

Yutan City Council
Tuesday, October 21st, 2025
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 21ST DAY OF OCTOBER 2025, 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 Thompson and all members of the Yutan City Council, and a copy of their acknowledgment of receipt of the 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.

The meeting was called to order at 7:00 p.m. by Mayor Thompson. Councilmembers Lawton, Schimenti, Mach and Smith were present. Mayor Thompson informed all the individuals present of the location of the Open Meetings Act and Code of Conduct. The meeting was opened with the Pledge of Allegiance and a statement from Mayor Thompson thanking everyone who helped put on Pumpkins in the Park.

1) Consent Agenda

- a. Approve Minutes of the September 29th, 2025, Budget Hearing Minutes
- b. Approve Minutes of the September 29th, 2025, Special Meeting Minutes
- c. Treasurer's Report
- d. **Claims-All Star Plumbing \$4,850.00, ARCS-LLC \$851.12, Blue Cross Blue Shield \$2,585.05, Bomgaars \$798.78, Capital Business Systems, Inc. \$368.04, Cardmember Services \$1,213.73, City of Wahoo \$1,350.00, Column Software PBC \$195.76, Cubby's \$395.11, Culligan of Omaha \$91.25, Colonial Research \$935.24, Costa, Robert \$10.50, DataShield \$61.67, Dibble, Janet \$53.12, DropIns Portables \$486.85, EFTPS-Federal Payroll Taxes \$14,658.89, Engel, Vicki \$270.00, Filament Essentials Services \$2,400.00, Frontier Cooperative \$1,019.24, Guardian \$42.50, Hometown Leasing \$69.74, Humbolt Specialty Mfg \$106.06, JEO Consulting Group \$532.50, Knutson, Anna \$71.09, Konecky Oil Company \$300.79, League Association of Risk Management \$455.70, Lowes \$259.18, Menards \$94.48, Metropolitan Utilities District \$50.00, Nebraska Department of Labor \$100.36, Nebraska Department of Revenue \$6,093.72, Nebraska Department of Revenue-Waste Reduction and Recycling Fee \$25.00, Nebraska Department of Revenue-Charitable Gaming \$2,951.06, Pitney Bowes Purchase Power \$455.88, Power Manager \$560.00, Railroad Managment Company III, LLC \$417.05, Sieh, Joanna \$120.24, Spectra Associates \$374.50, The Lincoln National Life Insurance Company \$392.49, The Radar Shop \$128.00, Thompson Construction Inc. \$4,940.00, Todd Valley Farms, Inc. \$755.00, Tri-Point Tree and Landscaping LLC \$12,000.00, U.S. Cellular \$106.83, Van Ackeren, Laurie \$42.35, Verizon Business \$40.01, Village of Mead \$112.50, Wahoo Newspaper \$197.19, Wilke Plumbing \$345.00, Woster, Luke \$103.06, Total w/o Payroll \$76,289.75, Payroll \$42,588.51, Total w/Payroll \$118,878.26.**

- e. A motion to approve the consent agenda was made by Schimenti and seconded by Lawton. Upon roll call vote was as follows: YEAH: Lawton, Schimenti, Mach, Smith. NO: None, Motion Carried.

2) **Open Discussion from the Public**

- a. Lindsay Nelson asked the city council how to go about putting the sales tax back on the pallet for the next primary election. He also asked what the process is for getting someone to clean up their yard.

3) **Ordinances and Public Hearings**

- a. Ordinance 815-Setting of the Employee Salaries for the 2025-2026 Fiscal year.
 - i. Staff Reporting-Administrator Oliva stated that he performed the employee evaluations for the year. Every employee received a 2.7% cost of living raise and the rest of the 5% was given on a scale depending on the evaluations that were reviewed by the Mayor and Council. The amount stated within the presented Ordinance is what was given for raises this year.
 - ii. Public Hearing-A public hearing was opened at 7:06 pm. There was no public comment on the employee salaries. The public hearing was closed at 7:07 pm.
 - iii. Ordinance 815-A motion to approve Ordinance 815- Setting of the Employee Salaries for the 2025-2026 Fiscal Year and to waive the three readings was made by Lawton and seconded by Schimenti. Upon roll call vote was as follows: YEAH: Schimenti, Mach, Smith, Lawton. NO: None, Motion Carried.
- b. Ordinance 816-Zoning Code Revision
 - i. Staff Reporting-Community Planner Costa introduced a comprehensive zoning code revision, addressing numerous longstanding issues identified over the past two years with input from the planning commission and community stakeholders. The document is a working draft open to public and council feedback, with further revisions expected in November and December.
 - ii. Key Points include:
 - 1. Proposed expansion of the Extraterritorial Jurisdiction (ETJ) boundary, with affected landowners notified but no comments received. Additional outreach may be necessary.
 - 2. The planning commission forwarded a parking schedule alternatives and animal unit definitions for council consideration, though alternatives are not official recommendations.
 - 3. Animal unity definitions align with national standards on pollution from livestock, though enforcement by Nebraska is uncertain.
 - 4. Highlighted portions within the draft code indicate unresolved issues requiring council decisions, including definitions and other key topics.
 - iii. Public Hearing-Mayor Thompson opened the public hearing at 7:30 pm.
 - 1. **Home Occupations and Accessory Dwelling Units (ADUs)**
 - a. A lengthy discussion occurred regarding home occupations, focusing on:
 - i. Percentage of the primary or detached structure that can be used for home-based businesses (proposed 15%-50%, open for adjustment).

- ii. Differentiating small-scale businesses (e.g., Etsy sellers) from more intense uses (e.g., mechanics with multiple lawnmowers or noisy operations).
- iii. The importance of minimizing neighborhood impacts such as noise, traffic, and visual clutter.
- iv. The suggestion to require proof of business licensing (LLC or state incorporation) for home occupations to differentiate casual hobbyists from commercial operations.
- v. Whether home occupations should be allowed in detached structures at higher percentages or capacities than in the primary residence.
- vi. The challenge of regulating activities like automotive repair or battery rebuilding in residential zones.
- vii. The role of conditional use permits for accessory dwelling units (ADUs), which require public hearings and neighbor input. ADUs must be foundation-built and meet defined standards, excluding mobile homes or RV's unless converted properly.
- viii. The possibility of future changes in use (e.g., a tiny home approved as ADU later becoming a home occupation) would trigger required re-approval via conditional use review to prevent unintended business impacts in residential neighborhoods.

2. Setbacks, Screening, and Wireless Communications

- a. Setback requirements for buildings adjacent to public right-of-ways and private property lines were reviewed:
 - i. Existing standards call for 50 feet setbacks from public roads and 20 feet from adjacent properties.
 - ii. Some council members suggested reducing the property line setbacks to 5-10 feet depending on context to ease development constraints.
 - iii. Landscaping and screening requirements remain in place, with fencing and screening walls mandatory for certain commercial uses.
 - iv. Wireless communications regulations were discussed:
 - 1. The current \$50,000 performance bond for new cell towers was considered potentially low; council members were opposed to “fake tree” towers.
 - 2. Tower height is capped at 200 feet, with cell towers requiring conditional use approval to avoid proliferation.
 - 3. Abandonment provisions for unused towers require legal reviews to ensure enforceability and safety.

3. Dog Kennels and Commercial Setbacks

- a. Regulations for private dog kennels and commercial breeding facilities were reviewed:

- i. Facilities must be located at least 300 feet from residential zones and on a minimum 5-acre site.
 - ii. Council proposed increasing the setback to 1,000 feet to avoid conflicts in denser residential areas, particularly near the transitional zoning area (TA).
 - b. Commercial Building Setbacks:
 - i. A 5-foot rear setback from alleys were proposed to facilitate deliveries and reduce on street parking for trucks.
 - ii. No rear setback would be required where no alley exists, allowing buildings to be constructed on the property line.
 - iii. Dumpster placement in alleys remains regulated to keep travel ways clear.
- iv. Mayor Thompson closed the public hearing at 8:12 p.m.
- v. Ordinance 816-A motion to approve the first reading of Ordinance 816-Zoning Code Revision was made by Smith and seconded by Mach. Upon roll call vote was as follows: YEAH: Mach, Smith, Lawton, Schimenti. NO:None, Motion Carried.

4) Action Items

- a. Approval of the funds for the new concessions stands at Hayes Ballfields
 - i. Administrator Oliva went over the funding for the new concession stand at Hayes Ballfield. With \$250,000 budgeted, \$150,000 from Keno funds, and \$100,000 from reserve funds. Materials will be purchased by the city and labor costs paid separately to accommodate volunteer and city crew labor.
 - ii. A motion to approve funds for the new Hayes Ballfield Concessions stand was made by Schimenti and seconded by Mach. Upon roll call vote was as follows: YEAH: Smith, Lawton, Schimenti, Mach. NO: None, Motion Carried.
- b. Acceptance of the audit agreement
 - i. A motion to accept the Audit agreement with Ortmeier and Associates was made by Mach and Seconded by Lawton. Upon roll call vote was as follows: YEAH: Lawton, Schimenti, Mach, Smith. NO: None, Motion Carried.

5) Discussion Items

- a. Maguire Iron: Power Washing Water Tower-Jake Duggar
 - i. Administrator Oliva went over the specifics on painting and maintaining the city's water tower and revealed a proposal from Macquarie Iron for a maintenance contract. The last paint job was in 2014; repainting is needed every 10-15 years. The contract would finance the initial repaint (\$200,000 estimated) over multiple years with annual payments around \$20,000 after a catch-up period. Maguire would handle all maintenance, inspections, and repairs, providing continuity despite city staff or council changes. Risks include possible future opting out, potentially leaving unpaid balances. The contract term would likely be 7-10 years. Council requested further review but recognized the benefits of planned maintenance and budgeting predictability.

- b. Blight Study
 - i. Administrator Oliva went over the new map of the blight study that was conducted by Jeff Ray. Council discussed the residential plots west of Fifth Street, which are currently platted but zoned transitional ag (TA). Discussion was held over the potential use for TIF funds for street improvements in these areas, allowing redevelopment and infrastructure funding. The council reviewed vacant lots north of Rose Avenue and railroad tracks, noting some landlocked parcels with limited development potential. The council expressed desire to focus redevelopment efforts on blighted or underutilized areas rather than well-maintained neighborhoods.
- c. Park Bench Placement
 - i. Plans to install approximately 10 new park benches along walking trails, especially between the basketball and volleyball courts and near the playground, were discussed. Suggestions included consolidating benches near playground areas and creating double-sided benches to maximize seating without crowding. Installation is planned for November, with flags or markings to indicate proposed locations.

6) Supervisor Reports

- a. Library Director
- b. Water & Park
- c. Sewer & Street
- d. Police Chief
- e. Community Planner
- f. City Administrator-Kinetic is proposing a citywide fiber optic installation, involving multiple plan submissions and infrastructure entanglement with existing utility lines. Current city permitting processes for right-of-way utility work are informal, requiring development. Administrator Oliva voiced concerns about lack of prior council consultation and uncertainty about costs and fees. Council members emphasized the need for transparency, adequate fees to cover city review costs, and public communication about construction impacts.

Meeting Adjourned-A motion to adjourn at 8:52 pm was made by Lawton and seconded by Mach. Upon roll call vote was as follows: YEAH: Schimenti, Mach, Smith, Lawton. No: None, Motion Carried.

NEXT MEETING DATES

Planning Commission - November 11th, 2025, 7:00 P.M.

City Council Meeting - November 18th, 2025, 7:00 P.M.

Anyone desiring to speak before the mayor and city council should contact the city clerk by the Monday preceding the city council meeting by 4:00 p.m. Anyone desiring to speak on any item on the agenda is invited to do so but should limit himself/herself to 3 minutes. After being recognized by the mayor, give your name and address for the record. Anyone desiring to speak for a longer period of time should make arrangements with the city clerk prior to the meeting. All

speakers shall address the mayor and city council only. Anyone attending the meeting who may require auxiliary aid or service should contact the city clerk in advance.

Matt Thompson, Mayor

Brandy Bolter, City Clerk/Treasurer
