

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, MARCH 25, 2024, 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. 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 Charles Hatfield, Council Members Vickie Zelenka, Donnie Fisher, Susan Eisenhauer and Laura Poskochil; Kellie Wiers, Deputy City Clerk and Tamela Curtis, City Clerk/Treasurer. **Absent:** Foreman Spencer Cumley.

Mayor Charlie 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 March 11, 2024, 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: **3/26/24 Payroll:** \$10,652.98; **Union Bank & Trust**, FWH 3146.78; **NE Dept. of Rev**, SWH 487.94; **John Hancock**, retirement 1679.55; **Allstate**, cancer/accid 218.06; **Ameritas**, vision 92.40; **Madison National Life**, life ins. 55.09; **United Healthcare**, health ins. 6563.70; **Windstream**, internet @ city office, & ph @ swr plant 173.99; **Spectrum**, internet & ph @ 445 6th St. 184.97; **BHE**, gas service 560.99; **PCDC**, Jan. 2024 sales tax 6599.09; **Seneca Sanitation**, Febr. 2024 garbage service 6892.00; **Nebr. Public Health Environ Lab**, wtr sample testing 30.00; **Pawnee City Thriftway**, office supplies 11.98; **Verizon Wireless**, home connect/jetpack 64.79; **Coral's Cleaning Service**, office cleaning 80.00; **Grainger**, wtr heater/swr plant 1379.07; **Jr. Library Guild**, library materials 66.47; **Pawnee True Value**, repair supplies 101.96; **Winnelson**, repair parts wtr line @ pool 1257.55; **Amazon Capital Services**, Cornerstone project 47.97; **Beatrice Fire Protection**, fire ext. for cornerstone bldg. 113.10; **Dave Glynn Constr.**, cornerstone bldg.. 4120.00; **Eagle HVAC & Plumbing**, cornerstone proj.1210.00; **Table Rock Appliance**, cornerstone project 14,788.00; **Capital Bus. Systems**, Elevate phone system 192.77; **Binder Bros.**, wooden posts for meter readers 353.76; **Julie D. Bauman**, PCAL review 2500.00; **Team Lab**, satu-rock 2400.00; **Bok Financial**, wtr bond int. paymt 10,213.75/swr bond int. pymt 4172.50. Council Member Zelenka 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.

Pat Hatfield, NPPD: Mr. Hatfield explained that he had difficulty accessing his NPPD utility truck this winter during the first snowstorm when the area received 10" of snow. The garage is located next to the Habegger storage units. His personal truck got stuck in the driveway to this

garage due to the drifting snow and ice so he had difficulty answering calls. Therefore, NPPD is requesting the City keep this driveway to the NPPD garage clear and salted and they will pay the City to do this. NPPD would be responsible for any damage to the rock on the driveway. Discussion was had about this being a public service for another utility. Foreman Cumley was not present to participate in the discussion so this item was tabled. Council requested Foreman Cumley write a proposal on what it would cost the City to provide this service. DC Wiers will talk with Cumley about this issue and report back to the Council. Clerk Curtis asked Pat Hatfield if he had heard any more information from the Pawnee City Chamber of Commerce about Christmas lights. Mr. Hatfield explained he has not heard an update from the Chamber of Commerce but he had given information to Foreman Cumley about the cost to update the street light poles for Christmas lights. Clerk Curtis stated she had seen the Chamber needs to raise \$6,000 more dollars to purchase Christmas lights but the City has not heard anymore from the Chamber, either.

Erin McGuire, Discuss Trap, Neuter, Vaccinate, Return (TNVR) Program in Pawnee City:

Erin shared pamphlets and business cards with the Council and explained the TNVR program. Erin hasn't been in Pawnee City for very long but she noticed there is a large feral cat population, especially around local businesses. So, Erin started capturing cats and paying for spaying or neutering, herself, and spending around \$250/cat. Now, Erin is capturing feral cats and taking them to the Beatrice Humane Society which has a spay/neuter clinic available with discounted prices that includes a rabies shot, distemper and microchip. The cost for feral cats is \$40.00 per cat but pet owners can also take their animals to the spay/neuter clinic at reduced rates. Erin stated that currently, she knows of at least 50 feral cats that yet need spayed or neutered in Pawnee City. Laura Poskochil, president of SHARE (Safe Haven Animal Rescue Effort) and council person, explained that SHARE has given Ms. McGuire \$400 to help with the feral cat population so Erin was able to trap and release 10 cats. Nine out of the 10 cats were females so that greatly reduced the potential for more feral cats. The clinic also notches an ear on each cat so that it will be easy to identify whether the cat has already been neutered or not. Council Member Poskochil is president of the Animal Control Board (ACB) and reviewed their current budget of \$2787.88 with \$532.97 spent so far this year. There could be a couple of dog tickets going to court but there is also \$2167.00 in the ACB reserve account. Clerk Curtis suggested that if there is money left over in the budget towards the end of the budget year, the Council could look at donating more money to the cause. Erin McGuire suggested she could make a post on Facebook informing people when she would be capturing cats to help prevent someone's cat being captured and treated by the TNVR program. Council Member Poskochil moved to donate \$1000.00 from the Animal Control Board budget to Erin McGuire for the TNVR (Trap, Neuter, Vaccinate, Release) program in Pawnee City. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Discussion was had whether the Beatrice Humane Society should be the payee for the funds and the need for receipts. Council Member Poskochil suggested contacting Beatrice Humane Society and setting up a direct bill account or purchasing a punch card. DC Wiers will talk with Ms. McGuire about the details of spending the donation.

Julie Bauman, to present her Review & Recommendations on Pawnee City Assisted Living to the Mayor/Council and PCAL Board: All the city council members were present but only PCAL Board president John DeFreece along with PCAL attorney Joe Stehlik were present to

represent the PCAL board. Julie Bauman explained she wanted to write a document that is usable and would create guidance, controls, and procedures for PCAL to make it sustainable and that it can grow and hopefully, make it a better facility. There are four key control areas that include financial/administration, departmental, regulatory and oversight which are necessary for building a foundational structure to streamline controls. These are recommendations and PCAL will need to decide how to implement the procedures. **Financial/Administration:** An annual budget needs to be completed by Sept. 1st for the PCAL Board to review and approve but the budget is a document that will be updated all year long. There never has been an annual budget and Julie Bauman helped Caralyn write a budget for PCAL. PCAL will need to compare actual costs with budgeted costs each month to get an accurate idea of costs. Claims(bills) should be approved each month by the Board with claim sheets so that each board member can sign off on each individual claim with the check number written on it. Also, each check should require two signatures and there should be more than just two people authorized to sign checks; possibly four people. No person should be allowed to sign their own check, even with the additional second check signer. This protects the Board and the administrator. It would be beneficial for the Board to form a financial committee that would review the financials of the facility every six months. PCAL needs “checks and balances.” Ms. Bauman stated the monthly Treasurer’s report should contain a “cash balance analysis” that would list the beginning cash balances of all accounts and ending balances of accounts with a list of claims showing monthly transactions. This report would be easier to read than other financial reports for the PCAL board to review and track cash balances of accounts since they are the “watch dog” for the facility. PCAL is a service industry business with income coming from Medicaid and private pay individuals so it is pretty easy to budget income. It would be beneficial to set deadlines on specific dates to have all Medicaid claims submitted and when accounts receivable bills are to be submitted so bills are submitted timely. Payroll is a big expense and a payroll register printout should be provided to the board for review and approval. Sometimes third-party payroll processing is very expensive and Caralyn is competent to process payroll in-house since she is already reviewing information before and after it is submitted to the third-party payroll provider. Quick Books Assist can process payroll and process quarterly reports. **Departmental:** Each department should keep a current inventory per month of supplies and food on hand. This way, PCAL can get a handle on inventory and supplies to create accountability for shortages, spoilage, etc. Food costs are a big expense for the facility and it is possible to calculate what it costs to provide each meal. A master control sheet should be presented to the Board each month in their meeting packet. **Regulatory:** This covers governmental reporting for Medicaid billings and collections to include follow up actions. The Board should also look at a control checklist for items that are regulatorily mandated to make sure these are reported to the State, etc. **Oversight:** The Board needs to be interactive and more transparent and is charged with ultimate oversight on operating PCAL. Everyone needs to be held accountable. Committees can be formed based upon the talents and experience of the board members and board members need to be given details. It is important that the board use “Roberts Rules of Order” for their meetings. Ms. Bauman said the focus of her report was to be helpful, not to blame. Ms. Bauman said the City hired her to look at PCAL and provide oversight to the PCAL Board. She was not trying to say that someone was not doing their job but she was trying to be helpful. The next step is for the Board to set goals and a timetable to implement the recommendations because this will not happen overnight. Joe Stehlik said, “I’m impressed!” “She packed a lot of information into a short report “without wasting a word.” Ms. Bauman offered to help Caralyn with the changes and reports.

PCAL Board present new contract with RHD (Rural Health Development) to Council: John DeFreece explained the PCAL Board will choose to hire RHD to manage the facility at \$3000/month or as a consultant for \$2500/month based upon Caralyn's recommendation, yet, the PCAL Board had a special meeting on March 20, 2024, and had already discussed this with Caralyn and voted to hire RHD for management and not as a consultant. Caralyn will be an employee of RHD under the management agreement. John DeFreece explained that RHD will charge \$10,000/month for management services which includes Caralyn's salary plus benefits. Mr. DeFreece stated if the Council approves the management contract, he will take the contract back to PCAL and vote on it (again?) at the March 27, 2024, meeting. Council Member Poskochil asked if Mr. DeFreece planned to share Julie Bauman's report with RHD and DeFreece stated he will share the report with RHD and they can decide if there are things, they will use but the PCAL Board had given RHD a list of items they and Caralyn wanted included in the contract. Council Member Poskochil stated she would like to see an addition to the contract stating RHD will work with the City as the landlord of the facility according to the lease. Clerk Curtis asked if RHD is aware of the lease? DeFreece said they have been shown the lease. DeFreece assured Council Member Poskochil that he will share Julie Bauman's recommendations with RHD. RHD is also managing the assisted living facility in Humboldt. Later, DeFreece said Caralyn will implement Julie Bauman's recommendations with RHD's help. Council Member Poskochil asked if PCAL has the money to make this monthly \$10,000 payment? Clerk Curtis stated PCAL will have to resume their USDA payments in June. DeFreece assured the Council PCAL can afford this payment. The contract does ask for a 3% annual increase in the monthly payment to RHD which will include a pay raise for the administrator of the facility. DC Wiers asked if Caralyn will provide the claim information to the Board as outlined in Julie Bauman's report suggesting the Board take on a more active role. DeFreece said he will show Julie Bauman's recommendations to RHD and let them decide. Council Member Eisenhauer moved to approve the new management contract with RHD (Rural Health Development) for a monthly fee of \$10,000 to include the administrator's salary and benefits contingent upon Caralyn's acceptance for one year and to continue if both parties agree. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Approve Proclamation declaring April 7-13, 2024 as National Library Week: Council Member Zelenka moved to approve the proclamation declaring April 7-13, 2024 as National Library Week. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

A Report and updated from City Foreman Cumley: Review/Discuss updates on projects in the City: Foreman Cumley was unable to attend tonight's meeting so Mayor Hatfield updated the Council. The crew members are still using the jet trailer to identify lead water lines and will probably need the machine for another month. The crew plans to read water meters on Wednesday this week. The crew hasn't been able to install the sludge pump yet at the sewer plant. Mayor Hatfield recently met with two council members from Humboldt and let them know that Pawnee City has a sewer jet trailer and would be able to assist the City of Humboldt.

Ordinances (1043-1059) presented by the League of Nebraska Municipalities and recommended by City Attorney Betsy Ferebee on Second Reading: Council Member Zelenka moved to approve Ordinances (1043-1059) presented by the League of Nebraska Municipalities and recommended by City Attorney Betsy Ferebee as follows on second reading: **Ordinance #1043 Gambling:** proposed ordinance would create a penal provision making certain acts of gambling illegal; ordinance follows updated statutes, *Adopt as City Code 6-344*; **Ordinance #1044 Conflict of Interest Involving Contracts:** defines conflicts of interests and places restrictions on conducting business when a conflict exists, *Adopt as City Code 1-1118*; **Ordinance #1045 Garbage and Refuse:** updates the provisions of 4-201 – 4-205, *Replace 4-201 – 4-205 with new City Code 4-201*; **Ordinance #1046 Restrictions on Direction of Travel:** updates the provisions of 5-202 to provide for other forms of travel creating one-way traffic, *Adopt as City Code 5-202*; **Ordinance #1047 Abandonment, Neglect & Mistreatment:** provides greater definition of terms & clarity, *Adopt as City Code 6-205, replacing City Code 6-205 & 6-206*; **Ordinance #1048 Criminal Trespass:** enhances the definition, *Adopt with revisions to include terms of City Code 6-303*; **Ordinance #1049 Minutes:** expands on original ordinance and gives exception for serious illness or emergency, *adopt as City Code 1-506*; **Ordinance #1050 Property Tax Levy; Maximum; Authority to Exceed:** updates procedure, *adopt as City Code 1-1112*; **Ordinance #1051 Proposed Budget Statement; Contents; Availability; Correction:** includes provisions for bonds issued by the legal voters, *Adopt as City Code 1-1101*; **Ordinance #1052 Recall Procedure:** updates procedure, *adopt as City Code 1-720*; **Ordinance #1053 Sale and Conveyance; Real Estate:** updates procedure, *adopt as City Code 8-106*; **Ordinance #1054 Special Elections:** updates procedure and timeline, *Adopt as City Code 1-710*; **Ordinance #1055 Property Tax Request; Increase by more than Allowable Growth Percentage; Procedure for Setting:** proposed ordinance would update 1-1110.01 to change dates, further explain processes and add additional components to notice requirements, *recommend Adopt as City Code 1-1110.01 with new version*; **Ordinance #1056 Property Tax Request; Procedure for Setting:** adds clarifying language to (B) and removes (G), *Adopt as City Code 1-1110 with new version*; **Ordinance #1057 Traffic Regulations; General Authority:** outlines the general authority of the City to create traffic related ordinances, *Adopt as adding City Code 5-102*; **Ordinance #1058 City Mayor; Powers and Duties:** proposed ordinance updates and clarifies the language regarding when the Mayor may vote on an item, *recommend Adopt as City Code 1-101 with new version*; **Ordinance #1059 Ordinances; Resolutions, Orders, Bylaws; Reading; Passage:** proposed ordinance updates and clarifies the language regarding when the Mayor votes and when and how the Council may suspend the reading of the ordinance, *recommend Adopt as City Code 1-605 with new version*. Council Member Eisenhauer 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 January 2024 Sales tax of \$22, 688.71 with ½% Street Repairs Sales Tax totaling \$4399.39 and \$5091.15 being Motor Vehicle Sales Tax; Council reviewed press release from Megan Buckley, Emergency Management Director. The week of March 25th to March 29th, 2024, is Nebraska Severe Weather Awareness Week. The tornado siren will sound at 10:00 a.m. on Wednesday, March 27th. Discussion was had whether the new emergency siren was working. DC Wiers stated that Foreman Cumley said it was not hooked up yet and an electrician needed to finish some items on the electric pole but she will check with Cumley to verify. Sput Turnbull from BRAAA (Blue

Rivers Area Agency on Aging) is looking for people to deliver Meals on Wheels from Table Rock to Pawnee City from July through December. Please email Sput at sput.turnbull@blueriversaaa.org. Clerk Curtis informed Council that the Cornerstone building is finished and that the City was still waiting on furniture that will not be delivered until April 19th. Council decided to start meeting in the Cornerstone building on the April 8th city 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 8:43 pm.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor