

Yutan City Council
Tuesday, October 18, 2022
7:00 p.m. – Yutan City Hall

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 18th DAY OF OCTOBER 2022, 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 Thompson, Beck, Kelly, and Peterson were present. Mayor Egr informed all the individuals present of the location of the Open Meetings Act and Code of Conduct. The meeting was opened with the Pledge of Allegiance.

1) Consent Agenda

- a. Approve Minutes of September 20, 2022, Regular Meeting.
- b. Treasurers report
- c. Claims: Badger Meter \$109.20; Capital Business Systems \$134.75; Canon Financial Services \$106.00; Cardmember Service \$2,186.21; Cubby's \$641.08; Culligan \$78.00; Data Shield \$90.00; Drop In Portables \$355.00; Eakes Office Solutions \$648.35; ECS Technology Services \$779.35; Engel, V. \$250.00; Filament Essential Services \$2,400.00; Five Rule Rural Planning \$19,450.00; Great Plains Uniforms \$1,336.00; IBTS \$300.00; IRS \$1,214.78; JEO \$5,378.75; Jones, M. \$87.35; Loveland Grasspad \$927.75; Lowes \$4,780.06; Miller, V. \$73.96; MUD \$123.62; NAU Insurance Company \$584.00; NE Department of Revenue \$6,169.99; NE Public Health Environmental Lab \$167.00; One Call Concepts, Inc. \$10.32; OPPD \$4,413.62; Pitney Bowes \$242.40; Roadrunner Transportation \$322.50; SYNCB/Amazon \$841.00; T & E Quickseal \$7,750.00; The Diamonds Groundskeeper \$4,378.00; The Lincoln National Life Insurance Agency \$318.33; Two Rivers Sand & Gravel \$50.00; US Cellular \$106.34; USPO \$210.76; Valley Corp. \$448.68; Woster, L. \$224.59; Yutan Public Library Foundation \$1,250.00. Total without payroll: \$67,581.89. Total with payroll \$87,702.48.
- d. A motion to approve the consent agenda 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.

2) Open Discussion from the Public

- a. Brett Lawton supports the proposed off-street parking options. He says rock and gravel will give people cheaper parking options than pouring concrete driveways.
- b. Will Smith would like to see a 4-way stop at the intersection of Second Street and Vine Street downtown. He feels this will make the community safer for everyone.
- c. Kevin Bradford supports the proposed off-street parking options.

- d. Justin Barney supports the proposed off-street parking options. He appreciates the community newsletter and the city having his sidewalk fixed.
- e. City Administrator Heaton presented a letter from Michelle Smith-Dahlhauser and Sheryl Smith requesting permits to allow gardens on city property. The letter is included in council packets for member review. Mayor Egr requested this item be placed on November's meeting agenda.

3) No Presentations from Guests

4) Ordinances and Public Hearings

- a. Ordinance 793
 - i. City Administrator Heaton informed all present the purpose of this ordinance is to change off-street parking in the following ways:
 - 1. No more than 40 % coverage in front or back yard for off-street parking.
 - 2. Crushed rock, pavers, or other hard surfaces will be acceptable for secondary parking.
 - 3. New primary parking must be paved, or current rock driveways being altered over 50% must be paved.
 - 4. Secondary parking cannot exceed the size of primary parking and must be parallel to existing parking, not the street.
 - 5. All vehicles over 16,000 GVWR or three or more axles are prohibited from parking in residential areas.
 - 6. No parking on city ROW unless approved.
 - b. Staff recommends approving the ordinance with the proposed changes.
 - i. A public hearing was opened by Mayor Egr at 7:07 p.m.
 - 1. Kevin Bradford proposed placing a sign at the entrance of town notifying drivers that vehicles over 16000 GVWR or three or more axles are prohibited from parking in residential areas.
 - 2. General council discussion was had. Councilmember Thompson suggested passing the ordinance as written and adjusting in the future if necessary.
 - 3. The public hearing was closed at 7:11 p.m.
 - ii. A motion to approve the third reading of Ordinance 793 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. A motion to approve Ordinance 793 as written 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.
- c. Ordinance 797
 - i. City Administrator Heaton informed all present the purpose of this ordinance is to change side and rear setbacks in R1 to 5 feet for accessory structures. This will bring R1 setback requirements to match R2 setback requirements. On October 12, 2022, the Planning Commission recommended approving Ordinance 797. Staff recommends waiving the three readings and approving Ordinance 797.
 - ii. A public hearing was opened by Mayor Egr at 7:13 p.m.
 - 1. Kevin Bradford would like there to be no setback for people who have property that does not back up to any existing structure or lot where

nothing will be built. Heaton stated it would be simpler to have rules that apply straight across the board, but he will leave the decision to council. Mayor Egr agreed the setbacks should simply be 5' in residential areas. Bradford said he understood, and it was no big deal.

2. The public hearing was closed at 7:14 p.m.
- iii. A motion to waive the three readings and approve Ordinance 797 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. Ordinance 799
 - i. City Administrator Heaton informed all present the purpose of this ordinance is to remove section 4.11.05 from the Zoning Ordinance. Current language contradicts other sections, and this ordinance will clear up regulations. On October 12, 2022, the Planning Commission recommended approving Ordinance 799. Staff recommends waiving the three readings and approving Ordinance 799.
 - ii. A public hearing was opened by Mayor Egr at 7:17 p.m.
 1. Sean Gibb requested and received clarification that this applies to the 5' setback requirements for front and side yards.
 2. The public hearing was closed at 7:18 p.m.
 - iii. A motion to waive the three readings and approve Ordinance 799 was made by Kelly and seconded by Thompson. Upon roll call, vote was as follows YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.

5) No Resolutions

6) Other Action Items

- a. City Administrator Heaton informed all present that pay application #4 to Midtown Plumbing is for meter work completed in the past month. At this time, 197 meters have been installed. A motion to approve pay application #4 in the amount of \$3,715.17 to Midtown Plumbing 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.
- b. City Administrator Heaton informed all present that two bids for roof repairs are in the council packet for review. Apple Roofing submitted a bid of \$20,300.00 and McKinnis Roofing bid \$31,289.00. Heaton informed council that (local businessman) JC Long has a subcontractor coming to the city tomorrow (October 19) to submit a bid for roof repair. This company uses a different repair technique than the two current bids. Councilmember Thompson requested clarification on the Apple Roofing bid. Heaton suggested tabling this item until another bid is received and the Apple Roofing bid is clarified. A motion to table the consideration of bid for roof repair at Yutan City Hall 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. Attached to the city council packet is a bid from Quality Irrigation for sprinklers at Hayes Field 2. A motion to approve the irrigation bid for Hayes Field 2 in the amount of \$6,950.00 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. City Administrator Heaton informed all present that the total for security cameras at the water tower, lift station, and wells is \$16,036.00. Superintendent Woster secured a grant

- for cameras in the amount of \$10,000.00. Staff is seeking council approval for the remaining amount of \$6,036.00. Councilmember Thompson inquired about the need to spend money on cameras for the lift station if the lift station project will carry on as planned. Woster said the cameras for the current lift station can wait. Heaton said not putting cameras at the lift station will save 3 to 4 thousand dollars. Councilmember Kelly asked Woster if there are cameras at the basketball courts because there have been reports of kids causing trouble. Woster said it would be possible to put cameras at this location. He will investigate options for putting cameras at the basketball court to monitor activity. A motion to approve the purchase of security cameras for water tower, wells, and shop 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.
- e. Superintendent Woster has located a truck for the utility department. City Administrator Heaton explained local inventory is not currently suitable and will not be for the foreseeable future. Fleet vehicles at a national level are not available. This truck is in Oklahoma and selling for \$57,624.00. Heaton reviewed the vehicle specs and Woster confirmed this truck has all the features he is seeking for the utility department. Councilmember Thompson expressed concern about spending this much on a truck when vehicles should be coming available soon. Councilmember Kelly said he personally experienced purchasing a vehicle recently and not having any power as a buyer to negotiate price. Councilmember Peterson said she understood the concern about missing out on buying this vehicle and not finding another one. A motion to approve the purchase of a utility truck was made by Peterson and seconded by Kelly. Upon roll call, vote was as follows YEA: Peterson, Kelly, and Egr (tie breaker). NO: Thompson and Beck. Motion carried.
 - f. Council has been provided with a Board Interest form for Carrie Duffy for the Planning Commission and CRA Boards. Councilmember Kelly had a list of questions for Ms. Duffy who was not present. He opted to allow the council to vote on this item while he would abstain. A motion to approve Carrie Duffy to the Planning Commission & CRA Board was made by Thompson and seconded by Beck. Upon roll call, vote was as follows YEA: Thompson, Beck, and Peterson. ABSTAIN: Kelly. NO: None. Motion carried.
 - g. Council has been provided with a Board Interest form for Matt Keiser for the Planning Commission. Mr. Keiser lives in the city's ETJ. City Administrator Heaton explained the Planning Commission needs a member who lives in the ETJ, and he would fulfill this requirement. If he is not approved, the commission still needs one member from the ETJ and one alternate. A motion to table approving Matt Keiser to the Planning Commission until further research is done 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.

7) Discussion Items

- a. Agenda Request to Consider Pole Buildings in Residential Areas
 - i. Sean Gibb requested a zoning change to allow pole barns in residential areas. Gibb said he was told by previous administration that he could have a pole barn in his yard. He said he spent almost \$10,000.00 on dirt work and a survey only to be told no by current administration when he went to pull a permit. He asked for council to consider allowing him to put this type of building in the yard. He said

it would be well-kept, landscaped, and practically hidden by the trees. It would also mean he pours a driveway for tenants to move their vehicles out of the street when plows need to come through. Councilmember Peterson explained she would like to see residential areas look residential and not have metal buildings. Councilmember Beck expressed frustration on behalf of Mr. Gibb that he was told he could proceed with this building and now he is being told no. Councilmember Thompson inquired if the lot could be rezoned to commercial so the pole barn would meet zoning requirements. Mayor Egr said there are already multiple metal buildings downtown and the location of his property is basically downtown so it would not look funny. Councilmember Peterson is worried rezoning this lot will set a bad precedent. Heaton said he will examine the feasibility of rezoning the lot.

- b. Discussion of Future Land Use and DTR Drafts
 - i. City Administrator Heaton explained to council that maps of future land use and the downtown revitalization plan are included in the council packets for review. He reviewed the maps and asked council to reach out to him in the next week if they would like to see any changes. If no changes are proposed, he will tell Five Rule Rural Planning to proceed with their plans.
- c. Update on Lift Station Project
 - i. City Administrator Heaton informed all present that the SRF loan rules have changed since the project began a year ago. There is a possibility the city will have to return to step one of the process. The state might also require the city to now bid out engineering plans rather than use the city engineering firm, JEO. Heaton is waiting for guidance from the SRF staff before proceeding. These changes mean that, currently, there is no loan for the lift station project. He reported that Zach Schulz with JEO told him the current lift station is doing okay, so moving forward with project is not an emergency.

8) Supervisor's Reports

- a. Library Director's report was submitted. City Administrator Heaton reported that Director Van Ackeren is recovering from surgery. Her earliest return date will be Thanksgiving.
- b. Police Chief's report was submitted.
- c. Utilities Superintendent's report was submitted and reviewed. Councilmember Peterson asked Superintendent Woster if he could clean leaves from the storm drains in town. Woster said okay. Councilmember Thompson said the walking bridge over the creek needs to be looked at by the city engineer. Heaton will look into this matter.
- d. City Administrator's report was submitted and reviewed.


9) Items for Next Meeting Agenda

- a. Gardens on city property.
- b. Pickleball courts.

A motion to adjourn the meeting was made by Kelly and seconded by Thompson. Upon roll call, vote was as follows YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.

Meeting Adjourned at 8:22 p.m.

NEXT MEETING DATE – November 15th, 2022, 7:00 P.M.



Darin Egr, Mayor



Rachelle K. Gay, Clerk-Treasurer

