

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, OCTOBER 28, 2024, AT 7:00 P.M. AT THE CORNERSTONE BUILDING, 601 G 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 Charles Hatfield, Council Members Pat Hatfield, Vickie Zelenka, Donnie Fisher and Susan Eisenhauer; Kellie Wiers, Deputy City Clerk and Tamela Curtis, City Clerk/Treasurer; Foreman Spencer Cumley. **Absent:** None.

Mayor Charlie 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, next to the storage closet, accessible to the public. At this time, all those present stood to recite the Pledge of Allegiance.

Council Member Eisenhauer moved to accept the October 15, 2024, 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: **10/22/24 Payroll:** \$11,117.99; **Union Bank & Trust**, FWH 3165.59; **NE Dept. of Rev**, SWH 476.79; **John Hancock**, retirement 1465.92; **Allstate**, cancer/accid 143.75; **Ameritas**, vision 75.60; **Madison National Life**, employee life insurance 47.32; **United Health Care**, health ins. 5743.07; **BHE**, gas service 184.92; **Spectrum**, internet/ph @ shop 184.97; **Pawnee City Dev. Corp.**, Aug 2024 sales tax 7829.59; **SA**, Sept 2024 garb serv 6894.86, dumpster @ pond 120.00, roll off dumpster @ 112 12th ST 399.00; **Ty's Outdoor Power & Service**, new salt spreader 9482.82; **State of Nebr. DOL** 3rd qtr unempl. 62.31; **Windstream**, phone @ swr plant 63.83; **Access Systems**, IT services 931.60; **Binder Bros.**, concrete 702.00; **Capital Bus. Syst**, Elevate ph syst 192.77; **Surnali (Diversified Drug Testing)** FC Clearinghouse renewal 40.00; **ACE Irrigation**, tube for 17th ST 13,059.90; **Eric Gyhra**, grass/weed clean up 1000.00; **Nebr. Public Health Env Lab**, wtr sample test 15.00; **PC Public School**, tobacco & liquor license fees, dog & parking tickets 2305.00; **Quill Corp.**, office supplies 233.50; **Tredz Central**, Midsota dump trailer 22,550.00; **U.S. Cellular**, emergency cell phone 48.41; **Verizon Wireless**, home connect & jetpack 64.93; **Pawnee City Fire Dept.** 2024/2025 approp. 1200.00; **Pawnee Co. Treasurer**, law enforce agreement 20,105.03; whereupon motion carried. Council Member Zelenka moved to approve the claims as submitted. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Todd Albers, Review/Discuss Well Farm Pasture Lease for a 3-year lease: Mr. Albers was present to answer any questions about the lease. He said that a 3-year lease worked well for him and he has been working on spraying the pasture. Albers said that the contractors tore up some ground when they were out there to drill for the test well and he offered to harrow that spot to smooth it out. Council Member Eisenhauer advised that he should let the ASCS office know what he is doing to the CRP. Albers said the ponds did well last Spring because of the rain and he didn't have to use any well water. Foreman Cumley and Mr. Albers agreed something needs to be done about the volunteer cedar trees on the South side. A correction needs to be made on the current lease, pg. 2, instead of "Lessor," the sentence should read: "Should Lessee exit lease or not extend lease after expiration, Lessee agrees to voluntarily remove..." Council Member Eisenhauer moved to renew the well pasture lease for three more years for years 2024-2025, 2025-2026 and 2026-2027 at the same rate \$93.25 on 177 acres with the same cattle restrictions also with the caveat for the CRP at 9.44 acres. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Eisenhauer explained that the City has been paying property tax on this ground for years but she protested paying property tax on this property and now it has been taken off the property tax roll because of the ground water on the property since that is where the city gets its drinking water and other factors. Clerk Curtis will make the corrections on the lease and then have it signed. Mr. Albers has been spending about \$15/acre on chemicals to spray thistles and it has really helped.

AARON SAWYER, PC Chamber of Commerce Economic Development Director: Council Member Eisenhauer mentioned that she had tried looking at the new marketing website but it isn't ready yet. Mr. Sawyer explained photographs around town have been taken and Steve Glenn owns the website and Aaron had tried to update the website but Steve Glenn plans to hire a professional to build the website. Council Member Eisenhauer stated the Chamber of Commerce owns the website. Aaron said Mr. Glenn owns it and the Chamber was supposed to keep it updated. The Economic Development Council recently had a meeting and now there is a better division of labor. Suzanne Borchert will be the contact with SENDD for housing and infrastructure while Aaron and Steve Glenn will work on marketing. Aaron explained he has been attending meetings in Lincoln and Omaha and he has been the only person in attendance representing southeast Nebraska. Aaron explained there are grants available to get electronic speed signs to set by the highways on the edge of town but the Nebr. State Patrol and the NDOR has three speed sign trailers Pawnee City could use for free from now until New Year's Eve. Clerk Curtis explained that the Thiemann building is not an empty storefront as stated in the information in the agenda packet. Mr. Thiemann uses it for storage and to talk to customers about flooring. The Lovercheck building actually sold and a family lives in the apartment in the back of the building. Now, the nursing home has closed. ***Business Retention & Expansion (BR&E) plan:*** Clerk Curtis asked what is a "trends study" as listed under "#3 Grant Development" for the BRE plan? Aaron explained NPPD will help with the BRE and help make a brochure to attract businesses to town. The trends study would show things like "Nebraska lost four hair stylists this year" and data similar to that. NPPD would help with a new strategy "comprehensive plan" since the last one was compiled in 2016 and will expire in 2026. Clerk Curtis explained that the comprehensive plan would just need updated. BRE includes sight visits to businesses to establish relationships. There is no monetary commitment. Council Member Zelenka asked what part does the Chamber of Commerce have to do with this? Aaron explained

that the Chamber hired him as an Economic Development Director and he wants to do something with the amphitheater. Mayor Hatfield explained Steve Glynn tried to get a grant to pay for an Economic Developer but it was denied. The Chamber was approached and they decided to pay a certain amount of money for Aaron's salary and Steve Glynn is paying a certain amount of money towards Aaron's salary while other organizations were also approached to help pay Aaron's salary. Also, Aaron has more time to apply for grants. DC Wiers voiced concern that if 25 houses are built in 5 years, then the City will need grant funds to drill a new well and build other infrastructure to be able to support those residents. This will start with the three houses built with SENDD's help that have income restrictions with \$999.00 monthly payments. After that, houses can be built without income restrictions. Clerk Curtis explained that if the BRE had already been in place, then maybe the City would have known that the nursing home was in trouble and planned to close. Aaron explained there is plenty of low-income housing in town but not enough housing for middle income people. Council Member Zelenka moved to appoint Council Member Eisenhower as the city representative for meetings and sight visits for the Business Retention & Expansion plan with Mayor Hatfield as the alternate city representative. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Site visits are set up for Nov. 7th and Nov. 20th.

Leadership Certified Community (LCC): Aaron explained once you are a certified community, it will increase Pawnee City's eligibility for grants which are based upon a point system. Council Member Hatfield asked how long the LCC would last. Aaron explained it lasts five years and then it will be renewed. Council Member Hatfield asked what will happen with this program next year or five years from now when Aaron is no longer around and who will be the liaison?

Discussion was had that the Council will be the liaison and someone will have to schedule the meetings with local businesses. Council Member Eisenhower moved to approve Resolution #3 in support of applying to become a Leadership Certified Community. Council Member Hatfield seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Certified Creative District (CCD):** Aaron explained it is similar to a "Leadership Certified Community" and that Steve Glenn had said the other programs will help find funding for houses but the City also needs entertainment. Aaron and Steve are planning to use the amphitheater at Van Horne Park for concerts from Memorial Day to Labor Day on Friday and Saturday nights. He had also talked with Sharla Cerra from the Pawnee County Arts Council to coordinate with the activities from the Creative District. The Creative District can apply for grants to develop the District for murals, etc. Discussion was had about the parameters of the creative district and that it doesn't need to go clear to first street but should end at 3rd street and expand to the North, East and West to include the Pedal Clinic, Jerry's Dream Museum (which holds monthly events), the post office and the old Carnegie Library. Council Member Eisenhower asked if the Creative District required a 5-year commitment and if a city fails to follow through with the 5-year commitment, then all grants have to be repaid? This is a concern for the Council since nobody knows how long Aaron will be around to see all these projects to completion. Council Member Eisenhower stated she feels the Creative District should be handled by the City whether it's a subcommittee and the Mayor appoint a council member to sit on that committee and the other members could be members of the community and/or members of other community organizations with 5 to 8 members. Aaron explained PCCF would be the sponsoring organization. Clerk Curtis made reference to an email from Sherri Smith dated Oct. 9th that included Aaron which summarized the requirements and that PCCF cannot be the controlling Board for the Creative District. It may be beneficial to have an MOU (memorandum of

understanding) with the committee, PCCF and the City Council. ***Rev./Approve Resolution #4 in support of applying to become a Certified Creative District:*** Council Member Eisenhauer moved to approve Resolution #4 in support of City of Pawnee City to apply to become a Certified Creative District. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council Member Hatfield asked for reassurance from Aaron that he will not apply for a grant without City Council approval. Aaron stated that the City is usually the entity that will have to file for a grant. Council Member Eisenhauer explained that any events held at the Van Horne park will also have to be approved by the Council before they are advertised including liquor licenses. She is concerned about alcohol being served at the park because of the amphitheater there. Clerk Curtis explained any events held on city property that include alcohol will require extra insurance. Aaron asked what that insurance would cost because he would like to schedule a band on Memorial Day weekend and one day host a pickle ball tournament. Clerk Curtis suggested to Aaron that he go to the City's website and read past city council agendas for items that may be helpful for him to read to get to know Pawnee City better.

Review Health Board's Nuisance Property Listing that they reviewed on 10/16/2024 & discuss letters sent out by City Attorney Betsy Samuelson: DC Wiers explained that she had received a text message from City Atty Betsy Samuelson that she has been dealing with a sick child and she would not have an update for the Council for tonight's meeting. Council reviewed the list of 12 properties included in the agenda packet. The owner of 1043 M Street emailed his plan for this property and it was shared with Council. Therefore, he will not be sent a "letter of intent." Hopefully, the owners will take advantage of the Fall Clean Up. Mayor Hatfield explained the Health Board would like to prioritize the properties at 1111 7th ST, 1038 7th ST and 1241 F Street to be cleaned up but the owners of 1241 F Street have already started cleaning it up. Discussion was had about the properties next to each other at 1106 & 1120 5th Street. The first property has an open upstairs window, overgrown brush and uninhabited for a few years. The second property has boarded up windows. Council requested a letter of intent sent to the owner of 1106 5th Street. Update: the owner of 1145 G Street submitted a copy of the asbestos report to the City Office. The tile in the kitchen must be removed before the house can be demolished.

Review Legislative Report from Municipal Code Services on handling nuisance property issues: Council reviewed the Legislative Report from Municipal Code Services on handling nuisance properties.

Review ad for putting Hay Ground at Sewer Plant/Metal Dump out for Bids again: Council Member Zelenka moved to approve putting hay ground at the sewer plant and metal dump out for bids again with sealed bids being accepted at the city office until November 25, 2024, at 4:30 p.m. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review Seneca SA bill for Rolloff Dumpster at 112 12th Street; Do we assess charges against property: A roll off dumpster had been ordered from Seneca Sanitation for the owner of the property at 112 12th Street to clean up the nuisance items in his yard and items that were overflowing onto the road. The owner cleaned up quite a bit of materials and filled the dumpster

with quite a bit of items left in the yard. Seneca Sanitation sent a bill to the city office for \$399.00 for the roll off service. A second roll off dumpster was ordered and Seneca Sanitation has delivered it to the property. Council Member Eisenhauer moved to assess the \$399.00 charge and any future dumpster charges against the property at 112 12th Street. Council Member Hatfield seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Discuss/Approve Steve Glenn request for potential use of electricity at Van Horne Park for Christmas Lights: Steve Glenn had talked with Council Member Eisenhauer that he would like to decorate Van Horne park with Christmas lights this year and is concerned about the extra cost for electricity and would like to get permission from the City to install the lights and if the City would be willing to pay the extra cost for the electricity. Council Member Eisenhauer moved to approve Steve Glenn installing Christmas light displays at the Van Horne park for the benefit of the community and to approve the City paying for the extra cost of the electricity for the lights. Council Member Hatfield seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Report and update from City Foreman Cumley: *Review flyer on Fall Clean-Up set for November 12th*: The City Office has had quite a few calls and people stopping by to inquire if the City was going to do this again because they really appreciate having this service provided, especially the elderly people of the community. Foreman Cumley explained they cannot accept leaves in plastic bags because they are not biodegradable and they are only accepting yard waste. Mayor Hatfield will donate paper sacks for people to put their leaves in. ***Review Letter of Approval from NDEE on proposed new well site:*** The City received a good report from NDEE for the well site and the City has two years to do something with it. After two years, it would have to be inspected again. The location could not be any closer to Well #1 and any closer to the neighbor's lagoon. ***Discuss Selling 1995 Ford Dump Truck & 2020 CAT Skidster:*** Foreman Cumley has contacted Big Iron Auction, Auction Time and Purple Wave to sell the dump truck and skidster. Most items will sell at market value and nobody has reserves anymore. The skidster is valued around \$18,000. Due to Covid, the skidster is valued a lot less than an expected value of \$40,000. Big Iron: an agent will come out and take photos of the equipment and do all of the advertising. All three companies handle all title and money collection plus scheduling seller pick up. Big Iron does a commission on total sale but did not say what that would be. Auction Time: they are nationwide and their commission is 8% plus advertising. They use a 3rd party and will take pictures. It would be around \$300 for advertising on the dump truck plus 8% commission. It would be around \$500 for advertising on the skidster plus 8% commission. They have a hybrid system and work with several companies. They will sell items through retail first and if it doesn't sell, it will then roll over to the auction side to sell. Purple Wave: they didn't have much information but also charge a buyer's premium. All sell to the highest bidder with a minimum of three week bid time. Instead of buying another skidster, the City will lease one for \$5500/yr for up to 260 hours but the most the City crew members have ever put on is 169 hours. Council Member Hatfield moved to sell the 1995 dump truck and the 2020 CAT Skidster on Auction Time. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. After someone from Auction Time pays a visit, they will recommend a value for each item. The city crew will clean up the machines and get them ready. After the 1995 dump truck is sold, none of the city crew members

will be required to hold a CDL license because now the City has a dump trailer to use and the other dump truck doesn't have air brakes. ***Discuss various projects throughout town that City Crew has been working on:*** The city crew has been working on filling potholes, replacing light bulbs in the decorative lights, dog kennels are finished and the sidewalk at the Pawnee Village has been repaired from the new water meter replacement. Foreman Cumley contacted Wilson Electric about the sewer plant motor, new outlets at the pool and new generators for the water tower and shop. Wilson will call back with a date to complete this work. Clerk Curtis explained the State visited the tree dump recently and the City received a good report. Some people will dump other items at the tree dump besides yard waste even though a "trees only" sign is posted. Foreman Cumley heard back from the State and now, they are saying that all galvanized water lines are required to be replaced in order to become a lead-free community. There are 50 lead water service lines in town and the State is saying there are 155 galvanized water lines that require replacement which are on the homeowner's side and required to happen in 10 to 15 years but that date has not been set. There are no galvanized water lines on the City's side. The Federal government is not offering guidance on who will have to pay to have these replaced whether it's the property owner or the City. For sure, the State will require the City to install filters in the homes with lead lines, the City will have to change these filters twice per year and offer the people public education once a year and sample the water for lead every year. Foreman Cumley also explained the only company that makes filters that remove lead is Brita and they are not able to supply the demand. Lincoln has ordered 6000 Brita filters from Winwater and have only received 200. Another requirement from the State is that the City has until Nov. 15, 2024 to inform each homeowner about their water line material and then send proof to the State this has been completed. Hopefully, the State will supply a form letter to use. The Council asked Reagan Connelly, the Pawnee Republican reporter, who was also present at this Council meeting to write a story about the lead water line requirements. The City Crew has also started working on cutting out bad spots on some of the streets to patch. Council Member Hatfield asked about the status of the wells and the aquifer. Foreman Cumley explained they are "holding steady" and they didn't lose any drawdown. Council Member Hatfield asked if the City should move to the next level from voluntary water restriction to mandatory even though most people will not be running lawn sprinklers anymore? Discussion was had about a particular customer had used 33,000 gallons of water in one month and is also watering their lawn. Foreman Cumley explained most people are not watering gardens right now because it is late enough in the season so he is not sure if going to the next level will help much. Council Member Eisenhower suggested going to the next level if the aquifer level doesn't hold steady.

Review PCAL September Meeting Minutes: Council Member Zelenka commented that the account balances are low. Council Member Eisenhower commented that the account balances were reported as of 9/30/24 but the meeting was held on 9/25/24.

Report and update from Clerk Wiers: Review Angel Tree Flyer; Middle School Leadership Group is assisting with the Angel Tree Project: DC Wiers reported volunteers have made the angel ornaments, angel tree applications have been printed to distribute at the office and Head Start plus the Pawnee City Schools will send applications home with the students. The Middle School Leadership class plans to distribute flyers around town and they will also help with the gift pick up in December at the Pawnee Village meeting room.

Review Correspondence from: Council reviewed the spreadsheet on August 2024 Sales tax of \$24,498.29 with ½% Street Repairs Sales Tax totaling \$3,619.38 and \$5,219.73 being Motor Vehicle Sales Tax. Council reviewed the Dog Licensing \$5 Off Special running in November for 2025 Dog Licensing & Full Notice that will be posted around town and in the newspaper.

Council Member Eisenhower 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 9:09 p.m.

ATTEST: Kellie A. Wiers, Deputy City Clerk

Charlie Hatfield, Mayor