MINUTES OF THE REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PAWNEE CITY, HELD ON MONDAY, APRIL 10, 2023, AT 7:00 P.M. AT THE PAWNEE CITY PUBLIC LIBRARY, 735 8TH STREET, ALL IN PAWNEE CITY, PAWNEE COUNTY, NEBRASKA.

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

Present: Mayor: Charlie Hatfield; Council Members Vickie Zelenka, Donnie Fisher, Laura Poskochil and Susan Eisenhauer; Tamela Curtis, City Clerk/Treas. and Foreman Spencer Cumley. Absent: None.

Mayor Hatfield called the meeting to order at 7:00 p.m. informing all those present of the Posters stating the Open Meeting Law Changes on the West meeting room wall accessible to the public. At this time, all those present stood to recite the Pledge of Allegiance.

Council Member Zelenka moved to accept the original 3/27/2023 meeting rescheduled to April 3, 2023 regular meeting minutes. Council Member Poskochil 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: 4/11/2023 PR: 10,871.62; Union Bank & Trust, FWH 3032.13; NE Dept. of Rev. SWH 451.09 John Hancock, retirement 1528.49; Windstream, Libr ph/int 141.59; Spectrum, internet & phone @ shop 184.97; ACCESS Systems Leasing, monthly IT hardware contract 209.98; NPPD, elec @ wells/swr plant 2890.45; Lincoln WinWater Works, valve box risers, meter setters 3300.29; Pawnee Co. Rural Water, pond wtr hydrants 45.00; Coral's Cleaning Service, Mar. office cleaning 90.00; Ferebee Law Offices, Apr atty services 1000.00; Matt Kuhlmann, Apr zoning 800.00; Midwest Labs, swr samples-s/h 219.57; Blue Valley Public Safety, Inc, maint/repair sirens 3175.50; One Call Concepts, digger hotline locates 15.50; PC Thriftway, bleach 4.79; **Pohlman LLC,** Str boring, 5th St wtr leak 1163.00; **Team Lab**, fine road patch mix 3760.00; WesTech Engineering, tech labor-vertical screen rep @ swr plant 7100.00; OPPD, electric @ wells 385.74; **34 Electric,** well house #3 meter 1177.50; **Biblionix,** Libr Lic/Maint 1430.00; Hach, PH Buffer Sol 362.22; Holiday Inn, Clerk School lodging 574.75; BOKF, Wtr/Swr Bond Int. Pymt 14871.25. Council Member Eisenhauer moved to approve the claims as submitted. Council Member Fisher seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review Treasurer's Report as of March 31st, 2023: Council reviewed the March 2023 Treasurer's Report.

Update from Sheriff Braden Lang: Sheriff Lang reported that not much had changed as they are still fully staffed. Clerk Curtis stated that Rick Gyhra had been in her office earlier that day complaining about a couple trailers that have been parked in the Truck Parking Lot for a very long time. One of the trailers has plates that expired in 2015 and has been sitting in the same spot for over a year. The other is a van trailer that he thought was owned by R&R Trucking out of Glenwood, KS and they had been just parking there for months at a time. Sheriff Lang stated he

would take a look at both trailers and report back to Council. Sheriff Lang stated he was a little concerned because of SHARE dissolving and wondered what the City was now going to do with dogs that were captured but not claimed. Council Member Poskochil stated that SHARE is still going. Poskochil continued that there have been some members quit and one of those members held the most foster dogs, but they are holding them in kennels throughout town right now until they can get the SHARE kennels put back up again at a different property. Council Member Eisenhauer inquired what the department decided to do with the ARPA money the City had donated for the K-9 unit. Sheriff Lang stated that it is still sitting there because he didn't think that the Council had ever officially voted on it. Sheriff Lang stated that about 80% of the organizations that originally donated the money for the K-9 unit have told the Sheriff's Department to keep the money and use it where it is needed most. Council Member Eisenhauer moved to let the Sheriff's Department retain the unused portion of the ARPA money donated for the K-9 unit to fund items he deems necessary for the betterment of his office. Council Member Poskochil seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Parking Issues: Foreman Cumley inquired if Sheriff Lang could get the pickup truck moved off of E Street by the Bait Shop as it's been there for months and when they were plowing snow they were going completely around it. Cumley continued that even if they could just drag it off of the street that would help. Sheriff Lang stated he had already talked with them about the truck twice, so he was not sure why they had not moved it yet, but he would talk with the owner again. Discuss turning 4-lane highway into a 3-lane highway – NDOT is inquiring if the City wants to do this: Clerk Curtis stated that David Klepper, NDOT had called her asking if the City was interested in changing the current 4-lane highway into a 3-lane highway, as he had been contacted by Lincoln about it. Mr. Klepper had stated that they are starting to work on an upcoming project coming through Pawnee City so this would be the prime opportunity to include changing that into a 3-lane highway if the City was interested in doing so. Much discussion followed with Clerk Curtis reading parts of the July 2022 meeting minutes when Tom Goodbarn, NDOT District 1 Engineer had come to a City Council meeting and had mentioned he felt that 4-lane highway needed to be turned into a 3-lane highway with an inside turning lane as that highway really wasn't wide enough to be a 4-lane highway. Clerk Curtis reminded the Council that Mr. Goodbarn had also stated that these highway improvement projects aren't going to be any year if they don't get these kinds of projects on the books as it doesn't happen overnight. Council Member Poskochil stated she had a question for Sheriff Lang on when you were going South on Highway 50 and wanted to keep going straight, which lane are you supposed to be in, the right or center lane? Sheriff Lang stated that has always been confusing because there are not actually lanes there it is just kind of an open area. Sheriff /lang stated that what he always does is goes to the outside turning lane because otherwise the inside lane really takes you right into the parking area. Council Member Eisenhauer inquired to Sheriff Lang how he felt about making the 4-lane highway into a 3-lane highway with an inside turning lane. Sheriff Lang stated that he feels everyone always drives in the center lanes anyway and a lot of people don't use the side lanes to turn like they are supposed to, they just treat it like a wide 2-lane essentially. Sheriff Lang stated he felt like the turning traffic wasn't all that problematic, even when he's doing emergency stuff, having the 4-lanes was nice because people panic when they see lights behind them and just slow down, so they are still able to go around them. If that was turned into a 3-lane it would be more difficult. Sheriff Lang stated that if we had Beatrice traffic it would make more sense but with the traffic that Pawnee City has it doesn't make much sense to change it. The main plus for the city is that if the State were to turn that 4-

lane into a 3-lane highway, then the State would completely take over all of the snow removal on that portion of the highway, then the City would probably get back some of the money they have relinquished back to the State for plowing what was the City's responsibility in the City/State contract. Sheriff Lang stated that personally, he would not be in favor of it because he feels it would just confuse so many people. Council Member Eisenhauer stated she kind of wondered about running it past the EMS and getting their opinions on the proposed change. Clerk Curtis stated she wondered about having a town hall meeting to get everyone's input or sending out a survey to all water customers with the May 1st billing asking a simple Yes/No question. More discussion followed with the Council deciding that the City will send out a separate survey question sheet to all water customers stating: "The City is considering changing the current 4lane highway to a 3-lane highway from the intersection of Hwy 8/50 north to 15th Street with one North bound lane and one South bound lane with an inside turning lane. This would be a State NDOT funded project with a For and Against box for them to check. Citizens need to respond by May 15th. If you have any questions, please come to the May 8th City Council meeting at the Public Library, 735 8th Street, where Council will be discussing this item on the agenda." Clerk Curtis stated she would inquire to David Klepper on whether there was a big hurry to get this information back to the State or if we could take some time to gather the Citizen's input on changing the 4-lane to a 3-lane and report back to Council at the next meeting.

Dave Manes re: interested in purchasing a piece of land (10 acres) North of the Wells to build a pond: Dave Manes met with the Council to discuss him wanting to purchase a piece of land consisting of approximately 10 acres North of where the City Wells are located to build a pond. Mr. Manes had a detailed map and photos showing where the property was located in the City Well Pasture and what it currently looked like. Mr. Manes stated that his printer had quit so he only had one copy of everything, at which time he took the photos around to everyone. Mr. Manes stated that this area is starting to erode pretty badly so he would like to build a dam behind that and it would take the 10 acres to get the dirt from and make that work. Foreman Cumley stated that where he is talking about, there's a creek that runs right along the City's property line. The farmer that owns right beside this wanted to farm that area but it is too rocky and it's all trees so Mr. Manes wants to buy that place that is all trees along there. Mayor Hatfield inquired where the City's ponds were in the pasture. Foreman Cumley stated that the smaller one would be straight south of the area Mr. Manes was talking about and then the bigger pond was clear down in the opposite corner. Much discussion followed. Mr. Manes stated he would pay for the survey that would be needed to divide off 10 acres from the City's well pasture. Mr. Manes had a picture of piles of old iron and metal that are located on the City's side of the fence line. Manes stated that is in the area that he is interested in purchasing from the City and he would get all of that old iron and metal cleaned up. Foreman Cumley stated that he feels that they should all just take a field trip out to the City's well pasture so they can understand exactly what area Dave is interested in because he thought Dave was just here because of the he was wanting to build a pond within the City's Wellhead Protection Plan area. Council Member Eisenhauer stated the 10 acres that Mr. Manes wants to purchase will affect the City's lease agreement with Todd Albers who leases the pasture from the City, so the City would definitely need to visit with Todd about this first. Foreman Cumley stated he would need to get all of the information and call Pat at Nebraska Rural Water (NeRWA) so he could discuss if this would affect our Wellhead Protection area. Council Member Poskochil inquired what Mr. Manes would be using the water for? Mr. Manes stated he is planning to retire soon so he wants to build a

house back in there as his son is purchasing his home from him. Foreman Cumley inquired that there wouldn't be any wells to fill the pond up? Mr. Manes stated that no, the pond would just fill up naturally. Manes did state that when he purchased his property years ago, he did get an easement with the City's Well on the corner, so he could run water down to his new home if he wanted to, but it would all be at his own expense but he also has his own well already on the property, so he may just use that. Council Member Eisenhauer inquired if Mr. Manes had an offer he wanted to make on the 10 acres of City pasture ground? Mr. Manes stated he was thinking \$4000/acre so right at \$40,0000 since the area he is wanting to purchase is really rough with 50% of it being a draw of trees, so will require quite a bit of work to clean it all up. Mr. Manes also stated that by damming that area up, there is going to be over 15 acres of water in there, so it might actually help the aquifer. Manes also stated that he could help out with snow removal, too getting up to the Wells as he's got a tractor and blade that he could help keep that opened up. Foreman Cumley inquired if they built a house back in there if they were planning to use that same road heading to the Wells? Manes stated he would probably go by the Corral and then cut in & make his own road to his house from there. Council Member Eisenhauer stated she felt that first, they needed to talk with Todd Albers, who has the lease on the City well pasture ground. Foreman Cumley stated he didn't know a lot about the City's Wellhead Protection Plan, so he has to call his contact at NeRWA and he will help decide what the City can and cannot do. Foreman Cumley stated that the only thing he could think of that Todd might have an issue with would be getting rid of shade for his cows. Cumley continued that Title 179, which is the State Regulations, has a limit of what you can and cannot do within 1000' of your wells and then beyond that the Wellhead protection is pretty much what the City includes in their plan to allow. The NeRWA contact was just concerned on what the pond would be used for in the future and making sure there were no feed lots going into the area because they cannot allow any cow lots anywhere near the wells. More discussion followed with Council Member Eisenhauer stating that she agreed it was a really good idea for all of them to head out to the Wells and meet Mr. Manes so they could all see exactly where he was talking about. Mr. Manes stated that he would sure meet the Council out there sometime soon and show them where he was talking about. Eisenhauer inquired if he had a timeframe that he was aiming for. Manes stated at this point he was not in any hurry of course the sooner the better because you just never know how prices will stay. Mayor Hatfield stated he felt that Foreman Cumley needed to talk with his NeRWA contact about our Wellhead Protection plan; the City visit with Todd Albers about his farm lease and then meet Dave out to the Wells sometime to show us what he is going to do; then come back to a meeting to discuss it and make a final decision on his proposal. Mr. Manes also stated that he could put some flags out too that would help show where the proposed property line would be. Mayor stated they would take this proposal under advisement and let Mr. Manes know when they were ready to meet him out to the Wells. Clerk Curtis stated that the City really needed to include City Attorney Ferebee in on all of this because she will be the one that has to write up the agreement or deed and include in there that there may never be any feed lots built on this property and whatever else the City needs included to protect their Wells. Foreman Cumley stated that the NeRWA guy was supposed to be coming down soon to meet with him to go over the City's Wellhead Protection plan, so he will be able to fill him in on what Mr. Manes plans are. Cumley continued that the NeRWA guy is not in favor of people building ponds near our Wells, so it will be interesting what he says once he has all of the information. Foreman Cumley stated that he felt that it also has to do with that you can only have so many wells on so many acres for a municipality so losing acres does not look good when it comes to wanting to put more

wells on the City's property, if we ever needed a new well. Council Member Eisenhauer inquired how many wells the City had on their pastureland because there are a lot of acres out there. Foreman Cumley stated there were three (3) Wells. Clerk Curtis stated that the Council also needs to realize that many years ago the City had already drilled many test holes for wells out there before the City got these three up and going. Foreman Cumley stated that the other downside to it is that two (2) of the wells are really old so in the next 5-10 years the City may be looking for another site on our pasture ground to drill for a new well.

Review/take action on HJP Pest Control Mosquito Spraying again this year 4% discount for paying in advance \$1958.40 (Same price as last year): Council Member Eisenhauer moved to approve HJP Pest Control Mosquito Spraying this year with a 4% discount for paying in advance \$1958.40. 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 City Foreman Cumley: Discuss purchasing a laser level:

Foreman Cumley stated that lately the City has been borrowing Doug Daily's laser level as they have needed one for several of the projects they have been doing including tubes, grading work and especially when they formed up the street in front of the Post Office because they had to make sure the street sloped toward the storm drain. Foreman Cumley stated he has a lot more concrete patches that he would like to work on this summer, so he feels the City needs to invest in purchasing their own laser level. Foreman Cumley stated he had found a laser level on Amazon for \$1085 but it did not come with a case, tripod or transmitter stick, so he searched for a local dealer. He called around to a couple different places and Transit Works out of Lincoln got back to him with a quote of the laser level he was looking for including the case, tripod and transmitter stick for only \$1185. More discussion followed. Council Member Poskochil moved to approve purchasing the laser level with the tripod, case and transmitter stick from Transit Works for \$1185 split between the Sewer, Water and Street Funds. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Discuss Earth Day activities planned with Pawnee City Schools on April 24th: Clerk Curtis stated she had emailed Mr. Kluck at Pawnee City Schools to see if they were going to do anything for Earth Day this year. Council reviewed Mr. Kluck's emailed correspondence stating they are planning to do their Earth Day Activities on April 24th, sending all students in grades 6-12 (around 120 students) at different locations around town from 12:45-3:30 p.m. Foreman Cumley stated that they have a half of a pallet of mulch that could be used yet, but he planned to order a couple more pallets so that each park could have half a pallet of mulch. Cumley stated that Mary Moser had been trying to line up some 4-H kids and a few Seniors still needing community service hours yet to paint the curbs around downtown on April 10th when the kids did not have school but didn't have enough volunteer to make it work. Council stated the areas that need work for the City are as follows: Downtown Curb Painting: Mr. Kluck had stated that he would have a team of older, responsible art students do some of the painting. Kluck felt a team of 7-8 juniors and seniors along with the art teacher supervising, could handle the curb painting and get as much done as possible. North Park: pick up trash, pile up sticks and re-mulch the areas around the trees again. VanHorne (South) Park: top priority is to clean the leaves and sticks off of the new basketball and pickleball courts, some re-mulching to do along with picking up trash and piling up sticks along with adding more mulch in between the steps of the Amphitheater. Walking Trail: make piles of sticks along the trail. Roads Headed to

<u>Ballfields:</u> They would also really like one group of kids to walk from Hwy 50 (F Street) up to the ballpark and one group of kids to walk from Hwy 8 (7th Street) up to the ballpark to pick up trash in the ditches; <u>City Pond:</u> pile up sticks, pick up trash, clean out fire pits and re-mulch around the trees again; <u>Mini-Park Area by the Post Office & flower gardens in front of the Post Office:</u> Weeding and Re-Mulching that whole area and re-painting the bench blue at the minipark. Clerk Curtis will send Mr. Kluck back an email stating these were the areas that the City Council decided could be worked on by the Pawnee City School students for their Earth Day Activities on April 24th.

A Report and update from Council Member Poskochil: Discuss entering into a future Kenneling Agreement with SHARE: Council Member Poskochil stated that SHARE's primary foster home quit the SHARE organization so there became an urgent need when she gave them a deadline of Easter Saturday to remove all of the animals out of her house. The kennel panels were so huge that they couldn't even get them to fit in a stock trailer so they needed a place to put the dogs, temporarily while they got the dogs moved and set up somewhere else and they really didn't have such a place. They made it work for now, but that made it clear to them that they need to have some sort of overflow system or an emergency sort of plan for that. So, she thought about putting something more official into writing as an MOU agreement between SHARE and the City since SHARE usually, when possible, takes the stray dogs from the City Pound (Doggie Jail) to try and adopt them out. If they had a written agreement with the City they could specify a period of time allowed as she feels that SHARE may also be in agreement to pay a rent per day to use the City Kennels and leave at least one Kennel open or if more than one dog was picked up while SHARE was taking up two of the City Kennels then they would have to relocate one of their dogs to open up a Kennel. Clerk Curtis emailed Council Member Poskochil copies of the County's and the Village of Steinauer's Kennel Agreement so she could put some draft language together. Council Member Eisenhauer inquired how often the City Kennels are occupied. Clerk Curtis stated its really kind of seasonal. Foreman Cumley stated that it really just depends, but an average is probably 6-8 dogs a year. Cumley stated his thought was that we could utilize the City's metal dump as nobody goes out there hardly ever and then SHARE could have their own padlock on the gate and then they would be responsible for taking care of the animals, keeping the gate locked up just because the insurance liability of people going in and out of the sewer plant and being responsible for making sure they locked that gate as left open, that could allow people access to tamper with stuff at the Sewer Plant stuff. Council Member Eisenhauer stated that if something happened and SHARE was inside there, then there would always be that question. Council Member Fisher stated or maybe somebody from SHARE forgot to lock the gate. Foreman Cumley also stated that all of those locks take the same key, so if they were to open the double gate and run into something, then who is liable. Foreman Cumley continued that he just thought if SHARE already had their own Kennels, there is that old garage cement pad out to the Metal Dump that could be used if they needed to have them on a pad. The only time the City uses the metal dump is to spread sludge on it, but that is only in April and September/October time and he felt it would be easy enough to just avoid the kennels. Cumley stated that he just wasn't sure legally what stipulations had been put using that ground since the City landfill was located there previously. Council Member Eisenhauer stated that she agreed that it would be a good place for SHARE to place their kennels on that cement slab. Cumley stated again that he just wasn't sure what could be put there legally as the City has their State Kennel License at the Sewer Plant so he wasn't sure if they could just let SHARE use the land or

if the City is responsible for having another Kennel License since the property belongs to the City. Council Member Poskochil stated that at least gives SHARE a lot more options to look into. Foreman Cumley stated that at least at the Metal Dump they would have room that nobody is using. Clerk Curtis stated that it is also away from anyone's houses so barking dogs shouldn't bother people. Cumley also stated that the Jr Droge has a Hay Contract with the City for cutting hay at the Metal Dump. Council Member Poskochil inquired if this is something that the City would consider renting a portion of this property to SHARE to put the Kennels on and have some sort of a contract or something. Mayor Hatfield stated that Council Member Poskochil might want to get ahold of City Attorney Ferebee and ask her about working up an agreement between SHARE and the City for them to use a portion of the metal dump for their Kennels. Clerk Curtis stated that the City also needs to know because that was formerly the City's Landfill site and if the State put any stipulations on if the City could actually rent it to anyone or what could be allowed on that property. Clerk Curtis does remember reading that the City is not allowed to ever sell that property to anyone but the City is able to lease it for hay ground, but it would definitely be a good idea to check with Betsy first. Discussion was also mentioned about the possibility of making part of that Metal Dump area into a dog run in the future but that would be something else that the City would have to check into legally. Clerk Curtis stated she would suggest Council Member Poskochil start with City Attorney Ferebee and then check with the Dept of Ag about what they may need, then report back to the Council on your findings.

A Report and update from Council Member Eisenhauer: Discuss Proposed Pool Admission Increases: Council Member Eisenhauer went over the sheet showing the current pool admission prices that have not been changed for many years and the proposed pool admission prices. Council Member Poskochil stated her only concern was that it really wasn't any savings for someone to purchase a punch card for a student at the updated pricing, since it added up to \$5 per day. More discussion followed. Council Member Eisenhauer moved to approve the revised pool admission prices of Daily Rates: Students \$5 & Adults, \$8; Season Pool Pass Rates: Single, \$75 and Family \$100; Punch Cards: Ten-Punch Card, \$45; Pool Party Rental: \$150/2-hour pool rental. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried. Review/Approve Proposed Pool Party Rental Agreement: Clerk Curtis stated that she had gotten an example of a Pool Party Rental Agreement from another City Clerk and thought it would be good if the City had a written agreement for the Renter to fill out at the Pool when scheduling it. Then they could bring it to the City Office so we could make a copy. Then everyone is on the same page as to when the Pool is being rented out. Council Member Poskochil moved to approve the City's Pool Rental Agreement Form. Council Member Eisenhauer seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review/Approve Proclamation declaring April 23-29, 2023 as National Library Week: Council Member Eisenhauer moved to approve the proclamation declaring April 23rd – April 29th as National Library Week 2023. Council Member Zelenka seconded the motion. Roll Call vote indicated all present voting in favor of the motion, whereupon motion carried.

Review Report of Work Performed on Outdoor Fire/Warning Sirens by BVPS in March: The North Warning Siren by the water tower and new fire station had been reported to Clerk Curtis that it was turning, but there was no sound coming out. The company they used to have

service the warning sirens no longer does it, so they recommended BVPS. Council reviewed the report from BVPS on the work performed on the City's Outdoor Fire/Warning Sirens in March.

A Report and update from Clerk Curtis: Review/Discuss Session Assessments from Clerk Curtis attending Clerk Institute and Academy: Clerk Curtis asked if anyone had any questions for her on the Session Assessments she had prepared from her classes at Clerk's School. Clerk Curtis stated that these assessments will count towards the rest of her mandated Treasurer's hours needed and obtaining her Certified Municipal Clerk Degree with the session hours she has obtained at the Clerk's Institute and Academy the past few years and hours obtained from attending the League Conferences for many years. Mayor Hatfield stated he really liked the idea of having a big whiteboard in the Clerk's office that they could all write down different budget ideas as they thought of them instead of trying to remember everything once budget time gets here. Council Member Fisher agreed that he really liked that marker board idea, also.

Discuss which meeting in May the Mayor/Council wants to meet at 6:00 p.m. to do Clerk & Foreman Evaluations before the start of regular meeting – May 8th or May 22nd? Council was in agreement to meet at 6:00 p.m. at the May 22nd, 2023 City Council Meeting to do the Clerk and Foreman Evaluations. Council Member Zelenka moved to adjourn the meeting. Council Member Fisher seconded the motion. Roll Call vote indicated all in favor of the motion and meeting adjourned at 8:45 pm.

ATTEST: Tamela S. Curtis, City Clerk/Treas. Charlie Hatfield, Mayor