

**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 18th DAY OF FEBRUARY 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) (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 and Code of Conduct.

- 1) **Consent Agenda:** A motion was made by McLaughlin and seconded by Peterson to approve the consent agenda: approve minutes from January 21, 2020 regular and January 29, 2020 special council meetings, accept the January 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; BlackStrap 4,092.44; Bromm, Lindahl 812.00; Cardmember Services 1,974.37; Cole Bockelmann 94.51; Companion Life 209.72; Core & Main LP 28.00; Cubbys 576.81; Eric Wilke 294.68; FSB 20.00; Gretna Sani 150.00; Int Rev 3,015.36; JEO 8,855.00; Konecky 171.06; Lamp Rynearson 10,950.00; LoNM 351.00; Metering Tech 1,688.82; MUD 643.28; NE Dept of Rev 1,772.15; NE Public Health 478.00; NePZA 190.00; Omaha World-Herald 248.42; One Call 9.24; OPPD 5,197.05; Payroll 11,435.28; SYNCB/AMAZON 540.28; Tys Outdoor Power 873.39; U.S.P.O. 151.55; U.S. Cellular 148.93; UECO 62.61; Viki Miller 54.52; Vine Street Market 307.00; Wahoo-Waverly-Ashland Newspaper 304.58; Willmer Welding 600.00

- 2) **Open Discussion from Public:** Bob Ruther, a resident of the Heritage Heights Addition in the City's extraterritorial jurisdiction, asked the council for permission to build a 30x50 steel building on his residential lot. City Administrator Bockelmann informed the council that he spoke with Mr. Ruther earlier in the day about the accessory building size restrictions for R-1 lots, which would limit Mr. Ruther's building to 1,200 square feet. Council Member Thompson asked whether rezoning the lot to RS would be an option, but the city administrator explained that the minimum lot requirement for RS is 3 acres whereas Mr. Ruther's lot is just over an acre. City Administrator Bockelmann stated that they could consider different options for zoning text amendments that would make

exceptions for larger buildings on larger lots, and the council asked him to look into it.

3) Presentation from Guests

- a) Library Director Laurie Van Ackeren presented the results of the annual Bibliostat survey, which included statistics on the library's collection development and usage. The library director noted that circulation and visitation numbers are mostly improved from last year. Council President McLaughlin asked whether the current hours of operation are sufficient to meet the public's needs, and the library director stated that the library board and staff are considering making small adjustments.
- b) CRA Chairman JC Long presented plans to the council regarding the paving of County Road 5 and County Road N. He stated that the CRA would be meeting on February 19th to approve the final plans and bidding.

4) Ordinances and Public Hearings

- a) City Administrator Bockelmann explained that, if approved, this ordinance would be filed with the Saunders County Register of Deeds and indexed with the applicable properties. A motion to waive the three readings and approve Ordinance 757 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.
- b) The city administrator explained that he has been working with the zoning administrator to make sure these changes wouldn't cause any issues with visibility or sight triangles. Council Member Thompson expressed a desire to look at this matter a little more closely before approving the ordinance. Mayor Egr opened the public hearing to consider the zoning text amendment to create and set regulations for street side yard setbacks at 7:14 p.m. Dane Jorgensen, a Sunset Acres resident, asked whether this would affect setbacks for his RS-zoned corner lot, and the city administrator explained how the ordinance would impact him. The public hearing was closed at 7:15 p.m. A motion to approve the first reading of Ordinance 758 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.
- c) City Administrator Bockelmann mentioned that he found conflicting definitions for building height in the zoning ordinance and that this ordinance would define building height as measured at the peak height of a building. Mayor Egr opened the public hearing to consider the zoning text amendment to amend Section 2.06.56 at 7:16 p.m. No public comment was made. The public hearing was closed at 7:17 p.m. A motion to waive the three readings and approve Ordinance 759 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.
- d) The city administrator explained that this ordinance is necessary to better match the intent and encourage conformance with the RS district. Council President McLaughlin clarified that accessory structures in R-1 and R-2 would continue to be limited to a building height of 17 feet, which the city administrator confirmed.

Mayor Egr opened the public hearing to consider the zoning text amendment to amend Sections 4.11 and 5.06 at 7:19 p.m. No public comment was made. The public hearing was closed at 7:20 p.m. A motion to waive the three readings and approve Ordinance 760 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.

- e) Mayor Egr announced that he has a conflict of interest for this agenda item because his wife holds partial ownership of the property being discussed. Mayor Egr stated that he cannot participate in the discussion of this matter and turned the meeting over to Council President McLaughlin. The applicant for the conditional use permit (CUP), Pastor Mike McLaughlin, was present to provide information on the Gathering Place's permit application. Pastor McLaughlin stated that the Gathering Place Church started in Valley and that they added a second location in Yutan a year and a half ago, but their worship space is no longer viable. He stated that they plan to purchase the building and parking lot at 110 Vine Street for their church and need a CUP, as required by the Zoning Ordinance. Pastor McLaughlin gave an overview of the proposed use of the building. Council President McLaughlin asked about the size of the congregation and whether events would be held during the week. Pastor McLaughlin stated that while the church only currently hosts Sunday services at 9:00, they would eventually be open to bible studies meeting throughout the week. Council Member Peterson asked how many off-street parking spots are available in the parking lot, and Pastor McLaughlin said that he wasn't sure but that the parking lot would be filled prior to using any on-street parking, as required by the CUP. Council Member Thompson asked whether Pastor McLaughlin would be willing to put in writing that he would not oppose any future applications for liquor licenses if a bar or liquor store were to be opened downtown, and Pastor McLaughlin agreed that he would not have any issue with that. City Administration Bockelmann explained that the council must look to the comprehensive plan and zoning ordinance when considering these types of issues, and if an application adheres to the standards set forth in those documents, the council does not have a basis to deny the application. The city administrator noted that a church is consistent with the intent of the B-2 zoning district, which includes uses that attracts residents and visitors downtown for commercial, cultural, or community purposes. He also noted that the Yutan Planning Commission voted unanimously to recommend approval on this permit application. City Administrator Bockelmann reviewed each standard listed in Section 6.05 of the Zoning Ordinance for a CUP and stated that the application meets each requirement. Based on conformance with the comprehensive plan and Zoning Ordinance, the city administrator recommended approval of the application to operate a church in the B-2 Central Business District. Council Member Peterson asked about allocating parking spots to certain businesses, and City Administrator Bockelmann stated that doing so would be within the council's power. The city administrator reiterated that prioritizing off-street parking has been written directly into the CUP to attempt to preemptively address this concern. The council discussed whether granting the CUP for a one-year period would be preferable, and Council President McLaughlin questioned

whether it would be fair to ask a church to make the investment of remodeling a building with only a one-year commitment from the City. Council President McLaughlin opened the public hearing to consider the application by the Gathering Place for a conditional use permit at 7:33 p.m. Dixie Trost, a downtown business owner, expressed concern about allowing a church to open downtown instead of leaving that lot open for potential businesses. She also asked the council to consider issues with downtown parking as well as the loss of property tax revenue and the potential loss of sales tax revenue if a sales tax passes in town at some point. The public hearing was closed at 7:35 p.m.

5) Resolutions

- a) A motion to approve Resolution 2020-2 was made by McLaughlin and seconded by Beck. Upon roll call, vote was as follows: YEA: Beck, McLaughlin, and Peterson. NO: Thompson. Motion carried.
- b) At this point, Mayor Egr resumed his presiding duties over the council meeting. A motion to approve Resolution 2020-3 was made by Thompson and seconded by McLaughlin. Upon roll call, vote was as follows: YEA: Beck, McLaughlin, and Peterson, and Thompson. NO: None. Motion carried.
- c) City Administrator Bockelmann explained that, while this agreement was initially approved in December, the school board requested a specific payment date to be listed in the agreement and for this agreement to be addressed annually. A motion to approve Resolution 2020-4 was made by Peterson and seconded by McLaughlin. Upon roll call, vote was as follows: YEA: McLaughlin and Peterson. NO: Beck and Thompson. Mayor Egr was called upon to break the tie. YEA: Egr. Motion carried.

6) Other Action Items

- a) Caleb Snyder of Lamp Rynearson submitted final plans of the Cedar Drive asphalt project and requested the council's approval of the plans to put out to bid. Mr. Snyder discussed some of the specifics included with finalized plans, including the replacement of several driveway approaches on Cedar Drive. All present agreed that the bid opening would occur on March 10th at 2:00 p.m. A motion to approve the final plans for the Cedar Drive asphalt project and authorize Lamp Rynearson to start the bidding process was made by Thompson 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 explained that he met with the City's insurance agent regarding the policy for next year. He explained that the premium increased slightly after the annual workers' compensation audit, due to addition of new employees. The city administrator noted that underwriters are currently reviewing the policy, which may result in minor adjustments to the policy. Council President McLaughlin asked whether the insurance agent has researched other companies to see whether the City's current insurance company is still the best deal. Council Member Thompson asked whether the City has ever looked into utilizing a different agency. The council discussed exploring other options while creating the budget for next year. A motion to approve the renewal of the property and

liability insurance policy for March 1, 2020 to February 28, 2021 was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None.

- c) A motion to approve a special designated liquor license to Yutan Parent Teacher Organization for a trivia night fundraiser located at 520 County Road M, Yutan, NE 68073 on March 27th from 5:00 p.m. to 11:00 p.m. was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None.
- d) The city administrator explained that Council Member Thompson had previously proposed pouring a sidewalk at Hayes Ballfield and has found individuals willing to volunteer their labor to help complete this project. City Administrator Bockelmann stated that the concrete and equipment would cost approximately \$10,000 and that the City budgeted \$15,000 in capital outlay for the parks department, meaning this would be the department's major project for the year. Council Member Peterson brought up the previous plan to utilize capital outlay funds to add shade structures to the ballfields and also questioned if the qualifications of the volunteers would be sufficient to ensure that the concrete sidewalks were poured properly. Council Member Thompson stated that staff, himself, and local contractor and CRA Chairman JC Long would likely take lead on the project to ensure it is poured correctly. A motion to approve up to \$10,000 for the concrete sidewalk project at Hayes Ballfield was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None.

7) Discussion Items

- a) City Administrator Bockelmann asked the council to discuss their priorities on the results of the infrastructure study. Council President McLaughlin stated his belief that addressing the damage to sewer mains should be the first priority and emphasized the need to prioritize the sewer system for improvements by setting money aside annually for improvements. The council discussed the various options for upgrading water mains. The city administrator explained that part of his responsibility going forward will be to put together a capital improvement plan that prioritizes the long-term goals and projects. The council discussed the timeline for financing the suggested improvements, and they also weighed the pros and cons of putting money aside into reserves versus taking out more debt. Council Member Thompson suggested scheduling a workshop to determine the council's priorities going forward.
- b) It was brought to the council's attention that several sidewalks on Vine Street have been removed without being replaced. The city administrator relayed the City's attorney's position that council can order the construction of a sidewalk at the property owner's expense. The city administrator informed the council that keno funds could be used to create a cost-share project to help homeowners with the cost of replacing damaged sidewalks or adding sidewalks that do not exist. Council Member Peterson pointed out that the City has required homeowners to replace sidewalks at their own cost in the past and did not follow up on those who did not comply with the requirement. She further stated that she has no issue

starting this process but wants to ensure that the City is committed to addressing those who are not compliant. Council Member Thompson asked whether staff should reach out to homeowner privately to see what their plans are, and it was decided that doing so would be the first step.

- c) Council Member Thompson stated that, with the grocery store closing, he has been looking into the City running a concession stand or putting vending machines at the splash pad building to provide kids a location to purchase snacks during the summer. Council Member Peterson asked about the potential for vandalism, and Council Member Thompson explained that his plan would be to place the vending machines inside splash pad building with a security camera in a cage to prevent damage. He further explained that he would like the building to be unlocked by maintenance department in morning and locked up by a police officer in evening to prevent vandalism overnight. They debated whether a concession stand would be feasible and decided that a vending machine would be the best option. Peterson suggested trying vending machines for one year and seeing whether there are any issues with vandalism or littering. Council Member Thompson stated that he would get more information on this matter.

8) Supervisor's Reports

- a) Library Director's report was submitted. No comments were made.
- b) Chief of Police's report was submitted. No comments were made.
- c) Maintenance Department's report was submitted. Council President McLaughlin requested that the utility superintendent keep the council posted on whether Ty's Outdoor Power or the manufacturer would be handling the issue with the City's mowers.
- d) City Administrator's report was submitted. No comments were made.

- 9) Council Discussions:** Council Member Thompson also brought up a proposal to renovate and repair the Timbercrest basketball court that he received from a resident; Council Member Thompson requested that the council consider potentially replacing the hoops at the basketball court in town which are not in ideal condition. Council Member Peterson asked whether these improvements would be able to be completed with volunteers, like the previously discussed concrete work at Hayes. They discussed different options for the hoops to try to limit issues with kids hanging off the hoops. Council Member Thompson provided the council with some estimates from a bid he received to get new hoops, caulk the cracks in the concrete, and paint lines on the court. Council President McLaughlin asked the city administrator to make sure this project was brought up at the CRA meeting tomorrow night to consider alternate funding, and Council Member Thompson also mentioned looking into other funds available within the parks department's budget. Two residents asked about a fence that was built on the line between their property and their neighbor's that they stated was actually attached to a building on their property. Council Member Thompson stated that he owns the property that put up the fence and would go take a look at the fence after the council meeting to make sure that the fence did not encroach on their property.

Meeting adjourned at 8:24 p.m.

Next regular meeting of the Yutan City Council will be held March 17, 2020, at 7:00 p.m.

Darin Egr, Mayor

Katy Neukirch, City Clerk-Treasurer