Yutan City Council

Tuesday, July 19, 2022

7:00 p.m. – Yutan Activity Center

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 19th DAY OF JULY 2022, 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 Thompson, Beck, Kelly, and Peterson 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**
   1. Approve Minutes of June 21, 2022, Regular Meeting.
   2. Treasurers report
   3. Claims: Ayala, L. $150.00; Badger Meter $335.53; Be Seen Signs $492.90; Canon $166.23; Capital Business $134.75; Cardmember Service $4,915.53; Chieftain Community Club $3,000.00; Colonial Research $1,042.00; Companion Life $245.59; Cubby’s $1,039.41; Culligan $723.25; Drop In Portables $1,175.00; Eakes $121.89; ECS $3,603.88; Engel, V. $250.00; ESRI $1,500.00; Fair Play $175.00; Frontier Coop Brainard $2,843.78; Frontier Coop $16,854.72; Gay, R. $24.71; Great Plains Uniform $359.48; Gretna Sanitation $91.70; IBTS $600.00; JEO $2,100.00; Lincoln Financial Group $578.00; Loveland Grasspad $723.75; Lowe’s $515.82; Martin Marietta $836.83; MUD $223.69; NE Public Health Lab $317.00; NE Dept of Revenue $2,989.68; One Call Concepts $14.32; OPPD $4,334.38; Peterson, A. $83.82; Pitney Bowes $110.00; Platte Valley Equip $63.73; Quality Irrigation $755.14; Payroll $36,993.52; SYNCB/Amazon $2,215.96; Ty’s Outdoor Power $2,778.00; US Cellular $77.08; USPO $183.60; Wahoo Newspaper $84.22; Wiese Plumbing $1,587.60; Woster, L. $339.36; Yutan Trucking $251.79 **TOTAL without payroll $60,009.12; TOTAL with payroll $97,002.64.**
   4. A motion to approve the consent agenda and table treasurer’s reports 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.
2. **Open Discussion from the Public**
   1. Kyle Kelly spoke against chickens in town.
   2. Krystal Spudy supports chickens in town.
   3. Teri Bouchard feels the culture of Yutan is based on farming and chickens should be supported.
   4. Eric Wilke is against chickens in town because they may attract predators and drive down home values.
   5. Justin Barney reported he made calls to several neighboring communities that allow chickens and have fewer restrictions than the proposed ordinance calls for.
   6. Karen Ciaccio supports chickens in town because it would give kids a hobby, chickens make better pets than dogs, and chickens offer sustainability.
   7. Kenneth Davis would like a committee to be formed to bring a pickleball court to town.
   8. Michelle Smith-Dahlhauser supports chickens in town. She says they are fun to have, and they are allowed in Omaha. She does not support an increase in water prices because it could be a burden on people. Mayor Egr explained this increase will be $1.50 per month for most residents.
   9. Brendan Huckaby does not want chickens in town.
3. **Presentations from Guests**
   1. Steve Parr with JEO was in attendance to review the One and Six-Year Plan. He presented a copy of the plan to council.
4. **Ordinances and Public Hearings**
   1. Ordinance 796 – Hen Chicken Ordinance
      1. City Administrator Heaton informed all present that he amended a previously drafted ordinance to raise the permit fee to $100.00, allow six hens with no roosters, not allow slaughtering in town, and require neighbor approvals for chickens. Renters will be required to have a letter of approval from their landlord. Conditions must be met annually.
      2. A motion to amend Ordinance 796 to say once a permit is granted new neighbors cannot prevent a renewal was made by Kelly and seconded by Beck. The purpose of this amendment is to prevent a new resident from knowingly moving in next door to chickens and preventing their number from keeping them. Upon roll call, vote was as follows YEA: Thompson, Beck, and Kelly. NO: Peterson. Motion carried.
      3. A motion to approve the first reading of Ordinance 796 was made by Beck and seconded by Kelly. Upon roll call, vote was as follows YEA: Beck and Kelly. NO: Thompson, Peterson, and Egr. Motion denied.
      4. Councilmember Peterson inquired to City Attorney Freeman-Caddy if the ordinance could be voted down. y Attorney Freeman-Caddy said yes and a motion to deny Ordinance 796 was made by Peterson and seconded by Thompson. Upon roll call, vote was as follows YEA: Thompson, Peterson, and Egr. NO: Beck and Kelly. Motion carried.
   2. Ordinance 793 – Adding Additional Options for Off-street Parking (TABLED)
      1. City Administrator Heaton informed all present that the Planning Commission did not make a recommendation and this ordinance needs to be tabled. No public hearing was held. A motion to table Ordinance 793 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.
   3. Ordinance 794 – Defining Lot Coverage to Include Paved & Compacted Rock Areas
      1. City Administrator Heaton informed all present that the Planning Commission recommended passing this ordinance if pools and decks are not counted as green space.
      2. A public hearing was opened at 7:25 p.m. by Mayor Egr.
         1. Whitney Morris inquired as to how this would affect older houses. City Administrator Heaton stated this ordinance would not be retroactive and old structures would only need to meet current zoning standards if more than 50% is rebuilt.
         2. The public hearing was closed at 7:28 p.m.
      3. A motion to approve the first reading of Ordinance 794 was made by Thompson and seconded by Kelly. Upon roll call, vote was as follows YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.
   4. Ordinance 797 – Reconstruction of Accessory Structures in Existing Footprint/Setbacks
      1. City Administrator Heaton informed all present that this ordinance would better accommodate properties in the older part of town that do not meet current zoning regulations. This ordinance would approve non-conforming setbacks if the structure is within the property’s lot pins.
      2. A public hearing was opened at 7:30 p.m. by Mayor Egr.
      3. Will Smith said he is on the Planning Commission and this point of passing this ordinance would be to accommodate the older part of town.
      4. The public hearing was closed at 7:31 p.m.
      5. A motion to waive the three readings and approve Ordinance 797 was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.
   5. Ordinance 795 – Updating Utility Rates (2nd Reading)
      1. City Administrator Heaton informed all present that the purpose of this ordinance is to increase the water and sewer rates by a small amount. Raising rates a small amount over a longer period of time is better than having to make a large sudden increase.
      2. A motion to approve the second reading of Ordinance 795 was made by Peterson and seconded by Kelly. Upon roll call, vote was as follows YEA: Thompson, Kelly, and Peterson. NO: Beck. Motion carried.
5. **Resolutions**
   1. Resolution 2022-5 Interlocal Cooperation Agreement for a Mutual Finance Organization (MFO). City Administrator Heaton informed all present the purpose of this resolution is to allow the Yutan Fire Department to join an interlocal support agreement. A motion to approve Resolution 2022-5 was made by Peterson and seconded by Thompson. Upon roll call, vote was as follows YEA: Thompson, Kelly, and Peterson NO: Beck. Motion carried.
6. **Other Action Items**
   1. Consideration of a request from Justin Barney to allow dirt bikes and minibikes to the ATV ordinance. City Administrator Heaton reported council was provided with the current city ordinance and state statutes on this topic. City Attorney Freeman-Caddy said cities are only authorized by the state to regulate ATVs, UTVs, and golf carts. A motion to deny amended the ordinance to allow dirt bikes and minibikes in the city was made by Kelly and seconded by Beck. Upon roll call, vote was as follows YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.
   2. Consideration of Pay Application 1 from Midtown Plumbing. City Administrator Heaton informed council this payment to Midtown will be for the endpoints they have purchased. A motion to approve Pay Application 1 from Midtown Plumbing was made by Thompson and seconded by Kelly. Upon roll call, vote was as follows YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.
7. **Discussion Items**
   1. ROW maintenance – City Attorney Freeman-Caddy addressed the council regarding concerns from citizens about adjacent lot maintenance. She said Nebraska State Code 17-563 dictates how cities can require residents to clean adjacent lots. Yutan City Ordinance 784 uses this language and gives the city authority to require residents to maintain adjacent properties.
   2. Citizens have called the mayor and city office requesting that rock be placed in their alley. Mayor Egr said this has always been addressed on a case-by-case basis. Councilmember Peterson said one or two years ago the city was going to budget and maintain the alleys. She stated they will not necessarily need rock every year. Councilmember Kelly said there are some alleyways the city can vacate to the homeowners to maintain. Councilmember Peterson does not support this plan.
8. **Supervisor’s Reports**
   1. Library Director’s report was submitted.
   2. Police Chief’s report was not submitted.
   3. Utilities Superintendent’s report was submitted. Councilmember Kelly inquired as to why the tree dump was closed. Utilities Superintendent Woster said people have been starting fires. Councilmember Peterson suggested every other weekend from 9-12 a utilities employee opens the dump and monitors it so people can use it on the weekend.
   4. City Administrator’s report was submitted and reviewed. City Administrator Heaton informed council the Planning Commission is short two members and an alternate. The next budget meeting is next Tuesday at 6:00 p.m.
9. **Items for Next Meeting Agenda - none**

A motion to adjourn the meeting was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows YEA: Thompson, Kelly, and Peterson NO: Beck. Motion carried. **Meeting Adjourned at 7:56 p.m.**

**NEXT MEETING DATE – August 16th, 2022, 7:00 P.M.**

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Darin Egr, Mayor

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Rachelle K. Gay, City Clerk