

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON TUESDAY, OCTOBER 12, 2021, 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: Mayor Charlie Hatfield; Council Members: Donnie Fisher, Bruce Haughton, Ric Helms and Susan Eisenhauer; Tamela S. Curtis, City Clerk/Treasurer and Foreman Spencer Cumley. **Absent:** None. 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.

Council Member Eisenhauer moved to approve the September 27th, 2021, 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: **10/12/2021 Payroll:** 8,786.55 **Union Bank & Trust**, FWH 2528.19; **NE Dept. of Rev**, SWH 370.86; **John Hancock**, retirement 1304.34 **Amazon Capital Serv**, miter/chop saw 421.79; **Auburn Brd of Public Works**, jet swr line 529.50; **Binder Bros.**, lumber/drill bits 528.10; **Capital Business Syst**, IT serv/upgrade copier-server-front counter & UB Clerk Computers 14,340.74; **Demco**, Libr office sup 3870.00; **Gyhra Const**, 10th Str tube proj 8000.00; **Hamilton Equip**, plate compactor/grapple bucket 7789.00/3 yr ext war-Skidster 1300.00; **In the Swim**, pool lift caddy, mast, seat 1206.97; **Jeff McClintock**, Demo reimb 4000.00; Libr Materials: **JR Libr Guild** 2178.43/**SYNCB-Amazon** 409.85/**Center Point** 1614.24; **Leisure Creations**, pool furniture 4949.72; **Mahoney Concrete**, extend So pool deck 10500.00/Phase 4-trail 4252.50; **NDeD**, Sale of LBJ-donated back to NDeD 48700.00; **Emily Sisco**, atty fee retainer 1000.00; **Matt Kuhlmann**, zoning-Aug 800.00; **NPPD**, elec 2951.42; **Pawnee Co Rural Water**, hydr 99.00; **OPPD**, elec-wells 226.71; **H&H Auto**, rep/sup parts 57.64; **Community Ins.** City's ½ Firemen's Life Ins 604.50;; **Cornhusker Press**, dog tags/hooks/tob app-licenses 172.75; **LARM WC/Liab/Bldg/Equip Ins** 54988.55; **Maguire Iron**, 2nd yr Wtr Twr Maint 47296.00; **Pawnee True Value**, Libr sup 92.85/City sup-rep parts 169.37; **MidWest Labs**, swr samples 199.00; **OneCall Concepts**, digger locates 9.23; **PC Thriftway**, supplies 41.17; **NE Muni Clerk Assoc**, FY 2021-22 membership dues 35.00; **Quill**, Libr office sup 176.39; **Roofguard LLC** Fire Hall Roof rep 15580.00; **Sargent Drilling**, Install Well #2 liner/eng fees/tax 30434.18; **Scheib Drainage Prod**, 10th Str Tube 3876.36; **Lincoln Winwater Works**, wtr main parts/Fire Hall parts/tap 4103.93; **Windstream**, Libr ph/internet 1235.73 **Casey's Business**, equip fuel 388.19; **SEND**, Gen/Housing membership dues 1838.00; **SE NE Computer Serv**, Libr computer upgrades 485.05; **Lucas Birdsley**, Wtr Dep refund 9.06; **BOKF, NA**, Wtr/Swr Bond Payments 179,971.67. 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.

Review Treasurer's Report as of September 30th, 2021, end of Fiscal Year: Council reviewed the final September 30th, 2021 Treasurer's Report for the end of the 2020-2021 Fiscal Year.

Sheriff Braden Lang: Sheriff Braden Lang met with Council to discuss that a citizen had received another dog barking ticket, which he was pretty sure would make it three tickets in total. Clerk Curtis stated that the ticket had been handed over to City Attorney Sisco and that a letter had went out to the Citizen today from Ms. Sisco. Foreman Cumley stated that he had seen the citizen was trying to find good homes for the three dogs. Sheriff Lang stated they are still looking to hire another Deputy, but it will take months to go through all of the new hoops since LB 51 was passed.

Mayor Hatfield to discuss Council directions given to Sheriff's Department: Mayor Hatfield stated that he's been doing some thinking about this, and it seems like when we do have Sheriff Lang here, sometimes we kind of blindside him, one or two of us. He felt that maybe as a Council that when we have something we should bring it to a Council meeting to all discuss it and then when Sheriff Lang comes to the next meeting they could present it to him then. That way there is not a problem that someone said this and someone else told him that and in the Mayor's opinion, it makes our Council look like we're not very organized. Mayor Hatfield went on to state that it is kind of like all of them getting their agenda ahead of time, it would help Braden to know ahead of time what problems the Council may want to address with him. By presenting it to Sheriff Lang beforehand, the Council can say that they have decided as a group that they would like to see the Sheriff's Department handle something in a certain way. That way when he comes to the next meeting he knows what we are going to discuss with him, and he's not blindsided. Council Member Helms stated that would give Braden a chance to already have some answers for the Council or a suggestion to resolve the issue. Council Member Eisenhower stated that would give him a chance to do his due diligence research as necessary. Mayor Hatfield felt this would make the Council come off as more professional. At this time Council Member Helms stated that was the reason he didn't speak up tonight about the ongoing garage work along the City's ROW. Council Member Helms stated that everything was pretty much moved off of the City ROW, but he inquired if Council thought that driveway approach was still part of the City's ROW? Mayor Hatfield stated he would assume so but wasn't sure on that. Council Member Helms inquired what the other Council Members felt about if a driveway approach part of the City's ROW? Council Member Fisher stated wouldn't the concrete part still be a part of the street but then their driveway starts after that, correct? Helms stated that yes the concrete part is in the City's ROW. Council Member Helms continued that everything was moved off of the City's ROW except for the shop equipment. Council Member Eisenhower inquired if it looked better? Council Member Helms stated well the automobile was moved out of the way. Mayor Hatfield stated that this is one of those things to get on the agenda to have all of the Council give their input and then pass it onto Sheriff Lang what the Council decided as a whole and then it can be discussed with him at the next meeting.

PUBLIC HEARING—Application for NEW Class "C" Liquor License for the Blazin Bull Bar LLC dba Blazin Bull Bar #124526: Council Member Eisenhower moved to open the public hearing on the application for a new Class C Liquor License for the Blazin Bull Bar at 7:30 pm. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Tony Moore was present to hear public input on the application for a class C liquor license. There was no

public input. Council Member Haughton moved to close the public hearing on the application for a new Class C Liquor License for the Blazin Bull Bar at 7:37 pm. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhauer moved to approve the application for a new Class C Liquor License for the Blazin Bull Bar LLC dba Blazin Bull Bar #124526. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Clerk Curtis stated she would fill out of the paperwork tomorrow morning and get it emailed into the Liquor Control Commission tomorrow morning. Council thanked Mr. Moore for coming to the meeting and wished them the best of luck with owning the Blazin Bull Bar.

Russell Stolz-Discuss request to open an alley: Russell Stolz at 1403 F Street, met with Council to discuss his request of opening the so-called Alley between F & E Streets and 14th & 15th Streets on the West side of his property. Council reviewed the photos of the area that Mr. Stolz was interested in opening. Foreman Cumley stated that County Assessor Vickie Wiers had contacted him stating that she could not find any record that it had ever been platted as an alley in the City. County Assessor Wiers also checked the computer if there had ever been any easements filed through that area but could not find anything. Clerk Curtis stated that Scott Hanna, former owner of the property to the West of Mr. Stolz had stated that he and the former owner of Mr. Stolz property just had a mutual agreement between each other that they never wanted that opened as an alley because they didn't want anyone driving down between their two properties. More discussion followed with Foreman Cumley stating that the City's Sewer Main goes down that area, but Co. Assessor Wiers stated that she couldn't find any utility easements that had been filed at the courthouse either. Mayor Hatfield stated that he would suggest that Mr. Stolz visit with his neighbors and see if any of them had ever gotten their property surveyed to know who exactly owned that piece of property as if this piece of property has never been platted as an alley, the City has no authority to do anything with it. Council Member Helms inquired if Mr. Stolz had visited with his neighbor to the West on if she had ever had her property surveyed. Mr. Stolz stated he had not. Helms agreed with the Mayor to make contact with the other three property owners that own property along that stretch of ground and see if any of them had ever had their properties surveyed. Clerk Curtis stated she and Foreman Cumley would look through the old Ordinance books that show when the sewer mains went in and try to find if that area was actually marked as an alley or not while Mr. Stolz checks with his neighbors about a survey. Then the City will get back to Mr. Stolz with what they found.

Review/Approve: CDBG Fire Hall Project 19-PW-014 Expenses: Drawdown #8 for a total of \$139,421.00 with \$3,845.00 to JEO Consulting for Construction Admin & PAR (requested by USDA) with \$3,356.68 from CDBG Public Works Grant and \$488.32 from City Match; Pay App #3 to AHRS Construction for \$135,576.00 with \$118,357.85 from CDBG Public Works Grant and \$17,218.15 from City Match: Council Member Helms moved to approve CDBG Fire Hall Project 19-PW-014 Expenses on Drawdown #8 for a total of \$139,421.00 with \$3,845.00 to JEO Consulting for Construction Admin & PAR (requested by USDA) with \$3,356.68 from CDBG Public Works Grant and \$488.32 from City Match; Pay App #3 to AHRS Construction for \$135,576.00 with \$118,357.85 from CDBG Public Works Grant and \$17,218.15 from City Match. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Haughton stated that he goes up and talks to Kent, the AHRS Foreman over the project,

once a week and he feels that the Fire Station Project will be completed by the end of the year, weather permitting.

A Report and update from City Council Member Haughton: Discuss Pawnee City Pride Committee: Council Member Haughton stated the flyer in the agenda is really something that he has wanted to do for quite some time. He would print this flyer off on a bright colored paper and check the one that would need to be discussed with the property owner and then leave the flyer in the door of that property. Members of the Pride Committee would check the box for the area that needed worked on, sign the sheet and put their phone numbers down so that they could call and discuss what needed done and how the Pride Committee might assist them. Council Member Haughton stated that there are many tree limbs that still need cleaned up in citizens' yards from a storm we had this past summer. More discussion followed on tree branches hanging out over the sidewalks and streets needing to be trimmed back by the property owner. Mayor Hatfield stated that many citizens do not understand that it is the property owner's responsibility to keep those limbs trimmed back and not the City's responsibility. More discussion followed with Council asking Clerk Curtis to send Ray the City Ordinances regarding keep trees trimmed back so he could run something in future editions of the newspaper. Council Member Eisenhauer moved to approve the Pawnee City Pride Committee's Flyer to address small nuisance issues in town. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. ***Add Vickie Zelenka to serve and accept resignation from Mary Luedders on the Pride Committee:*** Council Member Helms moved to add Vickie Zelenka to serve as a member and accept the resignation of Mary Luedders as a member on the Pride Committee. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

A Report and update from Clerk Curtis: *Review/Discuss Certification of Approval on additional USDA Grant Funding towards the purchase of the Well Generator:* Clerk Curtis stated that USDA had approved and signed off on the extra costs for the purchase of the Well Generator and the City will now be receiving \$39,300 in Grant Funding from USDA. Foreman Cumley stated Sargent Drilling has ordered the Well Generator, but it is not expected to be here for six months. Foreman Cumley stated that Chad at Mid-Iowa Equipment told him that the City won't be getting the Sewer Jet Trailer until mid-December now instead of the end of October delivery date, because they have not been able to get some of the metal in to finish constructing the trailer. ***Premier Pyrotechnics Savings Flyer:*** Council reviewed the Flyer from Premier Pyrotechnics on saving an additional 20% by signing a 3-year agreement with them and paying for the fireworks by December 1st. Clerk Curtis stated that the Chamber of Commerce had discussed this at their 10/7 meeting and approved moving forward with this proposal. Council Member Helms moved to approve signing a 3-year agreement with Premier Pyrotechnics and paying for the fireworks by December 1st, 2021, in order to get the additional 20% in savings. Council Member Haughton seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Municipal Annual Certification of Program Compliance Form 2021: Council reviewed the letter from NDOT on filing the Annual Certification of Program Compliance with the NE Board of Public Roads Classifications and Standards (NBCS). Clerk Curtis stated that we keep the Street Report, 1&6 Year Street Plan, etc. on file here so that if we are ever audited on this certification process we have everything in order as this is what determines the City receiving Highway Allocation funds or not. Council Member Eisenhower moved to approve Resolution #1 (2021-22) authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance Form 2021. Council Member Fisher 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 new water tap questions:*

Foreman Cumley stated that the City had received an application for a water tap at the South end of town, at the property behind 147 D Street. Foreman Cumley stated the City does have a City main going past the road on the North side of his property, but he doesn't have a problem giving this gentleman an easement through his property to run a water service up there. Foreman Cumley stated that he feels that either the City or this gentleman should have the property surveyed between him and his neighbors to the West because he doesn't want this guy just running his waterline out in the middle of his yard and then it comes up in the future that somebody else actually owns that part of the property and we wouldn't want anyone to build on top of it. Cumley felt the City needs to know where those two property lines are and then Cumley will give this gentleman a 16' easement. Foreman Cumley's question was if the Council thought the City should pay for the survey or do they think this gentleman requesting the water service should pay for the survey? Council stated that since this gentleman is requesting the City Water Tap, he can pay to have the property surveyed so the City knows where the boundaries are in order to put that water service in. ***Review letter from DHHS placing Well #2 back in service after passing all of the Wtr samples:*** Council reviewed the letter from DHHS, with Foreman Cumley stating that everything with Well #2 is back in service after passing all of the water samples. Foreman Cumley stated that it is totally complete now since Sargent Drilling finished replacing the well liner with a PVC Casing instead of steel, so it should not have any hole issues but it still has stainless steel screens at the bottom so we shouldn't have to worry about rust in there and everything on it has been totally rebuilt now – the motor and all of the internals of it. ***Discuss Sewer Plant problems:*** Foreman Cumley stated they had a blower go down at the Sewer plant. Foreman Cumley already has it on order as it's supposed to be coming from Germany. It is supposed to ship on November 12th. He also ordered some filters, oil and belts for the blowers for a total cost of around \$5500. One of the taper-lock pullies had come loose and then it just spun on the shaft and so it just completely ate the whole shaft and bearings out.

Correspondence: At this time Mayor Hatfield asked the gentleman who was sitting through the meeting if there was anything in particular that he wanted to address the Council about? The gentleman introduced himself as Don Shonk who lived in the Pawnee Village Apartments. He had stated that he had been the victim of a crime that happened three weeks ago, and it had taken the Sheriff's Dept two hours to get to the crime. Mr. Shonk stated he had been receiving threatening messages, which the person should have been charged with terroristic threats but hadn't. Mr. Shonk went on to state that he once rode with the "Defiant Few", which he thought was family oriented but ended up being a part of the Hell's Angels motorcycle gang. Mr. Shonk went onto state that he also thought that there should be at least one officer at the school each day to control traffic and help the

kids cross the streets. Mayor Hatfield thanked Mr. Shonk for coming to tonight's Council meeting and telling of his concerns. Mayor inquired if Mr. Shonk had attended a County Commissioner's meeting yet and told of his concerns? Mr. Shonk stated that he had not attended a Commissioners meeting. Council Member Eisenhower encouraged Mr. Shonk to attend a County Commissioners meeting as they have the control over the hiring and firing of County employees, not the City, but appreciated him sharing his concerns with the City Council. Council reviewed the invitation to JEO's Lincoln Office Open House & Guided Tour of Antelope Valley Park on October 19th from 3:30-5:30 p.m. Anyone interested needs to RSVP. Council Member Haughton moved 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 7:56 p.m.

ATTEST: Tamela S. Curtis, City Clerk

Charlie E. Hatfield, Mayor