

Yutan City Council  
Tuesday, May 16, 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 16th DAY OF MAY 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, Peterson, and Chittenden were present, Councilmember Thompson was absent. 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 April 18, 2023, Regular Meeting
- b. Treasures Report
- c. Claims - **Cardmember Services \$730.56 Corporate Warehouse Supply \$519.85 Cubby's, Inc. \$743.84 Culligan \$189.76 Des Moines Stamp \$157.50 Eakes \$1,930.50 ECS Technology Solutions \$1,075.55 Engle, Vicki \$270.00 Frontier Cooperative \$1,345.86 IBTS \$800.00 Konecky Oil \$252.79 Laurie Van Ackeren \$23.31 Lowes \$3,354.45 Metropolitan Utilities District \$163.99 Mid-States Organized Crime \$75.00 Nebraska Department of Public Health \$197.00 Nebraska Department of Revenue \$7,840.29 NE Secretary of State \$30.00 NMC Cat \$336.00 OPPD \$4,735.73 Odeys \$213.45 Pitney Bowes Global Financial \$242.40 Pitney Bowes Purchase Power \$857.13 Quality Irrigation \$100.00 RoadRunner Transportation LLC \$322.50 Sargent Drilling \$1,741.00 Southeast Nebraska Development District \$2,000.00 Spectra Associates, Inc. \$403.50 T & E Quickseal LLC \$2,825.00 Time Management Systems \$130.50 Two Rivers Sand and Gravel \$25.00 Tys Outdoor Power & Service \$236.16 U.S. Cellular \$91.13 Uline \$94.81 United Rentals \$40.00 Wahoo-Waverly-Ashland Newspaper \$255.41 Wilke Plumbing \$3,500.00 Yutan Youth Baseball \$1,000.00 Total w/o Payroll \$44,968.55 Payroll \$31,403.14 Total w/ Payroll \$76,371.69**
- d. Motion to Approve the consent agenda was made by Schimenti and seconded by Thompson. Upon roll call the vote was as follows: YEA: Thompson, Schimenti, Chittenden, Peterson. No: None. Motion Carried.

**2) Open Discussion from the Public**

- a. Those wishing to speak on agenda items or other items relating to city business, not on

the agenda may speak at this time only. Speakers must sign in with the Clerk or Administrator prior to the commencement of the meeting. Each speaker will be limited to three minutes. No action will be taken on these discussion items at this time.

- i. Will Smith spoke about a concern for the traffic at 2<sup>nd</sup> and Vine, asked for a study for stop signs.
- ii. Mike McLaughlin spoke in support of the Conditional Use Permit for the Gathering Place Church, pointed out the benefits to the community and the services the church provides free to the community. Would like to be able to grow and keep supporting the community.
- iii. Elizabeth Barney spoke in favor of a chicken ordinance, stated they have about 1/4<sup>th</sup> of the signatures needed for a ballot, stated that an ordinance would be an easier option.
- iv. Justin Barney spoke in favor of a dog park, and expressed concerns for the proposed area due to noise from the railroad causing hearing issues. Asked who is responsible or liable if someone would get hurt at the dog park. Proposed a city survey to see what the community wants in a park.
- v. Jerry Nelson spoke to the council about wanting a building permit approved for a new shed to replace and improve upon what he lost in a fire. City Administrator Heaton discussed the zoning issues preventing a pole-building style in R1. The council would like options to discuss for Mr. Nelson
- vi. Kip Cummings had questions about the proposed paving project along 1<sup>st</sup> and poplar and how that would impact his parking and access to his home. Mayor Kelly stated that the project was in the early phases and the city would work to provide access during any construction and have ample parking available.

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

- a. Steve Parr, Street Superintendent, JEO – Review the current one and six-year plan and get input on the 2023-2024 plan.
  - i. Mr. Parr discussed the requirements for maintaining a street program and the one and six-year plan with the council. Also stated that he and Utility Superintendent Woster drove around the town and looked at potential areas of concern on vine st and the south end of 2<sup>nd</sup> street. Mr. Parr will move the 1<sup>st</sup> and poplar paving to the one-year plan and have that ready later this summer for approval.
- b. Savannah Roberts – Potential Dog Park
  - i. Savannah Roberts spoke about the benefits and concerns about having a dog park in town. Pointing out the social benefits for the dogs and potential training benefits. Discussed the possible sizes of runs and the need for gates and separate areas for different size dogs. Had some concerns for parking and the noise in the proposed area near the tracks.

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

- a. Authorize the Mayor and City Administrator to negotiate the purchase of property located at 801 2<sup>nd</sup> Street, Yutan.
  - i. Staff Report – Administrator Heaton and Mayor Kelly discussed the reasoning for purchasing the property and the need for more space by the shop to accommodate future growth. Heaton discussed the steps for a closes session if the council wanted to discuss negotiation limits.
  - ii. Closed Session Discussion – Purchase Limits A motion to Enter Closed Session for the purpose of setting negation limits for the potential purchase of the property at 801 2<sup>nd</sup> st. with the Mayor, Council, City Administrator, and City Clerk was made by Thompson and seconded by Chittenden. Upon roll call the vote was as follows: YEA: Thompson, Schimenti, Chittenden, Peterson. No: None. Motion Carried and entered closed session at 8:47 closed session ended at 8:59
  - iii. Council Consideration
    1. Motion to Authorize the Mayor and City Administrator to negotiate for the purchase of the property at 801 2<sup>nd</sup> st. was made by Thompson and Seconded by Schimenti Upon Roll Call the vote was as follows YEA: Chittenden, Peterson, Thompson, Peterson. NO: None. Motion Carried

#### **5) Resolutions**

- a. None

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

- a. Gathering Place Church – Conditional Use Permit Amendment –
  - i. City Administrator Heaton discussed with the group that the City Attorney recommended approval with the only change being to the site plan. Councilmember Chittenden spoke in favor of the change and voiced his support for what the church does in the community.
  - ii. Motion to Approve the Gathering Place Church Conditional Use Permit was made by Schimenti and seconded by Chittenden Upon Roll call the vote was as follows YEA: Peterson, Schimenti, Chittenden. NO: Thompson. Motion Carried
- b. Pay Application #10 Midtown Plumbing –
  - i. Heaton explained that Midtown has about 45 meters left and this is the most recent invoice for the project. Midtown is working on going back to homes that needed additional repairs also while waiting for the last meters to come in.
  - ii. Motion to Approve Application #10 in the amount of \$7235.27 was made by Thompson and seconded by Peterson Upon Roll call the vote was as follows YEA: Thompson, Schimenti, Chittenden, Peterson. NO: None. Motion carried.
- c. Change Order #1 Erikson Construction –
  - i. Heaton explained that this is a change on two valves that the engineer recommended versus what the contractor wanted to use.

- ii. Motion to Approve Change Order #1 was made by Thompson and seconded by Chittenden Upon Roll call the vote was as follows YEA: Thompson, Schimenti, Chittenden, Peterson. NO: None. Motion carried.
- d. Pay Application #4 Erikson Construction –
  - i. Heaton stated that this is for stored materials and that work would pick up again in August.
  - ii. Motion to Approve Application #4 in the amount of \$33375.43 was made by Chittenden and seconded by Peterson. Upon Roll call the vote was as follows YEA: Thompson, Schimenti, Chittenden, Peterson. NO: None. Motion carried.
- e. Special Designations Liquor License Application Consideration Yutan Days Committee -
  - i. No discussion held.
  - ii. Motion to Approve The special Designation Liquor License was made by Thompson and seconded by Schimenti. Upon Roll call the vote was as follows YEA: Thompson, Schimenti, Chittenden, Peterson. NO: None. Motion carried.
- f. Employee Manual Changes –
  - i. Administrator Heaton presented a list of proposed changes to the council regarding the employee manual. Heaton explained that in order to retain and attract new employees we need to have a competitive package. He also explained the issues the city faced when hiring for the last two open positions and lack of applicants. Proposed changes included proof of payment on tuition reimbursement, adding sick leave 40 hours a year with a cap at 240 hours, allowing for a comp bank of up to 60 hours per year and the option to cash out 20 hours at Christmas, adding three floating holidays, and changing PTO to vacation/sick leave in separate pots. Councilmember Schimenti felt that this was an ambitious change but in a good step. Councilmember Peterson was concerned about staff schedules with the additional time off. Heaton explained that would be addressed on a case-by-case basis if someone were to abuse the benefit, and staff is directed to schedule leave so that someone is in the office or available in public works all the time. Schimenti suggested waiting to discuss the changes with the CPA due to more time being paid out upon separation, Heaton felt this wouldn't be an issue since the sick leave will not be paid out. Councilmember Chittenden felt that this is a decent package and Thompson agreed that is something we can do that is fairly cheap in terms of the budget to make people happy.
  - ii. Motion to Approve the changes to the employee manual was made by Schimenti and seconded by Thompson Upon Roll call the vote was as follows YEA: Thompson, Schimenti, Chittenden, Peterson. NO: None. Motion carried.
- g. Selection of date for the budget workshop –
  - i. Heaton discussed the budget process and suggested a day in the last week of June.
  - ii. Motion to Approve the date of June 29 @4:30 was made by Thompson and seconded by Peterson Upon Roll call the vote was as follows YEA: Thompson, Schimenti, Chittenden, Peterson. NO: None. Motion carried.

- h. Appointment of Justin Barney to Yutan Park Board - Motion to Approve Justin Barney to Park Board was made by Schimenti and seconded by Chittenden Upon Roll call the vote was as follows YEA: Thompson, Schimenti, Chittenden, Peterson. NO: None. Motion carried.
- i. Appointment of Ken Davis to Yutan Park Board - Motion to Approve Ken Davis to the Park Board was made by Chittenden and seconded by Peterson Upon Roll call the vote was as follows YEA: Thompson, Schimenti, Chittenden, Peterson. NO: None. Motion carried.

**7) Discussion Items**

- a. None

**8) Supervisor Reports**

- a. Library Director – Not Submitted, library meeting was late this month.
- b. Utility Superintendent – Submitted and reviewed.
- c. Police Chief – Submitted and reviewed.
- d. City Administrator - Submitted and reviewed.

**9) Items for Next Meeting Agenda**

A motion to adjourn at 9:06 was made by Thompson and seconded by Chittenden Upon Roll call the vote was as follows YEA: Thompson, Schimenti, Chittenden, Peterson. NO: None. Motion carried.

**NEXT MEETING DATE – June 20, 2023, 7:00 P.M.**

**Brandy Gahan, Clerk/Treasurer**

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**Mike Kelly, Mayor**

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