

Yutan City Council
Tuesday, September 20, 2022
7:00 p.m. – Yutan City Hall

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 SEPTEMBER 2022, AT 7:00 p.m. A FINAL BUDGET HEARING WAS HELD IMMEDIATELY PRECEDING THE START OF THIS REGULAR MEETING.

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 7:08 p.m. by Mayor Egr. Councilmembers Beck, Kelly, and Peterson were present. Councilmember Thompson was absent. Mayor Egr informed all the individuals present of the location of the Open Meetings Act and Code of Conduct.

1) Consent Agenda

- a. Approve Minutes of August 16, 2022, Regular Meeting.
- b. Treasurers report
- c. Claims: All Star Plumbing \$2,500.00; Amazon \$841.00; Auto Barn Motorwerks \$83.42; Baum Hydraulics \$61.56; Be Seen Signs \$67.50; Brase Electrical \$169.88; Canon Financial Services \$259.36; Capital Business Systems \$134.75; Cardmember Service \$2,742.04; Cubby's \$870.35; Culligan \$78.00; Drop In Portables \$355.00; Eakes Office Solutions \$142.84; ECS \$218.00; Edward W. Schroeder, P.C. \$5,129.00; Engel, Vicki \$250.00; General Fire & Safety \$69.75; Heaton, CJ \$248.75; Jeff Subbert Irrigation, LLC \$150.00; John Deere Financial \$769.99; League of Nebraska Municipalities \$3,457.00; Lowe's \$125.77; Midtown Plumbing \$16,769.41; MUD \$35.89; Nebraska Municipal Clerks Association \$100.00; Nebraska Municipal Power Pool \$15,995.00; Nebraska Public Health Environmental Lab \$753.00; Nebraska UC Fund \$6.34; OPPD \$4,786.46; One Call Concepts \$13.18; Quality Irrigation \$506.65; Railroad Management Company \$1,503.95; Rogers, Becky \$200.00; T & E Quickseal \$1,475.00; The Diamonds Groundskeeper \$831.00; The Lincoln National Life Insurance Company \$318.33; Ty's Outdoor Power & Service \$98.40; US Cellular \$116.25; USPO \$205.04; Valley Corp \$379.20; Woster, Luke \$787.45
- d. A motion to approve the consent agenda was made by Kelly and seconded by Peterson. Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.

2) Open Discussion from the Public

- a. Kevin Bradford supports council's vote last month on off-street parking. He would like to be back on the planning commission as there are not enough members to hold meetings and decisions need to be made.

- b. Justin Barney would like to know when his sidewalk will be repaired as it has been four months. City Administrator Heaton explained the sidewalk will be fixed when McAtee is in town for another project. Barney would like city employees to communicate more with the community. Maybe through Facebook or a newsletter.
- c. Michelle Smith-Dahlhauser asked about the statues of gardens outside of fences in Timbercrest. Heaton explained the property lines have been marked and any vegetation inside the posts will be left alone.
- d. Mark Ray has a question about the 1% increase and restricted funds. Heaton clarified his questions.
- e. Will Smith would like to see a four-way stop at Second and Vine. He feels it would make the intersection safer for kids walking in the area and people driving downtown. Mayor Egr said we might need to do a traffic study and will look into it.

3) Presentations from Guests

- a. None

4) Ordinances and Public Hearings

- a. Ordinance 793 – Adding Additional Options for Off-street Parking (2nd Reading)
 - i. City Administrator Heaton informed all present that Ordinance 793 proposes changing the language of off-street parking regulations. This ordinance would add language requiring primary driveways to be paved with asphalt and any driveway installed or improved above 50% after this ordinance's passage would require paving with asphalt. Secondary off-street parking could be crushed rock or another hard surface. This would also include language to allow an increase from 25% to 40% of a front yard to be used for parking. Councilmember Peterson would like to see verbiage that does not allow secondary parking to be larger than the paved primary parking area.
 - ii. A public hearing was opened at 7:16 p.m. by Mayor Egr.
 - 1. Justin Barney would like to know if someone could increase the primary paved parking surface in order to have more rock. No one saw a problem with this proposal. He has a large-enough yard.
 - 2. Councilmember Peterson said the purpose of this ordinance is to stop people from parking in grass.
 - 3. Will Smith says 25% parking space is not enough for homes in old town as the lots are small.
 - 4. The public hearing was closed at 7:21 p.m.
 - iii. A motion to approve the second reading with the language change to state secondary parking surfaces cannot be larger than primary parking surfaces was made by Peterson and seconded by Kelly. Upon roll call, vote was as follows
YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.
- b. Ordinance 794 – Defining Lot Coverage to Include Paved & Compacted Rock Areas (3rd reading)
 - i. City Administrator Heaton informed all present that Ordinance 794 addresses greenspace. He recommends adding a minimum pervious coverage amount of 40% to the current coverage regulations. The pervious coverage helps break up congestion and keep water runoff into the stormwater system. The only change to this ordinance from the last meeting is increasing the allowable lot coverage to

- 45% as long as a secondary structure is not bigger than the primary structure.
 - ii. A public hearing was opened by Mayor Egr at 7:23 p.m. No comment was made, and the public hearing was closed at 7:24 p.m.
 - iii. A motion to approve Ordinance 794 with the proposed language change was made by Kelly and seconded by Peterson. Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.
- c. Ordinance 797 – Changing rear and side setbacks for accessory structures in R-1 (Table)
 - i. Due to lack of quorum the planning commission did not meet this month. Ordinance 797 needs to be tabled. Councilmember Peterson would like staff to look at other towns and see how they handle this issue.
 - ii. A motion to table Ordinance 797 was made by Peterson and seconded by Beck. Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.
- d. FY 22-23 Budget
 - i. City Administrator Heaton informed all present that state law LB 148 requires a public hearing be held for the budget.
 - ii. A public hearing for Property Tax Asking Amount was opened by Mayor Egr at 7: 26 p.m. No comment was made, and the public hearing was closed at 7:27 p.m.
 - iii. Approve Property Tax Asking Amount with a 1% Increase in Restricted Funds. A motion to approve the property tax asking amount with a 1% increase in restricted funds was made by Kelly and seconded by Peterson. Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.
 - iv. A motion to approve Ordinance 798 Adoption of FY 22-23 Budget was made by Kelly and seconded by Peterson. Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.
- e. One- & Six-year Highway and Street Improvement Program
 - i. City Administrator Heaton informed all present that per state law a public hearing is required before the 1 & 6 Year Plan is approved. No changes have been made to the plan since Steve Parr was here in July.
 - ii. A public hearing was opened by Mayor Egr at 7:29 p.m. No comment was made, and the public hearing was closed at 7:30 p.m.
 - iii. A motion to approve Resolution 2022-6 was made by Peterson and seconded by Beck. Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.

5) Resolutions

- a. Resolution 2022-7 has been approved by the state and authorizes Mayor Egr to sign the Annual Certification for the Board of Public Roads and Standards. This resolution assures the city will follow relevant statutes and receive state aid. A motion to approve Resolution 2022-7 was made by Peterson and seconded by Beck. Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.
- b. City Administrator Heaton informed all present the purpose of Resolution 2022-8 is to update the master fee schedule to base permit fees on the value of a job. Council has been supplied with a copy of the proposed updates. A motion to approve Resolution 2022-8 was made by Peterson and seconded by Kelly. Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.

6) Other Action Items

- a. Two bids were received for the lift station project. Eriksen construction bid \$914,000 and Thompson Construction bid \$995,185. Staff recommends accepting the bid from Eriksen Construction. Zach Schulz with JEO explained the cost of the project has nearly doubled in the last year; however, this price might end up being a good deal in the long run. Schulz says bids are good for 60 days. A motion to table the consideration to award the lift station bid was made by Peterson and seconded by Kelly. Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.
- b. Consideration of change order #10 from Thompson Construction. This will approve valve work completed over the summer at cost savings of \$46,575.30. A motion to approve change order #10 was made by Peterson and seconded by Kelly Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.
- c. Consideration of Pay Application #9 to Thompson Construction. The amount of \$5,125.79 will close out payments to Thompson Construction for the water main project. A motion to approve pay application #9 to Thompson Construction was made by Kelly and seconded by Beck. Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.
- d. Consideration of approving the certificate of substantial completion with Thompson Construction. This will approve that all work is satisfactorily completed. Schulz explained this will give approval for work and starts a one-year warranty. A motion to approve the certificate of completion with Thompson Construction was made by Peterson and seconded by Kelly. Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.
- e. Consideration of Change Order #1 for the Water Meter Improvement Project. Staff has discovered a few more meters that need to be replaced – one at the school and a few more around town. Change order #1 will address necessary changes. A motion to approve change order #1 was made by Kelly and seconded by Peterson. Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.
- f. Consideration of Pay Application #3 in the amount of \$10,781.74 to Midtown Plumbing for the Water Meter Improvement Project. This will pay for the work completed last month. A motion to approve pay application #3 was made by Peterson and seconded by Kelly. Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.
- g. Five Rule Rural Planning has been working on the downtown and comprehensive plans and are nearing completion. A representative from Five Rule will be in town September 21 from 4-7 p.m. to go over their findings. Two invoices in the amount of \$19,450 are currently due. A motion to approve payment of \$19,450.00 was made by Kelly and seconded by Peterson. Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.
- h. Consideration of bids for crack sealing in Timber crest and along Itan Drive. Three bids were collected for crack sealing in Timbercrest and Itan. The current budget allows \$10,000.00 for this street work to be done. Staff recommends approving T & E Quickseal who bid the amount of \$7,750.00. A motion to approve the bid of T & E Quickseal under the condition they can complete the work by September 30 was made by Peterson and seconded by Kelly. Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.

- i. Kevin Bradford has applied to be reinstated on the Planning Commission. There are currently two openings, and the commission has not been able to hold meetings. Councilmember Kelly had questions for Bradford.
 - i. CK: How long were you on the planning commission before? KB: 3-4 years. CK: Should people be granted waivers? KB: I would follow what the zoning book says. CK: Should leniency be granted to people who do things for the city? KB: No, but the city should turn a blind eye in some situations.
 - ii. A motion to table appointing Bradford to the Planning Commission was made by Kelly and seconded by Peterson. Councilmembers Kelly & Peterson would like to wait until Councilmember Thompson is present to vote. Upon roll call, vote was as follows YEA: Kelly, and Peterson. NO: Beck. Motion carried.

7) No discussion items

8) Supervisor's Reports

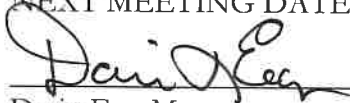
- a. Library Director's report was submitted. Laurie is out due to a knee replacement. She should hopefully be back by Thanksgiving.
- b. Police Chief's report was submitted.
- c. Utility Superintendent's report was submitted.
- d. City Administrator's report was submitted and reviewed.

9) No items for next month's agenda


A motion to adjourn the meeting was made by Kelly and seconded by Peterson. Upon roll call, vote was as follows YEA: Beck, Kelly, and Peterson. NO: None. Motion carried.

Meeting Adjourned at 8:07 p.m.

NEXT MEETING DATE – October 18th, 2022, 7:00 P.M.



Darin Egr, Mayor



Rachelle K. Gay, Clerk-Treasurer

