

Planning Commission  
Monday, March 10, 2025 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.**

## **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.

## 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; applicability of section.**

(1) Until January 1, 2025:

(a) Except as provided in subsection (10) of this section, 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 or the governing body of a rural or suburban fire protection district, 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, village, or district. 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.

(iv) In case of refusal, neglect, or inability of the newspaper to timely publish the notice, the public body shall (A) post such notice on its website, if available, and (B) post such notice in a conspicuous public place in such public body's jurisdiction. The public body shall keep a written record of such posting. The record of such posting shall be evidence that such posting was done as required and shall be sufficient to fulfill the requirement of publication.

(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) Beginning January 1, 2025:

(a) Except as provided in subsection (10) of this section, 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 (2)(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 committees, such notice shall be given by:

(A)(I) Publication in a newspaper of general circulation within the public body's jurisdiction that is finalized for printing prior to the time and date of the meeting, (II) posting on such newspaper's website, if available, and (III) posting on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers. Such notice shall be placed in the newspaper and on the websites by the newspaper; or

(B)(I) Posting to the newspaper's website, if available, and (II) posting to a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers if no edition of a newspaper of general circulation within the public body's jurisdiction is to be finalized for printing prior to the time and date of the meeting. Such notice shall be placed in the newspaper and on the websites by the newspaper.

(ii) In the case of the governing body of a city of the second class or village, any advisory committee of such governing body, or the governing body of a rural or suburban fire protection district, such notice shall be given by:

(A)(I) Publication in a newspaper of general circulation within the public body's jurisdiction that is finalized for printing prior to the time and date of the meeting, (II) posting on such newspaper's website, if available, and (III) posting on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers. Such notice shall be placed in the newspaper and on the websites by the newspaper;

(B)(I) Posting to the newspaper's website, if available, and (II) posting on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers if no edition of a newspaper of general circulation within the public body's jurisdiction is to be finalized for printing prior to the time and date of the meeting. Such notice shall be placed in the newspaper and on the websites by the newspaper; or

(C) Posting written notice in three conspicuous public places in such city, village, or district. Such notice shall be posted by the public body in the same three places for each meeting.

(iii) In the case of a public body not described in subdivision (2)(b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body.

(iv) In case of refusal, neglect, or inability of the newspaper to publish the notice, the public

body shall (A) post such notice on its website, if available, (B) submit a post on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers, and (C) post such notice in a conspicuous public place in such public body's jurisdiction. The public body shall keep a written record of such posting. The record of such posting shall be evidence that such posting was done as required and shall be sufficient to fulfill the requirement of publication.

(3)(a) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (3)(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 subsections (1) and (2) 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, subsection (1) of section 70-1014, subsection (2) of section 70-1014.02, 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 (A) an organization created under the Interlocal Cooperation Act that sells electricity or natural gas, (B) an organization created under the Municipal Cooperative Financing Act, (C) a governing body of a risk management pool and any advisory committee of such governing body, or (D) any advisory committee of any state entity created in response to the Opioid Prevention and Treatment Act, such organization, governing body, or committee 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.

(4) 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.

(5) 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.

(6) 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 (5) 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.

(7) 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.

(8)(a) Notwithstanding subsections (3) and (6) 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 subsections (1) and (2) 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 (5) 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.

(9) In addition to any other statutory authorization for virtual conferencing, any public body not listed in subdivision (3)(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 (3)(b)(i) and (ii) of this section.

(10) This section does not apply to a meeting of the Nebraska Power Review Board or a public power district, a public power and irrigation district, an electric membership association, an electric cooperative company, a municipality having a generation and distribution system, or a registered group of municipalities if such meeting is subject to section 70-1034.

**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; Laws 2024, LB287, § 74; Laws 2024, LB399, § 4; Laws 2024, LB1370, § 8.

**Note:** The Revisor of Statutes has pursuant to section 49-769 correlated LB287, section 74, with LB399, section 4, and LB1370, section 8, to reflect all amendments.

**Note:** Changes made by LB287 became operative April 17, 2024. Changes made by LB399 became effective July 19, 2024. Changes made by LB1370 became operative July 19, 2024.

## Cross References

- **Emergency Management Act**, see section 81-829.36.
- **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.
- **Opioid Prevention and Treatment Act**, see section 71-2485.

## 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. Except for closed sessions called pursuant to section 84-1410, a public body shall allow members of the public an opportunity to speak at each meeting.

(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.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making virtual conferencing available at an in-state location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act; and

(f) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

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

(8) Public bodies shall make available at the meeting or the in-state location for virtual conferencing as required by subdivision (6)(c) of this section, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting, either in paper or electronic form. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

**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; Laws 2024, LB43, § 21.

**Operative Date: July 19, 2024**

## 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.

## Annotations

- Under prior law, 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).

**2. Minutes of February 10, 2025, meeting.**

PLANNING COMMISSION  
February 10, 2025

A meeting of the Planning Commission of the City of Columbus, Nebraska, was convened in open and public session on February 10, 2025, at 6:00 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 January 29, 2025, 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 Goc announced that a copy of the Open Meetings Act is available at this meeting. Present were members Steve Anderson, Colleen Bray, Robbin Cutsor, Bob Elsasser, Melissa Goc, Tom Lange, Fernando Lopez Jr., Josh Mueller and Tom Pillen. City staff members included City Attorney Gene Schumacher, City Engineer Rick Bogus, Project Engineer Braden Labenz, Planning and Economic Development Coordinator Jean Van Iperen, City Clerk Shuraya Choat, Engineering Administrative Specialist Renee Whiting, and Senior Office Associate Vanessa Adame. Also present were Mayor James Bulkley and Council member Ron Schilling.
- 2. Minutes of January 13, 2025, meeting.** The minutes were approved as presented with a motion by Cutsor and a second by Elsasser. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay".
- 3. Public hearing – Redevelopment Plan for the Crekitt LLC Redevelopment Project approximately located at 1856 33 Avenue.** Andrew Willis, attorney on behalf of the applicant, explained that the building has been vacant for over 20 years and requires a full renovation. Tax Increment Financing (TIF) in the amount of \$197,000 would assist with the asbestos removal and upgrades to infrastructure including a new water line, sewer tap, and sidewalks. Service Master would accommodate a majority of the space with another 4,000 square feet available for future rental opportunities. No public testimony was heard. The public hearing closed with a motion by Mueller and a second by Elsasser. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". A recommendation was made by Anderson and a second by Mueller for approval of the Redevelopment Plan, based upon the foregoing and substantial evidence presented. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay".
- 4. Public hearing – Redevelopment Plan for the Quail Meadows Redevelopment Project approximately located between 14<sup>th</sup> Avenue and the extension of 10<sup>th</sup> Avenue, adjacent to the western terminus of Lovers Lane.** Quelbin Izaguirre,

on behalf of NeighborWorks Northeast Nebraska (NeighborWorks) and its partners Progressive Builders and Mesner Development Co., explained that the plan would consist of 46 residential units, with NeighborWorks developing 15 affordable housing units. Izaguirre clarified that Advanced Consulting Engineering (ACE) has been in contact with the adjacent landowners regarding the project. Rena Beran, on behalf of NeighborWorks, added that they have been working extensively with ACE and the city to specifically address the drainage issues around the neighborhood, which will include the construction of a retention pond to meet state regulations and additional infrastructure to resolve the existing neighborhood drainage issues. Randy and Joyce Lindstrom, 945 Lovers Lane, expressed objections to the blighted area designation and the use of TIF. Van Iperen explained that a study was done several years ago that determined nine blighted and substandard areas throughout the city with four new areas designated since then. She added that the criteria for determining blighted and substandard areas is defined by state statute and that no city tax dollars are used to fund TIF. She clarified that the TIF bond would be repaid using the increase in the property taxes generated by the development, therefore, only the new property owners would be responsible for paying those taxes. Jason Gaver, 1568 10<sup>th</sup> Avenue noted that he has not been contacted about the development or the study since the initial discussion and also inquired who would be maintaining the rental properties. Izaguirre and Beran confirmed that Progressive Builders would manage the properties, noting that the rental units are permitted by code and there are no restrictions on renting homes within the city. The public hearing closed with a motion by Elsasser and a second by Anderson. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay". A recommendation was made by Lopez and a second by Anderson for approval of the Redevelopment Plan, based upon the foregoing and substantial evidence presented. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay".

5. **By-Laws of the Columbus Planning Commission.** The By-Laws were approved as presented with a motion by Elsasser and a second by Anderson. Anderson, Bray, Cutsor, Elsasser, Goc, Lange, Lopez, Mueller, and Pillen voted "Aye" and none voted "Nay".
6. **Building report for January 2025.** The building report was presented.
7. **Adjournment.** The meeting adjourned at 6:35 p.m.

OFFICE OF THE COMMUNITY DEVELOPMENT

: Vanessa Adame

- 3. Public Hearing - Redevelopment Plan for the Cottonwood Heights Redevelopment Project approximately located southwest of the intersection of E 6th Avenue and E 38th Street.**

## **NOTICE OF HEARING**

Notice is hereby given that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, March 10, 2025, at 6 P.M., in the Columbus Community Building, Community Room, 2500 14th St., Columbus, NE 68601, to consider and possibly take action on a redevelopment plan entitled: "Redevelopment Plan for the Cottonwood Heights Redevelopment Project," for redevelopment pursuant to the Community Development Law, Nebraska Revised Statutes, sections 18-2101, et seq., within a portion of a blighted and substandard community redevelopment area of the City, approximately located to the southwest of the intersection of E 6th Avenue and E 38th Street, in Columbus, Nebraska. A map of the proposed area to be redeveloped and the cost-benefit analysis for the redevelopment project set forth in the redevelopment plan is available for review at the office of the City Clerk at 2500 14 Street, Suite 3, Columbus, NE 68601, telephone number 402-562-4224. At said time and place, all interested parties may appear and be heard.

City of Columbus, Nebraska  
Shuraya Choat, City Clerk

Publish: 2:22:25; 2:27:25

Affidavit of Publication



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

## memorandum

DATE: March 3, 2025  
TO: Tara Vasicek, City Administrator  
FROM: Jean Van Iperen, Planning & Economic Development Coordinator  
RE: Redevelopment Plan for Cottonwood Heights Redevelopment Project

### RECOMMENDATION:

Approval of the Redevelopment Plan for Cottonwood Heights Redevelopment Project

### DISCUSSION:

The redevelopment plan outlines a proposed project located southwest of the E 6th Avenue and E 38th Street slightly outside of City limits and will need to be voluntarily annexed into city limits. The project includes a mixed use development including the construction of 77 single family homes, 38 townhouses, 58 rowhomes, 420 apartments units and 8 commercial buildings. The project is proposed to be completed in four phases beginning in the spring of 2025 and being completed in the summer of 2030.

The project site will require extensive infrastructure and public improvements to support development. These enhancements include the construction of multiple access points to E 6th Avenue and E 38th Street, as well as the development of internal roadways. Additionally, the project will involve the installation of essential utilities, including water, sewer, electricity, sidewalks, and street lighting.

The plan also incorporates the use of Tax Increment Financing (TIF) to support Workforce Housing. Without TIF, the cost of housing units would need to increase significantly to achieve sustainable cash flow, which contradicts the development group's objectives and would not effectively address the City's housing needs. The infrastructure improvements and workforce housing development, as outlined in Exhibit E of the plan, represent a substantial investment in the community.

The total estimated costs of the Redevelopment Project is \$68,508,164. Based on these eligible expenses the principal amount can not exceed \$14,462,400.

The redeveloper, City and legal counsel have ensured the plan is in conformance with the City's comprehensive plan.

It has been determined the cost-benefit analysis prepared in conjunction with the Plan and attached as Exhibit E sets forth the factors required under section 18-2174 of the Nebraska Revised Statutes and supports the City's adoption and approval of the Plan.

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

ALTERNATIVE: Do not approve

Signature:

By: *Jean Van Iperen*

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

**REDEVELOPMENT PLAN FOR  
THE COTTONWOOD HEIGHTS REDEVELOPMENT PROJECT**

**PREPARED FEBRUARY, 2025**

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

**A. Introduction**

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

Prior to the preparation of this Redevelopment Plan, and in compliance with the Act, the Mayor and Council designated a portion of the City as a blighted and substandard community redevelopment area, such area being commonly referred to as “Redevelopment Area 13” (referred to herein as the “Redevelopment Area”). This Redevelopment Plan sets forth a redevelopment project proposed by Cottonwood Heights, LLC (“Redeveloper”), located within the Redevelopment Area. This Redevelopment Plan contemplates the use of tax increment financing ("TIF") resources available to offset certain costs deemed eligible for reimbursement by TIF under the Act, to aid in the removal of existing, and avoid future, blighted and substandard conditions, all as further described herein. This Redevelopment Plan contemplates the phased construction of a mixed-use development consisting of commercial and mixed-density residential improvements, together with such public improvements associated therewith, within the Redevelopment Area (such public and private improvements are collectively referred to herein as the "Redevelopment Project").

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

Exhibit "A", attached hereto and incorporated herein, sets forth the boundaries and existing conditions of the area to be developed as part of the Redevelopment Project (the "Project Site"). The Project Site is located to the southwest of the intersection of E 6th Avenue and E 38th Street, in the City. The Project Site is completely engrossed within the blighted and substandard Redevelopment Area and is in need of redevelopment.

**C. Conformance with the Comprehensive Plan**

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

The map sets forth a “Mixed-Use” designation for future use of the Project Site. Accordingly, the anticipated uses associated with the Redevelopment Project conform with the desired use of the Project Site set forth in the Comprehensive Plan’s future use map.

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

- It is envisioned that the City’s projected population growth will be accommodated and balanced through infill and redevelopment of neighborhoods; and contiguous, mixed-use development to the north, flanking Lost Creek Parkway.
- Large business development centers composed of Mixed- Use and Multi-Family residential uses are proposed to the east of the municipal airport; and immediately east of 32nd Avenue, flanking Lost Creek Parkway.
- Provide for a range of housing options for a diverse and expanding workforce.
- Support initiatives to develop affordable and equitable housing.
- Encourage a variety of housing types and sizes to accommodate the needs of existing and prospective residents. This includes, but is not limited to college students, single professionals, families, empty nesters, seniors, and those of varying economic ability. Ensure there are options for convenient, affordable and dignified places to live.
- Maximize the use of planning and financial tools to mitigate the cost of development to the community while providing incentives for well-planned development that achieves stated City principles and goals.
- Encourage public private partnerships where the City and the private sector can collaborate on enhancements to the built environment.

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

**D. Redevelopment Project Overview**

The Redevelopment Project consists of the phased construction of approximately 77 single-family homes, 38 townhomes, 58 rowhomes, 420 apartment units, and 8 commercial buildings, together with the public and private improvements ancillary thereto. Per Redeveloper’s TIF application submitted to the City:

*“The apartment units are modeled after the existing Legacy 23 complex and the Flats apartment complexes located in Columbus. Home prices within the Cottonwood Heights development for single family homes will be at or below \$325,000. Townhomes will be priced at approximately \$320,000 and rental units will range between \$900 and \$1,500 per month. In addition, Cottonwood Heights will place approximately eight commercial buildings on the rapidly expanding Lost Creek Parkway highway location... The commercial lots will include a mix of financial, medical and retail establishments that range between 6,000 and 12,000 square feet.”*

Per the application, the single-family homes will consist of slab-on-grade modular homes, which will facilitate both a relatively low price point and an abbreviated construction period. Exhibit "C", attached hereto and incorporated herein, sets forth the proposed site plan for the Redevelopment Project (the “Site Plan”). The Site Plan is preliminary in nature and subject to change. As further detailed in Paragraph J below, it is anticipated that the residential improvements will be constructed and/or sold, as applicable, at a price point that meets the criteria for workforce housing, of which there is low supply and high demand within the City.

Redeveloper owns the Project Site in fee simple. No public acquisition of the Project Site is anticipated. Additionally, no families will be displaced as a result of the Redevelopment Project. The Project Site is currently situated outside of the City’s jurisdictional boundaries. In relation thereto, Redeveloper has represented and warranted to the City that it will submit to a voluntary annexation of the Project Site, as well as facilitating the same for the adjacent parcel to the west owned by the Platte County School District. The use of TIF for the Redevelopment Project as authorized by this Redevelopment Plan is strictly conditioned and contingent upon the Project Site’s annexation into the City’s jurisdictional boundaries – as shall be set forth in further detail in the “Redevelopment Contract” (as defined in the Act) entered into between Redeveloper and the Agency with respect to the Redevelopment Project.

The Redevelopment Project will require infrastructure improvements and other public and private improvements which are not financially feasible to undertake at one time. Completing the Redevelopment Project in phases will allow the Redeveloper to maximize the TIF resources available for public improvements, which will be necessary for the Redevelopment Project to succeed. Further, implementation of the Redevelopment Project in multiple phases will allow Redeveloper to construct the private improvements at a rate that the market can support, and to adapt subsequent phases of the project to the changing needs of the City. In accordance with the foregoing, it is expected that Site Plan and the private improvements shown therein may require certain changes and reconfigurations to adapt the Redevelopment Project to the evolving demands of the market. Such changes and reconfigurations which do not alter the fundamental nature or value of the Redevelopment

Project are expressly permitted hereunder – and may occur via administrative amendment(s) to this Redevelopment Plan, unless such changes constitute a substantial modification under the Act. The implementation and timing of the various phases is detailed under Paragraph H, below.

**E. Existing Conditions**

**1. Existing Land Use**

The Project Site consists of a ~74.13-acre parcel. A single-family home and outbuildings are situated on ~3 acres in the northwest corner of the Project Site. The remainder of the Project Site is undeveloped agricultural land.

**2. Existing Zoning**

The Project Site is currently zoned as Rural Residential.

**3. Existing Public Improvements**

Public access to the Project Site currently exists from E 38th Street. Except for the basic utilities serving the current residence in the northwest corner, the Project Site is without internal paving, sewer, water, storm sewer, electrical service, public walks, and other infrastructure.

**F. Proposed Redevelopment**

**1. Public Improvements**

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

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

The Project Site abuts E 38th Street on the north and E 6th Avenue (Lost Creek Parkway) on the east. Redeveloper will construct multiple points of access therefrom, as shown in the Site Plan; provided that the only permitted connections to E 6th Avenue will be E 38th Street and “Street 8” (as denoted on the Site Plan) – i.e., there shall be no connection to “Street 4” (as denoted on the Site Plan). Additionally, it is anticipated that Redeveloper will be required to undertake and comply with the following, as shall be set forth in further detail in the Redevelopment Contract:

- Paving and reconstruction of adjacent portion of E 38th Street with a possible center island closer to E 6th Avenue (pursuant to 41-foot wide concrete urban arterial/collector parameters). Placement of center island closer to E 6th Avenue may result in “B Avenue” (as denoted on the Site Plan) being limited to “right in, right out” ingress and egress.
- Construction and paving of new right-of-way along the southern boundary of the Project Site (denoted as “Street 8” on the Site Plan), pursuant to 41-foot wide urban arterial/collector parameters, with coordinated access to the south. Such improvements will necessitate reconstruction of the intersection with E 6th Avenue, inclusive of turn lane additions and/or widening.
- Construction and paving of new right-of-way along the eastern boundary of the Project Site (denoted as “D Avenue” on the Site Plan), with a roundabout at the intersection of “Road 4” (as denoted on the Site Plan), all pursuant to 41-foot wide urban arterial/collector parameters (with greater widths required on the roundabout). Such improvements will require the approval of Columbus Public Schools (as the adjacent property owner).
- Construction and paving of 10-foot wide pedestrian paths along the adjacent portion of E 6th Avenue, the E 38th Street extension, and “Street 8” (as denoted on the Site Plan); as well as potential extensions along “Street 4” and “D Avenue” (as denoted on the Site Plan). All such improvements shall meet the trail construction requirements and parameters of the City.

The access-related public improvements for the Redevelopment Project are not limited to the above items and Redeveloper must address any/all traffic and street infrastructure requirements or concerns created by the Redevelopment Project. All streets and other public infrastructure constructed by Redeveloper (inclusive of those detailed above) will be subject to review and approval by the City's engineer or other designee of the City. Such review and approval shall be in the exclusive discretion and authority of the City; and shall supersede and control with respect to any discrepancies as between the contents of this Redevelopment Plan and the finally-approved plans.

b. Construction of Water and Sewer Improvements.

Redeveloper will construct and extend water and sewer systems to provide appropriate service to all lots within the Project Site; and the Project Site will be filled and graded to provide for effective surface water runoff. Without limiting the foregoing, it is anticipated that Redeveloper will be required to undertake and comply with the following, as shall be set forth in further detail in the Redevelopment Contract:

- Extension of the 12-inch water main along the west side of E 6th Avenue and the north side of E 38th Street.
- Installation of 8-inch water main loops in the “D Avenue” and “Street 8” (as denoted on the Site Plan) rights-of-way.
- Sanitary sewer connecting to the existing E 6th Avenue main must be bored underneath.
- Incorporation of on-site (or jointly with the adjacent Columbus Public Schools’ property) storm sewer and post-construction storm water treatment.

c. Other incidental improvements

The Project Site is currently undeveloped and will require grading to provide effective drainage throughout the area. The Project Site requires filling and grading to properly drain the ground water runoff and provide appropriate grading levels to erect the various improvements. Any buildable areas within a “Floodplain AO Zone +2” designation will require dirt infill and compaction to a minimum of 3 feet above the established base flood elevation. Redeveloper also anticipates the construction of electric, gas, and telecommunications utilities extending to the buildings on the Project Site. Additionally, Redeveloper intends to place a berm/hedge along the northeast side of the Project Site in order to abate noise from Lost Creek Parkway. The anticipated public improvements (and costs related to the public improvements) for the Redevelopment Project are listed in Exhibit "E", attached hereto and incorporated herein.

d. Additional public facilities or utilities

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

e. Property Acquisition, Demolition and Disposal

No public acquisition of private property or relocation of families or businesses is necessary to accomplish the Redevelopment Project. Demolition of the existing farmstead structures located in the northwest corner of the Project Site will occur as part of the Redevelopment Project.

f. Population Density

The Project Site currently consists of one single-family residence. The Redevelopment Project includes the construction of approximately 593 new residential units, resulting in a substantial increase in population density in the area. The City desires such increase to provide additional housing of various types for its existing and prospective workforce.

g. Land Coverage

Land coverage for the Project Site currently consists of approximately 74.13 acres of mostly-undeveloped land. A single-family home and outbuildings currently exist on approximately 3 acres in the northwest corner of the Project Site. The Redevelopment Project will consist of the construction of an estimated 77 single-family homes, 38 townhomes, 58 rowhomes, 420 apartment units, and 8 commercial buildings. The estimated land coverage footprints of the residential improvements are set forth in the Site Plan. At this time, the land coverage footprints of the commercial buildings are too speculative to estimate. Notwithstanding, all improvements within the Project Site will be subject to, and must comply with, all applicable land coverage ratios required under the City's zoning code.

h. Parking

The multifamily and commercial improvements which are constructed as part of the Redevelopment Project will have certain off-street parking requirements, as set forth in the City's zoning code. The exact amount of parking for such improvements is speculative at this time. However, Redeveloper (or its successors and assigns) will be required to comply with such parking minimums based upon the City's review of the final plans for the improvements.

i. Zoning, Building Code and Ordinance

The Project Site is currently zoned as Rural-Residential. Rezoning of Project Site to an appropriate designation (or designations) will be necessary to carry out the Redevelopment Project. It is anticipated that this will occur as part of the Project Site's annexation. Redeveloper will be responsible for all zoning, building code, or ordinance changes that are necessary for the Redevelopment Project.

**2. Private Improvements**

The Redevelopment Project's private improvements consist of the construction of an estimated 77 single-family homes, 38 townhomes, 58 rowhomes, 420 apartment units, and 8 commercial buildings, in addition to the related facilities and improvements ancillary thereto. Redeveloper or other builders taking conveyance from Redeveloper will construct the private

improvements. Paragraph H of this Redevelopment Plan details the anticipated construction schedule for the private improvements.

**G. Project Costs**

The total estimated costs of the Redevelopment Project are \$68,508,164. A breakdown of the Redevelopment Project’s estimated costs is attached and incorporated herein as Exhibit "D". Such figures are only estimates based upon 2025 pricing, and are subject to change without further amendment of this Redevelopment Plan.

**H. Implementation**

Redeveloper anticipates that the Redevelopment Project will occur in approximately four staggered phases as detailed below; provided that market demand and other extraneous factors may necessitate that Redeveloper completes one or more phases over additional or different periods of time. Each phase may be further separated into annual subphases based upon the improvements constructed in a given year.

<b>Phase</b>	<b>Timing</b>	<b>Description</b>
1	Spring 2025 to Fall 2026	Initial stages will include infrastructure placement in the Northeast corner of the Site. Construction of single-family homes and townhomes will begin in fall or early winter of 2025. Redeveloper intends to begin placing single-family homes on foundations in fall or early winter of 2025 – with the intent to complete and sell 5 to 8 modular homes every 60 to 80 days. Additionally, Redeveloper intends to begin construction of townhomes in the northeast section of the Project Site during this phase.
2	Spring 2026 to Spring 2030	In spring of 2026, Redeveloper intends to commence construction of the apartment complexes in the northwest section of the Project Site. Redeveloper's construction partner anticipates that it will take 12 to 18 months to complete 7 separate apartment complexes on this section of the Project Site.
3	January 2027 to December 2027	Redeveloper intends to begin construction of approximately 58 rowhomes and an additional 28 single-family modular homes on the southeast/southcentral section of the Project Site.
4	January 2028 to Summer 2030	Redeveloper intends to complete infrastructure work on the south section of the Project Site, which will allow for the sale, and build-to-suit construction, of the commercial lots. Accordingly, it is anticipated that the construction of the commercial buildings will be undertaken by third-party developers to suit individual plans or needs.

The anticipated start dates and completion dates for the phases are preliminary and subject to change based upon market conditions, availability of materials, workforce availability

and other extraneous factors. More or less phases spanning more or less time than the anticipated dates listed above may be necessary as a result of such extraneous conditions or factors. Notwithstanding, it is anticipated that all phases will be completed no later than December 31, 2035. In accordance therewith, the Redevelopment Contract entered into between the Agency and Redeveloper with respect to the Redevelopment Project will specify that, vis-à-vis the division of excess ad valorem taxes within the Project Site in relation to the TIF, all parcels within the Project Site must have an “Effective Date” (as defined in the Act) of no later than January 1, 2035.

Upon the completion of each phase, Redeveloper will notify the Agency of the same in writing on a form prescribed by the Agency. Such notice shall set forth the Effective Date for the pertinent phase and must be submitted to the Agency on or before June 30 of the year in which taxes are to be divided for such phase.

Redeveloper is unable to undertake the construction in the first phase of the Redevelopment Project without some assurance that Redeveloper can undertake the additional phases. According to Redeveloper, it could not complete the initial public improvements for the first phase but-for the approval of the entire Redevelopment Project and, likewise, the subsequent phases of the Redevelopment Project would not occur but-for these initial public improvements. Accordingly, this Redevelopment Plan contemplates that the costs and expenses of all the public improvements for the Redevelopment Project are eligible TIF uses for each phase of the Redevelopment Project (as allocated). As such, Redeveloper may apply the TIF Revenues (defined below) generated from each phase of the Redevelopment Project toward the payment of the eligible expenses of the entire Redevelopment Project, as necessary.

## **I. Financing**

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

- (a) That portion of the ad valorem tax the levy produces at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds of each such public body in the same proportion as are all other taxes collected by or for the body (“Base Tax Amount”); and

- (b) That portion of the ad valorem tax on real property, as provided in the redevelopment contract or bond/note resolution, in the redevelopment project in excess of the Base Tax Amount, if any, (referred to herein as “TIF Revenues”) shall be allocated to and, when collected, paid into a special fund of the authority to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes, or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such authority for financing or refinancing, in whole or in part, the redevelopment project.

With respect to the Redevelopment Project, the actual base tax year and Base Tax Amount for each phase of the Redevelopment Project will be established via the notifications from Redeveloper to the Agency referenced in Paragraph H, above, as shall be further detailed in the Redevelopment Contract entered into between Redeveloper and the Agency with respect to the Redevelopment Project. The Agency and Redeveloper anticipate that the Effective Dates will be different for each phase, and therefore the increment period for each phase, will be different.

Notwithstanding any provision herein to the contrary, the TIF Revenues for each phase shall only be divided and allocated over the applicable 15-year increment period (per phase) or until full payment of the TIF Indebtedness, whichever occurs first.

### **1. Necessity of TIF**

Redeveloper has represented and warranted to the City that it would not be economically feasible to develop the Redevelopment Project without TIF. In support thereof, Redeveloper stated in its TIF application that:

*“The project site is currently located slightly outside of the Columbus City limits. The project site is adjacent to a rapidly expanding section of the City. The proposed growth of this area is reflected in the City’s Master Trail Plan which envisions a long section of the master trail that will run parallel alongside the project site.*

*The project site currently lacks the basic infrastructure that is inherently necessary to support the proposed development project that is comprised of approximately 600 new single family and multi-family homes, along with up to eight commercial properties. The project site has existed as agricultural farmland for many years. In order to create the proposed housing development, developer must install streets, sewers, roads, sidewalks, lighting, as well as water and*

*electrical access for the proposed homes and businesses. Due to the substantial costs associated with installation of the necessary infrastructure, the proposed development project is simply not feasible without TIF.*

*Even assuming that a combination of private equity and private lending would be available for the proposed development, the associated debt service with any such combination would render the project not economically infeasible for any reasonable investor without TIF.”*

The City concurs with the foregoing representations of Redeveloper. In addition thereto, the demand for workforce housing greatly exceeds the supply due to the fact that the market rate for such housing typically provides too low of a return on investment to encourage such development (absent the assistance from sources such as TIF). Without TIF, the price point of the housing units would need to increase significantly to provide acceptable cash-flow, which is not desirable and would not satisfy the housing demand for workforce housing in the City. In accordance with the above findings, it is the finding of this Redevelopment Plan that the Redevelopment Project, as proposed herein, is not economically viable without the assistance of TIF and Redeveloper would not construct the same without TIF.

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

Based upon the projections provided in Exhibit "E", attached hereto and incorporated herein, the Agency and Redeveloper contemplate issuance of one or more TIF bond(s) or note(s) (the "TIF Indebtedness") in an aggregate principal amount not to exceed \$14,462,400. The TIF Indebtedness shall bear interest at a rate not to exceed 5.00% per annum. The final principal and interest amount comprising the TIF Indebtedness shall be determined by the Agency and set forth in the redevelopment contract or resolution authorizing the issuance of the TIF Indebtedness.

The total estimated cost of the Redevelopment Project is \$68,508,164. Redeveloper anticipates that the balance of the public and private costs exceeding the TIF Indebtedness will be financed by a mix of equity and traditional bank financing. The above figures are only projections and are subject to change as a result of market conditions and other extraneous factors.

### **J. Use of Workforce Housing TIF; Conformance with Incentive Plan**

Pursuant to the Act and the workforce housing incentive plan adopted by the City (the "Incentive Plan"), this Redevelopment Plan specifically contemplates and authorizes the use of TIF for all single-family and multi-family residences/improvements constructed on the Project Site that do not exceed the maximums set forth under section 18-2103(32)(c) of the Act, as may be adjusted from time to time. With respect to the owner-occupied single-family residences,

townhomes, and rowhomes, such figures (i.e., the maximums) shall be determined at the time of sale of each residence/lot, and shall not be fixed as of the date of this Redevelopment Plan – such that any changes to the maximums under 18-2103(32)(c) shall apply to the subsequent sale of any unsold lots/residences which are part of the Redevelopment Project. Accordingly, so long as a lot/residence complies with the then-current maximums (at the time of the sale) set forth under 18-2103(32)(c) of the Act, the improvements associated therewith shall be considered “Workforce Housing” under the Act, and shall be eligible for treatment as such with respect to the City’s administration of TIF, in accordance therewith. With respect to the multi-family rental apartments, eligibility will be determined via Redeveloper’s per-unit cost to construct the apartments, in accordance with 18-2103(32)(c) of the Act. The City and/or Agency shall verify eligibility of the improvements as Workforce Housing in accordance with the foregoing, as shall be set forth in further detail under the redevelopment contract between Redeveloper and the Agency.

Subject to the foregoing, the City and Agency have determined that the proposed construction of housing on the Project Site meets the definition of “Workforce Housing” under the Act, and meets the qualifications for an award of Workforce Housing TIF under the Incentive Plan, in that it:

- Is housing that meets the needs of today’s working families;
- Is housing that is attractive to new residents considering relocation to a rural community;
- Will address certain housing needs identified in the City’s current housing study;
- Will assist with the prevention of blight and substandard conditions within the City, and will help address the City’s lack of safe and suitable housing within a price range that is attainable for the City’s workforce;

The City has further found and determined that the grant of Workforce Housing TIF authorized and approved hereunder will not result in the unjust enrichment of Redeveloper. In support thereof, and as detailed under Paragraph I(1), above, the use of Workforce Housing TIF is necessary to maintain the price points of the residential improvements at an acceptable level, while providing for a commercially reasonable rate of return. In consideration thereof, the return on investment for the Redevelopment Project without Workforce Housing TIF is below what would be necessary to attract economically-prudent investment and/or financing, thereby demonstrating that Workforce Housing TIF is needed and will not result in unjust enrichment.

In the event that some, but not all, of the residential improvements constructed by Redeveloper meet the eligibility criteria for Workforce Housing TIF, this Redevelopment Plan authorizes the use of Workforce Housing TIF for only the eligible portion(s). Any ineligible

portion(s) or residence(s)/unit(s) shall still qualify for normal TIF. The foregoing shall be set forth in further detail in the redevelopment contract between Redeveloper and the Agency.

**K. Cost-Benefit Analysis**

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

Exhibits:

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

## EXHIBIT "A"

### Project Site and Existing Land Use

#### Legal Description:

A tract of land located in the East 1/2 of the Northwest 1/4 of Section 16, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

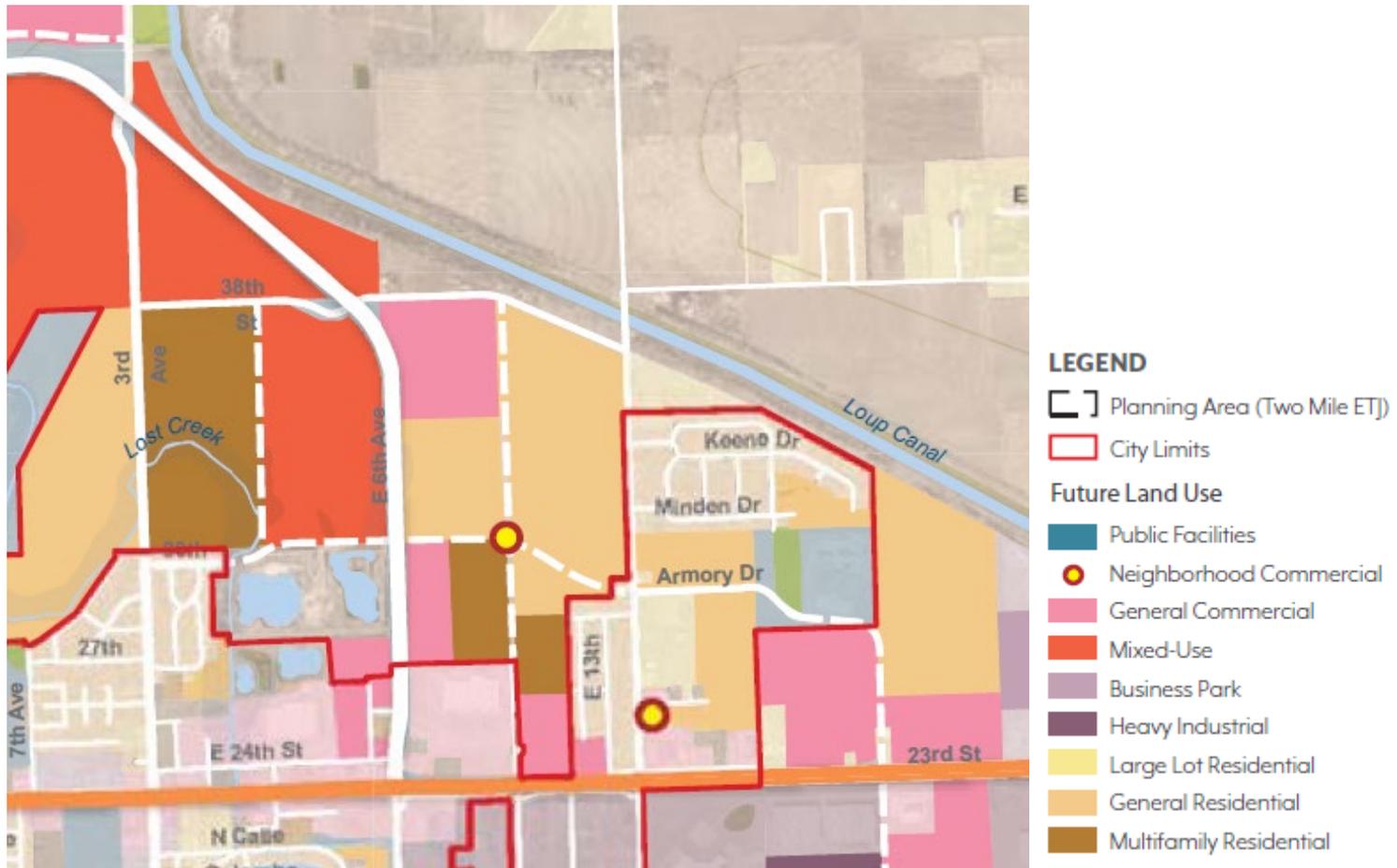
Beginning at the Southeast corner of the Northwest 1/4 of Section 16, T17N, R1E of the 6th P.M., Platte County, Nebraska; thence S 88°07'17" W on an assumed bearing on the South line of the East 1/2 of said Northwest 1/4, 1328.66 feet to the Southwest corner of said East 1/2; thence N 01°44'47" W on the West line of said East 1/2, 2663.74 feet to the Northwest corner of said East 1/2; thence N 87°39'15" E on the North line of said East 1/2, 239.85 feet to a point on the Lost Creek Parkway Right-of-Way line; thence S 02°03'00" E on said Right-of-Way line, 33.13 feet; thence N 87°38'17" E on said Right-of-Way line, 128.52 feet; thence S 61°45'18" E on said Right-of-Way line, 379.55 feet; thence N 87°39'39" E on said Right-of-Way line, 231.82 feet; thence N 64°23'46" E on said Right-of-Way line, 87.92 feet to a point of curvature; thence Southeasterly on a 1100.38 foot radius curve to the right on said Right-of-Way line, 862.36 feet of which said curve has a chord bearing of S 24°09'02" E, 840.46 feet to a point on the East line of said East 1/2; thence S 01°42'29" E on said East line, 1702.65 feet to the Point of Beginning, containing 75.60 acres, more or less.

\* As part of the Redevelopment Project, Redeveloper intends replat and subdivide the Project Site. In accordance therewith, the legal description(s) of such subdivided or replatted parcel(s) comprising the Project Site, upon final approval of the City with respect thereto, shall replace and supersede the above legal description.



## EXHIBIT "B"

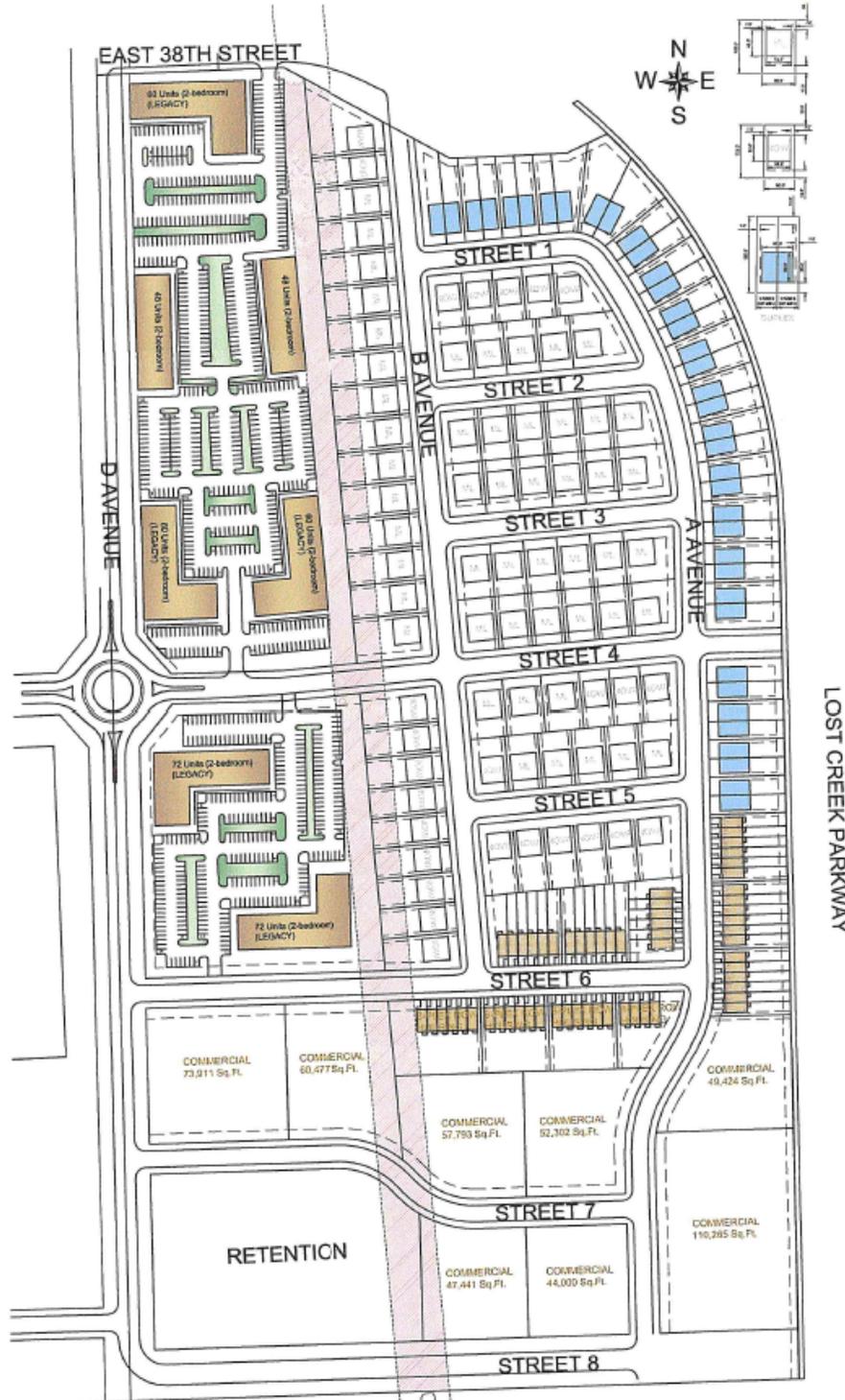
### Future Land Use Map



\* Project Site designated as "Mixed-Use".

# EXHIBIT "C"

## Preliminary Site Plan and Future Land Use



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

**EXHIBIT "D"**

**Estimate of Construction Costs**

Land Acquisition	\$2,704,500
Site Development	\$17,203,761
Building Cost	\$44,701,707**
Architectural and Engineering Fees	\$2,918,196
Legal Fees	\$200,000
Contingencies	\$500,000
Financing Costs	\$280,000
<hr/>	
<b>TOTAL</b>	<b>\$68,508,164</b>

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

\*\* Excludes cost of commercial buildings.

**EXHIBIT "E"**

**Sources and Uses of TIF**

**USES:\***

Land Acquisition	\$2,704,500
Demolition	\$150,000
Site Preparation and Dirt Work	\$4,050,826
Streets	\$7,886,598
Utilities	\$2,472,903
Sidewalks	\$1,193,434
Lighting	\$800,000
Landscaping Enhancements	\$650,000
Residential Private Improvements**	\$44,701,707
Architectural and Engineering Fees	\$2,918,196
Legal Fees	\$200,000
<b>TOTAL</b>	<b>\$67,728,164</b>

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

\*\* Subject to meeting the criteria of Workforce Housing TIF, as detailed under Paragraph J of the Redevelopment Plan.

**SOURCES:**

**General Assumptions:\***

Base Value:**	\$3,667,100
Final Value:***	\$95,222,824
Tax Levy (2024):	1.67885%
TIF Indebtedness:	\$14,462,400
Interest Rate:	5.00%

\* The above figures are based on assumed values and levy rates. Actual amounts and rates will vary from those assumptions, and it is understood that the actual TIF sources may vary materially from the projected amounts.

\*\* Base Value consists of the following estimates for the platted lots: (i) \$10,000 per single-family detached lot; (ii) \$7,500 per townhome and rowhome lot; (iii) \$700,000 (total) for the multifamily lots; and (iv) \$1,487,100 (total) for the commercial lots (i.e., \$3 psf).

\*\*\* Final Value consists of the following estimates for the improved lots: (i) \$283,500 per single-family detached lot; (ii) \$292,500 per townhome lot; (iii) \$225,000 per rowhome lot; (iv) \$44,520,000 (total) for the multifamily lots (\$106,000 per door); and (v) \$4,708,324 (total) for the commercial lots. Per the amortization set forth below, the Final Valuation accrues in 20% increments over the course of the first five years to reflect the Redevelopment Project's phased construction.



## **EXHIBIT "F"**

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

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

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

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

#### *Notes:*

- 1. The Projected Tax Increment is based on assumed values and levy rates; actual amounts and rates will vary from those assumptions, and it is understood that the actual tax shift may vary materially from the projected amount. The levy rate is assumed to be the 2024 levy rate. There has been no accounting for incremental growth over the 15-year TIF period.*

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

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

The Redevelopment Project requires public infrastructure installation. The Project Site will require the construction of vehicular access from E 38th Street on the north and E 6th Avenue (Lost Creek Parkway) on the east, along with extensive construction and/or improvement of abutting rights-of-way, as set forth in greater detail under Paragraph F of the Redevelopment Plan. Construction and/or extension of utilities and other critical infrastructure will be necessary to serve all the lots within the subdivision. The public improvements for the Redevelopment Project will address any traffic and street infrastructure concerns that would

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

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

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

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

The Redevelopment Project will result in new and expanded business within the Project Site with respect to the commercial lots, as well as the necessary staffing needed for the multifamily complex. Such improvements will provide an opportunity for existing employers to expand (or for new employers to relocate), and will provide job opportunities for employees. Additionally, the new residences will provide housing for employees in the area. Accordingly, it is anticipated that the Redevelopment Project will have a positive impact on employers and employees locating or expanding within the boundaries of the Project Site.

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

The Redevelopment Project should have a materially-positive impact on businesses surrounding the Project Site. The residential portion will provide much needed housing in the community, which will benefit employers, employees, and the City in general. Further, the additional population density should increase the need for services and products from existing businesses in the surrounding area, such as household products and general consumer goods/services. The commercial portion will result in the expansion of businesses in the area, which will directly benefit area employers and employees via the provision of new services and jobs to the area, and indirectly benefit the same via the increase in consumer/foot traffic. Accordingly, the Redevelopment Project is anticipated to have a positive impact on employers and employees in the vicinity of the Project Site.

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

The increase in population density within the Project Site may result in an increase in school-aged children within the related school districts. However, there is no indication that the schools within the district are unable to withstand an increase in enrollment proportionate to the size of the Redevelopment Project. The school district will not receive taxes from the residences built during the time the increased taxes are utilized to pay the TIF Indebtedness. However, the school district has received state aid to education in the past. Part of the school aid formula involves assessed valuation in the school district. The valuation that generates the TIF payments is not included in the formula and does not count against the state aid that the school district would receive. Taxes on any increase in the base value of the land will benefit the school district. After the TIF indebtedness is paid, or at the end of the respective 15 years of division of taxes, whichever is sooner, the increased valuation from the residential construction will be available to the school district. As such, Redeveloper and the Agency do not anticipate a negative impact on school districts located within the boundaries of the area of the Redevelopment Project.

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

The Redevelopment Project will revitalize and occupy an underutilized space without negatively impacting the surrounding businesses, residents or straining the public infrastructure. There are no other material impacts determined by the Agency relevant to the consideration of the costs or benefits arising from the Redevelopment Project. As such, the costs of the Redevelopment Project are outweighed by its benefits.

#### **4. Building report for February 2025.**



# *City of Columbus*

## Building Department

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

### February Building Report Comments

For the Residential area, permits were issued for three new single-family homes, as well as various residential alterations and additions. Additionally, several permits were granted for decks, fences, and accessory structures in February.

On the commercial side, permits have been issued for an addition at ADM, addition at Midwest Machine & Tool, new construction permit for Dollar General, and all five apartment buildings and garages for Vitality Apartments. Plan reviews are currently underway for the Evans House Annex, BD East medical project, Bierman storage units, Mitchell Petersons storage units, Bighorn Ventures-Service Master project, an ice cream business, and a wireless tower project.

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



# City of Columbus

## Building Department Monthly Report

03/03/2025

February      2025      2024

	February 2025			February 2024		
	Count	Permit Fees	Value	Count	Permit Fees	Value
<b>Accessory Structu</b>	1	\$37.75	\$3500.00	5	\$1202.65	\$210000.00
<b>Building Moving</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Com Addition</b>	2	\$4252.76	\$1530000.00	0	\$0.00	\$0.00
<b>Com Alteration</b>	0	\$0.00	\$0.00	4	\$1527.90	\$290623.60
<b>Com New Constr</b>	7	\$68460.14	\$31016000.00	0	\$0.00	\$0.00
<b>Com Plumbing</b>	1	\$102.00	\$10000.00	0	\$0.00	\$0.00
<b>Deck</b>	1	\$150.23	\$21500.00	0	\$0.00	\$0.00
<b>Demolition</b>	0	\$0.00	\$0.00	1	\$27.50	\$1.00
<b>Egress Window</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Fence</b>	1	\$32.00	\$2000.00	3	\$88.50	\$14500.00
<b>Gas line</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Res Addition</b>	1	\$266.38	\$44640.00	1	\$625.15	\$150000.00
<b>Res Addition Wo</b>	1	\$504.15	\$100000.00	0	\$0.00	\$0.00
<b>Res Alteration</b>	0	\$0.00	\$0.00	3	\$114.30	\$8900.00
<b>Res New Construc</b>	3	\$2580.99	\$741540.00	18	\$10528.04	\$10068427.00
<b>Res Plumbing</b>	3	\$81.00	\$22000.00	6	\$197.00	\$45700.00
<b>Res Pool</b>	1	\$244.00	\$40000.00	0	\$0.00	\$0.00
<b>Signs</b>	4	\$178.00	\$42860.00	4	\$953.00	\$274500.00
<b>Sprinklers</b>	2	\$44.00	\$200000.00	0	\$0.00	\$0.00
<b>Temporary Acces</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Water Softner/RC</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Wireless TeleCom</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Wireless Tower</b>	1	\$134.00	\$21000.00	0	\$0.00	\$0.00
<b>YEAR TOTAL</b>	<b>29</b>	<b>\$77067.40</b>	<b>\$33795040.00</b>	<b>45</b>	<b>\$15264.04</b>	<b>\$11062651.60</b>

Population: All Records  
 Permit.DateIssued Between 2/1/2024 12:00:00 AM  
 AND 2/28/2025 11:59:59 PM

## **5. Adjournment.**