CITY OF FREMONT NEBRASKA

COMMUNITY DEVELOPMENT AGENCY & REGULAR CITY COUNCIL MEETING MINUTES
August 31, 2021 - 7:00 PM
City Council Chambers 400 East Military, Fremont NE

COMMUNITY DEVELOPMENT AGENCY AGENDA

5:30 PM

MEETING CALLED TO ORDER Following the Pledge of Allegiance, Mayor Spellerberg called the City Council Special 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 members present. Kuhns absent.

1. 2021-2023 Biennial Budget discussion, recommendations and amendments. Motion made by Gibson, Seconded by Legband to receive August 31, 2021 presentation. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. Motion made by Yerger, Seconded by Ellis to receive PSAP staffing email into the record. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. Motion made by Yerger, Seconded by Gibson to receive Federation for American Immigration Reform letter into the record. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. Motion made by Yerger, Seconded by Jensen to receive 8/31/21 Biennial Budget Motion into the record. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. Council Member Yerger moved to adopt the motion provided in the handout titled "8/31/21 Biennial Budget Motion". Council Member Ellis seconded the motion and offered an amendment to modify the City government structure to separate City and Utility Administration positions; Council Member Yerger seconded the amendment. Voting Yea: Yerger, Ellis Voting Nay: Jensen, Legband, Sookram, Ganem, Gibson. Motion failed. Mayor Spellerberg called for a vote on the initial motion to adopt handout titled "8/31/21 Biennial Budget Motion". Voting Yea: Yerger, Ellis Voting Nay: Jensen, Legband, Sookram, Ganem, Gibson. Motion failed.

ADJOURNMENT Motion made by Gibson, seconded by Jensen to adjourn; time: 6:45 P.M. Voting Yea: Ellis, Gibson, Legband, Ganem, Sookram, Jensen. Nay: Yerger. Motion carried.

CITY COUNCIL REGULAR MEETING AGENDA

7:00 PM – Following the preceding Meeting

MEETING CALLED TO ORDER Mayor Spellerberg called the Regular 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 members present. 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 August 31, 2021 Regular Meeting. Motion made by Jensen, Seconded by Sookram to adopt current agenda for the August 31, 2021 Regular Meeting. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

PUBLIC HEARINGS:

2. Resolution 2021-119 for a Class LK Liquor License for Gesell Enterprises, LLC dba Five.0.Five Brewing Company, 349 N. Main Street. Mayor Spellerberg opened the public hearing. Mayor Spellerberg closed the public hearing after receiving comments from the public. Motion made by Yerger, Seconded by Jensen to approve Resolution 2021-119. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

3. Resolution 2021-120 to approve a Conditional Use Permit for a new Scooter's Coffee kiosk at E. 23rd Ave. N and N. Luther Rd. Mayor Spellerberg opened the public hearing. Mayor Spellerberg closed the public hearing after receiving comments from the public. Motion made by Yerger, Seconded by Gibson to amend the Resolution to add to the fourth whereas that the Planning Commission placed a condition that a 10' bypass lane be added. Voting Yea: Yerger, Jensen, Legband, Sookram, Ellis, Gibson. Voting Abstaining: Ganem. Motion carried. Motion made by Yerger, Seconded by Gibson to approve Resolution 2021-120 as amended. Voting Yea: Yerger, Jensen, Legband, Sookram, Ellis, Gibson Voting Abstaining: Ganem. Motion carried.

4. Ordinance 5584 amending Section 11-616A of the Unified Development Code to include cement elevators and similar elevators along with grain elevators in the height exceptions (consider request to suspend rules and move to final reading) Mayor Spellerberg opened the public hearing. Mayor Spellerberg closed the public hearing after receiving comments from the public. Motion made by Ganem, Seconded by Gibson to receive into the record a letter of support from Tom B. Sawyer. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. Motion made by Gibson, Seconded by Legband to introduce and hold first reading of the Ordinance. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. City Clerk provided first reading of the Ordinance. Motion made by Gibson, Seconded by Jensen to suspend the rules and move to final reading of the Ordinance. 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. Ordinance 5584 is approved.

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 Gibson, Seconded by Jensen to approve consent agenda items 6-7 9, 11 and 13-17. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

5. Motion to approve August 11, 2021 through August 31, 2021 claims and authorize checks to be drawn on the proper accounts. Motion made by Jensen, Seconded by Legband to receive updated expenditure approval pages. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. Motion made by Ganem, Seconded by Sookram to approve the claims as updated with the additional claims to total $5,599,119.44. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

6. Dispense with and approve August 10, 2021 Special City Council Meeting, Board of Equalization and Regular City Council Meeting Minutes, August 17, 2021 Joint Special Planning Commission and City Council Meeting and Special City Council Meeting Minutes, and August 24, 2021 Special City Council Meeting Minutes

7. Resolution 2021-121 authorizing the Mayor to sign a contract amendment request letter for Community Development Block Grant 19-EM-002 to request a one-year contract extension (repair and rehabilitate the Fremont, Farmland, Railroad Levee located in southwest Fremont)

8. Resolution 2021-122 authorizing agreement for street and parking closure for Historic Downtown Fremont Fall Festival. Motion made by Yerger, Seconded by Sookram to amend the party from Glen Ellis to Fremont Downtown Development Group in the Resolution and agreement. Voting Yea: Yerger, Jensen, Legband, Sookram, Ganem, Gibson Voting Abstaining: Ellis. Motion carried. Motion made by Jensen, Seconded by Yerger to approve Resolution 2021-122 as amended. Voting Yea: Yerger, Jensen, Legband, Sookram, Ganem, Gibson Voting Abstaining: Ellis. Motion carried.

9. Motion to approve concrete license application(s) for Parr Construction, Fauss Construction Inc., and The Garage Company

10. Motion to authorize the Mayor to sign service agreement renewal with Keep Fremont Beautiful. Motion made by Ganem, Seconded by Jensen to authorize the Mayor to sign service agreement renewal with Keep Fremont Beautiful. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

11. Resolution 2021-123 authorizing Mayor to sign a contract with American Broadband to offer internet services for Keene Memorial Library over the next 36 months.

12. Move to authorize City Clerk to sign Special Designated Licenses for Whis's End Zone Lounge at 152 E. 6th Street & 2195 N. Broad Street. Motion made by Yerger, Seconded by Jensen to approve Special Designated License for Whis's End Zone Lounge at 152 E. 6th Street. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. Motion made by Yerger, Seconded by Legband to approve Special Designated License for Whis's End Zone Lounge at 2195 N. Broad Street. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

13. Resolution 2021-124 authorizing the Mayor to sign a Memorandum of Understanding, Duplication of Benefits Certification for CDBG-CV Funds, Duplication of Benefits Affidavit,

and CDBG-CV Subrogation Agreement for Community Development Block Grant 20-EMCV-003

14. Resolution 2021-125 authorizing the Mayor to sign a Memorandum of Understanding, Duplication of Benefits Certification for CDBG-CV Funds, Duplication of Benefits Affidavit, and CDBG-CV Subrogation Agreement for Community Development Block Grant 20-EMCV-004

15. Resolution 2021-126 authorizing the Mayor to sign a Memorandum of Understanding, Duplication of Benefits Certification for CDBG-CV Funds, Duplication of Benefits Affidavit, and CDBG-CV Subrogation Agreement for Community Development Block Grant 20-EMCV-006

16. Motion to consent to the Mayor's appointment of Rol Horeis to Local Option Review Team to a term ending June 2023

17. Motion to consent to the Mayor's appointment of Maggie Zarate to Housing Agency Board to a term ending September 2026

18. Receive Local Option Economic Development Fund (LB840) Quarterly Report. Motion made by Legband, Seconded by Sookram to receive Local Option Economic Development Fund (LB840) Quarterly Report. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

UNFINISHED BUSINESS: Requires individual associated action

19. Resolution 2021-064 to approve revised Fremont Technology Park Replat 3 Preliminary Plat. Motion made by Yerger, Seconded by Ellis that the item be continued and remanded back to the Planning Commission to recognize the original charge that they were given from the City Council to plat with one Outlot A. Voting Yea: Yerger, Ellis, Sookram, Ganem, Gibson Voting Nay: Jensen, Legband. Motion carried.

20. Resolution 2021-065 to approve revised Fremont Technology Park Replat 3 Final Plat. No action was taken.

21. Ordinance 5581 to approve requested change of zone from R, Rural to GC, General Commercial on property generally located between E 23rd St. and Elk Lane, approximately 200 feet west of Deer Crossing (second reading). Motion made by Yerger, Seconded by Sookram to hold second reading of Ordinance 5581. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. City Clerk provided second reading of the Ordinance.

22. Ordinance 5580 to approve voluntary annexation of property generally located between E.23rd St. and Elk Lane approximately 200 feet west of Deer Crossing. Motion made by Yerger, Seconded by Gibson to hold second reading of Ordinance 5580. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

23. Ordinance 5582 to approve the sale of Tech Park property to Valley Drive Properties, LLC (second reading – consider request to waive third reading). Motion made by Jensen, Seconded by Legband to introduce and hold first reading of the Ordinance. Voting Yea: Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Voting Nay: Yerger. Motion carried. City Clerk provided first reading. Motion made by Jensen, Seconded by Gibson to

suspend the rules and move to 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. Motion made by Jensen, Seconded by Gibson. Voting Yea: Ellis, Jensen, Legband, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried. Ordinance 5582 is approved.

24. Ordinance 5583 establishing rate schedules for Natural Gas System (second reading) Motion made by Ganem, Seconded by Legband to hold second reading of the Ordinance. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. City Clerk provided second reading of the Ordinance.

NEW BUSINESS: Requires individual associated action

25. Ordinance 5585 adopting the 2021-2023 biennial budget statement termed the Appropriation Bill (first reading). Motion made by Yerger, Seconded by Ellis to append seven items to Ordinance 5585. Voting Yea: Yerger, Ellis Voting Nay: Jensen, Legband, Sookram, Ganem, Gibson. Motion failed. Motion made by Jensen, Seconded by Legband to introduce and hold first reading of Ordinance 5585. Voting Yea: Jensen, Legband, Sookram, Ganem, Gibson Voting Nay: Yerger, Ellis. Motion carried. City Clerk provided first reading of the Ordinance.

26. Resolution 2021-128 accepting the resignation of Council Member Michael Kuhns, acknowledging the return of City property and directing the Clerk to publish a notice of vacancy. Motion made by Gibson, Seconded by Legband to approve Resolution 2021-128. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

27. Resolution 2021-129 to approve Agency Agreement with Nebraska Department of Transportation (NDOT) to obtain Federal Non-Development Economic Assistance for the Fremont Airport under the provisions of the Federal American Rescue Plan Act (ARPA Act). Motion made by Jensen, Seconded by Legband to approve Resolution 2021-129. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

28. Resolution 2021-127 to approve Supplemental Agreement No. 9, and Nebraska Department of Transportation, (NDOT) provided for Preliminary Engineering, Rawhide Creek Trail Project. Motion made by Legband, Seconded by Gibson to approve Resolution 2021-127. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

29. Motion to authorize the Mayor to sign the Third Amendment to Redevelopment Agreement for Fountain Springs. Motion made by Jensen, Seconded by Sookram to authorize the Mayor to sign the Third Amendment to Redevelopment Agreement for Fountain Springs. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

30. Motion to authorize the authorize the Mayor to sign Interlocal Agreement with Dodge County for Limited Road Maintenance. Motion made by Jensen, Seconded by Legband to authorize the authorize the Mayor to sign Interlocal Agreement with Dodge County for Limited Road Maintenance. Voting Yea: Ellis, Jensen, Legband, Sookram, Ganem, Gibson Voting Nay: Yerger. Motion carried.

31. Mayor item - Motion to authorize City staff to enter into rental agreement with Power Screening Rental for Conveyor Equipment for Lon D. Wright coal handling. Motion made by Yerger, seconded by Ellis to receive Resolution 2021-130 into the record. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. Motion made by Jensen, Seconded by Legband to amend paragraph 15 of the agreement to change to Dodge County, Nebraska. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried. Motion made by Yerger, Seconded by Ganem to authorize City staff to approve Resolution 2021-130. Voting Yea: Yerger, Ellis, Jensen, Legband, Sookram, Ganem, Gibson. Motion carried.

ADJOURNMENT Motion made by Yerger, seconded by Jensen to adjourn; time: 10:35 P.M. Voting Yea: Yerger, Ellis, Gibson, Legband, Ganem, Sookram, Jensen. Motion carried.

Agenda posted at the Municipal Building on August 25, 2021 and online at www.fremontne.gov. Agenda distributed to the Mayor and City Council on August 25, 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 August 31, 2021.

Tyler Ficken, City Clerk

Joey Spellerberg, Mayor