

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, APRIL 25, 2022, AT 7:00 P.M. AT THE PAWNEE CITY PUBLIC LIBRARY MEETING ROOM, 735 8<sup>TH</sup> 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:** Council Members: Ric Helms, Donnie Fisher and Bruce Haughton; Mayor Charlie Hatfield; Kellie Wiers, Deputy City Clerk/Treasurer, Tamela Curtis City Clerk/Treasurer and Spencer Cumley, City Foreman. **Absent:** Council Member Susan Eisenhower.

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 accept the April 13, 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: **4/26/2022 Payroll:** 10,008.13; **Union Bank & Trust**, FWH 2864.15; **NE Dept. of Rev**, SWH 403.26; **John Hancock**, retirement 1283.84; **Allstate**, cancer/accident insurance 267.74; **Ameritas Life Ins. Corp.**, vision insurance 127.80; **Madison Nat'l Life**, employee life insurance 61.48; **United Healthcare**, employee health insurance 7103.33; **Windstream**, phone @ swr plant & internet @ 605 G Str 191.77; **Amazon Capital Services**, office supplies 83.97; **Capital Bus. Services**, Elevate Phone System 111.94; **Access Systems**, copier contract, total IT care services 1106.98; **Nebr. Public Health Environmental Lab**, wtr samples 736.00; **Pawnee City Development Corp.**, Feb 2022 50% sales tax 6336.48; **Seneca Sanitation**, March 2022 garbage service, dumpsters @ pond & pool 6416.25; **Pawnee Co. Treasurer**, qtrly law enforcement 17,372.24; **Black Hills Energy**, monthly gas service 655.96; **Diversified Drug Testing**, supervisor drug training & empl #500 testing 365.00; **Paul Heath/HJP** mosquito spraying 1958.40; **Binder Bros.**, lumber 1107.43; **Bottom Line**, library mag subscription 39.00; **Center Point**, library large print books 540.75; **Dept. of Environment & Energy**, empl #1035 wtr operator license 115.00; **Dollar General**, office supplies 19.25; **Drew Case**, rotenone well pasture pond 500.00; **H&H Auto Parts**, equip repair supplies 39.46; **League Assoc. of Risk Mgmt.**, workman's comp audit 1399.32; **NPPD**, monthly electric service 3036.44; **Pawnee Republican**, March 2022 publications 282.15; **Stallbaumer Lumber**, repair supplies 199.65; **State of Nebraska/Dept. of Labor**, 1<sup>st</sup> qtr unempl. Tax 149.61; **Spectrum**, internet/phone @ 445 6<sup>th</sup> Str 174.97. Council Member Helms 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.

**DONATIONS TO ORGANIZATIONS: MARY MOSER Pawnee Gun Club (Pawnee City Trapshooting team) (\$650 Donation given for FY 2021-22 & pay electric once lights are**

*running*); Mary Moser thanked the City Council for the donation they gave to the Pawnee Gun Club (trapshooting team) last year. This year, the trapshooting team has eight juniors and seven seniors competing in six conferences and the state shoot will be held at Doniphan and the team has taken home nine medals so far. There will be approximately 1500 shooters at Doniphan which is a town roughly the size of Pawnee City. They are close enough to Grand Island and Hastings to handle this much traffic and they have 24 trap houses. This Summer, the Gun Club plans to hold more events to get more activities at the site and also have more families participate in activities. Mary stated that she feels the Club is still dealing with the effects of Covid-19 because they were not able to shoot much during 2020 but plan to increase this in 2022. Moser explained that it was difficult to find shotgun shells this year, but their number of members has increased. The shelter they put up a couple years ago was blown over last Summer but they did not have insurance on it but there was a generous donation to replace the shelter and it was blown over across the field during the December 15<sup>th</sup> storm and is currently chained to a dump truck. John is in communication with the company to see if it can be salvaged or replaced. The Club's income comes from the shoots that are held and there are two Wings and Turf events planned this year. The City donation, last year, covered their liability insurance. Council Member Helms asked if the lights are ready yet? Ms. Moser stated that John said they figured out what was wrong with the lights, and they could come off of the ball field but it is the wrong voltage so they have to figure out a convertor so they will have to trench down to another source to fix the situation. Council Member Helms asked if \$650 is enough for a donation? Ms. Moser stated she would be grateful for whatever donation is given. Mayor Hatfield asked if the \$650 donation would still cover their liability insurance? Ms. Moser stated it would be really close, as the insurance is around \$700. Council Member Helms asked what it would cost to insure the shelter? Moser explained that she would have to get estimates on this since it wouldn't be covered under the liability insurance. Council Member Haughton asked if the shelter was open to one side? It is open on two sides to the South and East. The consensus was that it would be difficult to insure this structure. Council Member Helms asked if the company that sold them the shelter also installed it? Mary Moser explained that yes, the company also installed the shelter, but they didn't use screw-in anchors. Foreman Cumley explained these structures usually come with four-foot rebar anchors with a nut or washer welded on the end but not screw in anchors. Council Member Helms commented that screw-in anchors can be purchased at Orscheln's for \$10.00 each. Moser explained the organization had planned to install the shelter themselves, but the company didn't give them much notice they were delivering the shelter, so the company installed it with their anchors. Council Member Helms stated he was "going out on a limb and recommends increasing the donation \$200 and pay the electric bill." Council Member Helms moved to donate \$850 to the Pawnee Gun Club (Pawnee City Trapshooting team FY 2022-2023) and pay electric once their lights are running. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Mary Moser thanked the Council for their donation. Mayor Hatfield said this is good because kids are learning the proper way to use a firearm.

**DONATIONS TO ORGANIZATIONS: BOB MILLER: *Fairview Golf Course (previously gave \$1000 credit on Water Bill) Chamber of Commerce (previously donated \$750 towards the Fireworks along with the City continuing to mow, pay the electric at the Chamber Welcome Signs & City Crew watering hanging flowers);***

Mr. Miller had submitted information ahead of time which was included in tonight's agenda packet. The Chamber will co-sponsor a softball tournament this Summer instead of the fishing derby since the attendance was down at the fishing derby last year. The Chamber has partnered with the City on many things such as a donation to the fire hall and new Christmas lights while the City has donated to the fireworks and helping with watering the flowers. Mr. Miller asked if the City could please donate \$750 towards the fireworks along with continuing to mow, pay the electric at the Chamber Welcome Signs and water the hanging flowers, they would really appreciate it. Council Member Haughton moved to donate \$1000 towards the Fairview Golf Course's water bill and donate \$750 towards the Fireworks along with the City continuing to mow, pay the electric at the Chamber Welcome Signs and the City Crew watering the hanging flower baskets as stated. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**SECOND PUBLIC HEARING FOR CDBG PROGRAM: Liz Cody/SENDD to discuss the use of CDBG funds for Fire Station Project.** Council Member Haughton moved to open the Public Hearing to discuss the use of CDBG funds for the Fire Station Project. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried, and public hearing opened at 7:20 p.m. Clerk Curtis attempted to call Liz Cody but there was no answer at this time, so Liz called back later. **Hear public input:** There was no public input. Clerk Curtis explained that it is a DED requirement to hold a second public hearing regarding CDBG funds but what Liz Cody has to say doesn't have to be said during the open public meeting. Council Member Haughton moved to close the public hearing to discuss the use of CDBG funds for the Fire Station Project. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried and public hearing closed at 7:25 p.m. **Fire Hall Project Final Expenses: Review Project Funding Sheet compiled by Clerk Curtis;** Clerk Curtis explained that she had recently talked with Mike Habegger about scheduling a Fire Hall Committee meeting to review the funding and costs to build the new fire hall. Mr. Habegger said that the Rural Fire Dept. had agreed to pay part of the costs, but an agreement had never been drawn up. So, Ms. Curtis contacted Virginia Mort. Ms. Mort requested copies of the draw downs showing what was paid and the amounts. Clerk Curtis asked UB Clerk Kuhlmann to look up every check that had been written by the City for the Fire Station Project and included these with copies of the claim sheets and the actual invoices and then emailed this information to Virginia Mort so she can share this information with the Rural Fire Dept. Ms. Mort agreed that the Rural Fire Dept. had intentions to pay half of the costs of the new Fire Hall and reimburse the City. Ms. Mort will contact Clerk Curtis to set up a meeting and review the costs of the project. Clerk Curtis had asked for them to reimburse the City before the end of the fiscal year on Sept. 30, 2022. Also, DED will complete an audit on the Fire Hall Project after it is completed while Julie Bauman will complete a single audit on this project. **Review/Approve ReUse Pymt #3 in the amount of \$6667.30 towards Pay Application #8 & FINAL to AHRS Construction for \$43,267.00 and JEO Consulting Group's Febr. & March Invoices for \$1145.00 for a total of \$44,412.00 to be paid by the City only;** Liz Cody explained that the reason there are two public hearings is to ensure there is adequate citizen participation and opportunities for public comment on any CDBG funded projects. At the beginning of the project, there was a public hearing to announce what the project would entail, where the funds would come from and any disruptions or impacts it would have on the community. They conducted the special conditions process, and environmental review which

was another opportunity for citizens to be informed about what was happening and ask questions of the City Council. It was determined the impacts would be beneficial or have no negative impacts on the community, but they want to ensure the community has the chance to be heard in case there are unresolved questions or concerns. So, they were able to continue to use the grant funds and allocate the reuse funds for the project which was approved in a previous council meeting to cover the financing gaps in the project. As long as the public doesn't have any questions, then the public hearing can be closed and the City can move on. Ray Kappel asked if the Fire Hall project is actually completed? Clerk Curtis explained that the project is completed and that is why the Certificate of Substantial Completion Form is listed on the agenda. Liz Cody explained that there could be future phases for funding for the Fire Station if it needed to seek new equipment or furnishings but those were not part of the original scope of the project so that would be a completely separate undertaking for the City. Council Member Helms moved to approve ReUse Pymt #3. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Review/Accept Certificate of Substantial Completion Form on Fire Station Project;*** Clerk Curtis explained this form has to be signed in order to give the Fire Dept. permission to go inside the building and take over. Mayor Hatfield explained there was a "punch list" of items that had to be completed by AHRS before the project was completed, including it had to pass inspection by the Fire Marshal, and after the punch list was completed, then AHRS submitted this form. Council Member Haughton moved to accept the Certificate of Substantial Completion Form on the Fire Station Project. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

***LIZ CODY/SENDD—Review/Discuss CCCFF Grant Notice of Award; Signed Contract Review/Discuss entering into a Special Services Contract with SENDD to be the Grant Manager;*** Liz Cody explained that the City had previously completed phase I of the Cornerstone Building with CDBG funds and in January, 2022 the City applied for funds through the Civic and Community Center Financing Fund (CCCF). Ms. Cody congratulated Pawnee City on receiving the \$75,000 grant because it was a very competitive grant cycle and only 8 communities received these funds. Many of the grants were awarded to much larger communities and this was the only SENDD grant that was approved. She feels this reflects on the strong foundation that Pawnee City has built with having completed the first phase of the exterior renovation and having those architectural designs already completed so that it was really clear to the community that Pawnee City had a readiness and capacity to move forward. That is amazing! Pawnee City has received the actual notice of award and half of the funds will be issued up front and the other half will be issued as a reimbursement. This CCCFF grant will be issued through Amplifund which is used for CDBG grant funds and the SENDD administrators are very familiar with the portal, the transition and they have worked closely with DED throughout some of the changes. Ms. Cody did draw up a draft Special Services Contract with SENDD to be the Grant Manager for a cost of \$3000 for the Council to consider. There is no administrative category of funding for CCCFF like CDBG has so this would not be a reimbursable expense. This would be a CCCFF contract separate from the SENDD membership services or CDBG or revolving loan fund work they have done in the past. This translates to roughly about 42 hours of billable time to dedicate towards the compliance requirements for this project. This contract would include every stage from receiving the notice of award to submitting your final payment request, final report and closeout would be covered under this contract. Clerk Curtis reiterated that this is a lot

of information, and she would highly recommend that the Council enter into this special services contract because 42 hours is probably a bonus for \$3000 versus her time to try to figure out the Amplifund system. It would probably take more than 42 hours and she has worked very little with the Amplifund system and there will be changes to the system. The Special Services contract is just for the CCCFF grant and it would come out of the City's pocket. Mayor Hatfield stated he feels it would be beneficial for the City to enter into this Special Services contract unless one of the council members or someone else wants to volunteer to handle this. The Clerks have enough to keep them busy without throwing more onto their plates when they have enough to do. It would probably cost less to have SENDD handle this than to have the City Office clerks administer this. Clerk Curtis explained since the Council doesn't have a copy of the actual contract in front of them, they do not have to vote on this tonight but can list it on the May 9<sup>th</sup> agenda. Liz Cody agreed that she didn't think it would be a problem if the Council didn't vote on it tonight. There will be some Amplifund trainings in the near future and SENDD will make sure they have staff attending those. This is a service SENDD offers to communities, and it is not something they will make money from, but it is something that staff can bill towards when working on projects. Mayor Hatfield stated the Special Services Contract with SENDD is tabled until the next City Council meeting on May 9<sup>th</sup>. This is definitely a success due to the diligence and hard work of the City Clerk and Ms. Cody enjoys working with City Clerk Tammy Curtis and this community on projects.

**NICK TRIMMER (via phone): Review emailed correspondence between Clerks and Jim Warrelman/SEND D re: *Trimmer Housing Rehab Lien & the actual Rehab Lien Document; Discuss the City Housing Rehab Lien on Trimmer Property:*** DC Wiers found information that this property was held in a life estate for Rhea Trimmer with her son, Leo Trimmer as the grantee. Since both parties are now deceased, there is no legal owner of the property. Nick Trimmer explained that he hadn't seen the house in quite a few years until his father, Leo Trimmer, had passed away but he is interested in moving back to Pawnee City and living in the house. Nick had learned, recently, that there are liens against the property and is concerned whether he will be able to pay the liens. He does plan to submit a housing application to the Pawnee Village in case the house is not considered suitable to live in according to Child Protective Services standards. He has someone living in their now, the mother of his child, but the utilities have not been turned on. Nick had moved all of the furniture out and dealt with the bed bugs. Mayor Hatfield explained that there was a life estate for Rhea Trimmer but she and Leo both have passed away. He asked if Nick had a sister? Nick replied that he has two sisters. The Mayor explained that in order to change ownership on the property to the heirs, Nick would have to prove that Leo is deceased by submitting a death certificate. Hatfield recommended Nick contact an attorney and find out exactly what needs to be done before he moves into the house or tries to sell it. Nick explained that he has been working with an attorney that works with his aunt Debbie after his father passed away and he will contact that attorney for guidance. As the mayor, Hatfield would like to see someone move into the house so that it doesn't set empty and deteriorate after \$25,000 was spent on the property through the Housing Rehab program. Clerk Curtis explained that once ownership is changed into the heirs' names, the Council can look again at the \$15,999 Housing Rehab lien held against the property. That is what is left of the original \$24,999 lien. Clerk Curtis offered to talk with Nick's attorney if he has questions about the liens. If Nick finds it is not feasible for him to move into the house, he will let the Council know so that the house could be acquired by someone else and not set empty. Clerk Curtis

explained that she feels the Council should not release the entire lien because a similar situation happened a few years ago with Mary Ann Gates and there was a few thousand dollars (around \$5000.00) left on the loan and it was paid off when the house was sold but she was still living in the nursing home. It wouldn't be fair to her situation if the Council forgave the total amount of the lien. Mayor Hatfield suggested forgiving half of the loan and Nick will have to take care of the house. Even if Nick decides not to move back to Pawnee City and half of the lien is forgiven, he could sell it and make some money on the sale plus the house is occupied and is put back on the tax rolls. The Mayor would like to see the house not continue to set empty and become a nuisance as there is already a list of 15 properties that the Health Board is going to review. Council Member Helms asked what improvements were made on the house? Clerks Curtis and Wiers explained that Housing Rehab had remodeled the bathroom and installed siding to the outside of the house and a new roof. Clerk Curtis stated there is also a USDA loan on this house for improvements that were not covered by Housing Rehab. The house is assessed at \$24,765 but there was \$25,000 work of improvements made on the house. Clerk Curtis explained that the City shouldn't really be talking to other people about buying the house since the owners listed are deceased.

At this time, Mayor Hatfield recognized Sam Schiffbauer who was present at tonight's meeting. Sam attended tonight's City Council meeting as part of his high school graduation requirements. Everyone introduced themselves to Sam and Council Member Haughton commented about Sam's picture being on the front page of last week's Pawnee Republican.

**Review/Act on Library's request for donation of two pool passes for Summer Reading**

**Program:** Assistant Librarian Natasha Johnson requested the Council donate two pool passes to use as prizes in the 2022 Summer Reading program at the library as they have in the past. Council Member Helms moved to donate two pool passes to the Pawnee City Library for the 2022 Summer Reading Program. Council Member Haughton seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review PCAL's March 17<sup>th</sup> meeting minutes and Profit/Loss Treasurer's Report:** Council Member Haughton called attention to his notes included in the meeting packet. Ownership of the (Wissler) property located across the street South of the assisted living has been transferred to the Pawnee City Foundation. The facility is at full capacity now with 21 residents and there is one person on the waiting list. PCAL has been negotiating with the daycare to provide 18 daily meals for the children at the daycare. This would be a little extra revenue for the facility and the daycare would pick up the meals themselves. Currently, a company from Beatrice is providing physical therapy and they are working on a physical therapy contract with the Pawnee County Memorial Hospital physical therapy department. Carmen Rottinghaus has helped with this. There was a late resident payment which didn't show up on the report, so the Treasurer's report shows a loss of \$4985.00. There were also some large insurance payments made in March for Officer/Director insurance and malpractice insurance premiums, so it made it an expensive month. There is a net profit of \$16,164 to date and Haughton projects that the facility will show a net profit of \$70,000 to \$90,000 at the end of this year. Things are looking good. PCAL is currently paying \$10,487/month on the USDA loan.

**Correspondence:** The City Council reviewed correspondence from February 2022 total Sales Tax of \$17,717.07 with ½% Street Repairs Sales Tax totaling \$4,224.32 and \$819.78 being Motor Vehicle Sales Tax. Council reviewed a flyer the City received from the Fairview Golf Club advertising a Memorial Day Golf Scramble scheduled 5/30/2022 and they are still looking for teams. NDOT gave notice that they plan to resurface the highway South of DuBois (which includes replacing 3 bridges) from the state line all the way North and East to the edge of Pawnee City which may start as early as the Spring of 2023. Council Member Helms stated he made some phone calls and asked why Pawnee City is not receiving resurfacing on the highway (asphalt) at the East edge of town heading West to the Little Brown Jug. DuBois is getting it done free of charge and Tecumseh got it done on HWY 50 heading North through town at no charge to the City. Council Member Helms stated the City needs to contact NDOT, also, not just a council member. Clerk Curtis offered to assist Helms with writing a comment on the Public Comment Sheet that was supplied by NDOT but the more comments that are sent in, the better. They have to be submitted by May 20<sup>th</sup>. Council Member Helms stated that it will be put out for bids this Fall. He has also talked with the mayor of Tecumseh and the DuBois city clerk about this issue. Foreman Cumley commented that he has received emails that more of HWY 50 North of Pawnee City is schedule for work over the next four years.

**FYI – For Budget Purposes the Supervisors will be doing their employee evaluations during the month of May. REMINDER: the Council will meet at 6:00 p.m. for the May 23<sup>rd</sup> Council Meeting to complete Clerk/Foreman evaluations:** Mayor Hatfield recognized Clerk Curtis on all of the work she has completed on the CCCFF grant for the Cornerstone Building. Council Member Fisher stated that it reflects well upon Pawnee City, also. Council Member Helms asked when work on the Cornerstone Building will be put out for bids? Clerk Curtis replied that she doesn't know at this time. She will have to talk with Liz Cody and possibly Crystal Dunekacke. The City does have 60 days from the date of the award letter to complete the Special Services Contract with SENDD and they would become the grant manager. Mayor Hatfield commented that this is a bad time of year since all of the contractors are busy and they are trying to find help to complete all of the work. Clerk Curtis stated she believes the City has two years to finish the project. There isn't working heat and air in the building yet, which will have to be completed before drywall can be installed. Council Member Haughton stated that it appears the CRP may have been burned and he has been in contact with Council Member Eisenhower and this has to be completed by May 1<sup>st</sup>. Since it has been so windy, Foreman Cumley has been in contact with Council Member Eisenhower and the CRP could be burned at the end of the year, if they are unable to complete it now.

Council Member Helms moved to adjourn the meeting. Council Member Haughton seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 8:25 p.m.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor