

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, JULY 11th, 2022, 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 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 and Susan Eisenhauer; Tamela S. Curtis, City Clerk/Treasurer; Kellie Wiers, Deputy Clerk/Treasurer and Foreman Spencer Cumley. **Absent:** Council Members Donnie Fisher & Bruce Haughton. 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 approve the June 27th, 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: **7/5/2022 Payroll:** 14521.51 **UB&T**, FWH 3695.49; **NE Dept. of Rev**, SWH 493.52/sales & use tax 2226.90; **John Hancock**, retirement 1327.85; **Credit Mgmt Serv**, Emp #605 garnishment 195.62; **Access Systems Leasing**, IT Hardware Contract 209.98; **Access Systems**, Qtrly copier contract 144.00; **NPPD**, elec 3014.59; **Emily Sisco**, July atty fee retainer 1000.00; **Matt Kuhlmann**, zoning-July 800.00; **OneCall Concepts**, digger locates 33.20; **OPPD**, elec wells 268.84; **Casey's Business**, equip fuel 628.78; **MidWest Labs**, swr samp-s/h 224.00; **Coral's Cleaning Services**, office cleaning 80.00 **Capital Bus**, Libr Copier Maint 139.50; **PC Rural Water**, hydrants @ pond 63.00; **Binder Bros**, materials, various concrete patches 2618.82; **Northern Safety & Industrial**, safety shirts-crew 587.60; **PC Thriftway**, sup/pool conc 372.25; **Bruna Impl**, mower repairs 1709.10; **Friedly Oil**, equip fuel 950.17; **Pavers Inc.** 15.51 T Saturock/deliv 2638.95; **Madison Branek**, rmb mileage 46.80; **Wtr Dep Refunds**-Stanley 19.65/Jones 41.95; **Windstream**, Internet-Office/Swr Plant ph 288.26; **Quill**, Swr Plant printer 99.99; **Tennis Courts Unlimited**, dwnpymt-court renovations 7470.00; **Seneca Ready Mix**, Concrete-str rep 595.19; **Stallbaumer Lumber**, North park girl's restroom door 178.18; **Traveler's Gov't Entity Crime Bond**, 837.00. Council Member Helms moved 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.

Mayor Hatfield to make recommendation to fill the Council Member vacancy: Mayor Hatfield stated this was not an easy decision to decide on from the two who turned in their applications, Vickie Zelenka and Laura Poskochil, who are also candidates running for a Council Member position in November. Mayor Hatfield stated he appreciated all of the Council Member's input on the appointment of the new Council Member to fill the vacancy from the untimely death of Council Member Haughton. After much consideration Mayor Hatfield stated his recommendation is to appoint Vickie Zelenka to fill the open

Council Member Vacancy. Council Member Helms moved to approve Mayor Hatfield's recommendation to have Vickie Zelenka fill the Council Member Vacancy. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Swear In the Newly Appointed Council Member with the Official Oath:*** At this time, Vickie Zelenka was sworn in as a new Council Member to fill the vacancy. Council Member Zelenka read the Official Oath of Office and will sign it in front of Clerk Curtis as a notary on Tuesday.

Review June Treasurer's Report: Council reviewed the June 2022 Treasurer's Report.

Sheriff Braden Lang-Discuss City's Leash Law: Council reviewed the City of Pawnee City and City of Humboldt's Leash Laws. Council reviewed the State Statute on leash laws that Deputy Clerk Kellie Wiers had found that stated "Dog is running at large when he leaves the owner's premises or goes upon the public road, and no one having control of him is near." Sheriff Lang stated he was aware that there had been a miscommunication about the City's leash law, but it had been straightened out now. Deputy Sheriff Mike Cirrincione stated that he was the one that had the problem as when his neighbors' dogs are off of their leash but on their property, what's to stop that dog from coming over into his yard and starting issues if the K-9 dog Alaric is out of his kennel or walking from the car to the building. More discussion followed on invisible fence collars, shock collars, etc. with Sheriff Lang stating that he did agree that the City's Leash Law Code was pretty vague, but that he is not for making a property owner have a leash on their dog if they are on their own property. Council Member Eisenhauer moved to include the above dog running at large sentence from the State Statute in the second sentence of the City's current Leash Law Code. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Sheriff Lang stated that he had wanted to have a brief conversation with Dave Klepper, NDOT-Pawnee City State Shed Supervisor, but hadn't been able to catch him about the issue with the tires as he needed to ask him specifically where the State Right-Of-Way is located on the 4-lane. Mr. Klepper stated that he would imagine it is where the old lumberyard building is located, as that would have been grandfathered in, but he will have to talk with Sierra, their State ROW specialist and she would be able to tell us right where that ROW is located or even where the property line lays. Sheriff Lang stated he has touched base with the City Attorney but has not heard back. Sheriff Lang also stated that each time he receives a complaint, he does go and stand where the cars would come out of the alley right there to take a photograph up towards the building, so he at least has some documentation of that and he did actually walk off from the centerline of the road to any obstructions and it is really quite close to what a normal ROW might be, like within a foot. Council Member Zelenka stated that they owned the old lumberyard property at one time, and she was just sure that building was virtually on that line, if not a hair over. Mr. Klepper will let the Sheriff know what he finds out. Sheriff Lang also reported to the Council that he has been finalizing his Sheriff's Department Budget and he's \$29,000 off so for the time being they will be staying where they are, except for covering the City Contract. Lang also reported that when Deputy Cirrincione passes the academy in December all gloves are off and they are going to be going full bore. Council Member Eisenhauer states that if it comes to that point of their department not being able to do anything, he should come and ask the City if they could donate some ARPA funding towards their department.

Review/Approve Resolution #4 to erect one stop sign headed South at the intersection of 4th & F Street and One Stop Sign headed North at the intersection of 4th & F Street: Dominique Owens were present to discuss the requested stop sign at 4th & F Streets. Dominique stated to the Sheriff's Department that she had come to the last meeting to give her presentation on why she felt there needed to be a stop signs at the 4th & F Street intersection. Mrs. Owens stated that she had lived at her current residence since 2019 and there were many vehicles that were constantly speeding by their property and through that intersection and she had also witnessed many near accidents at that intersection, including one being herself. Sheriff Lang stated he agreed that it was a bad intersection at 4th & F Street, especially since vehicles were coming up a hill from both directions from the east or west so he was good with stop signs being put up right there. Council Member Eisenhauer moved to approve Resolution #4 to erect one stop sign headed South at the intersection of 4th & F Street and one stop sign headed North at the intersection of 4th & F Street. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Tom Goodbarn, NDOT Discuss City's request for the State to continue their asphalt overlay project to the junction of Hwy 8 & 50: Tom Goodbarn, NDOT District 1 Engineer and David Klepper both met to discuss several items with the Mayor and City Council. Mr. Goodbarn stated that when the City signs their yearly agreement with the State, the City is agreeing to surface maintenance of the highway and roadway appurtenances along with ROW maintenance, mowing and snow removal. Mr. Goodbarn went on to state that NDOT wants to work with everybody the best that they can and work together with the communities to keep the highways in decent shape. Sealing the cracks is ultimately the City's responsibility, but if the State is able to step in and have the City assist with the flagging, then that's all of us working together. Mr. Goodbarn continued that Dave Klepper works with his supervisor to keep within their budget, so when they're scheduled to be coming through Pawnee City, then it's important that we all try to work together to make this work, as he understands everyone's budgets are tight. Discussion was had on the State trying to give a little more of a "definite time schedule" as to when the State would be doing tarring, patching, etc. so that Foreman Cumley can plan more accordingly. Dave Klepper stated he would work harder at communicating with Foreman Cumley so that everyone was on the same page. Discussion was had on the City Crew needing to renew their Flagger Training Certifications, possibly going through Emergency Management as that is an online course. Much discussion followed on these items: a job being on the schedule to relay from Hwy 8/99 Jct up to the East edge of Pawnee City with an estimated time schedule of August 2026; Mr. Goodbarn stated that he did not like the Highway north of Pawnee City, as he thinks it should be wider; Making the 4-Lane Highway (50) into a 3-Lane Highway with an inside turning lane. Until today, Goodbarn was not aware that the highway going West from the Hwy 8/50 Jct was concrete instead of asphalt, like it is going East from that same 8/50 Jct.; Mr. Goodbarn stated that possibly the City should consider just making a separate "Inside City Limits State Project" instead of separating them out one section at a time. More discussion followed on if they would keep the Highway going East from 8/50 Jct Asphalt. Goodbarn stated his suggestion would be to tear it all out and replace everything with concrete, making that portion that was asphalt a little wider. Goodbarn continued that it isn't going to be any year, if we don't get these kinds of projects on the books, and that doesn't happen overnight. Council stated they were all very interested in turning the 4-lane into a 3-lane highway with an inside turning lane. Mr. Goodbarn stated that he didn't need an absolute answer tonight, as he wanted them to really think about it and talk it over with their citizens first. The good news about turning

that into a 3-lane highway would be that the State would completely take over all snow removal. More discussion was had that a couple different repair patches needed to be made along the asphalt portion of Hwy 8 going East, especially near Kerl's Car Wash. Mr. Goodbarn suggested that once the Mayor and Council have discussed changing the 4-lane highway into a 3-lane highway, they need to send him a letter stating exactly what they would want to include in a grouped project for the State to consider. Goodbarn stated he would then need to run everything past the State Materials & Research (M&R) Team to look at what exact kind of project can be repaired or replaced all together. Council thanked Mr. Goodbarn and Mr. Klepper for attending tonight's City Council meeting as they all felt this really helped open up the lines of communications amongst everyone.

Review/Discuss Email and Letter from Pawnee County Ag Society requesting ARPA Funds: Council reviewed the emailed correspondence between Nanette Smith and Clerk Curtis and the letter from the Pawnee County Ag Society requesting ARPA Funds for their building projects. Council Member Eisenhauer stated she felt the City should donate the same as they had to the other organizations requesting ARPA fund donations. Council Member Eisenhauer moved to approve donating \$5000 in ARPA Funds to the Pawnee County Ag Society to assist with their building projects. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Approve Salary Ordinance #1017 (Second Reading) Council Member Eisenhauer moved to approve Salary Ordinance #1017 on second reading. 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 Mayor Hatfield: *Discuss updates on purchasing a Bench in Memory of City Council President Bruce Haughton:* Mayor Hatfield stated he had just received the quote from River Valley Monuments before tonight's meeting on a 4' gray granite bench for \$3500, which includes the engraving "In Memory of Bruce Haughton" photo that was included in the agenda packet. Council Member Zelenka inquired where this bench would be located. Mayor Hatfield stated that they had been talking about putting it between the City Office and the Cornerstone Building. Mayor Hatfield stated he didn't know if money-wise it would be something that the City could do, or he would be glad to talk with the organizations that Bruce was incredibly involved in and ask for donations towards the purchase of the bench. Council Member Helms suggested that Mayor Hatfield contact Mike Habegger, President of PCDC to see if this would fall under something with which they could also help. Council Member Eisenhauer stated that it would be nice to get some support from others, as Bruce was so active in so many organizations within our Community, otherwise she felt the Council could do it. No action taken.

Review/Discuss letter and information on cleaning the HVAC Air Ducts in the office: Deputy Clerk Kellie Wiers stated that she had reached out to eight (8) different businesses in regard to cleaning the ductwork at the City Office and had only received two estimates from Radon Defense/Duct Defense Midwest of Omaha and Mighty Ducts of Kearney. Radon Defense actually visited the office and submitted a bid of \$1250 which included cleaning and sanitizing the duct system. Mighty Ducts submitted a verbal estimate over the phone of a minimum of \$600 as since they are located in Kearney, they didn't want to travel all this way to submit an actual bid. Rainbow Restoration or Marysville, KS charges \$125 for estimates, then credits the bill for that amount, so Deputy Wiers had not

scheduled anything with them. Mighty Ducts stated he could put in an actual bid, but it wouldn't be until the end of summer before he was back in this area. Council Member Eisenhauer inquired if the Clerks were all right waiting until the end of summer to possibly take care of this issue, as they were the ones that are breathing in the air. Both Clerks felt they could wait a few more weeks. Council Member Eisenhauer felt it was best that they table this item until Mighty Ducts can come back at the end of summer to give an actual quote. Council Member Zelenka stated that she had gotten a quote from a company north of Beatrice a few months ago and they were very reasonable. Council Member Zelenka stated she would look for the name of that company and get that information to Deputy Clerk Wiers. Deputy Clerk Wiers stated when she got the information from Council Member Zelenka and contacted Mighty Ducts, she would make sure they were all bidding the same process as Duct Defense Midwest was providing, as they were cleaning and sanitizing all of the ducts, not just blowing them out.

Appointment of Kellie Wiers as the City Representative on the PCAL Board: Council Member Eisenhauer moved to appoint Kellie Wiers to serve as the City Representative on the Pawnee City Assisted Living (PCAL) Board. Council Member Zelenka 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 Helms: *Discuss purchasing larger 525 Gallon Water Tank – spread throughout funds:* Council Member Helms stated he had found a 525-gallon water tank that would fit in the back of the ¾ T pickup that would cost right at \$728. This tank would replace the 300-gallon water tank that the City currently has. Council Member Helms stated that loaded the tank would weigh around 4300#. Helms continued that he had spoken with Council Member Fisher if \$250 could come out of his sewer fund budget and then if the water fund could handle another \$250, then the street fund would cover the remainder of the costs. Mayor Hatfield stated that wasn't the current tank used previously to water trees in the parks, too? Council Member Eisenhauer stated she wasn't sure on that, but she was not in favor of getting a larger tank at this time. Foreman Cumley stated that he and City Crew Member Jr. Droge had been talking about getting a different water tank for a while now but weren't planning on it having to be right now. Council Member Helms stated that the Street Fund had just paid \$2000 to Eric Gyhra to blanket and seed the ditch where the tube was just replaced on 10th Street, so it would be put to good use right now. Mayor Hatfield inquired if the City would keep the 300-gallon tank and wondered if everything (pump, hose, etc.) would need to be changed over from the current 300-gallon water tank? Foreman Cumley stated that it was a fire pump that was used in all areas around the City, even up to the pool, so there would not be a problem using it on this larger tank. Council Member Helms made a motion to purchase a 525-gallon water tank with the funds to be split between the Street, Water and Sewer Funds. Council Member Zelenka seconded the motion. Roll Call: Zelenka, Aye; Helms, Aye; Eisenhauer, Nay, whereupon motion carried.

A Report and update from Foreman Cumley: *Discuss updates on Grasshopper Lawnmower repairs:* Foreman Cumley reported that the City Crew had reported to him that the grasshopper lawnmower started good and mowed great since getting it back from Bruna Implement, so hopefully the \$1700 worth of repairs will help it stay that way.

Correspondence: Council reviewed the note from Clerk Curtis that Walter Paul Nimmich stopped in the office on 7/1/2022 and asked if the first parking stall on 6th Street (@ corner

of 6th & G Street) could be removed? He stated that when there is a long pickup parked there, you can't see around it at all when you're driving South on G Street. Council stated that no matter what, people driving south on G Street needed to yield to the right of way, so drivers need to slow down at that intersection. Council also stated many times there are shortages of parking downtown, so we certainly don't want to remove another parking place. Council reviewed the letter that the IRS increased the mileage rate as of 7/1/2022 for the remainder of 2022 to 62.5 cents per mile.

Ordinances (1018-1030) presented by the League of Nebraska Municipalities and recommended by City Attorney Emily Sisco/City Clerk Curtis (Second Reading):

Council Member Helms moved to approve Ordinances (1018-1030) presented by the League of Nebraska Municipalities and recommended by City Attorney Emily Sisco/City Clerk Curtis as follows: **Ordinance #1018 Reading and Passage of Ordinances, Resolutions, Orders, Bylaws:** brings City Ord. up to date, *Adopt as City Code 1-605*; **Ordinance #1019 Adopted Budget Statement; Filing; Certification of Amount of Tax:** revises filing deadlines, *Adopt as City Code 1-1101*; **Ordinance #1020 Publication or Posting:** allows for electronic posting of new ordinances, *Adopt as City Code 1-606*; **Ordinance #1021 Public Participation:** updates language to include the open meetings act, participation virtually, and allow the open meetings act to be available in paper or electronic copy, *Adopt as City Code 1-509*; **Ordinance #1022 Property Tax Request; Procedure for Setting:** add language regarding property tax requests (SS77-1633) enacted in 2021, *adopt as City Code 1-1110*; **Ordinance #1023 Licenses; City Powers and Duties:** adds applications made by craft brewery, farm winery, or micro-distillery (paragraph 9), *adopt as City Code 10-408*; **Ordinance #1024 Garbage and Refuse:** revises and make concise the garbage/trash laws; Article 2: Garbage Disposal effectively covers this area, *adopt as City Code 4-205 referencing SS 18-1752*; **Ordinance #1025 Filing Fees:** omits language in PP C of the City Code 1-708 regarding undeclared write-in candidates to comply with updated SS, *adopt as City Code 1-708*; **Ordinance #1026 Conflict of Interest Involving Contracts:** revises language to comply with State Law, *adopt as City Code 1-802*; **Ordinance #1027 Duplicate to Co. Assessor:** adds language to include the extraterritorial zoning jurisdiction, as was added to State Law, *adopt as City Code 9-203*; **Ordinance #1028 Abandoned Automobiles:** adds lienholders to be included in the notice requirements and increase the value from \$250 to \$500 in the Public Property section, *Adopt as City Code 6-332*; **Ordinance #1029 Candidate Filing Forms; Deadlines; Filing Officer:** revises timeframe from when candidates may file, *Adopt as City Code 1-708.01*; **Ordinance #1030 Property Tax Request; Increase by more than Allowable Growth Percentage; Procedure for Setting:** provides procedure for how, and notice requirements the City can increase its property tax request by more than the allowable growth percentage, (Clerk Curtis strongly recommends) *Adopt as City Code 1-1110.01*. Council Member Eisenhower seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhower moved 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 8:38 p.m.

ATTEST: Tamela S. Curtis, City Clerk

Charlie Hatfield, Mayor