

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, DECEMBER 27, 2022, AT 7:00 P.M. AT THE PAWNEE CITY PUBLIC LIBRARY, 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, Susan Eisenhauer, Vickie Zelenka and Laura Poskochil; Kellie Wiers, Deputy City Clerk, Tammy Curtis, City Clerk/Treasurer and Foreman Spencer Cumley. **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 Eisenhauer moved to accept the December 12, 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: **12/20/22 Payroll:** 9545.95; **Union Bank & Trust**, FWH 2648.73; **NE Dept. of Rev**, SWH 375.87; **John Hancock**, retirement 1308.13; **Allstate**, cancer/accid 218.06; **Ameritas**, vision insurance 104.50; **Madison National Life**, life insurance 49.72; **United Health Care**, health insurance 6885.97; **Amazon Capital Services**, replacement bulbs, binders, shelves, copy paper 338.57; **Capital Business Systems**, Elevate Phone System 111.94; **Nebr. Public Health Environ Lab**, wtr sample test 15.00; **PCDC**, October 2022 sales tax 8033.30; **Seneca Sanitation**, Nov 2022 garbage service & dumpster @ pond 6908.83; **Dollar General**, office supplies 12.80; **Spectrum**, internet & phone @ 445 6th street 174.97; **ACCESS Systems**, IT care services 905.30; **American Legal Publishing Corp.**, 2023 model ords & electronic copy 675.00; **BHE**, gas service 612.49; **Cummins Sales & Service**, maint on generator 1151.34; **Emily Sisco**, postage, copies, extra atty services, ReUse 1151.95; **NPPD**, electric service 3183.59; **Pawnee Co. Clerk**, costs for election 397.74; **Pawnee Republican**, renew newspaper subscription 42.00; **SENCA**, radon testing 100.00; **Nebr Dept of Rev**, Nov 2022 sales tax 2264.29; **Diversified Drug Testing**, membership, drug test empl#1044 278.00; **JEO Consulting**, 2022 street supt. services 1000.00; **NMC, Inc.**, maint on Cat Loader 809.41; **U.S. Cellular**, emergency cell phone 47.75; **Verizon Wireless**, home connect/jet pack 64.35. Council Member Eisenhauer 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.

Mike Habegger, Pawnee City Fire Department: Council to discuss Fire Reserve Funds to raise bid limit on purchasing a ladder fire truck (To date Fire Reserve has \$24,360.35 in it): Mike Habegger explained the Fire Dept. had bid on three ladder trucks but was outbid on all three. He has been looking for other ladder trucks but there hasn't been any listed lately. Council Member Eisenhauer explained she had asked Mike Habegger to come in and meet with the Council because they had been outbid on the ladder truck to see if it would help if the Fired

Dept. had more money to use to place a bid on a truck? Mike explained it might make a difference but with auctions, it's difficult to know what to bid for sure. Most of the trucks are selling in the \$20,000 to \$30,000 range. Clerk Curtis explained that funds from the Fire Reserve account could be used to help pay for a ladder truck. It may help to add \$5,000 to \$10,000 to the \$24,000 available. Council Member Zelenka moved to allow the Pawnee City Fire Dept. to use up to \$10,000 from the Fire Reserve account towards the purchase of a ladder fire truck. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Mr. Habegger stated the electrical and plumbing at the new fire hall are completed but they are waiting for the electrical inspector to look at the fire hall so sheet rock can be hung. The building seems to be fairly well insulated so hopefully, the heating bill will be reasonable. Mike is waiting for Haug Communications to call back so the fire alarm can be moved.

Julie Bauman, Present FY 2021-2022 Audit: Ms. Bauman presented the 2021-2022 audit to the Council as outlined in her auditor's report distributed to everyone present. Since there wasn't more than \$750,000 in federal award money, Ms. Bauman only had to complete a regular audit this year and not a single audit. The standards had changed and now the opinion paragraph is included in the beginning report instead of the end of the audit according to GAAS (Government Auditing Standards). The City of Pawnee City received a "best" rating. Cash is down on the Governmental Activities due to money flowing out because of the Fire Hall project and improvements on the pool plus the balance in the ReUse account is now around \$32,000 while the cash on Business-type Activities (Water & Sewer) is sitting well and didn't incur any losses. According to the income statement, there was a \$6898 increase in net position on Governmental Activities while there was a \$341,680 net change increase in Business-type Activities. Ms. Bauman reviewed the ReUse program for a total Notes Receivable of \$289,595 in unpaid loan balances. The audit did not identify any deficiencies in internal controls considered to be material weaknesses and disclosed no instances of noncompliance. Ms. Bauman worked with PCAL Director Caralyn Friedly to update her records so the director will be able to write an accurate treasurer's report.

Review email from Kelly Gentrup/SENDD re: clarification from Tom Stephens/DED on how to make Admin payments for continued administration of the Revolving Loan Funds by the City Clerks: Clerk Curtis explained the clerks would be doing SENDD's work for free if the City Office continued to administer the RLF (ReUse loan payments). Council Member Eisenhauer suggested that they (DED/SENDD) could pay the City Attorney to administer the ReUse loans and then deduct that amount from the monthly amount the City pays the City Attorney? Council agreed to table this item at this time and continue with the ReUse loan "curement" process and see what happens with that first.

Review PCAL Minutes: Council reviewed the November 17, 2022, meeting minutes from the Pawnee City Assisted Living. Julie Bauman has been working with Caralyn to rebuild the beginning balance in order to complete the YTD bank reconciliation. Their ending balance is pretty close to being correct. From now on, the Treasurer Reports can be more detailed than in the past because PCAL has a lot of fixed costs but their census can change monthly. Caralyn has a lot of adjustments to make to Quick Books before she can compose an accurate Treasurer's

Report. DC Wiers has tried to contact Pawnee Housing Administrator to find out who has replaced Bruce Haughton on the board.

Discuss Examples of Parking Ordinance Info Sheet to be included in Water Billing & in the newspaper: Council Member Eisenhauer tried to talk to City Atty Emily Sisco this morning about this issue but was unable to talk with her directly, again. She had to talk to the office clerk, Lori deKoning, several times to try to answer the question whether the ROW is considered part of the street but finally, Emily told Lori that she thinks the ROW is part of the street but recommends Sheriff Lang speak with the new City Atty, Betsy Ferebee about this issue. Ms. Ferebee takes office on January 1, 2023. Clerk Curtis stated she will set up a meeting with Betsy Ferebee, Sheriff Lang, Mayor Hatfield and Council Member Eisenhauer. There are several other issues that need to be discussed such as the nuisance situation, the recent tire issue, parking on the ROW and league ordinances to help with the transition to a new attorney. Council Member Eisenhauer is concerned about people who have gravel spots on the edge of their property and that is their driveway (is this in the ROW?) but yet you cannot park a car in the same place more than 72 hours. If there is junk setting in their yard in the ROW, then yes, that should be enforceable for the property owner to remove it but if that is their vehicle that they drive frequently, then that should be okay. Council Member Eisenhauer measured 33 ft from the center of the street in front of her house and that should be the ROW and it measures clear to the tree in her front yard and that is half of her driveway. She recommends this issue be researched more before action is taken before it is enforced and include the city attorney. The clerks had written a reminder about parking to be included with the mailing of the next water bill but since the ROW issue is not resolved, it will not be included with the December bill. The Council was in agreement to table this issue until they are able to meet with the new City Attorney.

A Report and update from Deputy Clerk Wiers: Items for discussion are: *Report on Mitten Tree & Angel Tree Success:* DC Wiers explained that the Mitten Tree and Angel Tree were very successful again this year. Clerk Curtis explained that Union Bank & Trust sponsored a toy drive and donated those toys to the Angel Tree program which filled the 3 ft x 6 ft table in Tammy's office. The clerks plan to do this again next year with some changes. SENCA said they could not sponsor holiday food baskets this year because the outreach worker would be too busy helping with the Angel Tree and then the day before, SENCA decided they were going to close on Thursday and Friday of that week so they told the outreach worker to go back to Tecumseh on Wednesday and then she wasn't able to help with gift distribution on Dec. 21st. Danyel was able to get two of her Advisory Board members to volunteer that day at the Pawnee Village, Debbie Green, the CASA Director and UB Clerk Kimberly Johnson also helped. Debbie Green talked with SENCA and she was able to persuade them to purchase \$50 gift cards to hand out to the families and also people that live at Pawnee Village. DC Wiers explained there was a situation with a child that was removed from her home and placed in foster care. It was too late for an angel tree application but an anonymous donor gave money to the Angel Tree program in case there were any angel ornaments left over so there would be money to buy gifts. Part of this money and \$500 from the Ministerial Society were used to help families pay their water bills this month. UB Clerk Johnson sent the customers a note with the amount of money that was applied to their water account. Clerk Curtis and DC Wiers explained that sometimes it feels like they wear another hat as "social worker," but it is very rewarding. Council Member Poskochil suggested when the Cornerstone Building is completed, a social worker could meet with people

on a regular basis to help people find resources. Clerk Curtis stated that there is a stack of food in the City Office that was dropped off last week for the Food Pantry because the local SENCA office was closed and the person was afraid it would freeze if left out on their porch.

Review/Discuss email from Temple Display on purchasing 5 more Christmas Light

Decorations in January when the sale prices are available: Foreman Cumley had suggested to DC Wiers that the City purchase five more Christmas lights to fill out empty spots around downtown and along HWY 50 & HWY 8. DC Wiers contacted Sandy Gundy with Temple Outdoor Décor who had assisted with the order for the new Christmas lights last year. Sandy had emailed a quote for December and then emailed a cheaper quote that expires February 28, 2023 to encourage the City to wait to order more lights and save \$1200. Last year, the cost for the new lights was split between all the funds (General, Street, Water, Sewer, Pool & Park). Council Member Zelenka moved to approve the purchase of five more Christmas lights for \$3279.00 to be ordered in January with the cost to be divided between (General, Street, Water, Sewer, Pool & Park). Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Report and update from Foreman Cumley: Items for discussion are: Review/Discuss

installing mirrors on the Polaris Ranger: Foreman Cumley explained it is difficult to safely back up the Ranger and also to pull out into traffic without side mirrors like cars and trucks have. Since this is a safety issue, Foreman Cumley discussed this with Council Member Eisenhauer and Cumley priced a pair of side mirrors through ET's Lawn & Leisure which will cost \$180.00 and they are in stock. Council Member Eisenhauer moved to approve the purchase of a pair of side mirrors through ET's Lawn & Leisure for \$180.00 for the Polaris Ranger. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Approve Certificate of Compliance (2022) and Maintenance**

Agreement No. 52 (2023) with NDOT: Council Member Eisenhauer moved to approve the Certificate of Compliance (2022) and Maintenance Agreement No. 52 (2023) with NDOT. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Discuss updates from Evan Wichersham/JEO on applying for Public Works Grant for Streets:** Evan and Foreman Cumley drove around town to look at the streets that need repaired. Evan had consulted with coworker, Terry Meyer, who has experience with grants and it is his opinion that it isn't feasible to apply for a grant now but the City should wait until August to apply. The City would also be eligible to apply for a planning grant that would pay for the engineering costs and the street study. Since the City currently still officially has the Fire Hall grant (even though the project is completed), the City would automatically be denied. Clerk Curtis explained there is still an outstanding claim from SENDD that DED has not yet approved. Also, it is difficult to get asphalt approved since it has to last more than twenty years and the street has to be listed on the 1 & 6 year plan. An asphalt overlay usually lasts ten to fifteen years. Foreman Cumley and Mayor Hatfield recommend that next time there is a street project, Foreman Cumley, Evan and the council member in charge of streets drive around to review what streets to repair and include streets that have already been engineered and streets included on the 1 & 6 year plan. Also, the Street east of the Pawnee Village needs to be included on the 1 & 6 year plan and the next street project and not repeatedly taken off the plan. The streets that have already been engineered cannot be switched from concrete to asphalt. Clerk Curtis stated that this street project was not included in the current budget and it is a good idea to use ARPA funds to help pay for this project but "you need to have

all your ducks in a row, first, but we don't." If the City would wait until August to apply for this grant, then this project could be included in next year's budget and the streets would be included in the 1 & 6 year plan. **Discuss VanHorne Park:** Council Member Eisenhauer explained that she heard a moveable bandstand might be installed at the base of the amphitheater but someone will be down to measure and install handrails by the steps and at the back of the amphitheater. As far as Eisenhauer and Cumley know, the steps of the amphitheater will just contain dirt but feel it would be best to top off the dirt with rock or maybe mulch. They are concerned the area may become muddy. Council Member Fisher suggested using a material similar to AstroTurf. The leftover rock will be spread out on the parking area. **Discuss \$45,740.00 billing from WesTech for Vertical Screen at Sewer Plant (Budgeted a total of \$50,865.00 for Vertical Screen repairs & WesTech hasn't yet installed it; Discuss possibly rescinding motion to use all of the ARPA Funds towards Streets in order to be able to use those funds to assist paying for the Vertical Screen Repairs at Sewer Plant:** All the parts have shown up from WesTech so now, the vertical screen needs to be installed. The original quote was around \$56,000 for the whole job but the parts actually cost \$50,000 without labor which will probably be well over \$5,000 because it will take at least two days to install and then there will be the cost to rent the crane from AHRS. Clerk Curtis explained that is why this item was listed on the agenda because the balance of the ARPA money may have to be used for other things than just the streets. Council Member Fisher suggested that some of the ARPA money be reserved for a situation such as the vertical screen. Council Member Eisenhauer suggested that the budgeted amount be used to pay for the vertical screen and the balance be paid out of the ARPA funds. Council Member Poskochil asked if there was money in the Sewer Reserve account that could be used to help pay for the vertical screen? Clerk Curtis explained money from the Sewer Reserve account could be used for this project since it would be a fixed asset. Council agreed to table this issue until the total bill is received. **Review/Discuss quote on snow push for the front loader:** Foreman Cumley explained when snow is cleared from the streets downtown, the snow is pushed into a big pile in a windrow in the middle of a street and then hauled off. Currently, the crew tries to push snow with the loader bucket but it is small and takes about 30 minutes per block to push it up into a windrow. If they use the loader and the skid loader, it speeds up the process but if they had a snow push for the front of the loader, it would probably take 5 or 10 minutes to clean each block and would save quite a bit of time during snow removal plus the crew is down one person. The crew also has to clean the city parking lots and sidewalks before businesses open in the morning. Foreman Cumley asked if some of the ARPA money could be used to purchase a snow push? Council Member Eisenhauer explained since the fourth crew member position wasn't filled, that would be a savings in the budget and a snow push would benefit the streets. Council Member Poskochil asked if there was a used snow push available? Discussion was had about purchasing a used snow push versus a new snow push and Council agreed it would be best to purchase a new snow push. Foreman Cumley brought an updated quote of \$11,400 to the meeting. Council Member Eisenhauer moved to allot \$12,000 from ARPA funds for the purchase of a 14 foot snow push for the front loader. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Foreman Cumley explained the crew dealt with a water main break today. Hopefully, it was just a clamp that needed tightened.

Report and update from Council Member Eisenhauer, Deputy Clerk Wiers & Foreman Cumley: Review Meeting Minutes/Discuss Safety Committee Meeting held 12/7/2022; Discuss Safety Committee's recommendation to raise boot allowance from \$175 to \$225 (If in agreement, make motion to approve proposed changes to Employee Handbook: Foreman Cumley explained for the past two years, the crew has not been able to purchase boots for less than \$229.00 but the current boot allowance stated in the Employee Handbook is \$175.00 so they have had to spend about \$55.00 to \$75.00 out of pocket each year for boots for work. The Safety Committee wants to ensure the crew members wear safe steel-toed boots so they recommend the current boot allowance be increased to \$225.00 which would be more realistic. Clerk Curtis explained the boot allowance amount is paid out of the funds where the specific employee's wages are paid. Council Member Zelenka moved to increase the boot allowance from \$175.00 to \$225.00 effective immediately. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Foreman Cumley further explained that it was discussed at the last Safety Committee meeting to ask the Council if they would approve the purchase of walking shoes for himself and crew member Lucas Barloon? It is difficult to walk meters eight miles/day in steel-toed boots and they have been wearing their own walking shoes on the days they walk meters which wears their shoes out. Cumley suggested walking shoes or hiking shoes similar to what is sold by Keene. These shoes would be kept at the shop and only used to walk meters. Foreman Cumley and Crew Member Barloon walk meters while Crew Member Droge drives the Polaris Ranger to read meters outside city limits. Council Member Fisher moved to approve the purchase of two pairs of walking shoes/hiking shoes for Crew Member Barloon and Foreman Cumley to wear while walking meters not to exceed \$300.00. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Correspondence: The City Council reviewed correspondence from October 2022 total Sales Tax of \$24,209.57 with ½% Street Repairs Sales Tax totaling \$5,355.53 and \$2,787.45 being Motor Vehicle Sales Tax. Pawnee County 4-H sent a "thank you" note for the donation towards the purchase of new livestock pens.

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 9:24 pm.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor