

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON TUESDAY, OCTOBER 11, 2022, AT 7:00 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, Ric Helms and Susan Eisenhauer; Tamela S. Curtis, City Clerk/Treasurer and Foreman Spencer Cumley.

Absent: Vickie Zelenka. 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 approve the September 26th, 2022 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: **10/11/2022 Payroll:** 9,601.12 **Union Bank & Trust**, FWH 2715.65; **NE Dept. of Rev**, SWH 383.25/Sales & Use Tax 3387.09; **John Hancock**, ret. 1212.05 **Amazon Capital Serv**, hitch-salt spreader 31.93; **Access Systems**, Total IT Care Services 905.30; **Access Systems Leasing**, IT hardware contract 209.98; **Center Point Large Print**, materials 1700.64; **Community Ins**, City's ½ Firemen's Life Ins 604.50; **Cornhusker Press**, dog tags/hooks 111.75; **Emily Sisco**, atty fee retainer 1000.00; **Matt Kuhlmann**, zoning-Sept 800.00; **NPPD**, elec 3168.06; **Pawnee Co Rural Water**, hydr 432.00; **NE Notary Assoc.**, Notary renewal/Curtis 156.18; **SE NE Computer Serv**, Libr computers/software 1764.00; **OPPD**, elec-wells 312.82; **Lincoln WinWater Works**, wtr parts 4543.40; **Pavers**, Asphalt Proj. Phases 1-6: \$107,945.85; **Mahoney Concrete**, Phase 5-concrete trail, 13,500.00; **Midlands Contracting**, slip lining bal 7556.00; **Iowa Pump works**, Swr Jet Pump brackets 2169.63; **Badger Daylighting Corp**, vacuum ox ditch debris 4500.06; **A&D Technical Sup** Cornerstone bldg plans 245.91; **Maguire Iron**, 3rd yr wtr tower maint agr 47,296.00; **Core & Main**, radio read meter boxes 7520.00; **Diversified Drug Testing**, pre-empl drug test/mileage 78.00; **Kay Park Rec**, S/H-trash cans 605.00; **Coral's Cleaning**, office cleaning 930.00; **Municipal Supply**, (2) 2" meters s/h 2127.08; **Fastenal**, concrete anchors-salt bunker 78.64; **OneCall Concepts**, digger locates 16.98; **Casey's Business**, equip fuel 477.74; **League Assoc of Risk Management (LARM)**, WC/Liab/Bldg/Equip Ins 92,188.46 **Martin Marietta**, rock-trail retaining wall 899.30; **NE Municipal Clerks Assoc**, dues 100.00; **Hamilton Equip**, mini-ex/Skidster oil-filters 281.09; **Speers Truck Repair**, dump truck batteries, rep 478.50; **Ty's Outdoor Power**, Polaris Salt Spreader 1331.58; **SNYCB/Amazon**, Libr sup/materials 187.93; **Boerger, LLC**, replace RAS Pump @ Swr Plant 8144.85. Council Member Eisenhauer moved to approve the claims as submitted with the addition of the Boerger RAS pump replacement

claim. 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 on all City Funds as of 9/30/2022 – end of Fiscal Year:

Council reviewed the 9/30/2022, end of Fiscal Year Treasurer's Report on all City Funds. Clerk Curtis reported that once she filled out the report listing all of the Federal money the City had received through ARPA, Fire Station CDBG Grant and the USDA Grant for the Sewer Jet Trailer it was discovered that the City will not have to have a Single Audit done this year, as the total Federal funds did not add up to over \$750,000. That will save the City over \$3000 in single audit fees.

Sheriff Braden Lang: Sheriff Braden Lang stated that he did have some good news in that the County Commissioner's gave the Sheriff's Department \$10,000 in ARPA funding to go towards fuel, but that it didn't really matter because there are just the two deputies and himself left, so they are back to being extremely short staffed again. Sheriff Braden Lang stated that he had been instructed by the County Attorney to not divulge any of the details with the leaving of Deputy Mike Cirrincione but wanted to report that he was no longer a Deputy with the Pawnee County Sheriff's Department. Sheriff Lang reported that they still have the K-9 unit, but do not have a handler for the dog yet. They are still taking the dog out to exercise it. The Trainer stated that the \$2500 they paid towards the dog training will still apply if they do get somebody hired to be the dog's handler. Sheriff Lang continued that he does not have much faith in finding someone at this time because Richardson County has three positions open right now and Johnson County has a couple open positions and their starting pay is over \$11/hour over what Pawnee County's starting salary is. Council Member Helms inquired if Sheriff Lang expected Deputy Brad Willey to leave Pawnee County? Sheriff Lang stated that they have all discussed it and they are actually all three going to the County Commissioner's meeting this next Tuesday at 9:15 a.m. to discuss all of this with them, but he's doubtful anything will change. Sheriff Lang encouraged anyone who was interested in attending that meeting to please go. His entire department is trying to put together a presentation for the next commissioner's meeting after that just goes over how much the other Counties would charge to cover Pawnee County because it would end up being three times what his current budget is. Richardson County has quoted that they would charge \$733,000 to cover law enforcement services in Pawnee County and the county commissioners are going to have to do it because there is no other alternative. Sheriff Lang reported that one of his deputies unionized and Mike Cirrincione had actually unionized too but that contract had not gone through by the time that he left, so they're still waiting to see if that made any difference. The contract with the breeder had to be altered from County Attorney Jennifer Stehlik's original contract because they spent \$1,100 to send Mike out there to get the dog and there was a conflict with the Breeder contract because they didn't like some of the language. They re-wrote it and gave it to Sheriff Lang on a weekend to go through and when he went through it, it has a clause in there that says that the County cannot sell the dog and if they don't utilize the dog, we cannot give it back to the breeder and the breeder gives it to Mike Cirrincione. Sheriff Lang went on to state that the puppies from that dog would be each worth \$4,000-5,000. So, at this point Sheriff Lang stated they are thinking about just making the dog into an office mascot or pet. Sheriff Lang stated that he could handle him, but he's so far behind on the paperwork in his office, that he just does not have the time and he also needs to get eight more hours of his yearly training completed by December 31st. They have 28 hours of mandated training this year and 32 hours of mandatory training next year. Sheriff Lang stated that they had a three-hour staff meeting yesterday just to discuss everything. Council

Member Helms stated that he would offer to fence a third of his property and heat/air condition the one garden shed that he has and take care of the dog for them until they can figure out what they are going to do with it. Sheriff Lang stated he likes the dog and he really wanted the whole K-9 unit to work. He is surprised how it happened, but not surprised that it happened as he was expecting him to leave the department but figured he would pass all of the training first. Sheriff Lang went on to state that if the department does not utilize the dog, his intentions is to reimburse everyone for their contributions towards the K-9 unit as the spirit of the money was for the dog and he doesn't want to keep the money if they aren't able to utilize the dog. Council Member Eisenhauer stated that if the department did that, the City could still just turn around and give it right back to you. Sheriff Lang stated that the way things are right now, they can't function properly as his deputies keep telling him that they just can't justify being out and being proactive if they know they can be called out the second they go home for another 12 hours. Sheriff Lang went on to state that they have to do the accreditation, it's a new law in the LB51 that every agency has to be accredited by the state, which includes updating policies and doing a record management system, along with other updates, that took Richardson County's staff almost four months to get done. Sheriff Lang is the only one that can do this here and is already drowning in paperwork to get finished. The problem is if you're not accredited with the State then they won't be able to get grants or loans from the State until they do get accredited. The County Commissioners expressed their need for this to happen, but Sheriff Lang just doesn't see how he will ever have enough time to make it happen. Sheriff Lang stated they will be working on opening the Deputy position back up again and see what happens. Sheriff Lang also reported that on a good note, Johnson County has hired enough Dispatchers in Tecumseh that they are no longer being transferred to Auburn since they increased the pay. At this time the Council thanked Sheriff Lang for what his department does and hopes things start getting better for them.

Review/Approve Ordinance #1033 amending Section 11-304 adding FEMA ins rate maps and not just the date (first reading): Clerk Curtis stated that this recommendation came from Chuck Chase, Floodplain Outreach Coordinator after he had previewed all of the City's Floodplains ordinances and held a zoom meeting with Zoning Administrator Matt Kuhlmann on the changes happening with the Floodplains management. Council Member Eisenhauer moved to approve Ordinance #1033 amending Section 11-304 adding FEMA ins rate maps and not just the date on first reading. Council Member Helms seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Suspend the Three Readings:*** Council Member Eisenhauer moved to approve suspending the three readings of Ordinance #1033 amending Section 11-304 adding FEMA ins rate maps and not just the date. Council Member Fisher seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review letter from NDOT; Review/Approve Resolution #1 (2022-23) authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance Form 2022: Council reviewed the letter from NDOT on filing the Annual Certification of Program Compliance with the NE Board of Public Roads Classifications and Standards (NBCS). Clerk Curtis stated that we keep the Street Report, 1&6 Year Street Plan, etc. on file here so that if we are ever audited on this certification process we have everything in order as this is what determines the City receiving Highway Allocation funds or not. Council Member Eisenhauer moved to approve Resolution #1 (2022-23) authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance Form 2022.

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

Review Advertisement for Bids-Cornerstone Community Building Project that is running in the October 6th, 13th & 20th editions of the newspaper: Clerk Curtis stated that Mayor Hatfield and she have been working on getting the specs and plans copied and ready for the contractors that want to bid on the project. Once they were able to get the plans ordered to be copied, they moved forward with getting the project out for bids in the newspaper to keep moving forward on this project. This was all discussed at the August 22, 2022 Council meeting when the City Council decided to keep moving forward on our own, splitting the project up into the five (5) categories and bid to the local contractors. Mayor Hatfield has been working on making contact with local contractors to let them know they need to be registered with the State in order to bid on a CCCFF Project.

A Report and update from Council Member Eisenhauer: *Discuss monument stone donation from Veteran's Memorial:* Council Member Eisenhauer stated that she had been contacted by Bob Miller on if the City would be interested in a monument stone donation from the Veteran's Memorial that had a horizontal crack towards the bottom of the stone but does not affect the structure of the stone and could be easily repaired with sealer. The stone would be donated from the Veteran's Memorial at no cost to the City, but there would be a cost to have any engraving done to it. Council Member Eisenhauer stated she felt if they accepted the donated stone, then they could put it up in the Northeast corner of the North Park and possibly engrave certain historical dates on the stone such as when the Swimming Pool was built, when the new playground equipment went in, when the basketball court was put in, etc. Eisenhauer continued that she has wanted to do some landscaping in that corner as when the City Crew mows there are issues of hitting the blade on the tube right there, so this would fit in perfectly in that corner. Eisenhauer continued that the City would need to make contact with someone from the Fire Department to inquire how far from the Fire Hydrant they would need to be with placing the stone. More discussion followed. Council Member Eisenhauer moved to approve accepting the donation of the monument stone from the Veteran's Memorial, with the City being responsible for repairing the stone, the engraving on the stone and placing it in the northeast corner at the North Park. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Discuss amending previous motions made for donations of ARPA Funds to Organizations: Council Member Eisenhauer stated that since the Council had voted on how much to donate ARPA funding to the first organizations there had been changes made in the way the City could spend the ARPA Funds. One of those changes included donating ARPA funds to organizations that had been effected financially by COVID and since most organizations had to cancel all activities and fundraising efforts during COVID, the City is eligible to donate ARPA Funds to those organizations without having to turn in any receipts, etc. as proof. Council Member Eisenhauer added that since the rules had changed on how the City could spend the ARPA Funding, she felt the City needed to stay consistent on what they donated to each organization instead of it being a sliding scale from \$3000 to \$5000. ***Fairview Golf Course ARPA Funding:*** Council Member Eisenhauer moved to amend the motion from the 2/14/2022 meeting on donations to the Fairview Golf Course to donate a flat \$5000 in ARPA Funds to the Fairview Golf Course, to match donations made to the other organizations. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***PC Historical Society ARPA Funding:*** Council Member Eisenhauer moved to amend the

motion from the 3/28/2022 meeting on donations to the Pawnee City Historical Society to donate a flat \$5000 in ARPA Funds to the Pawnee City Historical Society, to match donations made to the other organizations. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Pawnee City Ball Association ARPA Funding:*** Council Member Eisenhauer moved to amend the motion from the 5/9/2022 meeting on donations to Pawnee City Ball Association to donate \$5000 in ARPA Funds to the Pawnee City Ball Association, to match donations made to the other organizations, stating that the City Council did not want to have their name on a pavilion at the Sports Complex. Council Member Helms 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 project updates:* Foreman Cumley reported that Sargent Drilling plans to have the concrete pad poured out to the wells for the back-up generator by the end of this week. Foreman Cumley reported that the Crew has repaired two water main/shut off leaks north of town this past week. The sewer plant is back up and going good again with Foreman Cumley still waiting to hear back from the engineer and no updates on when WesTech will be here to work on the Vertical Screen at the Sewer Plant. Projects that the City Crew plans to work on in the next couple of weeks include backfilling the sides of the asphalt overlay project that was recently completed, work on G Street in front of the Post Office and start tarring/crack sealing streets around town. Council Member Eisenhauer inquired if Foreman Cumley had heard anything from Mahoney Concrete on finishing the trail concreting project? Foreman Cumley will text Mr. Mahoney and make sure they're still on the schedule to get that project finished out yet this fall. Council Member Eisenhauer reported that she had done some research on how to get rid of muskrats out to the Pawnderosa Pond area and found that owls are a predator to muskrats. Council Member Eisenhauer had her husband construct two "Owl Houses" to be placed out to the pond to attract owls since they feed on muskrats. The houses are constructed of used barn lumber and will have weed shavings in the bottom, to encourage the owls to lay their eggs in there. These houses won't last forever, but if it works, then they can do something that may be a little more permanent. Clerk Curtis reported that Deputy Clerk Wiers had to send out a second notice on a mowing letter and Grubbs/Richardson that own the nuisance property located by the Richardson Trailer Court have obtained a demolition permit. They plan to have the contractor remove the trees while they are there and then will mow up the entire property themselves.

A Report and update from Mayor Hatfield, Clerk Curtis & Deputy Clerk Wiers: *Review/ Discuss Proposal on TextMyGov:* Mayor Hatfield stated that last week Clerk Curtis, Deputy Clerk Wiers and he were all on a Zoom call with TextMyGov to discuss what it was all about and what it could do for the City. Clerk Curtis stated that although it would be really nice, she could not really justify the cost for the amount of customers that she felt would sign up for this service. Clerk Curtis stated before the City spent money on this service, she felt they needed to educate the community about the City's Website, as that is where they would be able to sign up for the "TextMyGov" service. More discussion followed with the Council agreeing that the City needed to concentrate on getting people to look at their City Website. Clerk Curtis will contact the city's Website company and see if they have any flyers, etc. that they could possibly include in an upcoming water bill.

Review flyer for the City Clerks sponsoring a “Mitten Tree” (& Winter Coats) again along with assisting in SENCA’s Holiday Angel Tree Project: Clerk Curtis reported that the Clerks will once again be sponsoring the “Mitten Tree” for Pawnee City Schools and the Table Rock Head Start program and assisting with SENCA’s Holiday Angel Tree Project. Clerk Curtis reported that Deputy Clerk Wiers met with Danyel Lewis, SENCA’s Family Development Associate, Katrina Olberding, HR Director at the Pawnee County Memorial Hospital and Debbie Green, CASA Director for Southeast Nebraska a couple weeks ago to work out details on the Angel Tree Project. Kellie came back from the meeting reporting that everyone was onboard this year and we look for a very successful project of providing children of our community that are in need with Christmas gifts.

Review Correspondence: Council reviewed NPPD’s email on their rate stability continuing in 2023. 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 7:49 p.m.

ATTEST: Tamela S. Curtis, City Clerk

Charlie E. Hatfield, Mayor