

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, MARCH 28, 2022, AT 7:00 P.M. AT THE PAWNEE CITY PUBLIC 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: Council Members: Ric Helms, Susan Eisenhauer, Donnie Fisher and Bruce Haughton; Mayor Charlie Hatfield; Kellie Wiers, Deputy City Clerk/Treasurer and Spencer Cumley, City Foreman. **Absent:** None.

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 Helms moved to accept the March 14, 2022, regular meeting minutes. Council Member Haughton 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:** 11,244.21; **Union Bank & Trust**, FWH 3263.95; **NE Dept. of Rev**, SWH 483.35; **John Hancock**, retirement 1368.81; **Windstream**, phone @ swr plant 61.87; **Amazon Capital Services**, receipt tape 41.90; **Capital Bus. Services**, library copier maintenance agreement 139.50; **Access Systems**, copier contract, total IT care services 1041.00; **Hach Co.**, pH buffer solution kits @ swr plant 110.00; **Heinen True Value**, cart for concrete saw & lag bolts for pool 514.74; **Lincoln Winwater Works**, pipe to replace broken sewer line 566.18; **Nebr. Public Health Environmental Lab**, wtr samples 117.00; **Pawnee Co. Rural Wtr**, pond wtr hydrants 85.50; **Tamela Curtis**, mileage/meals for clerk school 267.60; **U.S. Cellular**, emergency cell phone 47.65; **Verizon Wireless**, home connect/jetpack 64.20; **Casey's Bus Mastercard**, equipment fuel 346.71; **Pawnee City Development Corp.**, Jan 2022 50% sales tax; **Seneca Sanitation**, Febr. 2022 garbage service. Council Member Eisenhauer 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.

Pawnee County Historical Society—RJ Hickey: Review/Discuss Final Rule: Coronavirus State and Local Fiscal Recovery Funds (ARPA Funds); Review/Discuss Request from Historical Society for ARPA Funds; RJ Hickey made reference to the email he had sent to the City Office requesting \$5000.00 of the City's ARPA money to help pay for repairs to the buildings at the historical site. The December windstorm had "beat up" the buildings at the historical site and most need a new roof and repainted. They have taken in less revenue due to Covid-19. The Historical Society is asking for \$5000.00 but will accept whatever the City is willing to donate. Council Member Eisenhauer referred to the Final Rule from the federal government in regards to the ARPA Funds to determine that the Pawnee County Historical Society would be eligible for ARPA funds because they are a nonprofit and they have been

impacted by Covid-19 which decreased their revenue since they were not able to have fundraisers for a period of time. Council Member Haughton commented that they also bring in tourism to the community. Council Member Eisenhauer stated that she felt the Historical Society should be treated the same way as the request from the Fairview Golf Club. The Historical Society should keep receipts for the repairs they make and document these repairs in turn, submit the receipts to the City office for reimbursement. Council Member Eisenhauer moved to grant the Pawnee County Historical Society not less than \$3000.00 nor more than \$5000.00 towards repairs to the buildings at the Historical site from the City's released ARPA Funds. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Discuss with Tanna Hanna, Little Brown Jug request for a Special Designated Liquor

License: Tanna Hanna explained that the Little Brown Jug is sponsoring a "Bryce Niss Day" on April 9th to raise funds for the Nebraska Society for Autism. The profits from that day's sales will be donated to the Society. Cars & Coffee will start the day with a morning event. Little Brown Jug will have activities in the afternoon (including sampling in the parking lot and a balloon pop) and then there will be a cornhole tournament at the Blazin' Bull that evening. Mary Ellen's Food Truck will be on site at the Jug. Many people have donated prizes including Debbie Tangeman and the local 4-H. The Nebraska Society for Autism will be on site from 11:00 a.m. until 6:00 p.m. Council Member Eisenhauer moved to approve the special liquor license to the Little Brown Jug for April 9, 2022. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Tanna further explained that this will be an annual event for the second Saturday in April. Tanna had talked with Dani Niss and they are hoping to make it a county-wide event next year.

Discuss with Pat & Kim Stahl their water drainage issues: Pat and Kim Stahl were present to discuss this matter with the Council. Pat apologized to Council Member Haughton because he was not able to talk to him when Council Member Haughton stopped by the house this afternoon to look at the drainage pipe. Mr. Stahl explained that he and Kim have six dogs and his brother has three dogs so they are very loud when they are all outside together and it is difficult to talk at that time. Council Member Haughton commented "that's too many dogs." Mr. Stahl stated that "It's a bit of a handful." Council Member Helms stated that there was a city ordinance limiting the number of dogs a residence can have to five total. Deputy Clerk Wiers clarified that currently, there is not a city ordinance limiting the number of dogs a person can own but there is an ordinance which states if a person has six or more dogs, then they have to obtain a kennel license for all of the dogs in the household. Mayor Hatfield repeated this information. Council Member Eisenhauer stated that they would require a lot of dog food and there would be a lot of excrement. Council Member Helms asked if anyone has ever figured out what the problem is? Kim and Pat Stahl explained there wasn't a problem when they first moved in but in May 2018, SENCA came and decided a sewer pipe needed replaced and Doug Daily completed the work. After this, water started seeping into the basement and they have to constantly run two sump pumps to keep the water out so that it doesn't damage the water heater and furnace. Pat Stahl explained they felt there was a solution when they ran a pipe from the house out into the yard for the water to drain but then it created a pool of water in the yard. So they contacted the City Office about this issue and the City came out and installed PVC pipe from the end of the pipe in the yard and on down to the alley. It kept the water out of the basement but the pipe in the yard is

inconvenient so they had planned to bury the pipe at some point. There was a time when the pipe became clogged after a really bad rain storm and then the water had started backing up into the yard where the pipe from the house connects to the pipe the City had installed. So, Mr. Stahl called the City Office to have the crew come and fix the pipe connection. Later on, there was a real hard freeze and the end of the pipe froze and then the water backed up and drained out next to the foundation. Once that was cleaned out and they put the pipes back together, there hasn't been any problems. Mr. Stahl asked if he had permission to clean out the end of the pipe otherwise, he didn't want to touch City property and have more issues. That is why he recently contacted the City office to have a crew member clean it out. If he has permission to clean it out then that would relieve the City of any liability in case he would hurt himself from going down into the ditch to clean out the pipe. Mayor Hatfield asked Foreman Cumley if the end of the tube was open or if there was a screen on it. Foreman Cumley confirmed that the end of the pipe was open and there is not a screen on it. Cumley continued that the two times he has checked the pipe, he ran a hand "snake" through the pipe and didn't have any issues until the end of the pipe froze shut. There isn't enough slope to get the tube connected to the driveway tube to keep it from freezing. The sump pumps in the basement drain out on the South side of the house and then the pipe angles to the southwest end of the property and into the ditch. They are unable to tell from what direction the water is entering the basement but Doug Daily had dug into the ground South of the house. Council Member Helms asked if when Doug Daily dug into the ground to replace the sewer pipe, is it possible that he broke a spring loose? Mayor Hatfield stated that there could be a spring on that property and when he dug into the ground, he could have broken some clay tile and it didn't seal back up. Kim Stahl stated that Doug Daily told them that when he dug down by the sewer pipe, he did break some clay tile. Council Member Houghton explained that his wife owns a house by the hospital and it has a half basement and a dirt floor and for thirty years, the basement would fill up with water. There is a slope on the west side of the house and the basement should never have filled up with water but there were some big trees there. When the trees were cut down, the roots died and the basement quit filling up with water but it had done this every spring for thirty years. This was a big inconvenience. Mayor Hatfield summarized that Pat Stahl would like to have permission to check the end of the pipe and make sure it was open and that if he would slip and fall, the City would not be liable. Also, the Mayor explained that DC Wiers had done some research and found information that the Stahls could apply for help through SENCA to fix the water leak. DC Wiers explained that there is also information and an application from the USDA for a low interest loan to make home repairs. She brought this information to the meeting to share with the Stahls. Mayor Hatfield stated that he has empathy for the Stahls dealing with constant water in their basement and he had talked with two previous owners of the same property and they never had problems with water in their basement. Pat Stahl explained that they first noticed there was a problem after a heavy rain and there was a puddle in the yard that initially drained but when the puddle wouldn't drain, then they knew there was a problem. Council Member Eisenhower suggested that the City Attorney write a waiver to cover the entire situation? Pat Stahl agreed that there should be a waiver to cover any liability for the City if he should handle or move the pipe the City had installed in case he would fall or hurt himself while doing this. DC Wiers asked what would be a permanent fix for this situation so that the Stahls wouldn't have to rely on sump pumps and a drainage pipe laying across their yard? Pat and Kim explained that one person told them they would have to dig up the area where a sand volleyball pit had been added and fill it back up with dirt and another person told them they would install "French" drains and complete some

landscaping and this would cost around \$1500. They had talked with Zach Gottula and he said it would cost \$3000 to \$3500 to have the property retiled. Mayor Hatfield stated that all of the new houses that are built in Seneca, Kansas are tiled to prevent this same situation. Kim Stahl asked since they don't know how long it will take for them to be able to fix this water problem, will they receive any fines? Mayor Hatfield stated there wouldn't be any fines that he is aware of. Council Member Eisenhauer stated that there may not be any fines but they would be liable for damage to neighboring property. Foreman Cumley had made accommodations so that the water would stop draining into neighboring yards. Mayor Hatfield explained that the Council was trying to help them out and get this problem resolved. Council Member Eisenhauer explained that the City would contact the City Attorney and have her write the waiver and bring it back to the next meeting but the Stahls would not have to attend the next meeting.

Report and update from City Foreman Cumley: Items for discussion are: *Discuss issues with getting fuel at Casey's (Deputy Wiers will speak on this, also);*

Foreman Cumley explained there has been a lot of employee turnover at Casey's lately and there have been problems with them tracking fuel receipts for the City as has been the practice for a number of years. Foreman Cumley and DC Wiers had discussed this situation before the meeting and the fuel card would be kept at the City Shop and the crew members would take the card with them when they needed to fuel up vehicles and then promptly turn in the receipts to the City Office. It is difficult to reconcile the Casey's Mastercard invoice without all of the fuel receipts. Recently, DC Wiers talked to the current acting store manager at Casey's and she looked up camera footage for dates and times purchases were made to verify who made those purchases since there were no receipts. That invoice cannot be paid without receipts or verification of the purchases. DC Wiers explained that the Fire Dept. also uses the Casey's fuel card to fill up fire trucks and there have been problems with those receipts so DC Wiers gave the Fire Dept. their own card which states "Driver #2" and then explained that fuel receipts have to be turned in to the City Office and they can use the mail slot in the front door. Council Member Helms asked if the Casey's fuel card was a "Fleet" card similar to what he uses for the SENCA handi-bus? Yes, the cards are similar and each card has a "driver number" listed on it. The person has to type in the driver number and odometer number when the card is used at the pump. DC Wiers had called the County Shop and Heather said they don't purchase fuel at Casey's anymore because they weren't able to pay the invoice by the due date to allow time for mailing and kept receiving late fees on their bill. They purchase fuel at Den's in Table Rock or at the DuBois gas station. The City has experienced a similar situation and has made arrangements to pay it online to avoid late fees. Council Member Helms asked if the City pays for the Fire Dept. fuel? DC Wiers explained that it comes out of the Fire Dept. budget but their charges are included on the same invoice. Council Member Helms asked if it would be easier if the Fire Dept. had their own card? DC Wiers explained that Mike Habegger had told her that he tried to get a "Fleet card" for the Fire Dept. but was told that the Fire Dept. wasn't "big enough" to get their own card so they had to use the City's card but recently, DC Wiers gave the Fire Dept. the "Driver #2" card that belongs to the City. Therefore, transactions made under "Driver #2" will belong to the Fire Dept. Council Member Helms stated that he turns his fuel receipts in at the end of the month but it's possible that SENCA could get the invoice before he turns in his receipts. DC Wiers said that is true, so that is why she asked for receipts to be turned in right away. Discussion was had that if the City would travel to Den's or DuBois, the City would still have to wait on an invoice and still have to track down receipts for purchases. Mayor Hatfield explained that where he works, each driver

has their own card and they are required to turn in receipts that day or the next day. Since each driver has their own code, the bookkeeper knows who purchased fuel and didn't turn in a receipt and she has to hunt them down to find receipts. DC Wiers gave the City's "Driver #1" card to Foreman Cumley and the "Driver #2" card was mailed to the Fire Dept. This way, DC Wiers will know which department charged fuel along with reconciling the monthly Casey's invoice against the fuel receipts. If a fuel receipt is missing, then she will know who to contact and not have to contact the Casey's manager for verification. ***Discuss how the rotenone went at the City's Well Pond scheduled for 3/28/2022 at 4:00 p.m.;*** When Foreman Cumley and Mayor Hatfield arrived at the well pond at the designated time, the rotenone application had already been completed and the guy that brought the chemical was driving out of the pasture. Cumley took a picture to show that some fish had already died from the rotenone application. He saw nine or ten big fish (about 3 lbs.) and around eight or nine small ones floating on top of the water. Mayor Hatfield reported that there was also a very strong odor from the chemical used to kill the fish. Foreman Cumley stated that from his research, the rotenone will keep working from one to seven days and the chemical can be purchased in powder or liquid form. Council Member Haughton had visited the site and he reported that the applicator used four gallons of chemical and mixed it with twenty gallons of water and used a paddle boat. Foreman Cumley said he will drive out tomorrow to check the wells and see if there are anymore dead fish. Discussion was had that the rotenone application has been completed and if there are fish still alive after the application, then the City is done and should have no more responsibility for large mouth bass left in the pond. ***Discuss removing some trees behind Properties in order to get sewer jet trailer in place to jet main;*** There was a sewer leak last week by the creek on the South part of town that was repaired and the crew was looking for manholes while they were working on it. The vegetation is so overgrown in that area that the crew cannot get back in the area to look for the manholes and get the sewer jet trailer back in there to jet those sewer lines. The City has a utility easement to go on those properties but he suggested having someone come out and cut a path from manhole to manhole then the City crew could maintain it after that. That way they would have ready access to the line. The A-Trunk main goes from behind the sewer plant behind Marvin Jamison and then it goes across to Lynn Curtis and then up along the creek all the way to Katja Schultheiss' property and all the way up to Sheryl Peters' property at the bottom of 5th street. The goal is to jet all the manholes this Summer but it was hard to even walk through this area. So, it may be worth paying someone like Nick Boomgaarn to come and cut a path from manhole to manhole and the easement is ten feet on each side of the pipe so there is twenty feet to work with. Council Member Helms asked how big some of the trees are that need cut down? Foreman Cumley reported that there are huge dead maple and oak trees, also, and they would have to use the big loader in there to move those trees. Discussion was had that the City would need to talk to the landowner before they begin to clear out the brush even though the City has a utility easement. The property owner is supposed to maintain this area according to the easement but the area is so overgrown that there isn't an area to maintain. The sewer main is on the west side of the creek where 5th street intersects with L street all the way down behind Lynn Curtis' flower bed and into Corey Hatfield's pasture and from there it goes to Donnie Fisher's rental house on South G street then goes back into the woods again South almost two and one-half blocks to that cement manhole and back to the tree dump. Foreman Cumley stated that he will contact Gyhra Construction about the sewer leak by the creek because it is a temporary fix and the line needs dug out and two concrete footings put in and set up an I-beam and pour concrete on both sides and strap the sewer pipe inside the I-beams so it doesn't move again. Once that area is cleaned

up, then the City crew can maintain it to be able to access the sewer line and let the property owners know that the City will be cleaning it up yearly. Cumley will get a quote and bring it back to Council.

Review/Approve Proclamation declaring April 3-9, 2022 as National Library Week:

Council Member Eisenhower moved to approve the proclamation declaring April 3rd – April 9th as National Library Week 2022. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review PCAL’s March 17th meeting minutes and Profit/Loss Treasurer’s Report: Council Member Haughton explained PCAL didn’t have a quorum that day but discussion was had. He clarified that the PCAL meeting minutes stated there was \$4589.00 in income and that should be net income.

Correspondence: The City Council reviewed correspondence from January 2022 total Sales Tax of \$17,604.40 with ½% Street Repairs Sales Tax totaling \$3,891.14 and \$2,039.83 being Motor Vehicle Sales Tax. Council reviewed an email from the League in regards to Municipal Equalization Funds (MEF) which stated Pawnee City is eligible for \$115,892.68 for 2021-2022 and \$114,523.59 for 2022-2023. Council Member Eisenhower asked if this money goes into the General Fund and how can this money be spent? DC Wiers stated she will talk with Clerk Curtis tomorrow and find out. Council reviewed an email from NPPD announcing they and Entergy have mutually agreed to end their Support Services Agreement regarding the Cooper Nuclear Station. At this time, Mayor Hatfield reported to the Council that he watched a council meeting for Sebastien, Florida while he was on vacation and the agenda packet was 149 pages long which included copies of city ordinances. Also, if a meeting lasts over two and one-half hours, then the items that are left on the agenda are tabled until the next meeting. The population of Sebastien is around 50,000. Everyone on their council votes, even the mayor so, there is never a tie with five council members. Their council consists of three council people, the assistant mayor and then the mayor. All of the members wore ties and it was televised. Their council is dealing with issues similar to what Pawnee City’s council deals with. Mayor Hatfield related an incident concerning the sale of a property in Sebastien with a total of \$80,000 in city liens filed against it. Council Member Eisenhower stated that Clerk Curtis had mentioned to her about moving the date of the April 11th meeting to April 12th due to the school’s Spring Concert which will be the last concert Kristi Robison will conduct since she is retiring. Mayor Hatfield and Council Member Helms cannot attend April 12th since they have a Masonic Lodge meeting so it was decided to move the meeting to Wednesday, April 13th. Council Member Helms moved to hold the next Council meeting on Wednesday, April 13th at 7:00 p.m. 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 Haughton seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 7:57 p.m.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor