

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, MAY 11, 2020 AT 6:00 P.M. AT FAIRVIEW GOLF COURSE CLUBHOUSE, 1799 D 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: Vickie Zelenka, Ric Helms, Susan Eisenhower and John Dahlgren; 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 North meeting room wall accessible to the public. Council Member Dahlgren made a motion to accept the April 27, 2020 regular meeting minutes. Council Member Helms 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: **5/12/2020 PR:** 8,317.16; **UB&T**, FWH 2332.50; **NE Dept. of Rev**, SWH 313.76; **NW Mutual**, ret. 837.66; **Amazon Capital Serv**, office sup 61.90; **Binder Bros**, North Park dumpster pad, 234.34/hauling rock-well road 784.30; **Capital Business Systems**, Office IT Contract 234.34; **DEMCO**, Libr office sup 172.78; **NE Machinery**, CAT Backhoe routine maint. 1985.85; **OPPD**, elec-wells 189.22; **NPPD**, elec 6267.37; **Pawnee Co Rural Water**, pond hydrants 52.12; **Petty Cash Fund**, postage/Sr sign/bleach 21.56; **TR Ag Sales**, round-up/triad 200.00; **Emily Sisco**, May atty fees 1000.00; **Eric Gyhra**, re-seed ROW-PCAL/H St 14th-18th St 100.00; **H&H Auto**, sup/rep parts 271.39; **Matt Kuhlmann**, May Zoning contract 400.00; **OneCall Concepts**, digger locates 17.29; **Donations to Organizations FY2019-20:** **PC Ball Assoc.** 650.00/**Pc Historical Society** 650.00; **Pawnee Gun Club** 650.00; **PC Fire Dept**, 1st qtr sup/rep/maint/ 2684.77; **PC Thriftway**, sup/bleach 112.79; **Pawnee Co Reg of Deeds**, mowing liens 60.00; **Meyer Labs**, Pool cleaner/chemicals 670.80; **MidWest Labs**, Swr Samples-s/h 361.00; **Pawnee Republican**, publ 556.02; **Recycling Enterprises of NE**, pickup Recyclables 360.00; **Stallbaumer Lumber**, plywood 72.45. Council Member Dahlgren inquired on why the Pawnee City Historical Society was being paid \$650.00 in the claims when they are not meeting with Council until tonight. Clerk Curtis stated that those organizations that were listed in the claims as being paid their donations from the City were for the current Fiscal Year 2019-2020. We are meeting with the organizations right now for budgeting for the next Fiscal Year 2020-2021. Clerk Curtis stated she had discussed this with Deputy Clerk Wiers, and they will start paying these donation contributions to the organizations from the City right away in October when the new Fiscal Year starts. Council Member Helms made a motion 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 Employee Job Performance Evaluations for Interim Foreman Spencer Cumley and City Clerk/Treasurer Tamela Curtis: Council Member Eisenhower made a motion to go into Executive Session for the purpose of discussing Employee Job Performance Evaluations for Foreman Spencer Cumley and City

Clerk/Treasurer Tamela Curtis. Council Member Zelenka seconded the motion. Roll call vote indicated all in favor of the motion, whereupon motion carried, and Executive Session started at 6:06 pm. Council asked Clerk Curtis to step out of the room while they did their job performance evaluations on Foreman Cumley. Foreman Cumley then left the room while the Mayor and Council performed their job performance evaluations on Clerk Curtis. Lastly, both employees were asked to leave the room while the Mayor and Council discussed each employee performance review ratings. Both employees were asked separately to come back into the closed session for the Mayor to go over their performance review ratings with them. Council Member Zelenka made a motion to come out of Executive Session for the purpose of discussing Employee Job Performance Evaluations for Foreman Spencer Cumley and City Clerk/Treasurer Tamela Curtis. Council Member Eisenhower seconded the motion. Roll call vote indicated all in favor of the motion, whereupon motion carried with Executive Session ending at 7:28 p.m. No action was taken with Clerk Curtis and Foreman Cumley signing their Employee Evaluation Performance Review sheets.

Review/Approve Evaluation & Job Description Sections to appear in City Employee Handbook: Council Member Dahlgren made a motion to approve the Evaluation and Job Description Sections to appear in the City Employee Handbook. Council Member Eisenhower 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 on Well Road, Water Leak North of town and Mowers:* Foreman Cumley stated that the well road is finished up and it actually took less rock than they had originally thought it would. Council Member Zelenka stated the well road looks great. Foreman Cumley reported that they have gotten the water leak North of town stopped from leaking, but until it dries up some, they will not be able to get the backhoe in there to get it completely fixed. Foreman Cumley reported the deck spindles were worn out on the Exmark mower, so they ordered all three of them for under \$150.00 and will do the repairs themselves at the City Shop. They have now been having issues with the City's newest mower, the JD 721D as after running it for an hour, it bogs way down and quits working. They have taken this mower to Bruna Implement to have it looked at.

Donations to Organizations: Anita Lang by phone conference call for Pawnee City Historical Society, (previously gave a \$650 donation for FY 2019-20): Anita Lang, Treasurer of the Pawnee City Historical Society met with Council by phone conference call. Ms. Lang submitted a report listing the money spent on items by the Historical Society showing a net loss of \$779.41 along with a summary of board members and what projects and fundraising events were held this past year. Unfortunately, due to the COVID-19 pandemic, the museum is closed at this time and they are unsure on if they will be able to reopen at all this season. They are also not able to hold any of their scheduled fundraising events at this time, which will limit the amount of funds coming in as the only income they have is the house rent. Ms. Lang proceeded with asking that the City consider upping their donation from \$650 to \$750, which only comes to \$62.50/month. Lang stated that the Historical Society's water bill runs approximately \$82-85/month, so they are just giving it right back to the City. Anita stated the Historical Society brings travelers from all over the United States that also visit other tourism areas in Pawnee County. They take pride in preserving our local history. Right now they are strongly considering cancelling the Civil War Re-enactments that were scheduled for the last weekend in June, 2020 with

it being very questionable if they will even open the museum in June or by July 4th with them ordinarily closing October 15th. After much discussion Council Member Helms made a motion to give the Historical Society a \$1000 credit towards their water bill to start immediately. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Donations to Organizations: Betsy Ferebee by phone conference call for the Pawnee City Ball Association (prev. paid the Ball Association's NPPD Electric Bill in addition to a \$650 donation): Betsy Ferebee met with Council by phone conference call for the Pawnee City Ball Association. Ms. Ferebee stated that they are still not sure if they will have a ball season, even though the Governor announced at his news conference today that youth sports are being re-opened with practices allowed as of June 1st and games to begin on June 18th, but with many restrictive guidelines involved such as each player should use their own glove, helmets and bats as much as possible. Betsy continued that with our rural area, some of the kids are lucky to even be able to afford to sign up for the ball program, let alone have all their own equipment to use. Members of the Pawnee City Ball Association had been talking back forth this evening and were not sure they could make this work with all of the restrictions and were just now checking with other teams on the league to see if they were going to be playing either. Ms. Ferebee stated that the Ball Association has expenses either way and an even greater need if they don't have the season because that also means no banner sponsors or fundraisers by the players. They have been working at tiling the fields and looking at doing some Agra-line as they lost a tournament last year because they could not get their fields dry enough. There are many businesses donating their equipment and time to make these improvements. If they don't have a season this year, they will continue to make improvements to the complex. Council Member Dahlgren made a motion to continue to pay the Ball Association's NPPD Electric Bill in addition to a \$650 donation. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Sheriff Braden Lang-Discuss if UTV/ATVs are inspected yearly or only first time: Clerk Curtis stated this question had been asked in her office and the actual Ordinance does not state one way or another. Sheriff Lang stated that if it was up to him, the ATV/UTVs would never need to be inspected as he does not feel it is necessary. This is because none of the surrounding communities make their residents have UTV/ATV Inspections or licensing done. Sheriff Lang stated that since this is something the City Council has passed then he is good with the inspections of the UTV/ATVs only being inspected on the first time. **Damage to City Property by UTV/ATVs:** Sheriff Lang stated he had issued a citation to Brandon Packet as he had been caught riding the ATV on the street and lied about having a driver's license. His recommendation is to send the cost estimate of repairing the City alley and water tower property of under \$700 directly to the City Attorney and have her proceed with prosecuting the individuals involved. All Council Members agreed with this suggestion.

Matt Kuhlmann, Zoning Administrator: Discuss the differences between the City Code Ordinances and the Zoning Ordinances and how to proceed: Pool Fences: Council reviewed the minutes including discussions on making residents put up fencing around pools on their property from previous Council meetings and an ordinance on pool fencing that was never approved vs. 7-4 of the Zoning Ordinance that stated "All outdoor swimming pools shall be enclosed by a fence or wall at least (6) feet, but not more than (8) feet in height with a gate or gates that can be securely locked." Much discussion followed

on the pool fencing issue with Council's recommendation to remove that portion of 7-4 on pool fencing from the Zoning Ordinance. **Building Regulations-Penalty Section:** Council reviewed 9-801 of the City Code book on the Violation; Penalty of anyone violating provisions of Chapter 9 of the City Code Book which stated a fine not to exceed \$500 vs. the Penalties for Violation of Building Regulations of the Zoning Ordinance stating the fine will not exceed \$100. Council Member Eisenhauer made a motion to amend Section 9-801 in the City Code book by adjusting the penalties to not exceed \$100/day by Ordinance. After much Council discussion, Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Helms inquired just how many items can I put on a building permit? Zoning Administrator Kuhlmann stated that you can list as many as you want. The permit states you have six months to start the project and two-years to finish it. **Building Permits Required:** Council reviewed 9-201 of the City Code book on Building Permits that stated that a person only needed to obtain a building permit if the value of such work shall be \$1000 or more vs. the Zoning Ordinance that stated no building or other structure, or any fence or porch shall be erected, moved, added to or dimensionally altered without a building permit. After much Council discussion, Council Member Zelenka made a motion to amend Section 9-201 in the City Code book to include the same wording as the Zoning Ordinance with no dollar amount included by Ordinance. Council Member Dahlgren seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Non-pet Animals/Fowls; Running at Large:** Mr. Kuhlmann inquired what the Council wanted him to do about the chickens in town as there seems to be more and more coming to town. Council reviewed 6-203 stating it is unlawful to allow "fowls" running at large within the corporate limits, except in enclosed places on private property vs. Zoning Ordinance that lists "Fowls" as part of the non-pet animals that are not allowed unless you are zoned correctly. Kuhlmann stated that this one is going to need to be very direct, as this is affecting the "pig issue", too. After much discussion it was agreed upon by Council to recommend changing the Zoning Ordinance to add the line running at large to the non-pet animal and that the listing of non-pet animals is directed towards residential areas. Discussion continued about Rogge's horses with Zoning Administrator Kuhlmann stating he had found the document that stated that property was grandfathered in by the Zoning Board at the time the City added the Zoning Ordinance. Discussion followed with Council Member Dahlgren stating he was not disagreeing with where the horses were originally located, but the property to the South was not zoned for horses and when the City sold that property there was a clause that stated no livestock could be added to that property. Kuhlmann stated he understood that and when he built the fence on that South property and he had to move it, that letter came from the City Attorney. Kuhlmann inquired if these complaint letters should be coming from the City Attorney? Council Member Eisenhauer inquired if someone was complaining about Rogge's ponies? Council Member Helms stated that Council Member Dahlgren was. Council Member Dahlgren stated that property to the south is zoned as residential so he cannot have them in there and the former City Attorney stated that there was nothing he could do about it as they were considered pets, not livestock also stating that Rogge had stated that he had sat here in the Council meeting stating he would fight removing those ponies from the south property tooth and nail. Dahlgren continued that Rogge could request to have the zoning changed, but refuses to do so as he just wants to do things his way. After much discussion it was recommended that Zoning Administrator Kuhlmann send Mr. Rogge a letter stating that to keep the ponies on the South property, he would need to request to rezone that property. Kuhlmann inquired if these letters should be coming from the City Attorney instead of the Zoning Board? Council stated to check with

the City Attorney on how she felt about writing these letters. Clerk Curtis stated the letter would probably be better coming from the Zoning Administrator the first time to Mr. Rogge regarding the property needing to be rezoned if he wanted to keep the ponies on that property, explaining what the steps were to do so. If Mr. Rogge does not comply, then you could turn it over to the City Attorney for her to proceed with a more threatening letter. Council agreed with this suggestion by Clerk Curtis. ***Discuss positions on Planning Commission being changed around:*** Mr. Kuhlmann recommended to Council that they make John DeFreece the Chairperson and have John Wissler remain as a member of the Planning Commission Board. Council Member Dahlgren made a motion to make John DeFreece the Chairperson of the Planning Commission and have John Wissler remain as a board member of the Planning Commission Board. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Pig Issue Discussions:*** Zoning Administrator Kuhlmann stated that the letter had been signed for by the owners of the pig and he was not happy at all, stating he had been bullied by this town ever since he moved here from Colorado. Mr. Kuhlmann stated that the gentleman has a few more days left before they move on to their next step with the pig issue process of either the property owner requesting a zoning change or the pig will need to be removed from the property. More discussions followed on how properties were zoned that had ponies, goats, etc. on them. Mr. Kuhlmann will be sending out letters to those property owners not zoned correctly to have certain animals on their property. If his letter does not work, then the issues will be passed onto the City Attorney for her to send letters to those property owners.

A Report and update from Council Member Eisenhauer: *Chamber's Fishing Derby:* This item was tabled from the last Council meeting with the Chamber Fishing Derby originally scheduled for May 30th. Clerk Curtis reported that per a message from Lori Anderson, Chamber President, the Chamber tabled discussions on the Fishing Derby until next month. ***Pools, Parks and Campgrounds:*** This item was tabled from the last Council meeting. Council reviewed the emails from area Nebraska Clerks discussing the status of many Cities throughout Nebraska on their Pools/Parks/Campgrounds opening or staying closed. Council Members Eisenhauer and Zelenka both stated that the playgrounds and restrooms needed to remain closed until we receive further DHMs from the Governor. Much discussion followed on opening the swimming pool or closing it for the season. Lisel Vetrovsky, Pool Manager stated that she had received an email that the Beatrice YMCA is not offering new lifeguard training for the remainder of the year, so she is having trouble finding any place that would offer to train our new lifeguards this year. Council Member Eisenhauer stated that she would like to wait to make the decision on closing the pool for this season until mid-June in hopes to receive further clarification from the Governor on the pool restrictions. More discussion followed with Council Member Dahlgren making the motion to close the City Swimming Pool for the 2020 Season. Council Member Helms seconded the motion. Roll Call Vote: Eisenhauer, Nay; Helms, Aye; Dahlgren, Aye and Zelenka, Aye, whereupon motion carried. Council Member Eisenhauer stated that she and Foreman Cumley had met with Ms. Vetrovsky to go over items at the pool and parks that could possibly be worked on by the managers and guards if they were interested in doing that including sanding/painting benches, picnic tables, south shelter at North park; scrape/paint outside restrooms at north park; preparing the red slide to be painted; painting the lines on the basketball court, mulch around all of the trees, etc. Council Member Eisenhauer made a motion to hire all of the lifeguards and managers to do various maintenance upkeep items at the pool, parks and pond at the same rate of pay they had been employed at for working at the pool. Council Member Zelenka seconded the motion.

Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Lisel Vetrovsky, head pool manager, wanted to clarify that she would be working at the school through May 20th, but will plan to supervise the lifeguards working on the various projects, but she was not good at picking out the supplies needed for each project. Council Member Eisenhauer and Foreman Cumley both stated they will get all the various supplies needed to complete the maintenance/upkeep items they had previously discussed. ***Discuss lifting restrictions on camping at the City Pawnderosa Campsite:*** Council Member Eisenhauer stated that the NRD had never closed their campgrounds and the NG&P just reopening their camping up recently, so she felt the City could do the same out to the Pawnderosa Pond. Council Member Eisenhauer made a motion to open-up the Pawnderosa Campground only, effective immediately with the previously reserved campsites to have their camp reservations back first, if still wanted. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Eisenhauer stated that the shelter and restroom shall remain closed. Discussion was had on the City Crew needing to put back up the park closed signs, hang up shelter closed signs and re-do the yellow caution tape around all of the playground equipment and shelters at all the parks in town.

A Report and update from Council Member Zelenka: Discuss doing HS Senior Banners; Chamber will donate \$100 towards project: Council Member Zelenka stated she had done some research on hanging up banners of the Pawnee City Senior Graduates that would have Congratulations 2020 Graduate on the back and their name and picture on the front side of the banners. The cost of a 2x3 is \$30 and a 2x4 is \$36, so the total costs would be close to \$1000. Much discussion followed with many factors discussed including high costs, how long it would take to get them shipped, if the brackets were still up on the light poles from the previous Chamber banners and who would put them up. It was decided to not go forward with these banners due to the many issues there may be. Council Member Zelenka stated that Lisa Blecha, new Guidance Counselor at Pawnee City Schools had stated that businesses could possibly sponsor a certain class and put pictures up in their windows. ***Follow-up on ideas for “Mental Health Activities” to do in our Community:*** Council discussed various ideas that you could still do the social distancing by driving around doing a scavenger hunt or a Cruise Night with businesses included. Council Member Helms stated that he had been told by Bruce Haughton that they were going to start holding a “Cruise Night” every other Wednesday starting somewhere between 6-6:30, cruising around Pawnee City, making sure to go by the Pawnee City Assisted Living facility and Premier Estates Manor. Clerk Curtis stated that Chamber had tabled their discussions on coming up with activities to do until June meeting. Discuss when the City can meet at the Library Meeting Room again? Council Member Zelenka stated that she had visited with Lola Seitz, Head Librarian about when they were going to be re-opening the meeting room. Lola had stated to Council Member Zelenka that they are having zoom meetings this week with the Library Commission to discuss how they will be slowly re-opening Libraries across Nebraska. Lola had stated it would be at least until the end of May before any opening was even considered.

A Report and update from Council Member Helms: Sidewalk Repairs in front of City Office: Council Member Helms stated that bid quotes were being sought to have the sidewalk repaired in front of new City Office for a rough estimate of \$600.00 while doing the two businesses to the North of the office. Council Member Zelenka made a motion to not exceed \$600 to repair the sidewalk with mud jacking in front of the new City Office at

605 G Street. Council Member Eisenhower 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, 2020.

Cornerstone Bldg Project Drawdown #11: Council Member Dahlgren made a motion to approve Cornerstone Bldg Project Drawdown #11 for a total of \$110,966.70 with \$108,450.00 to AHRS Construction, Inc. for Gen. Cond; Masonry Restoration; Doors & Windows and \$1,024.20 to CWP Architects for Bidding/Negotiation-Architectural Services with \$87,579.36 from ReUse Grant and \$21,894.84 from City Match with \$1,522.50 to SENDD for Construction Management paid from the ReUse Grant only. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Exterior Sidewalk and ramp:*** Council reviewed the email from Joey at AHRS stating that a concrete crew will not start on the exterior sidewalk and ramp area for a few weeks yet. Council stated the outside of the building looks great.

Correspondence: Council reviewed correspondence from the League of Municipalities on HR 6652, the Flexibility for Localities and Eligibility Expansion Act of 2020" (FLEX Act); an email from Craig Vincent & Tim Arlt, NPPD on a Webinar to be held on May 15th at 9:00 A.M. Council Member Eisenhower volunteered to come sit in on the NPPD Webinar with Clerk Curtis; a flyer of SENCA Offering Assistance and the email from the Chamber looking for help in planting lamppost flowers downtown 5/12/2020 @ 4:00 p.m. Council Member Dahlgren made a motion to adjourn the meeting. Council Member Helms seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried, and meeting adjourned at 9:42 p.m.

ATTEST: Tamela S. Curtis, City Clerk

Charlie Hatfield, Mayor