

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, DECEMBER 23, 2024, AT 7:00 P.M. AT THE CORNERSTONE BUILDING, 601 G 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. The availability of the agenda was communicated in advance 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 (present by phone), Council Members Pat Hatfield, Vickie Zelenka (arriving at 7:01), Donnie Fisher and Susan Eisenhower; Kellie Wiers, Deputy City Clerk; Tamela Curtis, City Clerk/Treasurer; Foreman Spencer Cumley. **Absent:** None.

Council President Donnie Fisher called the meeting to order at 7:00 p.m. informing all those present of the Poster stating the Open Meeting Law Changes on the West meeting room wall, next to the storage closet, accessible to the public. At this time, all those present stood to recite the Pledge of Allegiance.

Council Member Eisenhower moved to accept the December 6, 2024, regular meeting minutes. Council Member Hatfield 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: **12/17/24 Payroll:** \$11,063.09; **Union Bank & Trust**, FWH 3157.01; **NE Dept. of Rev**, SWH 479.29; **John Hancock**, retirement 1382.14; **Allstate**, cancer/accid.126.76; **Ameritas**, vision 81.20; **Madison Nat'l Life**, life ins. 47.32; **Windstream**, phone & internet @ library 135.27, phone @ swr plant 64.91; **Access Systems**, total IT care 931.60; **Binder Bros.**, lumber 148.96; **Amazon Capital Services**, wiring socket, battery box 173.01; **Lincoln Winwater** meter setters 2496.84; **NPPD**, electric service 3199.94; **Midwest Labs**, swr sample shipping 18.00; **One Call Concepts**, Digger Hotline Locates 15.92; **Pawnee True Value**, repair parts & supplies 74.11; **Black Hills Energy**, gas service 430.82; **Coral's Cleaning Services**, cleaning services 80.00; **SURNALI LLC (Diversified)** 2025 membership dues 100.00; **Municipal Supply**, meter pit pipe 1335.89; **Pawnee Co. Register of Deeds**, wtr lien filing fees & release 50.00; **Quill**, office supplies 189.66; **Spectrum**, internet & phone @ shop 184.97; **American Legal Publishing**, 2025 code program subscr. 650.00; **Feld Fire**, bal due on bunker gear 18,224.70; **JEO Consulting Group**, STR supt. services 1000.00; **Kyle's Service Center**, tire repair 30.00; **NMC, Inc.**, CAT loader maint. 1795.78; **Pawnee Co. Clerk**, election costs 308.82; **Pawnee Republican**, subscr. renewal 45.00; **SENECA SA**, Nov garb service & dumpster @ pond 7036.00; **PCDC**, Oct sales tax 6916.00; whereupon motion carried. Council Member Eisenhower moved to approve the claims as submitted. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Teresa Spier—1647 G Street—Discuss ongoing Sewer issues at her residence: Teresa explained the issues with her sewer line started in February 2024 and at that time Doug Daily (3-D Plumbing) installed two new sewer cleanouts. Last June, Doug Daily came and cleaned out her sewer line. Then in July or August the cap blew off one of the sewer cleanouts and toilet paper also came out of the clean out but Teresa has not been putting toilet paper down the toilet for over six months, so the toilet paper couldn't have come from her house. Recently, Dan Blessing came to her house with a camera and fed it into her sewer line through her toilet. He found the sewer pipe starts out as iron and then changes to plastic at the edge of her house and found some tree roots (which he cleaned out) and then he reached a "T" pipe which connects to the sewer pipe. Teresa said the "T" pipe comes from her washing machine. When the water drains from her washer, it blows the top off the sewer clean out. Dan Blessing came to her house today (12/23) and at 44 ft, he hit mud where her sewer line connects with the sewer main but there is also a "T" in the sewer line before it connects to the sewer main. If you look down the street, this spot is perfectly in line with the sewer manhole. So, Teresa stated there must be a collapse at the City sewer main since Blessing couldn't get any further down the line. She has spent \$2000 the past year on sewer issues and she can't leave the house because she has left and come home to an overflowing toilet which has caused damage to the flooring. She has come before the Council because she believes there is a problem with the City sewer main. Foreman Cumley stated there could be a problem with the City sewer main but he doesn't know for sure without digging up the sewer line. Also, he feels Teresa should have a sewer cleanout closer to her house. Teresa said she has researched her sewer issue trying to find a solution to her problem. Also, she feels that she cannot leave her house for very long in case her toilet should overflow or the cap blows off the sewer clean out. Teresa stated she also checked about the sewer line coming out of her house before she had the deck built last summer because it is built above the sewer line and she was told there shouldn't be a problem with having to dig up the sewer line under the deck. Foreman Cumley stated it is a possibility that part of Teresa's sewer line could be clay tile where it meets the sewer main and it has collapsed. That could be why Blessing ran into mud but there is no way to know for sure without digging up the line where it meets the main. Teresa said other people in the neighborhood have had problems with their toilets in the past but she is not sure at the present time. Last Friday, (12/20), Foreman Cumley and Crew Member Brandon Holthus jetted the sewer main and they didn't find a problem with the sewer line. Some people in the neighborhood did experience a problem with their toilets on this date which is common when a sewer main is jetted. Teresa said Dan Blessing is supposed to be coming back to look at her sewer line. Clerk Curtis suggested Teresa contact the City Office when he comes back so that Foreman Cumley can be present to look at the issue with Blessing. Council agreed.

Review/Approve Jennifer Stehlik-Ladman's City Attorney Proposal: Discussion was had about Jennifer Stehlik-Ladman's proposal which is basically similar to City Atty Samuelson's proposal except Jennifer would charge \$190/hr. and legal assistant billable rate is \$90/hr. for litigation. Council Member Eisenhauer moved to approve Jennifer Stehlik-Ladman's city attorney proposal. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review Abatement Letters sent out by (Former) City Attorney Samuelson (& shared with Jennifer): The second dumpster at 112 12th street is gone so Seneca Sanitation must have picked

it up. There are still quite a bit of items left in the yard. Discussion was had about the next step to take with this situation. Should the city crew members clean up the rest of the nuisance items in the yard? Since the property owner had made threats if people came onto his property, it was decided to add this item to the agenda of the January 13th meeting when Sheriff Lang is present. Council agreed the cost of the dumpsters should be filed as a lien against the property.

Review emails from Terry Meier/JEO and Village Clerk from Colon re: ARPA SLRF monies must be obligated by December 31, 2024. Failure to do so will result in forfeiture of any unobligated/unused SLRF monies: Clerk Curtis explained there is \$16,812.93 left in the ARPA account and these funds need to be obligated by December 31, 2024, or the money will have to be returned to the government. She suggested ARPA funds could be used to “pay the City back” for eligible expenses the City has already paid. Clerk Curtis supplied information on the agenda packet with suggestions of items to pay for including the new salt spreader, street portion of the dump trailer, skidster lease or satu-rock purchased to repair potholes. Council Member Zelenka moved to obligate \$9482.82 towards payment of the new salt spreader, \$4510.00 towards the street portion of the new dump trailer and the balance of \$2820.11 towards the payment of satu-rock for a total of \$16,812.93. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Approve Mayor Signing the General Administration Contract for the RCRP Park Improvement Project #23RCRP035: Council Member Eisenhauer moved to approve the Mayor to sign the General Administration Contract with SENDD for the RCRP Park Improvement Project #23RCRP035. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Approve Professional Service Agreement between the City of Pawnee City and SENDD Program Income & Reuse Fund Agreement: Council Member Eisenhauer moved to approve the Professional Service Agreement between the City of Pawnee City and the SENDD Program Income & Reuse Fund Agreement. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Jerry’s Dream Museum—Application for Propane Gas Tank Placement @ 300 7th Street: Council Member Eisenhauer moved to open the public hearing to hear comment on the application for placement of a propane gas tank at 300 7th Street, Jerry’s Dream Museum. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried and public hearing opened at 8:00 p.m. Discussion was had among the Council about allowing Jerry’s Dream Museum to have a propane tank for heating fuel instead of keeping an account with Black Hills Energy (BHE). Ric Helms had told DC Wiers that the board members wanted to discontinue their account with BHE in order to save money during the winter months by not heating the museum. DC Wiers had suggested to Mr. Helms to keep the BHE account but shut off the account during the winter months and turning off the water account then there would not be a reason to keep the heat on. It was Mr. Helm’s opinion the museum would still save money by having a propane tank instead of keeping the BHE account and shutting it off during the winter as they have been paying a base fee for the account even when there has been very little or no usage. Council Member Eisenhauer

moved to close the public hearing to hear comment on the application for placement of a propane gas tank at 300 7th Street, Jerry's Dream Museum. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried and public hearing closed at 8:02 p.m. Council Member Zelenka moved to approve Jerry's Dream Museum application for Propane Gas Tank Placement at 300 7th Street. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. BHE pays the city a franchise fee every year. Foreman Cumley voiced concern that the amount of this fee could be affected if the City continues to approve propane tank applications for property owners.

Review/Discuss IT Account Review with Access Systems held 12/12/2024: Review flyers on Phishing & Security Awareness Training (SAT) with "Phin" through Access Systems for \$5/user/month X 4 users (Tammy, Kellie, Kimberly & Spencer) = \$20/month: Discussion was had about the SAT training for Tammy, Kellie and Kimberly but they use a shared email address and Spencer has a separate email address but is not connected to the network. The packet contained information about the age of computers. Kellie and Spencer's computers are the same age as Tammy's computer but the current budget year started October 2024 and ends September 2025. The cost to update these computers was not included in the current budget (same as Tammy's wasn't either). Since Windows 10 will no longer be supported after October 2025, can the City wait until October 2025 to replace Kellie and Spencer's computers or possibly receive them in September and pay for them after October 1st? Then, switch over to Windows 11? Will the City be able to load the information from the current computers to new computers at that time? No action was taken on SAT training until ACCESS is able to answer these questions. Clerk Curtis explained the email she received on Dec. 23rd from IT Account Manager, Alec Harter in regard to the City's current SonicWalls program. It will require an annual fee of \$2756.88 by Jan. 31, 2025, to continue service. When tech, Trey Johnson, came to install Tammy's new computer, he recommended using FortiGate for firewall protection. Account Manager, Alec Harter stated there would not be an annual charge with FortiGate but the monthly fee would increase to \$232.14/month from the current \$209.98 the City pays with SonicWall. Council Member Hatfield moved to accept the FortiGate proposal from ACCESS Systems for firewall protection for \$232.14/month with no annual fee. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Clerk Curtis received her new computer on Dec. 19th and she is still experiencing problems with the installation. Now, the Sensus meter will not work on her new computer and she was able to talk with Will Ford from Core & Main. Will said the City needs a software update to Sensus but he will not be able to install it until Jan. 6th. Therefore, utility bills for December will have to be estimated.

Review Letter from NDOT re: updating the City's Speed Limit Ordinance and the State to raise the speed limit on N-8 East of Pawnee City to 60-mph to the South Junction with N-50; Review Proposed Speed Zone Plats, existing plat and existing Ordinance #489; Review/Approve Ordinance #1068 amending City Code 5-316 Speed Limits; Designated Streets (first reading); NDOT is proposing to increase the speed limit on the highway east of town from 55 mph to 60 mph. The speed limits inside city limits would stay the same. Council Member Eisenhauer moved to approve Ordinance #1068 amending City Code 5-316 Speed Limits; Designated Streets on first reading. Council Member Zelenka seconded the motion. Roll

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

Discuss/Approve suspending three readings of Ordinance #1068: Council Member Eisenhauer moved to approve suspending the three readings of Ordinance #1068. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Report and update from City Foreman Cumley: Review/Approve Maintenance Agreement Renewal No. 52 & Certificate of Compliance with NDOT: Foreman Cumley stated he had questions for Highway Supervisor Dave Klepper concerning the maintenance of the highway inside city limits. According to the agreement, the City is responsible for the outer two lanes and NDOT is responsible for the inner two lanes but Dave Klepper told Foreman Cumley the City is responsible for potholes on the highway. Council Member Eisenhauer moved to approve the Maintenance Agreement Renewal No. 52 and the Certificate of Compliance with NDOT. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Discussion was had about an earlier proposal to add a turning lane on north HWY 50 and how that would affect the snow removal agreement between the City and the State of Nebraska. No action was taken. **Review Application for Employment from Damon Portrey:** Damon Portrey recently submitted an application for employment with the City of Pawnee City. There are no job openings with the City at this time but his application will be kept on file for one year. **Discuss updates on Vertical Screen Issues at the Sewer Plant:** Foreman Cumley said the vertical screen is running but HOA had to change the VFD. The wire diagram on the motor was incorrect so they had to switch three wires around. They installed the old VFD to save money but it didn't work so they still had to install the new VFD. The diagram was updated, also. The VFD wasn't working today so it was reset and then started working. **Discussion on things going on in the City;** The City Crew has raised a couple of manholes. The sewer manhole by the Dollar Store was three feet deep and so definitely needed raised. There is one over by Moser's shop that is 2 ½ feet deep that also needs raised. The crew has also been working on potholes before the snow comes. Foreman Cumley told the Council if they know of any potholes that need fixed, to let him know. Council Member Eisenhauer stated there were still potholes on I street by the hospital between 5th and 6th streets that need fixed. Clerk Curtis stated there is one by UB&T and also on hwy 8. The City Crew didn't read meters this month because there is a problem with the software. Will Ford from Core & Main will be down on Jan. 6th to update the Sensus software on Tammy's new computer. Cumley explained there has been an offer on the skid loader but he talked with city atty Samuelson about how long the city property has to be advertised for bids. City equipment has to be listed for sale for two weeks in a local newspaper before bids can be accepted, which would be Dec. 26th. Foreman Cumley has received calls from future bidders about the equipment and he had to explain the process is a little different when selling government property. The ordinance could be updated to cut out the directive to list equipment for sale in a local newspaper but this gives notice to local people. So, Cumley contacted Zane with Auction Time with this information. The current bid on the skidster is \$29,500. Zane told Foreman Cumley he has received lots of calls about the dump truck. Selling the dump truck will eliminate the need for crew members to obtain a CDL which is now difficult to obtain.

Review email & flyer for Water Utility Board & Council Workshop in Beatrice on Wed., January 15th from 5:30 – 8:30 p.m. at Valentino's Pizza; Please let the Clerks know if you'd

like to go so can be registered: Council Member Zelenka said she would like to attend this workshop. DC Wiers will complete the registration.

Review PCAL Minutes: Council reviewed the November meeting minutes submitted by Caralyn. John DeFreece has not yet submitted the lease for the PCAL park for the Council to review.

Report and update from Deputy Clerk Wiers & Clerk Curtis: Review Photos/Report on Mitten Tree & Angel Tree Success: DC Wiers explained at least 30 pairs of hats and mittens had been collected for the Mitten Tree for the students and families at the Table Rock HeadStart. DC Wiers and Clerk Curtis explained the Angel Tree program was a success and there were 63 angels served this year but one person did not drop off her gift for a child. DC Wiers will contact this person to find out the status of the gift. Council Member Eisenhauer volunteered to go shopping for a gift the next day so the child would not be without a gift. The clerks at the Union Bank & Trust collected toys during their toy drive this year and brought them to the gift pick up day for parents to choose extra toys for their children. Quite a few parents did select some of the toys and one mother stated these and the gifts from the angel tree are the only Christmas gifts her children would receive this year. The clerks suggested that an employee from UB&T help with dispensing the toys from the toy drive next year.

Review Correspondence: Spreadsheet on October 2024 Total Sales Tax of \$22,811.12 with ½% Street Repairs Sales Tax totaling \$5,323.96 and \$1,515.30 being Motor Vehicle Sales Tax.

Council Member Zelenka moved to adjourn the meeting. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 9:02 p.m.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Donnie Fisher, Council President