



# CITY OF FREMONT NEBRASKA

## BOARD OF EQUALIZATION, COMMUNITY DEVELOPMENT AGENCY & REGULAR CITY COUNCIL MEETING MINUTES

April 21, 2020 - 7:00 PM

City Council Chambers 400 East Military, Fremont NE

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### BOARD OF EQUALIZATION

7:00 PM

#### MEETING CALLED TO ORDER

After the Pledge of Allegiance, Mayor Getzschman called the Board of Equalization 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 McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus and Legband present. 8 members present.

1. Consider schedule of assessments levying a special tax and assessments for Sanitary Sewer District No. SD-704-18. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Motion made by Legband, Seconded by Kuhns to approve schedule of assessments levying a special tax and assessments for Sanitary Sewer District No. SD-704-18. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.
2. Resolution 2020-082 levying a special tax and assessment in the amount of against Lot 10, Block 9, Blairs to the City of Fremont, to pay the costs of weed and debris removal and assessment. Motion made by Jensen, Seconded by McClain to approve Resolution 2020-082. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.

#### ADJOURNMENT

Motion made by McClain, Seconded by Legband to adjourn; time: 7:14 PM. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.

### COMMUNITY DEVELOPMENT AGENCY AGENDA

7:00 PM

## **MEETING CALLED TO ORDER**

Mayor Getzschman called the Community Development Agency 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 McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus and Legband present. 8 members present.

## **PUBLIC HEARING**

1. Resolution 2020-004 Redevelopment Agreement for the Wholestone Farms redevelopment project on property generally located at generally located at E. Cloverly Rd. and S. Platte Ave, Dodge County, NE. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Motion made by Legband, Seconded by Kuhns to approve Resolution 2020-004. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.

## **ADJOURNMENT**

Motion made by Legband, Seconded by Jacobus to adjourn; time: 7:40 PM. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.

## **CITY COUNCIL REGULAR MEETING AGENDA**

**7:00 PM – Following the preceding Meeting**

## **MEETING CALLED TO ORDER**

Mayor Getzschman 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 Council Members McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus and Legband present. 8 Council 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 April 14, 2020 Regular Meeting. Motion made by Jacobus, seconded by Jensen to move items 25, 28, 26 and 27 to after item 7. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried. Motion made by Legband, seconded by Kuhns to move item 32 above item 8. Voting Yea: McClain, Kuhns, Bechtel, Jensen, Legband Voting Nay: Ellis, Yerger, Jacobus. Motion carried. Motion made by Kuhns, seconded by Legband to remove items 5 & 6 from the agenda. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns,

Jacobus. Motion carried. Moved by Kuhns, seconded by Jensen to approve the agenda as amended. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.

#### **BUSINESS FROM PREVIOUS MEETING:**

2. Resolution 2020-062 accepting and authorizing the execution of consultant agreement with Northeast Nebraska Economic Development District (NENEDD) for the construction management of Community Development Block Grant 19-EM-002. Motion made by Yerger, Seconded by Kuhns to approve Resolution 2020-062. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.
3. Resolution 2020-070 to authorize and approve the Agreement with Civil Solutions, LLC. for professional consulting services in construction engineering and administration for the Bell Street Asphalt Overlay Project. Motion made by Legband, Seconded by Jensen to continue the item to the April 28, 2020 City Council Meeting. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.
4. Council Member Yerger item - motion to approve reconsideration of the COVID-19 Compensation Plan. Motion made by Yerger, Seconded by Jacobus to approve reconsideration of the COVID-19 Compensation Plan. Voting Yea: Yerger, Ellis, McClain, Jensen, Kuhns, Jacobus Voting Nay: Legband, Bechtel. Motion carried. Motion made by Jacobus, Seconded by Legband to amend paragraphs A and B as was discussed, employees directed to go home shall be paid regular hourly rate at their regularly scheduled shift, and paragraph B, employees scheduled to work and on the job site during regular scheduled shift shall be paid regular hourly rate plus 1.5 times etc. as stated. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried. Motion made by Jensen, Seconded by Jacobus to approve the COVID-19 Compensation Plan as amended. Voting Yea: Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus Voting Nay: Yerger. Motion carried.

#### **PUBLIC HEARINGS:**

7. Resolution 2020-055 to approve the Country Club Estates 6th Addition Final Plat generally located at the extension of Jones and Armour Drives. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments form the public. Motion made by Legband, Seconded by McClain to approve Resolution 2020-055. Voting Yea: Ellis, McClain, Jensen, Legband, Bechtel, Kuhns Voting Nay: Yerger, Jacobus. Motion carried.
25. Ordinance 5529 to change zoning from R, Rural to SR, Suburban Residential on property generally located between Ridge Road and Country Club Estates (final reading). Motion made by Yerger, Seconded by Legband to hold final reading of the Ordinance. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried, Ordinance 5529 approved.
28. Motion to Approve Country Club Estates 6th Addition Subdivision Agreement. Motion made by Yerger, seconded by Jacobus to amend subdivision agreement items T and U, item T change four years to two years and strike the last sentence where it says engineer may approve an extension of time, and paragraph U, change four years to two years.

Voting Yea: Ellis, Yerger, Jacobus Voting Nay: McClain, Kuhns, Bechtel, Jensen, Legband. Motion failed. Motion by Kuhns, seconded by Legband to Approve Country Club Estates 6th Addition Subdivision Agreement. Voting Yea: McClain, Ellis, Kuhns, Bechtel, Jensen, Legband Voting Nay: Yerger, Jacobus. Motion carried.

26. Resolution 2020-078 Redevelopment Agreement for the Wholestone Farms redevelopment project on property generally located at generally located at E. Cloverly Rd. and S. Platte Ave, Dodge County, NE. Motion made by Kuhns, Seconded by Legband to approve Resolution 2020-078. Voting Yea: McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus Voting Nay: Yerger, Ellis. Motion carried.
27. Resolution 2020-079 for schedule of assessments levying a special tax and assessments for Sanitary Sewer District No. SD-704-18. Motion made by Jacobus, Seconded by Yerger to approve Resolution 2020-079. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. 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 by Jensen, seconded by Legband to approve consent agenda items 8-10, 12-14, 16-17, 19, 20 and 22. Voting Yea: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

32. Council Members Jensen, McClain & Legband item - Ordinance 5530 to amend section 2-108 of the Fremont Municipal Code to include a rule limiting the time for discussion and debate of agenda items. Motion made by Jacobus, Seconded by Yerger to continue the item until after COVID-19 is dealt with and have normal meetings. Voting Yea: Yerger, Ellis, Jacobus Voting Nay: McClain, Jensen, Legband, Bechtel, Kuhns. Motion failed. Motion made by Jensen, Seconded by Legband to introduce and hold first reading of Ordinance 5530. Voting Yea: McClain, Jensen, Legband, Bechtel, Kuhns Voting Nay: Yerger, Ellis, Jacobus. Motion carried. City Clerk provided first reading. Motion made by Kuhns, Seconded by Legband to suspend the rules and move to final reading of Ordinance 5530. Voting Yea: Getzschman, Jensen, Legband, Bechtel, Kuhns Voting Nay: Yerger, Ellis, McClain, Jacobus. Motion failed.
8. Motion to approve April 1, 2020 through April 14, 2020 claims and authorize checks to be drawn on the proper accounts
9. Motion to receive Report of the Treasury
10. Dispense with and approve March 31, 2020 City Council Meeting Minutes.
11. Motion to allow use of John C. Fremont Park on Thursdays in June, 2020 from 6:30 pm – 9:30 pm for Concerts in the Park. Motion made by Yerger, seconded by Kuhns to amend to require CCVID-19 release. Voting Aye: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Motion made by Jacobus, seconded by Yerger to allow use of John C. Fremont Park on Thursdays in June, 2020 from 6:30 pm – 9:30 pm for Concerts in the Park as amended. Voting Aye: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
12. Motion to authorize Mayor to sign Deed of Reconveyance completing CDBG Loan payments(s): 130 Jefferson Road

13. Motion to authorize Mayor to sign Deed of Reconveyance completing CDBG Loan payments(s): 2125 N Clarkson
14. Motion to authorize Mayor to sign Deed of Reconveyance completing CDBG Loan payments(s): 348 E 20th
16. Motion to approve Masonic Home Agreement for Police Department housing related to COVID-19
17. Resolution 2020-074 authorizing execution of the Utility Agreement with the Nebraska Department of Transportation for Water and Electrical Relocations for the Fremont Southeast Bypass
18. Resolution 2020-075 authorizing the renewal of software support with GeoComm, Inc. Motion made by Jacobus, Seconded by Jensen to continue the item to the April 28, 2020 City Council Meeting. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.
19. Resolution 2020-076 amending the Master Fee Schedule to update description - New Residential Underground Electric Service Connection Fee
20. Resolution 2020-077 authorizing the Mayor to execute an agreement with Big River Trucking for Biosolids hauling
21. Consider the recommendation of the Mayor to re-appoint three members to terms on the Planning Commission ending April 30, 2023. Motion made by Jensen, Seconded by Kuhns to appoint Dev Sookram to the Planning Commission for a term ending April 30, 2023. Voting Yea: Ellis, McClain, Jensen, Legband, Bechtel, Kuhns Voting Nay: Yerger, Jacobus. Motion carried. Motion made by Jacobus, Seconded by McClain to appoint Steve Landholm to the Planning Commission for a term ending April 30, 2023. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried. Motion made by McClain, Seconded by Jacobus to appoint Jarod Borisow to the Planning Commission for a term ending April 30, 2023. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.
22. Motion with regard to concrete/excavate license application, BKS Cable

**UNFINISHED BUSINESS:** Requires individual associated action

23. Ordinance 5531 for a text change to section 11-502.02; 11-504.02 D; and 11-920 "C Terms" of the UDC to define cemetery, permit it as a limited use in R, SR, AR and UR districts and to stipulate conditions under which it is allowed (second reading). Motion made by Yerger, Seconded by Kuhns to hold second reading of Ordinance 5531. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. City Clerk provided second reading.
24. Ordinance 5518 repealing and replacing Chapter 3, Article 7 Section 3-701 of the Fremont Municipal Code titled Municipal Library; operation and funding (final reading). Motion made by Yerger, Seconded by Jacobus to continue the item indefinitely. Voting Yea: Yerger, Ellis, Jensen, Jacobus Voting Nay: McClain, Legband, Bechtel, Kuhns. Motion failed. Motion made by McClain, Seconded by Kuhns to hold final reading of the Ordinance. Voting Yea: Getzschman, McClain, Legband, Bechtel, Kuhns

Voting Nay: Yerger, Ellis, Jensen, Jacobus. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Voting Yea: Getzschman, McClain, Legband, Bechtel, Kuhns Voting Nay: Yerger, Ellis, Jensen, Jacobus. Motion carried, Ordinance 5518 approved.

**NEW BUSINESS:** Requires individual associated action

27. Resolution 2020-079 for schedule of assessments levying a special tax and assessments for Sanitary Sewer District No. SD-704-18. Motion made by Jacobus, Seconded by Yerger to approve Resolution 2020-079. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.
29. Resolution 2020-083 regarding architectural contract for the design of the Joint Law Enforcement Center. Motion made by Jacobus, Seconded by Jensen to continue the item until after it is considered by Dodge County. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Jacobus Voting Nay: Kuhns. Motion carried.
30. Resolution 2020-080 to declare the City's intent to reimburse expenses from bond proceeds. Motion made by Jensen, Seconded by Jacobus to approve Resolution 2020-080. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.
31. Resolution 2020-081 accepting and awarding the bid to Yong Construction, Inc. for the construction of the Luther Road South project. Motion made by Jacobus, Seconded by Jensen to continue the item to the April 28, 2020 City Council Meeting. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.

**ADJOURNMENT**

Motion made by Jacobus, Seconded by Legband to adjourn; time: 12:35 AM. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.

APPROVED AND ACCEPTED AS THE OFFICIAL COPY OF THE FREMONT, NEBRASKA Board of Equalization, Community Development Agency & Regular City Council Meeting Minutes for April 21, 2020.

  
Tyler Ficken, City Clerk

  
Scott Getzschman, Mayor