

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, MARCH 13, 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: Council Members Donnie Fisher, Laura Poskochil and Susan Eisenhower (by phone); Kellie Wiers, Deputy City Clerk. **Absent:** Mayor Charlie Hatfield, Council Member Vickie Zelenka and Foreman Spencer Cumley. Council Member Eisenhower is unable to vote since she was present by phone; therefore, there was not a quorum to take action on agenda items.

Council President Donnie Fisher 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.

The Council reviewed the 2/27/23 regular meeting minutes. No corrections suggested. Council reviewed the minutes but was unable to approve the minutes due to a lack of a quorum.

The Treasurer submitted the following claims for consideration: **3/14/23 Payroll:** 10,066.26; **Union Bank & Trust**, FWH 2906.21; **NE Dept. of Rev**, SWH 450.93; **John Hancock**, retirement 1552.32; **Access Systems**, IT contract 905.30; **Access Systems Leasing**, IT hardware contract 209.98; **Windstream**, internet service @ City Office, phone & internet @ Library 275.59; **Amazon Cap. Services**, trash bags, audio cassettes, facial tissue 146.79; **Blue Rivers Area Agency on Aging (BRAAA)** donation FY 2022/23, 425.00; **Coral's Cleaning Services**, Feb office cleaning 90.00; **Ferebee Law Offices**, March 20223 atty services 1000.00; **H&H Auto Parts**, repair supplies 25.28; **Iowa Pump Works**, float for transducer 81.99; **Lincoln WinWater Works**, wtr sample stations, 4996.60; **Matt Kuhlmann**, March 2023 zoning services, 800.00; **NPPD**, electric @ swr plant and wells 3299.08; **Pawnee City Thriftway**, bleach for wtr samples 27.73; **Pawnee Co. Rural Wtr**, wtr hydrants @ pond 76.50; **Schendel Pest Control**, qtrly spray @ swr plant 70.00; **Tamela Curtis**, mileage, parking, meals for League Conference 157.21; **Midwest Labs**, swr sample tests 307.07; **One Call Concepts**, digger hotline locates 13.90; **Pawnee True Value**, maint. supplies 701.10; **Stallbaumer Lumber & Hardware**, plumbing supplies for pool 23.97; **Casey's Bus. Mastercard**, equip fuel 674.16; **Nebr. Dept of Revenue**, sales & use tax Febr. 2023, 2189.98; **OPPD**, electric @ wells 363.32; **Dave Glynn Constr.**, DD#4 Cornerstone Bldg Proj labor & supplies 5338.00; **Robert G. Miller**, DD#5, Cornerstone Bldg Proj project mgr. 1200.00; **Pawnee True Value**, DD#6 bldg supplies 214.90. Council reviewed the claims but was unable to approve the claims due to lack of a quorum.

Review February 2023 Treasurer's Report: Council reviewed the February Treasurer's Report submitted by Clerk Curtis. Council Member Poskochil asked why there was only \$480.35 left in the Animal Control Board budget? DC Wiers explained that the previous city attorney submitted a bill for services performed regarding dog tickets that were not covered in the monthly retainer after September 30, 2022, when the previous budget year ended so this cost had to be paid out of this year's budget.

SHERIFF BRADEN LANG: *Review emailed correspondence on donation towards K9 program:* Council Member Eisenhauer explained she would be agreeable for the Sheriff's Dept. to keep the rest of the money and use it to purchase items such as fuel, repair of the vehicle the dog had damaged, other vehicle repair or maintenance and other items needed by the Sheriff's Dept. such as a gun safe, radios, ammunition, etc. Sheriff Lang recommended if the Council wanted the funds to be used specifically for the Sheriff's Dept. and to keep it from being appropriated to another department, then there needs to be specific language in the recommendation from the City Council such as "at the discretion of the Sheriff." Council agreed specific language in the recommendation is necessary and Council Member Eisenhauer suggested specific items may be added to the recommendation for this agenda item at a future Council meeting when there is a quorum. ***Review comments about parking from Rev. Diane Morgan who lives in one of the Habegger Apartments:*** DC Wiers explained there are only four or five off-street parking spaces designated for the residents at the apartments and if someone left for the day and returned home, there may not be an empty parking spot if someone had people visiting and then, Rev. Morgan would have to park on the street. Sheriff Lang suggested a parking spot could be assigned to each apartment since it is a private property. Since the street next to the parking spots is not an emergency snow route, then there shouldn't be a concern about receiving a parking ticket and her car is not usually parked in the same spot for more than 72 hours. Council President Fisher suggested she talk with Mike Habegger about the parking situation. Sheriff Lang also reported his truck has been repaired and the new truck he ordered should be ready very soon.

Tabled item: Future Renting of the Cornerstone Building: Review email from Tom Bliss/SENDD: This item was discussed at a previous meeting but clarification was needed from SENDD whether the grant funding would allow the City to charge rent for the use of the Cornerstone Building. Tom Bliss, Executive Director of SENDD, said the City should be able to rent out the space and he advised charging a base rate for a specific amount of time and then charging more if it is used for a longer period of time. Council Member Eisenhauer reminded the Council that it was previously discussed to charge a fee if it was a money-making event and not charge if it wasn't used for a money-making event. DC Wiers asked if there are suggestions on the amount that should be charged? Council Member Eisenhauer stated that Poteet Hall charges a higher fee than other places but they have a complete kitchen available to use. The Cornerstone Building will have a kitchenette area but not a full kitchen. Council Member Poskochil stated she felt \$50.00 was a reasonable amount to charge for a money-making event but wants to make sure it is affordable for the community to use and suggested nonprofit organizations set out a donation jar for people to donate money for the use of the building and not charging for nonprofit use of the place. DC Wiers explained there isn't a quorum to vote on this tonight, but it would be helpful to decide upon a recommendation to be listed on the next meeting agenda. Council Member Eisenhauer suggested charging \$50.00 for the use of the building for a two hour period

and increase the fee to \$75.00 if it will be longer than two hours or \$25.00/hr. after a two hour period. DC Wiers suggested reviewing the rental fee after the building has been in use for a few months and after reviewing the gas and electric bills to see if the rental fee covers the utilities.

Review/Take Action on Semi-Annual Audit from PCDC performed by Citizen Advisory Board: Council reviewed the semi-annual audit from the Pawnee City Development Corporation (PCDC) as completed by the Citizen Advisory Board. There were no questions. Since there was not a quorum at tonight's meeting, the Council was unable to take action on this item.

Report and update from Council Member Fisher & Foreman Cumley: *Items for discussion are: Review email from Evan Wickersham/JEO re: installation of culvert (tube) pipes adjacent to the roadway/street:* Foreman Cumley was unable to attend tonight's meeting so Council Member Fisher explained the area in question is on 14th street on a vacant lot by the bike/walk path where Rob and Courtney Kosiske are going to build a new house. There is a 16 ft tube on the north side of the property and they would like to have it replaced with a 20 ft. tube ~~because a previous council member had allowed people to have a 20 ft. tube~~ because the City has an Ordinance stating the City shall provide and place at the expense of the City one (1) twenty-foot (20') driveway tube per property as requested by the owner of the property. Kosiskes want to "tube" that whole section and start at the corner where the trail is and tube the whole length down to the creek. So, Evan Wickersham, our street superintendent with JEO, was contacted about the installation of culvert pipes next to the roadway/street and he replied by email with recommendations which is included in the packet. Evan is concerned the water running off the street will not be able to flow into a ditch and dissipate properly and may end up "cutting" another ditch on the edge of the road and erode the road. Therefore, the City would probably have to "curb" that section so the water flow can be controlled. Council Member Fisher is concerned that if the area was "curbed" would it have to go onto the Kosiske property because it cannot go two feet onto the street. Council Member Fisher discussed this situation with Foreman Cumley and wants to inform the rest of the Council about the situation. If the area has to be curbed, is the property owner willing to pay the expense or will the City have to pay the expense? If the area is "tubed" without the curb, then Mr. Wickersham will have to come down because there is concern if the tube will be wide enough to handle all of the water that will be draining into it. Also, if the water is draining into a tube instead of a ditch, this will cause the water to flow with a greater force and will be shooting out of the end of the tube and draining into the creek. Will something then erode where the water drains into the creek and create another problem? Council Member Fisher explained this is an "information only" topic at tonight's meeting but he wanted the rest of the Council to be aware of the situation. There is also a fire hydrant on that lot that may have to be relocated. Bottom line: it may not be wise to "tube" the whole area. Council Member Fisher asked the rest of the Council to please drive by the area and take a look at what was discussed.

Review Correspondence from: Pawnee City Post Prom Committee—asking for a donation: The City Office recently received a form letter in the mail from the Pawnee City Post Prom Committee requesting a donation for the Post Prom event. DC Wiers explained to the Council that the City has never donated to this activity before. Council Member Eisenhower explained, in the past, the Post Prom Committee has been able to use the City Pool for a fundraiser but didn't ask to use it last year. DC Wiers stated the Council has donated money to community

organizations but the Post Prom Committee is not a community organization it is a committee but it does help students. DC Wiers suggested replying to the letter explaining the Council would not be donating money to the committee, but they could use the pool again for a fundraiser. Council Member Eisenhower added as long as the activity is approved by the Council and they have a plan in place but the pool will not open this year until after the current school prom has happened but they could use the pool this year for next year's prom. The letter did request the donation be sent in by March 15th but since there is not a quorum at tonight's meeting, the Council cannot act upon this request. Council Member Eisenhower stated she agreed that it is one thing to donate some of the ARPA funds to organizations that benefit the community, but it is another to donate funds to a committee that does one project for a specific portion of the committee.

DC Wiers reminded the Council that she is having surgery on March 20th and will be out of the office for approximately a month.

There was not a quorum to move to adjourn the meeting, but the meeting ended at 7:36 pm.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Donnie Fisher, Council President