

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

EXTRACT FROM MINUTES OF A REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF YUTAN, IN THE COUNTY OF SAUNDERS, STATE OF NEBRASKA HELD AT THE CITY OFFICE IN SAID CITY ON THE 19th DAY OF NOVEMBER 2019, AT 7:00 p.m.

Notice of the meeting was given in advance thereof by posting notice, a designated Method for giving notice, as shown by the (Affidavit of Publication) (Certificate of Posting Notice) attached to these minutes. Notice of this meeting was given to Mayor Egr and all members of the Yutan City Council, and a copy of their acknowledgment of receipt of notice and the agenda is attached to these minutes. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Meeting was called to order at 7:00 p.m. by Mayor Egr. Council Members Beck, McLaughlin, Peterson, and Thompson were present. Mayor Egr opened the meeting with the Pledge of Allegiance. Egr then informed all of the individuals present of the location of the poster regarding the Open Meetings Act. The minutes of the regular meeting on October 15th, 2019, and special meeting on November 4, 2019, were approved as mailed with a motion from Thompson and seconded by Peterson. Upon roll call vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None. Motion carried. The October Treasurer's report was accepted as submitted.

- 1) Claims - Motion was made by McLaughlin and seconded by Peterson to pay all claims. Upon roll call vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. No: None. Motion carried. Claims list: Badger Meter 122.82; Barco 472.35; Brase 717.10; Canon 106.00; Cardmember Services 3,931.49; City of Fremont 330.00; Cole Bockelmann 651.56; Commercial Ice 2,967.40; Companion Life 259.10; Craig Witte 3,060.00; Cubbys 620.84; Elkhorn Computer 65.00; First State Insurance 1,746.00; Fred H Hilscher Jr 150.00; Gretna Sani 150.00; Int Rev 5,232.90; Iowa Pump Works 2,160.65; JEO 937.50; Laurie Van Ackeren 31.67; Lowes 186.49; McAtee 3,475.00; Menards 551.13; Midwest Lab 240.00; Midwest Service and Sales 424.40; MUD 123.92; NE Dept of Rev 1,854.45; NE Public Health 307.00; NeRWA 196.00; NE State Treasurer 274.50; Nelson Produce 295.00; Nick Bullington 150.00; Notary Public Underwriters 101.00; One Call 36.12; OPPD 4,489.04; Payroll 20,414.49; Premier Party Rentals 596.00; Rental City 78.58; Roadrunner Transportation 768.40; Roll Door 4,689.04; Sid Dillion Chevrolet 296.79; Spectra Assoc 272.50; SYNCB/AMAZON 654.67; Todd Valley Farms 61.50; U.S.P.O. 148.75; U.S. Cellular 376.79; Wahoo-Waverly 183.91; Wiese Plumbing 1,881.00; Yutan Trucking 539.60; Insuf Chk 65.41; Insuf Chk 87.15; Insuf Chk 69.63; Insuf Chk 60.14; Insuf Chk 148.94
- 2) Open Discussion from Public: Dane Jorgensen was present to ask the council whether they would be open to the possibility of approving a zoning text amendment that would

increase the allowance for the sidewalls of accessory buildings from the current 10-foot restriction to 14 feet or higher. He stated that, before taking the time to file an application to request a zoning text amendment, he wanted to know the council's stance on the issue. City Administrator Bockelmann expressed his opposition to the zoning text amendment, stating that the current regulation exists to prevent homeowners from operating commercial businesses out of their residential lots. The council requested that the city administrator get more information from surrounding communities on their limitations for sidewall height but noted that the sidewall height allowance would be a moot point for Mr. Jorgensen if the Sunset Acres rezone isn't approved. Lexi Pommer asked the council whether the proposed zoning change of Sunset Acres would affect her ability to have horses on her property and was told that it should not be affected. Mrs. Pommer further stated that, while she is new to the area, she would not be bothered by a neighbor wanting to put up a larger building. Other residents of the Sunset Acres subdivision signed up to speak but asked to be heard during agenda item 6.

- 3) Supervisor's reports were submitted and discussed. Utility Superintendent Wilke discussed the recent nitrate tests conducted on a City well that has not been in operation for several years. He also informed the council that JEO Consulting Group conducted float tests that afternoon, which agitated the water system and caused the complaints of dirty water received by the city office. City Administrator Bockelmann told the council that core samples of Cedar Drive were taken earlier in the day and that the results of those core samples are currently being reviewed by City staff and consultants. The city administrator also notified the council of a proposed joint meeting with the Community Redevelopment Authority and the district's Board of Education to discuss a potential TIF project; the city administrator recommended that the meeting be scheduled in December, after the City receives preliminary results of the utility study.
- 4) A motion to approve the mayor's appointment of Lynn Hapke to the Library Board was made by Peterson and seconded by Thompson. Upon roll call vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None. Motion carried.
- 5) Jay Spearman with Piper Jaffray was in attendance to discuss the municipal bonding process with the Yutan City Council. Mr. Spearman explained the differences between the processes for funding the street paving/overlay project and the water main project. He was asked for his recommendation on whether the City should bond these projects separately or as one general obligation various purpose bond, and Mr. Spearman explained that any recommendation will ultimately come down to a prediction on what interest rates will do in the coming years.
- 6) City Administrator Bockelmann clarified a previous question on the usage of lots after a change in zoning, specifying that all acceptable uses would remain residential in purpose. Dane Jorgensen then stated that he has been using his property to store equipment before being included in the City's ETJ, so he believes the use should continue to be allowed. John Dunn countered that storing commercial equipment was never allowed in Sunset Acres and thus, in his opinion, cannot be "grandfathered in" as an acceptable use of the lot. Mr. Dunn further expressed concern about abuses of power that may result from

relaxing regulations in Sunset Acres, as commercial uses are already occurring against regulation; Mr. Dunn also mentioned a pond that was constructed by a neighbor against the subdivision's covenants. Several Sunset Acres residents continued to debate the issue of the pond over the council's objection that it is irrelevant to the zoning matter currently being considered. A motion to approve the second reading of Ordinance 751 was made by McLaughlin and seconded by Thompson. Upon roll call vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None. Motion carried.

- 7) City Administrator Bockelmann explained that he and the city clerk-treasurer had noticed that the water and sewer rates had previously been passed by resolution, not ordinance as city code prescribes. The city attorney has requested that the council pass these rates by ordinance in order to comply with the process set forth in the code book. A motion to waive the three readings and approve Ordinance 754 was made by Thompson and seconded by Peterson. Upon roll call vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None. Motion carried.
- 8) Council Members Thompson and Beck stated that they are not in favor of this ordinance. City Administrator Bockelmann stated that this ordinance is more of an update to the Yutan Municipal Code rather than a change of policy because the current process to level a special assessment with the County Clerk is not viable. Council Member Thompson stated that he would rather have the City repair any damaged curb stops so that water service could be discontinued if payment was delinquent. Council Member Beck questioned whether the ordinance was legal and asked staff to review the legality with an attorney and other communities. Mayor Egr stated that he would like more information on the subject prior to the final reading. A motion to approve the second reading of Ordinance 752 was made by McLaughlin and seconded by Peterson. Upon roll call vote was as follows: YEA: McLaughlin, Peterson, and Egr. NO: Beck and Thompson. Motion carried.
- 9) A motion to approve Resolution 2019-13 was made by Thompson and seconded by McLaughlin. Upon roll call vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None. Motion carried.
- 10) City Administrator Bockelmann informed the council that he will be completing employee evaluations in early December. He also let the council know that the utility assistant requesting a raise of \$2.05 per hour or an increase to six weeks of PTO. The city administrator stated that he does not believe the council should negotiate on the basis of PTO, but he further stated that the raise should be up for discussion, as a merit-based wage increase is warranted given the employee's performance in his position. The council discussed the utility assistant's performance and commended him for how he stepped up during turnover of other positions. They considered budgetary restrictions and upcoming certifications they would like the utility assistant to receive and created an offer that they requested the city administrator offer to the employee. City Administrator Bockelmann emphasized the need to review and potentially revise the approved salary ranges for each position, as several employees will be close to the cap after cost-of-living wage increases starting January 1st. The council decided to review the ranges at a later

date. City Administrator Bockelmann also asked the council whether they would be open to the possibility of creating a contract for his position; he explained that many other communities offer a contract to city administrators to protect their jobs in the case of turnover in elected officials. The city administrator maintained that he could still be terminated for cause, but in the event that a new mayor simply wants to reorganize the City's administrative department and terminate him without any other reason, he would receive some kind of severance. Council Member Thompson said he would not be in favor of a contract, as he feels one is not necessary, but City Administrator Bockelmann was advised to find examples from other communities.

- 11) The city administrator reviewed the history of the property with the council, that the city clerk-treasurer and utility superintendent previously attempted to contact the property owner but were unable to do so. City Administrator Bockelmann explained that the first step would be to have the City's attorneys draft an inspection warrant to allow the City's engineers and building officials to inspect the building and determine whether it should be deemed unsafe. Council Member Thompson suggested having the City's attorney send a certified letter to the property owner stating the City's intent to start this process and pursue an inspection warrant to see whether the property owner would elect to take corrective action at that point. The city administrator mentioned that the Community Redevelopment Authority could also theoretically get involved and attempt to purchase the property, which is located in the blighted area.
- 12) Council Discussion: Council Member McLaughlin asked whether the clerk-treasurer and administrator should look into other options for the City's can recycling shed. Currently, Council Member McLaughlin feels it is a waste of fuel and man-hours for the City to take these cans to the recycling facility in Fremont. The council agreed that staff should contact local non-profits, like Boy Scouts and Girl Scouts, to offer them the option to take over responsibility for maintaining the recycling shed and taking the cans for recycling in return for the proceeds. Council Member Thompson informed the council that he has been working with an insurance agent to look into offering health insurance to City employees at some point in the future. He feels that it would not be a significant expense to the City, but other council members questioned whether any current employees would utilize it. The city administrator was instructed to further discuss the option with Council Member Thompson and the insurance agent with whom he has been working. Council Member Thompson told the council that the boys baseball team has offered to donate labor in pouring sidewalk at Hayes around field three. The city administrator offered that there is sufficient funding in the parks capital outlay budget. Adrian Cantrell mentioned that signage may be needed on Cedar Drive to slow drivers down on their way to and from ballfields. Council Member Peterson asked to revisit the previously discussed request to increase the sidewall height for accessory buildings on residential lots and stated her position that the City should not alter the regulation, as commercial purposes should be restricted to commercial lots. City Administrator Bockelmann warned the council to consider that the sidewall allowance would apply to all properties within that zoning designation, not just the specific property being discussed. They discussed similar neighborhoods in other communities and questioned how they are zoned and what zoning restrictions are applied. The city administrator was

asked to look into the neighborhoods mentioned and create a comparison between their zoning ordinances and the City of Yutan's.

Meeting adjourned at 8:24 p.m.

Next regular meeting of the Yutan City Council will be held December 17, 2019, at 7:00 p.m.

Darin Egr, Mayor

Katy Neukirch, City Clerk-Treasurer