

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, MARCH 9, 2020 AT 7:00 P.M. AT CITY LIBRARY MEETING ROOM, 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 President Vickie Zelenka; Council Members: Ric Helms, Susan Eisenhower and John Dahlgren; Tamela S. Curtis, City Clerk/Treasurer and Spencer Cumley, City Foreman. **Absent:** Mayor Charlie Hatfield.

Council President Zelenka 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. Council Member Dahlgren made a motion to accept the February 24, 2020 regular meeting minutes. Council Member Eisenhower seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhower made a motion to accept the February 27, 2020 special meeting minutes. Council Member Dahlgren 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: **3/3/2020 Payroll:** 7925.80; **Union Bank & Trust**, FWH 2227.19/Reg Reuse ck to ReUse Acct 62148.27; **NE Dept. of Rev**, SWH 304.53/Sales-Use Tax 3014.91; **NW Mutual**, retirement 853.42; **Madison Nat'l**, life ins 43.86; **Capital Business Systems**, City Copier Contract 275.82/Libr Contract 132.50/City IT Services 234.34; **OPPD**, elec-wells 240.43; **NPPD**, elec 3215.43; **Pawnee Co Rural Water**, pond hydrants 69.48; **Ferebee Law Offices**, City Atty Fees Dec-Feb. 816.00; **Quill**, office sup 118.45; **Lincoln Winwater Works**, Wtr rep parts 69.48; **Municipal Supply**, Wtr Tap Sup/parts 484.64; **US Cellular**, Tablet Mo. Service 53.47; **Amazon Capital Services**, Plasma Cutter-S/H 312.63; **Diversified Drug Testing**, Reasonable Suspicion Drug, emp #605 & #988 Certification classes 259.00; **Friedly Oil**, equip fuel 551.17; **Gyhra Construction**, motor grading Jan 2020, 650.00; **OneCall Concepts**, digger locates 8.45; **Pawnee Co Sheriff**, service in lieu of dog citation 18.50; **Seneca SA**, garbage service 5553.70; **Ty's Outdoor Power**, new snow blade 2020 181.87; **Cornerstone Bldg Project: AHRS Const-55080.00-ReUse Grant/13770.00-City Match; Carlson West Povondra Architects-417.60-ReUse Grant/104.40-City Match; SENDD-822.50-ReUse Grant.** Council Member Dahlgren complained about the overtime on the employees' timecards again. Council Member Dahlgren recommended that the Council let Foreman Cumley go home after he is done with his part of the meeting. Foreman Cumley stated he had already asked Clerk Curtis if that was possible. Council Member Zelenka stated she had told Clerk Curtis to start putting Foreman Cumley's agenda items as close to the front of the meeting as possible so he could give his presentation and then leave, if at all possible. Council Member Dahlgren made a motion to approve the claims as submitted. Council Member Eisenhower seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review February Treasurer's Report:** Council reviewed the Treasurer's Report as of February 29, 2020.

**Sheriff Braden Lang:** *Discuss parking issues on G Street downtown; Discuss possibly implementing a 2-hour parking 8 a.m.-5 p.m.; Report back from CMs Zelenka and Dahlgren re: visiting with downtown business owners:* Sheriff Braden Lang met with Council to discuss the parking issues on G Street downtown. Council Member Zelenka stated she has been sick so was not able to go and visit the businesses like she had planned. Council Member Dahlgren stated he had visited with Donahue & Faesser's office, Susan Pope at Creative Thoughts on moving their delivery car out from in front of their business, True Value and Shirley's Place. They were all very accommodating and plan to work on not parking out in front of anyone's business, including their own. Dahlgren continued that he is meeting with the County Commissioners at 9:30 a.m. in two weeks to visit with them about County employees parking on the North side of the Courthouse. Council Member Dahlgren stated he had not been able to talk to Pete's Pharmacy yet, but planned to soon. Sheriff Lang stated that there are only around 3-4 employees that park along the North side of the Courthouse, the rest of them park on the East and South sides of the Courthouse. Council Member Dahlgren stated that he is not for giving out parking tickets as talking with the various business people has worked very well and it is a lot of extra work for the Sheriff's Department. Sheriff Lang stated that as far as the 2-hour parking limit, unless you know of somebody that is doing it every day, it is not enforceable as it would only be enforceable with parking meters or high definition cameras. Council Member Zelenka agreed that the 2-hour parking was not a good idea. Discussion followed with Council Members Helms and Dahlgren stating that there are three parking spots on the North West corner of the Courthouse square that have been designated no parking, but may need to be changed back to allow parking there. Much discussion followed with Clerk Curtis inquiring if the City was going to change those three parking spaces back to allow parking again? Sheriff Lang stated he would have to look at that area of parking, but possibly instead of making three diagonal parking spaces, they could allow just one parallel parking space in that area. After much more discussion it was decided to table this item until the April 13<sup>th</sup> Council meeting to allow for Sheriff Lang to look into that parking situation and Council Member Dahlgren to report back on meeting with the County Commissioners and visiting with more business people downtown. ***Pet Pig in town:*** Council Member Dahlgren inquired to Sheriff Lang if anything had been done about the "pet pig" in town? Sheriff Lang stated he was waiting to hear if something was included in the City's Zoning Ordinance or not as there is not a State Statute that includes anything about pet pigs. Council Member Dahlgren stated that they are still walking the pig every day. It was stated that neighbor Rick Amos had stated that the pig is not bothering them at all. Council Member Dahlgren stated that he had heard from the Willis' that it was bothering them because they can hear it outside. Clerk Curtis stated that it cannot be any worse than the barking dogs that are in her neighborhood. Clerk Curtis stated that our new Zoning Administrator Matt Kuhlmann has looked into the Zoning Ordinance and has found that in some places, how the City's Zoning Ordinance reads and how the City's Code Book reads contradict themselves. Council Member Dahlgren stated that it sounded like in many different areas of the Zoning and City Code Book, they contradict themselves. Clerk Curtis stated that Matt is working on marking all of those different areas so the Council can take a look at what needs to be kept and what needs to be changed in either book. ***Coronavirus:*** Sheriff Lang stated he had just met with the South East District Health Board and our Emergency Manager about the probability of the Coronavirus coming to our area. County Attorney Jennifer Stehlik Ladman and City Attorney Emily Sisco are working together to

come up with an action plan for both the County Commissioners and the City Council to act on. More discussion followed with Clerk Curtis stating that Ms. Sisco had called her office and visited with Deputy Clerk Wiers about working on this plan. Clerk Curtis stated that the City Office had received an email from LARM regarding “Coronavirus Information for your Community” with a list of useful links for Nebraska Communities and downloadable posters that she forwarded to City Attorney Sisco.

**Public Hearing – Notice of Finding of No Significant Impact & Notice of Intent to Request Release of Funds on CDBG Public Works Grant for New Fire Hall Project:**

Clerk Curtis stated the City only needed to do a public hearing if we had heard any complaints on this from the public notice that appeared in the newspaper. We did not hear anything, so according to Crystal Dunekacke with SENDD, we can just skip over this line item tonight.

**Corey Hatfield-Requesting a refund on the Hobbyist Permit he purchased in 2019:**

Corey Hatfield met with Council to discuss the Hobbyist Permit that he and one other individual purchased in 2019 for \$50.00. Mr. Hatfield stated that he had put all of the unlicensed vehicles he owns into his sheds, except for the one vehicle he cannot get a title for. He purchased his Hobbyist Permit on that one vehicle before he left for Afghanistan last May. After that time, all of the tickets were dropped and as far as he is aware, no changes have been made on that nuisance vehicle ordinance and he is pretty sure there are still a lot of unlicensed vehicles sitting all over town. Mr. Hatfield stated he would like to request his \$50 back since there has been no further action on the Hobbyist Permit or changes to that nuisance vehicle ordinance. Council Member Helms made a motion to refund the \$50 to each person that purchased a Hobbyist Permit in 2019. Council Member Eisenhower inquired why the tickets issued had been dropped and no updates made to that nuisance vehicle ordinance? Much discussion followed with Council Member Dahlgren stating that there were way more unlicensed vehicles in town ticketed than they had expected and it was going to cost way more than the City was prepared for in attorney fees alone. Council Member Zelenka stated she really felt that the City was not prepared for it. Council Member Helms stated that the Council had tabled changing that nuisance vehicle ordinance and it has not been brought up again to discuss what changes need to be made. Helms continued that he took care of all of his vehicles with Smith Auto picking up two of them and he licensed the other vehicle. Sheriff Lang stated that a lot of the problems with the unlicensed vehicles in town stem from the person who has the vehicle does not have a title for it so they can't get rid of the vehicle as the salvage dealers can't take them anymore without a title. Sheriff Lang stated his recommendation is to have a “City Amnesty Day” where the City Crew could come and remove the nuisance vehicles from the owner's property, as long as they have a valid title and take out to Smith Auto or have Smith Auto come and pick up the vehicles themselves. More discussion was had on if the City's insurance would allow them to do something like that or not. At this time, Council Member Eisenhower seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**A Report and update from Foreman Cumley: Discuss Handicapped parking spaces in front of PC Thriftway:**

Foreman Cumley stated that with the ADA packet of information that the Sheriff's Department had given to him and also when he called the ADA, all of it really has to do with an actual parking lot, not street parking, but he couldn't seem to get the lady on the phone to understand what that meant. According to the packet the parking stalls would need to be 96” wide and with how many stalls they have in front of the

grocery store, they would have to have two handicapped stalls along with a 60" exit space. That means they would be taking up four stalls right there. Council Member Zelenka inquired if Foreman Cumley was looking at end to end or side by side parking places. Foreman Cumley stated that they would have to be across from each other otherwise they would have to take up six parking stalls to get that 60" of exit room but at that point they would be on the other side of the street, which kind of defeats the purpose of the closer handicapped parking. Council Member Helms stated so we would need 8' of parking stall and another 6' for the exit on the passenger side of the vehicle. The lady from ADA had stated that as far as signage and painting the ground she said it was regulated by your local government. Council Member Dahlgren inquired if we have had a problem with the parking stalls the way they are in front of the grocery store? Council Member Zelenka stated she felt it was requested because of SENCA closing, so why not move those handicapped parking spaces down in front of the grocery store. Council Member Helms stated that according to what information he had gotten from the State of Nebraska the signage and painting was not regulated by the local Government and former Sheriff Reed had stated that she could not issue tickets unless the spaces were painted and there was signage for the handicapped parking slots. Sheriff Lang stated that is what he is going off of also. Sheriff Lang continued that the Dollar General has two handicapped parking spots but right now one of their signs is messed up so he refuses to ticket anyone who may park in that stall that does not have the proper signage. Council Member Helms stated he had brought all of that ADA standards information when they were going through all of this before. Clerk Curtis stated that she will try and find copies of that information that Council Member Helms had shared with Council before. Foreman Cumley stated that the request was to move these handicapped parking spaces right in front of the grocery store door, but there is no handicapped access to the store right there besides the grocery store cart ramp, which is definitely not up to ADA standards. Cumley continued that it would make more sense to either move it closer to the alley or just leave it right where it is in front of the former SENCA building, where there is a handicapped entrance from the street. More discussion followed with the possibility that Pawnee City Thriftway is looking into purchasing the former SENCA building, so it might make more sense to just leave the handicapped parking stalls where they are until we know more. Council President Zelenka recommended tabling this item until the City finds out if the PC Thriftway purchases the SENCA building or not. All Council was in agreement. **Discuss quote on Liner for Well #2:** Foreman Cumley went over the estimate for Well #2's Liner installation at a price of \$29,775.00. Much discussion followed with Council Member Dahlgren making the motion to approve the quote of \$29,775.00 to install the liner on Well #2. Foreman Cumley stated that they would not need to install that liner right now, that the temporary seal that Sargent Drilling put in a couple months ago is good for at least a year, so this was an estimate to use towards budgeting for the liner in the new fiscal year. Council Member Dahlgren withdrew his motion. Council Member Zelenka inquired if there were any grants out there that could possibly assist with the costs of this liner. Foreman Cumley stated he was not sure, but it would be more beneficial to look for grants to help in the assistance of a new well, if we needed to go that direction anytime soon, as Sargent Drilling had given a cost estimate of around \$450,000 for setting up a whole new well. Cumley continued that the liner that will go in Well #2 is proposed to last an additional 50 years. **Discuss quote on backflow device:** Council Member Dahlgren had asked Foreman Cumley to get a price estimate on a backflow device that would be added when someone is putting in new plumbing or sewer replacement. Foreman Cumley stated that this backflow device cost is \$150. Council Member Dahlgren stated that the City paid big bucks on a sewer backup issue many years ago and if the property owner would have had this inexpensive device,

the backup would have never happened. Clerk Curtis stated that also had to do with our former insurance agency just paying out for that sewer backup claim and not really doing much investigative work to protect the City. Curtis continued that the City now has LARM as their Insurance and because the City has a Sewer Maintenance Plan where they are trying to do Slip-Lining Projects throughout town and sewer jet out sewer mains on occasion, the City would not be held liable if a sewer backup were to happen in town, as the LARM Insurance feels there is no way that the City could know in advance that there may be a backup issue coming. Council Member Dahlgren stated he would recommend that the City look at their Sewer Ordinances and add a line that states that any property owner doing new sewer line construction or sewer line replacement be mandated to install a backflow device at that time. Clerk Curtis stated she would reach out through email to other Clerks asking them how they included the sewer backflow device into their sewer ordinances and report back to Council with some recommendations. ***Review/Discuss City/County Road Agreement; Possibly making changes:*** Foreman Cumley stated that Council Member Helms had noticed a sink hole on the gravel road north of the 5<sup>th</sup> & P Street intersection and had inquired if that was the City's responsibility to maintain that road or the County's. Foreman Cumley got copies of the City/County Joint Agreement and that stretch of road, the County maintains. Cumley went and talked with the County Highway Superintendent Chris Rauner as he had gotten down in the ditch and looked and there was not a hole in the tube, so he wasn't sure where that was all going but it had washed away somewhere. Cumley continued that this particular culvert is half metal tube and the other half concrete. Council Member Helms stated that the County took care of that problem area and filled it back up with dirt. In looking over the City/County Joint Agreement Mr. Rauner noticed that he was supposed to be billing the City for the two bridge inspections that the County is responsible for on City bridges, but had not done that billing since he took over as the County Highway Supt job. Rauner had stated that the price would be around \$140 for each bridge and they are only inspected every two years. Mr. Rauner also stated he thought they should all sit down and go over the agreement as there were some things that could be omitted, changed or added to this agreement. Foreman Cumley stated he felt that Council Member Helms, Clerk Curtis and himself could go over this agreement with Mr. Rauner and then bring back any changes to the Council and Commissioners for approval. Foreman Cumley continued that the two bridges inspected by the County are the bridge at the end of the Schilling Bridge Winery property past 14<sup>th</sup> Street and the bridge by the Don North Property on 10<sup>th</sup> Street. Council Member Helms stated he had a question about that bridge past the Don North property as he had been told that the road was closed and if that road is closed then why are we still maintaining the bridge. Clerk Curtis stated that road was not closed as there had been very long discussions over that street going by there that it was not a platted street but since it had been used as a City Street for many years, the City was responsible for it. Council Member Helms continued that there was no road that went down to that bridge from town. Clerk Curtis continued that many years ago the City went around and around about that and she was pretty sure that there was a documents drawn up from the property owners and it may have even been surveyed but she was almost positive that in the end the City did not close that street. Council Member Helms stated that the City just needs to go in there and put up barricades to block off that area because it is not a City Street. Clerk Curtis stated again that this was all settled many years ago and was almost positive that this "street" was not closed but the Council should allow her to gather up that information on the "Don North Road" and put it on the next agenda for the Council's review so everyone was on the same page about that road. Foreman Cumley stated that where he has concerns is on the bridge at the corner of Boston & I Street that seems to be getting lower and lower, but since it was less than 20' it

does not require State inspection. Council Member Dahlgren inquired if this is on City property? Cumley and Helms both stated yes. Foreman Cumley and Council Member Helms felt that this bridge could be replaced with a large tube but Council Member Dahlgren stated that he did not feel that would be adequate with as much water as comes through that bridge opening. More discussion followed that all of the runoff water that comes down 5<sup>th</sup> Street goes through that creek, so it is the land above it that you would need to consider when coming up with a large enough opening needed to handle that flow. Council Member Dahlgren stated it would probably take an Engineer's opinion if a tube could handle that or not. Foreman Cumley stated he just felt that bridge needed some attention or something as he did not want anyone to fall through it. Council discussed how much that street is used and if that maybe that bridge should be looked at. Foreman Cumley stated that we can talk about all of that when we sit down with County Highway Supt. Rauner. ***Discuss advertising for another City Crew Member:*** Council inquired to Foreman Cumley if he felt they needed to add another City Crew member to make it a four-member crew again? Foreman Cumley stated that at this time, while he is still trying to learn all of the State mandates and what all of this Foreman Job actually entails he does not feel that it would be beneficial to add another City Crew Member as he is already spread pretty thin with trying to train the other two City Crew Members while also keeping up with all of the paperwork the Foreman Job includes. He would consider hiring summer help to assist with the mowing, but not until closer to when they get into the full swing of things as the current City Crew can all handle mowing for the first few times. Foreman Cumley also added that if they do decide further down the road that the City is ready to hire another full-time City Crew Member, he would like to be in on the interview process because he knows what it takes to do the job and would have a better idea of who would fit the criteria. Council stated that they will leave it up to Foreman Cumley to let them know when he would like to start advertising for some part-time summer help and also when he thinks it is time to add a full-time fourth City Crew Member.

**Review/Approve Ordinance #983 amending the UTV Ordinance to include ATV's (second reading):** Council Member Dahlgren made a motion to approve Ordinance #983 amending the UTV Ordinance to include ATVs on second reading. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review/Approve: Cornerstone Bldg Project Expenses: Drawdown #9 for a total of \$70,194.50 with \$68,850.00 to AHRS Construction, Inc. for Gen. Cond; Roofing; Doors & Windows and \$522.00 to CWP Architects for Bidding/Negotiation-Architectural Services with \$55,497.60 from ReUse Grant and \$13,874.40 from City Match and \$822.50 to SENDD for Construction Management paid from the ReUse Grant only:**

Council Member Dahlgren made a motion to approve Drawdown #9 for a total of \$70,194.50 with \$68,850.00 to AHRS Construction, Inc. for Gen. Cond; Roofing; Doors & Windows and \$522.00 to CWP Architects for Bidding/Negotiation-Architectural Services with \$55,497.60 from ReUse Grant and \$13,874.40 from City Match and \$822.50 to SENDD for Construction Management paid from the ReUse Grant only. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**A Report and update from Council Member Dahlgren: *Discuss getting time card computer system:*** Council Member Dahlgren stated that he felt the City needed to get into the 20<sup>th</sup> century or 21<sup>st</sup> and get prices on a timecard computer system. Dahlgren felt that writing out these timecards by hand, there are easier ways of doing it as he has worked for different companies where you had the old timecard system where you put your timecard in and it clicked what time you checked in, but he also worked at True Value where everyone had their own login to their computer timecard system that you put in. Council Member Zelenka stated that Clerk Curtis had looked at what systems were out there that would be compatible with our City's Power Manager Software and the costs associated with all of that. Clerk Curtis stated that to add the Time Sheet Application to our City's Power Manager Software would be \$800 with an additional \$50 added to our yearly support contract in addition to getting Time Card Software from Time Management Systems (TMS) that was compatible with the ability to output a file to the City Power Manager Software Payroll Program. The costs of the TMS would be a minimum of \$50/month with a \$100 initial set up fee. Clerk Curtis stated she was not able to set up a Chat Session/Webinar on the TMS software until March 23<sup>rd</sup> to even know what their system was like to operate. Council Member Zelenka stated that she had done a bunch of research on different Timecard Software Programs out there and all of them had an initial set up fee in addition to a monthly charge. Zelenka stated she met with Head Librarian Lola Seitz and they worked on expanding the excel spreadsheet the Library already uses to input their timecard information. Council Member Zelenka passed out an example of what they had come up with so far but were looking for input from the Council on suggestions of anything additional that could be needed. Council Member Zelenka also stated that part-time Utility Billing Clerk Kris Blecha had also found an excel timecard template on her new laptop that she had been looking at different options that were available. Zelenka explained that this excel spreadsheet could be put on the computers at the City Office in addition to being added to the City Crew's computer at the old City Office, where each City Crew member could logon and put his time in, out, etc. and there was a space designated off to the side where an employee could type out what they were working on if they had worked any overtime. Clerk Curtis inquired about how the excel timecard spreadsheet would work for Pool Employees. Council Member Zelenka stated that the City would need to either purchase a laptop computer or iPad for a good price. Zelenka continued that her thoughts on purchasing a laptop were that City Employees could also use it when attending meetings, workshops, etc. Council Member Zelenka stated that whoever was hired as Pool Manager would have to be responsible for the Laptop at the Pool and by not having internet service at the pool that should eliminate anyone wanting to play games on it or anything. Clerk Curtis stated that instead of bringing in the lifeguard's timecards every other Monday morning, the Pool Manager would just bring in the laptop computer and print off the timecards on the City's printer or email them to the City while standing in the City office. Council was in agreement with using an excel timecard spreadsheet as a more economical solution to what Council Member Dahlgren was looking at. Council Member Zelenka stated she would meet with the Clerks and get some prices on laptops/ iPads and bring back to the next Council meeting for action.

**A Report and update from Council Member Eisenhauer: *Pool Updates:*** Council Member Eisenhauer stated that Clerk Curtis and she had their first Pool Manager interview this afternoon with the other two candidates to be held Thursday afternoon. They will make their final decision by Friday morning. Eisenhauer continued that they have received around seven to eight Lifeguard job applications with the deadline being this Friday, March 13<sup>th</sup>. The Lifeguard interviews will be held next week with the Pool Manager.

**Correspondence:** Council reviewed the Certifications of Election Filings on Council Position: Vickie L. Zelenka, John L. Dahlgren; Donnie Fisher; Katheryn McAhon & Bruce Haughton. The Council Position will appear on the Primary Ballot as there are more than two filings per open position. Airport Authority: Brandon L. Willey-2 year term; no-one filed for the 6 year term but Joe Davis & Walker Miller did file a write-in affidavit because they missed the filing deadline. The Airport Authority will only be on the General Ballot. Council Member Dahlgren made a motion to adjourn the meeting. Council Member Helms seconded the motion. Roll call vote indicated all present voting in favor of the motion, whereupon motion carried and meeting adjourned at 8:46 p.m.

ATTEST: Tamela S. Curtis, City Clerk

Vickie Zelenka, Council President