



# CITY OF FREMONT NEBRASKA

## REGULAR CITY COUNCIL MEETING MINUTES February 14, 2023 - 7:00 PM City Council Chambers 400 East Military, Fremont NE

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**MEETING CALLED TO ORDER** Following the Pledge of Allegiance, 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 Members Dinkins, Ellis, Lathrop, Vaughan, Jensen, Von Behren, Ganem and Sookram present; 8 members present.

### **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 February 14, 2023 Regular Meeting. Motion made by Vaughan, Seconded by Sookram to strike item #24 from the agenda. Voting Yea: Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop Voting Nay: Ellis, Von Behren. Motion carried. Motion made by Sookram, Seconded by Vaughan to approve adopt current agenda for the February 14, 2023 Regular Meeting as amended. Voting Yea: Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren Voting Nay: Ellis. Motion carried.

### **PUBLIC HEARINGS:**

2. Resolution 2023-007 Charles Diers, LLC request for the "Diers 8th Addition" Preliminary Plat consisting of 6 lots on property generally located at the southeast corner of Luther Rd. and E. 23rd Street, Fremont, Dodge County, Nebraska  
Mayor Spellerberg opened the public hearing. Mayor Spellerberg closed the public hearing after receiving comments from the public. Motion made by Vaughan, Seconded by Jensen to approve Resolution 2023-007. Voting Yea: Ellis, Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren. Motion carried.
3. Resolution 2023-008 Charles Diers, LLC request for the "Diers 8th Addition" Final Plat consisting of 2 lots and 4 outlots on property generally located at the southeast corner of Luther Rd. and E. 23rd Street, Fremont, Dodge County, Nebraska  
Mayor Spellerberg opened the public hearing. Mayor Spellerberg closed the public hearing after receiving comments from the public. Motion made by Jensen, Seconded by Vaughan to approve 2023-008 with conditions. Voting Yea: Ellis, Ganem, Dinkins, Jensen,

Sookram, Vaughan, Lathrop, Von Behren. Motion carried.

4. Resolution 2023-024 recommending approval of Class IK liquor license application of La Hacienda Mexican Restaurant LLC dba La Hacienda, 3140 East Elk Lane, Fremont, NE Mayor Spellerberg opened the public hearing. Mayor Spellerberg closed the public hearing after receiving comments from the public. Motion made by Ganem, Seconded by Sookram to approve Resolution 2023-024. Voting Yea: Ellis, Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren. 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 6-13. Voting Yea: Lathrop, Ellis, Dinkins, Jensen, Von Behren, Ganem, Vaughan, Sookram. Motion carried.

5. Motion to approve February 1, 2023 through February 14, 2023 claims and authorize checks to be drawn on the proper accounts. Motion made by Jensen, Seconded by Vaughan to approve February 1, 2023 through February 14, 2023 claims and authorize checks to be drawn on the proper accounts. Voting Yea: Ellis, Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren. Motion carried.
6. Receive Report of the Treasury
7. Dispense with and approve January 31, 2023 City Council Meeting Minutes
8. Motion to approve the Cement/Asphalt/Excavate worker license application(s): Pave LLC
9. Motion authorizing the mayor to sign the Letter of Support for the Fremont Housing Authority
10. Resolution 2023-025 authorizing Trinity Consultants to assist with the preparation of the Lon D. Wright Air Emission Inventory (AEI) and Toxic Release Inventory (TRI) Submittals
11. Resolution 2023-026 approving a Natural Gas Asset Management Agreement with BP Canada Energy Marketing Corp
12. Resolution 2023-027 requesting a budget amendment to Community Development Block Grant 20-EMCV-003 for the remodel of the food pantry located at 549 N H St
13. Resolution 2023-028 requesting a budget amendment to Community Development Block Grant 20-EMCV-004 for the remodel of the emergency homeless shelter located at 723 N Broad St.
14. Resolution 2023-030 authorizing placement of a "Stop" signs at the intersection of 29th Street and Lincoln Road for all four lanes of traffic. Motion made by Jensen, Seconded by Sookram to approve Resolution 2023-030. Voting Yea: Ellis, Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren. Motion carried.

**UNFINISHED BUSINESS:** Requires individual associated action

15. Ordinance 5637 Charles Diers, LLC request for a Change of Zone from R, Rural to AR, Auto Urban Residential on property generally located at the southeast corner of Luther Rd. and E. 23rd Street, Fremont, Dodge County, Nebraska (second reading and request to suspend rules and hold final reading). Motion made by Sookram, Seconded by Vaughan to hold second reading of the Ordinance. Voting Yea: Ellis, Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren. Motion carried. City Clerk provided second reading of the Ordinance. Motion made by Jensen, Seconded by Vaughan to suspend the rules and move to final reading of the Ordinance. Voting Yea: Ellis, Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren. Motion carried. City Clerk provided final reading of the Ordinance. Mayor Spellerberg called for a final vote on the Ordinance. Voting Yea: Ellis, Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren. Ordinance 5637 approved.
16. Ordinance 5638 Charles Diers, LLC request to annex property generally located at the Elkhorn Drive and Deer Crossing, Fremont, Dodge County, Nebraska (second reading). Motion made by Sookram, Seconded by Ganem to hold second reading of Ordinance 5638. Voting Yea: Ellis, Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren. Motion carried. City Clerk provided second reading of the Ordinance.
17. Ordinance 5636 repealing and replacing Ordinance No. 5503 amending rates, minimum charges and surcharges for the use of the Municipal Sanitary System (second reading). Motion made by Vaughan, Seconded by Ganem to hold second reading of Ordinance 5636. Voting Yea: Ellis, Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren. Motion carried. City Clerk provided second reading of the Ordinance. Motion made by Jensen, Seconded by Von Behren to suspend the rules and move to final reading of the Ordinance. Voting Yea: Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren Voting Nay: Ellis. Motion carried. City Clerk provided final reading of the Ordinance. Mayor Spellerberg called for a final vote on the Ordinance. Voting Yea: Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren. Voting Nay: Ellis. Ordinance 5637 approved.

**NEW BUSINESS:** Requires individual associated action

18. Resolution 2023-020 authorizing the Mayor to sign Diers 8 Subdivision Agreement with Charles Diers, LLC for property generally located at the southeast corner of Luther Rd. and E. 23rd Street, Fremont, Dodge County, Nebraska. Motion made by Jensen, Seconded by Ganem to approve Resolution 2023-020. Voting Yea: Ellis, Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren. Motion carried.
19. Motion to approve Keene Memorial Library Board By-Laws. Motion made by Jensen, Seconded by Ganem to approve Keene Memorial Library Board By-Laws. Voting Yea: Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren Voting Nay: Ellis. Motion carried.
20. Motion to approve Keene Memorial Library Policy Manual. Motion made by Ganem, Seconded by Jensen to amend the policy manual to state that the decision of the board is final subject to review by City Council. Voting Yea: Ellis, Ganem, Jensen, Sookram, Vaughan, Lathrop, Von Behren Voting Nay: Dinkins. Motion carried. Motion made by Von Behren, Seconded by Sookram to amend Section 15.4 to add that any parent or legal guardian having a child age 11 or under may upon written request have a specific book removed from the Children's section to the Adult Section. Voting Yea: Ellis, Ganem,

Dinkins, Sookram, Vaughan, Lathrop, Von Behren. Voting Nay: Jensen. Motion carried. Motion made by Ganem, Seconded by Von Behren to approve the Keene Memorial Library Policy Manual as amended. Voting Yea: Ellis, Ganem, Jensen, Sookram, Vaughan, Lathrop, Von Behren. Voting Nay: Dinkins. Motion carried.

21. Resolution 2023-031 to affirm Emergency Declaration by the Mayor and Utility General Manager for expenses in excess of the spending limit for repairs to the Lon D. Wright Unit 6 Turbine and Generator. Motion made by Ganem, Seconded by Jensen to approve Resolution 2023-031. Voting Yea: Ellis, Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren. Motion carried.
22. Resolution 2023-032 awarding the contract to Virginia Transformer Corp. for Purchase of Substation Transformers. Motion made by Jensen, Seconded by Sookram to approve Resolution 2023-032. Voting Yea: Ellis, Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren. Motion carried.
23. Ordinance 5639 amending Chapter 6, Articles 1 and 2 of the Fremont Municipal Code relating to Animal Control. Motion made by Jensen, Seconded by Sookram to receive red line version of the Ordinance into the record. Voting Yea: Ellis, Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren. Motion carried. Motion made by Vaughan, Seconded by Sookram to receive Pet Policy Toolkit document into the record. Voting Yea: Ellis, Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren. Motion carried. Motion made by Jensen, Seconded by Vaughan to hold first reading of Ordinance 5639. Voting Yea: Ellis, Ganem, Dinkins, Jensen, Sookram, Vaughan, Lathrop, Von Behren. Motion carried. City Clerk provided second reading of the Ordinance.
24. Motion to consider, approve and issue a formal reprimand and censure of Council Member under § FMC 2-108. Item removed from agenda.

**ADJOURNMENT** Motion made by Sookram, seconded by Vaughan to adjourn; time: 9:41 P.M. Voting Yea: Lathrop, Ellis, Von Behren, Vaughan, Jensen, Ganem, Sookram, Dinkins. Motion carried.

Agenda posted at the Municipal Building on February 8, 2023 and online at [www.fremontne.gov](http://www.fremontne.gov). Agenda distributed to the Mayor and City Council on February 8, 2023. 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 FEBRUARY 14, 2023.