

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, JANUARY 13, 2020 AT 7:00 P.M. AT CITY LIBRARY MEETING ROOM, 735 8TH STREET, ALL IN PAWNEE CITY, PAWNEE COUNTY, NEBRASKA.**

Notice of this meeting was given in advance thereof by posting said notice in four prominent places, a designated method for giving notice as shown by the Affidavit of Posting 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:** Council President: Vickie L. Zelenka. Council Members: Ric Helms, and John Dahlgren; Tamela S. Curtis, City Clerk/Treasurer and Spencer Cumley, Interim City Foreman.  
**Absent:** Mayor Charlie Hatfield and Council Member Susan Eisenhauer.

Council President Zelenka 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. City Codes 2-101 and 1-201 were brought up in that the Mayor Appointments were not approved by the Council as a whole at the last meeting. Council President Zelenka stated that she had visited with Mayor Hatfield about the Council not voting on the appointments. He had visited with Deputy City Attorney Stehlik and the League about this and suggested she also visit with them. Zelenka stated that after visiting with both Joe and the League they were all in agreement that there is no Council Vote with the Mayor's standard committee and fund appointments but with the appointed offices of City Clerk/Treasurer, City Attorney, Deputy City Attorney, Engineer and City Street Superintendent, there needs to be a Council vote. More discussion followed with Council directing Clerk Curtis to ask City Attorney Betsy Ferebee to attend the next meeting so they could discuss her appointment and hourly fee vs salary. This item was tabled until the next meeting when Mayor Hatfield will be present. Council Member Dahlgren made a motion to accept the December 23, 2019 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: **1/7/20 Payroll:** 8493.03 **Union Bank & Trust**, FWH 2418.50; **NE Dept. of Rev**, SWH 331.89/Sales-Use Tax 3066.95; **NW Mutual**, retirement 845.40; **Madison Nat'l**, life ins 45.76; **Carlson West Povondra Arch**, DD #6 Cornerstone Bldg Proj 2142.00; **SEND**, DD#6 Cornerstone Bldg Proj 769.50; **NE Public Health**, wtr samples 31.00; **NPPD**, elec 6558.44; **Pawnee Co Rural Water**, pond hydrants 63.98; **OPPD**, elec-wells 212.75; **Quill**, sup/fireproof cabinet 4043.70; US Cellular, tablet mo serv 53.43; **Verizon Wireless**, emerg phone/fire jetpack home connect 95.12; **Capital Business Sys**, Libr lic/maint 129.30; **Constellation New Energy**, gas costs 115.72; **Gyhra Cons**, snow removal 200.00; **H&H Auto**, filters/grinding shield 44.72; **Kyle's Service Center**, tires/sander truck 736.00; **Northern Safety**, boot cleaning brush 59.06; **OneCall Concepts**, digger locates 14.58; **MidWest Labs**, sample testing-s/h 187.00; **PC Thriftway**, sup/bleach 20.39; **Pawnee True Value**, sup/batteries 149.35; **Pawnee Co Treas**, Law Enf Agrmnt 16,375.00; **Seneca SA**, garbage serv. 5820.58; **Stallbaumer Lumber**, cordless Milwaukee tools 931.52; **Thompson Electric**, Rep Blower VFD @ Swr Plant 966.00; **Travelers**, Firemen's Life Ins. 3.00; **Windstream**, phone/internet 450.95. Council Member Dahlgren made a motion to approve the claims as submitted. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review December Treasurer's Report:** Council reviewed the Treasurer's Report as of December 31, 2019.

**Sheriff Braden Lang:** Sheriff Braden Lang met with the Council to discuss any issues the Council may have. Sheriff Lang stated that there was a certified letter that was never delivered from the Post Office, so Deputy Townsend will not be attending schooling until April. Former Sheriff Jayme

Reed is filling in as the Chief Deputy so they will still have a full force. Sheriff Lang stated that he does not plan to make a lot of changes as to how Sheriff Reed was handling things especially between his office and the City office as they communicate with each other very well. Sheriff Lang stated that the Meth problems in town are ramping back up again, so they are working hard on getting that back under control again with some new people that have recently moved into town.

**Discuss handicapped parking by Methodist Church** (*see discussions from 10/28/2019 Council Meeting Minutes*): Council reviewed the meeting minutes from the October 28, 2019 Council Meeting where former Mayor Klein had been approached by a member of the United Methodist Church inquiring if they needed to paint that section of street blue or red so nobody could block the handicapped sidewalk entrance. Much discussion followed about where the hearse parks at along that street when there is a funeral at the Methodist Church and if they even needed to make that handicapped parking right there, as no vehicles are to be blocking a sidewalk anyway. After more discussion it was decided that Council Member Helms and Interim Foreman Cumley will look further into this area and report back to the Council on their recommendations.

**Debbie Green, SENCA CASA: Discuss CASA & Kellie Wiers becoming a Volunteer Court Appointed Special Advocate:** Due to inclement weather, Debbie Green's agenda item was tabled until the January 27<sup>th</sup> Council meeting.

**Appoint two new members to the Fire Hall Building Committee.** (*Former members were Sandi & Deb*) Mike Habegger, Secretary of Pawnee City Volunteer Fire Department was present to answer any questions Council may have for him. Clerk Curtis stated that Crystal Dunekacke with SENDD is currently working on the Environmental Review Process. Clerk Curtis stated that Mayor Hatfield had reported to her that he was interested in serving on this Fire Hall Building Committee and Council Member Zelenka is the Council Member in charge of the Fire Fund, so they could be put on this committee. Council Member Dahlgren made a motion to approve the appointment of Mayor Charlie Hatfield and Council Member Zelenka to serve on the Fire Hall Building Committee. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Mr. Habegger asked Clerk Curtis to share the emails of both Mayor Hatfield and Council Member Zelenka with him so he could include them in group messages about future discussions about the new fire hall project.

**A Report and update from Clerk Curtis: Review/Discuss Memorandum from Nebraska Attorney General's Office re: clarification on the federal "Tobacco 21 Act":** Clerk Curtis stated that since there has been such controversy in the news over what the appropriate legal minimum age was, 19 or 21, for use or purchase of tobacco products, she wanted it noted on record that according to the Nebraska Attorney General's Office in Nebraska the legal age as of January 1, 2020 is 19 years of age. **Review/Approve moving all funds from the City's NPAIT Accounts over to UB&T's Business Short Term Federal Investment Trust (STFIT) as the City's New Savings Accounts for General and Utility to allow for the "sweeps transactions" to proceed again:** Clerk Curtis stated she had received all of the paperwork needed to move all of the funds from the City's NPAIT Accounts over to the Short Term Federal Investment Trust (STFIT) as the City's new general and utility savings accounts, that will provide daily "sweeps" in and out of the savings accounts like the old NPAIT account was able to do. **Approve Entity Authorization Resolution #8:** Council Member Dahlgren made a motion to approve Resolution #8 to set up a general and utility savings account with STFIT, transferring all funds from the current NPAIT over to STFIT. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**A Report and update from Interim Foreman Cumley: Discuss update on Well #2:** Interim Foreman Cumley stated that Sargent Drilling showed up today to start pulling Well #2 to do the scheduled repairs and should be finished up by the end of the week. **Discuss Water Leak North of Town:** Interim Foreman Cumley stated that a leak had been reported North of town where the former Doc Penkava residence which had been recently burnt down. Interim Foreman Cumley

stated he had been looking at the City's blue prints on the water system, as this leak could either be on the City Main, the City blow-off line or the service line, as they all run very close together. He found the shut off today on the blow-off line, so they turned it off, after speaking with Evan Wickersham with JEO on if that would cause any problems by shutting it off until summer, which it will not. The ground in that area is completely saturated, but it is a very slow leak as there is not water coming up out of the ground that is noticeable. With this blow-off line now shut off, they will wait to see if the area dries up to see if this could possibly be which line the leak is on. The City will not plan to dig this up until warmer weather unless the leak gets worse. ***Discuss Issues at Sewer Plant:*** Interim Foreman Cumley stated that he had received a quote on repairing the seals and bearings on the two Clarifiers at the Sewer Plant for \$10,500 each. Although these Clarifier seals and bearings were supposed to be good for 15-20 years, these have only lasted seven years. Cumley stated that right now the Crew is adding oil every month to the clarifiers which are still working alright, so this could be an item the City budgets to do in the next Fiscal Year. Interim Foreman Cumley also reported that he cannot find a company that can get them the foot for the motor that they needed, so he welded something together himself to make it work. Lastly Cumley reported that the two relays on the VFDs he had ordered from the Electric Company had been back-ordered, so he is still waiting for them to come in so he can replace them both.

***A Report and update from Council Member Helms: Discuss the State handling Snow Removal on Highways in town:*** Council Member Helms stated that once he had been appointed to the Street Fund, he contacted Randy Oenbring at the Pawnee City-State Shed about the State not doing snow removal anymore within the City Limits. Mr. Oenbring gave Council Member Helms a higher contact of Todd Ceclre with the NE Department of Transportation to discuss what the City could do to get the State back to removing snow on the highways within the City Limits. Mr. Ceclre had stated that the City of Pawnee City could pay the State to continue to do the snow removal on the State Highways within the corporate limits of Pawnee City, in the amount of \$3,059 that would be deducted from the City/State Maintenance Agreement total of \$7,107.00.

***Review/Approve Mayor Hatfield signing Snow Removal Request Letter to NDOT:*** Council Member Helms stated he felt Highway 65 needed to be added to the letter in addition to Highways 8 & 50 that also run within the City limits of Pawnee City. Council Member Dahlgren made a motion to have Mayor Hatfield sign the snow removal request letter to NDOT. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

***A Report and update from Council Member Zelenka: Discuss updates on Code Book:*** Council Member Zelenka stated she had been in contact with Betsy Spitsler, Pawnee City Schools Guidance Counselor about Betsy possibly having a student in mind to assist in setting up the new format and updating the City Code Book, but that person is too busy with other activities. Mrs. Spitsler had inquired to Council Member Zelenka about possibly doing a summer internship with a student on this project, but Zelenka wasn't sure she wanted to wait that long to start updating the City's code book. More discussion followed with Council Member Zelenka inquiring to Clerk Curtis if she thought part-time Utility Billing Clerk Kris Blecha might be interested in putting in an extra day each week to work on this project. There were also discussions of asking part-time Library Assistant Colleen Morehead to work on the project if Ms. Blecha was not interested. Clerk Curtis stated she would visit with Ms. Blecha on Thursday when she was in the office next. Council Member Zelenka stated she would also plan to come discuss this project with Ms. Blecha in further detail.

***Approve new Library Board member Cindy Johnson:*** Council Member Dahlgren made a motion to approve appointing Cindy Johnson to serve on the Library Board to fill the vacancy left by Council Member Zelenka. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review/Approve Cornerstone Bldg Project Expenses: Drawdown #7 for a total of \$54,055.98 with \$53,425.98 to AHRS Construction, Inc. for Gen. Cond; Demo; Masonry rest; Carp/Shor/Joint Sealant, Waterproofing/Final Structural Req. & CO #1 with \$42,740.78 from ReUse Grant and \$10,685.20 from City Match and \$630.00 to SENDD for Construction Mgmt paid from ReUse Grant:** Council Member Dahlgren made a motion to approve Cornerstone Bldg Project Expenses Drawdown #7 for a total of \$54,055.98 with \$53,425.98 to AHRS Construction, Inc. for Gen. Cond; Demo; Masonry rest; Carp/Shor/Joint Sealant, Waterproofing/Final Structural Req. & CO #1 with \$42,740.78 from ReUse Grant and \$10,685.20 from City Match and \$630.00 to SENDD for Construction Mgmt paid from ReUse Grant. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review/Take Action on Housing Rehab Program #17-HO-36081:** Council Member Dahlgren made a motion to approve Housing Rehab DrawDown #5 for a total of \$15,051.55 for \$4,047.55 to SENDD for Housing Rehab Admin and to EZ Construction for project costs of \$11,004.00 for Final on Project #6; Housing Rehab DrawDown #6 for a total of \$19,531.21 for \$6,687.21 to SENDD for Housing Rehab Mgmt and to EZ Construction for project costs of \$12,844.00 for Final on Project #12. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Correspondence: League of NE Municipalities 2020 MidWinter Conference:** Council reviewed the 2020 MidWinter Conference that will be held in Lincoln February 24 & 25. Clerk Curtis inquired if they would like to send anyone to this conference as the deadline is February 12<sup>th</sup>. It was decided that the City would not be sending anyone to the conference this year. **Election Filing Deadlines:** Election Filing Deadlines are Incumbent – February 18<sup>th</sup>; Non-incumbent – March 2<sup>nd</sup>. Council President Zelenka stated she wanted to talk about the last meeting before we adjourn the meeting and the heated discussions that have been happening. Zelenka stated that she feels that we have all taken a spot on the Council to serve the Citizens of Pawnee City and that history is history and we really need to leave behind any bad feelings that there may have been in the past and start out fresh. Zelenka continued that she felt we all needed to work hard to communicate with each other, working as a team from the Mayor all the way down the line to each City Employee. They have a couple of new Council Members on board that are on a learning curve and are going to try and do their best. Zelenka added that she felt the Mayor and City Council needed to earn the Citizens respect back again. There was discussion about Mayor Hatfield stating at the last meeting that the Council Members are not to be talking to City Employees while they are at work or talk to them while they are not at work, bothering them, or the Council Members will get written up just like an employee and it's going into a file. Zelenka felt all Council Members should be able to talk to the City Employees without worrying whether or not they were going to get into trouble for doing so, it is part of the communication process, so she is in hopes that Mayor Hatfield would allow them to keep communicating with all City Employees in a respectful manner. More discussion followed on trying to get more people to attend the City Council meetings that are now being held at the Library Meeting Room. Council President Zelenka stated she had talked with the Clerks about putting something on the back of the next water bill inviting all citizens to attend the City Council meetings. Council Member Zelenka ended her discussion with wanting the people to know that they should all feel free to ask any of the members of Council and the Mayor any questions about what is going on in the City. Council Members Dahlgren and Helms were in agreement with Council President Zelenka's recommendations to work together as a team. At this time, Council Member Dahlgren made a motion to adjourn the meeting. Council Member Helms seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried and meeting adjourned at 8:28 p.m.

ATTEST: Tamela S. Curtis, City Clerk

Vickie L. Zelenka, Council President