

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, NOVEMBER 27, 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. 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 Charlie Hatfield; Council Members Vickie Zelenka, Donnie Fisher, and Susan Eisenhauer; Kellie Wiers, Deputy City Clerk, Tamela Curtis, City Clerk/Treasurer and Foreman Spencer Cumley. **Absent:** Council Member Laura Poskochil.

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 November 13, 2023, regular meeting minutes. 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: **11/21/23 Payroll:** \$11,116.46; **Union Bank & Trust**, FWH 3273.61; **NE Dept. of Rev**, SWH 501.67; **John Hancock**, retirement 1612.46; **Allstate**, cancer/accid 218.06; **Ameritas**, vision 86.10; **Madison National Life**, life ins. 55.09; **United Healthcare**, health ins. 6563.70; **Windstream**, internet @ city office 63.99; **Capital Bus. Syst**, Elevate ph system 116.56; **Lincoln Winwater Works**, wtr parts 388.88; **Quill Corp.**, office supplies 213.91; **Nebr. Dept Envir & Energy**, wtr operate license renew empl#1035, #988, #911, 345.00; **Spectrum**, internet & ph @ 445 6th St. 184.97; **Nebr Public Health Environmental Lab**, wtr sample test 15.00; **Access Systems**, monthly IT Service 905.30; **Binder Bros**. rebar, cement 2258.10; **U.S. Cellular**, emergency cell ph 47.92; **Kay Park Rec**, 2-new trash cans 1930.00; **BHE**, gas service 344.32; **Travelers**, firemen's WC ins. 603.00; **H.G. Klug Sons**, belts for blower @ swr plant 113.49; **Northern Safety & Industrial**, new shirts for crew members 729.40; **PCDC**, Sept. 2023 sales tax 6589.97; **Seneca Sanitation**, Oct 2023 garbage service 6918.38; **Barco Municipal Products**, signs for crosswalks 346.07; Council Member Zelenka 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.

Raina Barloon: *Discuss putting a stop sign up at the intersection of 9th & E Street coming from the North (right North of the Elementary School):* Raina Barloon explained that recently her daughter, Charlea was riding her bike to school one morning and was almost hit by a car traveling south on E street at the intersection just north of the elementary school. There are stop signs on the east and west sides of this intersection but nothing on the north side of the intersection on this one-way street. She would like to request a stop sign be put up on the north

side of this intersection to make it a three-way stop for traffic which would also help deter people from speeding in a school zone. The City Office also received an email from School Supt. Brian Rottinghaus recommending a stop sign be installed on the North side of this intersection. Deputies Bredemeier and Samuelson remarked that it is also difficult to look for traffic and children crossing the street in front of the school because there are cars parked on both sides of the street. There is a 15-mph speed limit in a school zone but it was stated that many people drive faster than 15 mph on the street in front of the elementary and high schools. Sheriff Lang stated the speed limit is posted on this street further north of the elementary school. Council Member Eisenhauer moved to have a stop sign installed on the north side of the intersection of 9th & E streets. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Discussion was had about installing two more speed limit signs on the street in front of each school building.

Matt Kuhlmann: Discuss Zoning Administrator salary: Mr. Kuhlmann stated he would like his current salary of \$800/month to stay the same even though he will no longer be the backup sewer operator. He oversees zoning but also deals with flood plain management, DNR, trainings and meetings. He also uses his personal cell phone and computer for zoning and pays for his own fuel. At the end of the year, he pays taxes out of his pocket on this income. Discussion was had on the number of building permits that are processed each month. Kuhlmann explained he has to inspect the property where construction is going to take place and make sure all of the zoning regulations are being followed and then contacts the Planning Commission Chairperson to sign off on the permit. Many times, people don't plan ahead to get a building permit before they begin construction or schedule construction. Council Member Eisenhauer moved to retain the \$800/month salary contractor pay for zoning administrator Matt Kuhlmann. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review email from Sheriff Lang with the Deputies' proposal to the Co. Commissioners (next Co. Commissioners' Meeting is Tuesday, November 28th @ 9:00 a.m.): Sheriff Lang was present along with Deputies Samuelson and Bredemeier to discuss the proposal with the Council. Deputy Samuelson reviewed the proposal with the City Council that will be presented the next day at the County Commissioners' meeting. A copy of the proposal was included in the agenda packet. If you averaged Johnson, Richardson and Nemaha counties deputy pay, Deputy Bredemeier's pay would be around \$29.65 and chief Deputy Samuelson's pay would be around \$33.48 and raises would be on a step program. Currently, Beatrice Police Dept. is paying \$43.00/hr. Samuelson explained that recently he was on duty and received a call on a domestic assault up by Lewiston but there was also a suicide attempt call on the other side of the county so Deputy Bredemeier was called out to handle the suicide attempt instead of assisting Samuelson with the domestic call that officers are not supposed to answer by themselves due to safety concerns. These situations are happening on top of being short a deputy. Recently, Office Deputy Nancy Tilton stepped in to help transport a female due to the situation requiring a female present. Nancy didn't get back to town until around 11:00 p.m. because the person had to be transferred to Hastings, but she then had to report to work by 8:00 a.m. the next morning. Currently, officers have been working 100 plus hours every two-week pay period with overtime to be able to cover the county with being short a deputy. Deputy Bredemeier recently had 160 hours in a two-week period. Working all these extra hours is taking time away from their families and creating

exhausted officers plus they are not able to keep up on the paperwork. The Sheriff's office is requesting two extra positions for officer safety and to eliminate unpaid coverage time and coverage gaps which would help prevent overtime. Currently, it takes about two years to hire a new deputy and then the turnover rate is 1 deputy about every 1 ½ years. It was discussed among the council that this is a safety concern for the officers (and sheriff) to be working all of these extra hours and being tired. Mistakes happen when people are working in an exhausted state plus they are "on call" when they are not on patrol and not being paid for this "on call" time. Sheriff Lang stated there are prostitutes sleeping on the sidewalk in front of Casey's. There is a graffiti problem. There are "open air" drug markets downtown. The Sheriff's department is not able to address these issues because there is only one officer on duty and that person is busy answering calls for other issues. There has also been an increase in child protective service calls lately. They expect an increase in calls with the holiday season coming up. Deputy Samuelson stated that people know there is less police coverage in Pawnee County, so they move here from surrounding counties. Richardson County has 10 deputies along with 9 police officers in Falls City. Sheriff Lang had estimated it will cost Pawnee County around \$750,000 to \$ 1 million to contract out law enforcement coverage from surrounding counties and that would only be when those counties have time to provide coverage. Deputy Samuelson stated he will stay on after January 1st if the commissioners work on a plan to increase officer pay and hire more deputies. Clerk Curtis asked if the county attorney could talk with the commissioners about the situation, but Sheriff Lang and Samuelson explained that the commissioners are retaining Jennifer Stehlik-Ladman, the former county attorney, as their attorney, paid out of county funds. It was asked if a county commissioner can be recalled and what is the process? Currently, each county commissioner is paid \$22,000/yr. and receives health insurance. Mayor Hatfield stated many people have asked why the county commissioner meetings are held during the day when most people are working instead of being held in the evening like the city council meetings. Many people cannot attend because they would have to take off work. Council Member Eisenhauer stated that since the Sheriff's Dept. is down one deputy, the county is not fulfilling their contract with the City of Pawnee City, who is paying \$75,000 this year for law enforcement coverage. Sheriff Lang said they need public support at the commissioner meetings.

Review emailed correspondence on Water Preliminary Engineering Report (PER): Council Member Eisenhauer moved to proceed on the engineering report for water with the JEO Consulting Group. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Approve Application for Investment of Funds with NFIT for the year 2024: Clerk Curtis explained this is the service that "sweeps" money in and out of the accounts that allows the City to earn more interest on its short-term funds without having to tie them up in a certification of deposit. There is no fee for this service. Council Member Eisenhauer moved to approve the application for the investment of funds with NFIT for year 2024. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Johnson & Pawnee Co. Emergency Management Seminar in Pawnee City on Wed., November 29th @ 10:00 a.m. (What is our role in the emergency management process?): The Council discussed who would attend to find out what role the City would have in case of an

emergency or natural disaster. Mayor Hatfield, Clerk Curtis, Council Member Eisenhauer and Foreman Cumley will attend the meeting.

Report and update from Foreman Cumley: *Report back on updates on “Don North Road.”*

Foreman Cumley explained he happened to run into Derek Gyhra today and Derek said that it would cost around \$5500 to \$6500 for the dirt work and if they had to haul in dirt, it would cost around \$300 per side dump so at most, another \$1000 but they would not be able to complete this project until Spring. This total cost would include rock on the road. Cumley recommends a new survey be completed because the old survey is confusing as to where the road is laid out and property was donated for the road. When the road is fixed, it may end up taking more property from Don North than what is currently used. The road would be fixed to be 22 ft wide with 10 ft ditches on both sides that would be sloped so that they are mowable on both sides. The job should cost less than \$10,000 to finish. The City's responsibility stops at the bridge, but half the bridge belongs to the City, but the County inspects the bridge. The crew members did try scraping rock from the bottom of the road and moving it to the top (as Don North suggested) but the rock was packed really hard and they were not able to scrape any. Council Member Fisher moved to have a survey completed on the Don North Road before work begins on the project. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhauer requested the current lines of the road be flagged and flags be marked on the new lines of the road. ***Discuss various City Crew Projects:*** The City Crew finished some concrete projects and plan to read water meters this week and they also need to haul sludge. Foreman Cumley explained that the crew members need another water meter reader gun. They have two original guns from when the system was installed and one of them is cracked plus they have one new gun. The batteries in the old guns only last about an hour when it is cold while they are reading meters. The last gun cost around \$1300 and it took awhile to receive it due to availability. Mayor Hatfield suggested budgeting for a new gun each year and set up an equipment replacement plan. Clerk Curtis suggested to Foreman Cumley that he get a quote for a new gun and then the Council could vote on it at the next meeting. Council Member Zelenka suggested ordering a new meter reader gun sooner than later in case it takes awhile to receive it. Council Member Zelenka moved to have Foreman Cumley order a new meter reader gun now and purchase at a cost of up to \$1500. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review PCAL Minutes & Treasurer's Report: Council Member Eisenhauer asked if PCAL had resolved their personnel issues? DC Wiers explained she was told the issues have been resolved and there weren't any employees present at the last meeting on Nov. 16th. In fact, there weren't enough board members present for a quorum. Mayor Hatfield was also present at the last PCAL meeting. DC Wiers updated the Council that she had emailed the \$15,000 LARM building insurance invoice to PCAL before the Nov. 16 meeting. Caralyn had stated at the PCAL meeting that she had to borrow money from one of the other bank accounts to cover payroll again. DC Wiers offered that the City would accept a partial payment if PCAL could not afford to pay the balance now. Caralyn said she would need to talk with PCAL Board President, John DeFreece, about the bill since he was not present at the meeting. Discussion was had on the need for PCAL to write a budget to include all of the expenses they know have to be paid and if they need to audit their expenses. DC Wiers and Mayor Hatfield both explained that Caralyn reported

Medicaid is behind \$13,000 in reimbursement which is a problem with all assisted living facilities. Discussion was had about how PCAL seemed to be in a better financial position when Ken and Linda Klaasmeyer were in charge, and it appeared they had developed a budget to account for the known expenses. Council Member Zelenka asked if the PCAL board could request a complete budget accounting of expenses? DC Wiers explained that she would be the only board member requesting that information and there are some board members that just show up, don't ask questions, and then leave. One board member donated rolls for the spaghetti feed, but Deputy Wiers was the only board member that helped with the event. Only one board member volunteered to help with the garage sale, that is why Deputy Wiers asked the Council if they could help with it. PCAL employees and Caralyn have been great help with events. Council voiced concern about PCAL having to borrow money from a bank account to cover payroll and then there are four accounts that no one knows what they are for or why they were set up. An assisted living doesn't have to have an RN on site, but they do have to have RN oversight which Amie Schrack is but she is also a management consultant for the facility. Amie is paid \$1400/month for her services. Mayor Hatfield stated the dishwasher issue at the facility has been resolved and it is operating correctly. Clerk Curtis stated she will find Amie's management agreement to verify her salary and what service she is supposed to provide. Clerk Curtis also informed the Council about the PCAL meeting when Caralyn informed the board that Amie had been charging for services that were covered under her contract. Council Member Eisenhauer asked if Amie had reimbursed PCAL for the extra charges she was paid for?

Review proposed changes to City Nuisance Codes 4-301 thru 4-306: *Review Ordinance #1042 amending Nuisance Codes 4-301 thru 4-306;* Council Member Eisenhauer moved to approve Ordinance #1042 amending Nuisance Codes 4-301 through 4-306. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Suspend three readings of Ordinance #1042;*** Council Member Eisenhauer moved to suspend the three readings of Ordinance #1042. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review email from City Attorney Ferebee re: *Summons Process & FYI on the Summons re: County of Pawnee vs Allen Horner and County of Pawnee vs Larry L. Newton;* Clerk Curtis explained the City received these notices because the properties are up for tax sale and the City has liens on the properties. Clerk Curtis expressed concern about what will happen if these properties become eligible for a tax sale and nobody buys them.

Review Correspondence from: *Review Notice of Public Hearing of Pawnee Co. Planning Commission: application for Subdivision;* Clerk Curtis explained the City received notice of this application because the City Metal Dump neighbors this property. Craig Binder bought this property, and he sold the house and acreage to someone. ***Review letter written to Pawnee County Assessor for County to correct former Fire Hall Property Address from 732 F Street to 728 F Street & Email from Co. Assessor correcting the Corporate Limits of Pawnee City on G-Works;*** Clerk Curtis asked for approval from City Atty Ferebee before she sent the letter. Also, there was a problem with the address which was not listed on the legal description of the old fire hall. All the utilities listed it as "728 F Street" and the Assessor's office had it listed as "732 F Street." The new owners of the property requested the address be corrected for the title. Clerk

Curtis also worked with Co. Assessor Wiers to have the city limit boundaries corrected on G-Works.

Council Member Eisenhauer 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 8:51 pm.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor