

**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 AND VIRTUALLY VIA ZOOM ON THE 16<sup>TH</sup> DAY OF JUNE 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 and 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, and Peterson were present. Council Member Thompson was absent. Mayor Egr opened the meeting with the Pledge of Allegiance. Egr then informed all of the individuals present of the online location of the Open Meetings Act and Code of Conduct.

- 1) **Consent Agenda:** A motion was made by Peterson and seconded by Beck to approve the consent agenda: approve minutes from May 19, 2020 regular and May 27, 2020; June 2, 2020; and June 8, 2020 special council meetings, accept the May Treasurer's Report as submitted, and authorize payment on all submitted claims. Upon roll call, vote was as follows: YEA: Beck, McLaughlin, and Peterson. NO: None. Motion carried. Claims: All Sweep 2,400.00; Big Red Home Improvement 494.00; Brase Electrical 1,342.14; Cardmember Services 867.75; Cole Bockelmann 670.15; Companion Life 219.72; Cubbys 335.19; Eric Wilke 64.19; Frontier Coop 286.50; Gretna Sani 150.00; Int Rev 5,407.82; JEO 605.00; KM Landscaping 630.00; LoNM 420.00; Lowes 36.75; MaxD Designs 13.00; Meadsigns 246.00; Menards 1,436.52; Midwest Labs 45.00; Midwest Radar 80.00; MUD 116.06; NE Dept of Rev 1,915.71; One Call 16.91; OPPD 4,286.20; Payroll 9,949.31; Reveal 31.65; Tom Sieburg 30.06; Tys Outdoor Power 85.34; U.S.P.O. 153.30; U.S. Cellular 148.80; Wahoo-Waverly-Ashland Newspaper 469.05
- 2) **Open Discussion from Public:** Julie Helms was present to speak in opposition of Resolution 2020-8, stating that she was told that there is no ordinance requiring anyone to have a sidewalk and noted that there are several other homes in town that do not have sidewalks.
- 3) **Presentation from Guests**
  - a) None
- 5) **Ordinances and Public Hearings**
  - a) City Administrator Bockelmann reminded the council that Ordinance 762 was drafted per their request at the last regular meeting after a presentation from Randy Jensen who requested the allowance of backyard chickens within the corporate limits. He briefly explained the limitations of the ordinance and the permitting process established therein. The city administrator then asked the council whether

they had any questions regarding the drafted ordinance. Council President McLaughlin asked whether the city administrator was looking for this ordinance to go through three readings, and the city administrator stated that the council could choose to do that or could waive them and approve it at one meeting. City Administrator Bockelmann did state that this ordinance, while community-driven, is not as straightforward an issue as he normally recommends waiving the three readings for. Council Member Beck stated that the ordinance did impose strict rules to prevent issues. Council Member Peterson indicated her opposition to the ordinance. No motion was made, so no action was taken on Ordinance 762.

- b) City Administrator noted that the Planning Commission recommended approval of Ordinance 763. Mayor Egr opened the public hearing to consider the zoning text amendment to increase the maximum sidewall height in the R-1 and R-2 zoning districts at 7:09 p.m. No public comment was given. The public hearing was closed at 7:10 p.m. A motion to waive the three readings and approve Ordinance 763 was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows: YEA: Beck, McLaughlin, and Peterson. NO: None. Motion carried.
- c) The city administrator noted that this ordinance was drafted per council request at the last meeting following a resident's request to remove breed-specific language from the City's dangerous dog regulations. City Administrator Bockelmann explained that he worked with the City Attorney to review state statute and draft this ordinance. Council President McLaughlin asked when the American Kennel Club changed their position on breed-specific regulations, and the city administrator said that he was not sure on an exact date but would assume that it happened within the last couple of years. Council President McLaughlin then clarified that a dog would have to bite someone before being deemed dangerous, to which City Attorney Maureen Freeman-Caddy agreed. It was then noted that the same threshold is currently used for all other dog breeds before they are able to be deemed dangerous. Council Member Peterson asked whether there is strong enough action allowed in the City's ordinance to respond appropriately if a dog did injure someone. City Attorney Freeman-Caddy explained what is currently allowed in the ordinance and noted that the process and consequences are in compliance with state statute. The city attorney then explained the difficulty in enforcing any law that goes beyond what state statute prescribes. Council Member Peterson acknowledged the importance of complying with state law and emphasized the need for the Yutan Police Department to closely watch these situations. The city administrator agreed to work with the police chief going forward to ensure that potential problems are properly monitored. Council President McLaughlin asked whether the regulations could be changed to mandate the removal of dangerous dogs from the city, and City Attorney Freeman-Caddy stated that the council could choose to do so if they changed a different section of the code than what is currently in this ordinance. The council discussed whether mandating the removal from town is the right option, and City Administrator Bockelmann warned that doing so could be complicated, as the council would likely want to set different standards for which dogs are eligible for removal depending on the level of threat. The city attorney discussed the possibilities with the council. A motion to approve the first reading of Ordinance 764 pending modifications was made by Peterson and seconded by Beck. Upon roll call, vote was as follows: YEA: Beck, McLaughlin, and Peterson. NO: None. Motion carried.

## 6) Resolutions

- a) City Administrator Bockelmann mentioned that this item was requested by multiple council members to be readdressed at this meeting. The city administrator explained that the process of requiring a homeowner to replace their sidewalk must begin by resolution unlike nuisance abatement which begins with a notice by letter. Mayor Egr and council members spoke with Julie Helms about the points she discussed in the open discussion portion of the meeting. Council Member Peterson noted that, while this resolution only references two specific properties, others are being looked at; she further stated that the city's attorney previously informed the council that there is an ADA-compliance issue to consider, as cities are typically expected to add more sidewalks rather than allow their removal. They discussed how new construction are required to put in sidewalks by the subdivision regulations, and it was questioned whether older properties without sidewalks would fall under a grandfather clause that would prevent the City from requiring them to install sidewalks. City Attorney Freeman-Caddy informed the council that no such grandfather clause exists and that, by law, the council can require the construction of a sidewalk on any property in the city at any time. When asked by Julie Helms why their property was suddenly being addressed when there are other properties without sidewalks, the city administrator explained that it was brought to staff's attention that this property's sidewalk was recently removed, and it is his position that setting this standard now is important to prevent other homeowners around the city from removing their sidewalks without replacing them. He noted that the council could further address the properties in older sections of town that have never had sidewalks or have not had them in decades but that the process needs to start somewhere. Council Member Peterson mentioned that her concern is that, if this resolution is not passed, it will create a precedent that homeowners can freely remove their sidewalks, and eventually, no continuous sidewalks will exist in town. Council Member Peterson requested that this item be addressed next month to provide staff time to investigate other properties that have maybe also removed their sidewalks in recent years. Council President McLaughlin agreed that another resolution could be written that would incorporate any other properties with similar circumstances, and City Administrator Bockelmann warned that, while staff can certainly try to do that, the council must also be aware of the potential budgetary implications, as it may be necessary for the City to bear the upfront cost of replacing the sidewalks until a lien on the property is paid. City Administrator Bockelmann then asked what threshold the council wants when looking at properties that potentially removed sidewalks, if they wanted staff to go back five years or ten or longer, and Council President McLaughlin mentioned that it couldn't be too far in some cases, as the property would have likely changed hands. The council will review staff's findings at the next meeting and revisit this resolution.
- 7) **Other Action Items**
- a) The city administrator explained that this agreement would be between Yutan Public Schools and the City of Yutan for ballfield usage, mostly for softball. He stated that the agreement is almost identical to the previously approved agreements with other athletic organizations. A motion to approve the license and management agreement with Yutan Public Schools was made by Peterson and seconded by Beck. Upon roll call vote was as follows: YEA: Beck, McLaughlin, and Peterson. NO: None. Motion carried.
- b) City Administrator Bockelmann explained the specifications of the improvements to

the basketball court by Timbercrest Park. He noted that it would use the majority of the available keno funds, which would prevent other proposed keno projects from being completed this year. A motion to approve the basketball court improvement bid from Sport Construction Midwest for an amount not to exceed \$16,200.00 was made by Peterson and seconded by Beck. Upon roll call vote was as follows: YEA: Beck, McLaughlin, and Peterson. NO: None. Motion carried.

- c) The city administrator told the council that there was funding in the budget to accommodate the bonding of a water main project. While that was initially planned to be a water main on 4<sup>th</sup> Street, it was deemed more desirable by the completed infrastructure study to replace the water main on 5<sup>th</sup> Street instead. JEO engineer Zach Schulz briefly described the items included with the proposed construction services agreement. City Administrator Bockelmann explained that the cost of this agreement would likely be paid through pre-bond financing and would not greatly impact the operational budget for this fiscal year. They discussed the estimated timeline for the project. The city attorney requested to review the contract before the bid documents go public, and the JEO engineer agreed. A motion to approve the proposed construction services agreement with JEO Consulting Group for an amount not to exceed \$32,500 was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows: YEA: Beck, McLaughlin, and Peterson. NO: None. Motion carried.
  - d) City Administrator Bockelmann provided the council with different options for timeclocks, per the request of a council member. Council President McLaughlin asked whether there was a specific incident that caused this issue to be brought up, and the city administrator explained that there was some confusion on a timecard several months ago that was resolved and has not resulted in any issues since. Council Member Peterson expressed her preference to keep the current procedure in place. Mayor Egr asked Council Members McLaughlin and Beck whether they shared that preference, and both agreed. No action was taken.
- 8) Discussion Items**
- a) The city administrator outlined updated information from the governor regarding the directed health measure (DHM) currently in place as well as the expected loosening of restrictions in the coming weeks. He noted which facilities were open and what restrictions are in place for those facilities. City Administrator Bockelmann requested that the city office be reopened to the public on Monday, June 22<sup>nd</sup>, and the mayor and council agreed. Staff will advertise the reopening via the City's Facebook.
  - b) It was explained that a current employee applied for the part-time administrative assistant position and would, in working that role in addition to her existing position, likely pass the current threshold for a full-time employee, which would entitle her to benefits. The city administrator explained that the two options would be to extend the benefits to the employee, as the financial impact would be mostly offset by the current City Clerk-Treasurer reducing to part-time hours as planned, or to alter the handbook to raise the threshold for a full-time employee from 30 hours per week to 40 hours. The council discussed both options and ultimately decided to offer the benefits to the existing employee and also change the definition of full-time to an employee who regularly works no less than 40 hours per week.
- 9) Supervisor's Reports**

- a) Library Director's report was submitted.
  - b) Police Department's report was submitted.
  - c) Maintenance Department's report was submitted.
  - d) City Administrator's report was submitted.
- 10) **Council Discussions:** Mayor Egr asked the city attorney whether the City could be held liable if a council member provided inaccurate information to a resident, and City Attorney Freeman-Caddy explained that no single council member has the authority to represent the entire council.

Meeting adjourned at 8:34 p.m.

Next regular meeting of the Yutan City Council will be held July 21, 2020, at 7:00 p.m.

Darin Egr, Mayor

Katy Neukirch, City Clerk-Treasurer