

Yutan City Council
Tuesday, December 19, 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 19th DAY OF DECEMBER 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 the November 21st, 2023 Regular Meeting
- b. Approve Minutes of the December 7th, 2023 Special Meeting/Appreciation Dinner
- c. Treasurer's Report
- d. Occupation Tax Report - City Clerk/Treasurer
- e. **Claims-ARCS-LLC \$5829.36, Big Rig Repair, INC \$11972.00, Black Rain Ordnance \$1728.00, Bromm, Lindahl, Freedman-Caddy & Lausterer \$1547.00, Capital Business Systems \$207.10, Cardmember Services 2708.46, CHI Health Company Care \$114.00, Commercial Recreation Specialists \$1341.40, Cubby's \$676.87, Culligan \$74.75, Michelle Smith-Dahlhauser \$43.88, Drop in Portables \$636.66, Eakes \$18783.82, ECS \$287.80, Vicki Engel \$270.00, Brandy Gahan \$106.98, JEO \$9105.00, Johnson Service Company \$6750.00, Jen Josoff \$1450.00, Konecky \$70.75, Lincoln National Life \$ 321.61, Lowes \$327.48, Menards \$993.28, MUD \$310.94, NDEE \$1635.52, NE Public Health Environmental Lab \$30.00, NE Rural Water Association \$350.00, NMC Cat \$1353.00, One Source \$99.00, OPPD \$4818.14, Pitney Bowes \$333.69, Purchase Power \$845.39, Quality Irrigation \$495.00, RoadRunner Transportation \$322.50, Diamonds Groundskeeper \$500.00, Time Management Systems \$3124.50, Ty's Outdoor Power & Service \$8530.67, Uline \$73.45, U.S. Cellular \$91.40, Valley Corporation \$105.36, Wahoo-Waverly-Ashland Newspaper \$519.50, Yutan Country Club \$50.00, Total w/o Payroll \$88934.26, Payroll \$28393.98, Total w/ Payroll \$117328.24**
- f. A motion to approve the Consent Agenda as presented was made by Chittenden and Seconded by Thompson. Upon roll call the vote was as follows; YEAH: Thompson, Schimenti, Chittenden, Peterson. NO: None. Motion Carried.

2) **Open Discussion from the Public**

- a. Lindsay Nelson has concerns about the First and Poplar paving and wants to make sure that the people who are living there are not being taken advantage of and that the Council is listening to their concerns. He also would like to know what is the right way to get rocks put in his alley and has heard several concerns from other citizens within the community about the same issues.
- b. Kipp Cummins stated the facts about his home and the surrounding area and how his property is a historical part of the town and that he wants to make sure that the City is taking that into consideration with the new paving of First and Poplar and that we take into consideration designing the parking a different way so that it is not directly facing his house.

3) **Presentation From Guests**

- a. Pam Siroky - First State Insurance
 - i. Pam Siroky wanted to make sure that the Council is aware of the differences between the current insurance and switching to LARM. Some of the biggest changes she pointed out were the differences in workman comp, General Liability, and Vehicle coverages. She also would like the Council to look into whether LARM offers EPLI coverage which would protect the city in certain instances. Siroky does state that yes their insurance is \$9800 higher but right now with the unstable market of insurance, it may not be the best time to change coverage.

4) **Resolutions**

- a. Resolution 2023-9 Interlocal Agreement with LARM
 - i. Administrator Heaton went over the agreement with LARM and stated that the Council should table this Resolution until later to get further information. Administrator Heaton also stated that he reached out to other communities and had only positive feedback. Council member Chittenden asked if it may be worth getting more information. Administrator Heaton did state that with LARM we would know what the insurance will be before building our budget as with our current company we do not know until after we have built our budget and we have to estimate how much it will be
- b. A motion to table Resolution 2023-9 Interlocal Agreement with LARM was made by Thompson and seconded by Schimenti. Upon roll call the vote was as follows; YEAH: Schimenti, Chittenden, Peterson, Thompson. NO: None. Motion Carried.
- c. Resolution 2023-10 Length of Agreement with LARM
- d. A motion to table Resolution 2023-10 Length of Agreement with LARM was made by Thompson and seconded by Schimenti. Upon roll call the vote was as follows; YEAH: Thompson, Schimenti, Chittenden, Peterson. NO: None. Motion Carried.

5) **Other Action Items**

- a. Council Approval of 1st and Poplar Paving and Infrastructure Plan
 - i. Administrator Heaton presented the 90% completion of the design phase of the paving of 1st and Poplar. Administrator Heaton stated that the CRA wants to get

the approval of the plan from the City since it is essentially their street. Administrator Heaton let the Council know that it would be all-new sewer lines and water lines for the entire area. Administrator Heaton also stated that the CRA wanted to make sure that there was extra parking per the request of the Council. This project will also include a 6-foot sidewalk that would connect first street to the second street. Nelson asked what the right of way means and if that means the city can do whatever they want to it. Administrator Heaton stated that the right of way is city property. Cummins asked how close the parking would be to his front door. Cummins also asked where he would be allowed to park and if there was a way to reserve spots for his use only. Council member Schimenti wants to make sure Mr. Cummins has access to his house. Council member Peterson asked if it would be a possibility to make the parking parallel instead of vertical so that this way no one is looking directly into anyone's home.

- b. A motion to approve the 1st and Poplar Paving and Infrastructure Plan with changes to the parking was made by Thompson and seconded by Chittenden. Upon roll call the vote was as follows; YEAH: Chittenden, Peterson, Thompson, Schimenti. NO: None. Motion Carried.
- c. Consideration of Pay Application #11 to Eriksen Construction in the amount of \$5718.85.
 - i. Administrator Heaton let the Council know that Eriksen Construction is done and that we will have one more payment due next month.
- d. A motion to approve Pay Application #11 to Eriksen Construction in the amount of \$5,718.85 was made by Chittenden and seconded by Peterson. Upon roll call the vote was as follows; YEAH: Schimenti, Chittenden, Peterson, Thompson. NO: None. Motion Carried.
- e. Consideration of Agreement with JEO to Manage Street Repairs
 - i. Administrator Heaton went over the questions from the last meeting about what the city is responsible for when it comes to the turn-offs on Highway 92. Administrator Heaton suggested that we table this until we get further confirmation on who is responsible for the wings/turn-offs due to the NDOR reaching out to him about how they believe the County is responsible for this part of the road. Council member Thompson suggested that if the county is responsible for this part then the street department could take care of the road issues within town.
- f. A motion to table the Agreement with JEO to Manage Street Repairs was made by Thompson and seconded by Schimenti. Upon roll call the vote was as follows; YEAH: Chittenden, Peterson, Thompson, Schimenti. NO: None. Motion Carried.
- g. Creating a Key Deposit for Parks and Recreation Keys
 - i. Administrator Heaton presented that the City recently had all the locks in town redone so that everything is now on one key and that key will allow them to only access designated spots. The key deposit is for coaches or parents who need to access the sheds at the park. These keys can only be made at a certain location

and the cost to remake a key is substantially higher than what it used to be. The deposit is to ensure that the city receives the keys back at the end of the season.

- h. A motion to approve the key deposit was made by Schimenti and seconded by Thompson. Upon roll call the vote was as follows; YEAH: Peterson, Thompson, Schimenti, Chittenden. NO: None. Motion Carried.
- i. Amending Park and Recreation Usage Fees
 - i. Administrator Heaton presented that the Park Board has been discussing new ways to generate funds to help improve the parks. They asked that Administrator Heaton come up with a way to help and one of the options was presented to possibly add a fee to the organizations that are currently using the fields. Administrator Heaton presented the cost that it is taking to upkeep the fields and that in no way do we want to charge the local kids. Council member Peterson stated that we may be able to get select teams to come out and use the fields for practice. Council member Thompson stated that we have 100,000 in Keno. If they need something for the park now then we should use that and not charge for the use of the fields. The Park Board suggested charging \$60 per game instead of out of \$75 for out-of-town teams.
- j. A motion to approve Amending Park and Recreation Usage Fees was made by Schimenti and seconded by Peterson. Upon roll call the vote was as follows; YEAH: Chittenden, Peterson, Thompson, Schimenti. NO: None. Motion Carried.
- k. Approval of Keno Funds for Soccer Storage Shed
 - i. Administrator Heaton suggested getting a pre-built Amish shed that is sturdier than a prefab shed and that we could get one to match the rest of the buildings in the park. Using 3500 of the keno funds to help pay for one of these. Council member Peterson asked if we need to make the building red and white or if it could be neutral. Council member Thompson asked that the City pay for the whole thing instead of asking the Soccer Association to pay for any part of it.
- l. A motion to approve the use of Keno Funds for a Soccer Storage Shed was made by Thompson and seconded by Chittenden. Upon roll call the vote was as follows; YEAH: Chittenden, Peterson, Thompson, Schimenti. NO: None. Motion Carried.

6) Annual Reorganizations/Appointments

- a. Elect Council President-
- b. A motion to approve Matt Thompson as City Council President was made by Schimenti and Seconded by Chittenden. Upon roll call the vote was as follows; YEAH: Peterson, Schimenti Chittenden. NO: None. Abstain: Thompson. Motion Carried.
- c. Appointments of the following positions
 - i. City Administrator/TIF Administrator
 - ii. City Clerk/Treasurer
 - iii. Police Chief
 - iv. Utility Superintendent
 - v. Building Inspector
 - vi. City Attorney
 - vii. City Engineer

- viii. Zoning Administrator
- ix. A motion to approve the appointments as listed was approved by Thompson and Seconded by Peterson. Upon roll call the vote was as follows; YEAH: Thompson, Schimenti, Chittenden, Peterson. NO: None. Motion Carried.
- d. Appoint Council Members to Standing Committees
 - i. Parks & Rec-Kyle Schimenti
 - ii. Building/Zoning-Jon Chittenden
 - iii. Personnel and Finance-Johanna Peterson
 - iv. Utilities/streets/police/ordinance-Matt Thompson
 - v. A motion to appoint council members to standing committees was made by Thompson and Seconded by Schimenti. Upon roll call the vote was as follows; YEAH: Schimenti, Chittenden, Peterson, Thompson. NO: None. Motion Carried.
- e. Designate Physical Posting locations at the Yutan City Office, Post Office, and First State Bank Yutan as the Method of the Published Notice of the Time and Place of Each Meeting.
- f. A motion to approve the Designated Physical Posting Locations was made by Schimenti and Seconded by Peterson. Upon roll call the vote was as follows; YEAH: Chittenden, Peterson, Thompson, Schimenti. NO: None. Motion Carried.
- g. Designate First State Bank Yutan as the Qualifying Financial Institution for the Deposit of All Funds for the City
 - i. A motion to approve First State Bank Yutan as the Qualifying Financial Institution was made by Thompsom and Seconded by Chittenden. Upon roll call the vote was as follows; YEAH: Peterson, Thompson, Schimenti, Chittenden. Motion Carried.

7) Discussion Items

- a. Old generator sale or best use
 - i. Mayor Kelly discussed the cost of the generator when we first bought it almost 11 years ago and the wattage. Thompson asked is it worth keeping this generator if the city could run on one well. Chittenden stated that it is not worth keeping and maintaining.
- b. Ice Rink Discussion
 - i. Administrator Heaton discussed that he and Utilities Superintendent Woster have talked about setting up an ice rink in town and that they were able to get a membrane for \$500. Council member Chittenden asked if we need to add this to insurance, Administrator Heaton stated that this would fall under parks and that it falls under that umbrella. All Council members agreed that this is a great idea and that Utilities Superintendent Woster should move forward with it.
- c. Burn Pile Management Discussion
 - i. Mayor Kelly stated that the last time we burned the wind shifted and caused it to blow into town and caused complaints on Facebook. Council member Thompson stated that he has seen people from Omaha dumping in our pile. and asked if there was a way to stop this. A Citizen stated that unfortunately when you are burning this is going to happen and people need to accept it.

8) Supervisor Reports

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

9) Items for Next Meeting Agenda

Meeting Adjourned- A motion to adjourn the meeting at 8:27 pm 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.

NEXT MEETING DATEs

Planning Commission - January 8th, 2024, 7:00 P.M.

City Council Meeting - January 16th, 2024, 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
