

**CITY OF YUTAN  
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YUTAN, NE 68073  
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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 17<sup>th</sup> DAY OF SEPTEMBER, 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 August 20<sup>th</sup>, 2019, and the special meeting of September 16<sup>th</sup>, 2019, were approved as mailed with a motion from McLaughlin and seconded by Thompson. Upon roll call vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None. Motion carried. The August Treasurer's report was accepted as submitted.

- 1) Claims - Motion was made by Thompson 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: Asphalt Maintenance 13,475.00; Badger Meter 121.04; Cardmember Services 949.03; Cubbys 188.03; Ed Schroeder 4,215.00; First State Bank 1,427.89; Frontier Coop 493.88; Gretna Sani 150.00; Int Rev 4,499.10; Jeff Subbert Irrigation 172.35; JEO 1,537.50; John Haag 599.00; Laurie VanAckeren 43.21; LoNM 2,358.00; McAtee Const 16,607.00; MSMA 150.00; MUD 84.00; NE Dept of Rev 25.00; NE DHHS 260.00; NE Library Comm 500.00; Nicholas Brown 36.20; NMC CAT 1,060.29; One Call 25.72; OPPD 4,499.02; Payroll 16,939.28; Railroad Management Co 1,273.58; SYNCB/AMAZON 269.13; Tys Outdoor Power 748.87; U.S.P.O. 147.35; U.S. Cellular 92.58; Vine Street Market 53.32; Wahoo-Waverly 238.60; Yutan Trucking 4,498.20; Insuf Chk 66.47;
- 2) Open Discussion from Public: Matt Dillon thanked the administrative staff and council members for the informational meeting held the previous evening. He stated that he found the material to be very helpful and that he really enjoyed the meeting.
- 3) Supervisor's reports were submitted. Police Chief Hannan was asked about the crosswalk signal signs he is seeking to purchase with funds from the STOP program, and he gave a brief description of the types of signs he would like to buy. Council Member Peterson

suggested that, if STOP funds are not available to help with the cost of these signs, the PTO may be willing to fundraise for contributions to purchase the crosswalk signs.

- 4) Mayor Egr opened the public hearing at 7:13 p.m. to obtain public comment prior to consideration of the property tax asking amount. No public comment was given. Public hearing was closed at 7:14 p.m. A motion was made by McLaughlin and seconded by Peterson to approve the property tax asking amount with a 1% increase in restricted funds. Upon roll call vote was as follows: YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried. Mayor opened public hearing at 7:15 p.m. to discuss the adoption of the budget for the 2019-2020 fiscal year. City Administrator Bockelmann explained to the council that there were changes made to the budget since the last meeting. Matching funds for the SENDD grant were added, keno funds were increased, a line item for Fremont's assistance with building permit reviews and building inspections was added, and the water repair line item was increased in order to address repairs suggested by NeRWA. City Administrator Bockelmann informed the council that with these increases, it became necessary to reduce the police salary line item back down to the same amount budgeted for this year rather than the significant increase that was previously planned; the city administrator mentioned that, as the police salary budget line item for this year is projected to be more than \$20,000 under budget, it was hard to justify increasing the salary budget for the upcoming fiscal year. Council Member McLaughlin questioned whether eliminating the increase to police salaries was the right option, and it was briefly debated whether it would be possible to change the budget prior to its submission deadline to the state and county offices. However, it was decided that, due to publication requirements for the public hearings required for the public's consideration of the property tax asking amount and adoption of the budget ordinance, delaying the approval of the ordinance was not an option. The council was told that they could review the budget and make an amendment later on, if needed. Public hearing was closed at 7:17 p.m. A motion was made by Thompson and seconded by Peterson to waive the three readings of Ordinance #749. Upon roll call vote was as follows: YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried. A motion was made by Thompson and seconded by Peterson to adopt Ordinance #749. Upon roll call vote was as follows: YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.
- 5) Mayor Egr opened the public hearing at 7:18 p.m. and asked for public comment regarding the City of Yutan's proposed One & Six Year Highway and Street Improvement Plan. City Administrator Bockelmann explained that the timeline for reporting this information to NDOT has been altered to coincide with the fiscal year. He went on to briefly describe the minor changes made to the plan. Public hearing was closed at 7:20 p.m. A motion was made by McLaughlin and seconded by Thompson to approve Resolution 2019-9. Upon roll call vote was as follows: YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.
- 6) City Clerk-Treasurer Neukirch noted that this resolution was incorrectly numbered on the agenda as 2019-10 instead of 2019-11; this resolution to authorize Mayor Egr to sign the Municipal Annual Certification of Program Compliance Form is Resolution 2019-11 and will be referred to as such in any subsequent documentation. City Administrator

Bockelmann mentioned that this compliance form is a new requirement set forth by the same legislative bill that changed the timeline for submitting the One & Six Year Highway and Street Improvement Plan to the state. A motion was made by McLaughlin and seconded by Peterson to approve Resolution 2019-11. Upon roll call vote was as follows: YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.

- 7) Council Member Thompson asked whether the city had recently completed a water study, and JEO engineer Zach Schulz informed him that the previous study focused solely on an area of proposed new development and whether current infrastructure would be sufficient to provide service to that development. The fee for this study would be higher, as this study would be much more comprehensive. Schulz mentioned that this document would be incredibly helpful to refer back to when developers come to town, as the legwork will have already been completed as to whether certain developments are feasible in certain areas. The council questioned how specific the study would be, whether it would narrow down exactly how many more homes and residents the City's infrastructure can service before expansion would become necessary. They also discussed what would be included within the study. Schulz stated that certain items could be cut if the council deems them unnecessary, but Council Member Peterson emphasized that she feels it is important for the City to be proactive in planning for future developments. Council Member Thompson expressed concern on the overall cost of the study and inquired as to whether the cost for certain services could be reduced without eliminating anything from the scope. JEO engineer Schulz proceeded to explain how the cost for the services were calculated and stated his position that the estimates provided are accurate and fair. A motion was made by McLaughlin and seconded by Peterson to authorize Mayor Egr to enter into agreement with JEO Consulting Group, Inc. for the 2019 Water/Sewer Utility Planning Report. Upon roll call vote was as follows: YEA: Beck, McLaughlin, and Peterson. NO: Thompson. Motion carried.
- 8) Police Chief Hannan informed the council that an individual who lives in the extra-territorial jurisdiction registered a vehicle with the city office and has been riding it to and from the city on county roads, in violation of the ordinance. As a result, the police chief is requesting that the council restrict the legal operation of these vehicles to individuals that reside within the corporate limits. The council proceeded to express their other concerns with individuals speeding on these vehicles or operating them after sunset, in violation of the ordinance. It was noted that, when originally approving the ordinance, the council planned to review the ordinance at the end of the year to discuss whether it was worth continuing to allow these vehicles within the city limits. A motion was made by Peterson and seconded by McLaughlin to waive the three readings of Ordinance #748. Upon roll call vote was as follows: YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried. A motion was made by Peterson and seconded by McLaughlin to adopt Ordinance #748. Upon roll call vote was as follows: YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.
- 9) A motion was made by McLaughlin and seconded by Thompson to approve the second reading of Ordinance #747. Upon roll call vote was as follows: YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.

- 10) It was noted that this resolution was incorrectly numbered on the agenda as 2019-11 instead of 2019-10; this resolution to authorize Mayor Egr to sign the interlocal agreement with the City of Ashland to administrate the 2019 Nebraska Affordable Housing Trust Fund (NAHTF)-Owner Occupied Rehab Program Category is Resolution 2019-10 and will be referred to as such in any subsequent documentation. City Administrator Bockelmann explained that this resolution is the final step to commit to contribute matching funds in order to secure the four projects we were approved to have completed in the City of Yutan. A motion was made by Thompson and seconded by Peterson to approve Resolution 2019-10. Upon roll call vote was as follows: YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.
- 11-16) Council Member Beck explained that, after last night's meeting, he would be more comfortable allowing the Saunders County Board of Adjustment to handle any requests for appeals or variances, as they meet more often and receive more training than a board set up by the City would. He expressed concern over litigation issues that may arise as a result of action taken by a board of adjustment. Council Member McLaughlin asked the City's attorney, Maureen Freeman-Caddy, what size community typically has their own board of adjustment rather than have their county's board act as their board, and Freeman-Caddy stated that it is hit-or-miss. She stated that, since the same criteria is set forth by state statute to grant a variance regardless of whether a county board or city board handles the request, it can sometimes make more sense to have the county board handle it, especially if there are concerns about political or social ramifications for granting or denying requests in a smaller community. Council Member Thompson asked whether the city council could act as a board of adjustment, and the city administrator explained that his understanding of state statute is that a city of the second class doesn't have that option like villages do. Council Member Peterson reiterated that she would also be more comfortable with the Saunders County Board of Adjustment remaining the City's default board of adjustment, and Beck agreed. Conversely, Council Member McLaughlin and Mayor Egr both mentioned that, given that the Yutan Municipal Code contains a section on administrating a board of adjustment, it is difficult to turn away interested applicants willing to volunteer their time to serve on the board. The City's attorney stated that, if the council approves the appointments, it is vital that the Yutan Board of Adjustment meets to organize their board, appoint officers, and approve by-laws and regulations for the board. City Administrator Bockelmann said he is comfortable handling those matters with the board. Council Member McLaughlin asked how much time the city administrator would need to create the regulations and by-laws before calling a meeting, and City Administrator Bockelmann stated it wouldn't take much longer than a week or so, as he has already reviewed by-laws for other communities' boards. A motion to accept the mayor's appointment of Josh Thompson, Don Dooley, Nate Rath, Debbie Mattheis, and Adrian Cantrell as regular members of the Board of Adjustment and Christopher Helms as an alternate member of the Board of Adjustment was made by McLaughlin and seconded by Peterson. Upon roll call vote was as follows: YEA: Thompson, McLaughlin, and Peterson. NO: Beck. Motion carried.
- 17) A motion to authorize a contribution of matching funds up to \$3,000.00 to the STOP

program for the purchase of crosswalk signal signs was made by McLaughlin and seconded by Thompson. Upon roll call vote was as follows: YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried.

- 18) It was explained that a zoning enforcement issue was brought up at the previous night's meeting and that the City's attorney was in attendance at tonight's meeting to discuss the potential litigation with the council. A motion to enter into closed session to discuss possible litigation was made by Thompson and seconded by Peterson. Upon roll call vote was as follows: YEA: Thompson, Beck, McLaughlin, and Peterson. NO: None. Motion carried. The Yutan City Council went into closed session at 7:54 p.m. to discuss potential litigation. The city council came out of closed session at 8:24 p.m.
- 19) Council Discussion: Council Member McLaughlin asked whether the council wanted the proposed crosswalk project on 2<sup>nd</sup> Street to be completed going into the new fiscal year. The council instructed the city administrator to, if possible, get this project completed while the weather is still nice enough for children to be walking to school.

Meeting adjourned at 8:27 p.m.

Next regular meeting of the Yutan City Council will be held October 15, 2019, at 7:00 p.m.

Darin Egr, Mayor

Katy Neukirch, City Clerk-Treasurer