

**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 16<sup>th</sup> DAY OF JULY, 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. Councilmembers Beck, McLaughlin, and Thompson were present. Councilmember Peterson was absent. 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 June 18<sup>th</sup>, 2019, and the special meeting of July 8<sup>th</sup>, 2019, were approved as mailed with a motion from McLaughlin and seconded by Thompson. Upon roll call vote was as follows: YEA: Beck, McLaughlin, and Thompson. NO: None. Motion carried. The June Treasurer's report was accepted as submitted.

- 1) Claims - Motion was made by Thompson and seconded by McLaughlin to pay all claims. Upon roll call vote was as follows: YEA: Beck, McLaughlin, and Thompson. No: None. Motion carried. Claims list: All Star Plumbing 395.63; Asphalt Maintenance 2,850.00; Badger Meter 116.59; Barco 195.70; Biblionix 800.00; Brase 1,123.55; Cardmember Services 2,608.46; City of Wahoo 330.00; Cole Bockelmann 513.88; Companion Life 1.56; Cubby's 581.38; Elkhorn Computer 227.50; First State Bank 1,427.89; Frontier Coop 814.57; Gretna Sani 150.00; HOA 742.32; Int Rev 8,125.46; JEO 7,162.50; KM Landscaping 304.00; Legacy Carpets 75.00; Loftus Septic 610.00; Lowes 75.83; McAtee Const 17,222.00; Menards 689.25; MUD 84.45; Midwest Labs 187.83; NE Dept of Rev 1,423.00; NE Dept of Rev 1,959.79; NE Secretary of State 30.00; NE UC Fund 264.83; Nebr Public Health Lab 30.00; One Call 17.30; OPPD 4,896.10; Payroll 20,205.75; SE Library System 120.00; SYNCB/AMAZON 1,193.10; Tys Outdoor Power 263.99; U.S.P.O. 145.95; Wahoo Newspaper 80.95; Wahoo-Waverly 286.38; William Dillon 8.00; Windstream 90.21; Insuf Chk 59.08; Insuf Chk 66.47; Insuf Chk 55.92; Insuf Chk 63.30; Insuf Chk 55.92
- 2) Open Discussion from Public – Jan Ptacek expressed her concerns about a neighbor's dogs. To start, she informed the council that this neighbor has four dogs when residents are not allowed to have no more than three. Ms. Ptacek also told the council that these dogs bark constantly to the point where she feels she is unable to sit in her own backyard,

due to the noise. She explained that she has called the county and city police repeatedly about this issue to no avail. Last winter, during bitterly cold weather, she also called the Omaha Humane Society when the dogs were left outside, and they told her that the Omaha Humane Society does not provide service to Saunders County. She went on to say that she has witnessed this neighbor act in a physically abusive manner towards these dogs. Another neighbor, Teri Bouchard, stated that she has also witnessed the individual act violently towards the dogs. Both Ms. Ptacek and Ms. Bouchard emphasized how unsettling they find their neighbor's behavior towards his animals. Ms. Ptacek expressed her frustration that this individual is not being held accountable to city ordinances. City Administrator Bockelmann and council members informed Ms. Ptacek and Ms. Bouchard that the Yutan Police Department is in the process of addressing some of these issues with the individual. Ms. Ptacek also mentioned that several of her neighbors' sidewalks need to be repaired or replaced and explained to the council that she replaced hers per the city council's request approximately twenty years ago; she stated that she feels her neighbors should have been required to fix theirs as well. Ms. Ptacek also asked the council whether curb and gutter work would continue to be replaced along 4<sup>th</sup> Street, and she was told that the next phase of work was on the agenda to be decided later on during the meeting. Shawn Wentworth gave a presentation to the council regarding the city's baseball leagues and facilities. He informed the council that there has been a consistent increase in the number of children participating in baseball and that, despite this increase, the fees for participating have not been increased for approximately six or seven years. Mr. Wentworth also mentioned that they received several compliments from individuals from Elkhorn about the condition of Yutan's facilities. Mr. Wentworth and the council discussed the future goals for the ballfields, including sun shades and improved parking. Councilmember Thompson asked Mr. Wentworth whether he has received bids for any of the desired work and was given a rough estimate of cost. They also discussed the issue of drainage at Hayes Ballfield. Councilmember McLaughlin informed Mr. Wentworth that the City is in the process of addressing the parking issue at Hayes and that it has been a topic of discussion during the budget process.

- 3) Supervisor's reports were submitted.
- 4) It was briefly explained to the council that the city clerk-treasurer and city administrator decided that it would be best if the administrator took on the role of TIF administrator, as he is more familiar with tax increment financing. A motion to accept Katy Neukirch's resignation as TIF administrator and Cole Bockelmann's appointment as TIF administrator was made by McLaughlin and seconded by Thompson. Upon roll call vote was as follows: YEA: Beck, McLaughlin, and Thompson. No: None. Motion carried.
- 5) City Administrator Bockelmann explained that there are sufficient funds left in the street department's budget for this fiscal year to complete this section of 4<sup>th</sup> Street but that future street projects may need to wait for the start of the next fiscal year. A motion to approve McAtee Construction's bid of \$13,635.00 to remove and replace curb and gutter on 4<sup>th</sup> Street from Oak Street to Maple Street was made by Thompson and seconded by McLaughlin. Upon roll call vote was as follows: YEA: Beck, McLaughlin, and Thompson. No: None. Motion carried.

- 6) City Administrator Bockelmann reiterated to the council that the fire department's cell phone coverage in the fire hall is negligible and explained that a cell phone booster may be advisable to ensure that emergency responders would have cell service in the event of a serious crisis. While stating his belief that the purchase may ultimately be beneficial to the community at large, City Administrator Bockelmann questioned who should be responsible for the expense. Councilmember Thompson explained how the cell phone booster would enhance the cell service of those located within the fire hall, and Councilmember McLaughlin questioned whether that enhancement of service would occur at the detriment to the cell phone service of those outside the fire hall. He posed the question of whether a resident attempting to dial 911 would be able to reach dispatch while the cell phone booster is in operation affecting the cell phone signals. Councilmember Thompson stated that, while precedence would be given to the cell phone calls made from within the fire hall, the cell phone booster should not prevent anyone else in town from also making calls. Councilmember McLaughlin asked Councilmember Thompson whether the fire department has been able to identify grant opportunities for this purchase and was told that they have not. Mayor Egr asked whether the fire department was requesting the City make the entire purchase or whether they were seeking a cost-share with the City and other entities. Wendell Pascarelli, a rural fire board member, stated that he believed the fire department would be satisfied with sharing the cost. It was requested that the fire department contact the Saunders County Emergency Management department to see if they would contribute financially as well, and Mr. Pascarelli agreed.
- 7) City Administrator Bockelmann provided the updated financial reports to the council. Councilmember McLaughlin voiced his preference for adding more funds to a park improvement account that can be utilized for any of the city's parks rather than an account that is specific to Timbercrest Park or the splash pad.
- 8) The council discussed their availabilities, and it was decided that the budget workshop would be held on July 29, 2019, at 6 p.m.
- 9) Councilmember Thompson briefly explained how Knox Boxes work. He informed the council that Knox Boxes are approximately \$500 each and that the cost could be passed along to the business owner. Councilmember McLaughlin asked what would qualify as a commercial business, specifically questioning whether a home daycare would qualify and be required to provide keys to their personal residence. Councilmember Thompson said that different jurisdictions handle those issues differently. Councilmember McLaughlin stated that he would only be interested in an ordinance if the Knox Boxes would be optional, rather than mandatory, for businesses, as they should be an added protection offered to a business rather than a required economic burden on business owners. City Administrator Bockelmann asked whether he should draft an ordinance for the next meeting, and Councilmember Thompson said that he would like to see one written for the next meeting to address what he feels is a safety issue. Councilmember McLaughlin said that the city administrator could write one but that he isn't sure exactly how it should be worded yet. The city administrator will work with council members and the City

Attorney to draft an ordinance.

**10)** Councilmember Thompson asked the employees in attendance whether they would like this discussion to occur in executive session, as he intends to speak on sensitive matters related to their performance as city personnel. Utility Superintendent Thiessen indicated that he would prefer the discussion to occur during the open meeting whereas City Administrator Bockelmann stated that he would prefer any discussion related to his job performance to occur in executive session. The council decided to begin by discussing the job performance of the utility superintendent. Councilmember Thompson voiced his concern that work is not being completed in a timely fashion. He also mentioned that he thinks the City should have an established process for disciplinary action as well as a list of items that are grounds for disciplinary action or immediate termination, and Councilmember McLaughlin agreed that the City should outline this information in the handbook. Councilmember Thompson listed projects that he feels should have been completed by now and also described past instances of inconsistencies in what Utility Superintendent Thiessen has said to different council members. City Administrator Bockelmann informed the council that he and Utility Superintendent Thiessen have created a performance improvement plan with set goals and deadlines for completion and that they have been working together to address all concerns that have been relayed to the city administrator. The city administrator feels that they have been successful in addressing the known issues and that improvements have been made. The utility superintendent explained why some of the issue he has encountered in trying to complete some of the projects Councilmember Thompson previously mentioned, including the unexpected injury of a contractor scheduled to perform the work and periods of bad weather. Councilmember McLaughlin suggested that, going forward, the council establish project deadlines when they approve a contractor's bid, so if a contractor is unable to complete work in a timely manner, the council or staff members can look into other options. Councilmember McLaughlin asked whether City Administrator Bockelmann should look into how other communities handle their disciplinary process, and Councilmember Thompson requested that he do so. The council also expressed interest in having a set limit on write-ups, and the general consensus was that an employee should be terminated after three write-ups. The city administrator told the council that they could set a limit like that but warned that it would interfere with their ability to be flexible and use their own discretion with personnel issues. At this time, the council decided to begin discussing the performance of the city administrator. A motion to enter into executive session to discuss the job performance of City Administrator Bockelmann was made by Thompson and seconded by Beck. Upon roll call vote was as follows: YEA: Beck, McLaughlin, and Thompson. No: None. Motion carried. Mayor Egr announced that Yutan City Council entered into closed session at 8:13 p.m. to discuss the job performance of City Administrator Bockelmann. They exited closed session at 8:26 p.m.

**11)** Council discussions: The council and city administrator discussed the possibility of having employees create a log of what they are completing each day. City Administrator Bockelmann asserted that this is unnecessary as he feels he has a good understanding of what each employee is working on throughout the week. Councilmember Thompson also

informed the council that a previously approved building permit for a new house does not conform to setback regulations. The city administrator will look into options to address the issue. The city administrator also provided the council with the information from a second bid to complete updates to the City's water and sewer maps. Lastly, Mayor Egr mentioned that he would like to begin the process to raise the pay of a certain employee but that it could be discussed further during the budget meeting on July 29<sup>th</sup>.

Meeting adjourned at 8:38 p.m.

Next regular meeting of the Yutan City Council will be held August 20, 2019, at 7:00 p.m.

Darin Egr, Mayor

Katy Neukirch, City Clerk-Treasurer