



CITY OF FREMONT NEBRASKA

CITY COUNCIL MEETING MINUTES

January 28, 2020

City Council Chambers 400 East Military, Fremont NE

REGULAR MEETING – 7:00 P.M.

PUBLIC COMMENT – 6:30 P.M.

REGULAR MEETING:

1. Meeting called to order. Mayor Getzschman opened the Public Comment period and comments were made. Five people spoke and the topic included the Dodge County Humane Society; one written comment was received regarding the Dodge County Humane Society. 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, Yerger, Jensen, Jacobus and Legband present. 8 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 January 28, 2020 Regular Meeting. Council Member Jacobus moved, seconded by Council Member Yerger to move items 35, 36, 29, 37, 38, 43 and 44 to before the Consent Agenda in that order. Ayes: Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Nays: Bechtel, McClain. Motion carried. Council Member Ellis moved, seconded by Council Member Yerger to move item 28 to after item 42. Ayes: Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus. Nays: McClain, Legband. Motion carried. Council Member Yerger moved, seconded by Council Member Ellis to move item 45 to the first item under Unfinished Business. Ayes: Ellis, Kuhns, Bechtel, Yerger, Jacobus. Nays: Legband, Jensen, McClain. Motion carried. Council Member Yerger moved, seconded by Council Member Jacobus to adopt agenda for January 28, 2020 Regular Meeting as amended. Ayes: Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Nay: McClain. Motion carried.

PUBLIC HEARINGS:

5. Ordinance 5522 for a Change of Zone from R, Rural to PD, Planned Development to develop up to 290 multifamily dwelling units, 113 attached single family units consisting of duplex, triplex and row house designs along with commercial uses known as Bluestem Commons property generally located at the southwest corner of Luther Road and County Road T. Council Member Jensen moved, seconded by Council Member Legband to continue the item indefinitely. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
6. Resolution 2020-002 for a Preliminary Plat generally consisting of 5 multifamily residential lots, 2 commercial lots, and 113 attached single family lots and 3 out lots for Bluestem Commons property generally located at the southwest corner of Luther Road and County Road T. Council Member McClain moved, seconded by Council Member Legband to continue the item indefinitely. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

7. Resolution 2020-003 for a Final Plat generally consisting of 2 out lots, 63 attached single family, and 3 multifamily lots for Bluestem Commons property generally located at the southwest corner of Luther Road and County Road T. Council Member McClain moved, seconded by Council Member Jensen to continue the item indefinitely. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
35. Resolution 2019-209/2020-011 consider City Council Meeting Agenda Policy. Council Member Yerger moved, seconded by Council Member Ellis to amend the policy item 1d to add the Mayor or a member of Council, and to change sixth to fourth in the fourth paragraph. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus, Legband. Nay: Kuhns. Motion carried. Council Member Jacobus moved, seconded by Council Member Yerger to approve Resolution 2019-209 as amended. Ayes: Ellis, Kuhns, Yerger, Jensen, Jacobus. Nay: McClain, Bechtel, Legband. Motion carried.
36. Ordinance 5524 amending Chapter 9 – Fee Schedule - Appendix A of the Fremont Municipal Code. Council Member Yerger moved, seconded by Council Member Ellis to amend the Ordinance fee schedule Appendix A line for commercial grading to residential/commercial grading. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Jacobus moved, seconded by Council Member Kuhns to introduce and hold first reading of the Ordinance as amended. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided first reading. Council Member Jensen moved, seconded by Council Member Legband to suspend the rules and hold final reading of the Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Ordinance 5524 is approved.
29. Ordinance 5525 pertaining to the sale and conveyance of real estate to Travis J. Bird and Molly J. Bird. Council Member Kuhns moved, seconded by Council Member Jensen to introduce and hold first reading of the Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided first reading.
37. Council Member Jacobus Item - Discussion and Motion to entertain and approve authorization of the City Attorney to draft a letter of inquiry and complete the requisite forms required to obtain a formal written opinion from the Nebraska Accountability and Disclosure Commission regarding the Mayor's potential conflict of interest in the participation, discussion, advocacy and the casting of the deciding vote in the passage of Ordinance 5507, which was a conditional requirement of Resolution 2019-229. No action was taken.
38. Council Member Yerger Item - Discussion of the Ordinance 5507 implementation process, requisite actions and a motion that would clarify, assure accuracy and/or correct any procedural malfeasance in regard to the passage and final language of Ordinance 5507, as amended at the November 26, 2019 Council meeting. Council Member Yerger moved, seconded by Council Member Legband to consider the item complete in its entirety with the acceptance of item #10 correction to the minutes. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
43. Resolution 2020-024 for Sale of City property rights for Hwy 77, Southeast Beltway. Council Member Legband moved, seconded by Council Member Yerger to approve Resolution 2020-024. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
44. Resolution 2020-025 for Sale of City property rights for Hwy 77, Southeast Beltway. Council Member Yerger moved, seconded by Council Member Legband to approve Resolution 2020-025. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

CONSENT AGENDA: Council Member McClain moved, seconded by Council Member Jensen to approve Consent Agenda items 8-14, 17 and 18. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

8. Motion to approve January 15, 2020 through January 28, 2020 claims and authorize checks to be drawn on the proper accounts (staff report)
9. Dispense with and approve January 14, 2020 City Council Meeting and Community Development Agency Minutes
10. Motion to amend November 26, 2019 Minutes to correct an error in Item #21 (staff report)
11. Motion authorizing Mayor to sign Deed of Reconveyance, Knosp, 426 E. 10th Street (staff report)
12. Motion authorizing Mayor to sign Deed of Reconveyance, Voorhies, 922 N. D Street (staff report)
13. Receive Greater Fremont Development Council Quarterly Report
14. Approve a motion authorizing the Mayor to sign the Memorandum of Understanding with the International Association of Firefighters Local 1015 regarding Dues Checkoff (staff report)
17. Receive December 23, 2019 Traffic Committee Report and approve Resolution 2020-021 to place stop signs at several locations (staff report)
18. Resolution 2020-013 to submit an application to the Arbor Day Foundation for Tree City USA recognition (staff report)

ITEMS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION:

15. Motion authorizing the Mayor to appoint Stan Darling to the Planning Commission and reappoint to the Housing Authority. Council Member Yerger moved, seconded by Council Member Legband to reappoint Stan Darling to the Housing Authority. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Yerger moved, seconded by Council Member Jacobus to continue the Planning Commission appointment to the next City Council Meeting. Ayes: McClain, Ellis, Bechtel, Yerger, Jensen, Jacobus. Nays: Kuhns, Legband. Motion carried.
16. Resolution 2020-012 to accept the Master Service Agreement with CenturyLink for the upgrade of the VIPER 911 system. Council Member Legband moved, seconded by Council Member Kuhns to approve Resolution 2020-012. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, McClain, Legband. Abstention: Yerger. Motion carried.
19. Resolution 2020-014 authorizing the Fremont Department of Utilities Staff to purchase a replacement AT40GW Aerial Device from ALTEC Industries Incorporated through Sourcewell. Council Member Yerger moved, seconded by Council Member Jacobus to amend the last paragraph of the Resolution that says now therefore be it resolved that accept the recommendation of the Utility and Infrastructure Board be struck and stated to be that the City Council authorizes the City staff to purchase. Ayes: Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus. Nays: McClain, Legband. Motion carried. Council Member Jacobus moved, seconded by Council Member Yerger to approve Resolution 2020-014 as amended. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
20. Resolution 2020-015 authorizing the Fremont Department of Utilities Staff to purchase a Bobcat E35 Compact (Mini) Excavator from Bobcat Company through Sourcewell. Council Member Yerger moved, seconded by Council Member Jensen to amend the last paragraph of the Resolution that says now therefore be it resolved that accept the recommendation of the Utility and Infrastructure Board be struck and stated to be that the Mayor and City Council authorizes the City staff to purchase. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus. Nay: Legband. Motion carried. Council Member Jensen moved, seconded by Council Member Jacobus to approve Resolution 2020-015 as amended. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.

21. Resolution 2020-016 authorizing the Purchase 225,000 Tons of nominal 8,800 Btu/Ultra Low Sulfur Coal per year for 2020 and 2021 for Lon D. Wright, Power Plant. Council Member Yerger moved, seconded by Council Member Legband to approve Resolution 2020-016. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
22. Resolution 2020-017 authorizing a One Year Support Agreement with Honeywell for Lon D. Wright Power Plant Control System. Council Member Yerger moved, seconded by Council Member McClain to approve Resolution 2020-017. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
23. Resolution 2020-018 authorizing the Renewal of the Quicklime Reagent Supply Agreement with Mississippi Lime for Lon D. Wright, Power Plant. Council Member Yerger moved, seconded by Council Member Kuhns to approve Resolution 2020-018. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
24. Resolution 2020-019 authorizing a three year Support Agreement with Siemens for the Induced Draft Fan Variable Frequency Drive at the Lon D. Wright Power Plant. Council Member Kuhns moved, seconded by Council Member Jacobus to approve Resolution 2020-019. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
25. Resolution 2020-020 of the City Council of the City of Fremont, Nebraska, authorizing the scaffolding rental, installation and removal for Unit #8 Boiler evaluation. Council Member Yerger moved, seconded by Council Member Jacobus to approve Resolution 2020-020. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
26. Motion authorizing the purchase of TimeClock Plus software and hardware. Council Member Kuhns moved, seconded by Council Member Jensen to approve purchase of TimeClock Plus software and hardware. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
27. Motion to make annual payment to Kris Kobach for professional legal services. Council Member Yerger moved, seconded by Council Member Jensen to make annual payment to Kris Kobach for professional legal services. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jacobus, Legband. Nay: Jensen. Motion carried.

UNFINISHED BUSINESS: requires individual associated action

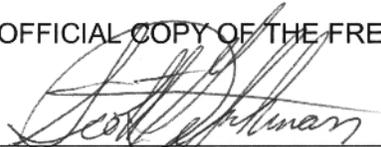
45. Resolution for Implementation of City Council Policy for Prayer before Council Meetings. Council Member Yerger moved, seconded by Council Member Bechtel to continue the item to the February 25, 2020 City Council Meeting. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jacobus, Legband. Nay: Jensen. Motion carried.
30. Ordinance 5518 repealing and replacing Chapter 3, Article 7 Section 3-701 of the Fremont Municipal Code titled Municipal Library; operation and funding. Council Member Yerger moved, seconded by Council Member Jacobus to the February 25, 2020 City Council Meeting. Ayes: McClain, Ellis, Kuhns, Bechtel, Yerger, Jensen, Jacobus, Legband. Motion carried.
 - a. Council Member Yerger Item – Ordinance 5518 repealing and replacing Chapter 3, Article 7, - Library including Sections 3-701 to 3-707
31. Ordinance 5517 to create a clean energy assessment district; the establish definitions; to provide for the financing, administration, and collections, to promote energy efficiency improvements and renewable energy systems known as Property Assessed Clean Energy (PACE) District. Council Member Kuhns moved, seconded by Council Member Legband to approve third and final reading of the Ordinance. Ayes: McClain, Ellis, Kuhns, Bechtel, Jensen, Legband. Nay: Yerger, 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. Nay: Yerger. Ordinance 5517 is approved.

46. Adjournment. Moved by Council Member Bechtel, seconded by Council Member Legband to adjourn the meeting. Ayes: McClain, Kuhns, Bechtel, Legband, Getzschman. Nays: Ellis, Yerger, Jensen, Jacobus. Motion carried. Meeting adjourned at 10:58 p.m.

APPROVED AND ACCEPTED THIS 11TH DAY OF FEBRUARY AS THE OFFICIAL COPY OF THE FREMONT, NEBRASKA CITY COUNCIL MINUTES FOR JANUARY 28, 2020.


Tyler Ficken, City Clerk


Scott Getzschman, Mayor

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

