

Public Property, Safety, and Works Committee
Monday, February 8, 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
MUNICIPALITIES
WWW.LONM.ORG**

**1335 L STREET
LINCOLN, NE 68508**



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

2. **Request of Laurie Millard to vacate alley on east side of 22 Avenue south of 23 Street.**

The City of **Columbus**

MEMORANDUM

DATE: February 3, 2021
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Alley Vacation Request, East Side of 22nd Avenue, south of 23rd Street Adjoining Lots 1 and 2, Block 20, Phillips Third Addition; Lots 19 and 20, Block B, East Park Second Addition; and part of Block X, North Park First Addition to the City of Columbus, Platte County.

RECOMMENDATION:

I recommend the approval of the Ordinance for the alley vacation request on the east side of 22nd Avenue south of 23rd Street adjoining Lots 1 and 2, Block 20, Phillips Third Addition; Lots 19 and 20 Block B, East Park Second Addition; and part of Block X, North Park First Addition to the City of Columbus, Platte County.

DISCUSSION:

An application and petition was received from the property owner who owns 100 percent of the abutting property which includes the dead end on the east. Upon the vacation and proper filing in the Platte County courthouse, one half of the alley will be become owned by the adjacent property owner which is the petitioner. A statutory easement will be maintained at the same width and length as the alley in accordance with State Statutes.

FISCAL IMPACT:

The applicant will be responsible for all publications expenses, preparing of the above reference items, recording, and any other costs associated with the alley vacation transaction.

ALTERNATIVE:

Do not approve.

SIGNATURE:

By: Richard J. Bogus

Approved By: Tara Vasicek

The City of **Columbus**
NEBRASKA

ALLEY VACATION





January 20, 2021

Janelle Kline
Columbus City Clerk
2424 14th Street / P.O. Box 1677
Columbus, NE 68602-1677

Re: Good Life Counseling, L.L.C.
20122D

Dear Janelle Kline:

This firm is representing Laurie Millard with regard to this requested alley vacation. In that connection, please find enclosed a Vacation of Street or Alley Request Form along with all of the required documents including:

1. Request form
2. Written correspondence from all public and private utility companies
3. Vacation of Street or Alley Petition
4. Vacation of Street or Alley Individual with Notary
5. Draft of Ordinance

It is my understanding that the City will invoice us for any fees associated with this request. Please let me know if there is anything else you need to complete the alley vacation requested.

Respectfully,

Tracey L. Buettner

TLB/nsr

Enc:

CITY OF COLUMBUS
VACATION OF STREET OR ALLEY 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).

Laurie Millard
Name (a)

Laurie Millard
Name (b)

Business (if applicable)

Business (if applicable)

3203 Mach I Drive, Norfolk, VA
Mailing Address 68701

3203 Mach I Drive, Norfolk, VA
Mailing Address 68701

402-750-5612
Daytime Phone Number

402-750-5612
Daytime Phone Number

Lauriemillard@yahoo.com
Email Address

Lauriemillard@yahoo.com
Email Address

2. Legal address and physical property address of vacation of street/alley request

2277 22 Ave
Columbus, NE 68601

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

Applicant owns all the land around the alley and would like
to have control over maintenance and be able to govern
loitering people appropriately

ORDINANCE NO. 21-_____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, VACATING THE ALLEY ADJOINING LOTS 1 AND 2 OF BLOCK 20, PHILLIPS THIRD ADDITION TO THE CITY OF COLUMBUS, LOTS 19 AND 20, BLOCK B, EAST PARK SECOND ADDITION, AND PART OF BLOCK X, NORTH PARK FIRST ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; PROVIDING FOR THE EFFECTIVE DATE HEREOF; REPEALING ALL ORDINANCES AND RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HERewith; AND PROVIDING THAT PUBLICATION SHALL BE IN PAMPHLET FORM AS AUTHORIZED BY §16-405 OF NEBRASKA REVISED STATUTES.

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

SECTION 1: That the alley adjoining:

Lots 1 and 2 of Block 20, Phillips Third Addition to the City of Columbus, Lots 19 and 20, Block B, East Park Second Addition, and Part of Block X, North Park First Addition to the City of Columbus, Platte County, Nebraska (by 22nd Avenue)

is hereby vacated, subject to the reservation set forth herein.

SECTION 2: That the City of Columbus reserves the statutory easements provided for in Neb. Rev. Stat. §16-611(4)(a) and (b) on all of the vacated alley adjoining:

Lots 1 and 2 of Block 20, Phillips Third Addition to the City of Columbus, Lots 19 and 20, Block B, East Park Second Addition, and Part of Block X, North Park First Addition to the City of Columbus, Platte County, Nebraska.

SECTION 3: This Ordinance shall become effective immediately upon, and be in full force and effect from and after, its passage, approval, and publication according to law. Publication shall be in pamphlet form as authorized by §16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the City offices.

SECTION 4: This Ordinance shall repeal all ordinances and resolutions or portions thereof which conflict herewith.

INTRODUCED BY COUNCIL MEMBER _____.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

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 street or alley adjacent property, hereby ask and petition that the necessary action be taken to vacate the following street or alley:

The alley adjoining Lots 1 and 2 of Block 20, Phillips Third Addition to the City of Columbus, Lots 19 and 20, Block B, East Park Second Addition, and part of Block X, North Park First Addition to the City of Columbus, Platte County, Nebraska (by 22nd Avenue).

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: <i>Laurie Milard</i> Sign: <i>[Signature]</i>	12-21-20	3203 Mach I Drive Norfolk, NE 68701	All - 154'
Print: Sign:			

INDIVIDUAL

The acknowledgement of the signature of each individual is required (one per sheet).

Acknowledgement of signature to petition for vacating or narrowing of the following street or alley – to wit:

The alley adjoining Lots 1 and 2 of Block 20, Phillips Third Addition to the City of Columbus, Lots 19 and 20, Block B, East Park Second Addition, and part of Block X, North Park First Addition to the City of Columbus, Platte County, Nebraska (by 22nd Avenue).
within Columbus, Nebraska.

[Signature]
Signature

12-21-2020
Date

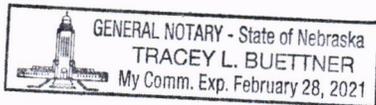
State of Nebraska

Madison County

On this 21 day of December, 2020, before me, a Notary Public in and for said County, personally appeared Laurie Millard

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 street or alley and who has/have acknowledged the signing of said petition to be a voluntary act and deed.

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



(SEAL)

[Signature]
Notary Public

My Notarial Commission expires the 28th day of February, 2021.

From: Sila, Cullen <Cullen.Sila@blackhillscorp.com>
Sent: Tuesday, October 27, 2020 3:18 PM
To: Natasha Rector
Cc: Tracey Buettner
Subject: RE: Correspondence from Tracey Buettner

We have reviewed the vacation of the alley and if the City is retaining the public utility easements BHE has no objection to the proposed alley vacation. Please supply a form that we can sign stating that BHE has no objection to this vacation.

Thanks

From: Mason, David B <David.Mason@charter.com>
Sent: Monday, December 21, 2020 10:45 AM
To: Tracey Buettner <tbuettner@norfolknelaw.com>
Subject: RE: Correspondence from Tracey Buettner

Tracey-Charter is clear within the requested release area.

Charter
COMMUNICATIONS

David Mason | Construction Supervisor | 402-421-0390
5400 S.16th St. Lincoln Ne. 68512

Eagle
Communications

From: Tony Carroll <Tony.Carroll@vyvebb.com>
Sent: Monday, December 21, 2020 9:07 AM
To: Tracey Buettner <tbuettner@norfolknelaw.com>
Subject: RE: Correspondence from Tracey Buettner

This is acceptable with us as long as easement remains for our utilities.

From: Brubaker, Gregory <gregory.c.brubaker@ftr.com>
Sent: Monday, October 26, 2020 2:32 PM
To: Tracey Buettner
Cc: Bohler, Scott; Shannon, Mark; Natasha Rector
Subject: RE: Vacation of Columbus, NE Alley

Tracey,

Frontier can agree to the vacation of the alley in question if we can work with the City to tweak the language in section 2 to more clearly state that the City is reserving an easement for itself and for any public utilities and cable television providers with existing facilities located on, above, or below the alley. I am a little concerned that a future property owner may interpret that clause as only reserving an easement for the City and try to claim that Frontier is trespassing.

Thanks,
Greg

Gregory C. Brubaker
Associate General Counsel
gregory.c.brubaker@ftr.com
260.461.8903 (o)
260.241.3606 (c)

Prepared by Frontier Attorney/Privilege Review Required—This email and its attachments, if any, may contain information that is private, confidential, or protected by attorney-client, work product or other privileges. If you received this email in error, please delete it from your system without copying it and notify me of the misdirection by reply email.



November 4, 2020

Tracey L. Buettner
Stratton, DeLay, Doele, Carlson, Buettner & Stover, P.C., L.L.O.

Via email to tbuettner@norfolknelaw.com

Re: Good Life Counseling, L.L.C., 20122D

To Whom It May Concern,

This letter is in response to the above-referenced letter received by Great Plains Communications LLC regarding an application for vacation of an alley located at 2277 22nd Avenue, Columbus NE 68601. Great Plains Communications has reviewed its records and the location, determined it has no facilities in that location, **and therefore states the vacation of the alley is acceptable to Great Plains Communications.**

Please contact me at the address below if you have any questions or concerns about this letter.

Regards,

A handwritten signature in black ink, appearing to be "Nick Holle", written in a cursive style.

Nick Holle
Corporate Counsel
Great Plains Communications
402-456-6445
nholle@gpcom.com



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

October 28, 2020

Tracey L. Buettner
Stratton, DeLay, Doele, Carlson, Buettner & Stover, P.C., L.L.O
1353 33rd Ave., Suite #1
Columbus, NE 68601

Dear Ms. Buettner:

Re: Vacate Alley Right-of-Way

Loup Power District has no objection to your request to the City of Columbus to vacate the alley located directly south of the building located at 2277 22nd Avenue, Columbus, NE, 68601; contingent upon converting the entire alley to a permanent easement with no structures being built on this property. This action will allow unobstructed access to the existing overhead power line for repairs and routine maintenance with our equipment.

Please call if you have questions.

Sincerely,

Korey Hobza, P.E.
V.P. of Engineering

KH:mz

C: D. Hellbusch

D. Gasper

R. Bogus, City Engineer

N. Suess



PO Box 634
Blair, NE 68008
402-426-2101

October 29th, 2020

Stratton, Delay, Doele, Carlson, Buettner + Stove, P.C., L.L.O
200 W. Benjamin Avenue
P.O. Box 888
Norfolk, NE 68702-0888

Re: Good Life Counselling, L.L.C.
20122D

Dear Tracey L. Buettner,

This letter is in response to the request to apply for the vacation of the alley located in the middle of the property located at 2277 22nd Ave, Columbus, NE 68601. The application asks that the alley property revert to Laurie Millard as the adjacent property owner, while allowing the City to retain a public utility easement in the alley.

Midstates Data Transport (MDT), the owner of a fiber optic network in and around Columbus, NE, finds the request to vacate the alley at the above-mentioned property acceptable.

Respectfully,

Klint Arnold
COO, Midstates Data Transport

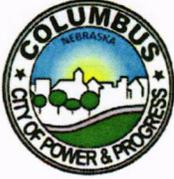
A handwritten signature in blue ink, appearing to read 'Anna Allen', is written over the typed name.

CC: Anna Allen, Midstates Data Transport



ANNA ALLEN

☎ 402-830-0778
✉ anna.allen@turnkey-telecom.com
🌐 www.turnkey-telecom.com
📍 2200 Taylor Ave. Suite 200 | Norfolk, NE



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

January 5, 2021

Tracey L. Buettner

Columbus Ne. 68601

RE: Good Life Counseling, L.L.C Vacation of Alley Easement Located Between 22nd And 23rd Street east of 22nd Ave. In Lots 1 & 2 Block 20, Phillips 3rd Addition.

Dear Tracey:

The City has reviewed site of alley and view no conflicts in the request of vacation of the alley and revert alley back to adjacent property as requested. However the City will retain same public utility easement at same alley width as stated in request.

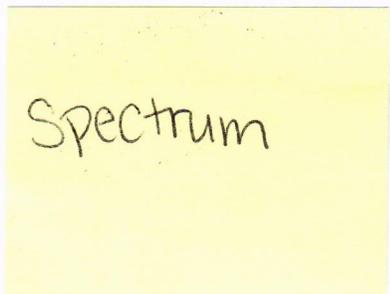
Alley Easement Vacation is so granted.

Sincerely,

Chuck Sliva
Public Works Director
City of Columbus
Phone: 402-562-4260



From: Sherman, Jeffrey M <Jeffrey.M.Sherman@charter.com>
Sent: Monday, December 21, 2020 9:29 AM
To: Tracey Buettner
Cc: Mason, David B
Subject: RE: Correspondence from Tracey Buettner



Were all clear in the alley no issues

3. Implementation of a sidewalk improvement plan or program.



The City of *Columbus*

RESPONSIBLE • RESPONSIVE • REPUTABLE

Administration Office (402) 562-4232

Fax (402) 563-1380

memorandum

DATE: February 2, 2021
TO: Public Property, Safety & Works Committee
FROM: Tara Vasicek, City Administrator
RE: Sidewalk Improvement Plan or Program

Discussion:

Most of our comparable communities have the same sidewalk maintenance policy as Columbus, but several of them have a plan or program in place to monitor condition of sidewalks and communicate with property owners about needed improvements.

Beatrice, NE has a formal sidewalk improvement program. The program still places the requirement of repair and construction upon the property owner, but they have included partial cost reimbursement (up to 25% of the project, with a maximum of \$1,500).

Before proceeding with any of the above, we would like to survey the community to determine if they believe there are deficiencies in Columbus's sidewalks and what, if anything they would like done about it.

Review [Sidewalk Survey](#)

4. **Adjournment.**