

# **NORTH BROAD STREET REDEVELOPMENT AREA**

**ADOPTED BY FREMONT CITY COUNCIL  
ON NOVEMBER \_\_, 2017**

**Blight and Substandard Determination  
Study prepared by Northeast Nebraska  
Economic Development District on  
October 16, 2017**



## **North Broad Street Redevelopment Area**

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## **Executive Summary**

The purpose of this study is to determine if all or part of the designated “North Broad Street Redevelopment Area” which is more or less 265 acres, has deteriorated and become substandard and blighted according to the Community Development Law established in Nebraska Statute 18-2102. The study area meets the substandard and blighted criteria as defined by section 18-2103(10) and 18-2103(11) of the Nebraska Community Development Law; therefore, the area has been determined to be blighted and substandard.

“The City of Fremont, Nebraska is a city of the first class. Pursuant to Section 18-2103 of the Nebraska Community Development Law, a city of the first class may not designate more than thirty-five percent (35%) of the city as blighted. The North Broad Street Redevelopment Area consists of approximately 265 acres, which is currently located outside the corporate limits of the City of Fremont but will be annexed as a part of this project. Upon designation of the North Broad Street Redevelopment Area as blighted and substandard, the City of Fremont will have designated a total of 1,905 acres both within and outside the corporate limits of the City of Fremont as blighted and substandard. This constitutes 28.51% of the area of the corporate limits of the City of Fremont, in compliance with the Nebraska Community Development Law.” (See Exhibit 3 for map of existing blighted areas)

## **Community Development Law**

18-2102. Community Development Law; purpose. It is hereby found and declared that there exist in cities of all classes and villages of this state areas which have deteriorated and become substandard and blighted because of the unsafe, unsanitary, inadequate, or overcrowded condition of the dwellings therein, or because of inadequate planning of the area, or excessive land coverage by the buildings thereon, or the lack of proper light and air and open space, or because of the defective design and arrangement of the buildings thereon, or faulty street or lot layout, or congested traffic conditions, or economically or socially undesirable lands uses. Such conditions or a combination of some or all of them have resulted and will continue to result in making such areas economic or social liabilities harmful to the social and economic well-being of the entire communities in which they exist, needlessly increasing public expenditures, imposing onerous municipal burdens, decreasing the tax base, reducing tax revenue, substantially impairing or arresting the sound growth of municipalities, aggravating traffic problems, substantially impairing or arresting the elimination of traffic hazards and the improvement of traffic facilities, and depreciating general community-wide values. The existence of such areas contributes substantially and increasingly to the spread of disease and crime, necessitating excessive and disproportionate expenditures of public funds for the preservation of the public health and safety, for crime prevention, correction, prosecution, punishment and the treatment of juvenile delinquency, and for the maintenance of adequate police, fire, and accident protection and other public services and facilities. These conditions are beyond remedy and control solely by regulatory process in the

exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids herein provided. The elimination of such conditions and the acquisition and preparation of land in or necessary to the renewal of substandard and blighted areas and its sale or lease for development or redevelopment in accordance with general plans and redevelopment plans of communities and any assistance which may be given by any state public body in connection therewith are public uses and purposes for which public money may be expended and private property acquired. The necessity in the public interest for the provisions of the Community Development Law is hereby declared to be a matter of legislative determination.

18-2103(10). Substandard areas shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and over-crowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare.

18-2103(11). Blighted area shall mean an area, which (a) by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe condition, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or contributes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use, and (b) in which there is at least one of the following conditions; (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) that the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred per cent of the village as blighted.

## Objective Criteria

State statute establishes a series of five quantitative or “objective” criteria. An area must meet at least one of these initial criteria.

- ***Underemployment.*** The qualifying condition is an unemployment rate in the designated area that is at least 120% of the state or national average. Block group data from the 2010 Census, as well as subsequent geographic area studies available through the Nebraska Department of Labor, were utilized to determine qualifying areas under this standard.
- ***Average age of residential or commercial units in the area.*** The qualifying condition is an average age that is at least forty (40) years old.
- ***Per capita income.*** The qualifying condition is a per capita income for the area that is lower than the average per capita income of the municipality in which the area is designated. Block group data from the 2010 Census was utilized to indicate the presence of this criterion.
- ***Population.*** The qualifying condition is that the area has had either stable or decreasing population based on the last two decennial censuses. Block group data from 1990, 2000, and 2010 was examined to indicate the presence of this criterion.
- ***Unimproved land.*** Compliance with this standard involved examining the corporate limits and defining areas within those limits which remain unimproved. The qualification is if more than half of the plotted and subdivided property in the area has been within the city for forty years and has remained unimproved during that time.

## Subjective Criteria

If an area met one of the objective qualifying requirements, it would then be subject to further review under the “Subjective Criteria” section of the statute. If one or more of these qualifiers was met, the area in question was determined to be “blighted and substandard.” The subjective criteria include the following:

- A substantial number of deteriorated or deteriorating structures,
- The existence of defective or inadequate street layout,
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness,
- Unsanitary or unsafe conditions,
- Deterioration of site or other improvements,
- Diversity of ownership,
- Tax or special delinquency exceeding the fair value of the land,
- Defective or unusual conditions of title,
- Improper subdivision or obsolete platting,
- The existence of conditions which endanger life or property by fire and other causes, or
- Any combination of such factors that substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use.

## **The Study Area: North Broad Street Avenue Redevelopment Area**

A tract of land, with multiple parcels including an area of land located in Section 2, Township 17 North, Range 8 East of the 6<sup>th</sup> p.m. Dodge County, Nebraska, containing the following parcels: Dodge County Parcels 270103397, 270103404, 270103383, 270138336, and 270140194; lots 1,3, and 4 of a platted subdivision known as Fremont Travel Center; lots 1,3, and 4 of a platted subdivision known as Daubert Subdivision; lots 1,2, and 3 of a platted subdivision known as Prairie Acres 2<sup>nd</sup>; lot 1 of a platted subdivision known as J&L Subdivision; Dodge County tax lots 2, 5, 36, 63, 76, 81, 82, 87, 97, 98, 99, and 108; also including a tract of land with multiple parcels including an area of land in the Northwest (1/4) of Section 11, Township 17 North, Range 8 East of the 6<sup>th</sup> p.m. Dodge County, Nebraska, containing the following parcel: Dodge County tax lot 12; also including a tract of land with multiple parcels including an area of land in the South Half (1/2) of Section 35, Township 18 North, Range 8 East of the 6<sup>th</sup> p.m. Dodge County, Nebraska, containing the following parcels: lots 1,2, and 3 of a platted subdivision known as Nielsen's Subdivision; Dodge County Tax lots 21, 23, 24, 26, and 28.

(See Exhibit 1 page 9, map and Exhibit 2 page10, property list)

## **Substandard Area Criteria: Documentation of Qualifying Conditions**

### **1. Dilapidation or Deterioration**

The results of the field survey conducted on September 12, 2017 determined that of the total buildings assessed, 26 of the 35 were given ratings of fair, poor or dilapidated based upon signs of deterioration to the structure. This accounts for 68.58% of the total properties in the redevelopment area. ( See Exhibit 2, page 10, property condition table)

***The Dilapidation or Deterioration factor has a strong presence throughout the redevelopment area.***

### **2. Age or Obsolescence**

An analysis of property records available from the Dodge County Assessor's office and online at <http://www.dodge.gisworkshop.com> was conducted to document the age of buildings within the study area. There were 35 structures with an age listed. The average age of construction of those structures is 42.5 years, with 23 or 65.7% of the structures over 40 years of age. (See Exhibit 2, page 10, age of properties table)

***The Age or Obsolescence factor has a strong presence throughout the redevelopment area.***

### **3. Inadequate provision for ventilation, light, air, sanitation, or open spaces.**

*A field analysis was conducted and determined that this factor does not have a strong presence throughout the redevelopment area.*

### **4. Other conditions.**

- a. High density of population or over-crowding;
- b. The existence of conditions which endanger life or property by fire and other causes;

The presence of inadequate sidewalks and streets pose danger to pedestrian travel and inadequate streets endanger life and property by delaying or obstructing emergency response vehicles, among other risks.

**The Study Area does meet the existence of conditions that endanger life or property by fire and other causes criteria.**

c. Any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals, or welfare.

*A field analysis was conducted and determined that this factor does not have a strong presence throughout the redevelopment area.*

## **Blighted Criteria: Documentation of Qualifying Conditions**

### **1. A substantial number of deteriorated or deteriorating structures.**

A field analysis was conducted on September 12, 2017 to determine if parcels within the redevelopment area have significant combination of deteriorating factors present. The field survey included a detailed evaluation of the exteriors of the structures.

During analysis, the buildings were given a condition rating. The building condition rating is based on the following criteria:

**Dilapidated:** In need of more than one major repair, for example, to the roof, foundation, windows, and/or siding, etc. Severe visible damage to the foundation automatically leads to a classification of dilapidated. These structures are usually considered to be beyond rehabilitation.

**Poor:** Had multiple visible signs of deterioration, especially to the windows, siding, roof, and porch. Asbestos shingles/siding automatically leads to a classification of poor. Could be rehabilitated, but substantial cost would be involved.

**Fair:** Usually had at least one or more visible signs of deterioration to the windows, siding, roof, etc. Not a significant amount of damage, but some work would be required to list the building for top dollar.

**Average:** Structure had no substantial signs of building deterioration. However, cosmetic flaws were visible, such as outdated fixtures or very minor paint damage. This would require very little to no cost to sell the building for top dollar.

**Excellent:** Structure shows absolutely no signs of deterioration. No cosmetic flaws were visible. Only a very small percentage of structures will fall into this category.

Building Condition	Excellent	Average	Fair	Poor	Dilapidated
Total: 35	1	10	19	5	0

Of the total structures assessed, 23 of the 35 were given ratings of fair, poor or dilapidated based upon signs of deterioration to the structure. This accounts for 65.7% of the total properties in the redevelopment area. (See Exhibit 2, page 10, property condition table)

**The study area does meet the criteria of a substantial number of deteriorated or deteriorating structures.**

**2. The existence of defective or inadequate street layout.**

Development of vacant land within this study area has been inhibited by the lack of an established public street and sidewalk system. Approximately 130 acres in agricultural land which has development potential which would require the development of interior transportation infrastructure.

**The study area does meet the existence of defective or inadequate street layout criteria of blighted.**

**3. Faulty lot layout in relation to size, adequacy, accessibility or usefulness.**

*The study area does not meet the faulty lot layout in relation to size, adequacy, accessibility or usefulness criteria of blighted.*

**4. Unsanitary or unsafe conditions.**

*The study area does not meet the unsanitary or unsafe conditions criteria.*

**5. Deterioration of site or other improvements.**

The field survey evaluated the condition of site improvements. There is also the presence of inadequate sidewalks for pedestrian travel and streets for commercial vehicle traffic.

**The study area does meet the deterioration of site or other improvements criteria.**

**6. Diversity of ownership.**

*The study area does not meet the diversity of ownership criteria.*

**7. Tax or special delinquency exceeding the fair value of the land.**

*The study area does not meet the tax or special delinquency criteria.*

**8. Defective or unusual conditions of title.**

*The study area does not meet the defective or unusual conditions of title criteria.*

**9. Improper subdivision or obsolete platting.**

*The study area does not meet the faulty lot layout in relation to size, adequacy, and accessibility or usefulness criteria.*

**10. The existence of conditions that endanger life or property by fire and other causes.**

The presence of inadequate sidewalks and streets pose danger to pedestrian travel and inadequate streets endanger life and property by delaying or obstructing emergency response vehicles, among other risks.

**The Study Area does meet the existence of conditions that endanger life or property by fire and other causes criteria.**

**11. Any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime and is detrimental to the public health, safety, morals, or welfare in its present condition and use.**

*The study area does not meet the existence of a combination of other factors which are detrimental to the public health, safety, morals, or welfare in its present condition and use.*

**12. Is detrimental to the public health, safety, morals or welfare in its present condition and use; and in which there is at least one or more of the following conditions exist;**

**i) Unemployment.**

*The study area does not meet the criteria of unemployment.*

**ii) Average age of residential or commercial units in the area. The qualifying condition is an average age that is at least 40 years old.**

There are 35 commercial and residential structures within the redevelopment area which have dates of construction listed at the Dodge County Assessor's office. The average age for the properties in the area is 42.5 years. (See Exhibit 2, pages 10, age of properties table)

**The study area does meet the qualifying condition for average age.**

**iii) Unimproved land**

*The study area does not meet the criteria of unimproved land.*

**iv) Per capita income.**

*The study area does not meet the per capita income qualification.*

**v) Population.**

*The study area does not meet the criteria of decreasing population.*

## Conclusion

The purpose of this study is to determine if all or part of the designated study area is substandard and blighted. In order to make the determination of substandard and blighted, state statute establishes a series of criteria.

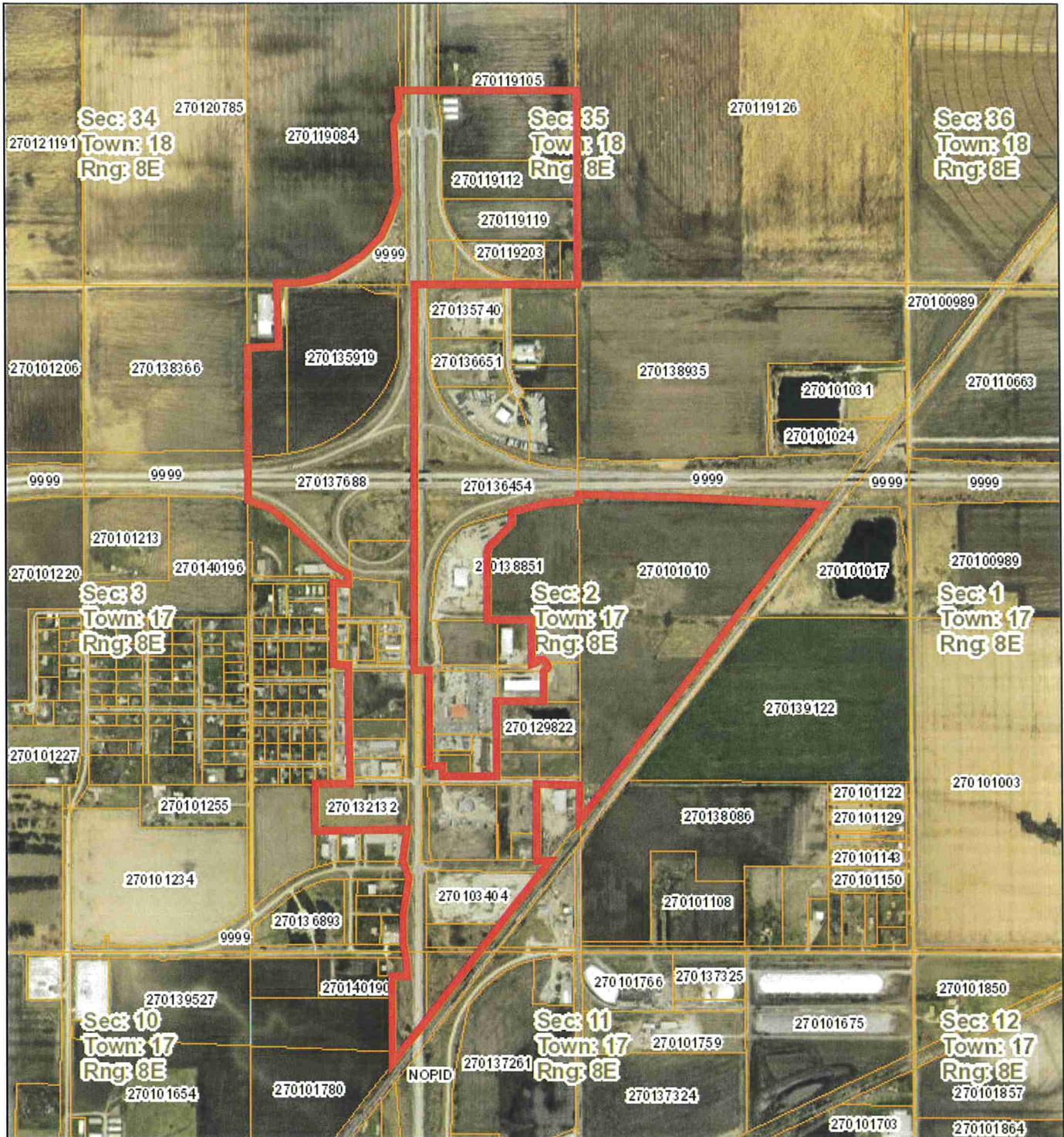
The Nebraska Community Development law identifies six factors substandard factors. A review of Dodge County Assessor's office property data and site inspection of the **North Broad Street Redevelopment Area** by Northeast Nebraska Economic Development District staff identified a presence of three substandard factors which have been met:

- 1) Dilapidation/deterioration.
- 2) Age or obsolescence.
- 4) (b) The existence of conditions which endanger life or property by fire and other causes.

The Nebraska Community Development law identifies sixteen blight factors. A review of Dodge County Assessor property data and site inspection of the **North Broad Street Redevelopment Area** by NENEDD staff identified a presence of four blight factors. If the area met at least one of the first eleven qualifying requirements, it would then be subject to review of item twelve in order to determine if the area meets at least one of the other five conditions required within the statute. In this instance, it has been determined that the following blighted criteria have been met:

- 1) A substantial number of deteriorated or deteriorating structures.
- 2) Existence of defective or inadequate street layout criteria.
- 5) Deterioration of site or other improvements.
- 10) The existence of conditions that endanger life or property by fire and other causes.
- 12) (ii) Average age of residential or commercial units in the area. The qualifying condition is an average age that is at least forty (40) years old.

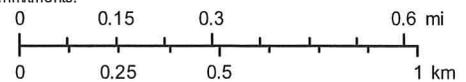
Having met the substandard and blighted criteria as defined by section 18-2103 (10) and 18-2103 (11) of the Nebraska Community Development Law, **this study has determined that the North Broad Street Redevelopment Area is both substandard and blighted under the provisions identified and the general plan as required.**



October 13, 2017 **DISCLAIMER:** This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

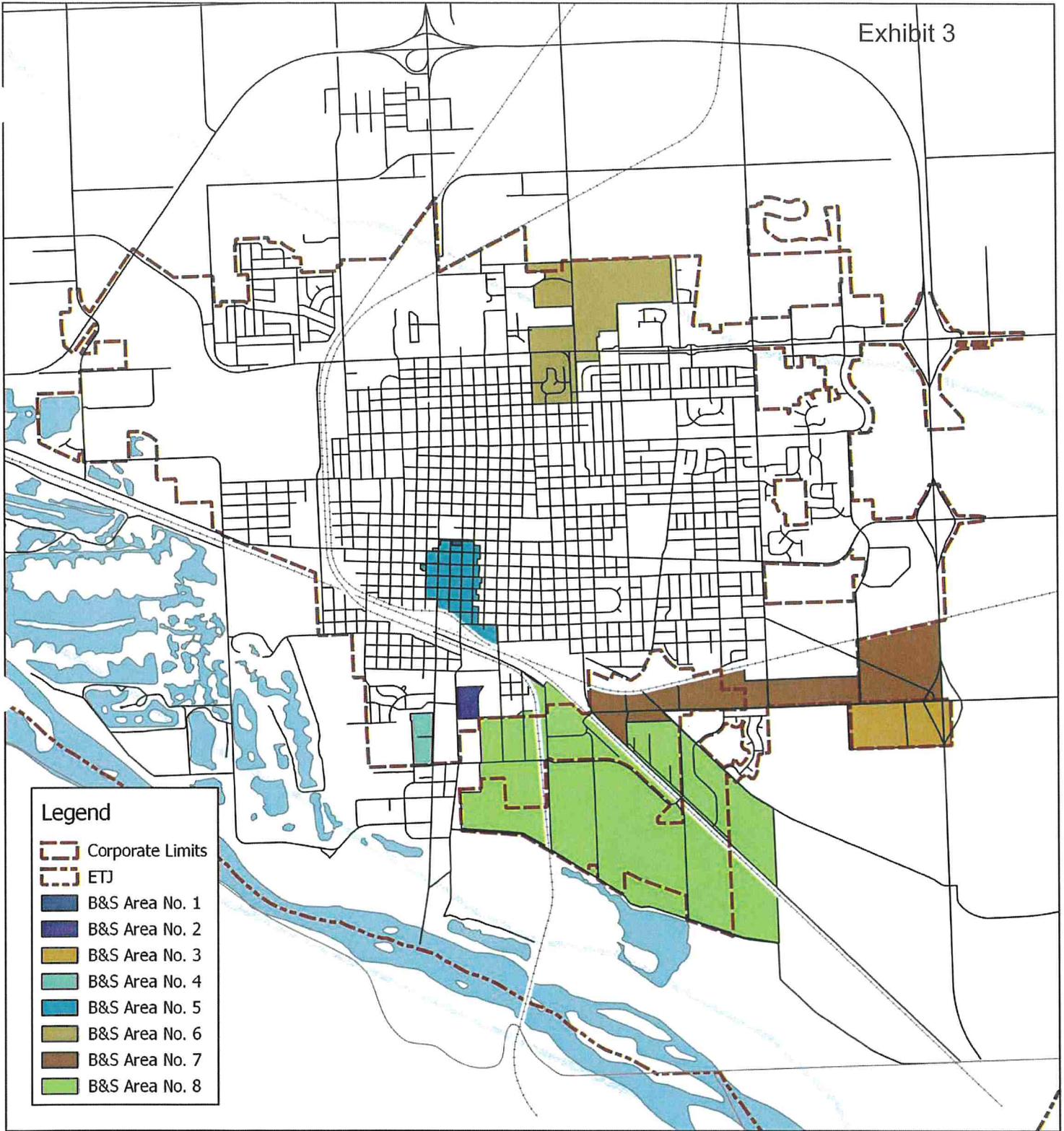
1:18,056

- Parcels
- Sections



**List of Property/Condition/Age of Structure**

Parcel ID	Structure Type/Condition		Year	Age	
270108731	house/garage	Fair	1900	117	Vacant Land
270103404	Farm Implement Shed	Poor	1950	67	270101010
270118552	house/garage	Good	1958	59	270101052
270119105	Farm Utility Arch-rib, Quon.	Poor	1958	59	270101066
270119105	Farm Utility Arch-rib, Quon.	Poor	1958	59	270101773
270119105	Farm Utility Arch-rib, Quon.	Poor	1958	59	270103397
270119196	garage	Fair	1960	57	270108738
270119196	house/garage	Good	1960	57	270119112
270109039	Storage Warehouse	Good	1962	55	270119119
270109025	Office Building	Fair	1965	52	270119203
270109025	Office Building	Fair	1965	52	270129808
270109025	Storage Warehouse	Poor	1965	52	270129815
270108752	Retail Store	Fair	1970	47	270129822
270109046	Storage Garage	Fair	1970	47	270135919
270109053	Storage Warehouse	Fair	1974	43	270136355
270109053	Storage Warehouse	Fair	1974	43	270136355
270109053	Storage Warehouse	Fair	1974	43	270136454
270108745	Storage Warehouse	Fair	1975	42	270136456
270103383	Service Repair Garage	Fair	1975	42	270136457
270103383	Service Repair Garage	Fair	1975	42	270137688
270103873	Storage Warehouse	Fair	1975	42	270138021
270103873	Office Building	Fair	1975	42	270138336
270108745	Retail Store	Good	1975	42	270138851
270109032	Storage Warehouse	Fair	1978	39	270138933
270109060	Storage Warehouse	Fair	1980	37	270139773
270132132	Storage Garage	Fair	1980	37	270139774
270132132	Church	Good	1980	37	
270109067	Storage Warehouse	Good	1990	27	
270108731	Retail Store	Good	1998	19	
270108731	Storage Warehouse	Good	1998	19	
270103887	Equipment (Shop) Building	Fair	2002	15	
270108745	Storage Warehouse	Fair	2003	14	
270108724	Office Building	Good	2005	12	
270108724	Office Building	Good	2005	12	
270103873	Equipment Storage Building (Obs.)	Excellent	2015	2	



Legend

-  Corporate Limits
-  ETJ
-  B&S Area No. 1
-  B&S Area No. 2
-  B&S Area No. 3
-  B&S Area No. 4
-  B&S Area No. 5
-  B&S Area No. 6
-  B&S Area No. 7
-  B&S Area No. 8



**CITY COUNCIL OF THE  
CITY OF FREMONT, NEBRASKA**

**RESOLUTION NO. 2017-282**

(Blight and Substandard Declaration – North Broad Street Redevelopment Area)

**A RESOLUTION OF THE CITY COUNCIL OF FREMONT, NEBRASKA,  
DECLARING A PORTION OF THE CITY OF FREMONT, NEBRASKA TO BE BLIGHTED  
AND SUBSTANDARD.**

**RECITALS**

A. It is desirable and in the public interest of the City of Fremont, a municipal corporation (the "City"), to undertake and carry-out redevelopment projects in areas of the City that are determined to be substandard and blighted and in need of redevelopment.

B. The Nebraska Community Development Law, Neb. Rev. Stat. §§ 18-2101 et. seq., as amended, prescribes the requirements and procedures for the planning and implementation of redevelopment projects.

C. On November 28, 2017, a meeting of the City Council of the City of Fremont, Nebraska, was held in order to conduct a hearing to determine whether a portion of the City should be declared to be substandard and blighted and in need of redevelopment, as defined in and pursuant to the Community Development Law.

D. A notice of public hearing was published on November 10, 2017, and November 17, 2017, which was at least ten (10) days prior to the time of the public hearing, which Notice of Public Hearing described the time, date, place, and purpose of the hearing, and specifically identified the area to be considered as substandard and blighted and in need of redevelopment.

E. At such meeting, the public hearing was conducted, all interested parties were afforded a reasonable opportunity to express their views respecting the designation of such area as substandard and blighted and in need of redevelopment, and the City Council reviewed and discussed a Blight and Substandard Determination Study conducted by Northeast Nebraska Economic Development District, dated October 16, 2017, a copy of which is on file with the City Clerk of the City of Fremont, Nebraska ("Blight and Substandard Study").

F. Prior to the meeting and public hearing, the City Council submitted the question of whether the area in question is substandard and blighted and in need of redevelopment to the Planning Commission of the City of Fremont for its review and recommendation, and the City Council reviewed and discussed recommendations received from the Planning Commission.

G. The City Council desires to determine whether the specific area is substandard and blighted and in need of redevelopment in accordance with the Nebraska Community Development Law.

NOW THEREFORE, be it resolved by the City of Fremont, Nebraska, that a certain portion of Fremont, identified in the Blight and Substandard Study and legally described on the attached Exhibit "A", which is incorporated by this reference (the "Redevelopment Area"), is hereby declared to be a substandard area in need of redevelopment pursuant to the Community Development Law, in that conditions that now exist in said area meet the criteria set forth in Neb. Rev. Stat. § 18-2103(10) as described and set forth in the Blight and Substandard Study received by the City; and

BE IT FURTHER RESOLVED, that the Redevelopment Area is hereby declared to be a blighted area in need of redevelopment pursuant to the Community Development Law, in that conditions now exist in said area which meet one or more of the factors set forth in Neb. Rev. Stat. § 18-2103(11)(a) and at least one of the factors set forth in (i) to (v) of Neb. Rev. Stat. § 18-2103(11)(b), as described and set forth in the Blight and Substandard Study received by the City; and

BE IT FURTHER RESOLVED, that such substandard and blighted condition is beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Community Development Law, and the elimination of said substandard and blighted condition under the authority of the Community Development Law is hereby found to be a public purpose declared to be in the public interest; and

BE IT FURTHER RESOLVED, that it is hereby found and determined that such substandard and blighted area is in need of redevelopment under the provisions of the Community Development Law.

DATED THIS 28<sup>th</sup> day of November, 2017.

CITY OF FREMONT, NEBRASKA

By:   
Mayor

ATTEST:

  
City Clerk



**Exhibit "A"**  
(Redevelopment Area)

4845-7318-9717, v. 1

# Staff Report

**TO:** Mayor and City Council  
**FROM:** Troy Anderson, Director of Planning  
**DATE:** November 28, 2017  
**SUBJECT:** Blight Study – North Broad Street

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**Recommendation:** 1) open the public hearing, 2) receive testimony, 3) close the public hearing, and 4) move to approve the resolution.

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**Background:** On October 13, 2017, a Blight and Substandard Study (“Study”), prepared by the Northeast Nebraska Economic Development District (“NeNEDD”), was received by the Office of Planning for the review and consideration of a blighted and substandard declaration for approximately 265 acres located along North Broad Street from the BNSF viaduct on the south, to the vicinity of County Road S on the north.

The reason for the study is to examine and evidence the condition of the study area, to determine whether the area meets the statutory requirements for designation as blighted and substandard, and recommend preparation of a redevelopment plan to provide financial incentives for development.

According to Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101 to 18-2144), cities of the first class may create a Community Development Agency (CDA), the authority of which may respond to, “areas which have deteriorated and become substandard and blighted because of the unsafe, insanitary, inadequate, or overcrowded condition of the dwellings therein, or because of inadequate planning of the area, or excessive land coverage by the buildings thereon, or the lack of proper light and air and open space, or because of the defective design and arrangement of the buildings thereon, or faulty street or lot layout, or congested traffic conditions, or economically or socially undesirable land uses.” (Op. cit. § 18-2102) In response to such conditions, the CDA, and subsequently the governing body of a municipality, “shall afford maximum opportunity... to the rehabilitation or redevelopment of the community redevelopment area by private enterprises... including the formulation of a workable program, the approval of community redevelopment plans... the exercise of its zoning powers, the enforcement of other laws, codes, and regulations, relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the providing of necessary public improvements.” (Op. cit. § 18-2104)

The Study, attached hereto and incorporated herein, has examined the designated study area and has found the area to be blighted and substandard. Based on their findings, NeNEDD, is recommending that study area be declared "Blighted and Substandard," as provided for in Nebraska Community Development Law, and that a redevelopment plan be prepared, making the area available for redevelopment activities.

By a vote of 9-0, the Planning Commission moved to receive the study and recommend approval of a Blight and Substandard designation for the Study Area at its regularly scheduled meeting November 20, 2017.

**Fiscal Impact:** N/A

CITY COUNCIL MEETING  
November 28, 2017  
7:00 p.m.

After the Pledge of Allegiance and Study Session, the Mayor called the meeting to order and stated a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas. Roll call showed Members McClain, Kuhns, Legband, Landholm, Jacobus, Schaller, Bechtel and Anderson present. 8 Members present.

Public Hearing for Community Development Block Grant 14-DTR-104 Downtown Revitalization Phase II. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comment.

Consider a request of Staff, to charge the planning commission with reconsidering a Zoning Change from R-1 Single-Family Residential to PD Planned Development for properties collectively referred to as Fremont Memorial Complex. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comment. Council Member Kuhns moved, seconded by Council Member Landholm to approve Resolution 2017-281. Roll call vote. Ayes: McClain, Kuhns, Legband, Landholm, Schaller, Anderson. Nays: Jacobus, Bechtel. Motion carried.

Public Hearing and Receive a study and consider a Blighted and Substandard designation for properties consisting of approximately 265 acres located in part of Sections 2 and 11, Township 17 North, and Section 35, Township 18 North, all in Range 8 East of the 6<sup>th</sup> P.M., Dodge County, Nebraska. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comment. Council Member Schaller moved, seconded by Council Member Anderson to approve Resolution 2017-282. Roll call vote: Ayes: Landholm, Kuhns, Schaller, Anderson, Getzschman. Nays: McClain, Legband, Jacobus, Bechtel. Motion carried. Council Member Schaller moved, seconded by Council Member Landholm to amend the Blighted and Substandard Study to include the language "the area is redevelopment" to replace "part of this project" in paragraph two of the Executive Summary. Roll call vote. Ayes: McClain, Legband, Landholm, Kuhns, Schaller, Anderson. Nays: Jacobus, Bechtel. Motion carried.

Moved by Council Member Jacobus seconded by Council Member Legband to approve items 8 through 9 and 11 through 13 Consent Agenda. Roll Call Vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried.

8. Dispense with and approve November 14, 2017 minutes
9. Resolution 2017-283 appointing Mark Vyhldal as the Fremont Street Superintendent for 2018
11. Resolution 2017-285 authorizing the Mayor to execute a one-year renewal contract with Engineered Controls for the library HVAC system monitor, in the amount of \$2,280
12. Appoint Linda McClain as Council Liaison to Friends of Fremont Parks for a term ending December 2020
13. Resolution 2017-285 authorizing Mayor to sign Comprehensive Annual Banner Permit with the Nebraska Department of Transportation

Move to approve November 15 through November 28, 2017 claims and authorize checks to be drawn on the proper accounts. Council Member Landholm moved, seconded by Council Member Kuhns to approve November 15 through November 28, 2017 claims and authorize checks to be drawn on the proper accounts. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried.

Resolution for final acceptance of construction for the 2017 Pavement Rehab Project and authorize the Mayor to sign Pay Application No.7 and Final Change Order. Council Member Schaller moved, seconded by Council Member Anderson to receive change order document. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried. Council Member Schaller moved, seconded by Council Member Legband to approve Resolution 2017-284. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried.

Resolution authorizing City Administrator to sign Acknowledgement of 2017 Refunding Bonds for Central Plains Energy Project. Council Member Landholm moved, seconded by Council Member Jacobus to approve Resolution 2017-287. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried.

Ordinance for amendment to Chapter 11 of the Fremont Municipal Code, pertaining to zoning and subdivision regulations, hereinafter referred to as the City's Unified Development Code. Council Member Schaller moved, seconded by Council Member Kuhns to approve an amendment to include 47 amendments to the Ordinance as discussed during the Study Session. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried. Council Member Jacobus moved, seconded by Council Member Legband to hold final reading of the Ordinance. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried. Ordinance 5427 passed.

Ordinance for amendment to Chapter 10 of the Fremont Municipal Code, pertaining to licensing requirements and regulations for adult establishments. Council Member Legband moved, seconded by Council Member Schaller to hold final reading of the Ordinance. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a vote on final reading. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried.

Resolution to adopt the definition of Disability for Community Development Block Grant 14-CR-003 Fair Housing Action. Council Member Jacobus moved, seconded by Council Member Schaller to table the item indefinitely. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried.

Resolution authorizing Letter Agreement Amendment #5 for traffic signal warrant evaluation study for intersection of Luther Road and Military Avenue. Council Member Landholm moved, seconded by Council Member McClain to approve Resolution 2017-288. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried.

Resolution authorizing Mayor to sign 23rd Street Viaduct Draft Environmental Assessment cover sheet. Council Member Legband moved, seconded by Council Member Anderson to approve Resolution 2017-

289. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried.

Resolution approving the proposed Keno Grant Application and Guidelines. Council Member Legband moved, seconded by Council Member Schaller to approve Resolution 2017-290. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried.

Resolution terminating the Declaration of Covenants, Conditions, and Restrictions for the Morningside North Business Park. Council Member Legband moved, seconded by Council Member Anderson to approve Resolution 2017-291. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried.

Consider request to build over-width driveway at 1360 Meadowlark Circle. Council Member McClain moved, seconded by Council Member Schaller to approve over-width driveway at 1360 Meadowlark Circle. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried.

Resolution authorizing Mayor to sign Gallery 23 Sanitary Improvement District Memorandum of Agreement. Council Member Legband moved, seconded by Council Member Anderson to amend the counterparty of the agreement from Gallery 23 to Dodge County SID #8. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried. Council Member Kuhns moved, seconded by Council Member Landholm to approve Resolution 2017-292. Roll call vote. Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried.

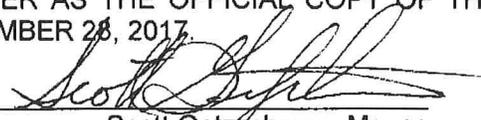
Reconsider Resolution to approve Estoppel Certificate for Cottonwood Wind Project. No action was taken.

Moved by Council Member Landholm seconded by Council Member Kuhns to adjourn the meeting. Roll call vote: Ayes: McClain, Anderson, Legband, Landholm, Jacobus, Kuhns, Schaller and Bechtel. Nays: none. Motion carried. Meeting adjourned at 10:05 p.m.

I, Tyler Ficken, the undersigned City Clerk, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by the members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meeting and the subjects to be discussed at said meeting and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

APPROVED AND ACCEPTED THIS 12TH DAY OF DECEMBER AS THE OFFICIAL COPY OF THE  
FREMONT, NEBRASKA CITY COUNCIL MINUTES FOR NOVEMBER 28, 2017

  
Tyler Ficken, City Clerk

  
Scott Getzschman, Mayor