

**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 17TH DAY OF NOVEMBER 2020, 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 and 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 the individuals present of the location of the Open Meetings Act and Code of Conduct.

1) Consent Agenda:

a) A motion was made by McLaughlin and seconded by Peterson to approve the minutes of the October 20, 2020 regular council meeting; accept the September, FY 19-20 YTD, and October Treasurer's Reports as submitted; and approve claims. Upon roll call, vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None. Motion carried. Claims: Badger Meter \$135.28; Cardmember Services \$2,279.46; Cole Bockelmann 37.45; Cubby's \$404.59; Deluxe for Business 992.19; ECS Tech 21.00; Eric Wilke 206.97; First State Bank 19,175.67; ICMA 400.00; IRS 2,942.26; JEO \$220.00; Katy Neukirch 1,465.04; Kim Leather 64.36; McAtee 49,865.00; NCMA 100.00; NE Dept of Rev 25.00; NDOT 63,965.64; NMC 495.52; One Call Concepts 46.51; OPPD \$4,427.62; Payroll 10,525.01; RTM 64.55; SYNCB/Amazon \$569.22; Title Services of Saunders Co 100.00; Tim Hannan 180.00; Tom Sieburg 180.00; Trans to Bond Checking 63,965.64; US Cellular \$147.86; USPO 154.70; Wahoo Newspaper \$48.51; Insuf Check 91.97; Insuf Check 158.34; Insuf Check 64.36

2) Open Discussion from Public: None.

3) Presentation from Guests

a) None

4) Ordinances and Public Hearings

a) FRD Overlay District

i. Zoning Administrator Jeff Ray gave an overview of the floodwater retarding dam breach overlay district (FRD) and the reasoning behind its creation. Mayor Egr asked what benefit adopting this overlay district would hold for the City or its citizens, and Ray explained that it would notify at-risk individuals of the potential

issues of developing in the overlay area and potentially keep them out of harm's way in case of another catastrophic flooding event. Council President McLaughlin asked what has changed in the last few years to deem this study necessary, and Ray answered that there were more significant floods in recent years that led to the study of how flood waters would travel in the case of dams breaking. Council Member Peterson asked about the likelihood of damage occurring in this area, since there was no flooding in the area during the historic flooding event. Ray stated that the two events cannot be compared. There was a question of whether flood insurance would need to be purchased for homes in the FRD overlay district, and he stated that it would not be an issue, as mortgage companies typically don't look at zoning districts when determining whether to require flood insurance. Ray also noted that the FRD overlay does not amend the FEMA flood maps. Mayor Egr and Council Member Thompson both stated that they do not feel that the adoption of the overlay district holds sufficient benefits to make it worth enacting for the City's zoning jurisdiction. Mayor Egr opened the public hearing for the proposed zoning text amendment to create an FRD overlay district at 7:19 p.m. No members of the public provided comment. Council Member Peterson asked why the Planning Commission voted to recommend against it, and City Administrator Bockelmann explained that the commission had similar concerns to what council members brought up during this discussion. Mayor Egr closed the public hearing at 7:20 p.m.

ii. A motion to waive the three readings and deny Ordinance 766 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.

iii. Mayor Egr opened the public hearing to consider the proposed zoning map amendment to reflect the addition of an FRD overlay district at 7:21 p.m. No public comment was given. Mayor Egr closed the public hearing at 7:22 p.m.

iv. A motion to waive the three readings and deny Ordinance 767 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.

5) Resolutions

a) A motion to approve Resolution 2020-14: Annual Certification of Program Compliance 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.

b) A motion to approve Resolution 2020-15: Year-End Certification of City Street Superintendent 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.

6) Other Action Items

a) City Administrator Bockelmann explained that the dealership sale approved at the previous meeting fell through because the dealership required the purchase of equipment as part of the sale. He then presented the council with the option to sell the tractor through GovDeals. Councilmember Thompson requested that staff research selling the tractor on Purple Wave Auction as well. A motion to authorize Mayor Egr to sell John Deere 5085M Utility Tractor with H260 Loader

Attachment and Blade Attachment with a reserve amount of \$44,000.00 with option to split selling fee was made by Thompson and seconded by Beck. Upon roll call, vote was as follows: YEA: Beck, Peterson, and Thompson. NO: McLaughlin. Motion carried.

- b) A motion to authorize the final payment of \$17,589.28 to OMNI Engineering for the Cedar Drive Asphalt Overlay 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.
- c) The city administrator explained that an updated bid for a lift station grinder came in late this afternoon, which was provided to council at beginning of meeting. Iowa Pump Works had a lower bid price, but it was noted that the delivery time for the bid from Electric Pump was significantly shorter. The need for a quick resolution to this issue was emphasized by the mayor and several council members. A motion to purchase lift station grinder from Electric Pump for \$35,485.00 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.
- d) Mayor Egr explained that he reached out to Ty's Outdoor Power and Service to inquire about the potential cost savings of purchasing two lawnmowers instead of buying one as budgeted. Mayor Egr and the council members discussed purchasing two mowers at the same time versus staggering purchases. The city administrator explained that the purchase would come from the park, sewer, and street funds with the emphasis on saving as much money in the street department as possible. A motion to purchase two lawnmowers from Ty's Outdoor Power for \$16,000.00 was made by Beck. No second was made. Motion failed. A motion to table this item until the December meeting was made by Peterson and seconded by Thompson. Upon roll call, vote was as follows: YEA: McLaughlin, Peterson, and Thompson. NO: Beck. Motion carried.
- e) City Administrator Bockelmann asked whether the council wanted to initiate a contractors licensing program. Council Member Peterson asked what kind of fees were charged by the other cities who issue licenses, and Utility Superintendent Wilke provided examples from other nearby communities. Council Member Thompson stated that his preference would be for the City to continue not utilizing this process, even if it is provided for in city code. He stated that he feels that it will only be followed by the legitimate contractors that are not causing problems in town. A motion to deny implementation process as proposed 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.
- f) A motion to appoint Lori Kitt to the Yutan Planning Commission was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None. Motion carried.

7) Discussion Items

- a) City Administrator Bockelmann explained that a resident requested the City place and spread rock on the alley abutting the resident's property that runs from Maple to Oak St.. Bockelmann explained that the City's policy has generally been to not maintain alleyways, despite the code's allowance of this maintenance. Council

Member Thompson expressed concern that if the council votes to maintain one alleyway, they will have to begin maintaining all of them. Council Member Peterson pointed out that individuals are parking on the discussed alley, blocking the alleyway for through traffic and dragging mud into the street. Council Member Thompson listed several other areas in town that feature alleys and estimated it would cost \$50,000 in rock to maintain all of them. Police Chief Hannan asked whether the council would like the police department to enforce the illegal parking on the alleys. Council Member Peterson questioned why the city wouldn't maintain these areas if the code specifically states that they would do so and that they receive a specific tax to maintain the street system. Mayor Egr asked whether the city could handle it on case-by-case basis. City Administrator Bockelmann explained that the street department will still be at a significant deficit this year, so he does not find it feasible to begin maintaining all of the alleyways this year. He stated that getting a plan together for future maintenance would be his recommendation if the City would like to pursue this maintenance. They discussed the logistics of how this maintenance would be completed and decided that it would be an action item for next month.

- b) The city administrator presented two drafts to the council for this ordinance: one with the standard 3% cost-of-living adjustment that was budgeted for and one with a 1.5% cost-of-living adjustment that he stated he feels is more in line with actual inflation. He noted that he also included a salary increase for his position in both drafts of the ordinance and requested that the council discuss that issue separately from the cost-of-living adjustment for other employees. City Administrator Bockelmann also asked whether the council would like him to reevaluate the ranges listed for each position, as several employees are getting very close to reaching their cap or would exceed the cap with the cost-of-living adjustment. Council Member Thompson asked whether there was a specific reason for the significant increase to the city administrator's position, and City Administrator Bockelmann explained that the salary would put him more in line with what other city administrators in similarly sized cities are making and that the increase was budgeted for in the FY 20-21 budget. Council Member Peterson asked whether the city administrator is typically the highest paid position within a municipality, and City Administrator Bockelmann said that it can depend on the community and their needs. Council Member Peterson stated that she would be fine with the 3% cost-of-living adjustment as well as the city administrator's pay increase, as long as both items were in the budget, but she also asked for the pay ranges to be adjusted to make sure no employee meets or exceeds the maximum for their position. Council President McLaughlin agreed. Council Member Thompson stated that the last budget documents he reviewed did not include that significant of a raise for the city administrator's position and that the currently requested raise would make the city administrator exceed the cap currently agreed upon for his position. City Administrator Bockelmann provided the final draft of the budget for the council's review, noting that the raise request was included in the final draft. They discussed which ranges would need to be increased in the next draft of this ordinance and considered whether they should allow certain positions to be capped out.
- c) The city administrator informed the council that a new DHM was put into effect last week but that he expects changes within the next couple of days. He brought

up that the council may want to consider moving meetings to the activity center or school to allow for more spacing. He also explained that city elected officials are allowed to participate in meetings via Zoom if they are sick or in quarantine. Council Member Peterson stated that she'd feel more comfortable if staff began wearing masks in office and requiring everyone who enters the office to wear masks, as the City does not have enough staff members to remain functional if even just a couple are exposed or infected. Council Member Peterson also requested more frequent compliance checks with the DHMs issued during the increase in cases. Police Chief Hannan explained that he has been proactive with compliance issues and spoken to a local business. City Administrator Bockelmann will notify the council of any changes to the DHM.

8) Supervisor's Reports

- a) Library Director's reports for September and October were submitted.
- b) Police Department's report was submitted. Police Chief Hannan was in attendance to request to be included in the City's health reimbursement arrangement. He stated that he had told the city administrator that he would be willing to be included on a pro-rated basis but that the city administrator had explained that it cannot be pro-rated, as federal regulations require that each employee receive the same funding. City Clerk-Treasurer Neukirch informed the council that her position is within the same designation as the police chief's, which would then require them to extend the benefit to her position, and asked the council to consider the impact of that action to the budget when deciding on this issue. The council requested that City Administrator Bockelmann make the necessary updates to the employee handbook to provide this benefit to both the police chief and the city clerk-treasurer.
- c) Maintenance Department's report was submitted.
- d) City Administrator's report was submitted.

10) Council Discussions: None.

Meeting adjourned at 8:43 p.m.

Next regular meeting of the Yutan City Council will be held December 15, 2020, at 7:00 p.m.

Darin Egr, Mayor

Katy Neukirch, City Clerk-Treasurer