

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, SEPTEMBER 14, 2020 AT 7:00 P.M. AT FAIRVIEW GOLF COURSE CLUBHOUSE, 1799 D 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: Vickie Zelenka, Ric Helms, Susan Eisenhauer and John Dahlgren; Tamela S. Curtis, City Clerk/Treasurer, Spencer Cumley, City Foreman & Kellie Wiers, Deputy City Clerk/Treasurer. **Absent:** None.

Mayor Hatfield called the meeting to order at 7:00 p.m. informing all those present of the poster stating the Open Meeting Law Changes on the North meeting room wall accessible to the public. At this time Mayor Hatfield stated that he had wanted the Elected Officials Code of Decorum put back in the agenda packet again, as he felt we all needed to review it as it is to help keep everybody from getting out of line and avoid major problems as we need to keep in mind we are City Government and we help our people, we don't fight between our people. Council Member Dahlgren made a motion to accept the August 24, 2020 regular meeting minutes. Council Member Helms 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: **9/1/2020 & 9/15/2020 PR:** 17,422.63; **UB&T**, FWH 4941.39; **NE Dept. of Rev**, SWH 680.18/ Sales & Use Tax 3189.71/ Waste Reduc/Recyc Fee 25.00; **NW Mutual**, ret. 1694.92; **Madison Nat'l**, life ins 55.09; **AllState**, cancer/accident ins 228.46; **Ameritas Life Ins Corp**, vision ins 116.60; **BCBS**, health ins 5768.46; **Capital Business Systems**, Libr Copier 132.50/ Office Copier 297.16/ IT Contract 574.45 **Advantage Co**, digitize Pawnee Repub. 545.00; **Center Point Lg Print**, materials 1000.35; **Julie D. Bauman**, Annual 20-21 FY Budget Prep 2250.00; **League of Muni.**, Util mem. dues 510.00; **NE Pub Health Env. Lab**, Wtr Samp 395.00; **Pawnee Co Rural Water**, hydrants 47.43; **Quill**, supplies 244.27; **OPPD**, well elec 204.45; **Emily Sisco**, Atty fees 1000.00; **MidWest Labs**, swr samp 212.00; **Matt Kuhlmann**, Sept. Zoning contract 400.00; **NPPD**, elec 6698.97; **Fred Wessel**, wtr deposit refund 100.00; **Black Hills Energy**, gas serv 83.60; **OneCall Concepts**, digger locates 17.28 **Brinkman Bros**, 2021 Chevy Pickup 32773.00; **DEMCO**, Libr office sup 345.52; **Econo Signs**, ped crosswalk/child at play signs 657.52; **Freidly Oil**, equip fuel 684.15; **Gary Gross Truck**, flatbed w/storage bins 5050.00; **H&H Auto**, alternator/rep parts/oil 688.55; **Kellie Wiers**, rmb curtain material 21.87; **Lola Seitz**, rmb supplies 13.81; **Magnolia Journal**, subscriptions 30.00; **Martin Marietta**, stock pile rock 139.44; **NE Dept of Ag**, Animal Facility License Fee 175.00; **Pawnee Republican**, publ 360.64; **Pawnee True Value**, supplies 109.13; **Recycling Enterprises**, Pick up Recyclables 360.00; **Windstream**, phone/internet serv 248.18; **Cornerstone Community Bldg DD #14: AHRS Const**, 11,610.00/ **SEND**, 1833.55. Council Member Helms made a motion 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.

**Treasurer's Report as of August 31, 2020:** Council reviewed the Treasurer's Report as of August 31<sup>st</sup>, 2020.

**Recess from regular Council meeting:** At this time Council Member Dahlgren made a motion to recess from the Regular Council Meeting. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried, and regular meeting recessed at 7:14 p.m.

**Open Special Hearing to Set Final Tax Request** – At 7:15 p.m., Council member Eisenhauer moved to open the Special Hearing to set the Final Tax Request. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. There was no public input at this time. Council member Dahlgren moved to close the Special Hearing at 7:22 p.m. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Reconvene back into regular Council meeting:** Council Member Eisenhauer made a motion to reconvene back into the Regular Council Meeting. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried with the regular meeting reconvening at 7:23 p.m.

**Pass Resolution #13 approving 2020-2021 Fiscal Year Budget** – Council Member Zelenka moved to pass Resolution #13 approving the 2020-2021 Fiscal Year Budget. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Pass Resolution #14 setting 2020-2021 Property Tax Request at \$198,985.00 and Proposed 2020 Tax Rate set at .711228.** Council Member Eisenhauer moved to pass Resolution #14 setting 2020-2021 Property Tax Request at \$198,985.00, which includes the \$70,000 Street Bond payment and Proposed 2020 Tax Rate set at .711228. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**1&6 Year Public Hearing:** Council Member Dahlgren made a motion to open the 1&6 Year Street Plan Public Hearing at 7:34 p.m. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Hear public input:** Clerk Curtis reminded everyone that the current streets listed on the 1&6 Year Street Plan had all been changed over to asphalt from concrete, as they had been previously listed. There was no other public input at this time. **Close Public Hearing:** Council Member Helms made a motion to close the Public Hearing at 7:37 p.m. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Resolution #15 adopting the 1&6 Year Street Plan:** Council Member Helms made a motion to Pass Resolution #15 adopting the 1&6 Year Street Plan. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Sheriff Braden Lang-Discuss Dog Tickets Issued (12) for non-licensing of dogs:** Sheriff Braden Lang met with Council to report there were 12 citizens that were ticketed for not licensing their dogs. Mayor Hatfield inquired if that was all that was left that needed to be licensed, 12 dogs in the City. Deputy Clerk Wiers stated that in some households there

were more than one dog, so the owner received more than one citation. There was discussion of a Council Member and the Mayor that had previously offered to help with the license fees and Mayor Hatfield assisted in paying for rabies shots and licensing at the rabies shot clinic held earlier this year. Council Member Eisenhauer also stated that those who had been ticketed were given ample notice, even receiving one last reminder post card that tickets were going to be issued after September 1<sup>st</sup>. Deputy Clerk Wiers stated that she wanted to give them the heads up that there will also be over 12 tickets going to the City Attorney tomorrow because the seven days is up that those who received the tickets had to come in and pay for the ticket and license their dogs. Council Member Helms stated he felt that the City needed to follow through to show that the City was doing what they stated they were going to. Clerk Curtis stated she and Deputy Wiers just wanted you to know what was going on because if Emily has to take all of them to court it is going to cost the City quite a bit of extra money in attorney fees.

**Mitchell Turnbull, re: *Street Parking; Spending Taxpayer's Money; Discuss past meeting minutes; Discuss Suggestions that may be helpful for Existing Businesses:***

Mitchell Turnbull met with Council to discuss some further suggestions on how to improve the downtown parking situation. Mr. Turnbull stated he had a couple things that he felt would be a wonderful addition to include in the downtown and especially when winter sets in by his observations in years past. The first thing being when it gets to be winter and the snow and ice sets in, which he realizes it's usually 1-2" before the guys go out. Foreman Cumley stated he thought it had been decided upon as 2". Turnbull continued that the point is that last year it rained and then it snowed and then it got ice bound on all of the parking areas downtown. Cumley stated that rule was changed also. Turnbull stated well last year when it did that, he had just brought his skid loader down and broke up all the ice for the City blocks on G Street from the highway all the way down to Union Bank. Turnbull stated if Bob Miller, a bigger guy was to fall from something like that, it would not be good for the City. So basically he just wanted to voice his opinion, and he would still bring his own equipment up as it doesn't bother him to spend his own money to help but he felt that is one thing that could be improved upon a little. That was a lesson learned last year, a two inch snow will usually come and you put a little salt down and goes away, but if you ever have a super cold streak then you're talking about a big time ice jam mess for a couple weeks. Foreman Cumley stated he felt the same way after last year's ice mess they were dealing with he had stated that the snow removal policy had been changed to that if we get any amount of moisture or snow, the City Crew is just going to go up and plow it all away from the downtown areas. Mr. Turnbull stated that the second thing he wanted to bring back to Council for discussion was the downtown parking issues. Council Member Helms had contacted Mitchell to discuss what could be done with the parking issues downtown. Helms' idea was to do straight based two-hour parking limit from like 8 a.m. to 5 p.m. Mr. Turnbull stated that sounds great but here's the problem with that is if you get a big estate to deal with or are a business or farmer doing taxes at one of the attorney's offices downtown it's going to be longer than two hours. Turnbull continued that he and his wife's tax appointment takes six hours and they have everything all ready to go. So, a 2-hour parking limit doesn't work for everybody. Some people may try and park two blocks down the road when they know they're going to have a long appointment like that, as he does. His suggestion was that if you own a business or you live downtown or an employee downtown, then there's only two-hour parking, that would be a wonderful idea. That way if we needed to carry in groceries into the Bull, then we can carry them in and then move our vehicle right afterwards. If someone had a big basket of paperwork from a great big

estate or a City employee parking there to carry stuff into their office, then it's not a big deal because they are going to move that vehicle shortly. Those were Mr. Turnbull's two suggestions to help assist businesses downtown. Council Member Eisenhauer stated what if the City did some sort of signs that said "Customers Only, exceptions: all others two-hour maximum 8 a.m. to 5 p.m." Sheriff Lang stated he had been trying to figure out how to state that tastefully because you could put a sign in every parking spot, but it's going to look terrible. Council Member Eisenhauer stated she would only suggest a couple signs per block on each side of the street stating Customers Only; Exceptions: All others 8-5 two-hour limit. Mr. Turnbull stated that across from his house there where the hospital employees come out of that back-parking area or where all of the ambulance services come in to meet the helicopter, it was hard for the ambulance to get in, especially if it was icy to get in there without plowing into all of the vehicles that were sitting on 5<sup>th</sup> street right at that corner. The City did a "no parking from here to corner" and that took care of the problem. If the City were to take it from Hwy 50 (7<sup>th</sup> Street) to 6<sup>th</sup> Street and then on 6<sup>th</sup> Street over to the FSA Office so those 35-40 parking spots would be for customers only and not have a bunch of business owners or those living in the apartments parking there for hours and sometimes days at a time. Turnbull added that he makes his employees park away from the downtown businesses so that customers to all businesses downtown will have a place to pull into, especially the little old lady trying to get her hair done downtown. Mitch felt the customer parking only signs would be a great way to handle this parking issue. Eisenhauer added that this allows for unlimited parking for customers, but if you're not a customer then you've got two hours and that's it. Council Member Eisenhauer then asked Sheriff Lang if this would be enforceable? Sheriff Lang stated that the issues are if anyone fights a citation on the time limit and he didn't see them pull in. They may be able to fight that in court. Eisenhauer stated what if a picture were taken and then two hours later it is still there and another picture was taken, would that work? Sheriff Lang stated that chances are that 90% of the people are still going to be there when you show up 2.5 hours later. Turnbull added that we are not really talking about the people that are parked there for 3 hours, it's the people that are parked there for 3 days or eight hours from 8-4. Sheriff Lang also stated that most people aren't going to go to court over a \$15 parking ticket. RJ Hickey inquired what about those employees at True Value as they try to park in that empty spot in between the West True Value building and Theresa's building but on truck day all four of us are in there. He tries to park down where Nancy Tilton parks, where the City just opened them parking spots North of the Courthouse back up. RJ inquired if they were going to need the employees from True Value to figure out someplace else to park? Turnbull stated if you went around the corner where the old VFW Building is, there are no open businesses around there and there are probably 24 parking spots in that area that could be utilized by business owners downtown. Turnbull continued that it's not that much further to walk from behind there because you still have to go from behind the building, you still have to go to the west to go South to go into the front, unless you go into the back door, so you're not adding that many more steps. RJ continued that at True Value they unload their truck in the back, so they constantly have to go have Emily Sisco move her vehicle, so the truck driver doesn't hit it. RJ continued that their current truck driver is really good, but some truck drivers can't drive down the alleyway. RJ stated if we park a bunch of people down there, then they will lose their alley access and they can't come in the top side due to their not being enough room to make it. Council Member Helms wanted to clarify that when we're talking restricted parking, we're talking parking on both sides of the G street between 6<sup>th</sup> and 7<sup>th</sup> Street and also on the North side on 6<sup>th</sup> Street between F and G Street. Council Member Eisenhauer stated it would be both North and South on 6<sup>th</sup> Street. Mr. Turnbull stated it wouldn't be hardly fair to limit parking on

both sides of one block (G Street) when there are businesses on 6<sup>th</sup> Street also. Turnbull continued that you also have people that are going into the courthouse on court days. Helms stated that if those people are in court, they may be there for four, five or even six hours, so we would just restrict the parking on the North side of 6<sup>th</sup> Street. Turnbull stated that no situation is ever going to fit perfectly but you've got to start somewhere. Helms stated he was just looking at the businesses on the North side of that street, they need parking stalls for their customers. Turnbull stated that if you don't restrict the South side of the street, then what is going to keep the people that own the businesses from parking there and then you really haven't accomplished anything. Council Member Eisenhauer stated that if there is a big jury trial going on and there will be a lot of people parked at the Courthouse for hours and possibly days at a time, it's not like the Sheriff's Office isn't going to know that. Turnbull stated you can always tell when there is court going on at the courthouse as there are a lot of extra cars parked all around the Courthouse. Council Member Helms stated that his personal opinion is that there is no ideal parking situation unless you have enforcement on it. John DeFreece stated that you have to start somewhere. Helms asked where are you going to start? DeFreece continued that he has customers that call in and say they would like to do laundry but they can't find a place to park and have to end up parking way down the street and then carry their laundry all the way down to the laundromat. Council Member Helms stated that if there are two or three tickets written out for those not abiding by this new rule, then he guarantees word will get around and it will stop. Council Member Dahlgren stated there is one thing that we have not considered for down the road and that is when we have the Cornerstone Building done and we rent that out for people to use. He didn't know how much it was going to be used, other than the City is going to use it for their meeting room to hold Council Meetings and so forth, but that doesn't give ample parking if you're considering 50 person capacity, with figuring two people to a vehicle, that's 25 more vehicles. Dahlgren stated he didn't know if people would be using this meeting room more during the daytime or the night-time but that's another thing to think about for downtown for parking. Turnbull stated that if the group is renting a place to meet, then they would also be considered customers, stimulating the local economy by coming into town, stopping at Casey's, Pawnee City Thriftway, True Value and possibly eating at one of the restaurants. Council Member Zelenka stated that regarding the employees at True Value, she didn't feel that by moving from parking on the North side of the Courthouse, to around the corner by the FSA office, that they were going to overload that area with employee parking. RJ Hickey stated that there is really only the one day that all four employees are there at work. Inquiry was made to RJ on how often True Value's delivery truck came in. RJ stated that once a week if we can keep the Covid situation from interfering with their inventory coming in. Zelenka continued that maybe that one day, they could let Emily know that she should park elsewhere that day. Mr. Hickey stated that he already alerts her to move her vehicle if they think they are going to be anywhere close to hitting her. Zelenka stated the key to the whole thing is just working together on this. Mayor Hatfield stated that the parking issues have been an ongoing problem in Pawnee City for many years. He stated that he could remember back when Tom Sawyer and Bill Haas owned businesses on the Square and you would tell them to not park in front of businesses, which for two weeks they would do it and then they would be right back to parking in front of the business again. Mitch Turnbull stated that talking about it doesn't really accomplish anything as he's not one to go around complaining about everything without trying to come up with a solution to fix the problem. Council Member Eisenhauer stated that she feels that this would be a really good start for an ongoing problem by putting up the signs on those one block areas on G Street and 6<sup>th</sup> Street that state Customer Parking Only, All Others 2 Hour Limit 8-5 Monday-Friday that once that

goes into effect, then most people are going to honor the sign, they're not going to wait to get a parking ticket to abide by the rules. The customers can be there for an unlimited amount of time, that's the point. Mitchell Turnbull stated that at least something like this is enforceable. Council Member Dahlgren brought up what if a contractor is working on John DeFreece's building, would they not be allowed to park in front of that business to do that? John DeFreece stated when he had contractors working on his businesses, he would have them unload their stuff and if they didn't need the truck right then he would have them park it down the street. Mr. Turnbull stated that everyone understood why AHRS was parked right there to work on the Cornerstone Building as it's not feasible for a contractor to have to walk a block or two away to get tools out of their truck or when Miracle Mudjacking had three huge trucks parked out front here, everyone understood why they were parked there and they were improving the downtown sidewalk areas. Council Member Eisenhauer stated there has to be some common sense involved in this also. Discussion continued on how many signs would need to be put up on each side of the street, with Foreman Cumley suggesting putting up three signs, each side of street for those two blocks. Council Member Eisenhauer made a motion to install an appropriate number of signs on both side of the street on G Street from 6<sup>th</sup> to 7<sup>th</sup> and on 6<sup>th</sup> Street from G to F Street that say "Customer Parking Only; All Others 2 Hour Limit 8 a.m. to 5 p.m. Monday-Friday. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Mayor Hatfield stated for Foreman Cumley to let Sheriff Lang know when the signs came in and were erected on those two blocks. Mr. Mitchell Turnbull's next item on the agenda was to address some past meeting minutes that there was some discussion when Council Member John Dahlgren and him went back and forth for a bit about the tube that was installed here recently for Mr. Dahlgren. Mr. Turnbull read a portion of the past minutes where Council Member Dahlgren had stated it was a gentleman's agreement and that was the way it was and for Mitchell to call Clint Johnson. At which time Mitchell had asked Mr. Dahlgren if Clint was the Foreman then, to which Mr. Dahlgren had replied "That's exactly right, you go talk to him." Mr. Turnbull stated that he went and talked with Clint Johnson and Clint was not the Foreman at the time when the water project was going on. Clint was not the Foreman until October 2012, so John's claim to having a gentleman's agreement with Shop Foreman Johnson when this happened, could not have happened, as Clint was not the Foreman when this incident supposedly happened. Mr. Turnbull directed a question to Council Member Dahlgren, "That at very least that was a very misleading statement, if not a false statement made by Mr. Dahlgren, so I would like for John to explain himself how that is the case when Clint wasn't even the Foreman at that time". Council Member Dahlgren replied that when the tube was broken down, he was pretty sure it was when Clint Johnson was the Foreman, but I'm not going to say it was 13 years ago, as I didn't know". Mitch stated that John certainly knew that it was a gentleman's agreement from the Foreman at that time. John stated that was right and it was with Clint. Mitchell stated but Clint was not hired to be the Foreman at that time. Dahlgren stated that he was sure it wasn't with Donnie Inglis. Deb Klein asked the Mayor if she could speak, to which she stated that she couldn't see Clint or Donnie okaying that because both of them were so tight and they would have used the City Employees to do that work. Dahlgren stated he was not arguing with that. Klein continued that Clint wouldn't have spent anymore money than necessary and the City Employees would do the work and Donnie was even tighter, so they weren't going to put money out that didn't need to be put out. Council Member Dahlgren stated he guessed he would need to check with Donnie (Inglis) and see....one of them made....he did know that they were talking because it was broke when they put the water lines across the street. Mr. Turnbull inquired why Mr. Dahlgren was so adamant that

it was Clint Johnson and now you are back tracking, so how was it a gentleman's agreement if you can't remember the true story, John? Mr. Dahlgren stated he was not going to sit there and argue with Mitch. Deb Klein inquired who put the water line in back then? Clerk Curtis stated it was VanKirk Bros. Much discussion followed with many people talking at once on what year the water project was. Clerk Curtis stated preparing all the funding and everything for the water project began in 2007, but the actual work got finished in 2010, but Clint wasn't the actual Foreman until 2012. Council Member Dahlgren was speaking to Council Member Helms about what he remembered happening..... there was a whole different crew that came in and hooked onto the water lines, boring across the street, but he didn't remember the company that did that, but they did it (tube damage) with their backhoe and he would have sworn that it was Clint that he talked to at the time it happened and I had him look at the tube. Mr. Turnbull stated regardless, it wasn't Clint that was the Foreman at that time. Dahlgren stated whatever you want to say Mitch, you can make a mountain out of a molehill, just go ahead. Council Member Eisenhauer stated she did not think it was a molehill. Dahlgren stated whatever. Council Member Zelenka agreed with Eisenhauer. Council Member Eisenhauer then stated again, "I'm just saying John, I don't think it's a molehill, if it was tax dollars that we were spending on somebody else, you'd be having a cow." Dahlgren replied, it is what it is. Council Member Eisenhauer continued "We know for a fact that the Water Project preparation started in 2007 and ended in 2010, correct Tammy"? Clerk Curtis stated again that 2007 is when we started working on getting the funding and the actual project happened in 2010, as she had looked at when the City paid VanKirk Bros for doing the Water Project and it was 2010, so it has been 10 years ago. Eisenhauer stated so John is saying the damage happened between 2007 and 2010 to his pipe or tube, but Clint wasn't a Foreman until 2012 and if you had this discussion with Clint, she kind of doubts that he would have committed the City if he wasn't a Foreman to any repair that wasn't authorized or written up on a job type status because she knows you have to write stuff up for the guys to do whenever there's an incident. Council Member Eisenhauer continued "I know this because we had an incident earlier this year because of a windshield that was broken." Mayor Hatfield stated before we go too much further, on the incident reports, at one time, the City did not do those reports, those have just started happening within the past five years. Clerk Curtis stated it was when the City started the Safety Committee. Mayor Hatfield agreed that yes, those incident reports started when we set up the Safety Committee, so he just wanted to clear the air on that. Eisenhauer stated she was glad that the Mayor spoke up. Mayor Hatfield continued that the City had some previous incidents that had come up and nothing was ever written up on any kind of a form and there was a time, that if some of these incidents would have been written up on some sort of a form, the City would have had grounds to release certain employees at an earlier time. Eisenhauer stated so it was started as a form of documentation. Clerk Curtis stated our insurance company LARM was encouraging the City to start up a Safety Committee. Council Member Eisenhauer inquired to Clerk Curtis if the City was still doing Work Orders at that time. Clerk Curtis stated yes, the City has always written out Work Orders for the City Crew. Mr. Turnbull inquired to Clerk Curtis if a Work Order was ever generated for said culvert tube? Clerk Curtis stated not that she was aware of and she was the only one that is still employed with the City from that long ago. Deb Klein stated to Council Member Dahlgren that the way to solve this is to pay the money back to the City as that's what she would do if it was such a big issue, she would just pay the money back. Dahlgren stated for Deb to do what she had to do. Council Member Eisenhauer made a motion that due to the inconsistencies and no proof of a gentleman's agreement and the fact that the Council had originally only approved the \$500 for Mr. Dahlgren's tube

project, that that amount that was over the \$500 should be refunded to the City, which is \$492. Council Member Zelenka seconded the motion. Roll Call Vote: Eisenhauer, Aye; Helms, I'm just going to pass one this; Clerk Curtis asked Council Member Helms if he was going to abstain, to which Helms replied yes; Dahlgren, Abstain; Zelenka, Aye with Mayor Hatfield breaking the tie vote with an Aye vote, whereupon motion carried.

**Matt Kuhlmann, Zoning Administrator: *Zoning Ordinance Questions:*** Matt Kuhlmann, Zoning Administrator met with Council to see what Council recommends as far as people either doing projects without building permits or starting projects before the permit is approved as we have had several lately. Kuhlmann continued that there was one in town right now where the property owner put up a fence and still hasn't applied for a permit. Does the Council want to just give them a warning on the first time or if there needs to be some sort of a fine system? Council Member Eisenhauer stated that she thought there was a fine system. Kuhlmann stated that it is a \$100/day for the violations. Zoning Administrator Kuhlmann stated there was a gentleman that moved into town earlier and didn't even know that he needed a building permit and already had the project started when he found out. It's the ones that do know that is different. Eisenhauer inquired if it didn't mean not exceeding \$100? Kuhlmann stated that was \$100 per day, so if you started a building and then you turned in a building permit and your building permit was not approved, for another three days, then it could turn into \$600-\$700 pretty easily. Eisenhauer inquired if the person was new who had put up the fence? Kuhlmann replied that this individual would have gotten the same letter everyone else did on the back of the water bill a few months ago that stated what you needed a permit for and what you don't. Clerk Curtis inquired if that wouldn't have to go to Court to have that penalty put on a property owner? Kuhlmann stated, yes it would be the judge that decided the penalty. Council Member Dahlgren stated that Lincoln imposes their own penalties. Matt had talked with Mayor Hatfield and he checked with the City of Seneca and they give you a warning, but don't do it again. Kuhlmann had contacted a couple other communities but had not received responses back yet. Mayor Hatfield stated if he sees somebody and they talk about building, he usually says to them, what's the first thing out of your mouth? You're going to "Build" a fence or a building, so maybe that word "build" should light up a lightbulb that maybe they should check to see if there is any criteria that I need to go to the City before I build this, instead of just building it and then going, "Oh, I didn't know I needed a building permit." Zoning Administrator Kuhlmann stated that a big part of the problem is, that book was not made for a town the size of Pawnee City. Kuhlmann then brought up the section that talked about a property owner needing a minimum of two acres to build a storage unit, but the one that was recently built was not on a minimum of two acres and you can't get a special use permit for that. The book also states for an industrial, you must have a paved driveway and parking lot with lines. Mr. Kuhlmann went on to stated that many parts of this Zoning Ordinance Book is just not going to work here. Clerk Curtis stated to Mr. Kuhlmann that he sees these items that are really not appropriate for or going to help Pawnee City by having that kind of a holding on certain things. Kuhlmann stated by turning away these storage units, the City is missing out on how much tax money, which would be on lots now that are just sitting there empty and could get cleaned up. Clerk Curtis inquired what the Council would think about having the Planning Commission go through the whole book, picking out sections of the Zoning Ordinance that don't fit well for Pawnee City and bring those recommendations back to the City Council for discussions and approval. Clerk Curtis continued that Matt and the Zoning Board knows what is going to be detrimental to our City and what is going to help our City to grow and that's what the City needs zoning for, to help your community prosper, not to



keep it at a standstill and not let it expand, bringing more tax money into the community to help support it. Mr. Kuhlmann stated that even some of the setbacks to him don't make sense as there's some places, that if you're putting up a 4' fence on the street side that you can have it right on the property line, but if the fence is 6' tall, then you have to move it back 15', so you are basically giving up 30' of your yard that you're just going to have to mow, but you can't use that fence for. One of the residential areas has a rear yard setback of 30' so you can't put anything from your property line 30' in and the way he understands it, that cost the City not having someone build a house here in town. John DeFreece, current Chairman of the Planning Commission, stated that he can remember when they started zoning and made up this book, that this book was for a recommendation, so the City and the Zoning Board needed to go through that whole book and change things that better fit Pawnee City, but nobody has pushed the issue, so now is the time to go back through it and make some changes that are better for Pawnee City as a whole. Council Member Dahlgren inquired to Mr. Kuhlmann how many people that have already started building and you go tell them they need a building permit, stop and come in right away and get an application for a building permit. Kuhlmann stated he had not had anyone refuse to come in and get one, but he has had many tell him how stupid they thought it was that they needed one. Clerk Curtis stated she thought in the past Clint would send out letters to those that may have been a little bit more difficult to approach, that you had so many days to come into the City Office to fill out an application for a building permit or else the City would implement the penalty of up to \$100/day. Clerk Curtis stated she felt that was a much better approach than just ticketing people right away. Mr. Kuhlmann stated that personally he would rather just go talk with the person, face to face and then if they refuse then you can send them a certified letter stating the same thing as what Clint would have sent out. To Matt, he felt if you were there in person and you weren't being a jerk about things, there should be no reason why they wouldn't just come in and get an application for a building permit right away. Clerk Curtis stated that also goes with some people that would get very upset if they received a certified letter instead of someone just coming and talking to them face to face. Council agreed with this. Council Member Zelenka inquired to Mr. Kuhlmann if when he went and talked with these property owners that hadn't gotten a building permit, but had started building, if he documented any of it. Kuhlmann stated that he hadn't but he could start. Council Member Eisenhower stated she felt that would be a very good idea that way he has a paper trail on the discussions with so and so on a certain date, so that if it happens again, or they don't come in, then you could go back and give dates and times that you had already spoken with them about this situation. Kuhlmann stated that like what John DeFreece had said about a permit being \$25 and if you were to double it to \$50 if you started the project or continue the project without the permit, which would work a little better than up to a \$100 per day. Eisenhower stated that \$100 per day was the penal provision which would have to go through the courts, so if the City wanted to do one themselves as a City fine, that Matt was describing would work better. Mr. Kuhlmann stated he estimates that over half of the applications for building permits that we get, when you go out to look at where the project is going to be built, the projects are either started or already completely done so it's not just one person here and there, it's a majority of them. Kuhlmann continued that John Dahlgren paid the price for that, as his permit was denied because of the NPPD easement, so the time and materials that he put in was for nothing. Council Member Eisenhower inquired to Mr. Dahlgren if he had room at the back of his property to still build it? Kuhlmann stated that if the building would have been 16' in one direction, then John would have been fine. Council Member Dahlgren stated he was going to tell everybody that when you talk about digger hotline, it's not just digging in the ground, you have to look overhead also, as he didn't even take NPPD's

overhead lines into consideration, so it's as important to look up as it is to look down. Mr. Kuhlmann next inquired why the City had the 1-mile outside City limits zoning jurisdiction? Mayor Hatfield stated he had attended a meeting held at the Union Bank Basement many years ago and if he remembered correctly it had to do with State funding and if the City didn't include that 1-mile radius outside of the City limits, they weren't eligible for some sort of state funding, but he would suggest Matt possibly check with the County Assessor Jon Bailey on if he has any further information on that question.

**John DeFreece, President of Pawnee City Assisted Living Board-re: *Replacing City Representative on PCAL Board:*** John DeFreece, President of PCAL met with Council to inform them that the City Representative on the PCAL Board, Duane Westing, is leaving at the end of the month so they need to start thinking about who they would like to replace Duane, besides a Council Member. Mayor Hatfield stated that he had been told of three people, Lisel Vetrovsky, Patty Rice or Anita Lang-Bents, who may be interested in serving on the PCAL Board, so plans to check with them. Mayor Hatfield stated if any of the Council Members would think of anyone else just contact Clerk Curtis or the Mayor.

***Discuss Alley:*** John DeFreece stated that the Assisted Living Facility is having some issues with water drainage issues coming into the alley, so was wondering if the Council had any idea when something would be done with the other half of the alley, to hard surface it? Council Member Eisenhauer inquired if that was part of the agreement as she wasn't on the Council when PCAL was being built. DeFreece stated that when it started it was agreed upon that the City would do one half and the Assisted Living would do the other half. When it came time to start building the facility, they had to drop items to get the money back, so they took all of the concrete out, well during the whole building process we were able to save enough money on certain other aspects of the project that they were able to put the concrete back in, so that is when they did it. Then they were told that since it was not brought back up on the agenda to Council, it couldn't be done at that time by the City, so PCAL went ahead and did their half of the alleyway with concrete. DeFreece was curious what kind of a timeframe that they were looking at as to when the City will be able to finish the other part of the alley? Council Member Helms stated that he remembered talking about that but the part he didn't remember as he was all for the City doing half of the alley, did the City finalize that as he had one person going against him the whole time? DeFreece stated he had no idea, he just knew what he had been told at one of the PCAL Construction Meetings. Clerk Curtis stated the only thing she could find in the meeting minutes was from November 2017. Mayor Hatfield read those minutes that stated "PCAL has requested the City to pave the West portion of the alley located next to the assisted living facility. Foreman Johnson obtained a bid from AHRS with a proposed cost of \$20,312.00. Council Member Helms suggested putting gravel down on the alley now and paving it later as the City is low on general funds right now. Foreman Johnson suggested waiting until the street project is put out for bids and see how the bids come in, as there may be money left over to pave the alley. Mayor Hatfield suggested tabling the request at this time." DeFreece stated that the issue is that the water is coming from the lots to the North across the alley and actually taking out part of the west part of the alley. Council Member Dahlgren inquired if there was a way to correct that? Helms stated yes, to pave the alley. More discussions followed with Council Member Helms asking Foreman Cumley to take a look at that area. Cumley stated they could look at putting a ditch on the North side of the alley to make it drain east/west. Mr. DeFreece stated that while it's kind of wet up there right now, he and Derek Niss had talked that if they could get somebody up there with a loader or something and just drive on the North side of the alley with the loader and just put a tire track to the west, that might be enough to get the water to run to

the west. Council Member Eisenhauer stated that would just be a temporary fix. **Answer**

**Financial Questions:** Mr. DeFreece stated he had read in the newspaper that there had been some questions about the PCAL Financials. Council Member Eisenhauer stated that they felt they were only getting a part of the picture with the financial statements that were being given to go into the agenda, which is more of the operational part. Eisenhauer continued that they now know that PCAL has another sizable bank account that money is being moved into when they seem to have excess funds, but we don't know what's in those accounts. She felt the City should have access to those records, since they are ultimately responsible for making the USDA Loan payments. Council Member Eisenhauer went on to state that they would like to see the whole picture of where PCAL is sitting financially, not just the operational side because they want the security to know that they will not only be able to repay the City, but also make their own payments. Eisenhauer stated that she knew they were doing great with getting new people in so that is wonderful. DeFreece stated that the number of residents is going up. Mr. DeFreece stated that what they have right now is their General Operating Fund and their Money Market Account, which is where all of the excess funds go into so they can have the money built up. They also have an Escrow Account which is made up of funds from people who had paid their deposits when they first started, allowing them to pick out their rooms. There were about a half a dozen that wanted to come in, but when it came time, they weren't ready to come in, but they left the money there, so that money has to be left in a separate fund. So, if they want to move in later, PCAL still has their deposit and those are basically the only accounts that PCAL has. John stated that he has been working with Lori Anderson and the Treasurer Reports that are included in the PCAL Board Meeting packet, and then forwarded to the City for their agenda packets, are going to start looking a lot different. There will just be balances for those three accounts and a few bottom dollar amounts included on the financials as there has been too many line items floating around out there that don't need to be seen by the public. DeFreece stated that if anyone from the City would like to see those individual line items they can call and make an appointment with Lori and she will meet with you and go over them. Council Member Eisenhauer stated she didn't feel that was what the Council was really asking for. Mr. DeFreece stated he understood that, but as the owners of the facility they had that right to see all of those financial records. DeFreece stated that what they are trying to maintain is \$50,000 in the operational checking account and anything over that gets rolled over into that money market account to build up their reserves. Council appreciated Mr. DeFreece taking the time to come and explain all of that to them.

**More Alley Discussions:** Clerk Curtis stated that the Council really hadn't decided what they were going to do about the other half of the alley North of the PCAL facility. Clerk Curtis stated she had asked Foreman Cumley if his crew would be able to concrete the other half of that alley. Cumley had stated that they would be able to assist someone but that the City doesn't have the proper equipment themselves to do a big concrete pour but could assist someone like Dave Glynn and Scott Hanna who have concreted portions of streets in town with the assistance from the City Crew. Clerk Curtis stated she just didn't want this to get forgotten about again, so wanted some direction from Council as to how or when this alley would be finished up there. Curtis continued with inquiring if for this year, the Council was just wanting the City Crew to try and put a ditch on the North side of the alley and see if that doesn't fix the washing issues. Council Member Helms stated he felt that right now that we need to go and put a little drainage ditch on the North side of the alley so that Derek's property water coming from the North will be diverted West to the street. Council Member Eisenhauer inquired and then what is the plan are we budgeting to finish the alley in the next year's budget or what is the plan to get this fixed. Council Member Helms inquired if he heard John DeFreece state that they would be satisfied with

asphalt? DeFreece stated yes asphalt would be fine. Council Member Helms stated that asphalt would be much cheaper than concrete and he's trying to get Pavers to commit to do yearly work for the City, so that would just be something that could be worked into the streets he had been looking at. Clerk Curtis stated she just wanted the Council to have some sort of a target as to when we completely want to rectify this problem instead of just tabling it and then forget about it. Helms stated that Pavers won't be here to do any asphalt projects for the City until August of next year (2021). Clerk Curtis stated that the temporary fix would be to have the City Crew put the drainage ditch on the North side of the alley. Helms stated it may need more rock, he wasn't sure. Foreman Cumley stated he just put rock in that alley, so it's good for now. Council Member Helms stated that if Foreman Cumley wanted to get Rasty Stephens to come in and do the ditch that was fine, or if Cumley feels they can do it with the equipment the City has, that would be fine, too. Foreman Cumley stated they would have to go look at the way it slopes and see what they thought could be done to it. Council Member Helms will visit with Mike from Pavers about doing the rest of that alley next fall, 2021.

**Cornerstone Building Project – Drawdown #14:** Council Member Eisenhauer made a motion to approve Drawdown #14 for a total of \$13,443.55 with \$11,610.00 to AHRS Construction, Inc. for Gen. Cond; Railings \$1,833.55 to SENDD for Administration with \$11,121.55 from ReUse Grant and \$2,322.00 from City Match. Council Member Helms seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. **Closeout Forms:** Council reviewed the email from CWP Architects regarding the Closeout Forms G704, G706, G706A on the Cornerstone Building Project. Council Member Helms made a motion to approve signing G704 Certificate of Substantial Completion with Decorative Railing listed as “Work to be Completed”. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**City Audit Bids:** Clerk Curtis opened the one bid received for Auditing the City Financial Records from Julie D. Bauman. The bid proposal was as follows \$11,200 for Fiscal Year ending September 2020 with an additional two-year engagement letter for \$11,500 for FY 2021 and \$11,700 for FY 2022. Ms. Bauman was present to answer any questions the Council may have for her. Julie Bauman stated that the City Audit Fees were in addition to the cost of auditing the Component Units associated with the City of Pawnee City. The component units to be audited include Airport Authority, \$450; Cemetery Association, \$450; Pawnee City Development Corporation (PCDC), \$975 and the Pawnee City Assisted Living (PCAL) \$975, which stayed at the same rate throughout the three year bid proposal period. Council Member Zelenka stated since the City had only received one bid, she decided to check with some of the other firms they had sent the bid request to, just to see why they had decided against submitting a bid for the Auditing services. Council Member Zelenka stated she was told that some were too busy doing taxes, they were only consultants or have so much work they can't take on anymore. Zelenka stated she just wanted to be comfortable with what they had put out there. Ms. Bauman stated that there really are not a lot of firms out there that want to take on doing Governmental Audits as there are so many extra stipulations that have to be met according to the Governmental Accounting Standards Board (GASB). Julie went on to state that not only is she required to have 40 hours of continuing education, all members of her staff are also required to have 40 hours, too. Ms. Bauman stated that her feelings are that you have to love to work with numbers in order to want to be involved in doing City Audits. Council Member Eisenhauer made a motion to accept the bid proposal for Julie D. Bauman to perform the City Audit

for the Fiscal Years ending 2020, 2021 and 2022 at the rates shown in exhibits #4 & #5. Council Member Zelenka 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 signage at Daycare Crossing areas:*** Deputy Clerk Wiers had included pictures of the intersections by the Daycare and North Park where the crosswalk and children at play signage was planned to be put up. Foreman Cumley had brought the signage for everyone to see that said, “State Law-Stop for Pedestrians within Crosswalk”. Council Member Helms inquired how many people actually know that this is a state law to stop for pedestrians in a crosswalk as there are even school buses that don’t stop when there are pedestrians in the crosswalks. Foreman Cumley stated there was talk about putting stop signs up in that area since the last meeting and wondered if that was going to go anywhere. Cumley continued that he had an idea of how he wanted to put the signs up but didn’t want to go ahead and put them up if Council wanted to actually put up stop signs. His idea was to put the State Law-Stop for Pedestrians signs up back to back at both sides of each crosswalk at the edge of the street. Council Member Helms stated he wanted them half a block before the crossing as that’s where they’re supposed to go according to the State and then at the crossing it is just a pedestrian crossing sign. Clerk Curtis inquired if the State still mandated how the signs were to be put up if this wasn’t on a State highway as this is a side street. Helms stated the City of Lincoln does it that way on the side streets. Council Member Dahlgren stated that they may have a City Ordinance that states that. Council Member Helms stated if you put them up half a block before the crosswalks, then you wouldn’t need stop signs there. Council Member Dahlgren inquired if the daycare had someone taking the kids across the streets at those areas. Council Member Zelenka stated that they have one adult in front and one adult in the back to cross the streets. Dahlgren inquired if one of those adults would have a stop sign in their hands? Council Member Zelenka stated that she had not seen them have one before, but she could ask them about it. Dahlgren continued that he just wanted them to take all precautions possible to avoid any incidents happening. Deb Klein inquired about putting up signs that said, “Children Crossing”. Foreman Cumley stated that they have Children at Play signs also for both the daycare and park block and then also the Stop for Pedestrian crossing signs. Council Member Eisenhauer suggested that we do it as Foreman Cumley is suggesting for a trial period before we go putting up stop signs in that area. Eisenhauer continued that the signs are very bright, so she feels people will see it clearly. Council agreed with putting the signs up as Foreman Cumley had described. Council Member Helms stated that if you have law enforcement that is going to enforce the signs and issue tickets, then people start to pay attention to the signs and abide by the law. Mayor Hatfield inquired to Sheriff Lang if they could patrol that area a little more often to make sure drivers were abiding by the pedestrian crossing laws. Sheriff Lang stated he goes by there all of the time as his child goes to that daycare. Council Member Helms inquired if Sheriff Lang knew the legality of crosswalk signage? Sheriff Lang stated not necessarily the signage but that actually oncoming traffic does not need to stop when a pedestrian is in the crosswalk in the other lane but only on the State Highways, so that is where the issues come in at the four-lane highway. So, if a pedestrian is in lane one, a vehicle driver can be in lane three or four and it is legal, but if the pedestrian is in lane two, the driver can be in lane four, but not lane three. So, when people complain about the crosswalk, most generally it was legal for that driver to be in the lane they were in when the pedestrian was crossing. Sheriff Lang stated the only issue is really on the four-lane, on a two-lane highway a driver needs to stop when a pedestrian is in the crosswalk. John DeFreece stated that we might want to check with the State on a definition of a four-lane as

this was brought up years ago that Hwy 50 coming into Pawnee City not actually a four-lane. More discussion followed that it is actually a two-lane with passing lanes in it.

**Review updated Quote from Johnson Service Company on slip lining area North of City Shop:** Foreman Cumley stated that the quote from Johnson Service Company for slip lining that area North of the City Shop area came in at \$10,718 and with the \$2500 mobilization fee it will be \$13,218, which is a little lower than the \$14,000 that was quoted to the City back in November 2019. Foreman Cumley stated Johnson Service company plans to be back here within the month to do this slip lining project.

**Review/Discuss price options on Sewer Jet Trailer Purchase:** Foreman Cumley stated that they had discussed this a little bit last year and a couple weeks ago Chad from Mid-Iowa Solid Waste Equipment had brought a sewer jet trailer over for us to look at. The \$79,727.54 price included in the packet with financing options available of \$17,753, 3.69% interest for 5 years, \$15,086.00, 3.75% interest for 6 years or \$13,161.00, 3.75% interest for 7 years available. The quote with the Bulldog and Roto-drill which are the heads to go along with it was for \$83,152.54 or \$13,726.38 for 7 years as a financing option. Cumley continued that they do not require a payment for the first 12 months. Foreman Cumley stated the City normally pays Auburn or sometimes Tecumseh to come out and jet a plugged sewer main that can cost upwards of \$850 each time. Council Member Dahlgren inquired how many plugged mains the City has in a year. Foreman Cumley stated they usually have at least 6 per year that they have to call someone in to jet out a line. Cumley continued that in talking with LARM the City basically has to prove they are not neglecting our Sewer Mains, which is why we keep a record of all lines that have been jetted out. The City used to have Beatrice come down, but they are too busy to contract out their jet trailer as they have recently set up their own sewer main jetting program where they are jetting out so every one of their sewer mains each year. Cumley stated that right now the City is being “reactive”, which when we have a plugged main, we call someone in to come jet out the Sewer Main. If the City were to own their own Sewer Jet Trailer, then the City be “proactive” and set up a program similar to what Beatrice has done. There was an incident this year where between the property owner calling a plumber and the City being able to get another town down here that plugged sewer main sat there for four days. Our usual companies were not available with all of the flooding going on as Falls City was helping out Rulo and Auburn was helping out Peru. If it weren’t for her clean-out in her yard that sewage would have backed up in her house. That would definitely be a bonus to the City owning their own jet trailer because the City Crew could have been on-site immediately and taken care of the issue instead of waiting for another town to come and help us out. Clerk Curtis stated that Chad had forwarded an email with a link to USDA on grant money available to assist in purchasing a sewer jet trailer, which it could pay for up to 75% of the total costs. Clerk Curtis stated she had emailed Natasha Burr and Luann Brown with USDA on what the City needed to do to apply for these USDA grant funding and is waiting to hear back from them. It had also been brought up that we could possibly use some of the money from the Sewer Reserve Accounts, but the Sewer Reserve account is set up to be an emergency fund reserve for emergency maintenance and for the extension of the facility and the Sewer Short-Lived Assets Reserve Account is intended for the replacement of the pumps and Sewer Plant Equipment. So it looks as though neither of these reserve accounts are really meant to purchase equipment outside of the sewer plant, but Clerk Curtis plans to visit with USDA about the possibility of using some of those funds for the match to the grant. Council requested this item be tabled until we can hear back from USDA on the possible grant funding.

**Discuss decorative lights:** Foreman Cumley stated he had found the same decorative lights as the originals, with the four arms and five globes on top. They come brand new for \$781 as bare metal or it’s \$211 extra to

powder coat them whatever color you request. If you purchase four or more, you get \$40 off per light. Council Member Helms inquired how many spare decorative lights the City has on hand right now. Foreman Cumley stated that we have the one the Fed Ex driver hit that can be taken up to Lincoln and repaired. When the State Electrical Engineer came down he told Foreman Cumley about a place online where they could get the same original decorative lights, which are the same diameter, height and made of the same metal, which those would match the rest of our decorative lights around town. Deputy Clerk Wiers and Foreman Cumley had spent a long time looking for another company last year that sold the same decorative lights as the originals and didn't have any luck, so he wanted to let Council know they have found a company now that can supply them to us. Foreman Cumley stated that they have already replaced the light that the Fed Ex driver hit. Discussion was had that the City had replaced the ones up by the old Library with the new trident style decorative light and those cost us more than what these would cost us, which match what most of our decorative lights look like. John DeFreece inquired if these new lights had the outlets on them? Foreman Cumley stated he was not sure, but he could call and ask if those could be added. Mr. DeFreece then asked if the people who hit those lights are paying the City back to replace them? Cumley stated that yes, but for awhile we couldn't find the same design of the original four-arm decorative lights, so that's when we went with the trident design.

**A Report and update from Council Member Eisenhauer: *Discuss any updates to pool issues, price quotes to do repairs, etc:*** Council Member Eisenhauer stated that she has gotten no response from Premier Pools and Spas, trying to call Aaron's cell phone, but no room to leave a message. She then called the business phone and was able to leave a detailed message but has not heard anything back from anyone. Ms. Eisenhauer will be in Omaha from Tuesday on, so she plans to go to Premier Pools and Spas business in person and try to get some answers. Miracle Mudjackers started today and as of 2:00 this afternoon they had not found any significant voids under the pool. They are continuing to do their exploratory drilling throughout the pool flooring and will also be checking up by the pool steps. They also plan on epoxying the cracks and scraping the black goop that is coming up from the seams between the concrete panels in the pool floor and then placing epoxy back into them. ***Discuss any updates to concrete work on trail:*** Foreman Cumley stated that Mahoney's are supposed to be getting started forming up the trail to pour concrete yet this week. Clerk Curtis stated that she had gotten a phone call from Katy at Binder Bros requesting she type out a Purchasing Agent Appointment Form for Mahoney's to use, as since they were doing this concrete project for the City, the concrete would be considered tax exempt. Katy had also reported to Clerk Curtis that Mahoney's had ordered the concrete to be delivered later this week.

**A Report and update from Council Member Zelenka: *Report back from Library re: being Closed/Reopen by Appointment; Review letter from Library Board & guidelines:*** Council reviewed the letter from the Library Board stating that the Library has been serving the community with ongoing services to pick up or have books delivered throughout the pandemic. Council Member Zelenka stated that this is probably even going to start changing a little more because as of today, Nebraska Governor moved the State into Phase 4 of the Covid Directive Health Measures. Starting in July, the building has been open by appointment with guidelines in place also stating no one without an appointment has been turned away at the door. The letter stated that if complaints are received, to please have the person or persons call the Library Director or any of the board members. The general guidelines listed as of July 7<sup>th</sup> stated that the plan is for an initial

“soft” opening for the Library, stating it would most likely stay in effect as long as some restrictions on gatherings exist. Some of the guidelines include meeting rooms, public restrooms and drinking fountain being closed to the public, not to enter the Library if you have a fever or any signs of respiratory illness, knowingly been exposed to Covid in the past two weeks, respect social distancing and maintain at least six feet in between staff and other patrons, all entering the Library to wear a mask and use hand sanitizer before entering or browsing for books, no community puzzles, newspapers with hours to be open for public use at 10:00 a.m. instead of 9:00 a.m. for preparations to begin for the day before the library opens to the public. The Library Board provided a detailed listing of how to check out materials, copying, faxing and computer usage. It stated that the Summer Reading program ran from June 1-July 31 focusing on individual reading goals and take-home activities. Council Member Zelenka stated the only little problem that she could see right at the moment is that most Libraries have at least two meeting rooms and our Library only has the one and so they are trying to figure out where they can go to do the decontamination of the materials. Zelenka continued that they really have been open the whole time so a lot of people were calling to put books together for them and they usually didn’t want to come inside to get them, they would pick them up outside of the door or they would deliver them, so they’ve been trying to do better than some of the big libraries in Omaha and Lincoln. Zelenka will be visiting with Library Director Lola Seitz again on Wednesday to see where they are at with it all. Much discussion followed with Council Member Eisenhower stating she would think the sooner the better as everything else is open, school is in session, the other businesses in town are open and she just did not understand why the Library had not opened their doors yet to the public. Council Member Zelenka stated just to let everyone know that there would be an elementary teacher out from Pawnee City Schools for two weeks as she tested positive to Covid, which meant that the Paras had to go home and self-quarantine also. Deputy Clerk Wiers stated she had gone onto the Library Commission’s website and most every library around us including Lincoln and Beatrice are open to the public. She did find out that Omaha was not open, but it was because they didn’t have the funds to be open, not because of Covid. Council Member Zelenka stated that the Library is open and are open to the public during regular hours. Zelenka continued that there are residents that still will not come into the Library and so they still do it that way and if you call them they will let you in and if it gets over ten people, then a person would have to wait until someone leaves to let that person into the Library. Zelenka stated that Kellie was able to get a book from the Library the other day. Deputy Wiers stated they let her in with the book, but the other day when she went to return the webcam, she was met at the door and Colleen made her put the webcam in the book drop, she wouldn’t even take it from her, she didn’t even have a chance to go inside of the Library. Council Member Zelenka stated that was not what she had heard, but also too when somebody calls the City office about the Library, to get their name and number and they can visit with her on concerns about the Library. Zelenka inquired if Ms. Wiers was thinking that they needed to open up the door for everybody. Deputy Wiers stated her question was that since area libraries all around us are completely open, what exactly was the reasoning that was keeping our City Librarians from opening the doors to the Library, was it that they were afraid of getting exposed? Council Member Zelenka stated that she did think that was a big part of it and that the numbers keep going up. Council Member Dahlgren inquired what numbers? Zelenka stated the numbers of Covid cases in Pawnee County. Council Member Eisenhower stated we only had one last week. Zelenka stated that we just got another one this week, we’re up to 13 or 14 already. Mayor Hatfield inquired if that was in the last week? Council Member Zelenka stated that was total number of recorded cases from the start of Covid. Council Member Dahlgren stated that there are



none that have been hospitalized, there was one that had tested positive last week, but only one, the other ones were all self-quarantined so he didn't understand what the big thing was with the Library down here not opening their doors to the public when Beatrice Library has been open since May. Mayor Hatfield stated it was the same with the Seneca Library, it has been open since June and Nemaha County has had far more Covid cases than Pawnee County. Council Member Dahlgren continued that Gage County has had many more positive Covid cases by far than Pawnee has had. Council Member Dahlgren continued he was just asking that question and he understood they had a Library Board, that's who we appoint them. Council Member Helms stated he thought the Library was open. Council Member Eisenhauer stated they are open, by appointment only and they will meet you at the door. Council Member Dahlgren stated he just didn't know how much further the Council could go with the Library. Deputy Wiers stated again she was just wanting to know what was stopping our Pawnee City Public Library from opening their doors to the public when they have to go to the grocery store, Sam's Club, Walmart to get supplies for the Library, so what is the difference. Council Member Dahlgren stated that the Library Board has the control over the Library. Clerk Curtis stated she was asked by Council Member Eisenhauer to contact City Attorney Emily Sisco if the City had any controls over if they could make the Library open their doors or not, but Ms. Sisco did not get back to her before tonight's meeting. Council Member Eisenhauer stated the bottom line is that our citizens are paying tax dollars for that Library to be open and they are not open, they are not available to everybody, even though they say they are, but they are not really available to everybody, so she felt that if everybody else in town could be open and the schools are locally having school, if nobody is enforcing a mass mandate anywhere, it's a choice, but not a mandate, she didn't know that they can continue to let the Library stay closed like this, as they are providing a public service and they are quite honestly failing at it. Eisenhauer continued that she felt if they don't open up that the Council should tell them if they aren't going to operate at full capacity like you should be, then maybe the City will take some of their budget back. Clerk Curtis stated that the City may not be able to take it back this year, as the library budget has already been approved, but the Council could certainly make an impact on their budget for the next fiscal year. Council Member Eisenhauer stated she just felt that the City needed to have some sort of a piece to get them to realize that people want the Library open and with only one positive case last week, I'm just saying if everything else is operating including the school, which is a lot of kids, then why can't the Library doors be open to the public. Council Member Dahlgren stated that when Vickie had said some people aren't coming and he didn't care what anyone did, there are also going to be some people that are not going to be comfortable with coming into the Library. Zelenka stated some people just don't want to come in with other groups of people. Eisenhauer stated she understood that, and she applauded them for doing the home delivery and delivering at the door for those people that are not comfortable going inside. Foreman Cumley stated that if they opened the doors, people could still call in and order books and stuff, so that those that were uncomfortable with being around people, could still get their books? Council Member Zelenka stated that is correct and the Library provided free Wi-Fi throughout all of this as there are so many people that are sitting in the parking lot right now. Council Member Eisenhauer and both Clerks stated that the Library has always had a free "HotSpot" available at the new Library. Council Member Zelenka stated she just wanted it known that they never stopped that service. Zelenka continued that she would go back and visit with them all some more and see if she couldn't convince them to open the doors to the Library.

***Discuss Inventory and Service Work of City Equipment:*** Council Member Zelenka inquired to Foreman Cumley if he had heard anything more about the water meter reader?

Foreman Cumley stated that one was delivered to the office, but he wasn't sure if that was the "loaner" one or if the new one had already been sent out. The new meter reader will cost around \$1300. Zelenka stated that she had visited with Foreman Cumley about the missing meter reader gun and he was sure it was left in the truck. Foreman Cumley stated that was a rare thing, as most generally they stay on the charger at the shop and when the guys go out to use them, they unplug them, go out and get the reading for the girls, then put the reader back as soon as they get back to the shop. This time they happened to have two jobs going on at once so when the girls called them to go get a meter reading for them, so they went and read the meter and then went right back to the job site. Cumley felt that it was taken off the dash of the truck, but he has no proof of that. Zelenka inquired if the City Crew locked the truck when they are on a job site? Cumley stated no they do not. Zelenka asked Clerk Curtis if the City's insurance agency could be included in on this or not? Clerk Curtis stated she guessed it would be worth a try, but she would imagine not because if the vehicle was not locked, then it was not as though they were breaking into the truck. Council Member Dahlgren stated he did not think that the City's insurance would cover anything on this because he had his cellphone stolen out of his pickup once while on a job site in Lincoln and they wouldn't do anything about it unless I had a "renter's insurance policy". More discussion followed with Foreman Cumley stating that those reader guns rarely leave the shop except for the one time a month that they read the meters and then if the girls need another reading throughout the month, otherwise they stay on the charger and go back on the charger each time they use them. Cumley continued that the reader gun doesn't even leave your hands once you're out of the City truck and then when you're done getting the reading, you just lay it on the seat in the truck until you get back to the shop to plug it back into the charger. Council Member Zelenka stated that maybe down the road that we have a policy that if the guys are going to be away from the City truck, that it get locked, though she understood that they were in and out of the pickups all of the time. Zelenka inquired when the Crew did a job if they have an inventory check when they get back to the shop. Foreman Cumley stated no, not usually as most of the time they just keep all the tools in the trucks as each truck has its own set of tools in it. Council Member Zelenka then inquired if when they are on the job site at getting everything cleaned up how do they check to make sure they have picked up everything? Foreman Cumley stated usually he tries to go back over the job site to make sure everything is accounted for as he will go over the job site and think we used copper today or used pipe and had to trim with the wrenches or cutters, so did we get all of those items cleaned up and he most generally double checks that they were put back into the correct drawers where the tools were organized when they put the trucks together and if it's not, then we go back and look around to find it. Council Member Zelenka stated she was not trying to "dog" Foreman Cumley but was trying to understand how their system worked. Foreman Cumley stated he understood, but this was the first time this happened and he didn't even know about it until he went to go turn on a meter, went to go get it off of the charger and asked where the reader gun was at. They looked all over for it. Council Member Dahlgren inquired who was using the reader gun last? Foreman Cumley stated that it was both of them because they were both working on the tube job up by Vickie's house and so they just ran back to the shop since they had to grab some extra tools anyways, and grabbed the reader gun to run up and read the meter right quick for the girls in the office. They were both fighting the shut off because someone had hit it with a lawn mower and then they went back to the tube job site instead of taking it directly back to the shop. Cumley continued that usually two City Crew members go out to read a meter. Council Member Zelenka stated that at one of the places that she worked at they had one wall marked out where they painted around what the tool looked like and if there was something missing there, then you would know

they better be looking for that tool right away. Zelenka continued that there were different ways that we could keep an inventory of tools. Cumley stated that there are so many random tools that the City owns, he's not sure that would even be possible to do something like that. Council Member Zelenka stated that they all cost money. Foreman Cumley stated he was very upset that the meter reader gun was missing. Council Member Zelenka stated that maybe that is just something to think about implementing some sort of a system. Foreman Cumley stated that it really hasn't been a problem yet, but he doesn't want it to get to be a problem either. Council Member Helms stated that he used to have a problem when he first became a Foreman at Constructors with his crew losing tools or breaking tools and he wasn't ever told about it and then when they went to go use the tool, it was either missing or broken and could have been taken care of. Clerk Curtis stated that years ago there used to be a lot of issues with a certain City Crew Member breaking things, but never telling anyone because of how much trouble the crew would have gotten into at one time, but the Foreman and Councils had all changed and just wanted to know up front instead of finding it the next time they went to use something, but that was very hard for this individual to get used to. Council Member Eisenhower stated things are going to get broke, it's just the way it is. Council Member Dahlgren stated there was a difference between losing a tool and breaking a tool. Council Member Eisenhower stated but if you don't know it is missing, and really was the meter reader gun lost or actually stolen out of the truck. Council Member Dahlgren stated that there had been an issue with a saw being left behind on a job site. Foreman Cumley stated he did not know the saw had been left on a jobsite until he needed it two weeks later and he asked the guys where it was and they did not know either, that is when he called Ric. Cumley continued that when the meter gun was lost, he called Ric right away, so it's not like he's afraid to contact Council Member Helms. Council Member Helms stated that was the only thing that he wanted was if it's missing or something is broke, to let him know because things happen. Council Member Zelenka stated if Foreman Cumley can come up with something that he thinks will work for them for some kind of an accountability, that would be good. Clerk Curtis suggested that maybe sometime when the City Crew is at one of these Sewer or Water Continuing Education Classes, that they could visit with other Cities and see what kind of a plan they may have in place that works for them. Council Member Helms stated that we have a small enough crew that he doesn't feel it needs to be something as stringent as checking out tools and all that. Council Member Eisenhower stated that we can surely figure out something that is going to work for our size of Crew and community. Council Member Dahlgren stated they just need to talk to one another as we don't have to make them feel guilty about it, as we've all done things like that. Council Members Eisenhower and Helms both stated it could be something as easy as when you have a Crew meeting to remind each other to keep a better eye on our tools and equipment while we're working on these jobs for the City and still be on good terms with them. Clerk Curtis stated that they all just need to have each other's backs and it probably doesn't help when the Clerks call the Crew when they're in the middle of a job to go read meter, etc. Council Member Helms stated that Foreman Cumley is probably upset with him calling Spencer all of the time. Foreman Cumley stated he was used to it. Council Member Zelenka stated she didn't want it to feel like they were picking on the City Crew but that they wanted them to have some sort of accountability as the more tools we can keep the higher raises we can give out.

**A Report and update from Clerk Curtis-*Decide on date for first meeting in October:***

Clerk Curtis stated that she needed to know what the first meeting date in October will be due to Columbus Day being on Monday, October 12<sup>th</sup> and the City Offices are closed. All Council agreed with meeting on Tuesday, October 13<sup>th</sup> at 7:00 p.m. at the Fairview Golf

Clubhouse. ***Review 2020 Virtual Annual League Conference:*** Clerk Curtis stated she would like to sign up for the Webinar Series for the Annual League Conference which is \$395. Clerk Curtis stated this will add to her Continuing Education hours needed. Council Member Dahlgren made a motion to approve Clerk Curtis signing up for the Webinar Series of the League's Annual Conference at a cost of \$395. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Clerk Curtis stated that any of the Council Members were welcome to come and sit in on any of the webinar series if they were interested.

**Correspondence:** Council reviewed the NPPD Email stating Rate Stability planned for 2021 and a thank you note from National Wash Authority. Council Member Eisenhauer 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 9:53 p.m.

ATTEST: Tamela S. Curtis, City Clerk

Charlie Hatfield, Mayor