

Board of Equalization
Monday, March 20, 2023 6:15 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.

{{Name: Agenda Item Name}}

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

NEBRASKA OPEN MEETINGS ACT

84-1407. Act, how cited.

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

Source: Laws 2004, LB 821, § 34.

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.

Source: Laws 1975, LB 325, § 1; Laws 1996, LB 900, § 1071; Laws 2004, LB 821, § 35.

Annotations

- Nebraska's public meetings laws do not apply to school board deliberations pertaining solely to disputed adjudicative facts. *McQuinn v. Douglas Cty. Sch. Dist. No. 66*, 259 Neb. 720, 612 N.W.2d 198 (2000).
- The primary purpose of the public meetings law is to ensure that public policy is formulated at open meetings. *Marks v. Judicial Nominating Comm.*, 236 Neb. 429, 461 N.W.2d 551 (1990).
- The public meetings law is broadly interpreted and liberally construed to obtain the objective of openness in favor of the public, and provisions permitting closed sessions must be narrowly and strictly construed. *Grein v. Board of Education of Fremont*, 216 Neb. 158, 343 N.W.2d 718 (1984).
- Although a committee was a subcommittee of a natural resources district board, it was not subject to the Open Meetings Act because there was never a quorum of board members in attendance and the committee did not hold hearings, make policy, or take formal action on behalf of the board. *Koch v. Lower Loup NRD*, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- A county board of equalization is a public body whose meetings shall be open to the public. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

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, (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, and (iii) the Judicial Resources Commission or subcommittees or subgroups of the commission;

(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.

Source: Laws 1975, LB 325, § 2; Laws 1983, LB 43, § 1; Laws 1989, LB 429, § 42; Laws 1989, LB 311, § 14; Laws 1992, LB 1019, § 124; Laws 1993, LB 635, § 1; Laws 1996, LB 1044, § 978; Laws 1997, LB 798, § 37; Laws 2004, LB 821, § 36; Laws 2007, LB296, § 810; Laws 2011, LB366, § 2; Laws 2021, LB83, § 11; Laws 2022, LB922, § 12.

Operative Date: July 21, 2022

Annotations

- A township is a political subdivision, and as such, a township board is subject to the provisions of the public meetings laws. *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- A county agricultural society is a public body to which the provisions of the Nebraska public meetings law are applicable. *Nixon v. Madison Co. Ag. Soc'y*, 217 Neb. 37, 348 N.W.2d 119 (1984).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of

having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).

- Although a committee was a subcommittee of a natural resources district board, it was not subject to the Open Meetings Act because there was never a quorum of board members in attendance and the committee did not hold hearings, make policy, or take formal action on behalf of the board. *Koch v. Lower Loup NRD*, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- Although the Open Meetings Act does not define "subcommittee," a subcommittee is generally defined as a group within a committee to which the committee may refer business. *Koch v. Lower Loup NRD*, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- The Open Meetings Act does not require policymakers to remain ignorant of the issues they must decide until the moment the public is invited to comment on a proposed policy. By excluding nonquorum subgroups from the definition of a public body, the Legislature has balanced the public's need to be heard on matters of public policy with a practical accommodation for a public body's need for information to conduct business. *Koch v. Lower Loup NRD*, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- As an administrative agency of the county, a county board of equalization is a public body. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- The electors of a township at their annual meeting are a public body under the Open Meetings Act. *State ex rel. Newman v. Columbus Township Bd.*, 15 Neb. App. 656, 735 N.W.2d 399 (2007).
- The meeting at issue in this case was a "meeting" within the parameters of subsection (2) of this section because it involved the discussion of public business, the formation of tentative policy, or the taking of any action of the public power district. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).
- Informational sessions in which the governmental body hears reports are briefings. *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (1993).

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.

Source: Laws 1975, LB 325, § 3; Laws 1983, LB 43, § 2; Laws 1985, LB 117, § 1; Laws 1992, LB 1019, § 125; Laws 1994, LB 621, § 1; Laws 1996, LB 900, § 1072; Laws 2004, LB 821, § 37; Laws 2004, LB 1179, § 1; Laws 2006, LB 898, § 1; Laws 2011, LB390, § 29; Laws 2012, LB995, § 17.

Annotations

- There is no absolute discovery privilege for communications that occur during a closed session. *State ex rel. Upper Republican NRD v. District Judges*, 273 Neb. 148, 728 N.W.2d 275 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- The public interest mentioned in this section is that shared by citizens in general and by the community at large concerning pecuniary or legal rights and liabilities. *Grein v. Board of Education*, 216 Neb. 158, 343 N.W.2d 718 (1984).
- Hearing in closed executive session was contrary to this section since there was no showing of necessity or reason under subdivision (1)(a), (b), or (c), but did not result in reversal of board decision. *Simonds v. Board of Examiners*, 213 Neb. 259, 329 N.W.2d 92 (1983).
- Negotiations for the purchase of land need not be conducted at an open meeting but the deliberations of a city council as to whether an offer to purchase real estate

should be made should take place in an open meeting. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).

- Public meeting law was not violated where the Board of Regents of the University of Nebraska voted to hold a closed session to consider the university president's resignation, and also discussed the appointment of an interim president during such session. *Meyer v. Board of Regents*, 1 Neb. App. 893, 510 N.W.2d 450 (1993).

84-1411. Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; virtual conferencing authorized; requirements; 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 website.

(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 website; 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; and

(xiii) A natural resources district.

(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 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 subsection (5) of section 84-1413.

(8) In addition to any other statutory authorization for virtual conferencing, any public body not listed in subdivision (2)(a) of this section may hold a meeting by virtual conferencing if:

(a) The purpose of the virtual meeting is to discuss items that are scheduled to be discussed or acted upon at a subsequent non-virtual open meeting of the public body;

(b) No action is taken by the public body at the virtual meeting; and

(c) The public body complies with subdivisions (2)(b)(i) and (2)(b)(ii) of this section.

Source: Laws 1975, LB 325, § 4; Laws 1983, LB 43, § 3; Laws 1987, LB 663, § 25; Laws 1993, LB 635, § 2; Laws 1996, LB 469, § 6; Laws 1996, LB 1161, § 1; Laws 1999, LB 47, § 2; Laws 1999, LB 87, § 100; Laws 1999, LB 461, § 1; Laws 2000, LB 968, § 85; Laws 2004, LB 821, § 38; Laws 2004, LB 1179, § 2; Laws 2006, LB 898, § 2; Laws 2007, LB199, § 9; Laws 2009, LB361, § 2; Laws 2012, LB735, § 1; Laws 2013, LB510, § 1; Laws 2017, LB318, § 1; Laws 2019, LB212, § 5; Laws 2020, LB148, § 3; Laws 2021, LB83, § 12; Laws 2022, LB742, § 1; Laws 2022, LB908, § 1; Laws 2022, LB922, § 13.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB742, section 1, with LB908, section 1, and LB922, section 13, to reflect all amendments.

Note: Changes made by LB742 and LB908 became effective July 21, 2022. Changes made by LB922 became operative July 21, 2022.

Cross References

- **Intergovernmental Risk Management Act**, see section 44-4301.
- **Interlocal Cooperation Act**, see section 13-801.
- **Joint Public Agency Act**, see section 13-2501.

- **Municipal Cooperative Financing Act**, see section 18-2401.

Annotations

- Under subsection (1) of this section, the Legislature has imposed only two conditions on the public body's notification method of a public meeting: (1) It must give reasonable advance publicized notice of the time and place of each meeting and (2) it must be recorded in the public body's minutes. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- An emergency is "(a)ny event or occasional combination of circumstances which calls for immediate action or remedy; pressing necessity; exigency; a sudden or unexpected happening; an unforeseen occurrence or condition." *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- An agenda which gives reasonable notice of the matters to be considered at a meeting of a city council complies with the requirements of this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- When notice is required, a notice of a special meeting of a city council posted in three public places at 10:00 p.m. on the day preceding the meeting is not reasonable advance publicized notice of a meeting as is required by this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- Teacher waived right to object to lack of public notice in board of education employment hearing by voluntary participation in the hearing without objection. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- A county board of commissioners and a county board of equalization are not required to give separate notices when the notice states only the time and place that the boards meet and directs a citizen to where the agendas for each board can be found. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- A county board of equalization is a public body which is required to give advanced publicized notice of its meetings. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Notice of recessed and reconvened meetings must be given in the same fashion as the original meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- True notice of a meeting is not given by burying such in the minutes of a prior board proceeding. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- An agenda notice which merely stated "work order reports" was an inadequate notice under this section because it did not give interested persons knowledge that plans for a 345 kv transmission line through the district was going to be discussed and voted upon at the meeting. Inadequate agenda notice under this section meant there was a substantial violation of the public meeting laws; however, later actions by the board of directors cured the defects in notice, and such actions were in substantial compliance with the statute. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

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 instate 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.

Source: Laws 1975, LB 325, § 5; Laws 1983, LB 43, § 4; Laws 1985, LB 117, § 2; Laws 1987, LB 324, § 5; Laws 1996, LB 900, § 1073; Laws 2001, LB 250, § 2; Laws 2004, LB 821, § 39; Laws 2006, LB 898, § 3; Laws 2008, LB962, § 1; Laws 2021, LB83, § 13.

Annotations

- To preserve an objection that a public body failed to make documents available at a public meeting as required by subsection (8) of this section, a person who attends a public meeting must not only object to the violation, but must make that objection to the public body or to a member of the public body. *Stoetzel & Sons v. City of Hastings*, 265 Neb. 637, 658 N.W.2d 636 (2003).

84-1413. Meetings; minutes; roll call vote; secret ballot; when; agenda and minutes; required on website; 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 or kept as an electronic record and shall be 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 or keeping the minutes is absent due to a serious illness or emergency.

(6) 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 website the agenda and minutes of any meeting of the governing body. The agenda shall be placed on the website at least twenty-four hours before the meeting of the governing body. Minutes shall be placed on the website 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 website for at least six months.

Source: Laws 1975, LB 325, § 6; Laws 1978, LB 609, § 3; Laws 1979, LB 86, § 9; Laws 1987, LB 663, § 26; Laws 2005, LB 501, § 1; Laws 2009, LB361, § 3; Laws 2015, LB365, § 2; Laws 2016, LB876, § 1; Laws 2021, LB83, § 14; Laws 2022, LB742, § 2.

Effective Date: July 21, 2022

Annotations

- If a person present at a meeting observes and fails to object to an alleged public meetings laws violation in the form of a failure to conduct rollcall votes before taking actions on questions or motions pending, that person waives his or her right to object at a later date. *Hauser v. Nebraska Police Stds. Adv. Council*, 264 Neb. 944, 653 N.W.2d 240 (2002).
- Subsection (2) of this section does not require the record to state that the vote was by roll call, but requires only that the record show if and how each member voted. Neither does the statute set a time limit for recording the results of a vote, after which no corrections of the record can be made. If no intervening rights of third persons have arisen, a board of county commissioners has power to correct the record of the proceedings had at a previous meeting so as to make them speak the truth, particularly where the correction supplies some omitted fact or action and is done not to contradict or change the original record but to have the record show that a certain action was taken or thing done, which the original record fails to show. *State ex rel. Schuler v. Dunbar*, 214 Neb. 85, 333 N.W.2d 652 (1983).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943,

and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).

- There is no requirement that a public body make a record of where notice was published or posted. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

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.

Source: Laws 1975, LB 325, § 9; Laws 1977, LB 39, § 318; Laws 1983, LB 43, § 5; Laws 1992, LB 1019, § 126; Laws 1994, LB 621, § 2; Laws 1996, LB 900, § 1074; Laws 2004, LB 821, § 40; Laws 2006, LB 898, § 4.

Annotations

- The Legislature has granted standing to a broad scope of its citizens for the very limited purpose of challenging meetings allegedly in violation of the Open Meetings Act, so that they may help police the public policy embodied by the act. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010).

- Any citizen of the state may commence an action to declare a public body's action void. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- The reading of ordinances constitutes a formal action under subsection (1) of this section. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- Under the Public Meetings Act, a county lacks capacity to maintain an action to declare its official conduct "void" for noncompliance with the act. *County of York v. Johnson*, 230 Neb. 403, 432 N.W.2d 215 (1988).
- When a petitioner under this section is successful in the district court, that court may allow attorney fees. *Tracy Corp. II v. Nebraska Pub. Serv. Comm.*, 218 Neb. 900, 360 N.W.2d 485 (1984).
- Informal discussions between the Tax Commissioner and the State Board of Equalization in which instructions were clarified, with such clarification leading to the amendment of hearing notices, did not constitute a public meeting subject to the provisions of this section. *Box Butte County v. State Board of Equalization and Assessment*, 206 Neb. 696, 295 N.W.2d 670 (1980).
- The right to collaterally attack an order made in contravention of the Public Meeting Act must occur within a period of one year as is specifically provided by this section. *Witt v. School District No. 70*, 202 Neb. 63, 273 N.W.2d 669 (1979).
- Statutory change, requiring "publicized notice" for board of education employment hearings, occurring between dates meeting scheduled and conducted, held not to void proceedings. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- Voiding an entire meeting is a proper remedy for violations of the Open Meetings Act. Once a meeting has been declared void pursuant to Nebraska's public meetings law, board members are prohibited from considering any information obtained at the illegal meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Actions by the board of directors were merely voidable under this section, and not void. Pursuant to subsection (3) of this section, the plaintiffs were awarded partial attorney fees because they were successful in having the court declare that the board of directors was in substantial violation of the statute, even though the plaintiffs did not get the relief requested of having the board's actions declared void. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

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Source: http://nebraskalegislature.gov/laws/display_html.php?begin_section=84-1407&end_section=84-1414

Date: July 2022

- 2. Proposed assessments in Street Improvement District No. 185 (E 14 Avenue from 23 Street to the north corporate limits) and Storm Water Sewer District No. 10 (Frontier Park Regional Storm Water Treatment and Detention Facility).**

NOTICE

NOTICE OF PROPOSED ASSESSMENTS IN STREET IMPROVEMENT DISTRICT NO. 185 AND STORM WATER SEWER DISTRICT NO. 10.

You are hereby notified that the mayor and council of the City of Columbus, Nebraska, will meet as a Board of Equalization in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska, on March 20, 2023, between the hours of 6:15 p.m. and 6:45 p.m., for the purpose of considering, equalizing, and levying the special assessments necessary to defray the costs of improvements included in Street Improvement District No. 185 and Storm Water Sewer District No. 10 located in Columbus, Nebraska, or within two miles beyond the boundaries thereof, at which time all complaints and applications for relief with respect to said assessments shall be presented to said Board.

A schedule of the proposed apportionment of the benefits and assessments and maps of said districts have been prepared and filed in the office of the city clerk, 2424 14 Street, Columbus, Nebraska, and are available for inspection during regular business hours.

CITY OF COLUMBUS
Janelle Kline, City Clerk

Publish: 02:10,17,24:23 and 03:03,10:23
Two Affidavits of Publication

MEMORANDUM

DATE: February 2, 2023
FROM: Richard J. Bogus, P.E., City Engineer
TO: Tara Vasicek, City Administrator
RE: Certificate of Costs, Apportionment of Costs, and Preliminary Assessment Schedule for SID#s 185 (East 14th Avenue from 23rd Street to north corporate limits) and SWSD#10 (Frontier Park Regional Storm Water Treatment and Detention Facility)

RECOMMENDATION:

I recommend approval of the Resolutions, certificate of costs, and apportionment of costs and set a Board of Equalization meeting for March 20, 2023, from 6:15 p.m. to 6:45 p.m. at the City Council Chambers for Street Improvement District (SID) No. 185 and Storm Water Sewer District (SWSD) No. 10.

DISCUSSION:

Assessments to benefiting properties are in accordance with State Statutes and City Assessment Policy and thus consistent with past policies and assessments. An assessment schedule and map are included for your information for both districts. Upon setting of the public hearing, property owners will be mailed the assessment packet of information.

SID#185 – East 14th Avenue from 23rd Street to the north corporate limits

Assessable costs to benefiting properties was 20 percent and general obligation cost was 80 percent of the project cost in accordance with Federal Funds Purchase Program (FFPP) guidelines. Savings of assessable costs from a district which did not qualify for the FFPP is about three times the amount.

The project was constructed in two phases which ended up being over two construction seasons; however, it was created as one district. The interest rates for assessments are set at one percent higher than the prime rate at time of assessment with a minimum rate of four percent. At the time of the creation and notification the interest rate was 4 percent and at time of assessment is 8.5 percent. SID length of assessment is 15 years.

The estimated pre-construction assessment to property owners was \$93.46 per lineal foot. The final assessment to benefiting property owners is \$108.78 per lineal foot.

Construction	\$3,399,523.40
Engineering, Legal, Printing & Publishing	\$370,362.45
Interest at time of assessment	\$288,959.48
TOTAL PROJECT COST	\$4,058,845.33
Assessed to Property Owners	\$811,714.18
Agricultural Deferment	\$198,122.10
General Obligation	\$3,247,131.15

The increase in lineal foot cost is due to an increase in the final quantities and work required to construct the project (Increased the lineal foot rate \$8.92), associated engineering and legal (increased the lineal foot rate \$2.30), and the increased interest rate (increased the lineal foot rate \$4.10).

For an example, a 100 lineal foot property went from the pre-construction estimate of \$9,346 to the final amount of \$10,878 or an increase of \$1,532 (16.4%) for reasons noted above.

SWSD#10 – Frontier Park Regional Storm Water Treatment and Detention Facility

Assessable costs to benefiting properties. Two developers in the region constructed the improvements: Granville Custom Homes and M&M Hanson Properties. The agreement with these developer's was the cost of construction would be deducted from their respective assessments. For both developers, the result was that after applying this credit they did not owe any assessments on this project.

In addition, there are three benefiting property owners in the district which have approved agricultural deferments. The assessment amount set would come due if and when the agricultural deferment, as defined by State Statute, is ever not met. Therefore, there are no assessments due at this time. The general obligation cost is for the City property in the district. SWSD length of assessment is 10 years.

The final assessment to benefiting property owners is \$7,994.80 per acre.

Construction	\$346,000.00
Engineering, Legal, Printing & Publishing	\$39,900.00
Interest at time of assessment	\$13,840.00
TOTAL PROJECT COST	\$399,740.00
Assessed to Property Owners	\$324,588.88
Agricultural Deferment	\$122,320.44
General Obligation	\$75,151.12

FISCAL IMPACT:

Assessments to benefiting properties. Properties that qualify have agricultural deferment. City owned property within the district and general obligation costs.

ALTERNATIVE:

Do not approve the assessment amounts.

SIGNATURE:

By: Richard J. Boyer

Approved By: _____



City of Columbus Engineering Department

Phone: 402-562-4309 Fax: 402-562-4265

www.columbusne.us

February 2, 2023

RE: CERTIFICATE OF COSTS APPORTIONMENT OF COSTS AND ASSESSMENT SCHEDULE
FOR SID #185

SID #185 (East 14th Avenue 23rd Street to North Corporate Limits)

Construction Contract	\$ 3,399,523.40
Engineering – 8% (City Engineering Department)	\$ 271,961.87
Survey and Inspection	\$ 13,162.50
Legal – 2.5%	\$ 84,988.08
Interest – 8.5%	\$ 288,959.48
Publications	\$ 250.00
TOTAL	\$ 4,058,845.33
Assessable Costs to Property Owners	\$ 811,714.18
Ag Deferment	\$ 198,122.10
General Obligation Cost (FFPP)	\$ 3,247,131.15

Xc: City Attorney
City Finance Depart.

STREET IMPROVEMENT DISTRICT NO. 185
EAST 14TH AVENUE 23RD STREET TO NORTH CORPORATE LIMITS

COLUMBUS NEBRASKA
ASSESSMENT SCHEDULE
COST BREAKDOWN

<u>TOTAL COSTS</u>		<u>TOTAL COSTS</u>	
Construction Cost	\$ 3,399,523.40	Charge to Property Owners	\$ 811,714.18 (Ag Deferment - \$198,122.10)
Engineering and Observation	\$ 285,124.37	Charge to General Obligation	\$ 3,247,131.15
Interest, Legal, Publishing, & Miscellaneous	\$ 374,197.56		
Total	\$ 4,058,845.33	Total	\$ 4,058,845.33

Total assessable front footage: 7461.98 feet
Basis of Assessment: (\$4,058,845.34 x .20 = \$811,769.06) / 7461.98 feet = \$108.78/Rate per foot

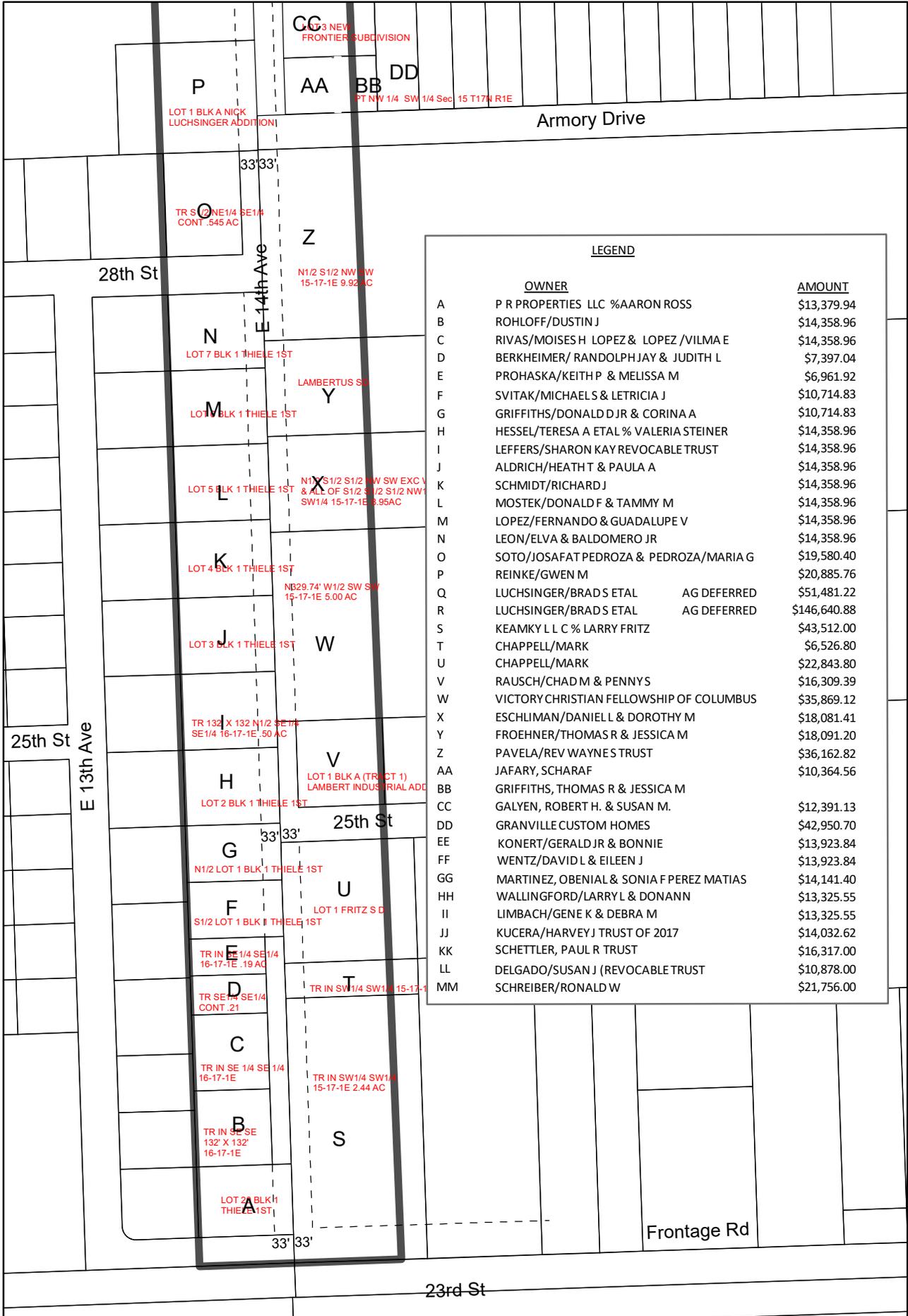
<u>PID</u>	<u>Description</u>	<u>Property Owner</u>	<u>Equivalent Front Footage</u>	<u>Rate</u>	<u>Total Assessment</u>
710115626	Lot 20, Block 1, Thiele 1 st Subdivision to the City of Columbus, Platte County, Nebraska	P R Properties LLC %Aaron Ross	123.00	108.78	\$ 13,379.94
710095382	Part of the SE 1/4 SE 1/4 of Section 16, Township 17 North, Range 1 East of the 6 th P.M., Platte County, Nebraska, described as follows: Commencing at a point 233 feet North of the Southeast corner of Section 16, Township 17 North, Range 1 East of the 6 th P.M., Platte County, Nebraska; running thence west 165 feet; thence North 132 feet; thence East 165 feet; thence South 132 feet to the place of beginning, all lines to be parallel to said section lines	Dustin J. Rohloff	132.00	108.78	\$ 14,358.96
710095389	A parcel of land located in part of the SE 1/4 SE 1/4 of Section 16, Township 17 North, Range 1 East, of the 6 th P.M., Platte County, Nebraska, more particularly described as follows: Commencing at a point 365 feet North of the Southeast corner, on the East line of said Section 16; thence Westerly 165 feet; thence Northerly 132 feet; thence Easterly 165 feet; thence Southerly 132.05 feet to the point of beginning; Containing 0.40 acres more or less, excluding therefrom any portion used for County Road Right-of-Way	Moises H Lopez Rivas & Vilma E Lopez	132.00	108.78	\$ 14,358.96
710095403	A parcel of land located in part of the SE 1/4 SE 1/4 of Section 16, Township 17 North, Range 1 East of the 6 th P.M., Platte County Nebraska, more particularly described as follows: Commencing at a point 497.05' North of the SE corner on the East line of said Section 16, thence running Westerly 33' to a point of beginning, thence continuing westerly 132', thence northerly 68' thence Easterly 132' thence Southerly 68' to the point of beginning containing 21 acres more or less not including county road Right-of-Way	Randolph Jay & Judith L Berkheimer	68.00	108.78	\$ 7,397.04

PID	Description	Property Owner	Equivalent Front Footage	Rate	Total Assessment
710095396	A parcel of land located in part of the SE 1/4 SE 1/4 of Section 16, Township 17 North, Range 1 East, of the 6 th P.M., Platte County, Nebraska, more particularly described as follows: Commencing at a point 565.05 feet North of the Southeast corner on the East line of said Section 16, thence running Westerly 33 feet to a Point of Beginning, thence continuing Westerly 132 feet, thence Northerly 64 feet, thence Easterly 132 feet, thence Southerly 64 feet to the Point of Beginning. Containing 0.19 acres more or less	Keith P & Melissa M Prohaska	64.00	108.78	\$ 6,961.92
710115486	S1/2 Lot 1, Block 1, Thiele 1 st Subdivision to the City of Columbus, Platte County, Nebraska	Michael S & Letricia J Svitak	98.50	108.78	\$ 10,714.83
710115493	N1/2 Lot 1, Block 1, Thiele 1 st Subdivision to the City of Columbus, Platte County, Nebraska	Donald D Jr & Corina A Griffiths	98.50	108.78	\$ 10,714.83
710115500	Lot 2, Block 1, Thiele 1 st Subdivision to the City of Columbus, Platte County, Nebraska	Teresa A Hessel ETAL %Valeria Steiner	132.00	108.78	\$ 14,358.96
710095410	Beginning on the East line of Section 16, Township 17 North, Range 1 East of the 6 th P.M. at a point 958 feet North of the Southeast corner of Section 16, Township 17 North, Range 1 East, thence West 165 feet, thence North 132 feet, thence East 165 feet, thence South 132 feet to the point of beginning, all contained within the N1/2 of SE1/4 of SE1/4 of Section 16, Township 17, North, Range 1, East of the 6 th P.M., Platte County, Nebraska	Sharon Kay Leffers Revocable Trust	132.00	108.78	\$ 14,358.96
71015507	Lot 3, Block 1, Thiele 1 st Subdivision to the City of Columbus, Platte County, Nebraska	Heath T. & Paula A. Aldrich	132.00	108.78	\$ 14,358.96
71015514	Lot 4, Block 1, Thiele 1 st Subdivision to the City of Columbus, Platte County, Nebraska	Richard J. Schmidt	132.00	108.78	\$ 14,358.96
710129349	Lot 5, Block 1, Thiele 1 st Subdivision to the City of Columbus, Platte County, Nebraska	Donald F. & Tammy M. Mostek	132.00	108.78	\$ 14,358.96
710115521	Lot 6, Block 1, Thiele 1 st Subdivision to the City of Columbus, Platte County, Nebraska	Fernando & Guadalupe V. Lopez	132.00	108.78	\$ 14,358.96
710115528	Lot 7, Block 1, Thiele 1 st Subdivision to the City of Columbus, Platte County, Nebraska	Elva & Baldomer Jr. Leon	132.00	108.78	\$ 14,358.96
710095361	A tract of land contained within the SE1/4 of Section 16, Township 17 North, Range 1 East of the 6 th P.M., Platte County, Nebraska, described as follows: Beginning at a point 66 feet North of the NE Corner of Lot 7, Block 1, Thiele First Subdivision; thence North 180 feet parallel with the West line of said section; thence West 132 feet; thence South 180 feet; thence East 132 feet to the point of beginning	Josafat Pedroza Soto & Maria G Pedroza	180.00	108.78	\$ 19,580.40
710150377	Lot 1, Block A, Nick Luchsinger Addition to the City of Columbus, Platte County, Nebraska	Gwen M. Reinke	192.00	108.78	\$ 20,885.76
710095326	The West 480 feet of the South 100 feet of the North 200 feet of the Southwest quarter of the Northwest quarter (SW1/4 NW1/4) of Section Fifteen (15), Township Seventeen North (17N) Range One (1) East of the 6 th P.M. subject to highway right of way on the West 33 feet thereof	Ronald W. Schreiber	200.00	108.78	\$ 21,756.00

<u>PID</u>	<u>Description</u>	<u>Property Owner</u>	<u>Equivalent Front Footage</u>	<u>Rate</u>	<u>Total Assessment</u>
710095319	A tract of land starting at a point 200 feet South of the Northwest corner of the SW1/4 NW1/4 of Section 15, Township 17 North, Range 1 East of the 6 th P.M., Platte County, Nebraska, thence east 240 feet; thence South 100 feet; thence West 240 feet; thence North 100 feet to the place of beginning	Susan J Delgado Revocable Trust	100.00	108.78	\$ 10,878.00
710094038	Lot 3, Johannes 1 st Subdivision to the City of Columbus, Platte County, Nebraska	Paul R Schettler Trust	150.00	108.78	\$ 16,317.00
710094045	Lot 4, Johannes 1 st Subdivision to the City of Columbus, Platte County, Nebraska	Harvy J Kucera Trust of 2017	129.00	108.78	\$ 14,032.62
710094059	Lot 6, Johannes 1 st Subdivision to the City of Columbus, Platte County, Nebraska	Gene K. & Debra M. Limbach	122.50	108.78	\$ 13,325.55
710094073	Lot 8, Johannes 1 st Subdivision to the City of Columbus, Platte County, Nebraska	Donann Wallingford %Scott M. Wallingford	122.50	108.78	\$ 13,325.55
710094087	Lot 10, Johannes 1 st Subdivision to the City of Columbus, Platte County, Nebraska	Martinez Obenial & Sonia F Perez Matias	130.00	108.78	\$ 14,141.40
710094101	N1/2 Lot 12, Johannes 1 st Subdivision to the City of Columbus, Platte County, Nebraska	David L. & Eileen J. Wentz	128.00	108.78	\$ 13,923.84
710094108	S1/2 Lot 12, Johannes 1 st Subdivision to the City of Columbus, Platte County, Nebraska	Gerald Jr. & Bonnie Konert	128.00	108.78	\$ 13,923.84
710016856	A tract of land beginning at the Northwest corner of the N1/2 of the NW1/4 of the SW1/4 Sec. 15, T17N, R1E and assuming the North line of said N1/2 of the NW1/4 of the SW1/4 to have a bearing of N89°53'47"E, thence N89°53'47"E on said North line, 1323.23 feet, to the Northeast corner of the N1/2 of the NW1/4 of the SW1/4; thence S00°02'48"E on the East line of said N1/2 of the NW1/4 of the SW1/4, 664.95 feet, to the Southeast corner of the N1/2 of the NW1/4 of the SW1/4; thence S89°54'11"W on the South line of the N1/2 of the NW1/4 of the SW1/4, 1322.23 feet, to the Southwest corner of the N1/2 of the NW1/4 of the SW1/4; thence N00°07'58"W on the West line of the N1/2 of the NW1/4 of the SW1/4, 120.00 feet; thence S89°09'10"E, 210.11 feet; thence N00°07'01"W, 149.93 feet; thence N89°08'54"W, 210.15 feet, to the West line of said N1/2 of the NW1/4 of the SW1/4; thence N00°07'58"W on said West line of the N1/2 of the NW1/4 of the SW1/4, 394.84 feet, to the point of beginning, now a part of the City of Columbus, Nebraska	Granville Custom Homes Inc.	394.84	108.78	\$ 42,950.70
710165931	Lot 3, New Frontier Subdivision to the City of Columbus, Platte County, Nebraska	Robert H. & Susan M. Galyen	113.91	108.78	\$ 12,391.13
710165924	Lot 2, New Frontier Subdivision to the City of Columbus, Platte County, Nebraska	Jafary Sharaf	95.28	108.78	\$ 10,364.56
710016779	N1/2 S1/2 NW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6 th P.M., Platte County, Nebraska	Reverend Wayne S. Pavela	332.44	108.78	\$ 36,162.82
710130455	Lambertus Subdivision to the City of Columbus, Platte County, Nebraska	Thomas R. & Jessica M. Froehner	166.31	108.78	\$ 18,091.20

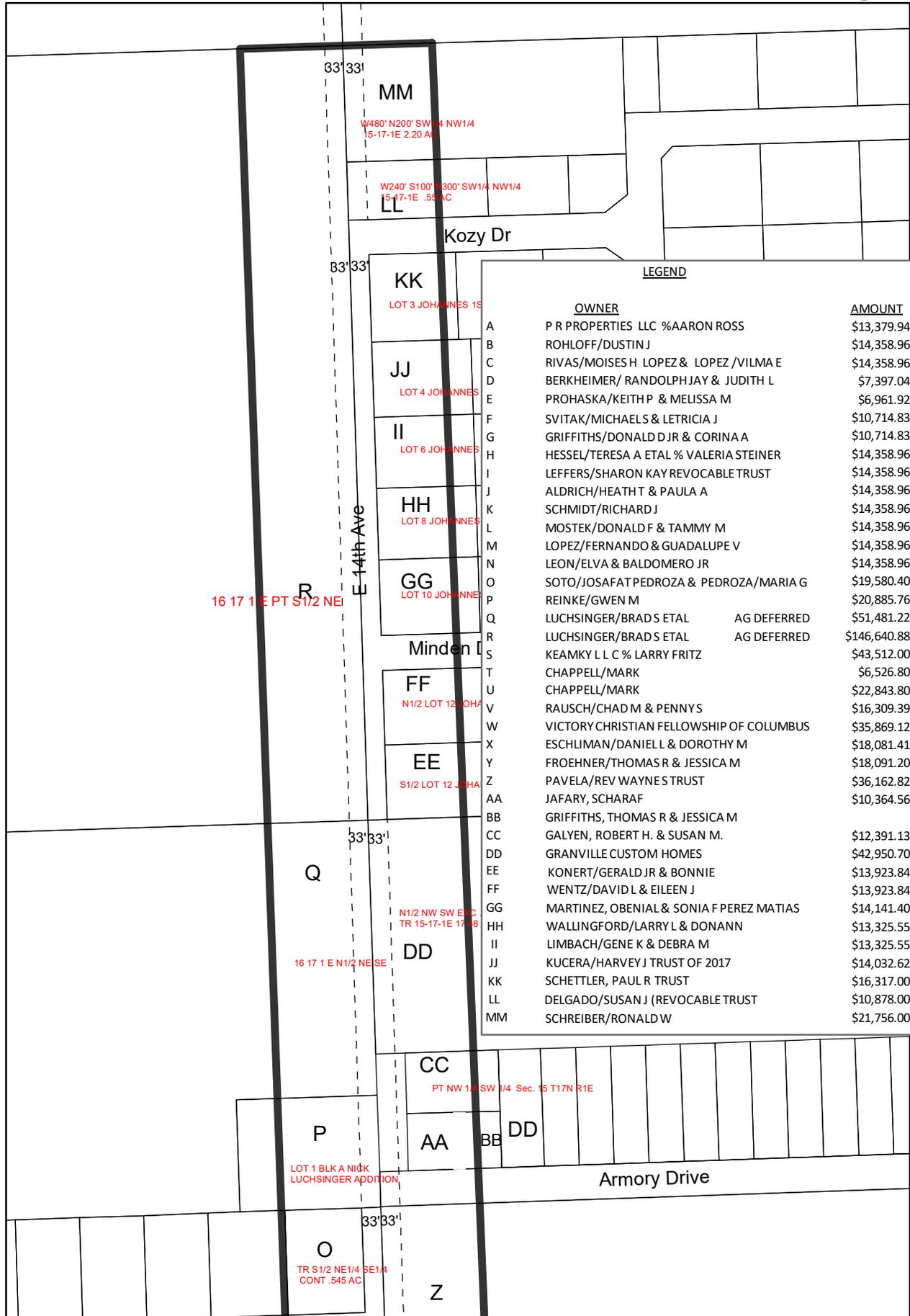
<u>PID</u>	<u>Description</u>	<u>Property Owner</u>	<u>Equivalent Front Footage</u>	<u>Rate</u>	<u>Total Assessment</u>
710016786	The N1/2 S1/2 S1/2 NW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6 th P.M, Platte County, Nebraska; excepting therefrom Lambertus Subdivision, a tract of land located in the N1/2 S1/2 S1/2 NW1/4 SW1/4 of section 15, Township 17 North, Range 1 East of the 6 th P.M., Platte County, Nebraska and The S1/2 S1/2 S1/2 of the NW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska	Daniel L. & Dorothy M. Eschliman	166.22	108.78	\$ 18,081.41
710016807	The North 329.74 feet of the W1/2 SW1/4 SW1/4 Section 15, Township 17 North, Range 1 East of the 6 th P.M., Platte County, Nebraska containing 5.0 acres, more or less	Victory Christian Fellowship of Columbus	329.74	108.78	\$ 35,869.12
710136132	Lot 1, Block A Lambert Industrial Addition to the City of Columbus, Platte County, Nebraska	Chad M. & Penny S. Rausch	149.93	108.78	\$ 16,309.39
710163460	Lot 1, Fritz Subdivision to the City of Columbus, Platte County, Nebraska; And A tract of land located in the SW1/4 of the SW1/4, Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, more particularly described as follows: beginning at the Southwest corner of Fritz Subdivision, being a part of said SW1/4 SW1/4 and now the City of Columbus, Platte County, Nebraska; thence N89°49'42" E, 231.08 feet on the South line of said Fritz Subdivision to the Southeast corner thereof; thence S00°10'10"E, 60.00 feet; thence S89°49'42" W, 231.07 feet to the West line of said SW1/4 SW1/4; thence N00°11'05" W, 60.00 feet on the West line of said SW1/4 Sw1/4 to the point of beginning.	Mark Chappell	60.00	108.78	\$ 6,526.80
710127379	Lot 1, Fritz Subdivision to the City of Columbus, Platte County, Nebraska; And A tract of land located in the SW1/4 of the SW1/4, Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, more particularly described as follows: beginning at the Southwest corner of Fritz Subdivision, being a part of said SW1/4 SW1/4 and now the City of Columbus, Platte County, Nebraska; thence N89°49'42" E, 231.08 feet on the South line of said Fritz Subdivision to the Southeast corner thereof; thence S00°10'10"E, 60.00 feet; thence S89°49'42" W, 231.07 feet to the West line of said SW1/4 SW1/4; thence N00°11'05" W, 60.00 feet on the West line of said SW1/4 Sw1/4 to the point of beginning.	Mark Chappell	210.00	108.78	\$ 22,843.80

CITY OF COLUMBUS SID #185



LEGEND		
	OWNER	AMOUNT
A	P R PROPERTIES LLC %AARON ROSS	\$13,379.94
B	ROHLOFF/DUSTIN J	\$14,358.96
C	RIVAS/MOISES H LOPEZ & LOPEZ /VILMA E	\$14,358.96
D	BERKHEIMER/ RANDOLPH JAY & JUDITH L	\$7,397.04
E	PROHASKA/KEITH P & MELISSA M	\$6,961.92
F	SVITAK/MICHAELS & LETRICIA J	\$10,714.83
G	GRIFFITHS/DONALD DJR & CORINA A	\$10,714.83
H	HESSEL/TERESA A ETAL % VALERIA STEINER	\$14,358.96
I	LEFFERS/SHARON KAY REVOCABLE TRUST	\$14,358.96
J	ALDRICH/HEATH T & PAULA A	\$14,358.96
K	SCHMIDT/RICHARD J	\$14,358.96
L	MOSTEK/DONALD F & TAMMY M	\$14,358.96
M	LOPEZ/FERNANDO & GUADALUPE V	\$14,358.96
N	LEON/ELVA & BALDOMERO JR	\$14,358.96
O	SOTO/JOSAFAT PEDROZA & PEDROZA/MARIA G	\$19,580.40
P	REINKE/GWEN M	\$20,885.76
Q	LUCHSINGER/BRADS ETAL AG DEFERRED	\$51,481.22
R	LUCHSINGER/BRADS ETAL AG DEFERRED	\$146,640.88
S	KEAMKY L L C % LARRY FRITZ	\$43,512.00
T	CHAPPELL/MARK	\$6,526.80
U	CHAPPELL/MARK	\$22,843.80
V	RAUSCH/CHAD M & PENNYS	\$16,309.39
W	VICTORY CHRISTIAN FELLOWSHIP OF COLUMBUS	\$35,869.12
X	ESCHLIMAN/DANIEL L & DOROTHY M	\$18,081.41
Y	FROEHNER/THOMAS R & JESSICA M	\$18,091.20
Z	PAVELA/REV WAYNES TRUST	\$36,162.82
AA	JAFARY, SCHARAF	\$10,364.56
BB	GRIFFITHS, THOMAS R & JESSICA M	
CC	GALYEN, ROBERT H. & SUSAN M.	\$12,391.13
DD	GRANVILLE CUSTOM HOMES	\$42,950.70
EE	KONERT/GERALD JR & BONNIE	\$13,923.84
FF	WENTZ/DAVID L & EILEEN J	\$13,923.84
GG	MARTINEZ, OBenial & SONIA F PEREZ MATIAS	\$14,141.40
HH	WALLINGFORD/LARRY L & DONANN	\$13,325.55
II	LIMBACH/GENE K & DEBRA M	\$13,325.55
JJ	KUCERA/HARVEY J TRUST OF 2017	\$14,032.62
KK	SCHETTLER, PAUL R TRUST	\$16,317.00
LL	DELGADO/SUSAN J (REVOCABLE TRUST	\$10,878.00
MM	SCHREIBER/RONALD W	\$21,756.00

CITY OF COLUMBUS SID #185



LEGEND		
	OWNER	AMOUNT
A	P R PROPERTIES LLC %AARON ROSS	\$13,379.94
B	ROHLOFF/DUSTIN J	\$14,358.96
C	RIVAS/MOISES H LOPEZ & LOPEZ/VILMA E	\$14,358.96
D	BERKHEIMER/ RANDOLPH JAY & JUDITH L	\$7,397.04
E	PROHASKA/KEITH P & MELISSA M	\$6,961.92
F	SVITAK/MICHAELS & LETRICIA J	\$10,714.83
G	GRIFFITHS/DONALD DJR & CORINA A	\$10,714.83
H	HESEL/TERESA A ETAL % VALERIA STEINER	\$14,358.96
I	LEFFERS/SHARON KAY REVOCABLE TRUST	\$14,358.96
J	ALDRICH/HEATH T & PAULA A	\$14,358.96
K	SCHMIDT/RICHARD J	\$14,358.96
L	MOSTEK/DONALD F & TAMMY M	\$14,358.96
M	LOPEZ/FERNANDO & GUADALUPE V	\$14,358.96
N	LEON/ELVA & BALDOMERO JR	\$14,358.96
O	SOTO/IOSAFAT PEDROZA & PEDROZA/MARIA G	\$19,580.40
P	REINKE/GWEN M	\$20,885.76
Q	LUCHSINGER/BRAD S ETAL AG DEFERRED	\$51,481.22
R	LUCHSINGER/BRAD S ETAL AG DEFERRED	\$146,640.88
S	KEAMKY L L C % LARRY FRITZ	\$43,512.00
T	CHAPPELL/MARK	\$6,526.80
U	CHAPPELL/MARK	\$22,843.80
V	RAUSCH/CHAD M & PENNY S	\$16,309.39
W	VICTORY CHRISTIAN FELLOWSHIP OF COLUMBUS	\$35,869.12
X	ESCHLIMAN/DANIEL L & DOROTHY M	\$18,081.41
Y	FROEHNER/THOMAS R & JESSICA M	\$18,091.20
Z	PAVELA/REV WAYNE S TRUST	\$36,162.82
AA	JAFARY, SCHARAF	\$10,364.56
BB	GRIFFITHS, THOMAS R & JESSICA M	
CC	GALYEN, ROBERT H. & SUSAN M.	\$12,391.13
DD	GRANVILLE CUSTOM HOMES	\$42,950.70
EE	KONERT/GERALD JR & BONNIE	\$13,923.84
FF	WENTZ/DAVID L & EILEEN J	\$13,923.84
GG	MARTINEZ, OBENIAL & SONIA F PEREZ MATIAS	\$14,141.40
HH	WALLINGFORD/LARRY L & DONANN	\$13,325.55
II	LIMBACH/GENE K & DEBRA M	\$13,325.55
JJ	KUCERA/HARVEY J TRUST OF 2017	\$14,032.62
KK	SCHETTLER, PAUL R TRUST	\$16,317.00
LL	DELGADO/SUSAN J (REVOCABLE TRUST)	\$10,878.00
MM	SCHREIBER/RONALD W	\$21,756.00

<u>PID</u>	<u>Description</u>	<u>Property Owner</u>	<u>Equivalent Front Footage</u>	<u>Rate</u>	<u>Total Assessment</u>
710016821	A tract of land located in the SW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6 th P.M., Platte County, Nebraska, described as follows: Commencing at the SW corner of Section 15, T17N, R1E of the 6 th P.M., Platte County, Nebraska; thence northerly on an assumed bearing of N 00°00'00"E, 60.00 feet, to the point of beginning, said point also being on the North R.O.W. line of Highway No. 30; thence N 00°00'00" E and on the West line of the SW1/4 SW1/4, 520.00 feet, to a point; thence S 89°59'14" 231.00 feet, to a point; thence S 00°00'00" E, 520.00 feet, to a point, said point also being on the North R.O.W. line of Highway No. 30; thence N 89°59'14" W and on said North R.O.W. line of Highway No. 30, 231.00 feet, to the point of beginning, containing 2.76 acres, more or less. The South 60.00 feet thereof reserved for frontage road purposes	KEAMKY L L C	400.00	108.78	\$ 43,512.00
AG DEFERMENT					
710016996	The South Half of the Northeast Quarter (S1/2 NE1/4) and the North Half of the Northeast Quarter of the Southeast Quarter (N1/2 NE1/4 SE1/4) of Section 16, in Township 17 North Range 1 East of the 6 th P.M., Platte County, Nebraska	Brad S Luchsinger ETAL AG DEFERRED	1348.05	108.78	\$146,640.88
71006982	The South Half of the Northeast Quarter (S1/2 NE1/4) and the North Half of the Northeast Quarter of the Southeast Quarter (N1/2 NE1/4 SE1/4) of Section 16, in Township 17 North Range 1 East of the 6 th P.M., Platte County, Nebraska	Brad S Luchsinger ETAL AG DEFERRED	473.26	108.78	\$51,481.22



City of Columbus Engineering Department

Phone: 402-562-4309 Fax: 402-562-4265

www.columbusne.us

February 1, 2023

RE: CERTIFICATE OF COSTS APPORTIONMENT OF COSTS AND ASSESSMENT SCHEDULE
FOR SWSD #10

SWSD #10 (Frontier Regional Stormwater Treatment Facility)

Construction Contract	\$ 346,000.00
Design and CE Services	\$ 31,000.00
Legal 2.5%	\$ 8,650.00
Interest 4%	\$ 13,840.00
Publications	\$ 250.00
TOTAL	\$ 399,740.00
Assessable costs to Property Owners	\$ 399,740.00
Credit to Developers towards Assessment	\$ (202,267.44)
Deferred Assessable Costs	\$ 122,320.44
General Obligation Cost	\$ 75,151.12

Xc: City Attorney
City Finance Depart.

STORM WATER SEWER DISTRICT NO. 10
FRONTIER REGINAL STORMWATER TREATMENT FACILITY
COLUMBUS NEBRASKA
PRELIMINARY ASSESSMENT SCHEDULE
COST BREAKDOWN

<u>TOTAL COSTS</u>		<u>TOTAL COSTS</u>		<u>TOTAL COSTS</u>
Construction Cost	\$ 346,000.00	Charge to Property Owners	\$ 324,588.88	
			(Deferred \$122,320.44)	
Design and CE Services	\$ 31,000.00	Charge to General Obligation	\$ 75,151.12	
Internet, Legal, and Publishing	\$ 22,740.00	Credit to Developers towards Assessment	\$ (202,268.44)	
Total	<u>\$ 399,740.00</u>	Total	<u>\$ 399,740.00</u>	
Total assessable acreage: 50 Acres				
Basis of Assessment: 399,740 / 50 acres = \$7,994.80/acre				

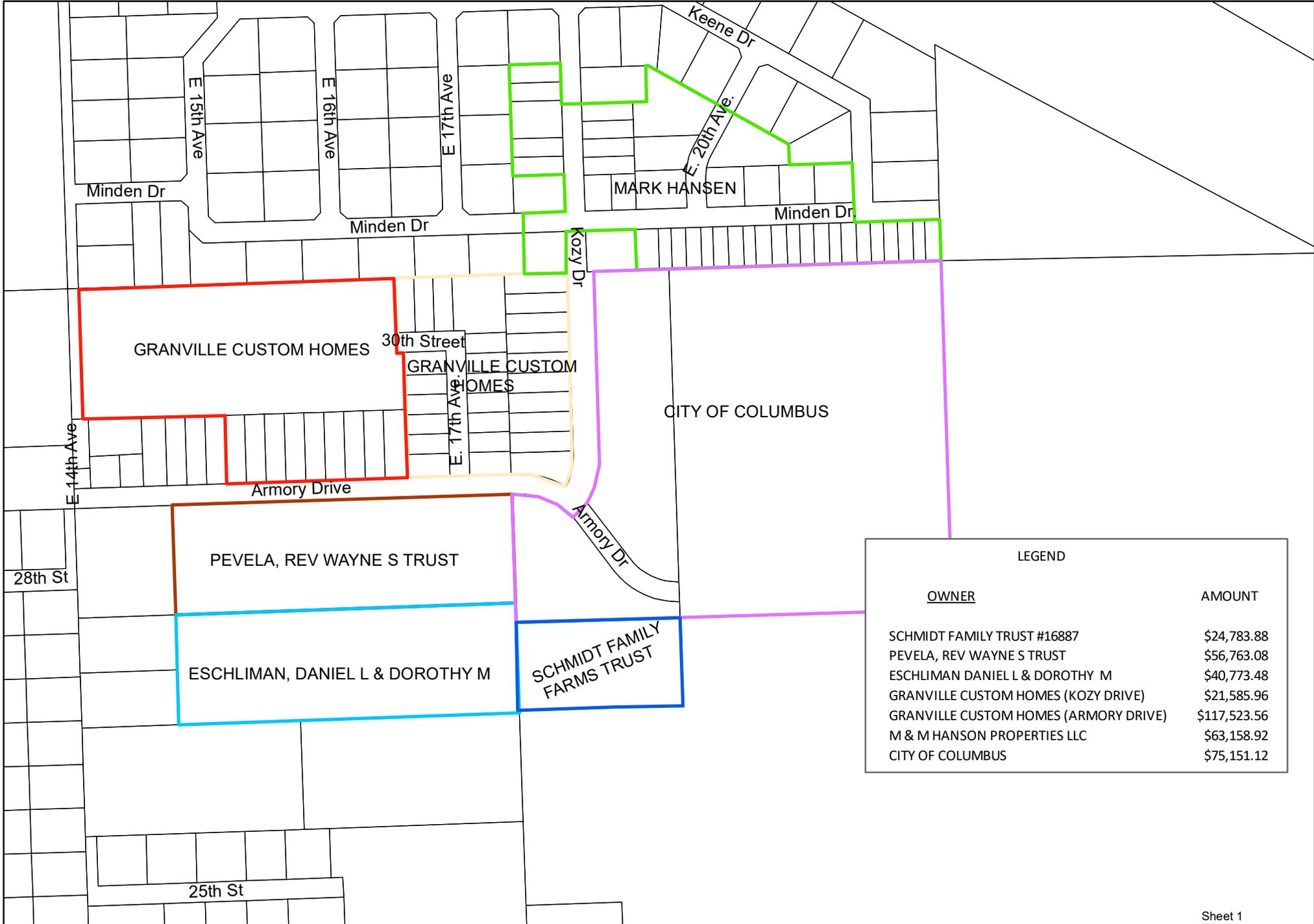
<u>PID</u>	<u>Description</u>	<u>Property Owner</u>	<u>Equivalent Front Acre</u>	<u>Rate</u>	<u>Total Assessment</u>
		Granville Custom Homes Armory Drive Subdivision (Along Armory Drive)	14.70	\$ 7,994.80	\$ 117,523.56
				Credit	\$ (117,523.56)
				Assessment	\$0.00
710165840	Lots 6-14, Block A, Frontier Park Addition, A				
710165847	tract of land located in the N1/2 of the SW1/4				
710165854	of Section 15, T17N, R1E of the 6th P.M. in				
710165861	the City of Columbus, Platte County,				
710165868	Nebraska				
710165875					
710165882					
710165889					
710165896					
710167590	Lots 1-6, Block A, Frontier Park 2 nd Addition to				
710167597	the City of Columbus, Platte County,				
710167604	Nebraska				
710167611					
710167618					
710167625					
710167702	Lots 1-11, Block B, Frontier Park 2 nd Addition				
710167695	to the City of Columbus, Platte County,				
710167688	Nebraska				
710167681					
710167674					
710167667					
710167660					
710167653					
710167646					
710167639					
710167632					
710016856	A tract of land located in the N1/2 of the NW1/4 of the SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., in Platte County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of the N1/2 of the NW1/4 of the SW1/4, and assuming the North line of said N1/2 of the NW1/4 of the SW1/4 to have a bearing of N89°53'47"E; thence N89°53'47" on said North line, 1323.23 feet, to the Northeast corner of the N1/2 of the NW1/4 of the SW1/4; thence S00°02'48"E on the East line of said N1/2 of the NW1/4 of the SW1/4, 664.95 feet, to the Southwest corner of the N1/2 of the NW1/4 of the SW1/4; thence S89°54'11"W on the South line of the N1/2 of the NW1/4 of the SW1/4, 1322.23 feet, to the Southeast corner of the N1/2 of the NW1/4 of the SW1/4; thence N00°07'58"W on the West line of the N1/2 of the NW1/4 of the SW1/4, 120.00 feet; thence S89°09'10"E, 210.11 feet; thence N00°07'01"W 149.93 feet; thence N89°08'54"W, 210.15 feet, to the West line of said N1/2 of the NW1/4 of the SW1/4; thence N00°07'58"W of said West line of the N1/2 of the NW1/4 of the SW1/4, 394.84 feet, to the point of beginning, now a part of the City of Columbus, Nebraska				
		Granville Custom Homes Armory Drive Subdivision (along Kozy Drive)	2.70	\$ 7,994.80	\$ 21,585.96
				Credit	\$ (21,585.96)
				Assessment	\$0.00

710162228 Lots 1-10, Block A, Armory Subdivision, a
710162221 Subdivision of Lot 1, Frontier Subdivision, City
710162214 of Columbus, Platte County, Nebraska
710162207
710162200
710162193
710162186
710162179
710162172
710162165

PID	Description	Property Owner	Equivalent Front Acre	Rate	Total Assessment
		M & M Hanson Properties, LLC	7.90	\$ 7,994.80	\$ 63,158.92
				Credit	\$ (63,158.92)
				Assessment	\$0.00
710155613 710155634	Lots 1 and Lot 4, Sunside Subdivision, Part of the SE1/4 NW1/4 of Section 15, Township 17 North, Range 1 East of the 6 th P.M., Platte County, Nebraska being part of the City of Columbus, Platte County, Nebraska				
710165315 710165308	Lots 1-2, Armstrong 1 st Subdivision, a Minor Subdivision of Lot 3, Sunside Subdivision Part of the SE1/4 NW1/4 Section 15, T17N, R1E, Platte County, Nebraska				
710155641	The South 1/2 of Lot 5, Sunside Subdivision, part of the SE1/4 NW1/4 of Section 15, Township 17 North, Range 1 East of the 6 th P.M., Platte County, Nebraska, being part of the City of Columbus, Platte County, Nebraska				
710165560	The North 1/2 of Lot 5, Sunside Subdivision, part of the SE1/4 NW1/4 of Section 15, Township 17 North, Range 1 East of the 6 th P.M., Platte County, Nebraska, being part of the City of Columbus, Platte County, Nebraska				
710166169 710166176 710166183 710166190	Lots 1-4, Block "A", Sunside 2 nd Subdivision, a Replat of Lots 7, 8, and the East 43 feet of Lot 9 of Sunside Subdivision to the City of Columbus, Platte County, Nebraska and a Part of the SE1/4 NW1/4 of Section 15, Township 17 North, Range 1 East of the 6 th P.M., Platte County, Nebraska				
710165266	Parcel 3: #710165266, 3153 Kozy Dr., Columbus NE 68601 The West 82.2 Feet of Lot 9, Sunside Subdivision Part of the SE1/4NW1/4 of Section 15, Township 17 North, Range 1 East of the 6 th P.M., Platte County, Nebraska, being a part of the City of Columbus, Platte County, Nebraska				
710164391	The East 72.80 feet of the West 155.00 feet of Lot 9, Sunside Subdivision., part of the SE1/4 NW1/4 of Section 15, Township 17 North, Range 1 East of the 6 th P.M., Nebraska, being part of the City of Columbus, Platte County, Nebraska				
710166253 710166260 710166267 710166274 710166281 710166288 710166295 710166302 710166309 710166316 710166323 710166330 710166337 710166344 710166351 710166358 710166365 710166372 710166379 710166386 710166393	Lots 1-21, Block C, Sunside 2 nd Subdivision, a Replat of Lots 7, 8, and the East 43 Feet of Lot 9 of Sunside Subdivision to the City of Columbus, Platte County, Nebraska, and Part of the Southeast 1/4 of the Northwest 1/4 of Section 15, T17N, R1E, Platte County, Nebraska				

PID	Description	Property Owner	Equivalent Front Acres	Rate	Total Assessment
710166218 710166225 710166232 710166239 710166246	Lots 1-5, Block B, Sunside 2 nd Subdivision, a Replat of Lots 7, 8, and the East 43 Feet of Lot 9 of Sunside Subdivision to the City of Columbus, Platte County, Nebraska, and Part of the Southeast 1/4 of the Northwest 1/4 of Section 15, T17N, R1E, Platte County, Nebraska				
710166197 710166204 710166211	Lots 5-7, Block A, Sunside 2 nd Subdivision, a Replat of Lots 7, 8, and the East 43 Feet of Lot 9 of Sunside Subdivision to the City of Columbus, Platte County, Nebraska, and Part of the Southeast 1/4 of the Northwest 1/4 of Section 15, T17N, R1E, Platte County, Nebraska				
City Property			9.40	\$ 7,994.80	\$ 75,151.12
				Credit	\$ (75,151.12)
				Assessment	\$0.00
710162578	Lot 1, Block B, Armory 2nd Subdivision to the City of Columbus, Platte County, Nebraska				
710162571	Lot 1, Block A, Armory 2nd Subdivision to the City of Columbus, Platte County, Nebraska				
Additional Properties Ag Deferment					
710016765	The West Half of the Southeast Quarter (W1/2 SE1/4) of Section Fifteen (15); and The Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4) of Section Fifteen (15); and The South Eight (8) acres of the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section Fifteen (15)	Schmidt Family Trust #16887 %Farmers National Co. AG DEFERRED	3.10	\$ 7,994.80	\$24,783.88
710016779	N1/4S1/4NW1/4SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska	Pavela, Rev Wayne S Trust AG DEFERRED	7.10	\$ 7,994.80	\$56,763.08
710016786	Parcel 1: The N1/2 S1/2 S1/2 NW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska, excepting therefrom Lambertus Subdivision, a tract of land located in the N1/2 S1/2 S1/2 NW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska Parcel 2: The S1/2 S1/2 S1/2 of the NW1/4 SW1/4 of Section 15, Township 17 North, Range 1 East of the 6th P.m., Platte County, Nebraska	Eschliman, Daniel L & Dorothy M AG DEFERRED	5.10	\$ 7,994.80	\$40,773.48

CITY OF COLUMBUS SWSD #10



LEGEND	
<u>OWNER</u>	AMOUNT
SCHMIDT FAMILY TRUST #16887	\$24,783.88
PEVELA, REV WAYNE S TRUST	\$56,763.08
ESCHLIMAN DANIEL L & DOROTHY M	\$40,773.48
GRANVILLE CUSTOM HOMES (KOZY DRIVE)	\$21,585.96
GRANVILLE CUSTOM HOMES (ARMORY DRIVE)	\$117,523.56
M & M HANSON PROPERTIES LLC	\$63,158.92
CITY OF COLUMBUS	\$75,151.12

3. **Resolution No. R23-46 equalizing and levying special assessments for improvements in Street Improvement Districts No. 185 (E 14 Avenue from 23 Street to the north corporate limits) and Storm Water Sewer District No. 10 (Frontier Park Reginal Storm Water Treatment and Detention Facility).**

RESOLUTION NO. R23-46

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, SITTING AS A BOARD OF EQUALIZATION, TO EQUALIZE AND LEVY SPECIAL ASSESSMENTS FOR IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 185 AND STORM WATER SEWER DISTRICT NO. 10.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, SITTING AS A BOARD OF EQUALIZATION, AS FOLLOWS:

SECTION 1. That the mayor and council hereby find and determine that the cost of the improvements in the following Street Improvement Districts and Storm Water Sewer District in said City, exclusive of intersections and areas formed by the crossing of streets, avenues, and alleys and one-half of the streets and avenues adjacent to real estate owned by the United States, be charged to the property owners as follows:

Street Improvement District No. 185	\$811,714.18
Storm Water Sewer District No. 10	\$324,588.88

SECTION 2. That the mayor and council further find and determine that they have heretofore designated March 20, 2023, between the hours of 6:15 p.m. and 6:45 p.m., at the council chambers located at 1369 25 Avenue, Columbus, Nebraska, as the time and place for sitting as a Board of Equalization for the purpose of considering and levying special assessments upon the property specially benefited by said improvements to pay the cost of constructing the same; that notice of the time and place of said meeting and sitting as a Board of Equalization for such purposes has been given as provided by law by publication in the Columbus Telegram, a legal newspaper published in and having a general circulation in the City of Columbus, at least ten (10) days prior thereto, said notice having been published in the issues of said newspaper dated February 10, 2023, February 17, 2023, February 24, 2023, March 3, 2023, and March 10, 2023, that copies of such notice have been mailed with postage prepaid to each of the property owners as shown on the current tax rolls, and the mayor and members of the council, constituting said board, have each personally inspected said improvements and real estate abutting on and adjacent thereto; and that said board did at said session hear all persons who desired to be heard in reference to the equalization and levying of special assessments in said districts for the purpose of paying the cost of constructing the improvements in said districts, and with reference thereto has considered the advice of the engineer in charge of the construction of said improvements, said improvements having been constructed and completed according to the plans and specifications and contracts let therefore and having been accepted and approved by the mayor and council.

SECTION 3. That the mayor and council further find and determine that the special benefits, according to the several lots and parcels of real estate in said districts, are equal and uniform and in proportion to the front footage or acreage of each of said lots and parcels of real estate abutting on, adjacent to, or benefiting from said improvements, and that the assessments levied herein should be and are according to such front footage or acreages.

SECTION 4. That the work done and improvements constructed in said districts be and hereby are approved and accepted by the mayor and council; and that there is hereby levied and assessed upon the several lots and parcels of real estate in said Street Improvement District No. 185 and Storm Water Sewer District No. 10, special assessments to pay the cost of said improvements in said districts in the amount in dollars and cents to be more specifically set out levying such special assessments, to be introduced by the mayor and council on April 3, 2023.

SECTION 5. That the assessment or assessments upon each lot and parcel of real estate in said districts is or are not in excess of the benefits thereto occurring from the construction of said improvements and the special assessments have been apportioned among the several lots and parcels of real estate subject to assessment in proportion to the special benefits accruing to said lots and parcels of real estate respectively from such improvements.

SECTION 6. That said special assessments in Street Improvement District No. 185 shall be a lien on the lots and parcels of real estate upon which levied from the date of levy thereof, and shall be due and payable to the city treasurer as provided by law, and shall become delinquent as follows: one-fifteenth in fifty days; one-fifteenth in one year; one-fifteenth in two years; one-fifteenth in three years; one-fifteenth in four years; one-fifteenth in five years; one-fifteenth in six years; one-fifteenth in seven years; one-fifteenth in eight years; one-fifteenth in nine years; one-fifteenth in ten years; one-fifteenth in eleven years; one-fifteenth in twelve years; one-fifteenth in thirteen years; one-fifteenth in fourteen years; respectively, after the date of the levy thereof; and that each of said installments, except the first, shall draw interest at the rate of four percent (8.5.00%) per annum from the date of levy thereof until the same shall become delinquent, and after the same becomes delinquent shall draw interest at the rate of fourteen percent (14%) per annum until paid; that any installment not paid on or before the date it shall become delinquent shall be certified to the County Treasurer of Platte County, Nebraska, at the time of the next certification for general revenue purposes, and by such officer placed upon the tax list and collected as other real estate taxes are collected or may be collected as otherwise permitted by law.

SECTION 7. That said special assessments in Storm Water Sewer District No. 10 shall be a lien on the lots and parcels of real estate upon which levied from the date of levy thereof, and shall be due and payable to the city treasurer as provided by law, and shall become delinquent as follows: one-tenth in fifty days; one-tenth in one year; one-tenth in two years; one-tenth in three years; one-tenth in four years; one-tenth in five years; one-tenth in six years; one-tenth in seven years; one-tenth in eight years; one-tenth in nine years; respectively, after the date of the levy thereof; and that each of said installments, except the first, shall draw interest at the rate of four percent (4.00%) per annum from the date of levy thereof until the same shall become delinquent, and after the same becomes delinquent shall draw interest at the rate of fourteen percent (14%) per annum until paid; that any installment not paid on or before the date it shall become delinquent shall be certified to the County Treasurer of Platte County, Nebraska, at the time of the next certification for general revenue purposes, and by such officer placed

upon the tax list and collected as other real estate taxes are collected or may be collected as otherwise permitted by law.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS _____ DAY OF _____, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

4. Adjournment.