

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, JUNE 12, 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. 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 Donnie Fisher, Susan Eisenhauer, Laura Poskochil and Vickie Zelenka; Kellie Wiers, Deputy City Clerk, Tammy Curtis, City Clerk/Treasurer and 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 Zelenka moved to accept the May 22, 2023, regular meeting minutes. 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: **6/6/23 Payroll:** 18,805.55; **Union Bank & Trust**, FWH 5197.01; **NE Dept. of Rev**, SWH, May 2023 sales & use tax, 3084.47; **John Hancock**, retirement 1545.44; **Windstream**, library ph. & internet 141.59; **Access Systems Leasing**, monthly IT hardware contract 209.98; **Access Systems**, copier contract 159.79; **Amazon Capital Services**, mower blades/office sup 533.68; **H&H Auto Parts**, rep prts/sup 556.60; **Matt Kuhlmann**, June 2023 zoning services 800.00; **Pawnee Republican**, publications 682.38; **NPPD**, elec. serv @ wells, swr plant & city 5109.68; **League of Municipalities**, Accounting/Finance Conf 395.00; **Capital Business Systems**, Elevate Phone System & library photocopier contract 255.44; **Gyhra Const**, motor grading 560.00; **Lifeguard Cert reimb:** A. Dietrich 160.00/L. Vlcek 160.00; **Pool Concessions:** LBG 1035.65/PC Schools 511.06; **Nebr. Public Health Environ Lab**, wtr sample test 15.00; **Pawnee Co. Rural Wtr**, pond wtr hydrants 148.50; **Petty Cash Fund**, startup money for pool 150.00; **NDEE**, wastewater oper test 150.00; **Quill Corp.**, office sup 114.56; **U.S. Cellular**, emergency cell phone 47.77; **Verizon Wireless**, home connect & jetpack 64.32; **OPPD**, electric @ wells 232.89; **Security Services**, relocate fire alarm 767.04; **Midwest Labs**, swr samples-s/h 716.64; **Mitchell Electric**, Swr Clarifier parts 71.05; **One Call Concepts**, digger locates 17.82; **Ferebee Law Offices**, June 2023 atty fees 1000.00; **Pawnee City Thriftway**, off/pool sup 366.57; **Pawnee Co Reg of Deeds**, mowing liens FF 30.00; **Tori Ward**, lifeguard re-cert training 75.00; **Pawnee True Value**, rep parts/tools 428.68, **Casey's Bus.**, equip fuel 287.08; **Wtr Dep Refund:** Bently/Fehringer 8.80; **Schendel Pest Control**, spray swr plant qrtly 70.00. 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 May Treasurer's Report: Council reviewed the Treasurer's Report as of May 31, 2023. Clerk Curtis stated she would be getting the Council Members their Fund Budget Worksheets soon so they could start working on their budgets before they are scheduled to meet with Julie in July for the One-on-One Budget Workshops.

Sheriff Braden Lang: Discuss putting the Barrel with the Handicapped Sign back up on F Street: Mayor Hatfield stated that apparently a vehicle had completely run over the barrel and handicapped parking sign that has been located in front of the former SENCA building for at least five plus years. The lady drugged it for a bit before she backed off of it, then she called the office the next day and inquired why that handicapped sign and barrel was even placed in front of the prior SENCA building since they are not located there anymore. Mayor Hatfield had directed to City Crew to not put it back up until he could talk with Sheriff Lang. Discussion continued on possibly moving the handicapped sign over in front of the Pawnee City Thriftway store. Council Member Eisenhower stated that she was recently told that eventually the people who own Pawnee City Thriftway will be remodeling the SENCA building and extending the Thriftway store, so maybe the City could just wait to put any sort of handicapped signage back up until that time. The Mayor and Council Members were all in agreement with this suggestion. Mayor Hatfield stated that there is a gentleman riding a side-by-side on the sidewalks and has been parking it in front of the Post Office most every day around 9:00ish a.m. Sheriff Lang stated they would keep an eye out and talk with the gentleman about not riding and/or parking on sidewalks with a side-by-side vehicle.

A Report and update from Council Member Poskochil: Discuss possibly dissolving Animal Control Board: Council Member Poskochil stated that she would like to discuss possibly dissolving the Animal Control Board (ACB) while Sheriff Lang is present since he is also a member of that board. Council Member Poskochil stated at the last ACB meeting they had discussed dissolving that board because most of the stuff they are discussing, the action being taken is outside of the meeting with conversations between the Sheriff's office and the City Office and with herself. Poskochil felt that she could just continue to be the head point person for the City Council for Animal Control related issues and bring recommendations before the City Council, but she didn't necessarily think they needed to have an ACB because there's not really that many issues that come before them. Council Member Eisenhower inquired if Poskochil was talking about disbanding the Animal Control Board or just lessening the number of meetings? Council Member Poskochil stated they had already reduced the meetings from quarterly to semi-annually but there's not a lot of stuff to deal with on the agendas. Sheriff Lang stated that it's always the same issues on dog thing and the exact same stuff every time. Eisenhower inquired if they handled anything like issuing tickets at these meetings? Poskochil stated that all of the actual activity happens during business hours. Eisenhower inquired if she meant with the City Clerk and Sheriff's offices? Council Member Poskochil stated that Kellie was already doing all of the correspondence and communicating with the Sheriff's Office. Clerk Curtis stated yes, because Kellie was on the Animal Control Board, even before she became the Deputy City Clerk so Kellie does not get paid for going to these meetings or staying after work to write up Agendas or type up those meeting minutes. Council Member Poskochil stated that the City Office is still going to track the dog licenses and share that information with the Sheriff's office because there's no way she could handle that on her own since everyone has to come to their office to license their dog and show proof of rabies certificates. City Attorney Ferebee stated that the ACB

was formed because the City Council was being overran with dog issues because there were a lot of messy dog issues going on at that time. That is why they incorporated the ACB into the City Ordinances as they were having repeat offenders with dogs fighting and chasing people. Sheriff Lang stated that they have the State Statutes and the City Ordinances that are all outlined in place as to what needs to be done. Lang continued that every member of the ACB at one time or another has questioned why they are meeting because it's already all spelled out as to what needs to be done. City Atty Ferebee stated that it's the upgrade to reckless owners and the appeal provisions for certain dogs being defined as dangerous dogs or potentially dangerous dogs and all of it can be re-written into the ordinances but at the time that they were created the City Council was tired of going late at night because of dog owners. Ferebee continued stating she wondered how often the City was running into the issues with dangerous dogs at this time because when these ordinances were written the City was dealing with major problems with dangerous dogs. City Atty Ferebee stated that all of the ordinances and procedures in place all revolve around the Animal Control Board but that doesn't mean the City can't rewrite those ordinances and take the ACB out and give that back to the City, it just may extend your meeting times an unknown amount of time if dog issues were to arise. Council Member Poskochil stated that her thought process was that each Council Member has a fund or area that they are in charge of, so there could still be a Council Member that is the head point person that would coordinate with the Sheriff's Office, etc. Sheriff Lang stated that historically, the dangerous dog issues come up every 2-3 years. City Atty Ferebee stated that recently the City hasn't had a lot of out-of-control dog issues but that also means that the ACB has done their job in making sure that dogs have updated rabies and are licensed at the City. Council Member Poskochil inquired how hard would it be to reword the language in these ordinances? Ferebee stated it wouldn't be terribly hard, everything would just go back to the City Council. More discussion followed with Sheriff Lang stating that he has actually shared Pawnee City's ordinances with a couple of other towns within the County that are looking at how they can tailor them to meet their needs as they have continuously been having dog problems. Mayor Hatfield stated that he went on the Animal Control Board after Council Member Sandi Corbitt-Sears left and at that time they had been meeting quarterly, then changed it to semi-annual meetings. At the time he joined the ACB and SHARE were having continuous issues between themselves and the meetings lasted 3-4 hours and nothing was really getting done. Council Member Poskochil stated that those were previous SHARE members that are no longer on that board. Mayor Hatfield stated that before he was on the City Council he remembered hearing horror stories of the City Council meetings lasting to close to midnight because of all of the dog issues that they were trying to deal with. Council Member Eisenhauer stated she sure didn't want to get back into that situation again with the current Council meetings lasting that long. Eisenhauer continued that if the ACB is only meeting twice a year she felt they should just keep in an active board. Mayor Hatfield stated that he had talked to Keith Groeling, an ACB member, which the Mayor explained to Keith that if the City disbanded the ACB, then it could force the City Council meetings to last for hours if some dog issues were to come up. Keith had stated to Mayor Hatfield that since they only meet twice a year, he would agree to stay on as a member of the ACB. City Clerk Curtis inquired who was going to handle organizing the Rabies Clinic if the ACB disbanded? Council Member Poskochil stated that SHARE could handle the Rabies Clinics. Council Member Eisenhauer moved to not disband the Animal Control Board. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Discuss Metal Dump area for SHARE Kennels: Council Member Poskochil stated she had talked with City Attorney Ferebee who had done a little more research on the stipulations of the closed landfill, which is now the City's Metal Dumpsite and there were no concerns with the use of part of that property. Council Member Poskochil also talked with the licensing personnel with the NE Dept of Agriculture and they didn't have any concerns, except there is to be no sharp or jagged edges in the immediate vicinity of the kennels. They also stipulate that the animals have to be cool in the summer and warm in the winter, so SHARE would have to make sure the kennels were covered and maintained in sanitary conditions. Council Member Poskochil stated the problem is there is no water service at the Metal Dump area and according to Doug Daily his estimated costs to run a water line that far would be a minimum of \$10,000. Poskochil continued that there is a water line that goes to the property owned by Will Dunn with the old brick house on it so she reached out to Mary Moser about that property. Mrs. Moser did not feel that Mr. Dunn would want to surrender the water line to SHARE from that property because Mr. Dunn had been trying to previously sell that property. Council Member Poskochil stated that SHARE is now going to inquire about purchasing that property. Poskochil continued that there is a lot of land out to the Metal Dump so if SHARE and the City wanted to partner in some way to make it more of a community dog park, where a portion of it could be open to the public for a "dog run area". Foreman Cumley stated that the City still has to be able to spread sludge on that Metal Dump property twice a year and he did not feel people would be wanting to walk through sludge from the sewer plant. Discussion followed that it takes a good couple of months after the sludge is spread on the land before you don't notice it anymore and they spread twice a year in April and October. Discussions were had about possibly just placing a water tank out there, but then in the winter it would freeze. Deputy Clerk Wiers stated another problem with the Metal Dump property is that there is no electricity that is connected out there either. Council Member Poskochil stated that if SHARE approaches Mr. Dunn to purchase or donate the property to them, it could be used as a tax write-off.

Jeanie Sedivy-Discuss bringing back the Farmer's Market to Pawnee City – on F Street between 6th & 7th Streets: Ms. Sedivy was unable to make tonight's meeting but the City Council discussed that they felt this was a good idea to bring the Farmer's Market to Pawnee City again. There were further discussions/questions about if there would be a fee charged, if PCPN was involved in it at all again, etc. City Attorney Betsy Ferebee stated that Mrs. Sedivy goes to her church, so she would visit with her about the Council's questions and ask if she would like to come back to a future Council meeting. Council Member Zelenka stated she would visit with Lola Seitz about if PCPN was planning to be involved with the Farmer's Market as they had been in the past.

Shannon Ahlman-Discuss Smoke Shop coming to Pawnee City. He owns 420 Smoke Shop on Court Street in Beatrice, NE: Mr. Ahlman was unable to attend tonight's meeting so this item was tabled.

Review/Discuss email correspondence from Connor Barr/Betsy Ferebee re: Sex Offender Policy recently passed by Pawnee City Schools: City Attorney Ferebee stated that she and Connor Barr had been talking after the school released their statements on the Sex Offender Policy. At that time, they were wondering if there was anything the City could put into action as

to prevent a sex offender from being so many feet within a City pool, park or youth gathering. Connor's church went ahead and put that in their own Church Policy and are operating under the same way the school is now, which is a policy allowing the School District could make statements to certain sex offenders that they are not to be on the property and if they do come on the property, then they could be charged with trespassing, which any of the Churches could do that as well. Mayor Hatfield stated what would be the actual distance that the sex offender would have to stay back from a certain area? Hatfield continued that there have been a couple incidents with the Pool Manager having to run a certain person off, as he was sitting out on the side of the street but he wasn't actually on the City Pool/Park property. At this time, the Pool Manager is just having the kids in the park move to a different area away from this gentleman. City Atty Ferebee stated that she had gotten an example sex offender policy from the City of Auburn that has a 500 ft requirement but she had a real problem including a Church within a City's policy because most Churches have an open-door policy. Ferebee continued that it is a tough situation but the School had run into continuous problems with the same individual taking pictures of other kids at field day, etc. and finally decided that they needed to implement a policy so that they had some sort of control over what a sex offender can do on school grounds. More discussion followed about what City properties this policy may include, how far away an individual would have to be from said City properties, etc. City Attorney Ferebee stated that this is just something for the City Council to think about as there does not need to be any decisions made on doing a sex offender policy at tonight's meeting. More discussion followed with no action being taken on implementing a sex offender policy at this time.

Discuss Selling Old Fire Hall: Council reviewed the email from Mike Habegger regarding moving the fire trucks, bunker gear and other equipment from old Fire Hall to the new Fire Station on June 6th with the Fire Dept. planning to be moved out of the old Fire Hall by the end of the month. ***Discuss with City Attorney Ferebee the City's next steps to putting the old Fire Hall up for sale/auction:*** Mayor Hatfield stated that he previously had former City Atty Emily Sisco check on if the City could possibly auction off the old Fire Hall and at that time the City could, but he wanted City Atty Ferebee to make sure no laws had changed since that time. City Atty Ferebee stated that she looked over all of the State Statutes and they still don't restrict how a second-class city can sell a property, so having an auction to sell the old Fire Hall property is completely acceptable. Ferebee continued that no matter how the City chooses to sell the property they still have to advertise for the 30-day right-of-remonstrance period before the property is sold. More discussion followed on when to advertise that the old Fire Hall would be put up for auction. City Attorney Ferebee stated that she felt that once the Fire Department was completely out of the old fire hall, then the City could start the process of advertising to hold an auction. More discussion followed with Mayor Hatfield stating that he would inquire if Clay Schardt would be interested in donating his services as the auctioneer and report back to the Council.

Review/Approve Law Enforcement Agreement, a 4-year contract – Co. Commissioner's accepted the 6% increase for the first and second years and then a 3% increase for the third and fourth years: Council Member Zelenka moved to approve the 4-year contract on the Law Enforcement Agreement with the County with a 6% increase for the first and second years and then a 3% increase for the third and fourth years. Council Member Poskochil seconded the

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

Review/Approve Transit Agreement between County/City for July 1, 2023-June 30, 2025, the amount stayed the same at \$1436.00: Council Member Eisenhauer moved to approve the Transit Agreement between the County/City for July 1, 2023-June 30, 2025, for \$1436.00. 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 Health Board Members: *Discuss Health Board Meeting:* Mayor Hatfield stated that the Health Board met on June 6th to go over the rules and regulations as to what the Board can and cannot do when they go to look at a property. They discussed different ideas on how best to handle nuisance properties. The Health Board plans to meet with Pawnee City Development Corporation (PCDC) and the Pride Committee in the near future so that all three boards/committees are on the same page in dealing with the nuisance properties. There was also discussion about trying to get to some of these nuisance properties earlier so it could be a positive way of dealing with it. If the City is putting some pressure on the owners of these nuisance properties to fix up the house before it needs to be torn down, as sometimes those empty lots can look just as bad as the dilapidated houses if the owners aren't taking care of mowing it. Council Member Fisher, Health Board member had come up with the idea that if the City puts pressure on a nuisance property owner to fix it up and the owner isn't able to, then they could possibly donate or sell it to the Pawnee City Community Foundation (PCCF), then PCDC or whomever could go in and fix it up and sell it. Council Member Eisenhauer stated that is what PCDC is kind of doing right now, trying to get some of those properties so that they could either sell it or tear the house down, if needed. Mayor Hatfield stated that they could possibly make a deal that the owner has 2-years to get it up to code and every six months that committee would go in and check on the property to make sure they are continuing to make progress. Council Member Poskochil stated that her parents have rehabbed several different properties that they have either sold or are renting out, which at the time several people told them they should just tear down. Mayor Hatfield stated the problem is that Pawnee City already has a shortage of housing, so if the City can possibly get to these homes before they get to the "tear-down" stage, we should do it. ***Updates to Nuisance Properties & what the next steps are:*** City Attorney Ferebee stated that she is currently working on two different sets of letters. The first set of letters is going to be Abatement type letter to 1145 G Street (Percival/Lewis) and the house that is right South of that property, owned by Herrera Mora. The main issues with these two houses are that they are both "open" and are a danger to all of the kids in that neighborhood. The other one on that block, located south of these two properties, PCDC is working on getting that property donated to PCCF because doing that is a tax write-off. The Abatement procedure is kind of a lengthy procedure but it has worked well in the past. City Attorney Ferebee plans to go about a different approach at 738 3rd Street (K. Lee) and 112 12th Street (J. Osborne). The Osborne property has become somewhat of a dumpsite in his yard and on the street, since 12th street is a dead end that ends at his property. Those two letters she plans to give them a little bit of time to get their properties cleaned up and then pursue them as Misdemeanors. The City has the ability to charge fines and pursue these properties with Misdemeanors, so they can be charged with a Misdemeanor each day that it goes un-repaired with the fine being as much as \$500/day. City Atty Ferebee's thoughts on these two properties is that if the owners can't fix them, then possibly

they would sign them over so somebody could go in and salvage these properties, making them livable again. Before Ferebee charges Mr. Osborne with a misdemeanor, she will have an officer go take pictures of the property so they can document things as to what items were there to begin with, since Mr. Osborne had recently threatened that he would shoot anyone who came on his property without his permission. Council Member Poskochil stated that there is Federal Grant money available, that you either have to be a City or a Non-Profit Organization for the grant. Council Member Eisenhower stated that is why PCDC goes through the PCCF organization because of the possibility of a tax deduction. More discussion followed about the Red Crown Point houses that were built in Pawnee City a few years ago. Mayor Hatfield stated that he has talked to the person in charge of building those and he is interested in building more houses in Pawnee City again. More discussion was had on how difficult it was to meet their income guidelines, so they may have to see if some of those could be adjusted. Mayor Hatfield stated he felt encouraged with the way the City Attorney plans to handle these first few nuisance issues. Clerk Curtis stated she had gotten a complaint and wondered what could be done about the 526 G Street nuisance property (Ed Raper) that has the whole back half of the building left open as apparently some kids were caught in the back of that building and are now being ticketed with trespassing. Curtis continued that this property has not been safe for a very long time. Foreman Cumley stated he does not feel safe either when reading that water meter as Mr. Raper had the City turn the water on a long time ago because he was going to finish working on that building and there was no water that ever went through that meter. Discussions were had that there once was a snow fence up around the back of the property but had been partially taken down so he could get his equipment out. Mayor Hatfield stated that this has been a nuisance property that the City has been dealing with for quite a few years now, which at the beginning it belonged to Jerry Graham, but then he signed it over to Mr. Raper and it went back and forth for a while. Hatfield continued that years ago Mr. Raper had told the Council that he would have the back of that building completed before the first snow flies, but he didn't say which year, etc. City Attorney Ferebee stated that it sounds like this building is a dangerous situation that needs to be addressed. Mayor Hatfield stated he had taken pictures some time ago and by the looks of the building now, there hasn't been any work done. City Attorney Ferebee stated that she has a hard time with the City pursuing homes that aren't open while there is a building downtown that is wide open, that is a safety hazard, for inquisitive kids to make their way into. Discussions were had that if the City doesn't pursue it and someone would get hurt in there, then the City may also be held liable. City Atty Ferebee stated she will also plan to send Mr. Raper a Misdemeanor Letter.

Report and update from Council Member Eisenhower: *Discuss Pool updates:* Council Member Eisenhower reported that they are on their second week of Swimming Lessons up to the Pool and that the Handicapped Lift Chair is currently fully operational. Clerk Curtis and Council Member Eisenhower also found out that 15-year-old guards cannot work more than 8 hours/day or a total of 48 hours in a week, so if no other lifeguards are available to cover a partial shift the pool may end up having to close a little early. The overage of hours worked mostly occurs when they are holding swim lessons and this is our last week, so Council Member Eisenhower did not project any further issues this pool season. It was reported that a Boy Scout Troup used the pool to do some certifications but did not need any of our Pool Employees onsite because they had one licensed pool manager and a certified lifeguard there the whole time.

A Report and update from Foreman Cumley: *Report on City-Wide Clean-up held June 5th:*

Foreman Cumley stated the City-Wide Clean-up was held while he was on vacation, but the other City Crew Members stated that it went very well. They hauled two and a half loads to the transfer station in DuBois and then two to three loads to the metal dump. ***Updates to Well issues:*** Foreman Cumley stated that all of the air that had been in the water cleared up when they adjusted the Well pumps. Foreman Cumley stated he had gone out and recorded all of the statistics on each well and reported all of these numbers to Keith with Sargent Drilling. Foreman Cumley continued that as Well #1 sits, the top of the screen is at 107', so when the well is not running the static water level (SWL) is at 95.5'. When the Well is currently running it is maxed out, which means it is pumping at 105.5', which is two feet above the screen. They are not supposed to go below that 2' above the screen or we get the cascading water so we can't pump at over 105' deep, which we are right at the verge. When the VFD starts and stops, it overcompensates itself, so we actually are going below that 2' line. The screen on Well #1 reported 105.5" today and he did manual check those depths, too. So, what you are taking is the 105', the lowest we want to pump the well, vs. what our static water, which is the not pumping that is 95.5'. When we are drawing down 10' and we really only have 9.5' of water available in that aquifer, so we are maxed at that well and that is running 75 gallons per minute (GPM). They could turn it down more, but the issue they had when they tried turning it down more, they were changing a lot of the settings that a lot of the VFD wasn't capable of, plus the check valve is the older style weighted kind still and so when they went lower than the GPM they are pumping now the well wants to ramp up and ramp down, ramp up and ramp down and it can't find the balance, which makes the check valve slam open and close. Right now, they've got it to the best of their abilities, but the truth is that there just isn't any water left. Well #2 did come up a little bit. The SWL was 109', the lowest we can pump it is 121', which gave them roughly 11.5' of drawdown total in the aquifer and they are drawing down 9.5' so they have a little bit of room there, but not a lot. That is the Well that was sucking all of the air. Foreman Cumley was able to bring that pump back up a foot today. With the two older wells, which is Well #1 & Well #2 combined, they were not meeting demand in town during the day, but they can keep up at night. During the day they were running almost 20-22 hours and just kind of running a flat line as they weren't filling the water tower but they weren't declining either. At night it would finally catch up and fill up the tower. Well #3, which is our newest well (1977) is also functioning just fine with no issues with it. The lowest they can pump Well #3 is 128', SWL is at 116.2' which gives them about 11.8' of water that we can use in the aquifer. They are drawing it down 10.9' when it runs, so there's about a foot of water left in there. So that is where our water sits in each of the wells. Foreman Cumley continued that Well #2 did come back up about 2', which is better than it was, but still not good. Council Member Eisenhower stated that we haven't even gotten to the heat of the summer yet. Foreman Cumley stated he had talked with Keith today with Sargent Drilling and went through all of these numbers with him these are his points of view: 1). All of the City's Wells are old, even the best well (#3), which was built in 1977 is old. 2). Keith isn't saying that the aquifer can't come back up, which is out of everyone's control, but if the City would lose our best well, #3 the City is basically out of luck because Wells #1 & #2 will never be able to keep up with demand. Foreman Cumley continued that the City has somebody that wants a new water tap (Jeff Fink), that we have done a permit for and this person had been waiting until this summer to do it, so Foreman Cumley didn't know if the City had the right to not allow people on the water system anymore? Foreman Cumley stated he definitely thinks that the Council needs to discuss going into water rationing right away. When he was looking up today over 90% of

Nebraska is currently is a water restriction right now. Council Member Fisher stated it would be better to start sooner with the water restrictions than later. Foreman Cumley knows that the Rural Water Board votes on whether they can add a new tap on their system or not, but he didn't know if the City had anything in their ordinances stating something like that. Keith with Sargent Drilling had stated to Foreman Cumley that is probably time to start looking for a new wellsite that will produce more water than what the City is currently getting out of their existing wells. Council Member Zelenka inquired if the City could just go deeper with our current wells. Sargent Drilling had told Foreman Cumley that is not how that works because they put a floor in those wells and it's all sealed and he didn't know if there was really a way to remove that because by what he understands they drill a hole and then they drive the big casings down that have the screens attached to the bottom of it and they just drive it down and there is a lot of concrete, mortar and gravel pack around that casing, then doing the same thing when they put in the smaller casing in with the pump, there is gravel and concrete that goes in the bottom and then pack it around the outside of that as well. Council Member Zelenka inquired if they dug a new Well if they could go deeper with it. Foreman Cumley stated that he would think they could, but he is also just learning about all of these things. Foreman Cumley stated in talking with Sargent Drilling the first step is talking with our City Engineers and they look at the lay of the land and figure out where the best spot would be for the City to test for a new wellsite. The City would also have to talk with the State because their State Engineers would have to sign off on it to give the City permission to do a test well and they also have to communicate with the Natural Resource District (NRD) anytime you put a hole in the aquifer. Keith stated that usually from start to finish it can take up to two years because there are just a lot of moving parts involved in the whole process. Sargent Drilling would be the ones that would come out and do the testing for the new wellsite. Council Member Poskochil stated that the City is on the list for technical assistance through Wichita State to evaluate our whole water system, so they may be able to assist the City on this also. Foreman Cumley stated he would be contacting Evan Wickersham with JEO to set up a time that they can come down and get the City started on this whole new Wellsite process. Sargent Drilling also stated that our Engineering Firm, the State of Nebraska or Rural Water Association should be aware of some grant funding out there to assist the City with some of the costs associated with digging a new Well. City Attorney Ferebee stated that in the City Code Book it doesn't give a clear answer but just says that any new tap on the water main either has to be approved by either the Mayor or the Water Commissioners and there is an application process, but it does not lay out whether or not what constitutes a denial. Clerk Curtis stated that she was not ever aware that the City has ever denied anybody water service. Council Member Fisher stated that this would be a good reason to deny any more water services at this time. Foreman Cumley stated that one of his concerns was that the gentleman who has already turned in an application and was wanting to get the main tapped sometime this summer, they are wanting to build a house in the future, but meantime they might run cattle out there. Most of the water customers that have cattle are using 40,000 to 50,000 gallons of water a month, so that is a lot of water being used. Foreman Cumley continued that where this water tap would be going in is right in the middle of a corn field crop, so Mr. Fink had stated that he would just pay the farmer for whatever crop he had lost. Cumley wondered where the City was covered in this situation. City Attorney Ferebee stated it would be close to the same as a Sewer Tap, the person getting the water tap would be responsible for any crops or if anything were to happen. Foreman Cumley stated that Sargent Drilling estimated the cost of a new Well ranging from \$750,000+ but that depends on where the location of the new Well is and how far the City would have to go

to the existing Water Main we already have; how far it would be to run electrical poles from the power company to get out there; what kind of a Wellhouse Building the City would want; what kind of metal the City would want in the new Well – how much stainless-steel vs iron the City would want; Fencing around the wellhouse because the well has to be secure. So that all comes into play when you come to the final numbers of the total cost to put in a new Well site. There is also the chance that there isn't a better producing well site on the pastureland that the City owns, so then you run into those extra costs of renting or purchasing more ground from someone. Council Member Poskochil inquired if the City could, in addition to the water rationing, also work on encouraging people to catch rainwater and use that for watering their plants and gardens. Council Member Eisenhauer stated that she has a couple 50-gallon drums set up that catches rain off of the back of their garage and it doesn't take long to fill those both up. Council reviewed the sheets Clerk Curtis had handed out showing what Stage 1 Voluntary Water Conservation consists of the City is asking water customers to voluntarily conserve water usage and Stage 2 Water Rationing consisting of the mandating that water customers shall only be permitted to use water sprinkling systems on even numbered days, customers located North of 7th Street and on odd numbered days, customers located South of 7th Street. After much discussion Council Member Zelenka moved to approve the City entering into Stage 2 Water Rationing, effective immediately. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Foreman Cumley had also visited with the Pool Manager about if the City were to enter into Stage 2 Water Rationing it might be a good idea for the City to close the pool slides too because a lot of water leaks and runs off of both of those slides every day. Council was in agreement with closing down both pool slides while the City is under a Water Rationing Order. ***Sargent Drilling Well #3 Repair Billing:*** Foreman Cumley stated that these repairs were not budgeted for in the Water Department but the Flow Meter in Well #3 went down. This is a State requirement to have and also an important tool on the Well. Sargent Drilling had to re-do all of the piping in that wellhouse because the new flow meters are a whole different length. So, in order to change the flow meter, they had to re-do the whole thing and also install a new Check Valve so this repair bill was a lot more than he had originally planned for. Clerk Curtis stated that the water fund had budgeted for a total of \$128,296 in capital expenditures for this fiscal year and have spent \$126,728.12 in capital expenditures to date, so that only leaves a little over \$1500 left in that line item. Clerk Curtis continued that she had budgeted close to \$54,000 of the ARPA Funds for use in the Water Department and another \$54,000 in the Sewer Department to be used on unexpected repairs that may have come up. This was before Council Member Helms had requested the leftover ARPA funds be spent on street repairs, after the FY 22-23 budget process had been completed. More discussion followed. Council Member Eisenhauer moved to approve paying Sargent Drilling's bill for \$20,224.05 for Well #3 repairs out of the ARPA money that had been budgeted in the Water Fund. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review Notice of Valuation Changes to Well Pastureland and Cornerstone Building Chase Property Fire Dept. purchased: In looking up the property on the valuation that had been marked the Cornerstone Building, Council Member Poskochil stated that it was listed as the Harold Chase property before it went into the City's name. Mayor Hatfield stated that is the property that the Fire Department obtained right East of the new Fire Station, which they plan to tear the house down and make it into a parking lot area. Council Member Eisenhauer stated that

if that house is going to be torn down and turned into a parking lot, then she felt the City should contest the increase of over \$13,000 for a building that is going to be torn down. More discussion followed with Clerk Curtis inquiring who was going to fill out the Valuation Protest Form with the County. Council Member Eisenhauer stated she would get the Protest Form filled out and file it with the County.

Review/Act on Randy/Amy Gyhra & Theodore/Kacie Gyhra's Demolition Reimbursement Request at 739 F Street: Council stated that the former lumberyard property looked so good since the Gyhra's had torn down part of the old buildings. Council Member Eisenhauer made the motion to approve Randall F. & Amy Gyhra/Theodore & Kacie Gyhra's demolition reimbursement request at 739 F Street for a total of \$4000. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Correspondence: Power Manager Changes: Council reviewed the email from Mitch Mullins that Power Manager was formally acquired by Harris Computer Systems but both Mitch Mullins and Mitch Dahl will both be coming onboard with Harris and continue to provide the same great software and support that they always have. Clerk Curtis stated that both of the Mitch's would like to retire in the next few years so they wanted to find a company that would continue the same great service to their municipal customers that they always have done. **LARM Insurance:** Council reviewed LARM's article on "What's happening with property insurance rates?" It is looking as though most municipalities will be seeing increases in their property insurance rates this year as repair costs, especially materials have gone up substantially, plus the difficulty in even finding the materials to do those repairs. **Arts Council's Ice Cream Social:** On Sunday, June 25th, the Arts Council will be holding their annual Ice Cream Social on the East side of Courthouse. They will need to block off G Street between 5th & 6th Streets for the Community Band Concert so the Arts Council will be picking up barricades/cones the Friday beforehand. **Bench in Memory of Bruce Haughton:** The Bench in Memory of Bruce Haughton has been placed between the City Office and the Cornerstone Building. Everyone commented on how nice it looked! Council Member Zelenka moved to adjourn the meeting. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 9:47 pm.

Attest: Tamela S. Curtis, City Clerk/Treasurer

Charlie Hatfield, Mayor