

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, DECEMBER 12, 2022, 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, Ric Helms, Susan Eisenhauer; Vickie Zelenka and newly elected Council Member Laura Poskochil; Tamela S. Curtis, City Clerk/Treasurer. **Absent:** Foreman Spencer Cumley. 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 Eisenhauer moved to approve the November 28<sup>th</sup>, 2022, 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: **12/06/2022 Payroll:** 17,032.46 **Union Bank & Trust**, FWH 4733.26; **NE Dept. of Rev**, SWH 696.39; **John Hancock**, ret. 1325.18; **Access Systems**, copier contract/overages 164.70; **Access Systems Leasing**, IT Hardware Contract 209.98; **Amazon Cap Serv**, Polaris light bar 49.99; **Binder Bros**, concrete/sup-G St proj 3994.76; **H&H Auto**, rep parts/sup 463.07; **Emily Sisco**, atty fee retainer 1000.00; **Matt Kuhlmann**, zoning-Nov 800.00; **NPPD**, elec 2700.66; **Pawnee Co Rural Water**, hydr 76.50; **Cap Business Sys**, Libr contract 139.50; **MidWest Labs**, Swr Samples 319.00; **OPPD**, elec-wells 261.12; **OneCall Concepts**, digger locates 8.72; **Pawnee Co Reg of Deeds**, release wtr lien 10.00; **Coral's Cleaning**, office cleaning 90.00; **Faith Baptist Church** 15% reimb concrete costs 680.15; **Pawnee Republican**, publishing 631.19; **Schendel Pest Control** spray swr plant 70.00; **Friedly Oil**, equip fuel 1664.77; **Lincoln Winwater Works**, wtr parts 363.84; **Pawnee Co 4-H Foundation**, ARPA Donation 5000.00; **Pawnee True Value** Christmas lightbulbs/sup 439.20; **Casey's**, equip fuel 246.11; **Windstream** Libr Ph-Int 141.65. Council Member Zelenka 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.

**A Report and update from Council Member Helms: *Discuss serving a ticket or sending letter from City Atty on 72 hr parking in City ROW:*** Council Member Helms stated that before the new Council Member was sworn in he wanted to state that he felt a ticket or letter from the City Attorney needed to be sent to the property owner at the corner of 11<sup>th</sup> & B Street as that car has been sitting in the City Right of Way (ROW) for months with nothing done about it. Helms continued that it is something that has bothered him for the 6.5 years he has been on Council, especially after the property owner stated that was why he moved to Pawnee City from Lincoln, that they would allow him to have a junk

yard in his yard. Helms continued that he commended Council Member Fisher for cleaning up the old Amos property as it is really looking nice and he knows he has worked very hard to make it look that way. Council Member Helms stated he just feels that something needs to be done with this property he is talking about once and for all because there's two motorcycles, a makeshift work bench, an engine hoist and a car on jackstands, which the nose of the car is sitting right on the City ROW and it has most definitely all been parked there more than 72 hours. Sheriff Braden Lang stated that the City Council has went around and around about this particular property at many meetings but has never come up with a consensus on what exactly they would like him to do about it or what should be done. Sheriff Lang stated that every time he has stopped over and talked with the gentleman, they move the vehicle(s) and equipment that are parked in the City ROW, but things seem to go right back where they started. Much discussion followed amongst the Mayor and Council Members. Sheriff Lang stated the problem with the 72-hour parking on this deal is that it is also considered his driveway, but it does sit there forever and what if someone else has a vehicle that sits forever in their driveway and it's also on the City ROW? Mayor Hatfield brought up a vehicle and trailer that had been sitting on the City ROW for several years just South of the downtown area. Council Member Eisenhauer stated that if the City does something it has to be fair, so we either send letters or give tickets to everyone that has vehicles parked in the City Right of Way or nobody. Mayor Hatfield stated that he could see this turning into another nightmare like it was with the Hobbyist Permit Ordinance, where the Sheriff's office served several tickets and then we had a room full of angry people at our next Council meeting and end up tearing up all of the tickets and dismissing all of the citations. Council Member Helms brought up an issue with a camper and a car on jackstands that were both sitting in the City ROW years ago at the corner of 5<sup>th</sup> & I Street and one letter was sent to them and they took care of the problem. Mayor Hatfield brought up nuisance properties in his old neighborhood of 11<sup>th</sup> & M Street that the City never took care of. His point was that if the City is going to send a letter or issue a ticket to one property owner, then all property owners that are not abiding by the 72-hour parking rule are also going to have to get a letter or ticket. Mayor Hatfield went on to state that there are people who have a "side driveway" along their property that may have more than one vehicle and one of those vehicles may sit there longer than 72 hours, if they're driving the other vehicle, which he fits in that description because his pickup has been sitting out front of his house for more than 72 hours as he has been driving his other vehicle to work, so he is just wondering where you draw the line? More discussion followed on where the City ROW begins, but as Council Member Helms pointed out, not all City Streets are the same width, so it just depends on what street you're talking about. Sheriff Lang stated that if the Council would come up with a consensus on how they wanted to handle this, then he would do whatever they wanted. Mayor Hatfield stated that it comes back to if you do it to one, then you're going to have to do it to all of them. Mayor Hatfield continued that he and Clerk Curtis had called Fred Wiebelhaus with the City's LARM Insurance about the tire issues. Fred told them that he was sure the City had some sort of a nuisance ordinance that the tires would fall into, but that you have to be careful because if you send a letter to the property owner about the tires stacked along the highway, then you have to send that same letter to every property owner that may have tires stacked up on their property somewhere and then because you are a small town it grows into this huge can of worms that you just opened up. Mayor Hatfield stated that he had contacted City Attorney Sisco asking her if there were an accident there, who would be liable? Atty Sisco stated that 80% would be at their fault, 20% would be at the City's fault but the City would probably get hit harder because it has deeper pockets. But this would depend on when you went to court and what judge you had because at this point the City

has done everything within its power. Clerk Curtis stated that was the main reason that they had contacted Fred with LARM was to check if they would back the City if an accident were to happen at that intersection and Fred stated that LARM would back the City as the City Attorney was correct and the City would probably be sucked into a lawsuit if something were to happen at that spot. At this point Mayor Hatfield asked Council what they wanted to do about the 72-parking issue on City ROW as he had a couple more questions for Atty Sisco, so he could visit with her about this issue also. Council President Fisher stated that this issue could be one of those times that it is more of a hassle than it's worth and he hated to sound like that, but in the end it may just be the truth if it turns into 100 plus tickets and a continual battle. Council Member Zelenka stated that on the other side, if the City allows people to continue to do this then the problem just keeps growing. Council discussed several different "problem areas" around town that may be included in this 72-hour parking issue and intersections that are hard to see around. Council Member Eisenhauer stated that she hated for the City to not do anything simply because if the City doesn't do anything and a child were to run out from that property, between two vehicles that were parked on the City ROW and gets hit, it would be catastrophic for everyone involved. More discussion followed with Council Member Eisenhauer stating that the City needs to make a decision because we're either going to enforce the ordinance or maybe it just needs to be removed because if we're not enforcing our ordinances then they can come back on the City. More discussion followed on previous tickets being issued for parking going the wrong direction and 72-hour parking during a snowstorm. Council Member Eisenhauer wondered about putting an official notice in the newspaper and in the next Water Billing letting Citizens know that the City is going to start enforcing this 72-hour parking ordinance again with a warning of failure to follow the ordinance and remove said vehicle parked longer than 72 hours by such and such a date will result in the issuance of parking tickets. Council Member Eisenhauer continued that if we're going to follow through with this and get serious about enforcing this ordinance then we at least need to give citizens some sort of advance notice, if they choose to ignore it, then it's on them. Discussion was had on including the 72-hour parking, parking on streets during snows and parking going the wrong way ordinances all together on one sheet to give citizens notice. Council Member Eisenhauer moved to do a newspaper notification, something in with the water bill, tying it in with the snow removal, 72-hour parking. Clerk Curtis stated maybe Deputy Clerk Wiers and herself should work something up and bring to the next Council meeting for their approval. Council Member Eisenhauer rescinded her motion to allow Clerk Curtis and Deputy Clerk Wiers to present something to the Council at the next regular meeting.

**Elected Officials Sworn into Office:** Council Member Ric Helms stepped down from his Council Member position. At this time, Mayor Hatfield, Council Member Eisenhauer and newly elected Council Member Laura Poskochil were sworn in by City Clerk Curtis.

**Mayor's Recommendations for Committee Heads, Appointments, etc. – review City Street Supt. & City Engineering Appointment Request Letters from JEO –** Council reviewed Mayor Hatfield's recommendations for 2023 Committee Heads and Appointed Offices. Council reviewed the Proposal from Elizabeth Ferebee for the City Attorney position and the letters from JEO Consulting Group requesting for Evan Wickersham to be appointed as the City Street Superintendent and JEO to be appointed as the City Engineer. Mayor Hatfield stated that he had requested a City Attorney proposal from Elizabeth Ferebee since Emily Sisco had been elected as the Pawnee County Attorney at the General Election, so it would create a conflict of interest.

**COMMITTEES:**

Cemetery Board – **Mayor Charlie Hatfield**

PCAL Board Assisted Living (non-voting member) – **Mayor Charlie Hatfield**

PCAL Board Member representing the City – **Kellie Wiers**

Streets, Alleys & Crossings; - **Donnie Fisher**

Parks, Recreation & Swimming Pool, PCDC Board, - **Susan Eisenhauer**

Sewer – **Laura Poskochil**

Water, Fire & Library – **Vickie Zelenka**

**APPOINTED OFFICES:**

City Attorney: Elizabeth Ferebee

City Clerk/Treas: Tamela S. Curtis

City Street Supt: Evan Wickersham, JEO Consulting Group

Consulting Engineer: JEO Consulting Group

**Law Enforcement Agreement Committee** –

Donnie Fisher & Susan Eisenhauer

**Wage Committee** –

Donnie Fisher, Susan Eisenhauer & Vickie Zelenka as Alternate

**Workplace Safety Committee – (Council)**

Donnie Fisher & Susan Eisenhauer

**Workplace Safety Committee – (Employees)**

Kellie A. Wiers & Spencer Cumley

**HEALTH BOARD:**

Mayor Charlie Hatfield

Sheriff Braden Lang

Dr. Kent Niss

Council Member-Donnie Fisher

**REUSE COMMITTEE:**

L. Joe Stehlik (Attorney)

James Kubik

Mayor Charlie Hatfield

**ANIMAL CONTROL BOARD:**

Laura Poskochil – City Representative

Kellie Wiers

Sheriff Braden Lang

Nancy Tilton

Keith Groeling

**TREE BOARD:**

Laura Poskochil – City Representative

John DeFreece

Terry Borchert

Mary Moser

Council Member Eisenhauer moved to approve the Mayor's recommendation for Committees as stated. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhauer moved to approve the Mayor's recommendation for Appointments as stated. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Council President:** Council Member Eisenhauer moved to re-appoint Donnie Fisher to serve as the City Council President. Council Member Poskochil seconded the motion. Roll Call vote: Zelenka, Aye; Poskochil, Aye; Eisenhauer, Aye and Fisher, Abstain, whereupon motion carried.

**Treasurer's Report as of November 30, 2022:** Council reviewed the Treasurer's Report as November 30, 2022.

**Sheriff Braden Lang:** Sheriff Braden Lang stated that at the last County Commissioners meeting that he was not at, the Commissioners raised the uncertified deputy wage up to \$23/hour. Sheriff Lang reported that John Samuelson is coming back to work full-time for the Pawnee County Sheriff's Department as the Chief Deputy in January so they will be a full staffed department again. Sheriff Lang reported that there have been a lot of burglaries in the County lately as they have investigated seven new cases just in the last few days with a lot of abandoned properties being targeted. Copper theft has been a big hit on Central Pivot Irrigation with one of the cases looking like it may be towards the upwards of hundreds of thousands of dollars in value lost. Sheriff Lang also reported that they have started doing many phone warrants for phone data, which is something new. The latest update on the K-9 unit is that the dog requires a lot of attention and there is nobody at the Department that wants to take on the responsibility of becoming a K-9 Handler. They have been in contact with the breeder and it will be sometime in January before they would be able to come get the dog back. Sheriff Lang would like to see the K-9 Unit go to Richardson County as they have expressed interest in him but he has not been cleared by the breeder to make this happen yet.

**Review/Discuss Proposal from Brian Heinz to clean & remove any chemical deposits on the windows on the Cornerstone Building:** Council reviewed the proposal from Brian Heinz to clean & remove any chemical deposits on the 20 windows of the Cornerstone Building at \$22.00 each for a total cost of \$440.00. Clerk Curtis stated that Mr. Heinz has cleaned the City Office windows a couple times for \$8.00 and does a good job. The Clerks had paid him to clean the windows out of petty cash. Clerk Curtis also stated that Deb Klein had called the office to state that Brian cleans the windows of their home twice a year and does a wonderful job. More discussion followed that this proposal was for cleaning the outside of the windows only and the City may want him to clean the inside also after the interior construction of the cornerstone building is complete. Council Member Eisenhauer moved to approve the proposal from Brian Heinz to clean & remove any chemical deposits on the 20 outside windows of the Cornerstone Building at \$22.00 each after the construction is all done on the Cornerstone Building Project for a total cost of \$440.00. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council will discuss setting up a schedule of possibly twice a year with Mr. Heinz at a later date.

**Review Certified Nuisance Letters sent by City Attorney Sisco:** Council reviewed the nuisance letters that City Attorney Sisco had sent out certified. Clerk Curtis stated that Ms. Sisco had been discussing some of the nuisance properties with Ms. Ferebee in between their court cases, to get Betsy up to speed on where the City was at with these nuisance property cases.

**Review 2022 Real Estate Tax Statements:** Council Member Eisenhauer moved to pay the 2022 Real Estate Tax Statements before said due dates. Council Member Fisher

seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Ladder Fire Truck:** Council reviewed the email from Mike Habegger as the Fire Department was outbid on the Ladder Fire Truck at \$20,500. Council Member Eisenhauer stated that she had noticed that there was a Fire Savings Account on the Treasurer's Report that had a little over \$24,000 in it and wondered what that was to be used for. Mayor Hatfield and Clerk Curtis both stated that it was set up as a reserve account on if the Fire Dept. needed to replace a pump on a truck, or even assist with purchasing a piece of equipment, that money could be used. Council Member Eisenhauer stated that this was the second time that our Fire Department had been outbid on purchasing a ladder truck, so she felt the City should discuss with Mike Habegger and members of the fire department about adding some of these funds to the "pot" so that they could purchase a ladder fire truck. Clerk Curtis stated right now the City had delegated \$17,000 in ARPA Funds and then the \$5000 they had gotten from LARM from the ladder truck that had been destroyed by squirrels for a total of \$22,000. There are buyer fees that added when bidding online, so the most they can bid right now is right at \$20,000. Council Member Eisenhauer stated that the other bidder may have kept raising their bid, but our Dept lost this last ladder truck by only \$500. More discussion followed with Council Member Eisenhauer stating she would text Mr. Habegger and ask if he was available to come to the next meeting to discuss this with the Council. Clerk Curtis will pencil Mr. Habegger in right at 7:05 p.m. on the December 27<sup>th</sup> meeting right before Julie Bauman presents the Audit to the Council.

**Review Letter from NDOT & Review/Approve Resolution #2 authorizing the Mayor to sign the Year-End Certification of City Street Superintendent form for calendar year 2022:** Council Member Zelenka moved to approve Resolution #2 authorizing the Mayor to sign the Year-End Certification of City Street Superintendent form for calendar year 2022. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**A Report and update from Council Member Eisenhauer: *Amphitheater Work at VanHorne Park:*** Council Member Eisenhauer stated that Midwest Landscape has been here since last Monday working on the Amphitheater at the VanHorne Park and it is looking great. Eisenhauer stated that she has been taking pictures of the project since it began if anyone wanted to take a look at them. The newspaper will be publishing a couple of the photos in this week's edition. Council Member Eisenhauer stated that they were originally scheduled to be done tomorrow (December 13<sup>th</sup>), but with the wet weather it will be later in the week before they are finished up with the amphitheater project. She felt it was coming along quite nicely but she was concerned that the wall on the east edge of the amphitheater is pretty high so she was thinking that the City may have to put a fence or rail at some point, but she wanted to see the completed project as she wasn't sure what else they had planned since there weren't any written out (paper) plans on this project. There has been no City money used at all on this project, which is a wonderful thing, but the City hasn't really had much input as this project has progressed either. Eisenhauer stated it is going to be a really nice addition to the park and possibly at some point they may want to add a platform at the bottom that could be removable so that it would be easy to move it in and out of that area. Susan also stated that she foresees there being a need for electricity at some point down in that area, too. There was discussion that a "grand opening" party would be nice to be held sometime this spring. Council Member Eisenhauer stated that some areas will need to be reseeded in spots, especially down at the bottom. Some of the

dirt that was taken from there, the City Crew hauled to the tree dump area and will bring it back and move it around where it needs to be once Midwest Landscape has completed the project. Council Member Eisenhauer also stated that she had visited with Jake with Midwest Landscape about the bottom rock on the far east side was sticking out right on the edge of the hill where the kids sled at. Jake stated they would plan to use some of that dirt to pack around so that none of that is showing on the slope side. Clerk Curtis stated that when Steve Glenn was here at the Council meeting to propose them building an amphitheater at the VanHorne Park with no City Funds, he was pretty adamant of leaving that slope for the kids to sled on as he also had many fond childhood memories sledding down that hill. Mayor Hatfield stated that people have asked him about the sledding hill and if it was still going to be there and the other question was when they get that beautiful amphitheater built it is going to look like crap in the middle of summer because they are not going to be able to mow that bank like they have in the past because it will be too steep now. He was wondering if we shouldn't while it was torn apart, just re-landscape that whole area so that it would be easier to take care of and kept mowed. Mayor Hatfield stated this is probably something that we should mention to Mr. Glenn. Council Member Eisenhauer stated that the steepest portion of that hill is gone now as that is part of the retaining wall and the sledding slope is still there. As far as reshaping it, that is something she and Foreman Cumley had also spoken about but they didn't want to do it now because it would be a really muddy mess if it snows so that is probably something that will be addressed later down the road. There is a grill and a bench that had to be pulled out and will need to be relocated also later on.

**A Report and update from City Foreman Cumley: *Update on Flow Meter on Well #3:***

Foreman Cumley was ill and unable to attend tonight's meeting. Cumley had shared with Clerk Curtis that the bearings went out on the Flow Meter on Well #3 so it is not recording water usage and gallons per minute (gpm). When Foreman Cumley contacted Sargent Drilling they stated that the new Flow Meters are a different length than what the City currently has, so to replace it, they have to redo most of the well house piping inside. Sargent Drilling also told Cumley that Flow Meters are about out 6-months from being delivered. Foreman Cumley is still waiting to get an estimated cost for this Flow Meter/Piping replacement project.

**Correspondence:** Council reviewed correspondence on the Chamber sponsored Santa Parade to be held Saturday, December 17<sup>th</sup> at 6 p.m., the Certificate of Abstract of votes cast for the City of Pawnee City and Pawnee City Airport Authority in the November General Election and a very nice Thank You Card from Alan & Joyce Strong for the City updating the old tennis court to Pickleball and Basketball Courts at VanHorne Park as their family members enjoyed going there several times over the Thanksgiving holiday. Council Member Eisenhauer moved to adjourn the meeting. Council Member Zelenka 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 E. Hatfield, Mayor