

Planning Commission
Monday, August 8, 2022 7:00 PM
Council Chambers
2500 14 Street
Columbus, NE 68601

The Mayor and City Council reserve the right to go into closed session as per Section 84-1410 of the Nebraska Revised Statutes. A current agenda is on file at the office of the city clerk at City Hall, 2500 14 Street, Columbus, Nebraska. For more information, call 402-562-4224 or visit our website at www.columbusne.us.

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

Open Meetings Act

Neb. Rev. Stat. § 84-1407. Act, how cited.

Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

Neb. Rev. Stat. § 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.

Neb. Rev. Stat. § 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; and

(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) Virtual conferencing means conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection (2) of section 84-1412.

Neb. Rev. Stat. § 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.

Neb. Rev. Stat. § 84-1411. Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; virtual meetings 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) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (2)(b) of this section are met:

(i) A state agency, state board, state commission, state council, or state committee, or an advisory committee of any such state entity;

(ii) An organization, including the governing body, created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act;

(iii) The governing body of a public power district having a chartered territory of more than one county in this state;

(iv) The governing body of a public power and irrigation district having a chartered territory of more than one county in this state;

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

(vii) An organization, including the governing body, of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act;

(viii) A community college board of governors;

(ix) The Nebraska Brand Committee;

(x) A local public health department;

(xi) A metropolitan utilities district;

(xii) A regional metropolitan transit authority;

(xiii) A natural resources district; and

(xiv) The Judicial Resources Commission.

(b) The requirements for holding a meeting by means of virtual conferencing are as follows:

(i) Reasonable advance publicized notice is given as provided in subsection (1) of this section, including providing access to a dial-in number or link to the virtual conference;

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as

would be provided if virtual conferencing was not used;

(iii) At least one copy of all documents being considered at the meeting is available at any physical site open to the public where individuals may attend the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; and

(iv) Except as otherwise provided in this subdivision or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. 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, the organization may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing. 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 virtual conferencing if the governing body's quarterly meetings are not held by virtual conferencing.

(3) Virtual conferencing, 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 virtual conferencing. 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 to appear before the public body by means of virtual conferencing.

(7)(a) Notwithstanding subsections (2) and (5) of this section, if an emergency is declared by the Governor pursuant to the Emergency Management Act as defined in section 81-829.39, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the public body gives reasonable advance publicized notice as described in subsection (1) of this section. The notice shall include information regarding access for the public and news media. In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body.

(b) The public body shall provide access by providing a dial-in
Open Meetings Act

number or a link to the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act. Reasonable arrangements shall be made to accommodate the public's right to hear and speak at the meeting and record the meeting. Subsection (4) of this section shall be complied with in conducting such meetings.

(c) The nature of the emergency shall be stated in the minutes. Complete minutes of such meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available for inspection as provided in subsections (5) and (6) of section 84-1413.

Neb. Rev. Stat. § 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, a 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, including meetings held by virtual conferencing. 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 shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

(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 virtual conferencing available at an in-state 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; and

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

(8) Public bodies shall make available at the meeting or the in-state location for virtual conferencing as required by subdivision (6)(c) of this section, 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, either in paper or electronic form. 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.

Neb. Rev. Stat. § 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.

(7) Beginning July 31, 2022, the governing body of a natural resources district, the city council of a city of the metropolitan class, the city council of a city of the primary class, the city council of a city of the first class, the county board of a county with a population greater than twenty-five thousand inhabitants, and the school board of a school district shall make available on such entity's public web site the agenda and minutes of any meeting of the governing body. The agenda shall be placed on the web site at least twenty-four hours before the meeting of

the governing body. Minutes shall be placed on the web site at such time as the minutes are available for inspection as provided in subsection (5) of this section. This information shall be available on the public web site for at least six months.

Neb. Rev. Stat. § 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.

Neb. Rev. Stat. § 84-1415. Open Meetings Act; requirements; waiver; validity of action.

No motion, resolution, rule, regulation, ordinance, or formal action made, adopted, passed, or taken at a meeting as defined in section 84-1409 of a public body as defined in such section shall be invalidated because such motion, resolution, rule, regulation, ordinance, or formal action was made, adopted, passed, or taken at a meeting or meetings on or after March 17, 2020, and on or before April 30, 2021, pursuant to a Governor's Executive Order which waived certain requirements of the Open Meetings Act.

2. Minutes of July 11, 2022, meeting.

PLANNING COMMISSION
August 8, 2022

A meeting of the Planning Commission of the City of Columbus, Nebraska, was convened in open and public session on August 8, 2022, at 7 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on July 27, 2022, with a copy of the proof of publication being on file in the office of the city clerk. Availability of the agenda was communicated in the advance notice and in the notice to the mayor, members of the city council, and members of the planning commission of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

1. **Statement of Compliance with Open Meetings Act and Roll Call:** Chair Mueller announced that a copy of the Open Meetings Act is available at this meeting. Present were Members Steve Anderson, Colleen Bray, Melissa Goc, Tom Lange, Josh Mueller, and Tom Pillen. Members Bob Elsasser, Kim Hoefer, and Fernando Lopez, Jr. were absent and excused. City staff members included City Attorney Gene Schumacher, City Engineer Rick Bogus, and City Clerk Janelle Kline. Also present were Mayor James Bulkley and Council Members Beth Augustine-Schulte, Charlie Bahr, and Ron Schilling.
2. **Minutes of July 11, 2022, meeting:** The minutes were approved as presented with a motion by Bray and a second by Anderson. Anderson, Bray, Goc, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Elsasser, Hoefer, and Lopez were absent.
3. **Public hearing – Application of Ferguson Properties, Inc. for special use permit to allow building coverage to be increased from 40 percent to 50 percent in an "R-2" (Two-Family Residential District) zone located east of intersection of 25 Avenue and 38 Street.** Bogus explained that the increase in building coverage will be consistent with other dwellings in the area and the plans meet all criteria. The public hearing closed with a motion by Bray and a second by Lange. Anderson, Bray, Goc, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Elsasser, Hoefer, and Lopez were absent. A recommendation was made with a motion by Goc and a second by Bray to approve the application of Ferguson Properties, Inc. for a special use permit to allow increased building coverage in an R-2 zone as the area has been developed for townhomes and the increase is permitted with special use permit approval. Anderson, Bray, Goc, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Elsasser, Hoefer, and Lopez were absent.
4. **Public hearing – Application of Platte County Ag Society/Columbus Exposition & Racing for special use permit to allow gaming facilities and commercial recreation in an "RR" (Rural Residential District) zone located at**

822 15 Street. Tom Jackson, on behalf of the applicant, explained the plans for a temporary casino at Ag Park while a casino on the west end of town is being constructed. He explained that the facility would require three million dollars worth of improvements prior to the anticipated opening date of December 1, 2022. Jackson pointed out that Caesar's is committed to providing financial and relocation assistance for any scheduled events that would be affected. Kyle Gaston, 1310 2 Street; Barb Cave, 2014 31 Street; Bridget Wemhoff, 121 S. Parkway; Diana Foust, 3811 2 Street; and Bob Kuta, 109 S. Parkway, expressed concerns with scheduled events that would be affected and it was noted that this public hearing is to consider a special use permit to allow gaming in an RR zone and any issues with scheduling should be addressed with Platte County Ag Society. Cave and Augustine-Schulte expressed opposition due to concerns for safety with temporary gaming at this location as it is in residential and industrial areas and near two cemeteries. The public hearing closed with a motion by Bray and a second by Anderson. Anderson, Bray, Goc, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Elsasser, Hoefler, and Lopez were absent. A recommendation was made with a motion by Anderson and a second by Lange to approve the application of Platte County Ag Society/Columbus Exposition & Racing for a special use permit to allow operation of gaming facilities and commercial recreation in an RR zone as the special use is permitted in the Unified Land Development Ordinance. Anderson, Bray, Goc, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Elsasser, Hoefler, and Lopez were absent.

5. Building report for July 2022. The building report was approved as presented with a motion by Anderson and a second by Goc. Anderson, Bray, Goc, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Elsasser, Hoefler, and Lopez were absent.

6. Adjournment: The meeting adjourned at 7:28 p.m.

OFFICE OF THE CITY CLERK

: Janelle Kline

- 3. Public hearing - Application of Ferguson Properties, Inc. for special use permit to allow building coverage to be increased from 40 percent to 50 percent in an "R-2" (Two-Family Residential District) zone located east of intersection of 25 Avenue and 38 Street.**

**NOTICE OF HEARING
TO ALL PARTIES IN INTEREST AND CITIZENS OF
COLUMBUS, NEBRASKA**

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, August 8, 2022, at 7 p.m. on the application for a Special Use Permit to allow the building coverage to be increased from 40 percent to 50 percent on the following described real estate in an "R-2" (Two-Family Residential District) zone: Lots 1 through 9, Deerfield Park Townhouse Addition to the City of Columbus, Platte County, Nebraska, (east of intersection of 25 Avenue and 38 Street) and at said time and place you may appear and be heard.

CITY OF COLUMBUS, NEBRASKA
Janelle Kline, City Clerk

Publish: 07:28:22
Two Affidavits of Publication

**CITY OF COLUMBUS
MEMORANDUM**

DATE: 08/02/2022

FROM: Building and Engineering Departments

TO: City Administrator Tara Vasicek

RE: Special Use Permit to allow increased building coverage in an R-2 zone.

RECOMMENDATION:

Recommend approval of the Special Use Permit to allow building coverage to be increased from 40 percent to 50 percent in an R-2 zone in the vicinity of 25 Avenue and 38 Street. This area has been developed for townhomes and the increase in building coverage is permitted with Special Use Permit approval.

DISCUSSION:

An application was received for a Special Use Permit to allow building coverage to be increased from 40 percent to 50 percent in an R-2 zone.

FISCAL IMPACT:

None

ALTERNATIVE:

Deny the Special Use Permit

SIGNATURE:

By: Andrew J. Woehrer

By: Richard J. Bogus

Approved By: 

SPECIAL USE PERMIT APPLICATION

An application for a Special Use Permit may be filed with the Community Development Director's Office. Any such application will not be deemed submitted until all of the stated information is included. It is the responsibility of the applicant to provide all of the requested information. Incomplete applications WILL NOT be placed on the Planning Commission Agenda until all such missing information is provided. Such completed application shall be submitted to the Community Development Director's Office at least 21 calendar days (including holidays) before the Planning Commission meeting at which time the public hearing on the application will be held.

APPLICANT/PROPERTY OWNER NAME: Ferguson Properties, Inc.,

APPLICANT MAILING ADDRESS: 3154 18th Ave., Columbus, NE 68601

APPLICANT PHONE NUMBER: 402-910-3228

APPLICANT EMAIL ADDRESS: jpferg@frontier.com

LEGAL REPRESENTATION FIRM/ATTORNEY: Clark J. Grant

ATTORNEY PHONE NUMBER: 402-564-3274

ATTORNEY E-MAIL ADDRESS: clark@grantattorney.com

ADDRESS OF PROPERTY: East of intersection of 26th Ave. and 38th Street, Columbus, Nebraska.

LEGAL DESCRIPTION OF PROPERTY:

Lots 1 through 9, Deerfield Park Townhouse Addition to the City of Columbus, Platte County, Nebraska.

PRESENT ZONING CLASSIFICATION: "R-2" (Two-Family Residential)

DESCRIPTION OF THE REASON FOR THE SPECIAL USE PERMIT APPLICATION:

To increase the maximum building coverage from 40% to 50%.

NATURE AND OPERATING CHARACTERISTICS OF THE PROPOSED USE: (Include aerial image of proposed development on property and existing surrounding zoning classifications, any graphic information, including site plans, elevations or other drawings, necessary to describe the proposed use)

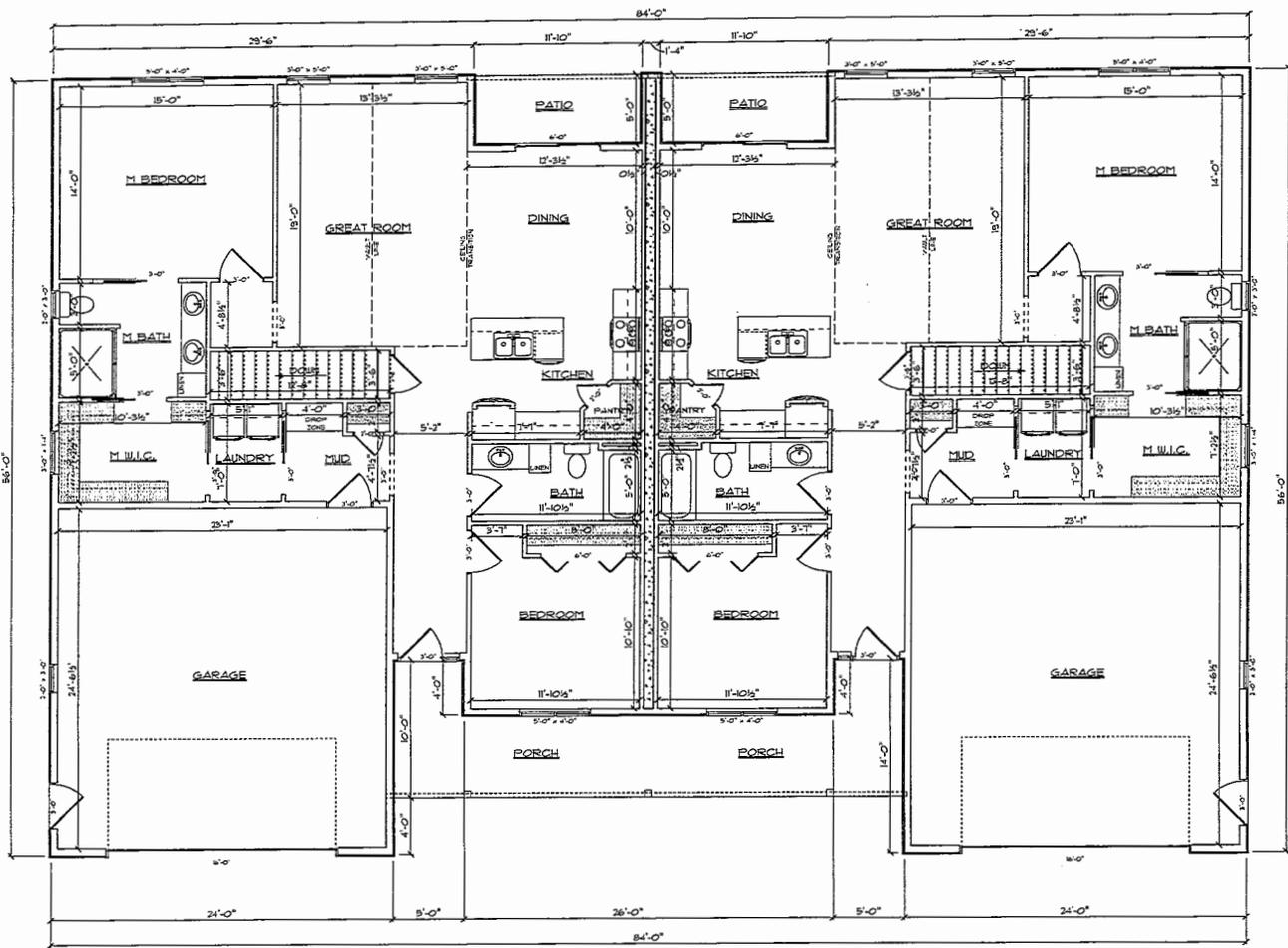
See attached building plans, Assessor Map and City Zoning Map.

I hereby apply for a Special Use Permit and have paid the \$500 application fee.

DATED THIS 18 DAY OF July, 2022.



Owner or Owner's Representative



MAIN FLOOR PLAN
NOTE: 9'-0" CEILINGS UNLESS NOTED

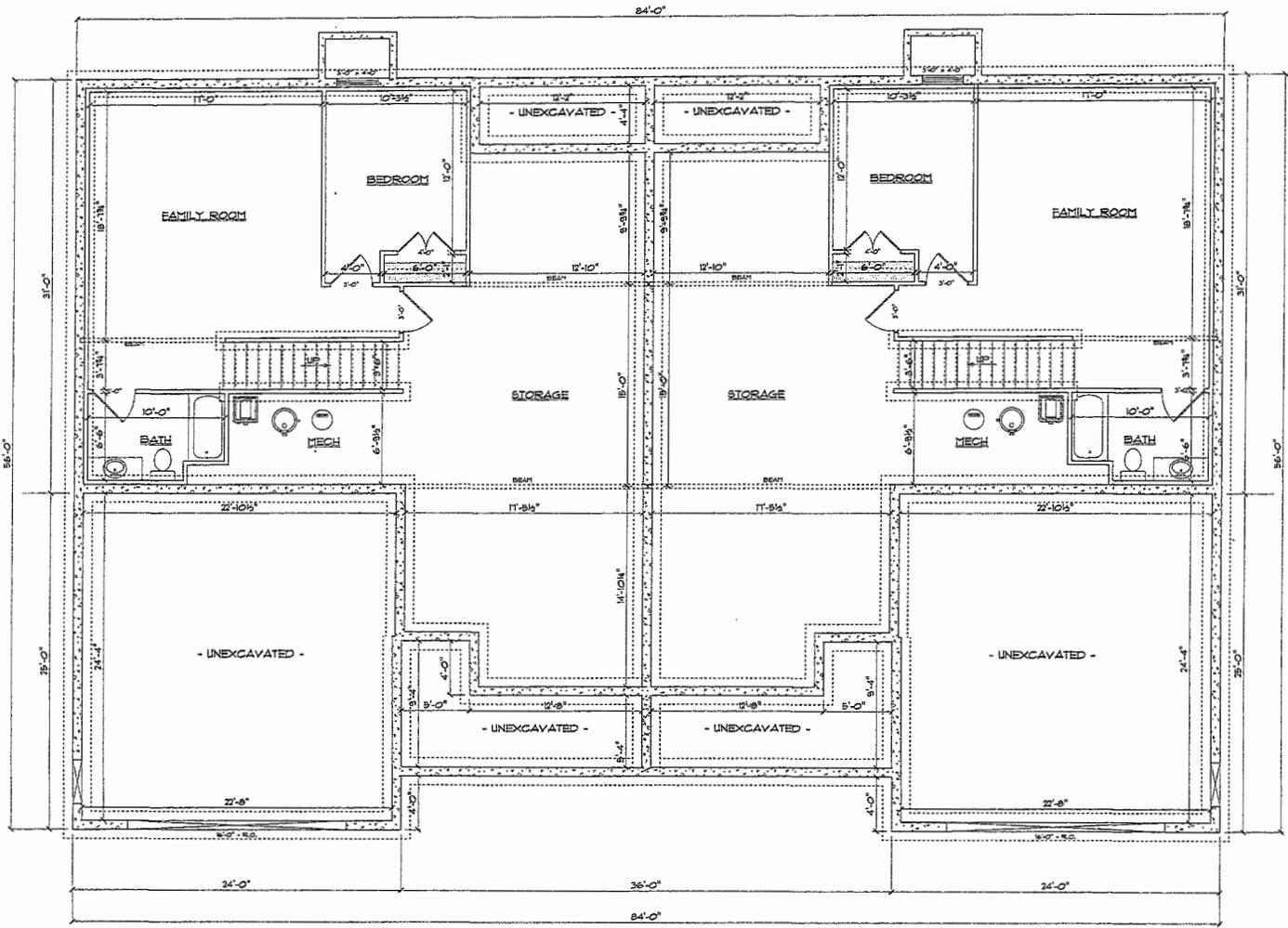
REVISIONS	
NO.	DESCRIPTION

HLZ designs
COLUMBUS, NE 68801
HLZdesigns@outlook.com
402-370-8303



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FERGUSON TOWNHOUSE 2
-6- BULDERS



FOUNDATION PLAN
 NOTE: 9'-0" CEILINGS UNLESS NOTED

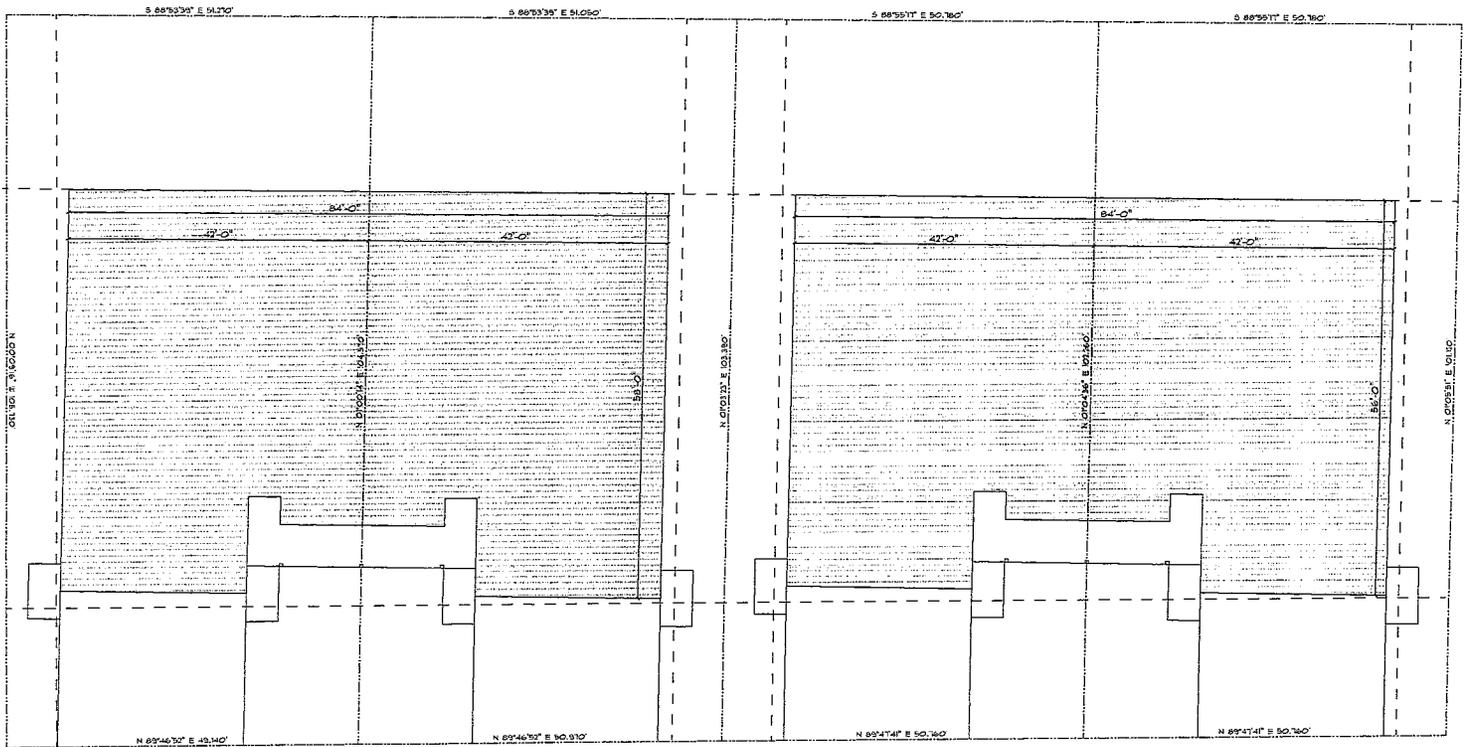
HLZ designs
 COLLINS, NE 68601
 HLZdesigns@outlook.com
 402-370-9003



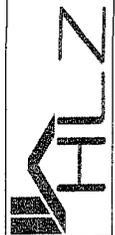
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FERGUSON TOWNHOUSE 2
 AXA BUILDERS

SCALE: 1/4" = 1'-0"	DATE: 08/20/2024
DRAWN BY: JLD	PROJECT: 24-02
CHECKED BY: JLD	CLIENT: AXA BUILDERS



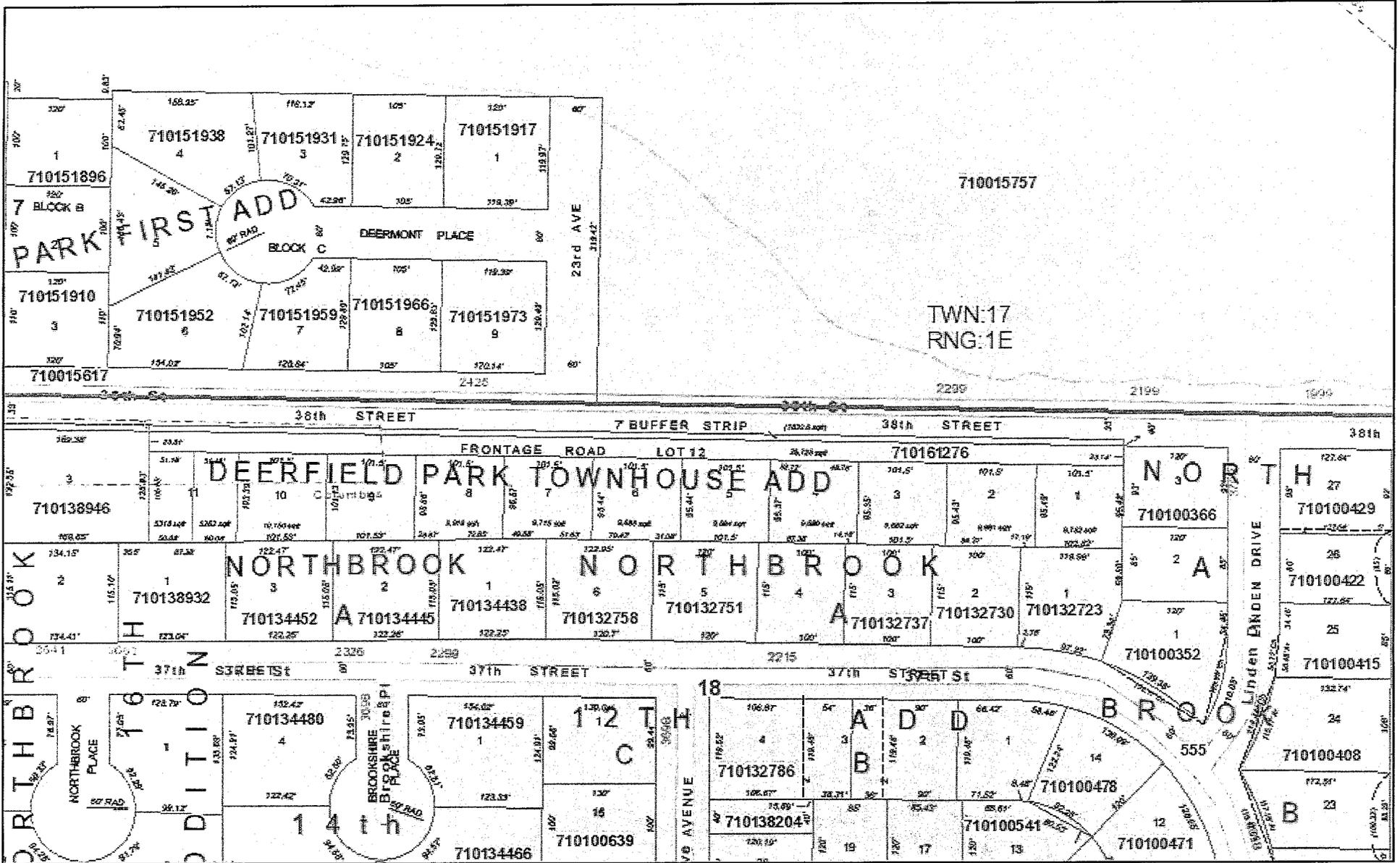
HLZ designs
 COLUMBUS, NE 68901
 HLZdesigns@outlook.com
 402-370-8303



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FERGUSON TOWNHOUSE 2
 - 0 - BUILDERS

DATE	BY	CHKD	APP'D
01/15/2024	HLZ	HLZ	HLZ
PROJECT	NO.	REV.	DATE
FERGUSON TOWNHOUSE 2	01	01	01/15/2024

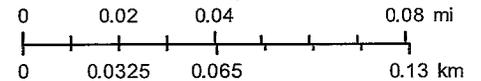


July 18, 2022

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:2,545

- Lot Lines
- Sections
- Parcels
- Townships



City of Columbus NE, Zoning & FLU



July 18, 2022

1:4,514
0 0.03 0.06 0.11 mi
0 0.04 0.09 0.18 km
Esri, HERE, Garmin, GeoTechnologies, Inc., Maxar

4. **Public hearing - Application of Platte County Ag Society/Columbus Exposition & Racing for special use permit to allow gaming facilities and commercial recreation in an "RR" (Rural Residential District) zone located at 822 15 Street.**

**NOTICE OF HEARING
TO ALL PARTIES IN INTEREST AND CITIZENS OF
COLUMBUS, NEBRASKA**

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, August 8, 2022, at 7 p.m. on the application for a Special Use Permit to allow gaming facilities and commercial recreation on the following described real estate in an "RR" (Rural Residential District) zone: Commencing at the Southeast corner of Block 7, Columbus Industrial Site, City of Columbus, Platte County, Nebraska; thence North on the East line of said Block 7, 325 feet; thence East and perpendicular to said East line, 760 feet to the Point of Beginning; thence East and perpendicular to said East line, 500 feet; thence South and parallel to said East line, 375 feet; thence West and perpendicular to said East line, 500 feet; thence North and parallel to said East line, 375 feet to the Point of Beginning, containing 4.3 acres, more or less (822 15 Street) and at said time and place you may appear and be heard.

CITY OF COLUMBUS, NEBRASKA
Janelle Kline, City Clerk

Publish: 07:28:22
Two Affidavits of Publication

**CITY OF COLUMBUS
MEMORANDUM**

DATE: 08/02/2022

FROM: Building and Engineering Departments

TO: City Administrator Tara Vasicek

RE: Special Use Permit to allow operation of gaming facilities and commercial recreation.

RECOMMENDATION:

Recommend approval of the Special Use Permit to allow the operation of gaming facilities and commercial recreation in an RR zone, which has been added as a permitted use in the Unified Land Development Ordinance.

DISCUSSION:

An application was received for a Special Use Permit to allow the operation of gaming facilities and commercial recreation in an RR zone.

FISCAL IMPACT:

None

ALTERNATIVE:

Deny the Special Use Permit

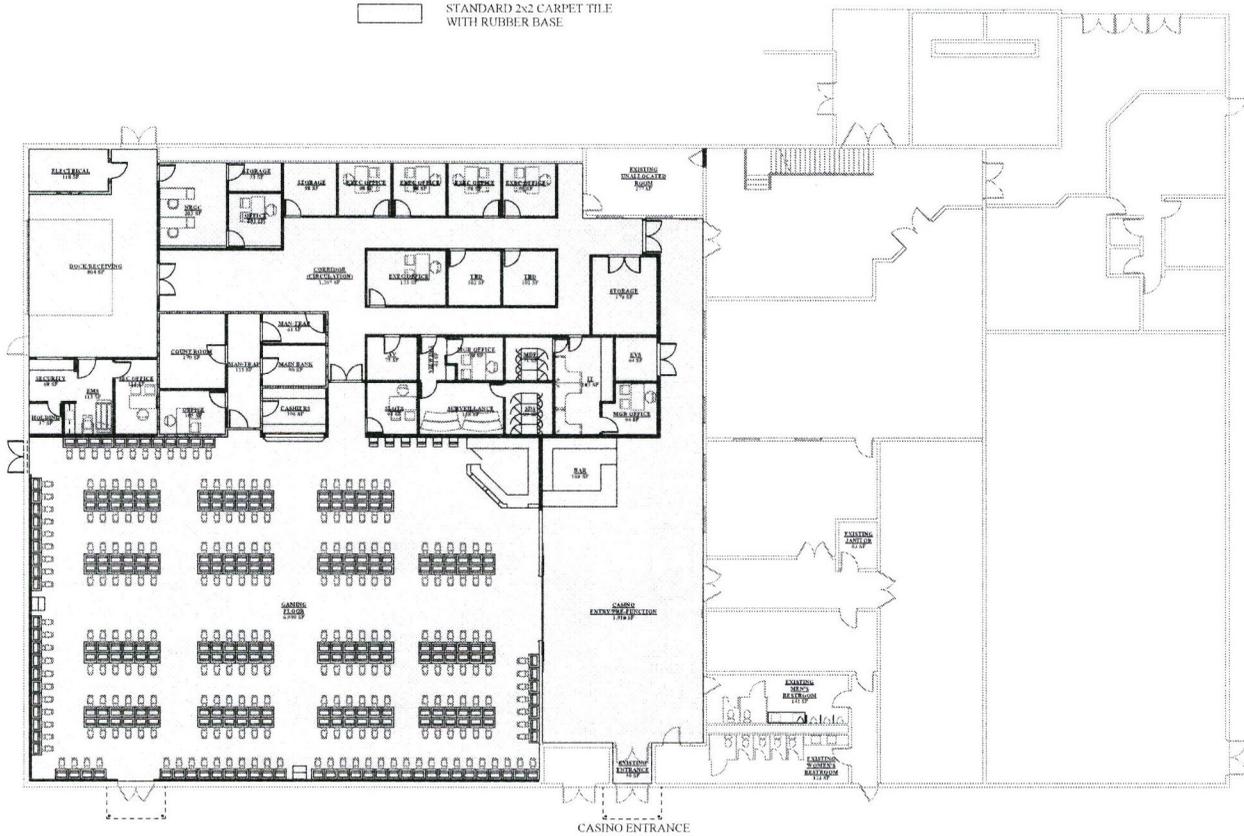
SIGNATURE:

By: Andrew J. Woehrer

By: Richard J. Bogus

Approved By: 

-  EXISTING FLOORING TO REMAIN NEW ROOMS TO RECEIVE RUBBER BASE
-  STANDARD 2x2 CARPET TILE WITH RUBBER BASE



PROPOSED TEMPORARY CASINO - FINISHED FLOOR PLAN
 DATE: 10-10-10

MONTGOMERY ROTH
 ARCHITECTURE &
 INTERIOR DESIGN, LLC
 1000 UNIVERSITY AVENUE, SUITE 300
 HOUSTON, TEXAS 77002
 TEL: 713-515-8800
 FAX: 713-515-8801



NOT FOR
 CONSTRUCTION

HARRAH'S
 TEMPORARY CASINO
 (PLATTE COUNTY AG
 PARK)
 822 13th St, Columbus, NE 68601

PROPOSED
 TEMPORARY CASINO -
 FINISHED FLOOR PLAN

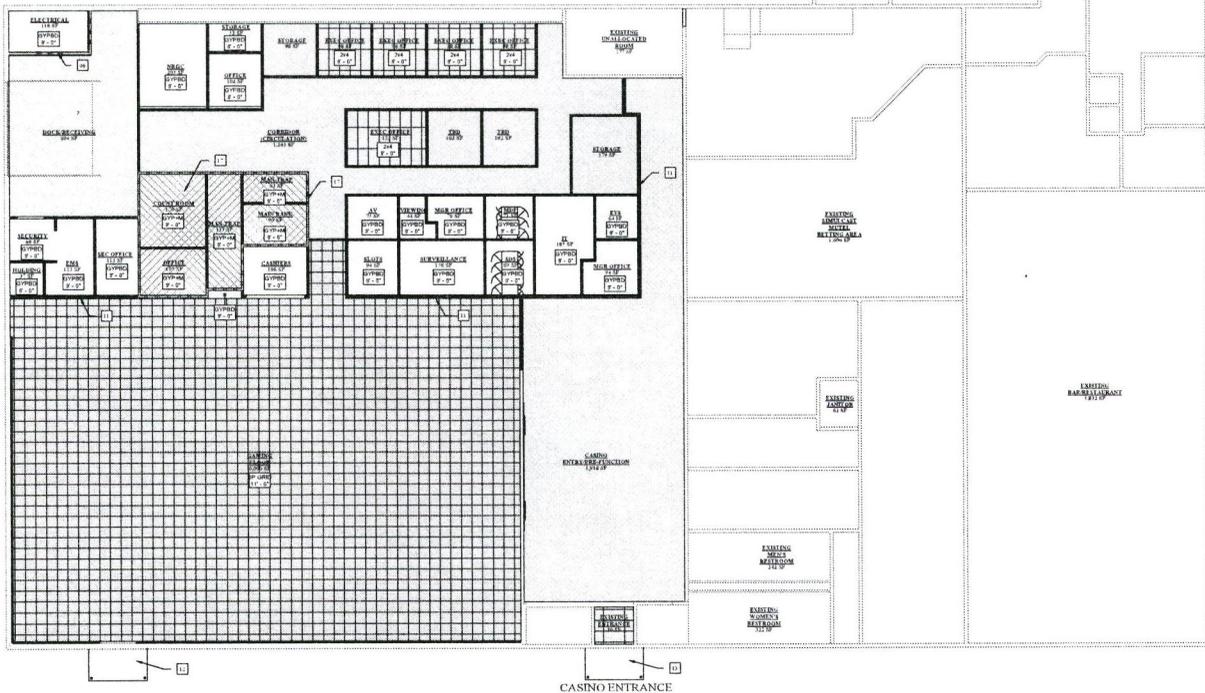
2657-002
 CONCEPTUAL LAYOUT
 12.2008 REV.

Project Number:	2657-002
Revision:	12.2008

A211

PROJECT KEYNOTES	
KEY	KEYNOTE TEXT
01	NEW OPERATED WALL CASING
11	NEW 1/2" x 1/2" METAL GRID WALL
12	EXISTING CASING TO REMAIN
13	EXISTING MASONRY WITH COVERED JOISTS TO REMAIN. FINISH AND INSTALL A NEW MESH LIGHT FIXTURE WITH PERFORATED LENS AND SPOT, OR AREA OF BUILDING FACE APPROX. 10' x 10'
14	EXISTING, NEW MESH TO REMAIN, FINISH GYPSUM AND GRID FRAMING

-  OPEN TO EXISTING CEILING ABOVE
-  EXPOSED 2x2" SUSPENDED CEILING GRID SYSTEM (11'-0" AFF), NO ACOUSTICAL TILES
-  PAINTED GYP BD CEILING (9'-0" TYPICAL)
-  SUSPENDED 2x4" ACT CEILING SYSTEM (9'-0" TYPICAL)
-  PAINTED GYP BD CEILING W/ SECURITY MESH (9'-0" TYPICAL)



PROPOSED TEMPORARY CASINO - REFLECTED
 1. REFLECTED PLAN
 SCALE: 1/8" = 1'-0"

MONTGOMERY RUTH
 ARCHITECTURE &
 INTERIOR DESIGN, LLC
 3121 WASHINGTON A. SUITE 200
 FORT WASHINGTON, PA 19073
 TEL: 215-635-8800
 FAX: 215-635-8801



NOT FOR
 CONSTRUCTION

HARRAH'S
 TEMPORARY CASINO
 (PLATTE COUNTY AG
 PARK)
 822 15th St. Columbus, NE 68601

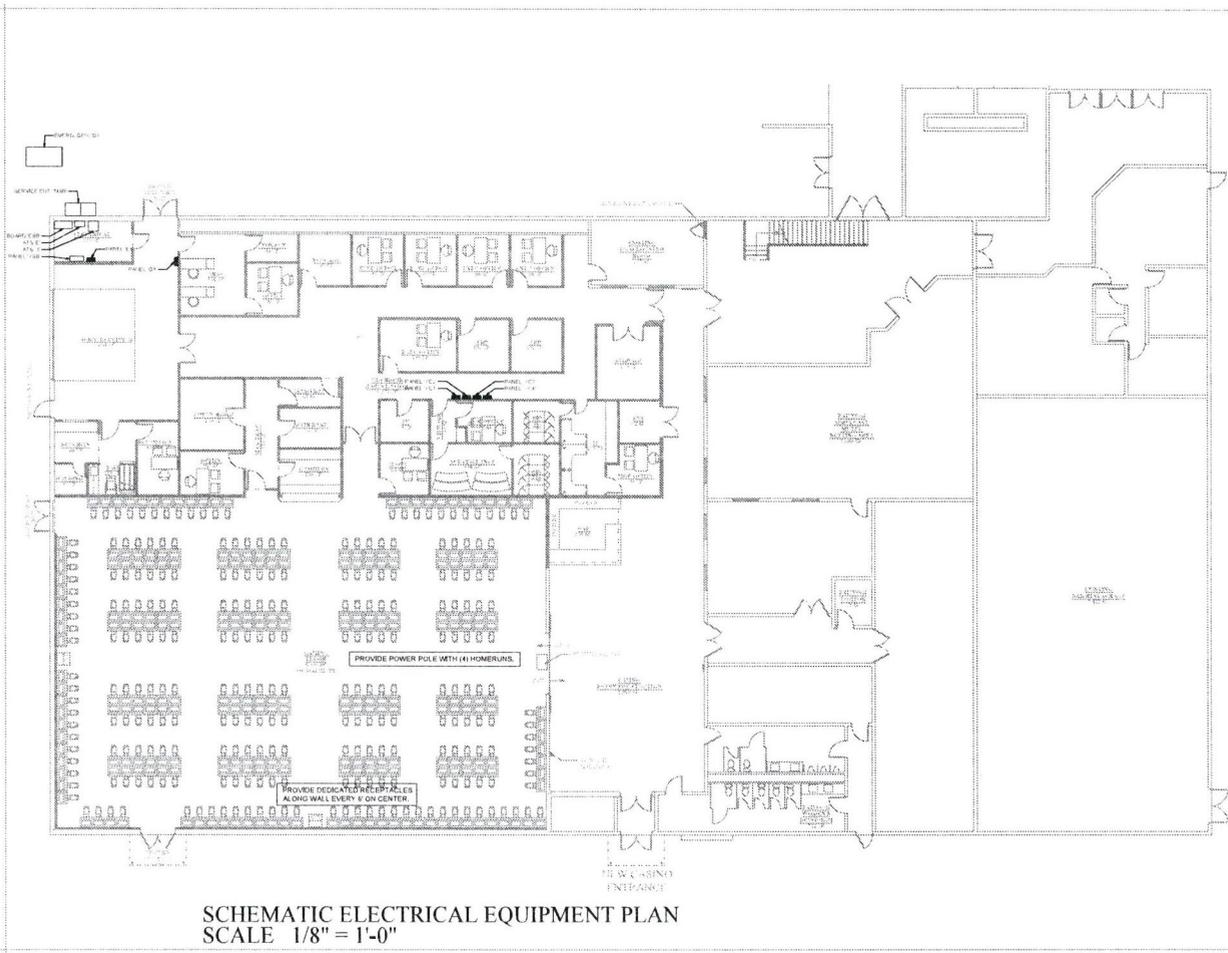
PROPOSED
 TEMPORARY CASINO -
 REFLECTED CEILING
 PLAN

2657-002
 CONCEPTUAL LAYOUT
 11/20/11

Project Number	2657-002
Revision	01

Date: 11/20/11

A221



CONSULTING ENGINEER
 ARCHITECTURAL FIRM
 10000 W. 10th Ave.
 Suite 1000
 Denver, CO 80202
 (303) 751-1000



NOT FOR
 CONSTRUCTION

TEMPORARY
 HARKNESS CASINO
 (BLAFTLE COUNTY AG
 PARK)

29857-002
 10/10/2010

E001

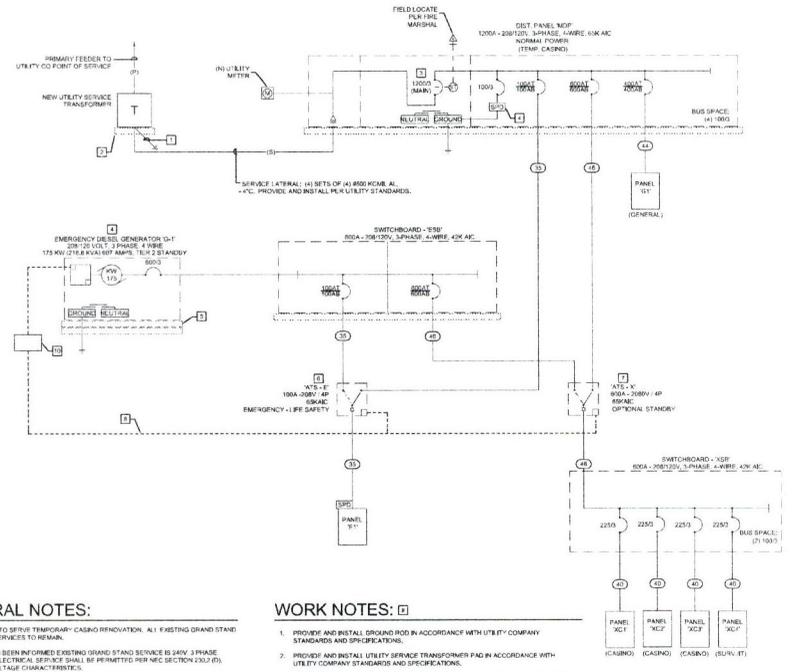
600 VOLT FEEDER SCHEDULE - COPPER AND ALUMINUM

3-PHASE, 3-WIRE DISTRIBUTION FEEDERS								
FEEDER DESIGNATION	AMPERAGE	PHASE CONDUCTORS (CU)		NEUTRAL CONDUCTORS (CU)		EOP GROUND CONDUCTORS (CU)		CONDUIT SIZE
		QUANTITY	SIZE (INCHES)	QUANTITY	SIZE	QUANTITY	SIZE	
1	20	3	#12	0	N/A	1	#12	3/4"
2	30	3	#10	0	N/A	1	#10	3/4"
3	40	3	#8	0	N/A	1	#8	3/4"
4	50	3	#6	0	N/A	1	#6	1 1/8"
5	60	3	#4	0	N/A	1	#4	1 1/8"
6	80	3	#3	0	N/A	1	#3	1 5/8"
7	100	3	#2	0	N/A	1	#2	1 5/8"
8	100	3	#1	0	N/A	1	#1	1 5/8"
9	125	3	#20	0	N/A	1	#4	2"
10	150	3	#16	0	N/A	1	#4	2"
11	175	3	#10	0	N/A	1	#4	2 1/2"
12	200	3	#8	0	N/A	1	#4	2 1/2"
13	225	3	#6	0	N/A	1	#4	2 1/2"
14	250	3	#5	0	N/A	1	#4	2 1/2"
15	300	3	#3	0	N/A	1	#4	2 1/2"
16	300	6 (2 SETS)	#40	0	N/A	2	#1	(2) 2"
17	400	6 (2 SETS)	#30	0	N/A	2	#1	(2) 2 1/2"
18	500	6 (2 SETS)	#20	0	N/A	2	#1/2	(2) 3"
19	600	6 (2 SETS)	#16	0	N/A	2	#1/2	(2) 3"
20	800	6 (2 SETS)	#10	0	N/A	2	#1/2	(2) 3"
21	1000	12 (4 SETS)	#8	0	N/A	4	#1/2	(4) 3"
22	1200	12 (4 SETS)	#6	0	N/A	4	#1/2	(4) 3"
23	1600	16 (8 SETS)	#4	0	N/A	8	#1/2	(8) 3"
24	2000	20 (7 SETS)	#3	0	N/A	7	#1/2	(7) 3"
25	2600	26 (8 SETS)	#2	0	N/A	8	#1/2	(8) 3"
26	3000	30 (8 SETS)	#1	0	N/A	8	#1/2	(8) 3"
27	4000	33 (11 SETS)	#1/2	0	N/A	11	#1/2	(11) 4"

3-PHASE, 4-WIRE DISTRIBUTION FEEDERS								
FEEDER DESIGNATION	AMPERAGE	PHASE CONDUCTORS (CU)		NEUTRAL CONDUCTORS (CU)		EOP GROUND CONDUCTORS (CU)		CONDUIT SIZE
		QUANTITY	SIZE (INCHES)	QUANTITY	SIZE	QUANTITY	SIZE	
28	25	3	#12	1	#12	1	#12	3/4"
29	30	3	#10	1	#10	1	#10	3/4"
30	40	3	#8	1	#8	1	#8	1 1/8"
31	50	3	#6	1	#6	1	#8	1 1/8"
32	60	3	#4	1	#4	1	#8	1 1/8"
33	80	3	#3	1	#3	1	#8	1 1/2"
34	100	3	#2	1	#2	1	#8	1 1/2"
35	100	3	#1	1	#1	1	#8	1 1/2"
36	125	3	#20	1	#20	1	#4	2"
37	150	3	#16	1	#16	1	#4	2 1/2"
38	175	3	#10	1	#10	1	#4	2 1/2"
39	200	3	#8	1	#8	1	#4	2 1/2"
40	225	3	#6	1	#6	1	#4	2 1/2"
41	250	3	#5	1	#5	1	#4	2 1/2"
42	300	3	#3	1	#3	1	#4	2 1/2"
43	300	6 (2 SETS)	#40	2	#40	2	#1	(2) 2 1/2"
44	400	6 (2 SETS)	#30	2	#30	2	#1	(2) 2 1/2"
45	500	6 (2 SETS)	#20	2	#20	2	#1/2	(2) 3"
46	600	6 (2 SETS)	#16	2	#16	2	#1/2	(2) 3"
47	800	6 (2 SETS)	#10	2	#10	2	#1/2	(2) 3"
48	1000	12 (4 SETS)	#8	4	#8	4	#1/2	(4) 3"
49	1200	12 (4 SETS)	#6	4	#6	4	#1/2	(4) 3"
50	1600	16 (8 SETS)	#4	8	#4	8	#1/2	(8) 3"
51	2000	20 (7 SETS)	#3	7	#3	7	#1/2	(7) 3"
52	2600	26 (8 SETS)	#2	8	#2	8	#1/2	(8) 3"
53	3000	30 (8 SETS)	#1	8	#1	8	#1/2	(8) 3"
54	4000	33 (11 SETS)	#1/2	11	#1/2	11	#1/2	(11) 4"

DISTRIBUTION TRANSFORMER SECONDARY FEEDERS (208V SECONDARY)								
FEEDER DESIGNATION	AMPERAGE	PHASE CONDUCTORS (CU)		NEUTRAL CONDUCTORS (CU)		SYSTEM SUPPLY-SIDE BONDING JUNCTION CONDUCTORS (CU)		CONDUIT SIZE
		QUANTITY	SIZE (INCHES)	QUANTITY	SIZE	QUANTITY	SIZE	
455	150	3	#10	1	#10	1	#8	2"
456	175	3	#8	1	#8	1	#6	2 1/2"
457	225	3	#6	1	#6	1	#6	3"
1105	400	6 (2 SETS)	#20	2	#20	2	#20	(2) 3"
1005	800	6 (2 SETS)	#16	2	#16	2	#16	(2) 3"
2555	800	9 (3 SETS)	#10	3	#10	3	#10	(3) 3"
3005	1700	12 (4 SETS)	#8	4	#8	4	#8	(4) 3"
6006	1600	16 (8 SETS)	#6	8	#6	8	#6	(8) 3"
7000	1600	16 (8 SETS)	#4	8	#4	8	#4	(8) 3"
9000	1000	10 (3 SETS)	#3	3	#3	3	#3	(3) 3"

FEEDER DESIGNATION	AMPERAGE	PHASE CONDUCTORS (AL)		NEUTRAL CONDUCTORS (AL)		EOP GROUND CONDUCTORS (AL)		CONDUIT SIZE
		QUANTITY	SIZE (INCHES)	QUANTITY	SIZE	QUANTITY	SIZE	
1	20	3	#12	0	N/A	1	#12	3/4"
2	30	3	#10	0	N/A	1	#10	3/4"
3	40	3	#8	0	N/A	1	#8	3/4"
4	50	3	#6	0	N/A	1	#6	1 1/8"
5	60	3	#4	0	N/A	1	#4	1 1/8"
6	80	3	#3	0	N/A	1	#3	1 5/8"
7	100	3	#2	0	N/A	1	#2	1 5/8"
8	100	3	#1	0	N/A	1	#1	1 5/8"
9	125	3	#20	0	N/A	1	#4	2"
10	150	3	#16	0	N/A	1	#4	2"
11	175	3	#10	0	N/A	1	#4	2 1/2"
12	200	3	#8	0	N/A	1	#4	2 1/2"
13	225	3	#6	0	N/A	1	#4	2 1/2"
14	250	3	#5	0	N/A	1	#4	2 1/2"
15	300	3	#3	0	N/A	1	#4	2 1/2"
16	300	6 (2 SETS)	#40	0	N/A	2	#1	(2) 2"
17	400	6 (2 SETS)	#30	0	N/A	2	#1	(2) 2 1/2"
18	500	6 (2 SETS)	#20	0	N/A	2	#1/2	(2) 3"
19	600	6 (2 SETS)	#16	0	N/A	2	#1/2	(2) 3"
20	800	6 (2 SETS)	#10	0	N/A	2	#1/2	(2) 3"
21	1000	12 (4 SETS)	#8	0	N/A	4	#1/2	(4) 3"
22	1200	12 (4 SETS)	#6	0	N/A	4	#1/2	(4) 3"
23	1600	16 (8 SETS)	#4	0	N/A	8	#1/2	(8) 3"
24	2000	20 (7 SETS)	#3	0	N/A	7	#1/2	(7) 3"
25	2600	26 (8 SETS)	#2	0	N/A	8	#1/2	(8) 3"
26	3000	30 (8 SETS)	#1	0	N/A	8	#1/2	(8) 3"
27	4000	33 (11 SETS)	#1/2	0	N/A	11	#1/2	(11) 4"



GENERAL NOTES:

1. NEW SERVICE TO SERVE TEMPORARY CASINO RENOVATION. ALL EXISTING GRAND STAND ELECTRICAL SERVICES TO REMAIN.
2. ENGINEER HAS BEEN INFORMED EXISTING GRAND STAND SERVICE IS 240V, 3-PHASE DELTA. NEW ELECTRICAL SERVICE SHALL BE PERMITTED PER NEC SECTION 250.7(D). DIFFERENT VOLTAGE CHARACTERISTICS.

WORK NOTES:

1. PROVIDE AND INSTALL GROUND ROD IN ACCORDANCE WITH UTILITY COMPANY STANDARDS AND SPECIFICATIONS.
2. PROVIDE AND INSTALL UTILITY SERVICE TRANSFORMER PAD IN ACCORDANCE WITH UTILITY COMPANY STANDARDS AND SPECIFICATIONS.
3. PROVIDE ISOLATION ON MAIN DISCONNECT TO INFORM OCCUPANTS THAT THE BUILDING IS POWERED FROM MAIN TRIP SOURCES.
4. PROVIDE METAL TEST AND COMMISSION (T&C) (10 AMP) STATIONARY DIESEL FUEL EMERGENCY POWER GENERATOR. 200-220 VOLT, 3-PHASE, 4 WIRE, 150 KW POWER FACTOR. 50 AMP ADJUSTABLE ELECTRONIC TRIP CIRCUIT BREAKER WITH GROUND FAULT RELAY. GENERATOR ENCLOSURE SHALL BE RATED FOR 75 DBA AT 25' MEET EMPHROOF (THERMAL INSULATION). PROVIDE EXHAUST COOLING SYSTEM RATED FOR 30,000 CFM. PROVIDE OIL HEATER BATTERY CHARGER. REMOTE ANNUNCIATOR PANEL.
5. PROVIDE DOUBLE WALL SUB-BASE FUEL TANK SIZED FOR 12-HOUR RUNTIME AT FULL LOAD.
6. PROVIDE TEST AND COMMISSION NEW 100 AMP, 1 POLE, 600 VOLT RATED AUTOMATIC TRANSFER SWITCH. ADJUSTABLE TIME DELAY OPEN TRANSITION. CONTACTS TYPE TRANSFORMER SHALL BE PROVIDED BY GENERATOR MANUFACTURER. TRANSFER SWITCH SHALL SERVE EMERGENCY LIFE SAFETY LOADS.
7. PROVIDE TEST AND COMMISSION NEW 800 AMP, 4 POLE, 600 VOLT RATED AUTOMATIC TRANSFER SWITCH. ADJUSTABLE TIME DELAY OPEN TRANSITION. CONTACTS TYPE TRANSFORMER SHALL BE PROVIDED BY GENERATOR MANUFACTURER. TRANSFER SWITCH SHALL SERVE OPTIONAL STANDBY LOADS.
8. PROVIDE (1) 1" WITH REQUIRED CONTROL WIRING FOR A'S STATUS. GENERATOR RUN, REMOTE ANNUNCIATOR, BREAK TRIP, ETC. AS RECOMMENDED BY GENERATOR MANUFACTURER.
9. GENSET REMOTE ANNUNCIATOR AND CONTROL PANEL. LOCATE IN SECURITY ROOM.

ELECTRICAL SCHEMATIC SINGLE LINE

E002

TWIN:17
RNG:1E

710020237

710017206

760'

500'

Block 7, Columbus
Industrial Site

325'

10th Avenue

Point of Beginning

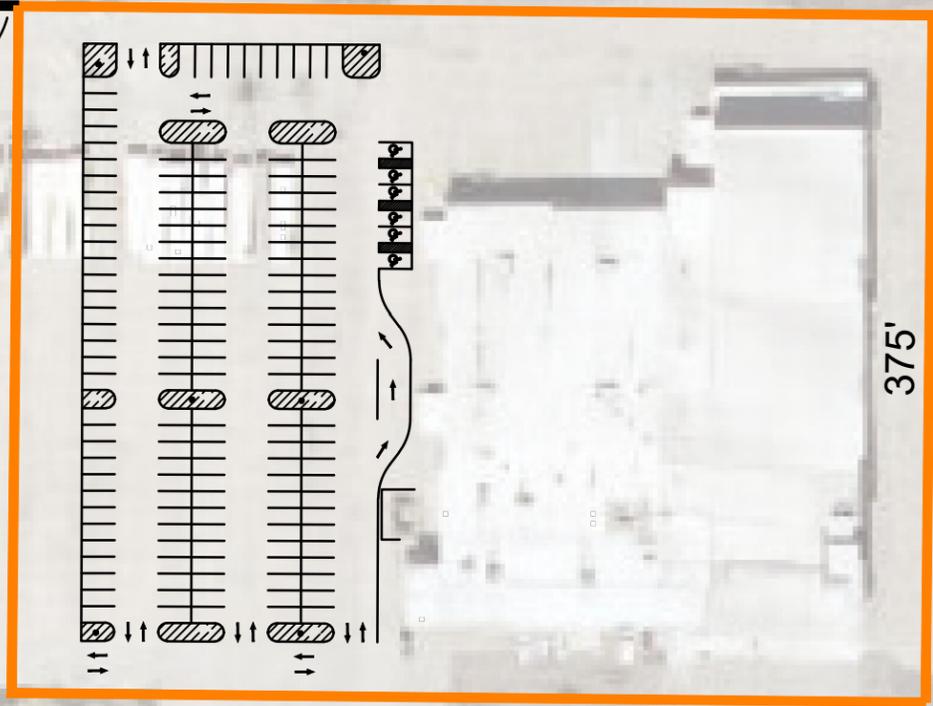
375'

Point of Beginning

15th Street

375'

500'



5. Building report for July 2022.

City of Columbus
Building Department Monthly Report

08/03/2022

	July 2022		July 2021			
	Count	Permit Fees	Value	Count	Permit Fees	Value
Accessory Structure	5	\$366.64	\$45600.00	3	\$376.46	\$67690.00
Com Addition	1	\$25389.38	\$12000000.00	1	\$1996.69	\$754900.00
Com Alteration	1	\$1420.15	\$408919.00	5	\$3106.40	\$947560.00
Com New Construction	0	\$0.00	\$0.00	1	\$1987.50	\$750000.00
Com Plumbing	0	\$0.00	\$0.00	2	\$203.00	\$35000.00
Deck	3	\$506.57	\$86000.00	7	\$484.12	\$66875.00
Demolition	1	\$55.00	\$25000.00	1	\$25.00	\$5000.00
Fence	18	\$515.00	\$84340.00	28	\$650.00	\$79699.84
Gas line	52	\$1664.00	\$25505.00	0	\$0.00	\$0.00
Gas Piping	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Res Addition	2	\$344.31	\$51238.00	2	\$689.70	\$142000.00
Res Alteration	3	\$714.42	\$152754.63	12	\$1618.62	\$289690.00
Res New Construction	14	\$11969.36	\$3440211.00	17	\$4908.20	\$2902333.00
Res Plumbing	41	\$1842.00	\$208432.00	22	\$414.00	\$53100.00
Res Pool	1	\$27.50	\$2000.00	2	\$678.15	\$139000.00
Residential Construction	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Signs	1	\$35.00	\$10930.00	1	\$30.00	\$2500.00
Sprinklers	8	\$162.00	\$29964.00	1	\$17.00	\$3000.00
Water Softner/RO	0	\$0.00	\$0.00	0	\$0.00	\$0.00
YEAR TOTAL	151	\$45,011.33	\$16,570,893.63	105	\$17,184.54	\$8,683,680.84

Population: All Records
Permit.DateIssued Between 7/1/2021 12:00:00 AM
AND 7/30/2022 12:00:00 AM

6. Adjournment.