



CITY OF FREMONT NEBRASKA

CITY COUNCIL MEETING MINUTES

February 11, 2020

City Council Chambers 400 East Military, Fremont NE
REGULAR MEETING – 7:00 P.M.

REGULAR MEETING:

1. Meeting called to order. After the 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.
2. Roll call. Roll call showed Council Members McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus and Legband present. Absent: Yerger. 7 Councilmembers present.
3. 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)
4. Motion to adopt current agenda for February 11, 2020 Regular Meeting. Council Member McClain moved, seconded by Council Member Legband to adopt current agenda for February 11, 2020 Regular Meeting. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Motion carried.

BUSINESS FROM PREVIOUS MEETING:

5. Ordinance 5521 for a Change of Zone from UR, Urban Residential to SC, Suburban Commercial property generally located on the west side of N. Clarkson St. between the hospital access road and 30th Streets. Council Member Jensen moved, seconded by Council Member Legband to hold second reading of Ordinance 5521. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Motion carried. City Clerk provided second reading.
6. Ordinance 5523 to amend Section 11-920 of the City of Fremont UDC to amend the definitions of Front Yard, Side Yard, Street Side Yard and Rear Yard. Council Member Jacobus moved, seconded by Council Member Kuhns to approve second reading of Ordinance 5523. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Motion carried. City Clerk provided second reading. Council Member Jensen moved, seconded by Council Member Kuhns to suspend the rules and move to final reading. Ayes: McClain, Kuhns, Bechtel, Jensen, Legband. Nays: Ellis, Jacobus. Motion failed.
7. Ordinance 5512 amending Chapter 3, Section 3-230 of the Fremont Municipal Code titled Municipal Sewerage System; charge and considerations for connections. Council Member Jacobus moved, seconded by Council Member Ellis to continue the item. Ayes: Ellis, Jensen, Jacobus. Nays: McClain, Kuhns, Bechtel, Legband. Motion failed. Council Member Kuhns moved, seconded by Council Member Legband to approve Ordinance 5512 with Option B Language. Ayes: McClain, Kuhns, Bechtel, Legband, Getzschman. Nays: Ellis, Jensen, Jacobus. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Kuhns, Bechtel, Jensen, Legband. Nays: Ellis, Jacobus. Ordinance 5512 is approved.
8. Discussion Northeast Nebraska Solid Waste Coalition (NNSWC) budget and rates for the fiscal year

ending September 30, 2020. The Mayor provided an opportunity for the public to provide comments and no action was taken.

9. Council Member Yerger item - Motion to authorize the City Attorney to research and draft a Conflict of Interest Policy for the City of Fremont that requires all elected City officials, all appointed officers, all hired City officials and all other decision-making appointed commissioners and board members to list and disclose any entity affiliations, trusteeships, executive committee positions, board member positions, business ownerships, partnerships, LLCs, or other private or consensual relationships that lend themselves to actual, potential or perceived conflicts of interest. Council Member Jensen moved, seconded by Council Member Jacobus to continue the item. Ayes: McClain, Ellis, Jensen, Jacobus. Nays: Kuhns, Bechtel, Legband. Motion failed. Council Member Jacobus moved to approve Council Member Yerger's request to authorize City Attorney to look into this and develop a policy. Motion died due to lack of a second.
10. Receive update on the March 2019 Flood. City Administrator Newton presented information. No action was taken.
11. Resolution 2020-022 approving the FAA Airport Capital Improvement Plan. Council Member Jensen moved, seconded by Council Legband to approve Resolution 2020-022. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Motion carried.
12. Resolution 2020-023 of the City Council of the City of Fremont, Nebraska to authorize to approval of Architectural Services Agreement with Davis Design, Inc. for Design Services in connection with the Aircraft Terminal Building at the Fremont Airport. Council Member Jensen moved, seconded by Council Member Jacobus to approve Resolution 2020-023. Ayes: McClain, Kuhns, Bechtel, Jensen, Jacobus, Legband. Nay: Ellis. Motion carried.

PUBLIC HEARINGS:

13. Resolution 2020-026 approving the Class I Liquor License for Alto Kitchen and Bar at 317 N. Main Street. 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 2020-026. Ayes: McClain, Ellis, Kuhns, Jensen, Jacobus, Legband. Abstention: Bechtel. Motion carried.
14. Resolution 2020-027 of the City Council of the City of Fremont, Nebraska, to approve the Hidden Brook Preliminary Plat on property legally described as Lot 2 and Lot 3, Fountain Springs Estates Subdivision. 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 2020-027. Ayes: McClain, Ellis, Kuhns, Jensen, Jacobus, Legband. Abstention: Bechtel. Motion carried.
15. Resolution 2020-028 of the City Council of the City of Fremont, Nebraska, to approve the Hidden Brook Final Plat on property legally described as Lot 2 and Lot 3, Fountain Springs Estates Subdivision. 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 approve Resolution 2020-028. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Legband. Nay: Jacobus. Motion carried.

CONSENT AGENDA: Council Member Jensen moved, seconded by Council Member McClain to approve Consent Agenda items 16-21, 23, 27 and 28. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Motion carried.

16. Motion to approve January 29, 2020 through February 11, 2020 claims and authorize checks to be drawn on the proper accounts.

17. Receive Report of the Treasury.
18. Dispense with and approve January 28, 2020 City Council Meeting Minutes
19. Consideration of concrete license application, Denny Electric.
20. Resolution 2020-029 authorizing the Mayor to sign a letter of support from the City for the Fremont Housing Authority.
21. Move to approve the re-appointment of Dian Christensen Hillis and Ann Prince to the Parks & Recreation Board.
23. Resolution 2020-030 to enter in to a data sharing agreement with the 911 Department of the Nebraska Public Service Commission.
27. Motion to approve an authorize execution of settlement agreement, claim and release of liability between the City of Fremont and Juan Nevarez.
28. Move to appoint Lottie Mitchell as the City's Property Assessed Clean Energy (PACE) District Administrator.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION:

22. Move to approve the appointment the *Raegen Mayberry Yount* to the Library Board. Council Member Jacobus moved to continue the item to the second meeting in February. Motion died due to the lack of a second. Council Member Legband moved, seconded by Council Member Kuhns to approve the appointment of *Raegen Mayberry Yount*. Ayes: McClain, Kuhns, Legband. Nays: Ellis, Bechtel, Jensen, Jacobus. Motion failed.
24. Resolution 2020-031 accepting and awarding an Energy Services Company contract to Navitas, LLC. Council Member Jensen moved, seconded by Council Member Kuhns to approve Resolution 2020-031. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Motion carried.
25. Resolution 2020-032 accepting the proposal and awarding the contract to HDR Engineering, Inc. for engineering design services for Substation H. Council Member Jacobus moved, seconded by Council Member Legband to approve Resolution 2020-032. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Motion carried.
26. Resolution 2020-033 to authorize the execution of Reimbursement and Indemnification Agreement with WholeStone Farms Inc. Council Memner Kuhns moved, seconded by Council Member McClain to approve Resolution 2020-033. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Motion carried.

UNFINISHED BUSINESS: requires individual associated action

29. Motion authorizing the Mayor to appoint Stan Darling to the Planning Commission. Council Member Kuhns moved, seconded by Council Member Legband to appoint Stan Darling to the Planning Commission. Ayes: Kuhns, Bechtel, Legband. Nays: McClain, Ellis, Jensen, Jacobus. Motion failed.
30. Ordinance 5525 pertaining to the sale and conveyance of real estate to Travis J. Bird and Molly J. Bird, (second reading). Council Member Jacobus moved, seconded by Council Member Legband to amend the language to reflect one instead of two positions. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Motion carried. Council Member Legband moved, seconded by Council Member Jensen to hold second reading of the Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Motion carried. City Clerk provided second reading. Council Member Jensen moved,

seconded by Council Member Legband to suspend the rules and move to final reading. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Legband. Nay: Jacobus. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Motion carried.

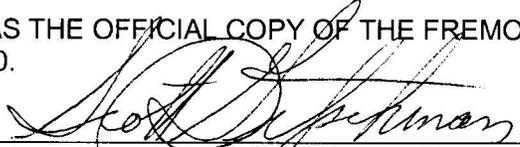
31. Council Member Kuhns Item – reconsider Resolution 2019-209/2020-011 consider City Council Meeting Agenda Policy. Council Member Jacobus moved, seconded by Council Member Ellis to continue the reconsideration to the last meeting in February. Ayes: McClain, Ellis, Jensen, Jacobus. Nays: Kuhns, Bechtel, Legband. Motion failed. Council Member Kuhns moved, seconded by Council Member Legband to reconsider Resolution 2019-209/2020-011 consider City Council Meeting Agenda Policy. Ayes: McClain, Ellis, Kuhns, Bechtel, Legband. Nays: Jacobus, Ellis. Council Member Kuhns moved, seconded by Council Member Legband to amend the blended Resolution item 1d to add the Mayor or a member of Council, and to change sixth to fourth in the fourth paragraph, and remove paragraph five. Ayes: McClain, Kuhns, Bechtel, Legband, Getzschman. Nays: Ellis, Jensen, Jacobus. Motion carried. Council Member Kuhns moved, seconded by Council Member Legband to approve Resolution 2019-2009 as amended. Ayes: McClain, Kuhns, Bechtel, Legband, Getzschman. Nays: Ellis, Jensen, Jacobus. Motion carried.

NEW BUSINESS: requires individual associated action

32. Resolution 2020-034 to approve the Master Fee Schedule for the City of Fremont and to authorize Staff to assess those fees accordingly. Council Member Jensen moved, seconded by Council Member Jacobus to amend the schedule to reflect \$35 for the Aquatics Coupon Book on page 1 of the schedule. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Motion carried. Council Member Jacobus moved, seconded by Council Member McClain to approve the amended Resolution 2020-034. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Motion carried.
33. Resolution 2020-035 accepting and awarding the bid to Constructors, Inc. for the construction of the Bell Street Asphalt Overlay project location on Bell Street between Linden Avenue and 23rd Street. Council Member McClain moved, seconded by Council Member Jacobus to approve Resolution 2020-035. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Motion carried.
34. Resolution 2020-036 approve the contract with Great Plains Communications to upgrade broadband internet access and additional IP addresses for online services. Council Member Jensen moved, seconded by Council Member Kuhns to approve Resolution 2020-036. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Motion carried.
35. Resolution 2020-037 approving and awarding the bid in the amount of \$85,300.00 to Dostal Construction Company, Inc. for all labor, materials and installation of a neighborhood splash pad in John C. Fremont Park. Council Member Legband moved, seconded by Council Member Kuhns to approve Resolution 2020-037. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Jacobus, Legband. Motion carried.
40. Adjournment. Council Member Legband moved, seconded by Council Member Kuhns to adjourn. Ayes: McClain, Kuhns, Bechtel, Legband, Getzschman. Nays: Ellis, Jensen, Jacobus. Motion carried.

APPROVED AND ACCEPTED THIS 25TH DAY OF FEBRUARY AS THE OFFICIAL COPY OF THE FREMONT, NEBRASKA CITY COUNCIL MINUTES FOR FEBRUARY 11, 2020.


Tyler Ficken, City Clerk


Scott Getzschman, Mayor

Documents received into the record can be found [here](#)