

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, NOVEMBER 13, 2023, AT 7:00 P.M. AT THE PAWNEE CITY PUBLIC LIBRARY, 735 8TH STREET, ALL IN PAWNEE CITY, PAWNEE COUNTY, NEBRASKA.**

Notice of this meeting was given in advance thereof by advertising in the Pawnee Republican, a designated method for giving notice as shown by the Affidavit of Publishing on file in the office of the City Clerk. Notice of this meeting was given to the Mayor and City Council and a copy of their acknowledgment of receipt of the notice and the Agenda are on file in the office of the City Clerk. The availability of the agenda was communicated in advance and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

**Present:** Mayor Charlie Hatfield; Council Members Vickie Zelenka, Donnie Fisher and Susan Eisenhauer; Kellie Wiers, Deputy City Clerk, Tamela Curtis, City Clerk/Treasurer and Foreman Spencer Cumley. **Absent:** Laura Poskochil.

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 Eisenhauer moved to accept the October 23, 2023 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: **11/07/23 Payroll:** \$11,208.45; **Union Bank & Trust**, FWH 3312.35; **NE Dept. of Rev**, SWH 511.91/sales & use tax 2316.57; **John Hancock**, retirement 1634.02; **Amazon**, tools/rep parts 516.43; **Barco**, updated camping sign 125.02; **Capital Business Systems**, Elevate ph system 111.94; **Cornerstone Bldg Project:** Carpet Plus, carpet/tile 3710.12; Pawnee True Value, paint, sup 434.76; Marvin Hinrichsen Flooring, install underlayment, carpet & tile/sup 1744.50; **Pawnee Co Treasurer**, law enf agrmt 18,967.01; **NE Public Health Env. Lab**, Wtr samp tests 15.00; **Lincoln Winwater Works**, wtr main/shut-off rep parts/20' tube 3647.27; **Pawnee Co Rural Wtr**, pond wtr hydrants 63.00; **NPPD**, elec 5599.70; **One Call Concepts**, digger hotline locates 18.24; **MidWest Labs**, Swr sample-s/h 219.57; **Pawnee True Value**, rep parts/key/tools 354.74; **Premier Pyrotechnics, Inc.** 2024 Fireworks, early discount pay 4000.00; **Stallbaumer Lumber**, band saw 360.00; **Pawnee Gun Club**, FY 23-24 donation 650.00; **Casey's**, equip fuel 589.10; **Windstream**, Office Internet 148.19; **Access Systems Leasing**, monthly IT hardware 209.98; **Coral's Cleaning**, office cleaning 160.00; **U.S. Cellular**, emergency cell ph 47.92; **Cornhusker Press**, dog tags/hooks 127.58; **Ferebee Law Offices**, City atty retainer 1000.00; **H&H Auto**, rep parts 911.76; **Matt Kuhlmann**, Zoning Serv 800.00; **PC Schools**, tob/liq licenses/dog ticket fees 840.00; **NE Dept of Labor**, 3<sup>rd</sup> qtr unemply tax 34.21; **OPPD**, well-elec 208.10; **E. Boldt**, wtr dep refund 3.13. Council Member Zelenka moved to approve the claims as submitted. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Approve Paying Mayor (\$2000) / Council (\$1750) in December (PR Date 12/5/2023):**

Council Member Eisenhauer moved to pay the Mayor \$2000 and each Council Member \$1750 in December 2023. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review Treasurer's Report as of October 31<sup>st</sup>, 2023:** Council reviewed the October 2023 Treasurer's Report.

**Sheriff Braden Lang: Review email re: Deputies giving Co. Commissioners until January to fix the wage issues:** Sheriff Braden Lang stated that Deputies John Samuelson and Taylor Bredemeier both attended the October 31, 2023 County Commissioner meeting to lay out their terms stating they would give the Commissioners until January, 2024 to fix the wage issues within the Sheriff's department or they would both be resigning. Sheriff Lang stated they are all just tired. This past week, Chief Deputy Samuelson got called out on a pursuit on a domestic violence call in Lewiston, then received another emergency call on the other side of the County shortly after the first call came in. This made for another deputy, that was off duty, being called out to handle that second emergency call. Sheriff Lang stated there are just not enough of them to cover everything throughout the whole County. Chief Deputy Samuelson wants to stay here but the Commissioners don't seem to be listening. Right now, the only applicant that Sheriff Lang has received is from Michigan and has only served as a Deputy for a total of four months out of three to four different jobs. Council Member Eisenhauer stated she had also attended this meeting and there was nothing in the Commissioners minutes that even remotely depicted what happened at that meeting. Sheriff Lang stated there just isn't anybody to take over if they don't get pay raises by January. Sheriff Lang continued that all the counties around us are hiring, also. Most Law Enforcement Agencies throughout Nebraska are in need of hiring but they have incentives such as hiring bonuses and vacation that are immediately available. Lang stated that with the workload all of them have on them, they are at a low rate of pay. Council Member Zelenka stated that when you're exhausted that's when most accidents happen. Council Member Eisenhauer inquired if the deputies had written out their proposal for the County Commissioners yet? Sheriff Lang stated they were still working on their proposal. Eisenhauer stated she would recommend that they have it ready by the first of December to give the Commissioners time to go over it. Sheriff Lang asked all that could come to the next few County Commissioners meetings to please do so as they meet every other Tuesday with their next meeting being on November 14<sup>th</sup> at 9:00 a.m. Deputy Clerk Wiers stated that she and Debbie Green are on the next County Commissioner's agenda to discuss the importance of the Court Appointed Special Advocate (CASA) program and how they need more volunteers. They also plan to discuss how this CASA program couldn't exist without the Sheriff's Department.

**Review email from Megan Buckley, Emergency Manager re: Integrated Public Alert & Warning System Policy Committee – need to let her know a list of names that are interested in being a part of Committee:** Council reviewed the email from Megan Buckley, Emergency Manager on the Integrated Public Alert & Warning System Policy Committee. Clerk Curtis inquired if anyone was interested in serving on this committee? Council Member Eisenhauer stated she would be interested in serving on this committee and recommended that the City forward this message onto John Werner, hospital administrator to see if he would also be interested in serving on this committee.

**Public Hearing to vacate the East-West street in Block 10, Hazel's Addition, Pawnee City, Pawnee County, NE a portion of 710 Trail from B Street to A Street between 10<sup>th</sup> & 11<sup>th</sup> Streets (Don North Road). Review Affidavits of Mailing & Posting Notice of Resolution to**

***Vacate said portion of Street:*** Council Member Eisenhauer moved to open the Public Hearing to discuss vacating the East-West street in Block 10, Hazel's Addition, Pawnee City, Pawnee County, NE a portion of 710 Trail from B Street to A Street between 10<sup>th</sup> & 11<sup>th</sup> Streets at 7:15 p.m.. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Hear Public Input:*** Council reviewed the Affidavits of Mailing and Posting Notice of Resolution to vacate said portion of street. Don North, Bob & Sherri Smith, Rob & Courtney Kosiski, Mike Schilling and Scott Beethe were all present to discuss the City possibly vacating this street. Bob and Sherri Smith stated that they use that road several times a day with their forklift to get to their quonset building. Council stated they understood why Smith's would not want to go around on the highway, as that was considered a real safety issue. Foreman Spencer Cumley stated that he does not have a problem trying to fix the road, but he wants to do it right and not just do a "band aid" fix as the City doesn't want to spend a bunch of money on rock if after the first downpour of rain all that rock ends up washed away. Don North stated that he felt the problem with that road was that the City had kept trying to put a ditch in the North side of that road and all of the water runs down the South side, so there needs to be a ditch put in down the South side of the road. Rob Kosiski stated that anything done is better than what the condition of that road is now. More discussion followed with it being stated that the rural mail carriers also use that road to deliver mail as there are two houses and a business located further west and south on that road that get mail delivered to those addresses. City Attorney Ferebee stated that the City's standing is they either re-do that stretch of road completely or they vacate it. More discussion followed with Mr. Kosiski stating it sounded like it might be best to start with getting an estimate from Gyhra Construction as they may not feel there needs to be a tube if they can ditch it completely. Foreman Cumley stated that the survey the City had done several years ago is very hard to read and those surveyors are no longer around, so the City might want to get a hold of Rob Tichy to do another survey of this road. More discussion followed with Don North stating that he has lived in that house for the past 40 years and he really doesn't think the City should close it as there are a lot more people that drive that stretch of road than a person might think. Scott Beethe stated that he agreed with Rob that the City start by having Gyhra's take a look at the road and get an estimate what they feel it will take to fix it correctly, then evaluate it from there. Foreman Cumley stated he would get a hold of Gyhra's and have them come take a look at that stretch of road to get their opinions on how to fix it correctly. Council Member Fisher stated that they would keep everyone aware of what the City decided to do. ***Close Public Hearing:*** Council Member Eisenhauer moved to close the public hearing at 7:34 p.m. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Review Ordinance #1040 vacating the East-West street in Block 10, Hazel's Addition, Pawnee City, Pawnee County, NE a portion of 710 Trail from B Street to A Street between 10<sup>th</sup> & 11<sup>th</sup> Streets (Don North Road) with it stated within the Ordinance that Council agrees to suspend the three readings:*** Mayor Hatfield stated that at this time the Council would not be acting on Ordinance #1040 to vacate said street.

***Discuss Zoning Administrator Matt Kuhlmann's salary:*** Council reviewed the July 27, 2020 meeting minutes where discussion was had on raising Mr. Kuhlmann's salary up to \$800/month with the addition of being the backup sewer operator for the City. Clerk Curtis stated that Mr. Kuhlmann was unable to attend tonight's meeting as he was attending the Table Rock Village Board meeting at the same time. City Clerk Curtis stated that she and Deputy Clerk Wiers knew

Matt Kuhlmann's salary was supposed to be lowered since he did not need to be the City's backup sewer operator since City Crew Member Lucas Barloon recently passed his Wastewater Test. The problem was that the Council had not specified how much Mr. Kuhlmann's salary was supposed to be lowered to. In those July, 2000 meeting minutes, it stated that \$2000 of the total \$9600 would be coming out of the sewer fund. If you take \$2000 from \$9600, then that makes it \$7600/year or \$633.33/month. Council discussed at length that they did not want to lose Mr. Kuhlmann as the City Zoning Administrator as he does an excellent job. Mayor Hatfield stated that even though Mr. Kuhlmann didn't need to be the City's back-up sewer operator any longer, that didn't mean that in the case of City Crew members being gone for illness or to training that the City wouldn't need to ask him to fill in as the City's sewer operator. Council Member Eisenhower moved to approve paying Matt Kuhlmann \$650/month for the Zoning Administrator position. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Betsy Ferebee, City Atty - Nuisance Property Updates: *Review Letters & Nuisance Complaints from City Attorney Ferebee that were sent to owner of 522/526 G Street Nuisance Properties & to owner of 112 12<sup>th</sup> Street Nuisance Property with papers filed with Pawnee County Court with arraignment held on 11/2/2023; Review City Codes listed in the letters and discuss updates needed to City Code #4-301:*** City Attorney Ferebee stated that the 522/526 property owner had cleaned up a lot of stuff to the back of that property, but the back of the buildings were still open. More discussion was had on the safety factor of the backs of those buildings still being left open for so long. Ferebee reported that she was able to file papers in County Court on the property owner of 112 12<sup>th</sup> Street for having abandoned appliances on his property that still had the doors on them but couldn't file anything more on either of these properties in County Court because of City Code #4-301 not having a resolution or ordinance tied to it in the code book. Mayor Hatfield stated that Clerk Curtis had looked through the old black City code book and even looked at microfilm of all of the old City Ordinance books and could not find anything tied to 4-301 anywhere. City Attorney Ferebee stated that this is the time to make changes to 4-301, Nuisances; Specifically Defined, such as adding in something about not allowing any abandoned appliances and "inside" furniture in people's yards. Ferebee also stated she felt something needed to be included in the ordinance that clarified having junk and nuisance items blocking a road other than just a vehicle. Clerk Curtis will check with area Clerks and see how their "Nuisances Defined" ordinances read. ***Discuss updates to other Nuisance Properties: 1145 G Street:*** property owner needs to do Sheriff's Service on this property, as the owner won't sign for the certified letters; ***738 3rd Street:*** Most of the issues are actually inside of the property. Clerk Curtis stated that they had cleaned up, mowed and chopped down the tall weeds growing on the front and East sides of their property, but the grass and weeds are very tall inside the fenced in dog kennel on the West side of the property. Clerk Curtis stated she did not know what the back side of the property looked like but would get the neighbor to the North to send her some pictures. Council stated that was a good idea; ***1129 G Street:*** Deputy Clerk Wiers stated that she had gotten the property owner to board up the front door and they had taken down the old garage but had not yet removed the debris from the property. Deputy Clerk Wiers stated she could not get the property owner to return her calls, so she sent him a letter last week, giving him 10 days to get the debris removed from the property. Council stated that the property at the corner of 10<sup>th</sup> & B Street (Burcham) was no longer in orderly fashion anymore, so at the next meeting Sheriff Lang will be at, they will talk with him about it, as Sheriff Lang has a good

relationship with this property owner. ***Discuss Closing Date of the old Fire Hall & review proposed Ordinance #1041:*** Clerk Curtis stated that although they weren't sure when the purchaser was going to be able to meet for the closing date due to medical reasons, they were actually able to go ahead and hold the closing on the old fire hall today as planned. City Attorney Ferebee stated that everything went through as planned. Clerk Curtis stated she had received a phone call from Stewart Title that the money had been wired to the City's General Account, which when Clerk Curtis looked, a total of \$134,009.75 after closing costs were taken out. Council Member Eisenhower moved to approve Ordinance #1041, approving the sale of the former fire hall real estate, 30-days after the third publication of the notice of resolution, without any registered voter filing a right of remonstrance against such sale, has been sold to James and Janet L. Woolsoncroft. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Pawnee Republican Newspaper:** Council Member Eisenhower stated she felt it was important that the City Council discuss how the City can possibly assist the Puhalla's since they have taken The Pawnee Republican newspaper back from Sterup Enterprises effective October 19<sup>th</sup> as the newspaper is an essential critical business to our community. ***Review/Discuss what the City's options are on Sterup's default ReUse Loan:*** City Attorney Ferebee stated that Clerk Curtis had handed out a recommendation from the ReUse Committee. Ferebee stated that Kelly Gentrup with SENDD had been in contact with both Clerk Curtis and her through email on what the City's options were on the Sterup Enterprises ReUse Loan. The options that Ms. Gentrup gave the City to consider were to Forgive the remaining loan balance (although the loan has been delinquent for over 2 years) as they have met the national objective; Request the new owners assume the \$13,090.55 plus \$554.54 (interest) debt or ask that they refinance the remaining balance and pay off the loan in full; Forgive only the interest and have them pay the principal balance or Make a lump sum payment to satisfy a percentage of the delinquent payments. Ms. Gentrup included that whatever the council were to decide, they will want to hold a public hearing prior to the council making a decision and be consistent with other reuse loans. Clerk Curtis stated that no decisions were to be made at tonight's meeting as the City would need to advertise and hold a Public Hearing to let public input be heard before the Council makes their final decisions on the ReUse Loan.

**A Report and update from City Foreman Cumley: *Discuss updates to Pool Water Line Replacement Project:*** Foreman Cumley stated that the waterline has been changed out going into the pool building and the street and sidewalk have both been repaired. Cumley stated they replaced the water valve in the street while it was dug up. 3-D Plumbing will be working on the inside plumbing replacement this winter. Foreman Cumley will call Froeschl flooring to repair the small area of flooring inside of the pool house that had to be torn up. ***Discuss any Well Updates:*** Foreman Cumley stated that Sargent Drilling had refreshed their Diggers Hotline Locate again, but he had not heard anything from them, other than the locate. Much discussion was had on each Well's water level numbers and how that can change from day to day, depending on if the wells are running or not while the Crew is out there to get the readings. ***Report on how Fall Clean-up Day went:*** Foreman Cumley stated that they only had two people sign up for them to pick up their tree limbs and leaves. Unless the City had a big storm that knocked a lot of tree limbs down, the Fall Clean-up is not really worth doing again. It was discussed that the couple people that needed help with their tree limbs, etc. the City Employees,

Mayor and City Council Members would be happy to just volunteer to go pick those items up after hours for them. Miscellaneous City Items: Foreman Cumley stated that the City Crew would be putting in a new water tap on Thursday for Mark Sunneberg Jr's new warehouse building. Cumley also stated that several pallets of the new playground equipment are expected to be delivered on Tuesday of this week. Council Member Eisenhauer stated that they will need to inspect all of them to look for any damage before they can allow the truck driver to leave that delivered them. Eisenhauer stated she would be there to help the City Crew look over all of the pallets of playground equipment.

**Review Letter from NDOT & Review/Approve Resolution #3 authorizing the Mayor to sign the Year-End Certification of City Street Superintendent form for calendar year 2023:**

Council Member Eisenhauer moved to approve Resolution #3 authorizing the Mayor to sign the Year-End Certification of City Street Superintendent form for calendar year 2023. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review Fire Reserve Savings Account Info (.50% Interest Rate): *Discuss changing Fire Reserve over to a CD for better interest rates:*** Clerk Curtis stated that at this time the Fire Reserve Account is only earning .50% interest and by changing it over to a CD it could earn anywhere from 5.05-5.35% interest, depending on if the CD was under or over \$25,000. Clerk Curtis stated it would be best to transfer the \$526.94 from the General checking account to the Fire Reserve account to bring that amount up to \$25,000. Then they could roll that money over to an 8-month CD that would make 5.35% interest. Council Member Zelenka moved to add the \$526.94 from the General Checking account, posted on the Fire Fund Misc. line item to the Fire Reserve to bring that amount up to \$25K, then transfer those funds over to an 8-Month CD for 5.35% interest. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Correspondence: *Nebraska Clerks Institute & Academy 2024:*** Council reviewed the Nebraska Clerks Institute & Academy 2024 Early Registration Notice to Register Clerk Curtis to attend March 18-22, 2024. Early Registration Cost for Institute & Academy is \$443. Clerk Curtis stated that the Clerk's School session will be held in Columbus this year. Clerk Curtis stated that these hours will go towards her Treasurer's Continuing Education Requirements. Council Member Zelenka moved to approve paying \$443 to send Clerk Curtis to Clerk's School in March, 2024. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Chamber's 2023 Christmas Festival Flyer:*** Council reviewed the Chamber's 2023 Christmas Festival flyer. Clerk Curtis stated that she and Deputy Clerk Wiers plan to enter a tree in Christmas Tree Lane for the City. ***Annual City Audit:*** Clerk Curtis stated that Julie Bauman and her team will be onsite all day on Monday, November 20<sup>th</sup> to perform the FY 2022-23 City Audit. Council Member Zelenka moved to adjourn the meeting. Council Member Fisher seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 8:52 pm.

ATTEST: Tamela S. Curtis, City Clerk

Charlie E. Hatfield, Mayor