Agenda Yutan City Council Monday, September 23rd, 2024 7:30 P.M. – Yutan City Hall

The mayor and city council reserve the right to enter into a closed session per Section 84-1410 of Nebraska State law. The sequencing of agenda items is provided as a courtesy; the mayor and city council reserve the right to address each item in any sequence they see fit.

7:00 Meeting to Order

Statement from the Mayor Regarding the Posted Location of Open Meetings Act Statement from the Mayor Regarding the Meeting Code of Conduct Roll Call Pledge of Allegiance

1) Consent Agenda

a. Approval of the September 17th, 2024 Minutes

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.

3) Ordinances and Public Hearings

- a. Ordinance 807-Adopting the Budget Statement to be termed the Annual Appropriation Bill to appropriate the budget for the 2024-2025 fiscal year.
 - i. Staff Reporting
 - ii. Public Hearing
 - iii. Ordinance 807
- b. Ordinance 808- Setting of the Employee Salaries for the 2024-2025 Fiscal year.
 - i. Staff Reporting
 - ii. Public Hearing
 - iii. Ordinance 808

4) Resolutions

a. Resolution 2024-8 setting the property tax request at \$305,020.00 for the fiscal year 2024-2025 and approving a 1% increase in total 2024-2025 funds subject to limitation.

5) Items for Next Meeting Agenda

Meeting Adjourned

NEXT MEETING DATE - October 8th, 2024, 7:00 P.M.

Anyone desiring to speak before the mayor and city council should contact the city clerk by the Monday preceding the city council meeting by 4:00 p.m. Anyone desiring to speak on any item on the agenda is invited to do so but should limit himself/herself to 3 minutes. After being recognized by the mayor, give your name and address for the record. Anyone desiring to speak for a longer period of time should make arrangements with the city clerk prior to the meeting. All speakers shall address the mayor and city council only. Anyone attending the meeting that may require auxiliary aid or service should contact the city clerk in advance.

Yutan City Council Tuesday, September 17th, 2024 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 17th DAY OF SEPTEMBER 2024, 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 Thompson 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 Council President Kyle Schimenti. Councilmembers Lawton, Schimenti, Chittenden, and Peterson were present. Mayor Matt Thompson was absent. Council President Schimenti 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.

Council President Schimenti called for a moment of silence in remembrance of former council member Claude Beck who had passed away that morning.

1) Consent Agenda -

- a. Approve Minutes of September 9th, 2024, Special Meeting-Budget Meeting
- **b.** Treasurer's Report
- c. Claims-All Phase Electric \$973.75, ARCS-LLC \$104.00, Bomgaars \$212.98, Bromm, Lindahl, Et Al \$1691.50, Canon \$106.00, Capital Business \$177.10, Cardmember Services \$2067.78, City of Wahoo \$900.00, Column Software PBC \$208.32, Corrigan, Mike \$750.00, Cubby's \$834.76, Culligan \$205.75, DataShield \$56.00, Davis, Ken \$123.30, Drews Farm \$3370.86, Drop In Portables \$535.00, Eakes \$991.14, ECS \$463.12, Engel, Vicki \$270.00, Garthright, Amanda \$96.88, Hometown Leasing 69.74, Jeff Subbert Irrigation LLC \$1043.29, JEO \$7577.25, Jones Group \$1414.75, Konecky \$32.62, LARM \$48.95, Love Signs \$458.10, Luthy, Terry \$466.06, Menards \$22.67, MUD \$48.00, Midwest Laboratories \$112.85, NDEE \$150.00, Nebraska Department of Revenue \$939.39, Nebraska Library Association \$105.00, Nebraska Library Commission \$500.00, One Call Concepts \$35.46, OPPD \$4929.08, Pitney Bowes Purchase Power \$414.19, Railroad Management Company \$1677.88, Rental City \$2392.80, Resource Rental Center \$535.00, RoadRunner Transportation \$370.75, Russell, Kristen \$22.98, SENDD \$1979.00, The Lincoln Financial Group \$444.70, Thiele Geotech Inc. \$1387.25, Todd Valley Farms \$1890.00, Trade Well Pallet \$480.00, Tri-Point Tree & Landscaping \$2500.00, ULine \$1417.36, U.S. Cellular \$91.26, Wahoo Newspaper \$93.60, Wahoo-Waverly-Ashland Newspaper \$224.95, Wilke Plumbing \$235.00, Total w/o Payroll \$47,619.83, Payroll \$27,703.46, Total w/Payroll \$75,323.29.
- **d.** A motion to approve the consent agenda was made by Chittenden and seconded by

Lawton. Upon roll call vote was as follows: YEAH: Lawton, Chittenden, Peterson. NO: None, Motion carried.

2) Open Discussion from the Public

a. Aaron Archer- Wanted to talk to the council about his role as the park board chairperson. Archer stated that he has not been receiving answers to his emails from the city office workers and states that he is upset that Brett Lawton and Justin Barney asked that he step down as chairperson and believes that it was not handled properly. Administrator Oliva responded to Mr. Archer and stated that he had suggested that Mr. Barney and Mr. Lawton goes to Aaron and talks to him up-front instead of blind siding with him in a meeting. Mr. Oliva stated that he has always responded to Mr. Archer's emails and that the last one he sent was not a question, just a statement and that it did not warrant a response. Council President Schimenti asked Mr. Archer what he wants from the council and that it appears we have lost track of what the park board was intended for. Council member Chittenden asked Mr. Archer where the problem stems from? Is it from the City? Mr. Archer stated that he is not getting any help from anyone when he emails with questions and that he does not understand where his being asked to step down came from.

3) Ordinances and Public Hearings

- a. One & Six year Highway and Street Improvement Program
 - i. Staff Report- Administrator Oliva stated that the one and six year plan was presented in last month's meeting by himself and JEOs Steve Parr. The changes that the council asked for were made to the plan by updating the Vine Street, Second Street, and HWy 92 off ramp updated to one year projects.
 - ii. Public Hearing -The open hearing opened at 7:20 p.m.- Justin Barney asked about the Vine street project and what all it entails and what it means for the residents that live on that street. Administrator Oliva stated that it should not interfere with anyone coming and going on Vine Street and that the project should only take a few days. Public meeting closed at 7:21 p.m.
 - iii. Resolution 2024-7 -A motion to approve resolution 2024-7 the One and Six year Highway and street improvement program was made by Chittenden and seconded by Peterson. Upon roll call vote was as follows: YEAH: Chittend, Peterson, Lawton. NO: None, Motion Carried.
- **b.** Ordinance 806- Amending Section 9-102 of Municipal Code to Update Building Code Requirements for One & Two-Family Dwellings, Third and Final Reading
 - i. Staff Reporting Community Planner Costa went over the changes that were discussed from last month and added some language that would define what a non-structural project is. Costa also added in the discussion of the board of appeals that a member from the public could be added by the Mayor and that he added the monolithic foundations as approved.
 - ii. Public Hearing -Public hearing was opened at 7:23 p.m. and closed at 7:24 p.m.
 - iii. Ordinance 806- A motion to approve Ordinance 806-Amending section 9-102 of Municipal Code to Update Building Code Requirements for One & Two-Family Dwellings, was made by Lawton and seconded Peterson. Upon roll call vote was as follows; YEAH: Peterson, Lawton, Chittenden. NO: None, Motion carried.

4) Other Action Items

- a. Pay Application #3 HD Utilities & Grading
 - i. A motion to approve pay application #3 to HD Utilities and Grading in the amount of \$156, 768.02 was made by Chittenden and seconded by Lawton. Upon roll call vote was as follows; YEAH: Lawton, Chittenden, Peterson. NO: None, Motion Carried
- b. Approve Bid for 2024 3046 R Tractor, AKRs Gretna
 - i. Bob Oliva brought to the board two bids for utility tractors to help improve efficiency for the utility workers. The tractor would be used for mowing, plowing, water line repairs, and any other use deemed necessary for its use. After doing extensive research Oliva has decided on the John Deere 3046R Compact Utility Tractor with several attachments. Oliva stated that this should be a 10 year tractor if not longer. The loaders would not tear up the grass or turf as much as the mows are doing. The skid loader is averaging 200 hours a year on it and it will still be good for quite some time. Council member Peterson asked if we are going to get rid of a mower if this will be taking over 70% of the mowing in town. Administrator Oliva stated that we will still need the zero turn mowers for the ballfields and other smaller locations. Council member Chittenden stated that the backhoe can be a pain to use and that by the time we even get the whole dug the people to repair it would already be there. Council member Chittenden would like to see the plow more than the backhoe. Administrator Oliva stated that the biggest eye opener for him was how much time it is taking to mow, especially in the spring season. Council member Peterson asked if we still need to have extra summer help or would this help cut back on needing the extra help and also asked if it could still go on the trailer. Administrator Oliva stated yes it could still fit on a trailer to take to the lagoons and that we would have to reassess the extra summer help after we receive the mower. Council members Peterson and Chittenden asked if we could get an interlocal with the school and if they would have any use for it. Council member Chittenden asked where this would fit into the budget. Administrator Oliva stated that we have the money and would not have to borrow anything for this. Justin Barney wanted to bring up the warranty with all of the accessories. Administrator Oliva said that each attachment has its own warranty. Aaron Archer suggested that maybe we should consider renting the attachments instead of buying the attachments.
 - ii. A motion to approve the bid from AKRS Equipment Solutions-minus the backhoe in the amount of \$66,349.00 was made by Lawton and seconded by Chittenden. Upon roll call vote is as follows; YEAH: Chittenden, Peterson, Lawton. NO: None, Motion carried.
- **c.** Approve Bid for street overlay project for Vine St., Second St., and Off Ramp.
 - i. A motion to approve the bid from OMNI Engineering in the amount of \$156, 789.35 for the street overlay project for Vine street, Second street, and the Highway 92 off ramp was made by Chittenden and seconded by Peterson. Upon roll call vote was as follows; YEAH: Peterson, Chittenden. NO: None ABSTAIN: Lawton, Motion Carried.
- **d.** Appointment of Ryan Chapman as alternate to the Board of Adjustments

- i. Ryan Chapman submitted his application to be the adjustment for the board of adjustments.
- ii. A motion to appoint Ryan Chapman as the alternate to the Board of Adjustments was made by Chittenden and seconded by Peterson. Upon roll call vote was as follows; YEAH: Lawton, Chittenden, Peterson. NO: None, Motion carried.
- **e.** Acceptance of Gabriel Bolter's Resignation from the Community Redevelopment Authority (CRA).
 - i. A motion to accept Gabriel Bolter's resignation from the CRA was made by Lawton and seconded by Chittenden. Upon roll call vote was as follows; YEAH: Chittenden, Peterson, Lawton. NO: None, Motion Carried

5) Supervisor Reports

- a. Library Director
- **b.** Utility Superintendent
- c. Police Chief
- d. Community Planner
- e. City Administrator

Meeting Adjourned - A motion to adjourn at 8:16 p.m. was made by Chittenden and seconded by Lawton. Upon roll call vote was as follows; YEAH: Lawton, Chittenden, Peterson. NO: None, Motion carried.

NEXT MEETING DATES Planning Commission Meeting-October 1st, 2024, 7:00 P.M. City Council Meeting- October 8th, 2024, 7:00 P.M.

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Kyle Schimenti, Council Preside	ent
Brandy Bolter, City Clerk/Treas	urer

ORDINANCE NO. 807

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR THE NECESSARY EXPENSES AND LIABILITIES; TO SET FINAL PROPERTY TAX REQUEST; TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF YUTAN, NEBRASKA:

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2024, through September 30, 2025. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Yutan, Nebraska. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capital, Lincoln, Nebraska, and to the County Clerk of Saunders County, Nebraska, for use by the levying authority.

Section 2. The City of Yutan, Nebraska, hereby requests \$305,020.00 in property tax revenue. The total assessed value of property differs from last year's total assessed value by four (4) percent. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of the property, would be \$.338 per \$100 of assessed value. The City of Yutan, Nebraska, proposes to adopt a property tax request that will cause its tax rate to be \$.308 per \$100 of assessed value. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Yutan, Nebraska, will increase from last year's by 16% percent.

Section 3. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

ROLL CALL:
YEA:
NO:
ABSTAIN:
ABSENT:
PASSED AND APPROVED THIS 17 TH DAY OF SEPTEMBER 2024.

CITY OF YUTAN, NEBRASKA

	By:	
	J	Kyle Schimenti, Council President
ATTEST:		
Brandy Bolter, City Clerk/Treasurer		
		(SEAL)

ORDINANCE NO. 808

AN ORDINANCE THE CITY OF YUTAN, SAUNDERS COUNTY, NEBRASKA, TO PROVIDE FOR THE WAGES AND SALARIES OF CERTAIN OFFICERS, APPOINTEES, AND EMPLOYEES OF THE CITY OF YUTAN, NEBRASKA; TO PROVIDE DEFINITIONS; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED EITHER IN PAMPHLET FORM OR BY POSTING; AND TO PROVIDE THAT THIS ORDINANCE SHALL NOT BE MADE A PART OF THE MUNICIPAL CODE OF THE CITY OF YUTAN, NEBRASKA.

WHEREAS, Neb. Rev. Stat. §17-108 provides that the officers and employees of a city of the second class shall receive such compensation as the mayor and city council shall fix by ordinance, and

WHEREAS, it is necessary to amend or ratify said salaries for certain officers, appointees, and employees of the City of Yutan, Nebraska,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF YUTAN, NEBRASKA, as follows:

Section 1. That the findings here and above should be, and they are hereby made a part of this Ordinance, as fully as if set out at length herein.

Section 2. That the following shall be the wages and salaries for the specified officers, appointees, and employees of the City of Yutan, Nebraska, effective 10/1/2024 to wit:

Mayor	\$ 3,000.00 per year
City Council	\$ 2,000.00 per year
City Administrator	\$ 7875.00 per month
City Clerk-Treasurer	\$ 26.16 per hour
Administrative Assistant	\$ 16.28 per hour
Utilities Superintendent	\$ 33.68 per hour
Utilities Assistant	\$ 29.40 per hour
Part-Time Utilities	\$ 21.00 per hour
Part-Time Associate Librarian	\$ 13.50 per hour
Part-Time Librarian	\$ 14.00 per hour
Library Director	\$ 24.00 per hour
Part-Time Police Officer	\$ 42.00 per hour
Police Chief	\$ 42.00 per hour
Assistant Police Chief	\$ 42.00 per hour
Community Planner	\$ 27.30 per hour

Section 3. Police Officers will be paid a minimum of 2 hours of regular pay for court appearances.

Section 4. Public Works employees responding to utility emergencies or other matters requiring immediate attention will be paid a minimum of 2 hours of regular pay per incident. Public Works employees will also be paid an extra .50 per hour for certifications that are approved per the employee handbook.

Section 5. Employees taking work-related phone calls outside of normal business hours will be paid regular pay for actual time conducting work-related business, rounded to the nearest fifteen-minute increment.

Section 6. The City Administrator, Utilities Superintendent, Utilities Assistant, Police Chief, and City Clerk shall receive \$30 per month for personal cell phone use for work-related matters during their employment with the City of Yutan.

Section 7. Mayor, City Council, and any employee using his/her personal vehicle shall receive equal to the current allowable Standard Mileage Rate under the Internal Revenue Code. The Mayor, City Council and any employee shall be compensated for any expenses incurred for attending any official out-of-town meeting.

Section 8. HOLIDAYS, VACATIONS, SICK LEAVE, TIME OFF, PAY PER MEETINGS, RETIREMENT PLAN FOR FULL-TIME EMPLOYEES AND PERMANENT PART-TIME APPOINTED OFFICIALS.

For information regarding the benefits package awarded to eligible employees, consult the Employee's Manual. The City of Yutan shall pay each employee required to attend the City Council meetings his/her regular hourly rate; this payment will be issued on the next regular paycheck.

Section 9. **SALARY RANGES OF ELECTED OFFICIALS AND CITY EMPLOYEES.** The following ranges are established as guidelines for employment of appointed officials and employees

OFFICE PERSONNEL

City Administrator	\$ 90,000-120,000 (Annually)
Clerk/Treasurer	\$ 20.00-28.00
Administrative Assistant	\$ 15.00-20.00

MAINTENANCE DEPARTMENT

Utilities Superintendent	\$ 30.00-35.00
Assistant Utilities	\$ 25.00-32.00
Part-Time	\$ 13.50-22.00

Library

Library Director	\$ 18.00-25.00
Librarian	\$ 13.50-18.00
Associate Librarian	\$ 13.50-15.00

POLICE

Police Chief	\$ 40.00-45.00
Assistant Police Chief	\$ 40.00-45.00
Police Officer Part-Time	\$ 40.00-45.00
Special Event/Weekends	\$ 40.00-45.00

Section 10. That the Mayor and the City Council of the City of Yutan, Nebraska, and it's Clerk, are hereby authorized and directed to implement this Ordinance.

Section 11. That should any section, paragraph, sentence, or word of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Mayor and the City Council of the City of Yutan that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 12. That all ordinances and parts of ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.

Section 13. That this Ordinance shall be published either by posting in three (3) public places in the City of Yutan, Nebraska, or in pamphlet form and shall be effective on the fifteenth (15th) day from and after its passage and approval, provided it has been published, as aforenoted, within the first fifteen (15) days after its passage and approval.

Section 14. That it is the intention of the Mayor and the City Council of the City of Yutan, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall not become or be made a part of the Municipal Code of the City of Yutan, Nebraska.

PASSED AND APPROVED THIS 17th day of September 2024.

		CITY OF YUTAN, NEBRASKA	
	By:		
ATTEST:		Matt Thompson, Mayor	
Brandy Bolter, City Clerk/Treasurer		(SEAL	.)

RESOLUTION SETTING THE PROPERTY TAX REQUEST RESOLUTION NO. 2024-8

WHEREAS, Nebraska Revised Statute 77-1632 and 77-1633 provides that the Governing Body of the City of Yutan passes by a majority vote a resolution or ordinance setting the tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; NOW, THEREFORE, the Governing Body of the City of Yutan resolves that: 1. The 2024-2025 property tax request be set at: General Fund: \$ 305,020.00 Bond Fund: \$ 2. The total assessed value of property differs from last year's total assessed value by 14.5 percent. 3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property would be 0.337867 per \$100 of assessed value. 4. The City of Yutan proposes to adopt a property tax request that will cause its tax rate to be 0.30763 per \$100 of assessed value. 5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Yutan will increase (or decrease) last year's budget by 15.5 percent. 6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2024. Motion by , seconded by to adopt Resolution # . Voting yes were: Voting no were:

Dated	this	 day	of_	 , 2024