

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, AUGUST 9, 2021, AT 6:00 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 and Tamela S. Curtis, City Clerk/Treasurer.
Absent: None.

Mayor Hatfield called the meeting to order at 6:00 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.

Budget Workshop Retreat with Julie Bauman: City Auditor Julie Bauman reviewed the first draft budget figures for Fiscal Year 2021-2022 with all those present. Ms. Bauman stated that the draft budget does not include the new valuation figure for this year, but the new valuations should be available by the beginning of next week. Ms. Bauman stated that this year's budget really looked good with revenue coming in to support the budget numbers to really make the budget balance and everyone pretty much stayed within the requested 3% budget increase or lower. Ms. Bauman asked Clerk Curtis to go over the main points that she had listed on each one of the individual budget worksheets, that went into a little more detail as to why those certain amounts were being budgeted on those line items. Julie went over each individual page of the draft budget document, explaining where the figures came from and how they all worked together. Ms. Bauman stated that Clerk Curtis does a great job of listing out individually budgeted items that come out of a certain line item on all of the separate funds. Once again this year's one-on-one budget workshops were very positive, and it is always great to have the Council Members really get a feel for how the fund budgets they are in charge of actually work as the City prepares for a very good true and actual operating budget. Julie discussed that she left the Property Tax Request the same along with the Tax Request towards the Street Bond. Bauman continued that the City was being extremely conservative on the asking of the tax money. Bauman stated she appreciated the work the Council Members have put into their individual funds and feels very positive about the budget again this year. Clerk Curtis stated that she was still waiting to hear back from AHRS on what their final pay application on the Fire Station Project would be so she and Julie could discuss if this Fiscal Year's budget would need to be amended, which they did not want to have to do again. Depending on what that next AHRS pay application was, they may need to increase the Fire Fund budget for this next Fiscal Year to cover all of the remaining costs left on the Fire Station Project. Ms. Bauman stated she will present the final draft of the upcoming Fiscal Year 2021-2022 Budget to the City Council at the August 23rd regular meeting with the actual Budget Hearing to be held on September 13th starting at 6:30 p.m.

Council Member Helms moved to accept the July 26th, 2021, regular meeting minutes. Council Member Haughton 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: **8/3/2021 Payroll:** 13,704.13 **Union Bank & Trust**, FWH 3476.21; **NE Dept. of Rev**, SWH 468.17/Sales & Use Tax 3386.33; **John Hancock**, retirement 12702.86 **Amazon Capital Serv**, markers/pool backboard, sup 320.91; **Water Dep Rmb:** Warren, 26.57/Cramer, 51.84; **Emily Sisco**, atty fee retainer 1000.00; **Matt Kuhlmann**, zoning-Aug 800.00; **NPPD**, elec 3050.58; Rural Water, hydr 90.00; **Pawnee Republican**, publ 448.08; **Capital Business**, Office IT, Ph, Copier Contract 1206.34/Libr Copier Contract 135.50; **OPPD**, elec-wells 323.10; **Diversified Drug Testing**, drug/alc testing/mileage 123.00; **Tichy Land Survey Co**, ROW survey-J St 400.00; **Travelers Ins**, Gov't Entity Crime Bond 831.00; **Verizon Wireless**, Fire jetpack/home connect 63.69; **Stehlik Law**, ReUse atty fees 90.00; **Barco**, marking paint 139.84; **Kyle's Service**, new trailer tire 111.00; **League of Municipalities**, Util Sect membership dues 510.00; **MidWest Labs**, swr samples 199.00; **OneCall Concepts**, digger locates 26.89; **PC Fire Dept**, pest control/qrtly rmb-sup/repairs 1399.17; **Quill**, office sup 602.50; **Small Engine Specialists**, X-Mark 60" Lazer mower 13039.00
Council Member Eisenhauer moved to approve the claims as submitted. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review July Treasurer's Report: Council reviewed the Treasurer's Report as of July 31, 2021. Clerk Curtis stated she would be handing out an updated Treasurer's Report at each upcoming Council Meeting so the Council could see what was left in their individual fund budgets as of that date.

Sheriff Braden Lang: Sheriff Braden Lang met with the Council to report on the new law enforcement bill LB 51 that goes into effect as of August 28th that will be greatly effecting many law enforcement agencies including our local Sheriff's Department.. Lang continued that the police training hours went from 20 this year to 28 hours in 2022 and 32 hours in 2023 and all hours will be delegated to specific training. This bill now stipulates those new hires cannot be employed for longer than 16 weeks before going to the Academy, which essentially indicates when you can hire new personnel, which doesn't work well for the Sheriff's Department here as they sometimes only have one applicant apply and it may take up to six months to get that. Now, Non-Certified Officers (NCO)are not allowed to interact with the public or even ride in a police vehicle before they have had 80 hours of mandatory training, whereas before this they had their own field training officer program, where they did the training prior to letting the officer do anything. So, NCOs are no longer able to perform any law enforcement function unless they are being directly supervised by a certified officer, which half of the Sheriff's Office has been non-certified at one time of another, due to our staff turnover. Before LB51 the NCOs could perform about 80% of all police functions out on their own for up to a calendar year before completing the Academy. Sheriff Lang stated that he has already had an emergency meeting with the County Commissioners with another one scheduled in the morning to discuss items he has found out from other area agencies and to suggest getting a hiring bonus put together to possibly have a chance in hiring someone before the August 28th deadline. Lang stated the good news was that they did just recently hire Taylor Bredemeier, which he is a military police officer already, so there is possibly a 10% chance that they can get him into a reciprocity class instead of sending him to the full training. The Reciprocity class is four weeks vs. the

full 16-week class at the Academy. Council Member Helms inquired, because he already has the training? Sheriff Lang stated yes. He had talked to the director of the training academy and anyone who had been hired prior to August 28th does not have to comply with these new rules. Sheriff Lang stated that his deputy Elliot Boldt is going to take the physical test for the second time at the academy this Thursday and if he fails it this time, he will have to be let go. Sheriff Lang stated that any certified officers after the 28th will be 100 times hotter commodity than they even are now because we have already lost basically everyone that we have ever trained to somewhere else. Sheriff Lang stated that there are 93 counties in the State and nearly half of them are our size or smaller, so this bill is going to be detrimental to a lot of communities across the State. Ray Kappel inquired if there was a chance that the Governor would veto the bill? Sheriff Lang stated that Governor Ricketts has already signed it with seven senators that did not vote, including Senator Slama, one senator voted against it with 41 voted for LB 51. Council Member Eisenhauer asked if they didn't understand what this bill was going to do to communities across Nebraska. Sheriff Lang stated that they did not care as he has talked to a lot of them, and they just do not care. Lang stated that a lot of them that put this Bill together don't understand what it is that these Sheriff's Departments do, with a lot of the Sheriff's throughout the State do not even know that this Bill exists as he just found out a few weeks ago and now everyone is rushing around trying to figure out what it all means. All of the Sheriffs in the State have a zoom meeting with the director of the training academy on Wednesday just to figure out what we are all going to do because nobody has any answers right now. Sheriff Lang stated that right now there are a lot of unknowns as the Training Center doesn't even know what it exactly means for them either. Nothing was supporting the Sheriff's Departments across the state. Clerk Curtis asked if the Sheriff's Departments didn't have anyone to lobby on their behalf, like the Cities in Nebraska has the League of Municipalities to lobby on their behalf to the State Legislatures. Sheriff Lang stated he had talked to the President of the Sheriff's Association and he, himself is more knowledgeable about the law than he is, and this gentleman has been the Polk County Sheriff for the past 25 years and when he talked with him, at that point, he hadn't even read the Bill, so they basically have no backing. Lang continued that they do have Brent Laflin in Nemaha County who is highly intelligent and has "friends" in high places that he has been visiting with on how they can help these smaller communities. Council Member Eisenhauer stated that this Bill wouldn't be so detrimental if they had made it that populations below a certain level, it would not apply to. Sheriff Lang stated that they had that in there to begin with and then they removed it. The Police Union had a lobbyist, but they were totally for it as it was pushed through as a reaction to the death of George Floyd in Minnesota with multiple bills all piled into one. The main drive on the bill was to ban "chokeholds", which it says that you can't use a chokehold on a suspect unless it is a deadly force encounter where you could use a gun. Sheriff Lang went on to state that Nebraska police have never even been trained to use chokeholds. Unfortunately, without new hires, Sheriff Lang stated that his department will mostly just be able to answer calls and will not be doing much patrolling at all. People are not going to be happy, but they are also not going to understand what is actually going on, especially if they lose Elliot and Taylor. Clerk Curtis inquired about NACO or NIRMA helping the County Sheriff's Departments out? Sheriff Lang stated that they are currently working with both agencies right now, but everyone is running around like a chicken with their head cut off trying to find out all of the ins and outs of this new law that goes into effect August 28th. Another item in this bill is that all agencies have to become accredited by 2023, which includes upgrading all of their policies and trainings and everything but if you don't do it then you are not eligible to receive any State or Federal Grant moneys, so you are basically blacklisted. Council Member Helms inquired if this is just the beginning

of the State mandating that two or three counties will combine. Sheriff Lang stated that every County is mandated right now to have a Sheriff, but it kind of feels like they are trying to switch it in that direction. Sheriff Lang stated the State has been discussing going to a system where you no longer arrest people for minor-offenses and if you do then they bond out with no cash bond. Our Courts just went to that on Class III Misdemeanors so like trespassing or minor theft, meaning a person could go and steal anything under \$500 right in front of him and he couldn't arrest them for it anymore, where he could have in the past, but the jails are overfilled. They are also talking about doing that for Class II and Class I Misdemeanors as well. So, he could arrest that person, but they would go to jail and just be let out right away and he couldn't just dump that person off on another County since they don't jail here in Pawnee County, so he would have to bring that person back. In Washington, California and Oregon, burglary, assault and maybe even sexual assault in California there is no bond, they just arrest a person, then let them right back out. Also in California, there was a person that was arrested four different times on bank robbery on four separate days and they just kept letting him go. Council Member Eisenhauer stated she thought that bank robbery was a Federal crime. Sheriff Lang stated that State Court is before they go to Federal Court, so he is afraid all of that kind of stuff is headed to Nebraska as well because right now when they arrest people and they have to take them to jail, he has to call around to three or four separate jails just to try and find a place to take them. Mr. Kappel asked what happens when the criminals find this out? Sheriff Lang stated that some of them are smarter than you realize. They have recently had crime rates go through the roof as they have copper and catalytic convertor theft all over the place with the criminals getting a lot bolder, so we are in a really bad spot. Right now, the priority is going to be keeping the contract with Pawnee City, even though he hates not being able to patrol the surrounding towns, but his department can only do what they have the manpower to handle. Clerk Curtis stated that sooner or later this is probably going to lead to a vigilante and take matters into their own hands. Sheriff Lang stated he understood that, but unfortunately it's not going to get any better any time soon. Council stated that they hoped that it all worked out with keeping Elliot and Taylor on the Sheriff's Department staff.

CDBG-EDRLF Public Hearing (second) on CDBG ReUse Loan to Shirley's Place:

Council Member Eisenhauer moved to open the second public hearing on the CDBG ReUse Loan to Shirley's Place at 7:25 p.m. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Hear Public Input:** Kelly Gentrup, Economic Development Specialist with SouthEast Nebraska Development District (SEND) was present via telephone to discuss the need for the public hearing to meet Department of Economic Development CDBG guidelines. Ms. Gentrup stated that the City had awarded Shirley's Place, LLC a \$50,000 "ReUse Loan" under the Community Development Block Grant – Economic Development Reuse Loan Fund (CDBG-EDRLF), which is financed under the approved Economic Development Plan for the City of Pawnee City, Nebraska for use of Program Income of a prior, Community Development Block Grant for Economic Development. The approved loan was used to assist with improvements to the building, as well as purchase equipment and provide working capital to assist with start-up costs. Total project costs were estimated at \$50,000. Of the \$50,000, \$6,927 was loaned to the businesses for building improvements as a performance-based forgivable loan. All of the CDBG funds were used for activities that will meet the CDBG national objective of benefitting low-to-moderate income persons and created 1.43 new full-time equivalent job positions, 51% of them were held or made available to Low to Moderate Income persons. The CDBG funded activities

did not result in the residential displacement of people, and no displacement occurred were minimized and resolved pursuant to the City of Pawnee City's anti-displacement and relocation plans. All conditions required by the awarded contract for the release of CDBG funds have been satisfied. The project is complete, and all funds have been disbursed to the business. The Company has supplied the City with proper documentation of eligible expenses to request reimbursement of funds. The City continues to comply with CDBG semi-annual reporting requirements. Job creation requirements have been met and maintenance of those jobs is continuing to be monitored for the project. There were no other public comments. Council Member Eisenhauer moved to close the Public Hearing at 7:34 p.m. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Request to narrow a portion of J Street from 11th to 14th Street, in Blocks 13, 14, 15, 18, 19 & 20, Hollinshead's Addition to Pawnee City, Pawnee County, NE to a 60' wide street; vacate the portion of 12th Street from I to J Street; Alley in Block 20, Hollinshead's Addition and the portion of 13th Street from I to J Street; Alley in Block 19 in Hollinshead's Addition to Pawnee City, Pawnee County, NE, reserving to the City and utility companies an easement for maintaining all utilities:

Council Member Eisenhauer moved to approve the Notice of Resolution & Resolution #10 setting a Public Hearing for August 23rd, 2021 at 7:45 p.m. on the request by Mike Wilcox to narrow a portion of J Street from 11th to 14th Street, in Blocks 13, 14, 15, 18, 19 & 20, Hollinshead's Addition to Pawnee City, Pawnee County, NE to a 60' wide street; vacate the portion of 12th Street from I to J Street; Alley in Block 20, Hollinshead's Addition and the portion of 13th Street from I to J Street; Alley in Block 19 in Hollinshead's Addition to Pawnee City, Pawnee County, NE, reserving to the City and utility companies an easement for maintaining all utilities. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Approve Ordinance #1015 amending 5-502, a section of the ATV/UTV Ordinance changing the registration period for one (1) year from the date of issuance: Council Member Eisenhauer moved to approve Ordinance #1015 amending 5-502, a section of the ATV/UTV Ordinance changing the registration period for one (1) year from the date of issuance. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Motion to Suspend the three (3) readings of Ordinance #1015:*** Council Member Eisenhauer moved to suspend the three (3) readings of Ordinance #1015. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Discuss 1&6 Year Street Plan – Approve Listing & Set Public Hearing for same night as Budget Hearing September 13, 2021 @ 7:30 p.m.: Clerk Curtis stated that she had the wrong 1&6 Year Street Plan in the last agenda packet, as JEO had already changed everything over to asphalt for this year's street plan. Council Member Helms inquired if he had to keep these particular streets on the 1&6 Year Street plan? Clerk Curtis stated that he could change anything around that he wanted to on this plan, give the changes to her and she would send them on to Evan Wickersham with JEO, who would then make the changes to the 1&6 Year Street Plan and Map that could be presented to the City Council at the next meeting. Clerk Curtis continued that once the Council approves the listing, then the public hearing could be set at that time. Council Member Helms stated that he would get with Foreman Cumley and get the changes to Clerk Curtis. Mayor

Hatfield stated this item would be tabled until the next meeting when the changes were submitted to the Council to set the public hearing.

Review/Approve Amended Loan Agreement for \$60,107.50 between the City and PCAL until 2023: Clerk Curtis stated that City Attorney Sisco had written up the amended Loan Agreement between PCAL and the City. Council Member Eisenhauer moved to approve the Amended Loan Agreement for \$60,107.50 between the City and PCAL until 2023. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Approve: CDBG Fire Hall Project 19-PW-014 Expenses: Drawdown #6 for a total of \$49,735.40 with \$2,390.00 to JEO Consulting for Construction Admin with \$2,086.47 from CDBG Public Works Grant and \$303.53 from City Match; Pay App #1 to AHRS Construction for \$47,345.40 with \$41,332.53 from CDBG Public Works Grant and \$6,012.87 from City Match: Council Member Eisenhauer moved to approve the CDBG Fire Hall Project 19-PW-014 expenses on Drawdown #6 for a total of \$49,735.40 with \$2,390.00 to JEO Consulting for Construction Admin with \$2,086.47 from CDBG Public Works Grant and \$303.53 from City Match; Pay App #1 to AHRS Construction for \$47,345.40 with \$41,332.53 from CDBG Public Works Grant and \$6,012.87 from City Match. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Ordinances (999-1014) presented by the League of Nebraska Municipalities and recommended by City Attorney Emily Sisco on Final Reading: Council Member Helms moved to approve Ordinances (999-1014) presented by the League of Nebraska Municipalities and recommended by City Attorney Emily Sisco on Final Reading as follows: **Ordinance #999 Treasurer:** continuing education training, *adopt as City Code 1-204*; **Ordinance #1000 Open to Public; Notice; Agenda:** update specific notice requirements for meetings to comply with latest NE law change, *Code 1-503*; **Ordinance #1001 Council Meetings; When; Quorum; Votes:** establish the requirements of a quorum at City Council meetings pursuant to law change in Neb. Rev. Stat. Section 17-105, *Adopt as City Code 1-514 and 1-515*; **Ordinance #1002 Special Elections:** add a sentence to allow special elections by a political subdivision in September of an even-year to approve a property tax levy or exceed a property tax limitation. *Adopt as City Code 1-711*; **Ordinance #1003 Proposed Budget Statement; Hearing; Adoptions; Certification of Tax Amount:** add language regarding the budget statement hearing, *adopt as City Code 1-1103*; **Ordinance #1004 Motor Vehicle Fee:** adds requirements of the City to report information to the Dept. of Motor Vehicles. *adopt as City Code 5-321.01*; **Ordinance #1005 Discontinuance of Service; Notice Procedure:** updates language on notice procedures for discontinuance of service, *adopt as City Code 3-601*; **Ordinance #1006 Licenses; City/Village Powers and Duties:** update duties of the City Council regarding alcohol beverage licenses within the City, *adopt as City Code 10-409*; **Ordinance #1007 License to Sell; Issuance:** update licenses to sell tobacco products by changing the legal age from 19 to 21, *adopt as City Code 10-416*; **Ordinance #1008 Rights of Licensee:** revise current ordinance relating to the sale of tobacco products by changing the legal age from 19 to 21, *adopt as City Code 10-417*; **Ordinance #1009 Clerk:** cleans up City's current ordinance and provide better clarification (i.e., number paragraphs), *Adopt as City Code 1-203*; **Ordinance #1010 Recall Procedure:** harmonize city ordinance with state law. *Adopt as City Code 1-720*; **Ordinance #1011 Use of Tobacco by persons under the age of 21:** updates the age of use of tobacco by changing

the legal age from 19 to 21, *adopt as City Code 6-314*; **Ordinance #1012**

Misrepresentation by Persons under the age of 21 to obtain Tobacco: updates the legal age to buy tobacco from 19 to 21, *adopt as City Code 6-314.01*; **Ordinance #1013 Sale of Tobacco to persons under the age of 21:** updates the legal age to purchase tobacco from 19 to 21, *adopt as City Code 6-314*; **Ordinance #1014 Licensee Requirements:** change the language of who is allowed to obtain a license to sell alcohol, *adopt as City Code 10-406*. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Correspondence: Council reviewed the flyer for the Open House Reception honoring Crystal Dunekacke on August 11th from 5-7 p.m. at the Humboldt Auditorium. Clerk Curtis stated that she and Deputy Clerk Wiers are planning to attend but would like to see someone from the Council also attend as Crystal has done a lot of great work for the City and her knowledge and professional collaboration through the years will be missed. Council Member Helms stated he thought he would be able to make it. The Mayor and Council also pooled their money together to have Clerk Curtis get a gift card from one of the banks to give to Crystal in showing their appreciation for everything she has done for our community. Council Member Eisenhauer 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 7:55 p.m.

ATTEST: Tamela S. Curtis, City Clerk

Charlie E. Hatfield, Mayor