

CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS 400 EAST MILITARY, FREMONT NEBRASKA
October 9, 2018
7:00 p.m.

After Study Session and Pledge of Allegiance, the Council President 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 Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns present. 8 Council Members present.

Ordinance 5471 consider Amendments to Chapter 11 of the Fremont Municipal Code pertaining to subdivision and site development regulations, hereinafter referred to as the Unified Development code of the City of Fremont ("UDC"), particularly amendments to Section 11-706.05 Lots. C. Access and Frontage, particularly 4. Outlots AND Section 11-920 Definitions, particularly Outlot. Council President Schaller opened the public hearing. Council President Schaller closed the public hearing after receiving comments from the public. Council Member Landholm moved, seconded by Council Member Jacobus to hold first reading of the Ordinance. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried. City Clerk provided first reading.

Ordinance 5470 consider Amendments to Chapter 11 of the Fremont Municipal Code pertaining to subdivision and site development regulations, hereinafter referred to as the Unified Development code of the City of Fremont ("UDC"), particularly amendments to Section 11-305.06 Subdivision Improvement plans, F.6. Performance and maintenance securities as required by Subsection 11-316.06G., Securities, amended to read: F.6. Performance and maintenance securities as required by Subsection 11- 315.06G., Securities. Council President Schaller opened the public hearing. Council President Schaller closed the public hearing after receiving comments from the public. Council Member Jacobus moved, seconded by Council Member Legband to suspend the rules and move to final reading of the Ordinance. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried. City Clerk provided final reading of the Ordinance. Council President Schaller called for a final vote on the Ordinance. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Ordinance 5470 approved.

Ordinance 5469 a request by Mark Boschult on behalf of Boschult Engineering Co. for change of zoning at 340 West 22nd Street, Fremont, NE, for the remaining area of block 14 not already zoned general commercial east of Fremont Rental property, from SC Suburban Commercial to GC General. Council Member McClain moved, seconded by Council Member Anderson to receive into the record an updated version of the Ordinance from City staff. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Council President Schaller opened the public hearing. Council President Schaller closed the public hearing after receiving comments from the public. Council Member Kuhns moved, seconded by Council Member Anderson to hold first reading of the Ordinance. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried. City Clerk provided first reading of the Ordinance.

Resolution 2018-199 consider a request by Steve Dodd on behalf of Don Peterson and Associates Real Estate Co. for approval of a revised Sunridge Place Preliminary Plat located at between Military Avenue, Jack Sutton Drive, Luther Road & Johnson Drive. Council Member Landholm moved, seconded by Council Member Legband to receive into the record an updated version of the Resolution provided by City staff. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried. Council President Schaller opened the public hearing. Council Member Jacobus moved, seconded by Council Member Legband to receive into the record a document titled "Sunridge Place Addition – Proposed Lot Layout". Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion

carried. Council President Schaller closed the public hearing after receiving comments from the public. Council Member Kuhns moved, seconded by Council Member Jacobus to approve Resolution 2018-199. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried.

Resolution 2018-200 consider a request by Steve Dodd on behalf of Don Peterson and Associates Real Estate Co. for approval of a Final Plat to be known as Sunridge Place First Addition, consisting of 20.57 acres located between Military Avenue, Jack Sutton Drive, Luther Road & Johnson Drive. Council Member Anderson moved, seconded by Council Member Legband to receive into the record an updated version of the Resolution provided by City staff. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried. Council President Schaller opened the public hearing. Council Member Jacobus moved, seconded by Council Member Legband to receive into the record a document titled "Safe Street Design". Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried. Council President Schaller closed the public hearing after receiving comments from the public. Council Member Kuhns moved, seconded by Council Member Landholm to approve Resolution 2018-200. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried.

Ordinance 5472 a request by Steve Dodd on behalf of Don Peterson and Associates Real Estate Co. for approval of a Voluntary Annexation of Sunridge Place First Addition, consisting of 20.57 acres located between Military Avenue, Jack Sutton Drive, Luther Road & Johnson Drive. Council President Schaller opened the public hearing. Council President Schaller closed the public hearing after receiving comments from the public. Council Member Landholm moved, seconded by Council Member McClain to hold first reading of the Ordinance. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried. City Clerk provided first reading of the Ordinance.

Resolution 2018-202 consider a request by Steve Dodd on behalf of Don Peterson and Associates Real Estate Co. for approval of a Final Plat to be known as Sunridge Place Second Addition, consisting of 28.58 acres located between Military Avenue, Jack Sutton Drive, Luther Road & Johnson Drive, and more particularly described as a portion of a parcel of land being part of the NW1/4 of Section 19, Township 17 North, Range 9 East of the 6th P.M., Dodge County, Nebraska. Council Member Anderson moved, seconded by Council Member Legband to receive into the record an updated version of the Resolution provided by City staff. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried. Council President Schaller opened the public hearing. Council Member Jacobus moved, seconded by Council Member Legband to receive into the record a document titled "Luther Road and 1st Street Drainage Mandates". Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried. Council President Schaller closed the public hearing after receiving comments from the public. Council Member Kuhns moved, seconded by Council Member Jacobus to approve Resolution 2018-202. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried.

Ordinance 5473 consider a request by Steve Dodd on behalf of Don Peterson and Associates Real Estate Co. for approval of a Voluntary Annexation of Sunridge Place Second Addition, consisting of 28.58 acres located between Military Avenue, Jack Sutton Drive, Luther Road & Johnson Drive. Council President Schaller opened the public hearing. Council President Schaller closed the public hearing after receiving comments from the public. Council Member Landholm moved, seconded by Council Member Anderson to hold first reading of the Ordinance. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried. City Clerk provided first reading.

Ordinance 5475 consider a request by Marie Hammang for approval of a Voluntary Annexation of Morningside Crossing, consisting of 35.00 acres located on the Northeast corner of Morningside Rd,

Johnson Rd. Council President Schaller opened the public hearing. Council President Schaller closed the public hearing after receiving comments from the public. Council Member McClain moved, seconded by Council Member Jacobus to hold first reading of the Ordinance. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried. City Clerk provided first reading of the Ordinance.

Moved by Council Member Jacobus seconded by Council Member McClain to approve items thirteen through fifteen and twenty of the consent agenda. Ayes: McClain, Legband, Landholm, Kuhns, Bechtel, Schaller, Anderson, Jacobus. Motion carried.

13. Motion to approve September 26, 2018 through October 9, 2018 claims and authorize checks to be drawn on the proper accounts.

14. Motion to receive Report of the Treasury.

15. Motion to dispense with and approve September 25, 2018 minutes.

20. Motion to receive Fremont Master Fee Schedule update.

21. Resolution 2018-210 to approve the 1 year extension of the maintenance contract for the Shortel administrative phone system for the PSAP Communications Center and Police Department. Item was removed from the agenda

Resolution 2018-225 authorizing the Renewal of the Quicklime Reagent Supply Agreement with Mississippi Lime for Lon D. Wright Power Plant. Council Member Landholm moved, seconded by Council Member Kuhns to approve Resolution 2018-225. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried.

Motion to approve Downtown Community Piano Project. Council Member Jacobus moved, seconded by Council Member Kuhns to approve the project contingent upon insurance coverage being provided by the applicant. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried.

Resolution 2018-224 authorizing a One Year Support Agreement with Honeywell for Lon D. Wright Power Plant Control System. Council Member Landholm moved, seconded by Council Member McClain to approve Resolution 2018-224. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried.

Motion to approve outside City water connection to 1730 and 1740 Old Hwy 8. Council Member Anderson moved, seconded by Council Member Jacobus to approve outside City water connection to 1730 and 1740 Old Hwy 8. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried.

Motion to approve Sunridge Place First and Second Addition Subdivision Agreement. Council Member Kuhns moved, seconded by Council Member Legband to approve Sunridge Place First and Second Addition Subdivision Agreement. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried.

Ordinance 5476 to remove various fees from the Municipal code to prepare for adoption of Fremont Master Fee Schedule. Council Member McClain moved, seconded by Council Member Legband to hold first reading of the Ordinance. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried. City Clerk provided first reading.

Resolution 2018-226 authorizing the City Administrator to execute a contract with CB&I LLC to construct a new Egg Shaped Anaerobic Digester (ESD) at the Wastewater Treatment Plant. Council Member Anderson moved, seconded by Council Member Landholm to approve Resolution 2018-226. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried.

Resolution 2018-223 to accept and award the bid from Schemmer Associates for engineering services for the Fremont City Auditorium renovation and authorize staff to issue a contract for the project. Council Member Kuhns moved, seconded by Council Member Jacobus to approve Resolution 2018-223. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried.

Motion to approve cancelation of second meeting in December. Council Member Jacobus moved, seconded by Council Member Legband to reschedule the regular the last Tuesday Council Meeting in December 2018, to December 20, 2018 at 6:00 p.m. Ayes: Schaller, McClain, Landholm, Jacobus, Bechtel, Legband, Anderson and Kuhns. Motion carried.

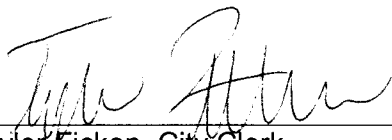
Executive Session to discuss threatened or potential litigation. Moved by Council Member Anderson, seconded by Council Member Legband to go into executive session for the purpose of discussing a strategy with respect to threatened or potential litigation and for the further reason that the executive session is necessary for the protection of the public interest. The Council President stated a motion had been made and seconded to go into executive session for the purpose of discussing a strategy session with respect to threatened or 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 Council President stated the pending motion was to go into executive session for the purpose of discussing threatened or potential litigation and for the further reason that the executive session is necessary for the protection of the public interest. Ayes: McClain, Kuhns, Legband, Landholm, Jacobus, Schaller, Bechtel, Anderson. Motion carried. The Council President stated a motion to go into executive session for the purpose of discussing threatened or 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 or potential litigation. No official actions or votes will be taken during the executive session. Time in: 9:15 p.m.

Moved by Council Member McClain, seconded by Council Member Legband to come out of executive session where no official actions or votes were taken. Ayes: McClain, Kuhns, Legband, Landholm, Jacobus, Schaller, Bechtel, Anderson. Motion carried. Time out: 9:36 p.m.

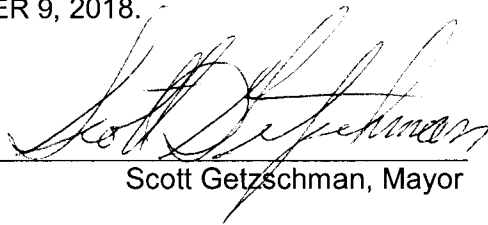
Moved by Council Member Landholm seconded by Council Member Kuhns to adjourn the meeting. Ayes: Schaller, Kuhns, McClain, Legband, Landholm, Jacobus, Bechtel, Anderson. Motion carried. Meeting adjourned at 9:37 p.m.

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 October 5, 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 30TH DAY OF OCTOBER AS THE OFFICIAL COPY OF THE
FREMONT, NEBRASKA CITY COUNCIL MINUTES FOR OCTOBER 9, 2018.



Tyler Ficken, City Clerk



Scott Getzschman, Mayor