in Neb. Rev. stat. Section 39-1302, the National System of Interstate and Defense Highways, or a private easement.
- V) **“Small Cell”** Small cell sites are shorter standalone (self-sufficient) wireless facilities that generally do not extend above tree line.

- W) **“Specialized Mobile Radio” or “SMR”** means an analogue or digital trunked two-way radio system, operated by a service in the VHF, 220, UHF, 700,800 or 900 MHz bands.
- X) **“State”** means the State of Nebraska.
- Y) **“Stealth” or “Stealth Technology”** means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or Commercially Impracticable under the facts and circumstances,
- Z) **“Telecommunications”** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems
- AA) **“Telecommunications Site”** See definition for Wireless Telecommunications Facilities.
- AA) **“Telecommunications Structure”** means a structure used in the provision of services described in the definition of ‘Wireless Telecommunications Facilities.’
- BB) **“Temporary”** means, temporary in relation to all aspects and components of Chapter 13 , something intended to, or that does not exist for more than ninety (90) days.
- CC) **“Tower”** means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.
- DD) **“Wireless Telecommunications Facilities” or “WTF”** means and includes a **“Telecommunications Site”** and **“Personal Wireless Facility”**. It means a structure, facility or location designed, or intended to be used as, or used to support Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types and kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

Section 4. That Article 13, Wireless Telecommunications Facilities Siting Ordinance, Section 3-7, is hereby revised to add the following exception to said Ordinance, to-wit: (F) Small Wireless Facilities located in public right of way. Said public right of way shall be deemed governed by the provisions of Neb. Rev. Stat. Section 86-1201 to Section 86-1244 known as the Small Wireless Facilities Deployment Act.

Section 3-7 shall hereinafter read as follows:

13-7. Exclusions

The following shall be exempt from this Ordinance:

- A) The City's fire, police, department of transportation or other public service facilities owned and operated by the local government.
- B) Any facilities expressly exempt from the City's siting, building and permitting authority.
- C) Over-the-Air reception Devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.
- D) Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial Telecommunications.
- E) Facilities used exclusively for providing unlicensed spread spectrum technology i.e. Bluetooth or a 'Hot Spot', where the facility does not require a new tower, where the service is not to be used for commercial purposes, where there is no fee or charge for the use of the service and where the service is intended to be useable for less than 200'.
- F) Small Wireless Facilities located in public right of way. Said public right of way shall be deemed governed by the provisions of Neb. Rev. Stat. Section 86-1201 to Section 86-1244 known as the Small Wireless Facilities Deployment Act.

Section 5. This Ordinance shall repeal all ordinances or portions thereof in conflict herewith.

Section 6. This Ordinance shall become effective upon its passage, approval and publication as provided by law. Publication shall be in pamphlet form as authorized by Section 16-405 of the Nebraska Revised Statutes with distribution to be made by making copies available to any interested parties at the City Offices.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS _____ DAY OF _____, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



The City of Columbus

RESPONSIBLE • RESPONSIVE • REPUTABLE

Administration Office (402) 562-4232

Fax (402) 563-1380

memorandum

DATE: March 4, 2020

TO: Public Property Committee Members

FROM: Tara Vasicek, City Administrator

RE: **Wireless Telecommunication Facilities Siting Ordinance Amendment**
Right of Way Permitting Ordinance
Small Wireless Facilities Ordinance

RECOMMENDATIONS:

Proceed with amending the Wireless Telecommunication Facilities Siting Ordinance to remove application of the ordinance to Small Wireless Facilities in the right of way.

Proceed with creating a Right of Way Permitting Ordinance.

Proceed with creating a Small Wireless Facilities Ordinance.

DISCUSSION:

Amend Wireless Telecommunication Facilities Siting Ordinance

In March of 2019 the City Council voted in favor of sending a letter of opposition to Senator Moser regarding LB184. Unfortunately, the Legislature proceeded with LB184. LB184 gives wireless companies the right to place small cell wireless facilities in public rights of way with very limited ability for the City to oversee those facilities in our right of way.

The City of Columbus is not opposed to small wireless technology. We have adopted an ordinance to govern the placement of such technology within public rights of way, but the Wireless Telecommunications Siting Ordinance is now out of date with the Legislatures passage of LB 184. We need to update the Wireless Telecommunication Facilities Siting Ordinance to remove application of the regulations to small wireless facilities.

Create Right of Way Permitting Ordinance

LB184 considerably limits Columbus' ability to manage the public right of way and places all other users of the right of way, such as utilities and cable companies, at a disadvantage to the benefitting wireless companies. In order to have any ability to guide the development of small wireless facilities in City right of way, we must adopt a right of way permitting process that applies to all right of way users. LB184 clearly states that small wireless facilities cannot have any specific regulations with regard to use of the right of way that are not also applicable to all other right of way users.

Create Small Wireless Facilities Ordinance

With the passage of LB184, the City needs to pass an ordinance that complies with this new state law.



SAMPLE - CITY OF PLATTSMOUTH

ORDINANCE NO. 1966

AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ENACT CHAPTER 6, ARTICLE 5, SECTIONS 6-501 THROUGH 6-507 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011 RELATED TO PERMITS TO OCCUPY THE CITY'S RIGHTS-OF-WAY; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA.

Section 1. Chapter 6, Article 5, Sections 6-501 through 6-507 of the Plattsmouth Revised Municipal Ordinances 2011 are hereby enacted as follows:

CHAPTER VI – PUBLIC WAYS AND PROPERTY

ARTICLE V – PERMITS TO OCCUPY THE RIGHT-OF-WAY

6-501	DEFINITIONS
6-502	PURPOSE; SCOPE; EXCEPTIONS
6-503	PERMITS
6-504	FEES AND TAXES
6-505	AESTHETIC AND DESIGN STANDARDS
6-506	INDEPENDENT TECHNICAL AND LEGAL REVIEWS
6-507	RELIEF
6-501	DEFINITIONS

For purposes of this Article, the definitions of this Section shall apply.

A. “Applicant” shall mean any person submitting an application for a permit under this Article.

B. “Facilities” shall mean pipes, conduits, wires, cables, towers, switches, amplifiers, transformers, fiber optic lines, antennae, poles, ducts, conductors, lines, mains, vaults, appliances, attachments, equipment, structures, manholes, fixtures, appurtenances, and such other objects, devices, or facilities that are designed, constructed, installed, used or operated in, upon, across, above or below the right-of-way.

C. “Franchise agreement” shall mean a franchise agreement, consent agreement, or similar agreement pursuant to which the City has granted a person the right to place facilities in its rights-of-way.

D. “Right-of-way” shall mean any public street, public alley, public sidewalk, public right-of-way, or other public ground within the City.

E. “Technically feasible” means that by virtue of engineering or, if applicable, spectrum usage, the proposed placement, design, or site location of a facility can be implemented without a reduction in the functionality.

SECTION 6-502 PURPOSE; SCOPE; EXCEPTIONS

A. *Purpose.* This Article provides principles and procedures for the placement, construction, operation, maintenance, modification, repair, and removal of facilities in the rights-of-way. These principles and procedures are intended to protect the integrity of the City’s rights-of-way and infrastructure and to promote the safe and orderly use of the rights-of-way among all right-of-way users. To achieve these purposes, it is necessary to require permits for all right-of-way uses, except as prohibited by law, and to establish uniform and nondiscriminatory rules which govern such permits.

B. *Scope.* This Article shall apply to all facilities located in the City’s rights-of-way, subject to the limitations in this subsection (B), the exceptions provided in subsection (C) below, and preemption by applicable state or federal law. Any person in good-standing under a current, unexpired franchise agreement may continue to use the City’s rights-of-way pursuant to the terms of such franchise agreement, unless otherwise prohibited by law, until the franchise agreement expires or is terminated. This Article shall not apply to the following right-of-way uses which are governed elsewhere as noted:

1. Use of a right-of-way by an adjoining property owner for parking or similar improvements, provided such use shall require a permit issued pursuant to Section 6-106.
2. Operation of a sidewalk café in the right-of-way, provided such use shall require a permit issued pursuant to Chapter 5, Article XII.
3. Closure and use of a right-of-way for an event, provided such closure and use shall have been approved according to City of Columbus procedures.

C. *Exceptions.* The City shall not require an application, permit, or other approval or charge fees or rates under this Article for (1) routine maintenance of facilities where such maintenance is conducted by or on behalf of an applicant issued a permit for such facilities hereunder or (2) replacement of facilities with substantially similar facilities where such replacement is conducted by or on behalf of an applicant issued a permit for such facilities hereunder.

SECTION 6-503 PERMITS

A. *Permit Required.* Unless otherwise specifically provided by law, it shall be unlawful for any person to lay, construct, operate, maintain, offer for lease, or make available for any use whatsoever, any facilities across, along, over, above, or under any public right-of-way for any private or commercial purpose unless such person been issued a permit to occupy such right-of-way under this Article.

B. *Permit Applications.* Applications for permits under this Article shall be made to the City of Columbus [department]. Each such application shall include the following:

1. A set of completed construction plans for all facilities to be located in the right-of-way under the permit, bundled into a single file, formatted to 11” by 17”, which includes:

- (a) the name, location, address (if available), and GPS coordinates for the facilities;
- (b) labeled and dimensioned site plan and elevation plans of the facilities with, as applicable, key symbols, ROW lines, property lines, street information, topographical information, existing and proposed utilities, adjacent property uses, and easements;
- (c) structural plans of the facilities signed and stamped by a professional engineer licensed in Nebraska;
- (d) dimensions of the facilities, and a description of type, color, and finish of all visible construction materials;
- (e) accurate visual depictions or representations of all above-ground components of the facilities; and
- (f) additional detail requested by the City to clarify the proposed work required for the facilities.

2. An attestation that the proposed facilities satisfy each of the aesthetic and design standards set forth in this Article, except for such standards, if any, for which applicant is concurrently submitting a request for relief under Section 6-507.

3. Prior to commencement of any work in the right-of-way pursuant to the application, the applicant shall procure the performance or construction bond required under this Article.

4. Evidence of the applicant’s insurance required under this Article.

5. All applicable building and permit fees.

6. The deposit, if any, requested by the City pursuant to Section 6-506 for independent technical and legal review.

7. Such other submission requirements set forth in the City’s published application form.

C. *Review; Issuance; Denial.* The [approving position] shall review the application and, within 20 days after receipt, shall notify the applicant in writing whether the application is complete. If an application is incomplete, the City will specifically identify the missing information in writing and the applicant may resubmit the completed application within 30 days without additional charge. If the applicant makes any material changes in a

resubmission, other than the material changes required by the City, the applicant shall be required to make a new application and submit a new application fee. The City will notify the applicant in writing whether its application has been approved or denied. If the application is denied, the City shall document the basis for denial, including any specific provisions of this Article or other applicable law on which the denial was based. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days without paying an additional application fee

D. *Term and Renewal.* The term of each permit to occupy the right-of-way issued under this Article shall be set forth in the permit. The applicant may apply to renew a permit issued hereunder for an equivalent duration and the City shall renew the permit for such period provided the applicant demonstrates compliance with the criteria set forth in this Section. Applications for permit renewal may be submitted no earlier than 180 days prior to the expiration of the then current permit and no later than 90 days prior to the expiration of the then current permit.

E. *Permit Conditions.* All permits to occupy the right-of-way issued under this Article are issued subject to the following conditions, and each applicant agrees, by accepting such permit, to be bound by the same:

1. All facilities shall be constructed, operated, maintained, repaired, removed, modified, and restored in strict compliance with all current applicable technical, safety, and safety-related codes adopted by the City, the State of Nebraska, or the federal government. The applicant shall, at its sole cost and expense, inspect, keep, and maintain its facilities in the right-of-way in safe condition, in good order and repair, and as otherwise according to best industry practices.

2. The applicant shall, at its sole cost and expense, promptly restore the right-of-way to its original condition after it completes work related to the facilities. The City may require an applicant to repair all damage to a right-of-way directly caused by the activities of the applicant in the right-of-way and return the right-of-way to equal or better condition to that before the damage occurred. If the applicant fails to make the repairs that are reasonably required by the City within 14 days after written notice, the City may undertake such repairs and charge the applicant the cost of such repairs. The City shall grant an extension of up to 10 days to complete such repairs if the applicant requests such extension within the original 14-day period. In the event of immediate threat to life or safety or to prevent serious injury, the City may immediately undertake to restore the site and then notify of and charge the applicant for all restoration costs.

3. The applicant assumes the risk of any loss, damage to, or loss of use of facilities which are damaged, destroyed, or taken out of service for any reason, except to the extent such loss or damage is due to or caused by the negligent or willful misconduct of the City.

4. The applicant shall undertake only the activities enumerated in its permit to occupy the right-of-way and such permit shall not create a property right or grant authority to the applicant to infringe upon the rights of others who may own or have other interests in a right-of-way, utility easement, or other privately owned property. Except as otherwise

provided in this Code or applicable state or federal law, any additions or changes to the facilities or activities enumerated in applicant's existing permit shall require a new permit.

5. Neither the applicant nor its facilities shall interfere with any traffic-control devices and other public works equipment; water, wastewater, stormwater, gas, electrical, or other public utility infrastructure; or the facilities of any other occupant of the right-of-way permitted hereunder.

6. The City shall have the right at any time when in its judgement it becomes necessary or advisable to require a change of location of the facilities as a matter of safety, or on account of a change of grade, resurfacing, repair, or reconstruction of any right-of-way. If the owner of such facilities has not moved or relocated the facilities within 30 days after the City requests the same in writing, the City may undertake such movement or relocation and charge the owner the costs of the same.

7. The City retains the right and privilege to cut or move any facilities, as the City may determine, in its sole discretion, to be necessary, appropriate, or useful in response to any public emergency. If circumstances permit, the City shall notify the applicant and provide an opportunity for applicant to move its own facilities prior to cutting or removing the facilities. In all cases, the City shall notify the applicant after cutting or removing the facilities as promptly as reasonably possible.

8. The applicant shall immediately notify the City in the event of an emergency regarding the applicant's facilities that may affect public health or safety, and such notice shall include, at a minimum, the nature of the emergency and the applicant's planned response to the emergency.

9. The applicant shall comply with the Nebraska One Call Notification Act before commencing any excavation or similar work in the right-of-way.

10. The applicant acknowledges that applications and all supporting written material applicant submits to the City are public records subject to the Nebraska Public Records Law. While an applicant may designate any such public records as "proprietary" or "confidential", the City shall treat them as such only to the extent expressly permitted by the Nebraska Public Records Law and, other than the cost of the City's routine response to public records requests, the City shall be under no obligation to incur any costs to protect the same from disclosure.

11. Prior to commencement, and at all times during, any work performed by or on behalf of applicant in the right-of-way, the applicant shall maintain a performance or construction bond, in form acceptable to the City, equal to at least 100% of the estimated cost of the facilities and related work covered by the application.

12. During the term of any permit to occupy the right-of-way issued hereunder, the applicant shall maintain comprehensive general liability, automobile, workers compensation, employer's liability, and umbrella insurance in form and amount consistent with the City's published requirements for the same. All such insurance policies shall

include the City and its agents as additional insureds and shall not be modified or cancelled without 30 days prior written notice being given to the City.

13. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, officials and employees from any and all damages, liabilities, injuries, losses, attorneys' fees, costs, and expenses, whether for personal injury, death, or property damage, arising out of or in in any way related to the activities or performance of the applicant or its agents, except to the extent caused by the negligence or willful misconduct of the City. In the event the City becomes aware of any actions or claims, the City shall promptly notify the applicant and reasonably cooperate in the defense. It is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the applicant shall reimburse the City for any costs, expenses, and attorneys' fees directly and necessarily incurred by the City in the course of the defense.

14. Any facilities that are not operated for a continuous period of 90 days after completion of initial installation, excluding nonoperation due to a natural disaster or other unforeseeable circumstance or temporary equipment failure, shall be considered abandoned. If facilities are abandoned, the owner shall remove such facility, at such owner's cost, no later than 30 days after notice from the City. If the owner fails to remove such facilities within 30 days, the City may undertake the removal of the facilities and charge the owner the costs of such removal. If the facilities are located on a utility pole, the pole shall also be removed unless such pole is otherwise being used by another utility or is owned by a party other than the owner of the removed facilities.

15. In addition to all other remedies available to the City under this Code or other applicable law, the City may revoke an applicant's permit to occupy the right-of-way if the applicant fails to comply with any of the conditions set forth in this Article, and upon such revocation, may direct applicant, at applicant's cost, to remove applicant's facilities from the right-of-way and restore the right-of-way to its original condition. If the applicant fails to remove its facilities and restore the right-of-way within 30 days after the City's written request, the City may cause such work to be done and applicant shall reimburse the City for the costs of such work upon City's written demand for the same.

SECTION 6-504 FEES AND TAXES

Applicant shall pay any applicable building permit fee and the application fee set forth in the City's Fee Ordinance. Unless provided otherwise in this Code, applicant shall pay the City an annual occupation tax for use of the right-of-way in the amount and manner provided under Section 5-301.

SECTION 6-505 AESTHETIC AND DESIGN STANDARDS

The purpose of the standards set forth in this Section is to establish guidelines for the design, placement, and installation of facilities in the right-of-way. All facilities placed in the City's rights-of-way pursuant to this Article shall comply with these standards; provided, the City Administrator may authorize the waiver of, partial relief from, or exemption from, any one or more of these standards pursuant to Section 6-507.

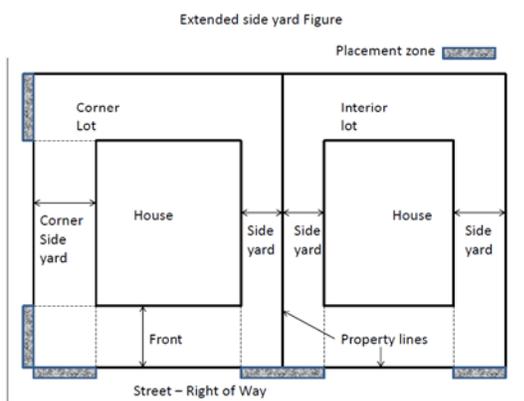
- A. *Undergrounded Facilities.* When facilities are proposed in area where other similar facilities are primarily located underground, all components thereof shall be placed underground to the extent technically feasible.
- B. *Existing Aesthetics.* To the extent technically feasible, all ground-mounted components of facilities shall reasonably match the existing, adjacent streetscape character. Applicants shall use the same aesthetics as existing infrastructure to promote a uniform appearance.
- C. *Consolidation.* To the extent technically feasible: (1) facilities shall be designed to consolidate all ground-mounted components within approved singular enclosures and (2) all cables, wires, and conduits shall be concealed from view.
- D. *Location.* The placement of proposed facilities with existing facilities shall be preferred over placement of facilities at new sites. If an applicant chooses not to place its facilities with available existing facilities, the applicant must document that location of its proposed facilities with available existing facilities is not technically feasible.
- E. *Camouflage.* Facilities shall be designed to camouflage and conceal all above-ground components of such facilities to the extent technically feasible.
- F. *Signs.* Ground-mounted facilities shall have a four inch by six inch metallic sign permanently mounted between four feet and six feet from ground level and clearly visible to the public which provides the identifying information and emergency contact number for the owner of such facilities. No other signs, advertising, or banners are permitted on facilities except to the extent the same are mandated by state or federal law.
- G. *Generators.* Generators are not permitted in the right-of-way.
- H. *Lighting.* Lighting is not permitted on facilities except to the extent mandated by state or federal law.
- I. *Historic Districts.* All ground-mounted facilities located in a historic district shall be subject to such other design and concealment standards required by the City for such districts to avoid or to remedy the intangible public harm of unsightly or out-of-character facilities deployed. Without limiting the foregoing, all facilities located in the City's historic district shall be subject to the design and aesthetic standards for such historic overlay district set forth in the City's Zoning Ordinance.
- J. *Traffic Signals.* Facilities shall not be allowed on traffic signal systems.
- K. *Placement Guidelines.* All facilities proposed to be located at new sites:
1. Shall be located in a manner or location that (a) does not obstruct, impede, or hinder the usual pedestrian or vehicular travel; (b) does not adversely affect public safety or impair legal access and use of the public right-of-way; (c) conforms to applicable law (including the Americans with Disabilities Act of 1990) and public right-of-way design

standards, specifications, and design requirements, and (d) does not in any way create a risk to public health, safety, or welfare;

2. Shall be located in a manner that does not significantly create a new obstruction to primary and inherently valuable sightline(s) of an adjacent property;

3. Shall be located in alignment with existing trees, utility poles, and streetlights and placed to avoid disturbance within the critical root zone of any tree;

4. Shall be located in the right-of-way, but placed within the extended side yard setback zones of the adjacent property, (see Figure);



5. Shall not be located along the frontage of properties in a historic district, unless otherwise approved by the City;

6. Shall be located with separation from any low-pressure natural gas line or intermediate or high-pressure natural gas line and with appropriate clearance as approved from all existing utilities;

7. Shall not materially impact any existing bridges, culverts, or retaining walls; and

8. Shall be located outside of all AASHTO clear zones and outside of clear sight triangles (at a minimum) as follows: (a) 5-foot leg pedestrian sight triangle at each residential driveway; (b) 10-foot leg pedestrian sight triangle at each driveway and alley; (c) 30-foot leg corner sight triangle; and (d) roadway sight triangles shall be based on AASHTO standards for each driveway, alley, and intersection.

SECTION 6-506 INDEPENDENT TECHNICAL AND LEGAL REVIEW

Although the City intends for City staff to review permit applications to the extent feasible, the City may retain the services of an independent technical consultant and an attorney of its choice to provide technical and legal evaluations of applications submitted pursuant to this Article. The review may include, but is not limited to (a) the accuracy and completeness of the items submitted with the application; (b) the applicability of analysis and techniques and methodologies proposed by the applicant; (c) the validity of conclusions reached by the applicant; and (d) whether the proposed use of the right-of-way complies with this Article and other applicable provisions of this Code. The applicant shall pay the cost for any independent technical consultant and attorneys' fees through a deposit with the City, estimated by the City, within 10 business days of the City's request. When the City requests such payment, the application shall be deemed incomplete until the deposit is received. In the event that such costs and fees do not exceed the deposit amount, the City shall refund any unused portion within 60 days after a permit to occupy the right-of-way is issued or, if no final permit is issued, within 30 days after the City

receives a written request from the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the City before a permit to occupy the right-of-way is issued. The technical consultant and attorney shall provide an itemized description of the services provided and related fees and costs. The fees shall be limited to a reasonable approximation of costs and the costs shall be reasonable.

SECTION 6-507 RELIEF

Any applicant desiring relief from, the waiver of, or exemption from, any aspect or requirement of this Article, may submit a written request for such relief, waiver, or exemption to the [reviewing staff member]. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver, or exemption shall be solely on the applicant. No such relief, waiver, or exemption shall be approved unless the applicant demonstrates by clear and convincing evidence that, if granted, the relief, waiver, or exemption will have no significant effect on the health, safety, or welfare of the City, its residents, or other right-of-way users. The City shall be entitled to an extension of any applicable processing timelines as needed to address such request. The [reviewing staff member] shall present the request for any such relief, waiver, or exemption, along with the application and other relevant material, to the City Administrator, and the City Administrator's recommendation regarding such request relief, waiver, or exemption shall be final.

Section 2. All ordinances passed and approved prior to the passage, approval, and publication or posting of this ordinance which are in conflict are repealed.

Section 3. This ordinance is adopted and published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Passed and approved this ____ day of _____ 2020.

R. Paul Lambert, Mayor

ATTEST:

Sandra J. Meyer, City Clerk

Publication Date: _____, 2020.



The City of Columbus

RESPONSIBLE • RESPONSIVE • REPUTABLE

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memorandum

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TO: Public Property Committee Members

FROM: Tara Vasicek, City Administrator

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 Right of Way Permitting Ordinance
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RECOMMENDATIONS:

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In March of 2019 the City Council voted in favor of sending a letter of opposition to Senator Moser regarding LB184. Unfortunately, the Legislature proceeded with LB184. LB184 gives wireless companies the right to place small cell wireless facilities in public rights of way with very limited ability for the City to oversee those facilities in our right of way.

The City of Columbus is not opposed to small wireless technology. We have adopted an ordinance to govern the placement of such technology within public rights of way, but the Wireless Telecommunications Siting Ordinance is now out of date with the Legislatures passage of LB 184. We need to update the Wireless Telecommunication Facilities Siting Ordinance to remove application of the regulations to small wireless facilities.

Create Right of Way Permitting Ordinance

LB184 considerably limits Columbus' ability to manage the public right of way and places all other users of the right of way, such as utilities and cable companies, at a disadvantage to the benefitting wireless companies. In order to have any ability to guide the development of small wireless facilities in City right of way, we must adopt a right of way permitting process that applies to all right of way users. LB184 clearly states that small wireless facilities cannot have any specific regulations with regard to use of the right of way that are not also applicable to all other right of way users.

Create Small Wireless Facilities Ordinance

With the passage of LB184, the City needs to pass an ordinance that complies with this new state law.



SAMPLE - CITY OF PLATTSMOUTH

ORDINANCE NO. 1967

AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ENACT CHAPTER 6, ARTICLE 6, SECTIONS 6-601 THROUGH 6-607 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011 RELATED TO SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA.

Section 1. Chapter 6, Article 6, Sections 6-601 through 6-607 of the Plattsmouth Revised Municipal Ordinances 2011 are hereby enacted as follows:

CHAPTER VI – PUBLIC WAYS AND PROPERTY

ARTICLE VI – SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY

- 6-601 DEFINITIONS**
- 6-602 PURPOSE AND SCOPE**
- 6-603 PERMITS TO OCCUPY THE RIGHT-OF-WAY**
- 6-604 FEES AND TAXES**
- 6-605 AESTHETIC AND DESIGN STANDARDS**
- 6-606 INDEPENDENT TECHNICAL AND LEGAL REVIEW**
- 6-607 RELIEF**

SECTION 6-601 DEFINITIONS

For purposes of this Article, the definitions of this Section shall apply.

- A. “Antenna” means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.
- B. “Applicant” means any person who submits an application and is a wireless provider.
- C. “Application” means a written request submitted by an applicant to the City for (1) a permit to collocate small wireless facilities on an existing utility pole or wireless support structure or (2) a permit for the installation, modification, or replacement of a utility pole to support the installation of a small wireless facility.
- D. “City pole” means a utility pole owned, managed, or operated by or on behalf of the City.
- E. “Collocate” or “collocation” means to install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a wireless support structure or utility pole. Neither “collocate” nor “collocation” includes the installation of a new utility pole or new wireless support structure in the right-of-way.
- F. “Communications facility” means the set of equipment and network components including wires, cables, and associated facilities used by a cable operator as defined in 47 U.S.C. 522(5), as such section existed on January 1, 2019, a telecommunications carrier as defined in 47 U.S.C.

153(51), as such section existed on January 1, 2019, a provider of information service as defined in 47 U.S.C. 153(24), as such section existed on January 1, 2019, or a wireless services provider, to provide communications services, including cable service as defined in 47 U.S.C. 153(8), as such section existed on January 1, 2019, an information service as defined in 47 U.S.C. 153(24), as such section existed on January 1, 2019, wireless services, or other one-way or two-way communications service.

G. “Communications network” means a network used to provide communications service.

H. “Communications service” means a cable service as defined in 47 U.S.C. 522, as such section existed on January 1, 2019, an information service as defined in 47 U.S.C. 153, as such section existed on January 1, 2019, a telecommunications service as defined in 47 U.S.C. 153, as such section existed on January 1, 2019, or a wireless service.

I. “Communications service provider” means a cable operator as defined in 47 U.S.C. 522, a provider of information service as defined in 47 U.S.C. 153, or a telecommunications carrier as defined in 47 U.S.C. 153, as such sections existed on January 1, 2019. Communications service provider includes a wireless provider.

J. “Decorative pole” means a City pole that is specially designed and placed for aesthetic purposes.

K. “FCC” means the Federal Communications Commission.

L. “Historic district” means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places, in accordance with Stipulation VI.D.1.a (i)-(v) of the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the FCC codified at 47 C.F.R. part 1, Appendix C, as such regulation existed on January 1, 2019, or designated pursuant to state historic preservation law if such designation exists at the time of application.

M. “Make-ready work” means the modification or replacement of a City pole or associated lines, including the installation of guys and anchors on the same, required to accommodate a small wireless facility.

N. “Microwireless facility” means a small wireless facility that is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height and with any exterior antenna no longer than eleven inches.

O. “Permit to occupy the right of way” means a written authorization from the City issued pursuant to this Article which allows an applicant to site, place, construct, operate, maintain, repair, remove, modify, or prepare one or more small wireless facilities in the City’s rights-of-way.

P. “Pole” means as a utility, lighting, or similar pole made of wood, concrete, metal, or other material, located or to be located within the right-of-way.

Q. “Public power supplier” means a public power district or any other governmental entity providing electric service. Public power supplier includes a municipal electric supplier.

R. “Right-of-way” means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility easement, or similar property, but not including a freeway as

defined in section 39-1302, the National System of Interstate and Defense Highways, or a private easement.

S. “Routine maintenance” means any inspections, tests, or repairs that (1) maintain a functional capacity, aesthetic standards, or structural integrity of a small wireless facility and the associated utility pole or wireless support structure and (2) do not impede, damage, or disturb any portion of the right-of-way.

T. “Small wireless facility” means a wireless facility that meets each of the following conditions: (1) the facilities (a) are mounted on structures 50 feet or less in height including the antennas or (b) are mounted on structures no more than 10 percent taller than other adjacent structures; (2) each antenna associated with the deployment is no more than three cubic feet in volume; (3) all other equipment associated with the structure, whether ground-mounted or pole-mounted, is no more than 28 cubic feet in volume; (4) the facilities do not require antenna structure registration under 47 C.F.R. part 17, as such regulation existed on January 1, 2019; (5) the facilities are not located on tribal lands, as defined in 36 C.F.R. 800.16(x), as such regulation existed on January 1, 2019; and (6) the facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as such regulation existed on January 1, 2019.

U. “Technically feasible” means that by virtue of engineering or spectrum usage, the proposed placement for a small wireless facility, or its design or site location, can be implemented without a reduction in the functionality of the small wireless facility.

V. “Utility pole” means a pole located in the right-of-way that is used for wireline communications, lighting, the vertical portion of support structures for traffic control signals or devices or a similar function, or for the collocation of small wireless facilities and located in the right-of-way. “Utility Pole” does not include (1) wireless support structures or (2) any transmission infrastructure owned or operated by a public power supplier.

W. “Wireless facility” means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (1) equipment associated with wireless communications and (2) radio transceivers, antennas, coaxial or fiber-optic cable, regular power supply, and small back-up battery, regardless of technological configuration. Wireless facility includes small wireless facilities. “Wireless facility” does not include the structure or improvements on, under, or within the equipment, which is collocated; coaxial or fiberoptic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to, or directly associated with, a particular antenna; or a wireline backhaul facility.

X. “Wireless infrastructure provider” means any person, including a person authorized to provide telecommunications service in the State of Nebraska, when acting to build or install wireless communication transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

Y. “Wireless provider” means a wireless services provider or a wireless infrastructure provider when acting as a coapplicant for a wireless services provider.

Z. “Wireless services” means any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether mobile or at a fixed location, provided to the public using wireless facilities.

AA. “Wireless services provider” means a person who provides wireless services.

BB. “Wireless support structure” means a structure such as a guyed or self-supporting tower, billboard, building, or other existing or proposed structure designed to support or capable of supporting wireless facilities other than a structure designed solely for the collocation of small wireless facilities. Wireless support structure does not include a utility pole.

CC. “Wireline backhaul facility” means an above-ground or underground facility used to transport communications services from a wireless facility to a communications network.

SECTION 6-602 PURPOSE AND SCOPE

This Article supplements the generally applicable right-of-way permitting provisions in [location] of this Chapter with specific provisions for the placement, permitting, and use of small wireless facilities in the City’s rights-of-way. In the event of a conflict between [location] and this Article, this Article shall control. This Article is intended to comply with the Small Wireless Facilities Deployment Act as adopted by the 106th Nebraska Legislature First Session, referred to in this Article as the “Act”. Nothing in this Chapter shall restrict any authority of the City as provided in the Act.

A. *Applicability of this Article.* No person shall site, place, construct, operate, maintain, repair, remove, modify, or prepare any small wireless facility, any wireless support structure, any utility pole built or modified solely to accommodate a small wireless facility, or any other structure built solely to support a wireless facility, in the City’s rights-of-way, without first having received a permit from the City to occupy right-of-way pursuant to [location of ROW permitting regs]. Any small wireless facility, wireless support structure, or any utility pole or other structure built or modified solely to support a wireless facility, which is located outside the City’s rights-of-way, is not subject to this Article; however, such facilities and structures are subject to the City’s Zoning Ordinance.

B. *Exceptions and Limitations.*

1. Notwithstanding subsection (A) above, the City shall not require an application, permit, or other approval or charge fees or rates for (a) routine maintenance of small wireless facilities; (b) replacement of small wireless facilities with small wireless facilities that are substantially similar in weight or windage or the same size or smaller; or (c) the installation, placement, maintenance, operation, or replacement of microwireless facilities that are strung on cables between existing utility poles in compliance with the National Electrical Safety Code; provided, in all such cases, the City may require a permit to occupy the right-of-way for work that exceeds the original weight or windage or that requires excavation or closing of sidewalks or vehicular lanes within the right-of-way for such activities.

2. Nothing in this Article shall be construed (a) to allow any entity to provide communications services without complying with all laws applicable to such providers or (b) to authorize collocation, installation, placement, maintenance, or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility or a utility pole, in a right-of-way.

3. To the extent the Act precludes municipalities from exercising zoning authority over small wireless facilities located in the right-of-way, the City’s Zoning Ordinance shall not apply to small wireless facilities located with its rights-of-way.

6-603 PERMITS TO OCCUPY THE RIGHT-OF-WAY

A. *Application for Permits.*

1. Applications for permits to occupy the right-of-way are available from the [department – website ?]. Completed applications shall be submitted to the City's Community Development Department. In addition to the information required by [ROW permitting section], applicants shall submit the following information with each completed application:

(a) an attestation that the small wireless facilities covered by the application will be operational for use by a wireless services provider within nine months after the later of the completion of all make-ready work or the permit issuance date unless a delay is caused by lack of commercial power or communications transport facilities to the site;

(b) an attestation that each proposed small wireless facility satisfies each of the aesthetic and design standards set forth in [ROW permitting ordinance], except for such standards, if any, for which applicant is concurrently submitting a request for relief under [section of ROW ordinance for requesting relief]; and

(c) for any small wireless facility located on (i) utility poles owned, operated, or managed by a public power supplier, a copy of the negotiated pole attachment agreement between the applicant and such public power supplier or (ii) utility poles or wireless support structures owned, operated, or managed by a person other than the City or a public power supplier, a copy of the authorization of such person consenting the application; and

(d) a full description of any make-ready work to be performed by the City in preparation of the proposed installation and use of a small wireless facility.

(e) all permit fees required under Section [ROW ordinance].

2. An applicant may file a consolidated application for up to five individual small wireless facilities instead of filing a separate application for each such facility. An applicant shall submit the information required under Section 6-503(B)(1) for each small wireless facility covered by a consolidated application; otherwise, the applicant may submit a single set of documents that apply to all of the small wireless facilities covered by such a consolidated application. Each small wireless facility within a consolidated application shall be subject to individual review; provided, that a decision regarding all small wireless facilities shall be rendered in a single determination by the Community Development Director, or his designee and provided further that the denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same application or be a basis upon which to deny the consolidated application as a whole.

B. *Review of Permits.*

1. Within 20 days after receiving an application, the Community Development Director shall determine and notify the applicant in writing whether the application is complete. If an application is incomplete, the City will specifically identify the missing information in writing. The 90-day processing deadline set forth in subsection (B)(2) below shall restart upon the first finding of incompleteness. The applicant may resubmit the completed application within 30 days without additional charge. Subsequent findings of incompleteness shall toll the 90-day processing deadline, and any subsequent review shall be limited to the specifically identified information subsequently completed. If the applicant makes any material changes in a resubmission, other

than the material changes required by the City, the applicant shall be required to make a new application and submit a new application fee. Subsequent findings of incompleteness will toll the deadline from the time the City sends notice of the incompleteness to the time the applicant provides the missing information. The application processing deadline also may be tolled as needed to accommodate processing and review of any request for relief submitted by applicant pursuant to Section 6-607 or otherwise by agreement between the City and the applicant.

2. The City will process an application no later than 90 days after receiving it. Subject to the tolling under subsection (B)(1) above, the application shall be deemed approved if the City fails to approve or deny the application within 90 days after receipt of the same. The City may extend the 90-day application processing deadline for a period of 10 business days if the City notifies the applicant in advance before the day on which approval or denial is originally due.

3. The City may propose technically feasible alternative utility pole locations; provided, the City shall not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole. The wireless provider shall cooperate with the City to address the City's reasonable proposal.

4. The term of each permit to occupy the right-of-way issued under this Article shall be set forth in the permit and shall be for a period not less than five years.

C. *Make-Ready Work Required to Use City Poles.*

1. The City shall provide a good faith estimate for any make-ready work necessary to enable a City pole to support the requested collocation by an applicant, including pole replacement if necessary, within 120 days after receipt of a completed application. Make-ready work, including any pole replacement, shall be completed within 90 days after written acceptance of the good faith estimate by the applicant. The City may require replacement of a City pole only if it determines and provides details indicating that the collocation would make the City pole structurally unsound.

2. The person owning, managing, or controlling the City pole shall not require more make-ready work than required to meet applicable codes or industry standards. The City may charge rates and fees for, and impose terms and conditions on, make-ready work to collocate on a City pole and may require applicant to reimburse the City's reasonable consultant fees or expenses; provided, such rates, fees, terms, and condition (a) shall not include costs related to known preexisting or prior damage or noncompliance; (b) shall not exceed the actual costs or amount charged to other communications service providers for reasonably similar work; and (c) are otherwise nondiscriminatory, competitively neutral, and commercially reasonable.

D. *Denial of Permit Applications.*

1. The City may deny an application for a proposed wireless facility if the proposed facility: (a) materially and demonstrably interferes with the safe operation of traffic control equipment or the right-of-way; (b) materially interferes with sight lines or clear zones for air or land transportation or pedestrians; (c) materially interferes with compliance with the federal Americans with Disabilities Act of 1990 or similar federal or state standards regarding pedestrian access or movement; (d) fails to comply with the spacing requirements set forth this Article; (e) fails to comply with applicable codes of general applicability which do not apply exclusively to wireless facilities; (f) fails to comply with the aesthetic and other design requirements set forth in Section 6-505 and Section 6-605; or (g) designates the location of a new utility pole within seven feet in any direction of an electrical conductor unless the wireless provider obtains the written consent of the public power supplier that owns or manages the electrical conductor.

2. The City shall document the basis for denial, including any specific provisions of this Article or other applicable law on which the denial was based, and send such documentation to the applicant on or before the date the City denies the application. The applicant may cure the deficiencies identified by the City and resubmit the application within 30 days without paying an additional application fee, and the City shall have 30 days after receiving such resubmitted application to approve or deny the same; provided, such review shall be limited to deficiencies cited in the City's denial.

E. *Issuance of Permits.* All permits to occupy the right-of-way issued under this Article are issued subject to the conditions set forth in Section 6-503 and, in addition thereto, the following conditions:

1. The small wireless facilities covered by the application shall be operational for use by a wireless services provider no later than one year after the later of the completion of all make-ready work or the permit issuance date; provided, upon applicant's request, the City (a) shall grant a one-time extension for up to nine months if the applicant demonstrates that the delay is caused by the lack of commercial power to communications transport facilities to the site and (b) may grant one or more additional extensions on such terms as mutually agreed upon by the City and applicant.

2. The City may reserve space on the City's poles and the applicant shall cooperate with the City in any such reservation, except that the City shall first notify the applicant in writing that it is interested in reserving such pole space or sharing the trenches or bores in the area where the collocation is to occur. The applicant shall allow the City to place its infrastructure in the applicant's trenches or bores or on the utility pole as requested by the City, except that the City shall incur the incremental costs of placing the conduit or infrastructure as requested. The City shall be responsible for maintaining its facilities in the trenches and bores and on the City's pole.

F. *Renewal of Permits.* The City shall renew a permit issued hereunder for an equivalent duration as long as the applicant is in compliance with Article 5 of this Chapter and this Article 6.

SECTION 6-604 FEES AND TAXES

A. *Applicability of Section.* The fees and taxes set forth in this Section shall apply to permits issued hereunder in lieu of the fees and taxes set forth in [location of ROW fees & taxes]Section 6-504.

B. *Application Fees.* For each collocation of a small wireless facility on an existing or replacement City pole, the applicant shall pay the City the small wireless facility collocation application fee in the amount set forth in the City's Fee Ordinance. For each installation, modification, or replacement of a utility pole and the collocation of an associate small wireless facility on such pole, the applicant shall pay the City the small wireless facility site application fee in the amount set forth in the City's Fee Ordinance.

C. *Occupation Tax.* If applicable to applicant, the applicant shall pay the City an annual occupation tax for use of the right-of-way in the amount and manner provided in Section 5-301. If applicant is not required to pay an occupation tax under Section 5-301, applicant shall pay the City either \$250 per small wireless facility per year or a fee equal to the occupation tax charged by the City under Section 16-205.

D. *City Pole Fee.* For each City pole on which the applicant collocates a small wireless facility, the applicant shall pay, annually, the City pole fee in the amount set forth in the City's Fee Ordinance.

SECTION 6-605 AESTHETIC AND DESIGN STANDARDS

The purpose of the standards set forth in this Section is to supplement the aesthetic and design standards set forth in Section 6-505. All small wireless facilities in the right-of-way shall comply with each standard set forth in Section 6-505 and those set forth in this Section; provided, the City Administrator may authorize the waiver of, partial relief from, or exemption from, any one or more of these standards pursuant to Section 6-607.

A. *Spacing of New Facilities.* All proposed new freestanding small wireless facilities shall be located with a recommended separation of a minimum of 250 feet from any other small wireless facility to the extent allowed by applicable law.

B. *Additional Design Rules for Pole-Mounted Facilities.* All small wireless facilities proposed to be mounted on utility poles shall conform to the following guidelines:

1. To the maximum extent technically feasible, all antennae and all of each antenna's exposed elements and shroud transitions shall be mounted at the top of the proposed pole and shall be enclosed within a single cylindrical antenna shroud which (a) color-matches the pole; (b) has a diameter no greater than 14 inches; (c) has a uniform diameter once transitioned from the pole shaft; (d) includes only visually concealed cables, wires, and other components; and (e) is no greater than 5 feet in height;

2. All components of the facility, other than those described in subsection (B)(1) above, shall be placed below grade to the maximum extent technically feasible and, when undergrounding is not technically feasible, shall be fully enclosed with a base shroud that: (a) is structurally sound to fully support the pole while maximizing equipment volume; (b) is cylindrical and is as small as technically feasible with a maximum consistent diameter of 30 inches; (c) does not exceed a height of six feet from mounting surface; (d) reasonably matches pole color and finish; and (e) is as solid as feasible to visually conceal and lock all contents and wiring; and

3. Subject to the placement and other requirements in subsections (B)(1) and (B)(2) above, any components of a freestanding facility that are attached to support poles must be mounted so that all parts are at least seven feet or higher above adjacent surface grade and the least visually intrusive as technically feasible.

C. *Height Restrictions.*

1. Any new or modified utility pole installed in a right-of-way shall not exceed the greater of (a) 5 feet in height above the tallest existing utility pole located within 500 feet of the new utility pole in the same right-of-way or (b) 50 feet above ground level.

2. New small wireless facilities in a right-of-way shall not extend more than the greater of (a) 50 feet in height, including antennae, or (b) more than 5 feet above an existing utility pole in place as of the Act and located within 500 feet in the same right-of-way.

3. The City shall have the right, at its sole discretion, to consider and approve an application to install a utility pole or wireless support structure that exceeds the height limits in this subsection (C); provided, any facility which exceeds the height restrictions set forth in the definition

of "small wireless facility" provided in Section 6-601 shall also be subject to the City's Zoning Ordinance.

E. *Streetlights.* If decorative poles serving as streetlights have been installed in a neighborhood, small wireless facilities shall be collocated on such poles at intersections as combination poles with streetlights, so that removal of decorative streetlights mid-block is minimized and preservation of the intended decorative aesthetics is maximized. The City may, in its discretion authorize the replacement of a decorative pole but any replacement pole shall strictly conform to the design aesthetics of the decorative pole being replaced.

SECTION 6-606 INDEPENDENT TECHNICAL AND LEGAL REVIEW

The City may request a deposit from applicant to offset its costs for the independent technical and legal review of the application. Such deposit, if required, shall be collected, applied, and otherwise subject to the terms of Section 6-506.

SECTION 6-607 RELIEF

Any applicant desiring relief from, the waiver of, or exemption from, any aspect or requirement of this Article or of Article 5 of this Chapter as it applies to applicant, may submit a written request for such relief, waiver, or exemption to the Community Development Director. Such request shall be processed as set forth in Section 6-507.

Section 2. All ordinances passed and approved prior to the passage, approval, and publication or posting of this ordinance which are in conflict are repealed.

Section 3. This ordinance is adopted and published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Passed and approved this ____ day of _____ 2020.

R. Paul Lambert, Mayor

ATTEST:

Sandra J. Meyer, City Clerk

Publication Date: _____, 2020 .



The City of Columbus

RESPONSIBLE • RESPONSIVE • REPUTABLE

Administration Office (402) 562-4232

Fax (402) 563-1380

memorandum

DATE: March 4, 2020
TO: Public Property Committee Members
FROM: Tara Vasicek, City Administrator *TVA*
RE: Special Event Permit Application

RECOMMENDATION:

Proceed with creating a standard special event permit application for events requested in public streets and on public property.

DISCUSSION:

Many events take place in City streets or on City property. Currently the City does not have a written application or policy for allowing these events on City property. This draft 'Special Event Permit Application Packet' has put into writing what the requirements are to host an event on City streets or property. It is substantially similar to how events have been historically handled with two exceptions.

The first change from historic processing of events to this process is the event sponsor insurance certificate requirement. Previously event sponsors and all groups, people, vendors, etc. participating in the event had to provide insurance certificates as detailed within the packet. After discussions with the City's property and casualty insurance carrier and City Attorney, we are recommending that a change be made that we believe will make Event Sponsor hosting easier but still adequately cover the City's Liability related to these events being hosted on City property. The Event Sponsors event insurance certificate must include or cannot exclude volunteers of the event. With volunteers included in the event sponsor insurance certificate, all people freely helping to organize and take part in the event will be covered by the Event Sponsors insurance policy. Vendors, or those who are selling or providing a product or service, will still be required to provide the event insurance certificate as previously required.

The second change is that we will no longer require the insurance to include a limit for medical expense (any one person) of \$5,000. Again, our insurance provider and attorney have agreed that we can remove this requirement, but they did recommend certain types of users have an additional umbrella of \$2,000,000. Those uses include bouncy houses, live animal services and other more hazardous activities that may be requested.





City of Columbus

Special Event Permit Application Packet

APPLICATION PROCESS & PLANNING A SUCCESSFUL EVENT

A special event application is required for events or activities using City-owned property or requiring the closure of a City streets/sidewalks/parking lots or require traffic control. For larger events requiring the coordination of numerous spectators, vendors, volunteers, etc., it is highly recommended that the applicant contact City staff at least four to six months or up to one year in advance of the event to reserve your dates in the space you are requesting. **Written Application/s must be then submitted no less than 60 days prior to the event** and may require approval from City Council. For events that would require the use of downtown venues in proximity to one another, it may be necessary for both event organizers to combine each separate event into one special event application for City of Columbus coordination purposes.

[Click here](#) to download the Special Event Permit Application Packet.
Permits are on a first come, first served basis.

Submit your completed application to:
City of Columbus, c/o City Administrator's Office
2424 14th Street, P.O. Box 1677
Columbus, NE 68602
Email: xxxx@columbusne.us
Phone: (402) 562-4232

APPLICATION REQUIREMENTS

Completing the application forms will help us to identify the scope of your event and the support services you may need. It is the applicant's responsibility to ensure that the details of their organized event have been communicated thoroughly with City Staff. Please coordinate with necessary City Staff in advance of the event to make sure you are comfortable executing your tasks during the day and time of your respective events. Topics for consideration with contact information for appropriate City staff are found on the Preliminary Acknowledgment of Contact Form (pg xx). The applicant should not expect City of Columbus staff to be present during the duration of the event.

Mandatory documentation is listed below. All documentation that applies must be turned in at the time of application submission along with the appropriate fees. **Please submit as much descriptive information as you can with your application.**

- Signed Special Event Permit Application, filled out in its entirety (Pg xx thru Pg xx)
- Proof of Liability Insurance coverage
- Preliminary Acknowledgment of Contact Form (Pg xx)
- **Additional required forms as applicable to your event**

Upon review of the application, the Special Event Committee may approve the event, or may decide that the event will require formal approval by the Columbus City Council. Applicants may be required to attend an event review meeting with the Special Event Committee prior to the event date to finalize the logistics of the event.

DEFINITIONS

EVENT SPONSOR: The person or organization that initiates, plans and carries out a project or activity.

VENDOR: Any person, group, organization or business selling or *providing* a product or service. Examples include *but are not limited to:* sales of food or merchandise, inflatables, carnival rides, portable toilets, tents, certain types of live animal entertainment, vehicles on display, or other entity which the Special Event Committee deems to be considered a Vendor for Liability Insurance purposes.

VOLUNTEER: A person, group, or organization which is not selling or providing a product or service, who freely offers to take part in the event, including participants who host and organize activities at the event.

ATTENDEE: Any other person who is present at the event.

LIABILITY INSURANCE

The Event Sponsor must provide a Certificate of Liability Insurance (or a copy of the complete policy) demonstrating minimum coverage specifically covering the event as follows below. ***Event Sponsor policy must include verbiage stating that all Volunteers and Attendees (per definitions stated above) are covered under the Liability Insurance. This verbiage must be shown in the Description of Operations section of the Certificate of Liability Insurance, or on the complete policy if so provided.***

All Vendors (by above definition) ***must be listed on the LIST OF VENDORS*** (Pg xx). If any Vendor is to be covered by the Event Sponsor's policy, it must be so stated in the Certificate of Liability Insurance or policy. Any Vendor which is ***not*** covered by the Event Sponsor's liability insurance is required to provide their own Certificate of Liability Insurance (or a copy of the complete policy) including the same minimum requirements.

MINIMUM LIABILITY INSURANCE REQUIREMENTS (Sample included at the end of Packet)

- The City of Columbus, NE must be listed as an additional insured on a primary, non-contributory basis.
- The policy must include a waiver of subrogation in favor of the City of Columbus, NE.
- Limit for each occurrence must be \$1,000,000.00
- Limit for damage to rented premises (each occurrence) \$100,000.00
- Limit for Personal & Adv Injury \$1,000,000.00
- General Aggregate Limit \$2,000,000.00
- Products – Comp/Op Aggregate Limit \$2,000,000.00
- The applicant/s must waive any and all rights of recovery against the City of Columbus for damages or liability that may arise from this event, and add to or include in all policies a Waiver of Subrogation in favor of the City of Columbus, Nebraska.

ADDITIONAL \$2,000,000 UMBRELLA REQUIRED FOR:

- Bounce houses
- Live animal entertainment including: petting zoos, pony rides, and horse-drawn carriage rides.
- Other specific categories that may be addressed on an individual basis

USAGE OF CITY PARKS AND HIKE/BIKE TRAILS

Columbus is home to over 400 acres of City Parks, and an extensive system of recreational trails for residents and visitors to enjoy. These parks and trails offer an abundance of availability to host races, runs, walks, etc. City staff strongly encourages applicants to consider the use of community trails and parks when planning special events. Community trails and parks offer safety to participants by allowing minimal interference caused by streets or traffic areas. [\(Insert more info about Parks here?\)](#)

CITY PARKING LOTS/FACILITIES

The City strongly encourages the use of the City-owned parking facilities rather than closing streets for downtown events. However, a Special Events Street Closure Request closing a City street and/or public right-of-way may be granted when no other reasonable alternative exists.

STREET CLOSURES

All street closures must be approved by Administration. It is the Event Sponsor's responsibility to communicate with all neighbors and property owners whom the street closure will affect, and obtain their signatures stating that they have no objection to the closure. Use SPECIAL EVENTS STREET CLOSURE REQUEST FORM. [\(pg xx\)](#)

It is the responsibility of the applicant to provide their own barricades. If they are to be used after dark, they must be lighted to alert oncoming motorists of their presence. For large public events requiring street closures, City staff may be able to provide barricade materials, dependent upon the season that the event occurs. Contact the **Street Department at 402-562-4253** for availability or questions on barricades and cones.

The use of arterial streets is strongly discouraged. All activity shall be planned and carried out so that there will be the least possible inconvenience to the traveling public. City staff understands that the crossing of an arterial or collector street may be necessary. However, City staff from Public Works, Police, Parks, Administration will evaluate on a case by case situation should these uses be requested.

CLOSURE OF FIVE (5) PARKING STALLS OR LESS

If your event includes only the closing of five parking stalls or less, a City of Columbus Special Event Application is not required. Instead, please contact the office of City Administration at 402-562-4232.

ELECTRICAL REQUIREMENTS

Electricity is available in Frankfort Square and several City parks. Fees will apply.

FEES

Possible fees may be incurred for certain services, as applicable. For the full City of Columbus fee schedule, see: <https://www.columbusne.us/99/Schedule-of-Fees> .

SANITATION and CLEANUP

The City provides a limited amount of waste receptacles in the City parks and along the downtown sidewalks. Public use of City amenities is not to be impeded (i.e., covering City waste receptacles is

prohibited). Additional waste receptacles or dumpsters are the sole responsibility of the applicant and must be placed on a hard surface such as asphalt or concrete.

The applicant is responsible for properly disposing of all waste and garbage throughout the event, and immediately upon conclusion of the event the area must be returned to a clean condition. As the Event Sponsor, if you set a standard of leaving the venue better than you found it, you can have a highly beneficial impact on the Columbus community and establish a good reputation for your event in the future. ***The Event Sponsor is responsible for all cleanup, and will be charged for any additional cleanup that is left to be done by the City.***

ALCOHOL PERMIT / SPECIAL DESIGNATED LICENSE

If the event involves the sale or use of alcohol, a Special Designated Liquor License, approved by Nebraska Liquor Control Commission pursuant to Neb. Rev. Stat. 53-124.11, is required. Please contact the **City Clerk's Office at (402) 532-4224** to learn about the required timeline of submittals, as you will need to allow extra time for the approval process. Additional fees apply, and the license must include local approval by the City Council. *All alcohol vendors are required to check attendees ID's and use bracelets or hand stamps to identify age of legal consumption.*

SAFETY AND SECURITY

The Event Sponsor is required to provide a detailed description for crowd control and internal safety. It is the sole responsibility of the Event Sponsor to provide security, required by State law if alcohol is involved.

The number and type of security personnel required will depend on expected attendance, location of the event, history of the event, nature of the event, street closures, and the amount and type of advertising used to promote the event. Please be aware that there are differences in the abilities between public police security (authority and ability to arrest, enforce laws, given discretion to use force, certified law enforcement officer) and private security (limited by law to observe, report and deter crime but not authorized to use force or make arrests). For more questions regarding event safety and security, please contact the **Columbus Police Department at (402) 564-3201.**

MARKETING/ADVERTISING/PROMOTION

It is vital that approval has been granted from all involved parties before the event is marketed, advertised, or promoted. Ensure that event materials such as handouts, websites, social media posts, etc., include event details, maps and parking options as described in this application, following approval by the City.

SIGNAGE

City of Columbus regulations prohibit placement of advertising signs on utility poles, traffic controllers, and traffic signs. It is also prohibited to place a sign, poster, or notice of any kind in the street right-of-way or on any other structure located in the right-of-way. A good standard is to keep signs behind the sidewalk or fifteen (15) feet from the roadside.

Signs that are hung on utility poles, traffic signs, or traffic lights create a safety risk and also may cause damage. They also create a traffic hazard when placed on roadside corners by distracting drivers or blocking the view of motorists. Even small signs stuck into the ground are a potential traffic hazard if located in the right-of-way.

Improper placement of said signage will be removed by the City. All signage must be removed from City of Columbus property within four hours of the conclusion of the event.

The use of spray paint or permanent marking paint is prohibited. However, events that require markings may use sidewalk chalk.

AMPLIFIED SOUND

Amplified sound must be directed away from residences and may only be allowed during the hours of 7:00 a.m. until 10:00 p.m., with the exception of July 4th and New Year's Eve, or by special approval from the City Council.

CHANGES AND CANCELLATIONS

All cancellations must be made in writing or emailed to XXX@columbusne.us. Cancellations should be received no later than seven (7) days prior to the proposed event date. The City understands that minor changes may occur prior to the event. We ask the applicant to submit all changes immediately to the City Administrator's Office. All changes must be submitted no less than 48 hours prior to the event.

The City reserves the right to cancel, delay or relocate an event prior to or on the day of the event due to poor weather conditions that may cause excessive damage to City property. City staff recommends the applicant have preparations in place in to notify participants and/or attendees in the event of a potential cancellation.

The City is not responsible for any costs associated with the cancellation.

VISIBILITY

City staff recommends that event organizers be easily identifiable during the event. This means using safety vests or a specific colored shirt so that the event sponsor & volunteers can easily be located.

PARADES

All parade routes must be approved by the City of Columbus, and the City reserves the right to allow for alternate parade routes. The throwing, tossing or pitching of candy/food/materials/etc. directly from floats is prohibited. Participants of the parade are asked to walk alongside the float and throw, toss or pitch candy/food/materials/etc. to the attendees.



City of Columbus

Special Event Permit Application

Preliminary Acknowledgment of Contact

It is the applicant's responsibility to ensure that the details of their organized event have been communicated thoroughly with City Staff. **Prior to submittal of your special event permit application**, please coordinate with necessary City Staff in advance of the event to make sure you are comfortable executing your tasks during the day and time of your respective events. If City services are needed for an event, acknowledge below the date, point of contact and method in which you contacted applicable City department/s. *This form should be included with the Special Event Permit Application.*

For Services or Questions including, **Street Closures; Reservation of Frankfort Square; usage of Parking Lots; Parade Routes; Electricity; Insurance; Parking Stall Closure – Please contact Administration:**

City Administrator, Tara Vasicek (email: tara.vasicek@columbusne.us) **AND**
Administrative Assistant, Linda Cloeter (phone: 402-562-4232, email: linda.cloeter@columbusne.us)

Date Contacted: _____

Who was Contacted: _____

Method of Contact: Phone Email Personal Visit Other

For Services or Questions including **Reservation of City Parks (other than Frankfort Square), Rental of bleachers or picnic tables, usage of extra trash receptacles, usage of sound system in Frankfort Square – Please contact the Parks Department:**

Public Property Director, Doug Moore 402-562-4240

Parks Superintendent, Ron Dush 402-562-4271

Date Contacted: _____

Who was Contacted: _____

Method of Contact: Phone Email Personal Visit Other

For Services or Questions including **Special Designated Liquor Licenses, Concessionaires Permits, or special consideration of City Code by the City Council – Please contact the City Clerk's Office:**

City Clerk's Office: Janelle Kline, Michaela Luckey, Linda Nickeson or Robin Efta
(phone: 402-562-4224, cclerk@columbusne.us)

Date Contacted: _____

Who was Contacted: _____

Method of Contact: Phone Email Personal Visit Other

For Services or Questions including, **Traffic Control Materials (barricades, cones) – Please contact the Street Department** (phone: 402-562-4253)

Date Contacted: _____

Who was Contacted: _____

Method of Contact: Phone Email Personal Visit Other

For Services or Questions including **Safety, Security, Traffic Control Assistance, Vendor/Solicitors permits – Please contact the Columbus Police Department** (phone: 402-564-3201).

Date Contacted: _____

Who was Contacted: _____

Method of Contact: Phone Email Personal Visit Other



City of Columbus

Special Event Permit Application

Answer all questions completely. Inaccurate or incomplete responses may result in the denial of a permit. For the protection of the City of Columbus and its assets, and for the overall success of the event in question, the City of Columbus Special Event Committee reserves the right to make exceptions to or to impose additional requirements to the policies stated herein, based on individual circumstances.

EVENT SPONSOR/APPLICANT/RESPONSIBLE PARTY INFORMATION		
1. NAME:	2. TODAY'S DATE:	
3. ADDRESS:	4. EMAIL:	
5. CITY:	6. STATE:	7. ZIP CODE:
8. DAY PHONE:		9. CELL PHONE:
10. COMPANY/ORGANIZATION NAME, IF APPLICABLE:		
11. COMPANY ADDRESS/CITY/STATE/ZIP:		12. COMPANY PHONE:
13. NAME OF ALTERNATE CONTACT PERSON:		14. ALTERNATE'S CELL PHONE:
EVENT INFORMATION		
15. EVENT NAME:		
16. EVENT LOCATION:		
17. ESTIMATED # OF PARTICIPANTS:	18. ESTIMATED # OF SPECTATORS:	
19. ACTUAL EVENT DATE(S):	20. ACTUAL EVENT TIME(S):	
21. EVENT SETUP DATE(S):	22. EVENT SETUP TIME(S):	
23. EVENT TEAR-DOWN DATE(S):	24. EVENT TEAR-DOWN TIME(S):	
25. ADDITIONAL DOCUMENTS ATTACHED – Check as applicable: <ul style="list-style-type: none"> <input type="checkbox"/> Preliminary Acknowledgement Form (Pg xx) <input type="checkbox"/> Checklist (Pg. xx) <input type="checkbox"/> Site Plan (Pg xx) <input type="checkbox"/> List of Vendors (Pg xx) <input type="checkbox"/> Street Closure Request Consent Form (Pg xx) <input type="checkbox"/> Certificate(s) of Liability Insurance (see instructions on Pg xx) 		
Please provide a detailed description of the event, using a separate sheet of paper if necessary		



City of Columbus Special Event Permit Application CHECKLIST

PLEASE CHECK ALL THAT APPLY TO YOUR EVENT.

See Preliminary Acknowledgement of Contact (pg **XX**) for contact information of applicable City Departments.

NAME OF EVENT			
Reservation of a City Park for event (if Yes, check which one. Possible fees apply.) <input type="checkbox"/> Frankfort Square <input type="checkbox"/> Pawnee Park <input type="checkbox"/> Bradshaw Park <input type="checkbox"/> Centennial Park <input type="checkbox"/> Gerrard Park <input type="checkbox"/> Glur Park <input type="checkbox"/> Wilderness Park <input type="checkbox"/> Sunset Park <input type="checkbox"/> Other small neighborhood parks		YES	NO
Reservation of a shelter within a City Park – fees apply			
Electricity – fees apply, payable to the City Clerk			
Participants in addition to Event Sponsor: Attach list of all Vendors (use Pg. xx). <i>All must have the required Liability Insurance. See pg xx.</i>			
Sale of Merchandise, Food, Beverages: Sales on street or parking lot <i>requires Vendor Permit</i> from the Police Station; Sales in City Park <i>requires Concessionaire permit</i> from City Clerk’s Office.			
Parade: Attach requested route			
Street Usage/Closure: If the event is in the street, street barricades are required. Signatures of affected residents/businesses is required. (use attached roster, Pg. xx)			
Parking Space(s) blocked on City streets or Lots			
Use of City-Owned Parking Lot			
Tents: Show setup on Site Plan.			
Alcohol served/sold: Complete a Special Designated License Application (SDL). Contact City Clerk at (402) 562-4224 to learn about the required timeline of submittals. Additional fees apply, and the license must include local approval by the City Council. <ul style="list-style-type: none"> • Apply at the NE Liquor Control Commission https://lcc.nebraska.gov/special-designated-licenses • Fencing required. NLCC Title 237, Chapter 2, Section 013.03F requires 2 rows of fencing, placed 4' apart, unless waived by the Nebraska Liquor Control Commission. Orange plastic fencing is recommended. • Attach copy of SDL Application. • Must check all ID and use bracelets or hand stamps 			
Fencing: Required for alcohol sales, per plan included on approved SDL.			
Usage of bleachers, picnic tables or trash cans from Parks Department – fees apply			
Usage of Sound System in Frankfort Square			
Open Fires: Explain in detail			

	Public Dance: May require City Council approval		
	Occupation of City Park after 12:00 Midnight: May require City Council approval		
	Bands or Amplified Music after 10:00 p.m.: May require City Council approval		
	Advertising: Attach detailed plans. <i>May not advertise until event approval is granted.</i>		
	Inflatable Devices: Show setup on Site Plan. Must have required additional Liability Insurance.		
	Live animal entertainment including: petting zoos, pony rides, and horse-drawn carriage rides Show setup on Site Plan. Must have required additional Liability Insurance.		
	Carnival Rides: Show setup on Site Plan.		
	Powered Equipment: Attach list.		
	Spotlights or Lasers: Attach specifications.		
	Race or Competition: Attach detailed map. If street closure will be requested for race route, use Street Closure Request Form (pg xx)		
	Booths/Structures: Show setup on Site Plan. Attach additional specs as applicable.		



City of Columbus
Special Event Permit Application
SITE PLAN

NAME OF EVENT:

Draw a detailed site map, placing all tents, stages, activities, booths, portable toilets, gates, cooking equipment & fences, including the approximate sq. ft. area to be used. Attach additional sheets if necessary.

Blank area for drawing the site plan.

TRAFFIC CONTROL DEVICE COMMITTEE
MINUTES

January 13, 2020

1:30 P.M.

ROLL CALL: Rick Bogus, Chief Sherer, Chuck Sliva and Clete Borchers
Absent: Tara Vasicek

Approval of minutes from September 9, 2019 meeting.

Items from the September meeting will be added to Action list for review at next meeting.

Sliva moved and Chief Sherer seconded to approve the minutes of the September 9, 2019 meeting. All voted "Aye". Motion carried.

I. Snow Route Changes & Signage. (Chuck)

Discussion of Proposed snow route, signage, & determined that the use of Social Media and Public Notifications will be used as additional sources to notify public for Snow Emergencies.

Chief Sherer moved and Bogus seconded to approve Snow Route changes & Signage. All voted "Aye". Motion carried.

II. Loup Public Power request to place Service Center signs in Lost Creek Parkway ROW (eastbound & westbound) initially at Old Monastery Road intersection then move to 10th Avenue when complete. (Rick)

After discussion it was determined to allow Loup to proceed with the order of signage with pre-approved verbiage. Signs placed at intersection of Old Monastery Road/18th Avenue and then upon opening of 10th Avenue moving said signs to that location.

Motion made by Sliva and seconded by Borchers to approve the process. All voted "Aye". Motion carried.

III. Citizen Concern of safety on Lost Creek Parkway regarding curves / lighting. (Tara)

After discussion on the design standards of the curves and that there is no indication of excessive accidents, it was determined no need for additional signage. Deflectors and delineators have been placed and which help to show the curves.

Motion made by Bogus and seconded by Sliva that no extra measures will be made. All voted "Aye". Motion carried.

VI. Review of Traffic Device needs within the City

Discussions in regards to Public running through stop signs / stop lights. Currently a Traffic Light Campaign is in the works. Will collect additional data for the next meeting.

Discussion for a review of the parking on the north side of Middle School. When dropping off / picking children up appears some are parking in wrong areas which is affecting the traffic flow. Chief Sherer indicated he will notify the patrol division.

Chief Sherer moved and Sliva seconded for these to be reviewed and reported on at the next meeting. All voted "Aye". Motion carried.

V. Review of Action Items

A. Columbus Downtown Parking Review (Rick) Not completed but working on.

B. Speed Traffic results for 53rd Street continued from last meeting (Recording device out of commission) (Chief Sherer) Trailer back in operation and will be putting trailer out to collect data. – Carry over to next meeting. Reports weren't available at the time of the meeting.

C. Speed Trailer Data continued from last meeting (Recording device out of commission) (Chief Sherer) Trailer back in operation and will be putting trailer out to collect data – Carry over to next meeting. Reports weren't available at the time of the meeting.

ADJOURNMENT With no further business to discuss, a motion was made by Sliva and seconded by Chief Sherer to adjourn the meeting. All voted "Aye". Motion carried.

TRAFFIC CONTROL DEVICE COMMITTEE
MINUTES

February 10, 2020

1:30 P.M.

I. ROLL CALL: Rick Bogus, Tara Vasicek, Chief Sherer, Chuck Sliva and Clete Borchers

II. Approval of minutes from January 13, 2020 meeting.

Vasicek moved and Chief Sherer seconded to approve the minutes of the January 13, 2020 meeting. All voted "Aye". Motion carried.

III. New Business:

A. Review parking restriction signs on south side 28th Street by Middle School (Tara)

Discussion of parking along 28th Street by the Middle School bottlenecks in the morning and evening for school drop offs / pickups. People are parking where they aren't supposed to. Determination made that make it all non-parking on the south side of 28th Street. Street Department will put up signs "No Parking 7 AM – 4 PM School Days" signs will be from 26th Avenue to Pershing Road with some additional signs added between each point. Signage will be reviewed in all areas of the school and made consistent. We will continue to evaluate the area.

Chief Sherer moved and Sliva seconded to approve parking restrictions on south side 28th Street by Middle School. All voted "Aye". Motion carried.

B. Request to extend "No Parking" and place signs on 26th Avenue north of 15th Street (Rick)

After discussion it was determined on 26th Avenue to extend No Parking Yellow curb paint and add No Parking signage on both sides of the avenue to driveway on the east side. It will then be the same distance on both sides. On 15th Street eliminate the first parking stall and extend yellow curb on the north side, east of the intersection. The stall is too close according to the City code and blocks line of sight.

Motion made by Vasicek and seconded by Sliva to extend "No Parking" on 26th Avenue North and remove a parking stall on 15th Street. All voted "Aye". Motion carried.

C. Snow Emergency Policy & Snow Route Signage (Chuck)

Policy was discussed at the last meeting. A motion needed to approve route and location of signs to advance to the Public Property, Water, & Safety Committee meeting and then on to the City Council for final approval which will then be enforceable by the Police Department.

Motion made by Chief Sherer and seconded by Borchers to recommend the Snow Emergency Policy & Snow Route Signage to the Public Property, Works, and Safety Committee. All voted "Aye". Motion carried.

D. Quail Run Signage on Highway 30 near 3rd Avenue (Chuck/Clete)

Currently the City pays \$1 annually for signage on private property westbound only. The Street Department will check with NDOT to see if they will approve & allow signs in the right of way as it was rejected many years ago. Until then we will continue with the Signage at Corner Stop and add a sign within Rose Lawn Cemetery property for traffic eastbound. A recommendation made to order pre-made signs and when installing the sign by Rose Lawn Cemetery to put in the bushes to eliminate issues with mowing in the summer. Doug Moore, Public Property Director, was in attendance for this item.

Motion made by Vasicek and seconded by Sliva to proceed with ordering new signs and installing on Private Property for eastbound and westbound traffic. All voted "Aye". Motion carried.

E. Review of Traffic Device needs within the City

1. Chief Sherer received an e-mail from a citizen request to investigate possibility of installing a radar speed limit sign which flashes how fast the approaching vehicle is going. After discussion topic not off of the table but it isn't a necessity at this time. No action taken.
2. LED Lights around the perimeter of signs. A suggestion for something that the City could look into using for future improvements. Use at the T-intersections, school crossings, etc. No action taken.
3. 48th Avenue & 38th Street – Discussion of alternatives for the intersection with the improvements at a later date. No action taken.
4. Designated Downtown Parking Stall – Mayor Bulkley was approached by a Downtown Business owner requesting a designated parking spot. After discussion will provide options to stay as is with the 2 Hour parking restrictions or Bid out for Public Parking stalls. Tara will discuss with the Mayor. No action taken.
5. Old loading zone in front of Friedhoff. Do they still need this? After discussion it was determined to investigate further and look for the resolution. No action taken.
6. Columbus Bank 2501 13 Street – Having problems with the drive through getting blocked. It was determined to extend the yellow painted curb to the driveway on each side and put the hatchet lines on the street on both the east and west side of the drive to deter people from parking by the drive.
Motion made by Vasicek and seconded by Chief Sherer to paint the curb yellow in both directions to the driveway. If still having issues then will come back and put the hatchet lines on the pavement. All voted "Aye". Motion carried.

VI. Unfinished Business:

A. Columbus Downtown Parking Review (Rick) Not completed, to date.

B. Speed Traffic results (Chief Sherer)

- 2nd Street between 7th & 10th Avenues
- 27th Street between 1st & 3rd Avenues
- 53rd Street

Chief Sherer presented results for each of the speed trailer studies. It was found that there isn't a problem for any of the areas the Speed Trailer was set.

C. Parking on S Rose Lane & N Rose Lane (Tara) – Citizen who initially raised the concern is having second thoughts after understanding what next steps would be. Tara will reach out to see if anything needs to be added to this item.

ADJOURNMENT: With no further business to discuss, a motion was made by Sliva and seconded by Chief Sherer to adjourn the meeting. All voted "Aye". Motion carried.