

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, ORIGINALLY SCHEDULED FOR MONDAY, MARCH 27, 2023 BUT POSTPONED TO MONDAY, APRIL 3, 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 postponed meeting was given in advance thereof by posting in four prominent places around town, 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. 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 Vickie Zelenka, Donnie Fisher and Laura Poskochil; Tamela Curtis, City Clerk/Treas. and Foreman Spencer Cumley. Absent: Council Member Susan Eisenhauer.

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 February 27, 2023 regular meeting minutes. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Zelenka moved to accept the March 13, 2023 regular meeting notes. 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: **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** 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; **Cornerstone Bldg Project: Dave Glynn Constr.**, DD#4 labor & sup. 5338.00; **Robert G. Miller**, DD#5, project mgr. 1200.00; **Pawnee True Value**, DD#6 bldg. supplies 214.90. **3/28/23 PR:** 10,708.18; **Union Bank & Trust**, FWH 3116.37; **NE Dept. of Rev**, SWH 4987.06 **John Hancock**, retirement 1623.57; **Allstate**, cancer/accid 218.06; **Ameritas**, vision 78.90; **Madison National Life**, life ins 55.09; **United Health Care**, health 6213.20; **Windstream**, phone @ swr plant 63.08; **Spectrum**, internet & phone @ shop 184.97; **BHE**, gas service 1288.49; **PCDC**, Jan 2023 sales tax 5935.28;

**Seneca Sanitation**, Feb 2023 garbage service 6784.56; **Axtell Lumber**, DD#7 Bldg. supp for Cornerstone Building 1126.50; **Dollar General**, bleach 48.00; **NPPD**, elec. 3221.98; **Capital Bus. Systems**, Elevate phone system 111.94/Libr Copier contract 143.50; **First Concord Benefit**, non-discrimination flex testing 200.00; **Nebr. Public Health Env. Lab**, water sample testing 117.00; **Tamela Curtis**, rmb meals/mileage-clerk's school 313.54; **U.S. Cellular**, emergency cell phone 47.87; **Verizon Wireless**, Home Connect & Jetpack 64.57; **Amazon**, Libr materials 127.37. Council Member Zelenka moved to approve the claims as submitted including the claims included in the 3/13/2023 meeting minutes. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Dave Manes re: interested in purchasing a piece of land (20-30 acres) North of the Wells to build a pond:** Dave Manes was unable to meet tonight and rescheduled to the April 10<sup>th</sup> City Council meeting.

**A Report and update from City Foreman Cumley: Review/Discuss email from Evan Wickersham/JEO re: installation of culvert (tube) pipes adjacent to the roadway/street (tabled from last meeting); Review Code 8-112 re: City furnishing one (1) 20' tube:** Rob & Courtney Kosiski were present to discuss the ditch along 14<sup>th</sup> street in front of his property and the tube on M Street at the corner of his property. Foreman Cumley stated he had met Rob several times up to the place where the Kosiski's plan to build a beautiful new house to discuss the ditch and tube situations on M Street and along 14<sup>th</sup> Street. Foreman Cumley continued that the first issue is that the current tube they have up there is 15.5' long and our code book says the City will provide one 20' tube, so the City can get that tube replaced like it should be. Rob had also discussed that they would like to tube the whole ditch along 14<sup>th</sup> street in front of their property. Cumley stated that the City has allowed this to happen in the past with other people and after visiting with Council Member Fisher who is now in charge of streets, they had different views on allowing ditches to be totally tubed so they reached out to Evan Wickersham, the City's Street Superintendent from JEO to get his opinion on this. Mr. Wickersham's main suggestions were that it's not that tubing a ditch isn't allowable, but they feel there are a number of things the City needs to consider. One of those is that you have to look at the water coming down the hill, which the City already has tubes in place that are currently handling all of the water that is coming down the hill, which are a 24" tube on the driveway and also going under M Street. Foreman Cumley added that the 24" tube going under M Street is damaged and needs to be replaced. The three main items were making sure that you have the correct amount of flow that it can handle coming down the hills. Second one being erosion at the lower end of the hill because water move faster through the tubes than it will through a ditch and then removing the water that is still getting under the road surface, which would usually mean putting in a curb and gutter along the street. Those were the three main items that Evan told the City to be aware of. Mr. Kosiski stated that the direction he is now looking at going is only tubing the ditch until where the current tube is at and leaving the rest of it to the west of there so the erosion to the ravine would really be in his front yard if it doesn't slow down before it gets to the creek. Rob continued that the ditch really needs to be dug down a little deeper anyways because half of that isn't really low enough anyway. So Rob envisions it is where the water line is marked off right now and where the ditch is, he plans to move the ditch into his property to the South a little further where the tube would be to get it further away from the road to get it away from the water main a little bit and then that will help it flow down the hill a little better, keeping it a 24' pipe all the way through. Rob also

had Mike Habegger take a look at it too, as that is what he does for the State and everything he was anticipating was what Mr. Habegger felt would work best for that area, also. Rob continued that he agreed with Spencer that the tube under M Street needed to be replaced because the end was smashed shut and silted in around that corner, so that is where the first problem area is because that is allowing water to just pool around that area and it doesn't actually look like the water is even running through the tube it's more running over the top of the road, then to the ditch. Rob's thoughts are that if they are able to do the tube the distance they are wanting to run it, then he really doesn't even care about the City supplying him with a 20' tube as long as they can tie into the replaced tube under M Street and then tie the other one under the trail into it and the City raises up the fire hydrant and fills that in all nicely. Rob continued that he still plans on putting a little swell up on top of the tube so the water runs off the road, still runs down the top of it, so it's just not a big ditch, but a maintainable ditch. Mr. Kosiski passed out pictures they had taken of the area so the Council could see how deep the ditch they were talking about was. Right now that area is not mowable so he hates to put a nice house on the property and then have that ugly ditch to deal with and in order for a 24" tube to work, it's going to have to be dug down deeper than it is right now just to make the top surface level low enough so you can have water run off the road onto the top of the tube also. Foreman Cumley stated that he wanted to mention that the City also has their water main, as Rob had mentioned earlier that runs right on the south edge of 14<sup>th</sup> Street and it turns at the corner of M Street and runs back south. Cumley continued that he couldn't find that the City has any real verbiage in our ordinances about the rules on tubing ditches because up until last year the City had never allowed anyone to completely tube a ditch. Cumley stated he felt the City needed to come up with an ordinance that stated something along the lines of if you tube a ditch and the City should have a water main break the for some reason the City has to rip out the tube, then who is going to be responsible to put it back? Mr. Kosiski stated that when their digging crew is going to be there putting his tube in, then they could just have him rip that damaged tube out of the road under M. Street to make sure he gets deep enough while he's already got the machine there to save the city some labor, but that's up to the City. Clerk Curtis inquired if the City hadn't just replaced that tube under M. Street a few years back? Foreman Cumley stated that no, the Foreman at that time just had them dig the hole out around the place in the tube that had rusted through and place an old sign over the hole and cover it back up. Council Member Fisher stated that we want the tube done right under M Street. Foreman Cumley stated that tube under M Street definitely needs totally replaced. Kosiski stated that the corner of the new tube shouldn't get smashed down anymore because it will be buried a little deeper and then that whole corner will be covered with dirt and rock so when whoever has been cutting that corner too short, it shouldn't smash that down and cause an issue. Foreman Cumley stated that it is the Council's decision on all of this, but his main objective is as long as the water can get off of the road, that is the City's main concern. Rob inquired if there were any stipulations on if it had to be a steel tube or if it could be plastic under the road because he could just have them add that pipe onto his load to just tie onto it if it could be a plastic tube. Rob is doing all plastic with a smooth inside which he felt is just as good as the steel and it won't rot out. Foreman Cumley stated that the City has only ever done steel corrugated and he is not a pipe expert, so he would just assume that the city's pipe being replaced under M Street would stay a steel pipe. Council Member Zelenka inquired if there was a problem if the City went with a steel tube with being able to tie into a plastic tube. Rob stated that it is harder to do, but it can be done. Foreman Cumley stated that he really feels on the City's standpoint that the tube needs to be put back in corrugated steel as he knows that it needs to be dug in deeper, but he also knows there is

only six to seven inches of rock on top of that tube so to be safe he feels it needs to be steel because he doesn't want any finger pointing when they are done because everyone wants to get along. Council Member Fisher stated that if Kosiski's are going in further on the property they shouldn't have a problem with the water running along the road edge like they thought originally. Rob and Foreman Cumley agreed that as long as off the road goes downhill on the property, then there shouldn't ever be an issue. Foreman Cumley stated that the biggest thing is that if they break the edge of the road, which is a big problem that they have everywhere in town, then the water gets under the road and causes the road to completely turtle shell. Mr. Kosiski is hoping that he can make it at least five foot wide, the width of his mower, that he could meet before the taper swells and have like a five-foot path so that way it would be easy to mow and maintain. Foreman Cumley stated that if they did a drop every so often on the top of the tube then they would eliminate erosion from on top of the tube. Council Member Zelenka inquired if that was like a riser? Mr. Kosiski stated that yes it was except they would place a grate over the opening instead of a riser sticking out of the ground. Foreman Cumley thought it was if you placed a grated opening every foot and a half along a tube then it would omit erosion of your dirt and grass. Foreman Cumley stated again that as long as the water can get off of the road then the city won't have an issue. More discussion continued about the possibility of erosion of where it dumps into the creek, but Mr. Kosiski felt it would cause erosion in his yard before it would ever cause any erosion issues near the creek. Foreman Cumley did not feel there would be an issue with erosion where it would dump into the creek. Discussion was had that Kosiski's are planning to place the front of the house 112' off of 14<sup>th</sup> Street. Council Member Poskochil inquired if we needed to have the Kosiski's contractor provide a drawing showing the proper amount of grading needed to keep the water off of the road and into the tube and that the flow rate is not going to be so high going into the creek that it causes erosion issues. Mr. Kosiski stated that was why he had Mike Habegger come and look at what he thought needed to be done, since he deals with all of those same issues with the State. Rob continued that he didn't know how they would calculate the flow rate or how they would do that. Council Member Fisher stated that the flow rate could really vary because you could go five years and not have much of a flow rate at all and then all of a sudden you have a wet spring or a huge downpour and the flow is drastically different. Clerk Curtis stated that sometimes you also have that "gully washer" that nothing can keep up. Foreman Cumley stated that the most he has ever done is that usually he goes along if he is working in the area, he puts the mini excavator off of the edge and puts the dozer blade down and just peels off whatever rests on the edge of the road that is causing the water to run back under the road, but that's the most that he would ever be doing as far as maintenance would go. Foreman stated that he wasn't sure how maintenance of a water main would go if there was a tube in the way and who would replace the tube, etc. Rob stated that he was moving the ditch further away from the water main, but if the City had a main break and they needed to dig up the tube to repair the main, it is what it is as he understands he is taking a chance placing a tube that close to the City's water main and if they have to remove it, then he will get stuck replacing part of a tube and doing the dirt work when they are done. Foreman Cumley stated he would suggest the Council talk with the City Attorney about working up an Ordinance that deals with tubing ditches so they have something in place to go off of. Rob stated that at the corner of the hill where the trail meets the 14<sup>th</sup> & M area, he plans to shave part of that hill down anyways where it's a little higher so water won't be coming off there so hard. Once he puts the driveway in, it's going to run more west than it's going to run straight north so it will actually just run along his driveway instead of towards the road. They will plan to just rock the driveway for now instead of

the City covering the 20' tube in the City ROW, he's not concerned about that, the only thing he wants the City to pay for is the M Street tube, he will pay for everything else and then the parts to raise the fire hydrant on that corner. Foreman Cumley stated everything has come in except for the rod, but it has shipped, it just had to come directly from the factory. Mr. Kosiski stated that the guy doing the digging can be here anytime this week and since they already have their building permit they can start anytime. Rob stated the Foundation guy has two jobs ahead of them, so he's within a couple weeks, so they're not wanting to dig the basement too soon in case it was to start raining. As long as they know it is ok to do the ditch, they will probably have that guy come and get started and go from there. At this time Council Member Zelenka moved to replace the tube on M Street and allow them to partially tube the ditch with grading appropriately to keep the water off 14<sup>th</sup> Street. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Update on 5<sup>th</sup> Street Water Leak:** Foreman Cumley stated that last week a water main break along 5<sup>th</sup> street was discovered right by the Mike Korber residence at 1217 5<sup>th</sup> Street. The City Crew dug over halfway across the street but could not find the leak. Foreman Cumley felt that it had been leaking for a long time as the ground was wet all along that area. Due to the hole not being stable, they called in the boring company to come bore the water line under 5<sup>th</sup> street on Thursday morning. In the end Foreman Cumley has decided that if they have another leak at the edge of a street and the water is coming out of a bore hole, we will just call the boring company because it will cost the City at least \$2000 to patch the street and the boring company was a little over \$1000. **Discuss Potholes:** Foreman Cumley stated that he knows everyone was getting lots of complaints about all of the potholes in the streets around town and last week when it was rainy out he drove around and marked all of the potholes down in a tablet so when the new pothole mix they ordered came in they could get right to it. This week they have put in over 6200# of pothole mix and it has worked very well. They have a pallet and a half left of the new pothole mix. Council Member Poskochil inquired about using some of the old mix to repair the alley behind her house as the neighbors have come to her asking if something can be done. Foreman Cumley stated that they had used some of that mix in the alley behind the grocery store and it has stayed very solid. Foreman Cumley stated that he would like to cut the alley completely smooth and then put another layer on top of it. This would use up the 8 tons of the old pothole mix that's just like gravel now. They would just need to watch the weather when they plan to do this because if it rained right away before the alley got packed down, then it would turn into a muddy mess. **Microscope for Sewer Plant:** Foreman Cumley stated that he has been pricing a new microscope for the Sewer Plant as they were out of compliance for the first time since he has started working for the City, so he is determined to find out what the cause of it is. Cumley stated he did find out that Alpha was also out of compliance, so that might have contributed to the issue. Foreman Cumley has tried pricing microscopes from Optimus, Nikon and Zees. He can't find a good site for Optimus except through eBay; Nikon's are around \$4500 and Zee's are \$2400 with the oil emergence lens that they need with a one-year warranty on an a different site, but if you go to Zees actual website they are \$2500 but you get a 5-year warranty instead of just the 1-year warranty. Foreman Cumley plans to contact the City of Beatrice and see what kind of microscope they use and where they purchased it from as he wants to find a good quality microscope that will work correctly for the sewer plant.

**A Report and update from Council Member Eisenhauer: Pool Managers and Lifeguards hired:** Council Member Eisenhauer was unable to call in to tonight's meeting. Clerk Curtis stated that they had held interviews for both managers and lifeguards in the last few weeks with

the Pool Managers Hired: Manager-Raina Barloon; Asst. Manager-Terra Blecha; Returning Lifeguards Hired: Mallory Branek, Gavin Baker, Madison Fender and Jett Farwell; New Lifeguards Hired: Preston Rumery (2<sup>nd</sup> yr. guard), Abby Dietrich and Larkyn Vlcek. Mayor Hatfield stated that he was told that the Humboldt Pool doesn't look like it will be opening this summer because they cannot find a pool manager or any lifeguards to work. He had also been told that if it doesn't end up opening this year, it may never open up again because it needs a lot of work done to it. **Discuss Proposed Pool Admission Increases:** Council reviewed the sheet showing the current pool admission prices that have not been changed for many years and the proposed pool admission prices. Council Member Poskochil stated the only thing she had was that before the punch card was a "real deal" and now there is really no savings for an adult to use the punch card vs. just paying daily admissions. The Council decided to table this item until the April 10<sup>th</sup> meeting when Council Member Eisenhauer could be part of the discussion.

**Discuss/Take Action on Cornerstone Bldg Rental Fee, tabled from last meeting:** Council reviewed what had been discussed at the 3/14 Council meeting when they were lacking a quorum to take any formal action on items listed on the agenda. Clerk Curtis handed out a couple of examples she had gotten from different City Clerks on how they handle renting out their auditorium or community center. She felt that if the City wanted to get this detailed then they would need to run these items past the City Attorney for her opinion on how they should handle filling out a rental agreement, etc. Clerk Curtis then inquired if the Council wanted to wait to make any decisions on a rental fees until the construction is closer to being finished and the City receives their first few electric and gas bills or how did they want to proceed with this line item? Council directed Clerk Curtis to run these examples past City Attorney Ferebee and get her opinion on if the City needed to get that detailed for just a community meeting room, since those examples were for renting out auditorium or a community center space.

**Review Pawnee City Assisted Living's (PCAL's) meeting minutes and Profit/Loss**

**Treasurer's Report:** Council reviewed PCAL's February meeting minutes and March Profit/Loss Treasurer's Report. Clerk Curtis stated that John DeFreece, PCAL Board President stopped in the office to inform her that PCAL will be taking action at their next meeting on making a payment to the City on their loan they received for the City making their first USDA-RD loan payment.

**Correspondence:** Council reviewed the Spreadsheet on January, 2023 Sales tax of \$17,770.19 with ½% Street Repairs Sales Tax totaling \$3,956.85 and \$1,942.78 being Motor Vehicle Sales Tax. Council reviewed the email from the League regarding the proposed Municipal Equalization Funds (MEF) Aid for 2023-24 with Pawnee City's aid going from \$114,523.59 in 2022-23 up to \$129,884.99 in 2023-24. Clerk Curtis stated she had signed Utility Billing Clerk Kimberly Johnson up for the Utility Billing 101 Training session with Power Manager to be held on April 12<sup>th</sup> in Lincoln. There are no registration costs to attend this training session as this is part of the benefit of their support plan. Council Member Zelenka moved to adjourn the meeting. Council Member Fisher seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 7:58 pm.

ATTEST: Tamela S. Curtis, City Clerk/Treas.

Charlie Hatfield, Mayor