

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON WEDNESDAY, APRIL 13th, 2021, AT 7:00 P.M. AT CITY LIBRARY MEETING ROOM, 735 8TH STREET, ALL IN PAWNEE CITY, PAWNEE COUNTY, NEBRASKA.

Notice of this meeting was given in advance thereof by advertising in the Pawnee Republican, a designated method for giving notice as shown by the Affidavit of Publishing on file in the office of the City Clerk. Notice of this meeting was given to the Mayor and City Council and a copy of their acknowledgment of receipt of the notice and the agenda are on file in the office of the City Clerk. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Present: Mayor Charlie Hatfield; Council Members: Donnie Fisher, Bruce Haughton, Ric Helms and Susan Eisenhauer; Tamela S. Curtis, City Clerk/Treasurer and Foreman Spencer Cumley. **Absent:** None. Mayor Hatfield called the meeting to order at 7:00 p.m. informing all those present of the Posters stating the Open Meeting Law Changes on the West meeting room wall accessible to the public. At this time all those present stood to recite the Pledge of Allegiance.

Council Member Haughton moved to approve the March 28th, 2022, regular meeting minutes. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

The Treasurer submitted the following claims for consideration: **4/12/2022 Payroll:** 9900.01 **UB&T**, FWH 2827.07; **NE Dept. of Rev**, SWH 402.66/sales & use tax 2197.78; **John Hancock**, retirement 1295.36; **Hamilton Equip.**, Bobcat Plate Compactor 4810.00; **OPPD**, elec-wells 282.00; **Biblinox**, Libr lic Agrmnt 1300.00; **Elk Creek Welding**, supports-trailer/mini ex 37.70; **NPPD**, elec 3054.07; **Emily Sisco**, Apr. atty fee retainer 1000.00; **Matt Kuhlmann**, zoning-Apr. 800.00; **OneCall Concepts**, digger locates 15.42; **Windstream**, Libr ph/int 129.96; **Casey's Business**, equip fuel 538.54; **MidWest Labs**, swr samp-s/h 179.00; **Amazon Capital Bus**, shop vacuum 197.99; **Coral's Cleaning Services**, office cleaning 90.00; **Edwin Yoder Sr**, 78" grapple bucket 2800.00; **In the Swim**, chlorine tablets 2639.86; **Lifeguard Store**, test kit/sup/s-h 660.48; **Lincoln Winwater Works**, pipe-pond restroom 48.38; **PC Thriftway**, sup 10.50; **Pawnee True Value**, rep parts/sup 560.67. Council Member Eisenhauer moved to approve the claims as submitted. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review Treasurer's Report as of March 31st, 2022: Council reviewed the March 2022 Treasurer's Report.

Sheriff Braden Lang: Sheriff Braden Lang met to discuss barking dogs with the Council. Sheriff Lang stated that it seems like the family that was having all of the issues have found a resolution to their barking dog issues. It was discovered at the last Animal Control Board meeting that they were not putting the collars on their dogs during the day, but just at night. So, since that time they have been putting the bark collars on the dogs during the day and then taking the collars off at night but locking the dogs up in their barn and that has taken care of the problems. Mayor Hatfield stated that at the Animal Control Board meeting they talked about re-writing some of the dog ordinances. The one in particular they are working on is the ordinance on removing a dog after five citations have been

issued as there are problems with how that is worded. Once they get that worked out with the City Attorney, they will bring it back before Council for approval. Sheriff Lang stated that he did get a new deputy hired that recently worked at the Tecumseh Prison. Sheriff Lang discussed that Johnson County has raised their deputies' salaries up to \$31/hour but unfortunately since the Sheriff's salary is already set for the next four years he will only be making \$25/hour.

Liz Cody/SENDD: Discuss Close-out of Grant on Fire Station Project: Fair Housing Act: Discuss Pawnee City being Awarded CCCFF Grant to finish inside of Cornerstone Building: Liz Cody was unable to attend tonight's meeting, so her items were postponed until the April 25th City Council meeting.

John DeFreece-Review/Approve Resolution #3–Pawnee Co Ag Society request for Special Liquor License during fair: John DeFreece representing the Pawnee County Ag Society met with Council to discuss their request for a special designated liquor license during the fair. Mr. DeFreece stated that he had some other paperwork that he needed to bring before the City Council before they were actually ready for the Council to pass the resolution but wanted to let them know the dates of the fair this year. This year they will be requesting the special designated liquor license for all four days of the Pawnee County Fair Wednesday, July 20th through Sunday, July 24th. The big tractor pull will be on Saturday night and the local farm tractor pull will be on Sunday this year. Mr. DeFreece stated when he got the rest of the paperwork filled out he would get back on the agenda to present it to the Council and get their approval on the Resolution at that time.

Review Wind Damage RFPs from Contractors; (need motion to award RFP): Clerk Curtis stated she had only received one bid from Roof Guard on the wind damage RFP and read the bid amounts for each structure to the Council as follows: Sewer Plant Roof \$17,500.00; Mini Park Shelter \$450.00; Well House #2 \$550.00; Well House #3 \$150.00 for a total bid of \$18,650.00. Clerk Curtis stated that the City had received a total of \$19,738.93 from LARM for the Wind Damage caused back in December 2021 so we would have to pay back a little over \$1000 to LARM, pending any change orders that may come up from Roof Guard. Council Member Eisenhauer moved to approve the wind damage contract to Roof Guard, LLC in the amount of \$18,650.00. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/take action on HJP Pest Control Mosquito Spraying again this year-4% discount for paying in advance \$1958.40 (First price change in 3 years – was \$1785.60 an increase of \$172.80): Council Member Helms moved to approve HJP Pest Control Mosquito Spraying this year with a 4% discount for paying in advance \$1958.40. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review letter from NDEE that violations cited at tree dump were adequately addressed and no further action was required at this time: Council reviewed the letter from NDEE that violations cited at the tree dump back in February 2022 were adequately addressed and no further action was required at this time.

A Report and update from Foreman Cumley: *Discuss issues with Vertical Screen at Sewer Plant:* Foreman Cumley stated that WesTech and AHRS were both here last week to pull the vertical screen at the Sewer Plant, but when they went to pull it the whole stainless steel auger that is almost an inch thick and 30' long is completely worn off with all of the bolts sheared off of it and ripped them out of the top of it because it is suspended in there. He has not gotten a quote back from WesTech yet but that comes from Italy, so it may be a while. The gear box and electrical motor was ruined on it. Council Member Eisenhower inquired if all of this was ruined before they tried lifting it out of there? Foreman Cumley stated that the Tech from WesTech stated that this Vertical Screen was never designed to be installed outside, so the seals between the gear box and the electric motor and in between the screen was all rusted with the gearbox and motor was full of water. Council Member Helms questioned if it wasn't meant to be outside? Foreman Cumley stated that all of their screens are meant to be placed inside a temperature-controlled building. Clerk Curtis stated that goes back to bad engineering. The Technician that was down assured him that the City could get a whole new screen for \$80,000, but for replacing the gear box, new screw, replacing the basket screens at the bottom and the labor should be around \$30,000-40,000 but until they hear back from Italy they won't know for sure. The quote will only be good for three days as there is a lot of nickel in the stainless steel and with prices fluctuating by the day, they can't keep that quote for any longer than that. Foreman Cumley did get to talk to the boss at WesTech a little and he had some really good solutions to other issues at the Sewer Plant, so he is planning to come down and go through some stuff with the City Crew. Ray Kappel with The Pawnee Republican inquired if the Sewer Plant could operate alright without this vertical screen. Foreman Cumley stated that they just have a bar-screen in there right now, but they have to clean in every day. Clerk Curtis asked Foreman Cumley to explain to everyone what a vertical screen actually is. Foreman Cumley stated that the Vertical Screen augers out all manmade products such as 2x4 boards, mopheads, condoms, tampons and even beach towels.

Discuss Earth Day activities planned with Pawnee City Schools on April 29th: Clerk Curtis stated she had emailed Mr. Kluck at Pawnee City Schools to see if they were going to do anything for Earth Day this year. Council reviewed Mr. Kluck's emailed correspondence stating they are planning to do their Earth Day Activities on April 29th, sending kids out to 10-15 different locations around town. Groups will consist of seven (7) students and one (1) adult, and they'll be working at these locations for 2.5 hours. Clerk Curtis and Foreman Cumley stated that the City Employees will not be working that day due to that being Arbor Day. Foreman Cumley stated that they have a half of a pallet of mulch that could be used yet, but he could order another pallet if needed. Cumley also stated that the City needs to find three new metal barrels to use for trashcans up to the North Park because the bottoms of those are about rotted out. If we can locate barrels, then the kids could paint them up like they did a few years ago. Council stated the areas that need work for the City are as follows North Park: pick up trash, pile up sticks and re-mulch the areas around the trees again. South Park: top priority is to clean the leaves and sticks off of the tennis court along with some re-mulching to do along with picking up trash and piling up sticks; Walking Trail: make piles of sticks along the trail, especially down from the Library by the bridge area. They would also really like one group of kids to walk from Hwy 50 (F Street) up to the ballpark and one group of kids to walk from Hwy 8 (7th Street) up to the ballpark to pick up trash in the ditches; City Pond: pile up sticks, pick up trash, clean out fire pits and re-mulch around the trees again; Mini-Park Area by the Post Office & flower gardens in front of the Post Office: Weeding and Re-Mulching that whole area. Clerk Curtis will send Mr. Kluck back an email stating these were the areas that the

City Council decided could be worked on by the Pawnee City School students and to remind Mr. Kluck that City employees would not be available for assistance that day.

A Report and update from Council Member Eisenhauer: *Discuss updates on Pool, Pool Managers/Lifeguards hired, etc:* Council Member Eisenhauer stated that they had held interviews for both the Pool managers and lifeguards the past few weeks hiring them as follows: *Pool Managers Hired:* Returning MGR-Raina Hatfield; New ASST. MGRS-Madison Branek & Coral Cumley; *Returning Lifeguards Hired:* Mallory Branek, Abygail Coudeyras, Jackson Glass, Cutter Harris, Johnna Kostecka, Emily Lytle and Madison Lytle; *New Lifeguards Hired:* Kennadi Benson, Gavin Baker, Madison Fender, Kaitlyn Svoboda and Jett Farwell. Eisenhauer stated that the City's pool budget will once again pay for the new lifeguard's certifications. Two of the new guards have already completed part of their certification process and the other three guards are working with Pool Manager Barloon getting signed up. Council Member Eisenhauer stated that the lifeguards will be painting the new stalls in both shower rooms along with the storage area that was made bigger on the boy's side, once they get out of school May 11th. Council Member Eisenhauer stated that she will be repainting the black line that separates the shallow and deep ends of the pool along with the steps and the shallow end of the pool, if there is still time before they need to get the pool filled. Miracle Mudjacking came down last week to work on the areas in the pool flooring where the caulking was coming loose, especially in the areas of the seams. They stripped out those areas that had gouges in them and replaced them along with that seamed area in the deep that had sunk way down, redoing that whole portion of the seamed area. Council Member Eisenhauer was happy to report that Miracle Mudjacking guaranteed their work, so they came back and repaired those problem areas at no extra cost to the City. **Review VanHorne Park Gift Agreement:** Council reviewed the VanHorne Park Gift Agreement that had been signed by all parties involved. **Discuss resurfacing of the tennis court at South Park:** Council Member Eisenhauer stated she had contacted a couple of contractors about getting a quote to resurface the Tennis Court and is meeting with one of them tomorrow morning. Council Member Eisenhauer's suggestion is to re-surface that area, making half of it a basketball court and the other half a couple of pickleball courts along with possibly a shuffleboard area, which would make it a multi-generational use of the entire court area. She will bring back some additional ideas once she has met with these contractors to obtain their quotes. Eisenhauer also stated she had talked with Kenzie Turnbull about getting a quote to remove a huge tree that is hanging over the southwest corner of the tennis court as if that tree were to fall over on the fence it would cause an extreme amount of fence damage. She will also get in contact with Moser Tree Service to get a quote from them for the tree removal. Council Member Eisenhauer also stated that when the City Crew puts up the new retaining wall along the trail on 14th Street, she would like the City Crew to re-use some of the smaller retaining wall blocks that will need to be removed at the VanHorne Park area to shore up that area between the playground equipment and the shelter as the pea gravel keeps working it's way over to the shelter. **Review CRP re-enrollment on 7.25 acres expiring 9/30/2022:** Council Member Eisenhauer stated she had gone to the FSA office to discuss the City's 7.25 acres of CRP Contract that would be expiring this year. They have a sign-up going on for it right now at the FSA office, so she went in and talked with Julee about it. Because it is in a wellhead protection area it is pretty much a certain that it is going to be accepted, if the City chooses to re-enroll it. New regulations stated that no City is eligible for any federal financial payments, so the payment would have to go to Todd Albers as the operator, which is what the City has been doing in the past. Todd is fine with having it go back into CRP, as he stated that's probably the best place for it at this point in time. Foreman Cumley and City

Crew is planning on assisting Mr. Albers with the controlled burn of the CRP acres, which must be burnt by the May 1st deadline. The burn is to control the overgrowth of trees that are going on out there and having that burnt will also improve our chances of getting it re-enrolled back into CRP. They did go for a 10-year CRP contract, rather than a 15-year contract. Last year's contract was somewhere around a \$1000 total payment. The new 10-year contract, based on the new soil rental rates would be \$184.21/acre for a total contract price of \$1336.00 from 10/1/2022 through 9/30/2032. The reason she had selected the 10-year contract was because after this expires, more than likely the soil rental rates are going to be even higher, so why lock us into 15 the renter could potentially get even more. If anyone has a different opinion and the City wants to go for a 15-year contract, then there is still time to change that. Council Member Eisenhauer stated that she had Mayor Hatfield sign the paperwork to get it started so that NRCS (Natural Resources Conservation Service) could begin making their conservation point of operations, as they will decide, if anything, to that land before it is actually accepted into the 10-year contract. If the City agrees and the renter (Mr. Albers) agrees with what needs to be done with or without cost share assistance, then the City would officially sign the documents and lock it in. Council Member Eisenhauer stated that right now the City is in a pending mode waiting for the NRCS to come up with a conservation plan. As a renter if the conservation plan says that you have to "inter-seed", then that's the renter's responsibility, as it is his contract. The City is the owner, but he is getting paid the CRP rent money. If Todd is not in agreement with the conservation plan, then he can go back to NRCS and negotiate with them on if there is something else that he can do instead of what they are proposing, but there's only so much flexibility that they will give them. Council Member Haughton inquired if the pasture rent was the same as the CRP rent? Council Member Eisenhauer stated that she thought the CRP rent was still a little less because the CRP cannot be grazed. He is utilizing the pasture but the CRP he still has to control, maintaining weeds and erosion and the evasive species like the eastern red cedars that are overpopulating everywhere and stay in compliance on that CRP contract and that's not cheap. The City had decreased the rent on the CRP last year because it was way too high. That is another reason that the City had extended Mr. Albers' contract to a 3-year contract rather than an annual contract, which was an incentive for him to spend more on spraying the pasture with something stronger than what he had been doing. Council Member Eisenhauer stated that something new on the CRP contract is that if for some reason Mr. Albers were to cancel out on his 3-year pasture rent agreement, he does not have to leave the 10-year CRP contract. She is going to be talking with our City Attorney about adding a clause into his pasture rent contract that specifically states that if he relinquishes his pasture rent contract, then he also has to relinquish the CRP contract. That will need to be done before the City's the final CRP Contract.

A Report and update from Clerk Curtis: *Review/Discuss Session Assessments from Clerk Curtis attending Clerk Institute and Academy:* Clerk Curtis asked if anyone had any questions for her on the Session Assessments she had prepared from her classes at Clerk's School. Here is the overview of all of her classes she attended: *Disability Education & Awareness for Municipal Clerks:* Does Council feel it is a good idea to appoint someone to be the ADA Coordinator for the City? Include with Mayor's yearly appointments? Clerk Curtis stated this was just something to think over that could possibly be added as part of the Zoning Administrator's job if one of the Council Members did not want to take that role on. *Code Enforcement & Nuisance:* Clerk Curtis emailed City Attorney Sisco about looking over the 2018 edition of the International Property Maintenance Code to see if she feels the City should adopt this version with amendments

to our current Code Book. *Political Culture of Nebraska: Its impact on Municipal Govt:* What kinds of expectations do you feel the Citizens have of you to do or not to do? Are you living up to our Citizens expectations? *Community Connection and Leadership:* How can we better implement Strong Leadership, Adequate Resources and Trust Among Partners on our next project? Example – updating playground equipment with community involvement. *Records Management Best Practices for Local Agencies:* Clerk Curtis has already started emailing text messages from co-workers re: sick, leave of absences, etc as those are considered public records; Clerk is planning to implement Email Retention Schedule. *How to turn three hours into forty-five minutes:* If an agenda item is still going to be discussed later in the meeting that item is “tabled” but if you will be discussing an agenda item at a future meeting, that item is “postponed” to the next meeting. Items should not be postponed longer than a quarter (3 months), otherwise it needs to just be put on the agenda as a new agenda item. *Be the bright spark in your office – UB & More:* The Clerk is working on making up a whole document with a list of all of our Passwords on it and she has started on a Procedural Manual. The Password document would be kept in a locked file drawer to be used by other office personnel in case something was to ever happen to Clerk Curtis. *Risk Management-A State’s Perspective:* Clerk Curtis stated that the Line of Duty Compensation Act went into effect January 1, 2022, making first responders, including volunteer firemen, killed in the line of duty eligible for \$50,000 paid to their beneficiaries. Clerk Curtis printed off the State Beneficial Forms for all of the Volunteer Firemen to fill out and return to her – she has emailed Mike Habegger with this information and dropped off the Beneficiary Forms at the Fire Hall, so they can be filled out at their next Firemen’s Meeting on 5/3/2022. *Results and Consequences of the 2020 Census and other Census Date Resources for Local Govt:* People don’t move for “quality of life”, most generally, they move for a job opportunity and pay. The City needs to stay competitive with wages and benefits so we can keep our good employees. CPAR.UNOmaha.edu and data.census.gov are both good websites with info to use on grants. *Best Practices and perspectives utilizing Active Listening, Crisis De-Escalation and Reaching out for Assistance:* Clerk Curtis plans to visit with both of her co-workers for the protocol for assistance – making sure we all are aware of the resources out there to help our customers. 988 National Suicide Prevention Hotline is coming out nationwide in July! *Agreements, Contracts and Interlocal Agreements:* Clerks are the Backbone to our Communities!! Check on a Contractor’s Certificate of Insurance that it’s noted they have to give a 30-day notice to the City before they can cancel their policy; waiver of subrogation is included, and the City is listed as a primary additional insured and non-contributory basis; have City attorney review Certificate of Insurance documents from contractors working on a City Project. *Multi-Generational Workers:* As supervisors we need to go over what the expectations are of what makes a good employee: 1. Expectations; 2. Values; 3. Culture – you have to work with what works for you, your team and your culture. Communication is key to a good relationship with your co-workers/employees. Clerk Curtis plans to visit with the individual employees on where they see themselves as valued in their job and what some things might be that could be considered to make it a better working relationship for everyone involved. *Financial Policies and Procedures:* The Volunteer Fire Dept’s Trust Funds (Checking Accounts) – if they are using the City’s EIN#, then they are public funds. The City cannot allocate taxpayer money for “appropriations” to go towards the Fire Dept. *Citizens Participation Practices for Community Planning:* State Farm and AARP are great sources of grant matches. Discuss getting High School Students involved in City Gov’t to see what it is all about and how they can be a part of the community and a “voice” for the younger generation in what is most important to them. *Round Table Discussions-Pool:* Discuss doing a “Doggie Plunge” for a couple of hours on the last day

the pool is open; Clerk Curtis already implemented the Pool Manager/Lifeguard Cover Sheet that includes documents with highlighted areas that need to be filled out along with the pay periods on the back when we held lifeguard interviews a couple weeks ago;

Employee Reviews: Document everything, good and bad. Keep a notebook in your desk to jot down items throughout the year, good and bad things about your employee. SET GOALS-list new goals for the new year that are realistic and achievable. The Supervisor can pick out two goals and the Employee could pick out one goal or vice-versa. Clerk Curtis stated she would like the Mayor and Council Members to think of goals they would like to discuss with Clerk Curtis and Foreman Cumley when they do their employee evaluations in May along with Clerk Curtis and Foreman Cumley coming up with goals to discuss with their employees when they do their individual employee evaluations;

Ordinance vs. Resolution: To print an ordinance in pamphlet form, it must be stated in the title of the Ordinance. Any ordinances to do with Re-Zoning, Annexing and Redistribution, the three readings cannot be suspended. You cannot pass an Annexation Ordinance during an election year, as that may cause issues with re-districting the voting precincts;

Open/Closed Meetings: Make sure the Mayor lists out who will be staying in the closed session for the complete record. Discuss if the line item “executive session” should be left on our agenda for every meeting. Council were all in agreement that they did not go into executive session often enough to feel the need to leave that as an ongoing agenda item;

Employee Handbooks: Clerk Curtis emailed a copy of the City’s current Employee Handbook to City Attorney Sisco for her review. A City Employee Handbook should be reviewed every three years;

Animal Control Board: Clerk Curtis discussed with Kellie Wiers, a member of the Animal Control Board, about putting labels/stickers on the outside of our November 1st Utility Bill stating that it is \$5.00 off if they license their dogs during November and then another label/sticker on the outside of our January 1st UB as that is the date the Dog Licenses are due. Clerk Curtis stated that these assessments will count towards the rest of her mandated Treasurer’s hours needed. She has also decided to move forward with obtaining her Certified Municipal Clerk Degree with the session hours she has obtained at the Clerk’s Institute and Academy the past few years and hours obtained from attending the League Conferences for many years.

Discuss which meeting in May the Mayor/Council wants to meet at 6:00 p.m. to do Clerk & Foreman Evaluations before the start of regular meeting – May 9th or May 23rd? Council was in agreement at to meet at 6:00 p.m. at the May 23rd, 2022, City Council Meeting to do the Clerk and Foreman Evaluations.

Discuss what funds are to pay for Office Cleaning – spread throughout all funds or??? Clerk Curtis stated that it was her opinion that the office cleaning costs should be shared throughout all of the funds, but it was up to the Council to make that decision. Council was in agreement that the office cleaning costs should be spread throughout the general, street, park, water and sewer funds.

Review Explanation of what Municipal Equalization Funds (MEF) are: Clerk Curtis stated that the City had received their MEF payment of \$18,326.79 on March 31st. She stated that those funds are funded with the City’s share of Insurance Premium Tax, which is 30% of the half distributed to local governments or 15% of the total collected. It is figured on a per capita formula to receive aid equal to the average per capita property tax ley for all municipalities ties the population of the municipality, minus the average property tax levy times the valuation of the particular municipality. Those funds are deposited into the General Account and are used to help fund items paid for out of the general side which includes general, streets, pool, park and library.

Review Correspondence From: Review emails from Steve Glenn asking for support of their emergency effort to help Ukrainians find housing in Poland; Terri Wymore is

also doing a fundraising event – planning to place bags at each business in Pawnee City for donations towards Mr. Glenn’s efforts to help the Ukrainians: Clerk Curtis had handed out an email she had received from Marie Glenn Monday morning stating that Ms. Wymore was not associated with the SafeharborUkraine ministry and that they did not want her leaving bags for donated items at area businesses as it is cheaper to provide things for these people when they get to Poland than to take things or ship them. She also stated that by the time the City Council met, Mr. Glenn would already be in Poland. Mrs. Glenn again stated that the main mission is to raise funds for safe housing and food for the refugees that are in Warsaw, not to take up a collection for items to be donated.

Annual Franchise Fee Payment from Charter Communications: Council reviewed the annual franchise fee payment of \$6,915.85 from Charter Communications. Council Member Helms moved to adjourn the meeting. Council Member Haughton seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried, and meeting adjourned at 8:16 p.m.

ATTEST: Tamela S. Curtis, City Clerk

Charlie Hatfield, Mayor