

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, AUGUST 8, 2022, 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 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, Ric Helms and Susan Eisenhauer; Tamela S. Curtis, City Clerk/Treasurer; Kellie Wiers, Deputy Clerk and Spencer Cumley, 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.

**Budget Workshop Retreat with Julie Bauman:** City Auditor Julie Bauman reviewed the first draft budget figures for Fiscal Year 2022-2023 with all those present. Ms. Bauman stated that the draft budget does not include the new valuation figure for this year, but the new valuations should be available by the beginning of next week. Ms. Bauman stated that this year's budget really looked good with revenue coming in to support the budget numbers to really make the budget balance and everyone pretty much stayed within the requested 2% budget increase or lower. Ms. Bauman stated that there are so many unknowns going into this next fiscal year budget with the prices for gas, supplies, utilities, etc. really at an unknown amount of where they will be at this time next year. Ms. Bauman asked Clerk Curtis to go over the main points that she had listed on each one of the individual budget worksheets, that went into a little more detail as to why those certain amounts were being budgeted on those line items. Clerk Curtis and Ms. Bauman discussed that the City's current General Budget would need to be amended due to the timing of how the Fire Station Project's payment applications had been received. Julie went over each individual page of the draft budget document, explaining where the figures came from and how they all worked together. Ms. Bauman stated that Clerk Curtis does a great job of listing out individually budgeted items that come out of a certain line item on all of the separate funds. Once again this year's one-on-one budget workshops were very positive, and it is always great to have the Council Members really get a feel for how the fund budgets they are in charge of actually work as the City prepares for a very good true and actual operating budget. Julie discussed that she left the Property Tax Request the same along with the Tax Request towards the Street Bond. Bauman continued that the City was being extremely conservative on the asking of the tax money. Discussion was had on the donation that was made to be used at the VanHorne Park. City Auditor Bauman stated that the IRS is very stringent when it comes to donated money having no strings attached if they want that donation to be tax deductible. More Discussion was had about the State taking over the City's ReUse Funds with the City considering forgiving all of the ReUse Loans that have currently met the National Objectives tied to their loans. Auditor Bauman stated her recommendation was to have the State to put it in writing that there would be no recourse to come back on the City if they forgave the ReUse Loans that had met the National Objectives as she would need to put that as a footnote file on the City's Audit to

explain where those revenues had gone. Bauman stated she appreciated the work the Council Members have put into their individual funds and feels very positive about the budget again this year. Ms. Bauman stated she will present the final draft of the upcoming Fiscal Year 2022-2023 Budget to the City Council at the August 22<sup>nd</sup> regular meeting with the actual FY 2022-23 Budget Hearing to be held on September 12<sup>th</sup> starting at 6:30 p.m. with the Public Hearing on Amending the FY 2021-22 Budget to be held at 7:30 p.m. that same night.

Council Member Eisenhauer moved to accept the July 25<sup>th</sup>, 2022 regular meeting minutes. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

The Treasurer submitted the following claims for consideration: **8/2/2022 Payroll:** 15,530.18; **Union Bank & Trust**, FWH 3871.31; **NE Dept. of Rev**, SWH 533.49/Sales & Use Tax 2260.53; **John Hancock**, retirement 1329.49; **Beatrice Fire Protection**, Extinguisher recharges 77.00; **Emily Sisco**, atty fee retainer 1000.00; **Matt Kuhlmann**, zoning-Aug 800.00; **NPPD**, elec 2977.27; **Rural Water**, hydr 90.00; **Capital Business**, Libr Copier Contract 139.50; **Julie D. Bauman**, Budget Workshops/mileage 1243.45; **Windstream**, Swr Plant Ph 63.33/Libr ph-Internet 288.26; **NMC**, windshield washer-loader 35.75; **OPPD**, elec-wells 292.51; **Binder Bros**, Salt Bunker Rebar 320.69; **Casey's**, equip fuel 536.10; ; **Coral's Cleaning Service**, office cleaning 120.00; **ET's Lawn & Leisure**, 2022 Polaris Ranger 1000, 13694.22; **Fastenal**, salt bunker anchors 30.40; **Meyer Labs**, Z-Ox Pool Chem 679.60; **MidWest Labs**, Swr testing; s/h 212.00; **PC Thriftway**, pool conc/bleach/dog food 142.76; **OneCall Concepts**, digger locates 21.02; **Pawnee True Value**, sup/rep parts 154.39; **Quill**, office sup 178.94; **Stallbaumer Lumber**, Chlorinator parts 35.60. Council Member Zelenka 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 July Treasurer's Report:** Council reviewed the Treasurer's Report as of July 31, 2022. Clerk Curtis stated she would be handing out an updated Treasurer's Report at each upcoming Council Meeting so the Council could see what was left in their individual fund budgets as of that date.

**Sheriff Braden Lang:** Sheriff Braden Lang met with the Council to report that the Dog Training is progressing well, but it has a hitch with the "Bite Training" as it might not work with this particular dog. Sheriff Lang stated he was fine with it being a "Drug Dog" only if that's how it all worked out. Sheriff Lang reported that he has previous aviation experience in his background and is currently working on getting his pilot's license as the department has purchased a drone. Sheriff Lang stated he is getting pretty good at it as he has logged in 5-6 hours with the drone already. Lang stated that not only would the drone be an excellent way of patrolling for the Sheriff's Department but it would also be handy in a situation like the downtown fire was in being able to see the top of the buildings on how the fire was spreading or if it was contained. Sheriff Lang discussed his fuel budget. Council Member Helms reported that when he was driving the SENCA Bus he was forced to stop for oncoming traffic because of an engine hoist on B Street being in the middle of the Street ROW. Sheriff Lang stated he would take a look.

**Mike Habegger & Dave Glynn, PC Fire Dept: Review Info/Discuss purchase of replacement Tele-Squirt/Pumper Fire Truck:** Council reviewed the information on the 1999 Pierce Tilt Cab 105' Ladder Fire Truck that was for sale in Blue Springs, Missouri on an on-line auction August 16th. Clerk Curtis stated the City had received the \$5447.00 check from LARM on the totaled 1979 Chevy Tele-Squirt Ladder Fire Truck. Mike Habegger, Pawnee City Fire Department stated this truck would replace the pumper truck that they currently have. The Fire Department would like to bid up to \$20,000 on this online auction for the Tele-Squirt/Pumper Truck with a total of around \$22,000 with bidder fees added in. More discussion followed with Council Member Eisenhauer stating she felt this would be a perfect way for the City to spend some of their ARPA Funds. Council Member Eisenhauer moved to approve a total of \$22,000 for the Fire Department to bid on the 1999 Pierce Tilt Cab Tele-Squirt Ladder Fire Truck with \$5447 coming from the LARM Ins. payment and the remaining \$17,000 from the ARPA Funds. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Review Correspondence/Discuss moving of the Fire Sirens:** Council reviewed the emailed correspondence between Clerk Curtis and Mike Habegger regarding what would need to be done with the Fire Siren once the old Fire Hall was sold. Mike Habegger stated that he had talked with Haug Communications and the transponder is down at the old fire hall, that can turn the sirens on or off. It's not programmed yet, but they do have it. Haug's stated that all they needed to do was give them a call and they would come up and get the codes programmed into the transponder. The only thing in the existing old fire hall is the clock that sets the siren (whistle) off at 12 noon and 6:00 p.m., so he wasn't sure what the City was thinking of doing with the old fire hall but if the City sells it then that stuff is going to need to come out of that building and the new owner may not want that pole with the siren right there either. Habegger continued that the City has three sirens now, one at the South Park, one by the Water Tower and then the one at the old Fire Hall, so he wasn't sure if we would be out of compliance if we moved that one at the old Fire Hall as he wasn't part of that project when those other two sirens were installed. Habegger stated that there was really no sense in moving that one up to the new Fire Hall because there is already a Siren there at the Water Tower. More discussion was had on if all three sirens sounded at noon and six or if it was just the siren by the old fire hall. It was decided that the only siren that blew at noon and six was the one that was controlled by that clock inside the old fire hall. Mr. Habegger stated now there is probably a digital way of setting off the sirens as they are not directly wired into the siren at the water tower but could possibly set it off digitally in the future. More discussion followed if the City wanted to keep the noon/six blowing of the siren or if they wanted to just forego that. Clerk Curtis stated that there has been a lot of interest in that old fire hall, so she felt it would really be beneficial for the City to sell it or auction it off so the City is going to have to make some decisions on how they want to handle the clock situation. Mayor Hatfield stated he felt they needed to get some more information on this. Clerk Curtis stated she wasn't sure who she was going to get that information from. Mayor Hatfield stated possibly start with Haug's to see what was available for a digital clock system that could be set up at the new fire station. Habegger continued that the City went for years with only one siren, so he wasn't sure if they were out of compliance and that is why they added the two additional sirens or what the reasoning was. Mike Habegger stated that he could talk with Haug's to see what he could find out from them. More discussion followed on the Grant the City received to add those two sirens and that the Tecumseh Dispatch can set the City's sirens off anytime they need to. Clerk Curtis stated she would look back at the folder with all of the information from that Emergency Management Grant the City got to put up the two additional sirens to see what information she could find.

**A Report and update from Foreman Cumley:** *Discuss keeping Toke deKoning on as a part-time crew member to assist with Concrete Repairs, Tarring Streets, etc. – budgeting for a certain amount of hours in the upcoming year:* Foreman Cumley stated that Toke deKoning had finished up doing some Community Service by assisting the City Crew on many of the recent bigger concrete projects, which had been a major benefit to the City. Foreman Cumley had Toke come in this morning to assist with a big concrete pour since one of the Crew members was gone. Cumley stated he would like to see the City hire Mr. deKoning on as a permanent part-time employee to assist in concrete pours, tarring streets and also coming in when one or more of the crew members are ill or have scheduled vacation time. Council discussed this at length with Council stating Toke could also assist the City in mowing if the other Crew Members would have to be flagging for the State so we wouldn't get so far behind like we did this past Spring. Foreman Cumley stated that he and Clerk Curtis had discussed that Toke working 300 hours at \$16.50 would add up to around \$5000. More discussion followed on how much the City would need Mr. deKoning knowing that some weeks he may work all week, but then some weeks in the winter they may not need him at all and what funds his wages would come out of. Clerk Curtis stated she would recommend they be spread across these five funds of General, Street, Water, Sewer and Park as he would be working on various projects. Toke stated he would just assume have it a set day of the week, so that he could work around that day with his other part-time jobs. Foreman Cumley stated he would definitely be able to give him ample notice when they have a larger project planned, so that Toke could plan accordingly and if he couldn't do it, then they would have to handle the project without him if it couldn't be rescheduled. Much discussion followed on what starting wage they should start Mr. deKoning with a proposed \$.25/hr increase once Toke has his 90-day probationary evaluation and how many days a week the City would need him. Council Member Helms moved to hire Toke deKoning to work 52 days with his starting pay to be \$17.00/hour and will go up to \$17.25/hour after completing his 90 calendar days probationary period, which can be extended if needed, with wage to be split between the General, Street, Water, Sewer and Park Funds. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Discuss G Street in front of Post Office:** Foreman Cumley inquired what the plan was for repairing G Street in front of the Post Office, are we going to cut it out and concrete it or are we going to put it into part of the street project or what is the plan? Council Member Helms inquired what it would cost to cut it out and do it in concrete? Foreman Cumley and City Crew Member Jr Droge stated it would need to be done in four different pours. Going 6' out from the curb, so 120' x 6' would be \$3300 in concrete plus \$1200 rebar. Council Member Helms stated that by doing it in concrete you will never have this problem again. The reason that the street is so bad right there is because the holes and the rotten asphalt are right underneath all of the oil/gas leaks from people's vehicles parked there to go in and use the Post Office. Council Member Helms Inquired to Clerk Curtis if he had \$5000 left in his budget this year? Clerk Curtis stated the more he spent out of this year's budget, then the less he had left to pay on the \$107,000 asphalt overlay project this year and the more he would need to use out of next year's street budget to cover that cost. Clerk Curtis stated that with what she had figured on the Street fund for splitting the costs of the asphalt project between this year's street budget and next year's street budget, there would be around \$12,000 left to spend on capital expenditures, so yes overall he could use some of that money to do the concrete patching in front of the Post Office. Council Member Helms moved to do the 120' x 6' concrete patch in front of the Post Office for approximately \$4500. Council Member Zelenka seconded the motion. Roll Call vote indicated all present

voting in favor of the motion, whereupon motion carried. ***Review quote from Municipal Supply on Portable Automatic Flushing Device:*** Foreman Cumley stated that when he and Clerk Curtis had met with Julie Bauman at the Budget Workshops to work on the Water Fund Budget, he was still waiting for a quote to come in from Todd at Municipal Supply on how much these Portable Automatic Flushing Devices would cost. Clerk Curtis stated that she had figured in a little extra on the Capital Improvements line item in the Water Fund, but now will have a more accurate figure on what they cost. Foreman Cumley stated that these are not a necessity but when you have a dead-end water main, or a looped water main you get a lot of rust and corrosion built up with minerals in the water and usually those are the points in the main that you want to flush the most because you don't have that water circulating as much. There are three places that Foreman Cumley knows of that are the worst spots, one by the old elevator (10<sup>th</sup> & B Streets), one by Rob/Courtney Kosiske's (1<sup>st</sup> & C Street) and across from Lynn Curtis' driveway (2<sup>nd</sup> & I Street). Lynn's is the worst spot in town as the water will come out rusty there when you flush it for at least 12 minutes. Most generally hydrants flush clean within 6-7 minutes. Foreman Cumley stated eventually he would like to get three of these automatic flushing devices but would like to see how well they work before getting three of them at once. More discussion followed with Council Member Zelenka moving to budget for three portable automatic flushing devices at \$2,817.70 each, purchasing one first to try it out. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Discuss Sargent Drilling's 2022 Well and Pump Test Results:*** Foreman Cumley stated that Sargent Drilling performed well and pump tests recently and all three well pumps tested excellent. Cumley stated that 80% is considered 100%, as that is the best the pump will pump off of what the pump is designed to produce. Well #1 average pump efficiency is 75%, is producing 19 gallons of water per foot of drawdown, which is down from last year with the flow meter registering 4% low. Well #2 average pump efficiency is 74%, is producing 19 gallons of water per foot of drawdown, which is down from last year with the flow meter registering 8% low. Well #3 average pump efficiency is 76%, is producing 30 gallons of water per foot of drawdown, which is up from last year with the flow meter registering 13% low. Sargent Drilling adjusted a couple sensors that were a little off, which they recalibrated all of the sensors. Foreman Cumley reported that next year there will be a new line item on their well testing result page that tells us on each well what our probes are reading for water depth in our aquifer and what the gauge was actually reading and how far it was off.

***Review Payroll Time Off Report: Discuss adding Comp Time back to Employee Benefits vs. always being paid Overtime (examples included):*** Clerk Curtis and Deputy Clerk Wiers stated that this came up in discussion as a couple of our employees need to schedule some surgeries, but they need to save up enough sick time to do it, which with one employee having Covid twice this year and the other employee has an elderly parent she is having to use some of her sick leave for, it makes it very difficult to build up a enough to be gone for the amount of time a surgery may take. This is where the talk of being able to earn Comp Time rather than being paid overtime for hours worked over 40 hours. Clerk Curtis stated that a perfect example of this was City Crew Member Jr Droge who had came in to spray parks early last week to bank enough hours to be gone to a dental appointment, but then was unable to make that dental appointment due to there only being one employee left to work that day, so he rescheduled his appointment and is now being paid overtime for those hours worked instead of being able to keep them as comp time hours to be used later. Council discussed this at length. Council Member Eisenhauer moved to approve adding Comp Time back into the City Employee Handbook to read

“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. Comp Time Hours will also be added to the Catastrophic Leave policy in the Employee Handbook. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Discuss being partially paid for Sick Leave after leaving employment with stipulation of certain number of years worked first (examples included).*** Council felt this was something that should be implemented for dedicated employees that have worked a certain number of years. Council Member Eisenhower stated she would work on writing something up to be reviewed at the September 12<sup>th</sup> Council meeting.

***Discuss Pawnee City ReUse RLF Program: Review Correspondence from Kelly Gentrup/SENDD with City Atty Emily Sisco having no changes:*** Council reviewed the correspondence between Kelly Gentrup/SENDD and City Attorney Emily Sisco on the ReUse letter examples. At this time Mayor Hatfield stated he would recommend that the Council go ahead and take action on sending out the “Written Notice of Right to Cure” letter to Mr. Palmer on the Pawnee Inn and Café, but to consider tabling taking any action on the ReUse Loan Forgiveness items until the City can get more clarification in writing that the State will not come back on the City and ask for that money returned to them after forgiving the loans. ***Review/Discuss/Approve Recommendation of Approval from ReUse Committee to send Written Notice to Pawnee Inn & Café; Review/Discuss/Approve Written Notice of Right to Cure to Pawnee Inn & Café by City Atty Sisco:*** Clerk Curtis stated that she had copies of the Employee Certification Form & the Pawnee Inn/Café’s MOU for Council’s review. Council Member Eisenhower moved to approve sending the “Written Notice of Right to Cure” to Richard Palmer, owner of Pawnee Inn and Café but to table all other ReUse items listed on tonight’s agenda. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Review/Discuss/Approve Recommendation of Approval from ReUse Committee to Forgive ReUse Loans to SchillingBridge; Transportation Tech; Shirley’s Place and Pawnee Republican, who have met National Objective Requirements; Review/Discuss/Approve Example of ReUse Loan Forgiveness Letter:*** Items Tabled.

***A Report and update from Council Member Eisenhower: Discuss Pool Updates – Pool Incident, Pool Closed:*** Council Member Eisenhower stated that the Pool has had a great year with the final Midnight Swim held Saturday night with the pool closing Sunday. There was a pool incident last week where a young boy was trying to do a back flip off of the diving board, but when he came around he hit the top of his head on the board. The young man was able to get out of the water on his own, started to walk over to the lifeguard stand in the deep side, but then one of his friends walked him into the office for assistance. By the time he got into the front office of the door, blood was running down his head. Due to being unable to get in contact with any of his relatives here, the assistant pool manager on duty, called for the ambulance to come get him. The manager handled everything correctly in making sure pressure was applied to the wound and staying calm while waiting for the ambulance and relatives they finally reached to arrive. The little boy ended up having somewhere around seven (7) stitches and is doing well, although disappointed that he could not come swimming for the last few days the pool was open.

***Discuss Park Updates to Tennis Court Renovations and Amphitheater:*** Council Member Eisenhauer reported that she is still waiting for the tennis court renovations to begin. She reported that she did let the court renovation contractor know that there will be another contractor on site this fall also when they start working on the amphitheater donated by the VanHorne family. Council Member Eisenhauer stated that she had been contacted by the Community Foundation President Sherri Smith to get approval to release the \$20,000 in VanHorne Park money from the Community Foundation to go towards expenses for building the Amphitheater. Steve Glenn, representing the VanHorne family was present at the meeting to report that MidWest Landscaping Company outside of Bennet, Nebraska is the contractor in charge of the Amphitheater project planned at the (South) VanHorne Park and plans to get started in November or December 2022. Mr. Glenn stated that they will be using Kansas Limestone rock to do the project. Mr. Glenn also stated that Micro-TIF money can now be used on a single house, so he would like to brainstorm with Mayor Hatfield on how this could benefit Pawnee City after he finds out more information from NIFA.

**Review/Discuss 1&6 Year Street Plan – Approve Listing & Set Public Hearing for same night as Budget Hearing September 12, 2022 @ 7:45 p.m.:** Clerk Curtis stated the changes had been made to the 1&6 Year Street Plan that had been discussed at the last Council meeting, removing P Street from 5th to 7th Street and adding 10th Street from B Street to F Street, Asphalt Overlay to the 1-Year Plan. Council Member Helms moved to approve the updated 1&6 Year Street Plan and set the public hearing for September 12, 2022 at 7:45 p.m. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review SENDD’s Membership Packet:** Council Member Helms moved to approved Southeast Nebraska Development District (SENDD) FY 2022/2023 Housing Dues of \$260.00 and Membership Dues of \$1,575.00. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review/Approve Pawnee City Assisted Living’s New Management Agreement with Amie Schrack, RN, BSN, MHA, CDP, retroactive to August 1, 2022.** Council Member Eisenhauer moved to approve Pawnee City Assisted Living’s New Management Agreement with Amie Schrack, RN, BSN, MHA, CDP, retroactive to August 1, 2022. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Correspondence:** Council reviewed the 2022 Annual League Conference Sept. 14<sup>th</sup>-16<sup>th</sup> in Lincoln. Nobody was interested in attending this conference. Council Member Eisenhauer moved to adjourn the meeting. Council Member Zelenka seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried, and meeting adjourned at 9:18 p.m.

ATTEST: Tamela S. Curtis, City Clerk

Charlie E. Hatfield, Mayor