

**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 17th DAY OF AUGUST 2021, 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. Councilmembers Beck, Kelly, Peterson, and Thompson were present. Mayor Egr informed all the individuals present of the location of the Open Meetings Act and Code of Conduct. Mayor Egr then opened the meeting with the Pledge of Allegiance.

1) Consent Agenda

- a. Approve Minutes of July 20, 2021, Regular Meeting: A motion was made by Peterson and seconded by Thompson to approve the July 20, 2021 minutes. Upon roll call, vote was as follows YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.
- b. July Treasurer's Report: A motion was made by Thompson and seconded by Beck to approve the July Treasurer's Report. Upon roll call, vote was as follows YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.
- c. Claims: **Amazon \$431.50; Badger Meter \$161.98; Bockelmann, Cole \$354.97; Brase Electrical Contracting Corp. \$467.54; Bromm Lindahl Freeman-Caddy & Lausterer \$1,379.50; Cardmember Service \$1,360.80; Colonial Research \$141.07; Cubby's, Inc. \$386.58; Cuda's Auto & Towing \$459.00; Drop In Portables \$170.00; ECS Technology Services \$21.00; First State Insurance Agency \$654.00; Five Rule, LLC \$2,000.00; Frontier Cooperative \$935.50; Gay, Rachelle \$59.33; Great Plains Uniforms \$169.49; Gretna Sanitation \$165.00; Hydro Optimization & Automation Solutions, Inc. \$274.38; JEO Consulting Group \$4,861.25; Lowe's \$56.59; Menards Elkhorn \$360.18; Midwest Laboratories \$20.78; Nebraska Library Commission \$500.00; OPPD \$3,908.50; One Call Concepts \$35.79; Payroll 7/20/21 \$10,237.65; Payroll 8/5/21 \$10,237.65; Quinn, Jeff \$200.00; Railroad Management Company III, LLC \$284.85; T & E Quick Seal LLC \$1,200.00; Thiele Geotech LLC \$762.00; Ty's Outdoor Power & Service \$67.40; US Cellular \$132.21; USPO \$168.12; Van Ackeren, Laurie \$110.07; Wilke Plumbing \$95.00; Wahoo-Waverly-Ashland Newspapers \$511.68; Woodhouse - Blair \$75.13**
- d. Prior to the meeting, Councilmember Peterson submitted form NADC C-2A Potential Conflict of Interest Statement because her son is employed by the City during the

most recent pay period. A Motion was made by Thompson and seconded by Kelly to approve the payroll claims. Upon roll call, vote was as follows YEA: Thompson, Beck, and Kelly. NO: None. ABSTAIN: Peterson. Motion carried. A Motion was made by Thompson and seconded by Kelly to approve the non-payroll claims. Upon roll call, vote was as follows YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.

2) Open Discussion from Public

- a. Jerry and Denise Rodriguez inquired about the shed at 602 5th Street. They said they and all of their neighbors do not have a problem with the shed and do not see why the City wants the owner, Michael Butler (also present) to take it down. Councilmember Beck said he also sees no problem with the shed. City Administrator Bockelmann explained the location of the shed does not meet setback requirements and the City is trying to equally enforce rules. City Administrator Bockelmann said Mr. Butler can take his case to the Board of Adjustment to attempt to get a variance for this structure.

3) Presentations from Guests

- a. None

4) Ordinances and Public Hearings

- a. Ordinance 776: Salary Update: City Administrator Bockelmann explained the update to this Ordinance reflects the hiring of a Utility Assistant and an hourly rate for a part-time librarian. A Motion to waive the three readings and approve Ordinance 776 was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows: YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.
- b. Zoning Text Amendment to Sections 2.03.72 and 5.05.02 to allow Commercial Solar Conversion Systems (CSCS) in the TA Transitional Agriculture Zoning District
 - i. Applicant Presentation: Page Bolin with Community Energy stated the final County Board approval was granted this morning. 40-50 acres of the project will be in Yutan's Extraterritorial Jurisdiction (ETJ) if this Zoning Text Amendment is approved. There is a 40-year lifespan on this project. She reported Saunders County and OPPD has no plans to develop another project in this area.
 - ii. Staff Report: City Administrator Bockelmann reported the proposed Zoning Text Amendment is very narrow and gives good protections for the City. A benefit of approving the Text Amendment is the City's role in decommissioning the project. He said there is no staff recommendation because the Comprehensive Plan does not have an energy component.
 - iii. Public Hearing: Mayor Egr opened a Public Hearing at 7:15. Rick Hancock, Tracy Voegedi, and Stephanie McEvoy opposed construction of the solar panels within the City's ETJ. They are concerned it will hinder growth, be unattractive, and hazardous. David Levy with Baird Holm offered a rebuttal. He said the County Board has approved this project and it would be near the City's ETJ regardless of the outcome of the zoning text amendment. He said the only way to self-determination in Yutan is by approving this amendment. He stated voting against the Amendment would make Yutan reliant on the County and this is about the City's only ability to have control over this project at all. Councilmember Thompson asked why the panels were ever

approved to be in the ETJ. Page Bolin explained this was the result of faulty mapping. Utilities Superintendent Sieburg asked if the Fire Department needed extra training to manage the equipment. Page Bolin explained training sessions will be held and Community Energy is working closely with the Fire Chief. Utilities Superintendent Sieburg asked about hail and wind damaging the panels. Page Bolin said they have been built all over the country and are tested and built to withstand weather. An agreement with OPPD has been made for the panels to withstand 120 mph winds. Michaela Valentin with OPPD stated there are no plans to do future solar in this region because it is too risky. This project is capped at 81 megawatts. Councilmember Peterson expressed frustration that the City was not included in the decommissioning plan. Forty years is a long time in the future, and it is hard to know what the City will look like or what we want it to look like. She said if this Amendment is not approved, we continue to not have a voice. David Levy explained the decommissioning plan is straightforward and there really was no input for the City to give. Councilmember Kelly asked if the lease agreements with property owners included them in the decommissioning agreement and if they would continue to be if their property eventually falls within the ETJ. Levy responded that each lease agreement ties to the decommissioning plan and that it will remain in place if the ETJ expands over the property. Public Hearing closed at 7:53.

- iv. A Motion to deny Ordinance 777 was made by Thompson and seconded by Kelly. Upon roll call, vote was as follows: YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.

5) Resolutions

- a. Review and Approval of Lift Station Pump Upgrade Design and Funding
 - i. Review of Design Options: City Administrator Bockelmann explained the need to secure the SRF loan to secure 0% interest which expires end of month. Staff recommends option 3, which includes pumping capacity of 625 gallons per minute with an approximately a 260-home capacity.
 - ii. Selection of Lift Station Design. A Motion to approve Lift Station Design number 3 was made by Peterson and seconded Kelly. Upon roll call, vote was as follows: YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.
 - iii. Resolution 2021-12: Clean Water State Revolving Loan Fund Agreement. A Motion to approve Resolution 2021-12 was made by Thompson and seconded by Beck. Upon roll call, vote was as follows: YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.

6) Other Action Items

- a. Change Order #6 for 5th Street/Hillside Ave. Water Main Project in the amount of \$8,583.50 was submitted for approval. Councilmember Kelly asked why two of the ditches on Vine St. are deeper than others. City Engineer Zach Schulz stated that it was done to align with the grade of the nearby properties rather than drainage. Councilmember Thompson stated that the issue could be resolved by installing pvc pipe and covering the ditch. Thompson suggested that the work could be done by a subcontractor rather than a formal change order.

- b. \$104,513.73 was submitted for approval. A Motion to approve Change Order # 6 for 5th Street/Hillside Ave. Water Main Project in the amount of \$8,583.50 and Pay Application #5 for 5th Street/Hillside Ave. Water Main Project in the amount of \$104,513.73 was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows: YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.
- c. Adjustment to Resident Project Representation (RPR) with JEO Consulting Group. Councilmember Thompson stated \$3,202.50 should be paid for by Melvin Sudbeck Homes for JEO's project representation on the lowering of the County Road 5 Water Main. Utilities Superintendent Sieburg said Sudbeck should also pay for the replacement of a hydrant on County Rd. 5 and Vine St. that was incorrectly installed. A Motion to approve Adjustment to Resident Project Representation (RPR) with JEO Consulting Group in the amount of \$3,797.50 was made by Thompson and seconded by Kelly. Upon roll call, vote was as follows: YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.
- d. Payment of \$10,777.84 to Advance Irrigation Solutions for Pivot Repairs. City Administrator Bockelmann explained the wiring on the pivot was stolen a few weeks ago. The owner of the property where the pivot is located replaced the pivot without City authorization. He is waiting for a police report to proceed and recommends tabling this item. A Motion to table payment of \$10,777.84 to Advance Irrigation Solutions for Pivot Repairs was made by Thompson and seconded by Beck. Upon roll call, vote was as follows: YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.
- e. Consideration of Request for Maintenance of Oak/2nd St. Right-of-Way. Lyle Rupp approached Council about maintenance on this right-of-way. It is a 40' right-of-way on his property and it is all rock and gets very muddy. Rupp would like to know where he would get rock from if it is a City street and he cannot just change a city street. He is looking for guidance on how to manage this problem. Councilmember Thompson said the City can take a truckload of rock and lay it down. Councilmember Kelly asked Rupp if he would be willing to take care of the street if the City vacated it and he said yes. Councilmember Kelly would not be opposed to vacating off Oak. Councilmember Peterson said it would be fine to keep it as right-of-way and just put in rock. A Motion to order a truckload of rock to maintain the right-of-way was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows: YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.
- f. Review and Acceptance of Bid for Concession Stand Design Services for Hayes Concession Stand. Councilmember Thompson is still waiting on a design for the concession stand. He requested \$2,500.00 for the concession stand design as he knows that is the cost. A Motion to spend up to \$2,500.00 for a concession stand design was made by Peterson and seconded by Thompson. Upon roll call, vote was as follows: YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.
- g. Selection of Date for 2nd Budget Workshop. A Motion was made by Peterson and seconded by Thompson to hold the 2nd Budget Workshop on Thursday, August 26, 2021 at 6:00. Upon roll call, vote was as follows: YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.

7) Discussion Items

- a. Discussion on Draft 1&6 Year Plan: City Administrator Bockelmann presented Draft

1- & 6-Year Plan and no changes were requested at this time.

8) Supervisor's Reports

- a. Library Director's Report was submitted.
- b. Police Department's Report was submitted.
- c. Maintenance Department Supervisor's Report was submitted.
- d. City Administrator's Report was submitted.

9) Council Discussions

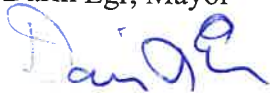
- a. Councilmember Peterson would like to see hours worked added to monthly police report as well also warnings issued.
- b. Councilmember Beck brought up Mr. Butler's shed. He said there is nowhere the shed can go and he want Council to make an exception tonight to allow the shed. He would like to make a Motion to make an exception to approve the shed. Mayor Egr said this was not an option as this was not an Agenda item. City Administrator Bockelmann said he will look at the variance statutes and review this for the next meeting. May Egr stated that no enforcement will be pursued until the issue is resolved.
- c. Councilmember Kelly would like parking on one side of the street only in Itan Subdivision. City Administrator Bockelmann said a Resolution can be drafted.
- d. Councilmember Peterson said people are abusing the ATV privilege and driving where they should not be, driving with young kids, and while or after drinking. She feels we need more enforcement.

Meeting Adjourned at 8:41P.M.

NEXT MEETING DATE – September 21, 2021, 7:00 P.M.

Anyone desiring to speak before the Mayor and City Council should contact the City Clerk by the Monday preceding the City Council Meeting by 4:00 p.m. Anyone desiring to speak on any item on the agenda is invited to do so but should limit himself/herself to 3 minutes. After being recognized by the Mayor, give your name and address for the record. Anyone desiring to speak for a longer period of time should make arrangements with City Clerk prior to the meeting. All speakers shall address the Mayor and City Council only. Anyone attending the meeting that may require auxiliary aid or service should contact the City Clerk in advance.

Darin Egr, Mayor



Rachelle K. Gay, City Clerk-Treasurer

