

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, APRIL 26, 2021 AT 7:00 P.M. AT THE PAWNEE CITY PUBLIC 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: Susan Eisenhauer, Ric Helms, Bruce Haughton and Donnie Fisher; Kellie Wiers, Deputy City Clerk/Treasurer and Spencer Cumley, City Foreman. **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.

Council Member Eisenhauer made a motion to accept the April 12, 2021 regular meeting minutes. Council Member Fisher 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: **4/27/21 Payroll:** 9199.21; **Union Bank & Trust**, FWH 2633.61; **NE Dept. of Rev**, SWH 379.59; **John Hancock**, retirement 1229.92; **Allstate**, cancer/accid. ins. 228.46; **Ameritas**, vision ins. 116.60; **BCBS**, health ins. 6292.64; **PCDC**, February 2021 sales tax 5118.64; **Windstream**, phone & internet, 258.85; **Spectrum**, internet & phone @ shop 164.97; **Seneca Sanitation**, March 2021 sanitation services 6045.32; **Quill Corp.**, office supplies 136.72; **Black Hills Energy**, gas service for month, 235.09; **Martin Marietta**, rock for City Street project 17,641.29; **GPM**, service call to calibrate flowmeter 412.00; **State of Nebr. DOL**, 1st qtr 2021 unemployment tax; **Bruna Implement Co.**, fuel pump for mower 29.14; **Derek Niss**, reimb for 303 13th Street demo 4000.00; **Dollar General**, lime away, envelopes, Kleenex 10.50; **Gyhra Construction**, road grading for City Street project 1740.00; **Sapp Bros., Inc.** oil for clarifier @ swr plant 223.50; **Paul Heath, HJP Pest Control**, mosquito spraying 1785.60; **Nebr. Public Health Environmental Lab**, water sample testing 157.00; **Pawnee Co. Court**, filing fee for dismissed petition for dog fines 17.00; **Roof Guard**, 2021 roof repairs on city bldgs. \$58,630.00; **TR Ag Sales**, brush & weed spray 390.00; **U.S. Cellular**, monthly tablet service for Digger Hotline locates 52.97; **Verizon Wireless**, emergency cell phone, home connect & jetpack 96.83; **DPS Equipment Services**, rebuild 2 clarifier drive assemblies @ swr plant 21,000.00; **Pawnee Co. Treasurer**, Febr., March, April 2021 law enforcement services 16,866.25. Council Member Eisenhauer made a motion to approve the claims as submitted. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Mayor Hatfield recommended to the Council that a stipulation be tied to donations to the Pawnee Gun Club and the Pawnee City Ball Association. The Mayor said he would like to see the two organizations pick up trash along the street/road that leads from the Ball Field to highway 50 and

from the Ball Field to highway 8. Council Member Eisenhower voiced that she thought it was a great idea.

DONATIONS TO ORGANIZATIONS: Mary Moser, Pawnee Gun Club (Pawnee City Trapshooting Team): Mary Moser explained to the Council that the trap shooting team just finished their regular season and at least one student received a medal at every shoot. One of the students is from HTRS and his average is 92/100 and he made the all-conference team. A lot of the colleges in this area offer shooting sport scholarships. It is a great benefit to our community to be able to say that we have a trap shooting range. Last year, the club hosted a Wings & Turf event for a fundraiser. The range has lights on the poles now, but they need wired. This year the range will continue to be open on Sundays and working with the Ball Association to coordinate activities. They will have another Wings & Turf event this year at the Fairview Golf Club but Kirkman's also wants to have a Wings & Turf event at the Pawnee City location. The 4-H group from Johnson County will be coming to Pawnee City and the Gun Club is planning to hold family night activities and also working with the Seneca Gun Club alternating shoots at each facility since the Seneca Gun Club doesn't travel. Another idea is the "older/younger" event where you bring an older or younger person to shoot at the range. Last week, youth from the school assembled picnic tables and benches for the Trap range. The Trap Range is normally open nine months out of the year and all year if the weather is nice. Council Member Haughton asked if the sport is sanctioned by the NSAA? Mary explained that it is not sanctioned by the NSAA so that way the kids can participate in track and trap shooting and trap shooting has its own conference. Haughton asked how many members are from Humboldt? Mary explained there are 5 or 6 members from Humboldt and next year there will be two students from Lewiston. Haughton suggested Mary Moser ask the Humboldt City Council for a donation to the Gun Club to match Pawnee City. Haughton asked how many of the 15 trap shooting team are out for track? Mary explained that almost all of the kids are also in track or golf. Haughton explained that it saddened him that the students have to make that decision whether to represent their school at a track meet or a trap shoot event but there isn't much you can do about that. Mary explained the trap shooting events are always held on a Saturday but there will probably be more students receiving a trap shooting scholarship versus a track scholarship since every college in our area has a trap shooting team. Mary's daughter, Lauren, received a trap shooting scholarship. Haughton stated there have been students from Pawnee City School who have received "full ride" track scholarships to college. Mary explained that trap shooting is a sport you can continue throughout your whole life. Deputy Clerk Wiers stated that her youngest son, Nathan, participated in trap shooting. Council Member Eisenhower made the motion to donate \$650 to the Pawnee Gun Club in addition to paying their electric bill once they have their lights operating. Mayor Hatfield asked Mary Moser to have the Trap Shooting team members coordinate with the Pawnee Ball Association to pick up trash on each side of the streets from the ball field to highway 50 and from the ball field to highway 8 which would not have to be done every week but as needed. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Mayor Hatfield stated that if more towns and schools did what Pawnee City is doing, there would be less shootings because a lot of people don't understand what a gun can do. Mary Moser said she has talked with a person from Omaha that teaches hunter safety, and he will look to see if that person had taken a hunter safety class and there has not been one youth involved in a shooting that has completed hunter safety.

Matt Kuhlmann, Zoning Administrator: *Discuss Special Use Permit approved at 4/22/2021 Planning Commission meeting; Recommendation to approve Laura Poskochil as a Planning Commission Member;* Matt Kuhlmann recommended Laura Poskochil be approved as a member of the Planning Commission. That would give a total of five members. Council Member Eisenhower made the motion to approve Laura Poskochil as a member of the Planning Commission. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. The Planning Commission met April 22nd for a Special Use Hearing on Kenneth Klepper's (508 4th Street) request to use a utility shed (10 x 20) in his backyard to open a bait and tackle shop. It passed with a 3/2 vote. Laura Poskochil and Council Member Fisher were both present at that meeting. Laura lives across the street from Klepper, and she voiced her approval of the special use permit. Kuhlmann stated that Kenneth was told that this special use permit could be revoked at anytime if it becomes a traffic problem, a noise problem, odor problems or if he doesn't keep the property up. Klepper has put in the time to line up a vendor out of Kansas City, obtain his tax ID number and he is working on his license from the Nebr. Game & Parks to be able to actually sell bait. So, he has put in a lot of groundwork. True Value is now selling worms but Klepper plans to sell worms, minnows and crawdads. He plans to run it so that it is basically open Monday through Friday, 8:00 am to 5:00 pm. He might be open 8:00 to 12:00 on Saturdays but he doesn't want to be open on the weekends. That should cut down on noise and traffic during the evenings and on the weekends. Kuhlmann explained that there was one neighbor who had emailed Mr. Kuhlmann to say they were against it, but he thought it was actually because of neighbor issues and not with the idea of having a bait shop in the neighborhood. Kenneth plans to be open the middle of May. Kuhlmann plans to keep an eye on this shop to make sure it doesn't create traffic problems and trash doesn't get out of hand.

DONATIONS TO ORGANIZATIONS: Betsy Ferebee, Pawnee City Ball Association: Betsy stated there are currently 126 kids signed up and they have filled every team except for the boys 14 and under but they are eligible to play up to Legion so every kid that signed up will get to play this year. The Ball Association is in the process of doing a pretty big fundraising project so that they can resurface the ball fields. Currently, there is enough funding to complete two of the three fields, but they are about \$30,000 short of getting that third field resurfaced. Hopefully, they can raise enough money to get the third field completed in the Fall, otherwise, it will have to wait until next year to be completed. They are doing some additional fund raising on top of their regular fund raising as well. They have planned some weekend activities to raise money as well as create some fun and get people to the park that don't normally go to the park starting June 5th with a corn hole tournament, business (or organization) softball tournaments and a kick ball tournament. Ray asked if the Legion team consists of all Pawnee kids. Ms. Ferebee explained that all of the team members attend Pawnee City School but some live by Elk Creek, DuBois and Table Rock. Council Member Haughton asked if Todd Dierberger was involved with coaching this year and Ferebee explained he is a coach for a Tecumseh team. Jason and Logan Aue both work at the hospital and will do coaching. Tyler Ferebee coached last year but will do managing this year. Council Member Haughton made the motion to continue paying the electric bill for the Ball Association and donate \$650 to the Pawnee Ball Association. Haughton is impressed that the Ball Association is raising their own money and it is something the public can enjoy by watching the ball games. Mayor Hatfield explained to Ms. Ferebee that there is one stipulation with this donation. Hatfield asked if it would be possible for the kids to pick up trash along the

street from the Ball Field to highway 50 and from the Ball Field to highway 8? We're going to have the Pawnee Gun Club help as well and it wouldn't have to be every week, every two weeks or maybe once a month or whenever it needed it. Council Member Eisenhower agreed that it may only need it once a month. Mayor Hatfield asked Deputy Clerk Wiers to get some of the orange trash bags for the kids to use to pick up trash. Council Member Eisenhower seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Ms. Ferebee explained that the Ball Association plans to maintain the resurfacing on the ball fields and the rest of the grounds.

Review Pawnee Assisted Living (PCAL's) Profit/Loss, Treasurer's Report & March

Meeting Minutes: Council members were in agreement that PCAL looks like it is doing well and that they already paid \$20,000 towards their loan from the City on March 23rd. Mayor Hatfield attended the last PCAL meeting and learned that the assisted living will be receiving a new female resident from Wyoming. The family liked the community and feel she will do well here. Council Member Haughton explained that the facility is almost full now and should be receiving more residents because the assisted living in Tecumseh, Ridgeview Towers, has closed. It was built in 2005 with 35 rooms and is closing due to financial reasons. Ray Kappel asked how many applicants for the administrator job has the PCAL board received? Haughton said he didn't know but there is one internal application.

Report and update from Foreman Cumley: *Discuss updates to Water Tower Rehabilitation Project;*

The water tower has already been drained but everyone has until May 1st to start conserving water. Foreman Cumley said he will shut off water service for people who are not complying with this order. A notice has been published in the newspaper and Clerk Curtis called all the people who had pools last year to make sure they filled them before May 1st or wait until the tower renovation is completed. Council Member Eisenhower stated that notice has been posted in several places, so people have had plenty of notice. Maguire Iron was supposed to be in town today and they were supposed to call to confirm but they have not called so Foreman Cumley called them and left a message. The crew didn't have any problems draining the tower but would have liked to have not wasted all the water from the tower. ***Report on Earth Day activities held with PCHS Students on 4/23/2021;*** Foreman Cumley drove around to check things out and the students did a good job on the parks. They also picked up sticks which will really help when the crew starts mowing this week. Council Member Haughton also helped with the project. He took a group of students and cleaned up the garden spot on the West side of the assisted living facility and got it ready for planting. His group also went to a couple churches and cleaned up flower beds. He had to bait them a little with a bag of cookies and cans of soda pop. Council Member Eisenhower stated there is ¾ of a pallet of mulch left at the North Park. Foreman Cumley stated there are orange bags of trash sitting by the Historical Society along the highway and asked if someone was supposed to pick them up? Council Member Helms said that the "State" had picked them up. ***Review/Discuss City Code 8-112;*** Foreman Cumley and Clerk Curtis reviewed the city ordinances, and they could not find anything that stated the City is responsible for driveway tubes. Council Member Helms stated that it is stated in 8-112 (Municipal Property; Placement of Driveway Tube). Foreman Cumley said that a driveway tube will be replaced at the expense of the City, but it doesn't state who is responsible for the maintenance of the tube or if a person buys a property with a tube, will the City pay for the owner to have another tube? Helms: The City supplies them with one tube. Foreman Cumley

gave an example of a property owner, Jon Bailey recently asked about replacing his driveway tube because there is a hole in it. Foreman Cumley said that his tube is made of clay tile and the city will replace it, but the City has replaced three tubes recently and the ordinance isn't clear if a person buys a property and it has a 15-foot tube, does the City automatically replace it with a 20-foot tube or if it gets a hole in it, does the City automatically replace it? The ordinance is not clear. Council Member Eisenhauer asked if it had been documented on which properties have received driveway tubes from the City and which properties have replaced or added tubes since the ordinance was passed? No, this information has not been recorded and some driveway tubes are really old. Foreman Cumley asked the Council for clarification because citizens have called and asked these same questions. Council Member Eisenhauer asked the rest of the council members for their input. Council Member Helms stated he felt the current wording was fine. Council Member Eisenhauer asked Helms so if anyone wants a tube, they get a tube? Helms replied, no, it is stated you are furnished one tube. Eisenhauer stated then how do we know which ones got a tube and which ones didn't? Helms stated if the owner already has a tube on the property, the City isn't going to furnish them with a second tube. Eisenhauer asked how do we know whether the City provided a certain tube or if the previous owner supplied the tube? Houghton said it would be hard to keep all of those kinds of records but a property owner who has lived there 20 – 30 years would know something about the tube. Deputy Clerk Wiers added that Mr. Bailey had come into the City office to complain about the hole in his driveway tube and he stated that the previous foreman had promised him a new driveway tube. Spencer Cumley has been the City Foreman now for a little over one year and Wiers is not aware of any list that was kept for people who wanted new driveway tubes. Foreman Cumley stated that the ordinance doesn't mention maintenance of the tube either. Council Member Helms stated the City is responsible for that tube, if it has a hole in it, then the City will repair it if possible, otherwise, the City will replace the tube. Council Member Eisenhauer asked even if the City has already given the property owner a tube? Helms explained that would also mean one driveway, not tubes for more than one driveway. Foreman Cumley asked the Council for clarification on the City's responsibility in regard to driveway tubes whether replacing or repairing them. Council Member Helms stated there are driveway tubes around town that are full of leaves and debris that should be cleaned out and they are not getting cleaned out, either. This is not the property owner's responsibility to flush out these tubes. Foreman Cumley stated the tubes could hopefully, be cleaned out with the jet trailer but Helms stated they have been cleaned out with a fire truck for years. Foreman Cumley stated there is a special nozzle that can be used with the jet trailer specifically for cleaning out tubes, but we did not get one, but we could look into it and it costs around \$5600. Helms asked that would be the Street department's cost. More discussion followed on the interpretation of ORD 8-112. Council Member Helms addressed Council Member Eisenhauer and said that she "was more of an attorney than I am." Council Member Fisher stated that if a driveway tube is so old, that it is decayed then it should be replaced, especially if it is clay and then it is a safety issue. Mayor Hatfield asked if there was an ordinance that stated the City would only be responsible for one driveway tube per property? At one time, Mayor Hatfield had a tube next to the street and then he also had a driveway tube and the previous foreman said that the tube by the street had to come out unless he wanted to pay to have it replaced because Hatfield already had a driveway but the driveway on the North side of his property doesn't have a tube. More discussion followed about a property owner being responsible for the second tube; widening their driveway and requesting a longer tube than the current tube and examples of tubes that have been replaced. Council Member Eisenhauer

updated the ordinance to read: The City shall provide and place at the expense of the City one (1) up to twenty-foot (20') long driveway tube per property. If the existing tube is in non-repairable condition, it will be replaced by the City. If repairable, at the City's discretion, the City will repair said tube. If the owner requests a larger tube but existing tube is in good working condition, as determined by the City, it will be replaced at the property owner's expense. Provided, such property is within the City limits and provided further that the property owner is now in compliance and will continue to comply with all City ordinances, whether or not related to the said property for which request is made. For the purposes of this section, property shall be defined as one (1) contiguous parcel of land owned by said property owner.

Report and update from Council Member Eisenhauer: *Discuss Updates to Trail Concrete project;* Mahoney was back and the handicap accessible requirements state that any time you have an elevation change of more than 6%, you have to have a 50 ft stretch of concrete with 5 ft of flat. The slope about 100 ft East of the bench, East of the bridge, that slope from that point to the crest of that hill is 6.12% so it would need 50 ft followed by 5 ft of flat, etc. so it provides resting areas for someone who is handicapped or a scooter, chair, walker, etc. so they are not continually at an incline by the hill on M street. The slope on the North is not as steep as the 6 % but is a gradual decline. Mahoney is going to do about the same amount (15 ft. less than last year) to offset the increase in prices for concrete and that should get us very close to that North end intersection with 14th street for under \$30,000 that had been budgeted for the trail project. Council Member Eisenhauer recommends staying with concrete (versus asphalt that had been suggested in a previous council meeting) especially for that uphill portion from the bridge to M street because that area washes out really bad when we get those heavy rains. There have been so many gullies created last year and much of the rock had been washed out into the field on the North or went down into the waterway going through town. The part going from M street up to the ballpark, could be fine with asphalt. The concrete would be 6 ft wide, and the concrete would be tipped up slightly so that water would drain to the South instead of having it drain onto the Klepper property. Discussion followed about changing the elevation of the trail in order to obtain more concrete coverage but would create a need for a retaining wall. Council Member Eisenhauer reminded the Council that the account had already been set up for people to make donations towards the bike/trail project through the Community Foundation, but the City hasn't received any donations. These donations would be tax deductible. Eisenhauer suggested ordering another Dr. Rick Jackson Trail sign to post at the other end of the trail by the intersection of M and 14th streets. This project will start as soon as Mahoney can get over here to start it so that it can be finished by June 12th for the Jiggle Butt Run. ***Discuss Pool Updates;*** All of the pool joints on the pool are completely cleaned out and the caulk should be in early next week but has been delayed due to covid-19 issues. Council Member Eisenhauer brought a section of the old caulk that had been taken out of the pool joints to show the Council how bad it was with peeling Eco Finish on top of it. The white material on the edges of the caulk is debris left from the previous contractor not cleaning out the joint before replacing the caulk. Therefore, the caulk adhered to the loose material, it pulled it away whenever the caulk contracted or expanded, so, it pulled right up when it was recently removed. There was also a spot where water was dripping out of a sidewall and when you barely touched it, the water squirted out. Foreman Cumley stated that Howard Bebout, the current contractor, told him that when Premier Pools & Spas cleaned out the cold joints, you are supposed to remove 2 inches of material out of every cold joint and clean it before you reseal it, but Premier Pools barely removed ¼ inch of material, so the original project

wasn't done correctly. Standard procedure for a swimming pool is to remove two inches of material. Premier Pools removed ¼ inch and replaced ¼ inch of material and Howard said this wouldn't have stuck to anything. **Discuss Park Updates;** Council Member Eisenhower asked Foreman Cumley to make sure the restrooms at the parks and pond are open. Foreman Cumley stated that restrooms are usually cleaned on Fridays. She suggested the restrooms also be cleaned on Mondays especially at the pond when there are people coming to camp on the weekends. Cumley stated the crew is also waiting for flowers to be planted downtown since they will be in charge of watering flowers this year. The crew was able to replace one of the toilets at the South Park and replace the plumbing for both toilets.

Report and update from Mayor Hatfield: Discuss Masonic Lodge donating towards new Christmas Lighting Project & to the Fire Hall Project; Mayor Hatfield attended a Masonic Lodge meeting Tuesday, April 20th, and presented the Christmas light situation to the lodge members. They told the Mayor that they would give the City a minimum of \$500 towards the purchase of new lights and if the City needed more, they would go up to \$800. If something comes up that the City did not foresee, let them know. The Masonic Lodge donated \$25,000 towards the Fire Hall and they want it to be used towards finishing the interior of the building. As a Mason, the Fire Dept. and the City has to make sure they thank the Masonic Lodge and display some type of plaque in the new Fire Hall in honor of the Masonic Lodge. In the past, the Masonic Lodge donated \$30,000 to another entity and was promised recognition but it never happened. Council Member Haughton asked what the plaque should say. Mayor Hatfield explained that he already talked with Fire Chief, Dave Glynn, and Scott Hanna about it. They said they will put a plaque up that will state the amount of money donated, by whom and what for. The Masonic Lodge will bring the check to the City Council and Mayor Hatfield asked Ray Kappel to take a picture of the Masonic Lodge presenting the check to the City Council and Fire Department. This presentation will take place later in the year when the interior is ready to be finished. Discussion followed about the placement of Christmas lights. Foreman Cumley explained that the light display starts at Casey's and goes as far as Kerl's Car Wash. Mayor Hatfield suggested to the Masonic Lodge about adding more Christmas lights next year and they were interested in maybe sponsoring two more lights. Foreman Cumley explained that he would need to talk to Pat Hatfield from NPPD if we added lights because those poles would need electrical plugs added on. Mayor Hatfield explained that the Masonic Lodge is one of the oldest organizations in our community and they have done a lot for our community, but people have forgotten about them because they are not as active as they used to be.

Review/Take Action on Ordinance #997, Amendment to 3-117, Water Tapping/Service Line Maintenance Ordinance: Foreman Cumley explained that item #9 on Section 3-117 has been updated as written to create Ordinance 997. Council Member Eisenhower made the motion to approve ORD 997 as written. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhower made the motion to suspend the three readings on ORD 997. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

The City Council reviewed correspondence from February 2021 total Sales Tax of \$15,954.35 with ½% Street Repairs Sales Tax totaling \$3,412.43 and \$2,304.65 being Motor Vehicle Sales

Tax. Council Member Haughton asked about the administrative fees collected on the Sales & Use tax. These fees are collected by the State of Nebraska Dept. of Revenue and kept by the State of Nebraska. LB408 did not pass the Nebraska State Legislature. Clerk Curtis had written a letter to Senator Slama opposing LB408 and a copy of that letter was in the last agenda packet.

REMINDER: The City Council will meet at 6:00 p.m. for the May 10th Council Meeting to complete the City Clerk and City Foreman evaluations. For budget purposes, the supervisors will be conducting employee evaluations themselves during the week of May 3rd. These evaluations may affect the Wage Committee's recommendations on wages to the City Council.

Council Member Helms made the motion to adjourn the meeting. Council Member Fisher seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 8:15 p.m.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor