

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, FEBRUARY 28, 2022, AT 7:00 P.M. AT THE PAWNEE CITY PUBLIC LIBRARY MEETING ROOM, 735 8<sup>TH</sup> 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: Ric Helms, Susan Eisenhauer (by telephone), Donnie Fisher and Bruce Haughton; Kellie Wiers, Deputy City Clerk/Treasurer and Spencer Cumley, City Foreman. **Absent:** None.

Mayor Charlie 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 Haughton moved to accept the February 14, 2022, regular meeting minutes. Council Member Helms 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: **3/01/22 Payroll: 10,151.86; Union Bank & Trust**, FWH 2920.94; **NE Dept. of Rev**, SWH, 415.83; **John Hancock**, retirement 1298.81; **Spectrum**, internet & phone @ shop 169.97; **PCDC**, Dec 2021 sales tax 7198.43; **Windstream**, phone @ swr plant 62.28; **Amazon Capital Services**, repair supplies 185.58; **Nebr. Dept of Environment & Energy**, pool permit, empl# 1035 wtr operator license 300.00; **Capital Bus. Services**, Elevate phone syst., library maint agree 251.44; **Verizon Wireless**, home connect & jetpack 64.20; **Pawnee Co. Treasurer**, 2021 real estate taxes 4445.92; **Access Systems**, IT services 897.00; **NMC, Inc.** loader headlight 1039.27; **Jared Kohler**, deposit refund 35.01; **AHRS Constr. Inc.**, Fire Station Pay App #5 #6, 331, 886.80; **JEO Consulting Group**, Fire Station Project & local match 2289.50; **Binder Bros.**, lumber for Pool 244.72; **League Assoc of Risk Mgmt.**, repay overpymt 22,685.17; **Municipal Supply**, wtr parts 788.97; **Pawnee Co. Rural WTR District**, pond wtr hydrants 85.50; **U.S. Cellular**, emergency cell phone 47.65; **Seneca Sanitation**, Jan 2022 garbage service, dumpster @ pond 6121.75; **Russell & Elda Stolze Trust**, wtr dep refund 100.00; **Hach Co.**, swr buffer solution 166.01; **Home Depot Pro**, concrete power screed 2544.99. Council Member Helms 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.

**Masonic Lodge Members to Present Donation to PC Fire Department:** Several members of the Fire Department and the Masonic Lodge were in attendance for the presentation. The Master of the Masons' Lodge, Ed Raper, presented a check for \$25,000 to Mike Habegger, Treasurer of the Fire Dept. for completion of the inside of the new Fire Hall. Mayor Hatfield, also a member of the Masonic Lodge, thanked the members of the Fire Dept. and Masonic Lodge for being present for the presentation. Mayor Hatfield stated he is thankful for the Masonic Lodge and it is

one of the oldest organizations left in Pawnee City and it is still active in the community. Ray Kappel took a picture of the presentation to be published in the Pawnee Republican.

**Anthony Nussbaum, Housing Director – Appoint new resident commissioner for the SNHP Board to replace Ray Kappel: *Robert (Bob) Dodge, resident to finish out the 5-year term (2/28/2026)***; Mr. Nussbaum was unable to attend tonight's meeting. Council Member Haughton had contacted Bob Dodge and invited him to tonight's meeting but was unable to attend. Council Member Bruce Haughton moved to approve the appointment of Robert Dodge to finish out the 5-year term of Ray Kappel on the Southeast Nebraska Housing Partnership (SNHP) board which ends 2/28/2026. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**MaKayla Valdez & Kenneth Klepper: Discuss compromises taken on Dog Barking Issues:** Kenneth Klepper was present to address the Council. Mayor Hatfield explained that he had met with Kenneth and MaKayla Valdez a week ago to discuss this issue. Kenneth and MaKayla had stated at this meeting that they would try putting bark collars on the two dogs that are kept outside and if this didn't work, they would figure out a way to get rid of the dogs. Mayor Hatfield explained that it is hard to relinquish dogs or cats because they become a part of the family and they are like your kids. Mayor Hatfield had suggested to them to address the Council about this issue in order to resolve it. Kenneth explained that last week, they put bark collars on the two dogs that are kept outside and then put them in the barn at night and this has seemed to help. Last week, Kenneth messaged his neighbor, Laura Poskochil, and asked her to contact the O'Donnell's (the neighbors directly across the street to the South) and check with them if the barking had stopped. Kenneth said that Laura had replied that they haven't heard the dogs bark at all. The outside dogs are kept in a large fenced-in area and are not kept tied on chains. They have four dogs which consist of Peanut, Shilo, Dan and JB. A fifth dog, Buddy, is now owned by Herb and Laurie Klepper. Another dog, Loretta, had been relinquished. Kenneth explained that they had purchased the collars at Tractor Supply for around \$200.00. Council Member Helms explained that dogs will receive a shock from the bark collar so they will learn to stop barking. Council Member Eisenhower explained that she had used one on her dog and that there are newer collars on the market that emit a scent when the dog barks to deter a dog from barking. Mayor Hatfield stated that he doesn't want to see Kenneth and MaKayla spend a lot of money and the City spend a lot of money on a court hearing if a solution can be found to resolve this situation. Kenneth and MaKayla have four dogs at their home with two kept inside and two kept outside. Three of the dogs have been licensed but the fourth one, JB needs a rabies vaccination before he can be licensed and they have an appointment March 2<sup>nd</sup> to get this done. Mayor Hatfield explained that there is a \$200 citation for unlicensed dogs and two \$75 citations for barking nuisance. At the meeting, Kenneth and MaKayla had asked if the citations could be forgiven. Council Member Eisenhower moved to deduct the cost of the bark collars from the total cost of the citations upon receipt of the cost of the bark collars. Council Member Helms brought up a concern that the Sheriff's office writes these tickets and they are expected to enforce the law but then citations are dismissed. This frustrates the Sheriff's office. Council Member Eisenhower stated that the Council also needs to set a precedent to violators that you have to be assessed something and that we have to uphold the law but Kenneth and MaKayla have made a good effort to resolve the situation by purchasing bark collars and licensing the dogs and she doesn't want to see the dogs destroyed. Council Member Helms seconded the motion. Roll Call vote

indicated all present voting in favor of the motion, whereupon motion carried. Deputy Clerk Wiers commented there was another dog, a Husky, in the neighborhood, South of Kenneth Klepper that barks the whole time it is outside, chained up, which could have contributed to this situation. It has recently been relinquished to SHARE. Kenneth stated that there are two dogs East of his property that also bark a lot. Mayor Hatfield stated to the Council that with the Husky gone from the neighborhood and bark collars put on Kenneth's two outside dogs, then hopefully, it will be quiet in the neighborhood.

**Review/Make Decisions on Office Cleaning Position Applications:** Mayor Hatfield explained that Kim Harris had applied but she called him and stated that she didn't really want the cleaning position at this time but she plans to stop working at the winery by the end of the year and if it didn't work out with the cleaning person that is hired, she would be interested. Council Member Haughton asked how the person was paid who had cleaned at the old City Office in the past? At this time, Deputy Clerk Wiers explained to the Council that she had contacted Stehlik Law Office to ask how they treated the employment of their cleaning person who has cleaned their office for a number of years. Deputy Clerk Wiers was told that person is treated as being self-employed and they are responsible for their own sales tax. A person who was going to apply had asked this question. Council Member Haughton stated that in some situations this person is required to obtain insurance and this is easy to obtain and include with a person's homeowner's policy. That way if they are hurt while cleaning, the company you are cleaning for is not responsible. Council Member Helms stated that he contacted his daughter who is self-employed and cleans homes and businesses. She is not considered an employee and receives a 1099 form from the business. The businesses that she cleans for require her to be bonded and she carries insurance to cover herself in case of an accident. She furnishes her own cleaning supplies and she recommends not paying someone by the hour but to pay them a flat fee. She charges a small business \$55.00/week. Deputy Clerk Wiers stated that there are some cleaning supplies at the city office that a person could use. Council Member Haughton suggested that some people may prefer certain cleaners. Council Member Eisenhauer asked the Council how they wanted to decide? Council Member Helms asked who is going to call all of the references? Will the Council members have to call them? Council Member Eisenhauer stated that they wouldn't have to call all of the references. If you choose to call references, you may do so. Council Member Helms suggested that the Council let the office make a recommendation and then bring it to the Council. Council Member Eisenhauer asked if you want the office to make one or two recommendations? At this time, Deputy Clerk Wiers stated that it shouldn't be left up to the office to select a person. Council Member Helms stated that the office could recommend one person and then if the Council didn't approve that person, the Council could vote on the next person. Deputy Clerk Wiers reiterated that she may be biased on a certain applicant and to make it fair, it should be up to the Council to select an applicant. Council Member Helms stated he could be biased too but that Deputy Clerk Wiers works in that office and there may be someone on the list that you wouldn't want in that office. Council Member Eisenhauer suggested that the office staff select their top two choices and then bring it back to council and let the Council vote on who they want in that position. Council Member Helms said "Isn't that what I said?" Mayor Hatfield summed up, the office staff will pick two people out of the applicants and bring it back to Council at the next meeting, then Council will vote on which applicant to hire. Council Member Haughton suggested it may create more work for the cleaning person to track their hours and then the office staff have to pay them every week. So, he suggested paying the

cleaning person a set fee of \$25 to \$35 per week. If the person can get it done in one hour, great. Deputy Clerk Wiers stated that one of the applicants will probably want more than \$35.00 per week based upon the amount they charge per hour. It was the consensus of the Council that the salary would be decided at the next Council meeting. Council Member Eisenhower stated that the Council would probably pay more for a person who was insured. Council Member Fisher suggested that it may be best to check with the applicants and see what type of chemicals they use because staff may have a sensitivity to certain chemicals. Deputy Clerk Wiers stated she will contact the top two candidates and ask them about supplies and insurance when Tammy returns to the office on Wednesday and then report back to the Council at the next meeting on March 14<sup>th</sup>. Council Member Haughton suggested the office staff contact one of the Council members if they are having difficulty determining the top two applicants.

**Review/Approve Interlocal Agreement with Pawnee County for Kenneling Services with no changes:** Council Member Eisenhower moved to approve the Interlocal Agreement with Pawnee County for Kenneling Services for another year with no changes. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Fire Station Project Updates: Review/Approve Change Order #5 – contract extension to 3/31/2022 with AHRS;** Council Member Haughton moved to approve Change Order #5 – contract extension to 3/31/2022. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review PCAL January Board Meeting Minutes, Profit/Loss Treasurer’s Report:** Mayor Hatfield reported that this was the second PCAL meeting he has attended and he has seen nothing but improvement. They paid all of their bills and had money left over and they are going in the right direction. There are projects that are in the planning stage but Council Member Haughton stated it would be best not to discuss those items at this time. They are at full staff. Recently, there was a resident who moved in but promptly moved out because she required a higher level of care. There has been a lot of interest in people moving to the assisted living and it could be full by spring.

**Review/Act on Charlie Hatfield’s Demolition Reimbursement Request at 826 H Street:** Council Member Haughton moved to approve Charlie Hatfield’s demolition reimbursement request for 826 H Street for \$4000.00. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Helms stated “it looks absolutely wonderful.”

**Report and update from Foreman Cumley: Items for discussion are: Review/Approve RAS Pump Quote to have it repaired from Borger:** The RAS (Return Activated Sludge) pump pumps all the sludge around at the Sewer Plant. Borger submitted a bid of \$7700.85 to rebuild the RAS pump and a new one costs over \$14,000. With the way prices are, Cumley recommends repairing the RAS pump instead of buying a new one. Borger will give a three-month warranty on the rebuild in case it starts leaking and the seals go out. **Review/Approve Vertical Screen quote from WesTech:** Their quote includes pulling out the vertical screen, repairing the gear box seals and replacing the brushes for a cost of \$19,452.00 but does not include the cost of a crane to pull this

out of place to repair it. So, we still have to furnish the crane. It will cost \$2000.00 to rent a crane for one day of work and hopefully will only take one day. WesTech will be sending technicians out to make the repairs. Council Member Eisenhauer asked if it would cost \$2000/day and surely, the crane will be left at the sewer plant until the job is finished? Foreman Cumley stated that he has been talking with Garrett from AHRS about the crane and will get clarification. Garrett wants to visit the sewer plant first and see exactly what will have to be pulled out with the crane before he writes an exact quote and whether they can use a small crane or the big crane because the City has no idea how much this weighs and the small crane would be cheaper to rent. Cumley explained that both of these items have been included in the budget. \$15,000 was budgeted for the vertical screen and \$13,000 had been budgeted for the RAS pump so we are a little over on the vertical screen but under for the RAS pump since we are not purchasing a new pump. Council Member Eisenhauer moved to approve the repair of the RAS pump for \$7700.85 by Borger and repairs to the vertical screen for \$19,452.00 from WesTech. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Discuss Pool Updates:** Foreman Cumley explained that the stalls in the Boys' Shower room are completed other than two doors that need to be hung. Foreman Cumley may be able to build the doors out of scrap lumber instead of buying doors. The Crew has started demolishing the Girls' Shower room and is looking much better. **Discuss updates to Lead & Copper mandate:** The Crew members attended a training in Beatrice last week and this topic was discussed. The City has until October 16, 2024 to have all of their service line inventories submitted to the State stating whether they are plastic, lead or galvanized. After that, a certain percentage of the lead lines will have to be replaced until it is all gone and this paperwork will have to be submitted to the state yearly. Also, budget data will have to be sent to them showing the cost to replace and then the actual cost incurred to replace these lines. Lead and copper will both be tested separately, now. There are now more issues with copper than lead. This may become a yearly test instead of a six-year test which will bring our sampling costs up. The biggest issue is getting the lead out of the ground. Cumley talked to the Field Representative about it and if a crew member goes into the basement of a house and checks what kind of materials are existing for the water line but they are not sure what the line is made of from the house to the main, then it will have to be marked as lead if it is unknown. We are going to be responsible for replacing the lead line all the way to the house from the first shut off or the main. Normally, we stop at the first shut off of the main, but if the property owner has lead going all the way to the house, the City will be responsible for replacing this. Mayor Hatfield explained that is probably so that it is known that the lead line was replaced instead of leaving it up to the property owner to replace and then they don't follow through. Cumley stated there will be grant funding coming from the State for this project through the EPA. All of this will have to be tracked in order to get reimbursed from the State. Cumley stated that the Streets will have to be repaired when these lead line repairs are completed. Also, some cities are looking at replacing the whole main when these pipes are replaced instead of tearing up the street again to replace a main.

At this time, Council Member Helms questioned the claim to Home Depot on the concrete power screed. It had been discussed at the January 24, 2022 city council meeting that the Street, Water and Sewer funds would all pay for this item. A photocopy of the minutes was attached to the claim to validate how the claim was processed.

**Correspondence:** The City Council reviewed correspondence from December 2021 total Sales Tax of \$20,241.48 with ½% Street Repairs Sales Tax totaling \$4,798.95 and \$1,045.68 being Motor Vehicle Sales Tax. FYI – Mayor Hatfield will be gone for the first City Council Meeting in March.

Council Member Helms moved to adjourn the meeting. Council Member Haughton seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 7:55 p.m.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor