



CITY OF FREMONT NEBRASKA

BOARD OF EQUALIZATION & REGULAR CITY COUNCIL MEETING MINUTES
September 29, 2020 - 6:30 PM
City Council Chambers 400 East Military, Fremont NE

BOARD OF EQUALIZATION MINUTES

7:00 PM

MEETING CALLED TO ORDER. Mayor Getzschman called the Board of Equalization 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 McClain, Ellis, Bechtel, Yerger, Jacobus, Legband, Kuhns, and Jensen present. 8 members present.

1. Resolution 2020-189 to levy a special tax and assessment against Jensens PT W1/2 Frac Blk 21 in the amount of \$405.85 for debris/weed cleanup (ARG Property Grp Inc.) Motion made by Yerger, Seconded by Legband to approve Resolution 2020-189. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.
2. Resolution 2020-190 to levy a special tax and assessment against Morrells W1/2 Lots 7 & 8 BLK 33 in the amount of \$592.98 for debris/weed cleanup (GOF House LLC) Motion made by Jensen, Seconded by Kuhns to approve Resolution 2020-190. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.

ADJOURNMENT. Motion made by McClain, seconded by Kuhns to adjourn; time: 7:04 P.M. Voting Yea: Yerger, Ellis, McClain, Legband, Bechtel, Jacobus, Kuhns, Jensen. Motion carried.

CITY COUNCIL REGULAR MEETING MINUTES

MEETING CALLED TO ORDER. Following the pledge of Allegiance, 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, Bechtel, Yerger, Jacobus, Legband, Kuhns, and Jensen 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 September 29, 2020 Regular Meeting
Motion made by Yerger, seconded by Jacobus to move item #16 the first item under new business. Voting Yea: Yerger, Ellis, Legband, Jacobus Voting Nay: McClain, Jensen, Bechtel, Kuhns. Motion failed. Motion made by Jacobus, Seconded by Yerger to move item #12 to the end of the agenda. Voting Yea: Yerger, Ellis, Jacobus Voting Nay: McClain, Jensen, Legband, Bechtel, Kuhns. Motion failed. Motion made by McClain, Seconded by Kuhns to adopt the current agenda for the September 29, 2020 Regular Meeting. Voting Yea: McClain, Jensen, Legband, Bechtel, Kuhns Voting Nay: Yerger, Ellis, 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 made by McClain, Seconded by Legband to approve the consent agenda items 2, 3, 5, 8 and 9. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.

2. Motion to approve September 9, 2020 through September 29, 2020 claims and authorize checks to be drawn on the proper accounts
3. Dispense with and approve September 8, 2020 City Council Meeting Minutes
4. Resolution 2020-191 to approve application for new liquor license manager of John Fritz, ALDI Inc., dba ALDI #11, 3650 Elk Lane, Fremont, Nebraska. Motion made by Legband, seconded by McClain to approve Resolution 2020-191. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Kuhns, Jacobus Voting Abstaining: Bechtel. Motion carried.
5. Motion to approve Cement/Asphalt/Excavate license application of Cleary Shamrock Full Property Services
6. Resolution 2020-192 to approve C-R Menn Concrete, LLC. Final Acceptance of Project of the 2020 Pavement Rehab Project by authorizing the Mayor to sign Final Pay Application No. 7 and Final Change Order. Motion made by Jacobus, Seconded by Legband to approve Resolution 2020-192. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.
7. Resolution 2020-193 authorizing Mayor to sign Nebraska Department of Transportation agreement for Transportation Planning Assistance to partially fund (75%) the update of the City's Long Range Transportation Plan, and appoint Jennifer Dam as Responsible Charge. Motion made by Jacobus, Seconded by Yerger to approve Resolution 2020-193. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.
8. Receive and file Keep Fremont Beautiful annual report
9. Mayor Getzschman item - Motion authorizing the City Clerk to sign Special Designated License Local Recommendation form for event for First National Bank - Chamber Business After Hours

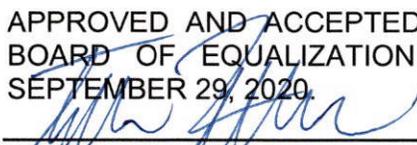
NEW BUSINESS: Requires individual associated action

10. Resolution 2020-194 to approve "90% Plans and Right of Way (ROW) Cost Estimate", for the Fremont, Rawhide Trail Project, and authorizing Mayor to sign Resolution as provided by the State. Motion made by Legband, Seconded by Kuhns to approve Resolution 2020-194. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.
11. Motion to authorize Mayor to sign agreement for Project Contracting/Payment Process & Operation & Maintenance for Platte River Breach Repair Project (Rod & Gun Club) Motion made by Yerger, seconded by Ellis to amend paragraph four of the agreement before City Council approves it to allow the City Attorney to update the Agreement to include 501c3 language and to table the item until Dodge County has approved the updated agreement. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Jacobus. Voting Nay: Kuhns. Motion carried.
12. Council Member Legband item – Motion to dissolve the temporary Animal Control Citizen Advisory Board (ACCAB), receive report on findings of the ACCAB, and refer the report to City legal counsel to draft a proposal to the Dodge County Humane Society for possible action. Motion made by Yerger, seconded by Jacobus to invoke the Fremont Municipal Code Section 2-108(18) rule to suspend Section 2-108 (14), (15), and (16) rules for this item. Voting Yea: Yerger, Ellis, Jensen, Jacobus Voting Nay: McClain, Legband, Bechtel, Kuhns. Motion failed. Motion made by Jacobus, seconded by Ellis to receive two emails into the record. Voting Yea: Yerger, Ellis, McClain, Jensen, Bechtel, Kuhns, Jacobus Voting Nay: Legband. Motion carried. Motion made by Yerger, seconded by Ellis to table the item. Voting Yea: Yerger, Ellis, Jacobus Voting Nay: McClain, Jensen, Legband, Bechtel, Kuhns. Motion failed. Motion made by Legband, seconded by Jacobus to dissolve the temporary Animal Control Citizen Advisory Board, refer the findings to legal and draft a proposal to the Dodge County Humane Society for possible action. Voting Yea: McClain, Jensen, Legband, Bechtel, Kuhns Voting Nay: Yerger, Ellis, Jacobus. Motion carried.
13. Motion to approve interlocal agreement, and agreement for sales and purchase of water to Cedar Bluffs. Motion made by Kuhns, Seconded by Legband to approve interlocal agreement, and agreement for sales and purchase of water to Cedar Bluffs. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.
14. Council Member Ellis item - Resolution 2020-195 to serve notice and terminate the City's Animal Control Contract with the Dodge County Humane Society. Motion made by Jacobus, Seconded by Yerger to approve Resolution 2020-195. Voting Yea: Yerger, Ellis, McClain, Jacobus. Voting Nay: Jensen, Legband, Bechtel, Kuhns. Motion failed.
15. Council Member Ellis item - Motion to require the City to prepare and publish a Request for Proposal (RFP), for the purpose of soliciting animal control services on behalf of the City of Fremont. Motion made by Ellis, Seconded by Yerger to continue the item. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.
16. Council Member Yerger item - Motion to invoke the Fremont Municipal Code Section 2-108 (18) rule to suspend Section 2-108 (14), (15), and (16) rules for all agenda items involving the City's Animal Control Contract, the Dodge County Humane Society and the City's Animal Control – Citizens Advisory Board. No action was taken.

17. Council Member Yerger item - Motion to acknowledge stated non-participative intent and accept implied resignations from the Animal Control – Citizens Advisory Board for members - Shanahan, Kracl, Pence and Stewart. Motion made by McClain, Seconded by Yerger to continue the item for two weeks. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.
18. Council Member Yerger item - Motion to reaffirm the remaining Animal Control – Citizens Advisory Board members (Platt, Homan, Kempenar and Eaton) and their ongoing / continued efforts to complete the investigation of requested and outstanding materials/data, as well as their assessment of any and all associated and potential Animal Control Contract violations per Resolution 2020-101. Motion made by McClain, Seconded by Yerger to continue the item to allow for the gathering of documents to be held until the next meeting and reformat the language of the item for two weeks. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.
19. Council Member Yerger item - Motion to require the City Attorney to draft the Animal Control Board's requests for information and data approved at, or listed on, the Animal Control – Citizens Advisory Board agenda for September 16, 2020; as well as to compel responses to all outstanding requests from those who have failed to provide timely responses to earlier Animal Control – Citizens Advisory Board's requests for information and data, so that all requested information can be evaluated, and any associated findings can be appended to earlier Board findings and reporting, in order to complete the public record. Motion made by Yerger, seconded by Jacobus to amend the motion to include directing the City Attorney to receive Department of Agriculture inspection report for Dodge County Humane Society, and apply pressure to receive copy of ombudsman report from the State of Nebraska dealing with this investigation and the Dodge County Humane Society. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried. Motion made by Yerger, Seconded by Jacobus to require the City Attorney to draft the Animal Control Board's requests for information and data approved at, or listed on, the Animal Control – Citizens Advisory Board agenda for September 16, 2020; as well as to compel responses to all outstanding requests from those who have failed to provide timely responses to earlier Animal Control – Citizens Advisory Board's requests for information and data, so that all requested information can be evaluated, and any associated findings can be appended to earlier Board findings and reporting, in order to complete the public record as amended. Voting Yea: Yerger, Ellis, McClain, Jensen, Legband, Bechtel, Kuhns, Jacobus. Motion carried.

ADJOURNMENT. Motion made by Jacobus, seconded by Legband to adjourn; time: 11:22 P.M. Voting Yea: Yerger, Ellis, McClain, Legband, Bechtel, Jacobus, Kuhns, Jensen. Motion carried.

APPROVED AND ACCEPTED AS THE OFFICIAL COPY OF THE FREMONT, NEBRASKA BOARD OF EQUALIZATION & REGULAR CITY COUNCIL MEETING MINUTES FOR SEPTEMBER 29, 2020.


Tyler Ficken, City Clerk


Scott Getzschman, Mayor