

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, DECEMBER 13, 2021, AT THE 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, Bruce Haughton and Susan Eisenhauer; Tamela S. Curtis, 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. At this time all those present stood to recite the Pledge of Allegiance.

Council Member Helms moved to accept the November 22, 2021, regular meeting minutes. Council Member Eisenhauer 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: **12/7/20 PR:** 17,566.09; **UB&T**, FWH 4828.45; **NE Dept. of Rev**, SWH 740.26 **John Hancock**, ret. 1306.13; **Madison Nat'l**, life ins 61.48; **Binder Bros.**, tile chisel 15.99; **Capital Business Systems**, IT plan 676.38/Elevate Phone Sys 111.94/Libr Lic-Maint Agrmnt 135.50; **Demo Reimb-J. Wissler** 4000.00/M. Moser 4000.00/M. Cleary 4000.00; **NE Public Health**, wtr samples 15.00; **US Cellular**, emerg cellphone 44.91; **Verizon**, Fire Jetpack, 63.09; **NPPD**, elec wells 2177.78; **Pawnee Co Rural Water**, hydrants 76.50; **OPPD**, well elec 243.99; **Emily Sisco**, Dec. retainer atty fees 1000.00; **Lincoln Winwater Works**, wtr parts 3217.11; **Moser Const.**, rebuild City well pond 4250.00; **NE Dept of Env. & Energy Wtr License Renewals** for Cumley, Droge & McAhon 345.00; **MidWest Labs**, swr samp 420.00; **Matt Kuhlmann**, Dec. Zoning contract 800.00; **NE Muni Power Pool**, Power Manager Support 5128.00; **One Call Concepts**, digger locates 19.97; **H&H Auto**, rep parts/sup 677.14; **Pawnee City Thriftway**, supplies 20.07; **Pawnee Republican**, publications 132.23; **NE Clerk Institute**, Clerk School-Clerk Curtis 616.00; **Martin Marietta**, rock @ new Fire Station 220.45; **SE Clerk's Assoc.**, annual dues 20.00; **Friedly Oil**, Swr Plant generator fuel 452.39; **JEO Consulting Group**, Eng-Str Report 1000.00/Fire Station DD#7 match 607.15; **AHRS Const.**, Fire Station DD #7 match 62,276.44; **PC Thriftway** supplies 21.94; **Pawnee True Value**, supplies 41.14; **Seneca SA**, Nov. Garbage pickup 6056.38; **Small Engine Specialists**, chainsaw/chain/file 597.97; **Valley Vet Supply**, new boots Emp #1009 \$169.95; **Windstream**, Swr plant phone/office internet 190.35. Council Member Eisenhauer moved 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'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 2022 Committee Heads and Appointed Offices.

COMMITTEES:

Cemetery Board – **Mayor Charlie Hatfield**

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

PCAL Board Member representing the City – **Duane Westing**

Streets, Alleys & Crossings; PCDC; Tree Board - **Ric Helms**

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

Sewer – **Donnie Fisher**

Water, Fire & Library - **Bruce Haughton**

APPOINTED OFFICES:

City Attorney: Emily Sisco

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 & Ric Helms as Alternate

Workplace Safety Committee – (Council)

Ric Helms & Susan Eisenhauer

Workplace Safety Committee – (Employees)

Kellie A. Wiers & Spencer Cumley

HEALTH BOARD:

Mayor Charlie Hatfield

Sheriff Braden Lang

Dr. Kent Niss

Council Member-Bruce Haughton

REUSE COMMITTEE:

L. Joe Stehlik (Attorney)

James Kubik

Mayor Charlie Hatfield

ANIMAL CONTROL BOARD:

Mayor Charlie Hatfield

Kellie Wiers

Sheriff Braden Lang

Nancy Tilton

Keith Groeling

Laura Poskochil

Council Member Eisenhauer moved to approve the Mayor’s recommendation for Committees as stated. Council Member Fisher 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 Haughton 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 Bruce Haughton to serve as the City Council President. Council Member Helms seconded the motion. Roll Call vote: Fisher, Aye; Helms, Aye; Eisenhauer, Aye; Haughton, Abstain, whereupon motion carried.

Treasurer's Report as of November 30, 2021: Council reviewed the Treasurer's Report as November 30, 2021.

Sheriff Braden Lang- Sheriff Braden Lang met with Council to discuss that he had visited with City Attorney Emily Sisco about the "mechanic's shop" on 11th Street and she is looking into the ROW Ordinances to write the gentleman a letter. Council Member Helms thanked Sheriff Lang for taking that a step further to get those items removed from the City ROW before the snow flies. Sheriff Lang stated that as far as department staffing he was in the process of hiring another Deputy but once he informed the candidate that he could not actually hire him until February, he has not heard back from this person. Sheriff Lang stated that Elliot will be done working in March with Deputy Bredemeier attending Reciprocity Training in January. Lang stated that the only certified officers on staff right now are Deputy Willey and himself with former Sheriff Jayme Reed filling in occasionally. It was stated that according to Federal Law, a law enforcement officer must work 43 hours per week before any overtime pay starts. Sheriff Braden worked 120 hours last week, but he does not get any overtime as he is a salaried employee. Council and newspaper reporter Ray Kappel discussed several dog barking issues that are going on throughout the City with Sheriff Lang. Sheriff Lang stated the best thing is to continue to call the issues in every time they happen so that things can progress and if the issue continues the owners could be made to remove the dogs from within the City limits after five (5) dog citations are issued. Mayor Hatfield stated that the Animal Control Board is currently dealing with a continual dog barking issue.

Todd Albers-Discuss Updated Well Pasture Lease: Todd Albers met to discuss the changes made to the Well Pasture Lease with the City. Mr. Albers stated that the only issue that he had with all of the changes made to the 3-year farm well pasture lease was the paragraph on page three that stated that the Lessee shall be solely responsible for the control of the musk thistles other noxious weeds and any invasive trees and/or brush on the premises and shall be subject to the satisfaction of the Lessor. Mr. Albers stated that he didn't have a problem with controlling the musk thistles, but he thought the City was going to help him with controlling the invasive trees. Council Member Eisenhauer stated that the City is not going to just put it all on Mr. Albers, as they had planned to help do a controlled burn this spring to take care of most of those invasive tree issues. Discussion was had on if a burn would take care of the invasive tree issues. Mr. Albers stated that if they get a good burn, it will kill what's out there. Foreman Cumley stated that he and the City Crew members are ready to assist with whatever needs to be done to take care of the invasive tree issues out to the well pastures and CRP ground. Mr. Albers stated that he had replaced a bunch of posts with t-posts he had on hand this past year as a lot of the cedar posts are starting to rot off. Mr. Albers stated that while their cattle are up in those pastures they are there once to twice a week to check on the cattle and fence to make sure everything is good. Foreman Cumely stated that Todd just needs to let them know when he needs t-posts or if he'd rather have cedar posts, they could go purchase them as the City is willing to assist Mr. Albers with whatever needs to be done up there. Mr. Albers stated that all sounded good, and he appreciated the City being willing to help with maintaining good pasture land.

Fire Station Project: Review/Discuss 12/7/2021 Progress Meeting Minutes: Council reviewed the Fire Station Project progress meeting minutes from December 7th. Council Member Eisenhauer stated it looked like they are really making great progress up at the Fire Station and covered a lot of what is going on during this last progress meeting. Clerk

Curtis stated that everything was going very well with the building of the Fire Station Project. Clerk Curtis stated she wanted to relay the kind remarks that were made by Kent Proffit with AHRS about how great our City Crew has been to work with and how much they are enjoying doing this project here in Pawnee City. **Review/Approve: CDBG Fire Hall Project 19-PW-014 Expenses: Drawdown #7 for a total of \$359,564.50 with \$4,780.00 to JEO Consulting for Construction Management services in Aug, Sept & Oct with \$4,172.85 from CDBG Public Works Grant and \$607.15 from City Match; Pay Apps #2, 3 & 4 to AHRS Construction for \$354,784.50 with \$292,508.06 from CDBG Public Works Grant and \$62,276.44 from City Match and \$8,927.50 to SENDD for Construction Management paid from the CDBG Public Works Grant only:** Clerk Curtis stated that the City Council had actually approved all of these pay applications and invoices previously, but because it has taken so long for DED to make their decisions on what would be used first, the grant money or the ReUse money, all three of these invoices and pay applications have now been grouped together into one Drawdown Request, which uses up the last of our grant money. Council Member Eisenhauer moved to approve CDBG Fire Hall Project 19-PW-014 Expenses Drawdown #7 for a total of \$359,564.50 with \$4,780.00 to JEO Consulting for Construction Management services in Aug, Sept & Oct with \$4,172.85 from CDBG Public Works Grant and \$607.15 from City Match; Pay Apps #2, 3 & 4 to AHRS Construction for \$354,784.50 with \$292,508.06 from CDBG Public Works Grant and \$62,276.44 from City Match and \$8,927.50 to SENDD for Construction Management paid from the CDBG Public Works Grant only. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Discuss/Approve transferring \$296,680.91 from the City's General Account over to the Fire Station Project Account to pay the \$292,508.06 due to AHRS and the \$4172.85 due to JEO right away instead of waiting for the Grant Funds to be deposited into the Fire Station Project Account. Council Member Helms moved to approve transferring \$296,680.91 from the City's General Account over to the Fire Station Project Account to pay the \$292,508.06 due to AHRS and the \$4172.85 due to JEO right away instead of waiting for the Grant Funds to be deposited into the Fire Station Project Account. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Clerk Curtis stated that the City would then be reimbursed from those Grant Funds transferring them back into the City's Account once they were received from DED. These Grant Funds should arrive by 12/31/2021 through DED's Amplifund System.

Review/Approve Pawnee City Reuse Payment #1 for the Fire Station Project for a total of \$170,549.90 with \$169,002.90 to AHRS Construction for Pay App #5 and \$1547.00 to JEO payments for November and December Invoices: Council Member Eisenhauer moved to approve Pawnee City Reuse Payment #1 for the Fire Station Project for a total of \$170,549.90 with \$169,002.90 to AHRS Construction for Pay App #5 and \$1547.00 to JEO payments for November and December Invoices. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Approve Letter of Intent to apply for CCCFF Funding to finish the inside of the Cornerstone Building Community Meeting Room: Council Member Eisenhauer stated that she felt they should raise the estimated total project budget up to \$150,000 with a grant maximum match of \$75,000 instead of the proposed total project costs at \$100,000

with the \$50,000 match from CCCFF. Council Member Eisenhauer continued that the CCCFF funding will only match up to what the City actually spends at the maximum, so it would be better to make sure. Clerk Curtis stated that sounded like a great idea, but she wanted to get the City's Letter of Intent to apply for the CCCFF funding sent in right away as the deadline for the letter of intent is January 15 with the application due February 15th and notification of the anticipated award date being March 30th. Council Member Eisenhauer moved to approve the Letter of Intent to apply for CCCFF Funding, raising the total estimated project costs up to \$150,000 and the grant maximum match up to \$75,000 to finish the inside of the Cornerstone Building Community Meeting Room. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

439 F Street Nuisance Property: Council reviewed the Quitclaim Deed filed Friday for the transfer of property over to Pawnee City Development Corporation to start the demolition process of the Donnie Graham nuisance property at 439 F Street. Mayor Hatfield stated he had given Clerk Curtis permission to spend the \$27 for airmail to and from Hawaii to get Eileen Hines Graham's signature and the deed returned to the City so it could be filed as soon as possible. Gyhra Construction started on the demolition process around 1:00 p.m. on Friday afternoon and should be completely finished up with the project by the end of this week. Clerk Curtis informed everyone present that the City had received a phone call today from a Public Health Program Manager from DHHS because the City had been turned in to EPA by a "Jerry" complaining about the cloud of dust that went up in the air when Gyhra's tore the house down and requested a copy of the Asbestos Report be sent to him. Clerk Curtis continued that Jerry Graham had been in her office Friday afternoon after the house came down telling her how bad the dust from the demolition was and asking if they had to get any sort of permit. Much discussion followed with all those present stating they were upset that Jerry had turned this into the EPA but were very happy that the nuisance property located at 439 F Street, that the City had dealt with for decades was finally getting cleaned up.

Review Deed filed Friday on the City purchasing the RR Property: Clerk Curtis stated when reconciling a recent bank statement she had noticed that the BNSF Railroad had cashed both of those checks the City had sent to them to purchase the railroad property located just West of the City Shop area, so she called and the deed had gotten stuck in a file instead of being sent to the City. She received the deed for the said railroad property a few days later and got the deed filed at the courthouse. Council stated it was great progress to get these two projects finished up that the City had been dealing with for so many years.

Review 2021 Real Estate Tax Statements: Council Member Haughton moved to pay the 2021 Real Estate Tax Statements before said due dates. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review Letter from NDOT & Review/Approve Resolution #3 authorizing the Mayor to sign the Year-End Certification of City Street Superintendent form for calendar year 2021: Council Member Haughton moved to approve Resolution #3 authorizing the Mayor to sign the Year-End Certification of City Street Superintendent form for calendar year 2021. 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 City Foreman Cumley: *Discuss progress on Street Crack Filling:* Foreman Cumley stated that they had been working on a lot of streets in town to get them crack filled. Cumley stated they are hoping to finish up H Street and 5th Street where they had left off yet this year. *Discuss staying on Summer work hours year-round from 7:00 a.m. to 3:30 p.m.:* Foreman Cumley stated that the City Crew would all be interested in staying on the summer hour work schedule year-round which is 7 a.m. to 3 p.m. Working until 4:30 every night, especially during the winter, doesn't allow the crew to do anything outdoors during daylight, especially Crew Member Gary Droge Jr, as he is trying to get all of his chores finished up out to the farm. Much discussion followed with Council Member Eisenhauer inquiring to Clerk Curtis if the office would rather just take a 30-minute lunch break and be able to get off at 4:30 daily instead of 5:00 p.m. Clerk Curtis stated that Utility Billing Clerk Matt Kuhlmann already takes a half hour lunch and leaves at 4:30 p.m. now, but she would visit with Deputy Clerk Wiers and get her thoughts on that option and report back at the next meeting. Council Member Eisenhauer moved to approve the City Crew changing their daily work hours to 7 a.m. to 3:30 p.m. year-round starting December 20th, 2021. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **General Discussions on things going on in the City:** Foreman Cumley stated he thought he would just bring the Mayor and Council up to date with the numerous items that the City Crew has been working on and has planned the next few weeks. Foreman Cumley stated they have finished up the grading off the sides of the trail project where the new concrete had been poured and will start to work on replacing the retaining wall as weather permits. The City Crew will also be starting to trim trees to prepare for snow removal, doing more pothole filling and one of them will be going down to pick up a truckload of salt soon. Foreman Cumley also stated that the Sewer Jet Trailer is to be delivered this Thursday morning.

Correspondence: Council reviewed correspondence from the Chamber Sponsored Santa Parade to be held Sunday, December 19th at 6 p.m. and the League of Municipalities Annual Utilities/Public Works Virtual Conference-program line up and registration costs on Jan. 12-14. If anyone is interested in attending, please let Clerk Curtis know. Council reviewed the Filing Deadlines: Incumbent – February 15th; Non-incumbent – March 1st with City Positions up for Re-Election: Mayor Hatfield; Council Members Eisenhauer & Helms and Airport Authority Positions up for Re-Election: 2 Yr. Term: B. Willey & J. Schultheiss. Council Member Eisenhauer moved to adjourn the meeting. Council Member Fisher seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried, and meeting adjourned at 7:47 p.m.

ATTEST: Tamela S. Curtis, City Clerk

Charlie Hatfield, Mayor