

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, APRIL 12, 2021 AT 6:00 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 posting said notice in four prominent places, a designated method for giving notice as shown by the Affidavit of Posting 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, Bruce Haughton, Ric Helms and Susan Eisenhauer; Tamela S. Curtis, City Clerk/Treasurer, Kellie Wiers, Deputy City Clerk and Spencer Cumley, City Foreman. **Absent:** None. Mayor Hatfield called the meeting to order at 6:00 p.m. informing all those present of the Posters stating the Open Meeting Law Changes on the West meeting room wall accessible to the public. At this time all those present stood to recite the Pledge of Allegiance.

**Ken Halvorsen, NeRWA-Board Training Workshop:** Ken Halvorsen with Nebraska Rural Water Association gave an hour-long power point presentation going over what duties that the Board, certified Water Operators and the City Clerks have with the City's Water System. The Training was very informative, and the City Council appreciated Mr. Halvorsen taking the time to come meet with them.

Council Member Eisenhauer moved to accept the March 22<sup>nd</sup>, 2021 regular meeting minutes. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Haughton moved to accept the April 2<sup>nd</sup>, 2021 special meeting minutes. Council Member Eisenhauer 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: **3/30 & 4/13/2021 Payroll:** 19,284.27 **Union Bank & Trust**, FWH 5403.84; **NE Dept. of Rev**, SWH 773.22/Sales-Use Tax 3310.79; **John Hancock**, retirement 2335.96; **Madison Nat'l**, life ins 113.63; **W. Rubendall**, Wtr Dep Refund 5.73; **Julie D. Bauman**, FY 2019/2020 Annual Audit 14,050.00; **Casey's**, equip fuel 505.59; **NPPD**, elec 6616.26; **Beatrice Area Solid Waste Agy**, demo exp 2275.25; **OPPD**, elec-wells 248.41; **Diversified Drug Testing**, pre-empl testing 77.50; **Johnny Stephens**, rmb demo exp-420 5<sup>th</sup> St 4000.00; **Recycling Enterprises of NE**, pickup recyc 720.00; **Friedly Oil**, equip/mower fuel 600.21; **Grainger**, new toilet-So park 380.50; **Windstream**, phone serv 266.33; **Capital Business Sys**, IT Contract 676.38/City copier contract 611.00/Libr copier contract 135.50; **Emily Sisco**, atty fee retainer 1000.00; **MidWest Labs**, swr samples 458.00; **H&H Auto**, rep parts/supplies 254.78; **Mitchell Electric**, rep light @ So Park 190.00; **Pawnee Co Register of Deeds**, release wtr/mow lien 20.00; **Meyer Labs**, paint/park sup 1790.75; **Matt Kuhlmann**, zoning-Apr. 800.00; **OneCall Concepts**, digger locates 16.52; **Pawnee True Value**, sup/rep parts 272.42; **PC Thriftway**, bleach/dog food 10.78; **Pawnee Republican**, publ 1158.80; **Quill**, office sup 212.38; **Sheraud Warren**, rmb sprayer tires 56.12; **SE Are Clerks Assoc**, annual dues 20.00; **Turnbull Ag Tires**, Skidster/loader tire repairs 110.00; **Winnelson**, drain pipe @ pond 345.53; **Amazon Capital Serv**, rep

parts/sup 140.52; **Biblionix**, Libr licensing/maint agreement 1200.00; **Brinkman Bros**, steps 2021 Chevy pickup 700.00; **City of Falls City**, Swr main jetted 190.00; **Martin Marietta**, pond driveway rock/stock pile 199.60; **NE Public Health Env. Lab**, wtr samples 30.00; **Pawnee Co Rural Water**, pond hydrants 41.55; **Quill Corp**, office supplies 264.04; **US Cellular**, monthly tablet service 52.97; **Verizon Wireless**, emerg cellphone/Fire jetpack-home connect 96.62. Council Member Eisenhower moved to approve the claims as submitted. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review March Treasurer's Report:** Council reviewed the Treasurer's Report as of March 31, 2021. Clerk Curtis stated that she just wanted to reiterate on what Mr. Halverson had just explained of how important that it was for Cities to plan for future projects and maintenance to our infrastructure. That is exactly why it is so important that the City keep putting money into these reserve accounts set up, so we are prepared when things go wrong, we can afford them repairs and updates needed.

**Sheriff Braden Lang, hiring a new deputy:** Sheriff Braden Lang met with the Council to report that the County had hired another new Deputy, Ryan Boverhuis. Council Member Haughton inquired if the training was a lot harder than is used to be? Sheriff Braden stated that it was significantly tougher when he went through it as you had to do the physical portions throughout your whole time at the academy, but now they only do it for the first four weeks because agencies were complaining that they had to pay overtime for the people getting trained on the weekends. Haughton inquired if PT would cause a person to not be able to get into the academy? Sheriff Lang stated that it did last time with Sarah, as that was the reason she didn't make it was because of her knee. Right now, Elliot is out there today, but he hadn't heard yet if he had passed and Ryan will go out in September. Sheriff Lang continued that you "physically test in" to get into the academy, which is what got Sarah and she did that twice. Ray Kappel inquired if there were any thoughts on getting the deputies to agree on staying for a term of service? Sheriff Lang stated that they do that already. Mr. Kappel then inquired if the former deputy who just left would have to pay it all back then? Sheriff Lang stated they are discussing that with their attorneys. A whole entire three-year contract is worth \$10,000. Council Member Haughton inquired if Pawnee County was co-oping with Johnson County? Sheriff Lang stated that at the time it seemed like it was going to work out really well, but then Johnson County's deputies decided they didn't want the extra hours it would take. Sheriff Lang did state that Johnson County will still come down to assist Pawnee County when needed on short trips to transfer prisoners, take someone out of county for a couple hours, etc., they just won't be sharing the deputy staff with them for full shifts like was originally discussed. Mayor Hatfield inquired if they were in full force then? Sheriff Lang stated they will be in full force when they get them both graduated. Elliot is now patrolling out on his own but calls if he needs assistance then Ryan will be going through the whole on the job training before he even goes out to the academy. Jayme Reed is still helping out where she can, but she is slowing down quite a bit.

**Brian Heinz: *Discuss litter in town and sides of streets; Discuss cleaning out creek that runs through town:*** Mr. Heinz was not present at tonight's meeting.

**Donations to Organizations: *Bob Miller, Fairview Golf Club (previously gave \$1000 credit on Water Bill):*** Bob Miller, President of Fairview Golf Club was present by phone. Mr. Miller had dropped off a copy of the Club's 2021 Schedule of Events. The Memorial

Day Scramble was the only fundraiser that was cancelled at the Golf Course in 2020 due to Covid-19. They held the rest of the fundraisers, making sure to space people out and had Clorox wipes available at each hole. The attendance to these fundraisers wasn't as good as some years, so it greatly impacted the Club's revenue for 2020 and was a particularly tough year. They had a member who left money to the club last year and they used those funds to purchase a new mower. The Fairview Golf Club plans to hold all of their fundraising events this year. The golf course will be 100 years old next year, founded in 1922 and have events planned for that. Council Member Haughton inquired if they were one of the oldest golf courses in the state? Mr. Miller stated that the Fairview Golf Club Course was one of two sand greens left in the State, but he was pretty sure there were a few other courses established closer to the larger communities that were older than Fairview Golf Club was. Mr. Miller stated that they have a committee set up that is in charge of coming up with the celebration activities and it is looking like they may be trying to plan the big event during the 4<sup>th</sup> of July 2022. Council Member Haughton stated to be sure and let the City know how they could help out with the 100-year celebration festivities next year. Mr. Miller stated the Fairview Golf Club appreciates the \$1000 the City gave them last year towards their water bill. Council Member Eisenhauer moved to give the Fairview Golf Club a \$1000 credit towards their water bill. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Pawnee City Chamber of Commerce***; Mr. Miller is also a member of the Chamber of Commerce. Nanette Smith had emailed a project summary from 2020. Last year the City donated \$500 towards the July 4<sup>th</sup> fireworks display, mowed around and paid the electric bill at the "Welcome to Pawnee City" signs and now the City has agreed to have the City Crew water the hanging flowers M-F in the summer. Miller stated that there were a couple things on last year's project list that they didn't get to do because of the pandemic that included the Fishing Tournament or sponsor the fun pool nights since the pool remained closed last year. Last year the Chamber did a little extra for the downtown businesses because of the pandemic as they spent \$3600 on the Christmas Festival where they don't usually spend that much. They have been notified that the costs of the Fireworks are going to go up 40%, so they don't know exactly what they are going to end up getting. They have John Vetrovsky working on figuring out what they can get for \$4000 and there's a good chance that they will need to increase it to more than that to keep the show the same size. The Chamber appreciates the \$500 that they get from the City, but they would appreciate it if the City were able to give a little extra for the Fireworks this year, but if not they completely understand. As for the flower watering, they have gotten the trailer bought and it's here with Russ Smith putting the sign on the tank and they'll get it all mounted up. When Russ gets that all finished up, he will get it down to the City Shop. Council Member Eisenhauer inquired to Mr. Miller that if they increased their donation to the Chamber for their fireworks for this 4<sup>th</sup> of July, would the Chamber or Fire Department guarantee that those who put on the fireworks display actually clean up after the fireworks display so that the golf course is not left with the mess? Mr. Miller stated he would make sure that they followed through with that better with a clean up crew. Council Member Eisenhauer then moved to donate \$750 to the Pawnee City Chamber of Commerce towards the July 4<sup>th</sup> fireworks display and also continue to mow and pay the electric around the welcome signs and water the hanging flowers this summer, as we had agreed to previously. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Helms and Eisenhauer both stated this was a good deal for the City and everyone needs all of the happiness they can get after what all has happened in the last year and a half. Mr. Miller stated that the Chamber intended to ask some of the other people too about increasing their donations for

the fireworks display, also. They will know more once Vetrovsky and Linda figure out how much they can get as they didn't know about the increase until their last Chamber meeting, which was just last week. At this time Clerk Curtis stated that the handout in front of everyone was from the Chamber looking for volunteers for their Fishing Derby that is to be held on June 5<sup>th</sup>. She and Deputy Clerk Wiers volunteered for the last Fishing Derby they had out there, and everyone had so much fun, but it takes a lot of volunteers to make it happen. Clerk Curtis stated that if any of them were interested in being a volunteer, they just needed to let Nanette Smith or either one of the Clerks know. Mr. Miller stated that each child that attends will get to take home a very nice fishing lure, whether they catch a fish or not.

**Review PCDC's amended Resolution re: *its residential property demolition & removal incentive program to be discontinued; Review emailed correspondence between Brian Rottinghaus and Clerk Curtis:*** Council Member Eisenhower inquired if Mr. Miller would just stay on the phone while they discussed PCDC's amended Resolution on the property demolition and removal incentive program. Mr. Miller stated that basically what happened at that PCDC meeting, as there was no issue as to what is going on with the demolition program, other than the fact that they have a total of \$40,000 that is uncommitted funds in all of the items that they try to participate in or support. One of the issues that come up was that the new Pawnee County Pharmacy is renting the space from Pete and since they bought the house to be torn down next to the hospital, they have discussed putting up a building and taking the pharmacy up there. They had talked about that they would have a drive through capability up there. So, with that, he's not sure what the future is with the rest of Pete's building, the Little Brown Jug and their thought was that they may need to have some of their money available for those things if they came along. Miller stated that on the housing front, years ago there was a program that was run by the Chamber where they gave away the lots for free if the person agreed to build something on it. So, if the City follows through and forces some of these teardowns which PCDC cannot legally participate in but they would intend to purchase some of those lots that are available when that whole process is done and then put them up for sale, for people to build something on. There would be a little bit of a time period there that they would possibly have a couple of years to build something that meets all of the zoning requirements, etc. and the lot would be free. That is what PCDC's thought with moving forward with the project as there have been many people that have had the opportunity to take advantage of both the City's and PCDC's programs and still can with PCDC's program yet until the end of April. They were trying to use the limited funds that they have to cover all of the bases that they have to cover. Council Member Eisenhower stated that spreading those dollars around benefits the whole community.

**Donations to Organizations: Anita Lang, Pawnee City Historical Society, (previously donated a \$1000 credit towards Water Bill starting in 6/2020 with an approximate \$90 credit balance remaining):** Anita Lang, Treasurer of the Pawnee City Historical Society met with Council to discuss the submitted report listing the money spent on items by the Historical Society showing a net gain of \$958.45 along with a summary of board members and what projects and fundraising events were held this past year. Unfortunately, due to the COVID-19 pandemic, the museum was closed to the public, except for a few private tours and they did not have any bus tours come to the museum this past year. They did have one exceptionally successful drive-thru spaghetti feed in November that raised \$1200. Anita felt that the City's \$1000 donation towards their water bill worked out extremely well this past year as their water bill runs right around \$82/month. She would like to

request that the City do the same thing again this year, if at all possible. Ms. Lang went on to state that the Historical Society Board Members donate countless hours and materials, trying to buy everything locally, to keep their buildings up. They have had many people come to the Historical Society in the past that have seen their advertisements in the magazines and by word of mouth. Council Member Haughton stated that may be something they could look at with turning the water service off from October-March if they are not planning to have any winter activities up there, which he will bring up at their next Board meeting. Foreman Cumley stated that it only costs a \$20 hookup fee to turn the water service back on again, so that is a huge savings if you're really not having anything go on up there over the winter weekends. More discussion followed. Council Member Eisenhower moved to donate a \$1000 credit towards the Historical Society's water bill to start immediately. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Vickie Zelenka: Report on Pawnee Co. Task Force meetings:** Vickie Zelenka met with Council to report on the last Pawnee County Task Force meeting held March 19<sup>th</sup>. Mrs. Zelenka stated there wasn't much to report on with the SE District Health Department stating they were not seeing any upward trends in cases with no inpatients in February at the hospital due to Covid and not seeing any Covid calls with the PC EMS. The next Task Force meeting is set for April 23<sup>rd</sup>. **Discuss Mowing Liens (\$587.24) & a Water Lien (\$198.53) at 1043 7<sup>th</sup> Street & 511 7<sup>th</sup> Street (M. Cleary properties).** Vickie Zelenka is the medical POA of the daughter, whose mother owns these houses with the mother being in an Alzheimer's unit for the past two years. Mrs. Zelenka stated she is trying her best to get both properties cleaned out with the 511 7<sup>th</sup> Street property to be torn down and the 1043 7<sup>th</sup> Street property to be sold as they do have some interest in that bigger house. Council informed Mrs. Zelenka of PCDC's demo reimbursement program ending soon. Zelenka stated she would have her husband Jim pick up a demo application packet the next day. Council Member Eisenhower moved that the city remove the mowing lien of \$587.24 on both the 1043 7<sup>th</sup> Street and 511 7<sup>th</sup> Street properties. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Fire Hall Building Project: Discuss/Take Action on proceeding with Fire Hall Project:** Mayor Hatfield stated that he heard from Mike Habegger and he got hung up in Lincoln so would not be able to make tonight's meeting but would be available by phone if they had any questions for him to address. Mayor Hatfield stated that he felt everyone was on board with moving forward on this Fire Hall Project since Mike had contacted each of the Council Members after the Fire Hall Building Committee had met last week. Clerk Curtis stated the official contract and change order were being passed around for their review, which showed the value engineering items reducing building to shell only -\$82,761, delete North parking lot/leaving 1 handicapped spot -\$8520, delete pipe bollards at doors -\$2450, change radiant heaters to individual thermostats -\$2000 and delete liner panel -\$5248 for a total cost savings of \$100,979. **Review/Approve Contract with AHRS:** Council Member Eisenhower moved to approve the standard form of agreement between the Owner (City) and Contractor (AHRS). Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Review/Approve Change Order #1:** Council Member Eisenhower moved to approve Change Order #1 on the Fire Hall Building Project. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Discuss Steve Glenn's two proposals Council to consider:** Council reviewed and

discussed the two proposals that Steve Glenn had emailed back once the 4/12/2021 Council Meeting Agenda had been emailed out. Mr. Glenn's email included these two proposals: Proposal #1-Buy local proposal - Any items that can be purchased locally at a competitive price such as electrical, plumbing fixtures, door hardware, grass seed and equipment, etc, be required as part of the construction process. Please keep in mind that anything purchased in Pawnee City generates sales tax for the city. Also, it helps to keep the local hardware store doors open as well as the employment of several workers in the store. It is difficult to maintain an economically viable store in a small town. Your vote of support would be appreciated. Proposal #2-Contractors and subcontractors required to become members of Pawnee Chamber of Commerce - All contractors and subcontractors have to be a member in good standing with the Pawnee City Chamber of Commerce. If they are not a member, joining the Chamber would be a prerequisite to working on the project. Mayor Hatfield stated he had visited with his boss, who does a lot of different work in a lot of different places and he felt the only way that we could have ever done these proposals would have been to have started it at the beginning before the bids went out. His boss also felt that if the City tried to stipulate something like that in their bid process that you will end up having a lot less bids because the majority of those contractors do their bids based on some of the kickbacks they get from whatever they purchase. In speaking with another gentleman about this emailed proposal, Mayor Hatfield was told the City also needed to remember free enterprise. Mayor Hatfield felt that Crystal Dunekacke's reply to Clerk Curtis pretty much covered everything on why the City cannot push for these proposals on this Fire Hall Project. *Crystal's response was as follows:* "I would say that both of his requests would not be permissible under federal procurement guidelines. We are unable to specify certain brands for purchasing equipment and materials for projects, so I don't think that requiring a specific supplier would be allowed. The architect provides material specifications, and the contractor will have to meet those requirements. I don't believe that requiring Chamber of Commerce membership would be allowable as well, as the procurement process is required to promote fair and equal competition. These may have been questions that we could have asked earlier in the process if the City were interested in including these provisions. At this point in the negotiations, I don't believe we would be able to put in additional requirements that AHRS was not aware of while bidding." Council directed Clerk Curtis to reply back to Mr. Glenn with the information Mayor Hatfield and Crystal Dunekacke had supplied to her and thanking him for his interest in Pawnee City.

**Review/take action on Resolution #7 authorizing Mayor and Clerk to sign USDA documents on applying for Financial Assistance on the purchase of a Well Generator and to construct a new Fire Station:** Mayor Hatfield stated that Clerk Curtis has finished filling out all of the USDA Grant Application paperwork on the Well Generator and is still gathering information and documents on the Fire Hall Building. Council Member Eisenhower moved to approve Resolution #7 authorizing Mayor and Clerk to sign USDA documents on applying for Financial Assistance on the purchase of a Well Generator and to construct a new Fire Station. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Set Public Hearing on May 10<sup>th</sup> on City applying for USDA Financial Assistance on Well Generator & Fire Hall Building:*** Council Member Eisenhower moved to set the public hearing for May 10<sup>th</sup> on the City applying for USDA Financial Assistance on the Well Generator and Fire Hall Building Project. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**A Report and update from Deputy Clerk Wiers & Mayor Hatfield: *Discuss Christmas Light Funding:***

Deputy Clerk Wiers and Mayor Hatfield had attended the Chamber of Commerce meeting on Thursday, April 1<sup>st</sup>. Deputy Clerk Wiers had explained to the Chamber members present that it will cost \$15,016.00 to replace the current decorative lights with thirty LED lights. LED lights are more expensive but last longer. The Chamber voted to donate \$1500.00 towards the payment for the lights. The lights have already been ordered with the agreement to pay half on this budget year and half in the next budget year but now, the City will be able to pay the full amount this year since \$13,500.00 had been budgeted for new lights. Council Member Haughton asked if anyone had contacted other City organizations to ask for donations? Maybe they would be interested in sponsoring a light. Deputy Clerk Wiers explained that a request had been sent to PCDC. Clerk Curtis explained that PCDC denied the request and said that other towns had paid for lights themselves so the City could pay for their own lights. Mayor Hatfield suggested asking the Masonic Lodge as he is a current member. Council Member Helms said he is a Shriner which you have to be a Mason in order to be a Shriner plus Helms' wife, Barb is a member of the Eastern Star. Council Member Haughton suggested putting something on the water bill to see if the public or businesses would like to donate money towards purchasing the new lights or maybe sponsor a new light. Haughton asked what would happen to the old Christmas lights? Could they be listed for sale and take bids on them? Foreman Cumley stated that the old lights would have to be moved out of the shed to make room for the new lights and he asked Deputy Clerk Wiers to check and see if the new lights will have pole mounts on them or do the pole mounts need to be taken off the old lights to use on the new lights. ***Review 3-22 meeting minutes; Review/Take Action on Invoices from Martin***

***Marietta:*** Clerk Curtis and Deputy Clerk Wiers stated that the rock invoices from Martin Marietta came in at over \$17,000 so they felt the Council needed to amend their motion from the last Council meeting when they approved spending \$10,500 for rock. Clerk Curtis stated that she had discussed the invoices with Council Member Helms once they came in and Mr. Helms does have the money in his street budget to cover them but felt it was best that the whole Council was aware of what was spent and that the original motion was amended to keep everyone informed and also for good accounting purposes. Council Member Helms stated he didn't know why he even needed to bring this before the Council as he already had the funds available in his street budget. Council Member Eisenhauer stated they weren't questioning if the rock was needed or not, but she didn't think that even mattered as it doesn't look good for the Council to approve one amount at a meeting and then \$7000 more was spent on rock, but never brought back before the Council for discussion as to why the amounts were different. Council Member Helms stated that they had hauled 29 loads of rock on the City gravel streets and one load for the stockpile which totaled \$17,641. Council Member Helms moved to amend the original motion made at the 3/22/2021 Council Meeting on the amount of rock to purchase to \$17,641 worth of rock. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

***Review email from Jack Britten re: City purchasing BNSF RR property. Review previous meeting minutes re: discussions on purchasing RR property:*** Council Member Helms stated that it is his understanding that it is going to cost the City \$7500 total to purchase that correct? Council Member Eisenhauer and Mayor Hatfield both stated that was correct. Council Member Eisenhauer went on to state that the City originally offered the railroad \$3080, which was the assessed value of those two lots. Council Member Helms stated it didn't matter what we offered them beforehand. Council Member

Eisenhauer stated she was just trying to explain to the two new Council Members that were not here at the time what has been offered up to date. Council Member Haughton inquired if the railroad had declined it or what had happened. Council Member Eisenhauer stated that originally they had accepted it, but then later declined it after this Mr. Britten had taken over. Clerk Curtis stated that the original person, Cathy Clune that had contacted the City to begin with asking us to purchase those two lots so that they could sell the other lots to Jeff McClintock ended up getting too busy with another project. She then assigned our purchase and sale project to this Mr. Jack Britten, who originally came back stating that they could not sell those lots to the City and that is when Deputy Clerk Wiers updated Mr. Britten on everything that had already taken place between the City and Ms. Clune. So that is when Mr. Britten stated he would take this to his supervisor and has been working on a sale and purchase agreement for these lots to the City since then. Council Member Haughton stated that he, too had talked with Jack Britten some time ago and just like everything we are seeing here, they are just wanting to move forward with this, and he felt like the City was ready to move forward with purchasing these lots and being done with it also. Clerk Curtis stated it's just too bad that the railroad were the ones that were dragging their feet and it could not have been settled before the changes in prices went into effect on January 1, 2021. Curtis continued that it is what it is, and City Attorney Sisco was there for that special meeting we had, then stuck around to discuss the railroad contract with Council Member Helms and her. Curtis continued that City Attorney Sisco stated that if the City wants those lots, then you're going to have to pay that amount to the railroad and as Council Member Helms had pointed out that if the City doesn't purchase this property from the Railroad, then Mr. McClintock probably will, and the City will end up paying him rent forever. **Review/Take Action on RE Purchase and Sale Agreement with BNSF RR:** Council Member Eisenhauer stated she would like to stipulate that there is an error in their real estate purchase agreement on page one, item one purchase price says the sum of five thousand three hundred and no dollar and in parenthesis says (\$5,000). So, she thought that would need to be corrected before anyone signs anything, that is if the Council decides to go through with this purchase. Council Member Helms inquired if that was going to delay the purchasing of this property? Clerk Curtis stated that the Council would just need to make a stipulation to correct that as part of their motion. Council Member Haughton inquired if there was any benefit in voting on it tonight and then assuming that they will honor the \$5000 amount as he understands the \$300 risk, but he also understands their 1031 as that is a tax advantage for them, so they are selling real estate but won't be subject to taxation because they are doing a 1031 through another company Goldfinch Exchange Company LLC. Haughton continued asking what would happen if the City sent them \$5000 and then the \$2500, just sending them the \$7500 and forget the \$300. Council Member Eisenhauer stated that obviously it is an error, but before the City signs anything that it should be corrected, that is just what she was getting at. Clerk Curtis stated that Mr. Britten is the one that stated it as \$5000 purchase price and \$2500 administrative fee in his email, so it is honestly just a typo. Council Member Eisenhauer stated that it also stated in his email that the City will also need to provide a new survey for the property, at the City's expense. Council Member Helms stated he thought that was if the City wanted it surveyed, then the City would be responsible for that fee. Council Member Fisher stated that Mr. Britten wrote that right on his email "This sale would be less than the minimum so the above numbers will apply. The City will also need to provide a new survey for the property, at the City's expense." Fisher wondered what that would cost the City on top of the purchase of the property and administrative costs. Council Member Helms stated somewhere around \$300. Foreman Cumley thought the last survey the City had done was around \$550. Council Member Fisher stated that we are now up to \$8000 for these two



lots. Council Member Eisenhauer stated that the alternative would be the City paying rent for a lifetime. Fisher stated he exactly agreed and this way we would actually own property that the City is already using once and for all. Council Member Eisenhauer inquired to Clerk Curtis if the City had enough money to do all of this? Clerk Curtis stated that the City could afford to make this purchase because of what was budgeted to repair the hail damage was more than what the total bid was to do the work. Council Member Eisenhauer moved that the City approve the \$5000 purchase price and \$2500 administrative fee and do the survey as requested by BNSF railroad provided that the real estate purchase and sale agreement is amended to correct the purchase price to read \$5000 and not \$5300. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review Invoice from Roof Guard, LLC on replacement of hail damaged roofs and gutters on City Property; Review emailed correspondence between Clerk Curtis and City Atty Sisco; Take Action on recommendations from City Atty Sisco:** Clerk Curtis stated that when she was looking over the invoice from Roof Guard they had received she noticed first of all that they had not finished the Fire Hall property repairs and secondly they were charging the City for material price increases, which she did not feel should be allowed since the projects were put out for bids and the City signed a contract with Roof Guard as the lowest bidder at \$70,420 total so she emailed City Attorney Sisco with her concerns. Clerk Curtis inquired if everyone had read Ms. Sisco's response on what she felt the City should do? More discussion followed which Council Member Eisenhauer moved to take the recommendations from City Attorney Sisco to not pay Roof Guard based on their price increases bill and have Roof Guard resubmit a new bill leaving off the price increases for the work that has been completed. Council Member Fisher 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 Water Tower Rehabilitation Project: McGuire Iron had originally wanted to do the water tower rehabilitation in July, but he had told them that he was not comfortable with that being the hottest time of the year for the water tower to have to be drained. They just called last week and stated they had an opening come up for the first of May, so Clerk Curtis had asked him to write up something to be put in the newspaper and posted throughout the businesses in town. Then he visited with Council Member Eisenhauer about the City Pool and she added some more information to the write up, which is what is in the agenda packet. Clerk Curtis stated she has tried to contact all home pool owners to let them know that they have to have their pools filled by April 30<sup>th</sup> or they will have to wait until after the Water Tower Rehabilitation project is complete, which could be at the end of May. More discussion followed with the Mayor inquiring that if the pool was ready, if there was anyway we could fill the pool with the water instead of just draining the water tower out on the ground? Foreman Cumley thought that would be a great idea if the pool was ready to go by then and if he could figure out exactly how to drain the tower down, as he's still trying to figure all of that out. Council Member Eisenhauer stated she agreed but wasn't sure if the pool would be ready to go that early or not. **Discuss updates to Sewer Jet Trailer:** Foreman Cumley stated the Sewer Jet Trailer has been ordered and should be here soon. Mid-Am has no way of knowing exactly when it will be here from the factory. Foreman Cumley reported that when he told our salesman that the funding was secured through USDA-RD, he was concerned about inflation costs, but those extra costs have been absorbed by both the factory and Mid-Am Iowa, the company which the City had ordered

the trailer through. **Discuss issues at Sewer Plant:** Foreman Cumley stated there aren't too many issues going on right now at the Sewer Plant. The two Clarifiers got rebuilt recently, as DPFS Solutions out of Ohio just finished up with those last week. The contractor got kind of stuck, so they tore up some of the grass down at the sewer plant trying to get out of there with all of the rain we had gotten last week. They had a lot of conversations back and forth with the factory about the correct position of the arms because our manual that came with the clarifiers is actually wrong, which is why they are assuming the seals and stuff were screwed up in there and caused oil to be leaking, as they are supposed to be good for at least 15 years. The manuals that the City has are incorrect with the location of the two arms that are in the tank, that are supposed to counterbalance each other, but they didn't have time to fix those while they were here, so Foreman Cumley and the City Crew will get them fixed now that they actually got ahold of the factory and got everything lined up the way it was supposed to be. DPFS Solutions did a really good job while they were here building the clarifiers as there is not oil leaking everywhere now, so they should hopefully last quite a while now. **Review/Discuss possible additional wording to City Code 3-117 on #9:** Foreman Cumley stated that they had found a water leak that they did not think was there for a very long time and it actually does belong to a property in town, so he started reviewing the ordinance on it as to where the City is responsible for fixing water leaks. Foreman Cumley had always been told that it is supposed to be by the first shut off from the main, but the only thing our City Code says is on #9 it states, "The charge for water lost in any leak in a service line, regardless of cause, from curb stop on, is the Customer's responsibility." He definitely feels that the City needs to re-word that portion of the ordinance because to him it means the customer is only responsible for water lost during a leak in the service line, but he felt somewhere in there it needed to be re-worded or add to it. Foreman Cumley stated he felt it should read "the customer is responsible for the repair costs from the first curb stop from the main" because some of these houses like the one they just found, it is in the middle of a block and there wasn't a main on his block, so it comes from a block away and comes down the alley into his yard, then putting a meter pit in behind the house, also putting a shut-off right behind the meter pit so that they could shut it off really quick, change out the meter and then turn it back on, even though the original curb stop would be out by the paved road, out by the main, over a block away. That way the City wasn't responsible for so many feet of line. Cumley stated that he felt it needed to be clarified in there that the City is only responsible from the first shut off of the water main, as some have two shutoffs. Clerk Curtis inquired so the Customer is responsible for repair costs from the first curb-stop from the main? Foreman Cumley stated, yes the customer is responsible from the first curb-stop from the main on. Council Member Helms stated that meant he was responsible for more than a half of block of water line. Clerk Curtis stated yes, you and about 50 other people in town. Helms stated his shut-off was a long-ways away from his house and that was because Doc Just originally built his house and owned the former Animal Clinic all right there together. Council Member Helms inquired if he could ask a question on that before they moved forward? Helms continued, that if his waterline goes bad, wouldn't it be cheaper for him to come off of the main that goes down the highway/7<sup>th</sup> Street, than to put in a whole new line where it's currently at? Foreman Cumley stated that in order to do that he would have to pay labor plus parts for a new water tap, which the last one ran around \$2800, and the property owner is responsible for boring under the State highway, so there would also be that added expense. Council Member Susan Eisenhauer moved to amend #9 in City Code 3-117 the Municipal Water Department; Tap Fees; Established; Meter Location; Service Line Maintenance; Tapping the Main to read "The charge for water lost in any leak in a service line, regardless of cause, in addition to any repair costs from the first curb-stop from the

main on, is the Customer's responsibility." Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Foreman Cumley stated that he still doesn't think that the water leak he had mentioned earlier has anything to do with Stahl's water issue coming from their basement, but time shall tell if it did. Cumley continued that they dug that water line up today and the line that is leaking was a service line to Roger Thiemann's property where he had that house tore down a few years ago. Because the wording was not explicit enough, he did not believe the City had the right to call Mr. Thiemann and tell him it was his problem, but he had no idea if that service line was even still there as that house was torn down before he even became a City employee. Once they figured out it was there, the City's shut off is all the way down to Council Member Fisher's shop at the far west end of the alley, so technically the City was only responsible to the beginning of the alley. Mr. Thiemann would have been responsible all the way through that alley to his house. Since the ordinance was all messed up and they didn't actually know what it was to begin with, they went ahead and dug it up today and got the water service capped off. Cumley was guessing that the curb stop doesn't work but he didn't call in a locate for that end of the alley so they just got the water capped off and then they will go from there. Cumley continued that the only thing that might make sense is that 3-D Plumbing tapped the Stahl's sewer line, maybe 20-25 feet to the east of where that water leak was, and it could have gone down the alley to that and then followed his trench back to the house because there is no telling how long that line has been leaking that they repaired today. It was the black sprinkler plastic waterline, not real high-quality stuff and when City Crew Member Sheraud Warren hit it with the shovel today, it broke into two pieces. The main thing this will do is to dry up the mudhole that is currently located in that alley behind Stahl's residence. ***Discuss Earth Day activities planned with Pawnee City Schools on April 23<sup>rd</sup>***: Foreman Cumley stated that he had been contacted from Mr. Kluck at the Pawnee City Schools regarding the students taking part in Earth Day Activities and needed a list of City projects the kids could do during Earth Day. Much discussion followed with the Mayor and Council suggesting these projects for the kids to do: Clean the fire pits at the City Pond, put mulch around the trees at the North Park, weed & mulch the mini park next to the Post Office, pick up trash around the Courthouse square & business district; F & G streets and cross streets; the bike/walking path; 14th street up to the Ball Field; and at the Historical Society site East of town. Foreman Cumley has ordered mulch from Pawnee True Value.

***A Report and update from Clerk Curtis: Review paperwork from "Keep Nebraska Beautiful" on the Great American Cleanup***: Clerk Curtis stated she had filled out the "Keep Nebraska Beautiful" on the Great American Cleanup grant that would provide garbage bags and a banner that would say "Keep Nebraska Beautiful" and that could be put up in conjunction with the Earth Day project with the Pawnee City School kids project they were doing. ***Foreman and City Clerk Evaluations***: Clerk Curtis inquired which meeting in May the Mayor and Council wants to meet at 6:00 p.m. to do Clerk & Foreman Evaluations before the start of regular meeting May 10<sup>th</sup> or May 24<sup>th</sup>? Council Member Eisenhower stated she would be out of town to a graduation on the May 24<sup>th</sup> meeting so it would work better for the May 10<sup>th</sup> meeting. All other Council Members agreed with doing the evaluations at 6:00 p.m. at the May 10<sup>th</sup> meeting. ***LB408***: Council reviewed the LB 408 information from Legislative Bulletin and the letter of opposition to Senator Julie Slama from Clerk Curtis with replies from both the League of Municipalities and Senator Slama. Council Member Eisenhower stated what a well written letter Clerk Curtis had composed, especially pointing out that the City would not have been able to refinance their current Sewer and Water Bonds and save the City taxpayers close to \$300,000 if LB 408 were to

pass without going through a special election. Eisenhauer stated it was not only a great letter but appreciated Clerk Curtis taking it upon herself to be proactive and taking the time to submit such a strong letter to Senator Slama.

**A Report and update from Council Member Eisenhauer: *Discuss updates on Pool***

**Progress:** Council Member Eisenhauer stated that she had stopped by the pool today to visit with Miracle Mudjacking and the stripping of the grout lines on the interior of the pool is complete with the repacking of the cold joints going at a much faster rate. Howard with Miracle Mudjacking had been in contact with Aaron with Premier Pool and Spas once, but Aaron has never gotten back in contact again with Howard since that first time. With that information it is looking like the City is not going to get the EcoFinish put back on the pool again, so Council Member Eisenhauer has done extended research on quality epoxy paint. Howard stated that much of the prep work will already be completed, so it would be ready to epoxy paint the cold joints and then the areas where the holes were drilled looking for voids. The issue that Eisenhauer sees with using quality epoxy paint is that those 8-10" cold joint areas are going to be slippery, so Howard's suggestion was to throw some sand down on the final coating to add some grippiness to that slippery area. Council Member Eisenhauer would also like to speak with City Attorney Emily Sisco on filing a claim against Premier Pool and Spas. If Attorney Sisco says it is not worth the effort, then she will let it go, but she feels that even a letter to Aaron from the City Attorney would be well worth it. Clerk Curtis inquired if Council Member Eisenhauer had made any additional contact with Paul Ryan with Prochaska Associates, as he may be able to get Aaron to reply. Council Member Eisenhauer stated she would contact Mr. Ryan and if he did not have any luck getting Aaron to respond then she was taking it to the City Attorney for possible further action. Council Member Eisenhauer also stated she had visited with Miracle Mudjacking about mudjacking the new concrete area by the boy's shower room at the pool and also an old concrete panel on the trail. All Council Members agreed with these suggestions. Council Member Eisenhauer also stated she felt the City needed to purchase a new battery and charger for the handicapped chair at the pool and then store the battery properly. Foreman Cumley will get with Ms. Eisenhauer to discuss this further. **Report on hiring a Pool Manager:** Council Member Eisenhauer reported that Clerk Curtis and herself had interviewed Natasha Rogers for the Pool Manager position and she had been hired. She doesn't have any experience as a pool manager but provided a good resume with a lot of other useful experience to provide good leadership. Eisenhauer also stated that Deputy Clerk Wiers and herself had interviewed Elizabeth Stephens for the Assistant Pool Manager, since she is Clerk Curtis' daughter and she wanted to report that Elli interviewed very well. Ms. Stephens had great answers to their interview questions and proved to be a very responsible young adult so Council Member Eisenhauer had also hired Elli to fill the Assistant Pool Manager position. They are still taking applications for lifeguards at the pool.

**Review information on American Rescue Plan (ARP):** Council reviewed the rough estimate that the City of Pawnee City should receive in funding from the American Rescue Plan (ARP) of \$140,624.33. Clerk Curtis, Deputy Clerk Wiers & Council Member Eisenhauer all sat in on a Zoom meeting on ARP. Clerk Curtis stated project timeframe that the money will arrive is half of it on June 1<sup>st</sup> and the second half in another 12 months. The money will be available to be spent until 12/31/2024 at which time any unexpended money must be returned to the State Treasurer. Council Member Eisenhauer stated that the money could be spent on Sewer, Water, Fire or even the Pool, especially since the pool had lost revenue last year due to Covid. Eisenhauer stated that the City could also use some of

those funds to support local businesses that may have been affected by Covid. Clerk Curtis stated there will be more information to come on the rules and regulations on how the money may be spent and how we are going to track everything. They really pushed documenting, documenting, documenting as the City will need to provide detailed reports to the State Treasury.

**Review/Act on Derek Niss' Demolition Reimbursement Request at 303 13<sup>th</sup> Street:**

Council reviewed the demo paperwork that Derek Niss had submitted for consideration of reimbursement on. Council Member Haughton moved to approve the request for demolition reimbursement on 303 13<sup>th</sup> Street to Derek Niss for \$4000. Council Member Eisenhower seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review/take action on HJP Pest Control Mosquito Spraying again this year 4% discount for paying in advance \$1785.60 (same price as last 3 years):** Council Member Eisenhower moved to approve hiring HJP Pest Control Mosquito Spraying again this year with a 4% discount for paying in advance of \$1785.60. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Correspondence:** Council reviewed correspondence from SENDD News Release on Regional Economic Dev. Plan, the Annual Franchise Fee Payment from Charter Communications of \$7,433.38 and that Rural Water District #1 & 2 are raising rates effective with their April water billing. Council Member Eisenhower made a motion to adjourn the meeting. Council Member Haughton seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried, and meeting adjourned at 9:12 p.m.

ATTEST: Tamela S. Curtis, City Clerk

Charlie E. Hatfield, Mayor