

Yutan City Council  
Tuesday, December 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 20<sup>th</sup> DAY OF DECEMBER 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. The meeting was opened with the Pledge of Allegiance.

**1) Consent Agenda**

- a. Approve Minutes of the November 15, 2022, Regular Meeting
- b. Treasurers report
- c. Claims: Badger Meter \$109.20; BenefitPlansInc \$500.00; Bomgaars \$413.95; Brite Ideas Decorating Inc \$428.48; Bromm Lindahl, Et Al. \$77.50; Canon Financial Services \$106.00; Capital Business Systems \$ 134.75; Cardin, Cody \$160.00; Cline Williams \$150.00; Cubby's \$708.51; Culligan of Omaha \$21.00; DataShield \$45.00; Drop In Portables \$379.86; Eakes Office Solutions \$80.02; ECS Technology Solutions \$218.00; Engel, Vicki \$250.00; Elkhorn Ace Rental \$254.23; First State Insurance Agency \$304.00; Five Rule Rural Planning \$3,300.00; Gay, Rachele \$12.56; IBTS \$800.00; JEO Consulting Group \$4,467.50; Konecky Oil Company \$70.85; Loveland Grasspad \$927.75; Lowe's \$97.14; Midwest Laboratories, Inc. \$225.79; MUD \$177.87; Nebraska Department of Environment and Energy \$1,313.07; Nebraska Public Health Environmental Lab \$60.00; NMC Cat \$2,532.62; One Call Concepts \$1.18; OPPD \$4,313.62; Pitney Bowes Purchase Power \$94.55; Quality Irrigation \$240.00; Roadrunner Transportation \$322.50; Roll Door, Inc. \$894.57; SYNCB/Amazon \$471.04; The Lincoln National Life Insurance Agency \$318.33; US Cellular \$106.34; USPO \$210.76; Van Ackeren, Laurie \$100.27; Wahoo Waverly Ashland Newspapers \$1,017.76; Woster, Luke \$125.63
- d. A motion to approve the consent agenda 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.

**2) Open Discussion from the Public**

Will Smith stated that he supported making Second Street and Vine Street a four-way stop, and asked council to consider making changes at Second Street and Poplar Street as

well.

### 3) **Presentations from Guests**

Lisa Flesner with Ed Schroeder's office presented the audit for FY 21-22. Flesner noted that the city has a good number of reserves in all funds. She noted areas where staff need to better document and account for funds, but that nothing was out of line or irregular. She discussed the CRA cost certifications with Schroeder who will review the cost certifications and get back to the City Administrator. She reported that Schroeder advised that staff continue to learn and that the council continue to monitor spending to help with internal controls that are lacking due to limited staffing.

### 4) **Ordinances and Public Hearings**

#### a. Thompson Conditional Use Permit

- i. City Administrator Heaton informed all present that Jake Thompson is requesting a conditional use permit to finish the apartment project at 401 First Street. This permit was approved previously but has since expired. The Planning Commission recommended approving the conditional use permit but are requesting the council strongly consider having First and Poplar paved. Staff recommends a motion to approve the conditional use permit.
- ii. A public hearing was opened by Mayor Egr at 6:26 p.m.
  1. Concern from unnamed audience member that drainage would be an issue and cause water to back up into adjacent properties. City Engineer Zach Schultz noted that he visited the site and did not have any concerns. Developer has been asked to submit a drainage plan with the building permit, and documentation showing how drainage will be impacted.
  2. The public hearing was closed at 6:39 p.m.
- iii. A motion to approve the conditional use permit was made by Beck and seconded by Peterson. Upon roll call, vote was as follows YEA: Beck, Kelly, Peterson. NO: None. ABSTAIN: Thompson. Motion carried.

### 5) **Resolutions**

- a. Resolution 2022-11: City Administrator Heaton informed all present that he has received several requests to make the intersection at Second Street and Vine Street a four-way stop. The city council may pass a resolution for placement of street signs. Staff recommends a motion to approve Resolution 2022-11.
  - i. Staff discussed concerns about reducing parking due to state regulations for parking near stop signs. Discussed removing parking to increase visibility, the possibility of reducing speed in the area. Discussion of increased truck traffic when the highway is closed for emergencies or rail crossing. Council has asked staff to find options for removing parking stalls before deciding.
  - ii. A motion to table Resolution 2022-11 was made by Kelly and seconded by Thompson. Upon roll call, vote was as follows YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.

### 6) **Other Action Items**

- a. A motion to Accept the Contract Extension of the CDBG Grant 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.
- b. A motion to accept and pay at time of delivery, the payment of invoice from Five Rule Planning in the amount of \$7,250.00 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.
  - c. A motion to approve the payment of Pay Application #5 to Midtown Plumbing in the amount of \$14,173.04 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.
  - d. A motion to approve payment to Thompson Construction in the amount of \$8,565.00 was made by Kelly and seconded by Peterson. Upon roll call, vote was as follows YEA: Thompson, Beck, Kelly, and Peterson. NO: None. Motion carried.
  - e. A motion to approve payment to Erikson Construction in the amount of \$18,525.00 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.

## 7) **Reorganization**

- a. Swearing in new mayor and council member
  - i. Staff and council thanked Mayor Egr and Councilmember Beck for their years of service to the City of Yutan.
  - ii. Mike Kelly was sworn in as the Mayor of the City of Yutan. He submitted his letter of resignation from council to City Administrator Heaton.
  - iii. Kyle Schimenti was sworn in as a Council Member of the City of Yutan.
- b. A motion to appoint Johanna Peterson as interim Council President until full council is seated was made by Thompson and seconded by Schimenti. Upon roll call, vote was as follows YEA: Thompson and Schimenti. NO: None. 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
    1. A motion to approve the positions listed in section 7c was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows YEA: Thompson, Schimenti and Peterson. NO: None. Motion carried.
- d. Appoint Council Members to Standing Committees
  - i. A motion to Appoint Kyle Schimenti to Parks and Recreation; Johanna Peterson to Personnel and Finance; Matt Thompson to Water, Sewer, Streets, Equipment, Ordinances, Legal, & Police; and open seat will be assigned to Building and Zoning; was made by Thompson and seconded by Schimenti. Upon roll call, vote was as follows YEA: Thompson, Schimenti, and Peterson. NO: None. Motion carried.
- e. Reappointments of Board Members to Various Committees

- i. A motion to Reappoint the following, Board of Adjustment – Josh Thompson, Adrian Cantrell, Nate Rath; Board of Health – Mayor, Mike Kelly, Council President – Johanna Peterson, Police Chief – Tim Hannan, City Physician; CRA – Aaron Gay; Library Board - Mary Arp; Planning Commission – Aaron Gay, Will Smith, and Carrie Duffy; was made by Peterson and seconded by Schimenti. Upon roll call, vote was as follows YEA: Thompson, Schimenti, and Peterson. NO: None. Motion carried.
  - f. New Appointments to Various Committees
    - i. A motion to appoint Josh Thompson to the Planning Commission was made by Peterson and seconded by Schimenti. Upon roll call, vote was as follows YEA: Schimenti and Peterson. NO: None. ABSTAIN: Thompson. Motion carried.
  - g. Appoint a Nuisance Hearing Officer for the City of Yutan
    - i. A motion to table appointment of nuisance officer was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows YEA: Thompson, Schimenti, and Peterson. NO: None. Motion carried.
  - h. A motion to appoint Steve Parr as the Yutan Street Superintendent for the calendar year 2023 was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows YEA: Thompson, Schimenti, and Peterson. NO: None. Motion carried.
  - i. A motion to designate physical posting location of meeting notices at the Yutan City Office, Post Office, and First State Bank Yutan was made by Peterson and seconded by Thompson. Upon roll call, vote was as follows YEA: Thompson, Schimenti, and Peterson. NO: None. Motion carried.
  - j. A motion to designate First State Bank-Yutan as the qualifying financial institution for the deposit of all city funds was made by Peterson and seconded by Thompson. Upon roll call, vote was as follows YEA: Thompson, Schimenti, and Peterson. NO: None. Motion carried.
  - k. Submittal of Conflict-of-Interest Forms
    - i. City Administrator Heaton advised all members to submit the form, this way we will have on record any potential conflicts if they would arise. Forms were signed and submitted.
  - l. A motion to authorize Mayor Kelly to sign the retainer agreement for city attorney was made by Schimenti and seconded by Thompson. Upon roll call, vote was as follows YEA: Thompson, Schimenti, and Peterson. NO: None. Motion carried.

## 8) Resolutions

- a. Resolution 2022-12
  - i. City Administrator Heaton stated to the council that this resolution will allow the mayor and administrator to sign loan documents for the SRF funding required for the lift station improvements. Heaton noted that the SRF funding was increased to \$600,000.00 at .06% interest for twenty (20) years. Along with the remaining ARPA funds, the city will need to borrow about \$150,000.00 to fund the project. A motion to approve Resolution 2022-12 was made by Thompson and seconded by Peterson. Upon roll call, vote was as follows YEA: Thompson, Schimenti, and Peterson. NO: None. Motion carried.

## 9) Discussion Items

- a. City Administrator Heaton notified the council that with Mike Kelly now serving as mayor, there is an open seat on the city council. Heaton stated that the city clerk will

post a notice of vacancy tomorrow and any qualified elector from that ward may present their name for the open seat. The mayor will present a name of his choice to the council at a special meeting, or the next regular meeting. The council will then vote on the nomination. If the nomination fails, the mayor will wait until the following meeting to present a second name.

- b. A discussion was held regarding holding a special meeting to fill the open council seat. City Administrator Heaton suggested holding a special meeting on January 12, 2023. At this time, the city council could also hear the presentation for the downtown revitalization, comprehensive plan, and housing study that Five Rule has compiled. The council recommended scheduling the meeting for January 12, 2023.
- c. City Administrator Heaton advised the council on potential trainings and conferences that they may be interested in attending. Heaton discussed having the city attorney put together a training for staff and elected officials.

**10) Supervisor's Reports**

- a. Library Director's report was submitted.
- b. Police Chief's report was submitted.
- c. Utilities Superintendent's report was submitted.
- d. 2022 Occupation Tax Report was submitted City Clerk-Treasurer.
- e. City Administrator's report was submitted and reviewed.

**11) No items requested for next month's agenda.**

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

Meeting adjourned at 8:34 p.m.

**NEXT MEETING DATE – January 17, 2023, 7:00 P.M.**

  
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Keith M. Kelly, Mayor

  
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Rachelle K. Gay, City Clerk

