

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, MAY 10, 2021 AT 6:00 P.M. AT CITY 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: Mayor Charlie Hatfield; Council Members: Donnie Fisher, Bruce Haughton, Ric Helms and Susan Eisenhauer; Tamela S. Curtis, City Clerk/Treasurer, and Spencer Cumley, City Foreman. **Absent:** None. Mayor Hatfield called the meeting to order at 6:00 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.

Employee Job Performance Evaluations for Foreman Spencer Cumley and City Clerk/Treasurer Tamela Curtis: Clerk Curtis stated that neither Foreman Cumley nor herself wished for their employee evaluations to be held in executive session. The Mayor and Council completed the Job Performance Evaluations on Foreman Cumley and Clerk Curtis.

Council Member Eisenhauer moved to accept the April 26th, 2021 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: **5/11/2021 Payroll:** 8574.39 **Union Bank & Trust**, FWH 2460.85; **NE Dept. of Rev**, SWH 361.21; **John Hancock**, retirement 1087.89; **Madison Nat'l**, life ins 48.70; **Bank of New York Mellon Trust Co**, purchase of RR property 5000.00; **BNSF Railway Co**, purchase of RR Property 2500.00; **ET's Lawn & Leisure**, oil kit-side by side 27.81; **Matt Kuhlmann**, zoning-May 800.00; **Center Point Large Print**, Libr materials 23.24; **Constellation NewEnergy**, gas costs 717.92; **Meyer Labs**, office sup 75.00; **NPPD**, Elec wells 2690.68; **NE Rural Water Assoc**, membership dues 150.00/donation-blow off 100.00; **Pawnee Co Rural Water**, pond hydrants 50.57; **OPPD**, elec-wells 257.61; **Capital Business Sys**, IT Contract 676.38/Libr copier contract 240.92; **Emily Sisco**, atty fee retainer 1000.00; **Casey's Business**, equip fuel 600.98; **Amazon Capital Serv**, supplies 82.21; **Home Depot Pro**, Libr vacuum cleaner bags 22.18; **Turnbull Ag Tires**, manure spreader tire 303.00; **Windstream**, phone/internet serv 209.76; **MidWest Labs**, swr samples 205.00; **Nebraska Life**, magazine sub 42.00; **Pawnee Co Register of Deeds**, release wtr/mow lien 40.00; **Meyer Labs**, paint/park sup 1790.75; **OneCall Concepts**, digger locates 18.05; **Pawnee Republican**, publ 178.57; **Sargent Drilling**, install equip/tower project 10,573.87. Council Member Haughton moved to approve the claims as submitted. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review April Treasurer's Report: Council reviewed the Treasurer's Report as of April 30, 2021.

Sheriff Braden Lang: Sheriff Braden Lang was unable to make tonight's meeting.

Randy Hellbusch, Nebraska Rural Water Association: *Compare current Water/Sewer Rates to the New Water/Sewer Rate Study:* Randy Hellbusch, Circuit Rider with Nebraska Rural Water Association met with Council to go over the Water and Sewer Rate Studies that he and Clerk Curtis had worked on a few weeks ago. Mr. Hellbusch stated that there were no changes in Sewer Rates, but with the City adding the Water Tower Maintenance Contract with Maguire Iron he presented changes made over a 3-year period suggested to the Water Rates. The changes will go into effect starting October 1st, 2021. The suggested increases to the City's Water Rates in town are the following:

Currently: ¾" Meter \$28.00 Base Fee plus \$2.00 per 1000 gallons of water used;
10/1/2021: ¾" Meter \$29.50 Base Fee plus \$2.10 per 1000 gallons of water used;
10/1/2022 ¾" Meter \$31.25 Base Fee plus \$2.25 per 1000 gallons of water used;
10/1/2023 ¾" Meter \$32.75 Base Fee plus \$2.35 per 1000 gallons of water used.

The suggested increases to the City's Water Rates out of town are the following:

Currently: ¾" Meter \$39.25 Base Fee plus \$2.00 per 1000 gallons of water used;
10/1/2021: ¾" Meter \$43.50 Base Fee plus \$2.10 per 1000 gallons of water used;
10/1/2022 ¾" Meter \$46.00 Base Fee plus \$2.25 per 1000 gallons of water used;
10/1/2023 ¾" Meter \$48.25 Base Fee plus \$2.35 per 1000 gallons of water used.

Mr. Hellbusch gave an example of a customer in town using 4000 gallons of water their overall water bill in 2023 will only increase a total of \$6.15 over what they are currently paying. Randy also stated that the bigger the meter size the higher the base rate is set at, but the price for 1000 gallons stays at the same rate as the ¾" metered customers. Clerk Curtis stated that with the tower maintenance agreement the City will be paying \$47,296 annually for the next four years, then the annual maintenance fee drops to \$14,440 with an approximate \$600 increase annually thereafter. ***Review/Approve Ordinance #993 amendment to 3-118 water rates:*** Council Member Eisenhauer moved to approve Ordinance #993, amendment to 3-188 water rates on first reading. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Public Notice– USDA Financial Assistance to purchase Well Generator for the Pawnee City Water System: Council Member Eisenhauer moved to open the public hearing on USDA Financial Assistance to purchase Well Generator for the Pawnee City Water System at 7:23 p.m. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. There were no public comments heard at this time. Council Member Helms moved to close the public hearing at 7:50 p.m. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Public Notice– USDA Financial Assistance to fund the construction of a New Fire Station: Council Member Eisenhauer moved to open the public hearing on USDA Financial Assistance to help fund the construction of a New Fire Station at 7:24 p.m. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. There were no public comments heard at this time. Council Member Helms moved to close the public hearing at 7:51 p.m.

Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

A Report and update from Foreman Cumley: *Discuss updates to Water Tower*

Rehabilitation Project: Foreman Cumley reported that Maguire Iron showed up to start the Water Tower rehabilitation project last week. Cumley stated he believed that they finished up sandblasting the inside of the tower today. The City provided them water today, taking it from the meter pit where the new fire hall is to be built. Foreman Cumley stated that Maguire Iron has a Quality Control Technician that drives around and visits the job sites to make sure that their crews are following OSHA guidelines, safety regulations and they also inspect the work being done. Cumley got to visit with the Technician the other day after he had climbed the tower and made sure the crew was doing what they were supposed to be doing. They hold all of their contractors responsible for the warranty on the work being done, as they had just recently had an incident with the painting of a water tower in Friend, NE that the paint started peeling and Maguire Iron made the contractor go back and repaint the entire water tower. Council Member Helms and Eisenhauer stated that is exactly the way a contractor's work should be done. Foreman Cumley also stated that this crew has been working seven (7) days a week to get this water tower project finished in a timely manner.

A Report and update from Council Member Eisenhauer: *Pool Updates and progress:*

Council Member Eisenhauer stated she had visited with City Attorney Emily Sisco about Premier Pools & Spas overall poor work performance on the pool project and Ms. Sisco stated she would send out a letter to Aaron Stanger/Premier Pools & Spas, Kevin Lane/EcoFinish & Paul Ryan/Prochaska Associates. Council Member Eisenhauer stated they were in hopes to get a response of what their intentions were to do with the issues, so the City did not have to take them to court for damages, but to her knowledge City Attorney Sisco has not heard a single response back from any of them since sending out the letter. Foreman Cumley inquired when the letter was sent out? Council Member Eisenhauer stated the letter is dated April 29th. Council Member Haughton stated he would suggest going to the Better Business Bureau. Council Member Eisenhauer stated she intended to do that. Haughton stated if you check with the BBB, then you can see what kind of a rating Premier Pools and Spas has because he was afraid that what the City has been dealing with is a bad company. Council Member Eisenhauer stated that she didn't think so as Prochaska's had even stated that they were a really highly rated company in Omaha, but they are not following through down here in Pawnee City. Eisenhauer continued that she didn't understand if Premier Pools & Spas felt that we didn't matter down here because we're not located in Omaha. Clerk Curtis inquired if someone had already looked them up on the Better Business Bureau because she thought someone had already shown her something on there about Premier Pools and Spas. Council Member Eisenhauer stated that it was not on the BBB, but they have like five (5) stars on the "Best of Omaha", four years in a row. Council Member Haughton inquired if they don't respond back, then what is the next step that we anticipate. Council Member Eisenhauer stated that was a good question and she had Clerk Curtis send to Emily what the City had actually paid to Premier Pools and Spas and she thought it was around \$164,000 on this pool project. Eisenhauer continued that part of what Premier Pools and Spas did is fine, but then there is the part of it that is not fine, like the cold joints that were rising up. Council Member Helms inquired if we were going to be able to break that down. Council Member Eisenhauer stated that she did not know, as that is going to have to be something that her and City Attorney Sisco talk about and involve Foreman Cumley and perhaps even

Prochaska, the engineer on the project, deciding how much of the pool was affected by the flaking of the EcoFinish product. Eisenhauer inquired who had done the work on the top step at the pool as she did not think that it was Premier Pools and Spas that had done that but possibly the other mudjacking company. Foreman Cumley stated that he did not think it was Mixan Mudjacking that had redone that top step, but that it had been more of an old repair patch type job that was done before he even started working for the City (5 years ago). Cumley stated it looked like it was just a simple mortar mix, and somebody put about an inch and a half layer on it to cover up the top step that was eroding away. Council Member Eisenhauer stated that the EcoFinish was still flaking off that top step. She is not sure what we can go back on, but possibly we could use all of the income that we missed out on in 2020 because that was a big part of the reason the pool was closed last year in addition to Covid and the flaking of the pool. Eisenhauer continued that if it hadn't been for the flaking off in the pool, as her concerns was some of that product getting into somebody's eye, ingested by a child or getting into a sore or whatever it may have been. If it hadn't been for those concerns, they could have still opened the pool with really strict Covid guidelines as Humboldt and Seneca, KS opened their pools up in the summer of 2020. Eisenhauer stated that when they started seeing the flaking of the EcoFinish start coming up and the cold joints breaking apart and then Premier Pools and Spas told the City there was that huge void underneath the pool that the City needed to do something about it. There was not any huge voids under the pool at all. Mayor Hatfield stated that he felt that the picture that former Foreman Johnson took when they got water in it the first time after the EcoFinish liner was finished, and it was bubbling, it was probably because those cold joints were never sealed and that is why it was leaking and causing the air bubbles. Hatfield continued that it made even more sense on where the geyser of bubbles was coming from after Council Member Eisenhauer brought that piece up of the cold joint at the last meeting. When those bubbles came up, Premier Pools and Spas blamed it on the supposed huge void that was under the pool and it didn't get sealed and it was filling that void full of water, so none of that turned out to be true. Council Member Eisenhauer stated she wasn't sure what the City was going to be able to use for restitution, but they will come up with a figure and have Emily come to the City Council meeting to explain our options to us all. Council Member Helms inquired when that happens can our City Attorney ask the judge also for reimbursement for our Attorney Fees? Council Member Eisenhauer stated that would definitely need to be asked for, as if City Attorney Sisco has to take this to court, the City has to pay her an hourly fee in addition to her monthly retainer, but she felt it was worth going to court over, if the City has to. Council Member Haughton inquired if the City had received any Covid payments for the pool being closed? Council Member Eisenhauer stated not specifically for the pool, but the City will be receiving that ARP money starting next month and then the rest of it in June 2022, so we could use some of that money. Council Member Eisenhauer stated that Miracle Mudjacking had not finished putting the caulking back in the cold joints as it had been too wet and too windy to do any caulking. Eisenhauer stated they are waiting for a still, warm day to finish that project up. ***Discuss the City paying for Lifeguard Training (\$200):*** Council Member Eisenhauer stated the City is having trouble getting kids to apply for the lifeguard positions this year and stick with it. They do have one guard hired that has passed his lifeguard certification training. Eisenhauer stated they have had a rough start as they interviewed three lifeguards and two of them backed out before they even took the training course. Then they had four more apply with one dropping out before they could do the interview process. They have two more that that they are interviewing this week but would really like to have around six lifeguards hired so they have enough to cover shifts for family vacations, sports and camps. Mayor Hatfield stated that when he was a lifeguard they only

had four hired for the positions. Two worked the concession stand in the office and then there were the two lifeguards out of the stands, which they rotated every hour. Hatfield continued that they would rotate job duties by the week, with whomever was at the top of the list one week, going to the bottom of the list the next week. That way all jobs were rotated around each week. Back then they did not have to have a certified pool manager on the premises the whole time. Council Member Helms inquired how much a lifeguard took home in pay for the summer. Clerk Curtis and Council Member Eisenhauer figured somewhere around \$1500 to \$2000 or so. Council Member Helms felt it was a good idea for the City to pay for the lifeguard certification classes. Mayor Hatfield stated that back when he was a lifeguard the City paid for all of their training. All Council Members agreed that the City should be paying the \$200 fee for the Lifeguard Certification Training Classes. Council Member Eisenhauer stated that they still have Elli Stephens as their Assistant Pool Manager, but Natasha Rogers had resigned as being the Pool Manager due to personal reasons, which she was very apologetic over. Ray Kappel asked if the City wanted something mentioned in the newspaper for the open pool positions. Council Member Eisenhauer stated that would be wonderful. ***Discuss donation request by Pawnee Public Library for Summer Reading Program:*** Council Member Eisenhauer stated that Colleen Morehead, Assistant Librarian had inquired about the City donating two pool passes for their library summer reading program. Council Member Eisenhauer felt this was a great incentive to encourage keeping our children involved in reading during the summer months and also enjoy the swimming pool. All Council Members agreed to donating two (2) family pool passes to the Library for their summer reading program.

Review/Approve 2021/2022 & 2022/2023 Transit (Handi-bus) two-year Agreement for \$1436.00/year: Clerk Curtis stated that the amount for the next two years has been decreased to \$1436.00/year because of SENCA receiving COVID relief money. The amount may increase back up after this two-year agreement is up. Council Member Eisenhauer moved to approve the 2021-22 and 2022/23 Transit two-year agreement for \$1436.00 per year. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Correspondence: Council reviewed the thank you card from Jeff & Kathy Johnson for providing the “demolition grant” for reimbursement of expenses in cleaning up properties. They stated that it helped make a big improvement in the Northwest neighborhood. Council Member Helms moved to adjourn the meeting. Council Member Eisenhauer seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried, and meeting adjourned at 7:52 p.m.

ATTEST: Tamela S. Curtis, City Clerk

Charlie E. Hatfield, Mayor