

Planning Commission  
Monday, October 9, 2023 6:00 PM  
Columbus Community Building/Community Room  
2500 14 Street  
Columbus, NE 68601

The Mayor and City Council reserve the right to go into closed session as per Section 84-1410 of the Nebraska Revised Statutes. A current agenda is on file at City Hall, 2500 14 Street, Columbus, Nebraska. For more information, call 402-562-4224 or visit our website at [www.columbusne.us](http://www.columbusne.us).

{{Name: Agenda Item Name}}

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

---

**NEBRASKA OPEN MEETINGS ACT**

---

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

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

**Source:** Laws 2004, LB 821, § 34.

**84-1408. Declaration of intent; meetings open to public.**

It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

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

**Annotations**

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

**84-1409. Terms, defined.**

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders, and (iii) the Judicial Resources Commission or subcommittees or subgroups of the commission;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Virtual conferencing means conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection (2) of section 84-1412.

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

**Operative Date: July 21, 2022**

**Annotations**

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

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

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

**84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.**

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct;

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting;

(e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or

(f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

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

**Annotations**

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

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

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

**84-1411. Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; virtual conferencing authorized; requirements; emergency meeting without notice; appearance before public body.**

(1)(a) Each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public.

(b)(i) Except as provided in subdivision (1)(b)(ii) of this section, in the case of a public body described in subdivision (1)(a)(i) of section 84-1409 or such body's advisory committee, such notice shall be published in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's website.

(ii) In the case of the governing body of a city of the second class or village or such body's advisory committee, such notice shall be published by:

(A) Publication in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's website; or

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

(iii) In the case of a public body not described in subdivision (1)(b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body.

(c) In addition to a method of notice required by subdivision (1)(b)(i) or (ii) of this section, such notice may also be provided by any other appropriate method designated by such public body or such advisory committee.

(d) Each public body shall record the methods and dates of such notice in its minutes.

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or

(ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2)(a) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (2)(b) of this section are met:

(i) A state agency, state board, state commission, state council, or state committee, or an advisory committee of any such state entity;

(ii) An organization, including the governing body, created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act;

(iii) The governing body of a public power district having a chartered territory of more than one county in this state;

(iv) The governing body of a public power and irrigation district having a chartered territory of more than one county in this state;

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

(vii) An organization, including the governing body, of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act;

(viii) A community college board of governors;

(ix) The Nebraska Brand Committee;

(x) A local public health department;

(xi) A metropolitan utilities district;

(xii) A regional metropolitan transit authority; and

(xiii) A natural resources district.

(b) The requirements for holding a meeting by means of virtual conferencing are as follows:

(i) Reasonable advance publicized notice is given as provided in subsection (1) of this section, including providing access to a dial-in number or link to the virtual conference;

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a

recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as would be provided if virtual conferencing was not used;

(iii) At least one copy of all documents being considered at the meeting is available at any physical site open to the public where individuals may attend the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; and

(iv) Except as otherwise provided in this subdivision or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, the organization may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing. The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by virtual conferencing if the governing body's quarterly meetings are not held by virtual conferencing.

(3) Virtual conferencing, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by virtual conferencing. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness to appear before the public body by means of virtual conferencing.

(7)(a) Notwithstanding subsections (2) and (5) of this section, if an emergency is declared by the Governor pursuant to the Emergency Management Act as defined in section 81-829.39, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the

public body gives reasonable advance publicized notice as described in subsection (1) of this section. The notice shall include information regarding access for the public and news media. In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body.

(b) The public body shall provide access by providing a dial-in number or a link to the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act. Reasonable arrangements shall be made to accommodate the public's right to hear and speak at the meeting and record the meeting. Subsection (4) of this section shall be complied with in conducting such meetings.

(c) The nature of the emergency shall be stated in the minutes. Complete minutes of such meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available for inspection as provided in subsection (5) of section 84-1413.

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

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

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

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

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

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

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

### Cross References

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

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

#### **Annotations**

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

**84-1412. Meetings of public body; rights of public; public body; powers and duties.**

(1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, a camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings, including meetings held by virtual conferencing. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

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

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

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

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

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

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

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

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

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

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

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

(8) Public bodies shall make available at the meeting or the 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.

**Annotations**

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

**84-1413. Meetings; minutes; roll call vote; secret ballot; when; agenda and minutes; required on website; when.**

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written or kept as an electronic record and shall be available for inspection within ten working days or prior to the next convened meeting, whichever occurs

earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing or keeping the minutes is absent due to a serious illness or emergency.

(6) Beginning July 31, 2022, the governing body of a natural resources district, the city council of a city of the metropolitan class, the city council of a city of the primary class, the city council of a city of the first class, the county board of a county with a population greater than twenty-five thousand inhabitants, and the school board of a school district shall make available on such entity's public website the agenda and minutes of any meeting of the governing body. The agenda shall be placed on the website at least twenty-four hours before the meeting of the governing body. Minutes shall be placed on the website at such time as the minutes are available for inspection as provided in subsection (5) of this section. This information shall be available on the public website for at least six months.

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

**Effective Date: July 21, 2022**

**Annotations**

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

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

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

**84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.**

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

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

**Annotations**

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

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

--

Source: [http://nebraskalegislature.gov/laws/display\\_html.php?begin\\_section=84-1407&end\\_section=84-1414](http://nebraskalegislature.gov/laws/display_html.php?begin_section=84-1407&end_section=84-1414)

Date: July 2022

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

PLANNING COMMISSION  
September 11, 2023

A meeting of the Planning Commission of the City of Columbus, Nebraska, was convened in open and public session on September 11, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14th Street, Columbus, Nebraska.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on August 30, 2023, with a copy of the proof of publication being on file in the office of the city clerk. Availability of the agenda was communicated in the advance notice and in the notice to the mayor, members of the city council, and members of the planning commission of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

1. **Statement of Compliance with Open Meetings Act and Roll Call:** Vice Chair Goc announced that a copy of the Open Meetings Act is available at this meeting. Present were members Steve Anderson, Colleen Bray, Robbin Cutsor, Bob Elsasser, Melissa Goc, Fernando Lopez Jr, and Josh Mueller. Members Tom Lange and Tom Pillen were absent and excused. City staff members included City Attorney Gene Schumacher, City Engineer Rick Bogus, Planning and Economic Development Coordinator Jean Van Iperen, Chief Building and Code Inspector Andy Woehrer, Project Engineer Braden Labenz, Engineer Drafter/Aide Jonathan Lovell, and Assistant City Clerk Kelli Keyes.
2. **Minutes of August 14, 2023, meeting:** The minutes were approved as presented with a motion by Mueller and a second by Lopez. Anderson, Bray, Cutsor, Elsasser, Goc, Lopez, and Mueller voted "Aye" and none voted "Nay". Lange and Pillen were absent.
3. **Public Hearing - Application of James Ferguson for preliminary plat of Deerfield Park Townhouse 2nd Subdivision (38 Street east of 26 Avenue). (Continued from the August 14, 2023, meeting.):** Bogus referred to this public hearing on the preliminary plat as well as the public hearing on the final plat on the next agenda item, explained the hearings were continued from the previous meeting due to the fact the plats were incomplete, and he confirmed that all documentation is in good order. No public testimony was heard. The public hearing closed with a motion by Lopez and a second by Mueller. Anderson, Bray, Cutsor, Elsasser, Goc, Lopez, and Mueller voted "Aye" and none voted "Nay". Lange and Pillen were absent. A recommendation was made with a motion by Elsasser and a second by Bray to approve the preliminary plat of Deerfield Park Townhouse 2nd Subdivision as it is amenable with the adjacent land use and is in accordance with the Unified Land Development Ordinance. Anderson, Bray, Cutsor, Elsasser, Goc, Lopez, and Mueller voted "Aye" and none voted "Nay". Lange and Pillen were absent.
4. **Public hearing - Application of James Ferguson for final plat of Deerfield**

**Park Townhouse 2nd Subdivision (38 Street east of 26 Avenue). (Continued from the August 14, 2023, meeting.):** No public testimony was heard. The public hearing closed with a motion by Anderson and a second by Lopez. Anderson, Bray, Cutsor, Elsasser, Goc, Lopez, and Mueller voted "Aye" and none voted "Nay". Lange and Pillen were absent. A recommendation was made with a motion by Lopez and a second by Elsasser to approve the final plat and development agreement of Deerfield Park Townhouse 2nd Subdivision as it is consistent with the preliminary plat. Anderson, Bray, Cutsor, Elsasser, Goc, Lopez, and Mueller voted "Aye" and none voted "Nay". Lange and Pillen were absent.

**5. Public hearing - Application of Rback Enterprises, LLC for preliminary plat of Reeder Subdivision (4th Street and 9th Avenue).**

In response to Bill Fricke, 460 9th Avenue, Cory Reeder, 12 Timberwood Drive, stated that the plan is to construct townhouses on the property. The public hearing closed with a motion by Elsasser and a second by Lopez. Anderson, Bray, Cutsor, Elsasser, Goc, Lopez, and Mueller voted "Aye" and none voted "Nay". Lange and Pillen were absent. A recommendation was made with a motion by Anderson and a second by Bray to approve the preliminary plat of Reeder Subdivision as it is amenable with the adjacent land use and is in accordance with the Unified Land Development Ordinance. Anderson, Bray, Cutsor, Elsasser, Goc, Lopez, and Mueller voted "Aye" and none voted "Nay". Lange and Pillen were absent.

**6. Public hearing - Application of Werner Construction, LLC for Special Use Permit to allow resource extraction in an "RR" (Rural Residential District) zone located at 7014 8th Street.**

It was noted that city staff is requiring the following conditions be met prior to issuing a special use permit: 1) Updates to permit application; 2) Removal of all existing buildings with photographs; 3) Screening at entrance and exit; 4) Topographic survey; 5) Separate plan drawing with proposed project ineffective flood areas and updated application text; and 6) Coordination and concurrence correspondence with Union Pacific Railroad for potential mining areas or related work that may affect the railroad property. Steve Mossman, attorney representing the applicant, and Terrence Wilhelms, Frank Kwapnioski, and Dan Hansen, Werner Construction, LLC, explained that the condemned property is conducive for resource extraction and noted that the resource extraction process will continue for approximately 20 to 25 years and once completed, a pond of no more than 25 acres will remain. They pointed out that most of the conditions for the special use permit have been met and all will have been completed before the project begins. No public testimony was heard. The public hearing closed with a motion by Elsasser and a second by Lopez. Anderson, Bray, Cutsor, Elsasser, Goc, Lopez, and Mueller voted "Aye" and none voted "Nay". Lange and Pillen were absent. A recommendation was made with a motion by Elsasser and a second by Lopez to approve the special use permit application of Werner Construction, LLC contingent upon conditions as identified in the staff memo being met (see attached) as the property is located in a floodway and is a good use for the property. Anderson, Bray, Cutsor, Elsasser, Goc, Lopez, and Mueller voted "Aye" and none voted "Nay". Lange and Pillen were absent.

- 7. Public hearing - Application of Aramis Curbelo Sangil, on behalf of Randy A. Lott, for Special Use Permit to allow automotive rental/sales in an "ML/C-1" (Light Industrial District) zone located at 2254 E 32nd Avenue.** Josiah Nelson, attorney on behalf of the applicant, explained that the applicant intends to expand his auto repair business to include sale of vehicles. No public testimony was heard. The public hearing closed with a motion by Lopez and a second by Anderson. Anderson, Bray, Cutsor, Elsasser, Goc, Lopez, and Mueller voted "Aye" and none voted "Nay". Lange and Pillen were absent. A recommendation was made with a motion by Lopez and a second by Bray to approve the special use permit application of Aramis Curbelo Sangil contingent upon approval by the state fire marshal and screening regulations for vehicle storage use are followed. Anderson, Bray, Cutsor, Elsasser, Goc, Lopez, and Mueller voted "Aye" and none voted "Nay". Lange and Pillen were absent.
- 8. Building report for August 2023:** The building report was presented.
- 9. Adjournment:** The meeting adjourned at 6:25 p.m.

OFFICE OF THE CITY CLERK

: Kelli Keyes

## **CITY OF COLUMBUS MEMORANDUM**

---

**DATE:** September 7, 2023  
**FROM:** Andy Woehrer, Chief Building & Code Official  
**TO:** Tara Vasicek, City Administrator  
**RE:** Special Use Permit to allow Resource Extraction in an RR zone at 7014 8<sup>th</sup> Street for Werner Construction, LLC

**RECOMMENDATION:**

I recommend the Special Use Permit be approved to allow Resource Extraction in the RR zoning district subject to the successful completion and approval of the following conditions.

1. Provide updates to the permit application.
  - a. The report certifications on the Special Use Permit Application (Amended), Floodplain Development Permit Application, Attachment A - Supplement Report (page 5 of the PDF) and said report Findings (page 22 of the PDF) submittal are out of date as they were signed before the last revisions. Provide these updated certifications to the City.
  - b. The Floodplain Development Non-Structural permit (page 2 of the PDF) shall have checked in Section 3 – Development Information “Filling” as the proposal is to place some fill in and around the existing farmstead area. Update the permit to include this item and forward to the City.
  - c. Floodplain Development Non-Structural permit (page 3 of the PDF) sign and date Sections 18 and 19. Update the permit and forward to the City.
2. All existing buildings shall be removed at initial property ownership and at the start of any site preparations or work on the property, but no later than December 22, 2023. Provide pictures of removed structures to City by deadline. The property is in violation of the Floodplain Ordinance, State of Nebraska Department of Natural Resources regulations and FEMA regulations.
3. Provide screening at the entrance and exit at start of work and operations as approved by Chief Building and Code Official.
4. Provide a proposed end of resource extraction project topographic survey, including proposed final contour elevations, typical cross sections, critical spot elevations, bottom floor elevation, and reference to typical groundwater on a separate plan drawing.
5. All proposed project ineffective flood areas shall be shown on a separate plan drawing to match the application text references and to include that these areas will not receive fill, overburden or stockpiling as part of this special use permit. Provide the drawing and the updated application text to the City.
6. Any potential mining areas or related work that may affect the adjacent Union Pacific Railroad property the developer shall obtain Union Pacific Railroad coordination and concurrence correspondence. Correspondence regarding Union Pacific Railroad shall be forwarded to the City.

Failure to complete all of the conditions above and begin resource extraction within two years of the Special Use Permit effective date will result in a void of this Special Use Permit.

**DISCUSSION:**

We have received an application for a Special Use Permit requesting Resource Extraction in an RR zone. The property is located in the Floodway and is a good use for the property. Resource Extraction is permitted in the RR zoning district with Special Use Permit approval and meeting the conditions included and the applicant shall meet all State and Federal regulations.

**FISCAL IMPACT:**

None

**ALTERNATIVE:**

Revise or add conditions, continue, or deny the Special Use Permit

**CONCURRENCE:**

By: Richard J. Bogue

**SIGNATURE:**

By: Andrew J. Wehner

Approved By: [Signature]

**3. Public hearing - Application of Ronald Lambert for preliminary plat of Country Club Shores 6th Addition (south of 51st Street and 38th Avenue).**

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

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, October 9, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the preliminary plat of Country Club Shores 6th Subdivision, a tract of land located in the West 1/2 of the Northeast 1/4 of Section 12, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows: Commencing at the Southeast corner of Lot 1, Block D of Country Club Shores 5th Subdivision, Platte County, Nebraska; thence S 88°19'37" W on the south line of said Lot 1, 120.00 feet to the Point of Beginning; thence S 01°32'31" W, 818.00 feet; thence N 88°27'29" E, 234.34 feet; thence N 07°21'03" W, 58.82 feet; thence N 88°27'29" E, 184.09 feet; thence N 04°20'34" W, 761.36 feet; thence S 88°19'37" W on the South line of said Country Club Shores 5th Subdivision, 375.29 feet to the Point of Beginning, containing 7.18 acres, more or less (south of 51 St and 38 Ave) and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 09:28:23

Two Affidavits of Publication

The City of **Columbus**

**MEMORANDUM**

**DATE:** October 4, 2023  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** Country Club Shores 6<sup>th</sup> Addition – Preliminary Plat

**RECOMMENDATION:**

I recommend the approval of the preliminary plat of Country Club Shores 6<sup>th</sup> Addition as it is amenable with the future land use and is in accordance with the Columbus Land Development Ordinance.

**DISCUSSION:**

The addition consists of 15 residential lots, extension of water, sanitary sewer, paving and storm sewer. The post-construction storm water treatment as designed by the consultant is the lake. The subdivision ingress/egress from an arterial/collector road is 53<sup>rd</sup> Street to 33<sup>rd</sup> Avenue.

The current Country Club Shore subdivisions ingress/egress to 33<sup>rd</sup> Avenue from 53<sup>rd</sup> Street has 61 residential lots and this subdivision adds 15 lots for a total of 74. For comparability purposes, Christopher Cove subdivisions has 144 residential lots with one ingress/egress to an arterial roadway; Whitetail Lake subdivision has 104; and Wagner Lake/Stires Lake subdivisions has about 389 lots. The City has not experienced any major issues from these subdivisions accessing the respective arterial/collector roadway.

The developer has been requested to provide a proposed concept layout for the developer's property located south and west of this addition prior to proceeding on the final plat. The developer will be asked for an anticipated phasing of future additions in order to evaluate future traffic and drainage.

**FISCAL IMPACT:**

None.

**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: Andrea J. Woschke

**SIGNATURE:**

By: Richard J. Bogus

Approved By: [Signature]

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

DATE: August 31, 2023

NAME OF SUBDIVISION: Country Club Shores 6th Subdivision

NAME OF PROPERTY OWNER: Ronald Lambert

**CONTACT INFORMATION:**

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Ronald Lambert

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 5297 48th Ave, Columbus, NE 68601

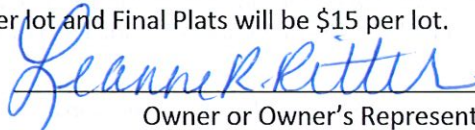
PHONE NUMBER: 402-563-4730

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: debbuggi33@yahoo.com

NUMBER OF LOTS IN SUBDIVISION: 15

ADDRESS OF SUBDIVISION: south of 51st Street & 38th Avenue, Columbus, NE

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

  
Owner or Owner's Representative

Tom Fehring  
Attorney / Legal Counsel for Applicant

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

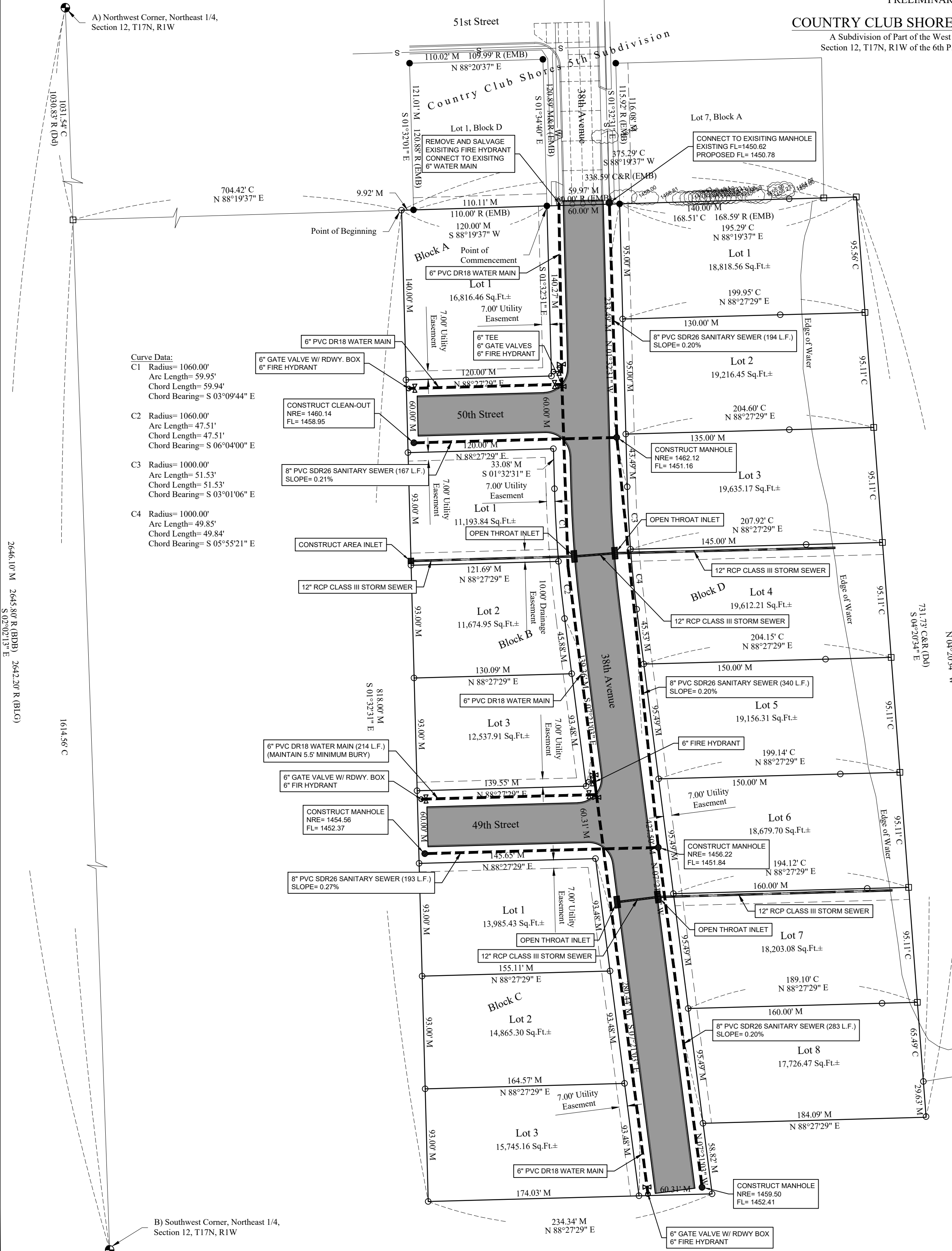
City Attorney

Neal Valorz – [nvalorz@1492law.com](mailto:nvalorz@1492law.com)

Gene G. Schumacher – [gschum@1492law.com](mailto:gschum@1492law.com)

COUNTRY CLUB SHORES 6TH SUBDIVISION

A Subdivision of Part of the West 1/2 of the Northeast 1/4 of Section 12, T17N, R1W of the 6th P.M., Platte County, Nebraska.



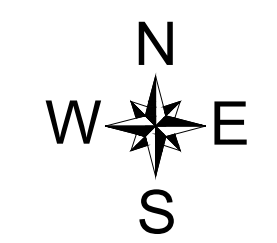
A) Northwest Corner, Northeast 1/4, Section 12, T17N, R1W

Curve Data: C1 Radius=1060.00' Arc Length=59.95' Chord Length=59.94' Chord Bearing=S 03°09'44" E C2 Radius=1060.00' Arc Length=47.51' Chord Length=47.51' Chord Bearing=S 06°04'00" E C3 Radius=1000.00' Arc Length=51.53' Chord Length=51.53' Chord Bearing=S 03°01'06" E C4 Radius=1000.00' Arc Length=49.85' Chord Length=49.84' Chord Bearing=S 05°55'21" E

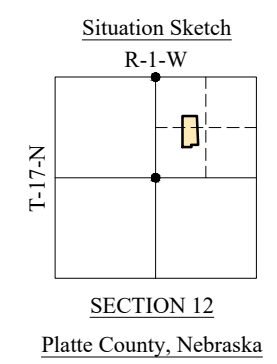
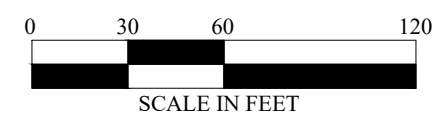
2646.10' M 2645.80' R (BDB) 2642.20' R (BLG) S 02°02'13" E 1614.56' C

B) Southwest Corner, Northeast 1/4, Section 12, T17N, R1W

- Zone R1 20' Front Setback 20' Street Side Setback 7' Side Setback 25' Rear Setback



Drawn By: LRR Date: July 31, 2023 Project Number: S-071-159 Scale: 1" = 60'



- LEGEND Section Corner Found Property Corner Found Property Corner Set (5/8" x 24" I.B. w/Cap) Calculated Point Measured Distance Recorded Distance (BLG) Bruce L. Gilmore, LS#96, dated April 29, 1980 & April 25, 1995. (EMB) Eric M. Breuer, LS#586, dated October 21, 2009. (Dd) Warranty Deed Book 209, Page 571. (BDB) Brian D. Benek, LS#536, dated July 15, 2010. Calculated Distance

DEVELOPER: Ron Lambert 5297 48th Avenue Columbus, NE 68601 Phone: 402-563-4730 ENGINEER: John A. Zwingman, PE Advanced Consulting Engineering Services, Inc. 133 W. Washington Street West Point, NE 68788 Phone: 402-372-1923 SURVEYOR: Terry L. Schulz, LS Advanced Consulting Engineering Services, Inc. 133 W. Washington Street West Point, NE 68788 Phone: 402-372-1923

This survey was prepared at the request of Ron Lambert, Columbus, Nebraska.

FIELD NOTES

- A) Northwest Corner, Northeast 1/4, Section 12, T17N, R1W; Found 3/4" Iron Bar. 4.17' South to Nail & Disc on East side of Corner Fence Post. 2.95' SW to "X"-Nails in Northwest Face of Power Pole. 56.00' North to Nail in Brace Post on Fence North-South. West side of Carsonite Post. B) Southwest Corner, Northeast 1/4, Section 12, T17N, R1W; Found 5/8" Rebar with Cap (BDB). 100.79' SW to Mag-Nail with Washer in Concrete Joint between Highway and Shoulder. 78.47' SSW to Mag-Nail with Washer in Concrete Joint between Highway and Shoulder. 73.54' South to Mag-Nail in Concrete Joint between Highway and Shoulder. 87.55' SE to Mag-Nail with Washer in Concrete Joint between Highway and Shoulder.

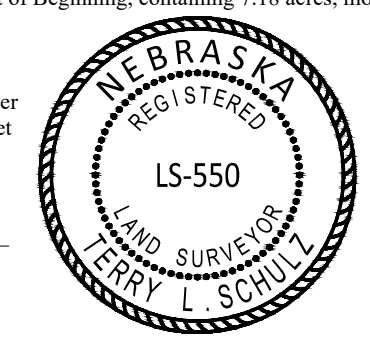
LEGAL DESCRIPTION

A tract of land located in the West 1/2 of the Northeast 1/4 of Section 12, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Commencing at the Southeast corner of Lot 1, Block D of Country Club Shores 5th Subdivision, Platte County, Nebraska; thence S 88°19'37" W on the south line of said Lot 1, 120.00 feet to the Point of Beginning; thence S 01°32'31" W, 818.00 feet; thence N 88°27'29" E, 234.34 feet; thence N 07°21'03" W, 58.82 feet; thence N 88°27'29" E, 184.09 feet; thence N 04°20'34" W, 761.36 feet; thence S 88°19'37" W on the South line of said Country Club Shores 5th Subdivision, 375.29 feet to the Point of Beginning, containing 7.18 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Terry L. Schulz, a Registered Land Surveyor of the State of Nebraska, do hereby certify that the survey described above was made by me or under my direct supervision on May 30, 2023; also that all dimensions are in feet and are correct to the best of my knowledge and belief.



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

COLUMBUS, NEBRASKA PLANNING COMMISSION

This Preliminary Plat of COUNTRY CLUB SHORES 6TH SUBDIVISION to the City of Columbus, Nebraska approved by the Planning Commission on this \_\_\_ day of \_\_\_, 2023.

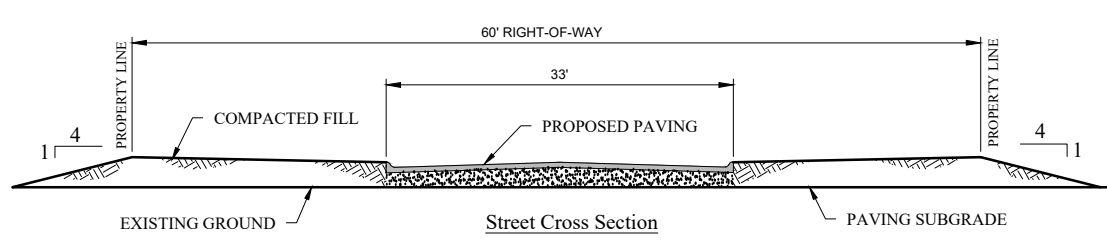
Chairman

COLUMBUS, NEBRASKA CITY COUNCIL

This Preliminary Plat of COUNTRY CLUB SHORES 6TH SUBDIVISION to the City of Columbus, Nebraska approved by the City Council on this \_\_\_ day of \_\_\_, 2023.

Mayor

City Clerk



A tract of land located in the West 1/2 of the Northeast 1/4 of Section 12, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Commencing at the Southeast corner of Lot 1, Block D of Country Club Shores 5th Subdivision, Platte County, Nebraska; thence S 88°19'37" W on the south line of said Lot 1, 120.00 feet to the Point of Beginning; thence S 01°32'31" W, 818.00 feet; thence N 88°27'29" E, 234.34 feet; thence N 07°21'03" W, 58.82 feet; thence N 88°27'29" E, 184.09 feet; thence N 04°20'34" W, 761.36 feet; thence S 88°19'37" W on the South line of said Country Club Shores 5th Subdivision, 375.29 feet to the Point of Beginning, containing 7.18 acres, more or less.

To Planning and Zoning, City Council Members: City of Columbus, Nebraska

I feel it's important to express real concern as to what would become a real problem to the residents (City of Columbus citizens) in this subdivision and future development as well.

An additional subdivision in the area is in the making and we of this area, want planners and council etc. those who accept the addition to be aware of what is possibly and probably not included in the planning, especially for the sake of the neighborhood and its citizens. There are now 89 plus homes out here and soon to be more. Streets are one of the most important areas to consider safety and traffic movement. Once drawn out and gone through the political processes its pretty permanent.

Adding 15 new lots is huge for an already congested one ingress/egress neighborhood. You will make it a safety hazard if the road does not include joining the existing street to the already established ingress/egress at the South end of the lake entering 33rd Avenue. Save some money for someone at the expense of a CCS street becoming a safety issue and something bad just waiting to happen. All issues cannot be avoided, but do not turn your back on improving this situation by making it worse.

1. There are no sidewalks in many places and therefore, young children walk and bike in the street in many areas and everyone else walking does the same. The more traffic concentrated to ingress/egress off of 33rd Avenue increases and worsen the danger. The original First Subdivision has wide streets for street parking and walking. Thereafter, the rest of the Subdivision Additions the street allows no walking or off street parking, although, some do anyway.

2, If a fire or accident deeper in the area or storm evacuation occurred, traffic could not get in or out to get past or drive over a lawn or two. Ninety plus homes now would become 104 and more, one way in or out. Wow!!

3, Traffic includes at least 2 cars per home and more with teen drivers. The addition of commercial vehicles, repair vehicles, delivery vehicles, visitors, and add 15 plus homes, all the construction vehicles the poor neighbor will become a thoroughfare and that is not what the people moved here to end up having nor want. Cut the traffic in half by requiring the South end to connect to 33rd Avenue. It seems to be only logical we are sure you would agree, on behalf of good judgment and anticipate problems presently becoming way worse if not improved with a simple .....ingress/egress on both ends. What a great improvement and wise decision. Might extend the life of the pavement of present street as all of the heavy farm equipment and construction go down this street.

There are no intersections (city blocks) from 33rd Avenue, no stop light, no stop signs. Nothing slows the drivers. Every other one is speeding. Double the vehicles, double the hazard. Of course, in the City there are stop signs, lights that are timed to slow traffic and just good ol city blocks that you best slow and look both ways to be safe. We have none of that. Do help the situation by splitting the traffic coming and going. Do realize anything planned to improve is better than not caring. The extended street on the South side of the lake was intended to be used to extend the street along with any development. Require it now. No friendly handshakes or promises of future plans to put in the street. Intentions change quite easily and not unusual. It is needed NOW and LATER. Require it. *Pls don't*

*ruin this community.*

*Danna Kaborer*  
*402 - 910 - 2607*

**4. Public hearing - Application of Lance W. Lehr and Jinky Dela Cruz Pedroso for preliminary plat of Lehr 2nd Subdivision (east of E 29th Avenue and south of 23rd Street).**

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

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, October 9, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the preliminary plat of Lehr 2nd Subdivision, Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision of the NW1/4, Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska, And a tract of land located in the NW1/4 of the NW1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: commencing at the Northwest corner of said Section 23; thence Easterly on the North line of said Section, a distance of 40 ft. to a point; thence Southerly on a line 40 ft. East of and parallel to the West line of said Section, a distance of 60 ft. to the point of beginning; thence Easterly on a straight line 60 ft. South of and parallel to the North line of said Section, a distance of 503.7 ft. to a point; thence Southerly on a straight line, a distance of 818.7 ft. to a point; thence Westerly on a straight line that is parallel to the North line of said Section, a distance of 504.55 ft. to a point that is 40 ft. East of and parallel to the West line of said Section; thence Northerly on a line 40 ft. East of and parallel to the West line of said Section, a distance of 818.7 ft. to the point of beginning, all in Block 3, Canal Industrial Park, as shown on survey in Plat Book 11, Page 2, of the Platte County Register of Deeds, Nebraska; except a tract of land located in Block 3, Canal Industrial Park, located in the NW1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: referring to the Northwest Corner of said NW1/4; thence Southerly a distance of 60.00 ft. along the West line of said quarter section; thence Easterly deflecting 90°37' left, a distance of 33.00 ft. to the point of beginning; thence Easterly deflecting 00°00', a distance of 510.70 ft. along the Southerly existing highway right-of-way line; thence Southerly deflecting 90°30' right, a distance of 65.00 ft.; thence Westerly deflecting 89°30' right, a distance of 510.83 ft.; thence Northerly deflecting 90°37' right, a distance of 65.00 ft. along the Easterly existing county road right-of-way line to the point of beginning; except Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision of the NW1/4, Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska; except a tract of land located in part of Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision and in part of Block 3, Canal Industrial Park Subdivision, all being located in the NW1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County Nebraska, more particularly described as follows: referring to the Northwest Corner of said Section 23; thence Southerly a distance of 125.00 ft. along the West line of the NW1/4 of said Section 23; thence Easterly deflecting 90°38'01" left, a distance of 40.00 ft. to a point on the Easterly East 29th Avenue Right-of-Way line, said point also being on the South Right-of-Way line of Highway 30, said point also being the Northwest corner of said Lot 1, said point also being the point of beginning; thence Easterly deflecting 0°00'00", a distance of 30.00 ft. along the South Right-of-Way line of Highway 30, said line also being the North line of said Lot 1; thence Southerly deflecting 90°37'58" right, a distance of 607.45 ft.; thence Easterly deflecting 74°48'40" left, a distance of 60.25 ft.; thence Easterly deflecting 15°11'20" left, a distance of 73.85 ft.; thence southerly

deflecting 90°00'00" right, a distance of 129.02 ft. to a point on the South line of the property owned by the grantor; thence Westerly deflecting 89°22'01" right, a distance of 162.01 ft. along the South line of said property to a point on the Easterly East 29th Avenue Right-of-Way line; thence Northerly deflecting 90°37'59" right, a distance of 753.72 ft. along said right-of-Way line to the point of beginning (east of E 29 Ave and south of 23 St) and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 09:28:23  
Two Affidavits of Publication

The City of **Columbus**

**MEMORANDUM**

---

---

**DATE:** October 4, 2023  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** Lehr 2<sup>nd</sup> Subdivision – Preliminary Plat

**RECOMMENDATION:**

I recommend the approval of the preliminary plat of Lehr 2<sup>nd</sup> Subdivision as it is amenable with the future land use and is in accordance with the Columbus Land Development Ordinance.

**DISCUSSION:**

The subdivision consists of creating 3 lots a replat of Lot 1, Lehr Subdivision and part of Block 3, Canal Industrial Park Subdivision, located in the southeast corner of 23<sup>rd</sup> Street and East 29<sup>th</sup> Avenue. Lot 3 will need its separate water and sanitary sewer service line. Access to East 29<sup>th</sup> Avenue will be per the NDOT agreement for the viaduct project. No access of Lot 1 to 23<sup>rd</sup> Street, as US Hwy 30 is limited access controlled.

**FISCAL IMPACT:**

None.

**ALTERNATIVE:**


Do not approve.

**CONCURRENCE:**

By: Andrew J. Wehner

**SIGNATURE:**

By: Richard J. Bogus

Approved By: 

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

DATE: September 13, 2023

NAME OF SUBDIVISION: Lehr 2nd Subdivision

NAME OF PROPERTY OWNER: Lance W. Lehr and Jinky Dela Cruz Pedroso, husband and wife

**CONTACT INFORMATION:**

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Clark J. Grant

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 1464 27th Ave., Columbus, NE 68601

PHONE NUMBER: 402-564-3274

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: clark@grantattorney.com

NUMBER OF LOTS IN SUBDIVISION: 3

ADDRESS OF SUBDIVISION: 2271 E. 29th Ave., Columbus, NE 68601

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



Owner or Owner's Representative



Attorney / Legal Counsel for Applicant

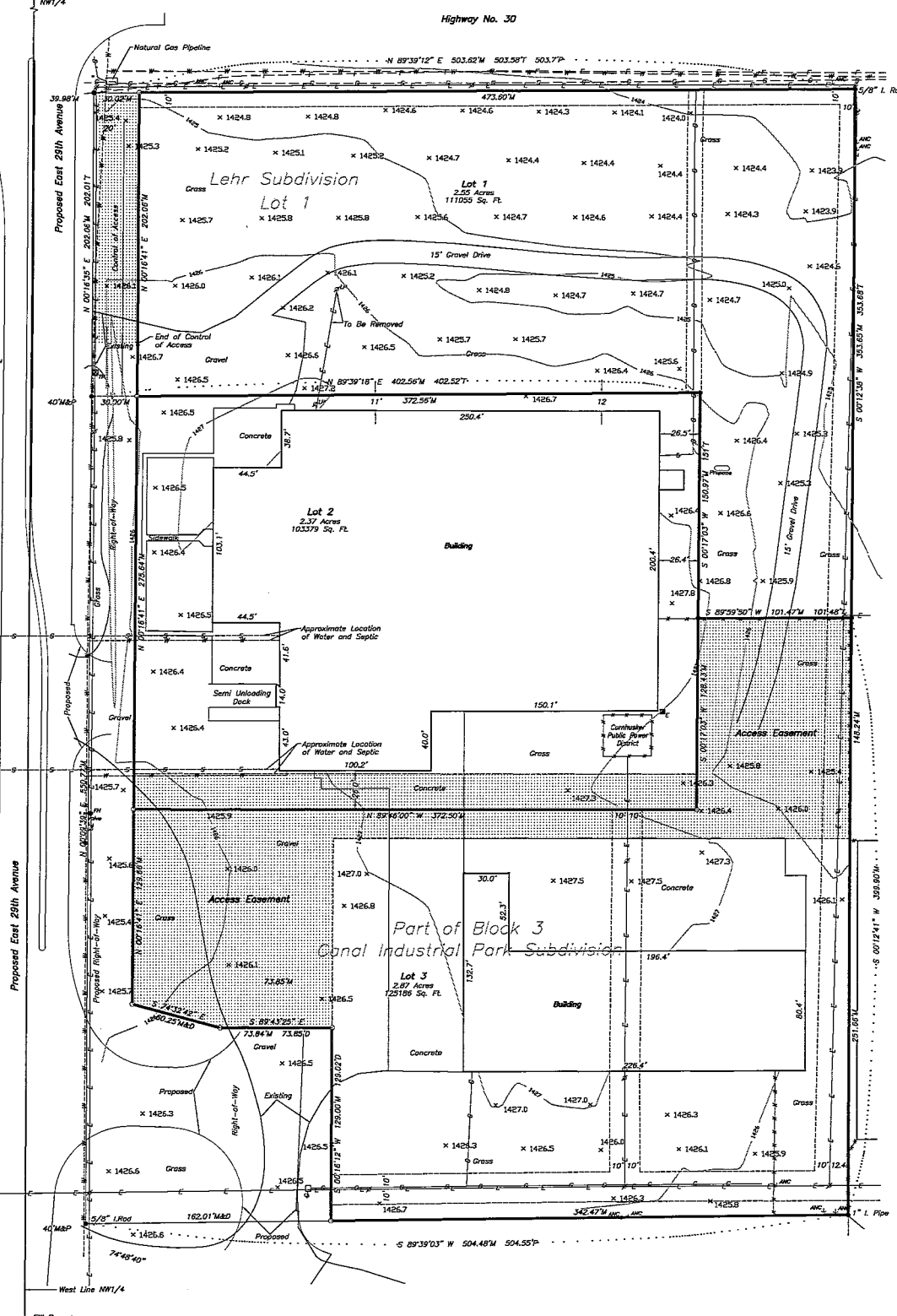
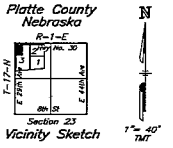
Development Agreement submitted on: \_\_\_\_\_

City Attorney

Neal Valorz – [nvalorz@1492law.com](mailto:nvalorz@1492law.com)

Gene G. Schumacher – [gschum@1492law.com](mailto:gschum@1492law.com)

**PRELIMINARY PLAT LEHR 2ND SUBDIVISION**  
 Of Lot 1, Lehr Subdivision and the NW1/4 of the NW1/4 of Section 23, T17N, R1E, Platte County, Nebraska



- LEGEND**
- Found 5/8" Rebar w/P, Cap (Unless Otherwise Noted)
  - Set 3/8" x 24" Rebar w/Plastic Survey Cap
  - M Measured This Survey
  - P Plat Distance
  - Water Valve
  - Power Pole
  - Light Pole
  - Anchor
  - Manhole
  - Sign/Post
  - Electrical Box
  - Overhead Electric
  - Chainlink Fence
  - Underground Telephone
  - Underground Gas
  - 15" Sanitary Sewer
  - Water Line
- Owner:** Lance Lehr  
 # 312 Morton Road  
 Columbus, NE 68601  
 (402)270-8000
- Engineer:** Martin Lindahl  
 9271 12th Street  
 Columbus, NE 68601  
 (402)910-5509
- Surveyor:** Thomas A. Tremain  
 1 Driftwood Drive  
 Columbus, NE 68601  
 (402)270-3600

- Notes:**
- 1) All elevations are referenced to NAVD 1988.
  - 2) All bearings are referenced to True North observed at the NE Corner, Sec. 36, T17N, R1E.
  - 3) Present and the proposed zoning is M-H.
  - 4) This property is shown on FRM Map, No. 311412345E  
 Effective Date: April 19, 2010  
 Located in Zone X  
 Community: City of Columbus  
 Number: 315272

**Deed Descriptions:**  
 Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision of the NW1/4, Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska And Also: A tract of land located in the NW1/4 of the NW1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: commencing at the Northwest corner of said Section 23; thence Eastward on the North line of said Section, a distance of 40 ft. to a point; thence Southward on a line 40 ft. East of and parallel to the West line of said Section, a distance of 60 ft. to the point of beginning; thence Eastward on a straight line 60 ft. South of and parallel to the North line of said Section, a distance of 503.7 ft. to a point; thence Southward on a straight line, a distance of 816.7 ft. to a point; thence Westward on a straight line that is parallel to the North line of said Section, a distance of 506.52 ft. to a point that is 40 ft. East of and parallel to the West line of said Section; thence Northward on a line 40 ft. East of and parallel to the West line of said Section, a distance of 818.7 ft. to the point of beginning, all in Block 3, Canal Industrial Park, as shown on survey in Plat Book 11, Page 2, of the Platte County Register of Deeds, Nebraska. **Excepting** Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision of the NW1/4, Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska. **Further Excepting** A tract of land located in part of Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision, of being located in the NW1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: referring to the Northwest corner of said Section 23; thence Southward a distance of 156.00 ft. along the West line of the NW1/4 of said Section 23; thence Eastward deflected 90°30'01" left, a distance of 40.00 ft. to a point on the Eastern East 29th Avenue Right-of-Way line, said point also being on the South Right-of-Way line of Highway 30, said point also being the Northwest corner of said Lot 1, said point also being the point of beginning; thence Eastward deflected 0°02'00", a distance of 30.00 ft. along the South Right-of-Way line of Highway 30, said line also being the North line of said Lot 1; thence Southward deflected 90°37'39" right, a distance of 607.45 ft.; thence Eastward deflected 74°45'40" left, a distance of 80.25 ft.; thence Eastward deflected 15°11'20" left, a distance of 73.85 ft.; thence Southward deflected 90°00'00" right, a distance of 126.02 ft. to a point on the South line of the property owned by the grantor; thence Westward deflected 89°22'01" right, a distance of 162.01 ft. along the South line of said property to a point on the Eastern East 29th Avenue Right-of-Way line; thence Northward deflected 90°37'39" right, a distance of 753.72 ft. along said right-of-way line to the point of beginning as recorded in Deed Book 254, Page 621 in the Platte County Register of Deeds Office. The above described tract of land contains 7.79 acres more or less.

**Field Notes:**  
 Northwest Corner NW1/4, Section 23, T17N, R1E - found survey mark as recorded by T.A. Tremain, L.S. #455 on May 17, 2016.  
 Trac: 61.86 NW to observed "x" in traffic light base plate  
 74.49 NW to top center of fire hydrant  
 75.55 NW to nail in disk in power pole  
 74.35 NE to "x" nails in power pole  
 On centerline of East 29th Avenue N&S  
 On centerline of West bound lane of U.S. Highway #30

SW Corner NW1/4, Section 23, T17N, R1E - found 3/8" iron stem from survey mark at the surface of the concrete road as recorded by T.A. Tremain, L.S. #455, February 22, 2008.  
 Trac: 61.25 SW to top center of manhole lid  
 41.53 SE to nail in disk on top of square fence post  
 42.52 NE to nail in disk on top of square fence post  
 39.42 ESE to nail in disk on top of square fence post  
 41.2 East to range of power poles South  
 0.75 East to centerline of East 29th Avenue N&S

**Surveyor's Statement:**  
 I, Thomas A. Tremain, a Registered Land Surveyor in the State of Nebraska, hereby state that this survey was conducted as per state law under my direct supervision and is correct to the best of my knowledge and belief.

*Thomas A. Tremain*  
 Thomas A. Tremain, L.S. #455  
 August 29, 2023

**Utilities:**  
 Call 800.642.8434 for the actual location of the utilities before digging.  
 No Protected Utilities were located unless otherwise shown.  
 Water/Sewer - City of Columbus (As Shown)  
 Gas - Block Hill Energy (As Shown)  
 Electric - Columbus Public Power District (As Shown)  
 Electric - Grand River Power District (Clear to Conflict)  
 Fiber Optic/TV - Ego Communications (As Shown)  
 Fiber Optic - Grand Plains Communications (As Shown)  
 Fiber Optic - Midstate Data Transport (As Shown)  
 Fiber Optic - Platte County IT (As Shown)

**COLUMBUS PLANNING COMMISSION:**  
 This Preliminary Plat of Lehr 2nd Subdivision, in the NW1/4 of Section 23, T17N, R1E, Platte County, Nebraska, was approved by the Planning Commission on \_\_\_\_\_ Day of \_\_\_\_\_

Chairman \_\_\_\_\_

**COLUMBUS CITY COUNCIL:**  
 This Preliminary Plat of Lehr 2nd Subdivision, in the NW1/4 of Section 23, T17N, R1E, Platte County, Nebraska, was approved by the City Council on \_\_\_\_\_ Day of \_\_\_\_\_

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

**PRELIMINARY PLAT LEHR 2ND SUBDIVISION**

<b>LOT 1, LEHR SUBDIVISION &amp; NW1/4 NW1/4 SECTION 23, T17N, R1E PLATTE COUNTY, NEBRASKA</b>		
TMT	TMT/MGT	11/23/2021
DRAWN	SURVEYED	DATE

1 No. 1 Driftwood Drive - Columbus, NE 68601  
 Phone (402) 563-4598 - Fax (402) 563-3922

Deed Descriptions:

Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision of the NW1/4, Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska

And

A tract of land located in the NW1/4 of the NW1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: commencing at the Northwest corner of said Section 23; thence Easterly on the North line of said Section, a distance of 40 ft. to a point; thence Southerly on a line 40 ft. East of and parallel to the West line of said Section, a distance of 60 ft. to the point of beginning; thence Easterly on a straight line 60 ft. South of and parallel to the North line of said Section, a distance of 503.7 ft. to a point; thence Southerly on a straight line, a distance of 818.7 ft. to a point; thence Westerly on a straight line that is parallel to the North line of said Section, a distance of 504.55 ft. to a point that is 40 ft. East of and parallel to the West line of said Section; thence Northerly on a line 40 ft. East of and parallel to the West line of said Section, a distance of 818.7 ft. to the point of beginning, all in Block 3, Canal Industrial Park, as shown on survey in Plat Book 11, Page 2, of the Platte County Register of Deeds, Nebraska.

Except a tract of land located in Block 3, Canal Industrial Park, located in the NW1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: referring to the Northwest Corner of said NW1/4; thence Southerly a distance of 60.00 ft. along the West line of said quarter section; thence Easterly deflecting 90°37' left, a distance of 33.00 ft. to the point of beginning; thence Easterly deflecting 00°00', a distance of 510.70 ft. along the Southerly existing highway right-of-way line; thence Southerly deflecting 90°30' right, a distance of 65.00 ft.; thence Westerly deflecting 89°30' right, a distance of 510.83 ft.; thence Northerly deflecting 90°37' right, a distance of 65.00 ft. along the Easterly existing county road right-of-way line to the point of beginning.

Except Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision of the NW1/4, Section 23, T17N, R1E of the 6th P.M., Platte County, Nebraska

Except

A tract of land located in part of Lot 1, Lehr Subdivision, a Minor Subdivision of part of Block 3, Canal Industrial Park Subdivision and in part of Block 3, Canal Industrial Park Subdivision, all being located in the NW1/4 of Section 23, T17N, R1E of the 6th P.M., Platte County Nebraska, more particularly described as follows: referring to the Northwest Corner of said Section 23; thence Southerly a distance of 125.00 ft. along the West line of the NW1/4 of said Section 23; thence Easterly deflecting 90°38'01" left, a distance of 40.00 ft. to a point on the Easterly East 29th Avenue Right-of-Way line, said point also being on the South Right-of-Way line of Highway 30, said point also being the Northwest corner of said Lot 1, said point also being the point of beginning; thence Easterly deflecting 0°00'00", a distance of 30.00 ft. along the South Right-of-Way line of Highway 30, said line also being the North line of said Lot 1; thence Southerly deflecting 90°37'58" right, a distance o

f 607.45 ft.; thence Easterly deflecting  $74^{\circ}48'40''$  left, a distance of 60.25 ft.; thence Easterly deflecting  $15^{\circ}11'20''$  left, a distance of 73.85 ft.; thence southerly deflecting  $90^{\circ}00'00''$  right, a distance of 129.02 ft. to a point on the South line of the property owned by the grantor; thence Westerly deflecting  $89^{\circ}22'01''$  right, a distance of 162.01 ft. along the South line of said property to a point on the Easterly East 29th Avenue Right-of-Way line; thence Northerly deflecting  $90^{\circ}37'59''$  right, a distance of 753.72 ft. along said right-of-Way line to the point of beginning.

**5. Public hearing - Application of Level Up Home Pros, Inc. for preliminary plat of Meadowlark Village 2nd Subdivision (south of 19th Street and west of railroad tracks at 45th Avenue).**

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

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, October 9, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the preliminary plat of Meadowlark Village 2nd Subdivision, a tract of land located in Lot 1, Meadowlark Village Subdivision, in the City of Columbus, located in the SW 1/4 of the NW 1/4 of Section 24, T17N, R1W of the 6th P.M., Platte County, Nebraska, containing 4.00 acres, more or less (south of 19 Street and west of railroad tracks at 45 Avenue) and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 09:29:23  
Two Affidavits of Publication

The City of **Columbus**

**MEMORANDUM**

---

**DATE:** October 4, 2023  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** Meadowlark Village 2<sup>nd</sup> Subdivision – Preliminary and Final Plat

**RECOMMENDATION:**

I recommend the approval of the preliminary plat of Meadowlark Village 2<sup>nd</sup> Subdivision as it is amenable with the future land use in accordance with the Columbus Land Development Ordinance and the final plat as it is consistent with the preliminary plat.

**DISCUSSION:**

The subdivision is 2 lots from Lot 1, Meadowlark Village Subdivision. Water and sanitary sewer lines would be service lines. An ingress/egress easement is along the abutting lot line to provide access to 19<sup>th</sup> Street. The post-construction storm water treatment is reconstructed from existing and along the north side of Lot 2.

**FISCAL IMPACT:**

None.

**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: Andrew J. Wehr

**SIGNATURE:**

By: Richard J. Bogus

Approved By: [Signature]

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

DATE: September 18, 2023

NAME OF SUBDIVISION: Meadowlark Village 2<sup>nd</sup> Subdivision

NAME OF PROPERTY OWNER: Level Up Home Pros Inc.

**CONTACT INFORMATION:**

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Lynn D. Birkel

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 2670 33<sup>rd</sup> Avenue, Columbus, NE

PHONE NUMBER: 402-564-2807

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: lbirkel@gilmore-engineering.com

NUMBER OF LOTS IN SUBDIVISION: 2

ADDRESS OF SUBDIVISION: 4505 19<sup>th</sup> Street, Columbus, NE

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

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

Clark Grant  
Attorney / Legal Counsel for Applicant

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

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

# PRELIMINARY PLAT MEADOWLARK VILLAGE 2nd SUBDIVISION

A MAJOR SUBDIVISION of Lot 1, Meadowlark Village Subdivision,  
a part of the SW 1/4 NW 1/4, Section 24, T17N, R1W  
of the 6th P.M., City of Columbus, Platte County, Nebraska

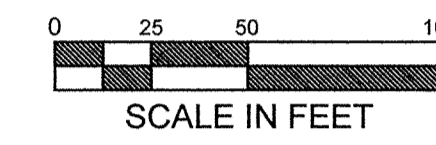
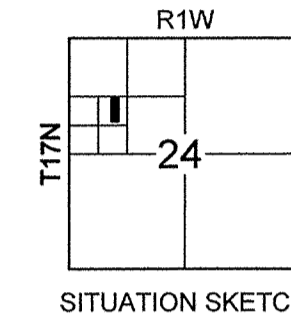
**OWNER:**  
LEVEL UP HOME PROS  
1309 S 204th STREET  
ELKHORN, NE 68022  
Email: michael@teamlh.com  
(402) 216-8716

**SURVEYOR/ENGINEER:**  
GILMORE & ASSOCIATES, INC.  
P.O. BOX 565  
COLUMBUS, NE 68602  
PH. (402) 564-2807  
Email: lbirkel@gilmore-engineering.com

**ATTORNEY:**  
CLARK J. GRANT  
1464 27th AVENUE  
COLUMBUS, NE 68601  
PH. (402) 564-3274  
Email: clark@grantattorney.com



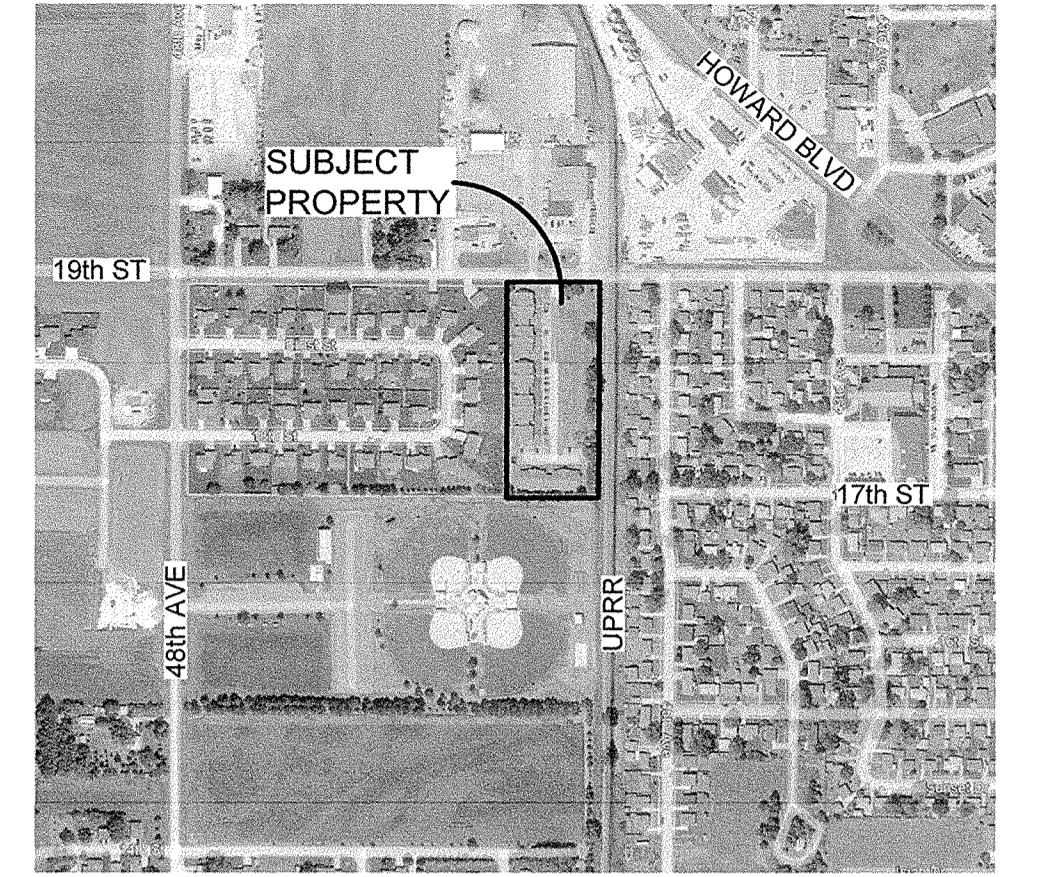
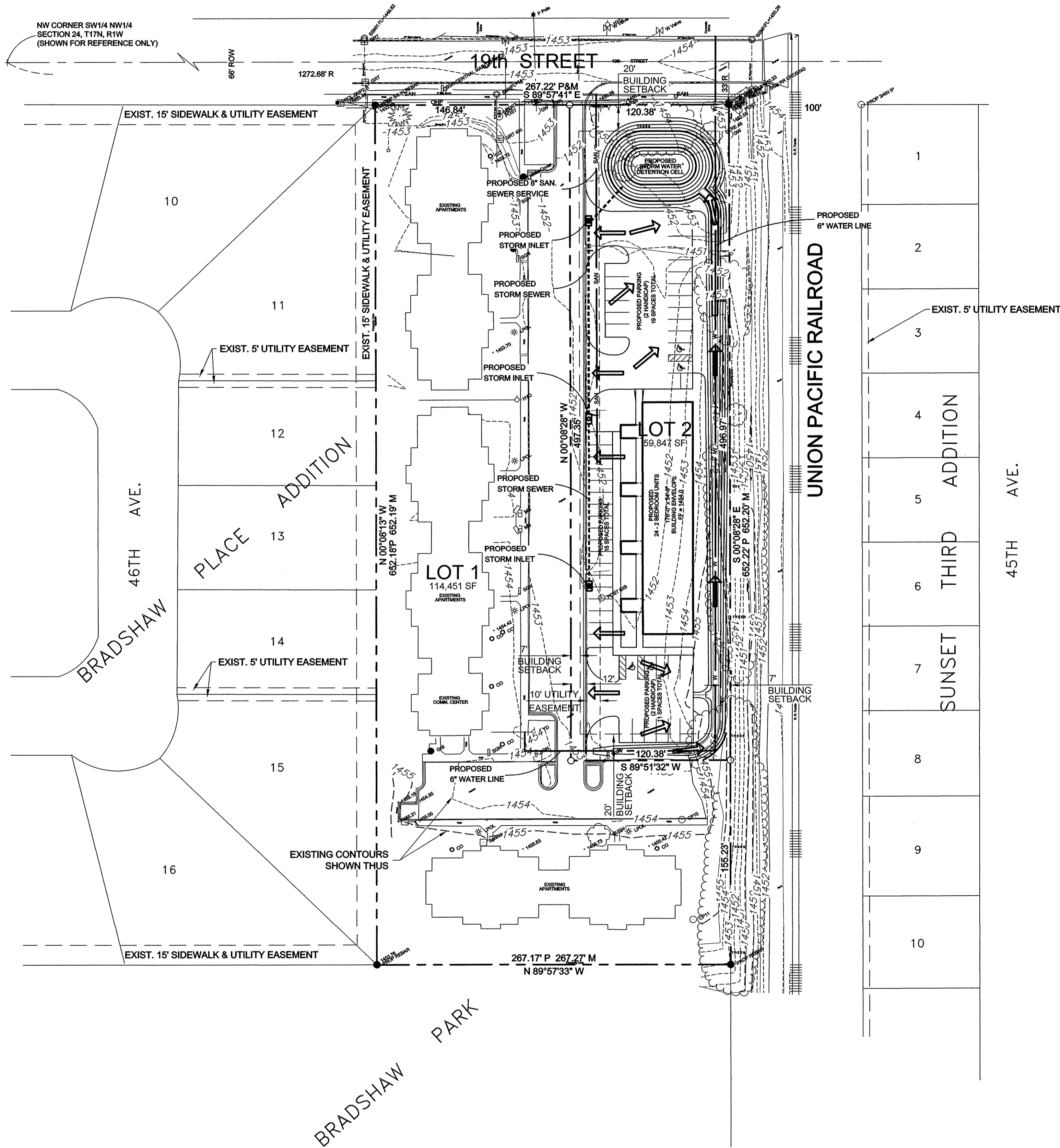
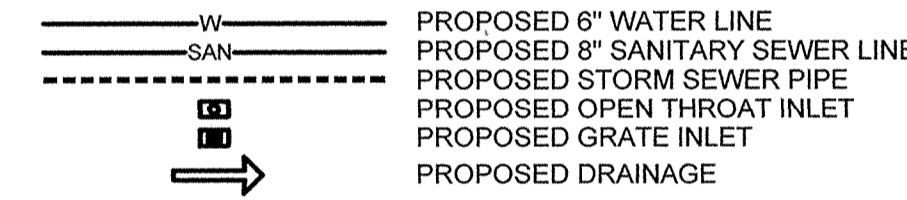
1" = 50'  
9/18/2023  
RTK  
211.891A



**LEGEND**  
● - Monument Found  
○ - Set 5/8" x 24" Rebar  
W/Plastic Survey Cap  
R - Recorded Distance  
M - Measured Distance

**EXISTING ZONING: R3  
PROPOSED ZONING: R3**

### LEGEND



**KEY MAP**  
1" = 600'

### MEADOWLARK VILLAGE 2nd SUBDIVISION

A major subdivision of Lot 1, Meadowlark Village Subdivision, in the City of Columbus, Platte County, Nebraska.

### LEGAL DESCRIPTION

Lot 1, Meadowlark Village Subdivision, in the City of Columbus, located in the SW 1/4 of the NW 1/4 of Section 24, T17N, R1W of the 6th P.M., Platte County, Nebraska containing 4.00 acres, more or less.

### FIELD NOTES

All corners found as recorded on the Meadowlark Village Subdivision plat by Thomas A. Tremel, L.S.#455, dated November 23, 1999.

### PLANNING COMMISSION

This preliminary plat of MEADOWLARK VILLAGE 2nd SUBDIVISION in the City of Columbus, Nebraska, approved by the Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 2023.

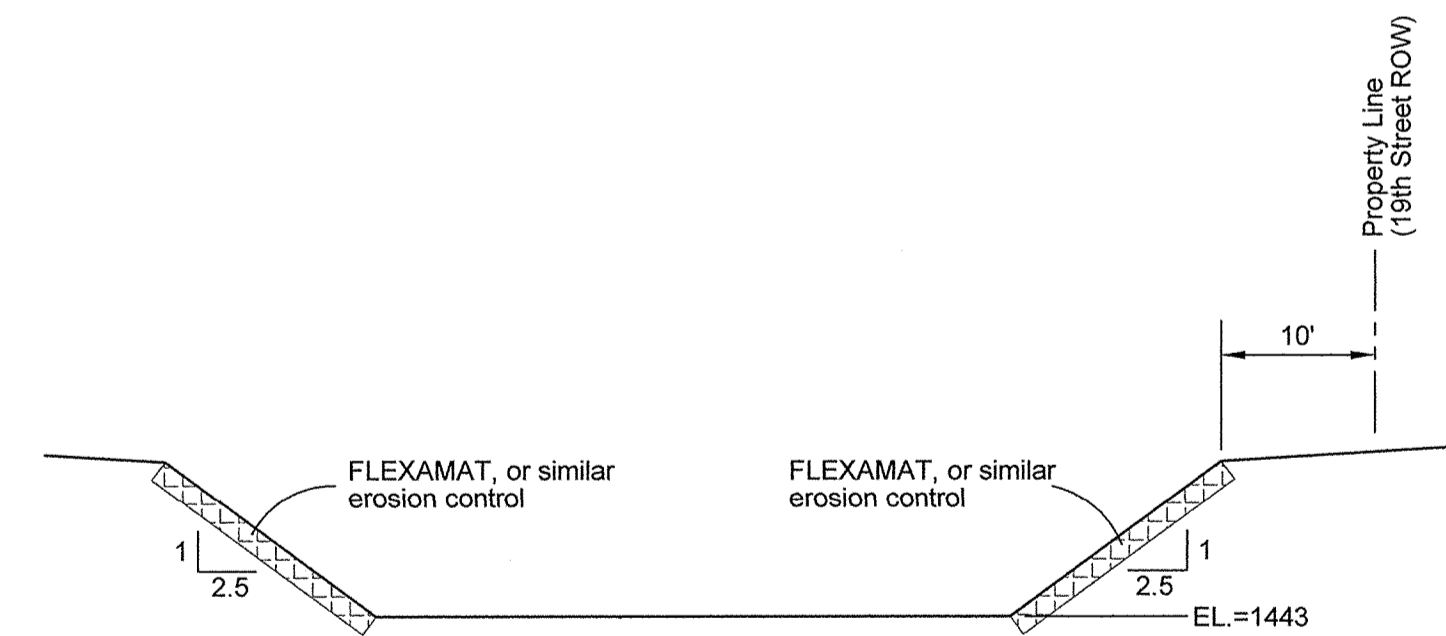
Chairman \_\_\_\_\_

### CITY COUNCIL APPROVAL

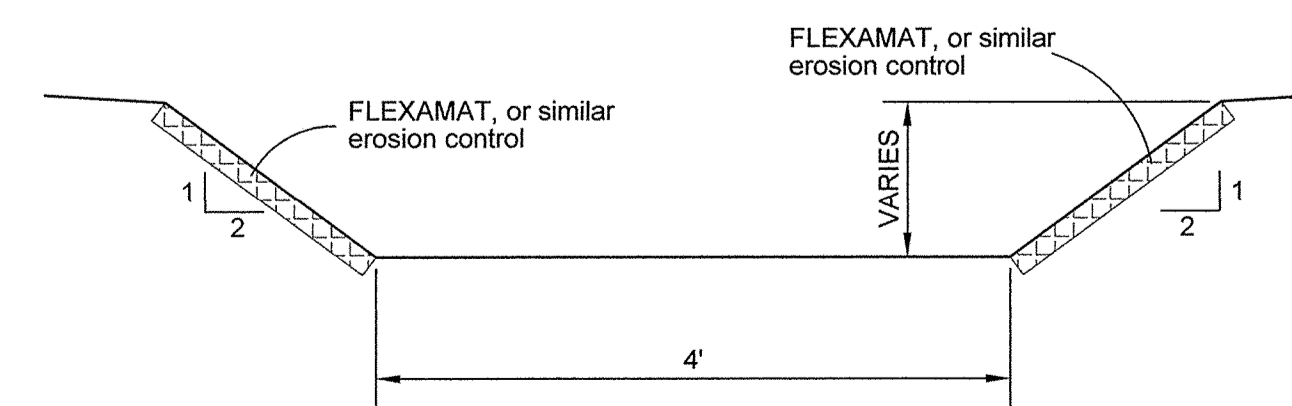
This preliminary plat of MEADOWLARK VILLAGE 2nd SUBDIVISION in the City of Columbus, Nebraska, approved by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2023.

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

Mayor \_\_\_\_\_



**STORM WATER DETENTION CELL**  
NO SCALE



**TYPICAL DITCH SECTION**  
NO SCALE

**GILMORE & ASSOCIATES INC.**  
Engineers - Surveyors

Phone (402) 564-2807  
Box 565 2670 33rd Ave.  
Columbus, Nebraska 68602-0565

**6. Public hearing - Application of Level Up Home Pros, Inc. for final plat and development agreement of Meadowlark Village 2nd Subdivision (south of 19th Street and west of railroad tracks at 45th Avenue).**

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

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, October 9, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat and development agreement of Meadowlark Village 2nd Subdivision, a tract of land located in Lot 1, Meadowlark Village Subdivision, in the City of Columbus, located in the SW 1/4 of the NW 1/4 of Section 24, T17N, R1W of the 6th P.M., Platte County, Nebraska, containing 4.00 acres, more or less (south of 19 Street and west of railroad tracks at 45 Avenue) and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 09:29:23  
Two Affidavits of Publication

The City of **Columbus**

**MEMORANDUM**

---

**DATE:** October 4, 2023  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** Meadowlark Village 2<sup>nd</sup> Subdivision – Preliminary and Final Plat

**RECOMMENDATION:**

I recommend the approval of the preliminary plat of Meadowlark Village 2<sup>nd</sup> Subdivision as it is amenable with the future land use in accordance with the Columbus Land Development Ordinance and the final plat as it is consistent with the preliminary plat.

**DISCUSSION:**

The subdivision is 2 lots from Lot 1, Meadowlark Village Subdivision. Water and sanitary sewer lines would be service lines. An ingress/egress easement is along the abutting lot line to provide access to 19<sup>th</sup> Street. The post-construction storm water treatment is reconstructed from existing and along the north side of Lot 2.

**FISCAL IMPACT:**

None.

**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: Andrew J. Wehr

**SIGNATURE:**

By: Richard J. Bogus

Approved By: [Signature]

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

DATE: September 19, 2023

NAME OF SUBDIVISION: Meadowlark Village 2<sup>nd</sup> Subdivision

NAME OF PROPERTY OWNER: Level Up Home Pros Inc.

**CONTACT INFORMATION:**

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Lynn D. Birkel

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 2670 33<sup>rd</sup> Avenue, Columbus, NE

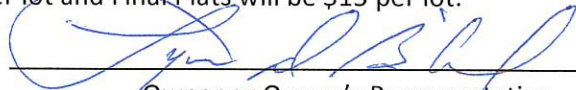
PHONE NUMBER: 402-564-2807

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: lbirkel@gilmore-engineering.com

NUMBER OF LOTS IN SUBDIVISION: 2

ADDRESS OF SUBDIVISION: 4505 19<sup>th</sup> Street, Columbus, NE

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

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

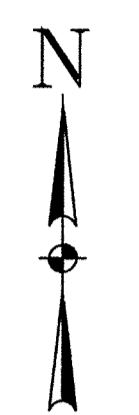
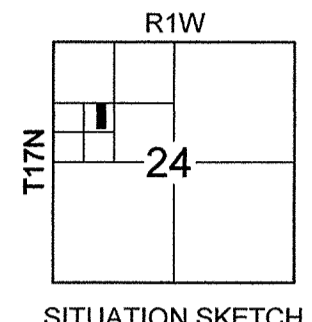
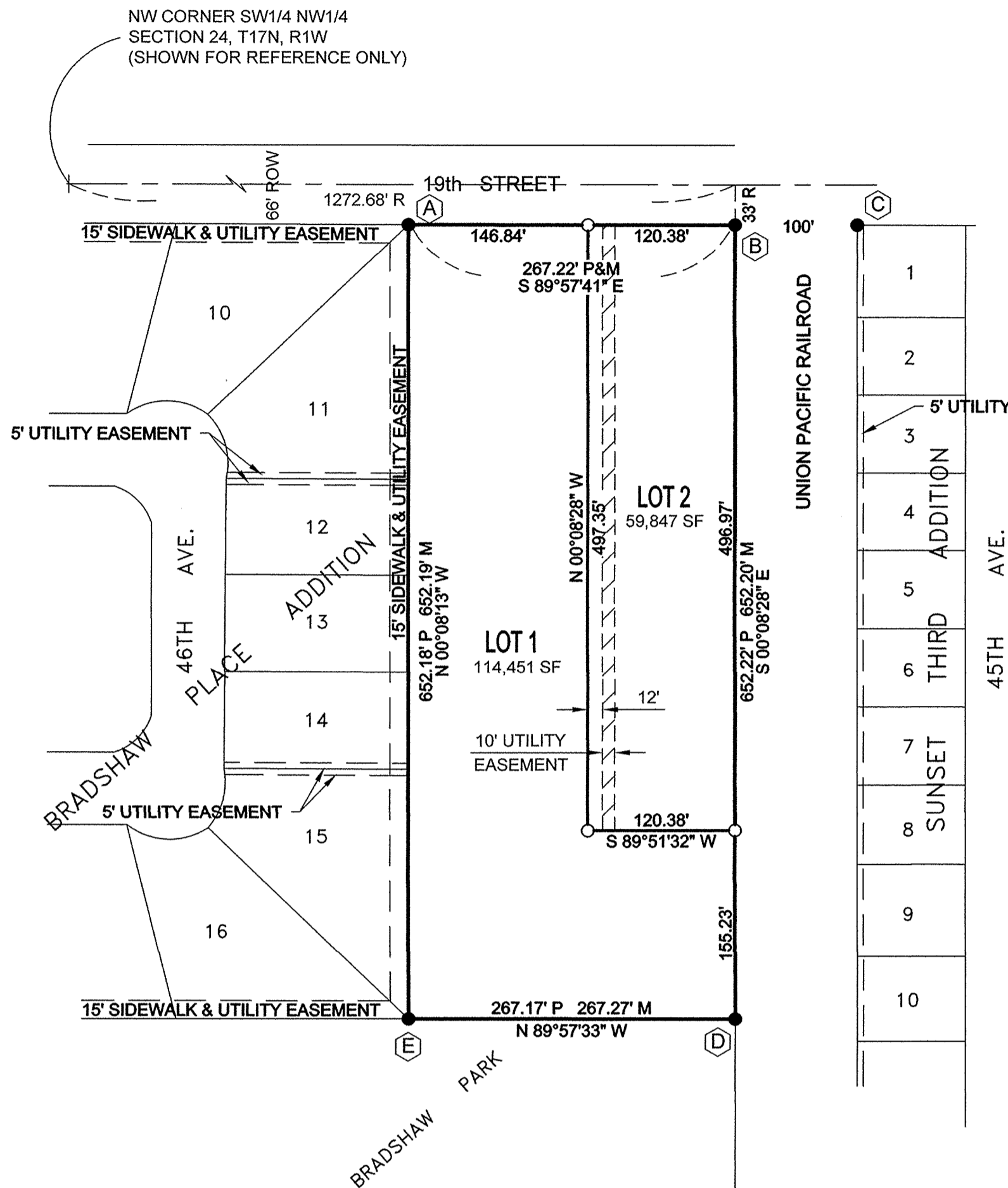
Clark Grant  
Attorney / Legal Counsel for Applicant

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

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

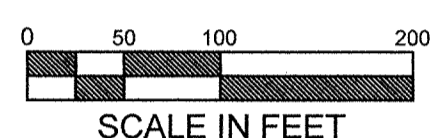
# FINAL PLAT MEADOWLARK VILLAGE 2nd SUBDIVISION

A MAJOR SUBDIVISION of Lot 1, Meadowlark Village Subdivision,  
a part of the SW 1/4 NW 1/4, Section 24, T17N, R1W  
of the 6th P.M., City of Columbus, Platte County, Nebraska



**LEGEND**  
 ● - Monument Found  
 ○ - Set 5/8" x 24" Rebar  
   W/Plastic Survey Cap  
 P - Platted Distance  
 M - Measured Distance

1" = 100'  
 9/18/2023  
 RTK  
 211.891A



**OWNER:**  
 LEVEL UP HOME PROS  
 1309 S 204th STREET  
 ELKHORN, NE 68022  
 Email: michael@teamlhp.com  
 (402) 216-8716

**SURVEYOR/ENGINEER:**  
 GILMORE & ASSOCIATES, INC.  
 P.O. BOX 565  
 COLUMBUS, NE 68602  
 PH. (402) 564-2807  
 Email: lbirkel@gilmore-engineering.com

**ATTORNEY:**  
 CLARK J. GRANT  
 1464 27th AVENUE  
 COLUMBUS, NE 68601  
 PH. (402) 564-3274  
 Email: clark@grantattorney.com

CITY COUNCIL

STATE OF NEBRASKA )  
 COUNTY OF PLATTE ) ss  
 CITY OF COLUMBUS )

The foregoing plat approved by the City Council of Columbus, Nebraska, by Resolution No. \_\_\_\_\_ duly passed by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Attest:  
 \_\_\_\_\_  
 City Clerk  
 \_\_\_\_\_  
 Mayor, City of Columbus

PLANNING COMMISSION

STATE OF NEBRASKA )  
 COUNTY OF PLATTE ) ss  
 CITY OF COLUMBUS )

This plat of MEADOWLARK VILLAGE 2nd SUBDIVISION in the City of Columbus, Nebraska, approved by the Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
 Chairman

SCHOOL BOARD APPROVAL

STATE OF NEBRASKA )  
 COUNTY OF PLATTE ) ss

The above plat approved by School District No. 001, of Platte County, Nebraska.

Attest:  
 \_\_\_\_\_  
 Secretary  
 \_\_\_\_\_  
 President

LEGAL DESCRIPTION

Lot 1, Meadowlark Village Subdivision, in the City of Columbus, located in the SW 1/4 of the NW 1/4 of Section 24, T17N, R1W of the 6th P.M., Platte County, Nebraska containing 4.00 acres, more or less.

FIELD NOTES

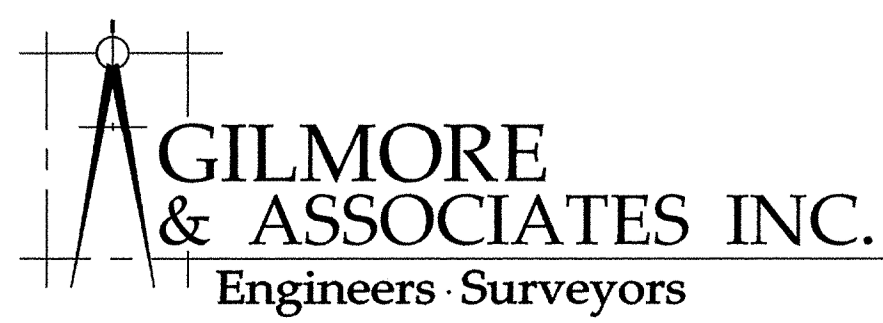
At "A", "D", and "E" - Found 5/8" Iron Bar  
 At "B" and "C" - Found 3/4" Iron Pipe

SURVEYOR'S CERTIFICATE

I, Lynn D. Birkel, Nebraska Registered Land Surveyor No. 497, duly registered under the Land Surveyor's Regulation Act, do hereby certify that I have accurately surveyed, or caused to be surveyed under my direct supervision, MEADOWLARK VILLAGE 2nd SUBDIVISION, and that to the best of my knowledge and belief the above and foregoing is a true and correct survey thereof and that the lots, blocks, streets, avenues, easements, alleys, and commons and other grounds are well and accurately staked off, marked, and correctly designated in accordance with the Land Surveyor's Regulation Act as shown on the above and foregoing survey. Dated this 18<sup>th</sup> day of SEPTEMBER, 2023.



\_\_\_\_\_  
 Lynn D. Birkel, Nebraska L.S. #497  
 GILMORE & ASSOCIATES, INC.



Phone (402) 564-2807  
 Box 565 2670 33rd Ave.  
 Columbus, Nebraska 68602-0565

**7. Public hearing - Application of Rback Enterprises, LLC for final plat and development agreement of Reeder Subdivision (7th Avenue north of Augustine Place).**

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

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, October 9, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat and development agreement of Reeder Subdivision, a tract of land located in part of the SW1/4 of the NE1/4 of Section 29, T17N, R1E of the 6th P.M., and Lots 1, 3, and 4 of Kingswood Addition to the City of Columbus, all in Platte County, Nebraska, more particularly described as follows: beginning at the Northeast corner of said SW1/4 NE1/4; thence S 00°07'43" E, 330.04 ft. on the East line of said SW1/4 NE1/4 to the Northeast corner of Augustine 8th Subdivision; thence S 89°58'34" W, 661.72 ft. on the North line of Augustine 8th and 7th Subdivisions and the extension thereof to the East line of said Lot 4; thence S 00°07'57" E, 68.15 ft. on the East line of said Lot 4; thence S 89°58'44" W, 628.01 ft. on the South line of said Lot 4 to the East Right-of-Way of 10th Avenue; thence N 00°08'59" W, 145.61 ft. on the East line of said Avenue; thence N 89°21'35" E, 150.00 ft.; thence N 00°09'02" W, 68.86 ft. on the Southerly extension of Lot 2, Kingswood Addition and on the West line of said Lot 2 to the Northeast Corner thereof; thence N 03°23'19" W, 62.00 ft. to the Easterly extension of the North line of Lot 3, Kingswood 1st Subdivision of the West 142.5 ft. of said Lot 1, Kingswood Addition; thence N 89°48'54" W, 4.00 ft. on said Easterly extension of the North line of Lot 3, Kingswood 1st Subdivision to the Northeast corner thereof; thence N 00°17'33" W, 124.03 ft. on the East line of said Kingswood 1st Subdivision to the Northeast corner thereof; thence S 89°52'04" E, 541.66 ft. on the North line of said Lot 1 to the Northeast corner thereof; thence S 89°47'54" E, 606.04 ft. on the North line of said SW1/4 NE1/4 to the point of beginning, containing 9.97 acres more or less (7 Ave north of Augustine Place) and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 09:28:23  
Two Affidavits of Publication

The City of **Columbus**

**MEMORANDUM**

**DATE:** October 4, 2023  
**FROM :** Richard J. Bogus, City Engineer  
**TO:** Tara Vasicek, City Administrator  
**RE:** Reeder Subdivision - Final Plat

**RECOMMENDATION:**

I recommend the approval of the final plat of Reeder Subdivision as it is consistent with the Preliminary Plat.

**DISCUSSION:**

The preliminary plat was recommended by the Planning Commission on September 11, 2023, and approved by the City Council on September 18, 2023.

The addition consists of 28 lots of which 27 are residential, connecting the utilities and road from 7<sup>th</sup> Avenue to 9<sup>th</sup> Avenue by 4<sup>th</sup> Street. A private street accesses the residential lot from 10<sup>th</sup> Avenue.

**FISCAL IMPACT:**

Minor costs for associated street and utility main extensions.

**ALTERNATIVE:**

Do not approve.

**CONCURRENCE:**

By: Andrew J. Wehr

**SIGNATURE:**

By: Richard J. Bogus

Approved By: [Signature]

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

DATE: September 20, 2023

NAME OF SUBDIVISION: Reeder Subdivision

NAME OF PROPERTY OWNER: Rback Enterprises, LLC

**CONTACT INFORMATION:**

NAME OF REPRESENTATIVE OR PROPERTY OWNER: Clark J. Grant

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: 1464 27th Ave., Columbus, NE 68601

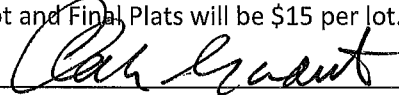
PHONE NUMBER: 402-564-3274

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: clark@grantattorney.com

NUMBER OF LOTS IN SUBDIVISION: 26

ADDRESS OF SUBDIVISION: 4th Street and 9th Ave.

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



Owner or Owner's Representative

Clark J. Grant

Attorney / Legal Counsel for Applicant

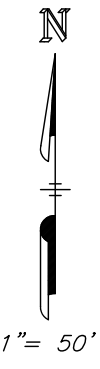
Development Agreement submitted on: August 18, 2023

City Attorney

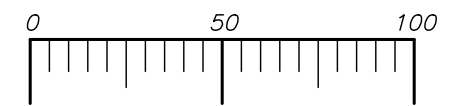
Neal Valorz – [nvalorz@1492law.com](mailto:nvalorz@1492law.com)

Gene G. Schumacher – [gschum@1492law.com](mailto:gschum@1492law.com)

**Reeder Subdivision Final Plat**  
of Lots 1, 3, & 4, Kingswood Addition and  
Part of the SW1/4 NE1/4, Section 29, T17N, R1E,  
Columbus, Platte County, Nebraska



1" = 50'



P.O.B.  
NE Corner  
SW1/4 NE1/4

**Legend**

- Found Monument
  - Set 5/8" x 24" Rebar w/ Plastic Survey Cap
  - × Computed Location
  - M Measured this Survey
  - B Recorded Measurement R.F. Burns, L.S. #39
  - T Recorded Measurement T.A. Tremel, L.S. #455
  - J Recorded Measurement J.A. McMeekin, L.S. #165
  - P Plat Measurement
- P.O.B. Point of Beginning

Note: All Bearings are referenced to the Platte County Projection.

**Zoning:**  
Current Zoning: R-1  
Future Zoning: R-3

**Flood Plane:**  
Flood Zone: Zone X  
Map Number: 31141C0340E  
Effective Date: 04/19/2010  
Community: City of Columbus 315272

**Owner/Developer:**  
Cory Reeder  
12 Timberwood Drive  
Columbus, NE 68601  
(970)420-1070

**Surveyor:**  
Thomas A. Tremel  
Tremel Surveying, Inc.  
1 Driftwood Drive  
Columbus, NE 68601  
(402)276-3690

**Engineer:**  
Merlin Lindahl  
9271 18th Avenue  
Columbus, NE 68601  
(402)910-6609

**School Board:**  
This Final Plat of Reeder Subdivision to the City of Columbus, Platte County, Nebraska, was approved by Columbus School District  
on \_\_\_\_\_ Day of \_\_\_\_\_, 2023.

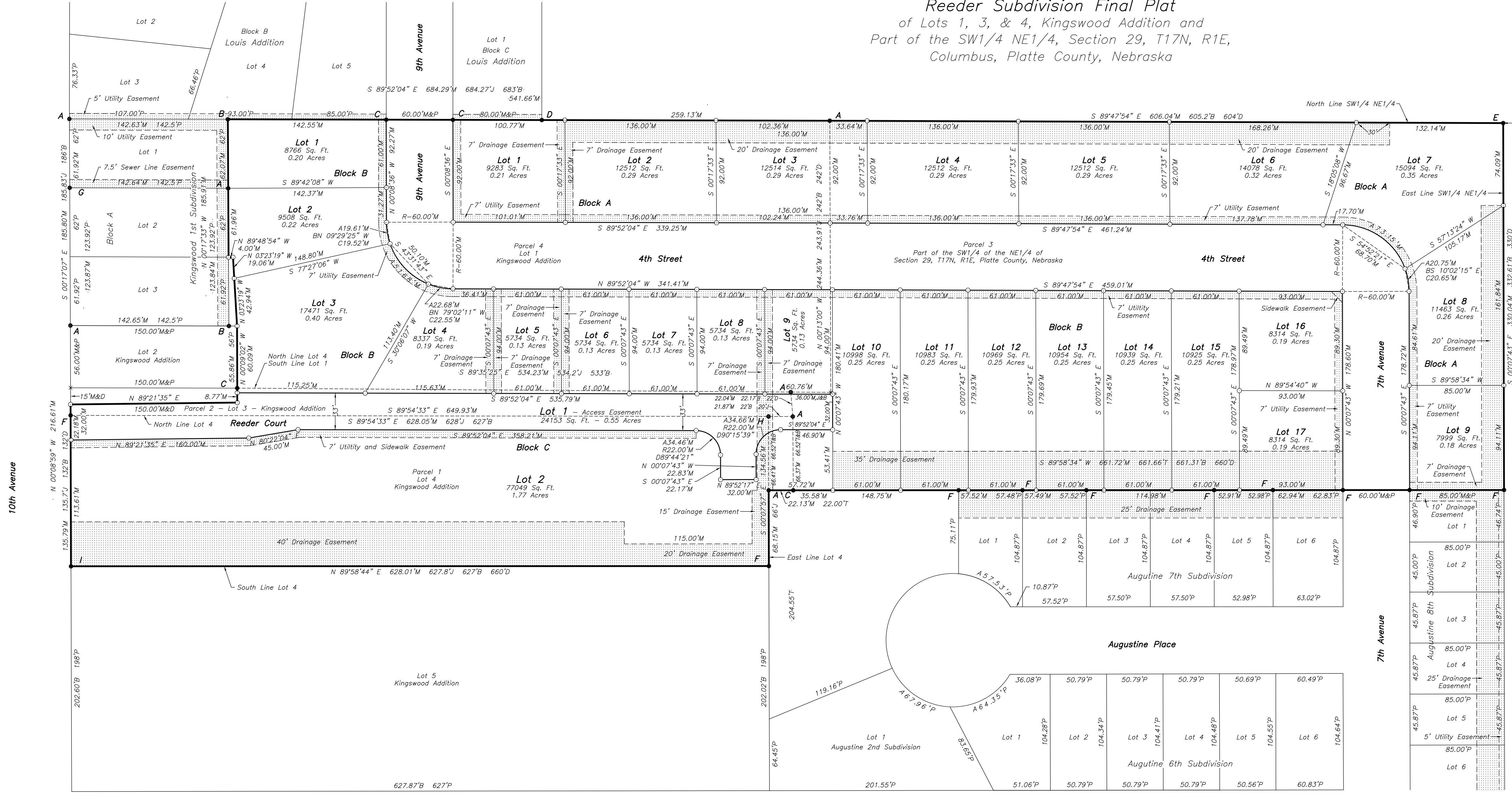
Secretary  
President

**Planning Commission:**  
This Final Plat of Reeder Subdivision to the City of Columbus, Platte County, Nebraska, was approved by the Planning Commission  
on \_\_\_\_\_ Day of \_\_\_\_\_, 2023.

Chairman

**City Council:**  
This Final Plat of Reeder Subdivision to the City of Columbus, Platte County, Nebraska, was approved by  
Resolution \_\_\_\_\_ by the City Council  
on \_\_\_\_\_ Day of \_\_\_\_\_, 2023.

Mayor  
City Clerk



**Deed Description:**  
**PARCEL 1:** That Part of Lot 4 of Kingswood Addition to the City of Columbus, Platte County, Nebraska, more particularly described as follows: Commencing at a point 264 ft. South of the Northwest corner of the SW1/4 of the NE1/4 of Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska, thence East 660 ft., thence South 132 ft., thence North 132 ft. to the place of beginning.  
**PARCEL 2:** An undivided one-half interest in the following tract: Commencing at a point 3 chains and 44 ft. South of the Northwest corner of the SW1/4 of the NE1/4 of said Section 29, thence South 22 ft., thence East 10 chains and 20 ft., thence North 22 ft., thence West 10 chains and 20 ft. to the place of beginning, said land to be used for a roadway and for no other purpose; n/a/a Lot 3, Kingswood Addition. EXCEPT a portion of Lot 3, Kingswood Addition described as follows: A tract of land entirely within the SW1/4 of the NE1/4 of Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska and bounded by a line described as follows: Commencing at a point on the West line of said SW1/4 of the NE1/4 and a distance of 242 ft. South of the NW Corner of said SW1/4 of the NE1/4, proceed East on a line parallel with the North line of said SW1/4 of the NE1/4 a distance of 183 ft. to a point; thence South on a line parallel with the West line of said SW1/4 of the NE1/4 a distance of 13 ft. to a point; thence West on a line parallel with the West line of said SW1/4 of the NE1/4 a distance of 15 ft. to a point; thence North on a line parallel with the West line of said SW1/4 of the NE1/4 a distance of 15 ft. to the point of beginning, but excepting therefrom the West 33 ft. of said parcel, the excepted part being a public road bordering on the West Side.  
**PARCEL 3:** Commencing at the Northeast corner of the SW1/4 of the NE1/4, Section 29, T17N, R1E of the 6th P.M., running thence West 9 chains and 10 ft.; thence South 3 chains and 44 ft.; thence West 10 chains and 56 ft.; thence South 22 ft.; thence East 10 chains; thence South 1 chain; thence East 10 chains; thence North 5 chains to the place of beginning; EXCEPT An undivided one-half interest in the following tract: Commencing at a point 3 chains and 44 ft. South of the Northwest corner of the SW1/4 of the NE1/4 of said Section 29, thence South 22 ft., thence East 10 chains and 20 ft., thence North 22 ft., thence West 10 chains and 20 ft. to the place of beginning, said land to be used for a roadway and for no other purpose; n/a/a Lot 3, Kingswood Addition. EXCEPT a portion of Lot 3, Kingswood Addition described as follows: A tract of land entirely within the SW1/4 of the NE1/4 of Section 29, T17N, R1E of the 6th P.M., Platte County, Nebraska and bounded by a line described as follows: Commencing at a point on the West line of said SW1/4 of the NE1/4 and a distance of 242 ft. South of the NW Corner of said SW1/4 of the NE1/4, proceed East on a line parallel with the North line of said SW1/4 of the NE1/4 a distance of 183 ft. to a point; thence South on a line parallel with the West line of said SW1/4 of the NE1/4 a distance of 13 ft. to a point; thence West on a line parallel with the West line of said SW1/4 of the NE1/4 a distance of 15 ft. to a point; thence North on a line parallel with the West line of said SW1/4 of the NE1/4 a distance of 15 ft. to the point of beginning, but excepting therefrom the West 33 ft. of said parcel, the excepted part being a public road bordering on the West Side.  
**PARCEL 4:** Lot 1, Kingswood Addition to the City of Columbus, Platte County, Nebraska, excepting therefrom: a portion of Lot 1, Kingswood Addition to the City of Columbus, Platte County, Nebraska, more particularly described as follows: beginning at the Southeast corner of Lot 3 of Kingswood 1st Subdivision of the NE1/4 of the NE1/4 of said Kingswood Addition; thence N 00°17'33" W, 61.08 ft. on the East line of said Lot 3 of Kingswood 1st Subdivision to the Northeast corner thereof; thence S 89°48'54" E, 4.00 ft. on the Easterly extension of the North line of said Lot 3 of Kingswood 1st Subdivision to the Northeast corner thereof; thence S 03°23'19" W, 62.00 ft. to the Northeast corner of Lot 2 of said Kingswood Addition; thence N 89°49'15" W, 7.35 ft. on the North line of said Lot 2 of Kingswood Addition to the point of beginning.

**Field Notes:**  
A.) 1" Iron Pipe  
B.) 5/8" Rebar  
C.) 3/4" Iron Pipe  
D.) 1/2" Iron Pipe  
E.) Northeast Corner SW1/4 NE1/4, Section 29, T17N, R1E - found 5/8" rebar with plastic cap as recorded by T.A. Tremel, L.S. #455 on November 29, 1993.  
Ties: 1.54' NE to "X" nails in corner fence post  
4.22' NE to "X" nails in power pole  
6.73' SE to "X" nails in brace post  
0.8' North to range of fence West  
1.2' East to range of fence South  
F.) 5/8" Rebar with Plastic Cap  
G.) 1" x 1" Square Bar  
H.) 7/8" Rebar  
I.) 1-1/8" Iron Pipe

**Surveyed Description:**  
A tract of land located in part of the SW1/4 of the NE1/4 of Section 29, T17N, R1E of the 6th P.M., and Lots 1, 3, and 4 of Kingswood Addition to the City of Columbus, all in Platte County, Nebraska, more particularly described as follows: beginning at the Northeast corner of said SW1/4 NE1/4; thence S 00°07'43" E, 330.04 ft. on the East line of said SW1/4 NE1/4 to the Northwest corner of Augustine 8th Subdivision; thence S 89°58'34" W, 661.72 ft. on the North line of Augustine 8th and 7th Subdivisions and the extension thereof to the East line of said Lot 4; thence S 00°07'57" E, 68.15 ft. on the East line of said Lot 4; thence S 89°58'44" W, 628.01 ft. on the South line of said Lot 4 to the East Right-of-Way of 10th Avenue; thence N 00°08'59" W, 145.61 ft. on the East line of said Avenue; thence N 89°21'35" E, 150.00 ft. on the South line of said Avenue; thence N 00°09'02" W, 68.86 ft. on the Southerly extension of Lot 2, Kingswood Addition and on the East line of said Lot 2 to the Northeast Corner thereof; thence N 03°23'19" W, 62.00 ft. to the Easterly extension of the North line of Lot 3, Kingswood 1st Subdivision of the West 142.5 ft. of said Lot 1, Kingswood Addition; thence N 89°48'54" W, 4.00 ft. on said Easterly extension of the North line of Lot 3, Kingswood 1st Subdivision to the Northeast corner thereof; thence N 00°17'33" W, 124.03 ft. on the East line of said Kingswood 1st Subdivision to the Northeast corner thereof; thence S 89°52'04" E, 541.66 ft. on the North line of said Lot 1 to the Northeast corner thereof; thence S 89°47'54" E, 606.04 ft. on the North line of said SW1/4 NE1/4 to the point of beginning, containing 9.97 acres more or less.

**Surveyor's Statement:**  
I, Thomas A. Tremel, a Registered Land Surveyor in the State of Nebraska, hereby state that this survey was conducted as per state law under my direct supervision and is correct to the best of my knowledge and belief.  
Thomas A. Tremel, L.S. #455  
September 19, 2023



**REEDER SUBDIVISION FINAL PLAT**

**LOTS 1, 3, & 4 KINGSWOOD ADDITION & PART SW1/4 NE1/4 SEC.29, T17N, R1E COLUMBUS, PLATTE COUNTY, NEBRASKA**

TMT DRAWN	TMT/CJN SURVEYED	06/08/2023 DATE
--------------	---------------------	--------------------

**TREMEL SURVEYING**  
INCORPORATED  
No. 1 Driftwood Drive - Columbus, NE 68601  
Phone (402) 563-4589 - Fax (402) 563-3922

## Rezone-RBack

A tract of land located in part of the SW1/4 of the NE1/4 of Section 29, T17N, R1E of the 6th P.M., and Lots 1, 3, and 4 of Kingswood Addition to the City of Columbus, all in Platte County, Nebraska, more particularly described as follows: beginning at the Northeast corner of said SW1/4 NE1/4; thence S 00°07'43" E, 330.04 ft. on the East line of said SW1/4 NE1/4 to the Northeast corner of Augustine 8th Subdivision; thence S 89°58'34" W, 661.72 ft. on the North line of Augustine 8th and 7th Subdivisions and the extension thereof to the East line of said Lot 4; thence S 00°07'57" E, 68.15 ft. on the East line of said Lot 4; thence S 89°58'44" W, 628.01 ft. on the South line of said Lot 4 to the East Right-of-Way of 10th Avenue; thence N 00°08'59" W, 145.61 ft. on the East line of said Avenue; thence N 89°21'35" E, 150.00 ft.; thence N 00°09'02" W, 68.86 ft. on the Southerly extension of Lot 2, Kingswood Addition and on the West line of said Lot 2 to the Northeast Corner thereof; thence N 03°23'19" W, 62.00 ft. to the Easterly extension of the North line of Lot 3, Kingswood 1st Subdivision of the West 142.5 ft. of said Lot 1, Kingswood Addition; thence N 89°48'54" W, 4.00 ft. on said Easterly extension of the North line of Lot 3, Kingswood 1st Subdivision to the Northeast corner thereof; thence N 00°17'33" W, 124.03 ft. on the East line of said Kingswood 1st Subdivision to the Northeast corner thereof; thence S 89°52'04" E, 541.66 ft. on the North line of said Lot 1 to the Northeast corner thereof; thence S 89°47'54" E, 606.04 ft. on the North line of said SW1/4 NE1/4 to the point of beginning, containing 9.97 acres more or less.

- 8. Public hearing - Application of Rback Enterprises, LLC to rezone a tract of land located at 7th Avenue north of Augustine Place from "R-1" (Single-Family Residential) to "R-3" (Multiple-Family Residential) and amend the Future Land Use Map of the Comprehensive Plan.**

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

You are hereby notified that a public hearing before the City Council of the City of Columbus, Nebraska, will be held on Monday, October 16, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, Nebraska, on the application to rezone a tract of land located in part of the SW1/4 of the NE1/4 of Section 29, T17N, R1E of the 6th P.M., and Lots 1, 3, and 4 of Kingswood Addition to the City of Columbus, all in Platte County, Nebraska, more particularly described as follows: beginning at the Northeast corner of said SW1/4 NE1/4; thence S 00°07'43" E, 330.04 ft. on the East line of said SW1/4 NE1/4 to the Northeast corner of Augustine 8th Subdivision; thence S 89°58'34" W, 661.72 ft. on the North line of Augustine 8th and 7th Subdivisions and the extension thereof to the East line of said Lot 4; thence S 00°07'57" E, 68.15 ft. on the East line of said Lot 4; thence S 89°58'44" W, 628.01 ft. on the South line of said Lot 4 to the East Right-of-Way of 10th Avenue; thence N 00°08'59" W, 145.61 ft. on the East line of said Avenue; thence N 89°21'35" E, 150.00 ft.; thence N 00°09'02" W, 68.86 ft. on the Southerly extension of Lot 2, Kingswood Addition and on the West line of said Lot 2 to the Northeast Corner thereof; thence N 03°23'19" W, 62.00 ft. to the Easterly extension of the North line of Lot 3, Kingswood 1st Subdivision of the West 142.5 ft. of said Lot 1, Kingswood Addition; thence N 89°48'54" W, 4.00 ft. on said Easterly extension of the North line of Lot 3, Kingswood 1st Subdivision to the Northeast corner thereof; thence N 00°17'33" W, 124.03 ft. on the East line of said Kingswood 1st Subdivision to the Northeast corner thereof; thence S 89°52'04" E, 541.66 ft. on the North line of said Lot 1 to the Northeast corner thereof; thence S 89°47'54" E, 606.04 ft. on the North line of said SW1/4 NE1/4 to the point of beginning, containing 9.97 acres more or less (7 Avenue north of Augustine Place) from "R-1" (Single-Family Residential) to "R-3" (Multiple-Family Residential) and at said hearing, the City Council will consider amending the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 10:05:23

Two Affidavits of Publication

# REZONING APPLICATION

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

APPLICANT/PROPERTY OWNER NAME: Rback Enterprises, LLC

APPLICANT MAILING ADDRESS: 12 Timberwood Drive

APPLICANT PHONE NUMBER: 402-564-5767

APPLICANT EMAIL ADDRESS: clark@grantattorney.com

ATTORNEY/FIRM: Grant & Grant, Clark J. Grant

ATTORNEY PHONE NUMBER: 402-564-3274

ATTORNEY E-MAIL ADDRESS: clark@grantattorney.com

ADDRESS OF PROPERTY TO BE REZONED: 4th Street and 9th Ave., Columbus, NE

LEGAL DESCRIPTION OF PROPERTY:  
See Attached

PRESENT ZONING CLASSIFICATION: R-1 (Single Family Residential)

REQUESTED ZONING CLASSIFICATION: R-3 (Multiple Family Residential)

DESCRIPTION OF THE REASON FOR THE REZONING APPLICATION:  
Develop Multiple Family Residential

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

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

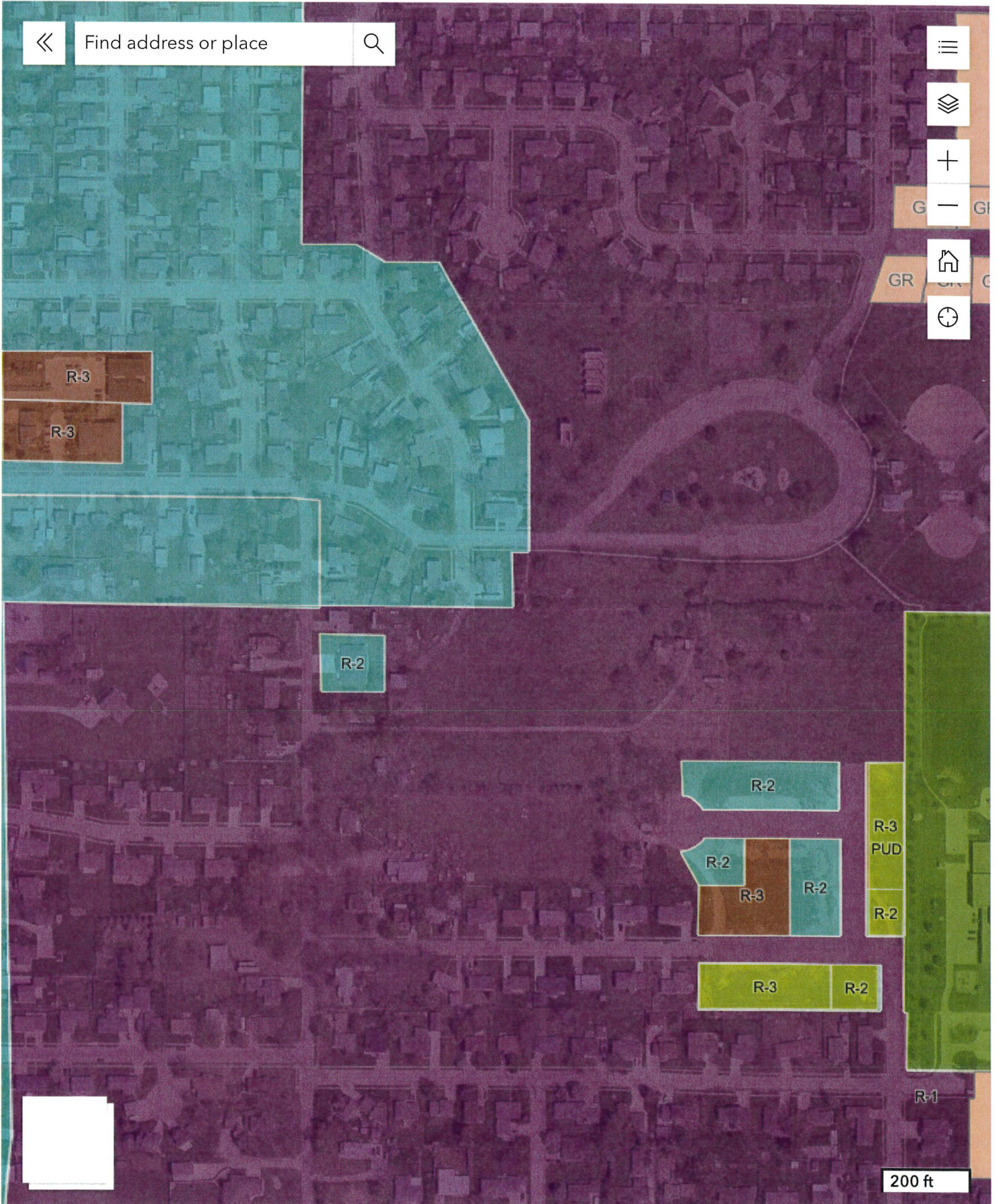
DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.



Owner or Owner's Representative



# Zoning and Future Land Use



## Rezone-RBack

A tract of land located in part of the SW1/4 of the NE1/4 of Section 29, T17N, R1E of the 6th P.M., and Lots 1, 3, and 4 of Kingswood Addition to the City of Columbus, all in Platte County, Nebraska, more particularly described as follows: beginning at the Northeast corner of said SW1/4 NE1/4; thence S 00°07'43" E, 330.04 ft. on the East line of said SW1/4 NE1/4 to the Northeast corner of Augustine 8th Subdivision; thence S 89°58'34" W, 661.72 ft. on the North line of Augustine 8th and 7th Subdivisions and the extension thereof to the East line of said Lot 4; thence S 00°07'57" E, 68.15 ft. on the East line of said Lot 4; thence S 89°58'44" W, 628.01 ft. on the South line of said Lot 4 to the East Right-of-Way of 10th Avenue; thence N 00°08'59" W, 145.61 ft. on the East line of said Avenue; thence N 89°21'35" E, 150.00 ft.; thence N 00°09'02" W, 68.86 ft. on the Southerly extension of Lot 2, Kingswood Addition and on the West line of said Lot 2 to the Northeast Corner thereof; thence N 03°23'19" W, 62.00 ft. to the Easterly extension of the North line of Lot 3, Kingswood 1st Subdivision of the West 142.5 ft. of said Lot 1, Kingswood Addition; thence N 89°48'54" W, 4.00 ft. on said Easterly extension of the North line of Lot 3, Kingswood 1st Subdivision to the Northeast corner thereof; thence N 00°17'33" W, 124.03 ft. on the East line of said Kingswood 1st Subdivision to the Northeast corner thereof; thence S 89°52'04" E, 541.66 ft. on the North line of said Lot 1 to the Northeast corner thereof; thence S 89°47'54" E, 606.04 ft. on the North line of said SW1/4 NE1/4 to the point of beginning, containing 9.97 acres more or less.



T17N, R1E OF THE 6TH P.M., AND LOTS 1, 3, AND 4 OF KINGSWOOD ADDITION TO THE CITY OF COLUMBUS, ALL IN PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SW1/4 NE1/4; THENCE S 00°07'43" E, 330.04 FT. ON THE EAST LINE OF SAID SW1/4 NE1/4 TO THE NORTHEAST CORNER OF AUGUSTINE 8TH SUBDIVISION; THENCE S 89°58'34" W, 661.72 FT. ON THE NORTH LINE OF AUGUSTINE 8TH AND 7TH SUBDIVISIONS AND THE EXTENSION THEREOF TO THE EAST LINE OF SAID LOT 4; THENCE S 00°07'57" E, 68.15 FT. ON THE EAST LINE OF SAID LOT 4; THENCE S 89°58'44" W, 628.01 FT. ON THE SOUTH LINE OF SAID LOT 4 TO THE EAST RIGHT-OF-WAY OF 10TH AVENUE; THENCE N 00°08'59" W, 145.61 FT. ON THE EAST LINE OF SAID AVENUE; THENCE N 89°21'35" E, 150.00 FT.; THENCE N 00°09'02" W, 68.86 FT. ON THE SOUTHERLY EXTENSION OF LOT 2, KINGSWOOD ADDITION AND ON THE WEST LINE OF SAID LOT 2 TO THE NORTHEAST CORNER THEREOF; THENCE N 03°23'19" W, 62.00 FT. TO THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 3, KINGSWOOD 1ST SUBDIVISION OF THE WEST 142.5 FT. OF SAID LOT 1, KINGSWOOD ADDITION; THENCE N 89°48'54" W, 4.00 FT. ON SAID EASTERLY EXTENSION OF THE NORTH LINE OF LOT 3, KINGSWOOD 1ST SUBDIVISION TO THE NORTHEAST CORNER THEREOF; THENCE N 00°17'33" W, 124.03 FT. ON THE EAST LINE OF SAID KINGSWOOD 1ST SUBDIVISION TO THE NORTHEAST CORNER THEREOF; THENCE S 89°52'04" E, 541.66 FT. ON THE NORTH LINE OF SAID LOT 1 TO THE NORTHEAST CORNER THEREOF; THENCE S 89°47'54" E, 606.04 FT. ON THE NORTH LINE OF SAID SW1/4 NE1/4 TO THE POINT OF BEGINNING, CONTAINING 9.97 ACRES MORE OR LESS.

Platte County, Nebraska from "R-1" (Single Family Residential) to "R-3" (Multiple Family Residential) classification, to be held in the City Council Chambers, 2500 14th Street, Columbus, Nebraska on the 9th day of October, 2023 at 6:00 p.m.

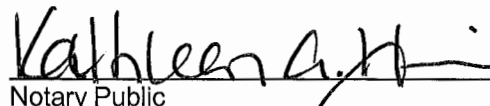
4. The undersigned affiant caused the owners of all real estate within 300 feet of the above-described real estate to be served with written notice of such hearing by either personally serving them with such notice at least ten days prior to the date of the Planning Commission hearing or by mailing said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

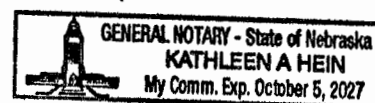
DATED: October 9, 2023.

FURTHER YOUR AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Affiant

SUBSCRIBED and SWORN to before me on this 9th day of October, 2023.

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



Ronald J. and Marilyn R. Jindra  
267 12<sup>th</sup> Ave.  
Columbus, NE 68601

Nancy Robledo  
910 5<sup>th</sup> Street  
Columbus, NE 68601

Craig S. Warnick  
558 9<sup>th</sup> Ave.  
Columbus, NE 68601

Edwin Giovanni Portillo & Norma A.  
Mejia De Portillo Escobar  
906 5<sup>th</sup> Street  
Columbus, NE 68601

Randy R. Leslie  
818 5<sup>th</sup> Street  
Columbus, NE 68601

City of Columbus  
P.O. Box 1677  
Columbus, NE 68602-1677

James R. & Sandra J. Swanson  
470 10<sup>th</sup> Ave.  
Columbus, NE 68601

Daniel L. Andresen  
919 5<sup>th</sup> Street  
Columbus, NE 68601

Grant R. & Jeri L. Otten  
909 5<sup>th</sup> Street  
Columbus, NE 68601

William L. & Donna Jean Fricke  
460 9<sup>th</sup> Ave.  
Columbus, NE 68601

Cheryl Wagner  
461 9<sup>th</sup> Ave.  
Columbus, NE 68601

Veronica B. Juarez Ruiz  
460 10<sup>th</sup> Ave.  
Columbus, NE 68601

Rodney D. & Rana R. Favors  
463 10<sup>th</sup> Ave.  
Columbus, NE 68601

Jeanne L. Rice  
457 10<sup>th</sup> Ave.  
Columbus, NE 68601

Roy J. Walter  
370 10<sup>th</sup> Ave.  
Columbus, NE 68601

Robert D. Anderson  
451 10<sup>th</sup> Ave.  
Columbus, NE 68601

Glenn R. & Janet P. Magsamen  
379 10<sup>th</sup> Ave.  
Columbus, NE 68601

Janet Ruzicka  
375 10<sup>th</sup> Ave.  
Columbus, NE 68601

Rback Enterprises, LLC  
12 Timberwood Drive  
Columbus, NE 68601

Cameron Menke and Sydney Mickey  
366 10<sup>th</sup> Ave.  
Columbus, NE 68601

Rita J. Samuelson  
357 10<sup>th</sup> Ave.  
Columbus, NE 68601

Terry L. & Bonnie J. Smith  
1022 3<sup>rd</sup> Street  
Columbus, NE 68601

Robert L. & Nance H. Filkin  
362 10<sup>th</sup> Ave.  
Columbus, NE 68601

John & Debra Pazzelli  
1028 3<sup>rd</sup> Street  
Columbus, NE 68601

Samantha Byrnes & Dustin Hawthorne  
1014 3<sup>rd</sup> Street  
Columbus, NE 68601

Jonnahtan Gomez  
1006 3<sup>rd</sup> Street  
Columbus, NE 68601

Gerald & Connie Tworek  
285 10<sup>th</sup> Ave.  
Columbus, NE 68601

St. Isidore's Catholic Church  
3921 20<sup>th</sup> Street  
Columbus, NE 68601

Serc, LLC.  
2154 E. 32<sup>nd</sup> Ave.  
Columbus, NE 68601

Janet M. & Larry R. Zulkoski  
1027 3<sup>rd</sup> Street  
Columbus, NE 68601



Vern & Myrene Revocable Living Trust  
1017 3<sup>rd</sup> Street  
Columbus, NE 68601

Ivan Menjivar Araujo & Mareshah  
Menjivar  
280 10<sup>th</sup> Ave.  
Columbus, NE 68601

Douglas A. & Amy A. Sokol  
113 W. Parkway  
Columbus, NE 68601

Carol Mae Lohrman  
271 10<sup>th</sup> Ave.  
Columbus, NE 68601

Ryan & Ashley Cornwell  
922 3<sup>rd</sup> Street  
Columbus, NE 68601

David W. & Karen J. Asay  
916 3<sup>rd</sup> Street  
Columbus, NE 68601

Izaac J. & Leah M. Lyday  
P.O. Box 1904  
Columbus, NE 68602-1904

Gerald M. & Carolyn K. Bobert  
904 3<sup>rd</sup> Street  
Columbus, NE 68601

Michael P. & Colette N. McQuivey  
820 3<sup>rd</sup> Street  
Columbus, NE 68601

Eric D. Torres  
816 3<sup>rd</sup> Street  
Columbus, NE 68601

Charley D. Jessen, Jr.  
812 3<sup>rd</sup> Street  
Columbus, NE 68601

Wilfredo Bonillo Reyes & Carolina  
Bonilla  
808 3<sup>rd</sup> Street  
Columbus, NE 68601

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

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, October 9, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, Nebraska, on the application to rezone a tract of land located in part of the SW1/4 of the NE1/4 of Section 29, T17N, R1E of the 6th P.M., and Lots 1, 3, and 4 of Kingswood Addition to the City of Columbus, all in Platte County, Nebraska, more particularly described as follows: beginning at the Northeast corner of said SW1/4 NE1/4; thence S 00°07'43" E, 330.04 ft. on the East line of said SW1/4 NE1/4 to the Northeast corner of Augustine 8th Subdivision; thence S 89°58'34" W, 661.72 ft. on the North line of Augustine 8th and 7th Subdivisions and the extension thereof to the East line of said Lot 4; thence S 00°07'57" E, 68.15 ft. on the East line of said Lot 4; thence S 89°58'44" W, 628.01 ft. on the South line of said Lot 4 to the East Right-of-Way of 10th Avenue; thence N 00°08'59" W, 145.61 ft. on the East line of said Avenue; thence N 89°21'35" E, 150.00 ft.; thence N 00°09'02" W, 68.86 ft. on the Southerly extension of Lot 2, Kingswood Addition and on the West line of said Lot 2 to the Northeast Corner thereof; thence N 03°23'19" W, 62.00 ft. to the Easterly extension of the North line of Lot 3, Kingswood 1st Subdivision of the West 142.5 ft. of said Lot 1, Kingswood Addition; thence N 89°48'54" W, 4.00 ft. on said Easterly extension of the North line of Lot 3, Kingswood 1st Subdivision to the Northeast corner thereof; thence N 00°17'33" W, 124.03 ft. on the East line of said Kingswood 1st Subdivision to the Northeast corner thereof; thence S 89°52'04" E, 541.66 ft. on the North line of said Lot 1 to the Northeast corner thereof; thence S 89°47'54" E, 606.04 ft. on the North line of said SW1/4 NE1/4 to the point of beginning, containing 9.97 acres more or less (7 Avenue north of Augustine Place) from "R-1" (Single-Family Residential) to "R-3" (Multiple-Family Residential) and at said hearing, the Planning Commission will consider amending the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 09:28:23  
Two Affidavits of Publication



**9. Public hearing - Application of Werner Construction, LLC/Schultz Farms, Inc. for special use permit to allow resource extraction in an "RR" (Rural Residential District) zone at 7014 8th Street.**

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

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, October 9, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application for a Special Use Permit to allow for resource extraction on the following described real estate in an "RR" (Rural Residential District) zone: All that real estate legally described as: The Southeast Quarter (SE 1/4) of Section Twenty-two (22), Township Seventeen (17) North, Range One (1) West of the 6th P.M., Platte County, Nebraska, and Lots Three (3) and Six (6) of Section Twenty-three (23), Township Seventeen (17) North, Range One (1) West, excepting therefrom the right of way of U.P.R.R. Co., excepting that part of Lot Six (6) lying South of said right of way, also excepting therefrom a tract described as follows: Beginning at a point 100' North of and at right angles to the center line of the main track of the U.P.R.R. Co., at a point 1521' East of the West line of said Section Twenty-three (23), when measured along the center line of said main track, thence North parallel with the West line of said Section 2000' more or less to the West bank of the Loup River, thence southerly along said West bank of the Loup River to the North line of the right of way of the U.P.R.R. Co., said point being 100' North of and at right angles to the center line of said main track, thence Westerly along the North line of said right of way 780' more or less to the place of beginning, plus all accretions thereto, and less erosions therefrom, (the "Real Property") and That portion of the North Half of the Northeast Quarter (E1/2 NE1/4) of Section Twenty-seven (27) lying North and West of the Union Pacific Railroad right-of-way, Township Seventeen (17) North, Range One (1) West of the 6th P.M., Platte County, Nebraska, including all accretions thereto (7014 8 St) and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 09:28:23  
Two Affidavits of Publication

# CITY OF COLUMBUS

## MEMORANDUM

---

**DATE:** September 7, 2023

**FROM:** Andy Woehrer, Chief Building & Code Official

**TO:** Tara Vasicek, City Administrator

**RE:** Special Use Permit to allow Resource Extraction in an RR zone at 7014 8<sup>th</sup> Street for Werner Construction, LLC

### RECOMMENDATION:

I recommend the Special Use Permit be approved to allow Resource Extraction in the RR zoning district subject to the successful completion and approval of the following conditions.

1. Provide updates to the permit application.
  - a. The report certifications on the Special Use Permit Application (Amended), Floodplain Development Permit Application, Attachment A - Supplement Report (page 5 of the PDF) and said report Findings (page 22 of the PDF) submittal are out of date as they were signed before the last revisions. Provide these updated certifications to the City.
  - b. The Floodplain Development Non-Structural permit (page 2 of the PDF) shall have checked in Section 3 – Development Information “Filling” as the proposal is to place some fill in and around the existing farmstead area. Update the permit to include this item and forward to the City.
  - c. Floodplain Development Non-Structural permit (page 3 of the PDF) sign and date Sections 18 and 19. Update the permit and forward to the City.
2. All existing buildings shall be removed at initial property ownership and at the start of any site preparations or work on the property, but no later than December 22, 2023. Provide pictures of removed structures to City by deadline. The property is in violation of the Floodplain Ordinance, State of Nebraska Department of Natural Resources regulations and FEMA regulations.
3. Provide screening at the entrance and exit at start of work and operations as approved by Chief Building and Code Official.
4. Provide a proposed end of resource extraction project topographic survey, including proposed final contour elevations, typical cross sections, critical spot elevations, bottom floor elevation, and reference to typical groundwater on a separate plan drawing.
5. All proposed project ineffective flood areas shall be shown on a separate plan drawing to match the application text references and to include that these areas will not receive fill, overburden or stockpiling as part of this special use permit. Provide the drawing and the updated application text to the City.
6. Any potential mining areas or related work that may affect the adjacent Union Pacific Railroad property the developer shall obtain Union Pacific Railroad coordination and concurrence correspondence. Correspondence regarding Union Pacific Railroad shall be forwarded to the City.

Failure to complete all of the conditions above and begin resource extraction within two years of the Special Use Permit effective date will result in a void of this Special Use Permit.

**DISCUSSION:**

We have received an application for a Special Use Permit requesting Resource Extraction in an RR zone. The property is located in the Floodway and is a good use for the property. Resource Extraction is permitted in the RR zoning district with Special Use Permit approval and meeting the conditions included and the applicant shall meet all State and Federal regulations.

**FISCAL IMPACT:**

None

**ALTERNATIVE:**


Revise or add conditions, continue, or deny the Special Use Permit

**CONCURRENCE:**

By: Richard J. Bogue

**SIGNATURE:**

By: Andrew J. Wehner

Approved By: 

# SPECIAL USE PERMIT APPLICATION (AMENDED)

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

APPLICANT/PROPERTY OWNER NAME: Werner Construction, LLC/Schultz Farms, Inc

APPLICANT MAILING ADDRESS: 129 E 2nd St., Hastings, NE 68901

APPLICANT PHONE NUMBER: (402) 463-4545

APPLICANT EMAIL ADDRESS: tw@wernercos.com

LEGAL REPRESENTATION FIRM/ATTORNEY: Stephen D. Mossman

ATTORNEY PHONE NUMBER: (402) 475-8433

ATTORNEY E-MAIL ADDRESS: sdm@mattsonricketts.com

ADDRESS OF PROPERTY: 7014 8th St., Columbus, NE 68601

LEGAL DESCRIPTION OF PROPERTY: S22, T17, R1W,  
Parcels 710023828, 710023849, 710024080

PRESENT ZONING CLASSIFICATION: ~~AGX~~ Zoning is Rural Residential RR

DESCRIPTION OF THE REASON FOR THE SPECIAL USE PERMIT APPLICATION:

Establish a sand and gravel extraction operation.

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

See Floodplain Development Permit Application (attached)

I hereby apply for a Special Use Permit and have paid the \$500 application fee.

DATED THIS 30<sup>th</sup> DAY OF June, 2023

Tom V. Wilson

Owner or Owner's Representative

for Werner Const. LLC

## AGENT AUTHORIZATION

---

I, **Terry Schultz**, President of **Schultz Farms, Incorporated**, a Nebraska Corporation, authorize **Werner Construction, L.L.C.**, a Nebraska Limited Liability Company, a third party, to act on our behalf in applying for a Special Use Permit from the City of Columbus, Nebraska for the properties more specifically described as follows:

- i. The Southeast Quarter (SE ¼) of Section Twenty-two (22), Township Seventeen (17) North, Range One (1) West of the 6th P.M., Platte County, Nebraska; and
- ii. Lots Three (3) and Six (6) of Section Twenty-three (23), Township Seventeen (17) North, Range One (1) West, excepting therefrom the right of way of U.P.R.R. Co., excepting that part of Lot Six (6) lying South of said right of way, also excepting therefrom a tract described as follows: Beginning at a point 100' North of and at right angles to the center line of the main track of the U.P.R.R. Co., at a point 1521' East of the West line of said Section Twenty-three (23), when measured along the center line of said main track, thence North parallel with the West line of said Section 2000' more or less to the West bank of the Loup River, thence southerly along said West bank of the Loup River to the North line of the right of way of the U.P.R.R. Co., said point being 100' North of and at right angles to the center line of said main track, thence Westerly along the North line of said right of way 780' more or less to the place of beginning, plus all accretions thereto, and less erosions therefrom

I further understand that, by doing so, I authorize **Werner Construction, L.L.C.**, to: answer any questions, receive information relating to the completion of said Special Use Permit, file this Authorization with the Community Development Director's Office, and pursue all actions reasonably necessary to secure said Special Use Permit.

\_\_\_\_\_  
SCHULTZ FARMS, INCORPORATED

  
\_\_\_\_\_  
Terry Schultz, President

3/10/22

## EXCAVATION - AMPLIFICATION OF PLANNED USE

- 1) **Werner Construction, LLC. (WCI) will use this site primarily as a gravel mining operation.**
  - a) We would use this site when we have contracted for projects in the area.
  - b) Normally, an asphalt project would be within a 50 mile radius of this site; a concrete project would be within 40 miles. When project location makes it economically infeasible, we would mine and stockpile gravel at this site and haul it to another plant site.
  - c) Our asphalt and concrete plants operate under Air Quality and Stormwater Permits issued by the Nebraska Department of Environmental and Energy (NDEE). Our plants have not been cited by NDEE for over 30 years.
  - d) We will install commercial power to operate.
- 2) WCI will remove fugitive vegetation when operations begin. Existing structures will be removed in accordance with building permit (demolition) requirements.
- 3) **The gravel mining will start in the west center portion of the property.**
  - a) We will operate an electric or diesel-powered dredge in this operation.
  - b) The initial strippings will be stockpiled along the southern property line.
  - c) We will maintain the present drainage configuration during the dredging operation.
- 4) **Common operating principals.**
  - a) We will normally operate from 6:00 AM until 9:00 PM daily. However, we request permission for around the clock operations on limited bases for the gravel mining operation.
  - b) Gravel production is limited by weather conditions. We may load gravel from the stockpile throughout the year, weather and customer demand permitting.
  - c) We will not construct permanent structures on this site.
  - d) We will contract for portable toilets and appropriate service during periods of operation.
  - e) We will contract for waste disposal.
  - f) We will control dust on our internal haul roads per the requirements of our NDEQ permits.
  - g) We will control Stormwater run-off per the requirements of our NDEQ permits.
- 5) **Reclamation Plan**
  - a) This will be a long-term operation, with a life span in excess of 20 years. We will leave an enhanced parcel designed for wildlife habitat.
  - b) The final use of the property will depend upon economic conditions at the time.
  - c) We will use the waste sand from this operation to partially backfill the resultant lake.
  - d) The strippings will be used to recover portions of the back filled lake shoreline and seeded for wildlife habitat or pasture.
  - e) The final contours of the land will approximate those currently existing.
  - f) Initial reclamation will begin as dredging is completed in phases on parts of the property to prevent erosion and improve appearance.
  - g) We will contact appropriate Federal, State, and private sector conservation agencies to design and construct appropriate wildlife habitat.
  - h) Our goal is to leave the property in a condition where we can be proud of its esthetics and will hopefully be of benefit to both people and wildlife.
  - i) WCI will acquire a financial surety bond upon approval of this permit application.

## Application for Floodplain Development Permit Non-Structural

This application is for a single site permit to erect, construct, excavate, grade, fill, improve upon, and/or repair any non-structural development as defined by City of Columbus Ordinance 18-04, including the storage of materials, within a designated Special Flood Hazard Area (SFHA) or "floodplain".

Prior to completion, refer to the Instruction page contained with this application.

Section 1: Applicant / Owner Information	
1 Name of Developer: Werner Construction, LLC	3 Applicant is Property Owner: <input type="checkbox"/> <small>If checked, continue to Section 2</small>
2a Name of Applicant: Terrence Wilhelms	4a Name of Property Owner: SCHULTZ FARMS, INC.
2b Applicant/Developer Mailing Address: 129 East 2nd Street Hastings, NE 68901	4b Owner Mailing Address: 5209 33 ST COLUMBUS, NE 68601-1523
2c Applicant Phone Number: 402-463-4545	4c Owner Phone Number: 402-563-4754
2d Applicant Email: tw@wernercos.com	4d Owner Email: schultz71983@gmail.com
Section 2: Location of Development	
5a Physical Address: <input type="checkbox"/> N/A 7014 8 ST Columbus, NE 68601	5d Description of single site work area: <input type="checkbox"/> N/A Gravel mining. Removal of materials. Replacement of materials. To occur primarily in SE1/4 of Sec 22, T17N, R1W. Site will be restored to existing conditions.
5b Section, Township, Range, Direction: <input type="checkbox"/> N/A Section 22, 23, and 27, T17N, R1W SE	
5c Parcel ID from County Assessor: <input type="checkbox"/> N/A 710023828; 710023849; 710024080	
Section 3: Development Information	
6a Development Type: <i>(Check all that Apply)</i>	
<input checked="" type="checkbox"/> Earthwork <input type="checkbox"/> Watercourse* <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Storage <input type="checkbox"/> Utility <input type="checkbox"/> Filling* <input type="checkbox"/> Dredging <input type="checkbox"/> Bridge** <input checked="" type="checkbox"/> Temporary <input type="checkbox"/> Septic <input type="checkbox"/> Grading* <input type="checkbox"/> Channel Realignment <input type="checkbox"/> Road / Highway <input type="checkbox"/> Permanent <input checked="" type="checkbox"/> Excavation* <input type="checkbox"/> Culvert** <input checked="" type="checkbox"/> Other: <i>Explain in box 7</i> <input checked="" type="checkbox"/> Mining <input type="checkbox"/> Drilling      * <i>Must complete boxes 15-17</i> ** <i>Must complete boxes 14-17</i>	
6b Work Type: <input checked="" type="checkbox"/> New <input type="checkbox"/> Replacement <input type="checkbox"/> Maintenance <input type="checkbox"/> Improvement <input type="checkbox"/> Removal <input type="checkbox"/> Other: <i>Explain in box 7</i>	
7 Description of Work: Temporary gravel mining project to include excavation, removal of materials, screening and separation of materials, temporary stockpiling, temporary storage, dredging, replacing removed materials. Site will be restored to its existing topographical condition relative to grades and elevations. BFE will not be temporarily or permanently affected by proposed project. **SEE ATTACHMENT A – SUPPLEMENTAL REPORT TO THIS APPLICATION**	
8 Is this work being done due to damage: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Section 4: Floodplain Information	
9 Floodplain Designation: <input type="checkbox"/> Zone A <input type="checkbox"/> Zone AE – Fringe <input checked="" type="checkbox"/> Zone AE – Floodway <input type="checkbox"/> Zone AH <input type="checkbox"/> Zone AO <input type="checkbox"/> Zone X	
10a Base Flood Elevation (BFE) range at Site: 1456.9 ft - 1460.5 ft <input type="checkbox"/> MSL/NGVD 29 <input checked="" type="checkbox"/> NAVD 88	10b Base Flood Elevation (BFE) Source: <input type="checkbox"/> NeDNR <input checked="" type="checkbox"/> FIS <input type="checkbox"/> Other:
Section 5: Survey Information	
11a Survey conducted using: <input type="checkbox"/> MSL/NGVD 29 <input checked="" type="checkbox"/> NAVD 88 <input type="checkbox"/> Other:	
11b Benchmark description: SEE ATTACHMENT B – ONE-FOOT CONTOUR TOPOGRAPHIC MAP OF SITE AND SURROUNDING AREA	
11c Benchmark elevation: 1455.03 FEET (SEE ATTACHMENT B) <span style="float: right;"><input type="checkbox"/> MSL/NGVD 29 <input checked="" type="checkbox"/> NAVD 88</span>	

12a Lowest actual ground elevation:		<b>1450</b> feet
12b Highest actual ground elevation:		<b>1458</b> feet
13a Lowest proposed ground elevation:		<b>1450</b> feet
13b Highest proposed ground elevation:		<b>1458</b> feet
**	14a Top of lowest bridge deck /roadway elevation: <b>(See Attachment B)</b>	feet <input type="checkbox"/> Actual <input type="checkbox"/> Proposed <input type="checkbox"/> N/A
	14b Bottom of lowest horizontal girder elevation: <b>(See Attachment B)</b>	feet <input type="checkbox"/> Actual <input type="checkbox"/> Proposed <input type="checkbox"/> N/A
	14c Top of culvert opening elevation: <b>Multiple culverts (SEE ATTACHMENT B)</b>	feet <input type="checkbox"/> Actual <input type="checkbox"/> Proposed <input type="checkbox"/> N/A
* and **	15a Existing Upstream BFE: <b>(See Attachment C for BFE Determination)</b>	<b>1460.5</b> feet <input type="checkbox"/> N/A
	15b Proposed Upstream BFE:	<b>1460.5</b> feet <input type="checkbox"/> N/A
	16a Existing Downstream BFE:	<b>1456.9</b> feet <input type="checkbox"/> N/A
	16b Proposed Downstream BFE:	<b>1456.9</b> feet <input type="checkbox"/> N/A
	17a Change in Upstream BFE: <b>(See Attachment D for No Rise Certification)</b>	<b>0.00</b> feet <input type="checkbox"/> N/A
	17b Change in Downstream BFE:	<b>0.00</b> feet <input type="checkbox"/> N/A

**Section 6: Plans, Certifications, and Other Permits**

Office Use Only	Attached:	Proposed Plans	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
		Hydrologic Data	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
		Certification of <i>No more than 1 foot rise</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
		Certification of <i>No rise</i>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
		Certification of Floodproofing	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
		Elevation Certificate	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	Other Permits		
	Attached:	USACE 404	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
		EPA	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
		DEQ	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
		EHP	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
		Other:	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

**Section 7: Signature**

18 Signature of Applicant:		Date: Click or tap to enter a date.
19 Signature of Property Owner, <i>if different</i> :		Date: Click or tap to enter a date.
Office Use Only	Floodplain Development Permit:    Approved <input type="checkbox"/> Denied <input type="checkbox"/>	Permit #:
	Signature of Floodplain Administrator:	
	Date: Click or tap to enter a date.	
Comments:		

**APPLICANT, PLEASE NOTE:** Upon signing, the applicant attests that the information provided is complete, accurate, and truthful to the fullest extent of their knowledge. Additionally, the applicant agrees that the development detailed within will be done in accordance with the requirements of all applicable floodplain management ordinances, laws, and regulations within the City of Columbus. If any information within this application and attachments is found to be inaccurate or false, whether provided knowingly or not, or the permitted development deviates from submitted plans, this permit will immediately become void upon discovery. Reissuance of a new permit will be at the discretion of the floodplain administrator. This permit does not guarantee approval of certificate of occupancy nor issuance of flood insurance, if applicable. Additionally, this permit will not create liability on the part of City of Columbus or any officer or employee thereof for any flood related damages. Additional information not included on this permit may be requested at the discretion of the floodplain administrator. If approved, this permit is valid for 1 year after such approval date after which time a new permit, or extension will be required.

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION  
WERNER GRAVEL MINE AT LOUP RIVER

**ATTACHMENT A – SUPPLEMENTAL REPORT**

**FLOODPLAIN DEVELOPMENT PERMIT APPLICATION  
SUPPLEMENTAL REPORT**

**FOR**

**THE LOUP RIVER GRAVEL MINING PROJECT  
WERNER CONSTRUCTION, LLC  
COLUMBUS, NEBRASKA**

Prepared for: Terrence Wilhelms  
Werner Construction, LLC  
129 East 2<sup>nd</sup> Street  
Hastings, Nebraska 68901

Prepared by: Eliot J. Wong, PE  
900 Forest Street  
Denver, Colorado 80220  
  
H<sub>2</sub>Options Engineering, LLC  
2041 Wilderness Ridge Drive  
Lincoln, Nebraska 68512

**Temporary Permit to Practice Engineering**

Name: Eliot J Wong  
Permit No.: T-643; Expiration Date: 5/19/2024  
State of Licensure: Colorado; No.: 48402  
Project: Werner Gravel Pit  
7014 8 Street  
Columbus, NE 68601



ORIGINAL 9 MARCH 2022  
REVISED 27 JUNE 2023

# CONTENTS

<b>EXECUTIVE SUMMARY.....</b>	<b>2</b>
<b>BACKGROUND &amp; INFORMATION SOURCES.....</b>	<b>3</b>
<b>PROJECT SITE.....</b>	<b>3</b>
<b>PROPOSED CONSTRUCTION.....</b>	<b>5</b>
<b>100-YEAR PEAK FLOW.....</b>	<b>6</b>
<b>BASE FLOOD DEPTHS AND ELEVATIONS.....</b>	<b>6</b>
<b>COMMUNITY GUIDANCE.....</b>	<b>7</b>
<b>COMPENSATORY STORAGE AREA.....</b>	<b>8</b>
<b>INEFFECTIVE FLOW AREAS.....</b>	<b>9</b>
<b>EMPERICAL ANALYSIS.....</b>	<b>12</b>
<b>EFFECTIVE FIS HYDRAULICS.....</b>	<b>13</b>
<b>ADDITIONAL BENEFITS.....</b>	<b>14</b>
<b>FINDING.....</b>	<b>17</b>

# APPENDICES

**APPENDIX A – NO-RISE CERTIFICATION**

**APPENDIX B – FEMA FLOODPLAIN MANAGEMENT BULLETIN - VARIANCES**

**APPENDIX C – STOCKPILE PLACEMENT SCHEMATIC**

**APPENDIX D – FIS 100-YEAR FLOOD PROFILES FOR LOUP RIVER & BFE**

**APPENDIX E – PICTURES OF STRUCTURES TO BE REMOVED FROM PROJECT SITE**

**APPENDIX F – VEGETATION MAINTENANCE COMMITMENT**

**APPENDIX G - FEMA EFFECTIVE FLOOD INSURANCE RATE MAP**

## EXECUTIVE SUMMARY.

We have been contracted by Werner Construction, LLC (Werner) to evaluate the potential effect(s) a proposed gravel mining operation (Project) will have on the 100-year water surface elevation, or base flood elevation (BFE), of Loup River in the City of Columbus (City), in Platte County, Nebraska. The proposed Project would operate fully within the floodway of Loup River. Permit approval to conduct the mining operation is contingent on construction activities or products of construction, namely temporary stockpiles, causing no more than a 0.00-ft rise in the effective BFE published by FEMA.

Based on information provided by Werner, we have used several methods to evaluate what effect(s), if any, the Project would predictably have on water surface elevations during the base flood. All the methods described herein are based on commonly known principles of floodplain hydraulics and each method is supported by FEMA and/or the National Flood Insurance Program (NFIP) through various published documents, all of which are referenced in the report and/or included in the report Appendix.

Our findings are:

- The proposed Project, specifically the stockpiles produced while mining, will not cause more than a 0.00-foot rise in Loup River water surface elevations if the base flood were to occur during the Project.
- Any potential effects to the 100-year floodplain associated with the proposed Project will be temporary and discontinuous, de facto, due to the nature of this mining operation. Temporary product stockpiles will regularly be removed and the site will be generally restored to pre-project elevations once mining activities are final. No obstruction in the floodway or flood fringe will result because of the Project. Subsequently, the 100-year water surface elevation will not increase during the project or after the project is complete.
- The area within and surrounding the project site is generally undeveloped. It will not be adversely impacted by the proposed Project and is likely to remain undeveloped for the duration of the project. Major existing and flow controlling structures such as the Columbus dike and the Union Pacific Railroad roadbed are well beyond the scope of this Project and will not be negatively impacted.
- The removal of obstructions associated with an existing farmstead located within the 100-year floodplain at the project site, and strategic sizing and positioning of stockpiles during construction, are project components that will help reduce the potential risk of hazards that are associated with flooding.
- Placement of overburden materials will not cause a rise in the BFE: These materials will be placed in areas of ineffective flow or in place of existing structures that will be removed at the onset of the project. Additionally, overburden materials will be placed no more than three feet high.
- Stockpiles that may remain on site for an extended period of time will be placed in the same areas and in the same fashion as overburden materials (see above).
- The Project includes a comprehensive vegetation management program that will preemptively mitigate elevated flood levels which otherwise are a certainty due a new and fast-growing density of plants and trees, a product of the flood events of 2019.

A No-Rise Certification is provided at the end of this report in Appendix A.

## **PROJECT INFORMATION**

### **BACKGROUND & INFORMATION SOURCES.**

The gravel mine is proposed on a 275-acre (approx.) parcel, of which approximately 135 acres are available for potential mining activities. The initial phases of the Project will entail clearing the site of Project constraints such as obtrusive vegetation and dilapidated structures, constructing a standard ingress/egress area, and designating areas for temporary stockpiles. Gravel mining would then ensue with the excavation of an initial gravel pit with an area of approximately 5-acres. The mining area will expand incrementally as usable materials are screened and removed from materials that eventually will be redeposited back into the subsurface. As materials are screened, stockpiles will be created at designated areas within the Project site. All stockpiles will be temporary as materials are hauled offsite or redeposited into the gravel pit. This is a reoccurring process, typical for gravel pit mining. All stockpiles will be placed within the areas described in this report and will be placed so as not to exceed any measurement designated as a maximum in this report. The strategic placement of stockpiles, as described in this report, is based on engineering principles relative to floodplain hydraulics to ensure there will be no rise in 100-year water surface elevations during the course of the Project.

Flood Insurance Rate Map (FIRM) No. 31141C0320E and Flood Insurance Study (FIS) No. 31141CV000A, both effective April 19, 2010, are the current effective floodplain mapping and supporting data, respectively, published by FEMA. FIS floodway data were used in our analysis where relevant. Floodplain management guidance documents published by FEMA and the NFIP were also utilized and are referenced throughout this report.

The City of Columbus, Nebraska (City) has adopted minimum NFIP requirements to serve as their floodplain ordinance for participation in the NFIP. Requisite for permit approval within a regulatory floodway is showing proposed construction will not cause any rise in the BFE. FEMA defines "not causing any rise" as "no rise greater than 0.00 feet." The methods used to assess the potential effects of the Project on the BFE are compliant with the NFIP requirements adopted by the City and consistent with floodplain guidance published by FEMA.

### **PROJECTSITE.**

The Project site is located within the regulated area of the City of Columbus, in Platte County, Nebraska. The Union Pacific Railroad (UPRR) right-of-way (ROW) serves as the southern border of the site. The Loup River serves as the northern boundary and a UPRR-owned parcel between the proposed Project site and the Loup River forms the eastern boundary of the site. The west boundary comprises of privately owned tracts of farmland. The entirety of the proposed Project is in the Loup River regulatory floodway. All proposed Project activities will occur in the floodway until final stabilization of the site is achieved. Final stabilization will include the restoration of the site to generally pre-project topography. Thus, no meaningful elevation changes to the existing grades within the site will result from the Project.

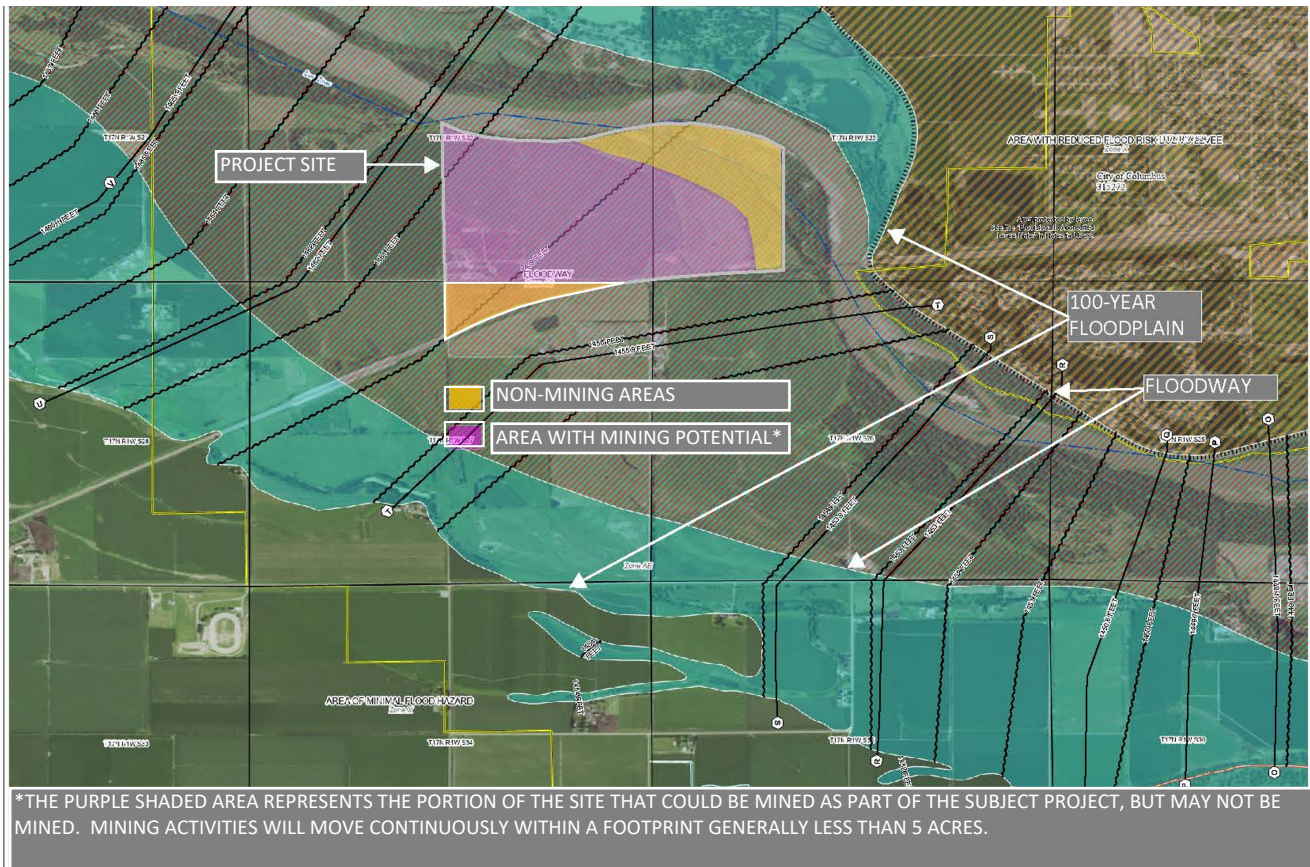


Figure 1: Project Site Overlaid on Portion of FEMA Flood Insurance Rate Map

The legal description of the Project site is: The Southeast Quarter (SE ¼) of Section Twenty-two (22), Township Seventeen (17) North, Range One (1) West of the 6th P.M., Platte County, Nebraska, and Lots Three (3) and Six (6) of Section Twenty-three (23), Township Seventeen (17) North, Range One (1) West, excepting therefrom the right of way of Union Pacific Railroad (UPRR) Co., excepting that part of Lot Six (6) lying South of said right of way, also excepting therefrom a tract described as follows: Beginning at a point 100' North of and at right angles to the centerline of the main track of the UPRR Co., at a point 1521' East of the West line of said Section Twenty-three (23), when measured along the centerline of said main track, thence North parallel with the West line of said Section 2000' more or less to the West bank of the Loup River, thence southerly along said West bank of the Loup River to the North line of the right of way of the UPRR Co., said point being 100' North of and at right angles to the center line of said main track, thence Westerly along the North line of said right of way 780' more or less to the place of beginning, plus all accretions thereto, and less erosions therefrom; and all that part of the North Half of the Northeast Quarter (N1/2 NE1/4) of Section Twenty-Seven (27), Township Seventeen (17) North, Range One (1) West of the 6th P.M., Platte County, Nebraska, lying North and West of the Union Pacific Railroad right-of-way.

## PROPOSED CONSTRUCTION.

Proposed construction will commence with the demolition and permitted disposal of approximately nine structures and several trees that are part of a farmstead no longer in operation. The farmstead and its structures existed when the current FIS and FIRM became effective in 2010. Thus, it is assumed that the effective 100-year floodplain and floodway delineation accounts for the effects of the structures and density of trees on the farmstead. A designation of roughly ten acres will be used for ingress and egress and possibly overburden deposition (i.e., a non-mined area). The entire developed mining area will be cleared with vegetation removed and controlled during mining operations. Overburdened excavation will then commence marking the start of actual gravel mining. The area cleared of the existing farmstead will be used initially for storing screened material and for the deposition of overburden material.

Additionally, as overburden materials are excavated, they will form a broad and generally less than 3-foot high deposit which could later be reintroduced back into the subsurface areas as mining activities progress.

This overburden relocation could potentially reach a volume of 1,000,000 cubic feet, or about 23 acre-feet, which will be spread over an area of about 9 acres on site without adversely affecting the BFE or neighboring properties. Mining will initially occur in an approximate 5-acre area with the potential of expansion up to approximately twenty acres of mostly pond area over a 35-year mine development period. Appendix C shows the initial and post-project site condition and the approximate locations for potential overburden deposition and for temporary stockpiles with potential to be on site for an extended period of time. Refer to "Methods of Evaluation and Findings" (Page 8), which explains how locations for excavated material and overburden deposition have been determined and the engineering that supports these determinations.

**FEMA & THE NATIONAL FLOOD INSURANCE PROGRAM**

**100-YEAR PEAK FLOW.**

The effective 100-year peak discharge for Loup River at the Project site is 138,000 cfs, as published in the effective FIS (Figure 2) for the reach of Loup River relevant to this Project. All computations performed as part of the evaluation described herein used 138,000 cfs as the 100-year peak discharge.

**Table 1 - Summary of Discharges**

Peak Discharges (cubic feet per second)

<u>Flooding Source and Location</u>	<u>Drainage Area (square miles)</u>	<u>10-Percent-Annual-Chance</u>	<u>2-Percent-Annual-Chance</u>	<u>1-Percent-Annual-Chance</u>	<u>0.2-Percent-Annual-Chance</u>
<b>ELM CREEK</b> Approximately 2,420 feet upstream of Shell Creek	30.00	6,600	13,200	16,800	*
<b>LOUP RIVER</b> At confluence with Platte River	6,530.00	48,500	105,600	<b>138,000</b>	*
At confluence with Platte River, coincident with discharge from Platte River	*	51,368	114,000	149,000	*
<b>PLATTE RIVER</b> At North Bend	82,900.00	62,000	106,000	132,000	220,000
<b>SHELL CREEK</b> Approximately 116,550 feet downstream of U.S. Highway 61	*	*	*	10,900	*
At confluence with Elm Creek	222.00	*	*	19,500	*
Approximately 900 feet upstream of Elm Street	*	*	*	30,900	*
Approximately 29,900 feet upstream of U.S. Highway 91	120.00	*	*	29,300	*

\*Data not available

**BASE FLOOD DEPTHS AND ELEVATIONS.**

The BFE at the farthest upstream end of the Project site is 1460.5 ft. The BFE at the downstream end of the site (just upstream of the UPRR line) is 1456.9 ft. During a 100-year flood event, Loup River floodwater bypasses the ninety-degree meander from east to south located just upstream of the proposed project site, the direction flows which are restricted to the channel are conveyed. Because 100-year flood flows bypass the normal direction of flow, the BFE increases in the easterly direction along the railroad. So, while the BFE at the railroad and main river channel intersection is 1456.9 ft, indicating potential for a few inches of floodwaters overtopping the tracks, the overtopping of the railroad at the southwestern corner of the Project site is greater with the BFE at an elevation of 1458.5 ft. It is important to understand the potential depths of overtopping at various locations along the railroad because these areas indicate active flow during the base flood. By contrast, the areas below the top of the railroad embankment are ineffective flow zones which do not contribute to active flow during the base flood. This distinction enables the Project to strategically place temporary stockpiles so that they do not obstruct flow and thereby do not increase flood elevations. Appendix D shows the FIS 100-year flood profiles and the BFE determination at the upstream and downstream ends of the Project site.

The measured depth from the top of the railroad embankment to existing grade at the toe of the railroad embankment varies due to elevation differences in existing grade and the slope of the railroad across the southern border of the Project site.

Thus, varying depths of overtopping are observed during the base flood. Additionally, due to a failure in a portion of the railroad embankment during the 2019 flood event, conveyance via corrugated metal pipes (CMPs) has been provided underneath the rail to help provide relief during future major events. The addition of these culverts also affects flood depths and potential placement of mined materials. This was a key component considered in the evaluation we performed, which is detailed later in this report.

#### COMMUNITY GUIDANCE.

Floodplain development permitting guidance is published by the National Flood Insurance Program (NFIP) specifically for communities who participate in the NFIP. The most important finding of AWARE's literature review relative to NFIP floodplain permitting guidance is that the NFIP clearly supports issuance of a floodplain development permit for projects similar to the proposed subject Project, which ideally meets the criteria for permit approval, as recommended by the NFIP. The two criteria every Community must consider when reviewing a floodplain permit application are: one, whether the Project is temporary or permanent; and two, if the project or construction activities associated with the project, will cause an unacceptable rise in the BFE. For a project proposed in a regulatory floodway, an unacceptable rise is any rise greater than 0.00 feet.

In the FEMA-published document entitled, "FLOODPLAIN MANAGEMENT BULLETIN: Variances and the National Flood Insurance Program," (Appendix B), FEMA lists two considerations that should be considered before granting a temporary floodplain development permit. The two considerations are the potential increase in height of the BFE and the number of insurable structures that could be affected by such an increase during the base flood. The Project subject to this report will not cause a rise greater than 0.00-feet in the 100-year water surface elevation. Since the Project causes a zero-foot rise in the BFE, insurable structures in the vicinity of the Project, de facto, will not be affected by the Project. The area to be mined within the Project site is undeveloped and historically used for agricultural purposes. There are existing structures located in the floodplain and/or floodway upstream and downstream of the Project; however, they are all a distance of more than 1000 feet from the Project. These structures, while likely to experience flooding impact during the 100-year event, will see no impact from the proposed Project.

The FEMA bulletin referenced above states: *If the affected area has a low population density and one or more of the following factors are present, the community may want to consider allowing construction of a temporary project...*

As illustrated above and evident in Figure 1, the relevant area does have a low population density and at least two of the listed factors<sup>1</sup> in the bulletin are likely to be present relative to the Project:

- Factor 1: *The increased flood hazard would be limited to undeveloped community areas that the local government judges to have no other development potential during the time the temporary measure would be in place.*
  - The proposed Project area is undeveloped and would not have development potential during the mining project. Additionally, our evaluation shows that the proposed Project will not increase the flood hazard.

---

<sup>1</sup>The factors in italics are unaltered excerpts taken directly from the bulletin referenced.

- Factor 2: *The increased flood hazard would not affect insurable structures (i.e., cause an increase in flood levels for structures that are already floodprone or cause non-floodprone structures to become floodprone).*
  - As previously stated, the proposed Project will not increase flood levels, thus insurable structures will not be adversely affected because of the Project.

The bulletin concludes with: *“If one or more of the above factors are met, any increase in the BFE for the duration of the temporary permit should not adversely affect insurable structures in the community. In this case, the community may decide to grant a variance allowing a temporary project.”*

It is important to differentiate the excerpt above, which refers to allowing a variance, from the standard floodplain development permit application that is the subject of this report. The important correlation simply is if the NFIP supports the granting of a variance based on the factor above being met, then it would stand to follow that the NFIP would support approval of a typical floodplain permit on the same basis.

The proposed Werner gravel mining project will meet more than one of the published factors.

## **METHODS OF EVALUATION AND FINDINGS.**

### **COMPENSATORY STORAGE AREA.**

Overburden deposits and materials and stockpiles that may be on site for an extended period of time will not cause additional blockage to flow during the 100-year event. Nine structures currently exist in the SW portion of the site, including a deteriorating silage pit with an approximate width of 375 feet and an approximate height of ten feet. All nine structures will be removed and appropriately disposed of at the onset of the Project. Through observation and common sense, the NFIP indicates that new “fill” or other obstructions to flow that replace those in place at the time the floodplain/floodway were defined, would not cause a rise in the BFE since no new obstruction would be introduced to the conveyance area. Furthermore, any newly introduced structure or other item that is proposed to be located in the conveyance shadow of an existing structure will also not cause a rise in the BFE.

The subject Project proposes to use this area (where nine structures will be removed) for depositing overburden materials and for stockpiling materials that may be stored for an extended time period. An overburden deposit resulting from initial stripping and mining activities and from any screened materials will be placed in a manner consistent with the No-Rise situations described in the previous paragraph. Stockpiles and overburden material in this area will be placed so that the top of any pile is lower than the existing building that is removed. The existing structures are all taller than the 100-year flood elevation, thus any piles will not be introducing any additional obstruction to flood flows. By observation, a smaller area of flow will be obstructed by a stockpile of a given width placed below the BFE if it replaces an obstruction that is higher than the BFE and of the same width. Stockpile dimensions parallel to the proposed direction of flood flows will remain within the conveyance zone of the current existing structures that are slated for removal. Because proposed stockpiling and materials storage will pose no additional obstructions to flood flows, they will not cause a rise in the BFE. Please refer to Figure 3 below for an illustrative representation of the proposed use of compensatory storage and the strategic placement of excavated materials in the conveyance shadows of existing structures so that the BFE will not be adversely affected. Pictures of some of the structures to be demolished and hauled off site are in Appendix E.



Figure 3: No-Rise area wherein excavated materials replace existing structures

In addition to stockpiles that may be on site for an extended period of time, a temporary overburden stockpile will also be produced. Management of the overburden stockpile is addressed in subsequent sections.

#### INEFFECTIVE FLOW AREAS.

The UPRR ROW forms the southern and farthest downstream boundary of the Project site. The crest of the railroad at the southeast corner of the Project site is at 1462.0 feet and declines to an elevation of 1457.8 feet at the southwest corner of the Project site. On average, this is approximately six feet in height above existing grade immediately upstream of the railroad. Active flow during the 100-year event primarily occurs in the main channel of Loup River. However, during recent major events, the active flow channel bypassed the 'east-south' meandering section of the Loup River, creating a second flow path toward the southwest corner of the Project site. As a result, UPRR has installed culverts under the railroad embankment to provide future relief during major events. Both the main channel and culvert conveyance path contribute to the ineffective flow areas upstream of the railroad.

As flows approach the bridge crossing, they contract; upon exiting the crossing, flows expand. The contraction/expansion of flow through the bridge crossing in the main channel is caused by the UPRR roadbed embankment and City dike, which are obstructions to flow. When flows are obstructed by the railroad embankment and dike, a tailwater effect occurs causing flood flows to back up and build up against the embankment. The movement of the active conveyance for flow, i.e., the contracted portion of flow moving to and through the bridge crossing coupled with the restriction of

the embankment creates vertex flow in the areas upstream of the railroad embankment. Floodwaters that enter these areas, known as ineffective flow zones, get “trapped,” or are stored, either until floodwaters recede to a point that allows ineffective areas to drain or until water surface elevations rise to an elevation higher than the railroad. In the latter case, the volumetric portion of floodwater above the railroad will be introduced back into the conveyance as active flow as it overtops the railroad.

The effective FIS Loup River 100-year flood profiles indicate that water levels during the base flood will rise to an elevation that is a couple inches above the top of rail in some locations and just over one foot above the top of rail in other locations. Thus, the area outside of the active flow conveyance and below the top of the railroad is the defined ineffective area with no contribution to the 100-year flood flow. With no contribution to active flow, ineffective areas can be used for the placement of fill or temporary stockpiles, de facto, without affecting the BFE.

The proposed Project may utilize ineffective flow areas for overburden stockpiling with the crest of the railroad governing the height of placed overburden material. FEMA guidance indicates that ineffective flow areas upstream of a bridge crossing can be determined by drawing a 1:1 flow contraction envelope as water flows toward the bridge opening. The areas outside of this 1:1 envelope are ineffective. These areas may be used for overburden stockpiling with the maximum height of stockpiles below the top of rail. The figure below shows the approximate area available for the temporary storage of overburden materials that will not affect the BFE.

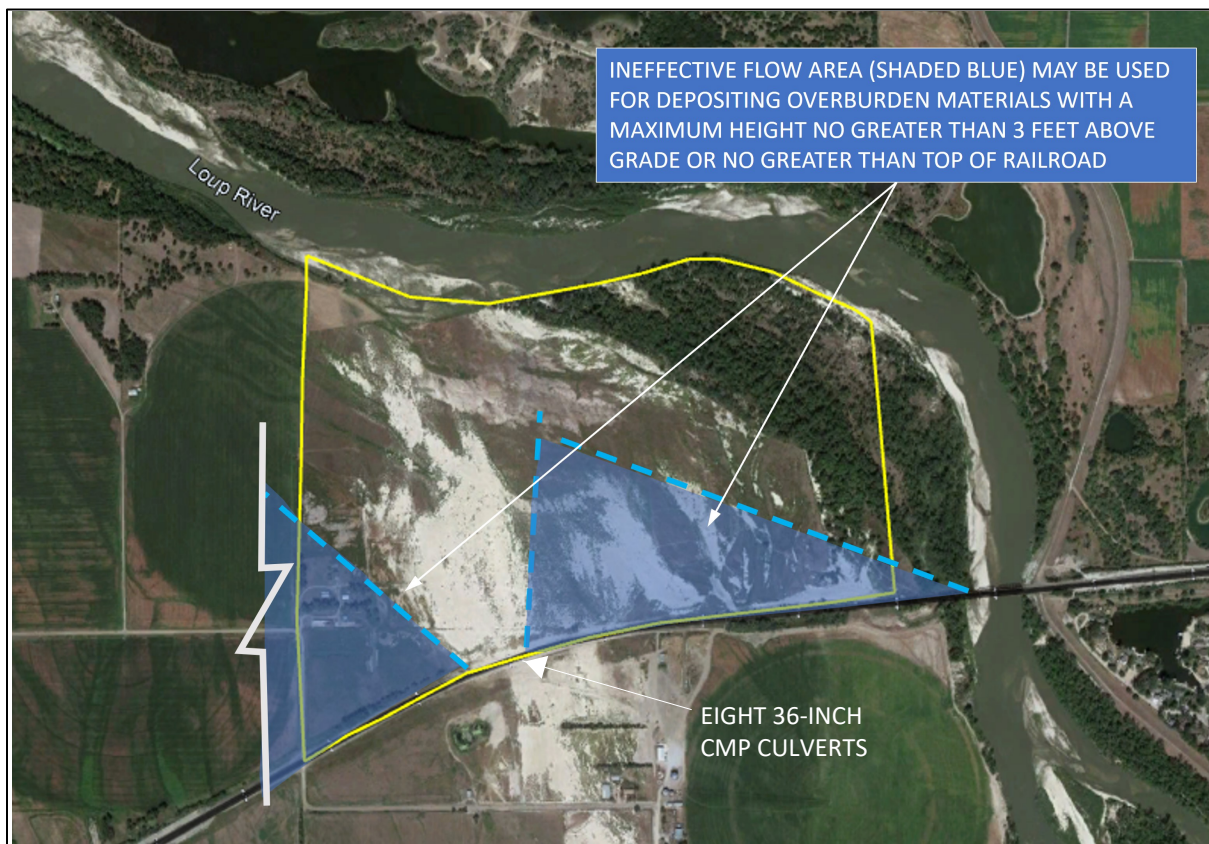


FIGURE 4: Ineffective Flow Areas

Ineffective flow areas do not contribute to active flow and thus have no effect on the base flood elevation (BFE). The planned locations for overburden materials are the areas of ineffective flow and the no rise area where materials will replace existing structures. FEMA provides guidance for NFIP communities relative to determining whether a proposed project will not cause any rise on the base flood elevation. One of the primary statements published by FEMA in support of allowing construction in the floodplain or floodway without requiring a detailed modeling analysis is to only allow new construction to occur within an ineffective flow area. As stated above, this area does not contribute to active flow during the base flood, thus development in this area does not affect the BFE. Please refer to the “Limit development to backwater areas” excerpt from “Floodway Analysis and Mapping Guidance Document 79,” dated November 2019 (below).

**12.1 Ways to Meet the 60.3(c)(10) Requirement**

Section 60.3(c)(10) of NFIP regulations requires a hydraulic analysis to ensure that each development in the floodplain does not increase base flood levels by more than one foot at any

---

Floodway Analysis and Mapping  
Guidance Document 79

November 2019  
Page 32

point in the community. One of the concerns that have been expressed about implementing the requirement has been the cost of performing a hydraulic analyses for a small development such as a single home. The costs of this analysis must be considered as part of the cost of developing in the floodplain. The potential adverse impacts of development in the floodplain on upstream and adjacent property owners can be significant and must be evaluated before the development is allowed to occur. However, there are several ways a community can avoid or minimize these costs:

- **Stay out of the floodplain entirely.** Usually limited detail studies without floodways are provided in rural areas or less densely populated areas where parcels are large and there is a choice of building sites. In these cases, it is often in everyone’s best interest to design the development so that the building sites are located outside of the floodplain. The floodplain is preserved, and the permit applicant avoids the added costs of performing the hydraulic analysis and of developing in the floodplain.
- **Limit development to backwater areas.** It may also be possible to limit the development to backwater areas that are not effective flow areas. Most floodplains have irregular boundaries and include backwater areas that provide storage of floodwaters but play little or no role in the conveyance of floodwaters. The velocity of floodwaters in these areas may be zero or close to zero. There may also be floodplain areas that are separated from the river or stream by a railroad or road embankment or a substantial levee that is at or near the base flood elevation that parallels the river or stream. Areas behind these obstructions also may not convey flood flows. These areas are not taken into account as flow areas when the hydraulic model is developed of the floodplain. Development of these areas will not increase flood stages. A qualified engineer can apply basic hydraulic principles to identify these areas. The remainder of the floodplain is sometimes referred to as a natural floodway.

FIGURE 5: No-Rise Methodology Excerpt from FEMA Document 79

**EMPERICALANALYSIS.**

Project site characteristics such as the replacement of existing structures for use as compensatory storage areas, ineffective flow areas, and conveyance shadows, demonstrate the proposed project will not cause any rise in water surface elevations during the base flood. To further strengthen this finding, Manning’s formula was used to determine the extent to which fill could be placed in the floodway before causing a rise in the BFE under the assumption that none of the aforementioned site characteristics existed.

Assuming no ineffective flow areas and no existing obstructions to flow, such as the railroad and farmstead structures, we applied Manning’s equation to a cross section just downstream of FIRM Cross Section U to assess the maximum reduction in cross sectional flow area just prior to that which would cause a rise greater than 0.00 feet in water surface elevations during the base flood. Using these assumptions, we computed a total obstruction width of sixty-one feet perpendicular to the flow and up to the 100-year water surface would not cause any rise in the 100-year WSE. Thus, if the proposed Project were to limit stockpiling to a width of sixty-nine feet or less perpendicular to flow, with no maximum length parallel to flow and no limit on height, the Project would not cause any rise in water surface elevations during the base flood. Please see computation sheet (below).

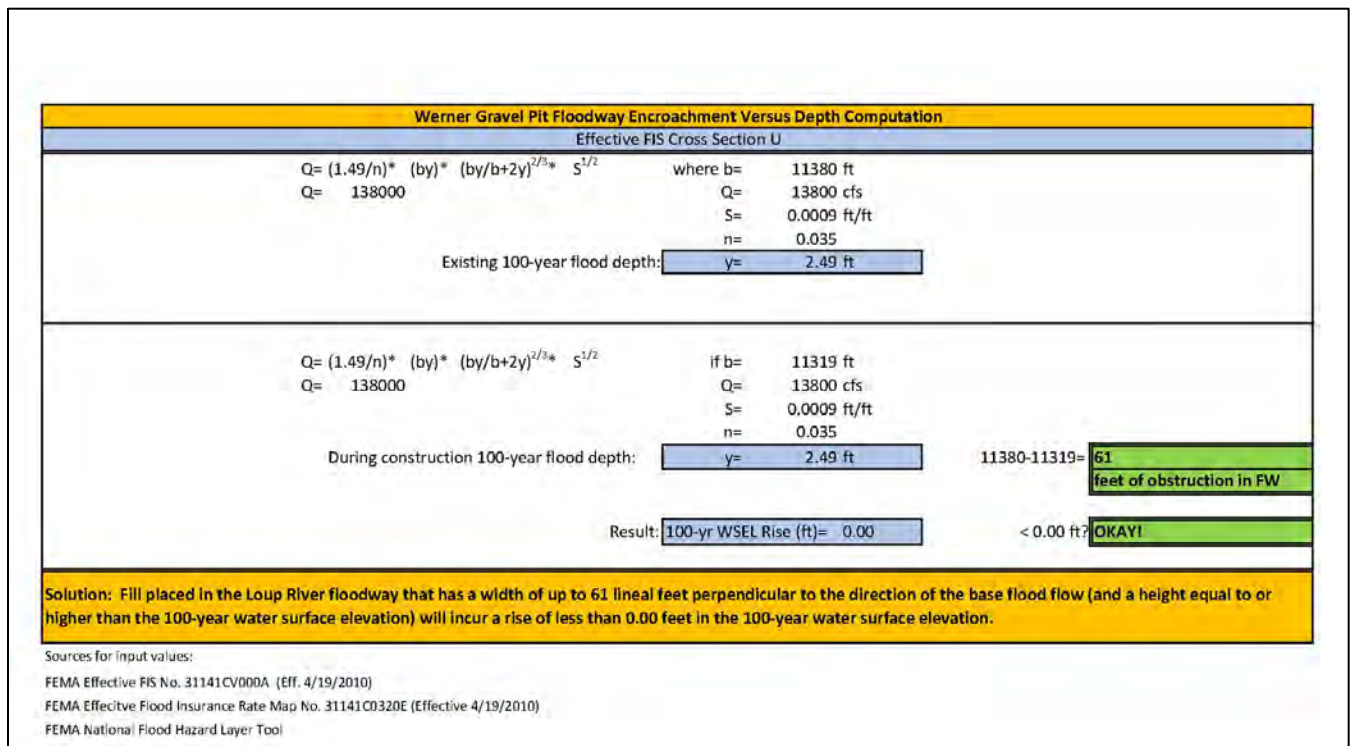
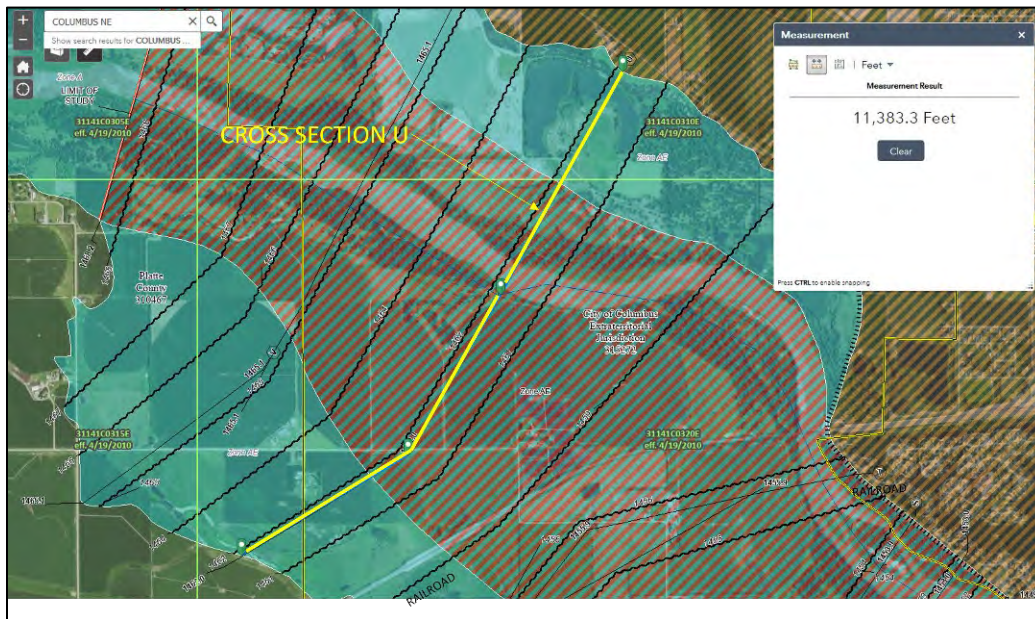


FIGURE 6: Result of Empirical No-Rise Computation

**EFFECTIVE FIS HYDRAULICS.**

The effective FIRM Cross Section “U” at the upstream end of the Project site shows a total floodplain width across the project site of approximately 11,400 feet (Figure 7).



**FIGURE 7: National Flood Hazard Layer Tool Floodplain Width Measurement**

Of this 11,400-foot floodplain width, approximately 6,400 feet is the designated floodway. This floodway width accounts for about 56% of the total floodplain width, which translates to infill potentially obstructing approximately 44% of the floodplain width. The effective FIS reports that if 44% of the floodplain area of flow is developed, or filled, it would incur a 0.3-foot rise in the BFE (Figure 8).

FLOODING SOURCE		FLOODWAY			1-PERCENT-ANNUAL-CHANCE-FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE <sup>1</sup>	WIDTH <sup>2</sup> (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY (FEET NAVD)	WITHOUT FLOODWAY (FEET NAVD)	WITH FLOODWAY (FEET NAVD)	INCREASE (FEET)
<b>LOUP RIVER</b>								
A	6,870	5,480/4,233 <sup>3</sup>	38,619	3.9	1,431.6	1,431.6	1,432.4	0.8
B	7,960	3,800	19,041	5.1	1,432.0	1,432.0	1,433.0	1.0
C	8,900	4,520	20,192	4.8	1,434.1	1,434.1	1,434.7	0.6
D	10,250	4,760	20,828	4.7	1,436.5	1,436.5	1,437.0	0.5
E	11,340	5,345	33,955	2.9	1,438.0	1,438.0	1,438.6	0.6
F	12,185	5,600	35,241	2.8	1,438.5	1,438.5	1,439.2	0.7
G	13,245	5,840	37,718	3.0	1,438.3	1,438.3	1,439.9	0.6
H	14,115	5,800	32,608	3.4	1,438.9	1,438.9	1,440.5	0.6
I	15,435	6,200	37,487	3.0	1,440.9	1,440.9	1,441.7	0.8
J	16,865	1,686	13,972	8.0	1,441.8	1,441.8	1,442.6	0.8
K	18,095	1,812	14,655	5.7	1,443.6	1,443.6	1,444.4	0.8
L	19,055	1,738	16,380	5.1	1,445.0	1,445.0	1,445.9	0.9
M	19,785	1,804	16,750	5.0	1,445.7	1,445.7	1,446.6	0.9
N	22,195	983	30,988	4.5	1,448.2	1,448.2	1,448.9	0.7
O	23,560	3,386	32,654	4.2	1,449.1	1,449.1	1,450.1	1.0
P	24,360	2,638	27,472	5.0	1,449.7	1,449.7	1,450.7	1.0
Q	24,935	2,437	24,033	5.7	1,450.6	1,450.6	1,451.3	0.7
R	26,935	3,791	32,401	4.3	1,453.0	1,453.0	1,454.0	1.0
S	28,035	4,291	34,875	4.0	1,453.9	1,453.9	1,454.9	1.0
T	29,935	6,790	46,154	3.0	1,455.9	1,455.9	1,456.6	0.7
U	37,500	6,284	39,558	3.5	1,462.0	1,462.0	1,462.3	0.3

<sup>1</sup>Feet above confluence with Platte River  
<sup>2</sup>The mapped floodway width differs from the modeled value because it has been adjusted to fit new base map data  
<sup>3</sup>Width within county

<b>TABLE 3</b>	FEDERAL EMERGENCY MANAGEMENT AGENCY	<b>FLOODWAY DATA</b>
	<b>PLATTE COUNTY, NE AND INCORPORATED AREAS</b>	<b>LOUP RIVER</b>

**FIGURE 8: Effective FIS Floodway Data Table**

Given the topographic uniformity of Cross Section U (a characteristic which would be true of a section cut anywhere across the Project site), a linear relationship of infill width to floodplain width and the corresponding rise in the BFE can be applied to gain a very general sense of the maximum length of an obstruction to flow, if any, that would result in no increase to the BFE.

Consider the following relationship:

$$44 (\% \text{ fill of total FP})/0.3 (\text{rise in BFE in feet}) = N (\% \text{ fill of total FP})/0.0049 (\text{rise in BFE less than 0.00 feet})$$

$$44/0.3=N/0.0049, N=0.72 (\% \text{ FP width associated with causing a rise less than 0.00 feet})$$

$$\text{Potential length of obstruction causing less than 0.00-foot rise} = 11,400 \text{ feet} \times 0.72\% = \underline{82 \text{ feet}}$$

Applying hydraulic parameters published in the effective FIS, placement of fill in the floodway could potentially obstruct up to 82 horizontal feet perpendicular to flow up to the surface and not cause a rise greater than 0.00 feet.

Floodplain hydraulics is oftentimes counterintuitive and to assume a linear relationship such as this for floodplain hydraulic purposes is typically not advisable because it is often not applicable; however, it is applicable at this location along the Loup River due to several factors. What the relationship indicates is a high degree of certainty that a measurable volume of fill could be placed in the floodway at the proposed Project site, absent of the previously described site characteristics, without causing a rise in the BFE. This fact is more easily accepted when realizing that the Loup River floodplain at the Project site is over two miles wide. Common sense makes apparent that the width component of an obstructed cross-sectional area of flow that is 4 to 5 feet deep (exclusive of the main channel) would need to be proportionally substantial enough to incur even a small rise across the entire 2-mile plus water body.

#### **ADDITIONAL BENEFITS.**

The large flooding events that occurred in 2019 and 2020 resulted in the deposition of nutrient-rich soils coupled with widespread pollination in the vicinity of the proposed project. New trees and dense bushes have started to grow and have continued to grow at exceptionally fast rates, up to several feet per year. The pictures (Figures 11-13) following this section should be examined until the reader recognizes the detrimental potential this post-flood vegetative growth possesses. The new growth is more readily apparent when the photographs are zoomed in. The new vegetation in the pictures below may appear volumetrically modest, but it would not be difficult to also successfully argue that overbank roughness coefficients for much of the site are now double the pre-flood condition. The comparison of Figure 9 to Figure 10 (below) illustrates this increase in roughness (especially if using software such as Google Earth). An increase in roughness that effectively doubles Manning's "n" mathematically translates to a 50% increase in water depth. So, a flood depth measuring six feet will increase to nine feet when the roughness coefficient doubles. Greater flood depths increase the hazards associated with flooding, with larger flood inundation areas and higher tractive forces being two of the more obvious examples.

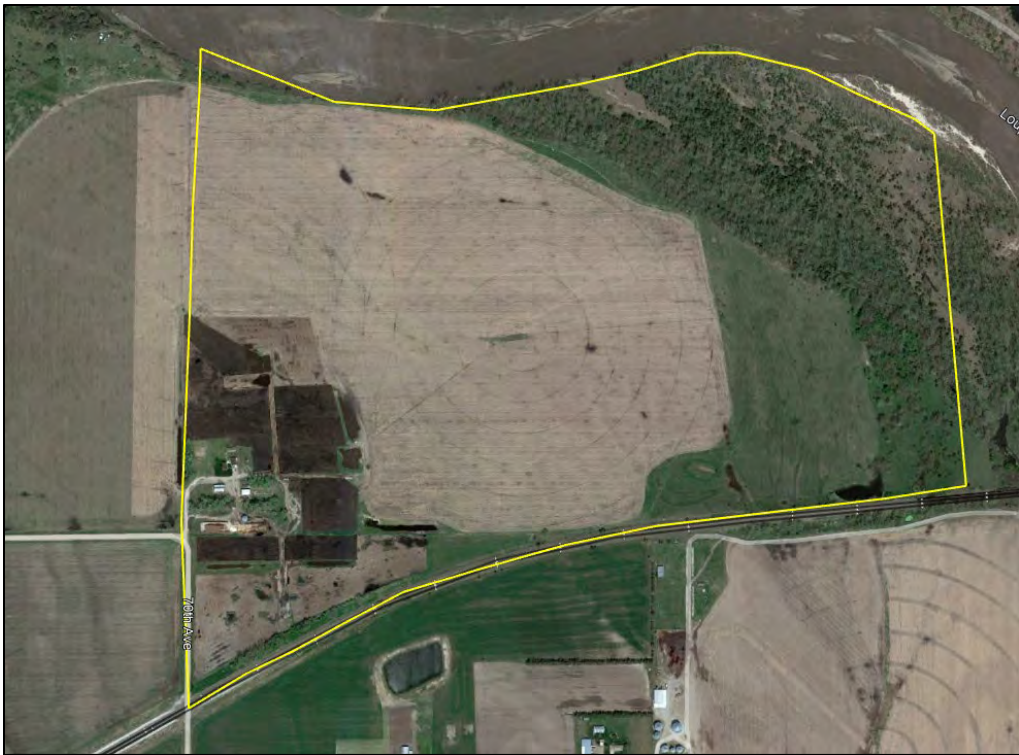


Figure 9: Project site (approx.) April 2014

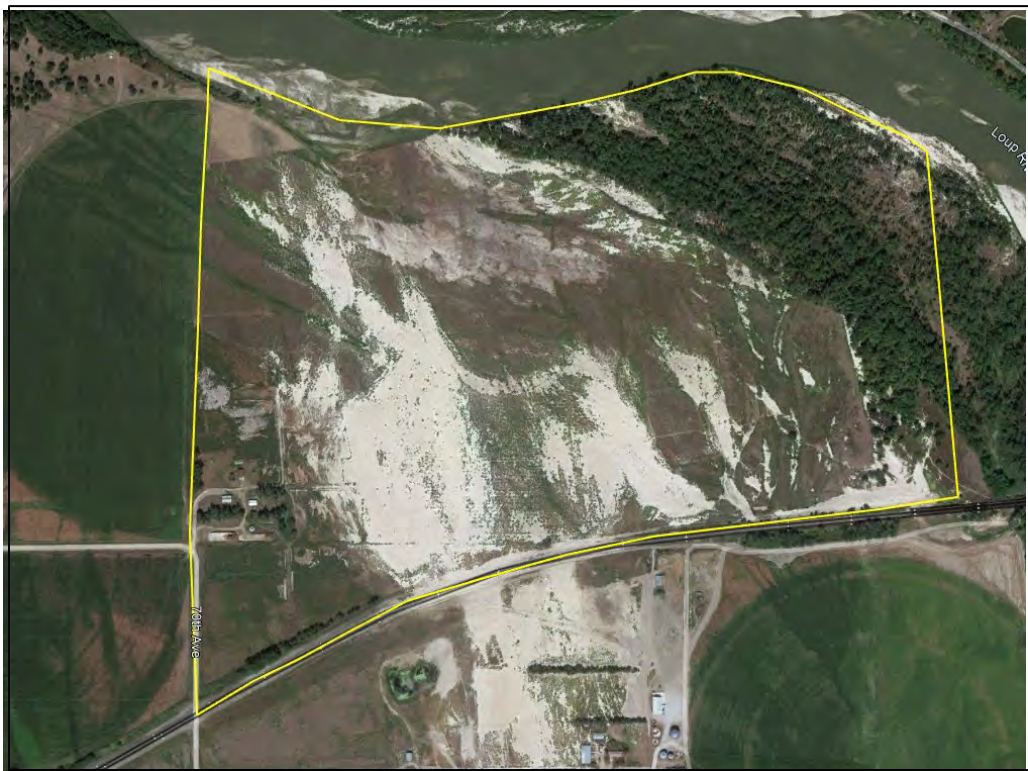


Figure 10: Project site (approx.) Sept 2020



Figure 11: New tree and plant growth on Project site

The adverse effects of new vegetative growth to floodwaters during a major storm are potentially substantial for any waterway. Maintenance of vegetation upstream of the UPRR rail should be a high priority. Approving a Floodplain Development Permit for the Werner gravel mine will help to mitigate potential increases in flood elevations due Werner's commitment to managing new tree and plant growth. Implementing no tree and plant maintenance plan should not be an option.

When the next major flood event occurs, and branches and/or trees enter the active flow channel, it can be expected that these materials will obstruct downstream flows at inlets to bridges and culverts and other outfall locations. Preventative maintenance will help to reduce the extent of future flooding.

Appendix F is Werner Construction's letter of commitment to tree and plant maintenance.

**FINDING.**

Our evaluation, which has considered factors such as compensatory storage, ineffective flow area, conveyance shadows, Manning’s formula, FIS-published data, and NFIP- and FEMA-published guidance for Communities, demonstrates that the proposed temporary Project, as described in this report, will not cause a rise in water surface elevations greater than 0.00 feet during the base flood.

FEMA-published literature, which supports the technical veracity of each consideration listed above has been referenced herein or is enclosed in the Appendix. Important to reiterate is that the proposed gravel mining project will be temporary. Preconstruction elevations will be restored as the Project progresses and finally at the conclusion of the Project. Permanent changes to current topography will not result from the Project; thus, the Project will not cause a rise in the effective BFE.

Thank you for your consideration of this Project.

**Temporary Permit to Practice Engineering**

Name: Eliot J Wong  
Permit No.: T-643; Expiration Date: 5/19/2024  
State of Licensure: Colorado; No.: 48402  
Project: Werner Gravel Pit  
7014 8 Street  
Columbus, NE 68601



## Appendix A – No-Rise Certification

**ATTACHMENT D - "NO-RISE" CERTIFICATION**

THIS IS TO CERTIFY THAT I AM A DULY QUALIFIED PROFESSIONAL CIVIL ENGINEER LICENSED TO PRACTICE IN THE STATE OF NEBRASKA.

IT IS FURTHER TO CERTIFY THAT THE TECHNICAL DATA PROVIDED WITH THIS CERTIFICATION SUPPORTS THE FACT THAT THE PROPOSED WERNER GRAVEL MINING PROJECT IN THE CITY OF COLUMBUS WILL NOT CAUSE ANY RISE IN 100-YEAR FLOOD ELEVATIONS ON LOUP RIVER ABOVE THE 100- YEAR FLOOD PROFILES PUBLISHED IN FEMA FLOOD INSURANCE STUDY NO. 31141CV000A FOR PLATTE COUNTY, NEBRASKA (EFFECTIVE APRIL 19, 2010).

PLEASE REFER TO THE "FLOODPLAIN DEVELOPMENT PERMIT APPLICATION, SUPPLEMENTAL REPORT, FOR WERNER CONSTRUCTION LLC", WHICH CONFIRMS THIS "NO-RISE" CERTIFICATION.

SEAL:



NAME: Francis S. Kwapnioski  
REGISTRATION NO.: 4981

Appendix B – Floodplain Management Bulletin

Floodplain Management Bulletin

# Variations and the National Flood Insurance Program

*FEMA P-993 / July 2014*



**FEMA**

# Table of Contents

Section 1. Purpose and Background .....	1
1.1 Purpose.....	1
1.2 Background and Meaning of Variance .....	1
Section 2. Evaluating the General Merits of a Floodplain Management Variance .....	3
2.1 Floodplain Regulations versus Zoning Regulations .....	3
2.2 Evaluating a Floodplain Management Variance .....	4
Section 3. Floodplain Management Variance Review Process .....	6
3.1 Types of Variances .....	6
3.2 NFIP Variance Standards.....	7
3.3 NFIP Variance Regulations.....	9
3.3.1 Floodways.....	9
3.3.2 Lots of One-Half Acre or Less .....	11
3.3.3 Good and Sufficient Cause .....	12
3.3.4 Exceptional Hardship.....	13
3.3.5 Increased Flood Heights .....	14
3.3.6 Public Safety and Nuisances.....	14
3.3.7 Public Expense .....	15
3.3.8 Fraud and Victimization.....	15
3.3.9 Existing Local Laws or Ordinances.....	16
3.3.10 Minimum Necessary to Afford Relief .....	17
3.3.11 Disclosure .....	18
3.3.12 Functionally Dependent Uses .....	19
3.3.13 Historic Structures.....	20
Section 4. Common Situations in which a Variance May Be Requested.....	22
4.1 Appurtenant/Accessory Structures .....	22
4.2 Boat Storage Facilities .....	23
4.3 Subdivisions.....	24
4.4 Temporary Development.....	24

4.4.1	Considerations for a Temporary Development Variance.....	24
4.4.2	Storage of Equipment and Material in Temporary Development Projects .....	25
Section 5. NFIP Flood Insurance Implications of Variances .....		27
Section 6. Additional Resources.....		30
6.1	Federal Emergency Management Agency Publications .....	30
6.2	Comments .....	31
6.3	Ordering Information.....	32

## List of Figures

Figure 1:	Pre-FIRM building with lowest floor 7 feet below the BFE incurred Substantial Damage during the base flood event. ....	28
Figure 2:	Two examples of repairs requiring a variance to the building shown in Figure 1. Note the example actuarial rates based on \$100,000 in building coverage. ....	29
Figure 3:	Two examples of repairs where no variance to the building shown in Figure 1. Note the example actuarial rates based on \$100,000 in building coverage. ....	29

## Acronyms and Abbreviations

BFE	Base Flood Elevation
CFR	Code of Federal Regulations
DOI	Department of the Interior
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
NFIP	National Flood Insurance Program
SFHA	Special Flood Hazard Area
WSEL	Water Surface Elevation

only for the minimum necessary to afford relief related to the flood hazard. Communities should place conditions on this type of variance to minimize flood damages. An example would be stipulating that wet floodproofing measures (refer to text box) be applied to a boat storage facility to reduce damage to the structure and its contents. Property owners should understand, however, that wet floodproofing will not result in a reduction of insurance premiums. Structures that are wet floodproofed are rated by the elevation difference between the lowest floor (usually the ground elevation) and the BFE.

### 4.3 Subdivisions

Variances are not intended to provide a means of exempting lot divisions, phases of subdivisions, or entire subdivisions from floodplain management regulations. Variances should never be granted as part of a split or the creation of multiple lots, phases of subdivisions, or entire subdivisions. Variances can affect public safety, such as variances to the elevation requirement for a subdivision that could potentially increase the risk of flooding for a large number of people, as well as the demand on local emergency services. The granting of variances by a community should be based on a site-specific, structure-by-structure review to determine whether all variance criteria are met. When a property is subdivided, streets and utilities are installed, and individual sites graded, it is generally relatively manageable and cost effective for property owners to meet the floodplain elevation requirements as stated in the local ordinance.

Subdivision design should account for the flood hazard characteristics of the properties. Communities should not approve subdivisions unless the design accounts for the flood hazard. The design of a subdivision should consider access to and from the subdivision to allow local residents a safe evacuation route from the development during a hazard event such as a flood. A safe evacuation route will reduce the demand for emergency services.

### 4.4 Temporary Development

- Communities may be asked to consider a variance to allow temporary development, such as a highway project or drilling operation, in the floodplain. A variance cannot be granted by a community when the proposed measure is permanent or affects insurable structures.
- Temporary projects, however, for which there is a net public benefit (such as a highway project) are not inconsistent with the variance criteria, provided the conditions described in this subsection are met.

#### DEVELOPMENT



The NFIP defines development as any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

#### 4.4.1 Considerations for a Temporary Development Variance

- Two conditions should be closely considered by a community before granting a variance for temporary development:

- **The magnitude of the impact** (i.e., the potential height of the increase in WSEL) caused by the temporary project; and
- **The number of insurable structures** that would potentially be affected by such an increase during the base flood, and the severity of the impact.

Before granting a variance for temporary development, communities should consider issuing a temporary permit. The greater the increase in WSEL and number of potentially affected structures, the stricter the temporary performance requirements (e.g., sizing of temporary bridge openings) and the less justification for a variance. If the affected area has a low population density and one or more of the following factors are present, the community may want to consider allowing construction of a temporary project or other temporary development using a less restrictive standard:

- The increased flood hazard would be limited to property owned or leased by the State transportation agency or variance applicant, or property for which the owner has acquired “flowage” easement;
-  The increased flood hazard would be limited to undeveloped community areas that the local government judges to have no development potential during the time the temporary measure would be in place;
-  The increased flood hazard would not affect insurable structures (i.e., cause an increase in flood levels for structures that are already floodprone or cause non-floodprone structures to become floodprone); or
- The State or county transportation authority, another government agency with the power of eminent domain, or a private applicant has agreed to one of the following actions: (1) purchase or relocate structures affected by the proposed project, (2) elevate such structures to the temporary BFE, (3) purchase flowage or flooding easements, or (4) provide other forms of equivalent mitigation such as purchasing flood insurance for the duration of the temporary increase.

If one or more of the above factors are met, any increase in the BFE for the duration of the temporary permit should not adversely affect insurable structures in the community. In this case, the community may decide to grant a variance allowing a temporary project.

#### 4.4.2 Storage of Equipment and Material in Temporary Development Projects

Per the NFIP definition of development, the storage of equipment and materials is subject to local floodplain development permit requirements. Continuous storage operations—such as lumber yards, landscape material yards, recreational vehicle/automobile storage and sale, and junk yards—are also considered development and are subject to floodplain development permit requirements. The storage of equipment and materials should not increase flood heights in the floodway and should meet the other required standards of the floodplain management ordinance.

It is a community’s responsibility to make a prudent and reasonable distinction between types of storage activities. This distinction should be based on considerations such as the length of storage time, nature of the materials or equipment being stored, physical characteristics of the floodplain, and characteristics of the flood flows. As a guide, the smaller the SFHA and longer the storage time, the more concerned a

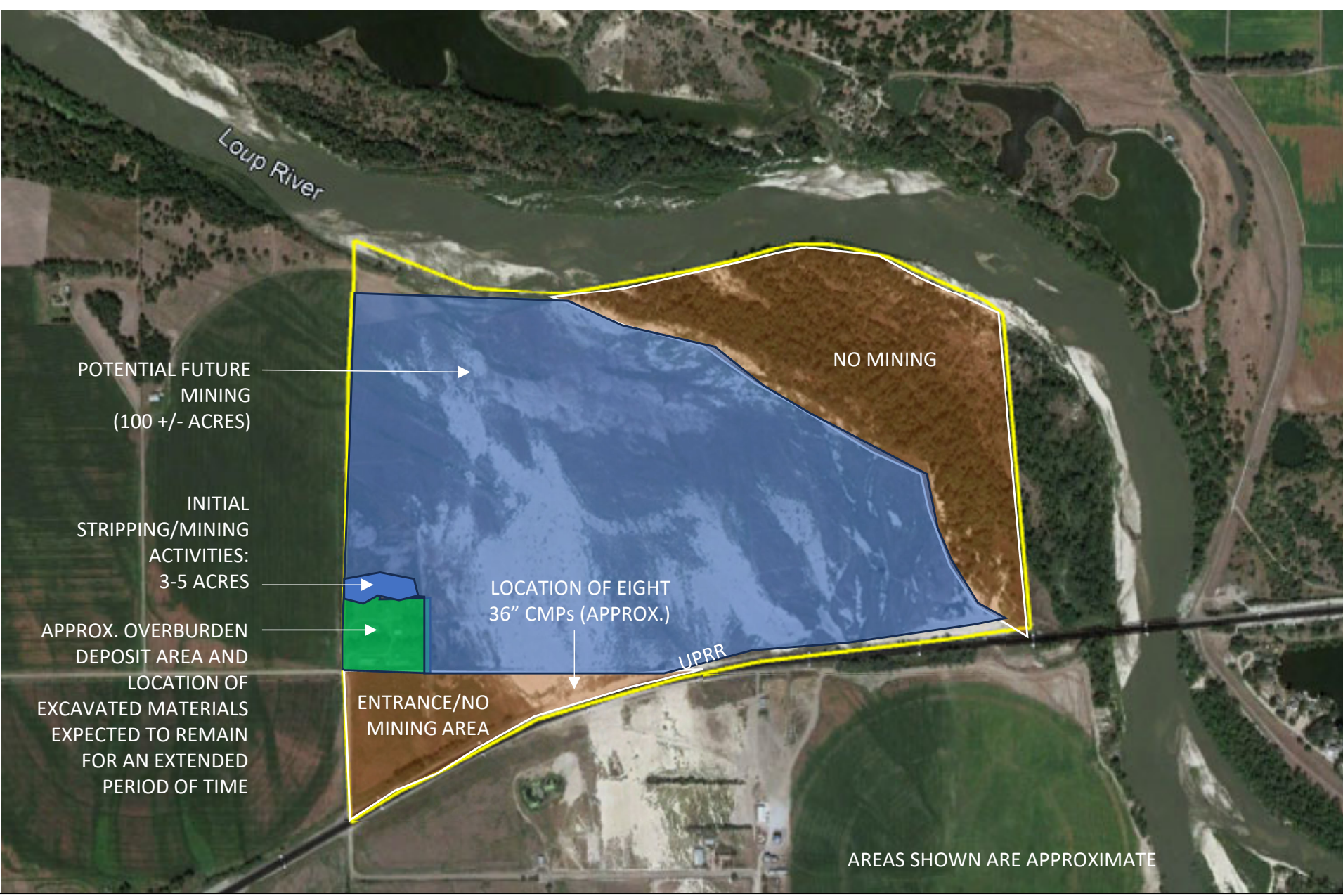
community should become with the placement of materials and equipment within the SFHA and the potential impact of such activities on the storage and conveyance of floodwaters.

The unique characteristics of the site in relation to the flood threat and type of activity, material, or items to be stored may be significant. The type of flood exposure, such as flash flooding or backwater ponding, water velocity and depth, time of concentration, and potential accumulation of debris are factors to consider when determining the effect of allowing temporary storage within the floodplain.

Generally, the potential for water to rise more rapidly, the greater the depth and velocity, and the potential to adversely impact neighboring properties, the greater the concern the community should have with the placement of materials and equipment and its impact on the storage and conveyance of floodwaters.

Local governments should be sure to distinguish between the temporary storage of materials and equipment in flood hazard areas and the storage activities associated with continuous businesses, construction operations, or other commercial and industrial enterprises.

Appendix C – Initial- and Post-Development Project Site Plans



POTENTIAL FUTURE  
MINING  
(100 +/- ACRES)

INITIAL  
STRIPPING/MINING  
ACTIVITIES:  
3-5 ACRES

APPROX. OVERBURDEN  
DEPOSIT AREA AND  
LOCATION OF  
EXCAVATED MATERIALS  
EXPECTED TO REMAIN  
FOR AN EXTENDED  
PERIOD OF TIME

ENTRANCE/NO  
MINING AREA

NO MINING

LOCATION OF EIGHT  
36" CMPs (APPROX.)

UPRR

AREAS SHOWN ARE APPROXIMATE



DATE:	
REVISIONS:	
NO. DESCRIPTION:	

PROJECT NO.

PROJECT TITLE:  
LOUP RIVER  
GRAVEL MINING  
PROJECT

DRAWING TITLE:  
INITIAL  
SITE PLAN

SCALE:

DATE:

DESIGN:

DRAWN:

CHECK:

DRAWING NO.



Loup River

UPRR

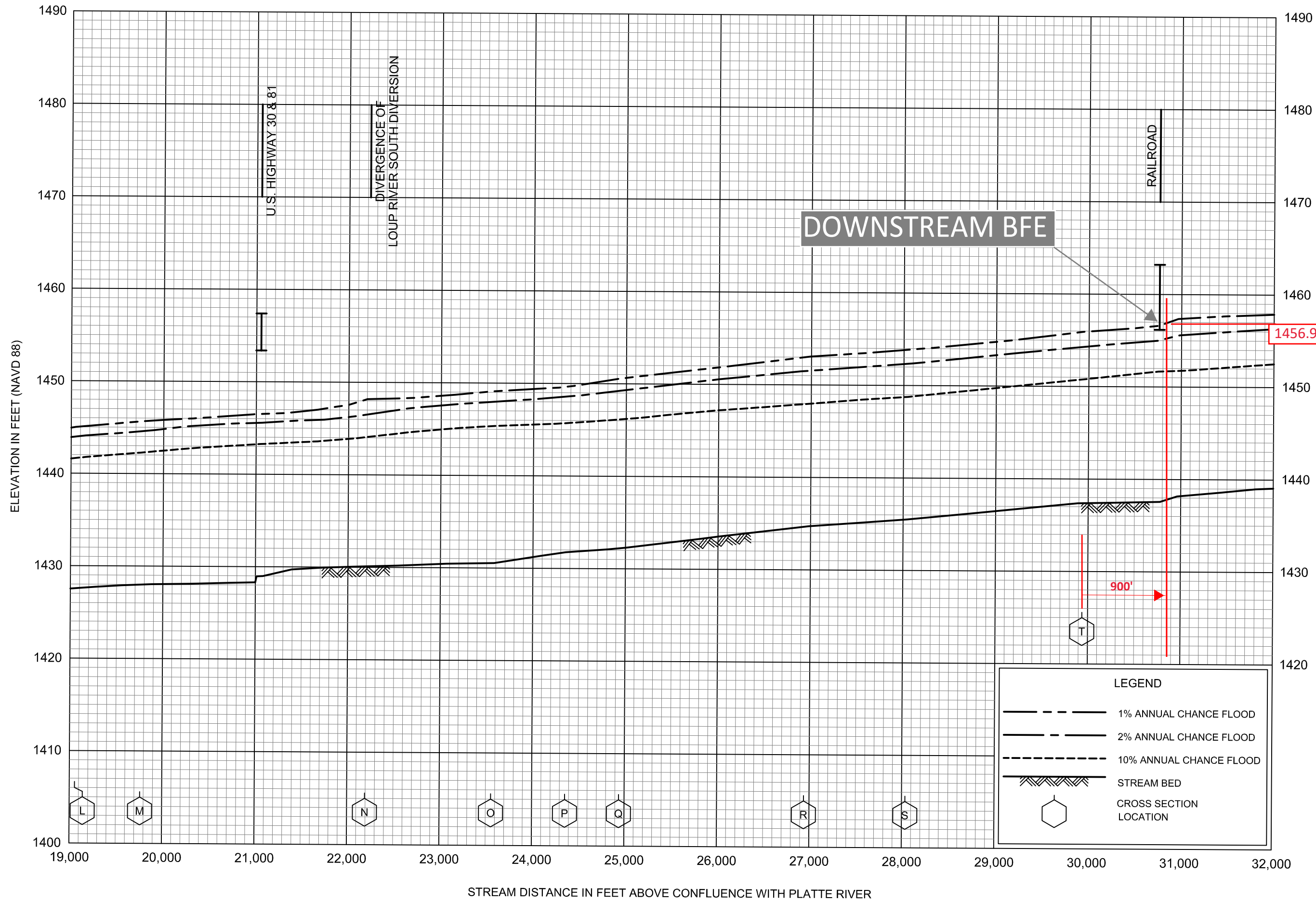
20-25 ACRE POND  
WITH EDGE OF POND  
RESTORED TO PRE-  
PROJECT ELEVATIONS

ALL AREAS OF  
PROJECT SITE  
BEYOND POND TO  
BE RESTORED TO  
APPROXIMATE  
PRE-PROJECT  
TOPOGRAPHIC  
GRADES AND  
ELEVATIONS








DATE:	
REVISIONS:	
NO. DESCRIPTION:	
PROJECT NO.	
PROJECT TITLE:	LOUP RIVER GRAVEL MINING PROJECT
DRAWING TITLE:	POST DEVELOPMENT SITE PLAN
SCALE:	
DATE:	
DESIGN:	
DRAWN:	
CHECK:	
DRAWING NO.	

Appendix D – FIS Loup River 100-Year Flood Profiles & BFE Determinations



**LEGEND**

-  1% ANNUAL CHANCE FLOOD
-  2% ANNUAL CHANCE FLOOD
-  10% ANNUAL CHANCE FLOOD
-  STREAM BED
-  CROSS SECTION LOCATION

FLOOD PROFILES

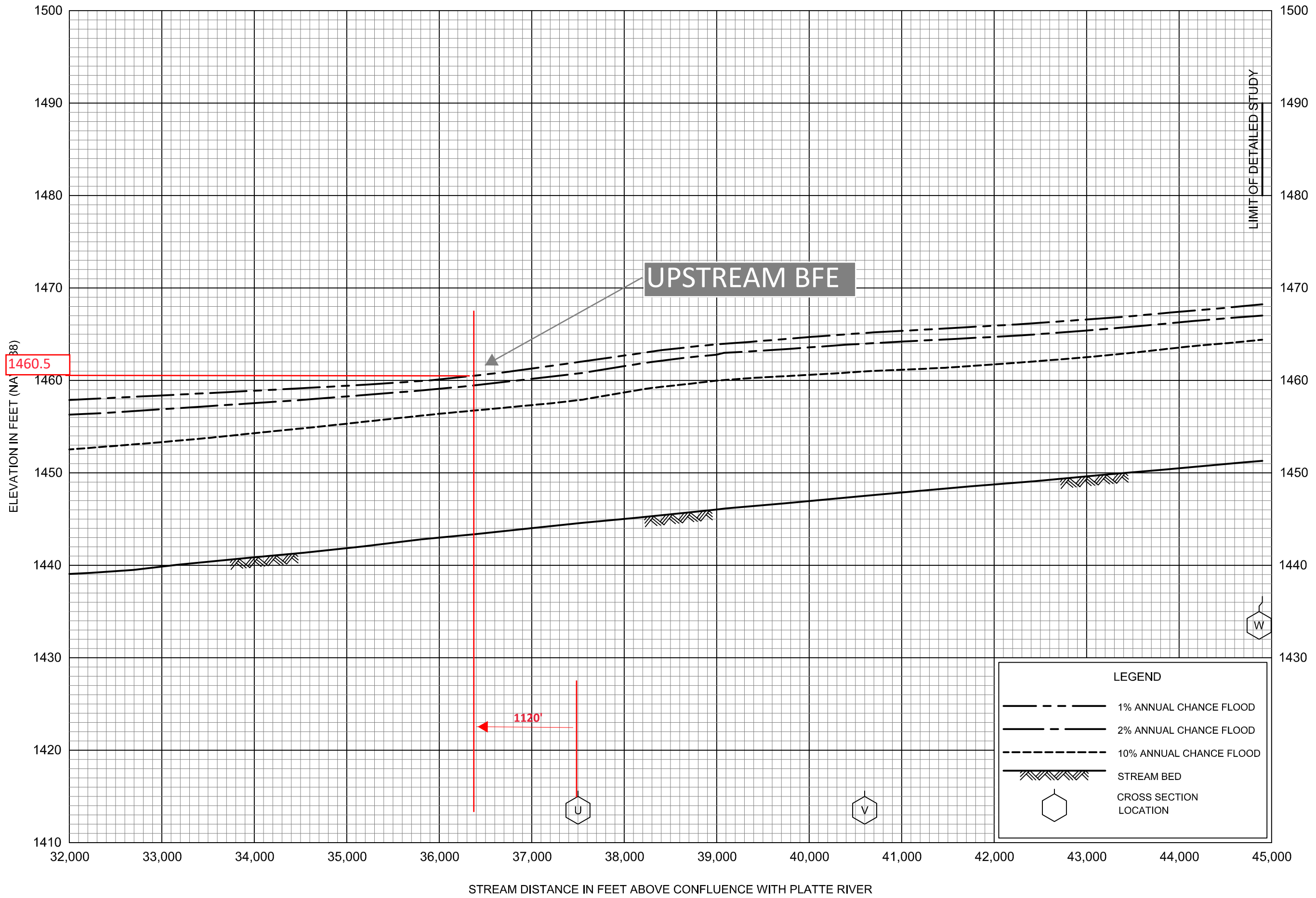
LOUP RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

PLATTE COUNTY, NE

AND INCORPORATED AREAS

05P



Appendix E – Pictures of Structures To Be Removed From Project Site











## Appendix F – Vegetation Maintenance Commitment

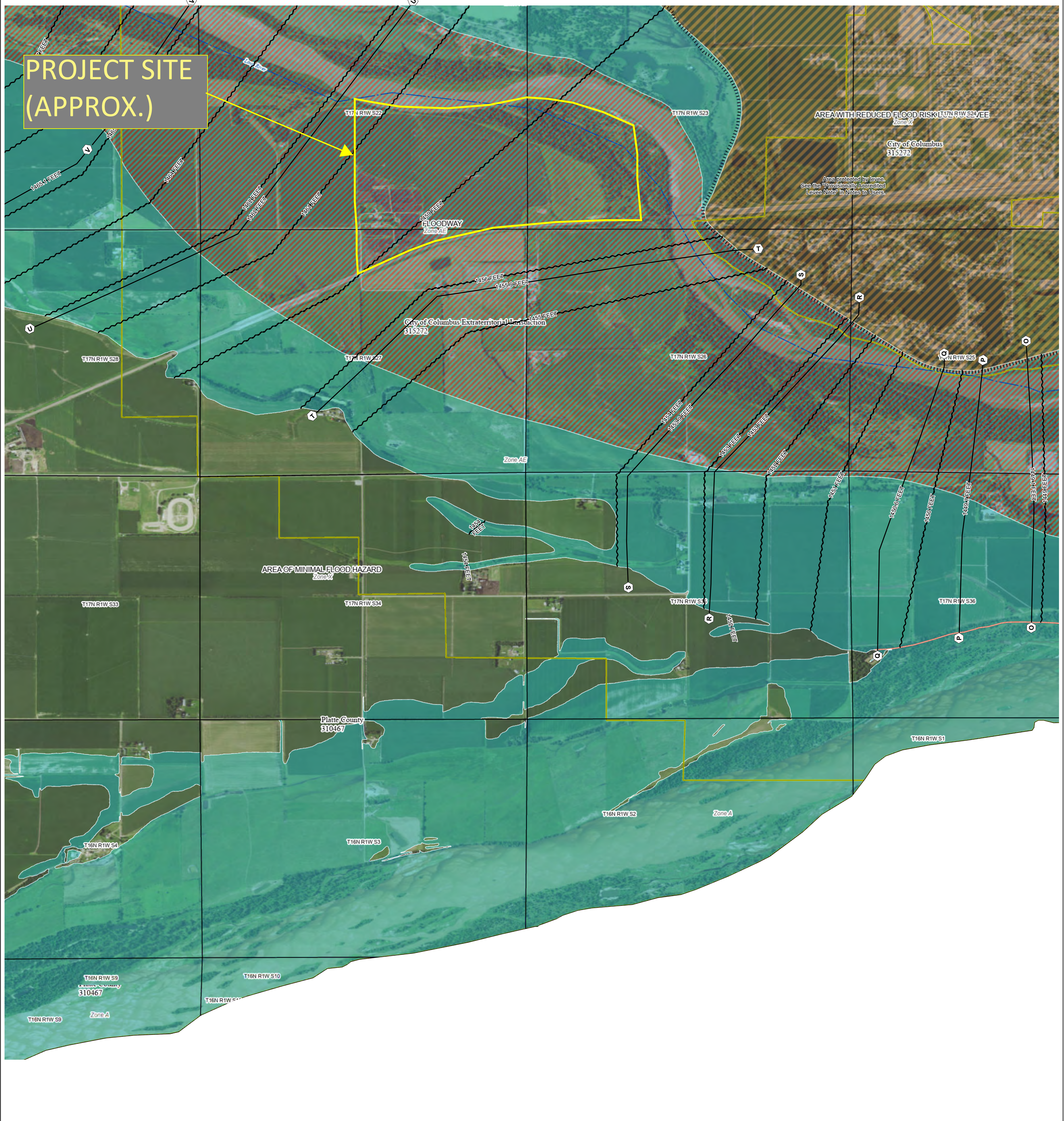
## Vegetation Maintenance Plan Commitment Statement

As part of initial site development of the proposed gravel mining project along the Loup River in Columbus, NE, Werner Construction, LLC will address new tree and plant growth that has resulted from recent flooding. Existing fugitive vegetation and future fugitive growth will be identified during semi-annual inspections and maintenance will be performed annually. Maintenance activities will include bush-cutting identified vegetation and removing it and/or implementing an acceptable herbicide to contain the growth. Werner Construction, LLC commits to dedicating the resources necessary to fulfill this Vegetation Maintenance Plan should the proposed project come to fruition.

Authorized Representative's Signature: \_\_\_\_\_  
Werner Construction, LLC

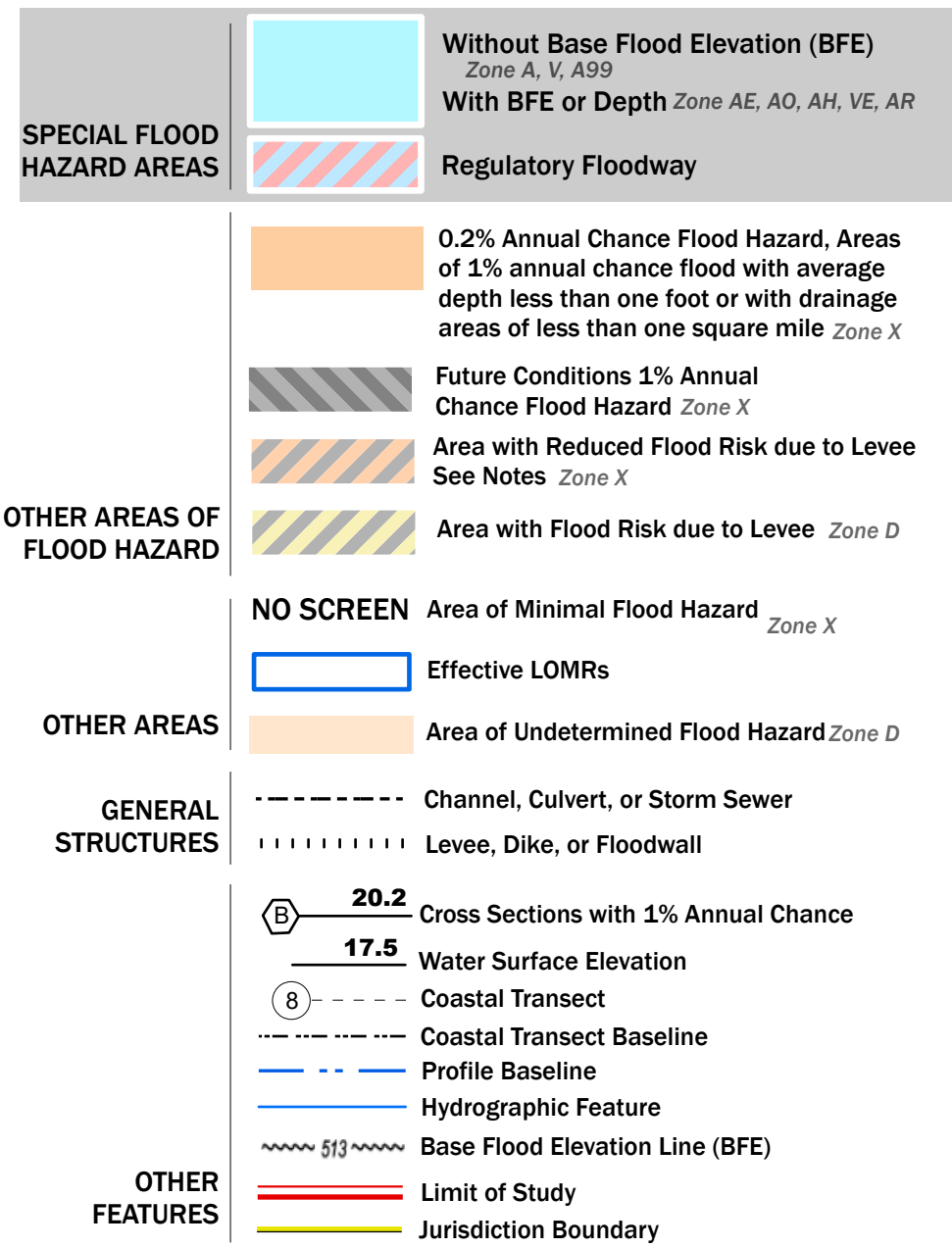
Date: \_\_\_\_\_

Appendix G - Effective Flood Insurance Rate Map



**FLOOD HAZARD INFORMATION**

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR DRAFT FIRM PANEL LAYOUT



**NOTES TO USERS**

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Map Information eXchange at 1-877-FEMA-MAP (1-877-336-6627) or visit the FEMA Flood Map Service Center website at <https://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

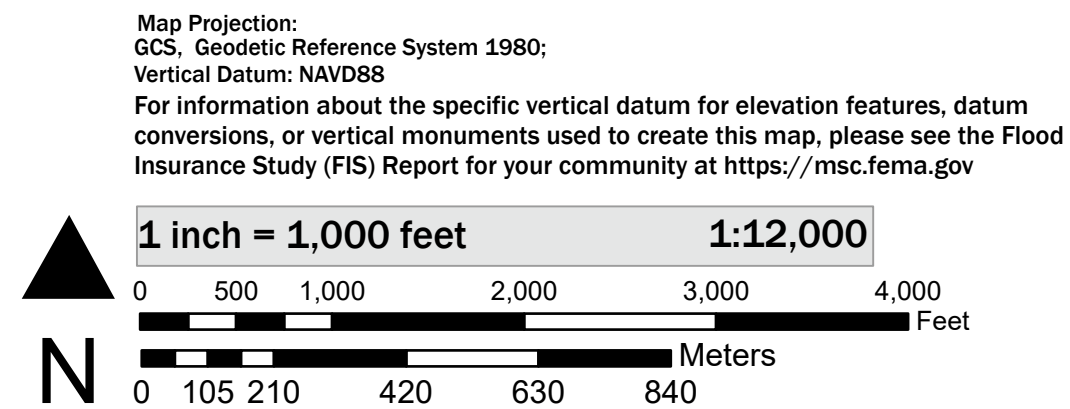
For community and countywide map dates, refer to the Flood Insurance Study Report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Basemap information shown on this FIRM was provided in digital format by the United States Geological Survey (USGS). The basemap shown is the USGS National Map: Orthoimagery, Last refreshed October, 2020.

This map was exported from FEMA's National Flood Hazard Layer (NFHL) on 11/11/2021 6:33 PM and does

**SCALE**



**NATIONAL FLOOD INSURANCE PROGRAM  
FLOOD INSURANCE RATE MAP**

PANEL 320 OF 400

Panel Contains:

COMMUNITY	NUMBER	PANEL
POLK COUNTY	310468	0320
CITY OF COLUMBUS	315272	0320
PLATTE COUNTY	310467	0320
CITY OF COLUMBUS EXTRATERRITORIAL JURISDICTION	315272	0320

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

WERNER GRAVEL MINE AT LOUP RIVER

**ATTACHMENT B – TOPOGRAPHIC MAP OF SITE AND SURROUNDING AREA**

CULVERTS- ALL ARE 36" STEEL PIPES						
CULVERT	NORTH END NORTHING	NORTH END EASTING	NORTH END TOP ELEV.	SOUTH END NORTHING	SOUTH END EASTING	SOUTH END TOP ELEV
1	589761.03	2349715.78	1453.14	589707.26	2349742.15	1453.45
2	589762.89	2349719.97	1453.19	589709.15	2349746.16	1453.33
3	589764.68	2349723.17	1453.28	589711.13	2349749.69	1453.47
4	589767.90	2349730.43	1453.23	589714.12	2349756.54	1453.01
5	589769.51	2349733.28	1453.41	589716.08	2349759.87	1452.38
6	589771.64	2349737.39	1453.00	589717.88	2349763.79	1452.27
7	589775.39	2349745.48	1453.03	589722.13	2349772.29	1451.93
8	589777.75	2349749.61	1452.45	589724.26	2349776.10	1452.34

NOTE:  
ALL ELEVATIONS SHOWN ARE NAVD88 AND ALL COORDINATES ARE NAD83  
NEBRASKA STATE PLANE.



**SURVEYOR'S CERTIFICATE:**  
I HEREBY CERTIFY THAT THIS TOPOGRAPHIC SURVEY WAS MADE BY ME OR UNDER MY SUPERVISION AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE, AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

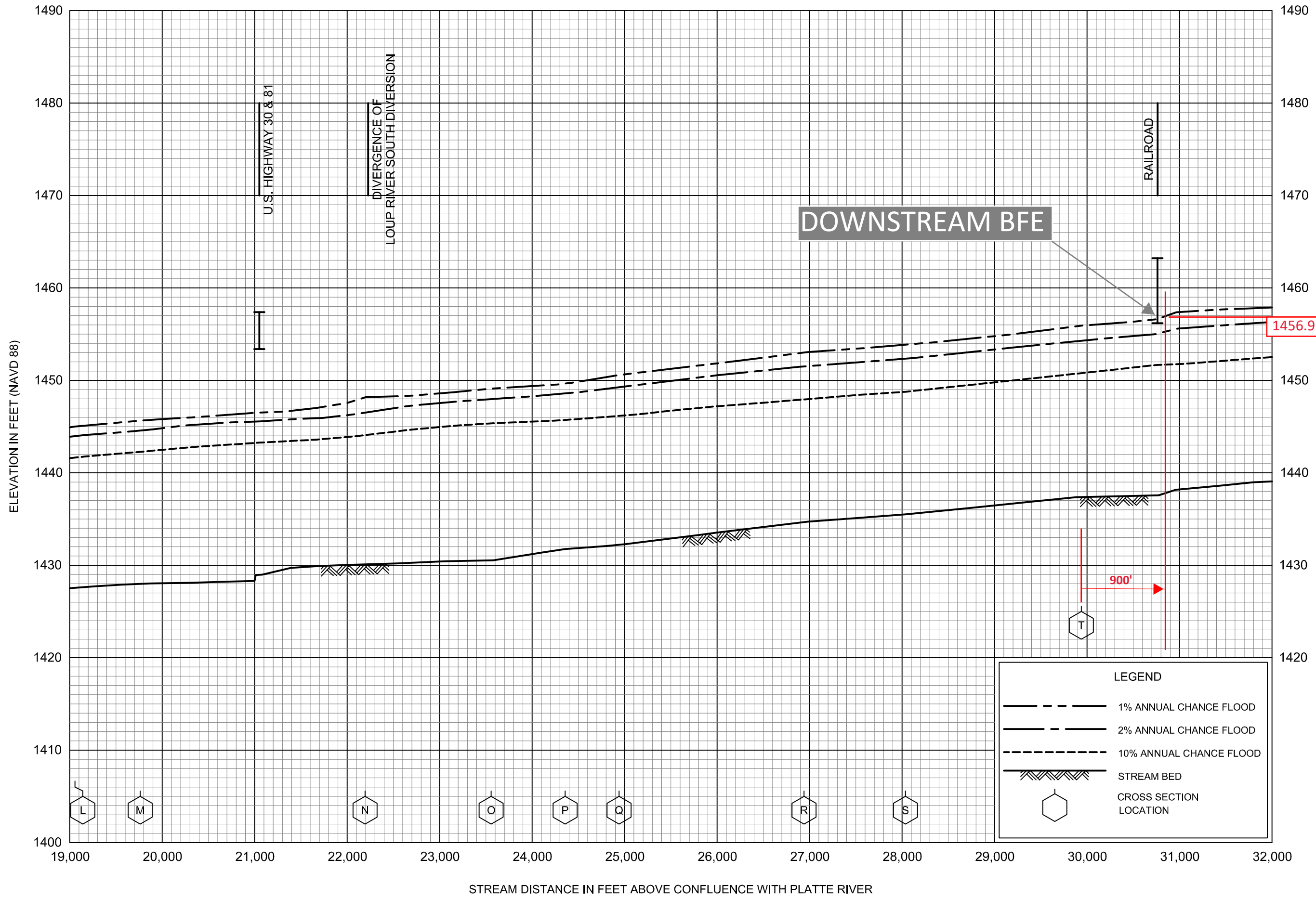
*J.D. Borchers*  
JOSHUA D. BORCHERS, LS 766



PROJECT NO.	211566
DATE	3/7/2022
DRAWN BY	AWH
FILE NAME	211566_Columbus_sheet.dwg
FIELD BOOK	PLATTE CO. 3
FIELD CREW	AH/MS
SURVEY FILE NO.	---
PLAN IN HAND	---
INITIALS	---
DATE	---
70 PERCENT REVIEW	---
INITIALS	---
DATE	---
95 PERCENT REVIEW	---
INITIALS	---
DATE	---
REVISIONS	---

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION  
WERNER GRAVEL MINE AT LOUP RIVER

**ATTACHMENT C – BFE DETERMINATION SHEETS**

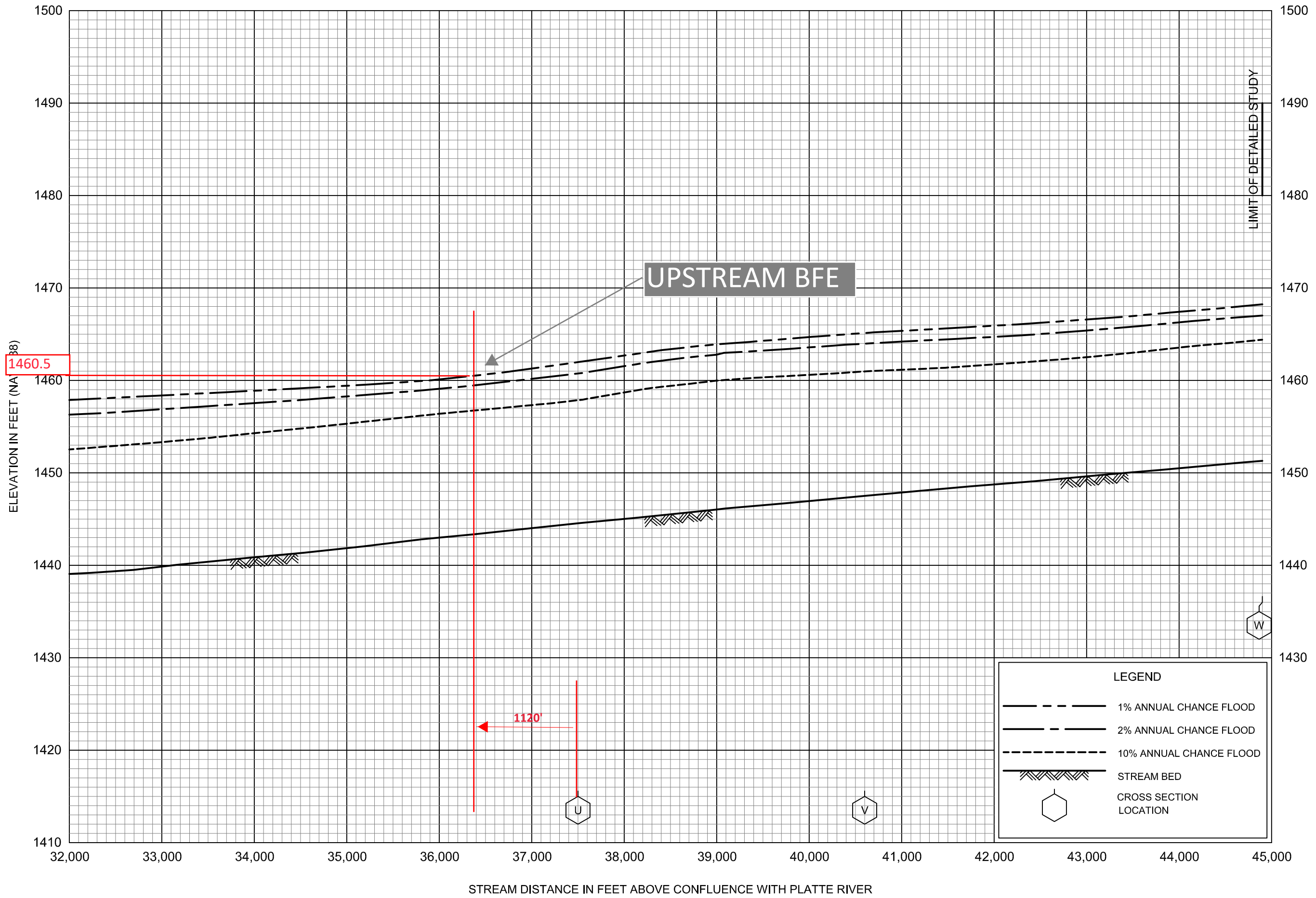


FLOOD PROFILES

LOUP RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY  
PLATTE COUNTY, NE  
AND INCORPORATED AREAS

05P



FLOODPLAIN DEVELOPMENT PERMIT APPLICATION  
WERNER GRAVEL MINE AT LOUP RIVER

**ATTACHMENT D - NO-RISE CERTIFICATION**

**"NO-RISE" CERTIFICATION**

THIS IS TO CERTIFY THAT I AM A DULY QUALIFIED PROFESSIONAL CIVIL ENGINEER LICENSED TO PRACTICE IN THE STATE OF NEBRASKA.

IT IS FURTHER TO CERTIFY THAT THE TECHNICAL DATA PROVIDED WITH THIS CERTIFICATION SUPPORTS THE FACT THAT THE PROPOSED WERNER GRAVEL MINING PROJECT IN THE CITY OF COLUMBUS WILL NOT CAUSE ANY RISE IN 100-YEAR FLOOD ELEVATIONS ON LOUP RIVER ABOVE THE 100- YEAR FLOOD PROFILES PUBLISHED IN FEMA FLOOD INSURANCE STUDY NO. 31141CV000A FOR PLATTE COUNTY, NEBRASKA (EFFECTIVE APRIL 19, 2010).

PLEASE REFER TO THE ATTACHED DOCUMENT, WHICH SUPPORTS THIS "NO-RISE" CERTIFICATION.

SEAL:



NAME: Francis S. Kwapnioski  
REGISTRATION NO.: 4981



Exhibit "A"

Columbus Public Schools  
2508 27<sup>th</sup> St.  
Columbus, NE 68601

Platte County Nebraska  
2610 14<sup>th</sup> St.  
Columbus, NE 68601

Bruce and Connie Schneider  
1967 E Camino Real  
Columbus, NE 68601

Union Pacific Railroad  
c/o Property Tax  
1400 Douglas  
Stop 1640  
Omaha, NE 68179-1640

Exhibit "B"

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

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, October 9, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application for a Special Use Permit to allow for resource extraction on the following described real estate in an "RR" (Rural Residential District) zone: All that real estate legally described as: The Southeast Quarter (SE 1/4) of Section Twenty-two (22), Township Seventeen (17) North, Range One (1) West of the 6th P.M., Platte County, Nebraska, and Lots Three (3) and Six (6) of Section Twenty-three (23), Township Seventeen (17) North, Range One (1) West, excepting therefrom the right of way of U.P.R.R. Co., excepting that part of Lot Six (6) lying South of said right of way, also excepting therefrom a tract described as follows: Beginning at a point 100' North of and at right angles to the center line of the main track of the U.P.R.R. Co., at a point 1521' East of the West line of said Section Twenty-three (23), when measured along the center line of said main track, thence North parallel with the West line of said Section 2000' more or less to the West bank of the Loup River, thence southerly along said West bank of the Loup River to the North line of the right of way of the U.P.R.R. Co., said point being 100' North of and at right angles to the center line of said main track, thence Westerly along the North line of said right of way 780' more or less to the place of beginning, plus all accretions thereto, and less erosions therefrom, (the "Real Property") and That portion of the North Half of the Northeast Quarter (E1/2 NE1/4) of Section Twenty-seven (27) lying North and West of the Union Pacific Railroad right-of-way, Township Seventeen (17) North, Range One (1) West of the 6th P.M., Platte County, Nebraska, including all accretions thereto (7014 8 St) and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 09:28:23  
Two Affidavits of Publication

PLANNING COMMISSION PUBLIC HEARING

AFFIDAVIT OF NOTICE COMPLIANCE  
SPECIAL USE PERMIT

STATE OF NEBRASKA )  
                                  )  
COUNTY OF PLATTE )

Terrence V. Wilhelms, on behalf of Werner Construction, LLC, the undersigned affiant, being first duly sworn on oath,

deposes and states as follows:

- 1. That the undersigned affiant is the party instituting and maintaining an action for a special use permit on the following described real property, to wit:

The Southeast Quarter (SE 1/4) of Section Twenty-two (22), Township Seventeen (17) North, Range One (1) West of the 6th P.M., Platte County, Nebraska, and Lots Three (3) and Six (6) of Section Twenty-three (23), Township Seventeen (17) North, Range One (1) West, excepting therefrom the right of way of U.P.R.R. Co., excepting that part of Lot Six (6) lying South of said right of way, also excepting therefrom a tract described as follows: Beginning at a point 100' North of and at right angles to the center line of the main track of the U.P.R.R. Co., at a point 1521' East of the West line of said Section Twenty-three (23), when measured along the center line of said main track, thence North parallel with the West line of said Section 2000' more or less to the West bank of the Loup River, thence southerly along said West bank of the Loup River to the North line of the right of way of the U.P.R.R. Co., said point being 100' North of and at right angles to the center line of said main track, thence Westerly along the North line of said right of way 780' more or less to the place of beginning, plus all accretions thereto, and less erosions therefrom, (the "Real Property") and That portion of the North Half of the Northeast Quarter (E1/2 NE1/4) of Section Twenty-seven (27) lying North and West of the Union Pacific Railroad right-of-way, Township Seventeen (17) North, Range One (1) West of the 6th P.M., Platte County, Nebraska, including all accretions thereto (7014 8 St)

- 2. That the undersigned affiant causes to be posted a notice in a conspicuous place on or near the above described property. Such notice was not less than 18 inches in height and 24 inches in width and had a white or yellow background and black letters not less than 1 1/2 inches in height. The undersigned affiant caused said posted notice to be so placed upon said premises so that it was easily visible from the street and was posted at least ten days before the date of the Planning Commission hearing. The undersigned affiant caused said sign to be laminated or otherwise protected from the weather and sign remained visible and legible for said ten-day period. Said notice was posted on the 26th day of September, 2023, and remained posted until the date of this Affidavit which is also the date of the scheduled hearing.

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

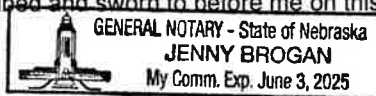
"NOTICE OF PUBLIC HEARING TO ISSUE A SPECIAL USE PERMIT "

to be held in the Columbus Community Building, Community Room, 2500 14<sup>th</sup> Street, Columbus, NE on the 9th day of October, 2023 at 6:00 p.m.

DATED: Oct. 9, 2023

Terrence V. Wilhelms  
Affiant

Subscribed and sworn to before me on this 9th day of October, 2023



Jenny Brogan  
Notary Public

10. **Public hearing - Application of Eduardo Torres Vasallo and Isairis Fiallo Rodriguez for special use permit to allow one dwelling unit density per 1,867 square foot of lot area in a "B-2" (General Commercial District) zone located at 1361 32nd Avenue.**

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

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, October 9, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application for a Special Use Permit to allow one dwelling unit density per 1,867 square foot of lot area on the following described real estate in a "B-2" (General Commercial District) zone: the north 50 feet of Lot 3, Block B, Becker's Subdivision of Outlot 8, City of Columbus, Platte County, Nebraska (1361 32 Ave) and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 09:28:23  
Two Affidavits of Publication

**CITY OF COLUMBUS  
MEMORANDUM**

---

**DATE:** September 29, 2023  
**FROM:** Andy Woehrer, Chief Building & Code Official  
**TO:** Tara Vasicek, City Administrator  
**RE:** Special Use Permit to allow 1,867 square feet of Site Area per housing unit in a B-2 zoning district at 1361 32<sup>nd</sup> Ave.

**RECOMMENDATION:**

I recommend the Special Use Permit be approved along with the following notation.

1. Bring the current structure up to meet current building codes from a Use Change of an Accessory Structure to a Single-Family dwelling.

**DISCUSSION:**

We have received an application for a Special Use Permit to allow 1,867 square feet of lot area per dwelling unit, without the Special Use Permit, 2,000 square feet per dwelling unit would be required. The reduction in total lot area does not cause us any concerns with the current B-2 zoning and proposed layout.

**FISCAL IMPACT:**


None

**ALTERNATIVE:**

Deny the Special Use Permit

**SIGNATURE:**

By: Andy J. Woehrer

Approved By: 

# SPECIAL USE PERMIT APPLICATION

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

APPLICANT/PROPERTY OWNER NAME: Eduardo Torres Vasallo and Isairis Fiallo Rodriguez  
APPLICANT MAILING ADDRESS: 2754 37 Ave., Columbus, NE 68601  
APPLICANT PHONE NUMBER: (402) 942-1418  
APPLICANT EMAIL ADDRESS: \_\_\_\_\_  
LEGAL REPRESENTATION FIRM/ATTORNEY: Katherine E. sharp  
ATTORNEY PHONE NUMBER: (402) 395-1010  
ATTORNEY E-MAIL ADDRESS: katie@jsplawpc.com  
ADDRESS OF PROPERTY: 1361 32 Ave., Columbus, NE 68601

LEGAL DESCRIPTION OF PROPERTY:  
The North 50 feet of Lot 3, Block B, Becker's Subdivision of Outlot 8, City of Columbus, Platte County, Nebraska

PRESENT ZONING CLASSIFICATION: B2

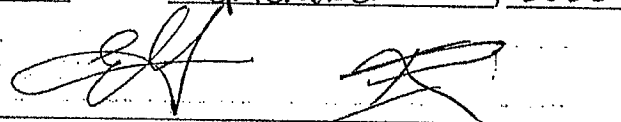
## DESCRIPTION OF THE REASON FOR THE SPECIAL USE PERMIT APPLICATION:

The property is currently utilized as a duplex with two dwellings. Applicants wish to add a third dwelling in the back of the property where the garage currently sits. Upon approval, Applicants intent to convert or rebuilt the garage to comply with all requirements for a dwelling. The lot is 5,600 square feet. The B2 zoning requires 2,000 square feet per dwelling. This lot is 400 square feet short of that requirement. Applicants are requesting a special use permit regarding the site area.

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

I hereby apply for a Special Use Permit and have paid the \$500 application fee.

DATED THIS 7<sup>th</sup> DAY OF September, 2023



Owner or Owner's Representative

10/3/2023

Streets

Address Points

ColumbusZoning

Road Centerlines

Easement\_1K

TaxParcel\_1K

<all other values>

Office

AG

B-1

B-1C

B-2

B-2C

C-1

C-1C

L-C

M-H

M-HC

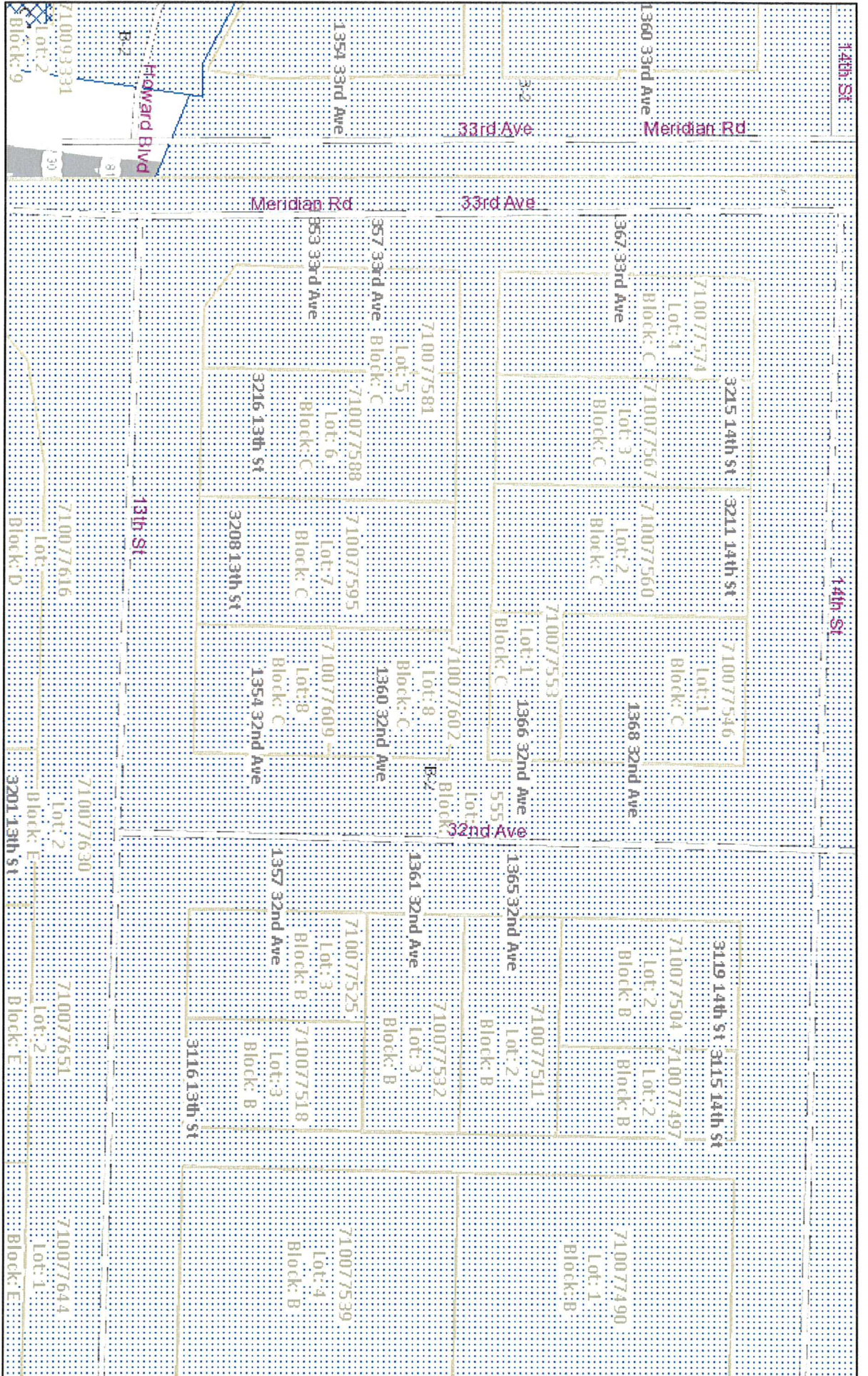
M-L

M-L/C-1

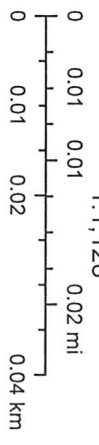
ML/CI

R-1

R-1C



1:1,128



City of Columbus GIS, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL,

9/12/2023

Platte County Assessor



Parcel Information	
<b>Parcel ID:</b>	710077532
<b>Map Number</b>	BEC-KER-01-B000-00070
<b>State Geo Code</b>	2405-00-0-10070-000-0070
<b>Cadastral #</b>	6-233
<b>Images</b>	<a href="#">Photo #1 Sketch #1</a>
<b>Current Owner:</b>	VASALLO/EDUARDO TORRES & ISAIRIS FIALLO RODRIGUEZ 2754 37 AVE COLUMBUS, NE 68601
<b>Situs Address:</b>	1361 32 AVE COLUMBUS
<b>Tax District:</b>	1
<b>School District:</b>	COLUMBUS 1, 71-0001
<b>Account Type:</b>	Residential
<b>Legal Description:</b>	N50' LOT 3 BLK B BECKERS S D COLUMBUS
<b>Lot Width:</b>	50.00
<b>Lot Depth:</b>	112.00
<b>Total Lot Size:</b>	5600.00 sq ft

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2023	\$100,900	\$15,400	\$0	\$85,500
2022	\$96,360	\$15,400	\$0	\$80,960

Yearly Tax Information		
Year	Amount	Levy
2022	\$1,717.98	1.889478

2022 Tax Levy	
Description	Rate
CENTRAL COMMUNITY COLLEGE	0.09027200
ESU #7	0.01500000
COLUMBUS 1	1.05738400
PLATTE COUNTY	0.19469300
AG SOCIETY	0.01067000
COLUMBUS 1 BOND	0.16957300
LOWER LOUP NRD	0.03670000
COLUMBUS CITY	0.31518600

Sales Information				
Sale Date	Sale Price	Book & Page	Grantor	Parcel Ids
06/01/2023	\$127,500.00	254 / 883	BLASER/GORDON L LIVING TRUST BY MARY A BLASER SUCC TT	
04/04/2019	\$0.00	242 / 515	BLASER/GORDON L	

9/12/2023

Platte County Assessor



### Property Classification

<b>Status:</b>	Improved	<b>Location:</b>	Urban
<b>Property Class:</b>	Residential	<b>City Size:</b>	12,001-100,000
<b>Zoning:</b>	Single Family	<b>Lot Size:</b>	<10,000 sq. ft.

### Land Information

Lot Width (ft)	Lot Depth (ft)	Description	Lot Size
50.00	112.00	50.00 x 112.00 FEET	5600.00 sq ft

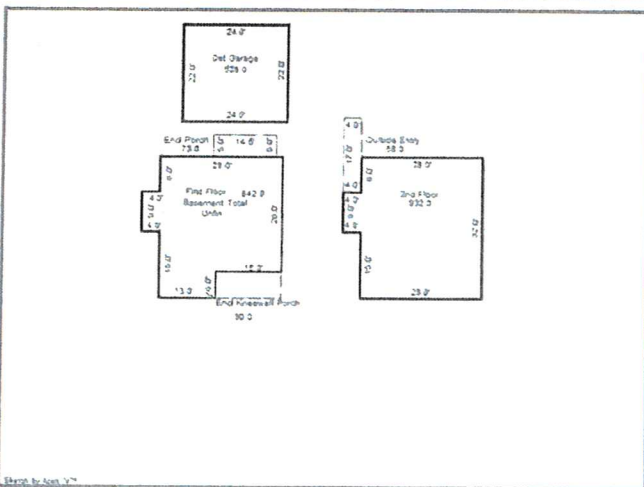
### Residential Datasheet

<b>Zoning:</b>	Single Family	<b>Condition:</b>	Badly Worn - Average
<b>Year Built:</b>	1900	<b>Style:</b>	100% Two Story
<b>Exterior:</b>	100% Frame, Siding, Wood	<b>Bathrooms:</b>	2.00
<b>Bedrooms:</b>	0	<b>Heating/Cooling:</b>	100% Warmed & Cooled Air
<b>Plumbing Fixtures:</b>	10	<b>Min Finish:</b>	0 sq. ft
<b>Basement Size:</b>	842 sq. ft	<b>Part Finish:</b>	0 sq. ft
<b>Building Size:</b>	1,774 sq. ft	<b>Garage 1:</b>	Detached Garage (SF)
<b>Quality:</b>	Average	<b>Garage 1 Size:</b>	528 sq. ft

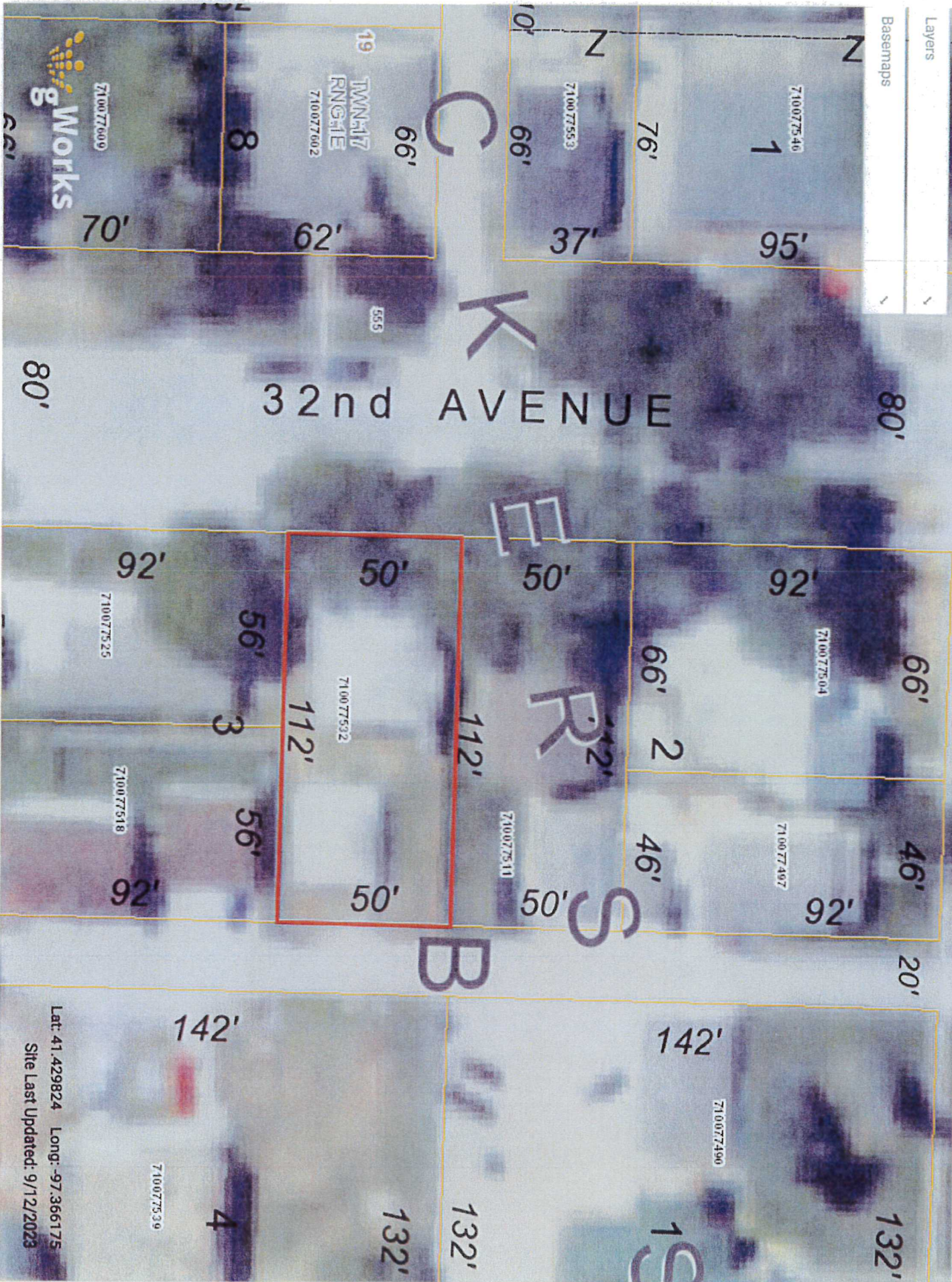
### Dwelling Data

Description	Units	Value
Enclosed Porch, Knee Walls w/Glass	90	\$7,025
Raised Enclosed Porch, Solid Walls	73	\$5,370
Outside Entrance 2nd Floor	1	\$1,250

### Photo/Sketch



- Layers
- Basemaps



710077600

710077602

710077553

710077546

710077525

710077532

710077511

710077497

710077504

710077490

710077539

Lat: 41.429824 Long: -97.366175  
 Site Last Updated: 9/12/2023

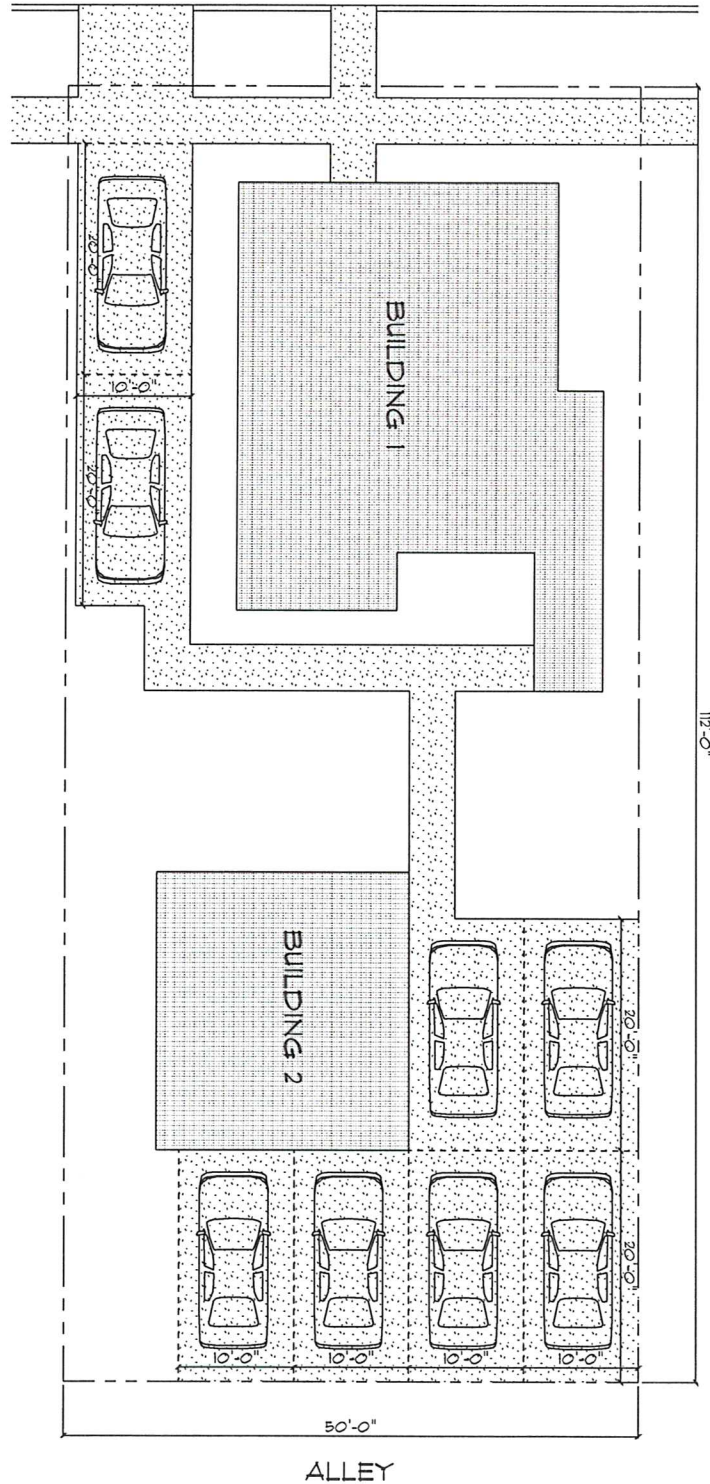








32ND AVENUE



ALLEY

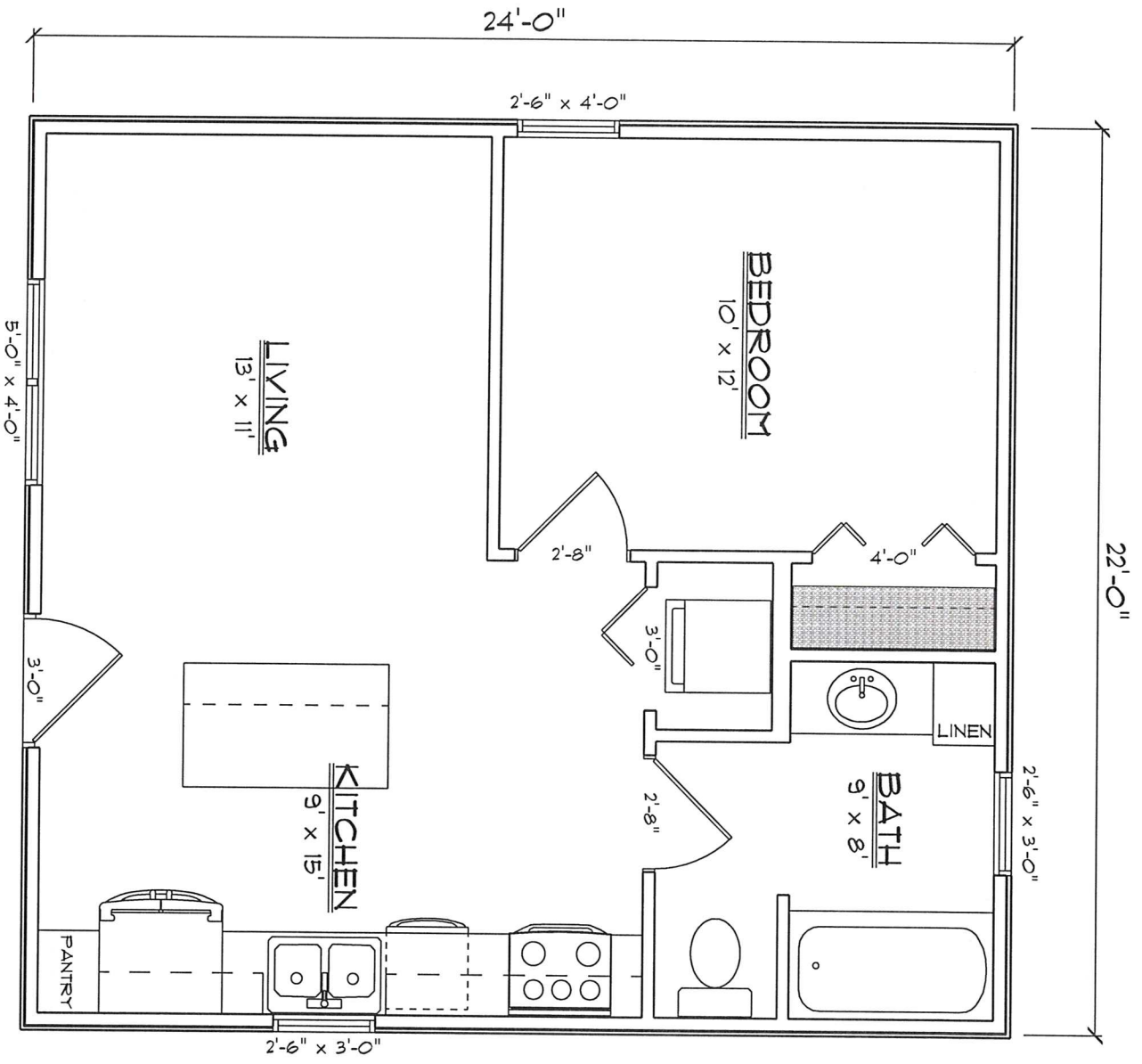


1361 32ND AVE

DATE: 9-26-23

REVISION #

SCALE: 1/16" = 1'-0"



1361 32ND AVE

DATE: 9-26-23

REVISION #

SCALE: 1/4" = 1'-0"

PLANNING COMMISSION PUBLIC HEARING

AFFIDAVIT OF NOTICE COMPLIANCE  
SPECIAL USE PERMIT

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF   PLATTE   )

  KATHERINE E. SHARP  , the undersigned affiant, being first duly sworn on oath, deposes and states as follows:

1. That the undersigned affiant is the attorney for the party instituting and maintaining an action to acquire a Special Use Permit on the following-described real property, to wit: [insert legal description]

**The North 50 feet of Lot 3, Block "B", Becker's Subdivision of Outlot 8, City of Columbus, Platte County, Nebraska**

2. That the undersigned affiant caused to be posted a notice in a conspicuous place on or near the above-described property. Such notice was not less than 18 inches in height and 24 inches in width and had a white or yellow background and black letters not less than 1 1/2 inches in height. The undersigned affiant caused said posted notice to be so placed upon said premises so that it was easily visible from the street and was posted at least ten days before the date of the Planning Commission hearing. The undersigned affiant caused said sign to be laminated or otherwise protected from the weather and the sign remained visible and legible for said ten-day period. Said notice was posted on the   28th   day of   September, 2023  , and remained posted until the date of this Affidavit which is also the date of the scheduled hearing.

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

"NOTICE OF PUBLIC HEARING

To issue a Special Use Permit [state purpose]   to allow one dwelling unit density per 1,867 square foot of lot area on the following described real estate in a "B-2" (General Commercial District) zone: The North 50 feet of Lot 3, Block "B", Becker's Subdivision of Outlot 8, City of Columbus, Platte County, Nebraska; to be held in the City Community Building, 2500 14<sup>th</sup> Street, Columbus, Nebraska, on the 9<sup>th</sup> day of October, 2023  , at 6:00 p.m."

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

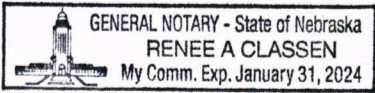
DATED:   October 9  , 2023.

FURTHER YOUR AFFIANT SAITH NOT.

  Katherine E. Sharp    
Affiant

Subscribed and sworn to before me this   9<sup>th</sup>   day of   October  , 2023.

  Renée A. Classen    
Notary Public.



# EXHIBIT A

Chad E. and Keri N. Homolka  
2518 Whitetail Drive  
Columbus, Nebraska 68601

F D C Publishing of the Midwest, Inc.  
c/o Stephen James and/or Boyd D. Jones  
PO Box 1415  
Columbus, Nebraska 68601

Marvin J. and Susan M. Shalon  
3115 14th Street  
Columbus, Nebraska 68601

Scholl Rentals, LLC  
c/o Christopher J. and Rebecca A. Scholl  
3119 14th Street  
Columbus, Nebraska 68601

David and Jamie L. Adame  
1365 32nd Avenue  
Columbus, Nebraska 68601

Kimberly J. Oberg  
1355 32nd Avenue  
Columbus, Nebraska 68601

Jeremy L. and Tonya M. Davis  
3116 13th Street  
Columbus, Nebraska 68601

Ryan M. and Wendy L. Batenhorst  
3019 14th Street  
Columbus, Nebraska 68601

**Via Certified Mail to:**

Gustavo Lira Vargas  
1622 C Street  
Schuyler, Nebraska 68661

Joanne K. Mancuso  
1357 31st Avenue  
Columbus, Nebraska 68601

Luis Acevedo Parra  
1361 31st Avenue  
Columbus, Nebraska 68601

Joseph T. Wemhoff  
4508 23rd Street  
Columbus, Nebraska 68601

**Via Certified Mail to:**

Norma J. and Jeffrey E. Bender  
22492 State Hwy 91  
Humphrey, Nebraska 68642

Keith A. and Robin R. Bignell and  
Morgan M. Bignell  
3608 88th Street  
Columbus, Nebraska 68601

ATM Acquisitions, LLC  
c/o Renee M. Mueller  
4471 41st Avenue  
Ste. 202  
Columbus, Nebraska 68601

Juan C. and Christina A. Prado  
1753 27th Avenue  
Columbus, Nebraska 68601

MD Fuwad Hossain and Juana Lopez  
c/o Earley Rentals, LLC  
PO Box 1466  
Columbus, Nebraska 68602-01466

Luis G. Canahui  
1360 32nd Avenue  
Columbus, Nebraska 68601

**Via Certified Mail to:**

Juan Romero Lopez  
1235 E 2nd Street  
Fremont, Nebraska 68025

Steve Lloyd's Rentals, LLC  
c/o Steve Lloyd  
3221 13th Street  
Columbus, Nebraska 68601

Fraternal Order of Eagles  
Platte Aerie No. 1834, Inc.  
c/o James Mascarello, Pres.  
3205 12th Street  
Columbus, Nebraska 68601

Steven F. and Janet M. Sueper  
3153 40th Avenue  
Columbus, Nebraska 68601

Center for Sexual Assault & Domestic  
Violence Survivors, Inc., a Non-Profit  
Corporation  
c/o Lia Grant  
PO Box 42  
Columbus, Nebraska 68602-0042

Growth Properties, LLC  
c/o Robert Cruise  
3120 36th Street  
Columbus, Nebraska 68601

Earley Rentals, LLC  
c/o Robert and Betty Earley  
PO Box 1466  
Columbus, Nebraska 68602-01466

Roger P. and Kristine E. Lechner  
3110 14th Street  
Columbus, Nebraska 68601

Heather L. Slizoski  
3116 14th Street  
Columbus, Nebraska 68601

Ardent and Nancy E. Saalfeld  
3120 14th Street  
Columbus, Nebraska 68601

Emma L. Conkel  
1454 32nd Avenue  
Columbus, Nebraska 68601

Cristobal B. Reynoso  
3210 14th Street  
Columbus, Nebraska 68601

David A. and Linda R. Porter  
1462 32nd Avenue  
Columbus, Nebraska 68601

Mirna E. Houseman and Jorge G. Garay Quintanilla  
3015 14th Street  
Columbus, Nebraska 68601

Ryan M. and Wendy L. Batenhorst  
3019 14th Street  
Columbus, Nebraska 68601

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

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, Nebraska, will be held on Monday, October 9, 2023, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application for a Special Use Permit to allow one dwelling unit density per 1,867 square foot of lot area on the following described real estate in a "B-2" (General Commercial District) zone: the north 50 feet of Lot 3, Block B, Becker's Subdivision of Outlot 8, City of Columbus, Platte County, Nebraska (1361 32 Ave) and at said time and place you may appear and be heard.

City of Columbus, NE  
Janelle Kline, City Clerk

Publish: 09:28:23  
Two Affidavits of Publication

**EXHIBIT B**

**11. Building report for September 2023.**

# City of Columbus

## Building Department Monthly Report

10/02/2023

September      2023                      2022

	September      2023			September      2022		
	Count	Permit Fees	Value	Count	Permit Fees	Value
<b>Accessory Structu</b>	2	\$279.09	\$45560.00	8	\$1980.81	\$458120.00
<b>Building Moving</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Com Addition</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Com Alteration</b>	4	\$5818.94	\$1832707.00	0	\$0.00	\$0.00
<b>Com New Constr</b>	1	\$928.13	\$230000.00	0	\$0.00	\$0.00
<b>Com Plumbing</b>	4	\$240.00	\$12851.00	0	\$0.00	\$0.00
<b>Com Pool</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Deck</b>	4	\$265.13	\$30500.00	2	\$109.07	\$13050.00
<b>Demolition</b>	1	\$27.50	\$1000.00	1	\$27.50	\$2500.00
<b>Fence</b>	11	\$324.50	\$60875.00	17	\$485.50	\$78200.00
<b>Gas line</b>	0	\$0.00	\$0.00	35	\$1118.00	\$17500.00
<b>Res Addition</b>	1	\$214.96	\$34000.00	1	\$353.93	\$65000.00
<b>Res Addition Wo</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Res Alteration</b>	3	\$700.65	\$156500.00	5	\$504.16	\$70001.91
<b>Res New Construc</b>	6	\$8015.43	\$2762198.00	1	\$329.37	\$101841.00
<b>Res Plumbing</b>	17	\$729.50	\$1267601.00	14	\$447.00	\$99500.00
<b>Res Pool</b>	1	\$552.55	\$120000.00	0	\$0.00	\$0.00
<b>Sewer / Water</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Signs</b>	4	\$148.00	\$20028.00	6	\$210.00	\$54100.00
<b>Sprinklers</b>	9	\$189.00	\$16500.00	16	\$332.00	\$4000.00
<b>Water Softner/RC</b>	0	\$0.00	\$0.00	0	\$0.00	\$0.00
<b>Wireless Tower</b>	1	\$27.50	\$0.00	0	\$0.00	\$0.00
<b>YEAR TOTAL</b>	<b>69</b>	<b>\$18460.88</b>	<b>\$6590320.00</b>	<b>106</b>	<b>\$5897.34</b>	<b>\$963812.91</b>

Population: All Records  
 Permit.DateIssued Between 9/1/2022 12:00:00 AM  
 AND 9/30/2023 11:59:59 PM



# City of Columbus Building Department

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

## September 2023 Building Report Comments

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

On the Commercial side, permits were made out for Hy-Vee kitchen alteration, Connection Christian Church alteration, fine arts at CCC alteration, jail bathroom renovation, and storage units for Bierman. Plan reviews have been started on multiple storage buildings, Cassette House, Pizza Ranch addition, and a couple of wireless tower projects.

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



12. **Adjournment.**