

Public Property, Safety, and Works Committee  
Monday, April 21, 2025 5:30 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).

**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. Request of Clark Grant, on behalf of Habitat for Humanity, to extend the time period for completion of public improvements for Centennial Park 8th Addition from the previously extended date of April 17, 2025, to April 17, 2027.**

The City of **Columbus**

**MEMORANDUM**

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**DATE:** March 25, 2025  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** Centennial Park 8<sup>th</sup> Addition – Public Improvement Extension Request

**RECOMMENDATION:**

I recommend consideration of Habitat for Humanity. to extend the time period for completion of public improvements for Centennial Park 8<sup>th</sup> Addition for 2 years from the previously extended date of April 17, 2025, to April 17, 2027.

**DISCUSSION:**

In accordance with the Development Agreement approved on April 18, 2022, all public improvements are to be installed within two (2) years of the date of the agreement. On March 29, 2024 the deadline was extended for Ferguson Properties to April 17, 2025. Since then, this property has been sold to Habitat for Humanity. Habitat for Humanity has requested an extension of two years to allow them time consider re-platting the property and to complete the public improvements. The agreement indicates that the developer may request an extension of this time period with the extended deadline pursuant to the new deadline set by the City Council.

Attached is correspondence from Clark Grant, Grant & Grant, on behalf of the Developer, Habitat for Humanity, requesting the time extension and stating the reason for the request.

**FISCAL IMPACT:**

None.

**ALTERNATIVE:**

Do not approve. Revise the extension date requested.

**SIGNATURE:**

By: Richard J. Bogus

Approved By: Tara Vasicek

LAW OFFICES  
**GRANT & GRANT**  
1464 27TH AVENUE  
COLUMBUS, NE 68601

WILLIAM H. GRANT (1930-2013)  
CLARK J. GRANT, P.C., L.L.O  
clark@grantattorney.com

TELEPHONE (402) 564-3274  
FAX (402) 564-7055  
assistant@grantattorney.com

March 24, 2025

Mayor Jim Bulkley  
City Council of the City of Columbus

Dear Mr. Mayor and Council Members:

I represent Habitat for Humanity regarding certain matters. As you may know, Habitat for Humanity recently purchased all of the lots in the Centennial Park 8th Addition from Ferguson Properties, Inc. Centennial Park 8th Addition was approved by the City of Columbus on April 18, 2022. The Centennial Park 8th Addition Development Agreement was also executed on April 18, 2022 and provides that the developer is to install the public improvements within a time period of 2 years after the signing of the Development Agreement. Habitat for Humanity acquired this property on January 3, 2025. Additional time will be needed in order to install the public improvements. There may also be a request to do a subdivision of Centennial Park 8th Addition. For these reasons, we request that the time period for installation of public improvements be extended for a period of 2 years.

Very truly yours,

GRANT AND GRANT

Clark J. Grant

CJG: kh  
enclosure

- 3. Request of Clark Grant, on behalf of Ferguson Properties, Inc., to extend the time period for completion of public improvements for Park Place 10th Addition from the previously extended date of April 17, 2025, to April 17, 2026.**



Accountability - Dedication  
Honesty - Integrity - Respect

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## MEMORANDUM

**DATE:** April 15, 2025  
**TO:** Tara Vasicek, City Administrator  
**FROM:** Richard J. Bogus, City Engineer  
**RE:** Park Place 10<sup>th</sup> Addition – Public Improvement Extension Request

**RECOMMENDATION:**

I recommend consideration of the request of Clark Grant, on behalf of Ferguson Properties, Inc. to extend the time period for completion of public improvements for Park Place 10<sup>th</sup> Addition to April 17, 2026.

**DISCUSSION:**

In accordance with the Development Agreement approved on April 18, 2022, all public improvements are to be installed within two (2) years of the date of the agreement. The agreement indicates the Subdivider (Ferguson Properties) may request an extension of this time period with the extended deadline pursuant to the new deadline set by the City Council. An extension was granted at March 18, 2024 to extend the deadline to April 17, 2025. Ferguson Properties, Inc. has requested an extension of one year to April 17, 2026. The development is in negotiations with Black Hills Energy for moving a gas facility which is located directly in the path of the area where 33<sup>rd</sup> Street will be extended.

Attached is correspondence from Clark Grant, Grant & Grant, on behalf of the Developer, Ferguson Properties, requesting the time extension and stating the reason for the request. The City has confirmed with Black Hills Energy the Subdivider is in negotiations

**FISCAL IMPACT:**

None.

**ALTERNATIVE:**

Do not approve. Review the extension date requested.

**SIGNATURE:**

By: Richard J. Bogus

Approved By: [Signature]

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LAW OFFICES  
**GRANT & GRANT**  
1464 27TH AVENUE  
COLUMBUS, NE 68601

WILLIAM H. GRANT (1930-2013)  
CLARK J. GRANT, P.C., L.L.O  
clark@grantattorney.com

TELEPHONE (402) 564-3274  
FAX (402) 564-7055  
assistant@grantattorney.com

March 26, 2025

Mayor James Buckley  
City of Columbus  
2500 14th Street, Suite 3  
P.O. Box 1677  
Columbus, NE 68602

***Re: Park Place 10th Addition Development Agreement.***

Dear Mayor and City Council Members:

I represent Ferguson Properties, Inc., regarding Park Place 10th Addition and the Development Agreement which was entered into with the City of Columbus on April 18, 2022. As you know, the Development Agreement requires the Subdivider to install all public improvements within 2 years of signing the Development Agreement. Pursuant to section VI of the Development Agreement, we are requesting an extension of the deadline for a period of one year.

Ferguson Properties, Inc., has installed sanitary sewer and water lines to service the Park Place 10th Addition at a cost in excess of \$435,000.00.

However, the progress on Park Place 10th Addition has been delayed due to an issue with a natural gas facility owned by Black Hills Energy. The gas facility is located directly in the path of the area where 33rd Street will be extended as part of Park Place 10th Addition. We are in the midst of renewed negotiations with Black Hills Energy for moving the gas facility.

We appreciate your consideration of this matter and we will present additional information on the date of the City Council meeting.

Very truly yours,

GRANT AND GRANT



Clark J. Grant

CJG: kh  
cc: James Ferguson, City Clerk

#### **4. Cost share of paving and infrastructure 2025.**

The City of **Columbus**

**MEMORANDUM**

**DATE:** April 16, 2025  
**FROM:** Richard J. Bogus, P.E., City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** City Cost Shares of Paving and Infrastructure 2025

**RECOMMENDATION:**

Approval of the City of Columbus Cost Shares for the 2025 Construction Season as attached.

**DISCUSSION:**

In accordance with the City Assessment Policy, Development Agreements, and various City cost share policies and reimbursement the attached "City of Columbus Cost Shares for 2024-2025 Construction Season".is presented for approved work and services. The intent is to establish cost shares for the main construction items above those sizes or depths required for construction as established by the design engineer and accepted by the City Engineer. It is understood that not all items or services can be addressed.

The cost sharing is based on standard construction and conditions, with no additional cost sharing allowed due to above normal conditions, locations, material or labor supplier cost spikes, use of federal or state labor rates, or related work or situations. It is not the intent to cost share on every potential construction cost, materials, service, or requirement to build the project. Engineering fees are not a part of the reimbursement.

Costs were obtained from data and information local paving and infrastructure contractors and those who work in town, City bid projects tabulations, and some private development bid projects. If the developer/property owner provided cost request is less than the maximum cost share, the lower cost will be used.

**FISCAL IMPACT:**

City share of costs as stated in the attachment.

**ALTERNATIVE:**

Revise City cost share amounts or basis of calculation.

**SIGNATURE:**

By: Richard J. Bogus

Approved By: [Signature]

## City of Columbus Cost Shares for 2025 Construction Season

In accordance with the City Assessment Policy, Development Agreements, and various City cost share policies and reimbursement the following is the 2025-2026 construction season City cost shares for approved work and services. ***The intent is to establish cost shares for the main construction items, as it is understood that not all items can be addressed. It is not the intent to fully pay for these items, but provide a partial reimbursement.*** Items not addressed will be reviewed by the City Engineer who will obtain data and information from contractor's who do not have a vested interest and determine cost shares for those items, if any.

The cost for improvements is based on standard construction and conditions, with no additional cost sharing allowed due to above normal conditions, locations, material or labor supplier cost spikes, use of federal or state labor rates, unsuitable soils, or related work or situations. It is not the intent to cost share on every potential construction cost, materials, service, or requirement to build the project. Engineering fees are not a part of the reimbursement.

Costs were obtained from data and information with local paving and infrastructure contractors and those who work in town, City bid projects tabulations, and some private development bid projects. If the developer/property owner provided a cost request is less than the maximum cost share, the lower cost will be used.

### Water

Developer/Property Owner Cost – Cost of a PVC 6-inch diameter water main, gate valves with roadway box, fittings, fire hydrants, and service lines. This includes boring costs, dewatering costs, bedding, locator wire and attachments, thicker pipe class, and other costs associated with installation of the constructed water main

City Cost – The difference in cost between the base 6-inch diameter PVC water main, valve, fittings, and borings larger than 6-inch diameter. Paving removals, if any, are not a reimbursable expense.

***Maximum cost differences from the base 6-inch diameter PVC water main per lineal foot, 6-inch gate valve and 6-inch fitting for standard construction***

<b>ADDITIONAL COST WATER MAIN</b>	<b>COST PER LINEAL FOOT</b>
<b>8-inch</b>	<b>\$ 4.55</b>
<b>10-inch</b>	<b>\$ 6.10</b>
<b>12-inch</b>	<b>\$13.75</b>

<b>ADDITIONAL COST GATE VALVE</b>	<b>COST PER EACH</b>
<b>8-inch</b>	<b>\$ 440.00</b>
<b>10-inch</b>	<b>\$1,105.00</b>
<b>12-inch</b>	<b>\$1,525.00</b>

<b>ADDITIONAL COST STANDARD FITTING</b>	<b>COST PER EACH</b>
<b>8-inch</b>	<b>\$105.00</b>
<b>10-inch</b>	<b>\$244.00</b>
<b>12-inch</b>	<b>\$355.00</b>

### **Sanitary Sewer**

Developer/Property Owner Cost – Cost of a PVC 8-inch diameter sewer main, manholes, tees, and service lines. This includes boring costs, dewatering costs, bedding, thicker pipe class, and other costs associated with installation of the constructed sewer main.

City Cost – The difference in cost the between the base 8-inch diameter PVC sanitary sewer main larger than 8-inches in diameter. Paving removals, if any, are not a reimbursable expense.

#### ***Maximum cost differences from the base 8-inch diameter PVC sanitary sewer main per lineal foot for standard construction***

<b>ADDITIONAL COST SEWER MAIN</b>	<b>COST PER LINEAL FOOT</b>
<b>10-inch</b>	<b>\$ 6.10</b>
<b>12-inch</b>	<b>\$13.75</b>

### **Storm Sewer**

Developer/Property Owner Cost (Residential) – 15-inch RCP or HDPE storm sewer, inlets, manholes, bedding, and other costs associated with installation of a 15-inch RCP storm sewer based on a 2-year, 24-hour design storm event flow rates. This includes boring costs, dewatering costs, bedding, and other costs associated with installation of the constructed storm sewer main. No additional compensation for arched or elliptical pipe, larger sized inlets or junction boxes. Box culvert oversizing above that required for the development will be negotiated with the City Engineer. Design Engineer to provide drainage calculations and area exhibit for determination.

Developer/Property Owner Cost (Commercial/Industrial) – Difference in cost of the diameter as determined by the Design Engineer and approved by the City Engineer based upon the 2- year, 24--hour design storm event flow rates and zoning in the development. This includes boring costs, dewatering costs, bedding, and other costs associated with installation of the constructed storm sewer main. No additional compensation for arched or elliptical pipe, larger sized inlets or junction boxes. Box culvert oversizing above that required for the development will be negotiated with the City Engineer. Design Engineer to provide drainage calculations and area exhibit for determination.

City Cost (Residential)– The difference in cost for an RCP or HDPE storm sewer larger than 15-inches in diameter. Paving removals are not a reimbursable expense. Paving and existing storm sewer or culvert removals, if any, are not a reimbursable expense.

City Cost (Commercial/Industrial) – The difference in cost for an RCP or HDPE storm sewer larger than the development determined diameter. The minimum commercial/industrial

diameter shall be 15-inches. Paving removals, if any, are not a reimbursable expense.

**Maximum cost differences from the base 15-inch RCP and HDPE storm sewer per lineal foot for standard construction**

<b>ADDITIONAL COST STORM SEWER</b>	<b>COST PER LINEAL FOOT</b>
<b>18-inch</b>	<b>\$ 8.00</b>
<b>24-inch</b>	<b>\$ 22.00</b>
<b>30-inch</b>	<b>\$ 39.00</b>
<b>36-inch</b>	<b>\$ 59.00</b>

**Street Paving**

Developer/Property Owner Cost (Residential) – 33-foot wide, 6-inch thick PC Concrete

Developer/Property Owner Cost (Commercial/Industrial) – 33-foot wide and the total thickness as determined by the Design Engineer and approved by the City Engineer based upon the traffic and zoning in the development

City Cost (Residential) – Difference in cost between PC concrete paving wider than 33-foot and thicker than 6-inches and intersection costs which are not assessable. Paving removals, if any, are not a reimbursable expense.

City Cost (Commercial/Industrial) – Difference in cost between PC Concrete paving wider than the paving width and thickness than the development determined amount and intersection costs which are not assessable. The minimum commercial/industrial width is 33-feet and thickness is 8-inches. Paving removals, if any, are not a reimbursable expense.

- **Maximum cost difference of PC Concrete paving per square yard per inch of thickness greater than 6-inches for standard mixes and construction = \$4.75 per square yard per additional inch of thickness**

<b>ADDITIONAL COST PC CONCRETE</b>	<b>CALCULATION</b>	<b>COST PER SQUARE YARD</b>
<b>8-inch PC Concrete</b>	<b>\$4.75 X 2</b>	<b>\$ 9.50</b>

- **Maximum cost per square yard of 6-inch PC concrete street paving, including all machine and hand work = \$68.00 per square yard**

<b>MAXIMUM COST</b>	<b>COST PER SQUARE YARD</b>
<b>6-inch PC Concrete paving, including all machine &amp; hand work</b>	<b>\$68.00</b>

Intersection costs are for street paving which are not assessable. Intersection costs do not include any other work or service, such as but not limited to, sidewalks, utilities, signage, and so forth.

**Sidewalks and Trails**

Developer/Property Owner Cost – Sidewalk, 4-foot to 5-foot in width, or as required in the zoning, agreement, or to match existing sidewalks, 4-inch thick or 5-inch PC Concrete sidewalk paving as required. 6-inch thickness at driveways as required, thus no reimbursement for additional thickness. Trails – 8 feet or 10 feet width, as required on master plan, agreement, or to match existing trails, 6-inch thick PC Concrete trail paving as required.

City Cost – Actual cost of Americans with Disability Act ramp detectable warning panels obtained from the Public Works Department and intersection costs of sidewalk and related street paving. Paving removals, if any, are not a reimbursable expense.

- **Maximum cost of ADA ramp detectable warning panel = purchased rate of panel from Public Works Department**

<b>ADA RAMP DETECTABLE WARNING PANEL</b>	<b>Federal ADA Compliant</b>	<b>COST PER PANEL</b>
<b>2-foot by 4-foot panel</b>	<b>Mandatory</b>	<b>\$130.00</b>

- **Maximum cost per square yard of PC concrete sidewalk and trail paving**

<b>PC CONCRETE THICKNESS</b>	<b>PC CONCRETE WIDTH</b>	<b>COST PER SQUARE YARD</b>
<b>4-inch</b>	<b>4-foot by 5-foot</b>	<b>\$68.00</b>
<b>5-inch</b>	<b>Greater than 5-foot</b>	<b>\$78.00</b>
<b>6-inch</b>	<b>Regardless of width</b>	<b>\$83.00</b>
<b>Maximum cost difference of PC Concrete sidewalk and trail paving per square yard per inch of thickness greater for standard mixes and construction</b>		<b>\$4.75</b>

- 5. Amend city code regarding fireworks discharge time for December 29 and 30 stated on the required signage at all fireworks sale locations and various other changes that align with the city's current inspection procedures.**

**Columbus Fire Department  
Memorandum  
For Record**

**DATE:** 29 March 2025  
**TO:** Tara Vasicek, City Administrator  
**FROM:** Ryan S. Gray, Fire Chief  
**RE:** Fireworks Ordinance Changes

**RECOMMENDATIONS:**

Approve the recommended changes to the fireworks ordinance. Ordinance No. 18-28

**DISCUSSION:**

The fireworks ordinance needed to be clarified to clarify a few items and better align with the inspection process and checklist. These changes included removing redundant information regarding regulations already covered in the NFPA 1124, 2006 edition, which have to be met by all vendors. We also made changes to when the stands must be ready for inspection, now simply requiring them to be ready for inspection before commencing sales. The permit will not be issued until an on-site inspection has been completed.

We also removed the section about the storage of fireworks and having approval of the Fire Chief. Any facility storing fireworks needs to go through the proper zoning and permit processes with the City and the State Fire Marshal Office. Historically, we have not completed any inspections of storage facilities outside of the temporary retail spaces.

Language has also been added to include banning a vendor for 5 years if they have their permit revoked twice at any point in a 5-year period for continued violations.


**FISCAL IMPACT:**

N/A

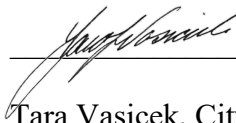
**ALTERNATIVES:**

We are not recommending any other options at this time.

**SIGNATURES:**

  
\_\_\_\_\_

Ryan S. Gray, Fire Chief

  
\_\_\_\_\_

Tara Vasicek, City Administrator



Accountability - Dedication  
Honesty - Integrity - Respect

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## MEMORANDUM

**DATE:** April 14, 2025  
**TO:** Tara Vasicek, City Administrator  
**FROM:** Shuraya Choat, City Clerk  
**RE:** Fireworks Ordinance Changes

**RECOMMENDATION:**

Recommend approval of the amended fireworks ordinance.

**DISCUSSION:**

In addition to the changes recommended by Chief Gray, the fireworks discharge time for December 29 and 30 that is listed on the required signage at all fireworks sale locations, has also been amended. Section two of Ordinance No. 18-28 (§ 130.054 Discharging Fireworks) correctly stated the discharge time for December 29–30 as 8:00 a.m. to 10:00 p.m., while section one, incorrectly listed the discharge time as 8:00 a.m. to 12:00 a.m. (see redlined copy) This amendment corrects the inconsistency and accurately reflects the intended discharge hours.

**FISCAL IMPACT:**

None

**ALTERNATIVE:** We are not recommending any other options at this time.

**SIGNATURE:**

By: Shuraya Choat

Approved By: [Signature]

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## ORDINANCE NO. 18-28

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA AMENDING SECTIONS 130.053 AND SECTION 130.054 OF CHAPTER 130 OF TITLE XIII OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) REGARDING ADDITIONAL SIGNAGE REQUIREMENTS AT THE SALE LOCATIONS OF FIREWORKS, AND AMENDMENTS TO FIREWORK DISCHARGE TIMES; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

WHEREAS, the Public Property, Safety, and Works Committee has recommended that the City Code be amended to extend the firework discharge times to 11:00 PM from June 25 through July 3; and,

WHEREAS, the Public Property, Safety, and Works Committee has further recommended that those people desiring to sell consumer fireworks within the City's jurisdiction be required to provide signage in both English and Spanish stating the allowed for firework discharge dates and times.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA:

Section 1. That Section ~~130.053-133.04~~ of Chapter ~~130-133~~ of Title XIII of the Columbus City Code be amended and revised to read as follows:

§ ~~130.053-133.04~~ PERMIT REQUIRED FOR SALE OF FIREWORKS.

(A) Any person desiring to sell any consumer fireworks as set forth in § ~~130.052-133.03~~ shall make application on a form prepared by the Fire Chief or designee. The application for a permit to sell consumer fireworks shall be filed with the City Clerk. The application shall provide the following information.

- (1) The name and address of the applicant;
- (2) Location of the premises for which the permit is sought;
- (3) The legal description of the premises; ~~a site plan showing the location of the structure on the premises and a description of the structure to be used;~~
- ~~(4) Type of structure to be used:~~
  - ~~(a) Temporary structure (stand);~~
  - ~~(b) Tent;~~
- (4) Description of temporary structure to be used (type and size)
- (5) A site plan showing the location of the structure on the premises, and the listing of minimum separation distances from other structures, roadways, and property lines.

- (6) Where inventory will be stored;
- (7) When inventory will arrive;
- (8) Where inventory will be stored during the off season; ~~and~~
- (9) Certificate of insurance in the amount to be set by resolution and naming the City of Columbus as an additional insured; ~~and-~~
- (10) ~~Copy of your State Fire Marshal license for retail sales of fireworks.~~

(B) Application period. The applicant for a permit shall pay a fee as set by resolution to the City Clerk at the time of submitting the application for each of the premises from which the fireworks are to be sold and shall otherwise comply with all regulations and conditions as set forth herein providing this application is received in the Clerk's office by 5:00 p.m. on June 10 of the year for which the application is being made. From June 11 through June 18, there will be a late fee charge as set by resolution, plus the original fee; from June 19 through June 25, a late fee as set by resolution, plus the original fee and the first late fee. Applications for New Year's Eve firework sales must be received by the City Clerk's office by 5:00 p.m. on December 19 of the year for which the application is being made. If any of the above dates fall on a weekend, the deadline would be the following Monday by 5:00 p.m.

(C) In accord with the provisions of Neb. RS 28-1249, a permit to sell consumer fireworks will be valid for a period between June 25 – July 4 and between December 29 – December 31, of the year in which a permit is issued. Upon payment of the permit fees, as set by resolution, and approval of the premises by the Fire Chief, the permit shall be issued by the City to the applicant. All application fees are non-refundable.

(GD) The following regulations apply to the premises from which said fireworks shall be sold:

- (1) All structures used for the commercial sales of fireworks shall comply with all applicable rules and regulations set forth by National Fire Protection Association (NFPA) 1124, 2006 edition.

~~(1)-(2) Only Temporary structures (stands) may be used for the retail sales of fireworks, including structures such as stands, trailers, and tents. No permanent building shall be used for the sale of fireworks to the general public. Structures from which sales are made shall be either:~~

~~—————(a) Constructed of a substantial material, which shall consist of at least three-eighths inch plywood with three enclosed sides and a counter at one side only, with emergency doors installed at both ends with a minimum width of the doors being 28 inches and a height of at least six feet and the doors shall swing with the direction of exiting traffic; or~~

~~—————(b) Not more than two side by side Sea Cargo Containers (Conex) with full width doors (8 feet x 8 feet) that can be secured on both ends and with the counter on the inside.~~

~~(3)~~ The structure shall be in place and ready for inspection prior to commencing firework sales. by 12:00 noon on the Thursday before June 25 and 12:00 noon on the Thursday before December 29 with Arrangements for inspection shall be being made with the Columbus Fire Department;

~~(2)-(4)~~ Temporary ~~structures (stands)~~ stands and trailers where fireworks are sold ~~cannot~~ shall not exceed 424 square feet;

~~(3)-(5)~~ Tents shall not exceed 2,400 square feet; ~~and shall comply with National Fire Protection Association (NFPA) 1124 Chapters 7 and 8. Tents can only be placed in commercial zoned areas and they must have a 30-foot set back from adjoining property;~~

~~(4)-(6)~~ Premises from which fireworks are to be sold must be in commercially zoned areas and conform with all city zoning regulations;

~~(5)~~ Premises from which fireworks are to be sold cannot be closer than 25 feet to any permanent building;

~~(6)~~ Premises from where fireworks are to be sold must be at least 100 feet from any station, building, or permanent storage where gasoline and oil for motor vehicles are sold or stored, to include propane dispensers, aboveground tanks for flammable or flammable liquids, flammable gases or flammable liquefied gases;

~~(7)~~ A distance of at least 300 feet shall be maintained from bulk flammable or combustible liquid, flammable gas or flammable liquefied gas (propane) tanks or dispensers;

~~(8)-(7)~~ Temporary ~~structures (stands)~~ stands and trailers from where fireworks are ~~to be sold~~ must be equipped with (1) one two and one-half gallon pressurized water fire extinguisher ~~for each 424 square feet of permitted sales area and one (1) ten-pound Class A fire extinguisher. Tents from where fireworks are to be sold must be equipped with (1) ten pound Class A fire extinguisher and (1) two and one-half gallon pressurized water fire extinguishers for every 600 square feet of retail space; as follows: a 40 foot x 20 foot tent shall have two extinguishers, a 40 foot x 40 foot tent shall have three extinguishers and a 40 foot x 60 foot tent shall have four extinguishers; all tents shall, in addition, have one ten pound Class A fire extinguisher;~~

~~(9)-(8)~~ In addition to all other requirements and regulations of the City, all fireworks stands or places of sale of fireworks, cannot be located within the right-of-way and shall be located and set back at least 25 feet from the nearest curb line of any public right-of-way, or in the alternative, the selling windows of the fireworks stand must face away from the curb lines or any public right-of-way, which are within 25 feet of said selling window.

~~(10)-(9)~~ The following commercially made signs, with at least four inches high by one-half inch wide block lettering of permanent design of black against white background shall be installed on all four sides of the structure from which fireworks are to be sold. Said signs shall state:

(a) FIREWORKS-NO SMOKING WITHIN 50 FEET;

(b) NO FIREWORKS DISCHARGED WITHIN 300 FEET;

(c) NO PARKING WITHIN 12 FEET;

(d) FIREWORK DISCHARGE IS ONLY PERMITTED IN THE CITY FROM:  
JUNE 25 – JULY 3 8:00 AM -11:00 PM AND JULY 4 8:00 AM – 12:00 AM

MIDNIGHT; DECEMBER 29 – DECEMBER 30 8:00AM – ~~10:00 PM 12:00 AM~~  
~~MIDNIGHT~~ AND DECEMBER 31 8:00 AM – JANUARY 1 1:00AM;

(e) LA DESCARGA DE FUEGOS ARTIFICIALES SON SOLAMENTE PERMITIDOS EN LA CIUDAD: DEL 25 DE JUNIO AL 3 DE JULIO, DE 8:00 AM A 11:00 PM Y EL 4 DE JULIO DE 8:00 AM A 12:00 AM (MEDIANOCHE); DEL 29 AL 30 DE DICIEMBRE DE 8:00 AM A ~~10:00 PM 12:00 AM (MEDIANOCHE)~~ Y DEL 31 DE DICIEMBRE DE 8:00 AM AL PRIMERO DE ENERO A LA 1:00 AM.

~~(11)-(10)~~ The address of the stand, name of licensee, name of manager and the telephone number of the licensee/manager shall be displayed on a sign with lettering no less than two and one-half inches high by one-half inch wide block lettering of permanent design of black against white background (no paper signs will be accepted). The sign shall be firmly attached to the structure so that the sign may be visible from the fronting street or avenue;

~~(12) The area around a fireworks sales facility shall be kept clear of dry grass, brush and combustible debris for a distance of at least 30 feet; and~~

~~(13) A vehicle or trailer used for fireworks storage shall be parked at least 12 feet from a fireworks sales facility.~~

~~(D) Stands and tents which are equipped with electrical service must meet the following conditions:~~

~~(1) Have its own exclusive electrical services or heavy wiring which is elevated for adequate motor vehicle clearance;~~

~~(2) Have all electrical work done in such a manner as to conform to the current, as adopted, National Electrical Code;~~

~~(3) Have protective covers over all light bulbs which are less than eight feet from ground level; and~~

~~(4) Have portable generators at least 20 feet from fireworks sales.~~

~~(a) Fuel for generators shall be limited to five gallons for diesel and two gallons for gasoline; and~~

~~(b) Fuel storage shall be at least 20 feet from fireworks sales.~~

~~(E) During a time period in which sales are not permitted, storage of fireworks shall be limited to business and industrial zoned areas and the location must meet with approval of the Fire Chief before permission is granted for the storage of fireworks.~~

~~(F) The permit shall be valid for a period from June 25 through July 4 of the year in which it is issued. In addition, in accord with the provisions of Neb. RS 28-1249, a permit may be issued for a period from December 29 of that year through January 1 of the following year. Upon payment of the permit fees, as set by resolution, and approval of the premises by the Fire Chief, the permit shall be issued by the City to the applicant. Sales of consumer fireworks for the period of December 29 through December 31 will require a permit to be applied for and paid for by the applicant. All application fees are non-refundable.~~

(~~EG~~)

(1) Consumer fireworks to be sold from tents may be stored on site during the time period for which a permit is valid. The permit holder shall maintain sufficient security personnel on the site of the sales facility at all times when fireworks are stored on the site while the sales facility is closed. Any violation of this section will result in the immediate revocation of the permit to sell fireworks. Violations include:

- (a) Failure to have security personnel on site;
- (b) Security personnel on site observed to be smoking or with alcohol or other dereliction of duty to secure the site.

(2) Observation of these violations can be made and reported by any sworn police officer or sworn firefighter of the City of Columbus.

(~~H~~F)

(1) Penalties for ~~not complying non-compliance~~ with any part of the code section, except division (~~GE~~) above, ~~for temporary structures and tents~~ are as follows:

- (a) Warning for first offense;
- (b) Eight hours closed (8:00 a.m. - 4:00 p.m.) with no sales for second offense;
- (c) Permit will be revoked for the remainder of the current selling season and there will be no exceptions for third offense.

(2) If the violation occurs the last day of sales then it will be carried over to the next season that the applicant receives a permit for.

(3) Should the applicant have his/her/its permit revoked for a second time at any point during the 5 years, said applicant will be banned from receiving a future permit for itself, or any entity of which it is an owner or member of, for a period of 5 years.

Section 2. That Section 130.054 of Chapter 130 of Title XIII of the Columbus City Code be amended and revised to read as follows:

#### § 130.054 DISCHARGING FIREWORKS.

Consumer fireworks may be discharged from June 25 through July 3 between the hours of 8:00 a.m. and 11:00 p.m. and on July 4 between the hours of 8:00 a.m. and 12:00 midnight and for the period of December 29 through December 30 from 8:00 a.m. to 10:00 p.m. and on December 31 from 8:00 a.m. to 1:00 a.m. on January 1. It shall be unlawful to discharge fireworks from 12:00 midnight on July 4 to 8:00 a.m. on December 29 of that year and from 1:00 a.m. on January 1 of the following year to 8:00 a.m. on June 25 of that year.

Section 3. This Ordinance shall repeal all Ordinances or portions thereof and conflict herewith.

Section 4. This Ordinance shall be in full force and effect from and after its passage approval of publication according to law. Publication shall be in pamphlet form as

authorized by §16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the City office.

INTRODUCED BY COUNCIL MEMBER /s/ Troy G. Hiemer

PASSED AND ADOPTED THIS 4 DAY OF SEPTEMBER, 2018.

/s/ James B. Bulkley  
MAYOR

ATTEST:

/s/ Janelle Kline  
CITY CLERK

APPROVED AS TO FORM:

/s/ Neal Valorz  
CITY ATTORNEY

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DRAFT  
**ORDINANCE NO. 25-06**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA AMENDING SECTION 133.04 OF CHAPTER 133 OF TITLE XIII OF ORDINANCE NO. 24-01 (COLUMBUS CITY CODE) REGARDING THE FIREWORKS DISCHARGE TIME FOR DECEMBER 29 AND 30 STATED ON THE REQUIRED SIGNAGE AT ALL FIREWORKS SALE LOCATIONS AND OTHER VARIOUS CHANGES THAT ALIGN WITH THE CITY'S CURRENT INSPECTION PROCEDURES; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

WHEREAS, the City Council adopted Ordinance No. 18-28 on September 4, 2018, requiring additional signage at all fireworks sale locations and amending the fireworks discharge times; and

WHEREAS, the City desires to amend the discharge time for December 29 and 30 stated on the required signage at all fireworks sale locations and to make other various changes that align with the city's current inspection procedures;

THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA:

Section 1. That Section 133.04 of Chapter 133 of Title XIII of the Columbus City Code be amended and revised to read as follows:

**§ 133.04 PERMIT REQUIRED FOR SALE OF FIREWORKS.**

(A) Any person desiring to sell any consumer fireworks as set forth in § 133.03 shall make application on a form prepared by the Fire Chief or designee. The application for a permit to sell consumer fireworks shall be filed with the City Clerk. The application shall provide the following information.

- (1) The name and address of the applicant;
- (2) Location of the premises for which the permit is sought;
- (3) The legal description of the premises;
- (4) Description of temporary structure to be used (type and size)
- (5) A site plan showing the location of the structure on the premises, and the listing of minimum separation distances from other structures, roadways, and property lines.
- (6) Where inventory will be stored;
- (7) When inventory will arrive;
- (8) Where inventory will be stored during the off season;

- (9) Certificate of insurance in the amount to be set by resolution and naming the City of Columbus as an additional insured; and
- (10) Copy of your State Fire Marshal license for retail sales of fireworks.

(B) Application period. The applicant for a permit shall pay a fee as set by resolution to the City Clerk at the time of submitting the application for each of the premises from which the fireworks are to be sold and shall otherwise comply with all regulations and conditions as set forth herein providing this application is received in the Clerk's office by 5:00 p.m. on June 10 of the year for which the application is being made. From June 11 through June 18, there will be a late fee charge as set by resolution, plus the original fee; from June 19 through June 25, a late fee as set by resolution, plus the original fee and the first late fee. Applications for New Year's Eve firework sales must be received by the City Clerk's office by 5:00 p.m. on December 19 of the year for which the application is being made. If any of the above dates fall on a weekend, the deadline would be the following Monday by 5:00 p.m.

(C) In accord with the provisions of Neb. RS 28-1249, a permit to sell consumer fireworks will be valid for a period between June 25 – July 4 and between December 29 – December 31, of the year in which a permit is issued. Upon payment of the permit fees, as set by resolution, and approval of the premises by the Fire Chief, the permit shall be issued by the City to the applicant. All application fees are non-refundable.

(D) The following regulations apply to the premises from which said fireworks shall be sold:

- (1) All structures used for the commercial sales of fireworks shall comply with all applicable rules and regulations set forth by National Fire Protection Association (NFPA) 1124, 2006 edition.
- (2) Only temporary structures may be used for the retail sales of fireworks, including structures such as stands, trailers, and tents. No permanent building shall be used for the sale of fireworks to the general public.
- (3) The structure shall be in place and ready for inspection prior to commencing firework sales. Arrangements for inspection shall be made with the Columbus Fire Department;
- (4) Temporary stands and trailers shall not exceed 424 square feet;
- (5) Tents shall not exceed 2,400 square feet;
- (6) Premises from which fireworks are to be sold must be in commercially zoned areas and conform with all city zoning regulations;
- (7) Temporary stands and trailers must be equipped with (1) two and one-half gallon pressurized water fire extinguisher and (1) ten-pound Class A fire extinguisher. Tents must be equipped with (1) ten-pound Class A fire extinguisher and (1) two and one-half gallon pressurized water fire extinguisher for every 600 square feet of retail space;
- (8) In addition to all other requirements and regulations of the City, all fireworks stands or places of sale of fireworks, shall be located and set back at least 25 feet from

the nearest curb line of any public right-of-way, or in the alternative, the selling windows of the fireworks stand must face away from the curb lines or any public right-of-way, which are within 25 feet of said selling window; stands shall not be located within the public right-of-way;

(9) The following commercially made signs, with at least four inches high by one-half inch wide block lettering of permanent design of black against white background shall be installed on all four sides of the structure from which fireworks are to be sold. Said signs shall state:

(a) FIREWORKS-NO SMOKING WITHIN 50 FEET;

(b) NO FIREWORKS DISCHARGED WITHIN 300 FEET;

(c) NO PARKING WITHIN 12 FEET;

(d) FIREWORK DISCHARGE IS ONLY PERMITTED IN THE CITY FROM: JUNE 25 – JULY 3 8:00 A.M. – 11:00 P.M. AND JULY 4 8:00 A.M. – 12:00 A.M. MIDNIGHT; DECEMBER 29 – DECEMBER 30 8:00 A.M. – 10:00 P.M. AND DECEMBER 31 8:00 A.M. – JANUARY 1 1:00 A.M.;

(e) LA DESCARGA DE FUEGOS ARTIFICIALES SON SOLAMENTE PERMITIDOS EN LA CIUDAD: DEL 25 DE JUNIO AL 3 DE JULIO, DE 8:00 A.M. A 11:00 P.M. Y EL 4 DE JULIO DE 8:00 A.M. A 12:00 A.M. (MEDIANOCHE); DEL 29 AL 30 DE DICIEMBRE DE 8:00 A.M. A 10:00 P.M. Y DEL 31 DE DICIEMBRE DE 8:00 A.M. AL PRIMERO DE ENERO A LA 1:00 A.M.

(10) The address of the stand, name of licensee, name of manager and the telephone number of the licensee/manager shall be displayed on a sign with lettering no less than two and one-half inches high by one-half inch wide block lettering of permanent design of black against white background (no paper signs will be accepted). The sign shall be firmly attached to the structure so that the sign may be visible from the fronting street or avenue;

(E) (1) Consumer fireworks to be sold from tents may be stored on site during the time period for which a permit is valid. The permit holder shall maintain sufficient security personnel on the site of the sales facility at all times when fireworks are stored on the site while the sales facility is closed. Any violation of this section will result in the immediate revocation of the permit to sell fireworks. Violations include:

(a) Failure to have security personnel on site;

(b) Security personnel on site observed to be smoking or with alcohol or other dereliction of duty to secure the site.

(2) Observation of these violations can be made and reported by any sworn police officer or sworn firefighter of the City of Columbus.

(F) (1) Penalties for non-compliance with any part of the code section, are as follows:

(a) Warning for first offense;

(b) Eight hours closed (8:00 a.m. - 4:00 p.m.) with no sales for second offense;

(c) Permit will be revoked for the remainder of the current selling season and there will be no exceptions for third offense.

(2) If the violation occurs the last day of sales then it will be carried over to the next season that the applicant receives a permit for.

(3) Should the applicant have his/her/its permit revoked for a second time at any point during the 5 years, said applicant will be banned from receiving a future permit for itself, or any entity of which it is an owner or member of, for a period of 5 years.

Section 2. This Ordinance shall repeal all Ordinances or portions thereof and conflict herewith.

Section 3. This Ordinance shall be in full force and effect from and after its passage approval of publication according to law. Publication shall be in pamphlet form as authorized by §16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the City office.

INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**6. Traffic Control Device Committee report for 1st Quarter 2025.**

# TRAFFIC CONTROL DEVICE COMMITTEE

## Quarterly Report

January – March 2025

### January

#### **A. Request to determine warrants for flashing stop sign at 38<sup>th</sup> Street and 18<sup>th</sup> Avenue:**

Discussion: Over the years there have been an estimated three instances where traffic has left the roadway near 18<sup>th</sup> Avenue and 38<sup>th</sup> Street intersection causing damage to Airport property. Only one incident was due to eastbound 38<sup>th</sup> Street not stopping. Therefore, it was not believed looking into a lighted stop sign would be beneficial and warranted.

Motion by Borchers and seconded by Sliva to continue monitoring the area as the recent accidents which have occurred do not warrant a flashing stop sign at 38<sup>th</sup> Street and 18<sup>th</sup> Avenue. Bogus, Sherer, Borchers and Sliva voted “Aye” and none voted “Nay”. Absent Vasicek.

#### **B. Review location of proposed Actuated Pedestrian Crossing Sign from 38<sup>th</sup> Street and 45<sup>th</sup> Avenue to 38<sup>th</sup> Street and 43<sup>rd</sup> Avenue:**

Discussion: The location of pedestrian crossing on 38<sup>th</sup> Street was reviewed. Currently, there is a pedestrian crossing on 45<sup>th</sup> Avenue intersection which is not actuated. The question arose whether to maintain this pedestrian crossing, relocate it to another intersection, or add another pedestrian crossing. Borchers recommended placing an actuated crossing west of 39<sup>th</sup> Avenue to align with the YMCA sidewalk which will also support future developments in the area.

Motion by Borchers and a second by Sherer to add an actuated pedestrian crossing approximately 170 feet west of 39<sup>th</sup> Avenue intersection to align with the sidewalk on north side of 38<sup>th</sup> Street and retain the existing crosswalk at the 45<sup>th</sup> Avenue intersection. Bogus, Sherer, Borchers and Sliva, voted “Aye” and none voted “Nay”. Absent Vasicek.

#### **C. Review of Traffic Device needs with the City:**

Discussion of an email received from a property owner living in Country Club Shores inquiring status on truck traffic through the development. It was noted that Country Club Shores roadways do not go through and the now truck routes are for through traffic. It was determined that the land owner/farmer was moving hay bales which is not a regular occurrence and it does not meet a no truck route designation. Chuck Sliva will communicate back to the property owner.

### February

#### **A. Review Policy for Street Debris:**

Discussion: Concerns about spillage from livestock trailers on public streets, which creates a general mess. Discussed on the need for an ordinance, the potential need to sign this ordinance, options available to add signage along public roadways to inform drivers of their responsibility, Nebraska Department of Transportation sign policy on State rights-of-way, and that policing the ordinance is difficult as it happens in real time. No action was taken.

#### **B. Review of Traffic Device needs with the City:**

There were no additional needs presented at this time.

### **OLD BUSINESS**

#### **A. None**

**UNFINISHED BUSINESS**

**A. None**

March

No meeting held this month.

## **7. Adjournment.**