

**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 VIRTUALLY VIA ZOOM ON THE 19<sup>TH</sup> DAY OF MAY 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 7:02 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 online location of the Open Meetings Act and Code of Conduct.

- 1) **Consent Agenda:** A motion was made by Peterson and seconded by Beck to approve the minutes from April 21, 2020 regular council meeting. Upon roll call, vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None. Motion carried. A motion was made by Thompson and seconded by McLaughlin to accept the April Treasurer's Report as submitted and authorize payment on all submitted claims. Upon roll call, vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None. Motion carried. Claims: Badger Meter 128.16; Barco 186.49; Big Red Home Improvement 1,305.00; Blue Valley Public Safety 500.00; Brickyard Consulting 550.00; Canon Financial 140.65; Cardmember Services 562.50; Companion Life 219.72; Cubbys 271.23; Eric Wilke 307.93; First State Insurance 1,626.00; Frontier Coop 967.52; Gretna Sani 200.00; HOA Solutions 307.50; Int Rev 2,872.54; JEO 935.00; Katy Neukirch 36.95; Menards 339.74; Metering & Technology Solutions 1,689.92; Midwest Impressions 263.75; Midwest Labs 171.00; MUD 217.94; NE Dept of Rev 1,707.43; NE Public Health Lab 49.00; One Call 24.20; OPPD 4,480.87; Payroll 20,982.69; Sargent Drilling 900.00; SYNCB/AMAZON 828.91; T & E Quickseal 1,985.32; Tys Outdoor Power 762.41; U.S.P.O. 392.25; U.S. Cellular 148.80; Wahoo-Waverly-Ashland Newspaper 410.08; Yutan Public Schools 500.00; Insuf chk 63.30
- 2) **Open Discussion from Public:** None held at this meeting.
- 3) **Urgent Business**
  - a) Mayor Egr explained that this action item is merely to provide an indication to the redeveloper of the council's position on the redevelopment project. He stated that he believes that, after reviewing the infrastructure costs associated with the project, there is council consensus that moving forward would not be in the City's best interests and that he recommends a vote take place now to affirm that position. Mayor Egr reiterated that, regardless of whether this project continues, he would still like to see community stakeholders, like the fire department and school board, meet and discuss the direction of the City's future. A motion was made by Beck and seconded by Thompson to submit a recommendation to Melvin Sudbeck Homes

against the completion of a blight study or submittal of an application for the proposed redevelopment project. Upon roll call, vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None. Motion carried. Mayor Egr then asked whether anyone in attendance still wanted to be heard regarding this matter before the council moves on to the next agenda item; no one elected to speak.

#### **4) Presentation from Guests**

- a) Randy Jensen was in attendance via Zoom to present his proposal for amending city code to allow hens in the corporate limits. Mr. Jensen stated that he is requesting an annual permit system, similar to that of Omaha and several other local municipalities. He mentioned several benefits of raising chickens. He listed some suggestions that he had for the creation for this ordinance, which included a prohibition on roosters, a limit of no more than ten chickens, an annual permit system, and a requirement for a secure enclosure that would protect the hens from predators. The council then discussed a previous request made several years ago by residents to allow chickens, and Council President McLaughlin explained that the ordinance was denied, as the council could not reach a consensus on issues like setbacks for coops and whether lot size should affect the amount of chickens allowed. City Administrator Bockelmann expressed concern over enforcement of code violations, and Council Member Peterson agreed and noted that, according to the material reviewed for the meeting, it appears that no communities in Saunders County allow chickens. Council Member Thompson suggested creating an ordinance with the restrictions discussed and having the ordinance go through the three readings to allow for adequate public input. The city administrator stated that he will draft an ordinance for the June meeting. Council President McLaughlin suggested that staff reach out to the municipalities who allow chickens to research what issues, if any, they have had with compliance and enforcement of their ordinance.
- b) Nora Cihacek was present via Zoom to discuss her position on amending the breed-specific language in the dangerous dog regulations. She explained that she and her husband got a puppy years ago that is a mixed breed including pit bull. Ms. Cihacek stated that she feels the current regulations are unfair to responsible dog owners who have trained their dogs well and whose dogs have never had any issues with aggression. She also noted that the insurance policy required by the City for these breeds can be difficult to find as well as expensive. Ms. Cihacek is therefore requesting that the breed-specific regulations be removed from city code. The city administrator informed the council that doing so would require an ordinance, and he asked the council for their input on this matter. Council Member Peterson clarified that these breeds are still allowed within city limits and are just subject to additional requirements; she then questioned whether there would be an additional liability on the City for removing these regulations if a dog of one of the affected breeds were to cause an injury later on. City Attorney Maureen Freeman-Caddy informed the council that breed-specific language does not appear in state statute which has caused questions of enforceability in other communities, and she suggested looking into the language of state statute if drafting an ordinance on this matter. Council President McLaughlin told the council that the breed-specific language was added because, at the time, the American Kennel Club's position recommended doing so. Council Member Thompson asked the city administrator to coordinate with City Attorney Freeman-Caddy on reviewing state statute and potentially drafting an

ordinance to change the code. Council President McLaughlin asked that they also review the current position from the American Kennel Club to see if it has changed since the current ordinance was passed.

**5) Ordinances and Public Hearings**

a) None.

**6) Resolutions**

a) The city administrator explained that this resolution was tabled last month while staff negotiated terms of the construction services agreement. He also noted that staff is in the process of scheduling a preconstruction meeting with the project's engineers and contractors. A motion to approve Resolution 2020-6 was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows: YEA: Beck, McLaughlin, and Peterson, and Thompson. NO: None. Motion carried.

b) City Administrator Bockelmann informed the council that the purpose of this resolution is to renew an interlocal agreement with the City of Wahoo to spray for mosquitos on an as-needed basis. A motion to approve Resolution 2020-7 was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows: YEA: Beck, McLaughlin, and Peterson, and Thompson. NO: None. Motion carried.

c) The city administrator explained that this resolution would require the construction of sidewalks on two properties that were recently removed by the property owners. He noted that no ordinance currently exists to prevent a property owner from removing their sidewalk but that the council has full authority by state statute to compel a property owner to construct a sidewalk. Council Member Thompson asked whether letters had been sent to the homeowners to request voluntary compliance before passing a resolution compelling sidewalk construction. City Administrator Bockelmann explained that, unlike other nuisance abatement procedures that start with letter notification of the nuisance, this process formally begins with the passage of a resolution. Council Member Peterson expressed concern about the City paying the upfront cost of replacing the sidewalks, and the city administrator stated that the cost would be assessed against the property in order to recoup the loss. Council Member Thompson asked the City's attorney whether issuing a letter could be a good first step, and City Attorney Freeman-Caddy questioned what enforcement measure would be present in a letter; she also warned that if the homeowners do not respond to the letter, the council will be back at next month's meeting considering this same resolution to start the process. Council Member Peterson asked whether this resolution needed to be specific to certain properties or if it could be citywide to address any properties without sidewalks; the city administrator responded that each property must be listed specifically with an accurate estimate of cost to complete the work, and City Attorney Freeman-Caddy further stated that this process requires the publication of the notice in a newspaper of local circulation as well as delivery of the notice to the affected homeowners. Council Member Thompson mentioned that the age and size of tree roots along this street have caused damage to sidewalks that would likely recur and asked whether it would be possible for the council to take the stance that sidewalks would not be required along this one street in town; City Attorney Freeman-Caddy advised against taking that stance, as she stated it could potentially cause ADA-compliance issues. Council Member Peterson noted that there are other neighborhoods in the city that have trees of similar age and size causing damage to sidewalks and that allowing for the removal of sidewalks on this

street could reasonably lead to more removals across those neighborhoods in town. A motion to approve Resolution 2020-8 was made by Peterson, but no second to the motion was made. Motion failed.

**7) Other Action Items**

- a) City Administrator Bockelmann informed the council that the job description being discussed would be a new position created to address coverage and administrative support concerns when the city clerk-treasurer position is reduced to part-time. Council President McLaughlin asked whether the clerk would be considered appointed permanent part-time, and the city administrator told him that the clerk's position would fall under that category and would be eligible for certain benefits on a prorated basis, like the police chief position. Council President McLaughlin clarified that the new position would simply be part-time and not eligible for benefits, which the city administrator confirmed. Council Member Thompson asked whether another employee would be needed if the clerk was willing to work 24-28 hours per week and office staff was careful to schedule meetings and appointments around those hours; City Administrator Bockelmann explained that part of the concern is for coverage in case of absences that cannot be scheduled, such as illness, and for covering phone calls and walk-ins on days that the clerk is not working, as those interruptions can have a huge impact on productivity if only one person is in the office to handle them in addition to their other duties. Council Member Peterson also mentioned that hiring an assistant would be helpful in allowing for more flexibility if the clerk were to experience an issue with her daycare provider and was unable to come in as scheduled or if the clerk were to choose to stay at home later on. City Clerk-Treasurer Neukirch noted that, in addition to those points, having a second person trained on office duties would be extremely helpful during her maternity leave as well as the city administrator's upcoming medical leave, which could potentially overlap due to the unpredictable nature of both leaves. A motion to approve the administrative assistant job description was made by Peterson and seconded by McLaughlin. Upon roll call vote was as follows: YEA: Beck, McLaughlin, and Peterson. NO: Thompson. Motion carried.
- b) The council decided to hold the budget workshop on June 8<sup>th</sup> at 6:00 p.m.

**8) Discussion Items**

- a) The council began by discussing whether the ballfields would remain open for use by Yutan's youth baseball league. Nate Mumm, a representative for this league, was present to discuss this matter with the council and described the cleaning and social distancing procedures they plan to utilize if allowed to have their season at the City's fields. The city administrator recommended that, if the council wishes to allow the league's usage of the ballfields, posting signage to explain what regulations must be followed and that use of the fields' facilities are at the individual's own risk; he also recommended the City require waivers of liability before allowing any practice or game to take place. When asked for her opinion, City Attorney Freeman-Caddy discussed potential liability concerns and stated that she would like to sit in on the League of Nebraska Municipalities' conference call on May 21<sup>st</sup> to listen to their recommendations; after that point, she would plan on working with City Administrator Bockelmann to determine the best course of action for the City. The council agreed that this matter would be revisited after getting guidelines from the League of Nebraska Municipalities. The council then discussed the playgrounds and

splash pad and reached a consensus that they would remain closed at this time, as the council and staff continuously review the current situation. The council also agreed that City-sponsored summer events, such as the citywide garage sale day and the clean-up day, should be postponed until late July. Library Director Van Ackeren was in attendance to discuss reopening the public library. She and the council discussed different options to limit exposure, such as instituting an age limit, only allowing one person per family in the library, roping off certain areas, and removing toys and video games. The library director also provided the council with an update on different programs the library would be hosting remotely during the summer. The city administrator and library director will work with the library board to determine guidelines and a reopening date. The council then discussed similar suggestions for reopening the city office and decided to reevaluate it after June 1<sup>st</sup>. City Administrator Bockelmann then asked the council if they would like to revisit their position on utility shutoffs for nonpayment, as certain proposed legislation requires a moratorium on shutoffs in order to be eligible for relief funding. Council President McLaughlin asked if there has been an increase in delinquent water accounts and was told that the number of late letters and shut off notices has remained consistent with pre-COVID-19 trends. The city administrator explained that, because the City's budget is more reliant on property taxes than other funding sources, COVID-19 has not really affected the City's finances. The council decided that delinquent accounts would continue to be handled as set forth in city code.

**9) Supervisor's Reports**

- a) Because there was no library board meeting this month, no Library Director's report was submitted.
- b) Chief of Police's report was not submitted this month. City Administrator Bockelmann informed the council that the police department is in the process of addressing typical summertime nuisances and asked the council to notify the office if they notice any issues that need to be addressed.
- c) Maintenance Department's report was submitted.
- d) City Administrator's report was submitted. The city administrator called the council's attention to a list of potential keno fund projects provided in their packets and asked them to let him know if they had any preference on which projects get completed this fiscal year. Council Member Thompson stated that he would like to complete as many projects as possible while City facilities remain closed or unused.

**10) Council Discussions:** None held.

Meeting adjourned at 8:41 p.m.

Next regular meeting of the Yutan City Council will be held June 16, 2020, at 7:00 p.m.

Darin Egr, Mayor

Katy Neukirch, City Clerk-Treasurer