

Planning Commission  
Monday, July 8, 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 June 10, 2024, meeting.**

PLANNING COMMISSION  
June 10, 2024

A meeting of the Planning Commission of the City of Columbus, Nebraska, was convened in open and public session on June 10, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 Street, Columbus, Nebraska. Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on May 29, 2024, 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. 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, Robbin Cutsor, Bob Elsasser, Tom Lange, Josh Mueller, and Tom Pillen. Member Melissa Goc was absent and excused. Members Fernando Lopez, Jr. and Colleen Bray were absent. City staff members included City Attorney Gene Schumacher, City Engineer Rick Bogus, City Clerk Shuraya Frauendorfer, Chief Building and Code Official Andy Woehrer, Planning and Economic Development Jean Van Iperen, Project Engineer Braden Labenz, Engineering Administrative Specialist Renee Whiting, and Senior Office Associate Vanessa Adame.
2. **Minutes of May 13, 2024, meeting.** The minutes were approved as presented with a motion by Lange and a second by Elsasser. Anderson, Cutsor, Elsasser, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Bray, Goc, and Lopez were absent.
3. **Public hearing - Application from Columbus Realty Holdings LLC to rezone property located in the vicinity of the northwest corner of 23rd Street and 33rd Avenue from "B-2" (General Commercial District), "R-1" (Single-Family Residential District), and "C-1" (Light Industrial District) to "B-2" (General Commercial District) and to amend the Future Land Use Map of the Comprehensive Plan.** Mark Griffin, representing Columbus Realty Holdings LLC and B&R Stores, was available to answer questions. No public testimony was heard. The public hearing closed with a motion by Mueller and a second by Lange. Anderson, Cutsor, Elsasser, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Bray, Goc, and Lopez were absent. A recommendation was made by Anderson and a second by Lange to approve the application from Columbus Realty Holdings LLC and amend the future land use map as proposed zoning is good fit and is in conformance with the Columbus Land Development Ordinance. Anderson, Cutsor, Elsasser, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Bray, Goc, and Lopez were absent.
4. **Public hearing - Application from Quail Meadows LLC to rezone property located in the vicinity of S 14th Avenue and 1st Street from "R-R" (Rural Residential District) to "R-1" (Single-Family Residential District) and "R-R"**

**(Rural Residential District) to "R-2" (Two-Family Residential District) and to amend the Future Land Use Map of the Comprehensive Plan. (Applicant requested this item be removed from the agenda.)** This item was removed from the agenda with a motion by Elsasser and a second by Lange. Anderson, Cutsor, Elsasser, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Bray, Goc, and Lopez were absent.

5. **Public hearing - Redevelopment Plan for the Zegar Investments Redevelopment Project located northeast of the intersection of 8th Street and 12th Avenue.** Andrew Willis, attorney on behalf of the applicant, explained the project would consist of 84 multi-family units, with some commercial space. He noted that this area has been rezoned and platted to fit the permitted "B-2" use type and is already in conformance with the city's comprehensive plan. He reiterated that this project would not be feasible without tax increment financing (TIF) and approximately \$2,268,000 of TIF funds would be requested for this project, which would aid in the infrastructure costs. He clarified that this project would be constructed in multiple phases and the completion date would be no later than 2029. No public testimony was heard. The public hearing closed with a motion by Elsasser and a second by Anderson. Anderson, Cutsor, Elsasser, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Bray, Goc, and Lopez were absent. A recommendation was made by Elsasser and a second by Lange to approve the Redevelopment Plan for the Zegar Investments Redevelopment Project, based upon the foregoing and substantial evidence presented. Anderson, Cutsor, Elsasser, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Bray, Goc, and Lopez were absent.
6. **Report of Nominating Committee for chair and vice chair.** Cutsor presented the report of the nominating committee recommending Melissa Goc as chair and Tom Lange as vice chair of the Planning Commission. Anderson, Cutsor, Elsasser, Lange, Mueller, and Pillen voted "Aye" and none voted "Nay". Bray, Goc, and Lopez were absent.
7. **Building report for May.** The building report was presented.
8. **Adjournment.** The meeting adjourned at 6:13 p.m.

OFFICE OF COMMUNITY DEVELOPMENT

: Vanessa Adame

**3. Public hearing - Application from Union Bank and Trust for preliminary plat of Union Bank and Trust Subdivision (southwest corner 23rd Street and 16th Avenue).**

## NOTICE OF HEARING

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, July 8, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the preliminary plat of Union Bank and Trust Subdivision, a tract of land composed of the remaining portion of Lot 5, Block 'D', Goeckel Addition, and Lots 6 and 7, Goeckel 2nd Addition, all located in the northwest quarter of Section 20, Township 17 North, Range 1 East of the 6th P.M., City of Columbus, Platte County, Nebraska, and more particularly described as follows: beginning at the northwest corner of said remaining portion of Lot 5, said point being the true point of beginning; thence, easterly, on the North line of said remaining portion of Lot 5, and the North line of said Lot 6, said line being the South right of way line of 23rd Street/US Highway 30, on an assumed bearing of N88°33'38"E, a distance of 215.18' to a northeast corner of said Lot 6; thence S66°53'01"E, on a northeast line of said Lot 6, a distance of 12.99' to a northeast corner of said Lot 6; thence S01°11'38"E, on an east line of said Lots 6 and 7, said line being a West right of way line of 16th Avenue, a distance of 206.53' to the southeast corner of said Lot 7; thence S88°32'31"W, on the South line of said Lot 7 and the South line of said remaining portion of Lot 5, a distance of 227.10' to the southwest corner of said remaining portion of Lot 5; thence N01°10'16"W, on the West line of said remaining portion of Lot 5, a distance of 212.01' to the point of beginning, said tract contains a calculated area of 48,096.21 square feet or 1.10 acres, more or less (southwest corner of 23 St and 16 Ave) and at said time and place you may appear and be heard.

City of Columbus  
Shuraya Frauendorfer, City Clerk

Publish: 06:27:24  
Affidavit of Publication

The City of **Columbus**

**MEMORANDUM**

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**DATE:** July 1, 2024  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** Union Bank & Trust Subdivision – Preliminary Plat

**RECOMMENDATION:**

I recommend the approval of the preliminary plat of the Union Bank & Trust Subdivision as it is amenable with the adjacent land use and is in accordance with the Columbus Land Development Ordinance.

**DISCUSSION:**

The addition consists of 1 commercial lot, concrete paving adjacent 16<sup>th</sup> Avenue, utility extensions, and stormwater treatment and detention. The property is within the corporate limits.

**FISCAL IMPACT:**

Minor costs for street and utility maintenance.

**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: Andrew J. Weeber

**SIGNATURE:**

By: Richard J. Bogus

Approved By: [Signature]

**MAJOR APPLICATION  
FOR SUBDIVISION OR ADDITION  
PRELIMINARY PLAT / FINAL**

(CIRCLE ONE)

DATE: 6-17-24

NAME OF SUBDIVISION: Union Bank and Trust

NAME OF PROPERTY OWNER: Union Bank and Trust

**CONTACT INFORMATION:**

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Eric Beiermann

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 601 P Street Lincoln, NE 68508

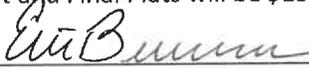
PHONE NUMBER: 402-570-9032

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: ebeierman@olsson.com

NUMBER OF LOTS IN SUBDIVISION: 1

ADDRESS OF SUBDIVISION: TBD

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

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

\_\_\_\_\_  
Email of Attorney/Legal Counsel

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)

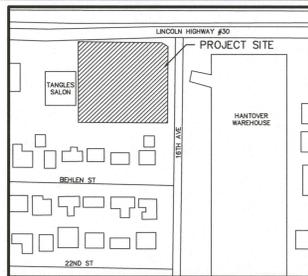
**REVIEW FOR UP TO DATE INFORMATION:**

**COLUMBUS LAND DEVELOPMENT ORDINANCE**

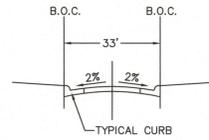
**CHAPTER 2, ARTICLE 3 PROCEDURES AND ADMINISTRATION**

<https://www.columbusne.us/114/Land-Development-Zoning-Code>

# UNION BANK & TRUST SUBDIVISION PRELIMINARY PLAT COVER SHEET



VICINITY MAP  
NOT TO SCALE



16TH AVENUE STREET SECTION  
NOT TO SCALE

**CITY COUNCIL MEMBERS**

- MEMBER - CYNTHIA ALARCON
- MEMBER - CHARLIE BAHR
- MEMBER - TROY HIEMER
- MEMBER - KATHERINE LOPEZ
- MEMBER - RICHARD E. JABLONSKI
- MEMBER - HOPE FRESHOUR
- MEMBER - PRENT J. ROTH
- MEMBER - RON SCHILLING

**CITY COUNCIL MEMBERS**

- MAYOR - JAMES BULKLEY
- CITY ADMINISTRATOR - TARA VASICEK
- CITY CLERK - SHURAYA FRAUENDORFER
- CHIEF OF POLICE - CHARLES SHERER
- FIRE CHIEF - RYAN GRAY
- CHAIRMAN OF PUBLIC WORKS - CHUCK SILVA

**LEGEND**

- PROPERTY LINE
- BOUNDARY LINE
- EASEMENT LINE
- CENTERLINE

ZONING TABLE	
ZONE	TYPE
B-2	COMMERCIAL
MINIMUM LOT AREA	48,096.23 SQ. FT.
MINIMUM LOT WIDTH	227.10 FT.
BUILDING MAX. HEIGHT	35 FT.

SET BACK TABLE	
FRONT YARD	20 FT.
SIDE YARD	0 FT.
REAR YARD	20 FT.

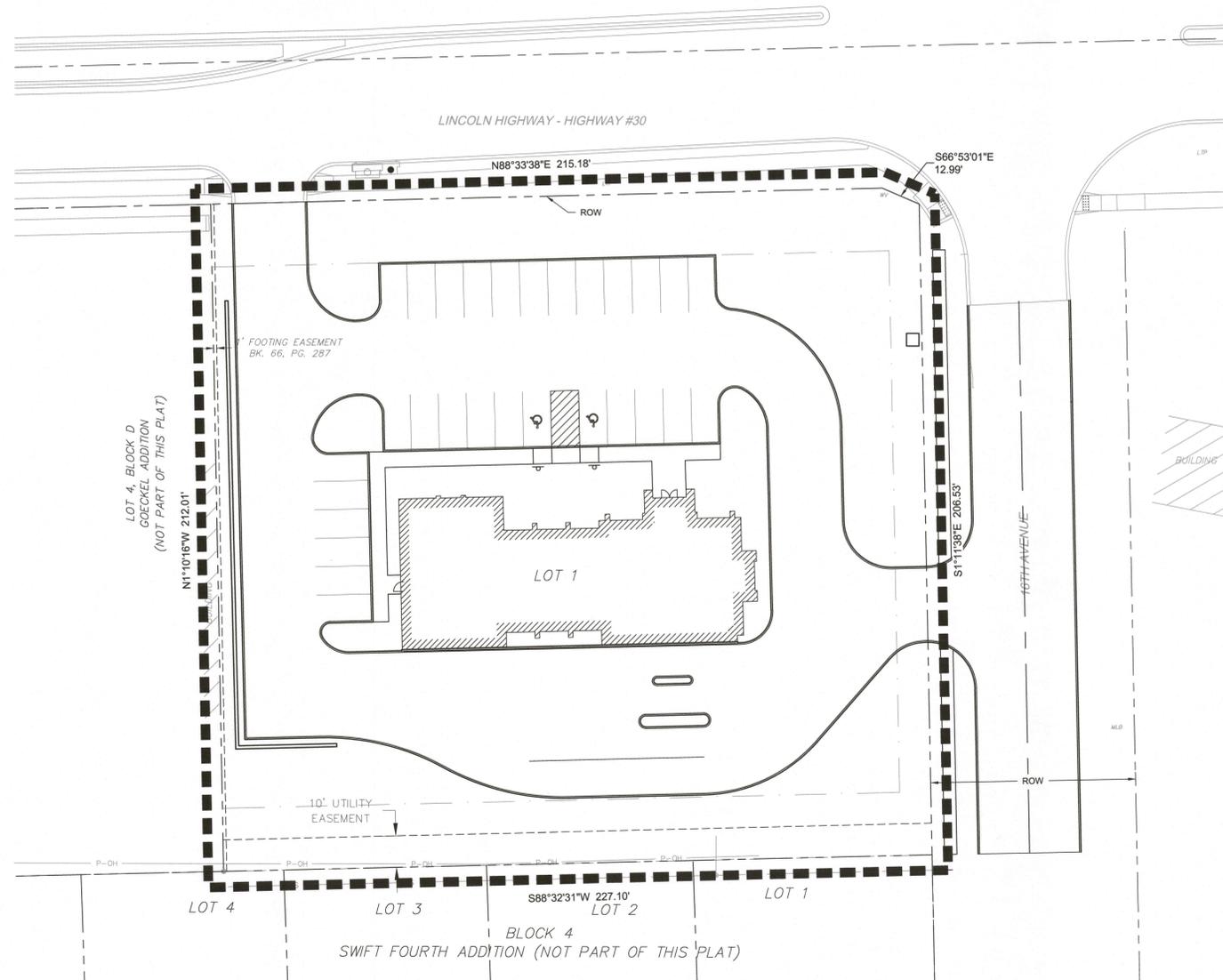
**PROJECT TEAM**

- |  |  |
|--|--|
| <p><b>ENGINEER</b><br/>OLSSON<br/>601 P STREET, SUITE 200<br/>LINCOLN, NE 68508<br/>CONTACT: ERIC BEIERMANN<br/>(402) 458-5915</p> | <p><b>SURVEYOR</b><br/>OLSSON<br/>601 P STREET, SUITE 200<br/>LINCOLN, NE 68508<br/>CONTACT: ANDY BROEKER<br/>(402) 458-5674</p> |
|--|--|

- DEVELOPER**  
UNION BANK & TRUST CO.  
4243 PIONEER WOODS,  
LINCOLN, NE 68512  
(402) 323-1497



601 P Street, Suite 200  
P.O. Box 84608  
Lincoln, NE 68508  
olsson.com  
TEL 402.474.6311  
FAX 402.474.5063  
Olsson - Engineering  
Nebraska COA #CA-0638



WAIVERS TABLE	
WAIVERS TO MUNICIPAL CODE	
NONE	
WAIVERS TO ZONING ORDINANCE	
NONE	

**COLUMBUS, NEBRASKA PLANNING COMMISSION:**  
THIS PRELIMINARY PLAT OF UNION BANK & TRUST TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

BY: \_\_\_\_\_  
CHAIRMAN

**COLUMBUS, NEBRASKA CITY COUNCIL:**  
THIS PRELIMINARY PLAT OF UNION BANK & TRUST TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA APPROVED BY THE CITY COUNCIL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

BY: \_\_\_\_\_ MAYOR                      BY: \_\_\_\_\_ CITY CLERK

**SURVEYOR'S CERTIFICATE:**  
I HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED THE BOUNDARY OF THE ABOVE PRELIMINARY PLAT AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED OR FOUND AT ALL BOUNDARY CORNERS.

*Andrew L. Broeker*  
ANDREW L. BROEKER, SURVEYOR                      July 2, 2024  
DATE



**LEGAL DESCRIPTION**  
**PRELIMINARY PLAT**  
A TRACT OF LAND COMPOSED OF THE REMAINING PORTION OF LOT 5, BLOCK 'D', GOECKEL ADDITION, AND LOTS 6 AND 7, GOECKEL 2ND ADDITION, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M., CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA.



REV. NO.	DATE	DESCRIPTION

2024

PRELIMINARY PLAT  
COVER SHEET  
UNION BANK & TRUST SUBDIVISION  
COLUMBUS BRANCH  
COLUMBUS, NEBRASKA

drawn by: \_\_\_\_\_  
checked by: \_\_\_\_\_  
designed by: \_\_\_\_\_  
QA/QC by: \_\_\_\_\_  
project no.: \_\_\_\_\_  
date: \_\_\_\_\_

F:\2024\0001-0050\0024-0031\140-Design\AutoCAD\Final Plans\Sheets\SDNC\_COV01\_02400311.dwg  
DATE: Jun 24, 2024, 11:52am  
USER: gheiderm

**4. Public hearing - Application from Granville Custom Homes, Inc. for preliminary plat of Farm View Third Subdivision (16th Avenue and 31st Street).**

## NOTICE OF HEARING

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, July 8, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the preliminary plat of Farm View Third Subdivision, Lots 1, 2, 3, 4, 5, 6, and 7, Block B, Lot 3, Block C, and all of the Right-of-Way of 32 St, located in Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of Lot 1, Block B, Farm View Addition to the City of Columbus, Platte County, Nebraska; thence N 01°33'12" W on the East Right-of-Way line of 16th Avenue as platted on Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska, 319.60 feet to the Northeast corner of Lot 1, Block B of said Farm View Second Addition; thence N 88°26'49" E on the North line of said Lot 1, 142.67 feet to the Northeast corner of said Lot 1; thence N 23°15'18" W on the West line of Lots 6 and 7, Block B of said Farm View Second Subdivision, 82.76 feet to the Northwest corner of said Lot 7; thence N 58°04'46" E on the North line of said Farm View Second Subdivision, 113.63 feet to the Northeast corner of Lot 7, Block B of said Farm View Second Subdivision; thence S 31°55'14" E on the West Right-of-Way line of Adele Drive, 521.58 feet to the Southeast corner of Lot 3, Block C of said Farm View Second Subdivision; thence S 87°58'14" W on the South line of said Farm View Second Subdivision, 473.80 feet to the Point of Beginning, containing 3.12 acres more or less (16 Ave and 31 St) and at said time and place you may appear and be heard.

City of Columbus

Shuraya Frauendorfer, City Clerk

Publish: 06:27:24

Affidavit of Publication

The City of **Columbus**

**MEMORANDUM**

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**DATE:** July 1, 2024  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** Farm View Third Subdivision – Preliminary Plat

**RECOMMENDATION:**

I recommend the approval of the preliminary plat of Farm View Third Subdivision as it is amenable with the adjacent land use, consistent with the Farm View area master layout plan, and is in accordance with the Columbus Land Development Ordinance.

**DISCUSSION:**

The addition consists of 16 residential lots within the Farm View 2<sup>nd</sup> Subdivision, paving and utility extensions, and stormwater treatment and detention. The property is within the corporate limits. Vacation of Street and Easements within Farm View 2<sup>nd</sup> Subdivision which conflict with Farm View 3<sup>rd</sup> Subdivision are being done concurrently.

The development agreement will require the Subdivider to submit any FAA or NDOT Aeronautics Division permits and notifications and provide copies to the City.

The development agreement will require the Subdivider to sign and file a Noise and Operations Easement since abutting the airport.

A temporary drainage easement is located in the developer owned property north of this subdivision (future Farm View Subdivisions).

**FISCAL IMPACT:**

Minor costs for street and utility maintenance.

**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: Andrew J. Wehr

**SIGNATURE:**

By: Richard J. Bogus

Approved By: [Signature]

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

DATE: 6/10/2024

NAME OF SUBDIVISION: Farm View Third Subdivision

NAME OF PROPERTY OWNER: Granville Custom Homes, Inc.

**CONTACT INFORMATION:**

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Steven Ramaekers

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 4514 Howard Blvd, Columbus, NE 68601

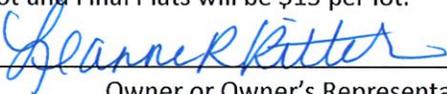
PHONE NUMBER: 402-276-3476

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: steven@granville-homes.com

NUMBER OF LOTS IN SUBDIVISION: 14 & 1 outlot

ADDRESS OF SUBDIVISION: Farm View Second Subdivision

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

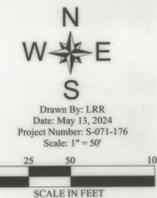
Steven Ramaekers  
\_\_\_\_\_  
Attorney / Legal Counsel for Applicant

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)

PRELIMINARY PLAT  
**FARM VIEW THIRD SUBDIVISION**  
 A Subdivision of Lot 2, Block A and Lot 2, Block B,  
 Adele Addition and Farmview Second Subdivision to the City of  
 Columbus, Platte County, Nebraska.

- Curve Data
- C1 Radius: 150.00'  
 Arc Length: 58.61 M  
 Chord Length: 58.24 M  
 Bearing: N 25°55'42" E
  - C2 Radius: 150.00'  
 Arc Length: 47.49 M  
 Chord Length: 47.29 M  
 Bearing: N 05°39'57" E
  - C3 Radius: 150.00'  
 Arc Length: 42.09 M  
 Chord Length: 41.96 M  
 Bearing: N 11°24'50" W
  - C4 Radius: 150.00'  
 Arc Length: 32.57 M  
 Chord Length: 32.50 M  
 Bearing: N 25°44'23" W
  - C5 Radius: 90.00'  
 Arc Length: 141.37 M  
 Chord Length: 127.28 M  
 Bearing: N 43°04'10" E
  - C6 Radius: 90.00'  
 Arc Length: 47.11 M  
 Chord Length: 46.57 M  
 Bearing: N 16°55'33" W
  - C7 Radius: 110.00'  
 Arc Length: 39.42 M  
 Chord Length: 39.20 M  
 Bearing: N 42°11'08" W
  - C8 Radius: 110.00'  
 Arc Length: 44.34 M  
 Chord Length: 44.04 M  
 Bearing: N 63°59'52" W
  - C9 Radius: 110.00'  
 Arc Length: 31.65 M  
 Chord Length: 31.54 M  
 Bearing: N 83°47'13" W
  - C10 Radius: 50.00'  
 Arc Length: 32.46 M  
 Chord Length: 32.30 M  
 Bearing: N 61°58'30" W



- LEGEND
- Section Corner Found
  - Property Corner Found
  - Property Corner Set (5/8" x 24" LB. w/ Cap)
  - Calculated Point
  - Measured Distance
  - Recorded Distance
  - Curbside
  - Fire Hydrant
  - Water Valve
  - Guy Anchor
  - Light Pole
  - Manhole
  - Power Pole
  - Sign
  - Telephone Pedestal
  - Proposed Sanitary Manhole
  - Proposed Water Valve
  - Proposed Fire Hydrant
  - Existing Sanitary Sewer Main
  - Telephone Line
  - Overhead Power Line
  - Underground Power Line
  - Fiber Optic
  - Existing Water Main
  - Existing Storm Sewer
  - Proposed 8" Water Main
  - Proposed 8" Sewer Main
  - Easement Line
  - Setback Line

**OWNER:**  
 Granville Custom Homes, Inc.  
 4514 Howard Blvd.  
 Columbus, NE 68601  
 Phone: 402-276-3476

**DEVELOPER:**  
 Granville Custom Homes, Inc.  
 4514 Howard Blvd.  
 Columbus, NE 68601  
 Phone: 402-276-3476

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

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

This survey was prepared at the request of Steven Ramackers, Columbus, Nebraska.

**FIELD NOTES**  
 (T) S Terry L. Schulz, LS#550 dated July 27, 2018 & May 8, 2019.  
 (B) G Bruce L. Gilmore, LS#966, (B) dated December 9, 1987 & (B) L. October 18, 1988.  
 (T) Thomas A. Tremel, LS#455, (T) dated October 15, 1991.  
 (F) Frank C. Kunka, LS#234, dated October 30, 1985.  
 (D) Deed Record 183, Page 639, dated October 7, 1988.

**LEGAL DESCRIPTION**  
 Lot 2, Block A and Lot 2, Block B, Adele Addition to the City of Columbus, Platte County, Nebraska, containing 12.82 acres more or less.

**SURVEYOR'S CERTIFICATE**  
 I, Terry L. Schulz, Nebraska Registered Land Surveyor No. 550, duly registered under the Land Surveyor's Regulation Act, do hereby state that I have performed a survey of the land depicted on the accompanying plat; that said plat is a true definition of said survey performed personally or under my direct supervision; that said survey was made with reference to known and recorded monuments marked as shown, and to the best of my knowledge and belief is true, correct and in accordance with the Land Surveyor's Regulation Act in effect at the time of this survey.

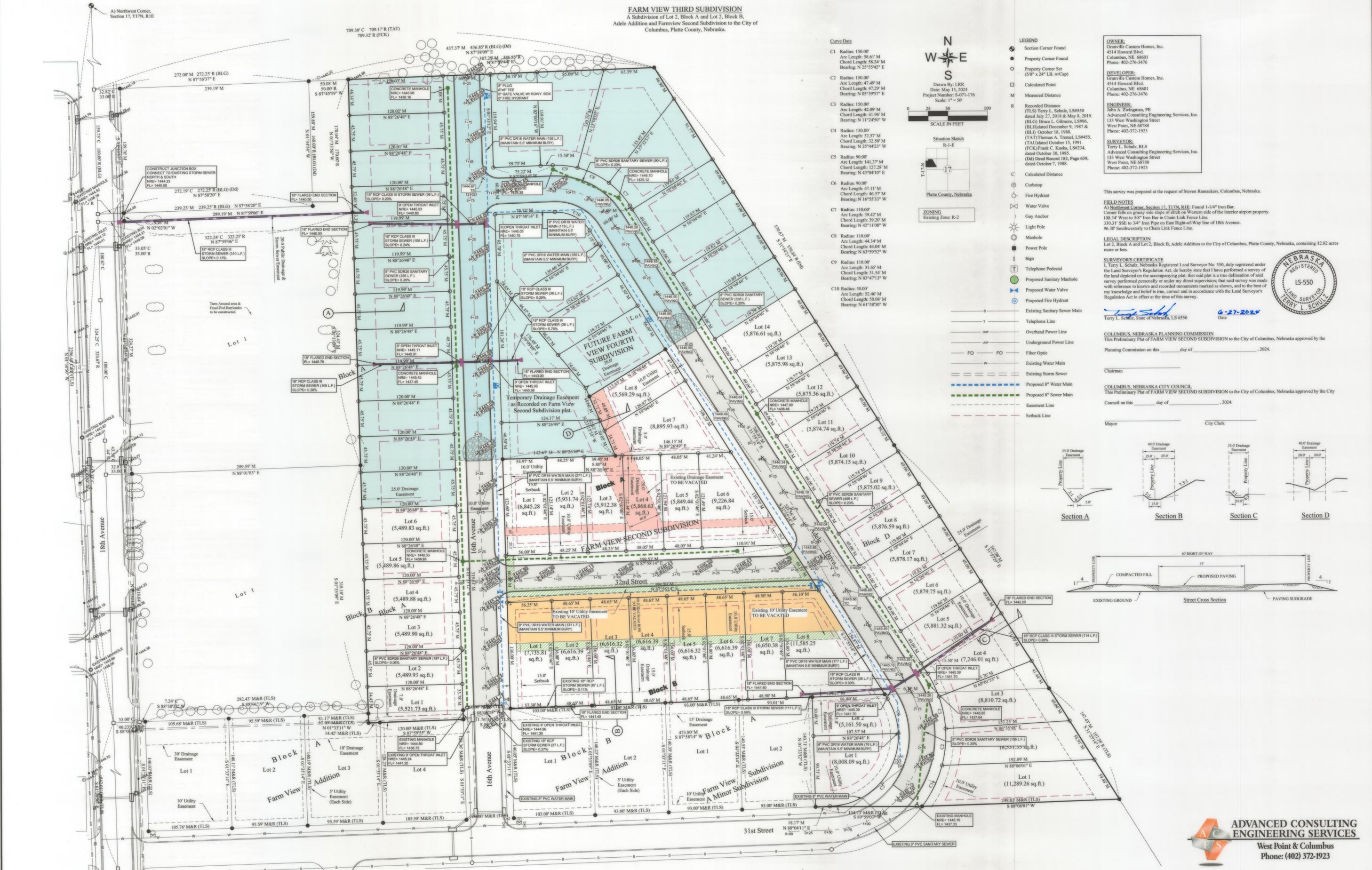
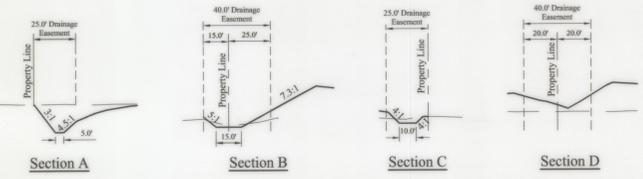
Terry L. Schulz, State of Nebraska, LS #550  
 Date: 6-27-2024



**COLUMBUS, NEBRASKA PLANNING COMMISSION**  
 This Preliminary Plat of FARM VIEW SECOND SUBDIVISION to the City of Columbus, Nebraska approved by the Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**COLUMBUS, NEBRASKA CITY COUNCIL**  
 This Preliminary Plat of FARM VIEW SECOND SUBDIVISION to the City of Columbus, Nebraska approved by the Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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



**5. Public hearing - Application from Granville Custom Homes, Inc. for final plat of Farm View Third Subdivision (16th Avenue and 31st Street).**

## NOTICE OF HEARING

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, July 8, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat of Farm View Third Subdivision, Lots 1, 2, 3, 4, 5, 6, and 7, Block B, Lot 3, Block C, and all of the Right-of-Way of 32 St, located in Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska, more particularly described as follows: Beginning at the Northwest corner of Lot 1, Block B, Farm View Addition to the City of Columbus, Platte County, Nebraska; thence N 01°33'12" W on the East Right-of-Way line of 16th Avenue as platted on Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska, 319.60 feet to the Northeast corner of Lot 1, Block B of said Farm View Second Addition; thence N 88°26'49" E on the North line of said Lot 1, 142.67 feet to the Northeast corner of said Lot 1; thence N 23°15'18" W on the West line of Lots 6 and 7, Block B of said Farm View Second Subdivision, 82.76 feet to the Northwest corner of said Lot 7; thence N 58°04'46" E on the North line of said Farm View Second Subdivision, 113.63 feet to the Northeast corner of Lot 7, Block B of said Farm View Second Subdivision; thence S 31°55'14" E on the West Right-of-Way line of Adele Drive, 521.58 feet to the Southeast corner of Lot 3, Block C of said Farm View Second Subdivision; thence S 87°58'14" W on the South line of said Farm View Second Subdivision, 473.80 feet to the Point of Beginning, containing 3.12 acres more or less (16 Ave and 31 St) and at said time and place you may appear and be heard.

City of Columbus

Shuraya Frauendorfer, City Clerk

Publish: 06:27:24

Affidavit of Publication

The City of **Columbus**

**MEMORANDUM**

**DATE:** July 1, 2024  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** Farm View Third Subdivision - Final Plat

**RECOMMENDATION:**

I recommend the approval of the final plat of Farm View Third Subdivision as it is consistent with the Preliminary Plat and Columbus Land Development Ordinance.

**DISCUSSION:**

The addition consists of 16 residential lots within the Farm View 2<sup>nd</sup> Subdivision, paving and utility extensions, and stormwater treatment and detention. The platting is consistent with the Farm View Area proposed layout. Vacation of Street and Easements within Farm View 2<sup>nd</sup> Subdivision which conflict with Farm View 3<sup>rd</sup> Subdivision are being done concurrently. The property is within the corporate limits.

The development agreement includes that the Subdivider will obtain any FAA or NDOT Aeronautics Division permits and file a Noise and Operations Easement since abutting the airport.

A temporary drainage easement is located in the property north of this subdivision (future Farm View Subdivisions).

**FISCAL IMPACT:**

Minor costs for street and utility maintenance.

**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: Andrew J. Wiskro

**SIGNATURE:**

By: Richard J. Bogus

Approved By: [Signature]

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

DATE: 6/10/2024

NAME OF SUBDIVISION: Farm View Third Subdivision

NAME OF PROPERTY OWNER: Granville Custom Homes, Inc.

**CONTACT INFORMATION:**

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Steven Ramaekers

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 4514 Howard Blvd, Columbus, NE 68601

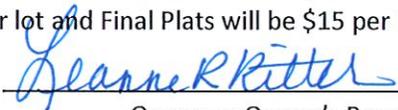
PHONE NUMBER: 402-276-3476

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: steven@granville-homes.com

NUMBER OF LOTS IN SUBDIVISION: 14 & 1 outlot

ADDRESS OF SUBDIVISION: Farm View Second Subdivision

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

Steven Ramaekers  
\_\_\_\_\_  
Attorney / Legal Counsel for Applicant

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

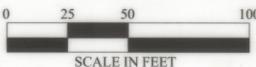
City Attorney  
Neal Valorz – [nvalorz@1492law.com](mailto:nvalorz@1492law.com)  
Gene G. Schumacher – [gschum@1492law.com](mailto:gschum@1492law.com)

FARM VIEW THIRD SUBDIVISION

A Subdivision of Lots 1, 2, 3, 4, 5, 6, and 7, Block B, Lot 3, Block C, and 32nd Street Right-of-Way, all Located in Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska.



Drawn By: LRR
Date: May 13, 2024
Project Number: S-071-176
Scale: 1" = 50'



Situation Sketch



OWNER/DEVELOPER:
Granville Custom Homes, Inc.
4514 Howard Blvd.
Columbus, NE 68601
Phone: 402-276-3476

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

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

LEGEND

- Property Corner Found
Property Corner Set (5/8" x 24" I.B. w/Cap)
Measured Distance
Recorded Distance (TLS) Terry L. Schulz, LS#550 dated July 27, 2018, May 8, 2019 and March 5, 2024.

Note: Property Corners for Farm View Second Subdivision had not been set at the time of this plat. Property corners from Farm View Second Subdivision affected by this plat will not be set.

VACATED EASEMENTS AND RIGHT-OF-WAY

A 10-foot utility easement located in Lot 3, Block C, Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska, more particularly described as follows: The East 10.00 feet of Lot 3, Block C, Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska, parallel to the West Right-of-Way line of Adele Drive; the North 10.00 feet of said Lot 3, parallel to the South Right-of-Way line of 32nd Street as platted on said Farm View Second Subdivision; and the West 10.00 feet of said Lot 3, parallel to the East Right-of-Way line of 16th Avenue as platted on said Farm View Second Subdivision.

A 10-foot utility easement located in Lots 1, 2, 3, 4, 5, 6, and 7, Block B, Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska, more particularly described as follows: The East 10.00 feet of Lots 3, 4, 5, 6, and 7, Block B, Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska, parallel to the West Right-of-Way line of Adele Drive; the South 10.00 feet of said Lot 3, parallel to the North Right-of-Way line of 32nd Street as platted on said Farm View Second Subdivision; and the West 10.00 feet of Lot 1, 2, and Lot 3 of said Farm View Second Subdivision, parallel to the East Right-of-Way line of 16th Avenue as platted on said Farm View Second Subdivision.

A drainage easement located in Lots 1, 2, 3, 4, 5, 6, and 7, Block B, Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska, more particularly described as follows: The West 20.00 feet of Lots 4, 5, 6, and 7, Block B, Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska; the East 20.00 feet of Lots 1 and 2, Block of said Farm View Second Subdivision; the South 5.00 feet of said Lot 2 and 4; and the North 5.00 feet of Lot 3, Block B of said Farm View Second Subdivision.

The 60.00 foot Right-of-Way of 32nd Street between 16th Avenue and Adele Drive as platted on Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska.

This survey was prepared at the request of Steven Ramaekers, Columbus, Nebraska.

LEGAL DESCRIPTION

Lots 1, 2, 3, 4, 5, 6, and 7, Block B, Lot 3, Block C, and all of the Right-of-Way of 32nd Street, located in Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner of Lot 1, Block B, Farm View Addition to the City of Columbus, Platte County, Nebraska; thence N 01°33'12" W on the East Right-of-Way line of 16th Avenue as platted on Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska, 319.60 feet to the Northeast corner of Lot 1, Block B of said Farm View Second Addition; thence N 88°26'49" E on the North line of said Lot 1, 142.67 feet to the Northeast corner of said Lot 1; thence N 23°15'18" W on the West line of Lots 6 and 7, Block B of said Farm View Second Subdivision, 82.76 feet to the Northwest corner of said Lot 7; thence N 58°04'46" E on the North line of said Farm View Second Subdivision, 113.63 feet to the Northeast corner of Lot 7, Block B of said Farm View Second Subdivision; thence S 31°55'14" E on the West Right-of-Way line of Adele Drive, 521.58 feet to the Southeast corner of Lot 3, Block C of said Farm View Second Subdivision; thence S 87°58'14" W on the South line of said Farm View Second Subdivision, 473.80 feet to the Point of Beginning, containing 3.12 acres more or less.

SURVEYOR'S CERTIFICATE

I, Terry L. Schulz, Nebraska Registered Land Surveyor No. 550, duly registered under the Land Surveyor's Regulation Act, do hereby state that I have performed a survey of the land depicted on the accompanying plat; that said plat is a true delineation of said survey performed personally or under my direct supervision; that said survey was made with reference to known and recorded monuments marked as shown, and to the best of my knowledge and belief is true, correct and in accordance with the Land Surveyor's Regulation Act in effect at the time of this survey.

Terry L. Schulz, State of Nebraska, LS #550

6-27-2024
Date



DEDICATION

I, Steven Ramaekers, Granville Custom Homes, Inc., owner of the described property, FARM VIEW THIRD SUBDIVISION, 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 FARM VIEW THIRD SUBDIVISION of Lots 1, 2, 3, 4, 5, 6, and 7, Block B, Lot 3, Block C, and all of 32nd Street Right-of-Way located in Farm View Second Subdivision to the City of Columbus, Platte County, Nebraska.

Steven Ramaekers
Granville Custom Homes, Inc.

STATE OF NEBRASKA) ss
COUNTY OF PLATTE)

On this 15th day of July, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified in and for said County and State, appeared Steven Ramaekers, 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: 2-28-2028



Tammy Prosocki
Notary Public

COLUMBUS, NEBRASKA SCHOOL BOARD

This Final Plat of FARM VIEW THIRD SUBDIVISION to the City of Columbus, Nebraska is approved by the Columbus Public Schools on this 15th day of July, 2024.

COLUMBUS, NEBRASKA PLANNING COMMISSION

This Final Plat of FARM VIEW THIRD SUBDIVISION 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 FARM VIEW THIRD SUBDIVISION to the City of Columbus, Nebraska approved by the City Council by Resolution \_\_\_ on this \_\_\_ day of \_\_\_, 2024.

Mayor

City Clerk



**6. Public hearing - Application from Quail Meadows LLC to rezone property located in the vicinity of S 14th Avenue and 1st Street from "R-R" (Rural Residential District) to "R-1" (Single-Family Residential District) and "R-R" (Rural Residential District) to "R-2" (Two-Family Residential District) and to amend the Future Land Use Map of the Comprehensive Plan.**

## NOTICE OF HEARING

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, July 8, 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 1-14, Block A, Quail Meadows Addition to the City of Columbus, Platte County, Nebraska from "R-R" (Rural Residential District) to "R-1" (Single-Family Residential District)

AND

a tract of land located on Lots 1-20, Block B, Quail Meadows Addition to the City of Columbus, Platte County, Nebraska and Lots 1-6, Block C, Quail Meadows Addition to the City of Columbus, Platte County, Nebraska from "R-R" (Rural Residential District) to "R-2" (Two-Family Residential District) (both tracts located in the vicinity of S 14 Ave and 1 St) and amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate. At said time and place you may appear and be heard.

City of Columbus  
Shuraya Frauendorfer, City Clerk

Publish: 06:27:24  
Affidavit of Publication

**CITY OF COLUMBUS  
MEMORANDUM**

---

**DATE:** July 1, 2024  
**FROM:** Andy Woehrer, Chief Building and Code Official  
**TO:** Tara Vasicek, City Administrator  
**RE:** Rezone property from R-R Rural Residential to R-1 Single-Family Residential and R-2 Two-Family Residential.

**RECOMMENDATION:**

I recommend approval of this rezoning from R-R Rural Residential to R-1 Single-Family Residential and R-2 Two-Family Residential and to amend the Future Land Use Map accordingly.

**DISCUSSION:**

We have received an application to rezone lots 1-14, Block A, Quail Meadows Addition to R-1 and lots 1-20, Block B, Quail Meadows Addition and lots 1-6, Block C, Quail Meadows Addition to R-2. The applicant would like to rezone this area for the construction of a new housing development for single-family and two-family dwellings. 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: Quail Meadows, LLC

APPLICANT MAILING ADDRESS: 213 South 1st Street, Norfolk, NE 68701

APPLICANT PHONE NUMBER: 402-379-3311

APPLICANT EMAIL ADDRESS: nwnen@nwnen.org

ATTORNEY/FIRM: Burnett Wilson Law Attorney

ATTORNEY PHONE NUMBER: 402-952-4180

ATTORNEY E-MAIL ADDRESS: McKeever@burnettwilsonlaw.com

ADDRESS OF PROPERTY TO BE REZONED: South 1st Street and 10th Avenue

LEGAL DESCRIPTION OF PROPERTY:  
See Attached

PRESENT ZONING CLASSIFICATION: R-R

REQUESTED ZONING CLASSIFICATION: R-1 and R-2

DESCRIPTION OF THE REASON FOR THE REZONING APPLICATION:

To develop a housing subdivision.  
Lots 1-14, Block A to be zoned R-1, Lots 1-20, Block B and Lots 1-6, Block C to be zoned R-2.

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 17th DAY OF June, 2024.

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

PLATTE COUNTY REGISTER OF DEEDS

DIANE KAPELS

April 16, 2024 10:38 AM

RECORDED & ENTERED

BOOK DEED 256 PAGE 1179

Fee: 52.00 Return: NEIGHBORWORKS NORTHEAST

Original Filed In  
Plat Cabinet A, Slide 119

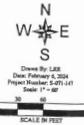
FINAL PLAT

QUAIL MEADOWS ADDITION

A Subdivision of Part of the Northeast 1/4 of the Southwest 1/4 of  
Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska

Lots to be rezoned to R-1

Lots to be rezoned to R-2



DEVELOPER/OWNER  
Quail Meadows, LLC  
a Nebraska limited liability company  
211 S. 2nd  
Nebraska, NE 68501  
Phone: 402-375-3311

INSURER  
John A. Ziegler, P.E.  
Advanced Consulting Engineering Services, Inc.  
133 W. Washington Street  
West Plains, MO 65758  
Phone: 402-775-1923

INSURER  
Terry L. Schmitt, L.S.  
Advanced Consulting Engineering Services, Inc.  
133 W. Washington Street  
West Plains, MO 65758  
Phone: 402-775-1923

FIELD NOTES  
1) 1/2 Section Corner, Northeast 1/4, Southwest 1/4, Section 29, T17N, R1E, Platte County, Nebraska (Capt.)  
2) 1/2 Section Corner, Northeast 1/4, Southwest 1/4, Section 29, T17N, R1E, Platte County, Nebraska (Capt.)  
3) 1/2 Section Corner, Northeast 1/4, Southwest 1/4, Section 29, T17N, R1E, Platte County, Nebraska (Capt.)  
4) 1/2 Section Corner, Northeast 1/4, Southwest 1/4, Section 29, T17N, R1E, Platte County, Nebraska (Capt.)  
5) 1/2 Section Corner, Northeast 1/4, Southwest 1/4, Section 29, T17N, R1E, Platte County, Nebraska (Capt.)

LEGAL DESCRIPTION  
A Subdivision of Part of the Northeast 1/4 of the Southwest 1/4 of Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows:  
Commencing at the Northwest corner of the East 1/2 of the Southwest 1/4 of Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska, thence  
N 89°27'23" W on the South line of the East 1/2 of said Southwest 1/4, 133.19 feet to the Point of Beginning, thence N 89°27'23" E and South 84.12258 feet  
East 1/2 of Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska, to the East 1/2 of the Southwest 1/4 of Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska, thence  
S 89°27'23" W on the East 1/2 of said Southwest 1/4, 133.19 feet to the Point of Beginning, thence S 89°27'23" E and South 84.12258 feet East 1/2 of Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska, to the  
commencing at the Northwest corner of the East 1/2 of the Southwest 1/4 of Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

NEIGHBORHOOD  
Quail Meadows Addition  
Platte County, Nebraska

DEDICATION  
I, Diane Kapels, 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 and that I am a duly licensed and qualified person to do so and an expert in the field of my knowledge and belief.  
Diane Kapels, Registered Land Surveyor  
No. 10000, State of Nebraska, Ex. 10000

STATE OF NEBRASKA  
COUNTY OF PLATTE  
On this 16th day of April, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified to act as Notary Public and State of Nebraska, the member of Quail Meadows, LLC, a Nebraska limited liability company to be personally known to me, the Notary, appeared the undersigned and acknowledged the signing thereof to be their voluntary act and deed.  
My Commission expires December 14, 2025  
Diane Kapels, Registered Land Surveyor  
No. 10000, State of Nebraska, Ex. 10000

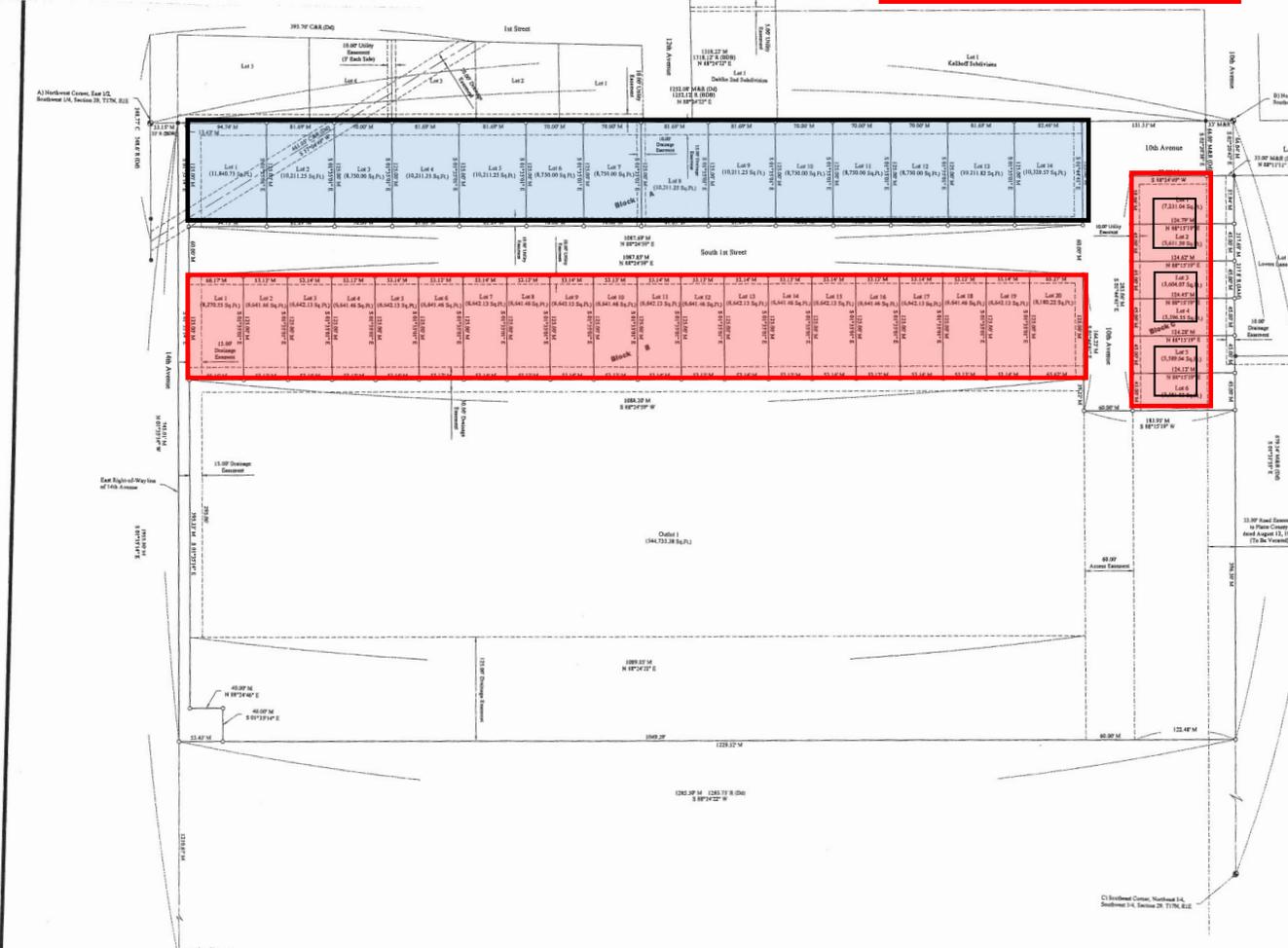
STATE OF NEBRASKA  
COUNTY OF PLATTE  
On this 16th day of April, 2024, before me, the undersigned, a Notary Public, duly commissioned and qualified to act as Notary Public and State of Nebraska, the member of Quail Meadows, LLC, a Nebraska limited liability company to be personally known to me, the Notary, appeared the undersigned and acknowledged the signing thereof to be their voluntary act and deed.  
My Commission expires December 14, 2025  
Diane Kapels, Registered Land Surveyor  
No. 10000, State of Nebraska, Ex. 10000

SCHOOL BOARD APPROVAL  
This Final Plat of QUAIL MEADOWS ADDITION to the City of Colwell, Nebraska was approved by Colwell School District  
on the 16th day of April, 2024  
Diane Kapels, Registered Land Surveyor  
No. 10000, State of Nebraska, Ex. 10000

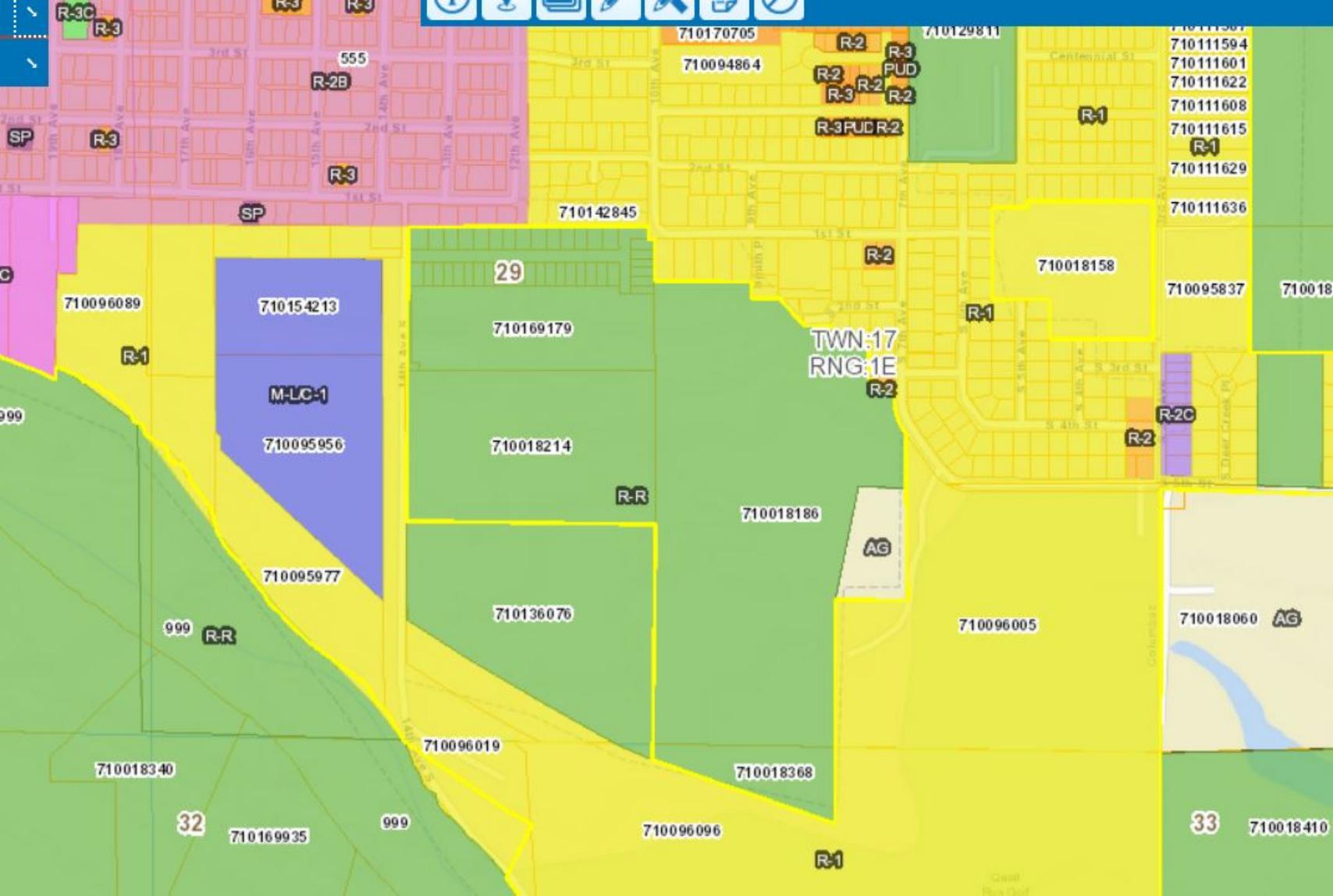
COLUMBIA NEBRASKA PLANNING COMMISSION  
This Final Plat of QUAIL MEADOWS ADDITION to the City of Colwell, Nebraska approved by the  
Planning Commission on the 30th day of April, 2024  
Diane Kapels, Registered Land Surveyor  
No. 10000, State of Nebraska, Ex. 10000

COLUMBIA NEBRASKA CITY COUNCIL  
This Final Plat of QUAIL MEADOWS ADDITION to the City of Colwell, Nebraska approved by the  
City Council on the 16th day of April, 2024  
Diane Kapels, Registered Land Surveyor  
No. 10000, State of Nebraska, Ex. 10000

ADVANCED CONSULTING ENGINEERING SERVICES  
West Plains & Colwell  
Phone: 402-775-1923



1179



TWN:17  
RNG:1E

710154213  
M-LC-1  
710095956

29  
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710018214  
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710096019

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710129811  
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71011597  
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71011608  
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710018158  
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R-3C  
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710018340  
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33

**7. 2024-2025 Capital Improvement Plan.**

**2025 Capital Improvement Plan**

Notes	Dept. Requested 2025 Budget	DC	2025 Budget Funding Source				2026 Budget	2027 Budget	2028 Budget	2029 Budget	
			1%	1/2%	HWY & FFPP	OTHER					Total
			Sales Tax	Sales Tax							
400-459-59020-24001	<i>General</i> City Hall Bond Payment	552,750	552,750								
100-100-57200-20003	FEMA Regional Hazard Mitigation BRIC Grant	200,000	50,000			150,000	50,000				
100-100-57510-20005	Misc IT Expenses	70,000	70,000			70,000	70,000	70,000	70,000		
100-100-57510-20006	Eagle View/Pictometry Upgrade	18,200	18,200			19,000	19,000	19,000	19,000		
100-100-57200-24003	Downtown Business Improvement District Matching Funds	50,000	50,000								
100-100-57200-24029	#2 City Workforce Housing Project					1,000,000					
100-100-57200-24005	Downtown Revitalization Match	400,000	50,000		350,000						
100-100-57200-21092	City Hall / CCB Closeout	25,000	25,000								
100-100-57510-21089	FEMA Buyout Program	404,000			404,000						
	<i>CAT non-requested</i>										
100-110-57510-21001	<i>Police</i> Radio Improvements	70,000	70,000								
	Tasers	15,000	15,000								
100-110-57520-21005	Police Fleet Vehicle	75,000	75,000			82,500	90,750	99,825	109,807		
100-110-57520-21006	Police Fleet Vehicle	75,000	75,000			82,500	90,750	99,825	109,807		
100-110-57520-21007	Police Fleet Vehicle	75,000	75,000			82,500	90,750	99,825	109,807		
100-110-57520-21008	Police Admin Vehicle	20,000	20,000			21,000	22,000	23,000	24,000		
	<i>Fire/Rescue</i> Mobile Radios & In-Vehicle Repeaters	200,000	200,000								
	Portable Radios	450,000	40,500		409,500						
	6 Cardiac Monitors	200,000	200,000								
	Body Armor & Tactical Medical Kits	60,000	60,000								
	Comand Vehicle Upgrades	15,000	15,000								
	Riding Lawn Mower & Yard Equipment	15,000	15,000								
100-130-57200-20030	<i>Library</i> Computers for Patron Lab	15,000	15,000								
100-140-57200-20038	<i>Cemetery</i>										
	<i>Parks</i> Memorial Stadium Design & Community Engagement	40,000	40,000								
100-150-57510-24014	Repair Vandalism to Playsets	25,000	25,000								
100-150-57200-24015	Replace Roof at Pawnee Park Large Shelters	285,000	285,000								
	Garbage Truck	175,000	175,000								
	Automatic Door locking & monitoring for restrooms	25,000	25,000								
	11' Mower	96,000	96,000								
	6' Mower	25,000	25,000								
	<i>Pawnee Plunge</i> Paint Lap Pool/Swirl Slide Pool	66,000	66,000								
100-152-57510-24017	<i>Aquatic Center</i> Filter Replacement	78,000	78,000								
	Air Handling Unit Fan	17,000	17,000								
	<i>VanBerg non-requested</i>										
	<i>Quail Run</i> Greens Brushes	12,000	12,000								
	Greens Roller	24,000	24,000								
200-200-57510-21021	<i>Streets</i> Push Plow	20,000	20,000								
200-200-57200-24021	Hwy 30/23rd Street Const. Engineering	200,000		200,000		25,000					
200-200-57300-20070	Subdivision & Misc. Improvements	300,000		300,000		325,000	350,000	375,000	400,000		
200-200-57300-20071	City Wide Pavement Rehabilitation	2,000,000		2,000,000		3,000,000	3,000,000	3,500,000	3,500,000		
200-200-57300-20075	ADA Improvements & Services	60,000		60,000		65,000	70,000	75,000	80,000		
	Paint Machine	20,000	20,000								
	Shop Heaters	19,000	19,000								
	Back Storage Building Heaters	26,000	26,000								
	Finish Deck for Ventrac Mower	6,500	6,500								
	Loader Attachment w/ Bucket for John Deere	20,000	20,000								
	Crafco Crack Sealer	80,000	80,000								
	Backhoe	140,000	140,000								

		Truck Repair Software	12,000	12,000		12,000				
		Truck Lifts for Shop	52,000	52,000		52,000				
		SS4A Safety Study/Project	500,000	100,000	400,000	500,000				
		Loup River Bridge, Section 105, 100% reimbursement	150,000		150,000	150,000				
		Hwy 81/63rd Ave Traffic Signal Design	200,000		200,000	200,000		50,000		
		42nd Street Connection to Roundabout Design/Development				-		2,000,000		
205-205-57200-23030	<i>Airport</i>	8 Place T-Hangers	1,800,000	345,000	1,455,000	1,800,000				
		Security Camera to East/Ramp side of admin bldg	7,000	7,000		7,000				
220-220-57510-21084	<i>JCC</i>	Tower/Radio Equipment Contingency	35,000		35,000	35,000				
220-220-57510-24028		State Radio System Equipment	651,406		651,406	651,406				
		Upgrade Eventide Recorder	55,000		55,000	55,000				
		Digital License	100,000		100,000	100,000				
		<b>Total Non-Discretionary</b>	<b>10,326,856</b>	<b>3,406,950</b>	<b>4,359,906</b>	<b>10,326,856</b>				
<b>DISCRETIONARY</b>										
	<i>carryover</i>	Vitality Village - finish infrastructure	900,000		900,000	900,000				
200-200-57200-22022		Downtown Railroad Beautification/Quiet Zone	300,000	300,000		300,000				
200-200-57200-23022		Lost Creek Parkway Traffic Control (18th, 33rd & 48th) 18th	650,000		650,000	650,000				
100-100-57510-24004		CCB Playground installation carryover	100,000	100,000		100,000				
		Memorial Stadium - Baseball Turf	1,150,000	500,000	650,000	1,150,000				
100-150-57200-24030		Centennial Park Restroom/Concession	350,000	350,000		350,000				
100-150-57300-23012	<i>new</i>	Memorial Stadium - Phase 1 Improvements	500,000							
100-100-57200-23001		Downtown Improvements	125,000				125,000	125,000	125,000	125,000
	<b>PD</b>	Virtual Firearms & De-Escalation Simulator	110,000							
	<b>PD</b>	Heavy Duty Drone	65,000							
	<b>PD</b>	Police Impound Yard Improvements/ Building	650,000							
		Exercise Equipment-Charlie Louis Station	10,000							
100-150-57200-23046		Master Trail (South Columbus 8th or 6th Street)	500,000							
	<i>50/50</i>	Sertomaland Playground Repairs	500,000							
		Gerrard Park Design Central Restroom/Concession Design	100,000							
	<i>3 way split s/hwy/gran</i>	Loup River Bridge, City Share	1,500,000							
	<i>124,200 sales tax, 75, \$300k / \$1.2M</i>	CCB EV Station, Study, Design & Infrastructure	200,000							
		Community Wide EV Charging Points	1,500,000							
	<b>QR</b>	Cemetery Maintenance Shop addition	250,000							
	<b>QR</b>	Pro Shop Addition Design	90,000							
		Motorized Sand Trap Rake	30,000							
		8 St & 12 Ave Intersection Design & ROW Assessment	150,000							
		Sunset Park/Lake Ester Restroom/Storage	400,000							
		Electronic Signage around CCB	125,000							
		<i>New Discretionary Subtotal:</i>	<i>6,805,000</i>							
		<b>Total:</b>		<b>4,656,950</b>	<b>4,110,000</b>					
		<b>Target:</b>		<b>\$8,000,000</b>	<b>4,114,762</b>					
		<b>Remaining:</b>		<b>\$3,343,050</b>	<b>\$4,762</b>					
<b>ENTERPRISE FUNDS</b>										
500-500-57200-24029		City Workforce/Affordable Housing Subdivision Infrastructure	500,000							
500-500-57510-21097		23rd Street Reconstruction	50,000		50,000	50,000	400,000			
500-500-57300-20093		Lift Station Renovation LS #15 Westbrook	425,000		425,000	425,000				
500-500-57300-20094	<i>Chuck</i>	System CIP Lining	150,000		150,000	150,000	150,000	175,000	175,000	175,000
500-500-57300-21081		Design 25th St & 35th Ave Lift Station repairs	800,000		800,000	800,000				
		<b>Total for Wastewater Collection</b>	<b>1,925,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,425,000</b>	<b>1,425,000</b>	<b>550,000</b>	<b>175,000</b>
		Analytical Balance Scale	6,500		6,500	6,500				
		Hostsy Pressure Washer	6,500		6,500	6,500				
		Road Tar	7,500		7,500	7,500				
		Portable Pump	25,000		25,000	25,000				
		Front Gate Repair	15,000		15,000	15,000				
		BOD Upright Incubator	10,000		10,000	10,000				

	Digester Blower Rebuild	8,500				8,500	8,500				
	Bioset Mixer Tub	25,000				25,000	25,000				
	Replace UV Bulbs	25,000				25,000	25,000				
	72" Mower	22,000				22,000	22,000				
	Front Wheel Loader	180,000				180,000	180,000				
	1/2 Ton Pickup	30,000				30,000	30,000				
	Truck Mounted Spreader	150,000				150,000	150,000				
	UTV Side by Side	20,000				20,000	20,000				
	1/2 Ton Pickup - Lab	35,000				35,000	35,000				
	<b>Total for Wastewater Treatment</b>	<b>566,000</b>				<b>566,000</b>	<b>566,000</b>	<b>#REF!</b>	<b>#REF!</b>	<b>#REF!</b>	<b>#REF!</b>
	Scada System Upgrade	325,000				325,000	325,000				
	Emergency Generator for Well 16	60,000				60,000	60,000				
	CCTV for North Water Plant & Booster Station	25,000				25,000	25,000				
	Altitude Valve Rebuild	10,000				10,000	10,000				
	CCTV for Central Maintenance	6,500				6,500	6,500				
	Milwaukee Valve Wrench	6,500				6,500	6,500				
520-520-57200-24029	City Workforce/Affordable Housing Subdivision Infrastructure	500,000					-				
520-520-57300-21095	23rd Street Reconstruction Water	50,000				50,000	50,000	400,000			
	WWTF & Residential Development Loop	750,000				750,000	750,000				
	<b>Total for Water</b>	<b>1,733,000</b>				<b>1,233,000</b>	<b>1,233,000</b>	<b>400,000</b>			
	Storm Water & Flood Evaluation and Improvements	125,000				125,000	125,000	125,000	125,000	150,000	150,000
560-560-57300-20107	STF Bank Design and Construction	500,000				500,000	500,000				
560-560-57200-24037	Trunk Line Storm Sewer Cleaning	50,000				50,000	50,000	50,000	50,000	60,000	60,000
560-560-57510-21096											
	<b>Total for Stormwater Utility</b>	<b>675,000</b>				<b>675,000</b>	<b>675,000</b>	<b>125,000</b>	<b>125,000</b>	<b>150,000</b>	<b>150,000</b>
	Quick Coupler Loader	9,000				9,000	9,000				
	Rotator Forks for Skid Loader	7,500				7,500	7,500				
570-570-57520-24040	Semi	175,000				175,000	175,000				
570-570-57510-23045	Trailers to replace unsafe trailers	150,000				150,000	150,000				
	<b>Transfer Station</b>	<b>341,500</b>				<b>341,500</b>	<b>341,500</b>				

**8. Building Report for June 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)

### June Building Report Comments

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

On the Commercial side, permits were made out for two different storage unit sites, a permit for an addition on a storage unit, a permit for Walmart alteration and a permit for a Duo-Lift alteration. Plan reviews have been started on Kelly Pipe addition, a couple wireless tower projects, hoop building for Duo-Lift, and Centennial Park bathroom/concession building.

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



# City of Columbus

## Building Department Monthly Report

07/01/2024

June                      2024                      2023

	2024			2023		
	June	June	June	June	June	June
	Count	Permit Fees	Value	Count	Permit Fees	Value
<b>Accessory Structu</b>	7	\$982.74	\$157480.00	3	\$480.10	\$81500.00
<b>Building Moving</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Com Addition</b>	1	\$220.00	\$30000.00	0	\$0.00	\$0.00
<b>Com Alteration</b>	3	\$1389.26	\$322000.00	3	\$1216.88	\$259000.00
<b>Com New Constr</b>	2	\$2950.26	\$880120.00	1	\$4241.65	\$1746558.00
<b>Com Plumbing</b>	1	\$27.00	\$4000.00	0	\$0.00	\$0.00
<b>Deck</b>	4	\$272.99	\$31800.00	6	\$533.33	\$68000.00
<b>Demolition</b>	1	\$32.00	\$2500.00	4	\$114.00	\$41500.00
<b>Egress Window</b>	2	\$88.70	\$8000.00	0	\$0.00	\$0.00
<b>Fence</b>	24	\$768.00	\$91800.00	18	\$531.00	\$66900.00
<b>Gas line</b>	2	\$64.00	\$1500.00	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>	6	\$657.85	\$89799.28	5	\$194.27	\$44002.29
<b>Res New Construc</b>	2	\$2698.36	\$922670.00	1	\$1153.92	\$368500.00
<b>Res Plumbing</b>	14	\$1179.00	\$823700.00	15	\$811.00	\$93736.00
<b>Res Pool</b>	2	\$170.65	\$20350.00	0	\$0.00	\$0.00
<b>Signs</b>	5	\$185.00	\$181300.00	1	\$35.00	\$2000.00
<b>Sprinklers</b>	8	\$176.00	\$36757.00	15	\$315.00	\$66800.00
<b>Temporary Acces</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Water Softner/RC</b>	1	\$82.00	\$650.00	0	\$0.00	\$0.00
<b>Wireless TeleCom</b>	1	\$101.00	\$15000.00	0	\$0.00	\$0.00
<b>Wireless Tower</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>YEAR TOTAL</b>	<b>86</b>	<b>\$12044.81</b>	<b>\$3619426.28</b>	<b>72</b>	<b>\$9626.15</b>	<b>\$2838496.29</b>

Population: All Records  
 Permit.DateIssued Between 6/1/2023 12:00:00 AM  
 AND 6/30/2024 11:59:59 PM

## **9. Adjournment.**