

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, JULY 24, 2023, 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, Laura Poskochil and Susan Eisenhauer; 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 Poskochil asked for two corrections to the July 10, 2023, minutes: she was not present for that meeting and on page four, "SLRF" should be "SRLF." Council Member Zelenka moved to accept the July 10, 2023; regular meeting minutes as corrected. Council Member Eisenhauer 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: **7/18/23 Payroll: 14,292.03; Union Bank & Trust, FWH 3732.63; NE Dept. of Rev, SWH 529.00; John Hancock, retirement 1596.30; Allstate, cancer/accid 218.06; Ameritas, vision 86.10; Madison National Life, life ins 48.70; United Health Care, health 6563.70; Windstream, internet service @ City Office, phone @ swr plant, phone & internet @ library 481.03; Spectrum, internet & phone @ shop 184.97; BHE, gas service 230.32; PCDC, May 2023 sales tax 6793.31; Seneca Sanitation, June 2023 garbage service, dumpster @ pool 6981.51; Nebr. Public Health Environmental Lab, wtr sample tests 22.00; Little Brown Jug, pool concessions 211.75; Capital Bus. Syst, Elevate phone system 111.94; Pawnee Co. Treasurer, qtrly law enforcement agreement 18,967.01; Amazon Capital Services, steel form stakes 316.44; Core & Main, wtr meters 1722.24; Friedly Oil, equip fuel 1125.10; Martin Marietta, rock for bike/walk path 1182.98; Nebr. Life Mag, library subs 44.00; NPPD, electric service 3880.73; USDA-RD, str bond pymt 121,880.00; Midwest Labs, swr sample test/shipping/label 227.57; Pawnee City Fire Dept., 1st & 2nd qtr reimb 2629.97; Pawnee Republican, publications 251.77; Pawnee True Value, repair supplies 136.91; OPPD, electric @ wells 211.46; Hamilton Equip Co. skid loader repair 576.00; IIMC, annual membership 210.00; Lincoln Winwater, wrenches 267.35; State of Nebr. DOL, 2nd qtr unempl tax 33.85. 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.**

Sheriff Braden Lang: Discuss ARPA Funds donated for K-9 unit: Sheriff Lang explained he has been directed by the County Commissioners to send letters to the people and organizations that had donated to the K-9 Unit and request written authorization to keep or return the money. These funds cannot be designated for a specific purpose. Council Member Eisenhauer asked if it would be best then to request the funds the City donated be returned and then purchase specific items for the Sheriff's Dept.? Sheriff Lang confirmed that would be the best action. Council Member Eisenhauer moved to request the remainder of the \$5000.00 ARPA funds, that were donated to the Sheriff's Dept. K-9 Unit, be returned to the City and those funds be used to purchase needed equipment for the Sheriff's Dept. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Sheriff Lang explained the Sheriff's Dept. still needs a functional evidence room with shelving and storage containers and a more secure lock for the door to the room. Sheriff Lang explained there is a commissioner meeting the next day and he appreciated the offer from Council Members Eisenhauer and Fisher to attend the meeting with him to discuss the budget for the Sheriff's Dept. Council Member Eisenhauer stated she had seen quite a few ATVs travelling from the fairgrounds onto the four-lane highway this past weekend and asked how many tickets had been written for this? Sheriff Lang stated he did not know the number of specific tickets written but he can find out.

Review /Discuss City Code 10-203 FIREWORKS; PERMITTED FIREWORKS: Discuss complaint received by Randy/Karla Gyhra about fireworks being shot off at 11:30 p.m. on July 15th: Mayor Hatfield explained Randy and Karla Gyhra had stopped in the office to complain about someone discharging fireworks around 11:30 on July 15th. ORD 10-203 discusses fireworks but doesn't specify dates or times that fireworks can be discharged. So, DC Wiers explained to the Gyhras that she could forward this complaint to the City Council, and they could discuss it. Mr. Gyhra did not contact the Sheriff's Dept. at the time of the event. Sheriff Lang was present for this discussion with the Council. He explained that there have been other complaints about fireworks and tickets have been written for "disturbing the peace." He did not recommend updating the ordinance to include times and dates for fireworks as larger cities have done because people discharge fireworks for holidays other than July 4th and special occasions. Clerk Curtis and DC Wiers will discuss the ordinance with the City Atty and report back to the Council if changes should be made.

Clay Schardt: Discuss auctioning off Old Fire Hall at 732 F Street: Mr. Schardt explained to the Council that he owns Schardt Auction Service and is a real estate agent with Burrows Real Estate. He explained they do not list very many commercial properties to auction but recommended a live auction with online bidding available since a live auction would be more transparent for a city-owned property. Also, setting a minimum bid discourages bidders. Mr. Schardt recommends setting an auction on a Wednesday evening versus a Saturday when most residential property auctions are held. The earliest an auction could be set up is in September. There is usually a \$500 charge for advertising expense which will cover 150 sale bills to be distributed around the area besides just Pawnee County which would hopefully, attract a new business to town. The agent expense is usually 7% but Mr. Schardt will charge the City 5% for the auction and cover the advertising expense. The title work would be handled by Stewart Title in Lincoln, and they will need to know who the authorized signers are. Clerk Curtis explained there is a 30-day remonstrance period where the sale would have to be left open for 30 days in

case anyone would object there wasn't a fair auction held so Mr. Schaardt said they would wait to close after the 30 days, and it would be more like 45 days. Mr. Schaardt brought the sale documents with him and explained each one to the Council. He will send copies to the City email and Clerk Curtis will share them with the City Atty. Clerk Curtis will discuss the auction and sale forms with City Atty Ferebee and then report back to the Council or Mayor Hatfield suggested a special meeting be held to discuss the auction since the next Council meeting will be August 14th.

Review letter from Megan Buckley, new Pawnee County Emergency Manager: Megan Buckley requested a meeting with city officials to discuss the Local Emergency Operations Plan. A meeting has been scheduled for Thursday, July 27th at 1:30 at the City office with Clerk Curtis, Foreman Cumley, Mayor Hatfield and Council Member Eisenhauer.

Review Property Valuation Protest on Chase Property: The valuation on the Chase property had increased from \$8780.00 to \$21,895.00 which has sat vacant for quite a long time and has been purchased by the Pawnee City Fire Dept. which will demolish the house and set up a parking area for the department.

Review PCAL Treasurer's Report: Minutes from the last meeting were not available for review by the Council. The Financial Statement shows a refund on \$2359.60 under "Resident Income" which is a partial month's refund for someone who had moved out and there is a \$450.00 charge for storage rent which is paid every six months because the facility is storing left over furniture from past residents. DC Wiers had suggested at the last PCAL meeting to have a garage sale in order to eliminate this expense. Auditor Julie Bauman had voiced some suggestions to DC Wiers for PCAL to make their reporting more transparent and accurate. Wiers will bring this up at the next PCAL meeting on July 27th.

Review/Approve Salary Ordinance #1034 (Second Reading); Need a motion to suspend the three readings so Clerk Curtis can publish it in the newspaper before August 15th deadline: Council Member Zelenka moved to approve Salary Ordinance #1034 (Second Reading). Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhauer moved to suspend the three readings of ORD #1034. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Take Action on Ordinance #1035, Amendment to 3-122, Water Drought/Emergency Ordinance, adding watering restriction times (First reading): Council Member Eisenhauer moved to approve Ordinance #1035, Amendment to 3-122, Water Drought/Emergency Ordinance, adding watering restriction times. Council Member Fisher seconded the motion. Council Member Poskochil asked if the four-hour time limit for watering on level one could be changed to a shorter length of time. Mayor Hatfield explained that usually you start with the first level, and you receive rains but this year we went straight into level two because of the aquifer level. Clerk Curtis suggested not changing level one and updating level two to include times for watering (before 8:00 a.m. and after 8:00 p.m.) so that this can be updated and printed on the back of the water bill this week along with water conservation tips. Council Member Eisenhauer suggested taking out the word "drought" since Pawnee City is no

longer, technically, in a drought. Clerk Curtis suggested “low aquifer level” instead. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Poskochil asked if this notice could also be shared with the newspaper. Council Member Poskochil moved to suspend the three readings of ORD #1035. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Report and update from Foreman Cumley: Items for discussion are: *Discuss any Well*

Updates: The drawdowns are the same, but the usage did decrease about 20,000 gal/day. Foreman Cumley explained the maps and graphs received from Chuck Wingert, Water Resources Manager with the Nemaha Natural Resources District (NRD). The aerial map shows the flight paths from the plane in regard to the location of the current wells and the aquifer. The numbers correspond with the worksheets. Mr. Wingert emailed Foreman Cumley with this information, and he recommended the best area to drill for a new well may be close to the location of the current wells (southeast in the corner of the CRP) or it may actually be in the next county so Cumley will ask for clarification. Foreman Cumley will meet with Mr. Wingert to review the information on the aquifer. When a test well is done, that material that is collected will be sent off to a lab and the bigger the aggregate, the more water that can be pumped out. It will cost around \$45,000 to \$55,000 for each test drill which Sargent Drilling can do and will include the water quality test which costs around \$7,000 to \$12,000 per test. Once Foreman Cumley is able to meet with Chuck Wingert, he will then contact Sargent Drilling and review the information to decide the best sites for test drills and get it scheduled. ***Discuss Sargent Drilling’s 2023 Well and Pump Test Results:*** the pumps are best around 75%- 80% efficient because they are not on a 100% scale. Well #1 tested at 76% average (excellent); Well #2 at 65%(good) and Well #3 at 78% (excellent). The motor in Well #2 is all original and has never been rebuilt as in the other wells but it is old. **Update on Water Budget:** Clerk Curtis explained she took all of payroll out of Water and put it into Sewer because right now we have Spencer’s in Sewer and a fifth of Lucas and \$600 for Toke and we are still way below what we were last year. This will help Water have a little bit more wiggle room plus some was budgeted out of Water Reserve so there would be funds available to cover two well tests and finish the PER (Preliminary Engineering Report). The City cannot apply for any grant funds until the report from 2007 has been updated by JEO. A new one would cost \$30,000 so \$20,000 has been budgeted. Public hearings will also have to be scheduled and it would help if people showed up for these. ***Discuss Jeff Fink’s Water Tap:*** Foreman Cumley stated Jeff Fink had initially talked about a water tap on his ground north of town about two years ago but never followed through. He called back about a year ago and then six months ago he submitted the paperwork because he wants to put cows out there and potentially build a house there. Recently, Foreman Cumley explained to Jeff Fink about the low level in the aquifer and the City didn’t really want to install a water tap now, if he was going to be watering cows. Fink did understand but he didn’t want to invest money in building a house if he can’t get a water tap. Then, Cumley received a call from Zach Gottula, the plumber planning to install the plumbing and he had already purchased \$6000.00 worth of parts for the water line. Cumley talked with the City Atty and Evan Wickersham about this and in a small town, you don’t really want to turn away business but it may be advisable to put something in writing stating that once Fink starts building a house, the City would supply water service to allow Fink to go ahead and install the water line and then activate the service once construction has started on the house. Fink doesn’t have a specific date to start construction at this time.

Council Member Poskochil asked if the City would install the water tap if Mr. Fink wanted to put cattle on the land. Cumley clarified that City Atty Ferebee said the letter didn't have to come from her, but it could come from the City Office or the Mayor. Council Member Eisenhauer moved to have the City Office, at the direction of the City Council, write a letter to Jeff Fink explaining that due to the current low level of the aquifer, the City will turn on water service to this property once construction starts on building a home. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Discuss progress made on Ditch Work:*** Clerk Curtis and Mayor Hatfield had both talked with the couple that lives on M Street and they said that the street is much better and are satisfied with the work that has been done. One resident on 5th street did complain about the work being done on the ditches as she was concerned the crew members may damage the tube she had installed on her property, but the crew members had not touched the tube.

Review/Discuss 1&6 Year Street Plan – Make recommendations for changes of the current listing; If Council is in agreement, need motion to set 1&6 Yr Street Plan Public Hearing for 9/11/2023 @ 7:15 p.m.: An updated plan was received this afternoon through email and the only difference from the packet is on page 2, item #3, (street to the Fairgrounds) has an estimated cost of \$175,000 instead of the \$150,000 amount listed in the packet to include a new tube. Council Member Fisher explained that the plan has been updated to include streets that had been included in the plan for quite a while but had not been completed. Such as the street south of Palmer Café that has quite a bit of traffic, the street by the Fairgrounds and the street on the east side of Pawnee Village. They are trying to look at grants to help with the costs so that more streets can be updated. Foreman Cumley stated that all of the streets included on the 1&6 year plan are 60% engineered already. Clerk Curtis, Council Members Eisenhauer and Zelenka all recently had a zoom meeting with Kelly Gentrup of SENDD who is looking into infrastructure grants for streets to see if there would be money left to do a second round of grants due February 1, 2024 because they are currently due September 1, 2023 and there isn't enough time to apply and hold the public hearings by that date. There was a second-round last year so, hopefully, there will be a second round this year. Money for a dollar match has been budgeted in order to apply for a grant this year. Council Member Eisenhauer moved to set the current 1&6 year Street Plan for Public Hearing for 9/11/2023 @ 7:15 p.m. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Report and update from Council Member Eisenhauer: Items for discussion are: *Discuss actions taken re: anonymous letter to the editor/Mayor & Council and Rebuttal letter:* Council Member Eisenhauer wrote a response to the anonymous letter complaining about the City Pool that was recently published in the newspaper which was included in the packet. She sent the rebuttal letter to the newspaper, and she was told that it would be published this week. Council Member Eisenhauer did hold a staff meeting with the pool employees in regard to the letter and action has been taken to address the complaints listed in the letter. During breaks, no child under the age of 18 is allowed in the pool without a parent present. Also, if the guards see a need, they can skim the pool while people are in the pool. A copy of the anonymous letter was displayed on the counter of the pool house because people that use the pool have been asking questions. During the Fair, one of the guards took the letter down as it looked bad for the pool and there wasn't a response to go with it. Council Member Poskochil suggested Eisenhauer use bullet points listing the pool policies and shorten it. The State Inspector visited the pool today. The pool

received “flying colors” on the inspection and he commented that “everything looks great.” Also, there is an anonymous person that would like to donate money to replace a couple ladders with an extra step on the bottom to make it easier for some “older” patrons to exit the pool. Council Member Eisenhower asked the inspector if the steps could be replaced with different ladders that are not the same, would this be okay with the State since it would not replace “like with like.” He said that he will check and get back to her. Foreman Cumley clarified that the diving board is not cracked. The epoxy has cracked so the board is safe. **Review Poster for Midnight Swims on July 29th & Last Blast of Summer on August 11th; Pool closing for Season on August 6th;** There is a \$10.00 charge for the midnight swim or two for 18.00 with a light meal. The Library will have their Summer Reading pool party on Aug. 5th. The pool managers will still check the water chemicals and keep the pool clean for the Midnight Swim on Aug. 11th. **Discuss Updates to Playground Equipment:** Council Member Eisenhower is waiting on a response from the representative for an update and grants are available after Aug. 1st.

Discuss emailed correspondence between Kellie & City Atty Ferebee re: Nuisance Properties: DC Wiers received an email from the City Atty Ferebee this afternoon stating she had sent abatement letters on 1129 G Street and 1145 G Street. Ms. Ferebee is on vacation this week so she is waiting to send letters to the other three properties so that she can have pictures taken of those properties in case the property owners contest the letters.

Review letter request from Randy & Julie Koenke to vacate the East-West Alley in Block 5, Hazel’s Addition, Pawnee City, Pawnee County, NE between 12th Street & 13th Street and B Street & C Street. Review/Pass Notice of Resolution & Resolution #5 setting a Public Hearing for August 14, 2023 at 7:15 p.m. on the request by Randy & Julie Koenke to vacate the East-West Alley in Block 5, Hazel’s Addition, Pawnee City, Pawnee County, NE between 12th Street & 13th Street and B Street & C Street: Clerk Curtis explained that most of the area is all grass with a little bit of rock and the City would reserve the right to enter the alley to deal with utilities. Foreman Cumley explained there isn’t a manhole in the alley but there is one on the east side closer to the end. If the Council approves the Resolution and Notice of Resolution, Clerk Curtis will send letters to the surrounding neighbors giving notice of the request so that they can show up for the public hearing and give objections if there are any. Council Member Eisenhower moved to approve the Notice of Resolution and Resolution #5 setting a Public Hearing for August 14, 2023 at 7:15 p.m. on the request by Randy & Julie Koenke to vacate the East-West Alley in Block 5, Hazel’s Addition, Pawnee City, Pawnee County, NE between 12th Street & 13th Street and B Street & C Street. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Correspondence: The City Council reviewed correspondence from May 2023 total Sales Tax of \$21,325.81 with ½% Street Repairs Sales Tax totaling \$4528.87 and \$3210.33 being Motor Vehicle Sales Tax. Reminder: Budget Retreat Workshop @ 6:00 p.m.on Monday, Aug. 14th with Julie Bauman.

Council Member Zelenka moved to adjourn the meeting. Council Member Eisenhower seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 9:05 pm.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor