

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, NOVEMBER 22, 2010 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: Mayor Duane Westing; Council Members: Deborah Klein, Roxann Buman, Tom Fisher and John DeFreece; Don Inglis/Shop Foreman; Carol L. Glathar/Deputy City Clerk; Clint Johnson/Zoning Administrator; Betsy Ferebee/Deputy City Attorney.

Absent: None.

Visitors: Lucas Billesbach and Andrew Synhorst of JEO Consulting Group, Craig Vincent (NPPD), Charlie Hatfield, Alan Richard and Carleen Roebke.

Mayor Duane Westing 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 November 11, 2010 regular meeting minutes. Council Member Buman seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

The Treasurer submitted the following claims for consideration: **11/23/2010 Payroll** 6613.46; **NW Mutual**, retirement 1119.63; **NE Dept of Revenue**, SWH 449.69; **Allstate**, cancer ins 109.85; **American Fidelity**, accident ins. 154.20; **BCBS**, health ins 5553.57; **Nebraska Child Support** 51.70; **Barco**, signs/barricades 1003.86; **Blue Valley Door Co.**, repair fire dept doors 908.15; **NE Dept of Health & Human Services**, wtr operator license application 94.00; **Kuhl Trenching**, pond hydrant 112.50; **Martin Marietta**, stock pile rock 360.60; **Maureen Friedly**, mileage reimb 49.00; **Midwest Lab**, swr samples 143.78; **Municipal Supply**, wtr parts 638.19; **NE Public Health Environ Lab**, wtr samples 20.00; **OPPD**, electric at wells 287.76; **Pawnee City Fire Dept**, equip fuel/batteries/filters 197.89; **Seneca Sanitation**, garbage service **5123.00**; **Stehlik Law**, atty fees **418.75**; **Summit Supply Corp.**, firering/tp dispenser 353.00; **Union Bank & Trust**, documentation prep fee 50.00; **Veva Brown**, office cleaning 36.00; **Windstream**, phone service 207.70; **AHRS Construction**, Library Proj construction 40,243.50; **SEND**, Library Proj admin fees 2735.65; **Van Kirk Bros Contracting**, Wtr System Proj Final Pay app 164,542.11; **NE Dept of Revenue**, Sales & Use Tax/Oct 2188.77. Council Member Klein made a motion to accept the claims as submitted. Council Member DeFreece seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Craig Vincent, NPPD: Discuss NPPD's Rate Increase and the City's Lease Agreement – Craig Vincent, NPPD, was in attendance to discuss NPPD's proposal to increase its retail electric rates in 2011. He explained that the primary reasons for the planned increases in retail electric rates are attributed to an increase in wholesale power costs and an increase in capital recovery costs to pay for new/existing distribution facilities and infrastructure. If the proposed rate increase is approved, the new retail rate is expected to take effect January 1, 2011. Council expressed their concern and opinion that customers will have a tough time paying for such a substantial increase to their electric bill. The City's current NPPD Lease Agreement was effective on March 1, 2003, and has an initial term of fifteen (15) years. During the initial fifteen (15) years that this Agreement is in effect, an amount equal to twelve percent (12%) of the retail

revenue shall be paid by NPPD to the City.

Dennis Mitchell, Candidate for City Building Inspector – Dennis Mitchell, candidate for the City's Building Inspector, was unable to attend the meeting due to illness. Betsy Ferebee, Deputy City Attorney, was present to report on Mr. Mitchell's background and how he plans to handle his duties as Building Inspector for the City of Pawnee. Mitchell has/is doing work for the City of Beatrice and Humboldt as their Building Inspector. He is certified, as was Steve Printy, has worked as a licensed contractor and is experienced in several other areas to make him a very worthy candidate. Ms. Ferebee reported that Mitchell plans to invoice per house (not per visit) and that he may be firmer, not dragging things out for an extended amount of time.

Carleen Roebke, Discuss Special Use Permit – Carleen Roebke attended the meeting to discuss with Council her desire for a Special Use Permit to allow a calf, hens and rooster on her property at 1249 B Street in Pawnee City. Zoning Administrator Clint Johnson reported the property is not zoned for livestock and that there has been some opposition in the neighborhood to bring livestock in. The Planning Commission had previously denied Carleen's request for a Special Use Permit. Council opinion is that they need to stand behind the Planning Commission's decision and not allow animals onto the property. No action taken.

Clint Johnson, Zoning Administrator –

Recommendation from Housing Advisory Committee on Housing Project #8 to award contract to North Star Construction for \$24,995 – Council reviewed the recommendation from the Housing Advisory Committee on Housing Rehab Project #8. Council member DeFreece moved to approve the Housing Advisory Committee's recommendation to award Housing Rehab Project #8 to North Star Construction for \$24,995. Seconded by Council member Buman. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Discuss Site Plan on CJ Foods Expansion – Zoning Administrator Johnson reported that CJ Foods has met all Site Plan requirements for business expansion on the North and West sides of the plant.

Discuss meetings on updating Housing Study & Blight/Substandard Study – Clint Johnson reported on the Housing Study & Blight/Substandard Study meeting held November 18 at SchillingBridge Winery. Alan Richard reported that 360 surveys were mailed out, with 55 surveys returned. For those returning the survey, the need for Assisted Living, two bedroom apartments and transportation were the main concerns to improve the quality of life in Pawnee City.

Alan Richard, PCDC; Review minutes from July 12th, 2010 meeting on Amendment to Rural & Community Development Initiative Contract between City and State NDeD; Review/Approve Pawnee City EDGE Agreement – Council reviewed a portion of minutes taken from the July 12th, 2010 regarding the Amendment to the Rural and Community Development Initiative Contract between the City and the NeDED. Alan Richard, PCDC, explained the proposed EDGE Agreement between the Five Rivers RC&D and the City. Council member DeFreece moved to approve the proposed Pawnee City EDGE Agreement in the amount of \$9841.00. Seconded by Council member Klein. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review emails from Whitney Bumgarner, DED, on working with CJ Foods on their expansion and their availability to assist existing industries with the NE Advantage Tax

Incentive Program and CDBG funding – Council reviewed emails from Whitney Bumgarner, DED, on working with CJ Foods on their expansion and their availability to assist existing industries with the NE Advantage Tax Incentive Program/CDBG funding.

Review email from Tammy Timms, Five Rivers RC&D re: helping businesses implement energy savings projects through USDA funding and examples of those projects funded throughout Nebraska – Council reviewed an email from Tammy Timms, Five Rivers RC&D, regarding ways in which they are helping businesses to implement energy savings projects through USDA funding and examples of those projects funded throughout Nebraska.

Review Farm Lease Agreement up for renewal as of January 1, 2011 with Deborah & Ryan Wissler – Council member Klein moved to approve the renewal of the Farm Lease Agreement beginning January 1, 2011 with Deborah & Ryan Wissler. Seconded by Council member DeFreece. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/take action on Housing Rehab Project DrawDown #10, \$1452.43 to SENDD for General Admin and Housing Rehab Project DrawDown #11, \$7161.95 to SENDD for Housing Management and Lead Testing – Council member DeFreece moved to approve Housing Rehab DrawDown #10 in the amount of \$1,452.43 to SENDD for General Admin. Seconded by Council member Klein. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Council member Klein moved to approve Housing Rehab Project DrawDown #11 in the amount of \$7,161.95 to SENDD for Housing Management and Lead Testing. Seconded by Council member DeFreece. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Report/Update from Shop Foreman Inglis –

Review Maintenance Agreement Inspection done by NE Dept of Roads – Council reviewed the Maintenance Agreement Inspection report from Jerry Yurka, Hwy Maintenance Superintendent for the NE Dept of Roads. Foreman Inglis stated this is a routine inspection done annually by the State.

Review 1&6 Year Street Plan – Council briefly discussed the 1&6 Year Street Plan. Council directed Shop Foreman Inglis to locate streets in need of repair/replacement, to make a prioritized list and bring back to Council for review. Council member DeFreece would like to see Paving Districts setup, using Hwy Allocation money to repay bonds that the City may have to obtain to get the streets repaired/replaced.

Updates on L Street/Park Street – Shop Foreman Inglis reported that the City Crew has cleaned out the grader ditches along L Street/Park Street and will be replacing a tube. The crew has been hauling rock to the location this week.

Report/Update from Council Member Klein –

Discuss Ordinance that made D Street North from 7th to 9th Street (around back of school) a one-way street. Only Ordinance we can find is Ordinance #489 setting the speed limit on that one-way street at 15 mph. Discuss amending the original ordinance to start the one-way street after the school driveway. Council discussed D Street North from 7th to 9th (around back of school) a one-way street west of the school. The only Ordinance that can be found is Ordinance #489 setting the speed limit on that one-way street at 15 mph. The Council directed the clerk to send the Ordinance to City Atty Stehlik and have him amend the existing Ordinance, adding “one-way beginning north of the driveway” on D Street North from 7th to 9th Street.

Review note form Janice Stopak, USDA – there is GRANT funds left in Water Project in the amount of \$119,790.50. Council reviewed correspondence from Janice Stopak, USDA that there is grant funds left in the Water Project in the amount of \$119,790.50. Marty Norton from USDA has vetoed the City purchasing a new pickup or painting water tower with the remaining funds. Council member Klein would like the Council to put some thought into ways that the money can be spent on needed repairs or improvement to our water system.

Report/Update from Council Member DeFreece – Review any updates from Tree Board – Council member DeFreece reported on the Tree Board meeting. JEO Consulting is working on maps for dividing the city into sections - to be used for trimming of trees/tree branches from City sidewalks and streets. The Tree Board would like to create an Ordinance that will identify the City's requirements for property owner's in keeping tree limbs/branches off the City streets/sidewalks and who is responsible for what. The Tree Board's hope is to run the Ordinance in the newspaper, create a bid packet for tree trimming contractors and open bids at a future City Council meeting.

Report/Update from Council Member Buman – Discuss updates on Sewer Easements, Sewer Project, etc. - Lucas Billesbach and Andrew Synhorst of JEO Consulting Group were present to update Council on the Sewer Plant Project. Plant plans are at 70% completion with construction costs/budget staying online and coming in at \$2,418,570. They're hoping that by January 10, 2011 plans will be at 100% completion so that they can bring to Council for action to advertise for bids at that time.

Review Correspondence – County Clerk on General Election Results – Council reviewed correspondence from Pawnee Co Clerk on General Election Results.

Council Member Klein made a motion to adjourn the meeting. Council Member DeFreece seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried and meeting adjourned at 9:15 p.m.

Duane Westing, Mayor

ATTEST: _____
Carol L. Glathar, Deputy City Clerk