

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, SEPTEMBER 11, 2023, 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: Council Members: Donnie Fisher, Vickie Zelenka, Laura Poskochil and Susan Eisenhauer; Tamela S. Curtis, City Clerk/Treasurer; Foreman Spencer Cumley and City Auditor Julie D. Bauman. **Absent:** Mayor Charlie Hatfield. Council President Fisher 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 August 28th, 2023, regular meeting minutes. Council Member Zelenka 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 **2023 Payrolls:** 10,616.97 **Union Bank & Trust**, FWH 3054.64; **NE Dept. of Rev**, SWH 452.65/Sales & Use Tax 2370.25; **John Hancock**, retirement 1559.48 **Black Hills Energy**, gas serv 23.71; **Julie D. Bauman**, Budget Prep/present draft budget 2705.85; **Ferebee Law Offices**, atty fee retainer 1000.00; **Matt Kuhlmann**, zoning-Sept 800.00; **Pawnee Co Court**, filing fees 49.00; **NPPD**, elec 2778.33; **PC Fire Dept**, rmb demo costs 1347 G St 4000; **Bruce Rogers**, rmb demo costs 230 L St 4000.00; **MidWest Labs** swr samp-s/h 310.07; **Immense Impact**, annual web sub 605.00; **OPPD**, elec-wells 183.73; **Capital Bus**, libr copier, 195.36; **GPM Env Sol**, calibrate flow meters 560.00; **Consumer Reports**, libr sub 29.00; **NE Wtr Env Assoc**, WW maint training 300.00;64.70; **H&H Auto**, parts/sup 439.64; **Pawnee True Value**, sup/parts 88.52; **MidWest Labs**, swr samples 33.00; **OneCall Concepts**, digger locates 22.66; **Seneca SA**, garb serv/dumpsters 7155.49; **Quill**, off sup 669.86/Libr sup 415.63; **H&H Auto**, oil, jack, sup 269.98; **Access Systems**, total IT care/hardware serv 1115.28; **PC Thriftway**, cleaning sup/pool sup 228.58; **Casey's Business**, equip fuel 366.24; **Windstream**, libr ph/int 250.15; **Coral's Cleaning**, office cleaning 160.00; **Pawnee True Value**, dust masks 4.79. 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.

Review Treasurer's Report of Fund Budgets as of 8/31/2023 & as of 9/12/2023: Council reviewed the Treasurer's Report. Clerk Curtis stated she would be preparing another Treasurer's Report as of 9/26/2023 for the next meeting so everyone can see where they are at with their individual fund budgets before the end of the fiscal year on 9/30/2023.

Recess from regular Council meeting: At this time Council Member Zelenka moved to recess from the Regular Council Meeting. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried, and regular meeting recessed at 7:13 p.m.

Open Special Hearing to Set Final Tax Request – At 7:14 p.m., Council Member Zelenka moved to open the Special Hearing to set the Final Tax Request. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. There was no public input at this time. Council member Eisenhauer moved to close the Special Hearing at 7:15 p.m. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Reconvene back into regular Council meeting: Council Member Poskochil moved to reconvene back into the Regular Council Meeting. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried with the regular meeting reconvening at 7:16 p.m.

Pass Resolution #6 approving 2023-2024 Fiscal Year Budget – Council Member Zelenka moved to pass Resolution #7 approving the 2023-2024 Fiscal Year Budget. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Pass Resolution #7, setting 2023-2024 Property Tax Request be set at \$226,223.84 and Proposed 2023 Tax Rate be set at .658521: Council Member Eisenhauer moved to pass Resolution #7, setting 2023-2024 Property Tax Request be set at \$226,223.84 and Proposed 2023 Tax Rate be set at .658521. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

1&6 Year Public Hearing: Council Member Zelenka moved to open the 1&6 Year Street Plan Public Hearing at 7:18 p.m. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Hear public input: Clerk Curtis stated that no changes had been made to the 1&6 Year Street Plan since the last meeting. Discussion was had on the top three streets from the 1 Year Plan that take priority and really need to be repaired. Those streets include #1 Priority: 10th Street from E to F Street that goes by Palmer’s Café; #2: E Street from 11th to 12th Street that goes by the Village and #3: 17th Street from D to F Street that goes to the Fairgrounds, but also includes a tube replacement. Clerk Curtis stated that the City won’t know if there is a second round of Public Work Grants available until February. Council Member Fisher stated that he really hated to wait that long to find out if there would be funding available, especially on the street going by Palmer’s Cafe as that is the time that contractors are looking to get work lined up for their summer/fall schedules. More discussion followed with Clerk Curtis inquiring if there was something that the City could do themselves to repair that stretch of road? Foreman Cumley stated they might be able to peel it all off and put more millings down on it to make it a little better road until the City can get it asphalted. There was no public input at this time. **Close Public Hearing:** Council Member Zelenka moved to close the Public Hearing at 7:28 p.m. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Resolution #8 adopting the 1&6 Year Street Plan:**

Council Member Zelenka moved to Pass Resolution #8 adopting the 1&6 Year Street Plan. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Emily Sisco, Request for Sub-Division of Lots (Kenneth Wherry to Phyllis & Kenneth Wherry): Clerk Curtis first explained to the Council that the request for sub-division of this property had to do with five (5) feet, containing a fence. Emily Sisco then joined the Council meeting and explained further that the request for Sub-Division of Lots from Kenneth D. Wherry to Phyllis M. and Kenneth D. Wherry as joint tenants was for the authority to sub-divide approximately five (5) feet, deeding to Phyllis and Kenneth Wherry. Right now, Phyllis owns the property to the West and Kenneth is trying to sell the property to the East. There is currently a fence that goes between both properties, so before the real estate owned by Kenneth Wherry sold, Phyllis Wherry wanted to make sure that her fence was actually on the real estate that she owned. Council Member Zelenka made a motion to approve Resolution #9 authorizing the subdivision of a portion of Block 10, Turner's Addition of Pawnee City between Kenneth Wherry and Phyllis & Kenneth Wherry. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Take Action on Ordinance #1037, Amendment to 8-112, Placement of Driveway Tube; Tubing Ditches Ordinance, adding stipulations if property owner wants to tube their whole ditch (Final reading): Council Member Eisenhauer moved to approve Ordinance #1037, amendment to 8-112, placement of driveway tube; tubing ditches on final reading. Council Member Poskochil 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 any Well Updates:* Foreman Cumley stated that Sargent Drilling has not been here to drill the new well test site but looks for them to show up in the next couple of weeks. Cumley stated that the water aquifer level has been holding at a good level, the same as it was two weeks ago.

Review/Discuss Water Rationing Stages; Currently the City is on Stage 2: Water Rationing: Foreman Cumley and the Council discussed at length that even though the water levels are holding steady right now, the City is still having significant water issues. Council Member Eisenhauer stated that she really hated to see the City go to the Stage 1: Voluntary Water Conservation when the City is not gaining anything even though we are not losing any ground with the water levels either. Council Member Poskochil stated that at this point the City could go either way as she really felt that those who were going to conserve water were already doing so. More discussion followed with the Council agreeing to just leave it at Stage 2 Water Rationing and have Foreman Cumley report back on the water levels again at the next Council Meeting on September 25th.

Discuss complaint on 710 Trail that goes by Don North's house towards the winery; Review past meeting minutes from 2007 & 2008 re: that same road, Quit Claim Deed & Survey: Council reviewed all of the past meeting minutes, survey and quit claim deed that dealt with 710 Trail Road that goes by Don North's house towards the winery. Foreman Cumley stated that the post office apparently had two property owners move their mailboxes to the other side of the road recently so now the mail carrier wants to drive on that road and it has a lot of washed-out areas. Cumley stated the problem with this road is that it's not wide enough to have Rasty run Gyhra's grader down it and there are no drainage ditches on either side, so the rain just makes ruts down the middle of the road. There was discussion of making that road a minimum maintenance road. Clerk Curtis stated she had emailed City Attorney

Ferebee last week inquiring if the City was able to make a rarely traveled road into a minimum maintenance road but did not hear back from her with a definite answer. Foreman Cumley stated he would like to see this discussion tabled until City Attorney Ferebee can be a part of it. Clerk Curtis stated she will make contact with Ms. Ferebee and get her on an upcoming agenda. **Discuss Old Fire Hall Water Meter:** Foreman Cumley stated that because that building had always been the City's Fire Hall, there has never been a water meter in it. Cumley checked out the piping inside of the building and it is a 2" line made of that old steel that is very difficult to work with. He called Doug Daily to come take a look to get his opinion on the meter situation. Daily stated if someone had to put a meter in that building it could cost somewhere between \$300-500 and if pipe needed to be dug up outside, then that would add an additional cost. Cumley stated that he did not want to just go in there and put in a 2" water meter because the monthly base fee on that is close to \$250 alone. When Foreman Cumley visited with Mayor Hatfield about this issue, Hatfield had suggested that the City credit the cost of putting in a ¾" meter and new piping but if they wanted a larger meter, then the purchaser would be responsible for the additional costs associated with that. More discussion followed with Clerk Curtis stating that she felt this is something that Schardt Auction Service should also be aware of so he can state this before the Auction of the old Fire Hall next week. Council Member Eisenhower moved that the City will credit the cost of a ¾" Meter Installation and Pipe, as needed to the old Fire Hall Property, 732 F Street, unless purchaser requests to install a larger meter, at which time, said purchaser would be responsible for the additional costs. The Credit will be reflected on the purchaser's 732 F Street monthly utility billing statement. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Foreman Cumley will discuss this with Mr. Schardt on Tuesday and Clerk Curtis will send him the motion made regarding how the City will handle the water meter credit, etc.

Review Old Fire Hall Auction Poster – set for September 20th @ 6:00 p.m. – How many Council Members plan to be present? If there will be a quorum, I will need to post as a Special Meeting: Clerk Curtis stated she had contacted City Attorney Ferebee on this agenda item and Ms. Ferebee stated that we are better off posting it as a special meeting, than to not post it if there is any chance of a quorum of Council Members being present at this Public Auction for the old Fire Hall. Clerk Curtis stated she would just go ahead and post the Special Meeting Notices around town this week. Clerk Curtis stated she had also asked City Attorney Ferebee if the Council would need to accept the winning bid on the Fire Hall at this special meeting or if it could wait until the regular meeting on September 25th. City Attorney Ferebee was going to look over the auction contract again and will get back to Clerk Curtis on what agenda items would need to be put on the Special Meeting during the old Fire Hall Auction.

The Main US Postal Service Office has requested the outside Blue Post Office Letter Box be moved across the street to the alley, North of the Post Office – will need a motion. (This can be done now since that alley is no longer a "fire lane"): Clerk Curtis stated that the Main US Postal Service Office in Lincoln had contacted Zoning Administrator Matt Kuhlmann to request that the outside blue letter box be moved across the street North of the Post Office from beside the old Library. There was much discussion on if this blue letter box was moved to this alley should it be changed to a one-way alley, would it cause problems for H&H Auto Parts customers trying to leave the NAPA Store, what would a driver do if the NAPA Truck was there delivering parts temporarily blocking traffic from coming through the alley; depending on who purchases the old fire hall, will

that increase the amount of traffic coming through that alley? After further discussions it was decided to table this item until the next meeting, giving the City time to visit with Nick and Renee Boomgarn, owners of H&H Auto to get their feelings on moving this letter box to that alleyway and also wait to see who purchases the old fire hall property to determine the amount of traffic that might add to that alleyway.

A Report and update from Council Member Eisenhauer: *Discuss the 2023 pool*

season: Council reviewed the 2023 Pool Season Wrap-up. Council Member Eisenhauer stated that she felt they had a really good pool season this year with good attendance for daily admissions, swim lessons and the two midnight swims they held. The Swim Lessons were held in two different weeks splitting Levels 1 and 2 held at different times but would not recommend that they hold the lessons at the beginning of the season because with only six lifeguards they got pretty worn out. Council Member Eisenhauer stated that the Midnight Swims were well attended with the first one having 43 swimmers in attendance and the last blast of summer, held the Friday after the pool closed having 83 swimmers in attendance! Assistant Pool Manager Terra Blecha was able to get a lot of donations for the first Midnight Swim including the meat used for the small meal. The Chamber of Commerce also donated \$150 towards each Midnight Swim, so that really helped too. There are people out there that want to donate to events like these for our children in town, so we should continue to try and take the opportunity to ask people to, it's just finding the right person who doesn't mind collecting donations. A suggestion from Clerk Curtis was that Midnight Swims & Swim Lesson dates need to be decided upon at the beginning of the pool season so everything can be advertised early on and guards can know far in advance which dates they are responsible for covering. Council Member Eisenhauer stated that she would like to see more lifeguards apply so when date conflicts show up, they still have the staff to cover everything. Eisenhauer continued that the pool inventory looks good this year. Repairs noted that need to be done before next pool season included working on the Dark Blue Slide in the Deep end leaking so much water; finish plumbing sinks in girls shower room. Budgeted items include painting the inside of the Pool Bathhouse, having the Diving Board Bases sandblasted & painted; replacing both diving boards and replace the mid-pool exit steps (ladder) with one that has an extra step that goes deeper into the water. ***Discuss water line issues at pool:*** Council Member Eisenhauer stated that the major item that needs to be repaired is to re-plumb the water line coming into the pool house. Foreman Cumley stated that the old 4" water line runs under the pool bathhouse. During late July there was water coming up through the drain and then once the pool was drained they could still hear water running and discovered that this 4" line was leaking somewhere under the pool bathhouse. This line is the main waterline that fills the pool and provides water to the whole bathhouse. Cumely stated he had conferred with Doug Daily and they both felt the only option was to run a new 4" waterline, coming from the North side of 14th Street, bringing it through the pool house foundation and placing a pit outside the building, so they can drain it for winter. Doug Daily and Foreman Cumley figured a rough cost estimate somewhere between \$20,000-\$30,000. Clerk Curtis stated she had looked over what was left to be paid out of the Pool Fund yet this fiscal year and it looked like the Pool should have close to \$25,000 left to spend. Council Member Eisenhauer stated that whatever pool funds were left would be spent towards these repairs with the remaining balance to be paid out of the 2023-24 pool budget. Foreman Cumley stated he will get Mr. Daily started on a complete parts list right away, so the City can get them ordered and get this line replaced this fall yet. ***Review emailed correspondence from Cunningham Rec re: the City qualifying for the Playground Grant with updated price quote:*** Council Member Eisenhauer stated the City had been approved for the Game Time Grant towards the

purchase of new playground equipment for the 2-5 year old range. Council Member Eisenhauer stated that she had already gotten \$15,000 in donations towards the new playground equipment from various organizations in town and still had a major business and another organization to meet with yet. Eisenhauer went over the two playground options with Council: Option 1: 32x48' area, \$30,285.82 and Option 2: 36x36' area, \$34,641.37 with grant fund deductions. These totals did not include the rubber mulch costs as Clerk Curtis had applied for grant funds to assist with those costs through NDEE. Much discussion followed on the pros and cons of both options. Council Member Eisenhauer moved to approve the purchase of Option 1 Playground Equipment for the 2-5 year old range from GameTime Cunningham Recreation for \$30,285.82, not including the donations gathered already. Council Member Zelenka seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried. Clerk Curtis will work on filling out the Acceptance of Quotation for Option 1 and get it sent in to GameTime. Council Member Eisenhauer stated that the shipping time can take 10-12 weeks and the crates can be stored outside in the weather until next Spring as they are all shrink wrapped.

Correspondence: Council reviewed the emailed invitation to join JEO for a Husker Tailgate September 30th, 2023. Clerk Curtis stated to let her know if anyone wanted to RSVP and she would forward the original email onto them, so they could sign up. Clerk Curtis inquired if it would work for everyone to meet on Tuesday, October 10th due to Columbus Day being on Monday, October 9th and the City Offices being closed. Council was in agreement to change the first meeting date in October to Tuesday, October 10th. Council Member Zelenka 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 8:55 p.m.

ATTEST: Tamela S. Curtis, City Clerk

Donnie Fisher, Council President