

Planning Commission  
Monday, April 14, 2025 6:00 PM  
Columbus Community Building/Community Room  
2500 14 Street  
Columbus, NE 68601

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

{{Name: Agenda Item Name}}

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

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

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

**Source:** Laws 2004, LB 821, § 34.

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

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

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

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

## **Annotations**

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

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

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

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

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

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

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

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

## Annotations

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

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

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

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

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

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

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

(c) Investigative proceedings regarding allegations of criminal misconduct;

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

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

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

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

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

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

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

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

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

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

## Annotations

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

(1983).

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

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

(1) Until January 1, 2025:

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

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

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

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

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

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

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

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

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

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

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

(2) Beginning January 1, 2025:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

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

(viii) A community college board of governors;

(ix) The Nebraska Brand Committee;

(x) A local public health department;

(xi) A metropolitan utilities district;

(xii) A regional metropolitan transit authority; and

(xiii) A natural resources district.

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

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

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

provided if virtual conferencing was not used;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Cross References

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

## Annotations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Operative Date: July 19, 2024**

## Annotations

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

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

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

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

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

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

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

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

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

## Annotations

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

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

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

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

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

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

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

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

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

## Annotations

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

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

PLANNING COMMISSION  
March 10, 2025

A meeting of the Planning Commission of the City of Columbus, Nebraska, was convened in open and public session on March 10, 2025, at 6:00 p.m. in the Columbus Community Building, Community Room, 2500 14 Street, Columbus, Nebraska. Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on February 27, 2025, with a copy of the proof of publication being on file in the office of the city clerk. Availability of the agenda was communicated in the advance notice and in the notice to the mayor, members of the city council, and members of the Planning Commission. All proceedings hereafter shown were taken while the convened meeting was open to the public.

- 1. Statement of Compliance with Open Meetings Act and roll call.** Chair Goc announced that a copy of the Open Meetings Act is available at this meeting. Present were members Steve Anderson, Robbin Cutsor, Bob Elsasser, Melissa Goc, Tom Lange, and Tom Pillen. Members Colleen Bray, Fernando Lopez Jr., and Josh Mueller were absent and excused. City staff members included City Attorney Gene Schumacher, City Administrator Tara Vasicek, Chief Building and Code Official Andy Woehrer, Engineering Administrative Specialist Renee Whiting, and Senior Office Associate Vanessa Adame. Also present was Council member Charlie Bahr.
- 2. Minutes of February 10, 2025, meeting.** The minutes were approved as presented with a motion by Elsasser and a second by Anderson. Anderson, Cutsor, Elsasser, Goc, Lange, and Pillen voted "Aye" and none voted "Nay". Bray, Lopez, and Mueller were absent.
- 3. Public hearing – Redevelopment Plan for the Cottonwood Heights Redevelopment Project approximately located southwest of the intersection of E 6<sup>th</sup> Avenue and E 38<sup>th</sup> Street.** Tom Jackson, on behalf of the Cottonwood Heights redevelopment project, aims to create 593 units for rural workforce housing including single-family and multifamily homes with some commercial spaces. He noted that the development would be phased over five years and cost between \$275,000 and \$315,000. He also explained that the modular homes were chosen for their quality, speed of construction, and cost effectiveness. Vasicek clarified that while developers have the ability to name the streets within their development, any existing streets or avenues must extend into the new development in accordance with city guidelines. She added that developers may name new streets, avenues, and cul-de-sacs that have not yet been established, as long as they comply with those guidelines. Dawson Brunswick, president of the Chamber of Commerce, spoke in support of the development, stating that Columbus currently has 1,167 job openings and housing has been one of the largest barriers to filling those positions. The public hearing closed with a motion by Elsasser and a second by Lange. Anderson, Cutsor, Elsasser, Goc, Lange, and Pillen voted "Aye" and none voted "Nay". Bray, Lopez, and Mueller were absent. A recommendation was made by Elsasser and a second by Lange for

PLANNING COMMISSION

March 10, 2025

Page 2

approval of the Redevelopment Plan, based upon the foregoing and substantial evidence presented. Anderson, Cutsor, Elsasser, Goc, Lange, and Pillen voted "Aye" and none voted "Nay". Bray, Lopez, and Mueller were absent.

4. **Building report for February 2025.** The building report was presented.
5. **Adjournment.** The meeting adjourned at 6:18 p.m.

OFFICE OF THE CITY ENGINEER

: Renee Whiting

**3. Accepting Deed of Dedication for ZEBAC Addition (38th Street east of 30th Avenue.)**



Accountability - Dedication  
Honesty - Integrity - Respect

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## MEMORANDUM

**DATE:** April 9, 2025  
**TO:** Tara Vasicek, City Administrator  
**FROM:** Richard J. Bogus, City Engineer  
**RE:** ZEBAC Addition – Resolution and Deed of Dedication

**RECOMMENDATION:**

I recommend the approval of the Resolution and Deed of Dedication of ZEBAC Addition.

**DISCUSSION:**

The ZEBAC Addition is a minor plat. However, due to the needed dedication of public right-of-way and access easement, a recommendation on the Resolution and Deed of Dedication is required by the Planning Commission and subsequent approval by the City Council. The minor plat will be approved and signed administratively upon City Council approval.

**FISCAL IMPACT:**

None

**ALTERNATIVE:**

Do not approve

**CONCURRENCE:**

By: Andrew J. Weeber

**SIGNATURE:**

By: Richard J. Bogus

Approved By: [Signature]

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Once Recorded Return Document To:

Katherine E. Sharp, #26626

Jarecki Sharp & Petersen P.C., L.L.O.

P.O. Box 106 | 525 W. State Street

Albion, NE 68620

## DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That ZEBAC, LLC, is the owner of the following described real estate:

A tract of land situated in the N1/2 NE1/4 NW1/4 of Section 18, T17N, R1E of the 6th P.M., Platte County, Nebraska, said tract being more particularly described as follows: Commencing at the Northwest corner of said N1/2 NE1/4 NW1/4 of Section 18, T17N, R1E; thence N 90° E (assumed) on the North line of Section 18, T17N, R1E, a distance of 276 ft. to the True Point of Beginning; thence continuing N 90° E, a distance of 274.19 ft.; thence S 26° E, a distance of 119.5 ft.; thence S 52°55' E, a distance of 83.9 ft.; thence S 90° E, a distance of 70.6 ft.; thence S 1°14'45" E, a distance of 503.20 ft.; thence S 89°59'57" W, a distance of 739.48 ft.; thence N 1°00'09" W, a distance of 503.39 ft.; thence N 90° E, a distance of 276.0 ft.; thence N 1°00'09" W, a distance of 157.8 ft. to the True Point of Beginning;


And has caused the above-described real estate to be laid out into lots, blocks, streets and easement areas belonging to such Addition, under the name of ZEBAC Addition, a minor subdivision to the City of Columbus, Platte County, Nebraska, designating explicitly the land so laid out and particularly describing the lots, blocks, streets and easements belonging to such addition, a plat of which bearing date of June 25, 2024, and certified by Thomas A. Tremel, registered land surveyor, is attached hereto.

Said owner hereby dedicates the "Dedicated R-O-W" and easement areas set out and described on said plat to the use and benefit of the public, together with a perpetual easement for the installation of public utilities and maintenance thereof over and across the lots as set out in said plat and therein designated as "Access Easement".

Said owner and dedicator covenants and agrees with the City of Columbus to lay, at owners expense, and in accordance with specifications acceptable to the City Water and Sanitary Sewer Department,

and deliver the same to the City of Columbus, Nebraska, without cost to it the necessary water and sewer mains to adequately serve such platted area, and to pave the streets and avenues, and to deliver the same to the City without cost to it.

IN WITNESS WHEREOF, the Grantor named herein has executed these presents this 26 day of December, 2024.


  
\_\_\_\_\_  
Zachary S. Beiermann, Authorized  
Representative of ZEBAC, LLC, Owner

STATE OF NEBRASKA

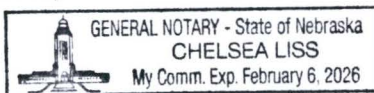
: ss.

COUNTY OF PLATTE

On this 26 day of December, 2024, before me, a duly qualified and commissioned Notary Public in and for said county, personally appeared Zachary S. Beiermann, Authorized Representative of ZEBAC, LLC, to me personally known to be the identical person described in and whose name is affixed to the foregoing instrument and acknowledged the said instrument to be his voluntary act and deed, for and on behalf of ZEBAC, LLC.

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

(SEAL)



Return to:  
Jarecki Sharp & Petersen P.C., L.L.O.  
PO Box 106  
Albion, NE 68638

### **Access Easement**

This Access Easement is made and entered into this 26 day of December, 2024, by and between ZEBAC, LLC (hereinafter "Grantor", whether one or more), a Nebraska limited liability company, and the City of Columbus, Nebraska (hereinafter "Grantee", whether one or more), a Nebraska municipality.

WHEREAS, Grantor is seized of an estate in fee simple, free from encumbrances, of a parcel of land (hereinafter the "Servient Property") described in Exhibit A attached hereto and incorporated by reference herein;

WHEREAS, Grantee is seized in fee simple of a parcel of land (hereinafter the "Dominant Property") described in Exhibit B attached hereto and incorporated by reference herein;

WHEREAS, Grantee desires to secure a means of ingress and egress over the Servient Property for the benefit of the Dominant Property, including the creation of a public street covering said Access Area and the dedication thereof by the Grantor upon development of the Servient Property.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other valuable consideration, received from Grantee, the parties agree as follows:

1. Definitions: For the purposes of this Agreement:
  - a. "Access Area" means property described in Exhibit C attached hereto and incorporated herein by reference;
  - b. "Parties" means Grantor and Grantee, collectively;
  - c. "Party" means Grantor or Grantee;

- d. "Permittees" means the tenants or occupants of the Dominant Property or Servient Property and the respective employees, agents, contractors, customers, guests, invitees, and licensees of the Parties and/or such tenants or occupants of the property; and
  - e. "Successors" means the heirs, personal and legal representatives, successors, and assigns of a Party.
- 2. Easement Grant: Grantor hereby grants, conveys, and establishes for the benefit of the Dominant Property a perpetual easement (hereinafter the "Easement") of ingress and egress on, over, and across the Servient Property within the Access Area for the passage of motor and other vehicles and pedestrians and animals to and from the Dominant Property over the Access Area.
- 3. Non-Exclusive Easement: The Easement and the rights and privileges granted herein are not exclusive. However, Grantor covenants that Grantor will not use the Access Area for any purpose that would infringe upon the rights Grantee enjoys under the Easement or the use of the Access Area as a private or public road.
- 4. Warranties: Grantor and Grantor's Successors are and shall be bound to warrant and forever defend the Easement and the rights conveyed herein to Grantee and Grantee's Successors against every person claiming all or any part of an interest in the Servient Property.
- 5. Barriers: Grantor shall not block the Access Area within any barrier, fence, or other obstruction, park vehicles or other personal property in the Access Area, or allow Grantor's Permittees to park thereon.
- 6. Obstructions: Grantor shall keep the Access Area clear of obstructions and shall not otherwise impede or interfere with Grantee's reasonable use of the Easement.
- 7. Right to Repair and Improve: Grantee shall have the right, but not the obligation, to upgrade, maintain, repair, or improve any roadway across the Access Area. If Grantee upgrades, maintains, repairs, or improves any roadway, Grantee shall have the right to use so much of the surface of the Servient Property as may be reasonably necessary to construct or repair the roadway, but in no event shall Grantee extract any part of the surface or subsurface of the Servient Property outside of the Access Area.
- 8. Written Agreement: The Easement may not be amended except by a writing signed by the owners of the Servient Property and the Dominant Property.
- 9. Legal and Equitable Relief: In the event of a breach or a threatened breach by any Party or any of their respective Permittees (hereinafter the "Defaulting Party") of any of the terms, covenants, restrictions, or conditions hereof, the other Party (hereinafter the "Curing Party") shall be entitled forthwith to full and adequate relief by injunction and/or

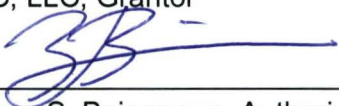
all such other available legal and equitable remedies against the Defaulting Party from the consequences of such breach, including payments of any amounts due and/or specific performance, subject to the notice and cure provisions of the following Section.

10. Self-Help: In addition to all other remedies available at law or in equity, upon the failure of the Defaulting Party to cure a breach of this Agreement within 30 days following written notice thereof by the Curing Party, the Curing Party shall have the right to cure such breach on behalf of the Defaulting Party and shall be reimbursed by the Defaulting Party upon demand for the reasonable costs thereof. Notwithstanding the foregoing, in the event of (i) an emergency, or (ii) blockage or material impairment of the Access Area, the Curing Party may immediately cure the same on behalf of the Defaulting Party without notice and shall be reimbursed by the Defaulting Party upon demand for the reasonable cost thereof.
11. Remedies Cumulative: The remedies specified herein shall be cumulative and in addition to all other remedies permitted at law or in equity.
12. No Termination for Breach: No breach hereunder shall entitle either Party to cancel, rescind, or otherwise terminate the Easement.
13. Covenants to Run with Land: It is intended that the provisions of the Easement shall run with the land and create equitable servitudes in favor of the real property benefited thereby, shall bind every person having any fee, leasehold or other interest therein, and shall inure to the benefit of the respective Parties and their Successors.
14. Severability. Each provision of this Agreement and the application thereof to the Servient Property and the Dominant Property are hereby declared to be independent of and severable from the remainder of this Agreement. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Agreement.
15. Complete Agreement: This Agreement contains the complete understanding and agreement of the Parties with respect to all matters referred to herein, and all prior representations, negotiations, and understanding are superseded hereby.

IN WITNESS WHEREOF, the parties have hereunto set their hand on the date and year first written above.

ZBAC, LLC, Grantor

BY:

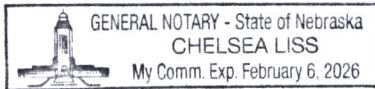
  
\_\_\_\_\_  
Zachary S. Beiermann, Authorized Representative of  
ZEBAC, LLC, Grantor

~~CITY OF COLUMBUS, NEBRASKA, Grantee~~

BY: \_\_\_\_\_  
James Bulkley, Mayor  
~~Tara Vasicek, City Administrator~~

STATE OF NEBRASKA     )  
                                          ) ss.  
COUNTY OF Platte     )

The foregoing instrument was acknowledged before me on this 20 day of December, 2024, by Zachary S. Beiermann, authorized representative of ZEBAC, LLC, Grantor.



Chelsea Liss  
\_\_\_\_\_  
Notary Public

~~STATE OF NEBRASKA     )~~  
~~) ss.~~  
~~COUNTY OF \_\_\_\_\_ )~~

~~The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_, by James Bulkley, Mayor of the City of Columbus, Nebraska, Grantee.~~  
~~Tara Vasicek, City Administrator~~

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

APPROVED AS TO FORM

By [Signature]  
City Attorney

CITY OF COLUMBUS, NEBRASKA, Grantee

BY: \_\_\_\_\_  
Tara Vasicek, City Administrator

STATE OF NEBRASKA     )  
                                          ) ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by Tara Vasicek, City Administrator of the City of Columbus, Nebraska, Grantee.

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

**Exhibit A**  
Servient Property

A tract of land situated in the N1/2 NE1/4 NW1/4 of Section 18, T17N, R1E of the 6th P.M., Platte County, Nebraska, said tract being more particularly described as follows: Commencing at the Northwest corner of said N1/2 NE1/4 NW1/4 of Section 18, T17N, R1E; thence N 90° E (assumed) on the North line of Section 18, T17N, R1E, a distance of 276 ft. to the True Point of Beginning; thence continuing N 90° E, a distance of 274.19 ft.; thence S 26° E, a distance of 119.5 ft.; thence S 52°55' E, a distance of 83.9 ft.; thence S 90° E, a distance of 70.6 ft.; thence S 1°14'45" E, a distance of 503.20 ft.; thence S 89°59'57" W, a distance of 739.48 ft.; thence N 1°00'09" W, a distance of 503.39 ft.; thence N 90° E, a distance of 276.0 ft.; thence N 1°00'09" W, a distance of 157.8 ft. to the True Point of Beginning.

**Exhibit B**  
Dominant Property

A 33 ft. strip of land located in the N1/2 of the NE1/4 of the NW1/4 of Section 18, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: referring to the Northeast corner of said N1/2 NE1/4 NW1/4; thence N 89°02'24" W, 1053.21 ft. on the North line of said N1/2 NE1/4 NW1/4 to the point of beginning; thence S 00°03'11" E, 33.01 ft. to the South right-of-way line of 38th Street; thence N 89°02'24" W, 289.76 ft. on the South right-of-way line of said street; thence N 25°15'21" W, 36.78 ft. to the North line of said N1/2 NE1/4 NW1/4; thence N 89°02'24" W, 274.10 ft. on the North line of said N1/2 NE1/4 NW1/4 to the point of beginning, containing 0.21 acres more or less.

**Exhibit C**  
Access Area

A 60 ft. strip of land located in Lot 2, ZEBAC Addition to the City of Columbus, Platte County, Nebraska, more particularly described as follows: beginning at the Northwest corner of said lot; thence S 89°02'24" E, 60.00 ft. on the North line of said lot; thence S 00°03'11" E, 124.82 ft.; thence N 89°02'24" W, 60.00 ft.; thence N 00°03'11" W, 124.82 ft. to the point of beginning.

Please return to:  
Katherine E. Sharp  
Jarecki Sharp & Petersen, PC LLO  
PO Box 106  
Albion, NE 68620  
Ph: (402) 395-1010  
Email: [katie@jsplawpc.com](mailto:katie@jsplawpc.com)

## **ZEBAC ADDITION** **DEVELOPMENT AGREEMENT**

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2025, by and between **ZEBAC, LLC** (hereinafter referred to as "Subdivider") and the **CITY OF COLUMBUS**, a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City")

### WITNESSETH

WHEREAS, Subdivider is the owner of the land included within the proposed plat attached hereto as Exhibit "A", commonly known as ZEBAC ADDITION, a minor subdivision to the City of Columbus, Platte County, Nebraska, (hereinafter referred to as the "Subdivision") within the City's zoning and platting jurisdiction; and,

WHEREAS, the Subdivider wishes to record a minor plat of the Addition within the City's zoning and platting jurisdiction; and

WHEREAS, the Addition is zoned for residential use with an existing residence located on the plot.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

For the purpose of this Development Agreement, the following words and phrases shall have the following meanings:

The "cost" or "entire cost" of a type of improvement shall be deemed to include all construction costs, engineering fees, attorneys' fees, testing expenses, publication costs; financing costs and miscellaneous costs.

"Property benefited" shall mean property within the Addition (Exhibit "A"), which will comprise 0.43 acres of property.

#### SECTION I

Subdivider and City covenant that no improvements are necessary for this Addition, but that any public improvements to the Subdivision shall be installed and provided by Subdivider at Subdivider's expense.

#### SECTION II

Subdivider and City covenant and agree that the Subdivider will abide by and incorporate into all of its construction contracts the provisions required by the regulations of the City pertaining to construction of public improvements, and testing procedures therefor, except as otherwise provided in this Development Agreement.

#### SECTION III

Subdivider and City hereby covenant that:

A. The Addition is served by existing utilities and does not require the extension of streets, utilities, or public improvements.

B. Each lot resulting from the subdivision procedure fully conforms to all requirements of the zoning district that pertains to the lots, and each lot is developable according to the site development regulations of the zoning ordinance.

C. No part of the parcel has been the subject of a previous Minor Subdivision or Minor Subdivision approval.

#### SECTION IV

All buildings built in the Addition, shall be constructed in compliance with the most recent City of Columbus Building Requirements at the time of application for the building permits, in the extent possible.

SECTION V

No separate administrative entity or joint venture, among the parties, is deemed created by virtue of the Development Agreement.

The administration of this Development Agreement shall be through the offices of the undersigned officers for their respective entities.

This Development Agreement shall be binding upon parties, their respective successors and assigns.

This Development Agreement replaces and declares void any prior agreements or resolutions regarding the development of the Subdivision.

This Development Agreement shall be recorded at the Platte County Register of Deeds office, at the Subdivider's expense, within 30 days of final plat approval.

IN WITNESS WHEREOF, we the executing parties, by ourselves or our respective duly authorized agents, hereby enter into this Development Agreement:


ATTEST:

CITY OF COLUMBUS

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

\_\_\_\_\_  
~~MAYOR~~ Date  
City Administrator

APPROVED AS TO FORM

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

ZEBAC, LLC,  
SUBDIVIDER

By  3/7/2025  
\_\_\_\_\_  
Authorized Member Date

STATE OF Missouri )

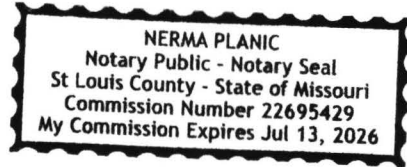
COUNTY OF Saint-Louis ) ss.

On this 07 day of March, 2025, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Zachary Beiermann, as the authorized member of ZEBAC, LLC, who is personally known by me to be the identical person whose name is affixed to the Development Agreement, and acknowledged the execution thereof to be his voluntary act and deed as the authorized member of said limited liability company.

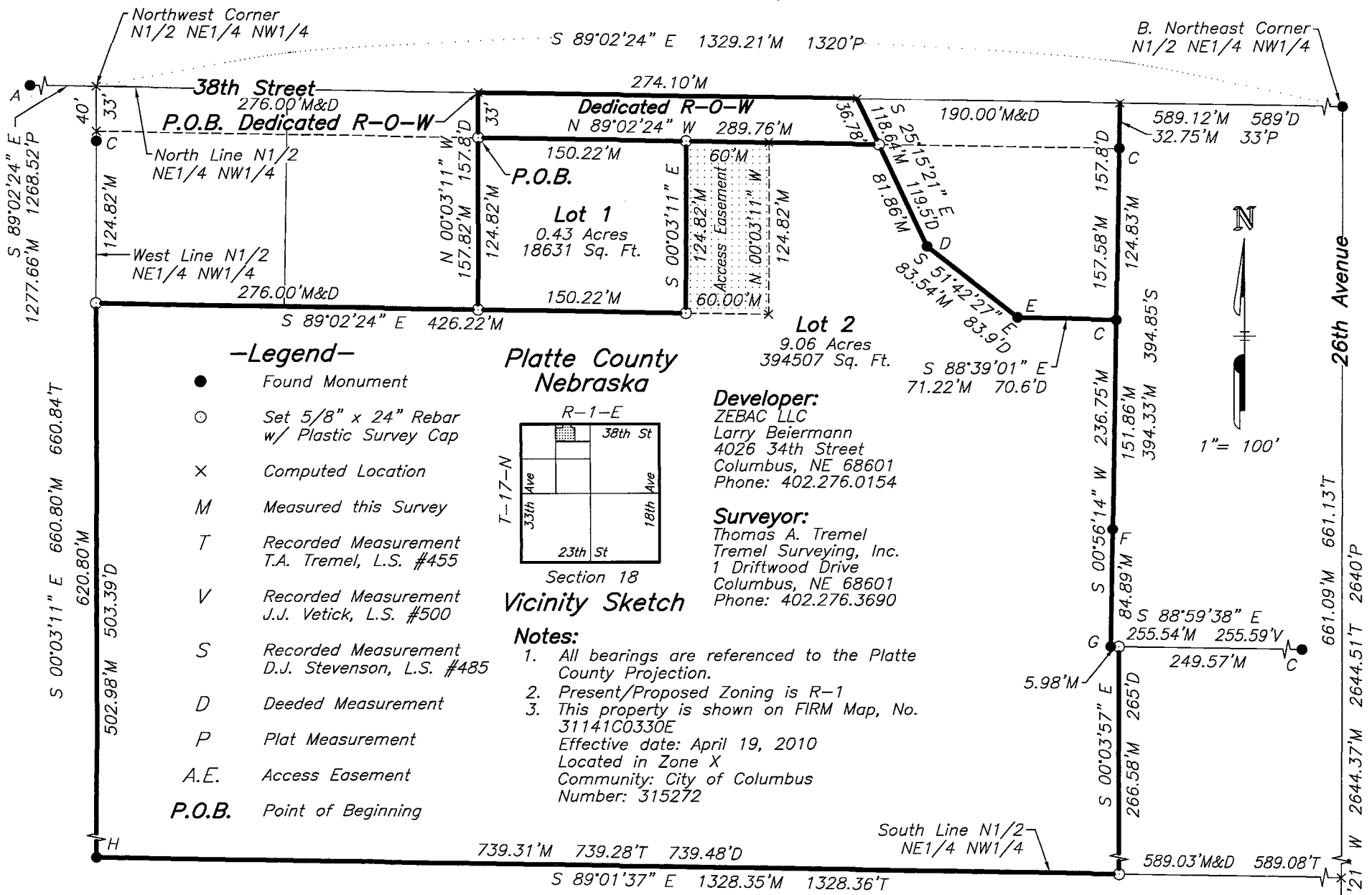
Witness my hand and Notarial Seal the day and year last above written.

*Nerma Planic*  
Notary Public

(My commission expires: July 13, 2026)



**ZEBAC Addition, a Minor Subdivision of**  
 The N1/2 of the NE1/4 of the NW1/4 of Section 18,  
 T17N, R1E, Platte County, Nebraska



**Deed Description:**

A tract of land situated in the N1/2 NE1/4 NW1/4 of Section 18, T17N, R1E of the 6th P.M., Platte County, Nebraska, said tract being more particularly described as follows: Commencing at the Northwest corner of said N1/2 NE1/4 NW1/4 of Section 18, T17N, R1E; thence N 90° E (assumed) on the North line of Section 18, T17N, R1E, a distance of 276 ft. to the True Point of Beginning; thence continuing N 90° E, a distance of 274.19 ft.; thence S 26° E, a distance of 119.5 ft.; thence S 52°55' E, a distance of 83.9 ft.; thence S 90° E, a distance of 70.6 ft.; thence S 1°14'45" E, a distance of 503.20 ft.; thence S 89°59'57" W, a distance of 739.48 ft.; thence N 1°00'09" W, a distance of 503.39 ft.; thence N 90° E, a distance of 276.0 ft.; thence N 1°00'09" W, a distance of 157.8 ft. to the True Point of Beginning.

**Survey Description:**

A tract of land located in the N1/2 of the NE1/4 of the NW1/4 of Section 18, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: referring to the Northwest corner of said N1/2 NE1/4 NW1/4; thence S 89°02'24" E, 276.00 ft. on the North line of said N1/2 NE1/4 NW1/4; thence S 00°03'11" E, 33.01 ft. to the point of beginning; thence S 89°02'24" E, 289.76 ft. on the South right-of-way line of 38th Street; thence S 25°15'21" E, 81.86 ft.; thence S 51°42'27" E, 83.54 ft.; thence S 88°39'01" E, 71.22 ft.; thence S 00°56'14" W, 236.75 ft.; thence S 88°59'38" E, 5.98 ft.; thence S 00°03'57" E, 266.58 ft. to the South line of said N1/2 NE1/4 NW1/4; thence N 89°01'37" W, 739.32 ft. on the South line of said N1/2 NE1/4 NW1/4 to the West line of said N1/2 NE1/4 NW1/4; thence N 00°03'11" W, 502.98 ft. on the West line of said N1/2 NE1/4 NW1/4; thence S 89°02'24" E, 276.00 ft.; thence N 00°03'11" W, 124.82 ft. to the point of beginning, containing 9.06 acres more or less.

**Dedicated Right-of-Way Description:**

A 33 ft. strip of land located in the N1/2 of the NE1/4 of the NW1/4 of Section 18, T17N, R1E of the 6th P.M., Platte County, Nebraska, more particularly described as follows: referring to the Northeast corner of said N1/2 NE1/4 NW1/4; thence N 89°02'24" W, 1053.21 ft. on the North line of said N1/2 NE1/4 NW1/4 to the point of beginning; thence S 00°03'11" E, 33.01 ft. to the South right-of-way line of 38th Street; thence N 89°02'24" W, 289.76 ft. on the South right-of-way line of said street; thence N 25°15'21" W, 36.78 ft. to the North line of said N1/2 NE1/4 NW1/4; thence N 89°02'24" W, 274.10 ft. on the North line of said N1/2 NE1/4 NW1/4 to the point of beginning, containing 0.21 acres more or less.

**Surveyor's Statement:**

I, Thomas A. Tremel, a Registered Land Surveyor in the State of Nebraska, hereby state that this subdivision was surveyed as per state law under my direct supervision and is correct to the best of my knowledge and belief.

*Thomas A. Tremel*  
 Thomas A. Tremel, L.S. #455  
 June 25, 2024



**City of Columbus Approval:**

This Plat of ZEBAC Addition, a Minor Subdivision of the N1/2 of the NE1/4 of the NW1/4, Section 18, T17N, R1E of the 6th P.M., Platte County, Nebraska, approved by the City of Columbus.

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

City Administrator \_\_\_\_\_

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

**Field Notes:**

- A. Northwest Corner, Section 18, T17N, R1E - found 5/8" x 24" rebar with aluminum cap in monument well as recorded by T.A. Tremel, L.S. #455, June 3, 2022.  
 Ties: 47.01' SE to survey mark in top of curb  
 41.25' SW to survey mark in top of curb  
 41.24' NW to survey mark in top of curb  
 44.25' NE to survey mark in top of curb  
 On centerline of 43rd Avenue N&S  
 On centerline of 38th Street E&W
- B. Northeast Corner N1/2 NE1/4 NW1/4, Section 18, T17N, R1E - found 1" iron pipe with aluminum cap in monument well as recorded by B.D. Benck, L.S. #536 on December 13, 2013.  
 Ties: 22.39' NW to survey mark in top of curb  
 42.58' SW to survey mark in top of curb  
 44.02' SE to survey mark in top of curb  
 1' E to centerline of 26th Avenue South  
 0.5' South to centerline of 38th Street E&W
- C. Found 1" Iron Pipe
- D. Found 5/8" Rebar
- E. Found 3/4" Rebar
- F. Found 5/8" Rebar with Plastic Cap (L.S. #536)
- G. Found 3/4" Iron Pipe
- H. 1" Iron Pipe with Plastic Cap (L.S. #455)
- I. C1/4 Corner, Section 18, T17N, R1E - found 1" Iron stake in monument well as recorded by T.A. Tremel, L.S. #455 on May 6, 1996.  
 Ties: 50.09' NW to NE corner of house  
 65.53' SE to NW corner of house  
 59.29' NE to chiseled "X" in concrete  
 30.81' North to centerline of 31st Street East  
 On centerline of 26th Avenue N&S

This survey was done at the request of Larry Beiermann, Columbus, Nebraska.

**ZEBAC SUBD., A MINOR SUBD.**  
**N1/2 NE1/4 NW1/4 SECTION 18,**  
**T17N, R1E, PLATTE COUNTY, NE**



TMT	TMT	11/17/2023
DRAWN	SURVEYED	DATE

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

**4. Public hearing - Application from Fehringer & Mielak, LLP to rezone property located north of E 19th Street between E 11th Ave and E 12th Ave from "B-2" (General Commercial District) to "ML/C-1" (Light Industrial District) and to amend the Future Land Use Map of the Comprehensive Plan.**



Accountability - Dedication  
Honesty - Integrity - Respect

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## MEMORANDUM

**DATE:** March 31<sup>st</sup>, 2025  
**TO:** Tara Vasicek, City Administrator  
**FROM:** Andy Woehrer, Chief Building & Code Official  
**RE:** Rezone a tract of land described as follows: The South 591.30 feet of lots 1 and 3, Block B, except the North 167.50 feet thereof; all in Sand Subdivision, and further excepting: Lot 1 Sand Substation Subdivision of part of Lot 3 Block B Sand Subdivision, Platte County, Nebraska.

**RECOMMENDATION:**

I recommend approval of the proposed rezoning from B-2 General Commercial District to ML/C-1 Light Industrial District and to amend the Future Land Use Map accordingly.

**DISCUSSION:**

We have received a rezoning application for a tract of land described as follows: The South 591.30 feet of lots 1 and 3, Block B, except the North 167.50 feet thereof; all in Sand Subdivision, and further excepting: Lot 1 Sand Substation Subdivision of part of Lot 3 Block B Sand Subdivision, Platte County, Nebraska. The owner intends to develop the site for convenience storage. This rezoning is consistent with the CLDO and is suitable for the surrounding area.

**FISCAL IMPACT:**

None

**ALTERNATIVE:**

Deny the request for rezoning.

**SIGNATURE:**

By: Andy J. Woehrer

Approved By: [Signature]

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## 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, April 14, 2025, at 6 p.m. in the Columbus Community Building, Community Room, 2500 14 St, Columbus, NE, on the application to rezone a tract of land located on the south 591.30 feet of Lots 1 and 3, Block B, except the North 167.50 feet thereof; all in Sand Subdivision, located in the Northeast Quarter (NE1/4) of Section 21, Township 17 North, Range 1 East of the 6<sup>th</sup> P.M., Platte County, Nebraska, and further excepting: Lot 1 Sand Substation Subdivision of part of Lot 3, Block B, Sand Subdivision, in the Northeast Quarter (NE1/4) of Section 21, Township 17 North, Range 1 East of the 6<sup>th</sup> P.M., Platte County, Nebraska (between E 11 Ave & E 12 Ave north of 19 St) from "B-2" (General Commercial District) to ML/C-1" (Light Industrial District) and amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning for said real estate. At said time and place you may appear and be heard.

City of Columbus  
Shuraya Choat, City Clerk

Publish: 04:03:25  
Affidavit of Publication

# REZONING APPLICATION

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

PROPERTY OWNER NAME: Bruce W. and Connie J. Schneider, Trustees of Revocable Trusts

APPLICANT: Bruce W. and Connie J. Schneider, Trustees of Revocable Trusts

APPLICANT MAILING ADDRESS: 1967 E. Camino Real, Columbus, NE 68601

APPLICANT PHONE NUMBER: 402.910.2012

APPLICANT EMAIL ADDRESS: oktire1978@gmail.com

ATTORNEY/FIRM: Jason D. Mielak/Fehringer & Mielak, LLP

ATTORNEY PHONE NUMBER: 402.563.9617

ATTORNEY E-MAIL ADDRESS: jason.mielak@fmflaw.com

ADDRESS OF PROPERTY TO BE REZONED: No Street Address - Platte County, Nebraska

LEGAL DESCRIPTION OF PROPERTY:

See attached.

PRESENT ZONING CLASSIFICATION: B-2

REQUESTED ZONING CLASSIFICATION: ML/C-1


DESCRIPTION OF THE REASON FOR THE REZONING APPLICATION:

Development of real property for building of improvements permitted under ML/C-1 (Light Industrial District) zoning including storage units/convenience storage.

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)

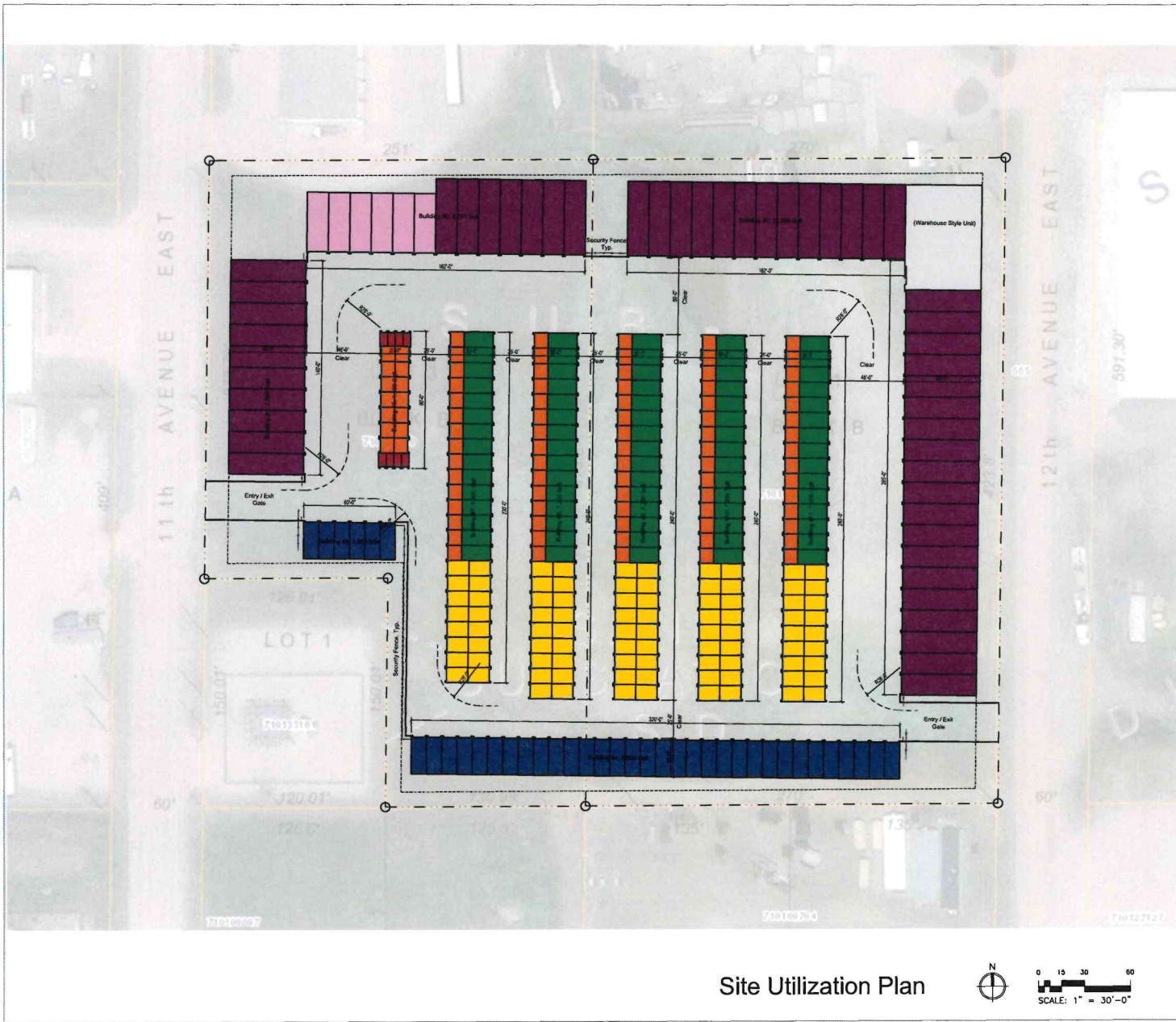
I hereby apply for a Rezoning Application and have paid the \$500 application fee.

DATED THIS 21st DAY OF March, 2025.



Owner or Owner's Representative  
**Jason D. Mielak, NSBA No. 21049**

The South 591.30 feet of Lots 1 and 3, Block B, except the North 167.50 feet thereof; all in Sand Subdivision, located in the Northeast Quarter (NE1/4) of Section 21, Township 17 North, Range 1 East of the 6<sup>th</sup> P.M., Platte County, Nebraska, and further excepting: Lot 1 Sand Substation Subdivision of part of Lot 3, Block B, Sand Subdivision, in the Northeast Quarter (NE1/4) of Section 21, Township 17 North, Range 1 East of the 6<sup>th</sup> P.M., Platte County.



**Legend**

- A - 8' x 10'  
Basis: 8
- B - 10' x 10'  
Basis: 88
- C - 10' x 10'  
Basis: 88
- D - 10' x 20'  
Basis: 75
- E - 10' x 20'  
Basis: 38
- F - 14' x 40'  
Basis: 4
- G - 14' x 50'  
Basis: 49

Site Totals = 354

**Disclaimers:**

- Existing building / plot dimensions / plot dimensions are approximate and have been recreated to the best of our ability based upon information provided.
- This plan is for design purposes only. All dimensions are approximate and field verification should take place.
- A pre-submittal plan review should take place with local planning / fire departments.

7231 South Parkway, Unit C  
 Lincoln, NE 68517  
 P: 333.942.1199  
 F: 333.944.2068

**Building Outlet Corporation**

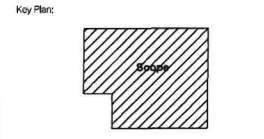


**Columbus  
 Nebraska  
 Platte County**

Address: Columbus, NE 68501  
 Parcel ID: 710109690 and 710109682  
 Zoning: B-2 and M-LC-1  
 Front Setback: 15'-0". To Be Confirmed by City/County  
 Side Setback: 10'-0". To Be Confirmed by City/County  
 Rear Setback: 10'-0". To Be Confirmed by City/County

Issued For:

No.	Date	Description
1.	02.17.2025	CLIENT REVIEW (NOT FOR CONSTRUCTION)
2.	03.03.2025	CLIENT COMMENTS #1 (NOT FOR CONSTRUCTION)



Project Number:  
**202506.00**

Date:  
**February 07, 2025**

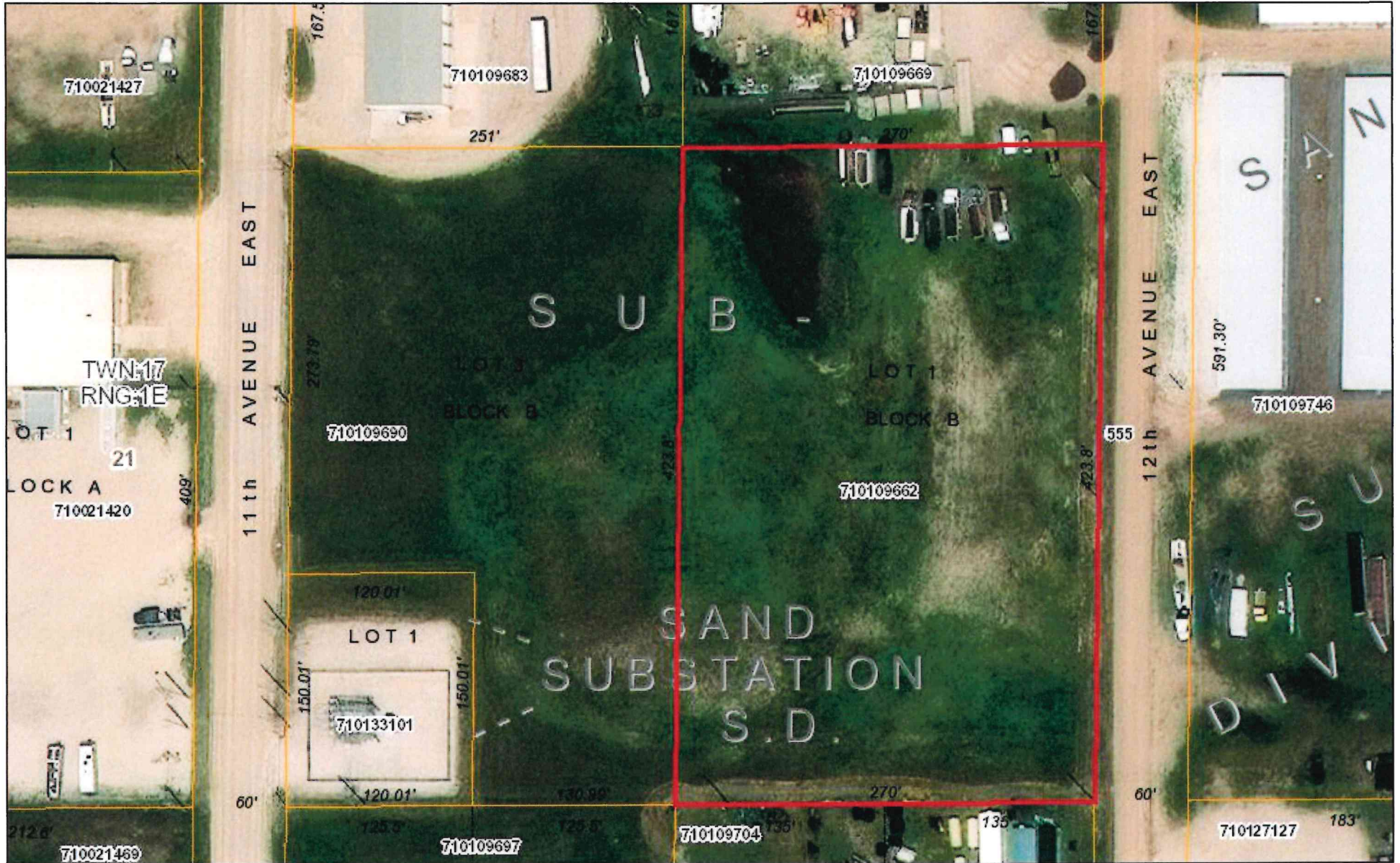
Sheet Title:  
 Site Utilization Plan

Sheet Number:

**AS-01**

Site Utilization Plan

SCALE: 1" = 30'-0"

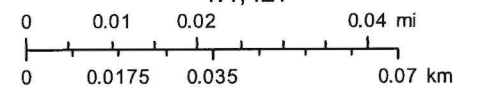


March 20, 2025  
16:07 PM

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.

1:1,427

- Lot Lines
- Sections
- Parcels
- Townships



**ORDINANCE NO. 25-\_\_\_\_\_**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING THE COLUMBUS LAND DEVELOPMENT ORDINANCE FOR THE CITY OF COLUMBUS, ZONING CHAPTER, PASSED AND ADOPTED NOVEMBER 18, 2024, AS THE ZONING CODE FOR THE CITY OF COLUMBUS, NEBRASKA, BY ORDINANCE NO. 24-32, AND AS AMENDED THEREAFTER, TO REZONE AND RECLASSIFY THE FOLLOWING DESCRIBED REAL ESTATE, TO-WIT: THE SOUTH 591.30 FEET OF LOTS 1 AND 3, BLOCK B, EXCEPT THE NORTH 167.50 FEET THEREOF; ALL IN SAND SUBDIVISION, LOCATED IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 21, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6<sup>TH</sup> P.M., PLATTE COUNTY, NEBRASKA, AND FURTHER EXCEPTING: LOT 1, SAND SUBSTATION SUBDIVISION OF PART OF LOT 3, BLOCK B, SAND SUBDIVISION, IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 21, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6<sup>TH</sup> P.M., PLATTE COUNTY, FROM THE PRESENT ZONING CLASSIFICATION OF "B-2" (GENERAL COMMERCIAL DISTRICT) TO "ML/C-1" (LIGHT INDUSTRIAL DISTRICT); TO AMEND THE ZONING MAP AND THE FUTURE LAND USE MAP WHICH HAVE BEEN ADOPTED AND MADE A PART OF SAID CITY OF COLUMBUS, NEBRASKA LAND DEVELOPMENT ORDINANCE TO SHOW SAID REZONING AND RECLASSIFICATION; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HERewith; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR THE EFFECTIVE DATE.

WHEREAS, it appearing from the record and all of the evidence on file that all parties in interest and citizens of Columbus, Nebraska, have been duly notified of hearings called for the purpose of rezoning and reclassifying the following described real estate, to wit:

The South 591.30 feet of Lots 1 and 3, Block B, except the North 167.50 feet thereof; all in Sand Subdivision, located in the Northeast Quarter (NE1/4) of Section 21, Township 17 North, Range 1 East of the 6<sup>th</sup> P.M., Platte County, Nebraska, and further excepting: Lot 1 Sand Substation Subdivision of part of Lot 3, Block B, Sand Subdivision, in the Northeast Quarter (NE1/4) of Section 21, Township 17 North, Range 1 East of the 6<sup>th</sup> P.M., Platte County

from the present zoning classification of "B-2" (General Commercial District) to "ML/C-1" (Light Industrial District); and to amend the ZONING MAP and the FUTURE LAND USE MAP which have been adopted and made a part of the CITY OF COLUMBUS LAND DEVELOPMENT ORDINANCE, ZONING CHAPTER, to show said rezoning and reclassification as provided by law, and

WHEREAS, the Planning Commission held a hearing thereon, and has heard all persons appearing at such hearing and in consideration of the evidence and the premises, has voted to recommend approval of the rezoning application; and

WHEREAS, the mayor and city council have held a separate hearing thereon and have heard all persons appearing at such hearing and in consideration of the evidence and the premises hereby find and determine that said rezoning will be for the public good and general welfare and will provide for the proper, appropriate, and best use of said real estate.

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

Section 1. That the Columbus Land Development Ordinance, Zoning Chapter, passed and adopted November 18, 2024, as the Zoning Code for the City of Columbus by Ordinance No. 24-32 and as amended thereafter, be and the same is hereby amended to show that the following described real estate, to-wit:

The South 591.30 feet of Lots 1 and 3, Block B, except the North 167.50 feet thereof; all in Sand Subdivision, located in the Northeast Quarter (NE1/4) of Section 21, Township 17 North, Range 1 East of the 6<sup>th</sup> P.M., Platte County, Nebraska, and further excepting: Lot 1 Sand Substation Subdivision of part of Lot 3, Block B, Sand Subdivision, in the Northeast Quarter (NE1/4) of Section 21, Township 17 North, Range 1 East of the 6<sup>th</sup> P.M., Platte County

has been rezoned and reclassified from the present zoning classification of "B-2" (General Commercial District) to "ML/C-1" (Light Industrial District); and that the Future Land Use Map as well as the Zoning Map which have been adopted and made a part of said Columbus Land Development Ordinance, Zoning Chapter, be and the same are hereby amended to show such rezoning and reclassification.

Section 2. That all ordinances and resolutions or parts thereof in conflict herewith be and the same are hereby repealed.

Section 3. That this ordinance shall become effective immediately upon and be in full force and effect after its passage, adoption, and publication as provided by law. Publication shall be in pamphlet form as authorized by §16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the city offices.

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

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_

CITY CLERK

APPROVED AS TO FORM:

---

CITY ATTORNEY

## **5. Building report for March 2025.**



# *City of Columbus*

## Building Department

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

### March Building Report Comments

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

On the commercial side, permits have been issued for an addition at Evans House annex, alteration permits for B-D Medical east and west, Bighorn Ventures, Columbus Hospital, and 2374 32<sup>nd</sup> Ave. Plan reviews are currently underway for the Bierman storage units, Mitchell Petersons storage units, CCC Cafeteria remodel, Super Saver fuel structure, and a couple wireless tower projects.

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



# City of Columbus

## Building Department Monthly Report

04/02/2025

March                      2025                      2024

	March 2025			March 2024		
	Count	Permit Fees	Value	Count	Permit Fees	Value
Accessory Structu	5	\$410.34	\$418963.00	7	\$1702.19	\$259960.00
Building Moving	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Com Addition	1	\$1122.63	\$300000.00	0	\$0.00	\$0.00
Com Alteration	7	\$25996.69	\$11097697.00	1	\$144.38	\$18000.00
Com New Constr	0	\$0.00	\$0.00	3	\$8875.64	\$3740000.00
Com Plumbing	4	\$466.00	\$65300.00	2	\$1196.00	\$430000.00
Deck	3	\$549.29	\$86000.00	3	\$249.34	\$31220.00
Demolition	1	\$32.00	\$200000.00	0	\$0.00	\$0.00
Egress Window	3	\$97.30	\$6000.00	0	\$0.00	\$0.00
Fence	10	\$320.00	\$41700.00	16	\$477.00	\$61160.00
Gas line	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Res Addition	1	\$200.44	\$31000.00	3	\$1063.56	\$219754.00
Res Addition Wo	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Res Alteration	2	\$272.61	\$38999.08	8	\$511.48	\$57351.44
Res New Construc	14	\$13975.02	\$4311236.00	5	\$6488.20	\$2139448.00
Res Plumbing	9	\$541.00	\$84100.00	17	\$2314.00	\$858700.00
Res Pool	0	\$0.00	\$0.00	0	\$0.00	\$0.00
Signs	3	\$176.00	\$64393.00	3	\$461.00	\$21365.00
Sprinklers	4	\$88.00	\$27400.00	10	\$210.00	\$93680.00
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	2	\$268.00	\$42000.00	0	\$0.00	\$0.00
<b>YEAR TOTAL</b>	<b>69</b>	<b>\$44515.32</b>	<b>\$16814788.08</b>	<b>78</b>	<b>\$23692.79</b>	<b>\$7930638.44</b>

Population: All Records  
 Permit.DateIssued Between 3/1/2024 12:00:00 AM  
 AND 3/31/2025 11:59:59 PM

## **6. Adjournment.**