

**CITY OF YUTAN
P.O. BOX 215 - 112 VINE ST.
YUTAN, NE 68073
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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 DECEMBER 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 November 17th, 2019, were approved as mailed with a motion from McLaughlin and seconded by Peterson. Upon roll call vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None. Motion carried. The November Treasurer's report was accepted as submitted.

- 1) Claims - Motion was made by Thompson and seconded by Beck 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 125.49; Brase 186.52; Bromm, Lindahl 1,257.50; Cardmember Services 1,103.59; Cole Bockelmann 399.49; Companion Life 215.23; Cubbys 633.51; Elkhorn Computer 130.00; Int Rev 4,626.32; Jayhawk Software 231.25; JEO 2,282.50; K Storm Services 625.00; Karen Olson 90.00; Lowes 116.24; Menards 149.95; Midwest Lab 205.71; MUD 366.64; NE Dept of Rev 1,885.27; NE Public Health 60.00; NMCA 35.00; NeRWA 175.00; One Call 20.35; OPPD 4,890.81; Payroll 18,970.51; Petty Cash 7.46; SYNCB/AMAZON 758.19; Tom Sieburg 201.40; U.S.P.O. 150.85; U.S. Cellular 149.33; Village of Mead 8.81; Vrbka Ag Solutions 1,030.50; Wahoo-Waverly 222.93; Wiese Plumbing 1,774.00; Yutan Public Library Foundation 390.00; Yutan Trucking 683.97; Insuf Chk 77.52; Insuf Chk 58.03; Insuf Chk 63.30;
- 2) Open Discussion from Public: Dane Jorgensen apologized to the council for his outburst at the previous meeting. JC Long spoke out against Ordinance 752, stating that a landlord needs to be notified before a lien could be placed on their property.
- 3) Ed Schroeder, CPA, introduced Lisa Flesner, a CPA from his office who assisted with this year's audit, to the mayor and city council and then presented the results of the audit of the fiscal year ending September 30, 2019.

- 4) JEO engineer Zach Schulz gave the council an update on the proposed water main project to upsize the 4-inch water main on three to four blocks on 4th Street to address issues of low water pressure on the east side of town when certain conditions are present. Mr. Schulz explained that he would like to run additional tests to ensure that the planned improvements would actually solve the issue, as some of the existing test results were unexpected given what the engineers know of the City's water system. Mr. Schulz stated that he feels it is generally a good idea to replace 4-inch water mains with larger pipes, but given the financial implications of this project, he believes it is worth looking into low-cost or no-cost solutions before committing to a project that may not fully address the issue at hand. Council Member Peterson asked for an estimated timeline for the additional tests and was told that the tests will likely need to wait, as they involve running water out of fire hydrants which would result in icy streets and sidewalks in this weather.

- 5) City Administrator Bockelmann explained to the council that the City received two proposals for the design work and bidding process for the Cedar Drive overlay project: one from JEO Consulting Group and one from Lamp Rynearson. Street Superintendent Steve Parr, from JEO, explained the process that JEO went through to create their proposal for this project, including a site visit inspection and meetings with City staff to identify problem areas within the project site. Mr. Parr proposed, as part of JEO's scope of work, the completion of a topographic survey for elevation data to fix drainage issues and bring sidewalks up to ADA compliance. He described the design and bidding process as set forth by JEO's scope of work. Council Member Peterson asked how long the street would be impacted by the project, and Mr. Parr estimated that the street would be shut down during business hours for a day or two and would close for one to two days during the asphalt overlay operation. Council Member Peterson then asked for estimated date of project completion and was told that it would be decided during the bidding process. Mr. Parr explained the timeline for advertising bids which must account for the legal requirements for public notice and remain open for a specified period of time. He also explained that, if there are items within the scope of service that City staff would like to handle internally to reduce the cost of JEO's proposal, they are more than open to that and will talk to the City about those possibilities going forward. Caleb Snyder, from Lamp Rynearson, was then given the opportunity to speak on their proposal. Mr. Snyder stated that their process would be very similar to what Steve Parr described for JEO's scope of work. He noted that one difference between the proposals was that Lamp Rynearson would be more involved in the bidding process and would advertise directly to contractors. Mr. Snyder told the council that, once approved, he would expect their designs to be completed in six weeks but also mentioned that contractors would be unable to get asphalt until mid-April for the project. A motion to authorize Mayor Egr to enter into an agreement with Lamp Rynearson for an amount not to exceed \$14,700 was made by Thompson and seconded by Beck. Upon roll call, vote was as follows. YEA: Thompson and Beck. NO: McLaughlin and Peterson. Mayor Egr was called upon to vote to break the tie. YEA: Egr. Motion carried.

- 6) Melvin Sudbeck from Melvin Sudbeck Homes, Inc. was in attendance to have an informal discussion with the council about his preliminary redevelopment plans for

approximately 70 acres just outside of the City's corporate limits. Mr. Sudbeck presented a plat map that illustrates the approximate 200 lots but told the council that these plans could be altered. Council Member Beck asked Mr. Sudbeck what areas would be considered blighted for this project, and Mr. Sudbeck replied that this has not yet been decided, as the blight study has not been started. He did note that the parcel he is considering redeveloping would have to be included in the blight area in order to utilize tax increment financing (TIF). Council Member Thompson asked Mr. Sudbeck if he would consider doing this project without TIF and was told that Mr. Sudbeck could not make the redevelopment work without it. The council and staff discussed the timeframe for this project and how long it would take for these homes to return to the regular tax rolls. The city administrator told the council that the first step of this process for the City would be to annex the parcel, which is currently in the City's extra-territorial jurisdiction (ETJ). He explained that the blight study agreement on the next agenda item would keep the process moving on this project, at the developer's cost, until the City receives the results of the utility infrastructure study, which will likely be in mid-January. Several residents expressed concerns about how the addition of 200 homes would affect existing utility infrastructure as well as the school district. Council Member Beck echoed this concern for how the schools would be impacted by the proposed project. Council Member Peterson asked the other council members if they want Yutan to see growth like Bennington or Gretna and asked them to consider what they want for the town long-term. Melvin Sudbeck explained that another reason that TIF is necessary for the proposed redevelopment is to help address some of the infrastructure costs that may be needed to combat low water pressure with this subdivision being proposed at the top of a hill. Allen Rowell, a Yutan resident, asked if the area surrounding the gas pipeline that runs through this property would be left as green space, and Mr. Sudbeck explained that they plan on platting larger lots in that area to ensure that no building occurs on top of the gas line.

- 7) A motion to deny the proposed blight study agreement with Melvin Sudbeck Homes Inc. was made by Thompson and seconded by Beck. Upon roll call, vote was as follows. YEA: Thompson and Beck. NO: Peterson. ABSTAIN: McLaughlin. Motion carried.
- 8) City Clerk-Treasurer Neukirch submitted the City of Yutan's occupation tax report to Mayor Egr and the Yutan City Council, pursuant to L.B. 445 and § 18-1208(5).
- 9) City Administrator Bockelmann was asked whether he looked into similar local subdivisions as requested, and he explained that he had done so and that many of them do not have the sidewall height restriction like RS currently has. A motion to accept the third reading and approve Ordinance 751 was made by Thompson and seconded by McLaughlin. Upon roll call, vote was as follows. YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.
- 10) The city administrator clarified that he checked with attorney to confirm that this is standard procedure for almost all municipalities and that the City already has statutory authority to place liens on properties with delinquent water bills through both state statutes and City Code. Council Member Beck asked if damaged curb stops were going to be fixed and was assured that doing so is still a priority. The city administrator further

explained that there would be a lengthy process of working with landlords and tenants to resolve any issues before a lien would ever be placed. A motion to approve the third reading and approve Ordinance 752 was made by Peterson and seconded by McLaughlin. Upon roll call, vote was as follows. YEA: McLaughlin, and Peterson. NO: Thompson and Beck. Mayor Egr was called upon to vote to break the tie. YEA: Egr. Motion carried.

- 11) City Administrator Bockelmann explained that the purpose of this resolution is primarily to consolidate the City's fees across all departments. He also informed the council of proposed changes to fees charged for planning and zoning action, which haven't been updated since 2010 and are significantly lower than comparable municipalities in the area. He mentioned that these fees help recoup the costs for the City's engineers and lawyers to look over development documents and plans. Council Member Thompson asked why larger cities like Papillion were included in the comparison provided. The city administrator explained that the size of the municipality isn't always the most important factor to consider, as their fees are actually lower on average than smaller communities because larger communities typically have a City Engineer on staff to review planning and zoning requests. The council discussed the costs and processes of previous developments within the City. Council Member Thompson stated that he would like to see more research on planning and zoning fees before acting on this resolution. City Administrator Bockelmann reiterated that communities of similar size were accounted for when drafting these fees and that he feels an increase is warranted to recoup losses. Council Member Thompson suggested looking into a cost split with developers. City Administrator Bockelmann stated that a cost split would often result in higher costs to developers than the proposed fee structure. A motion to approve Resolution 2019-14 was made by Peterson, but there was no second. Motion failed. This resolution was tabled until next month's meeting. Council Member Thompson reiterated that he would like the city administrator to find more examples of similarly-sized municipalities to include in the comparison, and Council Member Peterson emphasized that any additional examples must be located near a large metropolitan area in order to be truly comparable to Yutan.
- 12) The city administrator expressed his desire to formalize the agreement with the school district to utilize the City's skid loader. Council Member McLaughlin referred to the section of the agreement that requires the school to show proof of liability insurance and asked who would be responsible for paying for issues to the equipment caused by any neglect or abuse of equipment. Council Member Thompson stated that he had suggested the annual charge to the school district be \$2,500. They also discussed the possibility of charging an hourly rate or also requiring that City staff operate the equipment and charge for their time. A motion to approve Resolution 2019-15 with the addition of a provision for neglect or abuse of the equipment was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows. YEA: Beck, McLaughlin, and Peterson. NO: Thompson. Motion carried.
- 13) The city administrator pointed out the last-minute addition to the ordinance to increase the utility assistant's pay as decided in the previous meeting. City Administrator Bockelmann also noted the section that formalizes the City's policy on call-out pay for utility workers, which is a minimum of two hours' pay. Council Member Thompson

stated that the call-out pay should be a minimum of two hours' pay at the employee's overtime rate, but other council members questioned whether employees could be paid their overtime rate without hitting forty hours in one work week. A motion to waive the three readings and approve Ordinance 755 was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows. YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.

- 14) City Administrator Bockelmann explained the proposed revisions to the council. He explained that these revisions were created by City staff working with the City Attorney's office. Mayor Egr mentioned that an employee was worried about the change in pay dates, and the city administrator clarified that staff has worked with that employee to ensure a smooth transition. A motion to adopt the proposed revisions to the employee handbook was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows. YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.
- 15) A motion to authorize retirement contributions to all full-time and council-appointed part-time employees was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows. YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.
- 16) Supervisor's reports were submitted.
- 17) No council discussion was held.

Meeting adjourned at 8:51 p.m.

Reorganization meeting was opened by Mayor Egr at 8:51 p.m.

- 1) A motion to elect Jim McLaughlin as City Council President was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows. YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.
- 2) A motion to approve the Mayor's appointments of Cole Bockelmann as City Administrator and TIF Administrator; Katy Neukirch as City Clerk-Treasurer; Tim Hannan as Police Chief; Eric Wilke as Utility Superintendent, Building Inspector, and Floodplain Administrator; and Maureen Freeman-Caddy of Bromm, Lindahl, Freeman-Caddy, & Lausterer as City Attorney was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows. YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.
- 3) A motion to approve the council committee appointments of Johanna Peterson to "Parks and Recreation" and "Personnel and Finance," Jim McLaughlin to "Water, Sewer, Streets, and Equipment," Claude Beck to "Zoning, Building, and Industrial," and Matt Thompson to "Ordinances and Legal; Police" was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows. YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.

- 4) A motion to approve the board and commission appointments of Don Dooley to Planning Commission, Stephanie Wilson to Planning Commission, William Smith to Planning Commission, Paul Rupp to Planning Commission, Kevin Bradford to Planning Commission, Luke Woster to Park Board, Darin Egr to Community Redevelopment Authority, and JC Long to Community Redevelopment Authority was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows. YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.
- 5) A motion to approve the appointment of Don Dooley as Hearing Officer was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows. YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.
- 6) A motion to approve the appointment of Steven A. Parr as Street Superintendent was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows. YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.
- 7) A motion to approve Resolution 2019-16 was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows. YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.
- 8) Council Member Thompson suggested postponing this appointment until next month's meeting while he speaks with other engineering firms about the appointment. Other council members questioned whether the City should go a month without having an appointed City Engineer and Zoning Administrator. City Clerk-Treasurer Neukirch noted that the agreement with JEO for this appointment does not cost the City any money and can be cancelled at any time, which JEO engineer Zach Schulz confirmed. A motion to approve the appointment of JEO Consulting Group, Inc. as City Engineer and Zoning Administrator was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows. YEA: Beck, McLaughlin, and Peterson. NO: Thompson. Motion carried.
- 9) Mayor Egr and city council members were asked to submit Nebraska Accountability and Disclosure Commission Form C-2A, declaring any conflicts of interest, to City staff.

Reorganization meeting adjourned at 8:58 p.m.

Next regular meeting of the Yutan City Council will be held January 21, 2019, at 7:00 p.m.

Darin Egr, Mayor

Katy Neukirch, City Clerk-Treasurer