

Planning Commission
Monday, September 12, 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 August 8, 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 - Receive public comment and consider a recommendation on a blight and substandard study by Marvin Planning Consultants for Area 12 (east of 48 Avenue between 34 Street and 36 Street).**

NOTICE OF HEARING
CITY OF COLUMBUS, NEBRASKA

NOTICE IS HEREBY GIVEN that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, September 12, 2022, at 7 P.M. in the City Council Chambers, 1369 25 Avenue, Columbus, Nebraska, to receive public comment on a blight and substandard study for an area of the city approximately located east of 48 Avenue between 34 Street and 36 Street and to consider a recommendation to the city council whether to designate such area as blighted, substandard, and in need of redevelopment pursuant to the Community Development Law, Nebraska Revised Statutes, sections 18-2101, et seq. A map of the proposed blighted and substandard area and the blight and substandard study for the area is available in the office of the City Clerk at 2424 14 Street, Columbus, Nebraska, telephone number 402-562-4224, and at said time and place, all interested parties may appear and be heard.

City of Columbus, Nebraska
Janelle Kline, City Clerk

Publish: 08:25:22; 09:01:22
Two Affidavits of Publication



The City of Columbus

RESPONSIBLE • RESPONSIVE • REPUTABLE

Administration Office (402) 562-4232

Fax (402) 563-1380

memorandum

DATE: September 7, 2022
TO: Planning Commission
FROM: Tara Vasicek, City Administrator 
RE: Blight and Substandard Designation

RECOMMENDATION:

Based on the attached blight and substandard area designation study prepared by Marvin Planning Consultants, Inc., I recommend the study area identified in the study be declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law and be labeled as Area 12.

DISCUSSION:

The study area is surrounded by the City of Columbus. This area has remained undeveloped because of high development costs that will be required because of the nature of the property. There is significant residential development potential for this area which is a significant need in Columbus. A purchase agreement has been entered into for area 12. A contingency of that purchase if the availability of Tax Increment Financing for the intended project.

As stated in the study a number of factors negatively impact the ability of this land to be developed.

The Innate Concepts Study Area has several items contributing to the Blight and Substandard Conditions. These conditions include:

Subjective criteria:

- *Diversity of Ownership*
- *Average age of the residential or commercial units in the area is at least 40 years.*
- *The study area has not been developed in the last twenty years; thus the population has been stable and potentially decreasing over the last two decennial censuses.*

Objective criteria:

- *Average age of the structures in the area is at least forty years.*

The area qualifies to be designated blight and substandard according to the Nebraska Community Development Law because there is a presence of two objective criteria and four subjective criteria.

In order for any project to utilize Tax Increment Financing in this area, the parcel would have to be voluntarily annexed into the City limits.





Wednesday, July 6th, 2022

Tara Vasicek, City Administrator
City of Columbus
2424 14th St
PO Box 1677
Columbus, NE 68602-1677

We request the Blight Study prepared by Marvin Planning Consultants Inc be presented to Columbus Planning Commission and City Council for consideration.

The publication costs can be invoices to us at the following address:

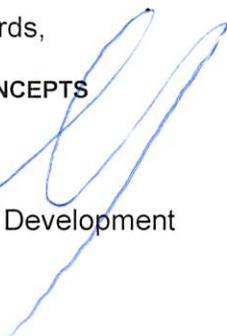
Innate Concepts
1201 Allen Dr #240
Grand Island, NE 68803
accounting@innateconcepts.com

If you have questions or need additional information, please contact Heath Reinders (308.270.7400 | hreinders@innateconcepts.com) or myself.

Best Regards,

INNATE CONCEPTS

Mark Otto
Director of Development



Purpose of the Blight and Substandard Study

The purpose of completing this Blight and Substandard study is to examine existing conditions within the Innate Concepts study area of the city of Columbus. This study has been commissioned by Innate Concepts to analyze the possibility of declaring the area as blighted and substandard within this specific study area.

The city of Columbus, when considering conditions of Blight and Substandard, will be looking at those issues and definitions provided for in the Nebraska Community Redevelopment Law as found in Chapter 18, Section 2104 of the Revised Nebraska State Statutes, as follows:

“The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of the Community Development Law, shall afford maximum opportunity, consistent with the sound needs of the city as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under the Community Development Law, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations, relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the providing of necessary public improvements.”

The Nebraska Revised Statutes §18-2105 continues by granting authority to the governing body for formulation of a workable program; disaster assistance; effect. The statute reads:

“The governing body of a city or an authority at its direction for the purposes of the Community Development Law may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof.”

“Notwithstanding any other provisions of the Community Development Law, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the Governor of the state has certified the need for disaster assistance under federal law, the local governing body may approve a redevelopment plan and a redevelopment project with respect to such area without regard to the provisions of the Community Development Law requiring a general plan for the municipality and notice and public hearing or findings other than herein set forth.”

Based on the Nebraska Revised Statutes §18-2103 the following definitions shall apply:

*“**Blighted area** means an area (a) which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or*

inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted. A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision;"

"Extremely blighted area means a substandard and blighted area in which: (a) The average rate of unemployment in the area during the period covered by the most recent federal decennial census is at least two hundred percent of the average rate of unemployment in the state during the same period; and (b) the average poverty rate in the area exceeds twenty percent for the total federal census tract or tracts or federal census block group or block groups in the area;"

"Substandard area means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare; and"

"Workforce housing means:

- (a) Housing that meets the needs of today's working families;
- (b) Housing that is attractive to new residents considering relocation to a rural community;
- (c) Owner-occupied housing units that cost not more than two hundred seventy-five thousand dollars to construct or rental housing units that cost not more than two hundred thousand dollars per unit to construct. For purposes of this subdivision (c), housing unit costs shall be updated annually by the Department of Economic Development based upon the most recent increase or decrease in the Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics;
- (d) Owner-occupied and rental housing units for which the cost to substantially rehabilitate exceeds fifty percent of a unit's assessed value; and
- (e) Upper-story housing."

This Blight and Substandard Study is only for a portion of the corporate limits of the city which has not previously been so designated. The Study is intended to give the Columbus Planning Commission and Columbus City Council the basis for identifying and declaring Blighted and

Substandard conditions existing within the city's jurisdiction and as allowed under Chapter 18, Section 2123.01. Through this process, the city and property owners will be attempting to address economic and/or social liabilities which are harmful to the well-being of the entire community.

The study area can be seen in Figure 1 of this report. A General Redevelopment Plan to be submitted in the future will contain, in accordance with the law, definite local objectives regarding appropriate land uses, improved traffic, public transportation, public utilities, and other public improvements, and the proposed land uses and building requirements in the redevelopment area and shall include:

- The boundaries defining the blighted and substandard areas in question (including existing uses and conditions of the property within the area), and;
- A list of the conditions present, which qualify the area as blighted and substandard.

Blight and Substandard Eligibility Study

This study targets only a portion of the corporate limits of the community for evaluation. The area is indicated in Figure 1 of this report. The existing uses are agricultural, residential, and vacant.

Through the redevelopment process, the city of Columbus can guide projects throughout the area. The use of the Community Redevelopment Act by the city is intended to redevelop and improve areas of the community. Using the Community Redevelopment Act, the city of Columbus can assist in the elimination of negative conditions and implement different programs/projects identified for the city.

The following is the description of the designated area within the city of Columbus.

Point of beginning (POB) is at the intersection of the extended north property line of a lot referred to as 13-17-1 W TR IN N1/2 SW NW thence going southerly along the centerline of 48th avenue to the extended south property line of said lot; thence easterly along the south property line of said lot to the southeast corner of a lot referred to as 13-17-1 W PT NW; thence northerly along the east property line of said lot to the southwest corner of a lot referred to as 13-17-1 W PT E1/2 NW; thence easterly along the south property line of said lot to the southeast corner of said lot; thence northerly along the east property line of said lot to the northeast corner of a lot referred to as 0-0-0 Lot 2 Highland Park Church 2nd Addition Columbus; thence westerly along the north property line of said lot to the northwest corner of a lot referred to as 13-17-1 W PT NW; thence southerly along the west property line of said lot to the northeast corner of a lot referred to as 13-17-1 W TR IN N1/2 SW NW; thence westerly along the north property line of said lot to the POB, +/- 40 acres.

Study Area

Figure 1
Study Area Map

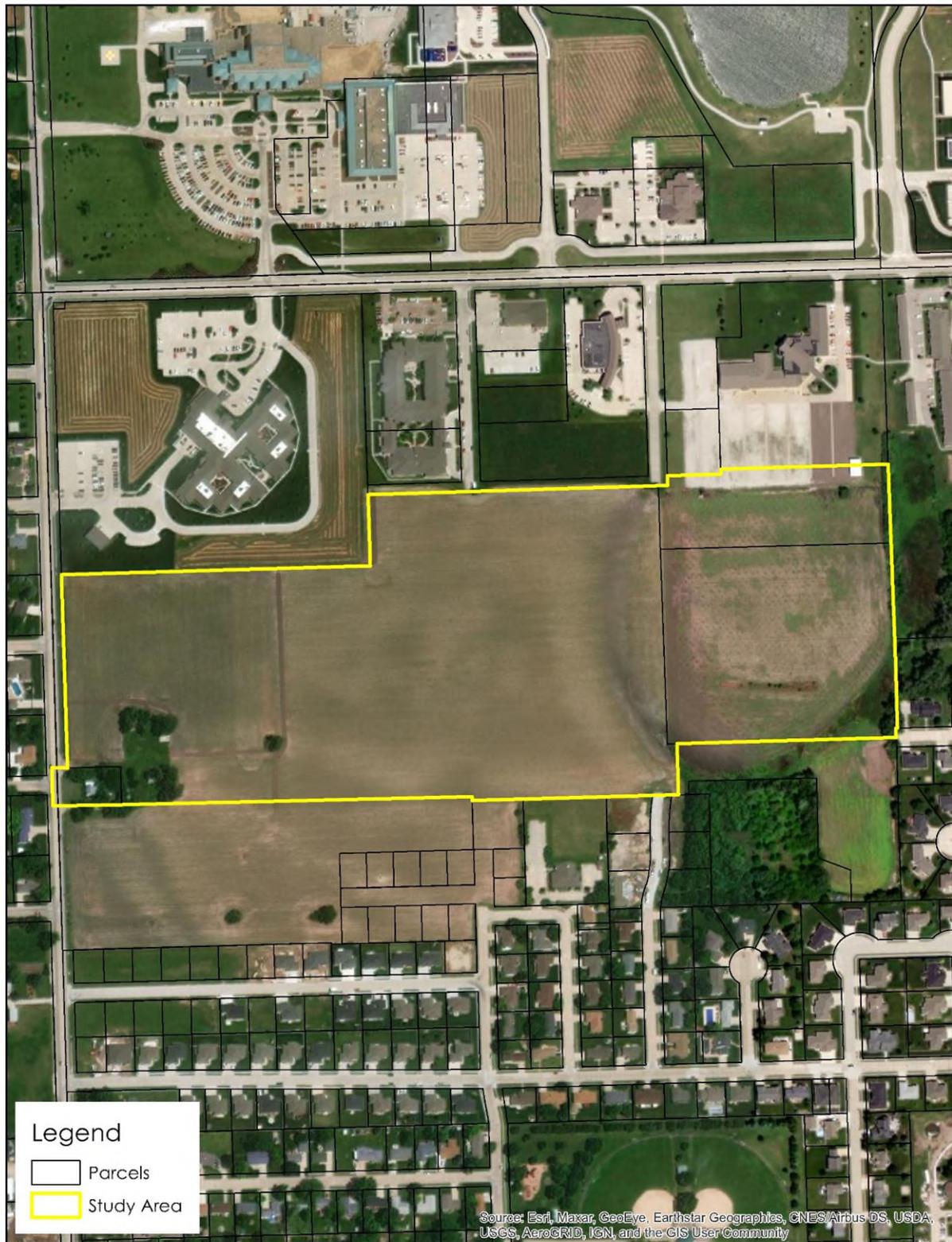


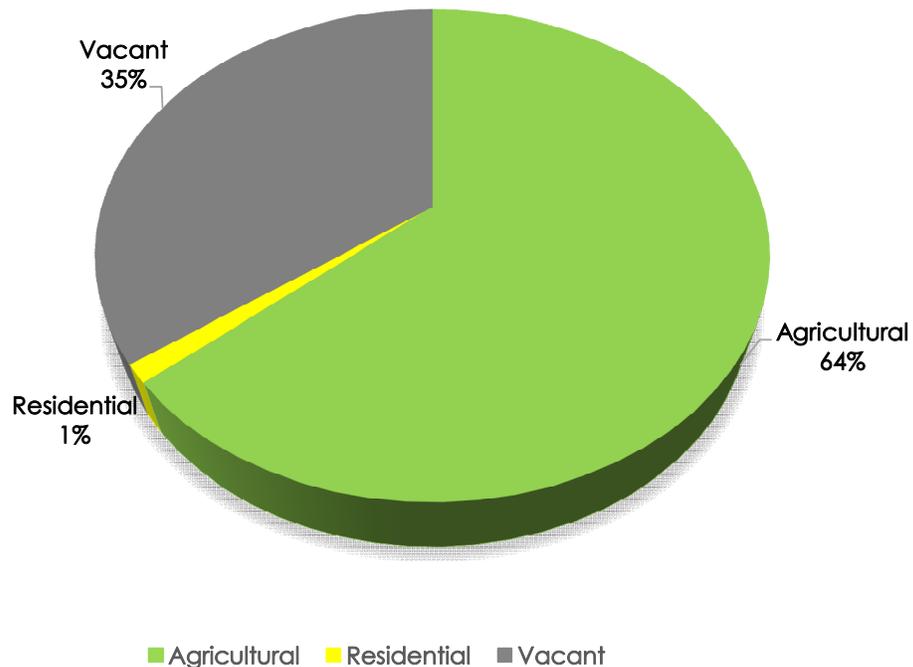
Figure 2
Existing Land Use Map



Existing Land Uses

The term “Land Use” refers to the uses in place within a building or on a specific parcel of land. The number and type of uses are constantly changing within a community and produce a number of impacts either benefitting or detracting from the community. Because of this, the short and long-term success and sustainability of the community is directly contingent upon available resources utilized in the best manner given the constraints the city faces during the course of the planning period. Existing patterns of land use are often fixed in older communities and neighborhoods, while development in newer areas is often reflective of current development practices.

**Figure 3: Existing Land Use
Innate Concepts Study Area**



Source: Marvin Planning Consultants 2022

Existing Land Use Analysis within Study Area

As part of the planning process, a survey was conducted through both in-field observations, as well as data collection online using the Platte County Assessors website. This survey noted the use of each parcel of land within the study area. These data from the survey are analyzed in the following paragraphs. Figure 3 shows the different uses present within the study area. The different uses also have the overall percent of the total area.

Findings of Blight and Substandard Conditions Eligibility Study

This section of the study examines the conditions found in the study area. The Findings Section will review the conditions based upon the statutory definitions.

Contributing Factors

There were a number of conditions examined and evaluated in the field and online. These conditions will be reviewed in detail, on the following pages, while some of the statutory conditions are not present.

Structural Conditions

Structural conditions were evaluated, structures were either rated as: Excellent, Very Good, Above Normal, Normal, Below Normal, Poor, or Very Poor. The data and rating system come from the Platte County Assessor's database and is the same database used to value properties in the area. According to the data there is 1 primary structure and 2 secondary structures in the study area. Based upon the data provided to the planning team, the following is the breakdown for structures in the study area:

- 0 (0.00%) structure rated as Excellent
- 0 (0.00%) structure rated as Very Good
- 0 (0.00%) structures rated as Above Normal
- 0 (0.00%) structures rated Normal
- 0 (0.00%) structures rated Below Normal
- 3 (100.0%) structure rated Poor
- 0 (0.00%) structure rated as Very Poor

Based upon these data, the assumption has been made that normal condition rating and less would constitute the possibility of some or considerable deterioration. It is common for older structures to need more maintenance and upkeep to maintain a good or higher condition. Even a structure rated as normal will show some signs of deteriorating which in turn can become a dilapidated structure in the future if it is not addressed over time. Overall, 100.0% of the structures in this study area are considered as a normal condition or worse.

Due to the stated conditions found in the Platte County Assessor's data, the condition of the structures is a contributing factor.

Deterioration of Site or Other Improvements

Sidewalk Conditions

Sidewalks, regardless of the area and uses within a community, should provide a safe means of movement for pedestrians. Sidewalks become increasingly more important along transportation routes considered to be arterials and highways. A sidewalk allows for pedestrian movement while keeping people off heavily traveled streets.

The sidewalk conditions were analyzed in the Study Area. The sidewalks were rated on five categories: Excellent, Good, Average, Fair, and Poor or Missing.

Within the study area there is approximately 120 lineal feet or 0.02 miles of area where sidewalk could or should be located. After reviewing the conditions in the field, the following is how the sidewalk conditions breakdown within the study area:

- 0 (0.00%) lineal feet of Excellent sidewalk
- 0 (0.00%) lineal feet of Good sidewalk
- 0 (0.00%) lineal feet of Average sidewalk
- 0 (0.00%) lineal feet of Fair sidewalk
- 120 (100.0%) lineal feet of Poor or Missing sidewalk

The study area contains no sidewalks. Sidewalk is critical to the overall pedestrian movement of an area long-term. Because 100.0% of the area is missing sidewalk, sidewalks are considered a direct contributing factor.



Figure 4
Structural Conditions

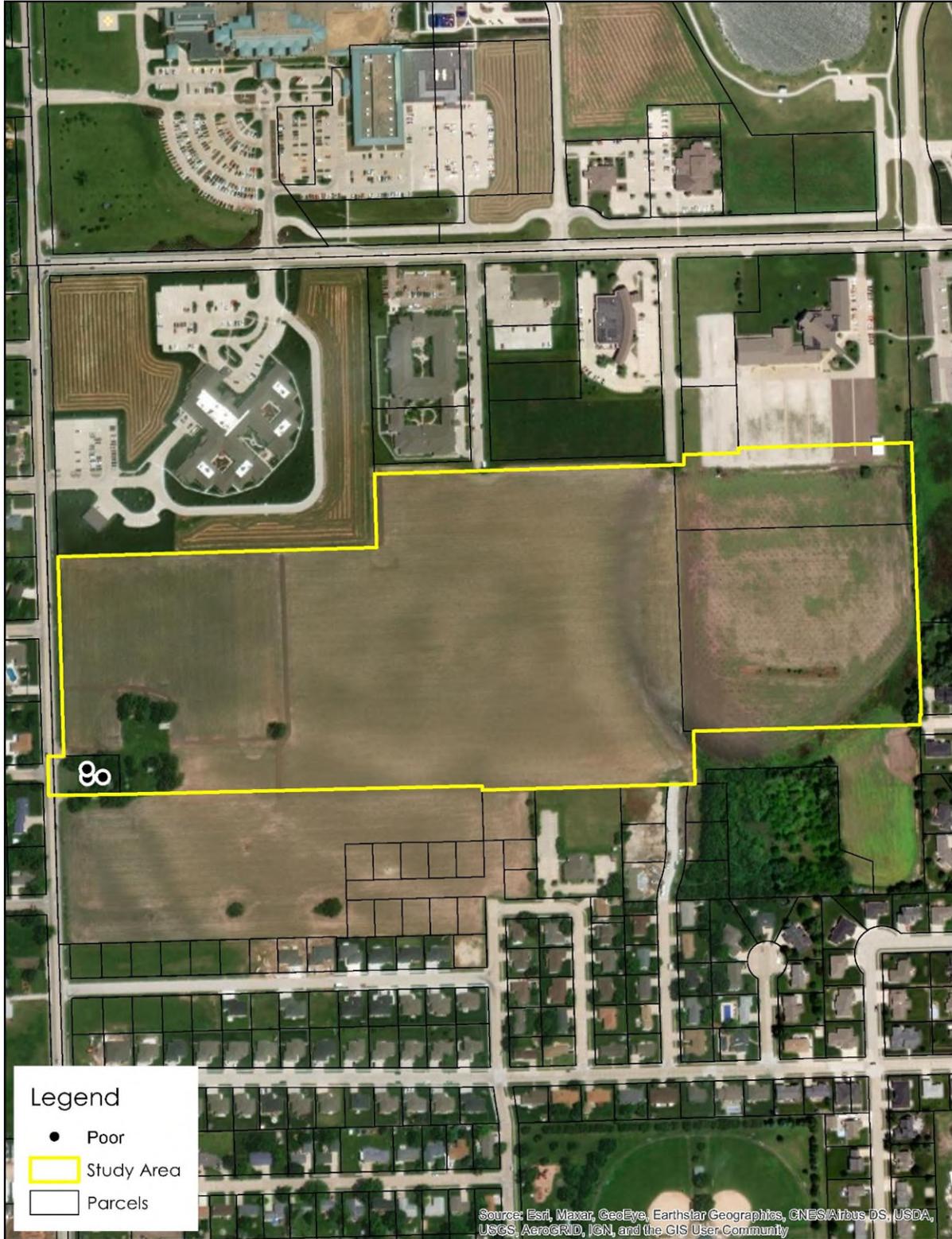


Figure 5
Sidewalk Conditions

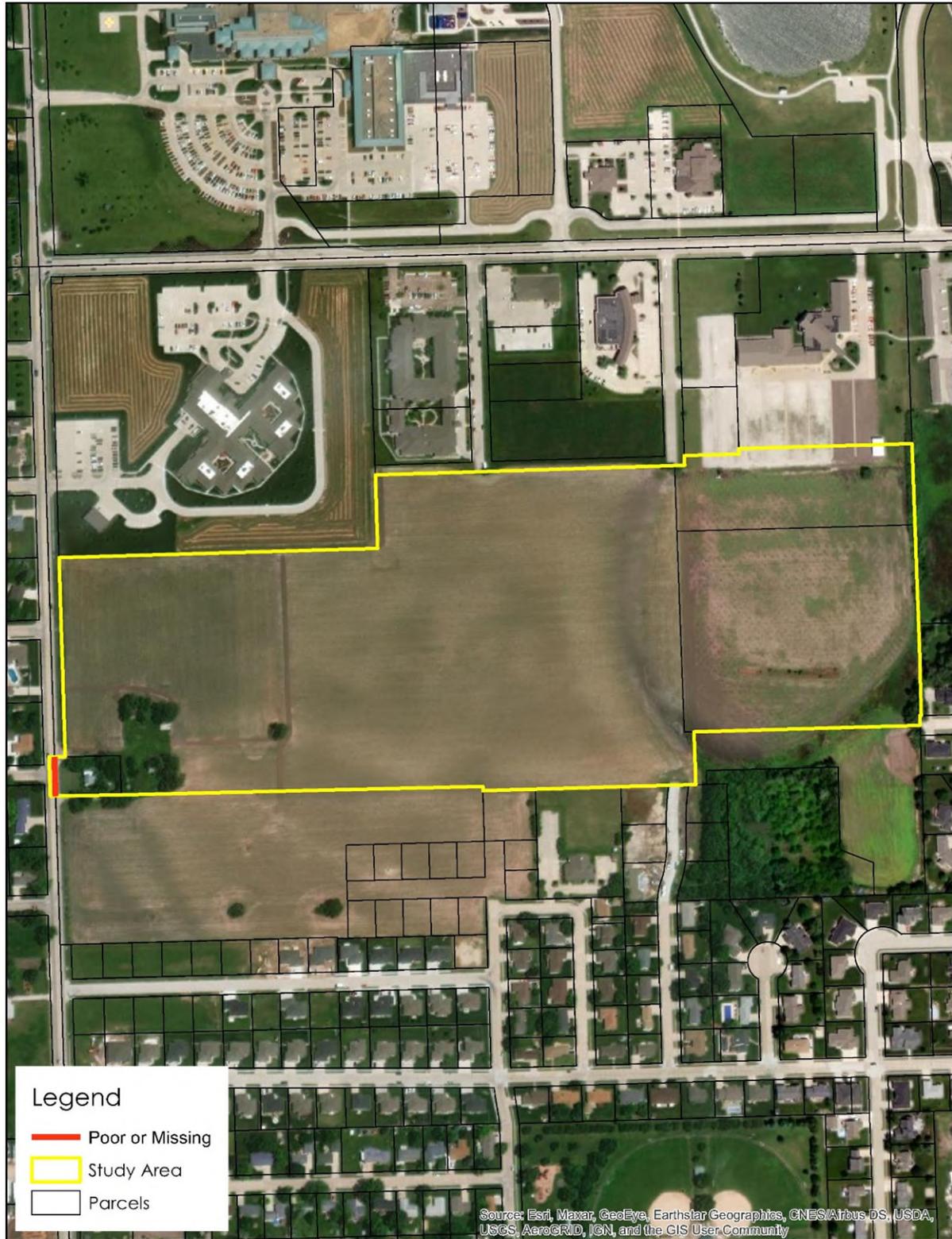
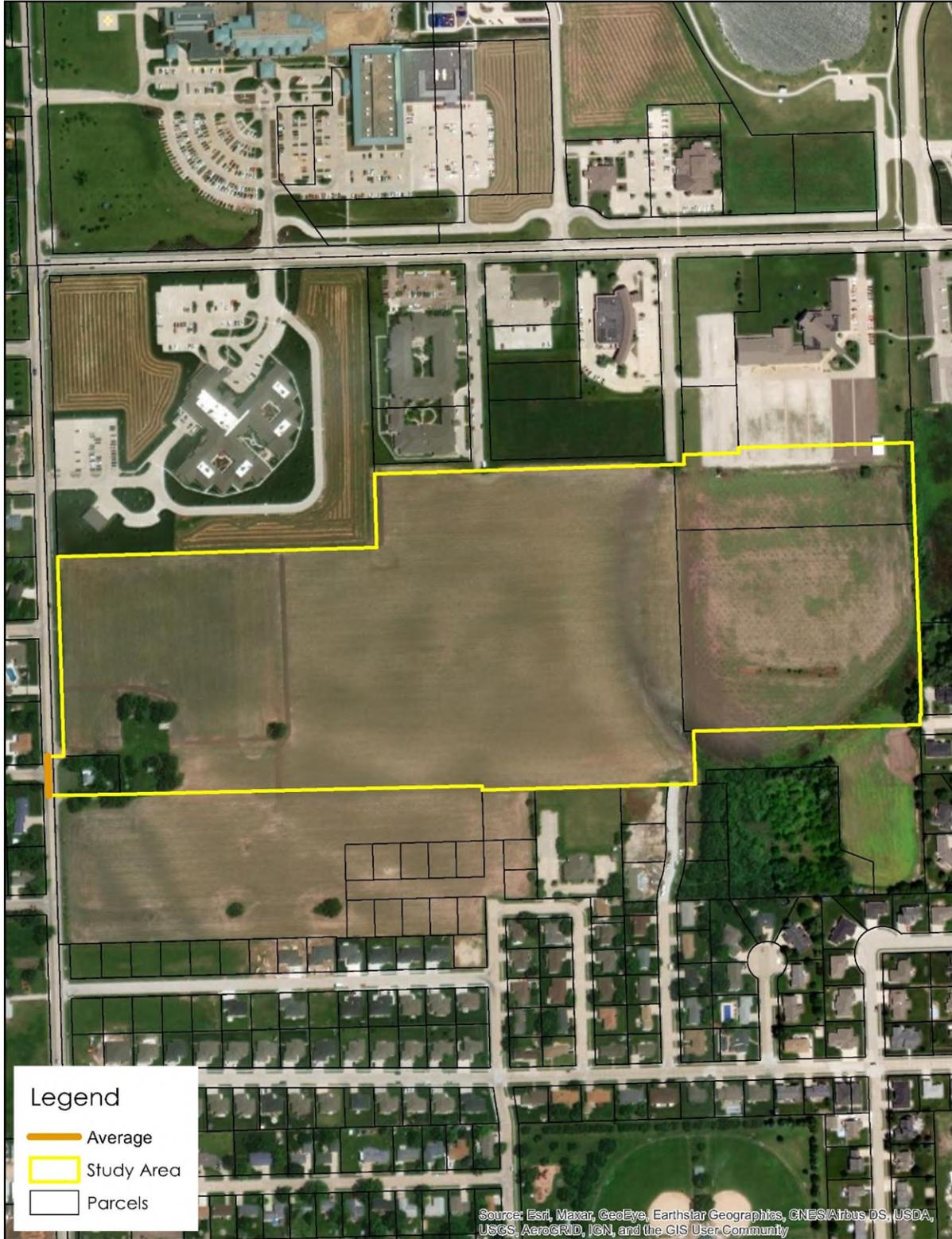


Figure 6
Curb and Gutter Conditions



Figure 7
Street Conditions



Curb and Gutter

Curb and Gutters have a number of direct and indirect roles in communities. Their primary function is to be a barrier to collect and direct water to be drained away. On a secondary level, they can help define where the streets start and stop, and they act as a physical barrier between pedestrian and vehicular traffic.

Curb and gutter for the Study Area were examined similarly to sidewalks. The curb and gutter were graded as either Excellent, Good, Average, Fair, Poor, or Missing. The study area is partially considered rural section drainage.

Within the study area there is approximately 120 lineal feet of curb and gutter possible. After reviewing the conditions in the field, the following is how the curb and gutter conditions break down within the corporate limits:

- 0 (0.0%) lineal feet of Excellent curb and gutter
- 0 (0.00%) lineal feet of Good curb and gutter
- 0 (0.00%) lineal feet of Average curb and gutter
- 120 (100.00%) lineal feet of Fair curb and gutter
- 0 (0.00%) lineal feet of Poor or Missing curb and gutter

Due to the majority of the study area missing curb and gutter, the curb and gutter conditions would be a direct contributing factor.



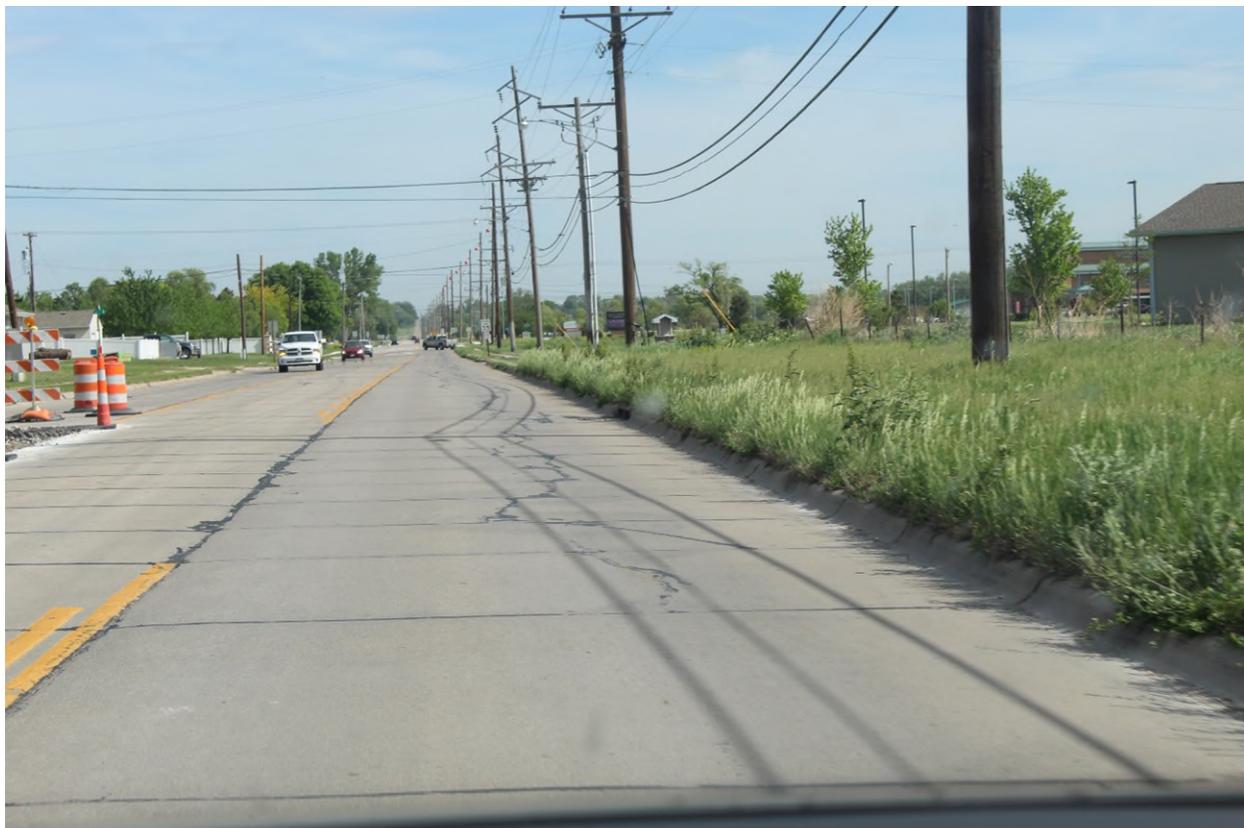
Streets

Streets within a community are essential to moving people and vehicles from place to place. Their condition and construction have an impact on the appearance of a community, which leads directly to how a community is perceived by the outside world.

Within the study area there is approximately 120 lineal feet or .02 miles of street possible. After reviewing the conditions in the field, the following is how the street conditions breakdown within the corporate limits:

- 0 (0.00%) lineal feet of Excellent street
- 0 (0.00%) lineal feet of Good street
- 120 (100.00%) lineal feet of Average street
- 0 (0.00%) lineal feet of Fair street
- 0 (0.00%) lineal feet of Poor street

Within the study area, all streets are paved. The streets in the study area appear to have been paved in some sort of asphaltic material.



Age of Structure

Age of structures can be a contributing factor to the blighted and substandard conditions in an area. Statutes allow for a predominance of structures 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the structural age of the structures within the Study Area. Note the age of structure was determined from the Appraisal data within the Platte County Assessor's website data.

TABLE 1: AVERAGE STRUCTURAL AGE, BY METHOD – 2022

Number	Year	Age	Cumulative
1	1910	112	112
1	1982	40	162
1	1982	40	202
1			67.3 Average

Source: Platte County Assessor's and Marvin Planning Consultants 2022

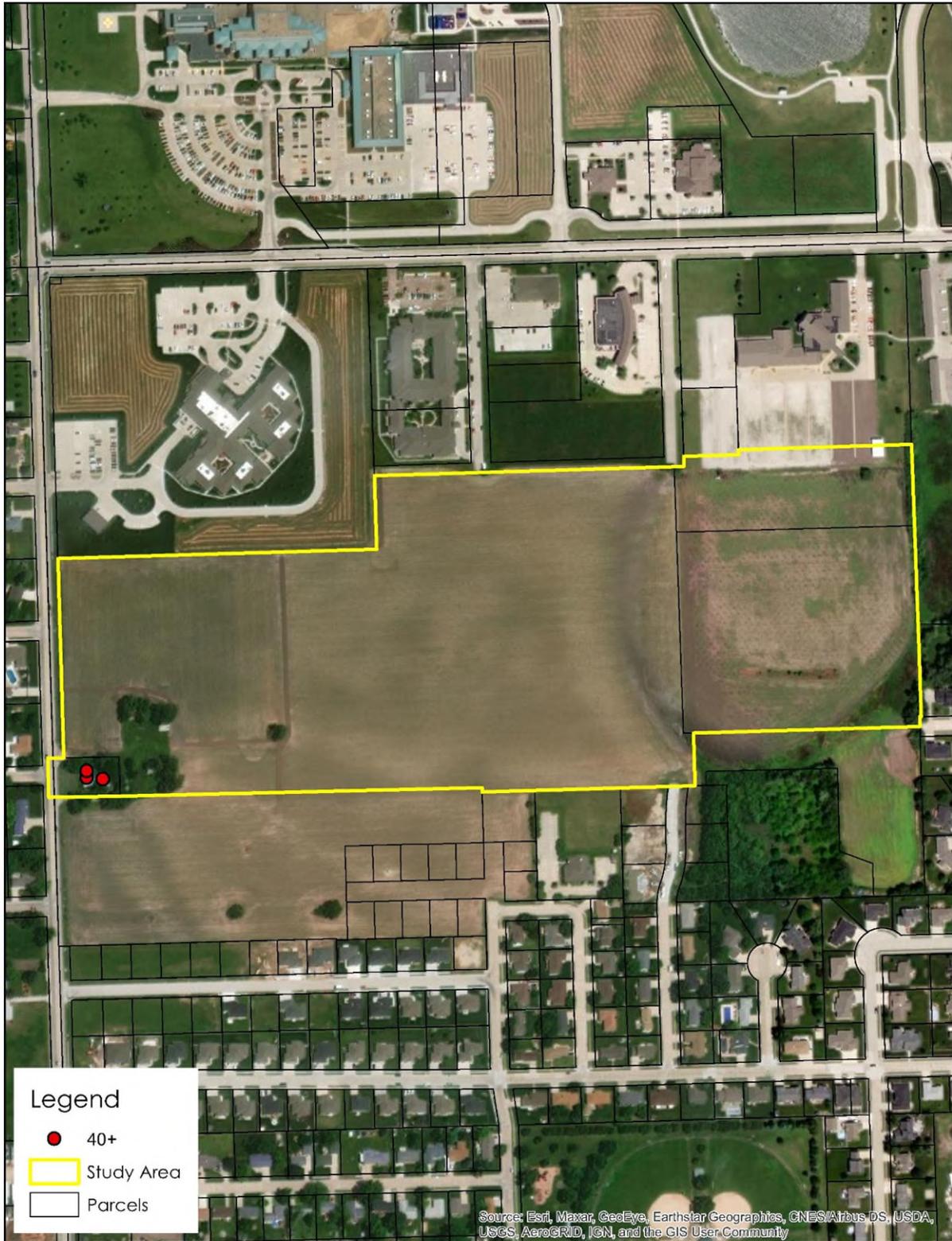
Age of Structure

Within the study area there are 3 structures. Only one structure is primary. After researching the structural age on the Platte County Assessor's website, the following breakdown was determined:

- 3 (100.0%) units were determined to be 40 years of age or older.
- 0 (0.00%) units were determined to be less than 40 years of age

Aerial imagery dating back to 40 years ago was used to estimate the 2 secondary structure's age. However, when examining the age based upon a cumulative approach, as in Table 1 the average age of the primary structures is equal to 67.3 years; thus, meeting the requirements of the statutes. The age of the structures would be a direct contributing factor.

Figure 8
Age of Structures



Blighting Summary

These conditions are contributing to the blighted conditions of the study area. **The following conditions are subjective in their nature.**

- **Substantial number of deteriorating structures**
 - Within the study area 100.0% of the primary structures were deemed to be in an average condition or worse.
- **Deterioration of site or other improvements**
 - Curb and gutter are below normal condition throughout the majority of the study area.
 - Streets in the study area were of an average or poorer condition.
 - Sidewalks are missing within 100.0% of the entire study area.
- **Insanitary and Unsafe Conditions**
 - Standing water in potholes on paved streets or in overgrown brush and vegetation drainage ditches could be a breeding ground for communicable diseases.



- Drainage issues in the northeast corner of the study area can be seen in the photo below



These conditions are contributing to the blighted conditions of the study area. **The following conditions are objective in their nature.**

- **Diversity of Ownership**
 - There are several different property owners within the study area.
 - The diversity of ownership may be a barrier to future development.

Criteria under Part B of the Blight Definition

The following criteria are objective in nature.

- The average age of the residential or commercial units in the area is at least forty years.
 - 3 (100.0%) buildings or improvements were determined to be 40 years of age or older.
 - 0 (0.00%) buildings or improvements were determined to be less than 40 years of age.
 - The average age based upon a cumulative age calculation is 67.4 years.
- Population. The qualifying criterion is that the area has had either a stable or decreasing population based on the last two decennial censuses.
 - The study area has not been developed in the last twenty years; thus the population has been stable and potentially decreasing over the last two decennial censuses.

These other criteria for Blight were not present in the area, these included:

- Factors Which Are Impairing And/or Arresting Sound Growth, including:
 - Dangerous conditions to life or property due to fire or other causes.
 - Faulty lot layout.
 - Improper subdivision or obsolete platting.
 - Tax or special assessment delinquency exceeding fair value of the land.
 - Defective or unusual condition of title.
 - Unemployment in the designated area is at least 120% of the state or national average.
 - One-half of unimproved property is over 40 years old.
 - The per capita income of the area is lower than the average per capita income of the city or village in which the area is designated.

These issues were either not present or were limited enough as to have little impact on the overall condition of the study area.

Substandard Conditions

The following criteria are objective in nature.

Age of Structure

Age of structures can be a contributing factor to the blighted and substandard conditions in an area. Statutes allow for a predominance of structures 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the structural age of the structures within the Study Area. Note the age of structure was determined from the Appraisal data within the Platte County Assessor's website data.

TABLE 1: AVERAGE STRUCTURAL AGE, BY METHOD – 2022

Number	Year	Age	Cumulative
1	1910	112	112
1	1982	40	162
1	1982	40	202
1			67.3 Average

Source: Platte County Assessor's and Marvin Planning Consultants 2022

Age of Structure

Within the study area there are 3 structures. Only 1 is primary. After researching the structural age on the Platte County Assessor's website, the following breakdown was determined:

- 3 (100.0%) units were determined to be 40 years of age or older.
- 0 (0.00%) units were determined to be less than 40 years of age

Aerial imagery dating back to 40 years ago was used to estimate the 2 secondary structure's age. However, when examining the age based upon a cumulative approach, as in Table 1 the average age of the primary structures is equal to 67.3 years; thus, meeting the requirements of the statutes. The age of the structures would be a direct contributing factor.

Substandard Summary

Nebraska State Statute requires that “...an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;”

The Innate Concepts Study Area meets the definition of Substandard as defined in the Revised Nebraska State Statutes.

Findings for the Innate Concepts Study Area

The Innate Concepts Study Area has several items contributing to the Blight and Substandard Conditions. These conditions include:

Blighted Conditions

The following conditions are subjective in nature and present in the study area.

- Substantial number of deteriorated or deteriorating structures.
- Deterioration of site or other improvements
- Insanitary and Unsafe Conditions

The following conditions are objective in nature and present in the study area.

- Diversity of Ownership
- Average age of the residential or commercial units in the area is at least 40 years.
- The study area has not been developed in the last twenty years; thus the population has been stable and potentially decreasing over the last two decennial censuses.

Substandard Conditions

The following conditions are objective in nature and present in the study area.

- Average age of the structures in the area is at least forty years.

4. **Public hearing - Receive public comment and consider a recommendation on a blight and substandard study prepared by RDG Planning & Design for Area 11 (southeast of intersection of 1 Street and S 14 Avenue).**

NOTICE OF HEARING
CITY OF COLUMBUS, NEBRASKA

NOTICE IS HEREBY GIVEN that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, September 12, 2022, at 7 P.M. in the City Council Chambers, 1369 25 Avenue, Columbus, Nebraska, to receive public comment on a blight and substandard study for an area of the city approximately located southeast of the intersection of 1 Street and S 14 Avenue, and to consider a recommendation to the city council whether to designate such area as blighted, substandard, and in need of redevelopment pursuant to the Community Development Law, Nebraska Revised Statutes, sections 18-2101, et seq. A map of the proposed blighted and substandard area and the blight and substandard study for the area is available in the office of the City Clerk at 2424 14 Street, Columbus, Nebraska, telephone number 402-562-4224, and at said time and place, all interested parties may appear and be heard.

City of Columbus, Nebraska
Janelle Kline, City Clerk

Publish: 08:25:22; 09:01:22
Two Affidavits of Publication



The City of Columbus

RESPONSIBLE • RESPONSIVE • REPUTABLE

Administration Office (402) 562-4232

Fax (402) 563-1380

memorandum

DATE: September 7, 2022
TO: Planning Commission
FROM: Tara Vasicek, City Administrator
RE: Blight and Substandard Designation

RECOMMENDATION:

Based on the attached blight and substandard area designation study prepared by RDG Planning and Design, I recommend area 11 be declared blighted and substandard and in need of redevelopment pursuant to the Community Development Law.

DISCUSSION:

There is significant development potential for this area which is immediately adjacent to the city limits. A purchase agreement has been entered into for area 11. A contingency of that purchase if the availability of Tax Increment Financing for the intended project.

As stated in the study a number of factors negatively impact the ability of this land to be developed.

To qualify as "blighted," a site must meet at least one of five objective criteria and one of the ten subjective criteria as set forth by statute. The site meets the objective criteria requirement due to the structures surrounding the area having an average age over 40 years. The site meets two of the subjective criteria due to the existence of inadequate street layout and a faulty lot layout in relation to size and usefulness. Declaring Study Area 11 as blighted would bring Columbus's blighted areas to 26.72% of the city's total footprint, remaining well below the 35% threshold established by state statute.

The area qualifies to be designated blight and substandard according to the Nebraska Community Development Law because there is a presence of two objective criteria and four subjective criteria.

In order for any project to utilize Tax Increment Financing in this area, the parcel would have to be voluntarily annexed into the City limits.



Blighted Area Designation Update

Columbus, Nebraska

**Prepared by
RDG Planning & Design
Omaha, Nebraska**

August 2022

Purpose of Study

The purpose of this study is to determine whether an additional designated area to be annexed into the City of Columbus, Nebraska meets the objective and subjective criteria outlined in Section 18-2103 of the Nebraska Revised Statutes to be declared as blighted.

Blighted Area Designation Requirements

To qualify as blighted in accordance with the requirements of §18-2103, a parcel must comply with at least one criterion from both the objective and subjective evaluative criteria as set forth by state statute and listed below. §18-2103 additionally stipulates that as a city of the first class, Columbus shall not declare more than thirty-five percent (35%) of its total area as blighted.

Objective Criteria

1. **Unemployment.** The qualifying criterion is an unemployment rate in the designated area that is at least 120% of the state or national average, assessed via the 2020 American Community Survey census block group data and the Bureau of Labor Statistics.
2. **Age of built environment.** The qualifying criterion is that the residential and commercial units in the proposed blighted area have an average age of at least 40 years.
3. **Per capita income.** The qualifying criterion is an average per capita income of the area that is lower than the average per capita income of the municipality in which the area is designated. The presence of this condition is determined via 2016-2020 American Community Survey block group data.
4. **Population.** The qualifying criterion is that the area has had either a stable or decreasing population based on the last two decennial censuses. Census block group data from 2010 and 2020 were examined to determine the presence of this condition.
5. **Unimproved land.** The qualifying criterion is, in vacant areas, that more than half of the plotted and subdivided property in the area has been within the city for 40 years and has remained unimproved during that time.

Subjective Criteria

1. Presence of a substantial number of deteriorated or deteriorating structures.
2. The existence of defective or inadequate street layout.
3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.
4. Unsanitary or unsafe conditions.
5. Deterioration of site or other improvements.
6. Diversity of ownership.
7. Tax or special delinquency exceeding the fair value of the land.
8. Defective or unusual conditions of title.
9. Improper subdivision or obsolete platting.
10. The existence of conditions which endanger life or property by fire and other causes.
11. Or otherwise *“any combination of such factors that substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present conditions and use.”*

Documentation of Qualifying Conditions

Objective Criteria

The data used to evaluate the objective criteria is primarily derived from the U.S. Census Bureau. To expedite the Census data collection process and provide more fine-grained information, the Census Bureau divides counties and places into several enumeration levels. These include tracts, which are subdivided into block groups and individual blocks. The study area is within one block group, so data was examined mainly from that block group level to provide the most accurate evaluation. However, in order to preserve the privacy of individuals, the Census Bureau does not report all types of data at the block or block group levels. When Block group information is not available, tract data is used.

Additionally, some data from the 2020 Census, such as “per-capita income,” is now collected in the American Community Survey which collects random samples each year to develop a five-year estimate. Therefore, the population evaluation utilizes 2010 and 2020 Census data by Block Group, while the other objective criteria are evaluated using the most recent American Community Survey data.

Subjective Criteria

The method used to document the subjective criteria is a wind-shield survey conducted by qualified professionals. The survey documents the subject area to evaluate whether or not the area fulfills the criteria as required by statute. In addition to first-hand observation, data from the Platte County Assessor is used to evaluate the diversity of ownership and other conditions.

Organization of the Report

Ten previous study areas within the City of Columbus, Nebraska have received a blight declaration: the designated area studied in this report is thereby referenced as “Study Area 11.” Study Area 11 is evaluated individually and distinct from all previous study areas.

This report includes:

- Geography of the Area
- Objective Criteria Analysis
- Subjective Criteria Analysis
- Conclusion & Blight Declaration

Geography of the Area

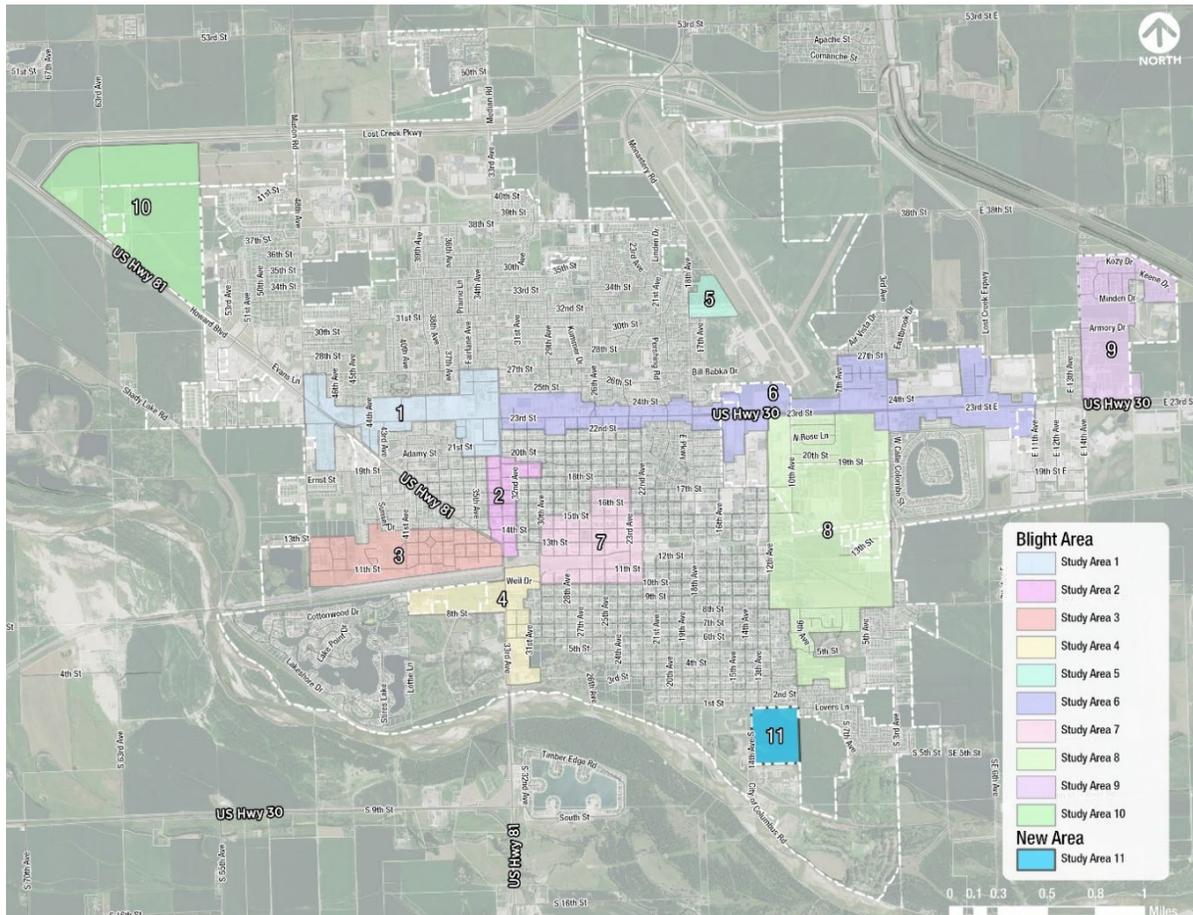


Figure 1: Map of previous blight study areas in Columbus, updated to include Study Area 11.

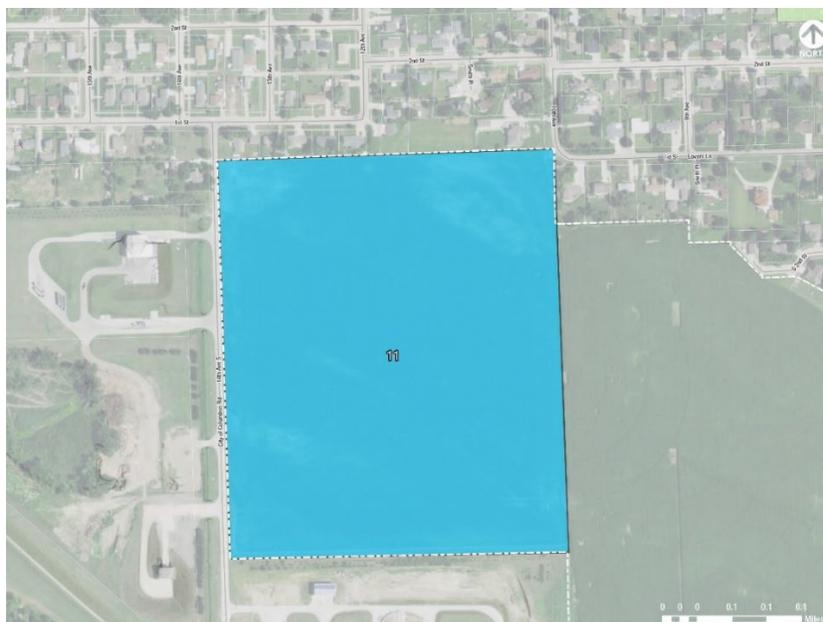
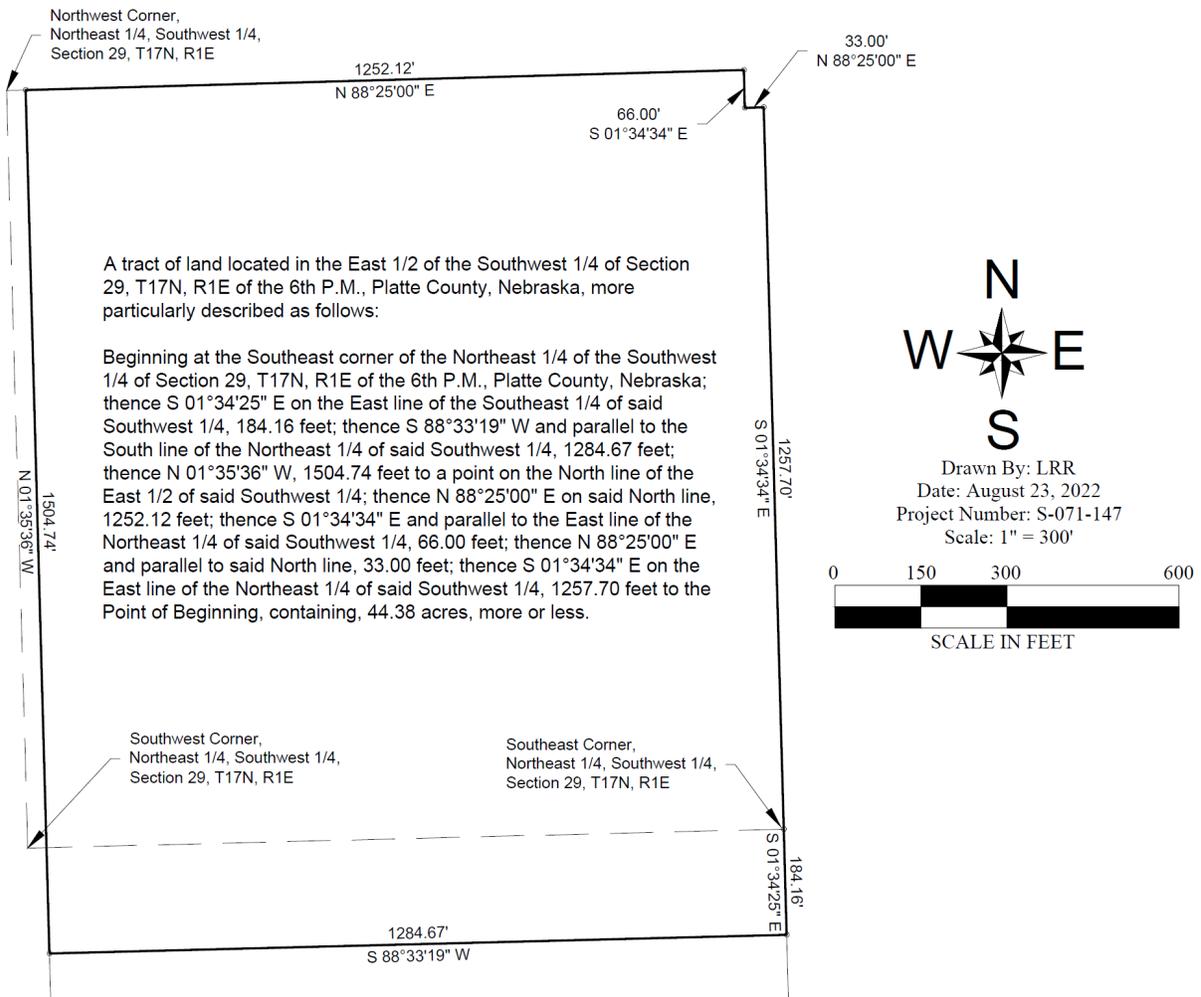


Figure 2: Map of Study Area 11.

Legal Description of Study Area 11

A tract of land located in the East 1/2 of the Southwest 1/4 of Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of the Northeast 1/4 of the Southwest 1/4 of Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska; thence S 01°34'25" E on the East line of the Southeast 1/4 of said Southwest 1/4, 184.16 feet; thence S 88°33'19" W and parallel to the South line of the Northeast 1/4 of said Southwest 1/4, 1284.67 feet; thence N 01°35'36" W, 1504.74 feet to a point on the North line of the East 1/2 of said Southwest 1/4; thence N 88°25'00" E on said North line, 1252.12 feet; thence S 01°34'34" E and parallel to the East line of the Northeast 1/4 of said Southwest 1/4, 66.00 feet; thence N 88°25'00" E and parallel to said North line, 33.00 feet; thence S 01°34'34" E on the East line of the Northeast 1/4 of said Southwest 1/4, 1257.70 feet to the Point of Beginning, containing, 44.38 acres, more or less.



For the purposes of this study the following Census Tract and Block Group were analyzed:

- *Census Tract 9655, Block Group 1*

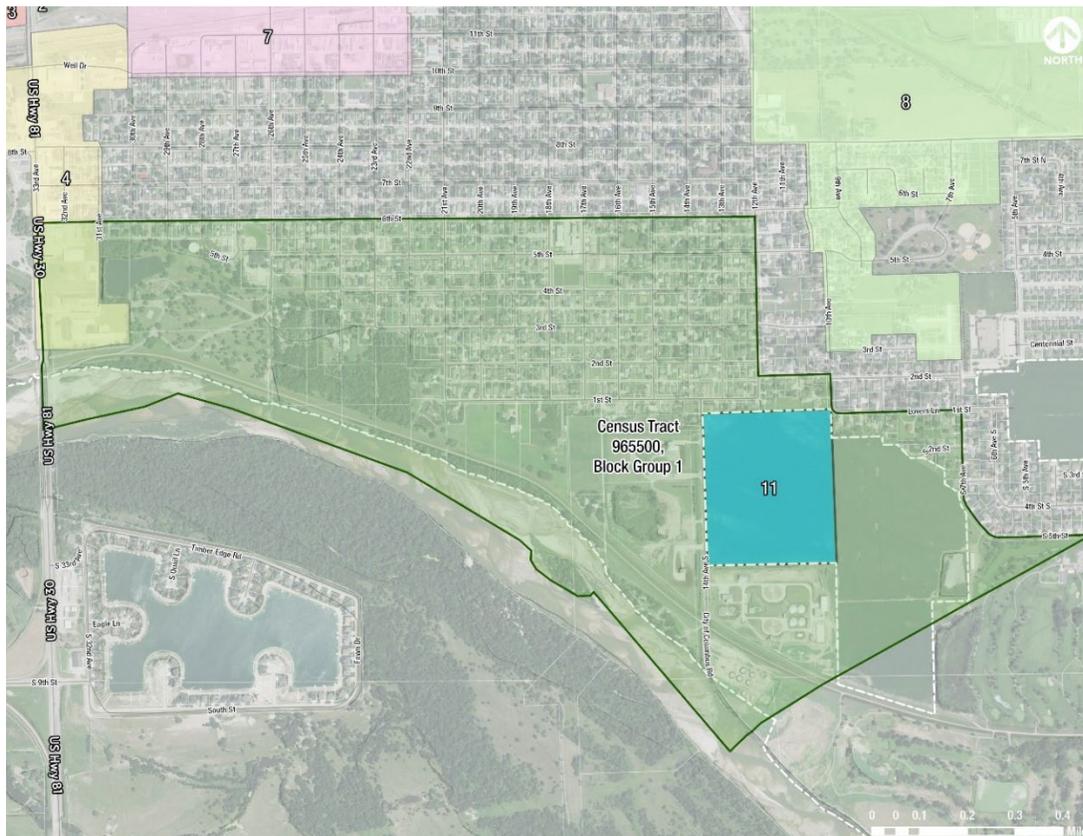


Figure 3: Map of Census Tract 9655, Block Group 1, with Study Area 11 highlighted.

Objective Criteria: A blighted area must meet at least one of five objective criteria.

1. Unemployment. The qualifying criterion is an unemployment rate in the designated area that is at least 120% of the state or national average
 - **No.** Per the 2020 American Community Survey 5-Year Estimate, the study area’s unemployment rate is 0.0%. The Bureau of Labor Statistics recorded a Columbus micropolitan area unemployment rate of 1.6% in April 2022, compared to 1.9% for Nebraska. Therefore, the subject area does not meet the objective criteria.

Study Area	Civilian Labor Force	Unemployed	% Unemployed
Block Group 1, Census Tract 9655	671	0	0.0%
Columbus, Nebraska	18,562	302	1.6%
State of Nebraska	1,063,146	20,135	1.9%

2. Average age of residential or commercial units in the area. The qualifying criterion is that residential and commercial units in the area have an average age of at least 40 years.
 - **Yes.** Per the 2020 American Community Survey 5-Year Estimate, the median construction year for housing units in Block Group 1 is 1972 (age 50 years).

Nearly all of this block group is zoned for residential use. Of the 456 structures documented by the Survey, 69.5% (317 units) were built prior to 1980, indicating that the subject area does meet the objective criteria.

3. Per capita income. The qualifying criterion is a lower average per capita area income than the average per capita income of the municipality in which the area is designated.
 - **No.** The per capita income for the subject area is \$32,766 compared to \$30,822 for the City of Columbus per the 2020 American Community Survey 5-Year Estimate, and therefore, the subject area does not meet the objective criteria.

4. Population. The qualifying criterion is that the area has had either a stable or decreasing population based on the last two decennial censuses.
 - **No.** The population for the study area’s block group increased by 137 persons from the previous census and therefore does not meet the objective criteria.

Study Area	2010 Population	2020 Population	Total Change
Block Group 1, Census Tract 9655	1,173	1,310	+137

5. Unimproved land. The qualifying criterion is more than half of the plotted and subdivided property in the designated area that has been within the city for 40 years and has remained unimproved during that time.
 - **No.** The redevelopment site does not meet the unimproved land criterion; the area has not been in the city for 40 years.

Subjective Criteria: A blighted area must exhibit at least one of several subjective criteria.

1. Presence of a substantial number of deteriorated or deteriorating structures.
 - **No.** No deteriorated structures exist in the study area.
2. The existence of defective or inadequate street layout.
 - **Yes.** The street layout will need to be developed for the designated area, shown below in *Figure 4*, in order to accommodate additional residential or commercial lots once the property is subdivided.

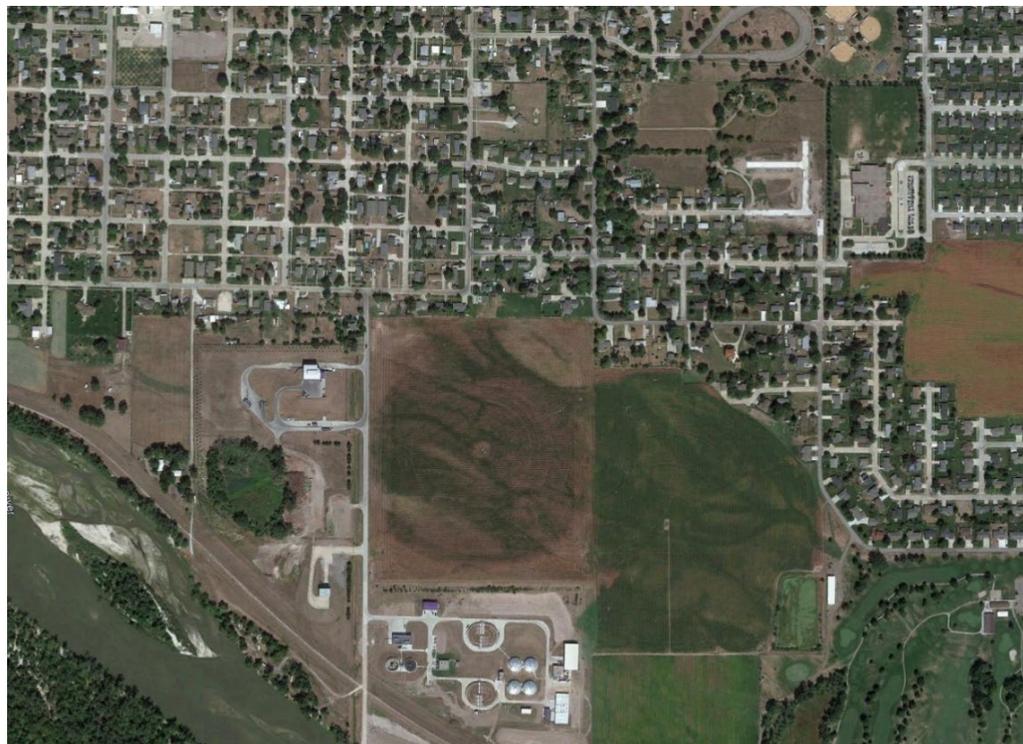


Figure 4: Aerial image of study area, center, compared to adjacent street layout.

3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.
 - **Yes.** As referenced in Criteria 2 and *Figure 4* above, the lot is too large for residential or commercial uses in line with current zoning and the City of Columbus’s future land use plan. Therefore, the lot will need to be subdivided into appropriately useful lot sizes.
4. Unsanitary or unsafe conditions.
 - **No.** There are no apparent unsanitary or unsafe conditions within the study area.
5. Deterioration of site or other improvements.
 - **No.** The lot is undeveloped with no sidewalk, parking, or other improvements.
6. Diversity of ownership.
 - **No.** The designated of area of study has a single owner.

7. Tax or special delinquency exceeding the fair value of the land.
 - **Unknown.** Evaluation of this criterion was not necessary to meet the subjective criteria requirement.
8. Defective or unusual conditions of title.
 - **Unknown.** Evaluation of this criterion was not necessary to meet the subjective criteria requirement.
9. Improper subdivision or obsolete platting.
 - **No.** The study area is appropriately platted.
10. The existence of conditions which endanger life or property by fire and other causes.
 - **No.** There are no conditions that seem likely to endanger life or property by fire or other causes.

Conclusion

To qualify as “blighted,” a site must meet at least one of five objective criteria and one of the ten subjective criteria as set forth by statute. The site meets the objective criteria requirement due to the structures surrounding the area having an average age over 40 years. The site meets two of the subjective criteria due to the existence of inadequate street layout and a faulty lot layout in relation to size and usefulness. Declaring Study Area 11 as blighted would bring Columbus’s blighted areas to 26.72% of the city’s total footprint, remaining well below the 35% threshold established by state statute.

Blight / Substandard Declaration

The objective and subjective criteria met by the designated area demonstrate the existence of conditions as required by statute; thereby, it can be designated as a blighted area.

5. Building report for August 2022.

City of Columbus
Building Department Monthly Report

09/07/2022

AUGUST 2022 2021

	AUGUST 2022			AUGUST 2021		
	Count	Permit Fees	Value	Count	Permit Fees	Value
Accessory Structu	3	\$370.75	\$54420.00	3	\$753.50	\$175500.00
Com Addition	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Com Alteration	1	\$1462.82	\$424435.00	2	\$162.50	\$20000.00
Com New Constr	1	\$93451.88	\$45000000.00	3	\$2143.75	\$535000.00
Com Plumbing	6	\$1036.00	\$3359737.00	3	\$92.00	\$10000.00
Deck	6	\$284.50	\$28580.00	2	\$161.04	\$23280.00
Demolition	1	\$27.50	\$3000.00	0	\$0.00	\$0.00
Fence	15	\$430.50	\$87450.87	23	\$575.00	\$71955.00
Gas line	42	\$1339.50	\$21500.00	0	\$0.00	\$0.00
Gas Piping	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Res Addition	3	\$618.31	\$99000.00	3	\$774.58	\$168232.00
Res Alteration	5	\$549.58	\$83834.04	3	\$310.51	\$48820.00
Res New Construc	2	\$2835.64	\$959000.00	1	\$1094.50	\$390000.00
Res Plumbing	8	\$725.00	\$112500.00	31	\$1802.00	\$273700.00
Res Pool	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Signs	0	\$0.00	\$0.00	2	\$60.00	\$2800.00
Sprinklers	13	\$265.00	\$24000.00	0	\$0.00	\$0.00
Water Softner/RC	0	\$0.00	\$0.00	0	\$0.00	\$0.00
YEAR TOTAL	106	\$103396.98	\$50257456.91	76	\$7929.38	\$1719287.00

Population: All Records
Permit.DateIssued Between 8/1/2021 12:00:00 AM
AND 8/31/2022 12:00:00 AM

6. Adjournment.