

## CITY COUNCIL MEETING

March 29, 2016

7:00 p.m.

After the Pledge of Allegiance and Study Session, the Mayor called the meeting to order and stated a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas. Roll call showed Council Members Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, and Anderson present. Roll call showed Council Member Eairleywine absent. 7 Council Members present.

Public Hearing on Resolution to approve new Liquor License Manager Application of Hy-Vee Gas. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing with no comments from the public being made.

Resolution 2016-035 to approve new Liquor License Manager Application of Hy-Vee Gas. Council member Kuhns moved, seconded by Councilmember Schaller to approve the resolution with the recommendation to approve the application as presented. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, and Anderson voting Aye. 7 Ayes. Motion carried

Public Hearing on Resolution to approve new Liquor License Manager Application of Pizza Hut. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing with no comments from the public being made.

Resolution 2016-036 to approve new Liquor License Manager Application of Pizza Hut. Council member Schaller moved, seconded by Councilmember Legband to approve the resolution with the recommendation to approve the application as presented. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, and Anderson voting Aye. 7 Ayes. Motion carried

Public Hearing and first reading of Ordinance approving a request of Barbara Nishumura amending paragraph "B" of Article 406 of Ordinance No. 3939 to rezone the property described from LI Limited Industrial to R-5 Mobile Home Residential. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing with no comments from the public being made. Council member Legband moved, seconded by Councilmember Johnson to deny request of Barbara Nishumura amending paragraph "B" of Article 406 of Ordinance No. 3939 to rezone the property described from LI Limited Industrial to R-5 Mobile Home Residential. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, and Anderson voting Aye. 7 Ayes. Motion carried

Moved by Council Member Johnson seconded by Council Member Schaller to approve items 9 through 17 and 19 through 27 of the consent agenda. Roll Call Vote. Council Members Bixby, Legband, Landholm, Johnson, Kuhns, Schaller, and Anderson voting Aye. 7 Ayes. Motion carried.

9. Dispense with and approve March 8, 2016 minutes

10. Approve March 9, 2016 – March 29, 2016 claims

11. February Financial Statements

12. Resolution 2016-037 to approve contract with WSI Corporation for 1 license of "Pilotbrief Optima North America" for use at the Fremont Municipal Airport

13. Resolution 2016-038 to approve various Special Designated Permits and approve consumption of alcohol on City property as outlined

14. Resolution 2016-039 approving Heartland Area Accessories & Subsidiary loan application and agreement for Local Option Economic Development (LB840) funds
15. Resolution 2016-040 for closure of streets for Main Street Mayor's Run
16. Resolution 2016-041 for receipt of Dodge County Humane Society Report
17. Receive and place on file the Street Department Annual Report for 2015
19. Resolution 2016-042 to approve the use of the Fremont Airport for a Tandem Skydiving event to be held during JC Fremont Days
20. Consideration of Cement/Asphalt/Excavation license applications
21. Resolution 2106-043 to approve Christensen Family Art/Mural Project for the Christensen Field Main Arena Entry
22. Resolution 2016-044 approving Data Tech training agreement
23. Department of Utilities Strategic Plan
24. Renewal of Excess Loss coverage with Star Line Group
25. Resolution 2016-045 for Reconstruction of existing driveways on Hancock Street to match existing locations
26. Resolution 2016-046 for Keep Fremont Beautiful metal drop location request
27. Resolution 2016-047 to approve Amendment 3-16 Inter-local Cooperation Act Agreement Fremont GI Study Reassessment of Floodplain Mapping and Authorize Mayor to sign the Amendment

Consideration of Ordinance 5358 to approve Voter precinct map approval. Moved by Council Member Kuhns seconded by Council Member Legband to suspend the rules and place on Final reading Ordinance No. 5358. Roll call vote: 7 ayes. Motion carried. The City Clerk gave the final reading of Ordinance No. 5358 pertaining to voter precinct map. Roll call vote. 7 ayes. Motion carried.

Consideration to Provide Customer Service Training to employees who have frequent contact with the public. Council member Schaller moved, seconded by Councilmember Kuhns to approve the use of customer service training as outlined. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, and Anderson voting Aye. 7 Ayes. Motion carried

Third and final reading of Ordinance approving a request of Ed Christoffersen, on behalf of JDJ Investments for approval of a Voluntary Annexation Petition. Council member Schaller moved, seconded by Councilmember Legband to continue the item. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, and Anderson voting Aye. 7 Ayes. Motion carried.

Third and final reading of Ordinance approving a request of Midland University for approval of a Zoning Change from R-2 Moderate-Density Residential, R-3 Mixed-Density Residential, and UC Mixed Use Urban Corridor to CC Community Commercial. City Clerk Ficken provided third and final reading. Roll call vote. Bixby, Legband, Kukns voting Aye; Landholm, Schaller, Johnson, and Anderson voting Nay. 3 Ayes, 4 Nays. Ordinance failed.

Executive Session to discuss litigation. Moved by Council Member Landholm, seconded by Council Member Schaller to go into executive session for the purpose of discussing a strategy with respect to threatened litigation and for the further reason that the executive session is necessary for the protection of the public interest. The Mayor stated a motion had been made and seconded to go into executive session for the purpose of discussing a strategy session with respect to threatened litigation and for the further reason that the executive session is necessary for the protection of the public interest and asked for discussion. There being none, the Mayor stated the pending motion was to go into executive session for the purpose of discussing a strategy session with respect to

threatened litigation and for the further reason that the executive session is necessary for the protection of the public interest. Roll call vote: 7 ayes. Motion carried.

The Mayor stated a motion to go into executive session purpose of discussing a strategy session with respect to threatened litigation and for the further reason that the executive session is necessary for the protection of the public interest had been approved. Discussion will be limited to a strategy session with respect to threatened litigation. No official actions or votes will be taken during the executive session. Time in: 7:57 p.m.

Moved by Council Member Schaller, seconded by Council Member Kuhns to come out of executive session. Roll call vote: 7 ayes. Motion carried. Time out: 8:12 p.m.

Moved by Council Member Schaller seconded by Council Member Legband to adjourn the meeting. Roll call vote: 7 ayes. Motion carried. Meeting adjourned at 8:14 p.m.

I, Tyler Ficken, the undersigned City Clerk, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by the members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

Tyler Ficken, City Clerk