

Yutan City Council  
Tuesday, November 21, 2023  
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 November 2023, 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 Kelly 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 Kelly. Councilmembers Schimenti, Chittenden, Peterson, and Thompson were present. Mayor Kelly 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.

**1) Consent Agenda**

- a. Approve Minutes of October 17th, 2023 Regular Meeting
- b. Treasurer's Report
- c. Claims-ARCS-LLC \$90.00, **Benefit Plans Inc.** \$172.50, **Bomgaars** \$169.50, **Canon Financial Services Inc.** \$259.50, **Capital Business Systems Inc** \$148.75, **Cardmember Services** \$3209.81, **CPR Associates** \$240.00, **Colonial Research** \$1282.20, **Cubbys** \$590.99, **Culligan** \$74.24, **DataShield** \$56.00, **Eakes** \$886.39, **ECS** \$243.80, **Vicki Engel** \$270.00, **First State Bank** \$41712.76, **Freedom Tint** \$102.60, **Great Plains Uniforms LLC** \$90.00, **JEO** \$10392.50, **JustinCase Enterprises** \$10169.00, **Konecky Oil Company** \$274.55, **Lincoln National Life Insurance Company** \$375.60, **Lowes** \$893.67, **Metropolitan Utilities District** \$102.99, **NE Department of Environment and Energy** \$403.75, **NE Public Health Environment Lab** \$246.00, **NE Rural Water Association** \$350.00, **Odeys** \$207.69, **One Call Concepts** \$27.12, **OOP Inc** \$2047.50, **OPPD** \$4460.31, **Pitney Bowes** \$242.40, **Purchase Power** \$886.69, **Quality Irrigation** \$495.00, **R &R Design and Remodling** \$500.00, **RoadRunner Transportation** \$322.50, **Time Management Systems** \$137.50, **Tys Outdoor Power & Service** \$371.64, **U.S. Cellular** \$91.40, **Laurie Van Ackeren** \$19.65, **Village of Mead** \$500.00, **Wahoo-Waverly-Ashland Newspaper** \$452.27, **Luke Woster** \$191.25, **Total w/o Payroll** \$83760.02, **Payroll** \$23627.83, **Total w/Payroll** \$107387.85
- d. A motion to approve the Consent Agenda was made by Thompson and Seconded by Peterson. Upon Roll call the vote is as follows: YEAH: Thompson, Schimenti, Chittenden, Peterson. NO: None, Motion Carried.

## 2) **Presentation From Guests**

- a. Clint Simmons, League Association of Risk Management (LARM) - City insurance coverage.
  - i. Clint Simmons presented to the council what LARM is and how it works with insuring a municipality. He also explained the benefits of LARM and how it can help the city over other insurance companies. He also went into explaining different benefits for law enforcement officers and the continuing education that they would receive. He also explained how LARM prorates the cost of insurance to work with the city's fiscal year budget. Council members Thompson and Chittenden asked what if something we thought was insured is not covered would happen. Simmons stated that they would make sure that it was covered and that we would still pay only the deductible. Council member Peterson asked how often LARM comes out and does a review and Simmons stated that they do early reviews. Council member Schimenti asked if our current insurance company would come out and inspect our current equipment and buildings. Administrator Heaton stated that as of right now our insurance company does not come out and personally inspect anything.

## 3) **Resolutions**

- a. Resolution 2023-8 Year-end Certification of City Street Superintendent  
A motion to pass Resolution 2023-8 Year-End Certificate of City Street Superintendent was made by Thompson Seconded by Schimenti. Upon Roll call the vote is as follows: YEAH: Schimenti, Chittenden, Peterson, Thompson. No: None, Motion Carried

## 4) **Other Action Items**

- a. Appointment of Steve Parr, JEO Consulting Group, as City Street Superintendent  
A motion to appoint Steve Parr, JEO Consulting Group, as City Street Superintendent was made by Thompson Seconded by Chittenden. Upon Roll call the vote is as follows: YEAH: Chittenden, Peterson, Thompson, Schimenti. No: None, Motion Carried
- b. Pay Application #15 Midtown Plumbing - Administrator Heaton explained that this is the last payment to Midtown and that with the other items tonight, Midtown would be done.  
A motion to approve pay application #15 to Midtown Plumbing in the amount of \$12,992.41 was made by Chittenden Seconded by Peterson. Upon Roll call the vote is as follows: YEAH: Peterson, Thompson, Schimenti, Chittenden. NO: None, Motion Carried
- c. Change Order #6 Midtown Plumbing  
A motion to approve change order #6 to Midtown Plumbing was made by Thompson Seconded by Peterson. Upon Roll call the vote is as follows: YEAH: Thompson, Schimenti, Chittenden, Peterson. NO: None, Motion Carried
- d. Acceptance of Certificate of Substantial Completion Midtown Plumbing  
A motion of the Acceptance of Certificate of Substantial Completion Midtown Plumbing was made by Thompson Seconded by Schimenti. Upon Roll call the vote is as follows: YEAH: Schimenti, Chittenden, Peterson, Thompson. NO: None, Motion

Carried

- e. Change Order #4 Eriksen Construction  
A motion to approve change order #4 to Eriksen Construction was made by Thompson Seconded by Chittenden. Upon Roll call the vote is as follows: YEAH: Chittenden, Peterson, Thompson, Schimenti NO: None, Motion Carried
- f. Pay Application #10 Eriksen Construction  
A motion to approve Pay Application #10 to Eriksen Construction in the amount of \$56,138.22 was made by Chittenden Seconded by Thompson. Upon Roll call the vote is as follows: YEAH: Peterson, Thompson, Schimenti, Chittenden NO: None, Motion Carried
- g. Acceptance of Certificate of Substantial Completion For Eriksen Construction  
A motion for Acceptance of Certificate of Substantial Completion for Eriksen Construction was made by Peterson Seconded by Chittenden. Upon Roll call vote as follows: YEAH: Thompson, Schimenti, Chittenden, Peterson NO: None, Motion Carried
- h. Consideration of Agreement with JEO to Manage Street Repairs - Brent Ciecior, JEO
  - i. Administrator Heaton went over that this would allow us to let JEO send this out for bids to make repairs to our streets. Council member Thompson stated that before we send out bids he would like us to contact the state about the turn-off from hwy 92 and where the city's responsibilities begin and end. Heaton stated that he had spoken to our street superintendent and everything from the highway back to town was included as city responsibility and covered in the equalization funds. Council member Thompson asked to table this motion and contact Vicki the Director of NDOT  
A motion to table the Agreement with JEO to Manage Street Repairs was made by Thompson Seconded by Chittenden. Upon Roll call vote as follows: YEAH: Shimenti, Chittenden, Peterson, Thompson. NO: None, Motion Carried
- i. Consideration of Dump Trailer Purchase
  - i. Administrator Heaton stated that he did some research into the testing and the requirements for getting a CDL and stated that it was quoted at 3200-4200 per course. Council member Thompson also stated that no matter whether you are pulling everything the gross weight would be over 26000.  
A motion for the purchase of a Dump Trailer from Big Rig for \$11,673.00 was made by Schimenti Seconded by Peterson. Upon Roll call vote as follows: YEAH: Chittenden, Peterson, Schimenti NO: Thompson, Motion Carried
- j. Consideration of Sale of Old Police Cruiser
  - i. Administrator Heaton stated that the new cruiser is 100% done. He also stated that he and Police Chief Hannan had discussed selling it or keeping it on for employees to take to training instead of selling it. Council member Peterson stated that rental cars are starting to go down and that we could possibly look into doing that.  
A motion to keep the old police cruiser for employee use was made by Schimenti and Seconded by Chittenden. Upon Roll call vote as follows: YEAH: Peterson, Thompson,

Schimenti, Chittenden. NO: None, Motion Carried

- k. Consideration of a second structure on one industrial lot for Trent Gumm at 522 CR M.
  - i. Administrator Heaton stated that working through Gumm's building permit application they would need both the planning commission and city council approval for a second building on one lot. He also stated that he moved their building out of the flood zone and that they would have to get state approval for their septic system.
  - ii. A Motion to approve the second structure for Trent Gumm at 522 CR M was made by Thompson and seconded by Chittenden. Upon Roll call the vote was as follows. YEAH: Thompson, Schimenti, Chittenden, Peterson. NO: None. Motion Carried.

## 5) Discussion Items

- a. Annexation Proposal/Utility Extension - AJAT Acres
  - i. Administrator Heaton went over the different objectives to extend the utility lines to the industrial part of town. Heaton went over how he met with different members from the planning commission, the mayor, and JEO and how the city needs to work on getting ahead of the development as Yutan grows. Heaton went over the benefits and disadvantages of annexing this area, especially when it comes to extending the utility lines. Zach stated that if a landowner was already on well and septic they were grandfathered in, but if they needed to repair them they would be required to tie into the city's utilities. Chittenden asked if our utilities are able to handle this growth. Zac stated that yes our lift station is able to handle this growth. Council member Thompson stated doing the annexation into fazes and focusing on making sure that we are heading towards growth. Council member Peterson stated her concern for annexation, especially of farm ground, the negative feedback that we could receive, and the possibility of people who have a SID going bankrupt. The consensus was that the city should continue moving forward with an official annexation plan for the industrial part of town.
- b. Old generator sale or best use
  - i. Council member Chittenden said to get the specs, do some more research and go from there before making any decisions.

## 6) Supervisor Reports

- a. Library Director-submitted
- b. Utility Superintendent-submitted
- c. Police Chief-submitted
- d. City Administrator-submitted

## Meeting Adjourned

A motion to adjourn the meeting at 8:47 pm was made by Chittenden and Seconded by Thompson. Upon Roll call vote as follows: YEAH: Schimenti, Chittenden, Peterson, Thompson. NO: None, Motion Carried

**NEXT MEETING DATEs**

**Planning Commission - December 12, 2023, 6:00 P.M.**  
**City Council Meeting - December 19th, 2023, 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.

Mike Kelly, Mayor

---

Brandy Bolter, City Clerk/Treasurer

---