

**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 21st DAY OF JANUARY 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 Council President McLaughlin, as Mayor Egr was absent. Council Members Beck, McLaughlin, Peterson, and Thompson were present. Council President McLaughlin opened the meeting with the Pledge of Allegiance. McLaughlin 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 Thompson and seconded by Beck to approve the consent agenda: approve the minutes of the December 17th, 2019 regular meeting, accept the December 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 list: All Star Plumbing 385.00; Badger Meter 128.16; Canon Financial 212.00; Cardmember Services 847.05; Cole Bockelmann 505.68; Companion Life 209.72; Cubbys 442.68; Ed Schroeder 6,650.00; Elkhorn Computer 65.00; Eric Wilke 475.76; Gretna Sani 150.00; Halo Branded 300.28; Int Rev 6,956.40; Jason Howell 4,827.00; Jayhawk Software 499.00; JEO 15,210.00; Katy Neukirch 1,113.75; Konecky 485.32; LoNM 50.00; Lowes 109.22; Midwest Lab 151.00; Midwest Service 123.69; Municipal Emergency Services 258.66; MUD 564.12; NDEQ 150.00; NE Dept of Rev 1,950.00; NE Dept of Rev 1,941.19; NE Dept of Rev 1,920.94; NE Public Health 602.00; NE UC Fund 85.67; NeRWA 250.00; One Call 14.98; OPPD 5,043.97; Payroll 27,449.39; SENDD 1,575.00; SYNCB/AMAZON 802.48; U.S.P.O. 150.15; U.S. Cellular 148.93; Insuf Chk 75.00; Insuf Chk 62.25;
- 2) **Open Discussion from Public:** None.
- 3) **Presentation from Guests**
 - a) Caleb Snyder and Mike McIntosh from Lamp Rynearson were in attendance to discuss the design of the Cedar Drive overlay project. Mr. Snyder began their presentation by providing background information about Lamp Rynearson and the services they offer. Mr. Snyder then presented the design plans for the Cedar

Drive asphalt overlay project. He informed the council that these plans are preliminary and that the final plans will be completed by February 5th. Mr. Snyder asked whether the final plans would need to be approved by the city council before they put the project out to bid and if that approval would have to wait until the next regular meeting on February 18th. Council President McLaughlin suggested that a special meeting could be scheduled in order to keep the project moving on track. Mr. Snyder stated that a cost estimate would be submitted to the council at that meeting for their approval before putting the project out to bid. He described the process and timeline for the project. Mr. Snyder also discussed the street's topography and informed the council that the water pooling issue likely wouldn't be corrected by the proposed design for the project; though, he did note that he believed the issue would be minimized by the proposed work. When council members asked about possible additional measures that could be taken to address the pooling, Mr. Snyder stated that any additional solutions would add to the proposed scope of work and increase the design and contractor costs associated with the project. Council Member Thompson stated that, while the water pooling has been brought up in meetings multiple times, he does not believe that it is a huge issue. Council Member Peterson asked for clarification on whether this water pooling was the cause of the damage to driveway approaches that was discussed by the council months previously. The council discussed whether homeowners could cost share with the City to get their driveway approaches fixed by the contractor while the asphalt overlay was being completed. They also discussed the inclusion of an elongated speed bump on Cedar Drive to address residents' concerns about speeding on that street. They further discussed the benefits and drawbacks of replacing or encouraging residents to replace certain affected driveway approaches. Council Member Thompson asked how many times a street can be overlaid, and Mr. Snyder stated that, if he had been involved from the very beginning, he would not have suggested an overlay for this street. He said that by completing an overlay the City was starting the clock on that street needing a total replacement and estimated it would need to occur within twenty years. They discussed working hours for the contractors, and council wanted a guarantee that street would be accessible every evening. They were told that they could set those parameters for the contractor and could also require one lane to be open at all times for residents and service providers. They discussed notification options for affected residents and whether a town hall meeting would be helpful.

4) Ordinances and Public Hearings

- a) Council President McLaughlin opened the public hearing to consider the zoning text amendment to add Section 7.18 (Supplemental Regulations: Solar Panels) at 7:39 p.m. Superintendent Wilke asked whether this zoning text amendment had been requested by a resident and was told that an individual on a Transitional Agriculture (TA) lot in the City's ETJ had expressed interest in having solar panels and that currently no provision exists in the zoning ordinance for solar panels, which is typically interpreted to mean that they are not allowed in any circumstance. The city administrator stated that he created regulations that would

allow solar panels but that the regulations were fairly restrictive for residential lots within the corporate limits. The public hearing was closed at 7:41 p.m.

- b) A motion to waive the three readings and approve Ordinance 756 was made by Peterson and seconded by Thompson. Upon roll call vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. No: None. Motion carried.

5) Resolutions

- a) City Administrator Bockelmann explained that no changes were made to the resolution since the last meeting but that staff did additional research as requested. The city administrator mentioned that most of the responses from similarly sized communities were that they assess the actual cost for the engineer and legal review and other expenses incurred for the zoning action. He noted that these communities also mentioned having issues pursuing developers to reimburse them for these costs whereas requiring an upfront fee would avoid that issue. Council Member Thompson stated that he believes the fees are still too high. Council Member Peterson disagreed and stated that these fees are a drop in the bucket compared to the total cost of these types of developments. A motion to approve Resolution 2019-14 was made by Peterson and seconded by Beck. Upon roll call vote was as follows: YEA: Beck, McLaughlin, and Peterson. No: Thompson. Motion carried.
- b) A motion to approve Resolution 2020-1 was made by Peterson and seconded by Beck. Upon roll call vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. No: None. Motion carried.

6) Other Action Items

- a) None

7) Discussion Items

- a) Utility Superintendent Wilke explained that Well #1 has been inactive since 2013, due to high nitrate levels. It was retested over the winter, and after 48 hours of running the well water to waste, the nitrate levels were around 5.8, which is within acceptable ranges. The utility superintendent informed the council that more testing needs to be completed but that the well could be back in operation around April if the testing goes well. Utility Superintendent Wilke then mentioned that the well's interior piping is in poor condition and could use some rehabilitation, but he emphasized that this well could run for six days or six years with no guarantee that the nitrate levels wouldn't spike and force the well to be taken offline. He explained the process and expense associated with adding another well for water testing, and the council discussed bids received from Sargent Drilling to perform the recommended work. Council President McLaughlin asked the utility superintendent whether it was his recommendation to do the testing and get this well back online in April, and the utility superintendent said that is definitely a viable option. Council Member Thompson expressed his opposition to capping the well, and Utility Superintendent Wilke agreed that doing so would not be in the City's best interest. The city council came to an agreement that spending the \$3,600 to get the well back online but not completing the \$9,000 piping improvements would be the best option, given the uncertain nature of the well's future with the nitrate levels.

b) Councilmember Thompson explained that issues have arisen with first responders due to the similar names of East Poplar Street, in Itan Parkview, and Poplar Street, in Original Town. As a result, staff is recommended changing the name of East Poplar Street. The city council expressed concern about the timeline of the process given that a basement has already been dug on that street, citing a desire not to inconvenience any lot owners, and staff agreed that it is imperative to move quickly on getting an ordinance written to rename the street. City Administrator Bockelmann provided the council with suggestions that staff came up with for the street name, and the council decided on Clear Creek Drive to honor the town's original name. An ordinance will be on the agenda for next month's meeting.

8) Supervisor's Reports

- a)** Library Director's report was submitted to the council. No comments were made.
- b)** Chief of Police's report was submitted to the council. No comments were made.
- c)** Maintenance Department's report was submitted. No comments were made.
- d)** City Administrator's report was submitted. City Administrator Bockelmann mentioned upcoming conferences and training for maintenance and office staff.

9) Council Discussions: None.

Meeting adjourned at 8:05 p.m.

Next regular meeting of the Yutan City Council will be held February 18, 2020, at 7:00 p.m.

Jim McLaughlin, City Council President

Katy Neukirch, City Clerk-Treasurer