

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON TUESDAY, MAY 28, 2024, AT 6:00 P.M. AT THE CORNERSTONE BUILDING, 601 G 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 (arriving at 6:30 p.m.) and Tamela Curtis, City Clerk/Treasurer; Foreman Spencer Cumley (arriving at 7:30 p.m.).  
**Absent:** None.

Mayor Charlie 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, next to the storage closet, accessible to the public. At this time, all those present stood to recite the Pledge of Allegiance.

**Mayor & City Council Performed Employee Job Performance Evaluation on City Clerk Tamela Curtis:** Council completed the job performance evaluation on City Clerk Tamela Curtis.

Council Member Zelenka moved to accept the May 13, 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: **5/21/24 Payroll:** \$10,595.04; **Union Bank & Trust**, FWH 3110.23; **NE Dept. of Rev**, SWH 477.11; **John Hancock**, retirement 1648.50; **Allstate**, cancer/accid 218.06; **Madison National Life**, life ins. 55.09; **Ameritas**, vision 92.40; **United Health Care**, health ins. 6563.70; **Amazon Capital Services**, plastic snow fence, mower blades 699.39; **Lincoln Winwater Works**, wtr parts for stock 820.53; **Dollar General**, office supplies 31.00; **American Water Works Assoc.**, membership dues 75.00; **BHE**, gas service 258.99; **Bottom Line**, libr subscript 39.00; **Surnali LLC**, empl drug test 78.00; **Pawnee City Fire Dept.**, 1<sup>st</sup> qtr 2024 reimb 2293.96; **Pawnee Co. Sheriff's Office**, filing fees 73.50; **Quill Corp.**, office supplies 177.22; **Spectrum**, internet/ph @ shop 184.97; **Capital Bus Systems**, Elevate ph system 192.77; **Froeschl Floors**, repair floor @ pool 2000.00; **Nebr. Public Health Envir Lab**, wtr sample test 15.00; **Pawnee Republican**, publications 114.13; **Petty Cash Fund**, start up cash for pool 150.00; **Quill Corp.**, office supplies 440.50; **Schendel Pest Control**, treat swr plant 70.00; **Shannon Vlcek**, reimb pool cert. 40.00; **Verizon Wireless**, home connect/jetpack 64.67; **Winnelson**, wtr parts for pool 77.74; **Pawnee City Dev. Corp.**, March 2024 sales tax 7378.48; **SA**, April 2024 garb serv 6924.86; **Windstream**, telephone @ swr plant 64.04. Council Member Eisenhauer moved 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.

**Approve Paying Mayor (\$2000 / Council (\$1750) in June:** Council Member Zelenka moved to approve paying the Mayor (\$2000 / Council (\$1750) in June 2024. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Donations to Organizations: Pawnee City Chamber of Commerce:** Previously, the City has paid for the Fireworks Liability insurance which cost \$853.00 and paid for the electricity for Chamber Welcome Signs which costs around \$30.00/month; mowing around the Welcome signs and watering the flowers in the hanging baskets on the light poles. John and Gail Howard were present to explain that the Chamber has received less donations for fireworks this year and they cost \$4,000. In previous years, the City has donated \$500 towards the fireworks except last year when the City paid for the liability insurance. The Chamber is requesting the City also donate money to the fireworks in addition to the other items the City donates. The liability insurance has increased to \$865.00 this year. Council Member Eisenhauer moved to approve paying the fireworks liability insurance of \$865.00, pay for the electricity for Chamber Welcome Signs which costs around \$30.00/month; mowing around the Welcome signs and watering the flowers in the hanging baskets on the light poles and donate \$500 towards the fireworks. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Report from Sheriff Braden Lang:** Sheriff Lang reported that the new “no parking” area south of the courthouse is working most of the time. Also, it is budget time. Lang reported the new deputy is still coming but could be delayed because of all the necessary paperwork so probably more like July. The new deputy is trying to get a “letter of good standing” so that his experience and training from Texas will transfer to Nebraska. Lang said they could actually use another deputy so that he could get caught up on paperwork. Council Member Eisenhauer asked Lang if he had any more information about the tagging at VanHorne Park but no updates. Council Member Zelenka asked about a “small motorcycle” and if they are legal? Lang stated there is a person in town that owns one and it is “street legal.” Sheriff Lang explained that paper citations will become obsolete and the county attorney would rather receive electronic citations.

**Pawnee Co. Fair Foundation request Special Designated Liquor License during Pawnee County Fair on July 17<sup>th</sup> – July 21<sup>st</sup>, 2024:** John DeFreece was present to address the Council. This request would allow people to bring alcohol to the tractor pull, rodeo and other events being held at the fairgrounds. Council Member Eisenhauer moved to approve the Special Designated Liquor License from the Pawnee Co. Fair Foundation for the Pawnee County Fair on July 17<sup>th</sup> – July 21<sup>st</sup>, 2024. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**TABLED FROM LAST MEETING: MIKE & SHARON SCHILLING—Application for Propane Gas Tank Placement @ 1335 C Street:** Mike and Sharon Schilling did not attend the council meeting so the Council was not able to discuss their application for a propane gas tank placement at 1335 C Street. Clerk Curtis explained Schillings have not filed a variance yet so no action has been taken with Zoning. This item has been tabled.

**Review/Act on Pawnee City Development Corp. Demolition Reimbursement Request at 942 8<sup>th</sup> Street:** Council Member Eisenhauer moved to approve Pawnee City Development Corp. demolition reimbursement request at 942 8<sup>th</sup> street for \$4,000.00. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review letter from NE Dept. of Revenue along with the items that need to be certified and sent to them by June 3, 2024 to continue the City Sales Tax:** Clerk Curtis explained these documents will need to be mailed out tomorrow.

**Review/Approve Ordinance #1060, City to continue the sales and use tax rate on 1<sup>st</sup> reading; Suspend three readings of Ordinance #1060:** Council Member Eisenhauer moved to approve Ordinance #1060 for the City to continue the sales and use tax rate on first reading. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhauer moved to suspend the three readings of Ordinance #1060. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review/Approve Ordinance #1061, City to approve continuing the Economic Development Plan, City Advisory Review Committee, Membership, Meetings and Powers on 1<sup>st</sup> reading; Suspend three readings of Ordinance #1061:** Council Member Eisenhauer moved to approve Ordinance #1061 for the City to approve continuing the Economic Development Plan, City Advisory Review Committee, Membership, Meetings and Powers on first reading. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhauer moved to suspend the three readings of Ordinance #1061. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Report and update from the City Clerks: Updates to Nuisance properties at: 522 G Street—letter, service, correspondence between City Atty Samuelson & his atty Dave Watermeier;** Clerk Curtis reviewed the newest letter the City has received from Mr. Raper's attorney through the City Atty. Mr. Raper was served with notice on May 9<sup>th</sup> so the fourteen days were over May 24<sup>th</sup>. Mayor Hatfield suggested Mr. Raper submit a written plan with completion dates because seven years ago Mr. Raper submitted a plan and the building is in worse shape now than it was seven years ago but he plans to salvage materials from the demolition. Also, Mr. Raper needs to submit proof of liability insurance and who will be in charge of this plan while Mr. Raper is gone in case something would happen. Council Member Fisher commented this project has been going on long enough and progress needs to be made even if Mr. Raper is gone attending his conventions. Clerk Curtis explained the Council asked Mr. Raper seven years ago to provide proof of insurance and he did then but we don't know if the insurance is still valid. Mr. Raper has not yet submitted a satisfactory plan for repairing the buildings. DC Wiers has contacted three contractors to request bids for demolition of the buildings and nobody has returned her calls. TH Construction has seen the building and "Quinn" said they may be interested in demolishing the building. (Since this meeting, Ric Helms contacted the City Office with the name of a contractor from Marysville, Kansas, Steve Blumer with Inline Construction. DC Wiers contacted them and they plan to submit a bid.) Mr. Raper's attorney stated in the letter

that the water has been shut off to the buildings and he needs water to properly demolish the building and requests the water be turned on immediately. Discussion was had that he probably needs water to keep the dust down during demolition. He had requested the water be shut off on July 6, 2022. Foreman Cumley explained at some point when the two buildings became one building, that owner discontinued water service in one of the buildings because of the lead service line when updates were made to all the water lines in the businesses downtown and that owner didn't want two meters. Mr. Raper had complained about that issue but he purchased the buildings that way. Foreman Cumley explained the water meter is in the basement and there isn't much of a wall left in the basement between the two buildings. Cumley explained the water meter is all the way in the front of the building in the basement and it is not safe to enter that building to turn on the water. Council agreed it is not safe to send someone into the building to turn on the water and they would not send a city employee to turn on the water based upon where the water meter is located. Foreman Cumley stated he has been talking to a contractor from Colorado about demolishing the building but the contractor is wondering where he can haul the debris. Clerk Curtis suggested a contractor could demolish the building and ask Gyhra Construction to haul away the debris. Discussion was had to contact Pershing Construction and ask them to submit a bid without hauling away debris. Discussion was had about how Mr. Raper could access water and why he requested this which is because he doesn't want to get reported to the EPA in case there is dust. Foreman Cumley suggested Mr. Raper install a water line at the meter and then run a pipe to the outside of the building and install a hydrant so he can access water but then debris will be falling on this water line. Would Union Bank & Trust allow him to run a water hose from the bank and pay part of the water bill? Foreman Cumley stated Mr. Raper has a water tank attached to a trailer and he could fill it with water at the pond if he needs it. Council Member Eisenhower stated then the water would not have to be turned on at the building. Council agreed the project should not be delayed until his return. Clerk Curtis will send a reply to the city attorney with the Council's recommendations. ***1025 8<sup>th</sup> Street—weed letter, job work order, City labor billing, follow-up mowing letter, "letter of intent" & photos of nuisance property:*** DC Wiers read an email to the Council in regard to an email received from Mike Habegger about this property. Danielle had requested a controlled burn of the house and Mike told her to contact the Fire Chief but Fire Chief Dave Glynn said the house was too close to a neighbor's house and the Pawnee City Fire Dept. would not approve a controlled burn. Mike Habegger had sent a letter to Danielle with information about the PCDC amnesty program. Danielle and her mother, Kathy Malik stopped in the City Office recently and said they had a buyer for the property but she did not disclose the name. DC Wiers had sent Danielle a letter about mowing the property on May 1<sup>st</sup> and never heard anything from her so the city crew were instructed to mow the property on May 22<sup>nd</sup> and a bill was sent to Danielle for the mowing. She did pay the \$70.00 bill so a lien would not be filed on the property so that she could sell it soon. The water to the property was shut off in 2014 and has sat unoccupied all this time and has deteriorated as you can see from the pictures in the agenda packet. DC Wiers also told Danielle and Kathy Malik that PCDC was interested in the property. ***Review quotation from Eakes Office Solutions re: 30x96 Heavy Duty Folding Tables:*** The manufacturer will charge an additional \$275.00 for delivery even if the City just orders two tables. Eakes brought sixteen new chairs and four of the new chairs were damaged. One chair wasn't so bad but the other three were noticeable so the Eakes tech called his supervisor and took pictures of the damaged chairs. Eakes didn't want to haul the original sixteen damaged chairs back to Omaha so the tech said we could keep them and use them or donate them to an organization. They will bring three more chairs.

Discussion was had that it would be cheaper to order 8 ft. white plastic fold up tables and store them in the vault because people will probably put a tablecloth on them when they use them for events. DC Wiers will check with True Value. ***Review/Discuss the two separate Community Needs Surveys – the tentatively changed survey that Council recommended in November 2023 and the Community Survey CM Poskochil emailed out through Google Docs for changes to be made:*** Clerk Curtis has been talking with SENDD about the survey. The City will need to start applying for the new grant cycle that starts in July and will need to send out a community needs survey, again, and also use this for water well funding. Clerk Curtis asked the Council what survey they want to send to Brittany at SENDD? Council Member Poskochil explained that Google can also tally the results from a survey. Discussion was had on how people will be contacted for the survey since not all people have email, so they will have to be mailed or people could go online and complete the survey. Poskochil suggested people could come to the City Office and complete the survey on a laptop or ipad. Council Member Eisenhauer suggested setting up a computer in the Cornerstone Building and asking people to complete them there and a council person could set up on the weekend to help people with completing the survey. It was also discussed to set up a link on the website for the survey. DC Wiers explained that there are people who don't have water accounts that should also be contacted such as the residents at Pawnee Village. Also include residents at PCAL, Houghton apartments, Thiemann apartments, etc. Clerk Curtis had edited the surveys so she will send both to Brittany at SENDD and let them decide which survey to use.

**Report and update from Foreman Cumley: Items for discussion are: *Discuss updates to the Sewer Main project under Highway 50:*** Foreman Cumley contacted four people about boring under the highway between 8<sup>th</sup> & 9<sup>th</sup> streets and so far, Kuhl Trenching is the only one to return his call. Gary Kuhl quoted \$7500 to do this and the City will also have to hire someone to do traffic control. Cumley had talked with NDOT at the state for a permit and they are typically around \$500.00 and the State requires the concrete be replaced two inches deeper than it was. The City may also have to pay for a compaction test before the concrete is poured. Two contractors looked at the job and they quoted closer to \$17,000 to \$20,000 to bore under the highway. DP Sawyer does the signage for Contractor's so they may be able to help out. The City will have to submit a traffic control plan to NDOT because the area will be open overnight and will take at least two days. Clerk Curtis explained this area has to be repaired before it can be slip lined. Discussion was had to re-route traffic through the truck route. ***Discuss Sewer Sludge Pump:*** The electrician had problems with the wiring inside the pump but with the crew's help, the pump is working now and they were able to haul sludge.

**Report and updated from Council Member Eisenhauer: Items for discussion are: *Discuss Any Updates to the Pool:*** Wednesday will be a short day at the pool because most of the guards are involved in Band and there is an activity scheduled. One guard, who is not yet certified, will be working concessions and the front desk, which will be documented on the time sheet. One guard quit already. The pool vacuum has issues. It will vacuum but the wheels are not turning so it can't move to clean the pool floor. The vents had leaves stuck on them and there was sand on the bottom of the pool floor. Council Member Eisenhauer and pool staff cleaned this up before the pool opened, also having to add more water to the pool. Council Member Eisenhauer is researching new pool vacuums. Parts for the old vacuum would cost \$1400. Council Member Eisenhauer will talk to Foreman Cumley to remind the crew members to not mow close to the

pool during water aerobics and to not blow grass into the street when they are mowing. Water aerobics will start as soon as the temperature of the water in the pool reaches 80 degrees. **Report on the Celebrations at the Van Horne Park:** The activities scheduled for Sunday were cancelled due to flooding from the storm the night before. The concert and barbeque went really well. Council Members Poskochil and Fisher were able to attend Saturday night and they said there was a good turnout. **Volleyball Girls request hosting a Midnight Swim for a fundraiser:** Mrs. Jordan Admundson, head volleyball coach for the Pawnee City Schools, was present with volleyball teammates Neveah & Taelyn Blech along with Adrienne DeKoning. “Mrs. A” explained the volleyball girls would like to host a midnight swim on July 12<sup>th</sup> as a fundraiser to purchase new nets, storage and new jerseys for the team members. It would be open to the public and they plan to charge \$12/person while serving hamburgers and hot dogs along with a drink, chips and cookie. They also thought about serving pizza from Casey’s. Suggestions were given to also ask the grocery store and “The Shop” to see if they would be willing to work with the volleyball team. Also, talk to local businesses about donating hamburgers and hot dogs. Neveah explained the lifeguards that are also playing volleyball would like to donate their time for the midnight swim. Council Member Eisenhauer explained the girls would not be able to work for free but they could donate their earnings to the fundraiser. They have talked with pool manager Terra Blecha and asst. manager Shannon Vlcek about the fundraiser, who advised them to talk to the City Council for permission for the fundraiser. Council Member Eisenhauer moved to approve the request from the volleyball team to host a midnight swim at the city pool on July 12<sup>th</sup> following protocol used in the past and all proceeds, except from concessions to go towards the volleyball team. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. It was suggested the volleyball girls have a rain date for the midnight swim.

**Review Pawnee City Assisted Living (PCAL’s) April Meeting Minutes:** Council Member Poskochil stated she had attended the last PCAL board meeting. Turnover has been high lately and had asked why. There have been six people who have quit in the last couple of months and one left without notice. Matt Ross attended the last meeting and he said HR at RHD would work with Caralyn to implement a satisfaction survey for staff and residents. Council Member Poskochil stated there seems to be confusion whether there is a report due to the City in order to be in compliance with the lease agreement. Discussion was had and Council agreed to contact city atty Betsy Samuelson and ask her to contact PCAL’s attorney about this matter. It appears the recommendations from Julie Bauman’s report are not being followed. Caralyn has developed a more detailed financial report for the PCAL Board but the board members have to return the report to Caralyn at the end of the meeting and the reports cannot leave the building. Also, none of the board members are allowed to contact the management company outside of the monthly meetings. Council Member Poskochil suggested at the meeting that President DeFreece may want to set up a sub-committee to discuss the reporting back to the City. Council Member Poskochil would like to invite RHD to attend the next council meeting to discuss the recommendations from Julie Bauman with the City so to be sure RHD knows about them. Clerk Curtis asked if the current balances of the PCAL accounts were shared with the board members? Caralyn shared the 4/30/24 balances with the City. Poskochil explained the information shared with the PCAL Board at the last meeting had a lot of gaps in the reports as to why there were large utility payments in the past three months and not in the others. Poskochil stated that she doesn’t feel the reports that were presented depict an accurate financial picture and the reports

need to be more accurate so that they show actual expenses for each month rather than when the expense was paid. Clerk Curtis stated a previous manager, Ken Klaasmeyer, explained the reports that were submitted to the City. Poskochil had requested payroll registers be shared with the board due to the recent high turnover with staff and the amount of money spent advertising vacancies. Council Member Zelenka stated since the City would be responsible for the PCAL loan, then the City should have detailed information. President DeFreece and Caralyn do not share detailed information with the City. Council Member Poskochil is concerned that information is not being shared with RHD and RHD isn't sharing information because DeFreece plays golf with RHD management. Matt Ross attended the last PCAL meeting. Council agreed Mr. Ross needs to attend a council meeting so that Council can talk with the management company. Mr. DeFreece told board members that the board members need to talk with Caralyn first and not the management company. Poskochil stated normally, a Board is in charge of an entity and the Board governs a management company. Clerk Curtis stated the City had to sign the management agreement so why can't the City talk with the management company? Council Member Poskochil explained the City can talk with RHD since DeFreece can only put restrictions on the PCAL Board members. DC Wiers asked if it is stated in the bylaws that PCAL board members cannot talk with the management company? Council Member Poskochil said this directive came from John DeFreece not the bylaws. Also, there hasn't been any discussion at the last two meetings about Julie Bauman's recommendations but it would be helpful if RHD would report to the City with goals and a timeline to implement the recommendations. Clerk Curtis explained that the reserve account is lacking around \$2700 to make the July payment. The Council had previously voted to defer payments for six months as funds allow. Clerk Curtis suggested sending the board members information about the loan payments. Council Member Poskochil reported the PCAL Board has voted to resume plans for the PCAL walking path/park. PCAL still owes the City \$20,000 plus \$15,000 for building insurance and the monthly \$10,000 payments will resume in July.

**Review Correspondence from:** Council reviewed the spreadsheet on March 2024 Sales tax of \$26,899.17 with ½% Street Repairs Sales Tax totaling \$4918.99 and \$7,223.22 being Motor Vehicle Sales Tax. Clerk Curtis reminded the council members the one-on-one budget workshops with Julie Bauman are scheduled for Friday, June 28<sup>th</sup>.

**Mayor & City Council Performed Employee Job Performance Evaluation on Foreman Spencer Cumley:** Council completed the job performance evaluation on Foreman Spencer Cumley.

Council Member Poskochil 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 9:08 p.m.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor