

**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 15th DAY OF OCTOBER 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 September 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 September Treasurer's report was accepted as submitted.

- 1) Claims - Motion was made by McLaughlin and seconded by Peterson 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 121.93; Bromm Lindahl 1,274.50; Cardmember Services 2,105.18; City of Ashland 12,600.00; Cole Bockelmann 342.38; Companion Life 90.42; Connie Kroksh 157.80; Cubbys 278.10; Elkhorn Computer 1,206.50; Gretna Sani 150.00; Int Rev 6,166.90; Iowa Pump Works 350.00; JEO 2,130.00; Kardell Excavating 1,200.00; Lowes 9.04; Menards 185.81; Metering & Tech 1,799.45; MUD 84.00; National Concrete Cutting 600.00; NE Dept of Rev 5,152.53; NE Dept of Transportation 50,000.00; NE Public Health 30.00; NE UC Fund 110.03; NeRWA 510.00; Omaha World-Herald 211.74; One Call 31.48; OPPD 4,488.61; Payroll 28,044.11; Publication Printing 697.70; Saunders County 44,093.80; SYNCB/AMAZON 1,539.60; Tim Hannan 180.00; Tom Sieburg 238.00; Traffic Safety Corp 2,971.00; Tys Outdoor Power 20.71; U.S.P.O. 147.35; Viki Miller 43.46; Vine Street Market 6.98; Wahoo-Waverly 323.22; William Dillon 8.00; Insuf Chk 1,756.58; Insuf Chk 63.30; Insuf Chk 64.36; Insuf Chk 56.97;
- 2) Open Discussion from Public: Dane Jorgensen was present to speak about the 10ft limit on sidewall height for accessory structures. He explained that there are several accessory buildings in the subdivision that have taller sidewalls and that he would like permission from the council to build a structure similar to those already present in the area. Mr. Jorgensen mentioned that he had reached out to the city office about a variance but was

told that it wasn't a viable option based on requirements for a variance that are set by state statute. City Administrator Bockelmann briefly described the state statutes that regulate variances, which must be addressed by the Yutan Board of Adjustment. The city administrator stated his position that a zoning text amendment would likely be the only route forward if the council would like to alter the regulations to accommodate Mr. Jorgensen. Scott Brown and John Dunn also signed up to speak but elected to wait until the public hearing for the change in zoning for Sunset Acres.

- 3) Supervisor's reports were submitted. City Administrator Bockelmann reminded the mayor and council of the upcoming Pumpkins in the Park event. The city administrator also informed the council, per the requirements of Ordinance 745, of the purchase of a backup motor for the sewer lift station and new garage doors for the maintenance shop.
- 4) A motion to approve the mayor's appointment of Eric Wilke to Utility Superintendent, Building Inspector, and Floodplain Administrator 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) A motion to accept the resignations of Joe Simons and William Dillon from the Planning Commission and accept the mayor's appointments of Paul Rupp and Marcus Hansen to the Planning Commission 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.
- 6) A motion to approve Resolution 2019-12 was made by McLaughlin and seconded by Thompson. Upon roll call vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None. Motion carried.
- 7) A motion to approve the third reading of Ordinance 747 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. A motion to approve Ordinance 747 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.
- 8) City Administrator Bockelmann explained that the change in zoning for this property would occur concurrently with an administrative lot split. Mayor Egr opened the public hearing to consider the zoning map amendment at 7:17 p.m. The city administrator recommended that the council waive the three readings of Ordinance 750 to approve the rezone. The public hearing was closed at 7:18 p.m. A motion to waive the three readings of Ordinance 750 and approve Ordinance 750 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.
- 9) Mayor Egr opened the public hearing to consider the zoning map amendment at 7:19 p.m. Scott Brown expressed his concern with increasing flexibility for property owners in Sunset Acres, due to a neighbor's prior construction of a pond in a drainage easement. He

voiced his opposition to rezoning this section of properties. John Dunn echoed those concerns during his statement, noting that the individual who constructed the pond did not get a permit to do so and did not undergo any testing before putting the pond in. Dane Jorgensen informed the council that he had his pond tested by TD2, and the engineer told him that his pond did not cause the damage to his neighbors' properties. John Dunn also noted that the pond was built while the subdivision's covenants were active and forbade the alteration to the drainage easement. Scott Brown said that he never needed to use his sump pump prior to this neighbor creating the pond. They debated the timeline of the pond's construction and the dissolution of the covenants. The city administrator was asked for his input on this issue, and he reviewed the history of the issue with the council. He reminded the council that the City's engineers were unable to definitively state whether the pond was causing the issues with the neighbors' basements and that the City's attorney advised that this is a civil matter between neighbors. The public hearing was closed at 7:30 p.m. A motion to approve the first reading of Ordinance 751 was made by McLaughlin and seconded by Thompson. Upon roll call vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None. Motion carried. Council Member Thompson then explained to the public present that only the first reading of the ordinance has passed, meaning that it will be addressed at future council meetings before being approved or denied; he stated the reason for this is to give other area residents a chance to weigh in.

- 10) City Administrator Bockelmann informed the council of a previous issue in which the maintenance department was unable to disconnect the water service for lack of payment. At that point, office staff learned that the City's current code does not allow a lien to be assessed on a property for delinquent utility bills; instead, the code calls for an outdated special assessment that Saunders County no longer uses. Councilmembers Thompson and Beck expressed concern about how a lien would be handled for a property that is occupied by a renter, and the city administrator emphasized that a lien typically wouldn't be used in that situation and would really only exist as a last resort for properties that cannot be disconnected from the water service when fixing the curb stop is not a feasible option. A motion to approve the first reading of Ordinance 752 was made by McLaughlin and seconded by Peterson. Upon roll call vote was as follows: YEA: McLaughlin, Peterson, and Thompson. NO: Beck. Motion carried.
- 11) The city administrator stated that the monthly expense for leasing a new fax/printer/copier has been accounted for in the budget and that this would be a significant upgrade for the office. Council Member McLaughlin asked what the service plan pertains to, and the city administrator told him that it would include toner and all maintenance that is not the obvious result of negligence or misuse by staff. A motion to authorize Mayor Egr to sign the lease and service agreement with Cannon Solutions America 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.
- 12) City Administrator Bockelmann requested input from the council regarding their priorities on capital projects before he begins the bonding process for the proposed projects. Council Member McLaughlin asked whether the City would continue using the

same meter company, and the city administrator indicated that was the plan. Council Member McLaughlin then asked if it is better to bond out the purchase of all the electronic meters needed to update the entire town or whether the City should continue gradually purchasing and installing meters. Utility Superintendent Wilke stated his position that it is unwise to bond out and order meters that will then sit on a shelf for years waiting to be installed. The council discussed the bonding process and the priority projects. City Administrator Bockelmann was instructed to get preliminary financing information from the bonding agent to discuss at the November meeting, so the engineering process can be approved as soon as possible.

- 13)** Council Discussion: Council Member Peterson addressed the mayor and council about creating a meeting etiquette to create more order and formality during council meetings. She cited previous incidences of individuals yelling during meetings or storming out in the middle of a meeting. City staff will begin drafting a meeting etiquette document. Council Member Thompson brought up setting a specific amount to charge the school to use the City's skid loader for snow removal and other projects. Utility Superintendent Wilke expressed his preference to have City staff operate the skid loader and potentially charge a service fee. Council Member Thompson also mentioned purchasing a new snow pusher and stated that he believed the council had decided to budget for it. The city administrator explained that, from the conversations held during the budget workshops, he believed the purchase was not a priority of the council, and due to the lack of excess funds in the street department, the snow pusher was not included in this year's budget.

Meeting adjourned at 8:04 p.m.

Next regular meeting of the Yutan City Council will be held November 19, 2019, at 7:00 p.m.

Darin Egr, Mayor

Katy Neukirch, City Clerk-Treasurer