

CITY OF FREMONT NEBRASKA

COMMUNITY DEVELOPMENT AGENCY & REGULAR CITY COUNCIL MEETING MINUTES
March 30, 2021 - 7:00 PM
City Council Chambers 400 East Military, Fremont NE

COMMUNITY DEVELOPMENT AGENCY AGENDA

7:00 PM

MEETING CALLED TO ORDER Following the Pledge of Allegiance, Mayor Spellerberg called the Community Development Agency 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 Members Gibson, Ellis, Ganem, Yerger, Sookram, Legband, and Jensen present. 7 members present. Member Kuhns absent.

PUBLIC HEARING

1. Hold public hearing and consider Resolution 2021-002 recommending approval and adopting an amendment to the redevelopment plan for the North Broad Street Redevelopment for the Project Protein Redevelopment Project and a cost-benefit analysis. Mayor Spellerberg opened the public hearing. Mayor Spellerberg closed the public hearing after receiving comments from the public. Motion made by Legband, Seconded by Sookram to approve Resolution 2021-002. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.
2. Resolution 2021-003 approving the redevelopment agreement for the Project Protein Redevelopment Project and Authorizing the issuance of tax increment financing indebtedness. Mayor Spellerberg opened the public hearing. Mayor Spellerberg closed the public hearing after receiving comments from the public. Motion made by Jensen, Seconded by Ganem to approve Resolution 2021-002. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

ADJOURNMENT Motion made by Gibson, seconded by Sookram to adjourn; time: 7:15 P.M. Voting Yea: Yerger, Ellis, Gibson, Legband, Ganem, Sookram, Jensen. Motion carried.

CITY COUNCIL REGULAR MEETING AGENDA

7:00 PM – Following the preceding Meeting

MEETING CALLED TO ORDER Mayor Spellerberg called the City 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, and Jensen present. 7 Council Members present. Member Kuhns absent.

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 March 30, 2021 Regular Meeting. Motion made by Yerger, Seconded by Ellis to amend the agenda to move item #25 before item #21. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. Motion made by Yerger, Seconded by Gibson to adopt current agenda for the March 30, 2021 Regular Meeting as amended. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

PUBLIC HEARINGS:

2. Resolution 2021-043 approving an amendment to the redevelopment plan for the North Broad Street Redevelopment for the Project Protein Redevelopment Project and a cost-benefit analysis. Mayor Spellerberg opened the public hearing. Mayor Spellerberg closed the public hearing after receiving comments from the public. Motion made by Legband, Seconded by Ganem to approve Resolution 2021-043. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.
3. Ordinance 5566 to amend Table 11-603.01.01 Floor Area Ratio for Business Park (BP) District (first reading). Moved by Jensen and seconded by Legband to receive document displaying existing vs. proposed floor area ratio. Ayes: Gibson, Ellis, Ganem, Yerger, Jensen, Sookram, Legband. Motion carried. Mayor Spellerberg opened the public hearing. Moved by Jensen and seconded by Legband to receive document into the record from the public. Ayes: Gibson, Ellis, Ganem, Yerger, Jensen, Sookram, Legband. Motion carried. Moved by Yerger and seconded by Sookram to receive pictures of flooded property into the record. Ayes: Gibson, Ellis, Ganem, Yerger, Jensen, Sookram, Legband. Motion carried. Mayor Spellerberg closed the public hearing after receiving comments from the public. Moved by Yerger and seconded by Ellis to continue the item until the drainage study is completed and there is time to analyze the study data. Ayes: Ellis, Ganem, Yerger, Sookram Nays: Gibson, Jensen, Legband. Motion failed. Moved by Yerger and seconded by Ellis to not hold first reading. Ayes: Ellis, Ganem, Yerger, Sookram Nays: Gibson, Jensen, Legband. Motion failed. Moved by Legband and seconded by Gibson to introduce and hold first reading of the Ordinance provided the drainage study is available at the next meeting. Ayes: Gibson, Sookram, Jensen, Legband, Nays: Ellis, Ganem, Yerger. Motion failed.

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. Moved by Yerger and seconded by Ellis to remove items 5, 7, 8 and 9 for separate discussion. Ayes: Gibson, Ellis, Ganem, Yerger. Nays: Jensen, Sookram, Legband. Motion failed. Moved by Yerger and seconded by Ellis to remove items 10 & 12. Ayes:

Ellis, Yerger. Nays: Gibson, Ganem, Jensen, Sookram, Legband. Motion failed. Moved by Jensen and seconded by Legband to approve the consent agenda. Ayes: Gibson, Ganem, Jensen, Sookram, Legband Nays: Ellis, Yerger. Motion carried.

4. Motion to approve March 10, 2021 through March 30, 2021 claims and authorize checks to be drawn on the proper accounts
5. Dispense with and approve March 9, 2021 City Council Meeting, Board of Equalization and Special City Council Meeting Minutes
6. Motion to approve Cement/Asphalt/Excavate license application(s)
7. Motion to approve parking space agreement during weekends at 251 E. 4th Street
8. Resolution 2021-044 accepting and awarding the bid to C-R Menn Concrete, LCC. for the 2021 Pavement Rehab project
9. Resolution 2021-045 authorizing an agreement with Burns & McDonnell Engineering for Professional Engineering Services for Effluent Limitation Guideline (ELG) Engineering at the Lon D. Wright, Power Plant
10. Resolution 2021-046 adopting and approving the execution of an agency agreement with Nebraska Department of Aeronautics Department for grant no. 3-31-0029-014-2021 to obtain federal non-development economic assistance
11. Resolution 2021-047 approving the request of St. Patrick's Church to close Luther Road from the Military Avenue to Jack Sutton Drive for Faith 5k Walk/Run on April 3, 2021
12. Motion to approve the execution of settlement documents regarding claims made by Gary Depue against the City and for further execution of documents per the Court's directive so long as the value of the settlement does not change

UNFINISHED BUSINESS: Requires individual associated action

13. Ordinance 5555 amending Ordinance 5427 as it pertains to the zoning map, to rezone the property generally described as located on the west side of Yager Road approximately 880 feet south of Highway 30 from R rural to PD Planned Development (final reading). Moved by Legband and seconded by Gibson to hold final reading of Ordinance 5555. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. City Clerk provided final reading of the Ordinance. Mayor Spellerberg called for a final vote on the Ordinance. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. Ordinance 5555 is approved.
14. Ordinance 5556 annexing by voluntary petition property generally described as Tax Lots 33, 35, 37, and a portion of Tax Lot 48 along with lots 2 and 4, block 2 L.J. Abbot Subdivision (final reading). Moved by Yerger and seconded by Ganem to hold final reading of Ordinance 5556. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. City Clerk provided final reading of the Ordinance. Mayor Spellerberg called for a final vote on the Ordinance. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. Ordinance 5556 is approved.

15. Ordinance 5557 amending Exhibit B of Ordinance 5427, specifically to Table 11-502.02 Institutional, Recreation and Amusement Uses of the Unified Development Code to add the use "Personal Camp Site" (final reading). Moved by Yerger to amend the ordinance make the change conditional instead of by right. Motion failed due to lack of a second. Moved by Jensen and seconded by Legband to hold final reading of Ordinance 5557. Voting Yea: Ellis, Jensen, Legband, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. City Clerk provided final reading of the Ordinance. Mayor Spellerberg called for a final vote on the Ordinance. Voting Yea: Ellis, Jensen, Legband, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. Ordinance 5557 is approved.
16. Ordinance 5558 amending Exhibit B of Ordinance 5427, specifically Table 11-502.03 "Commercial Uses" to add Carwash, delete Non-transient Lodging Services, add "Restaurant, drive through" and, add "Kennels" to "Small Animal Boarding Facilities." (final reading). Moved by Yerger and seconded by Ellis to receive state law definition of Animal Boarding Facility into the record. Ayes: Gibson, Ellis, Ganem Yerger, Jensen, Sookram Nay: Legband. Motion carried. Moved by Yerger to continue the item indefinitely. Motion failed due to lack of a second. Moved by Legband and seconded by Ganem to hold final reading of Ordinance 5558. Voting Yea: Ellis, Jensen, Legband, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. City Clerk provided final reading of the Ordinance. Mayor Spellerberg called for a final vote on the Ordinance. Voting Yea: Ellis, Jensen, Legband, Sookram, Ganem, Gibson Voting Nay: Yerger Motion carried. Ordinance 5558 is approved.
17. Ordinance 5559 amending Exhibit B of Ordinance 5427, specifically Section 11-504.02 "Use Specific Provisions" to revise the provisions for "Campground" and add "Personal Camp Site" (final reading). Motion by Jensen and seconded by Gibson to hold final reading of the Ordinance. Voting Yea: Ellis, Jensen, Legband, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. City Clerk provided final reading of the Ordinance. Mayor Spellerberg called for a final vote on the Ordinance. Voting Yea: Ellis, Jensen, Legband, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. Ordinance 5559 is approved.
18. Ordinance 5560 amending Exhibit B of Ordinance 5427, specifically Section 11-504.03 "Use Specific Provisions" to add "Restaurant, Drive Through", and "Carwash", and; to revise "Service Station", and "Small Animal Boarding Facility /Kennel and to strike "Non-transient lodging services" (final reading). Motion by Legband and seconded by Sookram to hold final reading of Ordinance 5560. Voting Yea: Ellis, Jensen, Legband, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. City Clerk provided final reading of the Ordinance. Mayor Spellerberg called for a final vote on the Ordinance. Voting Yea: Ellis, Jensen, Legband, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. Ordinance 5560 is approved.
19. Ordinance 5561 amending Exhibit B of Ordinance 5427, specifically Section 11-616(b) regarding encroachments into the required yards, specifically to allow egress windows to encroach into the required yard by three feet and to allow ADA ramps to encroach into required yards provided three feet remains (final reading). Motion by Yerger and seconded by Ganem to hold final reading of Ordinance 5561. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. City Clerk provided final reading of the Ordinance. Mayor Spellerberg called for a final vote on the Ordinance. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. Ordinance 5561 is approved.

20. Ordinance 5562 amending Exhibit B of Ordinance 5427, specifically Section 11-920 of the Unified Development Code regarding the definitions of Campground, Camping Unit, Carwash, Duplex, Dwelling Unit, Kennel, Lodging House, Lot, Multifamily, Personal Camp Site, Rowhome, Service Station, Storage Yard, Townhome, and Transient Lodging Services (final reading). Motion by Gibson and seconded by Legband to hold final reading of Ordinance 5562. Voting Yea: Ellis, Jensen, Legband, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. City Clerk provided final reading of the Ordinance. Mayor Spellerberg called for a final vote on the Ordinance. Voting Yea: Ellis, Jensen, Legband, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. Ordinance 5562 is approved.

NEW BUSINESS: Requires individual associated action

25. Resolution 2021-049 accepting and awarding the bid to Yong Construction for the North Lincoln Avenue and 29th Street Paving Project. Moved by Yerger and seconded by Ganem to approve Resolution 2021-049. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

UNFINISHED BUSINESS: Requires individual associated action

21. Ordinance 5563 approving sale of Tech Park property to Brian Levender to operate body shop business (second reading). Motion by Legband and seconded by Gibson to hold second reading of Ordinance 5563. Voting Yea: Ellis, Jensen, Legband, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. City Clerk provided second reading of the Ordinance.

NEW BUSINESS: Requires individual associated action

22. Resolution 2021-048 approving the Redevelopment Agreement for the Project Protein Redevelopment Project and authorizing the issuance of tax increment financing indebtedness. Motion made by Jensen, Seconded by Ganem to approve Resolution 2021-048. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.
23. Ordinance 5564 establishing rate schedules for electricity consumed by customers of the municipal electric system (first reading; request to suspend rules and hold final reading). Motion made by Jensen, Seconded by Legband to introduce and hold first reading of Ordinance 5564. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. City Clerk provided first reading. Motion made by Gibson, Seconded by Jensen to suspend the rules and hold final reading on Ordinance 5564. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. City Clerk provided final reading of Ordinance 5564. Mayor Spellerberg called for a final vote on the Ordinance. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.
24. Motion to approve Economic Development Rate agreement with a data center company for a non-firm interruptible three-year term for up to 10.5 megawatts of power. Motion by Jensen and seconded by Sookram to amend sections 2.4.2 and 2.4.3 to reflect 30 days. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. Motion by Ganem and seconded by Legband to approve Economic Development Rate agreement with a data center company for a non-firm interruptible three-year term for up

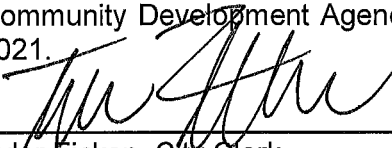
to 10.5 megawatts of power as amended. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

26. Ordinance 5565 approving sale of Tech Park property to SLAM Enterprises, LLC (Total Fire) to build a new building for their business (first reading). Moved by Yerger and seconded by Gibson to amend the contract to require two employees instead of three. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. Moved by Gibson and seconded by Jensen to introduce and hold first reading of Ordinance 5565 with the amended purchase agreement. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. City Clerk provided first reading of the Ordinance.
27. Resolution 2021-050 approving a consulting agreement with Prochaska & Associates to study law enforcement building options. Moved by Jensen and seconded by Ganem to approve Resolution 2021-050. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.
28. 2020 Audit Report presentation. Motion by Gibson and seconded by Jensen to receive 2020 audit report presentation. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

ADJOURNMENT Motion made by Jensen and, seconded by Legband to adjourn. Voting Yea: Gibson, Legband, Sookram, Jensen Nay: Ellis, Ganem, Yerger. Motion failed. Motion by Yerger and seconded by Ellis to reconsider approval of Resolution 2021-044. Ayes: Ellis, Ganem Yerger, Jensen, Sookram. Nays: Gibson, Legband. Motion carried. Motion by Yerger and seconded by Ellis to amend the last section of the Resolution to show the amount \$216,119.00. Voting Yea: Yerger, Ellis, Gibson, Legband, Ganem, Sookram, Jensen. Motion carried. Motion by Yerger and seconded by Ellis to approve Resolution 2021-044 as amended. Voting Yea: Yerger, Ellis, Gibson, Legband, Ganem, Sookram, Jensen. Motion carried. Motion made by Gibson and, seconded by Ganem to adjourn; time: 11:08 P.M. Voting Yea: Yerger, Ellis, Gibson, Legband, Ganem, Sookram, Jensen. Motion carried.

Agenda posted at the Municipal Building on March 24, 2021 and online at www.fremontne.gov. Agenda distributed to the Mayor and City Council on March 24, 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 Community Development Agency & Regular City Council Meeting Minutes FOR THE March 30, 2021.


Tyler Ficken, City Clerk


Joey Spellerberg, Mayor