

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, JULY 8, 2024, AT 7:00 P.M. AT THE CORNERSTONE 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. 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 Charles Hatfield, Council Members Laura Poskochil, Donnie Fisher and Susan Eisenhauer; Tamela Curtis, City Clerk/Treasurer, Deputy Clerk Kellie Wiers and Foreman Spencer Cumley. **Absent:** Council Member Vickie Zelenka.

Mayor Charlie 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, next to the storage closet, accessible to the public. At this time, all those present stood to recite the Pledge of Allegiance.

Council Member Poskochil moved to accept the June 24, 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 consideration: 07/2/24 Payroll: \$15,499.73; **Union Bank & Trust**, FWH 3889.01; **NE Dept. of Rev**, SWH 549.66/Sales & Use Tax 2072.58; **John Hancock**, retirement 1605.48; **NPPD**, elec. 2702.39; **US Cellular**, emerg cellphone 48.33; **Pawnee Co. Rural Water**, pond wtr hydrants 45.00; **Hometown Leasing**, Libr copier contr 100.79; **One-Call Concepts**, digger locates 17.10; **H&H Auto Parts**, rep parts/sup 98.20; **Matt Kuhlmann**, July zoning 800.00; **Midwest Labs**, swr samp tests-s/h 43.00; **Coral's Cleaning**, cleaning serv 120.00; **Windstream**, int/office, pool ph 224.83; **Schaardt Lawn Care**, Libr lawncare 735.00; **Verizon Wireless**, fire home connect/jetpack 64.67; **JEO Consulting**, Wtr PER 9000.00; **Lincoln Winwater Works**, Wtr/Pool Parts 2013.73; **Wild Witch Cat Rescue**, Rmb TNVR serv/mileage 519.94; **Access Sys. Leasing**, IT Hardware Contr 209.98; **PC Thriftway**, sup/pool conc 1232.86; **Samuelson Law Offices**, City Atty Fees 1000.00. 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.

Review June Treasurer's Report: Council reviewed the June Treasurer's report with no questions.

Matt Ross, RHD: To discuss providing a Formal Plan on PCAL to the City in order to become compliant with the Lease Agreement between PCAL and the City: Matt Ross, Vice President of Rural Health Development (RHD), the current management company for the Pawnee City Assisted Living (PCAL) met with the Council to answer any questions they may

have for him. Mr. Ross gave a brief history of RHD that is a family business that his Dad (Ron) and Uncle started back in 1990 to help small towns set up rural health clinics. RHD now does consulting work and they manage nursing homes and assisted living centers, mostly located in Nebraska. They also have two sister companies, a Billing Company and a company that assists Native American tribes in putting facilities on their tribal communities. Ron and Matt both help administrators in their jobs of what is within the norms of the industry and they also have two nurse consultants that help with care plans, admissions, etc. Discussions were had on the Lease Agreement between the City and PCAL and the fact that currently PCAL is not in compliance. Council Member Poskochil stated that in this lease agreement it states that Lessee (PCAL) shall maintain (i) so long as construction of the Project has commenced and is ongoing, sixty (60) days cash on hand, and (ii) after construction of the project is substantially completed and so long as the obligations remain outstanding, ninety (90) days cash on hand. Poskochil continued reading the lease stating days cash on hand shall be calculated, according to U.S. Generally Accepted Accounting Principles and as referenced in the Lessee's annual financial statements. If on any reporting date the actual days cash on hand is less than the required number of days cash on hand, then the Lessee shall deliver, not later than thirty (30) days after delivery of the certificate of disclosing such deficiency, a management report setting forth reasonable reasons for such deficiency and adopting a specific plan with respect to rates, fees, charges and the Lessee's methods of operation and other factors affecting its financial condition to increase the required number of Days Cash on Hand for future reporting dates. Council Member Poskochil stated that PCAL Board members and the Administrator came to the City for help back in December, 2023 at which time the City's Auditor Julie Bauman was present at the meeting to present the City's last FY Audit. The City hired Julie as a Consultant to go over the PCAL books and make a written plan to get PCAL back on the right track again. Mr. Ross stated he has received a copy of Julie's Consulting Plan for PCAL but has not seen a copy of the Lease yet. Clerk Curtis gave Mr. Ross her copy of the City/PCAL Lease Agreement. Council stated this was the main reason for wanting to meet with Mr. Ross and make sure he was aware that PCAL had a lease agreement with the City but not in compliance with it and that they had paid Ms. Bauman to write up a plan for PCAL to help get them back on track financially, but nothing had been done with that plan yet. More discussion followed on the cutting back on employee hours, which then led to a big employee turnover, which cost PCAL more in overtime than it would have to just keep the hours what they had been. There were also discussions of how the employee job descriptions are not very detailed and the chain of command has the employees all coming back to the Administrator to report issues, but if they do not feel that they are being heard, or anything is actually being or getting done about their legitimate complaint, then who are the employees to go talk to as it was made abundantly clear that they are NOT to ever talk to any of the PCAL Board members about anything. All of these items have also led to some additional employee issues. Mr. Ross stated that they have RHD staff that can assist in writing out good job descriptions, can look into ways of eliminating overtime and look over how the chain of command is set up and make some changes to it so employees feel they are being heard and their issues are being dealt with. Mayor Hatfield & Council Member Eisenhauer both stated that Julie Bauman's PCAL Review & Recommendations Plan has some really good recommendations that could assist PCAL in getting stabilized with many of the cost savings options she suggested with one of them being Payroll. Mr. Ross stated that he and Caralyn have discussed many things that may need to be changed around. Council Member Poskochil stated that since Ms. Bauman wrote out this Review & Recommendations Plan for PCAL, Mr. Ross

may want to contact Julie and get some more information from her. Mayor Hatfield also stated that if Mr. Ross would ever run into any issues up at PCAL with the Board or anything that he is always welcome to contact the City Clerks and they would get him on the next Council meeting's agenda to talk with the City Council as they all want to keep the PCAL doors open and all work together for the community. Council Member Poskochil stated that she would like to be an active PCAL Board Member and assist in helping to execute some of the things that Ms. Bauman listed out in her plan. Poskochil continued that when it was made apparent that PCAL was struggling, the City made up a PCAL Advisory Committee and they only met four times but were able to come up with a lot of planning and came up with some good suggestions with a lot of what they came up with being comparable to what Ms. Bauman also recommended in her PCAL Plan. Council Member Poskochil stated she would be happy to share with Mr. Ross some of the ideas that the PCAL Advisory Committee came up with. Mr. Ross stated that he would be interested in hearing their ideas too. Mr. Ross is happy to get involved with managing PCAL and working with the community. Council Member Eisenhauer stated that they are working with City Attorney Betsy Samuelson on if the City Council can go into executive session and still meet the open meeting law guidelines when reviewing the PCAL Financials each month in which they will let Mr. Ross know what they find out.

Review/Discuss RCRP Grant and possible proposed agreement for buildings: Clerk Curtis stated that she got the July 1st checklist portion of the RCRP Grant completed and emailed off to SENDD with the help of Council Members Poskochil, Eisenhauer and Fisher. Clerk Curtis stated that this afternoon she and Council Member Eisenhauer walked down to Ed Raper's shop and discussed the possibility of him selling both of those nuisance buildings (522 & 526 G Street) to the City. Clerk Curtis stated that they offered \$10,000 for the City to purchase these buildings. Mr. Raper was very pleasant to work with and agreed to the \$10,000 offer and to sign a letter of intent of selling both buildings to the City. Mr. Raper also inquired if he could have some time yet to remove additional materials from the building before the City purchased it. Clerk Curtis stated that they had told Mr. Raper that they had to take all of this before the City Council, but if everything were approved they would provide a letter of intent for him to sign off on. Council reviewed the proposed Letter of Intent that Clerk Curtis had prepared from the SENDD template and the approval of City Attorney Ferebee. More discussion followed. Council Member Eisenhauer moved to approve offering Mr. Ed Raper \$10,000 for 522 G and 526 G Street buildings providing him reasonable time to remove building materials from the existing structures, provided that Ed Raper signs the Letter of Intent and the City receives the RCRP Grant Funding. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Jerry Graham was present to discuss that they still have a lot of things in those buildings and that he gave Ed that building with the agreement that they were going to work on them together. Mr. Graham continued that he has \$30,000 in the tin roof alone. While Ed was away Jerry stated that he had been working on the buildings just to show that they were still working on it. Mr. Graham continued that originally the new Pharmacy owner was going to buy that lot next to the pharmacy that my wife owns, but then they decided if he was going to do all of the tuckpointing on Ed's buildings, then they would need to keep that lot so he could put his scissor-lift on it to work on that north side. Now that Ed is selling his buildings to the City, would the City be interested in purchasing their lot, too? Council stated that at this time they were not interested in buying that lot. The Council

stated they would rather Jerry go back to Heidi Kohake, HealthFirst Pharmacy owner and ask if she still was interested in purchasing it from them.

Report from Sheriff Braden Lang: Sheriff Lang was unable to attend tonight's meeting so will be on the July 22nd Council Meeting agenda.

Mark Sunneberg, Jr: *Review/Discuss photos & options that Derek Gyhra/Foreman Cumley had discussed with Mark for possibly fixing the 18th & G Intersection so it can manage rainwater better:* Council reviewed all of the photos that Mark had emailed to the City to include in the agenda packet. Mark Sunneberg Jr. had met with Gyhra Construction and Foreman Cumley to discuss the drainage issues in that corner of town to try and come up with a solution. Mark Sunneberg Jr was present stating that the issues start in Emmet Gyhra Jr's field when the City gets a good amount of rain. It then runs across the asphalt onto John Werner's ditch and becomes silted in at that corner. Gyhra Construction's rough estimate totaled \$18,200 which included cleaning out the East side of the ditch along H Street before it gets to 18th Street for \$1000; Clean out North side of the ditch on 18th Street before getting to G Street for \$2500; Replace a 4' deep tube at corner of 18th & G Street with 50' of 15" Culvert, also cleaning out that ditch to the East intersection for \$5000; Adding in 70' of 18" Culvert across the 18th & G Street Intersection for \$7200 and place a 12" Culvert and grade the ditch off of 18th Street going into Mark's warehouse drive for \$2500. Mark stated that he would rather concrete that whole driveway instead and then let the water run over the concrete driveway. Foreman Cumley stated that the City could clean out the ditch where the water is crossing the asphalt on H Street before it gets to 18th Street. Much discussion followed with Mark Sunneberg Jr stating that he wasn't asking for anything to be done right now, but he wanted the City Council to be aware of what was happening with all of the drainage issues up in that corner of town. Council Member Fisher stated that he will see what is left in his Street Budget this year so that some of this work might be able to get done, otherwise he will try to budget for these culvert replacements and ditch work for the next fiscal year's budget.

Review/Approve Salary Ordinance #1063 (*First Reading*): Council Member Eisenhauer moved to approve Salary Ordinance #1063 on first reading. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

LARM 2024-25 Renewal Proposal: *Review LARM 2024-25 Renewal Letter with new breakdown of renewal proposal split into what each fund will owe (with the 180 day/3-year commitment contract with 5% discount) Note Increases of 8.9% rate adj. for Property; 10% rate adj. for Liability & 5% rate adj. for W.C.:* Council reviewed the LARM 2024-25 Renewal Letter with the breakdown of renewal proposal split into what each fund will owe (with the 180 day/3-year commitment contract with 5% discount). Clerk Curtis inquired if anyone had any questions on the spreadsheet showing what each fund will owe? There were no questions at this time. ***Review/Approve Resolution #7 for 2024-25 LARM Insurance Renewal Policy (Previously City has went with the 180 day & 3-year commitment contract w/5% discount):*** Council Member Poskochil moved to approve Resolution #4 for 2023-24 LARM Insurance Renewal Policy with the 180 day & 3-year commitment contract w/5% discount. Council

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

Review Emailed Correspondence between Clerk Curtis and Brittany McCullough/SEND re: costs to send out Community Surveys (\$815) & the Survey Monkey host fee (\$25): Clerk Curtis inquired if this was something Council wanted to pay SENDD to do –taking care of mailing out the surveys and to set up an online survey monkey version? Much discussion followed with Council Member Eisenhauer making the motion to approve the costs associated with SENDD sending out the Community Needs Survey of \$815 and paying the Survey Monkey host fee of \$25 to provide an online option, too. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

A Report and update from Council Member Eisenhauer: *Discuss Pool Updates:* Council Member Eisenhauer had these items to report on the Pool Season: both sessions of Swim Lessons are done and they all went very well. The new pool vacuum is doing an excellent job and the Volleyball Team is holding a Midnight Swim as their fundraiser this Friday, July 12th. ***Discuss Park Updates:*** Council Member Eisenhauer reported that the new playground equipment is going in this Friday. She will be picking up the 18” auger rented from MEAD Lumber in Beatrice on Thursday afternoon/evening which they have rented for 24 hours. Martin Marietta Aggregates has lined up around 12 employees to come volunteer and help get the new playground equipment erected as part of a community service project. Bob Krimers, GameTime Playground Superintendent will also be there to assist the group in building the new playground.

A Report and update from Foreman Cumley: *Discuss Water Main on G Street:* Foreman Cumley stated that there was a lead service line leak on G Street last week, but everything has been repaired and the road was patched with concrete. ***Lead Waterline Project Updates.*** Foreman Cumley reported that after today City Crew Member Lucas Barloon has right around 100 homes yet to go visit to see if they have a lead service line going into their homes for the EPA’s Lead Service Line Ruling. Cumley stated that he had visited with Greg when he came from the State to review the City’s Sanitation Survey and he had stated that he will come down and review their list once it is completed to make sure that they are not missing anything. The lady at the State that will be overseeing this does not want any communities to turn in their lead service line surveys before the deadline of October 16th, 2024 as she wanted everyone to put in their best efforts. Foreman Cumley stated he felt they had already put in their very best efforts so he plans to turn everything in once Greg has checked over their information gather.

Review PCAL meeting minutes & 6/26 agenda: Council reviewed the May 22nd, 2024 PCAL meeting minutes and the June 26th meeting agenda.

Correspondence: Council reviewed the email from Kelli Bacon, History Nebraska regarding local historic preservation program and if Council was interested in being part of this program? Much discussion followed with Council Member Poskochil stating she would contact Kelli with her questions and report back to Council on what she found out. Clerk Curtis reminded everyone about the rescheduled One-on-One Budget Workshops with Julie Bauman that are now on July 19th with the Budget Workshop Retreat scheduled for August 12th @ 6:00 p.m. Council Member Eisenhauer moved to adjourn the meeting. Council Member Poskochil seconded the motion. Roll

Call vote indicated all present voting in favor of the motion, whereupon motion carried and the meeting adjourned at 8:54 p.m.

Attest: Tamela S. Curtis, City Clerk

Charlie Hatfield, Mayor