

**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 20th DAY OF JULY 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. A motion was made by Peterson and seconded by Kelly to approve Minutes of the June 15, 2021, Regular Meeting. Upon roll call, vote was as follows YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.
- b. June Treasurer's Report was submitted.
- c. Claims: **Al's Johns \$600.00; All Star Plumbing \$211.00; Amazon \$654.15; Badger Meter \$161.98; Barco \$206.46; Biblionix \$700.00; Bockelmann, Cole \$358.82; Canon \$212.00; Cardmember Service \$1,490.11; Center Point Large Print \$147.00; Cubby's \$455.56; Cuda's Auto, Inc. \$250.00; Drop In Portables \$170.00; ECS Technology Services \$21.00; Frontier Cooperative \$2,304.58; Gretna Sanitation \$817.50; Hydro Optimization & Automation Solutions, Inc. \$996.76; J&M Displays \$800.00; JEO Consulting Group \$4,967.50; KM Landscaping \$1,160.00; Konecky Oil Inc \$39.01; Lowe's \$56.59; McAtee Construction Inc. \$480.00; Meadsigns \$720.00; Menards Elkhorn \$157.69; Midwest Radar \$80.00; Miller, Viki \$7.50; Nebraska Department of Revenue \$2,680.00; NE Public Health Environmental Lab \$60.00; OPPD \$5,140.34; One Call Concepts \$56.94; Payroll 7/2/21 \$14,139.40; Payroll 6/18/21 \$12,287.24; Salkeld, Dale \$150.00; Spectra Associates \$298.50; Thompson Construction \$93,660.15; US Cellular \$346.75; USPO \$171.36; Laurie Van Ackeren \$184.24; Wahoo-Ashland-Waverly Newspapers \$217.18; Yutan Public School \$520.00; Zaugg, Kelli \$185.00.**
 - i. Prior to the vote, City Administrator Bockelmann informed all present that Councilmember Peterson signed form NADC C-2A Potential Conflict of Interest Statement because her son is employed by the City. She will not be voting on payroll and two votes will be held.
 - ii. A motion was made by Thompson and seconded by Kelly to approve the June

Treasurer's report and claims including payroll. Upon roll call, vote was as follows YEA: Thompson, Beck, and Kelly. NO: None. ABSTAIN: Peterson. Motion carried.

- iii. A motion was made by Thompson and seconded by Kelly to approve the claims excluding payroll. Upon roll call, vote was as follows YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.

2) Open Discussion from Public

- a. James Weinberger of 15 Pinecrest Drive addressed the Mayor and Council. He stated County Road 5 is a mess. He has approached two Council Members previously with his concerns. There is a tree and light pole causing a blind spot on this road. He feels it needs to be made safer and cleaner by the City. He would like his concerns to be addressed. Mayor Egr agreed to meet with Mr. Weinberger later this week to travel the road and view his concerns.

3) Presentations from Guests

- a. None

4) Ordinances and Public Hearings

- a. Application to Replat Parcel Number 003878002 into Lots 1-8, Mason Acres II
 - i. Applicant Presentation did not occur as applicant declined to speak.
 - ii. Staff Report was present by City Administrator Bockelmann. He stated staff recommends approving the Replat if the following contingencies were met: NDEE approval of well/septic systems for each lot, the addition of ROW dedication language to the final plat, a finalized subdivision agreement, a finalized maintenance agreement, and the addition of setback lines on the preliminary plat.
 - iii. A Public Hearing was opened by Mayor Egr at 7:08 p.m. No comments were made, and the Public Hearing was closed by Mayor Egr at 7:09 p.m.
 - iv. Consideration of Waivers
 - v. Resolution 2021-5: A Motion to approve Resolution 2021-5 contingent upon the items stated by Bockelmann was made by Kelly and seconded by Peterson. Upon roll call, vote was as follows: YEA: Beck, Kelly, and Peterson. NO: None. ABSTAIN: Thompson. Motion carried.

5) Resolutions

- a. None

6) Other Action Items

- a. Change Order #5 for 5th Street/Hillside Ave. A Motion to approve Change Order #5 and Pay Application #4 for 5th Street/Hillside Ave. Water Main Project 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. Authorization of Expenditure of \$27,408 for Sewer Lining by Johnson Services. A Motion to authorize expenditure of \$27,408 for sewer lining by Johnson Services was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows: Thompson, Beck, Kelly, and Peterson YEA: NO: none. Motion carried.
- c. Review and Approval of Lift Station Pump Upgrade Design. City Administrator

Bockelmann is waiting on guidance on expenditure of American Rescue Plan Act (ARPA) funds from the Department of the Treasury before proceeding with the List Station Upgrade. No vote was taken.

- d. Discussion and Possible Action on Proposed Work at Hayes and Itan Ballfields. Councilmember Thompson explained the two bids submitted by Mack Bros. Groundskeeping in the amounts of \$16,956.25 and \$13,323.75 are for basic maintenance at the ballfields. He reviewed the bids in detail and stated some of the items on the lower bid are unnecessary and it should cost under ten thousand. He believes the money can come from the CRA. He would like to put a concession stand at Hayes Field. He says he has volunteers for materials and labor; he believes it can be constructed for under \$100,000. Councilmember Peterson expressed concern the volunteer plan will fall through and the cost will defer to the City. Councilmember Thompson stated he is willing to sign a volunteer agreement. Councilmember Peterson expressed the desire to rent out the fields to other leagues and use those funds for improvements. City Administrator Bockelmann stated the CRA should have enough funds to cover some improvements. Councilmember Thompson would like an architect to draw concession stand plans. Councilmember Peterson inquired if there was anywhere else in parks we should be spending money. A motion was made by Kelly and seconded by Peterson to approve the bid for Hayed field in the amount of \$16,956.25. Upon roll call vote was as follows: YEA: Thompson, Beck, Kelly, and Peterson. No: None. Motion carried.
- e. Acceptance of bid for \$6,550.00 from Sunny Communications, Inc for police radios. City Administrator Bockelmann explained the Police Department received an insurance payment for a broken radio in the amount of \$5,243.65. This amount will be put toward new radios. A motion to accept bid for \$6,550.00 from Sunny Communications, Inc for police radios 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.

7) Discussion Items

- a. Discussion with Community Energy on Possible Zoning Text Amendment to Allow Commercial Solar Conversion System (CSCS) within the TA Zoning District. City Administrator Bockelmann reviewed the proposed Zoning Text Amendment allowing a certain number of solar panels in our jurisdiction (ETJ). The requirements will be less than 50 acres and pre-approved project by Saunders County. Councilmember Thompson feels this would set a precedent and the City would not be able to prevent future energy project development in the City's ETJ. Councilmember Peterson expressed concern due diligence was not done to ensure the project would not be in the ETJ. Page Bolin with Community Energy addressed the Council's questions. She stated the landowner with property in the ETJ really wants to be a part of this project. The error with not knowing the project would be in Yutan's ETJ was a mistake made due to inaccurate maps. If the landowner's property in the ETJ is included in this project, they will have 40-50 acres in the project as opposed to approximately 20 without using land in the ETJ. Councilmember Peterson feels it does not make sense this landowner did not know or disclose their property was in the ETJ. David Levy, Counsel for Platteview Solar and Community Energy, said in his professional experience most landowners do not realize they are in city jurisdiction when they are so far outside corporate limits. He also addressed Councilmember Thompson's

concern about setting a precedent for future construction of utility projects. Mr. Levy said there is not enough capacity on the transmission system to add more utility structures to the system without spending tens of millions of dollars. Michaela Valentin with OPPD explained future projects will not be in this area as they will be much larger, and the system cannot handle larger scale projects. She also explained it does not make sense to have multiple large-scale projects in the same area. Councilmember Peterson inquired about the length of the land lease and Page Bolin said it was 35-40 years. David Levy explained the decommissioning plan for the project is part of the conditional use permit. Councilmember Thompson expressed concern about Community Energy no longer being in business when the decommissioning is to take place and the burden falling on taxpayers. David Levy and Page Bolin explained there is a security bond backed by a large bank which covers 110% of the decommissioning cost. This amount is reviewed every five years by an independent, third-party engineer, and adjusted as necessary. In the unlikely event Community Energy fails to decommission this project, the City will receive the bond money and not incur any financial damages. David Levy explained this project is approved and can no longer be contested through the courts. He believes the project being in the City's ETJ benefits the City because it makes the City party to the decommissioning.

- b. Discussion on FY21-22 Budget. City Administrator Bockelmann discussed changes in the budget draft: general fund, keno, ARPA, lift station upgrade, valuations, building permit revenue decrease, and police and library wages. The next budget meeting is in August. All funds have a surplus except general and street. Council discussed the need to increase police wages. City Administrator Bockelmann said Police Chief Hannan is working on a survey of current officers to see what would encourage them to work more shifts. A decision on increasing wages will be made at a later date, pending the results of the officer survey.

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 and reviewed.

9) Council Discussions

- a. Councilmember Peterson said there are ruts in the alley on 4th & Vine. She would like to see rock put in the alley as it is used by several residents to access garages.
- b. Councilmember Thompson said he has loads of rock available in his shop for a drainage area within City right-of-way. The City can have the rock if Tom wants to come take it.
- c. Councilmember Thompson asked if Thompson Construction can do a better job of cleaning up the project area on the weekends. He understands it not being done every day but feels the mess should not be left all weekend.

Meeting Adjourned at 8:30 P.M.

Next regular meeting of the Yutan city Council will be held August 17, 2021 at 7:00pm.

Darin Egr, Mayor

Rachelle K. Gay, City Clerk-Treasurer