

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, JULY 25, 2022, 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 Donnie Fisher, Susan Eisenhauer, Ric Helms and Vickie Zelenka; Kellie Wiers, Deputy City Clerk and Tammy Curtis, City Clerk/Treasurer. **Absent:** Foreman Spencer Cumley.

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 accept the July 11, 2022, regular meeting minutes. Council Member Fisher 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: **7/19/22 Payroll:** 13,800.21; **Union Bank & Trust**, FWH 3468.56; **NE Dept. of Rev**, SWH 455.79; **John Hancock**, retirement 1305.81; **Allstate**, cancer/accid 296.62; **Ameritas**, vision insurance 145.50; **Madison National Life**, life insurance 61.48; **United Health Care**, health insurance 8350.23; **Windstream**, internet @ office, phone @ pool 147.98; **Access Systems**, IT services 905.30; **Amazon Capital Services**, pool supplies & gate latch 65.53; **H&H Auto Parts**, repair supplies 141.96; **NPPD**, electric service 3691.13; **Capital Business Systems**, Elevate Phone System 111.94; **Little Brown Jug**, pool concessions 475.60; **Nebr. Public Health Environ Lab**, wtr sample tests 163.00; **Quill Corp.**, office supplies 59.72; **U.S. Cellular**, emergency cell phone 47.87; **Verizon Wireless**, home connect & jetpack 64.70; **Black Hills Energy**, gas service 222.53; **Blue Rivers Area Agency on Aging**, donation 425.00; **Diversified Drug Testing**, alcohol/drug test empls #600/#605 234.00; **Dollar General**, pool supplies 63.20; **Eric Gyhra**, 10th street reseeding culvert 2000.00; **Pawnee Co. Register of Deeds**, release liens 20.00; **Pawnee True Value**, repair supplies 286.20; **State of Nebraska Dept. of Labor**, 2nd qtr unempl tax 58.60; **Westech Engineering**, swr rebuild/repair clean flo 12,000.00; **Spectrum**, ph/internet @ shop 174.97; **USDA-RD**, str bond interest/pymt 121,880.00; **3-T Tree Service**, tree @ South Park 1000.00; **Gyhra Construction**, 10th street culvert 3047.00; **IIMC**, annual membership 200.00; **League of Nebr. Municipalities**, training 220.00; **SYNC/Amazon**, library materials 101.86; **PCDC**, May sales tax 14,040.59; **Pawnee Co. Treasurer**, law enforcement contract 17,893.40; **Seneca Sanitation**, June garbage service & dumpster @pool 6896.13. 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.

Review/Approve proposal from Steve Glenn to construct an Amphitheater at VanHorne Park at no extra cost to the City: Steve Glenn emailed the City Office with a proposal to build a five-level tiered amphitheater at the South Park which would be approximately 60 ft. wide, and each tier would be five feet wide to allow for chairs or just sitting to watch events. He suggested using \$25,000 of the donated park funds and he has raised \$55,000 for a total cost of \$80,000 to build the amphitheater which would be completed this Fall. Council Member Eisenhauer emailed Mr. Glenn to ask if this project would interfere with kids sledding as the South Park is commonly used for sledding. Mr. Glenn assured Council Member Eisenhauer the location of the amphitheater would not be located in the area used for sledding. Council Member Eisenhauer moved to approve the proposal from Steve Glenn to construct an amphitheater at VanHorne Park using \$25,000 of the donated park funds towards the cost of the project. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

LARM 2022-23 RENEWAL PROPOSAL: *Review LARM 2022-23 Renewal Letter with new breakdown of renewal proposal split into what each fund will owe (with the 180 day/3-year commitment contract with 5% discount); Review FY 2021-22 Contributions vs. FY 2022-23 Contributions; Review email from Clint Simmons explaining increases in Workman's Comp; Review/Approve Resolution #5 for 2022-23 LARM Insurance Renewal Policy (Previously City chose the 180 day & 3-year commitment contract w/5% discount);* Clerk Curtis explained most of the increase is due to an increase in the cost of the Workman's Comp coverage due to the \$40,000+ claim from last year. The Council reviewed the information received from LARM which included a Workman's Comp audit. In the past, the Workman's Comp cost was divided between six funds, but the cost should be divided more fairly among all of the funds except Police, Fire (they have their own insurance) and Asstd. Living. Clint Simmons emailed Clerk Curtis with a detailed explanation of the Workman's Comp cost increase which is also affected by an increase in payroll costs and how employees are classified as to being paid from more than one fund. Council Member Eisenhauer moved to approve Resolution #5 for the 2022 – 23 LARM Insurance Renewal Policy with a (180 day and 3-year commitment: 5% discount). Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Discuss Emailed Correspondence with City Attorney Sisco on City Employee Handbook: *Review/Approve changes to Bereavement Leave, clarifying "Class of Employee;"* Clerk Curtis explained correspondence between the City office and Atty Sisco had started back in April requesting the city attorney review the Employee Handbook upon recommendation from Clerk's School that an employee handbook be reviewed every three years. Discussion was had about keeping documentation concerning employee performance, corrective action and follow up. Council Member Eisenhauer reminded the Council that Matt Kuhlmann is paid \$200/month to be the backup sewer operator for Foreman Cumley since none of the other crew members are sewer certified yet. Crew member Gary Droge, Jr. is scheduled to take his second sewer test on Aug. 26th in Lincoln. Sean McAhon plans to take the sewer test on the same day but has not yet registered. Eisenhauer stated that it would be beneficial for Mr. Kuhlmann to automatically check the sewer plant when Foreman Cumley is absent to ensure the sewer plant is operating as it should. Clerk Curtis stated she will contact Mr. Kuhlmann about this directive from the Council as the backup operator and answer questions from crew members. Kuhlmann has also

answered questions concerning water operation when Foreman Cumley is absent. Discussion was also had concerning a new employee's probation period, the length of the probation period and if it should be extended based upon an employee's job performance review. Nebraska is a "right to work" state but documentation is necessary. Council Member Eisenhauer moved to approve the change to the Bereavement Leave policy "Qualified employees are full-time and part-time employees as defined in this section." Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Sign CRP Contract & lease of pasture & CRP Ground updated: Council Member Eisenhauer explained that earlier this year, the CRP contract was going to expire, and Todd Albers agreed with Eisenhauer to renew the CRP contract for 10 years. The rate increased which Albers will receive the benefit of the rate increase but also has agreed to take care of the noxious weeds, brush, etc. The lease with Mr. Albers has also been updated to include that if he no longer wants to lease the well pasture ground then he will voluntarily give up the CRP ground and Albers has signed it. Council Member Zelenka moved to approve & sign the CRP contract and updated lease of the well pasture ground. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review Farewell E-mail from Liz Cody at SENDD, whose last day was 7/20/2022: Liz Cody has taken another job and will no longer be working at SENDD. Liz was helping Clerk Curtis with the CCFE grant for the Cornerstone Building and the Fire Station project. The City has not received notice who will replace Liz, but Kelly Gentrup will help the City with finishing up on the Fire Station project. The original architects, John Deacy and David Penka, with CWP Architects are no longer working for the company so, hopefully, the company will still work with the City to complete the Cornerstone Building. The City is not able to put the project out for bids yet and contractors and subcontractors have to be registered with the State of Nebraska.

Review PCAL Minutes & Treasurer's Report: Clerk Curtis explained that PCAL has the new contract with Aimee Schrack but has not yet shared it with the City Office. Council Member Helms stated that Caralyn Friedly had asked him to sign the contract, but Clerk Curtis explained the Council has to vote on it first before the Mayor can sign it. Clerk Curtis contacted John DeFreece and he will ask Caralyn to email a copy of the contract to the City Office. Ms. Schrack is scheduled to start Aug. 1st.

Review/Approve Ordinance #1031 amending 6-111, Dogs; Leash Requirements – stipulating what constitutes a "dog running at large:" Council Member Eisenhauer moved to approve Ordinance #1031 amending 6-111 as revised. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Motion to Suspend the Three (3) readings of Ordinance #1031;*** Council Member Eisenhauer moved to suspend the three readings. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Discuss 1 & 6 Year Street Plan – Make recommendations for changes of the current listing: *Streets planned to be overlaid this Fall include: I Street and Hwy 8 Interesection-6" Mill & Fill; P Street, 5th to 440 Feet North; P Street Hwy 8 to 300' South; G Street Spot – Overlays 2 Locations; 17th Str – Dollar General Scratch Mill & Fill 4"; 9th & G*

Street Mill & Overlay; Council Member Helms stated that he didn't want to make any changes to the current plan and Clerk Curtis explained that the current plan is the same as it was last year. Discussion was had about the one- and six-year plans and what was listed on the agenda. Project M-484 (186) was removed from the one-year plan since it is listed on the agenda to be completed this Fall. It was decided to add "10th street from B to F" to the one-year plan with asphalt overlay (by Palmer Café). A public hearing will be held in September for the one- and six-year plans. Clerk Curtis explained the State wants cities to have some kind of plan in place for streets but if a city is able to update a street not listed on the plan, then that is okay too. Council Member Helms stated his plan is to patch streets right away that have really bad spots and that is what will happen this year and then look at continuous overlays. Clerk Curtis asked if there were street patches completed that the City crew had to tear up because of water or sewer issues that are planned to be completed in the next fiscal year because those will need to be included in the budget for water and sewer. Council Member Helms stated there is a patch on C street that was completed several years ago, and the dirt was not compacted, and that patch has sunk two to three inches, but it can just stay that way because it will be fixed when the street is overlaid. Mayor Hatfield stated there will be a future water repair on G street by the lot that Austin Smith purchased. Clerk Curtis asked Council Member Helms if he notices street repairs that need to be made to let her know. Clerk Curtis stated that they will take off the "P" street project and add the "10th" street project to the one- and six-year plan and she will contact JEO to update the plan and then add this item to the next agenda.

Review Last Blast of Summer – Midnight Swim on August 6th; Pool closing for Season on 8/7/2022: Council Member Eisenhower stated the second Midnight Swim is Scheduled for August 6th and the pool will close the next day on August 7th this year. Swim lessons were a success but there will be some changes next year and limit the number of children at one time in the younger class.

Review/Approve Salary Ordinance #1017 (Final Reading): Council Member Eisenhower moved to approve Salary Ordinance #1017 on final reading. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Ordinances (1018-1030) presented by the League of Nebraska Municipalities and recommended by City Attorney Emily Sisco/City Clerk Curtis (Final Reading): Council Member Eisenhower moved to approve Ordinances (1018-1030) on final reading presented by the League of Nebraska Municipalities and recommended by City Attorney Emily Sisco/City Clerk Curtis to be published in pamphlet form 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 Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Correspondence: The City Council reviewed correspondence from May 2022 total Sales Tax of \$37,441.56 with ½% Street Repairs Sales Tax totaling \$9,360.39 and \$2,466.15 being Motor Vehicle Sales Tax. Mayor Hatfield stated that Roof Guard is here today to start working on the roof at the sewer plant. Lucas pulled the trailer of materials inside the sewer fence to make sure it was secured since they will start work Tuesday morning. Also, the City will now mow the lot South of PCAL until the walking path and landscaping have been set up. Bruce Houghton had mowed it before. Council Member Helms asked the balance of the Demolition Fund and what will happen when that money is gone. Clerk Curtis recommended he talk with auditor Julie Bauman when she is here in August about budgeting money into that fund. Council Member Helms stated that PCDC may want to reinstate their demolition reimbursement fund.

Council Member Helms 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 8:06 pm.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor