

Public Property, Safety, and Works Committee
Monday, August 17, 2026 5:15 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. Amended 2027 Pavement Management Plan and Priority List.



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: August 12, 2026
TO: Tara Vasicek, City Administrator
FROM: Richard J. Bogus, City Engineer
RE: Amended 2027 Pavement Management Program and Priority List

RECOMMENDATION:

I recommend approval of the Amended 2027 Pavement Management Program and Priority List for use by the Engineering Department for design and scheduling of roadway rehabilitation services.

DISCUSSION:

The amendment is due to a change in the proposed 2026-2027 budget.

The Engineering Department and Public Works Department have worked together for several years on the locations and priorities of street concrete or asphalt rehabilitation. The City has almost 500 lane miles of streets.

The departments conduct pavement condition surveys which includes a visual analysis and testing if needed, to determine paving defects, extent of roughness or rutting, and if storm water is entering the subgrade. Damage to public and private property and safety are taken into account. The locations are then field data collected with global position satellite coordinates. The projects are then determined if the work can be done by the Street Department or should be included in the Engineering design, bid, and contractor build project. Annual projects are then determined based on priority and amount of funding available in the fiscal year budget.

The attached list contains those locations in the current fiscal year for inclusion in the Paving Improvement Plans and Specifications for construction in 2027 along with a remaining list of future projects. The roadway conditions are constantly being evaluated, thus the need to revise the priorities and add to the list.

FISCAL IMPACT:

City Council sets the annual street rehabilitation budget amount each fiscal year.

ALTERNATIVE:

Revise the priority order and/or include additional locations.

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

Amended 2027 Pavement Management Program and Priority List

Engineering Design and Bid Projects	
FY 2026-2027	Cost Estimate
33rd Avenue from 27th to 30th Streets - concrete paving replacement, minor storm sewer improvements, and ADA ramps	\$ 950,000
35th Street from 48th to 50th Avenues - concrete paving replacment and misc work	\$ 400,000
3rd Avenue Viaduct Joint replacment and misc work	\$ 150,000
24th Street from 45th to 46th Avenues and 46th Avenue appoximately 150 feet north - concrere paving replacement and ADA ramps	\$ 425,000
Alley between 22nd and 23rd Streets and 30th and 31st Avenues	\$ 75,000
Total FY 2026-2027 CIP 20-75	\$ 2,000,000
Additional Project: 39th Avenue from 22nd to 23rd Streets - concrete paving replacement and ADA ramps	
Projected Future FY Projects (subject to annual evaluation and budgeting)	
Wildernes Road from 38th Street to Lost Creek Parkway -concrete paving wiith curb and gutter, storm sewer, ADA sidewalk/trail	
32nd Street from 30th to 33rd Avenues - concrete paving and ADA ramps	
Gruenther Drive - 19th Street to 20th Street - concrete paving	
1st Street from 12th to 17th Avenues - concrete paving	
22nd Avenue from 17th to 23rd Streets - concrete paving	
26th Avenue from 27th to 32nd Streets - concrete paving, minor storm sewer, ADA ramps	
18th Avenue 23rd Street to 750 feet north of Pershing Road - concrete paving, minor storm sewer, ADA ramps	
2nd Street from 7th to 10th Avenues - concrete paving	
9th Avenue from 2nd Street to Lover's Lane - concrete paving	
17th Street from 26th to 33rd Avenues - asphalt overlay, concrete curb & gutter, ADA ramps	
17th Street from 16th to 23rd Avenues - asphalt overlay, concetre curb & gutter, ADA ramps	
Downtown Street and Avenues - Asphalt overlay, concrete curb and parking apron, ADA pedestrian nodes	
Adamy Street from 40th Avenue to Gruenther Drive - concrete paving and possible sanitary sewer replacement	
21st Avenue from Linden Drive to 33rd Street - concrete paving and ADA ramps	
12th Avenue from 1st to 8th Street roundabout - concrete paving, minor storm sewer, ADA ramps	
3rd Avenue, 23rd Street to Air Vista Drive - Concrete paving, minor storm sewer, and ADA ramps	
33rd Avenue from Lost Creek Parkway to 53rd Street - bridge replacement, concrete paving, storm sewer, sidewalk/triail	
2nd Street, 7th Avenue to 10th Avenue / 9th Street, 2nd Street to Lovers Lane - Concrete paving and ADA ramps	

Item	Description	Unit	Unit Quantity	Unit Price	Total Cost
1	Mobilization	JOB			
2	Traffic & Pedestrian Control	JOB			
3	Remove Paving	SY			
4	7" P.C. Concrete Paving 47B-3500	SY			
5	5" P.C. Sidewalk including ramps	SY			
6	BMP Inlet Protection	EA			
7	Backfilling, Grading, & Shaping	JOB			
8	Sod & Watering	SF			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Remove Paving	SY			
2	8" Concrete Paving	SY			
3	8" Concrete Sidewalk	SY			
4	5" Concrete Sidewalk	SY			
5	Remove Inlet	EA			
6	Construct Junction Box	EA			
7	Construct Curb Style Inlet	EA			
8	Construct Area Inlet	EA			
9	Remove Existing Pipe	EA			
10	12" Storm Sewer Pipe (SDR 26 PVC)	EA			
11	ADA Ramps / Warning Panels	SY			
12	Adjust Pull Box to Grade	EA			
13	Remove & Reset Sign	EA			
14	Adjust Water Valve to Grade	EA			
15	Sod & Watering	SF			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Mobilization	EA			
2	Traffic & Pedestrian Control	EA			
3	Remove Paving	SY			
4	10" Concrete Paving NDOT 47B-3500	SY			
5	6" Concrete Driveway	SY			
6	5" Concrete Sidewalk	SY			
7	ADA Ramps / Warning Panels	EA			
8	Adjust Water Valve to Grade	EA			
9	Sod & Watering	SY			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Remove Paving	SY			
2	10" Concrete Paving NDOT 47B-3500	SY			
3	6" Concrete Driveway	SY			
9	Sod & Watering	SY			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Mobilization	JOB			
2	Traffic & Pedestrian Control	JOB			
3	Remove Paving	SY			
4	7" P.C. Concrete Paving Ndot Type 47B-3500	SY			
5	5" P.C. Concrete Sidewalk w/ADA Ramps	SY			
6	BMP Inlet Protection	JOB			
7	Backfilling, Grading, & Shaping	JOB			
8	Sod & Watering	SF			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Mobilization	JOB			
2	Traffic & Pedestrian Control	JOB			
3	Remove Paving	SY			
4	10" Concrete Paving NDOT 47B-3500	SY			
5	Over Excavation				
6	BMP Inlet Protection	EA			
7	Backfilling, Grading, & Shaping	JOB			
8	Seeding				

Item	Description	Unit	Unit Quantity	Unit Price	
1	Mobilization	JOB			
2	Traffic Control	JOB			
3	Remove Paving	SY			
4	6" Concrete Paving NDOT 47B-3500	SY			
5	BMP Inlet Protection	EA			
6	Backfilling, Grading, & Shaping	JOB			
7	Sod & Watering	SF			

Item	Description	Unit	Unit Quantity	Unit Price	
1	2" Asphalt Concrete, SPR	TONS			
2	Class 3 Millings	SY			
3	Traffic & Pedestrian Control	JOB			

Item	Description	Unit	Unit Quantity	Unit Price	
1	3" Asphalt Concrete-SPR	TONS			
2	Class 3 Millings	SY			
3	Adjust Manhole to Grade	EA			
4	Adjust Water Valve to Grade	EA			
5	Adjust Monitor Well to Grade	EA			
6	Traffic & Pedestrian Control	JOB			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Mobilization	JOB			
2	Traffic & Pedestrian Control	JOB			
3	Remove Paving	SY			
4	7" P.C. Concrete Paving 47B-3500	SY			
5	Saw Paving	LF			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Mobilization	JOB			
2	Traffic & Pedestrian Control	JOB			
3	Remove Paving	SY			
4	7" P.C. Concrete Paving 47B-3500	SY			
5	5" P.C. Concrete Sidewalk w/ADA Ramps	SY			
6	Adjust Manhole to Grade	EA			
7	BMP Inlet Protection	EA			
8	Backfilling, Grading, & Shaping	JOB			
9	Sod & Watering	SF			

Item	Description	Unit	Unit Quantity	Unit Price
1	Mobilization	JOB		
2	Traffic & Pedestrian Control	JOB		
3	Remove Paving	SY		
4	7" P.C. Concrete Paving 47B-3500	SY		
5	5" P.C. Concrete Sidewalk w/ADA Ramps	SY		
6	Adjust Manhole to Grade	EA		
7	BMP Inlet Protection	EA		
8	Backfilling, Grading, & Shaping	JOB		
9	Sod & Watering	SF		

Item	Description	Unit	Unit Quantity	Unit Price
1	Mobilization	JOB		
2	Traffic & Pedestrian Control	JOB		
3	Remove Paving	SY		
4	7" P.C. Concrete Paving 47B-3500	SY		
5	5" P.C. Concrete Sidewalk w/ADA Ramps	SY		
6	Adjust Manhole to Grade	EA		
7	BMP Inlet Protection	EA		
8	Backfilling, Grading, & Shaping	JOB		
9	Sod & Watering	SF		

Item	Description	Unit	Unit Quantity	Unit Price
1	Mobilization	JOB		
2	Traffic & Pedestrian Control	JOB		
3	Remove Paving	SY		
4	7" P.C. Concrete Paving 47B-3500	SY		
5	5" P.C. Concrete Sidewalk w/ADA Ramps	SY		
6	BMP Inlet Protection	EA		
7	Backfilling, Grading, & Shaping	JOB		
8	Sod & Watering	SF		

Item	Description	Unit	Unit Quantity	Unit Price
1	Mobilization	JOB		
2	Traffic & Pedestrian Control	JOB		
3	Remove Paving	SY		
4	7" P.C. Concrete Paving 47B-3500	SY		
5	5" P.C. Concrete Sidewalk w/ADA Ramps	SY		
6	Adjust Manhole to Grade	EA		
7	BMP Inlet Protection	EA		
8	Backfilling, Grading, & Shaping	JOB		
9	Sod & Watering	SF		

Item	Description	Unit	Unit Quantity	Unit Price
1	Mobilization	JOB		
2	Traffic & Pedestrian Control	JOB		
3	Remove Paving	SY		
4	7" P.C. Concrete Paving 47B-3500	SY		
5	5" P.C. Concrete Sidewalk w/ADA Ramps	SY		
6	Remove Inlet	EA		
7	Rebuild Curb Style Inlet	EA		
8	BMP Inlet Protection	EA		
9	Backfilling, Grading, & Shaping	JOB		
10	Sod & Watering	SF		

Item	Description	Unit	Unit Quantity	Unit Price
1	Traffic & Pedestrian Control	JOB		
2	2" Asphalt Conc SPR	TON		
3	Class 3 Milling	SY		
4	Adjust Manhole to Grade	EA		
5	Adjust Water Valve to Grade	EA		

Item	Description	Unit	Unit Quantity	Unit Price	
1	Traffic & Pedestrian Control	JOB			
2	2" Asphalt Conc SPR	TON			
3	Class 3 Milling	SY			
4	Adjust Manhole to Grade	EA			
5	Adjust Water Valve to Grade	EA			
7	Rebuild Curb Style Inlet	EA			
8	BMP Inlet Protection	EA			
9	Backfilling, Grading, & Shaping	JOB			
10	Sod & Watering	SF			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Remove Paving	SY			
2	7" P.C. Concrete Paving 47B-3500	SY			
3	5" P.C. Concrete Sidewalk w/ADA Ramps	SY			
4	Possible Inlet Work	EA			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Remove Paving	SY			
2	7" P.C. Concrete Paving 47B-3500	SY			
3	5" P.C. Concrete Sidewalk w/ADA Ramps	SY			
4	BMP Inlet Protection	EA			
5	Adjust Manhole to Grade	EA			
6	Adjust Water Valve to Grade	EA			
7	Backfilling, Grading, & Shaping	JOB			
8	Sod & Watering	SF			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Mobilization	JOB			
2	Traffic & Pedestrian Control	JOB			
3	Remove Paving	SY			
4	7" P.C. Concrete Paving 47B-3500	SY			
5	5" P.C. Concrete Sidewalk w/ADA Ramps	SY			
6	BMP Inlet Protection	EA			
7	Adjust Manhole to Grade	EA			
8	Adjust Water Valve to Grade	EA			
9	Backfilling, Grading, & Shaping	JOB			
10	Sod & Watering	SF			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Mobilization	JOB			
2	Traffic & Pedestrian Control	JOB			
3	Remove Paving	SY			
4	7" P.C. Concrete Paving 47B-3500	SY			
5	5" P.C. Concrete Sidewalk w/ADA Ramps	SY			
6	BMP Inlet Protection	EA			
7	Adjust Manhole to Grade	EA			
8	Adjust Water Valve to Grade	EA			
9	Backfilling, Grading, & Shaping	JOB			
10	Sod & Watering	SF			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Mobilization	JOB			
2	Traffic & Pedestrian Control	JOB			
3	Remove Paving	SY			
4	7" P.C. Concrete Paving 47B-3500	SY			
5	5" P.C. Concrete Sidewalk w/ADA Ramps	SY			
6	BMP Inlet Protection	EA			
7	Adjust Manhole to Grade	EA			
8	Adjust Water Valve to Grade	EA			
9	Backfilling, Grading, & Shaping	JOB			
10	Sod & Watering	SF			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Mobilization	JOB			
2	Traffic & Pedestrian Control	JOB			
3	Remove Paving	SY			
4	7" P.C. Concrete Paving 47B-3500	SY			
5	5" P.C. Concrete Sidewalk w/ADA Ramps	SY			
6	BMP Inlet Protection	EA			
7	Adjust Manhole to Grade	EA			
8	Adjust Water Valve to Grade	EA			
9	Backfilling, Grading, & Shaping	JOB			
10	Sod & Watering	SF			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Mobilization	JOB			
2	Traffic & Pedestrian Control	JOB			
3	Remove Paving	SY			
4	7" P.C. Concrete Paving 47B-3500	SY			
5	5" P.C. Concrete Sidewalk w/ADA Ramps	SY			
6	BMP Inlet Protection	EA			
7	Adjust Manhole to Grade	EA			
8	Adjust Water Valve to Grade	EA			
9	Backfilling, Grading, & Shaping	JOB			
10	Sod & Watering	SF			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Mobilization	JOB			
2	Traffic & Pedestrian Control	JOB			
3	Remove Paving	SY			
4	7" P.C. Concrete Paving 47B-3500	SY			
5	5" P.C. Concrete Sidewalk w/ADA Ramps	SY			
6	BMP Inlet Protection	EA			
7	Adjust Manhole to Grade	EA			
8	Adjust Water Valve to Grade	EA			
9	Backfilling, Grading, & Shaping	JOB			
10	Sod & Watering	SF			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Mobilization	JOB			
2	Traffic & Pedestrian Control	JOB			
3	Remove Paving	SY			
4	Remove Inlets	EA			
5	Remove Storm Sewer Pipe	LF			
6	Subgrade Prep	SY			
7	5" Concrete Sidewalk	SY			
8	8" Concrete Paving	SY			
9	Detachable Warning Panes	SY			
10	Construct Curb Inlet	EA			
11	Construct Area Inlet	EA			
12	12" PVC Storm Sewer	LF			
13	Construct Junc Box	EA			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Remove Paving	SY			
2	7" P.C. Concrete Paving 47B-3500	SY			
3	BMP Inlet Protection	EA			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Remove Paving	SY			
2	7" P.C. Concrete Paving 47B-3500	SY			
3	5" P.C. Concrete Sidewalk	SY			

Item	Description	Unit	Unit Quantity	Unit Price	
1	Remove Paving	SY			
2	7" P.C. Concrete Paving 47B-3500	SY			
3	5" P.C. Concrete Sidewalk	SY			

- 3. Authorizing acquisition of interests in various tracts of real property by purchase or eminent domain for the 8th Street and 12th Avenue Intersection Improvement project.**



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: August 12, 2026
TO: Tara Vasicek, City Administrator
FROM: Richard J. Bogus, City Engineer
RE: 8th Street and 12th Avenue Intersection Improvement Project
Acquisition of Various Interests

RECOMMENDATION:

I recommend approval of the Resolution to provide authorization of acquisition for real property interests for the above-referenced project. The authorization can occur following a public hearing by the City Council in accordance with Section 18-1755 of the Nebraska Statutes.

DISCUSSION:

The project includes the need for total takings and permanent and temporary easements to allow for construction of the roundabout on 8th Street and 12th Avenue. The property acquisitions are described in the Notice of Hearing and the Resolution. The hearing is required to allow the public to present information relative to the acquisitions.

FISCAL IMPACT:

None as part of this recommendation. Permanent and temporary property interests will be negotiated with the respective property owners in accordance with the Uniform Act.

ALTERNATIVE:

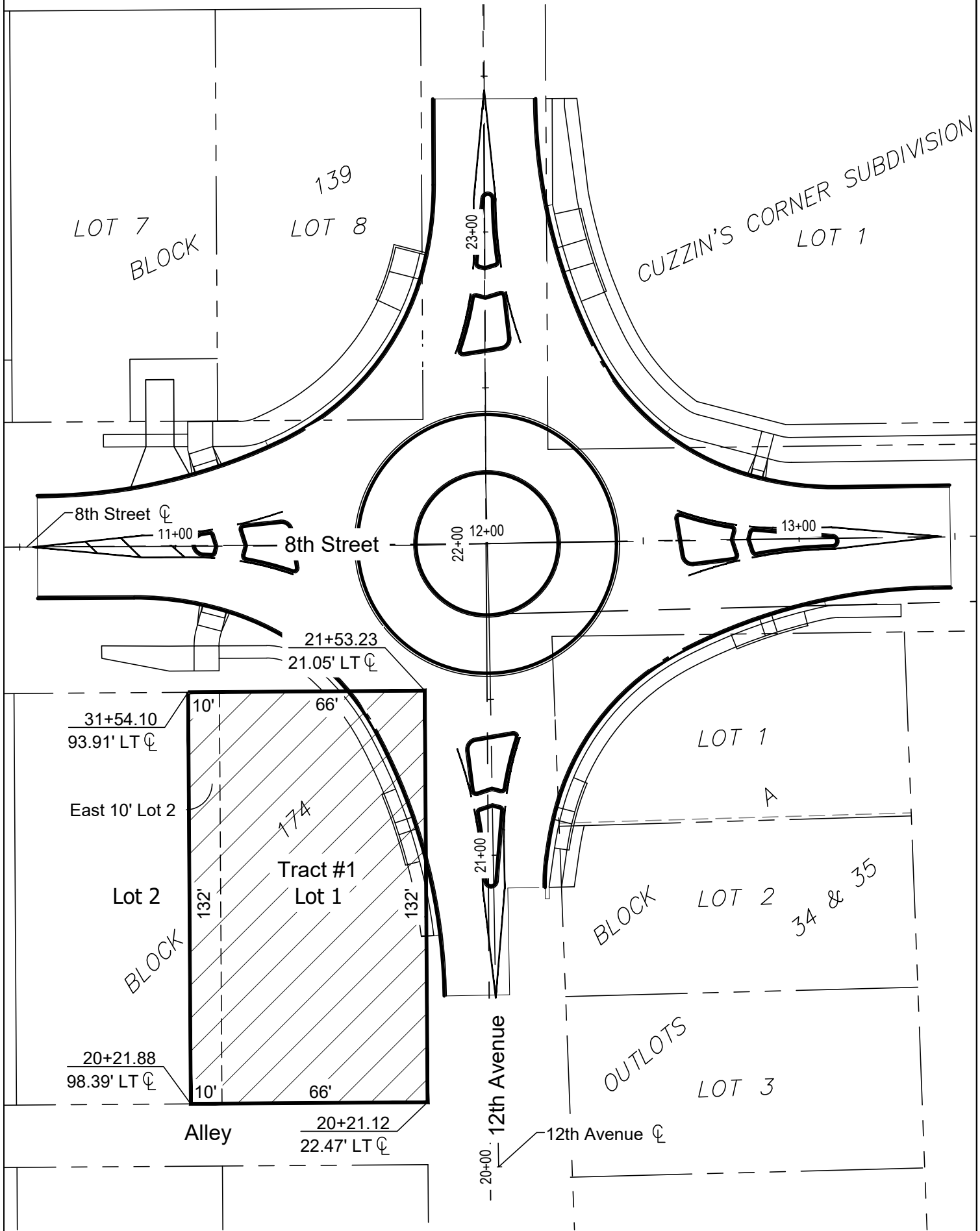
Do not approve.

SIGNATURE:

By: Richard J. Bogus

Approved By: [Signature]

EXHIBIT "A"



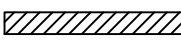
LEGAL DESCRIPTION

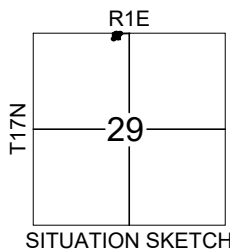
New Taking Tract No. 1

Lot 1 and the East 10' Lot 2, Block 174,
Original City of Columbus, Platte County, Nebraska.

Plat Showing
Right of Way
To be Acquired from Land Owned by
Owner: Walter Lee Kittrell, Jr. aka
Walter Lee & Tami Renee Kittrell

Tract No. 1

Taking  10034.5 sq. ft more or less Tract No. 1



1" = 40'
04/01/26
JML

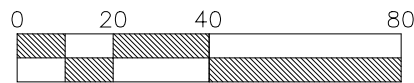
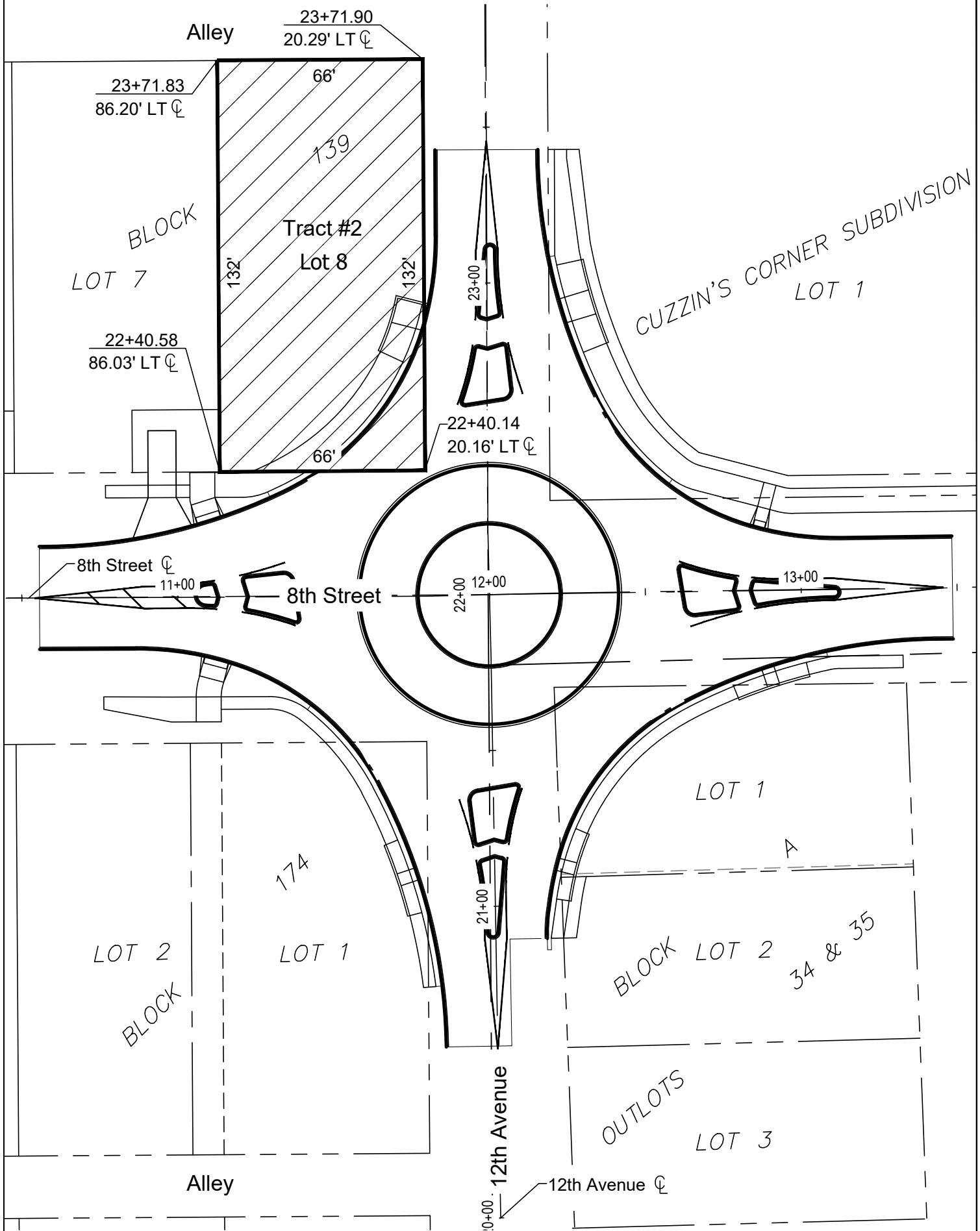


EXHIBIT "A"

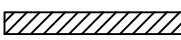


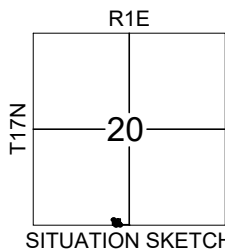
LEGAL DESCRIPTION

New Taking
Tract No. 2
Lot 8, Block 139,
Original City of Columbus, Platte County, Nebraska.

Plat Showing
Right of Way
To be Acquired from Land Owned by
Owner: Lira Gustavo

Tract No. 2

Taking  8702.6 sq. ft more or less Tract No. 2



SITUATION SKETCH



1" = 40'
04/01/26
JML

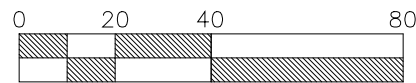
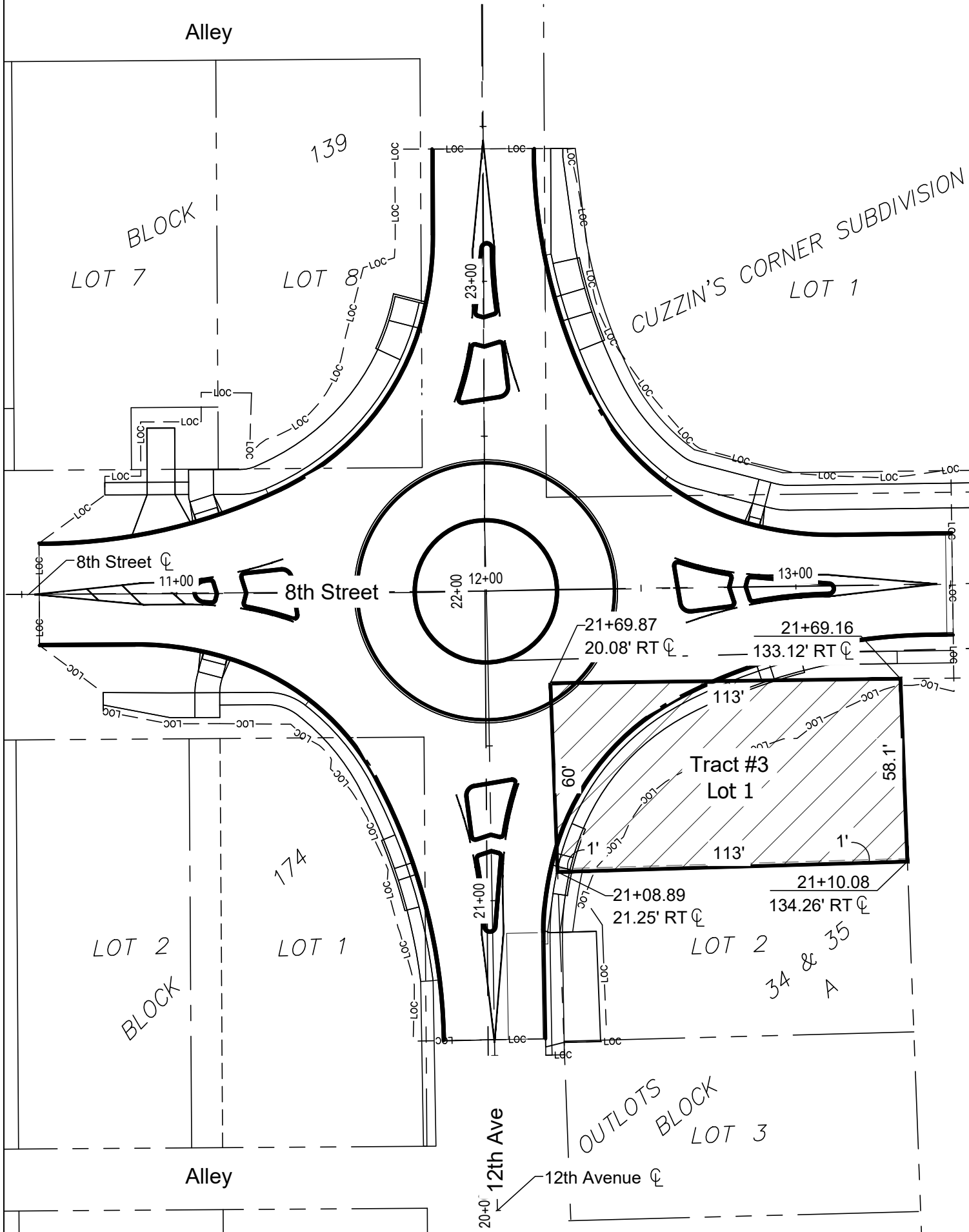


EXHIBIT "A"



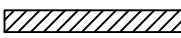
LEGAL DESCRIPTION

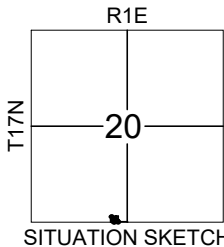
New Taking
Tract No. 3

Lot 1 and the North 1.00 foot of Lot 2, Block A,
Outlots 34 and 35, Platted by Jones Addition
to City of Columbus, Platte County, Nebraska.

Plat Showing
Right of Way
To be Acquired from Land Owned by
Owner: Jon Sohl

Tract No. 3

Taking  8702.6 sq. ft more or less Tract No. 3



SITUATION SKETCH



1" = 40'
04/01/26
JML



EXHIBIT "A"



1" = 40'
04/01/26
JML

CURVE INFORMATION				
CURVE	CHORD BEARING	RADIUS	ARC LENGTH	CHORD LENGTH
C1	S 18°50'24" E	166.07'	43.90'	43.77'
C2	S 39°32'52" E	66.03'	30.27'	30.01'

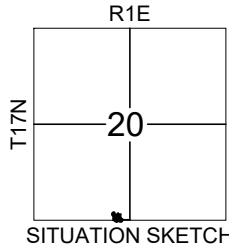
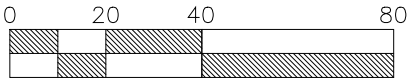
Tract #4
Lot 1

CUZZIN'S CORNER SUBDIVISION

LEGAL DESCRIPTION
New Taking
Tract No. 4

A tract of land located in Part of Lot 1, Cuzzin's Corner Subdivision to the City of Columbus, Platte County, Nebraska, described as follows:

Beginning at the Southwest Corner Cuzzin's Corner Subdivision to the City of Columbus, Platte County, Nebraska, and assuming the West Line of said Lot 1 to have a bearing of N 00°19'55" W; thence N 00°19'55" W and on said West Line 112.62 feet; thence N 89°40'05" E, 10.00 feet; thence S 06°47'54" E, 30.01 feet; thence S 11°16'04" E, 2.00 feet; thence Southeasterly on a 166.07 foot radius curve concave Northeasterly, with a chord bearing of S 18°50'24" E and distance of 43.77 feet, 43.90 feet to the point of compound curvature; thence Southeasterly on a 66.03 foot radius curve concave northeasterly, with a chord bearing of S 39°32'52" E and distance of 30.01 feet, 30.27 feet; thence S 52°41'01" E, 1.61 feet; thence S 75°26'04" E, 29.46 feet; thence N 89°16'53" E, 339.64 feet; thence S 01°31'57" E, 7.00 feet to the Southeast Corner said Lot 1, Cuzzin's Corner Subdivision; thence S 89°16'53" W and on the south line said Lot 1, 416.16 feet to the Point of Beginning, containing area 5471.5 square feet more or less.



Plat Showing
Right of Way
To be Acquired from Land Owned by
Owner: Casey's Retail Company, an Iowa Corporation
Tract No.4
Taking  5471.5 sq. ft more or less Tract No. 4

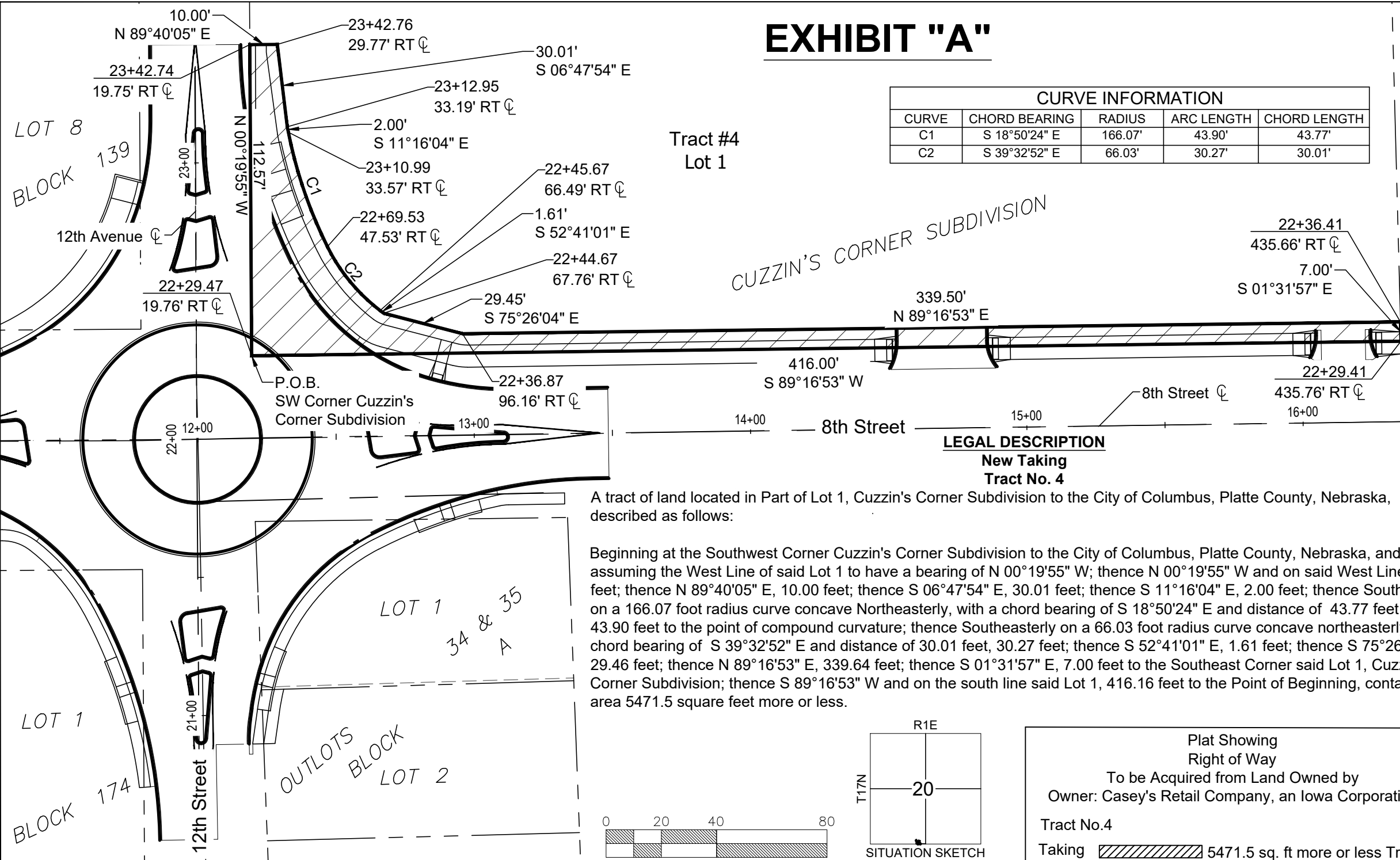
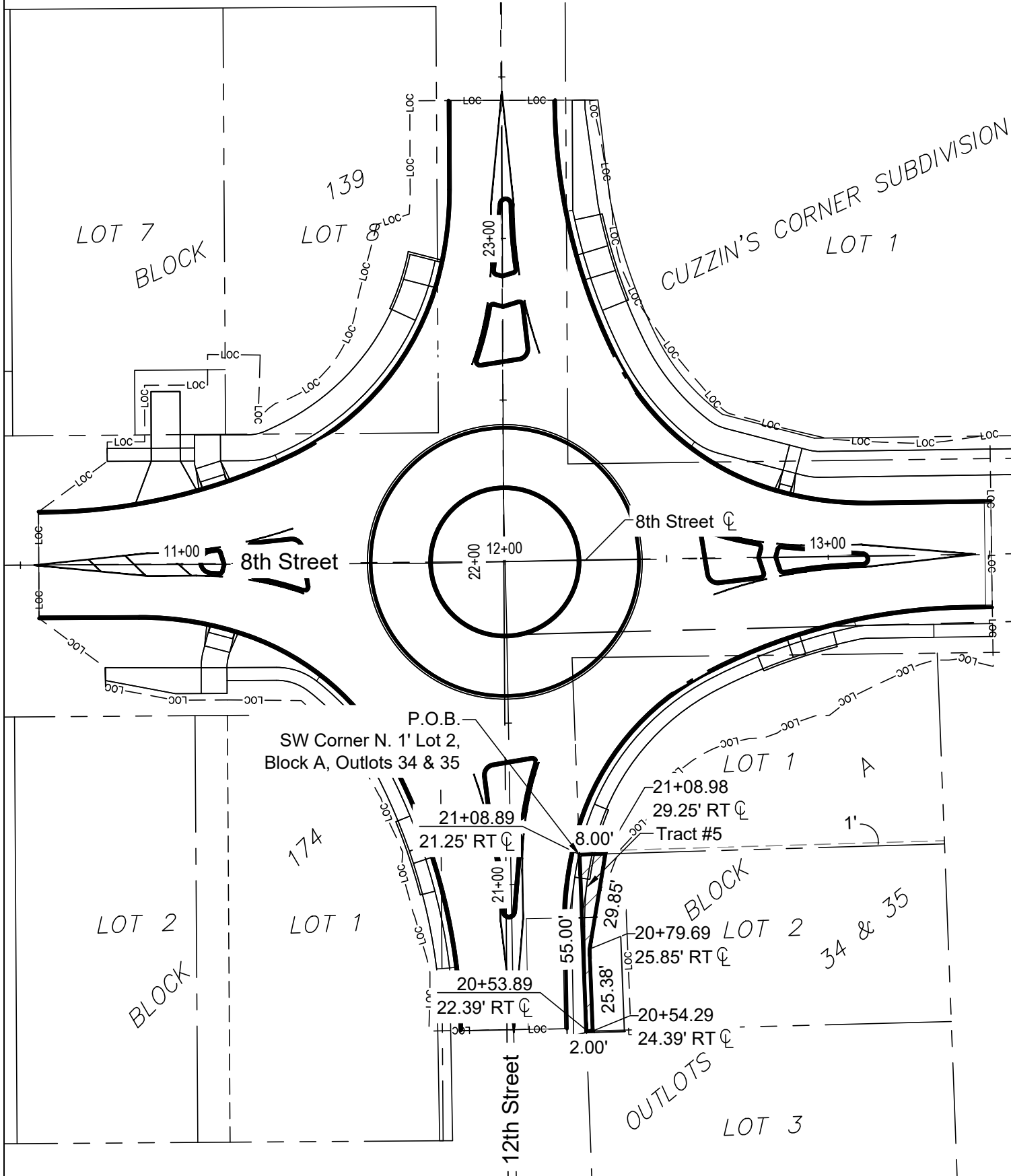


EXHIBIT "A"



LEGAL DESCRIPTION

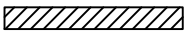
New Taking Tract No. 5

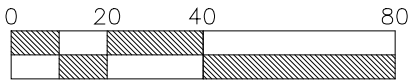
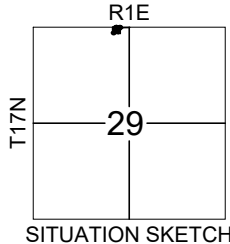
A tract of land located in Part of Lot 2, Block A, Outlots 34 and 35, Platted by Jones Addition, to City of Columbus, Platte County, Nebraska described as follows:

Beginning at the Southwest corner of the North 1.00 foot, Lot 2, Block A, Outlots 34 and 35, Platted by Jones Addition, to the City of Columbus, Platte County, Nebraska; thence Southerly and on the West line of said Lot 2, 55.00 feet to the Southwest Corner of said Lot 2; thence Easterly and on the South line of said Lot 2, 2.00 feet; thence Northerly and parallel to the West line of said Lot 2, 25.38 feet; thence Northeasterly 29.85 feet to a point on the South line of the North 1.00 foot of said Lot 2, said point being 8.00 feet Easterly of the Southwest corner of the South line of the North 1.00 foot of said Lot 2; thence westerly and on the South line of the North 1.00 foot of said Lot 2, 8.00 feet to the Point of Beginning containing 198 square feet more or less.

Plat Showing
Right of Way
To be Acquired from Land Owned by
Owner: TJ Properties LLC

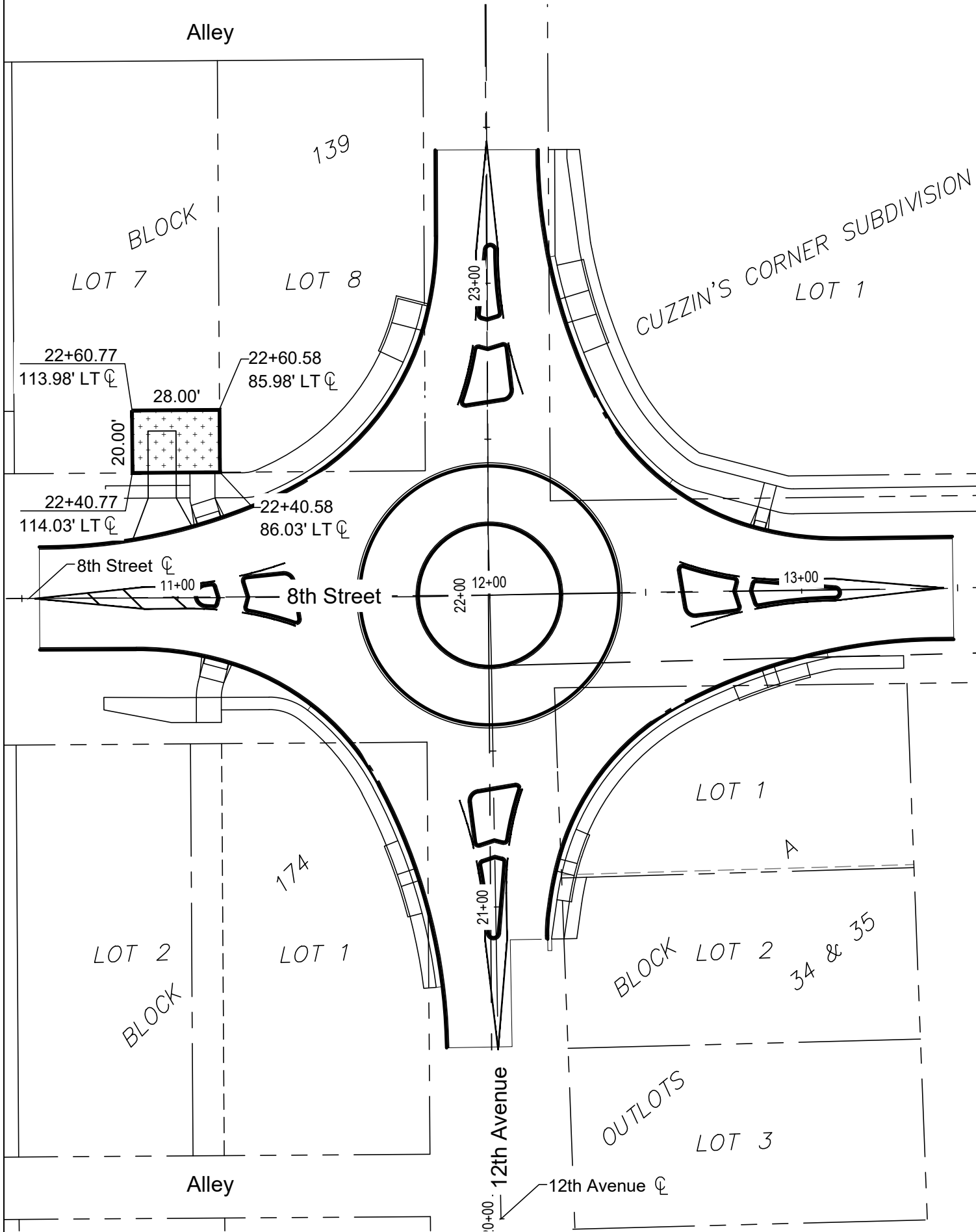
Tract No. 5

Taking  198 sq. ft more or less Tract No. 5



1" = 40'
04/01/26
JML

EXHIBIT "A"

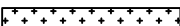


LEGAL DESCRIPTION

Temporary Construction Easement

Tract No. 6

East 28.00 feet of the South 20.00 feet, Lot 7, Block 139,
Original City of Columbus, Platte County, Nebraska
containing 560 square feet more or less.

Plat Showing
Temporary Construction Easement
To be Acquired from Land Owned by
Owner: Antonio & Brenda Martinez
Tract No. 6
Temp. Const. Easement
 560 sq. ft more or less Tract No. 6

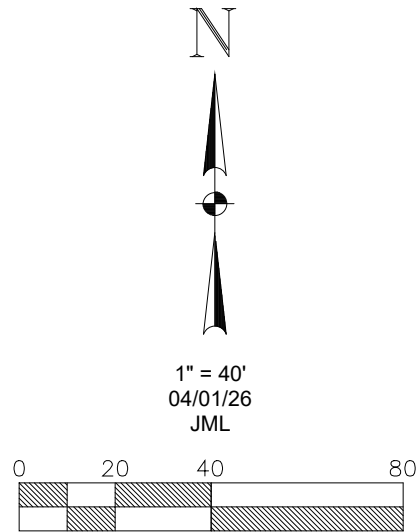
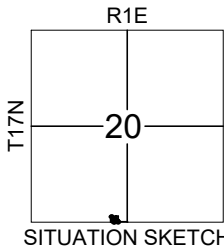
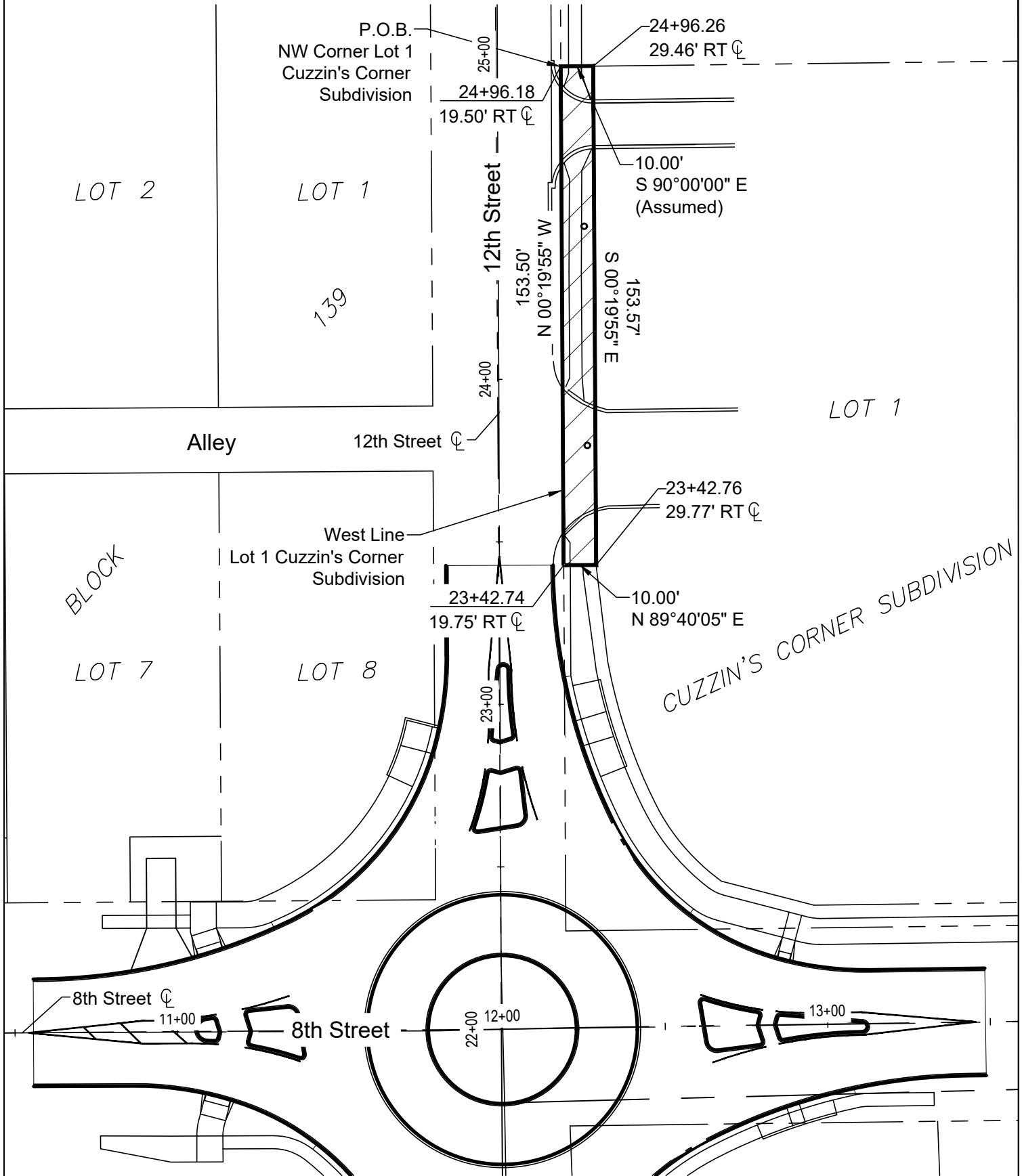


EXHIBIT "A"



**Permanent Sidewalk Easement
Tract No. 7**

A tract of land located in Part of Lot 1, Cuzzin's Corner Subdivision to the City of Columbus, Platte County, Nebraska described as follows:

Beginning at the Northwest corner of Lot 1, Cuzzin's Corner Subdivision to the City of Columbus, Platte County, Nebraska, and assuming the West Line of said Lot 1 to have a bearing of N 00°19'55" W; thence S 90°00'00" E and on the North Line of said Lot 1, 10.00 feet; thence S 00°19'55" E, and parallel to the West Line of said Lot 1, 153.37 feet; thence S 89°49'05" W, 10.00 feet to a point on the West Line of Said Lot 1; thence N 00°19'55" W and on said West line, 153.50 feet to the Point of Beginning, containing 1535.4 square feet more or less.

Plat Showing
Permanent Sidewalk Easement
To be Acquired from Land Owned by
Owner: Casey's Retail Corporation, an Iowa Corporation
Tract No. 7
Permanent Sidewalk Easement
 1535.4 sq. ft more or less Tract No. 7

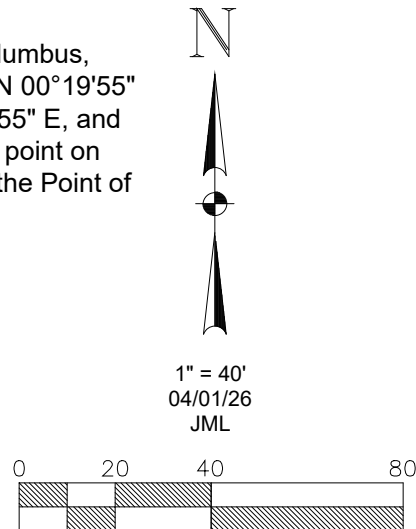
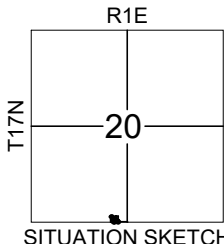
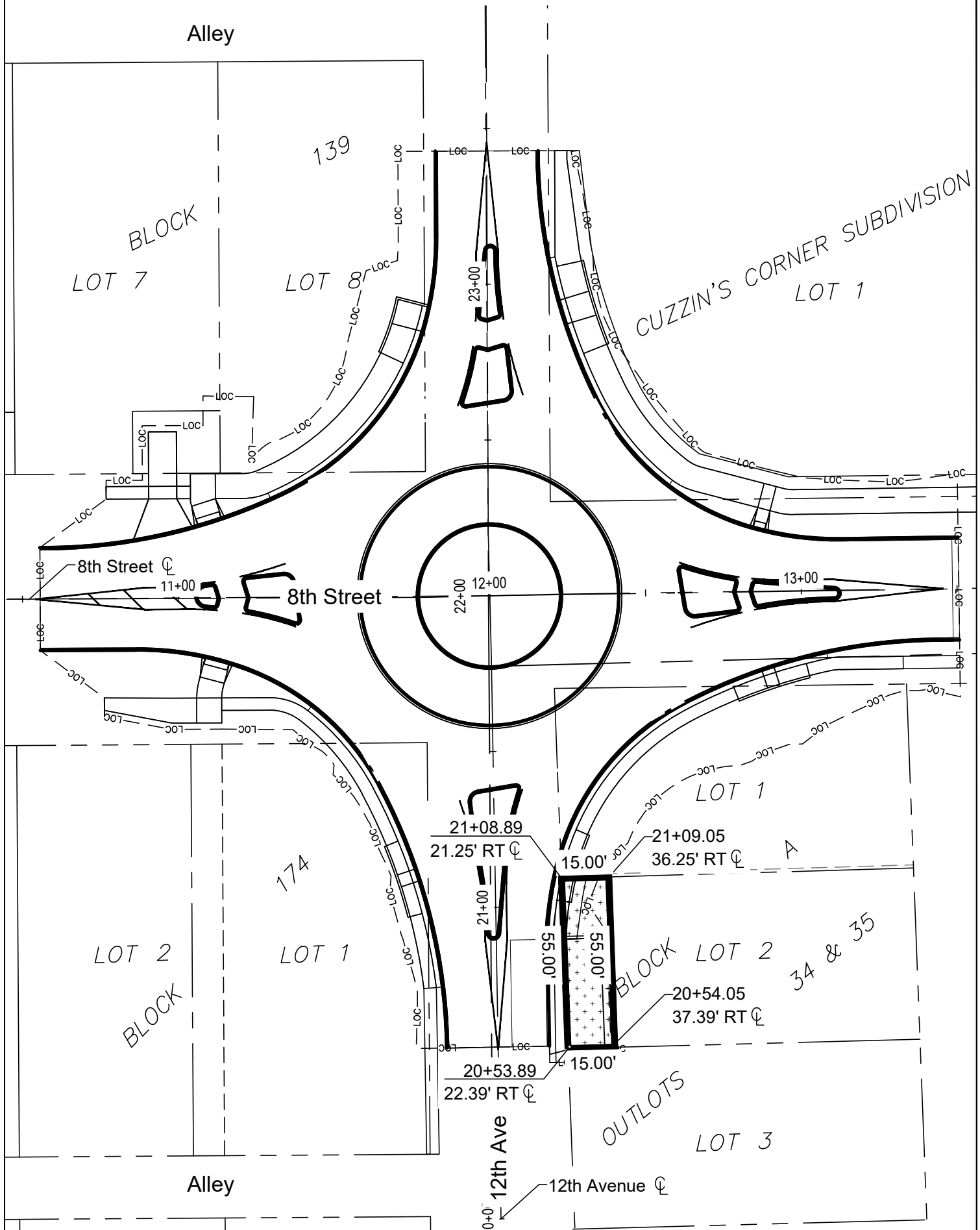


EXHIBIT "A"



LEGAL DESCRIPTION
Temporary Construction Easement
Tract No.8

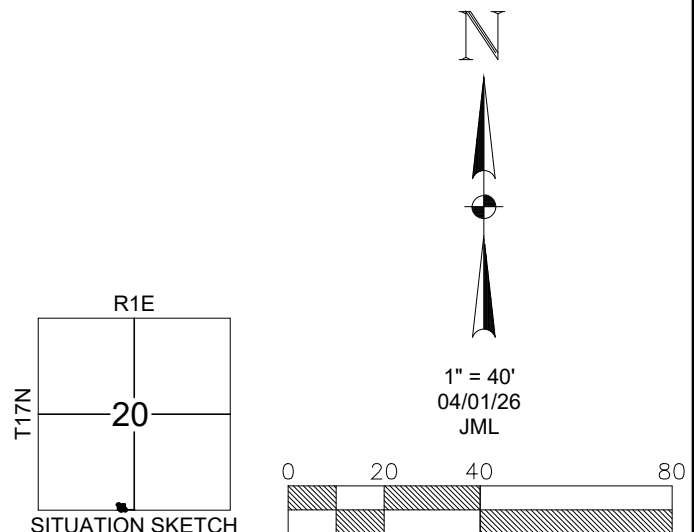
West 15.00 feet, Lot 2, Block A, except the North 1.00 foot, Outlots 34 and 35, Platted by Jones Addition, to City of Columbus, Platte County, Nebraska containing 825 square feet more or less.

Plat Showing
Temporary Construction Easement
To be Acquired from Land Owned by
Owner: TJ Properties LLC

Tract No. 8

Temp. Const. Easement

 825 sq. ft more or less Tract No. 8



4. Columbus Urban Forestry Management Plan.



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: July 21, 2026
TO: Tara Vasicek, City Administrator
FROM: Sydney Mroczek, Parks and Recreation Director
RE: Columbus Urban Forestry Management Plan

RECOMMENDATION:

Recommend approval of the Columbus Urban Forestry Management Plan, which utilizes the City's Tree Inventory to establish priorities for tree maintenance, removals, replacements, species diversity, and future canopy growth throughout the community.

DISCUSSION:

Approval of the Columbus Urban Forestry Management Plan will provide the City with a consistent, data-driven framework for future urban forestry decisions. The plan prioritizes the replacement of hazardous and declining trees while identifying opportunities to expand the community tree canopy throughout parks, golf courses, and other public spaces. As part of the Nebraska Inflation Reduction Act Community Forestry Grant, 137 trees will be strategically planted using a phased approach based on inventory data and site suitability.

Adoption of the plan demonstrates the City's commitment to responsible asset management, environmental sustainability, and maximizing the long-term benefits of grant funding.

FISCAL IMPACT:

None.

SIGNATURE:

Concurrence: Betsy Eckhardt, Director of General Services

By: Betsy Eckhardt

Signature: Sydney Mroczek, Park and Recreation Director

By: Sydney Mroczek

Approved: Tara Vasicek, City Administrator

By: Tara Vasicek



COLUMBUS URBAN FORESTRY

Management Plan

Inventory results and recommendation for
adoption

Sydney Mroczek & Betsy Eckhardt | July 2026

PARK BOARD + CITY COUNCIL



The plan turns inventory data into a management framework



A complete GPS-based inventory now supports safety, maintenance, planting and budgeting decisions.

3,766

Trees inventoried on city-owned properties and in parks

77+

Tree species represented across the inventory

100%

Coverage of parks and city-owned property

2026

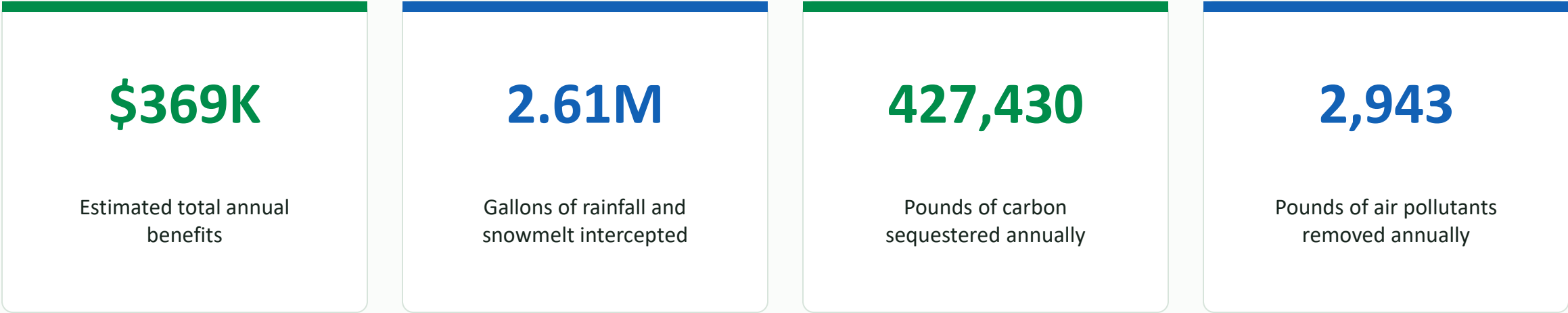
Baseline year for an updateable GIS inventory

A shared, defensible baseline for annual work planning

Columbus’s public trees return measurable value every year



Benefits vary by species, size, health and location; the average is approximately \$98 per tree.

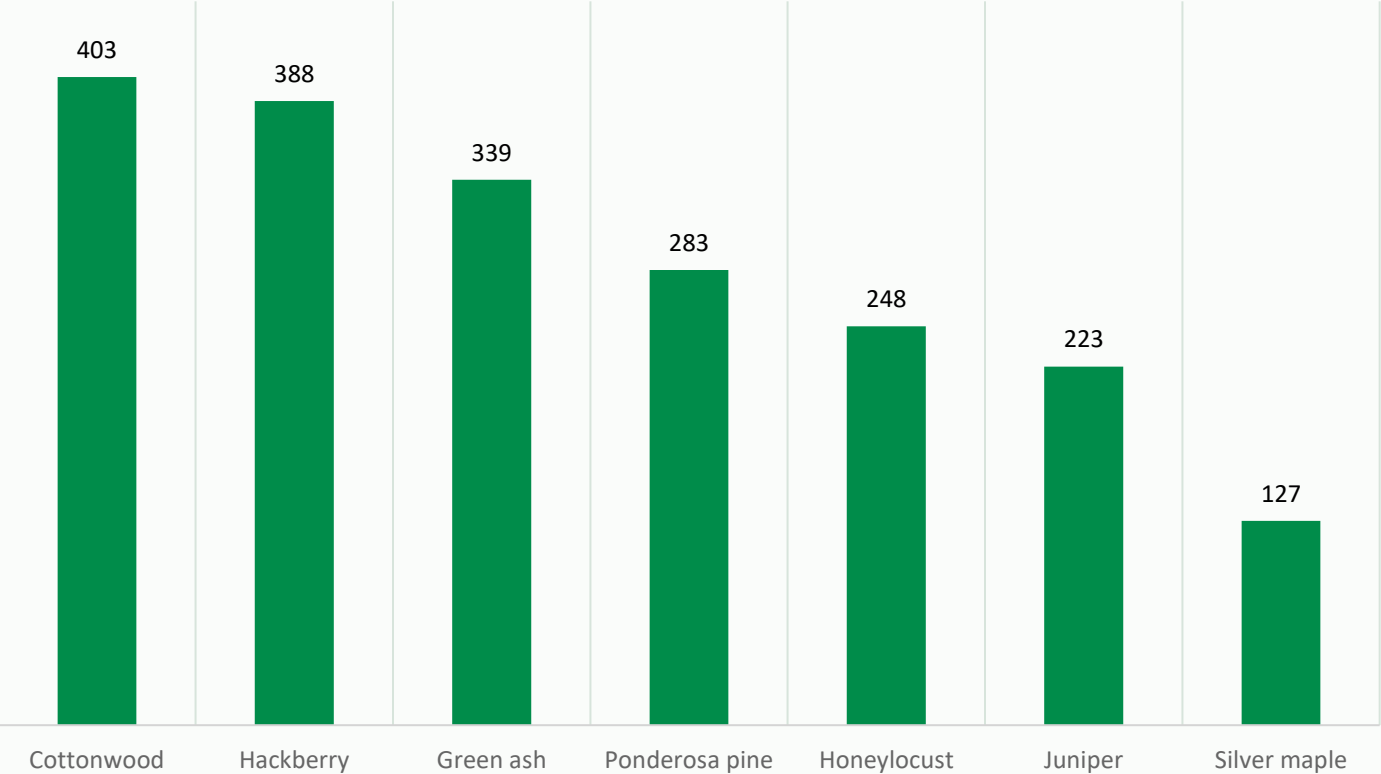


The urban forest is public infrastructure—providing environmental and community value while it grows.

A few species make up a large share of the public forest



Cottonwood, hackberry and green ash together account for roughly 30% of inventoried trees.



Why diversity matters

Diversity reduces the risk that one pest, disease or weather event causes widespread canopy loss.

PLANNING TARGET

No genus above 20%
No single species above 10%

The canopy is older than the ideal replacement curve

Most trees should be in smaller size classes so natural mortality does not create a sudden canopy gap.



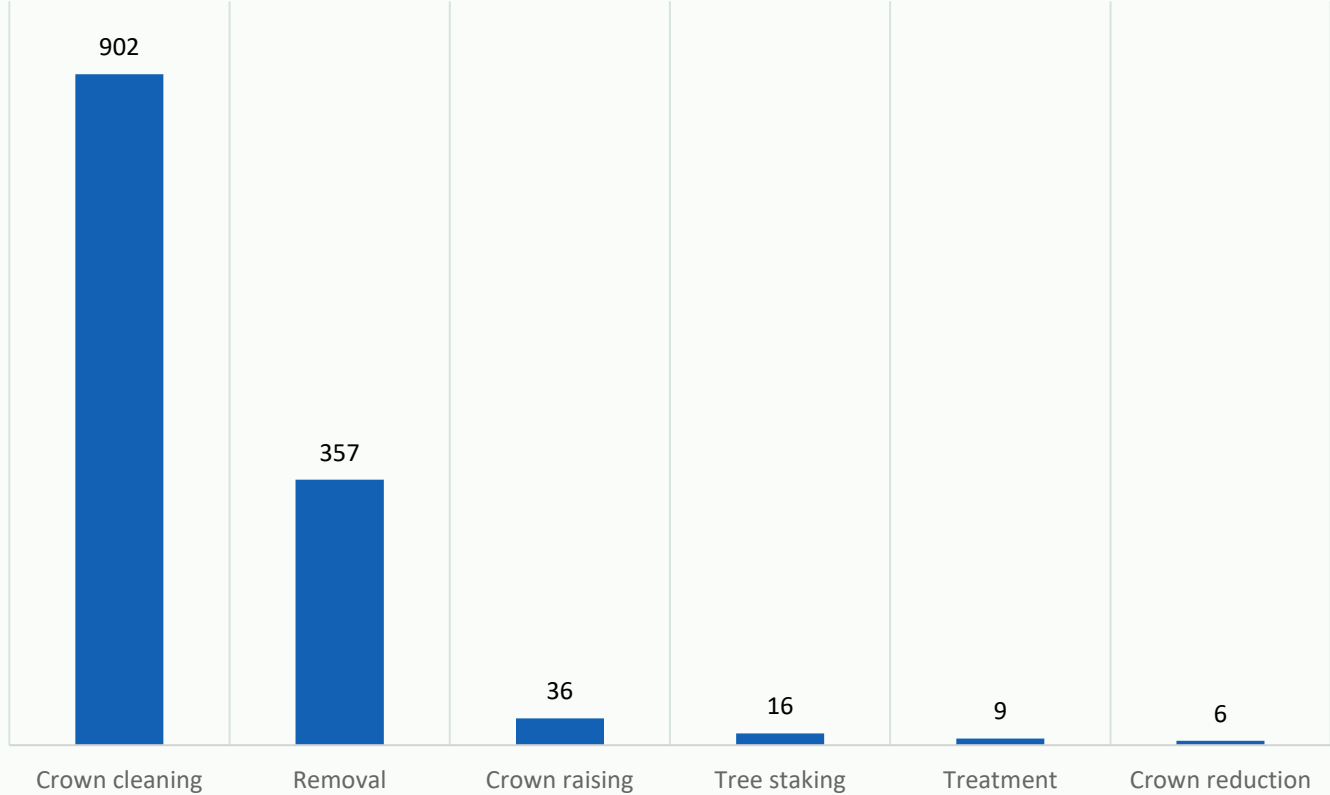
What this finding means

- Plant every year—not only after emergencies.
- Favor long-lived species that diversify the canopy.
- Plan for continuing removal and replacement costs.

Maintenance demand is significant



Approximately 35% of inventoried trees need some type of management.



CURRENT CONDITION

84% of foliage is fair or good
86% of wood condition is fair or good

Routine care extends tree life and reduces future emergency work.

Risk management begins with hazardous trees



City ownership and field conditions should be verified before any removal.

357

Trees identified for eventual removal

96

Dead or dying trees needing immediate attention

65

Dead or dying trees over 18 inches in diameter

1–2

Recommended new trees for each tree removed

First priority: address dead, dying and hazardous trees—then phase remaining removals through annual work plans.

Emerald ash borer requires proactive monitoring and replacement



Hazardous trees come first, followed by ash trees showing symptoms or poor condition.



339

Ash trees in the public inventory

124

Ash trees showing possible EAB symptoms

103

Ash trees among recommended removals

Annual monitoring helps Columbus replace canopy deliberately instead of reacting after widespread loss.

New planting must improve canopy diversity

Choose long-lived, site-appropriate trees and avoid increasing already overrepresented species.

PRIORITIZE

- Long-lived, site-appropriate species
- Genera and species currently underrepresented
- One to two trees for each removal
- Annual planting and monitoring

AVOID INCREASING

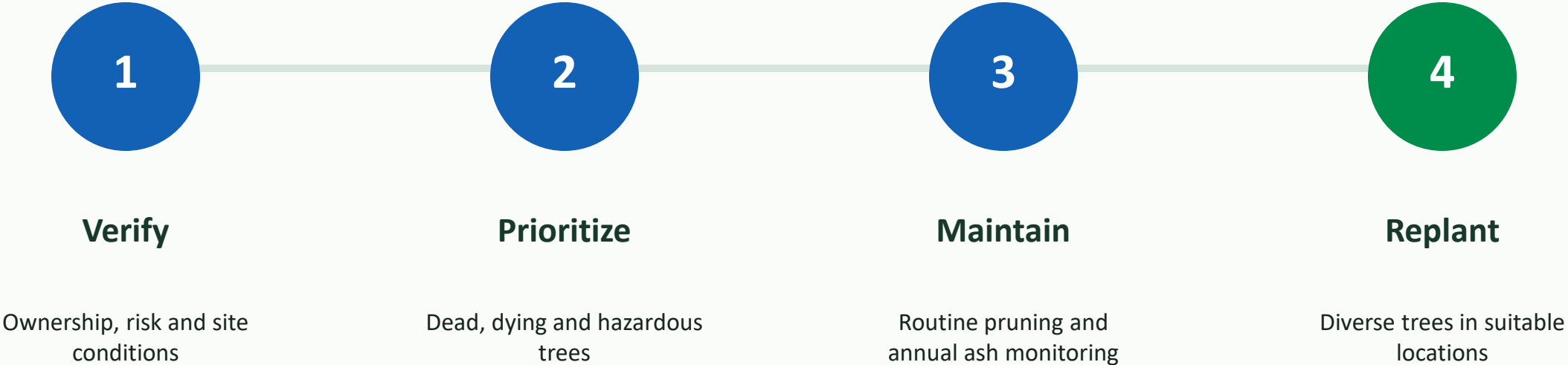
Cottonwood • hackberry • ash
Poplars • non-approved elms • box elder
Willow • pear • mulberry • tree of heaven
Other nuisance species restricted by ordinance



Adoption establishes a repeatable management cycle



Annual budgets will determine the pace; the plan provides a shared framework for staff and policymakers.



5. Approved, prohibited, and restricted tree species list for the City of Columbus.



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: July 21, 2026
TO: Tara Vasicek, City Administrator
FROM: Sydney Mroczek, Parks and Recreation Director
RE: Approved, Prohibited, and Restricted Tree Species Lists

RECOMMENDATION:

Recommend approval of the proposed Approved, Prohibited, and Restricted Tree Species Lists. The proposed lists establish standards for future tree planting and support the implementation of the City's updated tree ordinance and Urban Forestry Management Plan.

DISCUSSION:

The proposed tree species lists identify tree species appropriate for planting on public property while limiting or prohibiting species that are invasive, susceptible to pests and diseases, structurally weak, or otherwise unsuitable for long-term urban forest management. The lists promote species diversity, improve the resilience of the City's tree canopy, and provide staff with consistent guidance when selecting trees for future planting projects.

FISCAL IMPACT:

None.

SIGNATURE:

Concurrence: Betsy Eckhardt, Director of General Services

By: Betsy Eckhardt

Signature: Sydney Mroczek, Park and Recreation Director

By: Sydney Mroczek

Approved: Tara Vasicek, City Administrator

By: Tara Vasicek

City of Columbus Recommended Public Tree List

Purpose

This tree list guides tree selection on City-owned property and within the public right-of-way. It promotes species diversity, long-term canopy health, and resilience to insects, diseases, and environmental stressors. The list shall be adopted by resolution and reviewed periodically.

Species not listed may be approved by the Director of Parks and Recreation (or designee) if appropriate for the planting site and consistent with the City's urban forestry goals.

Acceptable Trees

- Large Canopy Trees: Bur Oak, Swamp White Oak, Red Oak, Chinkapin Oak, Kentucky Coffeetree, American Linden, Sycamore, Bald Cypress, Tuliptree (where appropriate)
- Medium Trees: Red Maple, Sugar Maple, Freeman Maple cultivars, Ginkgo (male cultivars only), London Planetree
- Ornamental Trees: Serviceberry, Eastern Redbud, American Hornbeam, Japanese Tree Lilac, Disease-resistant Crabapple cultivars
- Approved Elm Cultivars: Accolade®, American, Patriot, Princeton, New Horizon, Triumph™, Valley Forge
- Honeylocust (thornless, seedless cultivars)
- Ponderosa Pine
- Eastern White Pine
- Blue Spruce (limited)
- Norway Maple (phase down over time)
- Silver Maple (limited use only)
- Red Pine

Restricted Trees

- Hackberry
- Juniper
- Ponderosa Pine
- Silver Maple
- Eastern Cottonwood

Prohibited Trees

- All Ash species
- Tree of Heaven
- Russian Olive
- All Poplar species
- Boxelder
- All Willow species

- Mulberry
- Siberian Elm
- Chinese Elm
- Non-approved Elm species
- Bradford/Callery Pear and related cultivars
- Horse Chestnut
- Buckeye
- Pecan
- Most Cypress species (except Bald Cypress where appropriate)

Recommended Ordinance Language – Species Diversity

The City shall strive to maintain species diversity so that no single species comprises more than 10% of the public tree population and no single genus comprises more than 20% of the public tree population. Tree selection shall be made with these diversity goals in mind.

Implementation Notes

- Evergreen trees should not be prohibited outright. Appropriate evergreen species may be approved where suitable.
- Species lists should be reviewed periodically and updated by resolution to reflect new research, pests, diseases, and urban forestry best practices.

6. Amendment to Chapter 96 of Columbus City Code regarding trees.



Accountability - Dedication
Honesty - Integrity - Respect

MEMORANDUM

DATE: July 21, 2026
TO: Tara Vasicek, City Administrator
FROM: Sydney Mroczek, Parks and Recreation Director
RE: Proposed Revision to the City Tree Ordinance

RECOMMENDATION:

Recommend approval of the proposed amendments to Chapter 96 of the Columbus City Code regarding tree regulations. The revisions modernize the City's tree ordinance and align it with current urban forestry best practices and the Columbus Urban Forestry Management Plan.

DISCUSSION:

Chapter 96 of the Columbus Municipal Code was originally adopted in 1999 and has received only limited revisions over the past 25 years. The proposed updates are intended to modernize the ordinance while maintaining its original purpose of protecting and enhancing the City's public trees. The revisions incorporate current industry best practices, including references to International Society of Arboriculture (ISA) standards, ANSI A300 Tree Care Standards, and Nebraska Extension guidance. The ordinance also establishes updated planting standards, clarifies tree maintenance responsibilities, strengthens public safety provisions related to hazardous trees, updates species selection through an approved tree list adopted by resolution, and refines registration requirements for contractors working on public trees.

These updates also support the implementation of the City's Urban and Community Forestry Grant (Grant No. 23-DG-11021600-051). As the City continues to invest in tree planting, inventory management, and long-term canopy preservation, having a modern ordinance provides clear guidance for staff, contractors, and residents while helping ensure sustainable management of Columbus' urban forest.

The attached document is presented in redline format to allow the Board to easily identify the proposed revisions prior to consideration by the Public Property Committee.

FISCAL IMPACT:

None.

SIGNATURE:

Concurrence: Betsy Eckhardt, Director of General Services

By: Betsy Eckhardt

Signature: Sydney Mroczek, Park and Recreation Director

By: Sydney Mroczek

Approved: Tara Vasicek, City Administrator

By: Tara Vasicek

CHAPTER 96: TREES

Section

- 96.01 Definitions
- 96.02 Tree species to be planted
- 96.03 Distances and clearance for planting
- 96.04 Public tree care
- 96.05 Permit required to plant, remove a street tree
- 96.06 Compensatory payments
- 96.07 Tree topping and trimming
- 96.08 Tree trimming compliance
- 96.09 Clearance over streets and walkways
- 96.10 Diseased tree removal on public land
- 96.11 Registration and insurance requirements
- 96.12 Family dwelling tree requirements
- 96.13 Enforcement official; rights and duties
- 96.14 Violations

§ 96.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOULEVARD Right of Way ~~city-owned land, dedicated easements, and airspace specifically reserved for public infrastructure, transportation and utilities.~~

~~City property between street, curb, sidewalk and island areas within city streets and cul-de-sacs.~~ **Community Arborist:** International Society of Arboriculture ("ISA") Certified Arborist designated by the Park and Recreation Department.

ISA Certified Arborist. An individual who maintains a current International Society of Arboriculture (ISA) Certified Arborist credential or successor certification recognized by the City. ~~COMMUNITY ARBORIST. A person designated by the Parks Department with input of the Tree Board.~~

PARK TREES. Trees, shrubs, bushes and all other woody vegetation in public parks.

~~**PRIVATE COMMUNITY FOREST.** All trees within city boundaries but not owned by the city.~~

PUBLIC COMMUNITY FOREST. All street and park trees and other trees owned by the city as a total resource.

PARKS DEPARTMENT. The official (public employee) city representative and, as such, is responsible for the administration of the community forestry program.

STREET TREES. Trees, shrubs, bushes and all other woody vegetation on land lying between the private property lines on either side of all streets and avenues, as well as island areas within city streets or cul-de-sacs within the city.

(Prior Code, § 96.01) (Ord. 99-03, passed 2-1-1999; Ord. 01-25, passed 4-2-2001)

§ 96.02 TREE SPECIES TO BE PLANTED.

~~(A) The city shall maintain an extensive list of desirable shade or overstory trees, desirable ornamental or understory trees and desirable evergreen trees for planting in public areas. Each list will provide four recommended classes of trees, with Class I being the most desirable and Class IV the least desirable. The purpose of this listing will be to maintain diversity in the total tree population. The lists shall be available to residents of the city upon request to aid in the selection of trees for private and public properties. The list of recommended and desirable trees shall be updated periodically to reflect new developments or species that will affect the population of the community forest. This list shall be set by resolution.~~

~~(A) Approved Tree Species. The City shall maintain an Approved Tree Species List for trees planted on public property. The list shall include recommended shade, ornamental, and evergreen tree species selected based on diversity, climate suitability, pest and disease resistance, mature size, and overall urban performance. The list shall be reviewed periodically by the Parks and Recreation Director or designee and may be amended by resolution of the City Council to reflect current urban forestry best practices. The Approved Tree Species List, as amended from time to time, shall be available to the~~

public upon request.

(B) Prohibited Tree Species and Restricted Tree Species.

The Parks and Recreation Department, in consultation with the Community Arborist and other qualified forestry professionals as needed, shall maintain a list of prohibited tree species and restricted tree species for planting within public rights-of-way and other public properties.

The prohibited and restricted species list may include species determined to be:

1. Invasive or potentially invasive;
2. Highly susceptible to significant insect or disease threats;
3. Poorly adapted to local soil, climate, or site conditions;
4. Structurally weak or prone to failure;
5. Detrimental to public infrastructure or utility systems; or
6. Inconsistent with the City's urban forestry objectives related to canopy diversity, resilience, and long-term sustainability.

The prohibited and restricted species list shall be adopted ~~and amended~~ by resolution of the City Council and may be ~~amended and~~ updated periodically ~~in consideration of~~as new research, pest threats, environmental conditions, ~~or~~ urban forestry best practices emerge, ~~and general public impute~~. Restricted tree species may be ~~appro9ved~~ on a case by case basis by the Director of Parks and Recreation (or designee) if appropriate for the planting site and consistent with the City's urban forestry goals.

No person shall plant a restricted species within a public right-of-way or on other public property without ~~prior~~ written authorization from the Parks and Recreation Department.

~~(A) Subsequent to the enactment of this chapter, it shall be unlawful for any person to plant on city right-of-way any Cottonwood (except seedless), Pin Oak, Silver Maple, Siberian Elm, Black Locust, Hawthorn or White Poplar. Tree inventories show an overabundance of these tree species. Silver Maple and Siberian Elm are weak wooded and subject to wind and ice damage. Siberian Elm attract elm leaf beetles. Pin Oak is not adapted to the city's soil type and tends to be chlorotic and weak. Black Locust propagates suckers and is thorny. Seeded Cottonwood are a nuisance because of the litter. White Poplar attract bores and become weak and are short lived. Due to the reasons stated above, it is suggested that these trees not be planted on private property. An exemption can be made for Quail Run and Van Berg Golf Courses and some areas of the entire park system as determined by the Park Superintenden~~

~~(B) — t.~~

(C) Diversity of Tree Species. The City shall strive to maintain species diversity that no single species comprised more than 10% of the public tree population and no single genus comprises more than 20% of the public tree population. Tree selection shall be made with these diversity goals in mind.

~~(C)~~ D. Trees existing on public or private property prior to enactment ~~and/or amendment~~ of this chapter shall not be subject to removal under

the provisions of this section.

(Prior Code, § 96.02) (Ord. 99-03, passed 2-1-1999; Ord. 01-25, passed 4-2-2001) Penalty, see § 10.99

§ 96.03 DISTANCES AND CLEARANCE FOR PLANTING.

(A) Street trees may be planted in the boulevard-right-of-way where there is eight feet or more between the edge of the sidewalk and the curb or the street. Street trees shall be planted no closer than four feet from a sidewalk, driveway or street. It is suggested that private trees not be planted any closer than four feet from a private drive or sidewalk. As the tree grows, its roots may push up the sidewalk or drive.

(B) No street tree shall be planted closer than 30 feet from any street corner, measured from the point of the nearest intersection of curbs or curb lines.

(C) No street tree shall be planted closer than 25 feet from another street tree.

(D) No street tree shall be planted closer than ten feet from any fire hydrant.

(E) Special-Written permission must be obtained from the holder of the easement when planting street trees within ten feet of any point on a line on the ground immediately below any overhead utility wire or above any underground cable.

(Prior Code, § 96.03) (Ord. 99-03, passed 2-1-1999; Ord. 01-25, passed 4-2-2001) Penalty, see § 10.99

96.04 Tree Planting Standards and Tree Care

(A) All trees planted within publicthe rights-of-way, public parks, and other public properties shall be installed in accordance with accepted arboricultural practices and current Nebraska Extension, International Society of Arboriculture (ISA), and ANSI A300 standards.

(B) Root Flare.

Trees shall be planted so that the root flare, where the trunk widens and transitions to the root system, remains visible and above finished grade following installation.

(C) Planting Hole.

Planting holes shall be dug at least two times the width of the root ball and only deep enough to allow the root flare to remain above surrounding grade. Soil beneath the root ball shall remain firm to prevent settling.

(D) Mulching.

Organic mulch shall be placed around newly planted trees in a ring extending beyond the root ball where practical. Mulch shall not exceed four inches in depth and shall be kept away from direct contact with the trunk.

(E) Watering.

Newly planted trees shall receive adequate water during the establishment period to maintain healthy growth and survival. Watering schedules shall be adjusted based upon weather conditions, soil moisture, and species requirements.

(F) Staking.

Trees may be staked when necessary due to site conditions, tree size, or wind exposure. Stakes and support materials shall be removed within one year of planting unless otherwise recommended by a qualified arborist.

(G) Planting Standards Updates.

The Parks and Recreation Department may adopt and periodically update tree planting specifications, planting details, and maintenance standards consistent with current arboricultural best practices.

§ 96.04 PUBLIC TREE CARE.

(H) Public Tree Care

(A) 1. The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the right-of-way or bounds of all streets, alleys, lanes, squares and any public grounds as may be necessary to ensure the public safety.

The city may remove, or cause or order to be removed, any tree on public property, or part thereof, which is in an unsafe condition or which by reason of its nature is injurious to electric power lines or other public improvements or is seriously affected with any fatal disease.

2. The City may remove, cause to be removed, or order the removal of any tree or portion thereof located on public property when the tree:

a. 4-Is dead, dying, diseased or infested with insects or pests;

b. 2-Is determined to present an unreasonable risk to public safety due to structural defects, instability, storm damage, root failure, excessive decay, or other hazardous conditions;

c. ~~3-Interferes with public infrastructure, utilities, or public improvements and cannot be reasonably mitigated through pruning or other management practices; or~~

(B) d. ~~4-Has been determined by the Community Arborist, Park and Recreation Department, or qualified arboricultural professional to pose an imminent risk of failure or injury to persons or property.~~

~~(C)~~ 3. The adjoining property owners shall have the right to perform normal tree care on all street trees.

~~(D)~~ 4. Infected or diseased trees, or parts thereof, in a dead or dying condition on public lands shall be removed as warranted by the ~~State Forester or the Forester's designee~~Community Arborist and disposed of by the Public Works Department within a reasonable amount of time of the discovery that the conditions exist. The cost thereof shall be borne by the city without being assessed to the adjoining property owner.

(Prior Code, § 96.04) (Ord. 99-03, passed 2-1-1999; Ord. 01-25, passed 4-2-2001)

§ 96.05 PERMIT REQUIRED TO PLANT, REMOVE A STREET TREE.

(A) No person shall plant or remove a street tree without first obtaining a permit from the Public Works Department and paying the required fee. The owner of the property shall be responsible to obtain the necessary permit required for each occurrence at a specific property. Permits shall be valid for six months from the date of issuance. In case of a house moving, the tree service shall be responsible to obtain a permit to prune street trees along the route on which the house is to be moved. ~~Tree trimming or pruning must be done in accordance with~~All tree pruning, removal, and maintenance activities shall conform to the most current ~~Nebraska Guide #G91-1035~~ ANSI A300 Tree Care Standards and applicable ISA Best Management Practices.

(B) For the purpose of house moving, the tree service must trim or prune just ahead as the building is being moved. If the work is not satisfactory in the opinion of the city, the city may make necessary corrections and assess the cost to the tree service. The tree service may then also be suspended from doing work on street trees for any given length of time. The tree service shall also be responsible for obtaining permission from the property owner if a tree on private property needs to be pruned because of the moving.

(C) Tree services are responsible to check with and verify that the owner has the required permits for planting or removal of street trees, whichever may be the case before work begins. Fees required for any permits will be set by resolution.

(Prior Code, § 96.05) (Ord. 99-03, passed 2-1-1999; Ord. 01-25, passed 4-2-2001) Penalty, see § 10.99

§ 96.06 COMPENSATORY PAYMENTS.

No person shall remove any street tree without replacing ~~the tree~~ with a tree ~~or trees listed as Class I or II in~~ in the vicinity of the removed tree, which may include private property, or in another location in the city if no suitable location exists in the vicinity. Replacement tree size must be of one and one-half inch caliper or greater and must be replaced in the following time frame. If a tree is removed after November 15, it must be replaced by May 15 of the following year. If the tree is removed after May 15, it must be replaced by November 15 of the same year. Waivers for tree size or species are obtainable from the Public Works Department. If a person does not wish to plant back or in another location, he or she shall make compensatory payment to the city. The compensatory payments shall be paid to the City Clerk's office and used solely for the purpose of enhancing the community forest. The compensatory payment amount shall be set by resolution. A tree can be planted in a private yard if planting on the city right-of-way or making a compensatory payment is not desired.

(Prior Code, § 96.06) (Ord. 99-03, passed 2-1-1999; Ord. 01-25, passed 4-2-2001) Penalty, see § 10.99

§ 96.07 TREE TOPPING AND TRIMMING.

It shall be unlawful as a normal practice for any person or city department to top any street, park or other tree on public property. **TOPPING, ROUNDING OFF or POLLARDING** is defined as the systematic cutting back of limbs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the ~~Public Works Department~~ Community Arborist.

(Prior Code, § 96.07) (Ord. 99-03, passed 2-1-1999; Ord. 01-25, passed 4-2-2001) Penalty, see § 10.99

§ 96.08 TREE TRIMMING COMPLIANCE.

All trimming or pruning of street trees must be done in accordance with ~~Nebraska Guide #G91-1035~~ ANSI A300 Tree Care Standards and ISA Best Management Practices. If work on street trees is not satisfactory in the opinion of the city, the city may make necessary corrections and assess the cost to the tree service or individual. A suspension from doing work on street trees may also apply for any given length of time.

(Prior Code, § 96.08) (Ord. 99-03, passed 2-1-1999; Ord. 01-25, passed 4-2-2001) Penalty, see § 10.99

§ 96.09 CLEARANCE OVER STREETS, ~~AND WALKWAYS~~, AND PERSONAL PROPERTY.

(A) Clearance over walkways and personal property shall be the responsibility of the abutting property owners. A clearance of no less than eight feet shall be maintained over walkways, and a clearance of no less than 14 feet shall be maintained over streets and alleys. Property owners are responsible to maintain the eight-foot height on street and private trees over walkways so that they will not inhibit the passage of pedestrians. This is to ensure safety of persons using the sidewalks. Property owners should report any infractions of street trees that abut their property to the Director of Public Works who will evaluate the situation and take appropriate action at city expense. It shall be the duty of the city to trim any trees to the 13 feet above the streets height so that they will not inhibit the passage of vehicles.

(B) It shall be the duty of the utility company to trim any trees within or in close proximity to utility lines.

(C) If any trees are permitted by the owners of the adjacent premises to grow untrimmed in violation of the provisions of this section, it shall be the duty of the Public Works Department to notify the owner in writing to trim the trees within the time and manner to be specified in the notice. If any person so notified shall neglect or refuse to comply with the notice, the Public Works Department shall forthwith cause the trees to be trimmed at the expense of the city and the costs thereof assessed against the property.

(Prior Code, § 96.09) (Ord. 99-03, passed 2-1-1999; Ord. 01-25, passed 4-2-2001) Penalty, see § 10.99

§ 96.10 DISEASED TREE REMOVAL ON PUBLIC LAND.

The city shall have the right and responsibility to cause to be removed any tree within the city limits that is diseased or dead on public land. All trees that have been designated for removal due to disease or infestation shall be properly disposed of at a site determined by the city. All trees which require burning as prescribed by the State Forester as a proper means of disposal shall be burned by the city in accordance with relevant state law.

(Prior Code, § 96.10) (Ord. 99-03, passed 2-1-1999; Ord. 01-25, passed 4-2-2001)

§ 96.11 REGISTRATION AND INSURANCE REQUIREMENTS.

(A) Persons engaged in the business or occupation of pruning, treating or removing any tree or trees inside the city limits must be registered with the City Clerk's office by April 1 of each year. Registration may be obtained at any time during the year upon meeting application requirements. Each person in the business of tree work must show evidence of minimum liability insurance as set by resolution and the city be named as an additional insured. A copy of the certificate of liability insurance must be on file with the City Clerk's office and kept current. No registration is required by any public employee(s) doing such work in the pursuit of his, her or their public service endeavors. Whenever an individual plans to fell a tree onto the street or block the street for any tree work, the individual shall make a request to the ~~City Administrator~~ Parks and Recreation Department and shall notify the Fire, Public Works and Police Departments 24 hours prior to breaking any street and as to how long the street will be blocked and shall notify the Fire and Police Departments as to when the street is open. Traffic cones, which shall be fluorescent in nature regardless of color, or proper visible barricades are required for public safety.

(B) Prior to performing work on public trees within the City of Columbus, tree service companies shall maintain registration with the City Clerk's Office, provide proof of required liability insurance, and ensure that tree work on public trees is performed or directly supervised by an International Society of Arboriculture (ISA) Certified Arborist ~~. Prior to doing work within the city limits, persons in the tree business must be registered with the City Clerk's office. Evidence of liability insurance and certification of attendance at a city approved tree care workshop or seminar by a representative of the tree service company must be provided to the City Clerk's office prior to April 1 of each year.~~ Fees for the registrations will be as set by resolution.

(Prior Code, § 96.11) (Ord. 99-03, passed 2-1-1999; Ord. 01-25, passed 4-2-2001) Penalty, see § 10.99

§ 96.12 FAMILY DWELLING TREE REQUIREMENTS.

In construction of new single-family dwellings, it is suggested to plant at least one ~~one~~ one and one-half inch caliper ~~Class I or~~ ~~Class II~~ tree per residence. In construction of multiple-family dwellings, it is suggested to plant at least two one and one-half inch caliper Class I or II trees per lot. Trees cannot be planted in public right-of-way of any street type less than eight feet in width as measured from the back of curb to the property line. Trees on public property cannot be planted within four feet of the back of curb, street edge, sidewalk or trail or within any visual clearance zone. Trees on private property shall be planted a distance of not less than four feet from public sidewalks or trails and shall be in compliance with all other provisions of this chapter.

(Prior Code, § 96.12) (Ord. 99-03, passed 2-1-1999; Ord. 01-25, passed 4-2-2001) Penalty, see § 10.99

§ 96.13 ENFORCEMENT OFFICIAL; RIGHTS AND DUTIES.

The ~~Public Works~~Park and Recreation Department is charged with enforcement of this chapter.

(Prior Code, § 96.13) (Ord. 99-03, passed 2-1-1999; Ord. 01-25, passed 4-2-2001)

§ 96.14 VIOLATIONS.

Imposition of any penalty for a violation of this chapter shall not be construed as a waiver of the right of the city to collect the costs of removal of the tree in accordance with the provisions of this chapter.

(Prior Code, § 96.14) (Ord. 99-03, passed 2-1-1999; Ord. 01-25, passed 4-2-2001)

7. Adjournment.