

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON FRIDAY, DECEMBER 6, 2024, AT 7:00 P.M. AT CORNERSTONE COMMUNITY BUILDING, 601 G 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 shown hereafter were taken while the convened meeting was open to the attendance of the public.

Present: Mayor: Charlie Hatfield; Council Members: Donnie Fisher, Vickie Zelenka, Pat Hatfield and Susan Eisenhauer; Tamela S. Curtis, City Clerk/Treasurer & Deputy City Clerk Kellie Wiers; City Foreman Spencer Cumley. **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 West meeting room wall accessible to the public. At this time, all those present stood to recite the Pledge of Allegiance.

Council Member Eisenhauer moved to approve the November 25th, 2024 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 **12/03/24 Payroll:** 18,202.49; **Union Bank & Trust**, FWH 4,965.81; **NE Dept. of Rev**, SWH 747.65/Sales & Use Tax 2041.62; **John Hancock**, retirement 1405.29; **Access Systems**, copier contract 195.04/monthly IT hardware contract 209.98; **NPPD**, swr plant/wtr tower elec 2130.21; **Schendel Pest Control**, spray swr plant 70.00; **US Cellular**, emerg cellphone 48.41; **Windstream**, office IT serv 119.192/pool phone 67.13; **Scott Hanna**, reimb demo exp 4000.00; **OPPD**, elec @ wells 286.71; **Amazon**, Christmas light bulbs 26.98; **Hometown Leasing**, Libr copier pymt, 100.79; **Matt Kuhlmann**, Dec zoning 800.00; **PC Thriftway**, tp/paper towels 13.48; **Pawnee Co. Rural Water**, pond wtr hydrants 45.00; **Pawnee Republican**, publications 334.93; **Power Manager**, Support Contract 7428.18; **Samuelson Law Offices**, Dec atty serv 1000.00; **Uribe Refuse**, port-a-potty @ pond 200.00. Council Member Eisenhauer moved to approve the claims as submitted. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Elected Officials Sworn into Office: At this time, Council Members Donnie Fisher and Vickie Zelenka, who ran unopposed and retained their offices for another four (4) years, were sworn in by City Clerk Curtis.

Mayor's Recommendations for Committee Heads, Appointments, etc. – review City Street Supt. & City Engineering Appointment Request Letters from JEO – Council reviewed Mayor Hatfield's recommendations for 2024 Committee Heads and Appointed Offices and the letters from JEO Consulting Group requesting for Evan Wickersham to be appointed as the City Street Superintendent and JEO to be appointed as the City Engineer. Mayor Hatfield stated that he had recently heard from City Attorney Betsy Samuelson that she was going to step down from the City Attorney position at the end of 2024. Mayor

Hatfield stated he had already visited with Jennifer Stehlik-Ladman about the City Attorney position if Ms. Samuelson decided to step down and Ms. Stehlik-Ladman has agreed to take over as the new City Attorney. More discussion was held on the fees Ms. Stehlik-Ladman is planning to charge. Ms. Stehlik-Ladman stated that she does not have a problem with charging the same fee as Ms. Samuelson was at a retainer of \$1000 per month, which includes court appearances for local ordinances but would charge an hourly rate if the City was in a litigation court case. More discussion followed that Ms. Stehlik-Ladman would present a written proposal at the next meeting for the City Council to vote on at that time.

COMMITTEES:

Cemetery Board – **Mayor Charlie Hatfield**

PCAL Board Assisted Living (non-voting member) – **Mayor Charlie Hatfield**

Streets, Alleys & Crossings; - **Donnie Fisher**

Parks, Recreation & Swimming Pool, PCDC Board, - **Susan Eisenhauer**

Sewer – **Pat Hatfield**

Water, Fire & Library – **Vickie Zelenka**

APPOINTED OFFICES:

City Attorney: Elizabeth Samuelson

City Clerk/Treas: Tamela S. Curtis

City Street Supt: Evan Wickersham, JEO Consulting Group

Consulting Engineer: JEO Consulting Group

Law Enforcement Agreement Committee –

Donnie Fisher & Susan Eisenhauer

Wage Committee –

Donnie Fisher, Susan Eisenhauer & Pat Hatfield as Alternate

Workplace Safety Committee – (Council)

Donnie Fisher & Susan Eisenhauer

Workplace Safety Committee – (Employees)

Kellie A. Wiers & Spencer Cumley

HEALTH BOARD:

Mayor Charlie Hatfield

Sheriff Braden Lang

Dr. Kent Niss

Council Member-Donnie Fisher

REUSE COMMITTEE:

L. Joe Stehlik (Attorney)

James Kubik

Mayor Charlie Hatfield

ANIMAL CONTROL BOARD:

Vickie Zelenka – City Representative

Sheriff Braden Lang

Nancy Tilton

Keith Groeling

Laura Poskochil

TREE BOARD:

Pat Hatfield – City Representative

John DeFreece

Terry Borchert

Mary Moser

Council Member Eisenhauer moved to approve the Mayor's recommendation for Committees as stated. Council Member Zelenka 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 Mayor's recommendation for Appointments as stated with the caveat need to see a written proposal to see the wage recommendation from Jennifer Stehlik-Ladman before offering to appoint her the City Attorney position. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Council President: Council Member Eisenhauer moved to re-appoint Donnie Fisher to serve as the City Council President. Council Member Zelenka seconded the motion. Roll Call vote: Zelenka, Aye; Hatfield, Aye; Eisenhauer, Aye and Fisher, Abstain, whereupon motion carried.

Treasurer's Report as of November 30, 2024: Council reviewed the Treasurer's Report as of November 30, 2024.

Sheriff Braden Lang: *Review/Discuss with City Atty Betsy Samuelson emails & photos of camper still parked South of VanHorne Park & also unpaid dog ticket to same individual:* Sheriff Braden Lang stated that he had taken the additional photos with the Department's drone this past Monday, so the camper is still set up behind the Iverson property just South of the VanHorne Park. Council Member Eisenhauer inquired what the white pipe was and what exactly they were discharging from the camper? Sheriff Lang stated he was not sure. Much discussion followed with Jennifer Stelik-Ladman stating that even if they are only releasing "gray water" and not sewage down that pipe, it is still against EPA rulings. More discussion followed on the Judge only ruling a \$25 fee on the last court appearance on Mr. Henniger living in the camper. City Attorney Samuelson, who joined the meeting by phone, stated she felt that according to the City's updated Ordinance and the Penal Provision at the end of that chapter, someone from the Sheriff's Department should be able to ticket this individual living in the camper daily until the issue is resolved but that the County Judge may see this as harassment. City Attorney Samuelson stated that she foresees that the Judge will continue to fine Mr. Henniger \$25 each time for living in the camper unless the City puts a fee schedule in the ordinance book, much the same as in the dog section of the ordinance book. Samuelson stated that the Judge just continues to be very low on his fines on nuisance issues, even if they are multiple violations. Council Member Eisenhauer inquired to City Attorney Samuelson while she was in court with Mr. Henniger if she could say anything to the Judge, along the lines of that these fines are his rent to live there in that camper, so he's just going to keep staying in that camper because he is basically just paying a very low amount of rent to live in the camper. City Attorney Samuelson stated that she never had before, but she could. Samuelson stated she plans to make it clear to the Judge that Henniger was in violation from the time of his ticket in September until now and she felt it still would be on December 19th when he must appear in court again. Council Member Eisenhauer stated she felt that would be a very good idea because these fines are much cheaper than rent so why would he ever want to leave from living in the camper. More discussion was had that for as many people that have lived in the house on that property, Sheriff Lang was really surprised that they hadn't already moved into the house, but they may once the temperature drops below zero. Council Member Eisenhauer stated that if the judge is completely lenient in the fine on Mr. Henniger's 12/19 court appearance then the City needs to implement a fee schedule on the nuisance ordinances. City Attorney Samuelson then inquired if the dog was still tied to the

tree outside of the camper and if it had been licensed yet. Sheriff Lang stated that the dog was not tied up to the tree when he took these aerial photos, but that doesn't mean that the dog wasn't inside the camper at that time. Clerk Curtis and Deputy Clerk Wiers both replied that nobody had been in to license that dog or pay the fine for the dog ticket they were given on November 7th, 2024. Council Member Eisenhauer stated that when they were at the VanHorne Park Thursday evening, the dog was still tied up to the tree and the camper was still sitting there. At this time Sheriff Lang stated that Deputy Stankoski has had shoulder surgery and there was a lot more damage than was first thought once the Dr. got in there. Sheriff Lang stated the rest of the department has been putting in a lot of hours with Deputy Stankoski on medical leave. Lang stated that Deputy Stankoski could be out of commission for the next eight months. Council Member Eisenhauer inquired about Deputy Stankoski working in the office once he is doing better. Sheriff Lang stated that they are still waiting to hear if that is a possibility. Sheriff Lang reported that he had recently purchased a new drone that allowed him to zoom in on areas the drone was flying over. It will be handy to use at trying to catch the people that are tearing around in cars. The person sees a Sheriff's Dept vehicle parked somewhere and then proceeds to go to the other side of town to tear around. Using the drone could come in handy capturing the perpetrator on camera across town.

Betsy Samuelson, City Attorney (by phone): *Discuss nuisance abatement letters and the timeframe the City has to act on the abatement if no appeal hearing is requested:*

Mayor Hatfield stated that at the last Council meeting the topic of what kind of a timeframe the City had to act on the abatement process if no appeal hearing had been requested. City Attorney Betsy Samuelson stated that there is no time frame noted in the City Ordinances or State Statutes. More discussion followed. Council Member Eisenhauer stated she had visited with Mike Habegger, President of the Pawnee City Development Corporation (PCDC) and they came up with the top eight (8) nuisance properties that were suitable for teardown and the building of new homes on. Council Member Eisenhauer stated those properties that PCDC wanted to send out letters to included 1120 5th St, 1129 G Street, 1025 8th Street, 1038 7th Street, 1208 10th Street, 1043 M Street, 1111 7th Street and 1241 F Street. More discussion followed with it being said that the property at 1241 F Street had possibly sold. Jennifer Stehlik-Ladman stated that Stehlik Law was the attorney for one of the cousins of the Personal Representative (PR) of the Estate on that property and he had been told to come get his stuff out of the house right away because it had been sold. Stehlik-Ladman stated she would share the PR's Attorney information with City Attorney Samuelson so she could get a correct mailing address to mail correspondence to. City Attorney Samuelson stated she would need the Health Board's direction for her to go ahead and send out those abatement letters. Mayor Hatfield and Council Member Fisher, members of the Health Board both stated that when the whole Health Board had met to do the drive-around, they were all very adamant to keep moving forward with these properties. Mayor Hatfield stated as the head of the Health Board, he gave City Attorney Samuelson permission from the Health Board to move forward with sending out the abatement letters to those eight (8) properties that PCDC was interested in. City Attorney Samuelson stated she would get them done.

Review November Economic Development Report prepared by Aaron Sawyer:

Council reviewed Aaron Sawyer's November Economic Development Report he presents to the Chamber of Commerce monthly.

Review Email from DED re: Pawnee City being 1/11 Nebraska Communities to be awarded Rural Community Recovery Program (RCRP) Grant Funding: Clerk Curtis stated she felt it was important for the Mayor and City Council to understand how exciting it was that Pawnee City was chosen as one of only 11 Nebraska communities that were awarded the RCRP Grant Funding in receiving \$535,000 grant funds to go towards downtown building demo; rebuilding that green space area back into a “Tranquility Park” to include a gazebo, sidewalks, picnic tables and park benches among a beautifully landscaped area for people to enjoy; replacing picnic tables and adding benches at VanHorne Park and refinishing the surface of the Municipal Pool.

Discuss/Approve Quote from Coral’s Cleaning Services for Top to Bottom Cleaning of the Cornerstone Community Building semi-annually @ \$250.00/cleaning: Clerk Curtis and Deputy Clerk Wiers stated that since visiting with Coral’s Cleaning Service, they had another inquiry on putting in a bid to clean the Cornerstone Building from Tabitha Packet from the Cleaning Service that she works for. Deputy Clerk Wiers stated she had visited with Council Member Eisenhauer after getting the request to bid and they both felt that we needed to come up with a specific list of tasks that needed to be completed at each cleaning so each party knows exactly what they are bidding on. They are currently working on this list and will bring it back to be approved by the whole Council before proceeding with getting any new bids.

Review/Discuss Tax Year 2024 Real Estate Tax Statements – need motion to pay before due date: Clerk Curtis stated she had contacted County Assessor Vickie Wiers earlier this week to discuss the 2024 tax statements the City had received and had written out Wiers’ explanations on each statement including the Pawnee City Assisted Living (PCAL) park area at 1149 D Street not being used for public use as of January 1st, 2024 so even with the park bench and sidewalk areas, it will be taxed this year. Then until the grass lots by the PCAL park area is developed, this parcel at 1125 D Street will continue to be taxed. Co. Assessor Wiers is investigating the tax statement on the parking lot area next to the new Fire Station as she had marked this parcel as tax exempt so she wasn’t sure why the City was still being taxed. Council Member Eisenhauer stated she could talk with Co. Assessor Wiers about the Fire Station parking lot area and report back what she finds out. Council Member Zelenka moved to approve paying the Tax Year 2024 real estate taxes before the due date with clarification from the County Assessor first on the new fire station parking lot area which should have been tax exempt. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

A Report and update from City Foreman Cumley: Discuss any updates on finding someone to work on the Vertical Screen Control Panel: Foreman Cumley stated that Wilson Electric came to look at the problems with the Vertical Screen but could not fix the issues within the Control Panel. HOA sent someone who works on Vertical Screens and was in the area over to the Sewer Plant this week and they are assuming that it is something with the actual VFD in which they are working on getting a replacement on that. Foreman Cumley stated that he was on the phone with WesTech the whole time the guys was here from HOA, communicating between them both while they tried to figure out the problem. The cost of the VFD could range from \$400 to \$3000. Right now, it’s just a process of elimination in trying to figure it all out. HOA plans to be here in the next couple of weeks to replace the VFD as they only have six guys that can work on VFDs in the state of Nebraska. *Deputy Clerk Wiers to Discuss issues with Casey’s Business Mastercard*

System; Discuss possible other options: Deputy Clerk Wiers stated that there have been several issues when they updated Casey's Business Mastercard System online, which included not being able to log on to the very un-user friendly system and make a payment online. When Casey's Business Systems did the update, they had input the City's email address incorrectly as pcityhall@pcityhall.com instead of .org, which made Wiers unable to log on to their new system. She talked with Customer Service twice and they still did not get the issues resolved so she sent a manual check through the mail to pay for the City's bill at Casey's General Store. This past week the City had been continually getting phone calls listed as Casey's Business, but when the Clerks tried to answer, there was nobody on the other end. On Tuesday, Deputy Clerk decided to call back that number right after they called the City Office with nobody on the other end. This time a gentleman answered stating they were Casey's Collections. Wiers explained that the City had sent out a manual check for payment on their Casey's account since she was unable to log into the updated Casey's Business System. The gentleman from Collections stated that they had never received the manual check (dated 11/5/2024) and that he could not make any changes to the updated system, that Deputy Wiers would need to contact Customer Service to do that. Deputy Clerk Wiers checked the November bank statement online and the check that she had sent to Casey's had not been cleared yet. Wiers then called Customer Service again and this time she got someone who could actually assist her. It turned out when originally emailed the City stating they were updating their Casey's Business System online, they sent the wrong link to click on, so once the new Customer Service Representative sent the correct link, to the correct email address, it worked and Deputy Clerk Wiers proceeded with making another online payment to make sure that the City was removed from the Collections department. **Discuss possible other options:** Deputy Clerk Wiers inquired if there was a different option available, that the City could get their gas supplies from, possibly having Friedly Oil fill up the City's gas fuel barrel at the same time they filled up the City's diesel fuel barrel? Foreman Cumley stated that the City has two fuel barrels. The Diesel Barrel is 500 gallons and the gas barrel is 250 gallons. Cumley stated that right now the gas fuel barrel is gravity flow, so they will probably put a pump on it if they're going to try not getting any fuel from the Casey's pumps. Foreman Cumley continued that he could make arrangements with Cody Friedly to just top off the fuel barrels every two weeks and then they could hold off on using the Casey's fuel card for a while. Council was in agreement with giving the idea of having Friedly Oil deliver gas and diesel to the City to fill up both fuel barrels to be used on all of the City's equipment. **Discussion on things going on in the City:** Foreman Cumley stated that as of next week City Crew Member Braden Holthus has been with the City for 90 days and has been doing an excellent job of trying to better his knowledge to learn better and continues to be a very hands-on employee. Foreman Cumley had made copies and handed out the 90-day evaluation forms he had filled out on Crew Member Holthus. Council Member Eisenhauer stated that by reading over his evaluation paperwork, it appears his boss is incredibly happy with him. Council Member Eisenhauer moved to give City Crew Member Holthus a \$1/hour raise since he satisfactorily met the 90-day evaluation period with the raise effective on December 16, 2024. Council Member Hatfield seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Hatfield inquired if they have looked into getting Mr. Holthus' water certification process started? Foreman Cumley stated that when he talked with Greg at the State, there was a six-month waiting period to get into classes to get water certified, but he plans to get Brandon on the waiting list. City Crew Member Barloon has been hauling sludge but before he could get started doing that, they had some issues with the PTO shaft coming out of the tractor but got it all figured out. The City Crew has also been cleaning up around the

sewer plant and have finished backfilling where they replaced the water lines at the Pawnee Village apartments. Council discussed the growing concrete piles down by the Sewer Plant. Mayor Hatfield stated that he had recently contacted Randy Gyhra with Gyhra Construction inquiring if they were going to be getting a concrete crusher and Mr. Gyhra stated that they were not going to at this time. Foreman Cumley stated where two of the new houses are going to be built towards the back of the Second Home Daycare, when digging out the basement area, the contractors found three separate foundations in which they brought to the concrete pile. Cumley continued that the contractors tried to sort out the trash but it was nearly impossible to get it all sorted out. Discussion followed with Council Member Hatfield inquiring where the City could go with this concrete or possibly a landfill would take it? It was stated that the problem with a contractor taking pieces of concrete to a landfill is that you are charged by the weight, so that would not be economical for any project. Clerk Curtis added that the City is no longer allowed to use concrete pieces as rip-rap to stop a creek bed from washing out as most of the concrete has rebar in it, which is not allowed and you also have to obtain a permit before you add any sort of rip rap to a body of water. Clerk Curtis continued that a number of years ago Mayor Hatfield got ahold of a company and they came and crushed the pile of concrete down, which is the crushed concrete that the City Crew has used in many areas of town. The problem was that it was very expensive at the time, which was around \$50,000 to crush a pile of concrete not near the size that the City has accumulated now. Discussion followed on the pile of bricks to be growing much bigger once those downtown buildings are torn down and hauled to the brick pile.

Correspondence: League of Municipalities 2025 Annual Utilities/Public Works Annual Conference: Council reviewed the League of Municipalities 2025 Annual Utilities/Public Works Annual Conference program line-up for January 8-10, 2025 in Lincoln – Very Good Classes with Wastewater & Water Hours available. **Nebraska Clerks Institute & Academy 2025 Early Registration Notice:** Nebraska Clerks Institute & Academy 2025 Early Registration Notice to Register Clerk Curtis to attend March 16-21, 2025. Early Registration Cost for Institute & Academy is \$443. Clerk’s School session will be held in South Sioux City this year. These hours go towards her Treasurer’s Continuing Education Requirements. Council Member Zelenka moved to send Clerk Curtis to the 2025 Nebraska Clerks Institute and Academy March 16-21 in South Sioux City for the early registration of \$443. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Council Member Zelenka 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 8:34 p.m.

ATTEST: Tamela S. Curtis, City Clerk

Charlie Hatfield, Mayor