

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, MARCH 14, 2022, AT 7:00 P.M. AT THE PAWNEE CITY PUBLIC LIBRARY MEETING ROOM, 735 8<sup>TH</sup> 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:** Council Members: Ric Helms, Susan Eisenhauer (by telephone), Donnie Fisher and Bruce Haughton; Kellie Wiers, Deputy City Clerk/Treasurer and Spencer Cumley, City Foreman. **Absent:** Mayor Charlie Hatfield.

Council President Bruce Haughton 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 Helms moved to accept the February 28, 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: **3/15/22 Payroll:** 9993.42; **Union Bank & Trust**, FWH 2849.99; **NE Dept. of Rev**, SWH, Feb 2022 sales & use tax 2557.03; **John Hancock**, retirement 1299.58; **Allstate**, cancer/accident insurance 267.74; **Ameritas**, vision insurance 139.00; **Madison Nat'l Life**, employee life insurance 61.48; **United Healthcare**, employee health insurance 7103.33 **Windstream**, phone & internet @ library, internet @ city office 255.58; **Amazon Capital Services**, repair supplies, tape recorder 662.34; **Capital Bus. Services**, Elevate phone syst. 111.94; **Access Systems**, upgrade photocopier 3289.25; **Access Systems Leasing**, one time lease orig fee & monthly IT Hardware contract 308.98; **League of Municipalities**, wtr operator workshop 220.00; **Charlie Hatfield**, house demo reimb 4000.00; **Emily Sisco**, March 2022 atty fees 1000.00; **Matt Kuhlmann**, March 2022 zoning services 800.00; **Midwest Labs**, swr sample tests 415.00; **NPPD**, electric services @ swr plant, wells & city 6508.62; **One Call Concepts**, digger hotline locates 14.28; **Pawnee Republican**, publications 240.46; **Tamela Curtis**, reimb mileage, parking, meals, League Conf.; 125.74; **OPPD**, electric @ wells 313.97; **H&H Auto Parts**, repair supplies 1217.92; **Haug Communications**, wtr tower controls repair 238.75; **Pawnee City Thriftway**, paper towels, cleaners, bleach 53.16; **Pawnee True Value**, repair supplies 179.15. Council Member Helms moved to approve the claims as submitted. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review February 2022 Treasurer's Report:** Council reviewed the February 2022 Treasurer's Report prepared by City Clerk/Treasurer Tamela Curtis.

**Sheriff Braden Lang:** Sheriff Lang explained that the email he sent to the Mayor was not to be made public yet. He plans to talk with other city councils in Pawnee County about the issue

stated in the email. Sheriff Lang said that Mayor Hatfield was supportive of his concerns and Lang had shared this information with the Pawnee County Commissioners. The Sheriff's department cannot keep up long term with a deputy shortage. Eliot Boldt will be leaving the department on Saturday which leaves them with only two deputies. Council Member Helms asked Sheriff Lang for his input on the two dog tickets discussed by the Council. Sheriff Lang said tonight's issue with a dog ticket is concerning because he has known people to abuse the dog companion concept and the diagnosis used to get approved for a companion dog, but this dog owner does have legitimate health issues. He is afraid that people will abuse the option of having dog ticket fines reduced. Council Member Eisenhauer stated that these should be isolated incidents. Sheriff Lang stated that some people have brought dogs to court because they have anxiety issues, and the judge has ordered that the dogs be removed from the courtroom unless the owner has documentation that it is a legitimate companion animal. In regard to the Klepper/Valdez tickets, Sheriff Lang said there haven't been any more barking dog complaints, but Klepper had stated he was going to buy bark collars last year and didn't follow through. Council Member Eisenhauer explained that Klepper had to provide receipts from the purchase of the collars and the fines were reduced by that amount. Council Member Haughton reminded the Council that Klepper had said if the bark collars didn't fix the situation, he would remove the dogs. DC Wiers explained to the Council that she was walking her dog yesterday afternoon a block from the Klepper residence and there were two dogs outside in the pen and they were constantly barking so either they weren't wearing the collars, or the collars weren't working. Sheriff Lang explained that he, Jayme and Taylor were standing outside this afternoon testing radar, and they could hear dogs barking in that general vicinity from the courthouse. Sheriff Lang asked if they had purchased a bark collar for the dog, Buddy, that is now kept at Herb and Laurie Klepper's house because it barks a lot. DC Wiers explained Kenneth claims that is not his dog anymore and belongs to Herb & Laurie, but Laurie said it isn't their dog, it belongs to Kenneth. Lang explained it is still one of the same dogs that barked a lot at Kenneth's house but has just been moved to a different location. Council Member Helms asked if it was possible that Klepper had purchased the two bark collars and furnished a receipt to reduce the fines and then returned the collars? Sheriff Lang explained yes, it could have happened but then you are going to receive more barking dog complaints. DC Wiers explained they have already received five barking dog complaints and the next step would be removal of the dogs. Sheriff Lang explained that it will cost a lot of money to enforce this ordinance, especially if the dog owners decide to fight the legal action. The owners have talked about getting rid of the dogs for quite some time, but nobody wants them. SHARE won't take them because the dogs kill cats. DC Wiers explained that one of the dogs had been surrendered to SHARE. Council Member Helms asked if the dogs could be taken to a vet to be euthanized but Sheriff Lang explained that the owner would have to do that. Sheriff Lang stated there is nothing that will stop them from getting more dogs. Council Member Helms stated that if it happens again, the owner will have to pay fines for the tickets. Council Member Haughton stated that if this continues, the Council will have to take action, but he plans to talk with Mr. Klepper about this issue. Sheriff Lang stated that this type of situation occurs when you want that type of dog and keep it in town but don't do anything with it.

**Report and update from Deputy Clerk Wiers: *Review/Discuss reducing Animal Citation on citizen;*** DC Wiers explained to the Council that there was a citizen with four dogs that received a \$200 unlicensed dog citation and the rabies had expired on three of the dogs. She has health issues that she has been dealing with and is now unable to drive and has to rely on other people

to run errands, medical appointments, etc. During this period, she has been in the hospital in Lincoln and Pawnee City. DC Wiers contacted SHARE (Safe Haven Animal Rescue) and Nita Maddox took the dogs to the vet in Tecumseh and had the rabies vaccinations updated then dropped off copies of the rabies certificates at the City Office. DC Wiers completed the dog licensing information; called the citizen to let her know the cost to license all three dogs; drove to her house to drop off the paperwork and tags and then she gave DC Wiers a check for payment. DC Wiers explained that the Animal Control Board has a meeting scheduled for March 31<sup>st</sup> and plans to propose a change in handling unlicensed dog tickets to help reduce the number of citations written. Council Member Fisher asked if this citizen has been current in the past with licensing her dogs? DC Wiers explained that no, there have also been issues in the past. Since this person was unable to drive, she had to rely on someone else to take her dogs to the 2020 rabies clinic that was held at the Pawnee City Shop but the owner was able to license her dogs at this clinic. The rabies expired last year but the dog owner didn't take advantage of visiting the 2021 rabies clinic. Sheriff Lang commented that this person has trouble taking care of herself, so it is a struggle to take care of her dogs. Council Member Haughton commented that a person with those health issues should probably look at places for her dogs to go. He further commented that he would like to see it changed that a person could not have four or more dogs. Seems like two dogs would be enough. Sheriff Lang commented that these dogs "are all she has." Many people present agreed that these dogs are very important to the owner. Sheriff Lang commented that there are many people in town that have four or more dogs. Council Member Haughton stated that a precedent concerning dog tickets had been set at the last meeting. Council Member Haughton explained that due to medical issues experienced by this owner, he moved to reduce the dog licensing ticket by \$100.00 based upon the precedent that was set at the last meeting. Council Member Helms seconded the motion. Council Member Helms expressed concern that the Council is setting a precedent with last meeting's action on dog tickets and now this one. DC Wiers explained that she plans to address the Animal Control Board at their meeting on March 31<sup>st</sup> and propose a change in how dog licensing tickets are handled in order to avoid the current situation and avoid a precedent with the Council addressing dog licensing ticket situations and avoid sending the tickets to the City Attorney for prosecution. DC Wiers would volunteer calling people who have not licensed their dogs by January 1<sup>st</sup> and remind them to license their dogs and give them a deadline to comply. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhauer stated that she is in favor of reducing a fine when there is extenuating circumstance but not to set a precedent for future dog tickets. **Review/Discuss new CDL Federal Requirements;** DC Wiers explained she has spent quite a few hours researching this issue because our newest crew member, Lucas Barloon, needs to get a CDL license. He will have to take a class and hands on instruction and then take the test. She hasn't been able to find a provider yet close by that can do Class B training and the cost of the training. The issue is that these are federal mandates that the states have to comply with. There is a Federal Motor Carrier Safety clearing house that drivers have to be registered on and you have to find a certified provider listed on their clearing house to teach the training (entry-level driver training). Part of the requirements is that you have to run annual queries on your drivers to see if they have any violations which we paid Diversified Drug Testing \$200 to run these queries for us which was very frustrating to accomplish. In the office, Clerk Curtis and I discussed this with Foreman Cumley if it is worth the hassle to require crew members to have a CDL license. The office wanted the Council to be aware of the changes and new requirements we would have to follow.

**Report and update from Foreman Cumley: Items for discussion are: *Discuss possible selling the 1995 Chevy Dump truck (only truck that makes us have CDL Drivers)***; (This truck was purchased in 2002 for \$8250 from Kuhl, Inc.) Crew member Barloon didn't get his CDL before the new requirements went into effect February 7, 2022. He has never driven a dump truck before and wouldn't have been able to take the test right away, but he did get his CDL learner's permit. Barloon drove the big dump truck for the first time recently. A crew member has to have a CDL in order to drive the big dump truck since it has air brakes and weighs over 26,000 lbs. So, we had thought about selling the big dump truck and purchasing another small dump truck. The re-sell value for the 1995 dump truck ranges from \$7,000 to \$15,000 which was purchased for \$8250 in 2002. Council Member Fisher asked if a person has to have a CDL to operate the loader or pull the jet trailer? No. Fisher stated that it may be worth it to sell the old dump truck and use that money to purchase a new smaller dump truck. Council Member Eisenhower asked how often the big dump truck is used? The big dump truck is used to haul snow and rock but is usually only half full when they haul rock. Foreman Cumley stated that he could put more boards on the side of the small dump truck, and it should be able to haul the same amount of snow as the big dump truck. Council Member Helms asked if the three crew members who currently have CDL licenses are going to renew them in the future? Foreman Cumley said he knew that he and Gary Droge, Jr. plan to renew their CDL licenses. Also, is there any other reason to get rid of the big dump truck because the street department doesn't have money to purchase another dump truck. Parks and Pool would have no use for that dump truck. Council Member Helms suggested keeping the big dump truck for awhile until there is money in the budget to purchase a new dump truck and removing the CDL requirement for new city crew members. DC Wiers stated then the employee handbook will have to be updated to reflect that change. Foreman Cumley stated that the City shouldn't take that requirement away completely but give the employee a longer time to obtain a CDL license as with the sewer certification. Council Member Eisenhower recommends putting a temporary hold on the CDL requirement for new employees for a period of one year. So, we keep the dump truck since we do have employees who can drive the big dump truck. Council Member Eisenhower moved to put a temporary hold on the CDL requirement for one year for new employees. Foreman Cumley explained that Crew Member Barloon did obtain a CDL learner's permit and Cumley would still like to pursue finding out the cost of the class and a location for the training. DC Wiers stated she will continue researching a location and cost for the CDL training. Foreman Cumley explained the City would then have to cover the cost of the entry level driver training (ELDT). The cost may be prohibitive. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Discuss City Pawnderosa Campsite Electric Service being updated by NPPD***; Foreman Cumley explained that in the past, there have been issues at the pond with campers having surge protectors that continued to trip the breaker to the pond. NPPD changed out the transformer to the pond and now there is 124 volts instead of the old 117 volts going to the meter socket. Foreman Cumley would like to thank Pat Hatfield for his effort in getting the voltage updated. It probably cost \$14,000 to fix this issue but it didn't cost the City anything. ***Discuss Water leak in alley between 6<sup>th</sup> & 7<sup>th</sup> Streets and C & D Streets***; This is another water leak behind the bus barn, and it was repaired. Doug Daily has repaired two water leaks lately for homeowners and there was a water leak at the golf course. The house by the car wash also had a leak but it was from a running toilet that Daily fixed. Council Member Helms said there has been a water leak at the Pawnee Village and Doug Daily

fixed it. Foreman Cumley said he knew there were water leaks because the water tower normally lasts eight hours and it was down to four hours. Council Member Helms asked about when the water tower drains, the water is cutting into the ground and asked if maybe that area should be filled with concrete? Foreman Cumley stated a concrete driveway there would be nice. ***Discuss how the first “out of town” Sewer Jet Trailer job went;*** Foreman Cumley said he and Gary Droge, Jr. took the jet trailer to Steinauer recently to clean storm drains. It worked fine and they were very grateful. Council Member Helms asked how they were charged? Foreman Cumley explained the rates had been set in an earlier Council meeting, but the sewer jet trailer was there about two- and one-half hours and the bill totaled \$487.00, and the machine made \$187.00. This money will be deposited into a special reserve fund for the jet trailer.

**Take Action on City Office Cleaning Position:** The two referrals given to the Council were Coral Cumley and Johnson Winemiller. Coral Cumley would charge \$20/hr. and it would take two hours to clean the office. Johnson Winemiller proposed \$40/hr. and it would take one hour to clean the office. Both people would have insurance and use their own cleaning supplies. Council Member Haughton explained that it may take two hours to clean the office the first few times but after that, hopefully, it will take just one hour to clean. Council Member Helms asked DC Wiers who she would recommend for the cleaning position. DC Wiers explained that she had Coral Cumley clean for her when she was home recovering from knee surgery and did a great job. Council Member Fisher stated that these two people are both very good candidates and either one would do a good job. Council Member Haughton said he agreed with Council Member Fisher, but the Council needs to pick one. Council Member Helms moved to hire Coral Cumley to clean the City Office at \$20/hr. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. DC Wiers will contact both candidates and make arrangements with Coral to clean the office.

**Report and update from Council Member Eisenhauer: Pool Manager/Asst. Pool Manager Interviews were held week of March 7<sup>th</sup> with Raina Barloon hired as Pool Manager with Madison Branek & Coral Cumley hired as Assistant Pool Managers; Lifeguard applications are due March 18<sup>th</sup> with Interviews set up for week of March 21<sup>st</sup>;** Council Member Eisenhauer explained that pool manager and assistant manager interviews were held last week, and Raina Barloon had applied again for pool manager. Madison Branek is a student at UNL and Coral Cumley cleans houses. There were two assistant managers last year and it worked out very well. We have received several lifeguard applications already and interviews will be held when Eisenhauer returns from Arizona. Council Member Eisenhauer told Raina to think about who she would pick to be lead/head lifeguards so this should be someone that the lifeguards could go to with questions and would be an intermediary between the lifeguards and the manager and assistant managers. The lead/head lifeguards would be paid more than the regular lifeguards. Foreman Cumley said that the pool house is finished and is ready to paint.

**Correspondence:** Council reviewed a letter received from Dennis Schardt in regard to updating the current MFO contract with the Pawnee County Rural Fire Department. Election certifications from Pawnee County Clerk, Candi Nicholas, stated that all City Election Races will go on to the General Election. They will not be listed on the primary election.

Council Member Helms moved to adjourn the meeting. Council Member Fisher seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 7:47 p.m.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Bruce Haughton, Council President