

**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 20<sup>TH</sup> DAY OF NOVEMBER, 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 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. City Councilors 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 October 16<sup>th</sup>, 2018, were approved as mailed with a motion from Peterson and seconded by Long. Upon roll call, vote was as follows. YEA: Beck, Long, McLaughlin, and Peterson. NO: None. Motion carried. The October Treasurer's Report was accepted as submitted.

- 1) Claims – A motion to pay the claims, with the Sid Dillon claim approval conditional on a clean inspection of the new maintenance truck, was made by McLaughlin and seconded by Peterson. Upon roll call, vote was as follows. YEA: Beck, Long, McLaughlin, and Peterson. NO: None. Motion carried. Claims list: Badger Meter 112.14; Bromm, Lindahl 43.50; Cardmember Services 2,023.50; Companion Life 168.71; Commerical Ice 2,215.50; Craig Witte 4,505.58; Cubby's 360.07; Eric Wilke 529.76; Gretna Sani 150.00; Int Rev 7,277.82; Jayhawk 299.00; JEO 4,163.25; JustinCase Enterprises 400.00; Katy Mattheis 244.80; Konecky 25.00; McAtee Const. 14,024.00; Menards 156.29; Midwest Lab 95.56; Miktom 1,600.00; MUD 180.33; NDOT 50,000.00; NE Dept of Rev 1,785.44; NE Public Health Lab 90.00; NMC 27,990.00; One Call 43.74; OPPD 4,339.29; Ortmeier Tech 1,777.68; Ourada Tire 775.00; Payroll 22,517.79; Petty Cash 40.51; Plains Equipment Group 500.00; Platte Valley Equipment 160.47; Platte Valley Networks 79.00; Publication Printing 377.20; Sargent Drilling 25,831.65; SE Library Systems 10.00; Sid Dillon 29,084.00; State Treasurer 280.60; The Diamonds Groundskeeper 2,000.00; U.S. Cellular 176.78; U.S.P.O. 145.60; Wahoo-Waverly 149.75; Wahoo Newspaper 67.50; Windstream 270.79; Yutan Trucking 663.12; Insuf Chk 61.19;
- 2) Open Discussion from Public – Kenneth Breyer asked to be heard during the discussion regarding Ordinance #742.

***Item #5 was discussed at this point.***

- 5) Ed Schroeder, CPA, presented the results of his audit for the fiscal year ending September 30, 2018. He discussed the changes to the city's fund balances over the last fiscal year and noted that he believes the City of Yutan is in a very strong financial position. However, he also

warned the council that the city does not currently employ enough individuals to have an adequate segregation of duties as an internal control, as one employee is responsible for all accounting procedures as well as the preparation of financial reports. He advised that, if the city does not plan on hiring additional personnel, the city council take extra care to review financial transactions and reports to provide an internal control to catch any potential mistakes that may otherwise go unnoticed.

- 3) Building permits #1537-1542 were submitted. A motion was made by Peterson and seconded by McLaughlin to approve permits #1537-1542. Upon roll call, vote was as follows. YEA: Beck, Long, McLaughlin, and Peterson. NO: None. Motion carried.
- 4) Supervisor reports were given.
- 6) Library Director Laurie Van Ackeren requested that the Yutan City Council authorize the library to issue free library cards as a benefit to city employees who live outside of Saunders County. A motion was made by Peterson and seconded by Long to update the employee handbook to include free library cards as a benefit to city employees who live outside of Saunders County. Upon roll call vote was as follows. YEA: Beck, Long, McLaughlin and Peterson. NO: None. Motion carried.
- 7) **ORDINANCE #742 - AN ORDINANCE OF THE CITY OF YUTAN, SAUNDERS COUNTY, NEBRASKA, TO APPROVE PERMITTING THE USE OF ALL-TERRAIN, UTILITY-TYPE, AND GOLF CAR VEHICLES WITHIN THE CORPORATE LIMITS OF THE CITY OF YUTAN UNDER TERMS SPECIFIED HEREIN.** The mayor and city council reviewed two letters submitted to the Yutan City Office regarding this ordinance, one in favor and one opposed. A motion was made by Beck and seconded by Long to waive the three readings of Ordinance #742. Upon roll call vote was as follows. YEA: Beck, Long, McLaughlin and Peterson. NO: None. Motion carried. A motion was made by Beck and seconded by Long to approve Ordinance #742. Upon roll call vote was as follows. YEA: Beck, Long, McLaughlin and Peterson. NO: None. Motion carried.
- 8) Dane Jorgensen from Sunset Acres was present to request that the city council make an allowance for the construction of a larger accessory building on his six-acre lot than the R-1 zoning designation permits. Mr. Jorgensen is seeking to build an accessory building that is over 8,000 sq. ft. whereas the current maximum allowed for an R-1 lot is 1,200 sq. ft. He provided the city council with aerial photos of the subdivision in which he resides, noting that several of his neighbors appear to have buildings larger than 1,200 sq. ft. Building Inspector/Utility Superintendent Wilke explained that Sunset Acres falls within the one-mile extra territorial jurisdiction (ETJ) and that the ETJ was extended to include Sunset Acres when the Itan Parkview subdivision was annexed. Wilke noted that he cannot be certain when the other larger buildings were constructed, whether it occurred before or after Sunset Acres fell within the City's zoning jurisdiction. JEO engineer Zach Schulz concurred with Wilke's statements and mentioned that there are a couple of methods to pursue that would allow Mr. Jorgensen a larger building, the primary option being the rezoning of his lot. Zach Schulz explained that this change would allow a maximum square footage of 150% of the size of the principal dwelling, not to exceed the smallest of either 3,600 sq. ft. or 5% of the lot size. He also explained that rezoning the property would include a process of public hearings and meetings with the Planning Commission and Yutan City Council. Councilor Peterson questioned whether

anything could be done regarding the other accessory buildings that are larger than the zoning ordinances allow and was reminded that they were likely built before it was the city's jurisdiction. Mr. and Mrs. Jorgensen questioned the different requirement and restrictions of the R-1 zoning, and it was noted how changing these restrictions in the city's zoning ordinances would affect every R-1 lot inside the ETJ, which would include every single family residence in the City of Yutan's corporate limits. Zach Schulz explained the process involved to rezone the entire subdivision. It was decided that other residence in this subdivision would be contacted to determine whether they would be in favor of rezoning the subdivision.

- 9) **Resolution #2018-5: Authorization to borrow funds from a financial institution for street project and purchase of pickup.** The City Clerk-Treasurer explained that the interest rate for the loan was reduced, creating a need to amend the previous resolution passed to approve the loan; the City Clerk-Treasurer also noted that the amended version references the use of one of the city's Certificate of Deposit accounts as collateral. A motion was made by McLaughlin and seconded by Peterson to amend Resolution #2018-5 to reflect the new interest rate and the subsequently lower annual payments. Upon roll call vote was as follows. YEA: Beck, Long, McLaughlin, and Peterson. NO: None. Motion carried.
- 10) **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;** Councilor Peterson asked whether there should be a time limit set forth for item 8 of the ordinance, which prohibits the operation of any noise-creating blower or power fan. The city council agreed this section should have the same time restrictions of 7 a.m. to 9 p.m. for legal operation as some of the other items listed in this ordinance. The city council, at the suggestion of Councilor Peterson, also decided to provide an exception to items 7 and 8 of this ordinance that would allow the use of the referenced pieces of equipment to clean up in the event of a city-declared snow—or other severe weather—emergency. A motion to approve first reading with the aforementioned revisions was made by Peterson and seconded by Long. Upon roll call vote was as follows. YEA: Long, McLaughlin, and Peterson. NO: Beck. Motion carried.
- 11) The mayor and city council discussed the request from the Yutan Volunteer Fire Department to place a training site on a piece of city-owned property. They discussed the different proposed locations and the relative benefits and drawbacks of each. Councilor McLaughlin mentioned that he would like to speak with the city's insurance agent and lawyers regarding liability concerns. Matt Thompson, a member of the fire department, mentioned that it would not be used as often as the council may think, likely a maximum of five times each year. Mr. Thompson also suggested a lease agreement to put all liability and maintenance responsibility on the fire department. They discussed whether it would possibly upset surrounding lot owners, whether it would be visible from their properties or whether smoke odor would be an issue. They discussed whether the fire department should look into leasing land from the railroad as an alternative. They also questioned whether it would be worth asking the individuals who live within a certain radius of the property if they would be in favor or opposed to the use of a training site at that location. A motion was made by Beck and seconded by Peterson to set aside the half-acre lot north of the lagoons on County Road 5 for use by the fire department as a training site pending the creation and signing of a one-year lease, conditional upon the approval of those who own property within a half-mile radius of this location. Upon roll call vote was as follows. YEA: Beck, Long, McLaughlin, and Peterson. NO: None. Motion carried.

- 12)** The mayor and city council discussed whether the city needs to add another emergency siren. Councilor McLaughlin asked where the mayor believes an additional siren may be needed, and Mayor Egr stated that he believes it would likely need to be placed at the top of the hill in the Timbercrest subdivision on the east side of town. Councilor McLaughlin questioned whether the city would need to purchase land to place a siren in that location. Councilor McLaughlin also mentioned that he recalls being told during the planning stages for the Itan Parkview subdivision that the city would not need to add another siren as a result, and he went on to express a need to consider whether the siren salesman who spoke with Mayor Egr is the most reliable source for objective information. The council also discussed how the grant would be allocated and how much the 50% match required for this grant would actually add up to be. The City Clerk-Treasurer was instructed to gather more information regarding this grant and what the City's financial obligation would be. This item was tabled pending the submittal of that information.
- 13)** Councilor Long clarified that his desire to resign as City Council President is to provide the City Clerk-Treasurer more time for his removal from the city's bank and charge accounts that would otherwise need to occur immediately following the December reorganization meeting. A motion was made by Peterson and seconded by McLaughlin to accept JC Long's resignation as President of the City Council. Upon roll call vote was as follows. YEA: Beck, Long, McLaughlin, and Peterson. NO: None. Motion carried. The other members of the Yutan City Council thanked Councilor Long for his many years of excellent service as City Council President.
- 14)** A motion was made by Peterson and seconded by Beck to elect Jim McLaughlin as President of the City Council. Upon roll call vote was as follows. YEA: Beck, Long, McLaughlin, and Peterson. NO: None. Motion carried.
- 15)** Council discussions: Councilor Long asked the other council members for verbal permission to receive quotes and submit an order for agrilime for the three ballfields at Hayes; he was given permission to do so. At this time, Kenneth Breyer asked the council some follow-up questions regarding the newly approved Ordinance #742, and discussion was held on this topic.

Meeting adjourned at 8:20 p.m.

Next regular meeting of the Yutan City Council will be held December 18, 2018, at 7:00 p.m.

Darin Egr, Mayor

Katy Mattheis, City Clerk-Treasurer