

## COMMUNITY DEVELOPMENT AGENCY

May 31, 2016

7:00 p.m.

The Chairman 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 Committee Members Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson present. 8 Council Members present.

Resolution approving redevelopment agreement for the Yager Retail Redevelopment Project – phase one and authorizing the issuance of tax increment financing indebtedness. Committee member Johnson moved, seconded by Committee member Eairleywine to approve Resolution 2016-004. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Resolution approving the second amendment to development agreement 23rd & Yager project and authorizing the issuance of tax increment financing indebtedness. It was noted to correct signature blocks. Committee member Legband moved, seconded by Committee member Landholm to approve Resolution 2016-005. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Resolution consenting to the transfer of the 23rd & Yager Redevelopment Project Site; assignment and assumption of the redevelopment agreement and other actions required. It was noted to correct signature blocks. Committee member Schaller moved, seconded by Committee member Kuhns to approve Resolution 2016-006. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Moved by Committee Member Landholm seconded by Committee Member Legband to adjourn the meeting. Roll call vote: 8 ayes. Motion carried. Meeting adjourned at 7:15 p.m.

## CITY COUNCIL MEETING

May 31, 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, Eairleywine and Anderson present. 8 Council Members present.

Public Hearing & Resolution approving an amendment to the City of Fremont Comprehensive Plan, particularly amendments to the Future Land Use Map. Mayor Getzschman opened the public Hearing. The Mayor closed the public hearing. Councilmember Legband moved, seconded by Councilmember Johnson to approve Resolution 2016-085. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Public Hearing & Ordinance approving a request of RML Investments, Inc., owner of approximately 7,800 square feet located at 1820 W 23rd St., for approval of a Zoning Change from R-2 Moderate-Density Residential to LI Limited Industrial. Mayor Getzschman opened the public Hearing. The Mayor closed the public hearing. Councilmember Schaller moved, seconded by Councilmember Anderson to introduce the ordinance. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson,

Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried. City Clerk provided first reading.

Public Hearing & Ordinance approving a request of Rodger & Debra Menn, owners of approximately 40.0 acres located at 361 W. Co. Rd. T, for approval of a Zoning Change from AG Agricultural to LI Limited Industrial. Mayor Getzschman opened the public Hearing. The Mayor closed the public hearing. Councilmember Landholm moved, seconded by Councilmember Eairleywine to introduce the ordinance. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried. City Clerk provided first reading.

Public Hearing & Ordinance approving a request of Lilyan Scheinost, owner of approximately 16.9 acres located at 2284 Morningside Rd., for approval of a Zoning Change from AG Agricultural and GI General Industrial to LI Limited Industrial. Mayor Getzschman opened the public Hearing. The Mayor closed the public hearing. Councilmember Johnson moved, seconded by Councilmember Anderson to introduce the ordinance. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried. City Clerk provided first reading.

Public Hearing & Ordinance amending Chapter 9 of the Municipal Code to include various items recommended by the Building Code and Advisory and Appeals Board (under stair protection, one layer roof coverings, requirement for water conditioning installer registration). Mayor Getzschman opened the public Hearing. The Mayor closed the public hearing. Councilmember Landholm moved, seconded by Councilmember Kuhns to introduce the ordinance. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried. City Clerk provided first reading. Councilmember Johnson moved, seconded by Councilmember Schaller to suspend the rules and move to final reading. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Mayor Getzschman called for a vote on final reading. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. City Clerk provided final reading.

Moved by Council Member Schaller seconded by Council Member Johnson to approve items 9 through 11, 13 through 15, 17 through 18, 20 through 26, and 28. Roll Call Vote. Council Members Bixby, Legband, Landholm, Johnson, Kuhns, Schaller, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

9. Dispense with and approve May 10, 2016 minutes

10. Resolution 2016-086 to allow consumption of alcohol on City property (Gina Taylor – Wedding & Kim Beam – Wedding)

11. Resolution 2016-087 for approval of Special Designated Liquor Licenses (Merry Martini Lounge – Dance/Reception, St. Patrick’s Catholic Church – Receptions, John C. Fremont Days – Rodeo & Dance)

13. Resolution 2016-088 approving request of Ron Vlach for use of Christensen Field for the annual fireworks display

14. Consider the recommendation of the Mayor to reappoint Paul Gifford to a term on the Board of Public Works ending May 2021

15. April financial statements for the City of Fremont

17. Resolution 2016-090 for Joint Funding Agreement for LiDAR for the FY16 Eastern Nebraska Urban Area Lidar Project with the USGS

18. Airport Aerial Applicators Agreement with GFG Spray Services

20. Award of bid for Lon D. Wright Power Plant Brick replacement in the amount of \$135,540.00 to MidContinental Restoration Company

21. Approval of May 10 through May 31, 2016 claims

22. Consider the recommendation of Mayor to reappoint Amber Barton, Ryan Fiala, and Terry Seawell to the Fremont Housing Rehabilitation Board (each to four year terms)
23. Resolution 2016-091 for request of street closure Crazy Days Sidewalk Sale from 4th to 6th Street on Main Street on Saturday July 23, 2016 from 7:00 am to 6:00 pm
24. Resolution 2016-092 for Street Sweeper award of bid to NE Environmental Products for 2016 Elgin Pelican NP in the amount of \$188,723.00.
25. Resolution 2016-093 approving a request of Lilyan Scheinost, owner of approximately 16.9 acres located at 2284 Morningside Rd., for approval of a Final Plat to be known as Morningside Industrial Park, Dodge County, Nebraska
26. Resolution 2016-094 approving a request of Yager Retail LLC, on behalf of Yager Group, LLC, owner of approximately 2.5 acres located at 1220 E 23rd St., for approval of a Final Plat to be known as Yager Place Subdivision Replat, Dodge County, Nebraska
28. Resolution 2016-096 approving redevelopment agreement for the Yager Retail Redevelopment Project – phase one and authorizing the issuance of tax increment financing indebtedness

Consider and accept the 5 year housing plan for Community Development Block Grant 14-CR-103. Councilmember Legband moved, seconded by Councilmember Johnson to accept the plan as presented. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Resolution approving a request of BNE Construction, owner of approximately 1.1 acres located at 1858 W 23rd St., for approval of a Final Plat to be known as Seaton Subdivision 2nd Replat, Dodge County, Nebraska. Councilmember Kuhns moved, seconded by Councilmember Anderson to amend the Resolution for correction. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried. Councilmember Schaller moved, seconded by Councilmember Johnson to approve Resolution 2016-089 as amended. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Affirmation of emergency declaration for Lon D. Wright Unit #8 generator rotor and steam turbine service repairs (\$1.75 to \$2 million estimated repairs). Councilmember Kuhns moved, seconded by Councilmember Johnson to affirm emergency declaration. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Resolution approving the second amendment to redevelopment agreement for 23rd & Yager Project and authorizing the issuance of tax increment financing indebtedness. Councilmember Schaller moved, seconded by Councilmember Kuhns to amend the Resolution for correction to signature block. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Councilmember Legband moved, seconded by Councilmember Johnson to approve Resolution 2016-095. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Resolution to approve reimbursement and indemnification agreement for engineering and design service with Costco. Councilmember Schaller moved, seconded by Councilmember Johnson to approve Resolution 2016-097. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Final Reading of Ordinance for Zoning Change at 3000 N. Co. Rd. 20 approximately 2.2 acres, from GI General Industrial to LI Limited Industrial. Mayor Getzschman called for the vote. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried. City Clerk provided final reading.

Final Reading of Ordinance for Zoning Ordinance Amendment – Crop Production Definition for approximately 12 acres located at 549 E. Co. Rd. T from AG Agricultural to GI General Industrial for grain storage pile(s). Councilmember Bixby moved, seconded by Councilmember Landholm to continue the item to June 14, 2016. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Final Reading of Ordinance related the construction of sidewalks Municipal Code Chapter 8, Section 8-413 providing City Council ability to waive sidewalk requirements with new principal building construction. Mayor Getzschman called for the vote. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried. City Clerk provided final reading.

Ordinance to amend Subdivision Ordinance related to providing for drainage of subdivision lots, the item was continued May 10, 2016 by the City Council. Councilmember Schaller moved, seconded by Councilmember Anderson to continue the item to June 14, 2016. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Resolution for contract amendment with Olsson Associates in an amount not to exceed \$6,960.00 for additional work to be completed as a part of the design of the Fremont Pedestrian Signal Project. Councilmember Kuhns moved, seconded by Councilmember Schaller to approve Resolution 2016-098. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Resolution for award of contract J&R Concrete and Construction, LLC, contingent on concurrence by the Nebraska Game and Parks Commission in the amount of \$612,064.15. Councilmember Landholm moved, seconded by Councilmember Kuhns to continue the item to June 14, 2016. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Resolution for award bid for SD-703-15 Sewer Project to Yong Construction in the amount of \$68,582.00. Councilmember Legband moved, seconded by Councilmember Johnson to approve Resolution 2016-099. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Eairleywine and Anderson voting Aye. Kuhns voting Nay. 7 Ayes. Motion carried.

Consideration of owner request for waiver of minimum drive approach radius at 1313 East 4th Street. Councilmember Bixby moved, seconded by Councilmember Schaller to approve request. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Consideration of J & R Concrete request on behalf of Nebraska Irrigation for an over width drive entry at 2005 North Somers Ave. Councilmember Schaller moved, seconded by Councilmember Kuhns to approve request with 40 ft. width and 15 ft. radius. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Consideration of owner request over width driveway at 2449 East 16th Street. Councilmember Schaller moved, seconded by Councilmember Landholm to continue the item to June 14, 2016. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Consideration of Low Income Ministry of Fremont request for the use of river rock or other landscape rock surface between the back of curb and sidewalk within the public right-of-way at 549 N H Street. Councilmember Schaller moved, seconded by Councilmember Johnson to deny request. Roll call vote. Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. Legband & Bixby voting Nay. 6 Ayes. Motion carried.

First Reading Ordinance for consideration of lowering the Food and Beverage Tax from 1.75% to 1.5% and other changes as provided. Councilmember Schaller moved, seconded by Councilmember Kuhns to introduce the ordinance. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried. City Clerk provided first reading. Councilmember Bixby moved, seconded by Councilmember Anderson to suspend the rules and move to final reading. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Mayor Getzschman called for a vote on final reading. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. City Clerk provided final reading.

Resolution approving the occupation of the public right-of-way for construction of an ADA accessible entrance ramp and landing as well as raised, fenced outdoor seating. Councilmember Kuhns moved, seconded by Councilmember Schaller to approve Resolution 2016-100. Roll call vote. Bixby, Legband, Landholm, Schaller, Johnson, Kuhns, Eairleywine and Anderson voting Aye. 8 Ayes. Motion carried.

Executive Session to discuss personnel matters and potential litigation. Moved by Council Member Eairleywine, seconded by Council Member Johnson to go into executive session for the purpose of discussing a strategy with respect to personnel matters and potential 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 personnel matters and potential 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 personnel matters and potential litigation and for the further reason that the executive session is necessary for the protection of the public interest. Roll call vote: 8 ayes. Motion carried.

The Mayor stated a motion to go into executive session purpose of discussing a strategy session with respect to personnel matters and potential 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: 9:03 p.m.

Moved by Council Member Eairleywine, seconded by Council Member Schaller to come out of executive session. Roll call vote: 8 ayes. Motion carried. Time out: 9:28 p.m.

Moved by Council Member Landholm seconded by Council Member Kuhns to adjourn the meeting.  
Roll call vote: 7 ayes. Motion carried. Meeting adjourned at 9:29 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