

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, FEBRUARY 24, 2020 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 John Dahlgren, Vickie Zelenka, Susan Eisenhauer and Ric Helms; Kellie Wiers, Deputy City Clerk, Tammy Curtis, City Clerk/Treasurer and Interim City 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.

Council Member Helms made a motion to accept the February 10, 2020 regular meeting minutes. Council Member Zelenka 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: **2/18/20 Payroll:** 10,098.71; **Union Bank & Trust**, FWH 2565.15; **NE Dept. of Rev**, SWH 360.72; **NW Mutual**, retirement 882.40; **Allstate**, cancer/accid. ins. 228.46; **BCBS**, health ins. 5945.38; **Ameritas**, vision ins. 116.60; **BHE**, gas costs office, shop, fire dept., new office, library 305.85; **PCDC**, Dec. sales tax 6597.43; **Windstream**, internet & phone service 302.71; **Spectrum**, office internet 154.97; **Casey's Business MasterCard**, equip fuel 511.72; **Capital Business Systems**, internet service contract 276.68; **Sargent Drilling**, well #2 rebuild 37,408.46; **Verizon Wireless**, emergency cell, home connect, jet pack 94.66; **AHRS Construction**, DD#8, Cornerstone Bldg. 21,049.92; **Carlson West Povondra Architects**, Cornerstone Bldg. Project 1896.00; **SEND**, Cornerstone Bldg. Project 841.64; **3-D Plumbing & Handyman Services**, swr cleaning & stool repair 153.25; **Gary Gross Truck & Accessories**, down payment on utility box 1500.00; **Midwest Labs**, sewer sample testing 187.00; **Nebr. Public Power**, electric service 3853.75; **Pawnee Co. Register of Deeds**, file wtr bill liens 60.00; **Pawnee True Value**, paint, heat lamp, repair supplies 191.72; **Seneca Sanitation**, Jan 2020 garbage service & dumpster at pond 5646.09; **Constellation NewEnergy**, gas cost/service 16.60; **DHHS—Drinking Water**, water operator class, empl #1009 & pool permit fee 300.00; **Independent Salt Co.**, salt for streets 294.00; **Lincoln WinWater Works**, Well #2 repair parts 212.90; **Martin Marietta**, rock for 5<sup>th</sup> street 4723.99; **Nebr. Public Health Environmental Lab**, water sample test 64.00; **Julie D. Bauman**, annual audit 15,137.15. Council Member Dahlgren made a motion to approve the claims as submitted. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Mitch & Kenzie Turnbull/The Blazin' Bull, parking issues on G Street:** Mitch and Kenzie addressed the Council with their concerns about downtown employees parking in front of businesses all day and taking up spaces that could be used by customers. Mitch had checked to

see if there were any parking ordinances first but there are not. Mitch reports that elderly citizens have reported to him that they haven't patronized some businesses downtown because they would have to park too far away and walk and they can't find a place closer to park. Mitch suggested a two hour parking limit for the downtown business areas not just on G Street but around the area. There are some people who leave a vehicle parked downtown for days at a time even though there is a 72 hour parking limit. Also, people could park in the public parking lot on the corner of 7<sup>th</sup> & G streets and it would only be 50 feet further to walk. Mitch explains that he doesn't allow his employees to park close to his business and they have to park somewhere else. With the Cornerstone Project right now, the construction vehicles take up parking spaces that could be used by customers. Council Member Dahlgren explained that his wife, Cheryl, used to be the county treasurer and the courthouse employees were told to park on the south side of the courthouse but they don't enforce it anymore and he has noticed there are other courthouse employees that park in other areas next to the courthouse. Mitch explained that Joe Plock said he doesn't mind people parking in front of his station on the street but he doesn't want anybody parking at the station because there are old fuel tanks underneath and he doesn't want somebody parking there in case it might collapse. Council Member Helms asked Clerk Curtis if there was a parking ordinance in place when Bob Moser was mayor and employees couldn't park downtown and they had to park around the courthouse. Mayor Hatfield explained when his father was the Clerk in 1972, the council went through this same process that we are talking about tonight. At that time, they asked all the business owners and employees to park on the south side of the courthouse and there was a lot more traffic in 1972 than there is now. They tried the two hour parking idea and people would go out and move their vehicle down two spots or make sure they moved their vehicle every two hours and the mark on the tire would be in a different spot. This has been an ongoing problem since Mayor Hatfield moved back to Pawnee City. Council Member Dahlgren mentioned that he has seen an employee of Shirley's Place that opens up in the morning parks right in front and at noon, you can't find a place to park in front of True Value. Council Member Zelenka asked if two hours is enough time for the Turnbells? Two hours is plenty of time because most people that come in to eat are there around thirty minutes and leave. Mitch feels that someone shouldn't be able to go to work at 8:00 a.m. and leave their car parked right in front of someone's business all day until 5:30. Council Member Eisenhower suggested a two hour parking limit from 8 to 5 on the downtown businesses. Council Member Dahlgren suggested having one or two people from the Council talk to downtown businesses first to see if they can stop those employees from parking downtown in front of other businesses and see if we can get something accomplished within the next few weeks. Mayor Hatfield asked if anyone would volunteer to talk to the downtown business owners? Clerk Curtis explained that Sheriff Lang would be present at the next meeting and he would be available to talk to about this issue. Council members Zelenka and Dahlgren volunteered to talk to downtown business owners about this parking issue. Council Member Eisenhower stated that we should have this issue resolved by the end of March. Council Member Helms said that he has noticed there are two downtown employees who live two blocks away and they park downtown in front of other businesses. Mitch Turnbull said he has also noticed that there are people who come to pay their water bill and have trouble finding a place to park.

### **Report and Update from Mayor Hatfield: Review/Discuss Elected Officials Code of**

**Decorum:** Mayor Hatfield explained that someone asked him about a job description for city council members and we didn't have anything on file so he called the League of Municipalities

and talked with Lash Chaffin. Lash stated the League didn't really have anything to go by but the Village of Snyder had written something and we could edit it to fit Pawnee City so they sent it to Clerk Curtis. Mayor Hatfield thought it would be helpful for the new council members. The Council was in agreement that this should be included in the Employee Handbook.

**Review/Take Action on Semi-Annual Audit from PCDC performed by Citizen Advisory Board:** Council Member Dahlgren made a motion to accept the semi-annual audit from PCDC performed by the Citizen Advisory Board. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review/Approve Ordinance #983 amending the UTV Ordinance to include ATVs:** Council Member Dahlgren said Clerk Curtis did a good job on amending the ordinance. Council Member Eisenhower made a motion to approve amending Ordinance #983 (the UTV ordinance) to include ATVs on first reading. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. The amended ordinance will be read again at the next two council meetings to allow for three readings.

**Review/Approve the Admin contract with SENDD on the New Fire Hall Grant:** Council Member Dahlgren made the motion to approve the Administrative contract with SENDD on the new Fire Hall grant. Council Member Eisenhower seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Mayor Hatfield explained to the Council that the firemen have blue prints drawn up for the new fire hall which includes a meeting area and it will be really nice. Council Member Dahlgren asked if part of the water tower grounds will be converted to parking for the new fire hall? Mayor Hatfield explained that when it got closer to building that they could look at that idea again. Council Member Dahlgren asked how much of the curb will have to be cut and will it be a problem with the State? Mike Habegger had explained to the Mayor that he has checked this out and as long as they have islands in the driveways, they can cut each curb.

**Report and update from Interim Foreman Cumley: Discuss quote on Liner for Well #2:** Foreman Cumley has not heard back from Sargent Drilling about the liner for Well #2, so nothing to report at this time.

**Report and update from Council Member Helms: Discuss price to paint/install Utility Box on pickup:** Council Member Helms talked with three different businesses about installing the utility box for the utility truck. Gary Gross Truck & Accessories in Lincoln, Nebraska had the cheapest price and they will paint the box. It will cost \$1200 to paint the box and \$600 to install it for a total bill of \$4800. They required a \$1500 deposit and they can install the utility box in March. Council Member Helms explained he approved this purchase without the Council's approval. The \$600 installation charge includes taking the old box off. Council Member Dahlgren made the motion to approve the purchase, painting and installation of a new utility box for a total cost of \$4800. Council Member Eisenhower seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Discuss request to move the Handicapped Sign/Barrel in front of old SENCA building to place in front of Pawnee City Thriftway:** SENCA recently closed their office in the building next to the grocery store. Interim Foreman Cumley explained there are two handicapped parking spaces in front of the old SENCA building and a couple concerned citizens had asked that the sign be moved to be in front of Pawnee City Thriftway. Cumley wasn't sure if there had to be an ordinance or not to move the barrel and make two new handicapped parking spaces. There doesn't have to be an ordinance but Sheriff Reed had previously explained to Mayor Hatfield that the handicapped space has to be painted on the street and there has to be a sign posted or the handicapped designation cannot be enforced. The Council was in agreement for Cumley to wait until warmer weather to move the sign when the stalls can be painted with the handicap decal.

**Mayor Hatfield: Joe Stehlik wants to remain appointed on the ReUse Committee along with Jim Kubik and Mayor Hatfield:** Mayor Hatfield explained this is just for the Council's information that Joe wants to remain on this committee and he was one of the original people that started this committee.

**Tabled from 2/10 Meeting: Council members need to complete their question sheets for Pawnee City's "Community Profile" on Hazard Mitigation Plan update. Info due March 2, 2020:** Mayor Hatfield reminded everyone to complete their question sheets so hopefully, there will be enough completed and we meet the deadline. Some questions were difficult to answer but the Mayor asked everyone to do their best and get them to the City Office.

**Report and update from Council Member Eisenhauer:** *Discuss/Approve renaming Prairie Hills Connector Trail; Review flyer for Dr. Jackson's Retirement Celebration March 5<sup>th</sup>, 2-4 p.m.;* The open house to celebrate Dr. Jackson's retirement will be held March 5<sup>th</sup> with a special presentation at 3:00 p.m. Council Member Eisenhauer stated she didn't want it released before March 5<sup>th</sup> that we are discussing renaming the Trail to "Dr. Rick Jackson Trail" because the special presentation is supposed to be a surprise. Council Member Dahlgren asked if anyone is interested in donating money to buy flowers for the family for the open house. Council Member Eisenhauer had talked to everybody involved in sponsoring the open house and council members, and thought it would be a nice gesture in recognition of Dr. Jackson to rename the trail to the "Dr. Rick Jackson Trail." The sign would be presented to Dr. Jackson at the ceremony on March 5<sup>th</sup>. Council Member Helms made the motion to rename the Prairie Hills Connector Trail to the Dr. Rick Jackson Trail. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhauer requested this information not be published until after the ceremony on March 5<sup>th</sup>.

The City Council reviewed correspondence from the December 2019 Sales Tax of \$19,253.92 with ½% Street Repairs Sales Tax totaling \$4,398.29 and \$1,660.77 being Motor Vehicle Sales Tax. Chamber Fishing Derby is scheduled for May 30<sup>th</sup>. The City received reimbursement from the person who hit the School Crosswalk Signal. Council Member Zelenka informed the Council that Tammy and Utility Billing Clerk Kris Blecha have done an awesome job with updating the

Ordinance book. Council Member Zelenka and Deputy Clerk Wiers will attend the SENCA Town Hall meeting on Feb. 26<sup>th</sup> at the East Pawnee Village meeting room.

**Recess:** Council Member Helms made a motion to recess for a short break before entering into Executive Session. Council Member Eisenhower seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Recess started at 7:44 p.m. and ended at 7:49 p.m.

**Executive Session for Zoning Administrator/Floodplains Manager:** Mayor Hatfield read a letter to the Council from Larry Sinagoga stating he had rescinded his application for Zoning Administrator/Floodplains Manager. Council Member Eisenhower made the motion to go into Closed Session for the purpose of discussing a job interview in reference to an open job position to prevent needless injury to the reputation of a person and if such person has not requested a public meeting at 7:52 p.m. Council Member Dahlgren seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Clerk Curtis and Deputy Clerk Wiers stayed in closed session Council Member Dahlgren made the motion to come out of Closed Session at 8:14 p.m. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Action taken:** Council Member Dahlgren made the motion to hire Matt Kuhlmann as Zoning Administrator/Floodplains Manager for the City of Pawnee City at \$400 per month effective March 1, 2020. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Dahlgren stated this should be reviewed after one year. Discussion was had about the city limits and whether City Zoning included a one mile radius outside city limits. Council Member Dahlgren said that Larry Sinagoga had told him that the city limits were just the city itself unless the City had an agreement with the County. Clerk Curtis explained that is something that will need to be verified. The County also has a Zoning Board and that contact person is Terry Kerl. Clerk Curtis explained that Jon Bailey, the County Assessor would be a good one to talk with to see if there was an agreement with the County in regards to the city limits. Council Member Dahlgren stated that Larry Sinagoga suggested the City number its building permits in regards to the date they are written and approved. Clerk Curtis explained that Zoning was all new when Clint took it over and there could be room for improvement. Also, Council Member Dahlgren stated that Mr. Sinagoga told him the City could not sell a property. Clerk Curtis explained that certain conditions had to be in place for the City to sell a property such as when the City demolished a property and sold the lot. Council Member Dahlgren continued with discussion on history of zoning issues including setbacks as what happened on Nanette Smith's fence and Mr. Dahlgren's garage.

**Executive Session for City Foreman Position:** Council Member Eisenhower made the motion to go into Closed Session for the purpose of discussing a job interview in reference to an open job position to prevent needless injury to the reputation of a person and if such person has not requested a public meeting at 8:24 p.m. Council Member Dahlgren seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Dahlgren made the motion to come out of Closed Session at 9:05 p.m. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion,

whereupon motion carried. The Mayor and Council had interviewed Fred Kenton and then Interim Foreman Spencer Cumley.

**Return to executive session for City Foreman Position:** Council Member Zelenka made the motion to go into Closed Session for the purpose of discussing a job interview in reference to an open job position to prevent needless injury to the reputation of a person and if such person has not requested a public meeting at 9:08 p.m. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Clerk Curtis and Deputy Clerk Wiers remained in closed session. Council Member Zelenka made the motion to come out of Closed Session at 9:38 p.m. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Action taken:** Council Member Zelenka made the motion to hire Spencer Cumley as Foreman for the City of Pawnee City at \$21.00/hr. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Helms stated this is with the intention that Mr. Cumley would have an evaluation and wages would be raised in the near future. Mr. Cumley stated as long as it's fair. Council Member Eisenhauer asked Mr. Cumley if he thought that was a fair wage? Council Member Helms explained that Clint Johnson was here for 25 years and making \$23.83/hr. He had 21 years on Mr. Cumley. Council Member Dahlgren explained that there were things Spencer will have to improve upon and he will have to make some tough decisions at times. Mayor Hatfield asked Mr. Cumley if he would accept the job at \$21.00/hr.? Cumley said he would really like to accept the job but last week there were a lot of openings advertised in the newspaper. He could work for AHRS for \$20.19/hr. and not be required to have any certifications. Council Member Helms explained that Mr. Cumley was already licensed and would not have to get anymore certifications and working for \$2.00/hr. less than what we were offering him. Mr. Cumley explained there is a lot of responsibility and stress with the foreman's job, details and the licensing required, which is worth more in his opinion. Clerk Curtis asked if the Council was planning to hire another crew member to replace Mr. Cumley? The Council agreed they planned to do this since we are currently down one crew member. Council Member Eisenhauer explained this may be less pressure or it could be more pressure to hire another person that Mr. Cumley would have to train. Council Member Dahlgren asked Cumley if he would like to take time to accept the offer? I sure would love to, said Cumley. Discussion was had that Mr. Cumley would let the Council know by the next council meeting on March 9<sup>th</sup>. Discussion was had when employee raises would go into effect and Clerk Curtis explained that would not be until October 1<sup>st</sup> at the start of the next budget year. Council Member Helms asked if Cumley accepted the job at \$21.00/hr. then could we give him a raise in a couple months? Clerk Curtis explained that the Council could do this as Cumley is currently not making what Clint was making so we are not paying Clint's salary now so there is a little bit of wiggle room in the budget for salaries and we are not paying someone for Spencer's position either. Council Member Eisenhauer explained that she and Council Member Zelenka agreed to that wage with the intention that there would be a raise in a couple of months so that could get Spencer a little further. Clerk Curtis explained that the higher wage could start on the next pay period and it could also be retroactive. Mr. Cumley has been the interim foreman for five months.

Council Member Dahlgren made the motion to adjourn the meeting. Council Member Helms seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 9:50 pm.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor