

Yutan City Council
Tuesday, August 15, 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 15th DAY OF AUGUST 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 July 20, 2023, Special Meeting
- b. Treasurer's Report
- c. **Claims-All Star Plumbing, LLC \$500.00, ARCS, LLC \$3318.76, Be Seen Signs \$1183.85, BenefitPlans Inc., \$168.75, Canon \$106.00, Cardmember Services \$1288.22, Chieftain Community Club \$9371.00, CleanUp Containers \$280.00, Cubby's \$1189.15, Culligan \$56.25, Colonial Research \$1161.67, DataSheild \$56.00, DropIn Portables \$627.73, Double K Farms LLC \$3899.60, Eakes \$725.00, ECS \$287.80, Elite Vehicle Outfitters \$12267.38, Vicki Engel \$270.00, GrassPad Inc. \$599.80, IBTS \$500.00, Jeff Subbert Irrigation LLC \$153.22, JEO \$8065.00, Kersten Trucking Inc. \$992.69, League of Municipalities \$3598.00, Lowes \$688.52, Martin Marietta \$958.53, MUD \$92.00, Nebraska Library Commission \$500.00, Nelson & Sons Glass Inc. \$9200.00, On Target Ammunition \$1062.19, OPPD \$4712.62, Pitney Bowes \$333.69, Purchase Power \$845.32, RoadRunner Transportation \$322.50, SectorNow \$1699.00, Southeast Nebraska Development District \$1979.00, Association for Rural & Small Libraries \$192.50, Lincoln National Life Insurance Company \$430.80, Time Management Systems \$130.50, T.Rowe Price \$576.03, Ty's Outdoor Power & Service \$652.49, U.S. Cellular \$91.14, Wahoo-Waverly-Ashland Newspapers \$1081.57, Wilke Plumbing \$270.00, Total w/o Payroll \$76230.27, Payroll \$28106.18, Total w/Payroll \$104336.45**
- d. A motion to approve the Consent agenda 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.

2) **Open Discussion from the Public**

Justin Barney- Wanted to thank everyone for volunteering for the National Night Out and that his children really enjoyed the event.

3) **Ordinances and Public Hearings**

a. Ordinance 801 - Zoning Text Amendment to Allow Law Office as a Conditional Use in TA Zoning.

i. Staff Report/Applicant Presentation

Administrator Heaton Explained the conditional use clause and what makes it non-conforming and why it went through the planning commission and the city council. Heaton then talked about what the zoning director and attorney suggested that changing the guidelines to include law offices. Joe Vandenack talked about the history of the building and how the zoning ordinance has changed since it was built. Mr. Vandenack would like to know what the best steps going forward with this project and what he prefers and how in the past with other properties he was told one thing and then it changed after he sold them. Heaton explained what the future land map will look like and how things are going to change over time. Councilmember Schimenti asked about changing the zoning on this piece of property, Heaton explained why they are not wanting to go that route. Councilmember Peterson explained her hesitation with it being named a law office and the conditional use permit. Council members Thompson and Chittenden explained how a conditional use permit can change per the request of a citizen and their needs.

- ii. A Public Hearing was opened by Mayor Mike Kelly at 7:18 pm. No public comment. The public hearing was closed at 7:19pm.
- iii. A motion to approve Ordinance 801 was made by Schimenti and Seconded by Thompson. Upon roll call the vote was as follows YEAH: Schimenti, Chittenden, Peterson, Thompson. NO: None. Motion Carried.

b. Conditional Use Permit Application - Chief Dilwig (Vandenack Law Office)

i. Staff Report/Applicant Presentation

No staff reports were given

- ii. A Public Hearing was opened by Mayor Mike Kelly at 7:20 pm. No public comment. The public hearing was closed at 7:21pm.
- iii. A Motion to approve the Conditional Use Permit for Chief Dilwig (Vandenack Law Office) was made by Thompson and Seconded by Chittenden. Upon roll call the vote was as follows: YEAH: Chittenden, Peterson, Schimenti, Thompson. NO: None. Motion Carried.

4) **Resolutions**

a. Resolution 2023-5 Audio/Video Recording of Meetings Policy

Administrator Heaton talked about the resolution and the guidelines for the council meetings and how the audio/video recording will be stored. Administrator Heaton also stated what the city's attorney stated towards privacy settings and how long we need to store the video recordings for. Administrator Heaton went on to inform the council how he has set up a youtube channel that will be used to post the recording. Council member Schimenti asked if other city's our size use video recording. Council member Chittenden asked what would keep people from sharing this and distributing this to other sites. Council member Peterson stated her concern about all the negativity that she already sees and hears and does not want to see that happen with these recordings. Ken Davis asked what the point of the resolution was and what started it. Justin Barney

stated that being more transparent about getting videos out there and how it might make people want to become more involved. Administrator Heaton also stated that other communities noticed how it kept council meetings from getting out of hand and kept people more honest.

- b. A motion to approve Resolution 2023-5 Audio/Video Recording of Meetings was made by Chittenden and Seconded by Schimenti. Upon roll call the vote was as follows: YEAH: Peterson, Schimenti, Chittenden. NO: Thompson. Motion Carried.

5) Other Action Items

- a. Pay Application #13 Midtown Plumbing in the amount of \$4090.70.
 - i. A Motion to approve Pay Application #13 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.

6) Supervisor Reports

- a. Library Director - Submitted
- b. Utility Superintendent - Thompson asked what the schedule for equipment was for and wanted more information on it. Administrator Heaton and Utilities Superintendent Woster stated the benefits of putting them on a schedule. Council member Schimenti suggested creating a spreadsheet that shows the hours and how much we spent on it in the beginning and the cost of repairs over time.
- c. Police Chief - none, Council member Schimenti wanted to thank the police officers for putting on the National Night Out.
- d. City Administrator - Submitted

7) Items for Next Meeting Agenda

Meeting Adjourned A Motion to Adjourn at 7:53 pm 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.

NEXT MEETING DATEs

Budget Workshop 3 - August 24th at 4:30

Park Board - August 25th, 2023, 6:00 P.M.

City Council Meeting - September 19th, 2023, 7:00 P.M.

Mike Kelly, Mayor

Brandy Gahan, City Clerk
