

Public Property, Safety, and Works Committee
Monday, January 11, 2021 4:00 PM
Council Chambers
1369 25 Avenue
Columbus, NE 68601

1. **Statement of compliance with Open Meetings Act and roll call.**

OPEN MEETINGS ACT

**NEBRASKA
REVISED STATUTES
84-1407 THROUGH 84-1414**



**EFFECTIVE
NOVEMBER 14, 2020**



This is a complimentary copy of the Open Meetings Act - Nebraska Revised Statutes 84-1407 through 84-1414. We hope you find it helpful when conducting your public meeting.

There were revisions made to the Open Meetings Act in the 2020 Nebraska State Legislature. The most recent version of the Open Meetings Act in this manual is in effect as of November 14, 2020.

This manual is provided to Nebraska municipalities by the League of Nebraska Municipalities (LONM) and the League Association of Risk Management (LARM).



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84-1407. ACT, HOW CITED. SECTIONS 84-1407 TO 84-1414 SHALL BE KNOWN AND MAY BE CITED AS THE OPEN MEETINGS ACT.

**84-1408. DECLARATION OF INTENT;
MEETINGS OPEN TO PUBLIC.**

It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

84-1409. TERMS, DEFINED. FOR PURPOSES OF THE OPEN MEETINGS ACT, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions.

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Videoconferencing means conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

**84-1410. CLOSED SESSION; WHEN; PURPOSE;
REASONS LISTED; PROCEDURE; RIGHT TO
CHALLENGE; PROHIBITED ACTS; CHANCE
MEETINGS, CONVENTIONS, OR WORKSHOPS.**

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

- (a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;
- (b) Discussion regarding deployment of security personnel or devices;
- (c) Investigative proceedings regarding allegations of criminal misconduct;
- (d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting;
- (e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or
- (f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open

Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

84-1411. MEETINGS OF PUBLIC BODY; NOTICE; METHOD; CONTENTS; WHEN AVAILABLE; RIGHT TO MODIFY; DUTIES CONCERNING NOTICE; VIDEOCONFERENCING OR TELEPHONE CONFERENCING AUTHORIZED; EMERGENCY MEETING WITHOUT NOTICE; APPEARANCE BEFORE PUBLIC BODY.

(1)(a) Each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public.

(b)(i) Except as provided in subdivision (1)(b)(ii) of this section, in the case of a public body described in subdivision (1)(a)(i) of section 84-1409 or such body's advisory committee, such notice shall be published in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's web site.

(ii) In the case of the governing body of a city of the second class or village or such body's advisory committee, such notice shall be published by:

(A) Publication in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's web site; or

(B) Posting written notice in three conspicuous public places in such city or village. Such notice shall be posted in the same three places for each meeting.

(iii) In the case of a public body not described in subdivision (1)(b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body.

(c) In addition to a method of notice required by subdivision (1)(b)(i) or (ii) of this section, such notice may also be provided by any other appropriate method designated by such public body or such advisory committee.

(d) Each public body shall record the methods and dates of such notice in its minutes.

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state coun-

cil, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than one county in this state, of the governing body of a public power and irrigation district having a chartered territory of more than one county in this state, of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, or of a community college board of governors may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

(a) Reasonable advance publicized notice is given as provided in subsection (1) of this section;

(b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;

(c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;

(d) At least one member of the state entity, advisory committee, board, council, or governing body is present at each site of the videoconference or telephone conference, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site; and

(e)(i) Except as provided in subdivision (2)(e)(ii) of this section, no more than one-half of the state entity's, advisory committee's, board's, council's, or governing body's meetings in a calendar year are held by videoconference or telephone conference; or

(ii) In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, such organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conferencing.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(3) A meeting of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, of a community college board of governors, of the governing body of a public power district, of the governing body of a public power and irrigation district, or of the Nebraska Brand Committee may be held by telephone conference call if:

(a) The territory represented by the educational service unit, member educational service units, community college board of governors, public

power district, public power and irrigation district, Nebraska Brand Committee, or member public agencies of the entity or pool covers more than one county;

(b) Reasonable advance publicized notice is given as provided in subsection (1) of this section which identifies each telephone conference location at which there will be present: (i) A member of the educational service unit board, council, community college board of governors, governing body of a public power district, governing body of a public power and irrigation district, Nebraska Brand Committee, or entity's or pool's governing body; or (ii) A nonvoting designee designated under subdivision (3)(f) of this section;

(c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or entity or pool or at a place which will accommodate the anticipated audience;

(d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(f) At least one member of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site;

(g) The telephone conference call lasts no more than five hours; and

(h) No more than one-half of the board's, council's, governing body's, committee's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that:

(i) The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing; and

(ii) An organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act may hold more than one-half of its meetings by telephone conference call if the organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conference call.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

84-1412. MEETINGS OF PUBLIC BODY; RIGHTS OF PUBLIC; PUBLIC BODY; POWERS AND DUTIES.

(1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

- (a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;
- (b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;
- (c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making a telephone conference call available at an instate location to members, the public, or the press, if requested twenty-four hours in advance;
- (d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;
- (e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act;
- (f) Reasonable arrangements are made to provide viewing at other instate locations for a videoconference meeting if requested fourteen days in advance and if economically and reasonably available in the area; and
- (g) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(8) Public bodies shall make available at the meeting or the instate location for a telephone conference call or videoconference, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

84-1413. MEETINGS; MINUTES; ROLL CALL VOTE; SECRET BALLOT; WHEN.

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

**84-1414. UNLAWFUL ACTION BY PUBLIC BODY;
DECLARED VOID OR VOIDABLE BY DISTRICT COURT;
WHEN; DUTY TO ENFORCE OPEN MEETING LAWS;
CITIZEN'S SUIT; PROCEDURE;
VIOLATIONS; PENALTIES.**

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

EFFECTIVE DATE – NOVEMBER 14, 2020

**DISTRIBUTED BY THE
LEAGUE OF NEBRASKA MUNICIPALITIES AND THE
LEAGUE ASSOCIATION OF RISK MANAGEMENT.**



**LEAGUE OF NEBRASKA
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WWW.LONM.ORG**

**1335 L STREET
LINCOLN, NE 68508**



**LEAGUE ASSOCIATION OF
RISK MANAGEMENT
WWW.LARMPPOOL.COM**

2. **October through December 2020 quarterly report of the Traffic Control Device Committee.**

TRAFFIC CONTROL DEVICE COMMITTEE

Quarterly Report October – December 2020

October

No meeting was held

November

1. **Bradshaw Addition – Speed limit signs / Children at Play:** Discussion on Children at Play signs are not enforceable and provide false security. The area is a circle with two outlets thus the alleged speeders would most likely be those living in this subdivision. Motion by Vasicek and Sherer seconded to place speed trailer in the subdivision. Bogus, Vasicek, Sherer, and Sliva voted “Aye” and none voted “Nay”. Borchers was absent.
2. **Traffic control request at 25th Street and East 5th Avenue:** Discussion on improvements in the area with the apartments and car wash. A motion by Vasicek and a second by Sliva to place a Yield Sign on southbound East 5th Avenue at the intersection of 25th Street. Bogus, Vasicek, Sherer, and Sliva voted “Aye” and none voted “Nay”. Borchers was absent.
3. **South side of 14th Avenue & 6th Street Yield Sign:** Discussion of past history of placement of northbound Yield sign on 14th Avenue at intersection with 6th Street. Motion made by Sliva and a second by Vasicek to have Public Works Director look at the intersection and if sign appears to be warranted to leave in place or if not to remove it. Bogus, Vasicek, Sherer, and Sliva voted “Aye” and none voted “Nay”. Borchers was absent.
4. **Review of Traffic Device needs within the city:** No review was held.
5. **Unfinished business:** No unfinished business to discuss.

December

6. **Project concerns 255 3 Avenue & 309 Centennial Street:** Two property owners voiced concerns on SID178, 3rd Avenue from 8th Street to South 3rd Street at the December 7, 2020 City Council meeting which was referred to the Traffic Control Device Committee. They feel the project is missing crosswalks on 3rd Avenue in multiple areas, some of the crosswalks have sharp angles for turning onto the ramps, and where sod was laid one property owner feels that it is rough. Discussion per City policy crosswalks across the longitudinal roadway are generally not installed in T-Intersections due to terminate in front of properties. In regards to the sod, according to Cody Wilbers, Alfred Benesch & Associates Construction Engineer, subcontractor Mueller Sprinklers spent a good amount of time of preparing the sod/seed bed areas. Most all clods of dirt were pulverized to less than 3/4 inch which is more than NDOT specification of 1-inch. Motion made by Vasicek and Sliva seconded to review the policy verbiage for requirements of crosswalks at T-Intersections, and for City Engineer Bogus and City Surveyor Benck to review T-Intersections for installation of additional crosswalks and review options and costs to modify severe angles. Bogus, Vasicek, Sherer, Borchers, and Sliva voted “Aye” and none voted “Nay”.

- 7. Wal-Mart sidewalk from 25th Street:** New developments of Legacy Apartments and a car wash on East 5th Avenue north of 25th Street. Sidewalk will be installed on the north side of 25th Street from East 5th to East 6th Avenues and currently there is no sidewalk on Wal-Mart's drive from East 6th Avenue. Discussion with construction of the apartments and car wash that sidewalks will be placed along north side of 25th Street and Vasicek stated she would work with Dan Curtis, Community Development Director, to obtain contact information of the building remodel project to send a letter to request a sidewalk installation. A motion made by Sliva and a second by Borchers for Vasicek to send a letter to the person who submitted application for the remodel and ask them to discuss with their Wal-Mart contact about placing a sidewalk on the northwest corner of Wal-Mart property extension of 25th Street. Bogus, Vasicek, Sherer, Borchers, and Sliva voted "Aye" and none voted "Nay".
- 8. Review of Traffic Device needs within the city:**

 - a) Discussion to review and implement the short term changes from the South Mobility Study. Vasicek made a motion and Borchers seconded to implement the interim recommendations as soon as possible subject to Public Property, Safety and Works Committee and City Council approval. Bogus, Vasicek, Sherer, Borchers, and Sliva voted "Aye" and none voted "Nay".
 - b) Southwest corner 24th Avenue / 23rd Street line of sight issues with traffic traveling eastbound. Bogus to send a letter to the property owners of violation. A motion made by Sliva and a second by Vasicek for Bogus to send a letter bringing attention to the line of sight violations in accordance with the Land Development Ordinance. Bogus, Vasicek, Sherer, Borchers, and Sliva voted "Aye" and none voted "Nay".
- 9. Unfinished business:** Harlow provided an update on the inventory of downtown parking stalls and a detailed report on the types of parking, number of parking stalls, and the number of violations included in the private and public parking lots within the downtown area. Union Pacific Railroad Lease Agreement includes two additional gravel parking areas farther east of Lots 1 & 2 which would add a potential 131 parking stalls. Discussion was held and the Public Works Department will add Public Parking signs at these lots. The inventory was done mainly to identify the parking stalls available in the downtown district and the number in violation of the code. Vasicek made a motion and Sliva seconded that in spring to stripe out the parking and ADA stalls, which are in violation. Bogus, Vasicek, Sherer, Borchers, and Sliva voted "Aye" and none voted "Nay".

3. **Request of State of Nebraska for permanent easement in Roselawn Cemetery in conjunction with Highway 30 reconstruction project.**

The City of **Columbus**

MEMORANDUM

DATE: December 10, 2020
TO: Public Property, Safety and Works Committee
FROM: Douglas A. Moore, Public Property Director
SUBJECT: Roselawn Cemetery easement acquisition for Highway 30 reconstruction project

RECOMMENDATION: Staff recommends that the City Council accept the offer of \$730.00 for acquisition of an easement in Roselawn Cemetery related to the Highway 30 reconstruction project.

DISCUSSION: The acquisition consists of purchasing property for installation of two street lights for the project, along with moving the current cable and fence posts around the two light poles and replacing two bushes.

FISCAL IMPACT: None

ALTERNATIVE: None

CONCURRENCE: Rick Bogus, City Engineer 

SIGNATURE:

Approved By: 
Douglas Moore, Public Property Director

Approved By: 
Tara Vasicek, City Administrator

23rd St, Columbus

The Nebraska Department of Transportation (NDOT) and City of Columbus plan to reconstruct 2.69 miles of 23rd Street (U.S. Highway 30 [US-30]) located in the City of Columbus in Platte County, starting just east of the junction of U.S. Highway 81 (US-81) and 23rd Street, and extending just east of the East 11th Avenue intersection. The existing roadway on this segment of 23rd Street consists of four 12-foot wide driving lanes separated by a raised median or a common two-way left turn lane with existing left and/or right turn lanes at city street intersections. The reconstruction of 23rd Street would consist of removing the existing concrete base (and areas of overlaid asphalt) and replacing with concrete pavement. Construction could extend beyond the actual project limits to accommodate transitioning the pavement, facilitate traffic maintenance, and install landscaping.

Project Purpose and Need

The purpose of this proposed project is to preserve the transportation asset, improve the reliability of the transportation system, and perpetuate the mobility of the traveling public.

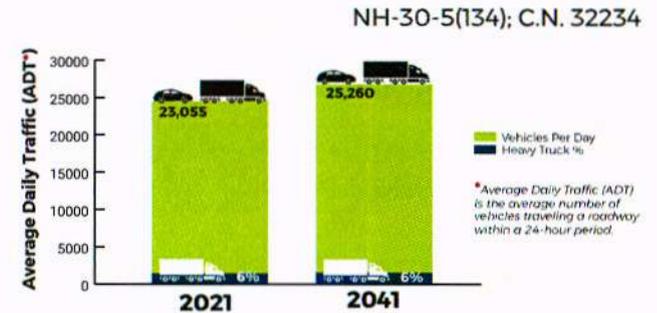
The project would provide an improved roadway corridor for vehicular and pedestrian travel, and enhance connectivity.

The need for the proposed project is based on the distressed nature and poor condition of the roadway. The paved roadway has deteriorated over the last 30+ years and has substantial ruts and cracking.

Construction Schedule:

As currently planned, construction is tentatively scheduled for the 2022 and 2023 construction seasons.

Traffic Volumes on 23rd Street (US-30)



Accommodation of Traffic:

The proposed project would be constructed under traffic with lane closures controlled with appropriate traffic control devices and practices.

Right-Of-Way:

The proposed project would require the acquisition of additional property rights which could include new right-of-way (ROW), control of access (CA), permanent easements (PE), and/or temporary easements (TE). If your property is impacted by this project, you will be contacted by a representative once the design footprint has been established. Access to adjacent properties would be maintained during construction. Access to driveways may be limited at times due to traffic phasing requirements. Potential relocations may be required for construction of the proposed project.

Potential Impacts:

Potential Impacts to environmental resources would be evaluated as the proposed project design progresses. These resources include, but are not limited to, environmental justice/civil rights, cultural resources, historic properties, publicly owned recreation properties (Section 4(f)), endangered and threatened species, hazardous materials, water quality, and other water resources, including wetlands.

Estimated Cost:

The cost of the proposed project is approximately \$18.5 million and would derive from federal and state funding sources. The City of Columbus may pay for some of the associated improvements.

Additional Improvements:

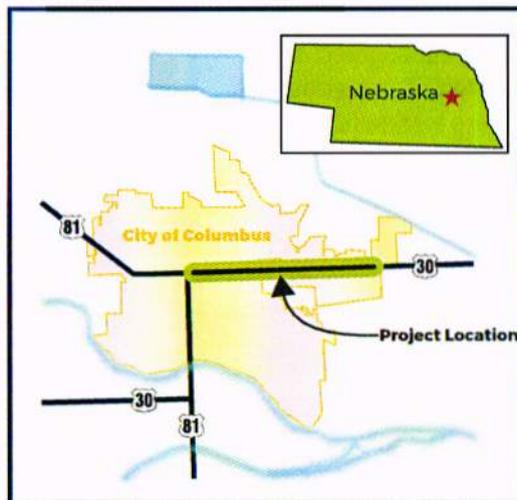
- New sidewalks with curb ramps
- Storm sewer drainage improvements
- Updated street lights
- Modify or add turn lanes

23rd St, Columbus

NH-30-5(134); C.N. 32234

Project Corridor

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE



Information regarding the proposed project is available on the NDOT website at www.dot.nebraska.gov/projects/future-projects/ by clicking on the "23rd St, Columbus" link.

Photos of the areas affected



Tract 86 picture view east



Tract 86 picture view west

4. **South Mobility Study interim recommendations for 8 Street at the intersections of 3 Avenue, 12 Avenue, 18 Avenue, and 27 Avenue.**

The City of **Columbus**

MEMORANDUM

DATE: January 6, 2021
FROM: Richard J. Bogus, P.E., City Engineer
TO: Tara Vasicek, City Administrator
RE: South Mobility Study Interim Recommendations

RECOMMENDATION:

I recommend approval of the South Mobility Study interim recommendations on 8th Street at the intersections of 3rd Avenue, 12th Avenue, 18th Avenue, and 27th Avenue.

DISCUSSION:

The South Mobility Study from HDR Engineering recommended the following interim items along 8th Street until a long term solution is implemented.

- 27th Avenue and 8th Street: Remove the westbound exclusive left hand turn lane on 8th Street to provide a wide lane for westbound through traffic
- 18th Avenue and 8th Street: Remove the eastbound and westbound exclusive left hand turn lanes on 8th Street to provide wider lanes for through traffic
- 12th Avenue and 8th Street: Restripe the northbound and southbound approaches to 8th Street to provide left hand turn lanes. Add left hand turn arrows.
- 3rd Avenue and 8th Street: Add stop signs and stop ahead signs on eastbound and westbound approaches to the 3rd Avenue intersections. The intersection would then be four-way stop controlled.

FISCAL IMPACT:

Cost of striping and 2 stop signs with 2 stop ahead signs.

ALTERNATIVE:

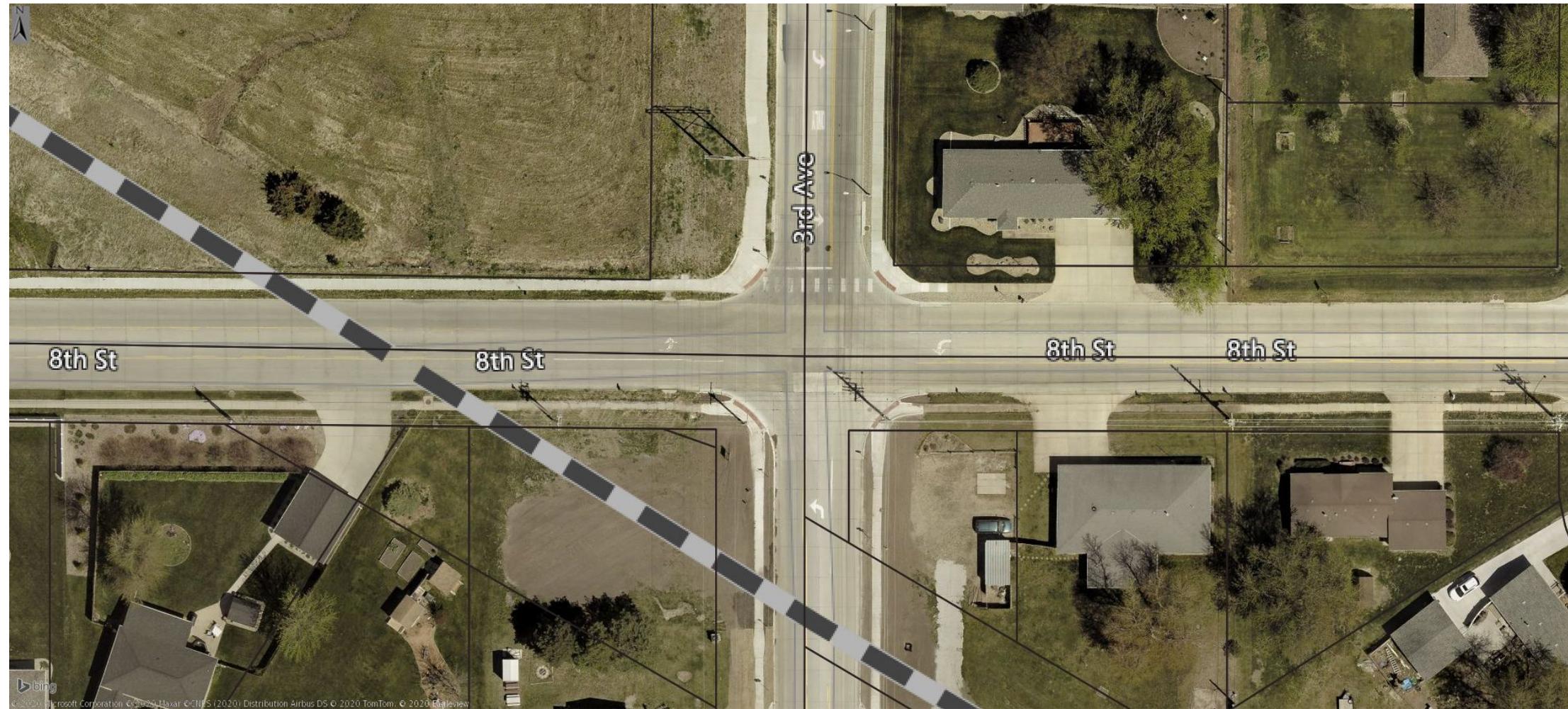
Do not proceed on interim recommendations.

SIGNATURE:

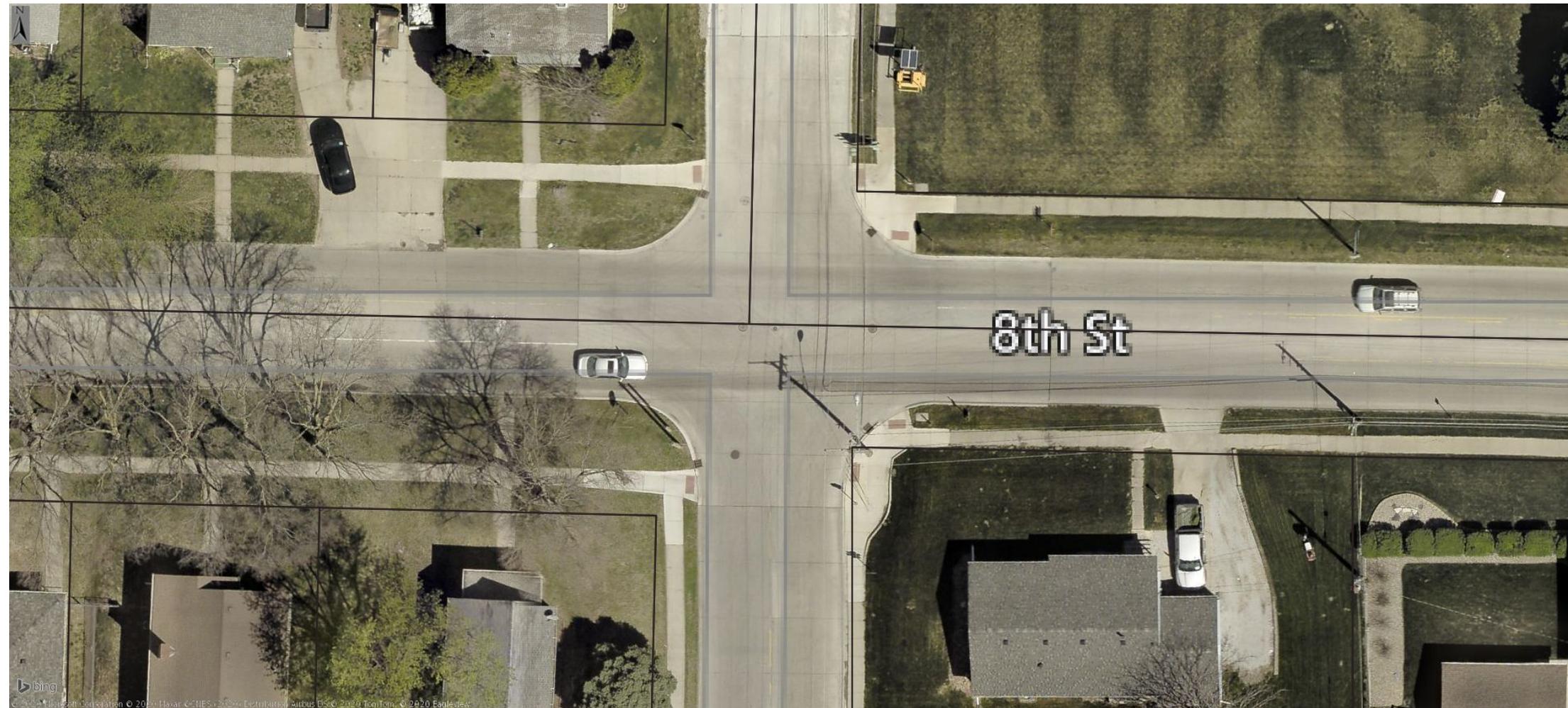
By: Richard J. Bogus

Approved By: Tara Vasicek

3rd Avenue



12th Avenue



18th Avenue



27th Avenue



5. **Sidewalk and ramp location policy in conjunction with 3 Avenue from 8 Street to South 3 Street project.**

The City of **Columbus**

MEMORANDUM

DATE: January 6, 2021
FROM: Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator *TW*
RE: City ADA Ramp Location Policy and
3rd Avenue from 8th Street to South 3rd Street Project Ramps

DISCUSSION:

City American's with Disability Act (ADA) ramp location policy:

- Full street intersections to have ramps crossing both directions on each intersection corner where practical.
- T-intersections has been to construct through walking patterns along through roadway and not crossing through roadway. Purpose was to limit pedestrian crossings at intersections in which vehicular traffic does not have potential cross traffic and to not have ADA ramps to the front or side of private properties and buildings.
- Signed or signalized pedestrian or school crosswalks to have ramps crossing the roadway.

All of the 7 intersections on 3rd Avenue from 8th Street to South 3rd Street meet the policy.

Intersections with ramps crossing 3rd Avenue:

- 3rd Avenue and 8th Street – north and south sides
- 3rd Avenue and 6th Street – north and south sides
- 3rd Avenue and 5th Street – offset intersection, thus one location
- 3rd Avenue and Centennial Street – school crossing, north side

T-intersections on 3rd Avenue from 8th Street to South 3rd Street which do not have crossings of 3rd Avenue:

- 3rd Avenue and 3rd Street
- 3rd Avenue and Dawn Drive
- 3rd Avenue and 4th Street

FISCAL IMPACT TO CONSTRUCT 3RD AVENUE CROSSING RAMPS AT T-INTERSECTIONS:

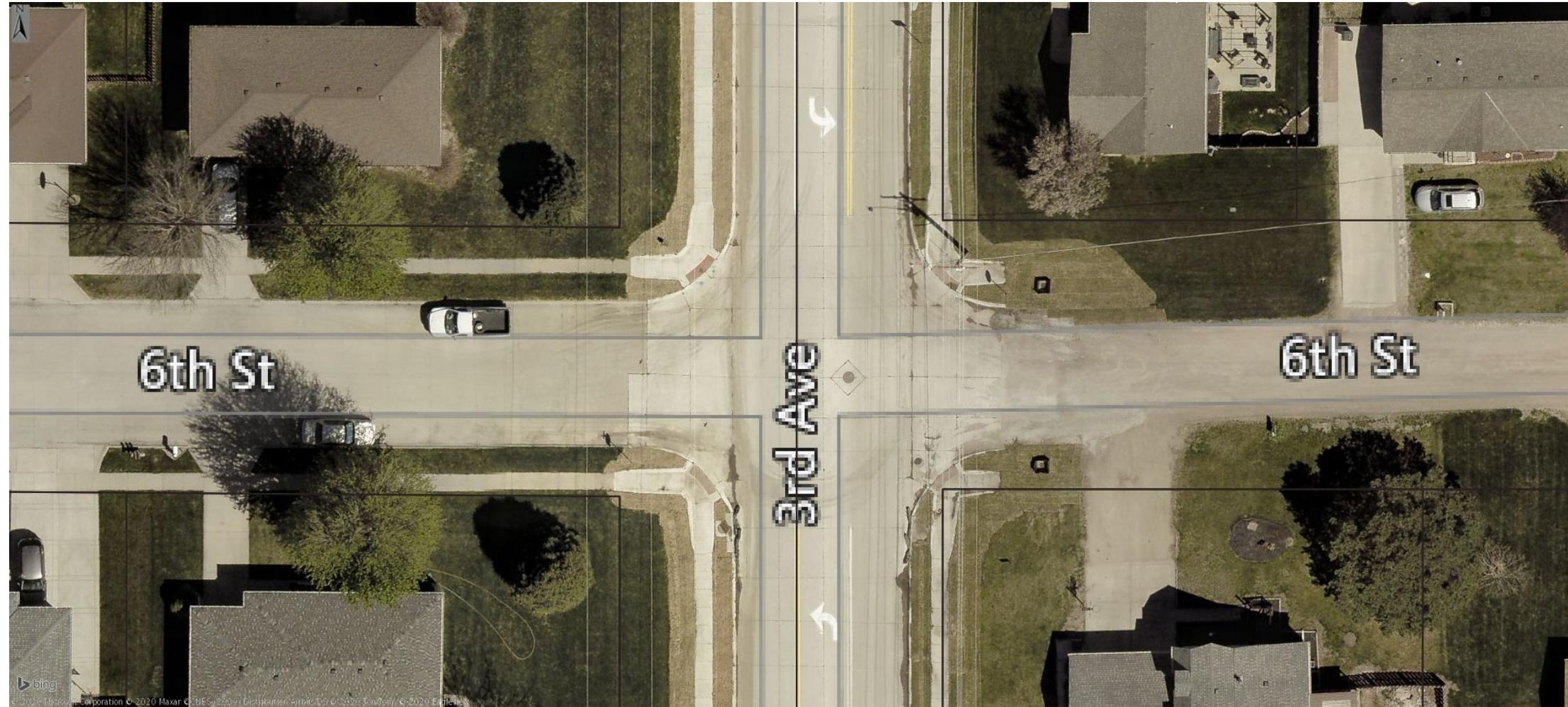
Estimated costs to construct one set of 3rd Avenue crossing ADA ramps where practical and possible at T-intersections:

- 3rd Avenue and 3rd Street: South side, estimated cost: \$3,750 to \$4,000
- 3rd Avenue and Dawn Drive: South side, estimated cost: \$3,750 to \$4,000
- 3rd Avenue and 4th Street: South side, estimated cost: \$3,750 to \$4,000

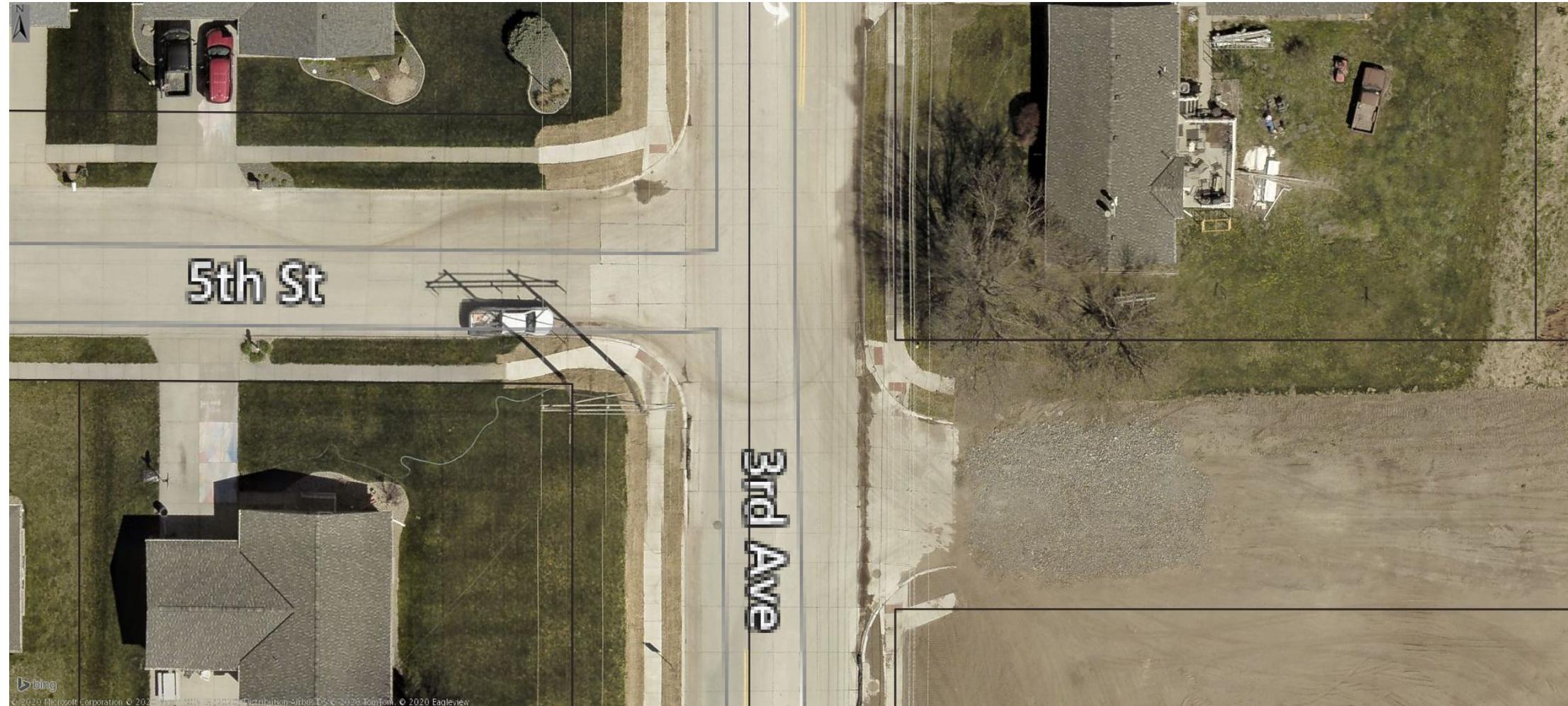
8th Street



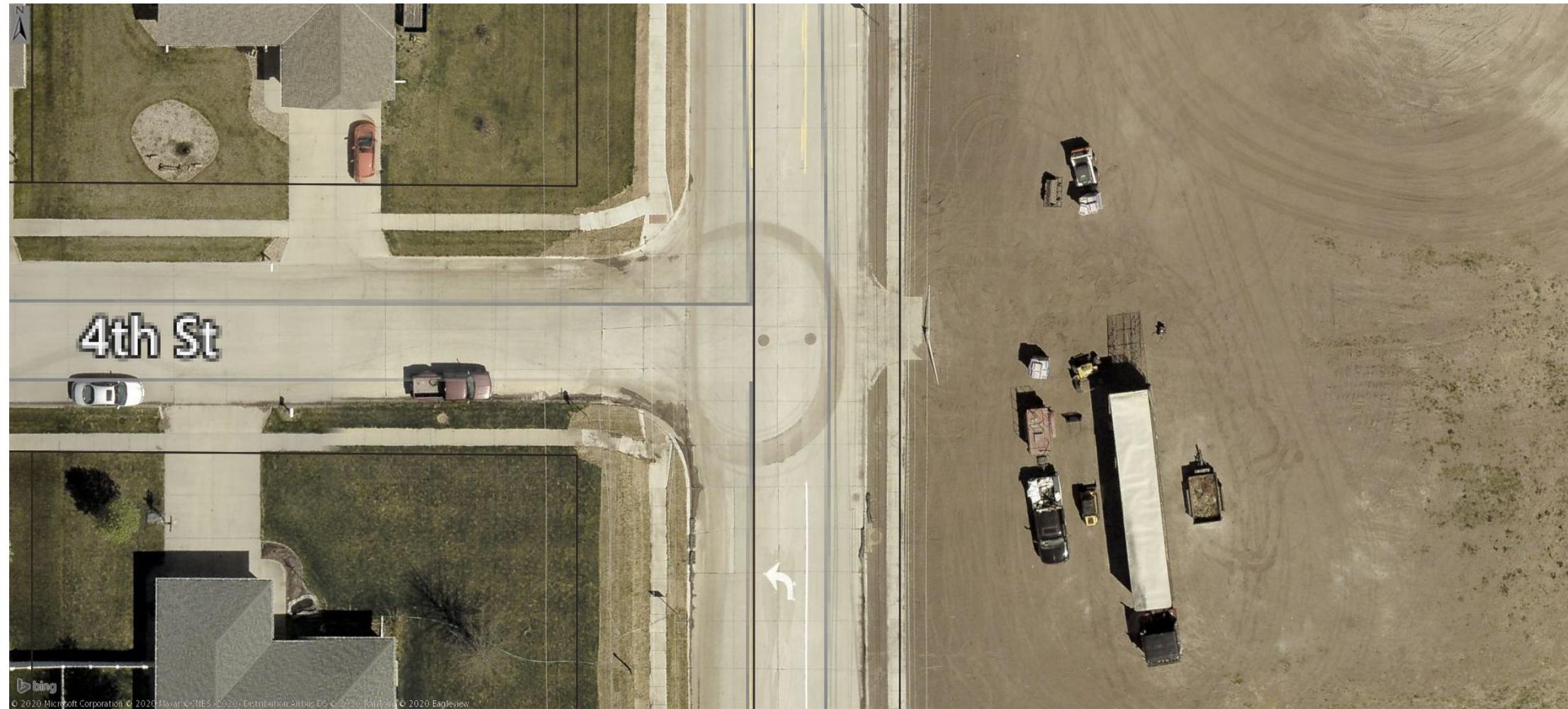
6th Street



5th Street



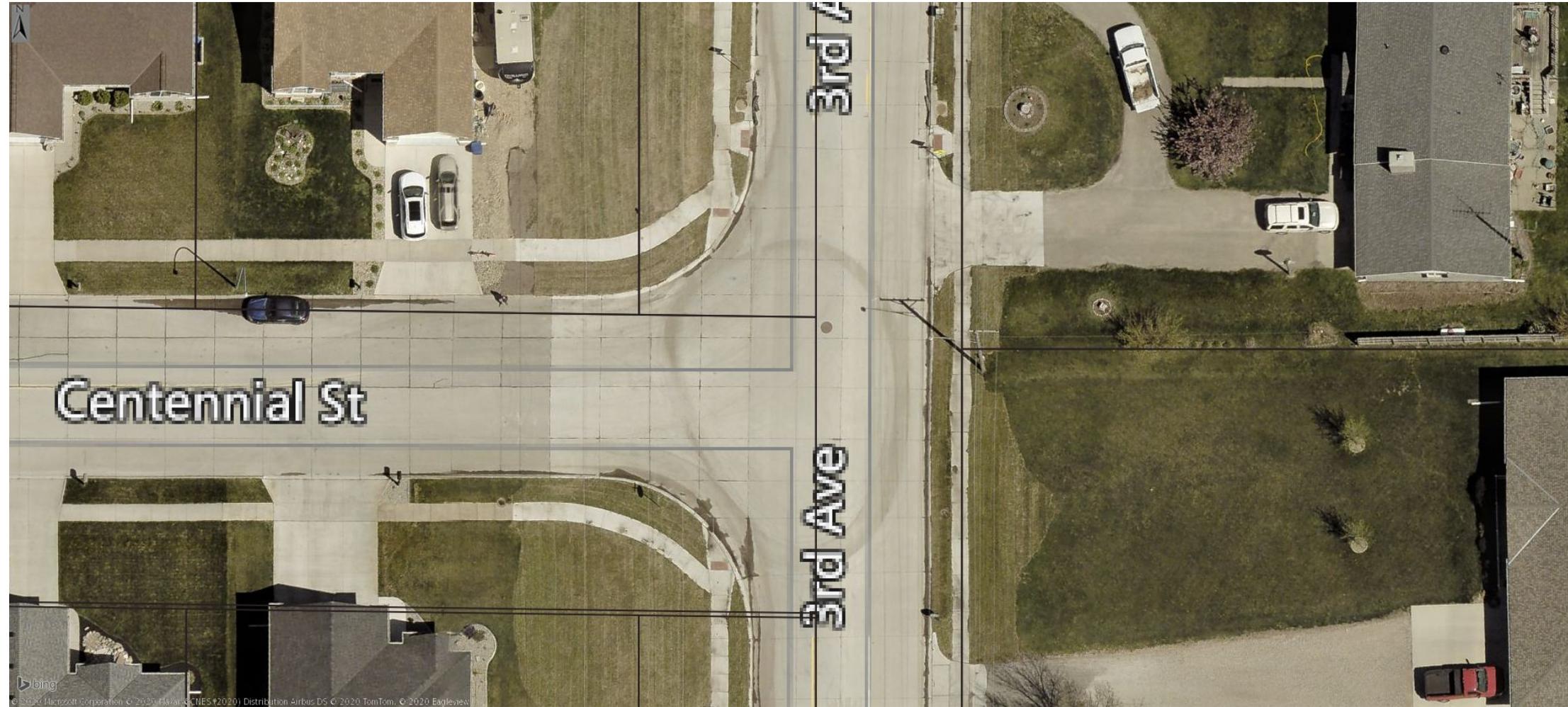
4th Street



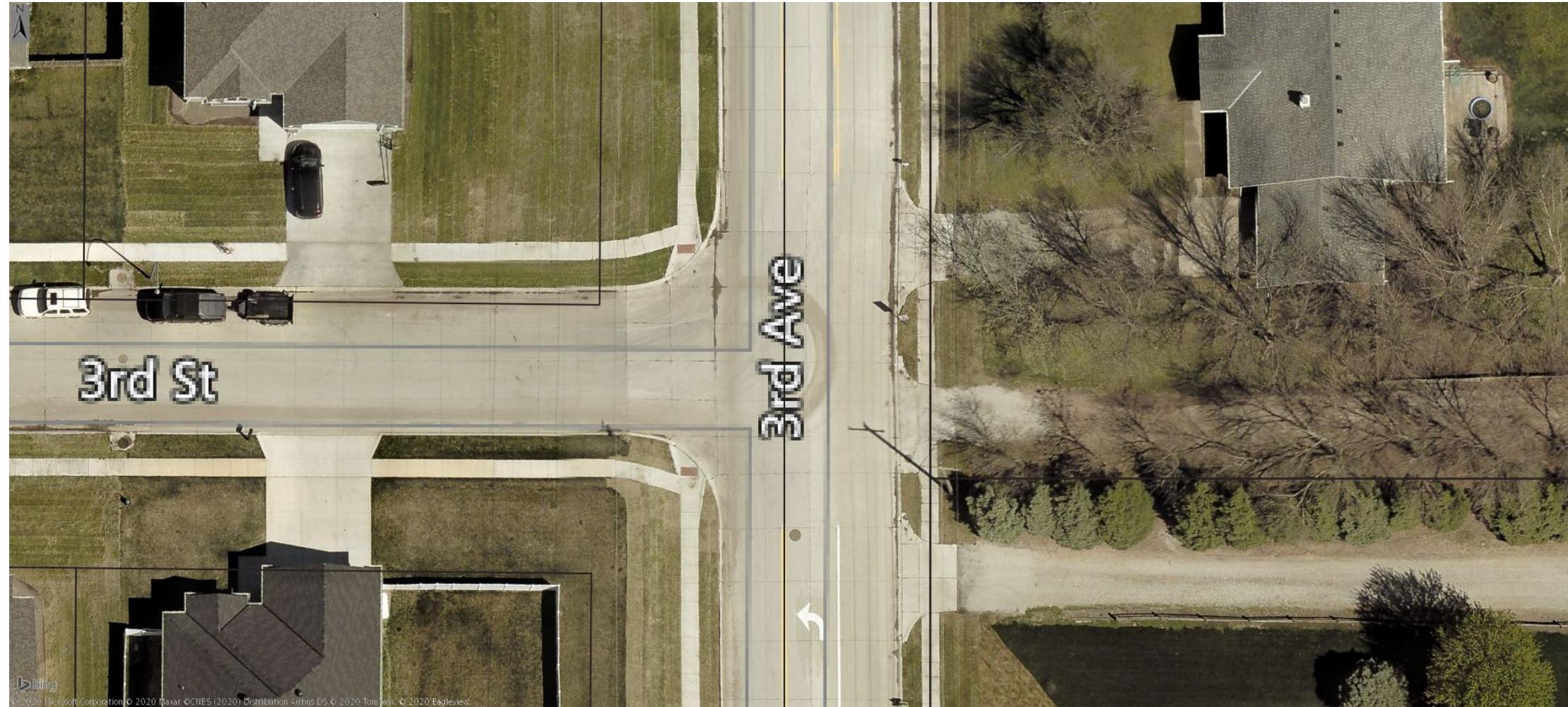
Dawn Drive



Centennial Street



3rd Street



6. Adjournment.