

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, JANUARY 22, 2024, AT 7:00 P.M. AT THE PAWNEE CITY PUBLIC LIBRARY, 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. The availability of the agenda was communicated in advance 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 Vickie Zelenka, Donnie Fisher, Susan Eisenhauer (by phone) and Laura Poskochil; Kellie Wiers, Deputy City Clerk, Tamela Curtis, City Clerk/Treasurer and 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 accept the January 8, 2024, regular meeting minutes. Council Member Zelenka 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: **1/16/24 Payroll:** \$10,448.79; **Union Bank & Trust**, FWH 3058.03; **NE Dept. of Rev**, SWH 477.51; 2023 Lodging tax 341.58; **John Hancock**, retirement 1619.08; **Allstate**, cancer/accid 218.06; **Ameritas**, vision 92.40; **Madison National Life**, life ins. 55.09; **United Healthcare**, health ins. 6563.70; **Windstream**, internet @ city office, internet & ph @ library 287.84; **Spectrum**, internet & ph @ 445 6th St. 184.97; **Access Systems**, monthly IT Service 931.60; **BHE**, gas service 667.52; **PCDC**, Nov. 2023 sales tax 11,995.59; **Seneca Sanitation**, Dec. 2023 garbage service 6898.78; **NPPD**, electric services 3134.86; **Pawnee Republican**, publications 553.78; **Pawnee True Value**, repair supplies & Cornerstone Bldg. 803.85; **First Concord Benefits Group**, non-discrim flex testing 200.00; **Friedly Oil, LLC**, equip fuel 1602.93; **Pawnee Co Register of Deeds**, lien release 10.00; **Nebr. Dept. of Rev**, Dec 2023 sales & use tax 2223.81; **Casey's Business Mastercard**, Dec 2023 equip fuel 170.61; **PC Assisted Living**, transfer to Table Rock Bank acct 11,000.00; **Lola Seitz**, reimb library materials 80.00; **Quill Corp.**, office supplies 39.11; **Ty's Outdoor Power & Service**, repair parts 27.85; **Pawnee Co. Treasurer**, qtrly law enforce service 18,967.01; **Power Manager**, orange door hangers 89.31; Council Member Zelenka 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.

Review December 2023 Treasurer's Report: Council reviewed the treasurer's report prepared by Clerk Curtis. There were no questions.

SHERIFF BRADEN LANG, Discuss how to handle the \$3,658 in ARPA Funds returned from County: Sheriff Lang was present by phone. He explained that it would be best to use this money towards preparing an evidence room closer to the courtroom and the Sheriff's office will have a detailed plan ready in six months. Council Member Eisenhower explained this should work as the funds have to be used by 2025. Lang explained Deputies Bredemeier and Samuelson have decided to stay with Pawnee Co. Sheriff's Dept. but he had heard that ex-Deputy Willey has been hired by the Johnson Co. Sheriff's Dept. and will be making \$7.00/hr more than what he was making in Pawnee County and \$10.00/hr more money than the Pawnee Co. Sheriff. Sheriff Lang stated the City Crew did an excellent job with snow removal but there is a truck stuck in the snow on West 14th street. DC Wiers informed Sheriff Lang that the City Office has sent reminder postcards to the people that haven't yet licensed their dogs.

Pawnee City Assisted Living Discussions: *Review/discuss response from Amie Schrack re: updates to Management Agreement with PCAL:* PCAL employees were also present for this discussion. Council Member Eisenhower stated she appreciated Amie Schrack's responses and that she is trying to change a little bit. Eisenhower further explained that she would be willing to modify the original request since Amie did counter with "require me to attend no less than six meetings per year in person." Council Member Zelenka suggested that Amie could also attend a meeting by "Zoom" and have access to her computer and be able to answer questions. Caralyn wasn't able to attend the last PCAL Board meeting because her daughter had knee surgery scheduled and the usual day for the meeting was changed to the date of the surgery. Amie's contract wasn't approved at this meeting but the suggested changes will be shared and explained that Amie needs to submit an updated written contract. It was stated that Amie had not visited the facility in the past four months. She is usually on the phone with another facility when she visits PCAL and she hardly ever visits with any of the staff. The Council agreed on Amie attending six PCAL board meetings in person in a year's time. Discussion was had whether Amie had actually initiated contact with Medicaid when it was first discovered PCAL was behind in payments as Caralyn has always been the person reporting the actual contact with Medicaid regarding the backlog of payments. Also, at the last PCAL board meeting, Clerk Curtis asked Amie (who was present by phone) several questions about the budget which Amie deferred to Caralyn yet, it states in Amie's contract that she will develop a budget. The contract also states Amie will "assist with managing the Owner's debt payment, expenses, reserve for emergency expenses..." which has not happened. Council Member Poskochil suggested Amie submit a log of her interaction with Medicaid regarding late payments and the reason for late payments. The City office had a similar experience with payment from the LIHWAP (Low Income Household Water Assistance Program). Payment for a customer was sent to the Pawnee County Rural Water instead of the City of Pawnee City Utilities. It took a few phone calls and emails to correct that situation. Much more discussion was had on Amie's specific duties and whether they are actually being performed. Discussion was had about PCAL's outstanding debt with USDA, how this affects the community and how this would affect the citizens if the City were left with PCAL's debts. The PCAL employees would appreciate it if Caralyn would visit with the residents as she spends most of her time in her office and very little time with residents or with the other departments. Activities consist mainly of playing bingo and jigsaw puzzles. There is one resident who is visually impaired and is not able to play bingo but there aren't any planned activities he can participate in. Discussion was had that employees had suggested taking some residents around in the Handi-Bus to look at Christmas lights but they were told, by Caralyn, there wasn't

money in the budget. DC Wiers stated it would cost \$3.00/person to ride the handi-bus and Clerk Curtis stated there are members of the community that would have paid the fee for each resident. DC Wiers explained the PCAL board had not been told that money was being transferred from reserve accounts until the November meeting and they didn't have a quorum at that meeting to take any action. Clerk Curtis stated that Amie and Caralyn need to have better financial answers for the meeting with USDA on Febr. 6th about deferring their loan payments. DC Wiers asked board president, John DeFreece if he was going to contact board members about attending this meeting. (Note: John stopped in the City Office on Jan. 24th and said he was not going to include the PCAL board in this meeting.) Mayor Hatfield stated he feels Jim Kubik should be present at the meeting due to his past experience as hospital administrator. ***Review/discuss PCAL 2023-24 Budget; Review/discuss emailed correspondence re: budget:*** Clerk Curtis explained if Amie had actually developed the submitted budget, then she should have been able to answer questions at the last PCAL meeting instead of deferring the questions to Caralyn. It appears that the submitted budget was possibly from a different facility and not the Pawnee City Assisted Living. For example, there is a listing under revenue for Sales Tax Refund. We have never heard of PCAL receiving any sales tax refunds. It also appears that the facility is charging for laundry and the phone but the phone expense doesn't match the revenue and PCAL hasn't been charging residents for laundry service. The submitted budget shows that PCAL will end up with a positive \$120,000 and if that is true, USDA will not defer their \$10,000 monthly loan payment because it appears that they can afford their payments. Also, the budget didn't include the \$875/month loan payment owed to the City and the \$15,000 expense owed to the City for building insurance. Plus, PCAL is in a deficit already because they had to borrow \$11,000 from the short-lived asset account to cover payroll and bills and now Medicaid owes close to \$17,000 to \$20,000 in reimbursement. DC Wiers explained the budget runs from July 2023 to June 2023 but has the same figures listed on each line item for each month. The budget should show actual figures for July through December 2023 and also, should run the same as the City's fiscal year which is October through September. Clerk Curtis had included copies of emails in the agenda packet between Amie, Caralyn, Julie Bauman and the Clerks that addressed the questions asked at the last PCAL meeting that Amie had deferred to Caralyn that Amie should have known since her contract states she will develop a budget. Julie Bauman had suggested explanations be included in the budget to explain what exactly is included in their line items for each department. For example, the Maintenance section doesn't include a line for snow removal or lawn care. Council Member Zelenka stated when she looked over the submitted budget, there were things listed that do not pertain to PCAL so the budget needs to be revised to reflect PCAL's revenue and expenses. Clerk Curtis explained overall, they need a more accurate budget and Julie Bauman plans to talk with Caralyn about the submitted budget. Ms. Bauman explained that Caralyn should be able to pull a budget off of Quick Books that would list items pertinent to PCAL and she wouldn't have to plug numbers into a spreadsheet as was submitted. Ms. Bauman had stated previously, PCAL had Quick Books online when Klaasmeyers were managing the facility. The PCAL employees explained that when the facility first opened, residents furnished their own laundry soap, bath soap, shampoo, toilet paper, etc. except these items were furnished for the Medicaid residents by PCAL. Now, the facility furnishes all of these items and personal hygiene items for all residents even though residents sign a contract upon admission agreeing to furnish their own laundry soap and personal hygiene items. Mayor Hatfield suggested each resident have a resident trust account set up to buy these items as offered at nursing homes. It was then explained the residents are served a full breakfast and now, donuts are added to the plate which

most residents don't eat that much food. Discussion was had about dietary guidelines and if the meals are following any guidelines and adding a donut would be too much sugar/carbohydrates for some residents. The head cook writes her own menus but it was stated that a lot of food is pre-made instead of being cooked from scratch. Currently, there are two cooks during the week, plus two part-time people on the weekends and then the activity person also helps in the kitchen. The PCAL employees stated the "\$2300" position that Caralyn had said was cut doesn't actually save PCAL any money because the position was cut but that person is still working at the facility and works in several different departments. Amie had stated at the last PCAL meeting, the aids are going to be doing housekeeping and become "universal" workers. It was stated the aids don't have time to add these tasks as they don't have time now to chart and perform other nursing tasks. The PCAL employees and DC Wiers agreed that information wasn't being shared so employees had contacted Kellie Wiers to talk about their concerns. DC Wiers has been told several times by the PCAL Board president not to talk to PCAL employees and refer them back to Amie and Caralyn but they were not sharing information with the employees. DC Wiers stated that even if the Council replies to Amie's proposal, she is concerned that Amie will still not provide services listed in her contract and there are not any checks and balances for Amie and Caralyn. DC Wiers stated that it appears that Amie isn't doing her job and she is supposed to be helping Caralyn and as Julie told us, there has been \$70,000 transferred from reserve accounts since last April to PCAL's general checking account but the Board was never told about this until November when the account balances were close to zero. Mayor Hatfield suggested forming a committee to study Amie's contract and other issues that have been brought up in the discussion. PCAL should probably keep Amie until PCAL's financial situation is cleaned up because a new person will not have any answers. Council Member Poskochil stated it is clear Amie hasn't been meeting her obligations under the old contract so making changes to her contract isn't going to change her ability to do her job. Council Member Eisenhower suggested renewing Amie's contract for six months and Council Member Poskochil suggested a month-to-month basis with a performance improvement plan and monthly reports to the PCAL board on what has been accomplished and renewing the contract will be contingent upon what has been accomplished. Who does Amie report to? Clerk Curtis referred to (1. L) of Amie's contract which states "Assist with payroll and employee benefits," but the facility is paying a company to process its payroll. Council Member Poskochil stated Amie should be able to give a list of training that she has provided to staff in the last year. DC Wiers agreed, each item in this contract needs addressed and it would be best if a committee reviewed the contract to verify what isn't being completed. The PCAL employees stated they just want someone to listen and they were told to take it back to Caralyn and Amie but things weren't being addressed so they talked with a board member and then the board member and the employees got in trouble for not referring items back to Caralyn and Amie. DC Wiers was reprimanded in person at the City Office and by email for talking with employees about complaints. This is why Clerk Curtis attended the last PCAL board meeting to let the board know how serious the financial situation is. Council Member Poskochil formed a committee including herself, Council Member Zelenka, DC Wiers and two PCAL employees. They just want to make things better at the facility for the residents and employees. Discussion was had about marketing for the facility. Discussion was had that recently Caralyn had referred four residents for hospice services. When Caralyn had been contacted about these referrals, the employee was told there would be more people available through hospice to provide care for residents. It was the employee's opinion, as a nurse, that the residents did not qualify for hospice level of care so she talked with the families of the residents

and the families decided not to sign up for hospice care. **Review/discuss email from Caralyn re: PCAL Funds; Review receipts on transactions made.** Council reviewed the email request from Caralyn and approval from USDA in regards to the request for \$11,000 to cover payroll and other expenses in January. Caralyn had contacted Luann Brown at USDA about using the USDA reserve accounts to cover payroll for January. Luann then called the City Office with concerns about this request. Therefore, Luann Brown from USDA requested a meeting with the City and PCAL on Febr. 6 to discuss PCAL's request to defer their USDA payments. Clerk Curtis stated there has to be better answers than what the Council has received. **Review/discuss 1/3/24 PCAL Special Meeting Minutes & Caralyn's report for 1/17/24 Meeting:** Council reviewed these documents along with the other documents in the agenda packet that were discussed at this meeting.

Review update from Craig Vincent, NPPD re: holding off on possible Solar Site for Pawnee City: Council reviewed the email from Craig Vincent in regard to Pawnee City being selected as a possible solar site which will be deferred so NPPD can reassess the possible development.

A Report and update from Foreman Cumley: Items for discussion are: Discuss Snow Removal & issues at Sewer Plant caused by cold temperatures: The extreme cold temperatures caused problems at the sewer plant. There are a lot of things that have heat tape on them but pipes froze anyway. The Crew was busy with snow removal so they didn't have time to check things during the cold freeze because of snow. If the blowers run too long, it freezes up the digesters and the storage tank was frozen solid. Cumley purchased another diesel heater to leave at the sewer plant because the one at the shop is big and heavy but also needed at the shop. It's on wheels but it is very heavy and difficult to transport. Usually when something freezes up, the crew has to box it in and let the heater run to unthaw and sometimes this can take at least five hours. Snow removal went well. There were some complaints but some people actually called the office and said "thank you." There was a lot of drifting with the snow and part of 14th street had to stay closed until the wind quit blowing for almost one and one half weeks but the crew always keeps it open to "M" street. The crew dug out the street twice but it kept drifting shut. Foreman Cumley suggested purchasing a "V" plow in the next budget year because these plows are made to open snow drifts but are expensive. Right now, the road to the Wells is still drifted shut and has to be dug out so they will have to drive the loader out there. Ideally, it would be good to replace the 2003 "3500" Chevy truck and attach the "V" plow to the new truck and purchase a new salt spreader. Clerk Curtis suggested obtaining information in May to have available for preparing the next year's budget. **General Discussion on things going on in the City;** The crew members attended a water training last week and the trainers talked about emergency plans and back ups for the wells plus snow removal. The City had lower water usage last year, down 8 million gallons of "billed" water.

Review Correspondence From: Spreadsheet on November 2023 Sales tax of \$35,699.64 with ½% Street Repairs Sales Tax totaling \$7,997.06 and \$3,711.41 being Motor Vehicle Sales Tax; 2024 League Midwinter Conference February 26th & 27th: Would anyone like to attend this 2-day conference in Lincoln? Clerk Curtis is unable to attend this year due to scheduled vacation time. Council reviewed the Chamber's 2023 Carolyn VanHorne Civic Award Nomination Form. Council reviewed the email from Access Systems re: updates to their Cybersecurity System to protect the City. Clerk Curtis stated this is an FYI for the Council to show them some of the

services Access Systems provides. The City received a franchise payment from Black Hills Energy. The City received \$65,280.20 in interest income from its accounts and CDs with Union Bank & Trust in 2023.

Clerk Curtis explained the filing deadline for Incumbent is February 15th; Non-incumbent is March 1st. City Positions up for Re-Election: Council Members Fisher & Zelenka. A candidate has to pay the \$35.00 filing fee at the City Office and then take their receipt to the County Clerk to file for office. Airport Authority Positions up for Re-Election: 2 yr. Term: B. Willey & J. Schulthiess.

Council Member Zelenka moved to adjourn the meeting. Council Member Fisher seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 8:59 pm.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor