

CITY COUNCIL MEETING  
CITY COUNCIL CHAMBERS 400 EAST MILITARY, FREMONT NEBRASKA  
August 28, 2018  
7:00 p.m.

After Study Session for Budget Discussion and Pledge of Allegiance, the Mayor called the meeting of the City Council 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 showed Council Members Anderson, McClain, Landholm, Jacobus, Bechtel, Legband and Kuhns present. 7 Council Members present.

Resolution 2018-183 approving the request for preliminary plat by Paul Gifford on behalf of Fremont Land Co., consisting of 83.27 acres located at the SE corner of Morningside Road and Luther Road, and more particularly described as a parcel of land being part of the NW1/4 of section 30, Township 17 North, Range 9 East of the 6th p.m., Dodge County, Nebraska, to be known as the preliminary plat of Morningside Pointe Addition. Council Member Landholm moved, seconded by Council Member Kuhns to approve Resolution 2018-183. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson. Nays: Jacobus. Motion carried.

Council Member Legband moved, seconded by Council Member Landholm to move item #38 of the agenda to be considered next. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Bechtel, Anderson. Nays: none. Ordinance 5459 amending paragraph "B" of Article 406 of Ordinance No. 3939 to rezone property located at the northeast corner of Morningside Road and Johnson Road from R Rural to GC General Commercial – Morningside Crossing. Council Member Kuhns moved, seconded by Council Member Anderson to suspend the rules and move to final reading of the Ordinance. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. Ordinance 5459 approved.

Ordinance 5460 approving a request by Paul Gifford on behalf of Fremont Area Land Co., owners of land consisting of approximately 83.27 acres for approval of a zoning change to amend a PD Planned Development at property described as a parcel of land located at the SE corner of Morningside Road and Luther Road – Morningside Pointe Addition. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Legband moved, seconded by Council Member Kuhns to introduce Ordinance 5460. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. City Clerk provided first reading of the Ordinance. Council Member Kuhns moved, seconded by Council Member Landholm to suspend the rules and move to final reading of the Ordinance. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson. Nays: Jacobus. Motion carried. City Clerk provided final reading of the Ordinance. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. Ordinance 5460 approved.

Resolution 2018-184 approving a request of a Final Plat to be known as Morningside Pointe Addition by Paul Gifford on behalf of Fremont Area Land Co., consisting of approximately 22.31 acres described as a parcel of land located at the SE corner of Morningside Road and Luther Road. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Landholm moved, seconded by Council Member Legband to approve Resolution 2018-184. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried.

Ordinance 5461 approving a request for Voluntary Annexation by Paul Gifford on behalf of Fremont Area Land Co., consisting of approximately 22.31 acres described as a parcel of land located at the SE corner of Morningside Road and Luther Road - Morningside Pointe Addition. Mayor Getzschman opened the public

hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Kuhns moved, seconded by Council Member Jacobus to introduce Ordinance 5461. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. City Clerk provided first reading.

Resolution 2018-185 approving a request of a Preliminary Plat to be known as Morningside Crossing by Pure Properties, LLC on behalf of Marie Hammang. 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 Anderson to approve Resolution 2018-185. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried.

Resolution 2018-187 approving a request of a Final Plat to be known as Morningside Crossing by Pure Properties, LLC on behalf of Marie Hammang. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Kuhns moved, seconded by Council Member Landholm to approve Resolution 2018-187. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried.

Ordinance 5463 approving amendments to Chapter 11 of the Fremont Municipal Code pertaining to zoning, subdivision and site development regulations, hereinafter referred to as the Unified Development Code of the City of Fremont ("UDC"), particularly amendments to Article 3 Section 11-300.01 through 11-313.03 regarding administrative bodies. 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 introduce the Ordinance. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. City Clerk provided first reading.

Ordinance 5464 approving amendments to Chapter 11 of the Fremont Municipal Code pertaining to zoning, subdivision and site development regulations, hereinafter referred to as the Unified Development Code of the City of Fremont ("UDC"), particularly amendments to Article 5 Sections 11-502 through 11-504.03 regarding commercial uses. 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 McClain to introduce the Ordinance. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. City Clerk provided first reading.

Ordinance 5465 approving amendments to Chapter 11 of the Fremont Municipal Code pertaining to zoning, subdivision and site development regulations, hereinafter referred to as the Unified Development Code of the City of Fremont ("UDC"), particularly amendments to Article 8 section 11-826.01 temporary signs. 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 Legband to amend the sign setback distance from five to two feet, and replace the word variance with permission. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. Council Member Landholm moved, seconded by Council Member McClain to introduce the Ordinance. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. City Clerk provided first reading. Council Member McClain moved, seconded by Council Member Bechtel to suspend the rules and move to final reading of the Ordinance. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. City Clerk provided final reading of the Ordinance. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. Ordinance 5465 approved.

Resolution 2018-186 for Class I Liquor License Application for Thai by Thai, 507 N. D St. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving

comments from the public. Council Member Kuhns moved, seconded by Council Member Legband to approve Resolution 2018-186. Ayes: McClain, Legband, Landholm, Jacobus, Kuhns, Anderson. Abstention: Bechtel. Motion carried.

Community Development Block Grant (CDBG) 14-DTR-104 for prevention of or elimination of blight areas. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. No action was taken by the Council.

Community Development Block Grant (CDBG) 15-CR-003 for housing rehabilitation. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. No action was taken by the Council.

Nebraska Affordable Housing Trust Fund 15-TFHO-15038. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. No action was taken by the Council.

Resolution 2018-189 authorizing permission to apply for Community Development Block Grant (CDBG) 16-CD-102 Phase II, Year II funds and authorizing the Mayor to sign application for CDBG funds and proceed with the formulation of any and all contract, documents, or other memoranda between the City of Fremont and the Nebraska Department of Economic Development. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Landholm moved, seconded by Council Member Legband to approve Resolution 2018-189. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried.

Resolution 2018-198 setting 2018 property tax request. Council Member Jacobus moved, seconded by Council Member McClain to receive into the record a document titled "2018-2019 Budget Presentation". Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Kuhns moved, seconded by Council Member McClain to approve Resolution 2018-198. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried.

Ordinance 5466 to adopt the amended budget statement to be termed the appropriation bill, appropriate sums for necessary expenses and liabilities. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Legband moved, seconded by Council Member McClain to introduce the Ordinance. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. City Clerk provided first reading.

Moved by Council Member Legband seconded by Council Member Jacobus to approve items 21, 23 through 27, and 32 through 34 of the consent agenda. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried.

21. Dispense with and approve August 14, 2018 minutes
23. Consideration of excavation/asphalt/concrete license applications (staff report)
24. Resolution 2018-191 authorizing location for event and the City Clerk to sign Special Designated License Local Recommendation form for Fremont Chamber of Commerce event (staff report)
25. Consideration of Firefighter Muscular Dystrophy Association donation collection request (staff report)

26. Reappointment of Frank Kment to the Housing Agency for a term ending September 2023 (staff report)
27. Resolution 2018-192 awarding contract to Schemmer Associates for 2018 Bi-Annual Bridge Inspection Services (staff report)
32. Motion to apply for a hazard mitigation grant for five warning sirens through Nebraska Emergency Management Agency (NEMA) and the Federal Emergency Management Agency (FEMA) (staff report)
33. Receive report on the 2018-2019 Capital Improvement Plan (staff report)
34. Resolution 2018-188 to allow Trinity Lutheran Church to close certain roads for the Run for Warriors 5K (staff report)

20Move to approve August 15, 2018 through August 28, 2018 claims and authorize checks to be drawn on the proper accounts. Council Member McClain moved, seconded by Council Member Jacobus to receive documentation for invoice 285372 from Getzschman Heating LLC. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. Council Member Kuhns moved, seconded by Council Member Legband to approve the payment to Getzschman Heating LLC. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. Council Member Legband moved, seconded by Council Member Landholm to approve the remaining claims. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried.

Resolution 2018-190 for Class C Liquor License Renewals 2018-2019. Council Member Jacobus moved, seconded by Council Member Legband to approve Resolution 2018-190. Ayes: McClain, Legband, Landholm, Kuhns, Anderson, Jacobus. Abstention: Bechtel. Motion carried.

Receive Final version of Integrated Resource Plan. Council Member Legband moved, seconded by Council Member Anderson to receive the final version of the Integrated Resource Plan. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried.

Resolution 2018-193 to approve contract with Zuercher Technologies for the purchase of a Public Safety Records Management/Computer Aided Dispatch System for the Police and PSAP. Council Member Kuhns moved, seconded by Council Member Jacobus to approve Resolution 2018-193. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried.

Resolution 2018-194 authorizing the City Administrator to sign a precedent agreement with Northern Natural Gas for additional firm capacity. Council Member Jacobus moved, seconded by Council Member Landholm to approve Resolution 2018-194. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried.

Receive update to staff report for awarding contract to lowest responsible bidder - Highway 77 / Broad Street Water and Sewer Extensions. Council Member McClain moved, seconded by Council Member Landholm to receive document titled "Exhibit C – Projected TIF Sources and Uses". Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. No further action was taken by the Council.

Motion to introduce Kiwanis Club plan for playground equipment and sun shade at Johnson Park. Council Member Jacobus moved, seconded by Council Member McClain to receive Kiwanis Club plan for

playground equipment and sun shade at Johnson Park. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried.

Motion to approve contract with Rocky Mountain Reserve for FSA administration and COBRA administration. Council Member Landholm moved, seconded by Council Member Legband to approve contract with Rocky Mountain Reserve for FSA administration and COBRA administration. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried.

Ordinance 5458 amending Ordinance No. 3357, known as the City of Fremont's Civil Service Rules and regulations to conform with the Civil Service Act, Neb. Rev. Stat. §19-1825. Council Member Jacobus made a motion to amend the Ordinance to the previous version to substitute with the term appointing authority included. Motion died due to lack of a second. Council Member Legband moved, seconded by Council Member Landholm to amend the Ordinance as submitted by Human Resources Director McDuffee. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson. Nay: Jacobus. Motion carried. Council Member Kuhns moved, seconded by Council Member Legband to suspend the rules and move to final reading. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson. Nay: Jacobus. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson. Nay: Jacobus. Motion carried. Ordinance 5458 approved.

Resolution 2018-195 approving the request final plat of Dodd Engineering & Surveying, LLC, a parcel of land located at 2575 North Luther to be known as Heartland Addition. Council Member Anderson moved, seconded by Council Member McClain to approve resolution 2018-195. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried.

Ordinance 5456 annexing by voluntary petition approximately 7.73 acres, described as a part of Township 17 North, Range 8 East of the Sixth p.m., Dodge County, Nebraska, and more generally located at 25th and North Luther Road - Heartland Addition. Council Member Landholm moved, seconded by council Member Jacobus to hold final reading of the Ordinance. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. Ordinance 5456 approved.

Ordinance 5457 amending paragraph "B" of article 406 of Ordinance no. 3939 to rezone the property described herein, more generally located 2575 North Luther road described as lots 2, 3, and 4 of proposed Heartland Subdivision, from R Rural to GC General Commercial. Council Member Legband moved, seconded by Council Member McClain to hold final reading of Ordinance 5457. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. Ordinance 5457 approved.

Ordinance 5467 to revise government salary pay plan. Council Member Landholm moved, seconded by Council Member Anderson to introduce the Ordinance. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. City Clerk provided first reading.

Ordinance 5468 to revise Department of Utilities pay plan. Council Member Kuhns moved, seconded by Council Member Legband to introduce the Ordinance. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried. City Clerk provided first reading.

Motion to renew the professional services agreement with the Fremont Chamber of Commerce. Council Member McClain moved, seconded by Council Member Jacobus to approve professional services

agreement with the Fremont Chamber of Commerce. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried.

Resolution 2018-196 to authorize continuation of Sanitary Sewer District 704-18 as created with Ordinance No. 5452. Council Member Landholm moved, seconded by Council Member Legband to approve Resolution 2018-196. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried.

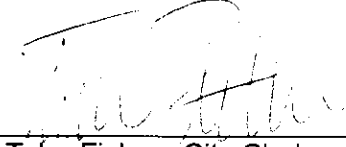
Resolution 2018-197 to enter the Fremont Airport Terminal Area Plan into the record and accept the recommendations of the Final Draft Terminal Plan at the Fremont, Nebraska Airport. Council Member Kuhns moved, seconded by Council Member Jacobus to approve Resolution 2018-197. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Anderson, Jacobus. Motion carried.

Receive draft report on Police Department and Fire Department fees. No action was taken by the Council.

Moved by Council Member Landholm seconded by Council Member Legband to adjourn the meeting. Ayes: Anderson, Kuhns, McClain, Legband, Landholm, Jacobus, Bechtel. Motion carried. Meeting adjourned at 10:35 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 this meeting was preceded by publicized notice in the Fremont Tribune and the agenda, including notice of study session, were displayed in the Municipal Building and distributed to the Mayor and Council on August 24, 2018 and is open to the public; 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 11TH DAY OF SEPTEMBER AS THE OFFICIAL COPY OF THE FREMONT, NEBRASKA CITY COUNCIL MINUTES FOR AUGUST 28, 2018.

  
Tyler Ficken, City Clerk

  
Scott Getzschman, Mayor