

**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 AUGUST, 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. Councilmembers 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 July 16th, 2019, the special meeting of July 29th, 2019, and the special meeting of August 9th, 2019, were approved as mailed with a motion from Peterson and seconded by Thompson. Upon roll call vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None. Motion carried. The July 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: Badger Meter 117.48; Cardmember Services 1,154.65; Carl Jarl 150.00; Central Plains Library System 24.73; Deluxe Check 47.25; First State Bank 1,427.89; Frontier Coop 1,005.76; General Fire and Safety Equipment Co 250.75; Gregg Newton 1,632.00; Gretna Sani 300.00; HOA 316.50; Int Rev 5,562.72; JEO 542.50; JustinCase LLC 350.00; Karen Porter 114.62; Laurie VanAckeren 159.91; Lien Termite and Pest Control 145.59; Maxim Containers 2,000.00; Melvin Sudbeck Homes 5,772.50; Menards 173.45; MUD 84.00; Midwest Labs 464.90; Mike Mueller 890.00; Monte Mueller 1,122.25; NE Dept of Rev 1,791.39; Nebr Public Health Lab 301.00; One Call 9.23; OPPD 4,984.98; Payroll 20,556.32; Railroad Management Co 235.41; RCIS 181.00; SYNCB/AMAZON 1,544.32; Trede Electric 697.15; Tys Outdoor Power 1,405.85; U.S. Cellular 183.96; U.S.P.O. 147.35; Utility Equipment Co 45.27; Wahoo-Waverly 734.08; Wahoo Concrete 856.50; Insuf Chk 88.30; Insuf Chk 171.84;
- 2) Open Discussion from Public – Matt Dillon complimented the maintenance department on their hard work preparing the ballfields prior to tournaments, emphasizing how nice the fields looked. Dillon mentioned that he has previously spoken with the mayor regarding needing more parking, shade for bleachers, and netting to reduce the number of foul balls exiting the field area. Glenn Sievers asked the council about getting rock where

3rd Street turns to a dead-end. Mayor Egr informed Sievers that it would need to wait until the next fiscal year, which begins on October 1, as the current budget for rock/gravel has been expended. Sievers indicated that waiting until the next fiscal year wouldn't be a problem.

- 3) Supervisor's reports were submitted.
- 4) Ed Schroeder, CPA, was in attendance to discuss the current budget proposal with the council. While reviewing the summary sheet he prepared, he explained to the council that he believes the property valuations will likely have increased enough to provide sufficient revenue for the current budgeted expenses; he stated that, if the property valuations remain exactly the same as last year, the City would need to request an additional \$6.70 in taxes for every \$100,000 in property value. Mr. Schroeder proceeded to review each fund to discuss each proposed change from last year's budget. The council will approve the finalized budget at the regular city council meeting on September 17, 2019.
- 5) City Administrator Bockelmann and JEO engineer Zach Schulz gave the council an overview of the process this replat application has gone through. Mayor Egr opened the public hearing at 7:40 p.m. to obtain public comment prior to consideration of the replat of Lot 1, Prairie Wolf Place into Mason Acres, Lots 1 and 2 - Thompson & Sons, LLC. Jake and Josh Thompson were in attendance representing Thompson & Sons LLC's application to replat and rezone their property. Jake Thompson explained that he takes issue with the contingency of approval based on a signed agreement with an adjacent property owner and mentioned that he feels this was unfairly sprung on them at the last minute. City Administrator Bockelmann explained that everyone involved is in this position because there has been significant push to get this item on the agenda for tonight's meeting rather than the September meeting and that he only received the proposed easement agreement at around 3:45 p.m. this afternoon, at which point he informed the applicants. JEO engineer Zach Schulz explained that, while he understands the applicant's concern about the 30-day timeline for getting the agreement signed by the adjacent property owner, that individual has already agreed in prior documents to contribute 15 feet to the easement, which is all this easement agreement would require of him. The city administrator explained that the contingency requiring this agreement is to guarantee that the 45 feet easement contributed by these applicants and 15 feet easement contributed by the adjacent property owner are explicitly agreed to within one contract to be filed with the Register of Deeds, as advised by the city's attorney. To further alleviate concerns, Josh Dietrich, the adjacent property owner, was called at this time to confirm that he had no concerns with signing the easement agreement within the 30-day timeline. Dietrich informed Schulz that he did not anticipate any problems with doing so. The applicants posed the question of whether the contingency could be stricken from the resolution and whether the easement agreement could be addressed at a later meeting. Zach Schulz questioned what that would really change, since the end result would be the same, and the applicants restated that their plans would not be contingent on the actions of an individual with no ties to their property. Matt Keiser stated that he has been friends with the adjacent lot owner for years and that he knows that, if Dietrich says he will sign it, he will follow through. The applicants reiterated that they do not want the

responsibility to fall on them to ensure that this agreement is executed properly. Councilmember Peterson stated her belief that it is important to heed the recommendations of the attorney and not casually dismiss the attorney's advisement on this matter. The applicants expressed their frustration at the timeframe it has taken to get this approved, and the city administrator stated his position that they were not adequately prepared to have this item on the agenda for tonight's meeting and apologized for not insisting on waiting until the September meeting, as these issues should have been worked out before this matter went before the council. Josh Thompson emphasized their continued dedication to investing in Yutan whereas they feel the staff and consultants involved don't have that same dedication to the town. Public hearing was closed at 8:30 p.m. A motion to approve Resolution 2019-8 but strike paragraph five, which required an acceptable easement agreement being completed by the applicants with the adjacent property owner, was made by Peterson and seconded by Beck. Upon roll call vote was as follows: YEA: Beck, McLaughlin, and Peterson. NO: None. ABSTAIN: Thompson. Motion carried.

- 6) City Administrator Bockelmann noted that there are no concerns with rezoning these lots to I-1. Mayor Egr opened the public hearing at 8:37 p.m. to obtain public comment prior to consideration of the rezone Lots 1-2, Mason Acres from Transitional Agricultural (TA) to Light Industrial (I-1) - Thompson & Sons LLC. Matt Keiser, a nearby property owner, voiced his support for the rezoning of this property. Public hearing was closed at 8:39 p.m. A motion to waive the three readings of Ordinance 746 was made by Peterson and seconded by Beck. Upon roll call vote was as follows: YEA: Beck, McLaughlin, and Peterson. NO: None. ABSTAIN: Thompson. Motion carried. A motion to approve Ordinance 746 was made by Peterson and seconded by Beck. Upon roll call vote was as follows: YEA: Beck, McLaughlin, and Peterson. NO: None. ABSTAIN: Thompson. Motion carried.
- 7) Councilmember McLaughlin expressed his preference to reword the ordinance to only require key lock boxes on properties that are required by the state fire marshal to have either a fire alarm system or a sprinkler system. Councilmember Thompson mentioned that some but not all fire alarms go directly to dispatch. Matt Keiser, a local business owner, told the council that he is okay with the fire department or police officers breaking down his door if they need and that he would prefer that to having city and fire department personnel having direct access to his property. Councilmember Peterson pointed out that the cost of breaking down a door is not that much higher than the cost of a key lock box, and she went on to say that individual business owners should be able to decide whether they want to be proactive in preventing that kind of damage to their property in the event of a fire or false alarm. A motion to approve the first reading of Ordinance 747 was made by McLaughlin and seconded by Peterson. Upon roll call vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. NO: None. Motion carried.
- 8) A motion to reappoint Nate Mumm to the Library Board as of January 1, 2019, was made by Thompson and seconded by Peterson. Upon roll call vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. No: None. Motion carried.

- 9) A motion to approve the special designated liquor license to Vine Street Market, LLC, for a fundraiser for Batten disease located at Itan Ballfield, 316 E. Vine Street, Yutan, NE on September 21, 2019 from 5:00 p.m. to 2:00 a.m. was made by Thompson and seconded by Peterson. Upon roll call vote was as follows: YEA: Beck, McLaughlin, Peterson, and Thompson. No: None. Motion carried.
- 10) No council discussions were held.

Meeting adjourned at 8:55 p.m.

Next regular meeting of the Yutan City Council will be held September 17, 2019, at 7:00 p.m.

Darin Egr, Mayor

Katy Neukirch, City Clerk-Treasurer