

Planning Commission
Monday, September 9, 2024 6:00 PM
Columbus Community Building/Community Room
2500 14 Street
Columbus, NE 68601

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

{{Name: Agenda Item Name}}

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

84-1407. Act, how cited.

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

Source: Laws 2004, LB 821, § 34.

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

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

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

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

Annotations

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

84-1409. Terms, defined.

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

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

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

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

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

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

Annotations

- A township is a political subdivision, and as such, a township board is subject to the provisions of the public meetings laws. *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- A county agricultural society is a public body to which the provisions of the Nebraska public meetings law are applicable. *Nixon v. Madison Co. Ag. Soc'y*, 217 Neb. 37, 348 N.W.2d 119 (1984).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).
- Although a committee was a subcommittee of a natural resources district board, it was not subject to the Open Meetings Act because there was never a quorum of board members in attendance and the committee did not hold hearings, make policy, or take formal action on behalf of the board. *Koch v. Lower Loup NRD*, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- Although the Open Meetings Act does not define "subcommittee," a subcommittee is generally defined as a group within a committee to which the committee may refer business. *Koch v. Lower Loup NRD*, 27 Neb. App. 301, 931 N.W.2d 160 (2019).
- The Open Meetings Act does not require policymakers to remain ignorant of the issues they must decide until the moment the public is invited to comment on a proposed policy. By excluding nonquorum subgroups from the definition of a public body, the Legislature

has balanced the public's need to be heard on matters of public policy with a practical accommodation for a public body's need for information to conduct business. *Koch v. Lower Loup NRD*, 27 Neb. App. 301, 931 N.W.2d 160 (2019).

- As an administrative agency of the county, a county board of equalization is a public body. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- The electors of a township at their annual meeting are a public body under the Open Meetings Act. *State ex rel. Newman v. Columbus Township Bd.*, 15 Neb. App. 656, 735 N.W.2d 399 (2007).
- The meeting at issue in this case was a "meeting" within the parameters of subsection (2) of this section because it involved the discussion of public business, the formation of tentative policy, or the taking of any action of the public power district. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).
- Informational sessions in which the governmental body hears reports are briefings. *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (1993).

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

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

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

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

(c) Investigative proceedings regarding allegations of criminal misconduct;

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

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

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

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

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close

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

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

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

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

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

Annotations

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

(1983).

- Negotiations for the purchase of land need not be conducted at an open meeting but the deliberations of a city council as to whether an offer to purchase real estate should be made should take place in an open meeting. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- Public meeting law was not violated where the Board of Regents of the University of Nebraska voted to hold a closed session to consider the university president's resignation, and also discussed the appointment of an interim president during such session. *Meyer v. Board of Regents*, 1 Neb. App. 893, 510 N.W.2d 450 (1993).

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

(1) Until January 1, 2025:

(a) Except as provided in subsection (10) of this section, each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public.

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

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

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

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

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

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

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

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

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours.

Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) Beginning January 1, 2025:

(a) Except as provided in subsection (10) of this section, each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public.

(b)(i) Except as provided in subdivision (2)(b)(ii) of this section, in the case of a public body described in subdivision (1)(a)(i) of section 84-1409 or such body's advisory committees, such notice shall be given by:

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

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

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

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

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

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

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

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

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

(3)(a) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (3)(b) of this section are met:

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

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

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

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

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

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

(viii) A community college board of governors;

(ix) The Nebraska Brand Committee;

(x) A local public health department;

(xi) A metropolitan utilities district;

(xii) A regional metropolitan transit authority; and

(xiii) A natural resources district.

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

(i) Reasonable advance publicized notice is given as provided in subsections (1) and (2) of this section, including providing access to a dial-in number or link to the virtual conference;

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as would be

provided if virtual conferencing was not used;

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

(iv) Except as otherwise provided in this subdivision, subsection (1) of section 70-1014, subsection (2) of section 70-1014.02, or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. In the case of (A) an organization created under the Interlocal Cooperation Act that sells electricity or natural gas, (B) an organization created under the Municipal Cooperative Financing Act, (C) a governing body of a risk management pool and any advisory committee of such governing body, or (D) any advisory committee of any state entity created in response to the Opioid Prevention and Treatment Act, such organization, governing body, or committee may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing.

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

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

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

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

(8)(a) Notwithstanding subsections (3) and (6) of this section, if an emergency is declared by the Governor pursuant to the Emergency Management Act as defined in section 81-829.39, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the public body gives reasonable advance publicized notice as described in subsections (1) and (2) of this section. The notice shall include information regarding access for the public and news media. In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body.

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

the meeting and record the meeting. Subsection (5) of this section shall be complied with in conducting such meetings.

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

(9) In addition to any other statutory authorization for virtual conferencing, any public body not listed in subdivision (3)(a) of this section may hold a meeting by virtual conferencing if:

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

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

(c) The public body complies with subdivisions (3)(b)(i) and (ii) of this section.

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

Source: Laws 1975, LB 325, § 4; Laws 1983, LB 43, § 3; Laws 1987, LB 663, § 25; Laws 1993, LB 635, § 2; Laws 1996, LB 469, § 6; Laws 1996, LB 1161, § 1; Laws 1999, LB 47, § 2; Laws 1999, LB 87, § 100; Laws 1999, LB 461, § 1; Laws 2000, LB 968, § 85; Laws 2004, LB 821, § 38; Laws 2004, LB 1179, § 2; Laws 2006, LB 898, § 2; Laws 2007, LB199, § 9; Laws 2009, LB361, § 2; Laws 2012, LB735, § 1; Laws 2013, LB510, § 1; Laws 2017, LB318, § 1; Laws 2019, LB212, § 5; Laws 2020, LB148, § 3; Laws 2021, LB83, § 12; Laws 2022, LB742, § 1; Laws 2022, LB908, § 1; Laws 2022, LB922, § 13; Laws 2024, LB287, § 74; Laws 2024, LB399, § 4; Laws 2024, LB1370, § 8.

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

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

Cross References

- **Emergency Management Act**, see section 81-829.36.
- **Intergovernmental Risk Management Act**, see section 44-4301.
- **Interlocal Cooperation Act**, see section 13-801.
- **Joint Public Agency Act**, see section 13-2501.
- **Municipal Cooperative Financing Act**, see section 18-2401.
- **Opioid Prevention and Treatment Act**, see section 71-2485.

Annotations

- Under subsection (1) of this section, the Legislature has imposed only two conditions on

the public body's notification method of a public meeting: (1) It must give reasonable advance publicized notice of the time and place of each meeting and (2) it must be recorded in the public body's minutes. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).

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

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

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

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings, including meetings held by virtual conferencing.

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

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

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

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

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

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

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

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

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

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

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

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

Source: Laws 1975, LB 325, § 5; Laws 1983, LB 43, § 4; Laws 1985, LB 117, § 2; Laws 1987, LB 324, § 5; Laws 1996, LB 900, § 1073; Laws 2001, LB 250, § 2; Laws 2004, LB 821, § 39; Laws 2006, LB 898, § 3; Laws 2008, LB962, § 1; Laws 2021, LB83, § 13; Laws 2024, LB43, § 21.

Operative Date: July 19, 2024

Annotations

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

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

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

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

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

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

(5) Minutes shall be written or kept as an electronic record and shall be available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing or keeping the minutes is absent due to a serious illness or emergency.

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

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

Annotations

- Under prior law, if a person present at a meeting observes and fails to object to an alleged public meetings laws violation in the form of a failure to conduct rollcall votes before

taking actions on questions or motions pending, that person waives his or her right to object at a later date. *Hauser v. Nebraska Police Stds. Adv. Council*, 264 Neb. 944, 653 N.W.2d 240 (2002).

- Subsection (2) of this section does not require the record to state that the vote was by roll call, but requires only that the record show if and how each member voted. Neither does the statute set a time limit for recording the results of a vote, after which no corrections of the record can be made. If no intervening rights of third persons have arisen, a board of county commissioners has power to correct the record of the proceedings had at a previous meeting so as to make them speak the truth, particularly where the correction supplies some omitted fact or action and is done not to contradict or change the original record but to have the record show that a certain action was taken or thing done, which the original record fails to show. *State ex rel. Schuler v. Dunbar*, 214 Neb. 85, 333 N.W.2d 652 (1983).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).
- There is no requirement that a public body make a record of where notice was published or posted. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

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

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

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

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

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

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

Annotations

- The Legislature has granted standing to a broad scope of its citizens for the very limited purpose of challenging meetings allegedly in violation of the Open Meetings Act, so that they may help police the public policy embodied by the act. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010).
- Any citizen of the state may commence an action to declare a public body's action void. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- The reading of ordinances constitutes a formal action under subsection (1) of this section. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- Under the Public Meetings Act, a county lacks capacity to maintain an action to declare its official conduct "void" for noncompliance with the act. *County of York v. Johnson*, 230 Neb. 403, 432 N.W.2d 215 (1988).
- When a petitioner under this section is successful in the district court, that court may allow attorney fees. *Tracy Corp. II v. Nebraska Pub. Serv. Comm.*, 218 Neb. 900, 360 N.W.2d 485 (1984).
- Informal discussions between the Tax Commissioner and the State Board of Equalization in which instructions were clarified, with such clarification leading to the amendment of hearing notices, did not constitute a public meeting subject to the provisions of this section. *Box Butte County v. State Board of Equalization and Assessment*, 206 Neb. 696, 295 N.W.2d 670 (1980).
- The right to collaterally attack an order made in contravention of the Public Meeting Act must occur within a period of one year as is specifically provided by this section. *Witt v. School District No. 70*, 202 Neb. 63, 273 N.W.2d 669 (1979).
- Statutory change, requiring "publicized notice" for board of education employment hearings, occurring between dates meeting scheduled and conducted, held not to void proceedings. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- Voiding an entire meeting is a proper remedy for violations of the Open Meetings Act. Once a meeting has been declared void pursuant to Nebraska's public meetings law, board members are prohibited from considering any information obtained at the illegal meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Actions by the board of directors were merely voidable under this section, and not void. Pursuant to subsection (3) of this section, the plaintiffs were awarded partial attorney fees because they were successful in having the court declare that the board of directors was in substantial violation of the statute, even though the plaintiffs did not get the relief requested of having the board's actions declared void. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

2. Minutes of August 12, 2024 meeting.

PLANNING COMMISSION
August 12, 2024

A meeting of the Planning Commission of the City of Columbus, Nebraska, was convened in open and public session on August 12, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 Street, Columbus, Nebraska. Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on July 31, 2024, with a copy of the proof of publication being on file in the office of the city clerk. Availability of the agenda was communicated in the advance notice and in the notice to the mayor, members of the city council, and members of the Planning Commission. All proceedings hereafter shown were taken while the convened meeting was open to the public.

1. **Statement of Compliance with Open Meetings Act and roll call.** Chair Goc announced that a copy of the Open Meetings Act is available at this meeting. Present were members Steve Anderson, Colleen Bray, Melissa Goc, Tom Lange, Fernando Lopez, Jr., and Tom Pillen. Members Robbin Cutsor and Josh Mueller were absent and excused. Member Bob Elsasser was absent. City staff members included City Attorney Gene Schumacher, City Engineer Rick Bogus, City Clerk Shuraya Choat, Chief Building and Code Official Andy Woehrer, Project Engineer Braden Labenz, Engineering Administrative Specialist Renee Whiting, and Senior Office Associate Vanessa Adame. Also present was Mayor James Bulkley.
2. **Minutes of July 08, 2024, meeting.** The minutes were approved as presented with a motion by Bray and a second by Lopez. Anderson, Bray, Goc, Lange, Lopez, and Pillen voted "Aye" and none voted "Nay". Cutsor, Elsasser, and Mueller were absent.
3. **Public hearing - Application from Union Bank and Trust for final plat of Union Bank and Trust Subdivision (southwest corner 23rd Street and 16th Avenue).** Eric Beiermann, Olsson Engineering on behalf of the applicant, explained he has been working with the City Engineering Department and attorneys to finalize the legal documents. No public testimony was heard. The public hearing closed with a motion by Anderson and a second by Lopez. Anderson, Bray, Goc, Lange, Lopez, and Pillen voted "Aye" and none voted "Nay". Cutsor, Elsasser, and Mueller were absent. A recommendation was made by Lopez and a second by Bray to approve the application from Union Bank and Trust Subdivision as it is amendable with the adjacent land use, and is in accordance with the Columbus Land Development Ordinance. Anderson, Bray, Goc, Lange, Lopez, and Pillen voted "Aye" and none voted "Nay". Cutsor, Elsasser, and Mueller were absent.
4. **Public hearing - Text Amendment to Columbus Land Development Ordinance including changes to the Zoning Chapter proposing to add as a permitted use a "Truck Terminal" as a permitted use in an "MH" zone or with a Special Use Permit in a "B-2" zone and to amend Table 4-3 to reflect said change, and to add a new Section 6-13 Supplemental Use Regulations: Truck Terminals, setting forth supplemental use regulations for such use.** Woehrer explained the Truck Terminal implementation and regulations to the "MH" and "B-

PLANNING COMMISSION

August 12, 2024

Page 2

2" (with special use permit) zones. No public testimony was heard. The public hearing closed with a motion by Lopez and a second by Pillen. Anderson, Bray, Goc, Lange, Lopez, and Pillen voted "Aye" and none voted "Nay". Cutsor, Elsasser, and Mueller were absent. A recommendation was made by Bray and a second by Anderson to approve the Text amendments to Columbus Land Development Ordinance as presented. Anderson, Bray, Goc, Lange, Lopez, and Pillen voted "Aye" and none voted "Nay". Cutsor, Elsasser, and Mueller were absent.

5. **Building report for July.** The building report was presented.
6. **Adjournment.** The meeting adjourned at 6:10 p.m.

OFFICE OF COMMUNITY DEVELOPMENT

: Vanessa Adame

- 3. Public hearing - Application from Loup River Public Power District for preliminary plat of Energy Triangle Fourth Subdivision (southwest corner of 10th Avenue and 45th Street).**

NOTICE OF HEARING

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, September 9, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the preliminary plat of Energy Triangle Fourth Subdivision, a tract of land containing all of Lot 2, Energy Triangle Third Subdivision, a platted and recorded addition to Platte County, Nebraska and a Part of the North half of the southeast quarter of Section 8, Township 17 North, Range 1 East of the 6th P.M. in Platte County, Nebraska, being more particularly described as follows: Commencing at the Northeast corner of the southwest Quarter (Center) of Section 8; thence on the East Line of said southwest quarter on an assumed bearing of S01°35'08"E, 536.28 feet to the northeast corner of said Lot 2, said corner also being the point of beginning; thence N85°19'41"E, 40.06 feet; thence S01°34'54"E, 603.94 feet; thence S88°25'09"W, 40.00 feet to a point on said East line of the southwest Quarter; thence on said East line of the southwest Quarter S01°34'54"E, 1520.14 feet to the southeast corner of said Lot 2; thence on the South line of said Lot 2 S87°51'35"W, 621.24 feet to the southwest corner of said Lot 2, Thence on the southwesterly line of said Lot 2 for the following three (3) described courses: (1) N54°08'53"W, 1007.54 feet; (2) N31°55'21"W, 818.70 Feet; (3) N31°55'54"W, 483.03 feet to the northwest corner of said Lot 2, said corner also being the southwest corner of Lot 1, Energy Triangle Second Subdivision, a platted and recorded Addition to said Platte County, Nebraska; thence on the North line of said Lot 2 for the following seven (7) described courses: (1) N87°58'59"E, 698.67 feet to the southeast corner of said Lot 1, Energy Triangle Second Subdivision; (2) also being the East line of said Lot 1, Energy Triangle Second Subdivision N02°01'47"W, 228.16 feet to the southwest corner of Lot 1, Energy Triangle Third Subdivision; (3) also being the South line of said Lot 1, Energy Triangle Third Subdivision N87°58'48"E, 390.00 feet to the southeast corner of said Lot 1, Energy Triangle Third Subdivision; (4) also being the East line of said Lot 1, Energy Triangle Third Subdivision N02°04'43"W, 156.87 feet to the northeast corner of said Lot 1, Energy Triangle Third Subdivision, said point also being on the South right-of-way line of 45th Street; (5) also on said South right-of-way line of 45th Street S82°30'23"E 137.79 feet to a point of curvature; (6) also continuing on said South right-of-way line of 45th Street on a 1070.00 foot radius curve to the left, an arc length of 224.60 feet (long chord bears S88°30'44"E, 224.19 Feet); (7) continuing on said South right-of-way line of 45th Street N85°28'28"E, 634.30 feet to the point of beginning, said tract of land contains a calculated area of 3,077,607.90 sq. ft. or 70.652 acres, more or less (10 Ave and 45 St)and at said time and place you may appear and be heard.

City of Columbus
Shuraya Choat, City Clerk

Publish: 08:29:24
Affidavit of Publication

The City of **Columbus**

MEMORANDUM

DATE: September 5, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Energy Triangle Fourth Subdivision – Preliminary Plat

RECOMMENDATION:

I recommend the approval of the preliminary plat of Energy Triangle Fourth Subdivision as it is amenable with the adjacent land use with a Special Use Permit, consistent with the Energy Triangle area master layout plan, and is in accordance with the Columbus Land Development Ordinance.

DISCUSSION:

The subdivision consists of 3 lots of which Lot 1 is being developed to be utilized for receiving, storing, assembling, displaying, shipping, distributing, preparing, selling and serving as a pick-up/drop-off location for products; parking, storage, dispatch, and outdoor and indoor loading/unloading of vehicles; and warehouse and office use. 10th Avenue roadway and public utilities will be extended to the south end of this subdivision. A portion of the subdivision is with the Floodplain AO Zone, but outside of the building envelope. A traffic impact evaluation and wetland determination have been conducted. The property is within the corporate limits.

FISCAL IMPACT:

Minor costs for street and utility maintenance.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Woskwa

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

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

(CIRCLE ONE)

DATE: _____

NAME OF SUBDIVISION: _____

NAME OF PROPERTY OWNER: _____

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: _____

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: _____

PHONE NUMBER: _____

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: _____

NUMBER OF LOTS IN SUBDIVISION: _____

ADDRESS OF SUBDIVISION: _____

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

Owner or Owner's Representative

Attorney / Legal Counsel for Applicant

Email of Attorney/Legal Counsel

Development Agreement submitted on: _____

City Attorney

Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

REVIEW FOR UP TO DATE INFORMATION:

COLUMBUS LAND DEVELOPMENT ORDINANCE

CHAPTER 2, ARTICLE 3 PROCEDURES AND ADMINISTRATION

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

4. Public hearing - Application from Loup River Public Power District for final plat of Energy Triangle Fourth Subdivision (southwest corner of 10th Avenue and 45th Street).

NOTICE OF HEARING

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, September 9, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the final plat of Energy Triangle Fourth Subdivision, a tract of land containing all of Lot 2, Energy Triangle Third Subdivision, a platted and recorded addition to Platte County, Nebraska and a Part of the North half of the southeast quarter of Section 8, Township 17 North, Range 1 East of the 6th P.M. in Platte County, Nebraska, being more particularly described as follows: Commencing at the Northeast corner of the southwest Quarter (Center) of Section 8; thence on the East Line of said southwest quarter on an assumed bearing of S01°35'08"E, 536.28 feet to the northeast corner of said Lot 2, said corner also being the point of beginning; thence N85°19'41"E, 40.06 feet; thence S01°34'54"E, 603.94 feet; thence S88°25'09"W, 40.00 feet to a point on said East line of the southwest Quarter; thence on said East line of the southwest Quarter S01°34'54"E, 1520.14 feet to the southeast corner of said Lot 2; thence on the South line of said Lot 2 S87°51'35"W, 621.24 feet to the southwest corner of said Lot 2, Thence on the southwesterly line of said Lot 2 for the following three (3) described courses: (1) N54°08'53"W, 1007.54 feet; (2) N31°55'21"W, 818.70 Feet; (3) N31°55'54"W, 483.03 feet to the northwest corner of said Lot 2, said corner also being the southwest corner of Lot 1, Energy Triangle Second Subdivision, a platted and recorded Addition to said Platte County, Nebraska; thence on the North line of said Lot 2 for the following seven (7) described courses: (1) N87°58'59"E, 698.67 feet to the southeast corner of said Lot 1, Energy Triangle Second Subdivision; (2) also being the East line of said Lot 1, Energy Triangle Second Subdivision N02°01'47"W, 228.16 feet to the southwest corner of Lot 1, Energy Triangle Third Subdivision; (3) also being the South line of said Lot 1, Energy Triangle Third Subdivision N87°58'48"E, 390.00 feet to the southeast corner of said Lot 1, Energy Triangle Third Subdivision; (4) also being the East line of said Lot 1, Energy Triangle Third Subdivision N02°04'43"W, 156.87 feet to the northeast corner of said Lot 1, Energy Triangle Third Subdivision, said point also being on the South right-of-way line of 45th Street; (5) also on said South right-of-way line of 45th Street S82°30'23"E 137.79 feet to a point of curvature; (6) also continuing on said South right-of-way line of 45th Street on a 1070.00 foot radius curve to the left, an arc length of 224.60 feet (long chord bears S88°30'44"E, 224.19 Feet); (7) continuing on said South right-of-way line of 45th Street N85°28'28"E, 634.30 feet to the point of beginning, said tract of land contains a calculated area of 3,077,607.90 sq. ft. or 70.652 acres, more or less (10 Ave and 45 St) and at said time and place you may appear and be heard.

City of Columbus
Shuraya Choat, City Clerk

Publish: 08:29:24
Affidavit of Publication

The City of **Columbus**

MEMORANDUM

DATE: September 5, 2024
FROM : Richard J. Bogus, City Engineer
TO: Tara Vasicek, City Administrator
RE: Energy Triangle Fourth Subdivision - Final Plat

RECOMMENDATION:

I recommend the approval of the final plat of Energy Triangle Fourth Subdivision as it is consistent with the Preliminary Plat and Columbus Land Development Ordinance.

DISCUSSION:

The subdivision consists of 3 lots of which Lot 1 is being developed to be utilized for receiving, storing, assembling, displaying, shipping, distributing, preparing, selling and serving as a pick-up/drop-off location for products; parking, storage, dispatch, and outdoor and indoor loading/unloading of vehicles; and warehouse and office use. 10th Avenue roadway and public utilities will be extended to the south end of this subdivision. A portion of the subdivision is with the Floodplain AO Zone, but outside of the building envelope. A traffic impact evaluation and wetland determination have been conducted. The property is within the corporate limits.

FISCAL IMPACT:

Minor costs for street and utility maintenance.

ALTERNATIVE:

Do not approve.

CONCURRENCE:

By: Andrew J. Weisner

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

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

(CIRCLE ONE)

DATE: _____

NAME OF SUBDIVISION: _____

NAME OF PROPERTY OWNER: _____

CONTACT INFORMATION:

NAME OF REPRESENTATIVE OR PROPERTY OWNER: _____

ADDRESS OF REPRESENTATIVE OR PROPERTY OWNER: _____

PHONE NUMBER: _____

REPRESENTATIVE OR PROPERTY OWNER E-MAIL: _____

NUMBER OF LOTS IN SUBDIVISION: _____

ADDRESS OF SUBDIVISION: _____

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

Owner or Owner's Representative

Attorney / Legal Counsel for Applicant

Email of Attorney/Legal Counsel

Development Agreement submitted on: _____

City Attorney

Neal Valorz – nvalorz@1492law.com

Gene G. Schumacher – gschum@1492law.com

REVIEW FOR UP TO DATE INFORMATION:

COLUMBUS LAND DEVELOPMENT ORDINANCE

CHAPTER 2, ARTICLE 3 PROCEDURES AND ADMINISTRATION

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

ENERGY TRIANGLE FOURTH SUBDIVISION

LOTS 1 THRU 3

A MAJOR SUBDIVISION CONTAINING ALL OF LOT 2, ENERGY TRIANGLE THIRD SUBDIVISION, A PLATTED AND RECORDED ADDITION TO PLATTE COUNTY, NEBRASKA AND A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M. IN PLATTE COUNTY, NEBRASKA

THE CITY OF COLUMBUS,

LEGAL DESCRIPTION

*SUBDIVISION THE CITY OF COLUMBUS

A TRACT OF LAND CONTAINING ALL OF LOT 2, ENERGY TRIANGLE THIRD SUBDIVISION, A PLATTED AND RECORDED ADDITION TO PLATTE COUNTY, NEBRASKA AND A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M. IN PLATTE COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (CENTER) OF SECTION 8; THENCE ON THE EAST LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF S01°35'08"E, 536.28 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE N85°19'41"E, 40.06 FEET; THENCE S01°34'54"E, 603.94 FEET; THENCE S88°25'09"W, 40.00 FEET TO A POINT ON SAID EAST LINE OF THE SOUTHWEST QUARTER; THENCE ON SAID EAST LINE OF THE SOUTHWEST QUARTER S01°34'54"E, 1520.14 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE ON THE SOUTH LINE OF SAID LOT 2 S87°51'35"W, 621.24 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE ON THE SOUTHWESTERLY LINE OF SAID LOT 2 FOR THE FOLLOWING THREE (3) DESCRIBED COURSES: (1) N54°08'53"W, 1007.54 FEET; (2) N31°55'21"W, 818.70 FEET; (3) N31°55'54"W, 483.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF LOT 1, ENERGY TRIANGLE SECOND SUBDIVISION, A PLATTED AND RECORDED ADDITION TO SAID PLATTE COUNTY, NEBRASKA; THENCE ON THE NORTH LINE OF SAID LOT 2 FOR THE FOLLOWING SEVEN (7) DESCRIBED COURSES: (1) N87°58'59"E, 698.67 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, ENERGY TRIANGLE SECOND SUBDIVISION; (2) ALSO BEING THE EAST LINE OF SAID LOT 1, ENERGY TRIANGLE SECOND SUBDIVISION N02°04'43"W, 228.18 FEET TO THE SOUTHWEST CORNER OF LOT 1, ENERGY TRIANGLE THIRD SUBDIVISION; (3) ALSO BEING THE SOUTH LINE OF SAID LOT 1, ENERGY TRIANGLE THIRD SUBDIVISION N87°58'48"E, 390.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, ENERGY TRIANGLE THIRD SUBDIVISION; (4) ALSO BEING THE EAST LINE OF SAID LOT 1, ENERGY TRIANGLE THIRD SUBDIVISION N02°04'43"W, 156.87 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, ENERGY TRIANGLE THIRD SUBDIVISION, SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF 45TH STREET; (5) ALSO ON SAID SOUTH RIGHT-OF-WAY LINE OF 45TH STREET S82°30'23"E, 137.79 FEET TO A POINT OF CURVATURE; (6) ALSO CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE OF 45TH STREET ON A 1070.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 224.60 FEET (LONG CHORD BEARS S88°30'44"E, 224.19 FEET); (7) CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE OF 45TH STREET N85°28'28"E, 634.30 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 3,077.607 SQ. FT. OR 70.652 ACRES MORE OR LESS.

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS, THAT THE UNDERSIGNED ARE OWNERS AND LIEN HOLDERS OF THE PROPERTY AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, AND HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AS SHOWN ON THIS PLAT.

LOUP RIVER PUBLIC POWER DISTRICT

NEAL SUESS
PRESIDENT - (LOT 2, ENERGY TRIANGLE THIRD SUBDIVISION) (LOTS 1 AND 2)
DATE: 09/04/2024

Rachael J. Rodehorst
OWNER
DATE: 9-5-2024

John L. Obrist, Jr.
MANAGER - J.L.O. PROPERTIES, LLC
DATE: 9/4/2024

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF PLATTE) SS

ON THIS 4th DAY OF SEPTEMBER, 2024, BEFORE ME, A NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED FOR SAID COUNTY AND STATE, PERSONALLY APPEARED NEAL SUESS, PRESIDENT OF LOUP RIVER PUBLIC POWER DISTRICT, WHO IS PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE ABOVE INSTRUMENT AS INDIVIDUALS, AND HE ACKNOWLEDGED THE SIGNING OF THE SAME TO BE HIS VOLUNTARY ACT AND DEED AND THE VOLUNTARY ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THE DATE LAST AFORESAID.

ANGEL M. ROBAK
NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF PLATTE) SS

ON THIS 5th DAY OF SEPTEMBER, 2024, BEFORE ME, A NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED FOR SAID COUNTY AND STATE, PERSONALLY APPEARED RACHEL J. RODEHORST, WHO IS PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE ABOVE INSTRUMENT AS INDIVIDUALS, AND HE ACKNOWLEDGED THE SIGNING OF THE SAME TO BE HIS VOLUNTARY ACT AND DEED AND THE VOLUNTARY ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THE DATE LAST AFORESAID.

ANGEL M. ROBAK
NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF PLATTE) SS

ON THIS 4th DAY OF SEPTEMBER, 2024, BEFORE ME, A NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN L. OBRIST, JR., MANAGER FOR J.L.O. PROPERTIES, LLC, WHO IS PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE ABOVE INSTRUMENT AS INDIVIDUALS, AND HE ACKNOWLEDGED THE SIGNING OF THE SAME TO BE HIS VOLUNTARY ACT AND DEED AND THE VOLUNTARY ACT AND DEED OF SAID CORPORATION.

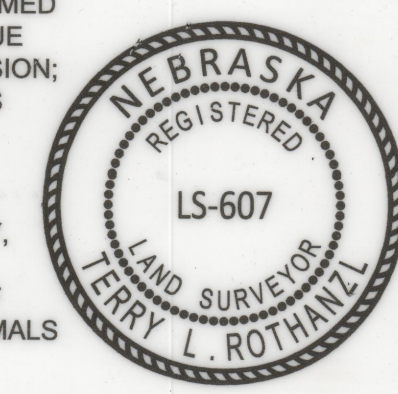
WITNESS MY HAND AND OFFICIAL SEAL THE DATE LAST AFORESAID.

ANGEL M. ROBAK
NOTARY PUBLIC

SURVEYOR'S CERTIFICATION

I, TERRY L. ROTHANZL, A NEBRASKA REGISTERED LAND SURVEYOR NO. 607, DULY REGISTERED UNDER THE LAND SURVEYOR'S REGULATION ACT, DO HEREBY STATE THAT I HAVE PERFORMED A SURVEY OF THE LAND DEPICTED ON THE ACCOMPANYING PLAT; THAT SAID PLAT IS A TRUE DELINEATION OF SAID SURVEY PERFORMED PERSONALLY OR UNDER MY DIRECT SUPERVISION; THAT SAID SURVEY WAS MADE WITH REFERENCE TO KNOWN AND RECORDED MONUMENTS MARKED AS SHOWN AT ALL CORNERS, ANGLE POINTS, AND ENDS OF ALL CURVES ON THE BOUNDARY AND ON THE LOTS IN THE SUBDIVISION TO BE KNOWN AS ENERGY TRIANGLE FOURTH SUBDIVISION LOTS 1 THRU 3 BEING A REPLAT OF LOT 2, ENERGY TRIANGLE THIRD SUBDIVISION, A SUBDIVISION, AS SURVEYED, PLATTED, AND RECORDED IN PLATTE COUNTY, NEBRASKA, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS TRUE, CORRECT AND IN ACCORDANCE WITH THE LAND SURVEYOR'S REGISTRATION ACT IN EFFECT AT THE TIME OF THIS SURVEY. ALL DISTANCES SHOWN ARE REPRESENTED IN U.S. SURVEY FEET AND DECIMALS OF A FOOT.

Terry L. Rothanzl
TERRY L. ROTHANZL
NEBRASKA L.S. 607
DATE: 09-04-2024



NOTES

- ALL INTERNAL LINES ARE RADIAL/PERPENDICULAR UNLESS OTHERWISE NOTED AS NON-RADIAL (NR).
- ALL INTERNAL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
- ANGLES MEASURED ADJACENT TO CURVES ARE MEASURED TO THE CHORD OF SAID CURVE.

LEGEND

○	FOUND 5/8" REBAR (UNLESS OTHERWISE NOTED)
●	SET 5/8" REBAR W/ CAP L.S. #607 TO BE SET IF NOT FOUND - WITH 5/8" REBAR W/ CAP L.S. #607
(M)	MEASURED DISTANCE
(R)	RECORDED DISTANCE
(C)	CALCULATED DISTANCE
(P)	PLATTED DISTANCE
---	SECTION LINE
---	BOUNDARY LINE
---	PROPERTY LINE
---	EXISTING PROPERTY LINE
---	EXISTING EASEMENT LINE
---	FEMA ZONE AO (DEPTH 2)
---	FEMA ZONE X

FLOOD ZONE

PROPERTY IS IN FLOOD ZONE "X". AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN.

PROPERTY IS IN FLOOD ZONE "AO", FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY SHHE FLOW ON SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED. FOR AREAS OF ALLUVIAL FAN FLOODING, VELOCITIES ALSO DETERMINED.

COMMUNITY-PANEL NUMBERS:
31141C0330E
EFFECTIVE DATE: APRIL 19, 2010

SECTION CORNER TIES

CENTER OF SECTION 8
T17N, R1E: FOUND SURVEY MARKER AS RECORDED BY THOMAS A. TREMEL, LS#455 ON APRIL 13, 2018. 45.75' NE TO "X" NAILS IN POWER POLE. 63.09' SW TO SURVEY MARKER IN CONCRETE JOINT. 78.60' SE TO SURVEY MARKER IN TOP OF CURB JOINT. 19.0' SOUTH TO CENTERLINE JOINT OF WEST BOUND LANE OF LOST CREEK PARKWAY. 8' EAST TO RANGE OF POWER POLES NORTH. ON RANGE OF FENCE NORTH.

NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 8
T17N, R1E: FOUND RAILROAD SPIKE 0.1' DEEP AS RECORDED BY THOMAS A. TREMEL, LS#455 ON SEPTEMBER 16, 2010. 35.62' EAST TO "X" NAILS IN POWER POLE. 35.64' WEST TO "X" NAILS IN POWER POLE. 31.10' SSE TO NAIL IN DISK IN GATE POST. ON RANGE OF POWER POLES EAST. ON CENTERLINE OF OLD MONASTARY DRIVE NORTH.

APPROVAL BY PLANNING COMMISSION

THIS PLAT OF "ENERGY TRIANGLE FOURTH SUBDIVISION", TO THE CITY COLUMBUS, PLATTE COUNTY NEBRASKA,

APPROVED BY THE PLANNING COMMISSION, THIS _____ DAY OF _____, 20____.

CHAIRMAN _____

APPROVAL BY CITY COUNCIL

THIS PLAT OF "ENERGY TRIANGLE FOURTH SUBDIVISION" IS HEREBY APPROVED BY THE CITY OF COLUMBUS,

NEBRASKA BY RESOLUTION NO. _____ DULY PASSED BY THE CITY COUNCIL ON THE _____ DAY OF _____, 20____.

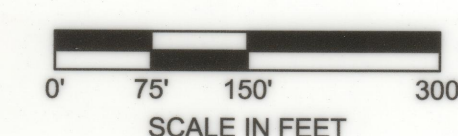
CITY CLERK _____

MAYOR _____

COLUMBUS, NEBRASKA SCHOOL BOARD

THIS FINAL PLAT OF ENERGY TRIANGLE FOURTH SUBDIVISION TO THE CITY OF COLUMBUS, NEBRASKA IS APPROVED BY THE COLUMBUS PUBLIC SCHOOLS ON THIS 4th DAY OF September, 2024.

COLUMBUS SCHOOL SUPERINTENDENT _____



olsson

2111 South 67th Street
Suite 200
Omaha, NE 68106
olsson.com
TEL 402.341.1116
FAX 402.341.5895

REV. NO.	DATE	DESCRIPTION	REVISIONS

MAJOR PLAT

ENERGY TRIANGLE FOURTH SUBDIVISION
LOTS 1 THRU 3

PLATTE COUNTY 2024

COLUMBUS, NEBRASKA

drawn by: DSH
designed by: DSH
project no.: 024-03506
date: 09.04.2024

SHEET
1 of 1

F:\2024\03506\03506.dwg Design\Survey\SRV\Sheets\Final\Plat\PLAT_ENERGY TRIANGLE FOURTH SUBDIVISION_9-4-2024_02403506.dwg DATE: Sep 04, 2024 9:47am USER: ehsavage

5. Public hearing - Application from Ryan Companies US, Inc. for special use permit to allow a Truck Terminal in a "B-2" (General Commercial District) zone located at 10th Avenue and 45th Street.

NOTICE OF HEARING

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, September 9, 2024, 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 a Truck Terminal on the following described real estate in a "B-2" (General Commercial District) zone: A tract of land containing all of Lot 2, Energy Triangle Third Subdivision, a platted and recorded addition to Platte County, Nebraska and a Part of the North half of the southeast quarter of Section 8, Township 17 North, Range 1 East of the 6th P.M. in Platte County, Nebraska, being more particularly described as follows: Commencing at the Northeast corner of the southwest Quarter (Center) of Section 8; thence on the East Line of said southwest quarter on an assumed bearing of S01°35'08"E, 536.28 feet to the northeast corner of said Lot 2, said corner also being the point of beginning; thence N85°19'41"E, 40.06 feet; thence S01°34'54"E, 603.94 feet; thence S88°25'09"W, 40.00 feet to a point on said East line of the southwest Quarter; thence on said East line of the southwest Quarter S01°34'54"E, 1520.14 feet to the southeast corner of said Lot 2; thence on the South line of said Lot 2 S87°51'35"W, 621.24 feet to the southwest corner of said Lot 2, Thence on the southwesterly line of said Lot 2 for the following three (3) described courses: (1) N54°08'53"W, 1007.54 feet; (2) N31°55'21"W, 818.70 Feet; (3) N31°55'54"W, 483.03 feet to the northwest corner of said Lot 2, said corner also being the southwest corner of Lot 1, Energy Triangle Second Subdivision, a platted and recorded Addition to said Platte County, Nebraska; thence on the North line of said Lot 2 for the following seven (7) described courses: (1) N87°58'59"E, 698.67 feet to the southeast corner of said Lot 1, Energy Triangle Second Subdivision; (2) also being the East line of said Lot 1, Energy Triangle Second Subdivision N02°01'47"W, 228.16 feet to the southwest corner of Lot 1, Energy Triangle Third Subdivision; (3) also being the South line of said Lot 1, Energy Triangle Third Subdivision N87°58'48"E, 390.00 feet to the southeast corner of said Lot 1, Energy Triangle Third Subdivision; (4) also being the East line of said Lot 1, Energy Triangle Third Subdivision N02°04'43"W, 156.87 feet to the northeast corner of said Lot 1, Energy Triangle Third Subdivision, said point also being on the South right-of-way line of 45th Street; (5) also on said South right-of-way line of 45th Street S82°30'23"E 137.79 feet to a point of curvature; (6) also continuing on said South right-of-way line of 45th Street on a 1070.00 foot radius curve to the left, an arc length of 224.60 feet (long chord bears S88°30'44"E, 224.19 Feet); (7) continuing on said South right-of-way line of 45th Street N85°28'28"E, 634.30 feet to the point of beginning, said tract of land contains a calculated area of 3,077,607.90 sq. ft. or 70.652 acres, more or less (10 Ave and 45 St) and at said time and place you may appear and be heard.

City of Columbus
Shuraya Choat, City Clerk

Publish: 08:30:24
Affidavit of Publication

**CITY OF COLUMBUS
MEMORANDUM**

DATE: August 30, 2024
FROM: Andy Woehrer, Chief Building & Code Official
TO: Tara Vasicek, City Administrator
RE: Special Use Permit to allow the Use Type (**Truck Terminal**) in the B-2 General Commercial District.

RECOMMENDATION:

I recommend approval of the Special Use Permit be approved to allow the use type Truck Terminal in the B-2 General Commercial District along with the following conditions.

1. The total maximum floor area of all buildings combined is limited to 75,000 square foot or less per site
2. A landscape bufferyard and screening is required around the perimeter of the site and shall be not less than 20-foot.

DISCUSSION:

We have received an application for a Special Use Permit to allow the Use Type (**Truck Terminal**) in the B-2 General Commercial District. The applicant intends to use this property for a distribution center which is defined under the use type Truck Terminal. The use type for the area is a good fit and is in conformance with the Columbus Land Development Ordinance.

FISCAL IMPACT:

None

ALTERNATIVE:

Deny the Special Use Permit

SIGNATURE:

By: Andy J. Woehrer

Approved By: Tara Vasicek

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: Ryan Companies US, Inc., c/o Loup Power District

APPLICANT MAILING ADDRESS: 111 E. Grand Ave., Suite 200, Des Moines, IA 50309

APPLICANT PHONE NUMBER: (515) 309-8544

APPLICANT EMAIL ADDRESS: dustyn.curran@ryancompanies.com

LEGAL REPRESENTATION FIRM/ATTORNEY: Debra Alschuler

ATTORNEY PHONE NUMBER: (612) 492-4980

ATTORNEY E-MAIL ADDRESS: debra.altshuler@ryancompanies.com

ADDRESS OF PROPERTY: TBD - See legal description

LEGAL DESCRIPTION OF PROPERTY:
Attached separately.

PRESENT ZONING CLASSIFICATION: B-2 Commercial

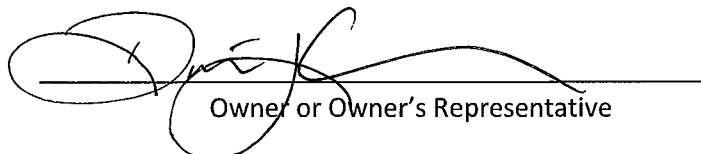
DESCRIPTION OF THE REASON FOR THE SPECIAL USE PERMIT APPLICATION:
To allow for truck terminal use in B-2 Commercial area.

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)

The property will be utilized for i) receiving, storing, assembling, displaying, shipping, distributing, preparing, selling, and serving as a pick-up/drop-off location for products; (ii) parking, storage, dispatch, and outdoor and indoor loading/unloading of vehicles (iii) warehouse and office use

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

DATED THIS 19 DAY OF August, 2,024


Owner or Owner's Representative

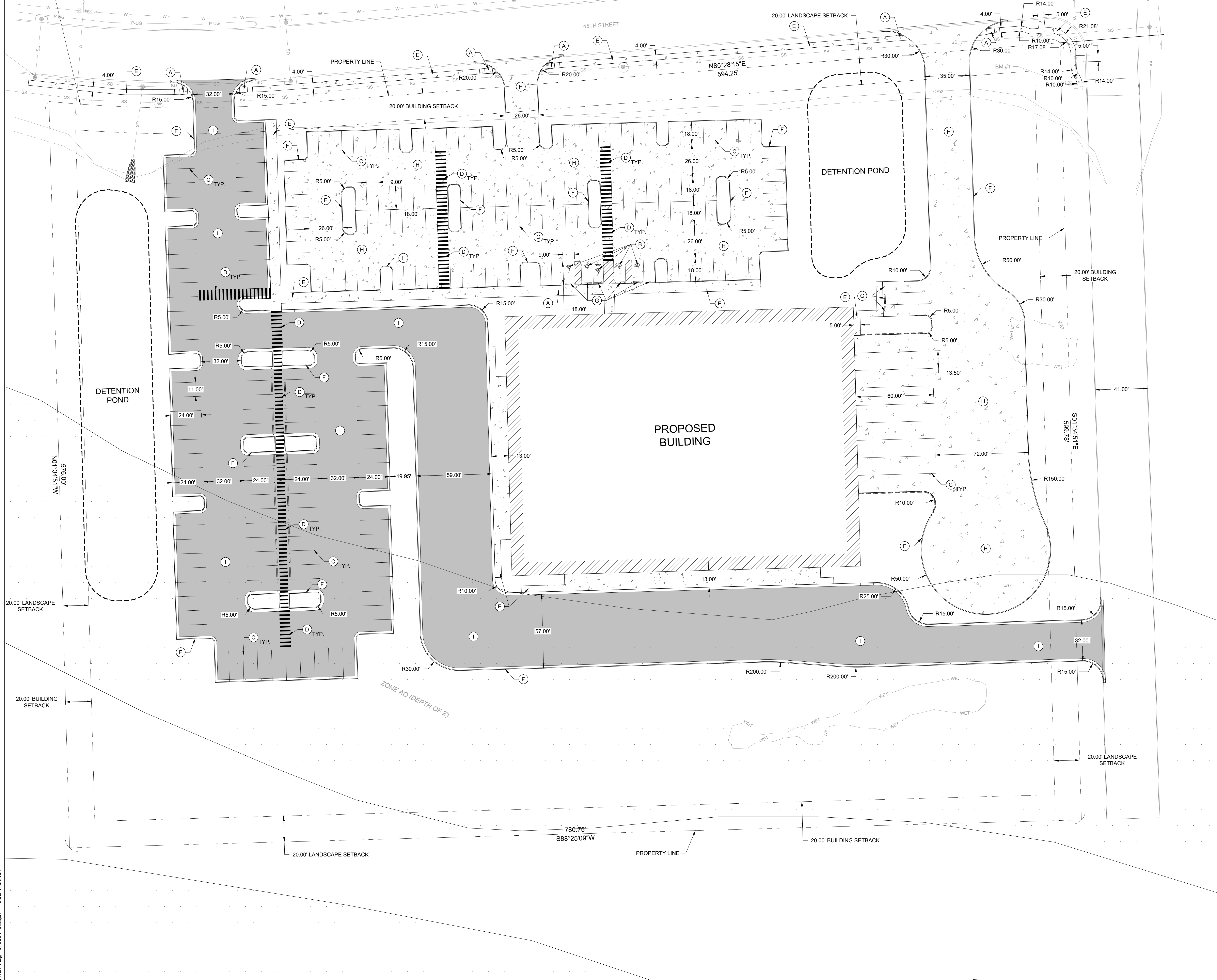
LEGAL DESCRIPTION

A TRACT OF LAND CONTAINING ALL OF LOT 2, ENERGY TRIANGLE THIRD SUBDIVISION, A PLATTED AND RECORDED ADDITION TO PLATTE COUNTY, NEBRASKA AND A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M. IN PLATTE COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER (CENTER) OF SECTION 8; THENCE ON THE EAST LINE OF SAID SOUTHWEST QUARTER ON AN ASSUMED BEARING OF S01°35'08"E, 536.28 FEET TO THE NORTHEAST CORNER OF SAID LOT 2, SAID CORNER ALSO BEING THE POINT OF BEGINNING; THENCE N85°19'41"E, 40.06 FEET; THENCE S01°34'54"E, 603.94 FEET; THENCE S88°25'09"W, 40.00 FEET TO A POINT ON SAID EAST LINE OF THE SOUTHWEST QUARTER; THENCE ON SAID EAST LINE OF THE SOUTHWEST QUARTER S01°34'54"E, 1520.14 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE ON THE SOUTH LINE OF SAID LOT 2 S87°51'35"W, 621.24 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, THENCE ON THE SOUTHWESTERLY LINE OF SAID LOT 2 FOR THE FOLLOWING THREE (3) DESCRIBED COURSES: (1) N54°08'53"W, 1007.54 FEET; (2) N31°55'21"W, 818.70 FEET; (3) N31°55'54"W, 483.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF LOT 1, ENERGY TRIANGLE SECOND SUBDIVISION, A PLATTED AND RECORDED ADDITION TO SAID PLATTE COUNTY, NEBRASKA; THENCE ON THE NORTH LINE OF SAID LOT 2 FOR THE FOLLOWING SEVEN (7) DESCRIBED COURSES: (1) N87°58'59"E, 698.67 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, ENERGY TRIANGLE SECOND SUBDIVISION; (2) ALSO BEING THE EAST LINE OF SAID LOT 1, ENERGY TRIANGLE SECOND SUBDIVISION N02°01'47"W, 228.16 FEET TO THE SOUTHWEST CORNER OF LOT 1, ENERGY TRIANGLE THIRD SUBDIVISION; (3) ALSO BEING THE SOUTH LINE OF SAID LOT 1, ENERGY TRIANGLE THIRD SUBDIVISION N87°58'48"E, 390.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, ENERGY TRIANGLE THIRD SUBDIVISION; (4) ALSO BEING THE EAST LINE OF SAID LOT 1, ENERGY TRIANGLE THIRD SUBDIVISION N02°04'43"W, 156.87 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, ENERGY TRIANGLE THIRD SUBDIVISION, SAID POINT ALSO BEING ON THE SOUTH RIGHT-OF-WAY LINE OF 45TH STREET; (5) ALSO ON SAID SOUTH RIGHT-OF-WAY LINE OF 45TH STREET S82°30'23"E, 137.79 FEET TO A POINT OF CURVATURE; (6) ALSO CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE OF 45TH STREET ON A 1070.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC LENGTH OF 224.60 FEET (LONG CHORD BEARS S88°30'44"E, 224.19 FEET); (7) CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE OF 45TH STREET N85°28'28"E, 634.30 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS A CALCULATED AREA OF 3,077,607.90 SQ. FT. OR 70.652 ACRES MORE OR LESS.

R=1070.00'
 Δ=010°02'53"
 L=187.65'
 S89°30'18"E
 CH=187.41'



SITE KEY NOTES	
A	CONSTRUCT CURB RAMP PER ADA REGULATIONS AND LOCAL JURISDICTIONAL REQUIREMENTS.
B	INSTALL ADA PARKING STALL AND ASSOCIATED STRIPING AND SIGNAGE PER ADA REGULATIONS AND LOCAL JURISDICTIONAL REQUIREMENTS. REFERENCE DETAIL SHEET.
C	INSTALL 4-INCH WHITE PAVEMENT STRIPING.
D	INSTALL 24-INCH WHITE CROSSWALK PAVEMENT STRIPING.
E	CONSTRUCT 4-INCH THICK P.C.C. SIDEWALK.
F	CONSTRUCT P.C.C. INTEGRAL CURB AND GUTTER.
G	INSTALL PRECAST CONCRETE WHEEL STOP.
H	CONSTRUCT 7" CONCRETE PAVEMENT, CLASS 47B-3500.
I	CONSTRUCT 8" CONCRETE PAVEMENT, CLASS 47B-3500.

SITE INFORMATION TABLE	
ZONING:	B-2 - GENERAL COMMERCIAL DISTRICT
PROPOSED USE:	GENERAL COMMERCIAL DISTRICT
PARKING REQUIREMENTS:	1 SPACE/5,000 SQUARE FEET
REQUIRED:	54
PROVIDED:	136
ACCESSIBLE PARKING:	5

SITE DEVELOPMENT REGULATIONS	
MINIMUM LOT AREA (SF)	5,500 SF MIN.
MINIMUM LOT WIDTH (FT)	50 FEET MIN.
SITE AREA/HOUSING UNIT (SF)	1,500
FRONT YARD	10
STREET SIDE YARD	10
INTERIOR SIDE YARD	0
REAR YARD	20
MAXIMUM HEIGHT (FT)	60
MAXIMUM IMPERVIOUS COVERAGE	70%
FLOOR AREA RATIO	3.0

- NOTES:
- STANDARD PARKING STALL SIZE SHALL BE 9'x18'.
 - ADA ACCESSIBLE PARKING STALL SIZE SHALL BE 9'x18'.
 - ALL ON-SITE SIGNAGE SHALL COMPLY WITH ZONING REQUIREMENTS.
 - ALL RADII SHALL BE 3' UNLESS OTHERWISE NOTED.

2111 South 67th Street
 Suite 200
 Omaha, NE 68106
 olsson.com
 TEL: 402.341.1116
 FAX: 402.341.5895
 Olsson - Engineering
 Nebraska COA #CA-0638

REV. NO.	DATE	DESCRIPTION	BY

PRELIMINARY PLAT
 SITE PLAN

ENERGY TRIANGLE
 FOURTH SUBDIVISION

COLUMBUS, NEBRASKA

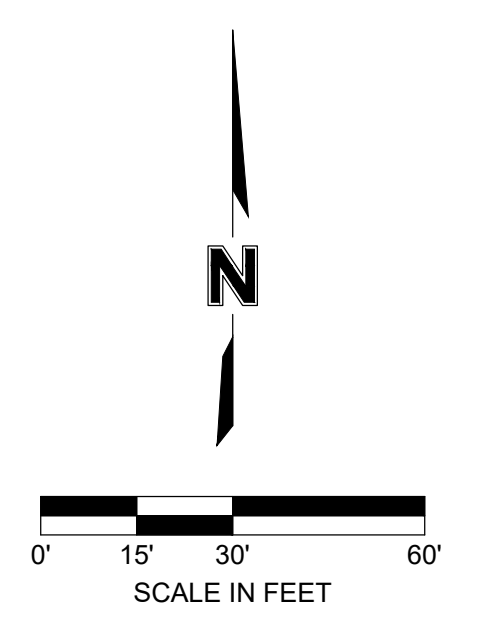
REVISIONS

2024

drawn by: E.H.J.
 designed by: P.A.N.
 project no.: 024-0309
 date: 08.19.2024

SHEET
 C2.0

F:\2024\03501-04000\024-0309\40-Design\AutoCAD\Preliminary Plans\Sheets\SDNC_SIT01_02403509.dwg
 DATE: Aug 16, 2024 3:55pm USER: ehilton



6. Public hearing - Application from RJ House Moving, on behalf of Randy Johnson, for permit to move a house from 26751 280 Avenue, Platte Center, NE to 6236 53 Street.

NOTICE OF HEARING

You are hereby notified that a public hearing before the Planning Commission of the City of Columbus, NE, will be held on Monday, September 9, 2024, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application for a permit to move a house from 26751 280 Ave, Platte Center, NE to 6236 53 St, Columbus, NE on October 13, 2024, at 8 a.m. The public hearing will also include a request to exceed the 18 ft. height limit as the loaded height of the building will be 20 ft. 4 in. and at said time and place you may appear and be heard. Moving route is entering city jurisdiction on 235th Ave and continuing south to 53rd St then heading east along 53rd St to 6236 53 St, Columbus, NE.

City of Columbus, NE
Shuraya Choat, City Clerk

Publish: 08:29:24
Affidavit of Publication

**CITY OF COLUMBUS
MEMORANDUM**

DATE: September 3, 2024
FROM: Andy Woehrer, Chief Building & Code Official
TO: Tara Vasicek, City Administrator
RE: RJ House Moving to move a house from 26751 280th Ave Platte Center, NE to 6236 53rd Street.

RECOMMENDATION:

I recommend approval of the permit to move a house from 26751 280th Ave to 6236 53rd street. The house has been inspected and is suitable for moving. The house will be updated including egress windows, smoke detectors, plumbing and electrical.

DISCUSSION:

We have received an application from RJ House Moving Company to move a house from 26751 280th Ave to 6236 53rd Street. The house will be going to a location that fits the neighborhood and is in conformance with the Columbus Land Development Ordinance. A building permit application has been received and under review.

FISCAL IMPACT:

None

ALTERNATIVE:

Deny the Building Moving Permit

SIGNATURE:

By: Andy J. Woehrer

Approved By: 

CITY OF COLUMBUS APPLICATION FOR BUILDING MOVING

A PERMIT IS HEREBY REQUESTED TO MOVE THE FOLLOWING BUILDING OR STRUCTURE OUT OF, WITHIN OR THROUGH THE CITY OF COLUMBUS, IN ACCORDANCE WITH TITLE V, CHAPTER 9 OF THE COLUMBUS CITY CODE. ANY CHANGES FROM THE APPROVED MOVING DATE AND TIME MUST BE SUBMITTED IN WRITING TO THE BUILDING OFFICIAL.

BUILDING MOVER AND EQUIPMENT

NAME Ron Tech A DBA RJ House Moving
ADDRESS 3040 X RD
CITY BRAINARD STATE NE ZIP 68626
TELEPHONE 402-890-7520
LICENSED: YES NO INSURED: YES NO
(Per Section 5-9-5 of Columbus City Code)

TYPE OF EQUIPMENT TO BE USED IN MOVING: BEAMS + DOLLIES

Please attach a certificate from the County Treasurer showing that all taxes and special assessments then due against the building and lot on which the building stands have been paid. ✓

BUILDING TO BE MOVED

DESCRIPTION OF THE BUILDING: wood framed Ranch style
CURRENT ADDRESS OF BUILDING: 26751 280th Ave.
LEGAL DESCRIPTION: LOT NO. NA BLOCK NO. NA ADDITION/SUBDIVISION NA
FLOOR AREA (Sq. Feet): 1,470 25' 18" 2W TR 426'x176' IN SE SE

A photograph of the building is required. ✓

LOCATION TO BE MOVED TO

ADDRESS: 6236 53rd St.
LEGAL DESCRIPTION: LOT NO. 2 BLOCK NO. ADDITION/SUBDIVISION Johnson Subdivision
LOT SIZE: 148' x 148' = 0.00 SQUARE FEET
NUMBER OF STORIES WHEN COMPLETED: 1 story
PROPOSED USE OF THE BUILDING AT THE NEW SITE: Rental

BUILDING OWNER

NAME Randy C. Johnson
ADDRESS 1904 55th St.
CITY Columbus STATE NE ZIP 68601
TELEPHONE 402-276-1324
CERTIFICATE OF INSURANCE: YES NO

MOVING DATE

DATE: October 13, 2024 TIME WHICH THE BUILDING WILL BE MOVED: 8:00 am
LENGTH OF TIME REQUIRED FOR MOVING: 3 hrs
ROUTE (Attach map): See attached

HEIGHT & WIDTH

HEIGHT (When Loaded): 20 FEET 4 INCHES

Should the building in its height exceed 18 feet, a request to allow the same shall be submitted along with the application for moving permit setting forth the height of the loaded building. The notices required under Section 5-9-9 shall include the proposed request to exceed the height limitation and shall set forth the loaded height of the building to be moved. After public hearings before each such body, the Planning Commission and City Council shall take such action as set forth in Section 5-9-8. The Planning Commission and the Mayor and City Council shall take into consideration those factors set forth in Sections 5-9-14 and 5-9-15 of the Building Moving Ordinance.

WIDTH (Including any overhang or extension): 33' FEET 0 INCHES

The maximum width is the narrowest street or road width on the designated route. The street or road width shall be defined as the maintained surface.

In addition, the following documents must accompany this application:

- 1. A signed statement from electric, telephone and cable companies and also from any railroad, telegraph or other utility company that has lines crossing the proposed route that said move meets with their approval. If said move will interfere with said utility company, the signed statement must contain the nature and duration of the interference, the portions of the City to be affected and whether said utility company has approved the move.
- 2. Certification from the Police Chief or designee that he or his designee has reviewed the date, time, and route along with any recommendations for the move.
- 3. Verification that the Building Official has inspected the building to determine the feasibility of moving it and compliance with the Building Moving and Building Code once relocated, and that following such inspection he has approved the building for the move subject to a list of what, if any, changes, alterations or corrections need to be made to the building once relocated. The building permit obtained for said relocated building shall require said list of changes, alterations or corrections to be complied with.
- 4. Verification that the Building Official has ascertained that the size, condition, proposed use and proposed construction alternations are in accordance with the Zoning Regulations of the City.
- 5. Verification that a building permit has been applied for and approved for the relocated building.
- 6. Proof that the insurance required under the Building Moving Code has been obtained.



7. A signed statement from a tree service insured and registered with the City of Columbus as provide in Section 9-2-2(J) of the Columbus City Code stating that any needed trimming of trees or shrubbery will not damage or otherwise disturb said trees or shrubbery.

The application shall be submitted to the City Clerk along with the required fee at least 21 calendar days before the Planning Commission meeting at which the application will be considered. The City Clerk shall then schedule the application for public hearing before the Planning Commission and before the City Council. The Building Official will report on the application for a moving permit to the Planning Commission, which shall investigate the matter. The Planning Commission, following ten days notice as required by the Notice provisions set forth in Section 5-9-9 of Columbus City Code, shall hold a public hearing and following such public hearing, shall recommend to the City Council the granting or denial of the permit. The City Council, after the ten day notice and publication requirements of Section 5-9-9 of Columbus City Code have been complied with, shall hold a public hearing thereon, and following such public hearing shall grant or deny the permit.

NOTIFICATIONS AS REQUIRED

NOTIFICATION ACKNOWLEDGED BY:

DATE

TELEPHONE:	<u>[Signature]</u>	<u>9-3-2024</u>
ELECTRICAL:	<u>Bob Casper (loop) Brian Strong (Cornhusker P&D)</u>	<u>8-15-24 8-16-24</u>
CABLE TV:	<u>see attached</u>	
NATURAL GAS:	<u>[Signature]</u>	<u>8/15/24</u>
POLICE DEPARTMENT:	<u>Sherris Dept. [Signature]</u>	<u>8/14/24</u>
STREET DEPARTMENT:	<u>[Signature]</u>	<u>8/15/24</u>
FIRE DEPARTMENT:	<u>[Signature]</u>	<u>8/15/24</u>
COUNTY HIGHWAY DEPARTMENT, IF APPLICABLE:	<u>[Signature] Justin Landenkles</u>	<u>8/15/24</u>
RAILROAD OR OTHER UTILITY THAT HAS LINES CROSSING THE PROPOSED ROUTE:	<u>N/A</u>	

REQUIRED HEARING NOTICE AND PUBLICATION

Prior to consideration of a building moving application by the Planning Commission and by the City Council, notice of public hearing before the Planning Commission and before the City Council shall be provided as follows: ●

1. Posted Notice: Notices shall be posted in a conspicuous place on or near the property to which said house or building is to be moved (unless it is being moved outside the City) and on or near the building to be moved at least ten (10) days prior to the date of such public hearing. Each notice shall not be less than eighteen inches (18") in height and twenty-four inches (24") in width, with black letters of not less than one and one-half inches (1½") in height on yellow or white background. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for the ten-day period of time and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.

2. Notice by Publication: At least ten days before the date of the hearing the City Clerk, at the expense of the applicant, shall have published in a daily newspaper having a general circulation in the City of Columbus a notice of the time, place and subject matter of such hearing. Said notice shall also contain the designated moving route.





7. A signed statement from a tree service insured and registered with the City of Columbus as provide in Section 9-2-2(J) of the Columbus City Code stating that any needed trimming of trees or shrubbery will not damage or otherwise disturb said trees or shrubbery.

The application shall be submitted to the City Clerk along with the required fee at least 21 calendar days before the Planning Commission meeting at which the application will be considered. The City Clerk shall then schedule the application for public hearing before the Planning Commission and before the City Council. The Building Official will report on the application for a moving permit to the Planning Commission, which shall investigate the matter. The Planning Commission, following ten days notice as required by the Notice provisions set forth in Section 5-9-9 of Columbus City Code, shall hold a public hearing and following such public hearing, shall recommend to the City Council the granting or denial of the permit. The City Council, after the ten day notice and publication requirements of Section 5-9-9 of Columbus City Code have been complied with, shall hold a public hearing thereon, and following such public hearing shall grant or deny the permit.

NOTIFICATIONS AS REQUIRED

NOTIFICATION ACKNOWLEDGED BY:

DATE

TELEPHONE: _____

ELECTRICAL: _____

CABLE TV: BWW Brian Keiffer

8-16-24

NATURAL GAS: _____

POLICE DEPARTMENT: _____

STREET DEPARTMENT: _____

FIRE DEPARTMENT: _____

COUNTY HIGHWAY DEPARTMENT IF APPLICABLE: _____

RAILROAD OR OTHER UTILITY THAT HAS LINES CROSSING THE PROPOSED ROUTE: _____

REQUIRED HEARING NOTICE AND PUBLICATION

Prior to consideration of a building moving application by the Planning Commission and by the City Council, notice of public hearing before the Planning Commission and before the City Council shall be provided as follows:

1. Posted Notice: Notices shall be posted in a conspicuous place on or near the property to which said house or building is to be moved (unless it is being moved outside the City) and on or near the building to be moved at least ten (10) days prior to the date of such public hearing. Each notice shall not be less than eighteen inches (18") in height and twenty-four inches (24") in width, with black letters of not less than one and one-half inches (1 1/2") in height on yellow or white background. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same. It shall be the duty of the applicant to make sure the signs are laminated or otherwise protected from the weather so that they remain visible and legible for said ten-day period. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. It shall be the responsibility of the applicant to make sure the signs remain posted for the ten-day period of time and in the event any sign is removed, mutilated, destroyed or changed, it shall be the duty of the applicant to promptly post a new sign for the remainder of the ten-day period.

2. Notice by Publication: At least ten days before the date of the hearing the City Clerk, at the expense of the applicant, shall have published in a daily newspaper having a general circulation in the City of Columbus a notice of the time, place and subject matter of such hearing. Said notice shall also contain the designated moving route.

3. Notice by Personal Service or Mail: The applicant for such moving permit shall either personally serve or mail to the owners of all real estate within 300 feet of the real estate onto which the building is to be moved a written notice of the requested moving permit, setting forth the legal description and address of the location of the property onto which the building is to be moved, along with the date, time and place of such hearing at least ten days prior to the date of such hearing.

4. Affidavit of Compliance: The applicant shall be responsible for filing with the City Clerk on the date of the hearing an Affidavit of Hearing Notice Compliance. Said Affidavit shall verify that all notice requirements of this section have been complied with. Said Affidavit shall be submitted on a form approved by the City Clerk's Office.

NOTICE ALONG MOVING ROUTE

Prior to the actual move of a building, the applicant for such moving permit shall provide notice to all property owners or occupants along the moving route. Said notice shall be personally delivered to each property owner or occupant or left at their place of business or residence along the route at least twenty-four (24) hours, but not more than seventy-two (72) hours, before the move takes place. The notice to said business or residence shall provide that electrical power may be affected by the building move. The notice shall contain the name, address and telephone number of the following: the building owner, the building mover, and the electrical power company involved. The notice shall also set forth the date of the move and a time frame within which the move is to take place.

The applicant shall be responsible for filing with the City Clerk an Affidavit of Moving Notice Compliance. Said Affidavit shall be filed before the move commences and shall verify that the notice requirement of this section has been complied with. Said Affidavit shall be submitted on a form approved by the City Clerk's Office.

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS CORRECT AND THAT I AGREE TO ABIDE BY ANY AND ALL PROVISIONS MADE BY AUTHORIZED CITY OFFICIALS OR BOARDS OR ORDINANCES OF THE CITY OF COLUMBUS, UPON WHICH THIS APPLICATION IS BASED.

DATE 8-16-24 Randy C. Johnson
OWNER OF BUILDING

FEES _____
RECEIPT NO. _____ Ron Jecher D. BA. RT. House Mover
BUILDING MOVER

BUILDING INSPECTION

BUILDING INSPECTED BY: Ken Steiner, Columbus Building Inspector

CONDITION SATISFACTORY FOR MOVING: YES NO

Ken Steiner
BUILDING INSPECTOR

PLANNING COMMISSION APPROVED DENIED DATE _____
CITY COUNCIL APPROVED DENIED DATE _____
PERMIT NO. ISSUED _____
WORK COMPLETED DATE: _____



August 9, 2024
20:43 PM

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

1:50,735



- Parcels
- Townships
- Sections



I Bandy @. Johnson owner of Nebraska Tree Works
will be taking care of trees on moving route. At this
point there doesn't appear to be any problem
with any trees

Bandy @. Johnson

SPRUNK/MICHAEL J & ALICE A
 26747 280 AVE
 PLATTE CENTER, NE 68653

Tax Year 2023
 Statement 00015300

Platte County
 County Treasurer

Receipt 202150332
 Payment Date 04/23/2024

ID Number	Taxing District	Tax Rate	Taxable Value	Exempt Value	Tax Type
0710042224	99	1.01865400	587,575	0	Real Estate

S1/2 SE EXC TR 426' X 176'

26751 280 AVE PLATTE CENTER NE 68653

Acres: 78.280

S-T-R: 25-18-2 W

SPRUNK/MICHAEL J & ALICE A
 26747 280 AVE
 PLATTE CENTER, NE 68653

Taxes Due 12/31/2023 Tax Before Credits 5,985.36
 Delinquent Tax Credits 773.76
 1st Half 05/01/2024 Late Filing Fee 0.00
 2nd Half 09/01/2024 Total Tax Due 5,211.60

Receipt void until final payment
 of any check or draft tendered.

1st Half	2nd Half	Full	Installment
X			2,605.80
		Interest	0.00
		Advertising	0.00
		Other	0.00

RECEIPT

Total Collected
2,605.80

4,521.72 Check #1054

mes counter

mseidel

Paid In Full

TAXPAYER COPY

SPRUNK/MICHAEL J & ALICE A
 26747 280 AVE
 PLATTE CENTER, NE 68653

Tax Year 2023
 Statement 00015300

Platte County
 County Treasurer

Receipt 202163946
 Payment Date 08/20/2024

ID Number	Taxing District	Tax Rate	Taxable Value	Exempt Value	Tax Type
0710042224	99	1.01865400	587,575	0	Real Estate

S1/2 SE EXC TR 426' X 176'

26751 280 AVE PLATTE CENTER NE 68653

Acres: 78.280

S-T-R: 25-18-2 W

SPRUNK/MICHAEL J & ALICE A
 26747 280 AVE
 PLATTE CENTER, NE 68653

Taxes Due	12/31/2023	Tax Before Credits	5,985.36
Delinquent		Tax Credits	773.76
1st Half	05/01/2024	Late Filing Fee	0.00
2nd Half	09/01/2024	Total Tax Due	5,211.60

Receipt void until final payment
 of any check or draft tendered.

1st Half	2nd Half	Full	Installment
	X		2,605.80
		Interest	0.00
		Advertising	0.00
		Other	0.00

RECEIPT

2,605.80 Check #1061

crk thank you

Total Collected
2,605.80

ckoza

Paid In Full

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7. Request from City of Columbus to rename a street located in the 700 & 800 block running east/west on Progress Drive in Vitality Village Subdivision from Progress Drive to Vitality Drive.

The City of **Columbus**

MEMORANDUM

DATE: September 4, 2024
FROM: Richard J. Bogus, P.E.
TO: Tara Vasicek, City Administrator
RE: Vitality Village Subdivision – Street Name Change

RECOMMENDATION:

I recommend changing the Progress Drive roadway name in the 700 and 800 block to Vitality Drive in the Vitality Village Subdivision.

DISCUSSION:

The current layout is causing addressing conflicts due to the density of the units and distinguishing between different blocks and avenues. It is proposed to rename the northern street in the 700 and 800 block running east/west to Vitality Drive, while retaining the name Progress Drive for the north/south road on the east side of the subdivision. The City is the property on both sides of the roadway.

E911/Joint Communications will be notified of the requested change.

FISCAL IMPACT:

None

ALTERNATIVE:

Do not approve

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]



City Hall
2500 14th St.
Columbus, NE 68601
402-562-4309
columbusne.us

CITY OF COLUMBUS

STREET NAME CHANGE REQUEST FORM

1. List the people principally interested in the street name change. Be sure to include:
 - a. Majority abutting land owner or a representative for the group; and
 - b. The person requesting the name change, if not the same as a) above

Name (a)

Name (b)

Business (if applicable)

Business (if applicable)

Mailing Address

Mailing Address

Daytime Phone Number

Daytime Phone Number

Email Address

Email Address

2. Current Street name and beginning and ending street names for segment requested _____

3. Proposed Street name _____

4. Brief explanation of why this name change is being requested. A separate sheet may be attached if necessary.

This plat was prepared at the request of the City of Columbus, Columbus NE

FIELD NOTES

SW Corner SE1/4 Sec. 20 T17N R1E: Found 5/8" iron bar with aluminum cap in monument well in 8th Street as recorded on survey by Thomas A. Tremel, LS #455, dated August 20, 1996.

SW Corner SE1/4 SE1/4 Sec. 20 T17N R1E: Found star drill hole in concrete on the northeast side of monument well as recorded on survey by Joseph J. Vetick, LS #500, dated August 22, 1998.

SE Corner SE1/4 Sec. 20 T17N R1E: Found aluminum cap in concrete as recorded on survey by Thomas A. Tremel, L.S. #455 dated February 27, 2007.

At "A" found 1" iron pipe as recorded on survey by Joseph J. Vetick, LS #500, dated August 22, 1998. At "B", "E", "F", "G", "H", "J", "K", "L", "M", "N", "O", "R", and "S" found 5/8" iron bar with survey cap as recorded on the final plat of Vitality Village Addition by myself, Brian D. Benck, LS #536, dated April 5th, 2024.

LEGAL DESCRIPTION

Lots 8-11, Block A, and Lots 1-12, Block B, and Lots 9-13, Block C, and Lots 1 and 2 Block D, all in Vitality Village Addition to the City of Columbus, Platte County, Nebraska, along with that part of 9th Street and Progress Drive abutting said Lots, all of which is more particularly described as follows:

Beginning at the Southwest corner Lot 13, Block C, Vitality Village Addition to the City of Columbus, Platte County, Nebraska and assuming the West line of said Lot 13 to have a bearing of N 01°23'12" W, thence N 01°23'12" W, and on said West line 158.30 feet, to the Northwest corner said Lot 13; thence N 88°27'07" E, and on the North line said Lot 13, 0.24 feet to the Southwest corner Lot 9, said Block C; thence N 01°32'03" W, and on the West line said Lot 9, 103.00 feet to the Northwest corner said Lot 9, said point also being on the South line 9th Street; thence N 88°27'07" E, and on the South line 9th Street, 180.31 feet, thence N 01°32'03" W, 60.00 feet to a point on the North line 9th Street; thence S 88°27'07" W, and on the North line 9th Street, 531.31 feet; thence N 46°32'27" W, 14.14 feet to a point on the East line 9th Avenue; thence N 01°32'03" W, and on said East line 9th Avenue, 197.94 feet; thence N 43°33'49" E, 14.12 feet to a point on the South line Progress Drive; thence N 88°39'42" E, and on the South line said Progress Drive, 513.31 feet; thence N 01°32'03" W, 60.00 feet, to a point on the North line Progress Drive; thence S 88°39'42" W, and on the North line said Progress Drive, 583.30 feet to a point on the West line 9th Avenue; thence S 01°32'03" E, and on West line said 9th Avenue, 32.00 feet to the Northeast corner Lot 7, Block A, said Addition; thence S 88°39'42" W, and on the North line said Lot 7, 110.00 feet to the Northwest corner said Lot 7, said point also being on the West line SW1/4 SE1/4 Section 20, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska; thence N 01°32'03" W, and on said West line, 125.00 feet; thence N 88°39'42" E, 1080.22 feet to a point on the Southwesterly Right of Way Line of the Abandoned C.B. & Q. RR; thence S 61°14'47" E, and on said Southwesterly line, 947.08 feet to the Northwest corner Lot 1, Eighth Street Fire Station Subdivision to the City of Columbus, Platte County, Nebraska; thence S 01°29'33" E, and on the West line said Lot 1, 212.17 feet to a point on the North line 8th Street, said point being 40.00 feet north of the South line SE1/4 SE1/4 said Section 20; thence S 88°30'21" W, and on said North line 572.87 feet; thence S 88°29'35" W, and on said North line 812.65 feet to the Point of Beginning, containing 19.84 acres more or less.

FINAL PLAT

VITALITY VILLAGE SUBDIVISION

A Subdivision of Lots 8-11, Block A, and Lots 1-12, Block B, and Lots 9-13, Block C, and Lots 1 and 2 Block D, all in Vitality Village Addition to the City of Columbus, Platte County, Nebraska, along with that part of 9th Street and Progress Drive abutting said Lots.

PLANNING COMMISSION STATE OF NEBRASKA) COUNTY OF PLATTE) SS CITY OF COLUMBUS)

This plat of VITALITY VILLAGE SUBDIVISION to the City of Columbus, Platte County, Nebraska, approved by the Planning Commission this ___ day of ___, 2024.

Chairman

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 ___, 2024.

Attest:

City Clerk

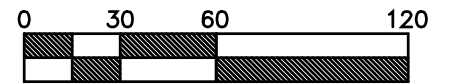
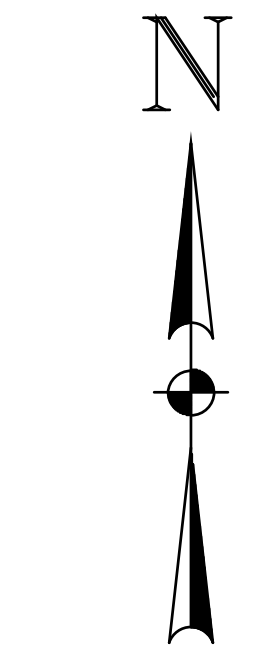
Mayor

SCHOOL DISTRICT STATE OF NEBRASKA) COUNTY OF PLATTE) SS

The above plat approved by Columbus School District No. 71-0001, Platte County, Nebraska

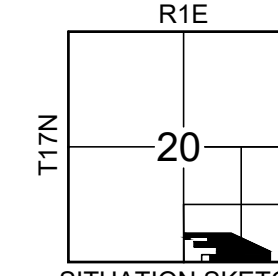
Attest:

School Superintendent



- LEGEND: Monument Found, Set 5/8" x 30" I.B. with Survey Cap, Calculated Point, Recorded Distance, Measured Distance, Easement Line.

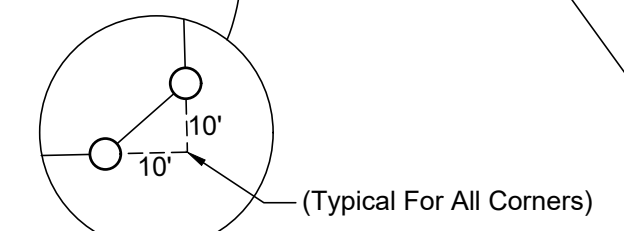
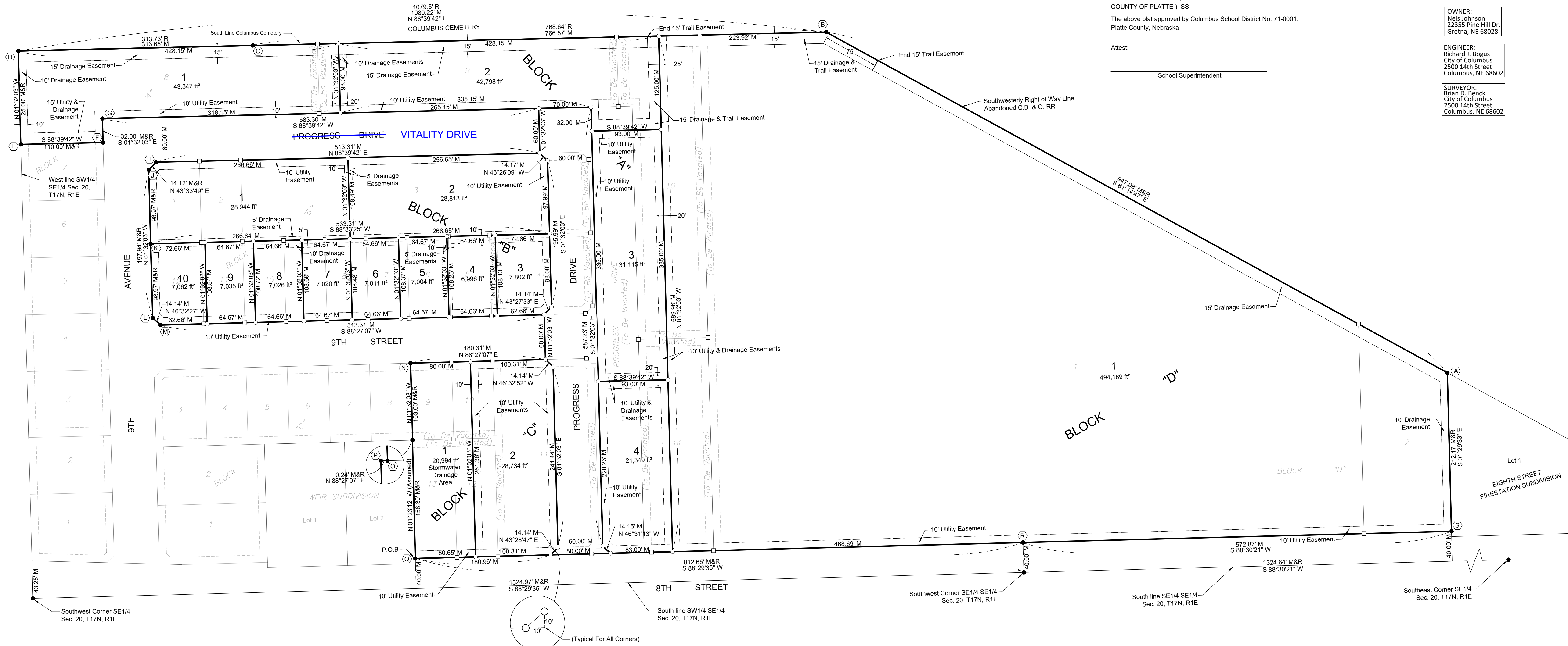
NOTE: Property corners from Vitality Village Addition had not been set at the time of this survey; therefore, the calculated corners on this plat will not be set as referenced on the Final Plat of Vitality Addition



OWNER: Nels Johnson, 22355 Pine Hill Dr, Gretna, NE 68028

ENGINEER: Richard J. Bogus, City of Columbus, 2500 14th Street, Columbus, NE 68602

SURVEYOR: Brian D. Benck, City of Columbus, 2500 14th Street, Columbus, NE 68602



8. Building report for August 2024.



City of Columbus

Building Department

Phone: 402-562-4236 Email: CommDevPermits@columbusne.us
www.columbusne.us

August Building Report Comments

For the Residential area, permits were issued for four new single-family homes, one two-unit townhouse, and various residential alterations/additions. Additionally, several permits were granted for decks, fences, and accessory structures in August.

On the Commercial side, permits were issued for the Van Berg renovation, Goc's storage units, and the admin building at the casino. Plan reviews have been started on five buildings related to the ADM project, a couple wireless tower projects, renovation of the Bank of Clarks, and new construction for Union Bank.

Andy Woehrer
Chief Building and Code Official
City of Columbus



City of Columbus

Building Department Monthly Report

09/03/2024

August 2024 2023

	August 2024			August 2023		
	Count	Permit Fees	Value	Count	Permit Fees	Value
Accessory Structure	4	\$760.13	\$139000.00	4	\$320.51	\$41270.00
Building Moving	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Com Addition	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Com Alteration	1	\$0.00	\$112719.00	2	\$53.63	\$160675.00
Com New Constr	2	\$2711.66	\$769600.00	2	\$15312.74	\$6804355.00
Com Plumbing	0	\$0.00	\$0.00	5	\$2051.00	\$854300.00
Deck	1	\$84.52	\$10640.00	6	\$532.00	\$67950.00
Demolition	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Egress Window	2	\$73.85	\$5200.00	0	\$0.00	\$0.00
Fence	13	\$416.00	\$67413.81	17	\$501.50	\$48870.00
Gas line	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Res Addition	5	\$2001.06	\$427000.00	3	\$1088.62	\$282000.00
Res Addition Wo	2	\$301.80	\$45280.00	0	\$0.00	\$0.00
Res Alteration	2	\$125.38	\$14062.19	5	\$197.61	\$24050.00
Res New Construc	6	\$6172.13	\$1900511.00	4	\$4078.15	\$1318928.00
Res Plumbing	12	\$1048.00	\$182000.00	17	\$1077.00	\$4561150.00
Res Pool	1	\$552.55	\$120000.00	0	\$0.00	\$0.00
Signs	6	\$327.00	\$16900.00	5	\$185.00	\$69800.00
Sprinklers	8	\$176.00	\$30800.00	13	\$273.00	\$59300.00
Temporary Acces	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Water Softner/RC	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Wireless TeleCom	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Wireless Tower	0	\$0.00	\$0.00	0	\$0.00	\$0.00
YEAR TOTAL	65	\$14750.08	\$3841126.00	83	\$25670.76	\$14292648.00

Population: All Records
 Permit.DateIssued Between 8/1/2023 12:00:00 AM
 AND 8/31/2024 11:59:59 PM

9. Adjournment.