

CITY COUNCIL MEETING
January 30, 2018
7:00 p.m.

After the Pledge of Allegiance and Study Session, Mayor Getzschman called the City Council 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 Members McClain, Kuhns, Legband, Landholm, Jacobus, Schaller, Bechtel and Anderson present. Eight Members present.

Public Hearing and Resolution for Class C Liquor License Application of Pizza Hut of Fremont, 1781 E. 23rd Street. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Jacobus moved, seconded by Council Member Landholm to approve Resolution 2018-006. Roll call vote. Ayes: McClain, Kuhns, Legband, Landholm, Jacobus, Schaller, Anderson. Nays: none. Abstention: Bechtel. Motion carried.

Resolutions for amendment to Comprehensive Plan – Future Land Use Plan. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public.

Resolution (A) consider an update to the Future Land Use Map, from Rural to Commercial, for property on North Broad. Council Member Kuhns moved, seconded by Council Member Legband to approve Resolution 2018-007A. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Resolution (B) consider an update to the Future Land Use Map, from Rural to Commercial, for property on East 23rd Street (HWY 30/HWY 275). Council Member Schaller moved, seconded by Council Member Anderson to approve Resolution 2018-008B. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Resolution (C) consider an update to the Future Land Use Map, from Rural to Residential, for property east of town between HWY 30 and Military Avenue. Council Member Landholm moved, seconded by Council Member Legband to approve Resolution 2018-009C. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Resolution (D) consider an update to the Future Land Use Map, from Rural to Commercial, for property on East Military corridor. Council Member Kuhns moved, seconded by Council Member Legband to approve Resolution 2018-010D. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Resolution (E1) consider an update to the Future Land Use Map, from Residential to Institutional / Campus / University, for property north of Fremont Middle School. Council Member Jacobus moved, seconded by Council Member McClain to approve Resolution 2018-011E1. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Resolution (E2) consider update to the Future Land Use Map, from Residential to Commercial, for property on Military Avenue near Fremont Middle School. Executive session to discuss threat of potential litigation. Moved by Council Member Schaller, seconded by Council Member Legband to go into executive session for the purpose of discussing threat of 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 threat of 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 threat of potential litigation and for the further reason that the executive session is necessary for the protection of the public interest. Roll call vote: Ayes: McClain, Legband, Landholm, Kuhns, Schaller, Bechtel, and Anderson. Nays: Jacobus. Motion carried. The Mayor stated a motion to go into executive session purpose of discussing threat of 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 discussing threat of potential litigation. No official actions or votes will be taken during the executive session. Time in: 7:37 p.m. Moved by Council Member Kuhns, seconded by Council Member McClain to come out of executive session. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried. Time out: 8:05 p.m.

Appointment of three police officers at the recommendation of the Mayor. Council Member Jacobus moved, seconded by Council Member Anderson to appoint three police officers at the recommendation of the Mayor. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Council Member Legband moved, seconded by Council Member Landholm to receive petition titled "City Comprehensive Plan – Future Land Use Plan – Map 2.1 Fremont Nebraska". Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried. Council Member Schaller moved, seconded by Council Member Kuhns to receive document titled "Fremont East Bypass Land Use Plan". Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried. Council Member Legband moved, seconded by Council Member McClain to receive items titled "Intersection Crash Rates" and "Military and Luther Proposed Development". Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried. Council Member Schaller moved, seconded by Council Member Anderson to receive a DVD titled "Planning Commission 1/15/18". Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried. Council Member Schaller moved, seconded by Council Member Kuhns to approve Resolution 2018-012E2. Roll call vote. Ayes: Landholm, Kuhns, Schaller, Anderson, Getzschman. Nays: McClain, Legband, Jacobus, Bechtel. Motion carried.

Resolution (F) consider an update to the Future Land Use Map, from Rural to Commercial, for property on east Morningside Road. Council Member Landholm moved, seconded by Council Member Jacobus to approve Resolution 2018-013F. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Resolution (G) consider an update to the Future Land Use Map, from Rural to Residential, for property south of Morningside Road. Council Member Jacobus moved, seconded by Council Member Kuhns to approve Resolution 2018-014G. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Resolution (H) consider an update to the Future Land Use Map, from Rural to Commercial, for property south of Morningside Road and west of County Road 25. Council Member Kuhns moved, seconded by Council Member Legband to approve Resolution 2018-015H. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Resolution (I) consider an update to the Future Land Use Map, from Rural to Industrial, for property north of HWY 275 and south of Morningside Road. Council Member Landholm moved, seconded by Council Member Anderson to approve Resolution 2018-016I. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Resolution (J) consider an update to the Future Land Use Map, from Rural to Residential, for property West of Schuyler Avenue and south of South Street. Council Member Schaller moved, seconded by Council Member Schaller to approve Resolution 2018-017J. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Resolution (X) approval of an update to the Future Land Use Map, from Residential to Industrial, for property more commonly identified as the community solar farm. Council Member Jacobus moved, seconded by Council Member Legband to approve Resolution 2018-018X. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Moved by Council Member Jacobus seconded by Council Member Schaller to approve items 6 through 17 of the Consent Agenda. Roll Call Vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

6. Move to approve January 10, 2018 through January 30, 2018 claims and authorize checks to be drawn on the proper accounts
7. Dispense with and approve January 9, 2018 minutes
8. Resolution 2018-019 for keno satellite application of Wooden Windmill, 1155 S. Broad St., Inglewood, NE 68025
9. Resolution 2018-020 to dissolve Forestry Board, Housing Advisory & Appeals Board and Airport Zoning Board
10. Reappointment of Scott Brown to the Building Code Advisory and Appeals Board for a term ending February 2021
11. Resolution 2018-021 appointing Human Resources Director as Trustee for the City of Fremont's Post Employment Health Plans (PEHP) for Collectively Bargained Public Employees
12. Resolution 2018-022 authorizing the purchase of a new Bobcat Compact Excavator (Mini Excavator) for the City of Fremont Parks & Recreation Department, Cemetery Division
13. Resolution 2018-023 authorizing the Mayor to Sign the Certification of Local Government Approval for Emergency Solutions Grant (ESG) funds from the State
14. Resolution 2018-024 authorizing the Fremont Department of Utilities staff to purchase a John Deere 310 SL Backhoe Loader from Murphy Tractor & Equipment through the National Joint Power Alliance
15. Resolution 2018-025 authorizing grant application for a new Concrete Compost pad
16. Resolution 2018-026 to approve award of bid to Kriz-Davis, Inc. for purchase of Metal Enclosed Switchgear
17. Approve acknowledgement of the Tort Claim filed by Rebecca Cortez

Resolution authorizing request for use of City owned parking - Northeast corner of 5th St. and N. C Street. Council Member Jacobus moved, seconded by Council Member McClain to amend the Resolution in include an agreement with insurance requirements. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried. Council Member Landholm moved, seconded by Council Member Legband to approve the amended Resolution 2018-027. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Resolution authorizing the Mayor to sign acceptance letter for the Debby Durham Family Foundation to purchase body cameras. Council Member Jacobus moved, seconded by Council Member Legband to

approve Resolution 2018-028. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Resolution to approve the Draft Municipal Stormwater Master Plan. Council Member Kuhns moved, seconded by Council Member Legband to approve Resolution 2018-029. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Consider a petition of Nebraska Department of Transportation, owners of approximately 6.0 acres described as a part of the Southwest Quarter of Section 2, and a part of the Northwest Quarter of Section 11, all in Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, and more generally identified by Parcel No.'s 270103397 and 270101773, for annexation into the City of Fremont's corporate limits. Council Member Legband moved, seconded by Council Member Jacobus to hold final reading of the Ordinance. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried. Ordinance 5429 approved.

Consider a petition of Nebraska Irrigated Seeds, LLC, owners of approximately 7.5 acres described as a part of the Southwest Quarter of Section 2, Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska, and more generally located at 4100 N Broad St., for annexation into the City of Fremont's corporate limits. Council Member Legband moved, seconded by Council Member Jacobus to hold final reading of the Ordinance. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried. Ordinance 5430 approved.

Consider a petition of Connie & Paul Barron, and Luanne & Gary Ehmcke, owners of approximately 1.3 acres described as a part of the Northwest Quarter of Section 19, Township 17 North, Range 9 East of the 6th P.M., Dodge County, Nebraska, and more generally located at 510 N Luther Rd., for annexation into the City of Fremont's corporate limits. Council Member Landholm moved, seconded by Council Member Jacobus to hold final reading of the Ordinance. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried. Ordinance 5431 approved.

Consider a recommendation of Staff, on behalf of the City, the Young Men's Christian Association of Fremont ("YMCA"), and Robert K. Murray, and Sandra L. Murray, Trustees, owners of approximately 35.3 acres located at 1700 E Military Ave., for approval of a Zoning Change from R-1 Single-Family Residential to PD Planned Development. Council Member Kuhns moved, seconded by Council Member Schaller to hold final reading of the Ordinance. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried. Ordinance 5432 approved.

Resolution authorizing and approving an agreement with Civil Solutions, LLC. for the design and engineering services of the Johnson Road South Paving Project consisting of a new roadway, drainage, and utility improvements of Johnson Road from Jack Sutton Drive to Morningside Road. Council Member Jacobus moved, seconded by council Member Legband to approve Resolution 2018-030. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.


Resolution approving the FAA Capital Improvement Plan. Council Member Kuhns moved, seconded by council Member Schaller to approve Resolution 2018-031. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Council Member Jacobus request to reconsider Resolution 2017-320 to repeal the Resolution until further review and consideration for legality, and revisions to address conflicting information currently contained in the employee handbook. Council Member Jacobus moved, seconded by Council Member Bechtel to approve reconsideration of Resolution 2017-320. Roll call vote: Ayes: McClain, Jacobus, Kuhns, Bechtel, and Anderson. Nays: Legband, Landholm, Schaller. Motion carried. Council Member Jacobus provided information to consider for revision of the Employee Handbook. Council Member Schaller moved, seconded by Council Member Legband to table the item indefinitely. Roll call vote. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel, Anderson. Nays: none. Motion carried.

Moved by Council Member Landholm seconded by Council Member Anderson to adjourn the meeting. Roll call vote: Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Schaller, Bechtel and Anderson. Nays: none. Motion carried. Meeting adjourned at 10:18 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.

APPROVED AND ACCEPTED THIS 13TH DAY OF FEBRUARY AS THE OFFICIAL COPY OF THE
FREMONT, NEBRASKA CITY COUNCIL MINUTES FOR JANUARY 30, 2018.


Tyler Ficken, City Clerk


Scott Getzschman, Mayor