

**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 JULY, 2018, 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 the Mayor and all members of the 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, Long, McLaughlin, and Peterson 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 June 19th, 2018, and the special meeting of July 2nd, 2018, were approved as mailed with a motion from McLaughlin and seconded by Peterson. Upon roll call vote was as follows: YEA: Long, Beck, McLaughlin, and Peterson. NO: None. Motion carried. The June Treasurer's report was accepted as submitted.

- 1) Claims - Motion was made by Long and seconded by Beck to pay all claims. Upon roll call vote was as follows: YEA: Long, Beck, McLaughlin and Peterson. No: None. Motion carried. Claims list: Badger Meter 111.25; Brase 255.00; Bromm Lindahl 623.50; Cardmember Services 2,699.21; Companion Life 121.30; Chris Kems 180.00; Cubby's 436.45; DHHS Dept. of Public Health 115.00; Ed Schroeder 489.00; Frontier Coop 618.10; Fud & Tracys 845.53; Gretna Sani 125.00; Int Rev 4,463.22; JEO 1,040.00; Johnson Service 32,037.90; Karen Porter 171.85; Laurie VanAckeren 158.60; Lowes 678.05; LTD Commodities 68.75; MaxD Designs 45.00; MUD 84.00; NE Dept of Rev 1,766.95; NE Dept of Rev 1,982.98; NE Dept of Rev 1,478.00; NE Turf 81.63; NE UC Fund 180.45; Odeys 138.00; One Call 16.62; OPPD 5,058.61; Payroll 16,744.15; Petty Cash 21.75 Sargent Drilling 500.00; Tys Outdoor Power 194.13; U.S. Cellular 176.42; U.S.P.O. 139.30; Viki Miller 21.68; Wahoo Newspaper 708.45; Wildlife Encounters 295.00; Windstream 267.92; Yutan Trucking 270.69; Insuf Chk 97.80; Insuf Chk 62.25; Insuf Chk 74.91;
- 2) Open Discussion from Public – Several individuals signed up to speak but asked to be heard during agenda item #12 regarding Ordinance 740: Excessive Noise.

In consideration of the group of individuals who were in attendance to speak on the noise-related issues, agenda items #11 and 12 were discussed at this point.

- 11) **ORDINANCE 739-AN ORDINANCE OF THE CITY OF YUTAN, SAUNDERS COUNTY, NEBRASKA, TO PROVIDE FOR PERMITTED DATES, TIMES AND TERMS FOR THE USE, DISCHARGE AND EXPLOSION OF FIREWORKS IN THE MUNICIPALITY;** Members of the public asked what aspects of the municipal code were being changed with Ordinance 739, and Council member Long explained that the City does not currently have any rules on the books regarding the use, or discharge, of fireworks. The Council informed the public that members of the community have reached out to them and to City employees to request that date and time restrictions be put into place. Council member McLaughlin asked whether the other members of the Council felt an exception should be written into the ordinance if weather prevents the use of fireworks on the Fourth of July, as it did this year, but it was decided that the current dates written into Ordinance 739 would stand for now. A motion to approve the second reading of Ordinance 739 was made by Long and seconded by Peterson. Upon roll call vote was as follows: YEA: Long, Beck, McLaughlin and Peterson. No: None. Motion carried.
- 12) **ORDINANCE 740- AN ORDINANCE OF THE CITY OF YUTAN, SAUNDERS COUNTY, NEBRASKA, TO AMEND CHAPTER 3 OF THE MUNICIPAL CODE FOR THE PURPOSE OF REGULATING EXCESSIVE NOISE IN THE MUNICIPALITY;** Council member Long began the discussion by clarifying that the Council has only passed the first reading of this ordinance, which means that it has not yet passed into law. Discussion was opened to the individuals who requested to speak on this issue. Tim Ortmeier, a resident and business owner in Yutan, inquired as to what complaints spurred on the writing of this ordinance, and Council member Peterson informed him that there have been complaints made regarding construction crews starting work and residents mowing their lawns too early in the morning. Tim asked whether mowing would fall under the “maintenance” wording of the ordinance; he went on to say that he could understand not wanting construction to occur too early in the morning but that there are circumstances in which performing certain activities outside of the allowed hours would be necessary. He also stated that he felt the ordinance’s current wording was too vague for fair enforcement, allowing for repeated citations of local businesses trying to make a living while letting other activities slip through the cracks entirely. He also mentioned that the police department could issue citations under disturbing the peace, if there is a serious issue. Council member Peterson explained that, without concrete hours in place, she feels that it is harder to enforce a disturbing the peace violation. He suggested that, if construction crews are the real issue rather than a quarrel between neighbors, it may make more sense to put times of acceptable operation hours on the building permits that building permit applicants must agree to when filing their permit. Another individual mentioned that there are trains, trash trucks, and even the City's snow trucks operating outside of the proposed hours, and it was questioned whether the City's employees would abide by this ordinance when plowing snow or if a water main broke. Paul Randazzo, a business owner in Yutan, explained that this is not a business-friendly policy and that it is frightening to local business owners. Tim Nab suggested making the ordinance specific to residential properties, excluding emergencies like a snow storm requiring plowing or the sirens of a fire truck or ambulance. Paul asked whether any complaints had been lodged against the small business owners in the office, and Mayor Egr explained that the complaints being made were between residential neighbors who, in

his opinion, should discuss their issues with their neighbors directly before taking further action. The City Council decided to table this item pending the rewording of Ordinance 740.

- 3) Building permits #1526-1527 were submitted for approval. A motion was made by McLaughlin and seconded by Long to approve permits #1526-1527 contingent upon JEO engineer approval on the permits, as the Building Inspector is currently on vacation. Upon roll call vote was as follows. YEA: Beck, Long, McLaughlin and Peterson. NO: None. Motion carried.
- 4) Supervisor's reports were submitted. It was decided that the next budget workshop would be held at 6:00 p.m. on Monday, July 30th. Library Director Laurie Van Ackeren presented her annual statistical report for the library.
- 5) Zach Schulz, a representative from JEO Consulting Group, was in attendance to discuss the specifications of the 2018 County Road 5 Water Main Extension Project. He stated that the final opinion of cost is around \$60,000. A motion was made by Long and seconded by Peterson to approve the plans and specifications for the 2018 County Road 5 Water Main Extension. Upon roll call vote was as follows. YEA: Beck, Long, McLaughlin and Peterson. NO: None. Motion carried.
- 6) Zach Schulz from JEO explained that the permit must go through DHHS and should take about thirty days to review and approve those plans. A motion was made by Peterson and seconded by Long to authorize payment to the Nebraska Department of Health and Human Services for the construction permit application fee and to submit the water extension plans in order to obtain the permit. Upon roll call vote was as follows. YEA: Beck, Long, McLaughlin and Peterson. NO: None. Motion carried.
- 7) Zach Schulz explained the bidding process and an estimated timeline, explaining that there are state statutes that the City must be in compliance with. Council member McLaughlin asked if the City is responsible for notifying the one homeowner that would be affected by construction and was told that the Utility Superintendent or City Clerk should handle the notification. A motion was made by Peterson and seconded by McLaughlin to authorize JEO to coordinate with the City Clerk to establish the bid opening date and begin advertising bids for the 2018 County Road 5 Water Main Extension. Upon roll call vote was as follows. YEA: Beck, Long, McLaughlin and Peterson. NO: None. Motion carried.
- 8) Brook Aken from OPPD and Deb Eggleston from the Nebraska Department of Economic Development were in attendance to discuss economic development needs and resources available for the City of Yutan. Brook introduced herself and explained her role with OPPD to help communities bring in businesses. She inquired about the City's interest in passing a sales tax and asked about LB 840, which would aid in recruiting businesses to the area. It would allow the City to create a fund to help with infrastructure and other aspects that would attract businesses to Yutan. Deb explained that LB 840 would require

an economic development plan which would need to be approved with the sales tax ballot measure, and the process of creating this plan and advertising it responsibly could take around a year. Brook suggested looking into other grants to promote economic development.

- 9) Sean Wentworth gave a presentation regarding the Yutan Youth Baseball League. He provided statistics on the current league and informed the Mayor and City Council of the short- and long-term goals for the league and ballfields. He thanked the City for their contributions to the new batting cages. He also stated that he believes that they have lined up financing for some of the upcoming improvements they would like to see completed but would reach out to the City Council for their approval of these improvement projects at a later date. When discussing the issue of seating at Hayes Ballfield, Mayor Egr questioned whether it would be worth looking into moving one set of bleachers from field one to field three; Sean stated that he doesn't feel that moving existing seating from one field to another is a long-term solution but that it may be worthwhile as a short-term fix. Council member Peterson asked Brook Aken from OPPD and Deb Eggleston from the Nebraska Department of Economic Development if they know of any grants that could be used to help fund the ballfields' needs. Brook stated that she believes there would be opportunities available and would look into it on the City's behalf. They discussed parking concerns at Hayes Ballfield and potential short- and long-term solutions.
- 10) Resolution #2018-4: Be It Resolved by the Mayor and City Council of the City of Yutan, Nebraska, that the revised One & Six Year Plan for the construction, maintenance, and repair of the streets of the City of Yutan, Nebraska, as prepared by the City Street Superintendent, be and is hereby adopted. It was explained that, due to the approval of the County Road 5 street improvement project, the City's 1 & 6 year plan needs to be revised to reflect that. A motion was made by Peterson and seconded by Long to approve Resolution #2018-4. Upon roll call vote was as follows. YEA: Beck, Long, McLaughlin and Peterson. NO: None. Motion carried.
- 13) The Mayor and City Council reviewed the renovation expense estimated provided by the Utility Superintendent. They questioned the overall design and color scheme of the parks and emphasized that it should match as much as possible. A motion was made by Long and seconded by Beck to use \$3,600.00 of the remaining park capital outlay funds to renovate park pavilions. Upon roll call vote was as follows. YEA: Beck, Long, McLaughlin and Peterson. NO: None. Motion carried.
- 14) The City Clerk explained the basic process of the Community Development Block Grant, which would allow homeowners in Yutan to get certain approved home repairs completed at no cost to the resident. A motion to authorize the Mayor's signature on the grant pre-application was made by Long and seconded by Peterson. Upon roll call vote was as follows. YEA: Beck, Long, McLaughlin and Peterson. NO: None. Motion carried.
- 15) The Mayor and City Council reviewed the two bids received for the street panel improvement project. The owner of one company who submitted a bid explained that his

bid meets all City specifications and gave details regarding the different line items of his bid. Matt Thompson interjected that, while he feels that both bidding companies would do good work, it also wouldn't hurt to look for a third bid for this project but that he doesn't believe the City will find a cheaper offer to do this work. The Mayor and City Council discussed the differences between the two bids. Council member Beck suggested waiting until the next meeting to make a decision between the bids in order to allow the other bidding company the opportunity to clarify the specifications of their bid, as the other company did at this meeting. A motion was made by McLaughlin and seconded by Peterson to approve Big Red Home Improvement's bid to complete the work excluding item 3 of their bid (Cedar Driveway Approach) for an amount not to exceed \$14,883. Upon roll call vote was as follows. YEA: McLaughlin and Peterson. NO: Beck. ABSTAIN: Long. Motion carried.

- 16)** Council discussions: Council member Long explained that Melvin Sudbeck contacted him regarding potentially advertising the City of Yutan on the radio, as Sudbeck has done similar advertisements for his subdivision in Louisville. The Mayor and Council expressed interest in this advertisement but need more information to proceed. Long stated that he would get more information on this subject to discuss at a later meeting, as Sudbeck would like official approval before creating an advertisement on the City's behalf.

Meeting adjourned at 8:32 p.m.

Next regular meeting of the Yutan City Council will be held August 21, 2018, at 7:00 p.m.

Darin Egr, Mayor

Katy Mattheis, City Clerk-Treasurer