

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, DECEMBER 28, 2020 AT 7:00 P.M. AT THE PAWNEE CITY PUBLIC LIBRARY MEETING ROOM, 735 8<sup>TH</sup> 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: Susan Eisenhauer, Ric Helms, Bruce Haughton and Donnie Fisher; Kellie Wiers, Deputy City Clerk/Treasurer and Spencer Cumley, City Foreman. **Absent:** none.

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 North meeting room wall accessible to the public.

Council Member Eisenhauer made a motion to accept the December 14, 2020 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: **12/22/2020 Payroll:** 9216.45; **Union Bank & Trust**, FWH 2663.13; **NE Dept. of Rev**, SWH 372.14; **NW Mutual**, retirement 1120.38; **Allstate**, cancer/accid. ins. 228.46; **Ameritas**, vision ins. 116.60; **BCBS**, health ins. 5768.45; **PCDC**, October 2020 sales tax 5761.72; **Windstream**, phone @ swr plant, 58.90; **Spectrum**, internet & phone @ shop 154.97; **Recycling Enterprises of NE**, recycle p/u 12/2, 12/16, 12/30, 540.00; **Quill Corp.**, office supplies 80.82; **SYNC/AMAZON**, library materials 25.95; **Municipal Supply Inc. of Omaha**, meter pit pipe for stock 1259.90; **Pawnee Co. Clerk**, gen election costs 347.90; **Pawnee Republican**, subscript renewal 39.00; **Seneca Sanitation**, dumpster @ pond 80.00; **American Legal Publ. Corp.**, Code Program Subs/Model ORDs 650.00; **Constellation NewEnergy**, gas cost/service, Fire Dept. Dec 2020 59.69; **Hach Co.**, WTR testing solution & kit 116.74; **League of Municipalities**, League Utility Conference 325.00; **Nebr. Public Health Environmental Lab**; WTR samples/testing 287.00; **Pawnee Co. Court**, court costs dog ticket, Clint Jensen 17.00; **Turnbull AG Tires**, tire repair on tractor & wagon 185.00; **U.S. Cellular**, monthly tablet service 53.53; **Verizon Wireless**, emergency cell, home connect & jetpack 95.90; **Caterpillar Financial**, CAT loader final pymt FY 2021 14,880.76. Council Member Haughton made a motion 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.

**PUBLIC HEARING:** Council Member Eisenhauer made a motion to open the public hearing on a request from Randy E. Gyhra to vacate the portion of an alley between 9<sup>th</sup> and 10<sup>th</sup> Street and K Street, in Block 11, Hollinshead's Addition to Pawnee City, Pawnee County, NE, reserving to the City and utility companies an easement for maintaining all utilities. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried and public hearing opened at 7:05 p.m. Randy Gyhra was

not present for this hearing. There was no public input at this scheduled hearing. Council Member Helms made the motion to close the public hearing. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried and public hearing closed at 7:10 p.m. **Review/Pass Ordinance #992** on first reading to vacate the portion of an alley between 9<sup>th</sup> and 10<sup>th</sup> Street and K Street, in Block 11, Hollinshead's Addition to Pawnee City, Pawnee County, NE, reserving to the City and utility companies an easement for maintaining all utilities. Council Member Eisenhauer made the motion to pass Ordinance #992 on first reading. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Suspend the Three Readings of Ordinance #992:** Council Member Eisenhauer made the motion to suspend the three readings of Ordinance #992. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**SHERIFF BRADEN LANG:** *Update on vehicle in repair parked on ROW issue;* Frank Burcham had moved the turquoise car but parts of the car in question are still setting in the driveway. He has parts off of the car now and he is going to have Smith Auto come and pick it up. Coincidentally, the day before Frank was going to put the engine back in the car, somebody went over in the middle of the night and destroyed the top part of the engine so he couldn't put it back together. There is surveillance video from several locations over there but the password has been lost and we are working on cracking it so then we will have something to work with. He basically got the car moved off the ROW but the other car is still setting in the driveway and Smith Auto is supposed to come pick it up at anytime. In regards to the complaint received on a boat parked in the street at 501 7<sup>th</sup> Street, J.P Schiffbauer said Cody Friedly put it there but he will move it out of the street. Council Member Helms explained there was a similar situation with a camper parked in the ROW at 847 5<sup>th</sup> Street. Helms stated he remembers a couple years ago that then Sheriff, Jayme Reed went to the owner and asked him to move the camper and a Pontiac car out of the way and he complied but these are different people that live there now and there is a camper parked in the ROW again. Council Member Fisher explained that the camper had been stored out at Brian Rapp's house but Brian moved away and the camper was returned to 847 5<sup>th</sup> Street. The property is owned by Dave Michener. Council Member Fisher has his phone number so he will contact Mr. Michener and ask him to move the camper. Council Member Haughton explained that the renters of this property also have a vehicle parked on the east side of their house that is on the street a little bit probably 18" or so. Council Member Haughton narrated an experience he had at one time about the trailer house he had parked on one of his properties. He had a pile of bricks stacked up, a rack or two of wood and a few steel stakes behind that trailer house. He didn't feel it was junk but Sheriff Reed asked if he could do something with the items piled up behind the trailer house and he told her that he would have it moved within a week. So, sometimes, if you just go talk to people, they comply. Sheriff Lang agreed. Sheriff Lang explained that they have ads in numerous newspapers but have not yet received any applications for a deputy to replace Josh Townsend. Jayme Reed had told Lang that the least number of applicants she ever received was four or five. Foreman Cumley brought up a concern about the dead animals around Justin Morehead's house. The crew members have to walk through there once a month when they read water meters. The animals are by the little garage on the west side of the house. The last time they walked through there, there were eight pyramids of dead raccoons and they smell horrible. Isn't there an ordinance about dumping dead animals in town? Sheriff Lang said he will look into it. Council Member Fisher explained that

Mr. Morehead traps animals and checks them twice each day. Cumley explained that he wasn't against trapping animals but at least dispose of them properly. At this time Council Member Helms stated that he had talked with Clerk Curtis and he understood that Council was going to talk about ordinance changes with Sheriff Lang but there is nothing listed on the agenda pertaining to ordinance issues.

**COVID-19 Discussions: *Review Update on Next Stimulus Package email from the League; Vickie Zelenka review Pawnee Co Task Force Meeting held 12/18/2020;*** Vickie Zelenka was not present to discuss the latest Pawnee Co. Task Force Meeting. Mayor Hatfield stated there wasn't much we could do about the Stimulus Package except it passed. Deputy Clerk Wiers explained that there were changes to the Stimulus Package before it passed but the League had not yet sent an email concerning the changes.

**Report and update from Deputy Clerk Wiers: *Report on Mitten Tree & Angel Tree Success;*** Sixteen people donated items to the Mitten Tree this year for a total of 79 pairs of gloves/mittens, 67 hats and 30 coats, scarves and snow pants. All of the items were taken to the elementary school on Wednesday, Dec. 16<sup>th</sup> and they would distribute them to the students. A couple coats and overalls were given to a family in need. The front lobby and back room of the City office was packed with items from the Mitten Tree and Angel Tree. The tree had 64 angel ornaments on it which means there were 64 children from Pawnee County who received gifts through the Angel Tree program this year. Debbie Green, CASA coordinator for SENCA helped distribute the gifts to the families on Thursday, Dec. 17<sup>th</sup>. The City office is locked but Debbie delivered the gifts from the office to the vehicle so nobody had to enter the office. We plan to make some changes to the program next year which will include a dollar limit on the gifts because we noticed that some children received more gifts than other children in the same family and that way it would be more uniform for each child. Deputy Clerk Wiers talked with other counties and they already have a dollar limit on the Angel Tree gifts. Also, Utility Billing Clerk Laura Poskachil sent out Angel Tree applications with the water bill reminders to people that had children in the home and we did receive some returns from that. All of the clerks really enjoyed helping with the Angel Tree program since SENCA no longer has an office in town anymore with somebody in it everyday and this way people had a place to pick up applications and return them. We will probably do it again next year. Council Member Helms asked if the City Office had "inherited" the Angel Tree program. Deputy Clerk Wiers explained that the City Office had offered to help with the program but ended up implementing it themselves. Council Member Helms explained that he has worked for SENCA for five years and that there was always a dollar limit on the gifts before this year. Deputy Clerk Wiers explained that the program was more or less "dumped" on the City Office and they didn't have any guidance from SENCA with it so the clerks implemented the program by doing what they thought was right but plan to implement some changes next year. Council Member Helms stated that he has been told that City Hall did a wonderful job with the Angel Tree this year. Deputy Clerk Wiers explained that it was a lot of work and there was a cut off date for applications, Dec. 2<sup>nd</sup> but the City Office had received a couple calls after the Dec. 2<sup>nd</sup> deadline for Angel Tree applications. How do you turn someone away? One child had written a letter to Santa at the post office that was heartbreaking so the clerks made some calls and talked to people who came forward with monetary donations, gifts for the kids, food and help with water bills. Members of the community came together to help

these families and the clerks at the City Office appreciate all the help we have received with both programs. A lot of families had a nicer Christmas this year because of this.

**Report and update from Foreman Cumley: *Discuss Updates on Demolition at 1332 F Street;***

Foreman Cumley discussed the demolition with Mayor Hatfield and Crystal Dunekacke from SENDD and now the City can move forward with bids on the Fire Hall property and then talk with Gyhra Construction about hauling off what has been torn down. They have until the end of February to get this done. ***Discuss Issues at the Sewer Plant;*** A jet pump in the Ox Ditch has quit working and a blower control is not working in the electrical room that somebody needs to come look at. Foreman Cumley has already ordered a new jet pump for \$5735.00 from Iowa Pumps but they don't have one in stock and the closest one is in North Carolina so we are waiting for it to be shipped here. Foreman Cumley reminded the Council that at one time it was discussed to have a back up pump on hand and it wasn't approved before but how does the Council feel about it now? Cumley would like to have one on hand to be able to replace a pump right away if one quits working instead of having to wait on one to be shipped. There was a rebuilt pump on hand at the Sewer plant but it didn't work when we needed to replace a pump and it cost almost as much as a new pump. Council Member Fisher asked if there was a warranty on the rebuilt pump. Foreman Cumley explained that there is no warranty on rebuilt pumps. In the past, rebuilt pumps had been used at the sewer plant and they were only lasting a year but the City spent almost \$4700 for a rebuilt pump when a new one was around \$5700. Council Member Eisenhower asked how many rebuilt pumps had been installed? Cumley explained there has been several since he has worked for the City. Some rebuilt pumps have lasted a few months to two years. In regards to the City's sampling and compliance, Cumley feels there should be a back up lift station pump and a back up jet pump but the lift station pumps are a lot more expensive. Iowa Pump's warehouse is in Des Moines, Iowa and if the pump is in stock, we can get one right away and we could even drive to Des Moines and pick one up but with COVID-19 right now, all of the manufacturers are backed up. Iowa Pumps will let Foreman Cumley know when the pump arrives at the warehouse. Mayor Hatfield explained that in the past, when they had a rebuilt one on hand, it would set at the sewer plant six to eight months and when it was put in, sometimes the seals had gone bad. That is why Council, at that time, didn't want to have a pump on hand because there would be \$7,000 to \$8,000 worth of equipment setting there and when it was needed, it didn't work and there was not warranty on it. Mayor Hatfield stated that he had heard information about Falls City on the radio that they were having problems with their pumps and whoever they were purchasing pumps from was going to warranty them for one to six years. Foreman Cumley explained that the new pumps come with a warranty. The Mayor said that if the warranty would include shelf life, then he felt the City should have a spare pump on hand. Foreman Cumley said he will contact Iowa Pumps and verify how long the warranty is good. It could be the motor seal, the electronics or the bearings that go out on the rebuilt pumps. Iowa Pumps also recommends buying a new pump instead of a rebuilt one. Mayor Hatfield asked Foreman Cumley to contact Iowa Pumps to ask them if the City would purchase a new pump and it sat on a shelf, how long would they warranty it? Cumley explained that Iowa Pumps said that a new pump is supposed to last 6 to 8 years but he has replaced many pumps, which takes around 6 ½ hours to change, since he started with the City in 2016. There are new maintenance logs kept at the Sewer plant. There are four pumps in the Ox Ditch and they all run 24/7. There are bigger pumps in the lift station, which cost around \$13,000, but they don't run 24/7. The pumps constantly "seal fail" and usually they start working again when you reset them. We are changing

out the rebuilt pumps every six months to a year but hopefully, with new pumps, we won't be changing them out so often. Last year, we went over the sewer repair budget of \$23,000 and Tammy said we have met it every year before that. ***Steps for New Pickup***; Foreman Cumley reminded the Council that they had talked about getting steps on the new truck to get in and out of the truck. Being so new, Foreman Cumley cannot find steps specifically made for the 2021 Chevy truck like the steps on the Ford. They don't actually make the correct setup for the way the trim is made underneath the kicker panel. There are some online but they run around \$300 for a pair of steps. Cumley asked the Council if that is something the City should look into or maybe check with a Chevy dealership to see how much they would charge to put steps or running boards on the truck. Council Member Helms stated that Chevy running boards would probably be really expensive. Council Member Helms and Council Member Fisher asked Cumley to check with Smith Auto to see if they might have something from a wrecked vehicle that would work. Cumley had thought about getting single steps because they would run around \$89.99 but nobody sells steps that would match the kicker panel frame on that truck. Helms asked if that was an option when they ordered the truck. Cumley said the dealership did ask if the City wanted running boards on the truck but Cumley had declined because he thought the City could find something cheaper.

**Report and updated from Mayor Hatfield: *Discuss purchasing RR Property; Review emailed correspondence with Jack Britten***; Mayor Hatfield reviewed the email correspondence between Deputy Clerk Wiers and Jack Britten. Mr. Britten had stated in one email that the property wasn't for sale so Deputy Clerk Wiers asked Mr. Britten then why Cathy Clune had contacted the City to see if they were interested in buying the property. Mr. Britten said he would review this with his supervisor. Mayor Hatfield had talked with Jeff McClintock the week before this meeting and Jeff said the RR told him that they couldn't sell him the property he was interested in until the railroad tracks were removed from it. Jeff told the Mayor that if they bought the adjoining property, he would help remove the tracks which continue onto the street and that is the status of his interest. Mayor Hatfield is skeptical about removing the tracks because he is concerned that the City and Mr. McClintock would go to all the trouble and expense of removing the tracks and then the railroad decides not to sell the properties. McClintock told the Mayor that he didn't think the railroad would do that but Mayor Hatfield is concerned. Mayor Hatfield suggested the City ask that the railroad put it in writing if the City and McClintock remove the tracks, then the railroad would sell the properties. Also, if the crew members had time, they would help McClintock torch the tracks and help haul them off. Jeff said that the railroad told him that he could remove the tracks himself. Council members agreed that the City wants this statement in writing. Council Member Helms explained that Jeff McClintock has already poured cement on top of part of these tracks. Mayor Hatfield said he will contact Jeff McClintock and let him know that the City will help him remove the railroad tracks but as the Mayor, Hatfield wants this in writing and signed from the railroad that it will be okay for McClintock and the City to remove the tracks and then proceed with purchasing this property. Mayor Hatfield explained to the new Council Members that the City wants to buy this property because the City has equipment setting on this property in question. The City has been using this property for many years and the City has been mowing it and keeping it cleaned up. The Mayor will contact Mr. McClintock and bring updated information back to the Council before the City signs off on this. ***Discuss Hail Damage RFPs due 12/30/2020***; Mayor Hatfield had talked to a contractor who is putting together a bid and he wants to know what the City's plans are with the metal roofed

buildings. Is the City going to repair them or pocket the money. If so, this contractor is not going to bid the metal roofs. The Library definitely needs to be re-shingled. He looked at a couple of the shelters that have shingles and they should be replaced but they wouldn't have to be because the damage isn't that bad. Buildings at the sewer plant: the old sewer plant building is not in good shape but that building is not listed on the repair. Mayor Hatfield explained to the Council that this has to be done by the 30<sup>th</sup> because the RFPs are due by Dec. 30<sup>th</sup>. So, are we going to have people bid it and replace all the metal roofs on the buildings, pick and choose, or what? Council Member Eisenhauer asked if the roofs on the shelters are not that bad, then pocket that money from the insurance. Council Member Helms stated if you pocket the money, then that roof will no longer be insured. The contractor that talked with the Mayor said he contacted the adjuster (but the contractor doesn't have the adjuster's phone number) and the adjuster supposedly said that normally, on metal roofs people just take the money. Mayor Hatfield explained he had a metal roof and it was completely replaced. This contractor explained that on a metal roof, through the repair, you can add coverage and it will cover damage in the next storm. Mayor Hatfield asked the Council if they wanted to repair the metal roofs or just take the pay out? Metal roofs are good but once they have been reported, you are "out of the ball park." Mayor Hatfield stated he will contact the adjuster and ask him if there is an extension the City can get? Foreman Cumley explained that he walked around with the adjuster when he was in town to inspect all the City building roofs. Cumley stated he wouldn't worry about all of the shelters at the parks that have tin roofs. If a panel goes bad, Cumley can replace it. The only tin roof that he saw that needs replaced is the one down at the old shop building. It is bad. It has had quite a few hail storms on it. Even the one at the old 1986 sewer plant building looked great but it has a steeper pitch to it. The roof over the big garage door is a flat rubber roof. The adjuster said there was nothing wrong with it. Cumley has had three contractors tell him it needs replaced. Council Member Helms asked if the adjuster said there is nothing wrong with it then that's it? Mayor Hatfield explained that if a contractor found actual damage, he can work for the customer and contact the company to explain the actual damage. Usually a company will say go ahead and fix it because they don't want to lose a customer or have more problems. Cumley explained that the south building at the Sewer Plant has half tin and half flat roof with rubber. The tin roof covers where the lab is and where they conduct testing and the flat part is over the garage. Council Member Haughton explained the contractor should be able to get you a printout of every building and what the insurance company is going to pay on every building. That is usually pretty true to actual costs. The company that insures the Lutheran church hired an adjuster from Kansas City to come look at the church and he said the church had hail damage on the siding and he cut a check for \$5700. What about the roof? Every building surrounding the church had hail damage. Haughton called the company to question their decision. He asked two contractors to look at the roof and now the church will receive a check for around \$25,000. You have to lean on your contractor and have him go to work for you. Mayor Hatfield explained that once a roof has been designated as having hail damage, you have two to three years to get the repair finished. Mayor Hatfield will talk to the contractor again and the adjuster tomorrow.

**Review/Discuss Flyer from Nebraska Rural Water Association to give Board Training Workshop (Review email from Clerk Curtis to Mr. Halvorsen to set up a board training date and time):** Clerk Curtis had recently been in contact with Ken Halvorsen from NeRWA about conducting a Board Training Workshop since the City now has two new city council members. Ken said he would be available on April 12<sup>th</sup> or May 10<sup>th</sup> at 6:00 p.m. The training

would be conducted right before the regular city council meeting. Discussion was had about which date would work for the City Council members and it was decided to set the board training for April 12, 2021 @ 6:00 p.m.

**FYI from Clerk Curtis—the newspaper did NOT get the Public Hearing on the Sewer Jet Trailer run in the 11/26 & 12/3 editions of the newspaper, so we will be holding that Public Hearing again on 1/13/2021:** Mayor Hatfield explained that this public hearing is necessary to have public input on financing the sewer jet trailer through CBGD funds.

The City Council reviewed correspondence from October 2020 Total Sales Tax of \$19,746.68 with ½% Street Repairs Sales Tax totaling \$3,841.15 and \$4,382.09 being Motor Vehicle Sales Tax. Emails from NPPD confirm Ken Curry as vice president of customer services and chief customer officer and Courtney Dentlinger will be director of wholesale services. NPPD approved the 2021 Retail Rate Stability. Nebraska General Fund Receipts were above the 14.3% certified forecast. The Motor Fuels Tax Rate has been set for January – June 2021.

At this time, Foreman Cumley brought up a request from Corey Hatfield. Corey asked if he continued to allow the City to pile snow on his lot on F street, if the City would pull the foundation out that is left there? Foreman Cumley explained to Mr. Hatfield that he would have to ask the City Council. Otherwise, he was thinking about building on it but he is not sure. If the City would pull out that foundation, he would put gravel there and then have a place to park stuff and then the City could continue to pile snow there. Council Member Eisenhauer asked if Mr. Hatfield would write a lease there effective for a number of years, she wouldn't have a problem with it. Council Member Fisher asked if this is something that should be put out for bids? Discussion was had about all aspects of this proposal. Mayor Hatfield explained the snow cleaned from downtown used to be taken to the city pond. Cumley explained that it makes cleaning snow go faster if you have a place to dump it. Council Member Helms used to park the SENCA bus there when they had their office by the grocery store. Mayor Hatfield brought up another request from Corey Hatfield. Corey had expressed interest in the big cement roller packer setting at the metal dump. He would like to buy it because it was made by his great-great uncle, Albert Hatfield, when he worked for the City. It has faded, but you can still see Albert Hatfield's name on it. It was agreed that this should be put out for bids.

Council Member Helms made the motion to adjourn the meeting. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 7:57 p.m.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor