

**CITY OF YUTAN
P.O. BOX 215 - 112 VINE ST.
YUTAN, NE 68073
(402) 625-2112**

A regular meeting of the Mayor and Yutan City Council was held at City Hall on February 16, 2021 at 7:00 p.m.

Meeting was called to order at 7:00 p.m. by Mayor Egr. Council Members Beck, Kelly, Peterson, and Thompson were present. Mayor Egr opened the meeting with the Pledge of Allegiance. Egr then informed all the individuals present of the location of the Open Meetings Act and Code of Conduct.

1) Consent Agenda:

a) A motion was made by Peterson and seconded by Thompson to approve the consent agenda: approve the minutes of the January 19th, 2021 regular meeting; accept the January Treasurer's Report as submitted; and authorize payment on all submitted claims. Upon roll call, vote was as follows: YEA: Beck, Kelly, Peterson, and Thompson. NO: None. Motion carried. Claims: Badger Meter \$165.54; Big Rig Repair \$483.00; BlackStrap \$5,474.94; Canon \$238.62; Cardmember Services \$507.83; Connie Kroksh \$284.53; Companion Life \$221.31; Credit Management Services \$369.71; ECS Tech \$321.00; Ed Schroeder \$6,750.00; First State Bank \$20.00; Gretna Sani \$150.00; HTR \$1,895.00; Int Rev \$4,809.40; Jennifer Josoff \$314.65; JEO \$2,645.00; Konecky \$69.03; LoNM \$1,185.00; Martin Marietta Materials \$807.10; MUD \$532.83; NE Dept. of Revenue \$1,727.49; One Call Concepts \$10.38; OPPD \$5,158.65; Payroll \$7,876.85; Publication Printing \$126.65; Sargent Drilling \$700.00; Scott Bailey \$80.18; SYNCB/AMAZON \$655.46; U.S.P.O. \$157.15; Vacanti Municipal Services \$2,500.00; Wahoo Newspaper \$456.07; Wiese Plumbing \$2,874.00; Yutan Trucking \$286.03; Insuf Chk \$66.47; Insuf Chk \$59.08.

2) Open Discussion from Public: Justin Sheldon of Vandennack Weaver signed up to speak but requested to be heard during the discussion of the proposed replat of Parcel #003878002.

3) Presentation from Guests

a) Al Vacanti summarized the strategic planning session he facilitated for the Mayor, Yutan City Council, and staff members on January 16th. A motion to approve Resolution 2021-4: Adoption of 2021 Strategic Plan was made by Peterson and seconded by Thompson. Upon roll call, vote was as follows: YEA: Beck, Kelly, Peterson, and Thompson. NO: None. Motion carried.

4) Old Business

a) Zach Schulz of JEO Consulting Group was present to discuss drainage concerns raised by the City Council at the prior meeting. He explained that the drainage is a non-issue for the action being considered and that a drainage review could be completed as a part of the building permit application process. A motion to waive the three readings and

approve Ordinance 772: Zoning Map Amendment to Rezone Lots 2-3, Gingers Run Addition to B-2 was made by Peterson and seconded by Beck. Upon roll call, vote was as follows: YEA: Beck, Kelly, and Peterson. NO: None. ABSTAIN: Thompson. Motion carried. A motion to approve Resolution 2021-1: Approval of a Conditional Use Permit to Allow Thompson & Sons, LLC to operate Multi-Family Dwellings on Lot 2, Gingers Run Addition was made by Peterson and seconded by Beck. Upon roll call, vote was as follows: YEA: Beck, Kelly, and Peterson. NO: None. ABSTAIN: Thompson. Motion carried.

b) A motion to approve the second reading of Ordinance 770: Sidewalk Code Enforcement was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows: YEA: Beck, Kelly, Peterson, and Thompson. NO: None. Motion carried.

The Yutan City Council postponed item 5 until the arrival of the city attorney.

6) Resolutions

a) A motion to approve Resolution 2021-6: Approval of an Interlocal Agreement with Yutan Public School District for Skid Loader Usage was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows: YEA: Beck, Kelly, Peterson, and Thompson. NO: None. Motion carried.

b) A motion to approve Resolution 2021-7: Approval of State Drinking Water Revolving Loan Fund Agreement and Authorization for Mayor Egr to Sign All Documents was made by Thompson and seconded by Beck. Upon roll call, vote was as follows: YEA: Beck, Kelly, Peterson, and Thompson. NO: None. Motion carried.

c) City Administrator Bockelmann clarified that this resolution only added a fee for snow removal to the master fee schedule. A motion to approve Resolution 2021-8: Adoption of Updated Master Fee Schedule was made by Thompson and seconded by Kelly. Upon roll call, vote was as follows: YEA: Beck, Kelly, Peterson, and Thompson. NO: None. Motion carried.

7) Other Action Items

a) Zach Schulz of JEO Consulting Group summarized the scope of services set forth in the design and construction services agreement for lift station pumps. He noted that their services will be in compliance with the requirements of the State Clean Water Revolving Loan Fund. Council Member Thompson asked if a pump had been recently replaced and was told that one was replaced in 2017. Mr. Schulz explained that the current lift station pumps are undersized and maxed out electrically, which caused them to need to run 24 hours a day for several days of peak usage. Council Member Thompson explained that his concern is the significant overall cost of the project, which he did not feel is immediately needed. City Administrator Bockelmann agreed that the project is a more proactive one, but that the current pumps are already over capacity during peak flow events. A motion to approve the design and construction services agreement for lift station pumps with JEO Consulting Group for an amount not to exceed \$85,000.00 was made by Peterson and seconded by Kelly. Upon roll call, vote was as follows: YEA: Beck, Kelly, and Peterson. NO: Thompson. Motion carried.

At this time, City Attorney Maureen Freeman-Caddy arrived at the meeting, so item 5

on the agenda was discussed.

5) Ordinances and Public Hearings

a) Josh and Jake Thompson, the applicants, explained that they are hoping to subdivide their 24-acre lot into eight 3-acre lots that could retain their Transitional Agriculture (TA) zoning. City Administrator Bockelmann noted that the proposed development complies with the future land use map and meets the minimum lot size. City Attorney Maureen Freeman-Caddy explained that the outstanding issue on this action is the dedication of the street running through the development in the event of eventual annexation. Her recommendation was to dedicate the street as right-of-way, but noted that the issue is that would lower the lot sizes under the required three acres, causing hardship for the developer. The Planning Commission previously recommended looking into reducing the minimum lot size of the Residential Subdivision (RS) District and rezoning Mason Acres II to RS, though the city administrator and city attorney recommended against it to prevent undevelopable lots.; It was noted that the Nebraska Department of Environment and Energy may permit private septic systems on lots smaller than three acres, but the applicants would have to seek permission prior to the approval of the final plat. Mayor Egr opened the public hearing to consider the application to replat Parcel #003878002 into Lots 1-8, Mason Acres II at 7:40 p.m. Greg Baumann told the Council that he wants an easement to access their adjacent lot. Justin Sheldon, an attorney with Vandennack Weaver LLC, was present to represent the adjacent lot owners and explained their reasoning for believing that an easement to access their lot for agricultural purposes already exists for this property. Mr. Sheldon requested that the replat not be approved until the easement issue is settled. The applicants stated that they have no intention of granting an easement for this property and that this matter has been referred to their attorneys. The city administrator asserted his position that this is a private, civil matter that should not impact the action taken by the Council, and the city attorney agreed. The city attorney further stated that her opinion is that it is premature to approve the replat until the street dedication issue is resolved. The applicants suggested tabling the replat to allow for further discussion with the adjacent landowner about potential land acquisition and reconfiguring the lots to allow for the street to become dedicated right-of-way. Mayor Egr closed the public hearing at 7:56 p.m. City Administrator Bockelmann described each waiver being requested by the applicants for the Council's consideration. A motion to table the consideration of waivers and Resolution 2021-5: Approval of Mason Acres II Subdivision was made by Kelly and seconded by Peterson. Upon roll call, vote was as follows: YEA: Beck, Kelly, and Peterson. NO: None. ABSTAIN: Thompson. Motion carried.

7) Other Action Items

b) A motion to approve the purchase of an Artic sectional snow pusher for \$8,500.00, which the city administrator received verbal approval from each elected official to purchase prior to the meeting, as prescribed in the City's emergency purchase authorization policy, was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows: YEA: Beck, Kelly, Peterson, and Thompson. NO: None. Motion carried.

c) A motion to authorize Mayor Egr to sell the Western Tornado 1.8 Yard Hopper

Spreader for a minimum of \$2,500.00 via GovDeals was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows: YEA: Beck, Kelly, Peterson, and Thompson. NO: None. Motion carried.

d) City Administrator Bockelmann explained that he had not yet received the insurance policy information from First State Insurance Agency. A motion to table the renewal of the City of Yutan's insurance policy was made by Thompson and seconded by Kelly. Upon roll call, vote was as follows: YEA: Beck, Kelly, Peterson, and Thompson. NO: None. Motion carried.

e) A motion to approve the update to the City Clerk-Treasurer job description was made by Thompson and seconded by Kelly. Upon roll call, vote was as follows: YEA: Beck, Kelly, Peterson, and Thompson. NO: None. Motion carried.

f) A motion to approve Katy Neukirch's resignation as City Clerk-Treasurer and the appointment of Cole Bockelmann as the interim City Clerk-Treasurer was made by Thompson and seconded by Beck. Upon roll call, vote was as follows: YEA: Beck, Kelly, Peterson, and Thompson. NO: None. Motion carried.

8) Discussion Items

a) None.

9) Supervisor's Reports

a) Library Director's report was submitted.

b) Police Department's report was submitted.

c) Maintenance Department's report was submitted.

d) City Administrator's report was not submitted this month.

10) Council Discussions: The Council discussed the water main break on Vine Street and the potential replacement of the water main on that street.

Meeting adjourned at 8:17 p.m.

Next regular meeting of the Yutan City Council will be held March 16, 2021, at 7:00 p.m.

Darin Egr, Mayor

Cole Bockelmann, Interim City Clerk-Treasurer