

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, JULY 28, 2025, AT 7:00 P.M. AT THE CORNERSTONE BUILDING, 601 G 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. The availability of the agenda was communicated in advance 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 Pat Hatfield, Donnie Fisher, Vickie Zelenka and Susan Eisenhauer; Kellie Wiers, Deputy and Foreman Spencer Cumley. **Absent:** City Clerk/Treasurer Tamela Curtis.

Mayor Charlie Hatfield called the meeting to order at 7:00 p.m. informing all those present of the Poster stating the Open Meeting Law Changes on the West meeting room wall, next to the storage closet, accessible to the public. At this time, all those present stood to recite the Pledge of Allegiance.

Council Member Zelenka moved to accept the July 14, 2025, 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: **7/29/25 Payroll:** \$17,437.22; **Union Bank & Trust**, FWH 4530.87; **NE Dept. of Rev**, SWH 629.00; **John Hancock**, retirement 1388.48; **Seneca SA**, June 2025 garb service 6997.33; **PCDC**, May sales tax 7,633.86; **Capital Bus. Syst**, Elevate Phone Syst 201.92; **Verizon Wireless**, home conn & jetpack 64.89; **Access Systems Leasing**, IT hardware 232.14; **Windstream**, phone @ pool & swr plant 173.68; **Pawnee True Value**, repair supplies city & library 460.41; **Amazon Capital Services**, pool & office supplies 815.70; **Coral's Cleaning Services**, office cleaning 80.00; **Mallory Branek**, reimb pool supplies 48.27; **Quill Corp.**, 10-key calc. 74.49; **Barco Products**, signs 325.06; **Dept. Water, Energy & Environ.**, empl # 1062 wtr operat appl. 28.75; **Martin Marietta**, rock for alley 543.19; **Nebr. Public Health Environ Lab**, wtr sample test 15.00; **Table Rock Appliance**, electrical at pond 1824.70; **U.S. Cellular**, emergency cell phone 48.71; **Pawnee Co. Treasurer**, qtrly law enforce pymt 20,708.18; **USDA-RD** str bond pymt 121,880.00. Council Member Eisenhauer moved 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.

EXECUTIVE SESSION—Discuss Personnel Issue: Council Member Eisenhauer moved to approve going into Executive Session for the purpose of discussing a personnel issue and to prevent needless injury to the reputation of a person at 7:07 p.m. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion,

whereupon motion carried. Everyone except for the mayor, council members and city attorney were asked to leave the building. Council Member Eisenhower moved to approve coming out of executive session at 7:41 p.m. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhower stated a sufficient plan has been put into place to address the situation. The city attorney and the city employee will send a response letter to both parties.

Jennifer Stehlik-Ladman, City Atty: *Review/Discuss/Approve the new counter-offer Purchase Agreement with Mr. Raper on the City purchasing the 522 & 526 G Street collapsed buildings for \$2.00 plus the claims from UB&T and Health First Pharmacy and all of their employees that were present during the collapse of the buildings and prorating the property tax:* Council reviewed the updated purchase agreement. Jennifer suggested contacting LARM to see if they have a Release form to share with the pharmacy and bank employees as mentioned in the agreement. It was suggested to add wording to give Mr. Raper five working days to sign the agreement and therefore be able to take possession of (close on) the property by Aug. 30th as listed in the document. Jennifer did send notice to Eileen Heinz to clean the debris from her property located between the pharmacy and 522 G Street but she has not heard back from Eileen.

Review Report from DHHS re: no asbestos found at collapsed building site: Nolan Rine and his supervisor, Adrienne Moody both sent letters to the City Office stating to the best of Mr. Rine's knowledge, there was no asbestos containing materials present in the debris piles or surrounding area and it is cleared for clean-up. These letters will be shared with the bid specs for cleaning up the area.

Review/Approve Bid Spec Ad to start advertising for the debris clean-up project on above property: Foreman Cumley compiled a specification sheet for clean-up of 522 & 526 G Street properties. Council reviewed the sheet included in the agenda packet with no revisions. Discussion was had whether there is enough fill dirt at the sewer plant and the need for quality dirt to use for the park that will be installed on the site. It was also discussed to build a retaining wall at the east side of the site and to grade the slope of the east side as it eases down to the lower ground level with a sidewalk connecting the upper and ground levels. There could also be parking available on the east side at ground level. Jennifer suggested putting the project out for bids (to include a copy of the asbestos letter) as soon as the purchase agreement is signed. Council Member Eisenhower moved to approve putting out for bids for the clean-up and removal of debris from the site located at 522 & 526 G Street as soon as the purchase agreement is signed. Council Member Hatfield seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Discuss Nuisance Property Abatement Letters recommended by Health Board sent out: Jennifer explained the letter sent to Ramon Herrera-Mora was returned to her office so his abatement hearing cannot be held on Aug. 4th. She still needs an estimate of the cost to demolish 1145 G Street before that hearing can be held. Mayor Hatfield will talk to Gyhra's for a copy of their bid. The property at 1106 5th Street has been sold. Mayor Hatfield stated the show cause hearings scheduled for Aug. 4th are therefore cancelled.

Report and update from Deputy Clerk Wiers: Inquire about PRIDE Committee using City Equipment after hours for property clean-up projects: DC Wiers explained the Pawnee PRIDE Committee doesn't have any funds and is comprised of a group of volunteers who have used their own equipment. Council discussed this issue with City Atty Jennifer Stehlik-Ladman present. Discussion was had about the City's liability if someone used City equipment and hurt

themselves. Who is liable? Also, if a member of the PRIDE Committee broke or damaged a piece of City equipment, who is responsible for the replacement or repair of the equipment? Therefore, no motion made to approve this request. Jennifer asked if PCCF (Pawnee City Community Foundation) could cover liability for the PRIDE Committee and/or provide some funding for the group? DC Wiers explained that she and Clerk Curtis will attend a PCCF meeting soon because a person would like to make a monetary donation to the committee but the committee doesn't have a bank account or nonprofit status. So, the PRIDE Committee would like help from a nonprofit to be able to receive donations and have funds available to use for projects.

Report on Community For Kids (C4K) presentation at Library on 7/22 (with CM Eisenhauer): DC Wiers and CM Eisenhauer both attended this presentation. Businesses or people can donate their state tax liability to a licensed daycare provider instead of paying it to the Nebr. Dept. of Revenue. The person or business has to submit a request to the State and be approved in order to do this. You can also donate more than your current tax liability and the extra can be used the following year within a 5-year period. Sweet Second Home Daycare has received funds from this program. There is a grain elevator near Seward that allows farmers to donate corn to a daycare and the daycare is able to use this money but the daycare has to set up an account with the grain elevator.

Report & update from Council Members Hatfield & Eisenhauer: Discuss additional information in providing straight "on-call" pay to City Crew Members during the week they have the on-call phone: Jennifer explained an employer doesn't have to pay an employee for "on-call" pay but you will have trouble staffing on-call hours if you don't give some kind of compensation. In regard to using PTO, sick leave or comp. time to get to the 40 hours, a person has to work a 40 hr. week before the employee is entitled to overtime. An employer is not required to pay overtime in this situation but can pay overtime. Council Member Hatfield asked if an employee is on-call and receives a phone call and responds to that call, does the employee "go on the clock?" Yes, any work an employee does has to be compensated. Council Members Eisenhauer and Hatfield gave an example if an employee took vacation but ended up working overtime during that period or on a holiday, then the employee ends up not getting the overtime on the holiday. They don't agree with that. Discussion was had about implementing a time clock system for the city crew members. The City Atty explained it is up to the employer to keep accurate records of time actually worked and an employer cannot tell an employee if they don't punch in on a time clock, they don't get paid even though this is a good method to track employee time. Discussion was had about a timecard system Pawnee County uses and there is also an application a person can use on their phone. Council Member Hatfield moved to approve giving city crew members 1 hr. of on-call straight time pay every day, Monday through Sunday when they are "on-call." There will be additional time if the person has to answer the phone and is called out to respond to the call. There will be additional time and ½ contingent if allowed in the budget. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Discuss employees getting overtime after working 8 hours a day vs. having to work 40 hours /week;*** Council Members started discussion on situations where employees had to work over 8 hours in one day but due to using personal time or a holiday in the same week, the employee didn't receive overtime pay. City Atty Stehlik-Ladman explained this is not a legal question but she had previously given her personal opinion as an employer. Council Members Hatfield and Eisenhauer stated they felt this isn't fair to the employee. Council Member Eisenhauer suggested tabling this issue until after the

previous suggestion has been in force for a year and starting the discussion again during budget time next year.

Report and update from Foreman Cumley: *Discuss Aquifer Levels:* No well updates at this time because the city crew has been dealing with power surges. *Review/Discuss Tree Dump Inspection sheet and extra info docs they left:* The tree dump inspection was good. Lately, someone had dumped boards at the tree dump and the crew is still working on the cameras. The new camera burned out. *Review Email Inquiring about old outdoor siren:* Tyler Parker had contacted the City Office and Foreman Cumley about buying the old siren for salvage pieces. Discussion was had that City property must be put out for bids when it is sold. Council decided they are not interested in selling the siren at this time. *Review/Discuss updates on various projects in the City:* Council Member Hatfield asked if Foreman Cumley had contacted Tyler Binder about the concrete at the sewer plant? Foreman Cumley stated Mr. Binder was going to go look at the concrete piles last Friday but Cumley has not heard back from him. Lately, Binder has been charging a fee to haul off concrete. At one time, the City had someone crush concrete and it cost \$50,000. Mayor Hatfield talked with Randy Gyhra to rent a concrete crusher and it costs around \$50,000/month to rent one. Gyhra's may at some time, purchase a concrete crusher. The City Crew has completed laying concrete on four camper pads at the Pawnderosa Campsites.

Report and update from Council Member Eisenhower: *Review Poster for Last Blast of Summer Midnight Swim on Aug 8th with Pool closing Aug. 9th:* We do not yet have a poster for the Last Blast of Summer but the pool is closing Aug. 9th. The midnight swim (Neon Nights) that was scheduled last weekend but cancelled due to the storm will now be held Aug. 8th instead. There will be an \$8.00 entry fee with a sloppy joe, chips, pasta salad and cookie meal. Council Member Eisenhower looked into purchasing a license for a movie night at the pool. Alphaia will sponsor it and pay the licensing fees of \$375 for each movie. It will be Moana from 6:00 to 8:00 then Grownups (PG13) at 8:30. Kids are encouraged to bring their own floaties. Money received from Linda Hodges memorials were used to purchase a movie projector and an inflatable movie screen. *Report back if the Morning Water Aerobics Classes will continue the week of August 11th:* The water aerobics classes will not be held after Aug. 9th. *Review/Discuss Quote on Air Max System for Pawnderosa Pond:* Every year fish have died along with weeds and moss accumulating in the pond. Council Member Eisenhower checked into an aeration system. "The Pond Guy" gave a quote for our city pond which is 1.91 acres. It will have two submersible plates (one at each end of the pond) with air hoses that go to the bottom of the pond and the system will be hooked up to electrical. Austin Wheeler from the Pond Guy submitted a quote of \$3570.85. This system will maintain the fish and make the pond look better with clearer water. It does include a warranty. Council Member Eisenhower moved to approve purchasing the Air Max PS20 Aeration System for \$3570.85 for the Pawnderosa Pond. Council Member Hatfield seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. The City Crew should be able to install the system. *Review/Discuss Quote on Pool Slide/Flume:* Council Member Eisenhower obtained an estimate to replace the flume on the tall pool slide which will cost \$6,653.00 plus \$536.00 freight for \$7,189.00. The flume is a plastic tube that comes off the platform. There are issues with the entire system in need of repair plus it leaks water and it will cost \$18,475.00 (including freight) to replace the entire slide. It is required to replace "like" with "like" so the City can't look at purchasing a different system unless approved by the State of Nebraska. This cost could be paid through the

RCRP grant but the lining of the pool needs replaced and that costs \$312,000. In next year's budget, \$10,000 has been earmarked to help pay for the pool flume. Discussion was had whether to replace just the flume or replace the entire slide. This project has been tabled. ***Discuss any other Pool or Park Updates:*** Four concrete camper pads have been completed at the Pawnderosa and the other four will be completed as time allows, possibly even next year. The pool is closing on Aug. 9th. The pool will be closed Aug. 2nd due to lack of staff. Alpha has requested to rent the pool for the entire day on Aug. 3rd from 1:00 to 7:00 and paid \$450.00 in rent for their employees at the Bern and Pawnee City plants to visit the pool. There is a midnight swim scheduled Aug. 8th and the last day to be open is Aug. 9th. ***Discuss/Approve 2026 Pool Pass Donation Request:*** The Library Ladies, Lola, Colleen and Amber have requested two pool passes for the 2026 season for the Pawnee City pool be donated to the library's Summer Reading program. Council Member Eisenhower moved to donate two Pawnee City 2026 season pool passes to the Pawnee City Public Library for the summer reading program. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. A person from the audience asked why the Pawnee City Public Library gave away a family pool pass to the Tecumseh swimming pool at the beginning of the summer reading program? Council Member Eisenhower stated the citizen should contact the Library. Council Member Zelenka, the library liaison, said she will look into the matter.

Review/Discuss the emailed correspondence between Clerk Curtis and LARM re:

Insurance on Ballfields if City were to take ownership: Clerk Curtis was unable to attend tonight's meeting so Council Member Eisenhower addressed these issues. If the City owns the ball field, the ball field is automatically covered under the City's liability insurance. There would be no increase in the cost of coverage. So, if the City owned the ball field and leased it to the Pawnee City Ball Association, the Ball Association would have to provide their own property insurance. It is possible that if there were a catastrophic event, the community would probably come together and help replace some items but it would be difficult to replace the concession stand. Courtney and Rob Kosiski from the Ball Association were present. They explained the Ball Association had just renewed their insurance and it cost \$4000 for property insurance and \$3000 for liability but the only property covered is the shed, concession stand and contents. The bleachers, fences, lights, etc. are not covered. The Ball Assoc. did get a cheaper rate for insurance since they covered both items with the same company and raised their deductibles. Rob and Courtney will take this information back to the Ball Association and discuss it.

Explanation as to what the Law Enforcement Liability and GL for the Police actually covers: Council Member Hatfield had previously questioned the \$600 charge for this insurance and had asked for clarification. This coverage would cover the City in case there is a lawsuit and the City is named as a party.

Review/Approve Salary Ordinance #1070 (Second Reading): Council Member Eisenhower moved to approve Salary Ordinance #1070 on second reading. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Need a motion to suspend the third reading so Clerk Curtis can publish it in the newspaper before August 15th deadline:*** Council Member Zelenka moved to suspend the third reading. Council Member Eisenhower seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review Correspondence: Council reviewed the spreadsheet on May 2025 Total Sales Tax of \$25,076.36 with ½% Street Repairs Sales Tax totaling \$5,089.24 and \$4,719.40 being Motor Vehicle Sales Tax. Show Cause Hearing for Monday, Aug. 4th has been cancelled. The Budget Retreat Workshop with Julie Bauman is scheduled Monday, Aug. 11th @ 6:00 p.m. before the regular Council meeting.

Council Member Zelenka moved to adjourn the meeting. Council Member Eisenhower seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 9:16 pm.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor