

Planning Commission  
Monday, February 12, 2024 6:00 PM  
Columbus Community Building/Community Room  
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 City Hall, 2500 14 Street, Columbus, Nebraska. For more information, call 402-562-4224 or visit our website at [www.columbusne.us](http://www.columbusne.us).

{{Name: Agenda Item Name}}

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

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**NEBRASKA OPEN MEETINGS ACT**

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**84-1407. Act, how cited.**

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

**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](http://nebraskalegislature.gov/laws/display_html.php?begin_section=84-1407&end_section=84-1414)

Date: July 2022

**2. Minutes of December 11, 2023, meeting.**

PLANNING COMMISSION  
December 11, 2023

A meeting of the Planning Commission of the City of Columbus, Nebraska, was convened in open and public session on December 11, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14th Street, Columbus, Nebraska. Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on November 29, 2023, 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 Pillen announced that a copy of the Open Meetings Act is available at this meeting. Present were members Steve Anderson, Colleen Bray, Bob Elsasser, Fernando Lopez, Jr., and Tom Pillen. Members Robbin Cutsor, Melissa Goc, Tom Lange, and Josh Mueller were absent and excused. City staff members included City Attorney Gene Schumacher, City Engineer Rick Bogus, Chief Building and Code Inspector Andy Woehrer, Assistant City Clerk Shuraya Frauendorfer, and Assistant City Clerk Kelli Keyes. Also present were Mayor James Bulkley and Council Member Charlie Bahr.
- 2. Minutes of November 13, 2023, meeting:** The minutes were approved as presented with a motion by Bray and a second by Elsasser. Anderson, Bray, Elsasser, Lopez, and Pillen voted "Aye" and none voted "Nay". Cutsor, Goc, Lange, and Mueller were absent.
- 3. Public Hearing - Application of Zegar Investment Properties LLC for preliminary plat of Cuzzin's Corner 4th Addition (8th Street north of 10th Avenue). (Continued from November 13, 2023, meeting.):** John Zwingman, Advanced Consulting Engineering Services on behalf of the applicant, explained that this addition would create multi-family housing on five lots and would be an extension of 10th Avenue north of 8th Street and continue west to 12th Avenue north of Dollar General. It was noted that the applicant will be submitting an application to rezone the property from "R-R" (Rural Residential District) to "R-3" (Multi-Family Residential District) in the near future. No public testimony was heard. The public hearing closed with a motion by Elsasser and a second by Lopez. Anderson, Bray, Elsasser, Lopez, and Pillen voted "Aye" and none voted "Nay". Cutsor, Goc, Lange, and Mueller were absent. A recommendation was made with a motion by Anderson and a second by Bray to approve the preliminary plat of Cuzzin's Corner 4th Addition as it is amenable with adjacent land use and is in accordance with the Columbus Land Development Ordinance. Anderson, Bray, Elsasser, Lopez, and Pillen voted "Aye" and none voted "Nay". Cutsor, Goc, Lange, and Mueller were absent.
- 4. Public hearing - Application of Meadow Ridge Properties LLC for preliminary plat of Meadow Ridge Eleventh Addition (49th Avenue and 42nd/43rd Street). (Continued from November 13, 2023, meeting.):** John Zwingman,

Advanced Consulting Engineering Services on behalf of the applicant, explained that this addition would consist of 26 residential lots located west of 48th Avenue, north of 42nd Street. No public testimony was heard. The public hearing closed with a motion by Anderson and a second by Elsasser. Anderson, Bray, Elsasser, Lopez, and Pillen voted "Aye" and none voted "Nay". Cutsor, Goc, Lange, and Mueller were absent. A recommendation was made with a motion by Lopez and a second by Anderson to approve the preliminary plat of Meadow Ridge Eleventh Addition as it is amenable with adjacent land use, consistent with the Meadow Ridge master plan, and is in accordance with the Columbus Land Development Ordinance. Anderson, Bray, Elsasser, Lopez, and Pillen voted "Aye" and none voted "Nay". Cutsor, Goc, Lange, and Mueller were absent.

5. **Public hearing - Application of C. Ronald and Charlotte K. Lambert to rezone property located south of 51st Street and 38th Avenue from "R-R" (Rural Residential) to "R-1" (Single-Family Residential) and to amend the Future Land Use Map of the Comprehensive Plan.** Jason Mielak, attorney on behalf of the applicant, was present to answer questions. No public testimony was heard. The public hearing closed with a motion by Elsasser and a second by Lopez. Anderson, Bray, Elsasser, Lopez, and Pillen voted "Aye" and none voted "Nay". Cutsor, Goc, Lange, and Mueller were absent. A recommendation was made with a motion by Elsasser and a second by Anderson to approve the rezoning application of C. Ronald and Charlotte K. Lambert and to amend the Future Land Use map accordingly as the proposed zoning is a good fit and is in conformance with the Columbus Land Development Ordinance. Anderson, Bray, Elsasser, Lopez, and Pillen voted "Aye" and none voted "Nay". Cutsor, Goc, Lange, and Mueller were absent.
6. **Public hearing - Application of Meadow Ridge Properties LLC to rezone property located on 49th Avenue at 42nd Street/ 43rd Street from "R-R" (Rural Residential) to "R-3" (Multi-Family Residential) and to amend the Future Land Use Map of the Comprehensive Plan.** Jason Mielak, attorney on behalf of the applicant, was present to answer questions. No public testimony was heard. The public hearing closed with a motion by Elsasser and a second by Lopez. Anderson, Bray, Elsasser, Lopez, and Pillen voted "Aye" and none voted "Nay". Cutsor, Goc, Lange, and Mueller were absent. A recommendation was made with a motion by Elsasser and a second by Lopez to approve the rezoning application of Meadow Ridge Properties LLC and to amend the Future Land Use map accordingly as the proposed zoning is a good fit and is in conformance with the Columbus Land Development Ordinance. Anderson, Bray, Elsasser, Lopez, and Pillen voted "Aye" and none voted "Nay". Cutsor, Goc, Lange, and Mueller were absent.
7. **Building report for November 2023:** The building report was presented.
8. **Adjournment:** The meeting adjourned at 6:15 p.m.

**3. Public hearing - Redevelopment Plan for 8th Street Residential Subdivision  
Redevelopment Project located northwest of the intersection of 8th Street and 3rd  
Avenue.**

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

NOTICE IS HEREBY GIVEN that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, February 12, 2024, at 6 P.M., in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, to consider and possibly take action on a redevelopment plan entitled: "Redevelopment Plan for the 8th Street Residential Subdivision Redevelopment Project," for redevelopment pursuant to the Community Development Law, Nebraska Revised Statutes, sections 18-2101, et seq., within a portion of the blighted and substandard community redevelopment area of the city, approximately located to the northwest of the intersection of 8 St and 3 Ave. A map of the proposed area to be redeveloped and the cost-benefit analysis for the redevelopment project set forth in the redevelopment plan is available for review at City Hall, 2500 14 St, Columbus, NE, in the office of the city clerk. At said time and place, all interested parties may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 01:26:24; 02:02:24  
Two Affidavits of Publication



City Hall  
2500 14<sup>th</sup> St.  
Columbus, NE 68601  
402-562-4232  
columbusne.us

## memorandum

DATE: February 7, 2024  
TO: Tara Vasicek, City Administrator  
FROM: Jean Van Iperen, Planning & Economic Development Coordinator  
RE: Redevelopment Plan for 8<sup>th</sup> Street Residential Subdivision

### RECOMMENDATION:

Approval of the 8<sup>th</sup> Street Residential Subdivision Redevelopment Project

### DISCUSSION:

The redevelopment plan outlines a proposed City lead redevelopment project that encompasses the construction of an estimated 240 high-density multifamily units; 78 medium-density multifamily units; 40 attached townhome/duplex units and 8 detached single-family homes. This totals approximately 366 new residential units across various density types. The site of this redevelopment project is northwest of the intersection of 8<sup>th</sup> Street and 3<sup>rd</sup> Avenue.

For the intended purpose of the area, significant enhancements are necessary, including all public infrastructure essential for creating buildable lots and facilitating the subdivision. The city will oversee the construction of infrastructure and other public enhancements for the entire subdivision in a single phase, although the plan remains adaptable to accommodate additional phases if needed. The proposed site plan and unit mix are preliminary and subject to change. It is expected that the final site plans, layout, and unit mix will be adjusted to align with the proposal submitted by third-party builders/developers who will be responsible for constructing private improvements within the project site. The redevelopment plan explicitly allows for such flexibility. Public improvements are anticipated to include site preparation, grading, internal streets, connections to 8<sup>th</sup> Street, water and sewer extensions and enhancements, trail connections along 8<sup>th</sup> Street, as well as other infrastructure necessary to support the residential subdivision.

Additionally, the City has incorporated further infrastructure enhancements within the confines of the redevelopment area. These improvements will directly enhance both the project site itself and the individual residences built within the subdivision. Specifically, they entail the construction of roundabouts on 8<sup>th</sup> Street, positioned near the intersections of 12<sup>th</sup> Avenue and 3<sup>rd</sup> Avenue, just to the east and west of the project site.

The projected costs for the redevelopment plan, specifically for the estimated buildable lots, is anticipated to reach \$4,758,170. This allocation is designated for the construction of public infrastructure necessary for the establishment of the buildable lots within the project area. It's important to note this figure does not encompass expenses related to the construction of private enhancements or enhancements to the roundabout.

To finance its share of the Redevelopment Project, the City plans to utilize a combination of resources. This includes allocations from the City's sales tax funds, earmarked for capital improvements, and utility funds designated for infrastructure development. Any remaining balance is expected to be covered through Tax Increment Financing (TIF) funds.

Should the actual valuation of the private enhancements surpass initial estimates, it could potentially lead to an increase in TIF funds. Any surplus funds may then be directed towards enhancing the nearby roundabouts or provided as grants for Workforce Housing TIF as per a recently approved Workforce Housing Tax Increment Financing Incentive Plan.

The City and legal counsel have ensured the plan is in conformance with the City's comprehensive plan. An in-depth review is provided in section C page 1-2.

It has been determined the cost-benefit analysis prepared in conjunction with the Plan and attached as Exhibit F sets forth the factors required under section 18-2113 of the Nebraska Revised Statutes and supports the City's adoption and approval of the Plan.

As the plan states, the impacts and opportunities related to the Redevelopment Project conform to the objectives and guidance stated in the Comprehensive Plan, and outweigh arguments against the project.

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ALTERNATIVE:

Do not approve.

Signature:

By: *Jean Van Iperen*

Approved By: \_\_\_\_\_

**REDEVELOPMENT PLAN FOR THE 8TH STREET  
RESIDENTIAL SUBDIVISION REDEVELOPMENT PROJECT**

**PREPARED FEBRUARY, 2024**

**BY THE COMMUNITY DEVELOPMENT AGENCY  
OF THE CITY OF COLUMBUS, NEBRASKA**

**A. Introduction**

This Redevelopment Plan for the 8th Street Residential Subdivision Redevelopment Project (this “**Redevelopment Plan**”), prepared by the Community Development Agency of the City of Columbus, Nebraska (the “**Agency**”), is a guide for redevelopment activities to remove or eliminate blighted and substandard conditions within the City of Columbus, Nebraska (“**City**”). The Mayor and City Council of the City, recognizing that blighted and substandard conditions are a threat to the continued stability and vitality of the City, designated certain areas of the City to be blighted and substandard and in need of redevelopment pursuant to the requirements of the Nebraska Community Development Law, sections 18-2101 et. seq., as amended (the “**Act**”).

Prior to the preparation of this Redevelopment Plan, and in compliance with the Act, the Mayor and City Council designated a portion of the City as a blighted and substandard community redevelopment area; such area being commonly referred to as Redevelopment Area 8, a/k/a the Southeast Area (referred to herein as the “**Redevelopment Area**”). This Redevelopment Plan sets forth a redevelopment project located within the Redevelopment Area to optimize the tax increment financing (“**TIF**”) resources available to offset certain costs deemed eligible for reimbursement by TIF under the Act, and to remove existing and avoid future blighted and substandard conditions, all as further described herein. This Redevelopment Plan contemplates the construction of a residential subdivision, together with such public improvements associated therewith, within the Redevelopment Area (such public and private improvements are collectively referred to herein as the “**Redevelopment Project**”).

**B. Redevelopment Area; Project Site; Existing Conditions**

Exhibit "A", attached hereto and incorporated herein, sets forth the boundaries of the Redevelopment Area. Exhibit "A-1", attached hereto and incorporated herein, sets forth the boundaries and existing conditions of the area to be developed as part of the Redevelopment Project (the “**Project Site**”). The Project Site is located to the northwest of the intersection of 8th Street and 3rd Avenue in the City. The Project Site is completely engrossed within the blighted and substandard Redevelopment Area and is in need of redevelopment.

**C. Conformance with the Comprehensive Plan**

It is essential to the City’s comprehensive plan for land use and development (the “**Comprehensive Plan**”) that dilapidated, inadequate, or deteriorating portions of the City conform to the current and future needs of the City as it continues to grow and expand. Exhibit "B", attached hereto and incorporated herein, shows the future use map included within the City's Comprehensive Plan. The map sets forth a “General Residential” designation for future use of

the Project Site. A future use designation of General Residential provides for both single-family housing and multifamily housing. Accordingly, the anticipated uses associated with the Redevelopment Project conform to the desired use of the Project Site set forth in the Comprehensive Plan's future use map.

The Comprehensive Plan further sets forth the following observations and objectives:

- Encourage a variety of housing types and sizes to accommodate the needs of existing and prospective residents. This includes, but is not limited to college students, single professionals, families, empty nesters, seniors, and those of varying economic ability.
- Encourage an economically diverse population through a variety of affordable housing ownership opportunities suitable and attractive to people at different stages in their life.
- Expand the opportunities for homeownership, especially for moderate income households.
- Incent the construction of a variety of housing types such as co-housing, duplexes, rowhouses, mixed-use buildings, and single family detached housing with accessory dwelling units.
- Ensure an adequate supply of housing at a variety of prices and rents by promoting new home ownership opportunities, improvement of the existing housing stock, responsible rental property ownership, and the development of compatible infill housing.
- Increase the compatibility of multi-family residential housing with single family detached residential districts within Columbus.

The Redevelopment Project will assist in carrying out the foregoing objectives. Accordingly, the Redevelopment Project is in conformance with and furthers the objectives under the City's Comprehensive Plan.

#### **D. Redevelopment Project Overview**

The Redevelopment Project consists of the construction of a residential subdivision. The residential subdivision is anticipated to consist of approximately 240 high-density multifamily units; 78 medium-density multifamily units; 40 attached townhome/duplex units; and 8 detached single-family homes (i.e., approximately 366 new residential units across multiple density types). Exhibit "C", attached hereto and incorporated herein, sets forth the proposed site plan for the Redevelopment Project. Notwithstanding the foregoing, the site plan and unit mix is preliminary in nature and subject to change. It is anticipated that the realized site plans, layout and unit mix

will be modified to match the plans and improvements of the third-party developers that construct the private improvements within the Project Site; and it is the explicit intent of this Redevelopment Plan to contemplate and allow for such flexibility. Additionally, the City contemplates the potential incorporation of limited commercial elements that complement the residential uses as part of the Redevelopment Project, such as a daycare center or other service-oriented businesses. It is the intent of this Redevelopment Plan for residential to be the primary use within the Project Site, but the limited incorporation of such complimentary commercial improvements is contemplated and permitted hereunder. Accordingly, the City, in its discretion, may revise the site plan to reflect and facilitate such changes as the Redevelopment Project progresses.

The City has entered into a purchase agreement for the Project Site, and intends to close on the same pending approval of TIF. It is anticipated the City will assign the purchase agreement to the Agency, and that the Agency will be the owner of the Project Site. It is the intent of the City and Agency that, as part of such assignment, the City will allocate funds to the Agency in the amount necessary to purchase the Project Site. The contracted price to acquire the Project Site is \$790,965. No families or businesses will be displaced as a result of the Redevelopment Project.

Following the Agency's acquisition of the Project Site, the City intends to construct the public infrastructure necessary to create buildable lots and support the subdivision. Thereafter, the Agency will convey the lots to private developers and/or owners, who will undertake the construction of the private improvements thereon. The proceeds received by the Agency in relation to the sale of buildable lots created as part of the Redevelopment Project will be tendered to the City as reimbursement for its costs; or, in the City's discretion, the Agency may retain a portion thereof to cover the Agency's ownership costs associated with the Project Site. It is anticipated that, as an enticement to builders, transfer of the lots to private developers may occur via land sale contract, which will allow the developers to defer payment to the Agency for the lot(s) until the developer conveys the lot to a third-party owner and/or a certificate of occupancy is issued for the private improvements.

At this time, it is anticipated that the City will undertake construction of the infrastructure and other public improvements for the entire subdivision in a single phase – which the City has determined to be the most cost-effective approach. However, the Redevelopment Project requires flexibility; and if determined by the City, in its discretion, to be in the best interest of the Redevelopment Project and/or the City, such improvements may be undertaken in more than one phase. Irrespective of whether construction of the infrastructure is phased, it is anticipated that the private improvements will be constructed over the course of multiple yearly Sub-Phases (defined below), as discussed in further detail under Paragraph H, below. Completing the private improvements in Sub-Phases will allow the City to maximize the TIF resources available for

reimbursement of the public improvements, which will be necessary for the Redevelopment Project to succeed. Doing so will further allow for the construction of the residences/improvements at a rate that the market can support, and to adapt the Redevelopment Project, as needed, to the changing needs of the City.

The public improvements undertaken by the City are anticipated to consist of, without limitation, site preparation and grading, interior streets, ingress/egress tie-ins to 8th Street, water and sewer extensions and improvements, and other infrastructure and improvements necessary to support the residential subdivision.

In addition to the infrastructure improvements within the boundaries of the Project Site, the City anticipates, and this Redevelopment Plan contemplates, certain additional public improvements within the vicinity of the Project Site, which will directly benefit the Redevelopment Project and Project Site, as well as the individual residences constructed therein. Such anticipated improvements include the construction of roundabouts on 8th Street near the intersections with 12th Avenue and 3rd Avenue, just to the east and west of the Project Site. The need for such improvements was identified in the most recent mobility study of the City, and such need will only be heightened by any increased traffic from the additional density resulting from the Redevelopment Project. Accordingly, while such improvements are outside the boundaries of the Project Site, they will directly benefit the Redevelopment Project. As further detailed in Paragraph I(2), below, to the extent the Redevelopment Project generates TIF Revenues in excess of those required to reimburse the City for the public improvements constructed within the boundaries of the Project Site, this Redevelopment Plan contemplates and authorizes the application of the same towards the above-mentioned public improvements outside the boundaries of the Project Site; provided they are related to and directly benefit the Redevelopment Project and/or Project Site.

In addition to the flexibility permitted with respect to phasing of the Redevelopment Project, any changes to the site plan that do not constitute a “substantial modification” under the Act, and which are necessitated by governmental, economic, market, environmental factors/conditions, or other extraneous factors affecting the Project Site or viability of the Redevelopment Project, as determined by the City in its reasonable discretion, are specifically contemplated by this Redevelopment Plan and are authorized hereby. Unless the same constitutes a substantial modification under Section 18-2115 of the Act, such changes shall constitute an administrative amendment to this Redevelopment Plan and shall be automatically incorporated and made a part of this Redevelopment Plan. The foregoing permitted (administrative) modifications shall include, but not be limited to, changes to lot layout, number, or design; changes to the residential unit mix; changes to the configuration of streets and other infrastructure; incorporation of limited commercial elements; and other similar changes that do not materially alter the nature or intent of the Redevelopment Project as set forth herein.

**E. Existing Conditions**

**1. Existing Land Use**

One (1) single-family residence is located in the southwest corner of the Project Site. The remainder of the Project Site consists of unimproved land.

**2. Existing Zoning**

The Project Site is currently zoned as R-1 (Single-Family Residential).

**3. Existing Public Improvements**

The southern border of the Project Site is adjacent to 8th Street. The Project Site is without internal paving or vehicular tie-ins to 8th Street. The Project Site is without viable sewer, water, storm sewer, electrical service, public walks, and related infrastructure.

**F. Proposed Redevelopment**

**1. Public Improvements**

The Redevelopment Project will require significant infrastructure improvements and other public improvements. These improvements will include, but are not limited to:

a. Public Access; Traffic Flow, Street Layouts and Street Grades

The Redevelopment Project will require internal street improvements for ingress and egress, with tie-ins to 8th Street, as well as the extension of the City's trail system along 8th Street. The City also contemplates the potential construction of roundabouts on 8th Street near the intersections with 12th Avenue and 3rd Avenue, just to the east and west of the Project Site, which will serve and benefit the Project Site. The public improvements for the Redevelopment Project will address any traffic and street infrastructure concerns that would otherwise be created by the Redevelopment Project.

b. Construction of Water and Sewer Improvements.

The City will construct or extend water and sewer systems (both sanitary and storm) to provide appropriate service to the Project Site; and the Project Site will be filled and graded to provide for effective surface water runoff.

c. Other incidental improvements

The Project Site is currently undeveloped and will require grading to provide effective drainage throughout the area. The City also anticipates the construction and extension of telecommunications, electric and gas utilities, for tie-in from the lots created within the Project Site. The anticipated public improvements (and costs related to the public improvements) for the Redevelopment Project are listed in Exhibit "E", attached hereto and incorporated herein.

d. Additional public facilities or utilities

Other than the construction or extension of the utilities and infrastructure detailed above, it is anticipated that the existing public facilities and utilities can adequately meet the demands of the Redevelopment Project.

e. Property Acquisition, Demolition and Disposal

Upon construction of the infrastructure to support buildable lots, it is anticipated the Agency will sell the lots to third-party developers. The sales price of the buildable lots will vary depending on the size of lot and its proposed use. The City wishes to prioritize density, and may discount lots intended for higher-density residential improvements to incentivize the same. In total, the City estimates the lot sale proceeds will be approximately \$1,000,000. However, such proceeds are speculative at this time, and will vary in relation to market demand, the type of lot, and lot size, among other factors. It is the intent that the proceeds from such sales will be allocated back to the City, as detailed in Paragraph D, above.

The lone single-family residence that currently exists in the southwest corner of the Project Site will be demolished as part of the Redevelopment Project. No relocation of families or businesses is necessary to accomplish the Redevelopment Project.

f. Population Density

The Project Site currently contains one single family residence. The Redevelopment Project is residential in nature and will increase population density within the Project Site via the construction of approximately 366 new dwelling units. Based upon an average household size of

2.26 persons, the Redevelopment Project is estimated to result in an increase in population density by approximately 827 individuals. Such an increase is desired by the City to facilitate population and economic growth.

g. Land Coverage

The Project Site consists of approximately 25.11 acres of mostly-undeveloped land. The Redevelopment Project will result in the construction of approximately 366 new dwelling units. The land coverage footprint of the private improvements will depend on the exact size and nature of the improvements which is speculative at this time. Notwithstanding, the Redevelopment Project is subject to and must comply with all applicable land coverage ratios required under the City's zoning ordinance.

h. Parking

Based upon the type of dwelling constructed, the third-party developers will be obligated to comply with the parking requirements under the City's zoning ordinance.

i. Zoning, Building Code and Ordinance

The Project Site is currently zoned as R-1 (Single-Family Residential). R-1 permits single-family homes, but does not allow for higher densities. Accordingly, due to the densities contemplated throughout the majority of the Project Site, the City anticipates a change in zoning to B-2, R-2 or R-3 will be necessary, on a lot-by-lot basis, to accommodate the same. The third-party developers will be responsible for all zoning, building code, or ordinance changes that are necessary for the Redevelopment Project, if any.

**2. Private Improvements**

The private improvements constructed as part of the Redevelopment Project are anticipated to consist of a residential subdivision with approximately 240 high density multifamily dwelling units; 78 medium-density multifamily units; 40 attached townhome/duplex units; and 8 detached single-family homes (i.e., approximately 366 new residential units across multiple density types), in addition to the related facilities and improvements ancillary thereto. Notwithstanding the foregoing, the unit mix and site plans for the Redevelopment Project are preliminary in nature and subject to change, as detailed in Paragraph D, above. The third-party developers and/or owners taking conveyance of the buildable lots from the City will construct the private improvements. Paragraph H of this Redevelopment Plan details the anticipated construction schedule for the private improvements.

## **G. Project Costs**

The total estimated cost of the Redevelopment Project is \$4,758,170. The foregoing pertains to the City's cost to construct the public improvements necessary for the creation of the buildable lots within the Project Site only, and not the cost to construct the private improvements or the nearby roundabout improvements. The cost of the private improvements is too speculative to estimate at this time, and will vary based upon the actualized unit types constructed. The estimated costs of the Redevelopment Project are attached hereto and incorporated herein as Exhibit "D". Such figures are only estimates based upon 2024 pricing, and are subject to change without further amendment of this Redevelopment Plan.

## **H. Implementation**

The City intends to undertake construction of the infrastructure and other public improvements for the subdivision in a single phase. Construction of the same is anticipated to occur over the course of twelve months, commencing in spring of 2024. However, as provided above, the City may elect to undertake the same in multiple phases, as necessary and/or desirable.

Notwithstanding the foregoing, the construction of the private improvements and division of TIF Revenues (defined below) will occur on a lot-by-lot basis over the course of multiple years (referred to herein as a "**Sub-Phase**"). The timing for each Sub-Phase will be based upon the rate of construction of the private improvements on the buildable lots created by the Redevelopment Project, such that the "**Effective Date**" (as provided under section 18-2147 of the Act) of each Sub-Phase for purposes of TIF will be determined on a lot-by-lot basis in order to maximize the TIF proceeds available to help finance the eligible costs of the Redevelopment Project. At this time, it is anticipated that the buildout of the private improvements will occur over the course of approximately five years (i.e., five Sub-Phases). However, economic conditions, market demands and other extraneous factors will determine the actual progression of construction for the private improvements and number of Sub-Phases needed for the same. The Redevelopment Project requires flexibility and more or less Sub-Phases (than contemplated above) may be necessary or appropriate.

It would not be economically or logistically viable to undertake the construction of both the public and private improvements in a single phase; and the subsequent buildout of the private improvements in Sub-Phases could not occur but-for the City's initial construction of the public improvements. Accordingly, this Redevelopment Plan contemplates that the costs and expenses of all the public improvements for the Redevelopment Project are eligible TIF uses for each Sub-Phase of the Redevelopment Project. As such, the City may apply the TIF Indebtedness (defined

below) generated from each Sub-Phase of the Redevelopment Project toward reimbursement of any of the eligible improvements/expenses contemplated hereunder, as necessary.

Upon the completion of each Sub-Phase, as determined by a material increase in the assessed valuation of a lot and/or lots within the Project Site in a given year, the Agency shall file a notice for the division of TIF Revenues with the county treasurer establishing the Effective Date for the pertinent Sub-Phase/lot(s). New Sub-Phases will occur until the buildout of structures on all lots within the Project Site is complete.

## **I. Financing**

The City and the Agency contemplate the use of TIF for the Redevelopment Project. Section 18-2147 of the Act authorizes the use of TIF. It provides that any ad valorem tax levied upon real property, or any portion thereof, in a redevelopment project shall be divided, for a period not to exceed fifteen years (per Sub-Phase) after the Effective Date, as follows:

- (a) That portion of the ad valorem tax the levy produces at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body (“**Base Tax Amount**”); and
- (b) That portion of the ad valorem tax on real property, as provided in the redevelopment contract(s) or bond/note resolution(s), in the redevelopment project in excess of the Base Tax Amount, if any, (referred to herein as “**TIF Revenues**”) shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project.

With respect to the Redevelopment Project, the actual base tax year and Base Tax Amount for each Sub-Phase of the Redevelopment Project will be established via the notifications from the City to the Agency referenced in Paragraph H, above, as shall be further detailed in the redevelopment contract(s) entered into with respect to the Redevelopment Project. The Agency and the City anticipate that the Effective Dates will be different for each Sub-Phase, and therefore the increment period for each Sub-Phase, will be different.

Notwithstanding any provision herein to the contrary, all tax revenues for each Sub-Phase shall only be divided and allocated over the applicable 15-year increment period or payment of the TIF Indebtedness, whichever occurs first.

## **1. Necessity of TIF**

Without TIF, the Redevelopment Project is not financially feasible and will not proceed. Significant infrastructure is needed to develop the Project Site for a large-scale residential subdivision. The total cost of the infrastructure necessary to create the buildable lots is \$4,758,170. Accordingly, without TIF, development of the Project Site would increase by approximately \$189,493 per acre, rendering the Redevelopment Project economically inviable. That additional cost would make the lots unaffordable and there would be no demand for the residences at that price point. The TIF will assist with payment of the City's infrastructure costs that would otherwise not have a source of funding.

Accordingly, the Redevelopment Project, as proposed herein, is not economically viable without the assistance of TIF and would not proceed without TIF.

## **2. Sources and Uses of Financing**

Based upon the projections provided in Exhibit "E", attached hereto and incorporated herein, this Redevelopment Plan contemplates issuance of one or more TIF bond(s) or note(s) (the "**TIF Indebtedness**") in an aggregate principal amount not to exceed \$5,418,000, at an interest rate of 6.50% per annum.

The total estimated cost of the Redevelopment Project is \$4,758,170 (not inclusive of the private improvement or roundabout costs). Because the foregoing only relates to the creation of buildable lots on the Project Site via the City's construction of the public improvements and infrastructure necessary to service the same, all such costs are eligible for reimbursement from TIF under the Act. The City anticipates that its portion of the Redevelopment Project will be financed via a mix of allocations from the City's sales tax funds (for capital improvements) and utilities funds (for utility infrastructure), with the balance being financed via issuance of municipal bonds; and subsequently reimbursed via TIF and the proceeds from the lot sales. The private improvements will be privately financed by the third-party developers. The above figures are only projections and are subject to change as a result of market conditions and other extraneous factors.

If actual valuations exceed the initial estimated valuations of the private improvements built upon the completed lots as provided herein, the City may, in its discretion, amend this Redevelopment Plan to increase the amount of TIF Indebtedness authorized hereunder and

proceed to issue additional bonds/notes in accordance therewith, for the purpose of applying the additional TIF Revenues towards the nearby roundabout improvements undertaken by the City which will benefit the Project Site, and/or as grants of Workforce Housing TIF (defined below) to third-party developers that construct private improvements meeting the eligibility criteria therefor. Additionally, and without the necessity to amend this Redevelopment Plan, if the City's actualized costs for the public improvements within the Project Site are less than the estimates provided herein and/or the TIF Indebtedness authorized hereunder, the balance may be applied towards the foregoing eligible uses.

**J. Workforce Housing**

It is anticipated that a portion of the private residential improvements constructed by third-party developers may meet the definition of "**Workforce Housing**" under the Act and the workforce housing TIF incentive plan previously adopted by the City (the "**Incentive Plan**"). In accordance therewith, this Redevelopment Plan contemplates and authorizes the use of Workforce Housing TIF for the construction of a portion (or portions) of the residential private improvements constructed within the Project Site, so long as such portion(s) meets the criteria for the same under the Act and the City's Incentive Plan, and only to the extent additional TIF Revenues are available following full reimbursement of the costs for the public improvements expended by the City in relation to the Redevelopment Project.

In the event the City, in its discretion, wishes to implement/utilize Workforce Housing TIF, the Agency shall enter into a redevelopment contract with the eligible developer(s) setting forth such criteria and obligations with respect thereto.

**K. Cost-Benefit Analysis**

A cost-benefit analysis for the Redevelopment Project is attached as Exhibit "F" and incorporated herein.

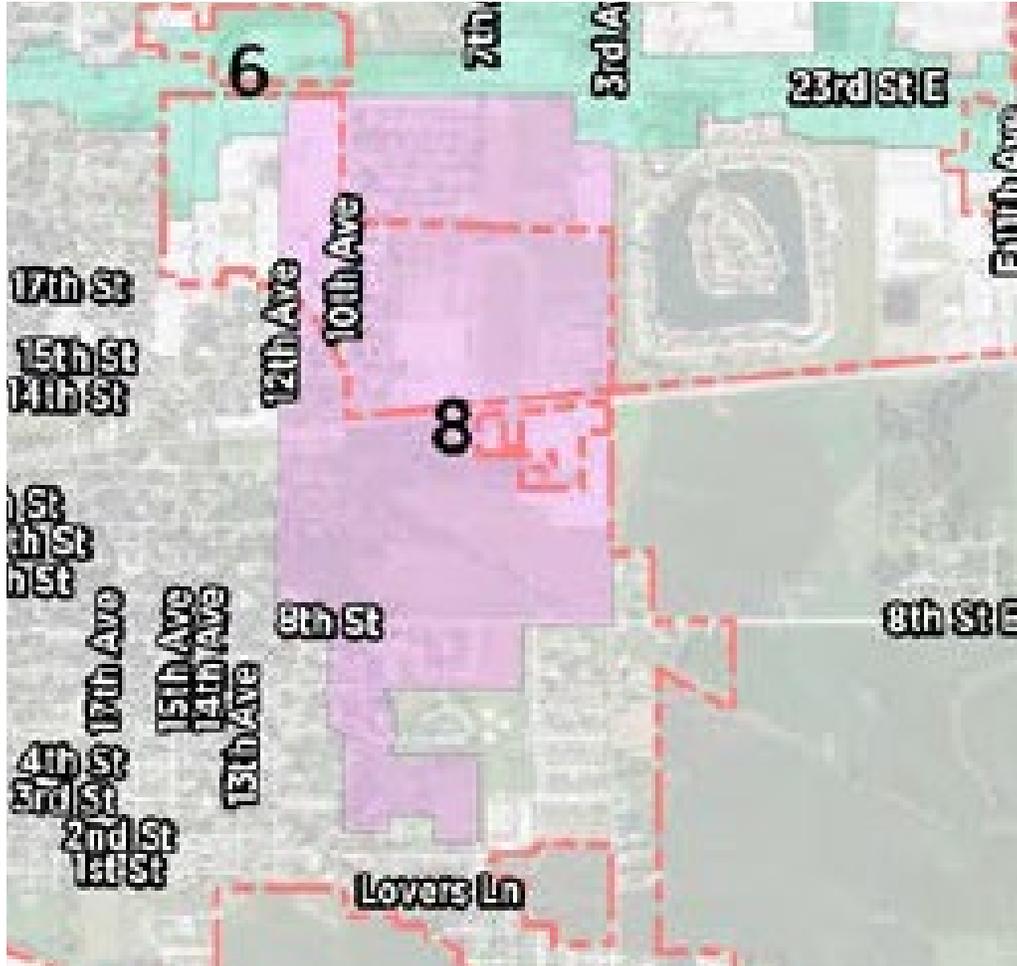
Exhibits:

- Exhibit A: Redevelopment Area
- Exhibit A-1: Project Site and Existing Land Use
- Exhibit B: Future Land Use Map
- Exhibit C: Site Plan and Future Land Use
- Exhibit D: Estimated Construction Cost of the Redevelopment Project
- Exhibit E: Sources and Uses of TIF
- Exhibit F: Cost-Benefit Analysis

**EXHIBIT "A"**

**Redevelopment Area and Existing Land Use**

Boundaries and Existing Condition of Redevelopment Area:



## EXHIBIT "A-1"

### Project Site and Existing Land Use

#### Legal Description:

A parcel of land located in part of the South half of the Southeast quarter of Section 20, Township 17 North, Range 1 East of the Sixth P.M., Platte County, Nebraska, being described as follows: beginning at the Southeast corner of Lot 1, Cuzzins Corner 2nd subdivision; thence  $N00^{\circ}08'39''E$  (assumed bearing) on the East line of said Lot 1 and the West line of the Southeast quarter of said Section 20, a distance of 275.45 feet to the Northeast corner of said Lot 1; thence  $N00^{\circ}13'49''E$  continuing on said West line of the Southeast quarter, a distance of 413.86 feet to the South line of Columbus Cemetery; thence  $S89^{\circ}36'07''E$  on said South line, a distance of 1080.37 feet to the Southerly right of way line of former Chicago Burlington and Quincy railroad; thence  $S59^{\circ}29'17''E$  on said Southerly right of way line, a distance of 947.03 feet to the East line of a tract of land described in Deed Book 251, page 768; thence  $S00^{\circ}14'44''W$  on said East line, a distance of 219.11 feet to the Southeast corner of said tract; thence  $N89^{\circ}44'58''W$  on the North right of way line of 8th street, a distance of 1385.55 feet to the Southeast corner of Weir subdivision; thence  $N00^{\circ}21'58''E$  on the East line of Weir subdivision, a distance of 164.95 feet to the Northeast corner of Weir subdivision; thence  $N89^{\circ}43'20''W$  on the North line of Weir subdivision, a distance of 198.01 feet to the Northwest corner of Weir subdivision; thence  $S00^{\circ}16'06''W$  on the West line of Weir subdivision, a distance of 165.41 feet to the Southwest corner of Weir subdivision; thence  $N87^{\circ}53'26''W$  on the North line of 8th street, a distance of 314.60 feet to the point of beginning, containing 25.11 acres, more or less.

\* Following the subdivision and/or replat of the Project Site, the legal description(s) of such subdivided or replatted parcel(s) comprising the Project Site, upon final approval of the City with respect thereto, shall replace and supersede the above legal description.

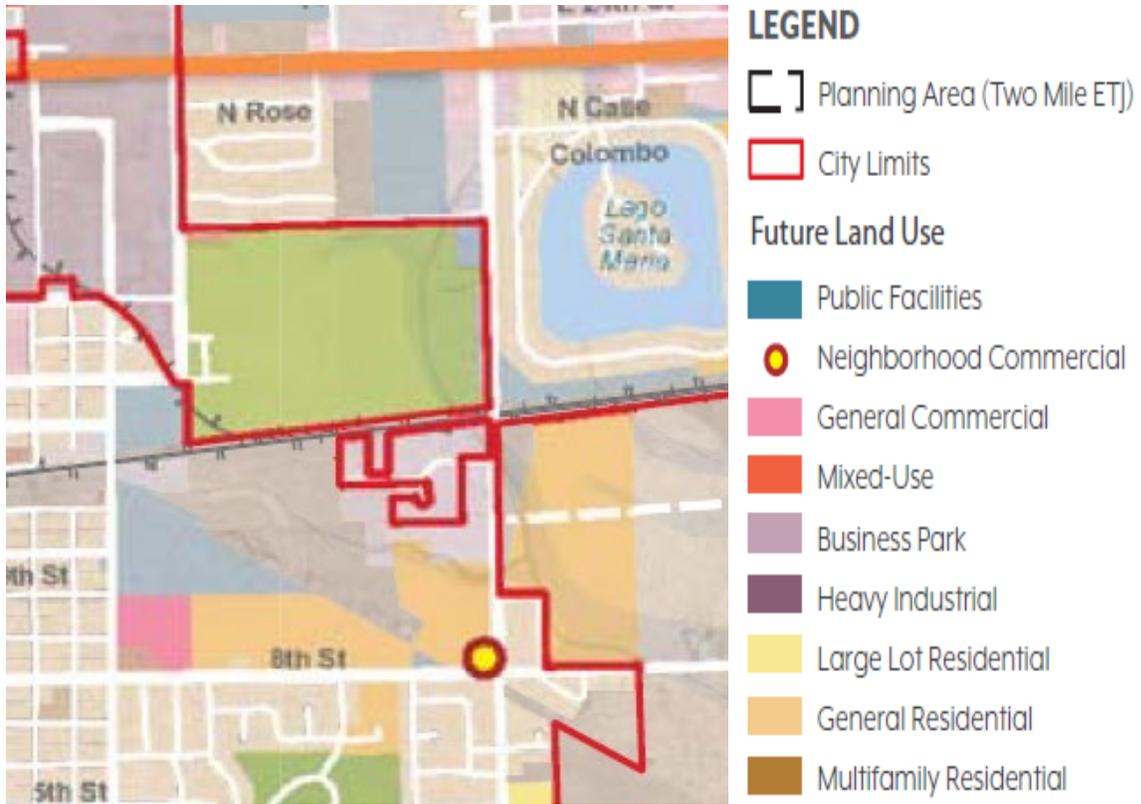
Depiction and Current Condition (outlined in red):



Exhibit "A-1"

## EXHIBIT "B"

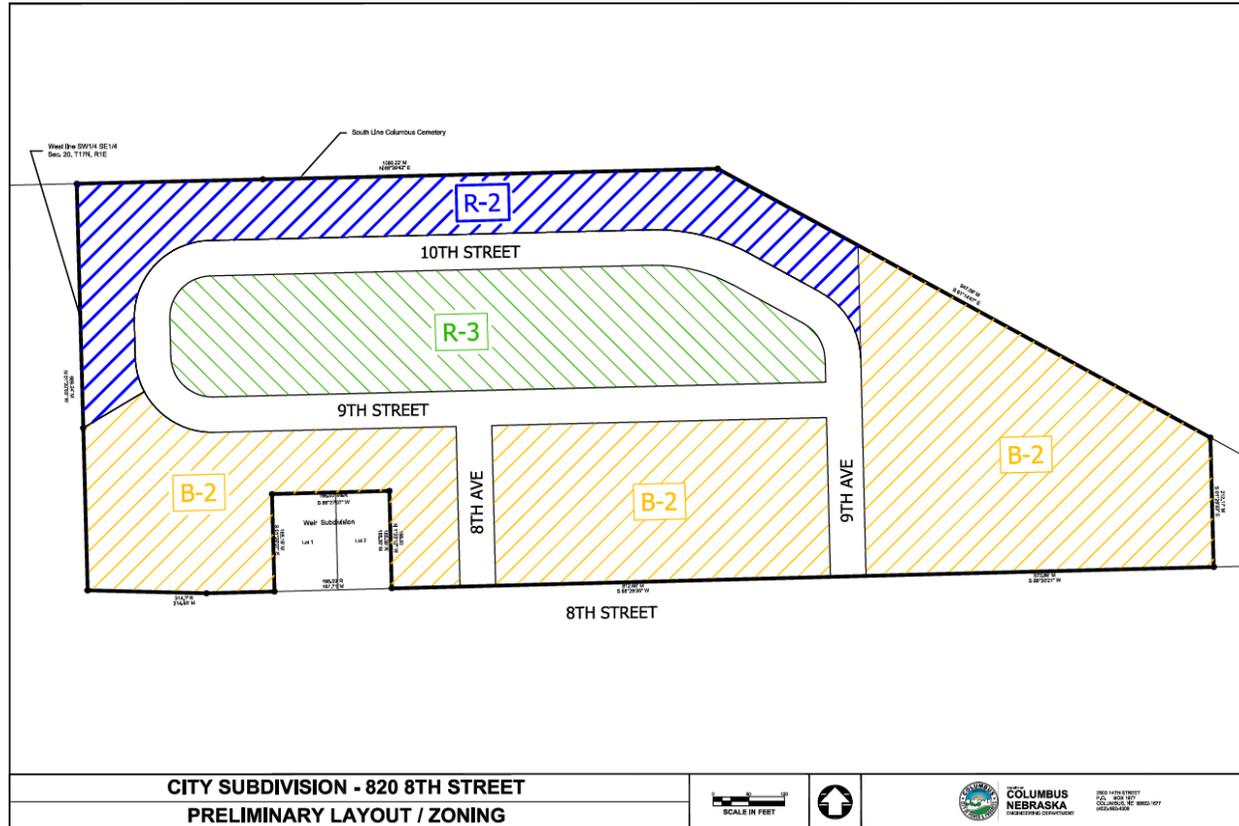
### Future Land Use Map



\* Project Site designated for “General Residential” future use.

## EXHIBIT "C"

### Site Plan and Future Land Use



\* The attached is a preliminary site plan and is subject to change.

\*\* The above site plan sets forth the anticipated use categories by area – with R-2 representing the single-family attached and detached improvements, R-3 representing the medium-density multifamily residential, and B-2 representing the high density multifamily residential and (potential) limited commercial. The actual site and lot layout will depend upon the private improvement plans submitted by third-party private developers, and will be finally determined at that time. Such plans shall automatically replace and supersede the above.

**EXHIBIT "D"**

**Estimate of Construction Costs**

Land Acquisition	\$790,965
Mobilization & Site Preparation	\$51,925
Storm Water	\$78,300
Paving	\$1,763,550
Storm Sewer	\$758,000
Water	\$415,400
Sanitary Sewer	\$428,500
Contingency	\$428,664
Legal and Consulting Fees	\$42,886
<b>PROJECT SITE TOTAL</b>	<b>\$4,758,170</b>
8 <sup>th</sup> Street Roundabouts	\$3,300,000
<b>AGGREGATE TOTAL</b>	<b>\$8,058,170</b>

\* The above figures are estimated values based on current pricing. These preliminary estimates are subject to change, as the City has no control over the change in cost of materials and services between the time of the approval of this Redevelopment Plan and commencement of construction.

**EXHIBIT "E"**

**Sources and Uses of TIF**

**USES:**

Land Acquisition	\$790,965
Mobilization & Site Preparation	\$51,925
Storm Water	\$78,300
Paving	\$1,763,550
Storm Sewer	\$758,000
Water	\$415,400
Sanitary Sewer	\$428,500
Contingency	\$428,664
Legal and Consulting Fees	\$42,886
<hr/>	
<b>PROJECT SITE TOTAL</b>	<b>\$4,758,170</b>
8 <sup>th</sup> Street Roundabouts	\$3,300,000
<hr/>	
<b>AGGREGATE TOTAL</b>	<b>\$8,058,170</b>

\* The above "Uses" are preliminary estimates based on current pricing and are subject to change.

## **SOURCES:**

### **Assumptions:**

1. The Redevelopment will consist of:
  - a. 366 residential units, being comprised of:
    - i. 240 multifamily apartment units assessed at an average of \$80,000 per unit (\$19,200,000 total valuation);
    - ii. 78 medium density units assessed at an average of \$80,000 per unit (\$6,240,000 total valuation);
    - iii. 40 single-family attached units assessed at an average of \$230,000 per unit (\$9,200,000 total valuation); and
    - iv. 8 Single-family detached units assessed at an average of \$290,000 per unit (\$2,320,000 total valuation)
2. \$1,000,000 aggregate base value for the Project Site.
3. Residences developed over the course of 5 yearly Sub-Phases, represented by 20% year-over-year increases over the course of 5 years.
4. Financing will consist of:
  - a. ~\$1,000,000 in costs offset by lot sales proceeds.
  - b. ~\$2,000,000 in City utility and sales tax funds allocated towards eligible improvements.
  - c. The balance of the City's costs (~\$1,758,170) will be funded via:
    - i. 2-year bond anticipation notes with interest-only payments
    - ii. Permanent 15-20 year bonded indebtedness at an average interest rate of 6.50%
5. Debt service on the bonds to occur via the receipt of TIF Revenues applied towards TIF Indebtedness
6. TIF Indebtedness in the amount of \$5,418,000 at an interest rate of 6.5% per annum.
7. Levy rate of 1.8246% (2023)



## **EXHIBIT "F"**

### **Cost-Benefit Analysis (Pursuant to Neb. Rev. Stat. § 18-2113)**

The cost-benefit analysis for the Redevelopment Project, as described in the attached Redevelopment Plan, which will utilize funds authorized by section 18-2147 of the Act, is provided below:

#### **1. Tax shifts resulting from the approval of the use of funds pursuant to Section 18-2147:**

The taxes generated by the base value of the Project Site will continue to be allocated between the relevant taxing jurisdictions pursuant to the Act. Only the incremental taxes created by the Redevelopment Project will be captured to pay for the project's eligible public expenditures. Since the incremental taxes would not exist without the use of TIF to support the Redevelopment Project, the true tax shift of the Redevelopment Project is a positive shift in taxes after 15 years. However, for the purposes of illustrating the incremental taxes used for TIF, the estimated 15 year tax shift for the Redevelopment Project is set forth in Exhibit "E" of the Redevelopment Plan, and is adopted hereby.

#### *Notes:*

- 1. The Projected Tax Increment is based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The levy rate is assumed to be the 2023 levy rate. There has been no accounting for incremental growth over the 15 year TIF period.*

#### **2. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the Redevelopment Project:**

##### **a. Public infrastructure improvements and impacts:**

The Redevelopment Project will require internal street improvements for ingress and egress, with tie-ins to 8th Street; construction and/or extension of utilities to serve the residences within the subdivision; and extension of the City's trail system along 8th Street. The City also contemplates the potential construction of roundabouts on 8th Street near the intersections with 12th Avenue and 3rd Avenue, just to the east and west of the Project Site, which will serve and benefit the Project Site. The public improvements for the Redevelopment Project will address any traffic and street infrastructure concerns that would otherwise be created by the

Redevelopment Project. The Project Site will be filled and graded to provide for effective surface water runoff. The Agency and the City do not anticipate that the Redevelopment Project will have a negative impact on now-existing City infrastructure.

b. Local Tax impacts (in addition to impacts of Tax Shifts described above):

The Redevelopment Project should create material tax and other public revenue for the City and other local taxing jurisdictions. While the use of TIF will defer receipt of a majority of new ad valorem real property taxes generated by the Redevelopment Project, the Redevelopment Project should generate immediate tax growth for the City. The residences will require and pay for City services. Additionally, the City will collect sales tax on a portion of the materials used for the Redevelopment Project. It is not anticipated that the Redevelopment Project will have any material adverse impact on such City services, but will generate revenue providing support for those services.

**3. Impacts on employers and employees of firms locating or expanding within the boundaries of the Project Site:**

The Redevelopment Project is residential in nature and will not result in new and expanded business within the Project Site. Accordingly, it is anticipated that the Redevelopment Project will not have an impact on employers and employees locating or expanding within the boundaries of the Project Site. However, the Redevelopment Project will provide additional housing for the City's workforce, which is needed and will positively impact the community.

**4. Impacts on other employers and employees within the City and the immediate area that is located outside of the boundaries of the Project Site:**

The Redevelopment Project will provide additional housing for the City's workforce. This will benefit both area employees seeking housing and employers seeking to retain the current workforce and/or attract additional workforce to the City. Accordingly, the Redevelopment Project is anticipated to have a positive impact on surrounding employers and employees.

**5. Impacts on student populations of school districts within the City:**

The increase of population density within the Project Site may result in an increase in school-aged children within the related school districts. However, there is no indication that the schools within the district are unable to withstand an increase in enrollment proportionate to the size of the Redevelopment Project. The school district will not receive taxes from the residences built during the time the increased taxes are utilized to pay the TIF Indebtedness. However, the

school district has received state aid to education in the past. Part of the school aid formula involves assessed valuation in the school district. The valuation that generates the TIF payments is not included in the formula and does not count against the state aid that the school district would receive. Taxes on any increase in the base value of the land will benefit the school district. After the TIF indebtedness is paid, or at the end of the respective 15 years of division of taxes, whichever is sooner, the increased valuation from the residential construction will be available to the school district. As such, the City and the Agency do not anticipate a negative impact on school districts located within the boundaries of the area of the Redevelopment Project.

**6. Other impacts determined by the Agency to be relevant to the consideration of costs and benefits arising from the redevelopment project:**

The Project Site is blighted and contains substandard conditions that are a detriment to the City as a whole. The Redevelopment Project will revitalize and occupy an unimproved space without negatively impacting the surrounding businesses, residents or straining the public infrastructure. There are no other material impacts determined by the Agency relevant to the consideration of the costs or benefits arising from the Redevelopment Project. As such, the costs of the Redevelopment Project are outweighed by its benefits.

6271503.1

**4. Public hearing - Application of Meadow Ridge Properties LLC for final plat and development agreement of Meadow Ridge Eleventh Addition (49th Avenue and 42nd Street).**

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

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, January 8, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat and development agreement of Meadow Ridge Eleventh Addition, a tract of land located in the Northeast 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of Meadow Ridge Office Park Addition to the City of Columbus, Platte County, Nebraska; thence S 88°05'45" W on the North line of the South 15 acres of the Northwest 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska, 440.00 feet; thence S 02°13'45" E, 175.00 feet; thence N 88°05'45" E, 48.97 feet; thence S 02°13'45" E, 227.02 feet; thence S 88°07'09" W, 30.00 feet; thence S 02°15'10" E, 175.00 feet; thence N 88°07'09" E, 440.00 feet to the Southwest corner of Lot 2, Harry Potter Subdivision to the City of Columbus, Platte County, Nebraska; thence N 02°15'10" W, 139.89 feet to the Northwest corner of said Lot 2; thence S 88°18'38" W on the South line of Lot 2, Block B of said Meadow Ridge Office Park Addition, 18.98 feet to the Southwest corner of said Lot 2, Block B; thence N 02°13'45" W on the West line of said Meadow Ridge Office Park Addition, 437.23 feet to the Point of Beginning, containing 5.56 acres, more or less (49th Ave and 42nd/43rd St) and at said time and place you may appear and be heard. In addition, you are hereby notified that at the same time and place, the Planning Commission will hold a separate public hearing as to whether said addition as above described should be included within the corporate limits of the city and become a part of said municipality for all purposes whatsoever, and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 12:28:23  
Two Affidavits of Publication

The City of **Columbus**

**MEMORANDUM**

**DATE:** January 4, 2024  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** Meadow Ridge Eleventh Addition - Final Plat

**RECOMMENDATION:**

I recommend the approval of the final plat of Meadow Ridge Eleventh Addition as it is consistent with the Preliminary Plat. The Preliminary Plat was approved by the Planning Commission on December 11<sup>th</sup>, 2023, and City Council on December 18<sup>th</sup>, 2023.

**DISCUSSION:**

The addition consists of 26 residential lots, paving and utility extensions, and stormwater treatment facilities (STFs) located to the Meadow Ridge developer owned property to the west. Temporary drainage easements for the STFs will be required by the developer. A portion of the property is located in a Floodplain AO zone.

The property will be voluntary annexed as part of the major platting process.

**FISCAL IMPACT:**

Minor costs for street and utility maintenance.

**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: Andrew J. Woschke

**SIGNATURE:**

By: Richard J. Bogus

Approved By: [Signature]

**MAJOR APPLICATION  
FOR SUBDIVISION OR ADDITION  
PRELIMINARY PLAT / FINAL  
(CIRCLE ONE)**

DATE: December 20, 2023

NAME OF SUBDIVISION: Meadow Ridge Eleventh Addition

NAME OF PROPERTY OWNER: Charles Seedschlag

**CONTACT INFORMATION:**

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Charles Seedschlag

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 4811 37th St, Columbus, NE 68601

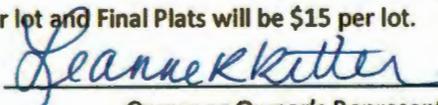
PHONE NUMBER: 402-562-1102

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: charles@walkerfoundations.com

NUMBER OF LOTS IN SUBDIVISION: 26

ADDRESS OF SUBDIVISION: 49th Ave & 42nd St/43rd St

I hereby apply for a Major Subdivision / Addition and have paid \$300.00 application fee plus additional lot review fees - Preliminary Plats will be \$20 per lot and Final Plats will be \$15 per lot.

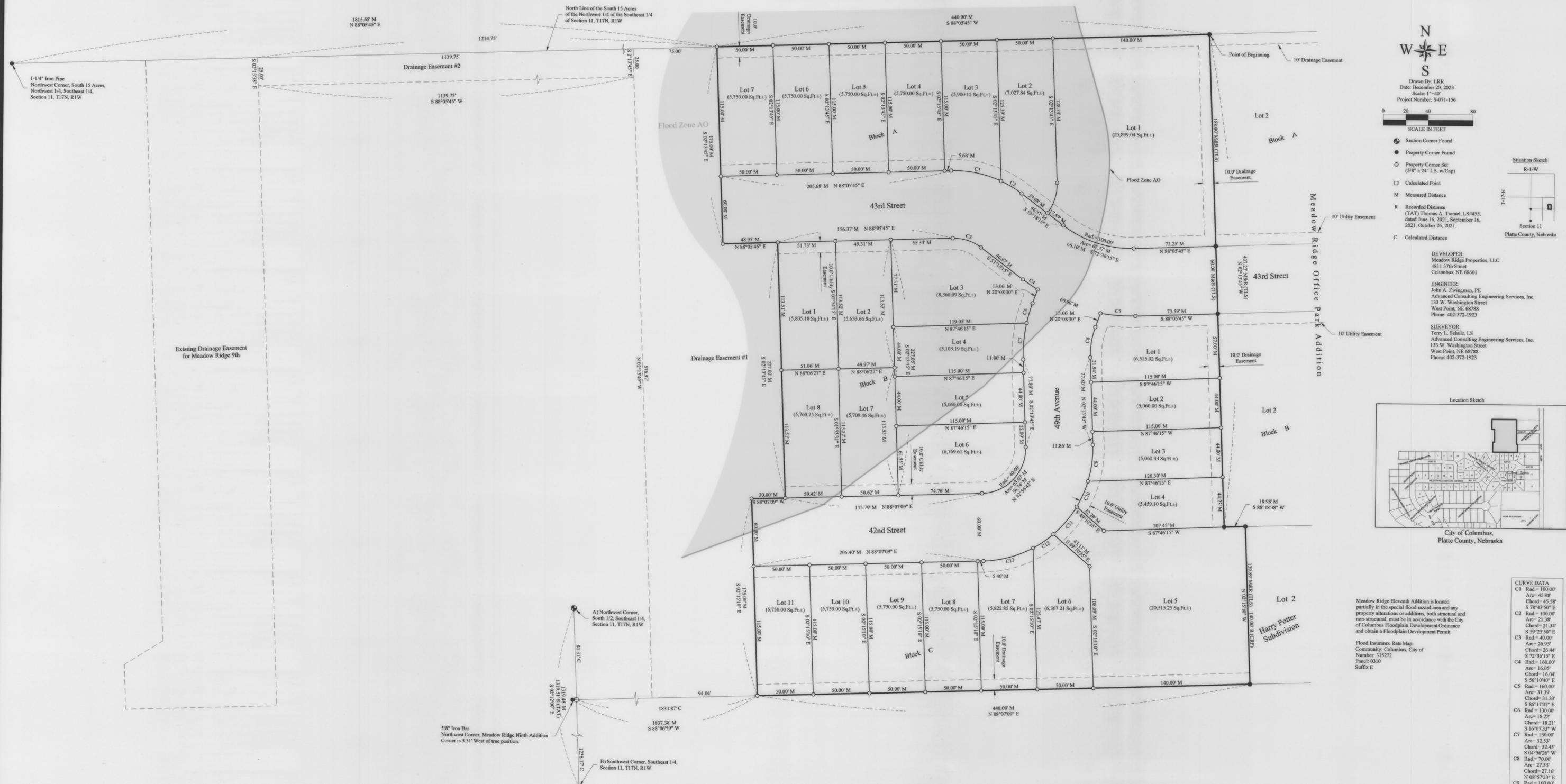
  
\_\_\_\_\_  
Owner or Owner's Representative

Jason Mielak  
Attorney / Legal Counsel for Applicant

Development Agreement submitted on: \_\_\_\_\_

City Attorney  
Neal Valorz – [nvalorz@1492law.com](mailto:nvalorz@1492law.com)  
Gene G. Schumacher – [gschum@1492law.com](mailto:gschum@1492law.com)

**FINAL PLAT**  
**MEADOW RIDGE ELEVENTH ADDITION**  
 A Subdivision of Part of the Northeast 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska.



Drawn By: LRR  
 Date: December 20, 2023  
 Scale: 1"=40'  
 Project Number: S-071-156

0 20 40 80  
 SCALE IN FEET

- Section Corner Found
- Property Corner Found
- Property Corner Set (5/8" x 24" I.B. w/Cap)
- Calculated Point
- M Measured Distance
- R Recorded Distance (TAT) Thomas A. Tremel, LS#455, dated June 16, 2021, September 16, 2021, October 26, 2021.
- C Calculated Distance

Situation Sketch  
 R-1-W  
 T17N  
 Section 11  
 Platte County, Nebraska

DEVELOPER:  
 Meadow Ridge Properties, LLC  
 4811 37th Street  
 Columbus, NE 68601

ENGINEER:  
 John A. Zwingman, PE  
 Advanced Consulting Engineering Services, Inc.  
 133 W. Washington Street  
 West Point, NE 68788  
 Phone: 402-372-1923

SURVEYOR:  
 Terry L. Schulz, LS  
 Advanced Consulting Engineering Services, Inc.  
 133 W. Washington Street  
 West Point, NE 68788  
 Phone: 402-372-1923

Location Sketch  
  
 City of Columbus,  
 Platte County, Nebraska

Meadow Ridge Eleventh Addition is located partially in the special flood hazard area and any property alterations or additions, both structural and non-structural, must be in accordance with the City of Columbus Floodplain Development Ordinance and obtain a Floodplain Development Permit.

Flood Insurance Rate Map:  
 Community: Columbus, City of  
 Number: 315272  
 Panel: 0310  
 Suffix: E

CURVE DATA
C1 Rad= 100.00'
Arc= 45.98'
Chord= 45.58'
S 78°45'50" E
C2 Rad= 100.00'
Arc= 21.38'
Chord= 21.34'
S 59°25'50" E
C3 Rad= 40.00'
Arc= 26.95'
Chord= 26.44'
S 72°36'15" E
C4 Rad= 160.00'
Arc= 16.05'
Chord= 16.04'
S 56°10'40" E
C5 Rad= 160.00'
Arc= 31.39'
Chord= 31.33'
S 86°17'05" E
C6 Rad= 130.00'
Arc= 18.22'
Chord= 18.21'
S 16°07'33" W
Rad= 130.00'
Arc= 32.53'
Chord= 32.45'
S 04°56'26" W
C7 Rad= 70.00'
Arc= 27.33'
Chord= 27.16'
N 08°57'23" E
C8 Rad= 100.00'
Arc= 32.72'
Chord= 32.57'
N 07°08'39" E
C9 Rad= 100.00'
Arc= 24.71'
Chord= 24.54'
N 23°35'41" E
C10 Rad= 100.00'
Arc= 32.14'
Chord= 32.00'
N 39°52'49" E
C11 Rad= 100.00'
Arc= 21.97'
Chord= 21.92'
N 55°22'52" E
C12 Rad= 100.00'
Arc= 46.16'
Chord= 45.75'
N 74°53'47" E

This survey was prepared at the request of Charles Seadschlag, Columbus, Nebraska.

**FIELD NOTES**  
 A) Northwest Corner, South 1/2, Southeast 1/4, Section 11, T17N, R1W:  
 Found 5/8" Rebar with Plastic Cap as recorded by Thomas A. Tremel, LS #455, October 26, 2021.  
 3.00' West to Nail & Disc in Fence Post.  
 9.45' North to Nail & Disc in Fence Post.  
 On range of fence, West.  
 2.5' West to range of Fence, North.

B) Southwest Corner, Southeast 1/4, Section 11, T17N, R1W:  
 Found 5/8" Rebar with Aluminum Cap as recorded by Thomas A. Tremel, LS #455, October 26, 2021.  
 5.63' West to nail in Top of Fence Post.  
 5.4' West to a Carsonite Post.  
 48.05' SSW to "X" Nails in Fence Post.  
 30.15' North to 5/8" Iron Rod with Aluminum Cap.  
 48.06' South to 5/8" Iron Rod with Aluminum Cap.  
 5.2' West to Range of Fence, North-South.

**LEGAL DESCRIPTION**  
 A tract of land located in the Northeast 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:  
 Beginning at the Northwest corner of Meadow Ridge Office Park Addition to the City of Columbus, Platte County, Nebraska; thence S 88°05'45" W on the North line of the South 15 acres of the Northwest 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska, 440.00 feet; thence S 02°13'45" E, 175.00 feet; thence N 88°07'09" E, 48.97 feet; thence S 02°13'45" E, 227.02 feet; thence S 88°07'09" W, 30.00 feet; thence S 02°15'10" E, 175.00 feet; thence N 88°07'09" E, 440.00 feet to the Southwest corner of Lot 2, Harry Potter Subdivision to the City of Columbus, Platte County, Nebraska; thence N 02°15'10" W, 139.89 feet to the Northwest corner of said Lot 2; thence S 88°18'38" W on the South line of Lot 2, Block B of said Meadow Ridge Office Park Addition, 18.98 feet to the Southwest corner of said Lot 2, Block B; thence N 02°13'45" W on the West line of said Meadow Ridge Office Park Addition, 437.23 feet to the Point of Beginning, containing 5.56 acres, more or less.

**TEMPORARY DRAINAGE EASEMENT #1**  
 A drainage easement located in the Northeast 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:  
 Beginning at the Northwest corner of Meadow Ridge Eleventh Addition, located in the Northeast 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska; thence S 02°13'45" E on the West line of said Meadow Ridge Eleventh Addition, 175.00 feet; thence N 88°05'45" E, 48.97 feet; thence S 02°13'45" E, 227.02 feet; thence S 88°07'09" W, 30.00 feet; thence S 02°15'10" E, 175.00 feet; thence S 88°06'59" W, 94.04 feet; thence N 02°13'45" W, 576.97 feet to a point on the North line of the South 15 Acres of the Northwest 1/4 of said Southeast 1/4; thence N 88°05'45" E on said North line, 75.00 feet to the Point of Beginning, containing 1.32 acres, more or less.

**TEMPORARY DRAINAGE EASEMENT #2**  
 A drainage easement located in the North 1/2 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:  
 Commencing at the Northwest corner of Meadow Ridge Eleventh Addition, located in the Northeast 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska; thence S 88°05'45" E on the North line of the South 15 Acres of the Northwest 1/4 of said Southeast 1/4; thence N 02°13'45" E, 25.00 feet; thence S 88°05'45" W and parallel to said North line, 1139.75 feet; thence N 02°13'38" W, 25.00 feet to a point on said North line; thence N 88°05'45" E on said North line, 1139.75 feet to the Point of Beginning, containing 0.65 acres, more or less.

**SURVEYOR'S CERTIFICATE**  
 I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on September 29, 2023; also that all dimensions are in feet and are correct to the best of my knowledge and belief.  
 Terry L. Schulz, State of Nebraska, LS #550  
 Date: 1-2-2024



**DEDICATION**  
 I, Charles Seadschlag, Meadow Ridge Properties, LLC, owner of the described property, MEADOW RIDGE ELEVENTH ADDITION, hereby dedicate the streets, avenues, roads, and public grounds designated upon and referred to in this Plat to the use and benefit of the public and provide all easements shown on this Plat for drainage facilities, public utilities, signs and right-of-way. We hereby make said tract of land, so shown on the above Plat, a part of the City of Columbus, Platte County, Nebraska. Said tract of land shall hereinafter be known as MEADOW RIDGE ELEVENTH ADDITION of part of the Northeast 1/4 of the Southeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska.

Charles Seadschlag  
 Meadow Ridge Properties, LLC

STATE OF NEBRASKA) ss  
 COUNTY OF PLATTE)

On this 2 day of January, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared Charles Seadschlag, to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed.

Witness my hand and official seal on the date last written.

My Commission expires: 6/29/2025

Tina Braun  
 Notary Public  
 GENERAL NOTARY - State of Nebraska  
 TINA BRAUN  
 My Comm. Exp. June 29, 2025

COLUMBUS, NEBRASKA SCHOOL BOARD  
 This Final Plat of MEADOW RIDGE ELEVENTH ADDITION to the City of Columbus, Nebraska is approved by the Columbus Public Schools on this 3rd day of January, 2024.

COLUMBUS, NEBRASKA PLANNING COMMISSION  
 This Final Plat of MEADOW RIDGE ELEVENTH ADDITION to the City of Columbus, Nebraska approved by the Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Chairman \_\_\_\_\_  
 COLUMBUS, NEBRASKA CITY COUNCIL  
 This Final Plat of MEADOW RIDGE ELEVENTH ADDITION to the City of Columbus, Nebraska approved by the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Mayor \_\_\_\_\_ City Clerk \_\_\_\_\_





4.A. Public hearing - Determine whether Meadow Ridge Eleventh Addition should be included within corporate city limits.

5. **Public hearing - Application of Zegar Investment Properties, LLC for final plat and development agreement of Cuzzin's Corner 4th Addition (north side of 8th Street at 10th Avenue).**

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

You are hereby notified that a public hearing before the planning commission of the City of Columbus, NE, will be held on Monday, February 12, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat and development agreement of Lot 1, Cuzzin's Corner 2nd Subdivision to the City of Columbus, Platte County, Nebraska and a tract of land located in the Southeast 1/4 of the Southwest 1/4 of Section 20, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of Lot 1, Cuzzins Corner 3rd Subdivision to the City of Columbus, Platte County, Nebraska; thence N 89°19'47" E on the North line of said Lot 1, 289.27 feet to the Northeast corner of said Lot 1; thence S 01°31'27" E on the East line of said Lot 1, 200.03 feet to the Southeast corner of said Lot 1, said corner also being the Northwest corner of Lot 1, Cuzzin's Corner 2nd Subdivision; thence S 01°27'32" E on the West line of said Lot 1, Cuzzin's Corner 2nd Subdivision, 125.60 feet; thence N 89°18'33" E, 117.01 feet; thence S 01°33'30" E on the West line of said Lot 1, Cuzzin's Corner 2nd Subdivision, 149.47 feet to the Southwest corner of said Lot 1, Cuzzin's Corner 2nd Subdivision; thence N 89°17'30" E on the South line of said Lot 1, Cuzzin's Corner 2nd Subdivision, 249.41 feet to the Southeast corner of said Lot 1, Cuzzin's Corner 2nd Subdivision; thence N 01°36'21" W on the East line of said Lot 1, Cuzzin's Corner 2nd Subdivision, 275.50 feet to the Northeast corner of said Lot 1, Cuzzin's Corner 2nd Subdivision; thence N 01°29'41" W, 413.86 feet; thence S 88°40'00" W, 651.15 feet to a point of the East Right-of-Way Line of 12th Avenue; thence S 00°20'59" E on said East Right-of-Way line, 206.91 feet to the Point of Beginning, containing 6.75 acres, more or less (north side of 8th St at 10th Ave) and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 02:01:24  
Two Affidavits of Publication

The City of **Columbus**

**MEMORANDUM**

**DATE:** February 7, 2024  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** Cuzzin's Corner 4<sup>th</sup> Addition - Final Plat

**RECOMMENDATION:**

I recommend the approval of the final plat of Cuzzin's Corner 4th Addition as it is consistent with the Preliminary Plat. The Preliminary Plat was approved by the Planning Commission on December 11<sup>th</sup>, 2023, and City Council on December 18<sup>th</sup>, 2023.

**DISCUSSION:**

The addition consists of 5 lots and paving and utility extensions. The developer has elected for each lot to have their own stormwater treatment facility. The property is within the corporate limits.

The property will be voluntary annexed as part of the major platting process.

**FISCAL IMPACT:**

Minor costs for street and utility maintenance.

**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: Andrew J. Wiese

**SIGNATURE:**

By: Richard J. Bogus

Approved By: [Signature]

**MAJOR APPLICATION  
FOR SUBDIVISION OR ADDITION  
PRELIMINARY PLAT / FINAL**  
(CIRCLE ONE)

DATE: December 27, 2023

NAME OF SUBDIVISION: Cuzzin's Corner 4th Addition

NAME OF PROPERTY OWNER: Zegar Investment Properties, LLC

**CONTACT INFORMATION:**

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Scott Zegar

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 3050 33rd Ave, Suite 10, Columbus, NE 68601

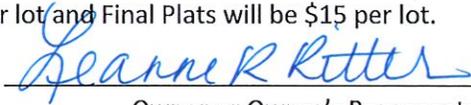
PHONE NUMBER: 402-202-6527

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: scottzegar@gmail.com

NUMBER OF LOTS IN SUBDIVISION: 2

ADDRESS OF SUBDIVISION: 9th Street & 10th Avenue

I hereby apply for a Major Subdivision / Addition and have paid \$300.00 application fee plus additional lot review fees - Preliminary Plats will be \$20 per lot and Final Plats will be \$15 per lot.

  
\_\_\_\_\_  
Owner or Owner's Representative

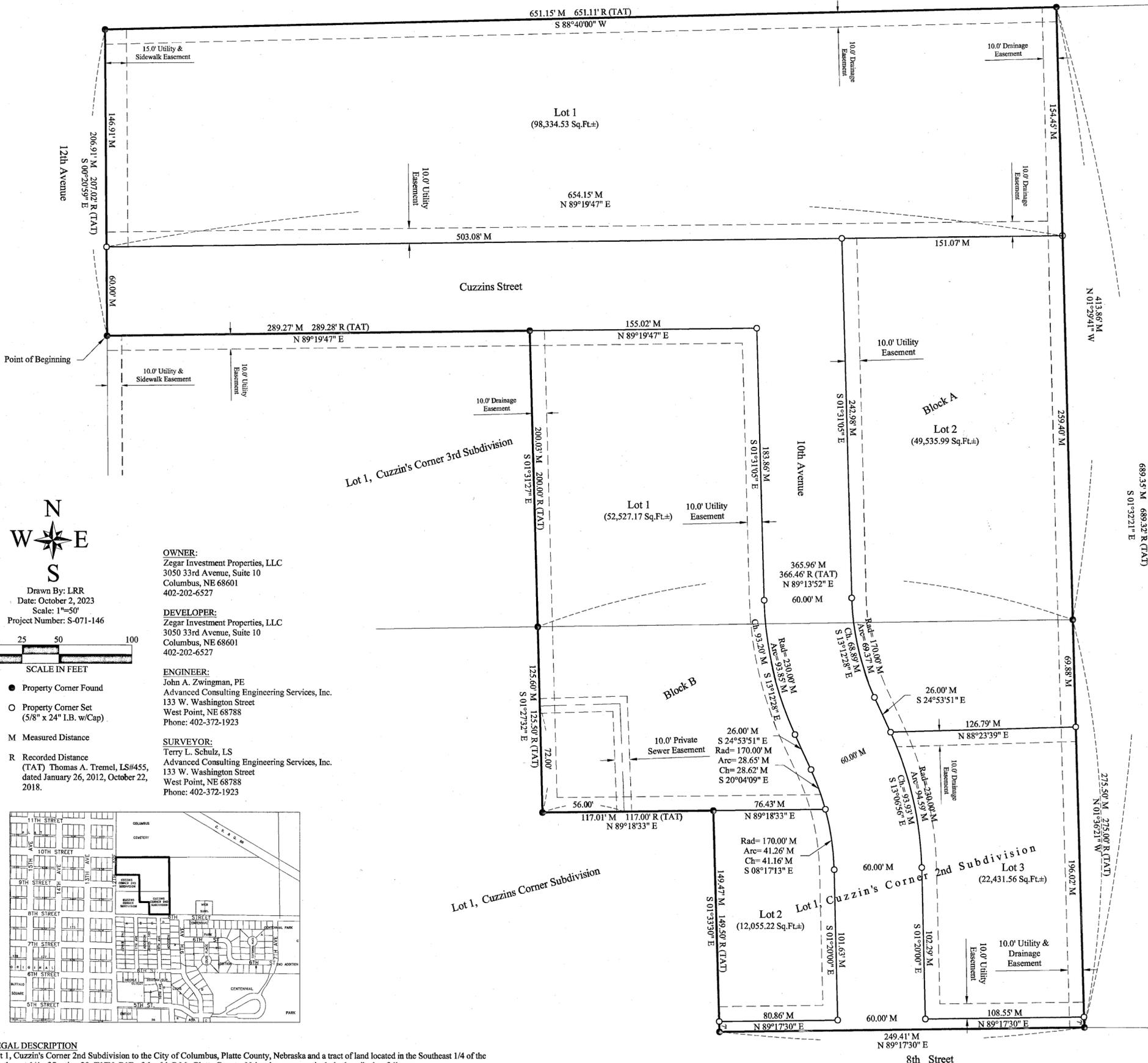
Erin Robach  
\_\_\_\_\_  
Attorney / Legal Counsel for Applicant

Development Agreement submitted on: \_\_\_\_\_

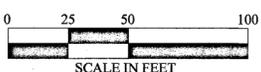
City Attorney  
Neal Valorz – [nvalorz@1492law.com](mailto:nvalorz@1492law.com)  
Gene G. Schumacher – [gschum@1492law.com](mailto:gschum@1492law.com)

CUZZIN'S CORNER 4TH ADDITION

A Subdivision of Lot 1, Cuzzin's Corner 2nd Subdivision to the City of Columbus and Part of the Southeast 1/4 of the Southwest 1/4 of Section 20, T17N, R1E of the 6th P.M., Platte County, Nebraska.



Drawn By: LRR  
Date: October 2, 2023  
Scale: 1"=50'  
Project Number: S-071-146



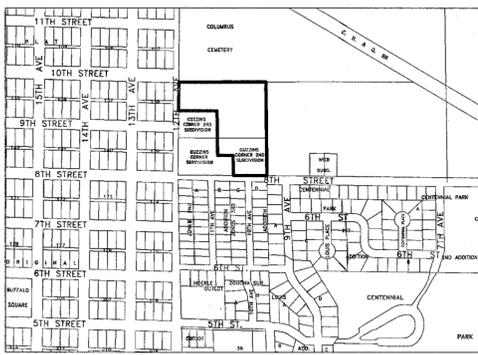
- Property Corner Found
- Property Corner Set (5/8" x 24" I.B. w/Cap)
- M Measured Distance
- R Recorded Distance (TAT) Thomas A. Tremel, LS#455, dated January 26, 2012, October 22, 2018.

OWNER:  
Zegar Investment Properties, LLC  
3050 33rd Avenue, Suite 10  
Columbus, NE 68601  
402-202-6527

DEVELOPER:  
Zegar Investment Properties, LLC  
3050 33rd Avenue, Suite 10  
Columbus, NE 68601  
402-202-6527

ENGINEER:  
John A. Zwingman, PE  
Advanced Consulting Engineering Services, Inc.  
133 W. Washington Street  
West Point, NE 68788  
Phone: 402-372-1923

SURVEYOR:  
Terry L. Schulz, LS  
Advanced Consulting Engineering Services, Inc.  
133 W. Washington Street  
West Point, NE 68788  
Phone: 402-372-1923



LEGAL DESCRIPTION

Lot 1, Cuzzin's Corner 2nd Subdivision to the City of Columbus, Platte County, Nebraska and a tract of land located in the Southeast 1/4 of the Southwest 1/4 of Section 20, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of Lot 1, Cuzzin's Corner 3rd Subdivision to the City of Columbus, Platte County, Nebraska; thence N 89°19'47" E on the North line of said Lot 1, 289.27 feet to the Northeast corner of said Lot 1; thence S 01°31'27" E on the East line of said Lot 1, 200.03 feet to the Southeast corner of said Lot 1, said corner also being the Northwest corner of Lot 1, Cuzzin's Corner 2nd Subdivision; thence S 01°27'32" E on the West line of said Lot 1, Cuzzin's Corner 2nd Subdivision, 125.60 feet; thence N 89°18'33" E, 117.01 feet; thence S 01°33'30" E on the West line of said Lot 1, Cuzzin's Corner 2nd Subdivision, 149.47 feet to the Southwest corner of said Lot 1, Cuzzin's Corner 2nd Subdivision; thence N 89°17'30" E on the South line of said Lot 1, Cuzzin's Corner 2nd Subdivision, 249.41 feet to the Southeast corner of said Lot 1, Cuzzin's Corner 2nd Subdivision; thence N 01°36'21" W on the East line of said Lot 1, Cuzzin's Corner 2nd Subdivision, 275.50 feet to the Northeast corner of said Lot 1, Cuzzin's Corner 2nd Subdivision; thence N 01°29'41" W, 413.86 feet; thence S 88°40'00" W, 651.15 feet to a point of the East Right-of-Way Line of 12th Avenue; thence S 00°20'59" E on said East Right-of-Way line, 206.91 feet to the Point of Beginning, containing 6.75 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on September 29, 2023; also that all dimensions are in feet and are correct to the best of my knowledge and belief.

Terry L. Schulz, State of Nebraska, LS #550  
Date 1-24-2024



DEDICATION

We, Zegar Investment Properties, LLC, A Nebraska Limited Liability Company and Flatwater Bank, A Nebraska State Bank, owner and lienholder of the described property, CUZZIN'S CORNER 4TH ADDITION, hereby dedicate the streets, avenues, roads, and public grounds designated upon and referred to in this Plat to the use and benefit of the public and provide all easements shown on this Plat for drainage facilities, public utilities, signs and right-of-way. We hereby make said tract of land, so shown on the above Plat, a part of the City of Columbus, Platte County, Nebraska. Said tract of land shall hereinafter be known as CUZZIN'S CORNER 4TH ADDITION of Lot 1, Cuzzin's Corner 2nd Subdivision to the City of Columbus and part of the Southeast 1/4 of the Southwest 1/4 of Section 20, T17N, R1E of the 6th P.M., Platte County, Nebraska.

Scott Zegar  
Zegar Investment Properties, LLC  
Representative of Flatwater Bank

STATE OF NEBRASKA) ss  
COUNTY OF PLATTE)

On this 6th day of February, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared Scott Zegar of Zegar Investment Properties, LLC, to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed.

Witness my hand and official seal on the date last written.

My Commission expires: Carol D. Samuelson, Notary Public, My Comm. Exp. August 9, 2025

STATE OF NEBRASKA) ss  
COUNTY OF PLATTE)

On this 6th day of February, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified in and

for said County and State, appeared Matt Williams, Representative of Flatwater Bank, to be personally known to be the identical persons who executed the foregoing instrument and acknowledged the signing thereof to be their voluntary act and deed.

Witness my hand and official seal on the date last written.

My Commission expires: Carol D. Samuelson, Notary Public, My Comm. Exp. August 9, 2025

COLUMBUS, NEBRASKA SCHOOL BOARD  
This Final Plat of CUZZIN'S CORNER 4TH ADDITION to the City of Columbus, Nebraska is

approved by the Columbus Public Schools on this 6th day of February, 2024.

School Superintendent

COLUMBUS, NEBRASKA PLANNING COMMISSION  
This Final Plat of CUZZIN'S CORNER 4TH ADDITION to the City of Columbus, Nebraska

approved by the Planning Commission on this \_\_\_ day of \_\_\_, 2024.

Chairman

COLUMBUS, NEBRASKA CITY COUNCIL  
This Final Plat of CUZZIN'S CORNER 4TH ADDITION to the City of Columbus, Nebraska

approved by the City Council on this \_\_\_ day of \_\_\_, 2024.

Mayor

City Clerk

Stormwater Treatment and Detention Note:  
Stormwater treatment and detention to be provided on each lot per City Ordinance.



- 6. Public hearing - Application of Loup Rentals, LLC to rezone property located on 1822 2nd Street from "R-2" (Two-Family Residential District) to "R-3" (Multi-Family Residential District) and to amend the Future Land Use Map of the Comprehensive Plan.**

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

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Tuesday, February, 20, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application to rezone a tract of land located on Lots 5 and 6, Block 251, Original City of Columbus, Platte County, Nebraska, (1822 2nd St) and at said hearing, the Planning Commission will consider amending the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 02:09:24  
Two Affidavits of Publication

**CITY OF COLUMBUS  
MEMORANDUM**

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**DATE:** January 29, 2024  
**FROM:** Andy Woehrer, Chief Building and Code Official  
**TO:** Tara Vasicek, City Administrator  
**RE:** 1822 2<sup>nd</sup> Street Lots 5-6, Block 251, Original City rezoning from R-2 Two-Family Residential to R-3 Multiple-Family Residential.

**RECOMMENDATION:**

I recommend approval of this rezoning from R-2 Two-Family Residential to R-3 Multiple-Family Residential and to amend the Future Land Use map accordingly.

**DISCUSSION:**

We have received an application to rezone these lots from R-2 to R-3 with the intention to develop multi-family residential lots upon which to build duplexes, townhomes, and/or other improvements permitted under R-3 zoning. The zoning for the area is a good fit and is in conformance with the Columbus Land Development Ordinance.

**FISCAL IMPACT:**

None

**ALTERNATIVE:**

Deny the Rezoning

**SIGNATURE:**

By: Andy J. Woehrer

Approved By: Tara Vasicek

# REZONING APPLICATION

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

APPLICANT/PROPERTY OWNER NAME: Loup Rentals, L.L.C.

APPLICANT MAILING ADDRESS: 1707 1st St., Columbus, NE 68601

APPLICANT PHONE NUMBER: 402.564.4749

APPLICANT EMAIL ADDRESS: mark.bierman@bierman-inc.com

ATTORNEY/FIRM: Jason D. Mielak/Fehringer & Mielak, LLP

ATTORNEY PHONE NUMBER: 402.563.9617

ATTORNEY E-MAIL ADDRESS: jason.mielak@fmflaw.com

ADDRESS OF PROPERTY TO BE REZONED: 1822 2nd St., Columbus, NE 68601

LEGAL DESCRIPTION OF PROPERTY:  
Lots 5-6, Block 251, Original City of Columbus, Platte County, Nebraska

PRESENT ZONING CLASSIFICATION: R-2

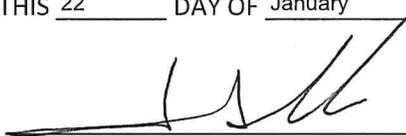
REQUESTED ZONING CLASSIFICATION: R-3

DESCRIPTION OF THE REASON FOR THE REZONING APPLICATION:  
Applicant intends to develop multi-family residential lots upon which to build duplexes, townhomes, and/or other other improvements permitted under R-3 (Multi-Family Residential) zoning.

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

I hereby apply for a Rezoning Application and have paid the \$500 application fee.

DATED THIS 22 DAY OF January, 2,024.

  
\_\_\_\_\_  
Owner or Owner's Representative  
Jason D. Mielak (NSBA # 21049)



PLANNING COMMISSION PUBLIC HEARING  
AFFIDAVIT OF NOTICE COMPLIANCE  
REZONING

STATE OF NEBRASKA )  
COUNTY OF PLATTE ) ss.

Jason D. Mielak, the undersigned affiant, being first duly sworn on oath, deposes and states as follows:

1. That the undersigned affiant is an authorized agent of the party instituting and maintaining an application to rezone a tract of land located in Lots 5 and 6, Block 251, Original City of Columbus, Platte County, Nebraska, from "R-2" (Two-Family Residential District) to "R-3" (Multi-Family Residential District) and at said hearing, the Planning Commission will consider amending the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate.

2. That the undersigned affiant caused to be posted a notice in a conspicuous place on or near the above-described property. Such notice was not less than 18 inches in height and 24 inches in width and had a white or yellow background and black letters not less than 1 ½ inches in height. The undersigned affiant caused said posted notice to be so placed upon said premises so that it was easily visible from the street and was posted at least ten days before the date of the Planning Commission hearing. The undersigned affiant caused said sign to be laminated or otherwise protected from the weather and the sign remained visible and legible for said ten-day period. Said notice was posted on the 1<sup>st</sup> day of February, 2024, and remained posted until the date of this Affidavit which is also the date of the scheduled hearing.

3. The notice, which was posted as above set forth, read as follows:

NOTICE OF PUBLIC HEARING TO REZONE  
1822 2<sup>nd</sup> St. of Lots 5-6, Block 251, Original City of Columbus, Platte County, NE, from R-2 to R-3 Classification to be held in the Community Room, 2500 14<sup>th</sup> Street, Columbus, Nebraska, on the 12<sup>th</sup> day of February, 2024 at 6:00 p.m.

4. The undersigned affiant caused the owners of all real estate within 300 feet of the above-described real estate to be served with written notice of such hearing by either personally serving them with such notice at least ten days prior to the date of the Planning Commission hearing or by mailing said notice to them to their last known address at least ten days prior to such hearing. A list of the owners notified and their addresses appear on Exhibit "A" attached hereto. Said list comprises all of the owners of real estate within 300 feet of the real estate described above. A copy of the Notice served upon or sent to said owners is attached hereto, marked Exhibit "B."

DATED: February 12, 2024.

FURTHER YOUR AFFIANT SAITH NOT.

  
\_\_\_\_\_  
Jason D. Mielak (NSBA #21049)  
Authorized Agent – Loup Rentals, LLC, Owner

Subscribed and sworn to before me on this 12th day of February, 2024.



  
\_\_\_\_\_  
Notary Public



### 300 FOOT ZONE SEARCH

THE UNDERSIGNED, a Nebraska Registered Abstractor, having examined the records of Platte County, Nebraska, hereby certify that the following are the record owners, by last conveyance(s), of all the property lying within 300 feet of the property described as:

Lots 5 and 6, in Block 251 in the Original City of Columbus, Platte County, Nebraska.

#### 1. The Grantee in the Last Deed of Record is:

Loup Rentals, LLC, a Nebraska limited liability company  
PO Box 1887  
Columbus, NE 68602

Patrick Kaasch and Julia Kaasch  
1815 3rd Street  
Columbus, NE 68601

Pamela M. Brandt  
275 19th Avenue  
Columbus, NE 68601

Phillip E. Miller and Lynn M. Miller  
1809 3rd Street  
Columbus, NE 68601

Eugene J. Bierman, Trustee of the Mary E. Bierman Trust  
PO Box 200  
Columbus, NE 68602

Julie M. Krzycki  
1806 3rd Street  
Columbus, NE 68601

Robert W. Irby, Susan A. Irby and Sarah J. Boaz  
% William H. Irby  
2759 Pershing Road  
Columbus, NE 68601

Kenneth Allen Fleeman and Rosemary Fleeman  
271 18th Avenue  
Columbus, NE 68601

Kenneth Allen Fleeman and Rosemary Fleeman  
271 18th Avenue  
Columbus, NE 68601

Randy D. Hamling  
1502 N. Spruce  
✓ Wahoo, NE 68066

Katheryn I. Rupperecht and Michael A. Brittenham and Ann L. Brittenham  
960 Fawn Drive  
Columbus, NE 68601

Michael S. Ingemansen and Megan A. Ingemansen  
1721 2nd Street  
Columbus, NE 68601

Randall M. Berlin and Harriet J. Berlin Co-Trustees, of the Randy and Harriet Berlin  
Family Trust  
1763 W. Calle Colombo  
Columbus, NE 68601

Militza Cahuana  
1809 2nd Street  
Columbus, NE 68601

Michael A. Augustine  
PO Box 84  
Columbus, NE 68602

Patrick B. Porter, Jr. and Laura L. Porter  
173 19th Avenue  
Columbus, NE 68601

Terri J. Kassing  
160 19th Avenue  
Columbus, NE 68601

Danielle C. Urkoski and Trevor J. Urkoski  
1910 2nd Street  
Columbus, NE 68601

Jason L. Ienn and Maricel C. Ienn  
254 19th Avenue  
Columbus, NE 68601

Lawrence J. Will and Martha R. Will  
1909 3rd Street  
Columbus, NE 68601

Randy R. Schaefer  
276 19th Avenue  
Columbus, NE 68601

Pedro C. Orona and Juana Del C Orona  
1917 2nd Street  
Columbus, NE 68601

Lissy D. Adame Juarez and Julio C. Chavez  
1916 2nd Street  
Columbus, NE 68601

Margarita E. Aldana  
1922 2nd Street  
Columbus, NE 68601

Maria E. Velazquez and Guillermo Velazquez  
1921 3rd Street  
Columbus, NE 68601

Laurie Dubas  
3 Robin Lane  
Columbus, NE 68601

Charles D. Sliva and Kathleen M. Sliva  
1904 3rd Street  
Columbus, NE 68601

Richard J. Zywiec and Janet M. Zywiec  
1822 1st Street  
Columbus, NE 68601

Richard J. Zywiec and Janet M. Zywiec  
1822 1st Street  
Columbus, NE 68601

Gabriela Flores and Salome N. Flores  
1804 2nd Street  
Columbus, NE 68601

Traci K. Seim  
175 20th Avenue  
Columbus, NE 68601

Robert Zachery Boyd  
1908 1st Street  
Columbus, NE 68601

Douglas D. Behne and Tiffany L. Behne  
156 19th Avenue  
Columbus, NE 68601

Randall M. Berlin and Harriet J. Berlin Co-Trustees, of the Randy and Harriet Berlin  
Family Trust  
1763 W. Calle Colombo  
Columbus, NE 68601

Kenneth J. Kreikeimeier  
1365 Road 18  
✓ Rogers, NE 68659

Columbus Public Schools  
2508 27th St.  
Columbus, NE 68601

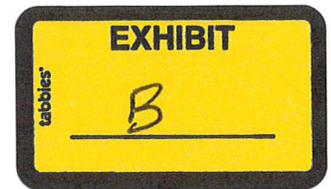
**DATED: January 30, 2024 at 8:00 am.**

10 County Title & Escrow, Inc.

By: Tracy M. Kucera  
TRACY M. KUCERA, a Registered Abstractor  
Certificate of Authority No. 682

File No. 11381(R)

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



You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, February, 12, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application to rezone a tract of land located on Lots 5 and 6, Block 251, Original City of Columbus, Platte County, Nebraska, (1822 2nd St) from "R-2" (Two-Family Residential District) to "R-3" (Multi-Family Residential District) and at said hearing, the Planning Commission will consider amending the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 02:01:24  
Two Affidavits of Publication

- 7. Public hearing - Application of St. Bonaventure's Church of Columbus to rezone property located south of 15th Street between 15th and 16th Avenues from "R-2" (Two-Family Residential District) to "R-3" (Multi-Family Residential District) and to amend the Future Land Use Map of the Comprehensive Plan.**

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

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, February 12, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application to rezone a tract of land located on Lots 1, 2, 3 & 4, Block 40, Original City of Columbus, Platte County, NE, (15 St and 16 Ave) from "R-2" (Two-Family Residential District) to "R-3" (Multi-Family Residential District) and at said hearing, the Planning Commission will consider amending the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 02:02:24  
Two Affidavits of Publication

**CITY OF COLUMBUS  
MEMORANDUM**

---

**DATE:** January 29, 2024  
**FROM:** Andy Woehrer, Chief Building and Code Official  
**TO:** Tara Vasicek, City Administrator  
**RE:** Lots 1-2-3-4, Block 40, Original City, Between 15<sup>th</sup> and 16<sup>th</sup> Ave and on 15<sup>th</sup> Street rezoning from R-2 Two-Family Residential to R-3 Multiple-Family Residential.

**RECOMMENDATION:**

I recommend approval of this rezoning from R-2 Two-Family Residential to R-3 Multiple-Family Residential and to amend the Future Land Use map accordingly.

**DISCUSSION:**

We have received an application to rezone these lots from R-2 to R-3 with the intention to develop multi-family residential lots upon which to build duplexes, townhomes, and/or other improvements permitted under R-3 zoning. The zoning for the area is a good fit and is in conformance with the Columbus land Development Ordinance.

**FISCAL IMPACT:**

None

**ALTERNATIVE:**

Deny the Rezoning

**SIGNATURE:**

By: Andy J. Woehrer

Approved By: [Signature]

# REZONING APPLICATION

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

APPLICANT/PROPERTY OWNER NAME: St. Bonaventure's Church of Columbus

APPLICANT MAILING ADDRESS: 1565 18th Ave.

APPLICANT PHONE NUMBER: 402.564.7151

APPLICANT EMAIL ADDRESS: pcharrison@archomaha.org

ATTORNEY/FIRM: Jason D. Mielak/Fehringer & Mielak, LLP

ATTORNEY PHONE NUMBER: 402.563.9617

ATTORNEY E-MAIL ADDRESS: jason.mielak@fmflaw.com

ADDRESS OF PROPERTY TO BE REZONED: 1565 18th Ave., Columbus, NE 68601

LEGAL DESCRIPTION OF PROPERTY:  
Lots 1-4, Block 40, Original City of Columbus, Platte County, Nebraska

PRESENT ZONING CLASSIFICATION: R-2

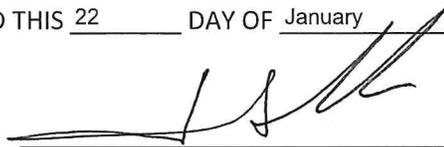
REQUESTED ZONING CLASSIFICATION: R-3

DESCRIPTION OF THE REASON FOR THE REZONING APPLICATION:  
Applicant intends to develop multi-family residential lots upon which to build duplexes, townhomes, and/or other other improvements permitted under R-3 (Multi-Family Residential) zoning.

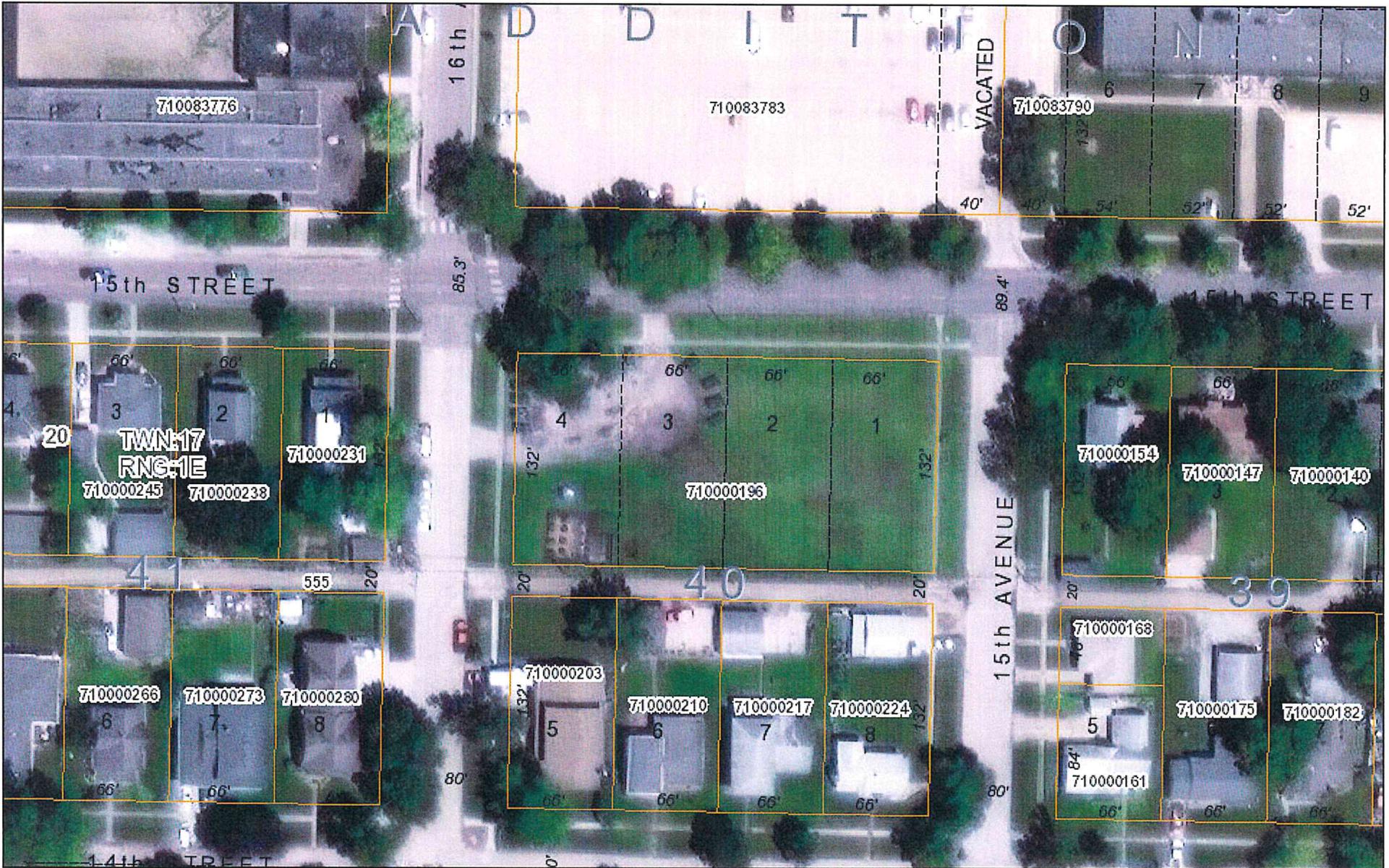
NATURE AND OPERATING CHARACTERISTICS OF THE PROPOSED USE: (Include aerial image of proposed development on property and existing surrounding zoning classifications, any graphic information, including site plans, elevations or other drawings, necessary to describe the proposed use)  
See attached.

I hereby apply for a Rezoning Application and have paid the \$500 application fee.

DATED THIS 22 DAY OF January, 2,024.



Owner or Owner's Representative  
*Jason D. Mielak (NSBA # 21049)*

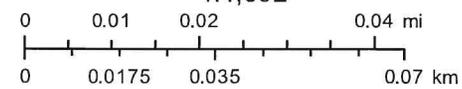


January 22, 2024

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

1:1,382

- Lot Lines
- Parcels
- Townships
- Sections



PLANNING COMMISSION PUBLIC HEARING  
AFFIDAVIT OF NOTICE COMPLIANCE  
REZONING

STATE OF NEBRASKA )  
COUNTY OF PLATTE )ss.

Jason D. Mielak, the undersigned affiant, being first duly sworn on oath, deposes and states as follows:

1. That the undersigned affiant is an authorized agent of the party instituting and maintaining an application to rezone a tract of land located in Lots 1, 2, 3 & 4, Block 40, Original City of Columbus, Platte County, Nebraska, from "R-2" (Two-Family Residential District) to "R-3" (Multi-Family Residential District) and at said hearing, the Planning Commission will consider amending the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate.

2. That the undersigned affiant caused to be posted a notice in a conspicuous place on or near the above-described property. Such notice was not less than 18 inches in height and 24 inches in width and had a white or yellow background and black letters not less than 1 ½ inches in height. The undersigned affiant caused said posted notice to be so placed upon said premises so that it was easily visible from the street and was posted at least ten days before the date of the Planning Commission hearing. The undersigned affiant caused said sign to be laminated or otherwise protected from the weather and the sign remained visible and legible for said ten-day period. Said notice was posted on the 1<sup>st</sup> day of February, 2024, and remained posted until the date of this Affidavit which is also the date of the scheduled hearing.

3. The notice, which was posted as above set forth, read as follows:

NOTICE OF PUBLIC HEARING TO REZONE

Lots 1, 2, 3 & 4, Block 40, Original City of Columbus, Platte County, NE (15 St. and 16 Ave.), from R-2 to R-3 Classification to be held in the Community Room, 2500 14<sup>th</sup> Street, Columbus, Nebraska, on the 12<sup>th</sup> day of February, 2024 at 6:00 p.m.

4. The undersigned affiant caused the owners of all real estate within 300 feet of the above-described real estate to be served with written notice of such hearing by either personally serving them with such notice at least ten days prior to the date of the Planning Commission hearing or by mailing said notice to them to their last known address at least ten days prior to such hearing. A list of the owners notified and their addresses appear on Exhibit "A" attached hereto. Said list comprises all of the owners of real estate within 300 feet of the real estate described above. A copy of the Notice served upon or sent to said owners is attached hereto, marked Exhibit "B."

DATED: February 12, 2024.

FURTHER YOUR AFFIANT SAITH NOT.



Jason D. Mielak (NSBA #21049)  
Authorized Agent – St. Bonaventure Catholic  
Church of Columbus, Nebraska

Subscribed and sworn to before me on this 12th day of February, 2024.



Notary Public



### 300 FOOT ZONE SEARCH

THE UNDERSIGNED, a Nebraska Registered Abstractor, having examined the records of **Platte** County, Nebraska, hereby certify that the following are the record owners, by last conveyance(s), of all the property lying within **300 feet** of the property described as:

Lots 1, 2, 3, 4, Block 40, Original City of Columbus, Platte County, Nebraska.

**1. The Grantee in the Last Deed of Record is:**

St. Bonaventure Catholic Church of Columbus, Nebraska  
1565 18th Avenue  
Columbus, NE 68601

Nebraska Public Power District  
PO Box 499  
Columbus, NE 68602

Carolyn M. Legenza  
9451 18th Avenue  
Columbus, NE 68601

Donald D. Dreesen and Kathleen K. Dreesen  
3721 36th Street  
Columbus, NE 68601

Gary L. Schaefer and Marilyn P. Schaefer  
1417 15th Street  
Columbus, NE 68601

Erin G. Lovell, Kirstyn D. Lovell and Hannah M. Michalak  
1421 15th Street  
Columbus, NE 68601

Charles N. Bahr and Sharon K. Bahr  
1410 14th Street  
Columbus, NE 68601

Amy Lara  
1416 14th Street  
Columbus, NE 68601

Stuart D. Stuthman and LeAnna H. Stuthman  
1459 15th Avenue  
Columbus, NE 68601

Seth Schaldecker  
1422 14th Street  
Columbus, NE 68601

William John Soulliere and Lori Ann Soulliere Stryson  
% John C. Soulliere and Bonice A. Soulliere  
1504 14th Street  
Columbus, NE 68601

Matthew D. Naslund  
1510 14th Street  
Columbus, NE 68601

William J. Tworek and Diane H. Tworek  
1514 14th Street  
Columbus, NE 68601

Dean J. Wessel and Shirley M. Wessel  
1453 16th Avenue  
Columbus, NE 68601

St. Bonaventure Catholic Church of Columbus, Nebraska  
1565 18th Avenue  
Columbus, NE 68601

Jeremy S. Campbell  
1621 15th Street  
Columbus, NE 68601

Steven P. Robak  
1615 15th Street  
Columbus, NE 68601

Lizbeth Laguna Rojas  
1609 15th Street  
Columbus, NE 68601

Robert J. Brehm, Jr. and Kelly J. Klug Brehm  
1603 15th Street  
Columbus, NE 68601

Renee C. Held  
1618 14th Street  
Columbus, NE 68601

MD Fuwad Hossain  
1610 14th Street  
Columbus, NE 68601

Theodore W. Otte and Sharon K. Otte  
2811 33rd Street  
Columbus, NE 68601

Allan C. Gronenthal and Rita G. Gronenthal  
1453 17th Avenue  
Columbus, NE 68601

Arturo Delgado Escobar and Angelina Cortez Romero  
1609 14th Street  
Columbus, NE 68601

Walter Lee Kittrell, Jr. and Tami Renee Kittrell  
519 S. 4th Street  
Columbus, NE 68601

City of Columbus  
2424 14th Street  
Columbus, NE 68601

Sean F. McDonald and Shannon M. McDonald  
1421 14th Street  
Columbus, NE 68601

Thomas T. Tira and Cheryl D. Tira  
1417 14th Street  
Columbus, NE 68601

Robert J. Legenza and Carolyn M. Legenza  
9451 18th Avenue  
Columbus, NE 68601

Columbus Public Schools  
2508 27th St.  
Columbus, NE 68601

**DATED: January 30, 2024 at 8:00 am.**

10 County Title & Escrow, Inc.

By: Tracy M. Kucera  
TRACY M. KUCERA, a Registered Abstractor  
Certificate of Authority No. 682

File No. TC24-6(R)

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



You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, February 12, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application to rezone a tract of land located on Lots 1, 2, 3 & 4, Block 40, Original City of Columbus, Platte County, NE, (15 St and 16 Ave) from "R-2" (Two-Family Residential District) to "R-3" (Multi-Family Residential District) and at said hearing, the Planning Commission will consider amending the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 02:02:24  
Two Affidavits of Publication

**8. Building report for December 2023 and January 2024.**



# City of Columbus

## Building Department

Phone: 402-562-4236 Email: [CommDevPermits@columbusne.us](mailto:CommDevPermits@columbusne.us)  
[www.columbusne.us](http://www.columbusne.us)

### December 2023 Building Report Comments

For the residential area, zero new house permits were made out, and a handful of residential alteration/addition permits. Also, a couple of decks, fences, and accessory structures were permitted in the month of December. Not much going on at this time due to the cost of the product and interest rates still being the main factor.

On the commercial side, permits were made out for The Flats 5th Phase II apartment complexes, a new structure added at the casino/racetrack, a guard shack for Valmont, It's All Fun N Games alteration, Artzy Haven alteration, Granville storage, Schneider storage, and the Cassette House. Plan reviews have been started on the Venue Restaurant, Walker Foundation outdoor shelter, and Duo lift storage.

*Andy Woehrer*  
Chief Building and Code Official  
City of Columbus



**City of Columbus**  
**Building Department Monthly Report (Previous Year Version)**

01/02/2024

December      2023      2022

	December 2023			December 2022		
	Count	Permit Fees	Value	Count	Permit Fees	Value
Accessory Structure	3	\$215.00	\$27200.00	3	\$583.46	\$98000.00
Building Moving	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Com Addition	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Com Alteration	3	\$773.44	\$127000.00	2	\$5939.71	\$2489863.00
Com New Construc	5	\$30810.28	\$13491643.00	0	\$0.00	\$0.00
Com Plumbing	3	\$342.00	\$260000.00	1	\$193.00	\$100000.00
Deck	0	\$0.00	\$0.00	3	\$87.25	\$5120.00
Demolition	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Egress Window	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Fence	9	\$265.50	\$35541.28	4	\$118.00	\$11700.00
Gas line	2	\$64.00	\$6000.00	2	\$60.00	\$2200.00
Res Addition	1	\$347.22	\$62946.00	0	\$0.00	\$0.00
Res Addition Wo	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Res Alteration	5	\$773.70	\$124230.15	3	\$424.29	\$61000.00
Res New Construc	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Res Plumbing	6	\$328.00	\$331100.00	6	\$253.00	\$44500.00
Res Pool	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Sewer / Water	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Signs	5	\$185.00	\$65729.70	2	\$74.00	\$13558.00
Sprinklers	1	\$21.00	\$5500.00	5	\$105.00	\$30000.00
Temporary Acces	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Water Softner/RC	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Wireless Tower	0	\$0.00	\$0.00	1	\$154.00	\$25000.00
<b>YEAR TOTAL</b>	<b>43</b>	<b>\$34125.14</b>	<b>\$14536890.13</b>	<b>32</b>	<b>\$7991.71</b>	<b>\$2880941.00</b>

Population: All Records  
 Permit.DateIssued Between 12/1/2022 12:00:00 AM  
 AND 12/31/2023 11:59:59 PM

**City of Columbus**  
**Building Department Yearly Report Comparison**

01/02/2024

	Year to Date 2023			Year to Date 2022		
	Count	Permit Fees	Value	Count	Permit Fees	Value
Accessory Structure	30	\$5151.31	\$1021799.00	60	\$11958.85	\$2263586.92
Building Moving	1	\$86.38	\$0.00	0		
Com Addition	7	\$7097.60	\$2030283.80	10	\$29684.96	\$14775326.00
Com Alteration	29	\$18855.50	\$5429713.00	18	\$42428.48	\$17065569.00
Com New Construction	18	\$212298.26	\$98792256.00	13	\$133857.00	\$61510335.00
Com Plumbing	28	\$5217.00	\$4737240.00	22	\$2033.00	\$3729237.00
Com Pool	0	\$0.00	\$0.00	1	\$0.00	\$200000.00
Deck	44	\$3307.68	\$399788.96	46	\$3020.67	\$376980.00
Demolition	14	\$392.00	\$99350.00	20	\$577.50	\$170167.00
Egress Window	1	\$0.00	\$3500.00	0		
Fence	165	\$4832.00	\$678934.63	180	\$5055.50	\$832513.48
Gas line	5	\$158.00	\$11000.00	139	\$4421.50	\$70255.00
Gas Piping	0	\$0.00	\$0.00	1	\$30.00	\$0.00
Res Addition	21	\$5697.42	\$1189263.00	15	\$3649.72	\$658436.00
Res Addition Wo Plumbing	1	\$56.45	\$6000.00	0		
Res Alteration	58	\$7242.69	\$1479016.44	69	\$9326.27	\$2507217.85
Res New Construction	52	\$53138.67	\$16623208.00	65	\$56947.88	\$18745785.00
Res Plumbing	131	\$7930.50	\$9536769.00	331	\$14574.00	\$1820206.71
Res Pool	6	\$1778.03	\$353100.00	7	\$957.99	\$161400.00
Sewer / Water	2	\$40.00	\$0.00	0		
Signs	44	\$2141.00	\$404357.70	38	\$1620.00	\$256824.00
Sprinklers	72	\$1506.00	\$312100.00	68	\$1347.00	\$188464.00
Temporary Accessory Structure	1	\$0.00	\$4500.00	0		
Water Softner/RO System	3	\$58.00	\$0.00	19	\$354.00	\$9000.00
Wireless Tower	2	\$225.50	\$35000.00	3	\$462.00	\$75000.00
<b>YEAR TOTAL</b>	<b>735</b>	<b>\$337209.99</b>	<b>\$143147179.53</b>	<b>1125</b>	<b>\$322306.32</b>	<b>\$125416302.96</b>

Population: All Records  
 Permit.DateIssued Between 1/1/2023 12:00:00 AM  
 AND 12/31/2023 11:59:59 PM

Population: All Records  
 Permit.DateIssued Between 1/1/2022 12:00:00 AM  
 AND 12/31/2022 11:59:59 PM



# *City of Columbus* Building Department

Phone: 402-562-4236    Email: [CommDevPermits@columbusne.us](mailto:CommDevPermits@columbusne.us)  
[www.columbusne.us](http://www.columbusne.us)

## January 2024 Building Report Comments

For the residential area, zero new house permits were made out, and a handful of residential alteration/addition permits. Also, a couple of decks, fences, and accessory structures were permitted in the month of January. Cost of product and interest rates are still at a high.

On the commercial side, no new permits were made out in the month of January. Plan reviews have been started on the Venue Restaurant, Tractor Supply interior remodel, and Five Below retail store.

*Andy Woehrer*  
Chief Building and Code Official  
City of Columbus



# City of Columbus

## Building Department Monthly Report

02/05/2024

January                      2024                      2023

	January 2024			January 2023		
	Count	Permit Fees	Value	Count	Permit Fees	Value
<b>Accessory Structu</b>	1	\$843.50	\$275000.00	0	\$0.00	\$0.00
<b>Building Moving</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Com Addition</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Com Alteration</b>	0	\$0.00	\$0.00	3	\$1562.38	\$333364.00
<b>Com New Constr</b>	0	\$0.00	\$0.00	1	\$0.00	\$150000.00
<b>Com Plumbing</b>	0	\$0.00	\$0.00	3	\$97.00	\$44500.00
<b>Com Pool</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Deck</b>	0	\$0.00	\$0.00	1	\$51.43	\$5500.00
<b>Demolition</b>	0	\$0.00	\$0.00	1	\$27.50	\$10000.00
<b>Egress Window</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Fence</b>	2	\$59.00	\$6530.00	3	\$88.50	\$23900.00
<b>Gas line</b>	0	\$0.00	\$0.00	1	\$30.00	\$0.00
<b>Gas Piping</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Res Addition</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Res Addition Wo</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Res Alteration</b>	3	\$378.79	\$52619.07	3	\$487.43	\$75237.00
<b>Res New Construc</b>	0	\$0.00	\$0.00	2	\$1585.75	\$439440.00
<b>Res Plumbing</b>	2	\$110.00	\$13000.00	8	\$677.00	\$74133.00
<b>Res Pool</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Sewer / Water</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Signs</b>	4	\$148.00	\$19500.00	1	\$37.00	\$10300.00
<b>Sprinklers</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Temporary Acces</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Water Softner/RC</b>	0	\$0.00	\$0.00	1	\$22.00	\$0.00
<b>Wireless Tower</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>YEAR TOTAL</b>	<b>12</b>	<b>\$1539.29</b>	<b>\$366649.07</b>	<b>28</b>	<b>\$4665.99</b>	<b>\$1166374.00</b>

Population: All Records  
 Permit.DateIssued Between 1/1/2022 12:00:00 AM  
 AND 2/1/2024 11:59:59 PM

## **9. Adjournment.**