

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, JULY 26, 2021, 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: Ric Helms, Bruce Haughton and Donnie Fisher; Tammy Curtis, City Clerk/Treasurer and Kellie Wiers, Deputy City Clerk/Treasurer. **Absent:** Council Member Susan Eisenhauer and City Foreman Spencer Cumley.

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.

Council Member Haughton made a motion to accept the July 12, 2021 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: **7/20/21 Payroll:** 13,069.66; **Union Bank & Trust**, FWH 3241.54; **NE Dept. of Rev**, SWH, June sales & use tax 3884.72; **John Hancock**, retirement 1166.41; **Allstate**, cancer/accid. ins. 283.26; **Ameritas**, vision ins. 128.50; **UHC**, health ins. 5857.72; **Madison National Life**, employee life insurance 61.48; **BHE**, gas service 162.79; **Spectrum**, internet & phone @ shop 164.97; **PCDC**, May 2021 sales tax 7483.94; **Capital Bus. Systems**, Elevate Phone System 111.94; **U.S. Cellular**, emergency cell & tablet payoff 160.26; **Windstream**, phone service @ swr plant 62.38; **Beatrice Fire Protection**, fire extinguisher inspection 94.95; **Dollar General**, pool supplies & concessions; **Lifeguard Store**, swimsuits, trunks, whistles, chemicals 455.72; **NPPD**, electric service 3692.17; **Pawnee City Thriftway**, paper towels, bleach & pool concessions; **Pawnee True Value**, library office supplies 3.49; **Seneca Sanitation**, June garbage service 6128.00; **USDA-RD**, street bond pymt 121,880.00; **Pawnee Co. Treasurer**, qtrly law enforcement agreement 17,372.23; **Core & Main**, Sensus annual support 2021 2600.00; **Home Depot Pro**, library vacuum cleaner bags 3.71; **IIMC**, annual membership renewal 200.00; **Kyle's Service Center**, mower tires 78.00; **League of Municipalities**, membership dues 1147.00; **Quill Corp.**, office supplies 94.63. Council Member Helms moved to approve the claims as submitted. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Discussion of City/PCAL 2019 loan agreement request for extension & Review PCAL's Profit & Loss Treasurer's Report (10/20 – 9/21) & June meeting minutes:** John DeFreece explained to the Council that the PCAL Board met with USDA two weeks ago to ask if PCAL could re-amortize their loan because they have two payments that are interest only and because of Covid-19 the first loan payment was deferred but now USDA wants last year and this year's

payment at once and PCAL still has the loan with the City that is due this year. If PCAL pays both payments it will be \$160,000 plus the loan to the City and starting in December, they will have to start making monthly payments to USDA. Therefore, PCAL would like to request a two-year extension on the loan from the City. PCAL had borrowed \$80,107.50 from the City and has paid \$20,000 on the loan for a balance of \$60,107.50. PCAL is in the process now with new management of redoing their financial reporting and financially, they are doing really well and have the money to make all of the payments but this will leave them with no money in reserve. Council Member Helms stated he felt the City would get paid eventually and doesn't want PCAL to be "scraping" for money and is in favor of extending the loan. Clerk Curtis had budgeted for this payment just in case PCAL wasn't able to make the USDA payment. DeFreece explained that PCAL is maintaining between 18 to 19 residents. They are making money and putting money in savings but it will be difficult to make all of the payments at one time. Starting Dec. 2021, PCAL will have to make \$10,000 (approx.) monthly payments plus they need to start putting \$5000 a year in a reserve account as part of the conditions of the USDA loan. Council Member Helms moved to extend the loan to PCAL for another two years ending October 18, 2023 on a balance of \$60,107.50. Council Member Haughton seconded the motion. Discussion was had on whether Council Member Haughton could vote on this motion since he is a member of the PCAL board. Mayor Hatfield explained that he discussed this issue with Atty Joe Stehlik and there shouldn't be a problem with this issue. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. DeFreece explained that PCAL will meet again on Aug. 19<sup>th</sup>. Clerk Curtis suggested City Atty Emily Sisco write up an amended loan agreement.

**Zoning Administrator Matt Kuhlmann and Mike Wilcox discuss building fence along trail North of 11<sup>th</sup> & J Street:** Matt Kuhlmann explained Rob Tichy surveyed J street from 11<sup>th</sup> to 14<sup>th</sup> and where the fence is located now, it is about 4 ft. on the wrong side. With J street being a 70 ft. street, the Council could make that a 60 ft. street and it won't affect the trail. Clerk Curtis pointed out that the survey shows J street as closed but she researched and could not find any documentation that J street was closed. Kuhlmann had researched and J Street is not closed. Clerk Curtis explained that she had visited the Co. Assessor's office and the cadastral map shows that J street is closed but doesn't list any documentation or ordinance when it was closed. Rob Tichy had talked with Mr. Kuhlmann and from his research, it should still be open. Clerk Curtis explained that the cadastral map usually lists a reference verifying a street has been closed. Also, the old ordinances have been saved on CDs but she wasn't able to look at them before tonight's meeting. Kuhlmann explained that if J street is closed then there should be easements filed with the Registrar of Deeds for the walking trail. Clerk Curtis recommended that no action be taken on this issue until documentation can be found to verify what is written on the cadastral maps. The County Clerk looked into the files for information tied to these lots but couldn't find anything but that doesn't mean that it wasn't done years ago and the current owners weren't part of that at that time plus the County Assessor was out of the office so she wasn't available to ask where else this information could be found. Kuhlmann explained there had to have been a resolution to close streets to create the walking trail. They did find the documentation on 13<sup>th</sup> street when it was narrowed. Mayor Hatfield asked if the council could narrow J street to 50 feet? Kuhlmann explained that if the street was narrowed to 50 ft. it would affect the walking trail so he recommended 60 ft. and Mike Wilcox would not be moving his fence because the posts are in concrete. Mr. Wilcox said it would be another 2 or 3 weeks before he was able to work on the fence again and if the City wanted to wait until they could do more research, it was

fine with him. Council Member Helms asked if the street was narrowed to 60 ft. then they wouldn't have to close it? No. Kuhlmann explained that the City wouldn't want to close J street because then they wouldn't have any rights to the walking trail because then the land would go to the property owners. If J street were actually closed, then the walking trail couldn't have been created. Mayor Hatfield offered that someone could have written it down as closed because of the walking trail? Maybe, but then the City wouldn't be able to own the walking trail. Discussion was had about narrowing J street to 60 ft from 11<sup>th</sup> street to 14<sup>th</sup> street through a resolution and then hold a public hearing along with notice being sent to the nearby property owners. Clerk Curtis will take the information from tonight's meeting and write the resolution and notify the property owners. This issue was tabled at tonight's meeting and will be added to the agenda for the Aug. 9<sup>th</sup> meeting.

**Library Board—review previous meeting minutes on Random Drug Testing; Discuss Employee being picked for Random Drug Testing for the third time this Fiscal Year; Request for another Fund to cover costs:** Library Director Lola Seitz had called Clerk Curtis before the meeting and cancelled this item on the agenda and emailed the drug testing claim to the City Office for processing.

**Open Sealed Bids on City Equipment for Sale; make motion to accept bids:** Two bids were received on the equipment advertised for sale which included an Ex-Mark lawn mower, 3" water trash pump, a mower/UTV trailer and a cement roller packer (which has been setting in the metal dump for many years). Two bids were turned into the City Office. Deputy Clerk Wiers opened the bids at the Council meeting which were a \$1.00 bid from Lucas Barloon on the cement roller packer and a \$1.00 increment proxy bid up to \$554.13 from Corey Hatfield (which means he actually bid \$2.00) on the cement packer roller. No bids were received on the Ex-Mark lawn mower. No bids were received on the 3" water trash pump. No bids were received on the mower/UTV trailer. Council Member Fisher moved to accept Corey Hatfield's bid of \$2.00 for the cement packer roller. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Clerk Curtis asked the Council if they wanted to contact Small Engine Specialists and see if they would sell the mower for the City as they had offered since the City is buying a new mower from them? The mower did have a \$2000 reserve bid. Much discussion was had on the Ex-Mark mower and utility trailer. It was decided to hold the mower and trailer until next Spring and offer the two items for sale together since it is late in the season now.

**Review email from Crystal Dunekacke that she is leaving SENDD with Liz Coady to take over our Fire Hall Project:** The City Office recently received an email from Crystal Dunekacke that she has taken a position as City Administrator for the City of Auburn and her last day with SENDD will be August 15<sup>th</sup>.

**Review/Approve Application for New Corporate Manager of Casey's General Store 1579 from the Nebraska Liquor Control Commission:** Clerk Curtis explained that the applicant, Krystal Carter, is not the local Casey's store manager, she is a corporate manager. There are state rules that Casey's has to get approval from the local government body for the liquor license. Council Member Houghton moved to approve Krystal Carter's application for corporate manager of Casey's General Store 1579 from the Nebraska Liquor Control Commission. Council Member

Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Report and update from Council Member Helms: *Discuss/approve changing ending date on Registering ATV/UTVs from Calendar Year to a Year from the Date you Registered it (ie: 7/2021 – 7/2022)***; Council Member Helms explained that he understood when he recently licensed his UTV that he wouldn't have to license it again until July of next year as would happen when a person licenses their car or truck but realized the ordinance states that the license on an ATV/UTV has to be renewed every year by the end of the year. Helms stated he feels the licensing requirement date should be the same as what happens with automobiles and renew the license in the same month as the original license. Mayor Hatfield stated that he foresees dog owners wanting to renew their dog licenses according to the same principle. Clerk Curtis suggested that dog owners be told that this is a completely different matter and how many side-by-sides do you see on the street in January? So, most people aren't even thinking about licensing their UTV during the winter but will start driving them in the spring and then want to license it. Clerk Curtis explained that Sheriff Lang had told her that he probably will not be stopping people to check if they have licensed their UTV unless they are doing something wrong. Council Member Helms moved to approve amending ORD 5-502 to change the ending date on registering ATV/UTVs from calendar year to a year from the date you registered it. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review FINAL Invoice from Recycling Enterprises of NE as they will no longer be providing recycling services to Pawnee City EFFECTIVE IMMEDIATELY!! Discuss possible options to continue the Recycling Program in Pawnee City:** Council Member Helms commented that he understood why Recycling Enterprises is discontinuing this service because people are throwing their trash away in the recycling bins. Clerk Curtis explained that Deputy Clerk Wiers had contacted the Nebraska Recycling Council for referrals of businesses that might provide recycling service to Pawnee City. Deputy Clerk Wiers added that most of the companies were located in Lincoln and will not travel outside their county. Clerk Curtis continued that most of the recycling businesses contacted only deal with electronics and some communities are hauling their recycling to another location but the City had done that before and it was very expensive. Clerk Curtis suggested contacting Greg with Seneca Sanitation for a referral of a local recycling service. The City had received only one week's notice with Recycling Enterprises' invoice and they will come to Pawnee City on Wednesday to pick up the last of the recycling and their recycle bins. Clerk Curtis stated that when the city office was located across the street from the recycling site, she would notice when people had dropped off Styrofoam in the bins and then she would pick it out and throw it away in a trash can. Clerk Curtis asked Ray Kappel if he would write something up for the newspaper to let people know what happened? Mr. Kappel agreed to write a story about the suspension of the recycling service. Deputy Clerk Wiers had sent an email to the clerks' group asking for suggestions but other towns are experiencing the same problem. RJ Hamilton in Falls City used to provide recycling services but he had quit before Covid-19 and has not yet restarted. Council Member Helms asked if Recycling Enterprises had ever sent notice that people were abusing the recycling center? Clerk Curtis answered that Recycling Enterprises sent invoices every month and had never said that people were abusing the service. Discussion was had about the citizens and people from around the

county being upset that the recycling service has ended and concern that some people will dump their trash and recycling in the area where the recycling bins used to set. Clerk Curtis and Deputy Clerk Wiers suggested that a sign should be posted at the old recycling location to notify people what has happened. Deputy Clerk Wiers stated she will contact Seneca Sanitation about recycling referrals.

**Review update from Dion Hancock with RoofGuard on storm damage repairs to the Fire Station property:** The City received a letter from Dion Hancock with RoofGuard and they are having difficulty getting roofing materials from Gaco Products due to raw material shortages but he should know more in a week or so and will keep the City updated as to when the Fire Station roof can be repaired. Council Member Helms stated that he has been asked what will happen to the old fire station when the new one is ready to use. He explained that the City will probably sell it so the roof needs to be repaired before this happens.

At this point, Ray Kappel asked the Council if they would reconsider the requirement that a city crew member has to live inside city limits? Mr. Kappel stated he felt that the City might have to look at applicants from other towns in order to find someone qualified for the job. This is his opinion. Council Member Helms stated he felt if the person didn't live here in town and pay taxes, then that person doesn't care about the people. Deputy Clerk Wiers stated she worked at the Falls City Public Library for 11 years but lived near DuBois and Pawnee City during that time. Mayor Hatfield suggested that if a person wants to apply for the crew member job but doesn't live in town, they should still apply because if there were only two qualified applicants and they both live outside of Pawnee City, then the Council would have to decide if they want to drop the residency requirement. It would be nice that in case of emergency, that person would live in town. Council Member Fisher explained that it would be good to have a crew member that has a vested interest in the town. Council Member Helms stated in agreement with the Mayor that there might be a qualified person out there that doesn't live in town. That person might decide to move to Pawnee City.

**Report and update from Foreman Cumley:** (Foreman Cumley was unable to attend tonight's Council meeting so Mayor Hatfield and Clerk Curtis explained the following items): ***Accept City Crew Member Sheraud Warren's letter of resignation;*** Council Member Haughton moved to accept Sheraud Warren's letter of resignation, with regret. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Report on State Sanitary Survey on Water System;*** Clerk Curtis explained this is the first survey that Foreman Cumley has completed and Matt Kuhlmann helped with it. There will be a Sanitary Sewer Survey in the next water bill that customers will have to complete and send back to the City Office. This survey has to be completed every three years but Foreman Cumley didn't know that, otherwise, the survey went well. ***Review/Discuss 1 & 6 Year Street Plan— Approve Listing & Set Public Hearing for same night as Budget Hearing September 13, 2021 @ 7:30 p.m.;*** Council Member Helms moved to accept the 1 & 6 Year Street Plan as written but discussion was had on changing the rest of the streets from concrete to asphalt so Council Member Helms rescinded his motion. The 1 & 6 Year Street Plan will be updated and listed on the next meeting's agenda.

**Review Last Blast of Summer – Midnight Swim on August 7<sup>th</sup> hosted by the Jr/Sr Post Prom Committee:** Mayor Hatfield explained there was a problem with the Midnight Swim held on July 24<sup>th</sup>. Nobody from the Post Prom Committee showed up with food and the karaoke DJ had not been scheduled. Pool Manager Raina Barloon opened the concession stand at the pool so that the kids would have snacks available and charged standard admission to the pool so the event wouldn't be cancelled. Mayor Hatfield stated that he is going to purchase frozen hamburger patties, hotdogs and some buns so that if the people didn't show on the August 7<sup>th</sup> Midnight Swim, he will take his grill to the pool and furnish the food for the kids and charge the normal price and then the money will go back to the pool. Clerk Curtis explained that Council Member Eisenhower will be home later this week and she plans to stop in the office to discuss this matter. Clerk Curtis suggested that after this next event, the City doesn't let anybody else sponsor another midnight swim because if the City can't count on the Post Prom Committee to follow through, it makes the City look bad. Mayor Hatfield stated he doesn't ever remember the Post Prom Committee asking the Council for permission to hold a fundraiser. Since the City is paying for the lifeguards for this event then the group should at least have to pay for the lifeguards. If everything goes well on August 7<sup>th</sup>, then the City needs to let the Post Prom Committee know that if they expect to hold a midnight swim next year then they need to come to a Council meeting and ask for permission and get it approved first or the Council may even deny the request. Mayor Hatfield stated that some people complained about paying admission for the Midnight Swim when they have already purchased a pool pass. Council Member Helms suggested adding a statement on the actual pass that it doesn't cover extra activities. Clerk Curtis agreed a statement could be printed on the actual pass for next year. Clerk Curtis stated that Pool Manager Barloon had posted a video of the Midnight Swim on the Pool FaceBook page which showed the kids were having a good time despite the lack of a meal and DJ. Mayor Hatfield said he has received many comments from the public about the water being much warmer than before. Hatfield explained that part of this is because the pool is not losing water like before and the backflushing process is more efficient. Clerk Curtis stated that most people are very happy that the pool was even open this year despite all of the problems that has happened with repairing the pool.

**Ordinances (999-1014) presented by the League of Nebraska Municipalities and recommended by City Attorney Emily Sisco:** Council Member Helms moved to approve Ordinances (999-1014) presented by the League of Nebraska Municipalities and recommended by City Attorney Emily Sisco as follows on second reading: **Ordinance #999 Treasurer:** continuing education training, *adopt as City Code 1-204*; **Ordinance #1000 Open to Public; Notice; Agenda:** update specific notice requirements for meetings to comply with latest NE law change, *Code 1-503*; **Ordinance #1001 Council Meetings; When; Quorum; Votes:** establish the requirements of a quorum at City Council meetings pursuant to law change in Neb. Rev. Stat. Section 17-105, *Adopt as City Code 1-514 and 1-515*; **Ordinance #1002 Special Elections:** add a sentence to allow special elections by a political subdivision in September of an even-year to approve a property tax levy or exceed a property tax limitation. *Adopt as City Code 1-711*; **Ordinance #1003 Proposed Budget Statement; Hearing; Adoptions; Certification of Tax Amount:** add language regarding the budget statement hearing, *adopt as City Code 1-1103*; **Ordinance #1004 Motor Vehicle Fee:** adds requirements of the City to report information to the

Dept. of Motor Vehicles. *adopt as City Code 5-321.01*; **Ordinance #1005 Discontinuance of Service; Notice Procedure:** updates language on notice procedures for discontinuance of service, *adopt as City Code 3-601*; **Ordinance #1006 Licenses; City/Village Powers and Duties:** update duties of the City Council regarding alcohol beverage licenses within the City, *adopt as City Code 10-409*; **Ordinance #1007 License to Sell; Issuance:** update licenses to sell tobacco products by changing the legal age from 19 to 21, *adopt as City Code 10-416*; **Ordinance #1008 Rights of Licensee:** revise current ordinance relating to the sale of tobacco products by changing the legal age from 19 to 21, *adopt as City Code 10-417*; **Ordinance #1009 Clerk:** cleans up City's current ordinance and provide better clarification (i.e., number paragraphs), *Adopt as City Code 1-203*; **Ordinance #1010 Recall Procedure:** harmonize city ordinance with state law. *Adopt as City Code 1-720*; **Ordinance #1011 Use of Tobacco by persons under the age of 21:** updates the age of use of tobacco by changing the legal age from 19 to 21, *adopt as City Code 6-314*; **Ordinance #1012 Misrepresentation by Persons under the age of 21 to obtain Tobacco:** updates the legal age to buy tobacco from 19 to 21, *adopt as City Code 6-314.01*; **Ordinance #1013 Sale of Tobacco to persons under the age of 21:** updates the legal age to purchase tobacco from 19 to 21, *adopt as City Code 6-314*; **Ordinance #1014 Licensee Requirements:** change the language of who is allowed to obtain a license to sell alcohol, *adopt as City Code 10-406*. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Correspondence:** The Council reviewed the email from the League on the Small Town America Civic Volunteer Award (STACVA). The Council reviewed an email received from Stromsburg's Clerk about the Town Hall Meeting held on Biden's 30x30 Plan. The City Council reviewed correspondence from May 2021 total Sales Tax of \$23,071.43 with ½% Street Repairs Sales Tax totaling \$4,989.29 and \$3,114.27 being Motor Vehicle Sales Tax. Clerk Curtis reminded the Council that Foreman Cumley will not be present at the next meeting because he will be on vacation from August 6<sup>th</sup> through August 15<sup>th</sup> so it will just be Jr. Droge and Sean McAhon working.

Council Member Helms made the motion to adjourn the meeting. Council Member Haughton seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 8:09 p.m.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor