

Yutan City Council
Tuesday, September 19, 2023,
7:00 p.m. (After Budget Hearing) 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 AUGUST 2023, AT 7:18 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 7:18 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 August 23, 2023, Special Meeting
- b. Treasurer's Report
- c. Claims - **ARCS-LLC \$1,814.24; Benesch \$2,326.00; Canon \$834.65; Capital Business Systems Inc \$134.75; Cardmember Services \$1,714.01; Clean-Up Containers \$200.00; Cubby's \$829.85; Culligan \$257.00; DataShield \$56.00; Drop Ins LLC \$486.85; Eakes \$1,348.29; Econo Signs \$829.87; ECS Technology Solutions \$287.80; Ed Schroder PC \$5,239.00; Vicki Engle \$270.00; First State Insurance Agency \$1,028.00; Five Rule \$100.00; Fremont Electric Inc \$25,140.00; Frontier Cooperative \$635.00; Grass Pad \$648.75; Charles Heaton \$92.83; Tim Jacoby \$148.03; JEO Consulting Group \$12,567.50; Johnson Service Company \$10,155.75; Lowes \$1,011.34; Martin Marietta \$880.29; MBJ2 Holdings \$157.36; Metropolitan Utility District \$92.00; Nebraska Law Enforcement Training Center \$500.00; NE Public Health Lab \$60.00; Odeys \$59.90; One Call Concepts Inc \$48.26; OPPD \$4,715.81; Railroad Management Company III, LLC \$1,603.14; RoadRunner Transportation LLC \$322.50; Servpro \$280.00; The Diamonds Groundskeeper \$2,600.00; The Lincoln National Life Insurance Company \$430.80; Time Management Systems \$134.00; Tys Outdoor Power & Service \$654.49; Uline \$110.31; US Cellular \$91.14; Laurie Van Ackeren \$8.75; Vogt Concrete Construction Inc \$32,225.00; Luke Woster \$579.41; Yutan Trucking Inc \$522.80; Total w/o Payroll \$114,231.47; Payroll \$21201.05; Total \$135,432.52.**
- d. A motion to approve the Consent Agenda 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

Rick Hancock - wanted to talk about the posting of signs to the city's right of way. Hancock talked about the signs that are posted around town that he believes are in violation of the ordinance. His main concern is putting temporary signs within the right of way since he has to maintain it. He presented the council with what he believed the ordinance should say and believed that the signs should be next to the curbs.

3) Ordinances and Public Hearings

a. FY 23-24 Budget

- i. Staff Report - Administrator Heaton stated that according to LB148 a public hearing is required for the 38 cents and 1% on the restricted funds.
- ii. Public Hearing for asking amount - Mayor Kelly opened a public hearing at 7:40 p.m., and closed at 7:41 p.m.
- iii. Approval of property tax asking for an amount of .38 cents levy with a 1% increase in restricted funds. A motion to approve the Property tax asking amount of .38 cents with the additional 1% increase in restricted funds was made by Schimenti and Seconded by Chittenden. Upon Roll call, the vote was as follows YEAH. Schimenti, Chittenden, Peterson, Thompson. NO: None. Motion Carried.
- iv. Ordinance 802 Adoption of the FY 23-24 budget. A motion to approve the FY 23-24 Budget was made by Thompson and Seconded by Peterson. Upon Roll call the vote was as follows YEAH: Thompson, Schimenti, Chittenden, Peterson. NO: None. Motion Carried.

b. Ordinance 803 - Signs in ROW

- i. Staff Report - Administrator Heaton presented the council with a solution that he and Mayor Kelly had come up with the 10-foot setback from the curb addition to the ordinance for signs. Administrator Heaton also stated that a few months ago we also changed the language about having permits for anything that is put within the ROW and letting the homeowner know that they are responsible for any damage. Council member Chittenden asked if businesses that have signs out do they need permits. and what would happen if someone got hurt. Council member Thompson stated that he feels like this is a conversation that is constantly being discussed. Council member Peterson stated that changing that temporary signs need to be up for only a certain amount of time. Council member Schimenti agrees with Council member Thompson that the language should just be plainly stated about signs.
- ii. Public Hearing - Mayor Kelly opened a public hearing at 7:33 p.m., and closed at 7:38 p.m.
 1. Rick Hancock believes that 10 feet is arbitrary and that in other states they allow signs in the ROW. Hancock believes that we should be able to have a temporary sign out anywhere in his yard or ROW.
 2. Ken Davis believes that either we enforce the law or change it. Common sense is the best route. If the city starts enforcing this would he be able to put his flags out within the ROW?
- iii. A motion to deny Ordinance 803, and allow signs in the ROW 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.

- c. Ordinance 804 - Employee Salaries
 - i. Staff Report - Administrator Heaton presented the salary schedules to the council with a 5% cost of living for all employees. Council member Thompson would like to see an additional dollar for the City Administrator and Clerk. A motion to approve Ordinance 804 with the added \$1 amount to the City Clerk and City Administrator was made by Thompson and Seconded by Schimenti. Upon Roll call the vote was as follows: YEAH Peterson, Thompson, Schimenti, Chittenden. NO: None. Motion Carried.
- d. One in Six Year Highway and Street Improvement Program
 - i. Staff Report - Administrator Heaton presented the one and six-year plan to the council along with the paving report. Heaton stated why we have the one and six-year plan and the highway allocations. Heaton explained that the off-ramp of the highway needs to have the first 100 feet or so replaced along with the last 100 feet of Second Street. The street superintendent stated that this could cost 56-60 thousand dollars, ballpark. Vine Street needs some improvements on the approaches to the bridge. Heaton stated that a roundabout may be an option at the intersection of Hwy 92 and Second Street in the future. Thompson asked about the 1st and Poplar paving within the one and six-year plan, Heaton explained that the design process is coming along and the council should have something in the next month or two for consideration.
 - ii. Public Hearing - Mayor Kelly opened a public hearing at 7:58, and closed at 7:59.
 - iii. A motion to approve Resolution 2023-6 was made by Chittenden and Seconded by Peterson. Upon Roll call the vote was as follows: YEAH Thompson, Schimenti, Chittenden, Peterson. NO: None. Motion Carried.

4) Resolutions

- a. Resolution 2023-7 Annual Certification of Program Compliance
 - i. Staff Report -Administrator Heaton stated that this resolution was to ensure that the city had met all the requirements for the street program and would be eligible for state aid. A motion to approve Resolution 2023-7 was made by Thompson and Seconded by Peterson. Upon Roll call, the vote was as follows YEAH. Schimenti, Chittenden, Peterson, Thompson. NO: None. Motion Carried.

5) Other Action Items

- a. Pay Application #14 Midtown Plumbing
 - i. A motion to approve Pay Application 14 in the amount of 2479.98 was made by Schimenti and Seconded by Chittenden. Upon Roll call, the vote was as follows YEAH. Chittenden, Peterson, Thompson, Schimenti. NO: None. Motion Carried.
- b. Change Order #5 Midtown Plumbing
 - i. A motion to approve Change Order 5 was made by Schimenti and Seconded by Chittenden. Upon Roll call the vote was as follows: YEAH Peterson, Thompson, Schimenti, Chittenden. NO: None. Motion Carried.
- c. Pay Application #8 Eriksen Construction
 - i. A motion to approve Pay Application 8 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

- d. Employee Manual Updates - Administrator Heaton explained the proposed changes to the employee manual. Including additional language to require a drug test, physical, and background for each new employee, as well as updates to workplace safety. A motion to approve the Employee Manual Updates was made by Thompson and Seconded by Chittenden. Upon Roll call, the vote was as follows YEAH. Schimenti, Chittenden, Peterson, Thompson. NO: None. Motion Carried.
- e. Consideration of Bids for Office Equipment - Administrator Heaton went over the various bids on new office furniture. Councilmember Peterson asked about the color choices and finishes. Councilmember Schimenti felt that the furniture in the meeting area was still in good condition and could be used. Councilmember Chittenden and Thompson both felt that new furniture would complete the updates to the office. A motion to approve the city administrator to make a purchase was made by Thompson and Seconded by Chittenden. Upon Roll call the vote was as follows YEAH: Chittenden, Peterson, Thompson, No: Schimenti. Motion Carried.
- f. Consideration of the Appointment of Lindsay Nelson to the CRA
 - i. A motion to approve the Appointment of Lindsay Nelson to the CRA was made by Thompson and Seconded by Schimenti. Upon Roll call, the vote was as follows: YEAH Peterson, Thompson, Schimenti, Chittenden. NO: None. Motion Carried.
- g. Consideration of the Appointment of Gabriel Bolter to the CRA.
 - i. A motion to approve the appointment of Gabriel Bolter to the CRA 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.

6) Discussion Items

- a. ROW Mowing along Railroad Tracks - Administrator Heaton talked about the mowing of the railroad ROW and the grain bins. He brought up that the Union Pacific Railroad said that they only take care of a small portion by crossings and that any lessee is responsible for the ground that they are leasing. Heaton brought up that the city attorney noted that if we are going to mow right of ways we need to be very specific about why they are being mowed. Thompson brought up that Joe's lot needs to be mowed because he allows us to put snow there. Mayor Kelly brought up that if we start doing the railroad then other people may want us to start mowing their right of way again. Council member Peterson believes that we should mow the area around the bank even if it is railroad. Staff will mow the railroad ROW until an agreement is reached with the railroad companies.
- b. Nebraska Constitutional Carry LB 77 - Administrator Heaton presented the changes to the conceal and carry law and that the attorney wanted to make sure that everyone was aware and that policies may need to be put into place. Council Schimenti stated that we have never had a problem in the past down at the parks but supports having signs at the offices and library

7) Supervisor Reports

- a. Library Director - Submitted
- b. Utility Superintendent - Submitted

- c. Police Chief - Submitted
- d. City Administrator - Submitted

8) Items for Next Meeting Agenda

Meeting Adjourned A motion to Adjourn the meeting at 8:51 p.m. was made by Thompson and Seconded by Chittenden. Upon Roll call the vote was as follows: YEAH Schimenti, Chittenden, Peterson, Thompson. NO: None. Motion Carried.

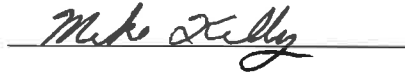
NEXT MEETING DATEs

Park Board - September 19th, 2023, 6:00 P.M.

Planning Commission - October 10, 2023, 6:00 P.M.

City Council Meeting - October 17th, 2023, 7:00 P.M.

Mike Kelly, Mayor



Brandy Gahan, City Clerk





