

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, JUNE 24, 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 being posted in four prominent places, a designated method for giving notice as shown by the Affidavit Of Posting 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 Vickie Zelenka, Donnie Fisher, Susan Eisenhauer and Laura Poskochil; Kellie Wiers, Deputy City Clerk and Tamela Curtis, City Clerk/Treasurer; Foreman Spencer Cumley. **Absent:** None.

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 Zelenka moved to accept the June 10, 2024, 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: **6/18/24 Payroll:** \$14,020.79; **Union Bank & Trust**, FWH 4269.44; **NE Dept. of Rev**, SWH 614.56 & May 2024 sales tax 2096.68; **John Hancock**, retirement 1673.75; **Allstate**, cancer/accid 218.06; **Madison National Life**, life ins. 52.88; **Ameritas**, vision 92.40; **United Health Care**, health ins. 7099.70; **Amazon Capital Services**, office supplies 115.97; **Dollar General**, pool concessions 50.70; **BHE**, gas service 279.69; **Spectrum**, internet/ph @ shop 184.97; **Capital Bus Systems**, Elevate ph system 192.77; **Nebr. Public Health Envir Lab**, wtr sample test 236.00; **Pawnee City Dev. Corp.**, April 2024 sales tax 5958.14; **SA**, May 2024 garb serv, dumpsters @ pool & pond 7087.52; **Windstream**, phone @ swr plant 63.65; **3-D Plumbing & Handyman**, replace wtr line at pool 4474.49; **Access Systems**, IT service 931.60; **Falls City Rec.**, lifeguard training 1760.00; **NPPD**, electric service 3128.06; **Pawnee True Value**, repair parts 725.17; **Samuelson Law Office**, city atty fees 1000.00; **Terra Blecha**, reimb pool supplies 23.00; **OPPD**, electric @ wells 273.56; **Concrete Industries**, wtr parts for wtr main repair 1070.00; **Kay Park Rec**, park benches 3554.00; **Mark Sunneberg, Jr.**, demo reimb 4000.00; **PC Library Foundation**, 8400.00; **Pawnee Co. Clerk**, Handi-Bus agree 2024 1436.00, whereupon motion carried. 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.

Betsy Samuelson, City Atty re: Review/Discuss Email & Documents from Anthony Nussbaum, Falls City Administrator re: discussing items to adopt prior to entering into interlocal agreement with City of Falls City for Building Inspector: Atty Samuelson reviewed the documents received from Mr. Nussbaum and said she didn't see anything wrong with them except if the City decides to adopt them, then the dates should be updated. Council Member Eisenhower reminded Council that Falls City requires vacant properties to be registered which Pawnee City had previously decided not to do. Should Pawnee City adopt this procedure or should the City just have a building inspector for the demolition program? Clerk Curtis stated Falls City will probably not enter into an interlocal agreement unless Pawnee City adopts the same program Falls City has. Discussion was had about the amount of time and expense required to enforce property registration. Although, this process may have helped deal with the nuisance property at 522 G Street. The Housing Committee would like Pawnee City to have a Building Inspector to assist with the demolition process and a Housing Director to help with the plan to build more houses which Falls City may be able to provide. The Housing Committee has a meeting scheduled this Friday. Pawnee City currently has a Zoning Administrator who inspects properties for property owners who have applied for building permits. Council Member Eisenhower also stated that PCDC has the amnesty program and contacts individuals themselves about the nuisance properties and then PCDC will clean up those properties. City Attorney Ferebee stated that the procedures are the same whether you have a Building Inspector involved or not as you still have to go through due process. More discussion followed with the Council agreeing to table this item at this time.

Report and update from Clerk Curtis: Items for discussion are: Discuss how discussions with Mr. Raper went re: obtaining nuisance buildings for RCPC Grant: Clerk Curtis explained DC Wiers found a letter from Mr. Raper in the mail slot this morning. In the letter, Mr. Raper complained he wasn't notified of the June 24th council meeting and anything said in the meeting will not be true. Clerk Curtis continued to explain her husband, Lynn Curtis, had talked with Mr. Raper and suggested he turn over the nuisance property at 522 G Street to the City but Mr. Raper asked \$40,000 for the building but then lowered the price to \$20,000. Mr. Curtis explained to Mr. Raper that if his building fell on the bank, it would hurt his daughter-in-law and other people and it would be Mr. Raper's fault. Clerk Curtis will try again to talk with Mr. Raper. Steve Bumer from In-line Construction of Marysville, Kansas, stopped and looked at the building last Friday and he will email a demolition bid to the City Office. He explained that he planned to use big round hay bales as a cushion against the bank building for falling debris. DC Wiers had explained to Mr. Bumer that a local contractor had agreed to haul the debris away whether it was to the local sewer plant or a designated landfill so that service wouldn't need to be in the bid. DC Wiers will contact Pershing Construction and ask him to submit a bid for demolition only so that the two bids would be comparable. Council Member Eisenhower asked City Atty Samuelson for an update on correspondence with Mr. Raper's attorney forcing him to speed up the process for demolition? Atty Samuelson has not received a reply from Mr. Raper's attorney. Mr. Raper has recently been working on the building according to pharmacist Heidi Kohake. Council asked Atty Samuelson to follow up with Janice Lewis to see whether an asbestos inspection has been completed and submit a copy of the report. Clerk Curtis stated Josh and Tracy Wissler have been taking wooden siding off Janice's house and using it to repair siding on the house they are restoring. Council Member Eisenhower asked about the property at 200 11th Street owned by Frank Burcham. Mr. Burcham has more vehicles parked in his yard

with more car parts laying in the yard. Sheriff Lang used to talk with Burcham when his collection started creeping into the right-of-way and get him to move it. Discussion was had about state statutes and unless the City needs use of the right-of-way, Mr. Burcham can have items on the right-of-way but this has become more of a nuisance. Discussion was had about the restroom at the campgrounds that someone had made a mess in the toilet and along the wall.

Executive Session: Discuss Pool Employee Job Performance: Aiden Tozer and his father, David Tozer, along with pool manager, Terra Blecha, appeared before the Council. Council Member Eisenhauer moved to go into Executive Session for the purpose of Discussing Pool Employee Job Performance to prevent needless injury to the reputation of a person and if such person has not requested a public meeting at 8:30 p.m. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhauer moved to come out of Executive Session at 8:50 p.m. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhauer moved to retain Aiden Tozer as a lifeguard and if he loses one more point, then he will be terminated. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review SENDD's Membership Packet requesting continued participation and membership dues with Southeast Nebraska Development District (SENDNDD). Approve FY 2023/2024 Housing Dues--\$260.00 and Membership Dues--\$1575.00: Council Member Eisenhauer moved to approve the 2023/2024 membership with SENDNDD which includes Housing Dues of \$260.00 and Membership Dues of \$1575.00. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Take Action on Election Billing from Pawnee Co. Election Commissioner: Council Member Eisenhauer asked the Council if PCDC might be willing to pay half of the \$1185.48 reimbursement on election expenses for the City Sales & Use Tax and the Economic Development Program that Pawnee County paid for the Nebraska 2024 Primary Election? Clerk Curtis stated that is how it was done, initially. Council Member Eisenhauer, a member of PCDC, said she felt confident that they would pay one half of the expense. Council Member Eisenhauer moved for the City to pay 50% of the \$1185.48 election expense for the City Sales tax and request from PCDC that they pay the other 50% of the cost. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Discuss approving applying for CDBG Public Works Grant for Street Repairs (same as we budgeted for this FY \$325,000 with City Match \$65,000 includes some Engineering Costs and \$30,000 in Admin Costs): Council Member Eisenhauer moved for the City to apply for the CDBG Public Works Grant for Street Repairs for \$325,000 with City Match \$65,000 including some Engineering Costs and \$30,000 in Admin Costs. 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 Mayor Hatfield: Items for discussion are: Discuss questions for RHD re: PCAL: Mayor Hatfield explained he had talked with Matt Ross from RHD and explained the Council has questions. Matt offered to talk with the Council at the next PCAL meeting. Mayor Hatfield explained to Matt that the entire Council would like to meet with Mr. Ross and if they met at the next PCAL meeting then if there was a quorum, it would have to be considered an official council meeting. This would require the meeting to be taped and a clerk would take minutes from the meeting. Discussion was had to invite Matt Ross to the next City Council meeting on July 8th. The Mayor will contact Mr. Ross. Council Member Poskochil requested city attorney, Betsy Samuelson, be present during this discussion to clarify whether PCAL is in compliance with their lease agreement. Mayor Hatfield is unable to attend the next PCAL meeting on June 26th so Council Member Eisenhower offered to go in Mayor Hatfield's place. Council Member Poskochil stated PCAL plans to review changes in their bylaws and Clerk Curtis asked Poskochil to check the address to make sure it has been updated.

Report and update from Council Member Eisenhower: Items for discussion are: *Discuss Pool Updates:* Council Member Eisenhower explained Mallory Branek took the Pool Operator Permit class and passed. Mallory will now be able to be at the pool with lifeguards to relieve Terra and Shannon. Council Member Eisenhower would like to make Mallory an assistant manager/lifeguard and raise her wage to \$12.00/hr. from \$10.75/hr. since she will be working as an assistant manager part of the time and as a lifeguard part of the time. Terra, the pool manager, makes \$14.00/hr. and Shannon, assistant manager makes \$13.00/hr. All of the returning lifeguards are teaching swimming lessons and will receive an extra \$0.50/hr. during that time. Council Member Eisenhower moved to promote Mallory Branek to assistant manager/lifeguard, paid \$12.00 hr., effective today. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. The Pool had their state inspection today and there were no violations. Terra Blecha reported on the Midnight Swim held last Friday on June 12th. There were about 65 participants and there was a \$5.00 cover charge this time because the Chamber matched the \$5.00 and helped cover other expenses. The meal included a hot dog and chips plus there was a scavenger hunt, games and prizes. Terra said there is a problem with some of the pool lights which created dark spots on the south side of the pool deck during the midnight swim. Council Member Eisenhower will contact Wilson Electric and see if the lights can be fixed in time for the next Midnight Swim scheduled for July 12th which will be hosted by the volleyball girls with the theme, Neon Nights. Council Member Poskochil said SHARE, the local animal rescue group, would like to have a Midnight Swim on Thursday, July 18th after the fair parade. Ms. Blecha explained that would not work out well because a lot of the lifeguards like to visit the fair after the parade so there probably would not be extra guards available. Terra said people have reserved the pool for private parties, also. ***Discuss updates to new playground equipment & rubber mulch:*** We have received the playground equipment and the mulch. The site has been leveled and the tree is almost down at North Park. The installation date is set for July 12th and 10 Martin Marietta employees will come to set up the equipment with a supervisor from GameTime to come and assist. Council Member Eisenhower said she could use a couple more volunteers. We should be able to get all the equipment assembled in one day with 14 volunteers. It will cost \$1735.00 for the one day of supervision from GameTime. ***Discuss Fire Station Parking Lot & Cornerstone Building emails with Co. Assessor:*** Council Member Eisenhower explained there is a string of emails between herself and the county assessor about the Cornerstone Bldg. It will be tax exempt but the City still must file a

protest and have it be heard by the commissioners because it wasn't being used by the community on January 1st. The county assessor still showed there was a building in the fire station parking lot so she updated her records and it will now be listed as tax exempt because it is public use. Also, Council Member Eisenhower has been working with a male high school-aged person that needs to complete community service hours. He completed activities that were scheduled on Earth Day that had been cancelled due to rain. This student had mulched, painted, weeded at the parks and cleaned fire pits at the campground as well as spreading mulch. He has a few hours left and will also work on painting curbs around downtown. Eisenhower said he has done a good job and has a good attitude.

Report and update from Council Member Poskochil: Items for discussion are: *Discuss request from Animal Control board for City to keep the account open with Beatrice Humane Society for TNVR and let community members access it with pre-approval for feral cats:*

Council Member Poskochil explained the Animal Control Board had met awhile back and decided to leave the TNVR account open with the Beatrice Humane Society in case there might be some citizens willing (with preapproval) to trap feral cats and transport to the TNVR clinic. The TNVR clinic is willing to bill the city for cats brought in. Sue Pope had mentioned trapping feral cats behind her store and taking them to the TNVR clinic. There is not a balance left in this account but this account was set up so the City could be billed for spaying or neutering cats instead of having to pay at the time of service. There is \$15.12 left of the original \$1000.00 set aside to pay Wild Witch Rescue for spaying and neutering cats. Discussion was had that the Council will probably not allocate more money to Wild Witch Rescue at this time but could revisit the issue later this budget year or next year.

Report and update from Foreman Cumley: Items for discussion are: *Discuss meeting with JEO re: Water Preliminary Engineering Report:*

The report had good information about the wells and how much water they are pumping and the entire water system which will help the City apply for future funding. ***Discuss updates to replace sewer main under Hwy 50:*** Kuhl from Tecumseh was the only contractor to submit a bid which was \$7500.00 but he will not be able to get this done before July. Traffic Control said it would cost \$5700 for cones, barricades, etc. because they are going to direct traffic onto the north two lanes for three days. These bids do not include the rebar or concrete for the highway. Traffic Control would be available at about any time since they are already in the area. Foreman Cumley is working on the state permit which is \$500. Cumley hasn't heard back from Johnson Service Company on the slip lining either. ***Report on Public Water System Routine Sanitary Survey with the State on 6/4/2024:*** It passed and no complaints except we need to paint the new well piping. No deficiencies.

Review/Discuss State's suggested amendment to City Code 3-117, adding re: Water Service when Building on Lots (#6 was added to 3-117):

Foreman Cumley stated they have been working on the lead service line inventory and during this process, the crew members have found several active water lines on empty lots so it was recommended to write an ordinance covering construction on an empty lot if a lead service line is found then that person will have to replace the line. ***Review/Take Action on Ordinance #1062, Amendment to 3-117, Water Tapping/Service Line Maintenance (First reading):*** Council Member Eisenhower moved to approve Ordinance #1062, Amendment to 3-117, Water Tapping/Service Line Maintenance on first reading. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhower moved to

suspend the three readings of Ordinance #1062. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review Correspondence from: Council reviewed the letter from the Nebr. Dept. of Revenue in regard to the required receipts of the information needed to continue the City Sales Tax. Council reviewed the spreadsheet on April 2024 Sales tax of \$16,169.37 with ½% Street Repairs Sales Tax totaling \$3972.09 and \$281.00 being Motor Vehicle Sales Tax. The City Office received an email from Suzanne Borchert with a copy of the letter from NIFA stating Pawnee City was not awarded the NIFA Housing Director grant. 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 9:15 p.m.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor