

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, JANUARY 27, 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, and Ric Helms; Kellie Wiers, Deputy City Clerk and Interim City Foreman, Spencer Cumley.

Absent: Susan Eisenhauer.

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 Dahlgren made a motion to accept the January 13, 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: **1/21/20 Payroll:** **8031.02; Union Bank & Trust**, FWH 22246.77; **NE Dept. of Rev**, SWH, lodging tax 544.04; **NW Mutual**, retirement 824.66; **Allstate**, cancer/accid. ins. 228.46; **BCBS**, health ins. 5998.60; **Ameritas**, vision ins. 116.60; **Madison National Life**, employee life insurance 1.90; **BHE**, gas costs office, shop, fire dept., new office 196.00; **PCDC**, Nov. sales tax 5336.34; **Windstream**, phone service 57.99; **Spectrum**, office internet 264.46; **Casey's Business MasterCard**, equip fuel 396.22; **Stehlik Law**, legal services 378.00; **Quill Corp.**, office supplies 87.21; **Northern Safety & Industrial**, entrance mat & coat 93.98; **Capital Business Systems**, replace hard drive, library maint. Agree. 272.50; **Dollar General**, office supplies 57.90; **Municipal Supply**, water parts 880.74; **Nebr. Dept. of Transportation**, replace crosswalk sign 389.50; **Nebr. Municipal Power Pool**, orange door hangers 62.94; **Recycling Enterprises of Nebr.**, recycle p/u 840.00; **Ty's Outdoor Power & Service**, snow blades & bolt kits 426.72; **Valley Vet Supply**, boots for employees 426.83; **Nebr. Dept. of Labor**, 4th qtr unemployment 20.66; **Nebr. Dept. of Revenue**, lodging tax 244.72; **Leading Edge Printing**, tax forms 151.91; **Pawnee City Fire Dept.**, pest control, equip fuel, repairs & supplies 288.42; **Sargent Drilling**, replace transducer on well 3845.46; **U.S. Cellular**, tablet monthly service 53.39; **Verizon Wireless**, emergency cell, home connect, jet pack 94.66; **EZ Construction**, house rehab 23,848.00; **SEND**, house rehab 10,734.76. Council Member Dahlgren made a motion 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.

Debbie Green, SENCA CASA: Discuss CASA & Kellie Wiers becoming a Volunteer Court Appointed Special Advocate: Debbie Green is the Volunteer Coordinator for the Southeast Nebraska Community Action (SENCA) Court Appointed Special Advocate (CASA) program for Otoe, Nemaha, Richardson, and Pawnee counties. They represent children who are in the

Juvenile Court System because of abuse or neglect. The program started in Otoe County in 2009 and Deb's office is in Nebraska City. Currently, there are ten kids in Pawnee County involved in the Juvenile Court System. The majority of their kids are in the juvenile Court system because of substance abuse of the parents. The volunteers have to complete an application, background checks/references, and an interview and complete thirty hours of training. The judge then appoints the CASA volunteer to a juvenile case through a court order. This court order gives the CASA the right to obtain any information about the child from teachers, foster parents, etc. The CASA is required to make contact with the kids at least one time per month and attend court hearings. They are also asked to attend team meetings and must submit reports to the Court. Kellie Wiers has expressed interest in becoming a CASA. Deb Green asked the Council if they had any concerns about a conflict of interest. Deb Green contacted the Nebraska CASA Director and she doesn't feel there should be a conflict of interest unless it was a direct family member or cousin. The ages of the kids involved range from newborn to nineteen. At nineteen, kids age out of the juvenile system in the state of Nebraska. They ask volunteers to remain on the case until it closes and a case is open for an average of 18 to 20 months. CM Dahlgren asked how this would interfere with Deputy Clerk Wiers' job. Deb explained that Kellie would have to attend court hearings but those are in Pawnee City and team meetings, which usually last 30 minutes to an hour and sometimes team meetings are held after hours. Council members did not express objections to Deputy Clerk Wiers becoming a CASA as long as she is able to complete her work.

Discuss/Approve Mayor's Appointments for Appointed Positions/Offices; review fees paid to Stehlik Law from 2015-2019; (Joe Stehlik & Betsy Ferebee attended to answer questions about the City/Deputy Attorney positions): The Council reviewed fees paid to Stehlik Law from 2015 to 2019. Council Member Dahlgren expressed concern that it would be a lot easier to budget for attorney fees if the attorney was paid a salary wage instead of an hourly rate. Council Member Dahlgren talked with Duane Dalluge, the City Attorney for Tecumseh. He was paid hourly at first and then went to a salary and he kept track of the hours and it wasn't any different than the hourly wage. (Clerk Curtis received information from the Tecumseh City Clerks that Mr. Dalluge is paid \$2044/mo. For City Atty. Fees which equals \$24,528/yr.) Council Member Dahlgren stated he is not against who the Mayor is recommending but we need to decide about the cost. He also feels that the City Attorney should be present at every meeting to answer questions instead of waiting until the next meeting. Council Member Helms also agreed that the City Attorney should be present at the meetings to answer questions at the meeting. Mayor Hatfield explained when Betsy Ferebee worked for Mr. Stehlik before, she was present at almost every meeting. Betsy Ferebee explained that she doesn't have a problem being present at every meeting but she may not have an immediate answer to every question at the meeting and may have to research to give an answer. Ms. Ferebee plans to charge the same rate Joe Stehlik is charging, \$170.00/hr. Ferebee also explained she felt it would be fairer to charge an hourly rate because you are billing for hours actually worked and both parties will take the risk of under charging (paying) or over charging (paying) based upon salary. Council Member Dahlgren explained that Emily Sisco has expressed interest in being appointed the City Attorney again and will charge \$145.00/hr. Mayor Hatfield explained that Ms. Sisco resigned before because Vic Faeser wouldn't let her work with Joe Stehlik and feels that Joe Stehlik should remain onboard until the Cornerstone Building is completed because he knows the historical requirements that have to be met through the State of Nebraska. Mr. Stehlik stated he would like to see the outside of the Cornerstone Building completed and it has been a 2 ½ yr. process to get where we are

now. Council Member Helms stated there is a pretty big difference in the hourly figures between Emily Sisco and Betsy Ferebee. Ms. Ferebee explained that Ms. Sisco has offered a lower rate but it will take her longer to complete research on city business compared to the years of experience Ms. Ferebee has working with the City of Pawnee City. Ms. Ferebee explained that she is currently officed out of her home but eventually plans to have an office in downtown Pawnee City. She has no problem meeting with council members at her home but she could also meet with them at the City Office and she doesn't plan to prepare income taxes this year so she would have the time to work on City business. Council Member Helms asked Ms. Ferebee if she would have a conflict of interest with her clientele and being City Attorney. Ms. Ferebee explained that if a situation came up with a client she represents and the City, she would have to step down from representing the City and as City Attorney, representing the City would take priority over representing someone else. Joe Stehlik explained that this has only happened to him a few times since he has been City Attorney. Council Member Helms explained his big concern is to clean up the dilapidated properties in Pawnee City and was concerned that Betsy Ferebee may have a conflict of interest. Somewhere along the line we have been stalled on this where other cities have been able to get the job done. Joe Stehlik explained to the Council that Betsy Ferebee was successful in cleaning up the (Horner) property near Council Member Helm's house but this can be very expensive. Council Member Dahlgren asked Ms. Ferebee to give the Council an hourly rate and a yearly rate (contract) to be budgeted monthly; one with and one without being present at every Council meeting. Council Member Helms stated it will probably be costlier for the City Attorney to be present at every meeting. Council Member Zelenka stated "if Betsy was present at every meeting, then she could advise the Council if they were heading in the wrong direction." Council Member Helms asked to table the City Attorney appointment until the next meeting after Ms. Ferebee had submitted the requested information. Mayor Hatfield reminded the Council that we are operating without a City Attorney. Betsy Ferebee explained to the Council that the City currently has a couple pending citations that need to be dealt with and she needs direction on how to deal with them. Joe Stehlik stated he thought the City Attorney had already been appointed. Council Member Zelenka explained that the City Attorney appointment had not been voted on. She thought they could have voted on them at the last meeting but The Mayor was sick and thought they should wait until this meeting so that the Mayor was present. Betsy Ferebee explained she felt she should not be acting on behalf of the City without the Council being okay with that. Council Member Dahlgren made a motion to approve Betsy Bloss Ferebee as interim City Attorney. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Dahlgren wanted to make sure it was legal for Betsy Ferebee to act as interim City Attorney until a decision was made to hire a City Attorney. In regards to the correction posted in the Pawnee Republican last week about the City Attorney, Council Member Dahlgren stated as a Council Member he would like to make the newspaper understand that it was not the Council's mistake at all. It should have been brought up by the Mayor. Ray Kappel stated from the audience that he had Council Member Zelenka read the correction before it was published in the paper. Voting on City Attorney and Deputy City Attorney was tabled until the next meeting. Council Member Zelenka made the motion to approve Tamela Curtis as City Clerk/Treasurer, Evan Wickersham, JEO Consulting Group as City Street Superintendent and JEO Consulting Group as the Consulting Engineer. Council Member Dahlgren seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Ryan Boverhuis: Discuss putting gravel or stone around the City Pond for a walking path; Ryan Boverhuis addressed the Council with the idea of adding a gravel walkway around the City Pond for people to walk on. Ryan would volunteer his time if the City would furnish the materials. Ryan thought concrete would be best but he doesn't have experience working with concrete. Ryan stated he and his family use the pond and also camp there and he would like to "spruce it up." Council Member Dahlgren was concerned that kids would throw the gravel into the pond. Much discussion was had on the merits of a walking path, materials to use for a path, the feasibility of a walking path and upkeep of a path. Discussion was also had on if there may be grants available from the Nebraska Game & Parks. Currently, the City charges \$12.00/night for camping and tent camping is \$6.00/night. The item was tabled at this time until Council Member Eisenhauer can be present.

Review/Approve the Interlocal Agreement with Pawnee County for Kenneling Services: Council Member Dahlgren made a motion to approve the 2020 Interlocal Agreement with Pawnee County for Kenneling Services. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review Choices Treatment Center, Inc. letter; review/pass Proclamation for Gambling Awareness Month: Council Member Dahlgren made the motion to pass the Proclamation to make March Gambling Awareness Month. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Carolyn VanHorne Civic Award Nomination Form 2019: Mayor Hatfield asked the Council if they have someone to nominate, please let the Chamber of Commerce know. The completed form is due back to the Pawnee City Chamber of Commerce by March 1, 2020.

Discuss Clerk Curtis attending the Nebraska Municipal Clerks Institute & Academy schooling March 16-20, 2020 in Kearney: The University of Nebr. is sponsoring the annual Nebraska Municipal Clerks Institute & Academy. It is a three year program through the Institute and the Academy and after the third year, a clerk can become certified. Clerk Curtis has requested to attend this year and start the process to become certified. Once a clerk is certified, you don't have to go back through the Academy. The total cost for registration is \$616.00 if you register before Febr. 7th. Clerk Curtis can share a ride with the clerks from Tecumseh but there will be the cost for a hotel room. Council Member Zelenka made the motion to approve Clerk Curtis attending the Nebraska Municipal Clerks Institute & Academy schooling March 16-20, 2020 in Kearney. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review Vacation Leave "use it or lose it" policies article from the League's NE Municipal Review magazine; Review the City's Vacation Policy from the City Handbook, updated at the 12-9-2019 meeting: The Council approved for employees to carry over 1 week of vacation into the following year at the December 9th meeting. The article basically states in the state of Nebraska, it is unlawful for employees to be told they have to use accrued vacation leave within a certain time period or forfeit it. Much discussion was had on updating this policy. Council Member Zelenka asked interim City Attorney Betsy Ferebee to review this article and the City's

vacation policy. Mayor Hatfield stated the policy will have to be rewritten and brought back to the next meeting.

Report and update from Council Member Dahlgren: *Discuss open positions for the Planning Commission Board;* Council Member explained there are currently two open positions on the Zoning Board since Carol Young resigned. If anybody would like to be on the Zoning Board please let him know. There would actually be 2 or 3 open positions since the board could have up to five members. John DeFreece is the other member. ***Approve re-appointing John Wissler to serve on the Planning Commission for a 2-year term to expire 2/2022;*** Council Member Dahlgren made the motion to approve re-appointing John Wissler to serve on the Planning Commission for a 2-year term to expire 2/2022. 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 Mayor Hatfield: *Discuss making an Ordinance against people living in RVs parked on private property;* the Mayor had a phone call from Council Member Dahlgren asking about ordinances in regards to livestock and then there is a citizen that wants to move an RV onto his yard and have family members live in it. There aren't any ordinances in regards to RVs but there are zoning regulations in place. The regulation states "if someone is living in an RV, they can go park it at a camp site at the City Pond (there is a two week limit on this so as to prevent someone from actually living at the pond) or the owner/inhabitants could park the RV at the Trailer Park in town because there would be electric & water hook ups but they cannot park an RV on someone's property and live in it." This issue came up because, currently, there is a person living in town with a hog in their backyard. The person claims it is a pet but this person will have to request a variance from the Planning Commission to keep the hog and to keep the RV in his yard, if people are living in it. Council Member Dahlgren asked the Mayor if this issue will have to be turned over to the Sheriff's Department. Mayor Hatfield said he will contact the Sheriff's department. A Zoning regulation has as much significance as an ordinance. The Council decided to wait for the Planning Commission Administrator to be hired and let them handle the situation.

Report and update from Council Member Zelenka: *Discuss telephone conference between Justin Schuetz with Capital Business Systems (CBS), Council Member Zelenka, Clerk Curtis and Clerk Wiers & Review IT Services;* Everything is working correctly at the City Office. Originally, when we met with Patti, it sounded like the City would have Help Desk Support. So, if there is an issue, staff can contact the Help Desk and resolve issues timely whether with a phone call or CBS could remote in to fix things. This service would add another \$96.00/month for a total of \$234.00/month for IT services. We are stuck with CBS for a year because of the contract but we could see how the year goes and if we are not happy with them, we could see what else is available. Council Member Dahlgren made the motion to approve adding the Help Desk option to our current IT services for a total of \$234.00/month. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Discuss option of Council Members making the supply errand runs vs. having a City Crew Member leaving work/jobsite to make the drive;*** Council Member

Zelenka was in the office one day when interim Foreman Cumley was busy dealing with Well #2 and then the heater went out in that well house. Crew Member McAhon had to leave the worksite to drive to Beatrice to get a new heater and the crew is already short a member. This left Foreman Cumley and Crew Member Droge to deal with Well #2 and other city operations. A similar situation also happened when Crew Member McAhon had to leave town to pick up a load of salt three hours away from Pawnee City. If Council Member Zelenka is around, she is willing to make a run to help out the City Crew. Also, we need to plan ahead with salt. Do any of these places deliver? Would it be cheaper to have a carrier bring it up that would be coming through Pawnee City? Council Member Helms explained that carriers will charge 0.58/mile plus their hourly rate to haul a load. Foreman Cumley explained that they had planned ahead for sand and salt for this Winter but being hit with two ice storms close together was unusual. The City usually goes through 4 – 6 pallets of salt each year. Council Member Helms recommended getting 6 pallets of salt next time before Winter and store it in the shop until needed. Since the City does not have a big trailer to haul 6 pallets of salt, we could look at having somebody haul it up here.

Report and update from Council Member Helms: Discuss adding a street light to the Library Parking Lot; Council Member Helms said he has been asked about a light for the Library Parking lot which is dark. He talked with Library Board President Linda Bowman who talked with Lola and the Library Foundation. NPPD will install a new light on the light pole on the northwest corner of this intersection that will shine directly onto the parking lot. The Library has agreed to pay the \$14.70/month cost of the light. NPPD will maintain the light. Council Member Helms said the light would shine directly onto the Library parking lot and should not bother any neighbors. Council Member Dahlgren made a motion to allow the Library to install a light onto the light pole that would shine directly onto the Library parking lot and pay for the monthly cost of the light. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Discuss marking a handicapped spot North of the Methodist Church;*** Council Member Helms and interim Foreman Cumley looked over the situation. There is no place on the street other than West of the steps next to the street. The parking lot next to the church is handicapped accessible and it wouldn't be any further to walk from the parking lot to the ramp next to the front steps of the church than it would be to mark a handicapped accessible parking space on the street West of the steps. Council Member Dahlgren disagreed with this opinion. Cumley explained the parking space marked on the street would have to be 30 feet from the stop sign and it would put you so far West of those stairs that you would have to walk a far distance. No motion was made on this item. ***Discuss Snow/Ice Removal;*** Council Member Helms said he was very impressed with Foreman Cumley and his crew for the job they did cleaning streets on this last snow. There was enough snow so the crew used the snow blower attachment on the new John Deere tractor which worked really well.

Report and update from Foreman Cumley: Discuss more issues with Well #2; Sargent Drilling had to pretty much rebuild everything. The good news is that we have never had that well rebuilt before since it was built in 1966. Foreman Cumley asked Sargent Drilling to do an after video and found that there is a hole in the well casing down at 118.6 ft. That means dirt and sediment are going to get inside the column pipe which means it would go into the pump bowls and eventually wear out the pumps a lot faster. We had two options: either line the well which

would take months and require engineers and State involvement to approve the plans or design a rubber seal which will go on the column pipe and it will sit below that hole and it will smash against that casing and it will stop the dirt that comes in that hole from going down to the intake on the pumps. We went with option two. The casing is 15 inches and then you have a 5 inch column pipe that screws together and then it has the bearings in it. Then, you have a 1 ¾ inch stainless steel drive shaft (line shaft). That is what goes from the motor down to the pump bowls. That seal is going to go in there and stop the sediment from going to the intakes. This will only be good for 1 to 2 years. The original quote was for \$17,000 but \$10,000 was for man hours just to pull it. Sargent Drilling is working on a price for the liner. The permanent fix to this problem would be a PVC liner. We still need this Well. Sargent Drilling recommends building a new well because of the age of all three of our wells. A new well costs around \$450,000 but there are grants out there to replace with a new well. Well #1 was built in 1956 and Well #3 was built in 1977. The liner is a temporary fix but we definitely need to budget for a new well. Mayor Hatfield asked Foreman Cumley to get a price on the liner and bring the information to the next meeting. **Update on Sewer Plant;** The Crew was able to get the last blower in and working. We did not get a foot for that blower. Nobody was able to get a foot for that motor so Foreman Cumley and Crew Member Droge were able to make one and switch out a relay that went bad and got it running. **Street light by Pawnee City Thriftway;** One of the arms on the decorative lamp post on the South end of the block by Pawnee City Thriftway has been hit by a delivery truck. Council Member Helms and Foreman Cumley discussed the lamp post and decided it was best to take the light down instead of repairing it again or replacing it. The lamp post could be repaired and kept as a spare. Cumley will check to see if this lamp post had a plaque on it and move the plaque to another lamp post. Council Member Helms made a motion to remove the damaged lamp post next to Pawnee City Thriftway. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

The City Council reviewed correspondence from the November 2019 Sales Tax of \$14,737.79 with ½% Street Repairs Sales Tax totaling \$3,557.56 and \$507.56 being Motor Vehicle Sales Tax. Janice Stopak from USDA will retire this year. If anyone would like to attend the open house on Febr. 19th, please let the Clerk know. The filing deadline for Council Member positions are February 18th for incumbent and March 2nd for non-incumbent. It costs \$35.00 to file. Council Member Dahlgren's and Zelenka's positions are up for re-election. Airport Authority: 2 yr. term: B. Willey & J. Schulthiess, 4 yr. term: W. Miller & J. Davis. Council Member Dahlgren made the motion to adjourn the meeting. Council Member Zelenka seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 8:52 pm.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor