

Public Property, Safety, and Works Committee
Monday, May 4, 2026 5:00 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.

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

...4-1407. 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)(a) Except as provided in subsection (9) 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 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, if available, 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, if available, 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, if available, 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, if available, 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 (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 publish the notice, the public body shall (A) post such notice on its website, if available, (B) request the newspaper submit a post on a statewide website, if available, 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 pursuant to subdivision (1)(b)(iv)(A) and (C) of this section and a written record of the request to the newspaper pursuant to subdivision (1)(b)(iv)(B) of this section. 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)(a) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (2)(b) of this section are met:

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

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

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

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

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

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

- (viii) A community college board of governors;
- (ix) The Nebraska Brand Committee;
- (x) A local public health department;
- (xi) A metropolitan utilities district;
- (xii) A regional metropolitan transit authority; and
- (xiii) A natural resources district.

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

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

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as would be provided if virtual conferencing was not used;

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

(iv) Except as otherwise provided in this subdivision, 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.

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

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

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in

such meeting shall pertain only to the emergency. Such emergency meetings may be held by virtual conferencing. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

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

(7)(a) Notwithstanding subsections (2) and (5) of this section, if an emergency is declared by the Governor pursuant to the Emergency Management Act as defined in section 81-829.39, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the public body gives reasonable advance publicized notice as described in subsection (1) of this section. The notice shall include information regarding access for the public and news media. In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body.

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

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

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

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

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

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

(9) 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; Laws 2025, LB521, § 82.

Operative Date: May 31, 2025

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 instate 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.

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. Permanent Sidewalk Easement located in part of Lot 8, Block 4, Evanlawn Addition, to the City of Columbus, Platte County, Nebraska (33rd Avenue and 21st Street).



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: April 28, 2026
TO: Tara Vasicek, City Administrator
FROM: Richard J. Bogus, City Engineer
RE: Bank of Clarks – Permanent Sidewalk Easement

RECOMMENDATION:

I recommend the approval of permanent sidewalk easement with Bank of Clarks.

DISCUSSION:

The Bank of Clarks sidewalk in the front abuts US Hwys. 30 & 81/33rd Avenue (2155 33rd Avenue). The sidewalk is not entirely located in the public right-of-way. Thus, this easement places the sidewalk within a public easement for proper public use.

FISCAL IMPACT:

None.

ALTERNATIVE:

None.

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

Once Recorded Return To: City of Columbus, Engineering Department, 2500 14th Street,
Ste. 3, Columbus, NE 68601

SIDEWALK EASEMENT

THIS SIDEWALK EASEMENT ("Easement") is entered into as of the Effective Date by and between **Bank of Clarks, Columbus Location**, ("Grantor") and **the City of Columbus, a Municipal Corporation in the State of Nebraska**, ("Grantee"). The Effective Date of this Easement shall be the date upon which the last of the parties has signed this Easement.

WHEREAS, Grantor is the owner of certain real property located in Platte County, Nebraska, as legally described as follows (the "Grantor Parcel ");

A six-foot sidewalk easement being the west six feet of that part of Lot 8, Block 4, Evanlawn Addition to the City of Columbus, Platte County, Nebraska, not within Nebraska Department of Transportation Highway 30 and 81 Right-of-Way.

WHEREAS, the Grantor Parcel is immediately adjacent to State of Nebraska right of way known as US Highways 30/81(33rd Avenue) in Columbus, Nebraska;

WHEREAS, Grantee has requested and Grantor has agreed to grant Grantee a sidewalk easement over the Grantor Parcel legally described and depicted on Exhibit A attached hereto and incorporated herein by this reference (the " Easement Area") upon the terms and conditions set forth herein.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby conclusively acknowledged, Grantor and Grantee agree as follows:


1. **Grant of Easement.** Grantor hereby grants and conveys unto Grantee and the public a perpetual easement for a sidewalk, upon and through the Easement Area (the "Easement"). Grantor shall remain responsible for all maintenance and snow removal.
2. **Term.** The Term of the Sidewalk Easement shall be perpetual. The Sidewalk Easement is and shall be deemed to be a covenant running with the land and shall be binding upon the parties hereto and upon their successors and assigns. Any modification or amendment shall be effective when duly executed, acknowledged and recorded in the Office of the Register of Deeds of Platte County, Nebraska.

3. Governing Law and Venue. This Easement shall be governed by, and construed and enforced in accordance with, the laws of the State of Nebraska.
4. Entire Agreement. Each party acknowledges that it has read and fully understands the contents of this Easement. This Easement represents the entire and integrated agreement between the parties with respect to the subject matter hereof and supersedes all prior negotiations, representations or agreements, either written or oral. This Easement may be modified only by written instrument duly authorized and executed by all parties.

CITY OF COLUMBUS, a Municipal Corporation in the State of Nebraska, Grantee.

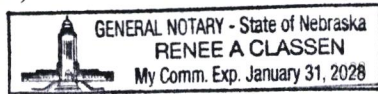
By: James B. Bulkley, Mayor

Grantor:


John M. DuBray III, President
Bank of Clarks

STATE OF NEBRASKA)
) SS.
COUNTY OF PLATTE)

The foregoing instrument was acknowledged before me on Month April 28 2026 by **John M. DuBray III, President Bank of Clarks**

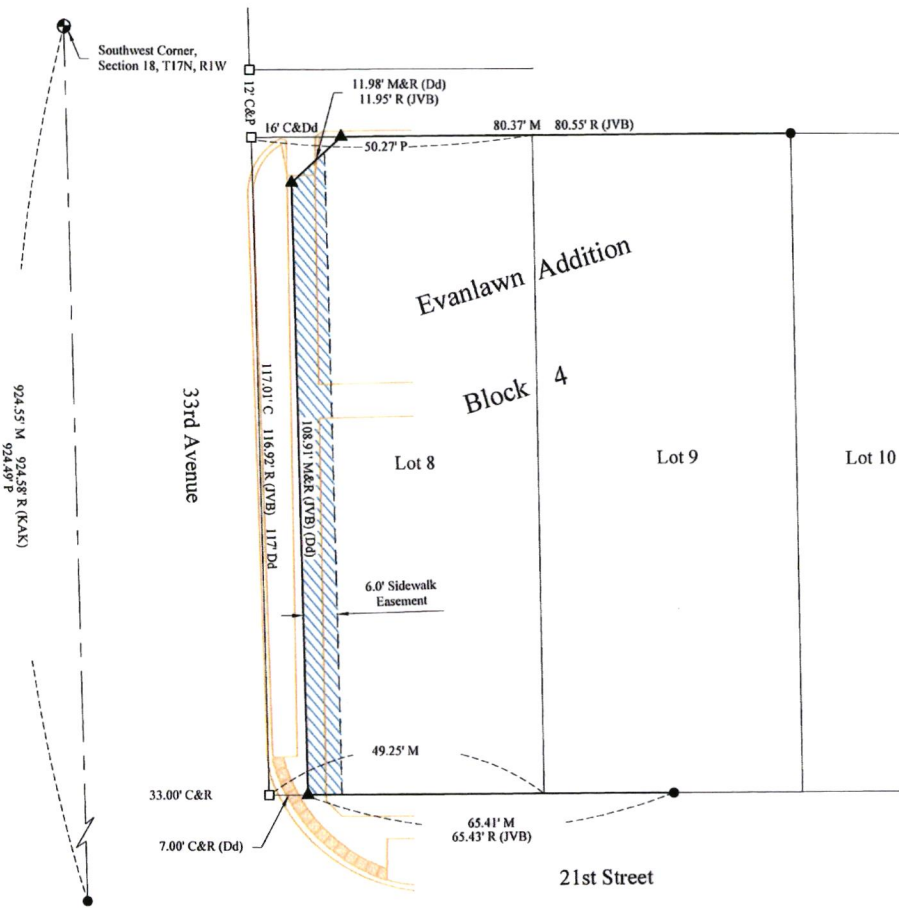


Notary Public 

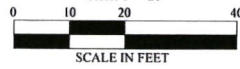
STATE OF NEBRASKA)
) SS.
COUNTY OF PLATTE)

The foregoing instrument was acknowledged before me on Month _____ 2026 by **James B. Bulkley, Mayor of City of Columbus.**

Notary Public



Drawn By: LRR
Date: April 14, 2026
Project Number: S-071-178
Scale: 1" = 20'



LEGEND

- Section Corner Found
- Property Corner Found
- ▲ Property Corner Found (Mag-Spike w/Washer)
- Calculated Point
- M Measured Distance
- C Calculated Distance
- R Recorded Distance (KAK) Kent A. Kennedy, LS #521, dated January 4, 2013. (TAT) Thomas A. Tremel, LS #455, dated April 21, 1990. (JVB) John V. Berry, LS #535, dated September 9, 1996. (Dd) Deed Book #229, Page 1041.

SIDEWALK EASEMENT

A six foot sidewalk easement being the west six feet of that part of Lot 8, Block 4, Evanlawn Addition to the City of Columbus, Platte County, Nebraska, not within Nebraska Department of Transportation Highway 30 and 81 Right-of-Way.

SURVEYOR'S CERTIFICATE

I, Terry L. Schulz, Nebraska Registered Land Surveyor No. 550, 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, and to the best of my knowledge and belief is true, correct and in accordance with the Land Surveyor's Regulation Act in effect at the time of this survey.

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

4-14-2026
Date



- 3. Drainage Easement located in South 1/2 of the Northeast 1/4 of Section 11, Township 17 North, Range 1 West of the 6th P.M., Platte County, Nebraska (west of Grayhawk Place cul-de-sac).**



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: April 28, 2026
TO: Tara Vasicek, City Administrator
FROM: Richard J. Bogus, City Engineer
RE: Meadow Ridge Twelfth Addition – Drainage Easement

RECOMMENDATION:

I recommend the approval of drainage easement in the NW 1/4, .NE 1/4 of Section 14, Township 17 North, Range 1 West of the 6th P.M., Platte County, Nebraska for Meadow Ridge Twelfth Addition.

DISCUSSION:

A wider drainage easement than in the final plat is required in order for an open-ditch to drain storm water from Meadow Ridge Twelfth Addition to the west to the storm water treatment facility. Upon subdividing the property located west of Meadow Ridge Twelfth Addition where this drainage ditch is located, the ditch may be enclosed with pipe or lessened in size and the easement will then need to be revised or vacated.

FISCAL IMPACT:

None.

ALTERNATIVE:

Do not approve.

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT made and entered into on 28th day of April, 2026 by and between Meadow Ridge Properties, LLC, herein "Grantor", and the City of Columbus, Nebraska, a Nebraska Municipal Corporation, herein "Grantee".

Grantor hereby grants and conveys to Grantee, its successors, assigns, employees, agents, contractors, invitees and licensees a drainage easement over and upon the following-described real estate, to-wit:

Drainage Easement

A 36.00 foot wide Drainage Easement for a drainage ditch and all of its appurtenances, located in part of the NW1/4 NE1/4 of Section 14, Township 17 North, Range 1 West of the 6th P.M., Platte County, Nebraska more particularly described as follows:

A DRAINAGE EASEMENT LOCATED IN THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 11, T17N, R1W OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 12, BLOCK A, MEADOW RIDGE TWELFTH ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; THENCE N 01°42'52" W ON THE WEST LINE OF SAID LOT 12, 10.00 FEET TO THE POINT OF BEGINNING; THENCE N 01°42'52" W ON THE WEST LINE OF SAID LOT 12, 36.00 FEET; THENCE S 88°06'52" W, 706.97 FEET; THENCE S 02°13'38" E, 36.00 FEET; THENCE N 88°06'52" E, 706.65 FEET TO THE POINT OF BEGINNING, CONTAINING 0.58 ACRES, MORE OR LESS.


The Easement is further described and defined on the map attached hereto marked **EXHIBIT A**, and incorporated herein by reference.

The purpose of the drainage easement is to provide drainage to and from adjoining properties across said drainage easement area described above, to the Grantee, its successors, assigns, employees, agents, contractors, invitees, and licensees, with access to the aforementioned described real estate for the purpose of inspection, maintenance, operation, or repair of drainage facilities and related improvements, and removal of vegetation and hazards, over, across, in, and through the easement area, all at the will of the Grantee. Grantee, its successors, assigns, employees, agents, contractors, invitees, and licensees, is further hereby granted the right of ingress and egress to and from said premises to carry out the rights prescribed in this easement.

*****REMAINDER OF PAGE LEFT INTENTIONALLY BLANK*****


The Grantor has executed this Drainage Easement on the day and year first above written.

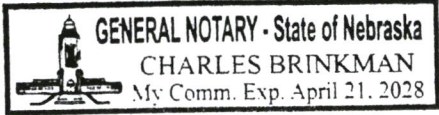
Meadow Ridge Properties, LLC,
GRANTOR,

By 
Charles Seadschlag, Authorized Member

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

Acknowledged before me on April 28th, 2026, by Charles Seadschlag, Authorized Member of Meadow Ridge Properties, LLC.


Notary Public



City of Columbus, Nebraska,
GRANTEE,

By _____
James B. Bulkley, Mayor

STATE OF NEBRASKA)
) ss.
COUNTY OF PLATTE)

Acknowledged before me on _____, 2026, by James B. Bulkley, Mayor, City of Columbus, Nebraska.

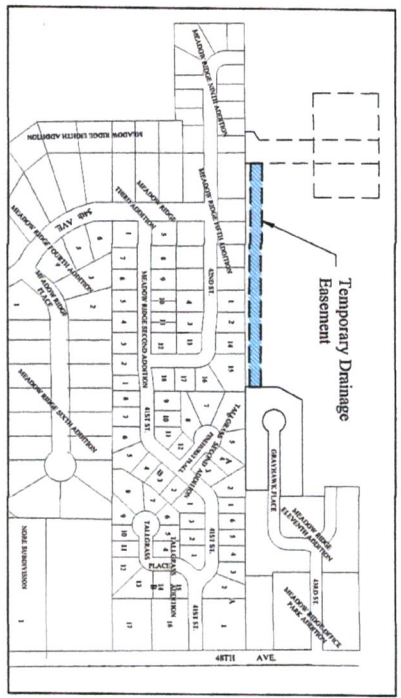
Notary Public



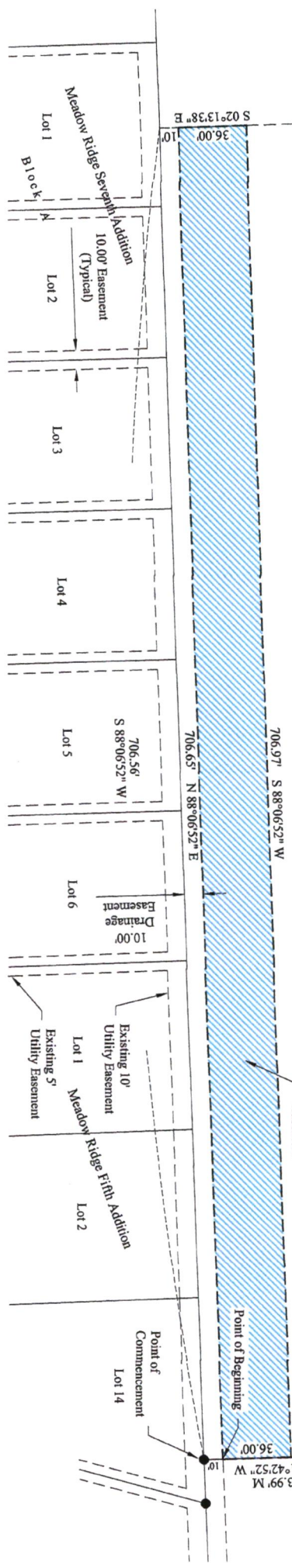
Drawn By: LRR
 Date: April 14, 2026
 Scale: 1"=50'
 Project Number: S-071-187



● Property Corner Found
 M Measured Distance



Existing 100' Temporary Drainage Easement



TEMPORARY DRAINAGE EASEMENT
 A temporary drainage easement located in the South 1/2 of the Northeast 1/4 of Section 11, T17N, R1W of the 6th P.M., Platte County, Nebraska, more particularly described as follows:

Commencing at the Southwest corner of L&A 12, Block A, Meadow Ridge Twelfth Addition to the City of Columbus, Platte County, Nebraska; thence N 01°42'52" W on the West line of said Lot 12, 10.00 feet to the Point of Beginning; thence N 01°42'52" W on the West line of said Lot 12, 36.00 feet; thence S 88°06'52" W, 706.97 feet; thence S 02°13'38" E, 36.00 feet; thence N 88°06'52" E, 706.65 feet to the Point of Beginning, containing 0.58 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Terry L. Schulz, Nebraska Registered Land Surveyor No. 550, 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, and to the best of my knowledge and belief its true, correct and in accordance with the Land Surveyor's Regulation Act in effect at the time of this survey;

Terry L. Schulz, State of Nebraska, PLS #550

4/16/2026
 Date



4. Amend city code section 50.35 to add regulations regarding handling of solid waste.



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: 4/21/26
TO: Tara Vasicek, City Administrator
FROM: Capt. Douglas Molczyk
RE: Handling of Solid Waste Ordinance

RECOMMENDATION:

To adopt the changes in ordinance § 50.35, changing it from Burning of Garbage to Handling of Solid Waste. Also, changing the ordinance requiring that solid waste be properly disposed once a week, either by a licensed hauler or the person responsible for the property.

DISCUSSION:

The purpose of this memorandum is to recommend the revision of Ordinance § 50.35 to increase its scope and improve the regulation of solid waste within the City of Columbus.

Current Ordinance:

The existing ordinance § 50.35, titled "*Burning of Garbage*," states:

"It shall be unlawful for any person to burn garbage or refuse within the limits of the city."
(Prior Code, § 50.40) (Ord. 88-11, passed 3-21-1988) Penalty, see § 50.99

While this provision prohibits the burning of garbage, it is limited in scope and does not address broader solid waste handling practices that impact public health, sanitation, and community standards.

Proposed Revision:

It is recommended that § 50.35 be repealed and replaced with a new ordinance titled "*Handling of Solid Waste*," which expands regulatory authority to include the proper storage, removal, and disposal of solid waste. The proposed ordinance includes the following key provisions:

- Prohibits accumulation or disposal of solid waste in a manner that creates a nuisance or health hazard
 - Requires weekly removal and proper disposal of solid waste
 - Allows disposal through a licensed hauler or transport by the responsible party to the City Transfer Station
 - Establishes container requirements to prevent leakage, odor, and animal access
 - Prohibits open dumping and maintains the prohibition on burning of solid waste
-
-

- Assigns responsibility for compliance to the property owner, occupant, or person in control
- Requires transported waste loads to be properly secured or covered

Rationale:


The proposed changes reflect modern waste management practices and provide clear, enforceable standards to:

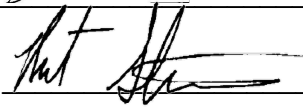
- Improve public health and sanitation
- Reduce nuisance conditions such as odors, pests, and debris
- Enhance overall community appearance
- Align local regulations with common municipal and environmental standards

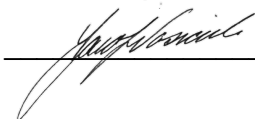
FISCAL IMPACT: None seen

ALTERNATIVE: Continue on with the old ordinance.

SIGNATURE:

By:  _____

Approved By:  _____

Approved By:  _____

§ 50.35 ~~BURNING OF GARBAGE.~~

~~—It shall be unlawful for any person to burn garbage or refuse within the limits of the city.~~

~~(Prior Code, § 50.40) (Ord. 88-11, passed 3-21-1988) Penalty, see § 50.99~~

Handling of Solid Waste

(A) No person shall accumulate, store, or dispose of solid waste upon any property in a manner that creates a nuisance, health hazard, or violates state or local regulations.

(B) All solid waste generated on any property shall be removed and properly disposed of at least once per week. Disposal shall occur by:

1. A licensed private waste hauler; or
2. The owner, occupant, or person responsible for the property transporting such waste to the City of Columbus Transfer station.

(C) Solid waste shall be stored in suitable containers designed to prevent leakage, odor, and access by animals.

(D) Open dumping and the burning of solid waste are prohibited within the limits of the city.

(E) The owner, occupant, or person in control of the property shall be responsible for compliance with this section.

(F) All loads of waste transported to the City of Columbus Transfer Station in vehicles shall be covered; provided, however, this requirement shall not apply when the entire load of waste is of such bulk that it is unlikely that any of such waste will blow out of or fall out of the vehicle when being driven at the speed of 55 miles per hour.

Penalty, see § 50.99

5. Proposed changes to parking restrictions for streets and avenues located in the downtown area. (Downtown Business Improvement District recommends approval.)



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: April 27, 2026
TO: Public Property, Safety and Works Committee
FROM: Tara Vasicek, City Administrator
RE: Downtown Parking Regulations and Changes for Consideration

DISCUSSION:

The City's existing downtown parking regulations are established under Resolution R04-123. This resolution outlines where two-hour parking restrictions apply, where they have been removed, and where overnight parking is prohibited. Recent discussions regarding downtown parking have highlighted concerns related to the existing two-hour parking limits and inconsistent compliance. As context, all public parking spaces are currently subject to a general 24-hour limit, with additional two-hour restrictions applied in only the select downtown areas detailed in R04-123.

Current Regulations:

- **Two-hour parking restrictions** are in place Monday through Saturday, 8:00 a.m. to 6:00 p.m. (excluding holidays) on designated downtown streets and avenues.
- **Handicapped parking spaces** and select courthouse-adjacent spaces are exempt from these time limits.
- **Overnight parking restrictions** currently prohibit parking from 1:00 a.m. to 5:00 a.m. on Mondays on specific downtown corridors to accommodate maintenance activities.

Proposed Changes:

At its most recent meeting, the Downtown Business Improvement District (BID) reviewed parking concerns in detail and advanced a recommendation to the Public Property Committee. The recommendation proposes removing the two-hour parking restriction on downtown avenues where it exists currently, thereby reverting those areas to the standard 24-hour limit. They recommend continuing with the 2-hour limit on 13th and 14th Street as specified.

This approach reflects a balanced compromise, supporting both short-term parking needs for customers and longer-term parking for employees, residents, and extended visits.

In addition, the Public Works Division has requested an amendment of the no-parking window on select roadways from 2:00 a.m. to 5:00 a.m. to facilitate routine street sweeping and snow removal operations. This request was discussed with the BID and did not raise concerns.

No change is recommended to the handicapped spaces or spaces adjacent to the courthouse.

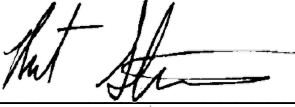
1. Removal of Two-Hour Parking Restrictions on Avenues

- Two-hour parking limits would be **removed from key downtown avenues**, particularly along 25th, 26th, and 27th Avenues between 12th and 14th Streets.
- These areas would revert to the standard 24-hour parking limit.

2. Updated Overnight Parking Restrictions (2:00 a.m. – 5:00 a.m.)


- Existing overnight restrictions would be modified and expanded as follows:
 - Every Tuesday year-round: No parking from 2:00 a.m. to 5:00 a.m.
 - Seasonal (November 1 – March 31): No parking during the same hours on any day when snow has occurred or is forecasted
- Affected locations include:
 - 27th Avenue (12th–13th Streets)
 - 28th Avenue (12th–13th Streets)
 - 13th Street (23rd–30th Avenues)

CONCURRENCE:

By: 
Bret Strecker, Police Chief

By: 
Chuck Sliva, Director of Public Works

SIGNATURE:

Approved By: 

RESOLUTION NO. R04-123

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA AMENDING RESOLUTION R04-31 SO AS TO REMOVE THE TWO HOUR PARKING RESTRICTION FROM THE DOWNTOWN STREETS AND AVENUES AS LISTED BELOW; TO CREATE TWO HOUR PARKING RESTRICTIONS ON THE DOWNTOWN STREETS AND AVENUES AS LISTED BELOW; TO EXEMPT FROM THE TWO HOUR PARKING TIME LIMIT THOSE CURRENTLY DESIGNATED HANDICAPPED PARKING SPACES AS WELL AS SELECTED PARKING SPACES IN THE AREA OF THE PLATTE COUNTY COURTHOUSE; AND TO PROHIBIT PARKING IN CERTAIN SPECIFIED LOCATIONS BETWEEN THE HOURS OF 1:00 A.M. AND 5:00 A.M. ON MONDAYS; TO AUTHORIZE THE CITY OF COLUMBUS STREET DEPARTMENT TO INSTALL SIGNS IN ACCORDANCE HEREWITH; AND TO AUTHORIZE THE COLUMBUS POLICE DEPARTMENT TO THEREAFTER ENFORCE THE SAME.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA that the two hour parking restriction (Monday through Friday, except legal holidays) be removed from the following streets and avenues:

West side of	29 th Avenue from 14 th Street north 66 feet
South side of	13 th Street from 30 th Avenue to 23 rd Avenue
North side of	13 th Street from 28 th Avenue to 23 rd Avenue
East side of	28 th Avenue from 14 th Street to alley between 14 th and 15 th Street
West side of	28 th Avenue from 14 th Street to alley between 14 th and 15 th Street
East side of	28 th Avenue from 13 th Street to alley between 13 th and 14 th Street
West side of	28 th Avenue from 13 th Street to alley between 13 th and 14 th Street
East side of	28 th Avenue from 12 th Street to 13 th Street
West side of	28 th Avenue from 12 th Street to alley between 12 th and 13 th Street
West side of	26 th Avenue from 14 th Street to alley between 14 th and 15 th Street
East side of	26 th Avenue from 14 th Street to alley between 14 th and 15 th Street
East side of	25 th Avenue from 14 th to 15 th Street

East side of	27 th Avenue from 12 th to 14 th Street
West side of	27 th Avenue from 12 th to 14 th Street
West side of	25 th Avenue from 14 th to 15 th Street
East side of	24 th Avenue from 13 th to 14 th Street
West side of	24 th Avenue from 13 th to 14 th Street
West side of	24 th Avenue from 12 th to 13 th Street
East side of	23 rd Avenue from 14 th Street to alley between 14 th and 13 th Street
West side of	23 rd Avenue from 14 th to 13 th Street
South side of	11 th Street from 27 th to 23 rd Avenue
North side of	11 th Street from 24 th to 26 th Avenue
East side of	26 th Avenue from 11 th Street north to UPRR
East side of	25 th Avenue from 11 th Street north to UPRR
West side of	25 th Avenue from 11 th Street north to UPRR
East side of	26 th Avenue from 11 th Street south to alley between 11 th & 10 th Street
West side of	26 th Avenue from 11 th Street south to alley between 11 th & 10 th Street
East side of	25 th Avenue from 11 th Street south to alley between 11 th & 10 th Street
West side of	25 th Avenue from 11 th Street south to alley between 11 th & 10 th Street
East side of	24 th Avenue from 11 th Street south to alley between 11 th & 10 th Street
North side of	12 th Street from 29 th to 30 th Avenue
North side of	12 th Street from 26 th to 25 th Avenue

BE IT FURTHER RESOLVED that two hour parking (Monday through Saturday (8:00 a.m. to 6:00 p.m., except legal holidays) be created on the following streets and avenues:

- North side of 13th Street from 30th to 23rd Avenue
- South side of 13th Street from 30th to 23rd Avenue
- North side of 14th Street from 24th to 27th Avenue
- South side of 14th Street from 24th to 27th Avenue

East side of	27th Avenue from 14th to 12th Street
West side of	27th Avenue from 14th to 12th Street
East side of	26th Avenue from 14th to 12th Street
West side of	26th Avenue from 14th to 12th Street
East side of	25th Avenue from alley between 14th & 15th St. to 12th Street
West side	25th Avenue from alley between 14th & 15th St. to 12th Street

BE IT RESOLVED that handicapped designated parking spaces in downtown Columbus, are exempt from the two hour parking limit;

BE IT FURTHER RESOLVED that this Resolution shall not be applicable to parking spaces surrounding the Platte County Courthouse which have been posted with shorter time limit restrictions, such parking spaces remain subject to such ordinances or resolutions establishing shorter parking time limits;

BE IT FURTHER RESOLVED that ~~a no parking restriction shall be in effect is not allowed in for~~ the following ~~streets and avenues as follows: locations: between the hours of 1:00 A.M. and 5:00 A.M. on Mondays:~~

On 27th Avenue from 12th to ~~13th 14th~~ Street;

- ~~Every day from November 1st through March 31st when it has snowed or if snow is in the forecast, from 2 a.m. to 5 a.m.~~

On 28th Avenue from 12th to ~~13th 14th~~ Street;

- ~~Every Tuesday year-round, from 2 a.m. to 5 a.m.~~
- ~~Every day from November 1st through March 31st when it has snowed or if snow is in the forecast, from 2 a.m. to 5 a.m.~~

On 13th Street from ~~27th 23rd~~ to ~~28th 30th~~ Avenue; and

- ~~Every Tuesday year-round, from 2 a.m. to 5 a.m.~~
- ~~Every day from November 1st through March 31st when it has snowed or if some is in the forecast, from 2 a.m. to 5 a.m.~~

~~On the south side of 14th Street from 27th to 28th Avenue.~~

BE IT FURTHER RESOLVED that the City of Columbus Street Department be authorized to remove and install signs in accordance herewith and the Columbus Police Department is hereinafter authorized to enforce the same.

This resolution shall amend Resolution No. R04-31.

INTRODUCED BY COUNCIL MEMBER /s/ Joe Jarecke

PASSED AND ADOPTED THIS 7 DAY OF September, 2004.

/s/ Gary Giebelhaus
MAYOR

ATTEST:

/s/ Linda L. Walters
CITY CLERK

APPROVED AS TO FORM BY:

/s/ Eugene G. Schumacher
CITY ATTORNEY

DRAFT

RESOLUTION NO. R26-65

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO RE-ESTABLISH AND UPDATE PARKING RESTRICTIONS FOR THE STREETS AND AVENUES LOCATED IN THE DOWNTOWN AREA; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.

WHEREAS, parking restrictions in the downtown area were previously updated with Resolution No. R04-123.

WHEREAS, the City desires to adopt a new resolution re-establishing and updating the parking restrictions for the streets and avenues located in the downtown area.

NOW, THEREFORE, BE IT RESOLVED BY MAYOR AND CITY COUNCIL OF COLUMBUS, NEBRASKA, that a two-hour parking restriction, Monday through Saturday from 8 a.m. to 6 p.m., except legal holidays, shall be in effect for the following streets:

North side of	13th Street from 30th to 23rd Avenue
South side of	13th Street from 30th to 23rd Avenue
North side of	14th Street from 24th to 27th Avenue
South side of	14th Street from 24th to 27th Avenue

BE IT FURTHER RESOLVED that the handicapped designated parking spaces in downtown Columbus, are exempt from the two-hour parking limit;

BE IT FURTHER RESOLVED that this Resolution shall not be applicable to parking spaces surrounding the Platte County Courthouse which have been posted with shorter time limit restrictions, such parking spaces remain subject to such ordinances or resolutions establishing shorter parking time limits;

BE IT FURTHER RESOLVED, that no parking shall be permitted from 2:00 a.m. to 5:00 a.m. on the specified days and dates for the following streets and avenues:

On 27th Avenue from 12th to 13th Street	- Every day from November 1st through March 31st when it has snowed or if snow is in the forecast.
On 28th Avenue from 12th to 13th Street	- Every Tuesday, year-round. - Every day from November 1st through March 31st when it has snowed or if snow is in the forecast.
On 13th Street from 23rd to 30th Avenue	- Every Tuesday, year-round. - Every day from November 1st through March 31st when it has snowed or if snow is in the forecast.

BE IT FURTHER RESOLVED BY MAYOR AND CITY COUNCIL OF COLUMBUS, NEBRASKA, that the City of Columbus Street Department shall be authorized to remove and install signs in accordance herewith and the Columbus Police Department is hereinafter authorized to enforce the same.

This resolution shall repeal all resolutions or portions thereof in conflict herewith.

This Resolution shall take force and effect immediately.

INTRODUCED BY COUNCIL MEMBER _____

PASSED AND ADOPTED THIS ____ DAY OF _____, 2026.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

6. Adjournment.