

Yutan City Council
Tuesday, April 18, 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 18th DAY OF APRIL 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 Thompson, Schimenti, and Chittenden were present, Councilmember Peterson 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 March 21, 2023, Regular Council Meeting
- b. Treasures Report
- c. Claims: **Bomgaars \$277.21, Brase Electrical \$449.49, Bromm Lindahl Freeman-Caddy & Lausterer \$2240.00, Canon \$106.00, Capital Business Systems Inc. \$134.75, Cardmember Services \$2126.79, Clean-up Containers \$1170.00, Collaborative Summer Reading Program \$149.48, Colonial Research \$4294.80, Cowbell Insurance Agency \$756.00, Cubby's \$754.28, Culligan \$238.25, Datashield \$56.00, Drop-in Portables \$652.70, Eakes \$2035.46, Econo Signs LLC \$179.84, ECS Technology Solutions \$637.34, Grainger \$634.34, IBTS \$400.00, JEO Consulting Group \$4371.25, Justin Case \$9413.00, Konecky \$87.20, Kristen Russell \$300.00, Laurie Van Ackeren \$395.38, Loveland Grasspad \$723.75, Lowes \$1791.74, Martin Marietta \$950.47, Metropolitan Utility District \$281.53, Midwest Laboratories Inc \$80.05, NE Dep. Of Rev. Charitable Gaming \$2690.00, Nebraska Department of Revenue \$2132.11, Nebraska Municipal Clerks Association \$100.00, Nebraska Municipal Power Pool \$60.00, Nebraska Public Health Environmental Lab \$170.00, Nebraska Secretary of State \$30.00, NeRWA \$175.00, One Call Concepts Inc \$11.12, OPPD \$4532.93, Pitney Bowes Purchase Power \$403.52, R & R Design and Remodeling \$500.00, Road Runner Transportation \$322.50, Saunders County \$198.63, Simons Home Store \$551.41, Smart Choice Carpet \$8894.55, The Lincoln National Life Insurance Company \$164.16, Time Management Systems \$127.00, Trade Well Pallet Inc. \$560.00, Ty's Outdoor Power & Service \$396.22, US Cellular \$197.87, ULINE \$428.78, Vicki Engle \$310.00, Wahoo-Waverly-Ashland Newspaper \$759.14, Wilke Plumbing \$1071.50, Yutan Country Club \$50.00, Yutan Trucking Inc. \$307.10. Total \$60,936.35. Payroll \$13,992.80. Total w/payroll**

\$74,929.15

- d. Motion to Approve the consent agenda was made by Thompson and Seconded by Schimenti. Upon roll call the vote was as follows. YEA: Thompson, Schimenti, Chittenden. NO: None. ABSENT: Peterson. Motion carried.

2) **Open Discussion from the Public**

- a. Dustin Marvel - OPPD Government Relations Specialist introduced himself to the mayor and city council, briefly discussed the solar farm project in the area, and explained his role with OPPD. Councilmember Schimenti inquired about screening for the solar farm and when it would be installed. Mr. Marvel would follow up on that with the council.
- b. JC Long – Voiced concerns with the location of the proposed pollinator garden, noting that the area was designed for water retention. Also stated that he doesn't have an issue with a pollinator garden, just would like the council to look at other locations.
- c. Justin Barney – Thanked Mayor Kelly for taking the time to meet to discuss the proposed chicken ordinance. Also voiced his support for the Gathering Place Church CUP.

3) **Presentations from Guests**

- a. Jake Koenig presented a plan for a potential pollinator garden to the mayor and council. Mr. Koenig discussed the methods involved with site prep, maintenance, and the environmental benefits of the pollinator garden. As a wildlife biologist, Mr. Koenig discussed some of the potential issues with the wet area and would be able to mitigate those impacts. The site could also be used for educational purposes, and the pollinator garden would save city costs with less mowing and other maintenance. Councilmember Thompson asked if they had considered other areas, suggesting near the lagoons south of town. Councilmember Schimenti also had some concerns with the potential impact of the wet ground and location. Councilmember Chittenden voiced similar concerns with the location but was overall supportive of the concept. Mr. Koenig also discussed a potential walking trail around the area and recommended needing two acres to get a good plot going and be eligible for seed grant programs. Administrator Heaton suggested tabling the motion and working with Mr. Koenig to discuss possible alternative options and possibly tie in with a larger park planning effort. A motion to Table was made by Chittenden and seconded by Thompson. Upon roll call the vote was as follows. YEA: Thompson, Schimenti, Chittenden. NO: None. ABSENT: Peterson. Motion carried.

4) **Ordinances and Public Hearings**

- a. Gathering Place Church Conditional Use Permit Amendment – Administrator Heaton presented to the mayor and council that the Gathering Place Church has asked for an amendment to their current CUP to allow for an addition to their building and parking lot. Mike McLaughlin, Pastor at Gathering Place Church, also discussed his intentions with the group. They host 90-100 kids each weekend and need extra space. Heaton also advised the council that the planning commission had recommended this for approval with the additional language to the CUP stating that this was not transferable. Councilmember Chittenden stated that he appreciated the church and all it had done for the community but stated that this type of use is not in line with the recent

comprehensive plan and downtown revitalization plan. Chittenden inquired about future growth and how that would impact this permit. Pastor McLaughlin noted that they have no intentions of moving but would likely add a second location if they needed the space. Chittenden also asked if they had considered any potential additional uses, like a daycare to help the community and perhaps better use of the space. Pastor McLaughlin noted that this could be a possibility but would need the space. Councilmember Schimenti also noted that he had only good things to say about the church, but voiced the same concerns as Chittenden, the church is not a typical downtown business. Chittenden discussed tabling the item to allow time to think about the decision. Pastor McLaughlin noted that even without the changes to the CUP the church would still be here. Councilmember Thompson also thanked them for all they do for the community.

- b. A public hearing was opened at 7:33, with no comment, the public hearing closed at 7:34.
- c. A motion to Table the conditional use permit amendment was made by Thompson and Seconded by Schimenti. Upon roll call the vote was as follows. YEA: Thompson, Schimenti, Chittenden. NO: None. ABSENT: Peterson. Motion carried.

5) Resolutions

- a. None

6) Other Action Items

- a. Pay Application #3 for Erikson Construction, A motion to Approve payment to Erikson Construction in the amount of \$147,578.14 was made by Thompson and Seconded by Chittenden. Upon roll call the vote was as follows. YEA: Thompson, Schimenti, Chittenden. NO: None. ABSENT: Peterson. Motion carried.
- b. Pay Application #9 for Midtown Plumbing, A motion to Approve payment to Midtown Plumbing in the amount of \$11859.80 was made by Chittenden and Seconded by Schimenti. Upon roll call the vote was as follows. YEA: Thompson, Schimenti, Chittenden. NO: None. ABSENT: Peterson. Motion carried.
- c. 1st and Poplar Paving, City Engineer Zach Schulz presented design options for paving 1st and Poplar, ranging from finishing the current design for an additional \$5800, adding sidewalks and parking for an additional \$18500, and adding infrastructure improvements to the plans, in addition to the other options for \$25,000. Also discussed structuring the bid so that the council could remove items when awarding the bid to fine-tune the costs, and that costs will only be included if that aspect of the project is completed. Councilmember Schimenti commented that it would be best to get the work done all at once. A motion to approve the design phase for paving 1st and Poplar, along with the additional work in the amount of \$25000 was made by Schimenti and Seconded by Thompson. Upon roll call the vote was as follows. YEA: Thompson, Schimenti, Chittenden. NO: None. ABSENT: Peterson. Motion Carried.
- d. Setting of garage sale dates, A motion to approve June 1-3rd for city-wide garage sales, and a city clean-up date of June 10th was made by Thompson and Seconded by Chittenden. Upon roll call the vote was as follows. YEA: Thompson, Schimenti, Chittenden. NO: None. ABSENT: Peterson. Motion Carried.
- e. Removal of Tennis Courts, Administrator Heaton discussed the current state of the tennis courts and that staff had been in discussions with the mayor about other potential

uses for the area. Heaton noted that the first step would be to clear out the area for improvements, regardless of what comes next. Staff will plan on removing the surface and fencing on their own time. Mayor Kelly presented a sketch of a potential pickle ball, basketball, and cornhole court to the council. Councilmember Thompson asked staff to have cost estimates or bids ready for the next council meeting. Heaton discussed possible funding sources, potentially using TIF funds or Keno funds to support this project. A motion to remove the tennis courts was made by Chittenden and Seconded by Thompson. Upon roll call the vote was as follows. YEA: Thompson, Schimenti, Chittenden. NO: None. ABSENT: Peterson. Motion Carried.

- f. Expanding Recreation Field Rental, Administrator Heaton stated to the council that a year ago the city set up a rental program for Itan field and had one team use the field for a game. Heaton also stated that they had a few calls about using Hayes Fields for a larger tournament but that the costs for the teams were too high. Heaton recommended lowering the fees and opening rentals to all fields, noting that an increase in visitors to Yutan would be a great way to gain exposure and bring people to town. Heaton proposed lowering the tournament cost to \$300 for a field for a day, and \$75 for each additional game. Councilmember Thompson felt that there is enough usage on the fields and that too many games would hurt the playability. Councilmember Chittenden felt that bringing people to town would outweigh the extra usage. Councilmember Schimenti inquired about the staff's ability to maintain the fields with extra usage, Utility Superintendent Woster felt that they could keep up and that they are already maintaining the fields each day. A motion to approve expanding the recreation rental and lowering costs was made by Chittenden and Seconded by Schimenti. Upon roll call the vote was as follows. YEA: Schimenti, Chittenden. NO: Thompson. ABSENT: Peterson. Motion Carried.

7) Discussion Items

- a. Off-Street Parking Ordinance, Administrator Heaton discussed with the council the recent concerns about the off-street parking ordinance. Heaton was seeking council input on ways to better define aspects of the ordinance. Councilmember Thompson felt that with over 50 letters being sent out and only a handful of complaints that the ordinance was working, recommended defining what a parking space is and what size is required for surfacing. Councilmember Chittenden felt that this was a compromise between the original ordinance and this, agreed with better definitions. Councilmember Schimenti asked that the ordinance allows for consistent language that would apply to everyone.
- b. Potential Dog Park, Administrator Heaton stated that there has been an increased interest in creating a dog park in Yutan. Mayor Kelly stated that the area between the tracks and the creek south of Vine St. is a possible location. Mayor Kelly also discussed with the council removing the grain bins next to this location for parking. Heaton stated that the staff is working on contacting BNSF to discuss the lease on that property and removing the bins. Heaton will work on having cost estimates for the next council meeting.
- c. Re-forming the Park Board, Administrator Heaton discussed with the council the need for a park board in Yutan to help with park planning, and budgeting, and serve as the tree board. Councilmember Schimenti commented that he is in support of this but would like to make sure that we have a full and committed board. Councilmember

Thompson agreed that if the city has a park board that they are involved. Mayor Kelly stated that he has been working with the staff to start a list of names and would keep moving forward.

8) Supervisor Reports

- a. Library Director – Submitted and Reviewed.
- b. Utility Superintendent – Submitted and Reviewed
- c. Police Chief - Submitted and Reviewed
- d. City Administrator - Submitted and Reviewed, and also submitted the annual TIF Report.

9) Items for Next Meeting Agenda

- a. None

Meeting Adjourned – The motion to adjourn at 8:53 was made by Thompson and Seconded by Chittenden. Upon roll call the vote was as follows. YEA: Thompson, Schimenti, Chittenden. NO: None. ABSENT: Peterson. Motion Carried.

NEXT MEETING DATE – May 16, 2023, 7:00 P.M.

Keith M. Kelly



Brandy Gahan

