

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, AUGUST 22, 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, Vickie Zelenka and Ric Helms; Tamela S. Curtis, City Clerk/Treasurer and Spencer Cumley, Foreman. **Absent:** Council Member Susan Eisenhauer (present via phone). Mayor Hatfield called the meeting to order at 7:00 p.m. informing all those present of the Posters stating the Open Meeting Law Changes on the West meeting room wall accessible to the public. At this time all those present stood to recite the Pledge of Allegiance. Council Member Eisenhauer moved to accept the August 8th, 2022 regular meeting minutes. Council Member Helms 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: **8/16/2022 Payroll:** 14,074.53; **UB&T**, FWH 3495.55; **NE Dept. of Rev**, SWH 475.32; **John Hancock**, retirement 1296.10; **Allstate**, cancer/accid 296.62; **Ameritas**, vision ins 145.30; **Madison Nat'l Life**, life ins 61.48; **United Health Care**, health ins 8350.23; **Windstream**, internet @ office, pool PH 149.24; **Access Systems/Leasing**, IT services 905.30/IT Hardware Contract 209.98; **Amazon Capital Services**, mats/expanding folders 110.97; **H&H Auto arts**, rep parts 89.31; **NPPD**, elec serv 4011.71; **Benson Building Contractors**, salt bunker door/labor 4000.00; **NE Dept of Ag**, Animal Facility License Fee 175.00; **Quill Corp.**, Libr office sup 225.45; **SYNC/Amazon**, Libr materials 74.58; **Spectrum**, ph/ internet @ shop 174.97; **PCDC**, May sales tax 7,082.54; **Binder Bros**, Lumber/Concrete-Salt Bunker 1667.59; **Black Hills Energy**, gas service 213.14; **Dollar General**, Clorox wipes 25.20; **Donahue & Faesser**, rmb 2021 Int'l Prop Maint Code Book 55.36; **ET's Lawn & Leisure**, Oil for new side-by-side 50.987; **Sargent Drilling**, Well Pump Tests 1200.90; **SEND**, Gen/Util Membership Dues 1835.00; **NDEE**, WW oper retest, employ #600, 125.00. Clerk Curtis stated that there was an additional claim paid today that had not been included in the agenda packet. Employee #600 paid the City \$125.00 cash and the City wrote a check to Nebraska Department of Environment and Energy (NDEE) to pay for his Wastewater Operator Retesting. Council Member Eisenhauer moved to approve the claims as revised. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review Treasurer's Report as of August 22nd: Clerk Curtis stated that the first page that showed what was left in everyone's funds was as of August 22nd, but the rest of the pages that included all bank accounts were totals as of August 19th.

Julie Bauman: Present Final Draft of Budget Document and Levy; Valuation: There was a bit of an increase in valuations this year for a total of \$30,734,680, up a little over \$200,000 from last year's valuation. Total tax asking is \$222,083.85 split into two portions \$95,000.00 for the street bond project and \$127,083.85 for general property taxes that will be used for general government operations. Cities are limited on their tax levy because of valuations and can only levy up to 45 cents. The City has been very conservative on their levy. The sewer and water bonds have both been refinanced. When you develop a budget, you want to have a true picture of fiscal costs, current costs, fixed costs to see what it takes to run the City and your City Clerk & Council do an excellent job of providing a true actual cost budget. In a budget, you cannot have more than 50 % in reserves, or you are out of compliance, and the City's cash reserve percentage is right at 50%, but Julie stated that the City can account for where a lot of that money is going to be spent on capital expenditures this year. The City's Cash is down \$450,000 from the start of last year's budget as the City is starting to use more of the reserve funds to help pay for projects. The thing that Julie really stresses to her municipalities is that it is very hard to build your cash back up once it gets so low. These last couple of years the City has spent a lot on Capital Expenditures, we just have to remember not to burn through our cash reserves too quickly and to be mindful. Ms. Bauman stressed to the Council to pay close attention to Clerk Curtis' monthly Treasurer's reports as to where the Cash Balances sit as we don't ever want that balance to get too low. On the LID Page, the State limits you on the revenue that you bring in and your capital outlay by proving how you are going to spend your revenue and that gives you the "unrestricted authority" that's left over. The 1% allowable growth doesn't increase the tax levy but it's increasing your authority which means if you ever need to amend the budget to include more property tax, then this is where you are limited on that, so you always want to do the 1% but it doesn't increase the levy. So, you are trying to accumulate an increase in the unused restricted funds authority so you can amend your budget to handle an unforeseen expense. The total budget adds up to \$2,777,662.82 which includes total expenditures, equipment, etc. The 2021-2022 actual/estimated budget added up to \$3,358,137.00, which included a major portion of the new Fire Station Project. The Total Municipal Levy Authority is .493924, which is right at the same point the City was at last year, staying under the \$.50 Lid. Ms. Bauman went over the new page that is included in this year's budget packet of the Allowable Growth Percentage Computation Form. Julie stated that the City has a Lid on expenditures and now they have a Limit to the Levy. So, you start with your prior year's property tax request of \$220,932.00 and you get a 2% increase, then you add your real growth increase, which you get from the County Assessor, which only added to .01%, so the City has an allowable growth percentage increase of 2.01%, which is an additional \$4,440.73. That gives the City a total base property tax request authority of \$225,372.73, so that's the maximum amount that the City could ask for, but then that would put us over the \$.50 Lid, so the City kept their actual property tax request at \$220,083.85. The purpose of this is kind of a two tier that the City now has to qualify for with the Lid and with the Levy. So, if the City wanted to Levy more, then the City would have to participate in the Joint Public Hearings for Pawnee County, letting the County Clerk know by September 5th that we would be participating in those hearings. Right now, the City does not have to do that Joint Public Hearing with our valuation and where the City has their budget set at, as we're asking under the maximum total base property tax request authority. Ms. Bauman has gotten the Notice of Budget Hearing to Clerk Curtis so she can take it to the newspaper for publication. **Vote on additional 1% allowable growth:** Council Member Zelenka moved to approve the additional 1% allowable growth. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council

Member Eisenhauer moved to approve the final draft of the budget with it being ready to be published in the newspaper, directing Clerk Curtis to notify the County Clerk that the City does not need to go to a joint public hearing and will not be participating in that hearing as we are not exceeding our current levy. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Review/Approve Addendum Engagement Letter for the year ending September 30, 2022, with an additional price of \$5,800 for the Single Audit that will be needed due to the Fire Station Project:*** Council Member Zelenka moved to approve the Addendum Engagement Letter for the year ending September 30, 2022 with an additional price of \$5,800 for the Single Audit by Julie D. Bauman that will be needed due to the Fire Station Project. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Review/Approve Amendment to Original FY 2021-22 Budget Engagement Letter by Julie D. Bauman to Amend the FY 2021-22 General Budget for an additional added cost of \$800:*** Council Member Helms moved to approve the Amendment to Original FY 2021-22 Budget Engagement Letter by Julie D. Bauman to Amend the FY 2021-22 General Budget for an additional added cost of \$800. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Discuss Mutual Finance Assistance (MFO) Application: Clerk Curtis stated that Dennis Schardt, Pawnee County MFO contact had given all of this paperwork to Utility Billing Clerk Matt Kuhlmann to bring into the City Office. This Interlocal Agreement is for a term of 3-years. ***Review/Approve Resolution #6 Authorizing the City to enter into an Interlocal Agreement for a Mutual Finance Organization (MFO):*** Council Member Eisenhauer moved to approve Resolution #6 Authorizing the City to enter into an Interlocal Agreement for a Mutual Finance Organization (MFO). Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Review/Approve Interlocal Agreement for a Mutual Finance Organization (MFO):*** Council Member Eisenhauer moved to approve the Interlocal Agreement for a Mutual Finance Organization (MFO). Council Member Zelenka 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: Review/Discuss quotes on Snowplow Blade & Salt/Sand Spreader for Polaris Ranger: Foreman Cumley stated that he had visited already with most of the Council Members about looking into getting a blade and salt spreader when they were looking at updating the City's Polaris Ranger. Cumley stated that the first snowplow set up he was looking at, the snow blade alone was \$4083 but UB Clerk Matt Kuhlmann really helped him in picking out what kind of a blade set up would work best for the size of Ranger that the City owns. For the Complete Snowplow set up and winch it would be \$1153.71 and the Complete Junior Bagged Salt Spreader's quote is \$1331.58 for a total cost of just under \$2500. Foreman Cumley stated that this will really come in handy when it's time to plow the parking lots for the Fire Station, Library, City public parking, all of the City sidewalks they have to take care of along with the Trail. Cumley continued that it should really quicken things up if they can salt the areas right after they plow them. Foreman Cumley stated there is a variable speed on the salter, so that should work very well to cover the areas needed. This will also free up the Skidster to plow other areas of town, so nobody is waiting for that piece of equipment. Clerk Curtis stated that this was actually penciled in the Street Budget for the next FY. Council Member Eisenhauer stated she felt that these purchases could be spread throughout several different

funds and not just taken out of the Street Fund. Council Member Helms moved to approve the purchasing of the complete snowplow set up and winch for \$1153.71 and the complete junior bagged salt spreader for \$1331.58 to be split between the general, fire, street, park, water and sewer funds. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Review/Discuss email from Village of Steinauer on line marking machine:** Council reviewed the email from the Village of Steinauer asking if they could borrow or rent the City's Line Marking Machine to paint lines on their streets that had just been overlaid with asphalt recently. Foreman Cumley stated that the City has two paint carts to paint lines with but was worried about them not coming back in the same condition they went out in, as they are working very well right now. Much discussion followed about there needing to be a stipulation that one of the City Crew members show whoever is planning to use it how it works and to make sure it is returned in the same shape it left in. Council Member Eisenhauer stated she does not have a problem with letting the Village of Steinauer borrow the machine if the Foreman is okay with that. Foreman Cumley stated that sounded like a good plan to him. Council Member Eisenhauer moved to approve letting the Village of Steinauer borrow the City's online paint marking machine provided that whoever is going to use said machine, comes over and gets instructed on how to use it from a Pawnee City Crew Member and said machine is returned in the same condition that it left in. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Clerk Curtis will email the Steinauer Village Clerk to let her know the Council's decision. **Salt Bunker:** Foreman Cumley stated that the door had come in for the salt bunker and Benson Building would be working at installing and framing it in.

City Handbook Changes to add Comp Time: Council reviewed the proposed changes to City Employee Handbook of #8 on Salary, page 18 adding Comp Time and also including it in the Catastrophic Leave policy, Page 19, being able to share Comp Time Leave with a fellow employee. Clerk Curtis inquired if the Council wanted this to go into effect immediately or as of new FY 10/1/2022? Council Member Eisenhauer stated she thought it should go into effect immediately, but wanted another sentence added stating that employees cannot exceed 80 hours at any given time. More discussion followed. Council Member Eisenhauer moved to approve the following changes, effective immediately to the employee handbook: Page 18, "Salary #8": Upon proper authorization, City Employees will be allowed to accrue Comp Time Hours. All hourly employees, based on a 40-hour work week, where all hours worked over 40 hours can be banked as Comp Time Earned or the employee can be paid overtime at time and a half. One (1) hour worked = one (1) hour of Comp Time Earned. The City Comp Time Leave may not be accrued beyond a total of eighty (80) (10 days) Comp Time Leave hours during any calendar year but can be carried over into the next calendar year, but cannot exceed 80 hours at any given time, effective immediately and Page 19, "Catastrophic Leave": When a City Employee experiences a "Catastrophic Event", other City Employees may choose to share their Sick, Vacation or Comp Time Leave with a fellow City Employee when needed. "Catastrophic Leave" shall be available only to City Employees who have exhausted their own paid Sick, Vacation and Comp Time Leave and with the approval of the Mayor or City Council. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Review/Approve Changes to Employee Timecard to include Comp Time as an option to Earn and or Use:** Council reviewed the example of the Employee Timecard that included Comp Time as an option to earn and/or use. Council Member Zelenka moved to approve the changes made to Employee Timecards to include

Comp Time as an option to Earn and/or Use. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Discuss Proposal from CWP Architects on Cornerstone Building Project:

Council discussed this at length stating that \$18,000 was a lot of money for something that CWP had already done for the City. Mayor Hatfield stated he felt that if there were updates to the electric or plumbing State codes, then the contractor was going to be aware of what they were and abide by those rules, so paying CWP an extra \$8000 to update our plans and specs and \$10,000 for the bidding process on the Cornerstone Building was a bit extreme. Clerk Curtis stated the problem is that neither one of the Architects that they worked with, are employed anymore at CWP Architects, so nobody up there knows what has been discussed and decided upon with the Cornerstone Building Project. Mayor Hatfield stated that we really want this to go to local contractors in our area and if we hire CWP to take this project over, it will just be sent to big contractors and our local people will miss out. Council was in agreement that we just keep going forward on our own, splitting the project up into the five (5) categories and bid to the local contractors. Clerk Curtis stated according to the CCCFF Grant that the City received all contractors have to be registered at the State, but many that Mayor Hatfield has visited with have been registered at one time or another and are very excited to bid on this project.

Review letter from City Atty Sisco on updating City's Property Maintenance Code:

Council reviewed the letter from City Attorney Emily Sisco on updating the City's 2003 adopted Property Maintenance Code to the newer 2021 updated version. Clerk Curtis stated she did have the 2021 Edition of the Property Maintenance code at tonight's meeting if anyone was interested in looking it over. **Review/Approve Ordinance #1032 Adopting International Property Maintenance Code, 2021:** Council Member Eisenhauer moved to approve Ordinance #1032 Adopting International Property Maintenance Code, 2021 Edition on first reading. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Suspend the Three Readings: Council Member Helms moved to suspend the three readings of Ordinance #1032 adopting the 2021 International Property Maintenance Code. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Discuss email from City Atty Sisco on Nuisance Properties: Clerk Curtis stated that according to Emily's email she is looking for some direction on how the Council wants these nuisance properties handled or what the next step is. Council discussed how most of the property owners of these nuisance properties owed back taxes with only one owner who had actually contacted a contractor to tear the house down in October. Council also stated they were not in the real estate business and did not necessarily want to own these properties and pay to have them torn down. Clerk Curtis stated that she had sent some grant information off to Jim Warrelmann, Housing Specialist with SENDD for him to look over as he had not seen it yet. It was a grant for the Rural Workforce Housing Land Development Program through the Nebraska Department of Economic Development. Clerk Curtis continued that the application and program guidelines just came out so all due dates, etc. are marked TBD. Clerk Curtis stated that the funding comes from State and Federal allocated Coronavirus Fiscal Recovery Funds and Pawnee County is one of the disproportionately impacted counties eligible for this grant. Eligible activities include the "demolition or deconstruction of vacant or abandoned buildings in disproportionately

impacted communities, which would be great for tearing down many of these nuisance properties in town. Another eligible activity would include the cost to secure vacant or abandoned properties in disproportionately impacted communities. Clerk Curtis stated that this grant is all in the beginning stages, so there are not a lot of answers out there, but she is hoping that Mr. Warrelmann with SENDD will be able to find the answers they are looking for. Council Member Eisenhauer moved to have City Attorney Sisco send another letter to the property owners of these nuisance properties that owed back taxes, which included properties #2, 3, 5 & 6. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. More discussion followed on the property that had been listed as #1 because of the terrible disrepair the house had become and even though the taxes were paid up to date, the Mayor really felt this property needed to be addressed, at which time photos of the property were shared. Council Member Eisenhauer moved to add nuisance property #1 to the list for City Attorney Sisco to send another notice to. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Mayor Hatfield stated that he and Clerk Curtis would visit with City Attorney Sisco and report back to the Council.

Review/take action on Semi-Annual Audit from PCDC performed by Citizen

Advisory Board: Council Member Eisenhauer moved to approve the Semi-Annual Audit from PCDC performed by Citizen Advisory Board. 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 Council Member Zelenka: *Discuss Pride Committee:*

Council Member Zelenka stated that she had gotten Bruce Haughton's Pride Committee Book from Karen and had started to go through it. Zelenka stated John DeFreece and Deb Niss are both still interested in serving on the Pride Committee and are eager to get the "Yard of the Week" back up and going again. They have discussed having a short little meeting right before the Council Meeting so if anything comes up they can discuss it with the Council. Mayor Hatfield suggested meeting on the Friday before the Council meeting so they still had time to get on the agenda.

Correspondence: Council reviewed the spreadsheet on June, 2022 total sales tax of \$21,374.02 with ½% street repairs sales tax totaling \$4,721.69 and \$2,487.25 being motor vehicle sales tax; email from April Johnson on Pawnee City Pride Fundraiser for PC Post Prom Committee of citizens and businesses paying \$20 to have PC painted on their sidewalks and/or driveways. Mayor Hatfield stated he felt that the businesses were in charge of taking care of their own sidewalks, so they should have the say on if they want to have something painted in front of their business, not the Council, but it's good information to get out there. Council reviewed the news story from LARM on Pawnee City receiving Lean on LARM Safety Grant picturing Deputy Clerk Kellie Wiers as a member of the Safety Committee and City Crew Members Spencer Cumley and Gary Droge Jr wearing their new high visibility shirts. Council Member Helms moved to adjourn the meeting. Council Member Fisher seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried, and meeting adjourned at 8:41 p.m.