



CITY OF FREMONT NEBRASKA

REGULAR CITY COUNCIL MEETING MINUTES
January 26, 2021 - 7:00 PM
Public Comment – 6:30 PM
City Council Chambers 400 East Military, Fremont NE

CITY COUNCIL REGULAR MEETING AGENDA

MEETING CALLED TO ORDER. Following the pledge of Allegiance, Mayor Spellerberg called the Council Meeting to order and stated that a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas.

ROLL CALL. Roll call showed Council Members Gibson, Ellis, Ganem, Yerger, Sookram, Legband, Kuhns, and Jensen present. 8 members present. Council Members Ganem and Gibson participated remotely as allowed by Nebraska Executive Order No. 20-34.

MAYOR COMMENTS

(There will be no discussion from the Council or the public regarding comments made by the Mayor. Should anyone have questions regarding the comments, please contact the Mayor after the meeting)

1. Motion to adopt current agenda for the January 26, 2021 Regular Meeting. Motion made by Jensen, Seconded by Sookram to adopt current agenda for the January 26, 2021 Regular Meeting with item #21 moved to after item #4. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.

PUBLIC HEARINGS:

2. Resolution 2021-006 for a Class I Liquor License for Juan Magana dba Osteria Kayla LLC, 406 N. Main Street. Mayor Spellerberg opened the public hearing. Mayor Spellerberg closed the public hearing after receiving comments from the public. Motion made by Legband, Seconded by Kuhns to approve Resolution 2021-006. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
3. Ordinance 5550 to annex property generally located at the southwest corner of W 23rd Street and Business Park Drive at the request of Andrew Stamp on behalf of Fabrication Holdings LLC, DBA Elemental Fabrication (first reading). Mayor Spellerberg opened the public hearing. Mayor Spellerberg closed the public hearing after receiving comments from the public. Motion made by Yerger, Seconded by Legband to recognize the conditional approval requirement of this item by the Planning Commission. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Jensen, Seconded by Yerger to introduce and hold first reading of Ordinance 5550 as

amended. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. City Clerk provided first reading of the Ordinance.

4. Resolution 2021-007 to approve Gallery 23 Replat 3. Mayor Spellerberg opened the public hearing. Mayor Spellerberg closed the public hearing after receiving comments from the public. Motion made by Yerger, Seconded by Kuhns to approve Resolution 2021-007. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.

NEW BUSINESS: Requires individual associated action

21. Contract with FurEver Home for sheltering a. Discuss and review proposed contract b. Executive session for attorney client privilege to discuss contract negotiation c. Motion to approve contract with FurEver Home for sheltering. Motion made by Yerger, seconded by Ellis to receive email document regarding this item into the record. Voting Yea: Yerger, Ellis, Jensen, Kuhns, Ganem, Gibson Voting Nay: Legband, Sookram. Motion carried. Moved by Jensen, seconded by Legband to go into executive session to discuss issues of attorney client privilege to discuss contract negotiation and for the further reason that the executive session is necessary for the protection of the public interest and asked for discussion. The Mayor stated that the pending motion was to go into executive session for attorney client privilege to discuss contract negotiation and for the further reason that the executive session is necessary for the protection of the public interest. Voting Yea: Gibson, Ganem, Jensen, Sookram, Legband, Yerger, Ellis, Kuhns. Motion carried. The Mayor stated that the motion to go into executive session for attorney client privilege to discuss contract negotiation 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 contract negotiation. No official actions or votes will be taken during the executive session. Time in: 7:37 p.m. Moved by Jensen, seconded by Legband to come out of executive session where no official actions or votes were taken. Voting Yea: Kuhns, Yerger, Ellis, Gibson, Jensen, Legband, Sookram, Ganem. Motion carried. Time out: 8:16 p.m. Motion made by Jensen, Seconded by Legband to amend the contract section 21 to add that a 30-day written notice is required for termination, exhibit B #2 insert in the last line of the paragraph after excluding, insert "day of admittance, holidays and weekends", and on the first line of exhibit B #5 insert after waiting period "not including the day of admittance, and holidays and weekends". Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Legband, Seconded by Kuhns to approve contract with FurEver Home for sheltering as amended. Voting Yea: Yerger, Ellis, Legband, Kuhns, Sookram, Ganem, Gibson. Voting Abstaining: Jensen. Motion carried.

CONSENT AGENDA: All items in the consent agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or a citizen so requests, in which event the item will be removed from the consent agenda and considered separately. Motion made by Jensen, seconded by Sookram to approve consent agenda items 6-8, 10 & 12. Voting Yea: Yerger, Ellis, Gibson, Jensen, Legband, Ganem, Sookram, Kuhns. Motion carried.

5. Motion to approve January 13, 2021 through January 26, 2021 claims and authorize checks to be drawn on the proper accounts. Motion made by Legband, seconded by Jensen to approve January 13, 2021 through January 26, 2021 claims and authorize checks to be drawn on the proper accounts. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.

6. Dispense with and approve January 12, 2021 City Council Meeting Minutes and January 16, 2021 Special City Council Meeting minutes
7. Motion to authorize Mayor to sign Deed of Reconveyance for 1237 North Logan Street
8. Resolution 2021-008 approving the staggering of terms for the Citizen's Advisory Review Committee
9. Resolution 2021-009 to approve amendment to the Motorola SUS/SUA agreement for console support service through 2026. Motion made by Yerger, seconded by Ellis to amend the Resolution to include that the costs are shared between the City of Fremont and Dodge County 50-50. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem Voting Nay: Gibson. Motion carried. Motion made by Yerger, seconded by Legband to approve Resolution 2021-009 as amended. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
10. Resolution 2021-010 authorizing an agreement with Southwest Power Pool (SPP) for Firm Point to Point Transmission Service for WAPA Energy
11. Resolution 2021-011 approving Change Orders 1 through 6 submitted by Cheever Construction for the City Auditorium. Motion made by Yerger, Seconded by Ellis to amend the resolution to reflect approval of change orders 1-6 as submitted by Cheever. Voting Yea: Yerger, Ellis, Legband, Sookram, Ganem, Gibson Voting Nay: Jensen, Kuhns. Motion carried. Motion made by Yerger, Seconded by Sookram to approve Resolution 2021-011 as amended. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
12. Motion to approve Cement/Asphalt/Excavate license application(s)
13. Motion to approve Mayoral appointment to Business Improvement District #1. Motion made by Yerger, Seconded by Jensen to approve Mayoral appointment to Business Improvement District #1. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.

UNFINISHED BUSINESS: Requires individual associated action

14. Ordinance 5549 amending Chapter 3 Article 7 of the Fremont Municipal Code, particularly sections 3-701 Municipal Library - operation and funding; 3-702 Municipal Library - damaged and lost material; 3-703 Municipal Library - book removal; and Section 3-704 Municipal Library - cost of use (second reading). Motion made by Sookram, seconded by Jensen to amend the Ordinance to reflect the version provided by the Library Board. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Yerger, Seconded by Kuhns to hold second reading of the Ordinance as amended. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. City Clerk provided second reading.

NEW BUSINESS: Requires individual associated action

15. Resolution 2021-012 to enter into Interlocal Agreements with Burt and Cuming Counties to join MidEast Regional 911 as remote PSAPs. Motion made by Kuhns, Seconded by Yerger to approve Resolution 2021-012. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.

16. Discussion Northeast Nebraska Solid Waste Coalition (NNSWC) budget and rates for the fiscal year ending September 30, 2021. Council Member Jenson provided a report and Mayor Spellerberg opened to floor to any discussion from the public and Council. No further action was taken.
17. Resolution 2021-013 awarding the contract to Bianchi Electric LLC for the Construction of Substation H. Motion made by Kuhns, Seconded by Sookram to approve Resolution 2021-013. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
18. Ordinance updating city salary schedule to include Community Services Officer and Community Service Supervisor. Motion made by Yerger, Seconded by Ellis to continue the item to the next meeting. Voting Yea: Yerger, Ellis, Ganem. Voting Nay: Jensen, Legband, Kuhns, Sookram, Gibson. Motion failed. Motion made by Yerger, Seconded by Ellis to hold first reading under the pretext that job description material will be available for second reading. Voting Yea: Yerger, Ellis Voting Nay: Ganem, Jensen, Legband, Kuhns, Sookram, Gibson. Motion failed. Motion made by Kuhns, Seconded by Legband to introduce and hold first reading of the Ordinance. Voting Yea: Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. City Clerk provided first reading. Motion made by Jensen, Seconded by Kuhns to suspend the rules and move to final reading. Voting Yea: Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Voting Nay: Yerger, Ellis. Motion carried. City Clerk provided final reading. Mayor Spellerberg called for a final vote on the Ordinance. Voting Yea: Jensen, Legband, Kuhns, Sookram, Ganem, Gibson Voting Nay: Yerger, Ellis. Motion carried.
19. Resolution 2021-014 approving an amendment to Summit Medical Staffing, LLC's Local Option Economic Development Loan and authorizing the Mayor to sign the appropriate loan transactions. Motion made by Yerger, Seconded by Jensen to approve Resolution 2021-014. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
20. Resolution 2021-015 approving a Local Option Economic Development Loan for Compound Holdings, LLC and New Horizons Cold Storage, LLC and authorizing the Mayor to sign the appropriate loan transactions. Motion made by Yerger to amend the Resolution to reflect purchase of property instead of sale of property. Motion died due to lack of a second. Motion made by Legband, Seconded by Jensen to approve Resolution 2021-015. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
22. Motion authorizing the Mayor to sign the contract with Spangenberg Phillips Tice Architecture, LLC for the Architectural fees for the library expansion project redesign. Motion made by Jensen, Seconded by Kuhns to amend the contract as outlined by Laura England-Biggs, Interim Library Director. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried. Motion made by Kuhns, Seconded by Legband authorizing the Mayor to sign the contract with Spangenberg Phillips Tice Architecture, LLC for the Architectural fees for the library expansion project redesign as amended. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.
23. Keene Memorial Library Annual Report. Motion made by Yerger, seconded by Ellis to receive the report contingent on receiving any necessary statement to remove the unaudited footnote and receive information from the City Attorney whether it is necessary

to append the report and affidavit from officers of the Library Board. Voting Yea: Yerger, Ellis, Jensen, Sookram, Ganem, Gibson Voting Nay: Legband, Kuhns. Motion carried.

24. Resolution 2021-016 approving the Airport Capital Improvement Plan. Motion made by Kuhns, seconded by Jensen to approve Resolution 2021-016. Voting Yea: Yerger, Ellis, Jensen, Legband, Kuhns, Sookram, Ganem, Gibson. Motion carried.

ADJOURNMENT Motion made by Jensen, seconded by Legband to adjourn; time: 10:08 P.M. Voting Yea: Yerger, Ellis, Gibson, Legband, Ganem, Sookram, Kuhns, Jensen. Motion carried.

Agenda posted at the Municipal Building on January 20, 2021 and online at www.fremontne.gov. Agenda distributed to the Mayor and City Council on January 20, 2021. This meeting is preceded by publicized notice in the Fremont Tribune on the last Thursday of the preceding month and the agenda, including any notice of study session or public hearing, is displayed in the Municipal Building and is open to the public. The official current copy is available at City Hall, 400 East Military, City Clerk's Office. The City Council reserves the right to go into Executive Session at any time. A copy of the Open Meeting Law is posted in the City Council Chambers for review by the public. The City of Fremont reserves the right to adjust the order of items on the agenda.

APPROVED AND ACCEPTED AS THE OFFICIAL COPY OF THE FREMONT, NEBRASKA
Regular City Council Meeting Minutes for January 26, 2021.


Tyler Ficken, City Clerk


Joey Spellerberg, Mayor