

**MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, JULY 11, 2011 AT 7:30 P.M. AT CITY HALL, 445 6TH STREET, ALL IN PAWNEE CITY, PAWNEE COUNTY, NEBRASKA.**

Notice of this meeting was given in advance thereof by advertising in the Pawnee Republican, a designated method for giving notice as shown by the Affidavit of Publishing on file in the office of the City Clerk. Notice of this meeting was given to the Mayor and City Council and a copy of their acknowledgment of receipt of the notice and the Agenda are on file in the office of the City Clerk. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

**Present:** Council President, Roxann Buman, Council Members: Deborah Klein, Charlie Hatfield and John DeFreece; Don Inglis/Shop Foreman; Carol L. Glathar/Deputy City Clerk; Betsy Ferebee/City Attorney.

**Absent:** Mayor Duane Westing.

**Visitors:** Bruce Haughton, Tina & Tony Moore, Carolyn Van Horne, Sheriff Jayme Reed, Linda Hodges, Alan Richard, John Dahlgren, Steve Glenn.

Council President Buman called the meeting to order at 7:30 p.m. informing all those present of the Posters stating the Open Meeting Law Changes on the East and North meeting room walls accessible to the public. Council Member DeFreece made a motion to accept the June 27, 2011 regular meeting minutes with corrections. Council Member Klein 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 **July 5, 2011 Payroll** 11,279.53; **Black Hills Energy**, gas service 94.00; **Constellation Energy**, gas costs 3.31; **Dempster Industries**, replacement bin 229.50; **NPPD**, electricity 5157.53; **OPPD**, electric at wells 363.06; **SEND**, membership dues 1885.00; **Time Warner Cable**, internet 154.90; **US Post Office**, postage 124.28; **JEO Consulting Group**, engineering/Sewer Slip-Lining Project 875.00; **Capital Business Systems**, copier contract fee 37.34; **Casey's General Store**, equipment fuel/pool supplies 1095.86; **Cemetery Association**, July appropriation 750.00; **Demco**, Library office supply 172.55; **Des Moines Stamp Manufacturing Co.**, Library office supply 59.25; **First Concord Benefits Group**, deductible admin fee 353.94; **First Concord Benefits Group**, plan fee 28.00; **Gale**, books 115.17; **Meyer Laboratory**, office supply 183.19; **Midwest Laboratories**, sewer samples 134.68; **Municipal Service & Supply**, sewer repair part/control relay 206.39; **Municipal Service & Supply**, Lift Station repair parts/vacuum pump 492.97; **Municipal Supply**, curb boxes/rods/pipe wrench/CJ Foods 4" meter 3799.95; **Nider's Thriftway**, pool concessions/office supply 908.49; **Oregon Trail Equipment**, mower part/stocking fee 6.94; **Pawnee City Fire Dept**, July appropriation 70.00; **Pawnee Co Rural Health**, drug screen/hepatitis A 150.30; **Pawnee Co Rural Water**, pond water hydrants 87.42; **Pawnee True Value**, pool repair parts/tools, oil, gloves, lid cover 212.58; **Petty Cash Fund**, postage, trailer license 32.65; **POSGuys.com**, receipt printer 286.00; **Premier Pyrotechnics**, city fireworks 2300.00; **Smith Auto**, pkup repair/window 150.00; **Stallbaumer Lumber**, 3-cushion swing 215.99; **Sunrise Publications**, publications 295.09; **TR Ag Sales**, brush spray 222.50; **Windstream**, new Library connection chg/wiring materials 4442.00; **Sunrise Publications**, Reuse Publication fee 46.64. Council Member DeFreece made a motion to accept the claims as submitted. Council Member Hatfield seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Sheriff Jayme RE: review Sheriff's Department quarterly hours** – Sheriff Jayme Reed was present to report on the Sheriff's Department quarterly hours. Reed stated that Friday, July 22<sup>nd</sup> of the Pawnee County Fair, the Sheriff's Department will be present from 4:30-6:30 p.m. for a

free Car Seat Check-Up Event. During the event, the State Patrol will have rollover demonstrations, OPPD will have their Power Trailer there to teach facts about electricity, and the State Fire Marshals office will give fire extinguisher demonstrations.

Deputy Clerk Glathar inquired whether or not the area between the mini-park and 628 7<sup>th</sup> Street (the previous Agnus Murdock property) was an alley or street. A complaint had been received at City Hall regarding the current renters of the house, parking their vehicles on this alley/street, creating a hardship for the person providing mowing services for the US Post Office. The Clerk was to check with the Assessors office to see if this area is a street, alley or personal property belonging to the owner of the house. If it is legally a City alley or street, the Sheriff could issue a warning or parking ticket.

Sheriff Reed reported that the “jake” brake sign along Hwy 8 on the East side of town needs to be replaced, as it disappeared some time ago.

Council member Klein stated that traffic is traveling faster than the speed limit along Hwy 50 (F Street) coming into town from the North and asked if radar could be ran on this portion of the street for awhile. The Clerk was instructed to call the NE State Dept of Roads and put in a request to borrow the State’s radar speed limit sign.

**Tina & Tony Moore RE: Traffic around North Park area** – Tina and Tony Moore were present to voice concern over constant, fast moving traffic along 14<sup>th</sup> Street, North of the swimming pool park. They were wondering if the Council would consider placing stop signs at 14<sup>th</sup> & E Streets and 14<sup>th</sup> & D Streets. Sheriff Reed stated that the speed limit in residential was 35 mph. After much Council discussion, Council member DeFreece stated that he would visit with Foreman Inglis about reduced speed limit signs along this section of the street.

**Bruce Haughton, Ag Society - Discuss Co. Fair Parade route & ask permission to run traffic both ways on the one-way street in front of the School (same route as last year)** Bruce Haughton representing the Ag Society, was present and requested if the Pawnee County Fair route could travel both ways on the one-way street in front of the School (the same route that was used last year) on Thursday, July 21, 2011. Council member DeFreece moved to grant the request to use the same Pawnee County Parade route as the previous year. Seconded by Council member Klein. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**8:00 P.M. –PUBLIC HEARING – Notice of Intent to Re-lend Grant Funds for Store Front Enhancement –Review/Pass Resolution #11 approving five (5) specific Store Front Enhancement Incentive Grants** – At 8:00 p.m. Council member DeFreece moved to open the Public Hearing concerning the approval of CDBG ED ReUse funds for five specific Store Front Enhancement Incentive Grant applications from Steve Glenn, MGG Enterprises Inc and/or PSG Enterprises Inc. Seconded by Council member Klein. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Addresses and description of the five properties are:

- 605 G Street (former Dokken Bldg)
- 643 F Street (Bills Auto Bldg)
- 612 6<sup>th</sup> Street (West Hardware Bldg)
- 620 6<sup>th</sup> Street (Middle Hardware Bldg)
- 622 6<sup>th</sup> Street (East Hardware Bldg)

Alan Richard was in attendance and voiced his approval to grant all five of the Store Front Enhancement applications. Council member Hatfield stated that his only concern was that

Mayor Westing once said that if no business moves in within a certain amount of time, the person submitting the application would have to pick up 100% of the costs. The Dokken building currently sits vacant. Steve Glenn was in attendance and reported that he has plans to turn the Dokken building into a hotel. Council members stated that the REUSE committee had already approved the grant funds for all five of the Store Front Enhancements. Council member DeFreece moved to close the Public Hearing at 8:08 p.m. Seconded by Council member Hatfield. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Council member Klein moved to approve Resolution #11, CDBG ED ReUse funds for Store Front Enhancement Project numbers 33-37 for five specific Store Front Enhancement Incentive Grant applications from Steve Glenn. Seconded by Council member Hatfield. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Linda Hodges & John Dahlgren, Library Foundation; Joe Stehlik, Deputy City Attorney: Review/Discuss e-mail from Janice Stopak re: Library Foundation/City Lease Agreement, amounts, etc. *\*\*Please note: the Library is trying to close out with USDA-RD & they have to have a lease agreement signed in order to finish the close out process.*** Council reviewed Janice Stopak's email regarding the Library Foundation/City Lease Agreement. Linda Hodges and John Dahlgren, Library Foundation members, explained that they were present to discuss/explain to Council the 10% reserve account fees written up in Janice Stopak's email, and Resolution #12 and the Lease Agreement was a USDA requirement - that it would be placed in a reserve account for maintenance and repairs of the new Library. Council members reminded Hodges and Dahlgren that Council agreed to pay \$700 a month toward the Library building payment. Hodges stated that the Resolution and Lease must be signed so that the Library and USDA can close on the loan this coming Friday to avoid interest charges of \$30 a day.

**Review/Pass Resolution #12 – annual payment of \$9227.00 to be applied toward the USDA-RD loan** – Council member DeFreece moved to approve Resolution #12 with corrections, removing the “10% Reserve Account” wording from the Resolution and pay the City's annual payment of \$8,400 or \$700 a month to be applied toward the USDA Rural Development loan payment schedule. Seconded by Council member Klein. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review/Accept Lease Purchase Agreement between Library Foundation & City** - Council member DeFreece moved to sign the Lease Purchase Agreement once all corrections have been made regarding the 10% reserve. Council member Klein seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Discuss City Attorney Ferebee sending letter in regards to the removal of Dennis Mitchell as City Building Inspector (Need Motion)** Council discussed the previous appointment of Dennis Mitchell as Pawnee City's Building Inspector. City Attorney Ferebee has not been able to contact him and he is not returning her calls. Council member DeFreece moved to have City Attorney Ferebee send a letter to Dennis Mitchell removing him as Pawnee City's Building Inspector. Council member Klein seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Betsy Ferebee, Nuisance property letters were sent out 6/29/2011 from City Attorney's Office** – City Attorney Betsy Ferebee was in attendance to report on Nuisance Property letters that had been sent out by their office. Appeals had been filed on most all properties except the Sebek and Yoder properties. Representative for Sebek had called to notify Ferebee that they can tear down the two (2) houses. Ferebee will send out a 2<sup>nd</sup> letter to Sebek that will include a cost

estimate for the demolition that the City will do. Yoder's will be receiving a 2<sup>nd</sup> letter as well as they have not been in contact with the attorney's office.

**Discuss City taking over Cemetery Association duties, mowing, etc.** City Attorney Ferebee reported on State Statute Chapter 12 regarding Cemeteries / Article 5 - Cemetery Associations. The Statute, Section 12-530, deals with Transfer of Cemetery to City or Village; Powers and Duties. Ferebee explained that should the Council want to proceed with this, the Council could accept ownership of the cemetery and manage/operate the cemetery as a *municipal* cemetery, with all cemetery business (property, money and burial plot deeds) dissolving back to the City. Council discussed at length, with no action being taken at this time.

**Council to discuss Employee Wages, Budgeting items, etc.–Review List of Employees, Current Pay Schedules & Benefit Packages thru Sept. 30, 2011 (Mayor Westing's recommendation is \$.40/hour raise across the board and to raise Veva Brown's Office Cleaning Fees to \$8/hour)** Council discussed Employee Wages, reviewing list of employees and current pay schedules. Council member DeFreece stated that he felt that Library wages should remain as they are now – no increase for the Library Director or Assistant Librarian - with the current wage being negotiable after the hiring of a new Library Director. Council member Klein stated that Veva Brown is doing the office cleaning for the City and she currently is receiving \$6.00 an hour. Klein suggested that her wage be increased to \$8.00 an hour. Council member DeFreece moved to go with a 3% raise across the board except for the Library wages that are to remain the same and to pay Veva Brown \$8.00 an hour. Council member Hatfield seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Discuss findings on water tower with Fred Baumert (NHHS) and Layne Western on VFD's** Shop Foreman Inglis reported that he had spoken with Fred Baumert (NHHS) concerning the draining of the water tower. Baumert stated that if the City does not drain the water tower while the outside of the tower is being painted, the City would not need to send samples to the state. Sampling would need to be done if the tower is drained. Inglis had also been in contact with Layne Western and they would be available to reset the City's VFD's (variable frequency drive). Resetting the VFD's help to hold a certain pressure on the line, creating a better control of the water system while the job is being performed. Inglis reported that the inside of the water tower is scheduled to be cleaned Monday, July 25, 2011.

**Take Action on Water Tower Painting quotes –Maguire Iron \$33,680 / Pittsburg Tank & Tower \$40,010** Council reviewed water tower painting quotes from Maguire Iron for \$33,680 and Pittsburg Tank & Tower for \$40,010. Council instructed Shop Foreman Inglis to speak with Maguire Iron as to when they could do the painting. No action taken at this time.

**Discuss Streets; Chip & Seal Project; Rental prices of a bobcat loader and street grinder, etc.** Shop Foreman Inglis researched the cost for equipment rentals to make repairs to asphalt "heaves" in the streets. Inglis reported on information he received from equipment rental companies in Lincoln for the rental of a skid loader and grinder. Council directed Inglis to proceed with the weekly rental from Hamilton's for the skid loader and grinder. The weekly cost for the grinder rental is \$750 and the Bob Cat skid loader \$625 with a total for both being \$1375.

Council member DeFreece has been looking into costs for street improvements. Shop Foreman Inglis had been in contact with Mid-America Road Builders (Platte City, Missouri) to find out the costs to chip-n-seal 40 blocks of city streets – block based on 933 sq yds = 37,320 sq yds. Inglis

was to look into the cost of sand/gravel material to put over the oil. Due to the high water levels along the Missouri River, Curtis with Mid-America Road Builders, said that they would not be able to truck in the gravel from their rock supplier. Costs estimates from Road Builders are as follow:

1. If City provides cover materials (gravel) – 37,320 sq yds @ 1.60 per sq yd = \$59,712
2. Road Builders provide limestone chips – 37,320 sq yds @ 1.90 per sq yd = \$70,908
3. Road Builders provide Haydite chips – 37,320 sq yds @ \$2.15 per sq yd = \$80,238
4. Road Builders provide sand-pea gravel – 37,320 sq yds @ \$2.20 per sq yd = \$82,104

Council discussed either using an oil sealer vs. chip'n sealing (6) blocks around the city square. If an oil sealer was used, it would need 24 hours to dry - the contractor would have to close off the streets for an entire day. Using chip'n seal they would not have to close off the streets. No final decision was made at this time.

**Sewer Project - Review e-mail from Marty Norton, USDA-RD on obligating the cost overrun.** Council reviewed an email from Marty Norton, USDA-RD on obligating the cost overrun for the Sewer Project. Norton stated that the Notice of Award could be issued.

**Review Letter from USDA amending original Letter of Conditions dated June 21, 2011 (in regards to addressing the increased costs of this project & funding needs)** Council reviewed the letter from USDA amending the Letter of Conditions dated June 21, 2010. An amendment to the Letter of Conditions is necessary due to the increased costs of the sewer project and the funding needs.

**Review/approve Letter of Intent to Meet Conditions** – Council member Klein moved to approve the *Letter of Intent to Meet Conditions* from the USDA Rural Development regarding the Sewer Plant Project. Seconded by Council member Hatfield. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

**Review/approve USDA Loan Resolution #13 on Sewer Project approving the additional funding through a USDA Loan of \$434,000** – Council reviewed USDA Loan Resolution #13. Council member DeFreece moved to accept USDA Loan Resolution #13 on the Sewer Project approving the additional funding through a USDA Loan in the amount of \$434,000. Council member Klein seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Council member Buman reported that the Sewer Slip Lining Project Kick-Off meeting was scheduled for Wednesday, July 13, 2011 at 10:30 a.m. The meeting will be at City Hall. Buman was unsure if she would be attending the meeting due to her work schedule so she was hoping that Clint Johnson and/or Foreman Inglis would be available.

**Discussion of Departments** – Council member Klein wanted further explanation on what the problems were that Council member Hatfield was having with the City department that he was in charge of. Hatfield is in charge of the pool and parks. Council discussed this at length. No action was taken.

**Review Nuisance & Weed Letter sent to Gerard Gilbride on 1201 7<sup>th</sup> Street and Weed Letter sent to David Gibbons on 1125 7<sup>th</sup> Street from numerous complaints received from**

**neighbors** – Council reviewed nuisance/weed letters that Clerk Stephens sent to Gerard Gilbride on 1201 7<sup>th</sup> Street and weed letter to David Gibbons on 1125 7<sup>th</sup> Street. Numerous complaints were received from neighbors. The Clerk reported that David Gibbons has since mowed his property.

Council reviewed the Invoice from JEO Consulting Group where there was “no charge” for professional services provided by them for General Engineering for the Water Project, Map Revisions and Street Improvement Project Coordination.

Council Member DeFreece made a motion to adjourn the meeting. Council Member Hatfield seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried and meeting adjourned at 9:20 p.m.

Roxann Buman, Council President

ATTEST: \_\_\_\_\_  
Carol L. Glathar, Deputy City Clerk